



Federal Ministry
for Economic Cooperation
and Development



Federal Foreign Office

The Federal Government's Second Report on the Global Status of Freedom of Religion

Reporting period 2018 – 2019



The wooden structure 7.5 metres high known as the "Ring for Peace" stands in the Luitpoldpark in Lindau on Lake Constance. It was erected to commemorate the 10th World Assembly of the NGO Religions for Peace in August 2019. Gisbert Baermann, the sculptor who created the artwork, integrated 36 different kinds of wood from all over the world into it. The meeting in the Allgäu region in southern Germany brought together some 900 representatives of religious faiths from around 100 countries. © picture alliance/dpa/Carolin Gießibl



Federal Government Commissioner for Global Freedom of Religion and Member of the German Parliament, Markus Grübel. © RFB

Dear readers,

When an argument developed between a Christian agricultural worker and her co-workers in June 2009, little did she know that everything would change for her from that day. What happened next in that province in South Asia was to determine her life from that moment on and have massive repercussions worldwide. On the day in question, her fellow workers told her she was “unclean” because of her faith. An argument ensued, in the course of which she was accused of blasphemy. It was claimed that she had insulted the Prophet Muhammad. In the days that followed, she was threatened by a mob and then arrested by the police and charged with blasphemy. In 2010, she was sentenced to death. When, years later, the sentence was overturned, protests erupted. Protesters called for the sentence to be upheld and the worker put to death. In 2019, she left her home country and is now living in exile.

Her fate is not an isolated case. In 2017, more than 70 countries had laws against blasphemy and the defamation of religion on their statute books that run counter to human rights standards. In some of these countries, this legislation continues to provide for the use of the death penalty. The cartoon controversy in Denmark and France and the recent attacks in Paris and Nice show that accusations of blasphemy do not only pose a threat to people in Pakistan or Saudi Arabia – they can also have deadly consequences in the heart of Europe. At a primary school in Berlin, a teacher was threatened by an 11-year-old student, who made reference to the beheading of French teacher Samuel Paty.

Citing alleged blasphemy as justification for violence is a misuse of the freedom of religion or belief, as is anti-blasphemy legislation that runs counter to human rights; we have to take a clear stance against this. The right to freedom of religion or belief must never be played off against other human rights such as the freedom of opinion and expression. Freedom of religion or belief goes hand in hand with all other human rights, because human rights are universal, inalienable and indivisible.

Anti-blasphemy laws that violate human rights are an attack cloaked in legal terminology. They fuel injustice and social violence – we have to take action against them.

As a religious person myself, I can understand very well that people feel offended if their religion is denigrated. I, too, find it alienating to see how religious beliefs are disparaged or ridiculed time and again. But we must never forget that the right to freedom of religion or belief protects people's freedom to exercise their religion; it does not protect the "honour" of any one religion per se. As a society, we have to live with that difficult balance. Criticism of any kind of belief or non-belief, any kind of opinion, is permitted. What is protected is a person's right to freely express and exercise any given belief or religion. This applies for all people equally – including people who convert to a different faith or who are not followers of any religion or belief. Human rights form the basis of our inclusive, pluralistic society. Only if they are respected is it possible for religious and non-religious people to live together peacefully.

The Federal Government's Second Report on the Global Status of Freedom of Religion describes, in its chapter on anti-blasphemy and anti-conversion laws, how and where such laws have provided a gateway for human rights to be limited and are posing a threat to the freedom of religion or belief.

The situation on freedom of religion or belief has worsened dramatically over the past few years. Firstly, more and more religious and ethnic minorities are suffering discrimination and oppression. Three-quarters of the world's population live in countries that increasingly restrict their freedom of religion or belief. This is evident, for example, from developments in China, and also regarding indigenous people in South America. Secondly, there are groups that exploit religion to fuel political or economic conflicts, abusing it to fan the flames. We can see this, for example, in the conflict between pastoralists and farmers in Nigeria. I therefore consider it important to strengthen the role of religious actors to become responsible peacebuilders who help extinguishing the flames. This approach – of looking at what potential can be used – is characteristic of the German government's take on freedom of religion.

The present report highlights developments that give cause for concern and describes threats to the freedom of religion or belief in 30 countries. It also highlights three thematic areas in which freedom of religion or belief is currently subject to particularly severe and cross-border restrictions: blasphemy laws and anti-conversion laws, digital communication, and the quality of, and access to, the state education system.

The report was published in the midst of the COVID-19 pandemic. The pandemic has once again highlighted the importance of the freedom of religion or belief. In many countries, governments are using the pandemic as a pretext for discriminating against minorities. This is one more instance underlining the special responsibility that religious and other civil society organisations bear. They can act as watchdogs, drawing attention to human rights violations, forming alliances on the ground and helping people.

The publication of the report also coincided with Germany's Presidency of the Council of the EU. It can be seen as our mission statement in the field of freedom of religion or belief and sends a strong message across Europe in support of the human rights-based approach to strengthening freedom of religion or belief worldwide. I am hence very pleased about the many positive responses from my colleagues across Europe. We are all agreed that we must not remain silent when people suffer discrimination, persecution, violence or even death on account of their religion or belief. We have to be on alert, raise the alarm, form alliances and take joint action to strengthen freedom of religion or belief for all people worldwide.

Development programmes can make an important contribution to that, and we want to further expand that contribution in the future. Just like the world religions, such programmes have a clear focus on tasks of global reach relating to peace and sustainable development. And at local level, they target the places where human rights are under threat in very practical ways. They support religious actors and communities in their efforts to make full use of their potential for peace within societies and the sustainable development of those societies. In Iraq, for example, interactions between the different religious groups still hold many challenges. During my visits there, I have seen Christians, Yazidis and Sunnis working together to foster reconciliation. These are small steps towards reconciliation that can lead to peace and freedom. They have a huge impact that goes far beyond the region itself.

With best regards

A handwritten signature in blue ink, reading 'Markus Grübel'. The signature is written in a cursive style with a large, stylized 'M' and 'G'.

*Markus Grübel, Member of the German Parliament
Federal Government Commissioner for Global Freedom of Religion*



Federal Government Commissioner for Human Rights Policy and Humanitarian Aid and Member of the German Parliament, Dr Bärbel Kofler © Thomas Koehler / photothek.net

Dear Readers,

Freedom of religion and belief in the context of human rights plays a role in many of my meetings. During my visit to Pakistan in 2016, for example, I spoke with both the Archbishop of Karachi and the Pakistan Hindu Council. These conversations highlighted just how closely issues relating to freedom of religion and belief are linked with women's rights, education or poverty reduction. Such experiences make it clear that human rights in practice truly are inalienable and universal.

Article 1 of the Universal Declaration of Human Rights of 1948 states that "All human beings are born free and equal in dignity and rights." These human rights include "the right to freedom of thought, conscience and religion", which, under Article 18, includes the "freedom to change [one's] religion or belief, and

freedom, either alone or in community with others and in public or private, to manifest [one's] religion or belief in teaching, practice, worship and observance". This also includes the right not to belong to any religious community.

Even though they are laid down in the Universal Declaration of Human Rights, the most basic human rights, including the right to freedom of religion and thought, are still not guaranteed in many parts of the world.

I am convinced that only societies in which people can exercise all their human rights freely and equally can also be peaceful societies. Again and again, we see that restrictions on freedom of religion and belief can have a negative impact on peace and security. In this report, we have therefore tried to show where and how the right to freedom of religion and thought is being limited around the world, and how this may possibly endanger peace and security.

The report also shows that violations of the right to freedom of religion and belief almost always go hand in hand with violations of other human rights – restrictions on the right to freedom of expression or freedom of assembly, for example. This demonstrates the need for a human-rights-based approach to strengthening freedom of religion and belief around the world.

Implementing the right to freedom of religion and belief globally is and will remain a major component of our international human rights policy. We will therefore continue to work with international partners for global respect for freedom of religion and belief. Our missions abroad have an important role to play here. They are in close contact with religious communities in the host country and keep a watchful eye on instances of reprisals, discrimination and disadvantages. This is clearly reflected in the country-specific chapters of the report, which are based on information from our missions abroad.

Alongside our worldwide engagement for the right to freedom of religion and belief, it is just as important to recognise the positive role that religious representatives and religious leaders can play in foreign relations and in conflict resolution. This potential has been showcased in the major events organised by the Federal Foreign Office on the responsibility of the religions for peace. The 1st Assembly on Women, Faith and Diplomacy, organised by Religions for Peace, the world's biggest interreligious civil-society organisation, took place in Lindau on Lake Constance from 10 to 13 November 2020. This event, like

the World Assembly of Religions for Peace in August 2019, received backing and support from the Federal Foreign Office. It focused on the important role of religious representatives – especially women – for peace and security.

This report therefore points not only to restrictions on freedom of religion and belief and links between these restrictions and other human rights, but also to the positive influence interreligious cooperation can have on peace and security. Because only if we look at both these perspectives together can we effectively work towards worldwide respect for freedom of religion and belief.

I am delighted that you are interested in this important issue and wish you an informative and stimulating read.

With warmest regards,

A handwritten signature in blue ink, reading 'Bärbel Kofler'. The signature is fluid and cursive, with the first name 'Bärbel' being more prominent than the last name 'Kofler'.

Dr Bärbel Kofler, Member of the German Parliament

*Federal Government Commissioner for Human Rights Policy
and Humanitarian Assistance*

Contents

Summary	14
A Introduction	18
Freedom of religion or belief under growing pressure in many countries	19
Freedom of religion or belief in the context of the COVID-19 pandemic	21
Legal principles and challenges	22
Updating of the first report	22
The country sections	23
The sectoral topics	24
The social potential of the religions	25
Freedom of religion or belief in Germany	26
Outlook	30
B Cross-cutting issues	31
1. Violations of freedom of religion or belief by blasphemy laws and anti-conversion laws	32
1.1. Introduction	32
1.2. International legal framework on blasphemy and conversion	33
1.2.1. Relevant international legal framework on freedom of religion or belief and freedom of opinion and expression	33
1.2.2. Blasphemy and conversion: definition of terms and classification	36
1.2.2.1. Freedom of expression regarding religion or belief	36
1.2.2.2. Right to convert or to renounce or manifest a religion ..	39
1.3. National legal provisions and national practice relating to blasphemy and conversion	41
1.3.1. Blasphemy and the limitation of liberties in practice	42
1.3.1.1. The lawfulness of blasphemy laws under scrutiny	42
1.3.1.2. Purpose of blasphemy laws	43
1.3.1.3. Proportionality of blasphemy laws	45
1.3.1.4. The application of blasphemy laws	47

1.3.1.5. Applying national rules and regulations on incitement to religious hatred	49
1.3.1.6. Conclusion about blasphemy and restrictions of freedom of religion or belief and freedom of opinion and expression	50
1.3.2. Limitations to the freedom to convert or to renounce a religion or belief or to proselytise others (missionary activities)	52
1.3.2.1. Limitations to conversion or to abandoning a religion or belief	52
1.3.2.2. Freedom from forced conversion	56
1.3.2.3. Restrictions on disseminating one's religion or belief (missionary activity)	57
1.3.2.4. Conclusion on restrictions to the right to convert or proselytise others (missionary activity)	60
2. The opportunities offered by digital communication and the influence of online hate speech on freedom of religion or belief	62
2.1. Introduction	62
2.2. Legal framework and political measures against hate speech	67
2.3. Online hate speech directed at or stemming from religions and groups and the opportunities offered by digital communication for promoting freedom of religion or belief	74
2.3.1. Online hate speech and digital support in blasphemy cases: example of Asia Bibi, a Christian	75
Background to the Asia Bibi case:	75
The Asia Bibi case on social media: competing narratives	76
2.3.2. Online media as a place for discussion and a place for discrimination: the example of atheists	79
Online media as a forum for discussion by atheists	79
Atheists on social media: between discrimination and support campaigns	80
2.3.3. Anti-Muslim racism and counter-discourse on social media	81
Anti-Muslim racism following terrorist attacks	82
Anti-Muslim racism on Twitter in connection with Brexit	83
2.3.4. Social media as both a forum for religiously motivated sexism against women and a tool for promoting gender equality	84
2.3.5. The influence of online hate speech in ethnic conflicts	86
Background to the Rohingya crisis and the role of digital communication in Myanmar	87

Online hate speech during the Rohingya crisis: the extent of digital communication on Facebook	88
Online hate speech during the Rohingya crisis: generating narratives about the Rohingya on Facebook	90
3. Opportunities for and challenges facing the human right to freedom of religion or belief in the education sector	94
3.1. Introduction	94
3.2. The international framework for education and freedom of religion or belief, as well as international and national strategies	96
3.2.1. International legal framework for the human rights to education and freedom of religion or belief	96
3.2.2. Freedom of religion or belief and education in international and national political documents as well as in initiatives of religious actors	100
3.3. Access to education	108
3.3.1. The state as provider of secular and religious educational institutions	109
Model 1: The state as provider of religious educational institutions	109
Model 2: The state as provider of secular educational institutions offering access to religious instruction in a specific faith	111
Model 3: The state as provider of secular educational institutions	114
Combination of programmes offered by state and non-state providers and the issue of financing	114
Challenges for the state's obligation to finance	115
3.3.2. Restrictions on access to education	117
3.4. Educational content and quality	122
3.4.1. Educational content	122
Summary	127
3.4.2. Quality of education	127
Quality of teaching	127
Training and continuing professional development for teachers	128

C	The country section	131
4.	Countries, A–Z	132
	Preliminary comments	132
	Afghanistan	134
	Azerbaijan	138
	Bangladesh	142
	Brazil	148
	China	152
	Egypt	158
	El Salvador	164
	Eritrea	167
	India	169
	Indonesia	177
	Iran	185
	Iraq	189
	Kenya	199
	Korea, Democratic People’s Republic of (North Korea)	204
	Malaysia	208
	Mexico	214
	Myanmar	218
	Nigeria	224
	Pakistan	231
	Philippines	237
	Russia	241
	Saudi Arabia	248
	Somalia	253
	Sri Lanka	256
	Sudan	261
	Tajikistan	267
	Turkey	271
	Turkmenistan	276
	Ukraine	280
	Viet Nam	285
D	Measures taken by the German Government	292
E	List of abbreviations	300

Summary



Recent years have seen a trend towards increased restrictions on the human right to freedom of religion or belief in all parts of the world. Christians – who form what is numerically the world’s largest faith community – are particularly affected by the violation of religious freedom, but followers of other religions and world views also suffer discrimination and persecution on account of their faith or because they do not subscribe to any belief.

In its coalition agreement of 12 March 2018, the German government created the post of Federal Government Commissioner for Global Freedom of Religion to underpin its commitment to freedom of religion or belief worldwide. In a cabinet decision of 11 April 2018 it appointed Member of the Bundestag Markus Grübel to the position. The role emphasises the Federal Government’s solidarity with minorities and with all who are persecuted or discriminated against as a result of their religion or belief.

Freedom of religion or belief is inextricably linked to other human rights. The right to freedom of religion or belief is enshrined in Article 18 of the Universal Declaration of Human Rights and in Article 18 of the International Covenant on Civil and Political Rights. Human rights require states to guarantee liberties and the right to protection. Human rights are universal, inalienable and indivisible. However, the human right to freedom of religion or belief can sometimes be at odds with other rights – such as the right to freedom of opinion and expression. There are synergies, too. For example, the combined effect of human rights can prove mutually reinforcing for the relevant liberties.

The Federal Government’s Second Report on the Global Status of Freedom of Religion consists of a country section and a thematic part.

The country section of the report describes the implementation of the human right to freedom of religion or belief in 30 countries in which developments on this front were regarded by the Federal Government as being of particular interest in the reporting period 2018 to 2019. The report outlines the situation in countries in different parts of the world in which freedom of religion or belief was violated during the reporting period or in which there were notable developments in this area.

The sections on individual countries provide information on the demographic and legal situation in the particular country and on restrictions on freedom of religion or belief, whether imposed by the state or by society. Where the appropriate information is available, there is also an analysis of inter-faith cooperation structures and their potential for promoting freedom of religion or belief in the country in question. In all the countries covered in this report, the Federal Government is working to improve the human rights situation by supporting projects or engaging in political dialogue with governments and civil society.

In the thematic expositions, special attention is paid to areas in which freedom of religion or belief is currently particularly restricted. In combination with the country-specific analyses, these expositions are intended to facilitate systematic identification of political linkages on a scale larger than that of individual countries.

The present report highlights three such current challenges in relation to the guaranteeing of freedom of religion or belief:

1. *blasphemy laws and anti-conversion laws,*
2. *digital communication,*
3. *state education systems.*

This selection was made on the basis of the following considerations:

Under the pretext of protecting freedom of religion or belief, blasphemy laws and anti-conversion laws often turn out to open the way to restrictions on human rights, including the right to freedom of religion or belief. The number of national blasphemy and anti-conversion laws is growing worldwide. The violation of freedom of religion or belief by blasphemy and anti-conversion laws is profiled systematically in this report from a legal perspective and illustrated by case studies.

Digital communication and the impact of online hate speech on freedom of religion or belief and other human rights, especially freedom of opinion and expression, are becoming increasingly significant. The report describes various forms of online hate speech directed at or stemming from religions or groups while also highlighting ways in which digital communication can promote freedom of religion or belief.

Issues of freedom of religion or belief have not tended to feature on international education agendas. Yet specific restrictions on what should be the guaranteed human right to freedom of religion or belief do occur in the education sector. The chapter describes the opportunities and restrictions encountered by religious and other social groups in connection with state education programmes and analyses the quality of these programmes and their teaching content. It explores how an understanding of freedom of religion or belief is imparted through curricula and textbooks and it examines how freedom of religion or belief can develop more fully in state education systems.

The report ends with an overview of the Federal Government's efforts to strengthen freedom of religion or belief.

Freedom of religion or belief is essential if religious communities and followers of particular beliefs are to be able to unlock their potential for contributing to social cohesion and peaceful and sustainable development. The Federal Government supports the worldwide realisation of freedom of religion or belief as part of its human-rights-based foreign and development policy.

A | Introduction





Young monks at the Buddhist monastery in Amarbayasgalant in northern Mongolia (Amarbayasgalant-Monastery, Mongolia 2010) © photothek GbR

Freedom of religion or belief under growing pressure in many countries

Freedom of religion or belief is restricted all over the world.¹ Christians, who form the world's largest faith community, are particularly affected by the violation of religious freedom, but followers of other religions and world views also suffer discrimination and persecution on account of their faith or because they do not subscribe to any belief.

Protection of freedom of religion or belief is an important issue in Germany. In 2019 our country marked the 70th anniversary of the Basic Law (Grundgesetz, GG)² and the centenary of the Weimar Constitution. A key concept underpinning both documents is the separation

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- 1 See Pew Research Center (2019). A Closer Look at How Religious Restrictions Have Risen Around the World. <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world>
 - 2 The abbreviations used in this report are explained in a list of abbreviations at the end of the document.

of church and state because too close a relationship damages both. For freedom to exist, church and state can only cooperate if there is no state religion. This very point was made in the Weimar Constitution. The first paragraph of Article 137 stipulated that “there is no state church” and the article went on to state that “the freedom to form religious associations is guaranteed”. The relevant articles³ were carried over into Article 140 of the Basic Law. Article 4 of the Basic Law safeguards freedom of faith and of conscience and freedom to profess a religious or philosophical creed, and guarantees the undisturbed practice of religion.

The German parliament and the Federal Government have responded to the global rise in restriction of the human right to freedom of religion or belief that has been seen in recent years. In a resolution of 1 July 2015 the Bundestag required the Federal Government to produce a report describing the status of freedom of religion or belief in countries worldwide.⁴ The first such report produced by the Federal Foreign Office was submitted by the Federal Government on 9 June 2016⁵ and debated in the Bundestag on 23 September of that year.⁶

To promote freedom of religion or belief worldwide, the German government’s coalition agreement of 12 March 2018 created the post of Federal Government Commissioner for Global Freedom of Religion. In a cabinet decision of 11 April 2018, Member of the Bundestag Markus Grübel was appointed to the position. The role emphasises the Federal Government’s solidarity with minorities and with all who are persecuted or discriminated against as a result of their religion or belief. According to the 2018 cabinet decision, the tasks of the Federal Government Commissioner for Global Freedom of Religion fall into three main areas:

1. *monitoring freedom of religion worldwide using a systematic country-by-country approach,*
2. *engaging in international dialogue on issues of religious freedom and*
3. *presenting the Federal Government’s biennial report on the global status of freedom of religion, in collaboration with the Federal Foreign Office.*⁷

³ Articles 136, 137, 138, 139 and 141 Weimar Constitution

⁴ German Bundestag (2018). Beschlussempfehlung und Bericht des Ausschusses für Menschenrechte und humanitäre Hilfe (Resolution recommendation and report of the Committee on Human Rights and Humanitarian Aid). Printed Paper 19/1894. <http://dip21.bundestag.de/dip21/btd/19/018/1901894.pdf>

⁵ German Bundestag (2016). Unterrichtung durch die Bundesregierung. Bericht der Bundesregierung zur weltweiten Lage der Religions- und Weltanschauungsfreiheit (Information from the Federal Government. Report by the Federal Government on the status of freedom of religion or belief worldwide). <http://dip21.bundestag.de/dip21/btd/18/087/1808740.pdf>

⁶ German Bundestag (2016). Stenographic report of the 191st session. <http://dipbt.bundestag.de/dip21/btp/18/18191.pdf#P.19025>

⁷ The parts in italics indicate the tasks assigned to the Federal Government Commissioner for Global Freedom of Religion by cabinet decision.

The present report was produced through collaboration between the Federal Government Commissioner for Global Freedom of Religion, who is based in the Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Foreign Office and the relevant German missions abroad. It also reflects the findings of many discussions between the Commissioner and affected people, experts and politicians worldwide.

Freedom of religion or belief in the context of the COVID-19 pandemic

Under applicable international law and Germany's Basic Law, the human right to freedom of religion or belief is not entirely unrestricted. Article 18(3) of the International Covenant on Civil and Political Rights (ICCPR) permits limitations prescribed by law that "are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others". Such restrictions must be proportionate and necessary in order to protect the legal interests cited in the Article. They must not be discriminatory, they can only be imposed for a limited period and they must be subject to regular scrutiny in the light of the current situation.

The lockdowns and restrictions imposed to prevent the spread of the COVID-19 pandemic affected followers of all religions worldwide. Many governments have urged churches and religious communities to take steps to curb the spread of the virus, including by cancelling services and restricting prayer times. However, discrimination on the basis of religious affiliation has been reported from various countries in connection with the restrictions imposed as a result of the pandemic. For example, blasphemy laws have sometimes been used during the pandemic to restrict freedom of speech⁸ and antisemitic hate speech has increased significantly since the start of the COVID-19 crisis.⁹ Indigenous people are in a particularly vulnerable position, not only because healthcare is often inadequate. The infection risk is often heightened and the livelihoods of many indigenous people jeopardised by the lack of information on dealing with the pandemic and by illegal farming and mining in indigenous territories.

8 Human Rights Watch (2020). Myanmar: 3 Charged for COVID-19 Street Art – Repeal 'Insulting Religion' Law, Support Freedom of Expression. 8 April 2020; <https://www.hrw.org/news/2020/04/08/myanmar-3-charged-covid-19-street-art>

9 Shaheed, Ahmed (2020). Rise in Antisemitic Hatred during COVID-19 must be countered with tougher measures, says UN expert. 19 April 2020; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25800&LangID=E>

Legal principles and challenges

The right to freedom of religion or belief is enshrined in Article 18 of the Universal Declaration of Human Rights and in Article 18 of the ICCPR. Freedom of religion or belief is inextricably linked to other human rights. Human rights require states to guarantee liberties and the right to protection. Human rights are universal, inalienable and indivisible. However, the human right to freedom of religion or belief can sometimes be at odds with other rights – such as the right to freedom of opinion and expression. There are synergies, too. For example, the combined effect of human rights can prove mutually reinforcing for the relevant liberties. This is illustrated by the fact that in countries in which human rights are not or only to a very limited extent restricted, the human right to freedom of religion or belief is often fundamentally guaranteed.

Recent years have seen a trend towards increased restrictions on the human right to freedom of religion or belief all over the world. According to a report published by the Pew Research Center in 2019, the number of governments imposing “high” or “very high” restrictions on one or more religious groups stood at 52 in 2017 (the latest available figure). Between 2007 and 2017, the number of countries in which people experienced “the highest levels of social hostilities” in connection with religion rose from 39 to 56.¹⁰ The report also notes that in 2017 there were 23 countries in which atheists and members of other groups who identify with no religion experienced discrimination and persecution as a result of their non-religious world view. In the previous year this was the case in only 14 countries. This is the largest rise within a group affected by restrictions on freedom of religion or belief.¹¹

Updating of the first report

The present second report builds on the Federal Government’s first report on the status of freedom of religion or belief worldwide published in 2016 and updates it. The reporting period comprises the years 2018 and 2019. Using numerous examples, the first report identified a typology of abuses of the right to freedom of religion or belief. This provided a basis for the present report. Selected topics that are of particular relevance to freedom

10 Pew Research Center (2019). A Closer Look at How Religious Restrictions Have Risen Around the World. 15 July 2019. p. 5. https://www.pewforum.org/wp-content/uploads/sites/7/2019/07/Restrictions_X_WEB_7-15_FULL-VERSION-1.pdf

11 Ibid. p. 52.

of religion or belief and that are addressed in reports of international organisations, supranational or national political stakeholders and research institutions, foundations and non-governmental organisations (NGOs)¹² are analysed in more detail and the political efforts of the Federal Government in these areas are highlighted.

The second report also heeds the view of many members of the German Bundestag that a systematic typology can usefully be supplemented by a country-specific analysis of the situation with regard to freedom of religion or belief that would enable the shapers of foreign and development policy to take targeted action to counter unfavourable trends. In this context, neither the selection of countries and topics nor the description of political endeavours makes any claim to be complete.

The country sections

The present report outlines the situation in countries in different parts of the world in which freedom of religion or belief was restricted during the reporting period or in which there were notable developments in this area. In the selected countries, the status of the right to freedom of religion or belief appeared of particular interest in this context. At the same time, some countries with severe restrictions on freedom of religion or belief are not covered in this report. Such countries include Syria, Yemen and Libya: as a result of ongoing war and conflict, it is currently impossible to collect sound and reliable data on these states.

The information and assessments in the country sections have been gathered by the German missions abroad in whose remit the various countries fall. Using this data, the country sections were compiled by the Federal Foreign Office in collaboration with the BMZ. Insights and experience from visits and meetings in which the Federal Government Commissioner for Global Freedom of Religion has participated and from the work of the BMZ have also been incorporated into the country sections. The section on each country provides information on the demographic and legal situation and on restrictions on freedom of religion or belief, whether imposed by the state or by society. Where the appropriate information is available, there is also an analysis of inter-faith cooperation structures and their potential for promoting freedom of religion or belief in the country in question.

12 Reference and Research Services of the German Bundestag (2018). Dokumentation Berichte zur Religionsfreiheit und zu religionspolitischen Debatten. Auswahl. (Documentation reports on freedom of religion and on debates on religious policy) <https://www.bundestag.de/resource/blob/575582/23337317a4efea37c475e4e506f-c0a33/WD-1-023-18-pdf-data.pdf>

The sectoral topics

In the thematic expositions, special attention is paid to areas in which freedom of religion or belief is currently particularly restricted. These sections were compiled by the BMZ in the light of recent research findings. In combination with the country-specific analyses, these expositions are intended to facilitate systematic identification of political linkages on a scale larger than that of individual countries. Here, too, the aim is to highlight examples of options for action.

The present report highlights three key current challenges: blasphemy laws and anti-conversion laws, the challenges and opportunities of digital communication, and state education sectors. The challenges were selected on the basis of the following considerations:

An exploration of blasphemy laws and anti-conversion laws was considered necessary because such laws are often used, under the pretext of protecting freedom of religion or belief, as a starting point for restrictions on human rights, including the right to freedom of religion or belief. The number of national blasphemy and anti-conversion laws is growing worldwide. The violation of freedom of religion or belief by blasphemy and anti-conversion laws is profiled systematically in this report from a legal perspective and illustrated by case studies.

Digital communication and the impact of online hate speech on freedom of religion or belief and other human rights, especially freedom of opinion and expression, are becoming increasingly significant. The report describes various forms of online hate speech directed at or stemming from religions or groups while also highlighting ways in which digital communication can promote freedom of religion or belief.

Issues of freedom of religion or belief have not tended to feature on international education agendas. Yet specific restrictions on what should be the guaranteed human right to freedom of religion or belief do occur in the education sector. The chapter describes the opportunities and restrictions encountered by religious and other social groups in connection with state education programmes and analyses the quality of these programmes and their teaching content. It explores how an understanding of freedom of religion or belief is imparted through curricula and textbooks and it examines how freedom of religion or belief can develop more fully in state education systems.

The social potential of the religions

The Federal Government supports the promotion of freedom of religion or belief world-wide not only on account of its human-rights-based approach to foreign and development policy but also because it recognises that religious actors and religious communities all over the world have significant potential that is vital to the cohesion and development of societies. Schemes involving cooperation with religious actors are often widely trusted, enabling those concerned to act as credible intermediaries in conflict situations. People of faith frequently engage with those on the margins of society. On the other hand, religious commitment can also serve to fan the flames in social and political conflicts. The human right to freedom of religion or belief is an important basis of the Federal Government's involvement in the areas of both religion and foreign policy and religion and development.¹³ The constructive collaboration with religious actors on the basis of human rights is something that we want to expand further in the coming years. Religious communities can be drivers of change and make an active contribution to the process of sustainable development. They can help to improve the living conditions of people in their area in many different ways and they are often in touch with vulnerable individuals and groups. As a complement to church-based development cooperation, the Federal Government also seeks collaboration with, among others, Muslim, Hindu, Buddhist and multi-faith partners through its "Religion and Development" and "Religion and Foreign Policy" programmes. At individual, social and institutional level, this enhances the potential of religious actors in relation to the social, environmental, political and economic dimensions of sustainable development and uses it to help achieve the goals of the 2030 Agenda.

13 BMZ (2016). Religious communities as partners for development cooperation https://www.bmz.de/en/publications/type_of_publication/information_flyer/information_brochures/Materialie252_religionen_als_partner.pdf; AA (2019). Religion and foreign policy (Flyer) <https://www.auswaertiges-amt.de/blob/2239078/4b8e0fe-02be63a269c59f1aefa38b21a/religion-und-aussenpolitik-data.pdf>

Freedom of religion or belief in Germany

A credible account of the global status of freedom of religion or belief cannot ignore consideration of the situation at home. At national level, the right to freedom of religion or belief in Germany is enshrined in and guaranteed by the Basic Law and by the constitutions of the individual states (Länder) that make up the Federal Republic of Germany. However, there are challenges in connection with the actual practice of religion – i.e. at societal level – and freedom of religion or belief is repeatedly the subject of debate within society and of court decisions.

The emergence of the COVID-19 pandemic in the spring of 2020 necessitated sweeping bans on contact and assembly in order to curb the virus. The measures impinged on the liberties of all and also affected the gatherings of faith communities. Services, religious assemblies and celebrations with families and friends had to be abandoned by Christians at Easter, by Jews at Passover and by Muslims in Ramadan. Out of a sense of solidarity, responsibility and common purpose, the religious communities in our country have voluntarily accepted these restrictions in order to protect lives. The Federal Constitutional Court has ruled that restrictions on the freedom of religion or belief were justified but must be regularly reviewed.¹⁴ In the light of a positive trend in tackling the pandemic and the particular protection afforded to the freedom to practice religion in the Basic Law, it was important in connection with the further easing of restrictions to work with the religious communities to adopt a course that accords religious life renewed freedom. Working with representatives of the minister-presidents of the Länder, the churches and major religious communities, the Federal Ministry of the Interior, Building and Community has discussed their strategies for holding services and organising religious gatherings and activities while taking steps to protect against infection. On the basis of these strategies and discussions, a set of measures and recommendations was drawn up to enable the restrictions on religious practices to be progressively eased.¹⁵ The fact that it was possible to arrive cooperatively at a careful balance between the measures to protect the physical integrity of every individual and the free practice of religion – that is, between Article 2(2) and Article 4(2) of the Basic Law – while also needing to prevent the health system being overwhelmed, is a good sign of the freedom of religion or belief in Germany.

14 Federal Constitutional Court (2020). Resolution of the 2nd chamber of the First Senate of 10 April 2020 – 1 BvQ 28/20 –, marginal notes 1-16, https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/04/qk20200410_1bvq002820.html

15 Conference call of the Federal Chancellor with the heads of government of the Länder on 30 April 2020. Resolution; agenda item 2: Measures to curb the COVID-19 pandemic; <https://www.bundesregierung.de/resource/blob/973812/1749804/353e4b4c77a4d9a724347ccb688d3558/2020-04-30-beschluss-bund-laender-data.pdf?download=1>; Seiten 3 f. und 6 ff.

There is regular public debate in Germany about issues relating to the religiously motivated wearing of headscarves. In 2019, for example, there was discussion of whether a ban on headscarves for very young girls in schools and nurseries is compatible with the Basic Law.¹⁶ There are also debates about the religious slaughter of animals, which centre on the compatibility of animal welfare and the freedom of religion or belief.¹⁷ In addition there is frequent discussion about the rite of circumcision of boys, about bell-ringing and about the building of places of worship.



9 October 2018, Berlin: Heiko Maas (SPD), German Federal Foreign Minister, speaking at the ceremonious ordination of rabbis and cantors in the Beth Zion Synagogue in Berlin Mitte. © picture alliance/ dpa/ Bernd von Jutrczenka

- 16 See e.g.: Gerbig, S. (2019). Die Religionsfreiheit von Kindern im schulischen Raum: zur Diskussion über Kopftuchverbote für Schülerinnen (The freedom of religion of children in the school setting: on the discussion about bans on headscarves for schoolgirls). German Institute for Human Rights; Jacobs, A. (2019). Kinder ohne Kopftuch? Argumente für und gegen das Verbot von Kopftüchern für junge Mädchen an öffentlichen Schulen in Deutschland (Children without headscarves? Arguments for and against the ban on headscarves for young girls in public schools in Germany). Analysen & Argumente, No. 371, October 2019, Konrad-Adenauer-Stiftung.
- 17 Federal Administrative Court (2006). BVerwG 3 C 30.05; VG 11 UE 317/03; 23 November 2006; <https://www.bverwg.de/entscheidungen/pdf/231106U3C30.05.0.pdf>; Reference and Research Services of the German Bundestag (2007). Schächten. Das verfassungsrechtliche Spannungsfeld zwischen Religionsfreiheit und Tierschutz (Slaughter. The tension in constitutional law between freedom of religion and animal welfare); <https://www.bundestag.de/resource/blob/423608/e5fa07a579bbff97254aa3276922c626/wd-3-202-07-pdf-data.pdf>.

To address the challenges within society associated with the freedom of religion or belief in practice, the Federal Government – against the backdrop of the religious neutrality of the state – promotes inter-faith dialogue since this contributes to peaceful life in a multi-religious society. The Federal Government actively exchanges ideas with representatives of religious communities and regularly holds talks with them. The meetings both encourage networking between representatives of the religious communities and promote dialogue.

External observers¹⁸ sometimes report critically on the societal dimension of the freedom of religion or belief in Germany – for instance, in connection with religiously motivated violence or violence against religious minorities. The figures for religiously motivated offences in Germany recorded by the police are published annually by the Federal Criminal Police Office (BKA).¹⁹ According to the BKA's statistics, the number of Islamophobic offences rose last year by 4.4 percent, and antisemitic incidents increased by 13 percent. The majority are attributable to right-wing politically motivated criminality.²⁰

The post of Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism was created by a resolution of the German Bundestag of 18 January 2018.²¹ To ensure that relevant antisemitic incidents are recorded even if they fall below the threshold of punishability, the Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, in a capacity of both patron and funder, promotes the nationwide expansion of a reporting network overseen by the Federal Association of Departments for Research and Information on Antisemitism (RIAS e.V.).

There are similar commissioners in almost all Länder and in many other institutions – for example, in public prosecutors' offices, in the police force and in the Evangelische Kirche in Deutschland (Protestant Church in Germany, EKD). 2019 saw the signing of an agreement

18 U.S. Department of State (2019). 2019 Report on International Religious Freedom: Germany. <https://www.state.gov/reports/2019-report-on-international-religious-freedom/germany/>

19 Federal Ministry of the Interior, Building and Community / Federal Criminal Police Office (2020). Politisch motivierte Kriminalität im Jahr 2019. Bundesweite Fallzahlen. (Politically motivated criminality in 2019. National case figures) 12 May 2020; https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2020/pmk-2019.pdf?__blob=publicationFile&v=8; S. 5-6; S. 11-12.

20 1898 antisemitic offences and 856 offences with an Islamophobic background were attributed to right-wing politically motivated criminality, accounting for 93.4 percent and, respectively, 90.1 percent of these offences. Federal Ministry of the Interior, Building and Community / Federal Criminal Police Office (2020). Politisch motivierte Kriminalität im Jahr 2019. Bundesweite Fallzahlen. (Politically motivated criminality in 2019. National case figures) 12 May 2020; https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2020/pmk-2019.pdf?__blob=publicationFile&v=8; S. 5-6.

21 German Bundestag (2018). Stenographic report of the 7th session. <http://dipbt.bundestag.de/dip21/btp/19/19007.pdf#P.522>

between the German government and the Central Council of Jews in Germany – a public body – to regulate provision for the spiritual needs of Jews in the military, sending an important signal for Jewish life in Germany.²²

“Hate, right-wing extremism, antisemitism and other forms of group-focused enmity have no place in Germany. The Federal Government is determined to protect our liberal democracy against such things.”²³ One of the worst antisemitic incidents of recent decades occurred in the city of Halle in 2019. On Yom Kippur, the most important Jewish holiday, an armed man motivated by far-right thinking perpetrated a fatal attack. Alongside such publicly discussed incidents, the everyday forms of discrimination experienced by Jewish people are an important indicator of the continuing existence of antisemitism in Germany. The Federal Government vigorously opposes antisemitism, as it does all forms of extremism and hate crimes. In October 2019 it adopted a package of measures to tackle right-wing extremism and hate crimes. The Act to Combat Right-Wing Extremism and Hate Crime that was passed in the summer of 2020 serves to implement this package of measures. It gives the authorities more powers to prosecute hate crimes and right-wing extremism and creates additional posts for the purposes.²⁴

Another issue discussed in Germany is the conversion of asylum-seekers, mostly Muslims, to Christianity. As part of the asylum process, the Federal Office for Migration and Refugees examines whether the newly adopted faith would be lived out in a way that would trigger persecution if the asylum-seeker were to return to their country of origin. The decision is always taken after consideration of all available information about the country of origin and the asylum-seeker. Particular weight is attached to the importance of freedom of religion or belief. While religious communities make their own decision about membership of their religious community in this context, state bodies involved in the asylum process must determine whether adhering to a particular faith-based practice is a core element of the asylum-seeker’s religious identity and hence indispensable for him or her. There is no scrutiny of belief. No reference is made to the possibility of practising the Christian faith in the country of origin purely in private. This would contradict the freedom of religion

22 German Bundestag (2020). Beschlussempfehlung und Bericht des Verteidigungsausschusses (12. Ausschuss) zu dem Gesetzentwurf der Bundesregierung – Drucksache 19/18074(neu) (Resolution recommendation and report of the Defence Committee (12th Committee) on the Federal Government’s draft law – Printed Paper 19/18074 (new)) – Printed Paper 19/19534 27.05.2020. <http://dipbt.bundestag.de/dip21/btd/19/195/1919534.pdf>

23 Federal Government (2019). German government takes action against right-wing extremism and hate crimes, 30 October 2019; <https://www.bundesregierung.de/breg-en/news/gegen-extremismus-und-hass-1687190>

24 See Sections B 2.2. and D “Measures by the Federal Government” of this report.

or belief under the Basic Law. Freedom of religion or belief includes the right to publicly declare one's religion or belief. In countries such as Iran and Afghanistan, Christians and non-believers may in principle be at risk.

Outlook

This report is guided by a positive view of the social and political potential of religion. In issues of societal orientation, in crisis prevention and in the transition to sustainable development, policy-makers should cooperate with civil society, including religious actors and religious communities, and neither ignore nor idealise them. Promoting the right to freedom of religion or belief worldwide calls for multilateral and bilateral dialogue and cooperation, the advancement of research, greater international debate on relevant civil-society reports and stepping up of the European dialogue and the common commitment to all human rights.

B | Cross-cutting issues





Worshippers at Shwedagon Pagoda in Yangon (Yangon, Myanmar 2012) © photothek GbR

1. Violations of freedom of religion or belief by blasphemy laws and anti-conversion laws

1.1. Introduction

State blasphemy and anti-conversion laws²⁵ threaten the human right to freedom of religion or belief all over the world. According to the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, more than 70 countries had laws against blasphemy and the defamation of religion in force in 2017. According to Shaheed's report, the number of countries with anti-conversion laws in force has also increased.²⁶ Given the increasing

25 "Blasphemy and anti-conversion laws" is understood below to mean all provisions and norms relating to blasphemy, conversion and apostasy. They may be contained in different laws.

26 The figures mentioned in the introduction are taken from the Report of the Special Rapporteur on freedom of religion or belief of 5 March 2019, A/HRC/40/58, paras. 4, 29, 31 and 30.

international relevance of blasphemy and anti-conversion legislation, the effects of such laws on freedom of religion or belief are systematically addressed below.

The first part of the chapter presents the legal framework and pinpoints the international legal provisions of primary importance for blasphemy and conversion. The second part of the chapter uses examples of relevant countries and brief individual case studies to illustrate national legal provisions and practice in numerous countries, discussing their relationship to international legal provisions on blasphemy and conversion.

1.2. International legal framework on blasphemy and conversion

Human rights are indivisible and interdependent. The right to freedom of religion or belief cannot be enjoyed fully without the right to freedom of opinion and expression and vice-versa. Their interrelationship is of primary importance for determining the legal framework on blasphemy and anti-conversion laws. At the same time, those rights are violated by blasphemy and anti-conversion laws. Freedom of religion or belief and freedom of opinion and expression protect the formation, holding, expression and dissemination of an opinion. Freedom of opinion and expression also protects religious opinions. At the same time, peaceful expression by one person can encroach upon another person's freedom of religion or belief.

The way universal and regional treaties define freedom of religion or belief and freedom of opinion and expression is described below. The international human rights standards applicable to blasphemy and conversion and their effects on freedom of religion or belief are then presented.

1.2.1. Relevant international legal framework on freedom of religion or belief and freedom of opinion and expression

Human rights standards are defined in and codified by many different international instruments, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR). Universal and regional treaties on the subjects of freedom of religion or belief and freedom of opinion and expression are discussed below; they are binding in many countries, and their content has been clarified by human rights treaty bodies or by international or regional courts.

The right to freedom of thought, conscience and religion is specified in Article 18 of the ICCPR, which was adopted in 1966 and entered into force in 1976.²⁷ The ICCPR is legally binding on 173 countries. Only a few countries have not ratified the ICCPR. However, those countries can also be bound by certain key elements of freedom of religion or belief based on customary international law.

Article 18 (1) of the ICCPR guarantees the right to have or to adopt a religion or belief of one's choice, including freedom of decision on the matter (*forum internum*). This also includes the right to change one's belief (conversion²⁸) or to renounce a belief (apostasy²⁹). Article 18 (2) states 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".³⁰ States may not interfere in the *forum internum* because it is subject to absolute protection.

Article 18 also guarantees the freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching³¹ (*forum externum*). This also includes the freedom to persuade other people to abandon their religious beliefs. The scope of protection in this area is very broad, because one's religion or belief can be manifested individually or in community with others and in public or private. In contrast to the *forum internum*, the state may impose limitations on the actions protected here. However, such limitations must be lawful. This requires a) that the limitations are prescribed by law and b) that the measures serve to protect public safety, order, health, morals, or the fundamental rights and freedoms of others and c) are necessary.³² These are cumulative requirements that must be taken into account when the state institutes measures that limit the freedom of religion or belief. Limitations on the freedom of religion or belief are therefore subject to clear criteria.

Article 19 of the ICCPR governs the right to hold opinions without interference,³³ which means the right to form, hold and express an opinion free of restrictions imposed by the state. The right to hold an opinion is protected by Article 19 (1) as an absolute right that

27 ICCPR 1966. Article 18 (1).

28 Conversion refers to a believer changing religion or belief. The aim of anti-conversion laws is to prevent attempts to convert people from one religion to another. In some cases, it is the person who is converting (the converter) who is punished.

29 Apostasy refers to the renunciation (by an apostate) of a religious belief. The de facto purpose of anti-apostasy laws is to prevent people from abandoning their religious beliefs. The term apostasy often has negative connotations, so it is placed in quotation marks below.

30 ICCPR 1966. Article 18 (2).

31 ICCPR 1966. Article 18 (1).

32 ICCPR 1966. Article 18 (3).

33 ICCPR 1966. Article 19 (1).

may not be limited.³⁴ Article 19 (2) relates to the right to freedom of expression, with the second clause stating that this includes the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print”.³⁵ The state may impose restrictions on the part not subject to absolute protection only a) if provided for by law and necessary and b) for respect of the rights or reputations of others or c) for the protection of national security or of public order, or of public health or morals.³⁶ Article 20 of the ICCPR contains another limitation to the right to hold opinions. It states that “any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.³⁷

Regional treaties generally contain similar guarantees of freedom of religion or belief and the right to hold opinions. For example, the European Convention on Human Rights (ECHR) protects the right to freedom of thought, conscience and religion in Article 9 and the right to freedom of expression in Article 10. The American Convention on Human Rights (ACHR) guarantees these rights in Article 12 on freedom of conscience and religion and Article 13 on freedom of thought and expression. The African Charter on Human and People’s Rights and the Arab Charter on Human Rights contain similar, although not identical, provisions.³⁸

Specific treaty bodies and regional courts of human rights interpret, construe and monitor compliance with international and regional treaties on human rights. When violations of human rights occur, it is possible for individuals to appear before regional courts of human rights and obtain binding judgements against states. These include the European Court of Human Rights (ECtHR) and the African Court on Human and People’s Rights. The ECtHR has developed extensive case law on the subject of freedom of religion.³⁹ Other bodies that monitor human rights, such as the UN Human Rights Committee, may issue decisions that are not legally binding but are used for interpreting international law.

34 General comment No. 34, CCPR/C/GC/34, 2011.

35 ICCPR 1966. Article 19 (2).

36 ICCPR 1966. Article 19 (3).

37 ICCPR 1966. Article 20 (2).

38 Arab Charter on Human Rights (2004). Arts. 30 and 32 and African Charter on Human and People’s Rights, Arts. 8 and 9; see Murray, R. (2019), African Charter on Human and Peoples’ Rights: A Commentary. Pages 253-266, particularly pages 254-262.

39 ECtHR (2011). Overview of the Court’s case-law on freedom of religion.

1.2.2. Blasphemy and conversion: definition of terms and classification

There are no generally valid definitions of the terms conversion, “apostasy”, proselytism or hate speech. Terms such as “apostasy,” proselytism⁴⁰ or missionary activity in particular often have negative connotations. However, they are needed to be able to describe the human right to freedom of religion or belief and possible limitations to it. Whenever possible, these concepts have hereinafter been interpreted in light of international human rights standards.

1.2.2.1. Freedom of expression regarding religion or belief

Countries all over the world have passed laws limiting free expression about religious subjects. Those laws are usually what are known as blasphemy laws: rules and regulations prohibiting blasphemy. They are often problematic from the viewpoint of human rights. They can also be used to disproportionately restrict the right to hold and express opinions and freedom of religion or belief.

Blasphemy and religious insult

The term “blasphemy” is not defined in international law, but regional bodies have developed definitions that offer guidance. However, those definitions are officially recognised only in the context of regional case law. For example, the Parliamentary Assembly of the Council of Europe Committee on Culture, Science and Education defined “blasphemy” as “the offence of insulting or showing contempt or lack of reverence for god and, by extension, toward anything considered sacred” in 2007.⁴¹ “Insult to religious feelings” is a concept related to blasphemy. In addition to the idea of offending religious sensibilities, it also includes insult based on adherence to a particular religion.⁴²

40 “Proselytism,” the attempt to induce followers of other religions or beliefs to join one’s own religion or belief, is often used as a pejorative term or expressly rejected. See Joint Working Group between the Roman Catholic Church and the World Council of Churches (1995). *The Challenge of Proselytism and the Calling to Common Witness*; <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1758-6623.1996.tb03469.x>, paras. 18–19.

41 Parliamentary Assembly of the Council of Europe Committee on Culture, Science and Education (2007). Report: Blasphemy, religious insults and hate speech against persons on grounds of their religion. 8 June 2007. Doc. 11296. <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11521&lang=EN>, para. 5.

42 Venice Commission (2008). Report on the Relationship between Freedom of Expression and Freedom of Religion: The Issue of Regulation and Prosecution of Blasphemy, Religious Insult and Incitement to Religious Hatred. 23 October 2008. CDL-AD(2008)026. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)026-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)026-e), para. 28.

While laws against “blasphemy” and “insult to religious feelings” differ in theory, they often overlap in practice. They both have a similar effect – limiting freedom of religion or belief and freedom of opinion and expression – and pursue the same objective: protecting religion against criticism or ridicule. This is shown by the example of the Organisation of Islamic Cooperation (OIC). The OIC conducted a campaign at the UN against the “defamation of religion” from 1999 to 2001.⁴³ The resolutions that were adopted do not contain a specific definition of “defamation of religion” but the concept intended by the OIC appears to include both blasphemy and religious insult.⁴⁴

Blasphemy laws are generally considered to be incompatible with international human rights standards. For example, as generally noted by the Human Rights Committee, “prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are [as a matter of principle] incompatible with the Covenant [on Civil and Political Rights]”.⁴⁵ The Rabat Plan of Action from 2012 specifies that “the right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to have a religion or belief that is free from criticism or ridicule”.⁴⁶ This interpretation of international human rights provisions has been affirmed by several international organisations, including the European Union (EU).⁴⁷

43 See United Nations Economic and Social Council (2001). Commission on Human Rights. Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination. E/CN.4/2001/L.7/Rev.1. 12 April 2001.

44 See Study of the United Nations High Commissioner for Human Rights (2008). The study compiles existing legislation and jurisprudence concerning defamation of and contempt for religions. 5 September 2008. Paras. 7–10; http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/9/25; for further information see Langer, L. (2014). *Religious Offence and Human Rights: The Implications of Defamation of Religion*. Cambridge University Press. Pages 199–227.

45 Human Rights Committee (2011). General Comment No. 34: Art. 19: Freedoms of opinion and expression. CCPR/C/GC/34. 12 September 2011. Para. 48.

46 Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2013). A/HRC/22/17. Add. 4; para 19; see also: Jahangir, A. and Diène, D. (2006). Report of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. 20 September 2006. A/HRC/2/3. Para. 36.

47 See Council of the European Union (2013). EU Guidelines on the promotion and protection of freedom of religion or belief. 24 June 2013. 11491/13. <http://data.consilium.europa.eu/doc/document/ST-11491-2013-INIT/en/pdf>, paras. 32(a) and (b); see Gatti, M. (2016). The Log in Your Eye: Is Europe’s External Promotion of Religious Freedom Consistent With its Internal Practice? *European Law Journal*. Vol. 22. Pages 250-267. Here pages 256–258.

But it is not only members of the OIC that favour the prohibition of blasphemy by law. For example, Provisions that refer to blasphemy exist in Germany, Spain or Austria.⁴⁸ In some cases they are still applied.⁴⁹ It is also in accordance with the consistent case law of the ECtHR that blasphemy laws and freedom of opinion and expression can be compatible because they may be necessary to protect other people's rights in a democratic society. More precisely, this involves "the right of citizens not to be insulted in their religious feelings"⁵⁰ and to protection of the peaceful enjoyment of freedom of religion or belief.⁵¹ Blasphemy laws are not necessarily incompatible with the international protection of human rights, but this must be assessed on a case-by-case basis.

Aside from the theoretical compatibility of blasphemy laws with human rights standards, the sanctions they specify for violations of blasphemy laws are of great importance. They are a central aspect when considering the proportionality of blasphemy laws. According to the Human Rights Committee, the proportionality of restrictions on freedom of religion or belief and freedom of expression must be assessed in reference to the specific situation.⁵² However, imprisonment, corporal punishment or the death penalty are not appropriate sanctions under any circumstances.⁵³ Nonetheless, punishment of this kind continues to be threatened and enforced in many countries.

48 Section 166 of the German Criminal Code ("Revilement of religious faiths and religious and ideological communities"), Art. 525 of the Spanish Criminal Code, Art. 188 of the Austrian Criminal Code.

49 See Temperman, J. and Koltay, A. (2016). *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*; Gatti, M. (2015) *Blasphemy in European Law*. In Bosch, M.D. and Torrents, J.S. (eds.). *On Blasphemy*. Blanquerna. Pages 49–64. Here pages 50–52.

50 Judgment of the ECtHR (1994). *Otto Preminger-Institut v Austria*. 20 September 1994. App. No. 13470/87. Para. 48; judgment of the ECtHR (1996). *Wingrove v UK*. (25 November 1996). App. No. 17419/90. Para. 47.

51 See judgment of the ECtHR (2018). *E.S. v Austria*. 25 October 2018. App. No. 38450/12. App. No. 38450/12. Para. 43; judgment of the ECtHR (2018). *Sekmadienis v Lithuania*. 30 January 2018. App. No. 69317/14; para. 74.

52 UN Human Rights Committee (2011). *General Comment No. 34*, para. 36.

53 See judgment of the ECtHR (2006). *Tatlav v Turkey*. 2 May 2006. App. No. 50692/99. Para. 30. See UN Human Rights Committee (2005). *Marques v Angola*. Communication No. 1128/2002. CCPR/C/83/D/1128/2002. 18 April 2005. Para. 6.8; Human Rights Committee (2005). *Coleman v Australia*. CCPR/C/87/D/1157/2003. 10 August 2005. Para. 7.3.

Incitement to religious hatred (hate speech)⁵⁴

The meaning of the term “hate speech” is not clearly defined in international law. In its Plan of Action on Hate Speech, which is not binding under international law, the UN states that “the term hate speech is understood as any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor”.⁵⁵

Article 20 (2) of the ICCPR states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”⁵⁶ The wording of Article 20 (2) of the ICCPR thus also makes it clear that not every form of advocacy of religious hatred falls under Article 20 (2) ICCPR; a further requirement is that the advocacy constitutes incitement to discrimination, hostility or violence. This is intended to prevent disproportionate restriction of other fundamental rights, including freedom of religion or belief and freedom of opinion and expression.⁵⁷

1.2.2.2. Right to convert or to renounce or manifest a religion

According to human rights guarantees, freedom of religion or belief includes the right to have a religion or belief and to change it (in other words, to convert) or to renounce a religion. It also includes not being subject to coercion to adopt or renounce a religion or belief (Article 18 (2) ICCPR). Human rights norms also guarantee the right to manifest one’s religion or belief, including the right to attempt to persuade others, without coercion, about one’s own religion, in other words to advocate for one’s own religion.⁵⁸

54 For a more detailed presentation of the legal framework and initiatives to oppose hate speech, see chapter 2 on the opportunities offered by digital communication and the influence of online hate speech on freedom of religion or belief in this report.

55 UN (2019). Strategy and Plan of Action on Hate Speech; page. 2; https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf.

56 ICCPR 1966. Article 18 (2).

57 Human Rights Committee (2015). Rabbat et al. Para. 10.4. For additional information, see Temperman, J. (2015). Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination. Pages 168–191.

58 ICCPR 1966. Art. 18 (1); Bericht der Bundesregierung zur weltweiten Lage der Religions- und Weltanschauungsfreiheit (Report by the Federal Government on the status of freedom of religion or belief worldwide) (2016). Page 24; Report of the Special Rapporteur on freedom of religion or belief of 13 August 2012. A/67/303, paras. 26–29.

The right to convert to or renounce a religion

Although Article 18 (1) ICCPR does not explicitly mention the right to convert,⁵⁹ instead referring only to the “freedom to have or to adopt a religion or belief of [one’s] choice,”⁶⁰ the UN Human Rights Committee emphasises that this “necessarily entails the freedom to choose a religion or belief”.⁶¹ This also includes the right to replace one’s current religion or belief with another or to adopt atheistic views.⁶² This interpretation is in accordance with Article 18 of the UDHR and numerous resolutions of the UN General Assembly.⁶³

Freedom from forced conversion

Freedom of religion or belief includes the right to convert.⁶⁴ However, Article 18 (2) states 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”. Accordingly, no one may be forcibly converted to a (different) religion or to atheism. Like the right to conversion, freedom from forced conversion is an absolute right. A state may not force individuals to convert or abandon their own religion or belief. It is also the duty of the state to ensure that people are protected from potential coercion by third parties.

Right to manifest and disseminate one’s religion or belief

The ICCPR does not explicitly mention the right to conduct missionary activities, specifying only the general freedom to “manifest [one’s] religion or belief in worship, observance, practice and teaching”.⁶⁵ The possibility of manifesting one’s religion by teaching in principle includes the freedom to disseminate one’s own religion or to convey religious convictions to others, in other words to conduct missionary activities. The Human Rights Committee has indeed held that freedom of religion or belief includes the freedom to establish seminaries or religious schools, prepare and distribute religious texts or publications,⁶⁶ invite

59 Bielefeldt, H., Ghanea, N. and Wiener, M. (2016). Freedom to Adopt, Change, or Renounce a Religion or Belief. In Bielefeldt, H. Ghanea, N. and Wiener, M. (eds.) (2016). Freedom of Religion or Belief: An International Law Commentary. Page 55–74. Here pages 57–58.

60 ICCPR 1966. Art. 18 (1).

61 Human Rights Committee (1993). General Comment No. 22. CCRP/C/21/Rev.1/Add.4. 27 September 1993. Para. 5.

62 Ibid.

63 See, for example, General Assembly resolution (1981). 36/55. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. 25 November 1981. Art. 1 (2); General Assembly resolution (2017). Freedom of Religion or Belief. UN doc. A/RES/72/177. 19 December 2017. Para. 1; General Assembly resolution (2018). Freedom of Religion or Belief. UN doc. A/RES/73/176. 17 December 2018. Para. 1.

64 Human Rights Committee (1993). General Comment No. 22. CCRP/C/21/Rev.1/Add.4. 27 September 1993. Para. 3.

65 ICCPR 1966. Article 18 (1).

66 Human Rights Committee (1993). General Comment No. 22; para. 4

foreign clerics to visit the country, establish monasteries or educational institutions⁶⁷ and conduct “missionary activities” such as preaching, praying, and holding meetings and religious rituals among the followers of a church.⁶⁸ According to Article 18 (3) ICCPR, the dissemination of a religion or belief can be limited, but this must be prescribed by law and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. Possible legitimate restrictions on the freedom to disseminate one’s religion or belief can be those aimed at protecting individuals from coercion, for example. Coercion with respect to exercise of a religion or belief may occur, for example, when teachers attempt to convert their pupils⁶⁹ or officers attempt to get subordinates to convert⁷⁰ or a religious aid organisation, following a disaster, gives life-saving medications only to those who agree to change their religion.⁷¹ However, there is the risk that states may use an increasingly broad interpretation of the term “coercion” in that connection, thereby limiting the legitimate dissemination of religious views.

1.3. National legal provisions and national practice relating to blasphemy and conversion

According to the assessment of the German government, in some cases the blasphemy and anti-conversion laws and actual practice of countries in various regions of the world conflict with international human rights standards. Some of the most serious violations of human rights relating to freedom of religion or belief as a result of those laws and application of them are discussed below.

67 Human Rights Committee (2005). *Malakhovsky v. Belarus*. Communication No. 1207/2003. CCPR/C/84/D/1207/2003. 23 August 2005. Para. 7.2.

68 Human Rights Committee (2015). *Leven v Kazakhstan*. Communication No. 2131/2012. CCPR/C/112/D/2131/2012. 5 January 2015. Para. 9.2.

69 Report of the Special Rapporteur on freedom of religion or belief A/HRC/16/53. 15 December 2010. Para. 23.

70 See ECtHR (1998). *Larissis v Greece*. 24 February 1998. App. No. 23372/94. Para. 51.

71 Bielefeldt, H., Ghanaea, N. and Wiener, M. (2016). The Right to Manifest One’s Religion or Belief. In Bielefeldt, H. Ghanaea, N. and Wiener, M. (eds.) (2016). *Freedom of Religion or Belief: An International Law Commentary*. Pages 92-257. Here page 197.

1.3.1. Blasphemy and the limitation of liberties in practice

As noted by the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, “more than 70 countries from all geographic groupings of the United Nations had laws against blasphemy and the defamation of religion in force in 2017”.⁷² Several countries have repealed their blasphemy laws or are in the process of doing so, including Iceland (2015), Norway (2015), Malta (2016), Denmark (June 2017), Canada (2018), Ireland (2019), Greece (2019) and New Zealand (2019). While there is a trend to abolish blasphemy laws in any form in democratic countries, they still exist and are applied in other countries, particularly those where there is a close relationship between religion and politics.

1.3.1.1. The lawfulness of blasphemy laws under scrutiny

Any restriction on human rights such as freedom of religion or belief and freedom of opinion and expression must be “prescribed by law” in order to prevent the arbitrary exercise of power by the state. The Human Rights Committee has specified that “a norm, to be characterised as a ‘law’, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly”. The law in question must also be made accessible to the public and “may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution”.⁷³ Against the background described above, the compatibility of blasphemy laws and international human rights standards is problematic in three key respects:

First, blasphemy is frequently prohibited based on religious laws, such as in various Muslim countries where it is punishable by imprisonment, corporal punishment and even death.⁷⁴ The very broad interpretation frequently permitted by religious laws allows for many different readings, making it difficult for people to orient their conduct to the norm. At the same time, they are subject to punishment if they do not follow the rules.

⁷² Report of the Special Rapporteur on freedom of religion or belief (2019). A/HRC/40/58. 5 March 2019. Para. 29.

⁷³ Human Rights Committee (2011). General Comment No. 34. Art. 19. Freedoms of opinion and expression. CCPR/C/GC/34. 12 September 2011. Para. 25.

⁷⁴ Georgetown University. Berkley Center for Religion, Peace & World Affairs. National Laws on Blasphemy: Saudi Arabia. <https://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-saudi-arabia>; Georgetown University. Berkley Center for Religion, Peace & World Affairs. National Laws on Blasphemy: Afghanistan. <https://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-afghanistan>

Second, laws not specifically aimed at blasphemy can have a similar effect. This category includes laws against terrorism and violent extremism that have been instituted by countries such as Saudi Arabia.⁷⁵ The very broadly worded anti-terrorism laws then include an extremely wide-ranging definition of terrorism. For example, the promotion of atheistic ideas or questioning the basis of the Islamic religion can be understood as terrorism.⁷⁶

Third, the blasphemy laws themselves are often worded imprecisely.⁷⁷ This makes it difficult to apply them in accordance with international human rights standards and to review whether they are compatible with those standards. In that context, it can also be problematic if a state resorts to mere general provisions, such as „protecting “public morals”, instead of explicit provisions targeting blasphemy or religious insult.

1.3.1.2. Purpose of blasphemy laws

Limitations to the freedom to manifest one’s religion or belief and freedom of opinion and expression must pursue legitimate objectives, such as the protection of public safety, order, health or morals or the fundamental rights and freedoms of others. In practice, however, the intentions behind the adoption of blasphemy laws vary greatly.

Some countries punish expressions of opinion that insult or defame religions and religious values or objects of veneration or that breach the public peace. The aim of using blasphemy laws to protect public order is legitimate in principle, but it can also be problematic because the threat to public order may not be directly based on the blasphemous or insulting statements themselves but rather on believers’ responses to them. The paradoxical result is that this threat to public order indirectly also depends on other people’s propensity to violence.⁷⁸ Consequently, the response by believers may define limits to the free expression of opinions by other people. There is also a risk that the executive branch will interpret the protection of public order excessively broadly. Under the vast majority of blasphemy laws, blasphemy does necessarily require the element of a breach of the public peace.

75 Report of the Special Rapporteur on freedom of religion or belief of 5 September 2018. A/73/362; paras. 3, 5, 6, 13 and 14.

76 Human Rights Watch (2014). Saudi Arabia: New Terrorism Regulations Assault Rights. 20 March 2014. <https://www.hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights>; <https://www.state.gov/reports/2018-report-on-international-religious-freedom/saudi-arabia/>.

77 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (2012). Para. 53.

78 Cornils, M. (2016). Legal Protection of Religion in Germany. In: Temperman, J., Koltay, A. (eds.). *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*. Pages 358-388. Here pages 370-371.



Muslim fisherwomen praying on the beach of Nouakchott (Nouakchott, Mauritania 2013) © photothek GbR

Another possible legitimate objective pursued by blasphemy laws is the protection of other people's rights. Most blasphemy laws appear to directly protect religions, beliefs or sacred persons and objects, not individuals. For example, the law in Bahrain criminalises insults "against a symbol or a person being glorified or considered sacred to members of a particular sect".⁷⁹ Insulting deities and prophets is punishable in countries such as

79 Art. 310 of the Bahrain Penal Code.

Algeria,⁸⁰ Iran,⁸¹ Jordan,⁸² Lebanon⁸³ and Pakistan.⁸⁴ Other countries generally penalise degrading “religious values” (Turkey, for example),⁸⁵ disdaining religion (in Egypt⁸⁶ and South Sudan,⁸⁷ for example) or insults to religion (in Thailand and Myanmar, for example).⁸⁸

Blasphemy laws in many countries – such as Algeria, Iran, Jordan, Libya, Morocco, Pakistan, Somalia or Yemen⁸⁹ – protect only the rights of adherents to local majority religions, not the rights of religious minorities. The German government views with concern this unequal treatment of different religious groups, as well as non-religious people.

1.3.1.3. Proportionality of blasphemy laws

Threatened penalties and the punishments that are actually imposed are of decisive importance for determining the proportionality of limitations to freedom of religion or belief resulting from blasphemy laws. In many countries the penalties for blasphemy or religious insult can include forced labour or imprisonment for terms ranging from a few months to life imprisonment. The penalty in Russia and Kazakhstan may be forced labour.⁹⁰ Many years of imprisonment may be ordered in Oman (up to 10 years),⁹¹ in Qatar and Thailand (up to seven years) and in Algeria, Yemen, Egypt and Indonesia (up to five years).⁹² India, Jordan, Singapore and South Sudan may impose a sentence of imprisonment for up to three years.⁹³ The Iraqi Penal Code specifies that the element of blasphemy applies only to offences that insult the religious feelings of minorities, subject

80 Art. 144 of the Penal Code of Algeria.

81 Art. 513 of the Iran Penal Code.

82 Art. 273 of the Penal Code of Jordan.

83 Art. 473 of the Lebanon Penal Code.

84 Arts. 295-298-C, particularly 295-C, of the Pakistan Penal Code.

85 Art. 216 (3) of the Penal Code of Turkey.

86 Art. 98 (f) of the Penal Code of Egypt.

87 Chapter XV, section 202 of the Penal Code Act of South Sudan.

88 Para. 206 of the Thailand Penal Code; Art. 295A of the Myanmar Penal Code.

89 Art. 144 of the Penal Code of Algeria; Art. 513 of the Iran Penal Code; Art. 573 of the Penal Code of Jordan; Art. 291 of the Penal Code of Libya; Art. 220 of the Penal Code and Art. 179 of the Press Code of Morocco; Art. 295-C of the Pakistan Penal Code; Art. 313 of the Somalia Penal Code; Art. 194 of the Yemen Criminal Code.

90 Art. 164 of the Criminal Code of Kazakhstan and Art. 148 of the Criminal Code of the Russian Federation.

91 Art. 269 of the Oman Penal Code.

92 Art. 256 of the Penal Code of Qatar; para. 206 of the Thailand Penal Code; Art. of the Penal Code of Algeria; Art. 195 of the Yemen Criminal Code, Art. 98(f) of the Penal Code of Egypt, Art. 156(a) of the Penal Code of Indonesia.

93 Art. 295A of the Indian Penal Code; Art. 273 of the Penal Code of Jordan; Art. 298 of the Penal Code of Singapore; section 201 of the Penal Code Act of South Sudan.

to a fine or imprisonment of up to three years,⁹⁴ while Bangladesh, Myanmar, Nigeria, Somalia, Sri Lanka and Syria threaten imprisonment of up to two years.⁹⁵ In most other cases, sentences are for less than one year.

Some countries even impose the death penalty for blasphemy or religious insult. That is incompatible with human rights. The ICCPR (unlike its Second Optional Protocol) does not yet prohibit imposition of the death penalty;⁹⁶ however, it does specify that the death penalty may be imposed “only for the most serious crimes”⁹⁷ involving intentional life-terminating harm or injury.⁹⁸ As the Human Rights Committee has observed, the term “most serious crimes” must be interpreted restrictively. According to the UN human rights institutions, it is not justifiable to classify blasphemy as a serious crime.⁹⁹ Nonetheless, laws in several countries, such as Afghanistan, Brunei, Iran, Mauritania and Yemen impose the death penalty for blasphemy or religious insult.¹⁰⁰

Germany, along with its European partners, advocates all over the world for condemnation and abolition of the death penalty and also supports civil society projects in this area.

94 Art. 372 (2) of the Iraqi Penal Code.

95 Art. 295A of the Penal Code of Bangladesh; Art. 295A of the Myanmar Penal Code; Art. 204 of the Nigeria Penal Code (blasphemy laws are applied in all of Nigeria's states). In the 12 states that have introduced Islamic law, Sharia courts punish insults to Muslims with sanctions extending all the way to the death penalty; Art. 313 of the Somalia Penal Code; Arts. 290a and 291b of the Penal Code of Sri Lanka; Arts. 462 and 208 of the Syrian Penal Code; on Nigeria, see Georgetown University. Berkley Center for Religion, Peace & World Affairs (2019). National Laws on Blasphemy: Nigeria. <https://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-nigeria>

96 However, see Art. 1 (2) of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 15 December 1989, UN doc. A/RES/44/128, BGBl. 1992 II (Federal Law Gazette, Part II). Page 390 (currently 88 States Parties).

97 ICCPR 1966. Art. 6 (2).

98 General Comment No. 36 of the Human Rights Committee.

99 See Human Rights Committee (2014). Question of the death penalty: Report of the Secretary-General, 30 June 2014. A/HRC/27/23 para. 35; Report of the Special Rapporteur on freedom of religion or belief of 5 March 2019. A/HRC/40/58, paras. 30, 56; see United Nations; International Covenant on Civil and Political Rights (1997). Consideration of Reports Submitted by State Parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee Sudan. 19 November 1997; CCPR/C/79/Add.85, para. 8.

100 Arts. 221 (1) and 222 (1) of the Brunei Penal Code of 2013; Art. 513 of the Iran Penal Code; Art. 306 of the Penal Code of Mauritania; Art. 259 of the Yemen Criminal Code. On Brunei, see additional mandates of the Working group on the issue of discrimination against women in law and in practice; of UN Special Rapporteurs on the promotion and protection of freedom of opinion and expression, on freedom of religion or belief, on minority issues on extrajudicial and summary or arbitrary executions, on torture and on violence against women; on Pakistan: see Fiss, J. (2016). Anti-blasphemy offenses in the digital age: When hardliners take over. Page 7; on Afghanistan inter alia, see. Jacob, P. (2012). Blasphemie – Vorwürfe und Missbrauch (Blasphemy – accusations and abuse). <https://www.missio-hilft.de/missio/informieren/wofuer-wir-uns-einsetzen/religionsfreiheit-menschenrechte/menschenrechtsstudien/mr-studie-050-pakistan.pdf>, page 11.

1.3.1.4. The application of blasphemy laws

Blasphemy laws are applied by countries all over the world to varying degrees. The extent to which the aforementioned sanctions are imposed differs and cannot always be precisely determined, given the lack of available information. For example, European countries generally do not apply blasphemy laws or at least do not do so systematically, although there are a few examples, including the enforcement of blasphemy laws in Italy, Spain or Poland.^{101,102}

Some countries in the Middle East and North Africa take a much stricter stance on blasphemy and religious insult, although their laws are not universally applied. In Iraq, where blasphemy is punishable by imprisonment for up to three years, there are reports that this law has been used to impose sentences exceeding the narrow definition.¹⁰³ Saudi Arabia sentenced Ahmed al-Shamri to death for apostasy in 2015, and two appeals, in 2016 and 2017, were rejected; it is possible that he is still in prison. In Mauritania, the blogger Mohamed Cheikh Ould Mkhaitir was sentenced to death on several grounds, including blasphemy, in 2014. In 2017 the sentence was reduced to two years' imprisonment, which he had already served, and he was released in 2019.¹⁰⁴ Mauritania has not sentenced anyone other than Mohamed Cheikh Ould Mkhaitir to death for blasphemy in recent years, although a mandatory death sentence was introduced by the Mauritanian parliament in 2019.¹⁰⁵ Blasphemy laws are also being enforced in Iran. Two members of the heavy metal band Confess were charged and imprisoned for blasphemy and other crimes in 2015. Authorities were particularly concerned about some of the band's songs such as "I'm Your God Now" and "Teh-Hell-Ran". Both musicians initially faced execution, but they

101 See Gatti, M. (2015). Blasphemy in European Law. In Bosch, M.D. and Torrents, J.S. (eds.). *On Blasphemy*. Blanquerna. Pages 49–64.

102 Art. 19 (2018). Poland: Blasphemy Conviction of Pop Star Violates Free Expression (9 April 2018). <https://www.article19.org/resources/poland-blasphemy-conviction-pop-star-violates-free-expression/>; McGreevy, R. (2019). Behemoth: The Satanist who took on the Polish government and won. *The Irish Times*. 6 February 2019. <https://www.irishtimes.com/culture/music/behemoth-the-satanist-who-took-on-the-polish-government-and-won-1.3784122>

103 Art. 372 (2) of the Iraqi Penal Code; see the section on Iraq in this report.

104 See Office of the United Nations High Commissioner for Human Rights (2018). UN experts urge immediate release of detained Mauritanian blogger. (8 May 2018). <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23050&LangID=E>; Human Rights Watch. (2019). Mauritania: Blogger in 'Blasphemy' Case Freed After 5 Years. 30 July 2019; <https://www.hrw.org/news/2019/07/30/mauritania-blogger-blasphemy-case-freed-after-5-years>Pages/.

105 See Al Jazeera. (2017). Mauritania strengthens blasphemy law after blogger case. 24 November 2017 <https://www.aljazeera.com/news/2017/11/mauritania-strengthens-blasphemy-law-blogger-case-171122163349451.html>; US State Department. (2018). 2018 Report on International Religious Freedom: Mauritania. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/mauritania/>.

were released on bail and granted asylum in Norway.¹⁰⁶ The court tried them in absentia in 2019, finding them guilty of insulting the sanctity of Islam. One of the musicians was ordered to serve six years, while the other was sentenced to twelve-and-a-half years' imprisonment and 74 lashes.¹⁰⁷

Pakistan stands out among South Asian countries prosecuting blasphemy. According to several news agencies and reports by NGOs, there have been more than 1,500 proceedings involving blasphemy in Pakistan in the past 30 years.¹⁰⁸ Dozens of people are currently imprisoned for blasphemy, and at least 17 of them sit on death row.¹⁰⁹ Blasphemy charges are often brought against members of religious minorities, particularly Ahmadis and Christians.¹¹⁰ Indonesia also imposes draconian penalties. A Buddhist known as Meiliana was sentenced to 18 months' imprisonment for blasphemy in 2018, allegedly for complaining about mosque loudspeakers. Her sentence was upheld in 2019.¹¹¹ Blasphemy laws are also enforced in Myanmar. Three people were sentenced to two years' imprisonment in 2015 for posting online a picture of the Buddha wearing headphones, which was insulting to the Buddhist religion according to authorities.¹¹²

Even if blasphemy laws are seldom enforced or penalties for blasphemy are not carried out, they are still of great importance. On the one hand, their mere existence can act as a deterrent to freedom of religion or belief and to freedom of opinion and expression, because there is at least the risk of criminal prosecution. On the other hand, blasphemy

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- 106 Weisflog, C. (2019). "Teh-Hell-Ran" – im Nahen Osten drohen Anhängern harter Rockmusik Haft, Folter oder der Tod (In the Middle East, hard rock fans face prison, torture or death). *Neue Zürcher Zeitung*. 25 July 2019. <https://www.nzz.ch/international/teh-hell-ran-oder-die-angst-vor-harter-rockmusik-im-nahen-osten-ld.1494992>.
- 107 Hadusek, J. (2019). Members of Iranian band Confess sentenced to prison and 74 lashes for playing metal. *Consequence of Sound*. 9 July 2019; Eleftheriou-Smith, L. M. (2016). Metal band Confess reportedly jailed and facing execution for 'blasphemy' in Iran. *Independent*. 17 February 2016. <https://www.independent.co.uk/news/world/middle-east/metal-band-confess-reportedly-jailed-and-facing-execution-for-blasphemy-in-iran-a6879466.html>.
- 108 Shahzad, A. (2018). Pakistani Christian woman's blasphemy ordeal highlights plight of minorities. *Reuters*. 1 November 2018. <https://www.reuters.com/article/us-pakistan-blasphemy-christianity/pakistani-christian-womans-blasphemy-ordeal-highlights-plight-of-minorities-idUSKCN1N6525>.
- 109 Human Rights Watch (2019). *World Report 2019*. Page 448. https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf.
- 110 Human Rights Committee (2017). *Concluding observations on the initial report of Pakistan*. CCPR /C/PAK/CO/1. 23 August 2017. Para. 33; Amnesty International. (2016). "As Good as Dead": The Impact of Blasphemy Laws in Pakistan.
- 111 Llewellyn, A. (2019). Indonesian Buddhist woman's blasphemy conviction upheld. *Al Jazeera*. 8 April 2019. <https://www.aljazeera.com/news/2019/04/indonesian-buddhist-woman-blasphemy-conviction-upheld-190408100321754.html>.
- 112 Moe, W. and Ramzy, A. (2015). Myanmar Sentences 3 to Prison for Depicting Buddha Wearing Headphones. *New York Times*. 17 March 2015. <https://www.nytimes.com/2015/03/18/world/asia/myanmar-sentences-3-to-prison-for-defaming-buddhism.html>.

laws can legitimise social sanctions that may lead to vigilante justice, attacks, and killings.¹¹³ At least 65 people accused of blasphemy have been killed by vigilante groups and mobs in Pakistan since 1990.¹¹⁴ For example, a mob attacked journalism student Mashal Khan in 2017. The attack occurred shortly after the university had suspended him for allegedly blasphemous actions. The police did not intervene to protect Mashal Khan against the mob.¹¹⁵ Similarly, Farkhunda Malikzada was attacked by a mob after she was falsely accused of burning a Quran in Kabul, Afghanistan, in 2015.¹¹⁶ Again the police did not get involved, and several officers, including the spokesman for the Kabul police chief, subsequently even supported the attack by the mob.¹¹⁷

1.3.1.5. Applying national rules and regulations on incitement to religious hatred

States are required to prohibit “[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”¹¹⁸ by means of legislation at the national level. However, laws protecting against “incitement to hatred” must be sufficiently specific and must precisely define what is meant by the term. Failure to do so can lead to wrongful restrictions on freedom of religion or belief and freedom of opinion and expression. It seems that state officials have recently interpreted the phrase “incitement to hatred” more broadly in the context of national laws. There is a risk in such cases that laws intended to prohibit the “incitement of hatred” will have the same effect as blasphemy laws.

For example, Jordanian officials arrested Mohammed al-Wakeel, who runs the Al Wakeel News website, and an editor in December 2018, accusing them of inciting sectarian strife. The Al-Wakeel News website had posted a retouched version of Leonardo da Vinci’s painting “The Last Supper” in which an image of the Turkish chef Nusret Gokce, nicknamed Salt Bae, had been inserted, showing him salting the food. The chef had gained Internet

113 Mandates of the Special Rapporteur on extrajudicial and summary or arbitrary executions, of the Special Rapporteur on cultural rights, of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on freedom of religion or belief. AL PAK 2/2017. 5 May 2017. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23110>.

114 Ibid.

115 Mackey, R. (2017). Students at Pakistani University Lynch Classmate Falsely Accused of Blasphemy. *The Intercept*. 14 April 2017. <https://theintercept.com/2017/04/14/students-pakistani-university-lynch-classmate-falsely-accused-blasphemy>.

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

117 Harooni, M. (2015). Afghan police official fired for mob-killing Facebook comment. 24 March 2015. <https://www.reuters.com/article/us-afghanistan-women/afghan-police-official-fired-for-mob-killing-facebook-comment-idUSKBN0MK1BX20150324>.

118 ICCPR 1966. Article 20 (2).

fame with this salt-sprinkling gesture. Al-Wakeel and the editor were released on bail a few days after they were arrested.¹¹⁹ The penalty in Jordan for inciting sectarian strife is imprisonment for between six months and three years.¹²⁰

“Incitement to hatred” has also led to attention-grabbing sentences in Russia. The feminist punk band Pussy Riot performed their “punk prayer” entitled “Virgin Mary, Drive Putin Away” in front of the iconostasis, the holiest public place in an Orthodox church, in Moscow’s Christ the Saviour cathedral in February 2012. The intention was to protest the Russian Orthodox Church’s support for President Vladimir Putin. Russian authorities then arrested three members of Pussy Riot and charged them with “hooliganism motivated by religious hatred”. They were sentenced to prison for up to one year and 11 months and released in 2013 as part of an amnesty. Two band members spent about 18 months in prison, and the third person was imprisoned for about seven months. The ECtHR confirmed in 2018 that Russia had violated the Pussy Riot members’ right to freedom of expression.

1.3.1.6. Conclusion about blasphemy and restrictions of freedom of religion or belief and freedom of opinion and expression

Examples from many countries clearly show that national blasphemy laws and the application of such laws often restrict both freedom of religion or belief and freedom of opinion and expression. Limiting these two universal human rights may be possible subject to certain conditions, but national blasphemy laws often lack legality. Limitations to freedom of religion or belief and freedom of opinion and expression are amplified by the additional societal sanctioning of people convicted of blasphemy.

Prominent cases provide clear examples of the problematic effects of blasphemy laws on freedom of religion or belief and freedom of opinion and expression. They show that religious minorities frequently suffer most from blasphemy laws. It will be necessary in coming years – in a dialogue with third countries – to advocate for defining blasphemy laws in a way that is consonant with the right to freedom of religion or belief.

119 France 24 (2018). Journalists bailed in Jordan after arrest over Jesus image. 12 December 2018. <https://www.france24.com/en/20181212-journalists-bailed-jordan-after-arrest-over-jesus-image>; Roya News. Al Wakeel News website owner, editor arrested. (10 December 2018). <https://en.royanews.tv/news/16196/Al-Wakeel-News-website-owner--editor-arrested>; see Art. 150 of the Penal Code of Jordan.

120 Art. 273 of the Penal Code of Jordan.

Example 1: Asia Bibi (Pakistan)¹²¹

Asia Noreen, commonly known as Asia Bibi, is a Christian and was a farmworker living in Punjab, Pakistan. She had an argument with other agricultural workers in 2009. According to reports, Bibi had used a cup to drink from a bucket before the other workers did, and they considered it “unclean” due to her faith. Following the row, the women and the village imam accused Asia Bibi of blasphemy. She was attacked by a mob a few days later, arrested by the police, imprisoned, and accused under section 295-C of the Pakistan Penal Code.

The court sentenced Asia Bibi to death in 2010. The sentence was upheld in 2014. Pakistan’s Supreme Court suspended the sentence in 2015, but Asia Bibi remained in prison. Two government representatives who advocated on her behalf – the Governor of Punjab, Salman Taseer, and the Minister for Minorities Affairs, Shahbaz Bhatti – were assassinated in 2011.

The court acquitted Asia Bibi in October 2018 based on insufficient evidence. Street protests immediately broke out, with people calling for the death of Asia Bibi. The radical Islamist party Tehreek-e-Labbaik Pakistan, which holds seats in the country’s parliament, called for the death of the three Supreme Court justices and for the army to mutiny. The Supreme Court dismissed a review petition and upheld the acquittal of Asia Bibi in January 2019. She left Pakistan in May 2019 following international efforts on her behalf.¹²²

121 See chapter 2 on the opportunities offered by digital communication and the influence of online hate speech on freedom of religion or belief in this report, which discusses the example of Asia Bibi in detail.

122 For further information: See Jaffery, Page (2019). Asia Bibi, Pakistan’s Notorious Blasphemy Case. BBC. 1 February 2019. https://www.bbc.co.uk/news/resources/idt-sh/Asia_Bibi.

Example 2: Basuki Tjahaja Purnama (Indonesia)

Basuki Tjahaja Purnama (also known as Ahok or BTP) is an Indonesian ethnic Chinese Christian politician who was elected governor of Jakarta in 2014. In September 2016, during the campaign for governor in 2017, he gave a speech in which he argued that his political opponents had used the Quran to trick people into not voting for him.

According to Basuki Tjahaja Purnama, religious conservatives had cited the Quran, surah 5 (Al-Maidah), verse 51 to justify the claim that Christians should not hold high positions in the state. The video of his speech was edited to give the impression that Purnama considered that verse 51 itself was misleading, not the opponents citing it. The video went viral on social media and led to public outrage. Conservative religious groups organised massive protests in Jakarta, calling for Basuki Tjahaja Purnama to be arrested.¹²³

Indonesian officials accused Purnama of blasphemy in November 2016. He was sentenced to two years' imprisonment in May 2017. He lost the election for governor in 2017. In August 2018 he declined to be released on parole and remained in prison until January 2019.¹²⁴

1.3.2. Limitations to the freedom to convert or to renounce a religion or belief or to proselytise others (missionary activities)

1.3.2.1. Limitations to conversion or to abandoning a religion or belief

Several countries prohibit converting from one religion to another or renouncing a religion. Those laws are referred to below as anti-conversion laws. Unlike blasphemy laws, laws to prevent conversion involve more than the outward expression of an opinion or belief. The aim of these laws is to regulate merely holding or changing religious beliefs. Anti-conversion laws are often used against those wishing to persuade someone about

123 Kwok, Y. (2016). Thousands of Hard-Line Muslims Rally Against Jakarta's Governor for Alleged Blasphemy. Time. 4 November 2016. <https://time.com/4558113/jakarta-blasphemy-protest-basuki/>.

124 The Jakarta Post (2018). Ahok to finish his term in prison, despite possible August parole. 12 July 2018. <https://www.thejakartapost.com/news/2018/07/12/ahok-to-finish-his-term-in-prison-despite-possible-august-parole.html>; Kahfi, K. (2019). Ahok is now a free man. The Jakarta Post. 24 January 2019. <https://www.thejakartapost.com/news/2019/01/24/ahok-is-free.html>.

another belief. However, in some cases they also sanction the person changing beliefs. Changing beliefs is sometimes also interpreted as “apostasy” (renouncing a faith), so the person may be treated as an apostate.

Laws punishing efforts by religious groups to persuade others to change their beliefs are in force in 99 countries.¹²⁵ It is even legally possible to impose the death penalty for conversion in 12 countries (Afghanistan, Iran, Malaysia, Maldives, Mauritania, Nigeria, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates and Yemen).¹²⁶ In many countries, converts are also socially ostracised and subjected to societal violence, harassment and discrimination.

In Nigeria, for example, religious freedom is enshrined in the Constitution. However, it is possible in some Nigerian states for someone who renounces their religion to be sentenced to death.¹²⁷ In Malaysia, conversion from Islam to another religion or belief is subject to approval by a Sharia court, although requests of this kind are rarely granted. The punishment for an unapproved conversion varies from one state to another and ranges from fines to the death penalty, although it has never been carried out.¹²⁸ The 2016 case of Roneey Rebit could represent a relevant precedent in Malaysia. Roneey Rebit’s parents converted from Christianity to Islam when he was a child. As an adult, he wished to convert back to Christianity. A state court granted him the right to change religion since “the right to choose his religion lies with the applicant himself and not the religious body”. The Kuching High Court also found that Roneey Rebit had never been a practising Muslim. A civil court, not a Sharia court, approved Roneey Rebit’s conversion, showing that, due to two parallel legal systems, it is still unclear whether practising adult Muslims can change their religious status in Malaysia.¹²⁹

125 Report of the Special Rapporteur on freedom of religion or belief (2019). A/HRC/40/58. 5 March 2019. Paras. 30 and 31; Humanists International (2018). The Right to Apostasy in the World. <https://humanists.international/get-involved/resources/the-right-to-apostasy-in-the-world/>; The Law Library of Congress (2014). Laws Criminalizing Apostasy in Selected Jurisdictions. <http://www.loc.gov/law/help/apostasy/apostasy.pdf>.

126 Humanists International (2018). The Freedom of Thought Report; End Blasphemy Laws (2019). Brunei. <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/brunei/>.

127 Humanists International (2018). The Freedom of Thought Report. <https://fot.humanists.international/countries/africa-western-africa/nigeria/>.

128 UN Committee on the Elimination of Discrimination against Women (2018). Concluding observations on the combined third to fifth periodic reports of Malaysia. CEDAW/C/MYS/CO/3-5. 14 March 2018. Para. 53; MalayMail (2017). Malaysia can’t enforce, but penalty for leaving Islam is death, mufti reminds apostates. 8 August 2017. <https://www.malaymail.com/news/malaysia/2017/08/09/malaysia-cant-enforce-but-penalty-for-leaving-islam-is-death-mufti-reminds/1438733>.

129 Moustafa, T. (2018). Constituting Religion: Islam, Liberal Rights, and the Malaysian State. Page 83.

In Afghanistan, abandoning Islam is subject to the death penalty, although the accused can avoid punishment by recanting and returning to Islam.¹³⁰ In addition to state sanctions, terrorist organisations such as the so-called Islamic State or the Taliban attack clergy and religious scholars they consider to be “apostates”. In June 2018, religious scholars who were meeting to condemn suicide bombing were themselves the victim of such an attack.¹³¹ The situation in Iran is similar to that in Afghanistan. Conversion to Islam is possible, but converting from Islam to another religion will lead to an accusation of “apostasy”, which is subject to sanctions up to and including the death penalty.¹³²

Saudi Arabia has strict anti-conversion laws and also enforces them. Even children can be sentenced to death for offences including “apostasy”.¹³³ Saudi officials systematically apply anti-conversion norms, although they have not carried out the death penalty for “apostasy” in recent years.

In Sudan, conversion from Islam to other religions is punishable by death, although the person converting can avoid punishment by renouncing their conversion. It appears that the authorities are enforcing the law in individual cases.¹³⁴ For example, Meriam Yahya Ibrahim was arrested and sentenced to death for “apostasy” in 2014. However, the sentence was overturned following international protests. She was released in 2014 and was then able to leave the country. In 2017, Sudanese authorities charged Mohammad Salih with “apostasy” after he asked to change his identity card to “non-religious” instead of “Muslim”. Charges against him were dropped, however, as he was found “mentally incompetent” by a psychiatrist.¹³⁵ Sudan’s transitional government announced in March 2020 that it intended to abolish the death penalty for “apostasy”.¹³⁶ Conversion from Islam

130 See Arts. 3 and 130 of the Constitution of Afghanistan; Hussain, A. (2017). Afghanistan’s Constitution between Sharia Law and International Human Rights. *Verfassungsblog*. 22 May 2017. <https://verfassungsblog.de/afghanistans-constitution-between-sharia-law-and-international-human-rights>.

131 Mashal, M. and Sukhanyar, J. (2018). Bomber Attacks Afghan Scholars Gathered to Denounce Violence. *New York Times*. 04 June 2018. <https://www.nytimes.com/2018/06/04/world/asia/afghanistan-bombing-clerics.html>.

132 Arts. 167 and 220 of the Iran Penal Code.

133 UN Committee on the Rights of the Child (2016). Concluding observations on the combined third and fourth periodic reports of Saudi Arabia. *CRC/C/SAU/CO/3-4*. 25 October 2016. Para. 24.

134 Human Rights Committee (2018). Concluding observations on the fifth periodic report of the Sudan. *CCPR/C/SDN/CO/5*. 19 November 2018. Para. 49.

135 *The New Arab* (2017). Sudanese activist accused of apostasy released after psychiatric examination. 13 May 2017. <https://www.alaraby.co.uk/english/news/2017/5/13/sudanese-activist-accused-of-apostasy-released-after-psychiatric-examination>.

136 Humanists International (2020). Sudan Plans to Scrap Death Penalty for Apostasy; 20 March 2020; <https://humanists.international/2020/03/sudan-plans-to-scrap-death-penalty-for-apostasy/>.

to other religions and beliefs is prohibited by law in Yemen upon pain of death, although the person accused of being an “apostate” has the possibility of recanting their “apostasy”, thereby avoiding punishment.¹³⁷

The individual case described below offers an example of the problematic effects of anti-conversion and “apostasy” laws on the human right to freedom of religion or belief. It also shows that conversion is in some cases considered equivalent to “apostasy”, which is severely punished in some countries.

Example of conversion: Youcef Nadarkhani (Iran)

Youcef Nadarkhani was born to Muslim parents in Iran in 1977. He converted to Christianity at age 19 and became a pastor. The Iranian authorities detained him in 2006 and charged him with “apostasy” and “evangelism” (disseminating his faith) but released him shortly thereafter. He was arrested again in 2009 and sentenced to death for “apostasy” in 2010. Reports indicate that he refused to convert back to Islam on several occasions. The order to execute the death sentence was delivered in February 2012.

In response to international outrage, Youcef Nadarkhani was acquitted of “apostasy” in a retrial in 2012 and found guilty only of “evangelising Muslims”. He was credited for time served and released.

Authorities arrested Mr. Nadarkhani again in 2016, together with three other Christians, Yasser Mossayebzadeh, Saheb Fadaie, and Mohammad Reza Omid. They were charged with “acting against national security”, “Zionism” and “evangelising”. They were sentenced to imprisonment for 10 years in 2017 and have been incarcerated since July 2018.¹³⁸

137 Humanists International (2018). Freedom of Thought Report.

138 Comité de soutien aux droits de l'homme en Iran (2019). La répression contre les convertis chrétiens s'intensifie en Iran. 23 February 2019. <https://www.csdhi.org/index.php/actualites/repression/12366-la-repression-contre-les-convertis-chretiens-s-intensifie-en-iran>; Iran Human Rights Monitor (2018). Iranian Pastor Youcef Nadarkhani arrested after police raid his home. 23 July 2018. <https://iran-hrm.com/index.php/2018/07/23/iranian-pastor-youcef-nadarkhani-arrested-after-police-raid-his-home/>.

1.3.2.2. Freedom from forced conversion

The international human right to freedom of religion or belief 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” (Article 18 (2) ICCPR). The prohibition of forced conversion is absolute.

The anti-conversion laws discussed in the previous chapter can result de facto in forced conversions. If countries offer to release converts from punishment if they convert back to Islam, that can represent indirect coercion.

Another form of coercion is to refuse fundamental rights to minorities and make those rights contingent on conversion. Withdrawing certain rights associated with conversion or rejection of a belief can also represent indirect coercion. For example, a mother in Brunei will be granted primary custody of the children from her marriage but will lose it if she renounces her faith.¹³⁹

Forced conversion can also result from actions by individuals or groups. For instance, Boko Haram kidnapped children in Nigeria and forced them to convert to Islam.¹⁴⁰ Similarly, Islamist groups have forced Yazidis in Syria and Iraq to convert.¹⁴¹ In Pakistan, it is estimated that some 1,000 women and girls from religious minorities are kidnapped and forced to convert to Islam each year. After the forced conversion, they are often obliged to marry their kidnappers.¹⁴²

139 Islamic Family Law of Brunei, Art. 88 (1), Art. 90d.

140 Report of the Secretary-General on children and armed conflict in Nigeria (2017). S/2017/304. 10 April 2017. Paras. 32 and 70.

141 Cockburn, P. (2018). Yazidis who suffered under Isis face forced conversion to Islam amid fresh persecution in Afrin. Independent. 18 April 2018. <https://www.independent.co.uk/news/world/middle-east/syria-yazidis-isis-islam-conversion-afrin-persecution-kurdish-a8310696.html>.

142 Ackerman, R. (2018). Forced Conversions & Forced Marriages In Sindh. Pakistan. University of Birmingham; Committee on the Elimination of Racial Discrimination (2016). Concluding observations on the combined twenty-first to twenty-third periodic reports of Pakistan. CERD/C/PAK/CO/21-23. 3 October 2016. Para. 31; Committee on the Elimination of Discrimination against Women (2013). Concluding observations on the fourth periodic report of Pakistan. 27 March 2013. CEDAW/C/PAK/CO/4. Para. 37.

The threat of forced conversion can also lead to displacement. NGOs report that in Indonesia local state officials threatened members of the Ahmadiyya Muslim community with death if they did not convert to Sunni Islam. The Ahmadiyas, whose religion is not recognised in Indonesia and who are often described as heretical, felt that they had no choice but to flee their villages because they did not want to renounce their beliefs.¹⁴³

1.3.2.3. Restrictions on disseminating one's religion or belief (missionary activity)

The freedom to change (or keep) one's religion or belief is complementary to the freedom to disseminate one's religion or belief or to convey it to others. Many human rights instruments specify, and the UN Human Rights Committee is of the view, that the right to manifest one's religion includes performing actions intended to persuade others to believe in a specific religion.¹⁴⁴ As part of the "outwardly directed" freedom of belief, the freedom to disseminate a religion can be subject to restrictions imposed by the state, which must correspond to the relevant limitations applicable to human rights (such as Article 18 (3) ICCPR). The protection of other people's freedom of religion can play a particular role in this.

Some countries prohibit any dissemination of religion or belief, irrespective of the religion or belief in question. Countries that prohibit dissemination of religion or belief in general are Cambodia, Indonesia, Uzbekistan¹⁴⁵ and Nepal. In Nepal, the Constitution specifies that no person may "convert a person of one religion to another religion".¹⁴⁶ Similarly, the Criminal Code of Nepal stipulates that "[n]o person shall convert any one from one religion to another or make attempt to or abet such conversion". The punishment ranges from a fine to five years' imprisonment.¹⁴⁷ The law is also applied in practice, as shown by the case of married couple Rita Gonga, an Indonesian, and Richard De Vera, a Filipino. Both of them were working as pastors in Nepal and in 2018 were fined and deported for

143 Amnesty International (2018). Indonesia: State Officials Complicit in Attacks against Ahmadiyya Religious Minority. 1 June 2018; <https://www.amnesty.ca/news/indonesia-state-officials-implicit-attacks-against-ahmadiyya-religious-minority>.

144 OHCHR, <https://undocs.org/A/60/399>.

145 Cambodia: Directive on Controlling External Religions 2003 and Decree on Proselytism of the Ministry of Cults and Religions 2007; Indonesia: Guidelines for Propagation of Religion. Ministerial Decision No. 70/1978; Uzbekistan: Law on Freedom of Conscience and Religious Organisations (1998). Art. 5(3).

146 Art. 26 (3) of the Constitution of Nepal.

147 Art. 158 of the Criminal Code of Nepal.

allegedly converting Hindus to Christianity.¹⁴⁸ General prohibitions of dissemination are problematic because they can prevent forms of manifesting a religion or belief that are free of coercion and therefore legitimate.

Discriminatory effects are amplified in countries in which the dissemination of a religion or belief to members of certain religions is prohibited. In these cases, the bans are most often applied to minority religions or beliefs.¹⁴⁹ Several majority-Muslim countries explicitly prohibit attempts to persuade Muslims to adopt another faith.¹⁵⁰ For example, in Brunei anyone who persuades or encourages a Muslim to change to a religion other than Islam or to leave Islam faces up to five years' imprisonment.¹⁵¹

In some countries, only adherents of a certain religion may disseminate their faith. That provision can also be discriminatory. For example, in the Maldives it is forbidden to "propagate a faith other than Islam or to make any effort to convert anyone to a religion other than Islam".¹⁵² Similarly, several majority-Buddhist countries such as Bhutan prohibit the dissemination of "foreign" religions.¹⁵³ Some countries prohibit the dissemination of religion only by specific religious groups. For example, Indonesia prohibits Ahmadi Muslims from disseminating their religion, subject to up to five years' imprisonment.¹⁵⁴ In Pakistan, Ahmadis can be imprisoned for up to three years for preaching or propagating their faith.¹⁵⁵

Some countries do not prohibit all forms of dissemination of religions or beliefs but only those that contain a certain element of coercion, such as offering practical or social benefits to a convert to gain new members for a religious group, which is a way of putting pressure on people in need.

148 Sapkota, R. (2018). Two deported on proselytisation charge, *The Himalayan Times*, 10 July 2018. <https://thehimalayantimes.com/kathmandu/two-deported-on-proselytisation-charge/>.

149 See, for example, International Commission of Jurists (2018). *Challenges to Freedom of Religion or Belief in Nepal. A Briefing Paper*. <https://www.icj.org/wp-content/uploads/2018/08/Nepal-Freedom-of-religion-brief-Advocacy-Analysis-brief-2018-ENG.pdf>, Page 15.

150 See Temperman, J. (2010). *State-Religion Relationships and Human Rights Law: Towards a Right to Religiously Neutral Governance* Page 219-220; Fox, J. (2015). *Political Secularism. Religion and the State*. Page 193.

151 Brunei Penal Code of 2013. Art. 120.

152 Art. 6 of the Protection of Religious Unity Act (1994).

153 Pollock, D. (2018). *Is there a Right to Freedom from Religion?* In: Scharffs, B.G., Maoz, A., Woolley, A.I. (ed.). *Religious Freedom and the Law: Emerging Contexts for Freedom for and from Religion* (2018); Fischer, M.G. (2018). *Anti-Conversion Laws and the International Response*. *Penn State Journal of Law & International Affairs*. Pages 1–69.

154 Marshall, P. (2018). *The Ambiguities of Religious Freedom in Indonesia*. *The Review of Faith and International Affairs*. Pages 85–96. Here page 90.

155 Art. 298-C of the Pakistan Penal Code; see UK Home Office (2019). *Country Policy and Information Note Pakistan: Ahmadis*. 16 March 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790304/CPIN-Pakistan-Ahmadis-v4.0_Mar_19.pdf; Pages 28–31.

In India, several states prohibit conversions carried out by “forcible” or “fraudulent” means or by “allurement” or “inducement”. Punishment for a violation ranges from a fine to several years’ imprisonment. Although laws in India do not prohibit conversion as a matter of principle and instead are addressed to conversion under coercion or pressure, critics such as the Catholic church fear that anti-conversion laws can be abused to the detriment of Christians and other minorities.¹⁵⁶

The individual case described below offers an example of the severe effect limiting missionary activities has on freedom of religion or belief. It shows that religious minorities can be affected by restrictions to the dissemination of one’s faith.

Example of disseminating one’s faith: Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen (Sri Lanka)

An Order of Roman Catholic nuns – the Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka – filed an application for incorporation with the Sri Lankan authorities in 2003. Incorporation in Sri Lanka occurs by way of statutory enactment. The Bill submitted by the Order to this end specified the objectives of their activities, such as teaching in schools, serving in nursing homes, as well as spreading knowledge of the Catholic religion. After the Bill was published in the Government Gazette, an objection was filed to the constitutionality of two of its clauses, when read with the preamble, apparently by a private citizen.¹⁵⁷ The Supreme Court reviewed the case again.

The Sri Lankan Constitution protects freedom of opinion and expression and freedom of religion or belief. This includes the right to manifest a religion. It protects all religions and beliefs but gives to Buddhism “the foremost place”.¹⁵⁸

156 Vatican News. 2018. Indien: Weiterer Bundesstaat beschneidet Religionsfreiheit (Another Indian state curtails religious freedom). 5 May 2018. <https://www.vaticannews.va/de/welt/news/2018-05/indien-religionsfreiheit-regierungspartei-christen-muslime.html>.

157 Sister Immaculate Joseph and 80 Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka v. Sri Lanka, Communication No. 1249/2004, UN Doc. CCPR/C/85/D/1249/2004 (2005).

158 See Arts. 9, 10 and 14 (1) the Sri Lanka Constitution.

According to the Supreme Court of Sri Lanka, the provisions of the Order's Bill "create a situation which combines the observance and practice of a religion or belief with activities which would provide material and other benefits to the inexperienced[d], defenceless and vulnerable people to propagate a religion." The mixing of these activities would necessarily result in "imposing unnecessary and improper pressures on people, who are distressed and in need, with their free exercise of thought, conscience and religion with the freedom to have or to adopt a religion or belief of his choice [...]".¹⁵⁹ Moreover, the Supreme Court noted that the propagation and dissemination of Christianity as postulated in the Order's Bill "would not be permissible as it would impair the very existence of Buddhism".¹⁶⁰

The UN Human Rights Committee, to which the case was submitted, criticised the decision by the Supreme Court, stating that it did not contain sufficient evidence that the nuns had coercively or otherwise improperly propagated religion through the provision of material and other benefits to vulnerable people.

1.3.2.4. Conclusion on restrictions to the right to convert or proselytise others (missionary activity)

Although conversion and "apostasy" are guaranteed by international human rights standards, the two rights are among those most fiercely contested in the area of freedom of religion or belief. They continue to be disregarded and violated by many countries, which often have not accepted them, imposing reservations under international law, and have not recognised them as binding.

Conversion, "apostasy" (renouncing a faith) and missionary activity are sanctioned by severe penalties, sometimes including the death penalty, in certain countries. It is the German government's view that punishing people who renounce or change their religion is not compatible with the universal human right to freedom of religion or belief. It is also problematic that many countries consider conversion and "apostasy" to be equivalent and that the line between the two provisions is blurred. For example, converts in majority-Muslim countries are often accused of "apostasy" when they convert from Islam to another religion. Treating conversion and "apostasy" as equivalent makes it de facto impossible to change faiths without becoming an apostate. This is problematic to the extent that national law makes it impossible for people to follow a religion other than Islam or to follow no religion.

159 Citation from the Human Rights Committee (2005). *Sister Immaculate Joseph and others v Sri Lanka* (2005). Communication No. 1249/2004. CCPR/C/85/D/1249/2004. 18 November 2005. Paras. 2.2, 2.3.

160 *Ibid.*

According to international human rights standards, no one can be forced to convert. However, in practice people are encouraged or compelled to change their religion. For example, some countries will release converts from punishment if they decide to convert back to their original religion. The freedom to disseminate one's own religion (missionary activity) is closely associated with the freedom to convert. However, many countries prohibit the dissemination of one's religion, even if this is done without coercion.



Women praying at the wailing wall (Jerusalem, Israel 2013) © photothek GbR

2. The opportunities offered by digital communication and the influence of online hate speech on freedom of religion or belief

2.1. Introduction

Social media are among the most powerful tools for communication in today's world. Politicians, NGOs and religious or other civil society groups use social media as a resource to mobilise people, influence opinions and initiate political action. The decisive factor is that the communication does not take place within the conventional sender-receiver model. Instead, users of social networks communicate directly and interactively with each other, which means that all participants can keep in touch with each other and receive and share

information around the clock in real time across national borders.¹⁶¹ Due to the interactive participation of a large number of users and the transnational nature of the Internet, the dynamics of communication on social networks are very complex and extend across national borders, with messages being received in just a few seconds, even by people in distant parts of the world. The objectives of the actors who use social media as a tool for communication are as different as the target groups with whom they share messages and to whom those messages are addressed. Digital communication can offer people space for participation, for asserting their rights to freedom of opinion and expression and access to information, and for devoting themselves to a cause. This also became clear during the coronavirus crisis, when churches began holding services electronically because people were not allowed to gather in places of worship.¹⁶² On the other hand, digital communication can cause serious harm, for example if it contains incorrect information or contains punishable hate speech against individuals or groups and therefore becomes a menace to democratic values, social stability and peace.¹⁶³ This applies in particular in cases where disinformation¹⁶⁴ is spread over social networks. People deliberately disseminate false, misleading information but claim it comes from credible sources. One purpose of this is to influence political debates or generate advertising income.¹⁶⁵ Another challenge on the Internet is that users can unwittingly spread false and misleading information, often due to a lack of media literacy.¹⁶⁶

It is also problematic that in certain authoritarian countries the existence or purported existence of false, misleading information and hate speech is used as a pretext for passing laws, whose – sometimes primary – aim, is to prohibit dissemination of the opinions of dissidents, members of the opposition or religious minorities.¹⁶⁷ In the worst case, digital communication can glorify violence or even incite it. For example, an armed man who had been radicalised on the Internet made an antisemitic attack on a synagogue in Halle

161 Del Vigna, F., Cimino, A. Dell'Orletta, F., Petrocchi, M. and Tesconi, M. (2017). Hate me, Hate me not: Hate Speech Detection on Facebook. In Proceedings of the First Italian Conference on Cybersecurity (ITASEC17).

162 Spangenberg, U. (2020). Wenn der Pater auf YouTube tröstet (When the priest comforts parishioners on YouTube); 22.03.2020; <https://www.tagesschau.de/inland/corona-krise-online-gottesdienste-101.html>; BBC (2020). Coronavirus: Cathedrals and Churches Live Stream Services; 20.03.2020; <https://www.bbc.com/news/uk-england-51965708>

163 Guterres, A. (2019). Remarks to the Human Rights Council. 25 February 2019. <https://www.un.org/sg/en/content/sg/speeches/2019-02-25/remarks-the-human-rights-council>

164 German government media and communication report (2018). <https://www.bundesregierung.de/resource/blob/975226/1567556/2ccf0dfef063d7b16e8c24fa94f39d70/2019-01-09-medienbericht-breg-2018-politischer-teil-data.pdf?download=1>; page 12.

165 Ibid.

166 Ibid.

167 Freedom House (2018). The Rise of Digital Authoritarianism: Fake News, Data Collection and the Challenge to Democracy. 1 November 2018; <https://freedomhouse.org/article/rise-digital-authoritarianism-fake-news-data-collection-and-challenge-democracy>; Freedom House (2019). Freedom on the Net 2019. The Crisis of Social Media, page 2; page 18.

an der Saale, Germany, during the Jewish holiday of Yom Kippur on 9 October 2019. After a failed attempt to enter the synagogue, he fatally shot a passer-by and a customer in a Turkish kebab shop and wounded other people. The perpetrator obviously intended to use the Internet to incite others to commit similar acts: he filmed his actions, commented on them, and livestreamed the video, which was then further distributed – on several channels, where it reached some 15,600 users within the first 30 minutes following the attack.¹⁶⁸

It is not always possible to recognise the identities of the users behind disinformation campaigns or punishable hate speech. It is important in this context that the anonymity of the online communication – in contrast to communication in the analogue world – can have a disinhibiting effect on users' conduct. This means that anonymity can encourage online hate speech because people who remain anonymous or are not required to reveal their identity when communicating with others tend to be more willing to use language that is aggressive or even glorifies violence. But anonymity can also have a positive effect, enabling people to position themselves on the Internet against hate speech and in favour of religious freedom.¹⁶⁹

Sometimes there are no real users behind online accounts, only the computer programmes known as social bots, which simulate human actions on social networks based on algorithms. This means that computer-generated messages can influence the development of political opinions in many different ways.¹⁷⁰ But algorithms do not just use social bots to contribute to the formation of certain opinions and world views. Users who have explored certain subjects and commented on, shared or agreed with them will repeatedly be shown similar content based on algorithms. That content reinforces users' positions and keeps them from receiving different or more detailed information.¹⁷¹ This means that when users of social media spend more time viewing social media messages of hatred against certain religious or other societal groups for instance, those messages will increasingly be presented to them based on algorithms. In addition to these increasingly segmented, personalised “echo chambers”, the business model of the online platforms, which is based on attracting maximum

168 Kumpfmüller, K. (2019). Wie sich das Halle-Video verbreitete (How the Halle video spread). 10 October 2019; <https://www.tagesschau.de/faktenfinder/plattform-halle-101.html>; Schwarz, K. and Gensing, P. (2019). Stream voller Hass (Stream of hatred). 9 October 2019; <https://www.tagesschau.de/inland/halle-taeter-101.html>.

169 Rösner, L. and Krämer, N.C. (2016). Verbal Venting in the Social Web: Effect of Anonymity and Group Norms on Aggressive Language Use in Online Comments, in: *Social Media + Society*, 1–13.; UNESCO 2015. Countering Online Hate Speech, page 14; <https://unesdoc.unesco.org/ark:/48223/pf0000233231>; see in chapter 2.3 examples of counter-messages opposing online hate speech.

170 German government media and communication report (2018). Page 11 f; page 34.

171 Helbig, K. (2018). Der Einfluss von Algorithmen auf demokratische Deliberation (The influence of algorithms on democratic deliberation). In: *Kompetenzzentrum Öffentliche IT* (2018). (Un)berechenbar? Algorithmen und Automatisierung in Staat und Gesellschaft ((In)calculable? Algorithms and automation in state and society), pages 339–363, here 350 ff.

attention, can also boost the spread of polarising content. However, hate speech is not just being spread freely and openly on social media, it is also increasingly being disseminated over closed forums or the dark web, a hidden part of the Internet where communication is heavily encrypted and can be downloaded only using anonymising networks. This prevents the hate speech being spread there from being directly observed by the public, but allows hatred, agitation and radicalisation to be cultivated in secret.¹⁷²

Although the effect and social presence of hate messages are amplified by social media and the associated dramatic acceleration and spread of communicative content, hate speech is nothing new and is not an exclusively digital phenomenon. Hate speech is also spread by traditional media. This can happen when traditional media pass on discriminatory messages or hate speech. Both online and offline, journalists and media organisations bear great responsibility for recognising and preventing the creation and spread of hate messages.

Online hate speech directed at or stemming from religions or groups threatens the human right to freedom of religion or belief and the peaceful coexistence of religions. This phenomenon is increasingly relevant and is often the subject of political debate, but it has hardly been systematically researched.¹⁷³

Examples of the effect on freedom of religion or belief of online hate speech directed at or stemming from religions and groups are analysed from a typological perspective in this chapter. There are three main questions:

- a.) What actors are driving hatred and smear campaigns against religious and social groups on social media?
- b.) What messages are these actors spreading against religious and other social groups and how does this impact on the human right to freedom of religion or belief?
- c.) What opportunities do digital communication and social media offer for strengthening the human right to freedom of religion or belief?

172 Research on the dark web has previously been limited in scope, focusing for the most part on the drug trade, terrorism and black money trading. Nonetheless, hate speech is spreading on the dark web and some initial research has been done. See, for example, Kaján, E. (2017). Hate Online: Anti-immigration Rhetoric in Darknet. Nordia Geographical Publications, No. 46, pages 3-22.

173 Exceptions include the following analyses of online hate speech directed at or stemming from religions and groups, some of which are comprehensive while others discuss the subject only marginally: Democracy Reporting International (2019). Social Media Analysis. What Facebook Tells us about Social Cohesion in Sri Lanka. Briefing Paper 97, February 2019; Green, C. M. (2014). From Social Hostility to Social Media: Religious Pluralism, Human Rights and Democratic Reform in Africa. In: African Human Rights Law Journal, 14, pages 93-125.

The first two questions place the focus on the influence of online hate speech on freedom of religion or belief. The third question explores the opportunities offered by digital communication for empowering religious and other societal groups and limiting online hate speech specifically against those groups. Messages against hate speech and in support of those affected by it which are disseminated on social media can also serve as important points of contact for the German government's international development and foreign policy programmes to strengthen freedom of religion or belief and freedom of opinion and expression.

The presentation in this chapter is obviously not exhaustive; rather, the objective is to offer food for thought. The empirical data used in this chapter is publicly accessible primary data taken directly from online platforms.¹⁷⁴ Some of the analyses have been done on the basis of quantitative evaluations, so their conclusions are more generally applicable. Others provide important findings and information about online hate speech directed at or stemming from religions or groups from a qualitative viewpoint, but they do not allow general conclusions to be reached. It should also be noted that the set of data that was used is subject to certain limitations because not all data could be collected in real time, which means that in some cases the online platform providers may already have deleted certain data. It is also possible that contributions were amplified by disinformation campaigns or social bots, meaning that the extent to which they spread does not necessarily reflect actual dissemination by users. Other than data on public figures, all user data generated from the platforms and included in this chapter has been completely anonymised for reasons of data protection.¹⁷⁵ Therefore, no sources are provided when directly referring to publications on digital media.

174 Most of the data used in this chapter is taken from expert reports by Dr Giulia Evolvi and Samira Tabti of Ruhr-Universität Bochum and social media analyst Raymond Serrato. It provides important information about online hate speech directed at or stemming from religions and groups and about the opportunities offered by digital communication for strengthening the human right to freedom of religion or belief. It does not necessarily always reflect the views of the German government.

175 Protection of the private sphere is of particular importance for the subject of online hate speech directed at or stemming from groups and religions because private life on social media is closely related to the physical safety of individuals. If data protection is not respected, including by users themselves, personal statements that spread on social media can become genuine risks.

2.2. Legal framework and political measures against hate speech

There is not yet an internationally valid legal definition of the term hate speech. However, as already shown in the chapter on blasphemy and anti-conversion laws in this report, an idea of what hate speech is can at least be derived from the legally binding International Covenant on Civil and Political Rights (ICCPR). According to Article 20 (2) of the ICCPR, the states must prohibit by law “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.¹⁷⁶ The UN’s Rabat Plan of Action defines the concepts of hatred, hostility and incitement in greater detail and identifies factors that must be fulfilled in order to prosecute certain hate speech as a criminal offence. It clarifies that only serious forms of hate speech should be criminally prosecuted and that otherwise alternative strategies such as counter and alternative narratives, dialogue and training should be used.¹⁷⁷

Human-rights based regulation of hate speech requires protection of the human right to freedom of religion or belief (Article 18 of the ICCPR) as well as protection of freedom of opinion and expression, which is enshrined in Article 19 of the ICCPR.¹⁷⁸ The UN Human Rights Committee has stated that as a matter of principle limitations to freedom of opinion and expression, including in the context of hate speech, must be provided by law, necessary and proportionate. More rather than less freedom of opinion and expression is the best way of opposing intolerance and discrimination, according to it.¹⁷⁹ Accordingly, both punishable and non-punishable forms of expression are designated as hate speech. The facts involved are often in a legal grey zone and require a determination of the extent to which they are covered in the context of freedom of opinion and expression or represent hate speech that is subject to criminal penalties or must be prevented using other legal instruments. This ambiguity has had the result that some laws against hate speech have been used to oppose legally prohibited expressions of opinion but can also be abused in an effort to prevent legitimate criticism – for example under blasphemy laws – and limit

176 ICCPR 1966. Article 20 (2).

177 See UN General Assembly (2013). Rabat Plan of Action. 11 January 2013. https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf.

178 See explanation of the legal basis of the human right to freedom of religion or belief and freedom of opinion and expression in the section on blasphemy and anti-conversion laws in this report.

179 See Rabat Plan of Action (2013). Rabat Plan of Action. 11 January 2013. https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf. United Nations (2011). General Comment No. 34 on Art. 19: Freedoms of opinion and expression.

freedom of opinion and expression. In this context, it is the human right to freedom of religion or belief that is increasingly at risk of being restricted by blasphemy laws that threaten the freedom of opinion and expression of religious and other societal groups.¹⁸⁰

With the worldwide increase in Internet use and the importance of social media, the subject of hate speech in the broad sense has taken on a new dimension. For example, Freedom House, a think tank, declared in early 2020 that the future of internet freedom would rest on people's ability to fix social media.¹⁸¹ After all, if messages that are false, polarising or driven by hatred of certain religious or other societal groups are being sent at breathtaking speed to even the most distant corners of the globe, they will threaten the safety of the groups being attacked and undermine social harmony. In view of this trend, the UN has recently intensified its commitment to fighting hate speech. In response to a "disturbing groundswell of xenophobia, racism and intolerance – including rising anti-Semitism, anti-Muslim hatred and persecution of Christians",¹⁸² UN Secretary-General António Guterres launched a Plan of Action on Hate Speech on 18 June 2019. The aim of the Plan of Action, which is not legally binding, is – within the international human rights context – to address the "root causes and drivers of hate speech" and to "enable effective United Nations responses to the impact of hate speech on societies".¹⁸³ Secretary-General Guterres introduced the United Nations Plan of Action to Safeguard Religious Sites, which is not binding, on 12 September 2019; it is a second strategy for opposing hatred of certain societal groups, in this case hatred of religions. In response to attacks on two mosques in Christchurch, New Zealand, on 15 March 2019; against a synagogue in Pittsburgh, Pennsylvania, on 27 October 2018; and against three Catholic churches in Sri Lanka on Easter 2019, Secretary-General Guterres had asked the UN Alliance of Civilisations (UNAOC) to develop the Plan of Action.¹⁸⁴ In addition to reinforcing global educational initiatives, the Plan of Action accords particular importance to the prevention of hate speech, especially online hate speech, in guaranteeing the protection of religious sites. The Plan of Action mentions the UN, states, religious leaders, civil society, and the providers of online platforms among those who play a crucial role in providing such protection.¹⁸⁵ Secretary-General

180 See description of the abuse of laws on inciting religious hatred in the section on blasphemy and anti-conversion laws in this report.

181 Freedom House (2019). The Crisis of Social Media. Freedom of the Net 2019. Freedom House. <https://freedom-house.org/report/freedom-net/2019/crisis-social-media>.

182 UN (2019). United Nations Strategy and Plan of Action on Hate Speech. May 2019. Page 1. <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>.

183 Ibid, page 2.

184 UN (2019). "Reaffirm the Sanctity" of Religious Sites, says Guterres, Launching New Plan to 'Counter Hate and Violence'. 12 September 2019. <https://news.un.org/en/story/2019/09/1046182>

185 UN Alliance of Civilisations (UNAOC) (2019). The United Nations Plan of Action to Safeguard Religious Sites: In Unity and Solidarity for Safe and Peaceful Worship.

Guterres describes the Plans of Action on Hate Speech and to Safeguard Religious Sites as “important and mutually reinforcing new tools to combat intolerance and promote peaceful coexistence”.¹⁸⁶

In addition to the UN Plans of Action, following the shootings in Christchurch, a summit initiated by New Zealand and France led to the signing on 15 May 2019 of the non-binding Christchurch Call to Action, an international political initiative to eliminate terrorist and violent extremist content online which seeks to prevent abuse of the Internet.¹⁸⁷ There are 48 signatories, including Germany, as well as regional and international organisations such as the European Commission, the Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Eight online platforms, including Facebook, Twitter, YouTube, Google and Microsoft, also signed the initiative.¹⁸⁸ In contrast, civil society organisations criticise the vague definitions of terrorism and violent extremism in the initiative and call for accountability and control mechanisms to avoid disproportionate human rights violations in the context of fighting terrorism. They point out that upload filters, which automatically check content directly when uploading, are inconsistent with the protection of freedom of opinion and expression and state that governments should not outsource speech regulation to technology companies and instead should increase civil society participation in decision-making processes.¹⁸⁹

The European Commission is also engaged in the fight against hate speech. It agreed to a Code of Conduct on countering illegal hate speech online with Facebook, Twitter, YouTube and Microsoft in 2016. The commitments under the Code focus on reviewing the content disseminated on the social networks and removing illegal hate speech in less than 24 hours or disabling access to such content.¹⁹⁰ Moreover, social network providers in particular have long been subject to “notice and take down” procedures for illegal content under the e-Commerce Directive. The German Act to Improve Enforcement of the Law in Social Networks (Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken) entered into force on 1 October 2017 and following a three-month transitional period has been fully applied since 1 January 2018. Known as the Network Enforcement Act for short, it requires online platforms to ensure that, upon complaint by a user, “obviously illegal content is removed within 24 hours or access to it is disabled”;

186 Cited by: UN (2019). “Reaffirm the Sanctity” of Religious Sites, says Guterres, Launching New Plan to ‘Counter Hate and Violence’. 12 September 2019. <https://news.un.org/en/story/2019/09/1046182>

187 The Christchurch Call to Action (2019). <https://www.christchurchcall.com/christchurch-call.pdf>

188 See Christchurch Call (2019). Supporters. <https://www.christchurchcall.com/supporters.html>

189 See Civil Society Positions on Christchurch Call Pledge. https://www.eff.org/files/2019/05/16/community_input_on_christchurch_call.pdf

190 European Commission (2016). Code of Conduct on Countering Illegal Hate Speech Online; https://ec.europa.eu/info/sites/info/files/code_of_conduct_on_countering_illegal_hate_speech_online_en.pdf.

other unlawful content must be removed or access to it disabled without undue delay, generally within seven days.¹⁹¹ Illegal content includes certain punishable content such as incitement of the masses, revilement of religious faiths and ideological communities, public incitement to commit a criminal offence, the formation of criminal or terrorist associations, the depiction of violence, the dissemination of child pornography, insults, defamation and threats. If the major social networks covered by the Act fail to remove the illegal content and if this represents a systematic failure and not just an isolated case, they could be subject to fines of up to EUR 50 million. While representatives of population groups that are most often the targets of hate speech, centres providing information to the victims of online hate speech, and organisations opposing extremism and racism generally support the Network Enforcement Act or at least consider it to be a good point of departure, critics – primarily from the political opposition but also experts on human rights, media professionals and some civil society organisations – believe the Act risks limiting freedom of opinion and expression. One point of criticism is that, given the time pressure (24-hour rule) for using automated programmes to remove illegal content, legal expressions of opinion and content that are not hate speech may also be deleted, thereby restricting freedom of opinion and expression. However, based on current information and studies, there are no indications that the Network Enforcement Act has encouraged what is known as overblocking. According to transparency reports submitted by the social network providers covered by the Act, in most cases, after reviewing complaints, they concluded that the content did not need to be deleted. There have also been additional calls by politicians for the operators of online platforms to be required to forward information about the authors of punishable online hate speech to the security authorities.¹⁹² The murder of Walter Lübcke, a local politician in the city of Kassel, and the attacks in the towns of Halle and Hanau demonstrated the clear connection between online hate speech and real-life violence, prompting the German Bundestag to adopt the Act to Combat Right-Wing Extremism and Hate Crime (Gesetz zur Bekämpfung des Rechtsextremismus und der Hasskriminalität) on 18 June 2020. The Act includes various measures to intensify the fight against right-wing extremism and hate crime and make it more effective. One objective is to prevent online hatred and incitement from turning into criminal acts motivated by right-wing extremism in the analogue world. The Network Enforcement Act has also been amended by the new Act. In future, the major social networks must report to the Federal Criminal Police Office (BKA) as coordinating office certain punishable content of which they have become aware of based on complaints and removed or

191 Network Enforcement Act (2017). Article 3 (2) (2).

192 Bender, J. and Pergande, F. (2019). Facebook soll Hass anzeigen (Facebook supposed to report hatred). 13 October 2019. Frankfurter Allgemeine. 13 October 2019. <https://www.faz.net/aktuell/politik/inland/nach-halle-facebook-soll-hass-anzeigen-16430275.html>.

blocked. The reporting requirement primarily applies to criminal acts against personal freedom or public order, such as death threats and incitement of the masses. The BKA will then forward the reported content to the responsible criminal prosecution authorities.

The Act to Combat Right-Wing Extremism and Hate Crime implements the package of measures against right-wing extremism and hate crime approved by the German government in October 2019, which requires federal security authorities to focus more on combating right-wing extremism, increases staffing levels in this area within the security authorities and boosts preventive efforts. A cabinet committee on combating right-wing extremism and racism has been created which will also emphasise increased preventive efforts.

The legal pressure on the technology companies to delete illegal content was recently increased at the European level as well. The Court of Justice of the European Union (CJEU) found on 3 October 2019 that the competent national courts can require the online portals in specific cases, for example when individuals have been defamed, to delete or block access to information whose content is equivalent to content previously declared to be illegal.¹⁹³ If EU Member States follow international law, the judgment could also apply internationally.¹⁹⁴

The most recent report (2019) of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, also explores the question of the responsibilities and obligations of states and tech companies such as Google, Facebook and Twitter given the possibilities for and limitations to regulating digital communication. The report calls on states and tech companies to regulate hate speech based on human rights and, as an alternative to blocking online content, recommends promoting freedom of expression by offering learning opportunities.¹⁹⁵

The online platforms are also concerned with the problem of swiftly-spreading online hate speech on social media. Critics had argued that Facebook and similar platforms did not respond adequately and were far too slow in doing anything about hate speech – in the wake of conflicts with ethnic connotations, such as in Myanmar, or following religiously

193 European Court of Justice (2019). Judgment of the Court of Justice of the European Union (CJEU) C-18/18, *Eva Glawischnig-Piesczek v Facebook Ireland Limited*, paras. 37 and 39.

194 Scott, M. and Kayali, L. (2019). Facebook Can Be Forced to Delete Defamatory Content Worldwide, Top EU Court Rules. *Politico Pro*, 3 October 2019. <https://www.politico.eu/pro/facebook-europe-court-justice-defamation-content-plaform-liability/>.

195 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye (2019). *Promotion and Protection of the Right to Freedom of Opinion and Expression*. A/74/486. 9 October 2019.

motivated terrorist attacks, as in Sri Lanka – that had spread at breathtaking speed over online platforms with the aim of provoking violence against minorities.¹⁹⁶ Following such criticism, in June 2019 Facebook created the Strategic Response team, which is tasked with preventing the spread of hate speech on Facebook that can contribute to violent conflict.¹⁹⁷ Many NGOs have taken a critical stance with regard to bodies such as the Strategic Response team. For example, the American NGO Electronic Frontier Foundation has complained that the Facebook team lacks independence and transparency, among other things. In its view, any bodies of this kind in companies like Facebook should at most have an advisory function and not become a new kind of “global speech police”.¹⁹⁸ Other NGOs, like Reporter ohne Grenzen (Reporters Without Borders), approve of Facebook being willing to assume more responsibility. However, they advocate creating independent global arbitration panels that would control online platforms democratically and giving users the possibility of opposing the deletion or blocking of content before the independent arbitration panels.¹⁹⁹

Governments and online platforms have recognised that social media plays an increasingly important role in guaranteeing societal stability and social peace. Different actors have already taken measures to prevent or minimise punishable online hate speech in particular. However, every initiative faces the challenge of guaranteeing the protection of the human rights to freedom of religion or belief and to freedom of opinion and expression in the digital space. The search continues for an appropriate regulatory framework and mechanisms for taking up this challenge which can do justice to both the human right to freedom of religion or belief and the right to freedom of opinion and expression. At the same time, social media can be used to support the groups and religions against whom

196 On Myanmar, see section about online hate speech and the Rohingya crisis in this chapter of the report, on Sri Lanka, see Ellis-Petersen, H. (2019). Social Media Shut Down in Sri Lanka in Bid to Stream Misinformation. 21 April 2019; <https://www.theguardian.com/world/2019/apr/21/social-media-shut-down-in-sri-lanka-in-bid-to-stem-misinformation>.

197 Ingram, D. (2019). Facebook’s new rapid response team has a crucial task: avoid fueling another genocide. NBC News, 20 June 2019; <https://www.nbcnews.com/tech/tech-news/facebook-s-new-rapid-response-team-has-crucial-task-avoid-n1019821>.

198 McSherry, C. (2019). Social Media Councils: A Better Way Forward, Window Dressing, or Global Speech Police? 10 May 2019. Electronic Frontier Foundation. <https://www.eff.org/deeplinks/2019/05/social-media-councils-better-way-forward-lipstick-pig-or-global-speech-police>; McSherry, C. and Walsh, K. (2019). Facebook’s Social Media Council Leaves Key Questions Unanswered. 19 September 2019. Electronic Frontier Foundation. <https://www.eff.org/deeplinks/2019/09/facebooks-social-media-council-leaves-key-questions-unanswered>.

199 Reporter Ohne Grenzen (2019). ROG spricht mit Facebook über Aufsichtsgremium (ROG talks to Facebook about monitoring councils). 20 June 2019. <https://www.reporter-ohne-grenzen.de/themen/internetfreiheit/alle-meldungen/meldung/rog-spricht-mit-facebook-ueber-aufsichtsgremium>; Reporter Ohne Grenzen (2018). Regulierung 2.0. Warum soziale Netzwerke, Suchmaschinen & Co. ein Teil der informationellen Grundversorgung geworden sind – und wie sie reguliert werden sollten, um die Meinungs- und Pressefreiheit zu schützen (Regulation 2.0. Why social networks, search engines, and the like have become part of the basic information supply – and how they should be regulated to protect freedom of opinion and of the press). Page 30 f.

online hate speech is directed. Disseminating positive counter-narratives online as a response to hate speech can empower the very people whose religious or belief-based identity is being defamed or attacked by hate speech. Counter-narratives are an important bottom-up response to hate speech because they actively confront it and prevent it from being perceived as normal based on tacit agreement.



Young Muslims in a mosque in the old city of Sana'a (Sana'a, Yemen 2011) © photothek GbR

In its development and foreign policy measures, the German government supports a wide variety of actors in various countries in using digital communication to guarantee and strengthen the human rights to freedom of religion or belief and freedom of opinion and expression. For example, in Bangladesh the German government has commissioned Deutsche Welle Akademie to offer training in journalism to young media professionals who wish to improve their media skills. Areas of emphasis include handling disinformation and hate speech on social media, media law, and media ethics. In Burkina Faso, Deutsche Welle Akademie and the NGO EducommunicAfrik have developed a media skills curriculum on behalf of the German government in order to prevent the radicalisation of young people using extremist propaganda and disinformation. In Côte d'Ivoire, the

German government – through Deutsche Welle Akademie – supports young media professionals and users in urban and rural areas in better responding to cases of hate speech. Organisations such as the media NGO Observatoire de la Liberté de la Presse or the local radio association Union des Radios de Proximité de Côte d’Ivoire (URPCI) report and document hate speech on social media. Deutsche Welle Akademie also provides training on conflict-sensitive reporting on behalf of the German government for media professionals so they can do more to manage conflict and give young people an opportunity to express their own opinions. In Georgia, the German government – through Deutsche Welle Akademie – supports the NGO Media Development Foundation (MDF) in its efforts to combat hate speech. MDF registers and analyses content intended to foment hatred between religious communities. Awareness of the issue of hate speech has been increased among media professionals in Georgia, and professionalised local and citizen media in Georgia’s media market are being encouraged to offer content relevant to disadvantaged groups. The measures benefit not only actors with ties to journalism, but also civil society in rural areas and members of ethnic, religious and linguistic minorities. In Lebanon the German government is supporting the United Nations Development Programme (UNDP) for instance in joint work with journalists on a module to oppose hate speech and false and misleading information. The press environment in Lebanon is strongly divided along religious lines, so it is noteworthy that media representing different religions and religious dignitaries are involved in the work. A “hackathon” was held as part of the project to develop innovative IT solutions against hate speech. The result can be seen on the project’s Instagram page, @bayanatbox.

2.3. Online hate speech directed at or stemming from religions and groups and the opportunities offered by digital communication for promoting freedom of religion or belief

Online hate speech directed at or stemming from religions and groups is a multi-faceted, complex phenomenon that is frequently ignited by certain political or societal events. Very different types of online hate speech directed at or stemming from religions and groups can be observed in a wide variety of real-life contexts, including in countries marked by religious and ethnic conflicts, countries in which religious minorities or other societal groups are repressed and marginalised, in contexts where anti-Semitism or anti-Muslim racism exists or in societies where there is discrimination against women or other societal groups like LGBTI people.

Several cases illustrating different forms of online hate speech will be presented with no claim to completeness and without wishing to draw general conclusions from examples. They show how actors can spread hatred on social media, what messages they use to do this and what counter-messages can be created to support those affected and strengthen freedom of religion or belief.

2.3.1. Online hate speech and digital support in blasphemy cases: example of Asia Bibi, a Christian

Religious minorities are among the groups most frequently affected by online hate speech. The well-known blasphemy case of the Pakistani Christian Asia Noreen, known as Asia Bibi, in which digital communication played a major role, shows how hate speech against religious minorities can be ignited on social networks and how this can fuel and amplify existing conflicts. At the same time, this case illustrates how messages that take a stance against hate speech can be created on social media, thereby supporting the affected people. The analysis is based on a quantitative evaluation of Twitter and Facebook communication about the Asia Bibi case during the period from 1 October 2018 to 1 January 2019. The evaluation makes no claim to completeness²⁰⁰ and instead permits some insight into hate speech and supportive counter-messages about Asia Bibi that spread on social media and shows how closely digital communication and real-life events are linked.

Background to the Asia Bibi case:

Asia Bibi, a Christian, was charged with blasphemy in 2009 (see section on blasphemy and anti-conversion laws in this report) and acquitted by Pakistan's Supreme Court, the last instance of appeal, on 31 October 2018. The court's decision triggered nationwide protests, and within a few hours of the judgment being reversed radical Islamist groups called for the death of Asia Bibi and of the judges who had reversed the judgment. Social media played a pivotal role in the mobilisation of these groups, with hashtags like #HangAsiaDefend295C and others circulating across Twitter and Facebook. The relatively new but influential radical Islamist party Tehreek-e-Labbaik Pakistan²⁰¹ (TLP)²⁰² and its leader Khadim Hussain Rizvi played a decisive role in mobilising the protests. After the

200 There are certain limitations to the available data. This is due among other things to the fact that Facebook and Twitter took steps against online hate speech in the Asia Bibi case and blocked certain social media accounts.

201 In Urdu literally "Here I Am At Your Service Movement Pakistan".

202 The origin of the TLP, which was not registered as a political party until 2017, is closely linked to the Asia Bibi blasphemy case. Predecessor movements of the TLP mobilised protests in 2015 against the release of the assassin Mumtaz Quadri, who assassinated the Governor of Punjab, Salmaan Taseer, in 2011. Taseer was a supporter of Asia Bibi and had called for the reform of blasphemy laws.

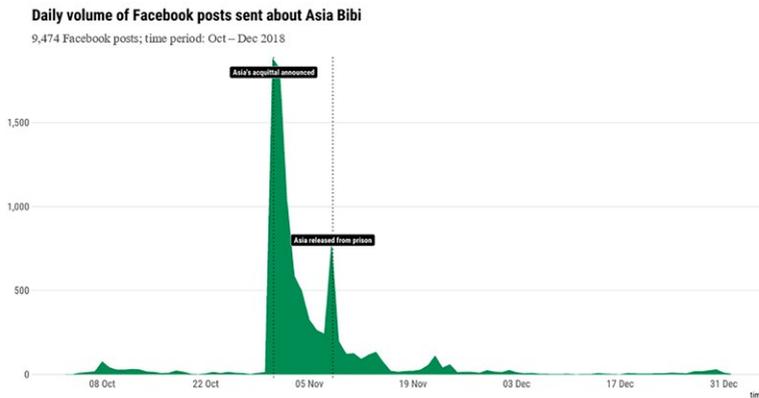
judgment against Asia Bibi was reversed by Pakistan's Supreme Court in October 2018, the TLP and other organisations used social media to protest her release and to sow chaos on the streets. At the same time, however, counter-messages opposing the protests by the TLP and supporting Asia Bibi and the courts in Pakistan appeared on social media.

The Asia Bibi case on social media: competing narratives

An analysis of communication on Twitter and Facebook between 5 October 2018 and 1 January 2019 – from shortly before the appeal was heard on 8 October 2018 to a few weeks after Asia Bibi was released from prison – shows the intensity of communication about the Bibi case on social media. The communication on Facebook and Twitter that was analysed reveals a direct connection between real events in the Bibi case and the intensity of digital communication.

Figure 1 shows the number of Facebook posts each day, which came from 1,148 pages and groups. It demonstrates an obvious increase in Facebook activities on 31 October 2018, the day Asia Bibi was acquitted. The Facebook postings were primarily links to news reports and video content about the Bibi case, as well as status updates by influential pages or groups.

Figure 1: ²⁰³

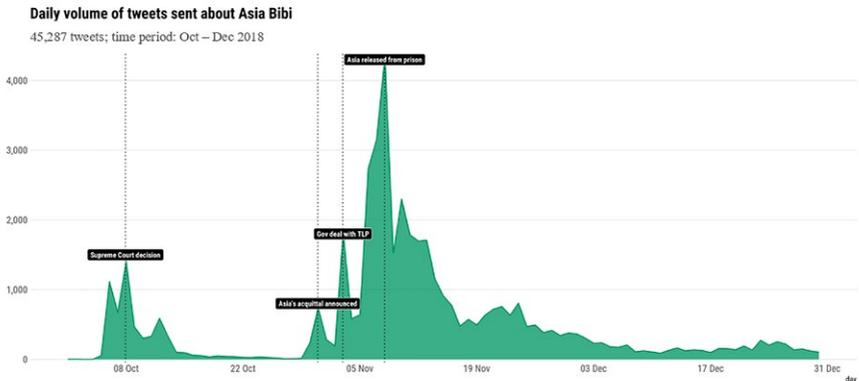


203 Most of the data in this section and Figures 1 and 2 is taken from an expert report by the social media analyst Raymond Serrato.

Since Twitter generally has more real-time relevance than Facebook,²⁰⁴ the communication on Twitter was also more closely connected to real events in the Asia Bibi case than that on Facebook. 7,480 specific hashtags about the Asia Bibi case were posted 72,236 times on Twitter by different users between 1 October and 31 December 2018.

Figure 2 shows that the intensity of communication on Twitter was directly related to four relevant events in the Bibi case: the non-public hearing in the appeal on 5 October, the reversal of the judgment against Bibi on 31 October, an agreement between the government and the TLP to end the protests on 2 November and Bibi's release from prison on 7 November 2018.

Figure 2:



A more detailed analysis of Twitter communication about the Asia Bibi case reveals the creation of two major competing messages, which either (1) call for the death of Asia Bibi in conjunction with support for the protests by the TLP against the Supreme Court decision or (2) support Bibi's release and the rule of law in Pakistan. Those messages both appeared on Twitter in direct connection with the specific events in the Bibi case. For example, in early October, shortly before the non-public appeal proceedings began, Twitter users used the hashtags #PunishAsiaUnder_295c and #HangAsia to demand that the judges

204 Diefenbach, C. (2018). Social TV – Die Eignung von Fernsehen als soziales Medium (Social TV – The suitability of television as a social medium). Passauer Schriften zur Kommunikationswissenschaft, page 186 f.

punish Bibi under the law. The counter-message, sent using the hashtag #FreeAsiaBiBi,²⁰⁵ called for Asia Bibi to be released. After the acquittal of Asia Bibi was announced on 31 October 2018, positive messages in support of Asia Bibi and the Supreme Court judges predominated on Twitter. At this point they actually outnumbered messages of hatred. The hashtags #FreeAsiaBiBi, #IStandWithSupremeCourt and #JusticeforAsia were seen most frequently. However, negative, inflammatory hashtags such as #HangAsiaDefend295C also experienced a resurgence after her release.

An analysis of the content of the two competing messages shows that various messages and hashtags aimed at legitimising violence, spreading hatred and fabricating false information are subsumed in the first message calling for the death of Asia Bibi. Those messages either attempt to bring competing information into the discussion, thereby creating an “alternative reality”, or flagrantly call for violence against Asia Bibi and the judges. Both types of message are intended to spread distrust and uncertainty about the truth.

The second message that was spread on social media competes with the first. It subsumes messages and hashtags supporting justice and the rule of law in Pakistan (1 for example) and opposing the instrumentalisation of religion (Tweet 2 for example). In addition to facts about the Asia Bibi case, other political and societal problems in Pakistan, such as women’s rights or the right to an education, are also addressed (Tweet 2 for example).

Tweet 1: *For 3 days, the nation was held hostage. Why? Because, some parties did not like the verdict that delivered #JusticeforAsia. Such thuggery won't be accepted. #IStandWithSupremeCourt and I request the CJP to ask the government about the “agreement” it did.*

Tweet 2: *Sad... these extremists use religion to keep #pakistan sentimental public occupied and let evil take hold on the important issues like corruption, right to education, women rights, technological advancements #AsiaBibi #SaveAsiaBibi.*

For technical reasons, it is impossible to determine at this point whether all of these counter-messages, which have received little notice, came from Pakistan itself or from other countries. However, due to the influence of online discourse on real events, they contribute to supporting the affected people – in this case Asia Bibi and the judges – and to strengthening the rule of law in Pakistan.

205 The hashtag #FreeAsiaBiBi contains highly positive messages. However, it was sometimes used to call for the death of Asia Bibi.

2.3.2. Online media as a place for discussion and a place for discrimination: the example of atheists

Social media can offer a great opportunity to atheists by providing a forum for discussions about atheism which is not available offline. On the other hand, they can facilitate the spread of hate speech and the imposition of repressive measures by the state. The following example of the situation of atheists in the Arab world clearly demonstrates both phenomena.

Online media as a forum for discussion by atheists

Although atheism in the Arab world is controversial and state and societal actors are taking action against this phenomenon, it is an increasingly important issue in the Arab world. Survey data²⁰⁶ indicates an increasing number of atheists in Arab countries, and the subject is also being discussed more intensively by the public.

Blogs and web forums were the first online platforms where Arab atheists, secular activists and critics of religion could hold discussions. The Arabic online network “The Civilised Dialogue”,²⁰⁷ created in 2001, is a non-governmental association of intellectuals, activists and publicists and belongs to one of the first online magazines on the Arabic-speaking Internet. Since the upheaval in the Arab world began in 2011 and with the increasing digital mobilisation of Arab society, more and more young people have been holding discussions about atheism on social media and other newly-created online forums. The Arab Atheist Network,²⁰⁸ which has been active since 2013 and has more than 3,400 registered participants,²⁰⁹ is one of the most popular online forums. Its users talk about subjects including religious legends and myths, religious groups, belief systems and secularism and discuss sources and references related to the subject of atheism. An analysis of user activities showed that users of the Arab Atheist Network from Egypt were particularly active on the Network in July 2019. They accounted for 35.61 percent of all active users that month.²¹⁰

206 BBC 2019. The Arab world in seven charts: Are Arabs turning their backs on religion? <https://www.bbc.com/news/world-middle-east-48703377>; Whitaker, B. (2015). The Rise of Arab Atheism. 29 June 2015. New Humanist. <https://newhumanist.org.uk/articles/4898/the-rise-of-arab-atheism>; there are no precise statistics about the number of atheists in the Arab countries.

207 “The Civilised Dialogue” website <http://m.ahewar.org/>.

208 Arab Atheist Network/شبكة الملحدين العرب: <https://www.il7ad.org/vb/>

209 The number of users is lower than for online forums about other subjects or in other regions of the world, but it should be noted that atheism is a very sensitive topic in many Arab countries and that atheists are often subject to repression (for example in Egypt) or even threatened with death (in Saudi Arabia, for example, where apostasy from Islam is subject to the death penalty).

210 The analysis comes from an expert report by Samira Tabti of Ruhr-Universität Bochum. Most of the other data in this section was also taken from the report by Samira Tabti.

Users from countries such as Morocco, Saudi Arabia, Algeria and Iraq were also particularly active. Aside from the Arab Atheist Network, social media such as Facebook, Twitter and YouTube also provide a forum for regular discussions by Arab atheists. Facebook has a number of Arabic-speaking atheist groups which are either set up as pan-Arab discussion groups or organised by country affiliation. Examples include groups such as one whose Arabic name translates as “Moroccan unbelievers” (52,251 members) or the network whose Arabic name translates as “Syrian atheists and non-religious” (11,940 members).²¹¹ Atheists and non-religious people hold discussions on Twitter under hashtags such as one in Arabic that translates as “rise of atheism”.

Atheists on social media: between discrimination and support campaigns

Over the past few years, state and private Arab television channels have increasingly broadcast chat shows during which atheists and religious authorities made joint appearances to present their positions in public. The debates were later posted on various online video portals, sparking discriminatory discussions and comments that quickly spread on digital media.

An Egyptian chat show from 2017 offers an example of how atheists can be discriminated against and discredited on television. A young Egyptian participated in a show broadcast by the Al-Hadath Al-Youm channel on 11 February 2017 to discuss atheism with Mahmoud Ashour, the former deputy Grand Sheikh of Al-Azhar.²¹² After the young Egyptian said he didn’t need religion to have moral values and be a productive member of society, he was criticised by the host and Mahmoud Ashour stated that the young Egyptian needed psychiatric treatment. He also emphasised that many young people suffer from similar illnesses today. The host and moderator of the show ultimately urged the young Egyptian to leave the studio and go to a psychiatric hospital.²¹³ The show was broadcast throughout Egypt and also spread across Facebook, Twitter and YouTube more than 16 million times by August 2019.

However, there are also groups on social media in the Arab region which support atheists or in which anonymous discussions about atheism are held. Most arguments take place on Twitter or Facebook. Well-known former Muslims post calls for action and draw attention

211 <https://ar-ar.facebook.com/PageKaferMaghribi/>; <https://www.facebook.com/syatheists.org/>

212 Al-Azhar University in Cairo is the most influential Sunni institution of religious studies in the world. Al-Azhar’s decisions on religious matters are highly influential in the Sunni Muslim community, beyond the borders of Egypt.

213 See <https://youtu.be/JzKSt1TPYo>.

to the situation of atheists in the Arab world. Others launch online petitions opposing discrimination and criminalisation; for example, one petition specifically asks Facebook to stop deactivating the accounts of atheists.²¹⁴

Support for atheists and critical liberal thinkers also comes from outside the Arab world. This was particularly clear in the well-known case of the Saudi blogger Raif Badawi. On his website Free Saudi Liberals, Badawi supported secularism and liberal thought and criticised the lack of freedom of opinion and expression in the Arab world. A Saudi court sentenced him to 1,000 lashes, 10 years' imprisonment, and a large fine. International NGOs such as Amnesty International and organisations advocating for atheists initiated online campaigns in support of Raif Badawi. The Union of Rationalist Atheists and Agnostics (UAAR) in Italy and the Union of Secular Families (UFAL) in France, among others, expressed their support for Raif Badawi in their blogs and in Twitter campaigns.²¹⁵

2.3.3. Anti-Muslim racism and counter-discourse on social media

Anti-Muslim racism is an ongoing phenomenon that continues to worsen all over the world. The European Commission therefore created the position of Coordinator on combating anti-Muslim hatred on 1 December 2015, which has been held by Tommaso Chiamparino since 1 July 2018. It is his role to combat and prevent hate speech, hate crimes and discrimination.²¹⁶

Anti-Muslim racism, in the form of hate speech against Muslims, is also spread by various actors on social media. Tell MAMA (Measuring Anti-Muslim Attacks), an organisation co-financed by the British government, reports that Twitter, followed by Facebook, is an

214 See bilingual petition 2016: <https://www.change.org/p/mark-zuckerberg-stop-deleting-arab-atheists-and-seculars-groups-and-pages> "Stop deleting Arab atheist and secularist groups and pages!". The petition has been signed 12,921 times.

215 <https://blog.uaar.it/2015/01/30/arabia-orgoglio-laico/>; https://twitter.com/Ufal_org/status/1059865138352791552

216 European Commission (2019). Combating anti-Muslim Hatred. Activities of the European Commission's Coordinator on combating anti-Muslim hatred. Downloaded at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-anti-muslim-hatred_en

important tool in Europe for the dissemination of online hate speech against Muslims.²¹⁷ The following two very different examples²¹⁸ show how online hate speech against Muslims and anti-Muslim racism are sparked on the Internet in Europe.

Anti-Muslim racism following terrorist attacks

According to Tell MAMA, Islamist-motivated terrorist attacks frequently trigger anti-Muslim racism and hate crimes against Muslims in Europe. The content spread on social media in this context often equates the religious identity or origin of the attackers with those of Muslims in general. Although most grudges and attacks against Muslims following terrorist attacks occur offline, people increasingly use anti-Muslim rhetoric on social media and also in the comment function of online newspapers.²¹⁹

Following the attacks at Brussels Airport and in the city centre on 22 March 2016, in which 35 people (including the attackers) died and which was claimed by the so-called Islamic State, anti-Muslim rhetoric and hate speech against Muslims rapidly spread on Twitter. The hashtag #StopIslam, which already existed and had been used following an attack in Paris, featured prominently in tweets following the attack in Brussels. #StopIslam was used in 412,353 tweets and retweets within just the first 24 hours following the attack. At peak hours during that period, almost 40,000 tweets included the hashtag #StopIslam within one hour.²²⁰ A more detailed analysis clearly shows that the spread of the hashtag did not remain within Belgium's borders and instead was transnational in nature. Internet users in the United States were particularly active in the spread of #StopIslam, linking it with other hashtags such as #wakeupamerica.²²¹

However, it is important to note that it is not just hate speech against Muslims that spreads online following Islamist-motivated terrorist attacks. Many counter-messages will also be posted on social media to support Muslims against smear campaigns and take a stance against anti-Muslim racism. For example, many users have tweeted messages against anti-Muslim racism, emphasising that so-called Islamic State and Islam have nothing in

217 Tell MAMA (2019). Normalising Hatred. Tell MAMA Annual Report 2018, page 60; Evolvi, G. (2018). Hate in a Tweet: Exploring Internet-Based Islamophobic Discourses, in: Religions, 9, 307, pages 1-14; Evolvi, G. (2017). #Islamexit: inter-group antagonism on Twitter, in: Information, Communication & Society, pages 1-16.

218 Some of the data in this section is taken from an expert report by Dr Giulia Evolvi.

219 Sadique, K., Tangen, J. and Perowne, A. (2017). Tell MAMA Report "The Importance of Narrative in Responding to Hate incidents Following "Trigger" Events. <https://tellmamauk.org/wp-content/uploads/resources/Tell%20MAMA%20-%20Report.pdf>

220 Poole, E., Giraud, E. and Quincey, E. (2019). Contesting #StopIslam: The Dynamics of a Counter-narrative Against Right-wing Populism. In: Open Library of Humanities, 5 (1), pages 1-39, here page 2.

221 Ibid, page 17 ff.

common and distancing themselves from terrorism and violence. The hashtag #NotInMyName has become particularly popular among Muslims wishing to condemn terrorist attacks. One user wrote the following on Twitter, for example:

#NotInMyName #islam is #peace #isis is #terrorism #stiopIsis (sic) #stop_terrorism #prayforparis #PrayForPeace #stop_Assad.

Counter-messages also appeared on social media following the 2016 attacks in Brussels. The hashtag #StopIslam, originally created to spread anti-Muslim rhetoric, was also used to establish counter-messages. It was retweeted many times to defend Muslims with statements such as “Why is #StopIslam trending? It should be #StopISIS”²²² (3,791 retweets). Of the 10 retweets that most frequently included the hashtag #StopIslam (Top Tweets), that hashtag was actually used more often to spread positive counter-messages on social networks than to spread messages of hatred. The hashtag #StopIslam was retweeted within the Top Tweets 6,643 times to defend Muslims and only 1,500 times to connect Islam with terrorism.²²³ Mass media such as al-Jazeera, CNN, Nigeria Newsdesk, The Independent and The Washington Post also reported on the counter-messages that had spread on social media, helping to amplify them.

Anti-Muslim racism on Twitter in connection with Brexit

Another noteworthy example of the spread of anti-Muslim racism is the campaign around the referendum on 23 June 2016 to decide whether the United Kingdom should remain a member of or leave the EU, generally known as the “Brexit referendum”. Both opponents and proponents of Brexit used social media and digital communication heavily before the referendum to run their campaigns and mobilise new supporters. Anti-Muslim and anti-Islam messages spread at lightning speed on social media immediately after the referendum. The Centre for the Analysis of Social Media at Demos notes that anti-Muslim hate speech related to Brexit peaked on Twitter between 24 and 25 June 2016, identifying 479 anti-Muslim tweets on 24 June and 146 anti-Muslim tweets on 25 June.²²⁴ An analysis of Twitter during the week immediately following the Brexit referendum showed, based on an evaluation of 2,005 hashtags containing the word “Brexit” in combination with the

222 Cited according to Poole, E., Giraud, E. and Quincey, E. (2019). Contesting #StopIslam: The Dynamics of a Counter-narrative Against Right-wing Populism. In: *Open Library of Humanities*, 5 (1), pages 1–39, 22.

223 Ibid, page 23.

224 See Miller, C., Arcostanzo, F., Smith, J., Krasodomski-Jones, A., Wiedlitzka, S., Jamali, R. and Dale, J. (2016). From Brussels to Brexit/Islamophobia, Xenophobia, Racism and Reports of Hateful Incidents on Twitter. Channel 4 Dispatches – “Racist Britain.” Centre for the Analysis of Social Media, Demos.

words “Islam” or “Muslim”, that anti-Muslim sentiments clearly dominated. Most of the tweets (66 per cent) revealed an anti-Muslim position in connection with Brexit, while 18 per cent were pro-Muslim and 16 per cent contained neutral messages.²²⁵

2.3.4. Social media as both a forum for religiously motivated sexism against women and a tool for promoting gender equality

Culturally and/or religiously motivated sexism exists in numerous societies all over the world, and – like gender equality – has been the subject of controversy on social networks. Religious actors, such as representatives of church or Islamic institutions, often appear as advocates for traditional structures and rules, some of which provide for discrimination against women. The following section discusses several examples of how religious actors in Saudi Arabia express themselves online about this subject, as well as how social media can empower women and girls in fighting for their rights.²²⁶

The increase in digitalisation and the associated development and more frequent use of new means of communication, such as the messaging services of Facebook or Twitter, pose a major challenge to religious authority in Saudi Arabia. Islamic scholars respond by attempting to maintain separation of the sexes online as well. However, Saudi feminists and activists have increasingly used social media over the past few years to promote gender equality and draw attention to the situation of women and girls. Online campaigns by activists to repeal the ban on women driving in Saudi Arabia have become particularly well-known internationally. Women had taken action against their inability to drive legally since the 1990s, and they were granted the right to drive in June 2018. The rise of digital media, particularly social media, helped them gain new attention because women could more easily document and publicise their efforts to be allowed to drive. Loujain al-Hathloul, one of the most prominent activists, repeatedly participated in campaigns of this kind, documented them on video and posted comments about them on Twitter. For example, she used the “#women2drive” hashtag, which is still available to women even though they have been granted the right to drive. Loujain al-Hathloul was arrested several times due to her activities, most recently in May 2018. She was still in prison at the time this report was prepared.²²⁷ After she was arrested, opposition movements calling for her

225 Evolvi, G. (2017) #Islamexit: Inter-Group Antagonism on Twitter. *Information, Communication & Society* 0 (0): page 6.

226 Most of the data in this section is taken from an expert report by research associate Samira Tabti of Ruhr-Universität Bochum.

227 See Amnesty International (2018). Saudi Arabia: Release Women Human Rights Defenders Immediately! <https://www.amnesty.org/en/latest/campaigns/2018/06/saudi-arabia-release-women-human-rights-defenders/>.

release were formed on social networks. The hashtag #FreeLoujainAl-Hathloul”, which contains posts from 2014 and 2015 and is still active on Twitter, should be mentioned at this juncture.

The second topic related to gender equality in Saudi Arabia which has received considerable attention on social media is the system of male guardianship. Derived from the Quran, the system gives a man – generally a husband or close relative such as father or brother – authority over many areas of a woman’s life.²²⁸ The ruling family in Riyadh has loosened the provisions somewhat since August 2018. For example, women above the age of 21 may apply for a passport and travel without a male guardian’s permission since that time. On social networks, women have long called for repealing male guardianship under well-known hashtags such as the one in Arabic that translates as “Saudi women want to abolish the male guardianship system”. They often use religious arguments, stating that the subjugation of women applies only to the Quran and the Sunna, i.e. the Prophet Mohammed’s words and acts. This religious argument shows that activism to promote women’s rights is sometimes even justified by citing Islam; in other words, activists use Islam in their work on behalf of women’s rights.

Although the Internet – and therefore also digital communication – is still heavily censored in Saudi Arabia and thus does not offer a safe forum for open discussion, campaigns by women have spread in the media and also given rise to a backlash. In that context, hashtags are created in direct response to the online efforts of activists to put an end to the male guardianship system, such as the Arabic hashtag that translates as “Saudi women proud of guardianship”.

This clearly shows that a discussion about interpretive authority is taking place on social media with regard to specific messages on gender equality. The activists working to improve women’s rights use social media to convey their concerns to the rest of the world beyond the borders of Saudi Arabia. This is shown when activists sometimes use English to take their case to an international public to enable them to generate broad support for their efforts on behalf of women’s rights. For example, there is already an English hashtag appended to the Arabic hashtag that translates as “Saudi women want to abolish the guardianship system”: #StopEnslavingSaudiWomen.

228 Human Rights Watch (2008). *Perpetual Minds. Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia*, page 10 ff.

The German government has different measures in place in various countries to support women in using digital communication to combat religiously-motivated sexism and to assert their rights. For example, it supports the transnational network Women@Web through Deutsche Welle Akademie in Uganda and several neighbouring countries. The network encourages women to participate skilfully and self-confidently on the Net and to participate actively in the societal discourse. In that way, Women@Web contributes to young people being able to use participatory media to engage in societal dialogues aimed at finding solutions and to oppose discrimination.

2.3.5. The influence of online hate speech in ethnic conflicts

Online hate speech can have a catalysing effect in the context of multi-ethnic conflicts and contribute to inflaming those conflicts. This is shown by the example of online hate speech on Facebook during the Rohingya crisis in Myanmar. Facebook has a monopoly position as an online platform in Myanmar. Many citizens of Myanmar equate Facebook with “the Internet”.²²⁹ Therefore, Facebook is of particular importance among online platforms in the dissemination of online hate speech during the Rohingya crisis.

The independent Fact-Finding Mission on Myanmar²³⁰ reported to the UN Human Rights Council that it had no doubt that the “prevalence of hate speech in Myanmar significantly contributed to increased tension and a climate in which individuals and groups may become more receptive to incitement and calls for violence”.²³¹ The Mission reported that this also related to hate speech spread on Facebook. Facebook reported in August, September and October 2018 that the platform had information indicating that Myanmar’s military had used the platform for comprehensive “information operations” and “coordinated non-authentic behaviour” in the context of the ethnic conflict.²³² Facebook then removed 425 pages, 17 groups and 135 accounts that were associated with Myanmar’s military and had attempted to pose as apparently independent websites to spread negative messages about the Rohingya.

229 Specia, M. and Mozur, P. (2017). A War of Words Puts Facebook at the Center of Myanmar’s Rohingya Crisis. 27 October 2017. The New York Times. <https://www.nytimes.com/2017/10/27/world/asia/myanmar-government-facebook-rohingya.html>

230 The Independent Fact-Finding Mission on Myanmar was created in 2017 by a resolution of the UN Human Rights Council. It investigated the human rights situation in the three Myanmar states Kachin, Rakhine and Shan after 2011. The Mission submitted its report to the Human Rights Council in September 2018.

231 Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar (2018). A/HRC/39/CRP.2; September 17, 2018, page 343.

232 Facebook 2018: Removing Myanmar Military Officials From Facebook. Facebook Newsroom. 28 August 2018, Update 18 December 2018; <https://newsroom.fb.com/news/2018/08/removing-myanmar-officials/>

Background to the Rohingya crisis and the role of digital communication in Myanmar

Various UN special rapporteurs on the human rights situation in Myanmar have been documenting human rights violations against the predominantly Muslim Rohingya since 1992. According to those reports, the human rights violations often originate with state actors.²³³

On 25 August 2017 the Arakan Rohingya Salvation Army (ARSA), an armed group from the ranks of the Rohingya, attacked police posts in the Rakhine state of Myanmar. The Myanmar army responded to the attacks with large-scale, disproportionate military action that involved massive human rights violations against the Rohingya. As a result, some 720,000 Rohingya fled to Bangladesh. They have been unable to return to their homeland and live in refugee camps in Bangladesh under the most dire conditions.

An online campaign against the Rohingya was instituted at the same time. Discourse primarily in English and addressed to an international audience took shape on Twitter, accusing the Rohingya of responsibility for the attacks against police posts in Myanmar. Most of the anti-Rohingya messages that spread in Myanmar itself were on Facebook, reaching a much broader public than the Twitter campaign. The following analysis of messages from members of the Facebook group for Ma Ba Tha Supporters, which is affiliated with the ultra-nationalistic Buddhist organisation Patriotic Association of Myanmar (Ma Ba Tha), of which the Ma Ba Tha vice-president Ashin Wirathu is a member, offers an example of how online hate speech was used during the Rohingya crisis. The Facebook group for Ma Ba Tha supporters has 55,000 members and describes itself as a meeting point for patriotic Buddhists. It is known for disseminating a negative attitude to the Rohingya and Muslims in general. In February 2018, Facebook removed some groups that were associated with Ma Ba Tha, blocked some monks that in Facebook's view were spreading hatred and then also removed the group for Ma Ba Tha supporters.

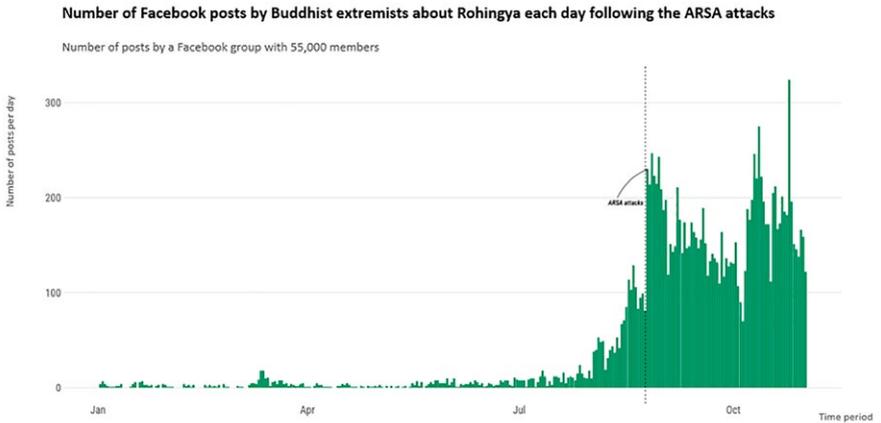
233 Human Rights Council (2016). Report of the United Nations High Commissioner for Human Rights. Situation of human rights of Rohingya Muslims and other minorities in Myanmar. June 29, 2016. A/HRC/32/18, page 7 ff.



18 January 2018, Rohingya children learning the Koran in Palong Khali refugee camp, 30 km south-east of the city Cox's Bazar in Bangladesh. More than 625,000 Muslim Rohingyas have fled to Bangladesh since August 2017.
© picture alliance / dpa / Shahnewaz Khan

Online hate speech during the Rohingya crisis: the extent of digital communication on Facebook

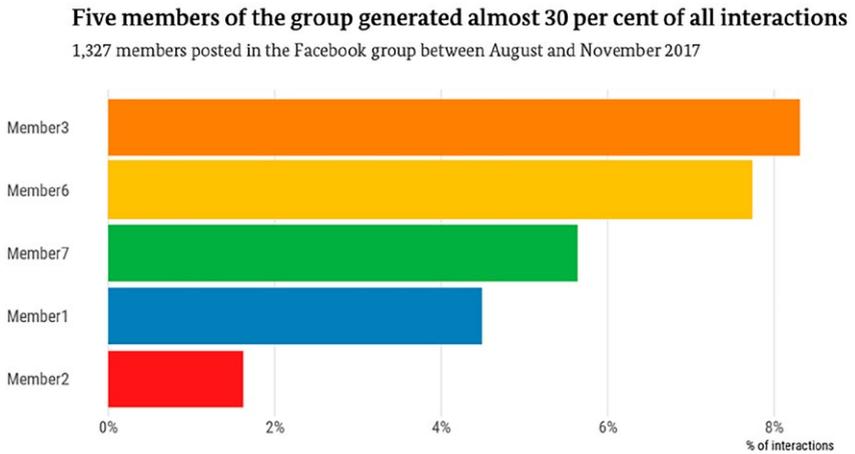
Immediately after the attacks by ARSA on police posts in Myanmar, online hate speech against the Rohingya broke out in the Facebook group for Ma Ba Tha supporters. Figure 3 shows the number of posts in the group each day following the ARSA attacks on 25 August 2017. The number of daily posts gradually rose in the run-up to the attacks, because the conflict between ARSA and the police force had already worsened by that time. After the attacks on 25 August 2017, communication in the Facebook group spiked, up almost 200 percent from the previous month, and maintained nearly that volume of activity until sometime in November. Almost 90 per cent of the messages contained in the data set on which the analysis is based – some 13,000 – were sent between August and October 2017.

Figure 3²³⁴:

A more detailed analysis of the behaviour of users in the Facebook group for Ma Ba Tha supporters also shows that a small group of members was obviously responsible for most of the communication within the group. For example, only five members, less than one per cent of total membership, were responsible for 30 per cent of the communication in the group, as shown by Figure 4.

234 Most of the data in this section and Figures 3, 4 and 5 in this chapter are taken from an expert report by the social media analyst Raymond Serrato.

Figure 4:



Online hate speech during the Rohingya crisis: generating narratives about the Rohingya on Facebook

For a more detailed analysis of the content of messages created on Facebook during the 2017 Rohingya crisis, the section below analyses the content of the 25 most popular messages, measured by total interaction in the Facebook group for Ma Ba Tha supporters. Those 25 messages are symbolic of the messages disseminated within the Facebook group. To determine whether the content of the messages contributed to the creation of negative narratives about the Rohingya and a degradation of the societal climate in Myanmar, the content of the messages was evaluated using the following three categories:²³⁵

²³⁵ The original analysis, portions of which are presented in this section, was done by Raymond Serrato using the criteria of the Extremist Media Index according to Donald Holbrook of the International Centre for Counter-Terrorism in The Hague. To analyse media content Holbrook developed an index that includes the categories “moderate”, “fringe” and “extreme”. The names of the categories have been adapted for this chapter, because while the words “extreme” or “extremism” are used at the multilateral, European and national levels, their specific meanings are still disputed and vague and there is no generally applicable international definition. The definitions of the categories have been combined based on the Extremist Media Index according to Holbrook. For more information, see Holbrook, D. (2015). Designing and Applying an ‘Extremist Media Index’, in: Perspectives on Terrorism, Vol. 9, No. 5.

1. Moderate – Informative

Political, ideological or religious content without animosity to other people. These categories include informative media reports, texts or references to events.

2. Fringe – Insulting

Hostile and insulting content and isolationist attitude to other groups but no incitement of violence.

3. Violence-glorifying – Dangerous

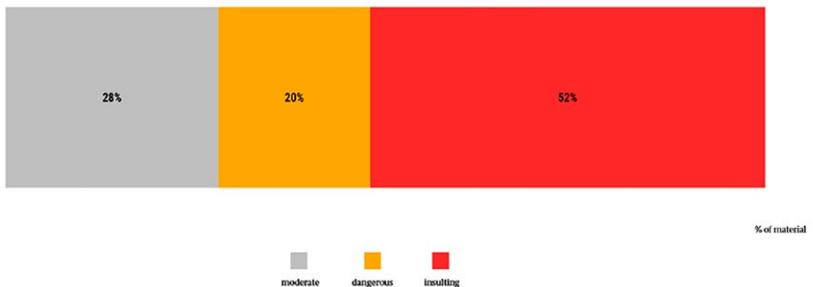
Content that advocates, glorifies or legitimises violence and the dehumanisation of specific groups based on their ethnicity or religion or sexual orientation, for example.

An analysis of the 25 most popular messages measured by total interaction in the Facebook group for Ma Ba Tha supporters showed that some 52 per cent of the messages could be classified in the *fringe – insulting* category and around 20 per cent in the *violence-glorifying – dangerous* category.

Figure 5:

Dangerous and insulting material accounted for 72 per cent of the most widely spread messages

These messages were shared 58,051 times and involved 150,000 interactions



In the *moderate – informative* category, news stories were generally included directly in the Facebook message. There were also calls for the members of the Facebook group to support the military. For example, some of the messages urged support for Min Aung Hlaing, commander-in-chief of Myanmar’s military and for the military itself, categorising both as defenders of Myanmar’s identity against ethnic diversity. By doing this they were using a narrative often employed by members of the military itself. The Myanmar military sees itself as an institution that maintains the national unity of Myanmar against ethnic diversity. The following posts offer good examples of this:

Sample post 1 (6,063 interactions)

The West will sanction our Commander in Chief and other 20 Generals by name, said the News. What we should do now is campaigns to support Commander in Chief and the Tatmadaw.²³⁶ Comment Yes or No below.

Sample post 2 (5,219 interactions)

Let us be united: Leave comments below; strength for the leaders of the movement. # May the Tatmadaw be the keeper of our Identity, People and Religion.

In the *fringe – insulting* category, derogatory and insulting expressions were used in reference to the Rohingya or the language used was confrontational or isolationist. Messages in this category often separated the Rohingya from the rest of society and suggested “solutions to the Rohingya problem” in Myanmar. The language used in these messages often also expressed hostility to the Rohingya. One user suggested that Myanmar should be guided by China, referring directly to military means that China uses against extremists.

“The Muslims women were prohibited to wear Hijab in public and Men were prevented from keep long beard. Religious home schooling for Muslim children was prohibited by ordering every child to be sent to government sponsored schools... [...] We need to learn from China, the government foresees the long term future and enacted law that will foster social harmony. The problem at the Western Door of Myanmar is the result successive governments failing to view in long term perspectives. We need to take bold decisions now for our future generations.”

This representative post led to 8,884 interactions on Facebook, which means that it was viewed by a large number of people.

236 Official name of Myanmar’s military.

Messages in the *violence-glorifying – dangerous* category explicitly or implicitly called for violence against the Rohingya and for elimination of them. The messages used a language intended to dehumanise the Rohingya. Users also referred in this context to attacks that the Rohingya, to whom they referred using the insulting term “Kala”,²³⁷ could make against Myanmar from the territory of Bangladesh. To respond to this, one comment, which led to 5,015 interactions, urged the following:

“We must have a First Plan i.e. to strengthen our navy and also to increase a couple more of Tatmadaw brigades.

Second Plan “We need to have Helicopters and Jets standby for attacking.”

The evaluation shows that a total of 72 per cent of the 25 most popular messages in the Facebook group for supporters of Ma Ba Tha include insulting, violence-glorifying and dangerous content. The messages making up that 72 per cent were shared 58,051 times and led to 150,000 online interactions (see Figure 5). It should be noted that only a minority within the *violence-glorifying – dangerous* category approved the actual use of violence. However, language was used that dehumanises the Rohingya. Those findings indicate that online hate speech presumably contributed to exacerbating the ethnic conflict in Myanmar.

237 During the pre-colonial era, the word “kala” or “kalar” was used to describe foreigners coming from the west. It could, for example, refer to Europeans, Indians, Armenians and Jews. Today it is often employed as a racist term to insult people, emphasis their foreign origin or dark skin colour and subordinate them to the ethnic majority in Myanmar. The Rohingya in particular are often referred to as kala. Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar. (2018). September 17, 2018, A/HRC/39/CRP.2; page 322; Seekins, D. (2017). *Historical Dictionary of Burma (Myanmar)*, page 288.



A Catholic school in Mohammedia, Morocco. © picture alliance / Godong / Philippe Lissac

3. Opportunities for and challenges facing the human right to freedom of religion or belief in the education sector

3.1. Introduction

The human rights to education and to freedom of religion or belief are of vital importance for peaceful coexistence and human development. The relationship between the two rights offers opportunities and also brings challenges. On the one hand, education promotes plurality, respect and tolerance, thereby helping strengthen freedom of religion or belief. For example, more in-depth knowledge of other religions can foster interfaith tolerance and positively impact on the peaceful coexistence of different religious groups

and of non-religious people. On the other hand, educational systems can also restrict the human right to freedom of religion or belief and disrupt the peaceful coexistence of religions. This occurs, for example, when they promote intolerance toward people of different beliefs or non-believers and when education separates religious groups instead of unifying them.²³⁸

The most important international agreements and goals from which the rights to education and to freedom of religion or belief and their implementation are derived are first presented below. Of particular importance are the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the goals of the 2030 Agenda for Sustainable Development and, associated with it, the Education 2030 Framework for Action, with its aim of implementing Goal 4 of the 2030 Agenda: to ensure inclusive and equitable quality education for all.²³⁹ The 2007 Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools of the Organization for Security and Co-operation in Europe (OSCE) are also particularly significant.

The opportunities and challenges at the interface between education and freedom of religion or belief can be measured, first, according to the extent to which a state polity guarantees all religious and other societal groups access to education, and the form that takes. Second, the educational content of curricula and textbooks provides information about how the human right to freedom of religion or belief is taught in schools. Against that background, this chapter addresses the possibilities for ensuring that religious and other societal groups have access to education, as well as cooperation between state authorities and religious actors in the field of education. It also analyses the content and quality of what is taught. Two questions are at the forefront: (1) What content is being taught about various religions and beliefs, particularly also those that are in the minority

238 See Petersen, M. J. (2020). FoRB, Gender Equality and Education, in: Petersen, M.J. (2020). Promoting Freedom of Religion or Belief and Gender Equality in the Context of the Sustainable Development Goals: A Focus on Access to Justice, Education, and Health. The Danish Institute for Human Rights. Pages 40–53; Basedau, M. and Pieters, A. (2019). In Frieden und Freiheit? Eine Bestandsaufnahme zu religiösen Konflikten und Religionsfreiheit weltweit (In peace and freedom? An inventory of religious conflicts and religious freedom throughout the world). Unpublished working paper of the German Institute of Global and Area Studies (GIGA) commissioned by the Federal Ministry for Economic Cooperation and Development.

239 During the discussion about Goal 4 of the 2030 Agenda, which aims to ensure inclusive and equitable quality education for all and has 10 targets, the terms 2030 Education Agenda, Education 2030 Agenda, and Global Education Agenda came to be used interchangeably, both in Germany and abroad. Therefore, they are also used in this chapter. For further information, see: Adick, C. (2018). Die Bildungsagenda der Vereinten Nationen aus dem Blickwinkel der internationalen Bildungsforschung (The educational agenda of the United Nations from the viewpoint of international educational research), in: Zeitschrift für internationale Bildungsforschung und Entwicklungspädagogik, vol. 41, issue 2, pages 11–18, here page 1.

in the respective context, as a basis for mutual respect and tolerance? (2) To what extent do curricula, textbooks and educational standards take into consideration the subject of freedom of religion or belief and how are the quality of teaching and the training of teachers evaluated with respect to freedom of religion or belief?

The German government actively advocates for equitable, inclusive access to state education for all religious and other societal groups, both in international organisations and through bilateral state development cooperation and collaboration with churches,²⁴⁰ political foundations and civil society.

3.2. The international framework for education and freedom of religion or belief, as well as international and national strategies

3.2.1. International legal framework for the human rights to education and freedom of religion or belief

The UN UDHR from 1948 and the ICCPR and ICESCR, both from 1966, form the international legal basis for the human rights to freedom of religion or belief and to education.²⁴¹ Article 26 of the UDHR states that everyone has the right²⁴² to free education organised by the state. The second paragraph of Article 26 specifies that education shall be directed to the strengthening of respect for human rights, promote tolerance and peace.²⁴³ According to the third paragraph, parents “have a prior right to choose the kind of education that

240 The German government supports church-based development cooperation through Protestant and Catholic development aid associations: Evangelische Zentralstelle für Entwicklungshilfe e.V. (EZE) and Katholische Zentralstelle für Entwicklungshilfe e.V. (KZE). EZE and KZE do not carry out projects themselves and instead decide autonomously how to use funds based on guidelines jointly agreed to by them and the Federal Ministry for Economic Cooperation and Development; they operate independent of government influence within the framework of the approval criteria. The churches and the Federal Ministry for Economic Cooperation and Development regularly discuss current priorities for development and the resulting challenges, so those aspects are reflected in their work.

241 United Nations, General Assembly (10.12.1948). General Assembly Resolution 217 A (III). Universal Declaration of Human Rights (UDHR); United Nations, General Assembly (1966). General Assembly Resolution 2200A (XXI). The International Covenant on Civil and Political Rights of 19 December 1966. ICCPR. BGBl. II (Federal Law Gazette, Part II). For a detailed presentation of the right to freedom of religion or belief as enshrined in the UDHR and ICCPR, see the section on violations of freedom of religion and belief by blasphemy laws and anti-conversion laws in this report.

242 Universal Declaration of Human Rights (1948). Art. 26 (1) second sentence.

243 Universal Declaration of Human Rights (1948). Article 26 (2).

shall be given to their children”.²⁴⁴ Article 18 of the ICCPR, which enshrines the human right to freedom of religion or belief, refers to the “liberty of parents [...] to ensure the religious and moral education of their children”.²⁴⁵ Specifically, it says the following:

*“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”*²⁴⁶

The right to education is specified in the ICESCR. Article 13 states that

*“the States Parties [...] recognize the right of everyone to education. [...] They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”*²⁴⁷

Based on the UDHR, Article 13 of the ICESCR contains the binding obligation of the state to guarantee that primary education is available free to all.²⁴⁸ Article 13 also explicitly states that parents also have the right to choose a non-state school for their children and to raise their children according to their own convictions:

*“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”*²⁴⁹

The treaty body responsible for the ICESCR, the UN Committee on Economic, Social and Cultural Rights, defined the specific content of the right to education contained in Article 13 and the obligations of the state which are necessary for implementation of that

244 Universal Declaration of Human Rights (1948). Article 26 (3).

245 United Nations, General Assembly (1966). General Assembly Resolution 2200A (XXI). The International Covenant on Civil and Political Rights of 19 December 1966. ICCPR. ICCPR. BGBl. H. II (Federal Law Gazette, Part II). Page 1553. Article 18 (4).

246 Ibid.

247 United Nations, General Assembly (1966). General Assembly Resolution 2200A (XXI). International Covenant on Economic, Social and Cultural Rights. ICESCR. BGBl. H. II (Federal Law Gazette). Page 428. Article 13 (1).

248 Ibid., Art. 13 (2).

249 Ibid., Art. 13 (3).

right in its General Comment No. 13.²⁵⁰ General Comments are not legally binding, but they offer authoritative assistance for interpreting the IESCR. The Committee specifies in General Comment 13 that public education that includes instruction in a particular religion or belief is inconsistent with Article 13 of the ICESCR unless provision is made for non-discriminatory exemptions or alternatives.²⁵¹

In accordance with the aforementioned international instruments, the rights to education, to freedom of religion or belief, to education for tolerance and to manifest one's own religion are also enshrined and defined in the 1989 UN Convention on the Rights of the Child.²⁵² Supplementing Article 18 of the ICCPR, which accords parents the right to decide on the religious education of their children as long as the children themselves are unable to do so, Article 14 (1) of the UN Convention on the Rights of the Child specifies that the States Parties must also respect the right of the child to freedom of thought, conscience and religion. The “parents and, when applicable, legal guardians [are required] to provide direction to the child in the exercise of his or her right [to freedom of religion] in a manner consistent with the evolving capacities of the child”.²⁵³ The Convention on the Rights of the Child therefore places the emphasis on children's right to their own freedom of religion or belief.²⁵⁴

Articles 28 and 29 of the Convention on the Rights of the Child recognise every child's right to education. “With a view to achieving this right progressively and on the basis of equal opportunity”, the States Parties undertake to “make primary education compulsory and available free to all”. They also “encourage the development of different forms of secondary education, including general and vocational education”.²⁵⁵ Article 29 refers directly to tolerance and mutual respect between various ethnic and religious groups. It postulates that education should prepare a child “for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among

250 United Nations (1999). Committee on Economic, Social and Cultural Rights E/C.12/1999/10. General Comment No. 13: The Right to Education (Art. 13).

251 *Ibid.*, para. 28.

252 UN Convention on the Rights of the Child (1989). Art. 2 Non-discrimination, Art. 14 Freedom of thought, conscience and religion and Arts. 28 and 29 Right to education.

253 ICCPR (1966). Art.18; UN Convention on the Rights of the Child. Article 14 (2).

254 See also German Institute for Human Rights (2019). Monitoring body for the UN Convention on the Rights of the Child. Die Religionsfreiheit von Kindern im schulischen Raum. Zur Diskussion über Kopftuchverbote für Schülerinnen (The freedom of religion of children in the school setting: On the discussion about bans on schoolgirls wearing the hijab). Pages 1–3; General Assembly (2016). Committee on the Rights of the Child. General Comment No. 20, CCPR/C/GC/20*, para. 43.

255 UN Convention on the Rights of the Child (1989). Art. 28.

all peoples, ethnic, national and religious groups and persons of indigenous origin”.²⁵⁶ This article therefore calls for children to be educated for respect and tolerance in their attitudes to other peoples, religions and ethnic groups.

In addition to the aforementioned international agreements and treaties, the 1960 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, which is binding under international law, is highly relevant for the human rights to freedom of religion or belief and to education. Article 1 of the UNESCO Convention defines discrimination based on different features such as race, sex, religion or political opinion and prohibits “nullifying or impairing equality of treatment in education”.²⁵⁷ In particular, no person or group of persons may be deprived of access to education or limited to education of an inferior standard, separate educational systems may not be established and conditions which are incompatible with the dignity of man may not be inflicted on any person or group of persons.²⁵⁸

With regard to separate educational systems, the UNESCO Convention does make exceptions under certain circumstances. Article 2 states that it is possible to establish separate systems for teaching pupils of the two sexes and for pupils who belong to different religions or speak different languages, as well as to establish private educational institutions. A requirement for these parallel educational systems not being deemed to constitute discrimination is that they are approved by state authorities.²⁵⁹

Under the aforementioned international conventions, the States Parties undertake to guarantee the right to free primary education and the right to freedom of religion or belief. Both of those rights are embodied in the rights of parents with respect to the religion and belief of their children, the right of children to express themselves freely concerning religion and belief, the right of religious minorities to appropriate protection and the right to freely choose a school for reasons of religion or belief. Freedom of religion or belief in the education sector must be understood as both a positive and a negative freedom. Accordingly, male and female pupils have the right “to express their religious or non-religious conviction in the school context in such a way which they themselves see fit, provided this does not conflict with the rights of others”.²⁶⁰

256 UN Convention on the Rights of the Child (1989). Art. 29.

257 UNESCO (1960). Convention against Discrimination in Education. Art. 1.

258 Ibid.

259 Ibid., para. 2.

260 See, for example, the Report of the Special Rapporteur on freedom of religion or belief of 15 December 2010. A/HRC/16/53, para. 40.

3.2.2. Freedom of religion or belief and education in international and national political documents as well as in initiatives of religious actors

Freedom of religion or belief in the area of education has previously received little attention in international documents. UN and OSCE documents do cover subjects related to freedom of religion or belief and education, but most handle those subjects separately and do not produce any synergies. Exceptions to this are the reports of the UN Special Rapporteur on freedom of religion or belief and the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, which repeatedly raise the subject of freedom of religion or belief in the education sector.²⁶¹

One important international objective in the education sector is the 2030 global education agenda, in other words Sustainable Development Goal (SDG) 4 of the 2030 Agenda for Sustainable Development.²⁶² SDG 4 aims to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”²⁶³ by 2030. This will mean improving quality and abolishing social inequities in education in order to ensure gender equality and the inclusion of people with disabilities. Target 4.7 of this Goal explicitly refers to education for sustainability and tolerance, and states that by 2030 it must be ensured

*“that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development, [...] global citizenship and appreciation of cultural diversity”.*²⁶⁴

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- 261 See United Nations (2001). World Conference against racism, racial discrimination, xenophobia and related intolerance. Report, studies and other documentation for the preparatory committee and the world conference, A/CONF.189/PC.2/22; United Nations (2010). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/16/53; United Nations (2015). Elimination of all forms of religious intolerance, Focus: The rights of the child and his or her parents in the area of freedom of religion or belief, A/70/286. United Nations (2016). Elimination of all forms of religious intolerance, Focus: The broad range of violations of freedom of religion or belief, their root causes and variables, A/71/269; OSCE Office for Democratic Institutions and Human Rights (ODIHR) (2007). Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools.
- 262 United Nations, General Assembly (2015). Resolution of the General Assembly (A/70/L.1). Transforming our world: the 2030 Agenda for Sustainable Development; Scheunpflug, A. and Wenz, M. (2018). Die globale Bildungsagenda – zu den Herausforderungen der Bildungszusammenarbeit im Entwicklungskontext (The global education agenda – on the challenges of educational cooperation in the context of development). In Tippelt, R. and Schmidt-Hertha, B. Handbuch Bildungsforschung (Manual of education research). Springer Reference Sozialwissenschaften. Pages 307–324.
- 263 UN (2015). Resolution of the General Assembly (A/70/L.1). Transforming our world: the 2030 Agenda for Sustainable Development, page 18 ff.
- 264 German Commission for UNESCO (2017). Education 2030 – Bildungsagenda 2030 Aktionsrahmen für die Umsetzung von Sustainable Development Goal 4 (Education 2030 Framework for Action for implementation of Sustainable Development Goal 4). Inklusive, chancengerechte und hochwertige Bildung sowie lebenslanges Lernen für alle (Towards inclusive and equitable quality education and lifelong learning for all). Condensed version by the German Commission for UNESCO.

The human right to freedom of religion or belief is not explicitly mentioned here, but the references to tolerance and cultural diversity offer sufficient potential overlap.

The World Education Forum 2015 adopted the Education 2030 Framework for Action²⁶⁵ to provide guidance for the international community and national governments in achieving SDG 4 of the 2030 Agenda for Sustainable Development in the coming years.²⁶⁶ The human right to freedom of religion or belief is not explicitly addressed in this global strategy but many religious communities took it on board.

One of the most important international documents relating to the right to freedom of religion or belief in the field of education from the viewpoint of the state is the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools. These guidelines were published in 2007 by an Advisory Council of Experts on Freedom of Religion or Belief.²⁶⁷ They state that teaching about religion must be fair, accurate and based on sound scholarship. They focus on calls for religious freedom, mutual tolerance and defending against religious indoctrination. They also state that curricula, textbooks and educational materials should take into account religious and non-religious views in a way that is inclusive, fair and respectful and be sensitive to the individual context.²⁶⁸

The OSCE and UNESCO have also published joint recommendations on addressing anti-Semitism and Islamophobia in the field of education. The recommendations emphasise using a human rights based approach to education, which will include education about human rights and empowering individual participation. The objective must be “building

265 United Nations Educational, Scientific and Cultural Organization (UNESCO) (2016). Education 2030. Incheon Declaration and Framework for Action.

266 See World Education Forum (2015). Incheon Declaration. Education 2030: Towards inclusive and equitable quality education and lifelong learning for all. Incheon.

267 OSCE Office for Democratic Institutions and Human Rights (ODIHR) (2007). Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools.

268 *Ibid.*, pages 16–17.

students' resilience"²⁶⁹ and "fostering critical thinking among students".²⁷⁰ The documents explicitly postulate gender-sensitive instruction and strengthening Global Citizenship Education²⁷¹ to promote a critical view of populism.

On behalf of the German government, the Federal Ministry for Economic Cooperation and Development explores the subject of freedom of religion or belief and education in its strategy document entitled Religious communities as partners for development cooperation (2016).²⁷² The strategy primarily assumes that:

*"Religion has a strong influence on society, and that influence has not been taken sufficiently into consideration in international cooperation so far. And yet it is clear that, in the long term, it will only be possible for people to live together peacefully and achieve sustainable development if there is goodwill-based cooperation between diverse social groups. This includes the world's religions."*²⁷³

The strategy emphasises religious training and education as a key subject:

269 United Nations Educational, Scientific and Cultural Organization (UNESCO); Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) (2019). Addressing Anti-Semitism through Education – Guidelines for Policymakers. Warsaw. OSCE ODIHR. Page 31; OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR); Council of Europe; UNESCO (2012). Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education. Warsaw. ODIHR.

270 United Nations Educational, Scientific and Cultural Organization (UNESCO); Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) (2019). Addressing Anti-Semitism through Education – Guidelines for Policymakers. Page 32; OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR); Council of Europe; UNESCO (2012). Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education.

271 Global Citizenship Education is a pedagogical concept that has been conceptualised and advocated by UNESCO among others. The primary aim of this concept is for learners to become responsible and active global citizens with a sense of belonging to a common humanity who will contribute to a more peaceful, tolerant world. See United Nations (2012). Global Education First Initiative. An Initiative of the United Nations Secretary General.; UNESCO (2014). Global Citizenship Education. Preparing learners for the challenges of the 21st century; UNESCO (2015). Global Citizenship Education: Topics and learning objectives.

272 Federal Ministry for Economic Cooperation and Development (2016). Religious communities as partners for development cooperation; Federal Ministry for Economic Cooperation and Development (2016). Partner für den Wandel (Partners for change). Religionen und nachhaltige Entwicklung (Religions and sustainable development).

273 Federal Ministry for Economic Cooperation and Development (2016). Religious communities as partners for development cooperation. Page 11.

“It is not uncommon for the contents of government teaching materials to increase prejudice rather than reduce it. In our education programmes, we will support reforms of relevant curricula and the development of new culture-sensitive and faith-sensitive teaching materials. Whenever Germany supports its partner countries through development programmes for teacher training, we will work for religious tolerance and diversity.”²⁷⁴

Promoting peace is also an important part of the educational work by religious actors that the German government supports as part of development cooperation programmes. For example, inter-faith and inter-ethnic tolerance, as well as respect and dialogue between the different religious and other societal groups, are promoted by supporting educational institutions in their commitment to peace initiatives, as shown by the following measure in India, which is being conducted by Misereor with local partners and is supported by the German government.

Promoting peace in India

The measure promotes trust and respect and efforts to oppose violence in village and urban communities in north-eastern India. The work focuses on districts that are particularly impacted by violence. The different (religious) communities there are prepared for a prolonged peace process by nuanced conflict analyses and joint strategy developments. The involvement of educational institutions in peace initiatives – in building respect, understanding and trust both between pupils and within the village communities – is also supported. Peace committees are empowered to act at the village and district levels, and the ability of members of the public to hold inter-ethnic and inter-faith dialogues is fostered.

Religious representatives also advocate for education and freedom of religion or belief. For example, the World Council of Churches (WCC) has a long tradition of involvement with this subject. Questions of religious freedom played a prominent role in the early worldwide ecumenical discussion.²⁷⁵ The subject of religious freedom and education was on the agenda of the international mission and ecumenical movement from the outset and was the subject of international action by the WCC during the 1940s and 1950s, even before the Second Vatican Council of the Roman Catholic Church (starting in 1962). The human right to freedom of religion or belief was formulated with crucial support by the

²⁷⁴ Ibid., page 22.

²⁷⁵ See Stierle, W., Werner, D. and Heider, M. (1996). Ethik für das Leben: 100 Jahre Ökumenische Wirtschafts- und Sozialethik (Ethics for life: 100 years of ecumenical economic and social ethics), page 374 ff.

churches. Thanks to the efforts of the Commission of the Churches on International Affairs (CCIA), freedom of religion or belief in its current form became a part of the UN Universal Declaration of Human Rights in 1948 after Article 18 was substantially formulated based on advance work by the ecumenical movement.

Religions for Peace (RfP), the largest international group of representatives of world religions, headquartered in New York, also works on issues related to education and freedom of religion or belief. The organisation brings together Interreligious Councils from 90 countries and religious leaders from across the world. It was founded in 1970 with the stated aim of being an alliance of world religions modelled on the UN and of being an organisation that allows religions to work for peace in crises and conflicts. The World Assembly of Religions for Peace was held in Germany for the first time in August 2019. Financed and supported by the German government, the assembly drew almost 1,000 representatives from some 125 countries to the southern German town of Lindau am Bodensee. The Workbook of the RfP World Assembly, which was prepared before the meeting, also discusses education and freedom of religion or belief.²⁷⁶ Referring to the UDHR, the Workbook emphasises that freedom of religion or belief is an integral part of understandings of human rights. The Workbook discusses the subject of education primarily in connection with the prevention of extremism and with peace education. It understands a good education/formation about one's own religious traditions to be a decisive requirement for protecting people from drifting into radicalism and extremist beliefs and violence, and believes it offers counternarratives against violence and extremism.²⁷⁷ The nearly 1,000 religious representatives adopted a Declaration during the Assembly itself. In it, they commit to efforts by the RfP to promote peace education, advance universal access to education and ensure freedom of religion worldwide, and undertake to make common efforts with civil society partners and governments.²⁷⁸

276 Religions for Peace (2019). Workbook for the 10th World Assembly. Pages 69–70.

277 Religions for Peace (2019). Workbook for the 10th World Assembly. Page 37.

278 Religions for Peace (2019). Declaration of the 10th World Assembly of Religions for Peace. 23 August 2019, Lindau; <https://www.rfp.org/declaration-of-the-10th-world-assembly-of-religions-for-peace%EF%BB%BF/>.

Peace Education Meets Religion – A practical handbook

In the area of religion and foreign policy, the German government supports a series of peace education projects by the Berghof Foundation. A practical handbook has been developed in cooperation with religious representatives from all over the world and is now being used in various countries. The aim is to improve the peace education skills of religion-based actors in the areas of formal and informal education.

The Marrakesh Declaration is another initiative by religious actors which relates to the human rights to freedom of religion or belief and education.²⁷⁹ It was adopted in January 2016 by around 300 delegates, primarily politicians from the Arab world and Muslim clerics and scholars, as well as some 50 non-Muslim representatives, including Christians from various denominations. In the Marrakesh Declaration, which builds on the Medina Charter,²⁸⁰ the representatives of the faith communities undertake to defend the rights of religious minorities in their societies, respect human rights and contribute to peace and tolerance through education. The point of departure for adoption of the Marrakesh Declaration was the persecution and violence by Islamic State, as well as terrorist attacks with an Islamic background, which were and are a particular threat to religious minorities in predominantly Muslim countries in the Middle East. The Declaration explicitly addresses education and “urge[s] Muslim educational institutions and authorities to conduct a courageous review of educational curricula that addresses honestly and effectively any material that instigates aggression and extremism, leads to war and chaos, and results in the destruction of our shared societies”.²⁸¹ The Marrakesh Declaration thus clearly points to the relevance of educational curricula for the peaceful coexistence of religions. With respect to the responsibility of religious actors in the field of education, it is particularly noteworthy that the Declaration calls for a critical examination of curricula and educational

279 The original language of the Declaration is Arabic. Quotations here have been taken from the English version of the “Executive Summary of the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities” provided by the website of the Marrakesh Declaration, Marrakesh Declaration (2016); <http://www.marrakeshdeclaration.org/declaration/>; Marrakesh, January 2017, 27th.

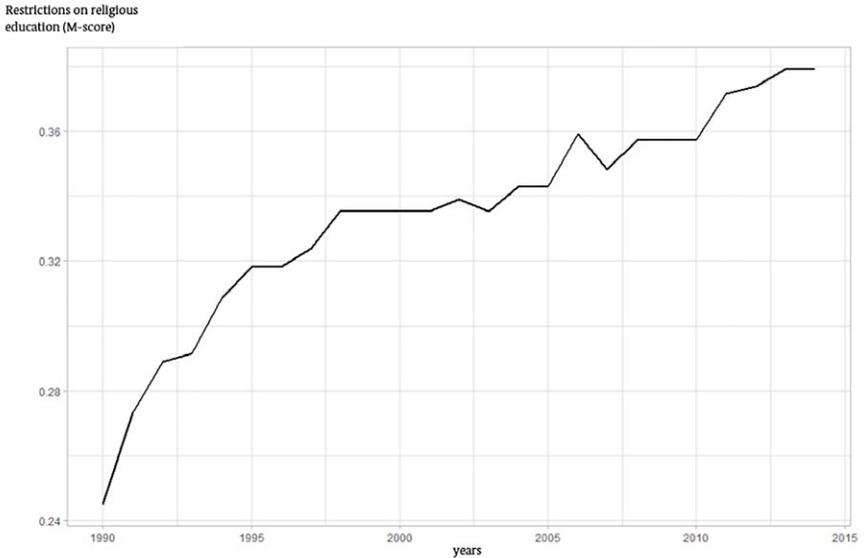
280 The Constitution or Charter of Medina is a document drawn up by the Prophet Mohammad after he left Mecca for Medina in 622. The Constitution of Medina advocates for religious pluralism and considers Medina to be a multi-religious place where tribes of different religions live together. For further information see also: Anderson, M. and Taliaferro, K. (eds.) (2014). *Islam and Religious Freedom – A Sourcebook of Scriptural, Theological, and Legal Texts*. Religious Freedom Project, Berkley Center for Religion, Peace and World Affairs, Georgetown University; Arjomand, page (2009). *The Constitution of Medina: A Sociolegal Interpretation of Muhammad’s Acts of Foundation of the Umma*, in: *International Journal of Middle East Studies*, 41, pages 555–575.

281 Marrakesh Declaration (2016). *Executive Summary of the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities*, page 2.

materials in order to avoid extremism and promote pluralism. However, the Marrakesh Declaration advocates for the protection of certain religious minorities, not for the human right to freedom of religion or belief as such. It thus follows an understanding of tolerance in principle but not a human rights based approach.

In spite of the human rights standards for education and freedom of religion or belief which are contained in international treaties, as well as positive declarations of intent on the part of religious communities, there is still too little attention to the subject of freedom of religion or belief in international educational agendas. This is problematic since real-life examples of restrictions on the religious education of minorities are increasing all over the world.

Figure 6:²⁸² Increasing restrictions on religious education for minorities on average worldwide since 1990



Access to education and educational content is vital for guaranteeing freedom of religion or belief in the education sector. It is therefore discussed in the following two sections.

282 The graphic shows the world average for restrictions on the religious education of minorities using what is known as the M-score, which ranges from 0 (= no restrictions whatsoever) to 3 (= religious education for all or most minorities prohibited or very strictly limited). The purpose of the graphic is to show that minorities all over the world have been subject to increasing discrimination in the area of religious education since 1990. The graphic does not show an absolute value for restrictions on religious education. The average value on the scale is relatively low because many countries have very few restrictions. The data in the graphic is based on the data set from the Religion and State project by Jonathan Fox (<http://www.thearda.com/ras/>). The graphic is taken from the following paper: Basedau, M. and Pieters, A. (2019). In Frieden und Freiheit? Eine Bestandsaufnahme zu religiösen Konflikten und Religionsfreiheit weltweit (In peace and freedom? An inventory of religious conflicts and religious freedom throughout the world). Unpublished working paper of the German Institute of Global and Area Studies (GIGA) commissioned by the Federal Ministry for Economic Cooperation and Development.

3.3. Access to education

It is of central importance for the realisation of the human rights to education and to freedom of religion or belief that the state gives all societal groups equal access to education organised by the state. This is the only way to fulfil the commitment to provide compulsory education. On the other hand, the wishes of parents and children concerning freedom of religion or belief must be accepted.²⁸³

There are different types of access to secular and religious education for religious and other societal groups all over the world. When considering the two types of religious education, it is important that information about religions and beliefs provided in school education are distinguished conceptually from religious instruction based on a particular faith. The first type of education is intended to neutrally broaden students' general knowledge about different religions and beliefs and reduce stereotypes, while the second type aims at familiarising students with their own faith, including theological concepts or religious norms.²⁸⁴ Of course, there can also be mixed forms that combine the two types.

Three theoretical models that can be helpful in classifying and systematising the secular and religious education programmes offered by countries all over the world – sometimes in cooperation with the religious organisations that run schools – are presented below. The chapter also discusses the boundaries between each of those models and points out that they can in some cases restrict access to education by religious and other societal groups. The second part of this chapter analyses factors going beyond the boundaries of the models which affect educational systems and restrict access to education by religious and other societal groups.

283 Heimbach-Steins, M. (2007). *Das Menschenrecht auf Bildung und seine Umsetzung in Deutschland. Diagnosen – Reflexionen – Perspektiven* (The human right to education and its implementation in Germany: Diagnoses – reflections – perspectives). Forum Bildungsethik. Bielefeld. Bertelsmann; Feige, J., Günther, M., Hildebrand, B., et al. (2016). *Menschenrechte: Materialien für die Bildungsarbeit mit Jugendlichen und Erwachsenen* (Human rights: Materials for educational work with young people and adults); Pirner, M. L. (2016). *Human Rights, Religions, and Education. A Theoretical Framework*. In Pirner, M. L., Lähnemann, J. and Bielefeldt, H. *Human Rights and Religion in Educational Contexts. Interdisciplinary Studies in Human Rights*. Vol. 1. Pages 11-27.; Meijer, W. A. J. (2016). *The Relation Between the Human Right to Education and Human Rights Education*. In Pirner, M. L., Lähnemann, J. and Bielefeldt, H. *Human Rights and Religion in Educational Contexts. Interdisciplinary Studies in Human Rights*. Vol. 1. Pages 139–148.; Scheunpflug, A. (2017). *Sustainable Development Goal 4: Inklusive und chancengerechte Bildung für alle! Was bedeutet das? – Hintergründe und Ansätze* (Inclusive and equitable education for all! What does that mean? – Backgrounds and approaches).

284 UN (2010). *Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/16/53*, paras. 21–40; paras. 47–56 ff.

3.3.1. The state as provider of secular and religious educational institutions

Current educational systems have developed through the ages from religious institutions. Three basic models have taken shape all over the world. Each of them has its own implications for the right to freedom of religion or belief.

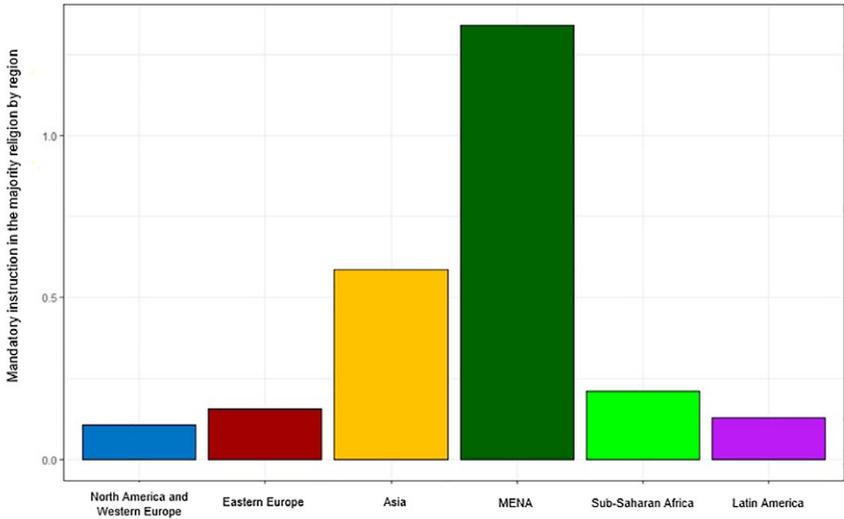
Model 1: The state as provider of religious educational institutions

In the first model, the state itself provides religious educational institutions. These state schools teach a specific religion. There are state schools of this kind in countries that are predominantly Christian (such as Italy²⁸⁵), Muslim (such as Indonesia, Saudi Arabia or Yemen) or Buddhist (such as Myanmar). According to this model, the majority population is given the opportunity to obtain a religious education. Freedom of religion or belief, particularly for minorities, can come under pressure in systems of this kind, and access to appropriate religious education for minorities may be limited. That is particularly the case when the religious education offered in the schools is not voluntary or when there are no alternative classes.²⁸⁶ However, in cases of this kind, under some circumstances it is not only the freedom of religion of religious minorities that is infringed, but also the freedom from religion to which non-religious people are entitled. Statistics based on a comparison of the requirement to attend instruction in the majority religion in various regions of the world show that this requirement is particularly stringent in the Middle East and North Africa, a region where most countries have a state religion.²⁸⁷

285 Coglievina, S. (2017). Religious Education in Italian Public Schools: What Room for Islam? <https://riviste.unimi.it/index.php/statoecliase/article/view/9095>; Ferrari, A. (2013). Religious Education in Italy, in: Davis, D.H. and Miroshnikova, E. (eds.) (2013). The Routledge International Handbook of Religious Education, pages 175–180.

286 See information in Rohe, M. (2016). Religion in Schools from a Legal Viewpoint. In Pirner, M. L., Lähnemann, J. and Bielefeldt, H. Human Rights and Religion in Educational Contexts. Interdisciplinary Studies in Human Rights. Vol. 1. Pages 73–90; Simojoki, H. (2016). Collision of Contexts? Human Rights Education and Inter-religious Learning in a Globalized World. In Pirner, M. L., Lähnemann, J. and Bielefeldt, H. Human Rights and Religion in Educational Contexts. Interdisciplinary Studies in Human Rights. Vol. 1. Pages 233–242.

287 See Basedau, M. and Pieters, A. (2019). In Frieden und Freiheit? Eine Bestandsaufnahme zu religiösen Konflikten und Religionsfreiheit weltweit (In peace and freedom? An inventory of religious conflicts and religious freedom throughout the world). Unpublished working paper of the German Institute of Global and Area Studies (GIGA) commissioned by the Federal Ministry for Economic Cooperation and Development.

Figure 7:²⁸⁸ Mandatory instruction in the majority religion by region:*

*The subdivision into different regions was done by the German Institute of Global and Area Studies (GIGA). It does not correspond to the German government's country classification. The purpose of the graphic is to point out key differences between various regions in the area of religious education.

Examples of this type can be found in Afghanistan, for instance. State curricula there are based exclusively on Islamic content, and members of religious minorities and people who do not have a religious affiliation are required to participate in this religious education.²⁸⁹

288 The graphic shows mandatory instruction in the majority religion by region on a scale of 0 to 2 (0 = not significantly restricted or government does not get involved in this area; 1 = somewhat restricted or government is slightly involved in this area; 2 = significantly restricted or government is heavily involved in this area). The purpose of the graphic is to point out regional differences with regard to mandatory instruction in the majority religion and not to present mandatory instruction in the majority religion as an absolute value. The data in the graphic is based on the Religion and State project by Jonathan Fox (<http://www.thearda.com/ras/>). The graphic is taken from the following paper: Basedau, M. and Pieters, A. (2019). In Frieden und Freiheit? Eine Bestandsaufnahme zu religiösen Konflikten und Religionsfreiheit weltweit (In peace and freedom? An inventory of religious conflicts and religious freedom throughout the world). Unpublished working paper of the German Institute of Global and Area Studies (GIGA) commissioned by the Federal Ministry for Economic Cooperation and Development.

289 See the entry for Afghanistan in the country section of this report.

The field of education in Turkey is also subject to restrictive rules. Christian or Jewish pupils may opt out of Sunni religious instruction, but Alevite pupils are generally not allowed to without instituting a court procedure because Alevites are registered as Muslims in the civil registry.²⁹⁰

Model 2: The state as provider of secular educational institutions offering access to religious instruction in a specific faith

The state maintains secular educational institutions in which religious representatives have the possibility of teaching their religion themselves and in which religious instruction in a specific faith can be given. Teaching is used here in the broadest sense of the word and could include, for example, the use of prayer rooms and attendance at religious services. This model is to be found in most German states, in Scandinavia and in the United Kingdom. For example, the German states offer either religious instruction specifically for Protestant, Catholic, Orthodox, Muslim and Jewish pupils or alternative classes for students with no religious affiliation.²⁹¹ In Germany, religious instruction in a specific faith is provided “in accordance with the tenets of the religious community concerned”²⁹² and allows not just the acquisition of knowledge about religion but also an opportunity to explore one’s own faith.²⁹³ Rwanda and South Africa use this model to some extent as well. Pupils in South Africa may receive religious instruction in a specific faith provided by religious representatives. However, it is not part of mandatory school lessons and is not funded by the state. Instead, the religious communities are allowed to give religious instruction in their faiths on school premises after regular classes have ended.²⁹⁴ This means that, according to Model 2, secular educational institutions providing religious instruction in a specific faith theoretically offer all population groups the opportunity to explore their own beliefs in school.

290 See the entry for Turkey in the country section of this report.

291 Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder of the Federal Republic of Germany IVC/Statistik (2019). Analysis of religious instruction during the 2017–18 school year, page 3. https://www.kmk.org/fileadmin/Dateien/pdf/Statistik/Dokumentationen/AW_Religionsunterricht_II_2017_18.pdf.

292 Basic Law (Grundgesetz) of the Federal Republic of Germany. Article 7 (3).

293 There are exceptions to this in the German states of Bremen, Berlin and Brandenburg. In Bremen and Brandenburg, religion or “lifestyle/ethics/religion” is taught without any religious affiliation, while in Berlin religious instruction in a specific faith is an elective subject not required to be officially allowed to move up to the next year at school (see Spielhaus, R. and Štimac, Z. (2018). *Schulischer Religionsunterricht im Kontext religiöser und weltanschaulicher Pluralität* (Religious instruction in schools in the context of plurality of religion and belief); <http://www.bpb.de/apuz/272109/schulischer-religionsunterricht-im-kontext-religioeser-und-weltanschaulicher-pluralitaet?p=all>).

294 Du Plessis, L. M. (2013). Religious Education in South Africa, in: Davis, D.H. and Miroshnikova, E. (eds.) (2013). *The Routledge International Handbook of Religious Education*, pages 325–328.

However, this model is also subject to practical challenges. In Germany, the state and religious communities share responsibility for religious education. A formal requirement is therefore the presence of a religious community (not a corporation governed by public law) as an official contact for the German states. The states are responsible for the specific procedures. The German Islam Conference (GIC) defined the requirements for the introduction of Islamic religious instruction under Article 7 (3) of the German Basic Law in 2008. This also includes the prerequisites that an organisation must fulfil to be considered a religious community within the meaning of Article 7 (3) of the German Basic Law. In 2008, the GIC forwarded its conclusions to the Standing Conference of the Ministers of Education and Cultural Affairs, which recommended that the states take them into account. Several German states have introduced Islamic religious instruction, and others have introduced model projects. In most states there are practical challenges for implementation, sometimes caused by the large number of Muslim organisations and their varying degrees of structure.²⁹⁵

There are also models such as combined religious instruction for pupils of different beliefs or religious studies classes.

295 See German Islam Conference. Islamischer Religionsunterricht – ein Thema der DIK (Islamic religious instruction – a subject for the GIC); <http://www.deutsche-islam-konferenz.de/DIK/DE/DIK/StandpunkteErgebnisse/UnterrichtSchule/ReligionBildung/ThemaDIK/thema-in-dik-node.html>; German Islam Conference. Islamischer Religionsunterricht im Schulversuch (Islamic religious instruction in pilot projects in schools); <http://www.deutsche-islam-konferenz.de/DIK/DE/DIK/5ReligionsunterrichtSchule/Schulversuche/schulversuche-node.html>; Spielhaus, R. and Štimac, Z. (2018). Schulischer Religionsunterricht im Kontext religiöser und weltanschaulicher Pluralität; <http://www.bpb.de/apuz/272109/schulischer-religionsunterricht-im-kontext-religioeser-und-weltanschaulicher-pluralitaet?p=all>.



Visit to a Koran school in Dakar, Senegal during a trip to the Republic of Senegal made in 2019 by the Federal Government Commissioner for Global Freedom of Religion and Member of the German Parliament, Markus Grübel.

© RFB

Model 3: The state as provider of secular educational institutions

Based on this model, the state organises a secular educational institution that doesn't allow any statements of belief. An educational institution of this kind may allow teaching in which cross-cutting secular religious studies provide knowledge about different religions and beliefs, thereby having a positive effect on the elimination of stereotypes and prejudices,²⁹⁶ or the educational institution may completely exclude any teaching of religion and belief.

In this model, religious instruction takes place outside of state educational institutions – in schools run by non-state organisations, the private sphere or institutions of the religious communities. Many very different countries follow this model, such as France, India, Mexico, Russia, China or Viet Nam.

Combination of programmes offered by state and non-state providers and the issue of financing

The specific structure of freedom of religion or belief in the education sector depends on how these three models for state educational institutions are combined with the education programmes of non-state religious or secular providers and how they are financed and supervised. The state is responsible for financing education at least up to the end of compulsory education.²⁹⁷ It must provide funding and monitor compliance with quality standards. It is not necessarily the responsibility of the state to run educational institutions. It may allow religious or non-religious providers so that religious or belief communities can participate in running educational institutions. However, it is necessary to ensure appropriate financial support and to monitor the providers. The school system of the Netherlands implements this aspect most consistently. The state itself runs very few schools; non-state providers play that role instead. The providers are reimbursed and monitored to ensure that they fulfil all requirements.²⁹⁸

296 UN (2010). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/16/53, para. 32.

297 UNESCO. Right to Education – State Obligations and Responsibilities; <https://en.unesco.org/themes/right-to-education/state-obligations>; United Nations, General Assembly (2015). Resolution of the General Assembly (A/70/L.1). Transforming our world: the 2030 Agenda for Sustainable Development, SDG 4, pages 18–19.

298 United Nations, General Assembly (1966). General Assembly Resolution 2200A (XXI). The International Covenant on Civil and Political Rights of 19 December 1966. ICCPR. BGBl. H. II (Federal Law Gazette, Part II). Page 1553. Article 18 (4).

Provided the state adequately fulfils its financing obligations and itself respects the right to education and to freedom of religion or belief, it will be seen that freedom of religion or belief is often ensured in combination with the above ways for a state to handle religion: secular, liberal countries (such as France) often have a high percentage of schools run by religious organisations.

Challenges for the state's obligation to finance

The following challenges have been observed in relation to the state's obligation to finance and its importance for implementation of the human right to freedom of religion or belief in the field of education.²⁹⁹

a) States fail to fulfil their obligation to finance non-state providers

When non-state providers do not receive adequate reimbursement from the state, they must either cover the costs they incur themselves or recover them by charging fees. In the latter case, this can make it more difficult to fulfil the fundamental right to education, because attending a school run by a non-state organisation then depends on parents' financial means, which tends to produce socially selective school systems. Schools will often attempt to use a certain profile – sometimes going beyond the religious profile – to attract affluent parents. The example of schools run by Muslim and Christian organisations in the Kurdistan region of Iraq is a good example of this situation. By making English the language of instruction, these schools allow participation in an alternative education programme.³⁰⁰ In Morocco, as well, Catholic schools offering exclusively Catholic religious instruction with obligatory attendance, often attract affluent families.³⁰¹

In a few countries, extracurricular religious education programmes run by religious organisations receive subsidiary funding from the state. This can also apply to education programmes for adults, such as the following project – supported by the German government – being carried out in tandem by Brot für die Welt and the Coptic Evangelical Organisation for Social Services (CEOSS). Extracurricular religious education programmes receive subsidiary state funding only when the state recognises that religious education is an important part of education in general.

299 See United Nations (2010). Report of the Special Rapporteur on freedom of religion or belief. Page 17, paras. 54–56.

300 See, for example, Hassun, H. (in press). Private Schooling in the Kurdistan Region of Iraq.

301 Nikles, K. (2016). Katholische Schulen auf islamischem Boden (Catholic schools on Islamic soil). Katholisches Schulwesen in Marokko – Historisches Überbleibsel oder Beitrag zu Dialog und Verständigung? (Catholic school system in Morocco – Historic relic or contribution to dialogue and understanding?) In: engagement, Vol. 34, 1/2016, page 59.

Promoting the peaceful coexistence of different religious groups in Egypt

CEOSS promotes the peaceful coexistence of different religious groups in Egypt using a dialogue based on shared citizenship. Multipliers from the fields of religion, media, academia and civil society are trained in using dialogue-based methods to promote a respectful, tolerant view of other social groups in society. CEOSS is also creating protected spaces for dialogue, meetings, and discussion at the local, national and international levels.

- b) States fail to fulfil their obligation to finance both state-run schools and schools run by non-state providers

A large percentage of schools run by non-state organisations often do not receive adequate financing because the state generally does not (or cannot) adequately fulfil its obligations to finance the educational system or provides only patchy funding. In that case, religious communities often fill in the financial gaps left by the state, which either withdraws completely from financing or finances only teachers' salaries. It is then the religious communities, often in cooperation with parents, that must see to buildings and their upkeep, as well as training and advanced training for teachers. The way education is organised in the Democratic Republic of the Congo, where 70 per cent of schools are run by religious organisations and primarily financed by parents, is a good example of this.³⁰² Brot für die Welt also receives funding from the German government for supporting faith-based schools in the Democratic Republic of the Congo which are run in cooperation with churches.

302 Backiny-Yetna, P, and Wodon, Q. (2009). Comparing the Performance of Faith-Based and Government Schools in the Democratic Republic of Congo. In: Barrera-Osorio, F., Patrinos, H. A., and Wodon, Q. (2009). Emerging Evidence on Vouchers and Faith-Based Providers in Education Case Studies from Africa, Latin America, and Asia. The World Bank. Pages 119–135, here 112 and 128.

Peace education and support for girls in Protestant schools in the Democratic Republic of the Congo

This measure promotes the prevention of violence in the school environment and the development of a culture of peace, including psychosocial support, particularly for women and girls. This helps reduce conflict and violence, which are particularly pronounced in secondary schools between groups of pupils from different ethnic or social groups, as well as in the form of sexual violence against young women.

The state does not fulfil its obligation to finance schools in Chad, either. Many village primary schools have been created by parent initiatives. Misereor supports those schools with funding from the German government, as shown by the following measure:

Improving autonomous village schools in central Chad

This measure improves autonomous village schools in central Chad created by parent initiatives. The funding focuses on training and continuing professional development for teachers, improvements to school infrastructure and activities to prevent girls from dropping out of school. The introduction of pre-school facilities and exchanges between different religious groups are also being supported. The local project sponsors accord great importance to the schools not being run as Catholic schools, instead leaving the initiative and thus also ownership to village communities, thereby ensuring that the schools are sustainable. This also fosters interfaith exchanges and tolerance between Muslims and Christians.

3.3.2. Restrictions on access to education

Access to education for everyone, independent of religion and belief, is not limited solely by the models presented above. Other factors that cut across models can also limit access to educational institutions. The most important factors are described below:

1. Restrictions reflecting the situation regarding freedom of religion or belief

It is rare that the education sector in a particular country will have a greater degree of freedom than the state that organises and provides education. Thus states with limited freedom of religion or belief often have analogous restrictions in the education sector and there are corresponding problems in gaining access to education. This affects in particular the right of religious communities to religious education and religious instruction in state schools and the right to conversion or “apostasy”. There have repeatedly been reports about the exclusion from lessons of pupils from religious minorities, such as Bahá’í and other religious minorities in Shiite Iran³⁰³ and the predominantly Muslim Rohingya in Buddhist-majority Myanmar,³⁰⁴ as well as accounts of forced conversion in Buddhist monasteries in Myanmar³⁰⁵ and violence against pupils and against minority schools in many different countries.³⁰⁶

2. Transnational influence when state structures are weak

It is particularly important in countries with weak state structures whether access to the education sector by international actors is regulated and what form this takes. If state structures are weak and there is little regulation of the educational system or if the system itself is failing, it is possible for external actors to influence the educational system and propagate certain content. If the content is religious, the outside influence within the education sector can impact freedom of religion or belief in the medium term. One example of this is Saudi involvement in Indonesia’s education sector.³⁰⁷ Wahhabism is taught in many Quranic schools financed by Saudi money. It is an ideology based on a literal interpretation of Islamic source texts and exhibits little openness to different strains of Islam, religious minorities, non-believers and other societal groups. The spread

303 Christian Solidarity Worldwide (2018). Faith and a Future. Discrimination on the Basis of Religion or Belief in Education. Page 4.

304 Ibid., page 26, describes the situation in Myanmar before the refugee crisis in 2017.

305 United Nations (2012). Convention on the Rights of the Child; Consideration of Reports submitted by States parties under article 44 of the Convention. Concluding observations: Myanmar, para. 45.

306 Christian Solidarity Worldwide (2018). Faith and a Future. Discrimination on the Basis of Religion or Belief in Education. Page 24 ff.

307 Kovacs, A. (2014). Saudi Arabia Exporting Salafi Education and Radicalizing Indonesia’s Muslims.

of Wahhabism within the Indonesian educational system has had a negative influence on freedom of religion or belief in the country and led to discrimination against liberal Muslims, to discrediting of interfaith dialogue and to political radicalisation.³⁰⁸

3. The role in education played by religious schools not regulated by the state

In some countries, religious schools provide education in a specific faith outside of the state educational system. These schools do not fulfil any duties of the state related to schools and are not subject to state supervision, yet they push for recognition by the state – usually in the form of state-recognised diplomas. They are often located in Islamic countries and they are generally madrasas,³⁰⁹ in which Islamic course content such as Islamic law, Quranic studies or the Arabic language is taught. Madrasas are common in predominantly Islamic countries in the Middle East, North Africa and Asia. It is also increasingly common for them to teach secular subjects. These schools are particularly active in countries with poorly-developed school systems in pressing for equal treatment with state schools or recognised schools run by non-state providers with respect to fulfilment of the requirement for compulsory education and the awarding of diplomas.³¹⁰ This can threaten the human right to freedom of religion or belief.

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- 308 Noor, F. A., Sikand, Y. and van Bruinessen, M. (2008). Introduction: Behind the Walls: Re-Appraising the Role and Importance of Madrasas in the World Today. In Noor, F. A., Sikand, Y. and van Bruinessen, M. *The Madrasa in Asia. Political activism and transnational linkages*. ISIM series on contemporary Muslim societies. Pages 9–30. Amsterdam. Amsterdam University Press. Page 26 f; Hasan, N. (2008). *The Salafi Madrasas of Indonesia*. In Noor, F. A., Sikand, Y. and van Bruinessen, M. *The Madrasa in Asia. Political activism and transnational linkages*. ISIM series on contemporary Muslim societies. Pages 247–274.; Kovacs, A. (2014). *Saudi Arabia Exporting Salafi Education and Radicalizing Indonesia's Muslims*. Bielefeldt, H. (2017). *Verletzungen der Religionsfreiheit. Versuch eines Typologischen Überblicks (Violations of religious freedom: Attempt at a typological overview)*. In Altmeyer, S., Englert, R., Kohler-Spiegel, H., et al. *Menschenrechte und Religionsunterricht (Human rights and religious education)*. *Jahrbuch der Religionspädagogik*. Vol. 33. Pages 61–71. Page 63 f.
- 309 Madrasa is the Arabic word for school. In Arabic countries the word “madrasa” is not limited to Islamic schools and is used for all types of schools, including secular schools. However, in the general linguistic usage of many non-Arabic-speaking countries, “madrasa” generally refers to an Islamic school that provides an Islamic education.
- 310 See with regard to discussions about this Blumör, R. (2013). *Haben die Taliban eine Bildungsstrategie? Zur Mikrobildungspolitik einer Aufstandsbewegung (Does the Taliban have an education strategy? On the micro-education policy of an insurgency movement)*. *International Quarterly for Asian Studies*. Vol. 44. Issue 1-2. Pages 105–131; Kidwai, H. (2018). *Mainstreaming Madrassas in India: resistance or co-optation?* In Sivasubramaniam, M. and Hayhoe, R. *Religion and Education. Comparative and international perspectives*. *Oxford Studies in Comparative Education*. Pages 289–310; Herzog, L. and Adams, N. (2018). *Modernizing Islamic Education: Bangladesh and Senegal*. In Sivasubramaniam, M. and Hayhoe, R. *Religion and Education. Comparative and international perspectives*. Pages 203–224.



5 April 2018, Jordan, Amman: Federal Foreign Minister Heiko Maas (SPD) learns about the situation of the refugees in Al-Azraq Refugee Camp and talks to girls having an English lesson. © picture alliance/ Michael Kappeler/ dpa

4. Discrimination resulting from provisions governing days off from school

The greater the religious diversity of a population, the more difficult it is to coordinate and harmonise compulsory school attendance with days off from work and religious holidays. That is particularly true when the state does not require a day off work during the week. As shown by the example of the United States, countries in the global North, where many different religious groups live, are doing more to try to take different religious holidays into account. Schools in some states in the U.S. also close for the Jewish holiday of Yom Kippur, the Islamic Eid al-Adha or Feast of Sacrifice, or the Lunar New Year, celebrated in Chinese and Korean cultures.³¹¹

311 Blankenship-Knox, A. and Geier, B. (2017). Taking a Day Off to Pray: Closing Schools for Religious Observance in Increasingly Diverse Schools. Page 2 ff.; <https://educationlaw.org/images/annual-conference/2017/2017Papers/H1-1-Blankenship-Geier.pdf>.

5. The role of religiously motivated clothing and religious symbols in schools

The religious practice of some faiths involves wearing certain clothing. According to Article 18 (3) of the ICCPR and Article 14 (3) of the UN Convention on the Rights of the Child, countries may restrict the wearing of religiously motivated clothing or religious symbols only to protect public safety, order, health, morals or the fundamental rights and freedoms of others.³¹² The UN has repeatedly pointed out that in this area the right to individual manifestation of religion must be weighed against the law of the secular state.³¹³

Summary

In conclusion, it can be stated that irrespective of whether the state is the provider of religious or secular educational institutions, in many countries there are restrictions on access to education for religious and other societal groups. Such restrictions result above all when freedom of religion or belief in a country is limited and there is discrimination against religious minorities and other societal groups. That discrimination is often reflected in the educational system. But restrictions on access also result when the state withdraws from financing educational institutions and alternative actors become more influential as they disseminate their own standards and values, thereby impacting the status of freedom of religion or belief over the medium term.

312 United Nations, General Assembly (1966). General Assembly Resolution 2200A (XXI). The International Covenant on Civil and Political Rights of 19 December 1966. Art. 18 (3), UN Convention on the Rights of the Child (1989). Art.14 (3).

313 In that regard, see the detailed presentation of the issue by the United Nations (2010). Report of the Special Rapporteur on freedom of religion or belief. A/HRC/16/53; pages 13–15, paras. 41–46; United Nations (2015). Elimination of all forms of religious intolerance, Focus: The rights of the child and his or her parents in the area of freedom of religion or belief), A/70/286, paras. 51–53 and for Germany in Follmar-Otto, P. (2015). Nach dem zweiten “Kopftuchbeschluss” des Bundesverfassungsgerichts. Schule als Ort religiöser und weltanschaulicher Freiheit und Vielfalt (After the second “Head Scarf Decision” of the German Federal Constitutional Court: Schools as a place of freedom of religion or belief and diversity). Issue 7, pages 1–4.

3.4. Educational content and quality

The content of what pupils learn and the way in which that content is taught are of vital importance for guaranteeing the human right to freedom of religion or belief in the education sector. The Toledo Declaration of the OSCE, for example, emphatically referred to this.³¹⁴ What can be said about the specifics of educational content and quality?

3.4.1. Educational content

Curricula and educational standards determine educational content. They are usually developed by state agencies using democratically legitimate procedures. However, research shows that textbooks generally have a greater impact on teaching than curricula do.³¹⁵ Teachers frequently base their daily lesson plans more on the textbook than on the curriculum. They often rely solely on textbooks when preparing their lessons, particularly in countries where the education sector is under-financed, teacher training and continuing professional development are of lesser quality and teachers have little or no access to teaching or learning resources. Pupils learn the educational content by reading the textbooks. Digital teaching media have also become more important over the past few years. However, due to the continued heavy use of textbooks, the world views and values presented by textbooks, as well as other learning media, are highly relevant because they influence children's attitudes and as a result can have the effect of limiting freedom of religion or belief. Curricula and textbooks can contribute to two different forms of discrimination.³¹⁶ First, it is possible that textbooks or curricula contain false or demeaning presentations of certain religious or other societal groups and second, both textbooks and curricula can contribute to questionable presentations of subject matter by omissions and concealment. Both forms of discrimination have a negative effect on the human right to freedom of religion or belief.

314 See the appeal by Bielefeldt, H. (2017). Verletzungen der Religionsfreiheit. Versuch eines Typologischen Überblicks. In Altmeyer, S., Englert, R., Kohler-Spiegel, H., et al. *Menschenrechte und Religionsunterricht. Jahrbuch der Religionspädagogik*. Vol. 33. Pages 61–71; Meijer, W. A. J. (2010). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/16/53; United Nations (2014). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt. Addendum Mission to Viet Nam: Comments by the State on the report of the Special Rapporteur; United Nations (2014). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt. Addendum. Mission to Kazakhstan.

315 Reichenberg, M. (2016). Explaining Teachers' Use of Textbooks. *Journal of Educational Media, Memory, and Society*. Vol. 8. Issue 2. Pages 145–159.

316 See United Nations (2010). Report of the Special Rapporteur on freedom of religion or belief. Page 19. Paras. 61f and 61g.

The content of textbooks and curricula in Saudi Arabia has been critically discussed in recent years.³¹⁷ This is particularly the case because the Saudi kingdom has influenced the educational systems of other countries, especially predominantly Muslim countries, due to the educational exports described above.³¹⁸ The textbooks used for this have communicated a world view based on hostile stereotypes and attempted “to solidify loyalty to a purported single true, unchanging Islam”.³¹⁹ Hatred of atheists, Jews, Christians, Hindus and all Muslim groups that do not follow the Saudi interpretation has been propagated.³²⁰ The content communicated by the textbooks and curricula had a negative effect on freedom of religion or belief because it discriminates against certain religious and societal groups. It is possible that educational content of this kind contributes to threatening religious and societal peace.

International research about how history is presented in textbooks has become well established. A constructive path toward cooperation has been found, particularly in the case of German-French and German-Polish history books. New textbooks were jointly developed as the last step in a three-step process that started with an analysis of curricula and mutual discussions and consultations about the conclusions of the analysis. State representatives cooperated with textbook authors and publishers. Structured cooperation of this kind in the area of freedom of religion or belief has not yet become established in the field of education. Some research groups have pointed out the problems, as described below, but there are hardly any systematic consultations that could lead to changes in questionable presentations and positions. An international study from 2018 compares the depiction of religions in textbooks in various countries, concluding that they tend to present religion based on a very narrow understanding of religion and on stereotypes. The distinction between religions and beliefs is often made with little nuance in textbooks.³²¹

317 Human Rights Watch 2017. Saudi Arabia: Religion Textbooks Promote Intolerance. Textbooks Disparage Sufi, Shia; Label Jews, Christians ‘Unbelievers’. <https://www.hrw.org/news/2017/09/13/saudi-arabia-religion-textbooks-promote-intolerance>; Center for Religious Freedom of Freedom House 2006. Saudi Arabia’s Curriculum of Intolerance: With Excerpts from Saudi Ministry of Education Textbooks for Islamic Studies.

318 Kovacs, A. (2014). Saudi Arabia Exporting Salafi Education and Radicalizing Indonesia’s Muslims. GIGA Focus International Edition. Hamburg.

319 Ibid., page 4; Center for Religious Freedom (2006). Saudi Arabia’s Curriculum of Intolerance: With Excerpts from Saudi Ministry of Education Textbooks for Islamic Studies; see also appeal for a fair presentation in textbooks, United Nations (2010). Paras. 61f/g.

320 Ibid.; Center for Religious Freedom, Freedom House (2006). Saudi Arabia’s Curriculum of Intolerance: With Excerpts from Saudi Ministry of Education Textbooks for Islamic Studies.

321 Štimac, Z. and Spielhaus, R. (2018). Schulbuch und religiöse Vielfalt. Interdisziplinäre Perspektiven (Textbook and religious diversity: Interdisciplinary perspectives). Studies of the Georg Eckert Institute in International Research on Educational Media Vol. 143. See also Štimac, Z. (2018). Religion as a Subject of Textbook Analysis: An Exemplary Overview, in: Fuchs, E. and Bock, A. (eds.) (2018). The Palgrave Handbook of Textbook Studies, pages 251-265.

The consultations on the presentation of Islam in German textbooks and the study on the presentation of Christianity in textbooks in predominantly Islamic countries offer two positive examples of how religious communities can cooperate with regard to the right to freedom of religion or belief. Those consultations, which did not lead to a distinct formalisation phase, are presented in examples 1 and 2 below.

Example 1: The image of Islam in German textbooks since 1980

The religious scholar Udo Tworuschka began looking into the image of Islam conveyed by German textbooks in the 1980s. The Islamic scholar Abdoldjavad Falaturi, who at the time was teaching at the University of Cologne and was a member of the Central Council of Muslims and a member of the High Council on Islamic Affairs at Al-Azhar University in Cairo, participated in the research project. The main focus of the research was history and geography textbooks and Protestant and Catholic religious education. The research team pinpointed prejudices and misconceptions. In discussions about textbooks with German publishers the project led to a progressively more balanced presentation of Islam in German textbooks.³²²

322 Falaturi, A. and Tworuschka, U. (1983). Bestandsaufnahme und Analyse der Darstellung des Islam in den in der Bundesrepublik Deutschland zugelassenen Schulbüchern (Inventory and analysis of the presentation of Islam in textbooks authorised in the Federal Republic of Germany); Tworuschka, U. (1986). Analyse der evangelischen Religionsbücher zum Thema Islam (Analysis of Protestant religion textbooks on the subject of Islam). Studies in international textbook research; Vöcking H., Zirker, H. and Tworuschka, U. (1988). Der Islam in den Schulbüchern der Bundesrepublik Deutschland – Analyse der katholischen Religionsbücher zum Thema Islam (Islam in the textbooks of the Federal Republic of Germany – Analysis of Catholic religion textbooks on the subject of Islam). Studies in international textbook research; Falaturi, A. Stöber, G., Tworuschka, M. and Tworuschka, U. (1990). Der Islam in den Schulbüchern der Bundesrepublik Deutschland: Nachträge 1986 – 1988 zur Analyse der Schulbücher in der Bundesrepublik Deutschland zum Thema Islam in den Fächern Ethik, Geographie, Geschichte, evangelische und katholische Religion (Islam in the textbooks of the Federal Republic of Germany: Addenda 1986–1988 to the analysis of textbooks in the Federal Republic of Germany of the subject of Islam in the disciplines of ethics, geography, history, and Protestant and Catholic religion).

Example 2: The presentation of Christianity in textbooks in predominantly Islamic countries

The German researchers Johannes Lähnemann, Wolfgang Reiss and Klaus Hock conducted a research project between 1999 and 2007 on the presentation of Christianity in textbooks in predominantly Islamic countries. There are still almost no international comparative research results on textbooks in the Middle East and North Africa, so the conclusions of this project are still an important international resource.³²³ In their project, the researchers analysed the presentation of Christianity in many predominantly Islamic countries.³²⁴ Based on their analysis, which showed that Christianity is presented in the textbooks of predominantly Islamic countries in a multifaceted – not monolithic – way, they held numerous conversations about a textbook reform, in those countries, primarily using the structures of Religions for Peace and the various responsible ministries. Representatives of local Christian minority churches were also included in the consultations. The textbook process was never formalised and was primarily organised through the research group's personal networks.³²⁵

- 323 See Pingel, F. (2018). When Europe Meets the Middle East: Constructing Collective Identities in Social Studies Textbooks for a Globalising World, in: Podeh, E. and Alayan, S. (eds.) (2018). *Multiple Alterities – Views of Others in Textbooks of the Middle East*, pages 19–54; Rehab, V. (2018). Ein Plädoyer für einen Perspektivwechsel in der Methodologie der Schulbuchforschung im arabischen Raum (A plea for a change of perspective in the methodology of textbook research in the Arab region), in: Štímac, Z. and Spielhaus, R. (2018). *Schulbuch und religiöse Vielfalt. Interdisziplinäre Perspektiven*. Studies of the Georg Eckert Institute in International Research on Educational Media. Vol. 143, pages 237–250.
- 324 Reiss, W. (2005). Die Darstellung des Christentums in Schulbüchern islamisch geprägter Länder (The presentation of Christianity in textbooks in predominantly Islamic countries). 1. Ägypten und Palästina. *Pädagogische Beiträge zur Kulturbegegnung (Egypt and Palestine. Pedagogical contributions to the cultural encounter)*. Hamburg. EB-Verl.; Bartsch, P. (2005). Die Darstellung des Christentums in Schulbüchern islamisch geprägter Länder (The presentation of Christianity in textbooks in predominantly Islamic countries). 2. Türkei und Iran (Turkey and Iran). *Pädagogische Beiträge zur Kulturbegegnung*. Kriener, J. and Reiss, W. (2012). Die Darstellung des Christentums in Schulbüchern islamisch geprägter Länder (The presentation of Christianity in textbooks in predominantly Islamic countries). 3. Libanon und Jordanien (Lebanon and Jordan). *Pädagogische Beiträge zur Kulturbegegnung*; see also Georg Eckert Institute for International Textbook Research (2011). *Educational sector, reforms, curricula and textbooks in selected MENA countries. Images of 'Self' and 'Other' in textbooks in Jordan, Egypt, Lebanon and Oman*.
- 325 See the presentation in Reiss, W. (2007). Ansätze zur Verbesserung der Darstellung des Christentums in ägyptischen Schulbüchern (Attempts to improve the presentation of Christianity in Egyptian textbooks). In Lähnemann, J. *Visionen wahr machen. Interreligiöse Bildung auf dem Prüfstand (Making visions come true: Interreligious education under scrutiny)*. *Pädagogische Beiträge zur Kulturbegegnung*; Lähnemann, J. (2004). *Interreligiöse Schulbuchforschung und -entwicklung. Bedeutung, Erfahrungen, Aufgaben – eine Thesenreihe (Interreligious textbook research and development: Meaning, experience, tasks – a series of hypotheses)*. *Zeitschrift für Pädagogik und Theologie*. Vol. 56. Issue 1. Pages 43–49.

Textbook consultation processes of this kind are necessary because textbooks make an important contribution to the knowledge structures of the next generation. The textbook consultation processes that have become established in Europe have not yet been expanded to include religious communities; many countries have been covered in only a cursory manner. There are still no constructive forums based on a spirit of trust, in which the questions related to presentations in textbooks can be evaluated and further developed.

The Georg Eckert Institute for International Textbook Research (GEI) in Braunschweig, Germany, is a world leader in international textbook research and in organisation and support for constructive processes for revising textbooks and teaching resources.³²⁶ As a member of the Leibniz Association, GEI receives joint institutional financing from the German government and the states. The Institute is known for its bilateral and multilateral textbook-related activities, particularly in the context of bilateral textbook commissions, and for its cooperation with UNESCO and the Council of Europe. The Institute also maintains a research emphasis, Religious Plurality, and advocates for textbook reforms in the Arab world.³²⁷

UNESCO and the Georg Eckert Institute developed joint guidelines for making textbook content inclusive in the subjects religion, gender and culture (available in German and English) in 2018. They contain suggestions for preparing, revising, and evaluating textbooks with regard to questions of freedom of religion or belief.³²⁸ The guidelines also mention challenges such as how diversity is presented, and make recommendations and formulate approaches to be taken. For example, one suggested recommendation is to “present various tendencies within religious traditions, since not all believers observe the same rites or interpret them in the same way”.³²⁹ The aim is therefore to point out different tendencies within the religions.³³⁰ In the field of freedom of religion or belief, the comprehensive guidelines represent a milestone for the approval processes of education ministries.

There has not been much research on discrimination that results from the presentation of expectations of “normal” behaviour in textbooks. The presentation of a majority situation as normal in teaching materials or the inclusion of purported “everyday” situations

326 The following presentation is based on Fuchs, E., Henne, K. und Sammler, S.(2018). Schulbuch als Mission. Die Geschichte des Georg-Eckert-Institutes (Textbook as mission: The history of the Georg Eckert Institute).

327 See Georg Eckert Institute (2017). Religious Plurality; <http://www.gei.de/forschung/religion-im-plural.html>; School textbooks in the MENA region: Religion and textbook reforms in Arab countries; <http://www.gei.de/abteilungen/wissen-im-umbruch/schulbuecher-in-der-mena-region.html>.

328 UNESCO; Georg Eckert Institute for International Textbook Research (2018). Making textbook content inclusive: a focus on religion, gender, and culture.

329 Ibid, page 17.

330 Ibid, page 17.

in other content, such as problems to be solved as part of mathematics lessons, can give rise to certain expectations. This happens because constructions of normalcy are often implicitly favoured in content of this kind, which does not mention religious minorities or non-religious people and other societal groups such as LGBTI people³³¹ and thus discriminates against them because they are not integrated into those constructions. This case would have to be categorised as discrimination by concealment.

Summary

The portrayal of religions and beliefs in textbooks is an important factor in guaranteeing the human right to freedom of religion or belief in the education sector. Studies have shown how great the need is for critical reflection, cooperation and reform. The 2018 text on making textbook content inclusive developed international guidelines that make it possible to conduct a detailed assessment of textbooks and evaluate them with regard to freedom of religion or belief. Overall, the right to freedom of religion or belief has not been adequately considered and covered in textbook studies and the corresponding consultations intended to improve textbooks.

3.4.2. Quality of education

Quality of teaching

Classroom Communication is not limited to textbooks. To recognise how the subject of freedom of religion or belief is handled during instruction, it is also necessary to study oral communication in the classroom.

Empirical studies show that the quality of teaching correlates more closely with the communication of tolerance and diversity than any other indicator does.³³² Individual reports show how the right to freedom of religion or belief is disregarded when teaching. It is difficult to evaluate whether these reported specific cases involve failures by individual teachers, subtle forms of societal discrimination or structural discrimination by the

331 Ibid., page 11 f. See also Höhne, M. S. and Heerdegen, D. (2018). On Normativity and Absence: Representation of LGBTI* in Textbook Research, in: Fuchs, E. and Bock, A. (eds.) (2018). The Palgrave Handbook of Textbook Studies, pages 239-249.

332 UNESCO (2014). Education for All. Teaching and learning: Achieving quality for all. EFA Global Monitoring Report. Paris. Page 174 ff.; Chzhen, Y. (2013). Education and democratisation: tolerance of diversity, political engagement, and understanding of democracy. Background paper prepared for the Education for All Global Monitoring Report 2013/4. Paris.

school system itself. Findings and forms of societal discussion³³³ show that expectations of homogeneity – by means of which religious content is communicated or children are motivated to adopt religious or religion-like stances under the pretext of what is customary – are formulated during the teaching process.

Another challenge arises all over the world when teachers deal incompetently with antisemitic and anti-Islam statements and other forms of discrimination in the classroom.³³⁴ To remedy this, the Federal Anti-Discrimination Agency has issued guidelines to provide support in eliminating discrimination for teachers, educational professionals and other school employees in Germany.³³⁵ It must also be assumed that pupils are not the only ones who make discriminatory statements during lessons, and that teachers also do this, particularly when the societal climate allows or even suggests it. More intense research on the structure of day-to-day school operations with regard to questions of implementing the right to freedom of religion or belief is still needed.

Training and continuing professional development for teachers

Training and continuing professional development (CPD) for teachers is a particularly important area of action for improving sensitivity in handling freedom of religion or belief in the classroom.³³⁶ There are no research reports on how freedom of religion or belief is covered in training and CPD for teachers. Nonetheless, it is very important to prepare teachers for dealing with social heterogeneity and showing sensitivity to this subject. That is especially the case in a globalised world in which many people of different religions and ethnicities live together. It is a major challenge to develop appropriate teaching units that pay more attention to freedom of religion or belief, particularly as part of training and CPD for teachers in countries of the global South, but also in the successor states to

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- 333 Christian Solidarity Worldwide (2018). Faith and a Future. Discrimination on the Basis of Religion or Belief in Education. United Nations (2010). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/16/53; A/70/286. United Nations (2016). Elimination of all forms of religious intolerance, Focus: The broad range of violations of freedom of religion or belief, their root causes and variables, A/71/269.
- 334 United Nations Educational, Scientific and Cultural Organization (UNESCO); Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) (2019). Addressing Anti-Semitism through Education – Guidelines for Policymakers. Warsaw. OSCE ODIHR. Page 31; OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR); Council of Europe; UNESCO (2012). Guidelines for Educators on Countering Intolerance and Discrimination against Muslims: Addressing Islamophobia through Education Warsaw. ODIHR.
- 335 Federal Anti-Discrimination Agency (2019). Diskriminierung an Schulen erkennen und vermeiden. Praxisleitfaden zum Abbau von Diskriminierung in der Schule (Recognising and avoiding discrimination at school: Practical guidelines for eliminating discrimination in schools).
- 336 See UN (2010). Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt. Page 19. Paras. 61h/j; for an emphasis on the importance of teacher training for societal peace, UNESCO (2014). Global Citizenship Education: Preparing learners for the challenges of the 21st century.

the Soviet Union.³³⁷ To date, no modules of this kind on the subject of freedom of religion or belief have been prepared or implemented in training and CPD for teachers. Religious actors can have a positive influence on this. This is shown, for example, by the measures carried out in Rwanda by Brot für die Welt and in Bangladesh by Misereor along with local partners, with support from the German government, as described below.

Nor are there enough approved exchange programmes to familiarise teachers with different forms of religion and belief.³³⁸ It will be necessary to make up for lost time in this area, too, in order to ensure sustainable implementation of the human rights to freedom of religion or belief in the education sector.

Training for teachers and school administrations at Protestant schools in Rwanda

This measure supports training activities for teachers and school administrations at Protestant schools in Rwanda. In addition to more up-to-date teaching skills and improved quality from using participatory teaching and learning methods, the evaluation clearly showed positive effects on social interactions and non-violent communication in schools. The expertise that has been gained is constantly being developed and contributed to the field of Protestant education as part of specialised dialogues with the Education Ministry and in international networks.

337 See as a positive example for German-speaking countries Altmeyer, S., Englert, R., Kohler-Spiegel, H., et al. (2017). Menschenrechte und Religionsunterricht. Jahrbuch der Religionspädagogik. Vol. 33., here particularly chapter 3, pages 145-237.

338 UN (2010). Report of the Special Rapporteur on freedom of religion or belief. Page 18. Para. 61b.

Improving the educational situation in Bangladesh

Continuing professional development for teachers and expanded education programmes for pupils are being supported to improve the educational situation. In that context, CPD is being offered to teachers in primary and secondary schools. The thematic focus is on the areas of educational theory, early childhood development and psychology, inclusive teaching and methodology. Pupils from particularly needy families also receive financial support; school trips are taken and discussions and cultural events, as well as child protection seminars, are held at schools. Thanks to cooperation with non-Christian educational institutions, the project is making an important contribution to interreligious interactions and dialogue in Bangladesh. A particular emphasis of the work is support for indigenous groups and women, as well as particularly needy target groups, such as people with disabilities.

C | The country section



4. Countries, A–Z

Preliminary comments

The following country section of the Federal Government's Second Report on the Global Status of Freedom of Religion describes the realisation of this human right in 30 countries in which developments on this front were of particular interest in the reporting period 2018 to 2019. The individual country subsections also draw significantly on reports by the German missions abroad, which continuously monitor the local human rights situation, report on it regularly and as warranted and represent the German Government's human rights concerns on the ground (see the introduction to this report). The German Government is working to improve the human rights situation in all the countries addressed in this report, for example by supporting projects or by engaging in dialogue with governments and civil society. In regard to freedom of religion or belief, these efforts are conducted on the basis of the EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief, often jointly with EU partners.

Since the establishment of his post in April 2018, the Federal Government Commissioner for Global Freedom of Religion, Member of the Bundestag Markus Grübel, has resolutely championed the improvement of freedom of religion or belief worldwide in his travels, meetings and other activities. During the 2018–2019 reporting period he travelled to Iraq on multiple occasions, visited Myanmar, Bangladesh, Afghanistan, Senegal and Rome (Italy), and also travelled to Nigeria in early 2020. In the framework of his travels, the Commissioner exchanged views with political and religious representatives regarding the coexistence of different religions and denominations in their countries as well as the relationship between religion and state. To underpin the international dialogue on freedom of religion or belief on a multilateral level, the Commission travelled on the German Government's behalf to meetings in Brussels, Washington, Geneva and The Hague. In order to reinforce the worldwide commitment to freedom of religion or belief, the Commissioner is also in contact with religious representatives. For example, he has held discussions with the Holy See in the Vatican. In addition, he has welcomed international governmental and religious interlocutors in Berlin and released statements on the situation of freedom of religion or belief in various countries, especially Afghanistan, China, India, Iraq, Iran, Myanmar, Nigeria and Pakistan.

The Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, Dr Bärbel Kofler, also addresses this issue in her work and resolutely advocates for the freedom of religion or belief. During the 2018–19 reporting period, in addition to the

United Nations (UN) offices in Geneva and New York, she visited Cameroon, China, Costa Rica, Egypt, Ethiopia, Georgia, Greece, India, Israel, Jordan, Kenya, Mexico, the Palestinian Territories, Poland, Qatar and the United Arab Emirates, dedicating herself on these visits to the full range of human-rights issues, which includes the freedoms to practise one's religion, to change religions or to have no religious affiliation.

The German Government is endeavouring to ensure that the social significance of religion-based actors is accorded greater attention in foreign policy. As part of a new Religion and Foreign Policy programme, established in 2016, new partnerships are emerging that incorporate a great many religious actors and implement concrete cooperative foreign-policy ventures. In its development cooperation since 2014, the German Government has been increasingly working in partnership with religious actors – both in Germany and in partner countries. The German Government is thus harnessing the potential of religious groups in relation to the economic, social, environmental, political and cultural dimensions of sustainable development in order to achieve the goals of the 2030 Agenda. The outlook for this is good, as the fundamentals of the 2030 Agenda are also among the core values of all religions. Furthermore, 80 per cent of the global population identify as belonging to a religion. Religious groups and their spiritual leaders change people's minds and influence the formation of their values.

Moreover, in the framework of its cooperation with churches, the German Government supports a very diverse range of measures to strengthen the freedom of religion or belief around the world. This includes supporting initiatives to strengthen inter-faith dialogue and to promote the peaceful coexistence of different religions. The German Government also supports the churches' engagement in the realms of health care and education, including teacher training. Further focus areas in the cooperation between the German Government and central church bodies include ensuring educational and participatory opportunities for women, religious and ethnic minorities and indigenous peoples as well as fostering gender equality.

The German Government also champions the protection of the right to religion or belief in a variety of ways on a multilateral level. For example, since 2004 the European Union has regularly introduced United Nations resolutions on freedom of religion or belief, which have resulted in the appointment of an independent Special Rapporteur on freedom of religion or belief and the commissioning of reports to the United Nations. Germany staunchly supports this. Furthermore, as a member of the International Contact Group on Freedom of Religion or Belief – which was initiated by Canada in 2014, is led by the United States and Canada, and has diverse membership across world regions – Germany regularly

engages in dialogue with other interested countries on this subject and on concerning developments around the world. The Contact Group also releases joint political statements on alarming developments with regard to freedom of religion or belief, for example.

The subsequent country sections will only outline violations of the freedom of religion or belief and name examples for cases of which German missions abroad have first-hand knowledge or can verify themselves. Other human rights issues are only raised if they seem necessary to the overall picture because they are directly connected to the influences of religion or belief. The information on the countries profiled makes no claim to completeness.

Afghanistan

Afghanistan has explicitly committed to safeguarding human rights in its Constitution, via national laws and by ratifying the relevant international conventions.³³⁹ Nevertheless, comprehensively implementing and safeguarding human rights remains difficult. This particularly applies to the status of women, but also that of other population groups such as children and religious minorities. Islam is the state religion, and freedom of religion is enshrined in constitutional law. Notwithstanding, there is **no de-facto separation between religion and state**. In daily life, **freedom of worship does not exist in practice with few exceptions (Hindus and Sikhs)**.

Demographic breakdown by religion

The United Nations Population Division estimates Afghanistan's current population at 38 million. A reliable figure is not available; the same holds for the sizes of each religious group. According to official estimates, around **80 per cent of the population are Sunni (Hannafi) and 19 per cent Shiite Muslims**, including Ismailis and Hazaras. With around three million followers, the Hazara ethnic group is the largest within the Shiite community (comprising around 90 per cent) and primarily resides in the western (ranging into the north) and central provinces.

339 To date, the country has not ratified the First or Second Optional Protocol to the International Covenant on Civil and Political Rights, nor has it ratified the Convention for the Protection of All Persons from Enforced Disappearance or the optional protocols to the Convention on the Elimination of All Forms of Discrimination Against Women or to the Convention on the Rights of the Child.

Other religious groups (**Sikhs, Hindus, Bahá'í, Christians and Buddhists**) collectively constitute 1 per cent of the population at most. The **National Council of Hindus and Sikhs**, a non-governmental organisation, estimated that as of 2016 these two groups comprised around 900 people, primarily concentrated in the provinces of Nangarhar, Kabul and Ghazni.³⁴⁰ According to the United Nations (UN) Human Rights Council, the number of **Bahá'í** in the country was 2,000 in 2013, with most followers residing in Kabul as well as a smaller group in Kandahár.

Legal situation

Afghanistan ratified the International Covenant on Civil and Political Rights on 24 January 1983. Article 18 of the Covenant guarantees the right to freedom of thought, conscience and religion or belief.

Article 2 of the Afghan Constitution of 2004 declares that Islam is the state religion. Article 2, sentence 2 guarantees the freedom of followers of other faiths to exercise and perform their religious rituals within the bounds of the law. According to Article 3, none of the country's laws may contravene the “tenets and provisions of the holy religion of Islam”. Hence, the international agreements and conventions ratified by Afghanistan as well as national laws are contingent upon Sharia.

Article 130 of the Constitution provides for applying Sharia according to Hanafi (Sunni) jurisprudence in the absence of any constitutional regulations or national laws pertaining to a case. The relationship between these justice systems (hierarchy of norms) remains unresolved. **Sharia** according to Hanafi jurisprudence is applied to all Afghan citizens **regardless of their religion**. If all parties are Shiite Muslims, Shiite law may be applied. In family matters, the application of Sharia often disadvantages any women and girls involved.

Some laws and local traditions restrict the freedom of religion or belief of religious minorities. **Blasphemy and “apostasy”** are not punishable under national or constitutional law, but are subject to penalties under Sharia that extend as far as the death penalty. There are no known cases since 2001 of a person being executed for this offence. In 2007–08, under international pressure, the most recent known death sentence on the basis of “apostasy” or blasphemy was initially commuted to a 20-year prison sentence; the defendant was then granted amnesty.

340 As recently as 1992, there were around 200,000 Hindus and Sikhs in Afghanistan. The decrease in Sikhs and Hindus is attributed to social marginalisation and discrimination within Afghan society. However, there are no indications of government discrimination.

Restrictions on freedom of religion or belief by state actors

Afghan **followers of religions other than Islam** are targets of social discrimination, which the state does not take any measures to counteract. Under the Constitution, non-Muslims are barred from holding the highest offices in Afghanistan, including the presidency and vice presidency. Higher officials (ministers, members of parliament, and judges) must affirm their loyalty to Islam in their oaths of office.

De facto, the exercise of any religion other than the state religion of Islam is only possible to a very restricted extent and largely in secrecy. Religious minorities native to Afghanistan, such as Sikhs and Hindus, are not impeded from constructing places of worship or training their clergy. Nevertheless, there is a risk of conflict with the Muslim neighbours. Sikhs have two places of worship in Kabul, and Hindus have four temples in the entire country (one in Jalalabad, one in Helmand and two in Kabul). Since 2016, a (shared) seat has been reserved for Hindus and Sikhs in the lower house of the legislature; a few members of these groups work in the civil service. According to information from the Independent Electoral Commission, around 600 Sikhs and Hindus who were eligible to vote registered as voters in the presidential election.

In Afghanistan, **Christianity** is viewed as a foreign, Western religion. Under Sharia, conversion from Islam to Christianity, for example, is penalised as “apostasy”. Hence, converts generally practise their faith solely in private. **The Supreme Court of Afghanistan issued a fatwa, or legal ruling, in May 2007 classifying the Bahá’í creed as a form of blasphemy.** Since then, the Bahá’í have also only practised their religion in secrecy.

The current **Media Law** prohibits the publication of any content that is “not in conformity with Islam” as well as any positive media portrayals of any religions besides Islam. Journalists who **criticise** the treatment of women in Muslim societies or the **political exploitation of religion** risk a many-year prison sentence for blasphemy under the application of Sharia rules. The most recent known convictions of this sort occurred in 2009. The state radio and television agency is instructed to align its programming with Muslim principles and spiritual values. The **government-issued school curriculum contains exclusively Muslim content**; Shiite and Sunni schools are provided with materials aimed at the respective religious group. Non-Muslim pupils are not obligated to participate in Islam classes at school.

There is **no administrative registration requirement for religious groups** and no legal restrictions pertaining to the construction of religious institutions. **Missionary activities** are not a formalised criminal offence; however, such efforts would encounter great hostility if they became known.

Social conflicts with religious components

In many regions of the country, especially rural areas, Afghan society is characterised by highly conservative Islamic values, which are blended to some extent with tribal traditions. The result is discrimination against women, who cannot move around in public outside large cities without male chaperones, for example.

There are widespread biases against Hazaras, whom Sunnis often view as apostates due to their largely Shiite beliefs. In some cases, Sufis are subject to accusations of heresy.

In Afghanistan, religion is used as a justification for **violence** primarily by the radical-Islamist Taliban and Islamic State in Khorasan Province, Afghanistan (ISKP).³⁴¹ The Taliban's violence is predominantly directed against the Afghan Government and its employees as well as against foreigners, who are generally perceived as occupiers.

A critical discourse regarding Islam is scarcely present in Afghan society. **Shiite Muslims**, especially Hazaras, have advanced socio-politically since 2001. However, they are **repeatedly the targets of terror attacks** by the ISKP. For 2019 alone, the United Nations Assistance Mission in Afghanistan (UNAMA) identified 10 attacks resulting in 117 dead and 368 wounded as religiously motivated and directed against Shiites. In the most severe attack, which occurred on 17 August 2019, a suicide bomber killed over 90 people at the wedding of a Shiite couple, wounding around 140.

Ahead of the Third Round of the Universal Periodic Review (UPR) by the UN Human Rights Council in Geneva, the Office of the UN High Commissioner for Human Rights (OHCHR) and the United Nations Assistance Mission in Afghanistan (UNAMA) reported attacks on religious sites and on individuals who had exercised their rights to religious practices as well as targeted killings, kidnappings and intimidation of religious scholars and spiritual leaders by anti-state elements, especially the ISKP. OHCHR and UNAMA have expressed their concern about repeated assaults on Shiites since early 2016 and the restrictions on their right to the free exercise of religion or belief.

341 On 27 January 2015, the Islamic State (IS) terror group announced the establishment of a new province of "Khorasan" (ISKP – Islamic State in Khorasan Province: Afghanistan, Iran, Turkmenistan, Uzbekistan, Tajikistan, Pashtun areas of Pakistan). At present, IS's core area of influence in Afghanistan is limited principally to the eastern provinces of Nangarhar and Kunar.

Structures of inter-faith cooperation

Neither inter-faith cooperative structures nor reconciliation processes exist. Few efforts have been made to come to terms with or redress past conflicts. The Afghan Government is making efforts to foster a more active **dialogue among Muslims**.

Leaders of the Afghan Ulema Council, a government-supported but independent coalition of religious scholars, regularly condemn acts of violence – committed by the Taliban, for example – especially when the targets are other Muslims. A multiregional meeting of 2,000 clerics held on 10–11 July 2018, organised by the Ulema Council, culminated in a fatwa (legal ruling) concluding that there was no justification under Islamic law for the Taliban’s violence as a jihad and that suicide attacks were prohibited under Islam. The fatwa condemned all bloodshed in Afghanistan and called upon the Taliban and the government to initiate talks.

Afghanistan participated in the inter-faith dialogue of May 2018 organised by Indonesia. In a fatwa, the participants from Pakistan, Afghanistan and Indonesia condemned extremism and terrorism, including suicide attacks.

The Afghan Government is in favour of institutions such as the Afghan Human Rights Commission having a proportional composition according to ethnicity and religious identity (Shiite and Sunni).

Azerbaijan

The Republic of Azerbaijan is a secular state. The majority of the population is Muslim (Shiite). In regard to the exercise of religion or belief, the country views itself as tolerant and inclusive – even in comparison to the rest of the Muslim world.

Nevertheless, notions of “traditional” values are reflected in sporadic incidents of discrimination, targeting the LGBTI community or converts, for example.

Wherever the government perceives a risk of religious practices becoming politicised, these practices are restricted. In particular, the 2009 law on religion imposes tight regulations and high obstacles on religious organisations’ exercise of religion. This can have a discriminatory effect, particularly for religious groups with few members such as Jehovah’s Witnesses, Adventists, Hare Krishna, Bahá’í and others, often Muslim minorities. In the most recent United Nations Universal Periodic Review, in 2018, Azerbaijan was explicitly criticised for restricting freedom of religion.

Demographic breakdown by religion

Some 96 per cent of Azerbaijan's 9.8 million inhabitants are Muslim, of which 65 per cent are Shiites and 35 per cent Sunni.³⁴² According to estimates, practising Muslims account for around 10–20 per cent of the population, while 1–2 per cent are strictly religious Muslims.

The remaining four per cent of the population are variously Russian Orthodox, Georgian Orthodox, members of the Armenian Apostolic Church, Adventists, Molokans, other Christians, Jews, Bahá'í and non-religious. Since Azerbaijan's independence in 1991, smaller religious groups such as the Pentecostal movement and other evangelical Christians, the Jehovah's Witnesses and the International Society for Krishna Consciousness have arrived in the country.

Legal situation

Azerbaijan acceded to the United Nations' International Covenant on Civil and Political Rights on 13 August 1992.

Under Article 7 of the Azerbaijan Constitution of 1995, secularism is one of the four core principles of the Republic of Azerbaijan. Article 48 guarantees the equality of all religions and all people regardless of their religious affiliation or creed.

The freedom of conscience or religion enshrined in Article 48 (I–III), guarantees the right to profess a religion or none at all, whether individually or as a group. The right to practise religious rituals is protected unless their exercise violates the public order or public morality (para. III) or violates the law (para. IV).

Missionary activities are solely permitted for Azerbaijani citizens provided they do not spread religions or subject matter that are at odds with the principles of humanism or that provoke religious hostilities.

However, the constitutional right to the free exercise of religion is constrained **by laws**. For example, religious organisations have been required to **register with the state since 2001**. This situation was compounded by the **2009 law on religion**, which obligates all religious communities and each congregation of a religious denomination to submit a registration application to the State Committee for Work with Religious Associations (SCWRA) – even

342 There are no reliable data on this.

if they were already registered. The government decides on the applications.³⁴³ There are grounds for rejection if a religious group has unconstitutional or illegal objectives, if it is not recognised as such or if details in its application documents are incorrect or unclear. Rejections may be appealed in court. Applications to the SCWRA on behalf of Muslim organisations further require approval from the Caucasus Muslim Board (CBM), which monitors the activities of Islamic organisations, especially in regard to sermons and the training and appointment of clerics.³⁴⁴

According to statements by Azerbaijan during the 2018 Universal Periodic Review, 783 religious groups had been registered in 2017, 755 of them Muslim. Of the 28 non-Muslim communities, 17 were Christian, eight were Jewish, two were Bahá'í and one was the Hare Krishna community. Only after successfully completing registration can a religious community legally organise and hold meetings, maintain a bank account or receive government support, for example. Operating unregistered religious groups is prohibited. The unregistered exercise of religion may lead to police raids, arrests, imprisonment or fines. The publication, import and export of religious texts are likewise subject to an SCWRA approval requirement. The Old Testament, writings by the Turkish theologian Said Nursi and several publications by the Jehovah's Witnesses have not yet been approved for dissemination; thus, their prohibition stands.

The government is furthermore authorised to disband religious organisations and communities that provoke hostilities on the basis of differences "in race, nationality, religion or social status", impede secular education or degrade human dignity through missionary activities.

Restrictions on freedom of religion or belief by state actors

Members of Christianity and Judaism are not discriminated against or persecuted. Rather, discrimination targets the followers of non-traditional religious groups, i.e. ones that have not been long-established in the cultural region but have only gained a foothold in Azerbaijan since its independence in 1991. These chiefly comprise some Protestant denominations, the Jehovah's Witnesses, the Adventists, the unapproved Bahá'í communities and Muslim communities that are not affiliated with the Caucasus Muslim Board. These communities' registration applications are regularly rejected on the grounds that their aims are unconstitutional or their applications contain inaccuracies. In some cases,

343 Previously, the Ministry of Justice held the authority to decide on registrations.

344 The Caucasus Muslim Board (CBM) is the top-level religious administrative agency for Muslims in the Transcaucasia region, headquartered in Baku.

the processing of an application is stalled indefinitely under the pretext of formal or technical issues with the registration process. Members of the Jehovah's Witnesses, which the SCWRA has refused to register, face arrests and police harassment due to their illegal status. Frequently, their refusal to serve in the military has led to conflict with the state.³⁴⁵ The Constitution of Azerbaijan does provide the option of alternative service for citizens whose personal beliefs conflict with military service. Nevertheless, requests by members of the Jehovah's Witnesses to apply this rule are often denied.

Muslim/Islamist organisations are monitored especially strictly. This applies foremost to the members of the unregistered conservative **Muslim Unity Movement** (MUM). As a result of the Nardaran unrest of 2015 (resulting in the deaths of two police officers), its senior leadership was convicted of an armed attempted putsch in 2017 and received steep prison sentences in what observers called the "biggest case in Azerbaijan's history". The notion of the division of religion and state as espoused by MUM is questionable at best. A large proportion of the political prisoners in the country on lists compiled by NGOs have a religious background. These lists are not uncontested, however.

The state's vigorous measures against specific Muslim groups such as the Muslim Unity Movement – an unregistered, conservative movement – and the high number of prisoners with religious backgrounds is motivated by the desire to fend off alternative sources of authority or stem the growth of political Islam and is explicitly justified by accusations of terrorism.

In the Azerbaijani exclave of **Nakhchivan**, religious communities experience much stronger restrictions than in the rest of the country, as attested by the imprisonment of religious leaders, for example. Non-Muslim communities are scarcely present in the exclave; their exercise of religion is impeded through the rejection of registration applications, for example.

Social conflicts with religious components

The motives of social conflicts in Azerbaijan are not primarily religious. In particular, there are no major political or social tensions between the two large Muslim denominations of Shia and Sunna.

³⁴⁵ In 1996, when Azerbaijan applied for membership in the Council of Europe, it committed to passing a law within two years of joining that would stipulate the rules for civilian alternative service and pardon all prisoners who had refused to serve in the military for reasons of conscience and allow them to complete civilian alternative service. Azerbaijan has not fulfilled these commitments to date.

Currently, there is a trend among teenagers and young adults of feeling more strongly bound by religious traditions and of strict fasting during Ramadan. This trend is based on both Shiite and Sunni interpretations of Islam and, at present, remains marginal in society at large.

Bangladesh

Bangladesh was founded in 1972 as a secular state that assured the same status and rights to Buddhism, Christianity and other religions as to Islam in regard to their exercise. Since 1988, when Islam was declared the state religion by a constitutional amendment, the compatibility of basic secular values with an official state religion has been a subject of lively debate. Although Bangladesh traditionally had a reputation for religious tolerance within the region, the last two decades have seen a transformation in this regard. Many of the millions of Bangladeshi migrant workers in the Gulf States have been adopting that region's Wahhabi interpretation of Islam and bringing it back to Bangladeshi society upon their return. In addition, the Kingdom of Saudi Arabia finances a large number of mosques and Quranic schools in Bangladesh.

From an historical perspective, the proportion of religious minorities in the population has been declining due to emigration to the neighbouring countries of India and – to a limited degree – Myanmar.³⁴⁶ Cases of discrimination against and isolated assaults on religious minorities still occur, despite the 1997 conclusion of the conflict in the Chittagong Hill Tracts (CHT).³⁴⁷

346 In 1971, 23 per cent of the population belonged to a religious minority; in 2018, the share was only 9.6 per cent.

347 The Chittagong Hill Tracts are an autonomously administered province at the south-eastern edge of Bangladesh, bordering India to the north and Myanmar to the south. In 1997, after more than 20 years of conflict, a peace accord was signed between the Bangladesh central government and the indigenous population living in the Chittagong Hill Tracts, which is marked by pronounced ethnic and religious diversity. The conflict centred on questions of land use rights and of whether the Chittagong Hill Tracts region should have autonomous status, as it did during the period of British colonial rule. During the conflict, local indigenous people were the targets of human rights violations. In addition, there were clashes between local indigenous people and Bengalis whom the government had settled in the Chittagong Hill Tracts as part of a campaign to utilise the region for agriculture. Any possible development measures are hampered by an acute shortage of arable land and rigid access restrictions imposed by the military.

Demographic breakdown by religion

According to the most recent census of 2013, the vast majority – roughly 89 per cent – of the Bangladesh population are Muslims (of which approximately one per cent are Shiites). A further 9.5 per cent of the population are Hindu, 0.6 per cent Buddhist and around 0.4 per cent are Christian, mostly Catholic. The majority of the ethnic minorities are members of the indigenous (non-Bengali) population residing in the Chittagong Hill Tracts and the northern districts. They belong to various minority religions. The Ahmadi Muslim religious community, with fewer than 100,000 adherents, is viewed as a heretical sect by some of the Muslim majority.

After the 2017 exodus of the Rohingya ethnic group from Myanmar, approximately a million of the **Rohingya refugees**, 99 per cent of whom are Muslim, are **currently living in Bangladesh** according to UNHCR estimates. Around 33,000 Rohingya are estimated to be officially registered and live in or near two official refugee camps in the south of the country, in the Cox's Bazar District.

Legal situation

Bangladesh acceded to the International Covenant on Civil and Political Rights on 6 September 2000.

Bangladesh was established in 1971 as a **secular state**. A constitutional amendment in 1988 officially designated **Islam** as the **state religion** (Article 2A). At the same time, it assured the same status and rights to Buddhism, Christianity and other religions as to Islam in regard to exercising the religion. Article 12 of the Constitution stipulates that the state may not grant a political status to any religion and calls for the elimination of any discrimination or persecution of people due to their religious affiliation (also prohibited under Article 28). Freedom of religion is assured by Article 41. The right to abstain from exercising any religion is not explicitly protected.

Despite the general **equality of religions under the law**, there are significant differences in family and inheritance law between followers of Islam, Hinduism and Christianity, as these types of law are based on the parties' religious affiliation in Bangladesh. Secular courts hold jurisdiction; alternative dispute resolution procedures are possible. Civil law permits inter-faith marriages. Religious education in the pupil's respective religion is obligatory in all public schools.

Conversion, missionary activities and “apostasy” are generally not prohibited in Bangladesh, but they remain sensitive subjects. Statements critical of religion are criminally punishable. The **applicable law on blasphemy** traces back to Section 295A of the Penal Code from 1860, during the British colonial era, which criminalises the act of insulting a religion “with deliberate and malicious intention of outraging the religious feelings”. This criminal offence is seldom prosecuted.

These issues are outweighed by the restrictions under the **Information and Communication Technology Act** (ICT Act), passed in 2006 and amended in 2013, which prohibit the publication of Internet content that causes the deterioration of “law and order” or can be interpreted as defamation of a religion and makes this a crime punishable by seven to 14 years’ imprisonment. In the views of human rights’ organisations and the UN Special Rapporteur on freedom of religion or belief, this law goes far beyond the scope of the Penal Code and functions as a de-facto blasphemy law by limiting freedom of opinion and expression through vague terminology and by fomenting a climate of fear and uncertainty. In September 2018, the **Digital Security Act** criminalised the publication or broadcast of any information that hurts religious sentiments or values. Since then, this has resulted in many cases of blocked websites, arrests and restrictions to freedom of opinion and expression.

Religions that wish to organise and operate multiple religious sites must register, akin to secular non-governmental organisations (NGOs). If they receive financial support from abroad, their registration requirement, financing and activities are under the authority of the **NGO Affairs Bureau** (NGOAB); otherwise, they are overseen by the Ministry of Social Welfare and/or the Ministry of Religious Affairs. The law provides ample discretion, enabling the authorities to revoke registrations if the organisations do not abide by the authorities’ instructions. Institutions that receive funding from abroad are subject to especially strict monitoring mechanisms under the **Foreign Donation Act** and the **Microfinance Regulatory Law**. Several Christian NGOs that listed **missionary activities** among their objectives had their registrations revoked in 2017. Authorities justified this by arguing that these organisations should limit their work to development efforts.

Muslim **women** experience significant discrimination due to the rules on family and inheritance law being organised by religious affiliation. Lack of legal protections in matters of marriage, divorce and child custody often leaves women who have separated from their husbands destitute and homeless. There is a dearth of policies for systematically improving the situation, which are also impeded by the growing influence of conservative Islam. Human rights organisations report that extra-judicial fatwas (Muslim legal rulings) are issued at the local level and applied as a basis for religious leaders and community representatives to punish people, especially women, for “moral lapses”.

Restrictions on freedom of religion or belief by state actors

In public statements, Prime Minister Sheikh Hasina has affirmed **protection for minorities**. However, public avowals by the government are **not comprehensively implemented** by state and non-state actors.

Members of minority religions, and especially Bangladesh's Hindu population, regularly fall victim to land grabbing and assaults due to widespread corruption and obstructed access to legal avenues. According to NGOs, growing population pressure in the military-administered **Chittagong Hill Tracts** is leading to land conflicts between the indigenous population and Bengali settlers. Governmental protection is not granted; the 1997 peace accords have been inadequately implemented. According to reports, foreign efforts at development cooperation are complicated by the military, and as a result malnutrition and education deficits are more prevalent than in other parts of the country. This primarily affects the **Buddhist minority**, which comprises around 900,000 people.

Land theft is possible due to the 1974 **Vested Property Act**, which in part enabled the government to confiscate undeveloped land. Land belonging to members of the Hindu minority was largely confiscated after the Indo-Pakistani War of 1965, when many members of the minority fled the country and were designated "enemies of the state". In November 2011, the Bangladeshi Parliament passed the **Vested Property Return (Amendment) Bill**, aimed at enabling land holdings that were seized during the war of independence to be returned to the illegally expropriated citizens, who are predominantly Hindu. According to human rights organisations, the legal avenues stipulated in the reparations law are complicated and cause delays in implementation. So far, according to the ministry in charge, around 13 per cent of the 118,173 applications submitted (as of 2018) have been processed. Around half of claimants have won in these proceedings.

Converting from Islam to another religion ("**apostasy**") is not legally penalised, but especially in rural regions, it can lead to social ostracism and disinheritance on the basis of "disgraceful behaviour". Self-identified atheists are viewed with particular suspicion.

Apart from the ethnic minorities in the Chittagong Hill Tracts and the Rohingya living in the refugee camps of Cox's Bazar, members of religious minorities in Bangladesh have access to the same institutions of education and health as followers of the majority religion.

The government's efforts to rein in trends towards Islamism have shown an impact, at least a superficial one. Political appearances by Muslim extremist parties or groups have grown very rare. However, in specific cases, the dissemination of anti-Muslim texts on social media has been criminally prosecuted under the ICT Act.

Social conflicts with religious components

Child marriages pose a problem in Bangladesh that primarily affects the Muslim majority. Although the prime minister has issued a National Action Plan with the goal of abolishing child marriage by 2041, according to UNICEF, around half of all girls in Bangladesh were married before their 18th birthday in 2017, and around one fifth of girls married before age 15. Parents and clerics officiating at these weddings do not face prosecution. In January 2019, prominent Muslim organisations called for eliminating a minimum marriageable age for girls and restricting schooling for girls to five years. These demands were rejected by the government.

In recent years, Bangladesh has been devastated by a **wave of targeted attacks by Islamists**. In 2015 and 2016, Islamists were responsible for the killings of around 40 religion-critical intellectuals, bloggers, LGTBTI activists, writers and journalists who were associated with the secular milieu and viewed as “atheistic”. In July 2016, Holey Artisan Bakery, a café in Dhaka (the national capital) that is popular with foreigners, was the site of a terrorist attack and subsequent hostage-taking that resulted in the deaths of 22 people, 18 of them foreign nationals. Responsibility for the attacks was claimed by Islamic State and Al-Qaeda on the Indian Subcontinent, both of which assert that they are still active in Bangladesh. After the attack on the café, the state authorities cracked down on Islamist groups and individuals at risk of committing terrorism.

In March 2018, a writer of Bengali science fiction was stabbed by a 25-year-old seeking to silence “an enemy of Islam”. The prime minister pledged to bring the perpetrator to justice so that intellectuals could live in greater safety. The period since the parliamentary elections of December 2018 has again seen the circulation of “hit lists” of proposed murder targets compiled by Islamists, bearing the names of human rights activists, self-identified atheists and cultural professionals. Some of the individuals on these lists are trying to leave the country for the West.

There are regular instances of **intra-faith and inter-faith violence**, such as attacks on rural congregations of minority religions and cases of Buddhist monasteries being vandalised. The year 2012 saw outbreaks of large-scale violent mobs targeting the Buddhist minority in Cox’s Bazar, in southern Bangladesh. The period from 2013 to 2016 saw a succession of discrete assaults with Islamist motives, resulting in fatalities. In March 2018, a Hindu priest was killed. In October 2018, a Buddhist monastery and a Buddha statue in the Chitragong Hill Tracts were destroyed. In the spring of 2018 and again in the spring of 2019, violent riots targeting Ahmadis broke out in rural regions, causing numerous injuries in both cases. In addition to Muslim fanaticism, victims point to the attackers’ economic interests as a motive for these assaults (see “land theft”, above).



German Ambassador Peter Fahrenholtz visiting the Diocese of Mymensingh in Bangladesh at the invitation of His Grace Bishop Paul Ponen Kubi (September 2019). © Federal Foreign Office/Embassy

Structures of inter-faith cooperation

The rights of minority religions are represented by the Bangladesh Hindu Bouddha Christian Oikyo Parishod alliance, an NGO with offshoots in Europe and North America. Furthermore, there are a number of NGOs actively supporting the indigenous population in Bangladesh. There are also Muslim religious leaders who advocate the peaceful coexistence of religions in Bangladesh.

Brazil

Brazil is a pluralistic, democratic state with established institutions and structures of the rule of law. The freedom of religion or belief guaranteed by the Constitution is generally respected and citizens may file legal claims to it, although processing times are often protracted.³⁴⁸ For example, in March 2019, the Supreme Federal Court (Supremo Tribunal Federal, abbreviated STF) unanimously affirmed that freedom of religion also permits ritual animal sacrifices (according to Afro-Brazilian rites, among others) and rejected an appeal by the prosecution as discriminatory.

Although the country has faced **challenges in recent years, including economic crises, corruption scandals, and very intense political polarisation, it continues to offer a high degree of religious freedom, diversity and tolerance.** Over the centuries, Brazil's extraordinarily varied religions have in many cases blended, evolved within the country or even emerged afresh. Their largely peaceful and tolerant coexistence constitutes a core element of Brazilian culture and religious faith. For many Brazilians, it is not unusual to change religions, even multiple times, or to practise customs and forms of worship from multiple religions in parallel.

Nevertheless, the observable trends in recent years have indicated that **tolerance in regard to religion and belief is declining** and attacks against religious and other minorities (primarily Afro-Brazilian, indigenous and non-Christian minorities) are increasing.

Among the **rapidly growing evangelical churches**, Neo-Pentecostal congregations have gained the most members. Their "theology of prosperity" and direct experiences of salvation attract many poorer members; their representatives are also increasingly exerting political influence. Many politicians partly owe their election victories to the support and mobilisation efforts of **influential evangelical churches**, which often have significant financial resources and can reach very large swathes of the population via their own television networks or televangelists.

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Demographic breakdown by religion

According to the **2010 census**, 64.6 per cent of the Brazilian population were Roman Catholic and 22.2 per cent were evangelical or Protestant.³⁴⁹ Atheists accounted for eight per cent. Spiritism (two per cent), Afro-Brazilian religions (0.3 per cent) and other religions (2.7 per cent) played minor roles.³⁵⁰ Brazil's religions exhibit a strong tendency towards syncretism, which is why the numbers only marginally reflect how belief is exercised in practice (e.g. Afro-Brazilian origin).

Catholics comprise the largest religious group, but Catholicism has been losing ground for decades, largely to evangelical (Neo-)Pentecostal churches. Among people of Protestant and evangelical faith, in 2010 approximately 60 per cent (25.4 million) belonged to (neo-)Pentecostal churches; 18 per cent belonged to what are known as mission churches (7.7 million), including around a million Lutherans; and 22 per cent belonged to other, uncategorised churches. The ratio between Catholics and Protestants has become more even in recent years.

According to a poll by Datafolha, a Brazilian opinion research institute, only 50 per cent of the population identified as Catholic in 2016, whereas the number of people who identify as evangelical or Protestant has sharply risen to 31 per cent and the number of people without a religious affiliation has climbed to 14 per cent. The Brazilian Jewish community is the second-largest in Latin America, with 120,000 members including larger communities in São Paulo, Rio de Janeiro, Porto Alegre, Recife, Belém and Manaus. There are no reliable figures as to the number of Muslims living in Brazil. The 2010 census only enumerated 35,200 Muslims, a total that is expected to have risen significantly since then. The Muslim umbrella organisation cites 1.5 million, while others roughly place the number between 400,000 and 500,000. There are larger communities in São Paulo, Rio de Janeiro, Curitiba, Foz do Iguaçu and other cities in the south.

Legal situation

Brazil acceded to the International Covenant on Civil and Political Rights on 24 January 1992.

Freedom of conscience and belief and the free exercise of religion are enshrined in the 1988 Constitution as inviolable (Article 5 (VI–VIII)). Religion and the state are separate. The Constitution forbids the public authorities of the Union, States, Federal District and

349 The next census occurred in 2020, which is why more recent figures are not yet available (for new estimates, see the next paragraph – 2016 Datafolha poll).

350 Official figures from the Instituto Brasileiro de Geografia e Estatística statistical office, based on the 2010 census.

Counties from establishing, subsidising, impeding or giving preferential treatment to specific religions or churches (Article 19). The state also does not collect church taxes. Churches and religious groups support themselves through donations, contributions (such as tithes) and offerings as well as, in some cases, through profit-oriented business activities.

General laws place no restrictions on training clerics, establishing churches, temples or houses of worship or conducting missionary activities. Churches or religious groups that claim tax-exempt status (under Article 150 of the Constitution) must register with the federal tax authority and the local county, prove their constitutional status and satisfy other general rules (including some pertaining to bookkeeping).

The Constitution guarantees access to religious pastoral care in all civil and military establishments for collective confinement (Article 5 VII) as well as religious education as an optional class during normal school hours in public schools (Article 210). Faith-based schools may only be subsidised by public funds in exceptional cases if they are non-profit, public schools are inadequately available and the funds are used for scholarships to pupils in need. Even then, the public authorities are preferentially obliged to expand the public school system (Article 213).

Civil marriage, including the option of divorce, is enshrined in constitutional law, although religiously officiated marriages are also recognised according to civil law (Article 226). “Stable unions” are also protected, including in terms of inheritance (Article 226 (3)). According to case law, both institutions are also **open to same-sex couples**.

Brazilian criminal laws (Lei 7,716 of 1989) also prohibit discrimination – for example, in business, in the workplace and when seeking housing – on the basis of skin colour, race, ethnicity, national origin or religion; offenders face prison sentences of up to five years.

Restrictions on freedom of religion or belief by state actors

Although Brazil is a secular state, there are crucifixes on the walls of the chambers of both houses of Congress as well as the Supreme Federal Court (Supremo Tribunal Federal). Churches exert considerable influence both in elections and in Congress. The influential cross-party caucus of evangelical lawmakers (Bancada Evangélica) comprises 195 (out of 513) members of the Chamber of Deputies and eight (out of 81) senators. In recent years, Brazil has experienced a social polarisation, with a noticeable trend towards people declaring their own religion- or belief-based touchstones as guiding principles for government policy. As well as issues such as abortion or same-sex marriage, this is increasingly applying to discussions regarding the limits of artistic freedom and education policy (rejections of

supposedly “ideological” topics such as tolerance, gender identity, sex education, climate change and environmental protection). Still, state violations of freedom of religion or belief are generally limited to isolated cases. There are no restrictions to freedom of religion or belief on the grounds of national security or the fight against terrorism.

In the autonomous and independent Public Prosecutor’s Office (Ministério Público), which serves the function of ombudsperson and constitutionality watchdog, Brazil also has a powerful institution with authority for collective action, which can also defend the rights of destitute citizens *ex officio*. In 2018, for instance, the municipality of Aracajú in Sergipe was successfully sued for violating freedom of religion after it ordered Yalorixa Valcides Fancisca dos Anjos’ house to be searched due to accusations of “black magic” and animal abuse. The municipality was required to pay damages.

Social conflicts with religious components

As a society, Brazil boasts comparably high diversity and tolerance in regard to religions and beliefs. Nevertheless, violence and attacks against religious minorities have been on the rise in recent years.

Each year, the Human Rights Ministry’s national “100” telephone hotline receives around 200 reports of religiously motivated discrimination and violence, usually targeting followers of Afro-Brazilian religions. Further reports are lodged with agencies of Brazil’s individual states. Perpetrators are often fundamentalist evangelical Christians who denigrate these religions as “Satanism”, but in other cases they are criminal (drug) gangs who presume to monitor activities on their “territory”. Moreover, indigenous groups are increasingly reporting religiously motivated attacks, in some cases by evangelical protesters targeting shamanistic rituals by indigenous groups or individuals as well as religious symbols and sites.

Antisemitism is uncommon in Brazil, as is hostility towards Muslims. Nevertheless, there are stereotypes, occasionally hateful graffiti and isolated cases of arson or other violent incidents. In late 2018, for example, a court in Porto Alegre convicted three defendants of the religiously motivated attempted murder of three men who had been wearing Jewish head coverings. The three convicted defendants were members of a group called *Carcas do Brasil* (Skinheads of Brazil) that disseminates antisemitic and neo-Nazi content on the internet.

Evangelical movements on the fundamentalist spectrum repeatedly fuel the debate over the boundaries of artistic freedom and freedom of opinion and expression. They try to intimidate artists or museums partly by making threats and calling for boycotts on social

media, or else they try to bring about restrictions through the courts, by pressing charges of paedophilia or similar allegations. Notwithstanding, Brazil continues to have a very vibrant artistic and cultural scene, the rights of which are also respected and protected in court.

LGBTI individuals are also repeatedly targets of religiously motivated attacks. In June 2019, the Supreme Federal Court (Supremo Tribunal Federal) decided to punish cases of homophobic discrimination henceforth as analogous to the crimes associated with racism and religious intolerance (with up to five years' imprisonment).

Structures of inter-faith cooperation

The congressional cross-party caucus *Bancada Evangélica* includes legislators from diverse denominations. In many of Brazil's states, there are designated official contact people for issues of religious diversity as well as numerous private-sector networks of dialogue and cooperation among wide-ranging denominations and religious groups.

China

The Chinese Constitution accords equal status to both positive and negative freedom of religion. However, in practice, its protection varies considerably. The government generally grants space to the officially recognised religious groups of Buddhism, Catholicism, Islam, Protestantism and Taoism and permits the construction of churches, temples and mosques. Yet the exercise of religion must be conducted "in the framework of the state's socialist values and core interests as well as legal principles". The authorities can take legal action against unrecognised or unregistered religious groups; the legal regulations have been toughened in recent years.

The scope for freedom of belief and free exercise of religion has been significantly narrowed following an October 2017 statement by Xi Jinping, China's head of state and leader of the party and military, at the 19th National Congress of the Chinese Communist Party. The government is pursuing the objective of Sinicising religions. The recognised religions are required to adapt to socialist society. Freedom of religion is only assured on a limited basis, provided that it does not run counter to the unity of the state and the public order and is free from foreign influence. On the other hand, measures are taken against the "exploitation of religion to damage national security", the "promotion of extremism for terrorist purposes" and the "endangerment of national unity". Particular attention is paid to religions for which foreign influence is imputed, especially Christianity, Islam and Tibetan Buddhism.

Demographic breakdown by religion

The availability of data is inconsistent. According to the official Chinese white paper on freedom of religion or belief³⁵¹ from April 2018, there are nearly 200 million believers in China, which corresponds to around 14 per cent of the total population.³⁵² The majority of these are Buddhists and Taoists (whose precise number is difficult to determine, as they are generally not systematically organised into congregations), alongside around 2.7 per cent (28 million) Protestants, 1.4 per cent (20 million) Muslims and 0.4 per cent (6 million) Catholics. Traditional religious practices (folk beliefs such as the Mazu cult and ancestor worship) play a special role; these are scarcely organised and are not included among the officially recognised religions, but are tolerated. Their share is not quantified more specifically by the Chinese authorities.

Other surveys and estimates that also consider unofficial communities infer a far larger number of believers: around 185 million Buddhists, 22 million Muslims, 60 (to 100) million Protestant Christians, around 10 million Catholic Christians and around 175 million individuals who perform Taoist practices.

Legal situation

China signed the United Nations International Covenant on Civil and Political Rights on 5 October 1998, but has not ratified it. The **right to negative and positive freedom of religion** and a prohibition against discrimination are enshrined in Article 36 of the Chinese Constitution, according to which the state may not discriminate against citizens based on their affiliation or non-affiliation with any religion. However, Article 36 also sets the **boundaries of freedom of belief**: thus, the protection only extends to “normal religious activities” that do not disrupt the public order, impair the health of citizens or interfere with the educational system of the state. In addition, religious organisation may not be directed from abroad.

351 White Paper on China’s Policies and Practices on Protecting Freedom of Religious Belief (source: The State Council Information Office), 11 April 2018.

352 The statistics on the official religious associations as a share of the population are inconsistent. According to the Chinese official perspective, freedom of religion is comprehensively guaranteed. As evidence of this, officials point to the steady growth in the number of religious communities and their members. However, the official sources only specify the number of registered communities. Statistics are not gathered regarding categories of folk beliefs.

These abstract constitutional provisions are supplemented particularly by the **State Council's revised regulations on religious affairs**, which took effect on 1 February 2018 and tightened monitoring of religious groups and the exercise of religion while **subordinating religion to the values and goals of the state and the Communist Party**. In part, the regulations include **provisions on registration, financing and reporting requirements** for religious groups. Article 4 of the regulations includes protection for normal religious activities, instructs religions to assimilate to socialist society and protects the legal rights and interests of religious groups, citizens and their schools and religious sites.

Additionally, a **restructuring of the State Administration of Religious Affairs (SARA)** has tightened **monitoring of religious activities** and **further restricted religious freedoms**. SARA was previously a department of the State Council (the government); since 2018, it has reported directly to the United Front Work Department (UFWD) of the Chinese Communist Party (CCP). During the process of revising the State Council's regulations on religion, additional regulations and implementation rules were issued that govern a wide range of religious activities, for example those conducted on the Internet and/or by foreigners.

Under the pretext of combating the "Three Evils" denounced by the government – extremism, separatism and terrorism – the State Council's regulations on religious affairs in many ways enabled **restrictions on freedom of religion**. These are stipulated in part in Article 4 of the revised regulations on religious affairs.

Article 300 of China's Criminal Law enables the prosecution of religious sects that "disseminat[e] superstitious fallacies to hoodwink people".³⁵³ It prescribes a prison sentence of three to seven years, and in particularly severe cases, at least seven years' imprisonment.

It is not possible to **refuse to serve in the military** on grounds of belief or conscience; exemptions are only granted for physical, psychological or political reasons.

353 Prison sentence of three to seven years, and in particularly severe cases, imprisonment lasting at least seven years.

Restrictions on freedom of religion or belief by state actors

In China, the exercise of religion is subject to strong state regimentation. Only communities of the five officially recognised religions of Buddhism, Catholicism, Islam, Protestantism and Taoism can register with SARA via their designated umbrella organisation.³⁵⁴ **Requirements for registration may vary from province to province. The principles are laid out in the revised regulations on religion.**

According to observations, there has recently been an increase in official monitoring and control measures of registered, recognised communities and in the prosecution of unregistered churches and communities.

The constitutional ban on discrimination against believers does not necessarily mean they have free access to public positions. Party membership, a frequent prerequisite for employment in public functions, precludes the exercise of religion. Also, there is no definition of “normal religious activities”, but it doubtless refers to the exercise of religion by followers of the state-recognised religions remaining within the legally stipulated boundaries.

A number of state-imposed **administrative restrictions** are in place targeting the public exercise of religion, ranging all the way from administrative obstacles to the construction of religious sites and attendance caps at religious ceremonies through to dress codes. The **collective exercise of religion** is restricted in various ways including regulation of pilgrimages to Mecca and roadblocks obstructing access to pilgrimage sites. Local governments can deny access to sacred sites for various reasons, such as building safety, simple pronouncements of “illegality”, other security issues, etc. Religious events can be prohibited or prevented, for example if they exceed a certain size.

Religious communities are subject to a **registration requirement** via the respective religion’s umbrella organisation. Only communities of the five officially recognised religions may register. Requirements for registration vary from province to province. The **strategy of Sinicising religion**, introduced in 2017, aims to links religions with the state’s socialist ideology and to regulate religious life more strongly via the religious organisations’ umbrella organisations, which are affiliated with communist bodies. For example, rules may be issued prohibiting the religious instruction of children and teenagers.

354 The Buddhist Association of China (BAT), the Catholic Patriotic Association of China (CPA), the Islamic Association of China (IAC), the Three-Self Patriotic Movement of Protestant Churches in China (TSPM), the China Christian Council (CCC) and the Chinese Taoist Association (CTA).

Religious communities that are not registered via the umbrella organisations can be declared illegal. They exist in a grey area (e.g., unregistered Christian communities) and can be banned and persecuted as “heretical cults”. The clerics of these religious associations can be criminally prospected and they risk being arrested or confined to house arrest. Unregistered religious buildings (mosques, churches, etc.) are at risk of being torn down. On the basis of Article 300 of Chinese Criminal Law, this also applies to religious associations outside the five officially recognised religions. A prominent example is the Chinese leadership’s actions against the Falun Gong meditation movement, which has been banned since 1999. It had gained and mobilised many followers in a fairly short time period.³⁵⁵ Based on Chinese Government estimates, the ban affected 70 million followers who, as a result, were no longer able to practise their faith in public.

Especially serious is the **suppression in Tibet and in Xinjiang, which is also religiously motivated**. In Xinjiang, the religious and cultural life of the Muslim **Uyghur minority** and other Muslim minorities, such as Kazakhs, is subjected to massive restrictions. The Chinese authorities justify this course of action as “a measure to combat terrorism and separatism” and a “de-radicalisation” campaign. Particularly since 2017, the rights of the Muslim Uyghur minority in the region have been progressively restricted. This course of action is supported not only by the law on religion, but also by the security law, the anti-terror law, the NGO law and the “cyber” law (all of them issued in recent years).

According to statements by human rights organisations, international media and scholars, since 2017, Uyghurs and members of other Muslim minorities have been the targets of massive internments in camps (which the Chinese officially designate as “Vocational Education and Training Centres”). A variety of mass-surveillance measures and travel restrictions have been introduced in the region. The numbers of security personnel have been sharply increased. The growing **efforts to “Sinicise” Islam in particular, in keeping with Xi Jinping’s official proclamations about “Sinicising” religions**, are now evident in the neighbouring province of Ningxia, the autonomous territory of the Hui national minority.

Aside from Muslim communities, **Christian communities** are also increasingly targeted for repressive measures. Between 2013 and 2016, there were reports of around 1,500 crosses being removed in Zhejiang Province under official orders, as well as isolated demolitions of churches, for example in Henan Province. At particular risk of repressive measures are Protestant house churches and Catholic “underground churches”, which have not

355 An up-to-date, conclusive list of unregistered, illegal religious groups does not exist; the status of registration also varies by region.

been officially recognised by the Chinese Government and, accordingly, have not been registered. These repressive measures include bans on leaving the country, asset freezes and cases of arrests and imprisonment.

Both the German Government and the EU, in close coordination, have issued numerous public declarations in regard to violations of freedom of religion in China and have also, for example, raised the human rights situation in Xinjiang in the forum of the United Nations.

Social conflicts with religious components

The public in China behaves fairly neutrally in regard to questions of religion. Statements about Tibet and Xinjiang are strongly shaped by the official Chinese policy in the respective regions and steeped in corresponding language and propaganda. The same holds for social media, where Islamophobic statements can be found in response to current events.

The **Chinese leadership's preliminary agreement with the Vatican** on the central question of the appointment of bishops has, to date, only caused marginal improvements for Catholic communities.³⁵⁶ One of the agreement's aims was to eliminate the schism within the Catholic Church in China, which has existed since 1949, and to reconcile the two sides: the official church recognised by the Chinese authorities and the underground church recognised by the Vatican.

356 Since the founding of the People's Republic of China in 1949, the Catholic Church had been divided into the "patriotic Church", which proclaimed independence from Rome, and the "underground Church", which was faithful to the Pope but was not recognised by the official Chinese authorities. This schism was particularly evident when it came to the appointment of bishops. Whereas the Holy See did not recognise the bishops of the "patriotic Church" (and excommunicated some of them), bishops recognised by the Pope were not accepted by Chinese authorities and in some cases faced persecution. Under the agreement, the two sides have so far been able to agree on two bishops who were appointed in the summer of 2019.



German Ambassador Dr Cyrill Jean Nunn, French Ambassador Stéphane Romatet and EU Ambassador Christian Berger visiting the Church of St George in Tanta in September 2020. © German Embassy in Cairo

Egypt

Sunni **Islam** is the **state religion** and the principles of Sharia are the primary source of law. There is no clear separation between state and religion or religious institutions. Thus, Sunni Islamic doctrine, dominated by Al-Azhar University, influences many areas of government policy. The **Sharia-based civil and family law** applies equally to Egyptians of all religions, resulting in severe discrimination against non-Muslims both under the law and in daily life. **Freedom of worship** and the associated right to build places of worship **are reserved for followers of the revealed religions recognised by the Constitution: (Sunni) Islam, Christianity and Judaism**. All religions and religious groups not named in the Constitution, such as Shiites,³⁵⁷ Bahá'í, Ahmadiyya and Jehovah's Witnesses, are ostracised. Adherents to these **minority religions generally practise them in secrecy**.

357 In the view of Egypt's Al-Azhar University, Shia Islam is not one of the revealed religions. The views of the university, which is more than 1,000 years old, hold great sway in Egyptian (Sunni) society.

With around 10 million members, the Christian community in Egypt, primarily Coptic Orthodox, is the largest Christian minority in the Middle East. **Christians experience certain disadvantages compared to the Muslim majority.** For example, there are scarcely any followers of Christianity among the country's military or political leadership. Particularly in rural regions, confrontations between Christians and Muslims occur repeatedly.

The **government strives for unity between Sunnites and Christians** so as to prevent terrorism and religious extremism. Heightened security measures since April 2017, principally outside churches, have led to a decline in religiously motivated attacks.

Demographic breakdown by religion

Around 90 per cent of Egypt's roughly 100 million inhabitants are Sunni Muslims, and around 10 per cent are Christian (90 per cent of these Coptic Orthodox). Only a small number of Jews still reside in Egypt today. The largest religious groups that are not legally recognised are probably Shiites and Bahá'í. Reputable estimates by experts presume there are several hundred thousand **Shiite Muslims**. The **Bahá'í** religious minority has between 1,000 and 2,000 members. Reliable statistics on Ahmadiyyas, Jehovah's Witnesses and other small religious groups are not available. There also are no reliable estimates of the numbers of atheists or religious converts.

Legal situation

Egypt ratified the International Covenant on Civil and Political Rights (ICCPR) on 14 January 1982. Article 18 of the ICCPR guarantees the right to freedom of thought, conscience and religion or belief.

The Egyptian Constitution of 2014 enshrines Sunni **Islam as the state religion** and declares the **principles of Sharia to be the primary source of legislation** (Art. 2). Article 3 stipulates that the religious principles of Christianity and Judaism are the main legal source for these communities' personal status rules, religious affairs, and selection of spiritual leaders. Article 7 stipulates that Al-Azhar University is the **supreme authority on (Sunni) Islam** and must be provided sufficient financial resources.³⁵⁸ Article 53 prohibits discrimination on the basis of sex, origin, ethnicity, skin colour, language, disability, social class, political affiliation or geographical origin. Article 64 stipulates that freedom

³⁵⁸ During the fiscal year of 2018, this funding added up to 13 billion Egyptian pounds (around 705 million euros).

of belief is absolute and the freedom to perform religious rituals and establish places of worship for the followers of revealed religions is a right governed by law. However, this explicitly only applies to freedom of belief and does not include freedom of worldview. Article 74 prohibits political activities and political parties with religious aspirations as well as those aiming to discriminate on the basis of sex, ethnic or geographical origin or religious affiliation.

For the Sunni community, the **Ministry of Religious Endowments (Awqaf) and the Supreme Council of Islamic Affairs** specifies the topics and emphases for Friday sermons and monitors compliance with them. Mosques are financed by tax revenue. Since June 2014, all mosques have been required to be licensed by the Ministry of Religious Endowments. To deliver sermons at the official mosques, imams must have been trained at Al-Azhar University.

The **Christian churches are largely self-managed** and support themselves with donations from their congregants.

Under a decree by the President of the Ministry of Religious Endowments, **religious groups are required to be registered**; this also applies to the constitutionally recognised revealed religions of Islam, Christianity and Judaism. In addition, the Interior Ministry reviews whether the group poses a danger to national unity or social harmony. Furthermore, the Grand Sheikh of Al-Azhar, as the supreme representative of the Sunnis, and the Pope of the Coptic Orthodox Church are consulted. **Registration grants religious groups a legal status** and enables them to adhere to their canon law, to practice religious rituals, to build places of worship and to import religious literature.

Without such registration, membership in a religious group can be classified as “contempt of religion” under Article 98 (f) of the Penal Code, which is punishable by a prison sentence of up to five years. In practice, government registration for new religious groups is very difficult to obtain. **Constitutionally unrecognised religions**, including Shiites,³⁵⁹ Ahmadiyya, Bahá’í³⁶⁰ and Jehovah’s Witnesses,³⁶¹ **cannot register**. As a result, activities

359 Shiites are not recognised by the Sunni Al-Azhar University, nor by the Coptic Orthodox Church. In 2011, Shiite activists attempted to start their own political party, but this initiative was thwarted in court.

360 The Bahá’í were banned in 1960 by presidential decree. The ban was reinforced in 2003 by a fatwa from Al-Azhar University, which classified the Bahá’í as apostates.

361 Jehovah’s Witnesses were registered as a religion in Egypt until 1960. On 20 June 1960, this registration was withdrawn by a decree of the Ministry of Social Affairs because the group had allegedly failed to re-register under Law No. 384 of 1956. Their property was seized. All subsequent attempts at re-registration failed due to supposed security concerns.

by these religious groups are prohibited, they are banned from establishing religious institutions, and their personal status affairs (e.g. marriages) and religious rules are not legally recognised.

Religious affiliation is listed on Egyptians' identity cards. The three revealed religions are the only options. Since a 2009 court decision, members of the Bahá'í faith are no longer required to specify their religious affiliation, that is, they are permitted to mark the religious affiliation field with a dash.

Neither the Constitution nor the civil and penal codes prohibit **“apostasy”, atheism or missionary activities**. In reality, however, conversion from Islam to another religion is impossible due to relevant provisions of Sharia law. Under criminal law, **blasphemy** is punishable by a prison sentence of up to five years. Criminal offences include disrupting religious ceremonies, desecrating religious symbols and denigrating religions including satire.

Civil, family and inheritance law are based on Sharia and apply to all Egyptians alike. The fact that **followers of all religions are required to abide by Islamic law on issues of family and inheritance** has provoked ample criticism from civil society. Several years ago, the parliament announced its intention to reform family law, but the implementation of this plan is difficult due to the omnipresence of Islamic law in this legal realm.

The main institution for interpreting Sharia is the Egyptian Fatwa Institute (Dar al-Ifta) under the direction of the Grand Mufti. The rulings of the Fatwa Institute play an important role in court proceedings on **family affairs**, resulting in severe discrimination against women. The husband is the financial guardian of the family. According to Sharia, Muslim women are not permitted to marry non-Muslim men. If they do, the marriages and resulting children are not legally recognised. However, the inverse is possible without any negative consequences. In inter-faith marriages (between a Muslim man and a non-Muslim woman), Sharia rules take precedence. Divorce is possible in this case. Due to the difficult financial obstacles of a marriage or the religious legitimisation of a partnership that the family does not accept, some Egyptians enter into what is known as an **“Urfi”, or temporary, marriage**. These marriages are valid under Sharia law, but they are socially frowned upon and are not registered. In an Urfi marriage, the wife cedes all legal claims against her husband, which poses a heightened risk of her personal rights being violated and grants impunity to perpetrators.

Restrictions on freedom of religion or belief by state actors

Despite the prohibition against discrimination guaranteed under the Constitution, **non-Muslims** are significantly underrepresented in public positions. This is especially true of senior political posts and the military leadership.

The **situation of Christians** varies by social stratum and place of residence. Whereas Christians in the cities and middle-class Christians are protected due to their status, the situation of Christians in lower social strata is precarious. Especially in the rural regions of Upper Egypt, many of them find themselves in a largely lawless and vulnerable space.

For many years, the **practice of issuing permits for churches** was based on a decree from 1856 (Ottoman era), according to which the construction of a church required a presidential decree. The Constitution of 2014 legitimised the construction of churches for the first time. In September **2016**, a long-awaited **law on church construction** was passed. Out of approximately 5,000 applications, at least 1,235 churches and religious buildings have since been legalised, according to statements by the Egyptian Government. In early 2019, Egyptian President Abdel Fattah el-Sisi inaugurated a new cathedral for Coptic Christians in the New Administrative Capital east of Cairo. The cathedral has capacity for 8,000 worshippers.

Converts from Islam to another religion are socially ostracised. Civil servants – including court officials – generally interpret Sharia law as banning Muslims from converting to another religion. Accordingly, they frequently refuse to recognise such conversions legally, for example by refusing to issue new identity documents. By contrast, conversion to Islam is viewed positively by the Muslim majority. Nevertheless, converts in either direction are subject to ostracism by their families and their communities.

Atheism is not prohibited by law, but not being religious is socially frowned upon de facto.³⁶² In extreme cases, atheism can be viewed as **blasphemy and contempt for religion** and be punished by up to five years' imprisonment. There have been cases of atheists being arrested on the basis of their social media activities. In 2018, at least four people were convicted of blasphemy, including both atheists and Christians. In 2019, at least 11 criminal investigations into blasphemy were conducted, predominantly against Christians and atheists.

362 See also, in this report, section 2.3.2. Online media as a place for discussion and discrimination: the example of atheists.

Social conflicts with religious components

In the aftermath of President Morsi's removal from power in July 2013 and the violent dispersal of the protest camps of Muslim Brotherhood supporters in Cairo and Giza in August 2013, **riots erupted throughout the country targeting followers of Christianity**. According to reports by human rights organisations, up to nine people were killed in the rioting; several church institutions were destroyed. In 2016 and 2017, Coptic churches in Cairo, Alexandria and Tanta were the targets of devastating terror attacks in which at least 44 people lost their lives. Since security measures to protect Christian institutions were heightened, **violence against Christians has subsided in the country's major cities**.

In June 2013, **violent riots broke out targeting a group of Egyptian Shiites** in a village in the Giza Governorate, resulting in at least four deaths. In 2018, **at least 20 religiously motivated incidents** took place, primarily in villages in Upper Egypt, consisting of protests outside churches or assaults on Christians and churches. There were also isolated cases of Christians being attacked by Islamists. For example, seven died in an attack on Christian pilgrims in Miniya in November 2018. Christians criticise the government for responding to assaults by their Muslim compatriots inconsistently. Violence and vandalism frequently do not result in criminal prosecution; instead, these cases are left to village-level dispute settlement mechanisms. There are also reports of Christian congregations being forced to close or abandon their places of worship.

The **Muslim Brotherhood**, which the Egyptian Government once again classified as a terrorist association in late 2013, also remains a target of **repression campaigns**. The government takes a hard line against its members and sympathisers. Human rights organisations estimate that the country has between 25,000 and 60,000 political prisoners, most of them alleged followers of the Muslim Brotherhood. In addition, various Islamist terror organisations are active in Egypt, among them Islamic State – Sinai Province (formerly known as Ansar Bait al-Maqdis).

Although **women's rights** receive ample mention in the 2014 Constitution, they are rooted, as before, in a traditional or Islamic family model and a division of gender roles shaped by Islam. **Sexual harassment and domestic violence** are widespread realities of society and often are not criminally prosecuted. The practice of **female genital mutilation** (FGM), despite being prohibited in 2008 and since made subject to increased penalties and condemnation by Al-Azhar University, continues to be practised by large portions of the Egyptian population, regardless of religious affiliation. Particularly problematic is the increase in FGM performed by medical professionals, as this incorrectly implies that FGM is a legal practice. Violations of the ban are not reported to the authorities and rarely prosecuted.

Child marriage remains a widespread problem, although the minimum marriage age for both men and women was raised to 18 in 2008. Under Islamic law, the sole criterion for marriageable age is biological sexual maturity. Hence, clerics still frequently officiate at weddings of girls who have not reached the age of 18. However, these marriages are not recognised by the state, meaning that if they end in divorce, these women do not have any financial claims and their children are considered illegitimate. This compels them to remain in the marriage. **Girls from poor families are extremely vulnerable to sexual exploitation.** So-called **summer marriages** (“misyar marriages”) are a form of prostitution in Egypt that circumvents the prohibition against extramarital sex. These short-term marriages authorise and legalise sex – even with minors – under Islamic law. According to reports, wealthy men from the Gulf States have been travelling to Egypt in growing numbers for this purpose. Grand Sheikh Mohammed Sayyid Tantawi legitimised misyar marriage back in 1999.

Structures of inter-faith cooperation

In 2011, the cabinet established Beit al-Aila (Family Home), an organisation intended to advance inter-faith understanding and harmony among Egyptians. It is headed by the Grand Sheikh of Al-Azhar and the Pope of the Coptic Orthodox Church. Its board, which consists of Islam scholars and members of various churches who are selected by the two chairs, convenes every six months. Critics accuse the board of dwelling on formalities that have a small impact, if any, on the daily lives of the religions’ adherents.

El Salvador

The right to freedom of religion is one of the best protected and most respected human rights in El Salvador. A significant majority (more than 83 per cent) of the Salvadoran population are of Christian faith. There are hundreds of religious groups that are able to exercise their faith unimpeded. The Catholic Church enjoys constitutional status. Since the 1990s, there has been an evident **strengthening of evangelical communities.**

Demographic breakdown by religion

According to a 2016 survey by Central American University (UCA) of El Salvador, around 50.6 per cent of the approximately 6.4 million Salvadorans are Roman Catholic (compared to 67 per cent in 1995). Meanwhile, 32.9 per cent of the population belong to Protestant congregations of evangelical denominations, 14.4 per cent claimed no religious affiliation and 2.1 per cent belonged to “other” religious groups (including Jehovah’s Witnesses, members

of the Church of Jesus Christ of Latter-Day Saints, Bahá'í, and adherents to Islam, Judaism and Buddhism). A small, unquantified share of Salvadorans practise indigenous religions.

Legal situation

El Salvador ratified the International Covenant on Civil and Political Rights in 1981.

Freedom of religion or belief is guaranteed by the Constitution of El Salvador (Article 25). Article 25 guarantees the free exercise of all religions “without other restrictions than those required by the moral and the public order”. Discrimination on the basis of religion or belief is constitutionally prohibited (Articles 6, 38 and 58). No restrictions may be established on the basis of nationality, race, sex or religion (Article 3). Article 7 prohibits the establishment of religiously motivated armed groups.

Religious meetings or associations may not be restricted even during a state of emergency (Article 29). Article 54 enables the establishment of private schools operated by religious groups. According to Article 82, members of the clergy are not permitted to belong to a political party or to stand for office. According to Article 108, no civil or church corporation or foundation may own or administer real estate that goes beyond its immediate needs for satisfying the institution’s mission or objective. Religious dignitaries and officials may not serve in any political positions (Article 82). Houses of worship are exempt from property taxes (Article 231).

Aside from the **Catholic Church, which holds constitutional status** (Article 26), all other **religious associations must register with the government** in order to obtain their legal status as churches and receive tax exemptions. During this process, their charters’ compatibility with the Salvadoran Constitution and laws is verified. The Interior Ministry monitors the finances of non-governmental organisations, churches and religious groups (except for the Catholic Church). The existence of countless churches and church-like groups demonstrates that the registration processes are **non-discriminatory**. The exercise of religion is also possible without registration, albeit without a legal status. Members of foreign religious groups must apply for a special residency visa in order to conduct religious activities. They may not engage in missionary activities on a tourist visa.

Article 296 of the Penal Code declares **blasphemy** to be a punishable crime and prescribes a prison sentence between six months and two years for defaming other creeds or for desecrating or destroying their religious objects. In the event that such acts are performed

for the sake of attracting public attention, the prison terms is extended to three years. Repeat offenders are subject to prison terms of three to eight years. In recent years, there have been no known convictions for blasphemy.

Social conflicts with religious components

The Catholic Church and the evangelical Protestant churches in El Salvador oppose women's reproductive and sexual rights. The primary focus of this opposition is on pre-empting efforts to eliminate the sweeping ban on abortion, which entails the criminalisation of both abortion and emergency contraception no matter the circumstances, even in cases of rape, incest or danger to the mother's life. These churches also oppose rights for LGBTI individuals, such as civil partnership or marriage. The denial of the existence of such rights is often justified in religious terms with reference to biblical verses.

Notwithstanding many Christian associations' negative stances towards women's reproductive and sexual rights or equality of legal treatment for homosexual and heterosexual couples, individual church representatives have spoken out on these groups' behalf. For example, the Archbishop of San Salvador welcomed the acquittal of a woman charged with abortion/"child-murder", citing the importance of fundamental rule-of-law principles such as the presumption of innocence and the principle of *in dubio pro reo*. Other church representatives have denounced hate speech against LGBTI individuals.

The numerous radio and television stations operated by religious associations are considered to have influence on **popular opinion**. In addition, representatives of the country's political class frequently make public statements regarding their membership in religious associations and their religious agendas.

Structures of inter-faith cooperation

Leading up to the start of the Bukele Government in June 2019, El Salvador had a series of "National Councils" that examined fundamental challenges facing Salvadoran society (such as the security situation, the education system, etc.). Representatives of religious associations had seats on these councils. There are no existing concerted actions or institutionalised dialogue between the various denominations. Various evangelical Protestant groups have founded umbrella organisations. Overall, the working environment is marked by peaceful coexistence.

Eritrea

Eritrea's politics are dictated by the Eritrean single official party, the **People's Front for Democracy and Justice** (PFDJ), whose chair is simultaneously the country's president and head of government. The freedoms of assembly, opinion and expression are not guaranteed. Assemblies require a permit, and public criticism of the government can potentially lead to open-ended detention without trial. The media are state-controlled.

The PFDJ's ideology presumes that the nation is united in a collective struggle against the former occupying power of Ethiopia, and the foundation of this unity must not be impaired by any tensions amongst religions or ethnicities. Lacking a constitution altogether, Eritrea correspondingly lacks constitutionally guaranteed freedom of religion. As framed by the PFDJ, Eritrea is a secular state that behaves neutrally on issues of religion. The day-to-day reality is a different story.

Demographic breakdown by religion

According to statements by the Eritrean Government, half of the country's population (3.5 million) are Christian and the other half are Muslim. There are no official statistics available. The majority of the Christians belong to the Eritrean Orthodox Tewahedo Church; the Catholic Church estimates that roughly four per cent of the population are Catholic. No figures are available for other religions.

Legal situation

Eritrea acceded to the United Nations International Covenant on Civil and Political Rights on 22 January 2002. Article 19 of the draft constitution that was passed by the Eritrean National Assembly in 1997, but still has not come into force, reads: "Every person shall have the right to freedom of thought, conscience and belief. ... Every person shall have the freedom to practise any religion and to manifest such practice".

The legal basis for the relationship between the state and religious groups is Proclamation 73/1995 of 15 July 1995, which postulates that citizens have freedom of belief and conscience and that there is a separation between religion and state. De facto, the state only recognises four religious groups: the Eritrean Orthodox Church, Sunni Islam, the Catholic Church and the (Protestant) Lutheran Church. The only government-authorized **sources of income for the approved religious groups** are donations from the populace and grants

from the government. Funding from abroad requires approval; religious groups are not permitted to be dependent on them. The approved religious groups are equal both de jure and de facto; there are no known cases of restricted access to government services.

Since 2002, the government has interpreted Proclamation 73/1995 to mean that **unregistered religious groups** in Eritrea are **not permitted**. According to government statements, no applications for new registrations have been submitted since then.

Proclamation 73/1995 explicitly prohibits religious groups from engaging in any political activities or issuing statements, especially public criticism of the government. Contacts with foreign entities, including diplomatic missions, require approval by the supervisory authority. All social services are the responsibility of the state and the people; participation by religious groups is considered an exception.

Proclamation 73/1995 established a state **supervisory authority to regulate religious institutions and activities** (Department of Religious Affairs), with which religious groups must annually register as non-governmental organisations, specifying their assets, in order to carry out socially minded projects.

In family and inheritance law, **Sharia law** is applied to anyone who was married according to Muslim rites and to unmarried children of such a marriage; the remaining population is subject to civil law.

Restrictions on freedom of religion or belief by state actors

The severe restrictions to freedom of religion have the pretext of protecting national unity and resisting foreign influence. This is evident both in the **state's determination of which religions** may be publicly practised (the Eritrean-Orthodox Church, Sunni Islam, the Catholic Church and the Lutheran Church) and in those religions' regulation by the state. Other religious groups are not permitted and are in serious danger of persecution.

There are repeated cases of **detentions on the grounds of unacceptable exercise of religion**, for example gatherings of unapproved religious groups or the communication of political content in a religious setting. The stated reason for these interventions is the need to preserve national unity by establishing a balance between the existing religions. The government views newcomer religious groups as posing a risk of fragmenting society; if they receive foreign funds, they are viewed as posing a risk of international influence.

The restrictions on freedom of religion or belief have been regularly criticised in international human rights forums, such as the report by the UN **Special Rapporteur on the situation of human rights in Eritrea**, Daniela Kravetz, to the United Nations Human Rights Council dated 2 July 2019.

Social conflicts with religious components

The state ideology presumes a unified nation-state in which ethnic and religious differences play no role. Conflicts between religious groups are therefore denied by the state and have scarcely entered the public eye to date.

Religious groups are prohibited from engaging in any political activities, especially criticising the government. Notwithstanding, Eritrea's Catholic bishops have published pastoral letters critical of the government on multiple occasions, most recently in April 2019. On 12 June 2019, the government subsequently shut down the final 22 of the originally 40 healthcare facilities operated by the Catholic Church. On 3 September 2019, the government closed one of the Catholic Church's three secondary schools and turned two others into state schools. In 2007, the government stripped the Patriarch of the Eritrean-Orthodox Church of his title due to critical statements; he has been under house arrest ever since. In 2017 and 2018, when the government took control of an Islamic school, protests broke out in Asmara. In June 2019, according to multiple reports, five Orthodox priests from the Debre Bizen monastery were arrested for having made negative remarks about the government.

India

India is the birthplace of four world religions: Hinduism, Buddhism, Sikhism and Jainism. Today, it is a country of unparalleled religious diversity. The struggle over how to maintain the country's constitutionally enshrined secular fabric whilst respecting the religious rights of these groups constitute a day-to-day balancing act.

All varieties of religious groups exist in India. With the **Saint Thomas Christians, also known as the Syrian Christians**, India is home to one of the oldest Christian communities; the **Catholic and Anglican churches** have deep roots in the country. **Jewish people** have never been persecuted in India. **Zoroastrians** took refuge there after their former homeland, in what was then Persia, was Islamicised. **Tibetan Buddhists** have also taken refuge there, and do still. They have built large monasteries, especially in Himachal Pradesh

and Karnataka, and have established the seat of their government in exile. The **Bahá'í** are able to practise their faith. **Ahmadis** are considered Muslims under Indian law. Publicly identifying as an atheist is generally not a problem in India either.

Despite the heterogeneity of Indian society, the dense population of the subcontinent, the rich religious diversity and a conflict-ridden history (foremost, the 1947 Partition into India and Pakistan), religions coexist there peacefully, by and large. At the same time, India has always known religious tensions, which are often interwoven with social issues and with injustices that have arisen from the caste system. Instances of religiously motivated violence occur on a regular basis, and even severe pogroms have taken place in the past.³⁶³



Ambassador Lindner with the Chief Priest of the Akshardam Temple in Delhi © Federal Foreign Office / Embassy

³⁶³ These have included the 1984 pogroms targeting Sikhs in New Delhi, the riots targeting Hindus in Kashmir in 1990, the Gujarat riots targeting Muslims in 2002, and the violent riots targeting Christians in Odisha in 2008, to name the most serious examples. Most recently, in 2013, open clashes broke out between Hindus and Muslims, resulting in the deaths of at least 62 people. In early 2020 – after the reporting period – severe sectarian clashes broke out in Delhi (the “Delhi riots”).

Demographic breakdown by religion

In the most recent census of 2011, Hindus accounted for 79.8 per cent (966.3 million) of the total population. This was the first time their share fell – a sufficient rationale for some Hindu nationalist groups’ “India for Hindus” campaign.³⁶⁴ Alongside the heterogeneous majority religion of Hinduism, India officially recognises Muslims (14.2 per cent), Christians (2.3 per cent), Sikhs (1.7 per cent), Buddhists (0.7 per cent), Jains (0.4 per cent) and Parsis (Zoroastrians) as religious minorities.³⁶⁵

In addition, there are a large number of indigenous ethnic groups (known as “Adivasis” or “tribals”), numerically small Jewish and Bahá’í communities and other religious groups that collectively comprise 0.9 per cent of the population. With around 1 million members, the Indian Bahá’í community is the world’s largest. They are very visible in the Delhi cityscape with their world-famous Lotus Temple. The 2011 census enumerated 119 Ahmadis for the first time, but experts estimate around 100,000 Ahmadis in India.

Since the most recent census in 2011, the Indian population has grown by around 150 million inhabitants. The trend is that the proportion of the Muslim population is growing. India is the country with the world’s second-largest Muslim population in numerical terms.

Legal situation

India acceded to the United Nations International Covenant on Civil and Political Rights on 10 April 1979.

According to its 1949 Constitution, India is a federal and secular state. Freedom of religion is guaranteed under **Articles 25–28** of the Constitution, both in positive and negative senses. Constitutional protection encompasses private freedom of belief as well as the practice and dissemination of religion. All religious groups are declared equal under the law. Article 30 (1) grants religions the right to establish and administer religious institutions independently. Citizens may not be subject to any tax that financially supports a particular religious group. Religious education in a specific religion is not permitted in fully

364 The 2011 census found that the share of Hindus had decreased to less than 80 per cent (0.7 per cent less than in the previous 2001 census), whereas the share of the Muslim population had risen from 13.4 to 14.2 per cent. The percentage of Christians held steady.

365 1992 National Commission for Minorities Act.

state-funded educational institutions. Pupils or students at state-recognised or -funded educational institutions must not be compelled to participate in religious education or prayers against their will.

In 1993, five religious groups were granted **minority status** that assures them fundamental rights and assurances under the Indian Constitution: Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis).³⁶⁶ The Jains were added in 2014. The **Bahá'í** are not recognised by India as one of the six religious minorities, but they may practise their religion. As a result of a 1970 ruling by the state of Kerala's High Court, Ahmadis are recognised as Muslims under Indian law. Major Muslim and Christian holidays as well as holidays of other minorities are (regionally) observed; Christmas Day (25 December) is a day off of work throughout the country, although it is not an official holiday.³⁶⁷

Religious associations – like other associations – can **register** in India. Registration grants a religious association a legal status enabling it to earn money, receive donations and open a bank account. Religious associations in India frequently register as NGOs.³⁶⁸

The central state sets boundaries regarding relationships with and support from other countries. To receive financial support from abroad legitimately, religious groups are required to hold a government licence under the 2010 **Foreign Contribution Regulations Acts (FCRA)**. The Catholic Church complains that visas for missionaries have scarcely been issued for years.

Currently, eight Indian states have **anti-conversion laws** that criminalise changing religions if it occurs via coercion, allurements, inducement or under pretence of fraudulent claims.³⁶⁹ Attempts by members of the Bharatiya Janata Party (BJP) government to implement an anti-conversion law on the national level failed due to resistance from the Ministry of Law and Justice. The penalties range from fines to prison sentences (1–4 years). The anti-conversion laws are primarily targeted at members of lower castes or Dalits (“Untouchables”) who are outside the caste system entirely and (in some cases) seek to circumvent still-widespread discrimination by upper-caste Hindus by leaving

366 The Indian Constitution grants certain rights to religious and linguistic minorities in general. The Indian government set up the National Commission for Minorities under an Act of the same name passed in 1992. The Commission developed proposals for which religions should receive minority status. The government announced the result in 1993.

367 Only secular holidays, such as Independence Day, are national holidays in India.

368 Registration is under the authority of regional offices, which register the organisation after application and the payment of applicable fees.

369 Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand and Uttarakhand.

Hinduism.³⁷⁰ In two states, a **religious conversion requires advance approval from the local authorities**; in the others, a conversion must be reported upon completion.³⁷¹ Although these laws have so far resulted in few arrests and no convictions, they are a subject of ongoing criticism from Indian civil society, especially due to the ambiguity of their legal terminology. **Aggressive re-conversion campaigns** (ghar wapsi, literally, “back to home”) by radical Hindu organisations have provoked intense public debates over the past few years. Hindu nationalists claim to have “brought home” more than 30,000 people to Hinduism since 2014.

Legal matters of family status are generally adjudicated by each religious group. **Religious legal subsystems**³⁷² enable Hindus, Muslims, Christians, Parsis and increasingly also Sikhs to abide by their own respective traditions. However, converting to another religion can have other repercussions, such as causing the person to forfeit claims to alimony, child support or inheritance, and can be listed as a legitimate reason for divorce. Buddhists and Jains, who are recognised as religious minorities but are treated like Hindus for matters of family law, are each demanding their own family-law system.

Under the Special Marriage Act of 1954, Indians can also enter a civil marriage. This law aimed primarily at paving the way for inter-faith marriages, but in practice these marriages continue to encounter bureaucratic obstacles, especially in rural areas.³⁷³ The development of a unified civil law code for all citizens is provided for under the Constitution, but has failed so far due to social resistance. The BJP, the governing party, has listed its introduction as a political objective. Alongside bureaucratic obstacles, traditional social structures pose an impediment to inter-faith marriages. Despite the legal minimum age of 18, a large percentage of Indian girls are married before their 18th birthday.

370 Although it is unconstitutional (under Article 17 of the Indian Constitution), the phenomenon of “untouchability” remains an ongoing social reality in India.

371 Gujarat and Chhattisgarh.

372 Such as the Hindu Marriage Act of 1955, the Hindu Succession Act of 1957 and the Parsi Marriage and Divorce Act of 1936.

373 For example, the local authorities at the birthplace of one of the spouses must be notified in advance of their intention to marry. The marriage can only be certified if no objections are raised. However, this process gives religious authorities, caste leaders and the families the opportunity to delay or prevent the marriage.

Restrictions on freedom of religion or belief by state actors

Despite long processing times, in India under the rule of law, citizens may successfully take legal action to defend their freedom of religion or belief as guaranteed in the Constitution. However, in day-to-day reality, there are evident restrictions to this, in some case caused by state actors.

On 5 August 2019, the Indian Government revoked the autonomous status of the state of **Jammu and Kashmir**, the only Indian state with a Muslim majority and a region afflicted by unrest and terrorism for decades. This political decision involved **human rights violations**. Under the pretext of “anti-terrorism”, civil liberties of the Muslim-majority populations, such as freedom of assembly and of the press, were restricted for months and have not been fully restored. The local population was subjected to a comprehensive Internet and telephone **communication blackout**. Numerous local politicians and activists were placed in **preventive detention** or **house arrest**. The events made international headlines and, at Pakistan’s initiative, were discussed by the UN Security Council. **German Federal Chancellor Dr Merkel** explicitly raised the situation in Kashmir during her visit to India in November 2019.

On 31 August 2019, the final **National Register of Citizens (NRC) in the state of Assam** was published. The controversial NRC only listed residents who could prove that they or their parents were living in the Indian state before 1971, when millions of Muslim Bengalis fled to India from Bangladesh, which was fighting its War of Independence. The final list excluded **1.9 million** of Assam’s 33 million residents, roughly half of them Muslims according to unverified accounts. Among those excluded were also hundreds of thousands of Hindus, but these are eligible for restored citizenship (see below) under the Citizenship Amendment Act (CAA). For this reason, critics call this a targeted **measure against the Muslim minority**. What will happen next with the people excluded from the NRC remains unclear.

On 11 December 2019, the Indian Parliament passed the **Citizenship Amendment Act (CAA)**, a central policy of the Modi Government. Under the new law, Hindus, Sikhs, Buddhists, Jains, Parsis or Christians who have fled to India from Pakistan, Bangladesh or Afghanistan (as of 31 December 2014) can become naturalised Indian citizens after only five years. Muslims are excluded from this law; the government argues that the law only covers groups facing religious prosecution in those three countries. The law triggered **major protests** across India, and not only among Muslims. Opponents criticise it as discriminatory, anti-Muslim and a threat to the secular fabric of the Indian state. In addition, critics fear that the law could be a forerunner of an India-wide NRC that, in conjunction

with the CAA, could lead de-facto to Muslims being stripped of their citizenship. Indian security forces cracked down on the demonstrators, resulting in **bans on assembly, arrests and dozens of deaths**.

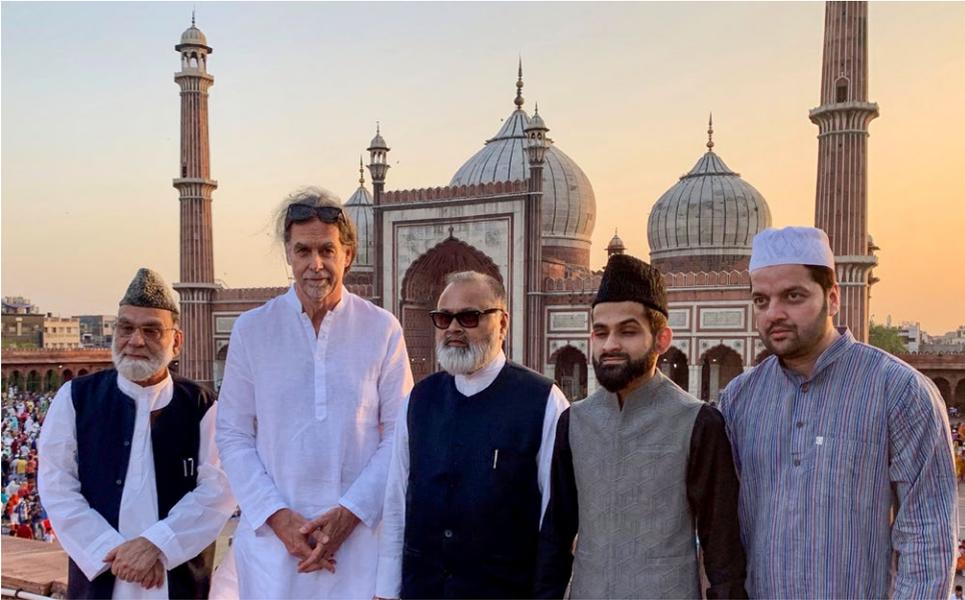
The **use of the FCRA** – a tool for controlling inflows of foreign money that is efficient due to its broad interpretive scope – recently also affected Christian NGOs.

Social conflicts with religious components

Despite the high population density and the rich diversity of Indian society, the coexistence between religions in India is largely peaceful. Nevertheless, tensions exist between the various religious groups that have occasionally led to violent riots in the past.

Muslims, the largest religious minority, remain the targets of **significant social discrimination** in major spheres of life (health, education, employment). A contentious, decades-long dispute has centred on Hindu nationalists' proposal to build a temple to the deity Ram on a site in Ayodhya where Hindu protesters destroyed a centuries-old mosque in 1992. In its ruling in November 2019, the Supreme Court ordered the disputed land to be allocated to the construction of a temple to Ram; the Muslim community is to receive a plot of equal size in compensation.

The data on **trends in hate crimes** in India over recent years is inconsistent and complicates accurate analysis. Whereas NGOs that are critical of the government and could be classified as left-wing have reported a rise in attacks by Hindus on Muslims under the BJP Government, official crime statistics since 2010 **do not show any significant change in the total number of hate crimes on the basis of religious or caste affiliation**. Official statistics also indicate that **Dalits and people of Muslim faith** are by far **the most affected by hate crimes**, jointly comprising around 90 per cent of all victims. According to reports, Christian Dalits – who comprise around two thirds of Indian Christians – are also vulnerable to attack. In a May 2018 letter to priests, the Catholic Bishop of Delhi publicly expressed his concern about the circumstances facing the Christian population, which prompted an emotional public debate.



Ambassador Lindner with the Shahi Imam of the Jama Masjid (the biggest mosque in India) in Delhi
© Federal Foreign Office/Embassy

One statistic that rose steeply but temporarily after the BJP Government came to power in 2014 was the number of **acts of violence in connection with “cow protectors”** who are closely associated with Hindu Nationalist groups. Muslims especially were targets of violent assaults, often after being accused – in most cases unfoundedly – of slaughtering cattle for sale as meat, which is prohibited in some Indian states. Since autumn 2017, the number of such attacks has fallen again.

People of Christian (but also Muslim) faith in India are sometimes **accused by Hindu Nationalists of proselytising**, which the accusers claim is the true motive behind all Christian social and educational activities. Hindu nationalists call for an India-wide conversion ban, which they have so far been unable to achieve in parliament. This is also connected to the fact that Hinduism itself is not a proselytising religion, and active missionary activities are perceived as something foreign and (as in some other countries, to a certain degree) associated with the colonial past.

In recent years, Hindu Nationalists groups have increasingly accused Muslims of “**forcibly converting**” Hindu girls who choose to marry a Muslim. In 2018, the Hadiya Supreme Court case stressed the fundamental right to choose one’s spouse and religion freely and overturned a decision by a lower court to annul a marriage between a Muslim man and a formerly Hindu woman because she had allegedly been forced to convert to Islam.

The **Hindu-Nationalist BJP party’s electoral victories in 2014 and 2019** sparked an intense public discussion regarding how to strike a balance between the values of a secular constitution and a population with deeply religious segments. A number of representatives of predominantly Muslim and Christian groups have complained of a rise in intolerance.

Structures of inter-faith cooperation

Because of its secular foundations, the Indian state abstains from engaging in religious and thus also inter-faith matters as much as possible. One of the few exceptions happened in October 2018, when an Indian delegation led by the Minister of State of External Affairs conducted an inter-faith dialogue with Indonesia. The delegation included representatives of the main religions present in India: Hinduism, Christianity, Islam and Buddhism.

The vast majority of religious actors uphold their responsibility to keep the peace and do not incite tensions between the religious groups. However, isolated extremist voices – foremost on the part of Hindus and Muslims – have been observed, although the majority of their religions’ adherents do not agree with their agitation.

Indonesia

Indonesia is governed by the **state’s guiding principle of Pancasila**,³⁷⁴ which provides for freedom of religion and the equal treatment of the six recognised religions (Islam, Christianity [i.e., Protestantism], Hinduism, Buddhism and Confucianism). Under the Indonesian interpretation, freedom of religion means the freedom to choose one of the (recognised) religions. It does not encompass the freedom to abstain from any religious affiliation. Belonging to an unrecognised religion is not explicitly prohibited as long as said religion is not in violation of existing laws (principally anti-blasphemy legislation).

374 Pancasila, pronounced “panchaSEela” (from the Sanskrit for five principles) is the Indonesian state’s official founding philosophy laid out during the state’s establishment in 1945 as a compromise between secular and Muslim groups. The five principles of the Pancasila Constitution, along with the state principle of the one true God, are intended to ensure peaceful coexistence in regard to the island nation’s cultural and religious diversity.

However, those adherents' freedom of religion or belief is not subject to any special protection, for example against threats by fundamentalist groups. In addition, they face further obstacles in regard to the actual practice of the religion, for example, in connection with building their own places of worship.

The coexistence among the state-recognised religious groups is generally peaceful, despite occasional flare-ups. In particular, the Christian minority (10 per cent) occupies a significant position within the Indonesian state. Indonesian public holidays of religious origin include not only Muslim festivals, but also Christian, Hindu and Buddhist celebrations (Christmas, Good Friday, Ascension Day, Nyepi, Hari Waisak, etc.).

The growing significance of a strict, orthodox interpretation of Islam has been apparent in Indonesia for several years. This goes hand in hand with decreasing tolerance of divergent interpretations or other religious groups. These currents of radical Islam generally have ties to the Persian Gulf region. Wahhabi and Salafi influences play a significant role in the growth of an intolerant form of Islam. Sharia law or Sharia-influenced regulations are applied in around 10 per cent of Indonesian districts and municipalities, especially in the semi-autonomous province of Aceh. The government and political elites tend to anticipate strict Muslim expectations. **Islamist terrorism is vigorously combated**, however. The state measures to combat terrorism and to counter radicalisation have not, to date, been used to restrict freedom of religion or belief.

It is the proclaimed interest of the Indonesian Government to preserve the traditionally tolerant, typically Indonesian form of Islam (Islam Nusantara). Civil society is also making efforts to counter the increasing Islamicisation of public life and the spread of religious intolerance.

Demographic breakdown by religion

According to official data from 2010 on religious affiliation in Indonesia, 87.3 per cent of the country's roughly 237 million inhabitants at the time were Muslim, nearly all of them (99 per cent) of the Sunni denomination.³⁷⁵ The share of Shiites is estimated at 0.5 per cent, and Ahmadiyya Muslims account for 0.2 per cent. Other religious groups include Protestants (7 per cent), Catholics (2.9 per cent), Hindus (1.7 per cent), Buddhists (0.7 per

375 These figures date back to 2010, but remain the basis of government policy, especially for the ministries of religion and education. The next census is planned for 2020; the 2019 population already surpassed 270 million.

cent), Confucianists (0.05 per cent), and 0.13 per cent “others”. Indigenous and non-theistic religions are widespread in Indonesia, but are not recognised by the state and therefore not statistically measured.

According to estimates by civil society organisations, the share of Christians, who mostly live in the less densely populated eastern regions (the Moloku Islands, North Sulawesi and Papua) is above 10 per cent. Many Indonesians of Chinese descent are Christian, predominantly Catholic. Papua, West Papua, East Nusa Tenggara and North Sulawesi have Christian majorities. In addition, there are significant Christian populations in North Sumatra (more than 4 million) and West Kalimantan (around 1.5 million).

Legal situation

Indonesia acceded to the United Nations International Covenant on Civil and Political Rights on 23 February 2006.

The preamble to the Constitution contains an avowal of **Pancasila**. Article 29 stipulates that the state is based on the belief in one true God and guarantees “all persons the freedom of worship, each according to his/her own religion or belief”. Civil society is called upon to support the national ideology. Criticism, rejection or blasphemous behaviour in opposition to this principle, as well as the dissemination of hate against other religions, are prohibited. Violations can lead to the loss of legal status, to the disbanding of the organisation and the arrest of members. In 2012, the constitutional court found that the right to freedom of religion must be weighed against the necessity of preventing social conflicts.

The **Blasphemy Law of 1965**³⁷⁶ was originally intended to prevent public hate speech against or defamation of religions, which is punishable by up to five years’ imprisonment.

Atheism is not acknowledged but also not prohibited by legal regulations. However, withdrawing from one religious group without simultaneously joining another state-recognised religious group is only possible to a limited degree. It is possible to register as religiously unaffiliated (by leaving the “Religion” field on one’s personal identity card blank), but this is rare in practice because it can lead to difficulties in the event of claiming certain public services.

³⁷⁶ The law defines this as deliberate public expression of hostility, hate or contempt towards a religion with the objective of deterring others from following said religion.

Converting between the state-recognised religions is generally possible; this occurs on a regular basis. During the 1960s and 1970s, around a million Muslims converted to Christianity.

Building religious sites requires a permit from the state. According to a decree issued in 1966 and revised in 2006, such a permit can only be issued upon submission of around 60 signatures from followers of another faith and a recommendation by the local forum for interfaith harmony. In practice, the construction and use of houses of worship are the most common triggers of religiously motivated local conflicts.

The freedom of religion enshrined in the Constitution contrasts with the **rise in religiously inspired local laws**. In many parts of the country, there are increasing numbers of religiously inspired local ordinances, such as dress codes for women. The **semi-autonomous Aceh province** is the only province in which, since 2003, elements of the Sharia penal code have been in force (including bans on extramarital sex, homosexual acts, games of chance and the consumption of alcohol; dress codes for women). Violations are also penalised using physical punishments. Since autumn 2015, these rules have also been generally applicable to non-Muslims as well if the crime in question is not governed by national law.

A 2008 decree prohibits the **Ahmadiyya community** from engaging in missionary activities of any kind at the penalty of up to five years in prison. There is also a ban on any type of recognition of the Ahmadiyya faith; violations are punished under the blasphemy law and the Penal Code. Although there have not (yet) been any official convictions of Ahmadiyyas, believers are subjected to intense social pressure and cannot rely on the state's protection.

In July 2017, the **law on non-governmental organisations (NGOs)** was amended by presidential decree. Henceforth, the government can ban NGOs whose activities and objectives are classified as inimical to the Constitution. The first, and so far only, organisation to be banned under the amended law has been the Islamist group Hizbut Tahrir Indonesia, which seeks to replace the Indonesian state with a transnational caliphate.

Restrictions on freedom of religion or belief by state actors

In public life, there is generally **no systematic unequal treatment** of individuals on the basis of their religious affiliation. However, in day-to-day reality, there are frequent and increasing cases of **violations against freedom of religion or belief**. The distinction between the six state-recognised religions and unrecognised religious groups causes significant discrimination against the latter when it comes to many administrative

procedures, such as registering marriages.³⁷⁷ Minorities that are not counted among the six recognised religions (including Ahmadiyya and self-identified atheists) do not receive any protection from the state against threats by fundamentalist groups. To a certain extent, this also applies to Shiites, whom Sunnis sometimes view as followers of a deviant and therefore heretical doctrine although the Constitution does not place any such restriction. In specific cases, these minorities are persecuted by the state for allegedly disturbing the peace (under the blasphemy law).

The blasphemy law is now being exploited in order to suppress alternative interpretations of Islam, intimidate religious minorities and eradicate any criticism of majoritarian Sunni Islam. Beyond this, in recent years various radical Islamist groups have used the law as leverage to advance their political and social agenda. NGOs accuse the authorities and especially the security forces of inadequately attending to the needs of religious minorities.

Since 2011, when the Indonesian Ulema Council declared Ahmadiyya to be “heretical”, there have been repeated cases of municipal authorities closing mosques in response to immense social pressure. The Ahmadiyya mosque in Depok, near Jakarta, was closed in 2017 and then vandalised by young people. The closure came after rallies, many of them organised by the nationally known **Islam Defenders Front** (PFI), that threatened the Ahmadiyyas and called for the mosque to be closed and then demolished.

Cases of discrimination in access to public services are most commonly encountered on the local level (for example, upon requests for marriage and birth certificates; in regard to access to the employment market; in health and education) and particularly target Indonesians who belong to the Shiite or Ahmadiyya communities or have no religious affiliation. Another underlying factor is that the basic rights guaranteed by the Constitution are not comprehensively implemented at all state levels.

Indigenous and animistic religions (around 245 of them) are widespread, but the government generally views them as “customs” and does not recognise them as religions. Their followers can only organise within private legal entities. For matters of public law, they often formally and consistently identify as one of the six recognised religions – whichever of these religions conflicts least with their views. The legal status of **indigenous religions** has recently seen some improvements; their adherents can now register as such as of the

377 Civil marriage does not exist in Indonesia; instead, the state recognises marriages conducted in keeping with one of the recognised religions. There is no provision for inter-faith marriages; in practice, they are enabled by one spouse officially converting to the other spouse's religion.

end of 2017. Whereas they previously had to identify as members of one of the officially recognised religions, since late 2017 they have been allowed to use the phrase “believe in the one and only God” in their identity cards.

Internet use by civil society actors is generally not subject to any censorship. In specific cases, however, expressions of political opinions on the internet have been criminally prosecuted under the Law on Electronic Information and Transactions, as well as based on the ambiguous descriptions of the crimes of defamation and hate speech, which allow the police and law enforcement authorities broad interpretive discretion; this causes legal uncertainty even in the opinion of Indonesia’s constitutional court.

Social conflicts with religious components

Violent clashes or attacks on religious minorities occur in isolated cases. These generally arise from non-state, extremist groups. With disproportionate frequency, members of Muslim minorities such as Shia and Ahmadiyya are the victims of such attacks, which can also entail forced displacement from their ancestral villages. In 2011 and 2012, attacks on Shiites in East Java led to the displacement of 500 people.

The syncretistic Gafatar movement, which combines Muslim, Christian and Jewish teachings, has been classified as “heretical” since 2016 and legally banned. Muslim groups as well as the Indonesian courts accuse it of espousing a “deviant doctrine” at odds with traditional Islam. According to reports, in 2016 alone more than 7,000 followers of Gafatar were forcibly displaced from their homes in Kalimantan. In 2017, three of their leaders were sentenced to three or five years’ imprisonment under charges that included promulgating teachings that “contaminate” Islam.

Although violent assaults on religious groups are strenuously condemned by the Indonesian Government and by representatives of all religious groups, the police have repeatedly been accused of inaction or delayed intervention; the criminal prosecution of the violent acts is often insufficient.

The causes of many conflicts between members of different religious groups are often social and economic in nature. This is particularly true of tensions between Javanese who relocated as part of the transmigrasi policy and the indigenous population on islands such as Sumatra, Kalimantan and Papua.³⁷⁸

A **2006 decree on “religious harmony”** is often exploited by Sunni Muslims, especially on the islands of Java and Sumatra, as a legal basis for discriminating against religious minorities, for preventing conversions, for impeding missionary activities by non-Muslims and for blocking the construction of churches.

The formidable state restrictions and **permit procedures imposed on the construction of places of worship** are frequently the subject – although often not the underlying cause – of religiously motivated local conflicts that range from demonstrations to the destruction of houses of worship alleged to have been built illegally. Applications for permits to build new Christian churches are usually denied by local authorities and many churches are demolished for spurious administrative reasons.

In recent years, radical Muslim groups have repeatedly attacked Christian churches; in October 2015, this occurred in Singkil, Aceh Province, on the grounds that the church allegedly had no permit. In 2016, a Catholic church in Medan was the target of an attack by young man with IS ties. In 2018, three churches in Surabaya were targets of suicide bombers.

The country’s **tiny Jewish minority** can only exist in secrecy; publicly identifying as Jewish is virtually impossible. Antisemitic biases are widespread and chiefly originate from Muslim educational institutions that, with Saudi support, have been gaining importance in the Indonesian educational sector since 1980 (for more on this, see section 3.3.2 Restrictions on access to education).

In recent decades, Indonesia has made major progress in **equal rights for women**. However, legal stipulations in marital, inheritance and tax law still contain discriminatory provisions, which are usually based on Muslim ideas of morality. Another problem is **child marriage**. With their parents’ permission, young women may marry from age 16; with the authorisation of a Muslim religious court, they may do so even younger. More than 41 per

378 Under the transmigrasi policy, which was discussed starting in 1945 and implemented in the 1950s and 1960s, mostly by the Suharto Government, around 3.7 million Javanese (although numbers above 6 million are sometimes given), many of them educated, were strategically resettled on other islands of Indonesia until 1989. This policy was intended to reduce Java’s high population density and promote the economic development of the outlying islands. A welcome side effect of this was that it intermingled predominantly Christian or other resident populations with many Muslim settlers.

cent of Indonesian women experience physical, sexual, emotional or economic violence during their lifetimes.³⁷⁹ Almost half (49 per cent) of all girls under age 12 are affected by female genital mutilation (FGM), which is not criminally prosecuted in Indonesia.³⁸⁰ Nearly half of Indonesian women (42 per cent) report experiencing restrictions to their personal liberties, such as being unable to access health care services or perform religious practices without permission.³⁸¹ Since 2016, the social **climate for LGBTI individuals has worsened** in the course of a general Islamicisation of public life. Following anti-LGBTI statements by politicians and Muslim dignitaries, events associated with the LGBTI community were repeatedly disbanded or banned by the police under various pretexts. The broadcasting supervisory authority has instructed all media to refrain from portraying “LGBTI behaviour”.

Structures of inter-faith cooperation

Inter-faith dialogue is integral to the self-definition of the polity, founded according to the principle of Pancasila. It takes place on various levels, with and without the participation of state institutions. The major moderate Muslim organisations Nahdlatul Ulama and Muhammadiyah usually play a stabilising role. Both organisations officially reject the ban on Shia and Ahmadiyah Islam, although they are both significantly involved in repressive decisions as members of the Ulema Council, whose role includes advising the government on religious matters.

Partly in their own interest, the Christian churches are especially active in such dialogue, but these efforts are losing ground overall due to the rise of intolerance and the growing role of radical Salafi schools of Islam.

379 National Women’s Life Experience Survey (SPHPN, 2016). Statistics Indonesia (BPS) in collaboration with the Ministry for Women’s Empowerment and Children Protection.

380 UNICEF (2016). Statistical profile on female genital mutilation/cutting – Indonesia: https://data.unicef.org/wp-content/uploads/country_profiles/Indonesia/FGMC_IDN.pdf

381 Thematic Gender Statistics (2017). Ministry of Women’s Empowerment and Children Protection.

Iran

Shiite Islam is the sole state religion in Iran; the exercise of all other forms of religion is restricted to varying degrees. Whereas rights are guaranteed to **Jews, Christians and Zoroastrians**, at least under the Constitution, and they are constitutionally entitled to appoint a total of five members of parliament, these groups are denied political or leadership posts. Both **missionary activities** and “**apostasy**”, which includes conversion from Islam to another religion, are penalised with severe sentences (extending as far as the death penalty).

In the 40 years since the founding of the Islamic Republic, the religious leadership – independent of the current government of a given time – has always taken care to ensure that the principles of the Islamic Revolution remain inviolate and that the political and religious interpretive authority remains uncontested.

Demographic breakdown by religion

Of Iran’s population of 82 million people, 99.4 per cent are Muslim, according to official figures. Of those, 90–95 per cent are Shiite and 5–10 per cent are Sunni. There are followers of Sufism among both Sunnis and Shiites.

The remaining Iranian population, comprising less than one per cent, are variously Christian, Zoroastrian, Jewish, Yarsani (also known as Kaka’i), Bahá’í and Mandaean, of which Bahá’í (300,000), Christians (350,000) and Yarsanis (no official statistics) constitute the majority of non-Muslim minorities. In addition, there are around 25,000 Zoroastrians, around 9,000 Jews and 5,000–10,000 Mandaeans.

Most of the Christians in Iran belong to the Armenian and Assyrian Churches. There are also Protestants and evangelical groups; however, there is no reliable information as to their numbers of adherents.

Legal situation

Iran ratified the United Nations International Covenant on Civil and Political Rights on 24 June 1975.

Article 12 of the Iranian Constitution defines Iran as an Islamic Republic and designates the Ja’fari school of Shiite Islam (Twelver Shia) as the state religion. The Constitution stipulates that **all laws and regulations must be based on the official interpretation of**

Sharia. Freedom of religion is only partially guaranteed. According to Article 12 of the Constitution, **Sunni Muslims are also recognised and respected.** The four Sunni schools of jurisprudence, i.e. the **Hanafi, Shafi'i, Maliki and Hanbali rites**, are **recognised without restriction**; their followers are free to exercise their religious obligations in accordance with their own school of jurisprudence and to self-organise their own religious education and upbringing, as well as matters of personal status such as marriage, divorce, inheritance and wills; disputes in these areas are treated accordingly at courts of their own jurisprudence. Their adherents are free in their exercise of religion and they can self-determine personal matters in their own systems of marriage and family law.

The “**religions of the Book**” (**Zoroastrianism, Judaism and Christianity**³⁸²) recognised by Article 13 of the Iranian Constitution are the only officially recognised religious minorities in Iran.³⁸³ Members of these religions are entitled to practise their faiths freely in the country. They can hold prayer services and form religious communities. In matters of family and marriage law, the religions of the Book enjoy autonomy. Schoolchildren who belong to the recognised religious minorities can complete their religion education at a private school of their religious group, although the curriculum and textbooks are predefined by the Ministry of Education. According to the Constitution, they are entitled to appoint a total of five members of parliament.³⁸⁴ **Any missionary activities are prohibited**; infractions face punishments extending as far as the death penalty.

The **Iranian Penal Code** is influenced by Sharia and includes numerous crimes and sanctions to penalise religiously prohibited behaviour with physical punishments ranging up to capital punishment. For example, insulting Muslim prophets (blasphemy) is punishable by death.

Conversion to Christianity risks prosecution for “**apostasy**” with punishments that include execution.

Homosexual activities are criminalised with severe punishments (up to the death penalty) although there are heavy obstacles for burden of proof. The corresponding penal provisions rest on the Islamic Republic’s understanding of Islam. However, gender affirmation surgery is possible in Iran and is supported by the government; many homosexuals undertake sex reassignment because this is often the only way to practise their sexuality.

382 In Iran, only Armenian and Assyrian Christians are officially recognised as followers of Christianity.

383 “Zoroastrian, Jewish, and Christian Iranians are the only recognised religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.”

384 Two seats for Armenian Christians, one for Assyrian Christians, one for Jews and one for Zoroastrians.

The ability to exercise other freedoms is also severely restricted. Undesirable statements by journalists, members of civil society or human rights defenders are classified as “propaganda against the state”, “disparagement of religion” or “hostility against God” and criminally prosecuted. The right to freedom of assembly is also not guaranteed in Iran.

Restrictions on freedom of religion or belief by state actors

The recognised religious minorities’ right to the freedom of religion or belief is systematically violated in daily life. There are repeated cases of the state restricting their civil liberties.

To date, **Sunni Muslims** have been denied permission to build their own mosque in Tehran. Both Sunnis and followers of the other religions of the Book are barred from elected office in any other elected body other than parliament, as well as from senior positions in the government and military. **Non-Muslims** are not permitted to occupy prominent political posts or senior positions in government, intelligence or the military. Citizens who are not members of one of the recognised minorities are automatically considered Muslims. This is inconsistent with the right to freedom of religion or belief.

Non-Shiites are also monitored by the state for the purpose of preventing **missionary activities aimed at Shiite Iranians**. For example, Muslim Iranians are prohibited from participating in Christian church services and access to the Christian community is monitored. In general, religious minorities are prohibited from using Persian as a liturgical language. As holdovers from the period before the Islamic Revolution, there are still three Persian-speaking Protestant communities that continue to operate in the national language.³⁸⁵ Here, too, there are visible measures in place with the intention of preventing new members from joining, such as the order to present membership lists.

Of the **minorities that are not constitutionally recognised, the Bahá’í**, the numerically largest non-officially recognised religious minority in Iran, are subjected **to the harshest repressive measures and persecution**. They are sweepingly labelled “heretics”; in criminal charges, they are accused of endangering the state. They are subjected to multifarious discrimination in daily life that may extend to systematic persecution, ranging from teachers’ discriminatory treatment of schoolchildren to the systematic denial of access to higher education via the state admission examination. The **Bahá’í** are not permitted to publicly practise their faith, for example by conducting worship services or wearing religious symbols. The private Bahá’í Institute of Higher Education was prohibited from

385 Evangelical Church of Iran, Assemblies of God, Anglican Church

operating; its leading educators were imprisoned and teaching was previously often prevented by raids, as a result of which it increasingly takes place on the internet in the style of a distance-learning university. Companies owned by Bahá'í are regularly targets of coercive measures (closure, withdrawal or non-renewal of permits). Discrimination against the Bahá'í continued in 2019 with arbitrary arrests, long periods of detention, torture and other forms of abuse. The application form for identity cards, in place since January 2020, constitutes a further case of discrimination against the Bahá'í and other religious minorities without official recognition. The new form only grants members of the officially recognised religions the option to indicate their religious preference. The religious minorities without official recognition are forced to disavow their religious affiliation or abstain from applying for an identity card.

Dervishes follow Twelver Shia, but reject all forms of political Islam. Since 2006, they have been singled out in Iran as victims of propaganda branding them as “devil-worshippers” and as “soldiers of intrigue” due to their support for Mehdi Karroubi.³⁸⁶ Because of their critical stance towards the regime and their advocacy for social issues and human rights, they are repeatedly persecuted and imprisoned. Most recently, in February 2018 around a thousand Dervishes of the Iranian Gonabadi order protested the imprisonment of one of their own. The protests ended violently; there were five dead, around 30 wounded, numerous arrests and a death sentence against one Dervish that was carried out.

The rights of the recognised Christian minority of the Armenian and Assyrian churches are also curtailed. **Evangelical Persian-speaking communities** can only exist underground. The small Catholic community also has difficulties. In 2017, there were two cases of property seized from churches in the Persian-speaking Catholic community.

386 Mehdi Karroubi is an Iranian opposition politician who is part of the Green Movement. On 14 February 2011, he called for nationwide demonstrations in solidarity with the people of Tunisia and Egypt. Since 24 February 2011, he and his wife Fatemeh Karroubi have been under house arrest.

Social conflicts with religious components

On religious grounds, women are subjected to numerous restrictions that do not apply to men. In addition to strict regulations on apparel, there many other de-jure and de-facto limitations.³⁸⁷ Cases of religiously motivated discrimination against women are consistent with the legal environment, so their unequal treatment as practised does not comprise a constitutional violation according to Iranian jurisprudence. Thus, the age of criminal responsibility is nine for women compared to 15 for men. In addition, women's testimony in court counts only half as much as men's statements.

Women are usually prohibited from entering stadiums during sporting events with male athletes. Under heavy pressure from FIFA (which threatened to exclude the country from international tournaments), women were admitted to the stadium for the first time since 1981 to watch the national match between Iran and Cambodia on 10 October 2019. This exception expressly does not apply to national league matches.

Structures of inter-faith cooperation

Representatives of the recognised religious minorities, especially the parliamentarians, are invited to official ceremonies. Many Muslim theological seminaries take part in inter-faith dialogue events.

Iraq

Iraq has traditionally been home to various ethnic, linguistic and religious minorities such as Turkmens, Shabaks, Yezidis, Mandaean, Bahá'í, Kaka'i and Chaldaean and Armenian Christians.³⁸⁸ The Iraqi Constitution of 2005 takes into account this historical cultural heritage and explicitly mentions religions such as Islam, Christianity and the Yezidi and Mandaean faiths. In comparison to other states in the region, Iraq has a fairly progressive legal environment in regard to freedom of religion or belief, although it is afflicted by numerous contradictions and shortcomings. The legal legacy from the Ba'ath era has in many cases not yet been adapted to provisions of the new Constitution, so that in some areas, Iraqi laws contradict the constitutional stipulations regarding non-discrimination and freedom of religion and uncertainty prevails as to which legal framework holds force.

387 Iran has a strict statutory dress code under which women are obliged to conceal the contours of their bodies with a knee-length cloak and wear a hijab covering their hair and neck.

388 Mandaean are also referred to as Sabaeans. This report will always use the designation Mandaean.

Religious minorities are frequently victims of kidnappings and preferred targets of attacks and forced collective displacement. Discord and lack of consensus within the religious communities as well as the absence of official political representation impedes their ability to assert themselves politically vis-à-vis the state. The impression that the state is not currently capable of guaranteeing them broad protection impels many members of religious minorities to emigrate.

As a result of the military advancement of Islamic State (IS), tens of thousands of Christians, Yazidis and other minorities were forced to take flight or became victims of violence and discrimination. Even after the liberation of the regions in question from IS, many religious minorities continue to face discrimination and the repercussions of violence.



19 December 2018, Iraq, Mosul: Federal Foreign Minister Heiko Maas (SPD) visiting the monastery Mor Mattai. Mor Mattai is one of the oldest existing Christian monasteries in the world. Founded in 363, the monastery is currently being maintained by the Syrian Orthodox Church. Since the Iraq crisis erupted in 2014, the monastery has been under threat from the so-called Islamic State (IS). The frontline was just a few kilometres away, but Kurdish Peshmerga were able to hold back the IS, which is why the monastery was saved from destruction.

© picture alliance/ dpa / Jens Büttner

In the **Region of Kurdistan-Iraq (RKI)**, the regional government and the overwhelming majority of the population stress and safeguard the importance of tolerance and peaceful coexistence as part of what makes the region special. Members of religious minorities there can generally practise their faith and live largely without discrimination.

Demographic breakdown by religion

A reliable data source on Iraq's demographics does not currently exist; these figures are therefore based on estimates.³⁸⁹ Presuming a current population of around 40 million in total, the share of **Muslims** is estimated at 95 per cent, the majority of them Shiites (65 per cent). Sunnis, at 35 per cent, are in the minority. The number of **Christians** is estimated at 250,000, of whom around 200,000 live in the RKI and the rest on the Nineveh Plains (for comparison, that figure was 1.4 million in 2003).³⁹⁰ The number of Yezidis is estimated at 500,000, of whom 300,000 reside in the RKI. There are around 120,000 Kaka'i, around 10,000 Mandaean, around 2,000 Bahá'í and around 350 Jews, 340 of them living in the RKI. It is not always possible to draw sharp distinctions between ethnic and religious minorities; for example, the Shabaks include both Sunnis and Shiites.

There is also a small group of **atheists**, traditionally centred on members of the Communist Party (since before 2003). In recent years, young people have also identified as atheists in growing numbers.

Legal situation

Iraq ratified the United Nations International Covenant on Civil and Political Rights on 25 January 1971.

Article 2 of **Iraq's Constitution** of 2005 designates **Islam as the official religion of the state** and as **one foundational source of legislation**. No law may be enacted that contradicts the established provisions of Islam, the principles of democracy or the rights and basic freedoms stipulated in the Constitution. The Constitution guarantees the Muslim

389 Estimate based on the food rationing cards for basic foodstuffs that have been issued by the Iraqi Ministry of Trade since 1990. The most recent national census was conducted in 1987. The Iraqi government is currently discussing the possibility of conducting a national census in 2020.

390 The Christian minority – predominantly from the East Syriac rite – is composed of Assyrian Christians of the "Eastern Church", Chaldaean-Catholic Christians and followers of the West Syriac rite: Syriac Orthodox and Syriac Catholic Christians. There are also Armenian Apostolic, Armenian Catholic and Roman Catholic Christians – known here as "Latins" – and a smattering of Protestant Christians.

identity of the majority of the Iraqi people without distinguishing between Shia and Sunni. At the same time, Article 2 also guarantees unrestricted freedom of religion to all individuals “such as Christians, Yazidis and Mandaean Sabaeans”.³⁹¹ Other religious groups and atheists are not explicitly named. Article 7 prohibits racism, terrorism and *takfirism* (accusing other Muslims of being infidels). In Article 10, shrines and religious sites are placed under constitutional protection as religious and civilisational entities. Article 14 guarantees all religions equality before the law. Article 37 obligates the state to protect all individuals from political or religious coercion. Article 41 stipulates that personal status issues are to be resolved in keeping with a person’s religions, sects, beliefs, or choices, and that the specifics are to be regulated by ordinary statutes. Article 42 guarantees freedom of religion or belief and Article 43 the safety of religious institutions and the protection of religious endowments.

Under Article 43 of the Constitution, the Iraqi central government maintains **three religious endowments** (awqaf, singular waqf): one Sunni endowment, one Shiite endowment, and one for other religions, which includes Christians, Yezidis, Mandaean and other minority religions, provided they are registered. The endowments report to the office of the prime minister and administer funds for the sake of preserving and protecting religious institutions.³⁹² The **Kurdish regional government** maintains three analogous endowments.

Unlike in the RKL, there is **no legal regulation for the registration of religions** that applies to Iraq as a whole; the only requirement is that the religion have a minimum of 500 members. Currently, five religions or denominations are said to be registered. Registration gives the religious group a **legal status** and enables it to establish its own personal status courts to adjudicate marriages, divorces and inheritance cases. Agreements concluded by unregistered religious groups are illegal and are not recognised as evidence in court.

391 In the Arabic text of the 2015 Constitution, the list of religions that enjoy freedom of religion uses the phrase “such as”, i.e. this right generally also applies to religions not explicitly named in the Constitution.

392 Due to the bans on their religions, Kaka’i and Bahá’i register as Muslims for the sake of obtaining official documents. Because of the bans, they do not receive any funding from the endowments. Other groups only receive funds from the endowment for minorities if they are registered.



Sunni, Christian and Yazidi representatives are jointly engaged in efforts to manage the conflict, support the return of internally displaced persons and promote peaceful coexistence among the people in Bashiqa in Northern Iraq. Markus Grübel, Member of the German Parliament and Federal Government Commissioner for Global Freedom of Religion during a visit in March 2019. © RFB

The contradictions between the Constitution and legal practice are especially flagrant in the case of the **Bahá'í**. In 1970, the Bahá'í faith was banned by Decree 105 and its adherents were prevented from registering it as their religion on their identity cards.³⁹³ In 1975, the Directorate for Civil Affairs issued a regulation (Rule No. 358) that prohibited recording Bahá'í as a religion in personal status records. This rule was revoked in 2007, but the ban remained in place. Subsequently, some Bahá'í managed to obtain identity cards that listed their religion as "Bahá'í"; however, in 2007, the Interior Ministry put an end to this practice once more with reference to the 1970 ban. In December 2018, the ban was enforced once again. Not long before that, the Bahá'í had been able to celebrate an important religious holiday without obstruction.

Since the passage of the 2005 Constitution, there have been no known instances of criminal sentences on the basis of the exercise of religion by religious minorities that are **not explicitly named in the Constitution, unregistered or prohibited by decree/law**. The

393 Kaka'i are also prohibited from practising their religion. A 2001 ruling also prohibits Wahhabis from practising their religion.

Iraqi Penal Code of 1969 does not list **any punishable crimes such as “apostasy”, atheism, blasphemy or proselytising**. There are also no special laws or decrees that make these punishable crimes; however, existing legal provisions are utilised to penalise crimes such as blasphemy or “apostasy”. **Article 372 of the Penal Code punishes offences that insult the religious sentiments of minorities** with a fine or up to three years’ imprisonment.³⁹⁴ In the past, law enforcement authorities have also used this article to penalise alleged religious insults in general. For example, on the basis of Article 372 of the Penal Code, the law enforcement authorities prosecuted journalists whose publications had allegedly insulted Islam.

In the opinion of the Institute for International Law and Human Rights (IILHR), the legal framework in Iraq is a model for the region. Notwithstanding, there are numerous Iraqi laws dating from before the new Constitution, foremost the **Penal Code and the Sharia-influenced Personal Status Law of 1959**, which in part discriminates against women and does not protect them from violence. Although the administration of affairs of personal status in accordance with a person’s affiliation to a religion, sect or faith is constitutionally protected, the specifics of this have never been regulated in ordinary statutes. As a result, the **Personal Status Law** can apply the principles of Sharia even to non-Muslim minorities. For example, Article 17 of the law prohibits Muslim women from marrying a non-Muslim; meanwhile, Muslim men are permitted to marry women who belong to a revealed religion.

Civil Status Law No. 65 of 1972, which is based on legal provisions of Sharia, prohibits **Muslims from converting** to other religions (“**apostasy**”). Article 20(2) stipulates that non-Muslims can convert to another religion in accordance with Sharia. This law is part of personal status law and makes it **especially problematic for non-Muslim religious minorities**, such as Bahá’í and Kaka’i, who specified their faith as “Muslim” during the Ba’ath regime, to obtain identity cards; henceforth, they continue to be considered irrevocably Muslim. They cannot pass their religious identity onto their children if they were ever registered as Muslims (Article 21(3)). Their children cannot freely choose their religion after reaching adulthood. Human rights activists have advocated, so far in vain, for a consistent personal status law that would enable members of all creeds to choose their religion freely and would regulate all concerns regardless of religion.

³⁹⁴ Quite a few human rights organisations cite Article 372 of the Penal Code as evidence that blasphemy is criminalised. De facto, the wording of Article 372 penalises insults to the *religious sentiments of minorities*.

In 2016, a new **National Identity Card Law** was passed and new biometric identity cards were introduced. Article 26 of the law automatically sets the religious affiliation of minor children as Muslim. The law also prevents apostates from having their new religion listed on their identity card. **Despite international criticism, both the Civil Status Law and the National Identity Card Law remain in force.**

The Iraqi **Nationality Law No. 26 of 2006** explicitly excludes Jews (Articles 14, 18) who lost their Iraqi nationality in the early 1950s due to de-naturalisation laws, whose property was also confiscated.

Restrictions on freedom of religion or belief by state actors

Especially in remote rural areas of central Iraq, religious minorities suffer from wide-ranging discrimination that can even be life-threatening. The weakened Iraqi state cannot perpetually and thoroughly guarantee the protection of religious minorities in regions whose administrative jurisdiction – under either the Baghdad central government or the RKI – is under dispute, especially the Nineveh Plains. Assaults on minorities are rarely prosecuted.

Appointments to ministries and other state institutions are generally made according to the “**Muhasasa Ta’ifia**” principle, which gives precedence to the three largest groups in Iraq: Shiites, Kurds and Sunnis. Since 2003, the presidency has been occupied by a Kurd, the office of prime minister has been held by a Shiite, and the speaker of the parliament has been a Sunni. Nine of the 329 seats in parliament are reserved for representatives of religious minorities. There are members of religious minorities represented in senior positions in parliament and the central government, but they complain that they are barred from influential positions in the police, military, intelligence and security forces and overlooked for appointments in government and the public sector, especially at the local level.

In the **Shiite-dominated south** (in Kerbala and Najaf, for example), there has been a steady rise in enforcement of particularly strict interpretations of Muslim rules, such as dress codes (hijab requirements at schools and universities) by the conservative Shiite society, tribes, families and religious authorities. Local regulations applying to the areas around sacred (Shia) shrines, such as those in Kerbala and Najaf, prohibit loud music and celebrations, “un-Islamic” (revealing) women’s clothing and the consumption of alcohol. However, it is questionable whether these provisions are legally binding.

The RKI regional government has demonstrated its explicit tolerance and inclusivity towards members of religious minorities, who live there largely without discrimination. Religious groups can register with the Ministry of Endowment and Religious Affairs (MERA) as long as they have at least 150 members, disclose their finances and demonstrate that they are not anti-Muslim. Not all established religions approve of this simple registration process, as they fear missionary activities by new religions could worsen their relationships with Muslim communities. Currently, eight creeds are registered.³⁹⁵

Since 2015, the **Law on the Protection of Minorities** has been in force, which guarantees religious minorities equal socio-economic rights to the Kurdish-Muslim majority. Forms of discrimination arising from the Iraqi Personal Status Law (including naming law and inheritance law) remain in place. In the interests of national security and/or anti-terrorism efforts, imams considered overly radical by the regional government are relieved of their duties. Eleven of the 111 seats in the RKI parliament are reserved for representatives of minorities.³⁹⁶

The MERA regularly brings together representatives of Islam, Christianity and Yezidism. Representatives of smaller religious minorities cooperate on a volunteer basis, that is, without an employment contract but with support from their religious group. The ministry oversees religious education and the protection of religious sites and buildings, among other responsibilities.

Social conflicts with religious components

In Iraq, questions about freedom of religion or belief are discussed in the context of difficult tensions between opposing social forces, with representatives of moderate Islam on one side and representatives of a strict interpretation of Islam on the other. The tolerant spirit of the Constitution and the legal status quo have been upheld to date.

Article 41 of the Constitution is repeatedly harnessed by particularly conservative Shiite politicians as a pretext for proposing laws in parliament to **introduce a family law system tied to creed**. Under these proposals, separate religious family courts for each creed would be introduced to replace the governmental, non-denominational courts that currently exist

395 Islam, Christianity, Yezidism, Judaism, Mandaeism, Zoroastrianism, Kaka'i and Bahá'í. New Christian churches may register if they have at least 50 members.

396 Five seats for Christians, five for the Turkmen minority and one for the Armenian minority.

under the Personal Status Law of 1959. For Muslims, this would mean the introduction of Sharia for issues of marriage, divorce, inheritance, etc. These proposals have prompted protests from the women's movement and have so far been blocked by parliament.

In June 2019, there were heated debates in parliament and among the public over a draft law that provided for appointing religious scholars to the Supreme Court. Due to the massive repudiation from judges, politicians, activists and members of minorities, the law has so far not proceeded to a second reading.

Crimes are committed in the name of religion on a regular basis. In specific cases, members of religious minorities – as well as other social groups – have been victims of criminality and the precarious security situation. Baghdad and other major cities have regularly witnessed violent acts that seem primarily directed at either Sunnis or Shiites, such as explosions at Shiite markets or kidnappings and shootings of young Sunnis, although the lines between organised crime, terrorism and claims to power by mostly Shiite militias are blurry in some neighbourhoods. There are also recurring violent tensions between the Shiite majority and the Sunni minority. In 2006–2007, this led to an extreme polarisation of both religious groups with numerous assassinations by extremists on both sites.

From 2014 onwards, the fight against Islamic State also had strong leadership from the predominantly Shiite Popular Mobilisation Forces (PMF), which made reference to a fatwa by the Grand Ayatollah Ali al-Sistani calling for the defence of Iraq, its people and its holy sites. During the campaign, the PMF also liberated areas with predominantly Sunni populations (e.g. Diyala, Anbar and Mosul) from IS and, given the weakness of the regular Iraqi security forces, took local control, which they still partly exert to this day. According to reports, there were also attempts at imposing a new ethnic/sectarian order. During the fight against Islamic State, Sunnis were often subject to a generalised suspicion of being supporters.

Even after the **liberation of their ancestral regions from IS**, many minorities still contended with violence and the repercussions of discrimination. Members of minorities report that they remained exposed to violence and threats by the respective majority group. According to official figures, around 50 **Christian families** in municipalities of the Nineveh Plains that originally had majority-Christian populations returned there after the partial restoration of services (electricity, running water, etc.). Nevertheless, they still harboured uncertainty and fear, especially of Shiite militias, which have a visible presence including checkpoints. There are also isolated reports of vacated houses being illegally occupied and indications of a lack of state or legal assistance with reclaiming them. **Yezidis**

became victims of targeted annihilation by IS,³⁹⁷ which views them as “devil-worshippers” unworthy of protection. During the capture of Sinjar in the Nineveh Plains in August 2014, more than 5,000 Yezidis were killed and more than 7,000 women and children abducted as slaves; hundreds of thousands fled. According to UN statistics, around 3,000 Yezidis and thousands of members of other religious minorities remain missing; to date, around 200 mass graves have been discovered. After the liberation of the Sinjar District in 2015, many Yezidis who were in IS captivity were traumatised. More than 70 per cent of **Yezidis** have not returned, the vast majority of whom are not prepared to return to their home regions. Of the Yezidis who have returned to this part of the country, the large majority have settled in the region north of the Sinjar Mountains and only 20 per cent now reside in the southern region. The main obstacles to returning are a loss of trust in their Sunni neighbours in Sinjar; the fragile security situation; deficient infrastructure; unresolved division of governmental responsibilities; and scant employment prospects.³⁹⁸

Particularly the **IS terror organisation**, but also sectarian militias, have **exercised violence in the name of religion against non-Muslims, dissenters and LGBTI individuals**. There are very few cases of known police investigations. In July 2016, in a statement hailed by NGOs, the Shiite cleric and party leader Moktada Al-Sadr spoke out publicly against any form of violence against people who do not behave “in conformity with gender norms”.

In isolated cases, social media have been abused for **hate speech against religious groups**. The administrators of such pages have not been legally prosecuted to date.

Structures of inter-faith cooperation

Numerous NGOs advocate for inter-faith dialogue and peaceful coexistence. The Khoei Institute in Najaf, for example, runs an inter-faith academy. The NGO Masarat in Baghdad regularly organises workshops, seminars and conferences about minority history, inter-faith coexistence and reconciliation. Government representatives and religious figures support such initiatives, for example by attending events and through affirmative rhetoric in their public statements.

397 In 2016, the UN Human Rights Council condemned IS crimes as an ongoing genocide.

398 Currently, four different political and military forces are present in the “Yezidi” territories: the Iraqi armed forces, PMF, the Kurdish Peshmerga and the so-called Shenkal security forces, which are associated with the PKK.



Worshippers during a service at a free church in Karagita (Karagita, Kenya 2012) © photothek GbR

Kenya

In Kenya, a diversity of religions coexisted peacefully for centuries. In the ninth century, Arab merchants introduced orthodox Sunni Islam to the region, which commingled with traditional aspects of East African culture and religion. Near the end of the nineteenth century, Christian missionaries settled in the territory of today's Kenya. Indian seafarers and traders brought Hinduism, Jainism and Sikhism to the country. The local moderate and tolerant variety of Sunni Islam, occasionally subsumed under the term Swahili Islam,³⁹⁹

399 The term Swahili, in this case, does not designate any one homogeneous population group, but encompasses the various ethnic groups of East Africa's coastline, chiefly in Kenya and neighbouring Tanzania.

primarily spread across the islands off the country's coast. It only began spreading on the mainland in the nineteenth century, also along the coast. The coexistence between religious groups proved to be largely peaceful.

In recent decades, both ethnic and inter-religious conflicts have broken out with growing frequency, especially in the former Coast Province and in northern Kenya, which has a Muslim majority. The noticeable expansion of the Wahhabi denomination of Islam from the Gulf States has palpably altered the tolerant coexistence of religions in East Africa. The destabilisation of Somalia and the involvement of Kenyan forces in the peacekeeping mission there are among the reasons Kenya has been the target of multiple acts of terrorism perpetrated by radical Islamic extremists such as Al-Shabaab (AS) in recent years.

The government is generally eager to maintain harmony between the religious groups. The challenges lie in an anti-terrorism campaign that is rooted in the principles of the rule of law as well as in the observance of the ban on discrimination against Muslims.

Demographic breakdown by religion

Around 83 per cent of the Kenyan population (51.67 million) identify as Christian and 11 per cent identify as Muslim. Of the Christians, 48 per cent are Anglican Protestants, 23 per cent are Roman Catholics and 12 per cent belong to other Christian denominations, including evangelical Pentecostal churches, which are increasingly popular among the Kenyan middle class in particular. Another 2.5 per cent of the Christians are Orthodox.

Muslims live predominantly on the Kenyan coast from Mombasa to Lamu and in the north of the country; this includes an unknown number of Kenyan Somalis concentrated in north-eastern Kenya.⁴⁰⁰ The vast majority of Kenyan Muslims (approx. 9–10 per cent of the total population) follow the **Sunni-Shafi'i school of jurisprudence**. Shiites and other branches of Islam, such as Sufis and Ahmadiyya, are in the minority and comprise only around 1.7 per cent of the population. Large numbers of Muslim Somalis live in eastern Kenya and account for around half of the country's Muslim population.

400 Precise figures are disputed, as it is difficult to distinguish here between Kenyan Somalis and refugees from Somalia, who number between half a million and a million. The world's largest refugee camp of Somalian refugees is in Kenya: the Dadaab Camp, located in Garissa County in the east.

The population of Asian descent is divided among the major religions of the Indian subcontinent: Hinduism, Jainism and Sikhism. Hindus, Sikhs and Bahá'í comprise less than two per cent; the share of atheists is specified as 2.4 per cent. The remainder of the population practises a variety of traditional nature religions.

Legal situation

Kenya acceded to the United Nations International Covenant on Civil and Political Rights (ICCPR) on 1 May 1972.

Article 8 of the revised Kenyan Constitution, in force since 27 August 2010, stipulates that there shall be no state religion. Article 32 implements freedom of religion or belief piece by piece. Paragraph 1 enshrines every person's right to freedom of conscience, religion, thought, belief and opinion. Paragraph 2 enshrines the freedom to manifest a religion – in a group or alone, publicly or in private. Paragraph 3 protects against discrimination on the basis of a person's religious or belief-based affiliations, and paragraph 4 protects people from being compelled to engage in any act that is contrary to their belief or religion. Article 27 also provides for equality under the law and instates a wide-ranging prohibition against discrimination, which again explicitly invokes religion in paragraph 4. As further protection for the exercise of religion, Article 24 contains a legal reservation stipulating that the fundamental freedoms “shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.” Article 91, paragraph 2a) prohibits the establishment or existence of political parties founded on a religious basis.

The Constitutions of 1963 and 2010 both provide for the establishment of separate, subordinate courts of family affairs (“Kadhis’ courts”) for Muslims (Articles 169, 170). According to Article 24 (4), Muslim **Kadhis’ courts** may make rulings based on Islamic law on civil-law cases in which all participating parties identify as Muslims; this includes issues of personal status, marriage, divorce and inheritance. The **secular High Court** of Kenya has jurisdiction over civil and criminal law proceedings and hears appeals against any ruling by a Kadhi's court.

Under the Societies Act, religious groups, institutions or places of worship as well as non-governmental organisations (NGOs) with a religious basis must apply for inclusion in the register of societies because they are also considered “societies” as defined in

Section 2 (1) of this Act.⁴⁰¹ The number of self-declared “churches” and “congregations” is remarkably high. Churches primarily support themselves through regular offerings and other donations.

The Penal Code lists **insulting religion**, wounding religious feelings, disturbing religious assemblies and illegal trespassing on burial places as offences punishable by fines or prison sentences of up to two years (Sections 134–138 in conjunction with Section 36).

All state schools include obligatory religious education in the curriculum. In some cases, both Christian and Muslim religious education options are offered. Christian churches, especially the Catholic Church, operate numerous educational institutions across Kenya. In Muslim-majority areas, madrasas are commonplace.

Restrictions on freedom of religion or belief by state actors

On 11 November 2014, following multiple reports that office-holders of religious organisations had conducted illegal activities at the expense of their communities, the Attorney-General placed a **moratorium on registration of new churches and religious associations**, which remains in force today. Simultaneously, according to the Kenyan register of societies, there had been many cases of growing radicalisation in coastal regions, the north-east and Nairobi. The combination of the moratorium and the Societies Act has created a situation in which churches and religious organisations remain officially required to register under the Societies Act but such applications are not processed due to the moratorium. In 2017, there was an attempt to overturn the moratorium through legal action. However, this lawsuit was dismissed by the High Court, which stated, among other things, that the moratorium’s illegality had not been demonstrated.

In January 2016, the government withdrew a proposed **law regulating religious life** (Religious Societies Rules) shortly before it would have taken effect, following strident objections from civil society and religious circles. The law would have granted the government wide-ranging powers to supervise religious groups. Despite this withdrawal, recent years have repeatedly seen disproportionate measures against Muslim communities, conducted as part of efforts to combat and prevent terrorism, that have had an impact on the free and unimpeded exercise of religion. Examples include raids, massive police deployments

401 The registration requirement has been the subject of a perennial, contentious debate. Currently proposed draft legislation (again) proposes the abolishment of this registration requirement. The criticism is that the registration requirement causes corruption scandals because the churches, under Section 30 of the Societies Code, are equally obliged to present annual financial statements, which results in money being frequently shifted around.

near mosques and in some cases the temporary closure of mosques. In addition, human rights organisations have regularly pointed out that compared to members of other religious groups, **Muslims are more frequently victims of human rights violations by police and security forces**: extra-judicial killings, forced disappearances, torture and arbitrary detention. Many Muslims see themselves as subject to a generalised suspicion or association with Al-Shabaab. They complain that anti-terrorism operations largely focus on ethnic Somalis and Kenyan Muslims. Acts of intimidation and harassment also occur in other spheres, for example in connection with complaints against police operations or with the process of obtaining identity documents.

Social conflicts with religious components

Homosexuality is a taboo in Kenyan society. The LGBTI community faces hostility from conservative Christian and Muslim organisations. The partial restrictions on the basic rights of LGBTI individuals (such as the right to non-discrimination or the right to freedom of assembly) have been regularly justified by references to “traditional African and Christian values”, an argument primarily used by conservative evangelical groups. The **rights of women** are restricted by the Church – an opinion maker for a large share of society – as well as by conservative Muslim influences. Abortions are only permitted if the mother’s life is in danger, and women who have had an abortion are ostracised and stigmatised. Contraception is designated morally indefensible; according to one study, a third of Kenyans consider it morally wrong.

Especially since Kenyan forces joined the African Union Mission in Somalia (AMISOM), the **terrorist group Al-Shabaab (AS)**, which originally operated in Somalia, has carried out repeated attacks in the name of Islam and against the non-Muslim population (such as the 2015 attack on Garissa University, which had 148 fatalities). In Muslim-majority regions, AS aims its recruitment and radicalisation efforts primarily at young men; these efforts are indeed successful due to a widespread lack of economic prospects, lack of education and genuine or perceived marginalisation and discrimination by the government. The idea that terrorism prevention efforts are not successful with “tough” approaches alone, but that economic, social and youth policy measures are also necessary, has been slow to catch on. Recently, there have been known instances of **Christians converting to Islam and immediately radicalising**. For example, this was true of the perpetrator of the terrorist attack on the DusitD2 hotel and business complex in January 2019.

Structures of inter-faith cooperation

In 2016, Kenyan and international activists launched the **Colour in Faith project**, which several churches, mosques and temples across various parts of the country joined. Leaders and members of different religious communities came together to paint their houses of worship yellow as an affirmation of unity and a visible symbol of peace and the coexistence of religions in Kenya.

The **Inter-Religious Council of Kenya (IRCK)** was founded in 1983 and represents a coalition of all major religious groups. The Council's objective is to intensify inter-faith dialogue and cooperation between members in order to address common issues, dispel conflicts and ensure long-term harmony between the religions. The participants meet regularly and at present are actively engaged in a process of national reconciliation, among their other initiatives. The ICRK is a member of the worldwide Religions for Peace organisation and participated in the August 2019 World Assembly in Lindau im Bodensee, Germany, which was funded by the German Federal Foreign Office.

In the greater Mombasa region, a majority-Muslim area, there is also the **Coast Interfaith Council of Clerics**, a forum for dialogue with representatives of all the major religious groups in the region.

Korea, Democratic People's Republic of (North Korea)

Because the country is sealed off, it is very difficult to obtain a complete and comprehensive picture of the actual situation of freedom of religion or belief in North Korea.

Traditionally, Buddhism and Confucianism were practised in North Korea. In addition, there were small numbers of practitioners of Christianity and Chondoism. Today, North Korea is officially an atheist nation; autonomous religious activities are scarcely present and, if they are, exist only in secret. The situation of policy on religion is distinct from that in all other countries, as the personality cult surrounding the state's founder Kim Il Sung has been cultivated, step by step, into an ideology that in many ways is no longer distinguishable from a religion. Today North Korea could be classified as a theocratic hereditary monarchy.

Although the North Korean state ideology diverges from ordinary definitions of religion, it could at least be considered a quasi-religion.⁴⁰² It is the absolute most important ideological/pseudo-philosophical movement in contemporary North Korea. For example, expressions of reverence for the numerous statues and portraits of Kim Il Sung and Kim Jong Il are quotidian. It is not permissible to fold or throw away, let alone burn a printed depiction of one of the Kims; instead, these pieces of paper must be disposed of in a special ritual for this purpose. This “Kim cult” involves countless ceremonies and rituals that are obligatory for North Koreans, making nearly everyone practising followers of the Kim cult almost without exception. It is questionable whether these practices are performed out of personal conviction.

Demographic breakdown by religion

It is difficult to make reliable statements about the demographics of the religious groups. Segments of the population practise Korean shamanism in secret or are adherents to Chondoism, Buddhism or Christianity. Trustworthy statistics are not available, partly because to profess a religion publicly would involve immediate repercussions and risks. In addition, it must be taken into account that throughout East Asia, not only on the Korean Peninsula, it is common for one person to have multiple religious affiliations (for example, with both Christianity and Buddhism at once).

In North Korea, a small but unknown number of people identify as **Christian**. In Pyongyang, there are state-run Protestant and Catholic Christian associations as well as four churches – one Catholic, one Russian-Orthodox and two Protestant – at which Christian services are held under government control and in a government-dictated form. The Pyongyang Russian-Orthodox church was completed and inaugurated in 2006, partly as a concession to the Russian Federation and partly to serve as an architectural attraction in the cityscape. It belongs to the Moscow Patriarchate, which also licenses its clerics (native North Koreans trained in Moscow). In December 2018, the Metropolitan of Volokolamsk, Hilarion Alfeyev, visited the church and held an Orthodox prayer service there.

402 To be certain, there are many traits that still set the North Korean ideology apart from the customary definitions of religion, including the absence of eschatological ideas. However, in light of the mere fact that the state leadership perceives the conceptual worldviews of conventional religions – which in North Korea are mainly Buddhism, Confucianism and Christianity – as competitors and targets them accordingly, the state ideology can be treated at least as a quasi-religion.

Legal situation

North Korea acceded to the International Covenant on Civil and Political Rights (ICCPR) on 14 September 1981. On 25 August 1997, the Secretary-General of the United Nations received a notification from the North Korean Government, dated 23 August 1997, that it was withdrawing from the ICCPR. Because the Covenant does not contain a withdrawal provision, the Secretariat of the United Nations conveyed an aide-mémoire to the North Korean Government on 23 September 1997 explaining the legal situation arising from the notification. As stated in the aide-mémoire, the Secretary-General of the United Nations held that a withdrawal from the ICCPR was not possible unless all States Parties to it agreed to such a withdrawal. An agreement of this kind was not reached. In its General Comment No. 26, “Continuity of Obligations” dated 8 December 1997, the Human Rights Committee therefore expressed the legal opinion that termination of or withdrawal from the ICCPR was fundamentally not possible under international law.

The primacy of the Kim cult has de-facto constitutional status. The veneration of Kim Il Sung and Kim Jong Il is enshrined in the preamble to the Constitution, although it is not elaborated in the individual articles.

The first paragraph of Article 68 of the Constitution guarantees freedom of religion, but this is decisively relativised by the second paragraph, which states that the exercise of religion “must not be used as a pretext for drawing in foreign forces or for harming the State or social order”. In addition, Article 67 guarantees freedom of speech, the press, assembly, demonstration and association.

North Koreans are required to memorise quotations from all three members of the Kim dynasty in mandatory ideology sessions. Contradicting this canon publicly is interpreted de facto as **blasphemy** and prosecuted. The conventional religions of Buddhism, Christianity and Confucianism play merely marginal roles. Publicly professing any religion brings immediate repercussions and dangers for the people in question. The wording of criminal laws is very loose, enabling courts to interpret them at their whim.

Restrictions on freedom of religion or belief by state actors

As a result of the veneration that all North Koreans are required to show the Kims, all secular or religious viewpoints with the ability to even slightly relativise the **Kim cult’s claim to absolute authority** are targeted with the full force of the dictatorship. Public professions of religion and declarations of affiliation are fiercely sanctioned.

Although they are enshrined in constitutional law, neither freedom of religion or belief nor the freedoms of opinion, the press and assembly are guaranteed to any significant degree in day-to-day reality. The state controls not only the political sphere, but the entirety of public life. Any form of association can only be registered under government control and leadership and can only exist as a component of the government system. Oversight lies with the “people’s committees”, which are roughly equivalent to local councils in Germany. As a rule, the government does not permit any associations of civil society outside its own institutions, and by extension also does not permit the formation of religious communities.

The **songbun system** classifies people in North Korea from birth into one of three groups based on their family background: “friendly”, “neutral”, and “enemy”; this classification is invariably in reference to people’s – genuine or assumed – attitudes towards the Workers’ Party and the Kim dynasty. Rising from one “caste” to the next is only possible in extremely rare cases; falling can be very rapid, however. People known as vocal members of specific religions, along with their descendants, have been classified in the “enemy” category especially often, which entails discrimination in day-to-day life.

The significance of religion and its exercise has been strongly curtailed by the Kim cult. The conventional religions of Buddhism, Christianity and Confucianism – to the extent the latter can be called a religion – all play merely marginal roles. There is also Chondoism, a syncretistic religion founded in the twentieth century.

From the perspective of the history of thought, Mahayana Buddhism and Confucianism played a formative role in Korea. **Buddhism** enjoys certain freedoms, although the same principles apply to Buddhists as do to all North Korean citizens: they may not call into question the Kim cult’s almighty authority. There is a state-run Buddhist federation and a Buddhist theological seminary that trains monks. In total, there are reportedly around 300 temples in the entire country, but most of these are treated as memorials and artefacts of Korean history and cultural heritage and not as sites of practised and living faith, let alone Buddhist community life. To the extent that any events occur in these temples, they are reduced to pure ceremony.

Chondoism is the only officially recognised religion of Korean origin. It is also the only religion represented in the Supreme People’s Assembly via its political arm, the Chondoist Chongu Party, which is one of the North Korean united front parties (holding 22 of the 687 seats since 10 March 2019). It loyally supports the Kim dynasty and the Workers’ Party of Korea and affirms the Workers’ Party’s and the Kim cult’s claim to primacy. In daily life, neither the religion nor its writings play any major role; they are virtually absent from state media.

Christianity is viewed with great scepticism due to both its Western origins and its role during the age of imperialism. As a rule, Christian missionaries are not issued work permits. Individuals with missionary backgrounds who enter the country on another pretext (for example as teachers, development experts or representatives of humanitarian organisations) and then try, nonetheless, to carry out missionary activities are risking their lives. Importing or possessing a Bible are criminal offences; this also holds for members of local communities. In Catholic and Protestant worship services, sermons are delivered about the lead articles in *Rodong Sinmun*, the country's main daily newspaper, omitting any content regarding Christian beliefs.

The founder of the Unification Church, also known as the **Moon movement**, Sun Myung Moon (1920–2012), maintained a good relationship with the Kim family during his lifetime. To this day, the Moon movement has a large, modern centre in Pyongyang, however, it is unknown whether any activities take place there and, if so, of what nature.

There are numerous reports from human rights organisations of political prisoners who are detained on the basis of their religion or the public profession thereof, blasphemy, violations against the ban on owning Bibles or similar charges. Precise or trustworthy figures are unavailable.

Malaysia

Malaysia has historically been a multi-ethnic, multicultural and multi-religious country with a long tradition of pluralism and mutual tolerance.

According to the Constitution, (Sunni) **Islam** enjoys special protection as the **official “Religion of the Federation”**. Christians, Buddhists and Hindus are able to practise their religions without impediment as long as they abide by certain rules. In regard to the freedom of religion or belief, there is a clear discrepancy between constitutional stipulations and actual practice. Since 1989, the government has visibly strengthened its emphasis on promoting Muslim traditions, commandments and prohibitions. This goes hand in hand with a new fundamentally conservative attitude that, in particular, places restrictions on (Muslim) women. Social tensions between the various ethnicities and religions residing in Malaysia are tangible and the subject of public debate.

A major source of these tensions is the constitutionally stipulated preferential treatment of ethnic Malays (known as the Bumiputra policy), which is practised by the government.⁴⁰³ Positions in the apparatus of state, including its security forces, are predominantly occupied by ethnic Malays. The Bumiputra policy is also pursued in the private sector. There, however, it is counteracted by well-organised institutions, primarily among the ethnic Chinese and ethnic Indian minorities, which for their part exhibit a tendency of excluding Muslim Malays.

Parallel to the political preferential treatment of the Malay segment of the population, **Islam is privileged**. Malaysia's Government has the stated political aim of making all laws compatible with Sharia. In addition, the Muslim religious authorities were recently granted executive power. These developments have at times led to discrimination against people of other beliefs, non-believers and people whose way of life does not conform to Sunni Islam. There is now a **heightened, meaningful level of social intolerance towards religious diversity**.

Because it defines itself as a Muslim country, Malaysia feels a special obligation to show solidarity with other Muslim countries. Accordingly, support for the Rohingya people, a Muslim minority in Myanmar, plays a notable role.

Demographic breakdown by religion

Of the country's roughly 32 million inhabitants, 61.3 per cent are Muslim, 19.8 per cent are Buddhist, 9.2 per cent are Christian and 6.3 per cent are Hindu. The remaining 3.4 per cent adhere to other religions or are non-religious.

Legal situation

Malaysia has not acceded to the International Covenant on Civil and Political Rights (ICCPR). The Malaysian Constitution of 1957 names Islam as the "religion of the Federation", but also stipulates that other religions may be practised "in peace and harmony" (Article 3 (1)). Article 8 governs equality, regardless of religion. Article 11 guarantees the right to exercise religion as well as the – conditional – right to propagate it. The propagation of a religion or doctrine can be controlled or restricted under state law, or – in respect to the

403 This term derives from Sanskrit and means "son of the land". It designates all the ethnic and indigenous groups that are native to Malaysia, such as the Malay, Orang Asli, Kadazan-Dusun, Javanese, Dayak, Buginese, Minangkabau and other peoples. Bumiputra status is assigned based on laws that vary from state to state.

federal territories of Kuala Lumpur, Labuan and Putrajaya – under federal law (Article 11 (4)). According to Article 12 (2), every religious group has the right to manage itself, to establish and maintain appropriate institutions and to acquire property; it is also lawful for federal territories or states to establish or maintain Muslim institutions, to assist in establishing or maintaining them, or to provide or assist in providing instruction in the religion of Islam and incur associated expenditures. Article 153 of the Constitution stipulates that Malays shall be given preferential access to educational institutions, scholarships and licenses to operate a business.

In 1996, the National Fatwa Council declared Sunni Islam to be the faith of Malaysian Muslims. This presumes a dogmatically pure conservative version of Sunni Islam as defined by the religious authorities. The fatwa designates other sects of Islam as “deviant”, thus prohibiting the propagation of non-Sunni sects. This fatwa has been implemented by 11 Malaysian states.

The tax code gives preferential treatment to Muslim organisations. Malaysian identity cards are required to list a person’s religion on a mandatory basis. This also aids in determining which individuals are subject to Sharia in daily life. **For the Muslim population, Sharia courts render rulings on the basis of Islamic civil law.** According to the Sharia law that applies to them, Muslims do not enjoy freedom of religion. When norms of civil criminal law (e.g. murder, rape, kidnapping, theft or homosexuality) are violated, or when a Muslim violates Islamic norms (e.g. alcohol consumption or marital infidelity), physical punishments are prescribed by civil and Sharia courts. Sharia courts are authorised to levy fines, to sentence violators to up to three years’ imprisonment and to prescribe physical punishments of up to six canings. The death sentence, which has been subject to a de-facto moratorium since October 2018, may only be imposed by government courts. Article 145 (3) of the Constitution declares that the Attorney General has no jurisdiction in cases appearing before a Sharia court.

Since 1974, a Muslim religious authority has been in place (the Federal Territories Islamic Religious Department, JAWI), which in recent years has also been granted executive powers and therefore serves in essence as a form of religious police. The department’s mission, by its own account, is to implement Sharia. JAWI is a national authority subordinate to the Islamic Affairs Development Department (Jakim). There are also state-level religious authorities equipped with executive powers.

A fatwa from 1996 **declared Shiite Islam a deviant sect**; thus, Shiites were prohibited from disseminating their faith or information about it.

Malaysian criminal law includes rules that penalise **blasphemy** and disrupting religious gatherings or the country’s harmony and unity in the name of religion. These rules protect all religions; in practice, however, (alleged) infractions targeting Islam are prosecuted almost exclusively. In her report from January 2019, the UN Special Rapporteur on cultural rights expressed concerns about various national laws that could be used to suppress statements or actions that were critical of a religion (or of the government).⁴⁰⁴

Conversion from Islam (“apostasy”) is only possible without punishment in the state of Negeri Sembilan. Paragraph 119 of the Administration of the Religion of Islam (Negeri Sembilan) Enactment of 2003 regulates the pre-requisites and the process for leaving Islam. The prospective convert has to file an application with the Sharia court. The process can last more than a year, as the applicant must accept counselling services if she or he does not “repent”. Only after a year of counselling, if the applicant does not express repentance and still wishes to renounce Islam, will the court declare that the applicant has renounced Islam. In some other states of Malaysia (Perak, Pahang, Terengganu, Melakka and Sabah), “apostasy” is criminally punishable. In Sabah and Kelantan, a prospective convert can be referred to a rehabilitation centre for up to 36 months; in Melacca, for up to six months. The jurisdiction lies with Sharia courts that blur the line between renunciation and blasphemy. In the states of Kelantan and Terengganu, apostasy from (Muslim) faith is punishable by death; however, contradictory higher-level federal law would prevent the sentence from being carried out. The remaining states have no regulations concerning “apostasy”, and as a result, “apostasy” is de-facto impossible as the Sharia courts cannot rule on such applications for lack of rules.

By contrast, **conversion** to Islam by members of other religions is viewed favourably and in some cases even promoted by government institutions (such as schools). In the case of marriages involving a Malaysian Muslim, the non-Muslim spouse is de-facto compelled to convert to Islam, regardless of his or her wishes. Due to Sharia law, it is also impossible for a spouse who has converted to Islam (under compulsion) to return subsequently to their original faith or to change religions. After a legal change in 2018, in the event of divorce, a spouse who converted to Islam upon marriage may now request that a civil court pronounce the divorce and rule on the terms of the divorce.

404 The Seditious Act of 1948, the Communication and Multimedia Act of 1998, the Printing Press and Publications Act of 1984, the Official Secrets Act and the Evidence Act.

Missionary activities aiming to recruit Muslims to other religions are not prohibited by federal law, but are prohibited by state law in 10 out of 13 states with the exceptions of Penang, Sabah and Sarawak as well as the three federal territories. Missionary activities are punishable by lashings and by many-year prison sentences.

Non-Muslim religious groups have no legal registration requirement. However, registration with the Registrar of Societies (ROS) is necessary to become a legal entity. This registration requires an application to the ROS; the procedure for this is not transparent or standardised. Some non-Muslim communities, such as the Jehovah's Witnesses and the Mormons, have merely been able to **register** as companies because they were **denied registration as religious groups**.

The rights of children are restricted, particularly with respect to child marriages, which are formalised with the involvement of religious institutions. In the period from 2007 to 2017, around 15,000 child marriages were registered. Although the then Malaysian Federal Government pledged in 2018 to raise the minimum marriageable age to 18, few states have held to this pledge. In 2009, a fatwa declared that **female genital mutilation** was obligatory for Muslim women in Malaysia unless resulting damage to health was anticipated. Some 90 per cent of Muslim women are reportedly circumcised. Religion is listed as the primary reason for female genital mutilation.

Restrictions on freedom of religion or belief by state actors

Ethnic Malays are granted preferential treatment under the law in education, housing construction and civil service employment; conversely, member of ethnic and religious minorities are subject to discrimination in these areas.⁴⁰⁵ For example, there is a government-funded Matriculation Programme to prepare students for university education. At least 90 per cent of scholarships are reserved for Malay students.

De facto, Shiites and members of syncretistic Muslim sects are subjected to surveillance, both legal and social discrimination and in some cases detainment. The government has the capacity to ban events at will if it believes they would disturb religious harmony. Meetings of the Shia and Ahmadiyya denominations are regularly prohibited on this basis.

405 Article 153 of the Constitution and Article 89 of the Constitution as elaborated by various states' Malay Reservation Enactments.

The government restricts the **dissemination of publications** by non-Muslim communities and at times threatens to revoke licences on the basis of alleged infractions against publication restrictions. There are tight regulations governing the dissemination of the Bible in Malay translation as well as other materials from Christian communities. Non-Muslim publishing houses are prohibited from using the word “Allah” even though no other way to translate the word “God” exists in the national language.

In some states, non-Muslim communities are either entirely unable to obtain **permits to build churches or temples** or only obtain them with great effort. Old Hindu shrines and Christian places of worship in Malaysia have been demolished under the (sometimes unverifiable) pretext that they had been constructed without building permits. In the state of Johor, a Muslim prayer space was demolished on the orders of the Sultan, who is the Head of Islam in the state, because it had been allegedly desecrated by Buddhists meditating. With the exception of government-funded mosques, building permits for religious sites are delayed and rarely issued.

Another problem is enforced disappearances of members of religious minorities. During the period from November 2016 to February 2018, there was a series of cases of missing persons, many of them members of religious minorities. In February 2017, Pastor Raymond Koh disappeared, as did Amri Che Mat in November 2016 after being accused of disseminating Shiite doctrines. Both of them remain missing. A March 2019 investigation by the Malaysian human rights commission SUHAKAM concluded that these were cases of enforced disappearance and blames the Special Branch, a unit of the Malaysian Police. In June 2019, the Malaysian Government appointed a working group to investigate these cases.

Social conflicts with religious components

The **establishment of a parallel legal and judicial system** and the partial codification of fatwas as law have posed regular sources of conflict in religious affairs; Muslim courts rule primarily on **matters of religion, inheritance and family in accordance with Sharia**. Originally, Sharia courts were restricted to civil jurisprudence among Muslim parties. Increasingly, however, civil courts have shown a trend of declaring that they lack jurisdiction in disputes over religious affiliation and referring such cases to Sharia courts for a decision. In family law, cases are frequently transferred to Sharia courts if the parties to the dispute include both Muslims and non-Muslims. Sharia courts’ rulings in such disputes usually favour the Muslim or the male party.

Despite the absence of a legal basis for this, many public-sector institutions require their female employees to wear a headscarf. Throughout society, there is strong pressure to conform. Since 2015, the courts, ministries and authorities have been enforcing dress codes in their buildings without coordination and without a decision by the government. Sisters in Islam, a non-governmental organisation that advocates for the rights of Muslim women, was designated deviant and un-Islamic by a fatwa from the Islamic Religious Council of the state of Selangor. When Sisters in Islam appealed the fatwa to a government court, that court declared at first instance that it had no jurisdiction and referred the matter to a Sharia court.

In her 2019 report, the UN Special Rapporteur on cultural rights mentions the concerns of Malaysian civil society about the rise of Saudi-style Wahhabi Islam and the associated negative repercussions for the rights of religious minorities, women and vulnerable groups.

Structures of inter-faith cooperation

No institutionalised structures of inter-faith cooperation exist. In the past, the Conference of Rulers, the senior committee of state, has spoken out publicly against religious intolerance and ethnic discrimination, saying that social harmony may not be disturbed in the name of Islam. There are very rare appeals for religious cooperation and inter-faith dialogue; one such appeal was made by the Muslim leader of the largest governing party.

Mexico

The Mexican Constitution guarantees comprehensive freedom of religion or belief. Nevertheless, intolerance in the country towards non-Christian religious groups is widespread, although not visible on a day-to-day basis.

The Mexican population has scant awareness of its right to freedom of religion or belief. Restrictions are rarely contested by those impacted, who are often members of indigenous communities.

The “historical principle” of the separation between religion and state has been in place since the early nineteenth century. Due to this strict division, there are hardly any institutional intersections. Religious discrimination is rarely proactively prosecuted by government institutions at any level.

Demographic breakdown by religion

According to the 2010 census, 82.72 per cent of the Mexican population are Catholic. Another 8.4 per cent are Protestant or evangelical. Bible-based, non-evangelical denominations account for a further 2.26 per cent of the population. A further 4.68 of Mexicans have no religion; 2.7 per cent did not specify an answer to this question. Other religions (Judaism, Islam, ethnic religions, spiritism) account for around 1.5 per cent.

Legal situation

Mexico acceded to the United Nations International Covenant on Civil and Political Rights (ICCPR) on 23 March 1981.

Article 1 of the 1917 Mexican Constitution, as revised in 2019, prohibits all discrimination on the basis of religious affiliation; Article 3 (1), in conjunction with Article 24 and Article 130, stipulates the separation between religion and state. Article 130 also stipulates that churches and religious groups are to receive a legal status as religious associations.

The Constitution protects positive and negative freedom of religion or belief⁴⁰⁶ (Article 24 in conjunction with Article 130) with the restriction that no one may exploit the public exercise of religion for political aims, election campaigns or political propaganda. Congress is not permitted to pass any laws that establish or abolish a religion. Religious acts that, exceptionally, are performed outside places of worship must abide by the law. Article 27 (2) in conjunction with Article 130 grants religious associations the right to “acquire, possess or manage properties essential for their religious activities”. Freedom of religion may not be suspended in the event that a state of emergency is declared (Article 29). Priests or holders of a religious office may not be elected to the lower chamber of the legislature (Article 55 (6)).

On 16 July 1992, the **Law on Religious Associations and Public Worship** took effect. It guarantees the right to freely profess a faith or to abstain from political acts (negative freedom of religion). No one may be impeded from performing their work on religious grounds or be forced to contribute to supporting a church. Under the same law, no one may be the target of discrimination or the subject of a court investigation on the basis of their religious opinions. Priests are legally prohibited from criticising politicians, government laws or public institutions. **The Mexican Secretariat of the Interior is responsible for**

406 Since 2012, negative freedom of religion has been explicitly recognised by the Mexican Constitution.

religious affairs and oversees the Department of Religious Associations, which is tasked with promoting religious tolerance, mediating religious conflicts and investigating cases of religious discrimination. All the states of Mexico have corresponding branch offices. Separately, there is the independent **National Council to Prevent Discrimination** (CONA-PRED) whose remit includes the rights of religious minorities.

Religious groups may also practise their faith informally. They are not obligated to register with government agencies as a religious association. The registration is only required in order to receive a legal status that enables the group to carry out legal transactions or apply for permits, such as a permit to practise religious customs in public.

In 2018, 9,146 religious associations were registered with the government; 9,106 of these associations were Christian. The second-largest group were Buddhist (13), followed by Jewish associations (10). Compared to the previous year (8,908), the number of registered associations rose slightly. Registered religious associations enjoy tax benefits and exceptions, but must finance themselves independently. Donations to religious associations do not count as charitable donations and as such are not tax-deductible. Specific occasions (baptisms, first communions, weddings) often comprise another source of the association's income, as does the practice of diezmar (tithing).

The public education system is secular (Article 3 (1) of the Mexican Constitution); public education is to be conducted entirely without the influence of any religious doctrine. Religious groups may operate private schools, however. Religious education and practices are allowed at such private schools as long as the content does not conflict with the curriculum prescribed by the Secretariat of Public Education (Secretaría de Educación Pública, SEP). Overall, religious influences on education can be considered minor.

Religious programmes and radio or television broadcasters require government approval.

It is possible to **obtain an exemption to military conscription** on grounds of belief or conscience, but this is not legally regulated. Religious dignitaries are exempt from military conscription.

Restrictions on freedom of religion or belief by state actors

In 2018, the Mexican Supreme Court of Justice (the country's constitutional court) issued an important decision regarding how to balance freedom of religion or belief against other human rights. In a **landmark decision** (Review of petition for a constitutional remedy no. 1049/2017), the court gave **precedence to the (child's) right to life and health over the (parents') right to freedom of religion**. In the specific case, the child protection agency had withdrawn the guardianship of parents whose daughter was suffering from acute leukaemia but, for religious reasons, did not want her to be given medical care. Since the decision, physicians have been obligated to notify the authorities if the life of a minor is endangered and the course of treatment advocated by the parents is not the most effective treatment method to save the child's life. In such a case, the parents' guardianship of their child can be temporarily withdrawn with immediate effect.

Social conflicts with religious components

Overall, **widespread repudiation of people with different beliefs** is evident in Mexican society. According to a national study conducted by CONAPRED in 2017, a quarter of Mexicans would not let property to tenants of other beliefs and nearly half of the population believes that new religions in the country entail new problems. A third of non-Catholics reported that they had experienced religiously motivated discrimination at the workplace, in their family or in the public sphere.

CONAPRED recorded 72 complaints of religious discrimination between 2011 and 2018. **Conflicts with religious components are predominantly evident among Mexico's indigenous population**; this occurs more frequently in Mexico's southern states. The Constitution guarantees the indigenous communities comprehensive rights, especially the right to autonomy (to "decide their internal forms of coexistence") and the right to resolve internal conflicts through independent institutions. This right to self-administration can collide with freedom of religion or belief. For example, there have been instances in which leaders of indigenous groups declared the communities' faith – usually Catholicism – and enforced this stipulation against community members of other beliefs – usually evangelical Protestants – by sometimes drastic measures (including levying fines, cutting off their domestic water and electricity supply, denying them the right to vote, exclusion from school, and disallowing them from burying family members in the cemetery; these measures have extended as far as violence, property damage and banishment from the community).

The responsible government agencies do not always take such complaints on board. Firstly, incidents are classified as social conflicts, thus ignoring the religious component; secondly, the officials prefer to resolve such conflicts via mediation instead of by taking legal action. Often, the responsible offices are also inadequately staffed and funded.

Although religious groups are legally not allowed to enter the political discourse, **evangelical churches advocate an extremely conservative vision of the ideal society** that limits or downplays the rights of women, LGBTI people and children. The rate of child marriages is 26 per cent. Evangelical churches are growing in popularity, especially in rural regions.

There are no known cases of severe antisemitic incidents. However, the Jewish community perceives the dissemination of stereotypes, especially on social media, as hostile.

Priests and other clerics are often in the cross hairs of organised crime and are victims of murder, extortion and kidnapping, among other crimes. This violence is not religiously motivated, but is associated with the claims to power of organised crime groups, which feel curbed by religious leaders' moral authority. Due to its dominance, the Catholic Church still bears responsibility for pacifying the drug cartels, as the Pope emphasised during his visit to Mexico in February 2016, but few clerics speak out publicly against the raging violence or the widespread corruption. Notwithstanding this silence, 10 clerics were murdered in 2018, making Mexico **the most dangerous country in Latin America for clerics** for 10 years running, according to the Catholic Multimedia Centre.

Inter-faith cooperation

Inter-faith collaboration plays merely a minor role on the local level, where individual actors seek partners for an inter-faith (usually inter-Christian) collaboration.

Myanmar

Myanmar is a multi-ethnic country with a great many (sub-)ethnic groups, 135 of which are officially recognised by the government. Since its independence in 1948, the country has been riven by numerous ethnic conflicts, some of them still ongoing. In the major cities, people of Buddhist, Christian and Muslim faith live side by side, largely peacefully. Conflicts between the various ethnicities and religions take place largely in rural regions and outlying states. The Myanmar Government has set the declared objective of ending

the ethnic conflicts. Since the current administration came to power in 2015, it has held several peace conferences (“Panglong 21st Century”) but has not yet successfully brought the peace process to a conclusion.

Myanmar’s Constitution guarantees the right to freely profess and practise religion. In addition to **Buddhism**, the Constitution recognises several other religions (**Christianity, Islam, Hinduism and animism**).⁴⁰⁷ Ethnic groups whose members are not recognised as one of Myanmar’s 135 (sub-)ethnicities under the 1982 Citizenship Law are restricted in their exercise of civil rights and thus subjected to discrimination. This has a particular impact on the predominantly **Muslim Rohingya minority** in Rakhine State, who under current law do not possess Myanmar citizenship but are viewed as illegal immigrants (or their descendants).

Buddhism, with which the majority of the population are affiliated, enjoys an elevated position and numerous privileges compared to the other religions. One of the government’s two vice presidents is Christian; its remaining officials have Buddhist backgrounds. High-ranking Buddhist monks have a major influence on society. To counteract the rise in **Buddhist nationalism**, laws have been passed to restrict the political activities of the Buddhist clergy. During the 2015 parliamentary elections, none of the parties nominated Muslim candidates, presumably in order to avoid inviting attacks by Buddhist extremists.

Especially since 2017, Myanmar has been the subject of strong international criticism due to the massive human rights violations against the Rohingya. That year, the Arakan Rohingya Salvation Army (ARSA), an armed group from the ranks of the Rohingya, attacked Myanmar police posts. The Myanmar army responded with a large-scale military operation that included grave human rights violations and led to 720,000 Rohingya fleeing to Bangladesh.

Demographic breakdown by religion

Roughly 88 per cent of Myanmar’s total population of 55.6 million people (as of July 2018) are Theravada Buddhists. Around six per cent of the population are Christian and another four per cent are Muslim. The remaining population groups practise Hinduism, traditional Chinese religions or indigenous religions. There is also a small Jewish community in Yangon.

407 These religions already figured in Myanmar’s religious life before the Constitution entered into force.

Legal situation

Myanmar has not ratified the International Covenant on Civil and Political Rights. Article 34 of the 2008 Constitution guarantees all citizens “freedom of conscience and the right to freely profess and practise religion subject to public order, morality or health and to the other provisions of this Constitution”. Article 348 of the Constitution prohibits the state from discriminating against citizens based on religion. Although Buddhism does not have the rank of a state religion, it is specifically mentioned in Article 361 of the Constitution and its **special position** is emphasised.

Article 362 of the Constitution enshrines the **recognition of the country’s major non-Buddhist religious groups (Christianity, Islam, Hinduism and animism)**. Article 364 of the Constitution forbids the abuse of religion for political purposes. **Religious groups have no general obligation to register as such**, but they must register officially if they require a legal status, for example in order to purchase land.

On the level of ordinary statutes, parallel religious or ethnic (interpersonal) legal systems exist primarily in the areas of **marriage, family and inheritance law**. Myanmar passports specify ethnicity and religion.

The **Penal Code** includes an extensive catalogue of religion-related crimes (Sections 295–298) that are penalised with fines or prison sentences of up to two years. The defilement of religious symbols is criminally punishable, as are insulting religion, disturbing religious gatherings or “outraging” religious feelings. Due to the vague wording of these rules, the courts have considerable discretion in how they apply this law. In practice, convictions have been handed down in cases where the defendant had either used Buddhist symbols in an impermissible manner or taught Buddhist doctrines that the state considers deviant. Ultimately, the general argument of protecting a religion can lead to inhibiting any form of critical public examination of the content and practices of faith.

In the summer of 2015, four **Race and Religion Protection Laws** introduced further restrictions extending as far as criminalising activities that are associated – at least indirectly – with religion; one example of this is the **Buddhist Women Special Marriage Law** (Pyidaungsu Hluttaw Law No. 50/2015). Inter-faith marriages are legal, but considerable complications were introduced hampering marriages between Buddhist women and non-Buddhist men, and **Buddhist women are privileged above their non-Buddhist husbands in the event of inheritance or divorce**. Buddhist customary law also takes precedence in such inter-faith marriages. Marriages involving a Muslim spouse are especially disadvantaged by family law. A law to control population growth grants government agencies the (as yet not exercised) ability to see to it (“organise”) that women wait at least 36 months after

the birth of a child before having another child. Human rights organisations viewed this as another expression of Buddhist decision-makers' fear of being demographically overwhelmed by the Muslim minority with its higher birth rate; meanwhile, the government pointed to WHO recommendations.

The legal modalities of religious conversion were also revised in 2015. The **Law Concerning Religious Conversion** (Pyidaungsu Hluttaw Law No. 48/2015) stipulates that “No one shall compel a person to change his/her religion through bonded debt, inducement, intimidation, undue influence or pressure”. Violations are punishable by a fine or a prison sentence of up to one year. **Conversions** remain possible, but are now subject to government supervision and control and must be registered. In a personal interview, the prospective convert is required to explain the reasons for and seriousness of their conversion as well as demonstrate their knowledge of their new religion. **Missionary activities** are not explicitly criminalised as long as there is no identifiable coercion and as long as the person's free will in their decision is not impaired by other means. However, the law is very vaguely articulated in regard to “inducement”.

In addition, the **Law on the Practice of Monogamy** (Pyidaungsu Hluttaw Law No. 54/2015) penalises both **polygamy** and **adultery** with prison sentences of up to 10 years for polygamy and up to seven years for adultery. The law can also be applied to extramarital affairs. The Myanmar Government dismissed the international criticism that this legislation primarily targeted the Muslim minority. In recent years, this law has been enforced quite cautiously. In a recent ruling on a case, a Buddhist policeman was convicted for committing adultery.

Via the **Ministry of Religious Affairs and Culture**, the government funds several Buddhist universities and has its own department for subsidising Theravada Buddhism. High-ranking Buddhist monks have a major influence on society and a high potential for mobilisation. This context also explains laws intended to restrict the political activities of the Buddhist clergy (sangha). Under the law, Buddhist monks are only permitted to organise within nine government-recognised orders. Violations lead to immediate exclusion from the clergy. Members of religious orders of *any* religious group are not eligible to vote, to run for political office or to be members of any political party.

Restrictions on freedom of religion or belief by state actors

The constitutionally guaranteed **privileged position of Buddhism** leads to public-sector entities discriminating against members of other religions. **Buddhist applicants take preference** when making appointments for senior positions in the civil service and the military. The **construction of Buddhist sites is state-subsidised** and necessary permits are issued rapidly.

In most parts of the country, Christians and Muslims also require (informal) permission from local governments to build or repair religious buildings. Organisations and members of the religious minorities report **difficulties and delays on the part of public agencies**, for example when it comes to obtaining land rights, funding or building permits to construct or renovate churches or mosques. Foreign organisations are not permitted to buy land in their own names.

Public events for the sake of the exercise of religion often require **advance registration or a permit**, the issuance of which is often delayed or denied. Reportedly, this has particularly affected Muslim events.

The August 2018 report of the Fact-Finding Mission (FFM) deployed by the UN Human Rights Commission accused the military of extremely severe human rights violations against the Rohingya. The government has recognised neither the FFM nor the report. In June 2018, Myanmar deployed an Independent Commission of Enquiry of its own. In its report dated January 2020, the Independent Commission of Enquiry found that war crimes and extremely severe human rights violations did take place in August 2017. Meanwhile, in a decision against Myanmar, the International Court of Justice ordered preliminary measures to protect the Rohingya from actions under Article 2 of the UN Genocide Convention and to preserve evidence. This occurred as part of a case lodged by The Gambia to establish that Myanmar infringed upon the UN Genocide Convention during the Rohingya crisis.

The Independent Investigative Mechanism, established by the UN Human Rights Council to preserve evidence, has been active since August 2019. The International Criminal Court launched an investigation in November 2019.

Social conflicts with religious components

Ethnic affiliation and religion remain operative distinguishing features in Myanmar society. Internal peace among the country's ethnic groups has not been achieved to date. There are repeated cases of violence between extremist Buddhist and Muslim individuals.

Religious affiliation is occasionally **exploited** for ulterior motives by the parties to conflicts. The influential Patriotic Association of Myanmar, known as the **Ma Ba Tha movement** for short, a coalition of radical monks, has an agenda that is not only overtly anti-Muslim, but also firmly nationalistic. It formally disbanded in 2017 after the government revoked its status as a monastic order. Since then, a successor organisation has existed under the name Buddha Dhamma Charity Foundation. Individual **demagogues**, such as the extremist Buddhist monk U Wirathu, who is associated with Ma Ba Tha and its successor movement, further inflame already heightening ethnic and religious tensions. In 2019, a warrant was issued for the arrest of Monk Wirathu, who is known for spreading hate speech against the Rohingya, on the grounds of inciting a riot. He has been a fugitive ever since. His Facebook account was taken down in 2018. The continued ethnic and religious tensions are particularly evident in the **Rohingya conflict** in the north of Rakhine State. The Rohingya are a predominantly Muslim ethnic group numbering around 1.5 million people who are scarcely socially and economically integrated in the country. In some areas, they have largely displaced the native Buddhist population from the Arakan ethnic group. Under British colonial rule and during the Bangladesh War of Independence, large numbers of Rohingya migrated from the territory of today's Bangladesh. As early as the 1950s, representatives of the Rohingya made political appeals for autonomy and broad-ranging independence. The year 2012 witnessed repeated violent clashes in Rakhine between the Rohingya and the Buddhist majority with around 190 fatalities on both sides. Factors underlying the conflict include the communities' mutual hostility; the Rohingya's statelessness and their limited access to education, employment and health care; difficult socio-economic conditions and neglect of the problem by the country's previous military government. The government, opposition and majority population in Myanmar even reject the term Rohingya itself, using the word "Bengali" instead – so as to emphasise the group's non-affiliation with Myanmar even through nomenclature. In 2017, the Myanmar military responded to ARSA assaults on government security guards with a disproportionate military operation that included grave human rights violations. This led to 720,000 Rohingya fleeing to neighbouring Bangladesh.

Structures of inter-faith cooperation

There are isolated efforts, from both civil society and government, to promote inter-faith cooperation and tolerance. These range from one-off campaigns, such as giving white roses to Muslims following the riots of Ramadan 2019, to the establishment of training centres intended to promote interfaith literacy. The government particularly supports the Interfaith Dialogue Group, which regularly organises dialogue events and conferences.

Nigeria

Nigeria has an open and pluralistic society on the whole. Officially the population is around 50 per cent Muslim and 50 per cent Christian. Aside from that, there are a significant number of animists. Nigeria considers itself the largest mixed Christian-Muslim country in the world.

The right to freedom of religion or belief is formally protected and enshrined in the Constitution. However, the country is generally riven by strong inter-faith tensions that are also perennially exploited and stoked for political aims and during conflicts over resources. Thus, conflicts that are primarily economic or social frequently take on a religious charge.

In Nigeria, freedom of religion or belief is primarily perceived as equivalent to mutual tolerance between and equal treatment of Christians and Muslims, objectives that are the target of immense efforts by government and civil society overall. Minorities outside these two groups have a weaker status, and their rights are violated significantly in some cases. For example, a large share of the population perceive Shiites (who account for around 5–10 per cent of the country's Muslims) as an extremist group, and atheists are sometimes persecuted on religious grounds, as are LGBTI individuals. The introduction of Sharia criminal law in northern Nigeria around the turn of the millennium further restricted freedom of religion or belief.



Markus Grübel, Member of the German Parliament and Federal Government Commissioner for Global Freedom of Religion, visiting a school project for vocational training in Jos North Township, Nigeria © RFB

Demographic breakdown by religion

According to estimates by the human rights organisation Minority Rights Group International, Nigeria is home to more than 250 ethnic groups. The Nigerian population (roughly 200 million) consists of **almost equal shares of Muslims and Christians**, although official statistics neglect the considerable number of animists. The most recent census was conducted in 2006.

The Muslim community in Nigeria is predominantly Sunni; only around 5–10 per cent of the Muslims are Shiites, and most of these reside in north-western Nigeria. The majority of the Christian community is Protestant (Anglican and Pentecostal); a third of the Christians are Catholic. Evangelical communities are experiencing rapid growth in membership.



Talking about the conflict between farmers and herders: Ignatius-Kaigama, Archbishop of Abuja (former Bishop of Jos) and Markus Grübel, Member of the German Parliament and Federal Government Commissioner for Global Freedom of Religion © RFB

Legal situation

Nigeria acceded to the International Covenant on Civil and Political Rights on 29 July 1993. The **1999 Constitution** prohibits naming a specific religion as the state religion (Article 10). Under Article 15, the state has a duty to promote both inter-faith marriages and the formation of associations that contribute to national integration. Article 38 guarantees **freedom of thought, conscience and religion** defined as the freedoms to choose, exercise, propagate or change one's religious affiliation or beliefs. As a pre-requisite, these freedoms must be compatible with the state's interests in defence, public safety, public order, public morality or public health and the rights of others (Article 45 (1)). There is a general ban on political parties that restrict membership on the basis of religious affiliation or whose names have religious meanings. The Constitution guarantees the right to education in one's own religion. No one may be forced to participate in religious education against their will if the education is not consistent with their creed. Article 42 prohibits any type

of discrimination on the basis of membership in a specific community, ethnic group, place of origin, sex, religion or political opinion. Articles 260–265 of the Constitution enable the establishment of Sharia courts of appeal, which solely have jurisdiction over Muslims.

For religious communities, there is an **obligation to register** with the Corporate Affairs Commission. Without registering, a community has no legal status, so it cannot build a house of worship, open a bank account, sign a contract or manage tax affairs. Some states require **licences for clergy, houses of worship and religious schools**. Especially in the southern part of the country, however, there are numerous Christian communities (often Pentecostal) that are publicly active despite not being officially registered.

A large share of the Muslim population holds Sharia law in high esteem. Sharia was practised before British colonial rule in the nineteenth and twentieth centuries. In 2000–01, **Sharia criminal law was reintroduced** in the 12 northern states. Until then, Sharia law had only been applied in the realms of civil law and Muslim personal status law. In the first years after this reintroduction, Sharia courts pronounced dozens of sentences for capital punishment, amputations or beatings, which, after a major national and international outcry, were not carried out. Whereas Muslim personal status and family law is applied to Muslims in the north, controversial Sharia *criminal* law has scarcely been applied; in regard to gender equality and the ban on inhuman punishments, it also runs counter to applicable constitutional law.

Blasphemy is prohibited in both legal systems, secular law and Sharia law. Section 204 of the Nigerian Penal Code penalises “insult to religion” with up to two years in prison. In isolated cases, this section of the penal code has been used to prosecute LGBTI individuals or atheists. In states with Sharia criminal law, even more severe punishments for blasphemy could theoretically be imposed.

Despite the guarantee of gender equity under constitutional law, traditional and religious legal systems and norms restrict the rights of women, for example their access to inheritance, education, land and other resources. Around 90 per cent of homeowners and landowners are men. Especially in the northern states, discriminatory traditional and Islamic laws perpetuate an unequal distribution of resources. Although **child marriages are prohibited** by the Nigerian Constitution (which does not specify a minimum marriageable age, however) and by the Child’s Rights Act of 2003 (with a minimum age of 18), **religious agents commonly officiate at weddings of children and teenagers**. Out of the country’s 36 states in total, 11 of the northern states have not localised the Child’s Rights Act in state law. Female **genital mutilation** also remains a salient issue in Nigeria.

Restrictions on freedom of religion or belief by state actors

In the northern states, the freedom of religion of non-Muslims is somewhat constrained in practice by the reality that many **government regulations** are decreed and implemented **without taking into account individuals' religious affiliation**. In May 2007, the state of Kano introduced **obligatory Muslim school dress code** for all schoolchildren, including members of the Christian minority. There are perennial complaints that **applications for permits to build churches and religious community buildings** run into **bureaucratic hurdles** that sometimes delay or even prevent these construction projects from being carried out. Northern Christians also complain that they are **sometimes discriminated against or even excluded when appointments are being made to public-sector positions**.

The Nigerian security apparatus, which is extremely sensitive due to terror attacks by Boko Haram, **often takes extreme action against alleged terrorists**. The Shiite minority, which a large share of society perceives in sweeping terms as a dangerous extremist group, feels harassed. **Shiites** receive support from Iran; some Nigerian Muslims study there, for example. Iran also supports educational institutions and hospitals in Nigeria.

There are repeated violent clashes between government security forces and members of the Islamic Movement of Nigeria (IMN), the country's largest Shiite group. In December 2015, Shiites held a religious procession that blocked the convoy of the chief of the armed forces. The military responded with extreme violence, and is blamed for the deaths of 347 Shiites; a soldier also died in the mêlée. Since then, the Shiite leader Ibrahim Zakzaky and his wife have been held in detention without a trial verdict (and despite some court rulings to the contrary). Legal proceedings against the couple are now under way, but progress is very slow. In late July 2019, a solidarity demonstration by the IMN members led to violent clashes with the police, in which up to 10 people were killed. The Nigerian government outlawed the IMN shortly thereafter. The states of Kaduna (where Zakzaky is from) and Plateau had already outlawed the IMN in 2016.

The rights of religious minorities outside the two major religious groups (Christians and Muslims) **are in some cases highly curtailed**. In addition, **groups that are sweepingly labelled "un-African" or godless, such as atheists and LGBTI individuals, are targets of discrimination**. **An overwhelming consensus between Muslim leaders and the various Christian denominations** rejects these groups. In sporadic instances, professed **atheists** are socially stigmatised for "doubting divine authority" and sometimes even persecuted by security forces on the basis of the **blasphemy law**. In Muslim-majority northern Nigeria, there are also perennial reports of purported converts being beaten and even killed by their community of origin.

Social conflicts with religious components

Nigeria has various fault lines along which **violence is exercised in the name of religion**. However, these are **primarily conflicts over resources and political participation** that are religiously exploited. The founders and leaders of **Boko Haram** came from a movement associated with the Muslim Brotherhood and have terrorised the populace of the north-east in the name of Islam for around a decade. Partly out of a lack of alternatives, young men in particular enlist in the militias; however, many others are forcibly conscripted and after some time become unable to return to their communities. Willingness to join terrorist groups is fuelled by significant mistrust in government institutions, especially the security apparatus (there are accusations of severe human rights violations in the context of the fight against Boko Haram), as well as by a sense of being neglected by the Nigerian Federal Government.

The **terror and atrocities of the Sunni Islamists around Boko Haram** have, de facto, significantly curtailed the exercise of religion, chiefly in the three impacted north-eastern states of Borno, Yobe and Adamawa. **Many Christian and Muslim houses of worship have been destroyed**. In 2014 alone, around 1,000 churches were reportedly demolished. At the hands of Boko Haram, children are forced to convert or to marry against their will; they are also sexually abused or used as human shields. In late 2019 and early 2020, there were multiple reported cases of targeted killings of Christians.

The **farmer-herder conflict** in the country's "middle belt"⁴⁰⁸ likewise has a religious component. However, the violent clashes between nomadic Muslim herders (Fulani) and predominantly Christian farmers are most immediately conflicts over land usage and living space. In search of grazing land, herders have been moving farther and farther south, where their livestock damage the fields of the farmers who traditionally reside in these areas. Both sides are guilty of violent crimes and hate speech. Meanwhile, gang-based and drug-related crime without political motives has spread in the conflict zone and is scarcely distinguishable from the original conflict. This is a very bloody conflict. In view of the increase in droughts and strong population growth (a projected 400 million inhabitants in 2050), there is a risk that as time passes, this conflict will heat up rather than cooling down.

408 A region in central Nigeria with many distinct ethnic, religious and linguistic groups that has frequently experienced violent clashes in recent years.

Many observers describe a clear relationship of competition between the predominantly Muslim north and the Christian south, with the north seeking to defend its traditions against Western (and especially colonial) influences. However, these factors in isolation would not necessarily spark violent conflicts. The roots of these conflicts relate to political marginalisation and a lack of economic prospects.

Along with attempting to reinstate Sharia criminal law, nearly all northern states established a **Hisbah**, a Sharia police force responsible for the enforcement of Sharia laws. Especially in the early years of the new millennium, this too caused numerous conflicts and restrictions on freedom of religion or belief, as Hisbah forces carried out vigilante justice or harassed Christians. Today, confrontations have become rare and the Hisbah mostly performs uncontroversial duties, such as informal arbitration, advising families or teaching Muslim beliefs.

The Islamic institutions, Sharia courts, Hisbah and welfare institutions are held in high esteem by the Muslim population, which often perceives government institutions as immoral and corrupt. The status quo – Sharia criminal law exists in theory, but is only applied very selectively; the Hisbah still exists, but is mostly reserved for uncontroversial duties – represents a compromise that has probably helped to keep the feared large-scale conflict between Muslims and Christians at bay.

Structures of inter-faith cooperation

To avert religiously charged tensions, which have repeatedly threatened to tear apart the country, the Nigerian Government is obliged to maintain equal treatment of the country's two principal religions. It does this by practising roughly proportional representation in national political posts, by including prayers from both creeds before important events, by building mosques and churches in equal numbers and by providing government subsidies for religious pilgrimages (to Mecca and Israel) in equal amounts. The selection of the centrally located Abuja as Nigeria's national capital (since 1991) was a show of ethnic and religious neutrality. Accordingly, its landmarks are a golden mosque and a church with a golden roof.

Both the government and some non-governmental organisations have established **institutions dedicated to inter-faith dialogue and conflict resolution**. The national **Nigerian Inter-Religious Council (NIREC)**, established in 1999, has an equal number of Christian and Muslim members, initially convened twice annually and is tasked with advising the government on religious matters. Similar institutions were also established in several states. In recent years, the influence of this council waned and the conferences stopped.

On 22 March 2018, NIREC reconvened for the first time since 2013. NIREC is a member of the worldwide Religions for Peace organisation, which had its World Assembly in 2019 in Lindau im Bodensee, Germany, funded by the German Federal Foreign Office.

In addition, **numerous inter-religious platforms and dialogue forums** (some of them with funding from abroad) contribute to the ongoing communication between the two major religions. Many religious representatives are very conscious of their social responsibility and are very prudent in their interactions with other religious groups.

Pakistan

The country of Pakistan was originally conceived by its founder Mohammed Ali Jinnah as a secular liberal democracy. Since the adoption of its Constitution in 1956, Pakistan has defined itself as an “**Islamic republic**” and has further Islamicised during the decades since. Religious intolerance is widespread in Pakistan.

Islam is enshrined in the Constitution as the state religion. The state and the government are called upon to enable the country’s Muslims to lead Muslim lives and to give them the opportunity to learn the fundamental values of the Quran. Different governments have interpreted this mission in differing ways. To this day, a strict interpretation of Muslim values and their forced implementation under General Muhammad Zia-ul Haq (1977–88) continue to shape the debate over the form and function of religious laws in Pakistani society.

The development of a sustainable liberal democracy with effective rule of law and protection for human rights remains impeded by religious extremism, corruption, the strong position of the military, the influence of feudal and tribal structures in politics and society and the partial persistence of a caste system. Because the courts are overstretched, the judiciary is often not capable of protecting human rights effectively. In the countryside, impoverished wage workers and farmers constitute the majority of the population, some of whom are highly dependent on large landowners.



Federal Foreign Minister Heiko Maas at the Shrine of Bari Imam, Islamabad, in March 2019 © Thomas Imo

The situation is problematic for religious minorities, which are targets of social and societal discrimination despite contrary appeals by the government and military. In particular, Christians, Hindus and Ahmadis – whom the state classifies as non-Muslims – are often underprivileged and subjected to discrimination and exploitation in the form of forced labour and debt servitude. One threat, albeit a waning one, comes from militant Sunni fundamentalist organisations that primarily target Shiites, Ahmadis, Christians and Sikhs, but also moderate Sunnis.

Demographic breakdown by religion

Some 96 per cent of the population (which has 207.8 million inhabitants according to the 2017 census) are Muslim. The majority of these (80–85 per cent) are Sunni; another 15–20 per cent are Shiite. The Ahmadis currently have approximately 500,000 adherents in the country. As well as around 3 million Hindus, an estimated 2.8 million Christians live in Pakistan. There are also an unknown number of Parsis, Sikhs, Buddhists and Bahá'í.

Legal situation

Pakistan ratified the United Nations International Covenant (ICCPR) on Civil and Political Rights on 23 June 2010, albeit including broadly formulated reservations with reference to Sharia. Acting in concert with many of its Western partners, Germany raised an objection to these reservations. Thus, in regard to Germany, the provisions of the ICCPR to which Pakistan's reservations refer are not applied in the scope intended by the ICCPR.

In its preamble, the Constitution guarantees at least the principle of freedom of religion and the protection of religious minorities. However, Article 20, for example, makes the freedom of belief and the exercise of religion contingent on legislation. Various laws and provisions are restrictive or discriminatory to differing degrees. Sharia is one of the sources of law in Pakistan. According to the Constitution, the President and Prime Minister must be Muslims. The oath of office that members of the National Assembly, the Senate and the government are required to swear includes a commitment to protecting the ideology of Islam.

The Ahmadiyya religious group is not recognised as Muslim by Muslim clerics in Pakistan. An amendment to the Constitution in 1974 gave this school of thought the status of a constitutional precept. Although the law grants Ahmadis the status of a religious minority, they are also expressly forbidden from calling themselves Muslim or behaving as such. This **“excommunication” of Ahmadis is unique in the history of Islam** and is viewed by many intellectuals, especially in Pakistan, as a dangerous precedent. The Ahmadis are the only religious minority to be listed on a separate electoral register. However, they are not represented in parliament because they consider themselves Muslim and therefore do not stand for office on party's candidate lists in the places reserved for non-Muslim minorities.

The **blasphemy laws** in Pakistani criminal law are among the strictest in the world and receive strong support from the vast majority of Pakistanis. These laws were originally introduced under British colonial rule to protect the various religions from one another but, since the rule of military dictator Zia-ul Haq in the 1980s, they have been systematically extended, partly under the influence of Arab Wahhabism, and enforced with ever growing prominence. For example, Section 295c of Pakistan's Penal Code prescribes the death sentence for the crime of “defiling the sacred name” of the Prophet Muhammad – regardless of intent. Insulting religious beliefs and desecrating the Quran are each punishable by life in prison. The blasphemy laws are not expected to be changed or abolished in the short- or medium-term.



Dr Bärbel Kofler, Member of the German Parliament and Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, at a meeting with the Pakistan Hindu Council © Federal Foreign Office / Embassy

Unlike in other Muslim countries, **“apostasy”** is permitted under the law, although scorned in Pakistani society, partly because Sharia considers “apostasy” a severe transgression. Individuals who abandon Islam or change Muslim denominations generally do not pronounce their decision publicly. Conversely, social pressure or extortion compels members of religious minorities to convert to Islam (for example, by kidnapping underage girls who belong to religious minorities).

Missionary activities are not outlawed in principle as long as there is no anti-Islam preaching and the missionaries clearly identify themselves as non-Muslims. Under Section 298c of the Penal Code, however, Ahmadis are expressly prohibited from conducting missionary activities, punishable by up to three years’ imprisonment.

Restrictions on freedom of religion or belief by state actors

In education, business and professional life, religious minorities still experience discrimination: some 80 per cent of the Pakistani minority population lives below the poverty line. The influence of feudal structures and the caste system drives many members of minorities into forced labour and debt servitude with circumstances that in some cases resemble slavery.

The **blasphemy law** is frequently abused for personal gain, often during disputes between neighbours or businesspeople and especially during clashes over land ownership. This abuse often affects Muslims as well; however, it targets religious minorities disproportionately. The government and Islamist hard-liners alike harness the blasphemy laws for intimidation and to curtail the scope of public discussion. However, the state continues to refrain from carrying out executions of people sentenced to death for blasphemy. In October 2018, the Supreme Court of Pakistan counted 62 cases of vigilante lynchings on the basis of blasphemy accusations since 1990. The Supreme Court's announcement on 31 October 2018 that it had overturned the Christian rural labourer Asia Bibi's 2010 conviction on blasphemy charges, acquitting her, sparked nationwide protests. However, the security forces contained these protests promptly. Asia Bibi's acquittal also demonstrates the judicial system's highest-level intervention against the abuse of blasphemy accusations. Asia Bibi was able to leave the country in May 2019.

Social conflicts with religious components

A number of important **social conflicts have a religious component**. When Pakistan was founded 70 years ago and then again when East Pakistan (today's Bangladesh) broke off from West Pakistan (today's Pakistan) in 1971, there were **“population exchanges” in which millions of Hindus and Muslims took flight and were displaced**.

Since the 1950s, Pakistan has repeatedly been the site of riots against members of the **Ahmadiyya** religious group incited by radical Islamist groups. In the most recent example, in May 2018, a mob led by radical Islamist clerics destroyed an Ahmadi mosque in Sialkot. Furthermore, Ahmadis (as well as Christians) are disproportionately victims of the Pakistani blasphemy laws and of radical Sunni terrorism. For example, in April 2018, the terror group Lashkar-e-Jhangvi al-Alami claimed responsibility for the murder of Ashfaq Ahmad, an emeritus professor at Lahore University and a member of the Ahmadiyya religious group.

Violence committed in the name of religion continues to cause numerous deaths even as the number of terrorist attacks in Pakistan has been waning significantly for years. Numerically, most of the victims are either Shiite or Sunni Muslims who were attacked by radical Sunni organisations or Islamist terrorists. The Taliban and other groups continue to carry out terrorist attacks, primarily affecting the provinces of Khyber Pakhtunkhwa and Balochistan. The attacks chiefly target military and police facilities. However, victims also include political opponents of the Taliban, media representatives, religious minorities and Shiites as well as Muslims, such as the Sufis, who do not subscribe to the Taliban's strict conservative interpretation of Islam. Responsibility for attacks on Shiites is regularly claimed by the **radical Sunni, anti-Shiite terror organisation** Lashkar-e-Jhangvi and the Pakistani Taliban (TTP). However, Lashkar-e-Jhangvi has recently been decimated by Pakistani security forces. In 2019, the Pakistani think tank Pak Institute for Peace Studies (PIPS) counted 38 deaths caused by intra-religious motivated violence; in previous years, the corresponding figures were 51 (in 2018) and 74 (in 2017).

The Christian minority is subject to discrimination not as much by government laws as by the behaviour of the social majority and is also victimised by religiously motivated violence. Discrimination is widespread in business, in the education system and in the labour market. A Christian middle class barely exists; instead, there is a broad underclass that scrapes by with odd jobs. In rural areas, the majority of Christians are simple tenants in a relationship of dependency to their large landlords, which can take on aspects of **forced labour, debt servitude and even conditions resembling slavery**. While the majority of Pakistani Christians never escape poverty, members of the small Christian upper class often emigrate.

As with the vast majority of Christians, **Hindus** predominantly belong to groups that are especially underprivileged economically. Most Hindus live in the southern province of Sindh, which is steeped in feudal structures, and endure exploitative working relationships with their large landowners. They receive scant attention from the authorities and are subject to **generalised suspicions of being spies and "India's fifth column"**. Roughly 80 per cent of Hindu women do not possess identity cards and are therefore, de facto, disenfranchised. A sizeable number of Hindu and Christian young women are kidnapped and then forced to convert to Islam. One positive development is the Hindu Marriage Act of 2017, which came into force in 2018. The law codifies the right to marry and marriage registration among Hindus. Human rights organisations, Hindus and Christians alike welcome these legal changes.

Philippines

With 85 million Catholic inhabitants, the Philippines is the largest Christian-majority country in South-east Asia and the country with the largest Catholic population in Asia. Some western areas of the island of Mindanao, in the southern Philippines, have a Muslim majority. Over decades, this region was destabilised by Muslim rebels fighting against the Philippine nation-state; since 1970, around 140,000 people have died there. With the establishment in 2019 of Bangsamoro Autonomous Region in Muslim Mindanao, a new, largely autonomous regional entity was created with the goal of permanently overcoming the old religiously charged conflict.

On the whole, Filipino society is relatively tolerant towards LGBTI individuals, who also have public visibility as part of the spectrum of the population (particularly in the capital region).

Since the declaration of independence in 1898, the Philippines has had freedom of religion, which is also constitutionally protected. Other rights and freedoms are enshrined in numerous laws. In addition, the country has ratified the principal agreements in international law for the protection of human rights. The death penalty was abolished in 2006; occasional campaign pledges by President Rodrigo Duterte, who was elected in 2016, to reinstate the death penalty have not been carried out to date.

Demographic breakdown by religion

Extrapolating from the most recent official figures available, from 2015, the population of the Philippines is estimated to have grown from 101 million at that time to around 110 million in 2019 based on an average population growth of 1.7 per cent annually. The majority of the Filipino population professes a Christian religion. With 81 per cent of the population, the Roman Catholic Church constitutes the largest religious group in the country by far.⁴⁰⁹ Another nine per cent belong to one of the numerous other Christian churches that are active throughout the country, e.g. Iglesia ni Cristo (Church of Christ), Philippine Independent Church (Aglipayan), Members Church of God International, The Kingdom of Jesus Christ and the Name Above Every Name. Among the independent Filipino churches, Iglesia Filipina Independiente plays a numerically prominent role. Independent international churches, including evangelical ones, receive support in some cases from parent institutions abroad, for example in the United States or South Korea.

409 Most recent statistics available from 2010.

As of 2010, six per cent of the Filipino population were Muslim; by now, their share is estimated to be around 10 per cent. For historical reasons, Filipino Muslims reside in the western part of the island of Mindanao, in the southern Philippines, as well as on the islands of the Sulu archipelago south-west of Mindanao, which have ties to Brunei, Indonesia and Malaysia. Due to internal migration, mostly for economic reasons, Muslim communities have also emerged in the metropolis of Cebu City and the capital region of Metro Manila. Many Muslims do not classify themselves within any particular Muslim group.

Another statistically small share is divided among other religions, including indigenous religions, or is officially considered religiously unaffiliated.

Legal situation

The Philippines ratified the International Covenant on Civil and Political Rights (ICCPR) on 23 October 1986.

The Philippines' Constitution of 1987 also guarantees freedom of religion in Article 3 (5). Religion and the state are separate, according to the Constitution; the Filipino state promotes the exercise of freedom of religion via legislation and policy. No religion is prescribed by the government; the Constitution allows its citizens to choose and exercise their religion freely. Religious education is not provided at state schools. It is possible to leave the church or to change religions (although both are rare in practice) and these processes are subject to the rules of the religious groups in question.

The Philippines' legal system exhibits some unique aspects that are attributable to the **country's majority Catholic heritage** and the social and cultural role of the Catholic Church. In particular, the Philippines **does not recognise divorce**.⁴¹⁰ Philippine family law applies to all residents with the exception of Muslims, for whom family and inheritance matters are governed by Islamic law.

The year 2010 saw the establishment of the **National Commission on Muslim Filipinos**, under the supervision of the Office of the President, with the aim of advising the president and the government regarding policies that affect the concerns of Filipino Muslims and to serve as their point of contact for any petition to the government. In the Philippines, there are 51 first-instance and five second-instance **Sharia courts**, which exclusively decide on disputes between Muslims related to family and inheritance law. Quranic schools

⁴¹⁰ Spousal separations can only be legally recognised via a drawn-out procedure to annul the marriage.

(madrasas) exist in the regions inhabited by Muslims and receive government funding as part of the education system, provided that they **register** officially. Muslim women have the right to wear the hijab in government institutions.

The Philippines' revised **Penal Code** includes two sections criminalising **blasphemy** with the intention of ensuring the unhindered exercise of any religion. Disrupting religious ceremonies and insulting the feelings of believers are criminal offences.

For **tax reasons**, organised religious groups and churches must **register** with the financial supervisory authority and the tax office. There are no known cases of discrimination by the government in connection with registration, nor of threatened punishments or other sanctions for failing to register or doing so belatedly. It is safe to assume that many unregistered religious groups practise their faiths without hindrance.

Restrictions on freedom of religion or belief by state actors

The practices of the Philippine civil service give religious groups a free hand. For foreigners, there is a special "missionary visa" that officially authorises them to dwell in the country for the purpose of exercising religion. However, the Philippine Government reacts harshly if it determines a **case of unauthorised "political activities" by foreigners**.

The Muslim population of the Philippines feels subject to discrimination by the state in large parts of the country, in part through the **economic discrimination against the Muslim provinces in the southern Philippines**. Muslims point out that it is scarcely possible for them to occupy or exercise a public office, as the state **exclusively appoints members of the Catholic population to official positions**. Eleven of the 292 members of the House of Representatives are Muslims.

Non-Muslim Filipinos frequently exhibit prejudices towards the country's Muslims and often have little or no knowledge about the religion of their Muslim compatriots. The National Commission on Muslim Filipinos (NCMF) generally alleges that Muslims experience discrimination from government offices. According to NCMF, this particularly affects Muslims who have fled Marawi and taken refuge in other parts of the country because of the war. Only a few specific cases are known, including situations in which the National Housing Authority and the Pasig River Rehabilitation Commission were allegedly very reluctant to allocate government-subsidised housing to Muslims.

In particular, the **Catholic Church** with its massive membership traditionally has a considerable **power to influence opinions on social questions**; in the past, government authorities largely abided by this. Since President Duterte took office in June 2016, however, the relationship between the state and the Catholic Church has shifted. Leading members of the church criticise President Duterte for his “War against Drugs” and the associated human rights violations. President Duterte has repeatedly insulted the Catholic Church in public tirades. Members of the Catholic Church also feel affected by “shrinking spaces” for civil society, especially when they take political stances.



German Embassy hands over relief goods donated to support indigenous minorities particularly hard hit by the pandemic to representatives of the Mangyan Mission. © Federal Foreign Office/Embassy

Social conflicts with religious components

The **decades-long armed conflict on the southern island of Mindanao** between the Moro Islamic Liberation Front (MILF) and the Philippine armed forces had the goal of creating a largely independent government entity in the regions of the island with a predominantly Muslim population. After the peace deal of 2014, the Philippine Parliament passed the Bangsamoro Organic Law of 2018, which was also approved by the region’s population

in referenda held in January and February 2019. With the thus-established Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), which has been initially governed by representatives of MILF, institutions were created with the intention of permanently overcoming the old, religiously charged conflict. Yet the combination of the populace's high expectations, the inexperience of the new entity's administration and violent actions by remaining "spoilers" makes lasting success anything but a given. In addition, religious leaders of Christian communities in the region have expressed general concerns about the fate of Christians in the new BARMM. Especially in the western part of Mindanao and on the Sulu archipelago, there is a continued terrorist threat from Islamist groups that in some cases have close ties to Islamic State (IS).

Structures of inter-faith cooperation

In the Philippine chapter of the international Religions for Peace (RFP) movement, there is an institution specially dedicated to inter-faith cooperation. Although members of all world religions participate there, chiefly Christian and Muslim religious groups play a role – other groups lack relevance in the country for numerical reasons. The Philippines' Religions for Peace movement participated in the August 2019 World Assembly in Lindau im Bodensee, Germany, which was funded by the German Federal Foreign Office.

Russia⁴¹¹

Numerous religions are represented in Russia, the world's largest country by land area, which has a population of more than 140 million people from nearly 100 different ethnic groups. Following the collapse of the Soviet Union, the **Russian Orthodox Church** (ROC) has palpably expanded its influence over the past decades. Today, only five per cent of the population still self-identifies as atheist. Despite the constitutional separation between religion and state, the ROC enjoys a special de-facto status and considers itself the state religion by its own self-definition. Links between the ROC and Russian policy are also evident in the conflict over the autocephaly of the Ukrainian Orthodox Church and in Middle Eastern policy. Alongside the ROC, **Islam**, **Buddhism** and **Judaism** are also assigned privileged roles as "heritage" religions of Russia.

Formally, Russia guarantees all human rights and civil liberties in its Constitution of 1993.

411 Regarding Crimea and Russia's responsibility under international law, as ruled by the ECtHR, see the section on Ukraine for more on the current situation and the safeguarding of human rights in Crimea.

In practice, however, **freedom of religion or belief** is also subject to restrictions that have tightened in recent years in regard to specific groups. This especially applies to members of the Jehovah's Witnesses, who undergo criminal prosecution directly linked to the exercise of their faith; the Jehovah's Witnesses were banned as a religious group in 2017. In practice, the **registration of new religious groups** that are not among the "heritage" faiths of Russia can be drawn out for years or be denied altogether.

Demographic breakdown by religion

Official statistics on religious affiliation are not available, and the findings of research institutes may vary widely. According to a November 2012 poll by the Levada Center, an independent Russian opinion research institute, 74 per cent of the population are Orthodox Christian, seven per cent are Muslim and the Catholic, Protestant, Jewish and Buddhist communities account for roughly one per cent each. Five per cent are atheist (this share is declining), and 10 per cent identify as religious but unaffiliated.

Legal situation

Russia signed the International Covenant on Civil and Political Rights (ICCPR) on 18 March 1968 and ratified it on 16 October 1973.

According to Article 14 of the Constitution of 1993, Russia is a secular state and "no religion may be established as the State religion or as obligatory". Religious associations are separate from the state and equal under the law. Article 19 of the Constitution guarantees citizens equal rights irrespective of their religion or convictions. Article 28 of the Constitution enshrines both freedom of religion or belief in both positive and negative senses.

Nevertheless, the preamble to the 1997 **Law on the Freedom of Conscience and Religious Associations** underscores the "special role of the Orthodox Church in the history of Russia, the formation and development of its spirituality and culture". As well as Orthodox Christianity, the preamble to the law also singles out **Islam, Buddhism and Judaism** as religions with "historical heritage" on the territory of Russia.

The law further stipulates that "**religious organisations**" are to register as legal entities. Violations are subject to both criminal and administrative sanctions.



Ambassador von Geyr in a meeting with Patriarch Kyrill © Federal Foreign Office / Embassy

The Russian state does not collect church taxes on behalf of religious groups, as in Germany; any **direct funding for religious organisations out of the government budget is prohibited**. Religious groups such as the Russian Orthodox Church are largely financed by donations and offerings, by the proceeds from selling devotional objects and by charging fees for religious administrative acts. Because of an **amendment to the Law on the Freedom of Conscience and Religious Associations from 28 November 2015**, religious organisations that receive funding from abroad are obligated to file reports on their activities, their leaders and their budgets to the Ministry of Justice. The amended law generally confines religious acts to being performed at registered places of worship and prohibits registered religious groups from engaging in dialogue about their faith, disseminating religious literature, and the like, outside their places of worship. Violations are punishable by steep fines or imprisonment. **The changes have already been enforced in regard to numerous religious organisations of various religions and denominations**, including Baptists, Adventists, Protestants, Pentecostals and Muslims. To date, the ROC has not been affected by this law. The legal changes have led to a situation in which

minority religions are now largely only practised behind closed doors or in secret. **A pair of legal amendments to a counter-terrorism law, passed on 6 July 2016** and known as the **Yarovaya laws**, also outlaw “missionary activities” and the dissemination of religious literature without full disclosure of the name of the religious organisation in question.

Both the Russian Constitution (Article 59 (3)) and Federal Law No. 113 of 2008 on Alternative Civilian Service allow for **conscientious objectors** to military conscription. In this case, the conscientious objector must enlist in alternative service. The application process is very bureaucratic, but claiming this provision appears to be generally feasible and unimpeded. The Jehovah’s Witnesses are an exception to this. Because they were classified as an extremist group in 2017, they no longer have the ability to obtain conscientious objector status on religious grounds.

Restrictions on freedom of religion or belief by state actors

The registration of new religious groups that are not among the “heritage” faiths of Russia can, in practice, often be drawn out for years or be denied altogether. Those affected often resort to founding a mere “religious group”, whose activities do not require registration, instead of a religious organisation or association. There are reports of construction delays affecting mosques, but also Orthodox churches in specific cases.

In response to a so-called “**punk prayer**” by the **Pussy Riot group** in front of the iconostasis of the Cathedral of Christ the Saviour in Moscow, public performances liable to insult religious feelings (**blasphemy**) were re-criminalised in July 2013 (under Section 148 of the Criminal Code), punishable with a fine of up to RUB 300,000 (approx. EUR 4,250) or up to one year’s imprisonment.⁴¹² If the “insult to religious feelings” took place in a location dedicated to the practice of faith, the maximum fine is RUB 500,000 (approx. EUR 7,080) or three years’ imprisonment.

Freedom of religion or belief is restricted by Section 282.2 (2) of the Russian Criminal Code (“**Incitement of Hatred or Enmity**”). This provision punishes the participation in the activities of a public or religious group that is classified as extremist with a maximum fine of RUB 800,000 (approx. EUR 11,330) and up to 10 years in prison. The **Federal Law on Combating Extremist Activity**, passed in 2002 and amended several times since, uses a vague definition of extremism that, in practice, has been interpreted very loosely by

⁴¹² From 1997 to 2013, insulting religious feelings was a misdemeanour offence (Administrative Code) punishable by a fine of up to RUB 1,000 (approx. EUR 14).

crime enforcement authorities and restricts the freedom of religion or belief. In April 2017, citing this law and acting on a petition from the Justice Ministry, the Russian Supreme Court classified the activities of the religious association registered as the Administrative Centre of Jehovah's Witnesses in Russia as "extremist", banned the Jehovah's Witnesses' headquarters in St. Petersburg and their nearly 400 local chapters (or religious institutions) and confiscated the religious group's property. Since then, criminal investigations have been launched against more than a hundred individuals. In February 2019, for the first time, a member of the Jehovah's Witnesses – a Danish citizen – was sentenced to prison, for six years, after being convicted of "organising the activities of an extremist organisation".

According to reports from human rights organisations, in the context of **official efforts to counter Islamist terrorism**, increased pressure has been placed on groups that deviate from the northern Caucasus' traditional religious practices, and especially from those propagated by the Chechen leadership. Specific Russian regions and institutions have imposed bans on the wearing of religious garments, principally the hijab.

In its Resolution 71/205 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, from December 2016, the UN General Assembly condemned cases of abuse and discriminatory practices by the de-facto authorities there targeting residents of Crimea, including Crimean Tartars, as well as practices by Russian authorities targeting the Ukrainian population and members of other ethnic and religious groups.⁴¹³ The resolution called upon Russia to take all steps necessary to end all misconduct in Crimea immediately and to revoke all discriminatory laws. Russian authorities have accused or convicted a number of Crimean Tartars of religious extremism.

Social conflicts with religious components

The ROC is among the supporters of the 2013 **law banning so-called "propaganda of nontraditional sexual relations to minors"**, which de-facto discriminates against LGBTI individuals under the pretext of protecting minors. Representatives of the ROC regularly make disapproving and defamatory remarks about LGBTI people and their rights; this has contributed to the hardening of homophobic attitudes in Russian society.

413 UN General Assembly 2016. Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine). A/RES/71/205.

There is a strong social consensus on partly religious grounds against advocating for the rights of sexual minorities. However, a Levada study from spring 2019 indicates a gradual shift in this area. In the past, LGBTI individuals have been the targets of repeated hostilities and assaults by Orthodox activists and groups who justify their actions with the reasoning that they are protecting “traditional values”. The Russian authorities have not provided protection or consistently investigated the perpetrators.

The situation is especially precarious in **Chechnya**, which, under the leadership of Ramzan Kadyrov as Head of the Chechen Republic, is dominated by a specific interpretation of Islam and by traditional Chechnyan values. In spring 2017, human rights organisations reported on the **persecution of gay men in particular** with multiple cases of torture and arbitrary killings by the Chechen security forces. A **report by the OSCE Rapporteur Wolfgang Benedek** from December 2018 found that allegations of gross human rights violations were substantiated and that the security forces had not been held accountable for them.⁴¹⁴ According to LGBTI organisations, around 200 people fled Chechnya during the persecution measures.

The ROC was also among the backers of a **legal amendment in February 2017** that **de-criminalised specific forms of domestic violence** in Russia. In parts of the northern Caucasus, the status of women is governed not only by Russian laws, but also by regional customary law and Sharia-derived jurisprudence. Human rights groups report on the **existence of Sharia marriages** parallel to civil marriage, cases of forced marriage and discrimination regarding custody.

In the northern Caucasus and beyond, **Islamist terror groups** carry out attacks that particularly target representatives of state power but also affect uninvolved civilians. For example, in April 2017, a total of 16 people in the St. Petersburg metro were killed in a terror attack attributed to Islamist extremists. The Russian security forces crack down hard on suspected Islamist extremists.

In 2017, in connection with the **production and screenings of the film *Matilda***, cinemas and their proprietors became targets of threats and arson attacks.⁴¹⁵ There are reports of **antisemitic statements made in this context by Russian politicians and ROC representatives**, in which they portrayed the murders of the tsar’s family as a “ritual murder”

414 The OSCE Rapporteur’s Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation by Dr Wolfgang Benedek (2018), <https://www.osce.org/odihr/407402>; this report was prepared at the request of 16 OSCE countries via the Moscow Mechanism.

415 *Matilda* is a Russian film about the relationship between Nikolay Romanov, the heir to the Russian throne, and Matilda Kshesinskaya, a prima ballerina. The film was condemned by members of the ultra-conservative Orthodox community.

planned and carried out by “Jewish circles”. **However, antisemitic assaults are an extremely rare occurrence.** In 2018, the NGO SOVA Center for Information and Analysis reported two cases of vandalism at Jewish cemeteries in the Smolensk Oblast and in Voronezh. In September 2017, the Moscow office of the Federation of Jewish Communities of Russia was the target of an arson attack, causing property damage.

In connection with the **construction of churches by the ROC**, there are occasionally protests by local residents who decry the **loss of green space or who press for other land uses.** The NGO SOVA has also reported **protests have been held against the construction of mosques** in various Russian cities, protests at which Islamophobic remarks were also made. Following demonstrations, the authorities have suspended individual construction projects, including one in the city of Perm, from proceeding at the original building sites.

Structures of inter-faith cooperation

In December 1998, the **Interreligious Council of Russia** was founded at the initiative of the ROC, bringing together leading representatives of Russia’s four “heritage” religions.⁴¹⁶ The honorary chair is the Patriarch of the ROC; the Council is part of the worldwide organisation Religions for Peace.

The Council’s stated mission is to coordinate activities between the religious groups, to counteract the exploitation of religious feelings for inciting inter-ethnic conflicts, to reinforce traditional spiritual values in society, to promote unity and stability and to spearhead dialogue with the Russian Government and other countries. Over the years, the Council has issued various messages with the aim of ensuring stability and peaceful coexistence, such as a statement condemning religiously motivated violence after a terror attack and an appeal for tolerance among the plurality of ethnic and religious groups in Russia. Many statements reflect the religious groups’ shared normative objectives, as seen in appeals for strengthening traditional values in society or in schooling. To support Christian communities in the Middle East, Patriarch Krill released a joint message with Pope Francis.

416 The Moscow Patriarchate, the Russian Council of Muftis, the Central Muslim Spiritual Board of Russia and the European Commonwealth of Independent States (CIS), the Congress of the Jewish Religious Organizations and Associations in Russia (CJROAR) and the Buddhist Traditional Sangha of Russia.

On the international level, links with Russian foreign policy are evident in the conflict over the autocephaly of the Ukrainian Orthodox Church as well as in the policy of supporting Christian communities in the Middle Eastern region. On this subject, Patriarch Krill released a joint message with Pope Francis advocating for joining forces to protect and support Christians in the Middle East.



*Ambassador Jörg Ranau together with Dr Mohammed Alissa, Secretary General of the Muslim World League
© Federal Foreign Office/Embassy*

Saudi Arabia

Saudi Arabia views itself as a Muslim, non-secular monarchical state where laws, society and politics are based on tribal traditions, religion and the Wahhabi interpretation of Sharia. Sunni Islam is the state religion; the Quran and the Sunna – i.e. the life practices of the Prophet Mohammed – serve as the foundation of the system of government. The head of state and government is the King, who bears the title “Custodian of the Two Holy Mosques”, referring to the great mosques in Mecca and Medina. Human rights only apply to the extent that they are compatible with Sharia. A conservative interpretation of Islam

continues to undermine freedom of religion or belief, although steps have been taken towards adopting a more moderate interpretation. The unrestricted (public) exercise of religions or denominations other than Sunni Islam is not possible.

Despite Crown Prince Mohammed bin Salman’s call in 2017 for the country “to return” to a moderate and restrained interpretation of Islam, **Islam remains the declared source of its system of values and laws**. Due to Saudi Arabia’s self-image as the home of the two holiest sites of Islam, this situation is not expected to change in the foreseeable future, even during the current period of reform and of society opening up.

The country’s funding of Sunni communities worldwide, which some have viewed as a practice of “exporting Salafism”, remains a critical issue that has drawn much international attention. The announcement of a religious paradigm shift by the state leadership has also been reflected in Saudi’s involvement in other countries. **Saudi Government support for the Salafi-Jihadi spectrum** is no longer a factor.

Demographic breakdown by religion

Saudi Arabia has 33.5 million inhabitants, around 11.5 million of whom are of foreign origin. Of the 22 million Saudi Arabian citizens, approximately **85–90 per cent are followers of the Sunni faith** (predominantly the Hanbali school of jurisprudence). **Shiites account for around 10–12 per cent** of Saudi citizens. According to estimates, **1.5 million Christians** of various denominations also reside in Saudi Arabia; most of them are Indian and Filipino workers. In addition, at least 300,000 Hindus, 100,000 Buddhists, 70,000 members of other religions and around 200,000 religiously unaffiliated people reside in the country.

Legal situation

As a rule, Saudi Arabia ratifies UN Conventions with reservations making their application contingent on Sharia law. Saudi Arabia has not acceded to the International Covenant on Civil and Political Rights (ICCPR).

Saudi Arabia’s Basic Law of Governance, from 1992, enshrines **Islam as the state religion** in Article 1. **The Quran and Sunna serve as the foundation of the legal system. Sharia is applied in a specifically Saudi interpretation (often designated “Wahhabi” outside Saudi Arabia) within the Hanbali school of Sunni jurisprudence**. Article 23 states: “The State

shall protect the Islamic Creed and shall cater to the application of Sharia. The State shall enjoin good and forbid evil, and shall undertake the duties of the call to Islam". According to Article 26, "the State shall protect human rights in accordance with Islamic Sharia".

Sunni Islam is the only officially recognised and funded religion in Saudi Arabia. **The public practice of other religions is not permitted;** their religious symbols may not be worn openly, nor may their sacred texts or symbols be imported from abroad. The **practice of Shiite rituals** is restricted and **only tolerated in certain regions**. Shiites are permitted to build new mosques in towns and cities where they constitute the majority, but generally they cannot build new community centres (known as *housseiniyas*).

Conducting missionary activities and operating houses of worship are strictly forbidden. The dominant Wahhabi doctrine on the relationship between religions in Saudi Arabia is rooted in a hadith, that is, a passed-down tradition regarding the habits, statements and practices of the Prophet Muhammad: "The Arabian Peninsula cannot hold two religions!" The religious establishment interprets this hadith literally; it is said to be the Prophet's will that no religions besides Islam be practised in the country. Violators face draconian punishments which are at the largely untrammelled discretion of a Sharia judge. The Grand Mufti affirmed multiple times that **Christian churches are not permitted** on the Arabian Peninsula. Rumours that this might change following official visits to Saudi Arabia by church representatives (starting in 2018) provoked fierce unfavourable responses on social media.

Blasphemy and "apostasy" are prohibited under Islamic law and punishable by execution; in practice, this is a rare exception, however.

Restrictions on freedom of religion or belief by state actors

The scope of government restrictions on freedom of religion in Saudi Arabia can be assessed as very extensive. **The reformist policy agenda of Crown Prince Mohammed bin Salman** has sparked somewhat of a policy shift around religion. Both the Crown Prince and the Secretary General of the Muslim World League, Mohammed Al-Issa, made multiple public announcements of their plans to **return to a moderate interpretation of Islam** and their intentions to **crack down severely on Islamist groups and extremist forms of Islam**. This statement fits within the Crown Prince's broad-ranging modernisation policy. However, the political context and motives of the statement have more to do with economic and social factors than religious ones. Further, the May 2019 conference of the Muslim World League, held in Mecca, issued the Mecca Declaration, which includes an appeal to inter-religious tolerance. **The monarchy's cautious retreat from a rigid Wahhabi**

outlook on Islam has manifested in the **dis-empowerment of the religious police**, the reorientation of the Muslim World League, and the partial withdrawal of Islamic scholars from politics amidst government repression (for example, the spate of arrests of many well-known preachers, such as Salman Al-Odah, beginning in 2017, and their prosecution under the November 2017 anti-terrorism law).

Despite these reform efforts, freedom of religion or belief, especially for religious minorities, remains considerably restricted by government actors.

Members of the **Shiite minority endure systematic socio-political and economic discrimination** that restricts their freedom of belief. As a rule, they are not confirmed for high government posts and are likewise under-represented in lower civil service grades. They also have trouble with university admissions and on the labour market. In higher education, Shiites experience discrimination when it comes to appointing professors, admitting students and hiring administrative staff. Thus, the share of Shiite professors at universities in the Eastern Province is significantly lower than the overall share of Shiites in the region's population. Furthermore, Shiites are under-represented among the management of primary schools. They are discriminated against in university admissions as well as on the labour market.

In the summer of 2017, in the Al-Masoura district of the **Al-Awamiyah municipality (Eastern Province)**, major clashes erupted between the security forces and members of the Shiite minority. Members of the security forces fell victim to various bombings that were suspected to have been carried out from the narrow alleys of the Old Town. There were numerous fatalities on both sides. Since all the residents were subsequently resettled, starting in August 2017, and the neighbourhood was demolished to be rebuilt with "enhanced security", the situation on the ground has been fairly calm.

In 2014, the **Muslim Brotherhood** was listed as a **terror organisation** in Saudi Arabia and its members have since been prosecuted accordingly. With the **criminalisation of Islamists, including non-violent ones**, under the current anti-terrorism law, the Saudi Government has now taken the opportunity to tighten the reins in the religious domain as well.

Social conflicts with religious components

Based on the impression that Iran's regional influence is growing, Saudi Arabia is trying to position itself as a defender of the region's Sunnis. This effort benefits from an affinity within Saudi society for **anti-Shiite propaganda**. In turn, Iran exploits discrimination against Shiites for its own political ends, especially in the media. This further exacerbates sectarian disagreements between Shia and Sunni Muslims. Shiites were significantly over-represented among the 37 convicts who were executed in April 2019 in Saudi Arabia on charges of terrorist acts and murder. Nevertheless, the government stresses that some of those executed were Sunni and rejects the accusation that this was an act of "anti-Shiite hostility". The government wants to avoid further sectarian escalation and armed violence, the likes of which broke out in Awamiyah in 2017.

Structures of inter-faith cooperation

To date, no structures for inter-faith cooperation exist. Via the Muslim World League, as an international NGO, the government tries to exert influence on international dialogue forums. In addition, there have been a growing number of (symbolic) inter-religious occasions.

For example, the **Maronite Catholic Patriarch of Antioch**, Bechara Boutros al-Rahi of Beirut, was received by the King in Riyadh in late 2017 (his photograph, including his pectoral cross, was published in all the Saudi newspapers.). In December 2018, after a visit to Egypt by Crown Prince Muhammad bin Salman, the very first large-scale prayer service of the **Coptic Orthodox Church** in Riyadh was authorised and held. It remained a one-time symbolic gesture. On his 2018 visits to Egypt, the United Kingdom, the United States and France, the Crown Prince spoke with high-ranking representatives of religions and churches. He also received a delegation of American evangelical clerics in November 2018. So far, the pinnacle of Saudi Arabia's very long road to normalising relations with other religious groups came when **Jean-Louis Pierre Tauran, Cardinal of the Roman Cura** and the chair of the Pontifical Council for Interreligious Dialogue, visited Riyadh in April 2018. It was the very first **official visit to Saudi Arabia by a representative of the Vatican** in history. A Memorandum of Understanding signed by Cardinal Tauran and the Secretary General of the Muslim World League, Dr Mohammed Al Issa, initiated a joint working group to promote interfaith dialogue. However, so far there have been no concrete results or progress towards forming a structure for cooperation.

Somalia

Since the Provisional Constitution was adopted in August 2012, the beginnings of pacification, stabilisation and the reconstruction of government structures have been evident. With the establishment of five Federal Member States in late 2016, the process of instituting a federal system is nearly complete; however, the “Somaliland question” and the status of the capital region of Benaadir remain unresolved. There are recurring tensions over the relationship between Mogadishu and the Federal Member States (including Puntland) and conflicts continue with the territory of Somaliland, which seeks independence; these tensions and conflicts paralyse the country’s political and economic progress.

Somalia’s Provisional Constitution designates (Sunni) Islam as the state religion. The legal system in Somalia, especially in its practical application, is shaped by the prevalence of customary law (*xeer*) and Sharia. Since 1991, Wahhabi influences have gained considerable prominence. In the territories of southern Somalia and the Somali-Kenyan border region occupied by the fundamentalist Islamist terrorist militia Al-Shabaab (AS), the population lives under the duress of the particularly fundamentalist interpretation of Islam applied in the country and propagated by the militia.

Freedoms related to religion and belief are considerably restricted in Somalia. There is strong social pressure to publicly practise Sunni Islam. Converting to a religion besides Islam is a punishable crime in some regions and is socially ostracised elsewhere. The public exercise of religions other than Sunni Islam is practically impossible in Somalia. There are strong, visible restrictions on the rights of women, children and minorities on the basis of cultural and religious considerations.

Developments in Somaliland, which is comparably stable and under unified state control, demonstrate that a long-term strengthening of the rule of law in Somalia could have an indirect positive impact on freedom of religion or belief in the country. Notwithstanding, both religious institutions and the public in Somaliland also vocally resist a social liberalisation of religious matters.

Demographic breakdown by religion

Estimates of Somalia's population range between around 11 and 15 million. According to statements by the Ministry of Religious Affairs – which cannot be independently verified, but are credible – Somalia's **population is comprised almost exclusively of Sunni Muslims**. Among the very small share of religious minorities, there is a small Christian community primarily made up of foreigners (employees of international organisations) as well as an unknown number of Shiite Muslims.

Legal situation

Somalia acceded to the International Covenant on Civil and Political Rights (ICCPR) on 24 January 1990.

Somalia's Provisional Federal Constitution of 2012 designates (Sunni) Islam as the state religion in Article 2. The Constitution provides for the right to freedom of religion, the individual right to practise one's own religion and the equality of all people under the law. Converting to another religion is not explicitly prohibited. However, the **"propagation" of any religion other than Islam is**. In addition, Somali laws must be consistent with the principles of Sharia; no exceptions to its application are provided for non-Muslims.

The **national Penal Code of 1962** applies to all regions of Somalia and criminalises male homosexual activities, **"apostasy", blasphemy**, "bringing the religion of Islam into contempt" and missionary activities. Violations are punishable by up to two years' imprisonment. There are reports of vigilante justice being carried out within families and clan communities in cases of "apostasy". In the territories controlled by AS, these accusations usually lead to execution.

In most territories of Somalia, legislation is based on xeer, Sharia and the National Penal Code of 1962, which in principle continues to apply.⁴¹⁷ In many territories, highly localised ideas of jurisprudence predominate; these also encompass aspects of freedom of religion. The Constitutions of Somaliland and Puntland designate Islam as the state religion, profess compliance with the principles of Sharia and prohibit the dissemination of other religions. Unlike the Provisional Constitution of 2012, they explicitly forbid conversion to another religion besides Islam. The Constitution of Puntland also bans all laws and cultures that run contrary to Islam as well as protests against Islam itself.

417 Xeer is traditional or customary law.

The laws of Somalia are de-facto not applied in Somaliland, which seeks independence and has its own constitution and its own legal system on the same foundations described above. However, the National Penal Code of 1962 is also still in force there.

Restrictions on freedom of religion or belief by state actors

The population of Somalia consists almost exclusively of Sunni Muslims.

Religious schools and formal houses of worship are subject to various licensing requirements, which, however, are seldom enforced by all accounts. De jure, the national Ministry of Education holds the mandate to regulate Islamic religious education. Non-Muslim pupils have the formal right to be exempted from Islamic education at state schools, but according to the Somali authorities, no such requests have ever been made.

The Constitutions of Somaliland and Puntland each restrict freedom of religion in connection with their president (who is obliged to be Muslim) and with the establishment of political parties and religious organisations.

In territories controlled by the fundamentalist Islamist terrorist militia AS, there is no freedom of religion or belief of any kind, neither de jure nor de facto. AS unrelentingly punishes any violations of the **strict Wahhabi interpretation of Islam** that prevails there.

Social conflicts with religious components

In Somalia, there is intense social pressure to uphold traditional Sunni Muslim norms. This pressure has further intensified over the past two decades in the context of growing Wahhabi influence. In general, the **restrictions to the rights of women, children and teenagers** and social minorities such as **LGBTI individuals** in Somalia have religious dimensions as well as traditional cultural ones. This applies to the practice of female genital mutilation (FGM) – extremely widespread in Somalia – as well as the prevalence of **marriages involving minors** (including forced marriages) and the **condemnation of homosexuality**. Many of these practices take place outside the formal framework of the law or in the context of local customary law. In Somaliland, for example, there is no legally codified minimum age to marry.

The discourse around the radical and militant school of Islam that is embodied by the fundamentalist Islamist terrorist militia Al-Shabaab (AS) sets the terms of the debate in Somali society. The restrictions to the rights of women, children and teenagers and

social minorities are the most prevalent in territories under AS control, although AS also attempts to impose its strict interpretation of Islam in other parts of the country through the use of threats and intimidation. Adherents to more liberal interpretations of Islam that do not match the militia's views are considered apostates by AS, which persecutes them accordingly.

AS views international aid organisations and the United Nations as “supporters of the apostate regime”; there have been repeated cases of kidnappings or attacks targeting these groups. AS also deploys religious rhetoric against the African Union Mission in Somalia, which AS calls a Christian “crusade” aimed at a Christian occupation of Somalia.

Christian aid organisations are also accused of spreading “propaganda” about the Christian faith. AS prohibits recreational activities and media that it considers to be Western, such as sporting events, films, television, music and the internet. Furthermore, it regards smoking and the consumption of drugs as “un-Muslim”.

According to reports by Bahame Nyanduga, the independent UN expert on the human rights situation in Somalia, armed militias, clans and AS compel girls into forced marriages. These also take place with the approval of religious leaders.

Sri Lanka

Sri Lanka is a democracy in which the pre-requisites for the peaceful coexistence of religions and ethnic groups are generally present. Until 2009, the country was riven by a decades-long civil war between the predominantly Hindu Tamil ethnic group and the predominantly Buddhist Sinhalese. After opening up politically in 2015, it has gone through a phase of reconciliation. The government in office from 2015 to 2019 declared national reconciliation as its priority and all of Sri Lanka's major religions were represented in the cabinet. After the violent clashes between Buddhists and Muslims in 2018 and the terror attacks on churches and hotels on Easter Sunday 2019, the government and leading representatives of all religions made repeated appeals for peace and reconciliation.

Many of the predominantly Hindu Tamils view themselves as an oppressed minority on the Sinhalese/Buddhist-dominated island of Sri Lanka. Meanwhile, the Sinhalese population views itself as a minority in a Tamil-dominated region (in light of the 70 million Tamils in the nearby southern Indian state of Tamil Nadu). There are members of Christian religions in both ethnic groups. The Muslim population group has largely

integrated into the broader population in Colombo and the Sinhalese-majority regions, while maintaining its religious principles. The coexistence between Muslims and Tamils in northern and eastern Sri Lanka has not always been amicable.



Youth initiative for inter-religious cooperation as part of a reconciliation project in Sri Lanka financed by the German Federal Foreign Office and the EU © We Lanka, Search for Common Ground

Although general **freedom of religion enjoys constitutional protection, Buddhism is privileged under the Constitution** and also benefits from that in day-to-day reality. Particularly problematic is the large influence of radical Buddhist monks, who in some cases provoke religious conflicts. This is seldom criminally prosecuted; the government and authorities often behave passively in the aftermath of attacks.

Demographic breakdown by religion

Sri Lanka has around 22 million inhabitants. Approximately 70 per cent of them are Buddhists, 13 per cent are Hindus, 10 per cent are Muslims and seven per cent are Christians. The majority of Muslims are Sunni; the Christian population is mostly Roman Catholic. Religion holds great importance for the majority of Sri Lankans.

In Sri Lanka, religion is closely associated with ethnicity. The majority of Buddhists are Sinhalese and the majority of Hindus are Tamil.

Legal situation

Sri Lanka acceded to the International Covenant on Civil and Political Rights (ICCPR) on 11 June 1980.

Freedom of religion or belief is protected by two articles of the Constitution. Article 10 of the Sri Lankan Constitution states: “Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.” Article 14 (1) of the Constitution guarantees every citizen the right “either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching”. The Constitution does not place any explicit restrictions on freedom of religion. However, the freedoms of opinion, association and assembly can be restricted by **laws to preserve religious harmony**. In Sri Lanka, blasphemy is punishable by up to two years’ imprisonment (Articles 290 and 291 of the Penal Code).

Article 9 of the Constitution grants Buddhism “the foremost place” and obliges the government to protect it. However, the Constitution does not designate Buddhism as the state religion. There are four different religion ministries, each responsible for the affairs of one of the religions. A ministry for overall religious affairs does not exist.

In general, religious groups have no obligation to register with the government. However, registration as a trust, society, NGO or company is required in order to obtain a building permit for a new house of worship, to open a bank account or to purchase property. Religious organisations receive highest-level government recognition and authorisation to freely operate schools if they are recognised by a parliamentary vote, which requires a simple majority.

Aspects of **personal status and family law** are regulated distinctly for each population group. This is a legacy of the British colonial period, during which different civil-law rules applied to different ethnicities and religions. For example, the General Marriage Registration Ordinance (GMRO) applies to all citizens except for Muslims who marry within their religion. Whereas most Buddhist Sinhalese can choose whether to marry according to the regulations of the GMRO or according to the Kandyan Marriage and Divorce Act of 1952, a marriage between Muslims is always subject to the Muslim Marriage and Divorce Act (MMDA). Under the MMDA, the minimum marriage age of 18 does not apply, and wives experience significant discrimination compared to their husbands, for example in terms of requirements for divorce. In addition, women are prohibited from having multiple husbands, but not vice versa. Hindus also have their own civil law rules, such as the

Hindu Inheritance Act, which severely disadvantages women. The call for unifying the various civil law codes in the country (“one country, one law”), which has been voiced with growing frequency, is an important government project that remains to be implemented.

Restrictions on freedom of religion or belief by state actors

The religious/ethnic minorities often do not perceive the state as a neutral party.

There are perennial reports that local security forces have remained passive in cases of attacks by Buddhist extremists on other religious groups. In March 2018, for example, after the death of a (Buddhist) auto rickshaw driver in the Kandy region following a skirmish with a small group of Muslims, a mob instigated by Buddhist provocateurs assaulted Muslim shops and establishments. Because the local police was clearly hesitant to intervene, a state of emergency was declared, and only the army was able to pacify the situation. To date, most perpetrators of ethno-religious violence have walked free without punishment, or the trial has been drawn out for years.

Following the terror attacks on churches and hotels on 21 April 2019, NGOs reported that the security forces unilaterally targeted the Muslim population, justifying this in the name of terrorism prevention. In the days following the attacks, the homes of thousands of Muslim families were searched. The Muslim community felt it was under generalised suspicion. Moreover, then-President Maithripala Sirisena prohibited the wearing of facial veils in the name of protecting national security, a measure that, according to Muslim representatives, singled out burkas and niqabs. In certain cases, municipalities have tried to deny Muslim merchants access to weekly markets, which the municipal representatives felt was necessary in order to keep the peace. Some of these measures were then struck down by the courts, however.

Evangelical Christian communities, primarily in rural areas, repeatedly complain of official harassment, for example when applying for building permits for churches or schools.

Social conflicts with religious components

Because the ethnicities are closely linked to religions, nearly every ethnic conflict in Sri Lanka also has a religious dimension. In particular, the role of the Buddhist monks should not be underestimated: they have grown increasingly involved in politics since independence and have promoted the interests of Sinhalese Buddhism at minorities' expense. The Buddhists view themselves as guardians of Sinhalese (majority) culture.

Buddhist radicals strategically exploit the conflation of Buddhism and (Sinhalese) national identity in order to stoke **the Sinhalese majority's primal fears of being outnumbered by outsiders**. These attitudes are primarily aimed at Tamils (with reference to the 70 million Tamils in neighbouring southern India) but increasingly also at Muslims.

With the growing **influence from abroad, especially from Saudi Arabia and the Gulf States (Wahhabi preachers and the construction of mosques and an Islamic school of higher learning)**, the Muslim community in Sri Lanka has grown more conservative over the past 20 years. This influence is also evident in the establishment of madrasas in recent years, due to which some Muslim children no longer attend state schools. In response to the terror attacks, the government now plans to strengthen the Education Ministry's supervisory authority over all schools so as to guarantee a consistent curriculum. Legal measures against propagating hate are also under consideration.

There is now little reporting in the media on religiously motivated attacks on Tamils. However, there are complaints that more and more Buddhist temples are being built in majority-Tamil areas. A constitutional reform including elements of federalism, spearheaded by the new government in 2015, has not yet been implemented. One point of contention is the wording regarding the (special) role of Buddhism in the draft constitution.

Since the end of the civil war in 2009, there has been a noticeable **increase in anti-Islam hostility**, which culminated in the anti-Muslim riots of 2014 and 2018; to date, there has not been any criminal prosecution related to these events. The riots were partly incited by the hateful preaching of Buddhist radicals represented by groups such as Bodu Bala Sena (BBS, literally Buddhist Power Force) and Mahason Balayakaya. Although these groups are peripheral, they appear to shape the public discourse and a resolute intervention by the government has not been evident. In May 2019, President Sirisena prematurely pardoned the monk Gnanasera Thero, the leader of the radical nationalist Buddhist group BBS, who had been sentenced to six years' imprisonment only the previous year. The pardon sparked harsh criticism from civil society.

Since 2018, **Buddhist extremists** – who have been responsible for racist speech as well as active attacks on people with other beliefs – have gathered a growing audience via social media and have primarily targeted Muslims with aggressive racist rhetoric and hate speech. As early as March 2018, violent clashes broke out in Kandy District. Riots that erupted in mid-May 2019 after the Easter Sunday terror attacks that year caused property damage to mosques, Muslim-owned shops and vehicles and resulted in the death of one Muslim. After each of the two occurrences described above, the Sri Lankan Government blocked online platforms such as Facebook, WhatsApp and Instagram.

Other minority groups have also been attacked by Sinhalese Buddhist nationalists. The fear that Christian missionary activities call into question Buddhist supremacy in the country has prompted Buddhist monks and organisations to target Christian organisations, first by violent means and then using bureaucratic restrictions.⁴¹⁸ Christian organisations that provided help on the ground after the 2004 tsunami were regarded as a particular threat. However, between 2015 and the Islamist terror attacks of 2019, which primarily targeted Christians, attacks on Christian institutions declined.

Structures of inter-faith cooperation

In June 2019, then Prime Minister Ranil Wickremesinghe took up a proposal by the Buddhist clergy to establish a government-organised “**religious reconciliation council**” and made contact with all the religious leaders to this end; the proposal was never implemented.

Sudan

The vast majority of the Sudanese population are Sunni Muslims; there is also a small Christian minority.⁴¹⁹ The regime of Omar al-Bashir, who ruled the Sudan from 1989 to 2019, called itself Islamist. During the 1970s and 1980s, the politician Hassan al-Turabi had tried to combine the top-down political Islam of the Muslim Brotherhood with a grassroots mass movement following the model of communism. As a tool of mobilisation, Islamism did not last for long. It was quickly harnessed to repudiate unwelcome political rivals and to restrict their leeway via discriminatory measures. Towards the end of the Bashir regime, the populace mostly equated Islamism with corruption.

Thus, the peaceful revolution of 2019 was also an anti-Islamist revolution. Whereas demonstrators attended the nationwide demonstrations for greater freedom, human rights and the rule of law on an almost daily basis in their tens and hundreds of thousands, Islamist counter-demonstrations took place only sporadically and ended for lack of participation.

In regard to the coexistence with other religions, the Sudan has always presented itself as an advocate of moderate Islam and enabled Christians and other minorities to practise their religions. Sufism is ubiquitous in the Darfur region. In the past, some Sufi sects opposed the British and Egyptian occupiers while others cooperated with them. Political parties

418 See the case study on Sri Lanka within section 1.3.2 Limitations to the freedom to convert or to renounce a religion or belief or to proselytise others (missionary activities) of this report.

419 This is now the case following the secession of majority-Christian South Sudan in 2011.

grew out of these movements. Attempts to incite religious groups against one another or to radicalise the Sudanese have never been especially successful, not even after the military coup through which Bashir rose to power.

Civil liberties were highly restricted during Bashir's dictatorship. There are signs of hope that this situation is changing now. In August 2019, representatives of the Transitional Military Council and the oppositional coalition achieved consensus on a **Constitutional Charter for the Transitional Period**, in which both sides agreed to appoint an 11-member "Sovereignty Council" for a three-year transitional period; the Coptic Christian Raja Nicola sits on this council. Both a Muslim sheikh and a Coptic priest gave speeches at the ceremony to ratify the new Draft Constitution.

The challenges to achieving peace in the Sudan are formidable. There is an immense social fissure between the North African Arab/Muslim-dominated north and the sub-Saharan Christian-dominated south, a fissure caused less by religious factors than by social and economic ones. Due to their low literacy rates and traditional African practices, residents of the southern regions are in some cases subject to discrimination and labelled "backward" by the Muslim population.

Demographic breakdown by religion

The most recent census was conducted in 2008 before South Sudanese independence. The population estimate of around 40 million is based on projections using recent birth rates. The vast majority of the Sudanese population are Sunni Muslims (97 per cent). Approximately three per cent of the population are Christian (Coptic, Orthodox, Catholic and Presbyterian as well as Pentecostal communities, evangelicals and Seventh-Day Adventists). After the secession of South Sudan in 2011, the majority of Christians live in the regions bordering South Sudan, principally in Darfur and the Nuba Mountains. Only a small Christian population remains in Greater Khartoum.

Legal situation

The Sudan acceded to the International Covenant on Civil and Political Rights (ICCPR) on 18 March 1986.

The Sudanese Interim Constitution (applying to the territory of the Sudan and South Sudan today), adopted in 2005, was abolished upon the ousting of President Bashir on 11 April 2019. Article 6 of that Constitution guaranteed all religions extensive rights, including the rights to print and disseminate religious publications, to observe their own holidays and to establish their own foundations. There was no explicit restriction to the “Religions of the Book”. Sharia and the “consensus of the people” (among legal scholars) were to be “sources” – not *the* sources – of legislation, to be interpreted according to national traditions (Article 5 para. 1). The Constitution did not grant an explicit right to negative freedom of religion (the freedom not to belong to a religion). However, it contained at least one passage acknowledging the existence of people without religion.

The preamble to the **Draft Constitutional Charter of August 2019** stipulates the equality under the law of all Sudanese, the equal rights of women and men and respect for civil and political rights. The laws that were adopted on the basis of the suspended Interim Constitution of 2005 remain provisionally in effect, as do decrees issued since 19 April 2019 by the Military Transitional Council, unless they contradict provisions of the Draft Constitutional Charter.

Chapter 1 Nr. 3 (1) of the Draft Constitutional Charter prohibits discrimination on the basis of “race, religion, culture, sex, colour, gender, social or economic status, political opinion, disability, regional affiliation or any other cause”. This ban on discrimination, including the assertion of the right to a fair trial, cannot be suspended even if a state of emergency is declared (Chapter 13 (40)). The state commits to compliance with human rights and fundamental freedoms (Chapter 1 Nr. 3 (2)). Chapter 14 declares that all rights and freedoms guaranteed by international human rights agreements that were ratified by the Republic of the Sudan are an “integral part” of the Draft Constitution. The state undertakes “to protect and strengthen the rights” contained in the Draft Constitution and to “guarantee them for all” (Chapter 14 (42)). Chapter 14 (47) confers equality before the law, and Chapter 14 (55) confers comprehensive freedom of religion.

Chapter 14 (57) guarantees freedom of assembly and the right to jointly found “political parties, associations, organisations, syndicates and professional unions”. It also declares that no organisation may serve as a political party unless it has “open membership for all Sudanese, regardless of religion, ethnic origin or place of birth”, “democratically elected institutions” and “transparent and open sources of funding”.

During the Bashir regime, **all organisations were obligated to register** as a rule. How and where this registration was to be done depended on the focus of the religious association, or rather on how the Sudanese authorities perceived the organisation’s activities (charitable, cultural or purely religious). The registration requirements were completely opaque;

rules were imposed and altered arbitrarily. The registration process enabled the corrupt state apparatus to marginalise undesirable organisations, including religious groups, or to prevent them from exercising their constitutional rights. However, it is safe to assume that some unregistered religious organisations, especially private churches run by Eritrean refugees, existed during that period and presumably still do.

The Sudanese Interim Constitution of 2005 specified **Sharia as the source of legislation for the northern states** (today’s Republic of the Sudan). For the Sudan’s southern states (today’s South Sudan), “popular consensus, the values and the customs of the people of the Sudan, including their traditions and religious beliefs” were constitutionally enshrined as sources of legislation. **The Draft Constitution of 2019 no longer contains any reference to Sharia as a source of legislation.** However, it stipulates that laws that were passed on the basis of the now-defunct Interim Constitution of 2005 remain provisionally in force. That includes the **Criminal Act of 1991**, which contains some Sharia-influenced rules, such as a prohibition on alcohol consumption, that apply only to Muslims.

A **zakat tax to finance religious institutions** is levied on Muslims.⁴²⁰ Christian institutions must arrange their own financing; this is done via foundations and donations.

For **apostasy** and its incitement through explicit or implicit action, Muslims were subject to the death penalty under the **Criminal Act** (Section 126 (1)) during the reporting period. The convicted individual was to be given a court-determined grace period to “repent”, that is, to profess Islam again. The sentence would also be revoked if the individual in question returned to Islam even after the grace period. In 2015, the case of **Meriam Yahya Ibrahim Ishaq** drew major international attention. Ishaq was born to a Muslim father, but raised by her mother in the Ethiopian Orthodox faith. After she married a Christian, she was sentenced to death for “apostasy”. The death sentence was revoked, and she was permitted to leave the country after international intervention.⁴²¹

The Criminal Act (Section 125) penalises **blasphemy** for members of all religions, punishable by fines, prison sentences and up to 40 lashes.

420 Zakat, one of the Five Pillars of Islam, is the religious duty for Muslims to contribute up to 2.5 per cent of their wealth to charity.

421 Outside the reporting period, in July 2020, legal liberalisation measures were announced under which apostasy is no longer punishable by death. In addition, FGM was outlawed and alcohol consumption was legalised for non-Muslims.

Conversions are common in the Sudan, especially among ethnic groups residing in the border region who want to ensure that they have both Christian and Muslim leaders. Only when the underlying political interests become too overt do the authorities intervene by arresting the person conducting missionary activities. **Missionary activities by non-Muslims** can be regarded as blasphemy or as a disturbance of the peace. Converting to Islam from another religion or promoting such conversions is not penalised.

The Interim Constitution of 2005 included the right to marry freely. **Family law** follows the religion of the spouses. If the spouses do not have a religion, customary law is to be applied. Muslims are subject to Islamic **inheritance law**, which allocates women smaller shares of an inheritance than men, as well as Islamic divorce law, which places women in a weak position, especially in regard to alimony/child support entitlements and custody of children.

Restrictions on freedom of religion or belief by state actors

During the Bashir regime, there was no active persecution of religious groups. However, the legal situation was opaque, for example in regard to approval and permit requirements. The resulting legal uncertainty included an element of calculation: if someone became undesirable, there were ways to exert pressure on that person. Single instances of arbitrary acts, such as demolition of church buildings or decisions on residency visas for foreign pastors posted in the Sudan, never rose to the level of systematic discrimination, but constantly reminded Sudanese Christians that their welfare was fully at the mercy of the government and that they had no way to assert their minority rights – except by mobilising the international community.

Social conflicts with religious components

There are occasional stories of Salafists threatening or assaulting Sufis, usually during religious festivals that Sufis celebrate joyfully, which Salafists consider un-Islamic. However, these conflicts do not reach the level of systematic violence.

There have been perennial efforts to achieve **equality between women and men**, but these have regularly encountered strong resistance from religious circles. In June 2018, a Salafist preacher mobilised his community and successfully prevented the Ministry of Justice from signing the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Under the Bashir regime, the state is presumed

to have strategically exploited religiously motivated conflicts between government institutions and religious leaders on contentious subjects, such as gender equality, as a diversion. The leadership did not exert its own “supreme authority” in these cases.

In the Sudan, the marriageable age is puberty. With a judge’s authorisation, even 10-year-olds can marry if they are Muslim. For non-Muslims, a minimum age of 13 applies for girls and 15 for boys. According to United Nations estimates, one in three girls in the Sudan marries before the age of 18. Female genital mutilation (FGM) also remains widespread. UNICEF estimates that 87 per cent of all women in the Sudan between the ages of 15 and 49 have been affected by this practice. At the end of the reporting period, there was still no national law to end FGM.

In the press, **social conflicts with communist and secular groups** are presented less in terms of substantial issues than through accusations of godlessness. Hateful sermons by Salafist demagogues typically denounce communists, secular people or specific countries (the United States, Israel, “the West”) but not usually religious minorities or atheists.

During the revolution, believers chased one of the two most prominent demagogues out of his mosque, which was filled with hundreds of people, when he portrayed the Bashir regime as God’s will. After Bashir was overthrown, there were demonstrations calling for a transfer of power to a civilian government. Salafist preachers wanted to counter these appeals with demonstrations of their own. Around 200 people attended the first counter-demonstration. The call for a second counter-demonstration failed entirely.

Religious Affairs Minister Nasr ad-Din Mufreh repeatedly speaks out against demagoguery and in favour of freedom of religion and women’s rights; he has also invited Jews of Sudanese descent to return to the country. He declared Christmas a holiday after previously it was not even possible to put up Christmas decorations in stores. On Christmas 2019, he publicly apologised to Sudanese Christians for the harm the Islamist regime inflicted on them. He advocates criminalising FGM. Public television was instructed to reserve one hour per week for broadcasts on Christian subjects.

Structures of inter-faith cooperation

A “Sudan Interreligious Council” exists purely on paper. However, there are intra-religious organisations, in particular the Sudan Council of Churches. This council appealed to the international community when it was announced that Christian schools would have to close on Fridays and Saturdays but be open on Sundays.

Tajikistan

The Tajik Constitution guarantees neutrality of belief and freedom of religion, but in practice the government significantly restricts freedom of religion or belief in the name of national security, monitors all religious groups and in particular pursues actual or alleged Salafist activities rigorously.

The challenge of Muslim extremism and terrorist organisations, which many Central Asian countries face, is especially palpable in Tajikistan, all the more so given the country's continued precariousness. Even 22 years after the country's civil war officially ended, Muslim extremism poses an existential challenge there. Accordingly, the struggle against "religious extremism and terrorism" is very high on the Tajik Government's agenda. The high number of Tajik fighters in the ranks of the Islamic State (IS) and their return to the region do pose a genuine threat to the country, but the government exploits this as a pretext for monitoring and suppressing the exercise of religion or belief.

The state tries to restrict the public exercise of religion to a minimum, considering it a threat to the regime, the status quo and national security.

Although 98 per cent of the Tajik population are Muslims, the government's efforts to exert control are not limited to the majority religion.

Primarily due to domestic political suppression, a civil society that could advocate for greater freedom of religion or belief is embryonic at best.

Demographic breakdown by religion

Some 91 per cent of Tajikistan's more than nine million inhabitants are Sunni Muslims who follow the Hanafi school of jurisprudence; these largely comprise Tajiks and the largest national minority, Uzbeks. Around seven per cent of the population are Shiites, of which the largest group is the Ismailis, who are most numerous in Gorno-Badakhshan.

In addition, there are around 1.5 per cent Christians, including Russian Orthodox, Protestants (Lutherans, Baptists, Adventists, Pentecostals, Sunmin Sunbogym), Catholics and Jehovah's Witnesses. There are also members of various other faiths (Bahá'í, Ahmadis, Zoroastrians). Around 0.2 per cent of the population identify as atheists.

Legal situation

Tajikistan acceded to the United Nations International Covenant on Civil and Political Rights (ICCPR) on 4 January 1999.

Article 8 and Article 100 of the Tajik Constitution of 1994 define the country as a secular and ideologically neutral state and stipulate the separation between religion and the state. Article 17 guarantees the equality of all Tajiks before the law, irrespective of “nationality, race, gender, language, religious beliefs, political persuasion, education, [and] social and property status”. Article 26 guarantees positive and negative freedom of religion; Article 28 guarantees general freedom of assembly, and Article 30 guarantees freedom of opinion and expression for religious groups. Negative freedom of belief is in place. There are no laws penalising “apostasy”, blasphemy or conversion.

A 2009 **Law on Conscience and Religious Associations** restricts constitutional freedom of religion and has therefore been criticised by the OSCE and the EU. Among other provisions, the law stipulates registration requirements for religious communities and criminalises unapproved religious activities, unapproved religious education and missionary activities. Furthermore, it limits the size and number of mosques and grants the state extensive influence on the appointment of imams, Friday services and the content, publication and import of religious materials. The law was **expanded in 2018**: mosques must now report the minutiae of their income, property, employees and employee salaries as well as personal information about their congregants to the Committee on Religion.

Legally, all groups that assemble for religious activities are considered religious associations, subject to the **registration requirement** of the **Committee on Religion**.⁴²² If it has not **registered**, a religious association, along with all its religious activities including contacts to religious groups abroad, is deemed illegal according to the **Code of Administrative Offences**. Violations are punishable by fines, prison sentences and closure of the religious establishment. If the facts of the case are associated with issues of national security, there is a risk of many years’ imprisonment.

For indigenous religious groups – as well as independent churches and new religious movements – obtaining government registration is especially difficult. The government frequently drags out the process, so registration is often drastically delayed or even

422 The pre-requisites are: the group must include at least ten Tajik citizens over the age of 18, a group of this religious affiliation must have existed at the place of registration for at least five years and the applicants must present health records and detailed descriptions of positions on family, marriage, education, religious practices and beliefs.

impossible. In practice, a rejected registration is tantamount to a ban on the religion. Members of unapproved religious denominations, like all oppositional individuals, face government monitoring, harassment and sanctions and are, de facto, ostracised.

The estimated 1,000 members of the **Bahá'í** faith in Tajikistan are registered as a recognised religious group and are able to conduct worship services. **Salafism** has been officially banned since 2009.

Via corresponding provisions, the Committee on Religion **influences the training of imams and the content of Friday services in mosques**. Approved services undergo video surveillance. There is a **requirement to file an annual report** on the community's activities. Muslim clerics who studied abroad are not permitted to work in Tajikistan. Anyone who returns from abroad and is suspected of having studied religion faces intensive interrogation at minimum, but frequently also conviction for religious extremism or terrorism.

Children's religious education may only be provided by government-licensed institutions and only with the written permission of both parents. Only centralised mosques may organise classes. Since 2016, the operation of madrasas (Quranic schools) for 16–18 has been terminated. Undertaking religious education abroad requires advance government permission, which is only granted if the applicant has previously completed religious training in Tajikistan. Since the adoption of a 2012 law, theological studies abroad have been contingent on approval from the Education Ministry. In August 2011, despite considerable domestic and international criticism, a **Law on Parents' Responsibility for Children's Upbringing and Education** entered into force that prohibits the participation of children and teenagers up to age 18 in religious ceremonies and events of any kind, with the exception of participation in official religious education with the parents' written permission that is conducted at mosques holding the corresponding government licence.

In October 2015, civil servants were expressly prohibited from participating in Friday services. In the late summer of 2017, the **Law on Regulation of Traditions, Ceremonies and Rituals** was extended with various new provisions on aspects such as dress codes and mourning rituals. **Ever since, the government has prohibited specific customs and forms of dress, including the hijab and long beards**. It is forbidden to wear the hijab or Islamic clothing at educational institutions. This ban is enforced more strictly in larger cities than in rural areas. The **restrictions cover religiously motivated clothing** and customs and generally affect **women** more than men; they may entail police interrogations and criminal punishments.

In May 2016, religiously based political parties were banned. The Islamic Renaissance Party has been specifically outlawed since 2015.

After shutting down between 1900 and 3000 mosques in recent years – depending on the source – the government has again required several hundred mosques to close since May 2019 as part of a drawn-out audit procedure in which the number of re-approvals is indexed to the local population.⁴²³ During the Covid-19 pandemic, many mosques were temporarily shut down in early 2020. When they will be permitted to reopen remains unknown.

Tajikistan does not allow any exemptions for **conscientious objectors** to military service. In April 2018, Daniil Islamov, a Jehovah’s Witness, was released from prison after serving a six-month sentence for refusing to serve in the military.

Restrictions on freedom of religion or belief by state actors

The government perceives and publicly represents religious extremism as a primary danger, drawing on the country’s civil war experience and using this danger to justify its own power. Hence, it chiefly restricts freedom of religion or belief in the name of national security. In recent years, the Supreme Court has designated 14 **organisations with religious agendas**, including Hizb-ut Tahrir, to be extremist and/or terrorist organisations and **banned** them accordingly. The authorities regularly arrest people for alleged membership in Salafist groups; merely “liking” a Salafist post or video on social media is enough to receive a several-year prison sentence for religious extremism.

Like other Central Asian Governments, the Tajik Government is **deeply suspicious of Christian minority groups**, especially ones that conduct **missionary activities** such as the **Jehovah’s Witnesses and evangelical denominations**. Jehovah’s Witnesses, who were **banned** in 2007 for “propagat[ing] their faith in public places” and conscientiously objecting to military service, continue to be harassed in schools and workplaces and are threatened with prison sentences for “inciting religious hatred” and conscientious objection. Other **Christians** have also been given long prison sentences. For example, in July 2017, **Bakhrom Kholmatov, pastor of the evangelical Sunmin Sunbogym Church** in Khujand was sentenced to three years’ imprisonment for alleged extremism (leading services, “singing extremist songs” and “inciting religious hatred”).

423 Foreign funding for mosque construction comes from Saudi Arabia, Qatar and Iran.

Social conflicts with religious components

Violence in the name of religion is not carried out by public entities. In general, there is discrimination against behaviour perceived as abnormal. In 2011, a group of young people in Dushanbe murdered a 24-year-old, presumably on religious grounds, who was wearing a Santa costume. Especially in rural areas, non-Sunnis face hostility.

When instances of **conversion** or other perceived violations of religious custom become known, the people in question are subjected to hostilities and in some cases physical violence; they cannot rely on the protection of government authorities. The same holds for anyone who publicly professes **atheist views**.

The Ismaili Shiite minority is generally tolerated by the government. The Ismailis sided with the anti-government opposition in the civil war and are still targets of distrustful observation. **Shiites** complain of increasingly frequent verbal attacks in public life.

Turkey

The overwhelming majority of the Turkish population (around three quarters) are Sunni **Muslims**. According to a narrow Turkish interpretation of the **Treaty of Lausanne (1923)**, the only other recognised religious groups, with an assured legal status, are the **Jewish community**, the **Greek-Orthodox Church** and the **Armenian Apostolic Church**. Other religious groups are targets of discrimination. However, the focus is less on active religious practice than on religious affiliation as a **key marker of identity**.

Although **secularism** is a foundational, constitutionally enshrined principle of the Turkish Republic, there is **no de-facto separation between religion and the state**. Although the early republic undertook a forcible secularisation process, classic Kemalism also directly associates Turkish identity with Sunni Islam. The state claims a monopoly on shaping and managing religious life.

Since the electoral victory of the AKP party in 2002, Sunni Islam has re-entered public life to an extent unprecedented in the modern Republic of Turkey“. Meanwhile, the state’s relationship with religious minorities has also improved with **a series of positive developments that are without parallel in the Turkish Republic’s history**, including restitution of property, the re-opening of churches, the construction of a new church (the Syriac St. Ephrem Church in Istanbul, which had its ground-breaking ceremony in 2019) and the exemption of non-Muslim children from Islamic education. In addition, public gestures such as public appearances by government representatives alongside the leading

clerics of several minorities as well as festive official statements on minority holidays have helped to improve the relationship between the state and religious minorities and have increased acceptance among the majority society.

Since the coup attempt of 15 July 2016, the government has cracked down severely on followers and sympathisers of the Muslim **Gülen movement**, which it accuses of undermining the state and attempting to overthrow it.

Demographic breakdown by religion

More than 98 per cent of the Turkish population (81.3 million) are officially classified as **Muslims**. According to estimates, 20–25 of these are Alawites and four per cent are Shiites. The overwhelming majority (roughly three quarters) are Sunnis of the Hanafi school of jurisprudence. Non-Muslim minorities are estimated to comprise 0.2 per cent of the population and predominantly live in Istanbul. The largest group are the Armenian Apostolic Christians, who number roughly 50,000. According to polling institutes, around two per cent of the Turkish population describe themselves as atheists.

Legal situation

Turkey ratified the United Nations International Covenant on Civil and Political Rights (ICCPR) on 23 September 2003.

Under its Constitution, Turkey is a “democratic, secular and social state governed by rule of law”. The Constitution guarantees “freedom of conscience, religious belief and conviction” (Article 24) and prohibits discrimination and the abuse of religious feelings or objects that a religion holds sacred. The Constitution guarantees **positive freedom of religion**, yet makes this contingent on the “**indivisible unity**” of the **Turkish nation**. Negative freedom of religion is not explicitly mentioned.

The state exerts control over (Sunni) Islam via the Directorate of Religious Affairs (Diyânet İşleri Başkanlığı), which reports to the Presidency. The **Directorate of Religious Affairs** has around 125,000 employees and exerts control over the nearly 90,000 official mosques in the country. Religious minorities have no independent legal status and rely organisationally on numerous (religious and non-religious) foundations (vakıf), which are monitored by the Directorate General of Foundations. Since 2004, some also operate via associations (dernek).

Religious education at state schools is exclusively Sunni/Hanafi. In 2009, the Ministry of National Education officially approved the option for all non-Muslim pupils (no longer solely the “Lausanne minorities”) to opt out, provided that their minority religious affiliation is recorded in the personal status registry. As a rule, **Alawite children** can only be exempted from mandatory religious education by obtaining a court order because they are registered there as Muslims. **Nonbelievers** have no recourse to an exemption.



Ambassador Martin Erdmann (2nd from left) and his French colleague Charles Fries talking with representatives of the Syriac community in the Monastery Mor Gabriel, which dates back to the 4th century, in the south-eastern part of Turkey, November 2018. © Federal Foreign Office / Embassy

Conversions are not subject to any legal restrictions. However, converts face pressure from their families and communities. Since 2016, religious affiliation no longer appears on identity cards, but its disclosure remains mandatory for the records of the personal status registry, which are retrievable by government officials and the police. **Religious missionary activities** have been legal since the ban on this was lifted in 1991. Penal law does not criminalise blasphemy. There are, however, penalties for insulting religious values, disrupting religious ceremonies or desecrating religious sites. **Conscientious objection to military service for religious reasons** is not possible.

Restrictions on freedom of religion or belief by state actors

Representatives of non-Sunni and non-Muslim **religious groups are targets of de-facto discrimination**. As a rule, they **do not have access to a career in public service**.

Religious groups generally cannot obtain government recognition or registration. Due to their lack of a legal status, all religious minorities are dependent on the goodwill of the government in matters of collective religious education.

Members of **Muslim denominations besides Sunni Islam** enjoy individual liberties – and since the 1990s, increasingly also **de-facto freedoms**. However, due to the Kemalist concept of the “indivisible unity” of the (Sunni Muslim) Turkish nation, they are **not recognised as religious groups**. Thus, Shia denominations, syncretistic denominations such as the Alawites, mystical schools (Sufism) and monastic-like communities all lack an official status. As a result, they do not receive any government funding – unlike Sunni mosques.

The **non-Muslim, so-called “Lausanne” religious groups** – the Jewish community, the Greek-Orthodox Church and the Armenian Apostolic Church – do not have any assured legal status either. They rely on numerous community foundations (*cemaat vakıfları*), through which their official financing is also organised. **The state strongly intervenes in the affairs of these three “recognised” groups**. The Turkish Ministry of the Interior approves the selection of each community’s leader and claims a **veto power**.⁴²⁴ Through this method, a re-election of the Armenian Apostolic Patriarch of Constantinople was prevented from 2017 to 2019. The leaders and clergy (and election bodies) of the three “Lausanne” communities are required to be Turkish citizens. In 2011, the naturalisation process was simplified for the people in question.

424 In this context, the term “recognised” refers solely to acceptance by the Turkish state, not to any functional registration process with a solid underlying legal basis.

The other non-Sunni associations, both Muslim and non-Muslim – such as the large Alawite minority and the Catholic, Syriac Orthodox and Protestant churches – remain legally precarious due to their lack of recognition and the prohibition on establishing religious foundations. **It is practically impossible for them to legally acquire or administer property or land.** The venues they use for religious gatherings, which are generally registered as association facilities, private premises or foundation property, are tolerated, but are usually **de-jure illegal**. That exposes them to the constant risk of closure or even expropriation. Training new clerics has been officially prohibited since 1971. The difficult situation of non-Muslims has been intensified by the continual emigration of the young generation and the ageing of the remaining community members.

The press regularly **associates Protestant pastors with terrorist organisations** and alleges abstruse conspiracy theories that they are plotting against the Turkish state or the Turkish people. In recent years, several foreign preachers have had their **visas revoked**, while others have been prevented from re-entering the country or have even been deported. However, **arrests** are rare. A prominent exception was the case of the **US pastor Andrew Brunson**, who was convicted of “supporting a terrorist organisation” in October 2018; after intense pressure, including sanctions, he was finally allowed to travel back to the US. **There have not been any attacks on foreign missionaries** for some years.

Despite experiences with the Gülen movement, the government **continues to tolerate Sunni Muslim brotherhoods**, which usually flock around a particular mosque or a charismatic preacher. They are not categorically impeded from conducting their economic or political activities. The purported followers of the preacher **Fethullah Gülen**, who has lived in the US since 1999, are another matter. Ever since the attempted coup of 15 July 2016, which was attributed to the “Gülenists”, they have been the **targets of a purge**. The Turkish state classified the brotherhood as a terrorist organisation (Fethullahist Terrorist Organisation, or FETÖ) – a classification not shared by the international community. Hundreds of thousands have been arrested, convicted, released, placed on do-not-hire lists, prohibited from leaving the country and stripped of their entitlements to state benefits. The Turkish Government’s persecution explicitly targets not only ostensible rebels, but **all (ostensible) followers of Gülen**. The Turkish state also does not shy away from abducting individuals from abroad whom it classifies as key figures in the Gülenist movement. There are credible reports of the targets undergoing abuse and torture.

Social conflicts with religious components

Large swathes of the nationalistic/Kemalist population retain hostile attitudes towards minorities marked by stereotypes. In particular, smaller religious communities, such as Protestant congregations, report sporadic **acts of vandalism** against their meeting places, usually perpetrated by radicalised nationalist teenagers.

Even the country's second-largest religious group, the **Alawites**, is viewed as foreign and untrustworthy by parts of the majority society.

Alongside official discrimination in regard to the private and collective exercise of religion, **(unofficial) personal discrimination** against members of religious minorities remains widespread. **Antisemitic and anti-Christian hate speech** appears in the (government-aligned) tabloid press and is standard repertoire in popular pseudo-historical Turkish TV series. In fact, even high-ranking politicians including the head of state and the opposition leader deploy such rhetoric on occasion in their public remarks.

Nevertheless, polling organisations have shown a steady **decline of xenophobic attitudes**. The conservative AKP government's "**forays into Islamicisation**" (funding religious schools, expanding the remit of the Directorate of Religious Affairs, raising taxes on alcohol, installing imams in student accommodation, etc.) are at odds with the **continuing secularisation of society in the process of modernisation, which especially applies to the youth**. Many of the measures listed above are therefore not favoured by young conservatives and consumerist Muslims.

Turkmenistan

The Constitution of Turkmenistan, in the 2016 amended version, contains an extensive catalogue of fundamental rights. It provides for the separation of religion and state and guarantees freedom of religion or belief. **The predominant religion is Sunni Islam** according to Hanafi jurisprudence. Originally, only two religious groups were authorised in Turkmenistan: Sunni Islam and Russian Orthodox Christianity. Since 2010, the Catholic Church has been officially recognised as well. In 2018, diplomatic relations were initiated with the Vatican. The rural population traditionally practices a form of popular Islam; the urban population is largely non-religious.

De facto, there is a considerable gap between the legislative framework and its implementation. As with all fundamental rights and liberties, freedom of religion or belief is heavily restricted; the government particularly seeks to forestall the emergence of

radical Islam. Any attempted missionary activities by religious groups are prohibited. The exercise of religion, including by members of registered religious groups, is under tight government control.

Demographic breakdown by religion

According to official figures, Turkmenistan has a population of 5.8 million people; there are no reliable figures on individual religious groups. The share of **Russian Orthodox Christians is estimated** at nine per cent maximum. Around two per cent are divided among smaller communities, such as various Protestant churches (e.g. Pentecostal communities, Seventh-Day Adventists, Neo-Apostolic Church), Catholics, Jehovah's Witnesses, Jews, Báhá'í, Hare Krishna and Shiite Muslims.

Legal situation

Turkmenistan acceded to the International Covenant on Civil and Political Rights (ICCPR) on 1 May 1997.

In its revised Constitution of 2016, Turkmenistan defines itself as a secular state (Article 1). Article 18 guarantees freedom of religion or belief. Religious organisations are prohibited from involvement in matters of state. The education system is secular. According to Article 19, the ideology of religious organisations, political parties and other associations should not be “binding for citizens”. Article 28 contains a ban on discrimination. Article 41 enshrines the right to freely choose one's religion as well as the rights to express one's religious attitudes and to participate in religious observances and ceremonies. It is also possible to profess no religion. Article 42 guarantees freedom of religion in the negative sense: “no one can be forced to express his/her opinion or belief, or renounce them”. The limits of the exercise of religion are defined in Article 30, according to which the exercise of one's civil rights and liberties “must not violate the rights and freedoms of others, as well as the requirements of morality, law, public order, [or] cause damage to national security”.

The 2016 Law on Religious Organisations and Religious Freedom prohibits any religious activities without a permit. The ban encompasses holding prayer services, disseminating religious materials and conducting missionary activities. Religious organisations can be dissolved by court order if the court determines that their activities are unconstitutional, “violate the rights, freedoms, and lawful interests of citizens” or “harm their health and morale” or if they infringe upon “public safety and order” or “undermine national security”.

After a 2016 revision of the **Law on Religious Organisations and Religious Freedom**, all religious groups, including those that were previously registered, were required to **re-register**. Whereas the previous version of the law distinguished between “religious groups” (fewer than 50 members) and “religious organisations” (more than 50 members), and only five members were required to establish such a group, the 2016 version considerably tightened the rules. The registration process now requires 50 founding members above age 18 and entails submitting extensive information and documents. In 2014, according to official figures, 121 religious organisations and seven religious groups were approved, including 99 Sunni, five Shiite and 13 Russian Orthodox organisations as well as 11 other religious groups, including the Catholic Church, the Bahá’í, Hare Krishna and various Protestant Churches. Some smaller communities (including independent Protestant churches from the US and the Jehovah’s Witnesses) were not registered and were considered illegal; they face fines or arrests. Unverified sources indicate that alongside Sunni Islam, only two smaller Protestant communities successfully re-registered between the law’s revision and January 2019.

Applications to register a religious group are decided upon by the Council on Religious Affairs, which reports to the Ministry of Justice and supervises the exercise of religion including registration, financing, the implementation of worship services, religious education and the dissemination and import of religious literature. As soon as the Council grants its approval, the application is passed to the Ministry of Justice, which initiates an inter-ministerial approval process involving the security services. The Administrative Procedural Code, the Law on Assemblies, the Penal Code and other laws also contain provisions relevant to the registration of religious groups.

Religious organisations **are entitled to own property** that has been donated by natural persons or legal entities, transferred by the state to the religious organisation or acquired in another manner that “does not contradict the laws of Turkmenistan”. The receipt of contributions from international entities requires authorisation and their use must be documented. The Administrative Procedural Code contains a nuanced list of fines for the unauthorized receipt of foreign funds by religious groups, either registered or unregistered.

Article 223 of the **Penal Code** penalises any religious gatherings or events if they are not registered and approved. This includes weddings, baptisms and funerals, for example. Participation in pilgrimages or regular attendance at houses of worship can be prosecuted on this basis.

Turkmenistani law does not provide any legal option for conscientiously objecting to military service. Refusal to serve is punishable by up to two years' imprisonment. Currently, 11 members of the Jehovah's Witnesses are in prison for **conscientiously objecting to military conscription**.

Restrictions on freedom of religion or belief by state actors

In practice, the **registration** of organisations – both religious and civilian – is **heavily restricted**. The administrative obstacles put in place are formidable, and their actual implementation is opaque. The government exerts control over the exercise of religion – as with every other collective activity – in order to ensure that it toes the line and that assemblies are not used as a guise for ulterior political motives. In particular, the government is afraid of radical Islam gaining a foothold in the country. In this context, the definition of extremism was expanded during a revision of the Penal Code.

The **exercise of religion**, even by registered organisations, is subject to **close surveillance**. Officials from the Ministry of Justice are authorised to attend religious gatherings by registered organisations and to interrogate religious leaders on all aspects of their activities. The **Council on Religious Affairs** has to approve appointments of religious leaders and does so under the leadership of the (government-appointed) Grand Mufti. Registered communities are likewise subject to a general ban on assembly and a ban on printing, importing or distributing religious texts. It is possible to obtain exemptions from the Council, but this is complicated by numerous administrative obstacles.

In recent years, many churches and mosques have been demolished because they ostensibly lacked building permits.

Representatives of religious minorities report that ethnic Turkmens who abandon Islam (“apostasy”) or are members of a non-Muslim religious minority are more frequently investigated or interrogated by the authorities than others.

There are **no reports of violence committed in the name of religion** of specific religious groups being publicly defamed in the (state-run) media. **Social media is blocked in Turkmenistan**. Acts of social condemnation (for example, in response to someone converting from Islam to another religion) are not actively prosecuted by the government.

Structures of inter-faith cooperation

In the framework of a sporadic Round Table initiated by the government in 2018, questions regarding authorisation and activities are to be discussed with representatives of all religious groups. This Round Table has met twice to date, and concrete results have not been published. Non-Muslim religious organisations do not play a visible role in society, partly due to their negligible size. The idea of religious stakeholders taking responsibility for keeping the peace is not a subject of public discourse.

Ukraine

For all its **religious diversity**, Ukraine is a **deeply Orthodox country** with correspondingly traditional social stances, especially in **rural regions**. The Ukrainian Constitution provides for freedom of religion or belief. Religious groups are not subject to any government restrictions; neither are any restrictions placed on the freedoms of opinion, expression and assembly. However, these statements do not apply to the Crimean Peninsula, which Russia has annexed in contravention of international law, and the territories in eastern Ukraine that are not under government control.

Ukraine's ecclesiastical landscape is currently in the throes of upheaval. In January 2019, Ukrainian efforts to establish a united Ukrainian Orthodox Church finally culminated in the Ecumenical Patriarchate of Constantinople granting canonical recognition of the united Orthodox Church of Ukraine (OCU) as an independent (autocephalous) church. Relations between the OCU and the still-extant Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP) are tense; this has led to sporadic cases of intimidation and vandalism from people on both sides. On a national scale, however, the UOC-MP's predictions that the new church would subject its communities to violent hostilities have not come to pass.

Demographic breakdown by religion

In the absence of reliable census data, a May 2019 national poll by the Kyiv International Institute of Sociology paints the following picture:

Some 79 per cent of Ukraine's more than 45 million inhabitants are Orthodox Christians. Of these, 48.8 per cent belong to the newly established OCU, 16.3 per cent to the "Orthodox Church" without further clarification, 14.2 per cent to the UOC-MP and 8.8 per cent to the Ukrainian Greek Catholic Church (UGCC). Another 4.9 per cent have a different religious

affiliation, of which 1.2 per cent are Roman Catholic, 1.2 per cent are Protestant, 0.4 per cent are Muslim (although the Grand Mufti estimates 2.5 per cent to be Muslim) and 0.1 per cent are Jewish. Around 4.3 per cent of Ukrainians identify as atheists.

Legal situation

Ukraine ratified the United Nations International Covenant on Civil and Political Rights (ICCPR) on 12 November 1973.

Article 35 of the Ukrainian Constitution guarantees freedom of religion or belief in both positive and negative senses, separates religion and state and prohibits a state religion. In addition, the same article stipulates that “No one shall be relieved of his or her duties before the State or refuse to perform the laws for reasons of religious beliefs”. It is possible to obtain an exemption from military service for reasons of conscience or belief, but the conscientious objector is then required to perform a replacement civilian service.

The principle of the separation of religion and state is affirmed in the 1991 **Law on Freedom of Conscience and Religious Organisations**. To obtain the status of a legal entity, religious groups must register as both religious and non-profit organisations.

Law No. 2673, which took effect on 31 January 2019, **simplified the complex registration process**. Now, depending on jurisdiction, the Culture Ministry or the regional authorities carry out the process of registering the organisation’s charter and simultaneously add it to the United State Register of Legal Entities. Its non-profit status is then automatically recognised. In addition, this law stipulates **obligatory re-registration of all religious organisations according to new criteria** and regulates the process for transferring parishes from the Ukrainian Orthodox Church (usually referred to abroad with the addendum “of the Moscow Patriarchate”; thus UOC-MP) to the OCU. The law sets clear requirements for such a transfer (including approval by a two-thirds majority of parishioners). As anticipated, the aspired deadline for completing the re-registration of all religious organisations – 31 January 2020 – was not met due to the diversity of administrative practices and pending court cases. However, the law does not stipulate any sanctions for missing this deadline. In March, the director of the new State Service for Ethnic Policy and Freedom of Conscience announced plans to roll out an electronic registration procedure. The register is intended to serve as a unified database for the State Service and the Ministry of Justice.

Law No. 2662 regarding changing the names of religious organisations with their administrative headquarters outside Ukraine exclusively applies, despite its name, to the Ukrainian Orthodox Church and its parishes. Within four months (nine months for

parishes) of the law's entry into force, they must rename themselves "Russian Orthodox Church in Ukraine" and re-register their charters accordingly. The UOC-MP calls the law discriminatory and accuses the government of attacking freedom of religion and intervening in the internal affairs of the church. On 22 September 2019, the Kyiv District Administrative Court temporarily suspended the order by the Ministry of Culture to rename the UOC-MP until the Constitutional Court ruled on the legitimacy of Law No. 2662.

Religious organisations and institutions **do not receive any public support**, but instead finance themselves through voluntary offerings, donations, revenue from selling devotional objects, fees for religious administrative acts and business activities. The use of donated funds is not monitored by the government. However, religious organisations are required to submit **records of their business activities** and are required to **pay taxes**. Donations and revenue from direct religious activities are not taxable. Experts complain about the **churches' opaque financing**, which creates favourable conditions for a shadow economy and money laundering. Religious organisations are regularly under suspicion of accepting large sums of money from politicians and businesspeople as "donations" in exchange for support and for helping to boost their reputation.

Restrictions on freedom of religion or belief by state actors

In practice, government authorities do indeed observe the constitutionally guaranteed freedom to exercise religion without any restriction.

The process of **restitution of expropriated church or religious property**, which is restricted to "buildings used for religious purposes", has nearly ground to a halt due to thorny, unresolved questions of ownership and usage and the failure to allocate the financial resources necessary to carry out the project. However, the OCU is said to have recently been assigned a school building that originally belonged to a non-Orthodox community for use as an administrative building.

Social conflicts with religious components

The establishment of the autocephalous OCU in late 2018 proceeded largely peacefully despite fears to the contrary that were reinforced by propaganda. However, the church affiliated with the Moscow Patriarchate complained that individual parishioners were pressured to switch their affiliation to the newly founded OCU. Independent observers corroborate this in individual cases in western Ukraine during the time period directly after the Ecumenical Patriarchate of Constantinople recognised the OCU as a canonical

Orthodox church and confirmed its autocephaly. There were also cases of vandalism and attempts at intimidation of institutions and members of the UOC-MP by OCU members, and vice versa. Despite clear legal stipulations for such a transfer, the decisions by parishioners leave room for interpretation that has been abused in individual cases, according to independent observers. Epiphanius, the Metropolitan of the new OCU, has repeatedly appealed for people to refrain from placing any pressure on believers' free choice. Since the presidential election of March 2019, there have been no further known complaints.

Partly due to the **clear stances of nearly all religious groups**, Ukrainian society has significant, but slowly subsiding **qualms about LGBTI individuals**. Far-right groups exploit this basic attitude to **stigmatise homosexuality as an attack on traditional Christian values**. Their actions range from counter-demonstrations during Pride parades by the LGBTI community to physical attacks on activists. Although the state effectively and efficiently protects public LGBTI events, which are increasingly possible in the provinces as well, efficient criminal prosecution is often lacking.

Antisemitic incidents are vanishingly rare. Vaad, the Association of Jewish Organisations and Communities of Ukraine, which regularly documents such incidents, lists a total of 12 incidents of vandalism in 2018 across the whole country and no attacks on individuals. From 20 May to 29 August 2019, following the election of Volodymyr Zelensky as president, Ukraine was the only country in the world besides Israel to have both a head of state and head of government who were Jewish.

Structures of inter-faith cooperation

The **Ukrainian Council of Churches and Religious Organisations** (established in 1996) is a non-governmental, independent, self-financed inter-faith institution that includes as its members the major churches and religious organisations and one interchurch organisation. It includes Orthodox, Greek and Roman Catholic, Protestant and Evangelical churches as well as Jewish and Muslim religious unions. According to its own (credible) statements, the Council represents more than 90 per cent of all religious organisations in Ukraine and aims to coordinate interfaith dialogue in Ukraine and to participate in a regulatory action in the domain of government-religious relations. The Council states that it devotes special attention to promoting peace, social justice and the rule of law. On the international level, the Council is in regular contact with the World Council of Churches.

The **All-Ukrainian Council of Religious Associations**, founded in 2017, consists of organisations that, for various reasons, were denied membership in the Ukrainian Council of Churches and Religious Organisations. Its founders include UMMA: The Religious

Administration of Muslims in Ukraine, the religious association of liberal Jewish communities, the neo-pagan organisation RUNVira, the Hare Krishna movement, the Orthodox Apostolic Church in Ukraine and the Ukrainian Association of Researchers of Religion. This latter council pursues the same objectives as the Ukrainian Council of Churches and Religious Organisations.

The **Pastoral Council for Religious Care in Ukraine's Penitentiary** is a standing interfaith advisory council to promote prison chaplains. Its activities aim to promote tolerance and respect between believers of different religions.

On 13 May 2019, Orthodox, Greek Catholic, Muslim and Jewish religious leaders released a joint video message to the inhabitants of occupied Donbass and annexed Crimea at the request of Volodymyr Zelensky, who at the time had been elected but had not yet taken office. Their message appealed for peace, dialogue, mutual respect and unity.

Situation on the Crimean Peninsula and in eastern Ukraine

In **occupied Crimea, Russian rules regarding religious activities** are applied. Even before the establishment of the OCU, churches in Crimea had been taken over by the UOC-MP; 38 out of 46 Ukrainian Orthodox churches had been forced to close. Between the region's annexation and mid-2018, the number of religious organisations there dropped around 45 per cent.

There are diverse instances of the de-facto authorities criminally prosecuting **Muslim Crimean Tatars** who are active in the Crimean Solidarity group. Human rights activists and the United Nations Human Rights Monitoring Mission in Ukraine view these prosecutions, in part, as a violation of freedom of religion.⁴²⁵ In addition, the work of **Muslim religious communities** who are critical of the Russian occupiers has been restricted, their religious literature prohibited, their mosques searched and their cooperation with the Ukrainian umbrella organisation suppressed. There have been individual instances of members of Muslim communities being abducted, involuntarily detained in psychiatric hospitals, arrested or imprisoned.

425 They are accused of having connections to terrorist groups, such as the Muslim group Hizb ut-Tahrir, which in Russia has been classified as a terrorist organisation and outlawed since 2004.

In the **parts of the Luhansk and Donetsk Oblasts that are not under government control**, the UOC-MP virtually enjoys the status of a state church. Members of the new OCU and other Ukrainian Orthodox communities have been forced to withdraw into the private sphere. The **Jehovah's Witnesses**, classified as extremists by the Russian Supreme Court, are banned. Their places of worship were expropriated; their adherents had to withdraw from the public eye and feared persecution. **Evangelical Christians** likewise feel that their freedom of religion has been restricted. The **Roman Catholic Church** in Luhansk was shut down temporarily in late 2018 and early 2019. Muslim clerics were arrested, and official Muslim communities no longer exist.

Viet Nam

The political system is still dominated by the exclusive claim to power of the Communist Party of Viet Nam (CPV) whose leadership role in government and society, as enshrined in the Constitution, remains unchanged. Formally, the Constitution guarantees numerous basic rights, such as the freedoms of the press, opinion, expression, assembly and religion or belief. In practice, however, basic rights are curtailed by censorship, by restrictive or vaguely worded official orders and by rigid government control of almost all spheres of political and public life. This particularly pertains to the exercise of freedom of religion. Notably, provisions of the Law on Belief and Religion of 2018 have been exploited by national, regional and municipal authorities to repress and exert control over religious groups, both registered and unregistered.

Religious people in urban, economically developed areas can usually practice their faith openly. By contrast, ethnic and religious minorities, especially in rural areas, are not only in difficult socio-economic circumstances, but may also experience discrimination from local authorities and from many ethnic Vietnamese (known as Kinh). Since the most recent CPV party conference in early 2016, the government crackdown on civil society organisations, activists and bloggers has intensified. Human rights defenders complain of official harassment and attacks that may include physical violence; the number of arrests and convictions has been growing, as has the length of prison sentences. This also negatively affects the situation of religious groups, particularly those in specific provinces in southern and northern Viet Nam as well as the central highlands. Religious groups and believers who also become politically active face further repression. For example, pressure was placed on Catholic priests and community members who had protested government policy after waste chemicals discharged by a Taiwanese-owned steel plant caused massive environmental damage in the spring of 2016.

Demographic breakdown by religion

For many centuries, popular and nature religions have coexisted in Viet Nam alongside varieties of Confucianism, Taoism and Buddhism and have, in some cases, formed part of syncretistic movements.

Statistics on the religious affiliations of the roughly 95.5 million Vietnamese vary significantly by source. According to the most recent official figures, 14.9 per cent of the population professes Buddhism. Within the Buddhist community, the Mahayan Buddhism practised by ethnic Vietnamese is predominant, followed by Theravada Buddhism, which is primarily practised by members of the ethnic Khmer minority (1.2 million people). Another 7.35 per cent are Catholic and 1.09 per cent are Protestant. In addition, depending on the estimate, 1.16 per cent practise Caodaism, a syncretistic faith, and 1.47 per cent belong to the Buddhist sect Hoa Hao. Viet Nam's remaining inhabitants are not officially registered as members of a religion.

Evangelical movements are the fastest-growing religious group. They are primarily popular among the ethnic minorities of the central highlands, but face intense government repression. In addition, there are 70,000 Hindus belonging to the Cham ethnicity, 3,000 Bahá'í, 1,000 members of the Church of Jesus Christ of Latter-day Saints, a small Jewish community and around 330,000 members of other small religions that emerged in Viet Nam.⁴²⁶

Legal situation

Viet Nam acceded to the United Nations International Covenant on Civil and Political Rights (ICCPR) on 24 September 1982.

Article 24 of the Vietnamese Constitution of 2013 **guarantees freedom of religion or belief to all citizens** as well as the freedom not to profess a religion (**positive and negative freedom of religion**). All religious groups are equal before the law (Article 24). The state is obliged to respect and protect freedom of religion. However, freedom of religion may be restricted for reasons of national security and order (Article 14 (2)).

426 Buu Son Ky Huong, Tu An Hieu Nghia, Minh Su Dao, Minh Ly Dao, Tinh Do Cu Si Phat Hoi, and Phat Giao Hieu Nghia Ta Lon.

The **Law on Belief and Religion**, which took effect in early 2018, contains the makings of a liberal policy on religion. Definitions of core concepts such as “religion”, “belief” and “clergy person” are an important step towards greater legal certainty and justiciability of decisions in administrative law. The law simplified registration and approval procedures and shortened processing times. Now, a religious organisation can officially be registered five years after its founding (formerly 23 years) if its charter accords with the law. However, registering a religious group once does not cover the whole country. Different groups of the same religion, primarily active in different geographical areas, must register separately. According to the Government Committee for Religious Affairs, 42 religious organisations from 16 religions have been recognised.⁴²⁷

Extensive information must be disclosed as part of the **approval process**. Organisations that receive a legal entity status – comparable to that of a non-profit association in Germany – can acquire property and conduct transactions. For the first time, exercise of the basic right to freedom of religion has been granted to prisoners and foreigners living in Viet Nam. The law remains **steeped in ideology** with numerous politically connoted, imprecise legal concepts such as “social morality”, “dignity” and “honour”. These legal concepts can pave the way to arbitrary decisions that cannot be objectively appealed in court, especially restrictive interpretations and corruption. A general clause referring to “prohibited acts” that infringe upon “national defence, security and sovereignty, social order and safety” draws on the political sections of Viet Nam’s Penal Code (“Propaganda”, “Abusing democratic rights”).

The authorities are authorised to deny both recognition as a religious organisation and permission to hold a religious gathering. There is no recourse to appeal an official decision. The law does not make any stipulations in the event of administrative inaction. There is no binding obligation to grant recognition. Organisations that do not successfully complete the complex registration procedure are denied significant rights (including the status of a legal entity; the right to publish religious texts; and authorisation to produce, import or export religious and cultural objects).

Government guidelines stipulate guiding principles governing **the receipt of foreign donations** and the implementation of fund-raising efforts.

427 The Government Committee for Religious Affairs is part of the Ministry of Home Affairs (MOHA) and has the following responsibilities: advising MOHA on government management of the sphere of belief and religion, shaping the nationwide implementation of policies and legal provisions regarding belief and religion and providing public services in the area of belief and religion in accordance with legal provisions.

There is no **religious education** as part of the curricula of state or private schools. Religious groups are not permitted to operate private schools. Catholics and Buddhists operate preschools and some Christian churches operate seminaries.

The Law on Belief and Religion does not restrict the ability to **convert**. The Vietnamese Penal Code does not criminalise blasphemy. **Discrimination on the basis of religious affiliation is illegal**. There are no distinct regulations in family or inheritance law for members of specific religious groups.

Restrictions on freedom of religion or belief by state actors

Authorities consistently intervene if they believe that religious organisations' socially minded activities might harm the government or the Communist Party.

In some cases, events by recognised religious organisations no longer merely require an overall permit. Now, under the new Law on Belief and Religion, the organisations must also obtain registration for recurring events as required for trade fairs, for example. Catholic parishes and independent evangelical churches – e.g. in the central highlands and among the Hmong minority – report that religious gatherings have been banned or disbanded, sometimes violently, if the community had not registered them in advance.

The Catholic Church has complained about the retention of requirements for recognition as a non-profit organisation and the vagueness of legal terms in regard to non-profit status and the charitable activities of religious groups.

According to accounts by prisoners and their families in conversation with embassy representatives, the guarantees regarding the exercise of **religion in prison** have not been carried out in many cases. For example, some Christian prisoners do not have access to a Bible or the ability to meet with a priest. Furthermore, they are sometimes prevented from exercising their religion (prayer, religious gatherings while incarcerated).

There is a concerning **perpetuation of repressive measures and attempts at intimidation targeting regional religious groups that resist submitting to the government's system of registration and control** (e.g. individual groups of Buddhists, Cao Dai, Hoa Hao, Protestant Hmong groups and Catholic parishes) especially in central Viet Nam. To nip demonstrations or riots in the bud, the authorities in these regions deploy large numbers of police to monitor and harass minorities. Any protests are usually broken up rapidly and violently.

In October 2018, the oldest of 68 settlements of the Hmong ethnic minority in the northern highlands, where most residents belong to the unregistered Duong Van Minh sect, approached the UN, EU and US missions with a plea for support and mediation in light of increased persecution and discrimination by the Vietnamese Government. According to the report, the government classifies the group as an “illegal religious organisation” and subjects it to severe repression including the forcible demolition of places of worship. The EU and US missions have called on the Vietnamese Government to ensure the religious group’s protection.

In some regions, **local authorities inflame resentments against religious minorities and tolerate or instigate (violent) protests** against religious groups, especially Hoa Hao and Catholics in central Viet Nam. To turn public opinion against religious groups or citizens, the propaganda apparatus is mobilised, including both the state-run media and government-hired Facebook users and bloggers. The **strategy of mobilising** violent groups known as “**red flag associations**” occasionally results in attacks on religious sites and the believers with no intervention from security forces.⁴²⁸ Government-registered communities are funded exclusively, and, either under official orders or with government authorities turning a blind eye, they often target unregistered communities (Hoa Hao or Cao Dai). Smaller unregistered communities, such as Cao Dai, Hoa Hao, independent Protestant and Catholic house churches, Buddhist Khmer, Krom temples and the United Buddhist Sangha of Viet Nam, are targets of constant surveillance. Pagodas (of the United Buddhist Sangha) have been expropriated and demolished, and places of worship (e.g. of the Hoa Hao) have been desecrated. Religious activists serve long (solitary) prison sentences, and their medical care and legal counsel are not always guaranteed.

The **authorities particularly set their sights on the politically active Catholic Church**, primarily in the economically less developed provinces of central Viet Nam. Above all, the Catholic bishop Nguyen Thai Hop and the priests of the Vinh Diocese (central Viet Nam) consider themselves **advocates for political transformation**. For example, state media and local authorities in northern Viet Nam have agitated against the Catholic Church due to its role in the struggle over compensation for a population that was victim to an environmental disaster. In April 2016, the Formosa steel plant in Ha Tinh Province (in central Viet Nam) discharged toxic chemical waste into the South China Sea. In spring 2017, the state media accused two Catholic priests of participating in activities “hostile to the Party”. In February 2017, police and red flag activists attacked one of the two priests and his companion at a demonstration on behalf of those affected by the die-off of fish;

428 The term “red flag association” denotes pro-government activists who commit grave human rights violations against religious groups that oppose the Vietnamese Government, especially Catholic parishes.

30 people were wounded. In May 2017, more than 1,000 red flag activists attacked the Van Thai church while the same priest was celebrating Mass with Catholic parishioners. The mob damaged vehicles, desecrated the altar, destroyed religious icons and injured parishioners; the security forces did not intervene.

Violence is also triggered by **conflicts over land** that government entities expropriate from religious groups and in some cases re-purpose for commercial use by companies. Since 2014, the government of Ha Tinh Province has been trying to resettle the Catholic community of Dong Yen to a remote mountainous region so that the controversial Formosa plant can be expanded. Additionally, Vietnamese authorities have been trying for decades to obtain **ownership of part of a Benedictine monastery in Thien An** (lit. “peace from heaven”) in order to build an amusement park. In December 2017, red flag activists attacked multiple women who were preparing their land to build a church. In early 2018, authorities ordered the demolition of a predominantly Catholic neighbourhood in Ho Chi Minh City, where numerous activists had taken refuge from government repression over the years.

Large numbers of people have been arrested and given long prison sentences in recent years on grounds of religious activism. In April 2017, the People’s Court of Gia Lai Province sentenced five Montagnards to between eight and 10 years’ imprisonment for their membership in independent religious groups without government approval. Victims and their families repeatedly recount **torture in police custody**, primarily targeting members of religious minorities. In May 2017, 10 hours after being arrested, a **Hoa Hao** member fell victim to injuries that were presumably inflicted on him during his interrogation.⁴²⁹ In February 2018, further Hoa Hao community members were convicted; some of them received very long prison sentences. In April 2018, the Hoa Hao member Nguyen Bac Truyen, an advocate for freedom of religion, was sentenced to 11 years’ imprisonment. Among other activities, he had seen to injured veterans of the former South Vietnamese army on behalf of the Catholic order of Redemptorists and had documented human rights violations against members of Hoa Hao and other religious groups for the UN Special Rapporteur on freedom of religion or belief. **Cases of repression that escape international attention** have included the revocations of passports and identity cards and de-facto house arrests by civil servants preventing activists from leaving their homes.

There are proliferating reports of government authorities impeding or preventing prayers and religious festivals, especially in reference to **members of Hoa Hao**.

429 In June 2017, the mother and brother of the victim reported new instances of official harassment to Members of the Bundestag Martin Patzelt and Philipp Lengsfeld. The family was able to emigrate to the US in 2018.

In December 2018, **Protestant members of the Hmong ethnic minority** in Nghe An Province reported official threats. Community members were reportedly urged to abandon their Protestant faith, join the registered Buddhist church and hold up a portrait of Ho Chi Minh during their profession of faith.

In March 2019, **Hua Phi**, a **dignitary** of the Cao Dai religion, announced on Facebook that the police of the Duc Trong district had repeatedly interrogated him about his religious activities and meetings with foreign diplomats. He wrote that his private property had been destroyed, he himself had been physically attacked by (plain-clothes) police officers and his beard had been shaven off. He had also been prevented from seeking hospital treatment for his injuries.

Social conflicts with religious components

Government-registered and unregistered organisations from the same religion or denomination usually have irreconcilable views on questions of belief. Government repression of the unregistered organisations and privileges for registered organisations widen the rift further. Otherwise, there no publicly apparent religious conflicts between the different religious groups. It is difficult to say whether religious resentments play a role in attacks by loyalist violent groups (red flag associations) against priests and believers.

Structures of inter-faith cooperation

For several years, there has been an Inter-faith Council in Ho Chi Minh City that brings together representatives of various religious organisations under government pressure (Buddhists, Cao Dai, Catholic and Protestant churches). Its objectives include engaging in inter-faith dialogue, exchanging ideas and coordinating peaceful activities against government restrictions – for example, by contacting international agencies and providing information to international human rights organisations. The government closely monitors the Council and tries to restrict its activities.

D | Measures taken by the German Government





Presentation of the German government's Second Report on the Global Status of Freedom of Religion on 28 October 2020 (Dr Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Aid, Markus Grübel, Federal Government Commissioner for Global Freedom of Religion, Olivia Elias, Yazidi activist and human rights campaigner, and Archbishop Dr Ludwig Schick, Chairman of the World Church Commission) © photothek GbR

In its 2019 to 2020 Action Plan for Human Rights, the German Government undertook as follows to champion individual freedom of religion or belief:

- › The German Government will promote the protection of each individual's right to freedom of religion or belief worldwide and work to counter religious intolerance and discrimination based on religion or belief, both in the context of bilateral political dialogues with third countries and in multilateral forums such as the United Nations, the Council of Europe and the OSCE. It will continue to work actively for implementation of the EU Guidelines on the promotion and protection of freedom of religion or belief. It will support the work of the Special Rapporteur appointed by the UN Human Rights Council. It will oppose measures that limit the individual right to freedom of religion or belief or call into question the universality of that human right.

- › Through diplomatic channels, bilaterally and acting jointly with its EU partners, the German Government will speak out on behalf of people who, based on their religion or beliefs, are oppressed, persecuted, punished or subject to other types of violence. It will devote particular attention to monitoring the situation of religious minorities all over the world, including the situation of Christian minorities.⁴³⁰

The German Government considers its efforts on behalf of freedom of religion or belief to be part of its human rights policy and also to be a cross-cutting task.

The German Government's commitment to individual freedom of religion or belief in the three areas in which freedom of religion or belief is particularly limited – which are presented in detail in this report – is set forth below.

The following applies in particular to **blasphemy and anti-conversion laws**:

- › Based on the EU Guidelines of 24 June 2013 on the promotion and protection of freedom of religion or belief, the German Government is working to ensure a dialogue between its European partners and third countries where minorities and people with no religious affiliation consider their freedom of religion or belief to be at risk due to the enforcement of blasphemy and conversion laws.
- › The German Government is endeavouring to ensure that countries that enforce blasphemy laws in a way that threatens freedom of religion or belief eliminate discriminatory parts of provisions that are contrary to human rights, that they cease enforcement contrary to human rights, and that they define the content of their blasphemy laws in accordance with the right to freedom of religion or belief.
- › In bilateral dialogue with third countries, the German Government raises the subject of human rights violations related to blasphemy or conversion. This is being done with particular emphasis in cases where people are humiliated, tortured or sentenced to forced labour, many years' imprisonment or death based on accusations of this kind.

430 13th Report by the Federal Government on its human rights policy (2019); Part D, Bundestag Printed Paper 19/7730 of 13.02.2019, page 195.

- › When conducting its reviews, the Federal Office for Migration and Refugees, which is responsible for carrying out the asylum procedure in Germany, considers the situation of converts in the various countries of origin and examines the measures and sanctions that are likely to be imposed on converts when they follow a particular religious practice. German officials do not instruct converts not to exercise their religion in their country of origin publicly or to do so only in private so they can avoid discrimination and threats there.
- › The Federal Government Commissioner for Global Freedom of Religion is working to strengthen cooperation with religious institutions and authorities to jointly ensure that blasphemy and anti-conversion laws are not interpreted or enforced in a way that is contrary to human rights. This interreligious cooperation takes into account the majority religion in each specific case and is aimed at preventing discrimination against religious minorities.

The following applies in particular to the **opportunities offered by digital communication** and the influence of **online hate speech** on freedom of religion or belief:

- › The German Government is working to ensure that social media allow people to get involved online with issues related to religion and belief.
- › In the context of its development and foreign policy, the German Government is promoting the potential offered by social media for strengthening social cohesion, freedom of religion or belief, the rights to freedom of opinion and assembly, equality and societal peace.
- › The German Government vehemently opposes the online spread of hatred directed against religions and groups. It is working to ensure that all regulatory measures in Germany meet international human rights standards. It has introduced a requirement in Germany for service providers to report certain punishable content under the Network Enforcement Act (Netzwerkdurchsetzungsgesetz). This applies in particular to death threats and incitement of the masses.⁴³¹

431. See Combating Right-Wing Extremism and Hate Crime Act (Gesetz zur Bekämpfung des Rechtsextremismus und der Hasskriminalität) (2020). Printed Paper 339/20; see resolution 1 in the German Government's package of measures against right-wing extremism and hate crime of 30 October 2019, which is available at https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2019/massnahmenpaket-bekaempfung-rechts-und-hasskrim.pdf?__blob=publicationFile&v=5.

- › To implement its package of measures against right-wing extremism and hate crime, the German Government submitted a bill that was the basis for the law of the same name adopted by the Bundestag on 18 June 2020. Under the Network Enforcement Act, major providers of social networks will be required, in accordance with the Act to Combat Right-Wing Extremism and Hate Crime,⁴³² to report to the Federal Criminal Police Office (BKA) certain unlawful content deleted or blocked by them under the current legal system in response to a complaint. This applies in particular to content contrary to personal freedom or public order, such as death threats and incitement of the masses. The ability of officials to conduct criminal prosecutions in the area of hate crime has been increased by expanding the capacity of the BKA to designate the public prosecutor's office having jurisdiction and by giving it the authority to retrieve user data of the authors of certain punishable internet content held by the provider. Changes were also made to the Code of Criminal Procedure to give criminal prosecution authorities a clear legal basis for retrieving the user data and usage data of the telemedia services.⁴³³ The package of measures also enables the Federal Office for Protection of the Constitution (Bundesamt für Verfassungsschutz) to recruit extra staff to fight right-wing extremism. A coordinating office to combat right-wing extremist activities in the public sector and a telephone hotline for reporting extremism and terrorism have been created. The Federal Ministry of the Interior, Building and Community also banned two right-wing extremist associations and an association that can be classified as part of the Reichsbürger movement in 2020; all three associations had disseminated antisemitic ideas.
- › The German Government supports taking a holistic approach to developing measures to fight online hate speech directed against religions and groups. This is necessary because online hate speech is closely associated with disinformation campaigns and social bots. They are not specifically aimed at religious and other societal groups but are relevant for different issues, such as during election campaigns.⁴³⁴

432 See Combating Right-Wing Extremism and Hate Crime Act (2020). Bundesrat Printed Paper; resolution 1 in the German Government's package of measures against right-wing extremism and hate crime of 30 October 2019. The German Government's package of measures is available at https://www.bmi.bund.de/Shared-Docs/downloads/DE/veroeffentlichungen/2019/massnahmenpaket-bekaempfung-rechts-und-hasskrim.pdf?__blob=publicationFile&v=5.

433 See resolutions 1, 2 and 9 in the German government's package of measures against right-wing extremism and hate crime of 30 October 2019.

434 ZDF (2019). ZDFcheck19. Wahlkampf mit dem Social Bot (Election with the social bot). 13 April 2019. <https://www.zdf.de/nachrichten/heute/interview-mike-preuss-social-bots-zdfcheck-100.html>.

- › The German Government supports third countries in orienting legislation applicable to the Internet which governs hate speech – with the participation of civil society – to international human rights standards while safeguarding the principles of lawfulness, necessity and proportionality. Laws protecting religious minorities and other societal groups from hate speech should not be misused to limit freedom of opinion and expression.
- › In its dialogue with third countries, the German Government is working to ensure that social media users' "digital footprint" is not misused to monitor and discriminate against adherents of minority religions and beliefs.
- › The Federal Government Commissioner for Global Freedom of Religion is committed to ensuring increased funding for university and non-university research units working at the interface between human rights, religion, beliefs and digital communication in the area of online hate speech directed against religions and groups.
- › The German Government supports efforts by the media, media professionals, civil society organisations, academia and business to oppose hate and inflammatory speech on social media and detect and correct false information.



*Federal Foreign Minister Heiko Maas, who was on a visit of several days to Russia, in conversation with the Spiritual Leader Father Dionissi (l) in front of the Novospasski Monastery in Moscow, August 2019.
© picture alliance / dpa / Michael Fischer*

With respect to fulfilment of the human right to freedom of religion or belief in the **education sector**, the following applies in particular:

- › The German Government supports global educational initiatives and foreign and development policy measures to increase media literacy and to promote pluralism, freedom of religion or belief and freedom of opinion and expression.
- › The Federal Government Commissioner for Global Freedom of Religion is working to ensure that the human right to freedom of religion or belief in the education sector is more firmly embedded in the educational strategies of international organisations and in the education sector.
- › The Federal Government Commissioner for Global Freedom of Religion is working to ensure that content on guaranteeing freedom of religion or belief is included in continuing professional development (CPD) for teachers.

- › The Federal Government Commissioner for Global Freedom of Religion is working to ensure that research on the subject of freedom of religion or belief in the education sector all over the world is strengthened, particularly when it comes to
 - Monitoring the actual way in which freedom of religion or belief is assured in the education sector
 - Documenting violations of the human right to freedom of religion or belief in the education sector
 - Analysing and further developing concepts and practices to ensure freedom of religion or belief in the education sector based on context
 - Developing recommendations for action based on the above

- › The Federal Government Commissioner for Global Freedom of Religion is working to ensure that religious or belief-based communities arrive at an understanding among themselves about how and according to which criteria they teach about other religious or belief-based communities and how they present the right to freedom of religion or belief.

- › In particular, given the growing religious and social diversity in Germany, the Federal Government Commissioner for Global Freedom of Religion is working to ensure that the different religions and beliefs in the German Länder are presented in-depth in teaching resources and in class and that CPD gives teachers the necessary knowledge and skills related to the subject of freedom of religion or belief in the education sector.

- › The Federal Government Commissioner for Global Freedom of Religion is working to ensure that religious and belief-based life has a place in state educational institutions in the context of freedom of religion or belief.

E | List of abbreviations



ACHR	American Convention on Human Rights
AI	Amnesty International
AMISOM	African Union Mission to Somalia
ARSA	Arakan Rohingya Salvation Army
AS	Al-Shabaab (a fundamentalist Islamist terrorist militia in Somalia)
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BJP	Bharatiya Janata Party
BKA	Federal Criminal Police Office
BMI	Federal Ministry of the Interior, Building and Community
BMZ	Federal Ministry for Economic Cooperation and Development
CAA	Citizenship Amendment Act
CBM	Caucasus Muslim Board
CCIA	Commission of the Churches on International Affairs
CCP	Chinese Communist Party
CCPR	Centre for Civil and Political Rights
CEDAW	United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Here also: Committee on the Elimination of Discrimination against Women (body that monitors implementation of the Convention)
CEOSS	Coptic Evangelical Organisation for Social Services
CERD	Committee on the Elimination of Racial Discrimination
CHT	The Chittagong Hill Tracts are an autonomously administered province at the south-eastern edge of Bangladesh, bordering the Indian states of Tripura and Mizoram, and Myanmar
CJEU	Court of Justice of the European Union
CONAPRED	National Council to Prevent Discrimination (Mexico)
CPV	Communist Party of Viet Nam
CRC	Convention on the Rights of the Child; also UNCRC. Here also: Committee on the Rights of the Child (body that monitors implementation of the Convention)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union

EZE	Evangelische Zentralstelle für Entwicklungshilfe e.V. (Protestant Association for Cooperation in Development)
FCRA	Foreign Contribution Regulations Act (India)
FFM	Fact-Finding Mission (Myanmar)
FGM	Female genital mutilation
GIC	German Islam Conference
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IILHR	Institute for International Law and Human Rights
IMN	Islamic Movement of Nigeria
IRCK	Inter-Religious Council of Kenya
IS-KP	Islamic State in Khorasan Province Afghanistan
JAWI	Federal Territories Islamic Religious Department
KZE	Katholische Zentralstelle für Entwicklungshilfe e.V. (German Catholic Central Agency for Development Aid)
LGBTI	Lesbian, gay, bisexual, transgender, intersexual
Ma Ba Tha	Patriotic Association of Myanmar
MDF	Media Development Foundation
MERA	Ministry of Endowment and Religious Affairs (Region of Kurdistan-Iraq)
MILF	Moro Islamic Liberation Front
MUM	Muslim Unity Movement
NCMF	National Commission on Muslim Filipinos
NGO	Non-governmental organisation
NGOAB	NGO Affairs Bureau
NRC	National Register of Citizens
OCU	Orthodox Church of Ukraine
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OSCE	Organization for Security and Co-operation in Europe

PACE	Parliamentary Assembly of the Council of Europe
PFDJ	People's Front for Democracy and Justice
PMF	Popular Mobilisation Forces (an umbrella organisation funded by the Iraqi Government, comprising 40 almost exclusively Shiite militias)
RfP	Religions for Peace
RIAS e.V.	Federal Association of Departments for Research and Information on Antisemitism
RKI	Region of Kurdistan-Iraq
ROC	Russian Orthodox Church
SARA	State Administration of Religious Affairs (China)
SCWRA	State Committee for Work with Religious Associations (Azerbaijan)
SOVA	SOVA Center for Information and Analysis
TLP	Tehreek-e-Labbaik Pakistan
UAAR	Union of Rationalist Atheists and Agnostics (Italy)
UDHR	Universal Declaration of Human Rights
UFAL	Union of Secular Families (France)
UGCC	Ukrainian Greek Catholic Church
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAOOC	UN Alliance of Civilisations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UOC-MP	Ukrainian Orthodox Church of the Moscow Patriarchate
UPR	Universal Periodic Review by the UN Human Rights Council in Geneva
URPCI	Union des Radios de Proximité de Côte d'Ivoire
WHO	World Health Organization
WCC	World Council of Churches



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