

A Global Review of the Denial of Religious Freedom Summer 2002

Belarus

In late June, and despite last-minute legislative manoeuvres, the Parliament of Belarus failed to pass a controversial religion law which, if passed and signed, would have been considered among the most restrictive religion laws in the former Soviet republic. This law is expected to be taken up again by the Parliament's upper chamber when the session resumes in the fall.

The *Associated Press* reported that a coalition of religious minorities had been calling for more public discussion of the issues arising from this legislation and said that "the bill would strengthen the dominant position of the Russian Orthodox Church at the expense of other faiths." According to this same report, the proposed law would "ban organised prayer except by registered religious communities of at least 20 Belarusian citizens" and would "also prohibit religions that have existed in the country less than 20 years from publishing literature or setting up missions." The Russian Orthodox Church largely supports the legislation, reportedly because of concerns that other religions are seeking converts among those whom historically would have belonged to the Orthodox faith. In a report from *Keston News Service*, a spokesman for the Orthodox Church claimed that the 'traditional faiths' were satisfied with the proposed law and that it was being resisted primarily by 'neo-Protestants' and 'new religious movements.'

In a separate, but related development in mid-August, police in the Belarusian capital of Minsk arrested about a dozen members of a Hindu group (members of the Shiva Society) who were protesting alleged religious persecution. Subsequently, a group of fifteen members of the Light of Kailish community were found guilty of holding an unauthorised march and fined a total of \$3,000. A spokeswoman for the community noted that Hinduism is considered a 'sect' in Belarus and is not registered, whereas only five traditional religions can develop freely. (Sources: *Associated Press* and *Belarusian News Agency*)

Burma

A recently-released 45-page report from the *Karen Human Rights Group* chronicles the persecution of Muslims in Burma. The report is based on interviews with Burmese Muslims conducted between October 2001 and February 2002. While a variety of human rights abuses are practised by the military regime to a similar extent against Muslims and non-Muslims alike, the Muslim community suffers from a more direct religious persecution and denial of the rights of citizenship.

The report states that the citizenship law "makes it impossible for many Muslims to become citizens and receive national identity cards. Without the identity cards, Muslims have a difficult time travelling, getting an education or finding a job. Religious restrictions have also been placed on Muslims. There is a prohibition on the construction of new mosques and repairs to existing ones are limited to the interiors only. Groups of more than five Muslims have been prohibited from assembling in cities and towns where anti-Muslim riots occurred." (The riots are a

reference to a recent outbreak of anti-Muslim violence, which took place in cities across Burma from February to October 2001.) The report adds that successive Burmese regimes have used general racist anti-Muslim feelings harboured by many in the population to deflect attention from other social and economic problems. One of the larger pogroms launched by the military dictatorship took place against the Rohingya Muslims of Rakhine State in 1991-92 when over 250,000 Muslims were displaced to Bangladesh. Rakhine State, in the west of the country, has the largest Muslim population in Burma.

Many of Burma's Muslims have had ancestors in the country for hundreds of years, while others arrived in the country during the British colonial period. Burma's current citizenship laws, however, "limit the rights of citizenship to those who can prove that their ancestors were resident in Burma prior to 1823." For several ethnic groups considered 'indigenous', this law is not enforced. It is, however, often used to deny citizenship to Muslims, ethnic Chinese, or other groups. For copies of the full report, see: www.ibiblio.org/freeburma/humanrights/khrg/archive/khrg2002/khrg0202.html

Georgia

Human rights groups and members of minority faiths have raised concerns over the provisions of a new religion law currently being prepared by the Justice Ministry in Georgia. As *Keston News Service* notes, "Georgia is the only former Soviet republic that has not so far adopted a law covering religion and there is no system of registering religious communities with the government." Though the latest draft law is reportedly an improvement over previous versions, human rights and minority religious groups have expressed concerns about provisions still seen to be discriminatory. There is also criticism that the government has not sought enough consultation over the development of the draft law, with most input said to have been sought from the Georgian Orthodox Church.

Some are questioning, however, why a religion law is being developed at all when the problem of religious violence in Georgia has not been sufficiently addressed. There have been ongoing incidents of religious violence in the country over the past several years. Recent incidents include an attack on a Pentecostal home church in the Georgian capital of Tbilisi in early July. As reported by the *Keston Institute*, this attack was orchestrated by two Orthodox priests who led a mob of some 30-40 people in bursting into the home, beating people, and stealing literature. "In more than 100 incidents in recent years," *Keston* reported, "Jehovah's Witnesses, Baptists, Pentecostals and Catholics have been subjected to violent physical attacks and arson. None of the perpetrators has been sentenced, although many are well known, despite repeated protests from minority faiths, local human rights groups and international bodies." Many of the attacks have been organised by Basili Mkalavishvili. Although excommunicated from the Georgian church several years ago and standing trial, he remains free due, in part, to ongoing disruptions at court appearances.

Victims of attacks by Orthodox clerics and religious extremists in Georgia have now filed a total of over 30 cases with the *European Court of Human Rights*. This joint application claims that there has been a systematic refusal by the Georgian State to prosecute those responsible, despite clear evidence of criminal acts. Many cases have also been documented of policeman turning a blind eye to the atrocities. In late May, a letter was sent from 15 U.S. senators to Georgian President, Eduard

Shevardnadze. The text read “In the course of the past two years, aggressive crowds have attacked representatives of non-Orthodox societies, the police have not intervened and have not tried to prevent disorders, and President Shevardnadze and the authorities in Georgia have closed their eyes to the unceasing violence.” Largely due to such international criticism, Shevardnadze has recently called for the development of the law on religion referenced above. (Other Sources: *Jehovah’s Witnesses Office* and *The New York Times*.)

Romania

In an open letter sent to Prime Minister Adrian Nastase in late June, Romania’s Eastern Rite (Greek) Catholic Church called on the Parliament to ‘urgently’ adopt a solution that would allow “for the return of (church) property abusively confiscated and now in the hands of the state.” The letter echoes a similar, earlier appeal from Pope John Paul II for the return of this real estate, which was confiscated by the communists in 1948. The communists banned the Eastern Rite Catholics as they professed loyalty to a ‘foreign power,’ i.e. the pope. As reported by the *Associated Press*, authorities seized almost 2,500 churches in 1948 and gave them to the Orthodox church. While the ban against the Eastern Rite Catholic church was lifted in 1989, official statistics indicate that only 120 of these properties have been returned. The matter of the restitution of this property remains a source of tension between the Orthodox and Greek-Catholic communities in Romania.

In a response to the pope reported by the *Associated Press*, Romania’s President Ion Iliescu asserted that the state could not interfere in restituting churches to the Catholic Church and added that the matter was ‘complicated’ because the state could not interfere in the ‘church hierarchy.’ In another forum, Iliescu commented that only local worshipers could decide the ownership of a church. Recent statistics indicate that over 85% of Romania’s population identify themselves as Orthodox. As Catholics are now a small minority of the population, the government feels that a complete restitution of property would infringe upon the right to freedom of religion for many believers.

In an interview with *Human Rights Without Frontiers*, Romania’s State Secretary for Religious Affairs, Laurentiu Tanase, noted that, prior to WWII, there were 1.5 million Greek-Catholic believers for 16 million inhabitants. At the present time, however, there are some 230,000 of these believers for 23 million inhabitants. Tanase asserted that, in both time periods, there has been a Greek-Catholic church for approximately every 600 believers.

Thailand

The inaugural meeting of the World Council of Religious Leaders was held in Bangkok, Thailand in mid-June and brought together more than 100 representatives of Christian, Buddhist, Jewish, Muslim, Hindu and other faiths. The effort is intended to involve religious leaders more directly in resolving conflicts and to become more actively engaged in peace building. The idea to form a World Council of Religious Leaders was initially raised at the Millennium World Peace Summit of Religious and Spiritual Leaders, which took place at the United Nations in August 2000. Topics being discussed at the Bangkok meeting included not only the role of religion in diffusing world tensions, but also poverty, development, and environmental preservation.

Addressing the conference, Israeli Chief Rabbi Israel Meir Lau acknowledged that religion had caused many gulfs between nations, but added that religion could 'also be a bridge.' He called on conference participants to work together for freedom and peace and also made a fervent appeal for dialogue between Israelis and Palestinians. (Source: *Associated Press*)

United States

In a case which captured the attention of the nation this summer, the U.S. 9th Circuit Court of Appeals in California found the words 'under God' in the pledge of allegiance to be unconstitutional because, they noted, the phrase amounted to a government endorsement of religion in violation of the establishment clause requiring a separation of church and state. As the initial decision was rendered by a 3-judge panel, an appeal has been lodged for the entire 9th Circuit to rehear the case. Based on the storm of protest arising from this ruling, however, it expected that the case will be appealed at the U.S. Supreme Court. *The Denver Post* reported that "There has been an outpouring of protest among religious leaders, politicians and citizens about deleting the 'under God' phrase, which was added to the pledge by Congress in 1954."

The case led to a nation-wide debate about the meaning of the establishment clause of the U.S. Constitution and about separation of church and state more generally. Some religious organisations such as the Unitarian Universalists (a member group of IARF), noted that the original pledge of allegiance did not have a religious reference and, in honour of America's increasing pluralism and diversity, should not include this language. Many other religious denominations across the U.S., however, disagreed with this point of view and maintained that the country was built on religious traditions that should be recognised. The case was originally brought by an atheist who did not want his daughter to have to listen to the pledge with religious references. Legally, it was established some time ago that students cannot be forced to say the pledge of allegiance if they disagree with the words. (Other Sources: *CNS News, Scripps Howard News Service, Associated Press*)

In another legal battle reported by the *Associated Press*, the U.S. Supreme Court ruled in mid June that missionaries, politicians, and others have the right to knock on doors without seeking initial permission from the authorities. The ruling struck down a local law that required a permit for door-to-door soliciting – a law meant to protect the elderly from being bothered at home. By a vote of 8 to 1, the Court ruled that right to free speech entitles a person to take a message directly to someone's door. This ruling was seen as a victory for religious groups such as the Jehovah's Witnesses, who rely on such a door-to-door approach in teaching others about their beliefs.

The majority opinion of the Court stated, "It is offensive, not only to the values protected by the First Amendment, but to the very notion of a free society, that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbours and then obtain a permit to do so." The Court noted that posting 'No Solicitations' signs and/or refusing to engage in conversation with canvassers was an option for those not wishing to be disturbed.