

# report

minority  
rights  
group  
international

## Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014





A nun cries as she stands at the scene inside Cairo's Coptic cathedral, following a bombing, in Egypt December 11, 2016.

Reuters/Amr Abdallah Dalsh

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# Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014

## Contents

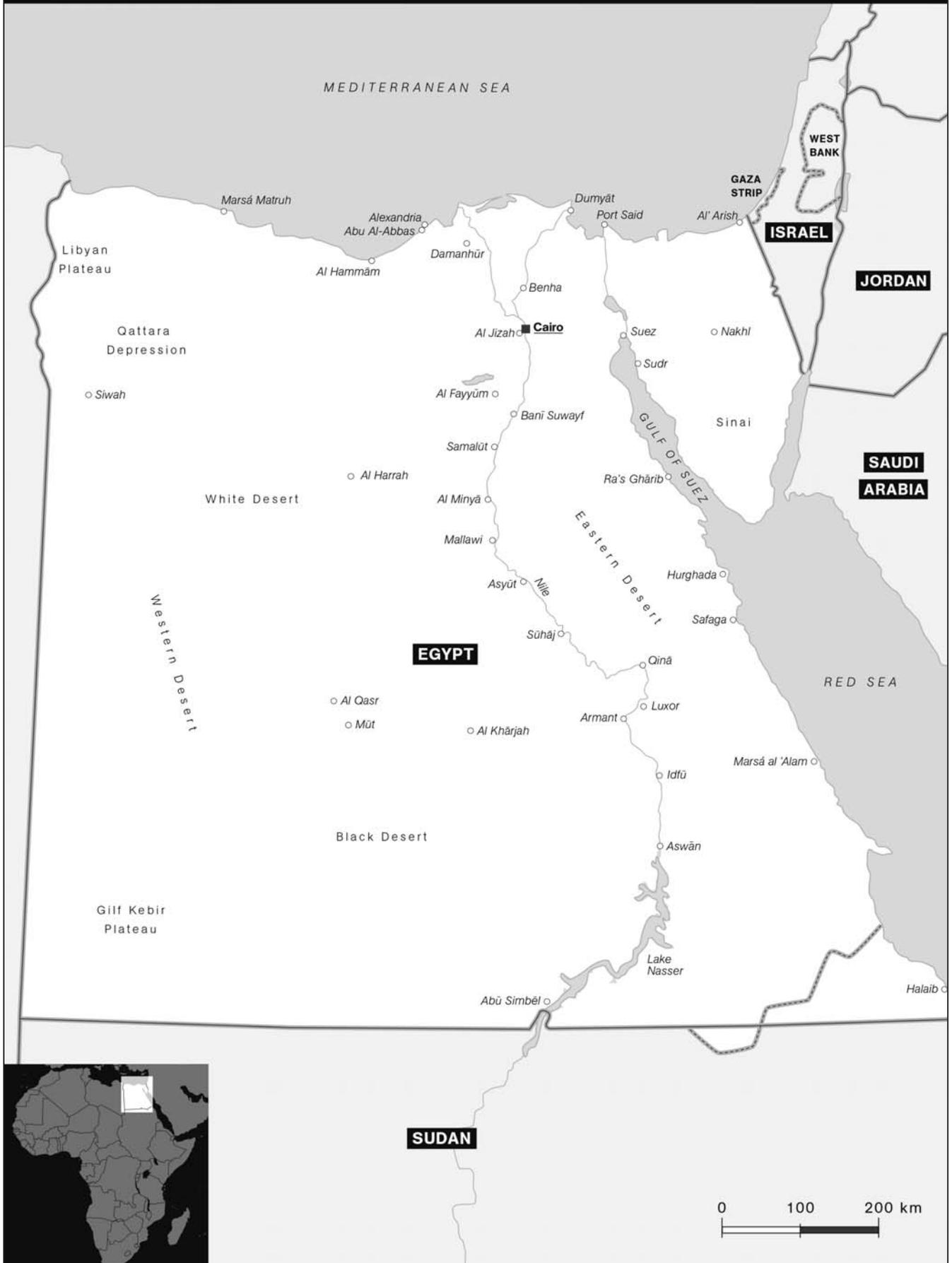
Key Findings	2
Map	3
Executive Summary	4
Recognized Religious Minorities	6
Unrecognized Religious Groups	17
Ethnic Minorities and Indigenous Peoples	22
Conclusion and Recommendations	33
Notes	36

# Key findings

## Key findings

- The drafting of Egypt's 2014 Constitution was welcomed by many activists as a potential milestone for the country's minorities. However, while the final text failed to resolve many long-standing issues, its more progressive provisions have also been poorly implemented or wholly overlooked by the government of President Abdel Fattah el-Sisi. As a result, the situation for many communities has not significantly improved since then, despite the government's official rhetoric of inclusion and reform.
- The Nubian population, displaced from their ancestral land for decades, were promised resettlement in their territory and community-led development in the 2014 Constitution. Since then, the government has put the legislation on their return on hold and instead opened up swathes of their territory to investment. Meanwhile, the long discriminated communities of North Sinai continue to contend with a brutal and indiscriminate counter-terrorism campaign that has destroyed thousands of buildings, displaced hundreds of thousands of predominantly Bedouin civilians and left many struggling with a growing humanitarian crisis.
- The Christian population, the largest religious minority, enjoys official recognition alongside Sunni Islam and Judaism in the Constitution. Yet in practice, its members continue to face difficulties around the construction and renovation of churches, frequently resulting in outbreaks of communal violence that in turn can result in mass displacement, arson and other abuses. Other communities, such as Bahá'í, are still not recognized and face severe restrictions not only in the right to worship but also their ability to access documentation or legally register their marriages.
- Underlying these challenges is the issue of access to justice and the difficulties that members of minority communities in particular experience in securing the protection of police and the judiciary, as well as the wider respect of the Egyptian government and the ability to participate freely in Egyptian society. If Egypt is to realize its promise of a more equitable and inclusive approach to governance, it must first take meaningful action to resolve these problems.

# Egypt



# Executive summary

After decades of authoritarian rule and the political upheaval that followed the 2011 uprising against the regime of President Hosni Mubarak, many hoped that the drafting of Egypt's 2014 Constitution represented a milestone for the country and the prospect of a more secure future for all its citizens, regardless of faith, ethnicity or gender. But notwithstanding a number of important provisions, covering key issues such as church construction, the resettlement of displaced Nubians and personal status, the text failed to transcend many long-standing discriminatory elements that have served to marginalize minority communities for generations. Even more troubling, however, is the reluctance of the Egyptian government to honour many of the responsibilities enshrined in the Constitution and its willingness in some cases to act in direct opposition to them.

Egypt's religious diversity, encompassing Christian, Jewish and Bahá'í communities as well as a range of Muslim sects such as Shi'a, Ahmadis and Quranists, is matched by the rich history of its many ethnic groups, including Amazigh, Bedouin and Nubians, indigenous in the region for centuries. Their contribution to the country's cultural life, however, has been largely sidelined by years of 'Arabization' that has explicitly elevated the identity of the Arab and Sunni Muslim majority at the expense of its minorities. This report, *Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014*, examines how the legacy of this discrimination continues to this day and the specific issues that different communities have experienced between 2014 and 2018.

While Article 64 of the 2014 Constitution guarantees freedom of belief, as in previous texts this is restricted to the three 'heavenly religions' of Islam, Christianity and Judaism. In practice, though, both Christian and Jewish Egyptians have faced a range of restrictions not only in their right to worship but other areas of civil and political life as well. Christians, in particular, have long contended with restrictions on their ability to build or renovate churches. Article 235 appeared to address this issue by calling for a law to be passed in the first legislative term by the House of Representatives to ensure Christians were free to practice their religious rituals. Yet the subsequent church building law, passed in August 2016, has attracted widespread criticism for enshrining many discriminatory principles. Its effectiveness has been undermined further

by the reluctance of some officials to enforce its more progressive provisions. For example, while the law stipulates that buildings active as places of worship prior to August 2016 should not be forcibly closed, police have continued to close 'unlicensed' churches in response to complaints from Muslim neighbours. As a result, the issue of church construction remains a source of frequent communal conflict targeting Christians, leading to vandalism, violence and displacement from their homes. Security officials have at times overseen informal 'reconciliation sessions' that typically favour Muslims over Christians and frequently result in the eviction of the latter from their homes.

The failure of the 2014 Constitution to recognize other religions has also had devastating implications for those Egyptians whose faith is excluded from its protections. Bahá'í, who have struggled in recent years with barriers in securing identification documents due to their lack of recognition, are still not acknowledged and face challenges in legally registering their marriages. Non-Sunni Muslims, such as Shi'a, Ahmadis and Quranists, are also unrecognized and face serious restrictions in their ability to worship freely. There are currently no Shi'a congregation halls in Egypt, for example, and Shi'a practitioners continue to be harassed by police and security officials. Shi'a, along with Ahmadis and Quranists, are also regularly subjected to hate speech by officials, representatives of the religious body Al-Azhar and media outlets.

Alongside religious discrimination, Egypt's ethnic minorities have seen little improvement since 2014, including its indigenous Nubian community, who have been displaced from their ancestral territory for generations. This was despite guarantees in Article 236 of the Constitution that the state would prioritize the resettlement of the Nubian population and the development, with their participation, of the region. Since then, however, the government has stepped back from this commitment and instead taken a number of steps to open up areas of Nubian territory to investment without the community's consent, while clamping down heavily on peaceful opposition against these developments. State-controlled media organs have also stigmatized the community, accusing activists advocating for their rights of secessionism and undermining national stability.

In North Sinai, where the majority of the population belongs to the marginalized Bedouin community, the situation has become even more serious since the Egyptian army renewed its offensive against extremist groups in early 2018. While the 2014 Constitution affirmed the state's responsibility to support the development of Sinai for its residents, military operations there since February 2018 have seen the destruction of thousands of homes as part of its counter-terrorism activities and left more than 400,000 inhabitants, primarily Bedouin, in need of humanitarian assistance. This has been accompanied by reports of extrajudicial killings, evictions and the use of indiscriminate weaponry such as cluster bombs, placing the lives of civilians at risk. The current human rights violations in the region, affecting many thousands of Bedouin, are not only the

result of the ongoing conflict there but also a long history of discrimination and abuse at the hands of the Egyptian government.

Since 2014, the government of President Abdel Fattah el-Sisi has overseen an increasingly repressive crackdown on domestic political opposition, including arbitrary detention, torture and deaths in custody. While affecting all Egyptians, the plight of the country's minorities brings these issues into sharp relief and illustrates the broader systemic reforms that need to take place before the promise of equality, security and freedom for all can be realized. While there is widespread recognition of the danger that extremist groups pose to minorities, the state is also a central driver of the discrimination and violence they experience through its failure to prioritize their protection and even its own targeting of them.

# Recognized Religious Minorities

Egypt has long afforded special recognition to Christianity and Judaism which, along with Islam, make up the three ‘heavenly religions’ described in the 2014 Constitution. But while this distinction provides them with a range of rights not afforded to other religious minorities, inequalities and discriminatory treatment are still apparent in many areas of their lives.

For the Christian community, who comprise the largest non-Muslim group in Egypt and are a significant political force in the country, despite a history of marginalization, these challenges include violent attacks, restrictions on their freedom to worship and other rights violations. The situation of the Jewish minority, now on the verge of disappearance, is very different and yet reflects many of the same issues: the contribution of the community over centuries of Egyptian history is now under attack from nationalists and extremists, calling into question the survival of even the memory of the community in Egypt.

This section outlines the main challenges facing both communities, despite their official recognition, and the continued barriers members experience in accessing justice and other rights.

## Christians

Egypt’s Christian community has a long history dating back almost two millennia. In the first century CE, St Mark visited Egypt and proselytized, establishing the first community of Christian believers in Alexandria, who were initially persecuted under Roman rule. After the Council of Chalcedon in 451, Christians in Egypt divided between the Melkite Church and the Jacobite Church, which later became the Coptic Orthodox Church.

After the arrival of the Arabs, Christians acquired *dhimmi* status – a form of protection for non-Muslim communities that nevertheless included a range of regulation in different aspects of their lives. Besides being required to pay a poll tax (*jizya*), Christians were banned from carrying arms or joining the army, and also faced further restrictions on the building of churches and their dress code. Over the following centuries, a process of Arabization ensued: Arabic ultimately became the main language spoken in Egypt, and Christians eventually became a minority as many chose to convert to escape

*jizya* or gain equal social and political status with Muslims.<sup>1</sup> The fortunes of the remaining Christians fluctuated over time, with periods of relative tolerance and calm as well as persecution and violence.

In the mid-nineteenth century, the status of Egypt’s Christians improved significantly under the modernization programme spearheaded by Muhammad Ali, including the greater religious freedoms and other measures that reduced the inequalities between Muslims and practitioners of other religions in Egypt. The *Hatti-Hamayun*, issued in 1856, aimed to facilitate church building upon the approval of the ruler and removed a range of other restrictions, as well as affirmed the community’s right to its own personal status laws.<sup>2</sup>

The British Occupation began in 1882 and in 1919 Christians joined Muslims in calling for independence. In 1922, the declaration granting independence was issued, though the British government reserved a number of areas where future discussions between Great Britain and Egypt would be required, including ‘the protection of minorities’.<sup>3</sup> As a result, the term has been regarded with much suspicion by many members of the post-independence Egyptian elites as a colonialist intervention.<sup>4</sup> While the first decades of the post-independence era saw some positive developments, including the appointment of two Christians as Prime Minister, Boutros Ghali Pasha (1908-1910) and Youssef Wahba Pasha (1919-1920), many existing issues around discriminatory legislation, restrictions and attacks against Christians continued during this period.

Egypt’s modern era also saw the arrival of various Catholic and Evangelical missions, in the process expanding the variety of denominations in the country. Today, Christians in Egypt constitute a number of groups. Copts, who make up the large majority (around 90 per cent) of Egyptian Christians, are not only the largest minority in the country but also the most sizeable non-Muslim population in the Middle East. Protestants, Catholics, Orthodox and Anglicans/Episcopalians constitute the remaining 10 per cent. A few Christian denominations, including Mormons and Jehovah’s Witnesses, are not recognized.<sup>5</sup>

It remains difficult to estimate the total number of Christians in Egypt today, due in part to the contradictory numbers issued by different institutions. The Coptic

Orthodox Church states that 15 million Egyptians are Coptic Christians, based on the visitation lists of the church<sup>6</sup> and constituting approximately 15 per cent of the national population. CAPMAS, on the other hand, the government's primary statistical agency, puts the total proportion of Christians at just 5.7 per cent, building on figures from the 1986 census: since then, censuses have made the question on religion optional and thus no statistics are publicly available on the size of different religious groups. However, the Ministry of Interior has records of the religious affiliation of the entire Egyptian population due to the birth certificates and national identification cards it issues: consequently, if it so wished, the government could issue these figures if it chose to. Given this lack of transparency, the estimated population of Christians in Egypt has become an issue of contention between Copts and the Egyptian government, with the latter perceived as trying to downplay the number of Christians in Egypt for political reasons.<sup>7</sup>

## Human rights and access to justice since 2014

Since the ouster of President Mohamed Morsi in July 2013 and particularly after the violent dispersal of the sit-ins of the Muslim Brotherhood by security forces, resulting in more than 1,000 deaths,<sup>8</sup> Christians have faced a series of reprisal attacks. Scores of churches and church-owned buildings were attacked and torched in just one day, 14 August, in what seemed to be an orchestrated attack in revenge for the killings.<sup>9</sup> This has been followed by an increase in terrorist incidents targeting the Coptic community, continuing to this day, with many launched by IS-affiliated militant groups. These attacks, including bombings and suicide attacks, are generally larger in scale and more sophisticated than the widespread but less organized violence carried out by villagers or neighbours.

Abdel Fattah el-Sisi became President in June 2014. Despite making stability and development a central part of his campaign, a number of high profile attacks by IS-affiliated groups have taken place since his election, with deadly bombings in Botroseya Church (December 2016), Alexandria and Tanta (April 2017), as well as attacks on pilgrims to St. Samuel Monastery (May 2017 and November 2018). At the same time, Sisi's government has made efforts to signal support for the Christian community. After the twin attacks on churches in Alexandria and Tanta on Palm Sunday in 2017 that left 45 dead, a three-month state of emergency was announced and has been extended on a rolling basis ever since.<sup>10</sup> Sisi himself has made a point of attending Christmas celebrations every year and in January 2019 inaugurated the largest cathedral in the Middle East, located in

Cairo. Furthermore, the armed forces have contributed more than US\$25 million.<sup>11</sup>

Sisi has also maintained the informal pact<sup>12</sup> between the Egyptian government and the Coptic Church, first developed under Nasser, and has received strong support from Pope Tawadros II.<sup>13</sup> This arrangement has had a serious impact on the rule of law and the functioning of representative institutions, however. For example, in 2015 the Church played a major role in the selection of Coptic parliamentary candidates, sending lists of names to political parties to choose from as well as providing names to the presidency for the parliamentary appointments.<sup>14</sup> Furthermore, the Church was instrumental in the negotiation and drafting of various legislation, such as the church-building law, that was quickly passed by parliament.<sup>15</sup>

The next section of this chapter will outline some of the major human rights violations that the Christian community continues to suffer in Egypt today. However, these incidents are also rooted in a number of historical areas of discrimination that shape their experiences today, including legal barriers to church construction, anomalies around personal status law and the widespread use of unequal informal reconciliation sessions following outbreaks of communal violence. These are outlined in more detail below.

## Legal barriers to church building

While Christians have the constitutional right to practice their religious rituals publicly, as per Article 64 of the 2014 Constitution which permits the followers of 'heavenly religions' to build places of worship, the church building process itself has long been regulated by specific legislation. These restrictions extend back to the Ottoman-era edict of *Hatt-ı Hümayun* in 1856 and a further set of regulations passed in 1934 by then Interior Minister Ezaby Pasha that established a complex framework of guidelines and approvals around the construction of churches. These were rooted in the perception that the building of Christian churches in Muslim countries should be carefully managed to avoid conflict between the two communities, while allowing their continued construction with the consent of the head of state.

In practice, these discriminatory provisions contributed to a profound uncertainty around the status of churches, even those formally registered with the state, as well as considerable barriers in securing official approval. Furthermore, as church restrictions at a local level were determined to a significant extent by the views of Muslim neighbours and other considerations, such as the location of mosques in the area, church construction increasingly became a source of sectarian tensions and

from the 1970s onwards has been at the root of many outbreaks of communal violence.

In this context, church construction was a key issue when the 2014 Constitution was drafted, reflected in Article 235: 'the House of Representatives shall issue a law to regulate constructing and renovating churches, in a manner that guarantees the freedom to practice religious rituals for Christians'. This led to the approval of the controversial church building law (Law 80/2016) in August 2016 by the House of Representatives. While welcomed by some, this legislation has been condemned by critics for further entrenching the discriminatory framework surrounding church construction by grounding it in law.

The text, though drafted in consultation with senior members of the Coptic church hierarchy, failed to engage the wider Christian community in a participatory manner and replicated many of the same problems. The most controversial provisions include detailed building specifications (Article 1), 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 vague and onerous requirements are in contrast to the much simpler and less restrictive guidelines in the 2001 law on mosque building. Community activists have called for the development of a single universal law for churches and mosques.<sup>16</sup>

With respect to unlicensed churches, the law banned the closure of any church in which prayers were held before the law was approved, stating that a committee would be formed to look into their licensing. However, the law failed to clarify the situation of churches allegedly closed for reasons of 'security' or cases where non-Christian neighbours have refused a church in their neighborhood. The extent of regularization of churches since the law came into effect has also been very limited. Of some 3,730 applications by churches to regularize their status, by the beginning of 2019 just 627 had been officially approved.<sup>17</sup>

In the meantime, as documented below, churches and their worshippers have continued to be targeted and church construction remains a major source of communal conflict. While attacks on religious ceremonies, buildings intended for worship and shrines are criminalized in article 160 of the Penal Code, in practice perpetrators are rarely brought to account due to the enforcement of extra-legal mechanisms such as informal reconciliation sessions.

## Personal Status Law

Article 3 of the 2014 Constitution grants the Christian and Jewish communities the right to special codes

regulating their personal status, religious affairs and selection of spiritual leaders. In this context, the principle of equality, established in the Constitution, does not preclude the existence of different codes for different groups as long as it is with the aim of upholding their rights. Yet in practice a number of issues are evident with the current framework.

First, as the state does not recognize non-religious or civil marriage for Christians, Christians are forced to abide by the regulations of their religious denominations regarding marriage. This can itself pose significant challenges to individual freedoms as some churches, such as the Coptic Orthodox Church, themselves have restrictive rules on divorce and remarriage. For decades, Coptic Christians have faced significant barriers to separating or remarrying as the church hierarchy has refused to recognize divorce except in the case of adultery. As Christians must currently register their marriage in a religious ceremony before securing a civil contract of marriage, the church retains the power to vet these areas. In response, some Christians have called for the institution of civil marriage to enable Christians to marry outside the purview of the church.<sup>18</sup>

A second issue is that there are still some areas where the current framework allows for Sharia to be applied for non-Muslims. The expansion of the use of Islamic law for Christians is related to the annulment of the religious '*millet*' courts in 1955, which once granted judicial autonomy for Christians in their personal affairs. Since then, unified courts have examined lawsuits involving the personal affairs of non-Muslims.<sup>19</sup> While the specific laws of these religions are implemented most of the time, it is important to note that the implementation of Islamic Sharia may be expanded in certain cases to apply to Christians and as a result can lead to breaches in their right to practice their religion or the canonical laws of the religious minority.<sup>20</sup> Though Law 462/ 1955 was annulled by Law 1/2000, it nevertheless set a precedent that expanded the application of Sharia to non-Muslims in certain conditions.<sup>21</sup>

Article 3 of Law 1/2000 stipulated the application of personal law when 'the judgments are issued in disputes relating to personal status between non-Muslim Egyptians who are unified in denomination and sect who had judicial bodies organized until December 31, 1955, according to their canonical law when it does not violate the public order'.<sup>22</sup> This established two significant caveats. Firstly, it meant that if both did not belong to the same religious denomination, then Sharia law would be applied automatically. Furthermore, the vagueness of what constituted 'public order' also established a pretext for the expansion of Sharia principles to issues such as marriage and adoption.<sup>23</sup>

The discriminatory implication of this legislation is evident in the application of Sharia law in the case of mixed marriages, where Muslim parties are typically afforded more rights in areas such as child custody. When a Muslim man is married to a Christian woman, Sharia law is also implemented if a conflict arises: in divorce proceedings, Christian women are especially disadvantaged as their religion is usually seen as a negative influence that may 'corrupt' their Muslim child.<sup>24</sup> The only form of mixed marriage permitted under Islamic Sharia is between a Muslim man and a non-Muslim woman. To marry a Muslim woman, a male Christian must first convert to Islam.

Furthermore, the ability of a non-Muslim wife and her children to inherit from their Muslim husband or father is uncertain, as according to some religious interpretations only Muslims are allowed to inherit from Muslims. Furthermore, inheritance is generally regulated according to Sharia regulations, and this can result in women inheriting only half the portion liable for male heirs. In cases where Christians wish to appeal the inheritance rules applied to them, they need to undergo a judicial process to that effect.

Another area where Christians experience discrimination is in the area of adoption, a practice generally viewed positively as an affirmation of Christian values. However, adoption is viewed by state institutions as contradictory to public order as it is prohibited in Sharia law. While the leaderships of both the Coptic Orthodox and Catholic churches indeed perceive it as a right, they have refrained from demanding its inclusion in the personal status law that is currently being drafted, possibly to avoid a clash with the authorities. Nevertheless, the Coptic Evangelical Church has requested that it be permitted and prepared several articles for its incorporation.<sup>25</sup>

Consequently, the recognition of Christian personal status law in many important areas, such as divorce, inheritance and adoption, is secondary to Sharia and can therefore be disregarded. In addition, the individual freedoms of Christians are also in some instances constrained by their obligation to conform in certain areas, such as marriage, to the norms of their church rather than engage freely in a civil proceeding of their own choosing. Consequently, Christians and members of other communities should be able to access a secular legal framework if they wish as an alternative to Sharia or personal status law.

### Informal reconciliation sessions

A key factor in the prevalence of sectarian attacks against Christian communities is the continued practice of 'reconciliation sessions' between communities, often with

the active encouragement of police and officials. This reliance on informal justice approaches that are usually weighted heavily in favour of the Muslim majority is further entrenched by the failure of security forces and the formal judiciary to discharge their responsibilities to prevent and punish targeted attacks on Christians.

Indeed, the typical approach of authorities to resolving conflict after an outbreak of mass violence can leave Christians in an even more precarious situation. Following an incident, arrests are often made on both sides, including community members targeted in the attacks, and are then referred to the court who hand out sentences to both parties. This approach forces the victims to agree to an extralegal reconciliation session and with it an end to all judicial proceedings against the assailants. The policy, besides undermining the rule of law and denying victims the right to remedy, also enables further attacks by promoting a climate of impunity for the perpetrators.

The semblance of equality in the reconciliation approach is in reality a highly partisan process that disempowers the Christian victims of communal attacks while appeasing the members of the Muslim majority responsible for the violence. Furthermore, these sessions can entail clauses that represent major rights violations, including what amounts to collective punishment: for example, a ban on group prayers in the village or the forcible displacement of Christians elsewhere.

Reconciliation sessions do not treat different religious communities equally. For example, when the accused are Christian, the reconciliation sessions usually go hand in hand with the continuation of legal proceedings against them. When the alleged offenders are Muslim, on the other hand, the reconciliation sessions usually bring an end to any further legal proceedings against them. This is usually accompanied by the arrest of Muslims and Christians on both sides of the dispute to ensure that both parties have an interest in reconciling and giving up legal claims. Importantly, customary sessions cannot be disputed nor appealed. There is no supervision by the judicial authority over the arbitrators and these processes often operate as a parallel framework that enables perpetrators of rights abuses to evade accountability for their crimes.

The dominance of this partial system of informal justice is accompanied by the failure of the formal justice system to protect Christian and other minority victims. This can be discerned at every step of the judicial system. The first step, filing a complaint at the police station, can involve various hurdles as in many cases police may refuse to register the incident. For example, in Kafr Darwish, Bani Suef in May 2015, the head of the police station refused to file a complaint when two houses belonging to Christians were burnt. This attack was in reprisal for a

picture shared on Facebook by a Christian member of the village, residing at the time in Jordan, that was deemed anti-Islamic.<sup>26</sup>

This failure may include not only denying justice to victims but also failing to protect them from imminent attacks. In one incident in May 2016 in al-Karm village, Minya province, police forces refused to respond to the concerns of a 70-year-old Christian woman, Suad Thabet, who reported that she was at risk after rumors spread in the village of a relationship between her son and a Muslim woman. Soon after, her house was attacked and she was then paraded naked through the village.<sup>27</sup> In another incident in 2015, Christians who went to the police station to file a complaint of harassment by Muslims of a nearby village of a Christian woman in Samalut, Minya, were attacked after they left the police station. Members of both groups were then arrested and pressured to undergo a customary session, following which all complaints were withdrawn.<sup>28</sup>

Police and security forces frequently lead or take part in extra-legal reconciliation sessions, further compromising their role in law enforcement, particularly as many sessions end in rulings that directly violate Egyptian domestic laws or constitutional provisions. Following the incident in Kafr Darwish in 2015, for example, police forces oversaw the displacement of the Christian families.<sup>29</sup> While often justified as a means to reduce conflict, reconciliation sessions can create further conflict and result in outcomes that, besides being illegal under the Constitution, impact disproportionately on Christian participants and effectively legitimize their displacement from their homes.<sup>30</sup>

Police forces may pressure Copts to sit in reconciliation sessions by arresting members of both the Coptic and Muslim parties. In April 2018, for instance, following an attack on a church building and several shops and homes belonging to Christians in the village of Beni Suef, Bani-Manin, police made a series of arrests that included five Christians who were put in detention for a month without a prosecution order.<sup>31</sup> 45 people were subsequently put on trial, including 18 Copts, until formal proceedings were brought to an end through a reconciliation session that saw all parties acquitted.<sup>32</sup>

The judiciary is also culpable in accepting, as in this instance, reconciliation in cases where serious crimes have taken place including violence, assault, armed robbery and even murder. In these cases, reconciliation is not legally acceptable and only reinforces the impunity of those who have targeted Christians for attack.

## Current issues

Christian communities have suffered a variety of attacks against them, including violence at the hands of

neighbours who have mobilized against them following rumours or in response to political developments. Many of these incidents constitute a form of collective punishment in which the Muslim majority in a particular neighbourhood seek to punish Christians in the area for the actions, real or alleged, of one or more individuals.

Between June 2014 and December 2018, intercommunal violence has been triggered by a number of factors including:

- Refusal of a proposed church in the area;
- Consensual relations between a Muslim (particularly female) and Christian (particularly male);
- Public expressions that are considered acts of blasphemy against Islam; and
- Disagreements or offences that could lead to a wave of revenge attacks.

In many of these cases, the violence is enabled by the failure of the state to prevent the attacks and also its reluctance to secure justice for the victims.

## Forced Displacement

One of the possible conclusions of reconciliation sessions is forced displacement. While Muslims have also been displaced as a result of forced conciliation sessions following conflicts with their neighbours, Christians are in a much weaker position compared to Muslims due to the strong influence of Islamic traditions on customary reconciliation sessions and their greater vulnerability as members of a religious minority. State officials frequently participate in customary reconciliation sessions that conclude with the displacement of Christian families.<sup>33</sup> Furthermore, Copts are not provided with adequate state protection to ensure their return to their homes. Out of six documented incidents of forced displacement of Christian families between 2014 and June 2018, in only two cases have they been able to return to their homes.<sup>34</sup>

Indeed, in some instances police have actively refused to assist displaced Christians wishing to return to their villages. A case in point is that of Mina Shohdi, originally displaced in 2013 from his village of Basra, Ameriya, Alexandria. In 2014, when he tried to return to his home, other villagers besieged the building and he was again expelled from the village. When he requested the protection of the police to return, the police requested a written agreement from Muslim leaders in the village to allow him to return.<sup>35</sup>

Another case took place in January 2017, when a 13-year-old boy was accused of sexually assaulting an eight-year-old Muslim boy. Though the forensic report concluded that no attack had taken place, the judge

## The displacement of Coptic Christians in Sinai

The recent increase in militant activity in Egypt's Sinai region has created particular challenges for its Coptic population, resulting in the displacement of many from their homes due to the threat of violence from groups affiliated with the Sinai branch of Islamic State (IS). While very different in form to the displacement carried out with official approval through informal sessions, the predicament of the victims nevertheless illustrates the failure of the Egyptian state to discharge its duty to those affected.

The displacement of Copts in the area began in the city of Arish in February 2017, after IS fighters escalated their attacks against Copts. On 19 February, the group had issued a video recording in which Copts across the country were threatened and by 25 February, when large numbers of Copts had already fled, at least seven community members in Arish had been killed.<sup>37</sup> In the wake of these attacks, hundreds of families were displaced to Ismailia, while others relocated to Port Said, Cairo, Sharqia, Dakahlia and Minya.

It is the responsibility of the state at every stage to take adequate action to prevent forced displacement and mitigate its consequences once it has taken place. This includes, besides guaranteeing the right to housing, health and education, protecting the property and

possessions of those displaced and facilitating their safe return. The Egyptian government's response, however, has fallen far short of this. The initial response of authorities following the flight of Coptic Christians from Sinai was to deny that this was in fact a case of forced displacement.<sup>38</sup> While until now they have been unable to return to their homes, the government's official position is that security forces are regaining control of the region and that the situation in El-Arish will soon be stabilized.

This is in stark contradiction to the situation on the ground, as illustrated by the fate of two Christians who returned to Sinai, Nabil Saber Fawzi in May 2017 and Basem Herz in January 2018: both were subsequently killed by IS militants. Besides the clear dangers to the physical security of Christian residents in the area, their possessions are also under threat: some displaced families, for example, have received news that their property has been looted.<sup>39</sup> The government's response to date has been inadequate. While authorities provided some housing to the uprooted families in Ismailia some days after the displacement took place, this was inadequate and did not provide them with longer-term security. Furthermore, few provisions were made to help them access employment in their new location.

sentenced the accused to 15 years. A customary session was held in Shebin al-Qanatir, north of Cairo, in the presence of security officers and ended with the decision to expel the entire Coptic family from the village. To date, they have not been able to return.<sup>36</sup>

## Abduction and disappearance of women and girls

At least 21 under-aged Christian girls were forcibly disappeared between June 2014 and June 2018. While in some cases disappearances appear to be related to a criminal offence, such as robbery, in eleven cases involving minors the victim showed up after she had reached adulthood and converted to Islam (of the remaining 10, eight women returned to their families while the location of the other two remains unknown).<sup>40</sup> Resolving incidents of enforced disappearance – defined by the UN as the 'arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State'<sup>41</sup> – is the responsibility of the Egyptian government. However, in many cases of forced disappearances of Christian girls and

women, the state has failed to protect the victims or fulfil its obligations to hold the perpetrators to account.

A number of sources have reported that police forces frequently fail to respond adequately to cases where Christian girls and women have disappeared, either in investigating the cases brought before them or taking steps to assist the families of the victims. In the case of Marina Nashat Labib, a 17-year-old high school student from Qena who disappeared in March 2018, an administrative complaint was subsequently filed by her family due to the insufficient support they had received from the police. Two weeks later, when her family held a protest to voice their anger against the lack of police intervention, they were arrested in violation of their right to assembly and expression. As a result, many families resort to contacting church authorities to ask for their intervention in the matter.

Sara Fahmy Latif, from Fayyum, was only 15 years old when she met with her Muslim neighbours in January 2015 and then failed to return home. Her father filed a police complaint, accusing the other family of abducting his daughter, but the police failed to take any action. The marriage of the girl was later celebrated by her neighbours, after it was claimed she had converted to Islam.<sup>42</sup> Again,

the police failed to take any step to ascertain if she was acting under duress.

The phenomenon of enforced disappearance reflects the intersectional discrimination that minority women face. The abduction of young women, who in the context of Egypt's patriarchal society are already among the most vulnerable in any community, is often used as a tool in intercommunal conflict and can result in forcible marriage and conversion. The Egyptian authorities therefore need to take concrete steps to identify any cases where coercion or pressure on girls and women has taken place. In instances where religious conversions are alleged to have taken place, it is important to establish an independent review process, such as a judicial committee, in order to determine whether the convert participated freely.

### Attacks on religious buildings and worshippers

As noted earlier in the report, Christians – despite their rights as one of the ‘heavenly religions’ being guaranteed by law - have suffered a long history of discrimination in the area of church construction. The excessive regulations and administrative processes surrounding the development of churches in Egypt, in contrast to the more relaxed and often unenforced guidelines for the building of mosques, has not only obstructed the actual construction of Christian places of worship but also served to undermine their legitimacy in the eyes of many Egyptians. While collective prayer in a private home is not outlawed or illegal, attacks by Muslim villagers have nevertheless taken place under the pretext that an ‘unlicensed church’ has been set up in the village.

Thus churches and other Christian institutions have frequently served as flashpoints for the outbreak of communal violence, with many churches targeted at moments of heightened political or social tensions, as was the case in August 2013 when numerous churches were attacked following the killing of hundreds of supporters of ousted President Morsi by security forces. In the wake of his removal and the drafting of a new Constitution, with Article 235 promising that within the first legislative term ‘the House of Representatives shall issue a law to organize building and renovating churches, guaranteeing Christians the freedom to practice their religious rituals’, church construction was a central issue in Egypt's new political landscape.

This culminated in Church Building Law 80/2016, which came into effect on 29 September 2016. This legislation, while welcomed by officials of the Coptic Church who saw it as an opportunity to clarify the uncertainties and hurdles surrounding church construction through a formal set of guidelines, was

nevertheless controversial as it enshrined in law a number of discriminatory provisions around the building of churches.

So far, there has been no evidence that the legislation has assisted in the reduction of communal attacks against churches. While the text of Law 80/2016 explicitly prohibits the closure of any place where religious rites were already performed up prior to August 2016, even if it is not formally licensed, police have continued to close ‘unlicensed’ places of worship in response to complaints from Muslim villagers. In April 2018, the Egyptian Initiative for Personal Rights (EIPR) reported that at least 14 houses of worship had been closed by police since the passing of Law 80/2016 in September 2016, in some cases justified as a preemptive measure to prevent communal violence. This is in violation of the 2016 law and the broader right to practice religion guaranteed in the 2014 Constitution.

At the same time, police have failed to tackle the deeper issues of intolerance and incitement that mobilize communities to attack churches. In some cases local religious leaders have exacerbated these tensions. This is illustrated by an imam in Kom-Al-Lofy village, Minya governorate, where attacks against a group of Coptic Christians worshipping in a house took place on 29 June 2016: he told a newspaper that ‘our religion is against [a church] being built, this is a Muslim state and it is also refused by security for some time and since the eighties we have not heard of a church being built in a village.’<sup>43</sup>

Protests can extend to officially registered churches as well. Muslim villagers have attacked buses bringing Christians from a nearby village to pray in their own village church: this was the case, for example, in Basra village, Alexandria in June 2014 and in Olaikat village, Aswan in August 2014, when groups of Christians from nearby villages were met with demonstrations.<sup>44</sup> In other instances, any perceived attempt to officially register the house as a church can instigate protest: for example, a house that has been acting as an unofficial church for Christian worshippers may become a source of tension if a committee from the Ministry of Housing visits the village to inspect the building for potential licensing. This was the case for the Anba Karas Church in Hlayla Village, Luxor, which had held prayers regularly since 2015: however, protests broke out shortly after the church was inspected by the licensing committee in April 2018.<sup>45</sup> In other cases, such as the village of Tood in Qena governorate, the timing of the visit of the Ministry of Housing Committee was leaked in advance. This resulted in large-scale protests in the village, the construction of a wall to prevent the committee from accessing the church for inspection and calls from village elders to evict the person responsible for the application to license the building.<sup>46</sup>

These incidents demonstrate the continued failure of state institutions to assure, in line with their international obligations and the 2014 Constitution, the right of Christians to worship freely. Instead, its reluctance to address deeper issues of intolerance has enabled the continued use of violence and intimidation against communities seeking to establish legitimate places of worship.

## Restrictions on free expression and blasphemy accusations

Religious blasphemy is an offense mentioned in the Penal Code in article 98 F, which punishes a wide range of activity: 'the exploitation of religion in the promotion or support in words or writing or by any other means of extremist ideas with the intention of provoking sedition or contempt or disdain for one or more heavenly religions or sects belonging to them or to damage national unity or social peace.' This legal provision is frequently used to target a variety of expression that is not unlawful according to international standards.<sup>47</sup>

A common source of blasphemy allegations are Facebook posts critical of members of the Muslim clergy or statements by Christian teachers in classes considered contrary to Islamic traditions. These are often used as a pretext for mobilization and attacks against the Christian community. There were five cases of religious blasphemy cases filed against Christians between June 2014 and June 2018: all of these resulted in communal attacks against the Christian community and included reconciliation sessions that failed to halt the judicial proceedings against Christian defendants.<sup>48</sup> This is illustrated by a widely reported incident involving four young students in Nasserriya, Minya. In early 2015, they were briefly videoed by their teacher in a short satirical video in which they played IS militants praying and then slaughtering their victim. The video was subsequently discovered and leaked online. As a result, Christian homes and shops in the village were attacked, while the family of the teacher was forcibly displaced following a customary session facilitated by security forces in the village. None of these violations were prosecuted. The teacher was arrested and sentenced to three years in prison while in February 2016 three of the four teenagers eventually received sentences of five years and the fourth was placed in a juvenile detention centre.<sup>49</sup>

## Prosecution of violations of public order and proselytization

The penalization of activities classified as proselytization by adherents of different religious minorities, including Christians, is in violation of Article

18 of the ICCPR.<sup>50</sup> Within Egyptian law, too, religious proselytization is not criminalized by law: indeed, it is even encouraged and supported by the state in the case of Islam. For example, Article 7 of the 2014 Constitution affirms that the state should provide funding to Al-Azhar, which is 'responsible for preaching Islam and disseminating the religious sciences and the Arabic language in Egypt and the world.' However, for non-Muslims, actions construed as such are frequently under the umbrella of other criminal charges such as blasphemy or violations of public order. Nevertheless, while there is no offense formally classified in the legal statutes as 'proselytizing', this is the term used by investigators and prosecutors to describe the offense. In July 2015, three young men in Montazah, Alexandria, were accused of blasphemy and proselytization when one of them, Fawzy Usama, was found distributing dates to Muslims together with some leaflets with Christian teachings on love of others. A citizen used physical force to capture him and contacted the police to arrest him. The remaining two were reportedly arrested and investigated as they came to visit him in detention. All three were subsequently charged. On February 2016, the defendants were all released on bail of EGP 3,000 and the case was closed.<sup>51</sup> The assailants of the first defendant, who attacked him prior to his arrest, were never investigated.

## Barriers to public participation

Discrimination against Christian participation in different fields is widespread. In addition to the lack of Coptic representation in public office, including governors, local heads of governorate centres, district heads and city mayors, there are numerous documented cases of discrimination against Copts in public service that are never properly investigated or questioned.

On one level, their representation appears to have improved since 2014. Article 244 of the 2014 Constitution grants Christians 'appropriate representation' through a quota of seats, specified in the June 2014 House of Representative Elections Law as 24 of the 120 seats reserved to electoral lists. This has indeed contributed to a subsequent increase in the number of Christian representatives, amounting to a total of 39: 24 on party lists, 12 individual members and three appointed by the president. Though this is the highest level of Christian representation in parliament since 1924 and significantly more than the 12 Christians represented in the 2011/12 parliament, it nevertheless amounts to only around 6.5 per cent of the total seats<sup>52</sup> - a larger proportion than the official estimates of the size of the Christian population, but considerably lower than other estimates that put the community at between 10 and 20 per cent of the national

population. It is also the case that the number of Christian ministers has recently declined: having constituted around 5 per cent of the council of ministers formed by Prime Ministers Ibrahim Mehleb (March 2014 – September 2015) and Sherif Ismail (September 2015-June 2018), in the latest council of ministers headed by Prime Minister Mostafa Madbouli (beginning in June 2018) only one Copt was selected in a council of 34 ministers, lowering the proportion to less than 3 per cent.

In a reshuffle announced in August 2018, two new Christian governors have been appointed, Kamal Gad Sharobim (Daqahliya) and Manal Awad Mikhail (Damietta), who was also the first Christian woman to be appointed governor in the country's history. Yet this milestone belies the persistence of discrimination even at senior levels towards Christians, particularly women. One

well-documented case involves Justice Mahasin Luka, member of the High Council of the Administrative Prosecution Authority (APA), who has not been nominated to the position of the Head of the APA by members of the High Council despite being the most senior in the APA's council. The internal discussions have allegedly focused on Luka's faith and resistance to the idea of a Christian woman presiding over her Muslim colleagues. Justice Hisham Haikal, who reported this incident and subsequently challenged the nomination process, has been dismissed as a result and has taken his case to the Council of State to appeal.

A mechanism for reporting incidents of discrimination while ensuring protection of whistleblowers would help provide a measure of protection to Christians at risk of discrimination. This needs to be addressed by the anti-

### A culture at risk – The repression of the Coptic Language

The Coptic language, written using the Greek alphabet and seven characters based on Demotic, is rooted in ancient Egypt and was the native language between the fourth and the seventh centuries CE. However, following the Muslim conquest of North Africa, it was gradually replaced by Arabic and from the tenth century onwards was not widely used in public. Though it continued to be used as the liturgical language of the Coptic Orthodox Church, by the twelfth century church sermons were commonly given in Arabic and many lay Copts lost their ability to understand spoken Coptic.<sup>53</sup>

During the nineteenth and twentieth century, however, there were various attempts to revive the language and it was taught in Coptic schools. Nevertheless, there were setbacks, particularly from the late 1950s when Nasser rolled out his Arabization policies in Egypt. This included the imposition of Arabic as the mandatory language of instruction in primary and secondary schools, as well as the teaching of Arabic history. This particularly affected Coptic schools, which were seen as contrary to the policies of Arabization and were eventually nationalized in 1961. The Coptic language suffered as a result.

These barriers remain in place to this day, with efforts by civil society groups and activists to revive the language regularly repressed by Egyptian authorities. For example, applications to establish organizations to promote Coptic learning have been repeatedly refused.<sup>54</sup> Coptic civil associations have even been specifically warned by security officials that their activities should not include Coptic language teaching.<sup>55</sup> The state's policy appears to be that, while Coptic can be used in formal contexts such as religious ceremonies, its revival as a living language poses a threat to national unity.

The revival of the Coptic language has also faced challenges from the Church establishment, which has adopted a particular dialect (Bohairic) as the main language of the liturgy. This is illustrated by the case of Dr. Kamal Farid Ishaq, an instructor at the Institute of Coptic Studies, who attempted to put forward a different form of pronunciation in a PhD dissertation submitted in 2007 that focused on the revival of Coptic. The dissertation defense was refused, however, for over ten years and a member of the clergy, who had no academic credentials, told him to change the results of his thesis to ensure that the approved Church version of new Bohairic was recognized as the proper dialect, as well as refrain from publishing his findings in any publication.<sup>56</sup> As a result Dr. Isaaq, who was by then working as an instructor of Coptic in the Institute of Coptic Studies, was dismissed from his job. Other academics were also dismissed from the institute because of their solidarity with Dr. Isaaq.<sup>57</sup>

The right to culture is enshrined in Article 47 of the Egyptian Constitution, which outlines the responsibilities of the state to protect 'Egyptian cultural identity with its diverse civilizational origins' – a provision that should support an inclusive national culture but which in practice is constrained by what the state chooses to recognize as part of the country's heritage. Decades of Arabization, promoting Arabic as the single national language spoken by all, have systematically sidelined the rights of the Coptic community to use their own language freely and without interference. The Coptic language is a central aspect of their identity: without adequate protections and resources in place to support the survival of the Coptic language, other areas of the community's cultural life will also steadily diminish.

discrimination commission, as yet unformed, that is outlined in Article 53 of the 2014 Constitution. The failure to date to establish this commission has in turn delayed the implementation of other constitutional provisions intended to protect citizens from discrimination by state officials and third parties.

## Egyptian Jews

The history of Egypt's Jewish community can be traced back 3,500 years. Before the arrival of Islam, Alexandria was the second most important Jewish centre worldwide.<sup>58</sup> Life for the community was sometimes marked by tolerance and acceptance, but at other times by oppression and discrimination. During the Ottoman era and throughout the nineteenth and early twentieth centuries, Egypt was considered a cosmopolitan hub and welcomed foreign communities, including Greek, French and Italian citizens who played an important role in the economy. Many Egyptian Jews before 1947 belonged to affluent families who owned businesses and played a significant role in the country's cultural activities, building charities, social institutions and playing a prominent role in the arts. A few took part in politics, joining the Wafd or Communist party.<sup>59</sup> By then, the Jewish community had reached around 80,000 people in a total population of 19 million. However, only a quarter of Egyptian Jews were able to obtain Egyptian nationality through the 1929 Egyptian Citizenship Laws and another quarter held citizenship in a European country. The rest, however, some 40,000 people, were left stateless.<sup>60</sup>

Anti-Semitic sentiment rose from the mid-1930s and continued with clashes in Israel/Palestine and the creation of the state of Israel. Between 1945 and 1947, a number of attacks on synagogues, a Jewish hospital and a Jewish school in Alexandria occurred. Political groups incited against the Jewish community and a wave of arrests of Egyptian Jews took place.<sup>61</sup> Furthermore, in 1947, new laws forcing businesses to employ 75 per cent Egyptians were put in place, with negative consequences for many of the country's Jewish population as only a small portion held Egyptian nationality. On 14 May 1948 martial law was imposed and soon after around 1,300 people were arrested for political reasons, including more than 300 Jews. Furthermore, a large amount of Jewish-owned property was sequestered. Against this backdrop, some 20,000 members of the Jewish community left Egypt over the next two years. After the Suez war in 1956 that saw a major confrontation between France, Israel and the United Kingdom against Egypt, a new wave of arrests, sequestrations and expulsions took place. About 900 Jews were arrested and ultimately another 36,000 were deported after being declared enemies of the state. A new law forbidding 'Zionists' from holding Egyptian

nationality was widely interpreted to signify Jewish in general, despite the official distinction. After 1967, there were only around 1,000 Jews remaining. Their numbers steadily dwindled to 300 by 1970.<sup>62</sup> Today, the Egyptian Jewish community reportedly numbers less than a dozen in Cairo and Alexandria,<sup>63</sup> though it is believed there are others who conceal their identity and continue to practice their faith in private.<sup>64</sup>

## Current issues

The most notable violation against the Jewish community is hate speech, which is widespread in Egyptian proverbs and jokes. Slanders are also not uncommon, with community members frequently conflated with Israel and Zionism, casting them as potential spies.<sup>65</sup> Thus the remaining Jews face a precarious existence.

## Cultural and religious rights violations

While the Jewish community has 11 synagogues in Cairo, there is no Rabbi and the community does not have the resources to pay for a Rabbi to visit Egypt. As a quorum of 10 men (*minyan*) are required to be present in order to start a Jewish prayer, it is difficult for the community to make up that number, though on feast days they are able to practice their rites by opening the synagogue.<sup>66</sup>

However, there have also been official restrictions on Jewish festivities in Egypt. In December 2014, the Alexandria Administrative Court banned the annual festival commemorating the 19th century Jewish Saint Rabbi Yaakov Abu Hatzeira. The reasoning of the court for this permanent ban was 'its violation of public order and morality and its contradiction with the reverence and purity of religious rites'. The moral offences noted by the court included immodest dress and the consumption of alcohol.<sup>67</sup> The festival had attracted hundreds of Jewish pilgrims from across the world. In this manner, the Jewish community was denied the right to enjoy the festivities of the Abu Hatziera festival.

## Threats to heritage preservation

In its ruling, the court also ordered the delisting of the tomb of the Rabbi from the national monuments list, claiming that the Jewish community did not contribute to the development of Egyptian civilization and so had no place in the country's cultural heritage.<sup>68</sup> The court's reasoning, however, reflects a narrow and restrictive reading of constitutional provision regarding the state's responsibility to protect cultural heritage.

Article 50 of the 2014 Constitution reads that 'Egypt's civilization and cultural heritage, whether physical or

moral, including all diversities and principal milestones – namely Ancient Egyptian, Coptic, and Islamic – is a national and human wealth. The state shall preserve and maintain this heritage as well as the contemporary cultural wealth, whether architectural, literary or artistic, with all diversities. Aggression against any of the foregoing is a crime punished by Law. The state shall pay special attention to protecting components of cultural pluralism in Egypt.’ Hence, while the article mentions diversity as well as cultural pluralism as important principles, the court chose to interpret this article to exclude the country’s Jewish heritage, based on the argument that ‘Jewish civilization in general and the Jewish religion had no impact on the ancient Egyptian civilization nor the arts’.<sup>69</sup>

This decision failed to take into account the long history of the Jewish community in Egypt and went against the spirit of the Constitution’s protections for diversity and cultural pluralism. It also did not take into consideration the registration of most Jewish antiquities by the Ministry of Antiquities and its role in the renovation of Jewish synagogues that fell into disuse:<sup>70</sup> the Ministry has already renovated the synagogue of Moses Maimonides<sup>71</sup> and is currently restoring the Eliyahu Hanavi Synagogue in Alexandria.<sup>72</sup> In addition, there are plans by some NGOs including the ‘Drop of Milk’ Association to turn Egypt’s synagogues into cultural centres and support the recognition of the community’s heritage as part of Egypt’s rich history.<sup>73</sup>

Another area where the state has clearly failed in its responsibility to protect the right to culture and the right to freedom of religion or belief is in the desecration of Jewish places of burial. The Jewish cemetery in Basateen, Cairo, is one of the oldest Jewish cemeteries in the world. Once it stood at 145 feddans, though much of the land has been appropriated by slum dwellers and businesses. Today only 27 feddans remain.<sup>75</sup> The Ministry of Antiquities failed to register the entire cemetery as an antiquity and

rebuild the fence around it, as had been promised.<sup>75</sup> In July 2018, the head of the Egyptian Jewish community, Magda Haroun, reported that the Basateen Cemetery, including her father’s grave, had been vandalized.<sup>76</sup>

### Difficulties accessing citizenship and other civil rights

Jewish citizens of Egypt face various issues in securing their identity documents. Haroun, for example, has reported experiencing issues in renewing her identification documents and receiving her birth certificate. Employers have frequently asked about her religion and an official, apparently skeptical about her nationality, reportedly requested her address and other personal details for ‘security reasons’ before he would issue her with a copy of her birth certificate.<sup>77</sup> As identification documents are important in order to gain access to a range of rights, including health and social insurance, it is essential that they are issued without any discrimination based on religion or other factors.

As for Jewish community members who left Egypt under duress, as in the 1950s and 1960s, many have reportedly visited the Egyptian embassy in order to receive an Egyptian passport. While a member of the Jewish community states that they were informed of four separate cases where Jewish applicants were able to receive a passport upon proving Egyptian origins,<sup>78</sup> other sources have reported that the embassy did not appear to treat these applications seriously, nor encourage them.<sup>79</sup>

The case of Egypt’s Jewish community is a striking illustration of how a once thriving religious minority with thousands of years of history can effectively become almost extinct in a matter of a few decades as a result of discrimination and exclusion. This makes the protection and recognition of its surviving heritage and the rights of its remaining members all the more urgent.

# Unrecognized Religious Groups

Other than Christians and Jews, Egypt is home to a variety of religious communities that are not currently recognized. These include Bahá'í, as well as minority Islamic groups including Shi'a, Ahmadis and Quranists. Atheists are also a visible presence on social media. There are no accurate numbers available due to the lack of official figures on religious membership, as well as fears among members of unrecognized religious minorities for their security if they reveal their identity.

The recognition in the Constitution granted solely to 'heavenly religions', and the exclusion of members of other groups such as Bahá'í, is discriminatory. The rights of these groups to public prayers, personal status laws and the recognition of their religious identity in official documents continue to be denied. Furthermore, expression of their beliefs in public or carrying books or publications that promote their beliefs can be prosecuted under religious blasphemy provisions. Blasphemy charges are also a serious concern for non-traditional Muslims (including Shi'a, Ahmadis and Quranists), who also suffer under the blasphemy provisions for public expression of their faith. While they identify as Muslims, however, restrictions in public practice of their faith is deeply discriminatory.

These long-term structural issues have been reinforced during Sisi's rule with the strengthened role of two institutions, Al-Azhar and the Ministry of Religious Endowments, over religious expression as part of the government's counter-extremism strategy.<sup>80</sup> This in practice has had the effect of placing Sunni Islam at the heart of public law, order and security, leading to a range of restrictions for members of religious minorities while failing to take action against different forms of hate speech by powerful individuals and institutions against other non-traditional Islamic sects. At the same time, members of unrecognized minorities are in many cases especially vulnerable to indifference and even abuses by security forces. This therefore leaves them with little recourse to protection from the formal justice system.

The role of the media cannot be understated in framing the issues that unrecognized minorities face. There have been instances where media outlets have framed certain religious beliefs as a 'threat' or an 'illness', so supporting their treatment as a risk to national security rather than communities with rights in need of protection.

## Bahá'í

Bahá'í have a long history in Egypt, dating back at least to the 19th century. Though their exact numbers are unknown, estimates range between 1,500-2,000<sup>81</sup> to over 7,000.<sup>82</sup> In 1924, the first Bahá'í National Spiritual Centre was formed to oversee the affairs of the Bahá'í community, including the codification of the community's personal status laws and the issuing of marriage certificates. By 1950, there were around 5,000 Bahá'í in Egypt, operating at 13 different local spiritual assemblies across the country.<sup>83</sup> However, from the 1960s onwards, Bahá'í came under increasing pressure under President Gamal Abdel Nasser with the passage of Law 263 in 1960, which dissolved the Bahá'í spiritual assemblies and sequestered their property. Since then the community's situation has remained precarious, with successive crackdowns against it in the ensuing years, including 1967 in the wake of the war with Israel.<sup>84</sup>

While the Bahá'í community does not engage in politics, it was socially active in the aftermath of the January 2011 uprising. In April 2011, Bahá'í activists wrote an 'Open Letter to the People of Egypt' in which they outlined their views on how the country could work together in future. Among the main priorities they set forth in their document were gender equality, universal education, youth empowerment and access to justice.<sup>85</sup> They also took part in a hearing session before the 2014 constitutional committee, in which they discussed their views on the new Constitution.<sup>86</sup>

## Current issues

The Bahá'í community still experiences a range of rights violations, rooted in the continued failure of authorities to recognize them as a faith. This is reinforced by the discrimination they face at all levels of society: Bahá'í are still regularly targeted with hate speech in the media and are also vilified by high-level officials. In December 2014, for example, the Ministry of Endowments held a session in al-Nour Mosque, Abassia, Cairo to 'confront Bahá'ism' and reveal its 'dangers'. Likewise, in 2015 the Minister of Endowments, Dr. Mokhtar Gomaa, argued that

Bahá'ism posed an extremely danger to national security and public order.

### Restrictions on religious worship

While Egypt's successive Constitutions have upheld freedom of religion or belief, this has been interpreted restrictively by the courts to apply to the three Abrahamic religions only. In 1975, the Supreme Court (now the Supreme Constitutional Court) upheld the restrictions facing Bahá'í and argued that 'the protection provided by the Constitution for freedom of religion is limited to the three recognized religions... The establishment of the religious rites of any religion, even if it is a recognized religion, must not be contrary to public order or contrary to morals. As the practice of the rites of the Baha'i Faith is in breach of the country's public order, which is based on Islamic Sharia, no protection is guaranteed to it.'<sup>87</sup>

The local and national spiritual assemblies play a central role in the identity of the Bahá'í community. The ban imposed on them under Decree 263/ 1960, still in place today, has therefore contributed to the weakening of the community. As it is obligatory for cities in which more than nine community members reside to hold an assembly, Bahá'í also see this as a breach of tradition.<sup>88</sup> Furthermore, in October 2017, the Baha'i community was reportedly prevented by security forces from holding celebrations for the 200-year anniversary of Bahu-Allah's birth. Books promoting Bahá'í teachings are also prohibited as they are deemed to violate Law 263/1960.<sup>89</sup>

### Barriers to citizenship

From the 1990s, Egypt had been transitioning from a paper-based to computerized system of national identity documentation. As the faith of the person needs to be noted on Egyptian ID cards, Bahá'í were obliged to choose from one of the three religions recognized by the state: Islam, Christianity or Judaism. While in the past Bahá'í were able to circumvent these restrictions, this had become increasingly difficult by 2004, when the Ministry of Interior's Circular 49/2004 appeared to formalize them as official policy. As a result, many community members who were reluctant to identify with another faith found themselves unable to access official documentation and birth certificates.

The community subsequently launched a judicial process and in April 2006 an Administrative Court upheld their right to register their faith on their identify cards. However, the government suspended the ruling the next month following protests from Al-Azhar and other powerful bodies, and by the end of the year had revoked it altogether. After further appeals, the community was

finally granted the right to identity documentation in 2009, though as their faith is still unrecognized Bahá'í must put a dash instead of their religious affiliation – a situation that maintains their secondary status. Furthermore, this compromise is restricted only to those Bahá'í who had their previous IDs registered as Bahá'í or 'other'. Muslims or Christians who have converted to Bahá'ism, on the other hand, are denied this right.

### Discrimination in marriage and family issues

Bahá'í couples, and by extension their families, are not officially recognized by the Egyptian government. In many cases, spouses with children and grandchildren are still registered as 'single' on their ID cards.<sup>90</sup> The issue lies in the lack of recognition of Bahá'í marriage certificates: while before the 1960s certificates issued by the Spiritual Assemblies were approved by the state, this changed with the dissolution of the assemblies following Decree 263/1960. Furthermore, the conservative interpretation of other legislation, such as Article 5 of Civil Law 143/1994 concerning marriage registration, has reinforced this problem.

As a result of their inability to legally register their marriages, their offspring are also not automatically recognized. While there is usually little trouble registering the religion of the children of two parents whose registered religion is left blank or as a dash, issues arise when one of the parents is not registered as such, and hence the religion of the child to be written on the birth certificate is unclear. Sometimes, the inability to issue birth certificate for their children leads some Bahá'í families to resort to the courts, as their lack of documentation also deprives them of a number of rights including registering for schools and health insurance.<sup>91</sup>

### Non-Sunni Muslims

The predominant school of Islam practiced in Egypt is Sunni. While Egypt also has a number of smaller Muslim groups, including Ahmadis, Quranists and Shi'a, these communities have faced marginalization, discrimination and persecution due to widespread misunderstandings about their faith, with their practitioners frequently cast as threats to national stability and Sunni beliefs. Given the prominent role that powerful religious bodies such as Al-Azhar continue to play in Egyptian society, as well as the strong support they command from many members of the country's security forces and judiciary, non-Sunni Muslim groups still face a range of restrictions in their ability to freely practice and express their faith.

## Shi'a

The exact number of Shi'a is unknown: official data does not disaggregate Muslims by sect and many Shi'a, given the widespread hostility towards their community, choose not to publicize their faith. Informal estimates by media sources, however, suggest a population ranging between 800,000 and 2 million.<sup>92</sup> Oppressed throughout Mubarak's rule, they enjoyed a limited period of relative freedom after 2011, when they managed to form a number of NGOs, before witnessing an upsurge in hate speech and violence during the presidency of Mohamed Morsi.<sup>93</sup>

During this period, networks of informers monitored Shi'a activity and incited against them, cooperating with security forces to harass Shi'a and arrest those who visited holy sites, such as Hussayn mosque. Since 2013, while these groups have become less active, the increasingly repressive actions of state institutions under Sisi has driven further rights violations. Restrictions on religious worship, including the commemorations of Ashura in the al-Hussein mosque, pilgrimages to Iraq or Iran and possession of books containing Shi'a religious teachings, continue to this day. The Shi'a presence in Egypt has long been viewed as a threat by the country's official Islamic religious institutions and this has led to different forms of hate speech against the minority: for example, in 2014 the Grand Mufti stated that the expansion of the Shi'a school in Egypt would 'disturb social order'. The deputy of the Ministry of Endowments even incited viewers to 'kill Shi'a' on a private TV channel. Likewise, in December 2015 Al-Azhar organized a competition entitled 'Shi'a expansion in a Sunni society: its reasons, dangers and how to face it.'

### Current issues

Despite belonging to Islam, the Shi'a community face a range of restrictions including hate speech, religious restrictions and other issues.

### Restrictions on the right to worship

There are currently no Shi'a congregation halls (*husayniyat*) in Egypt.<sup>94</sup> In 2012, a rumor that a husayniyah was formed after the visit of a Lebanese Shi'a cleric was met with strong protests from Egypt's religious establishment. Sheikh Ahmed al-Tayeb of Al-Azhar stated that 'The establishment of sectarian mosques bearing the name of husayniyat, or any other name, except the House of Allah and the mosque reveals a sectarian trend'. The creation of 'any sectarian mosques', he also argued, 'threatens the spiritual and social unity of Egypt and its people.' This view was echoed by a coalition of Islamic

groups who vehemently opposed the formation of any husayniyah. To date, Shi'a are still unable to establish a public place of worship.

In addition, the state has failed to respect the right of Shi'a to practice their religious rituals. The Ministry of Endowments has repeatedly closed the shrine of al-Hussein on Ashura, a holy day when Shi'a commemorate his death: the official justification for its closure is to 'prevent the Shi'a follies that occur on the day of Ashura and what can take place of Shi'a rituals that has no Islamic origin, and the problems that can arise out of it.' Furthermore, those travelling on religious pilgrimages or other trips to Iraq or Iran have often been subjected to security interrogations, including torture. For example, in May 2016 a Shi'a citizen was detained after arriving from Iraq in Cairo airport: he reported that the security in Cairo airport took him to the security headquarters in Alexandria and subjected him to torture.<sup>95</sup>

Furthermore, Shi'a's freedom of expression is heavily restricted as they face the risk of a blasphemy accusation for voicing their religious opinions publically, praying in public or owning books that promote Shi'a thought. In one case a Shi'a, lawyer Rabi Tantawi, was investigated for blasphemy in October 2014 for stating his views on a Shi'a satellite channel.<sup>96</sup>

Another instance where blasphemy charges have been used was the case of Amr Abdalla, a Shi'a activist who was arrested in November 2013 at the Imam Hussein mosque as he attempted to commemorate Ashura and subsequently detained in Gamalia police station, when a blasphemy misdemeanor was filed against him. In February 2014, he received a five-year prison sentence for religious blasphemy. The judge argued that while freedom of belief is constitutionally guaranteed, it is not absolute as it should not lead to ideas, thoughts or beliefs that 'oppose the rules and foundation of religion, revealed law or morals'. The judge in his reasoning stated that the defendant was guilty of 'propagating thought and belief that contravenes that which the overwhelming majority of Egyptians and Egyptian society belong to and believe.'<sup>97</sup>

In the same manner, possession of Shi'a publications has been used to indict Shi'a believers of religious blasphemy. In May 2015, Mahmoud Dahroug, a dentist from the Dakahlia governorate, received a reduced sentence of six months in prison for 'religion blasphemy' for the possession of publications that contained Shi'a doctrines. While a number of violations took place during the arrest and interrogation, he was charged with blasphemy and accused of carrying publications that threatened national security.<sup>98</sup>

Possession of Shi'a books also can be prosecuted under charges of 'violation of public order'. On 18 May 2015, Taher al-Hashimy, a Shi'a cleric, was arrested when State Security raided his apartment in Dokki and confiscated

books and other items. Prosecutors accused Hashimy of running a covert organization to spread Shi'a thoughts, printing books without an ISBN and spreading ideas that violated public order.<sup>99</sup>

## Hate speech, incitement and targeted violence

Hate speech against Shi'a is widespread. Its sources vary from prominent religious institutions, such as the Ministry of Endowment and Al-Azhar, to the country's media. The latter has regularly showcased articles promoting hatred against the community, including accusations that Shi'a are 'traitors' and promoting foreign agendas.

A dangerous development occurred in 2013, when a group by the name of the 'Coalition of Muslims for the Defense of the Companions of the Prophet' formed with the aim of monitoring and suppressing Shi'a activity. In November 2013, its members reportedly attacked Shi'a celebrating Ashura at the Imam Hussein Mosque in Cairo and threatened to attack anyone else who attempted to visit the shrine of Hussein. Rather than defending the community's right to practice their religion freely, police forces arrested a number of Shi'a as a result.<sup>100</sup> In 2015, five members of the Shi'a community were arrested in the same manner.<sup>101</sup> Rather than protecting Shi'a worshippers, security forces have continued to cooperate with groups who actively incite against them: in September 2017, for instance, a leading anti-Shi'a agitator pledged to report Shi'a visiting the Imam Hussein Mosque to security forces to prevent them practicing their rituals.

This is despite the fact that members of the Coalition have engaged in a number of attacks against Shi'a, including an attack on 23 June 2013 against a group of Shi'a practicing a ritual in a private home in Abu Musallim that saw a large crowd, led by Salafist preachers, launch an assault with stones and Molotov cocktails. Police, having attempted unsuccessfully to halt the attack, withdrew and four Shi'a men were subsequently beaten to death while others, including women and children, were injured. In June 2015, convictions were finally handed out to 23 people (10 in absentia) for the deaths, each of whom received 14-year sentences, while eight others were acquitted.<sup>102</sup> However, there has been no prosecution of those who contributed to the incitement against the victims, including the Salafist preachers who had engaged in weeks of hate speech prior to the attack.

## Quranis

Quranis is a name used to denote a small Muslim sect that recognizes the Qur'an as the only authority in Islam.

Though they view themselves as moderate, this group is regarded as heretical by mainstream institutions such as Al-Azhar and as a result the community faces significant hostility. This includes hate speech and incitement by senior Al-Azhar officials who accuse its practitioners of seeking to undermine Islam.

Quranis have been subjected to periodic harassment over the years, including arbitrary arrests, and their situation has remained precarious under Sisi's rule. On 4 July 2015, four Quranist men were arrested in al-Sharqiya in the village of Abu Huraiz, Kafr Saqr Centre. According to the statements of one of those arrested, they were questioned on their relationship to Ahmed Sobhi Mansur, known as the leader of Egyptian Quranis.<sup>103</sup>

## Ahmadis

Ahmadiyya is an Islamic religious sect established in the nineteenth century in India. Its adherents, believed to number thousands in the country,<sup>104</sup> are not a recognized sect and so have not been given the right to build houses of worship. As a result, they have to conduct their prayers in private homes.

Mainstream Islamic institutions have taken a strong stance against the Ahmadiyya community. Daar al-Iftaa, for example, claims that it is 'nothing but a destructive movement and a malicious colonial game' that threatens social stability. Al-Azhar has also rejected that Ahmadis are a legitimate Muslim sect.

## Current issues

### Freedom of Speech and Religion

A crackdown on the Ahmadi community took place in 2010, on the eve of the 2011 Revolution, when a number of Ahmadis were arrested for 'contempt for religion' and undermining national stability for possessing books containing Ahmadi teachings.<sup>105</sup> Similar patterns of harassment have persisted in ensuing years.

In 2018, Al-Azhar University suspended Jamal Mohammed Saeed Abdul Ghani, a professor at the Faculty of the Fundamentals of Religion in Munuffia, on charges of belonging to the Ahmadi sect. This was preceded in December 2017 by the prosecution of a teacher in Fayoum on charges of promoting Ahmadiyya. The case was referred by the Administrative Prosecution Authority (APA) to court (case No. 271 of 2017) as the teacher in question had allegedly published and promoted Ahmadi thought by giving books with its teachings to some of the staff at the school he worked in.<sup>106</sup>

Like other non-Sunni Muslim groups, Ahmadi publications are banned as a threat to public order: if

found, these are confiscated. In January 2018, a court gave a six-month prison sentence and a fine of 200 LE to a man for allegedly possessing Ahmadi publications that ‘put terror in the hearts of people and are doubtful of the pillars of the Islamic religion.’<sup>107</sup>

## Atheists

There are no reliable figures available on the extent of atheism within Egypt, and many are reluctant to publicly identify as such due to the high levels of hostility towards atheists from the government and other groups. Nevertheless, to some extent their presence has become more visible since 2011, with some atheists setting up pages on social media to discuss their views.

In response, conservative forces within Egypt have called for harsher restrictions to be developed against atheism. In December 2017, for instance, a bill was proposed in parliament, with the support of Al-Azhar, to make atheism a punishable offense. While atheists have previously been targeted with charges of blasphemy and contempt for religion, this would represent a significant step in that not believing in God would itself be a criminal offense if the legislation were passed.<sup>108</sup>

## Current issues

### Threats, abuse and harrassment

Atheists have regularly been threatened and attacked on account of their beliefs. Strikingly, a number of incidents have not only involved physical violence at the hands of Egyptian civilians, but also the indifference and even complicity of security forces in the assault of victims. One such case took place in 2014, when residents of Al-Bitash area in Alexandria attacked Ahmed Harkan after he stated his beliefs on television. When he went to the police

to report the incident, he stated that he, his wife and a friend were assaulted by police officers.<sup>109</sup> A similar incident took place in June 2014, when a number of high school students in Damietta governorate attacked a 17-year-old after he expressed his atheist views. When he went to the police station to file a complaint, he was mistreated by police officers and detained for 10 hours.<sup>110</sup>

The media has served as a platform to denigrate and intimidate atheists in recent years, with atheists invited on to talk shows to discuss their beliefs then subjected to insults. In March 2018, for instance, an atheist guest was forced off a television show after being insulted by both the host and another guest, a former deputy sheikh of Al-Azhar, who told him that he needed treatment in a psychiatric facility.<sup>111</sup> In some instances, the appearance of atheists on television has resulted in subsequent attacks against them.

A common pattern is the arrest and prosecution of atheists on charges of blasphemy and insulting religion. For example, Sherif Gaber, an Egyptian atheist, was accused of blasphemy as well as harming public order and national security. He was given a one-year sentence that was suspended on bail of EGP 1,000. The evidence that was brought before the prosecution was video footage in which he expressed his beliefs.<sup>112</sup> Another case is Karim al-Banna, who received a three-year prison sentence but was released on bail before an appellate court confirmed the verdict.<sup>113</sup>

Al-Azhar, as well as the Coptic Church, has regularly made pronouncements condemning atheism. Ahmed al-Tayyib, a sheikh at Al-Azhar, described atheism as ‘the cause of most of the problems that humanity suffers from now’, and in 2014 the Ministry of Endowments launched a national campaign to ‘combat atheism’.

# Ethnic minorities and Indigenous Peoples

For decades, Egypt's policy of 'Arabization' has aggressively promoted a particular nationalism defined by the identity of the Arab majority to the exclusion of the country's ethnic minorities. This includes the Amazigh and Nubian communities, present in Egypt for millennia, whose language, culture and way of life have been steadily eroded as part of a wider climate of assimilation, displacement and denial.

Though the 2014 Constitution still establishes Egypt's identity as primarily Arab and Muslim, it made some significant concessions in acknowledging its wider influences in the very first article: 'Egypt is part of the Arab nation and enhances its integration and unity. It is part of the Muslim world, belongs to the African continent, is proud of its Asian dimension, and contributes to building human civilization.' Yet the Constitution itself does not reference, beyond alluding to 'the residents of Nubia', issues of ethnic identity for its non-Arab minorities.

The Constitution also references the 'diverse civilizational origins' (Article 47) of Egypt's cultural identity and acknowledges, in Article 236, the state's duty to promote participatory and inclusive development in Sinai and Nubia, among other areas – areas with large Bedouin and Nubian populations, respectively, that have long suffered discrimination at the hands of the state. This reflects a history of marginalization and exclusion, manifested in a range of different issues including mass displacement, arbitrary detention and other rights violations. As this section outlines, these issues have not gone away since the passing of the 2014 Constitution and in some cases have even escalated as the demands of increasingly mobilized community activists have been rebuffed by authorities with judicial harassment, collective punishment and violence.

For many, lack of access to justice is a central element in this experience and contributes to their continued marginalization as the police, judiciary and others areas of law enforcement engage in arbitrary or discriminatory ways towards them. While the challenges of their respective situations are distinct, both Bedouin and Nubians have a shared experience of targeting and unfair treatment by Egyptian authorities, leaving them with little recourse to justice in the event of police violence, judicial harassment, displacement and arbitrary detention.

## Bedouin in North Sinai

The vast majority of Egypt's territory is desert, divided mainly between three areas in the East, West and Sinai Peninsula. While most of the Egyptian population has long occupied the valley around the Nile, where access to a sustainable water source has enabled agriculture and other economic activities, the desert areas have for millennia been occupied by Bedouin. Derived from the Arabic word 'bedu', meaning 'inhabitants of the desert', they are the descendants of nomadic groups originating from the Arabian Peninsula and Libya.

Long before the Arab conquest of Egypt, branches of Qahtani tribes, Southern Arabian nomads from the southern region of the Arabian Peninsula, began to settle in the eastern part of the Delta. When the settled population started to absorb these tribes, a fresh contingent moved in to occupy their place. Over the course of generations, Sinai became a favoured spot for tribes to graze and water their herds. Following the Arab conquest of Egypt, it became a province of the Muslim empire, encouraging even more nomads to migrate to the region. Over time these nomadic groups dispersed across Egypt,<sup>114</sup> though today most Bedouin live near borders or other peripheral areas.

Bedouin in the Sinai Peninsula remain strongly tied to their ancestral origins and preserve, to some extent, their nomadic lifestyle and traditions. They are a distinct community and have not been assimilated into the Egyptian population, despite the state's centralizing policies. Each tribe has its own area of influence and they all abide by their unwritten, strictly observed customary law.<sup>115</sup> Sinai itself is divided into two provinces, North Sinai, and South Sinai, with populations of around 460,000 and 105,000 respectively,<sup>116</sup> though by no means all the inhabitants of the Sinai Peninsula are Bedouin or descendants of Bedouin. One source estimates that Bedouin make up around 70 per cent of the total population of North and South Sinai.<sup>117</sup>

The Sinai Peninsula was under the Israeli administration following the 1967 war until 1982, when the Camp David peace accord paved the way for the return of Sinai to Egypt. However, mistrust between the central government and local Bedouin tribes, coupled with the marginalization of Bedouin and the failure of

authorities in Cairo to address the development needs of the local population, led to growing anger in Sinai.<sup>118</sup>

For decades the central government in Cairo promoted the resettlement of inhabitants of Nile Valley provinces in Sinai. Under Mubarak, the Egyptian government established several tourism-related projects to promote development in the region, but these plans notably failed to include the Bedouin themselves. Indeed, efforts by Bedouin communities to obtain title deeds for long-demarcated tribal tracts were rebuffed and Bedouin were routinely denied positions in the army or civil service.<sup>119</sup>

This contributed to the development of an armed movement that between 2004 and 2006 launched a series of violent attacks targeting South Sinai's tourism complexes, resulting in the death of tens of civilians and delivering a major blow to the area's tourism industry.<sup>120</sup> However, Egyptian security forces used these incidents as a pretext to launch a large-scale campaign targeting Bedouin in Arish, North Sinai. Human rights groups subsequently reported allegations of mass arbitrary arrests, torture and ill-treatment of thousands of Bedouin by the Egyptian police.<sup>121</sup> The majority of the Bedouin arrested were not regarded as likely suspects but identified as potential opponents or sympathizers.<sup>122</sup> These violations had a lasting impact in alienating many inmates and their families from the Egyptian government, which came to be regarded as much as an occupying force as Israel. The government's continued failure to deliver on its promises of economic growth in the region strengthened the involvement of some Bedouin groups in informal and sometimes illicit activities, largely cut off from the mainstream economy.

This fostered a sense of separation from the rest of Egypt and an unresolved resentment towards the country's police in particular, evidenced during the 2011 uprisings when security personnel and infrastructure in Sinai were attacked by armed groups. As the Egyptian authorities visibly struggled to re-establish control in a region that had suffered years of restrictions and human rights abuses by security forces, tribal structures revived traditional systems of arbitration based on customary law and reconciliation committees. However, the influx of arms into the region and an increase in clan rivalries saw much of Sinai descend into chaos and violence.<sup>123</sup> In August 2012 fighters attacked a military border post, killing 16 Egyptian soldiers and injuring seven others, before crossing into Israel to target others there: though the perpetrators were never identified, a number of sources suggested that local Bedouin may have been involved. Egypt responded by launching major counter-insurgency operations in Sinai and stepping up measures to destroy the network of underground tunnels linking Sinai with Gaza.<sup>124</sup>

Nevertheless, this armed activity is distinct from the increasingly visible operations of Islamic militants in Sinai, although lack of opportunities, discrimination and a history of human rights abuses at the hands of the central government is likely to have contributed to the recruitment of some disaffected Bedouin. Since the 2000s, armed extremist groups such as Tawhid Wal-Jihad have been operating in the region and in recent years have significantly increased their activities. The intensification of military operations in Sinai since late 2013, following the ouster of former President Morsi, led to a surge in the number of violent attacks: according to one estimate, the number of attacks rose from an average of 2.5 attacks each month in 2012 to 12 attacks every month in 2014.<sup>125</sup> By then, the dominant militant group in Sinai was known as Ansar Bayat al-Maqdis, which at the end of 2014 changed its name to Wilayat Sinai (Sinai Province) after pledging allegiance to the IS.

### Human rights and access to justice since the 2014 Constitution

The development of the 2014 Constitution offered the possibility of a new approach to the situation in Sinai, focusing on justice, reconciliation and equitable development. Indeed, for the first time, Article 236 addressed the lack of development in Sinai and the inclusion of Bedouin in decision-making. As with Nubia and other underdeveloped areas listed in the text, it stipulated a 10-year timeframe for the government to support development in Sinai and ensure the participation of inhabitants, including Bedouin, in these processes and in line with the priorities of local communities. More generally, the Constitution contained a range of provisions affirming the equality of all citizens, prohibitions of all forms of discrimination and guarantees of a right to fair trial for all Egyptians – a particular area of concern for Bedouin given their experience of arbitrary detention, unfair trials and other forms of injustice. Many Bedouin pinned their hopes for a better future on these progressive provisions.

However, since the passing of the Constitution, the Egyptian government has failed to adhere to its obligations and instead reverted to an overwhelmingly militarized approach in its counter-terrorism operations in North Sinai. In practice, the Egyptian government has chosen to disregard its constitutional and international obligations to protect the fundamental rights of Bedouin to access to justice, freedom of movement, land ownership and security in North Sinai. This must be understood in the context of the Bedouin's long history of discrimination, marginalization and mistreatment by Egyptian authorities, their secondary status as citizens within Egypt and a range of rights violations, including

the right to a fair trial, arbitrary detention, compensation for the destruction of property, involuntary displacement and exclusion from development.

## Current issues

Ongoing human rights abuses, while caused in part by the current conflict, cannot be separated from the Bedouin's situation as an excluded minority regarded with suspicion and mistrust by the central government for decades. The most recent violence reflects a more general securitized approach to the Bedouin population in Sinai, with security forces frequently engaged in collective punishment of local communities and a punitive approach that often does not distinguish between civilians and armed groups in the area. This is reinforced by the persistent failure of the state to address the underlying injustices and inequalities that have contributed to Bedouin disaffection in the region.

## Destruction of property and forced displacement

As the conflict between Wilayat Sinai and Egyptian security forces has intensified, the situation of Bedouin communities in the area has steadily deteriorated, due in part to the actions of the Egyptian army around the city of Rafah and the area bordering the Gaza Strip. Between July 2013 and August 2015, security forces demolished at least 3,255 buildings in Rafah including mosques, hospitals, schools and homes, destroyed vast swathes of agricultural land and in the process displaced thousands of mostly Bedouin civilians.<sup>126</sup>

This violence has continued throughout 2018, beginning with the launch in February 2018 of Operation Sinai 2018, a full-scale military operation that aimed to eradicate armed groups in North Sinai. By May, more than 3,000 buildings had been destroyed,<sup>127</sup> resulting in widespread evictions, loss of livelihood and an estimated 420,000 people in North Sinai requiring immediate humanitarian support.<sup>128</sup> There have been no clear signs from the Egyptian government that the forcibly displaced Bedouin will be provided with suitable housing alternatives or adequate compensation. On the contrary, the government has continued to justify this wanton destruction in security terms: in a statement in March 2018, the Ministry of Interior reported that security forces had arrested 210 suspects, searched tens of thousands of residents and raided thousands of homes, shacks and farms, and in the process 'destroyed those that proved to belong to terrorists', as part of their security strategy.<sup>129</sup>

## Extrajudicial killings

Due to the government's almost total extreme restrictions on media access in North Sinai, it is nearly impossible to accurately assess the scale of damage to the local community in this area. This has helped create a climate of impunity for Egyptian armed forces in the region, while exacerbating the vulnerability of local residents. The nature of the conflict was illustrated by the military's use of cluster bombs in the first weeks of the fighting, a form of munitions banned in international law.<sup>130</sup> The use of this indiscriminate weaponry, which poses a high risk of death or injury to civilians and non-combatants, suggests that the protection of communities from the conflict was not a priority for security forces.

Furthermore, while hundreds have been killed in the fighting, including many civilians, evidence has emerged that some of those killed by security officers may have been executed in staged extrajudicial killings<sup>131</sup>. For example, analysis by Amnesty International of a leaked video in April 2017 concluded that the footage showed Egyptian soldiers had conducted seven illegal killings, 'including shooting dead at point blank range an unarmed man and a 17-year-old child.'<sup>132</sup>

The government is not the only actor that has violated the rights of Bedouin in this conflict. Militants have also targeted Bedouin, kidnapping and killing those they accused of cooperating with the military. Indeed, many Bedouin civilians have found themselves caught between the army and extremists in the current conflict, with some targeted by the latter for supposedly providing assistance to security forces. While armed extremist groups have carried out a large number of human rights violations in the region, including the filmed beheading of two elderly Sufi clerics in November 2016 for 'divination',<sup>133</sup> as well as the killing of at least seven Coptic Christians in al-Arish in February 2017,<sup>134</sup> the most egregious incident was the November 2017 attack on a Sufi mosque in Bir al-Abed, a Bedouin village, that left at least 235 dead and wounded 109 others.<sup>135</sup> The victims were mostly Bedouin and included children. The attack was widely condemned, even by other armed groups in the region, and further alienated Wilayat Sinai from local Bedouin.<sup>136</sup>

## Restrictions on movement, access to basic services and other rights

Throughout Operation Sinai, inhabitants of the Sinai region have struggled to access adequate supplies of food, medicine, fuel and other essentials due to government-imposed sanctions and blockages. Egyptian authorities were also accused of cutting telecommunication services for several days at a time and in eastern parts of North Sinai, including Rafah and Sheikh Zuwayed, water and

electricity services were almost completely cut off in the early months of 2018. By destroying hundreds of hectares of farmland, the Egyptian army also violated food security for many families.<sup>137</sup> The Egyptian military has also enforced other restrictions on local residents in North Sinai from the outset, including the closure of schools, universities and telecommunications networks.<sup>138</sup>

Militant groups have also imposed severe restrictions on communities in areas under their control. This includes the creation of Hisba, a religious morality police governed by Sharia law, who enforce various rules on smoking, shaving of beards, the wearing of the niqab and other issues.<sup>139</sup>

### Lack of access to justice

The estrangement of many in Sinai from the Egyptian government has been driven in part by the failure of authorities to deliver justice for hundreds of Bedouin who suffered arbitrary and unfounded allegations during the security crackdown years before. As described earlier, the 2004 bombings by armed groups were used by security forces as a pretext to subject thousands of Bedouin to arbitrary arrest, torture, interrogations and detention without trial. Many appeared to have been targeted simply as potential sympathizers or political opponents and were convicted without access to due process, often in absentia.

The failure to deliver justice, years on, has been a recurrent source of conflict between Bedouin communities and Egyptian authorities. In March 2012, armed tribesmen surrounded the Multinational Force and Observers (MFO) camp at al-Gorah for over a week to pressure the government to release Bedouin imprisoned for the 2004 and 2005 bombings in South Sinai.<sup>140</sup> The Supreme Council of the Armed Forces (SCAF) subsequently dropped the verdicts against defendants in the South Sinai bombings and ordered their re-trial.<sup>141</sup> However, in 2013, the retrial was put on hold as the case was referred to the Supreme Constitutional Court to decide on the constitutionality of prosecuting civilians in State Security Courts.

Bedouin are still demanding a resolution of this issue: in September 2017, tribes from South Sinai demanded that Sisi end these continued injustices and other forms of discrimination against them by dropping the cases and giving more attention to development in Sinai.<sup>142</sup>

### Lack of development and limited livelihood opportunities

While the Egyptian government was building luxurious hotel complexes on the shores of South Sinai - the so-called 'Red Coast Riviera', cordoned off from surrounding Bedouin territories and resented for pushing tribes further into the periphery, away from the coast<sup>143</sup> - the North continued to be starved of investment and employment. This is despite the presence of a variety of valuable mineral resources in North Sinai, including copper, silver and gold.

The Bedouin, however, have been excluded from any benefits and denied employment in the projects the government established in the region: for example, a cement factory operated by the Egyptian army in North Sinai has drawn much of its workforce from Chinese workers brought into the region. This lack of opportunities has forced some Bedouin into other sources of income, including illegal activities such as smuggling. For years, some Bedouin in the northeast of Sinai have made their living from bringing goods, food, supplies and sometimes arms to the trapped people of Gaza through a maze of tunnels dug under the border into the Gaza strip.<sup>144</sup>

Despite the government's promises to deliver economic development to the region, in practice these opportunities have yet to materialize. Some unofficial estimates, for example, have suggested that unemployment levels may be as high as 60 per cent.<sup>145</sup> This predicament has only worsened since military operations have brought widespread devastation to local agriculture. In particular, many farms and olive trees, central to the livelihood and culture of Sinai's Bedouin, have been intentionally destroyed by military forces.

### Siwa's Amazigh community: a culture under threat

Despite being present throughout North Africa, with an ancient culture still practiced today, Egypt's Amazigh community has long been marginalized. Overwhelmingly Sunni Muslim, like the majority of Egyptians, the Amazigh presence in Siwa Oasis is documented by mediaeval Arabic geographers from the 12th century onwards.<sup>146</sup> Indeed, other sources trace their presence back to late antiquity.<sup>147</sup> According to experts, while the genetic composition of Siwans is mixed, culturally and

demographically they are of Amazigh origin since they have closer ties to nearby Libya, where the Amazigh population is much larger, than to Egypt. In addition, the traditional culture of Siwa is shaped by its historic connections with the Maghreb.<sup>148</sup>

For centuries, the inhabitants of the Siwa Oasis lived more or less autonomously, resisting successive attempts to subjugate them. Though the Egyptian state eventually established control over the area, until the latter part of

the twentieth century Siwa remained largely isolated – a situation that contributed to the persistence of its tribal structures and traditional lifestyle. However, the construction of a road connecting Siwa to the nearest town on the north coast, Marsa Matrouh, begun under President Anwar Sadat and completed in the mid-1980s, brought great change to the life of Siwans. While this has helped pave the way for infrastructure and development in the region, it has also brought significant social change to this once remote region.

Today, most of the inhabitants of the Siwa Oasis – estimated at close to 30,000 today – subsist largely on agriculture. The oasis contains hundreds of thousands of date palms, whose fruits are collected and sold, as well as many olive trees and other crops. In addition, the residents of Siwa are renowned craftsmen: they are known for handicrafts such as jewelry, silverwork, embroidered clothing and pottery, with colourful designs and a unique style of dress that reflect the cultural heritage of the Amazigh community. They also manufacture embroidered carpets, decorative plates, traditional Amazigh wedding gowns and musical instruments, which they sell for a living. Some of the inhabitants of the oasis work in the tourism sector or related activities, selling handicrafts in tourist cafes or shops in Siwa. Others work in the transport sector, facilitating travel between oasis landmarks or organizing excursions to remote areas.

It is important to distinguish between Egyptians of Amazigh origins, who are relatively numerous, from the much smaller number of Egyptians who continue to speak the Amazigh language. The indigenous language of Siwans is Siwi, with some 15,000 of the approximately 25,000 residents thought to speak the language.<sup>149</sup> Though passed down from generation to generation, Siwi's long-term survival is now at risk. The 'Endangered Languages Project' now identifies it as vulnerable to extinction and UNESCO's Atlas of the World's Languages in Danger classifies Siwi as 'definitely endangered', since it is no longer learned as a mother tongue by Amazigh children at home.

Several factors have contributed to the steady attrition of Siwi. First of all, the Egyptian government has always promoted an official policy of monolingualism: while Siwi is used everywhere in Siwa, Arabic is the only officially recognized language in Egypt, used in official contexts, in the media and at school, where it is the exclusive language of instruction. No resources are allocated to the formal instruction of Siwi in the curriculum and even within

informal structures there are very few spaces for teaching Siwi. As a result, with the exception of children under school age and some very old residents, almost the entire population of Siwa is bilingual in Siwi and Arabic.<sup>150</sup> On the other hand, the number of those who speak Siwi exclusively is steadily diminishing.

The language has also been weakened by the spread of Arabic across the region, particularly following the completion of the first road connecting Siwa to the city of Marsa Matruh in the 1980s. Over the last four decades, travel and contact with outsiders, most of whom are themselves Arabic speakers, has weakened their use of the Siwi language. At the same time, with the arrival of electricity and television, the community was exposed to an almost exclusively Arabic-speaking media landscape. This, too, has had a significant impact on the use of Siwi. Furthermore, as mixed marriages between Arabic and Siwi speaking communities have increased in recent years, the language passed on to their children is typically Arabic rather than Siwi.

Given the strong dependence of Siwans on oral tradition, the loss of their language could also lead to the erosion of their rich culture, particularly as the Siwan community has limited resources to transcribe it into other forms. According to one prominent Amazigh representative, the main problem is 'the lack of qualified teachers of the Amazigh language in Siwa and Egypt in general. To address this issue, qualified teachers from Algeria, Libya or Morocco will be called initially.'<sup>151</sup>

An important first step to reverse Siwi's decline would be to facilitate its instruction in schools. This will require significant investment to ensure an adequate number of teaching personnel are recruited and trained, as well as educational materials developed, as there is very little available at present to support the learning of Siwi outside the home. The Amazigh respondent also considers that the restoration and reopening of the Siwa City Palace of Culture 'will provide a new space for the preservation of Amazigh culture as well as the teaching of the Siwi language.'<sup>152</sup>

The Egyptian government needs to build on these steps with appropriate curriculum development and teacher training in the Siwi language, with sufficient financial and logistical support to ensure educational facilities are in place to facilitate the teaching of the history, culture and traditions of the Amazigh community. The state should also grant special status to Siwi in the areas where it is still spoken and promote its instruction to younger generations of the Amazigh community.

## Nubians

Nubians are an indigenous people who, for centuries before the advent of Islam, occupied a region of the Nile Valley stretching from the First Cataract in Aswan to the Fifth Cataract north of Khartoum in Sudan. Much of Egypt was conquered by Arab forces during the seventh century, but the signing of the *baqt* – a treaty that remained in place for hundreds of years – between the Caliph and the leader of the Nubian state of Makuria saw it continue as a separate Christian kingdom. Against a backdrop of general decline, beginning in the twelfth century, relations between the kingdom and its neighbour deteriorated and Nubia was eventually subsumed into Egypt. Nevertheless, it maintained its distinctive ethnic, cultural and linguistic identity throughout this period until the rise of the Ottoman Empire and the British occupation of Egypt.

The problems for the Nubian population in the modern era began in 1841 when the Ottoman Caliph issued a *firman* (a royal decree) delineating Egypt's southern border. This was followed by an order from the Interior Minister amending the Egyptian-Sudanese border, on the basis of a bilateral treaty between Egypt and the British, in 1899. A dozen Nubian villages based around Halfa, south of the 22nd Parallel, were thereby cut off and incorporated within the borders of Sudan. The portion that fell within Egypt extended from the village of Adindan in the south to the village of Shallal in the north: the province of Nubia itself, known as the Border Governorate, also had its name changed to the Aswan Governorate. As a result, the arbitrary line imposed by the British colonial authorities cut off the Nubian population on either side. Contact and communication nevertheless continued, despite this notional divide, until the official separation of Egypt from Sudan in the 1950s. Since then, Nubians have existed as liminal citizens between Egyptians and Sudanese, marginalized on both sides of the border.

Throughout the twentieth century, Nubians have faced numerous disasters and displacements, following resolutions by successive Egyptian governments to utilize the Nile floodwaters, hoarding them in dams built along the course of the river. Consequently, Nubians have suffered four waves of forced migration and internal displacement, starting with the construction of the Aswan Low Dam in 1902. This caused the deluge of a number of Nubian villages when its height was first raised in 1912, and others when it was raised again in 1933, ending in 1964 with the construction of the Aswan Dam and the complete displacement of over 40 Nubian villages to other regions. At no point were Nubian communities adequately compensated for the scale of the damage they suffered due to the loss of their native homeland and with it their way of life, culture and ancient civilisation.

Since then, Nubians have been calling on successive Egyptian governments to be resettled in their original territories, especially since the level of Lake Nasser has now stabilized. This runs alongside their demand for Nubian history and traditions to be included, like other local cultures, in the national curriculum and for measures to be taken to prevent the demise of the Nubian language in Egypt.

There are currently no official statistics on the number of Nubians in Egypt as for decades the national censuses has not included any figures on the Nubian population. Though the Egyptian government has not released any official estimates of the population in recent years, community activists believe the government downplays the actual size of the community. Unofficial figures range considerably, with some estimates suggesting the community may exceed 1 million or more.<sup>153</sup>

### Human rights and access to justice since the 2014 Constitution

Since the beginning of the revolution in 2011, there have been many fluctuations with regards to the rights and recognition of Nubians as an unrecognized indigenous community. These typically reflect the changing political climate: while Egyptian politicians frequently attempt to court Nubians during elections or constitutional referendums, once these are over the situation for Nubian rights returns to its former state of inertia.

Furthermore, the recent political upheavals within Egypt have seen the emergence of a new group of young activists working across different sectors of Egyptian civil society. Driven by the desire to secure full rights for Nubians, they have set up a number of legal, social and cultural initiatives which have mobilized support for the recognition of Nubians as indigenous people. At the same time, the Egyptian government has taken an increasingly hostile attitude to this activism.

In 2013, after the military coup ousting the Muslim Brotherhood from power and the suspension of the Constitution, the government decided to form a committee of 50 individuals from Egypt's various sects and denominations to draft a new Constitution. Representing the Nubians in this committee's discussions was the writer Haggag Oddoul, one of the most prominent Nubian activists. As a result of his efforts in that committee, a specific text on the right of resettlement in Nubia was agreed in the form of Article 236, which reads:

*The State shall work on setting and implementing projects to bring back the residents of Nubia to their original territories and develop such territories within 10 years, as regulated by law.*

Likewise, the text criminalizing discrimination in Egypt, on the basis of colour, language or ethnicity, is in Article 53, reads:

*All citizens are equal before the Law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographic affiliation or any other reason.*

*Discrimination and incitement of hatred is a crime punished by Law.*

*The State shall take necessary measures for eliminating all forms of discrimination, and the Law shall regulate creating an independent commission for this purpose.*

At the end of 2014, after the Constitution had been approved, the Transitional Justice Ministry called on Nubian institutions and individuals to meet to agree on a common strategy on how best to implement the resettlement of Nubians in the original sites of their villages. After extensive discussions with community members, an agreement was reached on the draft of the proposed legislation, called the Development Authority and Resettlement of Ancient Nubia Act. However, following the announcement in November 2014 that the draft was completed and ready to be submitted to parliament for approval, the draft was never sent. No official justification was given for the delay, though some media outlets reported that senior government officials had blocked it as a threat to national security.<sup>154</sup> The Cabinet then handed over the final version of the draft bill, and there have been no further developments since.

Subsequently, the office of the President issued a series of resolutions that undermined many of the rights laid out in the new Constitution. These included Presidential Decree 444 (2014), establishing a large area of Nubian territory bordering Sudan as a militarized zone; Presidential Decrees 355 and 498 (2016), together approving the confiscation of some 1,100 acres of land for state-sanctioned construction projects; and the inclusion of the city of Toshka (one of the original Nubian villages) in the executive plan for the 'Million and a Half Acres' Project, opening 168 thousand acres to foreign and local investment. These concessions on Nubian territory were in direct contradiction to the promises enshrined in the new Constitution. Appeals have been lodged against all these resolutions, but at the time of writing they are still pending in the court.

In February 2017, during his trip to Aswan Province for the launch of works by the second Egyptian Youth

Forum, Sisi promised to reconsider the issue of compensation for Nubians and stated that it would not be hard for the state to pay compensation to 150,000 Nubians – a figure that many Nubians considered much lower than their actual population size. This comment caused much resentment since neither Sisi nor his supporting institutions appeared to know how many Nubians there were in Egypt.

On 26 February 2017 Resolution 478 was issued by the Cabinet, calling for the formation of a national committee under the leadership of the Justice Minister to review compensation for the Aswan Dam. The committee would review the position of anyone not compensated previously for the construction of the Dam and its aftermath. Nubians were subsequently asked to present papers of ownership for the old lands, dating from 1902-1964, while the government prepared a range of alternatives to adequate compensation for those displaced during the Aswan Dam construction, as well as the period before. Nubian activists, seeing this an attempt by the government to circumvent the responsibilities enshrined in the 2014 Constitution, refused.

In February 2018, draft legislation on the future development of the Nubian region was presented to parliament. Focusing on the creation of a state body to oversee economic development in Upper Egypt, the law conspicuously failed to include any mention of the Nubian community's displacement or right to return. This was in direct violation of Article 236 of the 2014 Constitution and its emphasis not only on inclusive and participatory development in the region, but also on the need to design specific programmes to aid the resettlement of Nubians in their territory.<sup>155</sup> After just a few months of discussions, despite vocal criticism and walkouts from Nubian activists, the Upper Egypt Development Agency bill was approved in May and passed with minor amendments in June, with no mention of the restoration of Nubians to their ancestral lands.<sup>156</sup> The same month, without providing any clear justification, Egyptian authorities prohibited Nubians for the second year in a row from celebrating International Nubia Day, either in cultural institutions or private spaces.

In 2015, the Border Centre (a human rights organization) and the Association of Nubian Lawyers brought two cases calling for the repeal of Resolution 444 of 2014 on the re-designation of regions adjacent to the Egyptian border. The legal basis was that the Resolution violated Article 236 of the Constitution on Nubian resettlement in their ancient villages. Now in its third year, the appeal is still confined to the State Commissioner's report and there has been no verdict as yet in any of these cases despite the hiatus. On 17 August

2017, the State Commissioners' Authority issued a report on the claims of 2017, recommending the Resolution be repealed and all vestiges removed as it violated the Constitution.<sup>157</sup>

## Current issues

It is clear from recent developments that the current regime's relationship with the rights of Nubians as an indigenous people could become even more repressive. Indeed, the government is increasingly relying on imprisonment and other unfair judicial proceedings to evade their constitutional obligations and silence activists.

## Repression of free expression and human rights activism

The increasingly hostile stance of the state since 2014 towards the right of the Nubian community to return to their territory has encouraged the emergence of a strong and vocal Nubian activist movement. One of the first organized protests took place in February 2016 during the *Natalis Invicti* celebrations at Abu Simbel's Temple, with a demonstration against Resolution 444 of 2014 and its creation of a militarized zone in areas of Nubian territory bordering Sudan. But while the community has organized a series of peaceful protests and demonstrations to advocate for the implementation of Article 236 of the Constitution, the release of detained activists and other demands, Egyptian authorities have responded with increasing repression, including arbitrary arrests, intimidation and even shootings of unarmed demonstrators.

In November 2016, another peaceful protest movement, dubbed the 'Nubian return caravan', was mobilized following the announcement that the 'Million and a Half Acres' Project would include areas of Nubian territory. The Nubian Union announced, along with the youth and women of the Nubian villages, that they opposed this Resolution and called on the villages to move to the sites of the project to send a message to the Egyptian authorities that they should halt the development immediately and respect their constitutional rights to resettle in their ancestral lands.

Though the Union released a statement before the caravan set off, highlighting the peaceful nature of the protest and affirming that it was not intending to violate public order, the caravan was nevertheless intercepted by security forces in the desert between Aswan and Abu Simbel. The protestors were subsequently surrounded by security forces for two days and denied access to food or water before a number of female activists were able to use social media to send out distress calls about their situation. However, some female activists were able to use social

media to send out distress calls and the siege was broken, though activists were not allowed to continue to the project area but instead told to return to Aswan.<sup>158</sup>

Egyptian authorities responded in a similarly brutal fashion to protests elsewhere at this time. On 19 November 2016, when the Nubian Return Caravan was first detained south of Aswan, many residents of the Nubian villages protested against security forces preventing the caravan from completing its journey. The army responded to a group of peaceful demonstrators with violence and opened fire on them with automatic weapons.<sup>159</sup> Three Nubians were shot and taken to a government hospital for treatment.

Following objections raised by a group of Nubian activists against Resolution 498 of 2016, which revoked Nubian ownership rights in the city of Aswan, in January 2017 police forces arrested six activists ahead of a demonstration. They were charged with public gathering, carrying signs and objecting to an executive resolution.<sup>160</sup> They were held for 24 hours and presented to the Public Prosecution, who released them, setting bail at EGP 200. The case was dismissed after three months due to a lack of evidence.

In September 2017, Nubian activists also staged a cultural demonstration against the government's proposed measures and demanding that the draft Resettlement of Nubian Peoples Act be presented to parliament to be passed into law. During these peaceful protests, 24 Nubian activists were arrested using emergency powers and were held in the Shallal military prison for 76 days. Other Nubians were subsequently detained by Egyptian security forces. In October 2017 some of the families of the arrested activists gathered in front of the Aswan court during a session to review whether or not to remand them in custody. While the families were waiting for the judge's decision, police forces dispersed them using tear gas. The majority were women, but police arrested seven younger men at random and charged them with demonstrating and obstructing the highways. They too were thrown in Shallal military prison and held for 30 days before being released on a bail of EGP 5,000.

Security services have also interfered in the activities of Nubian organizations in an attempt to curb their activism. Since the Nubian Return Caravan, the then President of the Nubian Union was subjected to attempts by the security services to remove him from his position. The security forces invited members of the Union's board to visit him in his office and forced them to sign for his removal or face a freeze on all Union activity and the seizure of its assets. The Nubian community, however, refused to be dictated to in this way and the General Assembly of the Union voted for the President to remain in office until the next elections.

## Lack of access to justice

The abuses that Nubians have suffered at the hands of security forces are reinforced by their treatment at other levels of the justice system. Indeed, many victims of arbitrary arrest, violence and other forms of mistreatment by police experience further violations of their rights, including prolonged detention without charge, denial of legal support and unfair trials. There is frequently evidence of collusion between police and public prosecutors, particularly concerning violations committed by security forces against activists.

For example, the disparities in the judicial response to Nubian activists and those accused of crimes against them are striking. This is illustrated by the case of Nubian activist Gamal Sorour, who died in his cell in November 2017 during his arbitrary detention at the Shallal military prison. He had fallen into a diabetic coma as a result of poor health care and a four-hour delay in the arrival of an underequipped ambulance at the prison. Following his death, many members of his family staged peaceful sit-ins to protest the medical neglect that had led to his death. Police forces responded with force, opening fire to disperse the crowds and releasing tear gas. An hour after the demonstration, they arrested 10 people at random in their homes in the villages and charged them with obstructing the highways, destruction of public property and assaulting police officers.<sup>161</sup> They were held for 35 days until they were released with a bail of EGP 10,000. Despite more than a year having passed since the incident, however, the Public Prosecutor has frozen investigations into Sorour's death, due to the involvement of several prison officers and their responsibility for the safety of all who were there at the time.

Since September 2017, Nubian activists facing trial have suffered a range of exceptional measures, in violation of standard judicial procedures. Interrogations of the September 2017 Nubian detainees took place at 6am on an official holiday (Eid al Adha), without the presence of a lawyer or any other form of defence. Moreover, they were conducted inside a military camp, in the presence of the police officers who had produced the malicious reports against them, in total violation of the normal safeguards for a fair trial. The objections of some of the accused at the absence of their defence lawyers were not taken into account, nor was the physical abuse of prisoners by policemen, despite evidence that this had taken place.

At the end of the Public Prosecutor's enquiry, the Nubian detainees were not informed of the decision made against them for a further 48 hours. Furthermore, all of their trials took place in a chamber prepared inside the military camp without a public decree from the Justice Minister authorizing the transfer of the court to such a camp. These are not accepted procedures in Egypt, least of

all for political prisoners. Their case was referred to a special court, an Emergency State Security Court, which allows for no appeals and has its verdicts certified only by the President or someone he designates.

The Panel on Arbitrary Detention issued a report in April 2018 outlining all the violations perpetrated against Nubian detainees and accusing the Egyptian government of arbitrary detention and violation of the rights of the detainees to a fair trial.

The failure of policy and judiciary not only to adequately protect the rights of Nubians, but also to actively perpetrate violations against them, is demonstrated by their handling of the Aswan massacre in April 2014, when at least 25 people were killed following a quarrel between one of the displaced Nubian villages and an Arab tribe called Bani Hilal. Three Nubians were shot and killed on the first day, and as a result of police inaction in arresting the perpetrators the conflict soon escalated. Police forces failed to intervene effectively until the army arrived to break up hostilities.

Besides failing to contain the violence, security forces compiled a list of Nubian activists and local leaders who had met with the Security Director and blamed him for the lack of an adequate police response as the fighting was still ongoing. Once the army and police had taken control, the names of those Nubians who had criticized the Security Director were included in a list of those accused of involvement in the violence. Sadly, the investigating authorities did not review or authenticate the veracity of these charges, and these activists still face the threat of a ruling against them.

Official discrimination against Nubians, while in many cases driven by the current tensions between Nubian activists and Egyptian authorities, is also reinforced by racism. Due to the lack of clear legal provisions criminalizing such violations, it is not possible to assess the extent of these violations. In the recent recommendations made to Egypt by the UN Committee on the Elimination of Racial Discrimination,<sup>162</sup> concerns were expressed over the lack of publicly available statistics on cases of racial discrimination in the country. This stems from an absence of clear legislation to help victims take judicial steps for redress, along with the state's lack of a working definition for racial discrimination and racist crimes.

## Hate speech in the media

Between 2014 and 2018, the Egyptian press has conducted what at times has appeared to be a coordinated attack on the Nubian community, portraying them as secessionists and the activists defending their rights as working in league with foreign interests. Despite Egypt's ratification of the UN Convention on the Elimination of

All Forms of Racial Discrimination, Egyptian governments have failed to issue legislation defining or criminalizing racial discrimination on the grounds of ethnicity, colour or language. This has allowed certain media outlets to continue their attacks with impunity.

A survey of numerous Egyptian media sites from the last four years revealed how press coverage of the community was consistently negative and focused primarily on the trope of secessionist plots. Over time, this coverage has sought to implant the idea of Nubian secession in the Egyptian popular consciousness and to intimidate Nubian activists. Besides continuously sapping energy from the movement, it has also created a context that is reflected in the defensive language activists use when they speak about their rights.

Beginning in late March 2018, the Egyptian press launched a systematic campaign against a group of Nubian activists, accusing them of securing funding from the international community, seeking assistance from the Muslim Brotherhood and threatening the general peace and security of Egypt through their campaign. According to one international researcher on the community, 10 articles targeting human rights activists working on Nubian issues – described by some as ‘Nubian elements’ appeared in different outlets on the same day. This suggested the articles were part of an orchestrated campaign by state authorities.<sup>163</sup>

Furthermore, the spread of racism in Egyptian society can be traced back to the media’s constant portrayal of Nubians as servants, drivers and members of black gangs. These stereotypes exist alongside the media’s tendency to spread hate speech and rumours about the supposed desire among Nubians for secession from Egypt and the establishment of an independent state.<sup>164</sup>

In June 2018, parliament passed new legislation on media and the press, Law 180 of 2018, outlining a range of provisions for media outlets and social media users, including prohibitions on ‘content that incites hatred, discrimination or violence’ (Article 19). However, critics of the legislation have argued that it will be used to intensify the government’s crackdown on free expression and political opposition.<sup>165</sup> Based on the broader political climate for Nubians and other minorities, as well as the strong level of control exerted over much of the country’s media by state authorities, it is unlikely that these provisions will be applied progressively to protect Nubian rights.

## Discrimination on the basis of cultural identity

Nubian society is characterized by a rich heritage of language, poetry and music. Its songs are distinguished by their unique melodies and the swaying movements of its

performers, while its distinct clothing, jewellery and architecture are still in evidence among the displaced Nubian villages of the Aswan. Yet this culture, developed over the course of Nubians’ long history in the region, does not feature in the Egyptian curriculum and has little presence in public platforms elsewhere.

Despite Egypt being characterized by the diversity of its local cultures, with the presence of ethnic communities such as Nubians and Amazigh with their distinct cultural identities, the Egyptian Constitution and the earlier governance systems that preceded it have repeatedly elevated Arab culture and language while sidelining altogether those of its non-Arab minorities. This is one reason why the proposal by Haggag Oddoul to make Nubian a second language during the drafting of the 2014 Constitution was rejected, with many regarding it as a sign of secessionism. This has not been the only obstruction of Nubian cultural expression. Indeed, while the state routinely permits all Arab celebrations within Egypt, it forbids Nubians from observing their own specific celebrations. For the second year in a row and for no clear reason, the authorities have refused to allow Nubians to hold festivities on International Nubia Day (7 July, when the community honours their heritage, culture and history) inside government cultural institutions.

Every year, on International Nubia Day, known in Nubian as *klouda*, Nubians across the world join together in the celebration of their unique identity through festivities, ceremonies and other activities. Taking place on 7 July – a date chosen due to the sacredness of seven in Nubian tradition - it serves to honour the distinct character of the Nubian community and draw attention to the series of events that led to their current predicament.

In the past, the Egyptian authorities did not object to this celebration and even supported it as an example of the diversity of native Egyptian culture. However, in 2017, when Nubian societies and private individuals were making arrangements for the day and approaching the cultural institutions in Aswan, Cairo and Alexandria, all their requests were denied. In Aswan, the Nubian Museum (created by the foreign governments that helped to save relics of Nubian culture) refused on the basis that the museum could not provide adequate security for festivities, though the museum’s administration agreed to hold other celebrations there three months later. The Opera House in Cairo and Alexandria also declined for similar reasons.

For the second year in a row, in 2018 Egyptian authorities directly refused to hold any celebrations for International Nubia Day within their cultural institutions. To make matters worse, they even cancelled a private ceremony in Alexandria and a symposium at the headquarters of the Nubian General Union in Aswan.

This crackdown is seen by many within the community as an attempt by Egyptian authorities to pressure the Nubian community into giving up all their rights claims, including the right to return to their ancestral lands enshrined in the 2013 Constitution. However, the Nubian community has pushed back, challenging this unlawful assault on their freedoms. In 2017, for instance, some

activists insisted on holding festivities for International Nubia Day at a Nubian touristic hotel. They thereby indicated that they would not stop celebrating this day, despite rejections on the basis of security. In 2018, a complaint was filed against the Egyptian government with the UNESCO Fund for Cultural Diversity for not allowing Nubians to celebrate cultural occasions.

# Conclusion and Recommendations

As this report demonstrates, the Egyptian government has failed to deliver on the promise of the 2011 revolution and many of the more progressive provisions subsequently enshrined in the 2014 Constitution. This text, while perpetuating many of the most problematic aspects of its predecessors, including the restriction of religious freedoms to the ‘heavenly’ religions, nevertheless signaled a range of improvements for Egyptians in general, including minorities, from the resettlement of Nubians after decades of displacement to participatory development in Sinai. More broadly, it established the principles of equality, justice and other fundamental freedoms, including the right to fair trial, to all citizens regardless of background. In a country where the justice system itself had long been complicit in the abuse of minority rights, this offered the possibility of transformative change for Egypt and its move towards a more inclusive, diverse society.

Since then, however, the actions of the current government have evidenced many of the same patterns of discrimination and exclusion towards its minority populations. While Egypt’s Christians still face barriers to church construction, communal violence and unfair informal reconciliation proceedings that frequently result in the displacement of community members from their homes, other minorities such as Bahá’í and non-Sunni Muslim groups including Shi’a, Ahmadis and Quranists continue to be unrecognized, posing significant difficulties not only to their right to worship but also undermining their ability to marry legally or register the births of their children.

At the same time, the government has reversed its progress on the issue of Nubian rights, halting the development of legislation to facilitate the resettlement of the community in their ancestral territory and instead opening swathes of their land up to external development. Meanwhile, Bedouin communities in the embattled province of North Sinai, who make up the majority of the province’s residents, face mass displacement, widespread violence and a growing humanitarian crisis, with little in the way of government protection, compensation or emergency support.

At the heart of these different issues is access to justice and the difficulties that members of minority communities in particular experience in securing the protection of

police and the judiciary, respect and recognition from the Egyptian government and the ability to participate freely in Egyptian society – its politics, its development, its culture. If Egypt is to realize its full potential as a modern, cosmopolitan democracy, it must first take meaningful action to resolve these problems. A more equitable and inclusive approach to the country’s governance would bring immeasurable benefits not only to its most marginalized communities, but to all Egyptians.

## Recommendations

### To the government of Egypt:

#### *General*

- **Amend the 2014 Constitution to recognize the rights of persons belonging to all communities as full and equal citizens**, including the right to identity, language, religion, culture and to form their own associations.
- **Remove all discriminatory provisions in the Constitution, including the restriction of legal recognition to the ‘heavenly religions’, to ensure full legal equality for all religions and beliefs without exception.** The provision of the principles of Islamic Sharia in Article 2 as the main source of legislation should also be removed, and a civic code for personal status affairs established.
- **Repeal the current law on blasphemy and establish in its place legislation prohibiting hate speech and incitement**, as defined in international law. While members of religious minorities have frequently been prosecuted for actions that fall within their rights to free expression and freedom of religion or belief, including alleged proselytization, there are currently inadequate provisions in place to protect them from hate speech, including attacks by senior officials and religious leaders.

- **Issue a law banning discrimination, in line with Article 53 of the Egyptian Constitution.** This legislation should comply with international standards, ensuring that any barriers to the full enjoyment of all rights are effectively identified and penalized.
- **Develop the necessary legislative framework to form an anti-discrimination commission,** as outlined in Article 53 of the Constitution. This should include effective mechanisms for reporting discrimination in the state administration as well as the private sector, with adequate protections in place to ensure the security of witnesses and victims.
- **Raise awareness among police and judicial officials of minority specific issues, including training on how to ensure members of marginalized communities can access justice.** At the same time, law enforcement agencies should refrain from obstructing their ability to secure legal protection and redress through the application of unfair or partial extrajudicial proceedings that violate these fundamental rights.
- **Prioritize the protection of victims of communal violence or unfair informal proceedings that result in arson, displacement and other rights violations.** Security forces should act immediately to ensure the protection of those targeted and prevent any further attacks. For members of minorities forced to leave their villages following attacks against their communities, authorities should work to ensure their safe return to their homes while providing access to adequate housing in the interim.
- **Respect the right of minorities to practice their own language and culture freely and without interference.** In particular, the state should refrain from prohibiting religious ceremonies, cultural celebrations and other peaceful activities as threats to national stability. At the same time, authorities should develop legislation recognizing the right of communities to learn, teach, practice and speak minority languages in public.
- **Respond effectively to rights violations targeting minority communities in particular, including abduction and forced conversion.** Security forces should identify and investigate the disappearance of Christian and other minority girls and women, as well as undertake a full and independent examination of their reported conversion to Islam if there is evidence that it may have been undertaken through coercion or without their full consent.
- **Regulate reconciliation sessions between Christian and Muslim communities to ensure all processes are fair, transparent and impartial, consistent with alternative dispute resolution (ADR) best practices.** These should conform with accepted legal and human rights standards, ensuring the autonomy of the arbitrators, the consent of all parties and impartial oversight by higher judicial bodies. Any outcome should be agreed by all groups and prioritize the rights of the victims themselves, not the impunity of the perpetrators. Reconciliation sessions should not be used to reach informal agreements in instances where serious crimes such as murder or communal violence against Christians have taken place.
- **Acknowledge the contribution of Egypt's Jewish minority to the country's history and identity.** While its numbers have dwindled, the Jewish community has for centuries played an important role in Egyptian society. Recent efforts by conservative elements in Egyptian society to minimize or disregard its Jewish heritage, reflecting a narrow outlook that defines its nationalism in exclusive Arab and Sunni Muslim terms, should be countered by the protection of the community's rich architectural legacy and its remaining members.

#### *Recognized religions*

- **Repeal the 2016 church building law and replace it with a unified legal framework for all places of worship.** This should establish a single set of procedures and guidelines for the construction and renovation of all religious buildings, so that churches and mosques are governed by the same regulation. In the meantime, in line with existing legislation, security forces should not close unregistered places of worship even with the stated aim of maintaining 'stability'.

#### *Unrecognized religions*

- **Guarantee the full rights of all religious communities, including those not currently recognized in Egyptian law.** This should include, as well as their right to establish places of worship and practice their faith freely, the protection of their civil rights in other areas. Officials should therefore refrain from imposing any regulations around religious identification that may jeopardize access to identification documents, marriage registration and birth certificates. The judiciary should also refrain from requesting the views of Al-Azhar, an institution representing Sunni Islam, on religious books that belong to Ahmadis, Shi'a and other minority faiths.

- **Penalize hate speech and incitement to violence against religious minorities by government representatives, religious leaders and media outlets.** The vilification of Shi'a and other unrecognized groups in official statements, news stories and other public platforms not only contributes to their continued exclusion, but has also at times led to violent attacks against members of these communities.
- **Halt all media campaigns against the Nubian community, especially activists, and open investigations into the repeated use of hate speech in government newspapers against the Nubian population.** This includes inflammatory accusations of secessionist conspiracies and threats to national stability that have been made repeatedly, without substance, against community leaders and peaceful protestors.

#### *Nubians*

- **Desist immediately from the intimidation and detention of peaceful Nubian activists.** Authorities should end the use of coercive measures against non-violent demonstrations, including indiscriminate arrests and the forced dispersal of legal protests, and drop charges against those facing unfair and arbitrary accusations of undermining national stability. The government should also consider reopening investigations into the death in detention of activist Gamal Sorour due to medical neglect, and hold to account all those responsible.
- **Support the resettlement of the Nubian population in their ancestral territory, in line with Article 236 of the Constitution, through the development of a legal framework to recognize the community's land rights and enable their return.** At the same time, the government should immediately halt all development and investment activities in the region until their resettlement has been completed, with any future agreements designed and led by the Nubian community themselves.
- **Recognize and respect the cultural and linguistic rights of the Nubian population, allowing them to practise their language and traditions freely in a manner that ensures their long-term preservation.** Authorities should cease from all forms of culturally discriminatory practices against the community, including the repeated prohibition of celebrations of International Nubia Day.
- **Issue legislation addressing the specific challenges of racism, providing clear recognition and penalization of racial discrimination on the basis of colour, ethnicity or language.** This should govern not only the actions of officials, religious figures and other high-level actors but also local service providers, employers and other Egyptians.

#### *Bedouin in North Sinai*

- **Prioritize the protection of residents of North Sinai, including Bedouin, during military operations.** In particular, any efforts to combat terrorism in the region should avoid the use of excessive force, banned weaponry such as cluster bombs and other strategies, such as mass displacement, arbitrary destruction of homes and blockades, that endanger the lives of non-combatants.
- **Open full investigations into all allegations of official abuse, including arbitrary arrests, torture and extrajudicial killings involving security forces.** The government is responsible for ensuring that human rights standards are maintained during the conflict, and a central element in ensuring the long-term stability of the region is to uphold the rule of law throughout North Sinai. This, however, will require not only addressing ongoing human rights violations but also historic injustices around the unfair and arbitrary arrest and conviction of hundreds of Bedouin during previous security crackdowns, many of whom have yet to receive a fair and impartial hearing.
- **Take concrete steps to address the underlying issues of injustice, marginalization and lack of development opportunities in the region.** The protracted history of discrimination experienced by Bedouin communities in the area requires an inclusive and wide ranging government strategy, extending beyond the heavy handed military repression that has characterized the government's response to date, to resolve a range of grievances, including poverty, lack of participation, human rights abuses and limited access to justice. The government should also respect the commitment in the 2014 Constitution to support participatory and inclusive development in the region.

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## Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014

Egypt's religious diversity, encompassing Christian, Jewish and Bahá'í communities as well as a range of Muslim groups such as Shi'a, Ahmadis and Quranists, is matched by the rich history of its many ethnic groups, including Amazigh, Bedouin and Nubians, indigenous in the region for centuries. Their contribution to the country's cultural life, however, has been largely sidelined by a long process of discrimination that has explicitly elevated the identity of the Arab and Sunni Muslim majority at the expense of its minorities.

After decades of authoritarian rule and the political upheaval that followed the 2011 uprising, many hoped that the drafting of Egypt's 2014 Constitution represented a milestone for the country and the prospect of a more secure future for all its citizens, regardless of faith, ethnicity or gender. However, these hopes remain unfulfilled, with little improvement in the situation of the country's minorities, including their access to justice. This

report, *Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014*, examines how the legacy of this discrimination continues to this day and the specific issues that different communities have experienced since the passing of the country's 2014 Constitution.

Since 2014, the government of President Abdel Fattah el-Sisi has overseen an increasingly repressive crackdown on domestic political opposition, including arbitrary detention, torture and deaths in custody. While affecting all Egyptians, the plight of the country's minorities brings these issues into sharp relief and illustrates the broader reforms that need to take place before the promise of equality, security and freedom for all can be realized. While there is widespread recognition of the danger that extremist groups pose to minorities, the failure of the state to prioritize their protection and even its targeting of these communities themselves is a central driver of the discrimination and violence they experience to this day.

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