

Pope Francis greeted by protests in Ireland, following child sex scandals, abortion rights fight

The pontiff finds an Ireland marked by social change, less deference to Catholic Church

By Casey Quinlan

Think Progress (26.08.2018) – <https://bit.ly/2okkhD0> – Pope Francis is in Ireland this weekend for the first papal visit since Pope John Paul II's in 1979. As the Pontiff might quickly have gleaned from the protests joined by thousands of demonstrators, things have changed since then with Ireland's Catholic faithful.

For one thing, there is less far deference to officials in the Church hierarchy, after a determined fight by women in Ireland for reproductive rights. And the Catholic Church in Ireland and abroad has been rocked by multiple sexual abuse scandals, including a recent report involving over 1,000 victims in Pennsylvania.

According to the Independent, some people have refused to attend events presided over by Pope Francis in silent protest and "disavowal" of the church's "stranglehold" on culture and government in Ireland.

Other protesters gathered at Dublin Castle after Pope Francis' arrival on Saturday to demonstrate against child sex abuse in the Catholic Church. Margaret McGuckin, herself a survivor of sexual violence, said she wanted the church to know survivors were still making their voices heard.

"The Pope now needs to stand up to the plate and do something for the survivors. We need redress, we need the church held to account," McGuckin told the Independent.

The share of young people who identify as Catholics is now much lower than in previous generations. In 2015, Ireland voted to legalize same-sex marriage. Its Prime Minister Leo Varadkar, who is gay, welcomed Pope Francis to the country on Saturday.

Earlier this year, Ireland voted overwhelmingly to repeal its near-total ban on abortion, with two in three Irish voters approving to legalize it. A 1990s case of a girl who had been raped and sought an abortion outside of the country, and who was only allowed access to the procedure after she became suicidal, started a national discussion about abortion. In 2012, a woman died of a cardiac arrest after doctors refused to perform an abortion, even though physicians knew she expected a miscarriage – a horrifying incident which gained national attention.

Meanwhile, just this month, a Pennsylvania grand jury report detailed abuse that spanned several decades and accused more than 300 priests of sexually abusing children across six Roman Catholic dioceses.

There were reportedly more than 1,000 victims, and those are just the victims who were willing to come forward. Cardinal Sean O'Malley of Boston, the head of Pope Francis' Pontifical Commission for the Protection of Minors, canceled his visit to Dublin so that he could look into investigations into alleged sexual misconduct in Boston that were separate from the grand jury report.

Questions swirl around what Pope Francis himself knows about sexual abuse within the church. A letter from Archbishop Carlo Maria Viganò alleges that he told Pope Francis about sexual abuse allegations against former D.C. archbishop Cardinal Theodore McCarrick and that the Pope did nothing.

"In this extremely dramatic moment for the universal Church, he must acknowledge his mistakes and, in keeping with the proclaimed principle of zero tolerance, Pope Francis must be the first to set a good example to Cardinals and Bishops who covered up McCarrick's abuses and resign along with all of them," Archbishop Carlo Maria Viganò wrote.

In a huge demonstration on Sunday, people protested the Pope's visit at the Garden of Remembrance in Dublin.

Other protests involved people tying baby shoes with black mourning ribbon to the railings of former Magdalene laundries, according to Dublin Live. These church-run institutions were for "fallen women" and they experienced abuse and ill treatment in these laundries. In the 1990s, a mass grave was discovered on the grounds of one of the laundries.

Another group called We Are Church also held a protest on Dublin's Ha'penny Bridge – tying blue ribbons and rainbow flags to the bridge – and said the church must accept female priests, welcome LGBTQ members, and truly confront its sexual abuse problem.

Pope Francis acknowledged abuse allegations and said to lawmakers and diplomats in Dublin on Saturday, “I cannot fail to acknowledge the grave scandal caused in Ireland by the abuse of young people by members of the church charged with responsibility for their protection and education.”

But survivors of sexual abuse and other critics of the church's handling of sexual abuse have said his remarks were not enough and that he didn't provide any indication of what steps the church would take on the issue. According to the Washington Post, Mark Vincent Healy, an Irish victim of church sexual abuse, the pope's speech was “empty.”

“I was with a group of survivors, and they were all upset with the statements as being ineffectual,” Healy told the Post.

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INDIA: FGM: Court should not decide validity of religious practice on PIL: Dawoodi Muslim group

Business Standard (26.08.2018) – <https://bit.ly/2LE3nZ6> – A group of Dawoodi Bohra Muslim community members today told the Supreme Court that the courts should not decide the constitutionality of a centuries-old religious practice of female circumcision through the public interest litigation (PIL) route.

The group said said female circumcision is practised by a few sects of Islam including the Dawoodi Bohra community and the validity of this be examined, if at all, by a larger Constitution bench.

A bench headed Chief Justice Dipak Misra, hearing a PIL filed by a Delhi-based lawyer challenging the practice of female

genital mutilation (FGM) of minor girls of the Dawoodi Bohra Muslim community, was told by senior advocate A M Singhvi that the validity of a religious practice cannot be examined in a PIL jurisdiction.

“The object of female circumcision (FC) and male circumcision (MC) is a religious practice in Islam and they are related to purity aspect,” Singhvi, appearing for over 70,000 Dawoodi Bohra Muslim women, told the bench which also comprised justices A M Khanwilkar and D Y Chandrachud.

He said though male circumcision (MC) is followed by all sects of Islam, the FC is being observed by few sects including the Dawoodi Bohra community and the validity of this be examined, if at all, by a larger Constitution bench.

He said that if the government would have brought a legislation banning the FC then it could have been challenged on the grounds of violation of Article 14 (right to equality), but this recourse, would not be available to the community if the court decides to examine the validity of the practice.

He also referred to the apex court’s judgement on right to privacy and said that the PIL petitioner has been entering into private area of the community.

Singhvi said that no affected Bohra Muslim woman has come to the court challenging the practice and to allege that it has harmed her emotionally and physically.

The advancing of arguments remained inconclusive and would resume on August 30.

Earlier, the apex court had said that the female genital mutilation (FGM) of minor girls of the community leaves a “permanent emotional and mental scar” on them and the practice may be held as violative of dignity of women as prescribed in the Constitution.

The apex court had also said that the fact that the FGM is being practised from tenth century is not “sufficient” to hold that this formed part of the “essential religious practice”, which cannot be scrutinised by court.

Attorney General K K Venugopal, appearing for the Centre, had reiterated the government’s stand that it was opposing the practice and said that this has been banned in many countries like the US, the UK, Australia and around 27 African nations.

The practice causes irreparable harm to girl children and has many health repercussions, the top law officer said and referred to Article 25 to highlight the point that a religious practice can be stopped if it was against “public order, morality and health”.

The bench was hearing the PIL filed by Delhi-based lawyer Sunita Tiwari against the practice in the community.

Tiwari, in her plea, sought a direction to the Centre and the states to “impose a complete ban on the inhuman practice” of ‘khatna’ or “female genital mutilation” throughout the country.

Female genital mutilation is performed “illegally upon girls (between five years and before she attains puberty)” and is against the “UN Convention on the Rights of the Child, UN Universal Declaration of Human Rights of which is India is a signatory”, the plea said, adding the practice caused “permanent disfiguration to the body of a girl child”.

HRWF note: As stated in our report [Women’s Rights and Religion](#), there is no legitimate justification – religious, health, or otherwise – for FGM/c. It is a dangerous and sometimes deadly practice and illegal under international law. Religious leaders are key in movement to change community mindsets and end the practice.

Other reading:

[Women from the Bohra community are fighting against Female Genital Mutilation to win back their freedom](#) – 15.08.2018

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USA: Why Women's Equality Day was different this year

Activists and politicians used August 26th to combat Brett Kavanaugh's nomination to the Supreme Court

By Tessa Stuart

Rolling Stone (27.08.2018) – <https://rol.st/2otQZlH>– It took 42 years for the United States to ratify the 19th Amendment, enshrining a woman's right to vote. Between the time it was first introduced to Congress in 1878 and when it actually became law in 1920, the Panama Canal was built, nine states joined the union and World War I occurred.

But if that seems like a long time, consider this: It's been 46 years since the introduction of the Equal Rights Amendment, which, to this day, remains one state short of the required three-quarters majority needed for ratification.

If passed, the ERA would finally guarantee women equal rights

with men.

In the 1970s, when the fight over the ERA was still fresh, New York Congresswoman Bella Abzug wrote a bill declaring August 26th Women's Equality Day. This year on August 26th, women and their allies around the country used the occasion to protest President Trump's nomination of Brett Kavanaugh to the Supreme Court.

Kavanaugh has indicated in rulings and past remarks that he believes *Roe v. Wade* was wrongly decided. Kavanaugh has assured pro-choice Senator Susan Collins (R-ME) that *Roe* is "settled law." But that's little comfort for women whose reproductive freedom is at stake, particularly when considering the fact that President Trump has loudly declared he would appoint judges who would overturn the ruling protecting abortion.

At protests in New York, Los Angeles and dozens of other cities and towns across the country, women spoke out forcefully in defense of reproductive rights. They were cheered on by lawmakers like Rep. Jan Schakowsky (D-IL), who tweeted, "With a SCOTUS nominee threatening to undo decades of progress and do away with some of our most fundamental rights, the need to continue the movement that won us the right to vote 80 years ago could not be clearer or more pressing." She was joined by Rep. Brenda Lawrence (D-MI), who tweeted, ".@realDonaldTrump has said women should face 'punishment' for exercising their constitutional right to abortion. Now, with Kavanaugh's nomination, this nightmare could become a reality. On #WomensEqualityDay & every day we must #StopKavanaugh & protect women's right to choose!

A number of rumored 2020 presidential hopefuls chimed in as well.

Sen. Kamala Harris (D-CA) chided the GOP for scheduling nomination hearings nearly two months ahead of the date the National Archives said Kavanaugh's documents would be ready for release. Sen. Kirsten Gillibrand (D-NY) tweeted Saturday, "I won't let Kavanaugh overturn Roe v. Wade and undermine every step we've taken toward equality in this country. I've been fighting his confirmation from day one, and I'm not going to let up. But neither can you. I need you to stay strong, stay determined and keep fighting."

Trump antagonist and Stormy Daniels lawyer Michael Avenatti also chimed in, tweeting, "The Equal Rights Amendment has been in limbo far too long. It is frankly shocking that it has yet to be ratified after all of these years. The time has come to change this. Women deserve equal rights across the board, especially equal pay! #Basta"

The president did not acknowledge the day on his own Twitter feed.

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Sudan teen who killed rapist husband faces new calls for death penalty

Noura Hussein got a jail sentence after an international outcry. Prosecutors seek to overturn the ruling that spared her execution.

By Zeinab Mohammed Salih

The Guardian (24.08.2018) – <https://bit.ly/2w40Z9l> – State prosecutors in Sudan are calling for the death penalty to be reinstated for a young woman who was sentenced to five years in jail for killing her abusive husband.

Noura Hussein, 19, was found guilty of premeditated murder in May and had faced execution. But a month later, after a high profile campaign, the verdict was quashed and she was given a jail sentence and fined for manslaughter.

However, it has emerged that prosecutors are seeking to overturn the latest ruling and reinstate the death penalty.

Hussein was forced to marry at 16. She fled the marriage, but was tricked into returning to her husband by family members. She stabbed him as he tried to rape her.

Judy Gitau, a human rights lawyer at Equality Now, which is campaigning on Hussein's behalf, said the development was extremely concerning. "We reiterate our calls to the Sudanese authorities to ensure that the rule of law is observed," said Gitau. "The Sudanese government took a positive step forward for women's and girls' rights by overturning Noura's death sentence. There should be no regression on this."

Equality Now is asking Hussein's supporters to send letters of concern to Sudan's attorney general, Omer Ahmed Mohamed, the justice minister Dr Idris Ibrahim Jameel, and the National Commission for Human Rights of Sudan.

Asked how she was coping in prison, Hussein told the Guardian she had applied to study law at university. Her lawyers said she had been offered a scholarship to study at the Open University of Sudan.

Sudan allows girls as young as 10 to be married. More than a third of girls in Sudan are married before 18 according to the UN, and 12% are wed before they reach 15.

Since the case, Hussein's family have been forced to leave their home in Khartoum, Sudan's capital, fearing reprisals from the dead man's family.

His father told al-Tayyar daily newspaper in Khartoum that the family were not going to forgive Hussein. He added that even if she were executed they would still seek revenge because Hussein was only a woman who had killed a man, and women were not equal to men.

The No to Women's Oppression group is mediating between the two families.

Hussein's lawyer said he did not know when a decision on this latest appeal would be made.

Also see:

[Pressure mounts on Sudan to pardon teen bride for killing 'rapist' husband](#) – 14.05.2018

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EU: Will Europe ban circumcision?

The question sounds absurd, but anti-circumcision activists are winning legal and policy victories—and overturning the definition of freedom of religion in the process.

By Seth Kaplan

Mosaic Magazine (29.08.2018) – <https://bit.ly/2omVFJ0>– In June 2012, a court in Cologne, Germany ruled that the circumcision of boys should be considered a prosecutable physical assault. In a case involving a four-year-old Muslim boy, the judges declared that the permanent physical alteration of any part of the body infringes a child's right to decide his beliefs for himself. The verdict against the doctor who had performed the procedure stated that neither the rights of parents nor the right to religious liberty could justify "serious and irreversible interference with physical integrity."

Human-rights advocates, medical associations, and many legal experts in Germany supported the decision. For Holm Putzke, a professor of criminal law at the University of Passau who had long argued for a ban on non-medical circumcision, the ruling was a particularly hopeful sign for the future, one that, “in the best case, [could] lead the religions concerned to change their mentality when it comes to respecting children’s fundamental rights.” Another leading expert called for a national discussion on “how much religiously-motivated violence against children a society is ready to tolerate.”

To be sure, the ruling also met with protests, mainly on the part of practicing Jews, Muslims, and Christians. For the first two groups especially, circumcision is a basic element of identity and a tradition that strengthens communal bonds but most of all, in the words of the American political theorist William Galston, “a God-given obligation, the key to and symbol of membership in an ancient and worthy community.”

Jews in Germany have adhered to this commandment, which is performed on the eighth day after birth, for some 1,700 years; Cologne itself had a synagogue at least as early as 321 CE, when Constantine the Great ruled the city as part of the Roman empire, well before the ancestors of most of the city’s current inhabitants had settled on German soil. In Islam, although there are variations in the age at which the rite is performed—for some it is as early as the seventh day after birth, for others as late as puberty—circumcision has likewise been a religious norm from the start.

For Jews and Muslims, therefore, if a government bans circumcision, it is in essence banning the practice of their religion.

Although German lawmakers would soon override the Cologne ruling—in December 2012, legislation was passed explicitly permitting parents the right to have their boys circumcised—the issue is unlikely to disappear given the growing opposition to the practice among Germany’s general population.

And not just there. The Cologne ruling produced ripple effects elsewhere in the German-speaking world. In light of it, two hospitals in Switzerland announced that they would temporarily stop performing circumcisions altogether. In Austria, the governor of Vorarlberg province ordered state-run hospitals to cease the procedure except for health reasons until the legal situation was clarified.

Beyond these locales, the episode in Germany marked just another step forward in a growing trend across Northern Europe, where an “intactivist” movement has been gaining momentum. A 2013 poll in the United Kingdom showed almost two-fifths of the population favoring a ban on non-medical circumcision. A number of other countries have debated outlawing the practice or at least requiring medical supervision of all circumcisions (as Sweden has done since 2001 and Norway since 2014). According to Anne Lindboe, Norway’s ombudsman for children, “With good information about risk, pain, and the lack of health benefits of [circumcision], I think parents from minorities would voluntarily abstain from circumcising children.” In its place, she charitably proposed that Jews and Muslims enact a symbolic, non-surgical ritual—as if the underlying issue were one of their collective ignorance of modern medicine, a deficiency to be overcome by means of a bit of symbolic play-acting.

More drastically, a bill was introduced this year in Iceland's parliament not only to ban circumcision on non-medical grounds but to impose a six-year prison term on anyone who removed "part or all of the [child's] sexual organs." According to Silja Dögg Gunnarsdóttir, the Progressive-party parliamentarian who introduced the bill, the central issue is "children's rights, not . . . freedom of belief."

More virulent themes, themselves suggestive of deeper motivations, have also been mobilized in condemnation of the practice. Thus, one of Denmark's most prestigious newspapers published an article referring to "black-clad men" who torture and mutilate babies in fulfillment of a barbaric custom. Similarly, a cartoon in a Norwegian newspaper pictured law-enforcement officers questioning a rabbi who holds a religious book while stabbing a baby in the head with a devil's pitchfork and a woman holding a bloodied religious book while cutting off the child's toe. The woman protests: "Mistreating? No, this is tradition, an important part of our belief!"

No less loaded sentiments, possibly voiced in ignorance or cultural blindness, can occasionally be spotted lurking behind, or obtruding from, official pronouncements. In October 2013, a resolution on "Children's Right to Physical Integrity" was passed resoundingly by the Parliamentary Assembly of the Council of Europe (PACE). The resolution itself was based on a report prepared by PACE's Committee on Social Affairs, Health, and Sustainable Development, which held that "circumcision applied to young boys is clearly a human-rights violation" since it permanently changes a child's physical integrity at an age when he is unable to give a well-informed consent. The committee's rapporteur, self-described as "a children's-rights

activist,” added that arguments in favor of the practice are “purely serving the adults who wish to avoid a confrontation with the ‘dark side’ of their own religion, traditions, and, finally, identity” (emphasis added).

A Hierarchy of Rights

In parsing these various statements and the attitudes behind them, it’s critical to understand the cultural and legal background against which they play out. Almost uniformly, opponents of circumcision appeal to a single standard of judgment—namely, the standard of human rights. That being the case, in what follows we need to shift our focus to the concept of human rights itself, and in particular to see how that concept is interpreted and applied by different groups, cultures, and societies, with, inevitably, certain rights prioritized over others—a seemingly theoretical exercise but one in which the debate over circumcision figures prominently.

For the Icelandic parliamentarian who introduced the bill criminalizing neonatal circumcision, the priorities are starkly clear: “everyone has the right to believe in what he wants,” she said flatly, but “the rights of children come above the right to believe.”

As it happens, this statement is based on the false assumption that only religious belief qualifies as a human right, and not religious practice—an error that bedevils virtually every discussion not only of circumcision but of the nature of religious liberty in general. But, putting that aside for the moment, the parliamentarian’s statement well captures the

debate between those, like proponents of the ban on circumcision, who raise the banner of individual rights against those who believe that religious or communal norms ought to matter at least as much if not more. Both sides claim their position is backed both by law and by human-rights conventions.

For instance, many anti-circumcision activists point to Article 5 of the Universal Declaration of Human Rights (UDHR), which states that “no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment”; for these activists, circumcision qualifies as just such a form of cruel and inhuman treatment. But supporters of circumcision also point to the same declaration, with its strong backing for religious freedom and the right of families to decide how to raise their children. Article 18 states:

[E]veryone has the right to freedom of thought, conscience and religion; this right includes . . . freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

The word “practice” would seem to include circumcision.

Nor is this the only source of tension between the sides. Western public authorities have greatly expanded the definition of what can legitimately be considered “child abuse”—i.e, situations in which authorities can intervene to protect a child’s rights. In the case of outright sexual abuse, such interventions by the authorities are broadly

supported across all groups. Disagreement arises when a government substitutes its own standards for those of the parent in areas such as levels of parental supervision, sex education, and religious practice; in these cases, what some may see as a parent's prerogative or community right, others may see as an activity legitimating state action to protect a child's individual rights.

This can happen even when both the family and the government share broadly similar values. But it is more likely to happen when they do not—as is often the case in a highly individualistic, secular society that contains within it one or more strongly religious groups, or similar groups with a strong sense of communal identity.

Unsurprisingly, in Western societies of this kind, and especially in Western Europe, opposition is building to certain longstanding religious practices, going so far as to cause some among the faithful to doubt their continued ability to live a religious life in their home country; indeed, significant numbers have begun either to consider the possibilities for them elsewhere or actually to pick up and move. Thus, alongside the efforts to ban circumcision in the name of children's rights, campaigns have been mounted (successfully in Sweden, Switzerland, Norway, Poland, Denmark, and Iceland, moving forward in Holland and France) to ban kosher and/or halal slaughter in the name of animal rights; to abolish eternal cemeteries (in Belgium and Switzerland) in the name of environmental concerns; and to interfere in the operation of religious schools (in the UK and Belgium) in the name of non-discrimination.

European courts have forced a Belgian Jewish girls' school to

admit boys; ruled, on the basis of claimed risks to health and safety, against a nurse who wanted to wear a cross at work; and accepted the dismissal of a government employee who refused to perform same-sex civil partnerships. Sweepingly, the Council of Europe has declared that all states ought to “require religious leaders to take an unambiguous stand in favor of the precedence of human rights . . . over any religious principle.”

In the United States, generally and rightly considered a more hospitable home to religion, practices like circumcision are unlikely to be outlawed in the near future—although, as Jon Levenson acutely pointed out almost two decades ago, America, “a society undergoing a painful sorting-through of its own moral and cultural dispositions,” has hardly been immune to anti-circumcision fevers. And even here the state is increasingly seeking conformity with a hierarchy of rights centered on the principle of personal autonomy. Whereas once religion was protected on the grounds that the Constitution forbade the establishment of any law that infringed on religious duties if they were a matter of conscience that could be traced to sincerely held beliefs (cf. the *Wisconsin v. Yoder* case of 1972), in recent years the courts have protected religion only from discrimination that targets it directly.

Starting in the 1980s, for instance, the Supreme Court has allowed the government to prohibit religious activities if the specific prohibition at issue could be shown to be applicable to all citizens. On these grounds, it ruled in 1988 that the U.S. Forest Service could build a road on lands deemed sacred by Native Americans—even though an environmental assessment had recognized that the damage would be severe and irreparable and had proposed alternative routes.

The 2010 Affordable Care Act (that is, Obamacare) originally did not allow religious organizations to opt out of its across-the-board requirement that employers provide insurance coverage for the purchase of abortifacient drugs. Legal challenges ensued, and in one prominent case the Supreme Court overturned lower-court rulings against Little Sisters of the Poor on the grounds that a reasonable opt-out accommodation could be made. But despite an interim October 2017 rule issued by the Trump administration to allow for such voluntary accommodations, the issue still awaits judicial resolution.

Freedom of Religion vs. Freedom of Conscience

Although it should not be necessary, it's no doubt useful to stipulate that no one is arguing for all religious practices to be condoned. No society or community should be able, in the name of freedom of religion, to prevent women from being protected from violent treatment, for example. But different societies will naturally have different standards that they wish to uphold: some societies will accept polygamy, while others ban it. That is why religious practices, and longstanding traditional customs that have taken on a religious flavor, are among the hardest issues to address within a human-rights framework: the large number of potential conflicts with non-believers, and the necessary tradeoffs with other rights, are highly complex and not easily reducible to simple either-or categories.

Yet this has hardly deterred those hostile to religion, including those who should know better, from jumping to dangerously sweeping conclusions. A representative example in

the UK is John Grant McKenzie Laws, a former lord justice of the English Court of Appeal. Responding to a relationship counselor who had lost his job after raising objections to advising same-sex couples, Laws dismissively proclaimed: "In the eye of everyone save the believer, religious faith is necessarily subjective, being incommunicable by any kind of proof or evidence." Moreover, he continued, the defense of any position whatsoever on purely religious grounds "is irrational, as preferring the subjective over the objective. . . . [I]t is also divisive, capricious, and arbitrary."

It is thanks in part to prejudicial reasoning like this that freedom of religion is being reconfigured by judges, politicians, government officials, and political theorists to mean only freedom of worship and association, on a par with freedom of conscience and of political opinion. So narrow an understanding of faith ignores the communal and institutional components of religion, both of which have unfortunately little purchase in a society driven by an ethic of autonomy. But this understanding also, as we have seen, contravenes Article 18 of the Universal Declaration of Human Rights. And it has no grounding in the American Constitution—which hasn't prevented American lawmakers, officials, and courts from espousing it.

The same turn of mind obstructs careful deliberation of the appropriate ways to govern liberal democratic societies increasingly defined by their diversity. Whereas once there was a widely-accepted dominant ethos in such relatively cohesive and homogeneous countries as the Netherlands, Norway, France, and, to a lesser extent, the United States, secularization and individualization have splintered the previous consensus—and at a dangerous moment, just as these countries have found themselves dealing with millions of

recently arrived immigrants who not only do not share the once-common ethos but who also tend to place a much greater emphasis on the values of faith and community.

Deciding what limits to set on observant religious groups—with regard to marriage, divorce, female clothing, schooling, parent-child relationships, circumcision, and so on—requires a delicate touch. In societies increasingly governed by elites hostile to even their own religious heritage, that touch is little in evidence.

Religion and the Roots of Liberalism

This brings us to the deeper problem presented by the current debate over rights, a problem that goes to the heart of contemporary liberalism and that has its own bearing on the issue of circumcision.

Although many today would find it hard to believe, a strong case can be made that both democracy and liberalism were born from and nurtured by religion, and by the social institutions that religion helped produce. Many would find this hard to believe because modern political theory is often assumed to be the product of secularization and dissatisfaction with religion. But that is a misreading of history.

In reality, Christian scholars, energized by religious fervor, transformed political theory in the 16th and 17th centuries. Seeking to understand the institutions and practices of the perfect republic, many turned to the Hebrew Bible, from whose

writings on the governance of ancient Israel they developed ideas about the legitimacy of democracy that would influence such thinkers as John Milton, James Harrington, and Thomas Hobbes. Later on, religious pluralism—based on the recognition that religious beliefs hold an essential place in each person's life; that religion itself is of high value in any moral society; and that it is necessary in such a society to enable people of different beliefs to live together—became a building block of American and European democracy.

In his reflections on early-19th-century America, Alexis de Tocqueville observed that a successful democracy is not only founded on religious principles but positively requires a religious basis because of its unique capacity to “teach . . . citizens how to act in the wider interest, as well as for their own good.” As he admiringly put it in *Democracy in America*,

Religion in America takes no direct part in the government of society, but it must nevertheless be regarded as the foremost of the political institutions of that country; for if it does not impart a taste for freedom, it facilitates the use of free institutions. Indeed, it is in this same point of view that the inhabitants of the United States themselves look upon religious belief. I do not know whether all the Americans have a sincere faith in their religion; for who can search the human heart? But I am certain that they hold it to be indispensable to the maintenance of republican institutions. This opinion is not peculiar to a class of citizens or a party, but it belongs to the whole nation, and to every rank of society.

It is doubtful that any part of this quintessentially liberal

vision holds true today. Many current human-rights causes may be based on modern liberal ideas, but they conflict with liberalism as originally conceived. The initial goal of classical liberalism was to promote freedom, equal rights, and tolerance, to protect a diversity of views, to prevent religious conflict, and to restrain government so as to not interfere in the choices made by individuals.

John Locke, considered the "father of classical liberalism," supported religious toleration on the grounds that accepting diversity of opinion was crucial to maintaining peace and social order and avoiding "a narrowness of spirit on all sides." Conflict and "miseries" were caused not by diverse opinions but by the lack of tolerance for those with different opinions and by the insatiable desire for domination.

Such thinking informed the Declaration of Independence, central to which is the idea that government is established by the people in order to secure their rights to life, liberty, and the pursuit of happiness. It works on a premise well described by the scholar Michael McConnell:

In contrast to both ancient and modern neo-liberal regimes, government is not charged with the promotion of the good life for its citizens. . . . Government must leave the definition of the good life to private institutions, of which family and church are the most conspicuous.

This same rationale continued to play a leading role in liberal thought into the 20th century. It can be seen in the work of such otherwise disparate figures as the proto-

libertarian economist Ludwig von Mises, who emphasized repeatedly that liberalism “demands toleration for doctrines and opinions that it deems detrimental and ruinous to society and even for movements that it indefatigably combats,” and the pluralist moral philosopher Isaiah Berlin, for whom liberalism meant a tolerant *modus vivendi* among competing value systems.

In this light, it is worth asking whether the 21st-century construction of liberalism is not in fact a betrayal of liberalism’s foundational principles—or, to put it differently but no less accurately, whether, over time, liberalism has not become illiberal. For instead of promoting principles, institutions, and practices, including religious ones, that protect difference and allow as much space as possible for distinctions across individuals and groups, constrained only by some minimum standards and the need to ensure societal unity, liberalism has become a homogenizing agent that systematically seeks, in particular, to reduce the scope of “non-conforming” religious actors and practices.

Among such religious practices, ritual circumcision is a salient exemplar and, in consequence, a highly tempting target. And attacks on it are not occurring in isolation. They take their place as a brightly lit warning sign amid a broader set of accumulating threats to the liberal political order in Western countries.

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RUSSIA: Religion, banned books and the ECHR: Ibragimov and Others

By Frank Cranmer

LawandReligionUK.org (29.08.2018) – <https://bit.ly/2BZELUR> –

Background

Salekh Ogly Ibragimov, the Nuru Badi Cultural Educational Fund, a publisher based in Moscow, and the United Religious Board of Muslims of the Krasnoyarsk Region complained about the banning of various books written in the first half of the 20th century by Said Nursi, a Muslim Turkish scholar. The domestic courts had ruled in 2007 and 2010 that the books were extremist: in particular, that they incited religious discord and constituted propaganda on the superiority of the Muslim faith, contrary to the provisions of the Suppression of Extremism Act 2002. In coming to their decisions, the domestic

courts had relied on expert reports ordered by the court or submitted by the prosecutor that had been written by specialists in linguistics, philology, psychology and philosophy. Subsequent appeals were rejected.

The judgment

In ***Ibragim Ibragimov and Others v Russia***[2018] ECHR 684, the Court noted that the domestic courts' decision to ban the books from publication and distribution because they were "extremist" had been an interference by a public authority with the applicants' rights under Article 10 ECHR (freedom of expression), interpreted in the light of their right to freedom of religion under Article 9. That interference had had a basis in national law under the Suppression of Extremism Act and had aimed at preventing disorder and protecting territorial integrity, public safety and the rights of others. However, overall, the Russian courts had failed to justify why it had been necessary to ban the books, which had first been published in Russia in 2000 – seven years before the ban – without them ever having caused interreligious tensions, let alone violence. They had also been translated into about 50 languages and were widely available in many countries without any problem.

The domestic courts had not discussed the necessity of banning the books. They had banned them on the basis of experts' conclusions without making their own assessment; nor had they specified which passages of the books were problematic. Furthermore, the experts' report had gone far beyond issues of language or psychology and had strayed, in essence, into a legal classification of the texts – which, said the Court, was a legal matter exclusively for determination by the courts.

Nor had the applicants been able to contest the expert reports. The courts had summarily rejected all evidence they had submitted, including the opinions of Muslim authorities and Islamic scholars who had explained the historical context in which the books had been written and the fact that they belonged to moderate rather than radical Islam, their importance for the Russian Muslim community and their general message of tolerance, interreligious cooperation and opposition to violence. Scholarly opinions had simply been disregarded because the authors of the expert reports had not been linguists or psychologists.

Though the domestic courts had quoted several expressions which they considered problematic because they had promoted the idea that it was better to be a Muslim than a non-Muslim and had used military metaphors, they had not assessed those expressions in context and had failed to take into account that it was common in religious texts for a religion to claim that it was superior to other religions. Importantly, the texts in question had not been abusive towards non-Muslims nor insulted nor slandered them. Nor had the use of military metaphors been set in context. Similarly, the mere fact that Said Nursi's intention had been to convince readers to adopt his religious beliefs was insufficient to justify the ban.

As to Article 9, where several religions coexisted within the same population, it might be necessary to place limitations on freedom to manifest one's religion or beliefs in order to reconcile the interests of the various groups within society and ensure that everyone's beliefs were respected. However:

“The Court has frequently emphasised that States have responsibility for ensuring, neutrally and impartially, the exercise of various religions, faiths and beliefs. Their role is to help maintain public order, religious harmony and tolerance in a democratic society, particularly between opposing groups. That concerns both relations between believers and non-believers and relations between the adherents of various religions, faiths and beliefs ... The Court has also stressed that the State’s duty of neutrality and impartiality is incompatible with any power on the State’s part to assess the legitimacy of religious beliefs or the ways in which those beliefs are expressed ... Accordingly, the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other” [90]

As to Article 10:

“The Court has consistently held that freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual’s self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broad-mindedness without which there is no “democratic society”. As enshrined in Article 10, freedom of expression is subject to exceptions which must, however, be construed strictly, *and the need for any restrictions must be established convincingly*’ [91: emphasis added].

It had not been “necessary in a democratic society” to ban the books in question and there had therefore been a violation of Article 10 [124].

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**RUSSIA: Ungodly espionage:
Russian hackers targeted**

Orthodox clergy

AP News (27.08.2018) – <https://bit.ly/2MZCNP4> – The Russian hackers indicted by the U.S. special prosecutor last month have spent years trying to steal the private correspondence of some of the world's most senior Orthodox Christian figures, The Associated Press has found, illustrating the high stakes as Kiev and Moscow wrestle over the religious future of Ukraine.

The targets included top aides to Ecumenical Patriarch Bartholomew I, who often is described as the first among equals of the world's Eastern Orthodox Christian leaders.

The Istanbul-based patriarch is currently mulling whether to accept a Ukrainian bid to tear that country's church from its association with Russia, a potential split fueled by the armed conflict between Ukrainian military forces and Russia-backed separatists in eastern Ukraine.

The AP's evidence comes from a hit list of 4,700 email addresses supplied last year by Secureworks, a subsidiary of Dell Technologies.

The AP has been mining the data for months, uncovering how a group of Russian hackers widely known as Fancy Bear tried to break into the emails of U.S. Democrats , defense contractors , intelligence workers , international journalists and even American military wives . In July, as part of special counsel Robert Mueller's ongoing investigation into Russian interference in the 2016 U.S. election, a U.S. grand jury

identified 12 Russian intelligence agents as being behind the group's hack-and-leak assault against Hillary Clinton's presidential campaign.

The targeting of high-profile religious figures demonstrates the wide net cast by the cyberspies.

Patriarch Bartholomew claims the exclusive right to grant a "Tomos of Autocephaly," or full ecclesiastic independence, sought by the Ukrainians. It would be a momentous step, splitting the world's largest Eastern Orthodox denomination and severely eroding the power and prestige of the Moscow Patriarchate, which has positioned itself as a leading player within the global Orthodox community.

Ukraine is lobbying hard for a religious divorce from Russia and some observers say the issue could be decided as soon as next month.

"If something like this will take place on their doorstep, it would be a huge blow to the claims of Moscow's transnational role," said Vasilios Makrides, a specialist in Orthodox Christianity at the University of Erfurt in Germany. "It's something I don't think they will accept."

The Kremlin is scrambling to help Moscow's Patriarch Kirill retain his traditional role as the head of the Ukrainian Orthodox Church and "the more they know, the better it is for them," Makrides said.

The Russian Orthodox Church said it had no information about the hacking and declined comment. Russian officials referred the AP to previous denials by the Kremlin that it has anything to do with Fancy Bear, despite a growing body of evidence to the contrary.

Ukrainian President Petro Poroshenko flew to Istanbul in April in an effort to convince the patriarch to agree to a split, which he has described as “a matter of our independence and our national security.” Moscow’s Patriarch Kirill is flying to Turkey later this week in a last-ditch bid to prevent it.

Hilarion Alfeyev, Kirill’s representative abroad, has warned that granting the Tomos could lead to the biggest Christian schism since 1054, when Catholic and Orthodox believers parted ways.

“If such a thing happens, Orthodox unity will be buried,” Alfeyev said.

The issue is an extraordinarily sensitive one for the Ecumenical Patriarchate. Reached by phone, spokesman Nikos-Giorgos Papachristou said: “I don’t want to be a part of this story.”

Other church officials spoke to the AP about the hacking on condition of anonymity, saying they did not have authorization to speak to the media.

Bartholomew, who is 78, does not use email, those church officials told AP. But his aides do, and the Secureworks list spells out several attempts to crack their Gmail accounts.

Among them were several senior church officials called metropolitans, who are roughly equivalent to archbishops in the Catholic tradition. Those include Bartholomew Samaras, a key confidante of the patriarch; Emmanuel Adamakis, an influential hierarch in the church; and Elpidophoros Lambriniadis, who heads a prestigious seminary on the Turkish island of Halki. All are involved in the Tomos issue; none returned recent AP messages seeking comment.

Spy games have long been a part of the Russian Orthodox world.

The Soviet Union slaughtered tens of thousands of priests in the 1930s, but the Communists later took what survived of the church and brought it under the sway of Russia's secret police, the KGB, with clerics conscripted to spy on congregants and emigres.

The nexus between Russia's intelligence and religious establishments survived the 1991 fall of the Soviet Union and the KGB's reorganization into the FSB, according to Moscow-based political analyst Dmitry Oreshkin.

"Our church leaders are connected to the FSB and their epaulettes stick out from under their habits," Oreshkin said.

“They provide Vladimir Putin’s policy with an ideological foundation.”

That might make one target found by the AP seem curious: The Moscow Patriarch’s press secretary, Alexander Volkov.

But Orthodox theologian Cyril Hovorun said he wouldn’t be surprised to see a Russian group spying on targets close to home, saying, “they’re probably checking him out just in case.”

Volkov did not return AP emails seeking comment.

Hovorun is unusually qualified to speak on the issue. In 2012 he – like Volkov – was an official within the Moscow Patriarchate. But he resigned after someone leaked emails showing that he secretly supported independence-leaning Ukrainian clergy.

Hovorun has since been targeted by the Russian hackers, according to the data from Secureworks, which uses the name Iron Twilight to refer to the group.

Hovorun said he believes that those who published his emails six years ago weren’t related to Fancy Bear, but he noted that their modus operandi – stealing messages and then publishing them selectively – was the same.

“We’ve known about this tactic before the hacking of the Democrats,” Hovorun said, referring to the email disclosures that rocked America’s 2016 presidential campaign. “This is a familiar story for us.”

The Russian hackers’ religious dragnet also extended to the United States and went beyond Orthodox Christians, taking in Muslims, Jews and Catholics whose activities might conceivably be of interest to the Russian government.

John Jillions, the chancellor of the Orthodox Church in America, provided the AP with a June 19, 2015, phishing email that Secureworks later confirmed was sent to him by Fancy Bear.

Fancy Bear also went after Ummah, an umbrella group for Ukrainian Muslims; the papal nuncio in Kiev; and an account associated with the Ukrainian Greek-Catholic Church, a Byzantine rite church that accepts the authority of the Vatican, the Secureworks data shows.

Also on the hit list: Yosyp Zisels, who directs Ukraine’s Association of Jewish Organizations and Communities and has frequently been quoted defending his country from charges of anti-Semitism. Zisels said he had no knowledge of the attempted hacking. Vatican officials did not return messages.

Protestants were targeted too, including three prominent Quakers operating in the Moscow area.

Hovorun said Protestants were viewed with particularly intense suspicion by the Kremlin.

“There is an opinion shared by many in the Russian establishment that all those religious groups – like Quakers, evangelicals – they are connected to the American establishment,” he said.

Secureworks’ data shows hacking attempts on religious targets that took place in 2015 and 2016, but other material obtained by the AP suggests attempts to compromise the Ecumenical Patriarchate are ongoing.

On Oct. 16, 2017, an email purporting to come from Papachristou, who was just being appointed as spokesman, arrived in the inboxes of about a dozen Orthodox figures.

“Dear Hierarchs, Fathers, Brothers and Sisters in Christ!” it began, explaining that Papachristou was stepping into his new role as director of communications. “It’s a very big joy for me to serve the Church on this position. Some suggestions on how to build up relations with the public and the press are provided in the file attached.”

The file was rigged to install surveillance software on the recipients’ computers.

The email's actual sender remains a mystery – independent analyses of the malicious message by Secureworks and its competitor CrowdStrike yielded nothing definitive.

Church officials told the AP they were disturbed by the hacker's command of church jargon and their inside knowledge of Papachristou's appointment.

"The one who made this is someone who knows us," one official said.

Priests and prelates don't make obvious targets for cyberespionage, but the stakes for the Kremlin are high as the decision on Tomos looms.

Granting the Ukrainian church full independence "would be that devastating to Russia," said Daniel Payne, a researcher on the board of the J.M. Dawson Institute of Church-State Studies at Baylor University in Texas.

"Kiev is Jerusalem for the Russian Orthodox people," Payne said. "That's where the sacred relics, monasteries, churches are ... it's sacred to the people, and to Russian identity."

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Human Rights Without Frontiers calls upon President Poroshenko to pay the pensions of retired people in Eastern Ukraine

A call for help from Dr Borys Kondorskii

HRWF (29.08.2018) – Human Rights Without Frontiers calls upon President Poroshenko to urgently pay the pensions of retired people living in Ukraine’s ‘uncontrolled territories’. The situation of retired people in general in the whole of Ukraine is absolutely dramatic. Professors, teachers, medical doctors and other Ukrainians who have worked for state institutions since the independence receive less than USD 100 per month...

A call for help and social justice from Dr Borys Kondorskii

Ukraine is currently the country where all human rights in all

spheres of life are being violated. It especially concerns those citizens of Ukraine who reside in so-called uncontrolled territories. Getting your retirement pension is one of the fundamental human rights since a retiree has no other maintenance.

Already since 2014 receiving retirement pension by those citizens of Ukraine who reside in the territories of not recognized DPR and LPR has been subject to a whole series of requirements and conditions that were disrespectful to human dignity. One had to regularly draw up different documents, the requirements to which were constantly being changed. Degrading check-ups were a regular thing.

Since May 2018 Pension Fund of Ukraine has completely stopped paying retirement pensions to the majority of the citizens of Donbass. Kyiv Appeal Administrative Court declared these actions illegal. Yet both Cabinet of Ministers of Ukraine and the Pension Fund have constantly been ignoring the decision of the court.

It is worth noting that the average retirement pension in Ukraine is equal to 100 US dollars. Ukraine has been in the state of permanent economic and political crisis during the whole period of its independence. During this time Ukraine's take in the world industrial production has reduced in more than 50 times. All of this results in the critical shortage of budget funds.

Who is Dr Borys Kondorskii?

Some time ago, our organization received a first email from Dr Kondorskii saying:

As an independent researcher I am working in the field of theoretical problems of history, politology, biological and language evolutions. More than 50 scientific papers of mine have been published for the recent 5 years. One can familiarize oneself with my articles on the website ResearchGate. I am currently developing a theory of a revolutionary period which has a high prognostic potential. I have predicted a real possibility of the occurrence of state formation on the basis of an idea of a "caliphate" as well as the nature of further development of the events in Syria already in May, 2014 at the XIIIth International Conference of Africanists in Moscow.

Before this May I received 100\$ of my retirement pension and 70\$ of social securities from local authorities. I lived off this money, worked on my articles and went to scientific conferences at my own expense. I participated in 4 conferences in person in 2017 as well as in 8 conferences in absence. Now Ukrainian government has deprived me of my retirement pension only on the ground of the fact that I reside in Donetsk, as well as thousands of other retirees who live on the territories of self-proclaimed DPR and LPR. This is a major violation of the constitution of the country, international human rights treaties which have been signed by Ukraine, as well as Minsk accords.

I believe that your organization, holding true to the ideals of human rights, should rise the question of lawlessness of the actions of Ukrainian government in terms of human rights violation.

Dr Borys Kondorskii

HRWF thinks that beyond his personal case, it is important to highlight the dramatic situation of all pensioners in Ukraine.

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CHINA: Henan, Jiangxi, Zhejiang, sinicization advances: crosses burnt, Party flags and slogans on churches

In Shanghai the “basic values of socialism” are exalted on the pediment of the church. A painting of the Last Supper removed in Henan. Communities forced to sing patriotic hymns. Shaolin Monastery in Shaoshan must hold a flag-raising ceremony every morning. “The churches seem more and more like government offices”.



Photo via AsiaNews.it

See video at: <https://bit.ly/2C3qqwW>

By Wang Zhicheng

AsiaNews.it (28.08.2018) – <https://bit.ly/2C3qqwW> – In the name of the sinicization, to create a Christianity with “Chinese characteristics”, the government authorities are burning crosses on the bell towers, replacing them with the red flags of China; slogans praising the Party and the values of socialism are exposed on religious buildings, erasing sacred images, that are considered too Western.

In recent days in Henan, the cross of a Protestant church was burned in Anyang, Shuiyi County (see video); another was demolished in Hebei; another one in Luoyang has been replaced with the red flag (see photo 2). Even a Catholic center in Anyang had to display the flag (see photo 3).

In a church in the province, the authorities demanded the

removal of the cross, paintings with calligraphy of verses from the Bible and a painting of the Last Supper.

Similar events also take place in Jiangxi. Testimonies gathered by Chinaaid in Xinyu County say that churches are forced to wave the national flag, to display a picture of President Xi Jinping and slogans praising socialism. Many crosses have been destroyed, including that of the evangelical church of Jieken.

At least 40 churches in Shangrao have been forced to display banners that prohibit the preaching of non-Chinese people and prohibit entry to young people under the age of 18.

In Zhejiang, in Leqin, the authorities have forced the churches to exalt the Chinese Communist Party, by singing patriotic anthems at a flag-raising ceremony and pushing for concerts with nationalist programs.

In the Pudong region of Shanghai, the Xuanqiao's Church of Jesus Christ had to display the slogan on the "basic values of socialism".

Dozens of domestic churches have been closed in Shenyang (Liaoning) and Xuzhou (Jiangsu) forcing communities to join the Three-Self Movement, the official government controlled Protestant community.

Sinicization, the slogan launched by Xi Jinping, aims to force

all religions to assimilate Chinese culture and above all to submit to the authority of the Communist Party. According to many Chinese faithful, “under the mantle of patriotism, religions are being emptied of the elements of their faith and are seen as political instruments at the service of the government and the Party”. A Catholic comments to AsiaNews: “At this stage, with the red flags, the patriotic songs, the ban on young people taking part, the churches seem more and more like government offices”.

No religion escapes this homogenization. Since yesterday, the Shaolin Buddhist monastery in Shaoshan (Henan) has also carried out the flag-raising ceremony every morning (see photo 4). The whole Chinese Buddhist Association has decided to join in the initiative.

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CHINA: An open letter to the Italian Minister of Economy, Mr. Giovanni Tria

“While discussing economy with China, do not forget religious liberty”

28 August 2018

Dear Mr. Tria:

We wish you a fruitful visit to China on behalf of Italian economic interests.

Last July, Italy was an official participant in “Ministerial to Advance Religious Freedom” in Washington D.C. There, 82 countries solemnly agreed that religious liberty should be regarded as a non-negotiable cornerstone of international relations.

We hope that the good economic relationships between China and Italy may help you in raising the matter of the gross violations of religious liberty in China with your Chinese counterparts, violations that became even worse with the new laws on religion that came into force in 2018.

Reliable academic sources report that one and a half million Chinese are detained in “transformation through education”

camps because of their religious beliefs. They include Uyghur and non-Uyghur Muslims, Tibetan Buddhists, Christians of several denominations, and members of new religious movements banned as “heterodox teachings” (xie jiao) and continuously defamed through fake news campaigns, including The Church of Almighty God and Falun Gong. Several NGOs documented numerous instances of mass arrests, extra-judicial killings, and torture. Even in the government-controlled religious communities, religion is treated in the same way as pornography, since it is entirely forbidden to minors, who are not even allowed to enter places of worship.

Laudably, Italy is a leading country in defending religious liberty internationally. We trust that your visit to China will be an opportunity to reiterate this position.

CAP-LC Coordination des associations et des particuliers pour la liberté de conscience

CESNUR – Center for Studies on New Religions

EIFRF – European Inter-Religious Forum for Religious Freedom

FOB – European Federation for Freedom of Belief

FOREF – Forum for Religious Freedom Europe

HRWF – Human Rights Without Frontiers

LIREC – Center for Studies on Freedom of Belief, Religion and Conscience

ORLIR – International Observatory of Religious Freedom of Refugees

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