

**Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief**

REFERENCE:  
AL EGY 6/2017

8 May 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on minority issues; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 28/9, 25/2, 32/11, 25/5 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **attacks against Coptic Christians and the State of Emergency declared recently in Egypt**.

The attacks against Christians in Egypt have been the subject of previous communications (EGY 13/2010, EGY 1/2011, EGY 7/2011, EGY 9/2011, EGY 11/2012, EGY 12/2013 and EGY 17/2016).

According to the information received:

Following the murder of seven Egyptian Coptic Christians between 30 January 2017 and 23 February 2017, hundreds of Coptic Christian families fled their homes and abandoned the city of al-Arish in northern Sinai Peninsula especially after a Sinai affiliate of *Daesh* posted online a video message threatening further violence against the Copts, calling them “our priority and our preferred prey” and accusing them of being “the spearhead of the crusader project to fight God’s religion in Egypt”. The video also claimed responsibility for the bombing of St. Mark’s Coptic Orthodox Cathedral in Cairo on 11 December 2016. Many displaced Coptic Christian families have sought shelter in the neighbouring governorate of Ismailia in overcrowded makeshift accommodation without adequate access to basic facilities and security. They also abandoned their jobs, livelihoods or disrupted their schools. On 27 February 2017, the Minister of Labour released a statement outlining a governmental plan to integrate the displaced Copts into employment and providing financial assistance for Copts across the municipalities.

On 9 April 2017, at least 45 people were reported killed and 126 injured at two bombings at St. George’s Church in Tanta and at St. Mark’s Cathedral in Alexandria. The attacks targeted Palm Sunday services and possibly Pope Tawadros II, the leader of the Coptic Orthodox Church, who was present at

St. Mark's Cathedral in Alexandria when the bombing took place, just as he was during the 11 December 2016 attack in Cairo. *Daesh* claimed responsibility for both of these attacks.

A three-month countrywide state of emergency was declared by the President in the aftermath of these bombings. On 11 April 2017, the Egyptian Parliament voted unanimously to approve the decree. Under the instated emergency law, constitutional rights are suspended, censorship is legalised and police are able to arrest and detain citizens indefinitely without charge. The Parliament speaker indicated that social media websites such as Facebook, Twitter, and YouTube would fall under the emergency law's surveillance and censorship provisions. The authorities had already reportedly confiscated editions of *Al Bawaba*, a pro-government newspaper, which criticised the authorities for failing to protect the churches.

On 19 April 2017, a security checkpoint near Saint Catherine's Monastery (founded in the 6th century, one of the oldest Christian monasteries in the world and a UNESCO World Heritage site) was targeted resulting in the death of one police officer and the injury of at least four civilians in South Sinai. *Daesh* again claimed responsibility for the attack.

While we do not wish to prejudge the accuracy of the information made available to us, we express our grave concerns at the prevailing impunity for the continuous violent attacks against the Christian minority in Egypt and the lack of protection of the Coptic Christians and their places of worship, that has forced them to flee from their homes and neighborhoods. We are seriously concerned about the lack of appropriate support for displaced Coptic Christians who are in unsafe conditions and left without access to basic facilities and livelihoods. Moreover, we are particularly concerned about what appears to be a lack of response from the Government to the advocacy of religious intolerance, fundamentalist and discriminatory views and persecution of the Copts by *Daesh* which attempts not only to kill the people but also to destroy their way of life and traces of their presence in the country. These violent incidents seem to represent a culmination of the underlying attitude of discrimination against Copts that have been raised on many occasions.

While we take note of President Abdel Fattah al-Sisi's statement of condemnation of the attacks, we are concerned about the reinstatement of the state of emergency in your Excellency's country, in particular its broad curtailing of human rights beyond the strictly required exigencies of the situation and in ways that are incompatible with permissible derogations during state of emergency under international human rights law. In particular, we express concern at the use of the state of emergency to target the exercise of freedom of expression online and offline, in ways that do not comply with the requirement that state of emergency measures be necessary and proportionate in scope and duration and only used to counter genuine security threats to the nation. We express concern at the devastating effects such measures have on the promotion and protection of human rights and on civil society in general.

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.

As 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 above-mentioned allegations.
2. Please indicate in details the measures your Excellency's Government has implemented to combat calls for hatred that constitute incitement to discrimination, hostility or violence, discrimination and religious intolerance against Coptic Christian minorities in Egypt and to promote their rights to freedom of religion or belief in compliance with international human rights standards.
3. Following the attacks and explicit threats from *Daesh* in February, please indicate if any specific measures have been taken to ensure the security and protection of the Copts in the country and how these measures comply with the dual requirement to both respect and ensure human rights, by effectively protecting the Coptic minority and doing so in rights-respecting ways.
4. 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 various attacks against Coptic Christians, in particular, the two bombings in Tanta and Alexandria. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken.
6. Please indicate any security measures or programme set up for the displaced Coptic Christian families to ensure their safety and dignity and access to basic provisions and facilities, including shelter.
7. Following the statement by the Minister of Labour in February about a governmental plan to integrate Copts into employment and provide financial assistance for Copts across the municipalities, please provide information on the progress of implementation and results.
8. Please indicate how the property and cultural and religious sites of the people who have been internally displaced have been protected so that

they are not looted or illegally seized. Please also provide any plan that your Excellency's Government have devised to help the displaced families to return home safely and regain their normal life.

9. Please provide details on how your Excellency's Government will ensure human rights, including freedom of opinion and expression, freedom of movement and liberty, freedom of peaceful assembly and association and the right to take part in cultural life, are upheld during the state of emergency. What measures are taken to ensure that non-derogable rights are protected during the state of emergency? Please provide information about how the measures taken under the state of emergency comply with the requirements of necessity and proportionality as required by international human rights law.

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 recurrence 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.

Karima Bennoune  
Special Rapporteur in the field of cultural rights

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Cecilia Jimenez  
Special Rapporteur on the human rights of internally displaced persons

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 allegations 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 one's 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), which Egypt ratified on 14 January 1982.

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.

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: (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; (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 moreover would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". Restrictions to freedom of expression must satisfy the requirements set out in article 19(3), that is, be "provided by law," and necessary for the "respect of the rights or reputations of others" or "for the protection of national security or of public order (ordre public), or of public health or morals." We note that permissible restrictions on the Internet are the same as those offline (A/HRC/17/27).

While surveillance measures and other restrictions on freedom of expression may be established to protect national security, public order, as explained by the authorities, they must be “necessary” to protect such objectives, and not simply useful, reasonable or desirable. The requirement of necessity “also implies an assessment of the proportionality” of those restrictions. A proportionality assessment ensures that restrictions “target a specific objective and [do] not unduly intrude upon other rights of targeted persons.” The ensuing “interference with third parties’ rights must [also] be limited and justified in the light of the interest supported by the intrusion” (A/HRC/29/32). Finally, the restriction must be “the least intrusive instrument amongst those which might achieve the desired result” (CCPR/C/GC/34). Article 2 of ICCPR calls on States to both “respect and ensure” the rights in the Covenant.” This means States have to take affirmative acts to protect the rights of those within their jurisdiction from impingement by others, but must not violate rights itself in so doing. Neither side of the equation—neither the responsibility to respect nor to ensure rights—may be left out.

We would like to draw the attention of your Excellency’s Government to Principle 3 of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, as endorsed in E/CN.4/1996/39 of 1996, which provides that in time of public emergency which threatens the life of the country and the existence of which is officially and lawfully proclaimed in accordance with both national and international law, a state may impose restrictions on freedom of expression and information but only to the extent strictly required by the exigencies of the situation and only when and for so long as they are not inconsistent with the government’s other obligations under international law.

Furthermore, we would like to refer your Excellency’s Government to article 15 of International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Egypt on 14 January 1982, which recognizes the right of everyone to take part in cultural life including the freedom “indispensable for creative activity”. In this connection, we refer to General Comment 21 (2009) of the Committee on Economic, Social and Cultural Rights, which recalls that States have the obligation to respect and protect cultural heritage in all its forms, in times of war and peace and natural disasters. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations. Such obligations include the care, preservation and restoration of historical sites, monuments, works of art and literary works, among others (E/C.12/GC/21, para.50). As stated by the Special Rapporteur in the field of cultural rights, threats and incidents involving cultural heritage and sites, including those of religious nature, must continue to be condemned publicly and widely to assure the relevant groups of their safety and to indicate the utter unacceptability of such conduct.

In her recent report to the Human Rights Council, the Special Rapporteur warned of the negative impact on cultural rights of fundamentalist ideologies that seek to stifle artistic expression, as well as expression of cultural opposition and diversity so as to impose monolithic worldviews (A/HRC/34/56, para. 3). The Special Rapporteur also believes that the links between fundamentalism and extremism on the one hand and violent extremism and terrorism on the other must be recognized, as must the inherently

dangerous nature of the underlying ideologies themselves for human rights. Extremist actors will not be truly disarmed unless their ideology is comprehensively challenged and repudiated (A/HRC/34/56, para. 16-17). States must respect, protect and fulfil human rights, in particular cultural rights, meaning that they must: (a) stop supporting directly or indirectly fundamentalist ideologies; (b) protect all persons from any act of fundamentalist or extremist groups aimed at coercing them into specific identities, beliefs or practices; and (c) design programmes aimed at creating conditions allowing all people to access, participate in and contribute to cultural life, without discrimination (A/HRC/34/56, para. 27). Key recommendations of the Special Rapporteur include the need to recognize and combat extremist and fundamentalist ideologies that promote sectarianism and discriminatory attitudes towards, *inter alia*, those with different world views, minorities and women, in particular through education in accordance with international standards, informed by humanism, including about the value of cultural diversity, the cultural rights of all and histories of coexistence. States should also act effectively to combat fundamentalism and extremism but refrain from violating human rights or international law in so doing and not use the legitimate struggle against fundamentalism and extremism as an excuse for violations of human rights, and develop plans of action that are fully gender sensitive to protect religious ethnic minorities from extremism and fundamentalism, and implement urgent action policies when such groups are the targets of fundamentalist and extremist threats or violence (A/HRC/34/56, para. 96 b and 97 k and u).

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).

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

The Government is furthermore reminded of its obligations to ensure protection and humanitarian access to internally displaced persons and other affected communities under international law and standards, and humanitarian principles. We recall that the Guiding Principles on Internal Displacement establish *inter alia* the responsibilities of States relating to internally displaced persons at all phases of displacement, including where possible the prevention of arbitrary displacement as a result of armed conflict, situations of generalized violence, violations of human rights or natural or human-made

disasters. Principle 3(1) stipulates that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction, without discrimination of any kind. Principle 18 requires that, at the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) essential food and potable water; (b) basic shelter and housing; (c) appropriate clothing; and (d) essential medical services and sanitation. Principle 28 establishes that competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons, while special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

We would also like to stress to your Excellency's Government that Article 4 (1) of ICCPR provides that "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." Article 4 (2) further stresses that "No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision." As stated by the Human Rights Committee in its General Comment 29 concerning article 4, "the mere fact that a permissible derogation from a specific provision may, of itself, be justified by the exigencies of the situation does not obviate the requirement that specific measures taken pursuant to the derogation must also be shown to be required by the exigencies of the situation. In practice, this will ensure that no provision of the Covenant, however validly derogated from will be entirely inapplicable to the behaviour of a State party." (para. 4).

We urge your Excellency's Government to uphold all human rights and to ensure that emergency restrictions are proportionate and limited both in time and area to the greatest extent possible.