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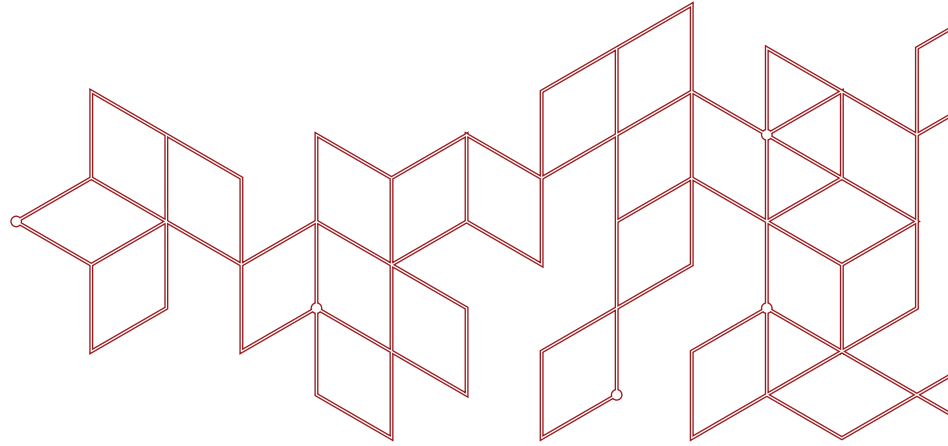
## A Southwestern Asian and North African Response to Freedom of Religion or Belief

# POSITION PAPER



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Freedom of Religion or Belief (FoRB)<sup>1</sup> has recently emerged as a significant framework in international forums. Several governments have appointed Special Envoys or Ambassadors to monitor its status locally, regionally, and globally. International organizations and academic institutions have published research and human rights reports in which the Southwestern Asian and North African (SWANA) countries score very low regarding religious freedom and blasphemy laws<sup>2</sup>. So far, however, SWANA stakeholders have yet to produce a wholistic response<sup>3</sup>.

To develop such a response, Dar al-Kalima University, jointly with the Christian Academic Forum for Citizenship in the Arab World (CAFCAW)<sup>4</sup>, organized a consultation gathering 20 secular, atheist, agnostic, and faith-based (Muslim and Christian) scholars and experts from multi and interdisciplinary fields - representatives from civil society organizations, religious-based institutions, universities, national human rights/women's rights groups, and SWANA sectoral bodies coming from Palestine, Lebanon, Jordan, Syria, Iraq, Qatar, UAE, Egypt, Morocco, and diaspora communities in Europe.

The consultation took place in Limassol, Cyprus, on December second and third, 2022. Participants tackled three key themes: 1) FoRB, Political Agendas and the Context of SWANA; 2) FoRB, Religious and Non-Religious Individual and Community Rights and Diversity Management in SWANA; 3) FoRB, Personal Status Laws and Gender Equality in SWANA. Through workshops, brainstorming sessions, and formal and informal discussions, the participants explored these themes, outlined their backgrounds, and formulated recommendations and suggestions for concrete actions.

## 1. FoRB, Political Agendas, and the Context of Southwestern Asia and North Africa

Southwestern Asia and North Africa are inherently pluralistic, characterized by different religious affiliations, faiths, beliefs, narratives, cultures, ethnicities, communities, and mentalities. Disparate political and geopolitical contexts have existed in the region, whether in tension or harmony. Trauma has left its mark on the local communities and led them to develop a status quo for living together and respecting their neighbors' boundaries.

This position paper identifies four challenges related to the region's geopolitical and political context:



## Limited Space for Freedom

The SWANA region has historically suffered under diverse imperial rules, from the Ottoman, the British, and the French to the American and the Russian. The Palestinian people are still suffering under the Israeli occupation. In the postcolonial eras, the diverse political structures that emerged were authoritarian and exclusive and did not allow the emergence or sustainability of credible opposing parties. The region is still marked by limited political space for freedom of thought, political activism, and choice of religion. These restrictions must be seen wholistically as different sides of the same coin. In such a context, prioritizing the right to freedom of religion over all other freedoms, such as, for example, appointing special ambassadors to monitor it while neglecting different equally critical dimensions of freedom, would not be helpful. FoRB can and should be tackled within the framework of a civic, democratic state<sup>5</sup> that respects the rights of its individuals and communities. Any approach to promoting freedoms should be systemic by ensuring social, economic, and political rights<sup>6</sup>.

## Minority-ism versus Majority-ism

This region has suffered from the ideologies of minority-ism and majority-ism, and the colonial powers have capitalized on these realities. Colonialism and neo-colonialism have created a framework of dividing and ruling - “divide et impera” - that has, at times, legitimized interventions in the countries of the Global South, including SWANA countries. The minority-ism fears and majority-ism predominance constitute significant obstacles against FoRB. Therefore, it is crucial to emphasize equal citizenship and reject any politicization of religion and religionization of politics by moving toward establishing a state of citizenship and law devoid of colonial-era dynamics.

## Good Governance

Many SWANA populations have recently struggled with growing socioeconomic issues such as poverty, inequality, corruption, and unemployment. Yet, the political systems that control the states typically lack the ability or will to deal with these issues at their root. Because authoritarianism continues to re-establish itself throughout the area, significant socioeconomic advancements and fundamental political reforms are unlikely. In that sense, it is crucial to develop good governance, enlarging the civic space through increased public, private, and civil society partnerships (PPCP) to enhance freedom of religion or belief. Good governance in these spaces means adopting robust policies based on a culture that is respectful of diversity, acknowledges the right to be different, is guided by fairness, accountability, and transparency (FAT), and is underwritten by competent leadership and professionalism. Moreover, good governance can help fight the rentier systems dominating economic and political sectors. There is a need to create and cultivate agile governance culture, processes, structures, and systems empowered by digital platforms and to separate the judicial, legislative, and executive powers enshrined but not fully implemented in all constitutions. Lastly, it is essential to note that good governance in SWANA is/should be about full respect of human rights (civil, religious, cultural, economic, political, and social); without good governance, these rights cannot be respected and protected sustainably. “The implementation of human rights relies on a conducive and enabling environment. This includes appropriate legal frameworks and institutions as well as political, managerial, and administrative processes responsible for responding to the rights and needs of the population”<sup>7</sup>.

## Socio-Economic Justice

The high unemployment rates compounded by high inequality and poverty are obstacles for implementing the FoRB vision. The just economy, social justice, productive equity, and educational systems based on respecting the FoRB will empower people with various identities. They will help

to avoid all forms of nepotism, corruption, discrimination, and exploitation. Empowering the less privileged segments can allow people to claim the FoRB vision. In the context of the post-pandemic era, governments must do more to address their citizens' legitimate economic, social, and ecological aspirations.

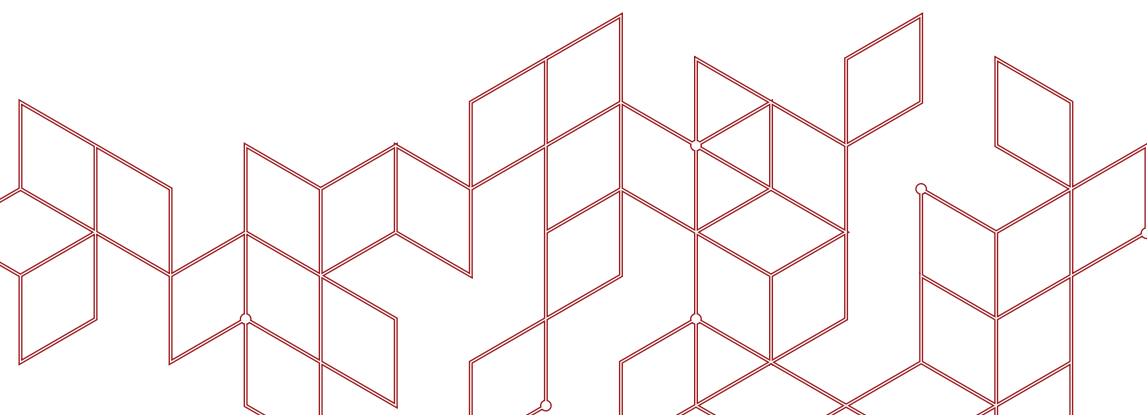
To address the above-mentioned main challenges, shifting paradigms in education and leadership is urgent. The renewal of the political and religious discourses is of great significance; education can play a crucial role in changing the mindsets and behaviors of the younger generations and digital natives who will assume leadership responsibilities in the short and long term. In addition to effective leadership skills and attitudes, future leaders should have a deep insight and understanding of the nuanced local and regional culture, context, and people.

### **Recommendations:**

- Bring back the historical diversity of SWANA and the modern notion of citizenship and equal rights - including FoRB. Authoritarianism, as a rule, hampers such diversity.
- Reject any politicization of religion and religionization of politics by moving toward establishing a state of citizenship and law that is not only a regulator but also the protector and service provider of rights.
- Create and cultivate agile governance culture, processes, structures, and systems.
- Address the legitimate socio-economic aspirations of SWANA citizens by PPCP (public, private, and civil society partnerships), noting that there is a need to redefine the concept of PPCP in the diverse SWANA contexts.

### **Suggested Actions:**

- Enlarge the conceptualization of FoRB to be comprehensive, including “Good Governance” as a key pillar in its contextual implementation.
- Launch dialogues with governmental, private sector, civil society, and religious stakeholders toward structuring a public-private-civil society partnership roadmap to clarify the FoRB concept and identify the best public policies to implement.
- Empower the civic state philosophy toward adopting inclusive citizenship, which will pave the way to a better understanding of FoRB in the SWANA region to open dialogues with the international FoRB ambassadors and organizations about its weaknesses and strengths.





## 2. Religious and Non-Religious Individual and Community Rights and Diversity Management in Southwestern Asia and North Africa

Southwestern Asia and North Africa are currently facing total political impasse in many countries; illegitimate, corrupt, power-hungry and violent rulers; the loss of hope after the failure of the Arab revolutionary uprisings and revolts in establishing democratic regimes; the rise of the Daesh phenomenon after the collapse of the revolts, especially in Iraq and Syria; demographic changes due to massacres, genocides, deportations, and ethnic cleansing in several countries primarily for minorities such as the Yezidis, Christians, Turkmans, and others; the loss of trust among communities, between individuals and the state, and in religious institutions as a result of state manipulation of diversity in a “divide and rule” policy and wide-ranging state and religious corruption; polarization between communities as a result of state manipulation and foreign interference since the time of colonialism, including British, French, US, Turkish and Israeli, resulting in growing hate speech; the founding of the state of Israel based on ethnic cleansing and mass deportation and its ramifications in the area; continuous religious polarization by presenting the Israeli-Palestinian conflict as a religious conflict, and as a result, increasing hate speech based on religion; the dominating paradigm in the region restricting recognition to Monotheistic/Abrahamic/Book religions, and excluding other existing religious communities such as the Baha’is, Mandeans, Zoroastrians, etc.; the restriction of dialogue to those main religions and among Arabs, while excluding other regional ethnic groups such as Kurds, Turks, and Persians; and the general suspicion towards the state and state initiatives - both SWANA states and foreign states.

In addition, in many parts of the SWANA region, especially in rural areas and small towns, the extended family is still the main social structure in society. In such a setting, most individuals are embedded in the community and have limited space to make independent choices. Often they do not have a choice of whom to marry or to live outside the extended family space, so advocating for people in such a context to choose their religion over and against the extended family is naive. However, the SWANA region is in a state of transition. Lower birth rates, weaker family ties, changing housing patterns, and the digital transformation provide young people with the space to make choices, including FoRB.

### **Recommendations:**

- Establish a civic, democratic state that promotes the rule of law and respects and protects FoRB and human rights, in-laws, and governance. The civic state equals impartiality toward all religions, separating religious actors and institutions in favor of a democratic civic state where individuals can advocate for what they think is the common good.
- Review legislation to ensure respect for human rights laws, namely non-discrimination based on religion or belief, and between religious communities.
- Develop educational curricula about ethnic and religious diversity and the right to FoRB.
- Develop rights-based intra-religious dialogue - people are right holders, and the government is the duty bearer - intending to create a state based on the rule of law where FoRB is respected, protected, and promoted.
- Identify pathways for interreligious dialogue from the religious leadership level to the local groups and houses of worship.
- Ratify the ICCPR, and remove all reservations to Article 18 of the ICCPR. Implement the recommendations of the Human Rights Committee as it relates to Article 18 of the ICCPR.

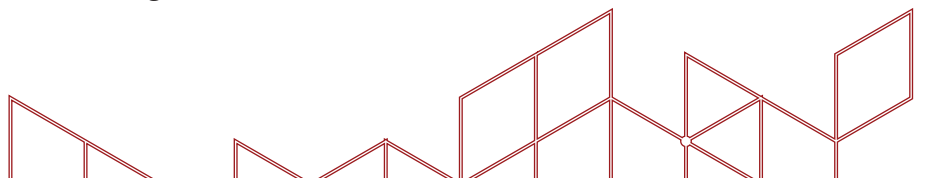
- Acknowledge the communitarian aspect of local cultures and the traumatic histories of communities.
- Work with these communities to embrace a civic state while preserving local heritages. There should be a balance between individual rights and community privileges.

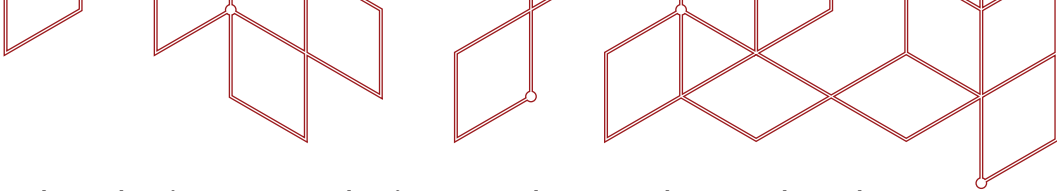
### **Suggested Actions:**

- Launch national and eventually regional dialogues around a new social contract<sup>8</sup> that helps individuals and communities redefine the relationship between religion and the state while revisiting the traumatic collective events marking individual and communities' memories and narratives to build on the long local history of struggles for freedoms and human rights. Dialogues can be hybrid (physical and online) to ensure the highest inclusion of all citizens and stakeholders.
- Advocate with international stakeholders to take action and impose accountability on the State of Israel as an occupier state breaching the Palestinian people's human rights, including violating their right to freedom of religion or belief.
- Design and implement formal and informal educational programs to promote human rights, including freedom of thought, conscience, religion, or belief within societies in SWANA.
- Organize a platform for SWANA scholars, media experts, and activists to develop a new narrative per country and on a regional level that promotes human rights and citizen-state relations.
- Organize a platform of SWANA artists around human rights issues and Forb to produce Art, mint it (NFT), and promote it on existing platforms to finance initiatives amongst young people.
- Adopt FoTCRB (Freedom of Thought, Conscience, Religion, or Belief) in the regional narrative instead of FoRB across all publications and initiatives<sup>9</sup>.
- Organize an annual celebration of diversity that includes a tourism program to Jerusalem and historic Palestine for the world to discover the cradle of the three monotheistic religions as a demonstration against the occupation while building on the human rights narrative rather than of religious conflict.

### **3. FoRB, Personal Status Laws and Gender Equality in Southwestern Asia and North Africa<sup>10</sup>**

While FoRB is not a priority for many regional individuals and institutions, connecting it to gender issues is more than relevant. In most SWANA countries, the personal status laws concerning marriage, divorce, inheritance, and child custody are regulated exclusively by the religious communities' courts. There are no recognized civil personal status laws on a national level, although the local struggle for these laws goes back decades. This leaves people with limited choices and women with no guaranteed equal rights. The call for civil marriage is heard loud and clear in the SWANA region. Advocating for a recognized civil marriage alongside the existing religious courts will provide citizens of the SWANA region the chance to choose their partner, safeguard equal rights, and marry someone from another religion.





Academic research and cultural productions on gender issues and personal status laws have increased in the last two decades in SWANA. Still, research and data on FoRB in SWANA have mostly been gender-blind, with identified connections between FoRB, gender equality, and personal status laws being scarce. While many individuals in SWANA endure prejudice, inequity, and violence due to both their gender and their beliefs, a misconception about the experience of FoRB violations still prevails: that women and men experience these violations in the same way. For instance, women agnostics, atheists, humanists, etc., and women whose beliefs diverge from those of the majority within religious communities, such as liberal religious feminists, are in much more vulnerable situations than men. In addition, religiously motivated family laws in several countries discriminate not just against specific religious communities but also against women, making women who belong to these communities the targets of multiple levels of discrimination. Local and regional reports have well documented the serious problems arising in marriage, divorce, custody, and inheritance law.

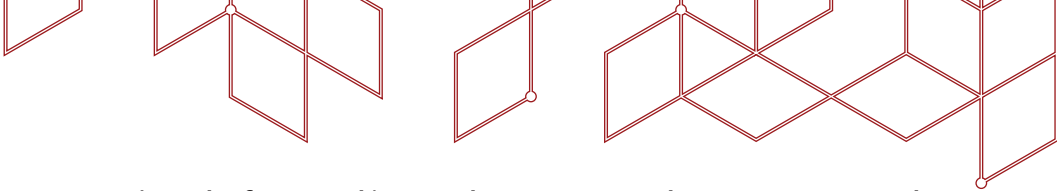
These reports show apparent gender gaps in exercising autonomy in religious or belief practices. They further reveal that there are still hidden (because of belonging to the private sphere) or taboo (such as sexual harassment and violence) realities that increase the difficulty of addressing FoRB violations against women and those with different gender identities in particular. The ignorance, apathy, and hostility of the patriarchal religious-political institutions in recognizing women's alternative perspectives on religion and belief have fueled gender blindness in research and intervention on freedoms in SWANA, especially on freedom of religion or belief. Although there have been active feminist individuals and movements/organizations in the region in the last 100+ years, and despite numerous legal, political, and socio-economic reforms, the SWANA context is still marked by opposing powers to gender equality which is often equated with a threat to the freedom of the religious or belief communities.

### **Recommendations:**

- Conduct contextual scholarly and educational work on gender equality, personal status laws, and FoRB while building on the work that has already been carried out in the region. Before working on academic curricula, there is a need to investigate further the connection and interdependence between the rights to gender equality (including in personal status laws) and the freedom of religion or belief in SWANA. A comprehensive contextual approach to identifying and understanding the local and regional challenges can support the promotion and protection of both sets of rights. This approach requires engagement with diverse local/regional religious and non-religious actors.
- Advocate for optional civil personal status laws in countries with solely religious courts and a constant persistence of sectarian counterarguments that have undermined reforms. These countries must also have the potential for genuine opportunities for change through human rights/women's rights grass-root movements and NGOs.

### **Suggested Actions:**

- Conduct national and regional research to clarify the relationship between FoRB, gender equality, and personal status laws in SWANA and establish a comprehensive contextual framework. Identify the intersections of FoRB with other freedoms and the holistic sources of empowerment for individuals and communities who find inspiration and strength in their convictions to fight for gender equality and justice.

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- Establish a digital documentation platform and/or an observatory to document personal narratives of discrimination about freedom of religion or belief, gender, and personal status laws.
  - Work with local, regional, and international organizations and advocacy groups to develop initiatives for gender equality, freedom of religion or belief, and optional civil personal status laws - such as workshops, conferences, publications, advocacy campaigns, and intervention through awareness-raising and training of youth and women.

## Conclusion

Participants at the consultation affirm that there have been long struggles for freedom in SWANA, facing colonialism, occupation, socio-economic marginalization, authoritarianism, and patriarchy. Against this background, they value the freedom of religion or belief. Still, they also insist on contextualizing policies related to FoRB, considering the region's socio-economic conditions, communal structures, and policy challenges.

Also, participants agree on seeing FoRB as an integral element of a wholistic approach to the relentless quest for a civic, democratic state which promotes the rule of law and protects liberties for an empowered and inclusive civil society. Participants doubt that FoRB can be successfully implemented in SWANA without adopting such a comprehensive approach.

Moreover, participants are concerned about the possibility of misusing FoRB in SWANA as a concept and platform for populism, religious nationalism, sectarianism, and polarization, resulting in more violent conflicts and, thus, national, regional, and international uncertainty and instability.

However, they also recognize that FoRB can support the concerted efforts in promoting, lobbying for, and adopting optional civil personal status laws in SWANA countries, which would help further advance women's rights and gender equality. For instance, such a change would offer people of different faiths and beliefs the freedom to choose if they want a religious or civil marriage or an interfaith marriage without being forced to convert.

Lastly, participants welcome a constructive dialogue with FoRB ambassadors and national, regional, and international stakeholders to enhance common understanding and explore potential collaboration.

## Signatories

The content of this document was edited based on the presentations, talks, discussions, and draft committees' sessions at the December 2022 consultation in Cyprus.

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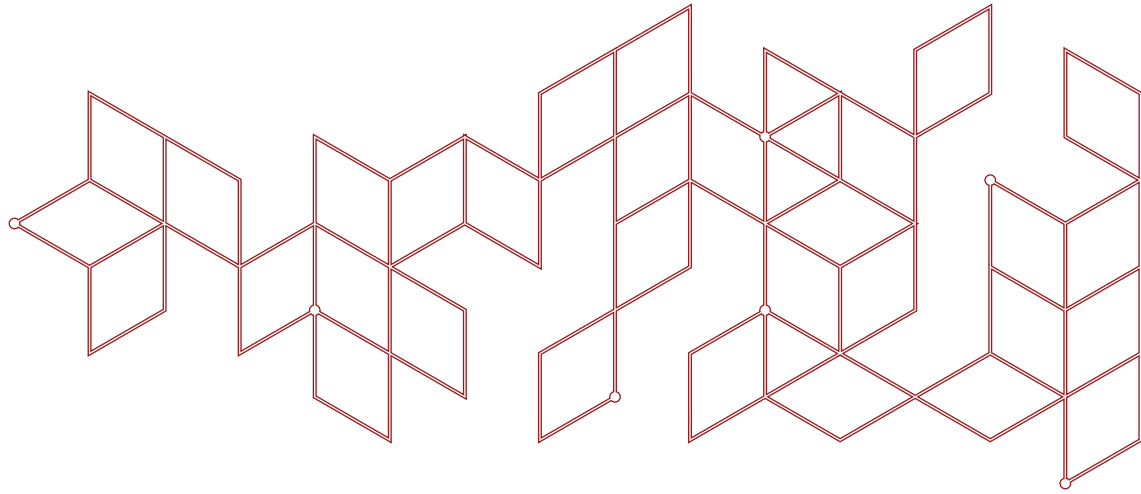
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***In collaboration with:***





## Endnotes:

1. FoRB is a fundamental and universal right articulated in Article 18 of the Universal Declaration of Human Rights, which states the following: “Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.” Article 18 was further defined in the International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly in 1966, which, together with the International Covenant on Economic Social and Cultural Rights (ICESCR), make up the International Bill of Rights. General Comment 22 of the Human Rights Committee provides essential detail regarding the implementation of Article 18 in the ICCPR. The Convention on the Rights of the Child (CRC, Article 14); The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 12); The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (UNGA, November 25, 1981); The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNGA, 18 December 1992). Noting that the Special Rapporteur on Freedom of Religion or Belief is the UN expert on FoRB, whose reports and recommendations help to define and shape the debate on FoRB-related issues. FoRB safeguards respect for diversity, and its free exercise has contributed to good governance, development, the rule of law, gender equality, peace, and stability. According to the CSW, it is “an essential component of the human rights framework. It is universal in that it protects all individuals, including those who hold theistic, non-theistic, and atheistic beliefs and those who choose not to have any religion or belief. It protects the individual, not the belief. This right can be understood in terms of its internal or private aspect, or ‘forum internum’ (a person’s right to form, espouse, and change deeply held inner convictions and beliefs), and its external aspect, or ‘forum externum’ (a person’s right to manifest or outwardly display their religion or belief, either alone or as part of a community – the ‘forum externum’ – can be limited by the state, but only in exceptional situations, and with a high threshold of evidence required from those seeking to enforce limitations)”.
2. Refer to “In 2019, decline in number of countries with ‘very high’ government restrictions, social hostilities involving religion”, Pew Research Report, 2021; “41 countries ban religion-related groups; Jehovah’s Witnesses, Baha’is among the most commonly targeted”, Pew Research Report, 2021; and **A World Survey of Religion and the State**, Jonathan Fox, Cambridge Studies in Social Theory, Religion and Politics.
3. Refer, for instance, to the Adyan White Paper “Freedom of Religion or Belief in the Framework of Civil-Religious and Christian-Muslim Dialogues,” 2018. This paper presents conceptual, political, and religious definitions and clarifications of FoRB. Refer also to “The Beirut Declaration on Religious Freedom” by Al-Makassed Philanthropic Islamic Association of Lebanon in 2015 and the Statement by Al-Azhar and Egyptian Intellectuals on Basic Freedoms in 2012. These documents are specifically about Islam and Christianity’s recognition of FoRB.
4. Dar al-Kalima was founded in 2006 as an accredited college, then a university college in 2013. It was accredited as a university in 2021 by the Ministry of Higher education in Palestine. It expanded its cultural perspective to accommodate more emphasis on culture and art education. The Dar al-Kalima University is the only one in Palestine focusing on visual and performing art, design, and culture. It provides young Palestinians access to academic education and training that meet international standards. It promotes tolerance and respect for the thinking and beliefs of others. It encourages dynamic communication, which contributes to the establishment of a professional network among artists, filmmakers, musicians, actors, designers, and tour guides from Palestine and the rest of the world. Through establishing an institution for higher learning, Dar al-Kalima University is committed to building a culture of democracy and free expression, thus contributing to the strengthening of civil society in Palestine.
5. The “Civic state” is a SWANA concept related to passing from a confessional system to an inclusive citizenship system respecting local diversity. This concept becomes increasingly familiar within the region’s political and religious discussions, and this is to differentiate it from the specificity of “Civil Rights,” which is a component of the “Civic state.”

6. One of the participants noted that “freedoms could often be the main concern of the privileged. In contrast, less privileged communities in the region might consider that loyalty to a tribe, a religious institution, or a feudal political party has a faster return in ensuring their basic social and economic needs”.
  7. Refer to the OHCHR’s definition of good governance.
  8. According to one of the participants, “for a functioning democratic citizen-state, the need to distance the state from religion is essential so that the former plays its role as a broker of justice, guarantor of freedoms and mostly protector of all forms of diversity - religious, ethnic, socio-economic, cultural, etc.”
  9. As explained by one of the participants, “freedom of thought is mainly about liberating the mind from assuming that there is one truth, beyond doubt, which might threaten certain interpretations of religion. Freedom of conscience assumes that an individual can have their moral compass, with no need for an authority to make choices on their behalf, which also threatens religious leaders’ authority. All attempts to promote critical consciousness, either through education, media, or any other means, have been countered by resistance, taming any opportunity for freedom of thought and conscience”.
  10. Resources on Gender/Gender Equality, Personal Status Laws, and FoRB can be found here: “Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals,” The Danish Institute for Human Rights,” 2020.
- Ahmed Shaheed, Report of the UN Special Rapporteur on Freedom of Religion or Belief on Gender-based violence and discrimination in the name of religion or belief, presented at the 43rd Session of the Human Rights Council, 24 August 2020.
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