**Discrimination in Law and Practice against the Copts in Egypt**

There are various forms of discrimination against Copts in Egypt. These include: legal forms of discrimination, which require changing laws, as well as discrimination in the implementation of the laws as well as the practice of the security and the judicial institutions. While the Egyptian 2014 Constitution (amended in 2019) bans any forms of discrimination on the basis of “religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason” (Article 53). However, the Penal code only publishes discrimination “when the discrimination has resulted in a breach of the principle of equal opportunities, social justice or harming public order”. Important to note that has stipulated the formation of a Commission to Combat Discrimination. This commission has not been formed yet and little has been made to establish it.

***Legal forms of discrimination***

A clear case of discrimination against Copts, is the Church Building Law 80/2016. The criteria stipulated in the law to construct and license a church are restrictive compared to the regulations to build mosques. For example, a restriction on the size of the church compared to the number to the believers in the area while in the regulations for building mosques there is a minimum size for the mosque to be observed. There are also various forms of violations of the 80/2016 law by security forces, mentioned below.

Another form of legal discrimination is the expansion of application of sharia law to non-Muslims in the case of personal status. As per Law 462/1955, Christians need to belong to the same denomination in order to have their own legal codes implemented in cases of their personal status. In the case they belong to different denominations, Islamic Sharia is automatically implemented. This bans Christians from practice of their religious codes in personal status as well enjoying the rights they are granted under article 3 of the Constitution which stipulates that the “canon principles of Egyptian Christians and Jews are the main source of legislation for their personal status laws”.

In cases of personal status, when the parties are Muslim and Christian, Islamic Sharia is automatically implemented, that puts the non-Muslim party in a weaker position. By law, in the case that one of the two parties convert to Islam, at any stage of the lawsuits, Islamic Sharia is automatically implemented in favor of the Muslim party, such as in the case of child custody which would be granted to the Muslim party. In addition, in cases that sharia is implemented the testimony of a Christian is not seen as equal to that of a Muslim.

Furthermore, public order is a legal sanction to the practice of Christianity in matters of personal status matters for Christians as per article 6 of law 462/1955. However, public order is defined according to percepts of Islamic Sharia. Hence, according to that, adoption is not permissible for Christians in Egypt, despite its practice is deemed positive in Christianity. In this sense, there seems to be a hierarchy of laws in which Christian canon laws in personal status is below that of Islamic Sharia.

***Forms of Discrimination in the Practice of the Security Institutions***

Furthermore, while the law 80/ 2016 bans the closure of any church, even if unlicensed, in which rituals have been practiced in before the law has been passed, security forces have practically closed scores of churches in violation of the law. Police forces usually resorted to close these informal churches as soon as they receive a complaint from Muslim villagers of an “unlicensed church” in the village. Since 2017, there are at least 12 churches that have been closed illegally.

The most recent case is the security’s demolition of a Church in Kom al- Farag village, Abual-Matamir center, al- Buhaira in May 2020. The house has been used for prayers since 15 years, however, it needed an expansion and second floor was built. This led the Muslims to protest the expansion of the church. The protests led the municipality to proceed to demolish the building, even despite the appeal of the priest the demolition order. The security forces did not wait for the decision of the court and proceeded immediately to the demolition contrary to the 80/2016 law. The priest was also attacked by the security forces and more than 14 Copts were taken into custody.

Another form of discrimination is the extra-legal customary reconciliation sessions that discriminate against Copts. Customary sessions is a way for resolving the intercommunal strife that takes place. Copts are usually victims of attacks by Muslims for a number of reasons, including the practice of religious rites in a house or a construction of a church building. These attacks are resolved by mass arrests from both parties: the offenders and the victims. The victims are then forced to give up their legal claims to the case in order to avoid prosecution and their families are forced to sit in an informal reconciliation session which is attended or supervised by the local security. This way stops the Coptic victims from seeking legal redress. However, this method encourages the recurrence of attacks as the perpetrators evade justice.

For example, in Kom al- Raheb village, Samalut, Minya, when clashes erupted after Copts took an informal building as a church and 19 people from both sides were taken into custody. The informal reconciliation session that took place afterwards stipulated that the reconciliation would take place and the church is to remain closed. Hence, Copts were prevented from seeking redress to crimes committed against them, including attacks on persons and property, but also their right to freely practice their religion in the village was violated.

A major issue of the reconciliation sessions is its resort to Islamic law, that differentiates between Muslims and Christians, and gives Muslims the upper hand. This leads to some judgments as a result of these sessions that violate the laws. For example, forced displacement is a judgment that can be and is handed to Christians. In this case, some times the security supervise the displacement themselves. Important to note that the Egyptian constitution holds that forced displacement is a “crime that is not subject to a statute of limitations” (article 63).

Another case which renders consideration is the abduction of female Christian minors and their conversions to Islam. This often takes place with the disappearance of the lady in question and the conditions of her conversion are hence unknown; if she had endured any pressures in order to convert. Seldom do security forces take reports of missing minor Christian women seriously. Furthermore, to complicate matters, while conversion to Islam only requires the two declarations (*shahada*) of Islam to be uttered and is quickly registered by the Azhar, to convert back to Christianity is restricted. Hence, this case requires an impartial judicial body to register conversions and to ensure that the person in question is converting of his/her own free will. A minimum age should also be set for legal conversions. Between October 2019 and March 2020 there were at least 13 cases of abductions of Christian women.

***Forms of Discrimination in the Practice of the Judicial Institutions***

In the cases of customary reconciliation sessions, judges are sometimes complicit in accepting reconciliation when serious crimes, such as as murder and arson have been committed. This is illegal, as the law regulates which crimes there can be a case of reconciliation in and which not. Hence, in several cases judges are complicit in breaking the law. Furthermore, the law bans reconciliation in crimes of thuggery and crimes that disrupt public order. In various cases, such as the Kom al- Raheb attacks mentioned above clear cases of thuggery and disruption of public order in the village took place. Nevertheless, the reconciliation session went ahead and charges were dropped on the assailants.

While proselytization is one of the forms of religious freedom in line with international human rights conventions, it is banned with regards to non-Muslims in Egypt. While in the case of Islam public funds are used to fund the Azhar institution, which is constitutionally responsible for the spreading “of the Islamic Dawaa” (article 7), calling for other religions is not permissible. Proselytization is not a crime in itself, however, it is usually prosecuted according to the “violation of public order”, which sees Islamic percepts of Sharia as its core. It is also prosecuted under the religious blasphemy law below.

Similarly, while no laws exists to prevent the amendment of religion in national identification cards from Muslim to a different religion, judicial precedents have been established that would restrict such an possibility in the future.

Religious blasphemy is an offense mentioned in the Penal Code according to article 98f which punishes anyone who “exploits religion to promote by saying, writing, or any other means of extremist ideas with the intent to provoke sedition, contempt, or contempt for one of the divine religions”. While the religion to be attacked need be a “heavenly religions”, this is a form of discrimination against religions seen as non-heavenly. However, the application of blasphemy regulations has also been discriminatory and partial and constituted violations of freedom of speech. There has been an impartial tendency to prosecute Christians who are critical of Islamic figures and statements according to blasphemy law. On the other hand, Muslims who have issued derogatory remarks on Christianity have not usually been prosecuted. Hence, the application of blasphemy regulations has also been discriminatory and partial. There are no laws yet banning hate-speech which stirs hate or incites to hate and discrimination against faith communities, despite the existence of a constitutional provision in the 2014 Constitution that notes that incitement for hate is a crime punished by law (article 53).

***Arrests of Coptic Activists***

Since September 2019, there was an escalation in the crackdown of human rights and political activists in Egypt. At least 5 Copts were arrested due to their public activism: including labour activist Ramy Rizk, political activist Jober Balnek (released a few months after his arrest), human rights defender Patrik George, journalist Sameh Henain and Coptic activist Ramy Kamel. Notably, all of the currently arrested Copts are accused of terrorist charges despite their various backgrounds and the different forms of activism they engaged in.

This is the case of one prominent Coptic activist who has been active in documenting cases of abuses and violations against Copts: Ramy Kamel Saied Salib. Ramy was arrested on November 23 2019 and accused of the following charges as per Supreme State Security Case 1475/2019: 1- forming and funding a terrorist organization, 2- misuse of social media and 3- spreading false information. Ramy has been active in cooperating with international UN mechanisms including the Special Rapporteur on the Right to Adequate Housing. He has been documenting the Church burnings that erupted in October and November 2019 before he was arrested. He was also invited to take part in the 2019 Forum on Minority Issues in Geneva. The arrest of Ramy only one day before his intended travel to Geneva is a case of reprisal against Coptic activists who cooperates with the UN.

The renewal sessions of Ramy’s pre-trial detention has faced serious irregularities. Since the Corona- virus pandemic became of concern in March 2020, Ramy’s prosecution sessions have usually been postponed indefinitely. Serious irregularities took place on May 3, when Ramy’s detention was extended for 45 days without him being present or his lawyer being present. On several occasions, Ramy’s right to a lawyer has been violated by preventing his lawyers from reaching his prosecution. Ramy is also banned from a number of rights granted to him by the Egyptian Prison Regulations. He is banned from receiving books and newspapers. He is also banned from receiving or sending written correspondences. Since March 3 2020, his family and his lawyers have not been able to communicate with him in violation of the prison regulations.

The arrest of Copts for their active public participation and activism they have engaged in is only a way to prevent further public participation of Copts. This will effectively reduce pluralism and diversity in civil society and human right spaces.