



*One Free World International*  
*El Shafie Ministries*

**EGYPT AT THE CROSSROADS**

**STANDING UP FOR THOSE LEFT BEHIND  
IN THE WAKE OF EGYPT'S "ARAB SPRING"**

**CANADA'S DUTY TO ACT IN SUPPORT OF  
RELIGIOUS MINORITIES**

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**A REPORT AND RECOMMENDATIONS  
BY  
ONE FREE WORLD INTERNATIONAL**

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**PRESENTED TO THE  
GOVERNMENT OF CANADA**

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## **I. Introduction**

While the world has hailed the dawn of the so-called “Arab Spring” in Egypt, the political upheaval resulting from the fall of President Hosni Mubarak has ushered in what would perhaps be more aptly described as a “deadly winter” for Egypt’s religious minorities. Left unprotected (and even directly attacked) by the transitional military council, Egypt’s minorities have been subjected to increasing pressure and attacks from religious extremists seeking to fill the void left by the end of decades of dictatorship. The Canadian government has repeatedly and publicly supported the efforts by the Egyptian people to build a stable democracy, and it has committed itself to provide assistance during the transition. Religious freedom is absolutely indispensable to the achievement of this goal, and it must be a focal point of Canada’s diplomatic and economic relations with both the transitional government and any permanent, elected government that may follow.

Freedom of religion is a fundamental, universal right that speaks to the very core of what it means to be human. The basic freedom to believe in (or not believe in) and to practice the religion of one’s choice (or equally to refrain from any religious practice) forms the very basis of human dignity and is a pre-requisite for true equality under the law. This right is recognized both by Canadian and international law as foundational and intrinsic to any truly free society, and without freedom of religion experience has shown that there can be no democracy, peace, or security.

To its credit, the Canadian government has repeatedly condemned the violence against Egypt’s religious minorities. However, these commendable public statements must be backed by a demonstrable commitment to take substantive policy measures if the Egyptian government fails to make positive changes to its behaviour. To this end, Canada must prioritize religious freedom in its diplomatic relations with Egypt and be willing to make both its aid and trade relationships with Egypt conditional on measurable progress on freedom of religion. To carry on a “business-as-usual” relationship with a government that both refuses to protect and directly attacks its own religious minorities would amount to an abdication on the part of Canada of its stated commitment to global religious freedom. Finally, Canada must ensure that its refugee system is prepared to deal effectively with those whose only option for protection from persecution is to seek refuge in Canada.

Egypt is entering a critical period of transition in its history. Having recently emerged from decades of dictatorship, the Egyptian people are trying to forge their own path toward a stable democracy. Canada is in a position to help determine whether Egypt goes down the path of freedom and the rule of law or a path of extremism and sectarian violence. In these circumstances, OFWI is submitting these recommendations in order to encourage the Canadian government to use all available measures to help ensure that the “Arab Spring” lives up to the hopes it has inspired for all Egyptians.

## **II. About One Free World International (OFWI)**

OFWI is a Toronto-based international human rights organization that focuses on securing the rights of religious minorities around the world, without regard to religion or creed. OFWI has stood up for religious minorities and individuals in various countries who were persecuted because of their beliefs or for expressing opinions considered contrary to the prevailing belief-system and we have advocated on behalf of individuals and groups adhering to various religious beliefs, including Christians, Jews, Muslims, Falun Gong, and Bahá'í's, among others.

OFWI promotes the human rights of religious minorities through educating the public and decision-makers, advocating on behalf of individuals and minority communities, fact-finding missions, and humanitarian aid. OFWI has an extensive network of local sources in 28 countries around the world and where possible we visit areas of concern to see firsthand what the threats are. We also cooperate with and rely on other trusted human rights organizations and media sources as necessary in order to ensure that we can help as many as possible.

The driving force and inspiration behind OFWI is its founder and president, Rev. Majed El Shafie, and our work is firmly based on and informed by his personal experiences as a victim of religious persecution. Rev. El Shafie was born in Egypt to a prominent Muslim family of judges and lawyers, but he was detained and severely tortured by Egyptian authorities after he converted to Christianity and began advocating equal rights for Egyptian Christians. Sentenced to death, he fled Egypt by way of Israel where, with the help of Amnesty International, he was eventually accepted as a political refugee by the United Nations High Commissioner for Refugees.

Rev. El Shafie had tried to work within the Egyptian system to secure equal rights for Christians. Through numerous operations to investigate allegations of persecution against Christians, assist them in escaping persecution and other hardship, build churches, and build bridges between Muslims and Christians, Rev. El Shafie gained a great deal of knowledge and insight into the persecution of the Christian community in Egypt both by the government and by society at large. After he settled in Canada in 2002, he established OFWI in order to use his experiences to share a message of freedom, hope, and tolerance for religious differences and to promote human rights in this area through advocacy and public education.

Rev. El Shafie has been invited to speak in churches and synagogues across Canada and the United States and has been interviewed by numerous magazines, newspapers, and broadcast media, both religious and secular. He has also provided expert evidence for numerous courts and tribunals on behalf of individuals seeking protection in Canada and the United States. He has appeared three times before the Canadian Parliament's Sub-Committee on International Human Rights in Ottawa as well as before the Parliamentary Coalition against Antisemitism's inquiry into antisemitism in Canada and the U.S. House Subcommittee on Africa, Global Health, and Human Rights. He has built bridges with members in the Canadian Parliament and the American Congress and addressed these issues directly with cabinet ministers and high-level officials in the Canadian government, including the Prime Minister's Office, in order to help educate decision-makers about the on-going issue of religious persecution around the world.

Never one to back down from an opportunity to stand against injustice, Rev. El Shafie has travelled to countries such as Pakistan, Afghanistan, Iraq, Cuba, and Israel, where he has met face-to-face with top government officials to open dialogue about these issues and in some cases to confront officials with evidence of human rights abuses in their countries and the failure of their governments to address these issues. Some of his efforts have been documented in an upcoming feature film, *Freedom Fighter*.

### **III. Persecution of Religious Minorities in Egypt**

Egypt is a predominately Muslim country with a population of approximately 80 million. Prior to the advent of Islam, however, Egypt was a primarily Christian country. Nevertheless, Christians today account for only about 10% of the population and do not enjoy the same rights as their Muslim countrymen. Recent events have caused an apparent sea-change in the governance of the country, but the prognosis for Egypt is not nearly as positive as most international observers and optimists in policy-making positions would like to think.

While most in the Western world have hailed the manifestation of the so-called “Arab Spring” in Egypt, the situation facing religious minorities since the spring of 2011 has actually worsened as a result of increased pressure from religious extremists who are filling the political vacuum that followed the abrupt end of several decades of dictatorship. In fact, the evidence to date suggests that the situation is deteriorating further rather than improving, as the military itself has been guilty of directly attacking the minorities in recent weeks (and months). Therefore, the Canadian government must guard against the misplaced optimism that has been the product of a superficial (and partial) analysis of the developments in Egypt and take immediate steps to respond appropriately to the urgent plight of religious minorities in Egypt.

#### **a. The Mubarak Regime**

OFWI has reported on the situation in Egypt under the Mubarak regime in previous submissions to the Canadian government and to the House of Commons Subcommittee on International Human Rights. Our intent in this report is to focus on the current situation and we will not repeat in detail the matters that we have addressed in past reports. Nevertheless, before discussing the post-revolution developments, it is useful to review, for a moment, the treatment of religious minorities prior to the spring uprisings. This brief review will serve as background and a foundation for the current situation and will demonstrate that, at a basic level, little has changed and overall the situation has actually taken a turn for the worse.

Despite Egypt’s attempts to portray itself as a democracy, it has been ruled for decades as a dictatorship by successive presidents, most recently Hosni Mubarak. The only religions recognized by the government have been Islam, Christianity, and Judaism. Islam is the dominant and official religion and Islamic fundamentalism is a powerful force. Anti-semitism has also been on the rise even though the Jewish community in Egypt is virtually non-existent and the few remaining members are mostly elderly individuals.

The Mubarak regime walked a fine line between opposing the extremists and appeasing them in order to maintain its hold on power. While extremists were closely monitored by the regime for anti-government activity, as long as their activities were focused on minorities the authorities paid little attention. Minorities were thus left at the mercy of the extremists due to the authorities' essential religious affinity with the basic beliefs of the extremists and for fear that any perceived government support for minorities could have turned the extremists against the authorities. During this period extremists also penetrated many government agencies, especially local positions, and were able to exercise influence over government action or inaction in many cases. As a result, the Egyptian government has long paid lip-service to human rights conventions and international conferences for the protection of religious freedom and human rights, but the reality has been quite different.

During a tumultuous spring of 2011, however, the world watched with incredulity as the Egyptian people forced President Mubarak to step down after more than 30 years in power, raising hopes that a democratic, peaceful government would take his place. The government is currently in the hands of a transitional military council as the country prepares to hold elections to determine its future direction. At the same time, the only group with any substantial support and ability to organize for those elections is the Muslim Brotherhood which, despite its rhetoric, has never renounced its extreme ideals and objectives for Egyptian society. It is the ideological parent of terrorist movements such as Hamas and Al-Qaeda and members and supporters are behind daily forced conversion attempts, violent attacks, and torture against Egyptian Christians. With a profoundly religious, largely uneducated population (illiteracy is approximately 30%) there is great reason to be concerned for the future.

b. "Plus ça change...": The Revolution that Forgot Egypt's Minorities

The bureaucracy and local government positions remain in the hands of the same people as during the Mubarak regime. As a result, little positive change can be expected in the day-to-day lives of religious minorities who experience serious violations of their rights on a daily basis,



A man holds up a blood-soaked cloth during demonstrations in Cairo on October 9, 2011.

ranging from discrimination in official and civil matters such as employment, to intimidation, threats, and physical violence against property and the person, including death. Previous statements about minority rights made by OFWI continue to apply.

Police and security forces typically do not come to the assistance of religious minorities and often charge the victims if they

try to lay a complaint. When confronted by state security forces members of religious minorities face the very real possibility of torture, which international observers, including the United Nations, confirm is a systemic problem in the country.

As we have previously reported, even though Christianity is recognized by the government, Christians are treated as second-class citizens in every respect and left at the whim and mercy of Islamic extremists. Members of unrecognized religions, such as Bahá'í's, and Muslim converts to Christianity face even greater challenges in the most basic transactions, from obtaining an education or owning property, to marriage and divorce or burying their dead, because of their inability to obtain official recognition of their religious status on identity documents. Converting to Islam is easy, but Muslims who convert to other religions find it virtually impossible to make the change official, not to mention being faced with the threat of death for apostasy from Islamic extremists and family members. Moreover, a child whose parent converts to Islam is automatically registered as a Muslim, regardless of the child's or other parent's wishes, thus exposing the child to the apostasy threat if they choose to identify with Christianity or another minority religion.

Despite the restrictions, life has been tolerable for most Egyptian Christians but only as long as they maintain a low profile and bear their circumstances in silence. They must constantly be on their guard against any real or perceived offence to their Muslim neighbours which can result in everything from simple harassment and property damage to the torture and death of the perceived offender(s) or their family members. Christian girls face kidnapping and forced marriage to Muslim men and related forced conversion. While government agencies are sometimes directly involved either officially or unofficially, the perpetrators most often are family members, neighbours, friends, employers, or local mobs, often with the tacit approval or encouragement of the police or other authorities.

The offence that can abruptly bring on the wrath of the Muslim community, leaving the Christian with no option but to flee for their safety or their life, can be anything as simple as a personal or business dispute, dating a Muslim, explaining Christianity to a Muslim or helping a Muslim convert to Christianity, coming to the aid of a Christian who had been forced to convert to Islam, or refusing themselves to convert. Often the purported offence is based on simple allegations, inferences, or a misinterpretation of the facts.

In a society that is not closed and private like North American society, once a Christian has attracted the attention of Muslim extremists, even inadvertently or through the innocent exercise of their right to freedom of religion, they are marked in society and cannot escape the threats and persecution to another city or region. Moreover, if the government security services have been involved in the incident, the unfortunate Christian will likely have been placed on an internal watch-list.

### c. Hope for the Future?

The revolution that began on January 25, 2011 raised the hopes of Egyptians and the international community alike for a new era of freedom and democracy. The future, however, begins today and the signs are not good. Whether the Muslim Brotherhood and other Islamic

extremists will move into control of the government is almost a foregone conclusion. In any event, their influence has been growing in the absence of any force determined to keep them in check and regardless of the shape the new government will take, Muslim extremists will unquestionably have a strong influence in the coming regime.

The signs for minorities in the current situation are foreboding. Weeks before the revolution, one of the most destructive attacks on a Christian church in many years killed at least 21 and injured more than 70 at an Alexandria church during a New Year's mass. After the revolution, on the other hand, there have been twelve major attacks against Christians that have been significant enough to attract the attention of the media, not to mention the on-going, day-to-day harassment, intimidation, and attacks on private individuals. Many of these have been perpetrated by Muslim mobs such as one on September 30, 2011 in which a church and several Coptic homes and businesses were burned down, as well as the attack on Christian demonstrators that left 13 Christians dead and over 140 wounded on March 9, 2011. On May 7, 2011, a throng of Muslim extremists burned down two churches in the Imbaba district of Cairo, killing 12 and leaving approximately 200 wounded. This horrific wave of violence has even made its way into the schools, as a 17-year old Coptic student was murdered on October 16 by a group of class-mates, instigated by their teacher, after he refused to remove the cross he was wearing around his neck.



The violence, however, has not been restricted to bands of thugs and 'non-state' actors as the transitional government would like the outside world to believe. The military itself has been responsible for brutal attacks against religious minorities, including two assaults against monasteries on February 23, 2011 in which one monk and six church workers were shot and wounded, and several others were severely beaten. Such abuses reached their climax on October 9, 2011, when the world watched in horror as the army turned in full force with a vicious attack against peaceful Coptic demonstrators who were demanding only that the interim government provide protection against this ever-escalating series of attacks. Twenty-seven were confirmed dead (although our sources indicate that the number is likely much higher) as the army fired indiscriminately into the crowd of Christian protesters with live ammunition from behind tanks and drove armoured vehicles into the crowd, ruthlessly crushing any demonstrators in their path.

Clearly the situation for Egyptian minorities is not living up to the expectations raised by the events of spring 2011. Canada must not simply rely on the dramatic events that took place and move on to other, ostensibly more urgent issues, assuming that freedom and justice will prevail.

#### IV. Religious Rights

Recognition of the rights of individuals and nations, minorities and majorities, is a basic human responsibility and a requirement for meaningful human existence. Ultimately everyone is in some respect or at some time or place a member of a minority and one need only consider one's own position but for a moment in order to see the importance of respecting the rights of others and the universal nature of this principle, known in the Christian tradition as the Golden Rule, or "Do unto others as you would have others do unto you".

Human beings have learned this painful lesson the hard way from thousands of years of violations of this foundational principle. As a result, communities and humanity as a whole have sought ways to promote respect for these lessons learned by enshrining the principle in domestic constitutions and international documents such as the *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR). In this regard, the government of Canada has an obligation, based not only on shared humanity but also on our own constitution as well as by international law, to encourage and support Egypt in discharging its duty to respect and enforce the rights of Egyptian religious minorities.

It must also be emphasized that a concern for religious freedom does not require an identification with (or even an affinity for) a particular religion or even religion more generally. On the contrary, a concern for freedom of religion is intrinsic to the basic belief, shared by all who care about human rights, that no one should be killed or denied rights solely based on their beliefs – whatever those may be. Indeed, as will be discussed below, religious freedom touches the very core of human dignity and identity and is a pre-requisite for true equality under the law. A society that denies (or even curtails) freedom of religion is one that, at a very basic level, rejects the very humanity of its citizens. Therefore, where religious freedom does not exist other rights are inevitably violated in varying degrees, from freedom of expression and association denied to torture to suppression of women's rights, etc. It is simply not possible to talk about human rights without talking about the right to religious freedom.

##### 1. Religious Rights in Canadian Law

In order for Canada to live up to its reputation as a leader in the promotion of international human rights, it is not enough that we respect the rights and freedoms of our citizens within our own borders. We must ensure that our foreign policy is consistent with the fundamental values that form the basis of Canadian society and identity. There is no question that freedom of religion, as articulated in the Charter of Rights and Freedoms, is one such basic and universal right that is central to both the Canadian legal system and society at large.

Article 2 of the Charter enshrines "freedom of conscience and religion" as one of the "fundamental freedoms" which apply to "everyone."<sup>1</sup> Even before the advent of the Charter in 1982, the Canadian Supreme Court clearly affirmed the centrality of religious freedom in Canada dating back to before Confederation. In a 1953 judgement, Justice Rand stated that "from 1760 [to] the present moment religious freedom has, in our legal system, been recognized as a

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<sup>1</sup> *Canadian Charter of Rights and Freedoms*, s 2(a), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.



principle of fundamental character.”<sup>2</sup> In its post-Charter jurisprudence, the Supreme Court has repeatedly referred to the “fundamental character” of religious freedom in Canadian society. In the landmark *Big M* decision, Justice Dickson emphasized the fact that the right to freedom of religion is essential for the existence of a “truly free society” because it touches on “the inherent dignity and the inviolable rights of the human person.”<sup>3</sup>

Given the centrality of religious freedom in shaping Canadian domestic policy and legislation, it is imperative that the issue of religious freedom be given a corresponding position in our foreign



policy. For our foreign policy to be truly Canadian, it must be reflective of and consistent with Canadian values, including freedom of religion. When Canada overlooks violations of religious freedom perpetrated (or ignored) by states with which it has ongoing diplomatic and economic relations, Canada is legitimizing the actions of those who would undermine the very principles that underlie Canadian identity and society and which we affirm as universal. As will be discussed in more detail in part VII below, by taking a stand and making freedom of religion a focal point of our foreign policy,

Canada has an opportunity to emerge as a true leader in pushing for positive change in the treatment of religious minorities around the world.

## 2. Religious Rights in International Law

Religious freedom is also one of the fundamental rights enshrined in international law. Consequently, attacks against religious minorities such as those documented in part III (above) are a clear violation of international human rights law, which guarantees the right of individuals to religious freedom, including the right to hold and to practice the religion of their choice along with its observances and to change their religion at will, among other rights. The *Universal Declaration of Human Rights* (UDHR), while not in itself binding, is considered by international law experts to be a statement of customary international law which in turn is binding on states. The UDHR states in Article 18 that,<sup>4</sup>

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

However, it is not necessary to rely on general principles of international law or even less on mere declarations of principle or aspiration in order to establish the rights of Egyptian nationals to live in accordance with their religious beliefs. Egypt has expressly agreed to be bound by

<sup>2</sup> *Saumur v Quebec (City)*, [1953] 2 SCR 299 at 327 (QL).

<sup>3</sup> *R v Big M Drug Mart Ltd*, [1985] 1 SCR 295 at 336 (QL).

<sup>4</sup> All references to the UDHR are to: *Universal Declaration of Human Rights*, December 10, 1948, online: United Nations < <http://www.un.org/en/documents/udhr/index.shtml> >, accessed 28 August 2011.

binding international law in this matter. Article 18 of the *International Covenant on Civil and Political Rights* (ICCPR) to which Egypt is a party states that,<sup>5</sup>

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. ...

Although it has been suggested that Egypt's declaration filed with the UN that it was ratifying the ICCPR "taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument,"<sup>6</sup> such an ambiguous statement does not amount to a reservation and has no legal effect on the binding nature of the commitments voluntarily undertaken by Egypt before the international community.<sup>7</sup>

These obligations have been agreed to by the international community after careful consideration because of the collective experience of the damage that results both to the local community directly affected and to the global community at large when these principles are not respected. Indeed, the people of Egypt have painfully experienced the effects of its government adopting the principle that one person or group of people can forcefully impose their beliefs, opinions, or

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<sup>5</sup> All references to the ICCPR are to: *International Covenant on Civil and Political Rights*, 16 December 1966, online: United Nations Office of the High Commissioner for Human Rights <<http://www2.ohchr.org/english/law/ccpr.htm>>, accessed 28 August 2011.

<sup>6</sup> "Status of Ratification, Reservations and Declarations," online: United Nations Treaty Database <[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-4&chapter=4&lang=en)> accessed 18 November 2011.

<sup>7</sup> The Human Rights Committee (the UN body tasked with administering and enforcing the ICCPR) does not consider Egypt's declaration to be a formal reservation. In its 2002 report on Egypt's compliance with the ICCPR, the Committee wrote at paragraph 5: "While observing that the State party considers the provisions of the Islamic Shariah to be compatible with the Covenant, the Committee notes the general and ambiguous nature of the declaration made by the State party upon ratifying the Covenant. The State party should either clarify the scope of its declaration or withdraw it" [emphasis added] (Human Rights Committee, *Concluding Observations of the Human Rights Committee: Egypt*, 28 November 2002, CCPR/CO/76/EGY, online: United Nations <[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.76.EGY.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.76.EGY.En?Opendocument)> accessed 17 November 2011). Moreover, even if Egypt's declaration were interpreted as a reservation, it would not give Egypt the legal grounds to violate the terms of Article 18 of the ICCPR (freedom of religion) or any other non-derogable right (as outlined in Article 4(2) of the ICCPR). Article 19 of the *Vienna Convention on the Law of Treaties* prohibits a party to an international agreement from filing a reservation that is "incompatible with the object and purpose of the treaty" (*Vienna Convention on the Law of Treaties*, 23 May 1969, online: United Nations <[http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)> accessed 17 November 2011). The Human Rights Committee has held that "reservations that offend peremptory norms would not be compatible with the object and purpose of the Covenant" and that "accordingly a State may not reserve the right to...[*inter alia*]...deny freedom of thought, conscience, and religion" (Human Rights Committee, *General Comment No. 24: Issues Relating to Reservations Made Upon Ratification or Accession to the Covenant or Optional Protocols Thereto*, 11 April 1994, CCPR/C/21/Rev.1/Add.6, online: United Nations <[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/69c55b086f72957ec12563ed004ecf7a?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/69c55b086f72957ec12563ed004ecf7a?Opendocument)> accessed 18 November 2011).

way of life on others. Yet sadly this oppression continues even after the fall of the Mubarak regime as extremists stepping into the resulting power vacuum are continuing (and increasing) their use of violent and repressive tactics against the religious minorities.

### 3. Religious Rights in International Relations and Diplomacy

A view within many foreign policy circles that sees religious freedom as distinct from the more ‘traditional’ focuses of diplomacy and international relations – such as peace, security, and, more recently, fostering democracy – has led to a subordination of freedom of religion to other, more ‘vital’ foreign policy concerns. However, experience has shown that this approach is not only morally untenable, but also fundamentally flawed. In a world where religion holds an enduring (and arguably increasing) relevance, the denial of religious freedom has far-reaching implications beyond individual abuses. These consequences must be taken into account in the formulation of foreign policy as even a cursory review of history shows that societies that restrict religious freedom are far more likely to experience profound social upheaval that jeopardizes the long-term survival of democracy in the state in question.

At the same time, freedom of religion must not be viewed as merely a ‘means to an end,’ as this will lead to a similar result, namely compromising the ‘means’ (religious freedom) for the sake of the ‘ends’ (such as national security). Any diplomatic initiatives on behalf of religious freedom must be premised on a commitment to its intrinsic value as an inalienable right vested in individuals on the basis of their humanity alone. Nonetheless, the realization that a denial of this fundamental right impacts all other foreign policy interests is important as it will help to give religious freedom the priority it deserves.

## **V. Canada’s Duty to Act: Religious Freedom in Canadian Foreign Policy**

Canada has a responsibility to use whatever influence and resources are at its disposal to assist, and cooperate with, the Egyptian government to ensure that past abuses are addressed and future attacks prevented. We must show Egypt and the world that Canada is willing to take the lead in the fight for universal human rights through real and substantive policy action. A failure to act in response to these abuses not only denies the humanity of the Egyptian people, it diminishes all of humanity. As outlined above, when Canada overlooks violations of religious freedom, it is legitimizing the actions of those who would undermine the very principles we as Canadians purport to uphold and upon which our identity is built. Our integrity as a nation depends on our willingness to stand on principle in this matter.

Moreover, Canada is subject to an even greater duty as a state that has positioned itself as a human rights leader, a role that comes with an added responsibility to adopt a principled position on human rights issues and place ‘right’ above political expediency. OFWI wishes to commend the Canadian government for publicly acknowledging this duty and for committing to fulfil its responsibility towards vulnerable minorities. In a speech delivered to the United Nations General Assembly on September 26, 2011, Minister of Foreign Affairs John Baird made reference to the “Canadian tradition” of “[s]tanding for what is principled and just, regardless of whether it is

popular, or convenient, or expedient.”<sup>8</sup> Later in his remarks, speaking of the ongoing violations of religious freedom around the world, Minister Baird stated that:

We respect state sovereignty, but Canada will not “go along” or look the other way when a minority is denied its human rights or fundamental freedoms. It is our common duty to uphold the rights of the afflicted. To give voice to the voiceless. As citizens of the global community, we have a solemn duty to defend the vulnerable, to challenge the aggressor, to protect and promote human rights and human dignity, at home and abroad.<sup>9</sup>

(emphasis added)

Such a direct statement regarding Canada’s duty to defend religious freedom through its foreign policy is a credit to the Canadian government’s commitment to promoting the rights of religious minorities around the world. However, no country, Canada included, can say it has achieved the goal when it comes to global freedom of religion. Protecting human rights is an on-going process, and, if we are to live up to our reputation as a nation whose actions are governed by the respect for human rights, we as Canadians must not be lulled into resting on our collective laurels. Human rights are a sacred responsibility and constant vigilance is needed to ensure that they are not eroded. The situation in Egypt is urgent and demands immediate action on the part of Canada.

## **VI. Recommendations for Canadian Foreign Policy in Egypt**

With the fall of the Mubarak regime, Egypt is in a crucial stage of transition in its development toward what will hopefully be a true and stable democracy. At this critical juncture in the history of Egypt (and the Middle East as a whole) it is imperative that Canada take immediate steps to prioritize freedom of religion in its economic and political relations with the provisional military government and the future permanent government. Canada cannot stand by while the atrocities outlined in part III continue with the acquiescence and even direct participation by the military government’s own security forces. While the Canadian government has, to its credit, repeatedly condemned the violence against Egypt’s religious minorities, these public statements must be backed by a demonstrable commitment to take substantive policy measures. Canada’s commendable commitment to religious freedom must be reflected in its foreign policy by:

- prioritizing religious freedom in Canadian efforts to assist Egypt’s democratic transition;
- prioritizing religious freedom in Canada’s overall diplomatic relationship with Egypt;
- explicitly linking aid and trade to positive progress with regard to religious freedom; and,
- ensuring that its refugee system is properly equipped to provide a refuge of last resort.

Unless meaningful steps are taken to prioritize religious freedom in our relations with Egypt, Canadian foreign policy will not only be highly ineffective, but will also risk exacerbating tensions and insecurity in the region. We have seen firsthand how, in a society such as Egypt where the role of religion as a foundational source of individual identity is particularly

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<sup>8</sup> “Address by the Honourable John Baird, Minister of Foreign Affairs, to the United Nations General Assembly,” 26 September 2011, online: Department of Foreign Affairs and International Trade <<http://www.international.gc.ca/media/aff/speeches-discours/2011/2011-030.aspx?lang=eng&view=d>> accessed 16 November 2011 [“Address by Minister Baird to UN General Assembly”].

<sup>9</sup> *Ibid.*

heightened and the acknowledged organizing principle of society itself, the absence of religious freedom forces individuals to choose between living as second class citizens, being denied the right to participate in the full benefits of society, or denying their most deeply held beliefs in order to participate in the public sphere. This is an untenable choice, and history and experience clearly demonstrate that societies where religious freedom is denied are incapable of sustaining meaningful democratic institutions and are highly susceptible to both internal and external conflict.

## 1. Prioritizing Religious Freedom in Canadian Efforts to Assist Democratic Transition

As mentioned at the outset, Egypt is at a critical juncture in its development as a would-be democracy. Canada has repeatedly expressed its support for the efforts of the Egyptian people to build a true democracy and has offered its assistance in these efforts. Even prior to Mubarak officially stepping down, Prime Minister Stephen Harper stated:

Canada supports universal values – including freedom, democracy and justice – and the right to the freedom of assembly, speech and information. As Egypt moves towards new leadership, we encourage all parties to work together to ensure an orderly transition toward a free and vibrant society in which all Egyptians are able to enjoy these rights and freedoms – not a transition that leads to violence, instability and extremism.<sup>10</sup>

(emphasis added)

In a further statement, issued on February 6, 2011, then Minister of Foreign Affairs Lawrence Cannon emphasized that,

in the transition to democracy in Egypt, it is not enough to hope. [Canada] must help. It is not enough to applaud. We must act.<sup>11</sup>

(emphasis added)

The way in which Canada can help Egypt during this time of transition is to actively and steadfastly promoting the right of all religious minorities to be full participants in Egyptian society. As outlined in part III above, even after the fall of Mubarak religious minorities continue to be second class citizens in Egyptian society, a dynamic that is not conducive to the long-term sustainability of democracy in Egypt. To its credit, the Canadian government has recognized the vital role played by religious freedom both in fostering and sustaining true and meaningful democracy. In his speech before the UN General Assembly referred to above, Minister Baird acknowledged that “the long history of humanity has proven that religious freedom and democratic freedom are inseparable.”<sup>12</sup> It is vital, however, that this commendable public position be translated into real policy action as part of Canada’s engagement in Egypt’s democratic transition. Any Canadian foreign policy efforts aimed at promoting democracy, social stability, peace, and security without taking into account the issue of religious freedom

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<sup>10</sup> “Statement by the Prime Minister of Canada on recent events in Egypt,” 1 February 2011, online: Prime Minister’s Office <<http://pm.gc.ca/eng/media.asp?category=3&featureId=6&pageId=49&id=3925>> accessed 16 November 2011 [“Statements by the Prime Minister on 1 February 2011”].

<sup>11</sup> “Address by Minister Cannon in Cairo,” 16 March 2011, online: Department of Foreign Affairs and International Trade <<http://www.international.gc.ca/media/aff/speeches-discours/2011/015.aspx?view=d>> accessed 16 November 2011.

<sup>12</sup> “Address by Minister Baird to UN General Assembly”, *supra* note 8 [emphasis added].

effectively ignores one of the fundamental sources of the very problem they are seeking to address and consequently will fail to achieve any positive results.

The need for Canada to take a strong stand on religious freedom, and human rights more generally, is particularly pressing and vital in light of the expected elections. The easing of the restrictions in place under the Mubarak regime has allowed for groups such as the Muslim Brotherhood to take a more active role in Egyptian politics. In fact, early indications suggest that the political arm of the Muslim Brotherhood, the Freedom and Justice Party, is emerging as a major player in the political landscape – and perhaps even as a contender to be the governing party in Egypt. This is particularly troubling given that, as outlined above, the Muslim Brotherhood has not renounced its extremist ideology. Even the publicly moderate Freedom and Justice Party has already shown signs of rejecting the full inclusion of minorities and women, by announcing publicly that it “rejects the candidacy of women or Copts for Egypt’s presidency.”<sup>13</sup>

As Egypt enters this critical stage in its democratic transition, Canada must stand firm in its commitment to an Egyptian democracy where, in the words of Prime Minister Harper, “all Egyptians are able to enjoy [universal] rights and freedoms – not a transition that leads to violence, instability and extremism.”<sup>14</sup> The rise of the Muslim Brotherhood poses a powerful threat to this vision, especially given that the provisional amended Constitution published by the ruling military council in March of 2011 enshrines shariah law as “the principal source of legislation”<sup>15</sup> – a provision which could be used to severely restrict the rights of religious minorities and women by a Muslim Brotherhood-controlled government. Such a prospect is very real and must be taken seriously by the Canadian government, especially given the widespread support for some form of shariah law among the Egyptian population, including a significant portion of the population prepared to support shariah as the only source of legislation.

Canada’s relations with both the transitional and future government of Egypt must be based on the fundamental premise that democracy alone is not the answer and democratic elections must not be used as either a licence to violate human rights by foreign governments or as a justification for inaction by Canada. Democracy that is not founded in and informed by universal principles of human rights and the rule of law is simply licence for mob rule and democratic institutions must be developed and protected by a government committed to enforcing and protecting human rights. In this regard, supporting the approach to democracy espoused by the Muslim Brotherhood would be a betrayal of the minorities, women, and any other vulnerable segments of the population and ultimately a betrayal of the very principles of democracy itself which can only truly exist where people have the right and unhindered ability to pursue their goals and express their individuality.

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<sup>13</sup> “Freedom and Justice Party Open to Copt as Deputy,” online: IkhwanWeb (Official English Site of the Muslim Brotherhood) <<http://www.ikhwanweb.com/article.php?id=28554>> accessed 12 November 2011.

<sup>14</sup> “Statements by the Prime Minister on 1 February 2011,” *supra* note 10.

<sup>15</sup> “Constitutional Declaration”, 30 March 2011, at Article 2, online: Cabinet of Ministers of the Arab Republic of Egypt <[http://www.cabinet.gov.eg/AboutEgypt/ConstitutionalDeclaration\\_e.pdf](http://www.cabinet.gov.eg/AboutEgypt/ConstitutionalDeclaration_e.pdf)> accessed 18 November 2011.

## 2. Prioritizing Religious Freedom in Overall Diplomatic Relations

Canada must actively prioritize religious freedom in its general diplomatic relations with the Egyptian government, all the more so in this time of uncertainty and transition. Low-key diplomatic efforts are important but public statements by Canada carry enormous weight. OFWI acknowledges and thanks the Canadian government for issuing several statements condemning the violence against religious minorities since the fall of Mubarak. However, such public condemnations must not be isolated expressions of Canadian concern, but rather must form part of a sustained, public initiative to hold the Egyptian government accountable for its failure to protect its vulnerable minorities. The Canadian government must send a clear message to its Egyptian counterparts that it will not back down if its condemnations fall on deaf ears.

As mentioned in part III (above), there have been numerous attacks with at least 12 major attacks on the Coptic minority since the revolution. To his credit, Prime Minister Harper issued a statement on May 9 in which he stated that the “Government of Canada strongly condemns the violence against Coptic Christians in Egypt” – presumably referring to at least six distinct attacks that occurred between February 23 and May 8.<sup>16</sup> However, OFWI could not locate any public condemnation by the Prime Minister of any of the subsequent attacks on the Coptic minority, including the Maspero massacre on October 9.

It should be noted that the Canadian government as a whole did condemn the attacks against Coptic protesters on October 9. Despite the initial muted response by the Canadian government to the brutal attacks – limited to an expression of “concern” by Minister Baird –<sup>17</sup> the House of Commons adopted a motion on October 17, submitted by the Honourable Jim Karygiannis and strengthened by Minister Baird, stating:

That this House stand in solidarity with those religious minorities around the world and strongly condemn the vicious attacks on Egyptian Coptic Christians and their institutions; call on the Egyptian Government to ensure that the perpetrators of the attacks be brought to justice and bear the full weight of the law; and, ask the United Nations Human Rights Commission to conduct an open and transparent investigation into the plight of Egyptian Coptic Christians and issue a public report on its findings.<sup>18</sup>

While this statement of condemnation is important, it fell short of directly condemning the decision by the ruling military council, taken four days earlier, to take over the inquiry from the civilian prosecutor and ‘investigate’ its own actions. An ‘investigation’ conducted by officials falling within the chain of command of the very same forces that carried out these brutal attacks is a complete violation of the basic principles of the rule of law and is completely devoid of any semblance of transparency and accountability. Therefore, this initial statement by the Canadian

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<sup>16</sup> “Statement by the Prime Minister of Canada on the situation in Egypt”, 9 May 2011, online: Prime Minister’s Office <<http://pm.gc.ca/eng/media.asp?category=3&featureId=6&pageId=49&id=4101>> accessed 16 November 2011.

<sup>17</sup> “Statement by Minister Baird on Situation in Egypt,” 10 October 2011, online: Department of Foreign Affairs and International Trade <<http://www.international.gc.ca/media/aff/news-communiques/2011/292.aspx?lang=eng&view=d>> accessed 16 November 2011.

<sup>18</sup> *House of Commons Debates*, 41st Parl, 1st Sess, No 30 (17 October 2011), online: Parliament of Canada <<http://www.parl.gc.ca/HousePublications/Publication.aspx?Mode=l&Pub=hansard&Language=E&DocId=5172224&File=0>> accessed 18 November 2011.

government must be followed up by a sustained effort to hold the Egyptian government accountable for engaging in what can only be described as a thinly-veiled cover-up of its actions.

Canada must continue to take a public stand against the ongoing oppression of the rights of Egyptian religious minorities. Canada has a unique opportunity to help shape the future of the nascent Egyptian democracy, and it must take this responsibility seriously. A failure to consistently and persistently speak out about such blatant violations will weaken the message to the Egyptian military council and the people at large that Canada is committed to religious freedom and that it will not tolerate systemic human rights abuses.

### 3. Linking Canadian Aid and Trade to Religious Freedom

As history has shown, diplomatic engagement and political dialogue – however sustained and constructive – is often insufficient. In order for Canada’s diplomatic engagement to be effective, Canada must be willing to be willing to disengage and make the resumption of normal economic relations with Egypt conditional on measurable progress in the area of religious freedom, rather than simply continuing on a “business-as-usual” basis. The purpose behind such action is not simply to punish Egypt or express Canada’s disapproval of the behaviour in question. The ultimate goal is to see Egypt take positive steps toward the protection of religious freedom by providing the Egyptian government with a real incentive to change its behaviour.

Perhaps the most effective way for Canada to encourage Egypt to seriously address the state of religious freedom is to create an explicit link between the latter’s respect for freedom of religion and its eligibility to receive Canadian aid. Although Egypt is not one of the primary recipients of Canadian aid, in 2009-2010 Canada provided nearly \$18 million of total aid to Egypt.<sup>19</sup> Such aid payments must be made conditional on the attainment of achievable yet substantial targets in terms of protecting freedom of religion.

Moreover, Canada’s economic relationship with Egypt provides another potential avenue for influence with the Egyptian government if it fails to make the necessary changes to ensure the protection of religious minorities. In 2010, Canada exported nearly \$630 million dollars of goods to Egypt and imported just under \$300 million of Egyptian goods.<sup>20</sup> If other policy options fail, Canada must, as a last resort, curtail its trade relationship with Egypt. Any government that persistently refuses to protect the human rights of its citizens must not be able to count on a business relationship with Canada with ‘no strings attached’ – as this would amount to an abdication of Canada’s stated commitment to global religious freedom.

At the same time, the Canadian government must identify specific steps relating to religious freedom that would lead to a resumption (or continuation, as the case may be) of normal economic relations. By setting achievable yet substantial targets for progress in the area of

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<sup>19</sup> *Statistical Report on International Assistance, Fiscal Year 2009-2010*, online: Canadian International Development Agency <[http://acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/stats/\\$file/Statistical\\_Report\\_2009-2010\\_eng.pdf](http://acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/stats/$file/Statistical_Report_2009-2010_eng.pdf)> accessed 18 November 2011.

<sup>20</sup> “Canada-Egypt Relations”, online: Department of Foreign Affairs and International Trade <[http://www.canadainternational.gc.ca/egypt-egypte/bilateral\\_relations\\_bilaterales/index.aspx?lang=eng](http://www.canadainternational.gc.ca/egypt-egypte/bilateral_relations_bilaterales/index.aspx?lang=eng)> accessed 16 November 2011.



religious freedom, Canada can both promote positive and sincere engagement and ensure that the Egyptian government demonstrate a commitment to achieve measurable progress toward the protection of fundamental human rights for all its citizens. Such an approach will help prevent the perception of the measures as heavy-handed and overly punitive, while, at the same time, exerting positive pressure on the Egyptian government to change its ways.

#### 4. Assisting Vulnerable Refugees

Despite all other efforts, victims of religious persecution often have no option but to flee their homes to secure their safety. During the course of our work on behalf of victims of persecution in Egypt, we have observed the importance of refugee protection as a safety net where all other efforts have failed. However, we have also seen first-hand the devastating effects of processing delays and the inability of persecuted Egyptians to find the refuge they so desperately need here in Canada. OFWI would like to encourage the Canadian government to continue to improve its efforts to ensure that those persecuted minorities in need of protection are not turned away.

Members of religious minorities seeking asylum in Canada face a number of unique issues that must be addressed in order to ensure that victims of persecution can count on Canada's refugee system as an effective remedy of last-resort. In the course of our work, OFWI has observed several systemic problems in the treatment of religious minorities, including:

- a fundamental lack of understanding of religion and the mindset of religious people on the part of government decision-makers who adjudicate refugee applications both inside and outside Canada;
- the use of decision-makers and interpreters who belong to the faith group which persecuted the claimant, creating a perception of bias in the mind of the claimant; and,
- a lack of unbiased, non-politicized, and updated information on the treatment of religious minorities in other countries;
- the use of locally-engaged, non-Canadian visa office staff to handle sensitive applications from religious minorities, possibly further endangering the claimant or their family.

All of these problems not only hinder the ability of members of persecuted minorities in Egypt to find refuge in Canada, but also leave open the possibility that victims of persecution will be re-victimized by the Canadian refugee system.

The stakes involved in enacting such reforms are high. The decisions made by Canadian officials can have devastating consequences, as illustrated by the case of Magdi Youssef, which has been highlighted in previous OFWI reports to the Canadian government. Mr. Youssef was a Coptic refugee claimant whose case was rejected by Immigration and Refugee Board officials. After being deported by Canadian authorities in 2006, he was detained upon his arrival in Egypt, interrogated without food or water for 24 hours before he was released, and ordered to house arrest. He was forced to report to authorities on several occasions and detained, threatened by the authorities with false charges, hit with unknown objects, and tortured with cigarette butts and electric shocks.

Although we are grateful that Mr. Youssef, through the efforts of OFWI and the support of Citizenship and Immigration Minister Jason Kenney, has been allowed to return to Canada on a Ministerial permit granted by Citizenship and Immigration Canada, the personal cost for Mr. Youssef of this failure of the Canadian system was incalculable. The Canadian government must continue to take concrete steps to ensure that such a case is not repeated. As part of OFWI's advocacy around the world, we regularly come into contact with individuals whose only hope for safety is to seek refuge in Canada. We must ensure that Canada's door is not closed to those who desperately need our help.

## **VII. Conclusion**

Every member of the international community has undertaken a sacred trust to uphold fundamental human rights. There is no right more fundamental to human dignity and to truly free and inclusive societies than freedom of religion. In light of the horrific abuses of this basic right occurring in Egypt today, no country, Canada included, can say that it has fulfilled its duty to protect religious freedom and the vulnerable minorities to whom this freedom is denied. As a leader in the promotion of global human rights, Canada cannot stand by while these abuses continue.

While we commend the Canadian government for publicly stating its commitment to religious freedom and its desire to support the persecuted religious minorities in Egypt, statements of concern and condemnation must be timely and appropriate to the nature of the events and must be followed up with substance and action. The plight of Egypt's religious minorities is urgent, and nothing less than strong and decisive measures will do. The Canadian government has publicly acknowledged its commitment not to "look the other way" when a minority is denied the most basic human rights, and it now faces a moment of truth. Will Canada shy away from its duty as leader on global human rights or will we take an unwavering stand on behalf of the voiceless and vulnerable?

Canada must choose how it will use its influence to help shape the future of Egypt at this critical time. This is a unique opportunity to assist Egypt to pursue the path of freedom and the rule of law, but silence and inaction at this crucial juncture could have devastating consequences not only for the region's religious minorities, but also for global stability. Will we stand by and issue subdued statements of concern and condemnation while armed forces viciously attack unarmed civilians and extremists manoeuvre into positions of power? Or will we meet our "solemn duty" to "give voice to the voiceless" and "defend the vulnerable"? Will we choose to be part of the problem or the heart of the solution?

## RECOMMENDATIONS

### – SUMMARY –

Egypt is in a critical period of transition and Canada must seize this opportunity to assist Egypt to pursue the path of freedom and the rule of law by taking a stand for religious freedom. Silence and inaction at this crucial juncture is unacceptable, and Canada must live up to its role as a leader in global human rights through substantive policy action.

#### 1. Canada's Duty to Act: Religious Freedom and Canadian Foreign Policy

- Canada has a fundamental moral duty to act grounded in our shared humanity with the Egyptian people and in basic Canadian values
- Canada is subject to an even greater duty as a state that positions itself as a leader in human rights – requiring us to place ‘right’ over political expediency
- the Canadian government has publicly acknowledged this duty, but this commitment must be translated into substantive action as part of Canadian foreign policy in Egypt

#### 2. Prioritizing Religious Freedom in Canadian Efforts to Assist Democratic Transition

- any Canadian foreign policy efforts aimed at promoting democracy without taking into account the issue of religious freedom will fail to achieve any positive results
- Canada must not support any vision for Egyptian democracy that does not include full rights for religious minorities (and other vulnerable groups)
- Canada must address the rising influence of the Muslim Brotherhood and uphold democracy not as an end to itself but as a means to promote and protect fundamental human rights

#### 3. Prioritizing Religious Freedom in Overall Diplomatic Relations

- public condemnations must not be isolated expressions of Canadian concern, but rather must form part of a sustained public initiative to hold the Egyptian government accountable
- Canada must be consistent in its condemnation of violent attacks on religious minorities
- Canada must use its influence to press for a credible and transparent investigation with appropriate consequences into the violence against religious minorities, particularly the Maspero massacre on October 9
- Canada must send a clear message to the Egyptian government and people that blatant violations of religious freedom and subsequent cover-ups will not be tolerated

#### 4. Linking Aid and Trade to Religious Freedom

- Canadian aid to Egypt must be explicitly linked to religious freedom and conditional on substantive progress in this area
- Canada must not continue ‘business-as-usual’ economic relations with a government that violates religious freedom, and must be willing to curtail its trade relationships in the absence of positive progress

## 5. Assisting Vulnerable Refugees

- the Canadian government must take immediate steps to address the systemic problems in the treatment of religious minorities within the refugee process, including:
  - a fundamental lack of understanding of religion and the mindset of religious people on the part of decision-makers who adjudicate refugee applications;
  - the use of decision-makers and interpreters who belong to the faith group which persecuted the claimant;
  - a lack of unbiased, non-politicized, and updated information on the treatment of religious minorities in other countries; and,
  - the use of locally-engaged, non-Canadian visa office staff to handle sensitive applications from religious minorities.