



RESPONSES TO INFORMATION REQUESTS (RIRs)

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26 February 2007

EGY102325.E

Egypt: In the case of a Coptic Christian married couple, possibility of a court forcing the husband to divorce his wife if she converts to Islam; whether the Muslim religion obliges a woman to divorce her husband because of her conversion

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Islam is Egypt's official state religion and the country's legislation is primarily based on Islamic law, or Sharia (US 15 Sept. 2006, Sec. 2; CEOHR 30 May 2005, 1). However, according to the *International Religious Freedom Report 2006*, Egyptian family law takes into account the edicts associated with Islam, Judaism and Christianity - the three religions the country officially recognizes (US 15 Sept. 2006, Sec. 2). As the report states, "Muslim families are subject to Sharia, Christian families to canon law, and Jewish families to Jewish law" (ibid.).

Both civil and religious laws reportedly prevent men who are Coptic Christians from marrying Muslim women (ibid.). For example, according to Islamic law, Christian men are forbidden to marry Muslim women (*Daily Star Egypt* 19 Apr. 2006; *Middle East Online* 12 Jan. 2005; CEOHR 30 May 2005, 3; US 15 Sept. 2006, Sec. 2). In a submission to the United Nation's Commission on Human Rights in 2005, the President of the Canadian Egyptian Organization for Human Rights (CEOHR) - a nongovernmental organization that was incorporated in 1996 and registered as a Canadian charity in 1999 (CEOHR n.d.) - provided the following information on Egyptian family law:

[A] Muslim man may marry a Christian woman but the opposite is forbidden; and if a Muslim woman does marry a Christian man, both the husband and the wife would be considered adulterers. Also, if a spouse converts to Islam, the custody of the children is given to him/her, as he/she is considered in this case a better parent. Further, if a husband converts to Islam while his wife remains a Christian, the law does not consider them separated unless the wife asks for a divorce. However, if the wife is the one to convert, the judge asks the husband if he would like to convert as well to keep his wife. If he does not, the judge orders their divorce. (ibid. 30 May 2005, 3).

Middle East Online reports that "many" Christian women convert to Islam "in order to be excommunicated from the Church and obtain a legal separation before a civil court" (12 January 2005). Religious conversion is among the few grounds for divorce recognized by the Coptic Orthodox Christian Church (*Voices* 4 Feb. 2006; US 15 Sept. 2006, Sec. 2).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Canadian Egyptian Organization for Human Rights (CEOHR). 30 May 2005. *Reviewing the Promotion and Practical Realization of the Declaration on the Rights of Persons Belonging to Minorities at the National Level. A Country Situation: The Coptic Minority of Egypt*. (Office of the United Nations High Commissioner for Human Rights Web site) <http://www.ohchr.org/english/issues/minorities/docs/11/Canadian%20Egyptian_3a.doc> [Accessed 19 Dec. 2006]

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Voices Unabridged [New York]. 4 February 2006. Catherine Weibel. "Egypt: A Complex Society Where the Integrity of the Family Comes First." <<http://www.voices-unabridged.org/philosophy.php>> [Accessed 19 Dec. 2006]

Additional Sources Consulted

Oral sources: An expert with a relevant specialization from the University of Birmingham was unable to provide information within the time constraints of this Response.

Publications: *Encyclopedia of Islam*.

Internet sites, including: Al-Ahram Weekly, Amnesty International, British Broadcasting Corporation (BBC), Christian Solidarity Worldwide, Factiva, Freedom House, United Nations Development Fund for Women (UNIFEM).

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