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For decades, members of the Bahá'í religious minority in Egypt faced religious persecution and discrimination on religious grounds. During the past four years, Egyptian Bahá'ís filed a number of cases in court to obtain recourse against government policies that had made it impossible for them to obtain national ID cards (and other vital official documents) without having to falsely declare their adherence to one of the three officially recognized religions.

The first Bahá'í case was finally resolved following a ruling by Egypt's Supreme Administrative Court on 16 March 2009. The Ministry of Interior subsequently issued a decree specifying that individuals could now obtain government documents without identifying themselves as belonging to a particular religion. Early in August 2009, two young Bahá'ís became the first members of the community in Egypt to receive new computerized ID cards with a "dash" in the space for religion.

We welcome this development and are hopeful that the Egyptian government will now systematically grant identification cards and other vital records to Baha'is, as well as to others who were affected by the Ministry's former policies.

Legal and historical overview

Once among the most vibrant and active minority religious communities in the Middle East, the Bahá'í community coexisted peacefully with believers of other religions in Egypt for nearly a hundred years, and its members were granted their basic rights and freedoms during that time. In recent decades, however, the Bahá'ís of Egypt faced religious persecution and discrimination, as human rights violations against them followed campaigns to increase prejudice against Bahá'ís in Egyptian society. Fundamentalist Muslim clerics issued many *fatwas* against the Bahá'í Faith in this country, and attacks on Bahá'ís and their religious beliefs were published in State-sanctioned media.

The human rights abuses that targeted the Egyptian Bahá'ís largely stemmed from Presidential Decree No. 263 of 1960, which dissolved the community's institutions and banned its organized activities. For many years, the Decree was restrictively interpreted to justify arrests, investigations, house searches and the destruction of Bahá'í literature. Moreover, as Bahá'ís could not legally marry, they had no recourse regarding family allowances, inheritance, divorce, alimony and child custody.

Egyptian Bahá'ís have always been peaceful, law-abiding citizens. It is common knowledge that Bahá'ís are not involved in partisan politics and that obedience to the laws of their country is a tenet of their Faith. It is also well known that Bahá'ís revere the position of the Prophet Muhammad, uphold the Holy Quran as an authoritative repository of God's word, and have the utmost respect for the religion of Islam. Bahá'ís affirm the truth of the Islamic message, together with that of the other Divine Revelations, as the Bahá'í Faith proclaims the continuous and progressive nature of Divine Revelation.

The Egyptian government has a legal obligation to protect citizens from religious discrimination and coercion under the Constitution, as well as under international and regional treaties it has ratified, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Locking in a strictly limited choice of religion

Egyptian citizens must carry national ID cards, which have to be presented for all administrative acts and other government services – medical care in public hospitals, state education, etc. – and are also required for banking services and other important private transactions. In addition, ID cards must be presented to pass through police checkpoints, so individuals without cards risk arrest and imprisonment. By law, employers (both public and private) cannot hire anyone without an ID, and the cards are required for admission to all academic institutions. In fact, the card is essential for so many purposes that, without one, an Egyptian cannot lead a normal life. It follows that the ability to obtain an ID card is the civil right of all citizens.

Naturally, other official identification documents such as birth and death certificates are also essential. The Ministry of Health has refused to immunize children without valid birth certificates, which must also be presented to obtain a marriage license or a passport. Death certificates are required for all matters related to inheritance, pensions, and death benefits.

Until very recently, to obtain ID cards and other official identification documents, the citizens of Egypt had to declare their religious affiliation, and their choice was limited to the three officially recognized religions: Islam, Christianity, and Judaism. The State used this declaration in applying different (religion-based) laws for family matters such as marriage, divorce, alimony, child custody, inheritance, and burial – as well as to determine which religious instruction a child will receive in school.

The teachings of their Faith prohibit Bahá'ís from lying about their beliefs, and members of the Egyptian Bahá'í community refused (as a matter of religious principle) to falsely identify themselves as Muslim, Christian, or Jew. During the years when application forms for official documents were filled out by hand, they left the space for religious affiliation blank, put a dash there, or wrote “other”. With the old paper forms, officials could let this go by, so Bahá'ís obtained ID cards and other documents and were able to function normally in Egyptian society.

In 1992, the government announced that it would be upgrading its identity card system and issuing computerized cards less susceptible to forgery. The cards and other civil registry documents would carry the new “national number” for each citizen.

Thereafter, all citizens who had to acquire or replace such documents were to obtain computer-generated ones from the central Civil Registry Office (Civil Status Department) in the Ministry of Interior.

It seems that the computerized system underwent modifications as it was being set up. In 2003, for example, four members of the Bahá'í community obtained new computerized ID cards with the word “other” in the religious affiliation field, a designation acceptable for Bahá'ís. Later, however, it was reported that the software had been changed to allow only one of the three recognized religions to be entered in this field. In subsequent years, if the citizen's religion was not specified as Muslim, Christian or Jew, no document could be issued.

The Bahá'í community of Egypt approached governmental authorities on numerous occasions to plead for a change in the programming (if not the policy), so that they could obtain valid ID cards and other documents under the new system. At first their pleas were met with rejection and refusal.

In 2005, the government asked young people – from age 16 – to start coming in for new cards, and a number of Bahá'í youth had their valid paper IDs confiscated. Without valid ID, their freedom of movement was curtailed, since inability to produce an ID card entails arrest and a possible prison sentence or fine. In addition, young people without ID cards began to be denied admission and continuing enrolment in colleges and universities, as well as service in the armed forces.

The landmark court case in 2006

The crisis facing the Egyptian Bahá'í community gained international attention in 2006 after a ruling in a court case that upheld the right of a Bahá'í couple, Mr. Husam Izzat Musa and Mrs. Ranya Enayat Rushdy, to lawfully state their religion on their identity cards. Egyptian officials confiscated their paper ID cards after the couple had sought to have their passports updated to include their daughters. The couple sued, stating that the confiscation was illegal under Egypt's Constitution and international law.

On 4 April 2006, an Administrative Court held that government efforts to deprive Bahá'ís of ID cards were illegal. Its ruling ordered the Civil Registry to issue new documents that properly identified them as Bahá'ís, citing existing precedents and Islamic jurisprudence that allow for the right of non-Muslims to live in Muslim lands “without any of them being forced to change what they believe in.”

Considering whether to appeal this ruling, the government asked Al Azhar for information on the Bahá'í Faith. The Bahá'í International Community's United Nations Office wrote to leaders of the Al Azhar Islamic Research Council to explain the essential principles of Bahá'í belief. The letter, dated 28 April 2006, principally requested that facts about the Faith be obtained from “trustworthy” sources “uninfluenced by the misconceptions” disseminated about the Bahá'í Faith, while also offering a brief statement of basic Bahá'í principles and doctrine. The full text of this letter can be found at:

http://www.bahai.org/persecution/egypt/bic_04-28-06_en

The government formally appealed the Court’s decision on 7 May 2006. On 16 December 2006, the Supreme Administrative Court overturned the lower court’s decision, upholding the government’s policy of allowing only three religious affiliations on state ID cards and government documents. The Court issued an 11-page ruling that focused largely on the theology of the Bahá’í Faith, rather than on the legal issues regarding the right of Bahá’ís to be treated like all other Egyptian citizens.

The most recent court cases

On 29 January 2008, the Court of Administrative Justice in Cairo upheld arguments made in two other cases concerning Bahá’ís. In both of these cases, the Bahá’ís had asked that they be allowed to leave blank, on official documents, the required religious affiliation field.

The first case (no. 18354/58) involved 15-year-old twins, a boy and a girl, Imad and Nancy Rauf Hindi. Dr. Raouf Hindi filed a lawsuit in October 2004 to obtain new birth certificates for his children without being forced into false statements or conversion. Scheduled in January 2007, his lawsuit was delayed until April, then July and October, before being heard in January 2008.

The second case (no. 12780/61) was filed in February 2007 on behalf of Mr. Hosni Hossein Bekhit (Abdel-Massih), born in 1989 – a Bahá’í student suspended from Suez Canal University’s Higher Institute of Social Work in January 2006. The suspension had followed Mr. Bekhit’s inability to define his military conscription status, an administrative act requiring the new (computerized) ID card that he could not obtain, as he refused to falsely identify himself as a Muslim, Christian or Jew.

In both cases, lawyers representing the Bahá’ís argued that forcing citizens who adhere to the Bahá’í Faith to identify themselves falsely as Muslim or Christian violated their rights to freedom of religion, privacy, and equality. Moreover, it was made clear that the Bahá’ís were willing to settle for cards and documents with the religious affiliation field left blank or filled in, perhaps, as “other”. This proposed solution made these two cases different from the landmark case in 2006, detailed above.

Other Egyptian Bahá’ís affected by the Ministry’s policies also filed lawsuits. Some, like Dr. Hindi, had been unable to obtain birth certificates for their children. A number of Bahá’í students in post-secondary education had, like Mr. Bekhit, faced suspension or expulsion because of their inability to obtain ID cards or military service postponement papers. In one such case, Mr. Nayyir Nabil Ali Taha El Hamamsy, a Bahá’í in his early 20s, was dismissed from the College of Physical Education at Suez Canal University in February 2006, in the final semester of his senior year. The case was filed in the same lower administrative court mentioned above, postponed several times, until an interim ruling was finally issued on 29 May 2007. The court ruled in favour of Mr. El Hamamsy, stating that for the moment he was to be permitted to continue his studies.

The Bahá’í International Community welcomed the media attention paid to these court cases and the ensuing discussions about the nature of freedom of religion or belief in Egyptian society. We repeatedly expressed our view, however, that the focus should not be on whether the Egyptian government (or any other government) may or may not

be ready, willing or able to accept the divine origin of the Bahá'í Faith. The question being asked was how Egyptian Bahá'ís, who are under the same obligation as all other citizens to obtain government-issued identity cards and papers, could do so without having their religion falsely identified. For Bahá'ís to declare their religion as anything other than the Bahá'í Faith is untruthful and unconscionable as a matter of principle. To do so on an official application form for identity documents is also, in Egypt, an offence punishable by law. The form requires the applicant to sign and thus confirm:

“...that all details in this application are correct and real; I accept responsibility for consequences, with the full knowledge that providing any incorrect information in this application is considered forgery of official documents and is legally punishable according to the articles of the penal code.”

On many occasions, we expressed our hope that the government would quickly implement the January 2008 rulings of the Court of Administrative Justice in Cairo that had upheld the rights of the Bahá'ís in the two cases described above – and to interpret the rulings widely, as applying to all citizens.

First case resolved

The first Egyptian Bahá'í case to be resolved was the case of the twins, Imad and Nancy Rauf Hindi. To begin with, two Muslim lawyers filed an appeal against the ruling that had been issued in favour of the Bahá'ís on 29 January 2008. On 16 March 2009, the Supreme Administrative Court rejected this appeal.

Soon after, the Ministry of Interior issued a decree specifying that individuals could now obtain government documents without identifying themselves as belonging to a particular religion. There may have been administrative issues that generated a delay in implementation, as it took several months for Egyptian Bahá'ís to begin receiving identification documents under this new decree.

However, the twins did subsequently receive their birth certificates and, early in August 2009, Imad and Nancy Rauf Hindi became the first members of the Bahá'í Faith in Egypt to receive new computerized ID cards with a "dash" in the space for religion.

We welcome this development and are hopeful that the Egyptian government will now systematically grant identification cards and other official documents to Baha'is, as well as to others who were affected by the Ministry's former policies.

More information on the latest developments can be accessed at:

<http://news.bahai.org/archive.php?category=490&year=0&month=0&Submit=Search>

In-depth historical and legal background can be found at:

<http://www.bahai.org/persecution/egypt/2005bicreport>