

FoRB Annual report: In prison for their religion or beliefs

*A report about 20 countries with religion or belief prisoners along with policy
recommendations for the European Union specific to each country*

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List of Acronyms

AA	Association Agreement
ACN	Aid to the Church in Need
ACP-EC	Cotonou Agreement
ASEAN	Association of South East Asian Countries
AU	African Union
CCPA	Chinese Catholic Patriotic Association
CCPR	Human Rights Committee
CEDAW	Convention on the Elimination of Forms of Discrimination Against Women
CoE	Council of Europe
CRA	Council on Religious Affairs
CRSS	Centre for Research and Security Studies
DCI	Development Cooperation Instrument
DPRK	Democratic Republic of Korea
ENP	European Neighbourhood Policy
EU	European Union
FoRB	Freedom of Religion or Belief
FTA	Free Trade Agreement
GIA	Gallup International Association
GNH	Gross National Happiness
GSP	Generalised System of Preferences
GCC	Gulf Cooperation Council
ICCPR	International Covenant on Civil and Political Rights

ICESCR	International Covenant on Social, Economic and Cultural Rights
IPC	Islamic Penal Code
ITE Law	Electronic Information and Transaction Law
KNB	Committee for National Security
LEC	Lao Evangelical Church
LFNR	Lao Front for National Reconstruction
LPRP	Lao People's Revolutionary Party
MIP	Multiannual Indicative Programme
MUI	Indonesian Ulema Council
NRRA	National Regulations on Religious Affairs
NSC	National Steering Committee
NSM	National Security Ministry
OSCE	Organisation for Security and Co-operation in Europe
PDA	Political Dialogue Agreement
PCA	Partnership and Cooperation Agreement
PRC	People's Republic of China
SARA	State Administration for Religious Affairs
SCRA	State Committee on Religious Affairs
SCRWRA	State Committee on Work with Religious Associations
TAR	Tibet Autonomous Region
TCA	Trade and Co-operation Agreement
TSPM	Three-Self Patriotic Movement
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme

US	United States
WIN	Worldwide Independent Network
XUAR	Xinjiang Uyghur Autonomous Region
YWAM	Youth With a Mission

Foreword

Freedom of religion or belief (FoRB) is a universal human right guaranteed by Article 18 of the UN International Convention on Civil and Political Rights (ICCPR).

In 2013, the European Union adopted the EU Guidelines on Freedom of Religion or Belief for which *Human Rights Without Frontiers International* was pleased to be involved in the drafting process along with religious communities and other civil society organisations. The Guidelines are an important reference tool for EU institutions in third countries for identifying FoRB violations and assisting citizens who have been discriminated against on the basis of their religion or beliefs. The Guidelines also set out the actions and measures that the EU can take at multilateral-fora, regional and bi-lateral levels with regard to countries which fail to respect FoRB.

The purpose of this report ‘In Prison for their Religion or Beliefs’ is to highlight those states which imprison people for practices that are protected by Article 18 of the ICCPR and Article 9 of the European Convention on Human Rights. The report also makes policy recommendations to the EU and other international institutions which are in a position to put pressure on the relevant countries to better respect and uphold FoRB.

Willy Fautré

Executive Director of Human Rights Without Frontiers Int’l

Introduction

Freedom of religion or belief is protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR) which says:

(1): Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private to manifest his religion or belief in worship, observance, practice and teaching.

(2): No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

(3): Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Quite a number of United Nations (UN) Member States fail to abide by the UN standards and criminalise individual and collective rights related to freedom of religion or belief (FoRB).

State repression may include the **death penalty**, various forms of **physical punishment**, **prison terms** and **exorbitant fines**, sometimes of up to 100 times the minimum monthly salary.

The **death penalty** is a violation of the right to life and usually concerns the change of religion in a number of Muslim majority countries: **Afghanistan, Algeria, Bahrain, Iran, Iraq, Kuwait, Maldives, Mauritania, Morocco, Qatar, Saudi Arabia, Somalia, United Arab Emirates** and **Yemen**.

Physical punishments such as lashing, flogging and caning are obviously torture, inhuman and degrading treatments. They are usually implemented in some Muslim majority countries in cases of change of religion or blasphemy or allegedly offensive statements related to FoRB issues.

This report covers 20 countries which put people in prison on the grounds of their religion or belief in 2014: **Azerbaijan, Bhutan, China, Egypt, Eritrea, Indonesia, Iran, Kazakhstan, Laos, North Korea, Pakistan, Saudi Arabia, Singapore, South Korea, Sudan, Tajikistan, Tunisia, Turkmenistan, Uzbekistan** and **Vietnam**.

North Korea, China and **Iran** were the three countries which had the highest number of FoRB prisoners in 2014.

Each country report is structured as follows:

- An introduction with religious statistics
- The constitutional framework guaranteeing freedom of religion or belief

- The legislative framework regulating FoRB and the relevant articles of the criminal code penalising FoRB activities as well as some forms of freedom of expression related to FoRB issues
- Some documented cases of arrests, short period detentions and sentences to prison terms
- Policy recommendations for the EU

Identifying and collecting cases of FoRB prisoners

Imprisonment only represents one form of state repression and is not the only violation of freedom of religion or belief. It is nonetheless an important indicator for the identification of problematic countries.

The purpose of this report is to put a number of repressive countries (back) on the radar screen, to expose the complexities of their constitutional and legislative frameworks and to give renewed visibility to individual cases and specifically targeted minorities.

A wide range of accusations officially unrelated to freedom of religion or belief are abused and misused by the authorities of various countries to justify prison terms. One direct consequence is the difficulty in identifying with any high degree of certainty cases of violations of Article 18 which have led to the imprisonment.

HRWF Int'l Prisoners List 2014¹ had to face this challenge, in particular for the Baha'is in Iran, the Tibetan Buddhists and Uyghur Muslims in China, the Hmong Christians in Laos and Vietnam, as well as certain Muslim denominations in Central Asia and Russia. Many names could not be included in the FoRB Prisoners List because of the lack of reliable information but would certainly fit in the category of prisoners of conscience or human rights defenders.

Another challenge to this report has been the privileged focus of Western media and Christian agencies on Christian prisoners in the world, even on minuscule groups. Their cases are usually well documented while other FoRB prisoners, not or poorly represented in Western Europe and America, are not.

A final challenge has been the lack of access to information about individual cases because of the secrecy of certain political regimes such as in North Korea and the language barrier, especially in the case of ethno-religious minorities.

In prison for their religion or beliefs

Prison terms are imposed on:

- members and leaders of banned or unregistered religious or belief groups for any of their activities;
- members and leaders of registered religious or belief groups on the basis of laws restricting the individual freedom to change religion or belief and to carry out

¹ See the second volume of HRWF Int'l report 'Freedom of Religion of Belief Prisoners List 2014' which comprises over 600 documented individual cases. Also available at <http://hrwf.eu/forb-intro/forb-and-blasphemy-prisoners-list/>

missionary activities as well as the collective freedoms of association, worship and assembly;

- people arrested and kept in detention without any charges or court decisions;
- conscientious objectors to military service²;
- people found guilty of violation of laws penalising blasphemy and restricting freedom of expression related to FoRB issues.

Groups targeted for prison sentences

The most targeted Christian groups are Evangelical and Pentecostal-minded Protestants, mainly because of their missionary activities, in Muslim majority countries and in China.

Baha'is in Iran and Falun Gong practitioners in China provide a high number of prisoners with heavy sentences because of the bans imposed on them.

Many Jehovah's Witnesses are also sent to prison as conscientious objectors to military service in totalitarian, authoritarian and even democratic countries, usually due to a specific political or geopolitical context.

Members of banned or merely 'tolerated' Muslim groups (such as Said Nursi Readers, Tabligh Jamaat and Hizb ut-Tahrir) are detained for long periods in several post-Soviet states because they are perceived as a security threat.

Tibetan Buddhists and Uyghur Muslims in China or Hmong Christians in Laos and Vietnam are also arrested and sentenced to long prison terms because their religious and ethnic affiliation, different from the majority, is perceived as a threat to internal security or national identity.

Some Islamic clerics dissenting from the state-sanctioned theology are occasionally arrested and imprisoned.

Atheists and agnostics are particularly targeted in some Muslim majority countries.

Last but not least, the *juche* civil religion of the North Korean regime excludes the existence of any other competing religion. This country is a black spot on the world map and a case *sui generis* as no less than 200'000 people are detained in labour camps.

Noteworthy is the fact that there are no Article 18 prisoners among Jewish communities around the world and hardly any in mainline Churches, such as the Roman Catholic Church, the Orthodox Churches, the Anglican and Lutheran Churches.

² In its General Comment 22, par. 11, the United Nations Human Rights Committee said in 1993 that the right to conscientious objection falls within the scope of Article 18:

'(...) The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief. When this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service. (...)'

See the full text of General Comment 22 at <http://www1.umn.edu/humanrts/gencomm/hrcom22.htm>.

In all the cases, the FoRB prisoners belong to a religious or belief minority in countries with a different dominant religion.

Analysis of the accusations

The reasons advanced by states for various prison sentences can be divided into two categories: the breach of laws on religion restricting the rights guaranteed by Article 18 of the ICCPR and the misuse of other laws to stop the activities of some activists.

A number of official accusations clearly challenge the rights protected by Article 18 of the ICCPR: the right to change one's religion, the individual right to share one's beliefs in private and in public, the collective right to worship and assembly without state permission and so on.

A wide range of other accusations are, however, motivated by the political will to arrest FoRB activists, deter others and reduce or eliminate minority religious or belief communities.

In **Iran**, Evangelicals and Pentecostals have for example been indicted for: Membership in organisations that aim to disrupt national security - Assembly and collusion against national security - Undermining national security - Propaganda against the system - Organising a group to overthrow the regime - Enmity against God (Moharebeh) and so on.

Dervishes have been accused of violations of public order, involvement in a skirmish causing physical harm, carrying illegal weapons, participating in the gatherings with the aim of overthrowing the Islamic Republic, enmity against God and corruption on earth.

Baha'is have been sentenced for: Organising an illegal group with the goal of aiding the Islamic Republic's enemies - Membership in an illegal and perverse sect with the goal of attracting Muslims and preaching against the Islamic Republic - Organising assemblies with the intention to disturb the national security - Use, possession and distribution of illegal compact discs containing appalling and offensive material - Using falsely obtained degrees, illegal counselling, running illegal classes and defrauding the public.

In **China**, Evangelicals belonging to underground house churches have been put in prison for: Fraud and disruption of public order - Illegally occupying farmland and disturbing transportation order - Suspicion of inciting subversion of state power and leaking state secrets - Illegally operating business and so on.

Catholic clerics have been arrested for refusing to join the state-sanctioned *Chinese Catholic Patriotic Association* and to swear allegiance to the Communist regime.

Tibetan Buddhists have been incarcerated for refusing to join the state-controlled *Chinese Buddhist Association* and to swear allegiance to the Communist regime, for defending their ethnic and cultural identity, for allegedly posing security problems and promoting secessionism.

Uyghur Muslims have been sentenced to life-long prison terms or executed for alleged political and terrorist activities, for advocating separatism, for masterminding a bombing, for illegal possession of firearms and ammunition.

The charges against Falun Gong practitioners usually concern membership in a forbidden cult, spreading lies about organ harvesting and trying to overthrow the regime but are most of the time not publicized.

Conclusions

Freedom of religion or belief is a multi-dimensional issue that can intersect with a wide range of other complex issues such as: identity, security, social hostility, interreligious conflicts and civil wars, terrorism, massive displacements of populations, religious cleansing and genocide. This report does not directly address these issues.

The purpose of this report is to identify and put (back) on the radar screen particular states which criminalise certain activities related to freedom of religion or belief and which imprison their citizens on the basis of restrictive laws that are not in line with the standards protected by Article 18 of the ICCPR. The report exposes the complexities of the constitutional and legislative frameworks of those states and explores the possibilities for improving their legislation related to religions or beliefs. The report also aims to assist relevant EU institutions with policy recommendations based on specific relations between the EU and each of the states in question in order to better facilitate the implementation of the Guidelines on Freedom of Religion or Belief.

Countries

Azerbaijan

The Republic of Azerbaijan gained its independence in 1991 after the collapse of the Soviet Union. Of the nine million Azerbaijanis, 96% are Muslims: about 65% are Shia and 35% Sunni. The state names these two communities the country's 'traditional' religious groups along with the Russian Orthodox Church and Jews; however, other religious groups, such as Protestants of various denominations, Catholics, Baha'is, Molokans (Russian Orthodox Old Believers), Jehovah's Witnesses and Hare Krishna, are also present in the country. There are also significant expatriate religious groups in the capital city, which are generally permitted to meet freely.

Azerbaijan is commonly considered to be the first secular republic in the Muslim world. Overall, religious observance is low, and Muslim identity tends to be more grounded in culture and ethnicity than religion itself.

Even still, religious or belief freedom in the country is restricted, despite constitutional and legislative guarantees. Concerns for religious or belief freedom include restrictions on the freedom of association, on the freedom of worship and assembly for non-registered religious organizations, on the production and import of religious literature and the imprisonment of conscientious objectors to military service on religious grounds.

Constitutional Framework

The Constitution of Azerbaijan clearly separates state and religion (Article 18) and explicitly protects the freedom of all religions and beliefs, including the right to not believe and to even propagate one's convictions (Article 48). Each person is equal under the law, irrespective of one's religious beliefs, affiliation or convictions (Article 25). Everyone is also constitutionally guaranteed freedom of assembly (Article 49) and free access to information (Article 50).

Even still, there is ambiguous language which leaves a wide opening for potential misappropriation and abuse. For example, one can freely practice religious rites in Azerbaijan as long as such practice does not 'violate public order or public morality' (Article 48). Religions which 'humiliate human dignity and contradict the principles of humanity' are likewise banned (Article 18). Such provisions are highly subjective and stand in stark contradiction to the Constitution's stated intent to ensure freedom of religion or belief.

Legislative Framework and Criminalisation of Religious Activities

All religious communities in Azerbaijan must register with the State Committee on Work with Religious Associations (SCWRA) to freely assemble and to exercise their rights to freedom of religion or belief. Registration procedures in Azerbaijan are notoriously harsh and prohibitive. In 2009, the government amended its Religion Law to impose even stricter requirements to a punishing regime of registration and state control of religious activities.

According to government statistics (20th November 2014), since the 2009 registration requirements came into effect, 588 organisations have successfully registered: 567 were Muslim and 21 non-Muslim, including 12 Christian, six Jewish, two Baha'i and one Hare

Krishna group. The approved applications included 374 renewed registrations and 216 first-time registrations. The SCWRA was also reviewing registration applications for 40 other religious organisations. Even still, an estimated 2000 religious groups currently function in some form. Unregistered groups are outlawed and as such their members can face heavy fine and detention if they gather in any way or have any sort of religious activity.

The 2009 reforms involved the amendment of two articles of the country's Administrative Code that were particularly problematic for religious communities.

Article 299 of the Administrative Code punishes the 'violation of the procedure for creating or running religious organisations,' including:

- religious leaders who fail to register their communities (299.0.1);
- the violation of state procedures for holding religious meetings (299.0.2);
- religious meetings for children and young people and religious book circles or other specialised groups (299.0.3);
- religious activity at an address other than that of the organisation's registered address (299.0.4); and
- activity by a religious organisation that is not in accordance with its statute when registered (299.0.5).

Article 300 of the Administrative Code punishes 'violation of legislation on freedom of religion':

- producing, importing or exporting religious literature, religious objects, and other informational material without permission from the SCWRA (300.0.1);
- distributing religious literature, religious objects and informational material without SCWRA permission (300.0.2);
- selling religious literature, religious objects and informational material in places not authorised by the State Committee for the sale of such material (300.0.3); and
- distributing 'religious propaganda' by foreigners or people without citizenship (300.0.4).

The new 2009 legal provisions have been used to repress a wide range of religious or belief activities, including home gatherings and prayer outside authorised locations. These measures have been justified for cases where the activity of a religious group allegedly 'threatens public order and stability.' Registration requirements are now extended to individual congregations as well as religious organisations. Without government registration, no religious association in Azerbaijan can rent property, open a bank account or function in any way as a legal entity.

The SCWRA has the authority to approve, censor or prohibit all religious literature and tightly controls its distribution, including the number of copies that can be printed or imported. This has led to a number of raids on private homes with authorities confiscating literature, imposing heavy fines and suspending the group's activities.

Finally, the Criminal Code of Azerbaijan (e.g. Articles 321.1 and 335.1) punishes 'evasion without lawful ground' of military service with up to two years' imprisonment. This has resulted in the detention of several conscientious objectors due to their religious beliefs.

When Azerbaijan entered the Council of Europe in 2001, the government pledged to introduce a viable alternative to military service and to pardon conscientious objectors who were serving prison terms. The Azerbaijani government has yet to meet this commitment.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

Cases of deprivation of freedom mainly concern Said Nursi readers (Muslims) and Jehovah's Witnesses.

On 2nd March 2014, police in Lankaran raided a meeting held in a private home that was attended by 20 Jehovah's Witnesses. They confiscated Bibles and other religious publications. Two Jehovah's Witnesses were taken to the police station.

On 14th April, police raided the home of a Said Nursi reader during a religious meeting and arrested Eldeniz Hajiyev and Ismayil Mammadov. In August, their pre-trial detention was extended for a further two months.

On 16th April, Jehovah's Witness conscientious objector Shikhaliyev was sentenced to one year in a disciplinary military unit under Criminal Code Article 335.1 ('Evasion of military service by causing harm to health or in another way').

On 17th April, in Qazax, Mahmud Qasimov's private home was raided by the police. 185 books 'promoting the Said Nursi movement' were seized and sent to the SCWRA's Expert Analysis Department in Baku. Nursi readers complained that police raided the house without a warrant. One Nursi reader, Ahmadov, was detained for seven days, while another faced administrative punishment under Administrative Code Article 200.0.2 ('Violating legislation on holding religious meetings, marches, and other religious ceremonies').

On 21st May, Khuraman Abbasova and a fellow Jehovah's Witness named Khanum were taken to a police station after being accused of sharing their beliefs and reading from the Bible in public. They were then taken to the office of High Lieutenant Jahlil Akparov, who wanted to start a criminal case against them. On the same day Ayshen Hasanzade and a companion named Ilaha were sharing their religious beliefs near a market. They were taken to the Baku Police Department No. 24, searched and interrogated.

On 23rd May, Said Nursi reader Revan Farzaliyev was arrested in Baku by Azerbaijan's National Security Ministry (NSM) secret police for organising a meeting for religious education without state permission. Sabail District Court ordered Farzaliyev to be held in two months' detention while the investigation was carried on. He was investigated under Criminal Code Article 168.2. His pre-trial detention was extended in August.

On 4th June, police in Gyanja's Kapaz District arrested a group of 22 Jehovah's Witnesses for conducting a meeting in the home of Tarana Mammadova. They were interrogated at the police department after religious literature was found in the house during a search.

EU - Azerbaijan Relations & Policy Recommendations

Relations between the European Union (EU) and Azerbaijan are mainly based on:

- the Partnership and Cooperation Agreement (PCA) 1999;
- European Neighbourhood Policy (ENP).

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Azerbaijan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Azerbaijan, as a member state of the United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE) and Council of Europe (CoE):

1. to honour its international and regional human right obligations such as the ICCPR, the ICESCR, the OSCE Guidelines on the Legal Personality of Religious or Belief Communities and the European Convention on Human Rights;
2. to uphold Articles 18, 48 and 49 of the Constitution which guarantee freedom of religion or belief;
3. to repeal the amendments to the 2009 Religion Law which violate freedom of religion or belief and which have led to lengthy and arduous registration processes;
4. to ensure that the state religious regulatory authority, the State Committee for Work with Religious Organisations, does not discriminate against religious groups and abides by universal freedom of religion or belief standards in its work;
5. to establish a civilian service as an alternative to military service;
6. to unconditionally release freedom of religion or belief prisoners and conscientious objectors;
7. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Azerbaijan, the EU should:

1. review its present relations with Azerbaijan;
2. consider suspending the PCA;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Azerbaijan.

Bhutan

Nearly 75% of Bhutan's population (about 725'000) practice Drukpa Kagyu Buddhism. The remaining 23% are mostly Hindus. About 52'000 Indian labourers are present in the country, most of whom are Hindu or Muslim.

In Bhutan, only Buddhists and Hindus can officially register their associations to become legal entities. Christians are not legally recognised and must confine themselves to closed-door house churches. Those who convert to Christianity are viewed with suspicion and treated with hostility, as it is considered to be a foreign faith. There are only about 19'000 Christians in Bhutan, mostly concentrated in towns and in the south.

The Government of Bhutan seeks to preserve and promote the state-endorsed religion of Mahayana Buddhism and its distinct culture through a policy of Gross National Happiness (GNH). The GNH rates the nation's progress in terms of the well-being of its people and has earned Bhutan a worldwide reputation for its citizens' sense of well-being and satisfaction with life.

Constitutional Framework

Section 4, Article 7.4 of the Constitution states that citizens shall have the right to freedom of thought, conscience, and religion: 'No person shall be compelled to belong to another faith by means of coercion or inducement.'

Article 7.12 protects freedom of association and assembly:

'A Bhutanese citizen shall have the right to freedom of peaceful assembly and freedom of association, other than membership of associations that are harmful to the peace and unity of the country, and shall have the right not to be compelled to belong to any association.'

Article 7.15 forbids legal discrimination based on religion:

'All persons are equal before the law and are entitled to equal and effective protection of the law and shall not be discriminated against on the grounds of race, sex, language, religion, politics or other status.'

The Constitution recognises Buddhism as the state's 'spiritual heritage' (Article 3) and the king as the 'protector of all religions.' Until 2008, the king and Je Khenpo – the chief abbot of the Central Monastic Body – previously served as dual head of state. The 2008 Constitution established a constitutional monarchy that eliminated the political role of monastic institutions.

Legislative Framework and Criminalisation of Religious Activities

The Religious Organisations Act of 2007 defines religious organisations as 'associations, societies, foundations, charitable trust or other non-profit entities that do not distribute any income or profit to their members, founders, donors, directors or trustees and whose purpose and objectives are solely for the benefit of religious institutions and the spiritual heritage of Bhutan' (Section 3). The concerned 'religious institutions' are the Dratshang, Lhakhangs,

Goendey, Shedra, Drubdeys, Gomdey, Hindu Mandirs or any other religious institutions as recognised by the Chhoedey Lhentshog, the state regulatory authority that was established under this Act.

The Chhoedey Lhentshog, which comprises eight members, registers and regulates religious groups within the country. To date it has registered 85 groups. There is only one registered non-Buddhist organisation, the Hindu Dharma Samudaya, an umbrella body representing the Hindu population.

Unregistered religious groups can operate freely but are unable to exercise certain rights, such as the right to own property. For instance, Christian congregations meet discreetly in private buildings. The Chhoedey Lhentshog has not registered any Christian groups, but it claims that none have applied for registration.

The government subsidises Buddhist monasteries and shrines and provides aid to most of the country's monks and nuns. It does not normally provide aid to clergy of other religions.

Penal Code

In 2011, the legislature reaffirmed the language of the 2007 Religious Organisations Act³ by amending the country's Penal Code to read in Section 463 (a): '*A defendant shall be guilty of the offense of compelling others to belong to another faith if the defendant uses coercion or other forms of inducement to cause the conversion of a person from one religion or faith to another.*' Coercion or inducement to convert is a misdemeanour punishable by up to three years in prison.

The term 'inducement' is vague and overly broad and can potentially include even legitimate pursuits or actions of propagating one's faith. The term 'inducement,' unless restricted to a narrow definition of monetary gifts or the promise thereof, is liable to be misinterpreted and misconstrued, as even an intangible benefit may come within the definition of the term. Furthermore, such terminology tends to colour all religious conversions making them suspect and open to inquiry by the authorities.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

On 5th March 2014, police arrested Pastors M.B. Thapa (aka Lobzang) and Tandin Wangyal in Khapdani village in Samtse District. On the previous day, they had publicly spoken at a ground-breaking ceremony for the construction of a new house at the invitation of another Christian. They were planning to hold a three-day seminar in the village the next day but as they were trying to transport a child who was ill to a hospital, police arrested them.

Minister of Home and Cultural Affairs Damcho Dorji said at a press conference that the two pastors were trying to coercively 'proselytise' and had not obtained permission to hold a public gathering. Even though the Police Officer in Charge, Pema Wangdi, reportedly ruled out a proselytising charge after questioning the two pastors and 30 Christians, the two pastors spent 49 days in jail without being formally charged.

³ Section 5 (g) of the 2007 Religious Organizations Act: "*No Religious organizations shall compel any person to belong to another faith, by providing reward or inducement for a person to belong to another faith.*"

On 10th September, a court sentenced Pastor Tandin Wangyal to three years and 11 months in prison for receiving US\$ 11'864 in funding from a foreign Christian organisation to conduct trainings and spread Christianity in the Buddhist country. Wangyal was granted a one-year bail after paying a fine of US\$ 763. He was only freed on 15th September. Wangyal was convicted under Article 71 of the Civil Society Organisation Act of Bhutan stipulating that *'No person shall collect or ask for any contribution or charity to aid or help any activity, which is in contravention with the laws of the country, and a collection in a public place must not be conducted unless the promoters of the collection hold a public collections certificate from the Authority and the collection is conducted in accordance with this Act.'*

Another pastor, M.B. Thapa (known as Lobzang), was sentenced to two years and four months for taking Wangyal to a village for a gathering for which he allegedly had not obtained prior permission. In the end, he was able to pay a fine of US\$ 1'678 instead of serving the prison sentence.

EU-Bhutan Relations & Policy Recommendations

Relations between the EU and Bhutan are mainly based on:

- EU - Bhutan cooperation programme for the period 2014- 20 (the MIP - Multiannual Indicative Programme).

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Bhutan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Bhutan, as a member state of the UN:

1. to ratify or accede to the ICCPR, ICESCR and honour its international human rights obligations;
2. to uphold Articles 7.4, 7.12 and 7.15 of the Constitution which guarantee freedom of religion or belief;
3. to revise Section 463 (A) of the Penal Code so as to prevent its misuse in respect to the use of coercion or undue inducement in missionary activities;
4. to ensure that the state religious regulatory authority Chhoedey Lhentshog does not discriminate against religious groups and abides by universal freedom of religion or belief standards in its work;
5. to unconditionally release freedom of religion or belief prisoners;
6. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Bhutan, the EU should:

1. review its present relations with Bhutan;
2. re-evaluate its Multiannual Indicative Programme (MIP) with Bhutan;
3. call for India, Bhutan's largest trading partner, to take proactive steps in regards to the human rights situation in Bhutan;

4. call for United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Bhutan.

China

The concept of religion (宗教 *zōngjiào*) in China is quite different from how this term is understood in the Western world. Traditional Chinese culture has been marked by a worldview that all things are part of the whole, an essential oneness that permeates the universe and unites the many into one. For this reason, Chinese religious expression tends to be syncretic, where following one religion does not require the rejection or denial of others. Moreover, it is a matter of debate whether some significant belief systems in China, such as Confucianism, actually constitute ‘religions.’

With a total population of more than 1.4 billion, the People's Republic of China is the world's most populous country. Hundreds of millions of people practice some sort of Chinese folk religion and Taoism. There have been several attempts to estimate the number of Taoists, often resulting in only small percentages of the population willing to consciously identify themselves Taoist. This is most likely because to the Chinese general population there is no difference between Taoism and Chinese folk religion.

Statistics for religious believers differ widely according to the sources and for various reasons. Some recent surveys have placed Buddhists at 10-16%, Christians at 2-4% and Muslims at 1-2%. There are also numerous ethnic minority groups in China who maintain their traditional autochthone religions. Various sects of indigenous origin are represented by 2-3% of the population. Identifying oneself with Confucianism is popular among intellectuals. There are also significant faiths that are specifically connected to certain ethnic groups, such as Tibetan Buddhism and the Islamic religion of the Hui and Uyghur peoples.

The Pew Center estimates the total number of Christians in mainland China to be 67 million, nine million of these Catholic. Notably, this number approaches the total membership of the Chinese Communist Party, estimated in 2012 to be 85 million.

46% of Chinese self-identify as ‘convinced atheist’ (2012 WIN/GIA poll).

Catholics

The State Administration for Religious Affairs (SARA) claims that more than six million Catholics worship in sites registered by the state-sanctioned Chinese Catholic Patriotic Association (CCPA). The Pew Center sets that number at 5.7 million. Since the end of diplomatic relations between China and the Holy See in 1951⁴, the Catholic Church has had two faces in China: the government-established CCPA grouping together Catholic churches under the sole authority of the Chinese state and the Roman Catholic churches loyal to the Pope. The Chinese Government only recognises clerics who openly declare their independence from the Vatican and have sworn allegiance to the Communist regime. Roman Catholic clerics and churches rejecting the authority of the state were forced underground.

⁴ China severed ties with the Vatican in 1951 over the Holy See's diplomatic recognition of Taiwan and created the CCPA in 1957.

Despite this official policy, an estimated 90% of CCPA bishops and priests were secretly ordained by the Vatican, and in many provinces the CCPA and unregistered Catholic clergy and congregations work in close collaboration.

Quite a number of priests and bishops have been missing since they were arrested years ago for refusing to join the CCPA or for holding underground religious activities. Their whereabouts are still unknown.

Protestants

The 2011 Blue Book of Religions, produced by the Institute of World Religions at the Chinese Academy of Social Sciences, reports the number of Protestants to be between 23 and 40 million. A June 2010 SARA report estimates that there are 16 million Protestants affiliated with the Three-Self Patriotic Movement (TSPM), the state-sanctioned umbrella organisation for all officially recognised Protestant churches. The Pew Research Center estimates that there are 68 million Protestant Christians, of whom 23 million are affiliated with the TSPM and 45 million belong to unregistered 'house churches.'

The members of unregistered churches are especially subject to discrimination, harassment and even prosecution under the Regulations Governing Public Order Offences. These regulations address such offenses as 'Carrying out activities under the name of a social organisation without registration,' 'Organising activities of superstitious sects and secret societies to disrupt public order' and 'Disturbing public order and damaging people's health through religious activities.'

Despite the restrictions, harassment, arrests and government surveillance, the number of Protestants is on the increase in China, mainly among Evangelicals and Pentecostals. The government tolerates regular and public worship activities of unregistered religious groups; however, the level of tolerance can vary, depending on province or locality. In a number of cases, Protestants have been arrested and sentenced for defending their church buildings, holding underground religious services, having missionary activities or accused of disruption of public order and fraud.

Buddhists

The Chinese government maintains control of the teachings, worship sites and selection of religious leaders of Tibetan Buddhism. It systematically arrests and detains individuals who support the Dalai Lama or oppose government policy. Tibetan Buddhists are routinely sentenced to heavy prison sentences on the alleged ground of separatism.

On 14th May 1995, the Dalai Lama recognised a six-year old boy from Tibet named Gendun Choekyi Nyima as the new Panchen Lama, the highest-ranking lama in the Gelugpa lineage after the Dalai Lama himself. Soon after the announcement, Chinese troops abducted the child and his family and taken to an unknown location. Their whereabouts remains one of China's most keenly guarded secrets.

Subsequently, the Chinese government appointed another six-year-old child, Gyaincain Norbu, as the correct Panchen Lama and then moved him to an unknown place of safety in Beijing, ostensibly to protect him from threats to his life.

Interestingly, the Chinese-appointed Panchen Lama made his world debut in 2006 at China's first international religious forum since 1949, organised by the state-controlled Chinese Buddhist Association.

On 31st January 2008, the Chinese-appointed Panchen Lama, then aged 17, pledged his support for the Communist Party during a formal visit to China's top legislator, Wu Bangguo.

In recent years, more than a hundred Tibetan Buddhists have set themselves ablaze to oppose Beijing's rule and to call for the Dalai Lama's return.

Muslims

According to the SARA, there are more than 21 million Muslims in China; unofficial estimates range as high as 50 million. Hui Muslims, around 10 million, are concentrated primarily in the Ningxia Hui Autonomous Region and Qinghai, Gansu and Yunnan Provinces. Uyghur Muslims live primarily in Xinjiang. According to Xinjiang Statistics Bureau data from 2010, there are approximately 10 million Uighurs in the Xinjiang Uyghur Autonomous Region.

For more than a decade, Chinese officials have unreservedly used the 'war on terror' as a justification for their repressive treatment of the Uyghur Muslim population. Since 11th September 2001, Xinjiang authorities have placed restrictions on the peaceful religious practices of Uyghur Muslims, charging them with the 'three evils' of terrorism, separatism and extremism.

Over the past year, the government has intensified its campaign to curtail 'religious extremism' and 'illegal religious gatherings,' and to 'weaken religious consciousness.' The precise meaning of these terms is vague and undefined, although authorities have reportedly targeted 23 kinds of 'illegal religious activity,' including student prayer, holding unauthorised religious classes, 'distortion of religious doctrine,' conducting certain marriage practices and advocating 'Pan-Islamism.' Regional regulations and local directives restricting religious practice in Uyghur areas are harsher than those found in other parts of China.

In Uyghur-populated areas, imams are required to undergo annual political training seminars to retain their licenses. Local security forces monitor imams and other religious leaders. Imams at Uyghur mosques are also reportedly required to meet monthly with officials from the Religious Affairs Bureau and the Public Security Bureau to receive advice on the content of their sermons. Failure to attend such meetings can result in the imam's expulsion or detention.

In 2014, many Uyghur Muslims were victims of arbitrary arrests on charges of terrorism and separatism.

Falun Gong

Falun Gong is a philosophy of self-improvement through various practises, most notably breathing exercises, and an integration of elements from Buddhism, Taoism and Chinese qigong. Falun Gong members deny being part of a religion, cult or sect. Prior to the government's ban on Falun Gong in 1999, there were an estimated 70 million adherents.

On 10th June 1999, the Central Committee formed the ‘610 Office,’ whose sole mission was to crack down on the Falun Gong movement. On 22nd July 1999, the Ministry of Civil Affairs under the State Council banned ‘the Research Society of Falun Dafa and the Falun Gong organisation under its control.’

The 610 Office possesses powers far beyond those that are officially authorised under the Chinese Constitution. It has absolute power over every administrative level in the Party and all other political and judiciary systems. Besides its central office in Beijing, the 610 Office has branches in all Chinese cities, villages, governmental agencies, institutions and schools.

A large number of Falun Gong practitioners were victims of arbitrary arrests in 2014 or were serving long prison terms for belonging to a banned organisation.

‘Evil cults’

The government actively represses and harasses religious activity that it views as ‘superstitious,’ an ‘evil cult,’ a threat to national security or social harmony or falling outside the vague parameters of ‘normal’ religious practices.

The existing evil cult legislation, entitled ‘Resolution on Banning Heretic Cult Organisations, Preventing and Punishing Evil Cult Activities,’ was adopted by the National People’s Congress Standing Committee on 30th October 1999, in direct response to the classification of Falun Gong as an ‘illegal organisation’ by the Ministry of Civil Administration on 22nd July 1999.

Since then, many other religious groups have fallen in the category of ‘evil cults.’

China does not have a specific legislation against cults, but in October 2014 a state-run newspaper announced that China would impose harsher punishments on people participating in illegal cults.

Many people belonging to marginal religious groups considered evil cults by the government are accused of illegal gatherings or organising a cult to undermine law enforcement.

Constitutional and Legislative Framework

The Constitution states Chinese citizens have ‘freedom of religious belief’ but only for ‘normal religious activities,’ a term applied in a manner that falls well short of China’s international human rights commitments with regard to freedom of religion. The Constitution does not define the concept of ‘normal activities.’ It also stipulates that ‘religious bodies and religious affairs are not subject to any foreign domination’ (Article 36). It provides for the right to hold or not hold a religious belief and states that state organs, public organisations and individuals may not discriminate against citizens ‘who believe in, or do not believe in, any religion.’

Criminal law allows the state to sentence government officials to up to two years in prison if they violate religious freedom; however, there were no reported cases of such prosecutions in 2014.

The Chinese government's religion policy is governed by the National Regulations on Religious Affairs (NRRA), first issued in March 2005 and then updated in 2007. The NRRA requires all religious groups and venues to affiliate with a government-approved association, thus permitting government control of every aspect of religious practice.

According to Regulation 145 'On Management of Places for Religious Activities' (January 1994) and the 'Regulation Procedures for Religious Activities' (May 1994), applicant groups must have a professional religious leader approved by the relevant patriotic association, a fixed meeting point and activities confined to a specific area. Any unregistered activity is illegal and may be prosecuted under the Regulations Governing Public Order Offenses. These regulations were amended in 1994 to include 'carrying out activities under the name of a social organisation without registration,' 'organising activities of superstitious sects and secret societies to disrupt public order' and 'disturbing public order and damaging people's health through religious activities.'

Through these regulations, the regime seeks to restrict religious practice to government-sanctioned organisations and registered places of worship and to control the growth and scope of activities of all religious groups. In this way, the government is also trying to prevent the rise of groups that are guided by authorities that lay beyond its sphere of influence.

The 2005 Regional Ethnic Autonomy Law provides a specific framework for the five autonomous regions to adapt national laws 'in the light of existing local conditions.' In the Tibet Autonomous Region (TAR), this adaptation was promulgated on 1st January 2007 under the name 'TAR Measures for Implementation of Regulations for Religious Affairs,' thereby replacing the 'TAR Temporary Measures for the Management of Religious Affairs' of 20th December 1991. The 56 articles of the new regulations reaffirm the supremacy of the Chinese Communist Party and strengthen the already tight control of Beijing over religious practice and teachings. They also require approvals from multiple tiers of government for a number of activities.

In August 2011, nine of the ten Tibetan autonomous areas in China issued new measures to subordinate internal Tibetan Buddhist affairs to central government regulations, particularly over monasteries which had resisted supervision by public entities. These measures were harmonised with regressive regulations passed earlier that year at a local level, which allowed religious personnel to be removed for perceived disloyalty to government policy, determined quotas for the number of monks and nuns who can live at monasteries, provided for more secular oversight of monastic groups through existing 'Democratic Management Committees' and required religious personnel to re-register based on conformity with unspecified political, professional and personal criteria. These measures constitute a severe violation of the freedoms of religion, speech and association, as they threaten the ability of Tibetan Buddhists to educate, select their own leaders and manage their own affairs.

The administrative control of the registered religious associations is operated through two major institutions: the State Administration for Religious Affairs (SARA), which is under the authority of the State Council of the People's Republic of China and the United Front Work Department (UFWD), which is under the authority of the Central Committee of the Communist Party of China. Both institutions have bureaus in the Autonomous Regions as well as at the provincial and municipal level. These agencies are responsible for monitoring and judging the legitimacy of religious activities within their area. Even still, the SARA and

the UFWD provide so-called policy ‘guidance and supervision’ on the implementation of government regulations regarding religious activities, including those of foreigners.

Another role of these state control agencies is to exploit the national religious leadership bodies to serve as advocates for the Chinese government’s religious policy and domestic and foreign political agendas.

State-recognition and Registration of Religions

The government of China recognises five religions: Protestantism, Catholicism, Buddhism, Taoism and Islam. For each of the five state-sanctioned religions there is a government-affiliated association that monitors and supervises its activities: the Chinese Buddhist Association, the Chinese Catholic Patriotic Association, the Protestant Three-Self Patriotic Movement, the Chinese Islamic Association and the Chinese Taoist Association.

All religious groups must register with the appropriate religious organisation to be allowed to carry out their activities legally. They must also accept strict government supervision and can only preach inside designated temples, churches and mosques. If these organisations are not registered, all their activities are illegal.

In a January 2011 speech, SARA chief Wang Zuo’an stated that ‘the starting point and stopping point of work on religion is to unite and mobilise, to the greatest degree, the religious masses’ zeal to build socialism with Chinese characteristics.’ In other words, SARA’s mission has nothing to do with international norms for religious freedom.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

In January 2014, Li Mingbo, an employee at the Langzhong house church, was given 15 days of administrative detention on 24th December for organising a Christmas gathering for church members.

On 24th January, in Tongzhou, police raided the home of Pastor Xu Yonghai during a Bible study attended by 15 Protestants. The group members were arrested for their alleged participation in demonstrations and illegal assembly. Four of them, including the pastor, were later released. However, Pastor Xu was arrested again two days later. The pastor and 11 members of the church were held for an undetermined period of time at Beijing Municipal First Detention Centre.

On 21st March, in Xinjiang Uyghur Autonomous Region, police interrupted a training program at a nursing home and arrested four people there present. Three of them were placed on 15-day administrative detention, while an American pastor who attended the meeting was banned from the region and fined 800 yuan. The nursing home was fined 10,000 yuan (US \$ 1598). Authorities also confiscated an additional 10’000 yuan.

In July, Pastor Zhang Shaojie was sentenced to 12 years in prison and fined on charges of fraud and disturbing public order. He had been arrested in November 2013 while defending his congregation's property against government appropriation.

On 29th July, Chinese Buddhist leader Wu Zeheng (also known as Shi Xingwu) and approximately 18 of his followers were detained after police searched residences at Yinshi Yayuan complex in Zhuhai City, Guangdong Province.

In August, the authorities of China's southern Guangxi Zhuang Autonomous Region approved the arrest applications of four Christians on charges relating to the closure of two kindergartens that were run by the Christian Guangdong-based church.

Chinese authorities also arrested nearly a thousand members of Quannengshen, also known as the Church of Almighty God. The group has been outlawed by China as an 'evil cult.' In June, a woman was murdered in a fast-food restaurant by alleged members of the church.

On 7th August, police in central China's Hunan province placed 10 house church leaders under criminal detention. The criminal detention notice said they had organised cults and sects and used superstition to undermine law enforcement.

EU-China Relations & Policy Recommendations

Relations between the EU and China are mainly based on the EU-China Strategic Partnership.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with China through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on China, as a member state of the UN:

1. to ratify or accede to the ICCPR and to honour its international and regional human rights obligations such as the ICESCR;
2. to implement the recommendations made by many UN Member States at the 2013 UN Universal Periodic Review, especially the Canadian proposal to stop the repression of those who are peacefully practicing their religion or belief, including Catholics, other Christians, Tibetans, Uyghurs and Falun Gong and to set a date for the visit of the Special Rapporteur on Freedom of Religion or Belief;
3. to take measures to prevent the misuse of relevant Articles in the Constitution;
4. to revise those provisions of the National Regulations on Religious Affairs (NRRA) which violate international standards of freedom of religion or belief;
5. to ensure that the state religious regulatory authorities, the State Administration for Religious Affairs (SARA) and the United Front Work Department (UFWD) do not discriminate against religious groups and abide by universal freedom of religion or belief standards in their work;
6. to end discrimination of various religious groups;
7. to unconditionally release freedom of religion or belief prisoners;
8. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in China, the EU should:

1. review its present relations with China;

2. call for United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief to visit China.

Egypt

With a population of more than 87 million people, Egypt is the most populous Arab state. About 95% of the population is Muslim. Sunni Muslims make up the vast majority of the Egyptian population; there are only about 5000 Shias. Official statistics place the number of Christians at six million, accounting for 5% of the population. However, Christian denominations believe that their number is actually nearly 10 million. The Egyptian Coptic Orthodox Church represents the largest Christian community in the Arab world, with a long history going back to the roots of Christianity hundreds of years before the adoption of Islam. There are also a few hundred Jews in Egypt.

The state officially recognises only the three Abrahamic religions of Islam, Christianity and Judaism. Persons belonging to other religious groups and minorities have no protection under the law, which opens the door to state-sponsored religious discrimination and violence against unofficial groups. For instance, discrimination against Baha'is, Jehovah's Witnesses and atheists has been documented. And even Christians, despite their protected status, have suffered discrimination.

The right to freedom of religion or belief in Egypt is extended therefore only to those who adhere to the three official religions. The Supreme Constitutional Court affirmed this position in 1975 when it ruled that only the three 'divinely revealed religions' are constitutionally protected.

Constitutional Framework

Article 2 of Egypt's 2014 Constitution declares that Islam is the country's official religion and that Sharia is the primary source of law. A 1971 ruling of the Supreme Constitutional Court confirmed that 'Islam is the State and any law contrary to Islam is contrary to the Constitution.'

The Constitution of Egypt does explicitly protect the equality of all its citizens 'on the basis of religion, belief, sex, origin, race, colour, language, disability, social class, political or geographical affiliation or for any other reason' (Article 53). The Constitution also states that the 'freedom of belief is absolute' and guarantees the right to practice one's religion and establish places of worship (Article 64). However, the reality is that these rights are routinely violated in Egypt today. In respect to freedom of religion or belief, the inherent contradiction of protecting only the three Abrahamic religions remains a serious challenge to democratic freedoms in the country.

Legislative Framework and Criminalisation of Blasphemy

The principal blasphemy provision of the Egyptian Penal Code, Article 98 (f), has been used to settle personal or political scores, to silence critics of the regime, repress human rights activists, outlaw opposition parties and target vulnerable groups.

As amended by law 147/2006, Article 98(f) states: ‘*Whoever exploits religion in order to promote extremist ideologies by word of mouth, in writing or in any other manner, with a view to stirring up sedition, disparaging or contempt of any divine religion or its adherents or prejudicing national unity shall be punished with imprisonment between six months and five years or paying a fine of at least 500 Egyptian pounds.*’

Article 98(f) has been criticised for its ambiguous and poorly defined terminology like ‘extremist ideologies,’ ‘disparaging or contempt of any divine religion’ and ‘national unity.’

Other provisions of the Penal Code address insults to religion:

Article 160: Detention and fines for obstructing a religious ceremony, violating the sanctity of religious buildings or cemeteries;

Article 161: Mocking religious ceremonies or deliberately distorting religious texts of the officially recognized religions.

The problem of ‘hisba’

The situation for freedom of religion or belief in Egypt is compounded by the practice of *hisba*. *Hisba* in Islamic jurisprudence allows a Muslim to bring proceedings against another Muslim whose actions he or she considers to offend and oppose the canons of Islam. In 1966, Egypt’s highest court ruled that *hisba* is procedurally permissible due to the legal system’s basis in Sharia law. Thus courts may declare someone guilty for blasphemy when a Muslim takes legal action against another based on the basis of *hisba*.

Obviously, the main difficulty with *hisba* lies in its vagueness. Nearly any action could be conceived as an affront to Islam and be prosecuted. *Hisba* has been evoked to settle personal scores or to intimidate minority groups.

In 1996, the Egyptian Parliament passed two laws to limit the number of *hisba* claims brought to court. The first law only allows *hisba* claims to reach the court if a prosecutor has considered them valid. The second law stipulates that the plaintiff must have a ‘personal interest’ in the case. Unfortunately these safeguards are arbitrarily implemented, thereby allowing some *hisba* cases to come to court despite having been disqualified by prosecutors.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

In June 2014, an Egyptian Appeals Court in the southern city of Luxor upheld a blasphemy conviction against Demiana Emad, 23-year-old social studies teacher. Emad was accused of telling her students that the Coptic Pope Shenuda III was better than the Prophet Mohammed. The court sentenced her to six months in prison.

On June 24, 29-year-old Copt Kerolos Shouky Attallah of Al-Mahamid village near Luxor was sentenced to six years in prison for ‘liking’ a Facebook page. The page he liked was intended to give an Arabic-speaking convert a place to safely discuss the Bible and apparent mistakes and conflicts in the Koran. He was charged with blasphemy under Article 98(f) of the Egyptian Penal Code for insulting Islam and Article 176 for inciting sectarian violence.

EU – Egypt Relations & Policy Recommendations

Relations between the EU and Egypt are mainly based on the Association Agreement (AA) and the European Neighbourhood Policy (ENP) Action Plan.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Egypt through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Egypt, as a member state of the UN and African Union (AU):

1. to its honour international and regional human rights obligations such as the ICCPR, the ICESCR and Article 151 of the Constitution which ensures the respect of international covenants and the African Charter on Human and Peoples' Rights;
2. to revise Article 98 (f) which violates freedom of religion or belief;
3. to unconditionally release 'blasphemy' prisoners;
4. to stop arresting and imprisoning people who exercise their freedom of expression about religious or belief issues.

HRWF Int'l recommends that if serious systemic human rights violations continue in Egypt, the EU should:

1. review its present relations with Egypt;
2. consider suspending the AA;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Egypt.

Eritrea

Every year since 2004, the US State Department has designated Eritrea a ‘Country of Particular Concern’ in respect to religious freedom. The Government of Eritrea is a one-party authoritarian regime which massively and systematically abuses fundamental human rights according to any credible standard. The disrespect of freedom of religion or belief is symptomatic of the larger problem that the government inflicts upon its people.

President Isaias Afwerki has exercised absolute power since the country’s independence from Ethiopia in 1993. There is no pretence of democracy in Eritrea. There have been no elections, no independent judiciary and no functioning legislature to counterbalance the president’s iron-fisted rule. Civil liberties are severely restricted. Security forces brutally repress any political dissent. There is no private or independent press.

In 2013, Sheila B. Keetharuth, the UN Special Rapporteur on the situation of human rights in Eritrea, declared to the UN Human Rights Council that ‘pervasive human rights violations are committed on a daily basis’ in the country:

‘The basic tenets of the rule of law are not respected in Eritrea owing to a centralized system of Government where decision-making powers are concentrated in the hands of the President and his close collaborators. The separation of powers among the various arms of the State is inexistent. The failure to implement the Constitution adopted in 1997 is another reason for the breakdown of the rule of law, although there are other contributory factors, such as arbitrariness, lack of transparency and accountability, all of which have a negative impact on the enjoyment of human rights and fundamental freedoms.’

Religious adherence in Eritrea (population 6.4 million) is roughly considered to be about half Christian and half Muslim, although the Pew Research Centre places the number of Christians at 63% of the country’s population, Muslims at 36% and the remaining 1% following various indigenous practices. In 2002, four religions were officially recognised: the Eritrean Orthodox Church (presently 57.7%), the Evangelical [Lutheran] Church of Eritrea (less than 5%), the Roman Catholic Church (4.6%) and Islam (36%).

All other religious groups were obliged at that time to submit to a lengthy and arduous registration process or face closure; however, the government has declined ever since to register any other applicant religious group.

In 1994, President Afwerki revoked the citizenship of Jehovah’s Witnesses and banned the movement after they did not vote in the independence referendum and refused to do military service.

Members of unregistered religious groups are subject to massive arrests and long-term detention. They are held without ever being formally charged and only released upon renunciation of their faith. Torture, abuse and evens deaths during detention are not uncommon.

Constitutional Framework

It is highly problematic to speak about Eritrea's constitutional law, since in reality it has never been fully implemented. The 1997 Constitution does indeed uphold rights that are consistent with international standards, including the freedom of religion or belief (Article 19). However, these rights are systematically ignored and violated by Eritrean authorities at all levels. Even the basic structures of governance, although decreed by the Constitution, have never been adequately established. The Constitution of Eritrea is essentially a hollow document.

Legislative Framework and Criminalisation of Religious Activities

The seminal law concerning religion in Eritrea is Proclamation 73/1995, known as the 'Proclamation to Provide for the Activities of Religions and Religious Institutions', which was promulgated on 15th July 1995. The law takes up the language of the right to freedom of religion or belief and then moves on to declare that the state and religion should exist separately: 'The state shall not interfere in religious affairs and religion and religious institutions shall not interfere in political affairs.'

As mentioned above, in May 2002 four religions were officially recognised by the government. All others were forced to cease their activities. No other religious groups have succeeded in achieving government recognition, effectively designating their members as outlaws.

The 2002 decree targeted in particular religious groups known collectively as 'Pentes': typically Pentecostals, Seventh-Day Adventists, Baha'is and Buddhists. The law was ostensibly established to stop political meetings but was soon applied to stop all gatherings in private homes of more than five persons.

The 2012 Law on Religion introduced an even more rigid registration process of all religious groups within the country. The Office of Religious Affairs reviews all applications, which include a statement of the uniqueness or benefit that the group brings compared to other religious groups, the names and personal information of its leadership, detailed information on its assets and a declaration of all foreign sources of funding, which are now strictly controlled.

The law also empowers the Office of Religious Affairs to monitor the publication and distribution of all religious literature. The Office routinely approves only that which is published by one of the four state-sanctioned religions.

Finally, Proclamation No. 82/1995 on National Service requires all able youth to perform a term of national service that includes military training. The civilian militia programme also compels most males and some females between the ages of 18 and 70 to engage in military training and to bear arms. There is no legal provision made for conscientious objection of any kind. Violators face lengthy detention, abuse and hard labour. Those who do not comply with the law may also lose certain government entitlements, such as the rights to official documents, passports and ration cards.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

In April 2014, 121 Jehovah's Witnesses were arrested while engaging in worship and Bible study, from as young as 16 months to more than 85 years old. There are more than 70 long-standing Jehovah's Witness prisoners in Eritrea.

Although it is difficult to obtain verifiable statistics and data on individual cases, many sources estimate that at any time upward to 3000 Eritrean citizens are in prison due to their religious beliefs. This figure includes persons who are detained for refusing to participate in the armed forces or militia because of their religious conscientious objection to bearing arms.

In 2007, Orthodox Patriarch Antonios was forcefully deposed by the Afweki government after refusing to excommunicate 3000 parishioners who opposed the regime. Patriarch Antonios was arrested when he called for the release of political prisoners and has been held ever since in an undisclosed location. 23 Orthodox priests are known to be still detained in Eritrean prisons.

EU – Eritrea Relations & Policy Recommendations

Relations between the EU and Eritrea are mainly based on:

- Cotonou Agreement (ACP-EC Partnership Agreement)⁵;
- Development assistance.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Eritrea through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Eritrea, as a member state of the UN and AU:

1. to its honour international and regional human rights obligations such as the ICCPR, the ICESCR and the African Charter on Human and Peoples' Rights;
2. to uphold Article 19 of its Constitution which guarantees freedom of religion or belief;
3. to repeal the provisions of the decree enacted in 2002 that violate freedom of religion or belief through forcing all non-registered religious groups to cease their activities;
4. to revise the 2012 Law on Religion which has led to lengthy and arduous registration processes;
5. to ensure that the Office of Religious Affairs does not discriminate against religious groups and abides by universal freedom of religion or belief standards in its work;
6. to establish a civilian service as an alternative to compulsory military service;
7. to ensure that local authorities conform to the law by stopping mass arrests and long-term detention of unregistered religious groups members;
8. to ensure that officials who commit violence against unregistered religious groups members in detention are prosecuted;
9. to end discrimination against Pentecostals, Seventh-Day Adventists, Jehovah's Witnesses, Baha'is and Buddhists or those known collectively as 'Pentes';

⁵ The Cotonou Agreement is an agreement between the members of the African, Caribbean and Pacific Group of States and the European Community and its Member States to establish a partnership, based on three areas of cooperation: development, economic and trade and political.

10. to overturn the ban placed on Jehovah's Witnesses and restore their Eritrean citizenship;
11. to unconditionally release freedom of religion or belief prisoners and conscientious objectors;
12. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Eritrea, the EU should:

1. consider suspending development assistance to the country;
2. consider a regime of targeted measures to apply pressure on the Eritrean government;
3. call on the African Union to take proactive steps in regards to the human rights situation in Eritrea;
4. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Eritrea.

Indonesia

With its population being estimated at about 238 million, Indonesia is the world's most populous predominantly Muslim country. According to the 2010 census report, 87% of the population are Muslim (mostly Sunni), 7% Protestant, 3% Roman Catholic and 2% Hindu. Indonesia officially recognises six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Some groups, such as the Baha'is, have been banned altogether.

In practice, other religions can exist and be registered as social organisations, although they might face certain restrictions. For instance, according to the first principle of *Pancasila*⁶, the state ideology established by President Sukarno in 1945, every Indonesian national is supposed to have a belief 'in one supreme God;' therefore, atheism is technically outlawed as it violates the first principle of *Pancasila*. As a consequence atheists and those that do not subscribe to one of the state-sanctioned religions are disadvantaged and vulnerable to persecution and discrimination. However, conversions between faiths are legal and occur regularly.

Despite Indonesia's recent advances in the protection of human rights, religious freedoms are widely impeded due to social forces rather lack of a legal framework. International attention has been drawn to the escalation of Islamist activities, which has resulted in increasing discrimination against religious minorities, more religious tensions and societal violence. In some parts of the country, extremist groups have been permitted to operate with impunity, restricting the freedom to assemble and perpetrating violent attacks, abuse and discriminatory practices against religious minorities. These concerns continued in 2014 and threaten to undermine Indonesia's tradition of tolerance and democratic values.

Constitutional Framework

The 1945 Constitution of Indonesia explicitly provides for the freedom of religion or belief⁷. In Article 29(2) it states that 'all persons [have] the freedom of worship, each according to his/her own religion or belief.' The Constitution's Second Amendment of 2000 likewise gives support for freedom of religion or belief. Article 28(e)(1) states that each individual 'shall be free to embrace and practice the religion of his/her choice.' Article 28(i)(1) states that freedom of religion is a human right 'that cannot be limited under any circumstances.'

Freedom of belief is provided for in Article 28(e)(2), stating that all persons 'shall have the right to the freedom to hold beliefs.' Moreover, according to Article 28(i)(2) 'discriminative treatment based upon any grounds whatsoever' is prohibited and every individual 'shall have the right to protection from such discriminative treatment.'

Therefore, inherent contradictions exist between Indonesia's constitutional law, which guarantees freedom of religion, and the fact that only six religious groups are officially acknowledged and protected. In addition, outlawing atheistic beliefs is in contravention of

⁶ The Pancasila comprises five principles, which can be found in the constitution's preamble. 'One Lordship, just and civilised humanity, the unity of Indonesia, democracy guided by the wisdom of deliberations of representatives, and social justice for all the Indonesian people.'

⁷ Constitution of the Republic of Indonesia 1945, art 28I.

Article 18(1) of the International Covenant on Civil and Politics Rights (ICCPR). The ICCPR was ratified by Indonesia in 2006.

Legislative Framework and Criminalisation of Blasphemy

Indonesia's Blasphemy Law goes back to the 1965 Presidential Decree No. 1/PNPS/1965 Concerning the Prevention of Religious Abuse and/or Defamation, more widely known as *Undang-Undang Penodaan Agama* or the Blasphemy Law. It was passed and signed by President Sukarno at the behest of Islamic organisations that wanted to see mystical indigenous beliefs outlawed as they considered that such beliefs could present a challenge to the majority religions. It became law in 1969 (Law No. 5/1969).

The Blasphemy Law addresses two types of blasphemous acts:

(1) Deviation from the six state-endorsed religions: Article 1 of the Presidential Decree prohibits every 'individual (...) in public from intentionally conveying, endorsing or attempting to gain public support in the interpretation of a certain religion embraced by the people of Indonesia or undertaking religious based activities that resemble the religious activities of the religion in question, where such interpretation and activities are in deviation of the basic teachings of the religion.'

(2) Defamation of one of these religions: Article 4 stipulates that a maximum sentence of five years imprisonment awaits anyone who deliberately and publicly expresses feelings or engages in action that:

(a) 'in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia;' or

(b) has 'the intention that a person should not practice any religion at all that is based on belief in Almighty God.'

Legal procedures differ for Article 1 and 4 of the Presidential Decree.

Article 2(1) of the Presidential Decree requires an administrative warning to be issued by the Minister of Religion, the Attorney General and the Minister of Home Affairs before prosecution can take place under Article 1.

If a religious group is in violation of Article 1, the President could potentially ban the group. After the issuing of the warning, if the deviant practices continue, the individual or the group may be prosecuted and on conviction may face imprisonment for up to 5 years.

In contrast to Article 1, Article 4 of the Presidential Decree does not require issuing an administrative warning. This means that individuals can be prosecuted immediately, thereby speeding up the process for prosecution.

Article 4 of the Presidential Decree was been integrated into the Indonesian Penal Code as Article 156(a). The majority of blasphemy prosecutions and convictions in Indonesia are based on Article 4 of the Presidential Decree, and it has been used with greater frequency over the past decade. In 2012, the European Centre for Law and Justice reported in its submission to the UN Universal Periodic Review that more than 150 people had been detained on blasphemy charges since 2003.

In 2009, there was an attempt to repeal the Blasphemy Law. An application was filed at the Constitutional Court for judicial review. It was ruled that the Blasphemy Law and Article 156(a) are discriminatory and violate the rights to freedom of religion and expression as guaranteed by the Constitution. However, in 2010 the Court upheld the Blasphemy Law on the grounds that it is necessary to preserve public order among religious groups.

Violating the Indonesian Blasphemy Law can lead to:

- imprisonment for a maximum of five years for defaming one of the recognised religions;
- imprisonment for a maximum of five years for deviating from one of the six accepted religions;
- imprisonment for a maximum of six years and a fine of maximum 1 billion rupiah (US\$ 82,610) for disseminating information aimed to inflict hatred or hostility;
- imprisonment for five years and/or a maximum fine of 100'000'000 rupiah (equivalent to US\$ 8252) for trying to convert/force a child to adopt another faith.

Indonesian Penal Code

Article 156(a) of the Indonesian Penal Code, as premised on Presidential Decree No 1/PNPS/1965 on the Prevention of 'Religious Abuse and/or Defamation states: 'By a maximum imprisonment of five years shall be punished any person who deliberately in public gives expression to feelings or commits an act:

- (a) which principally has the character of being at enmity with, abusing or staining a religion adhered to in Indonesia;
- (b) with the intention to prevent a person to adhere any religion based on the belief of the almighty God.'

This is the main blasphemy provision on which most prosecutions in Indonesia are based. A huge problem lies in its vagueness. It is unclear which acts may be considered defamation of one of the accepted religions. This ambiguity enables the abuse of the Blasphemy Law to target religious minorities, especially those that follow interpretations of Islam that are not tolerated by the Sunni majority. The Blasphemy Law also contributes to a culture of intolerance within the country, sometimes manifesting itself in violent acts against groups such as the Ahmadiyya.

There are provisions in three other laws that have been used to convict individuals for acts considered blasphemous:

Article 28(2) of Law No. 11/2008 on Electronic Information and Transaction (ITE Law) has been used to prosecute persons accused of slandering or offending a religion online: '*Any person who deliberately and without right disseminates information aimed to inflict hatred or hostility on individuals and/or certain groups of community based on ethnic groups, religions, races and inter-groups.*' An individual convicted for blasphemy under this article may be sentenced to up to six years in prison and a fine of maximum 1 billion rupiah US\$ 82'610.

Article 28(2) of the ITE Law was used in the case of Alexander Aan. This civil servant in the Pulau Punjung sub-district of West Sumatra Province posted on Facebook statements that

questioned the existence of God and uploaded controversial cartoons of the Prophet Muhammad. His post asked, 'If God exists, why do bad things happen? ... There should only be good things if God is merciful.' On 15th June 2012, Aan was sentenced to two-and-a-half years in prison and fined the equivalent of US\$ 10'600 for 'disseminating information aimed at inciting religious hatred or hostility' under Article 28(2) of the ITE law. He was released in January 2014 but had to move to another province in order to evade harassment by religious groups.

Article 27(3) of the ITE law states: 'Any person who deliberately and without right distributes and/or transmits and/or makes electronic information and/or documents accessible that contains insulting and/or defaming content.'

Article 86 of Law No. 23/2002 Concerning the Protection of Children: 'Any person who deliberately uses deception, a series of lies or persuades a child to choose another religion not of his/her own will, even though the perpetrator knows or should know that the child is not sufficiently intellectually developed and responsible enough to make such a choice in accordance with their religion shall be punished with imprisonment of five years and/or a maximum fine of Rp 100'000'000 US\$ 8,252.'

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

In 2011, the East Lampung District Court sentenced Syahroni and Iwan Purwanto to five years in prison for purportedly having tried to convert Muslim children to the Baha'i faith under Article 86 of the Law No. 23/2002 on the Protection of Children. They were running an informal Sunday school for Baha'i and non-Baha'i children between the ages of 11 and 14 years old. Syahroni and Iwan Purwanto were still in prison in 2014.

In 2011, the Temanggung District Court in Central Java sentenced Antonius Bawengan to four years in prison under Article 156(a) of the Penal Code for disseminating a leaflet deemed to defile Islam, Christianity and Judaism called 'Three Sponsors, Three Agendas, Three Results.' He was still in prison in 2014.

In 2011, Pontianak District Court in West Kalimantan sentenced Sandy Hartono to six years in prison and a fine of 500 million rupiah US\$ 41'264 under Article 28(2) of the ITE law for slandering Islam and Prophet Muhammad by posting comments on a false Facebook wall of his friend. Hartono was still in prison in 2014.

In 2012, the Klaten District Court in Central Java sentenced Andreas Guntur to four years in prison under Article 156(a) of the Penal Code. He was the leader of Amanat Keagungan Ilahi, a spiritual group that was not a state-sponsored religion. The Indonesian Ulema Council issued a fatwa against the group in 2009. Guntur remained in prison in 2014.

In 2013, the Ciamis District Court in West Java sentenced Dedi bin Oyo Sunaryo to three years in prison under Article 156(a) of the Penal code. He was the leader of a sect considered 'deviant' and responsible for the dissemination of teachings that were not in conformity with conventional Islam. He remained in prison in 2014.

In June 2014, the Dompu District Court in West Nusa Tenggara sentenced Abraham Sujoko to two years in prison for insulting Islam under Article 27(3) of the ITE law by saying in a

YouTube video that the Ka'bah (shrine of Mecca) is a stone idol.

EU – Indonesian Relations & Policy Recommendations

Relations between the EU and Indonesia are mainly based on the PCA.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Indonesia through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Indonesia, as a member state of the UN and Association of South East Asian Countries (ASEAN):

1. to honour its international and regional human rights obligations such as the ICCPR and the ICESCR;
2. to uphold Articles 28 and 29 of the Constitution which guarantees freedom of religion or belief;
3. to revise Articles 1 and 4 of the 196 Presidential Decree No. 1/PNPS/1965 Concerning the Prevention of 'Religious Abuse and/or Defamation' and Article 156(a) of the Penal Code in view of removing vague language that can be used against members of minority religious or belief communities;
4. to take measures to prevent the misuse of Articles 27 and 28 of Law No. 11/2008 on Electronic Information and Transaction (ITE Law);
5. to end discrimination of non-recognised groups and atheists;
6. to repeal the ban on Baha'is;
7. to unconditionally release 'blasphemy' prisoners;
8. to stop arresting and imprisoning people who exercise their freedom of expression about religious or belief issues.

HRWF Int'l recommends that if serious systemic human rights violations continue in Indonesia, the EU should:

1. review its present relations with Indonesia;
2. consider suspending the PCA;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Indonesia.

Iran

99% percent of Iran's population of 78 million are Muslims. 90% are Shia and 9% are Sunni, mostly Turkmen, Arabs, Baluch and Kurds. Sufi Muslims in Iran are estimated to be between two and five million people.

The remaining 1% of the population is comprised of various groups such as Baha'is, Christians, Jews, Sabeen-Mandaeans and Zoroastrians. The two largest non-Muslim minorities are Baha'is and Christians.

The state of Baha'is in Iran is particularly worrying. Considered an apostate sect of Islam, the Baha'i community cannot establish places of worship, schools or religious associations. Baha'is cannot hold military or government jobs. They are also subject to harassment, arbitrary detentions and attacks on personal and community-held properties. There are approximately 300'000 Baha'is in Iran, mostly concentrated in Tehran and Semnan.

There are also about 300'000 Christians in the country, although the government places the official number at 117'700. The majority of Christians are ethnic Armenians concentrated in Tehran and Isfahan. Unofficial estimates of the Assyrian Christian population range between 10'000 and 20'000. There are also Protestant denominations, including Evangelical groups, often placed at about 10'000. Many Protestants reportedly practice in secret, making it difficult to obtain accurate statistics.

There are 5000 to 10'000 Sabeen-Mandaeans. The number of Zoroastrians is 25'271, according to government statistics, although Zoroastrian groups themselves report a membership of 60'000, primarily ethnic Persians.

Iran's government has tried to portray its country as one where religious or belief minorities are free to practice their faith and enjoy positive relations with the majority population. It is true that Iran has historically been home to multiple religions and cultural traditions. However, the country's Islamic Penal Code has made one's religious identity the sole basis for arrest and imprisonment. Baha'i and other minorities are considered 'cults' and continue to suffer severe limitations to their freedom.

Constitutional Framework

The Islamic Republic of Iran professes to be a theocratic republic based on the Twelver Jafari School of Shia Islam. The current regime was established in 1979, following the 'victorious Islamic Revolution' (Article 1) which deposed the Shah. However, the regime's legitimacy has been disputed within the country from the beginning. Internal struggles for power and authority are part of the political intrigue that has typified the government of Iran in our times.

The Constitution of Iran is infused with both democratic and theocratic elements. Certain democratic procedures and rights are indeed articulated, while at the same time subordinating all matters to the highly subjective standard of God's sovereignty, justice and commandments (Article 2). All legal affairs are 'based on Islamic criteria' and subject to the judgment of the Guardian Council (Article 4).

The Constitution also gives wide powers to judges to make decisions ‘on the basis of authoritative Islamic sources and authentic fatwa’ (Article 167). As there is no consensus on the authenticity of Islamic sources and fatwa, this provision allows for a wide range of legal outcomes. It was on this basis, for instance, that the Ayatollah Khomeini could rule that the death penalty for conversion from Islam (apostasy).

The twisted application of Iranian law therefore begins with the subjective nature and ambiguous language of the country’s Constitution. The following articles have particular relevance for freedom of religion or belief:

Article 13 (Recognised Religious Minorities)

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities. They are free to function ‘within the limits of the law.’

Article 14 (Non-Muslims' Rights)

Muslims must respect the rights of non-Muslims as long as they ‘refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.’ What exactly constitutes an ‘activity against Islam’ is quite arbitrary and has been used to convict non-Muslims of a wide range of inoffensive activities.

Article 20 (Equality before Law)

All citizens of the country equally enjoy the protection of the law and enjoy all human, political, economic, social and cultural rights ‘in conformity with Islamic criteria.’

Article 23 (Freedom of Belief)

‘The investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.’

Article 26 (Freedom of Association)

The formation of religious societies is permitted as long as they are recognized by the government and ‘do not violate the principles of independence, freedom, national unity, the criteria of Islam or the basis of the Islamic Republic.’ In other words, one is free to meet if you are a Muslim.

Article 27 (Freedom of Assembly)

Public gatherings and marches may be freely held, provided that arms are not carried and that they are not ‘detrimental to the fundamental principles of Islam.’

Legislative Framework and Criminalisation of Religious Activities

In 2013, a new Islamic Penal Code (IPC) was adopted, which incorporated some legal reforms but also moved Iran closer toward embracing a more regressive interpretation of Sharia which, in some cases, are in clear conflict with international standards of human rights. The most controversial provisions are found in Book Two of the IPC. They prescribe harsh punishments for a number of offenses, such as insulting the Prophet (*sabb-e-nabi*) e.g. Articles 262-263 and ‘enmity against God’ (*moharebeh*) e.g. Articles 279-285.

The charge of blasphemy in Iran has often fallen under the category of *mofsed-e-filarz*, typically translated as ‘spreading corruption on earth,’ e.g. 286-288. Those who are accused

of inciting social disorder, insulting Islam or criticising the Islamic regime may be found guilty of *mofsed-e-filarz*.

This broad classification has been used to persecute religious minorities and to silence journalists and political dissidents. During the early days of the Islamic Revolution, the regime applied this law to imprison and execute thousands of former members of the Shah's government and members of its political opposition. It has also been used against leaders of Iran's Baha'i community.

The charge of *mofsed-e-filarz* is sometimes paired with that of *moharebeh* or enmity against God. *Moharebeh* is a major crime committed against Islam or the state. In the Islamic Republic of Iran, it is a capital offense and usually brings a death sentence.

Moharebeh can be used to designate a wide range of armed criminal offenses, such as armed acts of terrorism and disruption of public security (Article 286), advocating the overthrow of the government by force of arms (Article 287) or membership in rebel groups (Article 288). However, it is also routinely employed to punish those who are considered a threat to the regime, including those who have engaged in peaceful political protest, journalists who have been critical of the government and members of ethnic and religious minorities.

Mohareb – the term used for the perpetrators of the crime – are often accused of carrying membership in an opposition group and planning the overthrow of the government, even when no credible evidence is forthcoming. Since 2009, executions after being charged with *moharebeh* have become more common in Iran. The charge is often accompanied by torture to elicit false confessions, the denial of legal representation and unfair trials conducted without any witnesses present.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

Christians

In January, the Karaj Revolutionary Court sentenced the Christian convert Hossein Saketi Aramsari to one year of detention. Mr Saketi, arrested on 23rd July 2013, was previously granted bail on conditional release, but for unknown reasons judicial authorities prevented his family from posting the bail for his release.

On 13th January, Christian prisoner Davoud Alijani was released from Karoon Prison after 257 days of detention. Mr Alijani was arrested by security authorities during a raid on Christmas celebration on 23rd December 2011 together with other members of the Assembly of God Church of Ahwaz.

On 28th January, Mrs. Shahnaz Jayzan, Pastor Sabokrouh's wife, was conditionally released from the women's ward of Sepidar Prison in Ahwaz three months before her prison term ended. She was arrested together with other members of the Assembly of God Church in Ahwaz in a pre-organised raid carried out by Iranian authorities on 23rd December 2011.

On 5th March, near the city of Shush-e-Daniel, eight Iranian Christians (Amin Khaki, Hossein Barunzadeh, Hossein Etemadifar, Rahman Bahman, Mohammad Bahrami, Saiede Rahimi,

Fatemeh Bagheri and Amineh Moalla) were arrested during a picnic and interrogated by security forces. Agents confiscated their personal items.

On 29th March, six members of a group of eight Christians from Shiraz who were sentenced to various terms last year had their prison sentences upheld on appeal. The Christians were charged on 16th July 2013 with 'action against the national security' and 'propaganda against the order of the system'. Mohammad Roghangir was sentenced to six years in prison, Massoud Rezai to five years, Mehdi Ameruni and Bijan Farokhpour Haghghi received three year sentences, Shahin Lahouti and Suroush Saraie received two and half years, and Eskandar Rezai and Roxana Forghi each received a one-year sentence. However, charges against Roxana Forghi were dropped on appeal.

In April, the musician Shahin Lahouti, a convert to Christianity, was returned to prison after being released in December 2013. In October 2012, he was arrested during a raid on a prayer meeting and sentenced to two and a half years of detention. He was later released on bail on the condition he took no further part in Christian activities, however his bail was revoked and he was returned to prison.

On 12th August, Iranian authorities raided a house church and arrested two converts, Mehdi Vaziri, 28, a graphic designer and Amir Kian, 27, a musician. The men are being held in Ghezel-Hesar prison.

On 27th October, a Revolutionary Court in Karaj sentenced three members of the Church of Iran (a non-Trinitarian group), Behnam Irani, Reza Rabani, and Abdolreza Ali, to 18 years in prison and exile. They were convicted of 'acting against national security and organising a group to overthrow the regime.'

On 3rd November, a Revolutionary Court in Karaj, capital of Alborz province, sentenced three members of the Church of Iran to long term imprisonment and exile: Behnam Irani, Reza Rabani and Abdolreza Ali Haghnejad.

Sunnis

On 25th February, security forces surrounded a house in the Hay al-Thawra district where at least 20 Sunni men had gathered to study the Qur'an and the Arabic language. The men were taken to an unknown location. They had all converted from Shiism to Sunni Islam reflecting a rising trend of Sunni conversion among the mainly Shia Ahwazi Arabs in Iran.

On 3rd March, 35-year old Jafar Chaldawi, a Sunni convert from Iran's Ahwazi Arab minority, was arrested by agents from the Ministry of Intelligence in the Hay al-Thawra district of Ahwaz, Khuzestan province.

On 6th March 2014, the 45-year old Hadi Bayt-Shaykh-Ahmad, a Sunni convert from Iran's Ahwazi Arab minority, was arrested at his home address.

In May, Hossein Saboori and his brother Hassan Saboori were detained by the Ministry of Intelligence on charges of 'spreading propaganda against the state' in relation to their Sunni preaching activities. Another Sunni preacher, 25-year old Sami Zebady Alboghobesh, was also arrested in the market in Taleghani.

On 18th July, seven Sunni men from Iran's Ahwazi Arab minority were arrested after holding congregational Taraweeh prayers in the north of Ahwaz city, Khuzestan province of Iran and taken to an unknown location. They had all converted from Shi'ism to Sunni Islam.

On 20th July, Hossein Saboori and his brother Hassan Saboori were arrested and taken to an unknown location by security forces in the town of Taleghani (Al-Kora) in Mahshahr City, Khuzestan. Security forces then proceeded to raid the Saboori family home, causing 'fear and panic' to the women and children in the house. Ahwazi human rights activist Karim Dahimi told the HRA News Agency: 'Hossein Saboori was a Sunni preacher and he would collect the youth of the Al-Kora area [Taleghani] and teach them Arabic language and the Qur'an.'

On 24th July, 35-year old Saeed Haydari, who converted from Shi'ism to Sunni Islam, was arrested at his home in the town of Taleghani (Al-Kora) in Mahshahr City, Khuzestan. His arrest is believed to be directly related to his religious activities and his conversion to Sunni Islam.

Baha'is

On 2nd June, three Baha'is were arrested in Mashhad: May Kholousi, Dori Amri, and Shayan Tafazoli.

On 12th July, six Baha'is were arrested in Tabriz and detained by the Ministry of Intelligence. Five of them were released on bail in the first days of August. Shabnam Issakhani was released after posting bail of 50 million tumans (approximately 14'000 euros). The same amount was required from Farzad Bahadari. Bahadari's wife, Samin Rasouli, and their children, Sahar and Nassim Bahadari, had to provide 20 million tumans each.

On 5th August, government agents in Shiraz arrested four Baha'is – Vahid Dana, Saeid Abedi, and Bahiyyeh Moeinipour. The charges are unknown.

On 11th August, five Baha'is were arrested after agents from the Ministry of Intelligence raided the optical shop where they work: shop owners Aladdin (Niki) Khanjani and Babak Mobasher, and three employees: Naser Arshi-Moghaddam, Ataollah Ashrafi, and Rouhollah Monzavi. Mr Khanjani is the son of Jamaloddin Khanjani, one of seven Baha'i leaders who are currently serving 20-year prison sentences on false charges, including espionage.

Dervishes

In May, the First Branch of General Court in Kavar sentenced 35 Gonabadi Dervish residents of Fars Province to a total of 85 years of discretionary imprisonment and paying blood money. Lawsuits against the Dervishes were filed by 113 people, including paramilitary personnel and clergymen. The dervishes were accused of 'involvement in a skirmish and causing physical harm' and 'violation of public order.' The details of the charge are unknown.

The defendants received various sentences ranging from one to four years imprisonment and paying blood money. The sentences were pronounced in the presence of 15 defendants; the rest were sentenced in absentia.

Zoroastrians

At least four people out of a bigger group of Zoroastrians arrested in 2009 and sentenced to long prison terms were still detained. They had been declared guilty of anti-regime propaganda, illegal gathering and conspiracy, insulting the Supreme Leader, promoting activities against the Islamic Republic through the propagation of Zoroastrianism and disrupting the public order, membership in the Iran Zoroastrian Committee and blasphemy by propaganda for Zoroastrianism.

EU – Iran Relations & Policy Recommendations

Relations between the EU and Iran are mainly based on:

- the Joint Plan of Action;
- the stalled Trade and Co-operation Agreement (TCA) and Political Dialogue Agreement (PDA).

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Iran through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Iran, as a member state of the UN:

1. to honour its international human right obligations such as the ICCPR and the ICESCR;
2. to uphold Article 23 of the Constitution which guarantees freedom of religion or belief;
3. to prevent the misuse of Articles 14, 26 and 27 of the Constitution and Articles 279-285 of Islamic Penal Code 2013 (Moharebeh-enmity against God) to suppress religious or belief groups;
4. to end discrimination against Baha'is, non-Shia Muslim denominations, Christians, Zoroastrians and other religious or belief groups;
5. to unconditionally release freedom of religion or belief prisoners;
6. to stop arresting and imprisoning people who exercise their freedom of religion of belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Iran, the EU should:

1. consider targeted measures;
2. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Iran;
3. initiate a UN Human Rights Council resolution concerning human rights and freedom of religion or belief in Iran.

Kazakhstan

Kazakhstan is a sparsely-populated country in Central Asia with a population of about 17 million. More than 70% of the population is Muslim (mainly Sunni of the Hanafi School), 26.2% is Christian (mainly Russian Orthodox) and the rest is made up by other minorities such as Jews and non-believers.

The country's ethnic composition is divided between two major groups: the Kazakhs (63.1% of population, for the most part Muslims) and Russians (23.7%, mainly Christians). The Kazakhs came into prominence in the 16th century, only to be dominated two hundred years later by the Russians. Kazakhstan became a part of the Russian Empire in the 19th century and then became the Kazakh Soviet Socialist Republic in 1936.

Kazakhstan was the last of the Soviet republics to declare its independence following the dissolution of the Soviet Union in 1991. Nursultan Nazarbayev has been the country's president since independence.

Constitutional Framework

The Constitution of the Republic of Kazakhstan establishes a secular democracy 'whose highest values are an individual, his life, rights and freedoms' (Article 1). It recognises 'ideological and political diversity' and forbids the state to interfere with the free functioning of 'public associations,' as long as it does not undermine state security or incite enmity among the people (Article 5).

Discrimination of any kind is prohibited, including discrimination on the basis of religion (Article 14). The right to peacefully assemble is also assured, although it may be 'restricted by law in the interests of state security, public order, protection of health, rights and freedoms of other persons' (Article 32).

The Kazakhstani approach to statehood is clearly woven into the language of the Constitution: the respect of individual human rights is fine as long as it does not conflict with the interests of the state. Even the right to freedom of conscience is tempered by one's 'responsibilities before the state' (Article 22).

The Constitution is honoured annually by a national holiday, the 30th of August, the day when it was approved in 1995. In 1998 and 2007, the Constitution was amended to make significant changes in the structure and powers of government, notably increasing the authority of the President. Article 42 was amended by the Kazakh Parliament two days after its approval by national referendum, making an exception to the two-term limit on the presidency in the case of 'the First President of the Republic of Kazakhstan,' effectively giving President Nazarbayev the status of de facto President for life.

One final observation on Kazakhstan's constitutional law is the country's relation to international treaties, including those which potentially protect freedom of religion or belief. Article 4.2 of the Constitution states that international treaties are the law of the land in Kazakhstan unless inconsistencies with national laws are found at the time of ratification, in which case correctives would be made through the legislative process.

However, the Kazakh Parliament passed in 2005 a Law on International Treaties which directs in the case of conflict with international treaty requirements that ‘the treaty shall be amended, suspended or terminated’ (Article 20). This law has been strongly criticised, as it stands in stark contradiction to both the Kazakh Constitution and the UN Vienna Convention on the Law of Treaties. The Vienna Convention, to which Kazakhstan acceded in 1994, declares that each State Party will ensure that its national legal framework permits the country to meet its treaty obligations under international law.

Legislative Framework and Criminalisation of Religious Activities

In contrast to the lofty values promulgated in the Constitution, individual and collective religious life in Kazakhstan is rigorously controlled. Specifically, amendments to the Law on Religion in 2011 placed severe restrictions on all religious activity that is not registered with the government.

Registration procedures have become increasingly arduous and complex in Kazakhstan. Religious groups are required to have at least 50 members to be registered locally, 500 regionally and 5000 at a national level. This has meant that numerous religious groups have been unable to be registered and are therefore considered to be engaged in ‘illegal worship activities.’ Police raids, exorbitant fines and detention of religious workers have become commonplace. Hundreds of religious communities have simply had to cease functioning.

The fight against extremism is the common justification raised for Kazakhstan’s repressive policies on religion. It gives the government the power to act ‘legally’ while denying a mandated re-registration to religious groups, effectively cancelling their right to exist and to conduct normal activities. Indeed, the laws that have been enacted in Kazakhstan are part of the regime’s strategy to mitigate its political opposition. The government’s official support of the Russian Orthodox Church and sponsorship of the Muslim Board are ultimately strategies of control. Other religious groups are delegitimised and represented in the media as dangerous and harmful to the family and to society.

Article 374-1 of the Administrative Code was introduced in 2005 as part of harsh new ‘national security’ amendments to various laws - including the Law on Religion - which severely increased the controls of religion. The anti-extremist measures empower the Committee for National Security (KNB) to determine which organisations are to be considered ‘terrorist’ and grants the KNB broad powers to suppress them. Predictably, the 2005 law has also been applied to religious entities.

Amendments were also made to Article 375 of the Administrative Code, which punishes ‘violations of the religion law,’ including actions by leaders who reject state registration, by communities whose activity ‘contradicts their aims and tasks’ or which is not listed in their state-approved statutes, and by individuals who conduct ‘missionary activity’ without a special license from the state.

Article 375 punishes leaders of religious organisations that break any law with fines of up to 30 times the minimum monthly wage, while the organisations themselves can be fined up to 200 times the minimum monthly wage and banned for up to six months. Religious organisations that ‘systematically carry out activity in defiance of their statute’ or refuse to stop activities that led to their being suspended face fines of up to 300 times the minimum monthly wage and a total ban on their activities.

Article 524 of the Administrative Code has also been evoked to sanction those who fail to comply with court orders. Specifically, Baptists have been detained for short periods for their refusal to pay heavy fines that have been imposed for their religious activities.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

On 20th January 2014, two members of the Council of Churches Baptists were jailed in East Kazakhstan for refusal to pay fines for attending a meeting of worship without state permission. Pavel Leonov and Maksim Kandyba had both been fined separately in 2013 under Article 374-1. Both were jailed under Administrative Code Article 524 for failure to carry out court decisions. Leonov was given a three-day sentence, but Kandyba was sentenced to ten days due to the ‘danger’ that he posed to society.

On 17th February, Pastor Bakhytzhan Kashkumbayev was handed a suspended four-year prison term in Kazakhstan's capital Astana under Criminal Code Article 103 for ‘intentional inflicting of serious harm to health.’ He was also told to pay a fine of 2 million Tenge (7900 euros) for ‘moral damages’ inflicted upon the plaintiff. Pastor Kashkumbayev had been charged with psychological manipulation of a church member through the use of a ‘red-coloured hallucinogenic drink.’ In fact, it was wine normally used as part of the church’s Holy Communion. The pastor was also found guilty of carrying out missionary activity and fined.

On 3rd March, Aleksandr Pukhov was found guilty of violating Article 524 for not paying a fine for attending a meeting of worship without state permission.

On 6th March, Vyacheslav Flocha was likewise found guilty under Article 524 for refusing to pay the fine for attending a meeting of worship in 2013 without state permission.

EU – Kazakhstan Relations & Policy Recommendations

Relations between the EU and Kazakhstan are mainly based on:

- the enhanced Partnership and Cooperation Agreement (PCA) agreed in late 2014 which replaced the previous Partnership and Cooperation Agreement 1999;
- the Central Asia Strategy for a New Partnership adopted in 2007;
- the commitment of one billion euros as part of the EU’s Development Cooperation Instrument for the countries of Central Asia for the period from 2014 to 2020.

HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Kazakhstan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Kazakhstan, as a member state of the UN and the OSCE:

1. to honour its international and regional human rights obligations such as the ICCPR, the ICESCR and the OSCE Guidelines on the Legal Personality of Religious or Belief Communities;
2. to reaffirm Article 14 of the Constitution which guarantees freedom of religion;

3. to prevent the misuse of Articles 22 and 32 of the Constitution, which gives priority of state interests over the rights of citizens;
4. to revise Article 20 of the 2005 Law on International Treaties which allows for international treaties to 'be amended, suspended or terminated' when they are in conflict with national laws;
5. to repeal the 2011 amendments to the Law on Religion and Article 375 of the Administrative Code, which criminalise the free exercise of conscience and religion;
6. to take measures to prevent the misuse of Article 374-1 of the Administrative Code, which gives authorities a broad range of powers on the grounds of national security to crack down on religious groups;
7. to unconditionally release freedom of religion or belief prisoners;
8. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Kazakhstan, the EU should:

1. review its present relations with Kazakhstan;
2. consider suspending the new enhanced Partnership and Cooperation Agreement;
3. reconsider its support for the country's accession to the World Trade Organization;
4. call for United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief to visit Kazakhstan;
5. initiate a UN Human Rights Council resolution concerning Kazakhstan's restrictive legal framework for the exercise of freedom of religion or belief.

Laos

Laos has had a one-party communist government since The Lao People's Revolutionary Party (LPRP) seized power in 1975.

The country's total population is estimated at 6.7 million. The religious demography of Laos is difficult to establish with any precision. Theravada Buddhism is the religion of nearly all ethnic or 'lowland' Lao, who constitute 40-50% of the overall population. The remainder of the population belongs to at least 48 distinct ethnic minority groups, most of which practice some form of animism and ancestor worship. Roman Catholics, Protestants, Muslims, Baha'is, Mahayana Buddhists and followers of Confucianism constitute less than 3% of the population.

The Roman Catholic Church in Laos is believed to have approximately 40–45'000 members. Estimates of the number of Protestants vary widely: the Lao Front for National Reconstruction (LFNR) sets the figure at 60'000, while the recognised Lao Evangelical Church (LEC) suggests more than 100'000. However, this may not count all Protestants belonging to house churches. The ethnic minority with the largest number of Protestants is the Khmu, although no credible estimates exist as to their number.

Social cohesion is highly valued in Lao culture, and Buddhism is seen as a unifying force because the majority of the population and government officials are Buddhist. Christianity is perceived as an imperialistic foreign religion and as a threat to national homogeneity. Opposition to Protestantism, generally perceived to be an American religion, is exhibited not only through the government but also in societal prejudices.

The environment of intolerance toward religious diversity has resulted in numerous reported cases of government officials coercing members of minority religious groups to renounce their faith or to convert to the majority Buddhist sect. In recent years, several Christian communities have been forcibly evicted from villages that were hostile to their presence. Forced evictions typically occur in connection with attempts to force Christian communities or their leaders to renounce their faith.

Constitutional Framework

The Lao Constitution, adopted in 1991, has several provisions that purport to guarantee freedom of belief and religious practice.

Article 6 forbids 'all acts of bureaucratism and harassment that can be physically harmful to the people and detrimental to their honour, lives, consciences and property.' This has sometimes been applied to religion.

Article 9 protects 'all lawful activities of Buddhists and other religious followers' and prohibits 'all acts of creating division of religions and classes of people.' Article 9 also includes an exhortation to 'mobilise and encourage Buddhist monks and novices as well as the priests of other religions to participate in the activities which are beneficial to the country and to the people.' Despite these seemingly liberal protections, the Article 9 prohibition against 'creating division of religions' has been used frequently to restrict religious freedoms

by prohibiting activities that represent a diversity of religious practices. The article's language is ambiguous enough to leave room for interpretation by government officials who wish to restrict religious activities.

Article 22 provides for equality before the law, irrespective of faith. However, the LPRP gives Theravada Buddhism an elevated status by exempting it from many legal requirements that other religions face and by supporting temples financially and administratively.

Article 30 of the Constitution articulates a basic formula for freedom of religion: 'Lao citizens have the right to believe or not to believe in religions.'

Legislative Framework and Criminalisation of Religious Activities

The principal instrument governing religious practice is the 2002 'Decree Regarding Governance and Protection of Religious Activity in the Lao PDR' (Prime Minister's Decree No. 92/PM), popularly known as Decree 92.

Guidelines for the implementation of Decree 92 have been set out by the LFNC, which is responsible for the management of religious affairs and operates through officials at the central, provincial, district and village levels. The Department of Religious Affairs, affiliated to the LFNC, also has a supervisory role over religious activities.

The LFNC officially recognises Buddhism, Islam, the Baha'i and three Christian churches (Catholic Church, Lao Evangelical Church and Seventh Day Adventist Church).

Decree 92 guarantees that 'all Lao citizens have equal right before the law to adhere or not to adhere to a religion' (Article 3) and sets out a framework for religious practices under the authority of the LFNR. Religious groups are required to register, and state approval is required for a wide range of religious activities, e.g. religious ceremonies in established venues (Article 4), the appointment of clergy or staff (Articles 8-9), preaching and propagation (Article 12), the printing of religious literature (Article 14), the construction of religious buildings (Article 16) and relationships with foreign co-religionists (Articles 17-20). Article 13 is meant to protect against the divisive potential of religion and sets out an ill-defined proscription against 'conducting activities against the Lao PDR regime and dividing ethnic groups or religions in order to cause social disorder.'

Provincial and local officials often do not implement the national government's policies designed to protect individual rights. There are three principal reasons for this:

- 1) a weak rule of law means that party announcements take precedent over actual legislation;
- 2) a high regard for the superiority of local authority over the authority of the national government, leading to an arbitrary application of the law by local officials; and
- 3) rulings of the national government are poorly communicated throughout the country.

The government typically does not acknowledge the misconduct of local officials and is not willing to take action against those officials in violation of laws protecting religious freedom.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

On 11th May 2014, 23 Christians of Savannakhet Province were arrested for meeting in an unauthorised location. The group belonged to a church in Paksong Village in Songkhone District, which had been barred from holding church services in 2012. The pastor was arrested and forced to sign a document saying the church would stop holding meetings. Twelve members were released after signing documents in which they agreed to not meet again. The eleven others remained in detention.

On 23rd June, five Christians were accused of murdering Mrs Chan, a convert to Protestantism, who had been suffering from an unidentified illness over the previous two years. The village chief granted permission for a Christian funeral for Mrs Chan but later ordered Pastor Kaithong, who was conducting the funeral, to stop the proceedings. Kaithong was arrested and detained along with four other Christians on the charge that Kaithong had given Chan medication which caused her death. On 5th August, a court found them ‘not guilty,’ but they remained in detention because the authority to release them lies with the Atsaphangthong District Chief.

On 29th September, Pastor Sompong Supatto of Bouham village (Atsaphathong district) and six Christians from villages in Palansai district met together in Pastor Sompong’s home for worship. Afterwards, as they gathered for lunch, the village chief, security officers and police arrested them. A week previously, village officials had told the Christians they were not allowed to gather for worship in Boukham village, despite the fact that they have been meeting for worship for several years. All seven Christians, ages ranging from 18 to 60 years old, were kept in detention at the Boukham village government headquarters.

EU – Laos Relations & Policy Recommendations

Relations between the EU and Laos are mainly based on:

- Cooperation Agreement 1997;
- Through EU-ASEAN relations.

HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Laos through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Laos, as a member state of the UN and ASEAN:

1. to honour its international human rights obligations such as the ICCPR and the ICESCR;
2. to uphold Articles 22 and 30 of the Constitution and Article 3 of Decree 92 which guarantee freedom of religion or belief;
3. to review and repeal parts of Decree 92 which are in violation of freedom of religion or belief;
4. to ensure training of officials at all levels of government on universal standards of freedom of religion or belief in view of strengthening protections for religious groups against discrimination;
5. to take measures to ensure that local authorities uphold laws for the protection of religious groups and to prosecute those in violation of these laws;
6. to unconditionally release freedom of religion or belief prisoners;

7. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Laos, the EU should:

1. review its present relations with Laos;
2. consider suspension of the Cooperation Agreement.

North Korea

North Korea, officially called the Democratic People's Republic of Korea (DPRK), has an estimated total population of 24.7 million. There are no reliable statistics available on religious adherence.

Shamanism is the oldest belief system on the Korean Peninsula. Buddhism came from China to Korea in the 4th century and became the official religion in 668 CE. Confucianism also came to Korea via China and eventually became the dominant philosophy on the Peninsula.

Roman Catholicism was introduced in the country in 1644 after members of the royal court had been baptised in China. By 1945, there were about 145'000 Roman Catholics and some 200'000 Protestants, the latter being the result of Protestant missionary activity beginning in the mid-19th century.

In reaction to the influence of Western religions during this period, Ch'oe Suun began to propagate a new religion which combined Buddhist, Shamanist and Taoist influences. The government and Confucian leadership perceived the new religion to be a threat to their power: Ch'oe Suun was executed at the age of 40. Even still, his teachings survived and by 1945 about one million Koreans were adherents of what became known as Chondokyo. At that time, the population of Korea was about 26 million.

After World War II and the end of the Japanese occupation, the Korean Peninsula was divided into two occupied zones, the northern part occupied by the Soviet Union and the southern part by the United States. With a UN supervised election in 1948, two separate governments came to power. In the north, religion was severely restricted as the Kim Dynasty embarked on a systematic policy of religious cleansing. All Catholic monasteries and churches were destroyed. Monks and priests were arrested, imprisoned or executed. During the same period, Protestants, Buddhists and Chondokoyists suffered a similar fate. According to Professor Hazel Smith, at least 100'000 Protestants migrated south between 1945 and 1950.

Tense relations between the North and the South led to the 1950-1953 Korean War. Even after the war ended, the anti-religious repression continued unabated under the one-party rule of the Korean Workers' Party and the banner of the *Juche* ideology of self-reliance. Religious organisations were systematically destroyed, extinguishing any possibility of independent religious activities or collective resistance to the repression.

The post-war dismantling of religion in North Korea took place in two distinct stages. The first stage occurred between 1958 and 1960, when 'intensive guidance' was assigned to the operations by party headquarters. This guidance included a system of mutual surveillance among the country's residents. Any and all religious activity within North Korea could thereby be more easily monitored and rooted out.

The second stage occurred between 1967 and 1970, during which residents were required to re-register their residence. The regime classified citizens into 51 different classes. These classes were further divided into three main groupings: the core class (core masses), the wavering class (basic masses) and the hostile class (complex masses). According to this

classification, religious persons were assigned numbers in relation to their religion profession, such as '37' for Protestants, '38' for Buddhists and '39' for Catholics. These people were classified as hostile elements in society, placed under surveillance and punished.

In 1988, in reaction to international criticisms of its record on religious freedom, the North Korean government created 'religious federations' for Buddhists, Chondokysts, Protestants and Catholics. These federations are used as political instruments for exhibiting a supposed 'revival' of religious life in North Korea. They maintain Buddhist temples and shrines as cultural heritage sites and showpieces for tourists, even though these places are not used for worship or pilgrimages. Churches are built by the government in regions where there are no Christians to use them. The churches are serviced and maintained by those who are loyal to the regime.

It is widely believed that such places of worship exist primarily for the benefit of foreigners and to present a false image of the real situation. The number of congregants regularly worshipping at these churches is unknown but *de facto* they only serve expatriates and tourists. Numerous defectors have reported no knowledge of these churches and have never met a religious practitioner or seen a Bible.

However, in recent years, underground religious activities have been increasing in North Korea. Religious teachings have been secretly propagated inside the country by foreign missionaries with the unofficial support of South Korean and American churches and by North Korean defectors who were trained in churches of ethnic Koreans in China before they were forcefully repatriated to their country of origin. This has led to the arrest of foreign citizens and sentences to prison terms in North Korea.

North Korean Christians have also been arrested and sent to labour camps for being members of an underground church, praying or distributing Bibles. In 2009, a woman named Ryi Hyuk Ok was executed for distributing Bibles.

The UN Commission of Inquiry into Human Rights in the DPRK stated in its 7th January 2014 report:

'The commission finds that there is an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association.

The State operates an all-encompassing indoctrination machine that takes root from childhood to propagate an official personality cult and to manufacture absolute obedience to the Supreme Leader (*Suryong*), effectively to the exclusion of any thought independent of official ideology and State propaganda.'

Constitutional Framework

The Constitution currently in force dates back to 2012. Previous constitutions were adopted in 1948, 1972, 1992 and 1998.

Under the 1972 Constitution, Kim Il-sung became the President of the DPRK, the head of state, commander of the armed forces and chairman of the National Defense Committee. He

was given the power to issue edicts, grant pardons and conclude or abrogate treaties. Under the previous Constitution, there was no one person designated as the head of state. Article 12 defines the country as a 'dictatorship of people's democracy' under the leadership of the Workers' Party.

Article 68⁸ recognises the right to religious beliefs:

'Citizens have freedom of religious beliefs. This right is granted by approving the construction of religious buildings and the holding of religious ceremonies. Religion must not be used as a pretext for drawing in foreign forces or for harming the State and social order.'

The political-philosophical foundation of North Korea is a quasi-religious ideology which merges the *Juche*⁹ and the *Kimilsungism*¹⁰. All North Korean citizens are to adhere to the *Juche* philosophy and no other view is tolerated. Any religion is perceived as a challenge to the personality cult of the Kim family and a foreign threat to national security.

Legislative Framework and Criminalization of Religious Activities

The 'Ten Principles for the Establishment of a Monolithic Ideological System' (also known as the 'Ten Principles of the One-Ideology System') are a set of ten principles and 65 clauses which sets standards for governance and guides the behaviours of the people of North Korea.

The Ten Principles have come to supersede the constitution or edicts of the Workers' Party of Korea and in practice serve as the supreme law of the country.

Principle 4 states: 'Accept the Great Leader Kim Il-sung's revolutionary thought as your belief and take the Great Leader's instructions as your creed.'

According to the Seoul-based Database Centre for North Korean Human Rights (NKHR), anyone caught possessing religious materials, holding unapproved religious gatherings or being in contact with overseas religious groups is subject to severe punishment: the imprisonment or execution of the 'criminal' as well as the punishment of three generations of that person's family.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

Reports about human rights violations of individuals take time to be known outside this closed country. These cases are mostly known through interviews conducted of North Korean refugees after they have managed to cross China or some other south-east Asian country before reaching freedom in South Korea. It can take years before such stories become known.

⁸ This article introduced in the 9th April 1992 Constitution remained unchanged when it was revised on 5th September 1998 and 9th April 2012. In the 1948 Constitution, Article 14 said that 'Citizens shall have the right to have faith and perform religious rituals' and Article 54 of the 28th December 1972 stated that 'Citizens shall have the right to have faith and carry out anti-religious propaganda.'

⁹ The three fundamental principles of *Juche*, first formulated in 1955, are political independence, economic self-sustenance and self-reliance in defense.

¹⁰ *Kimilsungism* was first mentioned by Kim Jong-il in the 1970s and was introduced alongside the "Ten Principles for the Establishment of a Monolithic Ideological System". *Kimilsungism* refers to thoughts of Kim Il-sung. It is interchangeable with the *Juche* idea.

In its 2014 annual report, the U.S. Commission on International Religious Freedom reported:

‘In 2009 the wife of a Chinese military officer was publicly executed for possessing a Bible; 23 Christians were arrested in 2010 for belonging to an underground church in Kuwol-dong, Pyongsong City, South Pyongan Province; and a family of three was taken to a political prison camp in 2011 for conducting worship services in Sambong-gu, Onseong-gun, North Hamgyeong Province. According to South Korea press reports, as many as 80 people were executed in the past year for watching South Korean entertainment videos or possessing Bibles. In April 2013, U.S. citizen Kenneth Bae was sentenced to 15 years of imprisonment for national security crimes based on his work for the evangelical organization *Youth With A Mission*.

North Korean Refugees in China Reports continue to surface that individuals forcibly repatriated from China are systematically interrogated about any contacts with churches and missionaries from South Korea or the United States, and those suspected of becoming Christian, distributing religious materials or having ongoing contact with foreign groups are harshly treated. The government reportedly offers rewards to its citizens for providing information leading to arrests for cross-border missionary activities or the distribution of religious literature.’

From the database of *Human Rights Without Frontiers Int'l*:

On 16th February 2014, John Short, a 75-year-old Australian missionary living in Hong Kong for 50 years, travelled to North Korea as part of a tour group. During the visit of a Buddhist temple, he left behind some pamphlets promoting Christianity. The local tour guide reported the action to the police. Short was arrested and kept in custody for 13 days before being released.

In March, 33 North Koreans¹¹ were charged with attempting to overthrow the regime by setting up a network of underground churches. They were accused of collaborating with Kim Jung-wook, a South Korean missionary arrested in 2013. It is not known if all of them were Christians. According to the South Korean newspaper Chosun Ibo, they might face execution by the State Security Department in a secret location.

On 30th May, Kim Jung-Wook, a 50-year old South Korean Baptist missionary, who had been arrested on 7th October 2013, was sentenced to hard labour for life. He was convicted of espionage and setting up underground churches.

On 21st October, Jeffrey Edward Fowle (age 56), an American citizen, who had been arrested in Pyongyang in May for leaving a Bible in a night-club, was released thanks to the intervention of his government and repatriated to his country.

On 8th November, Kenneth Bae, a 46-year old Korean-American Evangelical, who had been arrested in November 2012 for his missionary activities and sentenced to 15 years hard labour on 30th April 2013 was released thanks to the intervention of his government and repatriated to his country. He had officially been charged with:

¹¹ See Mail Online, 5 March 2014

<http://www.dailymail.co.uk/news/article-2573621/Kim-Jong-Un-orders-33-people-executed-contact-Christian-missionary-say-South-Korean-press.html>

- working with the Evangelical organisation Youth With a Mission (YWM);
- setting up bases in China for the purpose of toppling the Democratic People's Republic of Korea;
- encouraging North Korean citizens to bring down the government;
- conducting a malignant smear campaign.

EU – North Korea Relations & Policy Recommendations

Relations between the EU and North Korea are mainly based on development and humanitarian aid.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with North Korea through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on North Korea, as a member state of the UN:

1. to honour its international human rights obligations such as the ICCPR;
2. to implement all of the recommendations concerning freedom of religion or belief by the various international human rights treaty bodies, including the Special Rapporteur on Freedom of Religion or Belief and the UN Commission of Inquiry;
3. to revise Principle 4 of the Ten Principles which restricts freedom of religion or belief;
4. to impose an immediate moratorium on the use of the death penalty, pending its repeal, and to end extra-judicial killings in detention centres;
5. to unconditionally release freedom of religion or belief prisoners;
6. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in North Korea, the EU should:

1. promote among its Member States the implementation of the UN Commission of Inquiry recommendations as a priority political action;
2. encourage its Member States to do all in their power to prosecute perpetrators of crimes against humanity and religious cleansing through the existing universal jurisdiction mechanisms;
3. upgrade its restrictive measures towards North Korea;
4. urge its Member States to fully implement the UN sanctions;
5. call for China to protect North Korean refugees under the 1951 Refugee Convention.

Pakistan

The total population of Pakistan is estimated at about 185 million, of which 95-98% is Muslim. At least 80% of Pakistani Muslims are Sunni of the Hanafi School. The rest are Shia, nearly 20 percent, and Ahmadis at about 2.5%. While Ahmadis consider themselves to be Muslim, the law does not recognise them as such and prohibits them from self-identifying as Muslim. Other religions representing the remaining 5% of the population include Hindus, Christians, Parsis/ Zoroastrians, Baha'is, Sikhs, Buddhists and others. There are also Kalasha, Kihals, Jains and a very small Jewish community.

The modern nation of Pakistan was formed in 1947 out of the eastern and north-eastern regions of British India, where Muslims were in the majority. The country is quite poor, ranking 146th on the human development index (UNDP 2014).

Initially established as a secular nation, Pakistan became an Islamic republic in 1956 after the adoption of a new constitution.

Constitutional Framework

The Constitution of Pakistan guarantees all citizens the freedom to 'profess, practice and propagate' their religion 'subject to law, public order and morality' (Article 20). Freedoms of assembly (Article 16) and association (Article 17) are likewise guaranteed. However, the Constitution provides for a restricted form of freedom of expression in article 19:

'Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, commission of or incitement to an offence.'

The expression 'reasonable restrictions imposed by law' poses a problem as this vague language has resulted in broad interpretations of constitutional law and a precarious fluidity in providing real legal protections for Pakistan's religious minorities. In addition, the provision that freedom of expression is restricted 'in the interest of the glory of Islam' is likewise open to a wide range of application.

In 1974, the Constitution of Pakistan was amended to declare that Ahmadi Muslims could not be considered Muslims. Ahmadiyya is an Islamic reformist movement, founded towards the end of the 19th century, which affirms the Prophet Muhammad as the last law-bearing prophet but also its founder, Mirza Ghulam Ahmad, as the divine reformer and Mahdi of Islam. Pakistan is home to four million Ahmadis, the largest Ahmadi population in the world.

Legislative Framework and Criminalisation of Blasphemy

In recent years, the use and misuse of the blasphemy laws have repeatedly drawn international criticism for their violation of freedom of expression and freedom of religion or

belief. The penalty for offending the Qu'ran or Prophet Muhammad can be the death penalty, life imprisonment or a prison term of up to 10 years with or without a fine.

Contravening the country's blasphemy law can result in:

- death for 'defiling Prophet Muhammad;'
- life imprisonment for 'defiling, damaging or desecrating the Qur'an;'
- 10 years' imprisonment for 'insulting another's religious feelings.'

Criminal Code of Pakistan

'Section 295-A: Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.'

'Section 295-B: Defiling the Holy Qur'an. Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract there from or used it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.' (1990)

'Section 295-C: Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace upon him) shall be punished by death and shall also be liable to fine.' (1990)

'Section 298-A: Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (*Ummul-Mumudeen*) or members of the family (*Ahle-bait*) of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (*Khulafa Raashideen*) or companions (*Sahaaba*) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years or with fine or with both.' (1980)

'Section 298-B: (1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation,

(a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as '*Ameer-ul-Mumineen*,' '*Khalifa-tul-Mumnineen*,' '*Khalifa-tul-Muslimeen*,' '*Sahaabi*' or '*Razi Allah Anho*';

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him) as '*Ummul-Mumineen*';

(c) refers to, or addresses any person, other than a member of the family (*Ahle-bait*) of the Holy Prophet Muhammad (peace be upon him), as '*Ahle-bait*'; or

(d) refers to, or names or calls his place of worship as '*Masjid*';

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.'

(2) Any person of the Qadiani group or Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation refers to

the mode or form of call to prayers followed by his faith as 'Azan', or recites *Azan* as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. (1984)

'Section 298-C: Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description of a term which may extend to three years and shall also be liable to fine¹². (1984)

History of the Blasphemy Laws

The history of the Blasphemy Laws is rooted in the Indian Penal Code of 1860, established during the time of British colonisation and endorsed by the then British Governor General. Section 295 of Chapter XV 'Of Offences Relating to Religion' stated that:

'Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is like to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years or fine or both.'

In 1860, Section 298 of the Penal Code also provided that:

'Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the

¹² See comment of Article 298-A,B,C at Refworld: <http://www.refworld.org/docid/3df4be8e8.html> (Pakistan: Whether section 298 of the Pakistan Penal Code (PPC) refers to any offence under religious law or Sharia and, if so, the penalty under religious law or Sharia). *Immigration and Refugee Board of Canada* 'Referring to the text of section 298 of the PPC, a professor of law at Harvard University who specializes in Islamic law stated that, to his understanding, there are other penal provisions in Pakistan which are meant to be declarative of Sharia which carry a much more severe punishment (15 Jan. 2002). According to the professor these provisions purport to enact the old Sharia form of the crime of blasphemy – insult to the Prophet, the Qur'an, and other holy personages – and allow for the death penalty (ibid.). The professor went on to state that 'this reflects one form at least of the Sharia crime of *sabb al-nabi* or insult to the Prophet' and, while in the 'usual circumstances rarely enforced,' often carries a death penalty with no possibility of repentance for anyone who was proved to have either spoken words or carried out acts insulting to God, the Prophet, his family, or the angels (ibid.). (...) According to the professor, the offences as described in section 298 'are not Sharia penalties per se, taken in any literal way from old books' (ibid.). The professor concluded that 'Pakistani judges do not apply the Sharia directly except insofar as they may refer to it in guiding their interpretation of the laws and insofar as certain higher courts have the power to test the conformity of statutes with Sharia principles and to declare them unconstitutional in the event they fail that test' (ibid.). For a description of the use of section 298 and section 295 of the PPC, which compose Pakistan's laws on blasphemy, please refer to Amnesty International's May 2001 publication entitled 'Pakistan: Insufficient Protection of Religious Minorities' available at <http://www.amnesty.org/en/library/asset/ASA33/008/2001/en/4bce2d66-d95a-11dd-a057-592cb671dd8b/asa330082001en.html>

sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.’

In 1927, a Hindu publisher, Mahashay Rajpal, published an allegedly provocative book on the life of Prophet Mohammad (Rangila Rasul) written by a then unknown author that outraged the Muslim community. Rajpal was later assassinated for his ‘blasphemy’ by a Muslim zealot, Ilam Din. His murderer was hung and is still hailed as a martyr by the Muslim community.

In the aftermath of this incident, the British rulers incorporated an additional section identified as Section 295-A which reads:

‘Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty’s subjects, by words, either spoken or written, by visible representations, insults or attempts to insult religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.’

The objective of this amendment was to avoid conflicts between Muslims and Hindus and the legal framework remained unchanged until the early 1980s.

In 1982, under the leadership of General Zia ul Haq, Section 295B was introduced to Chapter XV (Of Offences Relating to Religion) of the 1860 Penal Code. No debate took place either within or outside of parliament. Members of Parliament were unelected at that time, having been selected by the military regime.

General Pervez Musharraf succeeded Zia with the support of the US and its allies. Musharraf not only failed to bring change in the country’s Blasphemy Laws, he also allowed extremist groups to continue working under new names. Section 295-C was added in 1986 under pressure from the Islamist religious lobby:

Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace upon him) shall be punished by death or imprisonment for life and shall also be liable to fine.’

However, a petition was successfully presented before the Federal Shariat Court by a zealous member of Jamate Islami and the alternative punishment of life imprisonment was deleted.

Blasphemy Cases: Statistics

Fewer than ten cases of blasphemy were reported in the period before the enactment of Section 295-C (1927-1986); however, a study done by the World Council of Churches¹³ suggests that there have been as many as 4000 since then¹⁴:

¹³ Blasphemy Law in Pakistan: Historical Perspectives and Disastrous Effects/ Background Resources in Misuse of the Blasphemy Law and Religious Minorities in Pakistan (Commission of the Churches on International Affairs, World Council of Churches (2013)

¹⁴ Between 1998 and 2005, 647 persons were charged on the grounds of blasphemy.

‘Out of these 4000 cases, under blasphemy laws, 49% are against Muslims, 26% against Ahmadis, 21% against Christians. Hindus were involved in lesser percentage. In ratio, of total population, the blasphemy cases against non-Muslims are almost 50%, which shows the indiscriminate use or abuse of the laws.’

Since 1990, 52 people accused of blasphemy have been killed extra-judicially: 25 were Muslims, 15 were Christians, five were Ahmadis, one was Buddhist and one was Hindu¹⁵. It is also important to note that two-third of the cases are in Punjab, where 80% of the Pakistani Christians live¹⁶.

The 2014 Annual Report of the U.S. Commission on International Religious Freedom has released a list of 17 people on death row and 19 people sentenced to life imprisonment for alleged activities considered blasphemous or religiously insulting in Pakistan.

Social Hostility and Violence

Most cases of alleged blasphemy are based on spurious accusations. A large amount of cases are against mentally ill people. Mere filing of a case against someone is often believed to be an evidence of the offence.

Accusations are frequently instrumentalised to settle personal scores, to target religious minorities or to further extremist agendas. Local court hearings are often attended by large and aggressive groups of supporters from the claimant’s side, threatening defendants, lawyers and judges alike.

Statements are issued from mosques that there is a blasphemer in town, inciting people to come out and kill. Some accused were assassinated even before a case could be registered against them, some died in police custody and others while serving their prison term.

Most tried cases are acquitted. Nevertheless, once someone has been labelled a blasphemer, that person is almost as good as dead, even if there has been an acquittal of the case.

Some Documented Cases of Arrests, Short Period Detentions, Sentences to Prison Terms, Death Sentences and Extra-judicial Killings

In January 2014, Muhammad Asghar, a 70-year-old British man was arrested in 2010 in the city of Rawalpindi after making the claim that he was a prophet. Asghar was sentenced to death by a Pakistani court. Although he had been diagnosed and treated in Edinburgh for paranoia schizophrenia, the court rejected the medical reports.

In April, a Pakistani couple, Shafgat Emmanuel and Shagufta Kausar, were sentenced to death for blasphemy for allegedly sending a text message insulting the Prophet Muhammad. The imam of their local mosque, who had received the original message, brought a complaint against the couple in July 2013.

On 16th May, 65-year-old Khalil Ahmad was shot down in a police station in Sharaqpur village near Lahore. He had been accused of blasphemy. The assailant was a 15-year-old boy, who was later arrested by police. Khalil Ahmad, along with others, had requested a

¹⁵ Centre for Research and Security Studies (CRSS), a research group based in Islamabad

¹⁶ More than half of them live in seven districts of Central Punjab: Lahore, Faisalabad, Kasur, Sheikhpura, Sialkot, Gujranwala and Toba Tek Singh.

shopkeeper to remove a sign which contained offensive comments about Ahmadis. The shopkeeper refused to comply and filed a formal complaint of blasphemy against Khalil Ahmad, who was then arrested.

On 17th May, a case of blasphemy was filed against a small group of Jehovah's Witnesses in Mirpurkhas. Javed Younus, his wife Nazia Javed, Sri Lankan national Carol David and Rose Marry were arrested for distributing leaflets of their organisation, the Watchtower.

On 4th September, a blasphemy case was filed by local Muslims at Murid Wala Police Station against 55 Christian residents of a small village called Chak. Police raided Christian homes, issued threats and arrested fourteen of them the same evening. The entire incident happened as a result of a dispute between Muslims and Christians over a graveyard the previous day.

On 18th September, a liberal Muslim scholar, Muhammad Shakil Auj, who had been accused of blasphemy for a speech he gave during a visit to the United States was shot and killed in Karachi.

On 25th September, Muhammad Asghar, a mentally ill British citizen sentenced to death under the blasphemy laws (see above), was shot and injured by a policeman inside a prison.

EU – Pakistan Relations & Policy Recommendations

Relations between the EU and Pakistan are mainly based on the EU-Pakistan five-year engagement plan 2012 and the GSP+ agreement.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Pakistan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Pakistan, as a member state of the UN:

1. to honour its international human rights obligations such as the ICCPR and the ICESCR;
2. to uphold Article 20 of the Constitution which guarantees freedom of religion or belief;
3. to take measures to prevent the misuse of sections in the Penal Code regarding blasphemy such as 295, 295A, B and especially 295C which prescribes a mandatory death penalty;
4. to ensure the safety of citizens in detention on blasphemy charges;
5. to ensure that those who commit violence against religious or belief minorities are prosecuted;
6. to ensure independence and safety of the judiciary defending religious or belief minorities;
7. to repeal the 1974 constitutional amendments which banned Ahmadi Muslims;
8. to unconditionally release 'blasphemy' prisoners;
9. to stop arresting and imprisoning people who exercise their freedom of expression on religious or belief issues.

HRWF Int'l recommends that if serious systemic human rights violations continue in Pakistan, the EU should:

1. review its present relations with Pakistan;
2. consider suspending the GSP+ agreement;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Pakistan.

Saudi Arabia

The Kingdom of Saudi Arabia has a population of about 27 million, of whom only about 19 million are citizens. All Saudi subjects are by legal definition Sunni Muslims of the Hanbali School in its Salafi form, the country's only officially recognised religion. The government privileges this interpretation of Islam over all others and does not acknowledge freedom of religion or belief. In fact, such freedoms are brutally suppressed and sometimes in an altogether arbitrary fashion.

There is a Shiite minority, which is essentially marginalised, in the eastern part of the country. The sizeable foreign population (30% of the overall population) is composed of Muslims of various sorts, diverse groupings of Christians, Jews, Hindus, Buddhists, Sikhs and others. Although the government claims to permit private religious observance, in practice even this is severely limited.

Interestingly, Saudi Arabia has the highest rate of atheists in the Arab world. A 2012 WIN-Gallup International poll concluded that at least 5% of Saudis privately refer to themselves as a 'convinced atheist.' Some analysts contend that the rapid growth of atheism can be traced to a growing perception that religion has been detrimental to Saudi society and has been exploited by authorities to control the population.

Constitutional Framework

Saudi Arabia does not have a secular Constitution but is governed by the 1992 Basic Law¹⁷, which covers all social, economic and political matters. Article 1 explicitly positions the country as a theocratic state, naming 'Almighty God's Book, the Holy Qur'an, and the Sunna (traditions) of the Prophet' as the constitutional law of the kingdom.

This position is reiterated throughout the Basic Law. The articles repeatedly make reference to the primacy of Islamic values and Sharia as the compass for all government policy and regulations. In Saudi Arabia the state is the guarantor and protector of Islam (Article 23) and as such patterns its governance (Articles 6-8), judiciary (Article 48) and the rights and duties of citizens (Articles 23-26) according to Islamic law.

Legislative Framework and Criminalisation of Religious Activities

Whereas the Basic Law lacks precision, the corresponding legal framework is so vague as to defy definition. In the absence of an adequate penal code, the door is left open to arbitrary and indiscriminate charges. Saudi law is a combination of royal decrees and Sharia as derived from the Quran and the Sunnah.

For example, there is no legislation regarding apostasy. Apostasy is subject to Sharia rules of *hudud*, meaning that the death penalty is viewed as a divine directive and not subject to judicial discretion. Even still, the king can commute capital sentences to prison terms and/or physical punishments.

¹⁷ See http://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx

Blasphemy against Sunni Islam is also punishable by death, but the more common penalty is lengthy detention without trial, a long prison sentence or protective custody.

Missionary activities and proselytising are likewise forbidden in Saudi Arabia.

The Committee for the Promotion of Virtue and the Prevention of Vice, the government's religious police, employ agents to patrol public places, monitor social media and trawl Saudi-based websites to ensure that the government's interpretation of Sharia is enforced within the kingdom. Those who criticise them or suggest reform may be imprisoned or face other sanctions.

False accusations of blasphemy or insults to religious authorities are regularly used and abused against Muslim and non-Muslim minorities.

Some Documented Cases of Arrests, Short Period Detentions Sentences to Prison Terms and Death Penalty

At the end of 2014, two Saudi citizens remained in detention without charge for conversion to the Ahmadi faith. They were arrested in 2012 and have been held ever since at an unknown location and without legal counsel. Sunni clerics exert pressure on them to recant their new faith. Their persistent refusal risks drawing a death sentence.

On 7th May, Raif Badawi, the editor of an internet forum founded to discuss the role of religion in the kingdom (*Free Saudi Liberals*) was sentenced to 10 years in prison and 1000 lashes by a court in Saudi Arabia. He was originally sentenced to seven years, but an appeals court overturned the sentence. Badawi was arrested in June 2012 and charged with cyber-crime and disobeying his father. The day before, in a separate ruling, the court sentenced the forum's administrator to six years of detention and a 50'000 riyal fine for supporting internet forums hostile to the state and for promoting demonstrations.

On 15th October, a Saudi judge sentenced to death a prominent cleric named Sheikh Nimr al-Nimr for advocating for greater rights for the kingdom's Shi'ites. Sheikh Nimr al-Nimr was detained in July 2012 following demonstrations that had erupted in February 2011 in Qatif district, home to many of the country's Shiite minority.

EU – Saudi Arabia Relations & Policy Recommendations

Relations between the EU and Saudi Arabia are mainly based on the Cooperation Agreement 1989 between the EU and the Gulf Cooperation Council (GCC)¹⁸.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Saudi Arabia through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Saudi Arabia, as a member state of the UN:

¹⁸ The Cooperation Council for the Arab States of the Gulf, known as the Gulf Cooperation Council, is a regional intergovernmental political and economic union consisting of all Arab states of the Persian Gulf, except for Iraq. Its member states are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

1. to ratify or accede to the ICCPR, the ICESCR and honour its international human rights obligations;
2. to rise to the expectations and responsibilities of membership of the United Nations Human Rights Council 2014-2017;
3. to appoint an independent commission to explore revision of the Basic Law to bring it in line with international standards;
4. to enact a penal code that defines with clarity criminal offences;
5. to unconditionally release freedom of religion or belief prisoners;
6. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Saudi Arabia, the EU should:

1. review its present relations with Saudi Arabia;
2. consider suspension of talks to conclude a Free Trade Agreement (FTA) with the GCC pending demonstrable progress in human rights, particularly in respect to free speech and freedom of religion or belief;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Saudi Arabia.

Singapore

Singapore is a small and diverse island city-state which seceded from Malaysia in 1965. Its total population is estimated at 5.5 million. Eighty-three percent of Singapore's citizens and permanent residents claim a religious affiliation.

Approximately 42.5% of the population is Buddhist, 14.9% Muslim, 14.6% Christian, 8.5 % Taoist and 5% Hindu. Groups which together constitute less than 5% of the population include Sikhs, Zoroastrians, Jains and Jews. There are no membership estimates for the banned Jehovah's Witnesses and Unification Church.

A multi-racial multi-religious population living in close proximity to one another has made for strong potential for tensions. Religious riots in 1950 and race riots in 1964 explain why maintaining racial and religious harmony has long been a top priority in Singapore. Since its independence, Singapore has avoided major incidents of sectarian violence.

There are currently 26 registered political parties in Singapore. The People's Action Party first formed the Government in 1959 and has won successive general elections ever since. In the 2006 General Elections, it gained 67% of the votes cast and 82 out of the 84 elected parliamentary seats.

Constitutional Framework

The Constitution of the Republic of Singapore is the supreme law of the land. It is a patchwork of provisions drawn from three statutes: the Constitution of the State of Singapore (1963), the Federal Constitution of Malaysia made applicable to Singapore by the Republic of Singapore Independence Act (1965) and the Republic of Singapore Independence Act itself. The Constitution took effect in 1965 with independence.

Part IV of the Constitution enshrines and protects a range of fundamental liberties, including the right to life and liberty, freedom of speech, assembly and association and the freedom of religion. However, these may be restricted by law in the interest of security or public order.

Article 15 of the Constitution states that:

- (1) Every person has the right to profess and practice his religion and to propagate it.
- (2) No person shall be compelled to pay any tax the proceeds of which are especially allocated in whole or in part for the purposes of a religion other than his own.
- (3) Every religious group has the right to manage his own religious affairs, to establish and maintain institutions for religious or charitable purposes and to acquire and own property.

The Constitution also carries specific provisions for the protection of racial and religious minorities. It imposes a responsibility on the government to care for the interests of racial and religious minorities in Singapore.

Singapore has established a strong legal framework consisting of the Maintenance of Religious Harmony Act, the Penal Code, the Sedition Act and the Public Order Act to function as a deterrent against any group attempting to cause racial and religious conflict.

Article 153 makes provision for ‘regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion,’ thereby laying the constitutional basis for the Administration of Muslim Law Act, which provides for a Minister-in-charge of Muslim Affairs. The Singapore government consults the Majlis Ugama Islam Singapura (MUIS) as well as the advisory boards of other religions on matters relating to the respective religious communities.

Under the Community Engagement Programme launched in 2006, the National Steering Committee on Racial and Religious Harmony provides a platform for ethnic, religious, community and government leaders to engage with one other, build networks of trust and formulate strategies to strengthen community interactions.

Legislative Framework and Criminalisation of Conscientious Objection¹⁹

The government of Singapore enforces compulsory military service and does not recognise the right to conscientious objection. Jehovah’s Witnesses who object to military service are subjected to two consecutive prison terms for a total of 39 months of imprisonment. A first refusal is sanctioned by a 15-month term in a military camp and the second refusal by a 24-month prison term as issued by a court martial. Singapore considers that where individual beliefs or actions run counter to the country’s right to national defence, the right of a state to preserve national security must prevail.

Legal recognition of the Jehovah’s Witnesses ended in 1972 when the Singapore government deregistered the group on the grounds that the group’s existence was prejudicial to public welfare and public order (Order Nr 179 of Minister for Home Affairs pursuant to s. 24.1 of the Societies Act). Under the Undesirable Publications Act (Order Nr 123 of Minister of Culture, pursuant to s.3), all Jehovah’s Witness literature was also banned. However, the real reason for the ban is thought likely to be their refusal to perform compulsory military service.

In 2014 about 15 Jehovah’s Witnesses were in prison due to their conscientious objection to military service. This concern has never been raised at the UN Universal Periodic Review for Singapore.

EU-Singapore Relations and Policy Recommendations

Relations between the EU and Singapore are mainly based on:

- EC-ASEAN agreement 1980;

¹⁹ In its General Comment 22, par. 11, the United Nations Human Rights Committee said in 1993 that the right to conscientious objection falls within the scope of Article 18:

“(…) The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one’s religion or belief. When this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service. (...)”

See the full text of General Comment 22 at <http://www1.umn.edu/humanrts/gencomm/hrcom22.htm>.

- Negotiations on a Partnership and Cooperation Agreement;
- Negotiations on a Free Trade Agreement.

HRWF Int'l recommends that the EU put the following issues on the agenda of its relations with Singapore through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Singapore, as a member state of the UN and ASEAN:

1. to ratify or accede to the ICCPR, the ICESCR and honour its international human rights obligations;
2. to uphold Article 15 of the Constitution which guarantees freedom of religion or belief;
3. to establish a provision for civilian service as an alternative to military service for those who cannot conscientiously bear arms due to their religion or belief;
4. to repeal the ban placed on Jehovah's Witnesses under Order Nr 179 of Minister for Home Affairs pursuant to s. 24.1 of the Societies Act and Order Nr 123 of the Minister of Culture pursuant to s.3 of the Undesirable Publications Act;
5. to unconditionally release all conscientious objectors to military service due to their religious beliefs;
6. to stop arresting and imprisoning conscientious objectors to military service.

South Korea

The total population of South Korea is estimated at about 49 million. According to the most recent census (2005), approximately 23% of the population is Buddhist, 18% is Protestant, 11% is Roman Catholic and 47% professes no religious belief. Groups together constituting less than 1% of the population include Won Buddhism, Confucianism, Jeongsando, Cheondogyo, Daejonggyo, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Seventh-day Adventist Church, Daesun Jinrihoe, the Unification Church and Islam. There is also a small Jewish population consisting almost entirely of expatriates.

Constitutional Framework

The Constitution and other laws and policies generally protect religious freedom. There is no state religion, and the government does not subsidise or favour any particular religion. The Constitution states that church and state shall be separate.

According to Chapter II, Article 39 of the Constitution, military service or national service is compulsory for all male citizens.

Legislative Framework and Criminalisation of Conscientious Objection²⁰

The only activity related to the exercise of religious freedom that can result in a prison sentence for South Korean citizens is the refusal to perform military service.

The current Conscription Law, enacted in 1965, applies to all males, aged between 18 and 35. Military service lasts between 21 and 24 months, depending on the branch of service. Conscientious objectors to military service in South Korea are criminally prosecuted, convicted and generally sentenced to 18 months of imprisonment for violation of the Military Service Act Article 88, Paragraph 1.

The South Korean government's refusal to provide an alternative to military service is based on a comprehensive study conducted in 2008 by Professor Jin Seok-yong of Daejeon University. The study proposed various ways for establishing an alternative service system; however, the government highlighted the negative result of a public opinion poll that was included in the study. The poll indicated that 68.1% of South Koreans were against the plan. In interviews with several media sources, Professor Seok-yong contended that the government and the Ministry of Defence had distorted the results of the study²¹.

²⁰ In its General Comment 22, par. 11, the United Nations Human Rights Committee said in 1993 that the right to conscientious objection falls within the scope of Article 18:

“(…) The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief. When this right is recognized by law or practice, there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs; likewise, there shall be no discrimination against conscientious objectors because they have failed to perform military service. (...)”

See the full text of General Comment 22 at <http://www1.umn.edu/humanrts/gencomm/hrcom22.htm>.

²¹ *Hankook Daily*, January 7, 2009, 'Government distorted the study on alternative service,' *News & Joy*, February 15, 2009, 'I feel deceived by the Ministry of Defence'

Conscientious objectors who are called up as reservists face multiple indictments and repeated punishments over an eight-year period for violation of the Homeland Reserve Forces Act (Article 15 Paragraph 9). A reservist is not exempt from being repeatedly called up for the very training that he failed to perform even after paying fines or serving a prison term. Dozens of Jehovah's Witnesses are caught in the cycle of being accused and sentenced to repeated fines and possible prison terms because of the religious beliefs they have come to accept after serving their basic terms in the military. A training call up is issued two or three times a year, even after one has already been penalised for his earlier conscientious objection to it. For example, as of 2011 Mr. Shin had been prosecuted 37 times. His case was rejected by a constitutional court decision in 2010.

Since the 1980's, the UN Human Rights Committee (CCPR), which reviews the implementation of the International Covenant on Civil and Political Rights (ICCPR), has consistently ruled that the right to conscientious objection to military service is protected by Article 18 of the ICCPR and that South Korea is violating the rights of conscientious objectors by convicting and imprisoning them.

On 25th October 2012, the CCPR reaffirmed its position that 'the right to conscientious objection to military service is inherent to the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if the latter cannot be reconciled with the individual's religion or beliefs.' The South Korean government continues to deny the right to freedom of thought, conscience and religion to the hundreds of young Witness men that are imprisoned each year for refusing to bear arms. In so doing South Korea is failing to implement the CCPR rulings.

Even still, one survey reveals a change in societal attitudes in this regard. The Military Manpower Administration Office found in 2011 that 43.5% of those surveyed now agree to the provision of alternative service, whilst now only 54.1% percent object to alternative service. This survey suggests a shift in public opinion since the 2008 survey results were released, when 28.9% supported the adoption of alternative civilian service and 68.1% expressed their objection²².

On 31st August 2014, 562 young Jehovah's Witnesses²³ were serving 18-month prison terms for conscientious objection to military service. From the Korean War period to the present, South Korea has repeatedly prosecuted young Jehovah's Witness men for their refusal to do military service. No provision is made for alternative service. Throughout this time, South Korea has sentenced 18'000 Jehovah's Witnesses to a combined total of 34'700 years in prison for their conscientious objection to military service.

EU - South Korea Relations and Policy Recommendations

Relations between the EU and South Korea are mainly based on the:

- EU-South Korea Framework Agreement 2001;
- EU-South Korea Free Trade Agreement.

²² *Yonhap News*, January 1, 2012

²³ See full list of prisoners here <http://www.jw.org/en/news/legal/by-region/south-korea/jehovahs-witnesses-in-prison/>

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with South Korea through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on South Korea, as a member state of the UN:

1. to honour its international human rights obligations such as the ICCPR and the ICESCR;
2. to establish a system of civilian service as an alternative to military service for those who cannot in good conscience participate in military exercises;
3. to implement the recommendations of the UN Universal Periodic Review and the UN Human Rights Committee concerning conscientious objection to military service;
4. to unconditionally release conscientious objectors;
5. to stop arresting and imprisoning conscientious objectors.

Sudan

In contrast to South Sudan whose majority is Christian, the Republic of the Sudan is overwhelmingly Muslim (97%). The vast majority of the country's population, estimated to be around 35 million, is Sunni and belongs to the Maliki School. However, significant distinctions exist among followers of different Sunni traditions, particularly among Sufi orders. Policies enforcing the systematic repression of all other expressions of religion or belief have been strengthened under the current president, Omar al-Bashir.

One of the mitigating factors in the prolonged civil war in Sudan has been the imposition of severe restrictions on freedom of religion or belief in the southern part of the country. In 1983, President Nimeiri eliminated the country's civil and penal codes in favour of a harsh interpretation of Sharia law. Successor governments have shown no enthusiasm for changing this policy, fuelling secessionist fever that finally led to the creation of the Republic of South Sudan in 2011.

The beleaguered minority religions that still exist with Sudan include indigenous beliefs and various Christian denominations, especially Roman Catholics, Anglicans, Presbyterians and small groups of various Orthodox communities, some long-established and others more recent migrants. There are also several Evangelical Protestant groups in the country.

Curiously, the historical influence of Sufism has had a moderating effect on Islam in the Sudan, making Sudan one of the most tolerant Muslim majority societies in the world.

Constitutional Framework

The Interim National Constitution of Sudan was adopted in 2005 as part of the Comprehensive Peace Agreement that ended the civil war. Its opening articles laud the diverse nature of the Sudanese nation, declaring it to be 'an all-embracing homeland where religions and cultures are sources of strength, harmony and inspiration (Article 3).' The Constitution also prohibits any coercion in respect to religious beliefs or practices: 'No person shall be coerced to adopt such faith that he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent (Article 38).'

Unfortunately, the utopic vision enshrined in the Interim Constitution runs counter to any honest assessment of the state of religion or belief in Sudan today. The Interim Constitution remains in force at the present time, and there is scant hope that a new one would bring improvements to the situation for Sudan's besieged minorities. In 2011, President al-Bashir assured the country that the new Constitution would be an Islamic one and that Sharia would be the chief source of legislation in Sudan's future.

Legislative Framework and Criminalisation of Religious Activities

The Criminal Act of 1991²⁴ remains one of the most important sources of Sudanese law, including provisions that regulate individual and collective religious life. Portions of this act are derived from a particularly strict interpretation of Sharia.

²⁴ See http://www.ecoi.net/file_upload/1329_1202725629_sb106-sud-criminalact1991.pdf

Article 125 addresses public expressions that are considered abusive or injurious toward ‘any religion or its beliefs or sacred symbols.’ Those ruled in violation of this article of the law are subject to six months in prison and up to 40 lashes.

Article 126 punishes the offense of apostasy (*riddah*) with death. Apostasy is defined in the law as whenever someone ‘propagates the renunciation of Islam or publicly renounces it by explicit words or an act of definitive indication.’ Those accused of *riddah* shall be given a time to recant their renunciation of Islam, as determined by the court. If they refuse to recant, they are executed.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

The most famous case is the condemnation of the Christian woman Meriam Ibrahim.

Mrs Ibrahim was arrested on 17th February 2014 after Sudanese authorities were made aware of her marriage to a Christian man. She was detained in Omdurman Federal Women's Prison along with her 20-month-old son. Mrs Ibrahim was charged with adultery under Article 146 and ‘apostasy’ under Article 126 of the Penal Code.

Mrs Ibrahim was born in western Sudan to a Sudanese Muslim father and an Ethiopian Orthodox mother. Her father left the family when she was six years old and she was subsequently brought up as a Christian by her mother. Under Sharia law in Sudan, Muslim women cannot marry non-Muslim men. Moreover, since Mrs Ibrahim’s father was a Muslim, she is considered to be a Muslim, rendering her marriage to Mr Wani invalid.

Mrs Ibrahim testified before the court on 4th March that she is a Christian, showing her marriage certificate, where she is classified as Christian, as proof of her religion.

On 11th May, the Public Order Court in El Haj Yousif Khartoum sentenced her to death for apostasy and 100 lashes for committing adultery.

On 27th May 2014 she gave birth to a baby girl at the prison clinic.

On 23rd June, Meriam Ibrahim and her two children were released from the prison in North Khartoum after an appeal court annulled the death sentence imposed to her. On the next day, about 40 security agents arrested and detained her at the Khartoum airport along with her husband Daniel Wani and their two children as they were preparing to leave for the United States with an American visa. Meriam was freed again after being briefly kept in custody on the condition that she remains in Sudan. The Sudan's National Security and Intelligence Authority lodged a complaint against Mrs Ibrahim accusing her of obtaining a fake travel document.

Finally, on 24th July, Meriam Ibrahim could leave the country. On her way to the United States, she stopped in Rome where Pope Francis met privately with her.

EU – Sudan Relations & Policy Recommendations

Relations between the European Union (EU) and Sudan are mainly based on the Cotonou Agreement (ACP-EC Partnership Agreement)²⁵ – Sudan signed the original agreement but it has failed to ratify the two revisions of the agreement due to the inclusion of a clause encouraging the ACP to take ‘steps towards ratifying and implementing the Rome Statute and related instruments.’

HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Sudan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Sudan, as a member state of the UN and the AU:

1. to honour its international and regional human rights obligations such as the ICCPR, the ICESCR and the African Charter on Human and Peoples' Rights;
2. to uphold Articles 3 and 38 of the Constitution which guarantee freedom of religion or belief;
3. to repeal Articles in the Criminal Act of 1991 and in particular Article 126, which allows for the death penalty for citizens who leave Islam for another religion, that violate freedom of religion or belief;
4. to unconditionally release freedom of religion or belief prisoners;
5. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int’l recommends that if serious systemic human rights violations continue in Sudan, the EU should:

1. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Sudan;
2. initiate a UN Human Rights Council resolution condemning Freedom of religion or belief violations in Sudan.

²⁵ The Cotonou Agreement is an agreement between the members of the African, Caribbean and Pacific Group of States and the European Community and its Member States to establish a partnership, based on three areas of cooperation: development, economic and trade and political.

Tajikistan

The mountainous country of Tajikistan has been home to many ancient cultures and religions. Today its population of 8 million people is quite solidly Muslim (98%) with a large majority Sunni. The remaining 2% of Tajikistanis are a variety of Christians, Buddhists and Zoroastrians.

Tajikistan's recent past has left behind a trail of fear and suspicion. The 1992-97 civil war resulted in tens of thousands of deaths, more than a million refugees and widespread devastation across the country. In the aftermath of the war, severe measures were put in place to monitor and control dissident political parties and religious groups suspected of aiming to overthrow the government. Especially targeted have been Muslim extremist groups operating along the border.

Tajikistanis have traditionally been tolerant toward religious minorities in their country; however, with bitter wartime memories still fresh, government policies aiming to curb extremism are supported by the population at large. The State Committee on Religious Affairs administers a harsh regime of state registration for all religious groups. Any participation in illicit religious activities is subject to heavy fines and detention.

In 2006, the Jamaat Tabligh religious movement was banned by the Supreme Court of Tajikistan. In 2009, the Jehovah's Witnesses were denied re-registration, effectively outlawing their activities.

Constitutional Framework

Tajikistan is an overtly secular state which constitutionally provides for freedom of religion or belief. The Constitution of Tajikistan recognises ideological and political pluralism (Article 8) and guarantees freedom of speech (Article 30). 'The life, the honour, the dignity and other natural human rights are inviolable,' declares Article 5. 'Human rights and freedoms are recognised, observed and protected by the state.'

The above-mentioned Article 8 also states that 'no single ideology, including a religious ideology, may be adopted as the ideology of the state.' Curiously, in 2009 the Hanafi School of Sunni Islam was recognised as the country's official religion.

Other relevant constitutional provisions include equal treatment under the law regardless of religious belief (Article 17) and the right to 'determine [one's] position toward religion, to profess any religion individually or together with others or not to profess any and to take part in religious customs and ceremonies (Article 26).

Legislative Framework and Criminalisation of Religious Activities

In contrast to these constitutional freedoms, individual and collective religious life has been suppressed and regulated by the following legislative documents:

- The Law on the Fight with Extremism (2003);
- The Law on the Observance of Traditions, Celebrations and Rituals (2007);

- The Law on Freedom of Conscience and Religious Associations (2009).

The Law ‘On the Fight with Extremism’ was enacted as a result of concerns regarding an increasing risk of dangerous extremist groups organising within the boundaries of Tajikistan. Whilst some legislation of this nature may have been necessary, the legislation as passed gives vague definitions to the terms ‘extremism’ and ‘extremist activity.’ This ambiguity has made possible the arbitrary application of the law, taking aim at religious groups or individual persons whose beliefs and practices were considered to be incompatible with Tajik culture or values. This legislation has thus been used to justify widespread discriminatory actions carried out by government authorities.

The Law ‘On the Observance of Traditions, Celebrations and Rituals’ regulates, among other things, the number of individuals who may attend certain activities, the activities’ duration and even how much food can be served at particular events. The law applies to religion in that several activities with religious significance are among the traditions, celebrations and rituals which are regulated.

After years of working on the ‘Freedom of Conscience and Religious Association’ law, it was hastily adopted in 2009 after little public discussion and debate. Strong objections to the new legislation have been raised by political opposition parties, religious groups, civil society, the Organisation for Security and Cooperation in Europe (OSCE), the US Commission on International Religious Freedom (USCIRF) and the international community at large. The aim of the law was reportedly to maintain the ‘secular’ nature of the State, but much criticism was lodged regarding its strict regulation of a number of religious activities. These include a ban on public teaching or propagandising of unregistered religious associations, an extensive process by which religious associations may become registered and restrictions on teaching religion to children.

Activities such as sharing one’s faith in the public space and in private, teaching religious beliefs in private or in public without permission from the central organ or a registered religious organisation, carrying out any activity outside the framework of a state-sanctioned religious organisation are all prohibited by law. Believers are usually charged under articles in either the administrative code or the criminal code and fined for their religious activities.

The Code of Administrative Offences of the Republic of Tajikistan contains many articles which restrict freedom of religion or belief and impose fines for various acts. Amendments to the code, made in January 2011, strengthened the government’s influence on religion and belief, especially in the areas of international religious association, production and distribution of religious materials and the religious education of minors.

The Criminal Code of the Republic of Tajikistan (June 2011) contains articles which impose even heavier fines and jail sentences on persons involved in religious activities, reiterating elements of the ‘Fight with Extremism’ law and criminalising allegedly extremist activity. These articles are used to carry out widespread religious discrimination.

Criminal Code of the Republic of Tajikistan (June 2011)

Article 307-1

This article criminalises public calls for ‘extremist activities.’ The punishment for this activity ranges from a fine of 1000 FIs to two years in prison.

Article 307-2

This article criminalises the organisation of any community judged by authorities to be extremist. The punishment for this crime ranges from a fine of 1000 FIs to up to five years in prison.

Article 307-3

This article criminalises the creation of any organisation judged by authorities to be extremist. The punishment for this activity ranges from a fine of 1000 FIs to up to five years in prison.

Article 307-4

This article criminalises the organisation of religious study or training groups judged by authorities to be extremist. The punishment for this crime is imprisonment for a term of between five to 12 years in prison.

**Some Documented Cases of Arrests, Short Period Detentions
and Sentences to Prison Terms**

No believer was arrested and deprived of freedom on grounds of religion in 2014. However, more than 35 Jamaat Tabligh Muslims were arrested in 2010 and subsequently sentenced to prison terms of between three and six years on the grounds of article 307-3 of the Criminal Code which bans extremist religious organisations. Many of them are still in prison.

EU – Tajikistan Relations & Policy Recommendations

Relations between the European Union (EU) and Tajikistan are mainly based on:

- the Partnership and Cooperation Agreement (PCA) 1999;
- the Central Asia Strategy for a New Partnership adopted in 2007;
- the commitment of one billion Euros, as part of the EU's Development Cooperation Instrument for the countries of Central Asia for the period from 2014 to 2020.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Tajikistan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Tajikistan, as a member state of the UN and the OSCE:

1. to honour its international and regional human rights obligations such as the ICCPR, the ICESCR and the OSCE Guidelines on the Legal Personality of Religious or Belief Communities;
2. to uphold Articles 5, 8, 17 and 26 of the Constitution which guarantee freedom of religion or belief;
3. to revise restrictive articles in the law that contain ambiguous language concerning extremism and have been used to suppress peaceful religious activities in Tajikistan as well as other laws that compromise international standards of freedom of religion or belief, specifically in the 2003 Law on the Fight with Extremism, the 2007 Law on the Observance of Traditions, Celebrations and Rituals, the 2009 Law on Freedom of Conscience and Religious Associations and the 2011 Administrative Offenses and Criminal Codes;

4. to ensure that the state religious regulatory authority, the State Committee for Religious Affairs, does not discriminate against religious groups and abides by universal freedom of religion or belief standards in its operations;
5. to unconditionally release freedom of religion or belief prisoners;
6. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Tajikistan, the EU should:

1. review its present relations with Tajikistan;
2. consider suspension of the Partnership and Cooperation Agreement;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Tajikistan.

Tunisia

Of Tunisia's population of 11 million 99.1% is Sunni Muslim. Shia Muslims, Christians, Jews and Baha'is share the remaining 1% of faiths. Eighty-eight percent of Christians are Roman Catholics, amounting to some 5000 members spreading across the country. There are also Protestants, Russian Orthodox, Greek Orthodox, Anglicans, Seventh-day Adventists and Jehovah's Witnesses. About a third of the Jewish population (around 1500) can be found in and around Tunis while another third is located on Djerba Island and Zarzis, a neighbouring town.

Reports of social hostility and discrimination based on religious affiliation, belief or practice are not unknown in Tunisia. Ultraconservative Salafists have attacked churches, synagogues, Sufi shrines and other sites they considered 'un-Islamic.'

While Tunisia's government has tried to take a moderate approach to state regulation of Islamic religious practices as well as toward minority religious groups, it remains to be seen how this will continue to play out in this post-revolution environment.

Constitutional Framework

The 1959 Constitution declared Islam the official religion of Tunisia (Article 1) and stated that the state aspires to 'remain faithful to the teachings of Islam.' Following the Jasmine Revolution, beginning in December 2010, a new government was formed and a new constitution adopted in January 2014. The new constitution recognises Islam as the official religion. It also provides for the freedom of conscience, belief and religious practices (Article 6).

Legislative Framework and Criminalisation of Blasphemy

Tunisian Penal Code

Various provisions of the Tunisian Penal Code are used to prosecute individuals for blasphemy:

Article 121(3) of the Tunisian Penal Code (as added by constitutional law No. 2001-43 of 3 May 2001) states: 'The distribution, putting up for sale, public display, possession with the intent to distribute, sell or display for propaganda purposes, of tracts, bulletins and fliers, whether of foreign origin or not, that are liable to cause harm to the public order or public morals is prohibited. Any infraction of this law can bring about the immediate seizure of the offending material and imprisonment for six months to five years, and a fine of 120 to 1200 dinars (US\$ 84 to US\$ 840).'

Non-Muslims who try to convert Muslims can face prosecution under Article 121(3) since the government regards such activities as 'disturbing the public order.'

Article 226 of the Tunisian Penal Code states that 'whoever is found guilty for offending public morals on purpose will be imprisonment for 6 months and receive a fine of 48 dinars.'

Telecommunications Code

Article 86 of the Telecommunications Code makes ‘harming others or disrupting their lives through public communications networks’ a criminal offence. Speech that is considered blasphemous can be prosecuted on the basis of this article. Anyone charged under this article may face up to two years imprisonment.

Press Code

According to Article 48 of the Press Code, the punishment for insulting or defaming a recognised religion will be imprisonment for three months to two years and a fine.

Article 53 of the Press Code provides for imprisonment for one year and a fine of 120 to 1200 dinars (US\$ 84 to US\$ 840) if the defamation is against a ‘group of persons who belong, by virtue of their origin, to a specific race or a religion’ and if the defamation is to ‘incite hatred.’

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

Jabeur Mejri was arrested on 5th March 2012 on charges of transgressing morality, defamation and disrupting public order. He was convicted under Article 121(3) and 226 of the Penal Code for publishing caricatures of the Prophet Mohammed, including one in which he was naked and one which portrayed a pig sleeping on the Kaaba. On 28th March 2012, a primary court in Mahdia sentenced him to seven and a half years in prison and a fine of 1200 Tunisian Dinars (approximately USD\$ 800). On 25th April 2013, the Court of Cassation upheld his sentence; however, on 4th March 2014, he was granted a presidential pardon and was released.

EU – Tunisia Relations & Policy Recommendations

Relations between the EU and Tunisia are mainly based on the Association Agreement (AA) and the European Neighbourhood Policy (ENP) Action Plan.

HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Tunisia through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Tunisia, as a member state of the UN and AU:

1. to its honour international and regional human rights obligations such as the ICCPR, the ICESCR and the African Charter on Human and Peoples' Rights;
2. to uphold Article 6 of the Constitution which guarantees freedom of religion or belief;
3. to take measures to prevent the misuse of Articles 121(3) and 226 of the Penal Code, Article 86 of the Telecommunications Code and Articles 48 and 53 of the Press Code;
4. to unconditionally release freedom of religion or belief prisoners;
5. to stop arresting and imprisoning people who exercise their freedom of expression on religious or belief issues.

HRWF Int'l recommends that if serious systemic human rights violations continue in Tunisia, the EU should:

1. review its present relations with Tunisia;
2. consider suspending AA;
3. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Tunisia.

Turkmenistan

Turkmenistan has been at the crossroads of cultures and civilisations for many centuries. The city of Merv (near present-day Mary) was one of the great Islamic centres of the medieval world and an important stopover along the Silk Road. During the 19th century Turkmen fiercely resisted Russian encroachment on their territory until the country was finally annexed by the Russian Empire in 1881. It became the Turkmen Soviet Socialist Republic in 1924.

It is difficult to obtain reliable statistics on the religious demography of Turkmenistan today, but most experts place the Muslim population at 89-93%, comprised for the most part of ethnic Turkmen. The great majority are Sunnis; there are also small communities of Shia Muslims living along the border with Iran and the Caspian Sea. Most Muslims in Turkmenistan acknowledge Islam as an essential part of their culture, even if actual religious observance is quite low.

Former president Saparmurat Niyazov initiated a revival of Islamic teaching in public schools and mosques, including instruction in Qur'an and Hadith, Islamic history and Arabic language. President Niyazov is also remembered for having authored the *Ruhnama* (The Book of the Soul), which joined moral guidance, poetry, autobiography and an oddly revisionist history of the Turkmen people. The *Ruhnama* was ordered to be placed alongside the Qur'an in mosques throughout the country. Knowledge of the book was tested when one was examined for employment in the government or for obtaining a driver's license.

Aside from the Muslim Turkmen majority, ethnic Russians and Armenians comprise significant minorities; these are primarily Eastern Orthodox Christians (about 9%). There are also small unregistered groups of Roman Catholics, Protestants, Jews and Jehovah's Witnesses.

The Baha'is have historically been present in Turkmenistan since the country was under Persian control. The first Baha'i house of worship was established in the late 1800s in Ashgabat, the capital city. Baha'i communities nearly disappeared during the Soviet era but attempts have been made to revive them following the dissolution of the Soviet Union in 1991.

Constitutional Framework

Given Turkmenistan's rocky history with its Russian neighbours, it is understandable that its Constitution places great importance on the country's 'inalienable right to self-determination' (see Preamble). The country declares itself to be 'a democratic secular state operating under the rule of law' with the goal of 'protecting [its] national values and interests' (Article 1).

The Constitution 'guarantees freedom of religion and faith and the equality of religions and faiths before the law' (Article 11). This principle is reiterated in the Constitution's affirmation of 'the equality of citizens before the law regardless of... religious preference' (Article 17).

Citizens are also guaranteed 'the right to freedom of conviction and the free expression of those convictions' (Article 26) and the freedom of assembly (Article 27), key provisions for

the free exercise of religion or belief. Indeed, according to the Constitution of Turkmenistan, ‘everyone has the right independently to determine her or his own religious preference, to practice any religion alone or in association with others, to express and disseminate beliefs... and to participate in the performance of religious cults, rituals and ceremonies’ (Article 11).

Nothing could be further from reality for religious groups in Turkmenistan today.

Legislative Framework and Criminalisation of Religious Activities

Turkmenistan’s government is considered by many to be the most isolated and dictatorial regime of the former Soviet Union. It systematically represses all religious expression through a draconian legal structure that is so confining that many religious communities prefer to function underground rather than try to find their way through the procedural labyrinth to secure official government recognition.

A Law on ‘Freedom of Religion and Religious Organisations’ passed in 2003, requiring all religious associations to register with the government and criminalising all operations of unregistered groups. In the face of international pressure, the Turkmen government eased registration requirements in 2004 – reducing the number of adults that are necessary to be eligible for registration – and rescinded criminal penalties for violations (Article 223-2 ‘Violation of Legislation on Religious Organisations’). However, the civil law continues to restrict religious life in the country.

Article 205, Part 2, of the Administrative Code punishes ‘support for or participation in the activity of a religious group or religious organisation not officially registered in accordance with the legally established procedure.’

Gathering for prayer, providing private religious education, disseminating religious materials and proselytising are all illegal acts for non-official groups in Turkmenistan. Heavy fines and administrative detention are imposed on those found in violation of the law. Internet access to most web-based religious sites is blocked and email content is monitored and censored.

The Council on Religious Affairs (CRA) is the government agency that acts as an intermediary between the regime and registered religious organisations. It is composed of Sunni Muslim imams, the head of the Russian Orthodox Church and government appointees – there is no representation of minority religious groups. The CRA controls religious policy and affairs at all levels, including the appointment of senior clerics. It also serves in an advisory capacity to the Ministry of Justice on registration procedures.

In addition, Turkmenistan has denied Jehovah’s Witnesses requests for registration and does not provide an alternative civilian service for those who are conscientious objectors to military service. Indeed, compulsory military service is constitutionally mandated (Article 38). Article 219.1 of the country’s Criminal Code makes the refusal to fulfil this obligation for any reason a criminal offense. Jehovah’s Witnesses have been imprisoned and suffered physical abuse for their religious objection to military service. The penalty for refusal to serve in the armed forces is typically two years in prison.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

Conscientious objectors

On 6th January 2014, 18-year-old Jehovah's Witness Murat Sapargeldyyev of Ashgabad was sentenced under Article 219 Part 1 for objecting to Turkmenistan's compulsory military service. He was given a two-year suspended corrective labour sentence.

On 26th February, 23-year-old Jehovah's Witness Pavel Paymov was sentenced to one year's imprisonment for refusing compulsory military service.

On 6th March, Jehovah's Witness Zafar Abdullaev, a conscientious objector, was freed after completing a two-year sentence.

On 13th March, Jehovah's Witness Atamurat Suvkhanov, a conscientious objector, was released after completing a one-year sentence.

On 7th July, the Kopetdagskyi District Court convicted Merdan Amanov, age 19, to one-year imprisonment under article 219.1 of Turkmenistan Criminal Code for his conscientious objection to military service.

On 25th July, five Jehovah's Witnesses were imprisoned for conscientious objection to military service.

On 22nd October, President Gurbanguly Berdimuhamedov surprisingly amnestied a number of prisoners. Among them were six Jehovah's Witnesses who had been imprisoned for their conscientious objection to military service. The young men, between the ages of 18 and 23, had been detained in the Seydi Labor Colony, located in the Turkmen desert. Merdan Amanov, Pavel Paymov, Suhrab Rahmanberdyev and Amirlan Tolkachev were in the general regime camp. Matkarim Aminov and Dovran Matyakubov were in the more punitive strict regime camp, as they had been reconvicted as 'repeat offenders.'

Fabricated charges

The case of Bahram Shamuradov

On 14th May 2014, police brought Jehovah's Witness Bahram Shamuradov to a police station and pressured him to renounce his faith. They seized his laptop and after 30 minutes they came back and claimed that they found pornographic materials on it. Shamuradov was accused of distributing pornography. On 2nd July, Judge Orazmuradov sentenced him to four years in a general regime labour camp. The 42-year-old Shamuradov was found guilty of distributing pornography under Criminal Code Article 164, Part 2. He denied the charges, claiming the sentence was motivated by his religious activities.

The case of Bibi Rahmanova

On 5th July, Bibi Rahmanova and her husband, Vepa Tuvakov, along with their son went to a train station in Dashoguz to pick up religious literature and personal possessions sent by a friend from Ashgabad. They were accosted by six police officers in plain clothes who demanded to see the contents of their bags. Finding a laptop computer and religious literature of Jehovah's Witnesses, the police began to kick and beat her. On 8th August, Bibi Rahmanova was sent to prison on fabricated charges of 'assaulting a policeman' and 'hooliganism.' On 2nd September, she was freed from prison but not cleared of the charges.

The case of Aibek Salayev

On 25th July, two Jehovah's Witnesses, 35-year-old Aibek Salayev and 42-year-old Bahram Shamuradov, were sentenced to a four-year prison term under fabricated charges and imprisoned.

On the occasion of the 22nd October amnesty, Aibek Salayev and Bahram Shamuradov were released from the general regime camp at Seydi.

EU – Turkmenistan Relations & Policy Recommendations

Relations between the EU and Turkmenistan are mainly based on:

- the Interim Trade Agreement (1998);
- the Central Asia Strategy for a New Partnership adopted in 2007;
- the commitment of one billion Euros, as part of the EU's Development Cooperation Instrument for the countries of Central Asia for the period from 2014 to 2020.

HRWF Int'l recommends that the EU should put the following issues on the agenda of its relations with Turkmenistan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Turkmenistan, as a member state of the UN and the OSCE:

1. to honour its international and regional human rights obligations such as the ICCPR, the ICESCR and the OSCE Guidelines on the Legal Personality of Religious or Belief Communities;
2. to uphold Articles 11 and 17 of the Constitution which guarantees freedom of religion or belief;
3. to revise the 2003 Law on Freedom of Religion and Religious Organisations to further ease restrictions on religious freedom in the country;
4. to establish an alternative civilian service to military service;
5. to unconditionally release conscientious objectors and freedom of religion or belief prisoners;
6. to stop arresting and imprisoning conscientious objectors and people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Turkmenistan, the EU should:

1. review its present relations with Turkmenistan;
2. reconsider the Partnership and Cooperation Agreement (PCA) that is still awaiting ratification by Member States and the European Parliament.

Uzbekistan

The Republic of Uzbekistan has a population of 28.2 million people. An estimated 90% of the population is Muslim. About 5% are Russian Orthodox while 3% profess another form of Christianity. Jews number about 15-20'000.

The majority of Muslim inhabitants adhere to the Sunni branch of Islam. There is a small minority of Shia Muslims who are concentrated in the provinces of Bukhara and Samarkand (about 1% of the population) and only have a few registered congregations throughout the entire country.

Constitutional Framework

Article 61 of the Constitution of Uzbekistan provides for a separation of state and religion and prohibits government interference in religious activities.

The constitution also guarantees basic freedoms of thought, speech and belief. Article 31 guarantees freedom of conscience. Article 29 guarantees freedom of thought, speech and belief, including the right to seek out, obtain and propagate beliefs. Article 52 obliges all citizens to perform military service and provides in theory for an alternative civilian service. Article 18 says that all citizens of Uzbekistan shall have equal rights and freedoms and shall be equal before the law, without discrimination based on religion. Article 57 prohibits the formation of political parties or armed associations which endorse religious hostility.

Legislative Framework and Criminalisation of Religious Activities

Individual and collective religious life is regulated by:

- The Law 'On Freedom of Conscience and Religious Associations' (1998);
- The Decree entitled 'Measures to Improve Order in the Production, Import, and Distribution of Religious Materials' (2014);
- The Law on 'Prevention of Offences' (2014).

The 1998 Law 'On Freedom of Conscience and Religious Organisations' has strengthened government repression of religious activities. The law criminalises all unregistered religious activity, tightly monitors the import and distribution of religious literature, restricts the authorisation of new mosques and prohibits the wearing of religious clothing except for 'those serving in religious organisations.' Minors cannot participate in religious organisations and private instruction in religion is forbidden.

The Decree 'Measures to Improve Order in the Production, Import, and Distribution of Religious Materials' was signed into law on 20th January 2014. It supplements the 1998 law 'On Freedom of Conscience and Religious Associations' and formalises further governmental regulation of religious materials.

The Law on 'Prevention of Offences' entered into force in Uzbekistan on 15th August 2014. In essence, the law formalised what was already happening in practice on a large scale in the country. It prescribed heavier state restrictions on individuals, gave wider powers to state

organisations including Mahalla (local district) committees and included non-state actors, non-commercial public organisations and ordinary citizens as entities encouraged to take part in preventing offenses. In general, this law aids in targeting people who exercise their freedom of religion or belief without state permission.

The Uzbek government has banned certain Islamic organisations, e.g. Hizb ut-Tahrir, Akromiya, Tabligh Jamaat and Said Nursi readers. The criminalisation of religious activities has been justified as necessary to counter the alleged threat of Islamic extremists aiming to overthrow the government. However, the application of the law has led to the widespread suppression of religious minority groups by police and security forces. Hundreds have been arbitrarily arrested and imprisoned under allegations of being members of a banned Islamic political association or unspecified Wahhabi group.

Jehovah's Witnesses have only been able to register one group in Chirchik. Their applications have been repeatedly turned down in Tashkent and other places. Jewish groups have not been allowed either to register in various cities.

Activities such as sharing one's faith in the public space and in private, teaching religious beliefs in private or in public without permission from the central organ or a registered religious organisation or any other activity practised outside the framework of a state-sanctioned religious organisation are all illegal and generally punished by the imposition of heavy fines.

Criminal Code of Uzbekistan

Article 145, Part 2. Violation of freedom of religion

Engagement of juveniles in religious organisations as well as teaching religion to them against their will or will of their parents or surrogate parents shall be punished with fine from 50 to 75 minimal monthly wages or correctional labour from 2 to 3 years or imprisonment up to three years.

Article 156. Incitement of national, racial or religious enmity

Deliberate actions which degrade national honour and dignity, which offend citizens' feelings in connection with their religious or atheist convictions, which are committed with the goal of inciting enmity, intolerance or discord towards population groups based on national, racial, ethnic or religious characteristics, as well as the direct or indirect restriction of rights and the establishment of direct or indirect advantages on the basis of national, racial, ethnic belonging or relation to religion - is punishable by imprisonment for a term of up to five years.

These same actions, committed in a manner which endangers public safety or for other aggravated reasons, are punishable by imprisonment for a term from five to ten years.

Article 201, Part 2: 'Violation of the procedure for holding religious meetings, street processions or other religious ceremony' This is punishable with a fine of between 60 and 80 times the minimum monthly wage, or administrative arrest of up to 15 days;

Article 202: 'Granting to the participants of unsanctioned gatherings, meetings and street demonstrations premises or other property (means of communication, copying and other

machines, equipment, transportation) or the creation of other conditions for conducting such activity' is punishable with a fine of between 50 and 100 times the minimum monthly salary for ordinary citizens, and between 70 and 150 times the minimum monthly salary for officials;

Article 240 Part 1: 'Carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the charter of the organisation, the organisation and conduct of worship by religious ministers and of special children's and youth meetings, as well as vocational, literature and other study groups not relating to worship.' Punishments range from fines of 50 to 100 times the minimum monthly salary to administrative arrest for up to 15 days.

The Criminal Code also provides for prison sentences for:

- creating and participating in illegal religious organisations (Article 216 and Article 216-1);
- deviating from the founding principles of the charter of the religious organisation (Article 216-2);
- organising religious activities for minors (Article 216-2);
- proselytizing (Article 216-2);
- being involved in religious extremism, separatism and fundamentalism (Article 244-2).

Article 216. Illegal organisation of civil associations or religious organisations

Illegal organisation or renewal of activity of illegal civil associations or religious organisations as well as active participation in their activity is punishable with a fine from 50 to 100 minimum wages or either incarceration for up to six months or imprisonment for up to five years.

Article 216-1. An inclination to participation in the activity of illegal civil associations and religious organisations

An inclination to participation in the activity of civil associations, religious organisations, movements and sects which are illegal in the Republic of Uzbekistan, after receiving the administrative penalty for said activity is punishable by a fine in the amount from 25 to 50 minimum wages, corrective work for up to three years, or either incarceration for up to six months or imprisonment for up to three years.

Article 216-2. Violation of legislation on religious organisations

The implementation of unlawful religious activity, the deviation of the leaders of religious organisations from their charter, the organisation and implementation by religious workers or members of a religious organisation of special children or youth meetings as well as labour, literature and other clubs or groups after receiving the administrative penalty for said activity is punishable by a fine in the amount from 50 to 100 minimum wages or either by incarceration for up to six months or imprisonment for up to three years.

Converting believers of one faith to another (proselytising) and other missionary activity after receiving the administrative penalty for said activity is punishable with a fine in the

amount from 50 to 100 minimum wages or either by incarceration for up to six months or imprisonment for up to three years.

Article 217. Violation of rules of religious meetings, street processions and other ceremonies of worship after the administrative penalty for the same actions

Holding any type of religious meeting not authorised by the government is punishable by a fine of two hundred to three hundred minimum monthly wages or arrest up to six months or imprisonment up to three years.

Article 229-2. Violation of the order of instruction of religious teachings

Instruction of religious teachings without special religious education and without permission of a religious organisation's central agency of administration as well as instruction of religious teachings in a private capacity after receiving the administrative penalty for said activity is punishable with a fine in the amount from 50 to 100 minimum wages, corrective work for up to three years or either incarceration for up to six months or imprisonment for up to three years.

Article 242. Organisation of a criminal society

The organisation of a criminal society, that is the creation or leadership of a criminal society its elements, as well as activity, directed towards the guaranteeing its realisation and functionality - is punishable by imprisonment for a term from 15 to 20 years.

The creation of an organised militant group as well as the leadership of such a group or participation in it is punishable by imprisonment for a term from 10 to 20 years.

Article 244-2. Creation, leadership and participation in religious extremism, separatism, fundamentalism or other prohibited organisations

The creation, leadership or participation in religious extremism, separatism, fundamentalism or other prohibited organisations is punishable by imprisonment for a term from five to fifteen years.

These same acts, entailing serious consequences, are punishable by imprisonment for a term from 15 to 20 years.

Article 244-3. Illegal manufacture, storage, import or distribution of religious materials

The creation, storage or importation into Uzbekistan of unauthorized religious materials, after application of the administrative penalty for the same acts, is punishable by a fine of one hundred to two hundred minimum monthly wages or correctional labour of up to three years.

Article 246 Part 1. Smuggling, that is carriage through the customs border without the knowledge of or with concealment from customs control, of materials that propagandize religious extremism, separatism and fundamentalism

The Criminal Code formally distinguishes between ‘illegal’ groups, which are those that are not registered properly and prohibited groups, such as the Islamic political party Hizb-ut-Tahrir, Tabligh Jamaat and other groups branded with the general term Wahhabi. In practice, the courts ignore the distinction between illegal and prohibited groups and frequently convict members of ‘unapproved’ Muslim groups under both statutes.

Moreover, other articles of the Criminal Code that are not related to religious freedom have been used for the purpose of putting an end to the religious activities of various believers:

- Illegal production, purchase, storage and other operations with narcotic drugs or psychotropic substances without the purpose of selling;
- Attempt to change the constitutional order (Article 159, Par. 4);
- Preparation or distribution of materials threatening public security and public order (Article 244-1).

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

In 2014 a number of religious believers that had been previously sentenced remained in prison. Still others were arrested, detained for short periods or sentenced to a prison term²⁶. The following are some examples:

On 11th January 2014, police raided a peaceful religious gathering and arrested Sanobar Bikmullina, a Jehovah’s Witness. She was taken to the police station, where she was subjected to verbal and physical abuse. Bikmullina spent six days in detention in the town of Kagan, Bukhara, before she was released. On 23rd January, the District Court of Kagan ordered her to pay a fine of 480’525 UKS (about US\$ 210) on the basis of the Administrative Code Articles 184-2, 240 Part 1, and 241: Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately.

On 4th February, Tojiddin Latipov was freed after three days of detention without charge for having religious recordings in his electronic devices. Latipov, a Tajik citizen, had been transiting through Uzbekistan when he was taken off the train by the guard. At the same Uzbek border station and in a separate instance, two other Tajik citizens had also been detained without charge for having religious recordings in their electronic devices. A woman and her son had been detained for a month because of a religious sermon found on their laptop.

In late February and early March, seven Said Nursi readers were freed from prison after an amnesty was declared by the president. Authorities banned them from associating freely with each other or with outsiders. The seven Muslims included Muzaffar Allayorov, Shuhrat Karimov, Salohiddin Kosimov and Yadgar Juraev, who were sentenced in Bukhara in April 2009. The other three were named Abdukakhkor (last name unknown), Mirshod (last name unknown) and Mirzo Allayorov, who was the brother of the aforementioned Muzaffar. The

²⁶ USCIRF Annual Report 2014 reproduces a list of 99 Muslims arrested/ sentenced due to their religious activities or affiliation from February 2011 until March 2014. The list was compiled by the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHDRU).

latter were sentenced in Bukhara in 2010 and part of another group of local Nursi readers that had been sentenced to long prison terms.

On 8th April, Zoirjon Mirzayev was given a five-year prison term in Tashkent Region for violation of Criminal Code Article 246 Part 1. Officials had found 29 recordings of Muslim sermons in his mobile phone which they considered ‘extremist.’ Mirzayev was arrested at the train station on his way back to Uzbekistan from Russia where he had been living for nine years.

EU – Uzbekistan Relations & Policy Recommendations

Relations between the EU and Uzbekistan are mainly based on:

- the Partnership and Cooperation Agreement (PCA) 1999;
- the Central Asia Strategy for a New Partnership adopted in 2007;
- the commitment of 1 billion Euros as part of the EU’s Development Cooperation Instrument for the countries of Central Asia for the period from 2014 to 2020.

HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Uzbekistan through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Uzbekistan, as a member state of the UN and the OSCE:

1. to honour its international and regional human rights obligations such as the ICCPR, the ICESCR and the OSCE Guidelines on the Legal Personality of Religious or Belief Communities;
2. to uphold Articles 18, 29, 31 and 61 of the Constitution which guarantee freedom of religion or belief;
3. to review and amend legal provisions which violate freedom of religion or belief, notably various articles in the Criminal Code and in the 1998 law on Freedom of Conscience and Religious Organisations;
4. to repeal the 2014 decree addressing Measures to Improve Order in the Production, Import and Distribution of Religious Materials;
5. to unconditionally release freedom of religion or belief prisoners;
6. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int’l recommends that if serious systemic human rights violations continue in Uzbekistan, the EU should:

1. review its present relations with Uzbekistan;
2. consider suspension of the Partnership and Cooperation Agreement;
3. review its position regarding Uzbekistan’s accession to the World Trade Organisation;
4. call for the United Nations Special Rapporteurs, in particular the Special Rapporteur on Freedom of Religion or Belief, to visit Uzbekistan;
5. initiate a UN Human Rights Council resolution on freedom of religion or belief in Uzbekistan.

Vietnam

Duelling versions of religion in Vietnam has resulted in wildly different pie charts. Official statistics from the Socialist Republic of Vietnam, an atheist state, place 81% of its nearly 93 million citizens in the category of ‘non-belief;’ however, other sources present quite a different picture.

In reality, it is difficult to arrange the Vietnamese people into distinct religious categories, as it is common to follow a syncretistic *mélange* of diverse beliefs and practices. The influence of ‘three teachings’ (*tam giáo*) philosophy remains strong in Vietnamese culture – referring to the blend of Mahayana Buddhism, Confucianism and Taoism. This grouping accounts for more than half of the population, according to US government estimates.

Seven percent of Vietnamese people are Roman Catholics. Protestants account for another 1-2%. Caodaism and Hòa Hảo Buddhism, both movements originating in Vietnam in the twentieth century, claim 2.5-4% and 1.5-3% respectively. A recent resurgence of indigenous spiritual practices has also contributed to the growth of folk religions in Vietnam. There are also smaller religious groups that together make up less than 0.1% of the population, including Hindus, Muslims, Mormons and Baha’is.

The government recognises six religions: Buddhism, Catholicism, Protestantism, Islam, Caodaism and Hòa Hảo Buddhism. Within these religions, various groupings or denominations have been granted official status, bringing the number of state-sanctioned religious associations to more than 30. Even still, stringent registration requirements and other legal restrictions have sharply limited all religious activities for both non-registered and registered groups. Particularly targeted are those groups that are considered a threat to state security and government authority.

In July 2014, Dr Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief, made an official visit to the country, meeting with government officials, local authorities and leaders of religious of belief communities. The mission was cut short, however, when the Special Rapporteur received reports of heavy surveillance, threats and police intimidation of parties that he had planned to interview later on in the visit. Dr Bielefeldt issued a press statement at the conclusion of his mission, indicating the ‘generally dismissive, negative attitude towards the rights of minorities and individuals practising religion outside the established channels.’

Constitutional Framework

The Constitution of the Socialist Republic of Vietnam formally allows freedom of religion or belief. It explicitly prohibits unequal treatment on the basis of religious belief and practice (Article 70) and ensures the right to vote and to stand for election regardless of one’s religion or convictional position (Article 54).

At the same time, it also contains questionable provisions that could undermine religious freedoms. For instance, it empowers the National Assembly to ‘decide on state policies on ethnic minorities and on religion’ (Article 84.5) and restricts religious freedom where it violates ‘state laws and policies’ (Article 70). This ambiguous language allows for the

enactment of legal restrictions that compromise universal standards of freedom of religion or belief.

Legislative Framework and Criminalisation of Religious Activities

Beginning in 1986, Vietnam's government has implemented policies in respect to religion. Key policy documents include:

- Resolution No. 24-NQ/TW Strengthening Religious Affairs in the New Situation (1990);
- Resolution No. 25-NQ/TW Religious Affairs (2003);
- Ordinance on Belief and Religion (2004);
- Decree 22/2005/ND-CP (2005);
- Decree 92/2012/ND-CP (2012), replacing Decree 22/2005.

These legislative actions, whilst containing some improvements in each successive policy, represent nonetheless the tightening of controls by the Vietnamese state on religious freedoms.

The 2004 Ordinance on Belief and Religion guarantees 'the right to belief and religious freedom' (Article 1) and prohibits discrimination on the basis of religion (Article 8.1). It also contains vague and problematic language about the 'abuse' of religion to undermine national unity or 'the nation's fine cultural traditions' (see Articles 15, 16 and 22). The Ordinance also established a registration procedure for all religious activities.

Decree 92 complements the Ordinance by giving authorities broader powers to restrict activities of non-registered groups but also for state-sanctioned groups. Members of non-registered communities, such as house churches or the United Buddhist Church of Vietnam, are prohibited from meeting, routinely harassed and sometimes placed under house arrest.

The 2012 Decree 92 was supposed to be a clarification of Decree 22 of 2005. However, many observers contend that Decree 92, which came into effect on 1st January 2013, preserved the restrictive measures of its predecessor legislation whilst adding new provisions that strengthen state control of religious activities. It expanded eligibility for groups to register, but it also made registration procedures lengthier and exceptionally complicated.

For instance, before a group can apply for legal recognition, it must have been meeting for 20 years and be free from all civil and criminal infractions – a virtually impossible requirement, given the systematic harassment to which religious groups are subjected by authorities. The application process itself takes three years.

Moreover, until a group achieves legal recognition, it is not authorised to preach, practise, choose its leadership or engage in ritual actions. In other words, a group must be practically a *non-group* – nearly non-existent – for at least 23 years before it can be officially sanctioned by the Vietnamese state.

Other relevant legislation does not deal explicitly with religion but provides openings for abuse in terms of its implementation. This includes a cluster of articles in the Penal Code which address anti-socialist propaganda: Article 79 on 'subversion of the administration,' Article 87 on 'undermining national unity' and Article 88 on 'conducting propaganda against the state.' The articles are so vague in their definition that they can be used to criminalise

peaceful religious activities on very ambiguous grounds. Poorly defined ‘abuses’ of democratic freedoms, says Heiner Bielefeldt, are sanctioned by the Penal Code, including ‘abuses’ of religious freedom under the guise of safeguarding state unity and security²⁷.

Vietnamese law further compromises religious freedom by allowing for ‘administrative detention’ without trial under Ordinance 44 (2002) and Decree 76 (2003). These directives have been used against those who are deemed a threat to national security or public order, including people engaged in unauthorised religious activities. Such persons may be detained in state ‘rehabilitation centres’ and mental institutions or placed under house arrest.

Some Documented Cases of Arrests, Short Period Detentions and Sentences to Prison Terms

No believer was arrested and deprived of freedom for exercising his freedom of religion or belief in the framework of Article 18 of the ICCPR. However, four Catholics - Trang A Cho, Giang A Long, Li A Di, Hau A Giang – who were sentenced in December 2012 to prison terms ranging from three to seven years for allegedly aiming at overthrowing the government were still in prison at the end of 2014. In April 2011, they had performed prayer rituals and demanded religious freedom during a demonstration.

EU – Vietnam Relations & Policy Recommendations

Relations between the European Union (EU) and Vietnam are mainly based on:

- Partnership and Cooperation Agreement 2012;
- Negotiations on a Free Trade Agreement (FTA);
- EU-ASEAN relations.

HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Vietnam through the tools set out in the EU guidelines on Freedom of Religion or Belief:

Calling on Vietnam, as a member state of the UN: and ASEAN:

1. to honour its international human rights obligations under the ICCPR and the ICESCR;
2. to uphold Articles 54 and 70 of the Constitution which guarantee freedom of religion or belief;
3. to further strengthen constitutional protections for religious and belief groups by amending provisions which permit state interference in religious affairs, such as in Articles 70 and 84.5;
4. to amend vague language in Articles 79, 87 and 88 of the Penal Code regarding ‘subversion of the administration’ and ‘undermining national unity’ in order to prevent discriminatory practices and abuse of the law toward religious groups;
5. to repeal Decree 92/2012/ND-CP which violates freedom of religion or belief for Vietnam’s citizens on numerous point, notably the imposition of severe registration requirements on religious groups;

²⁷ See “UN expert: Vietnam ‘failing to respect’ freedom of belief (<http://www.dw.de/un-expert-vietnam-failing-to-respect-freedom-of-belief/a-17830729>).

6. to end systematic discrimination against the Unified Buddhist Church of Vietnam, Protestant groups and elements of the Hoa Hao and Cao Dai religions;
7. to unconditionally release freedom of religion or belief prisoners;
8. to stop arresting and imprisoning people who exercise their freedom of religion or belief in the framework of Article 18 of the ICCPR.

HRWF Int'l recommends that if serious systemic human rights violations continue in Vietnam, the EU should:

1. review its present relations with Vietnam;
2. suspend talks on the Free Trade Agreement pending demonstrable change in Vietnam's human rights record;
3. consider suspension of the Partnership and Cooperation Agreement.

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