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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
RELIGIOUS INTOLERANCE**

SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

**Written statement* submitted by the International League for the rights and liberation of
people (LIDLIP), a non-governmental organization in special consultative**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[8 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Copts are forced to pray in the open air

Introduction

Most Egyptian Christians are followers of the Coptic Orthodox Church. The Coptic community is of some 12 million. The indigenous Christian Coptic minority is vulnerable to arbitrary decisions due to its perceived inferiority – resulting from the traditional *dhimmi* status under the Islamic “protection pact” (*dhimma*) granted to non-Muslims by the *shari'a*.

I – WHO ARE THE COPTS ?

Etymology of the term Copt

The word “copt” comes from the Modern Latin “coptus”, which is derived from Arabic *al-kibt, alkubt*. “Coptic” is derived from the Greek word *aiguptios*: “Egyptian”. In modern usage, the word “Copt” refers to Christian natives of Egypt, in particular members of the Coptic Orthodox Church. Arabic historians also use the Arabic equivalent of the word to refer to pre-Islamic native Egyptians regardless of religion.

The Coptic language is the final phase of the Egyptian language, a direct descendant of the ancient Egyptian language written in the hieroglyphic, hieratic and demotic scripts. As a living language of daily conversation, Coptic flourished from *circa* AD 200 to 1100; it was spoken sporadically up to the XVIIth century. Today it survives as the liturgical language of the Coptic Orthodox Church.

After the Islamic invasion of Egypt in 630 A.D., the idea of two separate communities co-existing together each with its own status was developed. The Copts, inhabitants of Egypt who kept their Christian faith, were called “*Dhimmis*”; their compatriots who converted to Islam were called “Muslims”.

The regime of *Dhimmis*

In Islam, the word *Dhimmis* identifies a group of people who are culturally and religiously different. If you are a Muslim, you are a member of the community (*umma*), you are no more an outsider. The word *Dhimmis* also implies a different way of treatment, additional obligations and inequalities, which are quite justified from that community’s point of view.

To keep his faith, a Copt was obliged to pay a poll tax, *Jizya*, to save his head. Those who could not pay the *Jizya* had to either convert or die. Another tax was levied on land and property: there Copts were asked to pay more than their Muslim compatriots.

In 1856, the Ottoman Sultan, to which Egypt remained attached as an autonomous province, issued the *Hamayounic* Decree which extended a measure of equality to non-Muslims, including the right to manifest their religions. The Decree entitled non-Muslims to build places of worship, but only with the Sultan’s permission which would be granted when conditions guaranteeing public order were met.

II- THE COPTS AND THE EGYPTIAN CONSTITUTION

While there is no specific reference to Christians, Copts or any other religious minority in any of the 211 articles of the Egyptian Constitution, article 2 designates Islam as the religion of the State and the principles of *Shari'a* as “the main source of legislation”.

Article 2 was introduced as an amendment to the 1971 Constitution on 22 May 1980, in order to enhance the role of *Shari'a* in the drafting of future Egyptian legislation.

After this proclamation, President Sadat issued Decree No. 493, under which thousands of secular and religious intellectuals and activists were either imprisoned or placed under house arrest between 3-5 September 1981. Pope Shenouda III was placed under house arrest in a monastery in the desert of Wadi el-Natroun, where he remained for four more years. In the same years, violent riots and the burning of three churches in Zawaya al Hamra caused 35 deaths, of which 25 were Copts.

III- THE EGYPTIAN CONSTITUTION AND INTERNATIONAL NORMS

The Egyptian Constitution advocates the principles of freedom of religion and belief (art. 46) and non-discrimination among citizens on grounds of sex, origin, language, religion or belief (art. 40). In practice, however, these articles are ignored by the State.

Historically, the Copts have been discriminated against, both by the legislation and by the State practices concerning the building of churches. Egyptian law recognizes conversions to Islam but not from Islam to other religions. Muslims who convert to Christianity face difficulties in getting new identity documents and some have been arrested for allegedly forging such documents.

Egypt acceded to the International Covenant on Civil and Political Rights pursuant to Presidential Decree No. 537 of 1981; the Covenant came into effect on 14 April 1982. Egypt expressed a general reservation that the instrument was not incompatible with the provisions of the Islamic Shariah.

IV- DISCRIMINATORY GROUND

Decrees restrictions (2005)

On 8 December 2005, President Mubarak issued decree No. 291 which allows churches to do basic repairs without waiting for governmental approval. The decree delegates authority for church renovation to Egypt's 28 governors. A governor must now process requests for major renovations of existing churches within 30 days, a measure that requires unprecedented accountability; he can only reject an application by producing detailed reasons for the decision.

This delegation of authority follows a trend established by similar directives in 1998 and 1999. Giving control to governors and the State Security Investigation (SSI), Egypt's security police, those directives were said to ease church repairs, but Coptic communities found that obtaining permission became more difficult.

The *Hamayounic* Decree of 1856 was the only Ottoman decree to be retained when Egypt became an independent State and abolished all other such decrees in 1923. In 1934, the Ministry of Interior issued an ordinance stating that "no church should be built or repaired without a decree from the king." After the abolition of the monarchy in 1953, the decree was modified only by substituting the term "president" for "king."

Therefore, still today, in the case of building new churches, President Mubarak must give his approval in writing.

Ordinance restrictions (1934)

The 1934 ordinance, still in effect today, gives ten conditions that must be met if a church is to be built:

1. The land on which a church is to be built must be unoccupied and not designated as agricultural land, and the person asking for the permit must prove ownership of the land.
2. Churches must maintain a distance of 100 meters or more from an existing mosque.
3. The proximity of the proposed site to Christian and Muslim populations must be verified.
4. If the location is close to an area heavily populated by Muslims the approval of the Muslim community has to be obtained.
5. The number of churches belonging to the same denomination in the town or village must be verified.
6. The distance between the proposed location and an existing church of the same denomination must be verified.
7. The number of Christians living in the town or village must be established.
8. If the proposed site is near the Nile, or a bridge, or any other public utility belonging to the Ministry of Irrigation, a permit must be obtained from the Ministry. If the proposed site is near a railway, a permit must be obtained from the railroad authorities.
9. An official report showing that all the above requirements are met must be submitted. The report must also give the layout of the entire area near the proposed site, including the nearest shops, and the distance between the shops and the proposed site.
10. The person submitting the request must obtain the signature of approval of the head of his denomination, and of the planning engineer who is responsible for the area.

Besides the *Hamayounic* Decree of 1856, which sets most striking legal discrimination and the 1934 Ordinance with the 10 stringent bureaucratic constraints to church building, a Fatwa issued by the Muslim Brothers in 1980 completed to the worst the legislation in force for the Copts.

Fatwa restrictions (1980)

The building and restoration of churches on Islamic land are based on the three conditions of the Ottoman conquest:

First, if through the conquest the land was taken by force, such as Alexandria City in Egypt, Constantinople in Turkey, it became Islamic land therefore churches are not to be built on it.

Second, if through the conquest the land was taken by treaty all therein existing churches can continue to function but no new construction is permitted.

Third, if through the conquest the land was occupied by Muslim colonialists, such as the cities of Maadi, Alexandria, Al Asher men Ramadan, no construction of new churches is permitted on this Islamic land.

Recommendation

The *International League for the Rights and Liberation of Peoples (LIDLIP)* calls upon the Commission on Human Rights to:

1. Reflect on how the question of Coptic freedom of religion or belief in Egypt can be applied consistently and absolutely without discrimination;

2. Ask the Special Rapporteur on freedom of religion or belief to visit Egypt and investigate violations of human rights of the Copts.
