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The Evangelical Fellowship
of Canada

Religious Freedom in Egypt: The Case of the Christian Minority

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1. Introduction

The History of Christianity in Egypt

The history of Christians in Egypt dates back to the first century. It is widely believed that it was the evangelist St Mark who brought Christianity to the ancient population of Egypt around 54 AD.¹ Due to persecution by the Byzantine Eastern Orthodox Church following the council of Chalcedon in 451 A.D., the Christians in Egypt who formed the majority of the population, welcomed the invasion of the Arabs in 641 A.D, whom they perceived as having the ability to protect them. However, once the Arabs invaded and took power, Copts and other religious minorities often became subject to a special tax, known in Islamic law as *al-Jizya*, suffered religious discrimination and sometimes violent persecution.² Christians in Egypt were given the option of converting or paying *al-Jizya*. The majority of the Egyptian Christian population had converted to Islam by the end of the 9th century.³ Despite this, Christianity in Egypt was able to survive. Christians in Egypt are known as “Copts”, derived from the Greek word for an inhabitant of Egypt (Aiguptos), arabised into “Qibt” and then anglicised as “Copt”.⁴ Although the term “Copt” is regularly used to refer members of the Coptic Orthodox denomination (i.e. the “Church of St. Mark”) of Christianity, its original meaning refers generally to the Christians of Egypt. Thus, this report will use the term “Christian” and “Coptic” interchangeably to refer to the Christian minority in Egypt.

¹ J.D. Pennington, “The Copts in Modern Egypt” (1982) 28:2 Middle Eastern Studies, 158. [Copts in Modern Egypt]

² *Ibid.*

³ Gary Leiser, “The Madrasa and the Islamization of the Middle East: The Case of Egypt” (1985), 22 Journal of the American Research Center in Egypt, 29.

⁴ Copts in Modern Egypt, *supra* at note 1, p. 158.

Despite the difficulties faced by the Christian minority, it should be noted that since the Arab invasion of 641, there have also been long periods of peaceful cohabitation between Muslims and Christians.⁵ A look at the twentieth century demonstrates how such relations have fluctuated over time. For example, in the early twentieth century Christians and Muslims in Egypt were united through nationalism and a common Egyptian identity. Muslims and Copts protested against British occupation chanting: “Long live the crescent and the cross” and with declarations of the Coptic clergy that “[they] would rather have every single Copt die and Egypt live.”⁶ However, this began to change in the 1970s when former Egyptian President Anwar Al-Sadat began supporting Islamic groups and announced that he was “a Muslim president for a Muslim nation”, changing the constitution to make Islamic law (*Shari’a*) Egypt’s main source of legislation, a situation which prevails until this day.⁷ The *Christian Science Monitor* captured the sentiment well when it reported that “Where once pride in being Egyptian superseded religious affiliation, now faith enters earlier into the conversation and is increasingly germane to identity”.⁸

2. The Context: Militant Islamism

In order to understand the present oppression and discrimination of Christians in Egypt, it is important to have a basic understanding of the growing movement of Islamism in Egypt. The more militant Islamism grows in Egypt, the greater the likelihood for the violation of basic

⁵ Susan Llewelyn Leach, “Egypt’s Coptic Christians” *Christian Science Monitor*, 21 January 1999. Online: <http://www.csmonitor.com/1999/0121/p11s1.html> [Egypt’s Coptic Christians]

⁶ Karim al-Gawhary, “Copts in the ‘Egyptian Fabric.’” (1996) 200 *Middle East Report* 21.

⁷ Gauch, Sarah. “Christian TV hits Egypt’s Airwaves.” *Christian Science Monitor*. 8 December 2005. Online: 2005 <http://www.csmonitor.com/2005/1208/p10s01-wome.html>, accessed February 16th, 2009.

⁸ *Ibid.*

rights of minorities in the country. Essentially, militant Islamism is motivated by the ideological obligation to establish an Islamic state. Proponents of this ideology view religion and politics as synonymous.⁹ Therefore, Islamists in Egypt aim to achieve the rule of *Shari'a* law.¹⁰ *Shari'a* law stipulates that non-Muslims are second class citizens, thus any application of this law will by definition involve violation of rights of non-Muslims. The growth of militant Islamism in Egypt has the effect of defining identity more and more along religious lines, creating greater space for conflict and minimizing any space for peace and coexistence. Non-Muslim minorities such as Copts, as well as Western and other secular governments are viewed as obstacles to this expression of Islamism, which must be opposed.¹¹ President Mubarak stated in an interview with the New Yorker that the problem of terrorism in the Middle East “is a by-product of our own, illegal Muslim Brotherhood”.

3. Discrimination in the Legal Framework

Islam in the Egyptian Constitution

Islam as the principal source of legislation

As mentioned above, Egypt’s constitution enshrines Islam as the official religion and recognizes *Shari'a* law as the principal source of legislation. **Section 2** of the Constitution states that “Islam is the religion of the state and Arabic its official language, Islamic jurisprudence is the principal

⁹ Nabih N. Ayubi, “State Islam and Communal Plurality” (1992) 524 *Annals of the American Academy of Political and Social Science*, 79.

¹⁰ Malika Zeghal, (1999) “Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam, and the State (1952 – 94).” 31: 3 *International Journal of Middle East Studies*, 371.

¹¹ James Cook Bradley, (2000) “Egypt’s National Education Debate” 36: 4 *Comparative Education*, 477.

source of legislation”.¹² One result of Islam being the religion of the state is that mosques are fully supported by the government, including salaries for imams, appointments for imams, as well as funds for repairs.¹³

Freedom of religion

The Egyptian Constitution also provides for equality between all Egyptians. **Section 40** states that “all citizens are equal before the law. They have equal public rights and duties without discrimination between them due to race, ethnic origin, language, religion or creed”.¹⁴ Additionally, **section 46** guarantees freedom of belief: “The State shall guarantee the freedom of belief and the freedom of practice of religious rites”.¹⁵ However, it is important to note that since 1981, Egypt has maintained a state of emergency which suspends these laws and allows many criminal charges, including offences under *Shari’a*, to be brought before military courts instead of civilian ones. As shown in the case studies below, freedom of religion at this time seems to be at best, a one way freedom, guaranteed to Muslims but not to others.

Egypt and International Law

Under the Egyptian Constitution, any international law or treaty ratified by the country is a part of Egyptian law.¹⁶ However, there is an attached qualification that severely limits the operation

¹² “The Constitution of the Arab Republic of Egypt”, available online at: <http://www.uam.es/otroscentros/medina/egypt/egypolcon.htm>, accessed February 20th, 2009. [The Constitution of the Arab Republic of Egypt]

¹³ U.S Department of State, “International Religious Freedom Report: Egypt”, 2008, available at: <http://www.state.gov/g/drl/rls/irf/2008/108481.htm>, accessed February 25, 2009. [2008 U.S Department of State Report]

¹⁴ “The Constitution of the Arab Republic of Egypt”, supra note 14, section 46.

¹⁵ *Ibid.*

¹⁶ *Ibid.* s. 151 of the Constitution states that “The President of the Republic shall conclude treaties and communicate them to the People’s Assembly, ratified with suitable clarifications. They shall have the force of law after their conclusion, ratification and publication according to the established procedure”.

of this section. The constitution requires that treaties and conventions only be considered law once it is determined that the provisions of do not conflict with *Shari'a*. The United Nations Office of the High Commissioner for Human Rights (UNOHCHR) has stated that this limitation has effectively rendered the adoption of international law useless.¹⁷ As stated by the UNOHCHR, “the subordination of Egyptian legislation to the Islamic *Shari'a* law has diminished the ratification of international laws and treaties.”

Muhammad Ahmad Abduh Higazy vs. The Minister of Interior et al.

In its January 28, 2009 decision, the Cairo Administrative Court noted that Egypt ratified the *International Covenant on Civil and Political Rights*, of which section 18 provides for absolute freedom of religion, with a reservation, namely, that the covenant shall be ratified to the extent that it does not conflict with Islamic law.¹⁸ Egypt signed the *International Covenant on Civil and Political Rights* in 1982.¹⁹

4. Discrimination at a Local Level

Conversion

Conversion under Shari'a Law

Under *Shari'a* law, if a Muslim rejects Islam, he or she becomes an “apostate”. Based on most schools of *Shari'a*, such apostates should be given a period to repent and return to Islam, and should this option be rejected, he or she must be killed. There is no explicit legal prohibition in Egypt against conversion or proselytizing, however section 160 and 161 of the *Egyptian Penal Code* prohibits any person from “degrading or disdaining any of the holy religions or any of its

¹⁷ United Nations Office of the High Commissioner for Human Rights, “Study of the Present Egyptian Constitution and the Law Articles that Conflict with Minority Rights”, 2008.

Online:<http://www2.ohchr.org/english/issues/minorities/docs/11/Al-Kalema-3A.pdf>, accessed March 15th, 2009. [Study of the Present Egyptian Constitution]

¹⁸ “2008 U.S. Department of State Report”, *supra* note 15, p. 3.

¹⁹ “Study of the Present Egyptian Constitution”, *supra* note 19, p.2.

religious sects” with “the intention of harming national unity and social peace”. This section of the penal code has been interpreted as prohibiting the conversion of Muslims and conviction is punishable by imprisonment.²⁰

Hasan Husni Naguib ‘Abd-Al-Masih (Bahai) vs. Minister of the Interior (Action no. 12790)

In this decision, released on January 29th, 2008, the Cairo Administrative Court interpreted the guarantee of “freedom of opinion and belief” enshrined in the Constitution to mean that non-Muslims are free to adopt Islam and free to continue in their faith. Non-Muslims are also free from compulsion to convert to Islam. However, the court also stated that the freedom to practice religious rites are subject to limits, namely, the maintenance of public order, public morals, and conformity to the provisions and principles of Islam, which forbids Muslims to convert. The court also noted that the notion of “public order” is defined as the official religion being Islam, that most of the population professes Islam, and that Islamic law is the primary source of legislation.²¹

The above decision explicitly states that Islam forbids its followers from conversion. The United States State Government International Religious Freedom Report 2008, states that security services in Egypt reportedly maintain regular and sometimes hostile surveillance of Muslim-born citizens who are suspected of having converted to Christianity.²² This is an example of a clear contravention of the right to “freedom of opinion and belief” and demonstrates how Egypt’s signing of international conventions is undercut by its requirement that they comply with *Shari’a* law.

²⁰ “Study of the Present Egyptian Constitution”, *supra* note 19, p. 3.

²¹ “2008 U.S. Department of State Report”, *supra* note 15, p. 3.

²² *Ibid.* p. 5.

Day-to-day difficulties

The United States Commission on International Religious Freedom has documented that converts from Islam to Christianity are generally investigated by the state security services.²³ Such investigations can later lead to detentions and in some cases, torture and imprisonment, as will be shown in the case studies below.²⁴ However, even if converts are not brought to the attention of the criminal authorities, they face other daily struggles. For example, converts usually face obstacles in changing their religion or their name on their identification cards.²⁵ As a result of this, Christian women have remained designated as Muslims and are prohibited from marrying Christian men. Furthermore, children of such a union are educated as Muslims, and classified as Muslim by the government. This is in accordance with "established" *Shari'a* rule that dictates that there can be "no jurisdiction of a non-Muslim over a Muslim."²⁶ Those with Islamic names may be prevented from entering churches by police.²⁷ Converts to Christianity also face

²³ *Ibid.* p. 3.

²⁴ *Ibid.*

²⁵ Voice of the Martyrs, "Convert to Christianity Fighting for Recognition of his Faith", March 4, 2009. Available online: <http://www.persecution.net/egypt.htm>. In Egypt, national identity cards are required to obtain employment, education, banking services and free passage at police checkpoints. Also, police often conduct random inspections of identity papers and those found without their identity cards are regularly detained until the document is provided to the police. Identification cards require religious information and only the three recognized religions – Islam, Christianity and Judaism may be used. See Paul A. Marshall, *Religious Freedom in the World*, Rowman and Littlefield Publishers 2008, at 283.

²⁶ This is an example of the government's interpretation of the *Shari'a* principle that there can be "no jurisdiction of a non-Muslim over a Muslim". See *Qu'ran 4 141* which states that: "Allah will not give access to the infidels (i.e. Christians) to have authority over believers (Muslims)". This is based on the interpretation of *Qu'ran 63:8* which elevates Muslims to the highest rank (over all men): "Might and strength be to Allah, the Prophet and the believers". Thus, any situation in which a Muslim is deemed to be "inferior" or "under the authority" of a non-Muslim is considered to be incompatible with these verses. See Samuel Shaid, "Rights of Non-Muslims in an Islamic State", available at: <http://www.answering-islam.org/NonMuslims/rights.htm>.

²⁷ *Ibid.*

difficulty being buried as a Christian or leaving property to Christian heirs.²⁸ Christians who convert to Islam do not face any of these difficulties.²⁹

Martha Samuel

Martha Samuel is an Egyptian Muslim who converted to Christianity in 2003 and who was arrested at the Cairo airport in 2008 as she was leaving the country for Russia, in an effort to escape persecution and discrimination.³⁰ Ms. Samuel experienced physical torture and rape in an attempt to force her to return to Islam. State authorities charged Ms. Samuel with forging documents, as her passport carried her Christian name which was not officially recognized.³¹ At her court hearing, it was alleged that the Judge Abdullah Hashem threatened to kill her after she refused to say that she was still Muslim. The judge proceeded to release her on bail, where she remains today until her appeal.³²

Muhammad Mahmud al-Sadiq vs. Minister of Interior

On January 29, 2008, Cairo's Administrative Court ruled that 13 Christians who converted to Islam and then reconverted to Christianity, can have their faith officially recognized on their identity cards. This decision overturned a lower court decision which stated that the state did not need to recognize conversions from Islam because they constituted apostasy. While this is a victory for human rights, it is important to note that under this decision converts are still required to have their former religion

²⁸ *Ibid.*

²⁹ Under Islam, Judaism and Christianity are considered to be "heavenly religions". For example, see Koran 5:82 which states that: "Surely they that believe, and those of Jewry, and the Christians, and those Sabeaans, whoso believes in God and the Last Day, and works righteousness--their wage waits them with their Lord, and no fear shall be on them, neither shall they sorrow." Also Qu'ran 5:5 refers to "people of the previous scripture" (Jews and Christians), as "people of the scripture" and allows Muslims to eat of their food and marry their women. However, other religions (ie. Bah'ai, Hinduism, Buddhism) are considered to be non-heavenly religions and are thus completely prohibited in Egypt. See "2008 U.S. Department of State Report", *supra* note 15, p.2. This report focuses mainly on discrimination on Christians in Egypt. We do acknowledge discrimination against other "outlawed" religions; however an in-depth discussion of these issues would go beyond the scope of this report. Nonetheless, it is acknowledged that the repercussions of such a belief are far reaching. An example of the consequences, are that the government of Egypt does not recognize the marriages of citizens adhering to religions other than Christianity, Judaism or Islam. (US State Gov, International Religious Freedom Report 2008, p.2)

³⁰ Assyrian International News Agency, "Egyptian Converts to Christianity, Tortured, Raped in Egypt", available online: <http://www.aina.org/news/20081219220247.htm>, accessed March 5th, 2009.

³¹ *Ibid.*

stated (ie. “previously embraced Islam”) in their official documents. Thus, while the decision was a victory in the technical sense, it has also opened the door for further discrimination and stigma against converts.³³ As of the release of the United States 2008 International Religious Freedom Report, the ruling had not yet been implemented or applied to hundreds of other cases brought by similar converts with the same request. Furthermore, the constitutionality of the ruling was challenged in March 2008. It was argued that the ruling was in violation of section 2 of the Constitution which states that Islam is the state religion.

Maher Mu’Tasim

In August 2008, Maher Mu’Tasim sued the Interior Minister, the Civil registry Director and the President of the National Council for Human Rights, and other government figures to change his and his daughter’s official religious affiliation from Islam to Christianity. Mr. Mu’Tasim (whose name as a Christian has been changed to Peter Athanasius) has been practicing Christianity for 35 years and has raised his daughter as a Christian. Mr. Mu’Tasim is reputed to be only the second Egyptian Muslim-born Christian to file for legal acknowledgement of his religious conversion. Mr. Mu’Tasim’s lawyers are asserting that the Shari’a-based law is contrary to Egypt’s constitutional guarantee of freedom of religion described above. In the closed court discussions held on February 9th, 2009, the presiding judge Hamdi Yassin requested an official certificate confirming his affiliation to a Christian denomination, and a baptism certificate to prove his conversion to Christianity. Mu’Tasim’s team refused to present a certificate given that this would place the signing priest or the Church on the targeting list of state security. Mu’Tasim’s lawyer further pointed out that the law simply requires an expression of one’s wish to convert, and not a signed certificate. The court heard the case on March 28th 2009, and a decision is expected to be released in June 2009.³⁴

³² Voice of the Copts, “Egypt Law System Has Judges Or Butchers?”, February 4th, 2009. Available at: http://voiceofthecoets.org/en/news/egypt_law_system_has_judges_or_butchers.txt accessed February 28th, 2009. See also, Compass Direct News “Egypt: Judge Tells of Desire to Kill Christian. Bail granted to convert from Islam barred from legally changing religious ID”, January 27th 2009. Available online: <http://compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5778&backpage=summaries&critere=&countryname=&rowcur=>, accessed April 6th, 2009.

³³ “2008 U.S. Department of State Report”, *supra* note 15, p.3.

³⁴ Nader Shoukry, Voice of the Copts, “Case of Muslim Born Convert , Egyptian State Defense: Christianity Kills Apostates”, February 9th, 2009. Available online: http://voiceofthecoets.org/en/news/case_of_muslimborn_convert_egyptian_state_defense_christianity.html. See also, Voice of the Copts, “‘Apostate’ tells Court ‘I am a Christian, my brothers, you could also kill me!’”, April 4th, 2009, Available online: http://voiceofthecoets.org/en/news/apostate_tells_court_i_am_a_christian_my_brothers_and_you_could.html., accessed April 6th 2009.

Father Metta'os Wahba

On October 12th, 2008 the criminal court of Giza sentenced Father Metta'os Wahba, a Coptic priest to 5 years imprisonment for "forging official documents". The event referred to in his court case was the marriage he performed between a Christian man and a women who converted to Christianity from Islam, a conversion which is not recognized in the eyes of Egyptian law. Thus, the Father Metta'os Wahba has been found guilty of marrying a Muslim woman to a Christian man and has been sentenced to five years in prison with hard labour.³⁵

As demonstrated by the cases above, converts from Islam are extremely vulnerable to discrimination, perhaps even more so than those born into Christian families who practice their faith. Converts often face threats and violence from their families. Furthermore, the state authorities have been found to arrest and torture them and, in many cases, imprison them. At times, converts have even been put into high-security psychiatric hospitals on the grounds that they must be crazy.³⁶

Family Law

The area of family law is another one which is very affected by the application of *Shari'a* law in Egypt. Under *Shari'a* law, as practiced in Egypt, non Muslim males must convert to Islam to marry Muslim women, but non-Muslim women need not convert to marry Muslim men.³⁷ A non-Muslim wife who converts to Islam is required to divorce her apostate (a non-Muslim

³⁵ United Copts of Great Britain, "Christians in Egypt are denied Justice by Islamist Judges", October 13th 2008. Available online: http://www.unitedcopts.org/index.php?Itemid=87&id=3015&option=com_content&task=view, accessed April 6th, 2009.

³⁶ *Ibid.*

³⁷ This comes from the interpretation of Qu'ran 5:5 which states that [5:5] Today, all good food is made lawful for you. The food of the people of the scripture is lawful for you. Also, you may marry the chaste women among the believers, as well as the chaste women among the followers of previous scripture, provided you pay them their due dowries".

husband; custody is then automatically awarded to the Muslim mother).³⁸ Should a Muslim woman be found married to a non-Muslim man, that woman could be arrested, and charged with apostasy. Any children from such a marriage could, by law, be taken and assigned to the physical custody of a male Muslim guardian.³⁹

Building of churches

The 1856 Ottoman Hamayouni Decree

The 1856 *Ottoman Hamayouni decree* requires written approval of the President of Egypt before construction of a new Christian church building can begin. No such requirement exists to build a mosque. Furthermore, the 1934 *Al-Ezabi decree* specifies a set of ten conditions that the Government must consider before a presidential decree for the construction of a Church can be issued. Examples of such conditions include the requirement that the distance between a church and a mosque be not less than 100 metres and that the approval of the neighbouring Muslim community be obtained before a permit to build a new church may be granted.⁴⁰ In response to strong criticism of this decree, President Hosni Mubarak issued a new decree in 1999 making the repair of all places of worship subject to a 1956 civil construction code.⁴¹ Furthermore, in 2005 the President issued a decree⁴² which delegated authority to the country's 26 governors to grant permits to Christians that seek to expand or rebuild existing

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ "2008 U.S. Department of State Report", *supra* note 15, p.1. It should be noted that such constraints are not limited to the building of Churches, but also extends to the building of synagogues and any other non-Muslim place of worship.

⁴¹ *Ibid.*

⁴² Decree 291/2005

churches.⁴³ This latter decree cancelled the 1999 decree. While giving an air of equality and justice, there are still large problems in this area. First, neither the 1999 decree nor the 2005 decree addresses the construction of *new* churches, and thus Christians are still discriminated against under the law in this area. Second, in practice, it appears that enforcement of these laws are much stricter for churches than for mosques. The United Nations Office of the High Commissioner for Human Rights states that there are numerous cases which illustrate very clearly the obstruction to building and repairing churches, and in some cases, an application to build a church has taken 28 years in villages with no churches but several thousand Christians. In situations like these, Christian funerals and weddings take place in the middle of the village street.⁴⁴

The Mankateen Village

One story that received media attention was that of the Mankateen Village in Upper Egypt. Attacks by the Islamist terrorist group *Gamaa al-Islamiyya* initially put to a halt the Church's construction in 1978. Members of *Al-Gamaa* set fire to the church and looted Coptic homes and businesses. All this was done unhindered by the local police force. Since 1978, the congregation members continuously applied for a permit to resume church construction to no avail. Members of St. Antony's Coptic Church have been forced to conduct their baptisms, weddings and funerals on the street. In 2002, the Minister of the Interior issued a formal rejection which cited "security reasons" and the "general atmosphere" as not being conducive to new church construction. The Copts in Mankateen began to rent a building in the community to use as a prayer room. In 2004, a large mob stormed and set fire to this building, burning again Coptic homes and businesses. At the time of writing, the re-construction of the Church has been delayed for over **thirty years**.⁴⁵

⁴³ "2008 U.S. Department of State Report", *supra* note 15, p.1

⁴⁴ *Ibid*, p. 4.

⁴⁵ The Free Republic, Susan Joy Bishai, "Egyptian Government Blocks Church Construction and Coptic Social Service Center", October 26th, 2004. Available online: <http://www.freerepublic.com/focus/f-news/1307789/posts>, accessed April 6th, 2009.

Christians in position of authority

There is a dearth of Christians in positions of authority in the business community in Egypt. More generally, Christians suffer from employment discrimination on a daily basis. They face great difficulty in gaining public positions in government or in obtaining a simple promotion in the workplace. Unfortunately, despite the fact that it is perhaps the most prevalent form of discrimination, this type of oppression exists as a silent form of discrimination and is not widely reported on. Many attribute this to the *Shari'a* principle mentioned above in which a non-Muslim should not be in a position of authority over a Muslim. The more these views take hold in Egypt, the less the principle of equal opportunity for all citizens has any chance of taking hold.

Violence against Copts

In addition to the forms of discrimination and oppression listed above, violence is also prevalent against Christians in Egypt. The recent upsurge in Islamic militancy has been traced back to May 1992 when Muslim extremists gunned down 13 Copts in the village of Dairut.⁴⁶ In this section, we document some of the recent attacks that have broken out throughout the country. What should be kept in mind while reading these cases is the failure of state authorities to take proper action (and in some cases, any action).

Village of El-Kosheh, 2000

The events that later came to be known as the “Kosheh Massacres” began on Friday, December 31, 1999 and continued through to Sunday January 2nd, 2000. The events were originally sparked by an argument between a Christian and a Muslim. Friends of both parties soon joined in and the conflict quickly escalated to fighting in the streets

⁴⁶ Sarah Gauch, “Egypt’s Coptic Christians Endure Harassment by Muslims”, February 24, 1994. Available online: <http://www.csmonitor.com/1995/0224/24101.html>, accessed April 6th, 2009.

and the looting of Christian shops.⁴⁷ By the end of the week-end 21 Christians were dead as well as 1 Muslim (who was reportedly accidentally killed by another Muslim). Local security forces are reported to have either “stood by passively or became actively involved”.⁴⁸ On February 5th, 2001, an Egyptian State Security Court acquitted 96 of the murder suspects. The Sohag Criminal Court reportedly found four suspects guilty, but only for smaller crimes. On appeal from this decision, the Court again acquitted all 96 suspects on February 27th 2003.⁴⁹ The only person that was convicted received a sentence for the murder of the lone Muslim victim: Mayez Amin Abdel Rahim was sentenced to 15 years imprisonment.

Armant, 2007

In February 2007, groups of Egyptian Muslims set fire by arson to Christian owned shops in Southern Egypt (the town of Armant is approximately 600km south of Egypt). The fires were reportedly in reaction to rumors of a love affair between a Muslim woman and a Coptic Christian man.⁵⁰

Esna, 2007

On December 16th and 17th, 2007, Muslim inhabitants of the town of Esna (in Upper Egypt) attacked a Coptic church and 26 Coptic owned shops. Similar to the events in Armant described above, the violence was sparked by rumors that a Coptic shop owner lifted the veil of a Muslim woman that he had suspected of shoplifting. On a positive note, the government distributed compensation to Coptic shop owners who had suffered from the attacks.⁵¹

Province of Al-Minya, May 2008

On May 31, 2008 in Al-Minya, a large attack was waged by Muslim Bedouins against some monks in the Abu Fana monastery. It is reported that one Muslim died, three to seven Christians were wounded and several monks were abducted and abused.⁵² The

⁴⁷ Cornelius Hulsman, Christianity Today, “Egypt’s Christians Seek Answers After Deadly Riots”, January 1, 2000. Available online: <http://www.christianitytoday.com/ct/2000/102/43.0.html>, accessed March 25th, 2009.

⁴⁸ U.S. Copts Association “Justice Again Eludes Victims of El-Kosheh Violence in Egypt”, June 15th 2004. Available online: <http://www.copts.com/english1/index.php/2004/06/15/justice-again-eludes-victims-of-el-kosheh-violence-in-egypt/>, accessed March 15th, 2009.

⁴⁹ *Ibid.*

⁵⁰ “2008 U.S. Department of State Report”, *supra* note 15, p.1. See also, Christians of Iraq, “Muslims Burn Christian Shops in Egypt”, February 13th, 2007. Available online: <http://www1.christiansofiraq.com/muslimsburnshops.html>, Accessed March 23, 2009.

⁵¹ “2008 U.S. Department of State Report”, *supra* note 15, p.1.

⁵² “2008 U.S. Department of State Report”, *supra* note 15, p. 4-6.

attackers also reportedly burned Bibles, altars and Christian symbols.⁵³ The June 20, 2008 statement by the Holy Synod Committees of the Coptic Orthodox Church asserted that three monks were taken hostage and tortured, beaten and told to spit on the cross. Attackers also attempted to force the monks to convert to Islam.

The above cases demonstrate the type of violence occurring in Egypt against the Christian minority, as well as the general failure of state authorities, courts and government to take appropriate action. While the stories abound, the above cases represent a brief look into the plight of Christians in Egypt.

5. Conclusions and Recommendations

This report has shown two major problems with regard to religious freedom in Egypt. First, discrimination is entrenched in Egyptian laws, particularly in the nation's constitution. Second, general discrimination and prejudice is prevalent in the minds of the population at large. Underlying both of these problems is the spread of the militant Islamist mentality in Egypt. Any action on behalf of external groups, such as the Canadian government, the United Nations or any non-governmental organizations must identify and address these problems.

In taking action in regard to persecution and discrimination against Christians in Egypt, the Canadian government can act on several levels. First, within its own borders, and second, beyond its borders.

Within our own borders, unfortunately, Canada does not have a good track record in regard to its treatment of Coptic refugees from Egypt. The Immigration and Refugee Board (IRB) has, in many cases, rejected the claims of Coptic refugees from Egypt on the basis that they do not face persecution in Egypt. For example, in 2006, a deportation process for 20

⁵³ *Ibid.*

Egyptians from Canada began, after their refugee claims were rejected. At the date of writing, there is no information as to whether these people have been deported yet.⁵⁴ On a positive note, the IRB has recently been changing its attitude towards Copts, due in part to testimonies heard from Canadian religious freedom experts. Such action to educate and inform members of the IRB of the true situation and risk faced by Copts in Egypt should be continued. As a signatory to multiple human rights treaties and the 1951 Convention for the protection of refugees, Canada has a legal and moral obligation to ensure that it is not a part of the problem faced by Copts, but rather, a part of the solution.

Beyond our borders, Canada has the ability to influence the Egyptian government to change its treatment of Coptic Egyptians and to guarantee them the same rights afforded to the remainder of the population. Canada, as a member of the international community of the United Nations, can also put pressure on Egypt to comply with its international obligations. Thus, we recommend that the Canadian government take the following actions⁵⁵:

1. Call upon the government of Egypt to undertake the following actions:
 - a. Put a high priority on the rule of law, insisting that Egypt actively recognize the freedom of belief and religion by respecting and enforcing citizens' rights to convert to or from any religion to another of their choosing. Egypt's unwillingness to protect religious freedom is more of a problem than its desire to eliminate the presence of Christianity per se. The teaching of Islam does not demand a militant response to apostasy and the Canadian

⁵⁴ David F. Dawes, "Coptic Christian deportations underway", Monday April 6th, 2006. Available online: <http://www.canadianchristianity.com/cgi-bin/na.cgi?nationalupdates/060112coptic>, accessed April 6th, 2009. See also, Kathy Tomlinson CTV news, "Christian Fears Persecution if sent back to Egypt", March 20th, 2006. Available online:

http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060309/whistleblower_prison_060316/20060320/.

⁵⁵ These recommendations are inspired by the research from this report as well as the stated objectives of the "Canadian Coptic Association" available at: http://copticnews.ca/e_objectives.htm, accessed April 13th, 2009.

government is encouraged to maintain pressure on this self-professedly Muslim regime to abide by the Qur'anic injunction that "there is no compulsion in religion."

- b. Cancel the 19th Century Hamayouni degree. The rules should be the same for the building of churches as those for mosques.
 - c. Remove religious affiliation from national identification cards.
 - d. Incorporate history of the Coptic era prior to the Arab invasion into the education curriculum taught in schools.
 - e. End discrimination against Christians in government job appointments and promotions.
2. Canada should continue to monitor and raise issues of religious freedom in all appropriate forums, including bilateral and multilateral human rights dialogues.
 3. Advise Canadian embassies and government offices in Egypt to develop relationships with key religious leaders, and where appropriate and in consultation with such leaders, to visit villages where religious freedom is allegedly being infringed.

Schedule 1 – An Update to *Religious Freedom in Egypt: The Case of the Christian Minority*

Egypt after the June 2009 Report

According to the Egyptian Initiative for Personal Rights (EIPR), there have been at least 53 incidents of sectarian violence or tension between January 2008 and January 2010.¹ These include some events mentioned in the June 2009 report as well as events that have occurred after its publishing. This amounts to approximately 2 incidents each month during this period. The EIPR found that “in some governorates such as Sharqiya, only one incident has taken place, but in others, such as Minya, there have been 21 incidents”.

It is noteworthy that the EIPR has analysed these incidents in terms of the type of sectarian violence. In summary, there are four types of incidents that account for the largest percentage of cases of persecution against Copts in Egypt – in the order of their frequency: acts of collective retribution; violence prompted by Christians engaging in their religious rites; targeting of churches; and, premeditated murder on the basis of religious identity.² These are described in more detail in the footnote.

Without attempting to describe all of the events of persecution that have occurred since the publishing of the 2009 report, some of the major events that have occurred are the following, grouped by type of incident:

¹ “Two Years of Sectarian Violence: What happened? Where do we begin? An Analytical Study of Jan 2008 -Jan 2010”, p.5, available at: <http://www.eipr.org/en/report/2010/04/11/776>, accessed January 29, 2011. For more information, please also see other periodic reports on this same website. The periodic reports give details on events occurring per 3 month time period.

² **1) Acts of collective retribution:** These acts target adherents of a particular religion in one area, the majority of which involve Muslims attacking Christians. These attacks spring from an irrational conviction that all Christians in the area are responsible for an act attributed to one or more Christians towards one or more Muslims.

2) Violence prompted by Christians engaging in their religious rites: (i.e. Christians praying, trying to hold worship services in a home or building, trying to turn a building into a church, or building a new church or expanding an existing one).

3) Targeting of churches: (i.e. planting explosives next to the churches, torching churches or breaking crosses off of churches during the night).

4) Premeditated murder on the basis of religious identity: self-explanatory. For further details, please see pages 7-10 of the EIPR Report, *Supra*, footnote 1.

Collective Retribution:

- On April 19, 2009, in Hegaza village, a group of Muslims opened fire on Christians celebrating the Eve of Easter. Two people were killed and one other was injured.³
- On January 6 2010, in Nagga Hammadi, a city in Upper Egypt, six Christians and a Muslim in their company were killed and nine Christians injured by Muslims with machine guns simply because the victims belonged to the same religion as an accused rapist.⁴

Prohibited Worship:

- On July 24, 2009, in the village of al-Howaissla (in the district of Minya), some 2000 Muslims attacked and torched a building owned by the Independent Baptist Assembly. They also set fire to three Christian-owned homes and a livestock pen and chanted anti-Christian slogans. These attacks took place after it was discovered that the assembly intended to use the building as a church when it affixed two plaster crosses on the building façade.⁵
- An example of a smaller scale issue was on April 2nd, 2009, when a citizen was arrested because he had hosted a church service in his home. The Public Prosecutor's office charged him for holding a prayer group in his home "without a permit" which was found by EIPR to have no legal basis.⁶
- There were several cases in which security authorities intervened to prevent Christians from building houses or properties. For example, in the village of al-Reida, located in the Minya district, a Christian lumber merchant was prohibited from competing construction of a lumber warehouse on July 28, 2009 because State Security Investigations officers suspected that he was building a church.⁷

Houses of Worship targeted:

- On May 10, 2009, in the Zeitoun Area of Cairo, a bomb went off in front of the Zeitoun Coptic Church.⁸
- Most recently, on December 31st, 2010, during what is suspected to be a suicide attack, 23 people were killed and 70 hurt by a bomb that went off during a New Year's Eve service at the al-Qiddissin Church.⁹

³ "Christians killed in Egypt feud": http://news.bbc.co.uk/2/hi/middle_east/8007919.stm, accessed January 29, 2011.

⁴ EIPR Report, *Supra* at p. 8.

⁵ *Ibid.* at p. 10.

⁶ *Ibid.* at p.13.

⁷ *Ibid.*

⁸ EIPR Report, *Supra*, at p. 15.

⁹ "Alexandria Church Bom: Egyptian Copts and Police Clash" <http://www.bbc.co.uk/news/world-middle-east-12106177>, accessed January 28th, 2011.

Murder on the Basis of Religious Identity:

- On September 17, 2009 in the district of Bagour in the Monufiya governorate, one Christian was killed and three others gravely injured by an assailant.¹⁰
- On March 12, 2010, in the city of Marsa Matrouh, a mob of approximately 3000 angry Muslims went on a rampage against Christians after a gathering for Friday prayers in which the mosque's imam exhorted them to cleanse the city of its infidel Christians. 18 homes, 23 shops and 16 cars were completely destroyed, while 400 Copts barricaded themselves in their church for 10 hours until things calmed down.¹¹
- On January 11, 2011, in the town of Samalout in the Minya district, a Muslim off-duty policeman boarded a train and opened fire killing a 71 year old Christian man and wounding his wife and four others.¹²

Uprising in Egypt

At the time of writing, there are ongoing clashes and mass protests against the current ruling government of Hosni Mubarak in Egypt.

The Wall Street Journal has reported that most Coptic Christians, including a public comment to Egyptian state television by Pope Shenouda III, head of the Coptic Church, want President Mubarak to remain in power.¹³

Why would a persecuted religious community express such a thing?

As the Wall Street Journal notes, the Copts are "reluctant supporters" because Mr. Mubarak's government and policies have kept Islamist extremists from gaining control of government and culture in Egypt. In short, they fear greater persecution may result from the uncertainty of either chaos or a change in government occasioned by protest rather than orderly transition.

While change may be forthcoming, the above information represents the situation as up until February 4, 2011. Any change in providing greater protection to the religious freedom of Christians is likely to be slow, given that, as mentioned in the body of the

¹⁰ EIPR Report, *Supra* at p. 15.

¹¹ "Egypt's Persecuted Christians: Violence against Copts is on the rise and all but ignored by the state": <http://online.wsj.com/article/SB10001424052748703745904575248301172607696.html>, accessed January 28th, 2011.

¹² "Off-duty Egyptian policeman kills Christian man, injures five others": <http://www.theglobeandmail.com/news/world/africa-mideast/off-duty-egyptian-policeman-kills-christian-man-injures-five-others/article1866113/>, accessed January 29, 2011.

¹³ "Coptic Christians Worry About Future Without Mubarak"; <http://online.wsj.com/article/SB10001424052748703439504576116222399438428.html>, accessed February 1, 2011

main report, discrimination is entrenched in the Egyptian laws and Constitution, which are not likely to be changed quickly.

Conclusions and Recommendations

This report notes the additional factor of the current political instability in Egypt with its attendant risks to religious freedom for minority religions, particularly the visible and large minority of Coptic Christians.

In addition to the recommendations contained in the June 2009 report, the Government of Canada is urged to maintain human rights, particularly religious freedom, as a high priority in its initiatives relating to the stabilization of the situation unfolding in Egypt and its ongoing dealings with the Government of Egypt.

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