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Freedom of Religion or Belief for Christians in the Middle East and North Africa

INTRODUCTION

This submission is made to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into the status of the human right to freedom of religion or belief.

The focus of this submission is *the enjoyment of freedom of religion or belief, the nature and extent of violations and abuses of this right and the causes of those violations or abuses*, with respect to Christians and Christian communities in the Middle East and North Africa (MENA) region. While the violations and abuses highlighted are those faced by Christian communities, these are often also faced by other religious communities in the MENA region that have minority or non-approved status.

The Christians of the MENA region include indigenous Christian communities, expatriate Christians, and converts from Islam to Christianity. The indigenous 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. Throughout the region there are individuals (and sometimes larger groups) who have chosen to leave Islam and convert to Christianity.

The Christian communities of the MENA region face a range of pressures and challenges from State authorities and other actors. While the extent of pressure and challenge varies by country, most of the region's Christians face some restrictions on their freedom to manifest their religious beliefs. In

addition, those born Muslim who choose to leave Islam and convert to Christianity typically face restriction on the even more fundamental right to have or adopt a religion or belief of their choice.

SUMMARY

This submission uses these two principal aspects of religious freedom as enunciated in the International Covenant on Civil and Political Rights. We start with an overview of violations of the right to have or adopt a religion or belief, before considering the violation of the right to manifest one's religious beliefs.

The right to have or adopt a religion or belief of one's choice is the most fundamental aspect of religious freedom which, according to the ICCPR, should not be subject to any limitations or derogations. However, the violation of this right is widespread in the MENA region. In recent years, indigenous Christian communities, alongside many others, have been increasingly vulnerable to groups that espouse extremist ideologies and who do not tolerate any dissenting religious expression or adherence, in some cases committing atrocities against those who refuse to convert to their ideology, and forcing many to flee. Some Christian and other leaders see this extremist challenge as an existential threat to Christian communities.

Because the right to have or adopt a religion of one's choice necessarily includes the right to change one's religion, violation of this right applies very widely to all Muslims of the region through application of strict apostasy laws. The proscription of apostasy from Islam, which under applicable Islamic law is a capital offence, may not be routinely sanctioned through judicial execution. However, the potential for such sanction has a chilling effect on converts and an incendiary societal effect – those who choose to leave Islam often face grave danger at the hands of family or community. Additionally, there are a range of legal sanctions against converts applicable through personal status courts that have the effect of 'civil death'.

The right to manifest one's beliefs, whether in private or in public, and individually or in community, entails a wide range of specific rights. While we acknowledge the extent of freedoms afforded Christians in some parts of the MENA region, there are routine violations of many of these rights throughout the MENA region. We provide brief discussion and examples of challenges that come because of a lack of legal recognition, because of discriminatory laws governing places of worship, because of unequal granting of subsidies or entitlements, restrictions on the display of religious symbols, restrictions in the selection and training of religious personnel, religious-based discrimination and incitement within education systems, discriminatory personal status provisions, forced Islamic observance, the harsh and unpredictable application of blasphemy and anti-proselytism laws, and restrictions in public and private appointments, and other employment-related discrimination. This list is by no means exhaustive, but is intended to be indicative of the wide-ranging nature of discrimination faced by Christians in the MENA region – caused by unjust or discriminatory laws and policies, and by societal prejudice within a context of impunity.

THE RIGHT TO HAVE OR TO ADOPT A RELIGION OR BELIEF

Existential threats to Christian communities

The rise of extremist groups in recent years in the MENA region and beyond, including but not limited to the al-Qaeda and Da'esh networks and affiliate groups, has presented a challenge to any who do not adhere to these groups' particular hard-line theological interpretations. Indigenous Christian communities of the MENA region, together with other minority or disapproved religious groups, have suffered atrocities at the hands of such groups. Such atrocities have increased in frequency since 2014, exacerbating and accelerating the long-standing decline in the size of the Middle East's indigenous Christian communities and leading some to conclude that these communities face an existential threat.¹

In June 2014, Da'esh militants seized swathes of land in northern Iraq, including the Nineveh Plain heartland of Iraq's long-standing Christian communities, and issued an ultimatum to Christians which forced thousands of Christians to flee for their lives:

*The statement issued by the Islamic State... said Christians who wanted to remain in the "caliphate" that the Islamic State declared this month in parts of Iraq and Syria must agree to abide by terms of a "dhimma" contract – a historic practice under which non-Muslims were protected in Muslim lands in return for a special levy known as "jizya". "We offer them three choices: Islam; the dhimma contract – involving payment of jizya; if they refuse this they will have nothing but the sword," the announcement said.*²

Among many other notable examples have been the summary execution on a Libyan beach of 21 Christians, almost all Egyptian Copts, in February 2015 by militants claiming affiliation to Da'esh,³ and the twin church bombings in Egypt in April 2017, also claimed by Da'esh, in which 47 were killed.⁴

Such atrocities, based on extremist interpretations of Islam in which there is minimal tolerance of non-adherents, reflect a flagrant disregard for the most fundamental of all rights – the right to life. They also show a flagrant disregard for freedom of religion, under which the freedom to hold a religion has been determined to include the freedom from forcible conversion to another religion.⁵

¹ See, for example, see a Syrian Muslim academic's assessment here:

<https://www.alaraby.co.uk/english/Comment/2015/11/2/Christians-in-the-Arab-world-under-threat>

² See, for example: <http://uk.reuters.com/article/uk-iraq-security-christians-idUKKBN0FN29N20140718>

³ See, for example: <https://www.theguardian.com/world/2015/feb/15/isis-21-egyptian-coptic-christians-beheading-libya>

⁴ See, for example: <http://www.telegraph.co.uk/news/2017/04/09/explosion-egyptian-church-palm-sunday-service-kills-13-injures/>

⁵ In its General Comment 22, the UN Committee on Civil and Political Rights noted: "The Committee observes that the freedom to 'have or to adopt' a religion or belief necessarily entails the freedom to choose a religion or belief, including

Those holding such views and perpetrating such atrocities have been denounced by many mainstream Muslims,⁶ and do not reflect official state policies. Indeed, many governments in the MENA region are taking measures to combat extremism and to provide protection for citizens and residents, including Christians.⁷ Nevertheless, there is heightened fear amongst some Christian communities about their vulnerability to extremist attack.

Apostasy Laws

While the existential threat to indigenous Christian communities stems from non-state actors, almost all state authorities in the MENA region perpetuate a long-standing violation of the fundamental freedom to have or to adopt a religion or belief of one's choice through the application of apostasy laws.

The large majority of citizens of the MENA region do not have the right to change their religion. Indigenous Christians and other non-Muslim religious minorities do have this right – they are free to change religion to Islam or to another minority religion. 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.

A small number of countries *criminalise* apostasy from Islam in national codified legislation. Apostasy is proscribed in the Penal Codes of Sudan (Article 126), Mauritania (Article 306) and Yemen (Article 259). Although other countries do not have specific provisions in their Penal Codes, apostasy is proscribed through the force of applicable Islamic law. 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 to be a source (or *the* source) of legislation. In the absence of codified legal provisions concerning apostasy, the provisions of Shari'a law are applicable.

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. For female apostates, some schools of jurisprudence hold the death penalty to apply, while other hold imprisonment with beatings to apply.⁸ In most MENA countries, therefore, a person born Muslim who chooses to leave Islam faces the most severe legal sanctions.

the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief." See: <http://www.unhchr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15>

⁶ See, for example: <http://www.kaiciid.org/publications-resources/united-against-violence-name-religion>

⁷ See, for example: <https://dohanews.co/qatar-churches-close-car-parks-to-congregants-over-security-concerns/>

⁸ See detailed discussion in "No Place to Call Home," Christian Solidarity Worldwide, London, 29 April 2008: <http://docs-eu.livesiteadmin.com/dc3e323f-351c-4172-800e-4e02848abf80/no-place-to-call-home.pdf>

Few MENA states have carried out judicial executions for apostasy in recent years.⁹ However, the fact that apostates could in principle be sentenced to death, has both a chilling and an incendiary effect. It has a chilling effect on those who choose to leave Islam, often forcing them to lead lives of secrecy and fear. And it has an incendiary effect at a societal level, fuelling hostile attitudes to those who choose to leave Islam, and being perceived by many as legitimising extra-judicial action against apostates. We consider these societal impacts in more detail below.

The fact that apostasy is prohibited in most MENA countries is in direct breach of international human rights standards, including commitments in the ICCPR to which most MENA countries are state parties.¹⁰ Some MENA countries have sought to give relegated priority to the freedom of religion commitments. For example, in 2009 the Jordanian government signalled its intent to continue the effective prohibition on citizens from changing religious affiliation from Islam to another religion, when responding to a question during the UN Universal Periodic Review Programme. Asked by the Netherlands to “pursue the protection of those who convert to another religion according to international human rights standards,” the Jordanian delegation responded:

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.¹¹

⁹ Even in Iran, where hundreds of converts from Islam to Christianity have been imprisoned in recent years, some convicted of apostasy, the most recent judicial execution for apostasy was that of Rev. Hossein Soodmand in December 1990.

¹⁰ Within the MENA region, only Oman, Qatar, Saudi Arabia and the UAE 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 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. For more detail of country status and reservation, see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-4&chapter=4&lang=en

¹¹ 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>

Although the concern to protect rights of others, and to maintain public harmony, are laudable, the Jordanian authorities indicated in this response that an individual's right to adopt a religious belief can be relegated out of concern for practical consequences of the exercise of that right. The act of apostasy itself is considered a threat to national harmony and public order, and so freedom to adopt a religion is restricted – despite falling outside the limitation provisions enunciated in the ICCPR.

Those limitation provisions in the ICCPR are important to note. Under those provisions, the right to manifest one's beliefs, in private or in public, and individually or in community with others, may be subject to limitations in exceptional circumstances (where limitations are "prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others"). However, the even more fundamental right to have or to adopt a religion or belief of one's choice, which includes the freedom to change one's religion,¹² should not be subject to any limitations.

Apostasy and Personal Status Laws

While apostasy is not a criminal offence in most MENA countries, legal sanctions can nevertheless be taken against those who choose to leave Islam – particularly through the application of personal status law [**ACROSS THE MENA REGION**]. Personal status issues are governed by religious law. In countries with recognised indigenous Christian communities, those communities are typically able to govern issues of personal status according to their own religious rites. Through a system of religious registration, one's religious affiliation is officially recorded and used to determine which personal status court's jurisdiction one is subject to. Those born Muslim are subject to Shari'a personal status courts, regardless of whether or not they are practising Muslims. An individual who has chosen to leave Islam and embrace Christianity is still under the jurisdiction of the Shari'a court.

Within the Shari'a personal status courts, apostasy is a major offence. 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, and has been described by some as 'civil death'.

One high-profile 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. The US Department of State's Religious Freedom Report

¹² The issue of whether the freedom "to have or to adopt a religion or belief" includes the freedom to change one's religion is 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 this right, 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. 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. See OHCHR General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18): <http://www.unhcr.ch/tbs/doc/nsf/0/9a30112c27d1167cc12563ed004d8f15>

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.¹³

Another aspect of the religious-based personal status system which has an impact on those who convert from Islam to Christianity is the restriction on marriage partners. Under Islamic law applicable in most MENA countries, a woman who is registered as a Muslim cannot marry a man who is registered as a non-Muslim. It is not uncommon for a woman who has chosen to leave Islam to want to marry a Christian man – but such a marriage is illegal as she is officially restricted to choosing a husband who is registered as Muslim. This proscription causes many couples to leave their countries in order to have a civil marriage ceremony elsewhere. They are denied the freedom to marry their partner of choice in their own country, and such a marriage conducted elsewhere will not be recognised in their own country. Compounding this injustice is the fact that any children born to such a couple are not eligible to receive official documents from their parents' country. Such children would be stateless, unless they happen to be born in another country in which a child is entitled to citizenship by virtue of having been born in that country.

A further aspect of the religious registration system that commonly impacts those who choose to leave Islam relates to education provision. Within the public education system of many MENA countries, religious education is provided according to religious registration: Muslim students attend Islamic instruction classes and Christian students attend Christian instruction classes. Those who have chosen to leave Islam, or whose parents have chosen to leave Islam and whose preference is for their children to attend Christian instruction classes, have no right to do so – they are obliged to attend Islamic instruction classes because their religious registration is irrevocably ‘Muslim’.

Societal pressure against converts from Islam

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, 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. Christian converts routinely face ostracism from family and community, and in extreme cases could become victims of physical abuse or even murder.

¹³ US Department of State, November 2010. <https://www.state.gov/documents/organization/171737.pdf>

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.¹⁴ While such ‘honour killings’ remain rare, apostates are very commonly ostracised by families and communities, receiving little if any state protection.

A further illustration of the strength of societal pressure against converts to Christianity in Jordan was demonstrated in the case of Rana Riad Muhammad Siwahra who was murdered by her father in August 2008. Her family disapproved of the fact that her husband was a convert, a fact that the family considered shameful and which led the father to claim the motive of protecting his family’s honour. Reports in the Jordanian press stated that the ‘honour killing’ of Rana Siwahra took place following an argument over the daughter’s return to her husband.¹⁵ However, her husband, Sultan Muhammad Siwahra, having fled from Jordan, gave a detailed interview in which he made clear that the murder had been motivated by her family’s desire to cleanse the family honour from the taint of apostasy.¹⁶

As suggested above, family and societal disapproval may be reinforced by the State’s hostility to Christian converts. Recognition of State hostility prompts communities towards increased hostility, motivated by a sense of loyalty or fear (or both) – and sometimes encouraged by a degree of impunity given by the state to those who take extra-judicial action against an apostate.

Even non-violent reactions of family and community can have a profound impact on those who leave Islam. Because of the importance of family within traditional Middle Eastern society, being ostracised by family can mean not just public humiliation but also a cutting off from financial support networks upon which many rely.

In a paper presented to the Fourth Nordic Conference on Middle Eastern Studies in Oslo, Anh Nga Longva commented on an apostasy case in Kuwait, noting that the outcry within the Muslim community against the apostate was widespread and not restricted to more radical elements of that community:

What struck me most was the unanimity of the condemnations. Everywhere in the Middle East these days opinions differ widely on the relationship between religion, public life and politics – with 'liberals' and 'islamists' being the two contending categories at each extreme of the continuum. Kuwait is no exception. On this particular occasion, however, I found a surprisingly strong consensus across the liberal/islamist divide. Practically

¹⁴ “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>

¹⁵ Jordan Times (Rana Hussein), *Man charged with premeditated murder of his daughter*, Amman, 31 August 2008

¹⁶ Interview conducted on Su’al Jar’i (Daring Question) show on the satellite broadcaster Qanat al-Hayat (Life Channel). Video clip no longer available on-line, but a summary is available on the JihadWatch website: <http://www.jihadwatch.org/2008/09/jordan-father-repeatedly-stabs-daughter-crushes-her-head-with-rock.html>

everyone agreed that Qambar's conversion was a serious crime and as is the case with all crimes, it had to be punished. They also agreed that depriving him of all his civil rights was an adequate punishment. The only topic which gave rise to some disagreement and a subdued sense of unease within some circles was the question of the death penalty.¹⁷

In addition to physical violence and other more common forms of ostracism, many who have chosen to convert from Islam to Christianity report pressures in employment. They often find it difficult to retain employment positions because of employers' suspicion or disapproval once they become aware of the decision to change faith.

THE RIGHT TO MANIFEST ONE'S RELIGIOUS BELIEFS

Acknowledging freedoms

Many within indigenous and expatriate Christian communities enjoy a significant degree of freedom to manifest their beliefs in worship, observance, practice and teaching – although the extent of these freedoms 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.

Legal recognition

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.

Most commonly, these challenges are faced by small (and typically relatively new) Christian denominations in the region. For example, Jordan recognises various Christian traditions and denominations including 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

¹⁷ Anh Nga Longva, University of Bergen, *The Apostasy Law in the Age of Universal Human Rights and Citizenship*, Oslo, August 1998, <http://www.smi.uib.no/pao/longva.html>

same privileges as other denominations; some other Protestant churches have recognition only as Societies. Long-standing applications by these groups for equivalent recognition and status as other religious traditions or denominations – including the right to establish an Ecclesiastical Court to administer personal status laws – remain unanswered.

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 to church buildings regulation. This includes the process for obtaining permission for new church buildings, permission to extend existing church buildings, permission to effect repairs to existing churches and issues around the use of rented property or private homes for the holding of religious services.

For example, over recent decades 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 to the local administrative office provided no objection is received – but significant obstacles remained, particularly for new buildings, including unreasonable conditions relating to distance from mosques and between church buildings must be observed. In August 2016, further changes were made with the enactment of new legislation governing church buildings, formalising the devolution of powers from the president to provincial governors, but still requiring the size of a church to be “commensurate with” the number of Christians in the area. While welcomed by many church leaders as a positive step, in practice churches find that regional or local decision-making is arbitrary and unpredictable, making implementation of church building or repairs difficult. Crucially, the regulations governing church buildings remain far more restrictive than those governing mosques – despite long-standing calls for unified legislation applicable to all places of worship, the regulations remain fundamentally discriminatory.¹⁸

Restrictions also apply among expatriate/migrant Christian communities. In Saudi Arabia, no forms of open non-Islamic worship are permitted.¹⁹ In Kuwait, the Roman Catholic and Greek Melkite

¹⁸ See, for example, the assessment of Human Rights Watch: <https://www.hrw.org/news/2016/09/15/egypt-new-church-law-discriminates-against-christians>

¹⁹ In 2015 the Grand Mufti of Saudi Arabia urged that this prohibition on churches be applied throughout the Arabian Peninsula, calling for the destruction of existing churches: <http://www.catholicherald.co.uk/commentandblogs/2015/03/19/how-can-the-west-keep-up-good-relations-with-saudi-arabia-when-its-chief-religious-leader-wants-churches-destroyed/>

churches are among several to have requests to expand or to build new churches turned down in recent years.²⁰

Subsidies and entitlements

Throughout the MENA region, state-approved mosques and other Islamic establishments typically benefit from a greater range of subsidies and entitlements than other religious places of worship, including churches.

In a few cases, churches receive some benefits. For example, in principle, churches in government-controlled areas of Syria have their utility bills covered by the state (though in practice the ongoing conflict has reduced the state's ability to implement a wide range of subsidies). However, church leaders in Syria reported that, prior to the conflict when subsidies were provided, there was much discrimination within the subsidy system. It was the norm for mosques to benefit from a wider range of state subsidies (for example through payment of clerics, or through advantageous tax arrangements) and for churches rarely to be eligible for such additional benefits.

Display of symbols

One aspect of the right to observe one's religion is the right to display religious symbols. Within the MENA region, although many indigenous Christians are proud to wear symbolic jewellery or tattoos, restrictions in the display of symbols apply. For example, the Emir of Qatar granted the lease of a compound of land and permission for the building of churches in 2005. The compound now houses six churches that host thousands of worshippers each week – but in keeping with instructions from the Government, these buildings' exteriors bear no crosses. Nor do they incorporate bells, steeples or any other overtly Christian architecture.²¹

Religious personnel

A key community aspect of religious freedom is the ability to select, appoint and train religious leaders. Restrictions in these areas present a challenge for many Christian communities in the MENA region. In Turkey, the government insists that membership of the Eastern (Greek) Orthodox church's Holy Synod must be restricted to Turkish nationals. Although it has granted Turkish nationality to some nominees in recent years, there are continuing restrictions in the provision of theological training for clergy, following nationalisation of all private institutes of higher education in the early 1970s. The Greek Orthodox community continues to campaign for the re-opening of its Seminary on

²⁰ See, for example:

<http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/162259/refTab/73/t/Municipal-Council-again-turns-down-church-building-request/Default.aspx>

²¹ See, for example: <http://www.aljazeera.com/news/middleeast/2008/03/2008525173738882540.html>

the island of Halki, the continued closure of which is seen as a major constraint on the continued operation of the church in Turkey.²²

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.²³

Education

Although legal provision is made in several countries for Christian religious instruction in state schools for Christian children, 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.

Significantly, Jordan took action in September 2016 to address this issue by announcing changes to some parts of the school curriculum, as part of a broader counter-extremism programme. This move by Jordan, which provoked a backlash from conservative elements in Jordanian society, was widely praised by Christians in Jordan and the wider region, who hope it could provide a model for other states to follow.²⁴

Personal status law

As noted above, restrictions in the area of personal status law apply, affecting indigenous Christians as well as those who have converted from Islam. 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 Christian man/Muslim woman marriages are not permitted, an individual's registered confession can be changed, and civil marriages conducted outside Lebanon are recognised). In several countries, non-Muslim citizens are subject to Islamic legal provisions regarding inheritance if there are no codified guidelines within their own religious tradition.

In several countries, expatriate Christian communities face restrictions in burial rites. For example, a long-standing challenge facing the Ethiopian Orthodox community in Yemen is the inability to follow Christian burial rites – members of this community must either follow Islamic rites or repatriate their deceased for burial in Ethiopia, at very considerable expense. In Bahrain, the limited provision for

²² For example, see appeal by the US Commission on International Religious Freedom: <http://www.uscirf.gov/news-room/press-releases/turkey-reopen-halki-seminary>

²³ See, for example: <http://www.christianpost.com/news/farsi-speaking-iranian-christians-banned-from-attending-church-111986/>

²⁴ See, for example: <http://www.al-monitor.com/pulse/originals/2016/09/jordan-reform-school-curricula-extremism.html>

Christian burials has been exhausted in recent years, and requests for additional land for burial grounds remain pending.²⁵

Islamic observance

Within many MENA countries, Christians come under significant pressure from the authorities (as well as societal pressure) to conform to Islamic practices. For example, observance of the Ramadan fast is often expected to be respected by all (at least in public places), including non-Muslims. Although many Christians are content to comply with these restrictions out of respect for their Muslim compatriots, tensions between non-Muslims and the authorities are sometimes sparked. In Algeria in October 2010, two Christian men were charged with ‘offending public morals’ for not observing the Ramadan fast – and although acquitted by court,²⁶ tensions have resurfaced in subsequent years on this issue.

Blasphemy laws

We noted above that ‘apostasy’ is quite a narrow category within Islamic law, usually applying to those who have by their own confession, or in the perception of others, left Islam. A much more loosely defined category, but a crime that also often carries severe sanctions, is ‘blasphemy’. Because laws relating to blasphemy are loosely defined, accusations can be made on the basis of any statement or writing or action that is considered insulting to Islam in some way. Those who have left Islam can be particularly susceptible to accusations of blasphemy – but such accusations can also be made against Christians.

For example, on 31st July 2016 an Algerian Christian, Slimane Bouhafs, was arrested for posting messages on social media that were considered offensive to Islam. Algeria's penal code provides for a penalty of three to five years in prison, along with a heavy fine, against anyone convicted of insulting Islam and Muhammad, its prophet. He was convicted of this offense and sentenced to a heavy fine and five years’ imprisonment (on appeal reduced to three years, and the fine was dropped).²⁷

In Iran, expressions of unsanctioned religious views and expressions of political dissent are held to be acts of blasphemy. Those arrested for blasphemy are generally charged with *mofsed-e-filarz* (“spreading corruption on earth”), a broadly defined crime capable of encompassing anything deemed undesirable by the state. There is no set penalty for such a wide-ranging crime, and punishments can range from a few months in jail to execution, with any prison sentence often supplemented by torture. In addition to suppressing political dissent and calls for reform within the established tradition of Shi’a Islam, blasphemy charges are also used to persecute religious minorities, including Bahá’ís,

²⁵ For example, see: <http://www.anglicannews.org/news/2014/03/christians-face-grave-dilemma-in-bahrain.aspx>

²⁶ For example, see: <http://blogs.reuters.com/faithworld/2010/10/05/algerian-court-clears-christians-of-charge-of-flouting-ramadan-by-eating-during-day/>

²⁷ World Watch Monitor: *Protests in Algeria for release of sick Christian*:
<https://www.worldwatchmonitor.org/2016/11/update-protests-in-algeria-for-release-of-sick-christian/>

Sunnis, Sufis, and Christians (especially converts from Islam). Article 262 of the Islamic Penal Code states insulting the Prophet carries a punishment of death, however, article 264 of the Penal Code says that if a suspect claims to have said the insulting words in anger, in quoting someone, or by mistake, his death sentence will be converted to 74 lashes.²⁸

Anti-proselytism laws

Closely related to blasphemy laws are the provisions in many countries that proscribe proselytism or dissemination of non-Islamic religious views. Again, such provisions are typically problematic because of vague wording and wide scope for interpretation.

For example, Article 220 of Morocco's penal code stipulates that “anyone who employs incitements to shake the faith of a Muslim or to convert him to another religion” incurs a sentence of 3 to 6 months’ imprisonment and a fine of 115 to 575 MAD. Although there is lack of clarity about the interpretation of this provision (in particular, the meaning of the phrase “shake the faith of a Muslim”), the Moroccan government has used this provision to expel expatriate Christians,²⁹ and the King has warned citizens to be wary of attempts to proselytise, including through the internet.³⁰

Appointments, employment

We noted above that many MENA countries are officially declared as Islamic nations or state in their constitutions that Islam is the official state religion. Even more common are constitutional provisions that Shari’a law is a source (or *the* source) of legislation. One practical implication of such provisions for non-Muslim citizens is that there can be limited scope for attaining high public appointments. In the case of Syria, the constitution specifies that “The religion of the President is Islam” (article 3).

Within the private sector, Christians (and other non-Muslims) can face routine religious-based discrimination. In 2012, a Jordanian Christian employee was sacked by her employer, a Gulf-based bank, because she refused to adhere to Islamic dress-code imposed by the bank.³¹

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²⁸ See <http://www.independent.co.uk/news/world/middle-east/iranian-blogger-found-guilty-of-insulting-prophet-mohammad-on-facebook-sentenced-to-death-9741572.html>

²⁹ See, for example: <http://news.bbc.co.uk/1/hi/world/africa/8563111.stm>

³⁰ See, for example: <https://www.morocoworldnews.com/2015/08/164669/moroccan-king-warns-against-proselytism/>

³¹ See: <http://www.thenational.ae/news/world/middle-east/christian-sues-muslim-bank-over-dress-code-sacking>