

Institute on Religion and Public Policy: Religious Freedom in the United Arab Emirates

Executive Summary

(1). The United Arab Emirates (UAE) provides a degree of legal protection of religious freedoms in its constitution and is generally regarded as one of the more accepting societies in the Middle East. However there are numerous issues that negatively affect the status of religious freedom in the country. The government routinely interferes in the independent functioning of imams and mosques throughout the country. The government favors the Sunni religious tradition at the expense of other Islamic communities and non-Muslim religious minorities. Non-Muslims are tried in Shari'a courts. Marriage laws are discriminatory. The government actively encourages the conversion of minority faiths to Islam, while simultaneously denying the ability of minority faiths to proselytize. There are policies which restrict and prevent religious minorities from establishing a sufficient number of houses of worship to meet the needs of their congregations.

Institute on Religion and Public Policy

(2). Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Introduction to the Legal Situation

(3). Article 7 of the 1971 UAE constitution states that Islam is the country's official religion and the country's laws and practices are founded upon Shari'a. At the same time, Article 32 states, "Freedom to exercise religious worship shall be guaranteed in accordance with established customs, provided that it does not conflict with public policy or violate public morals. Article 25 provides equal protection to all citizens regardless of "race, nationality, religious belief or social status." However in practice, non-Muslims face many legal restrictions to the free practice and exercise of their religion. Despite Article 32's protections for religious freedom, Article 7's insistence that the country's laws and practices are founded on religious law undermine any significant protections.

(4). The UAE possesses a dual legal system. Shari'a courts are responsible for criminal and family law matters. Secular courts are responsible for civil law matters. In Dubai, Shi'a Muslims may choose to try Shi'a family law cases in front of a special Shi'a council rather than the Shari'a courts. For criminal offences, non-Muslims are tried in Shari'a courts. In cases where a Shari'a penalty may be applied, non-Muslims may receive civil penalties in lieu of Shari'a punishments at the discretion of the judge. Shari's penalties applied to non-Muslims are subject to review and modification by a higher court.

(5). The government considers proselytizing a behavior offensive to Islam, and as a consequence laws are in place to ban proselytization by non-Muslims. The government restricts freedom of assembly and association, limiting the ability of religious communities without officially dedicated houses of worship to conduct religious ceremonies and day to day business operations necessary to exercise their faiths.

(6). Efforts are routinely made to encourage non-Muslims to convert to Islam. A list of Muslim converts is published annually. Prisoners who convert to Islam often receive a reduced sentence. In Dubai, prisoners who memorize all or part of the Qur'an are eligible to receive a reduction in their sentences or a pardon, depending on a number of factors including the length of sentence, the nature of the crime they committed, and the number of sections memorized. The ruler of the Emirate of Ajman offers a cash award for prisoners who memorize all or part of the Qur'an.

(7). The government maintains control over the vast majority of Sunni mosques and imams. Nearly 95 percent of Sunni mosques are funded and subsidized by the government, and all Sunni imams are employed by the state. Shi'a mosques are private institutions and are eligible for state-funding upon request. Shi'a imams are appointed by the government in Dubai, but not in the other Emirates. The government regularly issues guidance to Sunni and Shi'a mosques and imams about sermons and monitors these sermons for politically inappropriate content

Instances of Official Discrimination

(8). The UAE government places restrictions on the freedom of religious assembly and association. Religions other than Islam can only be practiced on the grounds of religious institutions or in private homes. This restriction limits the ability of religious groups without dedicated religious buildings to worship and conduct their business. For example, there is only one temple for both Sikhs and Hindus in Dubai and there are no Buddhist temples.

(9). Cremation, an important ritual in the Hindu community, is a difficult process for Hindus in the UAE. There are only two operating cremation facilities and associated cemeteries for the large Hindu community: one in Abu Dhabi and one in Dubai. Use of these facilities requires official permission for each individual cremation.

(10). There are several restrictions in place which negatively impact the ability of religious minorities to practice their faith. There are restrictions and regulations governing the number of people that can assemble in a facility, sound levels that can be emitted, and the display of religious signs (e.g. crosses) on the outside of buildings. Many religious groups with permits rent out their facilities to other groups. Due to the growth of the non-Muslim population in some areas of the UAE, there is insufficient officially recognized accommodation for religious worship. Religious groups which meet without proper approval are fined heavily.

(11). The interpretation of Islam that the U.A.E. employs favors other "People of the Book," Christians and Jews. Christianity receives more preferable treatment as opposed to other, non-Abrahamic faiths. As a result, Christian congregations and houses of worship are greater in number and size in comparison to other minority faiths. Due to the current geopolitical situation in the region there is a general societal intolerance of the Jewish faith within the U.A.E.

(12). Marriage laws in the UAE are discriminatory in nature. Muslim men are able to marry non-Muslim women who are “People of the Book,” Christians and Jews. Muslim women are forbidden from marrying non-Muslim men. If a Muslim woman were to marry a non-Muslim man, both would be arrested, tried, and imprisoned on the grounds of fornication.

(13). Etisalat, the U.A.E.'s exclusive Internet provider, selectively blocks websites which contain material deemed religiously sensitive, including information on the Bahá'í faith, Judaism, sites which provide a negative view of Islam, and “testimonies of former Muslims who converted to Christianity.” Laws are in place which proscribe penalties for a range of activities on the internet including using the internet to oppose Islam, encourage or entice someone to commit sin, or to promote an activity which is deemed an offense to the public decency

(14). Private schools, as well as schools officially supported by the federal government of the U.A.E., include mandatory Islamic Studies programs within their curriculum. It is against the law for children to receive instruction about any other religion than Islam. If schools were to be found teaching ideas, policies, or theories that in any way contravene Islam, defame any religion, or which are deemed contrary to the nation's ethics and beliefs, these schools would face penalties which could include closure.

(15). During the month of Ramadan, non-Muslims are required to hold the same religious standards as Muslims out of a forced respect for the Islamic holiday. This includes refraining from eating, drinking, and smoking publicly during fasting hours.

Sectarian Instances of Violence and Discrimination

(16). Women in the UAE who choose to wear the *niqab* (a veil that allows only the eyes to be seen) are increasingly finding it difficult to live normally in their country. Many businesses will not hire women who wear the *niqab* and those who do relegate them to administrative jobs where they will not be seen and some businesses ban the wearing of the *niqab* during business hours.

Conclusion

(17). There are several regulations and practices the government needs to eliminate in order to be in compliance with international standards on human rights and to ensure the religious freedom of its people. The government needs to hold all religious communities in equal regard. Shari'a law must not be imposed as the law of the land for all peoples. Government programs which encourage conversion to Islam should be repealed. Laws that restrict the ability of religious minorities to attempt openly to encourage new converts should be lifted. The process for religious minorities to register and open religious facilities needs to be simplified. Marriage laws need to be brought in accordance with international law and be equal for all regardless of gender. The government should cease interfering in the day to day function and religious instruction of imams and mosques throughout the country.