

PRAYERS UNANSWERED

Assessing the Impact of Egypt's 2016 Church Construction Law

December 2018

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Cover photo: A church in the Monastery of Saint Paul the Anchorite, located in Egypt's Eastern Desert near the Red Sea. Photo: Albert Mansour

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EXECUTIVE SUMMARY

Egyptian President Abdel Fattah al-Sisi has promised to improve the situation of the country's Christians, who by many estimates constitute about ten percent of the population and face pervasive discrimination and intolerance. To date, al-Sisi's most significant step has been his issuance of the Church Construction and Renovation Law (Law 80/2016) in September 2016. The law was supposed to address the longstanding demands of Egypt's Christian communities for a more just and streamlined system of obtaining permits to build, renovate, and repair churches. Special restrictions on churches including the need for high-level state permission for building, deference to Muslims' objections to the presence of churches in local communities, and interference by security agencies have all made it very difficult to build and operate churches in Egypt. One result has been a disproportionately large disparity in the number of Christian and Muslim places of worship.

Law 80/2016 has been widely touted as a crucial step toward addressing deep-rooted problems of discrimination faced by Egypt's Christian population, and it includes some positive elements. But the hopes for significant change that accompanied its issuance have not been realized. More than two years into the implementation of Law 80, the positive impact has been minimal.

- As of late November 2018, the Egyptian government had issued only eight permits for new church construction, an approval rate that is actually lower than what occurred under President Hosni Mubarak, who was widely criticized for dragging his feet on church permits.
- Approvals for church renovation and repairs have been similarly slow under the new law.
- Of nearly 3,800 unlicensed churches waiting to be legalized, the authorities have recognized only 508 to date.

The law has not changed the fundamental problem: the state's treatment of churches as a security issue that must be tightly managed to avoid provoking conflict with Muslim communities.

Moreover, the al-Sisi regime has failed to make any real progress on other systemic problems hindering Christians' freedom of worship, including

- unlawful church closures,
- harassment of worshippers by security agencies,
- failure to protect churches from terrorist attacks and sectarian violence, and
- security agencies' reliance on reconciliation sessions, outside the formal justice system, to "resolve" local conflicts around churches.

Ultimately, a unified houses of worship law, with the same rules for churches, mosques, and other places of worship, will be essential to remove the discrimination inherent in the current system. But until such a law is put into place, there are a number of intermediate steps that would enable Law 80/2016 to have the desired impact that has been lacking up until now. These include: setting a timely deadline to legalize unlicensed churches and prohibiting the closure of churches whose applications are pending, adopting a policy that any application for church construction should be considered automatically approved if not rejected within four months, and eliminating the role of security agencies in the approval process.

I. INTRODUCTION

The Christian presence in Egypt dates to the first century AD, six centuries before the Muslim conquest. Today the vast majority of Egyptians are Sunni Muslims, while the Christian communities are estimated to constitute roughly ten percent of the population (there is no current official data).¹ About 90 percent of Egyptian Christians belong to the Coptic Orthodox Church, with the rest Catholics or members of various Protestant denominations.²

Egyptian officials typically paint a picture of equality, social harmony, and national unity.³ The reality is not so rosy. Although Egypt's constitution states that all Egyptians are equal, and Christians are integrated into most parts of Egyptian society, they are in many respects second-class citizens, suffering under discriminatory laws and policies and facing intolerance from some parts of society. The constitution declares Islam to be the state religion, thereby making the Christian faith (and other religions) subordinate. Muslim converts to Christianity face enormous obstacles in changing their religion on their state identification cards, while Christians face no legal difficulties when they convert to Islam. Each year, Christians are accused of "insulting Islam" and charged with blasphemy. Christians are informally blocked from serving in senior positions in many state institutions, including the military, police, intelligence, and judiciary; the first Christian dean of a public university science faculty was only appointed last year.⁴ Terrorist attacks have frequently targeted Christians, who complain that the state fails to provide them needed security and protection.⁵

There are also serious limitations on Christians' freedom of worship. Churches can be a flashpoint for local conflict and anti-Christian violence. Intolerant Islamist ideologies as well as the state's marginalization of Christians in the public sphere have fostered ignorance and prejudice that can motivate ordinary citizens to join attacks on churches.⁶ In addition, the

authorities' often apparent indifference to such violence has encouraged a sense of impunity among its perpetrators. The Egyptian authorities have long viewed church building as something that the state must strictly manage in order to prevent social conflict and protect "national security."

The special and more cumbersome regime for church construction has translated into a disproportionately large disparity in the number of Christian and Muslim places of worship in the country. The result is that Christian worshippers are underserved relative to Muslim ones; official data from 2011 (the most recent year for which such information is available) showed that there was one mosque for every 665 Muslims, while there was one church for 2,780 Christians.⁷ As a result of the difficulty of securing the necessary permits, unlicensed churches—sometimes makeshift prayer spaces in private homes—have proliferated. Such churches have been especially vulnerable to sectarian attacks and to closure by the authorities. A longstanding demand of Egypt's Christians has been for the government to make it easier to build and operate churches.

President Abdel Fattah al-Sisi, who rose to power after leading the 2013 coup against the 2012-2013 Muslim Brotherhood-led government, has presented himself as a staunch opponent of religious extremism and as a champion of moderation and tolerance (even as he has made the political system far more repressive). Since taking office in 2014, al-Sisi has made some important gestures toward Egypt's Christians, such as ordering the military to rebuild dozens of churches attacked by Brotherhood supporters and Salafis after the coup and attending Orthodox Christmas mass with the Coptic Pope.⁸ To date, however, his sole step aimed at addressing institutional discrimination against Christians has been the issuance of the 2016 Church Construction and Renovation Law (Law 80/2016).⁹

Passed by parliament in August 2016, Law 80/2016 has several positive elements. It replaces the previous vague legal framework based on a patchwork of decrees with one comprehensive text that is supposed to clarify and, it was hoped, expedite the approval process. The law puts governors in charge of approving permits for the construction, reconstruction, renovation, and repair of churches in their regions; previously, the president was in charge of approving new church construction, which was unfairly burdensome for applicants.¹⁰ And the law creates a pathway for unlicensed churches to gain state recognition.

“
Only eight permits for new church construction have been issued. This approval rate is actually lower than what occurred under President Hosni Mubarak.”

Speaker of Parliament Ali Abdel Aal heralded the legislation as “a new beginning.”¹¹ Pope Tawadros II, head of the Coptic Orthodox Church, described Law 80/2016 as “turning over a new leaf” and “rectifying an error that lasted... since the Ottoman Empire.”¹² Some Egyptian Christians were less effusive after its passage, but still cautiously optimistic. Youssef Sidhom, editor of the influential Coptic newspaper *Watani*, called for “giving the law a fair chance.”¹³

Unfortunately, hopes for significant change have not been realized. More than two years into implementation, any positive impact of the law has been minimal at best. According to Egyptian media reports, it appears that as of late November 2018, only eight permits for new church construction have been issued. This approval rate is actually *lower* than what occurred under President Hosni Mubarak, who was criticized for severely dragging his feet on church building, and the same as in the two years before the law’s enactment. The issuance of permits for renovation and repair projects has been similarly sluggish. And, out of the nearly 3,800 unlicensed churches that have requested legalization, the authorities have

approved only 508 to date. In addition, the al-Sisi regime has failed to make any real progress on other problems affecting freedom of worship, including interference by security agencies, unlawful church closures, and sectarian and terrorist attacks targeting churches, pilgrimage sites, and homes. Sidhom eloquently expressed the disillusionment that has set in among many in his community:

In vain, the victimized Copts have sought the protection of the state, the law, and the security forces and guarantees of their rights. But in every case they found the state weak-kneed, the law frozen, and officials closing churches while they turn a blind eye to the crimes of their victimizers.¹⁴

The primary objective of this report is to evaluate the impact of Egypt’s Law 80/2016 on church construction, a law widely touted as a crucial step toward addressing longstanding problems of discrimination faced by Egypt’s Christian population. To be clear, this report does not aim to be exhaustive in examining issues of discrimination faced by Egyptian Christians, but hopes to provide context for understanding specific issues regarding the building, renovation, and repair of churches and how the 2016 law has affected those issues. Moreover, this report does not examine the serious discrimination faced by Egypt’s other religious minorities, including Shi’a Muslims and adherents of religions not officially recognized by the Egyptian state such as the Bahá’í faith and Ahmadiyya Muslims.¹⁵ These communities face many of the same problems as Egypt’s Christians and some of the lessons learned from evaluating the impact of this 2016 law could help to inform future efforts to address religious discrimination and freedom in Egypt more broadly.

This report first reviews the main challenges facing church building and repair in Egypt, and then provides an overview of the historical background and legal framework prior to 2016. It goes on to examine the content of Law 80/2016, to assess its implementation, and to review other problems hindering freedom of worship that have persisted despite the enactment of the law. The report concludes by offering recommendations to help address these issues.

II. HURDLES TO CHURCH BUILDING

While it is not hard to construct or repair mosques in Egypt, building churches is much more difficult.¹⁶ On top of the normal challenges of dealing with Egypt's large and inefficient bureaucracy, requests for permits for church construction and even for minor repairs must pass through layers of administrative review with sign-off required at high levels. Especially before the issuance of Law 80/2016, applicants complained about confusing and lengthy procedures and about paperwork languishing in the bureaucracy, sometimes for many years.

A main reason for this is local sensitivities surrounding church building. As one expert explained, "problems in the construction of churches usually occurred with a tense local context, with local Muslims trying to stop church construction or expansion sometimes by violent means."¹⁷ In some traditional areas of Egypt, Christians are still expected to conform to the rules and social expectations that prevailed under the Ottoman Islamic Caliphate, with the building of new churches or the addition of crosses and bell towers to existing churches considered a form of ostentation and a challenge to the superiority of Islam. In recent decades, Islamists have played a key role in fostering intolerance of religious minorities. Islamists, especially Salafis, have established their presence throughout the country, in Islamic institutions, and in the Egyptian state. They have promoted an extreme understanding of Islam that rejects the presence of churches in the "lands of Islam."¹⁸ Churches in both rural areas and cities can be a magnet for mob attacks by local residents susceptible to extremist ideas. Sometimes mobs can be whipped up simply on the basis of a rumor that a home is being used as a prayer space or that a church renovation might be planned. Such attacks cause property damage, destruction, injury, and sometimes death. They can inflict a terrible psychological toll on victims and tear the social fabric.

A significant obstacle in church building is that powerful security agencies—in particular the National Security Agency (part of the

Ministry of Interior)—hold great sway over church building and repair. They are involved in decisions at all levels and treat church building first and foremost as a security issue. National security officers may operate outside the law and public accountability and place security considerations ahead of individuals' rights, intervening "whenever they perceive church-related issues as a potential source of social unrest."¹⁹ There have been numerous reports of security officials blocking building permit requests, stopping repairs, halting worship services, and even closing churches to "protect" them from actual or alleged security threats, as if the role of security is impeding people's lives rather than protecting them.²⁰ Because of this situation, whether or not churches can operate often depends on having good relations with security officers (and on deferring to their Muslim neighbors).²¹

“There have been numerous reports of security officials blocking building permit requests, stopping repairs, halting worship services, and even closing churches to “protect” them from actual or alleged security threats.”

With good relations, some churches that cannot obtain formal state approval can get informal permission to operate. Such churches inhabit a gray zone, sometimes tolerated by the security services and the surrounding community, but always vulnerable to closure and to sectarian assault. Often security officers and police fail to prevent such attacks or to protect the victims. They may arrive hours after an attack has already started, or watch the violence but not halt it; sometimes they do not show up at all.²² Security officers may arrest Christians for



The aftermath of an attack on the Virgin Mary Church in al-Nazla, New Ibsheaway, Fayoum governorate, in August 2013. Photo: Authors' personal collection

“praying without a permit,” which is not a crime in the penal code, or for “building without a permit.”²³

Although the Egyptian penal code sets specific punishments for attacks on houses of worship, perpetrators typically receive light sentences or avoid prosecution altogether. Often security officers “resolve” such cases by pressuring local residents to participate in customary reconciliation sessions. These are informal mediation sessions led by powerful local leaders in which disputants agree to give up claims in the formal justice system and instead to follow whatever judgment the local leaders reach.²⁴ Security officers may play a key role in overseeing these sessions and influencing their outcome. To pressure Christians to participate,

they may detain family members or withhold protection of churches or other Christian properties as leverage. Judgments often disadvantage Christian victims because they are based on local customs and on local leaders’ interpretations of Islam that do not accept equal rights for Christians, and may require a church to close or a Christian family to leave the village. As one Christian who participated in a session said, “We were forced to choose between protecting our lives and those of our children, or pursuing our rights in the courts.”²⁵

In all these ways, the Egyptian state too often has thwarted Christians’ ability to worship freely and fostered a culture of impunity for attacks on churches and other sectarian violence.²⁶

III. THE LEGAL FRAMEWORK PRIOR TO 2016

Prior to Law 80/2016, the system regulating church building derived from five decrees, the most important of which were issued in 1856 and 1934.²⁷ The decrees empowered the executive authority to obstruct church building on the basis of vague rules and arbitrary criteria.

THE HAMAYOUNI DECREE – THE SULTAN MUST APPROVE ALL CHURCH BUILDING

The requirement that the head of state must endorse all church construction dates to when Egypt was under Ottoman rule. In 1856, Sultan Abdulmejid I issued the Ottoman Reform Edict (*Islâhat Hatt-ı Hümayûnu*), which affirmed the rights of non-Muslim communities in the Empire. Among other measures, the Edict mandated that the Sultan approve all new church building.²⁸ The intent was to facilitate such construction by allowing the Sultan to overrule local practices that discriminated against Christians.

Following the end of the Ottoman Empire, the Decree remained the basis of the Egyptian system for church building, becoming known in the Egyptian legal tradition as the Hamayouni Decree, with the authority for approving church construction falling to the king.²⁹ Contrary to the original spirit of the Decree, Egyptian leaders would use this authority as a way to limit, not enable, church construction, as well as renovation and repair.

THE AL-EZABI DECREE – RESTRICTIONS ON CHURCH CONSTRUCTION

In 1934, under the Egyptian monarchy and the reign of King Fouad, Mohammed al-Ezabi Pasha, an interior minister official, issued the first elaboration to the Hamayouni framework. The al-Ezabi Decree was part of a broader restriction of freedoms following the king's suspension of the 1930 Constitution. It formalized the role of security bodies in overseeing church building, delineating ten questions that interior ministry

officials had to answer before recommending to the king whether or not he should allow a church to be built. Most of the questions assessed the “need” for a new church and whether it would be accepted by the local Muslim community:

- Is there another church belonging to this denomination in the same town or village?
- What is the distance between the nearest church belonging to this denomination and to the town in which the requested church is to be built?
- What is the number of Christians in the area?
- What is the distance between the proposed church and surrounding mosques?
- If it is amidst Muslims, do they have any objections to it?³⁰

The al-Ezabi Decree gave security officials a legal basis for privileging Muslims' objections to church building over Christians' rights and needs. In addition, neither the Hamayouni nor the al-Ezabi Decree specified the procedures for obtaining permits, including permits for reconstruction, renovation, and repair. The head of state informally acquired these powers over the years through the accretion of custom and various judicial rulings.

NASSER – PERSONALIZING CHURCH-STATE RELATIONS

With the end of the monarchy and the establishment of the Arab Republic of Egypt, the power to authorize church construction shifted to the president. In contrast to the monarchical period, during which Egypt's Christians had a powerful civil society that could make demands of the state, the authoritarian system that emerged from the Free Officers' coup in 1952 allowed no independent civil society. President Gamal Abdel-Nasser's regime (1956-

1970) destroyed the biggest counterweight to the church establishment, the bourgeois lay leadership (represented by the Milli Council), and elevated the place of the Coptic Church's formal hierarchy. Nasser then used this church hierarchy to establish state control and oversight over the Coptic community.³¹ In this context, the relationship between the president and the Coptic Church leadership became the determining factor in church construction, a situation that continues to this day. During the 1960s, according to one account, Nasser approved 25 new Coptic churches a year, which was attributed to his strong working relationship with Pope Cyril VI.³²

SADAT – SYSTEMIC CHANGE RECOMMENDED BUT IGNORED

Nasser's successor President Mohammed Anwar al-Sadat, who ruled from 1970 to 1981, initially pursued a similar course as Nasser when dealing with the Coptic hierarchy, promising the newly elected Pope Shenouda III that he would build 50 new churches a year.³³ As Sadat's rule continued, political considerations led him to end Nasser's harsh repression of Islamism. This was one of the factors leading to a powerful reassertion of Islamic identity in Egypt's public sphere and to the spread of extremist groups that propagated deep intolerance of Christians.³⁴ As a result, sectarian tensions flared up after decades of relative calm. In December 1972, an attack against Christians involving the torching of an unlicensed Coptic church—the first such incident in many years—took place in al-Khanka in Qalyubiyah governorate. Afterwards, a parliamentary commission appointed by Sadat issued a report calling for improvements to the system of approving churches, specifically for the replacement of the Hamayouni–al-Ezabi system of case-by-case approval of church construction with a more regular system in which the Coptic Church would provide a yearly report containing all the planned church constructions that the government would review and approve all at once.³⁵ The government ignored the committee's recommendation, however, and tensions between Sadat and Pope Shenouda III escalated. June 1981 saw another

terrible incident of sectarian conflict. Clashes in the mixed Cairo neighborhood of al-Zawiya al-Hamra stemming from a dispute over church building led to mob violence and gun battles between Islamist militants and Copts, killing as many as 81 Copts.³⁶ Rioters rampaged for three days before the security services intervened.³⁷

“The relationship between the president and the Coptic Church leadership became the determinant factor in church construction, a situation that continues to this day.”

The al-Khanka and al-Zawiya al-Hamra clashes were just two examples of the deterioration in communal relations and the rise of violent intolerance toward Christians during Sadat's regime, showing in particular how local rejection of churches could spark deadly conflict. The attacks laid bare the Egyptian state's inability to confront the roots of the sectarian crisis and its unwillingness to protect the rights of Christians. The “Coptic Question” (and by extension church building) was treated as a threat to national unity, rather than as a social issue worth solving for the sake of protecting religious freedom and equality. This framing continued to guide the state's approach to Christian rights during the rule of Sadat's successor Hosni Mubarak.

MUBARAK – LIMITED CHANGES

During the Mubarak regime, which began in 1981, population growth and the expansion of religion in the public sphere led to an increase in “projects to build, expand or renovate churches... and a parallel boom in mosque-building.”³⁸ Islamic fundamentalism also continued to gain influence, worsening sectarian tensions.³⁹ Christians accused the state of continuing to do little to counter intolerance or to facilitate church building and repairs. During his first

decade in power, Mubarak reportedly authorized the construction of only ten new churches.⁴⁰

In the face of criticism at home and abroad, Mubarak made the first modification to the Hamayouni–al-Ezabi framework in January 1998. Presidential Decree 13/1998 gave governors the power to assume the authorities of the president in approving simple church repairs. The president kept the authority to approve new construction, reconstruction, and renovation.⁴¹

In December 1999, Mubarak issued a second decree, no. 453/1999, which annulled the 1998 one. The new decree made repairs to all houses of worship subject to local administrative approval under the 1976 civil construction code. The president remained in charge of approving church construction, reconstruction, and renovation.⁴²

In the following years, in reaction to ongoing obstacles to church building and continuing sectarian violence, and as a result of political liberalization that opened space for public debate on sensitive issues such as this, civil society organizations, media, and even some government officials raised calls for a new system that would place church and mosque building under a single set of rules.⁴³ In May 2005, a member of the ruling party even introduced a draft unified places of worship law in parliament, but it was never put to a vote, likely due to political opposition and lack of regime support.⁴⁴

In December 2005, Mubarak chose to make a third adjustment to the Hamayouni–al-Ezabi system. Decree 291/2005 annulled the 1999 decree. It allowed churches to make repairs through written notification to local authorities. It also delegated to governors the authority to approve both renovation and reconstruction requests and required them to respond to requests within 30 days and state the reasons for refusal. The president remained in charge of approving requests for new church construction.

On paper, Mubarak's decrees decentralized

decision-making for repairs and renovations, which set a positive precedent for the 2016 law. In addition, Mubarak's policies since 1998 appear to have slightly increased the pace of approvals for church construction. According to U.S. State Department reports, from 1998 until the end of his regime in February 2011, Mubarak approved a total of 145 permits for new construction of churches and service buildings, an average of 11 permits a year. This appears to be more than ten times the average number of such permits granted during Mubarak's first decade in power.⁴⁵

“The system remained fundamentally biased against Christians.”

The system remained fundamentally biased against Christians, however. The longstanding problems of bureaucratic delays and security interference in church building continued to frustrate members of Christian communities. Nor did the regime address the issue of ongoing violence against Christians.⁴⁶ In one horrific incident, 21 Christians were massacred in al-Kosheh, Sohag governorate; the attackers were cleared of all charges.⁴⁷ In other cases, attackers were described by security officials and the media as “mentally ill” and committed to psychiatric wards instead of facing trial, as in the case of an attacker who killed one Christian and injured 12 others in two separate attacks on churches in Alexandria in April 2006.⁴⁸

AFTER THE 2011 REVOLUTION: ANOTHER ATTEMPT AT A UNIFIED HOUSES OF WORSHIP LAW

In the brief political opening after Mubarak's February 2011 overthrow, calls for a unified houses of worship law resumed. In the face of public outcry over several incidents of anti-



Demonstrators march in Cairo on October 20, 2011, against the Maspero massacre and other repression by the Supreme Council of the Armed Forces (SCAF). Photo: Hossam el-Hamalawy/Flickr

Christian violence, the temporary government led by the Supreme Council of the Armed Forces (SCAF) released a new draft unified houses of worship law in June 2011.⁴⁹ The proposal, however, quickly ran into resistance from important constituencies. Muslim establishment leaders, as well as Islamist groups, argued it was too progressive.⁵⁰ Coptic Church leaders rejected what they saw as disproportionate limits on churches.⁵¹ Civil society organizations opposed the law's focus on houses of worship for "recognized" religions, to the exclusion of unrecognized religions such as the Baha'i faith.⁵²

In October 2011, after what became known as the "Maspero Massacre," in which Egyptian troops killed Christians at a Cairo protest over Muslim extremists' destruction of an unlicensed church in Upper Egypt, the SCAF quietly shelved the draft law.⁵³ Once the Muslim Brotherhood won the November 2011 parliamentary elections and the June 2012 presidential election, any revision of the Hamayouni–al-Ezabi framework was off the agenda. In the tumultuous two and a half years between Mubarak's ouster and the Brotherhood's fall from power in July 2013, the construction of just one church was approved.⁵⁴

IV. THE 2016 LAW

Why did al-Sisi agree to replace the Hamayouni–al-Ezabi system with a new law for church building after previous Egyptian leaders had resisted doing so? For one thing, several decades of debate over proposals for regulating church construction had led to greater acceptance of the idea among Egypt’s political class.⁵⁵

Also significant was the new political context following the July 2013 coup against the Brotherhood government. The Coptic Church’s participation in the broad coalition of social and political forces that supported the military intervention was one important feature of this context. The Church lent its weight to this cause because its leadership believed that the military was, at that time, the only actor capable of protecting the very existence of Christians in Egypt as well as Egypt’s identity. Pope Tawadros II described the short period of Brotherhood rule, which witnessed such shocking events as an assault on Cairo’s main Coptic cathedral and anti-Christian incitement in the media, as a “painful, dark, and black year.”⁵⁶ For this reason, the Church considered the Brotherhood’s continuation in power as a matter of life or death for Copts.⁵⁷ The Church hierarchy, forced to choose between the new threat presented by the Brotherhood and the familiar option of working with the traditional Egyptian state, decided to go with what they saw as the lesser risk.

Another factor was the strong relationship between al-Sisi and Pope Tawadros II. Al-Sisi appreciated the Pope’s restrained reaction to attacks on dozens of churches carried out by Brotherhood supporters and Salafists in August 2013 after the government violently dispersed anti-coup protests.⁵⁸ In contrast to the oppositional stands the Church sometimes took under Mubarak or Sadat in response to attacks or discrimination against Christians, the Church led by Tawadros II did not blame the Egyptian state for the 2013 attacks or use them to pressure the regime.

In addition, al-Sisi himself is more moderate on the issue of Christian rights than his predecessors, and has made opposition to political Islam a foundation of his new regime, including by championing a discourse of “religious tolerance.”⁵⁹ Even with this changed political environment, however, there was little appetite for a relitigation of the failed 2005 and 2011 debates over a unified houses of worship law. Margaret Azer, a pro-government politician, echoed claims made by the Muslim religious establishment in 2011, saying that there was no issue with mosque construction and that what needed to be rectified was the situation of churches. In response to calls from some quarters for a unified law, Azer argued: “Don’t lead us down another maze that will slow us down.”⁶⁰

“The Church hierarchy, forced to choose between the new threat presented by the Brotherhood and the familiar option of working with the traditional Egyptian state, decided to go with what they saw as the lesser risk.”

The new law was mandated by an article that was included in the constitution prepared in the fall of 2013. The constitution-drafting committee came up with the language on its own, without pressure from the state, according to a committee member.⁶¹ After receiving swift approval from the head of the committee, legal experts, the Grand Mufti of Egypt, and Church officials, it became Article 235 in the 2014 constitution.⁶²

Before presenting the draft law to the parliament, the government negotiated with



Pope Tawadros II visits the Cathedral of St. George in Hertfordshire, England on May 6, 2017, while on a pastoral and ecumenical visit to the United Kingdom. Photo: Mazur/catholicnews.org.uk/Flickr

representatives of Egypt's three main churches over the text.⁶³ Civil society groups were given limited opportunities for input. Once the law was introduced in parliament in August 2016, it faced little debate. The Brotherhood, the most significant potential opposition to the law, had been outlawed after the coup, and the legislature was dominated by supporters of al-Sisi. The bill was passed almost unanimously three days after its introduction. A few members of parliament (MPs) complained that their suggested changes to the draft were ignored; one went so far as to describe the rushed process as a "political farce."⁶⁴ The only dissenters were MPs from the Salafi al-Nour Party, who refused to vote for the law due to their view that it was inconsistent with Article 2 of the Constitution, which makes Islam the state religion of Egypt.⁶⁵

After the vote, Speaker Abdel Aal led lawmakers in a rousing chant of "Long Live the Crescent and the Cross!"⁶⁶ Pope Tawadros II declared that "the

law bandages long-open wounds for the sake of [achieving] stability and citizenship."⁶⁷ The law also was highly acclaimed by members of the broader Christian community and the state-run media. Law 80/2016 was ratified by al-Sisi the following month. From July 2013 until the ratification of the new law in September 2016, a total of 11 church construction permits were approved.⁶⁸

OVERVIEW OF THE TEXT

The new law has positive features as well as shortcomings. Before discussing them, it is useful to describe its content.

- The law regulates the process of obtaining permits for constructing, expanding, modifying, renovating, reconstructing, and making external repairs to a church, a church annex, a service building, or an abbey. (Article 1)

- It states that a church must be “proportional to the size and needs of the community it serves.” (Article 2)
- A legal representative of a recognized Christian denomination must request a permit from the governor for any of the actions described in Article 1. The request must be accompanied by the title to the land and documents explaining the nature, location, and scope of the proposed activities. The governor’s office is to issue confirmation of receipt. (Article 3)
- After ensuring that all relevant requirements are satisfied, the governor must provide a formal written response to the request within four months of its submission. Refusals must be accompanied by explanations. (Article 5)
- Churches are not allowed to undertake any of the activities described in Article 1 without obtaining approval from the planning and organization authorities stipulated in the Building Code. (Article 6)
- A licensed church or service building cannot be changed into any other kind of building, even if worship services are no longer being held in it. Any other use is illegal. (Article 7)
- The law mandates that the Cabinet of Ministers create a committee to oversee applications to legalize unlicensed churches and adjacent buildings such as abbeys, church annexes, and event halls. (Article 8)

This committee (hereafter, the church legalization committee) was established in January 2017 by Cabinet Decree 199/2017.⁶⁹ Headed by the prime minister, it has representatives from four security-related bodies (the Ministry of Defense, the National Security Agency, General Intelligence, and the Administrative Control Authority); five ministries (housing, local development, legal

affairs and parliament, justice, and antiquities); and one representative from one of the three legally recognized Christian denominations in Egypt.

The committee accepted applications from January 2017 until September 2017, after which the application process closed. It has a mandate to evaluate each legalization request based on whether the building existed before Law 80/2016 came into force; is structurally sound; conforms with relevant building regulations; and conforms with the requirements “necessitated by the defense of the state and the laws governing the state’s public and private property.”⁷⁰ The committee began meeting in October 2017 and will convene monthly until it has responded to all applications received. It makes decisions by majority vote and reports monthly on its recommendations to the cabinet, which makes the final decision on a building’s status via decree. Legalized churches and service buildings must comply with any conditions stipulated by the committee and pay a legalization fee within four months.⁷¹

POSITIVE ELEMENTS

The law as written improves upon the Hamayouni–al-Ezabi system in five main ways.

First, the law is more comprehensive and provides a more detailed explanation of the permit application process. This should go some way toward making the process easier and (relatively) less open to arbitrary interpretation by officials overseeing it.

Second, it creates a defined pathway to legalization for unlicensed churches. Previously, the large numbers of Christian places of worship operating without official permission had no clear way to regularize their status.

Third, the new law puts governors in charge of approving all church construction, reconstruction, and renovation. This is an advance over Mubarak’s decrees, which kept the most important power—authorizing new

construction—with the president. In theory, this change should make the approval process somewhat easier, since governors are more accessible than the president and powerful enough to cut through bureaucratic delays.

Fourth, it requires governors to formally respond within four months to church construction requests; under the previous system, in which the president was responsible for fielding these requests, there was no requirement for him to respond within any set timeframe. The law also preserves the requirement in Mubarak's 2005 decree for governors to respond in writing to repair, renovation, and reconstruction requests, although it extends the period from 30 to 120 days.⁷²

Finally, the law prohibits anyone from “preventing or halting the performance of religious rituals” in unlicensed churches that have applications pending before the legalization committee (Article 8). This is meant to protect such churches from being shut down by the government while their status is under review.

SHORTCOMINGS

There are four main shortcomings in the new legal framework, which detract from the positive features. First, Decree 199/2017 gives security agencies a legal role with regard to church issues for the first time in Egypt's history. Previously, their role was informal and extralegal. The presence of a Ministry of Defense representative on the legalization committee may be justifiable because the Egyptian Armed Forces own or control so much land. By contrast, General Intelligence, the National Security Agency, and the Administrative Control Authority do not have a formal role in administering state land. The significant security presence on the committee is likely to strongly influence the positions of representatives from less powerful civilian agencies, and is a clear indicator of the

state's continuing security-driven approach to dealing with Christian communities.

Second, the law's requirement that a church should be “proportional to the size and needs of the community it serves” provides governors with an opportunity to refuse permits on the basis of subjective criteria. Not only is there no official data on which to determine the size of any religious communities in Egypt, but the law does not define what is meant by “proportional” or “needs” or who makes such a determination.⁷³

“Decree 199/2017 gives security agencies a legal role with regard to church issues for the first time in Egypt's history.”

Third, although the law states that governors must explain the reasons for rejecting permit applications, it does not require the legalization committee to do so. This may leave unlicensed churches that do not receive approval at a disadvantage when challenging rejections in the administrative court system.

A final shortcoming is that the law does not address the situation of monasteries. Monasteries are a significant feature of Christian life in Egypt, which is the home of Christian monasticism.⁷⁴ Monasteries hold large amounts of land, and the urbanization of areas outside of Egypt's major cities will likely begin to encroach upon some of these holdings. The unclear legal status of these monasteries constitutes a threat to their security and their way of life. A recent example of this problem is the government's 2017 seizure of most of the land of the Wadi al-Rayan monastery and the imposition of an onerous leasing fee on the rest.⁷⁵ The government has yet to issue a law organizing the activities of monasteries.

V. ASSESSING IMPLEMENTATION SO FAR

LEGALIZATION OF UNLICENSED CHURCHES

Under the new law, the greatest progress to date has been made in the legalization of unlicensed churches, which has outstripped land allocations for new churches, approvals for construction of new churches, and approvals for reconstruction and renovation of existing church properties.⁷⁶ Out of 3,730 applications submitted from unlicensed churches and service buildings,⁷⁷ as of late November 2018, the cabinet had announced that it had legalized 508, which are now formally recognized by the state as houses of worship.⁷⁸ There have been only three known rejections so far.⁷⁹ However, the approvals to date constitute only 14 percent of the total number of applications. The government has not announced any deadline by which all the applications will be reviewed.

ALLOCATIONS OF STATE LAND FOR CHURCHES

Before a church can be built on state-owned land—the vast majority of land in Egypt—the government must first formally allocate the land for this purpose. Various state entities have the power to allocate land, including governors and the New Urban Communities Authority.⁸⁰ Although land allocation does not fall under the purview of Law 80/2016, it is an important marker of the state's attitude toward church construction.

According to official statements, since August 2016 the government has allocated 20 plots of state-owned land for new churches.⁸¹ Eighteen of these are in new urban communities that are either relatively unpopulated or still under construction, such as the New Administrative Capital, one of al-Sisi's mega-projects. In a November 2018 speech, al-Sisi indicated that church building in these locations, where relatively few Egyptians live, is a priority, declaring that “the state is concerned with building a church for the citizens in every new

urban community, because [Christians] have the right to worship like everyone else.”⁸² This approach burnishes the government's image as friendly to Christians while risking less political controversy than does approving land in the areas where most Christians live—Egypt's major cities and the Upper Egypt countryside.

PERMITS FOR NEW CHURCH CONSTRUCTION

As of late November 2018, governors had issued construction permits for eight new churches, three of which are in new urban areas. One permit is for a Protestant church in South Sinai, a tourist region where few Egyptian Christians live. The most prominent church of the eight, the Coptic Orthodox cathedral being completed in the New Administrative Capital, was announced by al-Sisi in an ad hoc process rather than through a formal approval.⁸³

The total number of church construction permits requested to date, and the number of pending or rejected applications, has not been published by any state entity, so we are not able to compare approvals against total applications under Law 80/2016.⁸⁴ But we can observe that the approval rate so far appears to be lower than it was during the decade before the new law was passed. From July 2006 until September 2016, according to several sources, Egyptian leaders approved an average of 6.6 church construction permits a year.⁸⁵ So far under the new law, governors have issued an average of 3.7 such permits a year.

PERMITS FOR CHURCH RECONSTRUCTION

Only six reconstruction permits reportedly have been issued to date, all of which, for reasons that are unclear, are for churches or service buildings in Sohag governorate. Only one is for a Coptic Orthodox Church; the other five are for Protestant churches.⁸⁶ The number of pending applications is not available.

PERMITS FOR CHURCH RENOVATION

As of late November 2018, governors had issued 23 renovation and repair permits, all for churches and related buildings located in Sohag and Minya governorates. Nineteen permits are for renovation of Protestant churches and related buildings, and the rest are for Coptic Orthodox churches and buildings. The number of pending applications is not available.

One notable aspect of the data is the disproportionate number of land allocations and construction, reconstruction, and renovation permits given to Protestant as compared to Coptic churches. Although the vast majority of Egypt's Christians are Copts, available data shows that to date Protestant churches have received 53 percent of approvals (30 out of 57) of land allocations and permits. It is not clear why this is the case.

WHY THE LIMITED RESULTS?

Why have so few applications been approved so far, when the new law was supposed to improve the situation? There are at least three possible explanations for the modest results.

One likely reason is that implementation of the law is taking place within a bureaucracy that remains extremely inefficient. To gain legal status, for example, unlicensed churches must provide a wealth of information that must be verified by local representatives and then reviewed by senior officials of the nine government bodies represented on the legalization committee. This highly involved process takes a long time, and leaves open the door for officials at various levels to hold up approvals for any number of reasons, including bias against church building that continues to exist within parts of the state apparatus. Expressing frustration over the red tape and long delays, some civil society organizations have called for a blanket legalization of all unlicensed churches whose applications are still pending.⁸⁷

A potential explanation for the low number of construction and renovation/repairs permits in particular is that the largest denomination, the Coptic Orthodox Church, may not have submitted many applications yet. In an interview with a Coptic news outlet in September 2017, a full year after the new law was enacted, Bishop Macarios, Auxiliary Bishop of Minya, explained, "Right now, we are in the stage of compiling information about the churches we already have that need to be legalized by the state."⁸⁸ Perhaps the Church is concerned that trying to do too much, too fast would strain its internal capacity, or wants to hold back from making too many demands at once and causing tensions with the state.

A third possible factor is that administrative confusion caused delays in submitting and processing applications. For nearly a year after al-Sisi ratified the law, some officials stated, incorrectly, that implementation was awaiting the issuance of executive regulations (explanatory by-laws), leaving key constituencies confused about whether it had actually come into force.⁸⁹ In August 2017, the governor of Minya, a region with a large Christian population, even justified a church closure on this basis.⁹⁰ Only after this misleading statement did the cabinet of ministers finally clarify that the law was indeed in force.⁹¹

The saga of the church in the small village of Rizk Shenouda in Sohag governorate illustrates the effects of bureaucratic delays and administrative confusion. Starting in 1971, Christians there submitted more than 30 applications to build a church, without any results.⁹² After the passage of Law 80/2016, they submitted another application, which the governor approved, but only after 11 months (in violation of the law's four-month deadline). After finally receiving a building permit in November 2017, in the same month they applied for and received a permit to renovate the structure.⁹³ The local authorities, however, have blocked implementation of this second permit, contrary to the governor's decision and in the violation of the law.⁹⁴

VI. OTHER INFRINGEMENTS ON CHRISTIANS' FREEDOM OF WORSHIP

The al-Sisi regime has failed not only to build confidence among Christians regarding the implementation of Law 80/2016, but also to address other problems that hinder freedom of worship. Since the law's passage, there have been numerous reports of security officers obstructing church building, interfering with religious services, closing churches in contravention of Law 80/2016, and harassing and detaining Christians for "worshipping without a license."⁹⁵ When perpetrators of church attacks are brought to trial, they continue to receive light punishment or none at all. Security agents also continue to pressure victims of sectarian attacks into participating in reconciliation sessions. Egyptian officials tend to downplay these problems by asserting they are "isolated cases that the state is facing with determination."⁹⁶ In reality, they are pervasive and largely unaddressed.

The following cases illustrate various ways in which Christians' rights are still being trampled upon, in spite of Law 80/2016.

- In April 2017, security officers gave Christians in the village of Koum al-Loufi in Minya governorate verbal permission to pray in a house. (In June 2016, when they had tried to build a church, several hundred villagers reportedly participated in an attack that destroyed the construction materials.) A mob attacked the house church while religious services were underway, injuring four Christians.⁹⁷ Villagers were arrested from both sides. Muslim villagers then circulated a document in which they stipulated they would only allow a church located outside the village.⁹⁸ After a reconciliation process overseen by security officers that lasted nearly a year, Christians finally agreed to accept this demand and to forfeit any legal claims.⁹⁹
- In a June 2017 meeting with the governor of Beni Suef and a representative of General Intelligence, local Coptic leaders complained that after they had sought permission to build and renovate churches, officials from the National Security Agency had harassed them, including by mounting a raid on their office. The governor refused to take action, claiming (erroneously) that the new law was not yet operative.¹⁰⁰
- In August 2017, in the Minya village of Ezbat al-Forn, security forces closed the Virgin Mary and Archangel Michael Church while worship services were underway, claiming they were protecting it from a "security threat." Christians then took to the street to pray, attracting national media coverage. The governor then said the church had been closed because it was illegal.¹⁰¹ Only after villagers appealed directly to President al-Sisi did security forces reopen the church.¹⁰²
- In October 2017, security officers and local government officials closed Mar Girgis and Abu Sayfayn Church in Hagir, Sohag Governorate, cutting utilities and halting church services, claiming they were implementing a demolition order from 2013. In fact, the order had already been overturned. When the Christian community pressed for the reopening of the church, authorities refused, citing threats from "extremists." The church remains closed.¹⁰³
- In December 2017, villagers in Kafr al-Wasileen in Atfih, Giza governorate, destroyed a church after a rumor spread that the church would ring its bell. Christian residents were aware that an attack was about to occur and informed the police, who instead of protecting the church left the area.¹⁰⁴ Police arrested 'Eid Atiya, accused owner of the church building, along with several

accused attackers. His son Milad Atiya said in a media interview, "The attackers came and broke down the door; they hit my father; they hit my uncle; they destroyed everything in the church."¹⁰⁵ A court fined the attackers 500 Egyptian pounds (about \$30), while Atiya was fined 360,000 Egyptian pounds (\$20,000) for turning his house into a church without a license, despite his assurance, backed up by the local bishop, that the diocese had owned the land since 2014.

- In March 2018, villagers attacked the Virgin Mary Church, an unlicensed church in al-Toud, Qena governorate, after learning that a housing ministry official would be evaluating it for legalization.¹⁰⁶ The villagers blocked the road and put up banners rejecting the presence of a church. As they pelted the church and the homes of Christians with stones, the mob chanted, "No matter how, we will bring the church to the ground." The threat to the village's Christians was so grave that when officials showed up for the evaluation, Christians denied the existence of a church in the village and sent them away. During a reconciliation session after the attack, a local sheikh claimed that the legalization application was an attempt to spread sectarian tension and that those who submitted it should be expelled from the village. Reports said that Christian participants in the reconciliation were not allowed to speak. The outcome of the reconciliation was a decision to close the church. The state dispatched government imams to the village, attempting to calm tensions and win over the villagers to a church presence.¹⁰⁷ Despite these efforts, the church remains closed.¹⁰⁸

- Also in March 2018, soon after it was inspected by local representatives of the legalization committee, the unlicensed Mar Girgis church in Esna, Luxor governorate was attacked. Villagers marched against the church, in which services had been held since 1985, and chanted slogans such as "the Church has fallen and the priest is dead."¹⁰⁹ Police arrested 22 villagers, among them seven Christians. A reconciliation session held

after the attack resulted in both sides agreeing to drop all claims. Security forces closed the church and put it under guard. Christians now gather for prayer several miles outside of the village.¹¹⁰

- In April 2018, a mob in Beni Menin, Beni Suef governorate, attacked Christians praying in an unlicensed church that was awaiting review by the legalization committee.¹¹¹ Security officials threatened the village's Christians two days before the attack; in an example of government negligence, security forces assigned to protect the church left it undefended, despite threats being made against the Christians. Security forces arrested 20 villagers, including nine Christians, for inciting religious strife. The incident ended in a reconciliation session, which mandated that the church would remain closed until it was regularized by the legalization committee. The State Security Court gave both the attackers and the victims one-year suspended sentences.¹¹²

- In August 2018, security forces shut down Virgin Mary Church in Zaniqa, Luxor governorate, after villagers staged a protest against it, despite the fact that the church had submitted its papers to the legalization committee. Security forces broke up the demonstration and shut down the church, placing it under guard. In the following days, they arrested 20 villagers, including five Christians, who were charged with holding worship services without a license, spreading rumors, and inciting strife. All 20 were detained for a month and then released on bail. The church remains closed.¹¹³

Overall, the slow and confusing implementation of the law has turned initial supporters into skeptics, or even caused them to lose faith in the state's sincerity to resolve the problem of church construction.¹¹⁴ U.S.-based Coptic Bishop Serapion lamented, "The church construction law has been revealed to be a church closing law." He added, "Christians have done everything... and nothing is being resolved...we will put our situation in the hands of God."¹¹⁵

VII. CONCLUSION AND RECOMMENDATIONS

As recently as November 2018, al-Sisi spoke proudly of Law 80/2016: “We had a law [for organizing church construction] that was not issued for 150 years. We issued this law so we could stabilize the matter and end it.”¹¹⁶ But as this report has argued, so far the new law has not ended the problem, nor has it even resulted in significant visible progress on the ground. It has failed to live up to its promise of making it easier to build, repair, and operate churches in Egypt. Moreover, other serious infringements on freedom of worship such as attacks on churches and other Christian sites have continued in the face of government inaction.

Ultimately, a unified houses of worship law, with the same rules for churches, mosques, and other places of worship, will be essential to remove the discrimination inherent in the current system. In the meantime, until such a law is put into place, there are a number of intermediate steps that would enable Law 80/2016 to have the desired impact that has been lacking up until now. The United States and the international community should press the Egyptian government to carry out the steps outlined below.

The Egyptian government should take the following steps to improve the implementation of Law 80/2016:

- Enforce Article 8, which prohibits closing any unlicensed church whose legalization application is pending.
- Set a timely deadline by which the legalization committee should complete its review so that decisions on pending applications can be issued quickly.
- Adopt a policy that any application for the building, renovation, or repair of any church should be considered automatically approved if the governor does not issue a rejection within four months.
- Eliminate the unusual role of security

agencies in approving the legalization of churches. In particular, the National Security Agency, the General Intelligence Service, and the Administrative Control Authority should be removed from the legalization committee. These agencies play no role in overseeing land or approving construction of mosques or other types of buildings in Egypt; their exceptional role with regard to churches is inherently discriminatory.

The Egyptian authorities should also take the following steps to address problems of religious intolerance, violence against Christians, and other related issues:

- Prosecute sectarian attacks to the fullest extent of the law. Security officers should not force communities into customary reconciliation sessions to address sectarian violence or incitement and should instead direct such cases to the formal justice system.
- Enhance training for police officers regarding the rights of Egypt’s Christian communities and providing adequate security protection for churches. Any officers who neglect their duty to prevent or respond to sectarian attacks, including attacks on churches, must be held accountable.
- End the repression of civil society organizations and treat civil society as a partner in combating extremism, rather than as a security threat. Civil society can play a vital role in promoting interfaith tolerance and peaceful conflict resolution.
- Support education initiatives including: introducing curricula about the history and culture of Egypt’s Christians and other religious minorities as part of ongoing reforms to public education; supporting programs on state television and in

newspapers to introduce the history and culture of religious minorities to the viewing public; and encouraging universities to sponsor programs that promote tolerance and interfaith dialogue.

ENDNOTES

1. The last government population census in Egypt to give the number of Christians was in 1986, more than 30 years ago. The state has not released census data by religious affiliation since then. Recent sources offer a range of estimates. A 2011 Pew Research report used data from a 2008 government-conducted health survey to estimate that Christians make up around 5 percent of Egypt's population; see Conrad Hackett, "How Many Christians are There in Egypt?" Pew Research Center, February 16, 2011, <http://www.pewresearch.org/2011/02/16/how-many-christians-are-there-in-egypt/>. The Coptic Orthodox Pope stated in December 2018 that Copts make up 15-18 percent of today's population (about 100 million people); see Faisal J. Abbas, "The Pope of Hope: Egypt's Tawadros II on status of Copts, regional politics and Saudi reforms," *Arab News*, December 4, 2018, <http://www.arabnews.com/node/1415701/middle-east>. The most common estimate is ten percent of the population. See Harriet Sherwood, "Christians in Egypt face unprecedented persecution, report says," *The Guardian*, January 10, 2018, <https://www.theguardian.com/world/2018/jan/10/christians-egypt-unprecedented-persecution-report>.
2. Three Christian denominations are recognized as national churches by the Egyptian government: Coptic Orthodoxy, Coptic Catholicism, and Protestantism (for a full list of the various denominations represented by the Protestant Church in Egypt, see "Heads and Representatives of Protestant Denominations," Protestant Churches of Egypt, <http://www.pcegypt.net/AnglicanSects>). The largest church by number of adherents (making up around 90 percent of Egypt's Christian population), the Coptic Orthodox Church in Alexandria, is an Oriental Orthodox church, a communion of churches formed after the schism caused by the ecumenical Council of Chalcedon in 451 CE. Other churches belonging to the communion include the Syrian Orthodox Church, the Malankara Orthodox Syrian Church, and the national churches of Armenia, Ethiopia, and Eritrea. See "Orthodox churches (Oriental)," World Council of Churches, <https://www.oikoumene.org/en/church-families/orthodox-churches-oriental>
3. Mohamed Zain, "Parliament debunks U.S. Congress claims on Copts," *Egypt Today*, December 29, 2017, <http://www.egypttoday.com/Article/2/38743/Parliament-debunks-U-S-Congress-claims-on-Copts>
4. Mohamed Qasim, "Appointment of First Christian Head of Dentistry Faculty at Cairo University," *Masrawy* [Ar], December 25, 2017, <http://bit.ly/2EdEbbZ>; "An Overdue Step - First Christian Appointed Dean of a Science Faculty in Egypt," *al-Tahrir* [Ar], December 25, 2017, <http://bit.ly/2E9sjYF>; see also Samuel Tadros and Eric Brown, "Renewing the Egyptian-American Alliance," Hudson Institute Briefing Paper, November 2017, <https://s3.amazonaws.com/media.hudson.org/files/publications/American-Egyptian-Alliance.pdf>
5. Declan Walsh, "Egypt Says It Killed 19 Militants After Deadly Attack on Christians," *New York Times*, November 4, 2018, <https://www.nytimes.com/2018/11/04/world/middleeast/egypt-militants-coptic-christians.html>
6. Samuel Tadros, "The Actual War on Christians," *The Atlantic*, December 17, 2016, <https://www.theatlantic.com/international/archive/2016/12/egypt-copts-muslim-christian-isis/511007/>
7. "Egypt's Cabinet Considers Legalization of Unlicensed Churches," *Egypt Today*, January 4, 2018, [9307/Egypt%E2%80%99s-cabinet-considers-legalization-of-unlicensed-churches](https://www.egypttoday.com/Article/2/3907/Egypt%E2%80%99s-cabinet-considers-legalization-of-unlicensed-churches). Calculation based on 2011 Egyptian government population figure of 79.6 million citizens.
8. See Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2015: Egypt*, United States Department of State, August 2016, <https://www.state.gov/j/drl/rls/irf/2015religiousfreedom/index.htm?year=2015&dclid=256263#wrapper>
9. For an unofficial English translation of Law 80/2016, see <https://static1.squarespace.com/static/5947e4266a49635915ac0a31/t/5bf47b38758d46657aeffab/1542748985497/March+2017+-+Church+Construction+Law+Translation.pdf>

10. The following are definitions of these terms used throughout this report. "Construction" [*bina*] refers to building a new church where none existed. "Reconstruction" refers to demolition [*hadm*] of an extant building and construction of another one in the same place; it requires both a demolition permit and a construction permit for the new building. "Renovation" means major repairs that involve structural changes (*tawsee* [expansion], *ta'liya* [raising], and *ta'dil* [renovation]). "Repair" (*tarmeem* [repair] and *tadeem* [strengthening]) refers to work that does not involve a structural addition or removal.
11. Sara Allam, "With Pictures - Ali Abdel Aal: Church Law Does Not Meet All the Desires of Copts but It Is a New Beginning," *Youm7* [Ar], January 5, 2017, <http://bit.ly/2E9tV4F>
12. "One Year After Ratification of Church Construction Law - Pope Tawadros: It Rectified a 160-Year Long Error - More Than 3,000 Churches Are Awaiting Permits - Presidential Decrees Reserving Land for More in Every New City," *Youm7* [Ar], September 6, 2017, <http://bit.ly/2BsylQt>. Foreign supporters of al-Sisi also praised the law, with one calling it "groundbreaking"; see Joel C. Rosenberg, "Mr. Pence's High-Stakes Trip to Egypt," *Jerusalem Post*, December 17, 2017, <https://www.jpost.com/Opinion/Mr-Pences-high-stakes-trip-to-Egypt-518324>
13. Youssef Sidhom, "The Church Construction and Renovation Law - Does It Ease or Aggravate?!" *Watani* [Ar], November 27, 2016, <http://bit.ly/2EbxJSR>
14. Youssef Sidhom, "A Balance Sheet after One Year: Christian Freedom of Worship - Positives...and Setbacks!" *Watani* [Ar], December 30, 2017, <http://bit.ly/2EcXBh6>
15. See Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2017: Egypt*, United States Department of State, May 2018, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2017&dldid=280980#wrapper>; "2018 Annual Report," United States Commission on International Religious Freedom, April 2018, https://www.uscirf.gov/sites/default/files/Tier2_EGYPT.pdf
16. To receive a license from the Ministry of Endowments, mosques are supposed to meet criteria listed in a 2001 statement issued by the cabinet; for details, see Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2010: Egypt*, United States Department of State, November 2010, <https://www.state.gov/j/drl/rls/irf/2010/148817.htm>, and Damas Addeh and Sayida Fuad, "The Legal framework of Mosque building and Muslim religious affairs in Egypt: towards a strengthening of State control," *Arab West Report*, January 15, 2011, <https://www.arabwestreport.info/sites/default/files/pdfs/paper30.pdf>. Restrictions on mosques in Egypt generally concern their hours of operation and the sermons that can be read in them, not their construction. See Amr Ezzat, *The Turbaned State: An Analysis of the Official Policies on the Administration of Mosques and Islamic Religious Activities in Egypt*, Egyptian Initiative for Personal Rights (EIPR), August 2014, https://eipr.org/sites/default/files/reports/pdf/to_whom_do_the_mosques_of_today_belong_finalized_version_ae.pdf and Wael Fayiz, "10,000 Unlicensed Mosques and Prayer Halls - Authorities: 'Municipalities' Are Responsible, Calling Them 'Houses of God,'" *al-Watan* [Ar], July 20, 2016, <https://www.elwatannews.com/news/details/1268789>. See also Amr Ezzat, *Permission to Pray: The Houses of Worship Crisis in Egypt* [Ar], Egyptian Initiative for Personal Rights, December 2014, https://eipr.org/sites/default/files/reports/pdf/the_permission_to_pray_in_egypt_.pdf. The report quotes a Ministry of Endowments official explaining, "The state does not, and cannot, prevent the construction of any mosque, or interfere in its licensing by local authorities, regardless of the stated restrictions, because this is impossible and 'the state is incapable of restricting Islamic religious rites.'" Ezzat, *Permission to Pray*, 17.
17. Sebastian Elsässer, *The Coptic Question in the Mubarak Era* (Oxford: Oxford University Press, 2014), 95.
18. "Readings of the Scholars on the Issue of Churches," *IslamWeb* [Ar], June 10, 2002, <http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=Fatwald&Id=17391>
19. Elsässer, 93.
20. Elsässer, 94; see also Christian Fastenrath and Corin Kazanjian, "Important Factors for Church Building in Egypt," *Arab West Report*, April 2008, <https://www.arabwestreport.info/sites/default/files/pdfs/AWRpapers/churchbuildingpaper.pdf>; and Adel Guindy, *Symbolic Victims in a Socially Regressing Egypt: The Declining Situation of the Copts*, Rubin Center, Interdisciplinary Center Herzliya, March 2010, <http://www.rubincenter.org/2010/03/>

guindy-2010-03-07/

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116. See al-Sisi's speech at the World Youth Forum 2018 in Sharm al-Sheikh: TeN TV, "Al-Sisi: We Issued the Church Construction Law and We Are Prepared to Build Houses of Worship for Other Religions," YouTube [Ar], November 4, 2018, <https://www.youtube.com/watch?v=OKnAz8bFB0g>

VIII. APPENDIX

CHURCH APPROVALS SINCE PASSAGE OF LAW 80/2016

Egypt has several distinct approval/permit processes related to churches—for land allocation, construction, reconstruction, renovation, and legalization of unlicensed churches—overseen by different government authorities. This chart lists the approvals issued under Law 80/2016 as of November 2018.

Data on allocations of land for churches are based on decrees from the New Urban Communities Authority and media reports. Data on permits for church construction, reconstruction, and renovation are from media reports. Data on approvals of unlicensed church and service buildings are from cabinet decrees published in the Official Gazette and media reports.

A. Approvals for the Allocation of State Land on which to Build a Church

Sets aside a plot of state-owned land for a church, but construction cannot take place until governor issues a building permit. No allocation is required for privately owned land.

Decision-Making Authority	Church Denomination	Governorate (and City, if known)	Date of Approval	Notes
Governors, or the New Urban Communities Authority (part of the Ministry of Housing)	Coptic Orthodox	Aswan (New Aswan)	Aug. 2016	
	Coptic Orthodox	Cairo (Helwan)	Aug. 2016	
	Coptic Orthodox	Minya (New Minya)	Oct. 2016	
	Coptic Orthodox	Fayoum (New Fayoum)	Oct. 2016	
	Protestant	Cairo (Badr)	Oct. 2016	
	Coptic Orthodox	South Sinai (Nuweiba)	Mar. 2017	
	Protestant	South Sinai (Sharm al-Sheikh)	Mar. 2017	Construction permit issued in Sep. 2017 (see Chart B)
	Coptic Orthodox	Qalyubiya (Obour)	Jul. 2017	Construction permit issued in Aug. 2017 (see Chart B)
	Coptic Orthodox	Giza (6th of October City)	Dec. 2017	Construction permit issued in Dec. 2017 (see Chart B)
	Protestant	Port Said (Emirati District)	Jan. 2018	
	Coptic Orthodox (two)	Luxor (New Akhmim and New Tiba)	Mar. 2018	Both approved in one decree
	Coptic Orthodox	Qalyubiya (Obour)	Apr. 2018	
	Four plots (2 Coptic Orthodox, 1 Catholic, and 1 Protestant)	Cairo (New Cairo), Assyut (New Assyut), Qena (New Qena), and Sohag (New Sohag)	Apr. 2018	All four approved in one decree
	Catholic	Cairo (New Administrative Capital)	May 2018	Approval issued directly by prime minister
	Coptic Orthodox	Cairo (New Administrative Capital)	Nov. 2018	
Coptic Orthodox	Luxor (Luxor)	Nov. 2018	Relocation of church building for archeological purposes	
TOTAL	20 land allocations since law enacted; number of applications submitted unknown			

B. Permits for New Church Construction

For construction on state-allocated land or privately owned land.

Decision-Making Authority	Church Denomination	Governorate (and City, if known)	Date of Approval	Notes
Governors	Coptic Orthodox	Assyut	Oct. 2016	Land status unknown
	Coptic Orthodox	Cairo (New Administrative Capital)	Jan. 2017	Construction announced by al-Sisi at 2017 Coptic Christmas service - no permit information available
	Coptic Orthodox	Qalyubiya (Obour)	Aug. 2017	Land allocated in July 2017 (see Chart A)
	Protestant	South Sinai (Sharm al-Sheikh)	Sep. 2017	Land allocated in March 2017 (see Chart A)
	Coptic Orthodox	Giza (6th of October City)	Dec. 2017	Land allocated in December 2017 (see Chart A)
	Coptic Orthodox	Sohag	Dec. 2017	Church-owned land
	Coptic Orthodox	Minya	Dec. 2017	Permit issued after sectarian attack and security interference
	Protestant	Minya	Jun. 2018	Land status unknown
TOTAL	8 building permits issued since law enacted (7 issued by governors, 1 authorized by the president - new administrative capital); number of applications submitted unknown			

C. Permits for Church Reconstruction

For demolition of existing structure and building of new church.

Decision-Making Authority	Church Denomination	Governorate	Date of Approval	Notes
Governors	Coptic Orthodox	Sohag	Mar. 2017	
	Protestant	Sohag	Nov. 2017	
	Protestant	Sohag	Mar. 2018	
	Protestant	Sohag	May 2018	
	Protestant	Sohag	Jun. 2018	
	Protestant	Sohag	Jul. 2018	
TOTAL	6 reconstruction permits issued since law enacted; number of applications submitted unknown			

D. Permits for Church Renovation

For modifications or expansions that do not involve demolition and/or reconstruction, including repairs.

Decision-Making Authority	Church Denomination	Governorate	Date of Approval	Notes
Governors	Protestant (19 permits)	Sohag	Apr.-Nov. 2017	19 permits issued over a span of eight months
	Coptic Orthodox	Sohag	Nov. 2017	
	Coptic Orthodox	Minya	Nov. 2017	Church is under the authority of the Ministry of Antiquities, which issued permit jointly with the governor
	Coptic Orthodox	Sohag	Mar. 2018	Permit issued to renovate service building associated with the church
	Coptic Orthodox	Sohag	Apr. 2018	Church is under the authority of the Ministry of Antiquities, which issued permit jointly with the governor
TOTAL	23 renovation permits (22 churches and 1 service building) issued since law enacted; number of applications submitted unknown			

E. Legalization of Existing but Unlicensed Church and/or Service Buildings

Such as abbeys, annexes, and service buildings.

Decision-Making Authority	Church Denomination	Governorate	Date Decree Issued	Notes
Interagency committee makes recommendation to the cabinet, which issues decree	One decree licensing 53 churches and service buildings (denominational information is not listed in the decree)	Sohag, Giza, Dakahlia, and New Valley	May 2018	35 churches, 18 service buildings
	One decree licensing 167 churches and service buildings (159 Coptic Orthodox, 8 Protestant)	Sharqiya, Aswan, Qalyubiya, Giza, Beheira, Asyut, Menoufia, Gharbiya, Qena, Red Sea, Ismailiya, and Sohag	May 2018	103 churches, 64 service buildings
	One decree licensing 120 churches and service buildings (106 Coptic Orthodox churches and service buildings, 13 Protestant churches, 1 Adventist church)	Cairo, Giza, Beni Sueif, Minya, Asyut, Sohag, Qena, Luxor, Aswan, Red Sea, Suez, Qalyubiya, Gharbiya, Sharqiya, Kafr al-Sheikh, Beheira, Alexandria, and Marsa Matrouh	Oct. 2018	76 churches and 44 service buildings
	One decree licensing 151 churches and service buildings completely, and provisionally licensing 17 churches and service buildings (126 Coptic Orthodox, 42 Protestant)	Not yet known	Nov. 2018	
TOTAL	508 churches and service buildings licensed since law enacted; 3,730 applications submitted			

