

**TESTIMONY BEFORE THE
TOM LANTOS COMMISSION ON HUMAN RIGHTS**

ON

HUMAN RIGHTS IN EGYPT

BY

ROBERT P. GEORGE

CHAIRMAN

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

NOVEMBER 3, 2015

I want to thank the Members of the Tom Lantos Human Rights Commission for holding this hearing on “Human Rights in Egypt” and inviting me to testify today on behalf of the U.S. Commission on International Religious Freedom (USCIRF). In my testimony today, I will focus primarily on the state of freedom of religion or belief in Egypt over approximately the past year, and highlight some of USCIRF’s recommendations for U.S. policy. As my testimony will underscore, the situation has become somewhat complex due to several recent developments and factors.

Since the overthrow of former Egyptian president Hosni Mubarak in February 2011, Egypt has experienced both progress and significant setbacks during its political transition. Between 2011-2013, under the leadership of the Supreme Council of Armed Forces (SCAF) and President Mohamed Morsi, conditions for religious freedom deteriorated dramatically. Following the military’s ouster in July 2013 of Morsi, the first democratically-elected president in Egyptian modern history, Egypt has continued to experience much volatility and turmoil. Led by then-General Abdel Fattah Sisi, an interim government began implementing a roadmap in late 2013 that would amend the constitution and hold presidential and parliamentary elections. In January 2014, a new constitution was approved overwhelmingly by referendum, and in May 2014, Sisi was elected president. Parliamentary elections finally are underway and are expected to conclude next month. Some of the religious freedom provisions in the constitution that are an improvement over the 2012 constitution cannot be implemented until a new parliament is seated.

During this same period of time, the government’s efforts to combat extremism and terrorism have had a dramatically chilling impact on human rights and civil society activities in the country. Among the consequences have been severe limits on dissent and criticism of the government, resulting in a poor human rights situation overall. Despite some political and other dissidents being released from prison this year, sympathizers and members of the Muslim Brotherhood, journalists, and opposition figures have been harassed, jailed, and given harsh prison terms, including death sentences for Brotherhood members and other Islamists, sometimes on legitimate, but also on unfounded, security charges. Conditions for Coptic Orthodox Christians remain precarious, as most perpetrators of recent attacks have not been convicted, or even tried, including from the large-scale incidents that occurred between 2011 and 2013, such as the October 2011 Maspero massacre where more than two dozen Copts and Muslims were killed. Small communities of Baha’is and Jehovah’s Witnesses remain banned and anti-Semitism persists in state-controlled and semi-official media.

Positive Developments and Ongoing Challenges for Religious Freedom

Perhaps the most encouraging trend over the past two years has been the notable decrease in the number and scale of targeted, sectarian attacks against Copts. Since the horrific, violent assault on Copts and their churches and properties in August 2013, the number of attacks has decreased significantly, despite some sporadic incidents, particularly in Upper Egypt, and backlash from violent Islamists. Since he assumed office in June 2014, President Sisi has made several noteworthy public statements and gestures encouraging religious tolerance and moderation, an important shift in tone and rhetoric from his predecessors. In particular, President Sisi delivered a speech earlier this year to senior Muslim religious authorities at Al-Azhar University calling for a “religious revolution” and urging reform of conservative religious discourse in society. He also

was the first head of state to attend a Coptic Christmas Eve mass and offered condolences in person to Coptic Pope Tawadros after ISIL (Islamic State in the Levant) killed 20 Copts and one Ghanaian in Libya. Just last month, as decreed by President Sisi earlier this year, Egyptian authorities started building a new church to honor those Copts. President Sisi also has urged the reform of religious curricula and textbooks. Subsequently, the Ministry of Education in March announced that it had decided to remove passages from primary school textbooks that were deemed to promote incitement and extremism, and started to implement this decision over the past several months. Reforms also are reported to include religious curricula at Al-Azhar.

Despite these positive developments, most of the discriminatory and repressive laws and policies that restrict freedom of thought, conscience, and religion or belief remain in place. Egyptian courts continue to prosecute, convict, and imprison Egyptian citizens for blasphemy, and new government initiatives have emerged over the past year that are designed to counter atheism, Shi'a Islam, and the Baha'i faith. While the 2014 constitution includes improvements regarding freedom of religion or belief, how these relevant provisions are interpreted and implemented remain to be seen, primarily due to the lack of an elected parliament.

Based on these and other concerns, USCIRF recommended in April 2015 that Egypt be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), a recommendation USCIRF has made since 2011. USCIRF will continue to monitor the situation closely to determine if developments warrant a change in Egypt's status in our 2016 recommendations.

Religious Freedom Conditions 2014-2015

Government Control of Islamic Institutions

During President Sisi's tenure, the government has increased its control over all Muslim religious institutions, including mosques and religious endowments. Egyptian officials have justified this increase in control as necessary to counter extremism and terrorism. In February 2015, an administrative court upheld a 2013 decree by the Ministry of Religious Endowments that prevents imams who are not graduates of Al-Azhar from preaching in licensed and unlicensed mosques. The ruling, which resulted in thousands of small mosques being closed, bans unlicensed mosques from holding Friday prayers and requires Friday sermons to follow government "talking points." The government also appoints and pays the salaries of all Sunni Muslim imams and monitors sermons.

Coptic Christians, Violence, and Continued Impunity

In January 2015, President Sisi became the first Egyptian head of state to attend a Coptic Christmas Eve mass at the St. Mark's Coptic Orthodox Cathedral in Cairo. He met in February with, and offered condolences to, Coptic Pope Tawadros at the cathedral after ISIL killed 20 Copts in Libya and declared a national week of mourning. While the Coptic community generally welcomed these and other symbolic gestures, repressive laws and discriminatory policies against Copts remain in place, including blasphemy charges and convictions, limits on building and maintaining churches, limits on conversion from Islam, and inadequate accountability for violent attacks.

Over the past year, the number and severity of violent incidents targeting Copts and their property have decreased significantly. However, sporadic violence has continued, particularly in Upper Egypt. For example, in late June, at the time of the two year anniversary of the overthrow of former president Morsi, a number of Christian homes and properties were attacked and a mob firebombed a church in Alexandria in July, with the authorities responding slowly. In March, local police failed to prevent a mob attack on a Coptic church in the al-Our village, the hometown of 13 of the 20 Copts killed in Libya. The mob vowed they would not allow the new church to be built and damaged several Coptic homes and businesses in the area.

Because Egyptian security services increased protection of churches during significant religious holidays, the level of fear and insecurity among members of the Coptic community decreased in some parts of the country. Following the unprecedented violence in the summer of 2013, including against Coptic churches and their property, the Egyptian government formed a fact-finding commission to investigate the attacks and pledged to hold accountable those responsible for the violence and rebuild the dozens of destroyed churches. In November 2014, the Egyptian government released an executive summary of the commission's report. The report found that 29 people died in sectarian-related killings, without any specific details surrounding the deaths, and that 52 churches were completely destroyed, another 12 damaged, and numerous Christian-owned properties destroyed. According to various other reports, at least half of the destroyed churches and Christian properties were in the process of being repaired or rebuilt.

There also has been some progress on the accountability for the destruction of and damage to Christian churches and properties in the summer of 2013. In December 2014, some 40 perpetrators who were found responsible for attacks on five churches in Assiut, Upper Egypt, were sentenced to prison terms ranging from one to 15 years. In April 2015, an Egyptian court convicted and sentenced approximately 70 individuals to life in prison for their role in burning a church in the village of Kafr Hakim just outside Cairo.

Other cases are ongoing, and perpetrators have yet to be brought to justice. In still other cases, police have not conducted adequate investigations, sometimes due to fear of retribution by violent extremists. The inability to protect Copts and other religious minorities, and successfully prosecute those responsible for violence, has continued to foster an atmosphere of impunity.

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

Other Concerns for Christians

Following the August 2013 church attacks, the number of incidents of kidnappings for ransom and extortion of Christians rose dramatically. While these incidents have decreased over the past year, they continue in parts of the country, particularly in Upper Egypt.

For all Christian groups, government permission is required to build a new church or repair an existing one, and the approval process continues to be time-consuming and inflexible. Egyptian-born Muslims who have converted to Christianity cannot reflect their change of religious affiliation on identity documents, and in many cases, these converts also face intense social hostility. Bishoy Armia, previously known as Mohamed Hegazy, a Christian convert who was among the first to legally change his religion from Islam to Christianity, was sentenced in June 2014 to five years in prison for working as a journalist and reporting on anti-Christian activities in Minya, Upper Egypt. In July, he also was charged with “insulting Islam,” charges that had been filed against him in 2009. In December 2014, an appeals court dropped some of the charges. However, Armia remains in prison on the blasphemy charge. In past cases in which converts have sued for the right to reflect their new religious affiliation on ID cards, Egyptian courts have ruled that Muslims are forbidden from converting from Islam based on principles of Islamic law because conversion would constitute a disparagement of the official state religion and entice other Muslims to convert.

Regarding re-converts to Christianity, there remain systemic problems for those individuals who converted to Islam and decided to convert back to Christianity to have this change reflected on identity documents. Despite a July 2011 law making it easier to reflect one’s religion on ID cards—and not having to declare “formerly Muslim”—it still is difficult in practice for these individuals to obtain identity cards.

Blasphemy Law and Limits on Religious Expression

Article 98(f) of the Egyptian Penal Code prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” Authorities use this “contempt-of-religion,” or blasphemy, law to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities allegedly jeopardize “communal harmony” or insult Judaism, Christianity, or Islam. In January 2015, President Sisi issued a decree that permits the government to ban any foreign publications it deems offensive to religion.

Blasphemy cases have increased since 2011, and this trend continues today. While the majority of charges are leveled against Sunni Muslims, most of those sentenced by a court to prison terms for blasphemy have been Christians, Shi’a Muslims, and atheists, largely based on flawed trials. According to reports, there have been at least 17 new blasphemy cases since the beginning of 2015.

For example, an Egyptian man in August 2015 was arrested for distributing bibles in a mall in Cairo and subsequently charged with blasphemy. In May, a dentist from the Daqahlia governorate was sentenced to six months in prison for both practicing Shi’a Islam and contempt-of-religion, partly because authorities found Shi’a books and materials in his home. That same month, a well-known television show host, Islam El-Beheiry, was convicted of blasphemy and sentenced to five years in prison for comments he made about Islam on his program. His sentence was upheld on

appeal last month. Also in May, four Coptic Christian teenagers and their teacher were arrested and charged with blasphemy for making a social media video mocking ISIL.

In May, Michael Mounir Bishay was sentenced to a year in prison for publishing in November 2014 a YouTube video on Facebook that reportedly offended his neighbors. In June 2014, separate courts in Luxor imposed blasphemy sentences of up to six years in prison on four individuals, including Coptic Christian Kirollos Shawqi Atallah, who was sentenced to six years for posting photos on a Facebook page deemed defamatory to Islam. In February 2014, a court sentenced Amr Abdullah, an Egyptian Shi'a, to five years in prison with labor on charges of blasphemy and defaming the Prophet Mohammed's companions for attempting to observe the Shi'a Ashura holiday at the al-Hussein mosque in Cairo.

Egyptian atheists have seen a rise in blasphemy charges in recent years, as well as growing societal harassment amidst various Egyptian government campaigns to counter atheism. In December 2014, Dar al-Ifta, a Justice Ministry entity that issues religious edicts, published a survey claiming that Egypt was home to 866 atheists, supposedly the "highest number" of any country in the Middle East. Two officials from the office of the Grand Mufti – who heads Dar al-Ifta – publicly called this finding a "dangerous development." In June 2014, the Ministries of Religious Endowments and Sports and Youth initiated a national campaign to combat the spread of atheism among Egyptian youth. In 2014, a Ministry of Interior official publicly stated that a special police task force had been formed to arrest a group of Alexandria-based atheists who expressed their beliefs on Facebook and other social media platforms. In February 2015, a university student from Ismailia, Sherif Gaber, was sentenced to one year in prison for discussing his atheist views on Facebook. In January 2015, Egyptian atheist student Karim Al-Banna was given a three-year prison sentence for blasphemy because a court found some of his Facebook posts to "belittle the divine." His sentence was upheld in March. In March 2014, an Egyptian court upheld a three-year prison sentence on "contempt-of-religion" charges for Egyptian author Karam Saber for publishing a book questioning the existence of God.

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

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

Baha'is and Jehovah's Witnesses have been banned since 1960 by presidential decrees. As a result, Baha'is living in Egypt cannot meet or engage in public religious activities. Al-Azhar's Islamic Research Center has issued *fatwas* over the years urging the continued ban on the Baha'i community and condemning its members as apostates. In December 2014, the Ministry of Religious Endowments held a public workshop to raise awareness about the "growing dangers" of the spread of the Baha'i Faith in Egypt. Since Baha'i marriage is not recognized, married Baha'is cannot obtain identity cards, making it impossible for them to conduct daily transactions like banking, registering for school, or owning a car. Other Baha'is can obtain identity cards only if they put a dash "--" in the required religion section since the only options are Islam, Christianity, or Judaism. More recently, the Baha'i community reportedly has been able to conduct some private religious activities without interference by authorities.

In recent years, the government has permitted Jehovah's Witnesses to meet in private homes in groups of fewer than 30 people, despite the community's request to meet in larger numbers. Jehovah's Witnesses are not allowed to have their own places of worship or import Bibles and other religious literature. Over the past year, security officials continued to harass and intimidate Jehovah's Witnesses by monitoring their activities and communications and threatening the community with intensified repression if it does not provide membership lists.

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

Anti-Semitism and the Jewish Community

Egyptian authorities have failed to take adequate steps to combat anti-Semitism in the state-controlled and semi-official media as material vilifying Jews with both historical and new anti-Semitic stereotypes continue to appear. This material includes anti-Semitic cartoons, images of Jews and Jewish symbols demonizing Israel or Zionism, comparisons of Israeli leaders to Hitler and the Nazis, and Holocaust denial literature. Egypt's once-thriving Jewish community of tens of thousands in the mid-20th century is now only a small remnant consisting of fewer than 20 people. The community owns communal property and finances required maintenance largely through private donations.

Egypt's Constitution

There are some encouraging changes in the January 2014 constitution that could bode well for religious freedom. Several problematic provisions from the 2012 constitution were removed: a provision that narrowly defined Islamic Shari'ah law; a provision potentially giving Al-Azhar a consultative role in reviewing legislation; and a provision that effectively bans blasphemy. In addition, a new provision, Article 235, requires the incoming parliament to pass a law governing the building and renovating of churches. This provision potentially would lift the longstanding requirement of governmental approval for building or repairing churches. This requirement has been used to justify sectarian-related violence targeting Christians. The new constitution also mandates the establishment of an anti-discrimination body tasked with eliminating all forms of discrimination, including on the basis of religion or belief. While Article 64 provides that "freedom of belief is absolute," as is the case in the 2012 constitution, this article limits the freedom to practice religious rituals and establish places of worship to only the "divine" religions: Islam, Christianity, and Judaism.

U.S. Policy

For many years, U.S. policy toward Egypt has focused on fostering strong bilateral relations, continuing security and military cooperation, maintaining regional stability, and sustaining the 1979 Camp David peace accords. Successive administrations have viewed Egypt as a key ally in the region. Egypt is among the top five recipients in the world of U.S. aid. The FY2015

Consolidated Appropriations Act provides Egypt with \$1.3 billion in foreign military financing (FMF) and \$150 million in economic support funds (ESF), the lowest level in more than three decades. Since President Sisi was elected, the Obama Administration publicly has urged the Egyptian government to make progress on economic and political reforms, including on human rights concerns, although less so on specific religious freedom issues than it did in the three years following the January 25, 2011 revolution.

Public Law 113-235, the FY2015 Consolidated Appropriations Act, places conditions on U.S. assistance to Egypt related to limits on human rights, including religious freedom. Specifically, it requires the Secretary of State to certify that Egypt has taken steps to advance the democratic process, protect free speech, and protect the rights of women and religious minorities, among other measures. However, the Act also authorizes the Secretary to provide assistance to Egypt if he or she determines that the assistance is important to the national security interests of the United States. On March 31, 2015 the U.S. government announced that it would continue foreign military financing and economic support funds to Egypt, although the United States would no longer allow Egypt to purchase military equipment on credit and will earmark future aid for specific activities related to U.S. counterterrorism goals. On May 12, Secretary of State Kerry certified in a public report to Congress that the resumption of aid to Egypt was in the national security interest of the United States. Despite the certification, the report concluded that the overall trajectory for human rights and democracy in Egypt was negative. In addition, the report found that the Egyptian government “had taken steps to advance to protect and advance the rights of religious minorities,” although these protections were limited to followers of Islam, Christianity, and Judaism.

According to the State Department, officials at all levels of the U.S. government continue to raise a range of religious freedom concerns with Egyptian counterparts. When President Obama met with President Sisi last year on the sidelines of the UN General Assembly, President Obama raised some human rights concerns, although it was unclear if any religious freedom issues were discussed. Despite USCIRF recommending since 2011 that Egypt should be designated a “country of particular concern,” the State Department has not taken such action.

Recommendations for U.S. Policy

Egypt continues to experience both progress and setbacks during its transition, the success of which hinges on full respect for the rule of law and compliance with international human rights standards, including freedom of religion or belief. In addition to recommending that the U.S. government designate Egypt as a CPC, USCIRF recommends that the U.S. government should:

- Ensure that a portion of U.S. security assistance is used to help police implement an effective plan for dedicated protection for religious minority communities and their places of worship, and provide direct support to human rights and other civil society or non-governmental organizations to advance freedom of religion or belief for all Egyptians;
- Press the Egyptian government to undertake immediate reforms to improve religious freedom conditions, including: repealing decrees banning religious minority faiths; removing religion from official identity documents; and passing a law for the construction and repair of places of worship once a new parliament is formed;

- Urge the Egyptian government to revise Article 98(f) of the Penal Code, which criminalizes contempt of religion, and, in the interim, provide the constitutional and international guarantees of the rule of law and due process for those individuals charged with violating Article 98(f);
- Press the Egyptian government to prosecute perpetrators of sectarian violence through the judicial system, and ensure that responsibility for religious affairs is not placed under the jurisdiction of the domestic security agency, which should deal only with national security matters such as cases involving the use or advocacy of violence; and
- Place particular emphasis, in its annual reporting to Congress on human rights and religious freedom, on the Egyptian government's progress on the protection of religious minorities, prosecution of perpetrators of sectarian violence, and the ability of Egyptian non-governmental organizations to receive outside funding from sources including the U.S. government.

Conclusion

The religious freedom landscape in Egypt has become further complicated over the past year, and can be summed up as follows: one step forward, two steps back. While the Sisi government has clamped down on virtually all forms of dissent in the country, which has had an alarming impact on human rights and civil society activities, President Sisi has made a number of positive gestures and public statements urging reforms and religious tolerance, and his government has undertaken some initiatives that aim to improve religious freedom. At the same time, most of the existing laws and policies that restrict religious freedom remain unchanged and, during his tenure, new government campaigns have been initiated which do not bode well for Egyptian religious minorities and non-believers.

One of the most important barometers of a country's well-being is its treatment of religious minority communities. If Egypt is to make genuine progress in its political transition, it is vital that Egypt's government recognize that full freedom of religion or belief is a fundamental human right that should be honored and respected, and commit itself to protecting the right of every Egyptian, regardless of background or belief, to exercise this freedom in peace and without fear of reprisal. For the sake of stability and security, and because of Egypt's international human rights commitments, the United States government should urge Egypt to choose this pathway to democracy and freedom for all Egyptians.