

A Global Review of the Denial of Religious Freedom

Summer 2003

Austria

FOREF (forum Religionsfreiheit), an Austrian human rights organisation promoting freedom of religion and belief, organised a successful protest campaign this past spring against the production of a CD-ROM on religious groups in Austria. The CD-ROM was originally produced in spring 2002 by the Government of the State of Upper Austria. It contained information on over 350 religious and philosophical groups and movements. The CD, which was intended to convey information on sects and sect-like groups and was primarily promoted for use in schools, was criticised by the human rights community and by various religious denominations for defaming select religious and belief communities. Critics noted that the CD-Rom did not comply with the constitutional rule of the state's religious neutrality and infringed on the rights of religious minorities. According to *Human Rights Without Frontiers*, the influence of the campaign led by *FOREF* led the Government of Upper Austria to stop sending the CD-Rom to schools and it has agreed to involve the targeted groups in the drafting of their own profiles. The criticism of the original CD-Rom was that certain religious groups that were defamed (such as Jehovah's Witnesses) were not consulted during the drafting process. There are approximately 35 public and private information centres about sects in Austria.

Austria is a predominately Catholic country and has 12 state-recognised churches and religious communities. According to a paper published in March 2003 by Professor Christian Brünner at the *University of Graz*, there are also a number of "confessional communities which are accorded legal recognition," but legal status may be denied to religious communities by the Federal Ministry of Education, Science and Culture "if it believes that young people could be adversely affected by it, or that psychological methods are used improperly to disseminate religious beliefs." Finally, there are select religious communities which are not granted legal status, Hence, they cannot own property, etc...

Of the European countries, Austria has been especially active in anti-cult legislation. A Federal Office for Sect Matters was established in Vienna after the passage of an anti-sect law in 1998. Its task was to document and collect information about dangers originating from programs or activities of sects or sect-related activities as far as these could endanger: the life or physical or mental health of people; the free development of human personality including the freedom to join or leave religious or ideological groups; the integrity of family life; people's property or financial independence; and a free spiritual and physical development of children and adolescents. However valid these concerns, Brünner and others have questioned the constitutionality of these laws because they sanction state interference in religious affairs, intrude into privacy and data protection, and generally discriminate against religious minorities.

IARF maintains that there should not be oppressive interference by the state on the grounds of religion or belief, but also that religious communities themselves must ensure that their practices uphold the dignity and human rights of their members and others. [Click here for a link to IARF's work on a 'Declaration of Responsibility.'](#)

Bulgaria

In August, the *U.S. Helsinki Commission* released a report noting that several provisions of Bulgaria's Law on Religions were 'out of step' with its commitments to the *Organisation for Security and Co-operation in Europe* (OSCE). Report authors, i.e. members of the U.S. Congress, say that this development is troubling in view of the fact that Bulgaria is soon to take the chairmanship of the OSCE. Bulgaria's Law on Religions was passed by that country's National Assembly in December 2002 after a hurried drafting process. It has since drawn numerous criticisms from the human rights community as well as some parliamentary deputies. Despite a challenge to the legislation, the Bulgarian Constitutional Court upheld it in a mid-July ruling, despite 6 judges ruling against it and 5 in favour. (Under Bulgarian law, 7 of the court's 12 judges must rule together for a law to be found unconstitutional.)

In sum, the report indicates that the law gives preferential treatment to the Bulgarian Orthodox Church. Other religious groups, including the Orthodox synod, must complete a registration process if they want to have legal personality, such as property rights. Regrettably, this process is said to be 'open to manipulation' whereby registration could be denied to select religious groups. There are reportedly many bureaucratic hurdles, for example, to getting registration. While registration is not required by the law, being registered makes it far easier for religious groups to operate, have places of worship, etc... Sanctions can also be applied against religious groups if, among other problems, they are found to be disturbing "public safety or order." Such sanctions would include prohibiting dissemination of certain printed publications and/or publishing activity. While international law allows very limited limitations on freedom of religion or belief in certain circumstances, it must be directly related and proportionate to the specific need. Hence, the sanctions are considered burdensome.

A further report from *Forum 18* also notes that religious minorities are concerned about a provision of the law which punishes "any person carrying out religious activity in the name of religion without representational authority." A Bulgarian group representing Muslims, Catholics, Protestants, and other faiths are said to be meeting in September to continue discussions about campaigning against this law. (Other source: *U.S. Newswire*.)

China

Some half a million people took to the streets of Hong Kong in early July to protest against a proposed law (known as 'Article 23'), which would have, among other effects, threatened the territory's freedom of religion. The protest was based on Article 23's potential impacts on human rights in Hong Kong, which also included freedoms of speech, press, and assembly. Press reports indicate that the Chinese government was thrown into its 'biggest crisis in 6 years' over this matter and the bill was subsequently delayed. Chinese officials were reportedly surprised by the massive protest. In late July, Hong Kong's government announced plans to re-launch public consultation on this measure.

The disputed 'anti-subversion' law was basically a measure concerning national security, but which would have undermined Hong Kong's autonomy by ensuring that some laws conformed to the tougher measures on the mainland. The *U.S. Commission on International Religious Freedom* found the "draft bill's

provision that would allow the Hong Kong government to bar or close down organisations that are banned by the Chinese government on national security grounds” to be particularly troubling. This provision would have negatively affected organisations like the Catholic Church and the Falun Gong spiritual movement and, overall, would have ‘set the clock back’ on religious freedoms. (Other sources: *Associated Press, MISNA, and Agence France-Presse*)

Egypt

As of late July, the same official teachings have been given in over 85,000 mosques across Egypt. Fridays are considered a day at mosques when Imams give views on religious and related political issues. That privilege has now been taken over by the government, i.e. such teachings are now written and distributed by the regime of President Hosni Mubarak. Imams not abiding by this directive may be deprived of bonuses or subject to investigation by the government. Independent Imams can also be replaced by those appointed by the regime.

A report on this situation from *InterPress Service* states that, under Mubarak’s regime, “mosques were among the few venues available for expressing views that [did] not conform to the official line. The government, increasingly intolerant of opposition, says mosques have become hotbeds for extremist views. The government earlier stepped up its campaign against extremist groups and against independent Islamic preachers and schools after the September 11 attacks. It took over the management of thousands of mosques and Islamic centres and placed them under the close watch of its intimidating security apparatus.” Thus, while reportedly limiting the Islamic movement in the wake of the ‘war on terrorism,’ these recent moves have also further restricted freedom of religion at Egypt’s mosques. Critics say that these initiatives may backfire as worshippers are driven to non-official religious groups.

More broadly, human rights activists and religious leaders worldwide are expressing concern that state security policies are increasingly being used to justify restrictions against religious believers. In comments made in mid-July to a conference sponsored by the *Organisation for Security and Co-operation in Europe* (OSCE), UN Special Rapporteur on Freedom of Religion or Belief, Abdelfattah Amor, warned about “emotional reactions” to the threat of terrorism that have often “swept reason away.” He noted that, while terrorism and extremism need to be combated, “this fight must not justify any action.”

India

Following the carnage in Gujarat in Spring 2002, which pitted Muslims against Hindus, there have been some uplifting incidents this summer. For example, iron gates were erected in Vatva (and several other places in Ahmedabad) after the communal killings in Gujarat to keep Muslims and Hindus separated. These gates were thrown open in mid-July so that residents from the two neighbourhoods could greet each other “with warm hugs.” The event was organised by a conglomerate of voluntary groups committed to communal harmony. Iqbal Shaikh, a municipal official, said, “It was a challenge to break down the wall of mistrust between Hindu and Muslim localities. After last year’s communal violence, people of different faiths had decided to live separately, cocooned in their respective localities. But separatism

only widened the gulf and deepened the mistrust, which was a hurdle in maintaining peace and harmony. So we decided to take this initiative.” It is hoped that this same effort will be taken to other sensitive areas of Ahmedabad.

In another incident, a Muslim community in a small town in Madhya Pradesh generously contributed to the renovation of a 300-year-old Hindu temple. The temple was in urgent needs of repairs and, when a Hindu man initiated its renovation, several Muslims came forward to make contributions. (Sources: *Hindustan Times* and *Indo-Asian News Service*)

Turkmenistan

Amnesty International is encouraging a letter writing campaign to the President of Turkmenistan. Although the appeal relates to concerns about unfair trials and torture, Amnesty has included updates about the limitations on religious minorities and conscientious objectors. Under the Law on Freedom of Conscience and Religious Organisations, all congregations are required to register with the government. Since the law was made compulsory in 1997, only 2 groups (the Russian Orthodox Church and Sunni Muslims) have obtained registration, but even they are under strict state control.

The report from *Amnesty* states, “Those belonging to religious groups that are not officially sanctioned, such as the Armenian Apostolic Church, Bahá’í, Buddhists, Hare Krishna devotees, Jehovah's Witnesses, and Jews, have been denied any public religious activities and have faced imprisonment, deportation, internal exile, house eviction and harassment for years. Many have faced harassment by the authorities also for religious activities carried out in private, for example, when holding services in private homes. *Amnesty International* has documented many cases in which members of religious minorities were tortured or ill-treated by law enforcement officers. Many foreign missionaries have been deported from Turkmenistan in recent years and several ethnic Turkmen followers who advocated a religious belief other than those officially sanctioned have been forced into exile or have been sent into internal exile.” The report further notes that there is no civilian alternative for young men objecting to military service on ground of conscience and proceeds to detail the cases of 2 Jehovah’s Witnesses serving prison sentences under this injunction. To join *Amnesty’s* appeal, click here.

<http://web.amnesty.org/library/Index/ENGEUR610122003>

Forum 18 also reports that authorities conducted raids on Hare Krishna meetings earlier this summer with devotees reportedly being detained, badly beaten, fined, or threatened with deportation. These incidents, note *Forum 18*, are in addition to ongoing ‘crackdowns’ against Protestant congregations throughout Turkmenistan.