

Human Rights of Religious Minorities in the Arab region

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Abstract:

In the Arab world, there are different human groups in terms of religion or sect, and every group tries to preserve its existence, its religious rites, and its rights guaranteed by the constitution within each country, international law and international conventions, this group is called (minority). The Arab region contains the oldest civilizations and religions in the world and it is a multi-ethnic place. So, religions have a lot of influence in Arab societies. And also this influence is obvious on political and social life and the behavior of the individual within society. There is a difference in the unequal rights among minorities in the Arab region at the political, legal and social level. The study also assumes that some dictatorships exploit religious minorities to implement political goals. The future of minorities in the Levant is linked to the great powers of the world (the United States of America, Russia) and some influential regional powers (Turkey, Iran and Saudi Arabia), which affect the Arab region in general and the minorities in particular.

Key words: Political Science, Human Rights, Religious Minorities, Arab Region.

Introduction:

Judaism, Christianity, and Islam are the three major religions in The Arab Mashreq, {The Arab Mashreq contains five countries which is Mesopotamia which is Iraq and the Levant which is Syria, Jordan, Lebanon and Palestine}. had an impact on the spread of peace, the organization of social, political and economic life, as well as the protection of human and minority rights and other issues. These religions called for tolerance and peace, but many circumstances led a split within these religions and led to emerge different and conflicting sects. Usually

in dictatorship countries, governments use some means to prevent religious minorities from integrating into the society and put it out of power, including effective economic participation. Therefore, minorities in dictatorship governments like in The Arab Mashreq countries are persecuted, whereas in democratic countries they equal in rights with the rest of the residents and integrate with the rest of society. Thus, the minority has three methods: integration with the majority, opposition, or separation. (Kinloch: 1979, p.p. 5-12)

The state may sometimes try to control a region or region inhabited by religious minorities by taking some procedures to impose full control of power. These procedures may be to expel religious minorities from their areas or relocate them to other regions to make sure they do not threaten the regime and political power. (Toft, 2005)

Sometimes, government's action against religious minorities may reach to exercise ethnic cleansing by turning a region with a single religious minority into a forceful and intimidating dispersion to extract the region or territory from them and try to erase their culture and religious identity. (Hayden, 1996)

The research on religious minorities is not limited to definitions of religion and the scope of powers of the legal entity of these minorities in the domestic laws within the state, but beyond to international laws. Religious practices and rituals and their independent identity confirm their existence, but it is important to prove their legal existence and to recognize their status without limiting their religious rights only. For the study of the rights of religious minorities, there is a multifaceted analysis in which some minorities do not care about their rights, but are interested in their religious identity and how to preserve them, unlike other religious minorities who seek broader rights and more because they consider themselves national and ethnic minorities. (Ferris, 2008)

In the Arab world ,there are different human groups in terms of religion or sect, and every group tries to preserve its existence, its religious rites, and its rights guaranteed by the constitution within each country, international law and international conventions, this group is called (minority). The Arab region contains the oldest civilizations and religions in the world and it is a multi-ethnic place. So, religions have a lot of

influence in Arab societies. And also this influence is obvious on political and social life and the behavior of the individual within society. Religious minorities are still to be at risk because of their religious affiliation, as well as the danger to those who are not belonging to a religion and are atheists whom are exposed to violence, persecution, and discrimination. Religious minorities face serious challenges from authoritarian dictatorships, extremist religious movements and terrorist organizations. Arab dictatorships tend to alienate religious minorities from major political centers and control the economy. These problems have multiplied since the beginning of the Arab Spring revolutions in 2011, which increased chaos, extremism, terrorism and civil wars. Religious minorities were the first victims of the spread of terrorism, and religious extremism, which came with the chaos of the Arab spring revolts against dictatorships. As a result of the absence of a spirit of citizenship, religious minorities have been victims of ideological mobilization that rejects the rights of citizens to these minorities. Violations against religious minorities are increasing in light of the failure of the dictatorship governments to carry out their main tasks: protecting all citizens, providing security and peace within the state and facing challenges and threats. Since 2008, terrorist organizations, most notably al-Qaeda terrorist organization, have been calling for "management of savagery strategy", which was explained by the Egyptian Mohammad Hasan Khalil al-Hakim entitled "Management of Savagery". This book tackles the need for terrorism to achieve safe havens to build its extremist religious state, and to this end, they target governments and peoples as enemies. If this strategy achieves its objectives of establishing a terrorist entity, the first victims are citizens of all religions, especially religious minorities, this is what happened when the terrorist organization of ISIS occupied the city of Mosul and other cities of Iraq on 10 June 2014, stressing the concept that the Islamic religion is a religion of coexistence, peace, and is completely against the claims of these extremists and terrorists. In general, minorities as well as Arab people suffered from religious extremism and political tyranny, especially with the decline of nationalist forces that advocated Arab nationalism and the establishment of the Arab world on the one hand, and the rise of the forces of Islamic pressure and extremist religious thought on the other hand. Religious minorities have been the trump card of terrorist groups to put pressure on governments as

a sensitive issue and raise public opinion and the international community. (Nesira, 2014)

Religious minorities were subjected to injustice, murder, persecution, and they fled as refugees internally displaced or as refugees in other countries in the world, and these countries are seeking to gain their loyalty and control over their actions. Religious minorities suffer at the social level because there are no accurate statistics for religious minorities. There are no periodic statistics, so their numbers cannot be accurately defined and therefore their political status cannot be given in proportion to their real enemies.

Problem:

The main reasons for this study are find out appropriate solutions to the problems facing minorities. Through the study of the comparison of minorities in five countries of the Arab Mashreq, it can be found many solutions to the social problems facing these minorities, hence the importance of this study.

The problem of religious minorities is one of the most important problems faced by Arab countries. These problems emerged clearly after the escalation of extremist religious discourse on the one hand, and the escalation of the oppression of Arab dictatorships on the other hand. The attacks of September 11, in 2001 and the subsequent war on terrorism were the vision of the United States of America under the leadership of George W. Bush, who described the war on terrorism as a holy war against the forces of evil. The war began with the occupation of Afghanistan in 2001, the occupation of Iraq in 2003, The presence of the US military forces in Iraq was a good excuse exploited by extremist ideologues to spread their ideas amid chaos, and the emergence of armed groups, the loss of security and the spread of Extreme ideas that were aggravated in result of instability in security, social and political one. Therefore, these wars had an impact on the rise of extremist and terrorist discourse, chaos and the threat of minorities, especially religious minorities. And the threat of minorities, especially religious minorities, which met by the oppression of the dictatorial Arab governments that were exploiting religious minorities in the interests of the ruling power,

and because of the continuation of these events have made religious minorities either migrate or live permanent condition of war, killing, and persecution. Religious minorities in Iraq face a threat of murder, kidnapping, displacement, and the imposition of extremist thoughts by terrorist groups. That is why most of the minorities in Iraq fled after 2003, and till now they are leaving Iraq as refugees. After the revolutions of the Arab Spring in 2011, violence, killings, the emergence of armed groups, militias and terrorist organizations escalated, significantly led to threat and killing of religious minorities in Iraq and Syria, and the impact extended to Lebanon. As for Jordan and Palestine, are not far from these events. This chaos and revolutions led to major political changes as well as social changes and divisions that affected religious and cultural diversity in Arab society. Arab governments have failed to protect citizens and failed to deal with the crisis and failed to unite the one society, which is divided into several denominations of religious, ethnic and national one, and the causes of these internal and external factors have torn the social texture of these Arab countries and civil wars have been spread. The tensions and conflicts in the Arab region and the violations of Arab dictator governments as well as terrorist acts by extremist groups have created a conflict between religious minorities and there is another conflict within the minorities themselves. (Kymlicka: 2014, p. 320)

The problem of the study is that the religious minorities in the Arab region face political persecution and unequal rights with the majority and social problems that lead to discrimination on religious grounds, and these reasons called on dictators and some superpowers to exploit these minorities to be a tool in implementing the agendas of these dictatorships and countries superpowers.

Hypothesis:

This study seeks to understand similarities and differences in the evolution of religious minorities, rights are determined by internal factors, regional factors and international factors. This study assumes that there is a difference in the unequal rights among minorities in the Arab region at the political, legal and social level. The study also assumes that

some dictatorships exploit religious minorities to implement political goals. The future of minorities in the Levant is linked to the great powers of the world (the United States of America, Russia) and some influential regional powers (Turkey, Iran and Saudi Arabia), which affect the Arab region in general and the minorities in particular. So, this study deeply goes into this important subject in the Arab Mashreq, where there are many religious minorities.

Justification for the Case Study:

This study will examine some justifications for human rights for religious minority. Having introduced the background to this case study, it is offer a justification for case selection. There are some important interconnected reasons why "Human Rights of Religious Minorities in Iraq, Syria, Jordan, Lebanon and Palestine" in specific period which is 2008-2018 have been chosen as compared with five cases study of this research. As mentioned previously, Religious Minorities have also been subjected to increasing violence and human rights violations in the period 2008-2018. It should be stated that the human rights problems of this group of Minorities are not only related to religion, but are also connected to social, political and legal issues. It is, therefore, important to understand how the group is concerned constraints under the dictator regime in five countries and It is necessary to understand what the minorities have been subjected to violence. It has been reported that the Religious Minorities have faced many difficulties in claiming and enjoying basic rights. In relation to these issues, the concern of the domestic public and international community has grown in recent times, which is another compelling reason to study human rights for Religious Minorities.

The period from 2008 to 2018 is a period full of events affecting religious minorities in the five countries, especially Iraq and Syria, where minority rights were at high risk as a result of wars and the rise of terrorist groups.

The reasons why this study is worth going on researching on religious minorities' rights in these countries, the study will attempt to know the rights of religious minorities, whether there is equality between minorities and majority. The study also aims to know the political rights of religious

minorities, are they allowed to participate in political power, political parties and parliament, besides to know the social rights of minorities, are they built into the community in terms of social movements and coexistence within a society that accepts the customs of religious minorities. And how the international community is trying to protect the rights of religious minorities through international conventions and international humanitarian law. This is what made the religious minorities a tool in the hands of some international parties to implement political goals and interests of outsiders and this is what we will clarify through the study. After addressing these minorities in detail and their political, legal and social life, we try to compare religious minorities in five countries in the Arab Mashreq.

Additionally, the study will also examine to know the factors, circumstances, and changes that have occurred on the level of human rights of religious minorities in the Arab Mashreq. The factors that affect the human rights of religious minorities in the Arab Mashreq could be summarized into three factors: First (internal factor), which represented by governments, extremist groups or terrorist organizations. Second factor, (the external or international factor): Which represented by the strong direct influence of the United States and Russia on the Arab region, which is considered an area of influence on the one hand, and the influence of international organizations, foremost among them the United Nations, the European Union, and the League of Arab States on other hand. Third factor: (the regional factor): which represented by the conflict between (Iran, Saudi Arabia and Turkey). Therefore, there is a clear influence on these three factors on the status and rights of religious minorities in the Arab region.

Moreover, This study will examine the human rights of religious minorities in the Arab Mashreq in terms of knowledge of the rights that guaranteed by international law and international organizations and the rights which guaranteed by the constitution within the Arab Mashreq countries, as well as to know the political rights and the social rights that enjoyed by the religious minorities, and to know how Arab governments and some governments of the great powers exploit religious minorities to achieve political goals, and the study aims to define a common definition of religious minorities in the Arab Mashreq.

Finally, because of the events that are taking place in the Arab Mashreq region to the war on terror in addition to the existence of the dictatorships that dominate most of Arab countries. For these reasons, this study will be concerned with the rights of religious minorities. Besides it aims to know the human rights and legal rights of the religious minorities, through The United Nations Convention on Human Rights and Minorities, and how these dictator governments are exploiting those minorities. The study also aims to identify a common definition of minorities in the Arab region.

Methodology of the Study

The methodology in this study is Qualitative Comparative Analysis (QCA) as the Data analysis technique. The selected comparative method is regarded as a method of discovering empirical relationships among the selected variables and not as a method of measurement. The comparative analysis is made on the selected comparable case studies similar in a number of important variables and at the same time dissimilar as far as those variables are concerned in specific cases. The study is a cross-national comparison, however the focus on inter-nation analysis is found only in few elements in the comparison process, whereas the technique that prevails is the intra-nation comparison. The selection of combined comparative study and a case study analysis is seen important for the contribution in establishing general recommendations and theory-building.

The Rights of Religious Minorities:

There is a concept among the international community that religious minorities in all parts of the world must be protected to maintain international peace and security, preserve religious and cultural heritage, the world's mosaic and ancient beliefs, as well as maintain the rights and freedoms of all peoples around the world. The issue of human rights has a great importance and focus by international organizations and the various countries of the world, so as to achieve democracy and progress of countries, so most governments and constitutions call for the protection

of human rights, including the rights of minorities. The minorities' issue is considered one of the most important in human rights issues due to the fact that the rights of minorities and the concept of democracy and political stability are well connected, which affects international stability in general. The constitution defines the rights of minorities and majority rights and regulates the relationship between them. In some cases, the interests of some dictatorships, superpowers, and international organizations are required to ignite conflicts within the state to achieve political goals. Therefore, minorities may turn to the International Court of Justice and the United Nations to ensure their rights guaranteed under international humanitarian law and some international conventions on minorities and protects their rights. Conflicts have emerged in most of the Arab Mashreq countries where religious minorities have existed for a long time, as illustrated by the history of the Arab world. Arab governments have failed to protect minorities. In fact, these governments have violated human rights in advance for all categories of the population, whether minority or majority, and the Arab governments are increasingly violating minorities if they demand their rights, especially the right of separation.

In this case, Arab governments use repression and power to dissolve the minority within society, and do not allow them to separatism. Governments use national names to suppress the rights of minorities under national pretexts such as national unity and against partition. Nevertheless, the religious minorities in the Arab region have called for the establishment of a democratic civil state to guarantee full guarantees for the realization of the rights of minorities which guaranteed by international law and by most civil constitutions that believe in democracy. Arab constitutions often contain clauses calling for human rights, democracy, and the protection of religious rights, but they are mere ink on paper and without implementation in practice. The 1951 Refugee Convention recognizes persecution on the basis of five characteristics (race, religion, ethnicity, nationality, membership in a social group or political opinion), or the direct cause of being involved in a particular religious minority or political persecution because of the government's opposition to the defence of a religious minority. (Kalin, 2008)

There has been repression of religious minorities for a long time. There are three ways to eliminate this repression: (agreements of political settlements, constitutional guarantees, and international conventions). Political agreements and settlements: All religious minorities can express themselves and emphasize mutual respect. Constitutional guarantees: They allow for laws that guarantee religious freedom and the freedom of practice religious rites. As for international conventions: The international conventions clearly provide for legal rules that oblige all members of the international community to protect basic human rights, the most important is freedom of belief and religion and protection of minorities in general. (Mahmud, 1995)

At the international level, the United Nations has adopted human rights rules, which are specific and binding to the countries of the world, and have been willingly accepted by the Arab Mashreq countries to abide by these international laws which call for the preservation of the rights of religious minorities. Internationally agreed human rights standards regarding religious minorities are primarily encapsulated in the Universal Declaration of Human Rights, adopted 10 Dec. 1948. Reprinted in 43 AM. J. INT'L L. Supp. 127 (1949); International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, art. 18, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered into force 23 Mar. 1976); Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted 25 Nov. 1981, G.A. Res. 36/55, U.N. GAOR, 36th Sess., Supp. No. 51, U.N. Doc. A/36/51 (1981). (Lillich, 1990)

Also to support every citizen to embrace the religion that he or she wants and to practice the rituals of that religion freely. (Barbieri, 1999)

These international legal norms and agreed standards have an impact on religious minorities as a society and as individuals within society. In case of reading the UN reports on religious minorities, it is possible to see that there are real problems facing these religious minorities, whether civil and political rights or economic, cultural, and social rights problems, and that these minorities face the danger of the right to live and the right to life, which it is the simplest human rights. (Amor, 2000)

Challenges for the effective exercise of religious minorities rights:

Religious minorities face some obstacles and challenges in effective exercise their rights due to a number of factors that have had an impact on the religious minorities in particular and on the general Arab people in general. The most important of these factors are: First, the oppression and persecution of Arab dictator governments on the religious minorities.

Second: the killing and displacement of religious minorities by terrorist organizations, like Al-Qaeda and ISIS.

Third: the Great World Countries, some of the conflicting regional states, and some international organizations made an exploitation of the religious minorities' issue in order to achieve political interests.

Fourth: In addition to social pressures such as some cases of racism and discrimination in some areas of the Arab East. (Ferris, 2008)

Therefore religious minorities have been acquired various forms of suffering such as non recognition, discrimination, exploitation, prosecution, Abduction, captivity, displacement, murder... etc

There have been many difficulties such as displacement facing minorities for instance the Displacement of Christians in Iraq began in the period of violent instability that followed the US occupation of in 2003, and it has been going to increase to more than violence to became a surge in 2008. Escalating violence levels compelled many Christian families to emigrate, to the point where the continued existence of Iraq's Christian minority community may now be in jeopardy. Out of 1.4 million Christians living in the country prior to 2003, today only 250 300 thousand Christians remain, and this number continues to decrease on a daily basis. Fr. Dr. Ameer Jaje al-Dominiki, Director of the Baghdad Academy of Human Sciences, estimates that 1015- Christian families emigrate from Iraq every day. (Salloum, 2017, 47)

When ISIS invaded Mosul, the Ninewa Plain and other cities in June 2014, many Christians left their homes, abandoning the areas they had shared with other ethnic and religious groups for hundreds of years. Since their departure, Christian property and religious sites have become targets for attacks and looting. This fear includes the five countries; this fear is a

product of violations affecting the safety of individuals and the exposure of Christian property to illegal seizure. For the last few years there has been no interest in the issue of religious minorities except for some researches on Christians and Jews, and mostly old ones. With the rise of the Iranian Islamic revolution in the 1980s, attention was paid to religious minorities, and some researches emerged in the 1990s, but in 2000, religious minorities in the Middle East moved on to an important subject for researchers because it was closely linked to the war on terror and global changes that took place in the world, including the US occupation of Iraq in 2003. Iraq is a multi-religious country; this occupation has led to the emergence of violence, killing and displacement against religious minorities, so it was the responsibility of the United Nations to create a legal framework to protect minorities from violations of rights, which violations that had never happened before. Therefore, the United Nations has worked to raise the necessary awareness to clarify the rights of religious minorities and the importance of protecting them, as a duty of the United Nations and all governments of the world. The United Nations has worked to spread the values of tolerance between religions and to legislate certain laws and decrees to guarantee the rights of religious minorities and to formally recognize them to guarantee their rights. For minorities to enjoy equal human rights they have to be active participants in the decision making process, as a precondition, especially where their rights are concerned. Though the right to vote and participate in the political process, including running and holding public offices, is the most influential way to do so, the principle of public participation is a much broader concept. In addition, «it entails participation in governmental bodies the judiciary and other agencies of the criminal justice system, decentralized and local forms of government, consultation mechanisms, as well as through cultural or territorial autonomy arrangements. (United Nations, Human Rights Council, Forum on Minority Issues, 12- 13 November, 2009, paragraph 5.)

In most parts of the world, the major cause of marginalization of minorities is discrimination and it is the main impediment to active participation of minorities. This study discusses the political aspects of discrimination by detailing experiences of minorities in the Arab Region. Discrimination can take various forms: Some segments of minorities are vulnerable to traditional forms of discrimination. In addition to the

discrimination they suffer due to their religion, ethnicity, national origin, or language, they also suffer discrimination related to gender, age, disability and other forms. It is important to address discrimination as it is depriving minorities of their right to participate actively in any aspect, whether political, economic, social or cultural, in the society they live in, and they need that to preserve their identity, and ensure their presence. Therefore, it is vital for minorities to fully participate in all aspects of public life - beginning with the Parliament and Government and ending with city and village councils and throughout vital sectors so as to have effective representation. In this context, effective participation is considered the basis for the realization of all human rights for women and men, who are members of ethnic, religious, and linguistic minorities. It is through effective participation people can express their identity and protect it, and it is through participation that minorities can survive and their dignity is kept intact. The right to active participation means participating in the political decision-making process at the local and national levels. Gay McDougall, an independent expert on minority rights, has noted that the achievement of "adequate representation of persons belonging to minorities in policy and decision-making, by society, is instrumental in breaking the cycle of discrimination and exclusion suffered by members of these groups, as well as their often disproportionate levels of poverty and other impediments to the full enjoyment of civil, cultural, economic, political and social rights. (United Nations, Human Rights Council, Forum on Minority Issues, <Minorities and effective political participation, Geneva, 13-21 November, 2009, paragraph 1)

The obvious fact is that numbers of minority members are small and that puts them in a clear disadvantaged and discriminatory position. Thus, a minority cannot determine the outcome of decisions in a majority-rule democratic system. For this reason, the representation of minorities in the legislative, administrative, and advisory bodies should somehow be translated into actual participation in the decision making process.

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