

# Legal battle over Marvel comic gay kiss in Brazil

CNA (08.09.2019) – <https://bit.ly/2kDFwku> – In a fresh legal twist, a Brazilian court has allowed the evangelical mayor of Rio de Janeiro to confiscate books with LGBT content he considers “inappropriate” for minors, sparking fears over censorship and discrimination.

Saturday’s (Sep 7) ruling suspends an interim injunction which had blocked the mayor from trying to ban a Marvel comic book on sale at the Rio book fair which shows a kiss between two male superheroes.

Ultra-conservative mayor Marcelo Crivella had ordered the book removed from sale because of its “sexual content for minors.”

Crivella – a former bishop in the giant Universal Church of the Kingdom of God – was elected Rio’s mayor in 2016, promising to bring law and order to a city beset by crime.

The drawing that sparked the mayor’s ire showed the Marvel superhero characters Wiccan and Hulkling exchanging a kiss, fully dressed.

Crivella’s move backfired as copies of “Young Avengers: the Children’s Crusade” quickly sold out after he demanded it be withdrawn from the book fair, organizers told AFP.

Popular Brazilian YouTuber Felipe Neto, who has more than 34 million subscribers to his channel, also bought 14,000 books on LGBT themes and distributed them free at the fair in protest.

The image of the Marvel comic kiss was also on show Saturday at news kiosks across the country, printed on the cover of the Folha de S. Paulo, Brazil's largest national newspaper.

### **'Discriminatory Ruling'**

But on Saturday afternoon, the president of the Rio de Janeiro Court of Justice suspended the injunction, endorsing the actions of the mayor's office.

For Judge Claudio de Mello Tavares, it was not expected that a superhero comic would address issues of sexuality so it should come with a content warning.

"Because it is a superhero work – attractive to a juvenile audience – which addresses the issue of homosexuality it is necessary that parents be duly alerted" before deciding "whether or not the text fits their vision of how to educate their children," Tavares argued in his ruling.

The organizers of the book fair, which ends Sunday, said they would appeal to the Supreme Court to reverse the ruling.

Publishers and writers accuse the mayor of wanting to censor content.

The mayor's actions, and the judicial decision, may violate freedom of expression and discriminate based on sexual orientation, said constitutional law specialist Michael Mohallem, of the Getulio Vargas Foundation.

"Since the decision seems to be specifically aimed at prohibiting the circulation of magazines that show gay kisses (rather than any other), my interpretation is that it is motivated by discrimination, both by the mayor and the judge," Mohallem said.

Brazil's Supreme Court in June voted to criminalize homophobia, classifying it as a crime similar to racism.

It was an important step for sexual minorities in one of the most dangerous countries for LGBT people in the world but was criticized by far-right President Jair Bolsonaro, who has a history of homophobic remarks.

Brazil had already legalized same-sex marriage.

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# TURKEY/EUROPEAN COURT: Registration of a Seventh-Day Adventist organization rejected

*Altınkaynak et autres c. Turquie (no. 12541/06)*

Strasbourg Consortium (15.01.2019) – <https://bit.ly/2T1i800> – Applicants are six Turkish nationals who attempted, in September 2004, to register a religious organization, Tükiye Yedincigün Adventisterli Vakfı (Foundation of the Seventh-day Adventists) in Istanbul. The tribunal of the first instance rejected their demand, judging that the objective of the organization was to meet the religious needs of people embracing the faith of Seventh-day Adventists and that this was contrary to provisions of the Turkish Civil Code prohibiting the establishment of foundations whose purpose is to support members of a particular community. The judgment was upheld in further court action.

The applicants brought the case before the European Court of Human Rights alleging violations of Articles 9, 11, 14, 17, and 18 in the abridgment of their rights to freedom on thought/conscience, freedom of peaceful assembly, and in contravention to prohibitions against discrimination, destruction of Convention rights and freedoms, and application of restrictions for unprescribed purposes.

In its judgment of 15 January 2019 the Court decided to

examine the applicants' complaints under Article 11 only and, finding a violation of their right to freedom of (religious) assembly, awarded EUR 2,724 (pecuniary damage), EUR 3,000 (non-pecuniary damage), and EUR 3,000 (costs and expenses) to the applicants jointly.

Court decision and other documents available at:  
<https://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=597>

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# **CHINA: Roundtable discussion at the European Parliament about religious freedom (video)**

On the occasion of Human Rights Day (10 December), Human Rights Without Frontiers (HRWF) in collaboration with EU Reporter has held a roundtable discussion at the European Parliament about religious freedom in China. China is regarded as one of the worst offenders of this human right as one million Uyghur Muslims are in re-education camps, crosses have been removed from the top of Catholic churches, Protestants are under heavy pressure and are often put in prison, over 1,200 Church of Almighty God members are now in prison, and more than 2,000 Falun Gong practitioners are now in prison ([see database of prisoners here](#)). Furthermore, all believers who are arrested often face physical and mental torture and are forced to recant their faith if they want to get released.

## **Human Rights Without Frontiers calls upon China**

- to put an end to the detention of Uyghur Muslims and believers of all faiths in re-education camps;
- to respect its international obligations concerning freedom of religion or belief;

## **Human Rights Without Frontiers calls upon the international community, including the European Union,**

- to press China to respect the individual right to have a religion, to manifest one's religion in public and in private, to create religious associations, to peacefully worship and assemble for religious purposes;

- to grant political asylum to any Chinese citizen persecuted in his country because of his/her faith and not to deport them back to China.

### **Program of the video (about 25 minutes)**

MEP Zdechovsky (EPP): 00.00 – 09.05  
Lea Perekrests (HRWF): 11.00 – 12.45  
Willy Fautre (HRWF): 12.45 – 16.00  
Dr Zsuzsa Anna Ferenczy: 16.05 – 22.00  
Lea Perekrests (HRWF): 22.00 – 23.00  
Dr Zsuzsa Anna Ferenczy: 23.00 – 25.14  
Willy Fautre (HRWF): 25.14 – 25.35

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**CHINA: Burial site forcibly excavated for being**

# **“unattractive” (videos)**

*Authorities in the southeastern province of Fujian leveled nearly one thousand ancestral graves, severely injuring a woman in the process.*

By Lin Yijiang

In a new low for the Communist Party, authorities in Fujian recently clamped down on a burial site, which is located at the Niushan Mountain, next to the Changle International Airport serving the province's capital Fuzhou.

In a bid to beautify surroundings near the airport, the graves were not only excavated but leveled as well. It all started in mid-September when the villagers nearby received a notice to dig up the graves and remove the tombs buried at the site.

Ancestral graves are important for the Chinese since they are associated with filial respect and reverence for one's elders. For this reason, the graves are looked after meticulously. Even a blade of grass should not be plucked as it can have a bearing upon the fortunes and feng shui of the family of the deceased.

The locals felt that to obey the notice would be extremely disrespectful to the deceased and their families. They refused to oblige and made repeated visits to the village's Party committee, where they would try to reason with the officials.



However, the village chief was helpless too. "Officials saw the graves while aboard an airplane and said it affected the area's appearance," he said. "So, they demanded that the graves on the mountain be dug up. This is an order from above. I cannot do anything."

A month later, the local authorities dispatched public security officers and armed police to the mountain. They came armed with electric batons and tools for the excavation. Some villagers stood on the top of the graves to block the work, but they were forcibly pushed aside.

Li Yu (pseudonym), one of the villagers, pleaded with the officers to allow her to see her father's grave for one last time. She was given a few minutes, and the excavator got to work on her father's grave again. In the process, a large rock fell on her right foot and broke it. Blood gushed out from her foot, and when she and her relatives cried for help, none of the few dozen officers on site came to help her.

[VIDEO: Li Yu's right foot was smashed and broken. \(Warning: This video contains disturbing footage.\)](#)

The diggings continued for several days, and by the end of it, authorities had their way: the villagers were forced to take away the excavated remains of the deceased.

[VIDEO: The excavator forcibly digs up the graves.](#)

Still grieving the loss of the burial site, a local resident said, "It is our parents who gave us life and raised us. Now we can't even protect the ashes of our ancestors. How can I let them down like this?"

Another villager said, "When the deceased are laid to rest, it brings comfort to the souls of the living. It is utterly heartless to dig up ancestral graves." An elderly man added that it was a taboo to dig up graves, "Only the CCP is capable of such barbaric law enforcement."

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# UNITED KINGDOM: Ashers 'gay cake' row: Bakers win Supreme Court appeal

*The Christian owners of a Northern Ireland bakery have won their appeal in the so-called "gay cake" discrimination case.*

BBC (10.10.2018) – <https://bbc.in/2pXYimf> – The UK's highest court ruled that Ashers bakery's refusal to make a cake with a slogan supporting same-sex marriage was not discriminatory.

The five justices on the Supreme Court were unanimous in their judgement.

The high-profile dispute began in 2014 when the bakery refused to make a cake with the slogan "Support Gay Marriage".

The customer, gay rights activist Gareth Lee, sued the company for discrimination on the grounds of sexual orientation and political beliefs.

But the bakery has always insisted its objection was to the message on the cake, not the customer.

Ashers lost the case and the subsequent appeal, but on

Wednesday the firm won its appeal at the Supreme Court.

The legal battle – which has lasted four-and-a-half years and has cost nearly £500,000 so far – has raised questions over equality and freedom of conscience.

Ashers bakery's general manager Daniel McArthur said he was delighted and relieved by the ruling.

"I know a lot of people will be glad to hear this ruling today, because this ruling protects freedom of speech and freedom of conscience for everyone," Mr McArthur said outside the court.

Mr Lee said the case had made him feel like a second-class citizen and that he was now concerned about "the implications for all of the gay community".

"To me, this was never about conscience or a statement. All I wanted to do was to order a cake in a shop," he said.

Northern Ireland's Attorney General John Larkin welcomed the decision.

The Equality Commission for Northern Ireland, which has supported Gareth Lee's action against Ashers, said it would study the implications of the judgement carefully.

“There is a concern that this judgement may raise uncertainty about the application of equality law in the commercial sphere, both about what businesses can do and what customers may expect,” said Dr Michael Wardlow, the organisation’s chief commissioner.

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