

# Threats to and approaches to promote freedom of religion or belief

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*Iffat Idris*

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## Question

*What evidence exists on the scale and examples of the threats to freedom of religion or belief in DFID countries of operation and current approaches to effectively promote and protect freedom of religion or belief?*

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# 1. Overview

Violations of religious freedom<sup>1</sup> are increasing globally in scale, depth and blatancy. Carried out by both government and non-state actors, they range from the mundane (e.g. administrative restrictions) to the extreme (e.g. genocide). A multi-layered, multi-actor approach is needed to protect and promote freedom of religion or belief.

Drawing largely on grey literature by think tanks, human rights groups and government bodies, key findings of this review include:

**Violations of freedom of religion or belief (FRB) have been carried out by governments, by non-state actors and by society at large for a range of reasons.** While some violations are obviously related to religion, others can appear to have no relationship to religion or belief yet can still undermine FRB. The factors underlying FRB violations include intolerant and narrow-minded interpretations of religions (theological issues) as well as political, social and economic factors. Many religious freedom violations are carried out under the guise of protecting national security.

**A number of studies monitoring FRB around the globe have concluded that the situation is worsening in both the depth and breadth of violations.** Assaults are blatant: attempted genocide, killing of innocent people, wholesale destruction of places of worship. Particularly notable are increases in mob violence related to religion, individuals being assaulted or displaced due to their faith, and incidents where violence was used to enforce religious norms. A large proportion of FRB violations are related to extremist Islam (e.g. in Pakistan, Syria, Yemen), some to authoritarian regimes (e.g. Burma, China) and one to Hindu extremism (India). Conversely, the 'secular' West has seen increased intolerance and hostility towards faith groups. Key non-state actors responsible for religious freedom violations include the Islamic State of Iraq and Syria (ISIS), Al-Shabaab in Somalia, and the Taliban in Afghanistan.

**An indication of the scale and type of religious freedom violations can be gauged from the following select case studies (chosen to reflect DFID countries of operation and priorities):**

- **Pakistan** – A combination of discriminatory legislation and FRB violations by government have created a culture of impunity in which non-state actors engage in attacks on religious minorities, in particular Christians, Ahmedis and Shias. Pakistan is considered to be a country where threats to religious freedom are especially serious.
- **Burma**<sup>2</sup> – In recent years Rohingya Muslims in Burma's Rakhine province have been the target of 'ethnic cleansing' – carried out by the military and non-state actors. Christian minorities in a number of provinces also continue to face restrictions and discrimination. These violations are taking place against a context of rising strident Buddhist nationalism.

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<sup>1</sup> Freedom of religion or belief (FRB) is enshrined in both Articles 18 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Under international law FRB has two components: a) the freedom to have or not have or adopt (which includes the right to change) a religion or belief of one's choice; and b) the freedom to manifest one's religion or belief, individually or in community with others, in public or private, through worship, observance, practice and teaching (EU, 2013: p. 2).

<sup>2</sup> Burma is also known as Myanmar. This review uses the name Burma, unless the literature being referred to specifically uses the name Myanmar.

- **Nigeria** – The main violations of religious freedom come from local level application of Shariah laws in northern states, federal and state level repression of Shias, growing conflict between Muslim herders and Christian farmers in the middle belt, and ongoing attacks by Boko Haram. The government’s response to all of these has been ineffective.
- **Sudan** – Sudan is an overwhelmingly Muslim majority country, and the small Christian population faces persecution and marginalisation. The government has imposed a highly restrictive interpretation of Shariah, and both non-Muslims and Muslims who fail to comply face harsh punishments.

**The literature stresses that approaches to protect and promote FRB must be multi-layered**, encompassing human rights, conflict resolution, development and interfaith initiatives – and as such, they should involve multiple actors.

**The review clearly shows that women are particularly affected by religious freedom violations**, with the generally subservient role of women in many societies reflected in obstacles to their full enjoyment of FRB. Nothing was found on threats to FRB specifically from the perspective of persons with disabilities.

## 2. Evidence of threats to freedom of religion or belief

### UN Special Rapporteur on Freedom of Religion or Belief

The UN Special Rapporteur’s mandate includes monitoring and issuance of reports detailing the situation with regard to freedom of religion or belief. In 2016 the Special Rapporteur produced a report ‘Elimination of all forms of religious intolerance’. It focuses on the broad range of violations of FRB and their manifold root causes, as well as additional variables, e.g. gender, which need to be taken into account for an appropriate analysis of the problems faced. Key points of the report include:

- The full scope of freedom of thought, conscience, religion or belief is often underestimated, with the result being an inadequate awareness of the broad range of violations that take place in this area.
- A comprehensive analysis of the problem requires all root causes, motives and factors underlying FRB violations to be taken seriously. These include intolerant and narrow-minded interpretations of religions (theological issues) as well as political, social and economic factors:
  - Governments that see themselves as guardians of certain religious truth claims impose restrictive measures against ‘unbelievers’ and ‘heretics’;
  - Some governments utilize particular religions in order to demarcate their national identities, thus creating dividing lines between ‘national’ and ‘foreign’ religions or between ‘traditional’ and ‘non-traditional’ religions;
  - Some governments violate FRB by exercising excessive political control over religious community life in order to defend authoritarian political structures or party monopolies against possible challenges that may arise as a result of people meeting freely and communicating outside of tightly monitored official channels;

- Loss of trust in public institutions can set in motion a process of increasing institutional fragmentation, possibly creating a political vacuum, which terrorist or vigilante organizations operating in the name of religion may try to fill;
  - Societal power imbalances can lead to situations of increased vulnerability for certain individuals or communities, including low caste groups, religious minorities, and women and girls;
  - Gender is a crucial factor: the generally subordinated role of women in many societies is often also reflected in obstacles to their full enjoyment of FRB.
- While some state-induced infringements, e.g. criminalising apostasy and blasphemy, are openly designed to control religion, other measures can appear to have no relationship to religion or belief yet can have a negative impact on FRB. Examples are bureaucratic stipulations that impose unreasonable burdens on certain religious communities.
  - There has been an increasing interest in FRB issues in recent years, but the broad range of violations fails to receive attention. For example, administrative harassment and unreasonable bureaucratic stipulations hardly ever make it into the headlines.
  - Violations of FRB can be carried out by states or by non-state actors, or a combination of both. In many countries a prevailing atmosphere of impunity encourages militant groups to stigmatise, harass and intimidate those (minorities, converts, dissidents, critics, women and girls, etc.) whose conduct is deemed 'inappropriate' from a certain narrow-minded interpretation of religious norms. Governments are obliged to prevent violations of FRB by non-state actors.
  - While primary responsibility for upholding human rights rests with state governments, the international community also has obligations. Serious shortcomings have been seen in the provision of international protection for refugees, and in the prevention of massive violations of FRB, particularly in situations of armed conflict.

## Pew Research Centre 2015 Report

The 2015 report is the eighth in a series of reports by Pew Research Centre analysing the extent to which governments and societies around the world impinge on religious beliefs and practices (Pew Research Centre, 2017). The study measures global restrictions in 2015 – the latest year for which data are available – and ranks 198 countries on two indexes:

- a) Government Restrictions Index – measures government laws, policies and actions that restrict religious beliefs and practices. The GRI is comprised of 20 measures of restrictions, including efforts by governments to ban particular faiths, prohibit conversion, limit preaching or give preferential treatment to one or more religious groups.
- b) Social Hostilities Index – measures acts of religious hostility by private individuals, organisations or groups in society. It is comprised of 13 measures including religion-related armed conflict or terrorism, mob or sectarian violence, harassment over attire for religious reasons, or other religion-related intimidation or abuse.

Key findings of the 2015 report include:

- Government restrictions on religion and social hostilities involving religion increased in 2015 for the first time in three years.
- The share of countries with 'high' or 'very high' levels of government restrictions went up from 24% in 2014 to 25% in 2015.

- The share of countries with 'high' or 'very high' levels of social hostilities increased in the same period from 23% to 27%.
- Looking at overall restrictions (both government and social hostilities) the share of countries with 'high' or 'very high' levels rose from 34% in 2014 to 40% in 2015.
- The rise in government restrictions was linked to a surge in two specific indicators: government harassment, and use of force against religious groups. 53% of countries experienced widespread government harassment of religious groups, up from 43% in 2014. 12% of countries experienced more than 200 cases of government force in 2015, up from 11% in 2014. The rise in countries experiencing at least one but no more than 200 cases was greater, up from 30% in 2014 to 42% in 2015.
- The rise in global social hostilities reflected a number of factors including increases in mob violence related to religion, individuals being assaulted or displaced due to their faith, and incidents where violence was used to enforce religious norms.
- The report also looked at regional trends. The Middle East-North Africa (MENA) region continued to have the largest proportion of governments that engaged in harassment and use of force against religious groups (95%), Europe had the largest *increase* in these GRI measures in 2015. 27 European countries (60%) saw widespread government harassment or intimidation of religious groups in 2015, up from 17 countries in 2014. Of these, 24 countries (53%) used some type of force against religious groups, up from 15 countries (33%) in 2014.

## Religious Freedom in the World Report 2016

The 2016 report is the 13<sup>th</sup> edition of Aid to the Church in Need (ACN)'s *Religious Freedom in the World* report. The reports are produced every two years and assess religious freedom for all faith groups in 196 countries. The 2016 gives 196 country reports but it focuses on 38 countries where religious freedom violations are especially bad, going beyond intolerance to represent a fundamental breach of human rights. These countries are divided into two categories: 'Discrimination' and 'Persecution'. 'Discrimination' involves institutionalisation of intolerance, and is usually carried out by the state, e.g. legal restrictions on evangelisation. 'Persecution' is concerned with terrorist groups and non-state actors, as the focus is on active campaigns of violence and subjugation. Of the 38 countries with the worst religious freedom violations, 23 were placed in the 'Persecution' category, and the remaining 15 in the 'Discrimination' category.

Key findings of the 2016 report are:

- Of the 23 'Persecution' category countries, religious freedom declined in 11, while in seven countries it was already considered so bad it could not get any worse. The situation improved somewhat in three countries: Egypt, Bhutan and Qatar.
- Non-state actors (fundamentalist or militant organisations) were responsible for violations in 12 of the 23 'Persecution' countries.
- Of the 23 'Persecution' countries, in 16 countries<sup>3</sup> FRB violations were linked to extremist Islam, in six to authoritarian regimes (Burma, China, Eritrea, North Korea, Turkmenistan, Uzbekistan), and in one country (India) to Hindu extremists.

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<sup>3</sup> Afghanistan, Bangladesh, Indonesia, Iraq, Kenya, Libya, Niger, Nigeria, Pakistan, Palestinian Territories, Saudi Arabia, Somalia, Sudan, Syria, Tanzania and Yemen.

- The period under review saw the emergence of a new phenomenon ‘Islamist hyper-extremism’ characterised by: extremist creed and radical system of law and government; systematic attempts to annihilate or drive out all non-conformist groups; cruel treatment of victims; use of social media to recruit followers and intimidate opponents; and global impact.
- The effects of Islamist hyper-extremism include: elimination of religious diversity in parts of the Middle East (e.g. Syria, Iraq) and threats to do so in parts of Africa and Asia; a sudden explosion in the number of refugees, up by 5.8 million in 2015; in Central Asian countries hyper-extremist violence is being used by governments as a pretext for a disproportionate crackdown on religious minorities, curtailing civil liberties.
- In the West faith groups have experienced increased hostility and pressure in a society where secularism and atheism have gained prominence. In this region there has been a growth in acts of hatred and institutional intolerance towards religious groups and the values they uphold.

## USCIRF 2017 Annual Report

The United States Commission on International Religious Freedom (USCIRF) was set up in 1998 as an independent, bipartisan US government advisory body, separate from the State Department, to monitor religious freedom abroad and make policy recommendations to the president, Secretary of State and Congress (USCIRF, 2017). USCIRF’s 2017 Annual Report finds that: ‘The state of affairs for international religious freedom is worsening in both the depth and breadth of violations. The blatant assaults have become so frightening – attempted genocide, the slaughter of innocents, and wholesale destruction of places of worship – that less egregious abuses go unnoticed or at least unappreciated’ (USCIRF, 2017: p. 1).

The report notes that many violations of religious freedom do not appear to be aimed at religion: they can seem mundane, e.g. requirements for building permits to establish/repair places of worship, or less mundane, e.g. restrictions on freedom of association. ‘Nonetheless, they are violations of international religious freedoms and they are increasing in numbers and frequency’ (USCIRF, 2017: p. 1). It also finds that many restrictions on religious freedoms are done under the guise of protecting national security. It highlights blasphemy laws as an example of governments using laws as a tool for restricting religious freedom under the purported need to protect religions from defamation. ‘In more than 70 countries worldwide, from Canada to Pakistan, governments employ these laws, which lead to grave human rights violations, embolden extremists, and are, in the long run, counterproductive to national security’ (USCIRF, 2017: p. 2).

The 2017 report recommends that 16 countries be designated by the State Department as ‘countries of particular concern’ or CPCs. These are defined as any country ‘whose government engages in or tolerates particularly severe religious freedom violations that are systematic, ongoing, and egregious’ (USCIRF, 2017: p. 3). The countries recommended for CPC designation are: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, Tajikistan, Turkmenistan and Uzbekistan (all of which were previously CPCs); and six ‘new’ countries – Central African Republic, Nigeria, Pakistan, Russia, Syria and Vietnam. A further 12 countries are recommended for ‘Tier 2’ designation, defined as countries in which the violations engaged in or tolerated by the government are serious and characterised by at least one of the elements of the ‘systematic, ongoing and egregious’ CPC standard. The 12 countries are: Afghanistan, Azerbaijan, Bahrain, Cuba, Egypt, India, Indonesia, Iraq, Kazakhstan, Laos, Malaysia and Turkey.

The report recognises that state-sponsored or condoned oppression of the freedom of religion or belief is only part of the challenge: ‘non-state actors represent a less official yet no less virulent threat to such freedoms’. Non-state actor is defined as ‘a non-sovereign entity that exercises significant political power and territorial control; is outside the control of a sovereign government; and often employs violence in pursuit of its objectives’ (USCIRF, 2017: p. 4). The report recommends three non-state actors as ‘entities of particular concern’ or EPCs, defined as those engaging in particularly severe violations of religious freedom. The three are: the Islamic State of Iraq and Syria (ISIS); the Taliban in Afghanistan; and Al-Shabaab in Somalia. It stresses that many other non-state actors are engaged in violations but are not designated EPCs because they don’t meet the criteria for non-state actor, e.g. exercising territorial control.

### 3. Country case studies

#### Pakistan

According to the UK All Party Parliamentary Group for International Freedom of Religion or Belief, ‘Pakistan presents a particularly bleak environment for individuals wishing to manifest their right to freedom of religion or belief’ (APPG, 2016: p.5), a view echoed by the recent USCIRF report (USCIRF, 2017). A combination of discriminatory legislation and FRB violations by government have created a culture of impunity in which non-state actors engage in attacks on religious minorities, in particular Christians, Ahmedis and Shias.

**Demography:** Pakistan is the world’s sixth most populous country, with an estimated population of over 190 million (APPG, 2016: p. 5). Of these 95% are Muslim (75% Sunni, 25% Shia) and the remaining 5% comprise non-Muslims including Christians, Hindus, Sikhs and others (USCIRF, 2017: p. 61).

**Legal framework:** The country’s constitution establishes Islam as the state religion and requires that laws be consistent with Islam. But it also states that: ‘subject to law, public order and morality, every citizen shall have the right to profess, practise and propagate his religion’ (US DoS, 2014: p. 1). Additionally, Pakistan is signatory to various international treaties with provisions relating to the right to religious freedom and religious non-discrimination, including the International Covenant on Civil and Political Rights (ICCPR). Article 18 of the ICCPR specifically provides for freedom of religion or belief (APPG, 2016: p. 7).

Discriminatory legislation in Pakistan includes the blasphemy laws and those marginalizing Ahmedis. Sections 295 and 298 of the Pakistan Penal Code criminalise acts and speech that insult a religion or religious beliefs or defile the Quran, Prophet Muhammed, a place of worship or religious symbols. The law does not require accusers to present any evidence that blasphemy has occurred; those found guilty face severe punishments, including the death penalty. The blasphemy laws have been used to attack minorities in particular: the lack of requirement for evidence makes them open to abuse, notably false accusations motivated by other factors (e.g. hostility towards minorities, land disputes, personal grievances). The laws disproportionately target religious minorities. Of the 1,274 people charged for blasphemy between 1986 and 2010, 26% were Ahmedis and 21% Christians (Ispahani, 2017) – non-Muslim communities form less than 5% of the population.

Efforts to reform the blasphemy laws to include requirements for provision of evidence have come in for strong resistance. Salman Taseer, Governor of Punjab (the country’s most powerful

province) and Shahbaz Bhatti, Federal Minister for Religious Affairs, were both assassinated in 2011 for calling for reforms. Taseer's killer was his own bodyguard, Mumtaz Qadri who was hailed as a hero by large sections of the public.

Ahmedis see themselves as Muslim, but a constitutional amendment in 1974 declared them non-Muslim because they do not accept the finality of prophethood.<sup>4</sup> Section 298 of the Penal Code makes it criminal for Ahmedis to refer to themselves as Muslim; to preach, propagate or disseminate materials on their faith; to refer to their houses of worship as mosques; or to issue the call for prayers from these places (USCIRF, 2017). Religious affiliation has to be given on passports and in national identity card applications: those wishing to be registered as Muslim must swear they believe Prophet Muhammed was the final prophet and denounce the Ahmedi movement's founder as a false prophet and his followers as non-Muslim (US DoS, 2014). This potentially prohibits Ahmedis from voting. As well as being charged under the blasphemy laws, many Ahmedis have been charged (and convicted) for offences relating to propagation of the Ahmedi faith (USCIRF, 2017).

**Religious freedom violations:** Both Christians and Ahmedis frequently face societal discrimination, harassment and even physical attacks, sometimes resulting in murder. Such attacks are perpetrated by the general public, e.g. mob violence, and by extremist/terrorist groups. In January 2013, for example, a mob of some 3,000 individuals attacked Joseph Colony, a predominantly Christian neighbourhood of Lahore, destroying over 150 Christian homes as well as businesses and churches, and forcing hundreds of Christian families to flee (USCIRF, 2017: p. 62). On Easter Sunday, 27 May 2016, a suicide attack targeted families in a park in Lahore: 78 people were killed including 54 Muslims and 24 Christians, while over 300 were injured (ACN, 2016c: p. 1). Three Ahmedi doctors were killed in separate targeted attacks in June 2016 in Karachi (USCIRF, 2017: p. 63). In February 2017 a suicide bomber killed more than 80 worshippers, including 20 children, at a famous Sufi shrine in Sindh province (USCIRF, 2017: p. 65). Shias are not considered a religious minority under the constitution, but nonetheless are viewed by extremist groups as non-Muslim and face 'systematic persecution due to their beliefs' (APPG, 2016: p. 9). Sectarian (anti-Shia) violence is common and rising in frequency.

**Government response:** The government response to such discrimination and attacks has been weak. 'For years, the Pakistani government has consistently failed to stem rhetoric that incites religiously motivated or sectarian violence by religious ideologues and extremist groups, or to bring perpetrators to justice when violent attacks occur' (USCIRF, 2017: p. 61). In January 2017 an anti-terrorism court acquitted over 100 suspects accused of participating in the Joseph Colony attack. Government failure to act has promoted an environment of impunity that fosters intolerance and acts of violence (US DoS, 2014: p. 6). The fact that extremist groups target government officials/agencies, as well as the military, negatively impacts 'the government's capacity and will to address egregious religious freedom violations in the country' (USCIRF, 2017: p. 61). An independent Pakistani think tank reported that at least 65 people have been murdered between 1990 and 2016, including judges and lawyers, on suspicion of blasphemy or for defending people accused of blasphemy (ACN, 2016c: p. 2). A judge hearing an appeal in the case of Aasia Bibi, a Christian woman falsely accused of blasphemy and sentenced to death, recused himself – most likely because of concern that he would be targeted if he acquitted her

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<sup>4</sup> For 'traditional' Muslims belief in the finality of the prophethood of Muhammed, i.e. that there will be no prophet after him, is a fundamental tenet of faith. Ahmedis, however, regard Mirza Ghulam Ahmed (d. 1908) as a prophet – this is the reason why they are not accepted as Muslims by the mainstream.

(Curtis, 2017). Curtis describes the ability of religious extremists to influence the judicial process in this way as alarming, 'and shows that extremist ideology is strengthening its grip over Pakistani society' (Curtis, 2017).

## Burma

Over the past one to two years Rohingya Muslims in Burma have been the target of 'ethnic cleansing'<sup>5</sup> – carried out with impunity by the military and non-state actors in the country's Rakhine province (USCIRF, 2017). Christian minorities in a number of provinces also continue to face restrictions and discrimination. The government has made negligible efforts to stop these religious freedom violations or to defend the lives of Rohingya Muslims.

**Demography:** The majority of Burma's 51 million population is Buddhist. According to the Burma 2014 census, Buddhists make up 90%, Christians 6% and Muslims 2.3% (4.3% when Rohingya Muslims are counted), with the remainder a mix of animists, Hindus and others (Mufford, 2017: p. 6).

**Legal framework:** Burma's constitution guarantees every citizen 'the right to freely profess and practise religion subject to public order, morality or health and to the other provisions of this Constitution' (US DoS, 2015a: p. 1). However, Article 361 recognises the special position of Buddhism as the faith professed by the great majority of citizens. In 2015 the government adopted a package of four laws known collectively as the Race and Religion Protection Laws (ACN, 2016b; Equality Myanmar, 2016; USCIRF, 2016). These include the Buddhist Women Special Marriage Law (Interfaith Marriage Law) and the Law Concerning Religious Conversion. The former stipulates notification and registration requirements for marriages between non-Buddhist men and Buddhist women as well as obligations on such men and penalties for non-compliance; the latter regulates religious conversion through an extensive application and approval process. The other two laws allow for the designation of special zones in which population control measures can be applied, and ban polygamy. Taken together, the laws are seen as discriminating against non-Buddhists, particularly Muslims, as well as diminishing women's rights (USCIRF, 2016; Equality Myanmar, 2016). The laws were passed under strong pressure from a Buddhist nationalist group Ma Ba Tha (Organization for the Protection of Race and Religion).

**Persecution of Rohingya Muslims:** The Rohingya are not accepted as citizens of Burma or recognized among the country's 135 ethnic groups. Commonly referred to as 'Bengali', they do not have citizenship papers, and are not counted in population censuses. They also face long-standing restrictions and discrimination, e.g. they must obtain permission from the authorities to marry, their freedom of movement is severely restricted, they have limited work opportunities or access to government services. Rakhine is one of the poorest and most under-developed regions of Burma. Recurrent and episodic violence against Muslims has been seen throughout Burma's history, but in recent years has escalated hugely and become particularly virulent. There were two waves of sectarian violence in Rakhine in 2012, followed in 2013 by armed mobs attacking Muslims in Meiktila, killing over 100 and burning more than 1,500 Muslim homes (Mufford, 2017: p. 7). The current and most serious phase of anti-Muslim violence was prompted by a series of attacks by Muslim insurgents against border police in northern Rakhine in October

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<sup>5</sup> In November 2017 US Secretary of State Rex Tillerson called the actions of the Myanmar military against Rohingya Muslims in Rakhine 'ethnic cleansing'. <http://www.bbc.co.uk/news/world-asia-42084895>

2016. The military launched a brutal operation in response, characterised by extrajudicial killings; stabbing, burning and beating; killing of children; enforced disappearances; rape and other sexual violence; looting and destruction of property, including by arson (Mufford, 2017: p. 7). In its 2017/2018 report on Myanmar, Amnesty International noted that the violence in Rakhine had seen an undetermined number of Rohingya Muslims killed and over 600,000 forced to flee the country.<sup>6</sup>

**Persecution of Christians:** Government and non-state actors also subject other religious minorities in Burma, in particular Christians, to discrimination and violence (Mufford, 2017). In 2011 a 17-year ceasefire between the army and ethnic armed groups in largely Christian Kachin state collapsed. Since then (as of 2016) at least 66 churches have been destroyed (ACN, 2016b: p.3). A December 2016 report on the plight of Christians in Burma documented: incidents of intimidation and violence against Christians, the forced relocation and destruction of Christian cemeteries, violent attacks on places of worship, and an ongoing campaign of coerced conversion to Buddhism, particularly in Chin and Naga areas (Fleming, 2016: p. 4). Religious freedom violations in areas of Kachin include: military occupation of churches; desecration, damage and destruction of churches; grave human rights violations including sexual violence and torture of pastors and ordinary civilians (Fleming, 2016: p. 4).

**Rising Buddhist nationalism:** It is important to note that the anti-Rohingya violence in Rakhine and persecution of Christians is taking place against a nationwide background of heightened Buddhist-Muslim tensions, fuelled in large part by nationalist Buddhist groups such as Ma Ba Tha. In 2015 Ma Ba Tha published and spread anti-Muslim hate speech in print and social media, and organized a series of rallies nationwide to celebrate passage of the Race and Religion Protection Laws. Anti-Muslim literature circulated widely throughout the country and included incitement to violence and calls for boycotts of Muslim businesses and other forms of anti-Muslim discrimination. Buddhists reportedly prevented Muslims from living in some areas and displayed signboards announcing the areas had been 'purified' of Muslims (US DoS, 2015a: p. 11). A USCIRF report identifies the greater freedom in Burma since 2010 and the end of overt military rule [with the election of the military-backed Union Solidarity Development Party (USDP) government] as enabling individuals and groups to advance anti-Muslim hatred using Facebook and other online media (USCIRF, 2016: p. 2).

**Government response:** 2016 marked a historic transition of power in Burma to the National League for Democracy (NLD), headed by Aung San Suu Kyi, and hopes that freedom of religion or belief would be better promoted and protected (ACN, 2016b). Aung San Suu Kyi did say soon after the election that 'hatred has no place' in the country, and that her government would protect minorities and bring to justice those who incite hatred or violence (ACN, 2016b: p. 4). In May 2016 it was announced that she would lead a new initiative to secure peace in Rakhine. However, in practice, the NLD government has done little to promote FRB, and specifically to protect Rohingya Muslims. In its report on FRB in Burma, USCIRF highlights 'the outright impunity for abuses and crimes committed by the military and some non-state actors' (USCIRF, 2017: p. 22). The government has failed to tackle either the anti-Rohingya violence in Rakhine, or the wider anti-Muslim discrimination and repression in the country. Indeed, the NLD government has denied many of the military's reported abuses in Rakhine and rebuffed the international community's concerns (USCIRF, 2017: pp. 24-25).

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<sup>6</sup> <https://www.amnesty.org/en/countries/asia-and-the-pacific/myanmar/report-myanmar/>

## Nigeria

The latest USCIRF report again recommends that the State Department designate Nigeria as a 'country of particular concern'. The main violations of religious freedom come from local level application of Shariah laws in northern states, federal and state level repression of Shias, growing conflict between Muslim herders and Christian farmers in the middle belt, and the ongoing attacks by Boko Haram. The government's response to all of these has been ineffective.

**Demography:** Nigeria is Africa's most populous country with a population of 181 million (ACN, 2016d: p. 1). Because religion has been a source of conflict in Nigeria for such a long time, there are no official figures on religious affiliation: religion is not tracked in census data. However, a 2012 survey by the Pew Research Centre estimated the population to be 49.3% Christian and 48.8% Muslim, with the remaining 2% belonging to animist/other/no religion (US DoS, 2016: p. 2). The north is predominantly Muslim, but with significant numbers of Christians; there are roughly equal numbers of Muslims in central Nigeria and the southwest; while Christians are the majority in the southwest (US DoS, 2016; USCIRF, 2017).

**Legal framework:** Nigeria is a federal republic based on the model of the United States. The current president is a Muslim, Mohammed Buhari, while the vice president is a Christian, Yemi Osinbajo. The constitution bars the federal and state governments from adopting a state religion, prohibits religious discrimination, and provides for individuals' freedom to choose, practise, propagate or change religion (US DoS, 2016). However, it also provides for state-level courts based on common or customary law. In 12 Muslim-majority northern Nigerian states, this system has allowed the adoption of Shariah law in the states' criminal codes (USCIRF, 2017: p. 52).

In 2000 the jurisdiction of Shariah courts was extended from civil to criminal matters in Zamfara in the northwest, quickly followed by a further 11 Muslim-majority states in the north. 'The adoption of Shariah law by twelve northern states has threatened religious freedom for many non-Muslim residents' (Democracy Watch, nd). While Shariah law technically does not apply to non-Muslims 'certain social mores inspired by Shariah, such as the separation of sexes in public schools, health care, voting and transportation services, affected non-Muslims in the north. Many non-Muslims perceived that they lived under the rule of a Muslim government and often feared reprisals for their religious affiliation' (US DoS, cited in Democracy Watch, nd). Some northern states have set up Hisbah Boards to monitor and enforce compliance with Shariah regulations (US DoS, 2016: p. 9). Christian groups complain that the boards enforce Shariah inconsistently and sporadically, sometimes targeting Christians as well as residents from other states (US DoS, 2016). Overall, since the introduction of Shariah law in 2000, 'the country has witnessed a substantial increase in the persecution of Christians' (ACN, 2016e: p. 3).

**Muslim-Christian violence:** Since 1999, violence between Christian and Muslim communities in Nigeria's Middle Belt states has killed tens of thousands, displaced hundreds of thousands, and damaged or destroyed thousands of churches, mosques, businesses, homes and other structures (USCIRF, 2017: p. 52). In recent years there has been increased violence between predominantly Muslim nomadic herders and Christian farmers. While such violence is prompted by other factors (competition for scarce resources) it often takes on religious undertones and is perceived as a religion-based conflict by those involved (USCIRF, 2017: p. 52). The government has failed to take effective action to quell such violence, e.g. even when police are deployed they stick to main roads – but the violence takes place in more rural areas (USCIRF, 2017).

**Persecution of Shias:** Nigeria's Muslim population is predominantly Sunni, but there is a small Shia population – roughly 0.5% of the country's total (ACN, 2016e: p. 1). There is significant repression of Shias at both federal and state level. In December 2015 clashes between the Nigerian Army and the Shia Islamic Movement of Nigeria (IMN) left 347 IMN members and one soldier dead; a further 200 IMN members were arrested, including its leader Sheikh Ibrahim Zakzaky; and the IMN's spiritual headquarters were destroyed (USCIRF, 2017: p. 52). The government is seeking the death penalty for 50 IMN members accused of causing the death of the soldier, but no army officers have been held accountable for the 347 IMN deaths (USCIRF, 2017: p. 52). Various state governments have banned traditional Ashura processions by Shia communities (US DoS, 2016: p. 6). In November 2016 several dozen IMN members were killed in clashes with security forces in Kano state (US DoS, 2016: p. 5).

**Blasphemy allegations:** Nigeria has seen several incidents of mob violence related to allegations of blasphemy. In May 2016 a Christian man in Niger state was killed for allegedly posting blasphemous statements against Islam on a social media network; in June that year a Christian female vendor was killed when she tried to stop a man from performing wudu (ritual cleansing before prayer) in front of her shop; and in the same month a Christian man in Kaduna state was stabbed for eating during Ramadan (he survived) (US DoS, 2016: pp. 12-13). In all these cases there have been no convictions of those responsible (US DoS, 2016; USCIRF, 2017).

**Boko Haram:** By far the biggest threat to religious freedom from non-state actors in Nigeria is posed by Boko Haram. Boko Haram is a terrorist organization seeking to impose its version of strict Shariah law in Nigeria. It is opposed to the federal and state governments, Muslim religious elites, 'moderate' Muslims as well as Christians – it has worked to expel all Christians from the north (USCIRF, 2017: p. 53). While Christians are forced to convert to Islam or die, Muslims are forced to follow the group's extreme interpretation of Islam. Boko Haram has been responsible for killing civilians, burning whole villages, attacks on churches, and other violence - often characterised by extreme brutality (ACN, 2016e). It has carried out widespread kidnappings of women and girls for forced marriage or sexual exploitation (US DoS, 2016). In April 2014 the group abducted 276 Christian girls from a school in Chibok in the northeast of Nigeria: many have since been forced to convert to Islam and marry Muslims (ACN, 2016e; USCIRF, 2017). A crackdown on Boko Haram by the Nigerian military (see below) has led to the former controlling less territory as well as to a shift in its strategy from frontal assaults on the military to asymmetric attacks targeting civilians. Since May 2011 Boko Haram and the military response to the group have led to over 28,000 deaths, and resulted in more than 1.8 million internally displaced persons (USCIRF, 2017: p. 53).

**Government response:** The government response to Boko Haram has been primarily military. President Buhari was elected on a campaign promise to defeat Boko Haram. After taking office in 2015 he moved the military headquarters to the northern city of Borno and began a renewed campaign against Boko Haram. Assisted by a Multinational Joint Military Task Force the military were able to retake a number of cities and villages under Boko Haram's control. In December 2015 President Buhari declared the 'technical defeat' of the group, but it continues to hold territory and it continues to mount asymmetric attacks on civilian populations (Democracy Web, nd). Moreover, the security forces have been accused of engaging in indiscriminate and excessive use of force, committing extrajudicial killings, mistreating detainees in custody, making arbitrary arrests and using collective punishments (USCIRF, 2017: p. 54). One analysis found state security forces solely responsible for 6,700 deaths between May 2011 and January 2017

(USCIRF, 2017: p. 54). By contrast, government efforts at counter-radicalisation and promotion of development in the northern states have been far weaker (USCIRF, 2017).

## Sudan

Since the creation of South Sudan in 2011, Sudan is an overwhelmingly Muslim majority country. However, there are still Christians in Sudan, and these face persecution and marginalisation. The government has imposed a highly restrictive interpretation of Shariah, and both non-Muslims and Muslims who fail to comply face harsh punishments.

**Demography:** Of a total estimated population of 37.6 million, some 97% are Muslim and the remaining 3% Christian with less than 1% following traditional African religions (US DoS, 2016b: p. 3). Most Muslims belong to Sufi religious orders, though there are some Shias, as well as fundamentalist Salafis (US DoS, 2016b: p. 3). There are numerous Christian denominations.

**Legal framework:** The Interim National Constitution (INC) includes religious freedom protections: Article 1 recognizes Sudan as a multi-religious country; Article 6 lays out a series of religious freedom rights, including the right to worship, assemble, establish and maintain places of worship, establish and maintain charitable organizations, teach religion, train and elect religious leaders, observe religious holidays, and communicate with coreligionists; and Article 31 prohibits discrimination based on religion (USCIRF, 2017: p. 85). However, Article 5 provides that 'Islamic sharia and the consensus of the people' shall be the 'leading sources' of legislation. The law criminalizes apostasy, blasphemy, and conversion from Islam to another religion (though there is no bar on converting from another religion to Islam), as well as questioning the Quran, the Companions of the Prophet or the wives of the Prophet. Those found guilty of such offences can be sentenced to death. While proselytizing is not addressed specifically in the law, the government regards this as apostasy which is criminalized. The law also imposes lashings for undefined 'offences of honour, reputation or public morality', including undefined 'indecent or immoral acts' and punishments (lashings/imprisonment) for buying, owning, selling or propagating alcohol (USCIRF, 2017: pp. 85-86).

**Anti-Christian discrimination:** In spite of Article 31 of the INC (prohibiting discrimination on the basis of religion), there is strong discrimination against Christians. Muslims are given preferential access to government employment and services, and favoured treatment in court cases against non-Muslims. The government routinely grants permits to construct and operate mosques, often with government funds, but in 2014 announced a ban on the construction of new churches. Government offices and businesses are closed on Friday and follow an Islamic work week of Sunday to Thursday – Christian employees are supposed to be given two hours off on Sunday for religious worship, but this does not occur in practice (US DoS, 2016b; USCIRF, 2017). 'Government policies and societal pressure promote conversion to Islam' (USCIRF, 2017: p. 86).

**Enforcement of Shariah:** Both Christians and Muslims have been affected by the application of Shariah laws. Numerous Christian (as well as to a lesser extent, Muslim women) have been charged and convicted for wearing 'indecent dress' – undefined by law, this is left to the discretion of Public Order police and judges. The punishment is lashings and/or fines. There have also been numerous convictions for selling or buying alcohol.

**Persecution of Christian leaders:** There have been numerous instances of arrest, detention and persecution of Christian leaders. One of the most serious cases involved Reverend Kuwa Shamal and two other Sudanese Christians. They were arrested in December 2015 along with

Petr Jasek, a Czech national, who was making a documentary on the government's religious freedom and human rights violations. Jasek was convicted of espionage and sentenced to life imprisonment, but was pardoned by the president in February 2016 and then left Sudan. While Shamal was released in January, the other two were convicted of espionage and inciting hatred between sects, and remained in detention at the end of 2016 (USCIRF, 2017: p. 86). Several other Christian religious leaders and laity were arrested and detained in connection with the Jasek case. In 2016 at least 25 churches received notice that their churches would be demolished (USCIRF, 2017: p. 87).

## **4. Approaches to protect and promote freedom of religion or belief**

There is recognition of the importance of protecting and promoting freedom of religion or belief. Empirical data shows that religious freedom is an indicator of free societies with accountable governments and thriving civil societies; conversely, denying religious freedom increases conflict and hostility, leads to restrictions on civil and political rights, hinders democracy and stability, and breeds violent extremism (HRF, 2012: p. 1). FRB 'is a bellwether human right...where FoRB is under attack, often other basic rights are threatened too. In societies where freedom of religion or belief is respected, it is much harder for extremist views to take root' (UK FCO, 2010, updated 2016: p. 5).

The literature stresses the need for action on multiple fronts to protect and promote FRB. One paper calls for a multi-layered approach combining:

- a) Human rights approach – with the focus on monitoring of and reporting on violations and on holding the relevant people accountable;
- b) Conflict resolution approach – aiming at finding preventative measures and solutions to avoid infringements and violations;
- c) Interfaith and interreligious approach – with a strong emphasis on better information and education of what religion is and is not (Wilton Park, 2011: p. 9).

'This more holistic approach calls for a multi-actor response emphasising the need for all to pull their weight in their respective areas' (Wilton Park, 2011: p.1). There is also stress that, one, freedom of religion or belief should be promoted as a fundamental right (not considered as of less importance or priority than other fundamental freedoms); and two, freedom of religion or belief should be inseparably linked to other fundamental freedoms such as the right to life, freedom of expression and of association – FRB cannot be promoted in the absence of other rights and freedoms (Wilton Park, 2011). 'Freedom of religion or belief is intrinsically linked to freedom of opinion and expression, freedom of association and assembly as well as to other human rights and fundamental freedoms all of which contribute towards the building of pluralistic, tolerant, and democratic societies' (EU, 2013: p. 5). The EU guidelines lay out in detail actions that the EU will take in response to diverse themes related to FRB, including violence, promotion of respect for diversity and tolerance, and discrimination (EU, 2013).

## **Policies and legislation**

Just and equitable rule of law frameworks, based on strong human rights principles, are an essential requirement for societies to safeguard freedom of religion or belief, and to balance this right fairly with other rights and interests. A report by the International Development Law

Organization (IDLO, 2016) highlights the following lessons for rule of law strategies in relation to FRB:

- a) The law should not attempt to regulate religious practices, belief or disbelief: the law should simply be used to regulate and promote rights and peaceful coexistence among people, only intervening in religious matters when religion is being used to justify harm to others.
- b) Beliefs and religions are dynamic – dynamism should be harnessed: even the most traditional of religions have reformed and continue to do so. Hence assuming that beliefs are static or permanent can result in fundamental misrepresentations of religion, undermining peace, security and non-discrimination.
- c) Diversity should be promoted over uniformity: this applies both to states that have adopted a theocratic framework to governing their societies and to states that choose to be secular. The latter have an obligation to protect the rights of religious minorities (or non-religious residents); the former have a responsibility to protect residents' right to adopt or practice a religion of their choice.
- d) Literacy in relation to religion or belief is a foundation for peaceful coexistence: the ability to understand different practices and perspectives is a foundation by which societies can promote peaceful coexistence. Peaceful coexistence derives from mutual understanding, which recognizing that understanding need not imply agreement.

The report makes several recommendations for states covering communication, collaboration, respect, protection, provision of equal treatment, preservation of positive rights, abolition of coercive laws and education. On the latter, it stresses the need to review and reform all education curricula to ensure they do not promote the superiority of one religion over others or promote intolerance, but rather inculcate respect for freedom of religion or belief.

## Reporting and monitoring

Countries should report on efforts to protect and promote religious freedom: they have reporting obligations under human rights treaties and the Universal Periodic Review process regarding freedom of religion or belief (UK FCO, 2010, updated 2016: p. 12). External bodies can play a useful role monitoring the situation with regard to FRB in different countries. As seen, the latter work is already being done by (among others) the Pew Research Centre, the US Department of State, the US Commission on International Religious Freedom, and the UN Special Rapporteur on Freedom of Religion and Belief. Such public 'naming and shaming' can create pressure for reform within individual countries and/or prevent further violations.

Linked to the need for reporting and monitoring, is assessment of country situations to inform effective policy and programme making by international partners. The 2012 blueprint for the US, for example, calls on staff of federal agencies to: 'analyze religious freedom conditions in particular countries and provide guidance for the relevant federal agencies and offices in developing policy responses, programs and activities as part of a government-wide strategy' (HRF, 2012: p. 5).

## Diplomacy and advocacy

The UN Special Rapporteur on Freedom of Religion and Belief has stressed the role the international community must play in promoting FRB. Speaking out against religious freedom

violations is a key aspect of this, and can be a powerful tool in preventing further religious freedom violations. UK Foreign and Commonwealth Office guidelines on promotion of FRB include: 'Posts can publicly promote freedom of religion by supporting reform initiatives in speeches, participating in seminars and events, writing newspaper letters and articles, hosting individuals and groups and their events in Post premises, visiting the victims of violations and attending the trials of human rights defenders' (UK FCO, 2010, updated 2016: p. 13).

However, the FCO guidelines and other literature note that there is a choice of how to deliver pro-FRB messages – in public or private. The choice made – public interventions or private lobbying – will depend on the context. 'Experience shows that in some cases, working silently with the authorities in question is the only and most efficient approach. In other cases, we need to resort to strong public messages, at times followed up by demarches or sanctions' (Wilton Park, 2011: pp. 7-8). It might also be more effective to promote religious freedom under the guise of general 'equality and non-discrimination' or, for example, through tackling other human rights violations such as violence against women and girls (UK FCO, 2010, updated 2016: p. 13).

The literature also calls for religious freedom to be included on foreign policy agendas. For example, a 2012 blueprint for the US administration on how to promote international religious freedom recommends that this be promoted as a foreign policy and national security priority (HRF, 2012).

## FRB programmes

Development agencies have diverse programmes in place to protect and promote freedom of religion and belief. Often, there are strong parallels between these and initiatives to counter violent extremism. Key focus areas are interfaith dialogue and education. DFID, for example, is funding a project in the MENA region that is helping secondary school teachers create lesson plans and promote tolerance and freedom of religion and belief among their pupils.

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## Key websites

- United States Commission for International Religious Freedom: <http://www.uscirf.gov/>
- United Nations Special Rapporteur on Freedom of Religion and Belief: <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FreedomReligionIndex.aspx>
- United States Department of State: <https://www.state.gov/j/drl/rls/irf/>
- International Panel of Parliamentarians for Freedom of Religion or Belief: <http://ippforb.com/>
- Commonwealth Initiative for Freedom of Religion or Belief: <http://www.ciforb.org/>

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