

In Prison for Their Faith 2020

*A report about FoRB prisoners
that covers 13 religious communities in 14 countries*

Willy FAUTRÉ

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Acronyms

ADDD: An Dan Dai Dao
BSV: Buddhist Sangha of Vietnam
CAG: Church of Almighty God
CCC: China Christian Council
CCP: Chinese Communist Party
CCPA: Chinese Catholic Patriotic Association
CPC: Countries of Particular Concern
CRA: Vietnam's Government Committee for Religious Affairs
CSW: Christian Solidarity Worldwide
CQRS: China Qigong Research Society
DPRK: Democratic People's Republic of Korea
ECtHR: European Court of Human Rights
EP: European Parliament
EU: European Union
FoRB: Freedom of Religion or Belief
HRWF: Human Rights Without Frontiers
ICCPR: International Covenant on Civil and Political Rights
ISIS: Islamic State of Iraq and Syria
MEP: Member of the European Parliament
MSS: Ministry of State Security
NGO: Non-governmental organization
NKDB: Database Centre for North Korean Human Rights
NSC: National Security Committee
OSCE: Organisation for Security and Co-operation in Europe
PCA: Partnership and Cooperation Agreement
ROK: Republic of Korea
SARA: China's State Administration for Religious Affairs
SCC: Evangelical South China Church
SPC: Supreme People's Court (of China)
SWL: Special Watch List
TSPM: Three-Self Patriotic Movement
UBSV: Unified Buddhist Sangha of Vietnam
UDHR: Universal Declaration on Human Rights
UK: United Kingdom
UN: United Nations
UNHCR: United Nations High Commissioner for Refugees
USCIRF: United States Commission on International Religious Freedom
US: United States
XUAR: Xinjiang Uygur Autonomous Region

Foreword: Who is (not) a FoRB Prisoner?

There is often much confusion around the concept of the freedom of religion or belief (FoRB) in respect to the identification of groups and persons who are victims of FoRB violations.

Clarification is needed to distinguish **FoRB prisoners** from **religious prisoners of conscience**, **FoRB defenders** and **human rights defenders**.

A **FoRB prisoner** is someone whose rights, protected by **Article 18 of the International Covenant on Civil and Political Rights (ICCPR)**¹ and **Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**,² were violated by state institutions. Additionally, he/she must be deprived of his/her freedom of movement, put in pretrial detention or sentenced to a prison term for the legitimate exercise of these two articles.

The European Court of Human Rights in Strasbourg has been referred to in a large number of alleged cases of violations of Article 9 of the European Convention on Human Rights³ (equivalent to Article 18 of the ICCPR) in the 47 member states of the Council of Europe. A substantial number of complaints were declared inadmissible while others were not found to be violations of Article 9. Those that were successful are on the website of the Strasbourg Consortium.⁴

In the construction of its FoRB Prisoners' Database and the drafting of this report '**In Prison for Their Faith 2020**', *Human Rights Without Frontiers* (HRWF) has found its inspiration in the methodology and the jurisprudence of the European Court to identify cases where a prisoner was a victim of violations of **Article 18 of the ICCPR** and **Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)**.

¹ "International Covenant on Civil and Political Rights," entry into force March 23, 1976, *United Nations Human Rights Office of the High Commissioner*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

² "Declaration on the Elimination of All Forms of Intolerance," publication November 25, 1981, *United Nation Human Rights Office of the High Commissioner*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx>.

³ "European Convention on Human Rights," entry into force September 3, 1953, *European Court of Human Rights, Council of Europe*. https://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁴ "Strasbourg Consortium," Strasbourg Consortium: Freedom of Conscience and Religion at the European Court of Human Rights, 2020. <https://www.strasbourgconsortium.org/index.php?pageId=9>.

FoRB Rights and Activities

According to **Article 18 of the ICCPR**, the individual right to FoRB includes:

- the freedom to have (or not have) a religion or beliefs,
- the freedom to change or to retain one's religion or beliefs,
- the freedom to share one's religion or beliefs,
- the freedom of association,
- the freedom of worship and assembly,
- and conscientious objection to military service.⁵

In this regard, a number of cases are clearly protected by the aforementioned international standards such as:

- a Baha'i or an Ahmadi identifying themselves as such in Iran or in Pakistan,
- a Muslim or a Hindu converting to Christianity in Morocco or in India,
- an Evangelical Protestant trying to share his/her beliefs in public or in private in Uzbekistan,
- Said Nursi Muslims or Pentecostal Protestants meeting in a private home or a public place for worship or any other religious purposes whether their group is registered by the state or not,
- and a Jehovah's Witness refusing to perform military service in South Korea or Eritrea.

If such people are arrested, fined or imprisoned for such activities, they are victims of **FoRB violations**.

According to **Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**, the right to freedom of thought, conscience, religion or belief includes, inter alia, the following freedoms:

⁵ 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 Human Rights Committee, *Compilation of General Comments and General Recommendations, Comment 22, Article 18* (U.N. Doc. HRI/GEN/1/Rev.1 at 35) 1994.

<http://hrlibrary.umn.edu/gencomm/hrcom22.htm>.

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.⁶

Anyone who is arrested and deprived of his/her freedom for one of these activities is, without any doubt, to be considered a **FoRB prisoner**.

Additionally, it is important to note that the list in Article 6, which is almost 40 years old now, is not exhaustive. For example, freedom of expression on religious or belief issues online is a right that could not exist in 1981, but that is now considered part of FoRB. This development has become very important as a number of states have reacted to the new freedom in cyberspace by introducing and/or strengthening penal laws against blasphemy, contempt of religion, hurting the feelings of the believers of the dominant religion or insulting the Prophet.

In some cases, believers and clerics resist their government's attempts to restrict or violate FoRB by petitioning the authorities or filing complaints with international institutions. This is another dimension of their freedom of expression on religious or belief issues. If they are repressed by their governments for such activities, they are victims of **FoRB violations** and are protected by the aforementioned human rights instruments.

⁶ “Declaration on the Elimination of All Forms of Intolerance,” publication November 25, 1981, *United Nation Human Rights Office of the High Commissioner*.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx>.

FoRB Defenders as Human Rights Defenders

There is no set definition of who is or can claim to be a **human rights defender**. The UN Declaration on Human Rights Defenders⁷ (1998) first addressed this issue. In another UN document titled *Who is a defender*, it is written:

There is no specific definition of who is or can be a human rights defender. The Declaration on human rights defenders (see annex I) refers to ‘individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals’ (fourth preambular paragraph).⁸

In accordance with this broad categorisation, they can be any person or group of persons working to promote human rights, ranging from intergovernmental organisations to individuals working within their local communities. Defenders can be of any gender or age, from any part of the world and from professional or informal backgrounds. In particular, it is important to note that human rights defenders are not only exclusively found within NGOs and intergovernmental organisations.

FoRB defenders make up a subdivision of human rights defenders.

A number of non-state actors occasionally or regularly defend the rights of believers, clerics and religious associations whether they are one of them or not. Some human rights organisations place FoRB on their agenda among other topics. Some lawyers defend prisoners arrested for evangelising in the public space. Additionally, there are journalists and bloggers who report on blasphemy laws, FoRB restrictions or violations. They are all FoRB defenders.

If they are arrested and/or imprisoned, it is due to their work as human rights defenders. Consequently, **they are not FoRB prisoners** since, in their case, imprisonment is **not a violation of Article 18 of the ICCPR or Article 6 of the 1981 UN Convention**, detailed above.

⁷ General Assembly, *Declaration on Human Rights Defenders* (Resolution A/RES/53/144) March 8, 1999. <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>.

⁸ “Who Is a Defender,” United Nations Human Rights Office of the High Commissioner, accessed May 2020. <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>.

Believers and Clerics as Non-violent Social or Political Activists

In the 1970s and 1980s, a number of Catholic priests in Latin America who engaged in non-violent social activities were arrested or victims of extra-judiciary killing.

During WWII, clerics were engaged in non-violent resistance movements against the German occupying forces.

In Northern Ireland, priests and pastors were involved in the political violence until the 1998 Good Friday Agreement.

In Thailand, Buddhist priests were arrested and beaten by the police for demonstrating against the government in the last decade.

In China, Tibetan Buddhist monks have regularly protested against the annexation and occupation of their country by China since the 1950s.

In Tajikistan, the Islamic Renaissance Party was banned and their members were sentenced to lengthy prison sentences in the last few years. Some of their political meetings were taking place in mosques, which is forbidden by law.

In Azerbaijan, imams organised demonstrations to denounce the corruption of the regime and to advocate for democracy, but they were placed in prison.

State repression against activists such as the ones listed above cannot be labelled as religious persecution or violations of religious freedom because these activists are not protected by **Article 18 of the ICCPR or Article 6 of the 1981 UN Convention**, but by other UN instruments. Therefore, such prisoners could be characterised as political prisoners, victims of politically motivated imprisonment, Christian prisoners of conscience, or Muslim prisoners of conscience, but **not as FoRB prisoners**.

Introduction

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

Victims of FoRB violations are often:

- members of minority religious communities perceived as a threat by the state or considered heretical groups;
- members of majority religions having dissenting theological opinions;
- or individuals accused of vague blasphemy charges.

State Repression of Legitimate Activities of Members of Religious or Belief Groups

Quite a number of UN member states fail to abide by UN standards, with some criminalising individual and collective rights related to FoRB.

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

Physical punishments, such as lashing, flogging, and caning, are forms of torture and inhumane and degrading treatment. Some Muslim majority countries apply them in cases of religious conversion, blasphemy or allegedly offensive statements related to FoRB issues.

Imprisonment is another form of state repression that is often used based on laws criminalising:

- the affiliation or identification with a specific religious or belief group that may be banned or ostracised;
- the public expression of atheism and agnosticism;
- the questioning of official religious teachings;
- the conversion to a minority religion or a new religious movement;
- proselytising by minority religious or belief groups;
- worship and religious meetings by peaceful groups that are not allowed to operate because they are either not state-sanctioned or have been arbitrarily denied state registration;

- or conscientious objection to military service.⁹

Victims of imprisonment are usually:

- members or leaders of banned or unregistered religious or belief groups for any of their activities;
- members or leaders of registered religious or belief groups who have been found to violate laws restricting the individual freedom to change religion or belief, to carry out missionary activities or the collective freedoms of association, worship and assembly;
- members or leaders of religious groups arrested and kept in detention without any charges or court decisions;
- people exercising their freedom of thought and conscience and accused of blasphemy;
- or conscientious objectors to compulsory military service.

The **death penalty** is a violation of the right to life. A number of Muslim majority countries use the death sentence in cases where there has been a change of religion or alleged blasphemy, such as in Pakistan. People sentenced to death under blasphemy laws are usually kept on death row but never executed, and instead serve life sentences in prison.

What Are the Charges?

A specific difficulty concerning the identification of FoRB prisoners is related to the official charges against them.

The reasons advanced by some states for various prison sentences can be divided into two categories:

- a breach of laws on religion that unduly restrict the rights guaranteed by international instruments such as Article 18 of the UDHR and the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

⁹ 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 Human Rights Committee, *Compilation of General Comments and General Recommendations, Comment 22, Article 18* (U.N. Doc. HRI/GEN/1/Rev.1 at 35) 1994.

<http://hrlibrary.umn.edu/gencomm/hrcom22.htm>.

- or a violation of other laws, which are often purposefully misapplied by state actors.

A number of official charges, abused and misused for the purpose of repressing religious or belief minorities, 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.

However, a wide range of other charges are politically motivated to stop the activities of leaders and activists of minority religious or belief groups, to deter others, and to reduce or eliminate minority religious or belief communities. This is particularly the case of the Baha'is in Iran, the Tibetan Buddhists and Uyghur Muslims in China, the Montagnard Christians in Vietnam and certain Muslim denominations in Central Asia and Russia.

For example, in **Iran**, Evangelical and Pentecostal Protestants have 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 other crimes.

Sufi Muslims have been accused of: violations of public order; involvement in a skirmish causing physical harm; carrying illegal weapons; participating in 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; and using falsely obtained degrees, illegal counselling, or running illegal classes.

In **China**, the charges against Falun Gong practitioners usually concern membership in a banned group, spreading lies about organ harvesting or trying to overthrow the regime. However, most of the time the charges are not publicised.

Report “In Prison for Their Faith 2020”

This report covers cases of FoRB prisoners belonging to 13 religious or belief communities: Ahmadis – Baha’is – Buddhists – (Roman) Catholics – Church of Almighty God members – Falun Gong practitioners – Jehovah’s Witnesses – (Oriental) Orthodox Christians – Protestants – Said Nursi followers/ Muslims – Sufis/ Muslims – Sunnis/ Muslims – Tabligh Jamaat/ Muslims. These groups and their members are specifically targeted by various states.

There are also some prisoners who belong to minority religious groups, but whose prison sentence was not necessarily related to their religious affiliation. This is the case for:

3 Anglicans: 2 in Pakistan and 1 in Iran
2 Shias: 1 in Pakistan and 1 in Iran
1 Hindu in Pakistan

They were all imprisoned on blasphemy related charges.

Additionally, an unknown Muslim group (Faizrakhman) in Russia has five people in prison. Due to a lack of information, they have not been included.

In our most recent FoRB report published in 2017, there were Scientologists in prison in Russia, Erfan-e-Halghe followers imprisoned in Iran, Milah Abraham/ Gafatars in prison in Indonesia, and Shias imprisoned in Azerbaijan, Iran and Saudi Arabia.

They have all been released.

Since many of the groups discussed in this report are unknown or not well known to the general public and are often mischaracterised by the oppressing powers or the media, HRWF has briefly presented each of them according to the same structure. First, general information about each group is presented, followed by their teachings and then country-specific information. For example, each country is structured as follows:

- Reasons for the persecution of the Baha’is in Iran
- Baha’is in prison in Iran
 - Baha’is behind bars: some statistics
 - Articles of the penal code
 - International advocacy
 - Case studies

Finally, each section ends with concluding comments.

Database of FoRB Prisoners: About 5,900 documented cases

This report is based on HRWF's **Database of FoRB Prisoners** which started in 2013. It is available on our website at <https://hrwf.eu/prisoners-database/> and is updated every month.

At the time of writing, it was comprised of about 5,900 documented individual cases filed by country and denomination. Data collection covers:

Country
Affiliation
Last name
First name
Sex
Date of birth
Age at the date of arrest
Date of arrest
Place of arrest
Charges
Related legal code
Statement of defence
Estimated date of detention
Prison term
Place of detention
Estimated date of release
Other information
Sources

Many individual cases could not be included in our Database of FoRB Prisoners due to the secrecy of certain political regimes, such as in North Korea. This was also the case for Uyghur Sunnis and Tibetan Buddhists in China.

Another challenge to the construction of the Database has been an imbalance in reporting. On one hand, the Western media and Christian agencies tend to meticulously report on prisoners from Christian minorities in the world, even from obscure religious groups. However, on the other hand, FoRB prisoners belonging to non-Christian minorities often go unreported or are poorly represented in open sources.

Lastly, there is much difficulty in isolating FoRB violations from other human rights violations in cases of ethno-religious groups such as Tibetan Buddhists and

Uyghur Sunnis in China, Montagnard Protestants in Vietnam and others. Moreover, the staggering numbers of detained Falun Gong practitioners, members of The Church of Almighty God and Uyghur Sunnis (1-2 million are in various detention facilities for political and religious ‘re-education’) make it impossible to cover individual cases.

The purpose of the **Database of FoRB Prisoners** is to:

- identify non-violent individuals who are detained for the peaceful exercise of their freedom of religion or belief;
- place them (back) on the advocacy agenda of local and international human rights NGOs, institutions and religious or belief groups with which they identify;
- and focus attention on individuals who were sentenced to lengthy prison terms, forgotten and abandoned by all, and to people who ‘disappeared’ after being arrested and might still be alive.

Many of these individuals have never been on the radar of human rights organisations and institutions. Those that are, are often only top of mind for a limited period of time before being forgotten.

HRWF’s **Database of FoRB Prisoners** is an essential tool to map the magnitude of one of the worst forms of FoRB repression: imprisonment. This instrument can be used to analyse the roots of this oppression and to orient advocacy for the release of religious prisoners.

In Prison for Their Faith 2020

HRWF Chart of FoRB Prisoners as of June 2020

	Total	Ahmadiis	Anglicans	Baha'is	Buddhists	Church of Almighty God Believers (Aie J/ao)	Catholics	Falun Gong Practitioners (Aie J/ao)	Hindus	Humanists	Jehovah's Witnesses	(Oriental) Orthodox	Protestants	Said Nursi (Muslims)	Shias (Muslims)	Sufis (Muslims)	Sunnis (Muslims)	Tabligh Jamaat Muslims	
China	5515				20	4020	3	1436					19					17	
Egypt	2											1						1	
Eritrea	63									55	4	4							
Indonesia	2												1					1	
Iran	85		1	57									19		1	7			
Kazakhstan	34																	26	8
Kyrgyzstan	1																	1	
Nigeria	1								1										
North Korea	4											4							
Pakistan	56	5	2				1					31			1			15	
Russia	61							5	1					4				18	
Saudi Arabia	2																	2	
Singapore	8									8									
South Korea	2									2									
Tajikistan	18									2								15	1
Turkmenistan	15									9				6					
Uzbekistan	26																	26	
Vietnam	44				28		2						14						
Yemen	5			5															
TOTAL	5944	5	3	62	48	4020	6	5	1436	1	1	110	5	92	10	2	7	104	27

All country statistics come from reliable sources and it can be assumed that they reflect reality, except for:

- North Korea where there is no access to information about individual prisoners,
- and China where access to information about prisoners of all faiths is very limited and partial.

In China, our statistics fail to include:

- 1-2 million anonymous Uyghur Muslims interned in various types of detention facilities for the purpose of political and religious ‘re-education’ for indefinite periods,
- an unknown number of Tibetan Buddhists and Uyghur Sunnis for whom an exclusive link to the exercise of freedom of religion could be established,
- and an unknown number of believers affiliated to banned *xie jiao* movements (Church of Almighty God believers, Falun Gong practitioners and others).

Conclusions

Members of communities and groups who live in a different majority culture are often the targets of FoRB violations. Their otherness may be perceived, wrongly or not, as a threat to the identity and security of the majority.

When FoRB is violated, we typically think of actions that have been taken against *individuals*. This is the lens through which Western cultures tend to view human rights, since individuals are normally regarded as the primary right holders in society. It is also often individuals who are held accountable for infractions of the law or for criminal offenses.

However, many people are in prison or are otherwise sanctioned for something that they have not personally done, despite the charges that have been made against them. They are there because of their religious or belief *identity* and association with a group.

The freedom of association is a hallmark of any democratic system. FoRB is understood to include the freedom to practice one’s religion ‘either individually or in community with others’, as it is stated in Article 18 of the ICCPR. It is this *community dimension* present in most religions and which profoundly shapes religious identity that can make governments and authorities uneasy. It can trigger

actions to monitor, control, ban and even violently suppress that community and, consequently, anyone who is *associated* with that community.

Religious identity can be viewed as dangerous. Much like ethnic, cultural or national identity, religious identity influences one's worldview, ideas, ethics, and political perspective. Moreover, a religion or a belief is not always politically correct and submissive — and this does not escape the notice of those who hold power.

Groups with a particular ethno-religious identity are sometimes considered a more serious threat than purely religious minorities. They are that much more different from the majority and some of their members may have a political agenda that threatens the territorial integrity of the country.

Consequently, the repression of religion and belief groups is often as much about power as it is about the doctrine propagated by the group itself. Governments tend not to be overly concerned with religious teachings; however, governments become quite concerned regarding any threat to their power or influence. Here is where religious identity and group politics become very important in understanding the restrictions that are placed on religion or belief groups. It is precisely because they are groups – and therefore perceived as potentially dangerous – that they can come under fire.