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Item 3 (a)

**Reviewing the promotion and practical realization of the Declaration on  
The Rights of Persons Belonging to National or Ethnic, Religious and  
Linguistic Minorities at the Egyptian National Level**

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*CEOHR is committed to constructive dialogue based on the importance of the role of Civil Society in assisting States in honoring their international human rights commitments.*

## **Introduction**

Before the 1952 revolution, minorities in Egypt had some degree of autonomy, particularly in their Personal Status and cultural affairs. Christian Copts, for example, had their community council, which ran among other community institutions their own Personal Status courts, schools, and two general hospitals. Copts were also active participants in public life, with many leaders ascending to the highest echelon of government structure, such as prime ministers and parliament speakers.

By abolishing multiparty system, the government ended a tradition of Coptic political participation, stifling them of their political and civic rights. Moreover, when the regime enacted its agrarian reform and nationalization policy in 1950s, large private and public property such as land and businesses owned by Copts were confiscated in the process. While land was redistributed mostly to Muslim farmers, large companies and banks were placed under Muslim administration. Also, Coptic schools, though traditionally open to all Egyptians regardless of religion, were transferred to the ministry of education.

As a continuation of that trend, Egyptian government abolished all confessional Personal Status courts, and replaced them with civil courts, where – to the astonishment of Copts - Christian Personal Status cases were handled by Muslim judges, a step considered by Copts as threat to Christian family.

Such chain of political, cultural, and economic policies culminated in an adverse constitutional change in 1971 with far-reaching consequences, not only on minorities but on the whole society as it was forged to give the president of the country the right to be elected for life, and to include Islamic Jurisprudence shari'a as a main source of legislation. In 1980 this constitution was amended again in an attempt to court the Islamic sentiments of the majority by enhancing the role of shari'a through stipulating in article 2 that "... Islamic Jurisprudence is the main source of legislation, whereby President Sadat thought he could ward the Islamists off his office.

Along the course of these changes, while political manipulation of Islam was a weapon in the power struggle between the autocratic regime and the revived Islamic political trend, both power contenders have contributed to a new culture of intolerance against liberal democrats, leftists and Copts. As a result, liberal forces within the society, including the Copts, which had insisted on sticking around public life, were forced to completely withdraw.

## **Culture of Intolerance against non-Muslims in Egypt**

In this context, hate culture and intolerance against Copts and other minorities spew from official and nonofficial sources. Among the sources that form the public mind are the educational system, the press and mass media as well as mosques controlled by the state as well as independent extremist groups.

In a recent article, which gives us an ample understanding of this culture of hate, titled "Muslims VERSUS AHL AL-KITAB [NON-MUSLIMS] PAST AND PRESENT, currently posted on the Website of the Ministry of Islamic Endowment, a branch of the Supreme Council of Islamic Affairs of the Arab Republic of Egypt, [http://www.islamic-council.com/non-muslims\\_u/Chapter3.asp](http://www.islamic-council.com/non-muslims_u/Chapter3.asp), the writer, Dr. Maryam Jameelah, after extolling Islam as the "only infallible .. Universal and unique truth," among all religions, she corroborates her claims by saying: "The Holy Qumran informs us that the Jews and Christians have corrupted their scriptures by mixing the original revelation with human interpolations and interpretations."

What is more alarming in this article is that the author rejects, if not condemns, the principles of international human rights and its concomitant culture, asserting that "Conflicting ideologies can never be united or even peacefully coexist simply by proclaiming the fact that all are human beings." She further argues that: "The utter failure of such world organizations as the League of Nations and the United Nations is proof of this fallacy. "

Then the final killing salvo comes, once more against Ahl al-Kitab, in the words of Maryam Jameelah, when she says: "We cannot afford peace and reconciliation with the Ahl al-Kitab until we can humble them and gain the upper hand."

The intolerance against non-Muslims and the negative attitude against human rights culture expressed in this article is only one example of a plethora of propaganda material by self-proclaimed "holders of the ultimate truth".

Mr. Chairman,

What could we expect, regarding the promotion and practical realization of the Declaration on the rights of minorities, in countries where such a perverse logic and hate speech have been intensively propagated over the last thirty years or so by leading Muslim scholars like the writer of this article?

Generations have been indoctrinated in such culture where discrimination, abuse and mass violence against the Copts and other minorities in Egypt have persisted with impunity for over thirty years. There is no doubt that perpetrators of such violations of rights of the Copts have been blinded to the fact that their acts are abhorrent crimes. On the other hand, miscarriage of justice in almost all of the cases where Copts were victims of sectarian violence or abuse gave license to aggressors to repeat attacks against Copts, causing the escalation of violence against them all over Egypt.

In this context of intolerance, article 2 of the Egyptian constitution, previously mentioned, has always been invoked to enforce whatever laws or regulations restricting or outright undermining human rights as well as Coptic minority rights when such rights do not agree with their strict antiquated interpretation of Islamic law.

It is important to note, however, that some liberal Muslims believe that such culture is not only harming the whole Egyptian society, but even the Muslim community worldwide. In an article published in the Egyptian daily Al-Ahram of July 24, Dr. Mahmoud Zaqzouq, Minister of Islamic Endowment, addressed what he considered to be a civilization crisis where Muslims became intellectually captive to textual tradition and sheer rites, rather than experiencing the spirit of a liberal progressive religion. He has, in fact, previously written extensively on Human Rights as universal principles, and called repeatedly on the necessity of reforming Islamic thought to respond to the needs of the modern man. Regrettably, however, voices as that of Dr. Zaqzouq are yet mere cries in the wilderness.

### **Egypt's current official stance with regard to the promotion and the realization of the Declaration on the Rights of Minorities**

In this environment, one can appreciate the difficult hurdles challenging us in our pursuit to promote and realize the entire culture of human rights, including the Declaration on the Rights of Minorities.

#### **1) Denial of Minority Status for Egypt's Minorities:**

According to Article 7 of the Declaration, "States should cooperate in order to promote respect for the rights set forth in the present Declaration".

However, Egypt's government has adamantly and consistently refused to recognize the existence of minorities within its borders. An Egyptian delegation before Human Rights Committee (HRC) articulated the position of the State: "*within the meaning of the relevant international provisions and criteria, as there were no minorities in Egypt*". (CCPR/C/SR.1247, 29/07/1993, Summary Record, para. 14.)

HRC criticized the Egyptian position, and even inquired whether such denial 'amount to a tardy reservation.' (CCPR/C/SR.1247, 29/07/1993, Summary Record, para. 3.) Committee members reminded Egypt's representatives in its General Comment which has noted that the question of the existence of minorities in any State is an objective matter. To deny the existence of the minorities referred to in Article 27, on the grounds that such persons already enjoyed all the rights to which they were entitled, was to confuse two entirely separate issues. (CCPR/C/SR.1247, 29/07/1993, Summary Record, para. 15, (comments by Ms. Higgins supported by Mr. Mavrommatis)

In article 27, the phrase 'shall not be denied' implies that members of a minority have a pre-existing right to 'enjoy their own culture, profess and practice their own religion or to use their own language.' And, while this provision is directed at the rights of individuals, it also allows for positive group-based claims. (The HRC has noted that these rights are 'dependent on the ability of a minority to maintain its culture, language or religion.' HRC *General Comment* 23, (1994), at para. 6.2). Hence, Article 27 could be interpreted in this context as indirectly imposing positive obligations on the State to protect the Coptic Minority as a group, in order to ensure that Coptic individuals 'shall not be denied the right in community with others' to enjoy their own culture and profess their own religion'.

## **2) Impact of Denial on Current Situation:**

Egypt's denial of the existence of minorities has negative ramifications of which the disregard of the Declaration is one unfortunate outcome, let alone its promotion and practical realization. In fact, the Egyptian position reflects the State's attitude towards the Declaration and the body of human rights treaties that inspired it. As a result, a few in Egypt know about the Declaration, or even human rights, period.

By denying the existence of minorities, Egypt denies the international legal personality to which each of those minorities is entitled, and through which their rights could be realized. Besides, in the absence of full citizenship rights and effective anti-discrimination legislation, such denial amounts to State robbing minorities of legal rights well-enshrined under international human rights law.

Mr. Chairman, honorable members of the WGM,

In its 1994 report to the Committee on the Elimination of Racial Discrimination (See "Concluding observations of the Committee on the Elimination of Racial Discrimination: (Egypt. 05/08/94. A/49/18, para .363). Egypt's representative "informed the committee of the adoption of legislation in compliance with the obligations laid down in article 4 of the Convention concerning the prohibition of organizations that promote or incite racial discrimination. In addition, the representative highlighted the efforts undertaken by the State party to implement article 7 of the Convention through educational measures and the development of information campaigns designed to raise awareness of human rights and freedoms."

Facts on the ground even today belie the State party claims. No government authority or institution, whether political or cultural has done anything practical or concrete to promote and respect human rights in general and the Declaration on the Rights of Minorities, in particular.

On the contrary, the concept of minority as referred to in the Declaration has been rejected by the government-run press and media in 1994 when the Cairo-based Ibn Khaldoun Center for Development Studies announced the convening of the first regional conference on minorities of the Arab Middle East. Due to a wide well orchestrated campaign of slander against the subject of the conference and its organizer, Saad Eddin Ibrahim, the conference was held in Cyprus instead of Egypt or any other Arab capital.

Despite all attempts by the government to block the promotion and realization of the Declaration on the Rights of Minorities, three human rights NGOs, namely Ibn Khaldoun Center, Cairo Center for Human Rights Studies, and the Egyptian Organization for Human Rights included in their activities the issue of minority rights. Particularly, Ibn Khaldoun Center has been since 1994 a champion in defending minority rights in Egypt and in promoting the Declaration on the rights of minorities. It publishes an annual report on minorities in the Middle East and organizes annual seminar on their status. The Canadian Egyptian Organization for Human Rights is fervently working with Egyptian organizations to promote and realize the Declaration. This is done through seminars, publications and a new website, focusing on minority rights in Egypt. Last year the organization, participated in a conference on Constitutional Reform held in Cairo, where minority rights was part of its agenda. Another conference was organized by the organization in Montreal, where citizenship and minority rights were discussed by a group of Egyptian activists and law professors. Also, a member of the Coptic minority had the opportunity to attend the annual WGM training workshop, with the aim to promote and protect minority rights in Egypt.

Despite efforts referred to above over the past 12 year, still, the government of Egypt, as an example of many other governments in the Middle East, categorically denies the existence of any Egyptian minority within its borders. It rather asserts that Copts, Nubians and all other groups, for that matter, are "integral parts of the Egyptian social fabric."

Moreover, minorities in Egypt cannot publicly organize any meeting to voice their grievances or even promote the Declaration. The Egyptian government, through its police authority and judicial system harassed, arrested and prosecuted activists who dared deal with Egyptian minority issues. This campaign of intimidation started with harassment of members of the Egyptian Organization for Human Rights in mid nineties, when Hafez Abou Se'ada, the organization's secretary-general reported sectarian attacks against members of the Coptic minority. Later, when Dr. Saad Eddin Ibrahim persisted in his defense of minority rights since 1994, exposing the grievances of the Copts and other minorities, he along with his staff were prosecuted and imprisoned for two and a half years. Lately, Hala Al-Masry, a Coptic activist, who reported attacks against Copts in Al-Odayssat village near Luxor city in Upper Egypt, has been accused of fomenting sedition and threatening Egyptian national unity. On the other hand, whenever Copts or Nubians in the Diaspora convene to discuss the situation of their communities back home, the government's press and media machine launch a barrage of accusations against activists, labeling them conspirators and instigators, who are intent on dividing the country.

**Mr. Chairman,**

Mr. Chairman, in spite of this bleak picture, I believe that the free and democratic world joined by the international civil society have the responsibility and resolve to take on all these challenges, for persistent intolerance against minorities, as we know, under autocratic regimes and the utter lack of pluralism and the rule of law are direct factors in spreading sectarian violence, which in some cases, has escalated in outright civil wars in many parts of the world.

Indeed, the key solution is democracy. Though, while all parties concerned work towards the realization of full-fledged democracies, the international community represented by the United Nations must effectively address all roots of intolerance in the Middle East at large.

We believe minorities of the region look at the newly created UN Human Rights Council with great hope for the realization of their rights. I eagerly expect its full support to Ms. Gay McDougall, the newly appointed Independent Expert on Minority Issues, whom I am pleased to welcome among us today.

**Conclusion**

In general, no single legal approach can work in an environment that lacks adherence to the principle of the rule of law. Legal protection of religious minorities is no exception. As has been noted above, the Coptic population of Egypt should be recognized as a religious minority by virtue of their history and present and the fact that they are considered as such by the international community in accordance with the widely accepted Capotorti definition of the term minority and General Comment 23 of the HRC which notes that definition of a minority must be based on objective criteria, regardless of the State's position. Finally, if international human rights law is to become relevant, the UN as its legitimate guardian must strive to restore its status among victims and perpetrators alike. While the UN is as effective as its membership permits, the Organization must exploit every possible opportunity to uphold international human rights norms.

**Thank you, Mr. Chairman**

**Abdelaziz Abdelziz**