

Religious Freedom in the Middle East?

This paper has been prepared by Stephen Carter, Middle East Concern,¹ for the International Study Consultation on Freedom of Religion and Rights of Religious Minorities, organised by the World Council of Churches (Commission of the Churches on International Affairs of the World Council of Churches) and held in Istanbul from 28th November to 1st December 2011.

Introduction

Context

As this Consultation commences in Istanbul, Parliamentary elections are scheduled to begin in Egypt – another milestone in a tumultuous year for Egypt and the wider Middle East and North Africa (MENA) region. Although Tunisia, Egypt, Bahrain, Libya, Yemen and Syria have seen the most upheaval, the impact is being felt throughout the region. This wave of challenge and change, accompanied by great uncertainty, has triggered a full gamut of responses among the peoples of the region – from euphoria and hope, to confusion and frustration, to grief and fear.

For the MENA region's sizeable Christian communities, along with other religious minorities, initial optimism that political changes may lead to increased freedom of religion has increasingly given way to dismay and fear. While it is still possible to discern grounds for hope, the lack of protection from increasing religiously-motivated violence, and the prospect of new regimes that might perpetuate or intensify the long-standing discrimination against and marginalisation of religious minorities, are leading to alarm amongst many Christians.

There is little new in the patterns of discrimination and persecution that Middle Eastern Christians, or other religious minorities, are currently facing. Christians in Iraq, the

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MEC's area of ministry includes the following countries and territories: Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, Turkey, UAE, Yemen, together with the Palestinian Territories and the 'Turkish Republic of Northern Cyprus.'

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Palestinian Territories, Iran, Turkey and elsewhere testify to years of tragic abuse and violation of rights, sometimes neglected by the international community and the worldwide Church. But the intensification anti-Christian pressures during 2011 serves to bring these issues more sharply into focus – and must prompt a more robust and compassionate response. That is why this WCC study consultation on freedom of religion is so timely for the churches of the MENA region.

Scope

The present paper is necessarily limited. It does not attempt to provide a detailed historical or theological survey, nor a contemporary political commentary – though these contexts are vital for understanding religious freedom issues in the MENA region. Nor does it attempt to provide detailed assessment of the situation in individual countries (other papers will be presented that provide such assessment), nor to give detailed consideration to the full range of religious minorities in the region (though many face common issues). Rather, this paper provides an overview of the principal current challenges to religious freedom that apply broadly to Christians in the MENA region. It will be argued that – although attention is rightly placed on promoting increased security and advocating for improved rights for individuals and communities to manifest their beliefs – the international community, and especially the worldwide church, should not neglect advocacy for the even more fundamental freedom to hold a religion or belief of one’s choice.

Religious Freedom and International Law

Aspects of Religious Freedom

The *Universal Declaration of Human Rights* (UDHR) and the *International Covenant on Civil and Political Rights* (ICCPR) set out two principal aspects of the right to freedom of thought, conscience and religion, each in Article 18.² Firstly, there is the right to have or to adopt a religion or belief of one’s choice. Secondly, there is the right to manifest one’s religion or belief in worship, observance, practice and teaching – in public as well as in private, and in community with others as well as individually. The ICCPR reinforces Article 18 through the non-derogation provision of Article 4, and makes additional provision for non-discrimination or incitement on grounds including religion in Articles 2, 20 and 24.

² For the full texts of the UDHR and ICCPR, see <http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng> and <http://www2.ohchr.org/english/law/ccpr.htm>

Other international instruments are also relevant, such as the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief*³ which further delineates freedom of religion. In addition, there are references to religious freedom within regional human rights frameworks that apply within the MENA region,⁴ and many countries have relevant commitments within their own constitution or other laws.

Obligations by MENA States

Our consideration in this paper will be limited to the two principal aspects of religious freedom set out in Article 18 of the ICCPR, because the commitments made by state parties to the ICCPR are binding and because most countries of the MENA region have either acceded to or ratified the Covenant. Within the region, only Oman, Qatar, Saudi Arabia, the UAE and Somalia are not state parties to the ICCPR. When acceding to the ICCPR, Bahrain, Kuwait and Mauritania placed reservations that are relevant to the religious freedom provisions, effectively stating that those commitments would be subordinate to commitments under Islamic (Shari'a) law. All other countries in the region have accepted the ICCPR's religious freedom commitments without reservation and so are bound, in principle, by their commitment to adhere to the standard of religious freedom it upholds.⁵

Although these commitments may be ignored or understood contrary to established interpretation, the ICCPR provides a valid framework and language for assessment of freedom of religion in the MENA region.

Freedom to Manifest one's beliefs

Acknowledging Freedoms

The Christian presence in the MENA region is long-standing. There is a rich diversity of Christian tradition represented within the sizeable Christian communities of Egypt, Iran, Iraq, Israel, Jordan, Lebanon, Palestine, Sudan, Syria, and Turkey, and there are small indigenous Christian communities in Bahrain and Kuwait. Most of those countries that do not have indigenous Christian communities host sizeable expatriate Christians communities.

³ Text available at: <http://www2.ohchr.org/english/law/religion.htm>

⁴ For example, the *Arab Charter on Human Rights* (available at http://www.acihl.org/res/Arab_Charter_on_Human_Rights_2004.pdf) and the OIC's *Cairo Declaration on Human Rights in Islam* (available at <http://www.oic-oci.org/english/article/human.htm>). Also relevant are the *African Charter on Human and Peoples' Rights* (for most North African countries) and the *European Convention on Human Rights* (for Turkey).

⁵ Details of country status, including reservations, are available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en

Many Christians enjoy a significant degree of freedom to manifest their beliefs in worship, observance, practice and teaching, although the extent of religious freedom varies by country and can vary by tradition or denomination within a country. Typically, indigenous Christian communities have legal recognition, are free to gather and to worship, are free to administer matters of personal status law according to their own rites, may use minority languages, may establish seminaries, schools and associations, may observe principal religious holidays, and Christian children may receive Christian instruction within state schools. In several countries Christians have political representation – and in Jordan, Lebanon, Iran, Iraq and Palestine representation in Parliament or Provincial Councils is guaranteed through reserved seats or quota systems.

Although there is a degree of freedom, significant restrictions or areas of tension remain in much of the region. In proceeding to focus on current examples of these tensions and restrictions, the intention is not to down-play the extent of freedoms currently enjoyed, nor the sense of appreciation felt among Christian communities for those freedoms.⁶

Restrictions and Tensions

Examples are given below to illustrate some of the tensions currently faced by Christian communities in the MENA region; many other issues and examples could be cited. One of the most significant areas of legal restriction relates to church buildings regulation, which is considered more fully following a survey of other issues. The related issue of security, currently of acute concern in Iraq and Egypt, is considered separately in the following section.

Registration

Legal recognition is often limited to religious organisations or communities that meet minimum membership requirements or are approved by a representative religious Council. Non-Christian religious minorities such as Baha'is (and also many minority Islamic groups that hold beliefs contrary to the state-approved version of Islam) are typically unable to gain legal recognition. Some of the smaller (and typically newer) Christian denominations are also affected. For example, in Jordan recognised Christian denominations include the Greek Orthodox, Roman Catholic, Greek Catholic (Melkite), Armenian Orthodox, Maronite Catholic, Assyrian, Coptic, Anglican, Lutheran, Seventh-day Adventist, and Presbyterian churches. The Baptist church is recognised as a denomination but does not enjoy the same privileges as other denominations; some other Protestant churches have recognition only as Societies.

⁶ For example, Christians in Syria acknowledge the significant freedoms they have enjoyed for many years. In a recent interview, Syriac Orthodox Bishop of Aleppo, Yohana Ibrahim, expressed the Christian community's support both for the incumbent president and also for democratic reforms (see, for example: <http://www.alarabiya.net/articles/2011/11/11/176561.html>)

Language

While use of minority languages may be respected, Assyrian and Chaldean churches in Iran are prohibited from conducting rites using the Farsi language. Although this facilitates the preservation of their own languages, the mission of these churches is restricted by their inability to use the everyday language of many within their own communities, let alone wider society.

Education

Although legal provision is made in several countries for Christian religious instruction in state schools for Christian children, for example in Syria, this can be inadequate if insufficient state-approved instructors are available. Moreover, there are legitimate concerns that Islamic education is enforced on all students through subjects other than religious instruction, such as history, literature, Arabic language, and that state-approved text-books contain derogatory or inflammatory claims about minorities.

Personal Status Law

In the area of personal status law, restrictions can apply. For example, a Christian man cannot marry a Muslim woman, unless first converting to Islam, under the provisions of Shari'a law (in Lebanon, while such marriages are not permitted, an individual's registered confession can be changed, and civil marriages conducted outside Lebanon are recognised). In several countries non-Muslims citizens are subject to Islamic legal provisions regarding inheritance if there are no codified guidelines within their own religious tradition.

In Yemen, the inability to follow Christian burial rites presents a significant challenge to the sizeable Ethiopian Orthodox community, whose members must either follow Islamic rites or repatriate their deceased for burial in Ethiopia, at very considerable expense.

Subsidies

Churches in some MENA countries benefit from Government subsidies – for example, in Syria, Church utility bills are covered by the State. However, the norm is for mosques to benefit from state subsidies (for example through payment of clerics, or through advantageous tax arrangements) and for churches rarely to be eligible for such benefits.

Representation

Even the issue of guaranteed political representation is contentious. In Egypt, prominent Coptic politicians argued in 2010 against the inclusion in electoral law of a quota for Christians on the grounds that this would provide unwelcome acknowledgment and reinforcement of the religious divides in Egyptian society.⁷ Conversely, in November 2011,

⁷ See, for example, "Egypt Christians reject quota parliament seats," Al Arabiya News, 21 November 2010: <http://www.alarabiya.net/articles/2010/11/21/126824.html>

Armenian and Assyrian members of the Kurdistan provincial parliament in Iraq protested against proposals to drop the electoral quotas for Assyrians, Armenians and Turkomen.⁸

Church Buildings

One of the most widespread and significant areas of restriction of the right to manifest religious beliefs in worship, observance, practice and teaching relates church buildings regulation. This includes the process for obtaining permission for a new church building, permission to extend an existing church building, permission to affect repairs to an existing church and issues around the use of rented property or private homes for the holding of religious services.

This issue has been particularly prominent in Egypt. The basis in Egyptian law for church building regulations is the Himayouni Edict of 1865 and the 1934 al-Ezabi Decree, which required Christians to obtain permission from the supreme ruler (later amended to the President) for any new church building or for works on an existing building, and established a regulatory framework for this purpose. A Presidential Decree of 2005 eased this situation somewhat, in providing that rebuilding work requires the approval of the regional governor, rather than the President, and that repairs can be carried out following notification of the local administrative office provided no objection is received. There remain very significant obstacles, particularly for new buildings, where unreasonable conditions relating to distance from mosques and between church buildings must be observed (and where equivalent requirements do not apply to mosques). For rebuilding and repairs work, although the 2005 Decree established the same processes for churches as for mosques, in practice churches find that regional or local decision-making is arbitrary and unpredictable, making implementation of church repairs more difficult than for mosque repairs.

Restrictions apply among expatriate/migrant Christian communities. For example, in Kuwait the Roman Catholic and Greek Melkite churches are among several to have requests to expand or to build new churches turned down in recent years.⁹

Elsewhere, pressure has been faced by some smaller Christian groups who have been informed that they must cease Christian activities in non-approved church properties. For example such closures, on the basis of failure to hold an appropriate license, were reported in Syria during 2010.¹⁰ The groups involved would claim that, although such closures are in accordance with establish laws, the Christian groups lack the means to obtain the necessary

⁸ See, for example, "Christians want quota seats in provincial elections," AK News, 2 November 2011 <http://www.aknews.com/en/aknews/4/270772/>

⁹ See, for example, "Municipal Council again turns down church building request," Arab Times, 23 November 2010: <http://www.arabtimesonline.com/NewsDetails/tabid/96/smld/414/ArticleID/162259/reftab/73/t/Municipal-Council-again-turns-down-church-building-request/Default.aspx>

¹⁰ See, for example, Syria News, 4 October 2010: http://www.syria-news.com/readnews.php?sy_seq=122630

licences because of restrictive laws. In Saudi Arabia no forms of open non-Islamic worship are permitted.

Some positive moves have been made recently regarding church property issues. In Egypt there has been renewed political discussion during 2011 concerning a draft law which would provide more equal regulation for all places of worship (though there remains lack of consensus, and the government is committed to considering representations made by The Coptic Church, Al-Azhar, the National Justice Commission and others).¹¹ In Turkey the Presidential decree in August 2011, granting restitution of property confiscated from Jewish, Armenian and Greek Orthodox communities after 1936, has been widely welcomed¹² (although there remain outstanding property and land disputes for communities not recognised in the 1923 Lausanne Treaty, such as that concerning the Syrian Orthodox Monastery of Mar Gabriel in Mardin province, in which the Church is currently preparing to appeal to the European Court of Human Rights).¹³

Security

The situation in Egypt

We have noted that, although Christians in the MENA region enjoy a degree of freedom to manifest their beliefs, there are significant restrictions in many parts of the region. The issue of restrictions relating to church buildings regulation has been a significant factor behind the intensification of religiously-motivated violence in Egypt during 2011 as the general security situation has deteriorated.

On 9th October 2011, demonstrators marching in protest at the authorities' lack of action to prevent the destruction of a church building in Aswan were attacked in Cairo. Violence erupted when thugs and the army attacked protesters. The protesters were mainly Christians but also included some Muslim sympathisers. There remains some doubt about the death toll, but the most reliable sources report that 26 protesters (23 Christians, 3 Muslims) and one soldier were killed. Many others were injured. Eyewitness accounts and

¹¹ See, for example, "Common Law for Copts and Muslims on Construction of Religious Buildings," Asia News, 9 November 2011:

<http://www.asianews.it/news-en/Common-law-for-Copts-and-Muslims-on-construction-of-religious-buildings-23132.html>

¹² See, for example, "Turkey decrees partial return of confiscated Christian, Jewish property," Armenian Weekly, 28 August 2011:

<http://www.armenianweekly.com/2011/08/28/turkey-to-return-properties-confiscated-from-christian-jewish-minorities/>

¹³ See, for example, "Land confiscated: the Orthodox Monks of Mardin resort to the European Court of Human Rights," Agenzia Fides, 23 November 2011:

<http://www.fides.org/aree/news/newsdet.php?idnews=30404&lan=eng>

videos posted on YouTube showed the army to be culpable. On the day of the violence a state-owned TV channel put out reports claiming that Christians were attacking the army and calling for people to intervene. The channel subsequently acknowledged that this reporting was incorrect. A total of 34 Christians remain detained for “incitement & insulting the army.”¹⁴

This followed other major sectarian incidents in 2011, including: (a) on 30th September, the destruction of a church building in a village near Aswan;¹⁵ (b) on 5th May, the attack of two church buildings in clashes in Giza; (c) on 5th April, the obstruction of Christian worshippers attempting to enter their church building in the village of Kamadeer, Minya Province, by a crowd of Muslims who demanded that the church be relocated 550 metres away and rebuilt with neither a dome nor a cross; (d) on 28th March, there were armed clashes in the village of Kasr el-Bassil, Fayoum Province, when Salafists demanded that an alcohol store be closed down; one person was killed; (e) on 23rd March a crowd of Muslims ordered the leaders of the St. George's Church in Beni Ahmad, Minya Province, to stop construction work on the church building; (f) on 8th March, 9 people were killed and an estimated 150 injured in serious clashes in Moqattam, Cairo; homes and businesses were destroyed; (g) on 4th March, Christian homes were attacked and a church burnt down in Soul, just south of Cairo; the church building was subsequently rebuilt by the army; and (h) on 1st January bomb attack on the Church of the Two Saints in Alexandria resulted in 23 deaths.

The situation in Iraq

The security situation in Iraq, over recent several years, has also been especially critical for the country's minority communities, including its Christians. The ongoing pattern of violence against Iraqi Christians is continuing to fuel the large scale emigration or internal displacement of Iraqi Christians.

During 2011 there have continued to be murders of Christians, including: (a) on 1st and 2nd October, two Christians shot dead in Kirkuk; (b) on 30th May, Jihad Yacob shot dead in Mosul, leaving a wife and four children; (c) on 13th May, Ashur Yacob Issa murdered in Kirkuk, leaving a wife and three children;¹⁶ (d) on 3rd January, Rafah Toma shot dead in her home in the Al-Wahda suburb of Baghdad.

¹⁴ See, for example, “*Egypt: Don’t Cover Up Military Killing of Coptic Protesters*,” Human Rights Watch, 24 October 2011:

<http://www.hrw.org/news/2011/10/25/egypt-don-t-cover-military-killing-copt-protesters>

¹⁵ See, for example, “*Azhar Condemns Events in Aswan*,” Al-Ahram News, 6 October 2011:

<http://digital.ahram.org.eg/Community.aspx?Serial=658984> (English summary available at:

<http://www.arabwestreport.info/year-2011/week-40/44-azhar-condemns-aswan-church-attack>)

¹⁶ See, for example, “*Assassination of the Christian citizen*,” Ankawa News, 30 May 2011:

<http://www.ankawa.com/english/?p=5087>

There have continued to kidnapping of Christians by those seeking ransoms; including (a) on 21st September, four men, three of them Christian, kidnapped whilst on a hunting trip near Kirkuk; they were released on 30th September, reportedly after a large ransom was paid;¹⁷ (b) on 13th February, a Catholic man in Kirkuk was released on 16th February following payment of a ransom by his family.

Church buildings continue to be attacked, including: (a) on 15th August, a bomb exploded outside St Ephraim Syriac Orthodox Church in Kirkuk; nobody was hurt but the church building suffered extensive damage; (b) on 2nd August, a car bomb exploded outside the Holy Family Church in Kirkuk; at least 20 people were hurt, including the parish priest; (c) on 24th April, a bomb exploded outside Sacred Heart Church in Karrada, Baghdad, injuring seven people (d) on 6th January six explosive devices were found and defused outside an Orthodox church in Mosul.

These attacks followed the tragic events of 31st October 2010 in which gunmen took control of the Syrian Catholic Church of Our Lady of Salvation, Baghdad, during a church service, holding many worshippers hostage for several hours before security forces intervened. 58 were killed.¹⁸

Responsibility

These acts of violence against Churches and other Christian targets have principally been restricted to Egypt and Iraq over the last year. Occasional attacks have occurred elsewhere in the region – for example, on 27th March 2011 a bomb was detonated at St. Mary's Syriac Orthodox Church in Zahle, Lebanon, causing significant damage but no loss of life.¹⁹ Violent attacks, including the murder of Christians, have been witnessed in Turkey in recent years.

The attacks have often been perpetrated or instigated by extremist groups, and not directly by State authorities – although the role of the Military in the 9th October atrocity in Cairo provides a shameful exception, reinforced by the false accusations against Christians made through state media. However, in many other such incidents the State authorities have at least been complicit in failing to provide adequate security. In the absence of adequate security, enforcement of the rule of law is compromised and so the basic mechanisms for safeguarding the right to religious freedoms – and even the right to life itself – are absent.

¹⁷ See, for example, "Hunters Kidnapped," Ankawa News, 22 September 2011:

<http://www.ankawa.com/english/?p=5389>

¹⁸ See, for example, "Baghdad church hostage drama ends in bloodbath," BBC, 1 November 2010:

<http://www.bbc.co.uk/news/world-middle-east-11463544>

¹⁹ See, for example, "Bomb explodes at Zahle Church, none hurt," The Daily Star, 28 March 2011:

<http://www.dailystar.com.lb/News/Local-News/Mar/28/Bomb-explodes-at-Zahle-church-none-hurt.ashx#axzz1ejeiXOX3>

Vulnerability of Christians

The pattern of sectarian violence in recent years, particularly in Iraq, demonstrates two primary areas of vulnerability for Christian communities. Firstly, they are vulnerable to criminal activity. The reduction in effective law and order has led to rises in violent crime. In Iraq, Christians have become the victims of targeted criminal activity, notably kidnapping. Many are well educated professional people and are perceived to have more money, or access to money from those in the diaspora, making them lucrative targets. Further, they are a minority, unlikely to respond violently, and with no large tribe or militia to protect or avenge them.

Secondly, they are vulnerable to extremist agendas. Amidst heightened insecurity, and especially within contexts of political change or uncertainty, religious extremists have activity sought to impose their agendas in their areas of influence. In Iraq, one trend has been the effort to “purify” areas by evicting all those of different religious affiliation. For example, Christians residents of the Dora district of Baghdad have reportedly been ordered by extremists to convert to Islam, leave or be killed.²⁰

The widespread condemnation of religiously-motivated attacks, including by Muslim leaders, is welcome, as are assertions of the importance of the Christian presence and commitments to improve security, such as those given by Prime Minister Nuri al-Maliki in meetings with the Cardinal of Baghdad, Emmanuel Delly III, in November 2010. However, until concrete measures are taken to improve security for all citizens, Christians will remain especially vulnerable to those who harbour extremism, hatred, and disrespect of cultural heritage.

Freedom to hold a belief

Interpretation

We noted previously that Article 18 of the ICCPR sets out two aspects of religious freedom, and we have considered the second of those – the right to manifest one’s religion or belief. But arguably it is the first aspect which is even more fundamental – the right to have or to adopt a religion or belief of one’s choice.

Under Article 18(c), the freedom to manifest one’s religion may be subject to limitations in exceptional circumstances, where these limitations are “prescribed by law and are

²⁰ Reported in “*International Religious Freedom Report 2007: Iraq*,” US Department of State, Washington DC, September 2007:
<http://www.state.gov/g/drl/rls/irf/2007/90211.htm>

necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” However, the freedom to have or to adopt a belief should not be subjected to any limitations.

The issue of whether this freedom includes the freedom to change one’s religion remains a sensitive one within the MENA region. During the protracted drafting of the ICCPR several States raised objections to the inclusion of this freedom, and the final Covenant text avoids explicit use of the word ‘change’ (departing on this point from Article 18 of the 1948 Universal Declaration on Human Rights). However, the interpretation of the right to have or to adopt a religion or belief, established consistently in State and Special Rapporteur reports and confirmed by the Human Rights Committee’s General Comment 22 (July 1993), holds firmly that this right includes the right to change (and the right to not change) one’s religion.²¹ The right to have or to adopt a belief becomes meaningless, and the right to manifest one’s beliefs is severely undermined, if there is no right to change one’s belief.

State Positions

Although this is clear in international law, this right is not upheld for the large majority of citizens of the MENA region. Christians and other non-Muslim religious minorities do have this right – they are free to change religion to Islam or to another minority religion (though in Syria this has been discouraged, on grounds of preserving communal harmony). But with two exceptions there is no freedom to leave Islam, whether to Christianity, to another religion or to no religion at all. The exceptions, in which there are legal processes providing for changes of religious affiliation from Muslim to another confession, are Lebanon and Turkey.

Few countries proscribe apostasy from Islam within national codified legislation, although the Penal Codes of Sudan (Article 126), Mauritania (Article 306) and Yemen (Article 259) contain such a prohibition, as do proposed amendments to Iran’s Penal Code (approved by Parliament in 2008 but awaiting implementation). However, many MENA countries are either officially declared as Islamic nations (Bahrain, Iran, Mauritania, Oman, Saudi Arabia, Yemen) or state in their constitutions that Islam is the official state religion (Algeria, Egypt, Iraq, Jordan, Kuwait, Libya, Morocco, Qatar, Tunisia, UAE). Many of these declare Shari’a law as a source (or *the* source) of legislation. All schools of Islamic jurisprudence hold apostasy to be an offence punishable by death for a sane male adult who has been given opportunity to return to Islam.²²

²¹ UN Office of the High Commissioner for Human Rights: General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18):

<http://www.unhcr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15>

²² See detailed discussion in “*No Place to Call Home*,” Christian Solidarity Worldwide, London, 29 April 2008. Available to download at: <http://dynamic.csw.org.uk/article.asp?t=report&id=94&search>

Implications for Individuals

Countries that base their laws on Shari'a law could therefore find grounds for the most severe punishment of apostates, although in practice judicial executions for apostasy are very rare. In Iran at present, a leader of a group describing itself as the "Church of Iran," Yousef Nadarkhani, is awaiting the opinion of the Supreme Leader following an appeal against a death sentence handed down by a Provincial Court that found him guilty of apostasy. If carried out, his would be the first judicial execution for apostasy in Iran since that of Rev. Hossein Soodmand in December 1990.

More subtle are the range of other legal provisions that can, and are more commonly, brought against those considered apostates. Most countries in the MENA region use a combination of secular and religious laws, often applying Shari'a only in matters of personal status. Within the Shari'a personal status courts apostasy is a major offence and, while such courts cannot hand down criminal punishments, they have powers to annul marriage, remove custody of children, disinherit, and confiscate or annul other contracts. Such treatment constitutes severe violation of the right to adopt a religion or belief of one's choice.

One recent case in which a confirmed apostate had his marriage annulled, custody of his children removed, his property seized, his legal contracts declared void and was disinherited, is that of Muhammad Abbad Abd al-Qader Abbad.²³ The US Department of State's Religious Freedom Report notes that the court "declared him to be without religious identity," and that arrest warrants were issued when he and his family departed from Jordan:

On April 22, 2008, the Sweilih Islamic law court found Muhammad Abbad Abbad, a convert from Islam to Christianity, guilty of apostasy, annulled his marriage, and declared him to be without any religious identity. In March 2008 Abbad reportedly was taken to the Sweilih Islamic court without legal representation on charges of apostasy. Accused of "contempt of court" and sentenced to one week's imprisonment, Abbad and his family departed the country. The government issued arrest warrants after their departure. At the end of the reporting period, the family remained outside the country.²⁴

Even if the State does not take direct action against apostates, many find that the most intense and persistent pressure is that which comes from the family and wider community,

²³ Assist News, *Convert to Christianity flees Jordan under threat to lose custody of his children*, Lake Forest, 25 April 2008, <http://www.assistnews.net/Stories/2008/s08040143.htm>

²⁴ US Department of State, November 2010

because of the shame considered to have been brought on those communities by the 'apostate', and the cultural imperative to restore the honour of the family or community.

In August 2008 it was reported in the UAE media, and subsequently confirmed, that a Saudi man had murdered his daughter because of her choice to embrace Christianity. The father, a member of the religious police, reportedly cut out her tongue and burned her to death following a heated debate on religion. The daughter had been active in a Christian internet forum, which is thought to have been her only contact with other Christians.²⁵ While such 'honour killings' remain rare, apostates are very commonly ostracised by families and communities, receiving little if any state protection.

The Jordanian government recently provided insights into the lack of action to uphold the right to hold a belief of one's choice, clearly signalling its intent to continue the effective prohibition on citizens from changing religious affiliation from Islam to another religion, on the constitutional grounds of preserving public order and morality. During the UN Human Rights Council's assessment of Jordan under the Universal Periodic Review Programme in 2009, the delegation of the Netherlands requested that Jordan "pursue the protection of those who convert to another religion according to international human rights standards." The Jordanian delegation responded as follows:

On religious freedoms, article 14 of the Constitution stipulates that "The State shall safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality." The law represses any insults to any religion, place of worship or group of people engaging in their religious rituals. It also bans any caricatures or publications that can defame or ridicule any religion. With respect to the query submitted by the Netherlands concerning cases against people wishing to change their religion, Jordanians enjoy freedom of worship, but there are certain issues connected with the rights of others that would affect those wanting to change religion. This relates not to the right of freedom of worship but to the practical consequences regarding, for example, the legitimacy of the marriage, the children and the inheritance. The laws concerned are being applied very carefully and in perfect transparency.²⁶

This response is clearly very reasonable on one level, and emphasises Jordan's commitment to ensuring religious freedom. But although the concern to maintain public harmony is rightly a priority, the Jordanian authorities indicate in this response that the protection of an individual's right to freedom of religion is accordingly relegated. The act of apostasy itself is

²⁵ "Saudi man kills daughter for converting to Christianity," Gulf News (United Arab Emirates), 12 August 2008: <http://gulfnews.com/news/gulf/saudi-arabia/saudi-man-kills-daughter-for-converting-to-christianity-1.124541>

²⁶ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Jordan*, Geneva, (A/HRC/11/29), 29 May 2009, paragraph 13, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/136/40/PDF/G0913640.pdf?OpenElement>

considered a threat to national harmony and public order and so freedom to adopt a religion is restricted – despite falling outside the limitation provisions, including public order grounds, enunciated in the ICCPR.

Positive positions

There are some grounds for optimism. In Turkey, a 2006 regulation allows persons to leave the religious identity section of their identity cards blank or change the religious identity section by written application, and in Lebanon citizens also have the right to remove their religion or change religion on their identity cards and official registry documents.

In Egypt, while the courts continue to deny the right for a Muslim (born to a Muslim father) to change his or her registered religion from Muslim to Christian, the Supreme Administrative Court ruled on 3rd July 2011 that those who had originally been registered Christian (that is, born to a Christian father) and had subsequently converted to Islam should have the right to revert to registration as Christian, provided that could produce a birth-certificate and a letter from a recognised church.²⁷ In Tunisia, while the process of political change is ongoing and a new Government only recently appointed, Rachid Ghannouchi, the Ennahda founder, announced in November 2011: "We believe in freedom of religion, including the freedom to change religion."²⁸

Opportunities and Priorities

Recognising Opportunities

The extent of challenge to freedom of religion in the MENA region may seem overwhelming. The Maronite Patriarch, Bechara al-Rahi, and the Chaldean Archbishop of Kirkuk, Louis Sako, have recently expressed their fear of the implications of a rise in Islamic radicalism in the region, Archbishop Sako commenting that the Christians in Iraq "could disappear altogether as a result of continuous persecution, threats and violence."²⁹

But Mgr Bechara al-Rahi has also commented: "We have no fears for the Christian presence in the East, because we believe it depends more on God's will than our choice. We know

²⁷ See, for example, "The Court Allows Reconverts to state religion on ID cards," The Daily News Egypt, 4 July 2011:

<http://www.thedailynewsegypt.com/religion/court-allows-christian-reconverts-to-state-religion-on-id-cards.html>

²⁸ See, for example, "Ennahda's reformist Tunisian Islamism has strong roots," Al-Arabiya, 8 November 2011:

<http://www.alarabiya.net/articles/2011/11/07/175942.html>

²⁹ See, for example, "The 'Arab Spring' is frightening Christians in the Middle East," Assyrian International News Agency, 22 September 2011:

<http://www.aina.org/news/20110921191717.htm>

that an Arab world without Christians would be a catastrophe for East and West because it would be the end of the Arabs as a plural culture, which would be swallowed up by the religious culture of Islam. Neither Islam nor Europe could live with such a situation.”³⁰

Ultimately, we trust in our Lord who promised: “I will build my church; and the gates of hell shall not prevail against it.” (Matthew 16:18)

The present social and political climate arguably presents significant opportunities for engagement. Christians should be encouraged and equipped to fulfil the Church’s prophetic role of speaking biblical truth to society, engaging in the public sphere which, in parts of the region, has become far more open during 2011.

Establishing Priorities

As the Church engages with society, MENA governments and the international community to advocate for greater respect for the fundamental human right of freedom of religion, many priorities emerge. These include, first and foremost, the imperative for greater security – but also the need to reject and challenge fundamentalism, to challenge laws that continue to restrict the freedom of minorities to manifest their religious beliefs, and to challenge attitudes that perpetuate the denial of rights for all, including religious minorities.

However, the Church should not neglect the fundamental violation of religious freedom that apostasy laws represent. Of course, apostasy laws are primarily a restriction of the rights of Muslims, rather than non-Muslims who are free to change their religion. But acceptance that religious conversion can only take place in one direction both reflects and serves to reinforce the relegated status given to non-Muslim communities, perpetuating not just a minority mentality, but a mentality of inferiority.

Of course, challenging apostasy laws is hugely daunting, especially if mutual respect is to be maintained. The basis in Islamic law is such that any challenge is not just (or even primarily) to governments, but also to religious leaders and institutions (which hold political and societal as well as religious influence). The issue of conversion is also sensitive for many Christians, because it is a part of the debate regarding evangelism/proselytism on which there are differences of doctrine or tradition between churches.

The challenge is necessary on human rights grounds, recognising the fundamental nature of the right to have or adopt a religion or belief – as established in international law. And it is

³⁰ See, for example, “*Maronite Patriarch against the confessional division in the Middle East*,” Asia News, 23 November 2011:
<http://www.asianews.it/news-en/Maronite-Patriarch-against-the-confessional-division-in-the-Middle-East-23253.html>

international law, and particularly the ICCPR, to which most MENA countries are state parties, which continues to provide an appropriate framework for such challenge.

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