

**Mandates of the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief**

REFERENCE:  
AL EGY 17/2016

29 December 2016

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 25/5 and 22/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning a **new Law on construction and renovation of churches and the attacks against Christians, including the latest bombing at St Mark's Coptic Orthodox Cathedral compound.**

The attacks against Christian communities in Egypt have been the subject of previous communications (EGY 13/2010, EGY 1/2011, EGY 7/2011, EGY 9/2011, EGY 11/2012 and EGY 12/2013).

According to the information received:

*New Law on construction and renovation of churches*

The Christian communities in Egypt have, for many years, faced difficulty in constructing or renovating their churches. Local authorities often rejected the building permit applications for new churches allegedly in fear of strong opposition or protests by ultraconservative Muslims. When Christian communities could not obtain the proper permit, they turned to building the churches illegally or setting up churches in other buildings, which in many cases prompted riots and attacks.

After the adoption of a new Constitution in 2014, the legislators were invited to approve a law regulating the construction and renovation of churches. The new law was passed on 30 August 2016 by the Parliament of Egypt and published with a supplementary explanatory memo. The law is seen to be discriminatory since it only refers and applies to Christians in general and does not regulate the construction and renovation of places of worship of all religions or beliefs. Contrary to general expectation, this new law still fails to guarantee the rights of Christian communities to their freedom to practice religious rites or to build places of worship.

According to the new law, prior authorization is required for any construction of a new church. The decision to authorize will be made by a local provincial governor. In the explanatory memo, it indicated that the governor should also take into account "the preservation of security and public order" when considering application. The new law also provides that the governor should respond to the

applicants within four months and provide reasons for any rejection. However, it does not specify the right to appeal against the governor's decision or lack of response.

The new law stipulates that the size of the church must be "proportional" to the number of Christians in the agglomeration and to their needs. The evaluation authority and the assessment criteria of the proportionality of number and needs were not provided in the new law. Since there is no official statistics on the religious demography in Egypt, it would be difficult to determine the number of Christians in a given constituency.

As for existing places of worship, the new law provides for the possibility to legalize their status provided that they comply with building regulations, property rights and the places of worship must have been in use for religious rites in the past five years. The building regulations are allegedly rather complicated with specific requirements that are difficult to be met by current church buildings since they were mostly converted from living spaces. Furthermore, many of the places of worship were forcefully shut down and could not be used for religious rites since they were not built with permits. A committee is assigned to make sure that these building rules are respected but the law does not provide any deadline by which the committee must provide its response. Besides, there is no specific procedure to appeal against any decision of the committee.

#### *Attacks on Christians*

Attacks on Christian communities have occurred more intensely and frequently since the uprising in 2011 and it is reported that little has been done to protect the Christians from continuous violence against them. In the southern Minya governorate alone, at least 77 incidents of such attacks have been documented. Relationship between the Christians and Muslims in some villages or areas is tense. In many occasions, when Muslim neighbours found out that certain buildings were used as churches by the Christians or heard about their plan of converting or restoring buildings as churches, they turned violent against the Christians. It was reported that any disagreement or rumor of any sort could escalate and turn into mob violence. There have been people from certain village going on the streets and openly chanting, "We do not want a church".

Reportedly, few of these incidents have been investigated and hardly any perpetrators have been brought to justice. In the case when there were arrests, most were released without proper investigation or prosecution after enforced "reconciliation" sessions. In some cases, Christians were obliged to leave their homes, villages or towns.

On 11 December 2016, a bombing at St. Mark's Coptic Orthodox Cathedral compound in Cairo killed at least 25 people and injured about 49 people inside St. Peter and St. Paul Church that are adjacent to St. Mark's Cathedral. No group claimed responsibility.

While we do not wish to prejudge the accuracy of these allegations, we are seriously concerned about the discriminatory nature of the new law on construction and renovation of churches that applies only to the Christian communities. We are equally concerned that the Christians are deprived of their right to freedom of religion or belief including maintaining their places of worship. While we take note of President Abdel Fattah al-Sisi's statement of condemnation of the attack on 11 December 2016 against the Christians and his offer of condolences to the victims' families, we express our grave concerns at the intentional attacks against civilians during their peaceful congregation for religious ceremonies in your Excellency's country. We are also concerned of the continuous sectarian violence and religious intolerance, targeting the minority Christian communities in particular.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the new law on construction and renovation of churches and above-mentioned allegations of attacks against the Christian communities.
2. Please provide an official copy of the law on construction and renovation of churches. Please provide the reasons why the law is not applied to places of worship of all religions or beliefs.
3. Please indicate in details the measures your Excellency's Government has implemented to combat discrimination on the grounds of religion or belief or religious intolerance in the country.
4. Please also indicate the initiatives that have been undertaken to promote the rights of the religious minorities and the rights to freedom of religion or belief.
5. Please provide more information about the "reconciliation" sessions that are enforced following certain incidents of violence. Kindly explain how the "reconciliation sessions" are conducted and enforced by law.
6. Please provide the details, and where available the results, of any investigation and judicial or other inquiries which may have been carried out in relation to the attacks, including the latest bombing in St Mark's Coptic Orthodox Cathedral compound. If no inquiries have taken place, or if they have been inconclusive, please explain why.
7. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal,

disciplinary or administrative sanctions been imposed on the alleged perpetrators?

8. Please indicate any remedial action taken vis à vis the victim and/or his/her family.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Rita Izsák-Ndiaye  
Special Rapporteur on minority issues

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to appeal to your Government to take all necessary measures to ensure the right to freedom of thought, conscience and religion, including to manifest his religion or belief in worship, observance, practice and teaching individually or in community with others and in public or private in accordance with article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt ratified on 14 January 1982.

Human Rights Committee in its General Comment 22, paragraph 4 (CCPR/C/21/Rev.1/Add.4), further explained that “The concept of worship extends to [...] the building of places of worship.” In view of the discriminatory nature of the new law on construction and renovation of churches, we would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its Article 2 (1) states that: “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” In Article 4 (1), the General Assembly further states that: “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Furthermore, we would like to refer your Government to Article 4(2) according to which: “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

In addition, we would like to recall article 6 (a) of the 1981 Declaration according to which the right to freedom of thought, conscience, religion or belief includes the freedom to “worship or assemble in connexion with a religion or belief, and to establish and maintain places for these purposes”. Furthermore, the General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end: “(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas; (h) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration and destruction; (i) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected; (k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world”.

We would further like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR, that guarantees minorities, inter alia, the right to profess and practice their own religion.

Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end (article 1), recognizes that persons belonging to religious minorities have the right to profess and practise their own religion without discrimination (article 2) and requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).

Furthermore, we would like to refer to the Recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (2013).

Finally, we would also like to refer your Excellency's Government to General Comment No. 31 of the Human Rights Committee on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant (CCPR/C/21/Rev.1/Add. 1326 May 2004). In particular, Paragraph 3 provides that Article 2 defines the scope of the legal obligations undertaken by States Parties to the Covenant. A general obligation is imposed on States Parties to respect the Covenant rights and to ensure them to all individuals in their territory and subject to their jurisdiction. Pursuant to the principle articulated in article 26 of the Vienna Convention on the Law of Treaties, States Parties are required to give effect to the obligations under the Covenant in good faith.