

Morocco's hidden Christians see Pope trip as chance to push for freedom

– Ahmed Eliechtimi

– Reuters (22.03.2019) – <https://reut.rs/2YlpFXt>– Moroccan converts to Christianity, a tiny minority in an overwhelmingly Muslim country, are looking to Pope Francis' visit next week as an chance to press their demands for religious freedom.

Francis will spend two days in Rabat on his first trip to the North African country from March 30-31 – the first visit there by any pope in nearly 35 years.

He will spend time with Roman Catholics – most of them expatriate Europeans, mainly French, and sub-Saharan African migrants – who are free to worship in churches such as the capital's art deco St. Peter's Cathedral.

But unlike those “foreign Christians”, Moroccan converts say they are forced to worship at home, in secret. Conversion from Islam to Christianity is banned – as it is in many Muslim countries – and proselytizing is punishable by up to three years in prison.

One group backing them – the Moroccan Association for Religious Rights and Freedoms – has already written to the Vatican, raising its concerns, and it is planning a sit-in outside a church in Rabat on the eve of the visit.

“We want laws that protect religious minorities in the country on an equal footing,” the head of the association, Jawad El Hamidy, said.

“We will seize the pope’s visit to put more pressure on the state to protect religious freedoms.”

“NO DISCRIMINATION”

Morocco has marketed itself as an oasis of religious tolerance in a region torn by militancy – and has offered training to Muslim preachers from Africa and Europe on what it describes as moderate Islam.

Government spokesman Mustapha El Khalfi said the authorities did not violate religious freedoms. “There is no persecution in Morocco and there is no discrimination on the basis of faith,” he told reporters when asked about the accusations.

But converts point to the constitution, which formally recognizes the existence of Moroccan Muslims and Jews – but not of Moroccan Christians. They also point to their day-to-day experience.

“When I went to a church to declare my faith, I was told that I was prohibited to do so by Moroccan law,” said a 40-year-old Moroccan Christian who gave his name as Emmanuel and asked not be shown while filmed.

“We call on Moroccan authorities and the Holy Father to seize the opportunity offered by this papal visit to launch a sincere dialogue on religious freedom for Moroccan citizens,” the Coordination of Moroccan Christians, a local lobby group, said.

There are no official statistics, but leaders say there are about 50,000 Moroccan Christians, most of them from the Protestant Evangelical tradition – outnumbering the estimated 30,000 Roman Catholics in the country.

There was no immediate response from the Vatican to the Association’s letter. But the most senior Roman Catholic in Morocco – the Archbishop of Rabat, Cristobal Lopez Romero –

offered his support.

“We as Catholic Christians appreciate that we fully enjoy the freedom of faith but we will be happier if the Moroccan people could also enjoy that,” the Spanish cleric told reporters.

“I would love to be able to become Moroccan without having to change my religion.”

Moroccan court acquits man accused of proselytizing

– Man charged with ‘shaking the faith of a Muslim,’ an offence ‘related to the practice of religion’

– By Anne-Bénédicte Hoffner

– La Croix International (22.03.2019) – <https://bit.ly/2U17nvj>– A Moroccan, Y.G., gave “books of the Gospel,” possibly a copy of the New Testament, to a friend and fellow Moroccan. His friend, a Muslim, filed a complaint, “considering this act an attempt to incite him to convert to Christianity.”

The prosecution decided to charge Y.G. with “shaking the faith of a Muslim,” an offence “related to the practice of religion” enshrined in Article 220 of the Moroccan Penal Code, the news site Media24 reported.

Under Article 220, anyone who “uses means of seduction to shake the faith of a Muslim” or who “employs incitements ... to make him convert to another religion, will incur a sentence

ranging from six months' to three years' imprisonment and a fine of 200 to 500 dirhams (€20 to 50)."

This penalty is also applicable when the suspect tries to convert the other party by exploiting his weakness or needs, or by using educational or health institutions, shelters or orphanages, according to the Moroccan Penal Code.

Released on appeal

On March 28, 2018, Y.G. was acquitted by the local court in Taza, Northwest Morocco. The Royal Prosecutor appealed, and the Court of Appeal handed down its verdict on November 22, 2018, surprising many by upholding the decision of the lower court.

The decision was published in the latter part of February 2019 by the Moroccan media. "Freedom of religion: an important decision by the Taza Court of Appeal," ran the headline on the site of Media24 on Feb. 19.

"Taza Court acquits man charged with proselytising," was the headline a day later in the newspaper *TelQuel*, whose reporter was also able to consult the ruling.

The Appeal Court's decision mentioned the International Covenant on Civil and Political rights, signed by Morocco, which guarantees "freedom to manifest one's religion or convictions."

The mention in the 2011 Constitution of the international conventions signed by the country, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, is a form of recognition of freedom of conscience, one local observer stressed.

"Due to the very firm opposition of two political parties, it could not be formally included in the text of the Constitution adopted in 2001, but in the final analysis, it is present, all

the same, in this way," he explained.

The Gospel, a 'celestial book'

The Appeal Court noted "the absence of any material or moral element" that could constitute an infraction, adding that "the facts show that the accused showed no desire to cast doubt on the faith of a Muslim or to incite him to change his religion," according to the Moroccan press.

And "nothing proves that the accused undertook, in a structured and organized manner, to invite the plaintiff to convert to Christianity," it added.

Moreover, the judge further justified his decision by stating that "Muslims believe in the Gospel," which is one of the "celestial books." The matter falls within the framework of the word of God: "We have made you nations and tribes that you may get to know one another," he concluded, citing the Quran.

A local observer said that in this "spectacular and ambiguous (ruling) one senses a gradual awareness that freedom of conscience is an important right, that it is not because a Christian gives a Bible that he endangers the entire community".

He also noted that a store in the capital, Rabat, sells copies of the Bible in Arabic, albeit under surveillance, but in a perfectly legal manner.

RUSSIA: Two US Mormons

released from custody return home

– RFE/RL (21.03.2019) – <https://bit.ly/2Tob5ui>– Two Mormons who were detained in Russia and accused of violating immigration laws have been released and are returning home to the United States.

Americans Kole Brodowski, 20, and David Gaag, 19, “have been released” and were returning to the United States, Eric Hawkins, a spokesman for the U.S.-based Church of Jesus Christ of Latter-day Saints, said in an e-mail to RFE/RL on March 20.

Russian media reports said the two men had been deported. The regional news site Novaya Kuban quoted unnamed sources as saying they took a predawn flight from the southern city of Krasnodar to Istanbul and would travel from there to New York.

Brodowski and Gaag, described by the church as “volunteers,” were [detained by the authorities](#) on March 1 “while engaged in a meeting at a local meetinghouse” in the Black Sea coastal city Novorossiisk, Hawkins told RFE/RL in a previous statement.

A court in Novorossiisk ruled on March 7 that the two U.S. citizens must be deported for what it called violations of immigration laws.

The detentions come with growing scrutiny within Russia on religious groups that don’t qualify as one of the four formally recognized religions.

Freedom of religion is formally guaranteed in Russia, but the Russian government and the dominant Russian Orthodox Church frown on proselytizing by foreign-based religious communities.

Russian law sets out Orthodox Christianity, Islam, Judaism, and Buddhism as the country's four traditional religions, and other faiths – including U.S.-based Christian communities – often face discrimination or restrictive action by state authorities.

Russia outlawed the Jehovah's Witnesses in 2017, declaring it "extremist," and the group says that seven of its members in Russia were [tortured by law enforcement officers](#) in the Siberian city of Surgut in mid-February.

A Danish Jehovah's Witness, Dennis Christensen, was convicted on February 6 of "organizing the activity of an extremist organization" and sentenced to six years in prison by a court in the western city of Oryol.

In its annual report on human rights around the world, issued on March 13, the U.S. State Department said that human rights abuses in Russia included "severe restrictions on religious freedom."

While in custody, Brodowski and Gaag "were treated very well and maintained regular contact with their families and mission president," Hawkins said in the March 20 e-mail.

"The church is closely monitoring conditions in Russia for all volunteers and will continue to fully comply with Russian law," he said.

The Church of Jesus Christ of Latter-day Saints, also known as the Mormon church, has long been a presence in Russia, with members teaching English classes and proselytizing.

According to church figures, registered Mormons grew from 300 in 1991 – the year the Soviet Union collapsed – to more than 14,000 a decade later. Today, the church claims 23,000 adherents in Russia.

Brodowski was "nearing the end of his service" and would

return home to the state of California, Hawkins said.

Gaag “will return to the United States for a short time, receive any needed support, and then continue his service in a new mission,” he said.

EUROPEAN COURT OF JUSTICE RULING ON DOOR TO DOOR PREACHING AND GDPR

Personal data protection and door-to-door preaching: Jehovah’s Witnesses v. Finland

Judgment of the Court Grand Chamber in Case C-25/17
(<https://bit.ly/2utVBuF>)

A religious community, such as the Jehovah’s Witnesses, is a controller, jointly with its members who engage in preaching, for the processing of personal data carried out by the latter in the context of door-to-door preaching

The processing of personal data carried out in the context of such activity must respect the rules of EU law on the protection of personal data

Press release 103/18 (10.07.2018) – <https://bit.ly/2JfTD6e> –
On 17 September 2013, the Tietosuojavaltuutettu (Finnish Data Protection Supervisor) prohibited the Jehovan todistajat – uskonnollinen yhdyskunta (Jehovah’s Witnesses religious community, Finland) from collecting or processing personal data in the course of door-to-door preaching by its members unless the requirements of Finnish legislation relating to the processing of personal data are observed.

The members of the Jehovah's Witnesses Community take notes in the course of their door-to-door preaching about visits to persons who are unknown to themselves or that Community. The data collected may consist of the name and addresses of persons contacted, together with information on their religious beliefs and their family circumstances. Those data are collected as a memory aid and in order to be retrieved for any subsequent visit without the knowledge or consent of the persons concerned. The Jehovah's Witnesses Community and its congregations organise and coordinate the door-to-door preaching by their members, in particular by creating maps from which areas are allocated between the members who engage in preaching and by keeping records about preachers and the number of the Community's publications distributed by them. Furthermore, the congregations of the Jehovah's Witnesses Community maintain a list of persons who have requested not to receive visits from preachers and the personal data on that list are used by members of that community.

The reference for preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) asks essentially whether that community is required to observe the rules of EU Law on the protection of personal data (*) on account of the fact that its members, when they carry out door-to-door preaching, may take notes re-transcribing the content of their discussions and, in particular, the religious views of the persons whom they have visited.

In today's judgment, the Court of Justice considers, first of all, that door-to-door preaching by members of the Jehovah's Witnesses Community is not covered by the exceptions laid down by EU Law on the protection of personal data. In particular, that activity is not a purely personal or household activity to which that law does not apply. The fact that door-to-door preaching is protected by the fundamental right of freedom of conscience and religion enshrined in Article 10(1) of the Charter of Fundamental Rights of the European Union, does not

confer an exclusively personal or household character on that activity because it extends beyond the private sphere of a member of a religious community who is a preacher.

Next, the Court states, however, that the rules of EU Law on the protection of personal data apply to the manual processing of personal data only where the data processed form part of a filing system or are intended to form part of a filing system. In the present case, since the processing of personal data is carried out otherwise than by automatic means, the question arises as to whether the data processed form part of, or are intended to form part of, such a filing system. In that regard, the Court finds that the concept of a 'filing system' covers a set of personal data collected in the course of door-to-door preaching, consisting of the names and addresses and other information concerning the persons contacted, if those data are structured according to specific criteria which, in practice, enable them to be easily retrieved for subsequent use. In order for such a set of data to fall within that concept, it is not necessary that they include data sheets, specific lists or other search methods.

The processing of personal data carried out in connection with door-to-door preaching must therefore comply with the rules of EU law on the protection of personal data.

As regards the question as to who may be regarded as a controller of the processing of personal data, the Court states that the concept of 'controller of the processing of personal data' may concern several actors taking part in that processing, with each of them then being subject to the rules of EU law on the protection of personal data. Those actors may be involved at different stages of that processing of personal data and to different degrees, so that the level of responsibility of each of them must be assessed with regard to all the relevant circumstances of the particular case. The Court also states that no provision of EU Law supports a finding that the determination of the purpose and means of

processing must be carried out by the use of written guidelines or instructions from the controller. However, a natural or legal person who exerts influence over the processing of personal data, for his own purposes, and who participates, as a result, in the determination of the purposes and means of that processing, may be regarded as a controller of the processing of personal data.

Furthermore, the joint responsibility of several actors for the same processing, under that provision, does not require each of them to have access to the personal data concerned.

In the present case, it appears that the Jehovah's Witnesses Community, by organising, coordinating and encouraging the preaching activities of its members participates, jointly with its members who engage in preaching, in determining the purposes and means of processing of personal data of the persons contacted, which is, however, for the Finnish court to verify with regard to all of the circumstances of the case. That finding cannot be called into question by the principle of organisational autonomy of religious communities guaranteed by Article 17 TFEU.

The Court concludes that EU law on the protection of personal data supports a finding that a religious community is a controller, jointly with its members who engage in preaching, of the processing of personal data carried out by the latter in the context of door-to-door preaching organised, coordinated and encouraged by that community, without it being necessary that the community has access to those data, or to establish that that community has given its members written guidelines or instructions in relation to the data processing.

(*) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31) read in the light of Article 10 of the Charter of Fundamental Rights of the

European Union.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.