

A Global Review of the Denial of Religious Freedom Fall 2003

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Afghanistan: Draft constitution is subject of debate

A draft constitution for Afghanistan, which became public in early November, has underlined tensions between those wanting a Western-style democracy and those wanting to ensure that the country is governed by principles of Islamic law. After a period of public discussion, the draft is expected to go to a 500-member constitutional assembly in December. These efforts will pave the way for national elections in June 2004.

Although the draft constitution is meant to establish stability in a country that has seen over 20 years of constant war, advocates for religious freedom have expressed concerns over its focus on Islam as the state religion. The *U.S. Commission on International Religious Freedom*, for example, voiced objections to the draft for using language that would give judges the power to make decisions with Islamic law as a guide. The Commission believes this approach would allow a religious orthodoxy to be imposed and would stifle dissent. While the document does call for a largely elected national assembly, that body is forbidden to pass any law 'contrary to the sacred religion of Islam.' The document does not, however, call for a return to strict Shari'ah law and, instead, envisions the 'creation of a civil society ... based on the people's will and democracy.' The implementation of Shari'ah law is particularly sensitive in Afghanistan in view of its harsh imposition by the Taliban.

The draft constitution has had to strike a fine balance, e.g. promoting democracy in the context of an Islamic culture. The chairman of the drafting commission and an Islamic scholar, Naimatullah Shahrani, said, "This commission did everything it could to create a document which is in agreement with Islam and the national will of the people." Overall, members of the drafting commission feel that the draft document is very progressive given the circumstances of an Islamic state. (Other Sources: *Eurasianet*, *Christian Science Monitor*, and *Associated Press*)

Armenia: Are circumstances better for conscientious objectors?

New legislation in Armenia would allow those who object to national service on religious grounds to take on a non-combat role in the military. The reforms, debated in parliament in November, signaled a move to bring Armenia's commitments to the *Council of Europe* into conformity with European standards. (On accession to the *Council of Europe* in January 2001, Armenia made a commitment to adopt a law on alternatives to military service within 3 years, i.e. by January 2004.) Despite the developments in the legislation, there has been domestic and international criticism over the long-awaited changes. Some human rights organisations have said that the legislation does not go far enough because those wishing to take non-combat roles must serve in the military for 3.5 years rather than the standard 2 years. A representative with the *Organisation for Security and Cooperation in Europe* (OSCE) in Yerevan noted not only that alternatives should be civilian (rather than military) in nature, but also that the period of service should be equal in length to conventional army service.

Regrettably, conditions in the Armenian army are said to be hard with brutality widespread. As such, there is legitimate concern that, were European standards to be followed, conscripts would potentially say that religious convictions forbade them from joining the military. The Armenian public has reportedly long been critical of conditions in the army, which is recruited through conscription. Nonetheless, conscientious objectors are reported to be persecuted by authorities. *Human Rights Watch* has reported on a number of cases in which 'Ministry of Defense conscription officials and police have carried out a systematic, widespread

campaign of harassment that includes physical abuse and threats against conscientious objectors and their family members.’ Insulting statements towards a person’s religious faith are not uncommon.

Jehovah’s Witnesses have been a particular target with some two dozen remaining in prison for their objection to military service. Ten of those in prison were sentenced to terms between 1-2 years under a new criminal code, which came into effect on 1 August. Armenian government representatives maintain that continued sentencing of conscientious objectors cannot end until a new alternative service law is adopted. The *Council of Europe*, on the other hand, says that such imprisonment violates the country’s commitments to the Council. Despite an amnesty granted by the government in June 2001, there have about 150 conscientious objectors imprisoned over the last 3 years, with the majority being Jehovah’s Witnesses. (Other Sources: *Armenianow.com*, *War Resisters’ International*, and *Forum 18*.)

Australia: Test case for religious hate law is closely watched

Australia’s *Herald Sun* reported in mid October that “a test case for Victoria’s new race and religious hate law could go to that country’s Supreme Court after a Christian movement claimed the act was invalid because it conflicted with constitutional freedom of speech rights.” At October 2003, it was unclear whether a state or federal tribunal will ultimately hear the case, but it remains significant because it will be the first case to be heard under Victoria’s Racial and Religious Tolerance Act, which came into force in January 2002.

The history of the case is that the *Islamic Council of Victoria* is claiming that an evangelical Christian movement (*Catch the Fire Ministries*) breached Victoria’s Racial and Religious Tolerance Act when two Christian pastors, Danny Nalliah and Daniel Scot, conducted a seminar on Islam in March 2002. Three Muslims who attended the fundamentalist Christian seminar brought a case against the pastors for reportedly inciting ‘fear and hatred’ against Muslims. *Catch the Fire Ministries* defended their position and noted that reference to passages in the Qu’ran “which could and do incite believers in Islam to violence and hatred of non-Muslims” could not be regarded as controversial. Those preparing the arguments for Nalliah and Scot are including detailed reports on what Muslims in Australia have been saying about issues such as ‘jihad’. *The Islamic Council of Victoria*, on the other hand, has backed the views of the Muslim participants at the seminar. The case was originally taken to a state equal opportunities commission, but, when attempts to resolve the dispute through conciliation failed, it was brought to the Victorian Civil and Administrative Tribunal (VCAT).

American Christians concerned with the fate of the Nalliah and Scot have flooded the Australian embassy in Washington, DC with messages. While many of those contacting the embassy have been concerned about prison sentences for these individuals, the embassy has made clear that, as a civil case, no prison term is expected. The VCAT can, however, impose fines of up to \$3,900 for individuals and \$19,800 for organisations. As an interesting element to the case, Daniel Scot fled Pakistan with his wife in 1987 after becoming a victim of that country’s notorious blasphemy laws. He was charged with insulting the prophet Muhammed, which, under the Pakistan Penal Code, carried a death sentence. (Other sources: *Cybercast News Service* (CNSNews), *The Age*, and the *Barnabus Fund*.)

France: Headscarf issue causing controversy

The French Prime Minister (Jean –Pierre Raffarin) announced in a meeting to his party in late November that he would be introducing a bill to ban the wearing of ‘ostentatious religious symbols.’ This announcement follows a fierce battle that has been raging in France’s courts for over a decade on the expulsion of girls from school for refusal to remove the hijab (Muslim headscarf). Most recently, this issue has come to the fore with the expulsion of two schoolgirls

(Lila and Alma Levy-Omari) from a school in a suburb of Paris. Their expulsion was based on their decision to wear the hijab, according to the dictates of their religious faith. The incident has, however, become an affair of state in France and has put the girls into the media spotlight for weeks.

In France, the wearing of headscarves poses a special challenge to those who see it as a threat to France's core values and secular tradition. French institutions and authorities have also generally claimed that the headscarf violates French secularism and are opposed to what they see as an Islamist challenge to the strict separation of church and state. On the other side of the debate, however, one could also argue that, in view of the separation of church and state, the government should not be involved in the business of deciding on religious dress and symbols. Of course, when public schools are in question, the matter becomes that much more complex. Some Muslims in France have responded by developing their own schools. The first Muslim high school opened in France in early September this year, representing an attempt for young French Muslims to maintain their identity in a largely secular environment. Muslims in France number about 5 million and constitute the country's second largest religion. In July, President Jacques Chirac established a commission to study where secularism stands in relation to France's large Muslim population.

Following input from the Commission, the President is expected to make decisions on the government's policy toward headscarves in early 2004. However, it is not only Muslims that are likely to be affected by rulings dealing with the headscarf. New French legislation could potentially ban wearing not only veils in public schools, but also Catholic crosses, Jewish skullcaps, and other religious symbols. French Roman Catholic bishops have expressed dismay over new efforts to ban the wearing of religious symbols. Bishop Jean-Pierre Ricard, president of the Council of Bishops in France, stated "The proposal to ban student from wearing all religious symbols in schools, when it does not trouble public order, seems to us a regression of freedom of expression."

This issue, too, is crossing borders. In Italy, for example, a judge ruled in October that a school should remove crosses from its walls following a case brought by a Muslim activist who did not want his children to see crucifixes at their primary school. In a largely Catholic country, many Italian government ministers and cardinals have vocally opposed this decision. Where an individual decision to wear the headscarf is concerned, the issue is causing controversy across Europe, with ongoing cases and incidents in countries such as Germany, Belgium, and Russia (see *Global Issues*; Spring 2003). (Sources: *Reuters*, *Associated Press*, *New York Times*, *Islamic Human Rights Commission*, *Religion News Service*, *the Economist*, and the *BBC*.)

International News: Global survey reveals role of religion

Followers of the world's major faiths insist that religion is *not* the cause of unrest, according to a global survey on religion released in October by the *University of Rochester* and *Zogby International*. A majority of those surveyed associated violence within their country with politics rather than with religion. A majority of all respondents also said that a more religious society would help their country. When asked to rank the importance of religion in their lives, a majority felt that it was a priority (although less important than goals of spending time with family and being well educated). All groups, except Orthodox, placed being 'active in politics' last, or second-to-last, in priority.

The survey was conducted from January through March 2003 and involved 4,388 interviews with: Russian Orthodox in Russia; Christians and Buddhists in South Korea, Roman Catholics and Protestants in the United States, Hindus and Muslims in India, Jews and Muslims in Israel, Muslims in Saudi Arabia, and Roman Catholics in Peru. Altogether, the survey covered 11 religious groups across 7 nations and, as such, was designed as a first-ever review of the state of religion on a global scale. Over two-thirds of Indian and Israeli Muslims, Hindus,

American born-again Christians and South Korean Christians said that being actively religious was a high priority. However, fewer than 60% of Saudi Muslims, Israeli Jews, Buddhists and Russian Orthodox Christians held this view.

The survey challenged notions that adherents believe that their own faith is the only path to God. A majority of ten of the 12 groups surveyed acknowledged the possibility of multiple paths to religious truth. This view was, however, a minority position among South Korean Christians and Saudi Muslims. American Catholics and Protestants were seen as the most accepting of other views and in their regarding people of other religions as equals. The same tolerance, however, was not shared where interfaith marriage was concerned. While Catholics were very supportive of interfaith marriage, this was not the case with most religious groups, including South Korean Christians, Hindus, and Israeli Jews and Muslims. (Other Sources: *Reuters* and *Washington Times*.)

Tibet: Examining Religious Freedom

Over 300,000 people reportedly gathered for rallies and special interfaith services at house of worship worldwide for the annual ‘Interfaith Call for Tibet’ in late October (See www.interfaithcall.com). The campaign is meant to draw attention to the hardships faced by Buddhist monks and nuns in Tibet. Although exact figures are difficult to determine, the *Tibet Information Network* estimated (at 2002) that there were as many as 120 Tibetan Buddhist monks and nuns detained in China, with regular reports of abuse or torture. Most of those in prison are so for voicing their allegiance to Tibet’s spiritual leader, the Dalai Lama (in exile in India) and for expressing opposition to Chinese rule. Because the government of the People’s Republic of China (PRC) strictly controls access to information about Tibet, it is hard to determine exact details on violations of religious freedom.

However, the *US State Department’s* report on Tibet for 2002 notes that, while the PRC provides for freedom of religion or belief in its constitution, “The Government maintains tight controls on religious practices and places of worship in Tibet. Although the authorities permit many traditional religious practices and public manifestations of belief, they promptly and forcibly suppress those activities viewed as vehicles for political dissent, such as religious activities that are perceived as advocating Tibetan independence or any form of separatism.” (The Chinese occupied formerly independent Tibet in 1950 and repression of Tibetan Buddhism was especially severe in the years following occupation. Thousands of monasteries, temples and cultural sites were destroyed and Tibetan Buddhists were subject to particularly intense persecution during the Cultural Revolution, 1966-1976).

While statistics vary, Chinese officials indicate that there are now about 46,000 Buddhist monks and nuns currently in Tibet and more than 1,700 monasteries, temples, and religious sites. The Government of the PRC claims that, since 1976, it has contributed some \$40 million to restoring the holy places that were destroyed during the Cultural Revolution. Although outward semblances of religious life are evident in Tibet, it is a different story ‘behind the scenes’, i.e. monks and nuns must continually undergo mandatory political training, or ‘patriotic education’ to ensure that their views are in conformance with Communist ideology. (Other sources: *US Commission on International Religious Freedom*, *Ministry of Foreign Affairs – PRC*, and *The Guardian*.)