THE TANDEM PROJECT
http://www.tandemproject.com.
info@tandemproject.com

**UNITED NATIONS, HUMAN RIGHTS,
FREEDOM OF RELIGION OR BELIEF**

The Tandem Project is a UN NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Separation of Religion or Belief and State

Universal Periodic Review reports in six languages

http://www.ohchr.org/EN/HRBodies/UPR/PAGES/AESession3.aspx

If reports below blue bar **do not open**, click to **access these reports** in the master link above

Universal Periodic Review - United Arab Emirates

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

Date of consideration: Thursday 4 December 2008 - 9.00 a.m. - 12.00 a.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

Questions submitted in advance

Outcome of the review :

Report of the Working group : A | C | E | F | R | S

Decision on the outcome : E only

Report of the tenth session of the Human Rights Council : A | C | E | F | R | S

Related webcast archives

Main Country Page: http://www.ohchr.org/EN/countries/MENARegion/Pages/AEIndex.aspx
National Report:
http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/AE/A_HRC_WG6_3_ARE_1_United_Arab_Emirates_E.pdf
Inter-active Dialogue: http://www.ohchr.org/EN/HRBodies/UPR/Pages/AEWebArchives.aspx

---

REPORT OF THE WORKING GROUP – RECOMMENDATIONS RELATING TO FREEDOM OF RELIGION OR BELIEF

http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/AE/A_HRC_10_75_United_Arab_Emirates_E.pdf

Open the Master Page to read the report of the Working Group in Six Languages

There were thirteen paragraphs that did not enjoy the support of the United Arab Emirates. Many of these recommendations reflect the UAE constitutional and legislative system of laws: Paragraphs; 38 United Kingdom (b); 53 France (c) (d); 55 Italy, (a) (b); 57, Mexico (a); 61 Switzerland (a); 62 Sweden (a) (b); 66 Norway (e); 67 Chile (a) (b) (c); 69 Albania (a); 71 Canada (a) (c); 72 Netherlands (b); 73 Brazil (b); 74 Sovenia (a) (c).

REPORTS OF THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF

http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx

There have been no country visits to the United Arab Emirates

---

BACKGROUND

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument

The 1981 UN Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief http://www.tandemproject.com/program/81_dec.htm.

CONSTITUTION OF THE UNITED ARAB EMIRATES

http://en.wikipedia.org/wiki/Constitution_of_the_United_Arab_Emirates

Constitutional Status of Islam(ic Law): Article 7 of the Provisional Constitution adopted 2nd December 1971 and made permanent in 1996 declares Islam the official state religion of the Union, and affirms that Islamic *shari*[illegible]*a* shall be a principal source of legislation.

Article 30 — freedom of expression is guaranteed, within limits of the law
Article 32 — freedom to exercise religious worship is guaranteed in accordance with established customs and provided it does not conflict with public policy or violate public morals
Article 33 — freedom of assembly is guaranteed, within limits of the law

---

SEPARATION OF RELIGION OR BELIEF AND STATE

Separation of Religion or Belief and State is a term used to express core principles of international human rights law on freedom of religion or belief. It mandates UN Member States to ensure their constitutional and legal systems provide effective guarantees of freedom of thought, conscience and religion or belief to all without distinction at international, national and local levels.

OBJECTIVES

The right of persons to manifest their own values, cultural identity and core principles based on religion or belief, together with human rights law, principles and values on freedom of religion or belief.

Build awareness, understanding and support at international, national and local levels for a UN Convention on Freedom of Religion or Belief as a legally-binding international human rights treaty.

UNIVERSAL PRINCIPLE

International human rights law on freedom of religion or belief protects *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*, - General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights. The United Nations Universal Declaration of Human Rights does not favor one religion or belief over another. Human Rights Law protects all individuals from discrimination based on religion or belief. It values the equal rights of majority and minority religions or beliefs, indigeous, traditional and new religious movements. It is a universal moral principle.

HISTORY

In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. http://www.tandemproject.com/program/history.htm

Instead, in 1981 they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

In 1986 The Tandem Project organized the first international conference on the 1981 UN Declaration and in the Oslo Conference on Freedom of Religion or Belief in 1998 was catalyst for change of title from Special Rapporteur on Religious Intolerance to Special Rapporteur on Freedom of Religion or Belief.

http://www.tandemproject.com/tolerance.pdf 1998 UN Conference Report

The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete.

FREEDOM OF RELIGION OR BELIEF

U.S. State Department 2010 International Religious Freedom Report, United Arab Emirates

http://www.state.gov/g/drl/rls/irf/2010_5/168278.htm

http://www.state.gov/g/drl/rls/irf/2010/148850.htm

Excerpt

"The constitution provides for freedom of religion; however, it also declares that Islam is the official religion of the country, and the government defines all citizens as Muslims. There were restrictions to the free practice of religion.

Under Islamic law, Muslim men may marry non-Muslim women who are "people of the book" (Christian or Jewish). However, Muslim women are not permitted to marry non-Muslim men unless the man converts to Islam. Because Islam does not consider marriage between a non-Muslim man and a Muslim woman valid, both parties to such a union would have been subject to arrest, trial, and imprisonment on grounds of fornication. There were no reports of such penalties applied during the reporting period.

Islamic law, according to the Maliki school of jurisprudence, applies in cases of divorce. According to law, women generally are granted custody of female children until they reach the age of 13 and are granted custody of male children until they reach the age of 10. If the court deems the mother unfit, custody reverts to the next able female relative on the mother's side. Islamic law as practiced in the country permits four legal wives."

Full Report, November 17,2010

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion; however, there are restrictions that require deference to established customs and public morals. The law denies Muslims the freedom to change religion, and the government restricted religious freedom in practice. The constitution declares that Islam is the official religion of the country, and the government defines all citizens as Muslims.

There was no change in the status of respect for religious freedom by the government during the reporting period. Adherents of most major religions in the country worshipped without government interference, although there were restrictions. The government followed a policy of tolerance toward non-Muslim religious groups and in practice interfered very little in their religious activities. The government prohibited proselytizing and the public distribution of non-Islamic religious literature.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Societal pressure discouraged conversion from Islam to other religions, and there were instances of discriminatory caricatures in the media.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 32,300 square miles and a population of 6 million. An estimated 85 percent of the country's residents are noncitizens. Of the citizens, more than 85 percent are Sunni Muslim and an estimated 15 percent or less are Shi'a. Noncitizen residents predominantly come from South and Southeast Asia, although there are substantial numbers from the Middle East, Europe, Central Asia, and North America. According to the most recent Ministry of Economy census (2005), 76 percent of the total population is Muslim, 9 percent is Christian, and 15 percent is "other." According to unofficial data, at least 15 percent of the resident population is Hindu and 5 percent is Buddhist. Groups that constitute less than 5 percent of the population include Parsi, Baha'i, Sikh, and Jews. These estimates differ from census figures because census figures do not take into account the many "temporary" visitors and workers while also counting Baha'is and Druze as Muslim.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion; however, it also declares that Islam is the official religion of the country, and the government defines all citizens as Muslims. There were restrictions to the free practice of religion.

Under Islamic law, Muslim men may marry non-Muslim women who are "people of the book" (Christian or Jewish). However, Muslim women are not permitted to marry non-Muslim men unless the man converts to Islam. Because Islam does not consider marriage between a non-Muslim man and a Muslim woman valid, both parties to such a union would have been subject to arrest, trial, and imprisonment on grounds of fornication. There were no reports of such penalties applied during the reporting period.

Islamic law, according to the Maliki school of jurisprudence, applies in cases of divorce. According to law, women generally are granted custody of female children until they reach the age of 13 and are granted custody of male children until they reach the age of 10. If the court deems the mother unfit, custody reverts to the next able female relative on the mother's side. Islamic law as practiced in the country permits four legal wives.

The constitution declares that Islam is the official religion of all seven of the constituent emirates of the federal union. The government funded or subsidized almost 95 percent of Sunni mosques and employed all Sunni imams. The government considered 5 percent of Sunni mosques private, and several mosques had large private endowments. According to the General Authority of Islamic Affairs and Endowments (GAIAE), there was no formal method of granting official status to religious groups other than granting them the use of land for the construction of a building. Several non-Muslim groups operated houses of worship where they practiced their religion freely. The government recognized more than 30 Christian denominations and issued many of these land use permits to construct and operate churches.

Conversion from Islam to another religion is not recognized, and no data was available to assess if any such conversions took place. The legal punishment for conversion is death, although there have been no known prosecutions nor legal punishments for apostasy in court. Converts may be persuaded to return to Islam, may conceal their new faith, or may travel to another country where their conversion is recognized to avoid the social stigma of converting from Islam to another religion.

The government annually publishes a list of foreign resident who have converted to Islam. The list varies in length from year to year, and there are no known consequences or benefits to having one’s name included in the list.

The GAIAE oversaw most issues related to Islamic affairs in the country. The general authority distributed weekly guidance to Sunni imams regarding subject matter, themes, and content of religious sermons. The general authority also ensured that clergy did not deviate frequently or significantly from approved topics in their sermons. Most imams are noncitizens, and a significant number are Egyptian or Syrian. The government did not appoint sheikhs (imams) for Shi'a mosques except in Dubai, where the Department of Islamic Affairs and Endowments controlled the appointment of clergy and their conduct in all mosques. The Advisor to the President on Judicial and Religious Affairs, al-Sayed Ali al-Hashemi, as well as the Chairman of the General authority of Islamic Affairs and Endowments, Hamdan Al Mazroui, and and its Director General, Mohammed Matar Al Kaabi, regularly represented the country at Islamic, ecumenical, and Christian conferences and events abroad. They also met regularly with religious leaders in the country.

Shi'a clergy were free to choose the subjects of their sermons, which reportedly did not deviate in practice from approved topics during the reporting period.

The Shi'a minority, concentrated in the emirates of Dubai and Sharjah, was free to worship and maintain their own mosques. The government considered all Shi'a mosques private, and they were able to receive funds from the government upon request. In Dubai there is an Ismaili Center, which serves as a regional Ismaili house of worship for the countries of the Gulf Cooperation Council (GCC).

There is a dual system consisting of Shari'a (Islamic law) courts for criminal and family law matters and secular courts for civil law matters. Shi'a Muslims in Dubai may pursue Shi'a family law cases (marriage, death, and inheritance cases) through a special Shi'a council rather than the Islamic law courts. Islamic law courts sometimes try non-Muslims for criminal offenses, although not all crimes are punishable by Islamic law penalties. In cases punishable by an Islamic law penalty, non-Muslims generally receive civil penalties at the discretion of the judge. Higher courts may overturn or modify Islamic law penalties imposed on non-Muslims.

The government prohibited proselytizing and the distribution of non-Islamic religious literature under penalty of criminal prosecution, imprisonment, and deportation. Although there were no specific laws against missionary activity, in the past the government reportedly has threatened to revoke the residence permits of persons suspected of proselytizing for religions other than Islam.

The government observes the following religious holidays as national holidays: Waqfa, Eid al-Adha, the Islamic New Year, the Birth of the Prophet Muhammad, Ascension Day, and Eid al-Fitr.

The law requires Muslims and non-Muslims to refrain from eating, drinking, and smoking in public during fasting hours during the month of Ramadan out of respect for Islamic practice. Shi'a were free to celebrate Ashura according to their customs.

Although the government has banned textbooks in the past for containing material regarded as offensive to Islam, there were no new reports of banned schoolbooks during the reporting period.

While the government did not require formal licensing or registration requirements for non-Muslim religious groups, it monitored their growth and development through land grants. Permission to build houses of worship was granted on a case-by-case basis when congregations outgrew smaller private facilities. The government followed a policy of tolerance toward non-Muslim religious groups and in practice interfered very little in their religious activities.

The government encouraged citizens to avoid extremist tendencies or ideologies. All schools, regardless of religion, must register with the government. Islamic studies were mandatory in public schools (schools supported by the federal government that primarily serve citizens) and in private schools serving Muslim children. The government did not permit instruction of any religion other than Islam in public schools; however, religious groups could conduct religious instruction for their members at their dedicated religious facilities. Private schools found to be teaching subjects that offend Islam, defame any religion, or contravene the country's ethics and beliefs faced potential penalties including closure. Private parochial schools were free to teach their religion within the bounds of government guidelines and to practice religious rituals.

Immigration authorities routinely asked foreigners applying for residence permits to declare their religious affiliation on residence applications; however, the government reportedly did not collect or analyze this information. There were no reports of religious affiliation negatively affecting the issuance or renewal of visas or residence permits.

Restrictions on Religious Freedom

There was no change in the status of respect for religious freedom by the government during the reporting period. Adherents of most major religions in the country worshipped without government interference, although there were restrictions. As the state religion, Islam was favored over other religious groups, and conversion to Islam was viewed favorably.

Non-Muslim groups raised money from their congregations and received financial support from abroad. Religious groups openly advertised religious functions in the press, such as holiday celebrations, memorial services, religious conventions, choral concerts, and fundraising events. Non-Muslim religious leaders reported that customs authorities

rarely questioned the entry of religious materials such as Bibles and hymnals into the country, unless the materials were printed in Arabic. Customs authorities permitted the entry of materials in most instances; however, in the past they have questioned the entry of religious materials deemed in excess of the normal requirements of existing congregations. Customs authorities reportedly were less likely to question the importation of Christian religious items than that of other non-Muslim religious items. Nonetheless, in virtually all instances, customs authorities eventually permitted importation of the material in question.

The country's two Internet service providers, Etisalat and du, occasionally blocked Web sites containing religious information. These sites included information on the Baha'i Faith, Judaism, atheism, negative critiques of Islam, and testimonies of former Muslims who converted to Christianity. The law provides penalties for using the Internet to preach against Islam, inciting someone to commit sin, and using the Internet to promote a breach of public decency. There were no reports of incidents during the reporting period.

Non-Muslim groups could own houses of worship where they could practice their religion freely, by requesting a land grant and permission from the local ruler to build a compound (the title for the land remains with the ruler). Those with land grants did not pay rent on this property. The Emirate of Sharjah also waived utility payments for religious buildings. There was no national standard for granting official status to religious groups or approving land grants. Rather, rulers of the individual emirates exercised autonomy in choosing whether to grant access to land and permission to build houses of worship within their emirate. The lack of clear guidelines could present a barrier to the acquisition of official status, leading to confusion and delay. A small number of requests were pending at the end of the reporting period; however, some have been pending for several years. Religious groups without dedicated buildings of worship often used the facilities of other religious groups or worshiped in private homes. There were no reports of government interference in this common practice.

There were at least 34 Christian churches in the country built on land donated by the ruling families of the emirates in which they are located. In some cases chapels were clustered in close proximity to one another in locations some distance from the residential areas in which members of these congregations live, effectively limiting attendance.

Four emirates are home to Christian primary and secondary schools, in which students are generally free to study Christianity and perform religious rituals. The Emirates of Abu Dhabi and Dubai donated land for Christian cemeteries, and Abu Dhabi also donated land for a Baha'i cemetery.

The government does not permit churches to display crosses on the outside of their premises or to erect bell towers; however, this restriction was not always enforced, and some churches displayed cross designs on their buildings. Some churches were overcrowded and conducted services or masses in open courtyards on special occasions due to limited space. There was no government interference within church compounds. As the government does not recognize or permit conversion from Islam to another religion, churches accepted converts from all religions except Islam.

There are no synagogues for the small foreign resident Jewish population; however, Jews observed holidays in private residences without interference.

There was one Sikh temple in Dubai that shared a building with one of two existing Hindu temples. A freestanding Sikh temple at Jebel Ali Village was under construction at the end of the reporting period. Although there were no Buddhist temples, the Sri Lankan embassy held monthly religious services open to the public. Buddhists, Hindus, and Sikhs conducted religious ceremonies in private homes without interference.

There were two operating cremation facilities, one each in Abu Dhabi and Dubai, and associated cemeteries for the large Hindu community. Newly constructed crematoriums in al-Ain and Sharjah encountered delays in opening for business. However, the crematoriums currently in use met present demand. Official permission must be obtained for their use in every instance, but this did not appear to create hardship. The government allowed people from all religions except Islam to use the cremation facilities.

Workers generally do not build Hindu temples at work sites, partly because facilities would need dedicated caretakers to maintain the temples according to Hindu practice, and such individuals may not be available. There were no reports during the reporting period of municipalities dismantling temples built by Hindu workers in labor camps.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

The Coptic Church and Sikh temple under construction in Dubai since 2007 were completed and an Eastern Orthodox church remained under construction at the end of the reporting period.

On May 19, 2010, the country's ambassador to the Holy See, Dr. Hissa al Otaiba, met with Pope Benedict XVI to present her credentials. Dr. Otaiba is the first ambassador to the Holy See from the country and the first female ambassador to the Vatican from any country. During the meeting, the Pope praised the country for its tolerance and for the fair treatment and freedom of its Christian residents.

On December 25, 2009, more than 12,000 worshippers in Dubai attended 16 Christmas services held at St. Mary's Church and at the Holy Trinity Church. High attendance at both churches prompted organizers to use extensive adjacent space to accommodate the worshippers.

On October 25, 2009, Minister of Higher Education and Research, Sheikh Nahyan bin Mubarek Al Nahyan, attended the opening ceremony for a newly constructed French church in Abu Dhabi. During the ceremony the church leader, Pastor Michelle, praised the country for its tolerance towards non-Muslims.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice, although societal pressures discouraged conversion from Islam to other religions. There were instances of discriminatory caricatures in the media.

There were anti-Semitic or religiously intolerant editorial articles, opinion editorials, and editorial cartoons in both the English and Arabic-language electronic and print media. The Arabic language press, including newspapers such as Al-Ittihad, Al-Bayan, and Al-Khaleej, carried editorial cartoons depicting stereotypical and negative images of Jews along with Jewish symbols.

Citizens expressed public concern regarding the influence of the cultures of the country's foreign majority on Emirati society, specifically questioning the influence on Emirati children of non-Emirati household workers. In general, citizens were familiar with foreign societies and believed that the most effective way to balance foreign influence was by supporting and strengthening indigenous cultural traditions.

Non-Muslim religious leaders from within and outside the country regularly praised the country's governmental and societal attitudes toward allowing all persons to practice their religions freely. Although citizens regarded the country as a Muslim country that should respect Muslim religious sensibilities on matters such as public consumption of alcohol, modest dress and public deportment, the society also emphasized respect for privacy and Islamic traditions of tolerance, particularly with respect to some Christian groups.

Many hotels, stores, and other businesses patronized by both citizens and non-citizens were permitted to sell alcohol and pork to non-Muslims. These businesses were also able to acknowledge non-Muslim holidays such as Christmas, Easter, and Diwali openly; however, such displays generally were not permitted during the month of Ramadan. Shopping centers were festive during Christian holidays, and Christian holiday foods, decorations, posters, books, and videotapes were widely available. Schoolchildren gathered in malls across the country to sing Christmas carols while "department store Santa Clauses" distributed gifts. The news media regularly printed reports of religious holiday celebrations, including church services.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

U.S. embassy officials in Abu Dhabi and consulate general officials in Dubai discussed religious tolerance and freedom with government officials on a number of occasions. U.S. government officials encouraged the government to increase religious freedom by permitting the opening or expansion of religious facilities for the large foreign resident population.

The ambassador and other embassy officials met with the leadership of the GAIAE on a regular basis to discuss religious freedom and tolerance. The ambassador and other embassy officials also met regularly with the president's religious affairs advisor, al-Hashemi, to discuss religious tolerance and interfaith cooperation.

Additionally, embassy and consulate general officers helped protect religious freedom through informal inquiries and meetings with government officials as well as with representatives of religious groups.

REFLECTIONS

The Tandem Project

The First Preamble to the Universal Declaration of Human Rights reads: 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.

Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.

There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.

In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.

Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is a foundation for solving this issue.

"I am become death, the destroyer of worlds"

- Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.

The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.

The Tandem Project a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material 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 the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.