

Baseline Impact Assessment of FORB situation in the Middle East and North Africa

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Introduction

The Middle East and North Africa (MENA) region includes the following 17 countries Algeria, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen. According to Pew Research Center's latest annual report on religious restrictions around the world, government harassment involving religion has risen by 72% in the MENA region from 2007 to 2019.ⁱ The report also shows that, "...MENA has high levels of [government restrictions on religion], but the gap in government favoritism is particularly large: The average country in the MENA region scores nearly twice as high on measures of government favoritism as the average country in any other region."ⁱⁱ Freedom House's ratings of MENA countries in 2022 lists 16 of 17 countries as "not free" or "partly free" on indicators of freely practicing or expressing one's religion or belief.ⁱⁱⁱ

All MENA countries except for Israel, Lebanon and Tunisia have a constitutional declaration of Islam as the state religion. The state interpretation of Islam varies from country to country, some being rooted in Sunniism and some in Shiism, but the common factor for all is that Muslims are the majority group, and those who do not identify themselves as Muslim are subject to everything from social discrimination to the death penalty if they choose to be open about their other religion or belief identity. This, in addition to the statistics above, depicts a dire situation for the overall protection of freedom of religion or belief, as well as for rights of minorities, in the MENA region.

For men from religious minorities in the MENA region, the most pressing issues range from economic discrimination like losing possibilities of income or networking to being ostracized or imprisoned, as primary violators are the State or other actors in society/in public. For women from religious minorities in the MENA countries, the most pressing issues range from gender discrimination in personal status laws to house arrest, forced marriage and sexual violence, as both the State and the family can be primary violators.^{iv}

Legal restrictions on FORB

The right to have a religion

Although all MENA countries except for Iran, Saudi Arabia and Yemen have a constitutional guarantee for freedom of religion or belief (FoRB), the respect for FoRB is unfortunately not a reality in practice. This is mainly because parallel to guaranteeing FoRB, 14 out of 17 MENA countries also constitutionally declares Islam as the state religion. The three remaining countries outside of this group, being Israel, Lebanon, and Tunisia, does not have an official state religion but they have other laws that in varying degrees favors one or two specific religions over all others. In several countries, there are also very strict rules around Islam and Sharia being the only sources of legislation, and any deviation or challenging of this is not permitted. Such is the case in like Saudi Arabia, UAE, Qatar and

Yemen.^v So with the duality of constitutionally guaranteeing FoRB whilst also favoring Islam in many countries, the respect for FoRB quickly diminishes. Instead of a full freedom to choose one's belief, the practice is rather that any sort of hesitation or critique of Islam becomes a criminal offense and can in some cases even be punishable by death.

Across the MENA countries, there are different spectrums of acceptance for other religions or beliefs. Most countries have some degree of acceptance for the Abrahamic religions, but outside of Christianity and Judaism, in addition to Islam of course, quite few religion or belief groups are recognized. This is problematic because most MENA countries are rich in diversity and history of many other religious or belief groups than the three Abrahamic religions. Some of the most persecuted groups in the MENA region are the Ahmadiyya's, Baha'is, and non-believers like atheists/humanists.

It is also important to note, however, that although most MENA countries constitutionally favors Islam, most of them also operate with a specific hierarchy of branches and interpretations within Islam. For example, in countries like Egypt, Kuwait, or Yemen, it can be worse to be the 'wrong kind of Muslim' than for example to identify as a Christian or a Jew.^{vi} Some Muslim minority groups, like the Ahmadiyya's, are flat out illegal in most MENA countries.

The Bahai' community suffer widespread discrimination and persecution in countries like Tunisia, Jordan, Yemen, and Iran.^{vii} In 2020, around 40 Bahai's in Iran were imprisoned simply for admitting they identified as Baha'i.^{viii} Similarly, to be a non-believer is a criminal offense in most MENA countries. In 2020, an Atheist activist managing a Facebook group called "The Egyptian Atheists" was sentenced to three years of prison and a fine of almost \$20,000 USD simply for managing the Facebook group.^{ix}

The right to change one's religion

With widespread government favoritism of a particular religion in the MENA region, possibility to freely change one's religion is very restricted. One of the only conditions under which changing one's religion or belief is not considered criminal is converting *to* the state-favored religion. Proselytizing to Muslims by non-Muslims is a punishable crime. In Iran, this will be cause for use of the death penalty, and the law also prohibits Muslim citizens from changing or renouncing their religious beliefs on their own initiative.^x Also, in Saudi Arabia conversion from Islam can be punished by death, and women in particular also fear loss of parental rights or being subjected to physical abuse by family and/or community as a result of converting from Islam.^{xi}

In total, six MENA countries (Iran, Kuwait, Libya, Qatar, Saudi Arabia, and Yemen) have apostasy laws.^{xii} In countries where conversion is not criminally punishable, the social pressure around conversion is still strong, and government practices can also discriminate against apostates even though they are not prosecuted. In Jordan, conversion from Islam is not criminalized, but converts are still legally considered Muslims by the State and therefore subject to sharia courts for all legal disputes for the rest of their lives.^{xiii} In Israel, the government does not allow Jewish men with priestly patrilineage to marry converts.^{xiv} In Syria, most converts reported such strong social pressure in 2020 that they were forced to relocate within the country or emigrate in order to practice their new religion openly.^{xv} In Kuwait, leaders of non-Muslim religious communities said they did not convert Muslims in the country to avoid serious harassment and social pressures.^{xvi}

The right to manifest religion

Because of the strong government favoritism of Islam, non-Muslim communities in the MENA region experience restrictions around their right to manifest their religion or belief. In most countries, legal

registration for religious minorities is restricted and not straight-forward, and without this, any activity related to the group will automatically be deemed illegal. Even those who manage to register, almost always face restrictions related to their activities. In Tunisia for example, Christians are not allowed to establish Arabic-language churches or cemeteries. And those who try to distribute flyers with information about Christianity are also subject to arrest. Several historical factors also contribute to a persistent societal perception of religious minorities in Tunisia as foreigners, or at least not fully Tunisian.^{xvii}

In some MENA countries, there was also a worsening of restrictions for religious or belief minorities during the Covid-19 pandemic. In Qatar for example, after closing all houses of worship mid-March 2020 as part of its measures to combat spread of the virus, the government allowed reopening of 500 mosques nationwide after three months but didn't allow for re-opening of churches until five months later.^{xviii} A similar case was reported in the UAE, where a phased reopening of all houses of worship began with mosques. In addition, Covid-19 related restrictions in the UAE disproportionately impacted unlicensed religious organizations that normally congregated in cinemas and hotels but could no longer do so because of social distancing regulations.^{xix}

War and conflict add to the difficulty for religious minorities to openly manifest their religion. In Yemen for example, no rabbis remain in the country since the outset of the war, so no religious authority is available to slaughter meat in accordance with kosher practices.^{xx}

Gendered legal restrictions

Reports show that restrictions for women in many cases adds an additional layer to FoRB violations, and often subject women belonging to religious or belief minority to a double discrimination. Women are also more prone to suffer discrimination and restrictions from two levels of perpetrators, both in the public and the private sphere, whilst men are usually subject to only public ones.

In the MENA region, public restrictions for women are very visible in the legal frameworks. Most countries do not only subject women to more religious restrictions than men, but also grants women half the value than that of a man before the law. In Iran, both a woman and a religious minority person is legally worth half the value than that of a Muslim man. So a woman from a religious minority has basically no legal protection in the country.^{xxi}

The added layer of restrictions for women, compared to men, is visible in Algeria, Iraq, Kuwait, UAE, and Yemen; where a Muslim woman is prohibited from marrying a non-Muslim man, whilst a Muslim man can marry a non-Muslim woman.^{xxii} The only exception to this example is Libya, where marriages between Muslim men and non-Muslim women are illegal, not the other way around, and while a non-Muslim woman who marries a Muslim man is not required to convert to Islam, a non-Muslim man who marries a Muslim woman must convert to Islam first.^{xxiii}

In multiple MENA countries, women are also legally subjected to a religious dress code, whilst men are often not. In Oman, government representatives announced that women should wear a hijab and only expose their palms and faces in public. It has also been by the Omani government that women's cosmetics lack divine sanction.^{xxiv} In Iran, there is specific police force whose task it is to control women's use of the head veil, and those who protest this will be imprisoned. In 2020, a women's rights activist got her appeal rejected by the Supreme Court for a prison sentence for protesting the compulsory head veil.^{xxv}

Women are also subjected to discrimination under personal status laws. Laws in Syria and Tunisia grant Muslim women up to half of the inheritance share of male heirs. The laws also forbid children to inherit from their non-Muslim mothers.^{xxvi} In UAE, laws subject divorced women to lose custody of

her children to their father once they become teenagers.^{xxvii} In Qatar, the UN reported in 2019 that 26 expatriate women were subject to arbitrary detentions for adultery (often extramarital sex).^{xxviii} In Lebanon, there is not a civil code for regulating personal status matters. Instead, there are 15 separate personal status laws for the country's different recognized religious communities, which are administered by separate religious courts. This means that religious groups are treated differently when it comes to key aspects of their lives, including marriage, divorce, and custody of children. And based on reports, there is also a clear pattern of women from all sects being treated worse than men when it comes to accessing divorce and primary care for their children.^{xxix}

Harassment and violence against religious minorities

Harassment

Religious or belief minorities across the MENA region are subjected to substantial harassment and discrimination in multiple levels of society. A major challenge in the region is hate speech both online and offline. Most countries have stricter regulations for critical expressions around the government favored religion, than of hate speech towards religious or belief minorities. In Jordan, religious leaders frequently report online hate speech through social media towards religious minorities and moderates. And female converts from Islam are particularly vulnerable to harassment.^{xxx}

In Morocco, converts to minority religious groups said fear of harassment, including ostracism by families, social ridicule, and potential violence were the main reasons they decided to practice their faith discreetly. Moroccan Christians reported to sometimes refrain from attending services for fear of social harassment, and rather attend meetings in secret house churches.^{xxxi} Also in Saudi Arabia, religious practices at variance with the government-promoted form of Sunni Islam remain vulnerable to detention, harassment, and for noncitizens, deportation.^{xxxii} In Yemen, the Houthi majority impose their religious customs on other ethnic and religious groups, including banning all music and the mixing of genders in public places.^{xxxiii}

Unfortunately, in some countries, existing tensions between groups were fueled during the Covid-19 pandemic. In Israel, there was a wave of secular Israelis spreading videos online of large gatherings at ultra-Orthodox weddings and funerals to reinforce a stereotype that the ultra-Orthodox disregarded state authority and the public good.^{xxxiv} Also in Jordan, there was an increase of hate speech on social media towards interfaith couples during the pandemic.^{xxxv}

Discrimination

Unrecognized religious or belief groups in MENA countries face continuous problems on personal levels, such as registering their marriages, the religious or belief affiliation of their children, and renewing residency permits.^{xxxvi} In Lebanon, members of unregistered groups, such as Baha'is and unrecognized Protestant faiths, continued to list themselves as belonging to recognized groups to ensure their marriage and other personal status documents remain legally valid.^{xxxvii}

In Jordan, children of some interfaith marriages are deemed "illegitimate" by the government, making it difficult for them to attend school, access health services, or receive other official documentations.^{xxxviii} In Iran and Yemen, all members of the Baha'i community are barred from accessing institutions of higher education.^{xxxix} Not only are there discriminatory practices in educational institutions in place for people "from the wrong religious or belief group", but also the public educational material can try to restrict information about religious minorities. In Kuwait, the Ministry of Education continues to ban or censor any materials referring to the Holocaust or Israel.^{xl}

Furthermore, Christian men from all MENA countries but one (Lebanon) named economic harassment via business/job/work access and denied access to social community/networks as one of the top pressing issues for them.^{xli}

Violence

Unfortunately, some religious minorities in the MENA region are continuously subjected to the worst imaginable crimes and violence. In Syria, the war has exposed Yezidis to an ongoing large-scale religious persecution ever since ISIS launched the 2014 Genocide towards them. Despite ISIS' territorial defeat, NGO and media reports show its extremist ideology and hate crimes against the Yezidis still remain with strong presence in the country. UN-reports from 2020 also found grounds to believe that some Turkish-supported Syrian armed opposition groups committed abuses amounting to war crimes, including torture, rape, hostage-taking, looting, appropriating of private property, and vandalizing of Yezidi religious sites in areas under their control. Multiple firsthand accounts were collected of torture, killings, arbitrary arrests, kidnappings of civilians in areas with religious minorities like Kurds or Yezidis, in addition to desecration and looting of minority religious and cultural sites. In 2020, Christians in Syria also reported continued discrimination and violence at the hands of extremist groups.^{xlii}

Gendered harassment, discrimination, and violence

Harassment against women in the MENA region is often related to restrictions around religious attire. For example, in Iraq (except for Kurdistan), there is widespread harassment on women choosing not to wear the hijab.^{xliii} Similarly, in Yemen, women are socially required to wearing full-length veils.^{xliiv} But in addition to harassment for *not* wearing something, women in the region are also subject to the same problematic discrimination *for* wearing something. In Tunisia, women are subject to police harassment for wearing niqabs. And in 2020, a neighbor called a Tunisian woman an infidel and physically assaulted her for wearing a Christian cross.^{xliiv}

Yemen is particularly a strong patriarchal society where women enjoy few rights and are expected to obey male family members in all matters. Access to information about other religions or their rights is restricted by male relatives, and female converts are often subject to sexual abuse by security officers in addition to house arrest, forced marriage and psychological abuse by family.^{xlivi} The patriarchal culture is also reflected in the legal system in Qatar, as it is allowed with "wife-beatings" if a man suspects his wife might be disobedient.^{xlvii}

In 13 out of the 17 MENA countries (Algeria, Egypt, Iran, Iraq, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, UAE and Yemen), Christian communities reported that one of the top three most common violations against women from religious minority groups was sexual violence and sexual abuse. On the contrary, for men it was economic harassment via business/job/work access.^{xlviii} This is a clear example of the extra layer of severity when it comes to gendered persecution and human rights violations against women of religious minorities in the MENA region.

Even in countries where women enjoy more rights, there are several restrictions. In Israel, a law mandating women's equality contains language that explicitly exempts matters of marriage, divorce, and appointments to religious positions. Women's rights organizations, including the Israel Women's Action Network, expressed concern about gender segregation in publicly funded or sponsored events and in academia, to accommodate ultra-Orthodox and some Orthodox Jews.^{xlix}

Conclusion

Despite continuous reports of discrimination and horrific accounts of violence for religious minorities in the MENA region, there has also been a couple of signs for positive change in select countries. Christian and Jewish representatives in Morocco stated a positive change in societal tolerance after the 2019 visit of Pope Francis to the country, and statements by the King in relation to the visit.ⁱ In dialogue with local project partners in Iraq, similar positive attitudinal trends were reported on after the visit of Pope Francis there in 2021.ⁱⁱ

The Abu Dhabi government in the UAE officially recognized several non-Islamic houses of worship in 2019, and in 2020, the country's first kosher restaurant was opened and the first Jewish wedding in UAE was held in Dubai.ⁱⁱⁱ But whether these stories will be building blocks for long-term change or isolated events with a rapid return to status quo remains to be seen.

There is unfortunately little reason to believe that the restrictions will improve within the project period, as this timeline is only three years. The listed FoRB restrictions in the MENA countries cover such multifaceted levels of society, depicting deep rooted challenges to overcome for seeing a full respect for FoRB, so the process for improving the FoRB situation in the MENA region will probably take generations rather than a few years. However, with the aforementioned examples from Morocco and the UAE, there might be some indication that the next generation is ready for watering seeds of peaceful coexistence and respect for diversity and human rights.

ⁱ <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world/> (Accessed March 2022)

ⁱⁱ Ibid

ⁱⁱⁱ <https://freedomhouse.org/countries/freedom-world/scores> (Accessed March 2022)

^{iv} <https://opendoorsanalytical.org/wp-content/uploads/2022/03/The-Gender-Report-2022-DIGITAL-PDF.pdf> (Accessed March 2022)

^v <https://www.state.gov/reports/2020-report-on-international-religious-freedom/saudi-arabia/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/united-arab-emirates/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/qatar/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)

^{vi} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/egypt/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/kuwait/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)

^{vii} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/jordan/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/tunisia/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)

^{viii} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/> (Accessed April 2022)

^{ix} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/egypt/> (Accessed April 2022)

^x <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/> (Accessed April 2022)

^{xi} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/saudi-arabia/> (Accessed April 2022)

^{xii} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/kuwait/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/libya/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/qatar/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/saudi-arabia/>

<https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)

^{xiii} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/jordan/> (Accessed April 2022)

^{xiv} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/israel-west-bank-and-gaza/> (Accessed April 2022)

^{xv} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/syria/> (Accessed April 2022)

^{xvi} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/kuwait/> (Accessed April 2022)

^{xvii} <https://www.state.gov/reports/2020-report-on-international-religious-freedom/tunisia/> (Accessed April 2022)

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- xviii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/qatar/> (Accessed April 2022)
- xix <https://www.state.gov/reports/2020-report-on-international-religious-freedom/united-arab-emirates/> (Accessed April 2022)
- xx <https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)
- xxi <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/> (Accessed April 2022)
- <https://opendoorsanalytical.org/wp-content/uploads/2022/03/WWL-2022-Compilation-of-Pressure-Points-and-Gender-Profiles-for-76-countries.pdf> (Accessed March 2022)
- xxii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/algeria/>
<https://www.state.gov/reports/2020-report-on-international-religious-freedom/iraq/>
<https://www.state.gov/reports/2020-report-on-international-religious-freedom/kuwait/>
<https://www.state.gov/reports/2020-report-on-international-religious-freedom/united-arab-emirates/>
<https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)
- xxiii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/libya/> (Accessed April 2022)
- xxiv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/oman/> (Accessed April 2022)
- xxv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/> (Accessed April 2022)
- xxvi <https://www.state.gov/reports/2020-report-on-international-religious-freedom/tunisia/>
<https://www.state.gov/reports/2020-report-on-international-religious-freedom/syria/> (Accessed April 2022)
- xxvii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/united-arab-emirates/> (Accessed April 2022)
- xxviii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/qatar/> (Accessed April 2022)
- xxix <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws#:~:text=Across%20all%20confessions%2C%20Human%20Rights%20Watch%20found%20that,women%20only%20have%20a%20conditional%20right%20to%20divorce.%20> (Accessed April 2022)
- xxx <https://www.state.gov/reports/2020-report-on-international-religious-freedom/jordan/> (Accessed April 2022)
- xxxi <https://www.state.gov/reports/2020-report-on-international-religious-freedom/morocco/> (Accessed April 2022)
- xxxii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/saudi-arabia/> (Accessed April 2022)
- xxxiii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)
- xxxiv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/israel-west-bank-and-gaza/> (Accessed April 2022)
- xxxv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/jordan/> (Accessed April 2022)
- xxxvi Ibid
- xxxvii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/lebanon/> (Accessed April 2022)
- xxxviii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/jordan/> (Accessed April 2022)
- xxxix <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iran/>
<https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)
- xl <https://www.state.gov/reports/2020-report-on-international-religious-freedom/kuwait/> (Accessed April 2022)
- xli <https://opendoorsanalytical.org/wp-content/uploads/2022/03/WWL-2022-Compilation-of-Pressure-Points-and-Gender-Profiles-for-76-countries.pdf> (Accessed March 2022)
- xlii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/syria/> (Accessed April 2022)
- xliiii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/iraq/> (Accessed April 2022)
- xliv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)
- xlv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/tunisia/> (Accessed April 2022)
- xlvi <https://www.state.gov/reports/2020-report-on-international-religious-freedom/yemen/> (Accessed April 2022)
- xlvii <https://www.state.gov/reports/2020-report-on-international-religious-freedom/qatar/> (Accessed April 2022)
- xlviii <https://opendoorsanalytical.org/wp-content/uploads/2022/03/WWL-2022-Compilation-of-Pressure-Points-and-Gender-Profiles-for-76-countries.pdf> (Accessed March 2022)
- xliv <https://www.state.gov/reports/2020-report-on-international-religious-freedom/israel-west-bank-and-gaza/> (Accessed April 2022)
- ⁱ <https://www.state.gov/reports/2020-report-on-international-religious-freedom/morocco/> (Accessed April 2022)
- ⁱⁱ Conversations with local project partners during visit to Iraq, February 2022
- ⁱⁱⁱ <https://www.state.gov/reports/2020-report-on-international-religious-freedom/united-arab-emirates/> (Accessed April 2022)