

Flash Fire

Reasons that Threaten the Idea of Equal Citizenship in Egypt

(Summary)

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Preface: **The Study and the team working on it**

This is a summary of the study that was carried out in the scope of the project “**Citizenship Advocates Network,**” implemented by the United Group with the support of the **Middle East Partnership Initiative (MEPI)**. The study comes in about 200 pages and this summary presents its conclusions and the recommendations.

The United Group organized a conference to discuss the study on May 31, 2011 at Pyramiza Hotel, Dokki. The conference was attended by 133 participants including: legal experts, media, education experts, university professors and public figures. The participants represented the 15 targeted governorates in which the project operated.

This study aims to shed flash lights at what it believes to be the causes that create problems against the idea of equal citizenship in Egypt. There is no doubt that Egypt is a diverse society that its long history and the successive foreigner rulers have led to formulating an Egyptian personality that naturally accepts and cherish it. This personality doesn't see coexisting with different others as a major embarrassment, whether this was by consent of and acceptance or acquiescence and coercion. Whoever reviews the history of Egyptians will be surprised by the number of the nations that conquered Egypt. Despite that twenty six Pharaonic Dynasties had successively ruled Egypt, their rule began before 5867 BC., by the first Theban Dynasty, whose rule continued 252 years, up till the twenty-sixth Dynasty Alsaiah that ruled one hundred and fifty years from 674 BC., till its rule ended by the Persian invasion to Egypt in 150 BC¹, however, during this period that period in which the rule is supposed to be purely Egyptian Bedouin shepherds, the "Hyksos" were able to invade Egypt and continued to be its rulers for nearly 260 years that started from 2082 BC. Since 150 BC, the Persians, led by Cambyses, entered Egypt and thus began a long history of colonialism and succession of nations in ruling Egypt. We can say that Egypt wasn't ruled by Egyptians since that date till British colonialism ended 1956. From Persians to Greeks, from Greeks to Romans, from Romans to Muslim Arabs, from Muslim Arabs to Mamluks, from Mamluks to Ottomans, from Ottomans to French, from French to Ottomans again, and finally the English².

It is normal that every conquering nation came to Egypt with its religion and customs and traditions. Furthermore, it is normal that some or most of the Egyptians were following

¹ A general overview of Egypt, Clot Bek, translated by Mohamed Massouad, published by Dar El-Mawkef El-Araby, First part, p. 17, Second edition, Cairo 1981.

² For more information review: Negad El-Borai, The Guillotine and the Pit: Freedom of Expression in Egypt 2002 – 2003, First chapter, first section, role of the prevailing culture in freedom of expression, 2000 years under the conquerors rule, p.p 118 – 125, published by the United Group, First edition, Cairo 2004.

the religion of the conqueror and in some cases its customs and traditions. This stemmed from their belief in them, or from their desire to copy the culture and religion of the powerful party, or from fearing the conquerors that sometimes coerced Egyptians who varies with them in religion or traditions, while hiring those who follow their religion or customs or speak their language.

All the above absolutely destroys the sayings there are authentic Egyptians and intruders or outsiders, as history tells us that many Egyptians have converted from their religion to other imported religions for multiple factors. They converted from Egyptian paganism to Christianity by coercion, which was sometimes exerted by the Romans or by conviction at other times. Furthermore, many of them converted to Islam, individuals and masses, as a result of their conviction of the new religion or a desire to escape the tribute that the new rulers imposed on those who are from other religions.

The rich diversity of the Egyptian society makes the issue of citizenship, a key issue to be addressed not only seriously but continuously. It is no longer acceptable to tackle the problem of citizenship in Egypt partly, or following any events that arise here or there. Furthermore, it is no longer useful to ignore the problem and act as if it does not exist, or stigmatizing anyone that tries to discuss it of doing it in bad faith or malice intentions. The problem is becoming more persistent every day and Egyptians of all faiths should combat it through new serious discussions that do not only consider history, but also work to consolidate solid mechanisms for protecting the right to equal citizenship. On top of these mechanisms, protecting the civil state from the intrusion of religious leaders, as the civil state is the only guarantee that all citizens enjoy equal rights regardless of creed, race or ethnic origin. The countries that ignored equal citizenship, whether this neglect was due to unjust laws or the power of reality, finally were subjected to breaking down or are in their way to it, for example in Iraq, and Sudan.

This study aims at attempting to frame the problem and discuss it in full with regard to the effect of different religions on the idea of equal citizenship, there is no place nor space that allow for more than that. We believe that this study is an initial draft that will be enriched by the discussions that the United Group intends to organize. The discussions will deepen the study and correct any mistakes that might have happened in information or analysis.

The study falls into five chapters, in addition to this introduction. The first chapter includes the definition of citizenship and its base in international law, and the position of the successive Egyptian constitutions from citizenship, the last one is the 1971 Constitution which highly cherished citizenship to the extent of considering it the base

upon which the state is built, as well as many articles that stipulates equality in rights and duties and others.

The second chapter of this study discusses the position of the Egyptian judiciary, depending on a quick study of some samples of the judgments of the Egyptian State Council, to find out how the fort of freedoms, as we like to call it, addresses the issue of citizenship, and to what extent the State Council was inspired by the text and spirit of the Egyptian Constitution.

The third chapter discusses the attitude of some Egyptian newspapers towards the issue of citizenship, as samples of how some of the written media tackles the issue of citizenship and deal with it.

The fourth chapter presents samples of how the curricula address the issue of citizenship and equal rights and duties, given that these curricula have the most important influence in shaping the mentality of the Egyptians and determining their choices. The fifth and last chapter is devoted to conclusions and recommendations provided by the study.

At the end of this introduction, I'd like to thank the researcher Mr. Reda Mohamed Helal and Dr. Kamal Mughith for their effort in writing the third and fourth chapters and the recommendations they provided us with, as the information they gave and their excellent analysis influenced the trends of this paper. Furthermore, I'd like to thank my colleagues at the United Group attorneys, Abdul Hamid Salem, Mahmoud Rady and Malik Adly, the first for writing the second chapter that discusses the trends of the State Council towards the cases of citizenship and the valuable information that Mahmoud Rady provided him with, and the part related to the population map provided by the latter. My real gratitude is for the human rights organizations that provided us with the information they have, but the short time available for accomplishing this study disabled us from benefiting from them fully. What makes me proud of what I got from these organizations is that they are all young organizations in the literal sense of the word led by young people who devoted their efforts to defend humans, as they believe that what is right remains right even if its defenders are few and what is wrong remains wrong even if its supporters are so many. I also would like to thank the **Middle East Partnership Initiative (MEPI)**, which provided the financial support for accomplishing this study. However, it is important to emphasize that it is not responsible for the content of this study. It is well known that funding institutions can't intervene with any activities that they fund and their role is limited to providing funds and making sure that they are spent in place.

Egypt will forever remain one nation, one people, a variety of faiths that enriches the culture of this country and ensure its leadership at the Arab and international levels.

However, remaining this way effort depends on efforts exerted by its citizens in order to establish the principle of citizenship and extinguishing the fire of discrimination that emerges from time to time.

Thirteen centuries ago, Nasr Bin Sayyar, Prince of Khorasan, warned - Umayyads - the Caliph Marwan Bin Mohammed in Al-Sham, of the growing power of the Abbasid call and summed up his warning in a letter that he sent him to pay attention to this matter and combat it, here is a quotation from Nasr Bin Sayyar's letter:

I see through ashes flash fire ... that is about to ignite.
Fire is ignited by matches ... and war starts by words.
If wise people don't extinguish it ... its fuel will be dead bodies.

I hope we will be wiser than Marwan Bin Muhammad and listen to the warning, and exert serious efforts in order to equal citizenship like a tree with equal branches hanging over every Egyptian citizen to the land of Egypt, and wherever he is.

Negad El-Borai
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Cairo, April 26, 2011

Chapter One Conclusions and Recommendations

First Section Conclusions of the Study

This study aims to shed flash lights at what it believes to be the causes that create problems against the idea of equal citizenship in Egypt. Furthermore, it attempts to frame the problem and discuss it in full with regard to the effect of different religions on the idea of equal citizenship. The study contains an informative preface about Egypt and displays the map of population and the administrative division of Egypt, in addition to four main chapters other than this chapter, which the study devoted to displaying the outputs and the recommendations it reached.

Chapter Two contains the definition of citizenship, its basis in international law and the position of the Egyptian constitutions, including the repealed 1971 Constitution, reviewing articles One and Two, and their legal implications on the issues of citizenship. With regard to the definition of citizenship the study identified a general concept of citizenship that it is (a relationship that begins between an individual and a state, as defined by the law of that State, and the rights and duties that this relationship implies in that State). The concept of freedom falls within this concept as well as its accompanying responsibilities. It also initiates a number of basic rights and many duties. The study concluded that those rights and duties reflect a number of principles that make up the correct understanding of the idea of citizenship.

First: The principle of equality among all members of the community in education, employment, nationality, equal treatment before the law and the judiciary, and resorting to the judiciary to protect those rights.

Second: The principle of freedom, freedom of belief and practicing religious rituals, freedom of movement within homeland, the right to speak and debate freely with others about the problems of society and its future, the freedom to support or protest an issue or a political stance, and freedom to participate in conferences or meetings of social or political nature.

Third: The principle of political participation, such as the right to organize electoral campaigns, and practice all forms of organized peaceful protests such as; demonstrations and strikes as regulated by law, voting in general elections in all its forms, establishing or participating in political parties or any other nongovernmental associations or

organizations that works to serve its some of its members, and running for general elections in all its forms.

Fourth: Social responsibility, this includes several duties such as paying taxes, performing military service, respecting the law, and respecting the freedom and privacy of others³.

Chapter Two includes a description of the essence of citizenship in the international legislations. The study refers to both the "International Covenant on Civil and Political Rights" and the "International Covenant on Economic, Social and Cultural Rights" and their stances from preventing discrimination in general, and all the applications addressed by the two Covenants to prevent discrimination, both in terms of prevention of discrimination based on religion or belief and discrimination against minorities. Furthermore, the study refers to the "Convention on the Elimination of All Forms of Discrimination against Women," and its definition of discrimination, as well as the pledges undertaken by the States towards it. The study also tackled the "International Convention on the Elimination of All Forms of Racial Discrimination," and the pledges of the states that joined it.

The chapter moved further to speak about the stance of successive Egyptian constitutions from the idea of citizenship: The study says the successive Egyptian constitutions - other than the Constitutional Declaration of 1953 and the Constitution of 1958 - have agreed on how they handled the freedom of belief that the official religion of the state is Islam. They also agreed, in general, that freedom of belief is absolute, but they distinguished between freedom of belief and freedom of performing religious rituals, which they linked to the need to comply with the customs observed in Egypt and not to violate public order and morals. This makes the right meaningless, as it is worthless to believe while you can't practice your rituals. However, while the Constitution of 1958 neglected stipulating the protection of freedom of belief, the Constitution of 1971 came up with the best text, in all the Egyptian constitutions, with regard to freedom of belief and religious practices by stating in Article 46 that "The State guarantees freedom of religion and freedom of religious practice," without linking these rituals with the need to observe the established customs in the country or other restrictions.

The study also pointed out to the second article of the Constitution, which states that Islam is the religion of the state, and to what extent it prejudice the right of citizenship.

The study came out with a number of important observations on this article:

³ Lieutenant Colonel Dr.Khaled Ali Fahmi Edris, police prosecutor at North Sinai, on the concept of citizenship and citizens, research paper.

The first observation: That the first paragraph of the article, which states that the religion of the state is Islam, stipulates something inapprehensible as States are legal entities that have no religion. This is different from having an official language, as the state releases its official documents with its official language. The phrase that the religion of the state is Islam is poorly understood, and in the best case the constitutional legislator here refers to the fact that the religion of most of the population of Egypt is Islam, but at the same time it ignores the fact that there are Egyptian citizens who believe in other religions and faiths, and that such a provision turns them to foreigners residing in a state with a religion other than theirs, and even does not state their religions in its constitution.

The second observation: The Egyptian constitutional legislator referred to the principles of Islamic law, and not to Islamic law or the provisions of the Islamic law. The difference is clear, as the principles of Islamic law are themselves the purposes for which it was found and on which it is based. Therefore, we believe that replacing “the main source of legislation” with “a main source of legislation,” in the second article of the Constitution did not and will not have a legal effect of the legislative process. On the one hand, the purposes of the Islamic law and its provisions mostly do not contradict in any way with any religion or faith, whether divine or non divine.

On the other hand as far as we know, there is no faith whose purposes doesn't comply the five purposes of the Islamic law, namely; preserving religion, life, mind, honor and wealth, and on the other hand with regard to the personal status, the provisions of the Islamic law do not apply to non Muslims.

The third observation: The provisions of the second paragraph of article two addresses the legislature not the judiciary, as judges must follow the provisions of law even if it contradicts with what they perceive as the principles of Islamic law. In this case they have to either apply the legislative text or refer it to the Constitutional Court for consideration.

The fourth observation: It is agreed upon in the jurisprudence of the constitutional law that the articles of the Constitution are equal and does not supersede each other, and they must be interpreted in a way that makes them applicable. This leads to the need to interpret the second Article of the Constitution in light of the rest of the above mentioned articles of the Constitution, that are related to the right to equal citizenship, particularly the Articles from 40 to 68.

The study concluded that from legal perspective, we can say that the second paragraph of Article Two of the 1971 Constitution does not legally violate the principle of citizenship, even if it did in day to day practices, due to the confusion it

causes among the judges, which is reflected in their judgments regardless of the value of those provisions.

However, the problem of the Article Two, which wasn't tackled by any researcher as far as we know, is in its first paragraph which ignored the fact that Egypt is a state whose citizens believe in other religions and faiths beside Islam, and thus it should either state these beliefs in the Constitution, or delete the first paragraph altogether. The problem, as we will see, is in the text of the first paragraph and not the second, which reflects on the judgments of the judiciary and taint them. Perhaps it also reflects on the intellectual background of curriculum developers and distracts them.

Furthermore, adding the word citizenship to the first article of the Constitution does not effectively nullify its impact. In fact it meant nothing but prevarication on the part of the state, its inability to resolve the issue of national identity and its desire to tickle the religious sentiment of the majority of Egyptians.

With regard to the stance of the Constitutional Court from the rights of citizenship stipulated in the Constitution: The study addressed it in the same chapter through two parts.

The first part reviewed the vision of the Constitutional Court towards the issues of discrimination and inequality through four basic principles that showed that the Constitutional Court tends to uphold equality and prevent discrimination between citizens. However, some judgments of the Constitutional Court allows for discrimination as long as it has objective basis. This is very dangerous, as the idea that there are objective basis for discriminating between citizens is something that shouldn't have been shown in the judgments of the court. There is difference between having equality between those who have equal legal status and between what the Court considers as objective basis for discrimination, we hereby present those four principles as follows:

The first principle: All the various forms of discrimination contradicts with the principle of equality and violates its basis, thus they must be subjected to the judicial oversight handled by this court, so as to ensure respect for the principle of equality in all its areas of application⁴.

The second principle: The forms of discrimination that violates the constitution are any distinction, restriction, preference, or exclusion that arbitrarily violates the rights or freedoms guaranteed by Constitution or law, whether by denying the origin of its existence, nullify or impairment their implications in a way that prevents practicing them on the basis of full equality between people that are legally qualified to benefit from it⁵.

⁴ Appeal No. 37 for the legal year No. 9 – Hearing date 05/19/1990.

⁵ Appeal No. 17 for the legal year No. 14 – Hearing date 01/14/1994.

The third principle: The unjustified distinction and discrimination that violates the principle of equality among citizens: With regard to this principle, the Constitutional Court in its constitutional control of the constitutional provisions of the Trust Law No. 48/1946, concerning the prohibition of reconsidering or changing the trust of a Mosque from the purpose it was first trusted for, without adding the church to this provision, despite being equal with the mosque in the fact that they are both houses of worship dedicated to practicing religious rites "The principle of equality of citizens before the law was raised by all the Egyptian Constitutions, because it is a main pillar for the different rights and freedoms, and a basis for justice and social peace, that aims at maintaining rights and freedoms against the forms of discrimination which affect them, or restrict their exercise, and as a means of determining equal protection for all the rights. However, the area of its application is not limited to the freedoms, rights and duties guaranteed by the Constitution, but extend to those estimated by the legislator. If the forms of discrimination that violates the constitution are difficult to count, but they include any distinction, restriction, preference, exclusion that arbitrarily violates the rights and freedoms guaranteed by the Constitution or law, whether by denying their origin and existence, or nullification or impairment of their effects, in a way that prevents practicing these rights on equal footing between those qualified to benefit from it.

The fourth principle: The principle of equality and non discrimination between citizens is not a rigid rule that renounce all forms of discrimination, as long as this distinction is based on an objective basis. Court documents showed that "the principle of equality of citizens before the law does not mean treating their different categories, despite of their variation in the legal positions, equal legal treatment, nor it is a static principle that does not conform with the practical need, nor it is a rigid rule that renounce all forms of discrimination, as there are some forms of discrimination that are based on objective grounds and don't involve the violation of the provisions of Article (40) of the Constitution.⁶ "

As for the second part, on the vision of the Supreme Constitutional Court of freedom of religion as a fundamental aspect of citizenship: The study concluded that the Supreme Constitutional Court has adopted an ambivalent vision towards freedom of religion and worship. It is pulled by one side to the texts of the Constitution and pushed to the other side by societal and perhaps political pressures. But the most important conclusion made by the study is that the Supreme Constitutional Court in its interpretation of article 46 of the Constitution has added restrictions, which were not included in the constitutional text, on exercising the right. The Egyptian text was general and without restrictions, as the state guarantees freedom of religion and practicing religious rituals, which is something on which any party mustn't put any restrictions on including the Supreme Constitutional Court, whose role could be demanding the legislator to amend the article, and add the restrictions it wants, not to perform the role of the legislator in violation of the role of the authority of the parliament.

⁶ Appeal No. 124 for the legal year No. 22 –Hearing Date 01/12/2003.

Chapter Three of the study discusses the position of the Egyptian judiciary from the issue of citizenship, on the basis of a quick study of samples of the judgments of the Egyptian State Council to find out how the fort of freedoms addresses - as we like to call the Council - the issue of citizenship and to what extent it was inspired by the text and spirit of the Egyptian Constitution. The study starts by reviewing the historical and political stages undergone by the State Council and its impact on the issues of rights and freedoms. The study has attempted to outline the general trends of the State Council in ten points:

The first trend: is that freedom of religion must be understood in light of the fact that Egypt is not completely a civil state!!.

The second trend: the distinction between freedom of belief and freedom of performing religious rituals, as the first is permissible as long as the belief isn't announced by the believer, and s/he doesn't disclose or practice its rituals publicly, as long as they belief in a religion other than Islam.

The third trend: the State Council does not recognize conversion between religions, unless this conversion is from any faith or religion or belief to Islam and the opposite is not recognized.

The fourth trend: when there is no provision in the law, they resort to what was agreed upon by the scholars of Islamic law and apply it directly.

The fifth trend: the State Council in the provisions of the Supreme Administrative Court admits that there is an apostasy limit in Islam, and considered that it is its right to rely on religious Fatwas on the subject of apostasy.

The sixth trend: the approval to change the religion of the individual in the ID is only done because of the importance of some information in dealing with the community, and to meet the requirements of the modern state and not because it is his/her right to follow the religion that suits him/her.

The seventh trend: the judgments of the State Council, tends to materially promote freedom of belief as far as it is related to Islam only. It relies directly on the provisions of Article Two of the Constitution.

The eighth trend: it is permitted to interfere with a case on the basis that the interferer has a religious benefit from intervening.

The ninth trend: the registered churches in Egypt don't have the jurisdiction to take action of any kind to change the religion of a Muslim to Christianity; furthermore, they don't have the authority to issue any certifications stating that this had happened.

The tenth trend: the court looks at the intentions in the cases of freedom of belief,

and considers that it is not the right of someone who converted to a religion to return to his/her original religion, and considers that by doing this s/he tries to obtain mundane purposes.

The study identified a number of important observations on the stance of the State Council towards freedom of religion, the most important are: the judgments of the State Council has perhaps addressed the issue of religious conversion with legal professionalism, but far from justice. The judgments of the Council has stated that the legislator has linked changing religion with a judgment issued by the competent court, while the court believes that there is no competent court in Egypt that is specialized in converting religions, or with a document issued from a competent authority, while the court believes that there is no competent authority that has the right to issue such document. This means that nobody can convert from his creed to another⁷. However, the judgment escaped that both the Church, with all its communities, as well as Al-Azhar has such jurisdiction to prove the conversion. The State Council in all of its judgments dedicated long pages to talking about equality, freedom of religion and Articles 40 and 46 of the Constitution , but it immediately turns away to start a counter speech on Article Two and Islamic law and the idea of public order in the Islamic state, to the extent that some of these rulings carried full verses of the Holy Quran in the reasons of the ruling, not because of the articulate language of the Quran, but as a quoting of religious texts in issues of obvious civil nature⁸. Moreover, it applies the statements of Muslim scholars directly when it lacks the legal text; this constitutes a threat to legal justice which is based on civil legislation issued by the elected parliament.

Furthermore, this chapter of the study presented the stance of the State Council from the issue of appointing women as judges, and the recent crisis that emerged as a result of the rejection of the General Assembly of the State Council to appoint women. This crisis ended by the Council freezing the subject after a dispute to the Supreme Constitutional Court.

Chapter Four of the study discusses the attitude of some Egyptian newspapers towards the issue of citizenship, and how some printed media addresses the issue of citizenship and deal with it. This is done through content analysis of material news and the views reported in a number of newspapers during 2010, through identifying the patterns of discrimination between citizens that might be present in processing news, such as ridicule, denigration of dignity, defamation and incitement that might be perceived as unjustified criticism, or are based on weak foundation, and intends to incite against the policy of a particular group or institution. The study has taken those patterns as a basis for analysis and evaluation, **and primarily presented the areas of agreement and differences between the examined newspapers in addressing the issues of sectarian discrimination, the study reached a number of points including:**

⁷ The judgments issued in Cases No. 537171/62 and 22566/63

⁸ Review the judgments issued in the two cases No. 53717 for the legal year 62 and No. 225666 for the legal year 63, issued by the court on the hearing of 06/13/2009.

- 1. The examined newspapers had common vision towards Egyptian Copts as a part of the fabric of the nation, while this vision was different with regard to Egyptian Baha'is, and Shiites:** The study concluded that the newspapers consider Copts in general as part of the Egyptian society whose rights and freedoms must be respected. **On the contrary**, we find that the reports examined in the national or public newspapers (Al-Ahram – Al-Jumhuria - Rose Al-Youssef) have contained subjects that directly incite for hatred against Baha'is, **the partisan newspapers adopted the same attitude in this regard, however, the private newspapers have been characterized by allowing for a balanced opportunity to express the rights of the followers of this creed**, and didn't attempt, like many newspapers, to link this belief to Zionism and colonialism, as well as maintaining neutrality and balance in discussing the issue. Furthermore, they discussed the subject from the perspective of religious freedom as one of the human rights.
- 2. The examined newspapers stressed that there is a complete failure by the government in managing the problem of discrimination in general** and against Copts in particular. Due to this failure Egypt is subject to the criticism of international and regional organizations concerned with human rights in general and the right to freedom of belief and religious practice in particular. The newspapers attributed this dilemma to several reasons, including: the weak and late conception of the government and the agencies responsible for managing the issue of discrimination against Copts that it is an issue of public opinion that can't be dealt with in routine and bureaucratic way. This paved the way for the political opponents of the government to seize the opportunity and exploit the climate to convict the Ministry of the Interior state that the regime seeks to hide what happened and contain it.
- 3. The examined newspapers agreed on dealing with issues of religious discrimination by rejecting foreign intervention.** All the examined newspapers published many statements of various leaders of the National Democratic Party during the period 2009 - 2010, that rejects the different official governmental positions of EU and U.S.A, as well as the appeals of organizations like, Human Rights Watch and Amnesty International with regard to violating the rights of Christians in Egypt. They considered such attitudes and policies as unacceptable interference in the internal affairs of Egypt.
- 4. The press treatment and handling of the issue of religious discrimination have generally been marked as “seasonal,”** during the periods and times that witnessed attacks by the international parties, whether governmental or non-governmental, against the violations of freedom of belief and religious practices for Christians in Egypt. Furthermore, in the events that witnessed the outbreak of armed violence, bloody conflicts and terrorist operations against Christians, or conversion from Christianity to Islam, or vice versa, the insistence of the two parties in demanding the security services to return these individuals to their religions, and refusal to acknowledge their new religion.
- 5. The different papers, whether national or partisan or private, tackled the controversy about writing Baha'i in the religion's check or not, and its impact on society and the Islamic religion, but they didn't tackle the negative**

- impacts of not writing it for almost two thousand citizens that embrace the Baha'i faith.**
- 6. The national and private newspapers adopted different stances from the repressive measures and attacks against the Egyptians (Baha'is, Shiites),** the private newspapers have extensively tackled the crime of aggression against the followers of the Baha'i faith in Shuraniya village, burning their houses and belongings and displacing them out of their houses in 2009, with the claim that they are infidel and atheists. They condemned these attacks which are incompatible with the right of Baha'is to freedom of belief and practicing religious rites and rituals, and demanded prosecuting the offenders, protecting Baha'is and educating citizens and local leaders of this religion and the rights of its followers. **Meanwhile, the national and partisan newspapers supported and blessed hostility against Baha'is and incited against them,** with the exception of Al-Akhbar, which provided a true picture without distortion of this religion and defended the rights of its followers to recognize their freedom of belief and practice their faith freely without discrimination between them and other religions in Egypt, and asking state bodies, especially the judiciary and the security, to protect Baha'is, their houses and properties, as well as allowing them to get all their civil, political, economic, social and cultural rights without discrimination.
 - 7. The stances of the national newspapers were characterized by supporting all the repressive procedures and policies adopted by the successive Egyptian governments against the followers of the Shiite sect.** Those newspapers marketed a number of justifications and reasons in this regard, including: threaten the Egyptian national security by calming that the followers of this Shiite sect have strategic alliance relations with some external sources that threaten the Egyptian security, which are limited to Iran, Hamas movement in Palestine and Hezbollah in Lebanon. The wave of rejection and ostracism carried out by these newspapers reached the degree of incitement to kill or imprison the followers of this sect as they are "agents and traitors and fifth columnists" that carries out the terrorist assignments that come from abroad, particularly from Iran, Hamas and Hezbollah. The second reason is their religious difference from the rest of the citizens as those newspapers believe that adopting a faith other than Sunni Islam is a sufficient justification, from their point of view, to arrest and imprison the followers of this sect, as some Sunni Fatwas stated that it is away from the principles and foundations of true Islam. Those newspapers not only charged Shiite of violating the principles of Islam, but also sought to incite hatred of Shiite citizens by making fun of them, disregarding and insulting the religious rites and rituals practiced by the followers of this sect, inciting and antagonizing the official institutions such as Al-Azhar and the Ministry of Endowments against them, as well as calling for harassing the followers of this sect, denying their right to practicing their religious rituals, and prohibiting them from establishing their places of worship. **We didn't find private newspapers that gave the balanced opportunity to explain this sect, except for Al-Kahera newspaper, and to a lesser degree Al-Shrouk newspaper.** Al-Kahera newspaper was one of the first newspapers that published in a subjective way about Shiite books, and didn't try -

as did most of the public newspapers that belong to the first trend – to link this sect with Iran and the Persian regional ambitions, tendencies and objectives or Hezbollah in Lebanon or the Gulf Shiites or colonialism. These two newspapers tried to maintain neutrality and balance in discussing this issue from a general human rights perspective that ensures the rights and freedoms stated in international treaties and conventions, in addition to the part of freedoms and public rights in the Egyptian Constitution, which include freedom of belief and worship without discrimination.

The study allocated the first and second sections for analyzing the content of press coverage about the incidents of assaulting Christians in front of Nag Hammadi and Alexandria churches, and the issue of divorce and second marriage for Christians that were raised in 2009 and 2010, after the Administrative Court at the State Council examined a number of issues brought before it from those who were affected by the rejection of Pope Shenouda the Third, Pope of Alexandria and Patriarch of Saint Mark Episcopate, to give them the approval to get divorced for a reason other than adultery and give them a license to remarry. It also discussed the religious discrimination against Baha'is and the Shiites.

Chapter Five of the study was dedicated to reviewing the problem of education and citizenship in Egypt. The study presented a long historical introduction of the development of education in Egypt and how this relates to the issue of citizenship and the goals of education in each historical period. Furthermore, it analyzed some of the curricula of the academic years 2006/2007, and 2010 /2011, and raised the reasons for which the Egyptian education derogates the right of citizenship, either through religious or gender discrimination, including those reasons:

1. **Curricula:** The study pointed out that different curricula are full of religious discourse that doesn't care about or establish the concept of citizenship and perhaps bound and fight it. The study offers some models of curriculum, **including civic education** that reveals the spirit of intolerance and anti-citizenship that dominate curriculum developers. This is illustrated in civic education curriculum of the third secondary, as while it reviews the history of Egypt since the pre-dynastic pharaohs it refers to the Ptolemaic, and doesn't refer to about seven centuries starting from the Actium battle in 30 BC, till the Arab conquest of Egypt in 639. This also shows up in the **history curricula**, where the Coptic history is not taught in Egyptian curricula except within the history curricula of ancient Egypt, which includes the history of Egypt and its civilization since the time of the Pharaohs till the Arab conquest. Furthermore, the study tackled the curriculum of Arabic calligraphy of the second preparatory school, where Muslim and Christian students are trained on different types of Arabic calligraphy through models of Arabic phrases; we found that two thirds of these phrases stems directly from the Islamic heritage and that half of the two-thirds are verses from the Quran and hadith. This made us wonder about the aim of training Christian students on such expressions. Furthermore, the names of the additional textbooks give an idea of the general situation of the curricula:

1. Islamic thoughts about environment and population (first secondary).
2. Security in Islam (second secondary grade of technical schools).
3. Selections from the tolerance of Islam (second secondary grade of technical schools).
4. This is the approach of Islam in education (third secondary grade of technical schools).
5. Ethics of dialogue in Islam (second secondary of the general secondary schools).

The study also showed that the curricula tackle women in a contradictory way that undermines them. The study offered samples of those curricula, which sometimes describe women as tender and gentle and sometimes describe them as absurd and undermine their value. However, sometimes curricula praise women, according to the convictions of the author - as mentioned before. This is not linked to a well defined orientation by the Ministry of Education or the Center for Development of Curricula and Educational Materials, which is entrusted with editing these books and preparing them after being approved by the Ministry.

2. **Duality of education:** The study pointed out, to public education and Azhar education, as the later started gradually to become more independent from public education. Hence, we have an educational system that includes approximately two million students and eight thousand Azahari Institutes, and became an independent educational system with its own management and curricula. The students enter this system since first grade and continue till they finish university education without meeting Christians or girls.
3. **Education Act:** The study concluded that the Education Act No. 139/1981, is one of the reasons for diminishing the right of citizenship. The study stated that the law has stated in Article Six that the religious education is a core subject in all levels of education and requires passing it by obtaining at least 50% of its grade, without counting it in the total grade. Furthermore, **“Ministry of Education organizes regular competitions for memorizing Holy Quran and grants winners bonuses and incentives, according to the system prescribed by the Supreme Council of Education.”** This shows that the Ministry of Education ignored the principle of citizenship from the beginning as one of the most important goals sought by the modern Egyptian education, since it was founded during the reign of Mohammed Ali. Why does the Ministry adopt teaching Quran as one of its duties, while this should be the duty of the Ministry of Endowments and Azhar Institutes? If the Ministry of Education has both Muslim and Christian students, why does it has this legal bias towards Muslim students, and why doesn't it sponsor periodic competitions between Christian students to memorize the Gospel?
4. **The role of teachers.** The study concluded that in light of the desire of the July revolution to accelerate the achievement of free education and expand in building schools, it was forced to abandon deep academic preparation of teachers. Thus, it opened several academies for preparing teachers, which used to accept students who got low grades in high school and weren't able to go to universities, or from the graduates of technical secondary schools. The preparation of these teachers

didn't exceed technical preparation on teaching methods, curriculum, evaluation, and intelligence, and other topics of pure technical nature. These teachers left in large numbers to gulf countries and since they are not familiar with modern culture they weren't able to have an enlightening role in the gulf countries, to the contrary they were affected by the culture there, which is mainly cognitive religious culture. They returned back, got promoted to be departments' managers at the Ministry of Education and tried to spread this culture.

5. **The religious current seeks to dominate the Ministry of Education: The study concluded that**, since the beginning of the nineties, schools began to fill their libraries with extremist religious heritage books, and the tapes of extremist Islamic preachers which incite for hating Christians and advocate for not partnering or eating with or congratulating them for their feasts. Furthermore, they went on in organizing religious competitions between Muslim students and celebrating Islamic occasions on a wide scale. All the activities took the Islamic form, as songs are Islamic and all the signs that cover the walls at schools are dominated by Islamic discourse. Furthermore, some schools refuse to salute the flag, as salutation is only for God and in better cases saluting the flag is proceeded by chanting Islamic slogans. The study also reviewed the battle fought by the former Minister of Education with respect to wearing the veils that cover faces in schools.

Second Section Concluding Recommendations

The study came up with several recommendations and added to them after the study was discussed in the conference. The ideas and comments of the participants enriched the recommendations of the study.

First: As for the legal aspect and according to what we sensed from reviewing the rulings of the state council.

- 1. Amending paragraph one of Article Two of the Constitution to provide that Islam is the religion of the majority of the Egyptians. The State respects and protects all other creeds and religions of those who reside on its land⁹.**
- 2. To form a committee that looks into revising the constitution's first article. The committee shall consist of members of parliament and those responsible for civil status issues. The revision shall be in line with the administrative court's judgment. The purpose of the revision is to make it easier to practice constitutional right of religious freedom¹⁰.**

2.1. Article (3) of Law No. 68/1947, amended by statute No. 629/1955 regarding documentation/authentication states: Offices are responsible for authenticating all legal documents except marriage contracts, letters of divorce, returning to marriage after divorce and the agreement thereto that are special to Muslim Egyptians and Non Muslim Egyptians of similar denomination and religion. It is also responsible for authenticating marriage and divorce contracts for Non Muslim Egyptians of different religions and denomination. This is to be done through certified notaries appointed by the minister of justice. The minister puts a regulation that sets forth the conditions of appointment of the notaries, their specialties, and all other related matters. There is a fee for all marriage contracts mentioned above according to statute No. 91 of 1944 referred to earlier”

2.2. Article 47 relating to civil status No. 143 / 1994 provides that “No modifications or corrections may be made to civil status records relating to birth,

⁹ Mr. Ahmed Abd Al-Hafiz, Attorney at Law and the main commentator on the legal axis of the study, believes that what Article Two of the Constitution stipulated, that the Islamic Law is the main source of legislation doesn't have any legal effect.

Dr. Raouf Hindy Halim, the Baha'i activist, believes that the Article Two of the constitution is not problematic as long as there is rule of law and institutions in the state.

Dr. Yasser El-Farmawey, Attorney at Law, believes that the main fear from Article two of the constitution stems from lacking knowledge of the provisions of the Islamic law that supports tolerance and respecting other religions.

Mr. Madouh Ramzi, Attorney at Law, stresses that he doesn't call for abolishing Article Two of the Constitution, but adding a part with regard to legislations that states “as all the Divine Religions are supposed to be source for legislation”

Dr. Ramdan El-Batal, Attorney at law, pointed out that if there is a referendum on Article Two of the constitution, it will be applied as the majority of the Egyptians are Muslims.

The second conclusion of the recommendations of the First National Conference for Combating Religious Discrimination, agrees with that as it suggested addressing the best legal and human rights experts to work towards amending Article two of the constitution by devising the purposes of the Islamic law, together with all the values set by humanity and contained in all Divine Religions and other values stipulated by human rights conventions, approved by the world and endorsed by international organizations, so as to make them all the main source of legislation.

¹⁰ The third recommendation of the First National Conference for Combating Religious Discrimination was to formulate a national committee that handles examining and purifying the Egyptian legislations from anything that restricts the right of the Egyptian citizen to freedom of belief and practicing religious rituals. This includes criminalizing enforcing beliefs, whether by state or organizations or individuals, as well as renewing the demand to cancel the religion check from all the official documents or at least making it optional.

death, and family... except with a decree issued by the committee mentioned in the above article. Any modification or correction to nationality, religion, or job, or any civil status records relating to marriage, its invalidity, dowry, divorce or physical separation or proof of fatherhood based on previous verdicts or documents issued are to be made from the relevant entity. It is not necessary to ask for decision from the committee referenced to above.

2.3. Article 53 of the statute referred to above provides that “if any change occurs to the data relating to personal identification of the citizen or data relating to the civil status, the citizen shall update his information in the division where he resides within three months.

2.4. Article 33 of the executive decree for the civil status statute provides that “the department of civil status issues a personal identification card to every Egyptian citizen, 16 years or older. It shall be valid for a period provided by the Minister of Internal Affairs. The dimensions of the card are to be specified according to international measures as follows:

Width: 85.47 to 85.72 mm.

Length: 53.92 to 54.03 mm.

Depth: 0.86 to 9.84 mm.

The identification card provides the following for every citizen:

- The issuing department/office/entity
- Identification number
- Full name
- Place of residence
- Type
- Religion
- Employment
- Husband’s name (for married females)
- Date of the identification card’s expiration

(First) filled by the citizen;

- Within six months from reaching sixteen, citizens shall apply to the civil status department in the circuit of residency for an identification card. The citizen shall provide all documents that provide for verification of the data with the previous identification card if there is one.

(Second) filled by the civil status department:

- To receive application forms and verifying the applicant's identity and the completeness of the information.
- Take the applicant's finger print.
- Take the applicant's picture immediately and saving it on the computer.
- Register the application in record prepared for that.
- Prepare a file for the applications including in it the name, identification number and to send it to the issuing entity.
- To receive the identification cards from the issuing entity at the information center and deliver them to the applicants.

(Third) for the information center:

- To receive the application files from the civil status department.
 - To verify the information and ensuring it's matching with the data on the computer. And finishing up recording all the data provided in the application. Then to finish the procedures for issuing the identification cards.
 - To send the identification card along with the file to the civil status department so it can be handed to back to the applicant.
 - To prepare the mobilization form.
 - To prepare the military recruitment form.
3. Identify explicitly the entity that would be responsible for issuing the change of religion certificate according to the civil status statute. It may be provided that such certificates should be given to churches for the Christians and the Azhar for the Muslims. Followers of other religions may confirm their faiths to the notary public with the presence of two witnesses. This confirmation will be a valid documentation for change of religion.
 4. Identify a specialized court, we suggest that it be the administrative court at the state council, to be the specialized court to adjudicate in issues relating the identification of religion and the validity of documents issued in relation to this matter.
 5. Issuing a legislation criminalizing any discrimination based on religion, sex, or race and have legal penalties. The creation of a national entity that oversees such

rights of citizenship. It would be responsible for receiving private complaints relating to discrimination and adjudicating the matter¹¹.

Second: Media

1. The necessity of promoting the code of ethics for the press and educating journalists and media personnel about the necessity of observing its content¹².
2. The necessity of the supreme council of the press to cooperate with journalists in forming a specialized committee consisting of media and journalism professors to follow up and monitor media publication in general, and the works of the Egyptian media in specific for discrimination, and religious discrimination patterns among citizens. It should provide a monthly report concerning such transgressions, and alerting and warning press organizations and journalists that commit such transgressions that constitute a threat to equality and non-religious discrimination¹³, and the stability and unity of the Egyptian society.
3. Working on incorporating the understanding of ‘citizenship’ in the agendas of state owned and privately owned newspapers, partisan newspapers and religious newspapers specifically due to the public’s interest in its affairs.
4. The need of civil society and human rights organizations in specific to provide training sessions for young journalists and beginners about values and meaning of citizenship and non-religious discrimination between citizens.
5. For the religious organizations specifically the church and house of ‘fatwa’ to rapidly establish a press office in its name as the Azhar did, that formulates and prepares press documents to prevent distorting and altering statements of religious leader that because of their abundance cause clamor and confusion on the stances of the leaders of such organizations that in turn cause sectarian and religious tension in Egypt.
6. The creation of an independent national council for visual and auditory press, not under governmental control or influence. It is to monitor the media’s respect for freedom of expression and ensuring that it does not call to hatred and discrimination based on religion, color, or any other basis and works according to codes of professional ethics and criminalize discrimination in all its forms. It is to be managed by a board of trustees selected from a pool of public figures renowned for their independence¹⁴.

¹¹ This recommendation was added from the conclusions of the First National Conference for Combating Religious Discrimination.

¹² This was stressed by the journalist Mr. Salah Eissa, editor in chief of Al-Kahera newspaper and the main commentator on the axis of media at the study, who stressed the need to uphold to this code of ethics on the basis of the responsibility of the media, and the media must realize its role in the society to prevent transforming the incidents of sectarian strife to a way of getting journalistic benefits.

This recommendations complies with conclusion number nine of the Third National Conference for Combating Religious Discrimination (Media and Citizenship), which suggested activating the principles mentioned in the code of ethics of the press issued on 03/26/1998 and approved by the Supreme Council of Press. The second article of the part on the obligations of the journalist stipulates “committing to neutrality in writing about calls for racism intolerance or those involving abusing religions or calling for hating them, or challenging the faiths of others, or those calling for discrimination or contempt for any of the sects of society ”, Furthermore, the Supreme Council of Press must enforce the application of Article (20) of the Law on Regulating Press for the year 1996, which contain the same aforementioned text.

This was also stressed by the journalist Ms. Iman Rasaln, who stressed the need for the media to present the point of view of others, which contradicts with it, in order to be meaningful media that complies with transparency not indoctrination.

¹³ Mr. Salah Eissa refused the idea of comparing between different religions in media, as the religion is a basic instinct for humans. He believes that such comparisons should be done in scientific communities only.

¹⁴ This recommendation was added from the conclusions of the Third National Conference for Combating Religious Discrimination (Media and Citizenship).

7. Preparing educational and training sessions for journalists and about media personnel from various organizations about “citizenship journalism” which is a journalism that discusses various issues and topics that society experience, from a perspective that reinforces and increases the respect of the citizenship and rejects sectarianism and division and promotes the values of national unity, integration and peaceful coexistence. This is in addition to the inclusion of the value of citizenship in studies and curricula that are provided to media students in Egyptian universities, so that they graduate with awareness of citizenship concepts¹⁵.

Third: Education and curricula

1. Amending educational statute No. 139 of 1981, so that discrimination in all its forms disappears between citizens, and complete equality between citizens prevails¹⁶.
2. Perusing all educational subjects: Arabic language, religion, social studies, history, and others, and removing anything that contradicts the citizenship concept¹⁷.
3. Preparing lessons that encourage citizenship in various topics that relate to various educational curricula .Examples are lessons regarding shared struggles for Muslims and Christians/Copts towards national independence, Muslim and Coptic heroic figures in the 1973 October war such as Makram Ubeid, Weisa Wasif, Roshdi Saeed, Louis Awad, Magdy Yacoub, etc¹⁸.
4. Making a ministerial regulation specifying acts of discrimination between citizens in schools, such as excluding Copts or girls from particular activities, or attributing abdominal characteristics to certain elements or any other form of discrimination in word or act, and instating appropriate penalties for discriminatory behavior.
5. Absolute denial of teaching jobs to veiled women (face cover) and prohibiting the wearing of traditional or Afghani male costume through a ministerial regulation that specifies the dress code for teachers.

¹⁵ This recommendation was added from the conclusions of the Third National Conference for Combating Religious Discrimination (Media and Citizenship).

¹⁶ This was supported by the eighth recommendation of the Second National Conference for Combating Religious Discrimination that stipulated the need to amend the second paragraph of Article Six of the Law on Education No. 139/1983, which stipulates “organizing educational competitions for memorizing Quran in all stages and allocating rewards for them identified by the Supreme Council for Education.”

¹⁷ Dr. Shebl Dadran, former Dean of the Faculty of Education – Alexandria University and the main commentator on the axis of education, says that there are obligatory Islamic texts in the Arabic curricula that all the students have to memorize, which represents neglect for the believers of other religions.

Dr. Ibrahim Attia, from the Media organization in Tanta, believes that there is a need to put the principle of respecting other religions in the curricula and equality between the Islamic and Christian curricula, this is stressed by Dtr. Azza Fathi, professor of education, who says that the developers of the Arabic language curricula always miss the fact that there are other communities in the society.

This recommendation complies with the fourth recommendation of the National Conference for Combating Religious Discrimination that recommended reviewing all the curriculum to purify them from anything that deepen sectarian divisions between Egyptian citizens, and making sure that teaching religions is done only through religious curricula and in a common ethical context, as well as teaching what encourages tolerance, accepting pluralism and respect for human rights and religious freedoms.

¹⁸ Dr. Nabil Shebl believes that we should search for the concepts of citizenship in the curricula and conduct “content analysis,” he also stressed the idea of the “hidden curricula” which means that the problem of citizenship in education doesn’t lay in the curricula only, but the performance of the teacher represents an important factor in this problem, as well as, all the interactions, the management style, the relation between the students, the teaching methods. Therefore, the curricula must be established on the idea of citizenship so that the developers of the curricula are supporters of this idea.

6. Issuing ministerial recommendations encouraging citizenship activities in wall posters and school broadcasts and following up with it.
7. Making competitions that address national history and wars of independence and development and national figures and providing appropriate prizes and publishing about such competitions and the names of the winners.
8. Making field trips and visits to various local legislative and executive organizations and courts and explaining its working mechanisms, goals, and role in developing society.
9. Encouraging artistic activities that encourage the resurrection national heritage songs for Um Kolthoum, Mohamad Abd El Wahab, Abd El Halim Hafeth, Sheikh Imam and others.
10. Replacing the subject of civic education with national education. The goals of the subject are: encourage the civic and political participation of students away from ideological partisanship, ending discrimination between citizens on this basis, observing the constitution and the law, and providing constitutional subjects that encourage participation and reiterates the values of equality and justice and equality of opportunity¹⁹.
11. Effectuate student elections and encouraging students to form pressure groups and instituting programs for candidates as an introduction for understanding the nature of political and civic participation.
12. Making a hotline belonging to the educational minister that receives complaints regarding discrimination between citizens and then investigating them and instating appropriate solutions.
13. Specifying centrally examination dates so as to avoid upsetting the Copts in making mid -term exams during Christmas.
14. Every school is to implement a program named the citizenship program that forms a team of students and teachers including Christians and Muslims, girls and boys. This team adopts a services project for the district or village that holds the school. This is through connecting with state organizations and its local offices and universities and civil organizations and parents and mayors and public figures. These projects will be diverse in nature: some examples are planting trees, illuminating dark streets, covering up unused sewers and muddied ponds, building fences around youth centers, painting poor people's houses, raising funds for taking care of the ill, beautifying the walls of governmental buildings and writing poetry about loving the nation to swell our national memories. In the process of accomplishing the goals of this project the students will be introduced to various laws and become connected with local and executive entities, political entities and civil society. They will make artistic and athletic competitions and organize days for making a lunch around a small single table. The ministry will set standards for successful projects that will have the capacity to include people from all walks of life, it will provide prizes and certificates of appreciation for successful projects, in public competitions open for all. The media will find among our students and teachers true heroes who love their countries and dedicate themselves to it.

¹⁹ Dr. Nabil Badran suggests teaching the common values between various communities. This was supported by Dr. Ibrahim Attia by searching for the similar principles in different religions to teach them.

- 15.** Merging Al-Azhar institutes in the system of civil education under the supervision of the Ministry of Education, and Al-Azhar University should restore its role a university for religious studies that can be joined by those interested in it after finishing their university education. This is in addition to developing religious studies so that they effectively resolve issues and problems confronting the present and the future instead of keeping it a prisoner of the distant past.