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**Examining possible solutions to problems involving minorities,
including the promotion of mutual understanding between
and among minorities and Government**

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CEOHR is committed to constructive dialogue based on the importance of the role of Civil Society in assisting States in honoring their international human rights commitments.

Mr. Chairman,

Before we begin to explore possible solutions to minority issues in Egypt, we would like to point out some of the other major problems facing minorities in Egypt today.

**The Copts of Egypt:
A Christian Religious Minority in a "Semi-theocratic Islamic State?"**

The Coptic minority faces a number of problems, threatening its identity and impeding its progress and welfare. The immediate agents of such an adverse impact on the Copts are both State and non-State actors, though the State is the ultimately responsible for protecting its nationals from the tyranny of either. Discriminatory policies practiced by the State have resulted in violations of Coptic rights, first, as nationals entitled to full citizenship rights, and, second, as members belonging to a religious minority deserving of special protection.

1. State Discriminatory Policies:

Ever since 1952, State policies have resulted in the Islamization of public life in Egypt, the imposition and maintenance of unreasonable restrictions on the building of places of worship for non-Muslims; the limiting of Copts on the ground of religion the right to participate in public life, to hold leadership posts in the government, limiting their options in the fields of education and employment;

Embedding Islam in Egypt's constitution as the state religion and *shari'a* as the main source of legislation (article 2) have practically curbed, if not negated, important aspects of freedoms, including freedom of religion, thought, and expression. Also, basing the state and its legal system on a particular religion seems to have negatively influenced the social environment allowing the creation of different classes of citizenship, and exacerbating national discord between different faith communities and groups. It further undermines women's right to equality with men. Following are some examples of ensuing discriminatory practices against non-Muslims, religious sects, and women:

- a) While article 40 of the Egyptian Constitution stipulates that "All citizens are equal before the law. [and] They have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed," the Egyptian judiciary discriminates against the Christian divorcee whose spouse adopts Islam, mostly out of expediency to get a speedy divorce, by converting underage children born of the Christian couple; in addition, the children's custody is accorded to the convert parent. In contrast, if a Muslim parent converts to Christianity or leaves Islam and adopts no other religion, he/she must be divorced by law, and, in this case too, kids are placed under the custody of the Muslim parent.
- b) In terms of equality before the law and freedom of religion, evidently such practices belie both text and spirit of the constitution, as well as international human rights laws. Furthermore, forced conversion of Christian minors when one of their parents converts to Islam is not only discriminatory; it is an attack on the rights of the child and the foundation of the Christian family; it also represents in this context a serious violation of a collective right of the Coptic Christian minority. Suffice to refer to principles 6 and 7 of the Declaration of the Rights of the Child, which emphasize the importance of love for the child's development. Also, article 2.2 of the Convention of the Rights of the Child stipulates that "State Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardian, or family members." Finally, article 1 of the Declaration on Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, calls on states to "protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities ..."

- c) While the Egyptian Constitution stipulates freedom of religion (art. 46), Muslims converting to other religions or adopting other beliefs are legally prosecuted under penal code, article 98 (f), publicly harassed and some times tortured or killed. Also, while their conversion cannot be registered on official records, conversions of non-Muslim to Islam are happily registered.
- d) Such practices too flagrantly contradict the UN Universal Declaration of Human Rights (UDHR) and international covenants, which guarantee a person's right to change his religion, or have no religion at all. Article 18 of the UDHR declares "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."
- e) Likewise while the Egyptian Constitution respects personal freedom as a natural right (Article 41), the legal system prevents a Christian man from marrying a Muslim woman unless he abandons his religion. In contrast, a Muslim man may marry a Christian or a Jewish woman with no coercion on any party to change his/her religion. Evidently, such practices contravene both freedom of religion and equality before the law, and go against Article 16.1 of the UDHR, which stipulates that "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family..."
- f) With respect to freedom of belief and freedom to practice religious rites, which are formally accorded by article 46, Christians are faced with a maze of official discriminatory conditions when it comes to building, repairing or renovating their churches and sometimes their communal institutions. These conditions are administrative rules issued in 1936 and have their roots in the infamous historical restrictions known as "Shoroot Umar," meaning Conditions of Umar, which date back more than a thousand years. Similar restrictions and discriminatory conditions are applied on Muslim sects such as Shi'a, and the Baha'is.

It is worth noting that there is a law project for building and renovating places of worship submitted to the National Assembly for adoption last year, but up till now, no debate on the project has been conducted at the Assembly.

Non-State Actors:

The failure to guarantee Coptic victims of human rights violations the right to effective legal remedies. For example, Anti-Christian hate speech, forced conversion to Islam, recurrence of attacks on Coptic village communities and individuals often go with impunity.

State anti-Coptic policies and impunity accorded to violators have been the backdrop of many sectarian attacks on Copts and their property, when rumor is circulated about Copts intending to renovate or build a church without having an official permit. Common people and extremist groups use such circumstances to stop the project, as if they were the guardians of law that authorities failed to apply; whereas the outcome of these incidents shows that their aim was to terrorize Copts, loot their property, and in some cases even seize the land on which they had planned to build a church. Astonishingly, in all such incidents none of the perpetrators was brought to justice.

2. Forced Conversion of Copts to Islam

Conversion of non-Muslim native to Islam is a religious duty practiced throughout the Islamic history and sanctioned by the Muslim state through legal, social and economic means, and some times through violence.

With the collapse of the Islamic Ottoman Empire, and later with the establishment of nation states in the Middle East, non-Muslim communities enjoyed some freedom and political participation in running the affairs of these modern states.

Today, after the revival of political Islam in Egypt, which in fact began in the early years of the twentieth century, and emboldened over the past thirty years, forced conversion of members of the Coptic minority has been added to the list of violations of their rights.

In a report issued in 1994 by Human Rights Watch on "Violation of Freedom of Religious Belief & Expression of the Christian Minority" in Egypt, we read: "Pressure on Christians to convert to Islam reportedly is sometimes accompanied by promises of jobs, promotions, wives and apartments." Then, it quotes a highly placed source in the Coptic Church, saying: "There are hundreds of these cases." (p. 6).

In the same year, the London-based organization Jubilee Campaign issued two reports on the same issue.

Also, Egyptian press and human rights organizations have reported cases of Coptic girls abducted and converted to Islam after being raped. In many of the cases members of extremist groups were involved. Many of these forced conversions end up in attacks against Copts in the area.

In a report of the Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.3, 8 March 2005, he referred to an appeal by another Rapporteur regarding information on Coptic women who had been reportedly kidnapped and sexually assaulted by known Muslim groups financed by Saudi Arabian sources (According to this report, victims were reportedly subject to continuous threats and rape to force them to convert to Islam and live with a member of the group. p. 18, paragraphs 59 & 60).

During the past six weeks, three incidents of disappearance of Coptic women were reported. The three women are university students in their twenties. Families of the victims complained of police ineffectiveness in finding the women or their abductors.

Regardless of the Egyptian authorities' claims that no force or coercion were involved in such cases, the fact that persistent discrimination, persecution and intolerance against members of the Coptic minority, coupled with legal inequality before the law and bias and cover-up of such cases by the police and other authorities cannot be denied. These mostly cunning practices do facilitate the process of conversion, therefore the Egyptian regime and its agents cannot be absolved of such multiple violations.

It had been reported by the Coptic Church a century ago, that such societal pressure officially or otherwise applied on members of the Coptic minority, particularly its younger individuals, whether men or women has been always an effective mechanism for their assimilation in the Muslim dominant population.

Proposed Solutions to Problems and the Promotion of Mutual Understanding

There is no doubt that we are before a very difficult problem, for it exists in an environment shrouded with corrupt bureaucracy, a culture of exclusion and bigotry under an autocratic system that failed to yet accept democracy and pluralism as a conduit for social peace and human development; so to liberate the minority, we must also liberate the majority.

To that end, Canadian Egyptian Organization for Human Rights, call upon the Egyptian government to take the following actions:

On the National Level

1. integrate the culture of peace and universal human rights in the whole educational system, particularly in the religious educational sector administered by Al-Azhar;
2. create a working relationship between the newly-created National Council of Human Rights (Citizenship Committee) and the Coptic Community Counsel's Citizenship Committee with the aim to effectively attend to all the problems faced by the Copts.
3. Support and engage Egyptian civil society in state reporting procedure and facilitate the support and cooperation with international civil society.
4. embrace existing prevalent notion of minority status, and fully abide by the provisions of both article 18 and article 27 of the said-covenant and to bring all its national laws and regulations into conformity with the rights stipulated in these articles.
5. Implement international and domestic legal provision outlawing hate speech and religious incitement in order to practically contain intolerance, racial discrimination and sectarian violence.
6. Adopt a new constitution, unambiguous in its political philosophy, as a solid basis for a viable democratic state. Also, a National Charter of rights and Freedoms should be enshrined in the Constitution, where the rights of women, minorities, children and the disabled are guaranteed. A viable new constitution for Egypt must guarantee:
 - a) independence of the judiciary;
 - b) equality before the law for all individuals and groups, coupled with non-discrimination provisions to protect members of minorities from all forms of discrimination.
 - c) the rights of its minorities as stipulated in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, religious and Linguistic Minorities.
7. to adopt a national Religious Freedom Law by which
 - a) the relations between the state and faith-communities are regulated;
 - b) the civil and religious institutions are completely independent;
 - c) the relations among the faith-communities are regulated and their treatment by the state is carried out on equal footing;
 - d) same regulations for the construction and maintenance of all places of worship and other facilities belonging to all faiths communities are applied to them, assuring full equality for members of these communities;
6. also bring all its national laws as well as administrative and legal practices in line with the Convention on the Prevention and Punishment of Crime of Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Discrimination in Education, and the Declaration of the Principles of International Cultural (UNESCO, 1966).
7. encouraging joint cultural projects organized by Egyptians of different faiths and political persuasions.

8. disseminate the text of the UN Declaration on rights of persons belonging to minorities and commission the National Council of Human Rights to study Coptic grievances in light of the UN Declaration on the Rights of Minorities and other UN instruments.
9. fully uphold freedom of religion by preventing police interference in the religious conversion process. Instead, conversion should be respected, not coerced by any means, and should be legally done at a court of law.
10. review its policies for the allocation of public funds to minorities, and ensure that all are assigned an equitable part of these funds to dispense on the preservation of their culture, progress and common good.
11. effect the promised reform of Islamic thought (discourse), by shedding due light on the moderate tolerant precepts of Islam.

With regard to measures for the promotion and realization of Human Rights in general, including the Declaration on rights of Minorities in Egypt, the Canadian Egyptian Organization for Human Rights joins the Egyptian civil society in urging the government of Egypt to:

On the International Level

1. participate effectively in the process of constructive dialogue by cooperating in good faith with the Office of the High Commissioner for Human Rights; including both charter-based and treaty-based mechanisms; (respect deadlines for treaty reporting and submit candid State reports in the proper format according to reporting guidelines setup by each treaty body);
2. invite the UN Independent Expert on Minority Issues and/ or Special Rapportuer on Religious Freedom to study the Coptic and other minority issues, with the aim of helping solve the problems facing Egypt's minorities;
3. ratify the Optional Protocol of the Covenant on Political and Civil Rights. It should also bring the provisions governing the powers of derogation into conformity with all the requirements set out in article 4 of the Covenant.

Mr. Chairman,

Canadian Egyptian Organization for Human Rights is hopeful that suggestions regarding human rights education will be supported by the UN concerned authorities, especially since they had been suggested several times by the Special Rapporteurs on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, where we read "*... The schools, as an essential component of the educational system, can provide a prime and fertile terrain for lasting progress with respect to tolerance and non-discrimination in connection with religion and belief.*" (E/CN.4/1996/95, dated 15 December 1995, paragraph 18, p.3).

As for the drafting of a new Egyptian constitution for a viable democratic system coupled with building a democratic political culture, electoral assistance and improving accountability and transparency of government (See Report of the Secretary General, A/53/554/General Assembly, 29 October 1998), I am also hopeful that specialized UN Human Rights bodies have much to offer.

Thank you Mr. Chairman