

# Egypt's Religious Minorities: The Legal Framework

Egypt's legal framework is an important angle through which to understand the state of religious minorities in the country. This brief delves into some of the primary issues affecting and implicating the country's religious minorities, who are primarily Coptic Christian, but also include members of other Christian denominations, Jews, Shi'a Muslims, Ahmadis, Quranists, Baha'is, and atheists.

## Official Recognition of Religion and Right to Religious Practice

**Law:** Egypt's [2014 Constitution](#) states that freedom of belief is absolute. Article 64 sets forth the right to practice religious rituals and establish places of worship for followers of the "revealed religions," considered to be Islam, Christianity, and Judaism. Article 7 establishes al-Azhar as the "main authority for religious sciences and Islamic affairs."

A religious denomination not already recognized by the Egyptian state that [wishes to obtain](#) official recognition must submit a request to the Department of Administrative and Religious Affairs within the Ministry of Interior, which decides whether that group poses any threat to national unity or social peace; official religious institutions are consulted in the decision-making.

**Analysis:** The country's legal framework denies individuals who are not followers of the "revealed religions" the right to practice their religious rites. Furthermore, even members of the "revealed religions" can face restrictions in doing so. For example, the status accorded to al-Azhar is largely interpreted as an endorsement of Sunni Islam and has thus [paved](#) the way for restrictions on the practice of Shi'a Muslims and the members of other Muslim sects. Separately, in September 2020, the Supreme Administrative Court [upheld](#) a prohibition on the annual Jewish celebration of Abu Hasira, citing "moral offenses and disturbances to public order."

The country's legal framework restricts the ability of unrecognized religions, sects, and denominations to seek official recognition by the state, and the courts [have largely affirmed](#) this direction, including in cases involving Jehovah's Witnesses and Baha'is. As a result of lack of official recognition, some religious minorities face [serious implications](#), including when it comes to marriage licensing, official state recognition of children, and restricting forms of religious practice.

## Houses of Worship

**Law:** As detailed above, the Constitution affords members of the "revealed religions" the right to establish places of worship. In September 2016, the Church Construction Law ([Law No. 80 of 2016](#)) was [ratified](#) in compliance with Article 235 of the Constitution, which had required that a law to govern the building and renovation of churches be passed within the first legislative term following the constitution's passing.

The law requires that the representative of the church seeking approval for construction or renovation submit a request to the relevant provincial governor. The governor should review the request and either approve or deny it within a four month period; denials must be accompanied by a "justified" written decision. When assessing the application, the governor may consider the "number and need of the citizens of the Christian denomination." Separately, the law creates a ministerial committee to review applications for churches that were built previously without presidential or gubernatorial permission before the law's ratification ("unlicensed churches").

**Analysis:** As a result of this legal framework, Muslims and Christians are subject to separate and unequal laws governing the construction of their respective houses of worship. Unrecognized religious minorities remain unable to establish houses of worship entirely. Furthermore, though members of a "revealed religion," Shi'a Muslims [have been unable](#) to establish congregation halls for worship.

Though the Church Construction Law was widely heralded and introduced some improvements to the prior process governing the licensing, construction, and renovation of Christian houses of worship, the process [has been critiqued](#) for being slow and bureaucratic.



As of October 2021, the relevant authorities [had handed](#) down 1,958 preliminary status approvals out of 5,540 applications (~35.3 percent approval rate). Separately, the law's silence on a number of essential issues has created space for arbitrary and discretionary implementation. For example, the law does not provide recourse for religious communities who do not receive responses within the four month period. It does not indicate whether there is an opportunity to appeal a rejection decision should a denial be issued. The law also does not stipulate a deadline for the review of previously-unlicensed churches, leaving a number of communities in limbo.

## Contempt of Religion

**Law:** The Egyptian Penal Code [criminalizes contempt of religion](#) in three primary provisions. Article 160 criminalizes those who perturb or obstruct the holding of religious rituals; destroy, desecrate, or deface buildings established for religious rites; and violate or desecrate graves and cemeteries. Article 161, criminalizes printing a holy text in a way that perverts its meaning; and imitating a religious ritual for the purposes of ridicule. Finally, Article 98(f), referred to as Egypt's "blasphemy" provision, sets forth a punishment of between 6 months and five years of jail time or a fine of between LE 500 and LE 1,000 for "any person who exploits religion to propagate, by word, in writing, or by any other means, extremist thoughts with intent to inflame civil strife, defame or show contempt for a revealed religion or its adherents, or harm national unity."

**Analysis:** Egypt's religious minorities, particularly members of the Christian faith, have consistently been subject to sectarian violence, including attacks directed at churches and other houses of worship. However—save for a few prominent cases—perpetrators of sectarian violence are rarely held to account, whether through Articles 160 and 161 of the Penal Code or otherwise. Instead, authorities [often resort](#) to and encourage customary reconciliation sessions, which tend to favor the Muslim majority and increasingly occur as a substitute to the formal justice system, further marginalizing Christian communities as a result.

The Egyptian authorities continue to leverage Article 98(f) on blasphemy to target individuals for exercises of free expression meant to be protected by the Constitution. Though the blasphemy provision governs all revealed religions, the article is disproportionately used against non-Muslims and Muslims who adhere to, adopt, or express beliefs outside of officially-accepted interpretations of Sunni Islam. Often, blasphemy prosecutions [rest](#) on flimsy evidence. Recent cases have included those of [Anas Hassan](#) who was prosecuted for his involvement in the Egypt Atheists Facebook page; Quranist [Reda Abdelrahman](#) who remains in pretrial detention; and lawyer and Islamic thinker [Ahmed Abdo Maher](#).

## Discrimination

**Law:** Article 9 of Egypt's Constitution "ensures equal opportunity for all citizens without discrimination." Article 53 establishes the equality of citizens before the law; protects them from discrimination, including on the basis of religion and belief; states that discrimination and incitement to hate are crimes punishable by law; and commits the state to "take all necessary measures to eliminate all forms of discrimination." Article 161(bis) of the Penal Code sets forth a punishment of jail time and/or a fine of between LE 30,000 and 50,000 for whoever takes an action or refrains from taking an action with the intent to discriminate between individuals or a group of people on a number of bases, including religion and creed. The punishment is heightened when the perpetrator is a public official or public servant.

**Analysis:** Despite clear and welcome provisions setting forth the principles of equality and non-discrimination in multiple places in the Egyptian legal framework, there continues to be [discrimination](#) against recognized and unrecognized religious minorities on both the individual and systematic levels, involving the issues described above and others. An anti-discrimination commission, called for by Article 53 of the Constitution, remains unformed. Incidents of discrimination and hate speech directed at religious minorities, including in the media, are rarely prosecuted despite protections to the contrary.

In addition to the aforementioned issues, a number of other laws and legal provisions affect Egypt's religious minorities, including on issues of personal status and conversion. Amendments are expected to be made to the personal status laws affecting both Muslims and Christians in the near future.

*This brief is part of a project on Egypt's religious minorities made possible thanks to the generous support of the European Commission and the Norwegian Agency for Development Cooperation.*

