



Freedom of Religion or Belief

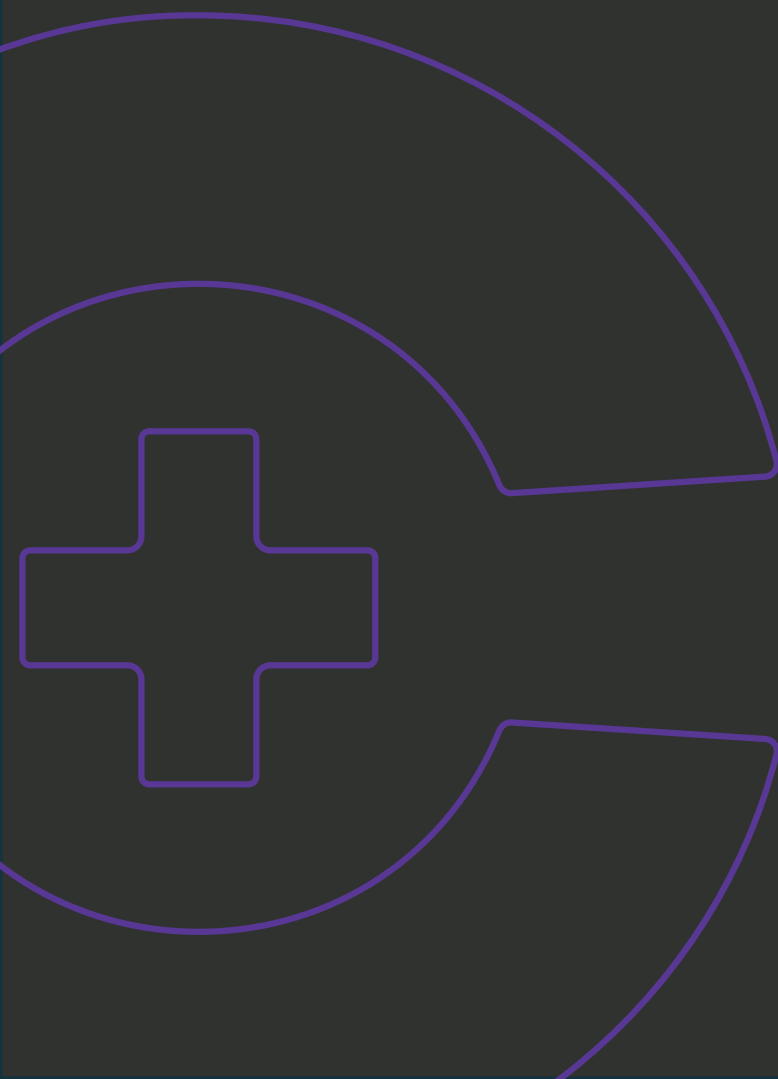
in Denmark's Priority Countries



Introduction

The 2022 status report on Freedom of Religion or Belief (FoRB) in Denmark's 11 priority countries is CKU's attempt to assist applicants in discerning possible interventions to respect, protect, and promote FoRB in these countries. The report contains valuable information about the current situation, and it points to a wealth of relevant resources for applicants to continue analyzing the contexts and designing interventions. The report is published at the very end of 2021, so rather than an exact picture of the status of FoRB in Afghanistan, Bangladesh, Burkina Faso, Ethiopia, Kenya, Mali, Myanmar, Niger, Palestine, Somalia and Uganda – the report provides a window from which applicants and others with an interest in FoRB can get an overview of some of the main issues and continue to explore further information about the actual situation in a specific country.

Freedom of Religion or Belief



The human right to freedom of thought, conscience and religion is more commonly referred to as the Freedom of Religion or Belief (FoRB). The right to FoRB is enshrined in Article 18 of the Universal Declaration of Human Rights (UDHR)¹, and it is given international legal authority by Article 18 of the International Covenant on Civil and Political Rights (ICCPR)². Even if a country has not ratified the ICCPR, FoRB is still considered to be protected as a part of customary international law. In addition to these two universally accepted human rights treaties, FoRB has also been incorporated into numerous regional charters and national constitutions. The African Charter on Human and Peoples' Rights is one example, where it specifically outlines FoRB in article 8.³ Not only do these treaties contain important State obligations relating to FoRB, but they also contain legal definitions and interpretations of FoRB that form part of the common language of international human rights advocacy.

¹ Article 18 of the UDHR can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

² Article 18 of the ICCPR can be found at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

³ <https://www.african-court.org/wpa/c/wp-content/uploads/2020/04/AFRICAN-BANJUL-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf>

First and most fundamentally, FoRB protects the right to freedom of thought and conscience for all; it is intended to protect anyone whose personal belief system is of great salience to their identity. Under the definition of FoRB, the meaning of 'belief' and 'religion' is broadly construed. FoRB is not limited to traditional religions or to religious beliefs with institutional characteristics or practices. It encompasses the right of an individual to reject any religion or belief, to identify as humanist, or atheist, and to manifest non-religious convictions through expression, teaching and practice. FoRB is thus a universal right; it does not grant special privileges for religious people, but rather extends broad protection to everyone equally.

FoRB is closely related to, and intertwined with, other rights, including the rights to expression, assembly, and association, but also the right to freedom of movement, the right to property along with many others.

Its expansive nature becomes apparent with the simple act of going to a church, temple, or mosque: this act requires that there is freedom of religion or belief, as in the right to hold freely formed convictions. But for the faithful trying to get to worship on time, there must be freedom of movement. To gather in a group, freedom of assembly must be respected. Freedom of speech permits the preaching of sermons. Freedom of expression allows for the wearing of religious motivated attire. Property rights enable religious communities to own land and buildings, while legal recognition facilitates these and other important transactions. To have full religious freedom, you need other human rights, as they are intrinsic components.

THE INNER AND THE OUTER COMPONENTS OF FoRB

There are several important components that make up FoRB.

1. The first component of FoRB grants everyone the inner ability to have, choose, change, or leave a religion or belief. It is sometimes called the internal or inner component of Freedom of Religion or Belief. The inner component lives within every human being, and is a personal matter known only to themselves. The 'inner' freedom to choose one's religion or belief is absolute, meaning that under no circumstances can it be limited.
2. The second component of FoRB is to have the freedom to practice or manifest a religion or belief. Everyone has the freedom to practice their religion or belief alone or together with others, publicly or privately. Included among these manifestations, which have been internationally recognized, are the following freedoms:

- The right to worship or assemble in connection with a religion or belief and to establish and maintain premises for these purposes;
- The right to establish religious, humanitarian and charitable institutions;
- The right to make and use articles and materials related to the rites or customs of a religion or belief, including following a particular diet;
- The right to write and disseminate relevant publications;
- The right to teach a religion or belief in places suitable for the purpose and to establish schools;
- The right to solicit and receive voluntary financial and other contributions;
- The right to train, appoint or elect individuals and communities on faith issues at national and international levels, which includes discussing or criticizing a religion; to display religious symbols including the wearing of religious clothing. www.pewforum.org



3. The third component, the freedom from coercion, provides people with the protection to be free from coercion that would hinder them from having or adopting a religion or belief. Threats, violence, discrimination and penal sanctions are not permitted. Freedom from coercion also means that individuals have the freedom to choose the way they practice their religion or belief for themselves.
4. The fourth component, freedom from discrimination, mandates that discrimination on the grounds of religion or belief is not permitted. This includes discrimination against followers of theistic, atheistic, traditional, non-traditional, minority, and new religious beliefs. The State must take effective measures to prevent and eliminate such discrimination in society.
5. The fifth component of FoRB, the rights for children and parents concerning religion or belief, mandates that parents have the right to give their children religious and moral education in accordance with their own beliefs. This should be done in a manner consistent with the evolving capacity of the child. The practice of a religion or belief may not harm the physical or mental health or development of a child. Each child has the right to access education on religious and belief in accordance with the wishes of the parents or guardians and may not be forced to participate in education on

religion or belief against the wishes of parents/guardians, with the best interests of the child as the underlying principle.

6. The sixth component, the right to conscientious objection as it relates to freedom of religion or belief, provides the grounds for conscientious objectors to claim the right to refuse armed military service based on their religious or belief convictions. This has been affirmed by the European Court of Human Rights in a ruling in 2011. Other forms of conscientious objection to participation in a certain practice (e.g. abortion, contraception, end of life issues, and same sex marriages) are recognized by many states, but not all consider these to be part of the right to FoRB.
7. The seventh component of FoRB, the obligation to employers and employees to honor FoRB by how it relates to the workplace, mandates employers to provide reasonable accommodation for their employees' beliefs and their need to practice their religion in the workplace. The degree of accommodation considered reasonable varies a lot between different types of employers, workplace and occupation, and in relation to different forms of religious practice.



Methodology

This report will evaluate and discuss the various components found in FoRB's internationally recognized definition and how well they are applied and upheld in a specific country.

Each country report is broken down into four sections:

1. Demographics, covering the unique and diverse groups of people and belief systems found in country
2. The legal framework of freedom of religion or belief, speaking to the established legal precedence of FoRB found within the country.
3. Societal practice and the government's application of FoRB, highlighting the government's latest actions and activities as they relate to FoRB. and
4. Social analysis, giving a unique rendition of how FoRB is currently upheld in the local country context.

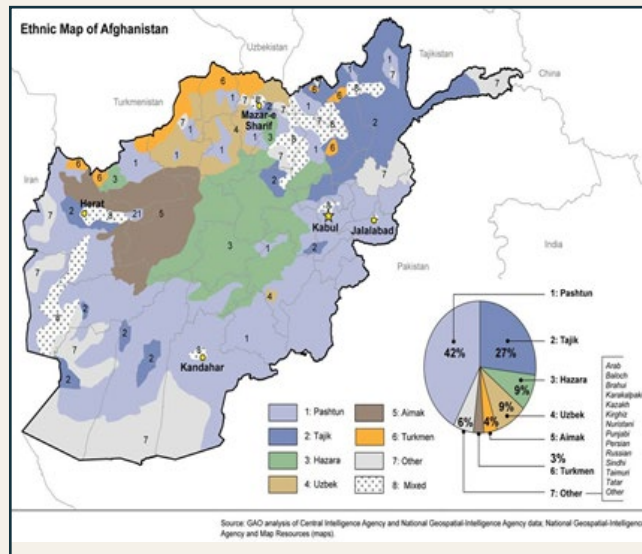
This report will also use data found from two indexes developed by The Pew Research Center for evaluating the severity of social hostilities and government restrictions on the human right to freedom of religion or belief in these specific countries. In addition, this report uses several sources from the US Department of State, Danish Ministry of Foreign Affairs, UN, and the US Commission on International Religious Freedom. The report also contains information given to CKU by local partners and religious or belief actors that operate in the mentioned countries.



Priority Countries

The countries in this report were selected as priority countries by the Danish government and share a special diplomatic connection with the Danish Ministry of Foreign Affairs. All countries found in this report receive official development assistance from Denmark.

I. Afghanistan



1. DEMOGRAPHICS

According to the US State Department¹, Afghanistan consists of 36. million people and is home to a diverse array of ethnic groups, including Pashtuns (42 %), Tajiks (27 %), Hazaras (9 %), Uzbeks (9 %), Turkmen (3 %), and Baloch (2 %). The country's current population is approximately 99.7 % Muslim. Hereof 84.7-89.7 % are Sunni and 10-15% Shi'a, including Ismailis. The few remaining non-Muslims (Hindus, Sikhs, Bah'is, Christians, Buddhists, Zoroastrians, and others, including one known Jew) comprise the remaining 0.3 %. The Non-Muslim religious minority communities mainly live in enclaves found throughout Kabul. Hazaras constitute the largest non-Sunni based Muslim group (90 %) of the Shia population.² They live in the central and western provinces as well as in Kabul. Ismaili Muslims live in Kabul and in the central and northern provinces. Ahmadi Muslims live in Kabul as well.

2. THE LEGAL FRAMEWORK OF FREEDOM OF RELIGION OR BELIEF

Under the current (2004) Constitution, State legislation is derived from religious law. Afghanistan's 2004 constitution states Islam as the official religion of Afghanistan and proclaims no law shall contravene.³ Meaning where tensions exist, or where the Constitution or Penal Code are silent, the courts must rely on the Hanafi School of Sunni Islamic Jurisprudence.

Article 2 of the Constitution states that followers of religions other than Islam are "free to exercise their faith and perform their religious rites within the limits of the provisions of the law."⁴ This, however, is only applied to the few who are born into the religious minority, not converts from Islam. Even then, religious or belief minorities still face outright persecution. The 2007 ruling from the General Directorate of Fatwas and Accounts under the Supreme Court outlawed the Bahai faith in Afghanistan.

The 2004 Constitution also applies Shia law in cases dealing with personal matter where all parties are Shiite.⁵ But there are no separate laws applying to non-Muslims.⁶ Non-Muslims may not provide testimony in matters requiring Hanafi jurisprudence.⁷

The topics of apostasy and blasphemy are of major concern in Afghanistan. The Penal Code makes no specific references to religious conversion. However, in the absence of a provision in the Constitution or other law, Article 130 of the Constitution instructs that court decisions should be in accordance with the constitutional limits and Hanafi religious jurisprudence to achieve justice.⁸ Under such interpretation of Islamic law,



active in practice under Article 130, converting from Islam to another religion is deemed as apostasy and those found guilty can face the death penalty.⁹ Converts from Sunni Islam face local scrutiny and risk annulment of their marriages, rejection by their families and communities, loss of employment, confiscation of property, and death.¹⁰ Like apostasy, the Penal Code makes no specific references to blasphemy. Similar to rulings considering apostasy, courts rely on Islamic law to address this issue. Blasphemy-which includes anti-Islamic writings or speech-is a capital crime under Hanafi Jurisprudence of Sharia law.¹¹ Males over the age of 18 and females over the age of 16 can be sentenced to death by an Islamic judge, if found guilty of blasphemy.¹²

Afghanistan is a signatory of the International Covenant on Civil and Political Rights.¹³

3. THE GOVERNMENT'S APPLICATION OF FORB

The PEW Research Center's 2021 report ranked Afghanistan 'high' in their Government Restrictions on Religion Index.¹⁴ The NGO Law, Art 8. prohibits international organizations operating in Afghanistan from religious proselytization (actively trying to convert local Afghans to their religion).¹⁵

The mass media law prohibits the production, reproduction, printing, and publishing of works and materials contrary to the principles of Islam or offensive to other religions and denominations.¹⁶ It also prohibits publicizing and promoting religions other than Islam and bans articles on any topics the government deems might harm the physical, spiritual, and moral well-being of persons, especially children and adolescents.¹⁷ The law instructs National Radio and Television Afghanistan, a government agency, to provide broadcasting content reflecting the

religious beliefs of all ethnic groups in the country, all based on Islam.¹⁸ The law also obligates the agency to adjust its programs to reflect Islamic principles as well as national and spiritual value.¹⁹

Muslim men are legally allowed to marry non-Muslim women, while it is illegal for Muslim women to marry non-Muslim men.²⁰ Furthermore, when a Muslim man wants to marry a woman who is non-Muslim, she must first convert to Islam.²¹

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

In the Index of Social Hostilities Involving Religion, The Pew Research Center has recently ranked Afghanistan at 'high'.²² Conditions pertaining to the freedom of Religion or Belief throughout Afghanistan have drastically deteriorated since the Taliban re-established the Islamic Emirate of Afghanistan on August 15, 2021; they demand a total and absolute adherence to Sharia Law.²³ As a newly declared "Islamic Emirate", a religious leader now serves as the ultimate authority on law and governance of the nation, based on the Taliban's interpretation of Islam.²⁴

Violence directed at religious minorities and subsequent FoRB violations has only increased throughout the region.²⁵ The Taliban continue to kill religious leaders and threaten them with death for preaching messages contrary to the Taliban interpretation of Islam.²⁶ In addition to the Taliban, the ISIS affiliate ISIS-Khorasan (ISIS-K) along with Al-Qaeda are also responsible for many FoRB violations throughout Afghanistan.²⁷

On 7 September 2021, the Taliban announced an all-male caretaker government-including an interior minister wanted by the FBI-as well as the reinstatement of the ministry for the Enforcement of Virtue and Prevention of Vice (al-Amr bi al-Ma'ruf wa al-Nahi 'an al-Munkir), which is ministry dedicated to the enforcement of the Taliban's extreme interpretation of Islamic

law.²⁸ The Taliban have also proclaimed they intend to implement a new constitution like the one found during the era of former King Mohammad Zahir Shah.²⁹

Consequently, the situation is grave for many religious communities and ethnic groups in Afghanistan. Members of the native Sikh and Hindu community are on the verge of extinction. The few that remain are pressured to leave Afghanistan due to the lack of safety and security. They are often targeted by the Taliban and ISIS-K.³⁰

Hazaras being the largest Shia Muslim minority community, often face discrimination based on their ethnicity and religion. The Hazara worry that the Taliban will not accept Shia Islam as a formal religion and would ignore laws currently in place that protect Shia Islam. Attacks by ISIS-K and the Taliban and other insurgent groups are increasingly targeting the Shia Hazara.³¹ The Taliban go the extra mile when it comes to conducting attacks against the Hazara community and have become more brutal in their crimes against them. The Simon-Skjodt Center for the Prevention of Genocide at the United States Holocaust Memorial Museum Hazara has even designated the Hazara community 'at risk of being victims of crimes against humanity and genocide,' under Taliban rule.³²

The smaller religious minority communities in Afghanistan, like the Christian, Baha'i, and Ahmadi faiths exist only in secret.³³ Worshipers live in constant fear of exposure and are reluctant to reveal their religious identities to anyone. Furthermore, expression of non-religious views is also severely persecuted and rendered almost impossible by severe social stigma and met with hatred or violence.³⁴

It is impossible to live openly as a Christian in Afghanistan.³⁵ Converts to Christianity from Islam and individuals studying Christianity often receive death threats from family



members, so many flee the country fearing for their lives.³⁶ Christians worship alone or in small congregations, sometimes 10 or fewer persons, in private homes due to fear of persecution.³⁷ There are no public Christian churches in Afghanistan, and Christian faith-based organizations are closeted due to fear.³⁸

CONCLUDING REMARKS

Afghanistan’s obligation towards honoring the human right to freedom of religion or belief is in a dismal state. The current legal codes and government practices established from 2004 promote Islam over other religions, outlaw certain religions, and forbid individuals from converting or speaking out against Islam. All of which are violations and inconsistent with Afghanistan’s obligation to uphold FoRB, as outlined by article 18 of the UDHR and ICCPR, which Afghanistan is committed to by being a signatory. In addition, the clear double standard found in the marriage laws presents a clear form of discrimination and coercion that is in violation of FoRB. These unaddressed violations have caused an uptick in forced marriages, coerced conversions, rape, and sex slavery throughout Afghanistan.³⁹ The previously mentioned FoRB violations is worsening due to the Taliban’s control over the country. The international community must figure out a way to provide aid to the various religious minorities who will be further marginalized and persecuted under their rule.

NOTES

1 *It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information concerning the specific statistics please consult the latest US State Department’s report of religious freedom in Afghanistan at: <https://af.usembassy.gov/wp-content/uploads/sites/268/240282-AFGHANISTAN-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.*

2 *Ibid.*

3 *For more information concerning the established legal precedence in Afghanistan and its correlation to FoRB, Please consult the Afghan Constitution found at: <https://president.gov.af/en/wp-content/uploads/sites/4/2017/01/TheConstitution.pdf-english.pdf>.*

4 *For more information, please check out the constitution of Afghanistan found at: <https://president.gov.af/en/wp-content/uploads/sites/4/2017/01/TheConstitution.pdf-english.pdf>.*

5 *Please consult the Afghanistan section of the Humanists latest Freedom of Thought Report found at: <https://fot.humanists.international/countries/africa-eastern-africa/uganda/>.*

6 *Ibid.*

7 *Ibid.*

8 *Please consult Article 130 of the Constitution found at: https://www.constituteproject.org/constitution/Afghanistan_2004.pdf?lang=en.*

9 *<https://fot.humanists.international/download-the-report/>.*

10 *Ibid.*

11 *<https://fot.humanists.international/download-the-report/>.*

12 *<https://fot.humanists.international/download-the-report/>.*

13 *<https://sdg.humanrights.dk/da/instrument/signees/25>.*

14 *https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 61.*

15 *For more information concerning the Afghan law please consult: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=86575*

16 *Please Consult: <https://www.state.gov/wp-content/uploads/2021/05/240282-AFGHANISTAN-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.*

17 *Ibid.*

18 *Ibid.*

19 *Ibid.*

20 *<https://af.usembassy.gov/wp-content/uploads/sites/268/240282-AFGHANISTAN-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.*

21 *Ibid.*

22 *https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.*

23 *<https://www.washingtonpost.com/world/2021/08/15/afghanistan-taliban-islamic-emirate/>.*

24 *<https://www.pri.org/stories/2021-09-10/taliban-s-islamic-emirate-afghanistan-based-specific-ideology> ;<https://aljazeera.com/news/2021/8/23/hold-the-taliban-and-sharia-law-in-afghanistan>*

25 *The most recent terrorist attack was a suicide bombing at a Shia mosque in Khandahar: <https://www.uscifr.gov/news-room/releases-statements/uscifr-strongly-condemns-terrorist-attacks-shia-mosques-afghanistan>.*

26 *<https://www.uscifr.gov/news-room/releases-statements/uscifr-strongly-condemns-terrorist-attacks-shia-mosques-afghanistan>.*

27 *Ibid.*

28 *<https://www.theguardian.com/world/2021/sep/07/taliban-name-afghanistan-new-government>.*

29 *<https://www.voanews.com/a/taliban-say-they-will-use-parts-of-monarchy-constitution-to-run-afghanistan-for-now/6248880.html>.*

30 *For more information concerning the plight of the native Sikh and Hindu communities in Afghanistan please watch USCRIF’s video: <https://www.youtube.com/watch?v=P2FLq-F3yFW0>.*

31 *ISIS and Taliban attack Hazara soft targets like their maternity hospitals, schools, sports centers, and gyms. On May 8th, ISIS-K bombed a Hazara girls school in Kabul killing more than 85 children and wounded 150. For more information, please consult <https://time.com/6075566/hazara-shia-afghanistan/>.*

32 *More information can be found in USCRIF’s most recent podcast found at: <https://www.uscifr.gov/news-room/uscifr-spotlight/hazara-community-threatened-afghanistan>.*

33 *<https://af.usembassy.gov/wp-content/uploads/sites/268/240282-AFGHANISTAN-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.*

34 *For more information about the situation for atheists and humanists in Afghanistan under Taliban rule, please consult: <https://fot.humanists.international/download-the-report/>.*

35 *<https://www.opendoorsuk.org/persecution/world-watch-list/afghanistan/>.*

36 *Ibid.*

37 *Ibid.*

38 *Ibid.*

39 *<https://thediplomat.com/2021/10/the-talibans-forced-marriages/>.*

II. Bangladesh



1. DEMOGRAPHICS

According to figures given by the U.S. State Department,¹ the population of Bangladesh is 162.7 million people. Roughly 89 percent of the population consists of Sunni Muslims. Hindus are the largest minority and comprise 10 percent of the population. The remaining one percent, collectively, consist of Christian, (Roman Catholic) and Theravade-Hinayana Buddhists and a small number of Shia Muslims, Ahmadi Muslims, Baha'is, animists, agnostics, and atheists.² There is a sizable refugee community as well. UN Reports conclude that almost one million refugees have fled Myanmar since 2017 and are now living in various camps found in Bangladesh.³ Most Rohingya refugees in Bangladesh are Muslim.

2. THE LEGAL FRAMEWORK OF FORB

Freedom of religion or belief in Bangladesh is a paradox. The Constitution of Bangladesh promotes secularism.⁴ Both the Preamble and Article 8 of the Constitution define secularism as a high ideal and a “fundamental principle of State policy.”⁵ Article 12 stipulates: “The principle of secularism shall be realized by the elimination of: (a) communalism in all its forms; (b) the granting by the State of political status in favor of any religion; (c) the abuse of religion for political purposes; (d) any discrimination against, or persecution of, persons practicing a particular religion.”⁶ In addition to the promotion of secularism, article 41 of the constitution outlines the status of freedom of religion or belief in the country as, “subject to law, public order and morality- every citizen has the right to profess, practice, or propagate all religions.”⁷ Article 28 of the constitution states, “the State shall not discriminate against any citizen on grounds only of religion...” and “no citizen shall, on grounds only of religion...be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.”

Yet, Article 2 states, “the State religion of the Republic is Islam” with the provision that “the State shall ensure equal status and equal rights in the practice of the Hindu, Buddhist, Christian and other religions.”⁸ The Constitution includes further provisions elaborating on freedom of religion, making no reference to belief of the non-religious.⁹

Bangladesh is a signatory of the International Covenant on Civil and Political Rights.¹⁰



3. THE GOVERNMENT'S APPLICATION OF FORB

The PEW Research Center's most recent report ranked Bangladesh on 'high', in their Government Restrictions on Religion Index.¹¹ Bangladesh's inability to promote an individual's right to freedom of religion or belief is demonstrated in the government's legal practices. Section 295A and 298 of the Penal Code criminalizes the offence of wounding or outraging the religious feelings of others.¹² Bangladesh also passed an Information and Communication Technology (ICT) Act in 2006, which further toughened by the government of Prime Minister Sheikh Hasina in 2013, under which it is illegal to publish content on the Internet that could "harm public order and law or be construed as defamation against religions, where violators can serve up to 10 years in prison."¹³ On top of the ICT Act, the Bangladeshi government enacted the Digital Security Act (DSA) in October 2018, which gives the police the power to detain individuals, including journalists, without a warrant. Civil rights organizations were quick to point out that many of the DSA's provisions limit the civil rights of freedom of expression and freedom of religion or belief.¹⁴ The PEW Research Center also concludes that Bangladesh has one of the highest government-imposed online restrictions on religion or belief.¹⁵

The original Vested Property Act¹⁶ allowed government officials to confiscate Hindu-owned land and evict the owners. Over three million acres, 87 percent of which was Hindu-owned property and temples has been lost.¹⁷ The authorities in Bangladesh have tried to rectify the situation through the Vested Property (Return) Act in 2001 and the Vested Property Return (Amendment) Act in 2011, allowing individuals to file claims for the return of confiscated property. The Hindu religious minority, however, complain of costly delays in adjudicating claims due to indifferent or corrupt local government officials handling the cases.¹⁸ Out of the original three million acres of

land taken, only 8,187.5 acres of land have been returned to the Hindu minority community.¹⁹ There are also continued reports of land confiscations occurring in the religious minority communities, including the seizure of houses of worship.²⁰ Local government officials are often complicit or directly involved.²¹ The confiscation and failure to restitute the land owned by the Hindu minority is a deliberate act violating the human right to property, as outlined by Article 17 of the UDHR.²² But since such violation is based upon religiously fueled discrimination (i.e. specifically targeting the Hindu minority), it is also a FoRB violation. This Bangladeshi minority group is denied their property rights because of their religious identity.

The secular oriented Awami League (AL), which controls the government, has also passed formidable laws restricting religious speech, exercises strong governance over Islam, bans religious parties, disproportionately reacts to religious violence, and represses political opponents.²³ The government, beginning in 2016, instituted a crackdown on religious extremism, leading to over 14,000 arrests of suspected militants along with a subsequent effort to challenge the hate speech of radical Islamic clerics.²⁴ Since April of 2019, Imams across the country have also been directed by Prime Minister Hasina and the AL, to deliver sermons during Friday prayers denouncing terrorism and extremism. It should be noted that FoRB protects individuals who possess radical interpretations of their faith and even individuals who give hate speech. The draconian measures the AL uses to limit religious extremism is viewed by these individuals as a violation of their right to FoRB, as the government is trying to prevent them from practicing and manifesting their belief even if it is labelled radical or extreme. It is, however, important to distinguish between non-violent yet radical interpretations of faith and violent or extreme interpretation of faith. Even though FoRB protects the individuals holding any form of faith or non-



faith, FoRB does not protect violent ideologies (or non-violent ideologies for that matter) or any form of violence.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

The Pew Research Center's most recent report has also ranked Bangladesh 'high', in their Index of Social Hostilities Involving Religion.²⁵ The paradox of promoting both a secularist agenda, while having the prevalence of Islam be felt throughout the country is also further reflected in Bengali society. The South Asian country is still in an ambivalent position. Officially, a powerful political and intellectual movement promotes State sponsored secularism. But there is also a strong current of militant

Islamism found in Bangladesh who continue to generate hostility against religious minorities.

The conflict between secularists and Islamists in Bangladesh has created contradictory consequences for freedom of religion or belief conditions at both the political and societal level. Secularists associated with the ruling AL political party, led by Prime Minister Sheikh Hasina, have often aggressively opposed militant Islamism. Their policies, however, have also often violated religious freedom and other human rights for many Muslims living in Bangladesh. Their prosecution of Islamist leaders for war crimes has drawn criticism from international observers for failing to protect the rights of the defendants.²⁶

In addition to the government's secularist agenda that has put a limitation on FoRB, Islamist non-state actors have committed numerous FoRB violations, as they often target individuals suspected of blasphemy or violating their interpretation of Islam.²⁷ Religious minorities face societal discrimination and harassment from extremist groups. Bangladesh is also home to a plethora of Islamic terrorist organizations like ISIS and its local affiliates, Jamaat-ul-Mujahideenn Bangladesh (JMB), Al-Qaeda in the Indian Subcontinent (AQIS), Ansarullah Bangla Team (ABT), Jamaat-e-Islami, Hefazat-e-Islam, and Hizb ut-Tahrir.²⁸ These various organizations persecute the religious minority communities found throughout Bangladesh.

Over the past few years, there have been horrible accounts of violence inflicted on the Hindu, Christian, Ahmadiyya, and Buddhist minority communities. These religious minority communities suffer from their villages being burned, their worshipers being dismembered and decapitated, and land confiscation.²⁹ Although despite such horrors, Islamist violence against religious minorities appears to have declined somewhat over the last several years, according to the Bangladesh Hindu Buddhist Christians Unity Council (BHBCUC) and the Ain o Salish Kendra (ASK).³⁰ Yet several of these communities in Bangladesh continue to face persecution stemming from extremism and broader societal prejudices, due to the gap between national level politics and local officials' actions. In recent years, several local administrative and police officials have demonstrated a general apathy toward promoting religious tolerance, strengthening protections for religious minorities, properly investigating crimes, and ensuring accountability for attacks against religious minorities.³¹

CONCLUDING REMARKS

Islamism has been the greatest source of violent religious persecution in the country for more than twenty years, despite the government's aggressive crack down on Islamist militancy. However, the country's dysfunctional political life casts a negative shadow over the prospects for religious freedom and prevents it from having a solid and sustainable foundation. International observers criticized the general elections held at the end of 2018 because the government jailed opposition leader Khaled Zia of the Bangladesh Nationalist Party before the poll. The result increased the distrust between the country's secularists and those supporting a greater political role for Islam.³² This trend has weakened the rule of law, fueling Islamist mobilization. In fact, the second half of 2020 witnessed an uptick in Islamist violence against minority groups like atheists or people who express disbelief in Islam, which continues in the present.³³ Efforts to reconcile the nation appear urgent if Bangladesh is to deliver on its obligation to respect the freedom of religion or belief of all its citizens. As of right now, Bangladesh is not able to demonstrate total freedom of religion or belief within the country. They promote Islam as the premier and established religion in the nation, persecute the recognized minority religions, and fail to recognize the rights of those who are atheists or humanist.

NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information about the religious demography in Bangladesh please consult: ; <https://www.state.gov/reports/2020-report-on-international-religious-freedom/bangladesh/>. <https://www.uscirt.gov/sites/default/files/2020%20Bangladesh%20Country%20Update.pdf>; <https://www.state.gov/reports/2020-report-on-international-religious-freedom/bangladesh/>.

2 Ibid.

3 More information about the Rohingya refugees can be found at: <https://www.un.org/press/en/2021/sgsm20865.doc.htm>; The New York Times also has a great story that highlights the plight of the Rohingya situation within Bangladesh found at: <https://www.nytimes.com/2021/10/10/world/asia/bangladesh-rohingya-bhashan-char.html>

4 More information please consult the Constitution of Bangladesh at: https://www.constituteproject.org/constitution/Bangladesh_2011.pdf.

5 Ibid.

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 <https://sdg.humanrights.dk/da/instrument/signees/25>.

11 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 61.

12 For more information the penal code in Bangladesh and its relationship to FoRB violations, please consult: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=92056

13 For more information regarding FoRB violations and the Information and Security Act and the Digital Security Act <https://www.state.gov/reports/2020-report-on-international-religious-freedom/bangladesh/>.

14 Ibid

15 More information about the PEW Research Center Report can be found at: https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf

16 For more information regarding the Vested Property Act, please check out: <https://www.uscirt.gov/sites/default/files/2020%20Bangladesh%20Country%20Update.pdf>

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

21 Ibid.

22 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

23 Such examples can be found in the Religious Freedom Institute's 2020 Bangladesh Report, found at: <https://static1.squarespace.com/static/57052f155559869b68a4f0e6/t/5f51575c97dba66e33c66544/1599166324548/Bangladesh+ONLINE.pdf>.

24 More information can be found at: <https://www.latimes.com/world/asia/la-fg-bangladesh-crackdown-20160616-snap-story.html>.

25 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

26 For more specifics, please consult: <https://freedomhouse.org/country/bangladesh/freedom-world/2021>.

27 For more specific details on the religiously motivated attacks and sectarian violence, please consult: <https://acninternational.org/religiousfreedomreport/wp-content/uploads/2021/04/Bangladesh.pdf>.

28 For more information concerning the various terrorist organizations in Bangladesh and their specific attacks, check out: <https://www.counterextremism.com/countries/bangladesh>.

29 For more information concerning the specifics, please consult: <https://www.uscirt.gov/sites/default/files/2020%20Bangladesh%20Country%20Update.pdf>.

30 Please read ACN international's recent study on Bangladesh, where it posts the findings on these from these NGOs, which is found at: <https://acninternational.org/religiousfreedomreport/wp-content/uploads/2021/04/Bangladesh.pdf>.

31 <https://www.economist.com/asia/2021/11/06/bangladeshs-religious-minorities-are-under-attack>: <https://www.aa.com.tr/en/asia-pacific/bangladesh-police-arrest-dozens-for-attacking-hindus/2182210>

32 For more information concerning the struggle between secularism and radical Islamification within Bangladesh, please consult: <https://www.tandfonline.com/doi/pdf/10.1080/17448689.2020.1787629?needAccess=true>.

33 For more information on the recent attacks against religious minorities in Bangladesh, please consult: <https://www.nytimes.com/2016/11/16/opinion/attacks-on-hindus-in-bangladesh.html>.

III. Burkina Faso



1. DEMOGRAPHICS

According to the US State Department, the population of Burkina Faso is estimated at 20.8 million people, and 61 percent of the population is Muslim and predominantly Sunni, while 19 percent of the population is Roman Catholic, 4 percent of the population is Protestant, and 15 percent maintain exclusively indigenous beliefs.¹ In addition, many Muslims and Christians adhere simultaneously to some aspect of the traditional or animist religious beliefs.² 1 percent of the population is atheist or belongs to other religious groups.³ Muslims reside in the northern, eastern, and western border regions, while Christians live in the center of the country.⁴ Traditional and indigenous beliefs are practiced throughout the country, especially in rural communities.⁵

2. THE LEGAL FRAMEWORK OF FORB

The 1991 Constitution of Burkina Faso, amended in 2015, prevents discrimination based on religion. Furthermore, Article 7 states, “the freedom of belief, of non-belief, of conscience, of religious opinion, [of] philosophy, of exercise of belief,

the freedom of assembly, the free practice of custom as well as the freedom of procession and of demonstration, are guaranteed by this Constitution, under reserve of respect for the law, for public order, for good morals and for the human person.”⁶

Burkina Faso is a signatory of both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights.⁷

3. THE GOVERNMENT’S APPLICATION OF FORB

Political parties based on religion, ethnicity, or regional affiliation are forbidden in Burkina Faso.⁸ All organizations, regardless of religion must register with the Ministry of Territorial Administration and Decentralization.⁹ Religious groups also operate under the same regulatory framework for publishing and broadcasting as other secular entities.¹⁰

The government has made attempts at promoting religious tolerance. They have allocated \$ 142,000 to indigenous faith communities, demonstrating equitable government support to all religious groups in the country.¹¹ The government also provided further financial subsidies specifically to the teachers working at registered Catholic, Protestant, and Muslim schools.¹² In addition to government efforts supporting the Abrahamic faiths, they have also made strides towards including the traditional, indigenous forms of belief in Burkina Faso¹³. Although this demonstrates a positive effort, it is still problematic for those who do not belong to one of these religions like humanists or atheists.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICE

Tolerance and interfaith harmony in Burkina Faso have deteriorated. The Pew Research Center’s most recent report, furthermore, lists Burkina Faso as the only country to have experienced an increase in social hostilities involving religion and have moved them from the ‘moderate’ to ‘high’ category in their Social Hostilities Index.¹⁴ Burkina Faso was also the only country that demonstrated a large increase in the overall restrictions on religion.¹⁵ Violent events in Burkina Faso have increased since 2016, and one third of Burkina Faso is now considered an open conflict zone.¹⁶ Such problems are attributed to the government struggling to rein in the violence brought on by the ongoing terrorist groups like ISIS in the Greater Sahara (ISIS-GS), JNIM, al-Qa’ida in the Islamic Maghreb, Ansar Dine, and al-Mourabitoun.¹⁷ These organizations target and kill individuals based on their religious identity. They attack both Muslims and Christians alike and have been known to kill imams who work with the government and preach for peaceful coexistence.

Christians in the northern regions are often targeted for their faith. Christians, who recently converted from Islam, are especially vulnerable in their community and targeted by these jihadist groups. Many of the attacks occur at houses of worship, forcing many churches in the north to close and Christians to flee the area due to the violence brought on from these Islamic extremist groups.¹⁸

The government has prioritized a military approach to fight against these jihadist groups operating in their territory and along its borders with Mali and Niger. Their military is affiliated with human rights abuses in counter-terrorism operations, furthering the jihadists’ recruitment efforts in the region.

The religiously targeted violence and persecution has threatened the traditional peaceful coexistence of religious groups in Burkina Faso. These attacks have polarized the region. The Fulani ethnic group who are often falsely accused of being linked to these jihadist groups due to sharing the same religion (Sunni Islam) face social stigmatization





at the hands of self-defense militias in the northern and central regions of the country. These actors are hence violating the Fulani's right to FoRB.

Despite an increase in religiously motivated attacks, members of the Burkinabe Muslim Community Organization, the Catholic Archdiocese of Ouagadougou, and the Federation of Evangelical Churches have continued to report how religious tolerance remained widespread on the local level.¹⁹ Numerous examples exist of families of mixed faiths and religious leaders attending each other's holidays and celebrations.²⁰ Members of the largest religious communities promote interfaith dialogue and tolerance through public institutions such as the National Observatory of Religious Facts, which conduct awareness campaigns throughout the country.²¹ They also work through NGOs such as the Dori-based Fraternal Union of Believers, which encourage various religious communities, specifically in the Sahel Region, to conduct socioeconomic activities with the goal of fostering religious tolerance.²²

CONCLUDING REMARKS

Burkina Faso has become a major theatre for jihadist operations in the Sahel.²³ Authorities, focusing on counterterrorism have been slow in recognizing the scale of the extremist crisis, and unable to address the underlying problems which furthers frustrations amongst the populace and enable jihadist recruiting opportunities. Although Burkina Faso's religious and political leaders seek to maintain the historically positive inter-religious relations between faith groups, and with the understanding that Islamist terror affects all religious communities in Burkina Faso, there are concerns to the long-term impact of the jihadist violence and its role in further dividing Burkinabe society. In view of the current situation, the prospect for freedom of religion in Burkina Faso remain negative for the foreseeable future.

NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information about Burkina Faso's religious demographics please read the US State Department's Report found at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burkina-faso/>

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 https://www.constituteproject.org/constitution/Burkina_Faso_2015.pdf?lang=en

7 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

8 <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burkina-faso/>.

9 Ibid.

10 Ibid.

11 Ibid.

12 Ibid.

13 Ibid.

14 The Newest Pew Research Center Report Can be found at: https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 23.

15 Ibid, 25.

16 <https://news.un.org/en/story/2019/11/1051671>.

17 For more information concerning the specifics about the ongoing terror threat and attacks in Burkina Faso along with its connection to religious freedom please consult: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burkina-faso/>; USCRIF has another report as well that speaks to the same issue and can be found at: <https://www.uscifr.gov/publication/factsheet-attacks-burkina-faso>

18 For more information concerning the persecution of Christians in Burkina Faso please consult: <https://www.opendoor-susa.org/christian-persecution/world-watch-list/burkina-faso/>

19 <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burkina-faso/>.

20 Ibid.

21 Ibid.

22 Ibid.

23 <https://www.crisisgroup.org/africa/sahel/burkina-faso/287-burkina-faso-sortir-de-la-spirale-des-violences>.

IV. Ethiopia



1. DEMOGRAPHICS

According to the US State Department, the population of Ethiopia is estimated at 108.1 million.¹ Roughly 44 percent of the population adheres to the Ethiopian Orthodox Tewahedo Church (EOTC) and they predominate the northern regions of Tigray and Amhara.² The Ethiopian Orthodox Tewahedo Church is not only a religious organization but is also very closely linked to the history of the country and identity of Ethiopians. 34 percent of the Ethiopian population are Sunni Muslim and are mainly found in the regions of Afar, Oromia, and Somali.³ 19 percent belong to evangelical Christian and Pentecostal groups and most of their adherents live in the Southern Nations Nationalities and Peoples (SNNP) and Gambella Regions and parts of Oromia Region. It is important to note that the evangelical and Pentecostal population has increased significantly over the past years.⁴

Groups that together constitute less than five percent of the population include Eastern Rite and Roman Catholics, members of The Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, Jews, and practitioners of indigenous religions.⁵

2. THE LEGAL FRAMEWORK OF FREEDOM OF FORB

The 1993 Constitution of Ethiopia mandates the separation between State and religion, and Ethiopia is considered a secular State. Article 27 outlines the right to freedom of thought, conscience, and religion specifically stating, "This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."⁶ The same article also states, "Freedom to express or manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion."⁷

Ethiopia is a signatory of both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights.⁸

3. THE GOVERNMENT'S APPLICATION OF FORB

The Pew Research Center's ranks Ethiopia as 'moderate', in the Index of Government Restrictions on Religion.⁹ The current Ethiopian government has recently, however, adopted laws that appear to limit individuals' freedom to express or manifest their religion

or belief.¹⁰ The government uses these laws to curtail and prevent religiously based hate speech from occurring. Article 816 in the Criminal Code states, "gestures or words scoffs."¹¹ In addition, Article 492 states, "Whoever publicly prevents the solemnization of, or disturbs or scoffs at, an authorized religious ceremony or office; or profanes a place, image or object used for religious ceremonies, is punishable with fine not exceeding one thousand Birr [approximately US\$27], or with simple imprisonment not exceeding two years."¹² Such laws violate¹³ the individual's right to criticize or speak out against a particular religion, an important component of FoRB.

Religious groups must apply for land allocation, including for land to build places of worship. Such laws have led to inequitable distribution of the land and discrimination against religious minorities in certain regional areas of Ethiopia, as they are denied access to land.¹⁴ For example, the national authorities in the ancient city of Aksum, believed to be home to the biblical queen Sheba and Ark of the Covenant, forbid the construction of mosques despite the Muslim minority population's long campaign for one.¹⁵ The reasoning for rejection is that most living in the area believe Muslims to be guests in Axum and not actual residents. A priest from the EOTC states, "If Christians are allowed to build a church in Mecca, well then then we will allow for Muslims to build a mosque in Axum."¹⁶ Since the government violates the Muslim community's right to hold property in Axum and this is rooted in religious discrimination, it is also a FoRB violation.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

Further, The Pew Research Center's 2021 report has ranked Ethiopia at 'high' in their Index of Social Hostilities Involving Religion.¹⁷ The civil war in the north of Ethiopia (Tigray Region) has brought religious polarization and religiously motivated violence





NOTES

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2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Please consult Ethiopian Constitution for more information at: https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en.

7 Ibid.

8 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

9 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 61.

10 Please consult Ethiopia's Criminal Code for more information regarding the government's limitations on FoRB and found at: <https://www.refworld.org/pdfid/49216b572.pdf>.

11 More information of the Ethiopian Criminal Code can be found at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/70993/75092/F1429731028/ETH70993.pdf>

12 Ibid.

13 For more information, please check out the Humanists International's The Freedom of Thought Report, where they consider these laws to be blasphemy laws. It is found at: <https://fot.humanists.international/countries/africa-eastern-africa/ethiopia/>.

14 Interview with priest from EOTC, August 2021.

15 Ibid.

16 Ibid.

17 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

18 For more information concerning the religious based violence rampant throughout Ethiop, please consult the US State Department's 2020 Report found at: <https://et.usembassy.gov/wp-content/uploads/sites/188/240282-ETHIOPIA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>; Berkley Center for Religion, peace & World Affairs also has an article about the matter and found at: <https://berkleycenter.georgetown.edu/responses/religion-and-the-social-covenant-in-ethiopia-faith-in-the-tigray-conflict>.

19 <https://apnews.com/article/witnesses-recall-massacre-axum-ethiopia-fa1b531fea069aed6768409bd1d20bfa>.

20 Ibid.

21 Ibid.

22 <https://edition.cnn.com/2021/02/26/africa/ethiopia-tigray-dengelat-massacre-intl/index.html>.

23 Interview with EOTC Priest, August 2021.

24 Ibid.

25 Ibid.

26 Ibid.

27 <https://et.usembassy.gov/wp-content/uploads/sites/188/240282-ETHIOPIA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

28 Ibid.

29 For more information, please consult the Afrobarometer survey found at: <https://afrobarometer.org/countries/ethiopia-0>.

throughout all of Ethiopia.¹⁸ International media and human rights NGOs stated that on November 28 and 29 of 2020, Eritrean forces, fighting alongside the Ethiopian government committed indiscriminate killings of hundreds of civilians attending services at the Orthodox Church of Our Lady Mary of Zion.¹⁹ The soldiers allegedly entered the church and killed worshippers.²⁰ Reports of up to 800 civilians were killed in Axum.²¹ In a similar attack on November 30, Eritrean forces opened fire on the Maryam Dengelat Church in Dengelat Village while hundreds were gathered to celebrate Mass, killing dozens.²² In addition to killing worshipers, EOTC priests have been targeted and killed by government and Eritrean forces throughout the Tigray region.²³ According to an EOTC priest, a majority of the killings were conducted by Muslim soldiers on the Christian populace in Tigray.²⁴ In the predominantly Muslim Oromia region, the Christian minority suffers from a lack of rights and their churches are attacked and burned down and worshipers are targeted.²⁵ But it is important to remember that Muslims too have faced religiously based violence at the hands of the government forces and government allied militias.²⁶

Despite such religious violence occurring throughout Ethiopia, there is promising potential for religious tolerance and coexist-

ence. The Patriarch of the EOTC, the Cardinal of the Catholic Church, the President of the Ethiopian Islamic AFFAIRS Supreme Council (EIASC), and the secretary general of the Evangelical Churches Fellowship of Ethiopia (ECFE) all conveyed messages calling for unity and peace.²⁷ The Interreligious Council of Ethiopia (IRCE) has been active mitigating the ongoing violence in the war through mediation.²⁸ The IRCE has also been engaging the communities to decrease tensions during the current national election. Religious actors carry the most respect amongst the community,²⁹ and their collaboration and willingness to work together will improve the FoRB situation within Ethiopia.

CONCLUDING REMARKS

The deadly fighting that began in November 2020 between the Tigray leadership and the central government raises concerns about respect for FoRB. Furthermore, Ethiopia is key to the stability of the region and a conflict could potentially endanger the situation in neighboring countries. Given the context of the violence and political factionalism that has resulted in religious buildings being targeted and leaders killed, the status of religious freedom in the country has deteriorated significantly.

V. Kenya



1. DEMOGRAPHICS

According to the US Department of State,¹ the population of Kenya consists roughly of 53.5 million people, of which 85.5 percent are Christian and 11 percent Muslim. Collectively, less than 2 percent of the population consists of Hindus, Sikhs, Baha'is, and indigenous religious beliefs. Of the total Christian population, Protestantism accounts for 33 percent and Roman Catholics constitute 21 percent of the population.² The African Instituted Churches (churches started in Africa independently by Africans rather than by missionaries from another continent), and Orthodox churches comprise the remaining 32 percent of the Christian population.³ Most of the Muslim minority lives in the northeast and coastal regions, with significant Muslim communities in several areas of Nairobi.⁴

2. THE LEGAL FRAMEWORK OF FORB

The constitution forbids an established state religion and prohibits religious discrimination of any kind. Article 32 of Part 2 of the Kenyan Constitution states:⁵

1. Every person has the right to freedom of conscience, religion, thought, belief and opinion.
2. Every person has the right, either individually or in community with others, in public or in private, to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship.
3. A person may not be denied access to any institution, employment or facility, or the enjoyment of any right, because of the person's belief or religion.
4. A person shall not be compelled to act, or engage in any act, that is contrary to the person's belief or religion.

The constitution requires parliament to recognize a system of personal and family law adhered to by persons professing a particular religion. The Qadi courts (Sharia based courts) adjudicate certain types of civil cases, including questions relating to personal status, marriage, divorce, or inheritance in cases where all parties profess Islam. The secular High Court has jurisdiction over civil or criminal proceedings, including those in the Qadi courts, and accepts appeals of any Qadi court decision.

Kenya is a signatory of both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.⁶



3. THE GOVERNMENT'S APPLICATION OF FoRB

The Pew Research Center's most recent report has ranked Kenya at 'moderate' in their Index of Government Restrictions on Religion.^{7,8} Terrorism in Kenya is a growing concern. The jihadist terrorist organization Al-Shabaab presents a major challenge.⁹ As a result, the Kenyan military and national police forces have been profiling the Muslim Somali ethnic group in Kenya. The Somali Muslim minority of Kenya report that the government practices include extrajudicial killing, torture, forced interrogation, arbitrary arrest, detention without trial, enforced disappearances, and denial of freedom of assembly and worship.¹⁰ Such form of religious profiling that the government conducts, is not justified. Some of the perpetrators of Al-Shabaab's attacks come from young Christians that converted to Islam or feel severely marginalized by the system.¹¹ Some are also from other neighboring places like Tanzania or Zanzibar and are not necessarily Somalis.¹² Most of the police forces in charge of the security in the North are not part of the Somali Muslim ethnic group and instead are brought in from other areas of the country, furthering Somali Muslim marginalization and enabling Al-Shabaab recruitment. The government has also used the pretext of Covid-19 to prevent Muslims from being able to assemble. Denying Kenyan Muslims the human right of assembly is a violation of Article 20 of the UDHR, where it states, "Everyone has the right to freedom of peaceful assembly and association."¹³ When being used with the intent to further marginalize and discriminate against a religious minority from their right to worship, it constitutes a violation of their right to freedom of religion or belief.

The Somali Muslim minority in Kenya is not the only community that suffers from religious-based discrimination and FoRB violations. Those who practice indigenous faiths (the tribal leaders, the Kikuyu elders, and the Meru People) are often targeted by the

Kenyan government, especially when it has a connection to politics. Many politicians utilize their traditional ceremonies and anointing rituals for political mileage. Thus, reducing the indigenous support of the opposition parties through clamping down on their religious practices helps cement the current Kenyan authority and limit opposition parties from gaining momentum. But forbidding these indigenous practices from occurring demonstrates a key component of FoRB that is violated, which is to allow an individual to worship and practice their religion.

The Kenyan authorities often limit Christian congregations from holding political rallies for opposing political parties. They cite Covid-19 regulations as their reasoning, but such notion demonstrates a clear double standard that they choose to apply selectively because the political parties in power both encourage and hold mass rallies for their supporters in churches and disregard the Covid-19 regulations.¹⁴ Limiting an individual's right to assemble in this context is a violation of article 20 of the UDHR. Since such limitation is rooted in targeting a person's religious identity (i.e. preventing them from assembling within their house of worship), it constitutes a violation of freedom of religion or belief.

While the Muslim, Christian, and indigenous communities experience FoRB violations at the hands of the Kenyan authorities, it is important to note that other religious groups like Sikhs and Hindus found in Kenya do not suffer from FoRB violations.¹⁵

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

In the Index of Social Hostilities Involving Religion developed by The Pew Research Center, Kenya is ranked as 'high'.¹⁶ And along these lines, despite Al-Shabaab losing part of the Kenyan territory that it once controlled, it is clear the group is still strong. As the United States and the African Union Mission in Somalia (AMISOM) gradually

withdraw troops from Somalia at the end of 2020, the consequences for the security situation in the whole region are a source of concern. Kenya, which borders Somalia, will continue to suffer from insecurity as long as Al-Shabaab maintains a presence in the area. The COVID-19 pandemic, and the relative absence of security offices, have facilitated the return of the Islamist fundamentalist terrorist group. Notwithstanding the attacks by the Al-Shabab terrorist group, interreligious relations more generally are expected to remain relatively normal in much of the country for the foreseeable future.

CONCLUDING REMARKS

Although Kenya is a stable nation within the wider region, the government's policies of manipulating religion for their own political advantages should be viewed as a serious FoRB violation. In addition, the high-level of profiling and marginalizing the Muslim Somali ethnic group found in Kenya demonstrate a clear violation of human rights that key articles in the UDHR outline. But since most of these violations are inflicted on Kenyans due to their religious identity (Muslim), they further constitute a clear violation of FoRB. The authorities must do more to limit government harassment of the religious minority and adhere to both their international and constitutional commitment of honoring everyone's' right to FoRB.

NOTES

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2 Ibid.

3 Ibid.

4 Ibid.

5 For more information concerning the legal precedents and FoRB, please consult the constitution of Kenya found at: <https://www.museums.or.ke/wp-content/uploads/2020/04/ConstitutionofKenya-2010.pdf>.

6 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

7 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 62.

8 More information of the penal codes can be found at: <https://et.usembassy.gov/wp-content/uploads/sites/188/240282-ETHIOPIA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> For more information concerning the specifics of the attacks related to Al-Shabaab in Kenya, please consult the US State Department's most recent report at: <https://www.justice.gov/eoir/page/file/1406216/download>.

9 For more information concerning the specifics of the attacks related to Al-Shabaab in Kenya, please consult the US State Department's most recent report at: <https://www.justice.gov/eoir/page/file/1406216/download>.

10 Interview with CKU's local partner organization, July 2021

11 Ibid.

12 Ibid.

13 Article 13 of the UDHR can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

14 Interview with CKU's local partner organization, July 2021.

15 Ibid.

16 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

VI. Mali



1. DEMOGRAPHICS

The estimated population of Mali consists of roughly 19.6 million people.¹ Around 95 percent of the population is Muslim. Nearly all Muslims are Sunni, and most follow Sufism. Members of the Shia sect constitute less than 10 percent of the Muslim population.² Less than 5 percent of the population is Christian, of whom approximately two-thirds are Catholic and one-third Protestant.³ Mali is also home to traditional African religions (almost 9 percent of the population);⁴ some Muslims and Christians also incorporate African traditions into their ritual observances.⁵

2. THE LEGAL FRAMEWORK OF FORB

The Constitution of Mali declares that Mali is a secular state and guarantees all citizens the same rights, regardless of their religious affiliation.⁶ The secular nature of the state is enshrined in the Preamble. Article 2 of the Constitution stipulates, “all Malians are born

and live free and equal in their rights and duties. Any discrimination based on social origin, color, language, race, sex, religion, or political opinion is prohibited.”⁷ Mali’s constitution guarantees the right to freedom of worship and the right to profess one’s faith through individual or communal acts of worship. As Article 4 states: “Every person has the right to freedom of thought, conscience, religion, worship, opinion, expression, and creation in respect to the law.”⁸ Article 18 says that “public education is mandatory, free and non-religious.”⁹

Public schools cannot offer religious instruction, but private schools may do so.

Mali is a signatory of both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights.¹⁰

3. THE GOVERNMENT’S APPLICATION OF FORB

The penal code condemns all religiously based discrimination or any act impeding the freedom of religious observance or worship. Such crimes are punishable by up to five years in prison or 10 years of banishment.¹¹

Although Mali promotes FoRB in legal practices, it is unable to enforce these laws due to the government’s inability to limit violence generated by the spread of Islamist extremist terror organizations who have, from



2012, taken control of large portions of the northern and central regions of the country.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

The Pew Research Center’s most recent report has ranked Mali as ‘high’ in the Index of Social Hostilities Involving Religion.¹² Jama’at Nasr al-Islam wal Muslimin (JNIM) is the most prevalent Islamic terrorist organization in Mali. They operate in northern and central Mali and provide services and infrastructure to the local populace, something the Malian government has failed to do. They govern according to Sharia law and create Quranic schools to indoctrinate many followers and converts into their hardcore Islamist ideology.¹³

Since early 2013, the UN MINUSMA peace-keeping and stabilization mission has conducted military operations against these Islamist terrorists. France has contributed 4,500 soldiers to a large military operation in the Sahel region called Operation Barkhane, an anti-insurgent action that involves cooperation between French forces and the armies of Burkina Faso, Mali, Mauritania, Niger and Chad.¹⁴

The series of military coup d’états over the past several years have exacerbated Mali’s political upheaval, leaving the door open for these jihadists groups to gain more power and entrench themselves in the region. They have, furthermore, capitalized on the uncertainty of the Covid-19 pandemic to assert more control.

In areas controlled by the Islamist groups, rather than the Malian government, Christians are denied resources and prevented from accessing water and land to grow their own crops.¹⁵ Christian minorities in the north and central regions are at constant risk of attacks from JNIM and other Islamic extremists.¹⁶ Christian missionaries operating in Mali also live under the constant threat of abduction and murder.¹⁷ Christian converts from a

Muslim background are particularly vulnerable to violence (especially in the northern and central regions) and pressure from their relatives and family. Many face persecution from their local Muslim community and are viewed as apostates.¹⁸ JNIM do not only target the Christian minority community but also Muslims, especially the Shia community, and traditional indigenous beliefs in the region.¹⁹ They have brutally repressed anyone who does not follow their strict interpretation of Islam.²⁰

The open conflict being fought against the Islamic terrorist organizations has led to sectarian division as well amongst the various ethno-religious groups found in Mali. The dispute pits Muslim Fulani against the mostly Christian worshipping Dogon people. For this reason, the Fulani have sometimes been accused of operating alongside groups of Muslim terrorist organizations in central Mali.²¹ As a result, some Dogon Christians have formed their own militia groups who have increasingly attacked Muslim communities.²²

CONCLUDING REMARKS

These terrorist groups are a serious concern throughout the Sahel region. They do not merely threaten the security of Mali’s secular state but have brought about a complete disregard for freedom of religion or belief. The prospects for FoRB are therefore troubling. Mali’s security situation and political stability have deteriorated in recent years. Although ethnic tensions are not new, the cycle of reprisals and sheer brutality on military and civilians alike, fueled by the presence of jihadist groups, has reached unprecedented levels. This situation profoundly impacts religious freedom in the region, and even with the efforts of Operation Barkhane, a transitional government led by an interim president will continue to struggle to contain the explosive combination of poverty, ethnic conflicts, and Islamic extremism.

NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. Please note that the numbers provided for the demographics were taking from the US State Department’s most recent report on religious freedom in Mali found at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/mali/>.

2 Ibid.

3 Ibid.

4 Ibid.

5 Brian Grim et. Al. (eds.), Year-book of International Religious Demography 2017, Leiden/Bston: Brill, 2017.

6 For more information about the established legal precedence in Mali and its connection to religious freedom, please consult the constitution of Mali at: https://www.constituteproject.org/constitution/Mali_1992.pdf?lang=en.

7 Ibid.

8 Ibid.

9 Ibid.

10 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

11 Ibid.

12 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

13 For more information on JNIM and their operations throughout Mali and the greater Sahel region, please consult the Center for Strategic & International Studies, which can be found at: <https://www.csis.org/blogs/examining-extremism/examining-extremism-jamaat-nasr-al-islam-wal-muslimin>.

14 For more information concerning Operation Barkhane: <https://mail.worldnewsempire.com/world/how-malis-coup-affects-the-fight-against-jihadists/>.

15 For more information concerning attacks on Christian communities brought on by Islamic terrorist organizations in Mali, please read the US State Department’s most recent report on religious freedom in Mali found at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/mali/>.

16 For more information please read: : <https://www.state.gov/reports/2020-report-on-international-religious-freedom/mali/>.

17 In October, JNIM killed the Swiss Christian missionary Beatrice Stoeckli and continue to hold the Colombian nun Sister Gloria Cecilia Argoti captive. An Italian priest was released in October in exchange for the transition government’s release of JNIM prisoners. For more specific information please consult: <https://www.rfi.fr/en/africa/20210401-body-of-kidnapped-swiss-missionary-found-in-mali-dna-confirmed>; <https://www.vaticannews.va/en/church/news/2021-02/gloria-cecilia-colombian-nun-kidnapped-four-years-mali.html>; <https://www.worldwatchmonitor.org/2020/10/priest-held-by-islamist-extremists-for-two-years-freed-in-mali/>

18 <https://www.opendoorsuk.org/persecution/world-watch-list/mali/>.

19 For more information please read: : <https://www.state.gov/reports/2020-report-on-international-religious-freedom/mali/>.

20 Ibid.

21 For more information concerning the Fulani-Dogon violence please consult: <https://acninternational.org/religious-freedomreport/wp-content/uploads/2021/04/Mali.pdf>.

22 Ibid.

VII. Myanmar



1. DEMOGRAPHICS

According to the U.S. State Department,¹ the total population of Myanmar is estimated at 56.6 million. Myanmar has a Buddhist majority 87.9 percent, and Christians are 6.2 percent, Muslim 4.3 percent, Animist 0.8 percent, and Hindus are 0.5 percent of the total population.² Although unaccounted for by the government in any of their censuses, The Sunni Muslim Rohingya population was marked at around 1.1 million prior to October 2016 and lives mainly in the Rakhine state.³ According to estimates from the UN High Commissioner for Refugees and other

organizations, more than 800,000 Rohingya fled to Bangladesh beginning in August 2017, and an estimated 600,000 remain in Rakhine State.⁴ There are an estimated 130,000 Rohingya living in internally displaced persons (IDP) camps, according to Human Rights Watch.⁵ There are also over 6 million Karen (an indigenous minority group) found in Myanmar who belong to the Buddhist, Animist, Baptist, and Catholic faiths.⁶

2. THE LEGAL FRAMEWORK OF FORB

The 2008 constitution of Myanmar⁷ protects freedom of religion or belief for its citizens. Article 34 of the Constitution states, “Every citizen is equally entitled to freedom of conscience and [has] the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution.”⁸ Article 348 of the Constitution states, “The Union shall not discriminate [against] any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth.”⁹

Article 363 of the Constitution states, “The Union may assist and protect the religion it recognizes to its utmost.”¹⁰

Article 361 of the Constitution states, “The Union recognizes [the] special position of Buddhism as the faith professed by the great majority of the citizens within the country.” The Constitution also states, “The Union also recognizes Christianity, Islam, Hinduism and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.”¹¹ Providing protection for religious practices other than Buddhism, while giving Buddhism a special status is indicative of the current interreligious tension

felt throughout the country.

Article 121 of the Constitution bans members of “religious orders,” such as priests, monks, and nuns, from all religions, from running for public office, and Article 392 of the Constitution prevents them from voting.¹² The government restricts, by law, the political activities and expression of the Buddhist clergy. Such notion is backed up in the constitution, which forbids, “the abuse of religion for political purposes.”¹³ These laws should be viewed as a direct violation of article 21 of the UDHR where it states, “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”¹⁴ Since these violations are rooted in a form of religious discrimination, it furthermore constitutes a ForB violation.

While Myanmar is currently one of the few countries that has not signed the ICCPR, the country has ratified four international human rights treaties, including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination Against Women.¹⁵ Furthermore, it has ratified the Convention on the Rights of Person with Disabilities, and the International Convention on the Economic, Social and Culture Rights, and has signed the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.¹⁶

3. THE GOVERNMENT’S APPLICATION OF FORB

The Pew Research Center’s ranking of Myanmar in their Index of Government Restrictions on Religion is at ‘very high’.¹⁷ Despite the constitution of Myanmar having outlined some protection for the freedom of religion or belief, the practices that the government has, over the past several years, disregarded the constitutional mandates meant to protect the freedom of religion or belief within the country. Sections 295, 295A, 296, 297 and 298 of the Penal Code relate to religion and prohibit religious offence or insult. They are blasphemy laws.¹⁸ Section 295 relates to



acts that destroy, damage, or defile a place of worship;¹⁹ Section 295A refers to insulting religion²⁰; Section 297 relates to trespassing.²¹ These laws are used by the authorities in Myanmar to criminalize criticism of religion, particularly Buddhism. These provisions related to blasphemy in the Penal Code are incompatible with Myanmar's international human rights obligations to respect the right to freedom of expression, non-discrimination, and the right of equality before the law.²² Yet since these violations are committed with religious intent (i.e. limiting a person's human rights due to their religious affiliation), they constitute FoRB violations. The vague and over-broad formulations of these blasphemy laws leave room for subjective interpretation and are often used by the authorities to prosecute anyone they deem as violating the tenants of Buddhism. They also are incompatible with Myanmar's Constitution, which guarantees the right to freely profess their religion.²³

The 1982 law concerning citizenship in Myanmar²⁴ is of concern. It discriminates against religious minority communities, like Rohingya Muslims. Under this law, access to full citizenship is primarily based on membership of one of the "national races", which are fixed by the government.²⁵ Despite generations of residence in Myanmar, the Rohingya are not considered to be amongst the official list of 135 indigenous races and, therefore, excluded from citizenship. The Rohingya, like other religious minorities, are therefore not able to enjoy the protection of religious freedom or belief in Myanmar, as outlined by the constitution and rendered stateless. Such laws created by Myanmar are in violation of Article 15 of the UDHR, which states, "Everyone has the right to a nationality."²⁶ However, since this violation is directed towards religious minority groups, like Rohingya Muslims, it is a violation rooted in religious discrimination and thus simultaneously a FoRB violation.



In 2015, Myanmar introduced four bills which were eventually adopted and remain in effect today, known as the "Protection of Race and Religion" laws.²⁷ They include legislation that is related to population control and polygamy, marriage between non-Buddhist men and Buddhist women, and the act of religious conversion. These laws should be understood as being propagated by the rising tide of anti-Muslim sentiment. While all four laws give rise to concern about violations of the right to freedom of thought, conscience, religion or belief, the laws related to conversion and marriage are the most problematic:

The preamble of the 2015 Buddhist Women's Special Marriage Law²⁸ states that the objective of the law is "to enable the enjoyment of equal rights by Myanmar Buddhist women and non-Buddhist men with respect to marriage, divorce, partition, and guardianship of children and to give [them] effective protection."²⁹ The law has been used to

discriminate on both religious and gender grounds, something that is incompatible with Myanmar's domestic and international human rights law obligations. The context in which this legislation was enacted suggests that it was introduced with a discriminatory intent, and particularly aimed at placing limitation on Buddhist women from marrying Muslim men.³⁰ If legislation was meant to provide equal protection against forced conversions because of marriage, it should apply to all religions equally, and to both men and women. However, it explicitly and exclusively targets and regulates the marriage of Buddhist women with men professing a belief system other than Buddhism. Such law is in violation of Article 16 of the UNHDR, which states, "Men and Women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family."³¹ Since this violation is rooted in religious discrimination, it furthermore constitutes a FoRB violation.

The Religious Conversion Law³² regulates conversion through an extensive application and approval process through a township-level Religious Board for Religious Conversion. The applicant must be older than 18 and undergo a waiting period of up to 180 days. They must also report personal information to the township registration board, including their current religion and the religion to which they want to convert, as well as their reasons for converting. They must then undergo questioning by the registration board to ascertain whether the person “truly believes” in the religion to which they desire to convert. The law imposes onerous administrative burdens upon those seeking to convert to another religion and interferes with the exercise of the right to adopt a religion of one’s choice as well as the right to change religion, core entitlements of FoRB.³³

4. SOCIAL ANALYSIS & SOCIETAL PRACTICE

The Pew Research Center’s 2021 report has ranked Myanmar in general as ‘*moderate*’ in the Index of Social Hostilities Involving Religion.³⁴ Yet, the Tatmadaw (military) has been engaged in a genocide campaign and war crimes against the Rohingya Muslim minority group in the Rakhine State since 2017.³⁵ Rohingya Muslims suffer from a plethora of human rights violations like the denial of citizenship, freedom of movement, mass rape, forced starvation, burning of Rohingya villages, arbitrary arrests, extrajudicial killings, and infanticide all at the hands of the Tatmadaw.³⁶ Deliberate atrocities inflicted on the Rohingya Muslim minorities, based on their belief, represent a grave violation against FoRB. The International Court of Justice and the International Criminal Court in the Hague issued a provisional order requiring the Tatmadaw to refrain from acts of genocide against the Rohingya, while also investigating Myanmar’s crimes against humanity.³⁷

The Tatmadaw continues to target other minority communities too, such as Baptists,

Catholics, and Hindus, using religious nationalism as a justification for the human rights atrocities and FoRB violations committed within the Kachin, Shan, Chin, and Rakhine states.³⁸ The recent violence perpetrated by the Tatmadaw against the various Christian communities is being compared similarly to the abuses perpetrated against the Rohingya.³⁹ The Tatmadaw continue to inflict violence against the Karen community who are 20-30 percent Christian, forcing many to flee into Thailand.⁴⁰ The Tatmadaw also targets Buddhist leaders who dissent against religious nationalism, and several monks have been arrested and forcibly disrobed in custody.⁴¹ In addition to outright violence at the hands of the Tatmadaw, Muslims also continue to face restrictions throughout Myanmar, especially with regards to the opening or rebuilding of mosques after the anti-Muslim violence in 2012.⁴² At least 40 mosques remain closed, despite a campaign by Muslim leaders to get them reopened. In May 2019, hardline Buddhist nationalist monks forced Muslim prayer sites in Yangon to close during Ramadan.⁴³

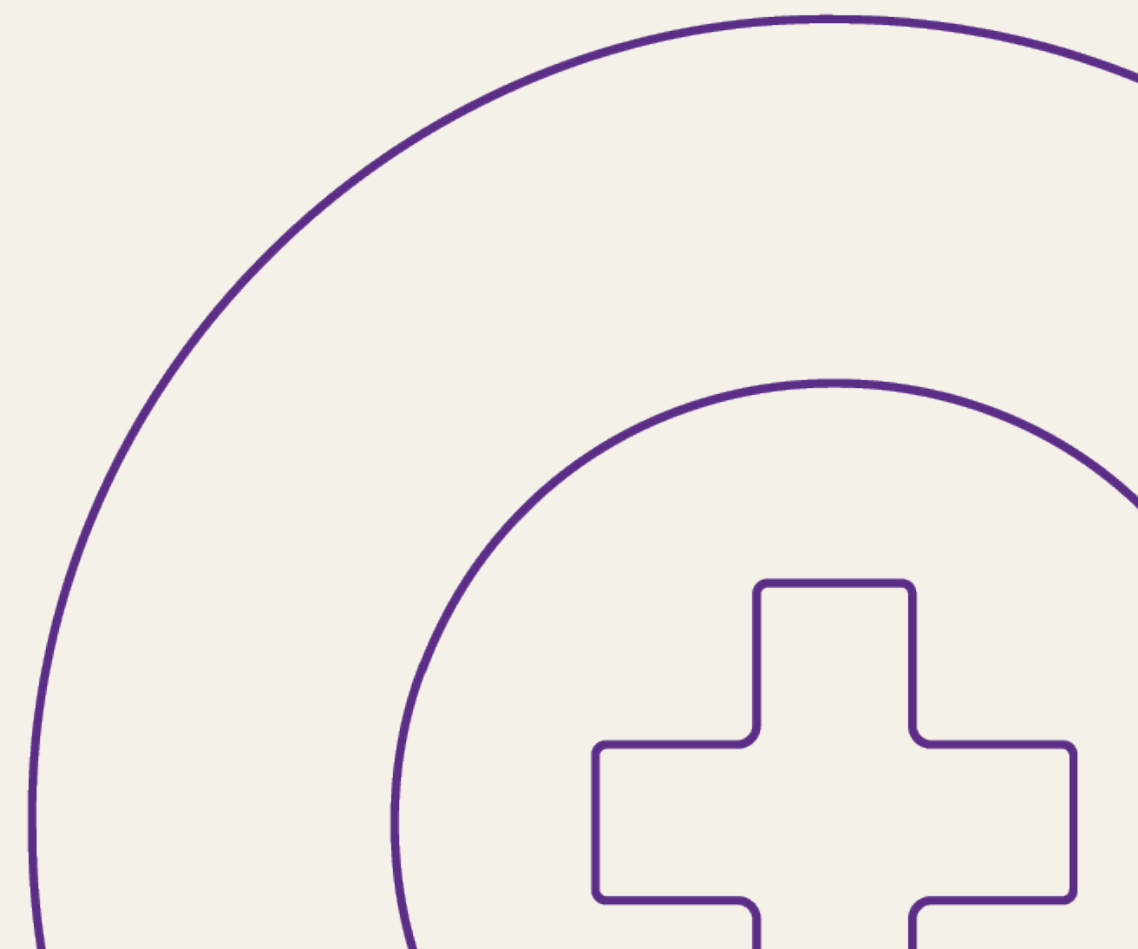
Violence and discrimination towards religious minorities have been fueled by hate speech, driven by social media platforms like Facebook as well as DVDs, pamphlets and sermons by Buddhist nationalist monks. In the run-up to the 2020 general election, the Burma Human Rights Network (BHRN) documented cases of hate speech and disinformation in a report titled Digital Hate: Free and Fair for Some – Disinformation and Hate Speech in Burma’s General Election Campaign.⁴⁴ The survey noted that, “Most election related disinformation on social media alleges conspiracies NLD (National League for Democracy) and Muslims... Burma has not enforced any laws related to discriminating minority religions and elections laws when candidates used anti-Muslim rhetoric”.⁴⁵

On 1st February 2021, the Commander-in-Chief of the military, General Min Aung

Hlaing, launched a coup d’état, seizing power and imprisoning the de facto head of the democratically elected civilian government, Aung San Suu Kyi, ministers and senior leaders of the NLD, as well as key civil society activists. Those responsible for the military coup d’état in February of 2021 are also responsible for the ongoing genocide and persecution of the Rohingya Muslim population along with the other religious minority communities throughout the country. Shortly after the Tatmadaw seized power, they initiated a one-year state of emergency, proclaiming that all established laws and legal precedents are transferred to the Commander-in Chief of Defense Services who is Min Aung Hlaing. This means that the new regime does not have to adhere to the constitution or established legal precedents concerning FoRB.⁴⁶ Furthermore, Min Aung Hlaing has been named by the UN Myanmar Fact Finding Mission as a priority subject for investigation and prosecution when it comes to genocide and crimes against humanity.⁴⁷

CONCLUDING REMARKS

The coup’s implications show the Tatmadaw can now act *carte blanche*. Since the military is secured in power, they will continue their systematic and systemic human rights violations against the Rohingya and other religious minority communities. In addition, the one million refugees living in conditions of squalor in the various refugee camps in Bangladesh will be prevented from returning to Myanmar, due to fear of death and danger. Without international pressure on the military regime to restore the country to a path of democracy, with the civilian leadership gone, anti-minority repression and religious persecution is expected to become even more severe.



NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information about the statistics please consult: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>

2 These specific statistics were found from the US-CIRF Annual Report on Religious Freedom Conditions in Myanmar found at: <https://www.uscirf.gov/sites/default/files/2021-04/2021%20Annual%20Report.pdf>.

3 Ibid.

4 <https://www.unhcr.org/rohingya-emergency.html>.

5 https://www.bing.com/search?q=Myanmar+mass+de-tition+of+rohingya+human+rights+watch*&qs=n&form=QBRE&msbsrank=0_Q__0&sp=-1&pq=myanmar+mass+-detit&sc=0-18&sk=&cvid=OCF19AF03CD649D19F8E5E053E-A9C8E2.

6 For more information on the Karen ethnicity found in Myanmar, please consult: <https://karenwomen.org/background-of-the-karen-people/>.

7 For more information regarding the legal framework of FoRB please consult the constitution at:https://www.constituteproject.org/constitution/Myanmar_2008.pdf?lang=en.

8 Ibid.

9 Ibid.

10 Ibid.

11 Ibid.

12 The Constitution of Myanmar can be found at: https://www.constituteproject.org/constitution/Myanmar_2008.pdf?lang=en.

13 Ibid.

14 Article 21 of the UDHR can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

15 More information on Myanmar’s Human Rights agreements can be found at: <https://www.mmmtimes.com/news/parliament-rejects-motion-join-international-civil-rights-treaty.html>.

16 Ibid.

17 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf,pp. 61.

18 For more information pertaining to these laws of blasphemy please read the International Commission of Jurists Brief on Challenges to Freedom of Religion or Belief in Myanmar, which is found at: <https://static1.squarespace.com/static/5bbb229a29f2cc31b47fa99c/t/5da8434d-b69a1b13995644df/1571308367034/Myanmar-Freedom+of+religion+brief-Advocacy-Analysis+brief-2019-ENG.pdf>.

19 Please consult the penal code found at: https://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf?__cf_chl_jschl_tk__=pmd_cf7b35e1835badad2329d395a496696525735e33-1627369056-0-gqNtZGzNAfjcnBszQjO.

20 Ibid.

21 Ibid.

22 <https://static1.squarespace.com/static/5bbb229a29f2cc31b47fa99c/t/5da8434db69a1b13995644df/1571308367034/Myanmar-Freedom+of+religion+brief-Advocacy-Analysis+brief-2019-ENG.pdf>.

23 Ibid.

24 For more information, please consult the national citizenship law found at: <https://burmacampaign.org.uk/media/Myanmar%E2%80%99s-1982-Citizenship-Law-and-Rohingya.pdf>.

25 Ibid.

26 Article 15 can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

27 For more information please check out: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16015&LangID>.

28 Please note that the actual law itself can only be found in Burmese. An English version for the 2014 draft of the law can be found at: https://www.burmalibrary.org/docs21/2015-Myanmar_Buddhist_Women_Special_Marriage_Bill.pdf.

29 Ibid.

30 <https://www.icj.org/wp-content/uploads/2019/10/Myanmar-Freedom-of-religion-brief-Advocacy-Analysis-brief-2019-ENG.pdf>.

31 Article 16 of the UDHR can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

32 For further information please check out the 2014 draft of the law at: https://www.burmalibrary.org/docs18/2014-Draft_Religious_Conversion_Law-en.pdf?__cf_chl_jschl_tk__=pmd_3aa6a7c91a161a86ac69c355e0cefc-269dab5902-1626679190-0-gqNtZGzNAg2jcnBszQii.

33 FoRB as outlined by article 18 can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

34 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

35 In November of 2021, USCIRF has released a new report on Myanmar, which can be found at: <https://www.uscirf.gov/sites/default/files/2021-11/2021%20Burma%20Country%20Update.pdf>.

36 Ibid.

37 For more information please listen to a podcast at: <https://www.uscirf.gov/news-room/uscirf-spotlight/fourth-anniversary-rohingya-genocide>

38 For more information regarding the specifics of these FoRB violations please check out US State Department’s latest International Freedom Report of Myanmar at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>; <https://www.atlanticcouncil.org/blogs/new-atlanticist/now-is-the-time-to-recognize-the-genocide-in-burma/> ; <https://www.uscirf.gov/sites/default/files/2021-11/2021%20Burma%20Country%20Update.pdf>.

39 The Tatmadaw target Christians. They raided the HAKHA Baptist Church in the capital of Chin State, arresting the pastor. On March 17, in Kalay township in Sgaing Region, the military shot and killed 25-year old pastor Cung Lianceu and three other civilians. The Tatmadaw has also attacked churches with airstrikes. More information on the specifics atrocities inflicted on the Christina majority communities in Myanmar can be found at: <https://www.uscirf.gov/sites/default/files/2021-11/2021%20Burma%20Country%20Update.pdf>.

40 Ibid.

41 Ibid.

42 <https://www.ucanews.com/news/myanmars-muslims-seek-to-reopen-shuttered-mosques/86415>.

43 <https://www.ucanews.com/news/muslim-prayer-sites-shut-down-in-myanmar-city/85216#>.

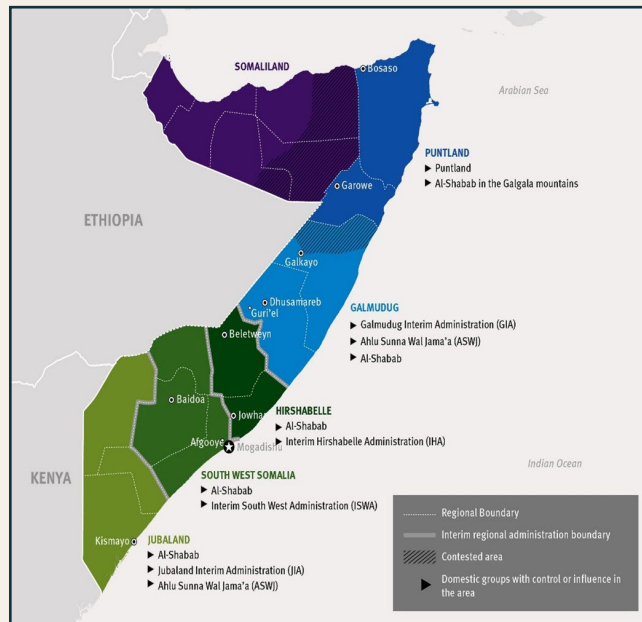
44 For more information, please read the full report found at: <https://progressivevoicemyanmar.org/2020/07/09/joint-submission-to-the-un-universal-periodic-review-37th-session-of-the-working-group-hate-speech-and-shrinking-democratic-and-civil-society-space/>.

45 Ibid.

46 For further information please concerning the plight of the Rohingya Muslim citation and its relationship to the recent military coup in Myanmar, please listen to USCIRF’s recent podcast found at: <https://www.uscirf.gov/news-room/uscirf-spotlight/refugee-resettlement-and-religious-freedom>.

47 Ibid.

VIII. Somalia



1. DEMOGRAPHICS

The U.S. State Department estimates¹ the total population of Somalia at around 11.8 million people, but other sources like the World Bank, estimate the population to be more around 15.8 million people.² According to Somalia's Federal Ministry of Endowments and Religious Affairs,³ more than 99 percent of the population is Sunni Muslim. Members of other religious groups combined constitute less than 1 percent of the population, which includes a small Christian community, a small Sufi Muslim community, and an unknown member of Shia Muslims, Hindus, Buddhists, Jews, atheists, and those who maintain traditional animist beliefs.

The civil wars of Somalia have limited its ability to form a stable government that has a unified rule over the land. Most areas of the country beyond greater Mogadishu remain outside the control of the federal government. Several semi-sovereign states

known as the Federal Member States (FMS), like Puntland, Jubaland, South West State, Hirshabelle, Galmudug, and self-declared independent Somaliland, govern and administer their respective regions through their own local legislation. Some of these states adhere to their own local constitutions as well.

2. THE LEGAL FRAMEWORK OF FoRB

Somalia has not had a single central government with control over its whole territory since 1991.⁴ After a provisional Constitution was adopted in August 2012,⁵ the country became known internationally as the Federal Government of Somalia (FGS).⁶ The country's security situation continues to be poor, and as a result, implementing the Constitution has been difficult. The status of religion and religious life is governed by the constitution, though legislation varies in the country's regions. For example, Article 12 of the Constitution of the FGS recognizes the equality of "All citizens, regardless of sex, religion, social or economic status."⁷ while Somaliland's constitution does not include religion as grounds for equality among its citizens.⁸ In the territory controlled by the FGS, Article 2 of the Constitution proclaims Islam as the State religion and the president must be a Muslim.⁹ Under Article 5 of Somaliland's own Constitution, Islam is also the state religion, and Article 82 mandates that both the president and vice president must be Muslim.¹⁰

The FGS's provisional constitution guarantees equal rights to all citizens, regardless of their religious affiliation. As a result, non-Muslims are subject to laws that follow the principles of Sharia. While conversion from Islam to another religion is not prohib-

ited by the FGS provisional constitution, it is not accepted at a societal level. Under the constitutions of Somaliland and Puntland, on the other hand, conversion is prohibited, and Non-Muslims are also prohibited from professing their faith in public.¹¹

The legal precedent established in Somalia, through its federal constitution and FMS constitutions, demonstrate a disregard for FoRB. For FoRB to be upheld, individuals must be ensured with the right to convert or speak openly (even critically) about their religion or other religions. Somalia creates a double standard by claiming to uphold the freedom of religion or belief in their constitution, while criminalizing any actions that may hinder the mainstream interpretation of Sunni Islam.

The penal code in Somalia criminalizes blasphemy and defamation of Islam, which carry penalties of up to two years in prison.¹²

Nevertheless, Somalia is a signatory of both

the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.¹³

3. THE GOVERNMENT'S APPLICATION OF FoRB

The Pew Research Center's most recent report has ranked Somalia as '*moderate*' in the Index of Government Restrictions on Religion.¹⁴

The Federal Ministry of Endowments and Religious Affairs is responsible for regulating the religious instruction throughout the country, monitoring religious affairs, and promoting religious tolerance between practitioners of Islam and members of minority religious groups. But the ministry has no ability to operate outside of Mogadishu.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICE

The Pew Research Center's Index however ranks Somalia as '*high*' in terms of social hostilities involving religion.¹⁵ One of the



biggest issues the federal government of Somalia faces is the terrorist organization al-Shabaab. They have been engaged in an open conflict for well over a decade. Although Al-Shabaab was driven out of Mogadishu in 2011 with international assistance, it continues to carry out numerous attacks in the city, and they continue to wage guerrilla war against the government and their foreign partners by striking both civilian targets and military targets. In addition to al-Shabaab, a small fraction of ISIS fighters operates in the country as well. They especially target secular and faith-based organizations and attack humanitarian aid workers and members of the religious minority communities. In the areas under Al-Shabaab control, a stricter form of Sharia law is imposed. They have their own roads, tolls and tax collection.^{16 17} According to the Hiraal Institute, “all major companies in Somalia give these jihadists money, both in the form of monthly payments and a yearly “zakat” (obligatory payment).¹⁸ Christians from a Muslim back-

ground are considered a “high-value target” by al-Shabaab, who often execute Christian believers on the spot, when discovered.

In addition to the brutality of al-Shabaab, there is a strong societal pressure to adhere to Sunni Islamic traditions throughout Somalia. Christians and members of other non-Muslim religious groups continue to report an inability to practice their religion openly due to fear of societal harassment across most of the country.¹⁹ Any Somali suspected of having converted to Christianity faces great danger, as members of their family, clan or community will often harass, intimidate or kill them.²⁰ Women who convert are often raped and forcibly married.²¹ The small Christian community, therefore, continues to keep a low profile about religious beliefs and practices.²²

CONCLUDING REMARKS

Somalia’s turbulent recent history, from a failed state following a protracted civil war to a recovering state today, has greatly impacted the state of freedom of religion or belief for its people. The power vacuum in recent decades has given rise to Islamist extremism with an increasing number of Salafist and other violent Islamist jihadist groups active in the territory today.²³ While the Constitution of the Federal Republic of Somalia guarantees freedom of religion or belief, it is severely limited in practice because of the strong social pressure to adhere to Sunni Islam; this leaves religious minorities vulnerable to harassment and marginalization. Christians and other non-Muslim religious groups have reported their inability to practice their religion openly, and there are no places of worship for non-Muslims in the country. Prospects for Human rights, including freedom of religion or belief appears to remain negative for the near future.



NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composition of each country. For more information about the statistics of Somalia’s religious demography please check out the US State Department’s most recent report on religious freedom in Somalia found at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/somalia/>

2 <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SO>.

3 <https://mera.gov.so/en/>.

4 <https://www.dw.com/de/somalia-bekommt-neue-verfassung/a-16136698>.

5 For more information concerning religious freedom in Somali jurisprudence, please check out the constitution of Somalia found at: https://www.constituteproject.org/constitution/Somalia_2012.pdf.

6 <https://www.somalia.gov.so/>.

7 https://www.constituteproject.org/constitution/Somalia_2012.pdf.

8 http://www.somalilandlaw.com/somaliland_constitution.htm#Top.

9 <https://2017-2021.state.gov/wp-content/uploads/2020/05/SOMALIA-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

10 http://www.somalilandlaw.com/somaliland_constitution.htm#Top.

11 Ibid.

12 For more information, please consult: <https://www.state.gov/wp-content/uploads/2019/05/SOMALIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

13 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

14 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 62.

15 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

16 https://www.washingtonpost.com/world/africa/if-i-dont-pay-they-kill-me-al-shabab-tightens-its-grip-on-somalia-with-growing-tax-racket/2019/08/30/81472b38-beac-11e9-a8b0-7ed8a0d5dc5d_story.html; <https://www.bbc.com/news/world-africa-54690561>.

17 The report can be found here at: <https://www.bbc.com/news/world-africa-54690561>.

18 For more information pertaining to the financial operations of Al-Shabaab, please read the Hiraal Institute’s report: <https://hiraalinstitute.org/wp-content/uploads/2020/10/A-Losing-Game.pdf>.

19 For more information pertaining to the religious or belief minorities in Somalia, please consult the US State Department’s latest report on Somalia found at: <https://www.state.gov/wp-content/uploads/2021/05/240282-SOMALIA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

20 Ibid.

21 Ibid.

22 Ibid.

23 <https://www.crisisgroup.org/middle-east-north-africa/understanding-islamism>.

IX. Niger



1. DEMOGRAPHICS

The population of Niger is roughly 22.8 million, more than 98 percent of the population is Sunni.¹ Less than 7 percent of the population is Shia.² Roman Catholics, Protestants, and other religious groups account for less than 2 percent of the population.³ There are several thousand Baha'is that live in Niamey, the capital, and communities on the west side of the Niger River.⁴ There is also a small percentage of the population that adheres primarily to indigenous religious beliefs, although no official numbers are given.

2. THE LEGAL FRAMEWORK OF FORB

The Constitution of Niger proclaims the country to be a secular state.⁵ This provides for a clear separation of state and religion. Respect for all faiths is embodied in Arti-

cle 8 of the Constitution, which enshrines equality of all people before the law, regardless of religious identity.⁶ Article 9 of the Constitution stipulates that “political parties with an ethnic, regionalist or religious character are prohibited.”⁷ No party may be knowingly created with the purpose of promoting an ethnic group, or a religion.”⁸ Article 30 of the Constitution mandates that “Any person has the right to freedom of thought, of opinion, of expression, of conscience, of religion and of worship. The State guarantees the free exercise of worship and expression of beliefs.”⁹

Niger is a signatory of both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights.¹⁰

3. THE GOVERNMENT’S APPLICATION OF FORB

The Pew Research Center’s most recent report has ranked Niger as ‘high’ in their Index of Government Restrictions on Religion.¹¹ The law on the organization and practice of religion, passed and ratified in 2019, reaffirms existing laws pertaining to the freedom of religion or belief in the country.¹²

The government prohibits the wearing of full-face veils in the Diffa Region, with the purpose of preventing the concealment of suicide bombs and weapons.¹³ Part of an



individual’s right to freedom of religion or belief is their right to wear symbols and clothing that represent their religious identity. Preventing one from doing so, constitutes a FoRB violation. The preventative efforts imposed by Niger’s government are FoRB violations, as the state goes about religiously profiling and preventing Muslim women who wish to manifest their faith in the public sphere, through the wearing of religious garb.¹⁴

The government prohibits public proselytization [actively converting] by all religious groups. But there is no legal restriction on private, peaceful conversion if the religious group sponsoring the conversion is registered with the government.¹⁵

Religiously based private schools must receive approval by both the Ministry of Interior and the relevant department of the Ministry of Education (primary, secondary, superior, or vocational).¹⁶ Private Quranic schools, established uniquely to teach the Quran without providing other education, are unregulated.¹⁷ Most public schools do not include religious education. The government funds a smaller number of special primary schools (called “French and Arabic schools”) that include Islamic religious study as part of the curriculum.¹⁸

In a continued effort to counter the rapid growth of Wahhabism in the country, the government established the Islamic Forum. Its intent is to standardize the practice of Islam and prevent the spread of Islamic extremism and consists of more than 50 national Islamic organizations.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICE

There is a continued series of persistent and growing security threats from Jihadist organizations like ISIS and its local affiliates, Boko Haram, and JNIM, in the Greater Sahara who attack civilians and security forces.¹⁹ These groups are becoming a serious

hindrance and targeting anyone who goes against their interpretation of Sunni Islam, especially Christian minorities in the southern part of Niger. Christianity is rarely practiced openly in the border regions that are controlled by these jihadist organizations for fear of violence. While Christians are allowed to practice their faith (in areas not under Jihadist control) in private, Christian converts from Islam are targeted in their local community.²⁰ In addition, Christians also face marginalization in the public sector in Niger and have a more tough time securing employment.²¹

CONCLUDING REMARKS

The security situation in Niger is quite volatile. The extremist violence has caused great suffering for Niger’s majority Muslim population, though instances of targeted attacks against Christians have been recorded. The ongoing violence combined with the government’s limited capacity to provide security throughout the country can only lead to a negative evaluation of the prospects for FoRB in Niger.

NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information about the statistics of Niger’s religious demography please check out the US State Department’s most recent report on religious freedom in Niger found at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/niger/>.

2 Ibid.

3 Ibid.

4 Ibid.

5 The established legal precedents of religious freedom in Niger is etched in its constitution, which is found at: https://www.constituteproject.org/constitution/Niger_2010.pdf.

6 Ibid.

7 Ibid.

8 Ibid.

9 Ibid.

10 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

11 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, 61.

12 For more information concerning the 2019 law on the organization and practice of religion, please consult the US State Department’s 2019 Religious freedom report found at: <https://www.state.gov/reports/2019-report-on-international-religious-freedom/niger/>.

13 Ibid.

14 For a better understanding of what constitutes FoRB violations please read: https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelse/research/2019/rapport_internationalpromotion_12.pdf

15 <https://acninternational.org/religiousfreedomreport/wp-content/uploads/2021/04/Niger.pdf>.

16 <https://www.state.gov/reports/2020-report-on-international-religious-freedom/niger/>.

17 Ibid.

18 Ibid.

19 For more information about the numerous terrorist organizations operating in Niger please read: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/niger/>; ACN International’s report also gives the most recent 2021 numbers for the terrorist attacks committed by the various Islamic terrorist organizations operating in Niger, which is found at: <https://acninternational.org/religiousfreedomreport/wp-content/uploads/2021/04/Niger.pdf>.

20 Fore more information about how Christians are targeted in Niger, please consult: <https://www.opendoorsusa.org/christian-persecution/world-watch-list/niger/>.

21 Ibid.

X. Palestine



1. DEMOGRAPHICS

According to the U.S. State Department, the Palestinian population is 2.9 million in the West Bank and 1.9 million in the Gaza Strip.¹ Palestinian residents of these territories are predominantly Sunni Muslims, with small Shia and Ahmadi Muslim communities.² According to various estimates, the indigenous Christian community is around

50,000 in the West Bank and in Jerusalem, and according to media reports and religious communities, there are at most 1,000 Christians residing in Gaza.³ Palestinian Christian emigration has continued at rapid rates. Most Christians are Greek Orthodox; the remainder representing an array of different Christian traditions.⁴ Christians are concentrated primarily in Bethlehem, Ramallah, and Nablus; smaller communities exist elsewhere. Approximately 360 Samaritans (practitioners of Samaritanism, which is related to but distinct from Judaism) reside in the West Bank, primarily in the Nablus area.⁵ There are also around 75,000 Druze living in Palestine.⁶ Finally, around 500,000 Jews live in the Palestinian Territories and East Jerusalem, in settlements considered illegal under international law.⁷

2. THE LEGAL FRAMEWORK OF FORB

The UN General Assembly, the UN Security Council and the International Court of Justice consider the Palestinian Territories to be under Israeli occupation.⁸ The Palestinian Territories have been split between the internationally recognized Palestinian Authority (PA) in Ramallah and the Hamas-controlled Gaza.

The Basic Law,⁹ which serves as an interim constitution, applies in the areas under the PA's jurisdiction. Article 4 of the Basic Law states: "Islam is the official religion in Palestine. Respect for the sanctity of all other divine religions shall be maintained. The principles of Islamic Sharia shall be a principal source of legislation." According to Article 9 of the Basic Law, "Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, color, religion,



political views or disability.” Article 18 of the Basic Law stipulates: “Freedom of belief, worship and the performance of religious functions are guaranteed, provided public order or public morals are not violated.”

The Basic Law also criminalizes the publishing of writings, pictures, drawings, or symbols of anything that insults the religious feelings or beliefs of other persons. It contains language that criminalizes “defaming religion,” with a maximum penalty of life in prison.¹⁰ Outlawing blasphemy with such a harsh penalty demonstrates that FoRB is not upheld within the occupied Palestinian territories, as FoRB is not intended to protect the religions themselves from criticism but the peoples’ right to practice their own belief.

Article 101 of the Basic Law says that Sharia affairs and personal status are under the authority of Sharia and religious courts in accordance with the law. Like the Islamic religious courts, Christian religious courts handle legal matters relating to personal status, including inheritance, marriage, dowry, divorce, and child support for Christians. Many of the legal handlings set forth by these religious courts fit the definition of FoRB violations, especially in how they try to prevent inter-faith marriages and conversion. Many of the religious courts have been found responsible for several honor killings of women, whom they deemed guilty of trying to convert, a key component protected under FoRB.¹¹

In addition to some limitations on FoRB found in the legal framework of the PA in the occupied territories, Israel itself, as the occupying force, is creating laws that severely limit FoRB for Palestinians living in the occupied territories, regardless of whether they are Christian or Muslim.¹²

Although Palestine is not a recognized State and therefore not able to sign the ICCPR, Israel as an occupying power is bound by international instruments-The Hague Regulations and the Fourth Geneva Convention-to ensure that Palestinians human rights are

honored and protected including the human right to freedom of religion or belief.¹³

3. THE GOVERNMENT’S APPLICATION OF FoRB

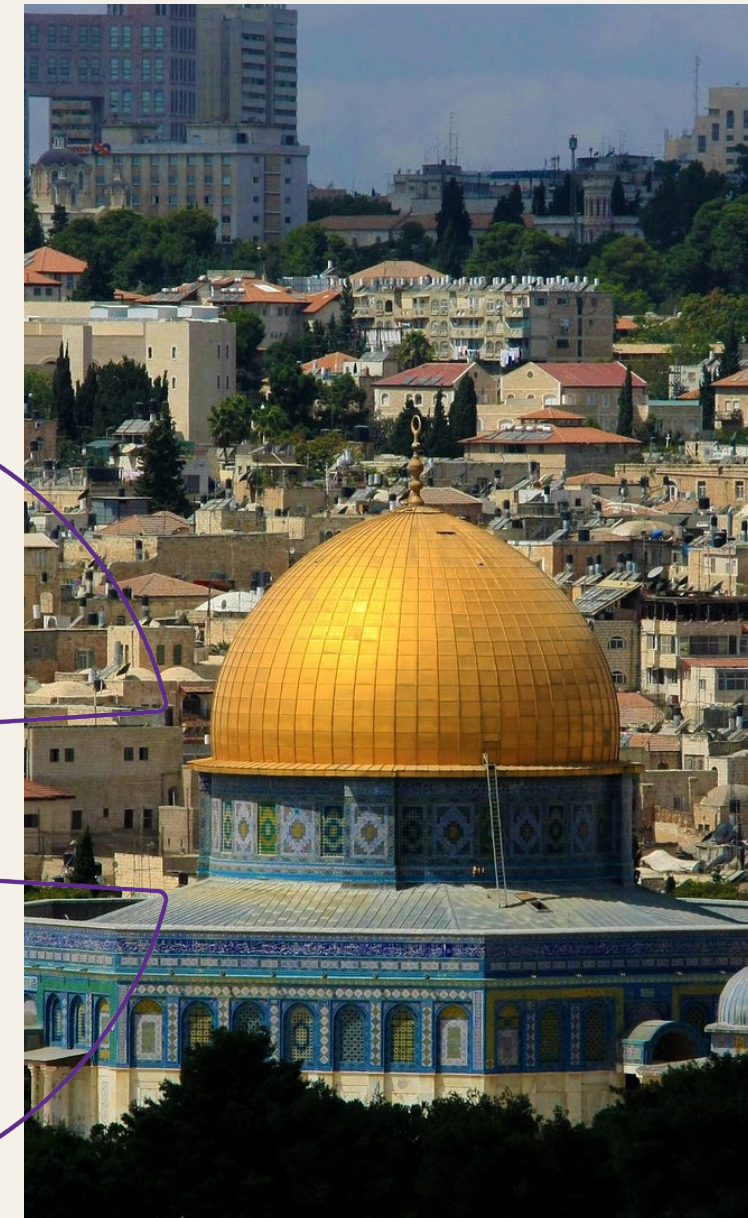
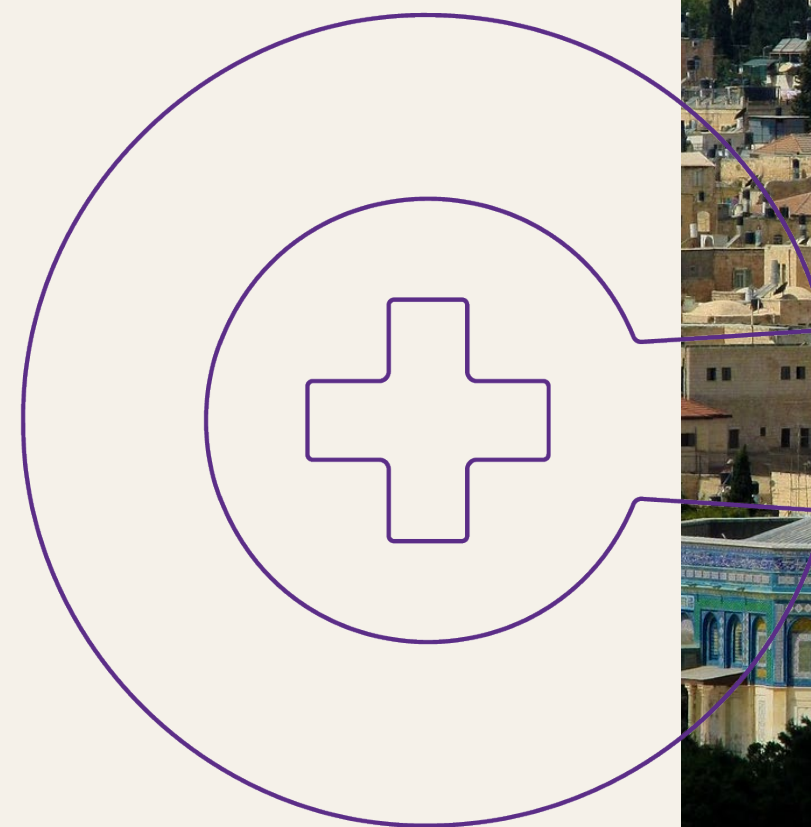
The Pew Research Center ranks the Palestinian Territories as ‘moderate’ in the Index of Government Restrictions on Religion.¹⁴ Although the various articles in the Basic Law code demonstrate a contradiction in the PA’s obligation to ensuring every individual with the right to freedom of religion or belief within their jurisdiction, the PA does try to respect an individual’s right to FoRB in the Westbank. The PA’s tolerant attitude and support of the Christian minority community that live under their authority demonstrate their desire to honor FoRB. Christians are allowed to worship and practice their religion openly and are viewed as fellow Palestinians who share in the national narrative of living under Israeli occupation.¹⁵ They have access to the offices and positions of power within the Palestinian State.¹⁶ Israel on the other hand violates their obligation to honor an individual’s right to FoRB through the continued marginalization and religious based discrimination of both Muslims and Christians found living under their occupation, especially in East Jerusalem.¹⁷

If one compares the two important Christian population centers: Bethlehem and East Jerusalem, one will get a sense of the different attitudes the Israeli and PA authorities have towards honoring their commitment to FoRB. Bethlehem is under PA jurisdiction. Here, religious minority communities are tolerated and even supported by the authorities.¹⁸ East Jerusalem, controlled by Israel, is another matter. Christians and Muslims in East Jerusalem continue to face religious discrimination and marginalization by the Israeli state, specifically, the Israeli authorities continue to evict both Christians and Muslims in East Jerusalem to make room for more Israeli settlers that practice the rabbinical faith of Judaism.¹⁹ Israeli’s actions are in violation of Article 17 of the UDHR, where it states, “no one shall be arbitrarily deprived

of his property.”²⁰ But since these evictions brought on by the Israeli State are being inflicted on Palestinians due to their Christian or Muslim religious identity, it constitutes a FoRB violation. Palestinian Christians and Muslims living in East Jerusalem are also denied their human right to assemble in their religious houses of worship throughout East Jerusalem.²¹ This limitation demonstrates Israel’s violation of Article 20 of the UDHR, which gives everyone the right to freedom of assembly and association.²² But since Israel’s violation of Article 20 of the UDHR is rooted in religious discrimination (i.e. preventing religious minorities open and complete access to their houses of worship), it constitutes a FoRB violation as well.

The Israeli security wall presents one of the

biggest harms to Christians and Muslims living in the Westbank and Gaza, as it prevents them from visiting Jerusalem to worship or work.²³ Palestinian Christians and Muslims living in Gaza are also prevented access to the numerous holy sites found throughout the West Bank and in Jerusalem.²⁴ Israeli efforts to prevent the movement of Palestinians is in violation of Article 13 of the UDHR, which states, “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.”²⁵ Since the Israeli preventive measures have a religious focus (i.e., religiously based discrimination used to further marginalize Christian and Muslim Palestinians), it is also a FoRB violation. In Gaza where Islamist Hamas rules, there



are conflicting accounts of how the Christian minority is treated. Christians still enjoy certain elements of FoRB like being able to go to their churches and practice their religion.²⁶ Yet, some online sources indicate religious discrimination and marginalization, causing the already dwindling population to flee to Europe.²⁷ One topic that all sources seem to agree on, however, is Hamas actively seeking to prevent conversions to Christianity. This is a major difference between the PA and Hamas: If a Muslim converts in the Westbank, the PA will not interfere, but if a Muslim converts in Gaza, Hamas will get involved to try to prevent such measures.²⁸ Preventing someone from converting is in violation of one of the most important aspects of FoRB, which is the right to convert.

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

The Pew Research Center’s most recent report has ranked the Palestinian Territories as ‘high’ in their Index of Social Hostilities Involving Religion.²⁹ This is to a large extent related to the various settlements being built by Israel, which should not just be viewed as illegal under international law,³⁰ but also a gross violation of FoRB for the Palestinian populations living in the occupied areas of the West Bank and East Jerusalem. Israeli settlers often attack Palestinian Christians and Muslims alike. They also make significant efforts to destroy or damage their houses of worship in the occupied territories. They speak out and violate the PA’s very own blasphemy laws, as they publicly condemn and insult the religions of Christianity and Islam.³¹ The Israeli settlers, however, rarely suffer the same punishments for what would be considered blasphemy by either the PA or Israeli authorities.³² Such failure to prosecute the settlers for defaming other religions demonstrates a double standard for religious freedom conditions in the occupied territories.

The high migration rates of Christians in areas controlled by the PA is also of concern.

This is mainly due to economic hardships and the constant military confrontation with Israel. A survey published in October 2020 by the US-based Philos Project, a Christian advocacy NGO, goes in-depth with the experience of Christians living in the occupied areas: The survey found that nearly six in 10 Palestinian Christians (59 percent) have thought of emigrating for economic reasons.³³ A huge majority (84 percent) expressed fear that Israel might expel Palestinians; a similar proportion (83 percent) expressed fear that Jewish settlers would attack them and that the Jewish state would deny them of their civil rights.³⁴ Nearly eight in 10 (77 percent) were also concerned about radical Salafist groups in Palestine.³⁵ And a substantial minority (43 percent) believed that most Muslims do not want them and that they are victims of discrimination when applying for jobs (44 percent).³⁶

CONCLUDING REMARKS

Christians and Muslims from the West Bank as well as Gaza clearly face restrictions on their freedom of religion or belief. In general, the situation has not changed over the last several years and the prospects for a positive change are worsening. With the Israeli coalition government formed in 2021, FoRB conditions in Palestine are found to be getting worse. This is because the major issue is Jewish-Israeli supremacy, which affects everything.

NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information concerning the religious demography of Palestine, please consult the US State Department’s most recent report found at: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/israel-west-bank-and-gaza/west-bank-and-gaza/>.

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 <http://www.americandruzeheritage.com/Druze%20Population.html#:~:text=Rough%20estimates%20place%20the%20number%20of%20Druze%3A%20390%2C000,in%20Lebanon%2C%20420%2C000%20in%20Syria%2C%2075%2C000%20in%20Palestine%2C>.

7 https://acninternational.org/religiousfreedomreport/wp-content/uploads/2021/04/Palestinian_Territories.pdf.

8 <https://www.un.org/unispal/data-collection/security-council/>.

9 For more information concerning the legal precedence of religious freedom conditions in Palestine, please consult the PA Basic Law found at: <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>.

10 For more information on laws pertaining to issues of blasphemy in Palestine, please consult: <https://www.state.gov/wp-content/uploads/2021/05/240282-ISRAEL-INCLUDES-WEST-BANK-AND-GAZA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

11 For more information concerning honor killings and its connection to religious freedom, please consult: <https://www.theguardian.com/world/2005/jun/23/israel>.

12 For more information about the FoRB violations brought on by Israeli, please consult the US State Department’s most recent 2020 Report on religious freedom conditions in the occupied territories: <https://www.state.gov/reports/2020-report-on-international-religious-freedom/israel-west-bank-and-gaza/west-bank-and-gaza/>.

13 For more information related to Israel’s obligations under the Fourth Geneva Convention, Please check out Articles 13, 38, and 56 which prove Israel’s obligation to FoRB as an occupying power found at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf.

14 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 61.

15 Interview with members from CKU’s partner organization living in Palestine, August 2021.

16 Ibid.

17 Ibid.

18 Ibid.

19 Ibid.

20 Article 17 can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

21 Interview with members from CKU’s partner organization living in Palestine, August 2021.

22 Article 20 can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

23 Interview with members from CKU’s partner organization living in Palestine, August 2021.

24 Ibid.

25 Article 13 of UDHR can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

26 Interview with members from CKU’s partner organization living in Palestine, August 2021.

27 For more information concerning Christian Persecution by Hamas, Please consult: <https://www.persecution.org/2020/12/24/hamas-orders-limited-interactions-christians/>.

28 Interview with members from CKU’s partner organization living in Palestine, August 2021.

29 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

30 For more information about the various international laws being violated through the building of Israeli settlements, please check out: <https://www.amnesty.org/en/latest/campaigns/2019/01/chapter-3-israeli-settlements-and-international-law/>.

31 Interview with members from CKU’s partner organization living in Palestine, August 2021.

32 Ibid.

33 For more information, please consult the survey found at: <https://www.catholicnewsagency.com/news/44905/why-are-christians-leaving-palestinian-territories>.

34 Ibid.

35 Ibid.

36 Ibid.

XI. Uganda



1. DEMOGRAPHICS

According to figures from the U.S. State Department, the total population of Uganda is 42.3 million.¹ 82 percent of the population is Christian.² The largest Christian group is Roman Catholic with 39 percent;³ 32 percent of the population is Anglican, and 11 percent is Pentecostal.⁴ Muslims constitute 14 percent of the population.⁵ The Uganda Muslim Supreme Council estimates Muslims (primarily Sunni) are closer to 35 percent of the population, and there is also a small number of Shia Muslims, mostly in Kampala and the eastern part of the country.⁶ Other religious

groups, which collectively constitute less than 5 percent of the population, include Seventh-day Adventists, adherents of indigenous beliefs, Baptists, members of The Church of Jesus Christ of Latter-day Saints, Orthodox Christians, Hindus, Jews, Baha'is, and those with no religious affiliation.⁷

2. THE LEGAL FRAMEWORK OF FORB

Article 7 of the Constitution of Uganda prevents an established State religion.⁸ Article 21 prohibits religious discrimination.⁹ Article 29 titled Protection of Freedom of Conscience, Expression, Movement, Religion, Assembly and Association specifically states, "Every Person shall have the right to freedom of thought, conscience and belief which shall include academic freedom in institutions of learning."¹⁰

Uganda is a signatory of both the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.¹¹

3. THE GOVERNMENT'S APPLICATION OF FORB

In the Index of Government Restrictions on Religion, the Pew Research Center ranks Uganda as 'moderate'.¹² Section 122 of Chapter XIII of the Penal Code specifically prohibits speaking out or publishing works that may harm the belief or religions of others in anyway with a one-year minimum prison sentence.¹³ This is in violation of Article 19.¹⁴ It also is in violation of FoRB, as the law tries to prevent ones right to conversion, a fundamental principle of FoRB.

Despite the right to worship being tolerated, as outlined by the constitution, the government has restricted religious groups



whose members pose security risks. It has also sought to control political statements by religious leaders, tolerating those who express support for President Museveni and the ruling party while subjecting those with more critical views to intimidation, harassment, and arrest.¹⁵

Although Uganda is primarily a Christian nation, the interpretation of Islam as a violent and extremist belief has gained influence causing many Christians living within the majority Muslim border regions to face persecution, especially those who convert from Islam.¹⁶ As a result, the government has been disproportionately and unfairly

arresting and imprisoning Muslims,¹⁷ while also targeting their clerics for their suspected association with Islamist extremist groups.¹⁸ A series of clerics have been targeted and arrested in recent years, and the investigations into the crimes have not yet led to any convictions.¹⁹ The Muslim population believe the government singles out Muslims as potential perpetrators of high-profile crimes and often arrests them without any evidence, and they often prolong their detention without trial and sometimes end even torture Muslim prisoners.²⁰

4. SOCIAL ANALYSIS & SOCIETAL PRACTICES

The Pew Research Center’s most recent report has ranked Uganda as ‘moderate’ in the Index of Social Hostilities Involving Religion.²¹ Despite such moderate rating, 2020 saw the highest levels of violence in the country in over a decade according to the Armed Conflict Location & Event Data Project, mostly related to repressive actions by the security forces.²² President Museveni, entrenched in power since 1986, was re-elected in the January 2021 presidential elections.²³ As the Church warned, tensions rose in the months leading to election day.²⁴

CONCLUDING REMARKS

Although human rights are guaranteed and exercised in Uganda, these rights, including the right to freedom of religion or belief, face an uncertain future. The steady uptick in violent Islamic extremism throughout the border regions along with the government’s subsequent crackdown of the Muslim religious minority and targeting of their religious leaders is concerning and warrants further analysis.



NOTES

1 It is important to note that demographics are often contested and politicized, so when US State Department is used as a source in this document, it simply serves the purpose of presenting a quick graphic overview, but we are fully aware that other local or international sources may give other suggestions for the demographic composure of each country. For more information concerning the specific statistics about the religious demography of Uganda please consult the US State Departments latest report on religious freedom in Uganda, which is found at: <https://www.state.gov/wp-content/uploads/2021/05/240282-UGANDA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

2 Ibid.

3 Ibid.

4 Ibid.

5 Ibid.

6 Please consult the Uganda Muslim Supreme Council's numbers, which is found at their website at: <https://umsc.or.ug/about-us/>.

7 <https://www.state.gov/wp-content/uploads/2021/05/240282-UGANDA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

8 For more information concerning the established legal precedents of Religious Freedom and Belief, please consult the Constitution of Uganda at: https://statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf.

9 Ibid.

10 Ibid.

11 <https://sdg.humanrights.dk/en/instrument/signees/2478>; <https://sdg.humanrights.dk/da/instrument/signees/25>.

12 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 62.

13 Uganda’s Penal Code can be found at <https://ulii.org/akn/ug/act/ord/1950/12/eng%402014-05-09>.

14 Article 19 of the UDHR stating, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas..” It can be found at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

15 <https://freedomhouse.org/country/uganda/freedom-world/2020>

16 <https://cfcjax.com/mt-content/uploads/2020/11/persecuted-church-prayer-guide-2020.pdf>

17 <https://fot.humanists.international/countries/africa-eastern-africa/uganda/>.

18 For more information regarding the specifics, please read the US State Department’s most recent report on religious freedom condition in Uganda found at: <https://www.state.gov/wp-content/uploads/2021/05/240282-UGANDA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

19 For more information about the profiling and targeting of Muslim clerics in Uganda, please consult the recent US State Department report found at: <https://www.state.gov/wp-content/uploads/2021/05/240282-UGANDA-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>.

20 Ibid.

21 https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf, pp. 64.

22 The official report can be found at: <https://acleddata.com/2020/05/07/cdt-spotlight-state-force-in-uganda/>.

23 <https://www.bbc.com/news/world-africa-55689665#:~:text=Uganda%27s%20long-time%20President%20Yoweri%20Museveni%20has%20been%20re-elected%2C,trailing%20with%20about%2035%25%2C%20the%20Electoral%20Commission%20said..>

24 <https://www.monitor.co.ug/uganda/news/national/catholic-bishops-voice-concerns-on-today-s-polls-3257104>.