

Freedom of Religion and Belief in Egypt
Quarterly Report
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Freedom of Religion and Belief Program
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Introduction

This report provides a brief overview of the most significant developments for freedom of religion and belief in Egypt during the first three months of 2008. It documents new court rulings, legislation and government policies relevant to freedom of religion and belief, as well as instances of religious discrimination and other violations of religious freedom. It also reports on incidents of sectarian tension and violence and reviews the most important reports, publications, and activities related to the topic during the reporting period.

The report seeks to provide a primary source for documented information on the most significant political, legal, and social developments affecting freedom of religion and belief in Egypt. It aims to brief law- and policymakers, researchers, the media and other stakeholders of these developments, especially given the dearth of such primary information and the problems associated with verifying some of the facts. The report, therefore, does not offer an analysis of the facts, but only documents them as a basis for further analysis.

In preparing this report the Freedom of Religion and Belief Program of the Egyptian Initiative for Personal Rights (EIPR) relies on field research by program staff, complaints received by the EIPR during the reporting period, information gleaned from news reports and confirmed by researchers, and laws and governmental decrees related to freedom of religion and belief as published by the Official Gazette. This report is not an exhaustive and comprehensive overview of all pertinent developments, but is limited to the facts the report's authors view as most significant and were able to verify.

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I. Court rulings

1. On 29 January 2008, the Court of Administrative Justice headed by Judge Mohammed al-Husseini ordered the Ministry of Interior's Civil Status Department (CSD) to place a dash (—) in the slot for religious affiliation on the national identification cards and birth certificates of Baha'i citizens. The ruling, issued in cases no. 58/18354 and 61/12780, put an end to an eight-year government policy that required Egyptian Baha'is to choose one of the three religions officially recognized by the state—Islam, Christianity, or Judaism—as a condition for obtaining these vital documents.

The Interior Ministry did not appeal the verdict before the Supreme Administrative Court within the 60-day period allowed by law. Nevertheless, as of the writing of this report, the CSD has not implemented the 29 January ruling. Baha'i Egyptians who have applied for official documents that do not state their religion have been told by officials from the CSD to wait until the necessary changes are introduced to the system for procuring documents.

In December 2006, the Supreme Administrative Court had upheld the government policy of not listing the Baha'i faith on official documents, on the grounds that such a measure would violate public order and Shari'a (Islamic law). As a result, Baha'i Egyptians shifted their demands, asking instead to receive official documents that contained no mention of religious affiliation.

2. On 9 February 2008, the Supreme Administrative Court headed by Judge Sayed Noufal ruled on 12 lawsuits filed by Christian citizens who had converted to Islam and then back to Christianity; they asked that their identity cards reflect their "re-conversion" to Christianity. The court ruled in favor of the plaintiffs, thus overturning a verdict issued by the Court of Administrative Justice headed by Judge Mohammed al-Husseini in April 2007. The latter court had upheld the government policy of refusing to list the plaintiffs' religious

affiliation as Christian, in violation of the Civil Status Law, which guarantees the right to change one's religious affiliation in official records. However, the Supreme Administrative Court recommended that the identification cards of the plaintiffs should refer to their previous conversion to Islam, raising fears among the plaintiffs and human rights organizations that such a public reference might expose the converts to discrimination or social stigma given the lack of social acceptance for conversion from Islam to another religion.

As of the writing of this report, none of the 12 citizens who filed the lawsuits has been able to obtain their new identity cards.

3. After the Supreme Administrative Court ruled on the "re-conversion" case (see paragraph 2 above), on 4 March 2008, the Court of Administrative Justice headed by Judge Mohammed al-Husseini froze all appeals before the court filed by citizens seeking recognition of their re-conversion to Christianity. Judge al-Husseini decided to refer the issue to the Supreme Constitutional Court (SCC), which will rule on the constitutionality of Article 47 of the Civil Status Law (Law 143/1994), regulating the procedures for changing or correcting one's nationality, profession, or religion on official documents. The Court of Administrative Justice asked the SCC to rule on what it views as an inconsistency between the law that allows one to freely change his or her religion and Article 2 of the Constitution, which states that Islam is the official religion of the State and that the principles of Shari'a are the main source of legislation. As of the writing of this report, the SCC had not held any public hearings on the matter.
4. In a related development, on 4 March 2008, the Court of Administrative Justice headed by Judge Mohammed al-Husseini declared inadmissible petition no. 21791/60, filed by a lawyer in 2006 against the President, the Speaker of the People's Assembly, and the Interior Minister. The plaintiff asked the court to instruct the government to issue legislation criminalizing "apostasy" (*irtidaad*) and to place the term "apostate" (*mortad*) on the identification cards

of every citizen who converts from Islam to Christianity. The court rejected the first demand on the grounds that it fell outside the court's jurisdiction; it rejected the second item citing the lack of a relevant administrative decree, reasoning that the state was under no legal obligation to insert the word "apostate" in official records.

5. On 29 January 2008, the Court of Administrative Justice headed by Judge Mohammed al-Husseini threw out a petition filed by Mohammed Ahmed Abduh Hegazi against the Interior Ministry. Hegazi asked that the ministry recognize his conversion to Christianity on his identification card. In declaring the petition (no. 35647/61) inadmissible, the court cited the lack of an administrative decree, since the state was not required to recognize "apostasy" on official documents in violation of public order.
6. On 4 March 2008, the Administrative Court of Justice headed by Judge Mohammed al-Husseini declared inadmissible petition no. 3814/60, filed by an attorney against the Minister of Interior against the Minister's decision to abolish the "Advice and Guidance" sessions held by the Interior Ministry. In these sessions, the ministry requires those seeking to convert from Christianity to Islam to meet with a Christian cleric inside a district security office and in the presence of state police before his or her conversion to Islam is finalized. The Court of Administrative Justice cited the lack of an administrative decree because the plaintiff had submitted no evidence that a decree had been issued canceling these sessions.
7. On 12 January 2008, the Public Prosecutor's Officer filed an appeal before the Court of Cassation challenging the verdict issued against Shadiya al-Sisi on charges of knowingly using forged documents. The Shubra al-Kheima Criminal Court in Qalioubiya had convicted al-Sisi on 21 November 2007, in case no. 14223/1996 and sentenced her to a three-year prison term for listing her religion as Christianity in her marriage certificate in 1981, even though her father had converted from Christianity to Islam in 1964. The verdict against Shadiya al-Sisi

sparked criticism in the media and human rights circles before the Public Prosecutor decided to appeal the ruling before the Court of Cassation. The defendant was released pending consideration of the appeal after having spent four months of her sentence at the Banha Prison. The brief filed by the Public Prosecutor's Office with the Court of the Cassation argued that "the [criminal] court convicted the defendant without fully examining the relevant documents and evidence in the case, and it attributed an incident to witnesses that was not mentioned in their statements given during the course of the investigation." As of the writing of this report, a date for the first hearing before the Court of Cassation had not been set.

8. On 12 February 2008, the Shubra Criminal Court in Cairo began the retrial of Atef Wahib, who was sentenced to ten years in prison in absentia with four other defendants in case no. 12201/2006. The defendants allegedly contributed to the procurement of an identification card for a Muslim woman who had changed her name and converted to Christianity and facilitated her marriage to a Christian man in a Cairo church. The retrial of Atef Wahib, on charges related to his witnessing of the marriage contract, was still underway as of the writing of this report.
9. On 1 March 2008, the Supreme Administrative Court issued a final ruling requiring Pope Shenouda III, the head of the Coptic Orthodox Church, to allow Coptic Christians who had obtained a divorce to remarry. The ruling was based on Article 69 of the Personal Status Code for Orthodox Copts, approved by the General Confessional Council [*al-majlis al-milli*] in 1938, which allows "a couple that has obtained a divorce ruling to marry other people unless the ruling explicitly denied [a second] marriage to one or both of them."

Attorneys for Pope Shenuda filed the petition no. 18698/52 before the Supreme Administrative Court to appeal a similar ruling issued by the Court of Administrative Justice in 2006. In its appeal, the Church argued that the judiciary had no right to interfere in the religious

affairs of Orthodox Copts, which are the sole purview of the Church. The Bible, the Church argued, only allows Copts to divorce in cases of adultery. The Supreme Administrative Court rejected the argument, stating that the fact that the religious rituals of marriage are licensed by the head of the religious community “does not mean that this leader exercises his authority without recourse to any laws. He must follow [Orthodox Coptic] laws, and as he exercises this authority he is subject to judicial oversight on the matter of whether he is right to refrain from granting such license or whether he has overstepped the authority given to him by Orthodox law. This is not judicial interference in religious affairs, it rather upholds these affairs by fulfilling the intent and objectives of [Coptic] law, or finding a balance between decisions made by religious leaders and constitutionally guaranteed citizenship rights, in the framework of religious laws, without violating or overstepping them.”

II. Sectarian tensions and violence

10. On 9 January 2008, approximately 20 people attacked the Abu Fana Orthodox Coptic monastery, located in the Mallawi district of Minya. According to monastery officials, eight monks' cells were vandalized during the attack. The witnesses who talked to EIPR researchers all stated that the assault was not primarily motivated by religious prejudice. The perpetrators are allegedly individuals who have habitually tried to extort monastery officials for money in exchange for protection.

Attorney Mamdouh Ramzi, who visited the monastery after the incident, told the EIPR that he saw the monks' cells that had been completely burned up as a result of the attack. He also saw criminal forensic specialists appointed by the Mallawi prosecutor's office sent to collect bullets and identify the materials used in the attack. One of the monks at the monastery told the EIPR that during the same assault a priest had been shot at while riding a tractor and was injured in the hand by shrapnel from the tractor. He added that monastery officials had filed a police report immediately after the attack. It was transferred to the prosecutor's office, but as of early April, no one had been arrested or charged in the incident.

According to monastery officials, in response to requests from monastery priests, the governor of Minya ordered an external wall built around the monastery immediately after the assault to protect it from similar incidents in the future. As of the writing of this report, local officials had planned the wall and surveyed the area, but construction had not yet begun.

11. On 27 March 2008 the Northern Cairo Court of First-Instance headed by Judge Mohamed Fathi Abdel-Wahab rejected a petition for compensation filed by victims of sectarian killings and violence in the village of al-Kosheh, located in Sohag. The violence occurred in January 2000 and left 22 Copts and one Muslim dead. The Middle

East Christians Association, a campaigning group registered in Canada, filed lawsuit no. 931/2007 against the President, the Prime Minister, and the Ministers of Interior, Justice, Finance, and Social Solidarity, asking for LE1 million for the victims and survivors in al-Kosheh. The lawsuit, supported by three survivors of the killings, argued that the state had a responsibility to compensate the victims following a 2003 decision by the Sohag Criminal Court to acquit all defendants charged in the assaults. The Northern Cairo Court declared the petition inadmissible on procedural grounds, citing the plaintiffs' failure to petition the Conflict Resolution Committee before resorting to the judiciary as required by law in compensation lawsuits.

III. Security interference and prosecutions

12. In the second half of February, the Supreme State Security Prosecutor ordered the release of detainees arrested on charges of belonging to the Ahbash sect, considered by some Muslim scholars to be a heretic sect of Islam. According to Reuters and reports published in *al-Ahram* and *al-Masry al-Youm* dailies, between 22 and 25 people were arrested, among them four Lebanese nationals and one Kazakh national shortly before 12 December 2007, and were questioned in case no. 1296 (Supreme State Security) on charges of “contempt of Islam” and membership in an illegal organization. Quoting a judicial source, Reuters reported that the detainees were being questioned on charges of disseminating ideas such as the permissibility of Muslims praying without prior ablutions and receiving blessings from graves and the dead. According to press reports, the Lebanese and Kazakh detainees were deported.
13. On 4 March 2008, the Egyptian daily *al-Badeel* reported that on 1 March security police in Sharqiya had stopped a religious lesson held for women every day after afternoon prayers at the al-Hagg Siba'i Mosque in Abu Kabir. According to press reports, female worshippers insisted on holding the lesson in the street in front of the mosque and in the presence of security personnel and passersby. The women left after the lesson without any friction with security forces.
14. In January, security forces in the governorate of Beni Soueif stopped renovations on the Marmina Church, located in the village of Wish al-Bab in the district of Ahnasiya. As a result, local Copts performed their prayers in the open air, as captured by several photos published on the internet. Earlier to that incident, on 16 January 2008, local Copts had obtained a permit to renovate the church, and install concrete pillars and a concrete ceiling, but village Copts complained that the church walls cracked immediately after the renovation work started because of digging on the government sewage network (at a depth of four meters) on the street adjacent to the church. In addition,

there were heavy rains the same day and there is groundwater in the area. The local Copts added that security forces accused them of intentionally demolishing the church walls in order to rebuild and expand the church, in violation of their permit. Security thus intervened to stop the repairs and reconstruction. As of the writing of this report, the repairs had not resumed.

15. On 30 March 2008, the Egyptian daily *al-Dustur* reported that the Church of the Virgin in Assyut had received a notice from the Assyut security office, signed by Gen. Mohsen Murad, Deputy Interior Minister in Assyut, asking church officials to remove a wooden cross from the church entrance, on the grounds that it “upsets Muslims” in the district of Abu Tig, where the church is located, who, according to the notice, had filed several complaints asking that the cross be removed. The EIPR learned that the cross has not yet been removed, although church officials had agreed to stop illuminating it with electrical lighting.
16. On 12 January 2008, the police arrested a university student who was sitting in his car and listening to a CD of Quranic verses put to music. According to reports in *al-Ahram* on 13 January, the music attracted the attention of passersby on Gamaat al-Duwal St. in Mohandiseen. They surrounded the car and informed the police, who came and arrested the student. The Egyptian weekly *al-Fajr* reported on 28 January that incident report no. 934/2008 (Agouza) was filed against the student after the CD he was listening to was confiscated. He was transferred to the Agouza prosecutor’s office, which charged him with perverting Quranic texts, among other things, and transferred the CD to the Islamic Research Council of Al-Azhar for a report. Law 102/1985 Regulating the Printing of Qurans and Prophetic Hadith allows up to 15 years in prison and a fine of at least LE10,000 for anyone who “intentionally perverts a text in the Quran when printing or recording it in any fashion.” The student was released on bail after spending four days in jail pending an

investigation. As of the writing of this report, there has been no information regarding the prosecution of the case.

IV. Discrimination on the basis of religion or belief

17. In March 2008, the chair of the central control committee for the first phase of the General Secondary School Certificate examination (*al-thanawiya al-'amma*) refused to accept an exam application from student Khuloud Hafez because she listed her religion as Baha'i on her application, the same religion registered on her birth certificate. After several complaints and extensive press coverage, officials with the Ministry of Education intervened to allow the student to fill out a new application on 18 March 2008. This time she placed a dash (—) in the slot for religion, in accordance with the ruling issued by the Court of Administrative Justice on 29 January 2008 (see section I, paragraph 1 above).

18. On 4 March 2008, a delegation from Egyptians against Religious Discrimination, a coalition of volunteers campaigning for religious tolerance, met with the Minister of Education to deliver an open letter objecting to the harassment of Hala Talaat, a teacher at the Umm al-Muminin Aisha Preparatory School for Girls in the Warraq district. The school principal had issued an official warning to Hala Talaat regarding her refusal to wear “appropriate clothing” and referred the matter to the district education department, where several officials asked the teacher whether she read the Quran and prayed and why she refrained from wearing clothing that covered her neck. After the meeting with the Minister of Education and extensive media coverage of the case, the Ministry asked the district education department to remove the warning from Hala Talaat’s file and ordered the school to refrain from pressuring her because of her clothing.

V. Laws, decrees, and political developments

19. During the first three months of 2008, the EIPR documented four new presidential decrees regarding the construction and renovation of churches, three of them issued for the Evangelical Church and one for the Coptic Orthodox community. The details are below:
- a) Decree 69/2008, issued on 28 February 2008, for the Orthodox Coptic community of the Mar Girgis Church (existing) in the village of Kiman Said located in the district of Sadfa, Assuit.
 - b) Decree 70/2008, issued on 28 February 2008, for the Evangelical community of the al-Ikhwa al-Balimuth Church in al-Duweir, located in the district of Sadfa, Assyut. Article 2 of this decree overturns a previous presidential decree (no. 495/1990) regarding the establishment of the same church.
 - c) Decree 82/2008, issued on 9 March 2008, for the Evangelical community of the al-Rasuliya Church (existing), located in Nazlat Said, part of Nazlat al-Duweik, Tama district, Sohag.
 - d) Decree 93/2008, issued on 17 March 2008, for the Evangelical community of the al-Rasuliya Church (existing), located in the village of Saft al-Laban, Minya district, Minya.
20. On 23 February 2008, the People's Assembly approved Law 110/2008 on the Establishment of the Fund for Maintenance of Mosques and Adjacent Mausoleums. The law establishes a central fund in Cairo, headed by the Minister of Awqaf (religious endowments), to replace similar, locally based funds headed by provincial governors, as stipulated by Law 125/1974 for the establishment of funds for community mosques and their adjacent mausoleums. The new law overturns the law of 1974 and transfers the bank balance for the local funds to the central account of the new fund.

Introducing the law in the People's Assembly, the Minister of Awqaf stated that 99,000 community mosques had been placed under the ministry's supervision and only 3,000 local mosques remained outside the ministry's purview. Press reports stated that the primary objective of the new law is to monitor charitable donations collected by mosques, especially those run by Islamic associations, as part of efforts to prevent the funding of terrorist operations in Egypt and abroad.

21. In the first week of March 2008, the Proposals and Complaints Committee of the People's Assembly (PA) approved in principle a bill from National Democratic Party (NDP) MP Khaled Zardaq, a former police general and deputy chairman of the Assembly's Committee on Religious Affairs and Awqaf, to stiffen the punishment for the criminal offense of "contempt of religions". The Proposals and Complaints Committee forwarded the proposal to the Assembly's Committee on Constitutional and Legislative Affairs. The bill would introduce several changes to the Penal Code and the Code of Criminal Procedures, among them:

a) A new article in the Penal Code that would stipulate a prison sentence and/or a fine of no less than LE50,000 for "anyone who attacks, derides, shows contempt for, or mocks the divine being or a revealed religion, its prophets and messengers, or their wives, families, or companions, or anyone who encourages or propagates this by any means, be they written, visual, or aural, or through satellite technology or the internet, regardless of the form it takes, be it writing, drawing (illustrative, cartoon form, or symbolic), photography, song, acting, or otherwise in any language whatsoever." The law would stipulate the same punishment for any individual or party that publishes or reprints such materials in any fashion. The amendment would apply "whether it wholly or partially occurred within the country or abroad, and even if the perpetrator is a non-national." The punishment for such acts

includes shutting down the venues and confiscating the means used to perpetrate it.

- b) An article in the Code of Criminal Procedures that would allow criminal suits to be filed for contempt of religions “based on a written request to the Public Prosecutor from any [Egyptian] national or adherent of any revealed religion who enjoys civil rights under state laws, even if the crime occurred outside the country or the perpetrator is not [an Egyptian] national.” The article would also allow “anyone with an interest” to appeal directly to the courts if the Public Prosecutor chooses not to refer the issue to the courts himself.
- c) An article that would introduce no statute of limitations on the crime of showing contempt for religions.

22. On 17 January 2008, the European Parliament (EP) adopted a resolution titled “The Situation in Egypt.” The resolution, supported by all political groupings of the EP, criticized numerous human rights violations committed by the Egyptian government. Regarding freedom of religion and belief, the resolution stated that, “the Copts, the Baha’i, the Shiites, the Koranists and members of other religious minorities are still severely disadvantaged by sectarian isolation.” The resolution also expressed the EP’s strong support for all measures taken to guarantee the practice of religious beliefs.

In a detailed response to the resolution, the Minister of Foreign Affairs said in a meeting with representatives from the Egyptian press on 21 January 2008, that references to freedom of religion and belief in the resolution are “a major oversight, in that the resolution ignores the right, enshrined in the constitution and exercised in practice in Egypt, to adopt a religion or belief and exercise religious rites with full freedom.”

23. The Egyptian government introduced a resolution on “The Defamation of Religions and Discrimination against Muslims,” at the 11th session of the Islamic Summit Conference, held in Dakar, Senegal on 13-14 March 2008. The resolution (no. 11/11-C) states that the Islamic Summit is “Alarmed at the burgeoning tide of Islamophobia in certain non-Islamic countries and increasing incidences of acts of discrimination against Muslims on the basis of religion” and notes “with concern the inaction by some non-Islamic states to combat the defamation of religions, including Islam, and discriminatory practices against Muslims.” The resolution calls on all nations to take legislative and administrative measures to combat the “defamation of religions and discrimination on the basis of religion.” The resolution also requests the Organization of Islamic Conference (OIC) group within the UN Human Rights Council “To endeavor to adopt an international instrument on the prohibition of the defamation of religions and to declare such practices as a violation of human rights and fundamental freedoms.”

The summit also unanimously granted Egypt’s request to host the next Islamic Summit, which means that Egypt will assume OIC presidency for the 2011-2014 term. The summit also approved Egypt’s request to host the second meeting of the OIC on women in Islam, to be held in November 2008.

24. On the last day of its seventh session, held in Geneva from 3-28 March 2008, the UN Human Rights Council adopted a resolution introduced by the OIC to combat “defamations of religions”. A press release issued by the Egyptian Ministry of Foreign Affairs (MFA) on 29 March said that the resolution was an Egyptian initiative. The resolution passed by a vote of 21-10, with 14 member states abstaining. The issue of “defamation of religions” was also included in two other resolutions adopted in the same session, one on the issue of freedom of opinion and expression and the other on combating racism, racial discrimination, xenophobia and related intolerance.

In the MFA press release, Foreign Minister Ahmed Abu al-Gheit expressed his “wonder and displeasure at European countries voting against the resolution proposed by Islamic countries in the Human Rights Council regarding contempt for religions and insults to Islam.” He said that voting against the resolution sends a negative message to the Islamic world and shows a lack of concern for repeated demands from Islamic countries to take measures to protect Muslims from these acts. “We hope that civil society organizations and defenders of human rights will ask Western governments to confront Islamophobia and insults to religions,” Abu al-Gheit said, “since these represent a flagrant attack on human rights, a restriction on freedom of belief, and a form of discrimination banned by international conventions and legislation.”

VI. Reports, publications and activities

25. On 17 March 2008, the Egyptian National Council for Human Rights (NCHR) issued its fourth annual report on the situation of human rights in Egypt in 2007. Among the report's recommendations, the NCHR called on the government to adopt a law on equal opportunity and non-discrimination, review all legislation to amend any discriminatory provisions, remove the slot for religious affiliation on personal identification documents or, alternatively, stop limiting the choices to the three "heavenly" religions in these documents, and immediately adopt the unified law for the construction of places of worship. The report noted the "obvious government hesitation vis-à-vis the Council's proposals regarding the unified law on of places of worship and the recommendations for the eradication of some discriminatory practices."

On the subject of freedom of religion and belief, the report listed several complaints received and addressed by the NCHR over the last year. These include complaints from Baha'i Egyptians concerning their inability to obtain personal identification documents and the ensuing problems, a complaint from a doctor belonging to Jehovah's Witnesses who was expelled from his job at a public hospital based on "security instructions" due to his beliefs, and several complaints from Christians and Muslims about the disappearance of their daughters and their alleged forced conversion to Islam or Christianity. The report also cites several complaints the NCHR received from victims of sectarian assaults on Copts in the village of Bamha, located in Ayyat province, Giza.

The report addressed several cases of detention based on belief, such as the case of Egyptian blogger Karim Amer, who was convicted of defaming Islam and insulting the President, as well as the arrests of Quranis, Shiites, members of the Middle East Christians Association, individuals belonging to the Muslim Brotherhood, as well as cases of detention due to “belonging to extremist Islamic groups that pose a threat to the security and stability of the country”.

26. On 9-10 February 2008, the first conference for Coptic activists living abroad was held in Cairo. The “First Cairo Conference to Activate Citizenship” was attended by 11 Coptic organizations registered in Europe and North America. The conference issued a document, “The First Cairo Declaration to Activate Citizenship in Egypt,” which contained several demands and recommendations across many fields, to be presented to the President. The document recommended “state recognition of Copts as a religious minority with particularities that must be nationally protected”; the implementation of a proportional representation system or an electoral system that combines proportional and individual representation with a view to placing Copts on party electoral lists; a policy of affirmative action as a temporary mechanism to address the marginalization of Copts; granting the right to vote and compete in elections to Egyptians living abroad; the removal of the slot for religious affiliation on national identification cards; and the introduction of Coptic history and culture to the curricula of public schools. The declaration also endorsed the proposals of the National Council for Human Rights regarding the unification of regulations for the construction of places of worship and the prevention of discrimination.