

# Annual Report 2017 Annex

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# Report Methodology

## 1. Introduction

The analysis seeks to elucidate the state of freedom of religion or belief (FORB) in third countries in 2017, in order to provide the FORB&RT Intergroup and EU decision-makers at large with policy-relevant advice. The analysis is inspired by the EU Guidelines on the promotion and protection of FORB adopted in 2013 (hereinafter: Guidelines), which define the EU's principles and priority areas in this sector.

Accordingly, the present project focuses on the priority areas defined in the Guidelines (2). Since the EU intends to promote the universality of human rights,<sup>1</sup> this project seeks to assess the FORB situation in third countries in light of international law. Therefore, the research elucidates the content of universal

FORB norms regarding the EU's priority areas (3). International norms are then compared with the practice of third States, which is assessed on the basis of several sources, including reports of governmental and nongovernmental organisations (4). The analysis clarifies the FORB situation in all third countries and addresses in detail the focal countries of EU foreign policy (5). The research thus leads to several outputs, detailing third States' compliance with international FORB norms in the EU's Priority areas (6).

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<sup>1</sup> See Art. 3(5) and 21(1) TEU; see also EU Guidelines on the promotion and protection of freedom of religion or belief, 24 June 2013, paras 1-8.



## 2. Priority Areas of FORB

The EU's Guidelines on FORB stipulate that, when addressing freedom of religion or belief, the EU will pay special attention to eight priority areas, which are all of equal importance:

1. Violence
2. Freedom of expression
3. Promotion of respect for diversity and tolerance
4. Discrimination
5. Changing or leaving one's religion or belief
6. Manifestation of religion or belief
7. Support and protection for human rights defenders including individual cases
8. Support for – and engagement with – civil society

he present research focuses on these priority areas – and these areas only. This implies that other aspects of FORB and religion at large are not taken into account (at least not directly) in the analysis. For instance, the analysis does not directly address topics such as the financing of religious organisations or the confessional character of States.

Priority areas 3, 7, and 8 (Promotion of respect for diversity and tolerance, Support and protection for human rights defenders including individual cases, and Support for – and engagement with – civil society) have been excluded from the analysis. The analysis of international law standards (see below, section 3) has revealed that these priority areas do not correspond to specific international standards, or are regulated by the same norms as other priority areas. Therefore,

a separate analysis of priority areas 3, 7, and 8 is arguably not necessary.

The remaining priority areas, rearranged and partially renamed, provide the analytical grid for the analysis of all third countries:

1. Adopting and Changing One's Religion or Belief<sup>2</sup>
2. Manifestation of One's Religion by Expression of One's Convictions<sup>3</sup>
3. Other Types of Manifestation of Religion or Belief<sup>4</sup>
4. Discrimination Based on Religion or Belief<sup>5</sup>
5. Protection from Violence<sup>6</sup>

There admittedly are overlaps between the different priority areas. Therefore, there are violations of FORB that contemporarily affect two or more priority areas. For instance, a State's attempt at indoctrinating children at school is likely to affect, not only priority area 1 (adopting a religion), but also priority area 4 (discrimination), since indoctrination is likely to concern mostly children from minority groups. To address this problem, researchers placed each violation in the area that is closest to it, and strived to ensure consistency among the different analyses (for instance, indoctrination is considered under priority area 1 in the different analyses).

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- 2 In the Guidelines, this priority area is defined as "Changing or leaving one's religion or belief".
- 3 In the Guidelines: Freedom of Expression.
- 4 In the Guidelines: Manifestation of religion or belief.
- 5 In the Guidelines: Discrimination.
- 6 In the Guidelines: Violence.

## 3. Identification of International FORB Standards

The research starts from the consideration that the European Union intends to promote, in its external human rights policy, FORB as a right based on the principle of universality. It is consequently assumed that the EU intends to uphold in its foreign policy international FORB standards. The state of FORB in third countries must consequently be determined in terms of its compatibility with international law. Since international human rights standards are not straightforward, the research sought to clarify them.

The investigators determined the applicable FORB legal standards concerning the five priority areas identified above (see section 2). For instance, researchers elucidated the legal standards concerning the adopting and changing of one's religion or belief (priority area 1).

The international standards were identified on the basis of multilateral treaties and customs. Reference

was made in particular to universal agreements, such as the International Covenant on Civil and Political Rights. The analysis acknowledged also other sources, including authoritative nonbinding ones, such as declarations of the General Assembly and the general comments of UN treaty-based bodies.

On the basis of these sources, researchers compiled a brief description of the international standards applicable in each priority area. Furthermore, they prepared a list of criteria for the analysis of each priority area. Each criterion identifies precise FORB standards, which are sufficiently clear and univocal to be applied in a homogeneous manner by different researchers, including lawyers and non-lawyers. On the basis of respect for the criteria, the FORB situation of each country in each priority area has been classified as: "severe violations", "problematic issues", or "minor concerns".

To be sure, there is no clear distinction between “severe violations” and “problematic issues” in FORB terms. A distinction is nonetheless introduced between severe and problematic situations in order to account for particularly serious violations of human rights. For instance, while the indoctrination of children into a specific religion is a violation of the right to have one’s religion (and is therefore considered as a problematic issue in terms of right to adopt religion, under priority area 1), it is arguable that the genocide against a religious minority is a graver violation of the law (and would be considered as a severe violation under priority area 4).

It is worth stressing that the assessment criteria are drafted on the basis of international law. This means that, in principle, countries affected by “problematic issues” or “severe violations” are likely to be in breach of international law. It is acknowledged, at any rate, that the scope of the present research does not permit to prove beyond any doubt the existence of FORB violations, since it is impossible to address the specificities of each case. Furthermore, it is worth noting that the present research admittedly relies on second hand reports of the state of FORB in third countries (see below, section 4), and cannot aspire to assess FORB violations in each third country

in an absolutely objective manner. It is also very difficult to determine the degree of control that States exercise on non-state actors or the States’ compliance with their duty to protect the FORB of individuals threatened by other individuals. To address this problem, the criteria for the analysis adopted a distinction between “occasional” attacks against persons exercising FORB (which led to categorise a priority area as “problematic”) and “systematic” attacks (which warranted a “severe violations” label). These considerations are particularly important for those States that do not entirely control their territory, which is occupied either by non-State actors or by other States. Thus, in case of systematic attacks, the situation has been labelled as “severe violations”, even if such violations cannot be attributed to the territorial State (e.g. in the case of Ukraine).

Notwithstanding these difficulties, it is expected that the utilisation of international law as the benchmark for the present analysis should enable policy makers to have a clearer view of the FORB situation in the third States, and to easily identify the most problematic areas of FORB in each country.

The legal standards applied by the research are collected in Annex III, which also provides for a summary of the criteria for analysis.

## 4. Analysis of the State of FORB in Third Countries

To assess the state of FORB in third countries, researchers compared international legal standards applicable in the five priority areas (see above, sections 2 and 3) with the available reports on the situation in each third country.

It is to be noted that, although the research concerns in principle all third States, some countries have been excluded from the analysis. This is the case of some micro-States and territories and of “non problematic countries”, i.e. the 48 non-EU countries that score “low” on both the Government Restriction Index and the Social Hostility Index of the Pew Research Center.<sup>7</sup> Because of these exclusions, the analysis concerns 122 countries in total (including focal and non-focal countries; see below, section 5).

The sources used for the analysis are multiple and vary depending on the country. Recent UN documents, such as those published by the UN Human Rights Office of the High Commissioner, have been used, when available. Other sources, having universal scope or relating to specific countries, have been collected

by Danielle Turkov and are available on the FORB&RT Intergroup site.

The information regarding the state of FORB in third countries was retrieved from multiple sources. The US State Department’s International Religious Freedom Report for 2016 served as a point of departure for most analyses. To account for events occurred in 2017, several other sources were taken into account, including reports on freedom of religion (e.g. that of the International Humanist and Ethical Organisation) and human rights at large (e.g. Human Rights Watch, Freedom House). These sources have been complemented by a research on publications addressing specific topics or countries, including websites of NGOs (e.g. Christian Solidarity Worldwide), as well as international and local newspapers.

The analysis of the five priority areas in light of the applicable legal criteria led to give each country 5 scores (one per priority area). For each “severe violation”, a country was awarded 2 points. For each “problematic issue”, 1 point. “Minor concerns” were awarded 0 points. For each country an aggregate score was calculated. The maximum aggregate score is 10 (2 points per priority area). The minimum is obviously 0.

<sup>7</sup> See Pew Research Center, *Global Restrictions on Religion Rise Modestly in 2015, Reversing Downward Trend*, <http://www.pewforum.org/2017/04/11/global-restrictions-on-religion-rise-modestly-in-2015-reversing-downward-trend-appendixes-A-and-B>

To further facilitate communication, ranges of points have been labelled, so that the FORB situation in each country is described as:



### Minor Violations 0–3



### Problematic Issues 4–7



### Severe Violations 8–10

For instance, Sudan scored 9 (as an aggregate) in the five priority areas. The situation has been labelled as SEVERE VIOLATIONS.

The information available regarding each country varies and may be limited, especially in respect of smaller countries that are not known to regularly commit grave human rights violations. When it was impossible to retrieve sufficient sources to provide for a score in a priority area, that priority area was excluded from the analysis (Armenia, Brunei, Djibouti, and Indonesia). The country was then graded on a 0 to 8 scale. The severity of FORB violations was assessed accordingly: Minor Concerns (0-2 points); Problematic Issues (3-5 points); Severe Violations (6-8 points).

The results of the analysis of each third country are available in the “Quantitative Data” table enclosed (Annex I).

## 5. Analysis of Focal Countries

The researchers have analysed, according to the methodology described above, 122 countries. Therefore, quantitative results are therefore available for all States (with the exception of certain micro-States and non-problematic countries).

Certain third States – the “focal countries” have also been analysed from a qualitative perspective. These countries have been scored in terms of their respect for FORB in the five priority areas and the rationale for their scores is explained in the country analyses enclosed (Annex II).

30 focal countries have been selected. Focal countries come in two groups.

The first group of focal countries is determined in light of political considerations. Ideally, this group should include the worst FORB violators, which EU policy-makers may wish to observe with particular attention. The identification of such FORB violators was however problematic, since the selection of focal countries had to be performed before analysing the state of FORB in third countries: researchers needed to know beforehand which country was focal, in order to analyse it more in depth.

Existing reports had to be used in order to identify this first group of focal countries. Reports from a single external source, however, are not necessarily reliable and, at any rate, may not reflect the priority of the

Union in general, and of the FORB&RT Intergroup in particular. Therefore, the first group of focal countries was identified on the basis of the FORB&RT Report of 2016. This group comprises the countries that this report identified as focal, i.e. Brunei, China, Eritrea, India, Iran, Iraq, Korea (Dem. Rep.), the Maldives, Myanmar, Nigeria, Pakistan, Saudi Arabia, and Sudan.

The countries belonging to the first group of focal countries are highlighted in light blue in the tables enclosed (annexes I and IV).

The second group of focal countries, composed of 17 States, is defined on the basis of objective criteria, relating to the relevance of these countries to the EU and their sensitivity to its influence. The criteria relating to the relevance of focal countries for the EU are:

- a) EU candidates and countries of the EU’s Neighbourhood policy: if the country is a candidate or potential candidate for EU membership, or is addressed by the EU’s neighbourhood policy, it was assigned 1 point.
- b) EU priority for migration: if the country is one of the priority targets of the EU’s migration policy, it was assigned 1 point. Third countries considered as priorities for migration include Turkey and the countries indicated in the Commission’s Progress Report on the Partnership Framework on Migration,

as well as the countries addressed by the EU Emergency Trust Fund for Africa.<sup>8</sup>

c) GSP+: each beneficiary country of the EU's GSP+ scheme was assigned 1 point.

The criteria relating to the focal country's sensitiveness are:


a) Export to EU/GDP ratio: if the country's exports to the EU<sup>9</sup> exceed 5% of its GDP,<sup>10</sup> the country was assigned 1 point.

b) EU aid/GDP ratio: if the country received from the EU aid<sup>11</sup> above 1% of its GDP it was assigned 1 point.

c) EU Restrictive Measures: if the country is presently addressed by a restrictive measure of the EU it was assigned 1 point.<sup>12</sup>

The application of the criteria on relevance and sensitivity permitted to rate each third State on a 0 to 6 scale (3 points max for relevance and 3 points max for sensitivity).

The focalness score that were attributed are:

Lowest	0	
Low	1	
Medium	2	
High	3	
Highest	4	

No country was awarded a focalness score of 5 or 6.

The 17 countries with the highest scores (3 or 4 points) have been included in the second group of focal countries.

The countries belonging to the second group of focal countries are highlighted in blue in the tables enclosed (annexes I and IV).

There are, therefore, a total of 30 focal countries. The remaining 92 countries are considered as non-focal countries.

The methodology for the identification of focal countries is summarized in the table in Annex IV.

- 8 See European Commission, "Fifth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration", 6 September 2017, COM(2017) 471 final, [https://eeas.europa.eu/sites/eeas/files/20170906\\_fifth\\_progress\\_report\\_on\\_the\\_partnership\\_framework\\_with\\_third\\_countries\\_under\\_the\\_eam\\_en\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/20170906_fifth_progress_report_on_the_partnership_framework_with_third_countries_under_the_eam_en_0.pdf); On the Fund, see [https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa\\_en](https://ec.europa.eu/europeaid/regions/africa/eu-emergency-trust-fund-africa_en).
- 9 The data on exports to the EU were retrieved from the European Commission website on 20 December 2017, <http://trade.ec.europa.eu/tradehelp/statistics>.
- 10 The data relating to GDP have been retrieved from the World Bank website on 20 December 2017, <https://data.worldbank.org/data-catalog/GDP-ranking-table>. When those data were not available on the World Bank Website, they were retrieved from the CIA World Factbook.
- 11 The data on the EU's aid were retrieved from the European Commission website on 20 December 2017, <https://euidexplorer.ec.europa.eu/DevelopmentAtlas.do>. The data refer to 2015, as the data on 2016 were not available at the time of the analysis, either on the Commission's website or on the website of the OECD.
- 12 The data on EU restrictive measures were retrieved from European Commission – Service for Foreign Policy Instruments, "European Union Restrictive measures (sanctions) in force (Regulations based on Article 215 TFEU and Decisions adopted in the framework of the Common Foreign and Security Policy)", [http://ec.europa.eu/dgs/fpi/documents/Restrictive\\_measures-2017-08-04-clean\\_en.pdf](http://ec.europa.eu/dgs/fpi/documents/Restrictive_measures-2017-08-04-clean_en.pdf).

## 6. Outputs of the Project

The outputs of the project are provided in the annexes.

The two main outputs are:

1 table with the quantitative results of the analysis of all third countries, meaning 5 scores for each country, regarding the 5 priority areas selected for the analysis (Annex I)

30 analyses of the focal countries (Annex II)

Furthermore, the project led to the production of documents providing details on the methodology of the analysis:

A synthetic presentation of international FORB standards applicable to the main five priority areas of the Union (Annex III)

A table regarding the focalness of third countries (Annex IV)

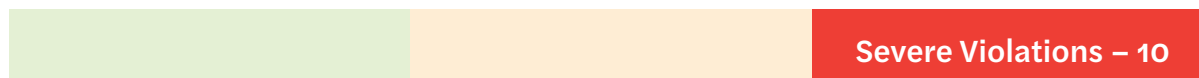
# **Intergroup FoRB Focal Country Profiles**



# Afghanistan

FoRB Situation:

Focalness: **Low** 



## PRIORITY AREAS

## SCORE

### Adopting and Changing One's Religion or Belief

Severe Violations – 2

"According to the Article 1 of the Penal Code, crimes of Hudud and Qisas including apostasy are inflicted in accordance with the Hanafi Jurisprudence of Sharia law, which includes death punishment for non-believer and apostates.<sup>13</sup>"

While the Afghani Constitution allows followers of religions other than Islam to practice their religion within the contours of the law, conversion from Islam to another religion is illegal and punishable by death, imprisonment, or confiscation of property.<sup>14</sup>

### Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

In 2007, Afghanistan's Supreme Court decided that the Baha'i Faith is distinct from Islam and is a form of blasphemy. Furthermore, several followers of minority religions avoid settling disputes in courts out of fear of retaliation and criticise that courts are unwilling to grant same rights to non-Muslims.<sup>15</sup> Deeply enshrined social attitudes of intolerance and non-acceptance of religious minorities has led to heinous crimes and atrocities. The case of Farkhunda, a woman lynched by a mob who falsely accused her of burning the Koran in 2015 is one of many tragic stories.<sup>16</sup>

### Other Types of Manifestation of Religion or Belief

Severe Violations – 2

"The law prohibits the production, reproduction, printing, and publishing of works and materials contrary to the principles of Islam or offensive to other religions and denominations. It also prohibits publicizing and promoting religions other than Islam and bans articles on any topic the government deems might harm the physical, spiritual, and moral wellbeing of persons, especially children and adolescents<sup>17</sup>." The Freedom of Thought Report by the International Humanist and Ethical Union (IHEU) criticizes Afghanistan for propelling religious indoctrination in schools and not providing secular or humanist alternative to religious classes in state-funded schools.<sup>18</sup>

13 IHEU, The Freedom of Thought Report: Afghanistan

<https://freethoughtreport.com/countries/asia-southern-asia/afghanistan/>

14 U.S. State Department, Afghanistan 2017: International Religious Freedom Report  
<https://www.state.gov/documents/organization/281260.pdf>

15 U.S. State Department, Afghanistan 2017: International Religious Freedom Report  
<https://www.state.gov/documents/organization/281260.pdf>

16 Kargar, Z, Farkhunda: The making of a martyr, BBC, August 11 2015  
<https://www.bbc.com/news/magazine-33810338>

17 U.S. State Department, Afghanistan 2017: International Religious Freedom Report, p.5  
<https://www.state.gov/documents/organization/281260.pdf>

18 IHEU, The Freedom of Thought Report: Afghanistan  
<https://freethoughtreport.com/countries/asia-southern-asia/afghanistan/>

Many members of minority religions report cases of intimidation and harassment, as well as pressure to convert to Islam. Although the remaining Sikhs and Hindus<sup>19</sup> are allowed to practice their religion legally, a 2016 NCHS (National Council of Hindus and Sikhs) report revealed that cremation ceremonies for the dead were often interfered with or disrupted by locals.<sup>20</sup> “Christian groups reported public opinion remained hostile towards converts and to Christian proselytization. Christians and Ahmadi Muslims stated they continued to worship privately to avoid societal discrimination and persecution.”<sup>21</sup>

Militant groups, especially the Taliban and increasingly the IKSP engage in intimidation, forceful expulsion, abduction, and murder of Muslims and non-Muslims. “Hindus, Sikhs, and Shiite Muslims, particularly those from the Hazara ethnic group face official obstacles and discrimination by the Sunni majority”<sup>22</sup>. A 2017 report by the UNAMA highlighted that the attacks on religious targets tripled compared to 2016.<sup>23</sup> The Taliban is also engaged in a systematic campaign to eradicate moderate by issuing death threats or killing imams and other religious figures.<sup>24</sup>

19 For more on the dire and dangerous situation for Hindus and Sikhs in Afghanistan please see; Kumar,R, The decline of Afghanistan's Hindu and Sikh communities, Al Jazeera, Jan 1 2017 <https://www.aljazeera.com/indepth/features/2016/12/decline-afghanistan-hindu-sikh-communities-161225082540860.html>

20 U.S. Commission on International Religious Freedom, Annual report 2017, Afghanistan <http://www.uscifr.gov/sites/default/files/Afghanistan.2017.pdf>

21 U.S. State Department, Afghanistan 2017: International Religious Freedom Report,p.2 <https://www.state.gov/documents/organization/281260.pdf>

22 Freedom House, Freedom in the World 2017: Afghanistan <https://freedomhouse.org/report/freedom-world/2017/afghanistan>

23 UNAMA, Afghanistan: Protection of Civilians in Armed Conflict. Annual Report, 2017, p.3. [https://unama.unmissions.org/sites/default/files/afghanistan\\_protection\\_of\\_civilians\\_annual\\_report\\_2017\\_final\\_150218.pdf](https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2017_final_150218.pdf)

24 Freedom House, Freedom in the World 2017: Afghanistan <https://freedomhouse.org/report/freedom-world/2017/afghanistan>

FoRB Situation:

Focalness: **High** 

## Problematic Issues – 6

### PRIORITY AREAS

### SCORE

#### Adopting and Changing One's Religion or Belief

Problematic Issues – 1

Apostasy is not considered as a criminal offense in Algerian law, however, restrictions concerning the questioning of Muslim religion make the conversion from Islam very difficult.<sup>25</sup>

The Ministries of National Education and Religious Affairs require, regulate, and fund the study of Islam in public schools. Religious education focuses on Islamic studies but includes information on Christianity and Judaism and is mandatory at the primary and secondary school levels. The Ministry of National Education requires private schools to adhere to curricula in line with national standards, particularly regarding the teaching of Islam and the use of Arabic as the primary language of instruction, or risk being closed.<sup>26</sup>

Under the law, children born to a Muslim father are considered Muslim regardless of the mother's religion.<sup>27</sup>

#### Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

The law criminalizes "offending the Prophet Muhammad" or any other prophets. The penal code provides a punishment of three to five years in prison and/or a fine of 50,000 to 100,000 dinars (\$458 to \$916) for denigrating the creed or prophets of Islam through writing, drawing, declaration, or any other means. The law also criminalizes insults to any other religion, with the same penalties.<sup>28</sup>

On July 31, 2016, Algerian police arrested Slimane Bouhafs, an Algerian Christian for blasphemy. He was sentenced to three years' imprisonment but this sentence has been reduced by 16 months following a partial pardon granted by the Algerian president.<sup>29</sup>

#### Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

The constitution provides for freedom of conscience and, after an amendment enacted in February, for freedom of worship.<sup>30</sup> However, the law states religious demonstrations are subject to regulation and the government may shut down any religious service taking place in private homes or in outdoor settings without official approval.<sup>31</sup>

Algerian police arrested Ahmadi Muslims for conducting unauthorized religious activities, such as holding prayers and printing religious books. Christian leaders reported two Protestants were arrested in Bejaia for transporting unauthorized religious literature.<sup>32</sup>

25 Religious Freedom Report, available at : [http://www.liberte-religieuse.org/algerie/#\\_ednref3](http://www.liberte-religieuse.org/algerie/#_ednref3).

26 US Department of State, International Religious Freedom Report for 2016, p. 6.

27 Ibid.,

28 See Art. 144 bis of the Algerian criminal code available at <https://www.joradp.dz/trv/fpenal.pdf>.

29 Articles available at : <https://africa.la-croix.com/algerie-chretien-converti-condamne-prison-blaspheme/>. And : <https://www.worldwatchmonitor.org/2017/07/jailed-algerian-christian-receives-partial-presidential-pardon/>. See also: US Department of State, International Religious Freedom Report for 2016, p. 1.

30 US Department of State, International Religious Freedom Report for 2016, p. 1.

31 Ibid., p. 5.

32 Ibid., p. 8.

The law grants all individuals the right to practice their religion as long as they respect public order and regulations.<sup>33</sup> However, some discriminations are to be noticed, for instance, Christians reported continuing delays in obtaining visas for foreign religious workers, and two Christian organizations said the government delayed four months in authorizing their requests to import Bibles.<sup>34</sup>

Practitioners of religions other than Sunni Islam, including Christians and Jews, reported they had experienced threats and intolerance and often kept a low profile as a result.

There were reports of employment discrimination against non-Muslims and one incident of attempted vandalism against a church.<sup>35</sup>

The family code prohibits Muslim women from marrying non-Muslim men unless the man converts to Islam.<sup>36</sup>

Individuals who have converted from Islam to another religion are ineligible to receive an inheritance via succession.<sup>37</sup>

Article 73 of the Algerian Constitution declares that to be eligible to the Presidency of the Republic, the candidate should be a Muslim.<sup>38</sup>

Some Christian groups continued to report facing a range of administrative difficulties in the absence of a written government response to their requests for recognition as associations.<sup>39</sup>

Christian leaders stated the lack of government responsiveness to visa applications continued to pose complications for religious workers.<sup>40</sup>

Christian groups reported some villages continued not to permit Christians to be buried alongside Muslims. The government stated people whose lifestyle gave the impression they were non-Muslims were buried in Muslim cemeteries on the basis of their family's testimonies. A ministry official stated that, where burial grounds were private, the cases were outside of the government's domain.<sup>41</sup>

Attacks linked to Islamic terrorism have to be mentioned here. In February 2017, in Constantine a terrorist tried to enter a police station but he was arrested, and in August in Tiaret an armed militant wearing a suicide belt killed two policemen.<sup>42</sup>

A core al-Qa'ida affiliate headquartered in Algeria; most active in the southwestern, southeastern, and upper northern regions; engages heavily in kidnappings for ransom—its primary income source.<sup>43</sup>

33 Ibid., p. 1.

34 Ibid.,

35 Ibid.,

36 Ibid., p. 6.

37 Ibid.,

38 See, Art. 73 of the Algerian Constitution available at [http://confinder.richmond.edu/admin/docs/local\\_algeria.pdf](http://confinder.richmond.edu/admin/docs/local_algeria.pdf).

39 US Department of State, International Religious Freedom Report for 2016, p. 7.

40 Ibid.,

41 Ibid., p. 12.

42 See article : <https://www.reuters.com/article/us-algeria-security/suicide-bomb-attack-in-algeria-kills-two-policeman-idUSKCN1BB101>

43 Central Intelligence Agency, The World factbook, Algeria. Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ag.html>

FoRB Situation:

Focalness: **High** 

Minor Concerns – 3

[Note: it is difficult to find English-language information on FoRB in Armenia during 2017. The NGO Religions in Armenia, [www.religions.am](http://www.religions.am), monitors this issue well, but we could not find relevant 2017 information on their website. We thus rely heavily on the State Department’s report which covers 2016.]

## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One’s Religion or Belief

Problematic Issues – 1

Article 26 of the Armenian constitution is nearly identical to Article 18 of the Universal Declaration of Human Right. Article 26 states, “Everyone shall have the right to freedom of thought, conscience and religion. This right includes freedom to change the religion or belief and freedom to, either alone or in community with others manifest the religion or belief, through preaching, church ceremonies and other religious rites.”<sup>44</sup>

Article 8.1 of the constitution “recognizes the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia.”<sup>45</sup>

According to a local NGO, the public educational system curriculum promoted the identification of the Armenian ethnic identity with the Armenian Apostolic Holy Church. There were other problems with courses, including hate speech towards religious organizations other than the Armenian Apostolic Holy Church, the performance of Armenian Apostolic Holy Church religious rituals during classes, and the lack of opportunities to take an alternative course.”<sup>46</sup> Authors of a study on religious tolerance in Armenia interviewed priests and teachers involved in the teaching the course and concluded “In reality, the subject “Armenian Church History” has turned into a study of the religion itself.”<sup>47</sup>

### 2. Manifestation of One’s Religion by Expression of One’s Convictions

Minor Concerns – 0

The Law on Freedom of Conscience and on Religious Organizations bans proselytism, but does not clearly define what constitutes banned activity. The law has a number of clauses that are vague and undefined.<sup>48</sup>

[NOTE: we could not find any reports of the ban on proselytism being enforced in 2017.]

### 3. Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

The US State Department’s 2017 International Religious Freedom Report found that “Some minority Christian groups reported they had the freedom to worship provided they did so discreetly and limited their activities to their own premises and community. They said attempting to expand beyond those premises or attempting to expand their existing membership through proselytizing could potentially create problems. For this reason, the groups said, they kept their activities low profile and exercised self-censorship.”<sup>49</sup>

44 Constitution of the Republic of Armenia, <http://www.parliament.am/parliament.php?id=constitution&lang=eng>

45 Constitution of the Republic of Armenia, <http://www.parliament.am/parliament.php?id=constitution&lang=eng>

46 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

47 <http://religions.am/wp-content/uploads/2017/12/Religious-tolerance-in-Armenia.pdf>

48 Stepan Danielyan, Vladimir Vardanyan, and Artur Avtandilyan, Religious Tolerance in Armenia, 2010.

<http://religions.am/wp-content/uploads/2017/12/Religious-tolerance-in-Armenia.pdf>

49 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>



State Department: “The law prohibits an employee of the police, the National Security Service, the service for mandatory enforcement of court rulings, the penitentiary service, the rescue service, or the military from being a member of a religious organization. The law does not define the meaning of “membership” in a religious organization. The law prohibits the members of the police, the military, and the national security service, as well as prosecutors and other state and civil servants from using their official position for the benefit of “religious associations” or from preaching in support of them.”<sup>50</sup>

State Department: “In its March 9 report, the Collaboration for Democracy stated it had found discrimination and dismissals in government, public educational institutions and the military due to religious affiliation. According to the NGO, the government used provisions of the law prohibiting membership of law-enforcement employees and other public service employees in religious organizations, to limit the rights of those employees. The NGO reported the government interpreted the provisions prohibiting membership in religious organizations to mean affiliation with any religious group other than the AAC was prohibited. According to several minority religious groups, public employees and members of law enforcement agencies either chose not to attend religious services or kept their attendance hidden, fearing they might lose their jobs.”<sup>51</sup>

[Note: the State Department’s 2017 report said “Jehovah’s Witnesses reported they registered 17 cases of physical/verbal harassment during the year (2016)” but we were not able to find any information about violence against JWs or any other religious group.]

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U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

51

U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

FoRB Situation:

Focalness: **High** 



## PRIORITY AREAS

## SCORE

### 1. Adopting and Changing One's Religion or Belief Problematic Issues – 1

Article 16 of the Belarus Constitution grants freedom to profess and practice any religious belief and states that religions and faiths are equal before the law<sup>52</sup>. Nonetheless, religious activities that jeopardize the sovereignty of Republic of Belarus, its constitutional system and civic harmony are prohibited. The Constitution also states that relations between the State and religious organizations are regulated by the law, which recognizes the “determining role” of the Moscow Patriarchate Belarus Orthodox Church (MPBOC) in national tradition and deems four faiths “traditional”, that is Catholicism, Judaism, Islam and Evangelical Lutheranism<sup>53</sup>. Therefore, Belarus people are allowed to profess different faiths, but the government requires registration for all religious groups. In particular, the Office of Plenipotentiary Representative for Religious and Nationality Affairs (OPRRA) regulates all religious matters.

### 2 Manifestation of One's Religion by Expression of One's Convictions Problematic Issues – 1

In July 2016 a court fined a member of the Hare Krishna community for singing in public<sup>54</sup>. Religious groups other than MPBOC require a special permission to import or distribute religious literature.<sup>55</sup> According to what reported by Jehovah's Witness Community, in some cases authorities detained Jehovahs Witnesses for sharing their belief with others or for illegal distribution of religious literature.<sup>56</sup> Muslim, Cristians and Hare Kristna communities have experienced the same restrictions. For example, police arbitrarily confiscated books from the Grodno mosque during a search for extremist materials in the spring of that year.<sup>57</sup>

### 3. Other Types of Manifestation of Religion or Belief Severe Violations – 2

Given the tight control of the State through the bureaucracy and secret services there are strict limitations on the activities of religious groups. For instance “religious groups meetings in private homes must not occur regularly or involve large number of people”<sup>58</sup>.

All the minority religious groups, divided in three categories, must be registered. The process of registration has proven to be very complex and uncertain, as permissible grounds for denial of registration are broad. The government control over religion makes use of the ban of all religious activity by unregistered groups, who can face the charge of administrative offence punishable by a fine<sup>59</sup>. A religious group found to have violated the religion law must correct the alleged violation within six months and not repeat it for one year, or face closure. There is no legal avenue for religious groups to challenge such warnings<sup>60</sup>.

52 See the Belarus Constitution available at <http://users.unimi.it/dirpubesteuropa/wp-content/uploads/Costituzione-della-Repubblica-della-Bielorussia.pdf>. See also US Department of State, International Religious Freedom Report of 2016, p. 1.

53 US Commission on International Religious Freedom, Annual Report 2017, p. 196, available at <http://www.uscifr.gov/sites/default/files/2017.USCIRFAnnualReport.pdf>.

54 Ibidem, p. 197.

55 Ibidem, p. 8.

56 See Ibidem, pp. 8-10.

57 US Commission on International Religious Freedom, Annual Report 2017, p. 197.

58 Ibidem.

59 US Commission on International Religious Freedom, Annual Report 2017, p. 196.

60 Ibidem, p. 196.

Other forms of restrictions concerning freedom of religion or belief concerns space limitations, considering that the use of houses of worship and any public exercise of religion requires state permission, which is rarely granted to minority religious groups. Religious groups continued to report problems purchasing properties as places of worship and for example the Protestants state they were only able to conclude short-term lease agreements<sup>61</sup>.

In some cases, minority confessions remain reluctant to apply for registration, out of fear of harassment and punishment<sup>62</sup>.

#### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

The MPBOC enjoys a privileged status based on a concordat with the government, which recognizes the influence on the formation of spiritual, cultural and national traditions of Belarus people<sup>63</sup>. In addition, the MPBOC, unlike other religious communities, receives subsidies from the state, as they must combat together the unnamed “pseudo-religious structures that present a danger to individual and society”<sup>64</sup>.

Roman Catholic Church, the country’s largest minority religious group, is viewed with suspicion by the Belarusian government. Therefore, strong restrictions apply to the appointment of non-Belarusian as Catholic priests in Belarusian parishes and to the permissions to celebrate mass by temporary visiting priests.

In theory, protection to conscientious objectors from pacific religious groups is guaranteed by the recent Belarus’ first Alternative Service Law, entered into effect on July 1, 2016. The law does not address objectors from non-religious groups, therefore discriminating non religious citizens.

The most undeniable cases of discrimination concern Jehovah’s Witness communities<sup>65</sup>. Notwithstanding the approval of the Alternative Service Law, cases of discrimination against objectors involve two Jehovah’s Witness who refused the military service<sup>66</sup>.

It has been reported that school administrator continued to cooperate only with the BOC among the registered religious groups<sup>67</sup>.

#### 5. Protection from Violence

Problematic Issues – 1

A Court in Lepel has repeatedly fined the members of a local Baptist church for singing and offering Christian books to passer-by near the town market. After detaining them, injured two of them. The complaint is with the investigative committee.<sup>68</sup>

61 US Department of State, International Religious Freedom Report of 2016, p. 11.

62 Ibidem, p. 8.

63 US Department of State, International Religious Freedom Report of 2016, p. 3.

64 Ibidem, p. 3.

65 HRWF, Belarus: Jehovah’s Witnesses concerns about religious freedom, 28/9/2016, available at: <http://hrwf.eu/belarus-jehovahs-witnesses-concerns-about-religious-freedom/>.

66 Ibidem, p. 197.

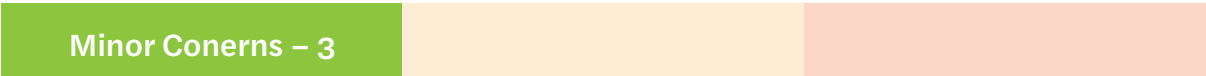
67 US Department of State, International Religious Freedom Report of 2016, p. 12.

68 Forum 18, Belarus: Maltreated, fine for offering religious literature, 6/12/2017, available at: <http://www.forum18.org/archive.php?country=16>.

# Bosnia and Herzegovina

FoRB Situation:

Focalness: **Highest** 



PRIORITY AREAS	SCORE
1. Adopting and Changing One’s Religion or Belief	Minor Concerns – 0
Schools often offer instruction in one of the main religions of the country and students reportedly face social pressure to attend instruction in their respective religion. <sup>69</sup> Nonetheless, schools generally grant the possibility to opt out of religion classes. <sup>70</sup>	
2. Manifestation of One’s Religion by Expression of One’s Convictions	Minor Concerns – 0
The right to freedom of expression is not always respected in practice and the media are not entirely free. Yet, the expression of ideas related to religion or belief does not appear to be constrained as such. <sup>71</sup>	
3. Other Types of Manifestation of Religion or Belief	Problematic Issues – 1
The State recognises only one Islamic community. Any other Islamic group may not open a mosque without the permission of the official community. <sup>72</sup>	
Authorities reportedly withdraw permits to build churches and refrain from fully returning nationalised churches to Christian communities. <sup>73</sup>	
4. Discrimination Based on Religion or Belief	Problematic Issues – 1
The persistence of mono-ethnic schools in some parts of the country results in segregation and discrimination. <sup>74</sup>	
Individuals reportedly face religious and ethnic discrimination in employment, housing, and social services in regions that are not dominated by their own ethnic group. <sup>75</sup>	
The Constitution and Election Law of the State exclude persons not belonging to one of the State party’s “constituent peoples”, (Bosniaks, Croats and Serbs) from being elected as State’s president and as members of the parliament’s upper house, thereby de facto preventing members of religious groups other than Catholic, Muslim, and Orthodox, from being appointed to such posts. <sup>76</sup>	

69 US State Department, International Religious Freedom Report for 2016.  
70 IHEU, The Freedom of Thought Report 2017; Aid to the Church in Need, Religious Freedom Report in 2016, <http://religion-freedom-report.org.uk>.  
71 Human Rights Watch, Bosnia and Herzegovina: Events of 2017; Freedom House, Freedom in the World 2016.  
72 US State Department, International Religious Freedom Report for 2016.  
73 Aid to the Church in Need, Religious Freedom Report 2018. US State Department, International Religious Freedom Report for 2016.  
74 Human Rights Committee, Concluding observations on the third periodic report of Bosnia and Herzegovina, 13 April 2017, CCPR/C/BIH/CO/3, para. 23.  
75 IHEU, The Freedom of Thought Report, 2017.  
76 European Court of Human Rights, Sejdić-Finci v. Bosnia and Herzegovina (Grand Chamber), App. 27996/06 and 34836/06, 22 December 2009; Human Rights Committee, Concluding observations on the third periodic report of Bosnia and Herzegovina, 13 April 2017, CCPR/C/BIH/CO/3, para. 11.

5. Protection from Violence	Problematic Issues – 1
<p>There are reports of verbal and physical attacks against members of religious minorities and of the pervasive use of hate speech, especially in the media and on the Internet. Only a small number of hate crimes are effectively prosecuted.<sup>77</sup></p>	
<b>TOTAL</b>	<b>3/10</b>

<sup>77</sup> Human Rights Committee, Concluding observations on the third periodic report of Bosnia and Herzegovina, cit., para 21.



# Brunei Darussalam

ForB Situation:

Focalness: **Lowest** 

Problematic Issues – 6

## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief

Problematic Issues – 1

The Shafi'i school of Islam is the official religion. The rights of all minority religious groups are significantly curtailed. The government bans Ahmadiyya Muslims, the Bahai Faith, Jehovah's Witnesses, and several other groups.<sup>78</sup> Muslims who want to renounce or change their religion must inform the Islamic Religious Council. The proposed phrase three of the Shariah Penal Code would, if implemented, would include the death penalty for apostasy and blasphemy.<sup>79</sup>

The US State Department reported, "Some Muslims who wished to convert to another religion reportedly feared social retribution, such as ostracism by friends, family, and their community. If parents converted to Islam, there was often family and official pressure for the children to do the same. Some non-Muslims said they felt pressured in the workplace or in social groups to convert to Islam."<sup>80</sup>

Malay Islamic Monarchy, the ideology of the state, is a mandatory subject for all students at all levels of education, including in universities.<sup>81</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

The Shariah Penal Code bans the use of 19 Islamic words, in print or speech, in reference to other religions. The list of words includes "Allah," which has been used by local Christians for centuries as a word for God.<sup>82</sup> Those found guilty of breaking this law are subject to three years in prison and a maximum fine of \$12,000.<sup>83</sup>

The US State Department reports "The law forbids the teaching or promotion of any religion other than Islam to Muslims or to persons of no faith. Under the first phase of the SPC, the penalty for propagating religions other than Islam is up to five years in prison, a fine of up to 20,000 Brunei dollars (BND) (\$13,840), or both."<sup>84</sup>

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

The Shariah Penal Code mandates that Muslims must participate in the Ramadan fast and other religious observances. According to Freedom House, "All women in government-run institutions and schools are required or pressured to wear traditional Muslim head coverings."<sup>85</sup> The government bans public displays of Christmas and traditional Chinese New Year festivities. Violations of the ban are liable to a five-year prison sentence.<sup>86</sup>

78 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

79 Amnesty International Annual Report 2017/18, <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

80 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

81 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

82 Kate Tracy, "Muslim Nation Bans Christians from Using 19 Religious Words," Christianity Today, 26 February 2014, <http://www.christianitytoday.com/news/2014/february/muslim-nation-bans-christians-words-brunei-malaysia-allah.html>

83 Freedom in the World, Freedom House, 2018, <https://freedomhouse.org/report/freedom-world/2016/brunei>

84 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

85 Freedom in the World, Freedom House, 2018, <https://freedomhouse.org/report/freedom-world/2016/brunei>

86 <http://www.abc.net.au/news/2015-12-23/christmas-ban-to-be-strictly-enforced-this-year-in-brunei/7051680>

The US State Department reported that “Public and private schools, including private schools run by churches, are prohibited from providing religious instruction in beliefs other than the Shafi’i school of Islam during school hours. Schools may be fined or school officials imprisoned for teaching non-Islamic religious subjects. The SPC criminalizes exposing Muslim children or the children of parents who have no religion to the beliefs and practices of any religion other than Islam.”<sup>87</sup>

The government restricts the importation of Bibles and other Christian materials.<sup>88</sup> The government bans the construction or renovation of non-Muslim religious facilities, such churches and temples.<sup>89</sup>

4. Discrimination Based on Religion or Belief
Problematic Issues – 1

The government does not allow marriage between Muslims and non-Muslims.<sup>90</sup> When children are born to interfaith couples, the Muslim parent is granted all parental rights.<sup>91</sup> Further, the US State Department reports “The law bans any Muslim from surrendering custody of a minor or dependent in his or her guardianship to a non-Muslim.”<sup>92</sup>

5. Protection from Violence
Unknown

[We were not able to find any reports of religion-related violence in Brunei in 2017]

TOTAL
6/8<sup>93</sup>

87

U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

88

“What Sharia Law may bring for Christians in Brunei,” Open Doors, 5 May 2014, <https://www.opendoorsusa.org/take-action/pray/what-sharia-law-may-bring-for-christians-in-brunei/>

89

“Brunei,” World Watch Monitor, <https://www.worldwatchmonitor.org/countries/brunei/>

90

Freedom in the World, Freedom House, 2018, <https://freedomhouse.org/report/freedom-world/2016/brunei>

91

U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

92

U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

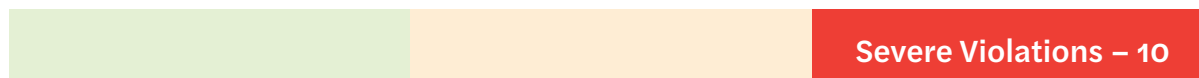
93

Excluding priority area “violence”

# Central African Republic

FoRB Situation:

Focalness: **Medium** 



## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief Severe Violations – 2

“Western CAR remains the scene of outright persecution of the Muslim population – which explains why the vast majority of the Muslim refugees who have fled CAR to eastern Cameroon and southern Chad since 2013 do not dare to return home. In the north, centre and east of the country, violent conflicts continue to break out and armed groups are reinforcing their hold over the territory they control. In the areas where there is open conflict there has been an accelerating trend of local militia creation, while rebel groups exploit prevailing insecurity to operate protection rackets. An even greater worry is the increasingly intercommunal nature of the conflict, which has once again stirred up the issue of indigenous identity. Muslims, and Fulani in particular, are viewed as foreigners.”<sup>94</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

While there are not outright blasphemy laws, and the constitution does protect religious freedom for the most part, accusations of witchcraft are very common, widespread, and create an environment of mistrust and fear as the 2017 USCIRF report highlights

“Witchcraft is a part of many Central Africans' lives, and accusations of witchcraft can lead to human rights violations. Although the number of incidents is likely to be higher, the UN Office of the High Commissioner for Human Rights documented 45 cases of human rights violations related to witchcraft accusations during the reporting period.<sup>95</sup>” Under CAR's penal code witchcraft and/or sorcery is a criminal offense punishable by execution.<sup>96</sup>

### 3. Other Types of Manifestation of Religion or Belief Severe Violations – 2

The widespread sectarian violence, destruction of holy sites and forceful expulsions makes any form of worship a dangerous, and potentially life-threatening endeavor.<sup>97</sup>

### 4. Discrimination Based on Religion or Belief Severe Violations – 2

Members of the minority Muslim population regularly complain about and report discrimination based on religious affiliation. This also pertains to dealings with public or government officials.<sup>98</sup> Furthermore, the IHEU Freedom of Thought Report on the Central African Republic highlights “systemic religious privilege (that) results

<sup>94</sup> Crisis Group, *Avoiding the Worst in Central African Republic*, Report no.253/Africa, September 28, 2017 <https://www.crisisgroup.org/africa/central-africa/central-african-republic/253-avoiding-worst-central-african-republic>

<sup>95</sup> USCIRF, *Annual report 2017*, Central African Republic <http://www.uscifr.gov/sites/default/files/CentralAfricanRepublic.2017.pdf>

<sup>96</sup> Ibid

<sup>97</sup> For a summary of recent violence please see: Amnesty International, *Central African Republic 2017/2018* <https://www.amnesty.org/en/countries/africa/central-african-republic/report-central-african-republic/>

<sup>98</sup> US State Government, *Central African Republic 2017 International Religious Freedom Report*, p.1 <https://www.state.gov/documents/organization/280966.pdf>

in significant social discrimination” and that “discriminatory prominence is given to religious bodies, traditions or leaders.”<sup>99</sup>

5. Protection from Violence	Severe Violations – 2
<p>“CAR authorities lacked the capacity to investigate the killings or hold the perpetrators accountable. For example, on March 8, 2016, two Muslims were killed in Bambari; ex-Séléka killed 10 Christians in retaliation over the next several days<sup>100</sup>.”</p> <p>“The number of local militias is rising; and, above all, a resurgence of targeted attacks against Muslim minorities is driving ethnic and religious exclusion, reminiscent of the most tragic events of the country’s recent crisis<sup>101</sup>.”</p> <p>“CAR’s Muslim population remains disproportionately displaced, and in the western part of the country, the Muslim community cannot freely practice their faith. The CAR government has taken some positive steps to address interfaith tensions, but has failed to increase its reconciliation efforts to reverse the ethnic cleansing of Muslims or improve interfaith relations<sup>102</sup>.”</p>	
TOTAL	10/10

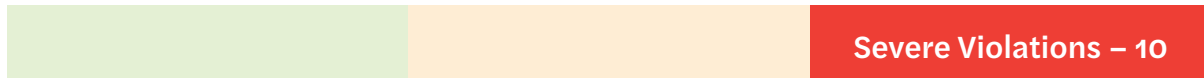
99 IHEU, The Freedom of Thought Report, Central African Republic  
<https://freethoughtreport.com/countries/africa-middle-africa/central-african-republic/>

100 Crisis Group, Avoiding the Worst in Central African Republic, Report no.253/Africa, September 28, 2017  
<https://www.crisisgroup.org/africa/central-africa/central-african-republic/253-avoiding-worst-central-african-republic>

101 USCIRF, Annual report 2017, Central African Republic, p.1  
<http://www.uscifr.gov/sites/default/files/CentralAfricanRepublic.2017.pdf>

102 USCIRF, Annual report 2017, Central African Republic, p.3  
<http://www.uscifr.gov/sites/default/files/CentralAfricanRepublic.2017.pdf>

FoRB Situation:

Focalness: **Lowest** **PRIORITY AREAS****SCORE**

1. Adopting and Changing One's Religion or Belief	Severe Violations – 2
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Only religious groups belonging to one of the five state-sanctioned “patriotic religious associations” (Buddhist, Taoist, Muslim, Catholic, and Protestant) are permitted to register as legal entities with the government. The country’s laws and policies do not provide a mechanism for religious groups independent of the five official government patriotic religious associations to obtain legal status<sup>104</sup>.

The National Security Law adopted in 2015 reaffirms, like the 2005 Regulations, the state’s protection of “normal religious activities”. “Cult organizations” – as for the well-known group Falun Gong – are banned and those belonging to them can be sentenced up to life in prison<sup>105</sup>.

Since 2016 the Chinese government regularly emphasized the “sinicization” of religions and local authorities pressured religious believers to affiliate with patriotic associations.

The members of the Chinese Communist Party (CCP) and of the armed forces are required to be atheists and are forbidden from engaging in any religious practice. These rules are not universally enforced. However, members who are found to belong to religious organizations are subject to expulsion<sup>106</sup>.

Under national regulations the teaching of atheism in schools is mandated and a CCP directive provides guidance to universities on how to prevent foreign proselytizing of university students. Parents are permitted to instruct children under 18 in the beliefs of officially recognized religious groups, and children may participate in religious activities.

Manifestation of One's Religion by Expression of One's Conviction	Severe Violations – 2
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National printing regulations restrict the publication and distribution of literature with religious content. Religious texts published without authorization, including Bibles and Qurans, may be confiscated and unauthorized publishing houses closed<sup>107</sup>.

According to USCIRF Annual Report 2017, during 2016 the government repetitively vilified the Dalai Lama and accused him of blasphemy and reinforced its restrictions against lawyers and human rights defenders<sup>108</sup>.

The media reported government employees in Xinjiang were “forced to sign guarantees they would refrain from religious or political expression. The penalty for not signing could be barring their children from entering university or being subject to administrative investigation”<sup>109</sup>. According to legal experts and human right

<sup>103</sup> Since 1999, China has been designated as a “Country of Particular Concern” (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On October 31, 2016, the Secretary of State redesignated China as a CPC and identified the following sanction that accompanied the designation: the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (Public Law 101-246), pursuant to section 402(c)(5) of the Act (China – International Religious Freedom Report for 2016 United States Department of State • Bureau of Democracy, Human Rights, and Labor, p. 3). The 2017 edition of the Freedom of Thought Report records China among the 30 countries that meet at least one (usually more) boundary condition applies at the highest level of severity: “Grave violations” (Freedom of Thought 2017, p. 13).

<sup>104</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>

<sup>105</sup> Christian Solidarity Worldwide, China. Freedom of Religion or Belief, October 2016, p. 3.

<sup>106</sup> Ibidem.

<sup>107</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

<sup>108</sup> USCIRF, Annual Report 2017 – China, April 2017.

<sup>109</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017, p. 23.



groups, the new Counterterrorism Law contains a vague definition of “terrorist activity” which could be used to criminalize peaceful expressions of religious belief. It remains difficult to determine whether particular detentions, arrests, or judicial punishments target political goals, the right to worship, or criminal acts<sup>110</sup>.

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

Religious groups different from the five state-sanctioned “patriotic religious associations”, including Catholics professing loyalty to the Vatican, are not permitted to register (see above).

The constitution foresees that only registered religions can legally hold worship services and it limits protections for religious practice to “normal religious activities”, without defining the term “normal”. In 2016 China revised and enhanced its regulations on Religious Affairs that further restrict the right to religious practice of registered and unregistered religious groups, including assembling for religious worship, expressing religious beliefs in public and in private, teaching youth, and publishing religious texts<sup>111</sup>.

According to USCIRF Annual Report 2017, authorities continue to restrict men from growing beards and women from wearing headscarves.

Severe restrictions regard Tibetan Buddhists in the country, including outside the Tibet Autonomous Region (TAR). They are not free to venerate the Dalai Lama openly, to proselytize in public or meet in unregistered places of worship<sup>112</sup>. According to the International Campaign for Tibet, the 2016 counter-terrorism laws have been used to further restrict expressions of Tibetan identity and culture<sup>113</sup>. USCIRF interprets the well known destruction of the Larung Gar Buddhist Institute in 2016 in the frame of Beijing’s desire to eviscerate the teaching and study of Tibetan Buddhism<sup>114</sup>.

The Chinese government continued to enact and enforce restrictions on religious practices of Uighur Muslims. According to reports, the government destroyed also thousands of mosques in Xinjian officially for reasons of public security<sup>115</sup>.

Restrictions to religious practice also regard Christians. Since 2014, hundreds of cross removals from the Catholic and Protestant churches in the province of Zhejiang are documented<sup>116</sup>. Christian places of worship have also been destroyed (over 2,000 from 2014 to the end of 2016)<sup>117</sup>. Reports denounce two recent cases regarding the Catholic Church in Zhifang (December 2017) and The Golden Lampstand Church in Northern China (January 2018)<sup>118</sup>. Restrictions on religious practices of Uighur Muslims are grounded on the government’s concerns over the “three evils” of “ethnic separatism, religious extremism, and violent terrorism”<sup>119</sup>.

In 2017 a law regulating foreign NGOs in China limited some religious organizations charity and aid work in the country<sup>120</sup>.

### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

Religious groups different from the five state-sanctioned “patriotic religious associations are not permitted to register as legal entities with the government (see above).

Uighur Muslims and Tibetan Buddhists reported severe societal discrimination in employment, housing, and business opportunities, although the law states job applicants shall not face discrimination in hiring based on factors including religious belief<sup>121</sup>.

<sup>110</sup> Ibidem.

<sup>111</sup> USCIRF, Annual Report 2017 – China, April 2017; United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>

<sup>112</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

<sup>113</sup> International Campaign for Tibet; FIDH, China’s New Counter-Terrorism Law, (Nov. 2016) <https://www.savetibet.org/wp-content/uploads/2016/11/FIDH-ICT-Chinas-new-counter-terrorism-law-Implications-and-Dangers-for-Tibetans-and-Uyghurs-15-11-2016-FINAL.pdf>.

<sup>114</sup> USCIRF Annual Report 2017 – China, April 2017.

<sup>115</sup> Ibidem.

<sup>116</sup> Christian Solidarity Worldwide, China. Freedom of Religion or Belief, October 2016.

<sup>117</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

<sup>118</sup> See the article: Your church is destroyed and you get arrested for preaching in China, in Pulse.org; available at: <http://www.pulse.ng/communities/religion/in-china-your-church-is-destroyed-and-you-get-arrested-id7852298.html>.

<sup>119</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

<sup>120</sup> USCIRF Annual Report 2017 – China, April 2017.

<sup>121</sup> United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

Uighur Muslims parents are forbidden from including their children in any religious activity<sup>122</sup>. Ilham Tohti, a prominent Uyghur scholar and economist, has written largely about the discrimination against ethnic Uyghur Muslims in Xinjiang and the restrictions on their social and cultural rights<sup>123</sup>.

5. Protection from Violence

Severe Violations – 2

Many reports denounce that the government physically abuses, detains, arrests, tortures, sentences to prison, or harasses adherents of both registered and unregistered religious groups for activities related to their religious beliefs and practices, including members of unregistered Christian churches (so called “house churches”)<sup>124</sup>.

Documented evidences in reports and books, as well as informal confirmations from Chinese hospitals, suggest that at least 65,000 organs each year are extracted from prisoners of conscience, primarily Falun Gong prisoners. They are sourced for wealthy Chinese citizens and foreigners. Despite the Chinese medical establishment pledging to stop organ harvesting from prisoners in 2014, this practice seems only to have escalated since then<sup>125</sup>. Falun Gong also reported dozens of its members died in detention during 2016<sup>126</sup>.

The government’s attempts to suppress the Uighur Muslims are often under the rubric of countering religious and violent extremism in accordance to the National Counter-terrorism Law of January 1, 2016<sup>127</sup>. Many of them sought asylum in foreign countries on the grounds of religious persecution. There were also reports of the disappearance of a Catholic priest<sup>128</sup>, and the death of a rights activist for Hui Muslim minorities and other cases that the government officially declared to be suicides<sup>129</sup>.

TOTAL

Problematic Issues – 10/10

122 USCIRF, Annual Report 2017 – China, April 2017.

123 Ibidem.

124 United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

125 Conservative Party Human Rights Commission, The Darkest Moment, (June 2016), [http://www.conservativehumanrights.com/reports/submissions/CPHRC\\_China\\_Human\\_Rights\\_Report\\_Final.pdf](http://www.conservativehumanrights.com/reports/submissions/CPHRC_China_Human_Rights_Report_Final.pdf); APPG, Article 18: From Rhetoric to Reality, 2017.

126 United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>.

127 USCIRF, Annual Report 2017 – China, p. 34.

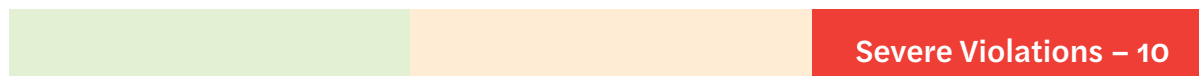
128 United States Department of State • Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report for 2016, August 15 2017. Available at: <https://www.state.gov/j/drl/rls/irf/2016/eap/268722.htm>; Christian Solidarity Worldwide, China. Freedom of Religion or Belief, October 2016.

129 Ibidem.

# Democratic People's Republic of Korea

FoRB Situation:

Focalness: **Low** 



## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief Severe Violations – 2

Article 68 of the North Korean constitution enshrines a “right of religion,” but in practice the government systematically suppresses this right through the enforcement of devotion to the ruling Kim family, adherence to the state’s Juche ideology, and through severe penalties for those found to be practicing a religion or belief outside of state control.

A 2016 report from the South Korea-based Korea Institute for National Unification’s (KINU) found that “it is practically impossible for North Korean people to have a religion in their daily lives.”<sup>130</sup>

Due to the nature of the North Korean regime it is difficult to receive and confirm timely reports about religious persecution from the country, but there is little indication that the situation has improved in recent years.<sup>131</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

The government vigorously enforces its ideology through indoctrination of Ten Principles to Firmly Establish the Party’s Unitary Leadership System. The Ten Principles demand that “all must greatly revere” and “accept as absolute the authority of Great Leader Kim Il Sung and Dear Leader Kim Jong Il, and the authority of the Party.”<sup>132</sup>

Any expression of a belief deemed contrary to the state’s ideology and personality cult can be punished severely. The US State Department reports that “Ownership of Bibles or other religious materials brought in from abroad is reportedly illegal and also punishable by imprisonment and severe punishment, including, in some cases, execution.”<sup>133</sup>

### 3. Other Types of Manifestation of Religion or Belief Severe Violations – 2

There are five Christian churches in Pyongyang but their activities are strictly controlled by the government, and foreign visitors to these churches have reported that the services appear staged. The government does not permit any churches outside of Pyongyang.<sup>134</sup>

There are reports of a small, secret house churches throughout the country. Anyone caught practicing Christianity outside of the five state-controlled facilities is subject to severe penalties, including imprisonment and torture.

<sup>130</sup> Korea Institute for National Unification, White Paper on Human Rights in North Korea, July 2017, p. 183. <http://www.kinu.or.kr/pyxis-api/1/digital-files/6660e-a1b-881d-42da-9941-a7b7beb5ab68>.

<sup>131</sup> A 2018 Christian Solidarity Worldwide report based on interviews from over 100 North Korean defectors and experts found that when asked about changes in religious freedom conditions in North Korea just 6% said there is now “much more” or “a little more” freedom, 13% said “about the same,” 20% said “a little less” or “much less” freedom, and 57% said “I don’t know.” One respondent said, “When it comes to religion, North Korean people just shudder because punishment is very severe.”

<sup>132</sup> Korea Institute for National Unification, White Paper on Human Rights in North Korea, July 2017, p. 183. <http://www.kinu.or.kr/pyxis-api/1/digital-files/6660e-a1b-881d-42da-9941-a7b7beb5ab68>.

<sup>133</sup> US State Department, International Religious Freedom Report for 2016.

<sup>134</sup> Korea Institute for National Unification, White Paper on Human Rights in North Korea, July 2017, p. 187. <http://www.kinu.or.kr/pyxis-api/1/digital-files/6660e-a1b-881d-42da-9941-a7b7beb5ab68>.

In August 2017 the government released Canadian pastor Hyeon Soo Lim after more than two years in prison. Lim, who was involved in humanitarian projects in North Korea, had been given a life sentence of hard labor for supposedly attempting to overthrow the regime.<sup>135</sup>

4. Discrimination Based on Religion or Belief Severe Violations – 2

The North Korean government maintains a rigid class system, called songbun, based largely on family background and perceived loyalty to the regime. The US State Department finds that Christians are relegated to the lowest caste, resulting in “discrimination in education, health care, employment opportunities, and residence.”<sup>136</sup>

5. Protection from Violence Severe Violations – 2

The government violently represses, including through beatings and torture, any non-sanctioned religious activity.<sup>137</sup>

In 2016 Han Choong Yeol, an ethnic Korean priest with Chinese citizenship, was found dead in northeast China. For years Han had assisted defectors escaping from North Korean. Human rights activists belief Han was killed by North Korean agents.<sup>138</sup>

**Total 10/10**

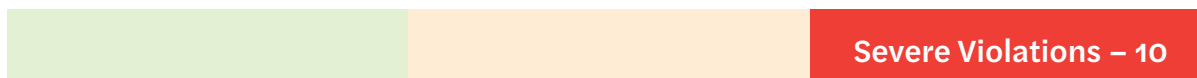
<sup>135</sup> Justin McCurry and Ashifa Kassam, “Canadian pastor freed by North Korea ‘has been flown to Japan,’” The Guardian, 10 August, 2017, <https://www.theguardian.com/world/2017/aug/10/canadian-pastor-hyeon-soo-lim-freed-north-korea-flown-japan>

<sup>136</sup> US State Department, International Religious Freedom Report for 2016

<sup>137</sup> US State Department, International Religious Freedom Report for 2016

<sup>138</sup> Julian Ryall, “Priest who aided North Korean defectors found dead in China,” The Telegraph, 2 May 2016, <http://www.telegraph.co.uk/news/2016/05/02/priest-who-aided-north-korean-defectors-found-dead-in-china/>

FoRB Situation:

Focalness: High 

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

The Egyptian constitution specifies Islam as the state religion and the principles of sharia as the primary source of legislation.

The government does not recognize several religious groups, including the Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), and the Baha'i faith<sup>140</sup>. In particular, the Baha'i and Jehovah's Witness faiths have been banned since 1960, when the passage of Law No. 263, issued under President Gamal Abdel Nasser, granted official recognition only to Islam, Christianity and Judaism.

While it is easy for a Christian to convert to Islam, Muslims who wish to convert to Christianity, according to a Minister of Interiors' decree pursuant to a court order, have no right to have their conversion recognised on official documentation, and face charges of apostasy and in many cases intense social hostility<sup>141</sup>.

In public schools, Muslim students are required to take courses on "principles of Islam," and Christian students are required to take courses on "principles of Christianity" in all grades. Students who are neither Muslim nor Christian must choose one or the other course; they may not opt out or change from one to the other<sup>142</sup>.

## 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

Contempt of religion is criminalised under the Egyptian penal code (Law 58 1937). Article 98(f) prohibits citizens from "ridiculing or insulting heavenly religions or inciting sectarian strife." Additional provisions in the penal code outline other forms of religious insult (see Article 161 and 178).

In light of blasphemy law, Egyptian authorities detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize "communal harmony" or insult Judaism, Christianity, or Islam. In January 2015, President Sisi issued a decree that permits the government to ban any foreign publications it deems offensive to religion. A conviction can result in a prison term up to five years and a fine<sup>143</sup>.

The Baha'i religion is criminalized under Law No. 263 of 1960, which bans Baha'i institutions and community activities and strips Baha'is of any legal recognition<sup>144</sup>. Practicing faith is therefore considered blasphemy. In recent years, also members of the Shi'a community have faced blasphemy charges.<sup>145</sup>

139 USCIRF2017 places Egypt on its Tier 2, according to the consideration that religious freedom conditions improved in several areas over the past year. From 2012. A: UNGERE IN Nr perpetrators, to 2016, USCIRF had recommended that Egypt be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998 (IRFA). From 2012. A: UNGERE IN Nr perpetrators, to 2016, USCIRF had recommended that Egypt be designated as a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998 (IRFA).

140 United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report. Available at: <https://www.state.gov/documents/organization/269132.pdf>.

141 Ibidem; Christian Solidarity Worldwide, Egypt. Freedom of Religion or Belief, February 2017. Available at: <http://www.csw.org.uk/2017/02/14/report/3457/article.htm>.

142 United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report. Available at: <https://www.state.gov/documents/organization/269132.pdf>.

143 USCIRF. 2017 Annual Report – Egypt, April 2017.

144 Freedom House, Policing Belief: The Impact of Blasphemy Laws on Human Rights, available at [http://www.freedomhouse.org/sites/default/files/Policing\\_Belief\\_Full.pdf](http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf); USCIRF, Respecting Rights? Measuring the World's Blasphemy Laws, April 2016.

145 USCIRF. 2017 Annual Report – Egypt, April 2017.



Egyptian atheists have seen a rise in blasphemy charges, as well as growing societal harassment and various Egyptian government-sponsored initiatives to counter atheism<sup>146</sup>.

The prime minister has authority to stop the circulation of books that “denigrate religions.” Ministries may obtain court orders to ban or confiscate books and works of art offensive to public morals, detrimental to religion, or likely to cause a breach of the peace. The Islamic Research Center of Al-Azhar has the legal authority to censor and confiscate any publications dealing with the Quran and the authoritative Islamic traditions (hadith), and to confiscate publications, tapes, speeches, and artistic materials deemed inconsistent with Islamic law<sup>147</sup>.

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

In Egypt only Muslims, Christians, and Jews can practice their religion publicly and build places of worship<sup>148</sup>.

In August 2016, in accordance with Article 235 of the constitution, the parliament passed a new law, approved immediately thereafter by President Sisi, regulating church construction and maintenance. As a consequence, numerous churches were legalized<sup>149</sup>. However, some Egyptian and international human rights groups found that, although welcome, the law may be restrictive because it enables the rejection of building applications on the grounds of numerous ambiguous prerequisites<sup>150</sup>.

Imams who are not graduates of Al-Azhar licensed by the Ministry of Religious Endowments are not permitted to preach in mosques. The Ministry of Religious Endowments regulates and monitors Friday sermons and preachers are expected to follow contents approved by the government<sup>151</sup>.

Baha'is living in Egypt are unable to meet or engage in public religious activities. Jehovah's Witnesses are not allowed to have their own places of worship or to import Bibles and other religious literature<sup>152</sup>.

In recent years, members of the Shi'a community have faced campaigns by the government to counter Shi'a Islam in public and in mosques. Moreover, in October 2016, the Ministry of Religious Endowments prohibited the Shi'a community from celebrating Ashura in al-Hussein mosque in Cairo<sup>153</sup>.

### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

Banned religious groups or their members who engage in religious practices are barred from rights granted to recognized groups, such as having their own houses of worship or other property, holding bank accounts, or importing religious literature<sup>154</sup>.

In matters of family law, the courts apply sharia and, in accordance to it, adoptions are forbidden in cases where one spouse is Muslim and the other a member of a different religion, both are Christians of different denominations, or the individuals are not belonging to a religious group.

Blasphemy laws (see above) also have an impact on the Christian minority. The Egyptian Initiative for Personal Rights (EIPR) noted that there is no neutrality from state bodies when dealing with cases involving defamation of religion. Legal machinations against those accused of defaming Christianity are notably more protracted than in cases involving accusations of insulting Islam<sup>155</sup>.

The Baha'i and Jehovah's Witnesses lack legal status in many areas, including family and inheritance law. These aspects are governed by the religious law. Since Baha'i marriage is not recognized, married Baha'is cannot obtain identity cards, making it impossible to conduct daily transactions like banking, school registration, or car or home ownership<sup>156</sup>.

According to the APPG Report, school textbooks talk about non-Muslims as “infidels” and are deemed to promote extremist ideology<sup>157</sup>. However, the Ministry of Education continued to remove and/or clarify passages

146 Christian Solidarity Worldwide, Egypt. Freedom of Religion or Belief, February 2017.

147 United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report.

148 USCIRF. 2017 Annual Report – Egypt, April 2017.

149 Ibidem.

150 According to the Christian Solidarity Worldwide Report: “the bill does not provide objective measurement criteria that would negate ulterior motives or personal objections, nor does it provide any accountability for or avenues to appeal against a governor's rulings”(Christian Solidarity Worldwide, Egypt. Freedom of Religion or Belief, February 2017, p. 8). See also: USCIRF. 2017 Annual Report – Egypt, April 2017.

151 USCIRF. 2017 Annual Report – Egypt, April 2017.

152 Ibidem.

153 Ibidem.

154 United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report.

155 Egyptian Initiative for Personal Rights (2014), Besieging Freedom of Thought: Defamation of religion cases in two years of the revolution, August 2014. Available at: [https://eipr.org/sites/default/files/reports/pdf/besieging\\_freedom\\_of\\_thought\\_0.pdf](https://eipr.org/sites/default/files/reports/pdf/besieging_freedom_of_thought_0.pdf).

156 USCIRF. 2017 Annual Report – Egypt, April 2017.

157 APPG, Article 18: from Rhetoric to Reality, October 2017.

from particularly Islamic education books. During USCIRF’s visit in January 2017, officials stated that revisions to religious education texts will be completed by 2022.<sup>158</sup>

According to the Christian community, State-sponsored customary “reconciliation meetings” in religious sectarian disputes continue to be problematic<sup>159</sup>. Human rights groups and members of the Coptic community said that such sessions regularly led to outcomes unfavourable to minority parties and effectively precluded recourse to the judicial system in most cases. Indeed, victims were pressured to retract their statements and deny facts, leading to the dropping of charges<sup>160</sup>.

## 5. Protection from Violence

Severe Violations – 2

The USCIRF Report 2017 states that over the past year President Abdel Fattah Sisi consistently condemned sectarian attacks and pressed for assistance for victims and accountability for perpetrators<sup>161</sup>.

On their part, religious minorities continued to face significant threats of terrorist attacks and sectarian violence<sup>162</sup>.

According to the World Watch List 2017, in Egypt 65 violent incidents against Christians and Church (Egypt is therefore included in the 10 ‘violence top’ countries).<sup>163</sup>

Episodes of harassment (forced evictions, destruction of property, arrest and detention under blasphemy law, kidnapping etc.) of the Coptic community are constantly reported by sources in the Christian community<sup>164</sup>. These sources denounce the vulnerability of Copts and the failure of the security forces to adequately protect them. According to these sources, security and police officials sometimes failed to respond in a timely manner to attacks on Christians and their homes, businesses, and places of worship, especially in Upper Egypt. The government frequently relies instead on the controversial practice of “customary reconciliation” sessions (see above)<sup>165</sup>.

USCIRF Report also indicates that in 2016 material vilifying Jews and other anti-Semitic contents continued to appear in Egypt’s state-controlled and/or semi-official media<sup>166</sup>. Generally, the government fails to condemn or take action against anti-Semitic comments in the media<sup>167</sup>.

## TOTAL

10/10

<sup>158</sup> USCIRF. 2017 Annual Report – Egypt, April 2017.

<sup>159</sup> Christian Solidarity Worldwide, Egypt. Freedom of Religion or Belief, February 2017.; USCIRF. 2017 Annual Report – Egypt, April 2017.

<sup>160</sup> United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report.

<sup>161</sup> USCIRF. 2017 Annual Report, 2017, p. 140.

<sup>162</sup> United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report.

<sup>163</sup> The World Watch List 2017 is available at: <https://www.worldwatchmonitor.org/wp-content/uploads/2017/04/4837428.pdf>

<sup>164</sup> Egyptian Initiative for Personal Rights, 2015; Christian Solidarity Worldwide, Egypt. Freedom of Religion or Belief, February 2017.; USCIRF. 2017 Annual Report – Egypt, April 2017.

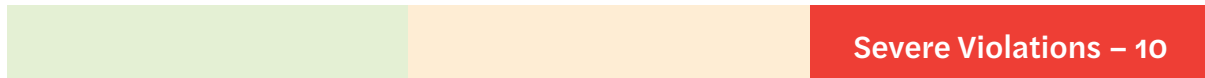
<sup>165</sup> United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report.

<sup>166</sup> USCIRF. 2017 Annual Report – Egypt, April 2017.

<sup>167</sup> United States Department of State – Bureau of Democracy, Human Rights, and Labor, Egypt 2016 International Religious Freedom Report.

FoRB Situation:

Focalness: **Medium** 



## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief Severe Violations – 2

The article 14 and article 19 of the Eritrean Constitution<sup>168</sup> declare that all persons are equal under the law and recognize freedom of thought, conscience and belief, as well freedom to profess any religion.

However, the reality is far from an effective implementation of the fundamental Chart. The law and government practices impose strict limitation to the freedom of religion and belief and do not provide for conscientious objector status for registered or unregistered religious groups. Since 2012, people who were exempt from national service must participate in the militia training of the compulsory citizen militia instituted by the government. No alternative is allowed<sup>169</sup>. As the USCIRF notices: "There are very few legal protections for freedom of religion or belief in Eritrea. Those that do exist are either not implemented or are limited by other laws or in practice"<sup>170</sup>

The Eritrean government targets the members of non-registered religions. Amnesty International reported that Christians<sup>171</sup>, Muslims and Jehovah's Witnesses were recently arrested on the charge that they represent a threat for national security, tortured, forced to renounce their religion and released only after having declared the faith in the Eritrean Orthodox Church<sup>172</sup>.

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

According to Article 196 of the Eritrean Criminal Code, A person who intentionally and publicly disparages a ceremony or rite of any lawful religious group is punishable with imprisonment up to one year.<sup>173</sup>

Religious groups may print and distribute documents only with the authorization of the Office of Religious Affairs, which has only approved requests from the four officially registered religious groups. If a religious group disseminates publication throughout mass media without governmental approval, it faces up to two years imprisonment<sup>174</sup>.

### 3. Other Types of Manifestation of Religion or Belief Severe Violations – 2

Authorities have to approve the construction of new buildings for worship and strictly controls foreign founding by NGOs and international organizations to religious groups<sup>175</sup>.

Any kind of disagreement or criticism towards the government is punished with detention, even for long periods of time<sup>176</sup>.

<sup>168</sup> Article 14 "Equality under the law" and Article 19 "Freedom of Conscience, Religion, Expression of Opinion, Movement, Assembly and Organisation" available at <http://confinder.richmond.edu/admin/docs/Eritrea1997English.pdf>.

<sup>169</sup> US State Department, International Religious Freedom Report for 2016 – Eritrea, p. 4.

<sup>170</sup> USCIRF, 2017 Report, Eritrea.

<sup>171</sup> See Eritrea: 39 Christian students arrested; Christian dies in prison, Church in chains, July 29 2013, available at <http://www.churchinchains.ie/news-by-country/sub-saharan-africa/eritrea/eritrea-39-christian-students-arrested-christian-dies-in-prison/>.

<sup>172</sup> US State Department, International Religious Freedom Report for 2016 – Eritrea, p. 3.

<sup>173</sup> Eritrean Criminal Code, available at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101051/121587/F567697075/ERI101051%20Eng.pdf>.

<sup>174</sup> US State Department, International Religious Freedom Report for 2016 – Eritrea, p. 4.

<sup>175</sup> IHEU, The Freedom of Thought Report – Eritrea, 2017, p. 2; US State Department, International Religious Freedom Report for 2016 – Eritrea, p. 5.

<sup>176</sup> IHEU, The Freedom of Thought Report – Eritrea, 2017, p. 2.

#### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

For all religious groups a compulsory procedure of registration is provided. The Eritrean government and in particular the Office of religious can approve the request, but since 2002 only four confessions have been recognized by the public authority: the Eritrean Orthodox Church, Sunni Islam, the Roman Catholic Church, and the Evangelical Lutheran Church of Eritrea. Failure to obtain the official recognition or to demand it can result in fine or imprisonment<sup>177</sup>. The government also appoints the head of Eritrean Orthodox Church and of Sunni Islamic community.

#### 5. Protection from Violence

Severe Violations – 2

The intimidation of the sources by the authorities make it difficult to determine the number of people detained because of their religion beliefs. Muslims and Jehovah's Witnesses are particularly targeted. The latters are harassed especially because they refuse to bear arms. In addition, the Patriarch Abune Antonios, appointed as head of Orthodox Church, has been detained since 2006, because he protested against governmental interference on religious affairs<sup>178</sup>. The USCIRF reports mentions several reports of torture and other abuses.

**TOTAL**

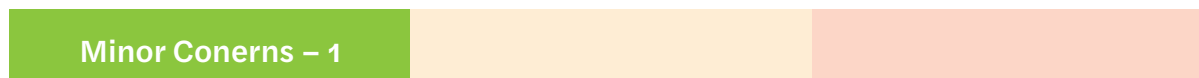
**10/10**

<sup>177</sup> US State Department, International Religious Freedom Report for 2016 – Eritrea, p. 3.

<sup>178</sup> Ibidem, pp. 6-7.

FoRB Situation:

Focalness: **Highest** 



## PRIORITY AREAS

## SCORE

### 1. Adopting and Changing One's Religion or Belief Minor Concerns – 0

The Constitution states the state is secular and provides for the right of individuals to choose their religion.<sup>179</sup>

The compulsory primary school curriculum does not include religious studies.<sup>180</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions Minor Concerns – 0

The law does not prohibit blasphemy or religious insult.

### 3. Other Types of Manifestation of Religion or Belief Minor Concerns – 0

The Constitution provides for the right of individuals to profess their religion.<sup>181</sup> It also recognize the right of religious institutions and groups to establish and manage themselves freely.<sup>182</sup>

Even if it is necessary to mention that following terrorist attacks in neighboring countries, authorities permanently closed a mosque considered to be too close to the runway of Conakry's international airport<sup>183</sup> and that religious groups may not own radio or television stations,<sup>184</sup> manifestation of religion or belief is not a problem in the country as shown by the fact that the small Jehovah's Witness community reportedly proselytized from house to house without interference, although neither it nor the Baha'i community requested official recognition.<sup>185</sup>

### 4. Discrimination Based on Religion or Belief Minor Concerns – 0

The Constitution prohibits religious discrimination.<sup>186</sup>

The government allocated free broadcast time on state-owned national television for Islamic and Christian programming but Muslim broadcasts received more air time, while different Christian groups received broadcast time on Sundays on a rotating basis. The government permitted religious broadcasting on privately owned commercial radio.<sup>187</sup>

At the societal level: Members of the Baha'i Faith reported being discriminated against and banned from their families because of their religious beliefs. The wife of the secretary of the spiritual assembly of Conakry reported she received pressure from her family who did not accept her union with her husband, a member of the Baha'i Faith.<sup>188</sup>

<sup>179</sup> US Department of State, International Religious Freedom Report for 2016, p. 1, available at : <https://www.state.gov/documents/organization/268900.pdf>. Constitution available in English at : <http://www.parliament.am/library/sahmanadrutyunner/gvinea.pdf>

<sup>180</sup> US Department of State, International Religious Freedom Report for 2016, p. 1.

<sup>181</sup> Ibid.,

<sup>182</sup> Ibid., p. 2.

<sup>183</sup> Ibid., p. 1.

<sup>184</sup> Ibid., p. 2.

<sup>185</sup> Ibid., p. 3.

<sup>186</sup> Ibid.,

<sup>187</sup> Ibid., p. 4.

<sup>188</sup> Ibid.,

In February unidentified individuals burned a mosque built and led by the president of the Islamic organization Nourdine Islam, a well-known scholar from Kankan. The incident was followed by clashes between groups supportive of the scholar and the suspected perpetrators. The investigation did not conclude why the incident occurred.<sup>189</sup>

The SRA did not resolve disputes among the Karambaya and Touraya Muslim communities in Touba. No trial took place following 2015 clashes between the two Muslim groups that resulted in five deaths. The two groups quarreled about the building of a new mosque.<sup>190</sup>

TOTAL	1/10
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<sup>189</sup> Ibid.,  
<sup>190</sup> Ibid., p. 5.

## Problematic Issues – 7

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Problematic Issues – 1

The Indian Constitution provides equality of all persons under the law, recognize freedom of religion and belief and prohibits discrimination based on religious reasons<sup>191</sup>.

However, some constitutional provisions contribute creating the condition for the Hindu majority religious group to harass and discriminate minority confessions, such as Christians, Hindu Dalits and especially Muslim. Article 48 prohibits cow slaughter or possession of cow products<sup>192</sup> and article 25 considers Sikhs, Jains and Buddhists as Hindus, therefore excluding them from social services, education or employment preferences provided by the law for religious minority<sup>193</sup>.

India's Freedom of Religion Acts or "anti-conversion" laws are in force at the state-level. They have been enacted to regulate religious conversions. The laws are in force in six out of twenty-nine states: Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, and Himachal Pradesh. Penalties for breaching the laws can range from monetary fines to imprisonment, with punishments ranging from one to three years of imprisonment and fines from 5,000 to 50,000 Indian rupees (about US\$74 to \$735).

## 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

Proselytizing is considered a crime in some of the India's States, punished also with imprisonment up to three years. In addition, Chapter XV of the Indian Federal criminal code punishes all the offences relating to religion, such as "Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs"<sup>194</sup>. In principle, sanctions may be up to three years of imprisonment. The severity of this provision might possibly be diminished by its narrow scope: the criminal code penalises only those acts of insults to or those varieties of attempts to insult the religion or religious belief of a class of citizens which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class of citizens.<sup>195</sup>

Section 144 of the code of criminal procedure empowers authorities to restrict the right to freedom of assembly and impose curfew "whenever immediate prevention or speedy remedy" is required. State laws are built on this standard and are used to restrict the scope of the right.

## 3. Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

Authorities strictly control foreign funding by NGOs and international organizations to religious groups. In particular, the federal law adopted on the matter requires a certificate of registration from the public authority in order to receive foreign funds<sup>196</sup>.

<sup>191</sup> See articles 14, 15 and 25 of the Indian Constitution available at <http://lawmin.nic.in/olwing/coi/coi-english/coi-4March2016.pdf>.

<sup>192</sup> National criminal provisions punish with up to 10 years of jail for these crimes, although in July 2017 India's Supreme Court suspended the ban on sale cow for slaughtering. See India's Supreme Court Suspends Ban on Sale of Cows for Slaughter, 11 July 2017 available at <https://www.nytimes.com/2017/07/11/world/asia/india-cows-slaughter-beef-leather-hindu-supreme-court-ban.html>.

<sup>193</sup> US Commission on International Religious Freedom, Annual report 2017, p. 150. National laws implement the restriction or prohibition of cow slaughter, giving the chance to Hindu National Groups to create an hostile or violent environment for religious minority.

<sup>194</sup> See Indian Federal Penal Code available at <http://www.wipo.int/edocs/lexdocs/laws/en/bd/bd020en.pdf>. See also US State Department, International Religious Freedom Report for 2016 – India, p. 4.

<sup>195</sup> Indian Supreme Court, judgment of 20 April 2017, Mahendra Singh Dhoni v. Yerraguntla Shyamsundar And Another.

<sup>196</sup> US State Department, International Religious Freedom Report for 2016 – India, p. 6.

The government must issue special visas for foreign missionaries to go to India<sup>197</sup>.

#### 4. Discrimination Based on Religion or Belief

Problematic – 1

A National Commission for Minorities, without law-enforcement powers, has been implemented with the task to investigate episodes of violence and discrimination against members of minority religious groups. However, the Government often fails to investigate, because of the antiquate judiciary system, political corruption and the social religious bias<sup>198</sup>.

As mentioned, six of the 29 Indian States have adopted a “Religious Freedom Act(s)”, limiting religious conversion, because they protect believers from forced conversions away from Hinduism but not vice versa. The Supreme Court declared that converting from Hinduism implicates the expulsion from the caste, which means social disapproval or worse<sup>199</sup>.

#### 5. Protection from Violence

Severe Violations – 2

Members of other religious groups are reportedly killed, persecuted, harassed, tortured by Hindu National groups and Cow protection groups<sup>200</sup>. The 2016 report of the US Department of State lists several examples of violence targeting religious minorities.

Journalists critical of Hindu nationalism have been killed.<sup>201</sup>

**TOTAL**

**7/10**

<sup>197</sup> US State Department, International Religious Freedom Report for 2016 – India, p. 7.

<sup>198</sup> US Commission on International Religious Freedom, Annual report 2017, p. 149.

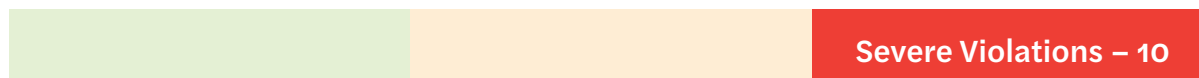
<sup>199</sup> See US Commission on International Religious Freedom, Annual report 2017, p. 150, also for the differences between States laws on the matters.

<sup>200</sup> Ibidem, p. 151-151. See in particular the episodes of violence against Christians, Muslims and Hindu Dalits enumerated at US State Department, International Religious Freedom Report for 2016 – India, p. 7-22.

<sup>201</sup> IHFU, Freedom of Thought Report 2017, India.



FoRB Situation:

Focalness: **Low** 

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

The Constitution defines the country as an Islamic republic, and specifies Ja'afari Shia Islam as the official state religion. It states all laws and regulations must be based on "Islamic criteria" and official interpretation of sharia. The constitution states citizens shall enjoy human, political, economic, and other rights, "in conformity with Islamic criteria." The law prohibits Muslim citizens from changing or renouncing their religious beliefs.

The authorities prevented Muslim converts to Christianity from entering Armenian or Assyrian churches, according to UN Special Rapporteur Shaheed. According to Christian community leaders, if the authorities found Armenian or Assyrian churches were baptizing new converts or preaching in Farsi, they closed the churches. The authorities reportedly also barred all unregistered or unrecognized Christians from entering church premises, closed churches that allowed them to enter, and arrested Christian converts. Christian advocacy groups stated the government, through such pressure and through church closures, had eliminated in recent years all but a handful of Farsi-language church services, restricting services to the Armenian and Assyrian languages. The government continued to ban Farsi-language churches, according to Christian Solidarity Worldwide. Security officials monitored registered congregation centers to perform identity checks on worshippers to confirm non-Christians or converts did not participate in services. In response, many citizens who had converted to Protestantism or other Christian faiths practiced their religion in secret<sup>202</sup>.

## 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

The penal code specifies the death sentence for proselytizing and attempts by non-Muslims to convert Muslims, as well as for moharebeh ("enmity against God") and sabb al-nabi ("insulting the prophet").

Article 513 of the Islamic Republic penal code states: 'Anyone who insults the Islamic sanctities or any of the imams or her excellency Sadigheh Tahereh should be executed if his insult equals to speaking disparagingly of Prophet Muhammad. Otherwise, they should be imprisoned from one to five years.'

## 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

According to the Iranian Constitution, certain religious minorities have conditioned rights<sup>203</sup>

The Hanafi, Shafi, Maliki, Hanbali, and Zaydi Sunni schools of Islam are "deserving of total respect" and their followers are free to perform religious practices. It states these schools may follow their own jurisprudence in matters of religious education and certain personal affairs, including marriage, divorce, and inheritance.

According to Article 13, Zoroastrian, Jewish, and Christian Iranians are considered the only recognized religious minorities. They may exercise their religious ceremonies within the limits of the law. They are free to exercise matters of personal status and religious education and they follow their own rituals.

202 U.S. Department of State, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR 2016 Report on International Religious Freedom Report <https://www.state.gov/j/drl/rls/irf/2016/nea/268890.htm>, August 15, 2017.

203 World Intellectual Property Organization, Constitution of the Islamic Republic of Iran 1979, <http://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf>, 2017.

The Baha'i faith is not recognized and its members face immense discrimination. The members of the Baha'i community are generally prevented from burying their dead according to their traditions and many cemeteries have been destroyed. Their community is prohibited from officially assembling. Authorities often prevent Baha'is from leaving the country and generally disregards their property rights. According to the law, Baha'i blood can be spilled with impunity and there is no restitution to their families. Some religious leaders state publicly that Baha'is are "unclean" and that conducting business with them is forbidden. Several Baha'i leaders remain in detention. The members of the Baha'i minority face substantial societal discrimination<sup>204</sup>.

According to the Constitution, formal restrictions against members of religious minorities include<sup>205</sup>:

Denial of the right to be elected as the Supreme Leader or membership of the Supreme Council in accordance with Article 107, which stipulates that only a selected few Shia clergy in certain circumstances can enjoy these rights.

Denial of access to proper political, administrative and judicial structures at all levels. For instance, Article 115 limits the right of candidacy to qualified religious and political figures. In addition, Article 121 about swearing in the President, especially the section that refers to him as the protector of the official religion.[8]

Members of unrecognised minority groups are not allowed to join the Assembly of Experts or be candidates for the parliament according to Article 64.

All followers of minority religions are denied judicial positions based on legal grounds stipulated in the constitution, as Article 61 requires all applicable provisions of the judiciary to be in accordance with Islamic teachings, including the appointment of judges, which in practice bars all minorities from judicial positions.

A study of the Penal Code of the Islamic Republic of Iran reveals that, for a number of offences, the punishment differs in function of the religion of the victim and/or the religion of the offender. The fate of Muslim victims and offenders is systematically more favourable than that of non-Muslims, showing that the life and physical integrity of Muslims is given a much higher value than that of non-Muslims. This institutionalized discrimination is particularly blatant for the following crimes<sup>206</sup>:

**Adultery:** The sanctions for adultery vary widely according to the religion of both members of the couple. A Muslim man who commits adultery with a Muslim woman is punished by 100 lashes (Article 88). However, a non-Muslim man who commits adultery with a Muslim woman is subject to the death penalty (Article 82-c). If a Muslim man commits adultery with a non-Muslim woman, the Penal Code does not specify any penalty.

**Homosexuality:** Likewise, homosexuality "without consummation" between two Muslim men is punished by 100 lashes (Article 121) but if the "active party" is non-Muslim and the other Muslim, the non-Muslim is subject to the death penalty.

**Crimes against the Deceased:** Article 494 stipulates penalties for crimes against a deceased Muslim but the Penal Code does not edict any penalties for the violation of the corpse of a non-Muslim.

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (Office of the United Nations High Commissioner for Human Rights) was concerned about the targeting and harsh treatment of Christians from Muslim backgrounds and members of various Sufi groups, including the Nematollahi Gonabadi order and the Yarsan (also known Ahl-e Haqq), which are considered "deviant faiths" by the authorities and some members of the clerical establishment. These groups continue to face arbitrary arrest, harassment and detention, and are often accused of national security crimes such as "acting against national security" or "propaganda against the State"<sup>207</sup>.

On August 28, 2017<sup>208</sup>, Mahmoud Alizadeh Tababi, the lawyer of Mohammadi Ali Taheri, a spiritual teacher and the founder of the spiritual group of Erfan-e-Halghe (Circle of Mysticism), announced that his client was sentenced to death for the second time on a charge of "sowing corruption on earth." Previously, in 2011, a revolutionary court

204 Freedom of Thought Report, Discrimination against religious minorities in IRAN, <http://freethoughtreport.com/countries/asia-southern-asia/iran/>, 2017.

205 Hossein Raeesi, Discrimination against religious and ethnic minorities in the Islamic Republic constitution, [http://www.ihrr.org/ihrr\\_article/violence-en\\_discrimination-against-religious-and-ethnic-minorities-in-the-islamic-republic-constitution/](http://www.ihrr.org/ihrr_article/violence-en_discrimination-against-religious-and-ethnic-minorities-in-the-islamic-republic-constitution/), 2014.

206 Freedom of Thought Report, Discrimination against religious minorities in IRAN, <http://freethoughtreport.com/countries/asia-southern-asia/iran/>, 2017.

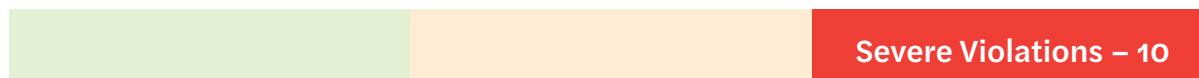
207 Office of the United Nations High Commissioner for Human Rights, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Human Rights Council, Thirty-fourth session 27 February-24 March 2017 Agenda item 4, p17, 2017.

208 Human Rights Watch, World Report 2018, Iran Events of 2017, <https://www.hrw.org/world-report/2018/country-chapters/iran>, 2018,

had sentenced Taheri to five years in prison, but in 2015 tried him again for corruption on earth and sentenced him to death. The ruling was rejected by the supreme court in 2016.

TOTAL	10/10
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FoRB Situation:

Focalness: **Medium** **PRIORITY AREAS****SCORE****1. Adopting and Changing One's Religion or Belief****Severe Violations – 2**

According to the Iraqi Constitution, the Islam is the official religion of the State and a limited number of religions are recognised by the State.

Article 2

First: Islam is the official religion of the State and is a foundation source of legislation:

A. No law may be enacted that contradicts the established provisions of Islam

B. No law may be enacted that contradicts the principles of democracy.

C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.

Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabeans<sup>209</sup>.

Personal status laws and regulations prohibit the conversion of Muslims to other religions, and require administrative designation of minor children as Muslims if either parent converts to Islam<sup>210</sup>.

It is illegal or unrecognised to identify as an atheist or as non-religious<sup>211</sup>.

As National identity cards denote the holder's religion, without an official identity card, non-Muslims and those who convert to faiths other than Islam may not register their marriages, enroll their children in public school, acquire passports, or obtain some government services. According to the US Department of State, "Christian, Yezidi, and Kaka'i community leaders said that forced conversion was the de facto result of the national identity card law, which stated that children of one Muslim parent would be automatically identified as Muslim. Christian leaders said, in some cases, families formally registered as Muslim, but actually practicing Christianity or another faith, reportedly fled to avoid being forced to register their child as a Muslim or to have the child remain undocumented"<sup>212</sup>.

**2. Manifestation of One's Religion by Expression of One's Convictions****Severe Violations – 2**

Article 372 of Iraq's Penal Code of 1969 provides that any individual who insults the creed of a religious sect or its practices, or publicly insults a symbol or person that is an object of sanctification, worship, or reverence for a religious sect, may be punished with a term of imprisonment up to three years.

It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed<sup>213</sup>.

209 World Intellectual Property Organization, Iraqi Constitution, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=230000](http://www.wipo.int/wipolex/en/text.jsp?file_id=230000), February, 23, 2018.

210 U.S. Department of State, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR 2016 Report on International Religious Freedom Report, <https://www.state.gov/documents/organization/269136.pdf>, August 15, 2017.

211 Freedom of Thought Report, Iraq, <http://freethoughtreport.com/countries/asia-western-asia/iraq/>, February, 23, 2018.

212 U.S. Department of State, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR 2016 Report on International Religious Freedom Report, <https://www.state.gov/documents/organization/269136.pdf>, August 15, 2017.

213 Freedom of Thought Report, Iraq, <http://freethoughtreport.com/countries/asia-western-asia/iraq/>, February, 23, 2018.

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

Recognition allows groups to appoint legal representatives and to perform legal transactions such as buying and selling property. All recognized religious groups have their own personal status courts which are responsible for handling marriage, divorce, and inheritance issues.

The following religious groups are recognized by the law and thereby registered with the government: Islam, Chaldean, Assyrian, Assyrian Catholic, Syriac Orthodox, Syriac Catholic, Armenian Apostolic, Armenian Catholic, Roman Orthodox, Roman Catholic, Latin-Dominican Rite, National Protestant, Anglican, Evangelical Protestant Assyrian, Adventist, Coptic Orthodox, Yezidi, Sabaeen-Mandaeen, and Jewish.

The law does not provide a mechanism for a new religious group to obtain legal recognition.

### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

Iraqi law allows punishment for anyone practicing the Bahai Faith with 10 years' imprisonment. For unrecognized religions other than Bahai – e.g., Wahhabi, Zoroastrian, and Kaka'i – the law does not specify penalties for practicing; however, contracts signed by institutions of worship for unrecognized religions are not legal or permissible as evidence in court<sup>214</sup>.

### 5. Protection from Violence

Severe Violations – 2

According the Iraqi Constitution guarantees the protection of the individual from religious coercion and the State prohibits the tribal traditions that are in contradiction with human rights, in particular in the field of cultural, linguistic and religious diversity.

According to the Report of the Special Rapporteur on minority issues – Mission to Iraq published in January 2017,<sup>215</sup> the human rights situation in Iraq remains alarming in the light of violations and abuses committed by the so-called. Islamic State in Iraq and the Levant (ISIL) and associated groups.

According to the report concerning Iraq in 2017 by Human Rights Watch, "Authorities are detaining ISIS suspects in overcrowded and in some cases inhumane conditions. They are failing to segregate some detained children from adult detainees. Authorities are also systematically violating the due process rights of ISIS suspects, such as guarantees in Iraqi law for detainees to see a judge within 24 hours, to have access to a lawyer throughout interrogations, and to have families notified of their detention and to be able to communicate with them. Numerous detainees have alleged that authorities forced them to confess through the use of torture"<sup>216</sup>.

**TOTAL**

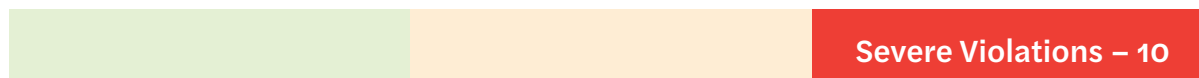
**10/10**

<sup>214</sup> U.S. Department of State, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR 2016 Report on International Religious Freedom Report, <https://www.state.gov/documents/organization/269136.pdf>, August 15, 2017.

<sup>215</sup> A/HRC/34/53/Add.1.

<sup>216</sup> Human Rights Watch, World Report 2018, Iraq, <https://www.hrw.org/world-report/2018/country-chapters/iraq>, February, 23, 2018.

FoRB Situation:

Focalness: **Highest** **PRIORITY AREAS****SCORE****1. Adopting and Changing One's Religion or Belief****Severe Violations – 2**

There is no law providing for individuals' rights to choose or change their religion, or to study, discuss or promulgate their religious beliefs.<sup>217</sup>

Provisional versions of the Constitution have been labelled unacceptable by religious governmental authorities as they are deemed to encourage apostasy based on the freedom of belief and unity of religion.<sup>218</sup> Libyan Christians from Muslim backgrounds are reported to have faced intense persecution from within their families and wider community to renounce their faith.<sup>219</sup>

Religious instruction in Islam is required in public and private schools. Attendance at religious instruction is mandatory for all students; students cannot opt out.<sup>220</sup>

**2. Manifestation of One's Religion by Expression of One's Convictions****Severe Violations – 2**

Proselytising is now responded to by local militant groups by recurrent floggings and torture.<sup>221</sup> Laws prohibit instigating division and insulting Islam or the Prophet Muhammad, charges that carry a maximum sentence of death.<sup>222</sup>

**3. Other Types of Manifestation of Religion or Belief****Severe Violations – 2**

Places of worships, including mosques, have been targets of extremists' groups<sup>223</sup>. Under Libya's current regime the Christian denomination is no longer allowed a single place of worship in each City. Furthermore, Christians are not allowed to worship in public, and the importation of Bibles is not permitted<sup>224</sup>.

**4. Discrimination Based on Religion or Belief****Severe Violations – 2**

Religious minorities, regardless of origin, who do not ascribe to Islam are repeatedly isolated and pressured to convert.<sup>225</sup>

217 "LIBYA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." United States Department of State, Bureau of Democracy, Human Rights and Labor. 2016, pp. 1-6. <https://www.state.gov/documents/organization/269148.pdf>

218 "Draft constitution freedoms not acceptable say Beida government's religious authorities." Libya Herald, Tunis. 2 August 2017. <https://www.libyaherald.com/2017/08/02/draft-constitutions-freedoms-not-acceptable-say-beida-governments-religious-authorities/>

219 "Libya: Factsheet." Open Doors. 2018. <https://www.opendoorsusa.org/christian-persecution/world-watch-list/libya/>

220 Ibid

221 Dembele, Yonas. "Libya: Freedom of religion in the land of anarchy." Open Doors, Netherlands. 15 May 2016, pp. 1-10. <https://www.worldwatchmonitor.org/old-site-imgs-pdfs/4585729.pdf>

222 "LIBYA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." United States Department of State, Bureau of Democracy, Human Rights and Labor. 2016, pp. 1-6. <https://www.state.gov/documents/organization/269148.pdf>

223 al-Warfalli, Ayman. "Bombing at mosque in Libya's Benghazi kills two, wounds 75." Reuters, 9 February 2018. <https://www.reuters.com/article/us-libya-security/bombing-at-mosque-in-libyas-benghazi-kills-two-wounds-75-medics-idUSKBN1FT1NX>

224 Dembele, Yonas. "Libya: Freedom of religion in the land of anarchy." Open Doors, Netherlands. 15 May 2016, pp. 1-10. <https://www.worldwatchmonitor.org/old-site-imgs-pdfs/4585729.pdf>

225 Ibid

Under ISIS control, large cities such as Damas had wide bans for the sale of alcohol and the imposition to wear a veil, regardless of personal faith.<sup>226</sup>

Ordinary Libyans also participate in the public shaming of Christians<sup>227</sup>.

5. Protection from Violence	Severe Violations – 2
<p>Reports suggest that the majority of Christians in Libya are migrants in search of work or a means of reaching Europe by crossing the Mediterranean. These Christian migrants (most come from sub-Saharan African countries) face substantial religious intolerance and racial prejudice. A state of anarchy and civil war in the country results in impunity for Islamic militants and organized criminal groups engaged in the persecution of Christian believers.<sup>228</sup> A slave trade of these Christians has also been reported<sup>229</sup>.</p> <p>The Government of National Accord also failed to respond to reports of militant groups attacking individuals and religious sites, reported to have been motivated by a difference in religious belief<sup>230</sup>.</p>	
TOTAL	10/10

226 “LIBYA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT.” United States Department of State, Bureau of Democracy, Human Rights and Labor. 2016, pp. 1-6. <https://www.state.gov/documents/organization/269148.pdf>

227 Dembele, Yonas. “Libya: Freedom of religion in the land of anarchy.” Open Doors, Netherlands. 15 May 2016, pp. 1-10. <https://www.worldwatchmonitor.org/old-site-imgs-pdfs/4585729.pdf>

228 “Libya: Factsheet.” Open Doors. 2018. <https://www.opendoorsusa.org/christian-persecution/world-watch-list/libya/>

229 “LIBYA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT.” United States Department of State, Bureau of Democracy, Human Rights and Labor. 2016, pp. 1-6. <https://www.state.gov/documents/organization/269148.pdf>

230 Ibid

# The former Yugoslav Republic of Macedonia (FYROM)

FoRB Situation:

Focalness: **High** 



## PRIORITY AREAS

## SCORE

### 1. Adopting and Changing One's Religion or Belief

Minor Concerns – 0

The Macedonian constitution provides for equality before the law for all individuals regardless of religious belief. Five religious groups are explicitly recognized by the constitution (the Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelical Methodist Church, and the Jewish Community). The law allows other religious groups to register with the government to receive benefits equivalent to those of the five named groups (e.g. tax exemptions or the right to establish schools). State-funded schools offer religious instruction with no secular or humanist alternative, but opting out is allowed.<sup>231</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions

Problematic Issues – 1

The constitution prohibits religious discrimination and guarantees freedom of religion and religious expression. The constitution also provides for freedom of the press. However, according to Freedom House, Macedonian media are subject to political pressure and harassment, resulting in self-censorship<sup>232</sup>.

While, officially, freedom of expression and advocacy of humanist values is guaranteed under the constitution, the International Humanist Union reports that in Macedonia there is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism<sup>233</sup>. Examples of media pressure on certain groups that do not conform to the government's agenda and broader religious views, such as LGBT groups, the "Sex workers rights group", and others, are indicated<sup>234</sup>.

### 3. Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

If officially registered, churches, religious communities or religious groups can establish schools and obtain state funding. Religious schools have powers to discriminate in admissions or employment<sup>235</sup>.

Other manifestations of religion or belief may undergo a restriction, though not systematically. The Muslim community reported the government was denying permits to construct or rebuild mosques. In particular, the Islamic Religious Community in Macedonia (ICM) stated the government continued to prevent construction of a mosque in the ethnically mixed village of Lazhec by denying a construction permit because of pressure from local residents. The ICM reported also that the government continued to block reconstruction of the mosque in Prilep,

<sup>231</sup> International Humanist and Ethical Union, The Freedom of Thought Report: Macedonia, 2016. Available at: <http://freethoughtreport.com/countries/europe-southern-europe/macedonia/>.

<sup>232</sup> Freedom House, Freedom in the World 2017. Macedonia. Available at: <http://www.refworld.org/topic,50ffbce582,50ffbce5c7,59831e8913,0,,,MKD.html#9>

<sup>233</sup> International Humanist and Ethical Union, The Freedom of Thought Report: Macedonia, 2016. Available at: <http://freethoughtreport.com/countries/europe-southern-europe/macedonia/>.

<sup>234</sup> Ibidem.

<sup>235</sup> Ibidem.



which burned down during armed conflict in 2001. According to the ICM, the government denied a permit to rebuild the mosque because the Prilep site was a monument of religious culture.<sup>236</sup>

4. Discrimination Based on Religion or Belief

Problematic Issues – 1

The Macedonian constitution prohibits religious discrimination (see above). However, various university professors, nongovernmental organization leaders, and legal/ political analysts report religious differences is continuing to play a role in criminal and civil court cases<sup>237</sup>.

According to the International Humanist and Ethical Union, Macedonia is among the 55 countries that meet the second highest level of severity in discrimination (label: “Severe Discrimination”)<sup>238</sup>.

Religious groups reported government favouritism toward the Macedonian Orthodox Church – Ohrid Archbishopric (MOC-OA). The country’s largest Muslim group, the Islamic Religious Community in Macedonia (ICM), which is one of the five officially recognized religious groups in the constitution, stated the government favoured the MOC-OA by granting it unique privileges, such as providing it with public properties free of charge, funding for the construction of new Orthodox churches, and exclusive invitations for its representatives to attend government functions<sup>239</sup>.

Smaller religious organizations not listed in the constitution, such as the Jehovah’s Witnesses, the Evangelical Church, the Bektashi Community (Tetovo), and the OAO said that, although they were registered, the government did not treat them as equals with the five religious organizations recognized in the constitution. For example, they stated the government excluded them from official events such as official holiday celebration events or government building ground-breaking ceremonies, and did not grant them the same level of access to government officials for requested meetings<sup>240</sup>.

The Orthodox Archbishopric of Ohrid (OAO), which was unable to register as a religious entity, said the government was discriminating against it<sup>241</sup>.

5. Protection from Violence

Problematic Issues – 1

In some episodes, police intervened to prevent clashes between MOC-OA members and Muslim citizens and between the old and the new leadership of the ICM, and the Sufi Bektashi Community of Macedonia (Tetovo)<sup>242</sup>. Furthermore, the MOC-OA reported a dozen robberies in Orthodox churches and monasteries<sup>243</sup>.

In recent years, also incidents of anti-Semitic speech on social media and vandalism against religious buildings are reported.

TOTAL

4/10

236

United States Department of State – Bureau of Democracy, Human Rights, and Labor, Macedonia 2016 International Religious Freedom Report. Available at: <https://www.state.gov/documents/organization/269084.pdf>.

237

Ibidem.

238

International Humanist and Ethical Union, The Freedom of Thought Report: Macedonia, 2016. Available at: <http://freethoughtreport.com/countries/europe-southern-europe/macedonia/>.

239

United States Department of State – Bureau of Democracy, Human Rights, and Labor, Macedonia 2016 International Religious Freedom Report. Available at: <https://www.state.gov/documents/organization/269084.pdf>.

240

Ibidem.

241

Ibidem.

242

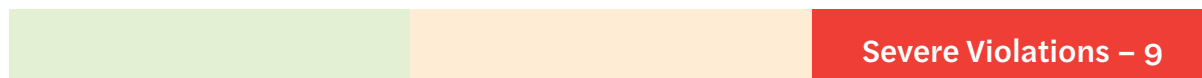
Ibidem.

243

Ibidem.

FoRB Situation:

Focalness: **Lowest**



## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief Severe Violations – 2

Starting at age seven, apostasy is punishable by death<sup>244</sup>. Atheism is also punishable by death<sup>245</sup>.  
 Apostasy is understood to mean either leaving Islam as defined by the state or denying Islamic doctrines<sup>246</sup>.  
 Schools are required to inculcate obedience to Islam and install a love for Islam<sup>247</sup>.  
 Only Sunni Islam can be practiced – Shia Islam is considered illegal<sup>248</sup>.

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

The 'Anti-defamation and Freedom of Expression' law criminalizes speech breaking Islamic tenants, breaching social norms, or threatening national security<sup>249</sup>.  
 By law, citizens may not deliver sermons or explain religious principles in public without obtaining a licence from the Ministry of Islamic Affairs<sup>250</sup>.  
 Violations of the laws may carry a prison sentence of two to five years<sup>251</sup>. Anyone who is found guilty of aiding these violations are themselves liable for two to four years of house arrest or imprisonment<sup>252</sup>.  
 Anti-terror legislation includes as a crime 'unlawfully' promoting any religious, political, or other ideology<sup>253</sup>.  
 Stations and newspapers can have their licenses revoked if they violate 'social norms'<sup>254</sup>.  
 Books regarding apostasy, without explicitly mentioning the Maldives, are banned from being published or sold<sup>255</sup>.  
 Restrictions are allegedly not enforced for foreign tourists<sup>256</sup>. Yet, some tourists have gotten in trouble for transporting personal copies of the Bible<sup>257</sup>.

244 "RELIGIOUS FREEDOM IN THE MALDIVES: PRESENT AND FUTURE CHALLENGES." Human Rights Without Frontiers , 21 July 2017, hrwf.eu/religious-free-dom-in-the-maldives-present-and-future-challenges/.

245 Robson, David. "The 'Underground Railroad' To Save Atheists." The Atlantic, Atlantic Media Company, 18 Jan. 2018, www.theatlantic.com/international/archive/2018/01/the-underground-railroad-to-save-atheists/550229/.

246 Larsen, Odd. "MALDIVES: Reform Excludes Freedom of Religion or Belief." Forum 18, 18 Feb. 2009, www.refworld.org/pdfid/499bbf7c0.pdf.

247 United States, International Religious Freedom Report 2016.

248 Larsen, Odd. "MALDIVES: Religious Freedom Survey." Forum 18, 15 Oct. 2008, www.forum18.org/archive.php?article\_id=1203.

249 United States, International Religious Freedom Report 2016.

250 United States, International Religious Freedom Report 2016.

251 United States, International Religious Freedom Report 2016.

252 United States, International Religious Freedom Report 2016.

253 United States, International Religious Freedom Report 2016.

254 United States, International Religious Freedom Report 2016.

255 Larsen, Odd. "MALDIVES: Religious Freedom Survey." Forum 18, 15 Oct. 2008, www.forum18.org/archive.php?article\_id=1203.

256 Pike, John. "Maldives – Religion." Global Security , www.globalsecurity.org/military/world/indian-ocean/mv-religion.htm.

257 "Heaven on Earth? Not for Christians Says Open Doors World Watch List Profile on Maldives." Serving Persecuted Christians Worldwide – Maldives – Open Doors UK & Ireland, www.opendoorsuk.org/persecution/countries/maldives/

3. Other Types of Manifestation of Religion or Belief	Severe Violations – 2
<p>Foreign residents and tourists can freely worship in private, but public gatherings of non-Islamic prayer is illegal<sup>258</sup>.</p> <p>Local non-governmental organizations reported continued community pressure on women to wear a veil<sup>259</sup>.</p> <p>The law prohibits importation of any goods deemed contrary to Islam, including alcohol, pork products, or religious states for worship<sup>260</sup>.</p>	
4. Discrimination Based on Religion or Belief	Severe Violations – 2
<p>Non-Muslims may not obtain citizenship of the Maldives<sup>261</sup>.</p> <p>The constitution bars non-Muslims from voting and holding public office<sup>262</sup>.</p> <p>Civil law is officially subordinate to Islamic law<sup>263</sup>.</p> <p>By law, a Maldivian woman cannot marry a non-Muslim foreigner unless he converts to Islam first. A Maldivian man can marry a non-Muslim foreigner if the foreigner is Christian or Jewish; other foreigners must convert to Islam prior to marriage<sup>264</sup>.</p> <p>Citizens have a right to freedom of thought and expression, but in a manner not contrary to the tenants of Islam<sup>265</sup>.</p> <p>The constitution does not provide for the right to freedom of religion or belief and does not prohibit discrimination based on religion<sup>266</sup>. Article 17 of the Constitution does not mention religion as a basis for non-discrimination<sup>267</sup>.</p>	
5. Protection from Violence	Problematic Issues – 1
<p>Victims have felt vulnerable due to a lack of police responsiveness for those advocating democratic or non-Islamic ideologies<sup>268</sup>.</p> <p>Very little to no protection for non-Islamic faiths such as Judaism and Christianity which faces continuous abuse and bullying<sup>269</sup>.</p> <p>Journalists and human rights defenders run a high risk of acts of killings for expressing liberal views<sup>270</sup>.</p> <p>The ruling Progressive Party of the Maldives has publicly shamed UN Special Rapporteurs for ‘irriligeous activities’ and inciting the public to denounce their actions<sup>271</sup>.</p> <p>A local NGO, the Islamic foundation, called for the beheading of a local who declared himself ‘Maldivian and not a Muslim’<sup>272</sup>.</p>	
<b>Total</b>	<b>9/10</b>

258 United States, International Religious Freedom Report 2016.

259 United States, International Religious Freedom Report 2016.

260 United States, International Religious Freedom Report 2016.

261 United States, International Religious Freedom Report 2016.

262 United States, International Religious Freedom Report 2016

263 United States, International Religious Freedom Report 2016

264 United States, International Religious Freedom Report 2016

265 United States, International Religious Freedom Report 2016

266 United States, International Religious Freedom Report 2016

267 Larsen, Odd. “MALDIVES: Reform Excludes Freedom of Religion or Belief.” Forum 18, 18 Feb. 2009, [www.refworld.org/pdfid/499bbf7c0.pdf](http://www.refworld.org/pdfid/499bbf7c0.pdf).

268 United States, Congress, Bureau of Democracy, Human Rights, and Labor. “MALDIVES 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT.” 2016, pp. 1–11, <https://www.state.gov/documents/organization/269180.pdf>

269 Pike, John. “Maldives – Religion.” Global Security, [www.globalsecurity.org/military/world/indian-ocean/mv-religion.htm](http://www.globalsecurity.org/military/world/indian-ocean/mv-religion.htm).

270 “The Maldives Must Investigate Murder of Journalist Yameen Rasheed and Hold Those Responsible to Account.” United Nations Human Rights, United Nations Office of the High Commissioner, 9 May 2017, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21597](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21597).

271 “MALDIVES: Maldives Ruling Party Should Repudiate Attacks on UN Special Rapporteur on Freedom of Religion or Belief.” United States Commission on International Religious Freedom, 20 July 2017, [www.uscifr.gov/news-room/press-releases/maldives-maldives-ruling-party-should-repudiate-attacks-un-special](http://www.uscifr.gov/news-room/press-releases/maldives-maldives-ruling-party-should-repudiate-attacks-un-special).

272 “RELIGIOUS FREEDOM IN THE MALDIVES: PRESENT AND FUTURE CHALLENGES.” Human Rights Without Frontiers, 21 July 2017, [hrwf.eu/religious-freedom-in-the-maldives-present-and-future-challenges/](http://hrwf.eu/religious-freedom-in-the-maldives-present-and-future-challenges/).

FoRB Situation:

Focalness: **High** 

Minor Concerns – 3

## PRIORITY AREAS

SCORE

## 1. Adopting and Changing One's Religion or Belief

Minor Concerns – 0

Despite the rising of some extreme religious movements, religious groups have not 'taken Malian political hostage, and the country's political class and non-Islamic civil society show little or no sign of ceding too much political space to religious groups'<sup>273</sup>.

The constitution prohibits public schools from offering religious instruction, but private schools may do so<sup>274</sup>. Quarnic schools operate throughout the country, without government oversight<sup>275</sup>.

## 2. Manifestation of One's Religion by Expression of One's Convictions

Minor Concerns – 0

The Penal Code of Mali does not seem to have provisions regarding the offense of blasphemy or religious insult and as such, these acts are not susceptible to criminal prosecution.<sup>276</sup>

## 3. Other Types of Manifestation of Religion or Belief

Minor Concerns – 0

With the exception of issues related to violence (see below) not major restraints to the manifestation of religion could be found.

## 4. Discrimination Based on Religion or Belief

Problematic Issues – 1

The law states that the religious customs of the deceased determine inheritance rights<sup>277</sup>.

There are reports of non-state actors systematically targeting non-Islamic communities and individuals<sup>278</sup>.

## 5. Protection from Violence

Severe Violations – 2

Whilst there has been some recent progress in regards to a peaceful coexistence between Islam and other religions,<sup>279</sup> unrest from rebels which originated in 2012 are still felt through the northern regions of Mali<sup>280</sup>.

273 Ohayon, Cynthia. "The politics of Islam in Mali: Can religion be part of the answer?" OECD Insights. 20 October 2017. <http://oecdinsights.org/2017/10/20/the-politics-of-islam-in-mali-can-religion-be-part-of-the-answer/>

274 Ibid

275 "Islamist rebels recruited child soldiers from Mali schools." The National. Associated Press. 24 February 2013. <https://www.thenational.ae/world/africa/islamist-rebels-recruited-child-soldiers-from-mali-schools-1.304454>

276 Refworld, "Mali: Contents of articles 94 and 101 of the Penal Code; whether it is an offence under the law of Mali to insult Islam, and, if yes, whether the law is enforced and the consequences if found guilty (2015)", <http://www.refworld.org/docid/55ffa5784.html>

277 Ibid

278 "Mali: 'Christians can simply be slaughtered'." World Watch Monitor. 11 December 2017. <https://www.worldwatchmonitor.org/2017/12/mali-christians-can-simply-slaughtered/>

279 Diarra, Soumaila. "Muslim extremists end religious peace in Mali after appointment of Cardinal Zerbo." The Washington Times. 27 November 2017. <https://www.washingtontimes.com/news/2017/nov/27/jean-zerbo-mali-catholic-cardinal-stirs-violence-m/>

280 Kimutai, Kenneth. "Religious Beliefs In Mali." World Atlas. 25 April 2017. <https://www.worldatlas.com/articles/religious-beliefs-in-mali.html>

Penal code states that any religiously motivated persecution of a group of people constitutes a crime against humanity<sup>281</sup>. However, complications and local conflict, concentrated in the North of Mali<sup>282</sup>, have made it more difficult for the government to ensure that freedom of religion was protected, and there have been multiple reports of Christians being targeted in the northern region<sup>283</sup>.

Instances of Christian churches being destroyed by dissidents are not uncommon<sup>284</sup>.

Christian officials have been targeted and killed due to their religious appurtenance by non-state actors<sup>285</sup>.

**TOTAL**

**3/10**

281 "MALI 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT" United States Department of State, Bureau of Democracy, Human Rights and Labour. 2016, p.1-5. <https://www.state.gov/documents/organization/268914.pdf>

282 Graham, David. "Mali's Tangled Mix of Jihad and Civil War." The Atlantic. 20 November 2015. <https://www.theatlantic.com/international/archive/2015/11/mali-hotel-hostage-crisis/417021/>

283 "Mali: 'Christians can simply be slaughtered'." World Watch Monitor. 11 December 2017. <https://www.worldwatchmonitor.org/2017/12/mali-christians-can-simply-slaughtered/>

284 Dembele, Yonas. "The Sahel: Rising Islamic militancy and persecution of Christians." Open Doors International. Netherlands. 25 August 2016. <http://opendoor-sanalytical.org/wp-content/uploads/2014/10/The-Sahel-Rising-Islamic-militancy-and-the-persecution-of-Christians-in-the-region-2016.pdf>

285 "Murder of Fulani Christian mayor in Mali increases concerns over creeping Islamic extremism." World Watch Monitor. Mali. 16 December 2016. <https://www.worldwatchmonitor.org/2016/12/murder-of-fulani-christian-mayor-in-mali-increases-concerns-over-creeping-islamic-extremism/>

FoRB Situation:

Focalness: **Highest** 

Minor Concerns – 1

Transnistria, whilst self-declaring independence, is still considered to fall within Moldovan national sovereignty<sup>286</sup> and will be treated as such within this report

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Minor Concerns – 0

Whilst there is no official state religion, the Orthodox Church is by far the most dominant one, and within Transnistria other religions are perceived as 'sects'<sup>287</sup>. The law recognises the special importance and leading role of the Orthodox church, and thus grants it special privileges<sup>288</sup>.

Within Transnistria, Transnistrian law affirms the special role of the Orthodox Church in the region's culture and spirituality. The law "recognises respect" for Christianity, Islam, Buddhism, Judaism, and other religious groups historically present in the region<sup>289</sup>.

Religion classes in state educational institutions are optional<sup>290</sup>.

In the recent past, some 30 Jehovah's Witnesses have been prosecuted when refusing military service. Some of them have been imprisoned while others have had to pay a fine<sup>291</sup>. Now, however, the law gives citizens the right to choose alternative civilian service over military service if the latter contradicts an individual's religion and beliefs<sup>292</sup>.

## 2. Manifestation of One's Religion by Expression of One's Convictions

Minor Concerns – 0

Since the 2007 revision of the 1992 Moldovan Law on Religious Denominations, the law now prohibits abusive proselytism<sup>293</sup>, defined as the action of changing religious beliefs through coercion<sup>294</sup>.

General expressions of thoughts and opinions about religion are largely seen to be protected<sup>295</sup>.

<sup>286</sup> "EU-Moldova Relationship Factsheet." European External Action Service, 10 November 2017. [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/4011/EU-Moldova%20relations,%20Factsheet](https://eeas.europa.eu/headquarters/headquarters-homepage_en/4011/EU-Moldova%20relations,%20Factsheet)

<sup>287</sup> United Nations, Hammarberg, Thomas. "Report on Human Rights in the Transnistrian Region of the Republic of Moldova." 2013, pp. 1–50. [http://md.one.un.org/content/dam/unct/moldova/docs/pub/Senior\\_Expert\\_Hammarberg\\_Report\\_TN\\_Human\\_Rights.pdf](http://md.one.un.org/content/dam/unct/moldova/docs/pub/Senior_Expert_Hammarberg_Report_TN_Human_Rights.pdf)

<sup>288</sup> Religion Freedom Report. "Country Report: Moldova." 2016, pp. 1–3. <http://religion-freedom-report.org.uk/wp-content/uploads/country-reports/moldova.pdf>

<sup>289</sup> United States, Congress, Bureau of Democracy, Human Rights, and Labor. "MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT, 2016, pp. 1–16. [www.state.gov/documents/organization/269088.pdf](http://www.state.gov/documents/organization/269088.pdf)

<sup>290</sup> Ibid.

<sup>291</sup> United Nations, Hammarberg, Thomas. "Report on Human Rights in the Transnistrian Region of the Republic of Moldova." 2013, pp. 1–50. [http://md.one.un.org/content/dam/unct/moldova/docs/pub/Senior\\_Expert\\_Hammarberg\\_Report\\_TN\\_Human\\_Rights.pdf](http://md.one.un.org/content/dam/unct/moldova/docs/pub/Senior_Expert_Hammarberg_Report_TN_Human_Rights.pdf)

<sup>292</sup> United States, Congress, Bureau of Democracy, Human Rights, and Labor. "MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT, 2016, pp. 1–16. [www.state.gov/documents/organization/269088.pdf](http://www.state.gov/documents/organization/269088.pdf)

<sup>293</sup> Religion Freedom Report. "Country Report: Moldova." 2016, pp. 1–3. <http://religion-freedom-report.org.uk/wp-content/uploads/country-reports/moldova.pdf>

<sup>294</sup> United States, Congress, Bureau of Democracy, Human Rights, and Labor. "MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT, 2016, pp. 1–16. [www.state.gov/documents/organization/269088.pdf](http://www.state.gov/documents/organization/269088.pdf)

<sup>295</sup> United Nations Human Rights Office of the High Commissioner, "PERCEPTIONS OF HUMAN RIGHTS IN THE REPUBLIC OF MOLDOVA." 2016, pp. 1–78. [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MDA/INT\\_CRC\\_IFS\\_MDA\\_26438\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/MDA/INT_CRC_IFS_MDA_26438_E.pdf)

<b>3. Other Types of Manifestation of Religion or Belief</b>	<b>Minor Concerns – 0</b>
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With the successful registration of the Islamic League of Moldova in 2011, it is still the only officially recognised Muslim religious organisation<sup>296</sup>.

Foreign missionary may submit work contracts or volunteer agreements to apply for a temporary residence permit and may reside and work in paid status or as unpaid volunteers. If they belong to registered groups, then they may remain for 90 days on a tourist visa<sup>297</sup>.

There are currently no legal requirements between religious beliefs and marriage<sup>298</sup>.

<b>4. Discrimination Based on Religion or Belief</b>	<b>Problematic Issues – 1</b>
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Foreigners may only worship individually; they may not be founders or members of religious groups<sup>299</sup>.

For religious organisations, there is a lengthy registration process which can prevent smaller communities from forming<sup>300</sup>.

Transnistrian authorities allegedly greatly prioritise the Orthodox church over other religions<sup>301</sup>.

There are no schools for Moldovan Orthodox or other religious groups<sup>302</sup>.

In the separatist Transnistria region, NGOs have reported continued discrimination and restriction of activities of minority religious groups<sup>303</sup>.

There have been reported different treatments in hospitals due to the differences in religion of patients<sup>304</sup>.

<b>5. Protection from Violence</b>	<b>Minor Concerns – 0</b>
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Jehovah's witnesses reported poor police responses to acts, including physical aggression against them<sup>305</sup>. They are generally the religious minority which have been the most isolated in Moldova<sup>306</sup>.

<b>Total</b>	<b>1/10</b>
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296 "Muslim community thriving in Moldova." United Nations Human Rights, Office of the High Commissioner, 8 July 2016. <http://www.ohchr.org/EN/NewsEvents/Pages/MuslimcommunitythrivinginMoldova.aspx>

297 EU-Moldova Relationship Factsheet, cit.

298 United Nations Human Rights Office of the High Commissioner, "PERCEPTIONS OF HUMAN RIGHTS IN THE REPUBLIC OF MOLDOVA." 2016, pp. 1-78. [http://tbinter.net.ohchr.org/Treaties/CRC/Shared%20Documents/MDA/INT\\_CRC\\_IFS\\_MDA\\_26438\\_E.pdf](http://tbinter.net.ohchr.org/Treaties/CRC/Shared%20Documents/MDA/INT_CRC_IFS_MDA_26438_E.pdf)

299 United States, Congress, Bureau of Democracy, Human Rights, and Labor. "MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT, 2016, pp. 1–16. [www.state.gov/documents/organization/269088.pdf](http://www.state.gov/documents/organization/269088.pdf)

300 Religion Freedom Report. "Country Report: Moldova." 2016, pp. 1-3. <http://religion-freedom-report.org.uk/wp-content/uploads/country-reports/moldova.pdf>

301 Religion Freedom Report. "Country Report: Moldova." 2016, pp. 1-3. <http://religion-freedom-report.org.uk/wp-content/uploads/country-reports/moldova.pdf>

302 Ibid.

303 United States, Congress, Bureau of Democracy, Human Rights, and Labor. "MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT, 2016, pp. 1–16. [www.state.gov/documents/organization/269088.pdf](http://www.state.gov/documents/organization/269088.pdf)

304 United Nations Human Rights Office of the High Commissioner, "PERCEPTIONS OF HUMAN RIGHTS IN THE REPUBLIC OF MOLDOVA." 2016, pp. 1-78. [http://tbinter.net.ohchr.org/Treaties/CRC/Shared%20Documents/MDA/INT\\_CRC\\_IFS\\_MDA\\_26438\\_E.pdf](http://tbinter.net.ohchr.org/Treaties/CRC/Shared%20Documents/MDA/INT_CRC_IFS_MDA_26438_E.pdf)

305 United States, Congress, Bureau of Democracy, Human Rights, and Labor. "MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT." MOLDOVA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT, 2016, pp. 1–16. [www.state.gov/documents/organization/269088.pdf](http://www.state.gov/documents/organization/269088.pdf)

306 United Nations, Hammarberg, Thomas. "Report on Human Rights in the Transnistrian Region of the Republic of Moldova ." 2013, pp. 1–50. [http://md.one.un.org/content/dam/unct/moldova/docs/pub/Senior\\_Expert\\_Hammarberg\\_Report\\_TN\\_Human\\_Rights.pdf](http://md.one.un.org/content/dam/unct/moldova/docs/pub/Senior_Expert_Hammarberg_Report_TN_Human_Rights.pdf)

FoRB Situation:

Focalness: **High** 

## Problematic Issues – 5

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Problematic Issues – 1

Voluntary conversion is not a crime under domestic law.<sup>307</sup>

Article 222 of the criminal code prohibits attempts to “shake the faith” of citizens from Sunni Islam and punishes anyone who “employs enticements” to undermine the faith of a Muslim or to convert a Muslim to another religion with six months to three years’ imprisonment and a fine of 200 to 500 dirhams (\$20 to \$49).

In the recent years it has been consistently reported that the government monitored, and in some cases restricted, religious activities of Muslims and non-Muslims. According to human rights organizations and local Christian leaders, the government occasionally detained and questioned Moroccan Christians about their beliefs and contacts with other Christians. Some local Christians have also reported authorities pressured converts to renounce their faith.<sup>308</sup>

## 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

Article 41 of the Penal Code, provides that “Any offense committed against His Majesty the King, the royal princes and princesses by one of the means specified in Article 38 shall be punishable by imprisonment and a fine of 10,000 to 100,000 dirhams. The same punishment applies when a newspaper or other publication publishes a story that harms the Islamic religion, the monarchic regime or the country’s territorial sovereignty. Should there be a conviction under the present article, the journal or publication may be suspended by the same judicial decision for a term not to exceed three months. This suspension shall not affect the labor contracts that bind the employer, the latter remaining bound by all the resulting contractual or legal obligations. In the same decision, the court may pronounce the ban of the journal or publication.”<sup>309</sup>

The constitution and the law governing the media sector prohibited any citizen, including members of parliament normally immune from arrest, from criticizing Islam in public platforms, such as print or online media, or public speeches. Such expressions are punishable by imprisonment for two years and a fine of 200,000 dirhams (\$19,700).

In the recent years it has been consistently reported that the Ministry of Endowments and Islamic Affairs (MEIA) endeavoured to guide and monitor the content of sermons in mosques, Islamic religious education, and the dissemination of Islamic religious material by the broadcast media, actions it said were intended to combat violent extremism. The government restricted the distribution of non-Islamic religious materials, as well as Islamic materials it deemed inconsistent with the Maliki-Ashari school of Sunni Islam. Its policy included controlling the sale of all books, videotapes, and DVDs it considered extremist. It has also been consistently reported that the government permitted the display and sale of Bibles in French, English, and Spanish, but allowed only for a limited number of Arabic translations of the Bible to be available for sale in a few bookshops for use in university religion courses. Authorities confiscated Bibles they believed were intended for use in proselytizing. Fear of government harassment and reported societal, familial, and cultural pressure led some local Christians, Bahais, and Shia to refrain from public worship and instead meet discreetly in members’ homes.<sup>310</sup>

<sup>307</sup> See at <http://www.moroccoworldnews.com/2015/07/162856/there-is-no-law-that-punishes-apostasy-moroccan-minister/>. Also see at <https://www.la-croix.com/Religion/Islam/Au-Maroc-apostats-sont-plus-passibles-peine-mort-2017-02-08-1200823368>.

<sup>308</sup> US State Department, International Religious Freedom Report for 2016.

<sup>309</sup> USCIRF, 2017 Annual Report, 2017, p. 72.

<sup>310</sup> US State Department, International Religious Freedom Report for 2016.



### 3. Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

In the recent past local Christians and Shia Muslims have stated fears of government harassment were part of the reason they refrained from public worship and instead met discreetly in members' homes. Foreign-resident Christian church officials reported local Christians rarely attended their churches, and the officials did not encourage them to do so as to avoid accusations of proselytizing. Local Christians have stated the authorities made phone or house calls several times a year to demonstrate they had lists of members of Christian networks and monitored Christian activities.<sup>311</sup>

Authorities continued throughout 2017 to restrict the activities of Morocco's biggest independent human rights organization, the Moroccan Association for Human Rights, and of international human rights groups seeking to conduct research visits.<sup>312</sup>

Article 222 of the penal code states any person known to be Muslim who breaks the fast in public during the month of Ramadan without an exception granted by religious authorities is liable for punishment of six months in prison and a fine of 200 to 500 dirhams (\$20 to \$49).

### 4. Discrimination Based on Religion or Belief

Problematic Issues – 1

Private law is biased in favour of Muslims. According to the law, a Muslim man may marry a non-Muslim woman; a Muslim woman may not marry a non-Muslim man unless he converts to Islam. Non-Muslims must formally convert to Islam and be permanent residents before they can become guardians of abandoned or orphaned children.<sup>313</sup>

Prohibition of proselytising activities resulting in conversion of Muslims results in a discrimination against non-Muslims.

Muslims can happen to be discriminated against because of their religion. In particular, see above for criminal sanctions for Muslims who breaks the fast in public during the month of Ramadan.

In November 2017, representatives of minority religious communities denounced repression and harassment and urged the government to clarify the law on religious freedom.<sup>314</sup>

According to the 2017 Pew Research Center Report on restrictions to religion, Morocco is one of the eight countries which had very high levels of government restrictions in 2015 but not in 2014.<sup>315</sup>

### 5. Protection from Violence

Minor Concerns – 0

Although some attacks on individuals not observing the fast during Ramadan have been exposed, and a general atmosphere of social hostility is resented by minority believers, converts and non observing or lapse Muslims, no major episodes of religious-related violence have been reported.

**Total**

**5/10**

<sup>311</sup> US State Department, International Religious Freedom Report for 2016.

<sup>312</sup> Human Rights Watch, World Report 2018.

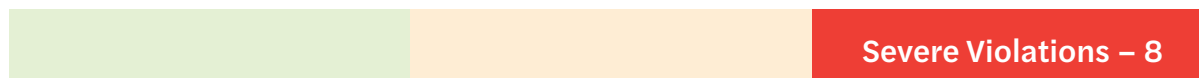
<sup>313</sup> US State Department, International Religious Freedom Report for 2016.

<sup>314</sup> See at <http://www.dailymail.co.uk/wires/afp/article-5096439/Morocco-minorities-call-religious-freedom.html>.

<sup>315</sup> Pew Research Center, Global restrictions on religion, 2017, <http://assets.pewresearch.org/wp-content/uploads/sites/11/2017/04/24102207/Pew-Research-Center-Religious-Restrictions-2017-FULL-REPORT>, p. 15.

FoRB Situation:

Focalness: **Low** 



## PRIORITY AREA

SCORE

### Adopting and Changing One's Religion or Belief

Problematic Issues – 1

Under the 2015 Religious Conversion Law any citizen wanting to convert to a religion must submit an application their local Religious Conversion Scrutinizing and Registration Board who will review it, interview the applicant, and decide whether to approve the conversion. Applicants must be at least 18 years old. Those determined to be applying “for a religious conversion with an intent to insult, disrespect, destroy, or abuse a religion” are liable to up to two years imprisonment, a fine of 200,000 kyat, or both.<sup>316</sup>

The government recognizes nine Buddhist monastic orders; no other organisations of Buddhist monks are permitted. Punishments for violating the ban include defrocking and criminal sanctions.<sup>317</sup>

Regarding the religious education of children, the State Department reported that “Some teachers at government schools reportedly continued to require students to recite Buddhist prayers, although such practices were no longer a mandated part of the curriculum.”<sup>318</sup>

### Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

Section 295(a) of Myanmar's penal code prohibits “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs”.<sup>319</sup> Such a crime may be punished with up to two years of imprisonment.<sup>320</sup> In 2017 a Buddhist nationalist used this provision to bring a case against journalist Swe Win after he had written an article criticizing extremist monk Wirathu for praising the assassination of a Muslim lawyer.<sup>321</sup>

Under the Buddhist Woman's Special Marriage Law, the non-Buddhist husband of a Buddhist wife “must respect his wife's practice of Buddhism, make no attempts to convert her, allow their children to freely practice their religion and refrain from insulting Buddhism.”<sup>322</sup> Violations of this or any other provision of the Buddhist Woman's Special Marriage Law is punishable by up to “three years imprisonment or a fine not exceeding five hundred thousand kyat (approximately USD 500), or both.”<sup>323</sup>

### Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

Many religious groups and human rights organizations continue to report that public manifestations of religion are subject to government intervention.

316 Richard Horsey, “New Religious Legislation in Myanmar,” Social Science Research Council, 13 February 2015, [http://www.burmalibrary.org/docs21/Horsey-2015-02-New\\_Religious\\_Legislation\\_in\\_Myanmar-en.pdf](http://www.burmalibrary.org/docs21/Horsey-2015-02-New_Religious_Legislation_in_Myanmar-en.pdf).

317 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

318 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

319 Wa Lone and Guy Dinmore, “Religious Defamation Law Takes on a New Role,” Myanmar Times, 19 March 2015, <https://www.mmtimes.com/in-depth/13606-religious-defamation-law-takes-on-new-role.html>

320 Myanmar Penal Code, Art. 295, available at <http://www.wipo.int/edocs/lexdocs/laws/en/mm/mm004en.pdf>.

321 Fortify Rights, “Myanmar: Immediately Drop Charges Against Journalist Swe Win,” 31 July 2017, <http://www.fortifyrights.org/publication-20170731.html>.

322 Chloe White, “Protection for Whom? Violations of International Law in Myanmar's New ‘Race and Religion Protection’ Laws,” Georgetown Institute for Women, Peace, and Security, December 2015, <https://giwps.georgetown.edu/wp-content/uploads/2017/10/Violations-of-International-Law-in-Myanmar-2.pdf>.

323 Richard Horsey, “New Religious Legislation in Myanmar,” Social Science Research Council, 13 February 2015, [http://www.burmalibrary.org/docs21/Horsey-2015-02-New\\_Religious\\_Legislation\\_in\\_Myanmar-en.pdf](http://www.burmalibrary.org/docs21/Horsey-2015-02-New_Religious_Legislation_in_Myanmar-en.pdf).

In its last religious freedom report on Myanmar, the US State Department observes that “The government continued to subject all public events, including religious ceremonies and festivals, to security regulations and other controls. There were reports that any public religious event (i.e., outside a house of worship) required prior written permission from ward, township, police, district, and division-level authorities. All public religious celebrations also required prior written permission from religious affairs authorities and applications needed to be submitted approximately three weeks in advance. Some religious minority groups, primarily Christians and Muslims, reported longer delays in approving some of their applications.”<sup>324</sup>

## Discrimination Based on Religion or Belief

Severe Violations – 2

There are reports of official discrimination against non-Buddhist, particularly Muslims and Christians, in Myanmar.

The Population Control Law was championed by anti-Muslim Buddhist nationalists and is widely perceived as empowering state and local officials to take measures to stifle the growth of the Muslim community.<sup>325</sup> Regional Order 1/2005 in Rakhine State, where many Rohingya live, previously limited Muslims couple to two children.<sup>326</sup>

“Muslim community representatives reported that in some cases Muslim-owned businesses encountered significant delays to procure government contracts without a Buddhist “front” person. Media and religious sources said local authorities in some villages restricted the licensing and butchering of cattle by slaughterhouses, the vast majority of which are owned by Muslims, which negatively affected business operations and the ability of Muslim communities to celebrate Islamic holidays.”<sup>327</sup>

“The law bars members of religious orders (such as priests, monks, and nuns) from running for public office, and the constitution bars members of religious orders from voting.”

## Protection from Violence

Severe Violations – 2

In 2017 violence perpetrated by the Burmese military against an insurgency in predominantly Muslim northern regions of Rakhine state led over 600,000 civilians to flee to neighboring Bangladesh. Médecins Sans Frontières conducted a survey of refugee camps in Bangladesh in late 2017 and from that at least 9,000 Rohingya died in Rakhine state, and 71.7% of the deaths were caused by violence.<sup>328</sup> The UN High Commissioner for Human Rights denounced the military offense as a “textbook example of ethnic cleansing.”<sup>329</sup>

The conflict in Rakhine state stems from a number of factors—historical, political, ethnic, religious, and others—and cannot simply be categorized as religious persecution.<sup>330</sup> However, Islam a key source of identity for Rohingya population of Rakhine state and this latest conflict follows years of anti-Muslim campaigning by Buddhist nationalists.

In January 2017 No Ki, a prominent Muslim lawyer and advisor to National League for Democracy was assassinated.<sup>331</sup>

In September a large mob attacked the home of a Muslim butcher in central Myanmar. The mob then converged on the local mosque before being dispersed by police. Several instigators of the violence were detained.<sup>332</sup>

**TOTAL**

**8/10**

324 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

325 Chloe White, “Protection for Whom? Violations of International Law in Myanmar’s New ‘Race and Religion Protection’ Laws,” Georgetown Institute for Women, Peace, and Security, December 2015, <https://giwps.georgetown.edu/wp-content/uploads/2017/10/Violations-of-International-Law-in-Myanmar-2.pdf>.

326 Richard Horsey, “New Religious Legislation in Myanmar,” Social Science Research Council, 13 February 2015, [http://www.burmalibrary.org/docs21/Horsey-2015-02-New\\_Religious\\_Legislation\\_in\\_Myanmar-en.pdf](http://www.burmalibrary.org/docs21/Horsey-2015-02-New_Religious_Legislation_in_Myanmar-en.pdf).

327 U.S. Department of State, Annual Report on International Religious Freedom, 2017, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dliid=268718#wrapper>

328 Médecins Sans Frontières, “Myanmar/Bangladesh: MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar,” 12 December 2017, <http://www.msf.org/en/article/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks>

329 UN News, “UN human rights chief points to ‘textbook example of ethnic cleansing’ in Myanmar,” 11 September 2017, <https://news.un.org/en/story/2017/09/564622-un-human-rights-chief-points-textbook-example-ethnic-cleansing-myanmar>

330 Jason Koutsoukis and Lisa Beyer, “Myanmar’s Rohingya refugee Crisis, Explained,” Bloomberg, 15 September 2017, <https://www.bloomberg.com/news/articles/2017-09-15/myanmar-s-rohingya-refugee-crisis-explained-quicktake-q-a>

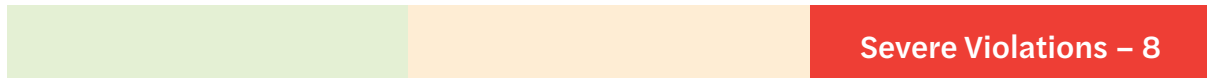
331 Hannah Beech, “The Murder of an Honorable Lawyer in Myanmar,” The New Yorker, 7 March 2017, <https://www.newyorker.com/news/news-desk/the-murder-of-an-honorable-lawyer-in-myanmar>

332 <https://www.rfa.org/english/news/myanmar/mob-09112017161158.html>

# Nigeria

FoRB Situation:

Focalness: **Low**  



## PRIORITY AREAS

## SCORE

### 1. Adopting and Changing One's Religion or Belief Severe Violations 2

Application of Sharia law in some States can result in restrictions to the freedom to adopting or changing one's religion or belief. Apostasy based social hostilities have also been reported. <sup>333</sup>

According to Open Doors, "hostility towards Christians, especially in the northern Sharia states, is spread by radical Islamic teaching and practice. Believers experience discrimination and exclusion, and violence from militant Islamic groups, resulting in the loss of property, land, livelihood, physical injury or death; this is spreading southwards. Corruption has enfeebled the state and made it ill-equipped to protect Christians. Rivalry between ethnic groups and raids by Fulani herdsmen compound the persecution. Converts face rejection from their Muslim families and pressure to recant".<sup>334</sup> This echoes the Christian Association of Nigeria, in particular on the role of Fulani herdsmen. <sup>335</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

Section 204 of the Criminal Code, provides that "Any person who does an act which any class of persons consider as a public insult on their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanour, and is liable to imprisonment for two years." <sup>336</sup>

In some States, Sharia Courts have passed death sentences for blasphemy. <sup>337</sup>

High level of blasphemy related social hostility are reported.<sup>338</sup>

### 3. Other Types of Manifestation of Religion or Belief Problematic Issues – 1

Application of Sharia Law in Northern States can result in restrictions to various types of manifestation of religion or belief. <sup>339</sup>

According to the 2017 Pew Research Center Report on restrictions to religion, Nigeria ranks as the country with the highest level of religion related social hostility amongst the 25 most populous countries in the world. <sup>340</sup>

<sup>333</sup> All the internet documents were last consulted on 15 February 2018. US State Department, International Religious Freedom Report for 2016

<sup>334</sup> See at <https://www.opendoorsuk.org/persecution/countries/nigeria/>.

<sup>335</sup> See at <http://canng.org/news-and-events/news/160-rejoinder-can-replies-nigeria-supreme-council-of-islamic-affairs>.

<sup>336</sup> USCIRF, 2017 Annual Report, 20 17, p. 73.

<sup>337</sup> US State Department, International Religious Freedom Report for 2016.

<sup>338</sup> The Independent, 'Nigerian Mob Burns Down House of Muslim Who Tried to Save Christian Accused of Blasphemy', 23 Aug. 2016, <http://www.independent.co.uk/news/world/africa/nigerian-mob-burns-down-house-of-muslim-who-tried-to-save-christian-accused-of-blasphemy-a7205376.html>.

<sup>339</sup> US State Department, International Religious Freedom Report for 2016.

<sup>340</sup> Pew Research Center, Global restrictions on religion, 2017, <http://assets.pewresearch.org/wp-content/uploads/sites/11/2017/04/24102207/Pew-Research-Center-Religious-Restrictions-2017-FULL-REPORT>, p. 15.

Members of regional minority religious groups said some state and local government laws discriminate against them, including by limiting their rights to freedom of expression and assembly and obtaining government employment.<sup>341</sup>

Various kinds of restrictions to the wearing of Islamic veil were reported. In December 2017 a law graduate was denied call to the bar for refusing to take off her headscarf.<sup>342</sup>

## 5. Protection from Violence

## Severe Violations – 2

Islamist organisation Boko Haram has carried out numerous attacks, and committed mass killings, often targeting civilians.

According to BBC Monitoring Boko Haram reportedly mounted a total of 150 attacks in 2017, an increase on the 127 attacks it is said to have mounted in 2016. Although Cameroon, Chad and Niger were also concerned, Nigeria suffered the majority of attacks in 2017 (109, an increase on the 80 reported in 2016), with Borno State – the birthplace of the insurgency – being the most common target.<sup>343</sup>

In December 2017 a suicide attack in the village of Borno resulted in 13 killed and 53 injured.<sup>344</sup>

Clashes between the Shia Islamic Movement of Nigeria and the police, and religiously motivated attacks by mobs were also reported.<sup>345</sup>

The NGO Nigeria Watch has reported 10,187 public violence deaths in 2017 (it was 11,572 in 2016),<sup>346</sup> of which 2,981 for religious issues (it was 3,726 in 2016).<sup>347</sup>

**Total****8/10**

<sup>341</sup> US State Department, International Religious Freedom Report for 2016.

<sup>342</sup> Al Jazeera, at <http://www.aljazeera.com/news/2017/12/nigerian-law-graduate-denied-call-bar-hijab-171216084329791.html>.

<sup>343</sup> BBC Monitoring, at <http://www.bbc.com/news/world-africa-42735414>.

<sup>344</sup> Daily Post Nigeria, at <http://dailypost.ng/2017/12/02/boko-haram-15-killed-53-injured-fresh-suicide-attack-borno/>.

<sup>345</sup> US State Department, International Religious Freedom Report for 2016.

<sup>346</sup> Nigeria Watch, at <http://www.nigeriawatch.org/index.php?urlaction=evtStat&type=default>.

<sup>347</sup> Nigeria Watch, at <http://www.nigeriawatch.org/index.php?urlaction=evtStat>.

FoRB Situation:

Focalness: **Low** 

Severe Violations – 10

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

Although there is no specific statutory law that criminalizes apostasy in Pakistan, leaving Islam is likely to have severe consequences socially if not legally. Widespread disregard for apostasy is such that in 2007, a bill to impose the death penalty for apostasy for males and life imprisonment for females was proposed in Parliament. It eventually failed to pass. Nevertheless, some scholars believe that the principle that “a lacuna in the statute law was to be filled with reference to Islamic law” could potentially apply to the crime of apostasy.<sup>348</sup>

Blasphemy law is often applied against converts or minorities. See the sections on the manifestation of religion and discrimination below.

## 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

Pakistan's penal code has eight provisions sanctioning blasphemy. Article 295-C states: “Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon Him) shall be punished with death, or imprisonment for life, and shall also be liable to a fine.”<sup>349</sup>

In June 2017, Taimoor Raza, a Pakistani Shi'a Muslim, was handed a death sentence for allegedly insulting the Prophet Muhammed on social media and in September 2017, a Pakistani Christian man, Nadeem James, was handed the death sentence after being charged by a close friend with blasphemy after sharing social media content with him.<sup>350</sup> Taimoor Raza had been arrested in 2016 after a debate over Islam on Facebook with a man who later turned out to be a counterterrorism agent.<sup>351</sup>

At least 19 people remained on death row in 2017 after being convicted under Pakistan's draconian blasphemy law, and hundreds awaited trial. Most of those facing blasphemy are members of religious minorities—including Aasia Bibi, the first woman to face a potential death sentence for blasphemy—and are often victimized by these charges due to personal disputes. In 2017, Pakistan witnessed an increase in blasphemy-related violence while the government continued to encourage discriminatory prosecutions and other forms of discrimination against vulnerable groups by failing to repeal discriminatory laws and using religious rhetoric inciting hatred against minority groups. In March, the interior minister described blasphemers as “enemies of humanity,” and stated he would take the issue to its “logical conclusion” in taking action against them. The Pakistan Telecommunication Authority (PTA) sent out a mass text message in May to millions of users informing them that uploading and sharing blasphemous content is a punishable offense, and asking them to report such content.<sup>352</sup>

The 2017 USCIRF Report on blasphemy laws ranks the legal system of Pakistan as the second worst in the world 10 highest scores, indicating that these states' prohibitions on blasphemy most run counter to international law principles.<sup>353</sup>

348 All the internet documents were last consulted on 15 February 2018. Library of Congress, Laws criminalising apostasy, at <https://www.loc.gov/law/help/apostasy/index.php>.

349 USCIRF, 2017 Annual Report, 2017, p. 73

350 UK, All Party Parliamentary Group for International Freedom of Religion or Belief, Article 18. From Rhetoric to Reality, 2017, p. 18

351 Human Rights Watch, World Report 2018.

352 Human Rights Watch, World Report 2018.

353 USCIRF, 2017 Annual Report, 2017, p. 18

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

According to civil society activists and monitoring organizations, some public school textbooks continued to include derogatory statements about minority religious groups, including Ahmadi Muslims, Hindus, Jews, and Christians. Civil society leaders said the teaching of religious intolerance remained widespread and although multiple groups had presented recommendations for the removal of discriminatory content, the federal government had not taken the initiative to support the recommended changes.<sup>354</sup>

According to Hindu and Sikh leaders, the legal uncertainty surrounding the process of registering marriages for their communities continued to create difficulties for Hindu and Sikh women in obtaining their inheritances, accessing health services, voting, obtaining a passport, and buying or selling property.<sup>355</sup>

### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

Christians, Ahmadi Muslims, Sufi Muslims, and Shia Muslims, including the predominantly Shia Hazara community suffer from generalised discrimination in many aspects of their life.<sup>356</sup>

According to Open Doors, “Radical Muslims monitor gatherings of converts. Historic churches have been subject to bomb attacks. All Christians suffer from institutionalised discrimination, with occupations that are seen as low, dirty and derogatory being officially reserved for Christians, most of whom are from the poorer classes. (...) A new law allows the government to monitor and close down NGOs, and any church not registered as an NGO will be considered illegal. Church activities are regularly watched – although security is provided to many churches by the authorities, these security personnel report back on what they observe. There are even some reports of these guards attacking church leaders. Each Bible printed by the Bible Society of Pakistan has a serial number so that it can be traced and tracked.”<sup>357</sup>

Provisions of Pakistan’s penal code that perpetuate discrimination against members of the Ahmadi religious community remained unchanged: the code explicitly prohibits Ahmadis from “indirectly or directly posing as a Muslim,” declaring or propagating their faith publicly, building mosques or referring to them as such, or making public calls to prayer.<sup>358</sup> It is a constitutional requirement that the president and prime minister be Muslim. All senior officials, including members of parliament, must swear an oath to protect the country’s Islamic identity and affirm their belief in the finality of the prophet Muhammad.<sup>359</sup>

### 5. Protection from Violence

Severe Violations – 2

Although Pakistan witnessed fewer attacks by Islamist militants than in previous years, in 2017 scores of people were killed in attacks primarily targeting law enforcement officials and religious minorities. In April, a mob dragged Mashal Khan, a 23-year-old student at a university in Mardan, Khyber Pakhtunkhwa province, from his dormitory and shot him dead over accusations that he made blasphemous remarks against Islamic injunctions. In May, a 10-year-old boy was killed when a mob tried to storm a police station in Balochistan to attack a man held on blasphemy charges. Militant groups targeted Shia and followers of Sufi Islam. In February, a suicide attack on the shrine of Lal Shahbaz Qalandar in Sehwan, Sindh, claimed by the ISIS, killed at least 88 people and injured hundreds.<sup>360</sup>

**Total**

**10/10**

<sup>354</sup> US State Department, International Religious Freedom Report for 2016.

<sup>355</sup> US State Department, International Religious Freedom Report for 2016.

<sup>356</sup> US State Department, International Religious Freedom Report for 2016.

<sup>357</sup> See at <https://www.opendoorsuk.org/persecution/countries/pakistan/>.

<sup>358</sup> Human Rights Watch, World Report 2018.

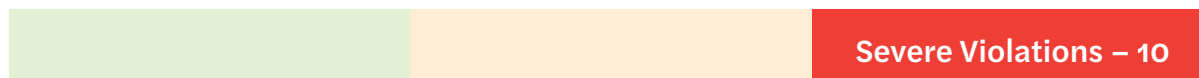
<sup>359</sup> International Humanist and Ethical Union, Freedom of Thought Report, 2017.

<sup>360</sup> Human Rights Watch, World Report 2018.

# Saudi Arabia

FoRB Situation:

Focalness: **Lowest** 



## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

The legal system of Saudi Arabia is based on sharia as interpreted by the Sunni Hanbali School. Article 1 of the Basic Law of Saudi Arabia : “The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God’s Book and the Sunnah of His Prophet (God’s prayers and peace be upon him) are its Constitution”

According to the law, freedom of religion is not recognized.<sup>361</sup> Conversion by a Muslim to another religion is also criminalized like proselytizing by non-Muslims. The crime of apostasy is punishable by death although courts have not applied the death sentence in recent years. Also blasphemy can be punished by death but Courts have not enforced this sanction in recent years<sup>362</sup>

All citizens are required to be Muslims, non-muslims must convert to Islam before they are eligible to naturalize.

It is illegal to register an explicitly humanist, atheist, secularist or other non-religious NGO.<sup>363</sup>

All schools are required to follow the government-approved religious curriculum, private international schools may also teach courses on other religions and civilizations<sup>364</sup>.

### 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

The law criminalizes “the promotion of atheistic ideologies in any form” “any attempt to cast doubt on the fundamentals of Islam” or publications that “contradicts the provision of Islamic law”<sup>365</sup>.

A 2014 law defines atheism as terrorism. According to article 1 of the law: “Calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based”<sup>366</sup>

The government regularly exercise the power to inspect and confiscate religious material. The government strictly controls the content of the textbooks used for religious education<sup>367</sup>, positive measures are signalled as far as intolerant passages from textbooks and curricula are being removed<sup>368</sup>

The government continues to block content on social media and the internet. Blasphemy is also punishable by deaths, but courts in recent have applied also other sanctions such as lashings and detention without trial<sup>369</sup>.

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

Mosques are the only legally permissible place of worship and clerics are strictly controlled by the government<sup>370</sup>.

361 U.S. State Department, International Religious Freedom Report 2016, p. 3.

362 Ibid., p. 4.

363 IHFU, Religious Freedom Report 2017, Saudi Arabia.

364 U.S. State Department, International Religious Freedom Report 2016, p. 3.

365 Ibid.

366 IHFU, Religious Freedom Report 2017, Saudi Arabia.

367 Ibid.

368 USCIRF, 2017 Report, p. 78.

369 US. State Department, International Religious Freedom Report 2016, p. 7

370 Aid to the Church in Need, Religious Freedom Report 2016, p. 38. (in Italian)



4. Discrimination Based on Religion or Belief	Severe Violations – 2
<p>The Commission for the Promotion of Virtue and Prevention of Vice regularly discriminated non-believers and believers of minority faiths<sup>371</sup></p> <p>Judges are inclined to favour the testimony of Muslims over the testimony of non-Muslims<sup>372</sup>.</p> <p>The government doesn't formally permit non-Muslim clergy to enter the country for the purpose of conducting religious services<sup>373</sup>.</p>	
5. Protection from Violence	Severe Violations – 2
<p>The government exercised violence on non-Muslim believers who participated in non-Islamic religious activities and there were reports of government calling for prosecution of atheists and sourciers<sup>374</sup>.</p> <p>However, the government has also taken some measures to challenge religious and ideological messages from terrorist groups and the number of attacks has significantly dropped<sup>375</sup></p>	
<b>Total</b>	<b>10/10</b>

371

Ibid.

372

US. State Department, International Religious Freedom Report 2016, p. 6.

373

Ibid., p. 14.

374

Ibid.

375

USCIRF, 2017 Report, p. 78.

FoRB Situation:

Focalness: **High** 

## Problematic Issues – 3

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Minor Concerns – 0

The Serbian constitution guarantees the right to adopt and change one's religion or belief<sup>376</sup>.

However, a different status is recognized to religions depending on their inclusion in/exclusion from the state Register of Churches and Religious Communities (see below). The law grants special treatment to the seven religious groups defined as "traditional" by the government: the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic Community, and the Jewish Community.

Freedom of belief is also guaranteed by education: alternative civic education classes in primary and secondary schools are offered to students that do not attend classes in one of the seven traditional religions (see below)<sup>377</sup>.

## 2. Manifestation of One's Religion by Expression of One's Convictions

Problematic Issues – 1

The Serbian constitution recognises the freedom to express one's religious beliefs<sup>378</sup> and recognizes the right of conscientious objection based on religious beliefs<sup>379</sup>.

The constitution states that the freedom to express one's religion or beliefs may be restricted by law only as necessary to protect the lives and health of the people, the morals of democratic society, the freedoms and rights guaranteed by the constitution, public safety and order, or to prevent incitement of religious, national, and racial hatred.

Blasphemy is sanctioned at the same time. Publicly exposing a group of people to ridicule in connection with their affiliation with a certain religion (among other group characteristics) is criminal offence under Art. 174 of the Serbian Criminal Code. The punishment is a fine or imprisonment for up to one year<sup>380</sup>.

While freedom of the press is protected under the Serbian constitution, some reports denounce the recurrence of intimidating acts, defamation campaigns and pressures against independent journalists encouraged by messages coming from state authorities and pro – government media<sup>381</sup>. According to a recently published study conducted by the Slavko Ćuruvija Foundation, 74% of journalists in Serbia think that there are serious obstacles to the exercise of press freedom<sup>382</sup>.

In two instances, police issued citations to Jehovah's Witnesses for displaying their religious literature in public<sup>383</sup>.

376 United States Department of State, Bureau of Democracy, Human Rights, and Labor, Serbia 2016 International Religious Freedom Report, Available at: <https://www.state.gov/documents/organization/269108.pdf>.

377 Ibidem.

378 Ibidem.

379 Ibidem.

380 International Press Institute – Media Laws database. Available at: <http://legaldb.freemedia.at/legal-database/serbia/>. See also: Organization for Security and Co-operation in Europe, Defamation and Insult Laws in the OSCE Region: A Comparative Study, Commissioned by the OSCE Representative on Freedom of the Media, March 2017, available at: <http://www.osce.org/fom/303181?download=true>.

381 International Humanist and Ethical Union, The Freedom of Thought Report: Serbia, 2016. Available at: <http://freethoughtreport.com/countries/europe-south-eastern-europe/serbia/>. See also: Osservatorio Balcani e Caucaso Transeuropa, Serbia: the safety of journalists outside the state's sphere of competence, 19/02/2018, available at: <https://www.balcanicaucaso.org/eng/Areas/Serbia/Serbia-the-safety-of-journalists-outside-the-state-s-sphere-of-competence-186172>.

382 Slavko Ćuruvija Foundation, Kontrola i Sloboda Medija (Control and freedom of the Media), Belgrade 2018, available at: <https://www.cenzolovka.rs/pritisci-i-napadi/svedocenja-novinaro-o-pritiscima-medije-kontrolisu-politickari-i-urednici/>.

383 Ibidem.

The Serbian constitution states everyone shall have the freedom to worship individually or with others, in private or in public<sup>384</sup>.

Nevertheless, the differentiation between registered and unregistered religions (see below) has implications for the building of new places of worship, which is allowed only for registered religious groups<sup>385</sup>.

The Serbian constitution forbids the establishment of a state religion and guarantees equality for all religious groups<sup>386</sup>.

However, a different status is recognized to religions depending on their inclusion in/exclusion from the state Register of Churches and Religious Communities. In fact, the law authorizes the government to provide social and health insurance and fund retirement plans only for clerics from registered religious groups and only registered groups may receive state funding for their activities, value-added tax refunds and property tax exemptions<sup>387</sup>.

The law grants special treatment to the seven religious groups defined as “traditional” by the government, which are automatically registered in the Register of Churches and Religious Communities. In 2012, the Serbian Constitutional Court ruled the law maintaining the privileged status of the ‘traditional seven’ was constitutional and not discriminatory<sup>388</sup>.

There is evidence that among these seven traditional religions the government gives some preferential treatment to the Serbian Orthodox Church, through funding and subsidies for clergy working outside the country<sup>389</sup>.

There are also 17 “non-traditional” religious groups officially registered<sup>390</sup>.

The law treats unregistered religious groups as informal groups, which do not receive any of the legal benefits registered religious groups receive (e.g. in terms of access to social welfare, property ownership, building places of worship, state funds, tax exemption)<sup>391</sup>.

Minority groups stated the law also foresees burdensome restrictions on unregistered groups, including creating difficulties for them in opening bank accounts, purchasing or selling property, and publishing literature<sup>392</sup>.

Some minority religious groups continued to report difficulties registering under the law<sup>393</sup>. Together with NGOs and other observers, they continued to advocate the removal of the law that prohibits registration if an applicant group’s name includes part of the name of an existing registered group. According to their instances, removing the prohibition would allow, for example, other Orthodox churches different from the Serbian as the Macedonian and Montenegrin one to register<sup>394</sup>.

The law bans incitement of discrimination, hatred, or violence against an individual or group on religious grounds and carries penalties ranging from one to 10 years in prison, depending on the type of offense<sup>395</sup>.

However, according to the Freedom of Thought Report, police responses to religiously-motivated vandalism are often sluggish and inconclusive, and rarely lead to arrests; members of minority groups occasionally experienced social aggression, including general hate speech and negative portrayals in the media<sup>396</sup>. The Jehovah’s Witnesses reported several instances of vandalism against their property across the country. In none of the cases were the perpetrators apprehended by police<sup>397</sup>.

384 United States Department of State, Bureau of Democracy, Human Rights, and Labor, Serbia 2016 International Religious Freedom Report.

385 Ibidem.

386 United States Department of State, Bureau of Democracy, Human Rights, and Labor, Serbia 2016 International Religious Freedom Report.

387 Ibidem.

388 Ibidem.

389 International Humanist and Ethical Union, The Freedom of Thought Report: Serbia, 2016.

390 United States Department of State, Bureau of Democracy, Human Rights, and Labor, Serbia 2016 International Religious Freedom Report.

391 Ibidem.

392 Ibidem.

393 International Humanist and Ethical Union, The Freedom of Thought Report: Serbia, 2016.

394 United States Department of State, Bureau of Democracy, Human Rights, and Labor, Serbia 2016 International Religious Freedom Report.

395 Ibidem.

396 International Humanist and Ethical Union, The Freedom of Thought Report: Serbia, 2016.

397 United States Department of State, Bureau of Democracy, Human Rights, and Labor, Serbia 2016 International Religious Freedom Report.

Small publishing houses and groups characterized as ultranationalist continued to sell translations of anti-Semitic literature. Articles critical of non-traditional religious groups continued to appear in the press<sup>398</sup>.

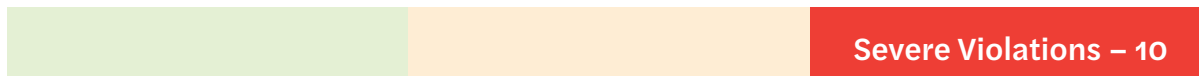
Total	3/10
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398 Ibidem.

# Somalia

FoRB Situation:

Focalness: **High** 



## PRIORITY AREAS

## SCORE

### 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

According to article 2 section 2 of the Constitution, “No religion other than Islam can be propagated in the country”.

Although conversion is currently legal in Somalia, it is not accepted socially. The few Christians in Somalia worship secretly in house churches.<sup>399</sup>

According to Open Doors, “society expects all Somalis to be Muslim; imams and leaders of al-Shabaab state publicly that there is no room for Christianity. Loyalty to the clan is all-important. Family members and clan leaders intimidate and even kill converts to Christianity. The radical militant group al-Shabaab relies on a clan-based structure to advance its ideology, forcing sheikhs and imams to teach jihad or face expulsion or death. Christians from a Muslim background are regarded as high-value targets – at least 23 suspected converts were killed last year.”<sup>400</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

As noted above, according to article 2 section 2 of the Constitution, “No religion other than Islam can be propagated in the country”.

According to article 313 of the penal code, “Whoever publicly brings the religion of Islam into contempt shall be punished with imprisonment up to two years. Whoever publicly insults the religion of Islam by bringing into contempt persons professing it or places or objects dedicated to worship, shall be liable to the same punishment.”<sup>401</sup>

Authorities in Somaliland restricted free speech and expression, particularly on issues deemed sensitive, notably the construction of a port and military base by the United Arab Emirates in Berbera town and the relationship with Somalia. Authorities shut down social media for four days during Somaliland's electoral process, at the request of the national electoral commission. Authorities regularly temporarily detain journalists; on three occasions journalists were criminally charged.<sup>402</sup>

The 2017 USCIRF Report on blasphemy laws ranks the legal system of Somalia as the fourth worst in the world 10 highest scores, indicating that these states' prohibitions on blasphemy most run counter to international law principles.<sup>403</sup>

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

Government efforts to respond to al-Shabaab have resulted in large-scale targeting and collective punishment of Somali citizens, ethnic Somalis, and other Muslims.<sup>404</sup>

399 USCIRF, 2017 Annual Report, 2017, pp. 208.

400 See at <https://www.opendoorsuk.org/persecution/countries/somalia/>.

401 USCIRF, 2017 Annual Report, 2017, p. 89.

402 Human Rights Watch, World Report 2018.

403 USCIRF, 2017 Annual Report, 2017, p. 18.

404 USCIRF, 2017 Annual Report, 2017, pp. 200.

Al-Shabab increasingly focused on *duksis* (Quranic schools) to indoctrinate children, particularly in communities where it sought to assert control such as in Mudug, Galgadud, and Bay regions. The federal government committed to rehabilitate children linked to Al-Shabab. However, military courts have prosecuted and sentenced children to heavy penalties for terrorism-related offenses in trials that do not meet international juvenile justice standards. In Puntland, at least 11 children were sentenced to death for terrorism-related offenses and murder by first instance military courts although all later had their sentences commuted.<sup>405</sup>

Due to the peculiar nature of this failed State, and the all encompassing severe restrictions to freedom of religion or belief, the 2017 Report of USCIRF has considered Somalia as an “entity of particular concern”.<sup>406</sup>

4. Discrimination Based on Religion or Belief

Severe Violations – 2

As illustrate in the other areas, discrimination based on religion or belief is fundamental and severe vis-à-vis non Muslims, Christians in particular, as well as Muslims outside the fold.

Members of Somalia’s extremely small and low-profile Christian expatriate and Christian convert Somali community are vulnerable to societal persecution.<sup>407</sup>

The constitutions of Somaliland and Puntland declare Islam as the state religion, prohibit Muslims from converting to another religion, bar the propagation of any religion other than Islam.<sup>408</sup>

5. Protection from Violence

Severe Violations – 2

Hundreds of civilians were killed in indiscriminate attacks by the Islamist armed group Al-Shabab, particularly in Mogadishu. Military operations against Al-Shabab, at times in violation of the laws of war, by Somali government forces and militia, African Union Mission in Somalia (AMISOM) troops, and other foreign forces resulted in deaths, injuries and displacement of civilians—as did inter-clan violence—across the country. On October 14, a bomb-laden truck in central Mogadishu killed at least 358 people, the deadliest single attack in the country’s history; no group claimed responsibility. The United Nations Assistance Mission in Somalia (UNSOM) reported 1,228 civilian casualties between January and September 2017, about half by Al-Shabab.<sup>409</sup>

Total

10/10

405 Human Rights Watch, World Report 2018.  
406 USCIRF, 2017 Annual Report, 2017, pp. 2-3.  
407 USCIRF, 2017 Annual Report, 2017, pp. 208.  
408 US State Department, International Religious Freedom Report for 2016.  
409 Human Rights Watch, World Report 2018.

# South Sudan

FoRB Situation:

Focalness: **High** 



## PRIORITY AREAS

## SCORE

### 1. Adopting and Changing One's Religion or Belief Minor Concerns – 0

Children can attend either Christian and Muslim courses at school,<sup>410</sup> but it is not clear whether any secular alternative is available.<sup>411</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

Whoever insults religion “in such a manner as to be likely to lead to a breach of the peace” may be sentenced with a fine or imprisonment up to three years.<sup>412</sup> Insults or provocative statements that cause offence to persons of a particular religion may be sentenced with a fine or imprisonment up to one year.<sup>413</sup>

The government seems to repress freedom of expression, for instance by arresting journalists reporting on human rights abuses.<sup>414</sup> In any event, this practice does not appear to target religious expression specifically.

### 3. Other Types of Manifestation of Religion or Belief Minor Concerns – 0

The government requires religious groups to register with public authorities, but no religious groups reported problems with registering or with operating as an unregistered religious group.<sup>415</sup>

### 4. Discrimination Based on Religion or Belief Minor Concerns – 0

Religion is defined by law as any system of beliefs associated with practices of worship that is adhered to by “any group of persons in Southern Sudan or any other country”, including African traditional beliefs.<sup>416</sup>

All principal religious groups are represented in government.<sup>417</sup>

### 5. Protection from Violence Severe Violations – 2

South Sudan is characterised by widespread insecurity and widespread violence, also at the hands of the army, notably in the context of government counterinsurgency operations.<sup>418</sup> violence does not seem aimed at religious groups or their members in particular. Public authorities reportedly hold community-level dialogues aimed at facilitating mutual understanding and respect among various groups, including religious groups.<sup>419</sup> Yet, violence

<sup>410</sup> US State Department, International Religious Freedom Report for 2016.

<sup>411</sup> IHEU, The Freedom of Thought Report, 2017.

<sup>412</sup> South Sudan Penal Code, Chapter XV, Art. 201, available at <http://www.wipo.int/edocs/lexdocs/laws/en/ss/ss014en.pdf>.

<sup>413</sup> Id., Chapter VII, Art. 84.

<sup>414</sup> Freedom House, Freedom in the World 2017.

<sup>415</sup> US State Department, International Religious Freedom Report for 2016.

<sup>416</sup> See South Sudan Penal Code, cit., Chapter I, Art. 5.

<sup>417</sup> US State Department, International Religious Freedom Report for 2016.

<sup>418</sup> See e.g. Human Rights Watch, Time is Ripe for a UN Arms Embargo on South Sudan, 2 February 2018, <https://www.hrw.org/news/2018/02/02/time-ripe-un-arms-embargo-south-sudan>

<sup>419</sup> US State Department, International Religious Freedom Report for 2016.

reportedly affects members of religious groups, their leaders and infrastructure.<sup>420</sup> For instance, houses of worship—used as places of refuge for civilians—have been attacked by gunmen seeking members of rival ethnic groups.<sup>421</sup> South Sudan is, in particular, a dangerous place for humanitarian workers.<sup>422</sup>

Total	4/10
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420 See Radio Tamazuj, “Special investigation: 40 church leaders killed in South Sudan since 2013”, 16 April 2017, <https://radiotamazuj.org/en/news/article/special-investigation-39-church-leaders-killed-in-south-sudan-since-2013>; Catholic Radio Network, “Episcopal Church Yei Diocese buries Lay reader”, 13 March 2017.

421 Freedom House, Freedom in the World 2017.

422 Freedom House, Freedom in the World 2017. See e.g. Vatican Radio, “South Sudan mourns Sister Veronika Rackova”, 23 May 2016, [http://en.radiovaticana.va/news/2016/05/23/south\\_sudan\\_mourns\\_sister\\_veronika\\_rackova/1231748](http://en.radiovaticana.va/news/2016/05/23/south_sudan_mourns_sister_veronika_rackova/1231748).



FoRB Situation:

Focalness: **Medium** 

Severe Violations – 9

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

Art. 126 of the Sudan Criminal Code imposes the death sentences for “apostasy”: Muslims who renounce the creed of Islam or propagate such renunciation are punished with death, unless they recant before execution.<sup>423</sup> Authorities seem to implement the law in practice: for instance, a human rights activist who declared he intended to renounce Islam in May 2017 was arrested and charged with apostasy; he was later released because the court determined that he is mentally incompetent to stand trial.<sup>424</sup>

The Sudanese government seems also to target the members of other religions. Since 2011, Sudanese authorities have reportedly arrested almost 200 Christians, including 14 religious authorities.<sup>425</sup> A Czech missionary and filmmaker (Petr Jašek), in particular made a video about the persecution of Christians. He was arrested in December 2015 and charged with several crimes, including conspiring against the state and espionage against the country. In January 2017 he was sentenced with life in prison. In February 2017 he was pardoned and freed by President Omar Bashir after the Czech Foreign Minister visited Sudan to seek his release. Ten other religious were arrested between December 2015 and March 2017 and later released.<sup>426</sup>

## 2. Manifestation of One's Religion by Expression of One's Convictions

Severe Violations – 2

According to Art. 125 of the Sudan Criminal Code, insulting religion, rite or belief, as well as disrespect to believers are punished with fines, imprisonment (up to one year) and whipping (up to 40 lashes).<sup>427</sup> For example, in December 2007, a British teacher was convicted of blasphemy (and then released) for permitting her seven-year old students to name a teddy bear “Muhammed.”<sup>428</sup>

Instances of threats against journalists are reported. For instance, Shamael Al-Noor, a journalist and human rights activist who wrote an article critical of the Islamic State and the application of Islamic law in Sudan, was accused of blasphemy in 2017 by a radical imam and a family member of President Omar Al-Bashir.<sup>429</sup>

Proselytism is reportedly criminalised under the crime of “apostasy” (see above).<sup>430</sup>

423 The Sudan Criminal Code is available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/80450/118284/F-1325877900/SDN80450%20Eng.pdf>. See also USCIRF, 2017 Annual Report, 2017, p. 85.

424 IHEU, The Freedom of Thought Report, 2017; See also, e.g., Agence de Presse Africaine, Sudan frees activist detained over apostasy, 13 May 2017, <http://apanews.net/en/news/sudan-frees-activist-detained-over-apostasy>; Z. M. Salih, “Sudan threatens 25 Muslims with death on charges of apostasy”, The Guardian, 16 December 2015, <https://www.theguardian.com/world/2015/dec/16/sudan-charges-25-death-penalty-apostasy-sharia-law>.

425 USCIRF, Sudan: The Shrinking Space for and Increasing Persecution of Christians, November 2017, <http://www.uscifr.gov/sites/default/files/Sudan%20Policy%20Update.pdf>.

426 See Human Rights without Frontiers International, <http://hrwf.eu/wp-content/uploads/2018/01/Sudan-FBL-2017.pdf>. USCIRF, 2017 Annual Report, 2017, p. 87; USCIRF, Sudan: The Shrinking Space, cit., pp. 3-4.

427 The Sudan Criminal Code is available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/80450/118284/F-1325877900/SDN80450%20Eng.pdf>. See also USCIRF, Respecting Rights? Measuring the World's Blasphemy Laws, 2017, p. 95.

428 USCIRF, Sudan: The Shrinking Space, cit., p. 3.

429 Front Line Defenders, “Journalist Shamael Al-Noor Threatened”, 22 February 2017, <https://www.frontlinedefenders.org/en/case/journalist-shamael-al-noor-threatened>.

430 US State Department, International Religious Freedom Report for 2016.

### 3. Other Types of Manifestation of Religion or Belief

Severe Violations – 2

Authorities deny the construction of new churches and demolished, partially demolished, or threatened with demolition about 50 churches since 2011.<sup>431</sup> For instance, the Sudan Church of Christ in the Soba region (20 km south of Khartoum) was demolished in May 2017, since the authorities claimed that the land is zoned for other purposes.<sup>432</sup>

The authorities occasionally seize Christian schools, preventing them from having classes and in the past have arrested church members that protested against the seizures.<sup>433</sup>

### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

Sudanese authorities apply morality laws, such as on the sale of alcohol and on indecent dress, especially against women from minority communities, notably Christians; sanctions include fines and lashing (up to 100 lashes).<sup>434</sup>

Reports from various churches indicate that the government refuses to grant, or delays renewing, work and residency visas to church employees of foreign origin.<sup>435</sup>

Private law is biased in favour of Muslims. While Muslim men are allowed to marry Christian or Jewish women, a Muslim woman cannot marry a non-Muslim man.<sup>436</sup> In custody dispute cases where one parent is Muslim and the other is not, courts grant custody to the Muslim parent if there is any concern that the non-Muslim parent will raise the child in a religion other than Islam.<sup>437</sup> Christians (including children) may not inherit assets from a Muslim.<sup>438</sup>

### 5. Protection from Violence

Problematic Issues – 1

Some instances of violence are reported; for instance, an Evangelical Christian leader was allegedly stabbed by a rival government-backed group during peaceful protests at a religious school.<sup>439</sup>

**Total**

**9/10**

431 USCIRF, Sudan: The Shrinking Space, cit., p. 7; see also Open Doors, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/sudan>; Christian Solidarity Worldwide, Last Church in Soba Aradi District Demolished, 10 May 2017, <http://www.csw.org.uk/2017/05/10/news/3552/article.htm>; World Watch Monitor, 10 May 2017, <https://www.worldwatchmonitor.org/2017/05/sudanese-government-destroys-another-church>.

432 World Watch Monitor, Sudanese government destroys another church, 10 May 2017, <https://www.worldwatchmonitor.org/2017/05/sudanese-government-destroys-another-church>; USCIRF, Sudan: The Shrinking Space, cit., p. 7.

433 USCIRF, 2017 Annual Report, 2017, p. 87; S. Baldo, Radical Intolerance: Sudan's Religious Oppression and Embrace of Extremist Groups (Enough, 2017), <https://enoughproject.org/reports/radical-intolerance-sudans>, p. 4-5.

434 USCIRF, 2017 Annual Report, 2017, p. 87, pp. 87-88.

435 US State Department, International Religious Freedom Report for 2016.

436 IHEU, cit.

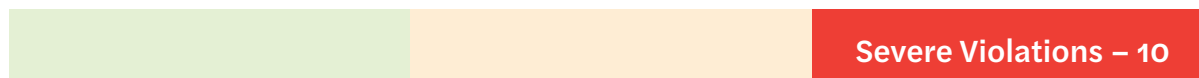
437 US State Department, International Religious Freedom Report for 2016. See further C. Fluehr-Lobban, Islamic Law and Society in the Sudan (Routledge 2013).

438 US State Department, International Religious Freedom Report for 2016.

439 Christian Solidarity Worldwide, "Sudan Church Leader Killed during Peaceful Protest", 5 April 2017, <http://www.csw.org.uk/2017/04/05/news/3508/article.htm>. See further S. Baldo, cit., p. 6.

FoRB Situation:

Focalness: **Medium** 



## PRIORITY AREAS

SCORE

### 1. Adopting and Changing One's Religion or Belief Severe Violations – 2

Article 3, Chapter I, Title, I substantiates the special role of Islam in the Syrian Constitution (2012), but also alludes to a commitment to religious pluralism.

“The religion of the President of the Republic is Islam; Islamic jurisprudence shall be a major source of legislation”<sup>440</sup>

However, in its 2016 International Religious Freedom Report, the US State departments argues that Syrian law “restricts proselytizing and conversion. It prohibits the conversion of Muslims to other religions as contrary to Islamic law. The law recognizes conversion to Islam”<sup>441</sup>

The Syrian State only controls some parts of the country, thus limiting the territorial scope of jurisprudence. Terrorist or separatist groups have in many cases institutionalized their own rules, and laws in territories they control, and in many cases, these forbid any form of adopting or changing one's religion or belief <sup>442</sup>

### 2. Manifestation of One's Religion by Expression of One's Convictions Severe Violations – 2

Attacks on religious sites, religious communities, or religious locations of pilgrimage have been very common in Syria. Below two cases that exemplify this worrying trend.

In May 2017 Isis militants attacked the town of Aqarib-al-Safiyah and killed over 50 civilians Ismailis (a minority Muslim community).<sup>443</sup>

Four months prior, in January, the Hay'et Tahrir Al-Sham claimed responsibility for two explosions in Bab al-Saghir cemetery, a well-known Shia pilgrimage site south of Damascus and killed 44 civilians.<sup>444</sup>

### 3. Other Types of Manifestation of Religion or Belief Severe Violations – 2

According to Syrian law, the membership in certain kinds of religiously oriented organisations is “illegal and punishable to different degrees. Affiliation with the Syrian Muslim Brotherhood is punishable by death or imprisonment.”<sup>445</sup> Furthermore, “the law restricts proselytizing and conversion. It prohibits the conversion of Muslims to other religions as contrary to Islamic law. The law recognizes conversion to Islam”<sup>446</sup>

440 Article 3, Chapter I, Title I, p.2, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/legaldocument/wcms\\_125885.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_125885.pdf), Translation of Syrian Constitution of 2012 (it must be noted that the Opposition opposes this new Constitution and only recognises the 1973 Constitution)

441 U.S. Department of State, Syria 2016 International Religious Freedom Report, p. 4, <https://www.state.gov/documents/organization/269158.pdf>

442 Saul, H, Isis publishes penal code listing amputation, crucifixion and stoning punishments-and vows to vigilantly enforce it, The Independent, January 2015, <https://www.independent.co.uk/news/world/middle-east/isis-publishes-penal-code-listing-amputation-crucifixion-and-stoning-as-punishments-and-vows-to-9994878.html>

443 Human Rights Watch, World Report 2018, Syria: Events of 2017, <https://www.hrw.org/world-report/2018/country-chapters/syria>

444 Ibid

445 U.S. Department of State, Syria 2016 International Religious Freedom Report, p. 4, <https://www.state.gov/documents/organization/269158.pdf>

446 Ibid

#### 4. Discrimination Based on Religion or Belief

Severe Violations – 2

The occupation of cities, townships, and villages by various armed non-state groups in Syria severely impedes the ability of worshippers to practice religion or belief and in several cases, leads to persecution or death.<sup>447</sup>

#### 5. Protection from Violence

Severe Violations – 2

The conflict in Syria is extremely sectarian. Various religious groups, external actors as well as the State are vying for power and territory. The Syrian State has not only indiscriminately attacked its own people but has often done nothing to protect individuals being persecuted on the basis of their basic human rights including FoRB.<sup>448</sup> Although not chiefly driven by purely religious motivations, according to many observers the government's policy was sectarian in its effects and designed around religious and sectarian dynamics.<sup>449</sup> 2017 also saw a strong increase of the involvement of the Syrian Local Defense Forces (LDF)—militias backed and funded by Iran and integrated into the Syrian Armed Forces—in sectarian violence targeting Sunni Muslims.<sup>450</sup>

**Total**

**10/10**

447 See: USCIRF (United States Commission on International Religious Freedom), Annual Report 2018, Syria, [http://www.uscifr.gov/sites/default/files/Tier1\\_SYRIA.pdf](http://www.uscifr.gov/sites/default/files/Tier1_SYRIA.pdf)

448 Amnesty International, Syria 2017/2018, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>

449 U.S. Department of State, Syria 2016 International Religious Freedom Report, p. 6, <https://www.state.gov/documents/organization/269158.pdf>

450 USCIRF (United States Commission on International Religious Freedom), Annual Report, Syria, p.1-3, [http://www.uscifr.gov/sites/default/files/Tier1\\_SYRIA.pdf](http://www.uscifr.gov/sites/default/files/Tier1_SYRIA.pdf)

FoRB Situation:

Focalness: **Highest** 

## Problematic Issues – 4

## PRIORITY AREAS

## SCORE

## 1. Adopting and Changing One's Religion or Belief

Minor Concerns – 0

Apostasy is not prohibited by the law, though it is not always welcome in the society.<sup>451</sup> Religious instruction (mostly on Islam) is mandatory in public schools.<sup>452</sup>

## 2. Manifestation of One's Religion by Expression of One's Convictions

Problematic Issues – 1

The law does not prohibit blasphemy or religious insult as such. However, the penal code prohibits speech likely “to cause harm to the public order or public morals” and punishes with a fine or imprisonment up to six months.<sup>453</sup> The penal code prohibits also the distribution of material liable to cause harm to public morals.<sup>454</sup> The Telecommunications code punishes “harming others or disrupting their lives through public communication networks” with fines and imprisonment up to two years.<sup>455</sup> For instance, Jabeur Mejri was arrested in 2012 for publishing criticism of religion online, and was released in 2014 after a presidential pardon.<sup>456</sup> The authorities temporarily closed a disco in April 2017, after a DJ played a remix of the Islamic call to prayer.<sup>457</sup>

## 3. Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

Religious organisations and individuals belonging to minorities can generally practice their religion, but cannot proselytise among the Muslim, i.e. the vast majority of the population.<sup>458</sup>

Persons whose appearance is, or might be, connected to certain religious groups (notably Salafists) are reportedly harassed and in some cases tortured by the police.<sup>459</sup>

While freedom of religion or belief is theoretically granted, certain behaviours that run against religious beliefs are sanctioned. For instance, four men were sentenced to a month in jail for “public indecency” after eating outside during daylight in the Ramadan period.<sup>460</sup>

## 4. Discrimination Based on Religion or Belief

Problematic Issues – 1

Only Muslims can become Presidents of the Republic.<sup>461</sup>

451 See e.g. A. Bocchi, “How religiously free is the Arab world’s most democratic country?”, The New Arab, 29 August 2017, <https://www.alaraby.co.uk/english/in-depth/2017/8/29/lifting-the-veil-religious-freedoms-in-tunisia>.

452 IHEU, The Freedom of Thought Report, 2017.

453 Art. 226 bis of the Tunisian Penal Code, available at [http://www.e-justice.tn/fileadmin/fichiers\\_site\\_francais/codes\\_juridiques/Code\\_penal\\_12\\_07\\_2010\\_fr.pdf](http://www.e-justice.tn/fileadmin/fichiers_site_francais/codes_juridiques/Code_penal_12_07_2010_fr.pdf).

454 Id., Art. 121 ter.

455 Art. 86 of the Tunisian Telecommunications Code, available at <http://www.legislation.tn/sites/default/files/codes/telecommunication.pdf>.

456 Amnesty International, Jabeur Mejri, Tunisia: how your words change lives, 3 December 2014, <https://www.amnesty.org/en/latest/campaigns/2014/12/jabeur-me-jri-tunisia-how-your-words-change-lives>.

457 T. Gourlin, “En Tunisie, le DJ mixe l’appel à la prière, la discothèque ferme pour sacrilège”, Le Figaro, 4 April 2017, <http://www.lefigaro.fr/musique/2017/04/04/03006-20170404ARTFIG00176-en-tunisie-le-dj-mixe-l-appel-a-la-priere-la-discotheque-ferme-pour-sacrilege.php>.

458 US State Department, International Religious Freedom Report for 2016.

460 Middle East Eye, “Tunisians protest for right not to fast during Ramadan”, 12 June 2017, <http://www.middleeasteye.net/news/tunisians-protest-right-not-fast-during-ramadan-432430591>; IHEU, The Freedom of Thought Report, 2017.

461 Art. 74 of the Tunisian Constitution, available at [https://www.constituteproject.org/constitution/Tunisia\\_2014.pdf](https://www.constituteproject.org/constitution/Tunisia_2014.pdf).

Muslim women do not have the right to marry non-Muslim men, and sometimes are not granted the permission to do so by authorities.<sup>462</sup>

5. Protection from Violence	Problematic Issues – 1
Several episodes of societal violence, notably linked to Islamist terrorism, are recorded. <sup>463</sup>	
Total	4/10

462 H. Toumi, "Tunisia wades into controversy amid calls for equality", Gulf News, 15 August 2017, <http://gulfnews.com/news/mena/tunisia/tunisia-wades-into-controversy-amid-calls-for-equality-1.2074823>; US State Department, International Religious Freedom Report for 2016.

463 See e.g. Haaretz, "Jewish School in Tunisia Attacked: Firebomb Thrown in Djerba, Home to Ancient Jewish Community", 10 January 2018, <https://www.haaretz.com/middle-east-news/jewish-school-in-tunisia-attacked-firebomb-thrown-in-djerba-1.5730001>.

## Problematic Issues – 7

### PRIORITY AREAS

### SCORE

#### 1. Adopting and Changing One's Religion or Belief

Severe Violations – 2

After the attempted coup of 2016 and the ensuing purges, members of the Gülen movement (an Islamic religious and social movement), as well as persons suspected of being connected to that movement, are arrested and reportedly tortured or killed by the authorities, sometimes on suspicion that they may be “secret imams”.<sup>464</sup> More than 40.000 people have been arrested.<sup>465</sup>

Turkish school offer compulsory religion classes, giving prominence to Islam as practised and interpreted by the majority of the Turkish population. Exemptions are possible only for two categories of pupils with Turkish nationality, namely those whose parents are followers of the Christian or Jewish faith. According to the European Court of Human Rights, this system does not respect the convictions of parents because it offers no appropriate options for the children of parents who have a religious or philosophical conviction other than that of Sunni Islam. The very limited procedure for exemption is likely to subject pupils' parents to a heavy burden and to the necessity of disclosing their religious or philosophical convictions.<sup>466</sup> Nonetheless, a recent judgement of an administrative court might reportedly facilitate the exemption from religion classes.<sup>467</sup>

The government reportedly limited the number of students admitted to public secondary schools, assigning tens of thousands of students, based on entrance exam scores and proximity, to state-run religious schools.<sup>468</sup>

#### 2. Manifestation of One's Religion by Expression of One's Convictions

Problematic Issues – 1

An imam, preacher, priest or a rabbi who, during execution of a service, “disrespects” or “reproaches” the government of State laws is punished with imprisonment up to one year.<sup>469</sup>

Any person who openly disrespects the religious belief of group is punished with imprisonment from six months to one year if such act causes potential risk for public peace.<sup>470</sup> Authorities bring dozens of proceedings each year against persons who allegedly disrespect religious beliefs.<sup>471</sup> For instance, in April 2013, pianist Fazıl Say was sentenced to 10 months in prison for having written Twitter posts considered to be insulting to Islam.<sup>472</sup>

Media freedom is severely limited, as more than 150 outlets were closed after the failed coup in 2016 and more than 70 journalists were in jail in December 2017. Authorities target mainly political opponents, but also practice

<sup>464</sup> \*The violation of FoRB in third countries is labelled according to the following table:

0-20%: Moderate  
30-50%: Substantial  
60-80%: Serious  
80-100 % Critical

Middle East Eye, “Turkey suspends 9,000 police and arrests ‘secret imams’”, 27 April 2017, <http://www.middleeasteye.net/news/turkey-suspends-9000-police-and-arrests-1000-secret-imams-785179819>

<sup>465</sup> S. Hansen, “Inside Turkey's Purge”, New York Times, 13 April 2017, <https://www.nytimes.com/2017/04/13/magazine/inside-turkeys-purge.html>

<sup>466</sup> European Court of Human Rights (Second Section), Mansur Yalçın And Others v. Turkey, App. 21163/11, 16 September 2014. This judgement has become final in 2015.

<sup>467</sup> See further, Ateizm Derneği, “The Association of Atheism: Thousands consult us to get exemption from religion course”, 16 November 2017, <https://www.ateizm-dernegi.org.tr/haber/the-association-of-atheism-thousands-consult-us-to-get-exemption-from-religion-course>.

<sup>468</sup> US State Department, International Religious Freedom Report for 2016.

<sup>469</sup> Criminal code, Art. 219, available at <http://www.wipo.int/edocs/lexdocs/laws/en/tr/tr171en.pdf>.

<sup>470</sup> Id., Art. 216(3).

<sup>471</sup> Venice Commission, Opinion On Articles 216, 299, 301 and 314 of the Penal Code of Turkey, 15 March 2016, CDL-AD(2016)002. p. 12, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)002-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)002-e).

<sup>472</sup> End Blasphemy Laws, Turkey, <https://end-blasphemy-laws.org/countries/europe/turkey>.

censorship on religious grounds, though the practice in this respect is uneven.<sup>473</sup> For instance, a satire magazine was closed down in 2017 because of a cartoon on Moses.<sup>474</sup>

Certain forms of “proselytism” are occasionally sanctioned; for instance, the police deported four South Korean missionaries who were distributing Bibles in 2016.<sup>475</sup>

### 3. Other Types of Manifestation of Religion or Belief

Problematic Issues – 1

The activity of minority religious groups is restrained by the government, which does not recognise the legal personality and leadership of most organisations, thereby preventing them from acquiring property. The State also restricts minority groups from training clerics in the country, notably by preventing the opening of seminaries. The Grand Chamber of the European Court of Human Rights has condemned, in particular, the State’s failure to recognise the existence of the Alevi community, which made it impossible for its members to use their places of worship.<sup>476</sup>

### 4. Discrimination Based on Religion or Belief

Problematic Issues – 1

Foreign citizens, including individuals tied to Christian groups, faced detention, problems with residency-permissions, or denial of entry to the country after the failed coup in 2016. In addition, authorities impose zoning standards on churches, such as minimum space requirements, that they did not impose on mosques, thereby de facto preventing the opening of churches.<sup>477</sup>

The European Court of Human Rights has found Turkey to be discriminating against the Alevi community, since authorities fully subsidise mainstream Islam, but do not provide benefits to the Alevi community as such.<sup>478</sup>

### 5. Protection from Violence

Severe Violations – 2

Episodes of beatings and torture at the hands of public officials are widely reported in respect of members and alleged members of the Gulen movement.<sup>479</sup> More generally, instances of religion-motivated violence, including murder, are reported, though authorities appear to have generally investigated and punished them.<sup>480</sup>

**Total**

**7/10**

473 Freedom House, Freedom of the Press 2017: Turkey, <https://freedomhouse.org/report/freedom-press/2017/turkey>.

474 The Times of Israel, “Publisher shuts Turkey weekly over ‘offensive’ Moses cartoon”, 17 February 2017, <http://www.timesofisrael.com/publisher-shutters-turkey-weekly-over-offensive-moses-cartoon>.

475 US State Department, International Religious Freedom Report for 2016.

476 European Court of Human Rights (Grand Chamber), Izzettin Doğan and Others v. Turkey, app. 62649/10, 26 April 2016.

477 US State Department, International Religious Freedom Report for 2016.

478 European Court of Human Rights, Izzettin Doğan and Others, cit.

479 Human Rights Watch, In Custody: Police Torture and Abductions in Turkey, 12 October 2017, <https://www.hrw.org/report/2017/10/12/custody/police-torture-and-abductions-turkey>; Amnesty International, Turkey 2016/2017, <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey>.

480 US State Department, International Religious Freedom Report for 2016.



FoRB Situation:

Focalness: **High** **Severe Violations – 9**

Since the European Union supports the territorial integrity of Ukraine, this analysis concerns also the regions occupied by Russia (Crimea) or Russia-based separatists (Donetsk and Luhansk). The scores take into account the violation of FoRB performed by Russia and Russian-backed separatists in occupied territory.

**PRIORITY AREAS****SCORE****1. Adopting and Changing One's Religion or Belief****Severe Violations – 2**

In Crimea, Russian occupation authorities declared Muslim Crimean Tatars Mejlis an “extremist” organisation and subjected several Tatars to abductions, forced psychiatric hospitalizations, imprisonment and detentions.<sup>481</sup>

Russia-backed separatists of so-called “Donetsk People’s Republic” outlawed “sects”, including Jehovah’s Witnesses and Mormons, and threatened their members with arrest.<sup>482</sup>

**2. Manifestation of One's Religion by Expression of One's Convictions****Severe Violations – 2**

Authorities in territories occupied by Russia and Russia-sponsored rebels penalise the owning and distribution of religious material by minority religions, including Jehovah’s Witnesses<sup>483</sup> and Tatars. For instance, in January 2017 a Crimean Tatar human rights lawyer was sentenced to 10 days in jail for possessing “extremist” materials after he was stopped.<sup>484</sup> Russia also punishes “missionary activity”, interpreted in a seemingly expansive manner. For example, a Muslim offering to others Muslim calendars and invitations to a commemoration of the Muslim Prophet Muhammad’s birthday to be held at a restaurant received a 5000 Russian Rouble fine (72 Euros).<sup>485</sup>

Ukraine has imposed a number of restrictions on the media as a response to Russian propaganda in order to protect its national security.<sup>486</sup> Several popular Russian platforms were blocked on national security grounds.<sup>487</sup> Yet, it would not seem that Ukrainian censorship targets religion in particular.

**3. Other Types of Manifestation of Religion or Belief****Severe Violations – 2**

In Crimea, most religious organisations that had legal status in Ukraine could not re-register.<sup>488</sup> Furthermore, several religious communities faced raids, fines, religious literature seizures, government surveillance, expulsions of invited foreign religious leaders, unilateral cancellation of property rental contracts and obstructions to regaining places of worship confiscated in the Soviet period.<sup>489</sup>

In different regions of the territories controlled by the Ukrainian government, religious organisations report restrictions in allocating land for religious buildings for the organisations in the minority in the region. Religious

481 Human Rights Watch, *Crimea: Persecution of Crimean Tatars Intensifies: Arbitrary Detentions; Separatism, Terrorism Charges*, 14 November 2017. See also Resolution adopted by the General Assembly on 19 December 2017, A/RES/72/190.

482 Jehovah's Witnesses, *Religious Freedom Under Threat in Eastern Regions of Ukraine*, 13 December 2017, <https://www.jw.org/en/news/legal/by-region/ukraine/religious-freedom-under-threat-eastern-regions/>; US State Department, *International Religious Freedom Report for 2016*.

483 <https://www.jw.org/en/news/legal/by-region/ukraine/religious-freedom-under-threat-eastern-regions/>

484 USCIRF, 2017 Annual report, p. 74.

485 F. Corley, “CRIMEA: One year of Russian “anti-missionary” punishments”, *Forum18*, 24 July 2017, [http://www.forum18.org/archive.php?article\\_id=2299](http://www.forum18.org/archive.php?article_id=2299).

486 Index on Censorship, *Ukraine: Authorities block journalists as threats to national Security*, 13 September 2017, <https://www.indexoncensorship.org/2017/09/ukraine-journalists-threat-national-security/>

487 Freedom House, *Freedom on the Net 2017*, <https://freedomhouse.org/report/freedom-net/2017/ukraine>.

488 USCIRF, 2017 Annual Report, p. 75.

489 F. Corley, “CRIMEA: One year of Russian “anti-missionary” punishments”, cit.

organisations report problems and delays in the restitution process to reclaim property seized by the Communist regime. <sup>490</sup>	
4. Discrimination Based on Religion or Belief	Problematic Issues – 1
<p>In Crimea, authorities closed several churches of the Kiev-affiliated Orthodox Church.<sup>491</sup> All 22 registered Jehovah’s Witness communities in Crimea were liquidated in May following the 20 April Russian Supreme Court decision to ban and liquidate their communities in Russia and seize their property.<sup>492</sup></p> <p>Ukrainian local authorities occasionally adopted bans and restrictions against minority organisations, but they were later overturned.<sup>493</sup> Authorities reportedly restrained three activities of the Moscow-affiliated Ukrainian Orthodox Church, by transferring ownership of churches to the Kiev-affiliated Church and by delaying the allocation of land for the construction of new churches.<sup>494</sup></p>	
5. Protection from Violence	Severe Violations – 2
<p>In the territories controlled by Russia-sponsored separatists, clergy and adherents to Protestant denominations, the Greek Catholic Church, the Kyiv Patriarchate of the Ukrainian Orthodox Church, and smaller Christian groups have been subject to arrest, torture, and murder.<sup>495</sup></p> <p>In the territories controlled by the Ukrainian government, attacks have been reported against buildings and members of the Moscow-affiliated Orthodox Church. The police was in some cases inactive.<sup>496</sup> There were attacks against Jehovah’s Witnesses and their buildings, which authorities refused to classify as hate crime.<sup>497</sup></p>	
<b>Total</b>	<b>9/10</b>

490 US State Department, International Religious Freedom Report for 2016.

491 US State Department, International Religious Freedom Report for 2016.

492 F. Corley, “CRIMEA: One year of Russian “anti-missionary” punishments”, cit.

493 US State Department, International Religious Freedom Report for 2016.

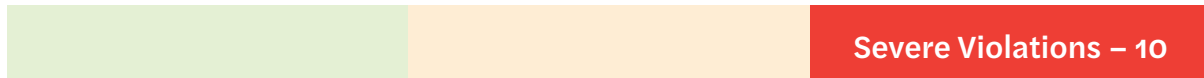
494 US State Department, International Religious Freedom Report for 2016.

495 USCIRF, 2017 Annual Report, p. 75.

496 US State Department, International Religious Freedom Report for 2016.

497 US State Department, International Religious Freedom Report for 2016.

FoRB Situation:

Focality: **Low** 

The Yemenite Population has been the victim of a bloody geopolitical power struggle propelled by sectarianism, for the past three years. In its 2018 “Freedom in the World” report, Yemen received 13 out of 100 possible points (0=least free, 100= most free), and was categorized as “not free”.<sup>498</sup> In its introduction to the country’s profile the report states that “the civilian population has suffered from direct violence by both sides (Hadi forces supported by Saudi Arabia and UAE vs. Houthi rebel movement supported by Iran), as well as from hunger and disease caused by the interruption of trade and aid. Elections are long overdue, normal political activity has halted, and key state institutions have ceased to function.”<sup>499</sup> Yemen has no functioning central government, and any state institutions that continue to operate are controlled by unelected officials and armed groups. The Hadi government is largely dependent on its foreign patrons, particularly Saudi Arabia and the UAE.”<sup>500</sup>

**PRIORITY AREAS****SCORE****1. Adopting and Changing One’s Religion or Belief****Severe Violations – 2**

Yemenite jurisprudence is based on Islamic Shari’ah, which is enshrined in the constitution as the main source for legal matters.<sup>501</sup>

The 2017 “Freedom of Thought” report published by the International Humanist and Ethical Union highlights alarming shortcomings regarding the ability to adopt, change or reject religion or belief. Not only is religious conversion illegal in Yemen, it is also one of the 12 countries world-wide where the law foresees capital punishment for apostasy.<sup>502</sup>

The sentencing to death of a Baha’i man on the basis of his religious beliefs on January 2, 2018 is emblematic of the Houthis systematic persecution of this religious minority. In the months preceding the death sentence, several other Baha’i men were arrested and detained.<sup>503</sup>

**2. Manifestation of One’s Religion by Expression of One’s Convictions****Severe Violations – 2**

“Yemen has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. National legislation imposes the death penalty for a wide range of offences, including blasphemy.”<sup>504</sup>

**3. Other Types of Manifestation of Religion or Belief****Severe Violations – 2**

Besides the aforementioned hostile and deadly environment due to the civil war and activities of terrorist groups, which severely hinders, prohibits and sanctions manifestation of religion or belief, a report by the U.S. State Department mentions further legal barriers:

498 Freedom House, Freedom in the World 2018, <https://freedomhouse.org/report/freedom-world/2018/yemen>

499 ibid

500 ibid

501 Constituent Project, Yemen’s Constitution of 1991 with Amendments through 2001, Art.3, [https://www.constituteproject.org/constitution/Yemen\\_2001.pdf](https://www.constituteproject.org/constitution/Yemen_2001.pdf)

502 International Humanist and Ethical Union, The Freedom of Thought Report 2017, p.18, <https://freethoughtreport.com/download-the-report/>

503 Human Rights Watch February 2018, Yemen: Houthi Sentence Baha’i Man to Death Drop Charges, End Persecution of Religious Minority, <https://www.hrw.org/news/2018/02/27/yemen-houthi-sentence-bahai-man-death>

504 Human Rights Council, September 7, 2015. (A/HRC/30/31) Annual report of the United Nations High Commissioner for Human Rights, Situation of human rights in Yemen, p. 13.

“Non-Muslims are barred from running for parliament, and Jews are not eligible to serve in the military or federal government. The constitution notes that the president of the republic must “practice his Islamic duties (...) Public schools provided instruction in Islam but not in other religions”<sup>505</sup>

4. Discrimination Based on Religion or Belief

Severe Violations – 2

See: 1. Adopting and Changing One’s Religion or Belief<sup>506</sup>

5. Protection from Violence

Severe Violations – 2

Not only do some actors engage in and propel in violent acts or legal persecution against religious groups, the civil war also makes it impossible to guarantee the prevention of these crimes either due to a lack of capacities, ability or will.<sup>507</sup>

Total

10/10

505

U.S. State Department, Yemen, <https://www.state.gov/documents/organization/171749.pdf>

506

For a more detailed account of Baha’I discrimination and persecution see: Mohajer, J. June 18, 2018, We will butcher every Baha’i’: How a small religious minority in Yemen became a key target for the Houthis, <http://blogs.lse.ac.uk/religionglobalsociety/2018/06/we-will-butcher-every-bahai-how-a-small-religious-minority-in-yemen-became-a-key-target-for-the-houthis/>

507

See: Human Rights Watch, Yemen: Events of 2017, <https://www.hrw.org/world-report/2018/country-chapters/yemen> , also see: Amnesty International, Yemen 2017/2018, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/>

# Annexes

## Annex I – Quantative Data

Country	Focal- ness	1. Adop- tion	2. Expres- sion	3. Mani- festations	4. Discrim- ination	5. Violence	Total	
Focal countries are in blue or light blue								
Afghanistan	Low	2	2	2	2	2	10	Severe Violations
Albania	Medium	0	0	0	0	0	0	Minor Concerns
Algeria	High	1	2	1	1	1	6	Problematic Issues
Angola	Low	0	0	1	1	1	3	Minor Concerns
Antigua and Barbuda	Low	0	0	0	1	0	1	Minor Concerns
Argentina	Lowest	0	0	0	1	0	1	Minor Concerns
Armenia	High	1	0	1	1	-	3	Problematic Issues
Australia	Lowest	0	0	0	0	0	0	Minor Concerns
Azerbaijan	Medium	0	1	0	2	1	4	Problematic Issues
Bahamas, The	Lowest	0	0	0	1	0	1	Minor Concerns
Bahrain	Lowest	1	2	1	2	2	8	Severe Violations
Bangladesh	Low	1	1	1	1	2	6	Problematic Issues
Belarus	High	1	2	2	1	1	7	Problematic Issues
Bhutan ▼ ▼	Lowest	0	1	1	0	0	2	Minor Concerns
Bolivia	Lowest	0	0	0	0	0	0	Minor Concerns
Bosnia and Herzegovina	Highest	0	0	1	1	1	3	Minor Concerns
Brazil	Lowest	0	0	0	0	0	0	Minor Concerns
Brunei Darussalam ▼ ▼	Lowest	1	2	2	1	-	6	Severe Violations
Burkina Faso	Medium	0	0	0	0	0	0	Minor Concerns
Burundi ▲ ▲	Low	0	0	0	0	0	0	Minor Concerns
Cambodia	Low	0	0	0	0	0	0	Minor Concerns
Cameroon	Medium	0	1	1	0	1	3	Minor Concerns
Canada	Lowest	0	1	0	0	0	1	Minor Concerns
Central African Republic	Medium	0	1	0	1	2	4	Problematic Issues
Chad	Medium	1	0	1	0	1	3	Minor Concerns
China	Lowest	2	2	2	2	2	10	Severe Violations
Comoros ▼ ▼	Low	2	2	2	2	1	9	Severe Violations
Congo, Dem. Rep.	Lowest	0	0	0	1	0	1	Minor Concerns

Country	Focal- ness	1. Adop- tion	2. Expres- sion	3. Mani- festations	4. Discrim- ination	5. Violence	Total	
Focal countries are in blue or light blue								
Congo, Rep. ▼ ▼	Medium	0	0	1	0	1	2	Minor Concerns
Costa Rica	Lowest	0	0	1	1	0	2	Minor Concerns
Cuba	Lowest	0	0	1	1	1	3	Minor Concerns
Djibouti	Low	1	-	1	1	-	3	Problematic Issues
Egypt, Arab Rep. ▼ ▼	High	2	2	2	2	2	10	Severe Violations
Equatorial Guinea	Low	0	0	1	1	0	2	Minor Concerns
Eritrea	Medium	2	2	2	2	2	10	Severe Violations
Ethiopia	Low	0	1	0	1	0	2	Minor Concerns
Gambia, The	Low	1	0	0	0	1	2	Minor Concerns
Georgia ▼ ▼ ▼	Medium	1	0	1	2	1	5	Problematic Issues
Guatemala	Lowest	0	0	1	1	0	2	Minor Concerns
Guinea	Highest	0	0	0	0	1	1	Minor Concerns
Honduras	Low	0	0	0	1	0	1	Minor Concerns
Hong Kong SAR, China	Low	0	0	1	0	0	1	Minor Concerns
Iceland	Low	0	0	0	1	0	1	Minor Concerns
India	Lowest	1	2	1	1	2	7	Problematic Issues
Indonesia	Lowest	-	2	1	1	1	5	Problematic Issues
Iran	Low	2	2	2	2	2	10	Severe Violations
Iraq	Medium	2	2	2	2	2	10	Severe Violations
Israel	Low	0	2	1	1	0	4	Problematic Issues
Japan	Lowest	0	0	0	0	0	0	Minor Concerns
Jordan	Low	1	1	1	2	1	6	Problematic Issues
Kazakhstan	Low	1	2	2	2	2	9	Severe Violations
Kenya	Lowest	0	1	1	1	2	5	Problematic Issues
Korea, Democratic People's Republic	Low	2	2	2	2	2	10	Severe Violations
Korea, Rep.	Lowest	0	0	0	1	0	1	Minor Concerns
Kosovo	Medium	0	1	1	2	2	6	Problematic Issues
Kuwait	Lowest	1	1	1	1	0	4	Problematic Issues
Kyrgyz Republic	Low	0	1	1	1	0	3	Minor Concerns

Country	Focal- ness	1. Adop- tion	2. Expres- sion	3. Mani- festations	4. Discrim- ination	5. Violence	Total	
Focal countries are in blue or light blue								
Lao PDR	Lowest	1	1	2	1	1	6	Problematic Issues
Lebanon	Medium	1	1	1	1	1	5	Problematic Issues
Liberia	Medium	0	0	1	1	1	3	Minor Concerns
Libya	Highest	2	2	2	2	2	10	Severe Violations
Liechtenstein	Low	0	0	1	0	0	1	Minor Concerns
Macedonia, FYR	High	0	1	1	1	1	4	Problematic Issues
Madagascar	Low	0	0	0	0	0	0	Minor Concerns
Malawi	Medium	0	0	0	1	0	1	Minor Concerns
Malaysia	Low	2	2	1	2	1	8	Severe Violations
Maldives	Lowest	2	2	2	2	1	9	Severe Violations
Mali	High	0	0	0	1	2	3	Minor Concerns
Mauritania	Medium	2	2	2	2	2	10	Severe Violations
Mexico	Lowest	1	0	1	1	1	4	Problematic Issues
Micronesia, Fed. Sts.	Lowest	0	0	0	0	0	0	Minor Concerns
Moldova	Highest	0	0	0	1	0	1	Minor Concerns
Mongolia	Low	0	0	0	0	0	0	Minor Concerns
Montenegro	Medium	0	1	0	0	0	1	Minor Concerns
Morocco	High	1	2	1	1	0	5	Problematic Issues
Myanmar	Low	1	2	1	2	2	8	Severe Violations
Nepal	Lowest	2	1	1	1	1	6	Problematic Issues
Niger	Medium	0	1	0	0	0	1	Minor Concerns
Nigeria	Low	2	2	1	1	2	8	Severe Violations
Norway	Low	0	0	0	0	0	0	Minor Concerns
Oman	Lowest	1	2	1	1	0	5	Problematic Issues
Pakistan	Low	2	2	2	2	2	10	Severe Violations
Palestine	Medium	1	1	1	1	2	6	Problematic Issues
Panama	Lowest	0	0	0	0	0	0	Minor Concerns
Papua New Guinea	Lowest	0	0	0	0	0	0	Minor Concerns
Peru	Lowest	0	0	0	0	0	0	Minor Concerns
Philippines	Low	0	1	0	1	2	4	Problematic Issues



Country	Focal- ness	1. Adop- tion	2. Expres- sion	3. Mani- festations	4. Discrim- ination	5. Violence	Total	
Focal countries are in blue or light blue								
<b>Qatar</b>	Lowest	2	2	1	1	0	6	Problematic Issues
<b>Russian Federation</b>	Medium	1	2	1	2	1	7	Problematic Issues
<b>Rwanda</b>	Lowest	0	1	0	0	1	2	Minor Concerns
<b>Samoa</b>	Low	0	0	0	0	0	0	Minor Concerns
<b>Saudi Arabia</b>	Lowest	2	2	2	2	2	10	Severe Violations
<b>Serbia</b>	High	0	1	0	1	1	3	Minor Concerns
<b>Singapore</b>	Low	0	1	1	0	0	2	Minor Concerns
<b>Solomon Islands</b>	Low	0	0	0	0	0	0	Minor Concerns
<b>Somalia</b>	High	2	2	2	2	2	10	Severe Violations
<b>South Africa</b>	Low	0	0	1	0	0	1	Minor Concerns
<b>South Sudan</b>	High	0	2	0	0	2	4	Problematic Issues
<b>Sri Lanka</b>	Low	0	1	1	2	2	6	Problematic Issues
<b>Sudan</b>	Medium	2	2	2	2	1	9	Severe Violations
<b>Swaziland</b>	Lowest	0	0	0	1	0	1	Minor Concerns
<b>Switzerland</b>	Low	0	0	1	1	0	2	Minor Concerns
<b>Syria</b>	Medium	0	1	2	2	2	7	Problematic Issues
<b>Tajikistan</b>	Lowest	1	1	2	2	1	7	Problematic Issues
<b>Tanzania</b>	Low	0	1	0	1	1	3	Minor Concerns
<b>Thailand</b>	Low	0	1	0	0	0	1	Minor Concerns
<b>Timor-Leste</b>	Lowest	0	0	0	0	0	0	Minor Concerns
<b>Togo</b>	Lowest	0	0	0	0	0	0	Minor Concerns
<b>Tunisia</b>	Highest	0	1	1	1	1	4	Problematic Issues
<b>Turkey</b>	High	2	1	1	1	2	7	Problematic Issues
<b>Turkmenistan</b>	Lowest	1	1	2	2	2	8	Severe Violations
<b>Tuvalu</b>	Lowest	0	1	0	0	0	1	Minor Concerns
<b>Uganda</b>	Low	0	0	0	0	0	0	Minor Concerns
<b>Ukraine</b>	High	2	2	2	1	2	9	Severe Violations
<b>United Arab Emirates</b>	Lowest	1	2	1	1	0	5	Problematic Issues
<b>United States</b>	Lowest	0	0	0	1	0	1	Minor Concerns
<b>Uzbekistan</b>	Lowest	2	2	2	2	2	10	Severe Violations

Country	Focal- ness	1. Adop- tion	2. Expres- sion	3. Mani- festations	4. Discrim- ination	5. Violence	Total	
Focal countries are in blue or light blue								
Venezuela	Low	0	0	0	0	0	0	Minor Concerns
Vietnam	Low	1	1	2	1	2	7	Problematic Issues
Yemen, Rep.	Low	2	2	2	2	2	10	Severe Violations
Zambia	Lowest	0	0	0	0	1	1	Minor Concerns
Zimbabwe	Low	0	1	1	0	0	2	Minor Concerns
AVERAGES		0.60	0.86	0.81	0.92	0.82	3.97	

## Annex II – Focallness Methodology

Country	Sensitiveness to EU's Influence							Relevance for the EU				Focallness	
	GDP (€ million)	Export to EU (€ million)	Export to EU/GDP	Exp to EU/ GDP Above 5%	Aid from EU (€ million)	EU Aid/GDP	Aid/GDP above 1%	EU Restrictive Measures	EU Candidates/ Neighbourhood	EU Priority for Migration	GSP+		
<b>Afghanistan</b>	16,449	25	0.2%		162	1.0%		1				1	Low
<b>Albania</b>	10,077	1,291	12.8%	1	94	0.9%			1			2	Medium
<b>Algeria</b>	131,872	16,513	12.5%	1	41	0.0%			1	1		3	High
<b>Angola</b>	75,731	4,180	5.5%	1	23	0.0%						1	Low
<b>Antigua and Barbuda</b>	1,224	176	14.4%	1	0	0.0%						1	Low
<b>Argentina</b>	461,202	8,244	1.8%		8	0.0%						0	Lowest
<b>Armenia</b>	8,911	351	3.9%		126	1.4%	1		1		1	3	High
<b>Australia</b>	1,017,780	13,101	1.3%			0.0%						0	Lowest
<b>Azerbaijan</b>	31,978	7,610	23.8%	1	23	0.1%			1			2	Medium
<b>Bahamas, The</b>	7,644	327	4.3%			0.0%						0	Lowest
<b>Bahrain</b>	26,917	660	2.5%			0.0%						0	Lowest
<b>Bangladesh</b>	187,074	16,393	8.8%	1	67	0.0%						1	Low
<b>Belarus</b>	40,077	2,948	7.4%	1	21	0.1%		1	1			3	High
<b>Bhutan</b>	1,890	3	0.2%		2	0.1%						0	Lowest
<b>Bolivia</b>	28,563	572	2.0%		43	0.2%						0	Lowest
<b>Bosnia and Herzegovina</b>	13,991	3,780	27.0%	1	185	1.3%	1	1	1			4	Highest
<b>Brazil</b>	1,517,598	29,624	2.0%		267	0.0%						0	Lowest

Country	Sensitiveness to EU's Influence							Relevance for the EU				Focalness	
	GDP (€ million)	Export to EU (€ million)	Export to EU/GDP	Exp to EU/GDP Above 5%	Aid from EU (€ million)	EU Aid/GDP	Aid/GDP above 1%	EU Restrictive Measures	EU Candidates/ Neighbourhood	EU Priority for Migration	GSP+		
<b>Brunei Darussalam</b>	9,632	40	0.4%			0.0%						0	Lowest
<b>Burkina Faso</b>	10,236	110	1.1%		160	1.6%	1			1		2	Medium
<b>Burundi</b>	2,541	32	1.3%		41	1.6%	1					1	Low
<b>Cambodia</b>	16,912	4,584	27.1%	1	38	0.2%						1	Low
<b>Cameroon</b>	20,450	1,776	8.7%	1	53	0.3%				1		2	Medium
<b>Canada</b>	1,292,495	29,156	2.3%			0.0%						0	Lowest
<b>Central African Republic</b>	1,484	17	1.1%		103	7.0%	1	1				2	Medium
<b>Chad</b>	8,112	116	1.4%		146	1.8%	1			1		2	Medium
<b>China</b>	9,462,158	344,911	3.6%		82	0.0%						0	Lowest
<b>Comoros</b>	521	16	3.0%		9	1.8%	1					1	Low
<b>Congo, Dem. Rep.</b>	29,570	1,122	3.8%		174	0.6%						0	Lowest
<b>Congo, Rep.</b>	6,619	921	13.9%	1	19	0.3%		1				2	Medium
<b>Costa Rica</b>	48,527	2,358	4.9%		16	0.0%						0	Lowest
<b>Cuba</b>	73,619	418	0.6%		13	0.0%						0	Lowest
<b>Djibouti</b>	1,459	26	1.8%		10	0.7%				1		1	Low
<b>Egypt, Arab Rep.</b>	284,137	6,706	2.4%		163	0.1%		1	1	1		3	High
<b>Equatorial Guinea</b>	8,600	1,321	15.4%	1	0	0.0%						1	Low
<b>Eritrea</b>	5,352	13	0.2%		12	0.2%		1		1		2	Medium
<b>Ethiopia</b>	61,149	721	1.2%		141	0.2%				1		1	Low
<b>Gambia, The</b>	815	15	1.8%		8	1.0%				1		1	Low
<b>Georgia</b>	12,110	542	4.5%		126	1.0%	1		1			2	Medium

Country	Sensitiveness to EU's Influence							Relevance for the EU				Focalness	
	GDP (€ million)	Export to EU (€ million)	Export to EU/GDP	Exp to EU/ GDP Above 5%	Aid from EU (€ million)	EU Aid/GDP	Aid/GDP above 1%	EU Restrictive Measures	EU Candidates/ Neighbour-hood	EU Priority for Migration	GSP+		
<b>Guatemala</b>	58,098	896	1.5%		20	0.0%						0	Lowest
<b>Guinea</b>	5,322	523	9.8%	1	74	1.4%	1	1		1		4	Highest
<b>Honduras</b>	18,180	1,038	5.7%	1	40	0.2%						1	Low
<b>Hong Kong SAR, China</b>	271,139	18,201	6.7%	1		0.0%						1	Low
<b>Iceland</b>	16,938	2,934	17.3%	1		0.0%						1	Low
<b>India</b>	1,912,450	39,324	2.1%		258	0.0%						0	Lowest
<b>Indonesia</b>	787,666	14,659	1.9%		42	0.0%						0	Lowest
<b>Iran</b>	332,414	5,521	1.7%		1	0.0%		1				1	Low
<b>Iraq</b>	144,891	10,410	7.2%	1	95	0.1%		1				2	Medium
<b>Israel</b>	269,307	13,235	4.9%			0.0%			1			1	Low
<b>Japan</b>	4,173,285	66,622	1.6%			0.0%						0	Lowest
<b>Jordan</b>	32,659	339	1.0%		179	0.5%			1			1	Low
<b>Kazakhstan</b>	112,927	12,746	11.3%	1	12	0.0%						1	Low
<b>Kenya</b>	59,590	1,283	2.2%		111	0.2%						0	Lowest
<b>Korea, Democratic People's Republic</b>	28,000	6	0.0%		7	0.0%		1				1	Low
<b>Korea, Rep.</b>	1,192,361	41,643	3.5%			0.0%						0	Lowest
<b>Kosovo</b>	5,618	73	1.3%		173	3.1%	1		1			2	Medium
<b>Kuwait</b>	96,353	3,302	3.4%			0.0%						0	Lowest
<b>Kyrgyz Republic</b>	5,535	73	1.3%		28	0.5%					1	1	Low
<b>Lao PDR</b>	13,437	235	1.7%		9	0.1%						0	Lowest
<b>Lebanon</b>	40,164	412	1.0%		145	0.4%		1	1			2	Medium

Country	Sensitiveness to EU's Influence							Relevance for the EU				Focalness	
	GDP (€ million)	Export to EU (€ million)	Export to EU/GDP	Exp to EU/ GDP Above 5%	Aid from EU (€ million)	EU Aid/GDP	Aid/GDP above 1%	EU Restrictive Measures	EU Candidates/ Neighbour-hood	EU Priority for Migration	GSP+		
<b>Liberia</b>	1,775	462	26.0%	1	61	3.4%	1					2	Medium
<b>Libya</b>	20,460	4,878	23.8%	1	22	0.1%		1	1	1		4	Highest
<b>Liechtenstein</b>	5,630	1,011	18.0%	1		0.0%						1	Low
<b>Macedonia, FYR</b>	9,209	3,711	40.3%	1	152	1.6%	1		1			3	High
<b>Madagascar</b>	8,441	986	11.7%	1	71	0.8%						1	Low
<b>Malawi</b>	4,598	272	5.9%	1	63	1.4%	1					2	Medium
<b>Malaysia</b>	250,394	21,863	8.7%	1	2	0.0%						1	Low
<b>Maldives</b>	3,034	72	2.4%		1	0.0%						0	Lowest
<b>Mali</b>	11,867	40	0.3%		127	1.1%	1	1		1		3	High
<b>Mauritania</b>	3,916	429	11.0%	1	38	1.0%				1		2	Medium
<b>Mexico</b>	883,764	19,943	2.3%		9	0.0%						0	Lowest
<b>Micronesia, Fed. Sts.</b>	272	0	0.2%		0	0.0%						0	Lowest
<b>Moldova</b>	5,703	1,318	23.1%	1	73	1.3%	1	1	1			4	Highest
<b>Mongolia</b>	9,429	67	0.7%		6	0.1%					1	1	Low
<b>Montenegro</b>	3,526	153	4.3%		69	2.0%	1		1			2	Medium
<b>Morocco</b>	85,711	13,789	16.1%	1	323	0.4%			1	1		3	High
<b>Myanmar</b>	56,971	993	1.7%		101	0.2%		1				1	Low
<b>Nepal</b>	17,864	96	0.5%		41	0.2%						0	Lowest
<b>Niger</b>	6,344	220	3.5%		192	3.0%	1			1		2	Medium
<b>Nigeria</b>	342,254	10,916	3.2%		87	0.0%				1		1	Low
<b>Norway</b>	313,083	63,315	20.2%	1		0.0%						1	Low

Country	Sensitiveness to EU's Influence							Relevance for the EU				Focalness	
	GDP (€ million)	Export to EU (€ million)	Export to EU/GDP	Exp to EU/ GDP Above 5%	Aid from EU (€ million)	EU Aid/GDP	Aid/GDP above 1%	EU Restrictive Measures	EU Candidates/ Neighbourhood	EU Priority for Migration	GSP+		
<b>Oman</b>	56,011	398	0.7%			0.0%						0	Lowest
<b>Pakistan</b>	239,664	6,292	2.6%		104	0.0%					1	1	Low
<b>Palestine</b>	11,319	18	0.2%		345	3.0%	1		1			2	Medium
<b>Panama</b>	46,628	596	1.3%		3	0.0%						0	Lowest
<b>Papua New Guinea</b>	14,303	682	4.8%		18	0.1%						0	Lowest
<b>Peru</b>	162,300	5,138	3.2%		23	0.0%						0	Lowest
<b>Philippines</b>	257,615	6,704	2.6%		48	0.0%					1	1	Low
<b>Qatar</b>	128,821	5,530	4.3%			0.0%						0	Lowest
<b>Russian Federation</b>	1,084,144	118,893	11.0%	1		0.0%		1				2	Medium
<b>Rwanda</b>	7,077	53	0.7%		20	0.3%						0	Lowest
<b>Samoa</b>	664	2	0.3%		11	1.7%	1					1	Low
<b>Saudi Arabia</b>	546,176	18,951	3.5%			0.0%						0	Lowest
<b>Serbia</b>	31,891	8,733	27.4%	1	401	1.3%	1		1			3	High
<b>Singapore</b>	250,906	19,466	7.8%	1		0.0%						1	Low
<b>Solomon Islands</b>	1,016	54	5.3%	1	5	0.5%						1	Low
<b>Somalia</b>	5,253	13	0.2%		146	2.8%	1	1		1		3	High
<b>South Africa</b>	249,111	22,928	9.2%	1	225	0.1%						1	Low
<b>South Sudan</b>	7,617	0	0.0%		114	1.5%	1	1		1		3	High
<b>Sri Lanka</b>	68,709	2,562	3.7%		99	0.1%					1	1	Low
<b>Sudan</b>	80,759	184	0.2%		54	0.1%		1		1		2	Medium
<b>Swaziland</b>	3,149	122	3.9%		31	1.0%						0	Lowest
<b>Switzerland</b>	557,488	121,707	21.8%	1		0.0%						1	Low

Country	Sensitiveness to EU's Influence							Relevance for the EU				Focalness	
	GDP (€ million)	Export to EU (€ million)	Export to EU/GDP	Exp to EU/ GDP Above 5%	Aid from EU (€ million)	EU Aid/GDP	Aid/GDP above 1%	EU Restrictive Measures	EU Candidates/ Neighbour-hood	EU Priority for Migration	GSP+		
<b>Syria</b>	24,600	68	0.3%		188	0.8%		1	1			2	Medium
<b>Tajikistan</b>	5,873	94	1.6%		24	0.4%						0	Lowest
<b>Tanzania</b>	40,074	632	1.6%		108	0.3%				1		1	Low
<b>Thailand</b>	343,739	20,279	5.9%	1	11	0.0%						1	Low
<b>Timor-Leste</b>	1,218	5	0.4%		10	0.8%						0	Lowest
<b>Togo</b>	3,718	105	2.8%		21	0.6%						0	Lowest
<b>Tunisia</b>	35,539	9,314	26.2%	1	343	1.0%		1	1	1		4	Highest
<b>Turkey</b>	724,712	66,763	9.2%	1	2,065	0.3%			1	1		3	High
<b>Turkmenistan</b>	30,568	637	2.1%		4	0.0%						0	Lowest
<b>Tuvalu</b>	29	0	0.2%		0	0.1%						0	Lowest
<b>Uganda</b>	21,569	446	2.1%		103	0.5%				1		1	Low
<b>Ukraine</b>	78,804	13,159	16.7%	1	203	0.3%		1	1			3	High
<b>United Arab Emirates</b>	294,653	9,189	3.1%			0.0%						0	Lowest
<b>United States</b>	15,689,033	250,519	1.6%			0.0%						0	Lowest
<b>Uzbekistan</b>	56,794	175	0.3%		10	0.0%						0	Lowest
<b>Venezuela</b>	236,400	1,274	0.5%		2	0.0%		1				1	Low
<b>Vietnam</b>	171,190	33,087	19.3%	1	61	0.0%						1	Low
<b>Yemen, Rep.</b>	23,081	19	0.1%		45	0.2%		1				1	Low
<b>Zambia</b>	16,519	434	2.6%		65	0.4%						0	Lowest
<b>Zimbabwe</b>	13,763	334	2.4%		68	0.5%		1				1	Low



# Annex III

## International Standards on Freedom of Religion or Belief

The research has elucidated the legal standards on FORB that are applicable to the main five priority areas identified by the EU Guidelines on FORB. These standards constituted the benchmark against which the laws and practice of third countries have been assessed.

This document presents firstly the criteria for assessment that have been used in the analysis of the state of FORB in third countries (section I). Then, it provides for an explanation of the criteria in light of international law sources (section II).

## I. Criteria for Assessment

### Priority Area 1: Adopting and Changing One's Religion or Belief

#### Severe violations – 2 points

If the State punishes the adoption, the abandoning, the maintenance, or the changing<sup>508</sup> of a religion or belief with death, forced labour, or prison terms exceeding 2 years.

If individuals systematically attack other individuals who adopt, change, abandon, or maintain a religion or belief.

#### Problematic issues – 1 point

The State punishes the adoption, the changing, the abandoning, or the maintaining of a religion or belief, with imprisonment for a period inferior to 2 years or the payment of significant fines.

If the State fails to prevent or respond to occasional attacks against individuals who adopt, change, abandon, or maintain a religion or belief

If, pursuant to a law or a widespread practice, children receive religious indoctrination<sup>509</sup> against the will of their parents or their own

#### Minor concerns, in other cases. – 0 points

### Priority Area 2: Manifestation of One's Religion by Expression of One's Convictions

#### Severe violations – 2 points

If the state punishes blasphemy, religious insult, or proselytism with imprisonment for more than 2 years, corporal punishment, or the death penalty.

If individuals systematically attack persons committing, or suspected of having committed, blasphemy or religious offence.

If the state routinely censors the publication and distribution of literature or of websites related to religion or belief.

#### Problematic issues – 1 point

If the state punishes blasphemy, religious offence or proselytism with imprisonment for less than 2 years or significant administrative sanctions (e.g. fines).

If individuals occasionally attack persons committing, or suspected of having committed, blasphemy, religious offence, or proselytism.

#### Minor concerns in other cases – 0 points

### Priority Area 3: Other Types of Manifestation of Religion or Belief

#### Severe violations – 2 points

If the state systematically applies disproportionate or unmotivated restrictions to the freedom to manifest religion or belief, to the extent that it prevents individuals and communities from practicing their religion or belief (e.g. through religious services or teaching)

If non state actors systematically interfere with other individuals' freedom to manifest religion or belief, to the extent that they prevent individuals and communities from practicing their religion or belief

#### Problematic issues – 1 point

If the State applies disproportionate or unmotivated restrictions to the freedom to manifest religion or belief in specific contexts (e.g. in schools), without generally preventing individuals from manifesting religion or belief in other contexts

If non state actors occasionally interfere with other individuals' freedom to manifest religion or belief, to the extent that they prevent individuals and communities from practicing their religion or belief

#### Minor concerns in other cases – 0 points

### Priority Area 4: Discrimination Based on Religion or Belief

#### Severe violations – 2 points

If the state engages in systematic discrimination based on religion or belief against one or more communities

508 E.g. in case of conversion.

509 By "indoctrination" we refer to attempts at forcing children to embrace specific beliefs – not to the mere teaching of general information about religion.

or their members,<sup>510</sup> to the extent that it prevents communities and their members from practicing their religion or belief

If non-state actors systematically engage in systematic discrimination based on religion or belief, the extent that they prevent communities and their members from practicing their religion or belief

#### Problematic issues – 1 point

If the state engages in occasional discrimination based on religion or belief against one or more communities and their members

If non-state actors frequently, but not systematically, engage in discrimination based on religion or belief

<sup>510</sup> For instance, through the selective application of laws not directly related to religion, such as those on the sale of alcohol, or those on dress codes.

### Minor concerns in other cases – 0 points

#### Priority Area 5: Protection from Violence

#### Severe violations – 2 points

If the State commits, sponsors, or tolerates religion-related acts of violence (including violence against persons and property)

If the State fails to prevent or respond to systematic events of religion-related violence (including violence against persons and property)

#### Problematic issues – 1 point

If the State fails to prevent or respond to occasional events of religion-related violence (including violence against persons and property)

### Minor concerns in other cases – 0 points

## II. Explanation of Legal Standards

#### Priority Area 1: Adopting and Changing One's Religion or Belief

(paras 38-39 of the EU Guidelines on FORB)

#### Scope of Protection

The right to adopt and change religion or belief is expressly protected by Art. 18 of the UDHR and by the ICCPR. According to the Art. 18(1) ICCPR, the right to freedom of thought, conscience and religion “shall include freedom to have or to adopt a religion or belief of his choice”. Art. 18(2) ICCPR further specifies 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.”

#### Other sources:

1981 Declaration of the General Assembly

Human Rights Committee general comment n. 22

Committee on the Rights of the Child, General comment 12

The right to adopt and change religion or belief includes:

- The right to adopt (or not) a religion or belief (including minority beliefs)
- The right to replace religion or belief
- The right to abandon one's religion or belief

Possible interferences with this right might derive from:

- The use or threat of physical force
- The use or threat of criminal sanctions
- Policies or practices having the same effect as sanctions, such as policies restricting access to education, medical care, or employment<sup>511</sup>

The right to adopt and change one's religion or belief applies to **any religion or belief**, thereby including non-theistic religions, so-called sects or cults, as well as non-religious beliefs (and disbeliefs).<sup>512</sup> In several occasions, the violation of this right is accompanied by discrimination on religious grounds: for instance, only the members of the majority religion may be required not to change their religion; alternatively, only the children belonging to minority religions may be indoctrinated into the religion of the majority.

As part of the *forum internum*, this right is **absolute**: it cannot be restricted, under any circumstance.<sup>513</sup> This means, in particular, that States cannot indoctrinate children, and cannot permit individuals to indoctrinate others. Therefore, religious education should accommodate the wishes of parents and guardians, who may opt out of classes about a specific religion.<sup>514</sup> Due weight should also be given to the views of the child in accordance with his or her age and maturity, which need to be assessed on a case-by-case basis.<sup>515</sup>

<sup>511</sup> CCPR, General Comment 22, 27 September 1993, CCPR/C/21/Rev.1/Add.4, para. 5.

<sup>512</sup> Id., para. 2.

<sup>513</sup> Id., para. 3.

<sup>514</sup> ICCPR, Art. 18(4); CCPR, General Comment 22, cit., para. 6.

<sup>515</sup> Committee on the Rights of the Child, General comment 12, 20 July 2009, CRC/C/GC/12, para. 29; see also Convention on the Rights of the Child, Art. 12.

## Criteria for Assessment

### Severe violations – 2 points

- If the State punishes the adoption, the abandoning, the maintenance, or the changing<sup>516</sup> of a religion or belief with death, forced labour, or prison terms exceeding 2 years.
- If individuals systematically attack other individuals who adopt, change, abandon, or maintain a religion or belief.

### Problematic issues – 1 point

- The State punishes the adoption, the changing, the abandoning, or the maintaining of a religion or belief, with imprisonment for a period inferior to 2 years or the payment of significant fines.
- If the State fails to prevent or respond to occasional attacks against individuals who adopt, change, abandon, or maintain a religion or belief
- If, pursuant to a law or a widespread practice, children receive religious indoctrination<sup>517</sup> against the will of their parents or their own

### Minor concerns, in other cases. – 0 points

#### Priority Area 2: Manifestation of One's Religion by Expression of One's Convictions

(paras 31-32 of the EU Guidelines on FORB)

#### Scope of Protection

The combination of freedom of religion or belief (art 18 ICCPR) and freedom of expression (art. 19 ICCPR) leads to the protection of individuals and groups from illegitimate restrictions to freedom of expression of religion or belief. Individuals and groups are also protected from advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence (art. 20 (2) ICCPR).

#### Other sources:

Commission on Human Rights resolution 2005/40 (paras 5, 6, 9, 10 and 11)

Human Rights Committee general comments n. 22 and n. 34

OHCHR Rabat Plan of Action on incitement to hatred of 5 October 2012

Legitimate restrictions to freedom of expression shall be limited to those which are prescribed by law to safeguard the rights and/or reputation of others, as well as for the protection of national security, or of public order (ordre public), or of public health and morals. No national security restriction is permissible for freedom of religion and belief (art. 18 (3) ICCPR. See also General Comments n. 22 and n. 34). This

means that individuals and groups can express their opinions or religious matters and can proselytise.

In principle, the right to freedom of religion or belief does not include the right to have a religion or a belief that is free from criticism or ridicule (para 19 of the conclusions of the OHCHR Rabat Plan of Action): international human rights law protects individuals, not religion or belief per se. This may suggest that the laws and practices that prohibit blasphemy and religious offence are, as such, contrary to international law. This is indeed the position of the EU.<sup>518</sup> However, such an assertion might be contested.<sup>519</sup> It is not necessary, at any rate, to solve this issue for the purpose of the present analysis: the present research focuses, not on the abstract presence of blasphemy laws, but on the severity of sanctions for blasphemy.

This choice is motivated by the fact that many countries, including several EU Member states, provide for blasphemy laws, contemplating administrative fines or criminal sanctions (that are seldom inflicted). Focusing on such measures would risk being ineffective, because: (i) Modest sanctions, or sanctions that are not applied in practice, have a relatively limited impact on freedom of expression; (ii) It would be problematic for the EU, in terms of international legitimacy, to focus on the practice of countries whose legislation is similar to the laws applied within the European Union. It would seem more practical to focus on the cases in which blasphemy and religious offence are severely sanctioned. By focusing on the sanctions, it becomes unnecessary to determine whether blasphemy laws as such are legal.

The criteria for assessment provided below, therefore, seek to highlight the cases in which the freedom to express one's belief (or lack thereof) are targeted by disproportionate sanctions (including imprisonment and the death penalty).

The laws and practices on blasphemy and religious offence should not be confused with those regarding hate speech, that is, "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."<sup>520</sup> Hate speech differs from blasphemy, in particular, because it has the capability of inciting actual action against a religious group in practice (whether such action occurs

<sup>518</sup> See EU Guidelines on Freedom of Religion, paras 31 and 32.

<sup>519</sup> See, on the one hand, Human Rights Committee, General Comment 34, CCPR/C/GC/34, para. 48. See also, on the other hand, UN Human Rights Council Resolution 7/19 of 27 March 2007 on "Defamation of religion": "[the Human Rights Council] ... also urges states to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from the defamation of any religion, to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance".

<sup>520</sup> ICCPR, art. 20(2). See also UNGA 67/179 (2012), par. 6: advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

<sup>516</sup> E.g. in case of conversion.

<sup>517</sup> By "indoctrination" we refer to attempts at forcing children to embrace specific beliefs – not to the mere teaching of general information about religion.

or not).<sup>521</sup> Hate speech may, and indeed must, be prohibited.

Freedom of expression is strictly intertwined with freedom of the press. Media should be, in principle, free to obtain and distribute information: a free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression.<sup>522</sup> Freedom of the press can be restrained by laws, by governmental action and by societal practices. Restrictions might also take the form of self-censorship. A state may indeed discourage freedom of expression by creating a social climate in which newspapers and publishers are encouraged to censor themselves to avoid legal or social problems. Restrictions to media freedom may, in principle, be compatible with international law, as long as they are proportionate and pursue a legitimate objective. The following criteria for assessment therefore highlight only the most egregious cases in which censorship of religious-related material, which are, as such, presumably contrary to FORB.

### Criteria for Assessment

#### Severe violations – 2 points

- If the state punishes blasphemy, religious insult, or proselytism with imprisonment for more than 2 years, corporal punishment, or the death penalty.
- If individuals systematically attack persons committing, or suspected of having committed, blasphemy or religious offence.
- If the state routinely censors the publication and distribution of literature or of websites related to religion or belief.

#### Problematic issues – 1 point

- If the state punishes blasphemy, religious offence or proselytism with imprisonment for less than 2 years or significant administrative sanctions (e.g. fines).
- If individuals occasionally attack persons committing, or suspected of having committed, blasphemy, religious offence, or proselytism.

#### Minor concerns in other cases – 0 points

### Priority Area 3: Other Types of Manifestation of Religion or Belief

(paras 40–42 of the EU Guidelines on FORB)

### Scope of Protection

Freedom to manifest one's own religion or belief descends from Art. 18(1) ICCPR, whereby everyone has

the right to “manifest his religion or belief in worship, observance, practice and teaching.”

#### Other sources:

Human Rights Committee general comment n. 22

The right to manifest one's own religion or belief is one of the two components of the right to freedom of religion or belief (together with the right to have or change one's own religion or belief). It encompasses the right to express ideas about religions or beliefs. The EU Guidelines on the promotion and protection of freedom of religion or belief, at any rate, distinguish between the priority areas “freedom of expression” and “manifestation of religion or belief”.<sup>523</sup> Accordingly, the present analysis distinguishes between the two concepts: for the purpose of this research, the expression of ideas concerning religion is dealt with under “freedom of expression” and not under “manifestation of religion or belief”. It is also worth noting that certain elements that the EU Guidelines address in terms of “manifestation of religion or belief” are analysed here in terms of the right to have and change one's own religion or belief.<sup>524</sup> Acts of violence connected to the manifestation of religion, moreover, are treated in terms of “violence”.<sup>525</sup>

As noted by the Human Rights Committee, manifestation of religion may take numerous forms.<sup>526</sup> It includes:

- Ritual and ceremonial acts giving direct expression to belief
- Practices integral to such acts, including the building of places of worship, and the use of ritual formulae and objects
- The display of symbols
- The observance of holidays and days of rest
- The observance of dietary regulations
- The wearing of distinctive clothing or headcoverings
- Participation in rituals associated with certain stages of life
- The use of a particular language customarily spoken by a group
- The freedom of a religious group to choose their religious leaders, priests and teachers
- The freedom to establish seminaries or religious schools

521 See further Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, 5 October 2012, A/HRC/22/17/Add.4, para. 29.

522 Human Rights Committee, General Comment 34, CCPR/C/GC/34, para. 13.

523 See EU Guidelines on Freedom of Religion, paras 31 and 40.

524 It is the case of the right of children to learn about the faith/belief of their parents, the right of parents to teach their children in the tenets of their religion or belief and the requirement for children from religious and belief minorities to receive confessional education in the beliefs of the majority, see EU Guidelines on Freedom of Religion, paras 40 and 41.

525 See EU Guidelines on Freedom of Religion, para 41.

526 See General Comment 22, para. 4. The Committee mentions also the freedom to prepare and distribute religious texts or publications, which is addressed here under “freedom of manifestation”.

- Refusal to perform military service (conscientious objection)<sup>527</sup>

The interference with the aforementioned manifestation of religion or belief does not automatically amount to a violation of freedom of religion or belief. In fact, under Art. 18(3) ICCPR, freedom to manifest one's religion or beliefs may be subject to limitations that comply with three requirements. Limitations must indeed be: (i) prescribed by law, and (ii) necessary (iii) to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Art. 18(3) is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the ICCPR, such as national security. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Notably, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.

#### Criteria for Assessment

##### Severe violations – 2 points

- If the state systematically applies disproportionate or unmotivated restrictions to the freedom to manifest religion or belief, to the extent that it prevents individuals and communities from practicing their religion or belief (e.g. through religious services or teaching)
- If non state actors systematically interfere with other individuals' freedom to manifest religion or belief, to the extent that they prevent individuals and communities from practicing their religion or belief

##### Problematic issues – 1 point

- If the State applies disproportionate or unmotivated restrictions to the freedom to manifest religion or belief in specific contexts (e.g. in schools), without generally preventing individuals from manifesting religion or belief in other contexts
- If non state actors occasionally interfere with other individuals' freedom to manifest religion or belief, to the extent that they prevent individuals and communities from practicing their religion or belief

#### Minor concerns in other cases – 0 points

##### Priority Area 4: Discrimination Based on Religion or Belief

(paras 35-37 of the EU Guidelines on FORB)

##### Scope of Protection

Religious discrimination is prohibited under international human rights law, notably by Articles 2(1), 5(1) and, especially, 26 ICCPR, whereby "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law". The rights of religious minorities are expressly protected by Article 27 ICCPR. Provisions prohibiting discrimination are also contained in ICERD (Art. 5), ICESCR (Art. 2(2) and CRC (Art. 30).

##### Other sources

1981 Declaration of the General Assembly

Commission on Human Rights resolution 2005/40

Human Rights Committee general comment no. 22

Intolerance and discrimination means 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 equal basis.

No individual or group may be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other beliefs. This includes any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, non-theistic, non-traditional or represent religious minorities.

States have a duty to take effective measures to protect all persons within their jurisdiction from discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation and implement legislation that protects freedom of religion or belief in all fields of civil, economic, political, social and cultural life. States should also eliminate official policies and practices that facilitate such discrimination.

Discrimination can be:

- State imposed
- Discrimination perpetrated by de facto authorities
- Discrimination by societal non-state actors

Discrimination can be "direct" when an individual is treated less favourably than another person in a similar situation for a reason related to a prohibited ground; e.g. where employment in educational or cultural institutions or membership of a trade union is based on the political opinions of applicants or employees. Direct discrimination also includes detrimental acts or omissions on the basis of prohibited grounds where there is no comparable similar situation. Indirect discrimination is more difficult to recognise. It refers

<sup>527</sup> See General Comment 22, para. 11. Other forms of conscientious objection (for instance, in the case of the celebration of marriages between same-sex partners) are not taken into account for the purpose of the present analysis. As noted by the Human Rights Committee, the refusal to perform military service is necessary, since the obligation to use "lethal force" may "seriously conflict" with the freedom of conscience and the right to manifest one's religion or belief. Arguably, the performance of a ceremony is likely to conflict "less seriously" with freedom of religion or belief.



to “law, policies or practices which appear neutral at face value, but have disproportionate impact on the exercise of Covenant right as distinguished by prohibited grounds of discrimination” (Committee on Economic, Social and Cultural Rights, General Comment 20).

#### Criteria for Assessment

##### Severe violations – 2 points

- If the state engages in systematic discrimination based on religion or belief against one or more communities or their members,<sup>528</sup> to the extent that it prevents communities and their members from practicing their religion or belief
- If non-state actors systematically engage in systematic discrimination based on religion or belief, the extent that they prevent communities and their members from practicing their religion or belief

##### Problematic issues – 1 point

- If the state engages in occasional discrimination based on religion or belief against one or more communities and their members
- If non-state actors frequently, but not systematically, engage in discrimination based on religion or belief

##### Minor concerns in other cases – 0 points

#### Priority Area 5: Protection from Violence

(paras 29-30 of the EU Guidelines on FORB)

##### Scope of Protection

Stemming from the combination of freedom of religion or belief (art. 18 ICCPR) with the right to life (art. 6 ICCPR), the right to liberty (art. 9 (1) ICCPR) and the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment (art. 7 ICCPR) is the protection of individuals and groups from religion or belief related acts or threats of violence (art. 20 (2) ICCPR).

*Other sources:*

Commission on Human Rights resolution 2005/40 (paragraph 4 (f) )

Human Rights Council 6/37 (paragraph 9 (i) )

Human Rights Council 25/12

Acts of violence or the threat thereof include, but are not limited to:

- a) terrorism, killing and execution;
- b) disappearance and abductions;
- c) torture;
- d) cruel, inhuman or degrading treatment
- e) female genital mutilation, early and forced marriage, “honour” killing, and sexual violence, including violence against persons on the basis of their sexual orientation or gender identity;
- f) attacks on property, including religious places, sites and shrines, places of worship or meeting, or historical religious sites, as well as vandalism of cemeteries;

They can be committed by state as well as by non-state actors.

Religion or belief related acts of violence or the threat thereof include:

- a) violence based on the actual or assumed religion or belief of the targeted person;
- b) violence based on the religious or convictional/ ideological tenets of the perpetrator.

Acts of violence such as the administration of death penalty, physical punishment, or deprivation of liberty can result from restrictions to the freedom of expression, most typically as penalties for blasphemy. For the sake of this Report, this category of violent acts is accounted for under the priority area of action of freedom of expression.

#### Criteria for Assessment

##### Severe violations – 2 points

- If the State commits, sponsors, or tolerates religion-related acts of violence (including violence against persons and property)
- If the State fails to prevent or respond to systematic events of religion-related violence (including violence against persons and property)

##### Problematic issues – 1 point

- If the State fails to prevent or respond to occasional events of religion-related violence (including violence against persons and property)

##### Minor concerns in other cases – 0 points

<sup>528</sup> For instance, through the selective application of laws not directly related to religion, such as those on the sale of alcohol, or those on dress codes.

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The European Parliament  
Intergroup on Freedom of Religion  
or Belief and Religious Tolerance  
is a group of like-minded MEPs  
dedicated to ensuring the EU, in  
its external actions, promotes and  
protects the right to freedom of  
religion or belief.

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