

CANADA / JUDGMENT

TB9-28520

COURT

Refugee Protection Division

DECIDED

2 January 2020

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Source record

RPD File /Dossier de la
SPR :

TB9-28520

UCI / IUC :

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Private Proceeding / Huis clos

Reasons and Decision ? Motifs et Décision

Claimant(s)

XXXX XXXX XXXX XXXX XXXX

Demandeur(e)(s) d'asile

Date(s) of Hearing

In Chambers

Date(s) de l'audience

Place of Hearing

Toronto, Ontario

Lieu de l'audience

Date of Decision

January 2, 2020

Date de la décision

and reasons

et des motifs

Panel

L. Figg

Tribunal

Counsel for the Claimant(s)

Hart A. Kaminker

Conseil(s) du (de la/des) demandeur(e)(s) d'asile

Designated Representative(s)

N/A

Représentant(e)(s) désigné(e)(s)

Counsel for the Minister

N/A

Conseil du (de la) ministre

REASONS FOR DECISION

INTRODUCTION

- [1] XXXX XXXX XXXX XXXX (the claimant) is a 43-year-old married male citizen of Egypt and holds no other citizenship.
- [2] The claimant claims refugee protection pursuant to ss. 96 and 97(1) of the Immigration and Refugee Protection Act (IRPA)¹ based on his religion (Christianity).
- [3] This claim was considered by way of an expedited process.
- [4] Paragraph 170(f) of the IRPA² provides that the Refugee Protection Division (RPD) may allow a claim for refugee protection without a hearing unless the minister has notified the RPD of the minister's intention to intervene within the time limit set out in the Refugee Protection Division Rules.³ Further, subsection 162(2) of IRPA⁴ directs each Division to deal with all proceedings before it as informally and quickly as the circumstances and the considerations of fairness and natural justice permit.
- [5] The claimants' case was identified as one that could be processed through the Instructions governing the streaming of less complex claims at the Refugee Protection Division.⁵ The RPD, on the date of issue, has publicly identified claims from Egypt as being able to be accepted without a hearing.⁶
- [6] The RPD received a Certificate of Readiness, File Review Process form signed on 3 December 2019 (Exhibit 4).
- [7] Front End Security Screening (FESS) was received by the RPD in this case on 23 November 2019.
- [8] Having carefully considered the evidence in this case, I find that it meets the criteria for expedited determination. This case has therefore been decided without a hearing, according to the Instructions governing the streaming of less complex claims at the Refugee Protection Division. ALLEGATIONS
- [9] In brief, in his Basis of Claim (BOC) form, the claimant alleges that: * He is a devout Coptic Christian from Menia, Egypt. * He suffered from discrimination because of his religion through-out his life. * In XXXX 2017 he lost friends in the terrorist attack on Christians who were taking a bus to a monastery. * In XXXX 2018 his wife and daughter were attacked physically while walking in the streets after attending church. * In XXXX 2019 he was attacked physically after he XXXX XXXX XXXX XXXX XXXX XXXX. He had to go to hospital to seek treatment for the injuries he sustained. * Through the help of an agent he was able to exit Egypt. He arrived in Canada on XXXX XXXX 2019 and made a claim for refugee protection inland on or about 27 August 2019. * He fears harm because of his religion should he return to Egypt.

DETERMINATION

[10] I find that claimant is a Convention refugee.

ANALYSIS

Personal Identity

- [11] I am satisfied, on a balance of probabilities, that the claimant has established his personal identity as an Egyptian citizen based on a certified true copy of his genuine Egyptian passport, tendered into evidence at Exhibit 1. Credibility
- [12] I accept the claimant's credibility. The claimant has declared that the information provided in his BOC is complete, true, and correct. The claimant's evidence is not internally inconsistent, inherently implausible or contradicted by documentary evidence on country conditions in Egypt.
- [13] In assessing the claimant's credibility, the panel reviewed his BOC (Exhibit 2) and Port of Entry (POE) intake forms (Exhibit 1), as well as the claimant-specific documents tendered into evidence (Exhibit 4) by counsel including copies of: * Egyptian National ID card * Copy of birth enrollment * Extract of marriage registration * Birth certificates for the claimant's wife and three children * Medical report * Baptism certificates for the claimant, his wife and three children * Letter from XXXX XXXX XXXX XXXX XXXX XXXX XXXX, XXXX XXXX XXXX XXXX XXXX XXXX at XXXX XXXX in Egypt * Letter from XXXX XXXX XXXX, XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX, XXXX XXXX XXXX, XXXX XXXX XXXX in Mississauga, Ontario * Photos of claimant in various church activities Nexus - Reason for harm
- [14] I find that the claimant has established a nexus to the Convention refugee definition, namely, his religion. Harm Feared
- [15] I find that the claimant has established that the harm feared (i.e. physical harm, discrimination amounting to persecution and/or the inability to openly or freely practice his religion without fear) is serious harm. Agent of Harm
- [16] I find that the agents of harm are radical Islamists and Egyptian society in general. Likelihood of Harm - serious possibility
- [17] I find that the claimant has established that he has a serious possibility of suffering serious harm should he return to Egypt due to his identity as a Coptic Christian. This finding is supported by the neutral country of origin information (COI) proffered by the Immigration and Refugee Board (the Board) in Exhibit 3. I specifically relied on the following information in coming to this finding:
- [18] At item 2.1 of Exhibit 3 is the United States. Department of State. Egypt. Country Reports on Human Rights Practices for 2018 which, in the Executive Summary, sets out the general political and human rights situation in Egypt. It states: According to its constitution, Egypt is a republic governed by an elected president and unicameral legislature. Presidential

elections were held in March. Prior to the presidential elections, challengers to the incumbent president Abdel Fattah al-Sisi pulled out, citing personal decisions, political pressure, legal troubles, unfair competition, and in some cases they were arrested for alleged violations of candidacy prohibitions for military personnel. Domestic and international organizations expressed concern that government limitations on association, assembly, and expression severely constrained broad participation in the political process. Domestic and international observers concluded that government authorities professionally administered parliamentary elections in 2015 in accordance with the country's laws, while also expressing concern about restrictions on freedom of peaceful assembly, association, and expression and their negative effect on the political climate surrounding the elections. Civilian authorities maintained effective control over the security forces. Since President Sisi requested parliament to approve a state of emergency (SOE) after the April 2017 terrorist attack on Coptic churches, he has requested and parliament has ratified SOEs with one- or two-day gaps between every two SOE periods to meet the legal requirement that SOEs may only be renewed once. Human rights issues included unlawful or arbitrary killings by the government or its agents and terrorist groups; forced disappearances; torture; arbitrary detention; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners; arbitrary or unlawful interference with privacy; undue restrictions on free expression, the press, and the internet, including censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, including government control over registration and financing of nongovernmental organizations (NGOs); restrictions on political participation; use of the law to arbitrarily arrest and prosecute lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; violence targeting LGBTI persons and members of other minority groups, and use of forced or compulsory child labor. The government inconsistently punished or prosecuted officials who committed abuses, whether in the security services or elsewhere in government. In most cases the government did not comprehensively investigate allegations of human rights abuses, including most incidents of violence by security forces, contributing to an environment of impunity. Attacks by terrorist organizations caused arbitrary and unlawful deprivation of life. Terrorist groups conducted deadly attacks on government, civilian, and security targets throughout the country, including places of worship. Authorities investigated terrorist attacks and prosecuted alleged perpetrators.

- [19] This summary specifically notes the April 2017 terrorist attack on Coptic churches and also mentions that terrorist organizations operating in Egypt conducted deadly attacks in 2018 in Egypt, including targeted attacks on places of worship.
- [20] At item 12.1 of Exhibit 3, the International Religious Freedom Report for 2018 for Egypt (published on 21 June 2019) discusses the current level of religious tolerance in Egypt. The report indicates that lethal violence connected with religion continued. Non-state actors continue to perpetrate discrimination and violence against Christians. Specifically, with respect to Christians it states: On November 2, armed assailants attacked three buses carrying Christian pilgrims to a monastery in Minya in Upper Egypt, killing seven and

wounding 19. Attacks continued on Christians and Christian-owned property, as well as on churches in the Upper Egypt region. On May 26, seven Christians were injured in the village of Shoqaf while attempting to defend a church from an attack by Muslim villagers. Reports of anti-Semitic remarks on state-owned media, as well as sectarian and defamatory speech against minority religious groups, continued during the year. Al-Azhar, the country's primary institution for spreading Islam and defending Islamic doctrine, held conferences on interfaith dialogue, and gave statements condemning extremism and supporting improved relations between Muslims and Christians

- [21] At item 1.4 of Exhibit 3 is Australian government's Department of Foreign Affairs and Trade (DFAT) Country Information Report Egypt, published on 17 June 2019. This report speaks to the recent terrorist attacks on Christians and also provides a general summary on the history and current situation of Christians in Egypt: Terrorist Attacks on Christians 3.21 In December 2016, a suicide bomber targeted a church service at a chapel adjoining St Mark's Cathedral in Cairo, killing 29 and injuring 49. Following the previously mentioned February 2017 attacks in el Arish, IS claimed responsibility for two major attacks against Palm Sunday church services on 9 April 2017. The first attack occurred at a service in Tanta, killing 27 people and injuring over 70. The second attack occurred at a cathedral in Alexandria. At least 16 people were killed and 66 people were injured in the Alexandria attack: Pope Tawadros was saying mass at the cathedral at the time, but escaped unharmed. In May 2017 in Minya, a gunman opened fire on a bus and killed 29 people who refused to renounce their faith. In November 2018, militants ambushed three buses carrying Christian pilgrims to a remote desert monastery south of Cairo, killing seven and wounding 19. In addition to these attacks, security services have reportedly thwarted a number of attempted attacks. Christians 3.31 Christianity was established in Egypt in the first century and is one of the oldest centres of Christianity in the world. Although there are twelve officially recognised Christian denominations in Egypt (four Orthodox, seven Catholic and one Protestant), the vast majority of Christians in Egypt are members of the Coptic Orthodox Church. All those belonging to recognised Christian denominations are identified as Christian on their national ID cards. While Christians reside throughout the country, they are particularly concentrated in Upper Egypt (the southern part of Egypt) and in major cities such as Cairo and Alexandria. Suburbs in Cairo and other cities and some villages are sometimes regarded or described as 'Christian areas', but few are exclusively Christian (or Muslim). Egyptian Christians are politically and socio-economically diverse: they hold varied professions; range from the very poor to the very rich; and have attained a range of education levels. 3.32 Christians generally dress similarly to Muslim Egyptians. In urban areas, however, Christian women are more likely than Muslim women to leave their hair uncovered. Christian women living in rural or conservative areas are more likely to cover their hair, but generally do not wear the Islamic hijab. Christians tend to have identifiable names. Some Christians tattoo small crosses on the inside of their wrists or between their thumb and forefinger as a mark of their identity, often following visits to monasteries or holy sites. Not all Christians have these tattoos and it is not a mandatory religious practice. 3.33 There are no legal barriers to

prevent Christians from being visible in public life, and a number of Christians have become prominent and influential in Egyptian politics and business. DFAT understands that the percentage of Christians in the Egyptian civil service is broadly representative of the religious breakdown of the population. However, Christians tend to be under-represented in senior civil servant roles, and in the upper ranks of the military and security services. It is very rare for Christians to be appointed as presidents, deans or vice-deans in public universities. While anti-discriminatory laws and legal protections exist, these are not always enforced fairly and Christians may experience some discrimination, particularly in rural areas. 3.34 Most Christians viewed the post-2011 Revolution ascendancy of the Muslim Brotherhood with considerable apprehension. They regarded the Morsi government's removal and the restoration of general law and order as a cause for relief, and strongly supported the ascendancy of Sisi to the presidency. Many Christians and representatives of other minority faiths report that while things could always improve, they generally consider themselves better protected under President Sisi than previous Egyptian leaders. Christian religious authorities have consistently expressed appreciation for Sisi's public messaging which has called upon Egyptians to place national unity above religious differences, and for his personal example: in 2015, Sisi became the first Egyptian head of state to attend Christmas mass at the St. Mark's Cathedral in Cairo and has attended every year since. Sisi has actively engaged with the Christian community, declaring days of national mourning or calling personally on Pope Tawadros to express his condolences following DFAT Country Information Report Egypt 21 terrorist attacks against Christians (see Security Situation). Local sources report that Christians generally remain strong supporters of Sisi, although (like other Egyptians) their initial enthusiasm has waned due to the lack of economic improvement and ongoing social difficulties in Egypt. ... 3.36 DFAT assesses that Christians face a moderate risk of discrimination that is more likely to be societal than official in nature, and is likely to vary considerably according to geographic location. Christians, particularly in rural areas, may face difficulty in obtaining justice through legal means (see Judiciary). Despite the lack of any official policy of discrimination, Christians remain less likely than Muslims to be able to achieve senior positions in institutions such as the civil service, military and security services, and universities.

- [22] Further, at item 2. 4 in Exhibit 3, is a recent report entitled Freedom House 2019 which, with respect to freedom of religion in Egypt, states: While Article 2 of the 2014 constitution declares Islam to be the official religion of the state, Article 64 states that "freedom of belief is absolute." Most Egyptians are Sunni Muslims. Coptic Christians form a substantial minority, and there are smaller numbers of Shiite Muslims, non-Coptic Christian denominations, and other groups. Religious minorities and atheists have faced persecution and violence, with Copts in particular suffering numerous cases of forced displacement, physical assaults, bomb and arson attacks, and blocking of church construction in recent years.

- [23] At 12.6 of Exhibit 3 is a report published in April 2019 entitled: Egypt. United States Commission on International Religious Freedom, Annual Report 2019. In its "Key Findings" it reports that during 2018 religious freedom conditions in Egypt generally trended in a more positive direction with respect to high-level official discourse and actions. However, it goes on to state: Nevertheless, despite these prominent gestures, systematic and ongoing challenges to religious freedom remained widespread at the community level, particularly in rural areas. Anti-Christian mob violence occurred with impunity and regularity in Upper Egypt; on several occasions, these incidents came in direct response to efforts by local Christians to legally register their churches. Meanwhile, Egyptian affiliates of the Islamic State of Iraq and Syria (ISIS) and domestic terror groups continued to target local Christians in addition to government officials and security forces. Baha'is and Jehovah's Witnesses remained unrecognized, and blasphemy laws, which have not been repealed, continued to be used in targeting Muslims, Christians, and nonreligious persons.
- [24] The same document goes on to report that: Sectarian Attacks and Legal Impunity While incidents of violence directly targeting Christians resulted in fewer casualties than in previous years, they persisted in various forms throughout 2018. Nongovernmental interlocutors informed USCIRF during a January 2019 country visit that there were at least 25 incidents of violence or attempted violence against Christians during the reporting period. Such incidents included an attempted suicide bombing on a Coptic Orthodox church in Qalyubiya in August, which police successfully thwarted before the would-be bomber reached his intended target. In November 2018, in the deadliest single attack of the year, gunmen in the governorate of Minya attacked two minibuses of Christian pilgrims who had just left the Monastery of St. Samuel the Confessor, killing seven people and injuring seven others. The Egyptian branch of ISIS later claimed responsibility for that attack. Egyptian authorities typically single out these large-scale incidents as symptomatic of terrorist organizations that target Christians as well as security forces and police. During 2018, ISIS and remnants of other radical Islamist groups continued to pose a serious threat to Egypt's large Christian population. However, blaming Egypt's sectarian issues on radical Islamist groups belies the reality that societal bigotry and government negligence also play roles in incidents of communal violence. Perceived negligence on the part of Egyptian security forces continued to be an ongoing grievance of the Christian population: for example, at the funeral for victims of the monastery bus attack in November, eyewitnesses reported a palpable and audible sense of anger toward police who failed to prevent the attack, despite its occurrence at a venue just one kilometer from a nearly identical and even deadlier attack on the same road in 2017. In addition, police officers are sometimes directly involved in such violence: for example, a Christian barber in Beni Suef died in police custody in July 2018 after reportedly receiving a fatal beating from officers when he attempted to report a dispute with a Muslim fellow resident. In another example, a police sergeant tasked with guarding a church in Minya gunned down a Coptic father and son at a worksite in front of his post in December, following a minor dispute. That officer was subsequently found guilty of murder charges in February 2019, after the reporting period. The prevalence of violence against

Christians in Egypt was most clearly on display in incidents of mob violence that occurred in rural towns and villages in Upper Egypt; the perpetrators were moved to action by the words of their local imams and their own deeply rooted prejudices. There were at least eight such mob attacks in 2018: in three separate attacks in August alone, Muslim rioters attacked Coptic churches, homes, and businesses in Sultan Basha, Minya; Esna, Luxor; and Dimshaw Hashim, Minya, after reports circulated that local Christians had attempted to legally register their places of worship. Although none of these attacks resulted in outright fatalities, they caused significant property destruction and terrified local Christians. Furthermore, none of them produced legal consequences for the perpetrators; instead, by deferring to customary reconciliation sessions, local authorities made concessions to the rioters by agreeing to close the churches or prayer halls in dispute. Apart from more overt examples of direct violence, Coptic Christians continued to face widespread societal pressures such as religious discrimination and outright bigotry.

- [25] I find that the neutral COI evidence supports the claimant's allegations that, despite the level of overall harm against Coptic Christians dropping recently in Egypt, he has a serious possibility of suffering serious harm should he return to Egypt due to his identity as a Coptic Christian man from El Mania. The COI reports that societal discrimination against Christians exists and sometimes Coptic Christians are victims of appalling violence at the hands of Muslim extremists. Given his past personal experiences of physical harm at the hands of religious extremists and the neutral country conditions, the claimant has established that he has a serious possibility of meeting with similar harm in the future because of his religious identity should he return to Egypt. State Protection
- [26] I find that the claimant has established on a balance of probabilities that adequate state protection is not available to him.
- [27] In the case at bar, the claimant does not mention ever attempting to seek police protection for any reason. In his BOC the claimant stated that: "the authorities in Egypt are not interested in intervening in religious disputes."
- [28] With respect to the issue of state protection, the panel considered all of the previously cited evidence and in particular notes the information at item 12.6 of Exhibit 3 which states: "...blaming Egypt's sectarian issues on radical Islamist groups belies the reality that societal bigotry and government negligence also play roles in incidents of communal violence."
- [29] I have carefully reviewed the documentary evidence filed by the Refugee Protection Division (RPD) and find that this particular claimant, given his circumstances has provided clear and convincing evidence that he would be unable to avail himself of adequate state protection. While Egypt has made improvements in protecting Christians and their right to practice their religion, I find that those improvements have not translated in operationally effective adequate protection for this particular claimant at this point in time. I find that the claimant has overcome the presumption of state protection. Internal Flight Alternative (IFA)

[30] I find that there is no viable IFA for this claimant in Egypt.

[31] The claimant alleges that there is nowhere in Egypt that he could live safely without enduring persistent societal discrimination or the threat of violence. In his BOC he states that: "I fear Muslim extremists and as Muslim extremists exist throughout Egypt there is no place in Egypt where I can seek safety." The neutral COI suggests that Christians from rural areas in Upper Egypt face a greater likelihood of violence. However, at item 12.6 of Exhibit 3 (cited above) it also states: "Apart from more overt examples of direct violence, Coptic Christians continued to face widespread societal pressures such as religious discrimination and outright bigotry." Given all of the evidence produced in this case, the panel accepts the claimant's allegations with respect to a lack of a viable IFA.

CONCLUSION

[32] I determine that the claimant is a Convention refugee pursuant to section 96 of the IRPA and therefore allows his claim. (signed) "L. Figg" L. Figg 2 January 2020 Date 1 Immigration and Refugee Protection Act, S.C. 2001, c. 27, as amended, sections 96 and 97(1). 2 Immigration and Refugee Protection Act, S.C. 2001, c. 27, as amended, section 170(f). 3 Refugee Protection Division Rules (SOR/2012-256). 4 Immigration and Refugee Protection Act, S.C. 2001, c. 27, as amended, section 162(2). 5 Instructions governing the streaming of less complex claims at the Refugee Protection Division, <https://irb-cisr.gc.ca/en/news/2019/Pages/less-complex-claims-rpd.aspx> 6 Less Complex Claims: The short-hearing and file-review processes, <https://irb-cisr.gc.ca/en/information-sheets/Pages/less-complex-claims.aspx>

RPD File No. / N° de dossier de la SPR : TB9-28520 Immigration and Refugee Board of Canada
Refugee Protection Division Commission de l'immigration et du statut de réfugié du Canada
Section de la protection des réfugiés RPD.29.1 (December 15, 2012) RPD File No. / N° de dossier
de la SPR : TB9-28520

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