



Towards Full Citizenship

(Draft translation)

*The impact of religious affiliation on
exercising civil rights and religious freedoms*

Prepared by:

Mohammed Al-Musa, PhD. & Taghreed Aldughmi, Lawyer

Monitoring Team:

Hadeel Salih Albes, Shadin Abu Alhaija, Mohammed Basheer Shamma

The Advisory Board and Study Review

Asma Khader, Lawyer Hamdi Murad, PhD in Islamic Studies

Talib Al-saqaf, Human Rights Lawyer and Expert, Ayman Halseh,

Jeryiss Habash, Human Rights Activist, Mohammed Omar, Writer,

Noor Al-Emam, Lawyer, Ibrahim Gharaibeh, Writer

Amman, spring 2013

Introduction by Dr. Hamdi Murad

Human rights in general and civil rights in particular began since the beginning of creation, and the existence of human society on the planet which was destined by God. This has been the case since our father Adam and mother Eve - peace be upon them- till today and it will remain forever. We don't forget the first crime in the first human family, when Cain murdered his brother Able out of envy. This was an act of violence as well as a violation of man's humanity, his freedom of life, expression, work and ownership.

That incident and similar ones are recorded in the Holy Quran and Heavenly Books in holy texts and verses in response; "God Almighty declares that killing an innocent person unjustly is like killing all of mankind and saving a person's life is like saving all of mankind."

Yes, human life, dignity, livelihood, pride, and freedom, which do not conflict with others, are the real meanings of life, and no meaning for life without them. God said: "Let there be no compulsion in religion." There is also a general call for righteousness and affection towards Muslims and non-Muslims as long as they live in this life in any society, and as long as they are not assaulting others, nor their property, religion honor, or homeland.

Yes, the relation that among and with Muslims must be based on affection, righteousness and charity. God said: "God does not forbid you from showing kindness and dealing justly with those who have not fought you about religion and have not driven you out of your homes. God loves just who are just." From this point, Islam determines for the societies equal life in terms of citizenship, rights and duties. Non-Muslims, who live among Muslims or Muslims who live outside their homelands among non-Muslim societies, the Prophet Muhammad -Peace and blessings be upon him- said that: (God is your Protector. And He is the best of helpers).

After this brief prologue, allow me to say that this survey under the title: "Towards Full Citizenship," explores the impact of religious affiliation on civil rights and religious freedom in Jordan. This survey is a positive step consistent with Islam, the state religion, because the spirit of the study doesn't conflict with the Islamic doctrines and its advanced jurisprudence, the purposes and objectives of the wise Sharia' (religious Islamic law) in Muslim society as well. On the contrary, such surveys are considered to be an application of the Islamic approach in all aspects in life and society, and justice among people no matter how different their beliefs, sects, schools, denominations and ideologies are. This application simultaneously, does not

contradict the essence of Islam on the one hand, and provides rights, freedoms, dignity and philanthropy for all citizens on the other, under the umbrella of Islam and equal citizenship of rights and duties.

This study certainly proves, that all sects, beliefs, schools of faiths (minorities) in the Jordanian society, do not suffer any kind of discrimination in any aspect of life, especially in work, where they can find a job in various state functions –even those who are not admitted by law, in their words-. Even though, some of these minorities feel a lack of official recognition, which they need in practicing their rituals and religious particularities openly.

Yes, the purpose of this study is achieving justice and equality, as well as providing more freedoms for these minorities, without contradiction to Islam or other faiths in Jordan. However, they are considered to be much like all citizens in Jordanian society, and reasonably, they had a dignified life in comparison to other communities. We are certain that this quest toward stability in our society, does not contradict with the aspirations of the leadership of our country, and the religious, political and social leaderships there as well. This is a common sense of stability, availability of rights, comfortable living and freedom of belief, which does not affect the others at all.

We urge and request our blessed, wise and rational Hashemite leadership, as we have faith in its justice, awareness and abilities and all the competent authorities concerned, to consider this study with interest that reflects our keenness, credibility and love for our country Jordan. For we hope that our country remain cohesive, united, forgiving, amicable, helpful in righteousness and goodness and far from any outside interests, interventions or agendas. Our perspective has a national, Arab, Islamic and human dimension.

Our study, as we mentioned, is a sincere and serious attempt for the sake of our country. We don't commend ourselves for these efforts that we endeavored in this regard. We are willing to lend a hand and open our mind and heart for those who may have a sentiment and attitude. Whether he or she was a proponent, supporter or opposed critic. It is part and parcel from our call for justice and freedom in our community. So, we respect any opinion, as long as it will lead to a positive and constructive discourse, far from abuse, exclusion, or accusation and far from preconceptions that have not been built on objective, scientific and humanitarian study. Therefore, we see to be a balanced society by good, justice, charity, love, forgiveness and decent living for all the mankind, as pleases God.

Later on, this study will be followed by a detailed and legal appendix

Our intention is for the sake of God

He is your Protector. And He is the best of helpers.

Preface

This report is the fruit of a study carried out by Community Media Network's (Ammannet and Al-Balad radio) experts, researchers and monitors, to research the impact of religious affiliation on the basic human rights for some religious groups (Bahais, Druze, and un-recognized Evangelical).

The experience of civil society institutions unveiled some problems that these minorities suffer because of their religious affiliations. In general, such problems are related to marriage, inheritance and personal status laws. It appears that the main reason behind these problems is the absence of unified civil laws that govern the matters of the personal status for all citizens.

The main purpose of this study is to reveal key legislative, operational, official and social obstacles that prevent those who have different affiliations: religious, ideologies or beliefs, from enjoying their rights. Of special concern are obstacles related to civil laws. In addition to that, the purpose of the study is to reveal the impact of such problems on these individuals and their legal status as citizens in Jordan. As a consequence to this study we hope to be able to prevent continuing violation that may affect these citizens. At the same time, we need to be careful that these individuals are not involved in any abuse or threat towards the mainstream religions and beliefs here in Jordan.

Undoubtedly, religious freedom had been considered as an untold guarantee for a long time in Jordan. Moreover, the actual status of people that belong to the groups mentioned above, is rarely talked about. People belonging to these groups constitute about (3-4%) from the population in Jordan according to the statistics that was provided by the Jordanian government in its third periodic report to the human rights committee that supervises the International Covenant on Civil and Political Rights on March 30th 2009¹. Those people are Jordanian citizens, who have participated actively and effectively in public life in spite of some obstacles and problems that they are still facing, especially those are concerning their civil and human rights.

The major problem that the study aims to address is to identify the impact of religious affiliation on enjoying civil rights and religious freedoms. It is noted that, some religious groups are still unrecognized, like the Baha'is and Evangelical. Furthermore, there are some beliefs and religious followers such as Druze or Shiaa, whose legal and civilian conditions are still unknown. Indeed, some of these followers cannot reveal the reality of their beliefs, for political reasons. However, studying the beliefs of the mentioned groups or their religious concepts are not the purposes of this study.

^{1 1} See the link: <http://www.arabhumanrights.org/publications/countries/jordan/ccpr/ccpr-c-jor4-09a.pdf>

This study seeks to explore the problems encountered by these people on account of their religious affiliations and beliefs, and to make recommendations for solving such problems. The goal is to achieve full citizenship between the whole population and Jordanian society's components apart from their faiths or beliefs, as well as, to substantiate the concept of freedom of belief and religion, and the right to manifest them.

Talking about differences of religions and beliefs is still considered as one of the taboos; it is not easy to breakthrough or study. It is surrounded by a 'treason' discourse as well. Once a person tries to address the matter, they would be accused of having a foreign agenda, seeking to fragment national unity, and splitting Jordan and the Jordanians. This study actually, may be accused of such characters.

Contrary to such rumors, this study and similar ones are essential works that establishes the pillars of citizenship in Jordan, as well as, consolidates and strengthens Jordan's social fabric. Such unity can only be accomplished through spreading the spirit of pluralism, and mutual understanding among all citizens, and create a suitable environment to achieve equality, fusion and sensibility for Jordanians. Furthermore, the concept of citizenship cannot be entrenched, unless all citizens obtain their rights equally.

Accordingly, the marginalized and vulnerable groups will be empowered by others from outside. If reality has been being overlooked, and problems that come from religious differences have been being silenced continually, this will lead, after time, to disorder in the country's social fabric.

This study and the resulted report are part of a project have been implemented by Community Media Network. It aims at finding solutions for some problems facing those with certain beliefs, and religions covered by this project. As a result, it will lead to promote full citizenship and social stability in Jordan. Human rights which are legally recognized must be fully enforced. All rights components must be implemented and shall never some be worked out without another.

The study is one of the project's activities aimed at employing needed forms of advocacy to address the problems revealed. Not only that, but it's also the basic background for the rest of the activities that will follow.

The study's main objectives include the following:

1. Identifying the major problems affecting unrecognized religious groups, particularly, problems related to civil, economic social and cultural rights, as well as, the religious freedoms that have no effect or offense towards other religions, beliefs and religious schools in Jordan.

2. The legislative environment and the regulations (the constitution relevant to rights and freedoms exercised by target groups need to be assessed.
3. Unrecognized groups, their nature, attitudes, gathering places, and how they manage their affairs, need to be identified.
4. Identifying major public and private practices that involve discriminatory behaviors against these unrecognized groups, leading causes, public and private sectors' attitude towards these discriminatory behaviors.
5. Better practices based on equality and mutual respect, need to be substituted.
6. Finding out the social and cultural attitudes towards these groups.

Over the course of three months, this study was implemented by a number of specialists, experts and researchers. Exploring the major problems arising from beliefs or religious affiliations is on the main objectives of this study especially those relevant to the civil rights in particular.

It's a survey in the first place. It's a neutral study as well, and should be dealt with likewise. Exclusively, it is groping the concerns and problems of the Jordanian people in particular. It seeks to highlight and address humanitarian conditions in different sectors of Jordanian citizens and motivate the concerned authorities to finding solutions for these conditions without disrupting national unity.

Dignity for all mankind and equality for all citizens, regardless of their religions or beliefs are ensured by all divine laws and religions. Islamic law has been clear in affirming that. Alternatively, doing harm, derogation or abusing prevalent legal or religious system in Jordan are not in any way the aims of this study.

After arduous and painstaking work, the report has come out as a result of the study.

We hope that the report achieves the desired goals. This report presents several and various themes as the following:

First: Working methodology and report preparation process.

Second: Description of the religious groups included in the report.

Third: Part of the national fabric.

Fourth: Main problems facing persons belonging to the religious groups included in the report.

Fifth: The legal framework for the rights of the religious groups.

Sixth: Recommendations.

I. Working methodology and report preparation process

The aim of this study implemented by Community Media Network is to reduce violations against religious groups and minorities included here. Because a number of religious groups addressed in the research and survey are not recognized by the Jordanian government, access to information and data about them is not an easy matter. What is worse is that, there is an acute shortage within the government of basic information and data about these minorities, which makes the study an arduous task.

Keen on overcoming obstacles surrounding this matter, and desiring to access credible information and firm facts, the study team paid special attention on the research methodology of the study, including the collecting and analyzing of information.

The action plan and methodology can be summarized as follows:

a) Religious groups included in the study

Specific groups have been targeted by this project. These groups are: Bahai's, Druze, Evangelical and Shia. The general conditions of such religious groups among the migrant labor in Jordan like Buddhism and Hinduism have already been studied several times by various studies, the conditions of these groups included here have not been studied yet. Moreover, the central objective of the study is the impact of religious affiliation on citizenship in Jordan. It is related to citizens in Jordan. Religious groups such as Buddhists and Hindu, who are foreigners and not citizens, therefore, are not included in the targeted groups of this study.

While the survey and data collection process has focused on religious groups in particular, Evangelical Christians have got special attention from the study team because they are unrecognized under the umbrella of the tribunal of non-Muslim religious communities, law number (2) in 1938.

Nevertheless, the research has focused on the other religious groups included in the study, because it's believed that there is a marginalization practiced against persons who belong to these groups, which effects their position as citizens.

For study preparation purposes, we were indifferent of finding a specified definition for each group. Alternatively, we adopted personal and practical criterion. It is a self definition or self-identification. Any declared affiliation to any group mentioned above was considered one of this group. Identifying the theological and ideological content is not the objectives of the study. It is not our objective to study religious attributes and attitudes for a group as well. However, identifying civil and human problems as well as different sorts of violations committed against these groups are some of these objectives. Accordingly, the research team has gathered information in this regard.

b) Human Rights included in monitoring and survey

The study seeks to document behaviors committed against individuals belonging to the targeted groups, that prevent them from gaining their rights and freedoms. Therefore, a rights-based approach has been applied to link between such behaviors with the recognized human rights by the international human rights law, whether it is based on international agreements or a customary law. Thus, international human rights agreements are considered a key reference for the study.

The study team has sought to monitor the enjoyment of these rights by Jordanian citizens who belong to the target religious groups. The most important rights are:

- Freedom of religion, belief, expressing and practicing rituals. Right of parents to freely choose the kind of education that shall be provided to their children, consistent with their religion. The right of establishing religious and educational institutions.
- Freedom of assembly. Freedom of marriage and registration of marriages. Right of registering children immediately after birth. Freedom of participation in public life. Freedom of work. Freedom of education and equality and the conviction of discrimination.

c) Methods of gathering and analyzing information

Throughout preparing the study and implementing various and multi-sectoral approach, things that distinguish the work we used various tools. The study team was able to implement all the possible methods on collecting data's process in spite of the very short time.

The methodology used in the survey and data collection can be summarized as follows:

1. Interviewing a wide range of sectors and parties relevant to the target religious groups:

Several interviews have been conducted by the study team, with representatives or leading figures from within the same group such as community leaders or spiritual figures. The primary goal of these interviews was to gather information related to the emergence and development of these groups, as well as their ideologies, and how they manage their own affairs.

Some of the interviewees were among the religious groups included here, in order to detect problems and violations suffered by these individuals because of their religions and beliefs. 60 individuals who belong to the studied groups were interviewed.

Officials and decision makers have also been interviewed as follows:

Mr. Ramadan Al-Rawashdeh, Radio and Television director, Ali Al-Maseemi, judge and chairman of human rights chamber in the Ministry of Justice, Mr. Mohammed Al-R'ood Secretary General of the Ministry of Endowments and Religious Affairs, Mrs. Deema Khleefat, associations records' director in the Ministry of Social Development, Father Hanna Keldani, the Secretary General of the Council of Churches, Mr. Qasem Al-Khateeb, the Secretary General of Curriculum and Educational Books Department in the Ministry of Education, Mr. Fayez Al-Shawabkeh, Director of the Department of Press and Publication and Mr. Ahmad Malkawi, the Legal Department director in the Civil Status and Passports Department.

The study team also interviewed Mr. Mohammed Al-Hiloo, the spokesperson of the National Center for Human Rights and Father Refat Bader, Director of the Media Centre of the Latin Patriarchate. The study team has tried scheduling interviews with each of these entities: Ministry of the Interior, Supreme Judge Department and General Ifta' Department, however, it was not possible to work out a specific date by these entities.

Taking into consideration age, gender and cultural level, and in order to monitor and learn the social and cultural situations towards these groups 15 Muslim and Christian citizens have been interviewed by the study team,

Despite repeated attempts made by the team, interviewing individuals belonging to the Shiite denomination wasn't possible. Usually, it's not easy for Shiites to announce their presence. It is for ideological, security and—or political reasons.

Using a random sample wasn't possible, because records and data concerning individuals belonging to such groups are usually not available from the government archives, especially Baha'is and Shiites who were not possible to reach a considerable number of them.

However even if reaching for records and data wasn't easy, the interviews largely reflected the real situation of these groups in Jordan. Great similarities have been found between the interviews' outcomes. Moreover, the names of the interviewees weren't already identified by the survey team, but they were reached during the survey and research process. Problems revealed by the study was largely compatible with these problems which was revealed by national and international reports dealing with civil rights practices for people of different religions in Jordan.

Consequently, we can say that, problems and results which are indicated by the interviews which were conducted with individuals belonging to these groups mostly reflect the actual fact behind practicing their civil rights. Furthermore, these interviews are one of many methodologies, which have been followed throughout the data collection process, and yet the results of other methods and instruments used have matched these results, which have been revealed by the interviews.

On the 19th of July 2012, a focus group was held by the study team. It included some groups' members in order to review their different perspectives about their situation in Jordan, the problems they face, and find out integrated and inclusive solution as well. Participants were selected because of their accurate and inclusive knowledge with regard to these groups.

2. Studying and analyzing Jordanian legislations in force, relevant to the religious groups. The process of examining the legislation included: The Jordanian constitution, open meeting law, associations law, the non-Muslim religious communities law, law of legal entities disposal of immovable properties law, political parties' law, inheritance law for non-Muslims and foreigners, civil status law, penal code and personal status law.
3. Review international, local governmental and non-governmental reports especially which are provided by the Jordanian government to pledge committees, such as: human rights committee, child rights committee and elimination of racial discrimination committee, as well as, reports, which are provided by Jordan in the Universal Periodic Review (UPR) for the human rights council. In addition to reports related to human rights in Jordan provided by different non-governmental organizations (NGO's).
4. Studying the positions of international human rights committees, their concluding observations and recommendations. In fact, some of the concluding observations of great importance for the study have been approved by a number of committees especially the concluding observations approved by the human rights committee.
5. Referencing the courts records and archives in order to identify civil rights problems and conflicts concerning individuals belonging to the religious groups covered by the study. Despite addressing the Judicial Council in order to receive specific information and data in this regard, the study team managed to obtain judicial rulings concerning the research and study matters, after receiving a reply that the council doesn't have any information or data in this regard.
6. Doing a content analysis for a variety of visual, audio, printed or electronic media, which were published two years ago until the completion of the study.

This was done in order to determine how to cover the religious groups affairs, situations and problems.

7. Considering schools curriculums. Such curriculums have been selected, as a result of many complaints received during interviews.
8. In order to have information about the included religious groups, their numbers, places of presence, associations and places of worship they have and major civil rights problems they face, submitting formal applications is usually required.

Clearly, many difficulties and challenges faced us during the data collection process. Despite the short time, which was given in order to explore the major problems facing the religious groups in Jordan in general and the target groups in particular, multidisciplinary methodology followed through the study preparation process instead of using one methodology..

d) Difficulties and Challenges

During the study preparations many obstacles and difficulties emerged. In some cases, such obstacles had a significant impact on accessing required and accurate information. In addition to the sensitivity of the issue at the local level, these difficulties and challenges can be summarized as follows:

- The limited period of time which was specified to complete the study, accomplishing this task was entrusted to the study team within three months only. It started from May until the end of July. Accordingly, this limited period of time wasn't enough to conduct integrated and comprehensive study about the religious groups in Jordan, it wasn't enough for reaching them, nor was it enough for reaching those who faced violation against their religious freedoms and civil rights. Probably, following the multi-sector or multidisciplinary approach and various techniques helped the study team to overcome this difficulty. However, limited the specified time was, literally speaking, the study was considered to be a prospective study rather than analytical one without diminishing its importance and inclusion for the distinctive features of the reality of the included groups.
- One of the major difficulties which faced the researchers was, identifying individuals belonging to the religious groups, unrecognized groups in particular, such as: Baha'is and Shiites. These people were clearly keen on anonymity or hiding their beliefs and religious affiliations. In some cases, interviews were rejected by those individuals.

- Absence of data and statistics with regard of the religious groups and the places of its presence. After an application was submitted to the Department of Statistics, Ministry of the Interior and the Department of Civil Status and Passports by the study team requesting information about number of each group and the places of their presence, department of statistics replied that, they didn't have the required data. The Ministry of Interior declined providing information for they can't give information at present, whereas the department of civil status required approval from the Ministry of the Interior.

Later in the report, we will mention the extreme difficulties, faced by the study team in its attempt to access detailed information about the subject of the study.

In order to be document the number of complaints regarding religious affiliation, the study team addressed the National Centre for Human Rights. Consequently, the reply was that they were (12) complaints regarding religious freedoms and rights had been received by the national centre for human rights since year 2004 until the date of the preparation of this study. Mostly, the complaints were focused on religious conversion issues in attempt to address a certain social status before returning to the previous religion.

As the national centre mentioned, many problems regarding children and inheritances had emerged as a result of that. Caution in public disclosure of the problems. Despite many outstanding problems unsolved by the stakeholders, persons expressed reluctance on disclosing their identities, as well as, expressing problems they face fearing from their problems being not resolved, and desiring to calmly resolve their problems away from the public appearance. This matter had caused a serious difficulty for the researchers to access cases include civil rights violation. Accordingly, building trust in research team, was one of the most important issues which we depended on. This was necessary in order to urge the interviewees to disclose problems they face, especially, problems related to civil rights and the religious freedoms.

- The rareness of the theoretical and the applied studies, which dealt with the subject of the religious groups in Jordan particularly groups that are still unrecognized by the Jordanian government. Moreover, religious freedoms as a subject, and the impact of religious affiliation on exercising the recognized civil rights, are still not mentioned by human rights reports and the national centre of the human rights.
- The sensitivity of the subject of the study at both official and social levels. Religious groups in Jordan are one of the greatly sensitive topics for both, governmental entities or social sectors. Therefore, the study team should have

found out the most suitable methods for data collecting and interview conducting. The concern of avoiding sensitive topics by the research team had obstructed accessing integrated and comprehensive information in this regard.

- The study and its hosts had faced a reverse campaign, where the possibility of its comprehension had already been affected before its release. Some news websites actually published information which accused the study and those who worked on it of negatively portraying the reality of the religious groups in Jordan associated with human rights violations.²

II. Description of the religious groups included in the report

The study mainly includes: Baha'is, Evangelicals, Druze and Shiites. It focuses on exploring legal status and major problems faced by some religious groups in Jordan that are related to civil rights in particular.

Until now, part of these groups mentioned above had legally been unrecognized. They had permanently been questionable issues by the pledge committees and the human rights committee in particular.³ thus, such groups were the focus of interest of the study. Generally speaking, there are no exclusive regional grouping for a particular religious minority except for Al-Azraq region, which is inhabited by a large community of Druze.

Following is a brief description of this group and its historical evolution.

The Druze (the Unitarians):

In Jordan Druze usually are known as "Bani Maarroof Clan" rather than (Druze). According to the writer, historian and the expert in Druze history, Tayseer Abu

² It was mentioned in one of the news websites tha AmmanNet employees were commissioned by their sponsor to review association's record, with the purpose of having information on a closed society for one of the religious communities. These websites have digressed the target of such research is portraying the rights of religious communities in Jordan as violated, and conducting an Investigative survey funded by foreigner entity See the link: <http://www.ammanjo.net/more-21970-31-> Another site says that the study comes in preparation for delivering it for foreigner entities. In addition to the team's intentions of publishing the study in world press, according to a reliable source, strangely speaking, the study, which is supervised by the Community Media Network directed by the colleague Daoud Kuttab, is concentrating on a non existent topic the religious violation directed against minorities. However, the conducting an intensive study on each religious minority, and portraying these minorities as marginalized, is something required from the team by the donors. Highlighting the real situation of the religions as secret and enigmatic seeking to provoke the issue globally as a marginalized religious minority's issue, the field tours conducted by the research teams are concentrated on worship places, religious societies, religious communities and minorities. See the link: <http://www.jfranews.com/home.php/rss/rss/more-38384-20->

³With this regard, see the third periodic report of Jordan, provided to the mentioned committee, published in the document: CCPR/C/JOR/3(30/3/2009. And see: paragraph (3) in the committee's concluding observations on the report, in the document: CCPR/JOR/CO/4 (27/10/2009)

Hamdan in an interview with the study team: the Druze attachment to Jordan isn't new it goes back to the last decades in the 19th century. The Druze usually attribute their presence in Jordan to the geographical overlap between Jordan and (Jabal Al-Arab) in Syria. They are mostly centered in Al-Azraq. Population around two thousand.⁴⁵

Al-Azraq is a Jordanian region, which is near from Jabal Al-Arab in Syria (About 50 Km). In 1918 Druze inhabited Al-Azraq. They used to come there in summer. Since then, they have been known of (Bani Maarooof clan).⁶ In fact, they dislike their being called (Druze). They would prefer to be known as (Bani Maarooof Clan) rather, according to Ajaj Muhana Ata, the Imam of Bani Maarooof. Because, the first name (Druze) actually refers to Mohammed Ibn Ismayil Al-Durzi. Who was ostensibly calling for Unitarianism, while he was mystically concealing a different belief. Therefore, he was considered as a source of distortion of their call. They didn't deviate from Islamic teachings, The Holy Quran and the Sunnah of the Prophet Mohammed. Consequently, they hold their wedding and divide legacy according to Islamic Sharia. Their Islamic holidays Are the same for all Muslims, and Mosques and sanctums are the usual worship places for them.⁷

In fact, the reason behind the name (Bani Maarooof) that, it refers to (Al-'A`raf) in the Holy Quran, who was the first to believe in the Prophet Mohammed's call, as Sheikh Ajaj Mohana Ata explained. Furthermore, and referring to the many rumors, he emphasized that, whatever is said about them are unfounded and merely accusations.

According to the Ifta Council's decision⁸ on Druze and Baha'is which was issued on 1st March-2006, and the Islamic court's jurisprudence that apply Sharia law according to the constitution of Jordan Article (106), Druze should be treated on the bases of equality with Muslims citizens.

Evangelicals:

Evangelicals are one of the unrecognized Christian denominations in Jordan, about 7890 of Population, as follows:

Total of members and attendance	Church
950	Christian Alliance Church
1,370	Evangelical Free Church
1,290	The Assemblies of God
2,520	Baptist Church

⁴ In the interview with the writer: Tayseer Abu Hamdan Amman 20/5/2012

It is not easy to find a conclusive number of Druze, but this is what is acknowledged by Druze themselves and indicated by the government in the third periodic report provided to the human rights committee. ⁵

It worth notice that in addition to Al-Azraq Druze inhabit also Um Al-Qateen. ⁶

⁷ According to Sheik Ajaj Muhana Ata In an interview: Al-Azraq on 27th/5/2012: sanctums are: an outdoors rooms for worship, In which Access is limited to religious and Non-smokers..

⁸The decision is published on General Fatwa department website, the links: Aliftaa.jo/index.php/ar/decisions/abow/id/140

1,760 ⁹	Evangelical Church of the Nazarene
--------------------	------------------------------------

Evangelical churches should be registered in the Jordanian Ministry of Justice, as religious entities, according to the disposal of immovable properties Act number 61 year 1953¹⁰ rather than the tribunals of Non-Muslim religious communities law number 2 for the year 1938 because, they were refused to be recognized under the umbrella of the tribunal of Non-Muslim religious communities law by the Council of Churches.

The recognized Christian denominations in Jordan are represented by: Greek Orthodox, Latins, Roman Catholic, Armenian Orthodox, Maronites, Pentecostal Church, Coptic Orthodox, Arab Evangelical Episcopal, Syriac Orthodox, Evangelical Lutheran Church, Seventh-day Adventist and Mormon.

According to the third periodic report provided by Jordan to the human rights committee, the Christian population in Jordan is about 2.6% of the total population by approximately 150 thousand people.

The origins of the Evangelical church in Jordan goes back to the 1920s. Thus, its presence here is not something new, as reported by many of the interviewees who belong to the Evangelical churches.¹¹

Baha'is:

There are no accurate information about the number of Baha'is in Jordan. Whatever the case, they don't exceed 1,000 people. It has been noted by the Jordanian government in its third periodic report which was provided to the human rights committee that, the population of Baha'is in Jordan doesn't exceed 300 people. while their number has been estimated to 1,000 people according to the Religious Freedoms Report in Jordan for year 2009 issued by U.S Department of State. A number of the representatives of the Bahá'í faith in a meeting with the study team has stated that, their approximate number now in Jordan is 800 people.

Baha'is presence in Jordan is not recent. In fact, it refers to more than a century, where they first inhabited a region called (Al-Adasseya). According to Tahani Ruhi (member in the Baha'is forum), they were constantly used to be visited by King Abdullah the

⁹Numbers are derived from Mr. Jeriyes Habash (Evangelical churches in Jordan) Journal 1 December 2011, P4. Issued by Middle-East Association for Theological Education

¹⁰ There are five registered evangelical churches in the ministry of justice distributed as follows: Alliance Church includes 5 churches, Free Evangelical church includes 11 churches, the Assemblies of God includes 12 churches, the Baptist Church includes 16 churches and the Evangelical Church of the Nazarene 12 churches. Citing from Jeriyes Habash, previous reference, p5
It was pointed out by Mr. Habis Al-Nimat, the head of the Christian Alliance churches in Jordan and the holy lands, Amman 13/5/2012, that, this church was since 1927, when the (Alliance Church) had been moved from Jerusalem to Jordan.

¹¹ As it was explained by Mr. Waleed Madanat, the pastor of the Evangelical Church of the Nazarene that the existent of this church in Jordan as a Mission was started since 1920

founder, as well as King Hussein later. Whereas they're from Iranian ancestors, the Baha'is origins refer to Akka and Haifa city, before moving to Jordan after the catastrophe of 1948, as asserted by group of Baha'is.¹²

Nevertheless, Bahá'í faith is still not recognized according to the official Jordanian government. In a statement on 26th June 2012, Mr. Marwan Qtaishat (Director of Civil Status and Passports Department) noted: in contrast with Islam and Christianity, Bahá'í faith is non-heavenly faith. Therefore, recognizing what is called (Bahá'í faith) is totally unacceptable. It is unrecognized neither legally nor religiously.¹³

Accordingly, this position completely intersects with the report of the Fatwa Council number 97 on March 1st 2006 that deals with Druze and Baha'is. It says:

"Since the Sharia of Islam is based on tolerance, justice, equality and recognition of others, it encourages cooperation among all people, no matter how different their ethnicities, languages and religions. All religious texts have worked together to protect rights of Non-Muslims in the Muslim Society. Consequently, they enjoy absolute freedom of belief, exercising religious rituals and maintaining worship places. the Islamic jurisprudence has acknowledged a rule in which says: Muslims and Non-Muslims are equal before the Islamic jurisprudence. They share the same rights and duties. Considering this rule, it is breaking for Islamic doctrines and provisions when refusing to recognize Baha'is as a sect. Because they believe in (Bahaa) the founder of the Baha'i faith, which is not considered a heavenly faith, While Islam is the last heavenly religion and Prophet Mohammed is the last Prophet as well.¹⁴

The Shiites:

There is no significant presence for the Shiites in Jordan. Their number don't exceed three thousands as stated by the expert in (Shiism) Sheik Mustafa Abu Rumman. They are usually keen to protect their anonymity, reaching them hasn't been possible by the study team. It is also explained by Sheik Abu Rumman that, the existence of Shiites in Jordan goes back to around 200 years ago, since they came from Lebanon. They usually reside in Irbid, Dair Abu Sa'eed and Ramtha. However, they don't show their rituals, and whatever applies to them is same as that to all Muslims existing in Jordan.¹⁵ After the Gulf war in 1991 the population of Shiites increased because of the influx of Iraqis to Jordan.

In principle, Shiites don't suffer violation of civil rights according to their religious affiliations in Jordan. In addition to social misunderstanding, and social polarization,

¹² In the interview with Tahani Roohi that conducted by the study team in Amman on 24/5/2012.

¹³ This statement was published on Saraya news website on 26/6/2012. Go to the following link: www.sarayanews.com/object-article/view/id/148894/title

¹⁴ See the link: www.aliftaa.jo/index.php/ar/decijory/show/id/140

¹⁵ In the interview with Sheikh Mustafa Abu Rumman –Imam and Khatib of a mosque, 30/5/2012,

they are deprived of exercising their religious freedoms and rituals for security and political reasons.

III. Part of the national fabric of Jordan.

There is a consensus among all groups interviewed and included in the study, that they are part of the national and social fabric of Jordan. Despite some problems, which will be dealt with later on, many of non-Muslims believe, that they enjoy appropriate social and political environment, where they can exercise their religious freedoms.

It was expressed by Reverend Baheej Aqeel, the head of Christian churches Synod and the head of Baptist denomination that: "We don't feel as a foreign body from the society, however, some matters such as mixed marriage (multi-nationalities marriage).¹⁶

The same was expressed by the former Member of Parliament and a leader of the Evangelical Free Church Emad Ma'yia who mentioned that: (there is no labor discrimination at all. When I had won the election in Madaba city, a third of the votes I got came from Muslim voters).¹⁷

The deputy Ghazi Msharbash has also explained: "there is no public policy which includes discriminatory practices against Christians. The Jordanian constitution is clear enough. It indicates that: Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties based on race, religion or color."¹⁸

In the same context, Sheikh Ajaj Muhana Ata, the Imam of Bani Maarroof (Druze group), emphasized in an interview that: despite some individual behaviors --as described--, he didn't notice any discriminatory behavior against Druze. The same idea has also been emphasized by Tayseer Abu Hamdan – a writer from the same group (Bani Maarroof) — who considers that in terms of educational opportunities, employment and state positions, there are no problems facing Druze. Furthermore, it has been quoted as an explanation to one of Bani Maarroof's members, Iman Aqeel that: "On the contrary, the employer would facilitate the transaction, if he—she has known that I belong to Druze). In any case, there aren't any difficulties except those due to social misunderstanding to their beliefs which leads in many cases to discriminatory individual behaviors against them."¹⁹

Thus, the desire that has been showed by these religious groups to be a part of Jordan's social fabric has become clear in the study team, such as, participating in

¹⁶These words had been mentioned in the team's interview with Reverend Baheej Aqeel the head of Christian churches Synod in Jordan, and the head of the Baptist Church. In Amman on 13/5/2012

¹⁷Interview with former deputy Emad Ma'aia, member in the free evangelical church, Amman 23/5/2012.

¹⁸In the interview with deputy Ghazi Msharbash, Amman 14/5/2012

¹⁹In the team's interview with Eman Aqeeli from Druze, Al-Azraq on 27/5/2012

state building process just like the rest of Jordanians. Regardless of some problems faced by number of Baha'is – as mentioned in an interview with one of the members in the Baha'is forum, Mr. Faris Al-Na'eami--: the Baha'is in general don't face employment or labor discrimination. They also can profess their faith freely, fearlessly and without facing social harassment.²⁰

Moreover, several interviews were able to unveil a high level of tolerance and openness at some non-Muslim groups presence as an integral part of social, cultural and religious structure of the Jordanian life. During an interview with the Chairman of human rights department in the Ministry of Justice, Judge Ali Al-Maseami, pointed out that: "Since we have jurisdiction that has a civil and criminal code, discrimination or distinction based on belief or religion is never exercised by judges during work. Courts are accessible to all people. The constitutional provision shall be applicable to everyone, regardless of race, religion, gender and color. He continued: "The Holy Quran and the Holy Bible shall be present in the Jordanian court during the attendance of witnesses. However the religion of the witness, --Baha'i, Hinduism, Buddhism or Irreligion--, the court hears testimony. The court evaluates opinions according to the same rules and standards without taking into consideration whether the witness swears an oath on the Quran, Bible or whatever).

Mohammed Al-R'ood, Secretary General of the Ministry of Awqaf said in the interview: "Jordan is a civilized and legal state. It includes Muslims, Christians and citizens of other beliefs and ideologies. We have respect for everyone, and extend our hands to help everyone. Islam doesn't prevent coexistence with other religions. Taking such ideas into consideration His Majesty King Abdullah II has launched Interfaith Harmony Week. Harmony in fact is more than convergence of religions. It reflects coexistence among all citizens, and this is exactly how we feel in Jordan under his Hashemite leadership". About the churches in Jordan Alr'ood added: "Christians have been granted the right of living within a Muslim community and practicing their rituals in their places of worship freely. In order to maintain security for our country, balance and logic shall be achieved, and freedom of worship shall be in accordance with specific requirements. With regard to religious groups like Druze and others, we should resort to the constitution as an umbrella of all religions and faiths in Jordan, whereas no infringement or trespass. We live in a state of law, which is a modern civil state. We are proud of our country Jordan for having such integrated legislative system, which guarantees free living for all people.

The study team has received a complaint by one of the Baha'is that, the Baha'i faith has been abused by one of the preachers at his religious Friday sermon. In reply to this incident Al-R'ood said: "using religious podiums for abusing any faith isn't permitted at all. The Holy Quran forbids using podiums for insulting others: "And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge.. If any complaint has been received in this regard, we would investigate

²⁰In Faris Al-Na'eemi's interview from the Baha'is, Amman 24/5/2012.

and take actions. It has been investigated with dozens of preachers upon various subjects. As a result some of them have been arrested.

– **On the media level:**

Moreover, it has been shown by the study certain weakness in media coverage of non-Muslim religious groups, their news and affairs. The media coverage is usually limited to protocol news for Christians, their ceremonies and religious festivals.

Consequently, it was emphasized by Mr. Ramadan Al-Rawashdeh the current director of the Jordan Radio and TV: "Regardless of their religions or beliefs, we treat all people equally. Sunday mass is broadcasted by Jordan radio from one of the standard churches". He added: "Although they haven't any special programs, their clerics are usually hosted in national programs, national events and special religious occasions." He stressed: "television and radio institution doesn't have any problem of providing a plan for program which deals with Christians affairs". He added that: including such program, is an idea that never crossed his mind. After that he went on saying: the television and radio institution doesn't have any problem of addressing Druze or Baha'is in the programs broadcasted. One of the documentary programs about Al-Azraq, had addressed Druze lifestyle, culture and religion as local heritage more than religious perspective. This program didn't address Baha'is, --as he mentioned that--: "their population doesn't exceed (190) people, and they are unrecognized". However, the institution doesn't mind to address Baha'is or employ a Baha'i employer.

It should be noted that, religious groups --unrecognized ones in particular--, are rarely addressed in media as it has been shown for the study. Despite living and humanitarian problems faced by Jordanian citizens according to their religious affiliations which is clearly visible, these problems have never been addressed or highlighted by different media in Jordan. We can't find for example, any mention of problems experienced by Baha'is due to their religious affiliations. Within the same context, mixed marriage (marriage between two people belong to unrecognized sects or religions) is unmentioned in media. as well as, the reference to their events and religious feasts is merely absent.

Despite media keenness to keep abreast of events and problems day by day, matters and concerns with regard to religious groups included in the study are often not of media's interests. It's clear evidence that such groups and their matters aren't taken into consideration, and they're marginalized in different types of media. Furthermore, using media for publishing some materials may promote sectarian polarization.

– **With respect to educational curricula:**

Although it has been confirmed that, these religious groups are an integral part of the Jordanian society, and they have participated in the state building process just like the other Jordanian people, the educational curriculums are devoid of any mention or definition for them as part of the social fabric of Jordan, its history, development of its

people and its identity. It has been explained by Sheik Ajaj Muhana Ata – the Imam of Bani Maarroof (Druze) -- that: "The role of the Unitarians is not mentioned in history books of schools. I really regret it. The revolution in Jabal Al-Druze which was led by Sultan Al-Atrash (1920—1927), has been merely mentioned".

The deputy Ghazi Msharbash has explained: "Our homeland is like a bird. Its first wing is Christian and the other is Muslim. If any of the wings damaged, flying would be impossible. That's how I always compare our country. Religion is for God, while the country is for all people". He continued: "the educational curricula usually focus on Muslims, while Christians are ignored. No word is spoken about Christians in the classroom by teachers, whereas it could leave a positive impression if the teacher would mention before the students (the Muslim and his—her brother-sister the Christian)". With regard to morals, values are required from both Muslims and Christians." He added: "Christian names are not mentioned in schools' curriculums at all, but I don't think mentioning Christians is wrong."

Dr. Hanna Kildani, General Secretary of the Council of Churches, has called ministry of education and universities to teach comparative religion: Muslims need to have some idea about Christians or Buddhists.

Father Ref'at Badr, General Director at Catholic Center for Studies and Media has pointed out the necessity of teaching Christian religion in the public schools.

Mr. Qasem Al-Khatib, director of curriculums department in the Ministry of Education has explained: "our curriculum represents the Jordanian family as harmonious fabric. After intensive studies, we endeavored to represent Jordan as one family, equal in rights and duties." He added: "Our curriculums are based on the Ministry of Education laws and settings, which can't be exceeded. After script writing, it is introduced to specialized committee emerging from the Board of Education. It's a national council chaired by the minister of education, while rest of its members are: their Eminences, Excellencies and proprietors, as well as Supreme Judge, Minister of Awqaf, Minister of Culture, Minister of Higher Education and some of universities' presidents such as: Jordan university." He added: "Our educational curriculums are based on Ministry of Education law, Philosophy and Islam, which is the religion of the country. Our brothers Christians are free to teach Christianity in their own schools. However they also refer to the ministry of education, some private schools teach additional Christian materials.

Practically speaking, there aren't any intentional exclusionary attitudes towards individuals based on their affiliations. Despite some discriminatory behaviors based on preconceptions about the religious groups. They're an integral and essential part of the Jordanian national fabric. For all these demands for solving problems which hinder them from being equal to other citizens in terms of rights and freedoms, they show keenness towards this national fabric. Consequently, undermining Jordan national unity or fragmenting the national fabric shall not be understood as intended

by these groups as far as their eagerness and demand to enjoy their civil rights and to practice a full citizenship.

- Non-discrimination in education, job opportunities and participation as public positions:

Remarkably, the religious affiliation doesn't affect their labor, cultural rights, work and education in particular, their right to participate as public positions as well. In this context, (Druze don't suffer any discrimination in terms of educational opportunities, employment and holding offices in Jordan). As emphasized by the writer Tiseer Abu Hamdan --who belongs to (Bani Maarroof clan)--.

It has been pointed out by the writer Tiseer Abu Hamdan that number of (Bani Maarroof) Druze have held leadership positions in Jordan, like: Iman Al-Safadi, Mazin Abu Hamdan and Shakeeb Al-Shoomali. It should be noted that Rasheed Tlai' --The first prime minister of Jordan-- was from the Unitarians (Druze).

The same idea has been expressed by Mr. Emad Ma'aia from the Evangelical church: "There is no employment discrimination at all. I had entered the elections as a candidate in Madaba city. I won the elections, and the third of the votes was of Muslims."

Seemingly, the rights of receiving education, employment opportunities and other rights religious groups are not only respected by public institutions, but also by private sector institutions. It was stated by Mr. Faris Al-Na'aimi, -- member in the Baha'is forum—that: "As similar as other Jordanians, there isn't any labor discrimination faced by Baha'is in Jordan. They also announce their faith without fear, shame or harassment by community".

It should be noted that, the employment application form approved by the Civil Service Bureau doesn't include any icon indicates (applicant's religion). It is clear evidence that, holding public offices or leadership positions in Jordan can't be based on religious affiliations.

IV. Main problems facing persons belonging to the religious groups included in the report.

Although there are no systematic or widespread discrimination, and clear tolerance shown by official entities towards the included religious groups, some problems have been unveiled by the study. Such problems in particular are related to contravention of Jordanian international obligations which resulted by international human rights instruments mentioned above. In some cases such problems refers to the legislations, as well as official and social practices based on prejudices toward different religions and beliefs which exist in Jordan. Moreover, some problems are attributed to the lack of awareness by many of official entities of Jordan international obligations with regard to religious freedoms and rights of the religious minorities. Naturally, they

should be aware that the derogation of civil rights according to religious affiliations is not allowed.

In other words, these problems faced by the included religious groups are usually legislative problems, as well as official entities practices and practices at the community level.

Most significant problems surveyed by the study team can be summarized as follows:

Social misunderstanding of the beliefs of some groups:

There is a social misunderstanding toward people who belong to some of these religious groups. It can be reflected negatively on their social relationships. During the interviews, some of the interviewees have expressed that, they feel strangers despite their grandparents' presence in Jordan since decades. Although they have national number (Jordanian identity), they feel alienated when they reveal their religious affiliation. Seemingly, Druze and Baha'is are the most suffering among the religious minorities. Since it was impossible to reach individuals belong to Shiites, we couldn't be able to see their point of view on the subject. In the light of the current circumstances and polarizations in the region, Shiites usually conceal their real affiliation according to political reasons. A story has been narrated by Sheikh Mustafa Abu Ruman who is interested in Shiites' matters. The story is about a Lebanese Shiite who was driven out of the mosque, and was prevented from praying there by the mosque's Imam, when he noticed him lowering his hands while praying. Another Iraqis Shiites were driven out of the mosque by the same Imam.

Eman Al-Aqeeli --from the Druze-- has stated that, while studying in the university she has had a strong friendship with one of her studying mates. When her friend knew of her Durzi affiliation, she did not talk to her for two consecutive days. After that, the friend apologized for her misbehavior, and told her that she had always been told to be cautious from Druze by her parents. This was the reason of being absent for two days.²¹

In another interview with Mrs. Zakeia Abu Zaki --from Druze-- she has confirmed that: "sometimes when they know about my Durzi affiliation, they act in a discriminatory manner. I had always been described as a witch, perfidious and infidel. Sometimes I was alienated by some people, which was painful and embarrassing. I actually don't know where they came of such ideas. I'm going to tell you one anecdote: during the work, I was praying one time, when the factory manager had pulled the praying carpet from beneath my feet, "go to work and no lies", he said, "You're not a Muslim. So you don't know praying" He added. Here I felt obliged to explain the Durzi faith, its beliefs and nature, in order to deal with me in a good

²¹In team's interview with her, Al-Azraq on 27/5/2012

manor. Despite some differences of interpreting some verses in Holy Quran, we still Muslims and believe in this Holy book".²²

The same idea has been expressed by number of Baha'is, who pointed out that they usually face social misunderstanding to their beliefs. In an interview with Mr. Majdi Froodi –from the Bahai faith-, he stated that: in the neighborhood some of his neighbors refuse eating in his home. Another ones has boycott him.²³

"Non religious people have been looked for at the ethical levels rather than the ideological levels. Therefore, in the society non religious or Atheists have often been associated with immorality, as it was stated by (A) –non religious-- a university student in the third year, who requested anonymity. He added that, the lack of acceptance that they face as non religious people is a social problem rather than legal.²⁴

In the same context, the same idea has been emphasized by (H) (a youth works in marketing), who also requested anonymity: "Atheist as a character has always been associated with lack of ethics, drinking alcohol and frequenting nightclubs". "Immorality isn't in any way associated with religion or atheism, nor is associated with being Muslim or Christian or whatever, and many atheists have ethics just like some Muslims and Christians". He added.²⁵

Seemingly, it is unheard of Baha'is by most people as has been turned out by an opinion poll about non-Muslim religious groups. It has been stated by someone: "The Baha'is had come from Ethiopia. They have Islamic false beliefs. For example: if a Baha'i brother had put on his sister's slippers, he would be considered as if he committed adultery with his sister". It has been stated in his interview that: "Baha'is believe in false beliefs. For example: Incest is allowed in Baha'i faith. Therefore, they shall not enjoy their full rights as citizens". About his opinion on Druze he said: "they don't have any religion. If so, what is the nature of their beliefs without a religion". At the same interview he stated: "I'm not against enjoying full rights, but it doesn't mean to exceed their limits and spread their religion as they please".²⁶

In an interview with a dentist in his fifties, he said: "Baha'is are originally Muslims. It was before being dissented and created their own Islamic way." It was mentioned about the Shiites at the same interview with the dentist: "The Shiites who were supporting Ali. Therefore, they usually suggest that Ali should have been the rightful leader of Islam instead of Mohammed. They are Muslims, but they are known of their negative attitudes towards the Companions of Prophet as well as Aisha the prophet's wife". ((Ali is cousin and son-in-law of Muhammad, the Prophet of Islam).

²² In the team's interview with her in Al-Azraq region on 27/5/2012

²³ In team's interview with him, Amman on 1/6/2012

²⁴ In the study team's interview with non religious third year university student, Amman, 23/5/2012

²⁵ In the study team's interview with no religious young man working in marketing in one of the institutions, Amman, 23/5/2012

²⁶ In an interview in Amman with 28 years old young man working in flowers company

A 28 years old young woman from Irbid in an interview with her confirmed that: "I agree with recognizing the Bahai faith. They need to be given all their civil rights, as similar as Muslims and Christians".

With regard to Evangelicals, it was stressed by Abeer, --a young lady of 32 years old, who belongs to the Greek Orthodox-- that: "Evangelicals has twisted the religion. No people have the right to make a false religion for them to follow. There are basics mustn't be twisted. Marriage relationship with an evangelical person is not acceptable, according to me--. I expect that it wouldn't be an understanding between us. There is a clear difference in the religious thoughts. I think that he doesn't fit as father for my children in the future".

Contrary to the interviews above, a 32 years young lady works in journalism, expressed that: "I'm with all religions to be recognized; because it would be better if we have been introduced to religions of each other in order to determine nature of discourse, which will finally be leading to religious knowledge."

Going back to non religious people, it has been expressed by one of the interviewees that: "I had an experience with an atheist person. Unfortunately, dealing with this person was really difficult; because he didn't understand anything, except that there is no God. He tried frequently to convince me of some matters, but I refused to be convinced at all." When he has been questioned about Shiites he said: "They believe that the revelation was intended for Ali, and it came to Mohammed by mistake. Therefore, they hate Sunnis".²⁷

Accordingly, whatever the religion was, Shiism and Sunnis, different Christians denominations and nonreligious people even, the society members seem to be intolerant with each other. However different forms of intolerance in the society, the worst form of intolerance at all are when Muslims and Christians give a good example of acceptability and coexistence, while converting from Islam to Christianity or vice versa is prohibited. Actually, who do this would be harshly aggrieved by society".

It is difficult to say, mentioned misunderstanding can generate social violence against those people in Jordan, while some discriminatory social practices immerge in particular cases. Seemingly, the lack of dissemination of different teachings and beliefs of the religious groups in Jordan or non-inclusion of these topics in schools curriculums as well as television and radio programs, are considered to be main reasons behind this misunderstanding. Different cultures and beliefs in Jordan are not a common education topic consequently, misunderstanding will be inevitable. Common understanding is very important in order to achieve national unity, pluralism and tolerance, and to improve the society from inside as well.

Security interventions:

²⁷ A 26 years old Muslim young man

Remarkably during interviews we were told by a considerable number of interviewees who belong to the religious groups included in the study that, they had been traced and summoned by the General Intelligence Department (GID) on account of their religious activism.

It has been mentioned by some of the Baha'is that, some of them have been subjected to security summons. It was stated by Mr. Majdi Froodi –from Baha'is—that: two years ago he was summoned by the GID (Jordanian Security Service). There, he was questioned about his faith (Baha'is) and his activism of calling people to be converted to Baha'i faith. Even though Froodi was summoned and questioned, no action had been taken against him by the Jordanian GID. As he stressed, the summons was considered as a security measure.

Clearly, the security interventions are not confined to Baha'is. It was mentioned by Habis Al-Nimat –from the Evangelical Christian Alliance Church—that: they suffer the GID's interventions and summons. He has explained in the interview: he was summoned by the GID on one occasion. There, he was told about a foreigner who went to Tafelah province and began proselytizing there. Although this person was known neither to Al-Nimat nor to the church, he was considered --by the GID-- as an evangelical according to his activism. Generally speaking, because of unrecognizing the evangelicals at the official levels, and because the absence of a recognised evangelical community leadership, any activity by any group is attributed to evangelicals by state bodies and GID in particular. As evangelicals, they know that proselytizing in the Jordanian society is a red line, as stressed by Mr. Al-Nimat.²⁸

In the same context, it was stated by Muslim converted to Christianity who now belongs to evangelical sect, --he preferred anonymity--:

I was summoned more than once, just because I'm not from the conventional trend. Each time I was being questioned the same questions. Each time I was asked I answered honestly: I'm a human. I have reason and ability to think, so, I have the freedom to choose or refuse anything. To be Evangelical Christian means that you will face a lot of harassment. In 1991, I was summoned by the GID because I was visiting the church. Having such ideology, you will be considered as a persona non grata by many people, especially the GID.²⁹

The inclusion of religious data on official documents:

In Jordan, including religious data in identity cards, marriage certificates and birth certificates is obligatory by the Jordanian government and not optional by people. It is a contravention of international standards. Although, it is optional even. Despite the religion box on the three documents mentioned above, it must contain the recognized

²⁸Reverend Habis Al-Nimat, the spiritual leader for the council of churches in Jordan and the holy lands, Amman 13/5/2012

²⁹A Muslim who converted to Christianity, he is a 55 years old, working as merchant. He studied English literature

religions only (Islam and Christianity). Evangelicals for example, on their ID cards the mentioned religion is Christianity, while Druze are usually registered as Muslims. Whereas the religion box in ID cards of Baha'is are leaved empty or only asterisks or dashes are written, leading to their being known or distinguished by other people, which makes them subject to the social misunderstanding mentioned above. This matter in the first place is concerning the Baha'is who their religion box is left empty. Therefore, in some cases they are denied practicing their civil rights like Marriage.

During the interviews, it was mentioned by some of the Baha'is that, before the department of Civil Status had been computerized --until the eighties of the last century-- , it was written (Baha'i) in the religion box on birth Certificates of Baha'is people. Since then it has usually being left empty.³⁰

Within the context, the study team has found a birth certificate for Baha'i person issued in 1990. In the religion box it is mentioned (Religion is Baha'i). It has also been found by the study team a general secondary certificate examination participation seat card for Baha'i student in 1997. On the card it is mentioned (The participant's religion is Baha'is).

With regard to non religious people, the registered religion is either Muslim or Christian. It's according to parents' religion. Officially speaking, announcing irreligion isn't prohibited, but it may be practically not easy. In some cases, a person is converted from Islam to irreligion, or to be converted from any religion to Islam and reconverted to the first religion again. In such cases, it can be written on official documents (--without--(without religion). Some non religious people—especially who are converted from Islam—prefer hiding their non religious affiliation, so as their civil rights not to be denied. Since it is mentioned in Jordan civil status law article 28 year 2010 Paragraph (b) that: (No inheritance if the religions are different), which means Non-Muslim can't inherit a Muslim. In the same law in article 142 it is pointed out that, apostasy from Islam result to a dissolution of marriage, whether apostasy was before entering or after where certain procedures must taken into consideration.

Although in Civil Status Law there is no explicit provision requires the religion including in the mentioned documents, it has become required after it's commonly practiced in official transactions.³¹

Mr. Ahmad Malkawi the Legal Department director in the Civil Status and Passports Department pointed out in an interview in august 15, 2012 that, "form of identity card is determined according to Personal Status Law article 40. According to this article, the form of the identity card, the family book, their contents and data included in, are determined by the director. He added: "we can't utter a word about omitting religion

³⁰Mr Yousuf Mahrakani from Baha'i sect, Amman 19/7/2012

³¹It worth mentioning that, it was explained in the third periodic report by the Jordanian government provided for the human rights committee that, "the reason of including religion in the identity card is, to be used in elections. Whereas minorities have a Quota in Parliament. See the document: CCPR/C/JOR/3,.30/3/2009, Para.132

of Islam from the identity card. It's a constitutional article text (the state religion is Islam). So, it can't be omitted. It can be said that, religion data is required to be as a distinction in formal transactions and marriage contracts for Christian and Muslim people Sharia courts. In fact, Islam has a respect for all religions. In this case religion data is mandatory; because we have more than one religion. The main reason behind including religion is to identify people rather than to discriminate". After that he said: "Since the heavenly religions are three Islam, Christianity and Judaism, the rest of what are called religions are considered as beliefs. Accordingly, nothing here is called Baha'i religion. It's unrecognized and it has not been issued yet to be recognized. We never put (without) for any person." He added: "The Civil Status Department was instituted by 1977 law. Until this date, all facts were registered manually, before it is being moved to the registries. When the work system had been computerized, all manual registries was computerized to be confined to three religions Christianity, Islam and Judaism, since then, dashes was become used in the religion box to indicate Baha'i religion." Malkawi explains that, the religious conversion can only be by court decision.

Civil rights deprivation because of unrecognized a religion or conversion:

Deprivation from basic civil rights is one of the major problems facing people who belong to the religious groups included here based on their unrecognized religion or belief, or based on religious conversion. Officially speaking, recognizing a religion means: the Jordanian official authorities approval of presence of a religion at the official and legal levels. Accordingly, Baha'i faith is considered unrecognized religion; because it contradicts Islam by considering Prophet Mohammed as not the final prophet.³²

On another level, Christians who reconverts to Christianity after Islam just in order to maintaining benefit such as divorce are considered in Islamic terms as apostates and non religious. Thus, they lose many of their rights, such as inheritance and child custody.

Obviously, religious conversion is not a simple matter at all. In such cases like reversion from Islam to the first religion losing child custody is indisputable because, children under eighteen years old are still considered as Muslims. Not only that, the matter becomes more complicated if such person gets married to Muslim woman. In such cases, according to Islam law he considered as Polygamous, --which is allowed--. After apostasy to Christianity, he will lose his Muslim wife and the right of her inheritance. Moreover, since he apostatized, and this Muslim woman is no longer married to him, (this x wife and children) will not be able of receiving Social Security benefit. According to the social security law grants the spouse and the dependent child of the deceased right to benefit from the social security. Furthermore,

³²See the Ifta council Fatwa 2006 on the following link:

See the following link: www.aliftaa.jo/index.php/ar/decijory/show/id/140

if a Christian is converted to Islam, his Christian wife and his children will no longer be able to inherit him; unless, they are converted to Islam too.

Nayef is a 13 years old Christian child. Later, the father converted to Islam. Nayef refused mentioning his full name in an interview which was conducted by the study team outside Amman. He said: "I was amazed a lot when I heard of this Muslim religion, and I started crying. I said that my dad is manipulating his religion. They told me that after five years you will be allowed to return back to Christianity, but even in the court if I'm being asked: which religion would you like, Christianity or Islam? I'll answer I would like to be Christian because, in school when I have a Christian religion exam I'll answer it quickly at one moment. I do not like daddy's religion, but I like mommy's religion, it is better".

Nayef's mother – who belongs to Christianity, refused mentioning her name-- said during the interview: "I have sued my husband for divorce, child custody and alimony in the ecclesiastical court. After reading the court case documents, I found that he converted from Christianity to Islam making divorce an easy process. According to Christianity, marriage is considered invalid, and the couples are dispersed by the court, if one of the spouses is converted from Christianity to Islam. Actually, I have never been told about my husband's conversion, but I was shocked on hearing this from a relative." She continued: "After my ex husband had gone and took all my children's official documents with him, I went to the Civil Status Department to issue birth certificates and family book for my children. I find out that, I can't issue these documents unless my children are over 18 years old. They will be given the choice whether to stay with their mother or to go with their father. In such cases, if children decide to stay with their mother then they will be Christians, and vice versa... If the birth certificate is renewed, then the children religion will be Islam. Therefore, I won't renew anything until they become 18 years old, when they will be able to determine the religion that they will follow."

On the other hand, if a Muslim is converted to Christianity, he will be subject to apostasy and being considered as (without). Consequently, he—she will lose his rights of inheritance from Muslim relatives. If the converted is a man, he will lose his wife as well as his sons and daughters.

It was mentioned in another interview with someone who preferred anonymity and belongs to evangelical church, and is married to Christian wife after conversion from Islam to Christianity: "One day, my wife suggested that she may be converted to Islam to protect our children because she's Christian, she will be denied her right of inheritance. It's unfair. How can I deny her the inheritance, she is the mother of my children and I'm going to protect them in my way; so, I will register my property in my wife's name."

Among many results which includes clear violation for the rights based on --religious conversion—as a term in the international human rights law, we found that, according

to Islamic Personal Status Law, the Muslim woman can't be married to non-Muslim husband. Therefore, if a Christian woman is converted to Islam, her marriage with Christian husband will be considered invalid. In order not to be married to a Muslim, while the first marriage contract is still valid according to the sect that she converted from.

Similar to that, the same result can be applied in case of conversion from Islam to Baha'i faith or any other faith. According to that, any person who is converted will be deprived his civil rights mentioned above.³³

The same idea has been expressed by the writer and the researcher Mr. Ibrahim Gharaibeh: "It's not necessary for non religious people to be atheists. Sometimes, they may be Unitarians, but they prefer not to be belonged to any religion. They prefer not to announce that; so as not to lose their spouses, children and inheritance".³⁴

Mr. Ahmad Malkawi --the legal department director-- explained that: "Any person is approved apostate is considered to be under interdiction by the court. Thus, he—she loses his—her right on the bases of apostasy. The Islamic court doesn't issue a judgment of conversion to Baha'i faith for example; it would rather issue a judgment of apostasy instead. Decision procedures should be implemented, and we should enforce judgment on conditions of peremptory norms. This doesn't need to be applied to Baha'i faith only. For example: if a Christian is converted to Islam, he will be registered as a Muslim in accordance with Islam. As a consequence to that, he—she will be considered Muslim with all restraints. In apostasy cases, the religion data on the ID card can't be changed, but certain mark will be included on the religion box. This means that, the ID card would have a mark which indicates that he is Muslim however his apostasy, originally, nothing is called (without) according to legal terms."

It was mentioned by the National Center for Human Rights as a reply for the study team that, 11 complaints, which related to the religious freedoms, had been received by the centre, since year 2004 until the date of this study preparation. Generally speaking, these complaints were focused on issues such as, changing religion in order to address certain matter and returning to the first religion. Many problems with regard to children and inheritance—as mentioned by the centre-- had emerged as a result to such issues.

Absence of special personal status court for Baha'is and Evangelicals:

³³It was mentioned in the concluding observations by the human rights committee on Jordan's periodic report issued in 27/10/2010 the following:
(The committee is concerned about religious freedom's restraints, especially with regard to apostasy, depriving inheritance rights and unrecognizing Baha'i faith, reminding of the recommendations of freedom of religion measures in 1994. CCPR/JOR/CO/4,(27/10/2010)

³⁴In the context of the interview with him on 17/5/2012

In light of unrecognized Baha'is and evangelicals in Jordan, no one of them have any specialized court to consider their personal status matters. Alternatively, the Jordanian government needs to make consults with the Council of the Heads of the Christian Churches in regard of creating a specialized ecclesiastical court for evangelicals. Although some of the unrecognized Christian denominations are not represented, such as evangelicals, the council of the heads of the Christian churches in Jordan has been considered by the prime minister decision issued on 21st of January 2009 as the only reference for issues with regard to Christian Affairs. In addition to consults, some requirements need to be fulfilled when creating a new church. Such as: the new church must not be contradicted with the followed customs and traditions, and it needs to include Jordanian citizens, it must be recognized by the council of churches of the middle-east as well. Knowing that, it turns out that, these requirements are not determined by law, rather it has been practiced commonly. It was remarkable that, some of the Christian denominations, which still unrecognized by the council of churches of the middle-east, are considered among the recognized denominations by the Jordanian government like Mormons, --in the words of Mr. Jeryes Habash--.³⁵

This attitude of public authorities toward religious groups shows discrimination and obvious violation of equality against those groups. It was pointed out by Mr. Mohammed Al-R'ood the Security General of the Ministry of Awqaf, Islamic affairs and holy places until the interview date, that: "The ministry is only concerned with the Islamic religious affairs. Every religion has its own reference entities. In the sixties of last century, the ministry had been named: the ministry of Awqaf, religious affairs and holy places. According to this name, it was considered by non-Muslim religious groups as an umbrella, in which all of them would be included. Therefore, the name was replaced to be (the Ministry of Awqaf, Islamic affairs and holy places).

It has been disseminated by the Judicial Council to all judges in all courts, Attorney General's Chambers and State Litigation Management Services that, proceeding the church's affairs and transactions according to the terms of the legislation in force is the responsibility of the spiritual leader. According to the Judicial Council's dissemination, the council of the heads of the Christian churches shall be considered as the focal point for all Christian affairs around the kingdom.³⁶

Generally speaking, Evangelicals and Baha'is who suffer absence of special personal status court just like the other non-Muslim religious groups, they also don't have any reference. Either the Ministry of Endowments or the council of churches can't be relevant to them.

Restrictions on Marriage and Family rights:

³⁵Jeryes Habash, previous reference

³⁶Al-Ghad news, Date 21/7/2012, Judicial Council: the spiritual leader for any church is the commissioner representative.

Many obstacles face people belong to the religious groups, prevent them from enjoying their right to marry and found families. These obstacles and restrictions can be summarized as follows:

1. Various legal systems can be applied on the marital relations.

In principle, in order to regulate their personal status and affairs, people in Jordan usually refer to their religious laws as well as Islamic Personal Status Law.

According to non-Muslims, the religious laws applied to personal status issues are varied depending on the followed religion or belief as long as it is recognized in Jordan. Thus, Muslim's personal affairs including Shiites and Druze are governed by proper legislations which are derived from the Islamic provisions. These legislations are represented by the Personal Status Law, which regulates Muslims affairs.

However Christians' laws can be applied according to their denominations and sects, unrecognized groups like evangelicals have no special ecclesiastical court. Since they are still unrecognized by the council of churches, who still refuses them to be included in the law of non-Muslim religious denominations councils they resort to civil court or any special court for the closest sect.

Since Baha'is are officially unrecognized, they don't have special courts to organize their personal status. In practice rather than by law, Baha'is apply their own terms in their unofficial spiritual forums in order to regulate their own affairs. Such solutions, usually take the form of settlements or appeasements, rather than binding and enforceable judicial rulings. In addition to that, they are unable to obtain enforceable judicial rulings by special court, where they can apply their own rules to their personal status and affairs.

It was revealed by the study team, even marriage among the same belief or sect also faces certain obstacles. For example: marriage between Baha'i couple one of them has non-Jordanian nationality (mixed marriage). In such cases, marriage is considered as unrecognized by the civil status department. Consequently, the Civil Status Department refrains from issuing family book for the couple.

On the 1st of June 2012, the study team conducted an interview with Baha'i family -- who also requested anonymity--. It was mentioned that the husband is Jordanian while the wife is Egyptian, but the religion included in her identity card is Islam "In Egypt we are obliged to mention Muslim on the identity card". They married according to the Baha'I rules, but the civil status department refused to register the contract; because the wife (according to the identity card) is considered Muslim. Not only they were unable to receive marriage contract, but also they didn't receive a family book. Moreover, having Jordanian nationality by the wife is impossible because a marriage Certificate is required by the ministry of the interior. "We went to the Egyptian embassy. Then we went to Egypt to change the religion on the ID card. The reply was that they can't replace the religion except if anyone of her family is registered as

Baha'I, even if the rest of the family members were registered as Muslims. Baha'is are usually obliged to be registered as Muslims." The husband added.

It was added by the couple: "We can't have children. They will be unable to be registered in the family book, and My wife can't have Jordanian nationality, She can't travel outside, because, we don't have any document to approve that she is my wife. Moreover, my wife is Egyptian, but she doesn't have any document to insure her coming back to Jordan in case of traveling to Egypt."

On another level, it has been affirmed by reverend Habis Al-Nimat and Baheej Aqeel, the same problems are faced by the evangelicals in case of marriage between Jordanian and non-Jordanian evangelicals (mixed marriage). The mixed marriage documentation could be impossible because the absence of the ecclesiastical Courts." It is pointed out by the reverend Baheej Aqeel, there is number of such cases of mixed marriage between Jordanian man and non-Jordanian woman (Syrian) both of them are evangelicals. It was impossible to register the contract, after they went to the Civil Status Department. They found out that, because the wife doesn't have a Jordanian nationality, additional official letter from the court was required. Because of the absence of Ecclesiastical courts, it was impossible to obtain the required official letter.

In addition to such matters with respect to the religious groups included in the study, applying the Islamic Civil Status Law on Druze, --bearing in mind-- this law includes some prohibited matters according to the Durzi religion. According to Durzi religion, polygamy is prohibited except for divorce or wife's illness. Moreover, the divorced wife can't return to her husband as it is the case in Islam. Alternatively, in case of the final divorce, the wife can never return back.³⁷ In any case, such provisions don't exist in the applicable civil status law, in which the polygamy is permitted, as well as, returning the wife in the cases of final divorce.

Generally speaking, there aren't any official legislations or regulations addressing non-Muslim religious groups personal status in Jordan. Alternatively, non-official regulations, as well as the clergies' capacity are considered the only way to regulate their issues. Such situation, in which absence of legislative provision and lack of stability, and multiplicity of legal base sources, with respect to Personal Status Laws for non-Muslims and Muslims to a large extent leaves negative impact on personal status issues.³⁸

2. Unrecognizing Baha'is marriage at the legal level:

³⁷ It was stated in the team's interview with Sheik Ajaj Muhanna Ata, the Druze Imam.

³⁸ Azmi Bisharah: (is there a Coptic in Egypt), Arab Center for Research and Policy Studies, Beirut, Arab Scientific Publishers, 2012 P52. Knowing that, Dr. Azmi Besharah was addressing the Egyptian situation, this statement above can be applicable for the situation in Jordan.

One of the surveyed practices is refraining the civil status department from issuing marriage Certificates for the Baha'is. Contrast with another religious groups, Baha'is simply receive a family book with incomplete information, where the contract number, date and place are excluded from the family book.

It has been pointed out by Mr. Ahmad Malkawi the director of the legal department in the Civil Status Department that, in such cases: "Marriage already can't be registered according to the Personal Status Law. An illegal marriage can't be registered because such marriages are considered illegal. Similarly, foreign divorce can't be registered even, especially if it is inconsistent with Personal Status provisions.

Any marriage, --we don't mean Baha'is or Buddhists in particular--, this rule is considered to be applicable for all religious groups with regard to foreigner marriage contracts. In attempt to make matters easier for Baha'is as Jordanians, we usually issue a family book and ratify their marriage contracts.

3. Depriving the right to marriage on the bases of religion differences:

According to the applicable rules and legitimate practices in Jordan, Muslim women are prohibited from marrying non-Muslim men. Consequently, the latter are obliged to convert to Islam to be able to marry a Muslim woman.

On the contrary, non-Muslim women are not obliged to convert to Islam in order to be able of marrying Muslim men.³⁹ According to the applicable Personal Status Law in Jordan, if non-Muslim woman has converted to Islam, she shall be divorced from her non-Muslim husband.

Based on the above, although the Baha'is are allowed to marry non-Baha'is people, Muslim men are prohibited from marrying Baha'is women, unless the latter are converted to Islam. Baha'is aren't biblical people, therefore, they need to convert to Islam to be able to marry Muslim spouses. In addition, Christian men cannot marry Muslim women. Beside, a Christian woman is unable to stay with Christian husband after her conversion to Islam. Alternatively, Muslim men are able to marry Christian women.

According to one of the surveyed cases in the study, in which it was mentioned by the Baha'i family, who requested anonymity that: when their son married a Baha'i woman (She converted from Islam to Baha'i faith). The marriage contract was held in the Baha'i forum. Because the wife was Muslim according to the civil status registries, the latter refrained from ratifying the marriage contract. The civil status department didn't recognize the Baha'i contract. The couple therefore, was unable of issuing

³⁹The percentage of Christian women, who got married with Muslim men %13--%41, since year 2001 until 2009, of Rate 39% of Christian women marriages. Whereas the number of divorce cases among Christian women, who got married to Muslim men 51%, since 2005 until 2009. These numbers are derived from Jeriyes Habash's study, previous reference P7 and beyond.

family book or even birth certificates for their children. According to the husband, "My wife is still registered in her family book. So, she is not considered as married." He added: "Because my daughter (9 years old) doesn't have a birth certificate, she joined the school as a listener. The birth certificate is one of the required documents for completing school's registration. Since my daughter doesn't have this document, she wasn't accepted to be officially registered by the school. If the situation continues as so, she will be unable to pass to the secondary school (high school). Consequently, she will be unable to receive the Tawjeehy certificate. The school management is constantly asking for the birth certificate, and I always try to justify this by many explanations".

- Non-Muslims subordination to Islamic inheritance law:

According to the enforced legislations in Jordan, all matters with respect to non-Muslim communities' inheritance shall be subordinate to the Islamic inheritance law. The tribunals or any court is obliged by the law of tribunals of non-Muslim religious communities: to apply the personal status law, which applicable for Muslims, in considering any case in regard of immovable property in east Jordan with respect to inheritance or will. Considering that, any tribunal or court are obliged for applying Muslim's Personal Status Law (East Jordan Law), which usually is being applicable on Islamic inheritance cases.

In the consequent, all inheritance matters for non-Muslims (Christians, Baha'i. . . etc) shall be governed by the applicable Personal Status Law on Muslims.

This means that, Christians, Baha'is, as well as non religious people are obliged to refer to Islamic Sharia laws in inheritance issues. It was emphasized by many of the interviewees who belong to the included religious groups that, their religions and beliefs include inheritance provisions belong to them.

The Baha'i faith for example: inheritance cases usually follow the Islamic applicable Personal Status Law, although they have inheritance rules according to their belief. During the focus group, which was held by the study team on the 19th of July 2012, it was demanded by Mr. Yousef Mahrakani (from the Baha'is) making amendments for enforced laws. So the Baha'i inheritance cases be governed by Baha'is' inheritance law.

In addition, it might be unfair to apply such provisions on them. Moreover, it's violation for religion and belief freedom, as well as the right of practicing rituals. In fact, this situation is considered to be unfair according to number of Christians.⁴⁰

Similarly speaking, non religious persons as citizens, may don't have any desire of following any religion or belief. Consequently, they refuse their family relationships matters to be ruled by religious regulations and provisions. The civil law is what they seek to be governed by.

It was mentioned by young woman working in journalism preferred anonymity: "the numbers of non religious people are increasing. In my work place the two thirds of the employers are non religious. Moreover, in my family actually most of them are non religious, as well as my friends and social relations among writers and journalists.

She continues: "Despite their increasing number, they have fears on manifesting their non religious ideologies; because, there is a direct threat on their civil rights and capacity, as well as losing their spouses and inheritance rights. In fact non religious person may simply lose his—her rights like anyone had lost his—her reason. Therefore, they are difficult to be counted".

- **Unrecognizing the religion or belief:**

Among the major problems facing the religious groups included in the study is, absence of official recognition by the state. Despite recognition isn't one of the requirements for enjoying civil rights, religious freedoms and minorities rights -- according to the international law--, public authorities in Jordan are still confused between recognizing the presence of these religious groups and practicing rights and freedoms. However it is inadmissible according to the Constitution of Jordan article (6), such clear discrimination based on religion and belief, sometimes Is considered as an official social discrimination.

Undoubtedly, dealing with these groups on the bases of their recognition will be leading to many problems faced by the followers of these unrecognized groups. Evangelicalism is one of the unrecognized religions so far, as well as Baha'i.

⁴⁰See for example: (Muna Mkhamarah) (Woman's inheritance) this article was published in Sawt Al-Ardoni (The Jordanian voice) website on 27/5/2012. The link:

Jordanianvoice.com/web/2012-05-16-12-24-18/21938.html

Furthermore, any Muslim has the desire of replacing his---her religion will be considered as an apostate (without religion). Thus, he—she will lose considerable number of the civil rights by replacing religion, as it will be mentioned later on.

One of the consequences for unrecognized the evangelical church is the absence of a representative tribunal for the Evangelical denomination just like the recognized Christian denominations. As a result to that, they usually feel obliged for resorting to civil courts or ecclesiastical court for another Christian denomination (the closest one). Consequently, they are obliged for applying provisions not entirely inconsistent with their denomination with respect to personal status.

It is necessary to note that, the Evangelical situation in Jordan is exceptional; because it is recognized in most of the adjacent Arab countries: Iraq, Egypt and Lebanon. According to the Jordanian government, the recognition of the Middle East Council of Churches is required for a denomination to be represented in the tribunals of non-Muslim religious communities. In any way, this requirement doesn't exist in the law. Seemingly, the absence of the recognition of the Evangelical church refers to the confusion between the national evangelicalism and the Zionist evangelicalism – according to the deputy Ghazi Msharbash- Clearly enough, there is a misunderstanding of the reality of the Evangelical church in Jordan. Not only it is a national church, but also its existence in Jordan is back to the political emergence of Jordan itself, and even before. If the Evangelical church had empowered from outside to have a confession, it would have obtained a recognition long time ago. Alternatively, its affiliation to Jordan prevents it (the Evangelical church) from doing this as it's emphasized by –reverent Baheej Aqeel--. The Evangelical church will not resort for the outside but it wishes to have a national decision of the recognition.

According to Baha'is, to be unrecognized means detraction from practicing number of civil rights and family rights in particular. Because there isn't any special court for organizing their personal status matters, they are deprived from having an efficient legislation to consider their matters. Moreover, such matters are friendly considered and solved from within the group itself, rather than being based on binding judiciary.

Obviously, distinguishing between recognizing the religion and enjoying human rights including religious freedom is still overlooked by the official authorities. Considering recognition of a religion as a tool effecting practicing rights and freedom is not permissible in any way. In fact, what happens in Jordan that, unrecognized a religion can impede the followers of the unrecognized religion from enjoying their rights. For example: with respect to family and marital relations, non religious persons are obliged to be subordinates to the imposed religion since birth, which is the father's religion as well as it's written in their identity card. All this for absence of official acknowledgement of the possibility of non religious persons' existence. As for non religious people, unless they belong to one of the recognized religions in Jordan,

they can't practice or manage their affairs according to their beliefs. In the first place, absence of integrated civil law, in which all these matters can be organized and governed, is the main reason for all that.

According to some groups, it was noticeable that, internal disputes and sensitivities between sectors among the same religion may have great impact on unrecognizing some sects or schools. This can be applicable for Druze, Shiites and Evangelicals. However unrecognizing religion or sect seemingly has no negative impact on practicing religious rituals, as similar as enjoying and practicing civil rights --as it will be mentioned later on--.

- Restraints related to freedom of religion and belief:

The Jordanian institution doesn't include a provision recognizing freedom of religion and belief as well as replacing the religion and belief as an absolute right without any exception. In fact, there are problems with regard to this matter. For example: a Christian who converts to Islam for some reason, he—she would be considered as apostate and without religion, in case of conversion to Christianity again. Similarly, this can be happened for Muslims who convert to another religion or become non religious. In addition, there are some individual cases, where the civil status officer puts pressure on number of Baha'is to be registered as Muslims.

In the same context, among these cases which had been reached by the study team, Mr. (A sh) who converted from Christianity to Islam and the motivation --as he mentioned before Amman Sharia court on 9th of February 2006--was: divorcing his wife. After obtaining the desired interest, he apostates from Islam after he admitted before the mentioned court that he refuses being Muslim. According to the court judgment issued on 24/1/2010 he was proved apostate consequently he is considered without religion.⁴¹

It was mentioned in an interview with a Muslim converted to Christianity --refused to be named-- that: "There is no apostasy law, but there is an incident about one of my friends who converted to Christianity after Islam. As I remember, one day a complaint was filed against him in the court by someone. I went with him to see what was happening. When he entered he indicated that he is Muslim in the ID card; so, he was asked by the judge to say: I'm witnessing that there is no god but God, and witnessing that Muhammad is the messenger of God. My friend replied: "I'm witnessing that there is no god but God, but Muhammad is not the messenger of God". Consequently, he was given three days deadline to repent. The three days passed, and he remained Christian and didn't repent. As so, the decision of judge was that: from now on he is considered without religion in the ID card. Accordingly, any contract is considered as invalid including marriage and lease even".

⁴¹The Sharia Court of Appeal decision. Date 24/1/2012

Among such examples which can be included in this context is, the Baha'i family which was interviewed by the study team. According to this case, the husband is Baha'i in the identity card, whereas the wife is Muslim. Because she converted from Islam to Baha'i faith, the Civil Status Department refused the contract ratification. according to the registries, the wife is registered Muslim (the previous religion). It was added by the couple: the religion box on the husband's ID card was –blank—registered as dashes. Therefore, both cards had been reserved by the Civil Status Officer, who refused returning back the cards. It is not only that, he also obliged the husband to replace the dash on the card with Islam, and obliged them to hold an Islamic marriage contract. The husband added: "For all that, I didn't marry an Islamic marriage. Both of us are Baha'is, my wife and me and it conflicts with our doctrines".

It is not easy to say that, freedom of religion and belief in its real concept and components as it's mentioned in the international law is insured in the Jordanian laws. Theoretically speaking, Christians who convert to Baha'i have the choice, while in practice they will be belonging to unrecognized group. At different level, Muslims who don't want Islam as a religion, they can't declare the irreligion. So as not to lose a considerable number of rights, or considered as apostate. The same with Christians who reconvert to Christianity after Islam, they will be considered as apostates. Subsequently, some of their rights will be detracted.

The Supreme Judge Department had expressed deep understanding and clear perception for the matter and its human and social dimensions. In 17/11/2004 the Supreme Judge Department, which was headed by His Eminence Sheik Ezaldin Al-Khatib Al-Tameemi that time, had issued a generalization for all Sharia courts. The content of the generalization was: "These courts are deficient with respect to those who show desire for conversion to Islam. Many people request Islamic proofs from the Sharia courts, in order to fulfill worldly goals, such as: evading ecclesiastical courts rules, marriage or divorce. Unfortunately, they reconvert to their first religion after the goal is fulfilled. For this reason, it was emphasized by his Eminence the necessity of ending such behaviors, which have a negative impact on our social reality. In addition, preserving the rights for this reason, Sharia courts have to inquire a clearance certificate from the civil or ecclesiastic courts. It was demanded by the Supreme Judge in the generalization to the courts.

- Difficulties of manifesting religion or belief:

While Muslims and Christians have the right of manifesting their religion and practicing their rituals, there are some obstacles and restraints for that with respect to particular religious groups especially for: Baha'is, non religious and evangelicals in some matters mentioned below:

Until now, Baha'is haven't the right for officially establishing a temple or forum. In an interview by the study team on 24th of May 2012 with Mr. Faris Al-ne'imi, who

pointed out that: "However we have a social centre in Amman and Irbid: There isn't an officially registered temple or forum for Baha'is in Jordan. We hope for having the chance to establish one". He added that they have: "A central forum and local forums, but all these are officially unregistered, and it is without building for its own. The forums members usually meet to manage their affairs unofficially".

On different level unrecognized the Evangelicals can deprive them from practicing this right --manifesting the religion--. On the legal level, the Evangelical churches aren't registered in the council of churches the same with other churches. Alternatively, they are registered in the ministry of justice according to disposal of immovable properties law as religious entities. In contrast with the registered churches, these churches will be subjected to many permissions and restrictions as same as associations. Moreover, it will be subjected to the Ministry of Social Development's inspection. This means that, it may be closed by the ministry in case of breaching the terms of associations law. Contrary to the case of churches following the tribunals of non-Muslim religious communities law.

In addition to what previously mentioned, a particular norms are being taken into consideration in daily life for Baha'is. Especially with respect to Holidays and vacations for Baha'is, The components of their religious identity, manifesting and expressing religion aren't taken into account. Officially speaking, national and religious events in Jordan are feast of Fitr, feast of Al-Adha, day of Al-Israa and Al-Meraj, Alkawled Alnabawi (the prophet birth), Islamic New year, Calendar New Year and Christmas. Although Easter and Palm Sunday aren't considered among official holidays for government departments, they are considered as official holidays for Christians. Alternatively, with regard to unrecognized religious groups whether they were Muslims or not their holidays aren't mentioned. Despite preventing vacations for Baha'is --unless it's permitted by the employer--, their religious events and feasts aren't mentioned. For instance: there are nine religious events for Baha'is, in which work is prohibited according to their belief. In addition, they aren't able of celebrating their religious festivals publicly for fear of social or maybe official misunderstanding. The intervention of the competent authorities is considered necessary in order to regulate annual leave for these groups according to their religious events. Baring in mind that, such religious events aren't considered as official or national events.

In the team's interview with the specialist in Shiites' sects, Sheik Mustafa Abu Roomman, he was mentioned that, Shiites in Jordan didn't think even of establishing a Husaineya (Shiite shrine). They know themselves that this is unquestionable matter, because of the social barriers. In the same context, Sheik Mustafa Abu Roomman said: "In Jordan Shiites rituals aren't manifested. For example: Turbah is used during daily prayer in Shiites mosques, whereas in Jordan it isn't acceptable. Moreover, Shiites presence in mosques isn't acceptable for some of the Imams. On one occasion a Lebanese worshiper was expelled by the mosque's Imam when he had been noticed lowering his hands while prayer.

- Depriving some groups the right of receiving education in a manner consistent with their religion or belief:

The followers of non-Muslims groups –whether they are Christians or Baha'is-- are not obliged by the Ministry of Education of attending Islamic religion class in the public schools. It was affirmed by a considerable number of Baha'is that, they have studied in public schools and they were never obliged to study Islam, while it was affirmed by some of them that, they have studied Islamic religion at their own free will. In addition, with regard to these groups Islamic religion is not a mandatory subject to be studied in the Tawjihi (Baccalaureate). Alternatively, the average was divided according to the rest of the subjects. As for Christians, they expressed their hope of including the Christian religion among the mandatory subjects for Christian students in Tawjihi exams just like Muslim colleagues. According to some Christians, they believe that, however the Ministry of Education do not mind of teaching Christian religion in public schools for Christian students, there is a few number of them in these schools. Beside, the Ministry needs an additional staff for this job to be done.

Whereas in private schools Christians receive religious education consistent with their religion, they have the right to establish their own schools on both levels: legally and practically. These schools aren't only teaching Christian religion, but also Muslim students can receive education for Islamic religion according to the Ministry of Education's curricula.

Contrary to Christians and Muslims, Baha'is are deprived their right of receiving their Baha'i religion in both public and private schools. Moreover, parents don't have the right of choosing religious education provided to their children in manor consistent with their religion.

Despite the state is not obliged by the international law of providing religious education in its schools, it's obliged of allowing them to establish their own schools, or receiving education consistent with their religion. It's not necessary for religious education to be provided by schools. As long as these religious groups are permitted to establish educational institutions in order to provide religious education needed for their children, the state hasn't been considered as violating this right.

Manifesting religion, religious rituals and establishing schools as rights for groups – without religious groups being specified-- are addressed in articles 14 and 19 in the Jordanian institution. Despite all that, right of parents to freely choose the kind of education that shall be provided to their children by special institutions, that consistent with their religion, is not stipulated in the institution, even if it's applicable in practice except for Baha'is.

- Depriving unregistered children in mixed marriage their right to education:

Children are deprived of right to education and joining schools in many cases. According to ministry of education, children will not be able of joining schools unless they have a birth certificate. Sometimes it's impossible to issue a birth certificate for children of Baha'is or Evangelical parents, mixed marriage, or Jordanian father and foreigner mother belong to one of mentioned religious groups or vice versa. In such cases, marriage is considered unrecognized. Accordingly, children will not be able of receiving birth certificate. Subsequently, joining school will be impossible for them.

Among the interviewees, anonymous person belong to Baha'i faith whom his wife has converted from Islam to Baha'i faith without changing religion in the identity card. He has two daughters as he mentioned: "The older is 9 years old and the younger is 3 years old, the older one joined the school as a listener, because she doesn't have a birth certificate. For this reason, she will not be registered and able to join the high school. Her school management is frequently demanding the birth certificate therefore, I justify this of many arguments".⁴²

- Inequality of government financial support for all religious groups

The Ministry of Awqaf and Holy Places is only concerned with Islamic affairs. This means it's responsible of Mosques and all official religious Islamic foundations. The Ministry is financially responsible for these foundations, facilities, their management and employers by allocations from the general budget. Sharia courts as well, follow the Supreme Judge Department: therefore, allocations spent on these courts including the salaries of their judges and employers are being truncated from the allocations from the general budget.

In contrast with ecclesiastical courts, haven't special allocations in the state's general budget. It usually spends from its own resources. Clergies and ecclesiastical courts judges usually receive salaries from church funds.

Government support is limited to Muslims and Islamic affairs foundations. This issue needs to be taken into consideration, and to find solutions, whereas all religions followers shall be equal in practice and before the law. Knowing that, according to Jordan's obligations resulting from Human rights conventions, Followers of one religion only, shall not benefit from the State allocations.

V. Legal Framework for the Rights of the Religious Groups.

Religious groups rights applied in Jordan are included in both the international and the national law. However the national law and the international human rights law are conflicted, the later will transcend.

1. Religious groups rights in the international Human Rights Law.

⁴²In an interview with Baha'i father requested anonymity on 20/6/2012, outside Amman

The resources of the religious groups are varied: there are the international human rights instruments, which include international declarations and agreements, as well as resources like international conventions, decisions of committees and different international human rights entities. Following is a presentation of international agreements terms dealing with the mentioned rights and represents its legal framework.

a. Universal Declaration of Human Rights:

In article 18 of the declaration it is approved that, everyone has the freedom of thought, conscience and religion. This right includes freedom of changing religion or belief as well as the freedom of expressing religion, teaching and practicing rituals secretly or within a group.

It is emphasized in article 1 of the declaration that, all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. It was prohibited by article 2 that, any distinction in the rights and freedoms set forth in the Declaration shall be made on the basis of religion or any of reasons mentioned in the article.

b. International Covenant on Civil and Political Rights (ICCPR):

International Covenant on Civil and Political Rights ICCPR, which was published in the official journal on 15th of June, 2006 includes number of provisions on several rights, which shall be respected and insured by States Parties. The most important included rights:⁴³

First: Article 18 in the covenant which confirms that, everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Whereas in the second article it is confirmed that, no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

It is stressed in the third article in the covenant itself that, freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law. As in the fourth article, the States Parties undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

General comment on article 18 of the covenant was adopted by the international human rights committee. The general comment includes an explanation on major

⁴³It's worth mentioning that, who belongs to religious groups included here enjoys human right as a human. According to the rights mentioned above, they are relevant to protecting religious freedoms in particular.

resulting obligations of Article 18 which protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.⁴⁴

In relation to the freedom to manifest religion or belief may be exercised "either individually or in community with others and in public or private". The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.⁴⁵

In addition, it was explained by the committee in the fifth paragraph in the general comment that, Article (18) includes the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief. Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.

In the same context it must be indicated that the committee stressed the fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant,

⁴⁴ Paragraph 2 in the general comment number 22, adopted in year 1993, published in the document:

HRI/GEN/1/Rev.9(Vol.I),P.208

⁴⁵ Paragraph 4 in the general comment itself

including articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers.⁴⁶

In accordance to article 18 certain prohibited practices such as converting people on their religion under acts of expelling from job, violence or persecution directed by government service. Another case such as prohibition of religious conversion according to legal provision and considered to be punishable by inheritance rights suspension or marriage dissolution, children custody deprivation, as well as imposing religion on identity card.⁴⁷

In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications. Censorship, confiscation or prohibition on these publications shall be prohibited, unless, they include hatred advocacy.⁴⁸

Second: Article 26, which admits that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the state parties are obliged by law to prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground including religion.

Third: Article 27, which obliges those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities, shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

The committee observes that this article establishes and recognizes a right, which is conferred on individuals belonging to minority groups and which is distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they are already entitled to enjoy under the Covenant.

The terms used in article 27 indicate that the persons designed to be protected are those who belong to a group and who share in common a culture, a religion and/or a language.

Those terms also indicate that the individuals designed to be protected need not be citizens of the State party or of Permanent residence.⁴⁹

Fourth: Religious rights, which mentioned in the covenant, intersect with other human rights. It can be relevant to article (20) in which it prohibits any advocacy of

⁴⁶Paragraph 9 in the general comment number 22, mentioned above.

⁴⁷ These cases were mentioned in the report of freedom of belief and religion, which was presented to the human rights committee on 20/7/2012. It is published in the document: A/HRC/6/5,P.7, Para.8

⁴⁸The special reporter for religion and belief's freedom's previous reference: P6--13

⁴⁹Paragraph 5 from the previous general comment itself

religious hatred or malevolence. In addition, it can be relevant to right of personal freedom that, no person shall be detained or deprived of his personal freedom on the bases of his religion as well as mentioned in article 7 that, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment all these practices are prohibited by the covenant⁵⁰.

c. International Convention on the Elimination of All Forms of Racial Discrimination:

The international convention on the Elimination of All Forms of Racial Discrimination, which was published in the official journal in Jordan on 15th of June 2012 a specific definition of racial discrimination, which is: any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁵¹ It was explained by the human rights regulatory bodies especially the European Court of Human Rights that, ethnic groups share the same nationality, tribal affiliation, religious, belief, language, origins and cultural and traditional backgrounds.⁵²

In principle, it seems by the contemporary international practice terms that the concept of the racial discrimination is extended to include any form of discrimination directed against any minority, especially if the identity of this minority is based on language, culture, religion or national or cultural origin. In many cases, racial, religious and linguistic overlapping seems to be clear enough.⁵³

d. The United Nation's Convention against torture and other cruel, inhuman or degrading treatment or punishment:

Article 1—1 in the convention, which was published in the official journal in Jordan on 15th of June 2006 includes a torture definition, which may intersect with religious discrimination concept. According to the convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public

⁵⁰ See in this concern the Human Rights council decision number (19/8) with regard to freedom of religion and belief issued in 3/4/2012.

⁵¹ Article (1—1) in the convention adopted by the General Assembly of the United Nations in 1965, and came into force on 4/1/1969

⁵² See the court's decision in the case:

Timisler Case, application 53762 and 559749, 13/12/2005, para. 55

⁵³ See in this concern, Racism definition according to the European Commission against racism and Intolerance, in its recommendation with regard to the general policy

official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Religion may be used as a mean of torture or maltreatment. For example: coercing a Muslim person to eat kind of food, which is prohibited according to Islamic religion.

e. Convention on the Rights of the Child:⁵⁴

This convention imposes number of relevant articles to the religious groups and freedoms. In article 14 it was mentioned that: States parties shall respect the right of the child of freedom of thought, conscience and religion. It also imposes that, freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

In article 30 it is adopted that, In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

It was prohibited in the article 2—1 any kind of discrimination may directed against the child based on any reasons in the article including religion.

f. UNESCO convention against Discrimination in Education:

This convention was adopted by UNESCO on 14th of December 1960. It includes (discrimination) term, which includes: any distinction, exclusion, limitation or preference which, being based on race, color, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education.⁵⁵

g. Arab Charter on Human Rights:

The Charter is adopted by Council of the League of Arab States in 1994, and modified in 2004. It was published in Jordan in the official journal in 2004. The Charter includes number of provisions included rights and freedoms regarding the religious groups. In article (30) it was confirmed that: Everyone has the right to freedom of thought, conscience and religion and no restrictions may be imposed on the exercise of such freedoms except as provided for by law. Contrary to other human rights agreements, the charter doesn't consider the religious freedom as an absolute right: but it approved to be subject to restrictions of the applicable laws. Obviously, in the charter the limits of the religious freedom protections included in article (30—1) are less than international covenant on civil and political rights. However limitation of

⁵⁴ This convention was published in the official Gazette after it had been adopted by Authentication Code by the Jordanian Parliament

⁵⁵ Article 1—1 in the convention

religious freedoms in the charter: it states that, if any of the charter's obligations is conflicted with any of the protections is obligated on the states in accordance with any international agreement, the later will transcend. It is stated in article (30—2) that the freedom to manifest one's religion or beliefs or to perform religious observances, either alone or in community with others, shall be subject only to such limitations as are prescribed by law and are necessary in a tolerant society that respects human rights and freedoms for the protection of public safety, public order, public health or morals or the fundamental rights and freedoms of others. It is noticed that (tolerant society) is used rather than (democratic society).

In addition, the same article admits that, parents and guardians have the freedom to provide a religious and moral education for their children.

It is acknowledged in article (25) that, persons belonging to minorities shall not be denied the right to enjoy their own culture, to use their own language and to practice their own religion. The exercise of these rights shall be governed by law. Moreover, it is prohibited according to article 3 in the charter discrimination of freedoms and rights included based on religious belief.

h. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

The expression : (Intolerance and discrimination based on religion or belief) is defined according to this declaration: any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.⁵⁶

It is confirmed by the declaration that, everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practices and teaching⁵⁷.

The declaration considers discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights whether these actions are done by public authorities or individuals.⁵⁸

⁵⁶ Article 2—2 in the declaration

⁵⁷ Article 1 in the declaration

⁵⁸ Article 2—1 in the declaration

- i. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.⁵⁹

In the first article of the declaration the states are obliged to protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. As stated in the general comment for the working group on minority on the declaration eradication is prohibited. Beside, forced absorption is not acceptable in any way according to the declaration. Avoiding transforming integration into unwelcomed absorption is considered as the main purpose of protecting minorities.⁶⁰

The declaration admits that those persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. They also have the right to establish and maintain their own associations.⁶¹ The declaration also invited the states for taking the necessary measures, to insure enjoying rights fully and actively, without discrimination.⁶²

It has been emphasized by the working group on minorities on the general comment on the declaration on article 14 that, it calls to integrated education between different cultures, by Encouraging educating history, cultures and traditions of different cultures among society. Presenting this knowledge positively shall be taken into consideration in order to promote respect and tolerance. In this regard, history school books are of a particular importance.⁶³

2. The legal regulation of the religious groups according to the Jordanian law.

Regulating the affairs of the religious groups and their followers is ruled by several legal terms and provisions. In collaboration with provisions derived from international covenants, the Jordanian Legal Provisions and Legislation form the legal reference framework for the study. These Provisions can be summarized as follows:

The Jordanian Constitution

In article 6—1 it is affirmed that: Jordanians shall be equal before the Law. There shall be no discrimination between them as regards to their rights and duties, on grounds of race, language or religion. In article 6—1 it's affirmed that, all the Jordanians are equal. Therefore, any discrimination of rights and duties directed against them is prohibited, However, they are different in color, race or religion.

⁵⁹ It was published by the General Assembly of the United Nations on 18/12/1992 in the document number: A/Res/47/135

⁶⁰ Paragraph 21 in the comment of the working group on minorities on the declaration, document number:

E/CN.4/Sub.2/AC.5/2005/2(2/4/2005)

⁶¹ Article 2 in the Declaration

⁶² Article 3 in the declaration

⁶³ Paragraph 67 in the comment: previous reference

At the same time, the 14th article admits that: The State shall safeguard the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such exercise is inconsistent with public order or morality. It is noticeable that, the article doesn't recognize the freedom of religion and belief, but it only points out the freedom of practicing rituals. Especially that, the freedom of converting to a religion or belief is considered one of the basic and absolute rights in the international human rights system. It's worth careful considering and scrutiny. In addition, article 2 in the Constitution considers Islam as religion of State. This means that Islam is recognized as an official religion for the State, if so, freedom of any other religions shall be expressly recognized.

With regard to the personal status for non-Muslims, it's assigned to the tribunals of other religious communities, according to article 104. In addition, it was pointed out in article 108 that, the tribunals of religious communities are those for the non-Muslim religious communities which have been or will be recognized by the government as being established in the Hashemite Kingdom of Jordan. According to this article, recognizing a new sect or denomination to be included in the tribunals of religious communities is allowed. Thus, it opens the door more widely to recognize any tribunal in the future. Moreover, it doesn't include Christian denominations in particular without other non-Muslim communities. Practically speaking, till now applying this article nevertheless, isn't consistent with the constitutional provision.

Article 109 of the Constitution organizes the tribunals of religious communities, that it shall be established in accordance with the provisions of laws pertaining there. Such laws shall define the jurisdiction of such tribunals in matters of personal status and trusts (Wakfs) constituted for the benefit of the community concerned. Matters of personal status of any such community shall be the same matters as are, in the case of Muslims, within the jurisdiction of the Shari'a Courts. After the constitutional amendment in 2011, which included article 109, paragraph 2, the tribunals now have the right to apply their own jurisdictions with respect to personal status, which have no relevance to personal status of Muslim's within their Sharia courts. Accordingly, assigning judges as well as courts assets shall be organized by particular jurisdictions of these tribunals. By contrast to the mentioned, article 98 in the Constitution affirms that, Judges of the Civil and Shari'a Courts shall be appointed and dismissed by a Royal Decree in accordance with the provisions of the law. Although it's inconsistent with appointing and dismissing the tribunal judges in practice, these judges are not mentioned or included in the constitutional provisions.

It should be noted that, in article 19 it acknowledges that, congregations shall have the right to establish and maintain their own schools for the education of their own members provided that they comply with the general provisions of the law and submit to the control of government in matters relating to their curricula and orientation.

Penal Code

The criminal law in Jordan includes number of the provisions, which criminalize any act intended to encourage conflicts: "Any writing, speech or work which is intended or has the effect inciting sectarian or racial strife or encourages conflict between communities and various elements of the nation will be punished for a period of no less than six months and up to three years and with a fine not exceeding 500 JD".

In article 278, it is stated that: it is punishable by imprisonment for a term not exceeding three months or a fine not exceeding JD 20 whoever: 1 - publishes something in print or a picture or drawing or symbol that would lead to offending the religious sentiments of other people or to insult religious beliefs, or 2 - uttered in a public place and heard by public words or voice that would lead to an insult feeling or religious belief of that other person.

On the other hand, provisions which are similar in the same terms of the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, are noticeably not included in the Jordanian Penal Code.

Public assembly law

According to assembly law number (7) year 2004 article (3—A) it is acknowledged that, the Jordanians have the right to hold public meeting or demonstration requires a 48 hour notice by the organizers. Considering any meeting or demonstration being held against these rules an illegal act, in contrast with that, religious or national events, which usually are organized by celebrations committees in the ministries, are considered as an exception by the law. Considering any meeting held by the Interior Minister as an exception and it is allowed according to article (3—B).

Consequently, the religious communities don't have the right of organizing meetings or demonstrations without the Governor 48 hour notice, except meeting or demonstrations organized by one of the ministries. According to that, religious groups have no benefit in the exception, and they may be denied organizing a meeting or demonstration.

Civil status law

Any discriminatory provision toward religious communities of any kind is never included in the civil status law number (9) year 2001. In addition, there isn't any provision or article requires inclusion of religion in identity card or passport. Moreover, according to article (40) in the law the director of the civil status department is given the right to issue a decision in which he can determine the identity card and the passport form, content, and information included in both of them.

With regard to religion, there is no mention or specification for religion on the passport, while the recognized religions are still included in the religion box on the

identity card. With contrast to the unrecognized religions and beliefs, they are excluded from the ID card. For example, the Baha'i faith is indicated by using dashes (--).⁶⁴

Association Law in Jordan

Provisions of associations law number (51) 2008 excludes entities and committees registered according to endowments and Islamic affairs law, as well as non-Muslim religious groups, which are registered according to the enforced law of tribunals of non-Muslim religious communities,⁶⁵ as it prohibits a registration for any association with illegal purposes or inconsistent with general order of the kingdom.⁶⁶

As a conclusion to the above, restrictions and terms included in association's law in Jordan is not relevant to the Islamic associations and non-Islamic religious communities associations, which are recognized according to the law of tribunals of non-Muslim religious communities. Thus, it is relevant to the unrecognized religious groups: therefore, the registration is denied if the belief or religion of any society is considered as violation to the public order.⁶⁷

Personal status law

The applicable personal status law in Jordan includes numbers of provisions, which hinder such unrecognized religious group and its followers from practicing civil rights, which are acknowledged at the international level. Among these provisions is article 140 of the law. According to the article marriage is prohibited if Muslim woman marry non-Muslim man; so, their marriage is considered a void. Therefore, if non-Muslim woman has converted to Islam without her husband, who remained non-Muslim, the marriage contract will be terminated. The idea of apostasy and its negative effects on marriage contracts are stated in Article (142) which considered that, if apostasy occurred before entering, then the contract is considered according to the article as terminated, while if it occurred after, then the judge will have the right to terminate the contract himself.

In addition, it is affirmed in article 281 that, no inheritance among different religions. Therefore, non-Muslim can't inherit a Muslim, while Muslim person can inherit the apostate.

⁶⁴ It worth pointing out that, it was decided by the European Court of Human Rights that, including a religion box in the identity card in Turkey is a violation for article 9 in the European Convention on Human Rights, even with the freedom of leaving it empty. See the case: Sinan Isik v. Turkey, app.no 21924/A5,2/2/2010 .

⁶⁵ Article 3/(B) in the association's law number 51 year 2008

⁶⁶ Article 3/(D) in the association law number 51 year 2008

⁶⁷ In an interview with Deema Khlefat the director of the associations department in the ministry of interior, as a reply on submitting an application of establishing an association for Baha'is service and education., she affirmed that: she doesn't see any problem with this matter; however, the Board of Directors may refrain from accepting or registering this application, on the grounds that it's inconsistent with the Public order. Alternatively, she affirmed that, they didn't receive such applications until now.

Moreover, it is stated in article 172 that, if the custody mother was non-Muslim she obviously will lose the right of custody after the child exceeds 7 years old.

It is clear enough, that the provisions above are inconsistent with international human rights Conventions, which emphasize a prohibition of discrimination of any kind on any bases including opinion, religious belief and give the absolute right to convert to any religions.

The law of tribunals of non-Muslim religious communities

Forming the jurisdiction of the recognized non-Muslim religious communities are organized by this law number (2) issued on the 3rd of March 1938. According to the Council of Ministers' decision, the head and the members of each religious community are appointed, according to a recommendation from the Supreme Spiritual Head of the sect. This decision as well is accompanied with a Royal Decree-. Tribunals' jurisdiction of issues such as personal status and Endowments are determined in article (5) and (6) of the law. In case of absence of tribunal for a sect to consider issues with respect to the tribunal jurisdiction, the civil courts have the right to consider such issues, taking into consideration achieving justice and equity. In such cases, civil courts shall apply the regulations that consistence with the sect, or the closest if there is any doubt in the regulations or aren't at all.

Article 12 in the law emphasized that, while considering a case with respect to immovable property in the east of Jordan, which was a legacy inherited in accordance with a will or not, the Islamic law of inheritance shall be applicable whether by the non-Muslim religious communities' tribunal or the civil court. Accordingly, far from the complexity of this law, it could be said, a number of the provisions included in the law are considered inconsistent with international obligations of Jordan, with respect to the identity of religion and belief. Considering that, the law regardless of religion obliges non-Muslims of applying Islamic law.

Although this law isn't limited to Christian communities, but in practice it is applicable only to the recognized Christian religious groups. Baring in mind, the unrecognized religious groups are excluded from this law. Therefore, they are considered to be out of the applicable legal framework, where they are subjected to harm especially with regard to personal status including inheritance.

Law of disposal of immovable properties

The second article in this rule number 61 years 1953 define the statement: (Charitable communities and institutions and religious entities) as it's any community, institution or entity have been instituted in the Hashemite kingdom of Jordan according to the applicable laws. In addition, it shall not be emerging from, or linked to any foreigner centre from outside the kingdom. The right of the Jordanian charitable associations, companies and institutions, as well as religious entities of disposal and acquisition

needed immovable properties inside villages as required. This right is acknowledged by article (6) in the rule.

Governing the conduct of the registered religious entities in accordance with immovable property is the purpose of the mentioned rule. On the other hand, religious entities can be registered according to this rule in the ministry of justice, unless they are unable to be registered according to the law of tribunals of non-Muslim religious communities. Nevertheless, some entities are being denied the right to benefit from the rule they also can't register in both rules such as Baha'is.

Non-Muslim and Foreigners Inheritance Law:

The right of deciding validity of the will, is given in accordance to article (6—D) in the non-Muslim and foreigners inheritance law number (8) year 1941 to the Court of First Instance, if the deceased (Legator) belonged to non-muslim religious group, which is not represented in the tribunal of religious community. This article can be applied in cases such as the followers of the evangelical churches, which are not represented shall refer to the court of First Instance in order to decide validity on the will. In addition, this law is applicable in cases such as the Baha'is.

The authority of deciding inheritance of the immovable property in the east of Jordan in all cases is entrusted to the courts of First Instance and the law of tribunals of religious communities which has the authority on inheritance matters. The provisions of the east Jordan applicable on Muslims' cases of inheritance shall be applicable on the relevant cases of non-Muslims religious groups mentioned. Certainly, what is mentioned above with respect to the mentioned law is inconsistent with the right of these groups of belief and religious freedom and the right of manifesting and practicing religion; because it obliges non-Muslims to inherit according to the Islamic law of inheritance. After the Constitutional amendment in the year 2011, which included article (109—2) this provision may be considered unconstitutional. Now, the non-Muslim religious groups represented in the religious communities' tribunals have the right to apply their own regulations after making the required Legislative amendments.

Person's nationality or his—her religious belief is not only cause of considering his—her disqualification of having a share of legacy or will. This provision is only restricted to the court of First Instance and the law of tribunals of non-Muslim religious communities. It's pointed out as violation that, religion may be cause of losing the share of inheritance or will in the Sharia courts.

VI. Recommendations

Although this is a survey targeting major problems with respect to the basic civil rights for persons who belong to a number of religious groups, the study team believe that such recommendations of major importance for the study to be done by filling the gaps in human rights protection as well as urging change of practices and official

policies. In addition, this report presents recommendations for media and religious leaders, in order to help in better understanding to the religious minorities. The most important recommendations can be summarized as follows:

First: Recommendations addressed to the Jordanian government:

(A) The Legislation

1. Enacting required legislation and regulation with the purpose of criminalizing discrimination of any kind especially that is based on religious belief. The concepts of crime and discrimination shall be matched in accordance with the concepts adopted in the international law.
2. In response to article (6) in the Constitution of Jordan, which prohibit discrimination of any kind, all legislative provisions which include any discrimination based on religion shall be removed. The penal code needs to be at the forefront of these laws.
3. Reviewing all laws with respect to the civil rights such as: the civil status law, associations' law and the personal status law by the government. In addition, identifying the major obstacles in these laws, regarding persons belonging to religious groups enjoying their rights equally. In accordance to that, suggesting that the necessary required implemented projects to achieve the amendments for this purpose be enacted.
4. Initiation of a unified law for personal status for non-Muslim religious groups by the government. This draft shall be presented by the government to the parliament to be adopted and discussed with the concerned entities.
5. The law of tribunals of non-Muslim religious communities needs to be reviewed by the government, or at least to be activated. It is an important matter for the unrecognized religious groups to be included under the umbrella of this law like all other groups. The groups included in the study --Baha'is and Evangelicals- shall have their own religious courts.
6. A national survey shall be conducted in order to unify the authorities which govern the personal status and applicable provisions. In addition, obtaining a civil law to govern personal status matters especially for those who prefer resorting to civil law rather than the religious courts in this respect.

(B) Replacing the current practices

1. The government shall guide the Ministry of the Interior and the Civil Status and Passports Department to exclude religion from the identity card similar to the passport.

2. The government needs to guide the personal status department to issue marriage certificates for Baha'is and the unrecognized religious groups, whether it is marriage between Jordanians or mixed marriage. In this context, it is important for the government to distinguish between religious group ensuring that they all enjoy human and civil rights. In addition, the government shall refrain from considering recognition as a requirement of enjoying the rights.
3. Required legislative, executive and administrative measures should be taken by the government to acknowledge absolute rights of those with specific belief. The freedom of religion and belief, and manifesting religious practices and rituals should be allowed according to criteria based on international law. Religious freedom shall include the freedom of converting to any religion or belief, or to be declared not belonging to any religion. Civil eligibility and human, financial and family rights shall not be effected.
4. An independent committee needs to be created by the government to study the current situation which includes effecting the family and human rights based on religion or replacing religion. Not only that, but also to work on removing any negative effects whether on parents or on children. Moreover, facilitating rights especially on education, social security as well as maintaining normal family relationships need to be guaranteed.
5. Developing a new authority to be concerned with administrating the non-Muslim religious communities' endowments in Jordan, or expanding the current entity to include these groups. In addition to that, financial and technical support shall be equally provided for these groups.
6. National debate between human rights and religious communities concerned sectors shall be allowed by the government in order to adopt a national strategy and policies to mainstream the followers of the religious minorities in the society. At the same time, such mainstreaming shall maintain the original identity for such groups in the societies.

Second: Recommendations to the Ministry of Education:

1. The legal provisions of the international and the Jordanian laws, - concerned with equality and religious freedoms--, should be included in the ministry's schools curricula. As well as considering religious freedom, its content, standards and elements major parts of the curricula.
2. Necessary measures shall be taken by the Ministry of Education, include educating different cultures and religions included in the Jordanian society for school students. Such education aims for sharing knowledge and creating tolerance and mutual understanding among all society components.

Third: Recommendations to the media:

All media—especially official radio and television in particular--, should prepare different programs dealing with all religious groups in Jordan, their beliefs, life style, problems, role in building the kingdom and maintaining its national fabric.

Fourth: Recommendations to the religious leaders:

Religious official institutions particularly, the Supreme Judicial Department, the Ministry of Waqf and Fatwa should promote the concept of citizenship, by encouraging equality and renouncing violence and Sectarianism. These authorities should also adopt all efforts to promote citizenship including this study and its conclusions and recommendations.