

THE TANDEM PROJECT

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UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

BAHRAIN

FREEDOM OF RELIGION OR BELIEF AND OTHER REPORTS IN THE UNIVERSAL PERIODIC REVIEW

First Session U.N. Human Rights Council Universal Periodic Review (7-18 April, 2008)

A. Description of the methodology and the broad consultation process for the preparation of information provided under the Universal Periodic Review:

The Tandem Project, a *UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations*, submits information for the Universal Periodic Review on issues related to Article 18 of the International Covenant on Civil and Political Rights, and the 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief.

The U.S. State Department 2007 Religious Freedom Report is the source of this information. There are excerpts to comply with the five page limit for NGO Submissions under General Guidelines for the Universal Periodic Review and a link to the complete report.*

The Universal Periodic Review is a process beginning with presentation of a National Report by a UN Member State and inter-active dialogue with the UN Human Rights Council. A troika of Human Rights Council Members then drafts a Working Group Report on the outcome of the Universal Periodic Review. There is a link to the UN Working Group Report. Other Reports are linked to an archived audio/visual UN web cast of the Member State presentation of the National Report and inter-active dialogue with the Human Rights Council.

B. Background of the country under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the “basis of review” in resolution 5/1, annex: section 1.A.

1. The Right to Freedom of Religion or Belief

Religious Demography:

The country has an area of 231 square miles and a population of 725,000. The citizen population is 99 percent Muslim; Jews and Christians constitute the remaining 1 percent. Muslims belong to the Shi'a and Sunni branches of Islam, with Shi'a constituting an estimated 70 percent of the Muslim population.

Foreigners, mostly from South Asia and other Arab countries, constitute an estimated 38 percent of the population. Approximately half of resident foreigners are non-Muslim, including Christians (primarily Catholic, Protestant, Syrian Orthodox, and Mar Thoma from South India), Hindus, Bahá'ís, Buddhists, and Sikhs.

Legal/Policy Framework:

The Constitution states that Islam is the official religion of the country and also provides for freedom of religion; however, there were limits on this right. The Government allows religion-based, political nongovernmental organizations to register as political "societies," which operate somewhat like parties with the legal authority to conduct political activities. Parliamentary and municipal elections were held in 2006 and all political societies participated, including the largest Shi'a political society, which had boycotted the last parliamentary elections in 2002. Of eligible voters, 73 percent participated in the elections.

Every religious group must obtain a license from the Ministry of Justice and Islamic Affairs (MOJIA) to operate. In December 2006 the Ministry of Justice and Ministry of Islamic Affairs merged to form the Ministry of Justice and Islamic Affairs. Depending on circumstances, for example, the opening of a religious school, a religious group may also need approval from the Ministry of Social Development, the Ministry of Information, and/or the Ministry of Education. Christian congregations that are registered with the Ministry of Social Development operated freely and were allowed to offer their facilities to other Christian congregations that did not have their places of worship.

The Government prohibits anti-Islamic writings.

Four Sikh temples and several Hindu temples are allowed to function freely. The country's only synagogue has not been operational for nearly 60 years.

Holding a religious meeting without a permit is illegal; however, there were no reports of religious groups being denied a permit to gather. Unregistered Christian congregations exist, and there were no reports of the Government attempting to force unregistered congregations to register.

The High Council for Islamic Affairs is charged with the review and approval of all clerical appointments within both the Sunni and Shi'a communities and maintains program oversight for all citizens studying religion abroad.

Historically there is evidence of discrimination against Shi'a Muslims in recruitment for the country's military and domestic security services. During the reporting period, the Ministry of Defense did not recruit Shi'a for military service. The Ministry of Interior made increasing efforts to recruit additional Shi'a into nonmilitary security agencies during the reporting period.

On April 19, 2007, officials in the Ministry of Education announced that the Ministry, in conjunction with the MOJIA, was developing a new religious education curriculum to be taught in all public schools, beginning the next academic year. According to the Undersecretary of Islamic Affairs, the new curriculum will focus on practices in Islam and jurisprudence and will contain content against radicalism and extremism. The Undersecretary for Islamic Affairs reportedly stressed to the Ministry of Education that the new curriculum should be inclusive of the convictions of all branches of Islam.

Islamic studies are a part of the curriculum in government schools and mandatory for all public school students. The decades-old curriculum is based on the Maliki school of Sunni theology. Proposals to include the Ja'afari traditions of Shi'a Islam in the curriculum have been rejected.

The civil and criminal legal systems consist of a complex mix of courts based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations. The number of Shi'a Shari'a judges was slightly higher than the number of their Sunni counterparts. Although the Constitution provides for women's political rights, Shari'a governs personal status.

Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the courts in which various contracts originate, including marriage. While both Shi'a and Sunni women have the right to initiate a divorce, religious courts may refuse the request. Women of either branch of Islam may own and inherit property and may represent themselves in all public and legal matters. In the absence of a direct male heir, a Shi'a woman may inherit all property. In contrast, in the absence of a direct male heir, a Sunni woman inherits only a portion as governed by Shari'a; the balance is divided among brothers, uncles, and male cousins of the deceased. A Muslim woman may legally marry a non-Muslim man only if he first converts to Islam. In such marriages, the children automatically are considered Muslim.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of children until an age at which custody reverts to the father based on Ja'afari and Maliki Islamic law, respectively. In all circumstances except mental incapacitation, the father, regardless of custody decisions, retains the right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father.

There are no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. The Government monitors travel to Iran and scrutinizes carefully those who choose to pursue religious study there.

The Government does not designate religion or sect on national identity documents. Upon the birth of a child, parents applying for a birth certificate are asked to provide the child's religion (not sect), but the government-issued birth certificate does not include this information.

The law does not prohibit conversion from one religion to another.

The following holy days are considered national holidays: Eid al-Adha, Eid al-Fitr, the Birth of the Prophet Muhammad, Ashura, and the Islamic New Year. Leaders representing many religious groups visited the country and met with government and civic leaders. These included the Metropolitan of the Mar Thoma Church in India, the highest official in the church.

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the “basis of review” in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms.

1. The Right to Freedom of Religion or Belief

Restrictions on Religious Freedom:

Government policy and practice contribute to the generally free practice of religion; however, the Government places limits on this right and continues to exert a level of control and to monitor

both Sunni and Shi'a Muslims. Members of other religious groups who practice their faith privately do so without interference from the Government and are permitted to maintain their own places of worship and display the symbols of their religion, such as crosses and statues of deities and saints.

The Government funds, monitors, and closely controls all official religious institutions, including Shi'a and Sunni mosques, Shi'a ma'tams (religious community centers), Shi'a and Sunni waqfs (religious endowments), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (Sunni) schools of Islamic jurisprudence. The Government rarely interferes with what it considers legitimate religious observances. The Government permits public religious events, most notably the large annual commemorative marches by Shi'a Muslims during the Islamic months of Ramadan and Muharram, but police closely monitor such events.

Shi'a are underrepresented in the Ministry of Education in both the leadership and in the ranks of head teachers who teach Islamic studies and supervise and mentor other teachers. At the secondary school level, there were two Islamic studies head teachers who were Shi'a, out of more than a dozen. Although there were many Islamic studies teachers who were Shi'a, they were discouraged from introducing content about Shi'a traditions and practices and instructed to follow the curriculum.

Curriculum specialists in the Islamic Studies Department at the Ministry of Education's Curriculum Directorate are all Sunni. The Curriculum Directorate formed a separate committee of Shi'a teachers and clerics, along with members of the Curriculum Directorate, to develop the Islamic studies curriculum for the Ja'afari Institute.

Converts to Islam from other religious groups were not uncommon, especially in cases of marriage between Muslim men and non-Muslim women. These converts were normally welcomed into the Muslim community. On the other hand, converts from Islam to other religious groups were not well tolerated by society. It was reported that families and communities often shunned these individuals and sometimes subjected converts to physical abuse. Some of these converts believed it necessary to leave the country permanently.

In newer towns such as Hamad Town and Isa Town, which often have mixed Sunni and Shi'a populations, there tended to be a disproportionate number of Sunni mosques. In Hamad Town, where the population was estimated to be more than 50 percent Shi'a, there were 24 Sunni mosques and 2 Sunni grand mosques, but only 4 Shi'a mosques and no Shi'a grand mosques. The Ministry of Islamic Affairs has not approved applications for the Shi'a community to establish ma'tams in Hamad Town. As an alternative, individuals in the Shi'a community have converted parts of their homes into ma'tams. Land has been given to establish the Sunni Hamad Town Charity Fund, but no land has been similarly granted to the Shi'a community, which has rented an existing building for the offices of the Shi'a Charity Fund.

The MOJIA has repeatedly denied a Bahá'í congregation a license to function, although the group has not sought official recognition in many years, and it refuses to recognize the congregation; but the Bahá'í community continued to gather and worship freely without government interference. While the MOJIA views Bahá'ísm as an inauthentic offshoot of Islam and blasphemous, some other government ministries included Bahá'í as a religion choice in "drop-down" computer menus for citizens applying for certain government documents.

Bibles and other Christian publications are displayed and sold openly in local bookstores that also sold Islamic and other religious literature. Churches also sold Christian materials, including books, music, and messages from Christian leaders, openly and without restriction. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions were readily available. However, for several years, the Ministry of Information has prohibited the publishing and sale of several books written by Sunni authors who converted to Shi'ism, as part of an ongoing ban on certain books covering sensitive topics. In addition, a government-controlled proxy server prohibited user access to Internet sites considered to be antigovernment or anti-Islamic.

Multiple requests sent to the Ministry of Information in the last several years for the government-run TV station to make live broadcasts of Friday sermons from Shi'a mosques, and not just from Sunni mosques, have not received responses.

Although there were exceptions, the Sunni Muslim minority enjoyed a favored status. Sunnis often received preference for employment in sensitive government positions, in the managerial ranks of the civil service, and in the military. Shi'a citizens did not hold significant posts in the defense and internal security forces, although they were found in the enlisted ranks. In recent years, the Ministry of Interior has made efforts to reform hiring practices and has increased the hiring of Shi'a citizens. In 2004 the Ministry of the Interior established a community police program to place Shi'a men and women on the streets in Shi'a neighborhoods.

In 2005 a Christian church with more than 1,000 members filed an application with the Ministry of Social Development to form a second parish. The diocese assigned a temporary priest to serve members of the second parish; however, he only stayed 4 months, due to visa restrictions. The new parish applied for a three-year resident visa for a permanent priest. By the close of the reporting period, government officials still had not notified church leaders of a final decision on the request to allow a second parish or to grant a resident visa for a permanent priest. Further requests by church officials for information went unanswered.

There were no acts of physical violence or harassment of Jews or vandalism of Jewish community institutions, such as schools, cemeteries, or the one synagogue in the country. Some anti-Semitic political commentary and editorial cartoons appeared, usually linked to the Israeli-Palestinian conflict. Jews practiced their faith privately without interference from the Government.

Societal Abuses/Discrimination:

Regional Sunni-Shi'a tensions impacted intrareligious relationships. In general, the Sunni Muslim minority enjoyed a favored status. In the private sector, Shi'a tended to be employed in lower paid, less skilled jobs. Educational, social, and municipal services in most Shi'a neighborhoods were inferior to those found in Sunni communities.

The Islamic Enlightenment Society (Shi'a) held its annual conference in April 2007, aimed at diffusing tension between Muslim sects. The society invited national Sunni and Shi'a scholars to participate, but no Sunni scholars agreed to take part. Throughout the year the society invited Sunni and Shi'a scholars from outside the country to participate in seminars and to speak about increased Islamic unity and awareness. Some Sunni scholars accepted these invitations; for example, the former head of the Sunni waqf in Jordan visited to speak at a seminar.

D. Identification of achievements: best practices, challenges and constraints.

1. The Right to Freedom of Religion or Belief

Improvements and Positive Developments in Respect for Religious Freedom:

Parliamentary and municipal elections were conducted in November and December 2006. Candidates associated with religion-based political societies won 32 of the 40 seats in the Council of Representatives. During the elections, candidates from religious political groups conducted their campaigns without any interference from the Government.

There was 1 Jewish member and 1 Christian member of the 40-member upper house of Parliament, the Shura Council, whose members were appointed in December 2006 by the King, following elections for the lower house. The Christian member was chosen by her colleagues to be the second deputy speaker for the Shura Council and is also one of the country's four representatives to the Arab Parliament. There was one Christian municipal council candidate in the elections, but he was defeated.

In April 2007 the Bahrain Businesswomen Society initiated a public awareness campaign on family law by sponsoring a panel discussion, the first public event on the topic for several months. The issue was not raised in any significant way during the November/December 2006 elections, despite an awareness campaign by the Supreme Council for Women in the fall of 2005 and seminars by civil society groups, which highlighted the need for a family law. This was followed by public debate and rallies both in favor of and against such a law.

During the reporting period, members of the Awali Community Church visited Christian prison inmates approximately monthly, to provide clothing and Christian literature. Members of other churches also made periodic visits to Christian prison inmates.

* Source: US State Department 2007 International Religious Freedom Report; Bahrain

Direct Link: <http://www.state.gov/g/drl/rls/irf/2007/90208.htm>

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G. Presentation by the State concerned of the follow-up to the previous review.

Direct Link: Report of the Working Group on the Universal Periodic Review Bahrain. This report includes Conclusions and Recommendations.

http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/BH/A_HRC_8_19_Bahrain_E.pdf

Direct Link: U.N. Human Rights Council web cast Archives for all Bahrain Reports Listed Below. Download Real Player (free) for access to the web cast: Scroll down the web cast to find the Bahrain Reports. Click to open the audio/visual and inter-active delegation dialogue.

<http://www.un.org/webcast/unhrc/archive.asp?go=080407>

Reports listed below may be opened by clicking on the link to the OHCHR Archives above:

BAHRAIN

Only contributions submitted in one of the United Nations official languages are admissible and posted on this webpage

Date of consideration: Monday 7 April 2008 - 10.00 a.m. - 1.00 p.m.

National report ¹ : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Compilation of UN information ² : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Summary of stakeholders' information ³ : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)



Outcome of the review :

Report of the Working group : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Corrigendum : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 1 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

Addendum 2 : [A](#) | [C](#) | [E](#) | [F](#) | [R](#) | [S](#)

THE TANDEM PROJECT OBJECTIVES

These Tandem Project Objectives are on Dialogue and Education: (1) Use International Human Rights Standards on Freedom of Religion or Belief as a universal platform for inclusive, in-depth dialogue within and among nations, all religions and other beliefs. (2) Adapt these human rights standards to early childhood education, teaching children, from the very beginning, that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.¹

Multi-cultural perspectives, lack of understanding and opposition to international human rights on freedom of religion or belief make the achievement of these objectives a challenge. Human rights standards on freedom of religion or belief are international law and essential as codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. They are universal, inalienable, interdependent and indivisible with other human rights.

International Human Rights Standards on Freedom of Religion or Belief and the identification of achievements, best practices, challenges and constraints on them, should be part of the follow-up to the Algeria Universal Periodic Review.

STANDARDS: http://www.tandemproject.com/program/81_dec.htm

The Tandem Project: a non-governmental organization founded in 1986 to build understanding, tolerance and respect for diversity, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project, a non-profit NGO, has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall

have the right to freedom of thought, conscience and religion - and 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

The Tandem Project initiative is the result of a co-founder representing the World Federation of United Nations Associations at the United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat in 1984 on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

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Closing the Gap – International Standards for National and Local Applications, considers the question of a Convention on Freedom of Religion or Belief followed by a Response from the Special Rapporteur on Freedom of Religion or Belief and The Tandem Project Concept, an option that reflects the inclusive values of the Universal Declaration of Human Rights through human rights-based *Dialogue and Education*.

Closing the Gap - International Standards for National and Local Applications

Objective: Build understanding and support for Article 18, International Covenant on Civil and Political Rights –Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Encourage the United Nations, Governments, Religions or Beliefs, Academia, NGOs, Media and Civil Society to consider the rule of law and international human rights standards as essential for *long-term solutions* to conflicts based on religion or belief.

Challenge: In 1968 the United Nations deferred work on an International Convention on the Elimination of all Forms of Religious Intolerance, because of its apparent complexity and sensitivity. In the twenty-first century, a dramatic increase of intolerance and discrimination on grounds of religion or belief is motivating a worldwide search to find solutions to these problems. This is a challenge calling for enhanced dialogue by States and others; including consideration of an International Convention on Freedom of Religion or Belief for protection of and accountability by all religions or beliefs. The tensions in today’s world inspire a question such as:

Should the United Nations adopt an International Convention on Freedom of Religion or Belief?

Response: Is it the appropriate moment to reinitiate the drafting of a legally binding international convention on freedom of religion or belief? Law making of this nature requires a minimum consensus and an environment that appeals to reason rather than emotions. At the same time we are on a learning curve as the various dimensions of the Declaration are being explored. Many academics have produced voluminous books on these questions but more ground has to be prepared before setting up of a UN working group on drafting a convention. In my opinion, we should not try to rush the elaboration of a Convention on Freedom of Religion or Belief, especially not in times of high tensions and unpreparedness. - *UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Prague 25 Year Anniversary Commemoration of the 1981 UN Declaration, 25 November 2006.*

Option: After forty years this may be the time, however complex and sensitive, for the United Nations Human Rights Council to appoint an Open-ended Working Group to draft a United Nations Convention on Freedom of Religion or Belief. The mandate for an Open-ended Working Group ought to assure nothing in a draft Convention will be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Concept: *Separation of Religion or Belief and State – SOROBAS.* The First Preamble to the 1948 United Nations Universal Declaration of Human Rights; “*Whereas recognition of the inherent dignity and of the*

equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. This concept suggests States recalling their history, culture and constitution adopt fair and equal human rights protection for all religions or beliefs as described in General Comment 22 on Article 18, International Covenant on Civil and Political Rights, UN Human Rights Committee, 20 July 1993 (CCPR/C/21/Rev.1/Add.4):

Article 18: protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with international characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility by a predominant religious community. **Article 18:** permits restrictions to manifest a religion or belief only if such limitations are prescribed by law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Dialogue & Education

Dialogue: United Nations Secretary General Ban Ki Moon, at the Alliance of Civilizations Madrid Forum said; “Never in our lifetime has there been a more desperate need for constructive and committed dialogue, among individuals, among communities, among cultures, among and between nations.” A writer in another setting has said, “The warning signs are clear: unless we establish genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future will probably be even more deadly.”

Norms and standards on human rights and freedom of religion or belief are international law and essential codes of conduct for peaceful cooperation, respectful competition and resolution of conflicts. International Standards on Human Rights and Freedom of Religion or Belief is a universal platform for inclusive and in-depth dialogue within and among nations, all religions and other beliefs. They are universal, inalienable, interdependent and indivisible with other human rights.

Education: Ambassador Piet de Klerk addressing the Prague 25 Year Anniversary Commemoration of the 1981 U.N. Declaration said; “Our educational systems need to provide children with a broad orientation: from the very beginning, children should be taught that their own religion is one out of many and that it is a personal choice for everyone to adhere to the religion or belief by which he or she feels most inspired, or to adhere to no religion or belief at all.”¹

The 1981 U.N. Declaration states; “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents, the best interests of the child being the guiding principle.” With International Human Rights safeguards, early childhood education is the best time to begin to teach tolerance, understanding and respect for freedom of religion or belief.