

MEXICO'S top court to vote on gay marriage in Yucatan state – other states could follow

by Christine Murray

If the Supreme Court orders Yucatan state to legalize same-sex marriage, other states across Mexico could follow

Openly News (24.02.2021) – <https://bit.ly/3bBUUou> – Mexico's top court is due to vote Wednesday whether to order the state of Yucatan to legalize gay marriage, a move that would open the door to similar judgments elsewhere in the country.

The Supreme Court in 2015 said that banning gay marriage was unconstitutional, but many states have yet to amend their laws. Some allow same-sex unions while in others gay and lesbian couples must ask a judge to approve their application to marry.

The state Congress in southeastern Yucatan rejected a 2019 initiative to allow equal marriage – a decision that LGBT+ rights group Colectivo por la Proteccion de Todas las Familias en Yucatan (Colectivo PTFY) is now challenging.

“It would be a historic, social revindication after more than 20 years of different organizations ... fighting for this cause in the Yucatan,” Kalycho Escoffie, a lawyer with the

collective, told the Thomson Reuters Foundation.

An increasing number of countries in traditionally Catholic Latin America have legalized same-sex marriage. Gay couples can now marry in Costa Rica, Argentina, Ecuador, Brazil, Colombia, Uruguay and in some states in Mexico.

If the Supreme Court decides on Wednesday that Yucatan must legalize same-sex unions, similar cases could be brought in the remaining 11 of Mexico's 31 states that do not allow gay marriage, Escoffie said.

LGBT+ people in Mexico face discrimination in access to education, work and health and families with same-sex partners who cannot marry are blocked from a range of rights and social benefits.

About 3% of people surveyed told Mexico's statistics body in 2017 that they were not heterosexual, although government anti-discrimination body CONAPRED said the true number is likely to be higher.

Photo credits: Openly News / Thomson Reuters Foundation

INDONESIA: Aceh, 80 public flogging of two young gay men

During the flogging, the two, in their 20s, shouted and begged for mercy several times. The mother of one of them passed out on hearing the cries of her son. A “show” that has raised criticism from activists and human rights NGOs. For local officials, sharia-based verdicts must be applied and cannot be waived.

Asianews / Agencies (29.01.2021) – <https://bit.ly/3clrexP> – A homosexual couple from Aceh, the most conservative Indonesian province and the only one in which Islamic law is in force, were flogged 80 times in a “public show” that has raised criticism from activists and human rights NGOs. The execution of the sentence took place yesterday: both had been sentenced to 80 blows for acts contrary to Islamic morality (relations between people of the same sex).

The authorities refused to reveal the identity of the two, who repeatedly screamed in pain during the lashes, begging the executioner for mercy. The officers called to enforce the verdict continued regardless of the shouts, hitting them on the back with a rattan stick. In a moment of pity, the officers stopped the flogging to allow the two young men, in their twenties, to quench their thirst and then resume with the blows.

During the execution of the sentence, the mother of one of the two passed out hearing the screams of pain and the pleading of her son.

Public official Heru Triwijanarko stresses that sentences under the sharia are final and cannot be waived. The two had been arrested in November, after the landlord of the house they had rented found them half naked in a room. Also

yesterday four other people, between 17 and 40 years old, were whipped for drinking alcohol or meeting “people of the opposite sex”.

In the past, activists and human rights groups have called for a moratorium on flogging and President Joko Widodo himself has said he is against this type of punishment. However, it enjoys broad support from the majority of the local population.

About 98% of Aceh’s five million residents are Muslims. Sharia law came into force around 2005 following a peace agreement between Jakarta and the Movement for the liberation of Aceh (Gam), an Islamic separatist group. According to Islamic law, even “**hugging**” is part of a series of crimes (such as **gambling**, alcohol consumption or **extramarital affairs**) punishable by a specific number of whips. Article 63 of the Local Penal Code (Qanun Jinayat) **prohibits** homosexual practices, considering them acts of sodomy.

In the rest of the country, same-sex relationships are allowed, if they are over the age of consent.

Photo credits: AsiaNews / Agencies

POLAND strict anti-abortion law: Near total ban – Thousands of people take to streets

Euronews with AFP, AP (28.01.2021) – <https://bit.ly/39tFrqU> – New anti-government protests broke out in Polish cities on

Wednesday, shortly after the country's top court confirmed its highly divisive ruling that will further tighten the predominantly Catholic nation's strict anti-abortion law.

The ban on abortions in nearly all circumstances is to come into effect after the law was published in the Official Gazette on Wednesday.

Thousands of people gathered outside the court building in Warsaw in the evening, responding to calls for new protests by women's groups who masterminded weeks of massive demonstrations last year against the initial ruling in October.

Protesters later marched through the city centre to the ruling party's headquarters with signs of the leading "Women's Strike" group and pro-LGBT rights rainbow flags.

Protests were also held in many other cities, under a heavy police presence. More demonstrations are planned for Thursday.

Delayed law takes effect

The law, originally passed in October, was subsequently delayed due to widespread protests throughout the country against the measure, which took place amid the coronavirus pandemic and saw clashes between demonstrators and police. No violence was reported at Wednesday's protests.

Poland's ruling conservative government said on Twitter: "The Constitutional Court presented a written justification of the ruling on the protection of life. In accordance with constitutional requirements, the ruling will be published today in the Official Gazette."

The Constitutional Court, which was reformed by the religious, conservative Law and Justice Party (PiS), has banned abortions of fetuses with congenital defects. Termination of pregnancy will now be allowed only if the woman's health is threatened or if the pregnancy is the result of a criminal act, such as rape or incest.

Critics argue that it narrows the already tight law to a near total ban of abortions.

Poland already had some of the strictest abortion laws in the European Union. Even before the ruling, many Polish women sought abortions in neighbouring Germany or the Czech Republic.

An estimated 200,000 abortions are performed illegally or abroad every year, according to feminist organisations.

The main opposition Civic Platform party condemned the court's move Wednesday as "a provocation" by the ruling party Law and Justice (PiS). It is widely seen as having undue influence on the judiciary following reforms it passed affecting the way judges are appointed.

Leader Borys Budka attacked the decision on Twitter, accusing Jarosław Kaczyński, leader of PiS and deputy prime minister, of using the ban to “cover up the traces of the government’s defeat in the fight against COVID” and “the failure of the vaccination programme”.

Another opposition leader, Władysław Kosiniak-Kamysz, tweeted urging the government to “save the economy, don’t set Poland ablaze.”

New law fails to deter activists

The government announcement led to immediate calls for activists to take to the streets in Warsaw and across the country.

“We urge everyone to take to the streets...Express your anger as you see fit,” Marta Lempart of the Women’s Strike, the main movement behind the protests, told reporters on Wednesday.

“The whole of Poland is mobilising, not just Warsaw, we are ready! When we talk about women’s hell, we can now talk about government hell,” added Klementyna Suchanow, also from the movement.

The new law was made in response to a motion from over 100 ruling party lawmakers, whose names have not been made public.

The unrest shows growing discontent among many Poles with the right-wing government, which has been criticised by European officials and politicians for eroding democracy.

Photo credits : AP Photo/Czarek Sokolowski

CHINA-EU: Experts Demand Suspension of EU-China Investment Deal

By Maik Baumgärtner & Ann-Katrin Müller

Spiegel International (25.01.2021) – <https://bit.ly/3ct1Iaf> – *More than a hundred experts are demanding an end to the EU-China investment agreement, DER SPIEGEL has learned. They name serious human rights violations and the suppression of democracy movements in China as the reasons.*

A broad front in opposition to the deal has developed over the last several days. More than 100 renowned China experts, researchers and human-rights activists across the globe are calling for a suspension of the EU-China Comprehensive Agreement on Investment (CAI). At least for now.

“Despite evidence of ethnic cleansing, forced labor, and other gross human rights violations, the leadership of the European

institutions have chosen to sign an agreement which exacts no meaningful commitments from the Chinese government to guarantee an end to crimes against humanity or slavery," reads the open letter to EU institutions, which was provided to DER SPIEGEL prior to publication.

On Dec. 30, European Commission President Ursula von der Leyen announced the successful conclusion of seven years of negotiations with China. "Today's agreement is an important landmark in our relationship with China and for our values-based trade agenda," von der Leyen said.

The agreement is to improve access to the Chinese market for European companies and ensure fair competition. The agreement has not yet entered into force and must still be ratified by the European Parliament. The signatories to the open letter are eager to prevent ratification.

The deal is "based on a naïve set of assumptions about the character of the Chinese Communist Party," the letter reads, and "entrenches Europe's existing strategic dependency on China and runs counter to Europe's core values." Even the current degree of dependency, the authors write, is "alarming." They argue that Chinese state-owned companies took advantage of the period following the 2008 financial crisis "to buy substantial stakes in key European infrastructure."

Arguments presented by supporters of the investment deal, who say that China was forced to make significant concessions on labor rights during the negotiations, are rejected out of hand by the authors of the open letter. The concessions are "so

vague as to be essentially useless," they write.

"Immediately Withdraw"

"Furthermore, it is delusional to imagine that China will keep promises on these issues of investment and trade when it has broken its promises so regularly in recent years," the letter reads. As examples, the authors cite the suppression of the pro-democracy movement in Hong Kong, forced labor camps for the Muslim Uighur minority, the most recent sanctions Beijing has imposed on Australia and sabre rattling in the direction of Taiwan.

Among the signatories are researchers from the London School of Economics and from Princeton University in addition to Dolkun Isa, president of the World Uyghur Congress, who lives in Germany. Former Italian Foreign Minister Giulio Terzi di Sant'Agata and Harriet Evans, a professor at the University of Westminster and an expert in gender and human rights issues in China, have also joined the effort.

The signatories are calling on the European Union "to immediately withdraw from the China-European Union Comprehensive Agreement on Investment" and to place any further negotiations on hold until "substantial and verifiable" progress has been made on the human rights situation in the country.

Andreas Fulda, one of the initiators of the letter and a senior fellow with the Asia Research Institute at the University of Nottingham, says: "The European Commission is acting as though it is possible to separate politics and the

economy, which in the case of China is impossible.”

China expert Mareike Ohlberg, a senior fellow with the Asia Program of the German Marshall Fund, likewise accuses Brussels of ingenuousness. “They are trying to sell the agreement as a success. It has thus become apparent that there is a lack of understanding about China’s reliability as a treaty partner.”

Jakub Janda, director of the European Values Center in Prague, believes Europe’s sovereignty is in danger and is also critical of Germany’s role in the negotiations. “Germany pushed for the agreement within the EU, thus prioritizing the egotistical greed of certain companies above Europe’s geopolitical security.”

The European Commission believes that the treaty will be completed by the beginning of 2022. The precise text is to be made public soon.

Picture credits : Johanna Geron / Reuters

NORTH KOREA: Kim Jong-un bans South Korean style music and TV

AsiaNews (21.01.2021) – <https://bit.ly/3pjhiZk> – *A new law against “reactionary thinking” has been in place for some*

time. Fines for parents who allow their children to have fun with music; 15 years in prison for those who watch southern television; life sentence for non-registered foreign cell phones; death penalty for products imported from the US and Japan.

North Korean leader Kim Jong-un is carrying out a campaign that bans listening to music, watching soap operas on TV, and expressing oneself in South Korean style, under pain of high fines or imprisonment. It is yet another attempt to combat "reactionary thinking", and to privilege the national (and controlled) media.

The law provides fines for parents for allowing their children to violate the ban. Up to 15 years in prison in forced labor camps are imposed for those caught watching South Korean television; for those who produce or distribute pornography, for those who use unregistered foreign televisions, radios, computers, cell phones.

According to some sources, Southern-style writing and speaking is also prohibited. The Daily NK, a Seoul-based agency that monitors the North, says anyone caught importing prohibited material from South Korea faces life imprisonment. and whoever imports it from the United States or Japan faces a death sentence.

Various experts see in this new law and in the harsh punishments connected with the government's attempt to curb information that comes from outside, including from China, which is gaining more and more respect, especially among young

people.

Tae Yong-ho, the first North Korean exile elected to the Southern Parliament, said: “During the day the people shout ‘Long live Kim Jong-un’, but at night everyone watches South Korean dramas and films”.

An important fact is that, while information is blocked from the outside, Kim Jong-un promised **at the recent party congress** to expand the wifi network throughout the country and improve local television production.

Picture credits : AsiaNews

FRANCE: Anti-Extremism Law – State Council shares scholars’ concern

Administrative liquidation, harassment of groups labeled as “cults,” total ban on home-schooling are deemed as being against the French Constitution

by Massimo Introvigne

The Palais Royal in Paris, home of the State Council (credits)

Bitter Winter Int'l (08.12.2020) – <https://bit.ly/2ItkeTb> – French Council of Ministers will examine on December 8 the controversial draft law against “religious extremism.” I am among the authors of a White Paper arguing that, while some provisions of the draft law make sense in a country plagued by terrorism using ultra-fundamentalist Islam as its ideology, several provisions are dangerous for religious liberty. *Bitter Winter* also called the attention on the religious freedom problems of the text.

The Conseil d'État, the French State Council, is the highest legal advisory body in France. Draft laws are submitted to its exam. The Council's opinions are not binding, but a law passed ignoring them is exposed to the serious risk of being declared unconstitutional.

Bitter Winter has seen a copy of the 67-page opinion of the Council of State. It raises several technical and constitutional objections against several articles of the draft law, while supporting other articles. The opinion insists on a general principle, that religious leaders and believers cannot claim a “religious exemption” when they breach common laws, yet they cannot be submitted to obligations not imposed on other citizens. This principle is applied, inter alia, to freedom of expression and opinions expressed in sermons in places of worship and in religious literature. They cannot include hate speech or other contents generally forbidden in France, but the law cannot impose on preachers and publishers of religious brochures obligations heavier than those applied to all French citizens.

On the four points raised in the White Paper and by *Bitter Winter*, the State Council intervenes with specific advice, confirming that the objections raised by scholars of religion are well-founded and have been heard.

First, the draft law included what amounted to a general ban of homeschooling, with minimal exceptions. While not judging the whole part of the draft law as unconstitutional, the State Council raised "serious objections," and recommended to list a number of cases in which homeschooling will remain permissible, based on an authorization by the school authorities to be granted on a yearly basis. While the family's religious belief per se is not among the reasons generally allowing homeschooling, the Council specifies that its reference to the best interest of the student should allow for "quality educational project" of homeschooling to continue.

Second, we objected on the provision allowing the administrative authorities to shut down places of worship where sermons and activities promote "discrimination," and not only "terrorism" or "violence". The State Council recommends, as we did, that "the reference to the promotion of 'discrimination' in the draft law as ground to shut down a place of worship should be eliminated. The definition is too uncertain, and the risk is to unduly broaden the scope of the provision," thus violating the Constitutional and international principle of religious liberty.

Third, we regarded as the single most dangerous provision of the draft law the introduction of a swift administrative liquidation of religious organizations, not only when they promote terrorism or violence, but also when they exert "psychological pressures" on members, or incite or commit "acts against human dignity." Just as we observed in *Bitter Winter* and in the White Paper, the State Council notes that "the principle of human dignity has a moral dimension that may be the object of conflicting interpretations" (we mentioned the examples of religiously based opposition to abortion and same-sex marriage, but many others come to mind), and that "considering the serious risk of violating the principle of freedom of association, the State Council suggests to exclude

the 'acts against human dignity' from the reasons allowing the legal dissolution of an association."

Similarly, the State Council recommends eliminating the reference to "psychological pressures" as too vague and in turn dangerous for religious liberty. The State Council understands perfectly that this provision in the draft law may "target the cults (sectes) and similar movements," but notes that France has a legislation against "cults" allowing the dissolution of their associations—not through an administrative order, however, but after a "final conviction in a court of law in a criminal case."

Fourth, we criticized Article 38 of the draft law, and the possibility for the administrative authorities to prevent French religious entities from receiving financial support from abroad in case of a serious threat to a "fundamental social interest." The State Council believes that the provision is not unconstitutional, but only if the "fundamental social interest" is defined as a "threat real, current, and very serious" to the social order. This is a step ahead, but too much will still be left to the appreciation of the administrative authorities. Today we published an article by Alessandro Amicarelli on this subject, which would hopefully shed more light on the problems of Article 38.

The State Council's comments appear to be inspired but by commonsense and by an awareness of the domestic and international criticism of provisions dangerous for religious liberty. We may only hope the Council of Ministers will follow them.