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UNITED ARAB EMIRATES

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why the United Arab Emirates must protect and promote the right to freedom of religion or belief within its borders.

(a) Religious Freedom

3. The constitution of the United Arab Emirates provides for the guarantee of freedom of religion, but it also provides that Islam is the state religion and that all citizens of the country are Muslims by definition. Religious freedom and practice is restricted where its exercise may have a negative impact on Islam. Non-Muslims are able to worship relatively freely, but openly and publicly sharing one’s faith with Muslim citizens is prohibited. Though informally sharing one’s faith is *de facto* possible, the lack of public engagement on the matter shuts down the possibility of the establishment of native Emirati churches.
4. The law does not specifically prohibit apostasy, but the penal code defers to sharia on crimes against Islam, including *hudud* offences, among which capital punishment for apostasy is included.¹ It is unclear whether or not the death penalty is enforced in practice for individuals who leave Islam, but the presence of such laws and the potential enforcement of them by the State is *prima facie* a violation of the right to adopt a religion or belief of one’s own choice free of coercion under Article 18 of the International Covenant on Civil and Political Rights.
5. The law also imposes a maximum penalty of five years’ imprisonment for preaching against Islam or evangelising Muslims, as well as five years’ imprisonment or more for engaging in “blasphemy,” which is defined “as any act insulting God, religion, prophets, messengers, holy books, or houses of worship.”² Laws of this kind are egregious violations of the right to manifest one’s religion under Article 18(1) of the ICCPR, as well as the right to freedom of expression under Article 19(2) of the same covenant.
6. Compared to numerous other majority Muslim countries, Christians and other religious minorities have a relatively high level of religious freedom in the country, being allowed to worship in their communities without constant fear of persecution

¹ United States Department of State, Bureau of Democracy, Human Rights, and Labor (United States Commission on International Religious Freedom), United Arab Emirates 2015 International Religious Freedom Report, available at: <https://www.state.gov/documents/organization/256505.pdf>, accessed 22nd June 2017. 12th July 2015, available at <http://www.bbc.com/news/magazine-33480115>.

² Ibid.

or repression.³ Despite restrictions on non-citizens with respect to owning land, ruling Emirati families have donated land for the building of around 40 churches, though this has been reported to be insufficient for the needs of expatriate Christian communities.

7. This does not change the fact, however, that failure to allow religious minorities to properly manifest or share their faith on the same terms as Muslims falls short of internationally-recognised human rights standards and obligations.⁴ This has included the detention and deportation of Christian missionaries and evangelists for sharing their faith publicly.⁵
8. Other examples of limitations of the freedom of religion or belief and discrimination based on religion include restrictions on non-Muslims from eating or drinking in public during Ramadan, prohibitions on churches erecting bell towers and crosses on their premises (though there are reports that some have done so without consequence), and land purchases and ownership are restricted to citizens (and as all citizens are Muslims by law, this means that non-Muslims are unable to purchase or own land). Muslim men are permitted to marry Christian or Jewish women, but Muslim women are not permitted to marry non-Muslim men, and marriages between them are judged as fornication and prosecuted accordingly.⁶
9. In line with the policy of a number of other Arab League nations, the United Arab Emirates refuses entry to holders of Israeli passports. While this does not equate to a blanket ban on Jewish people, as not all Israeli citizens are Jewish and not all Jewish people are Israeli citizens, reports have emerged of senior government and law enforcement officials stating that the police can identify Israelis by “physical features and the way they speak,” even if they are holders of a passport other than that of the State of Israel.⁷
10. This may indicate an intent to profile individuals based on their suspected ethnoreligious identity, in violation of the prohibition of discrimination on the basis of race, religion, and national origin, as well the right to freedom of religion or belief.
11. These violations of international human rights standards affect Muslim and non-Muslim, Emirati citizen and non-citizen alike, as non-Muslims do not have the

³ Jayson Casper, Christianity Today, Why Christianity is Surging in the Heart of Islam, 11 September 2015, available at: <http://www.christianitytoday.com/ct/2015/september/christianity-islam-saudi-arabia-uae-migrant-workers.html>.

⁴ Matthew Teller, BBC News, Free to pray – but don't try to convert anyone,

⁵ Julia Wheeler, BBC News, Dubai arrests US missionaries, 9 April 2001, available at: http://news.bbc.co.uk/2/hi/middle_east/1268927.stm; Worthy News, Detained American missionaries to be released from Dubai, officials say, 7 March 2005, available at: <https://www.worthynews.com/25-detained-american-missionaries-to-be-released-from-dubai-officials-say>.

⁶ United States Department of State, Bureau of Democracy, Human Rights, and Labor (United States Commission on International Religious Freedom), United Arab Emirates 2015 International Religious Freedom Report, available at: <https://www.state.gov/documents/organization/256505.pdf>, accessed 22nd June 2017.

⁷ Robert Mackey, New York Times, Dubai Police Chief Says He Knows an Israeli When He Sees One, 2nd March 2010, available at: <https://thelede.blogs.nytimes.com/2010/03/02/dubai-police-chief-says-he-knows-an-israeli-when-he-sees-one/>.

freedom to manifest and share their faith, nor are Muslim citizens afforded the full and unencumbered freedom to properly consider the claims of and their affiliation with Islam as a result.

(c) Recommendations

12. In light of the aforementioned, ADF International suggests the following recommendations be made to the United Arab Emirates:
 - a. Ensure that the right to freedom of religion or belief is promoted and protected in the United Arab Emirates, that non-Muslim individuals are not prosecuted or persecuted for their beliefs by either society or the State, and that Muslims are permitted leave Islam and adopt another religion or belief without fear of legal sanction;
 - b. Repeal all blasphemy laws and prohibitions on the proselytisation of Muslims by non-Muslims, and ensure that the freedom of expression is protected and promoted to the fullest extent required under international law;
 - c. Recognise that a mere right to freedom of worship does not completely fulfil the right to freedom of religion or belief, and that the freedom to fully manifest one's religion is a human right under international law;
 - d. Ensure that individuals are not refused entry to the country or profiled and treated in a manner which amounts to invidious discrimination on the basis of race, religion, and/or national origin, and which is unnecessary to the preservation of national security.



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