

## **A Global Review of the Denial of Religious Freedom Winter 2003**

### **Cambodia:** Problems with Proselytism

A directive released by the ministry of foreign affairs in late February has barred Christian groups from proselytising and disseminating religious propaganda in public. Repercussions for those violating this directive were unclear. Reportedly, this action comes from concern on the part of government officials about 'overzealous preaching' in Khmer communities. Proselytising is seen as an intrusion on personal privacy with claims that Christian groups make door-to-door visits and pressure people to join their religion. Officials see this as an infringement on the rights of Cambodian people, over 90% of whom are Buddhist with most of the remainder made up of ethnic Cham Muslims. Although the Christian community in Cambodia constitutes a small minority of the population (about 1%), they have been promoting their religion in the country since the abandonment of Communism over a decade ago. An anonymous Christian aid director working in the country didn't feel that the new directive would harm their work as long as activities were done under the guidelines of the ministry and in a manner which was respectful of others. (Source: *Agence France-Presse*)

While these latest developments highlight some of the tensions in the country over evangelisation, the *U.S. Commission on International Religious Freedom* states in its most recent report on Cambodia that "Relations generally are amicable between the various religious communities. The Constitution prohibits discrimination based on religion, and minority religions experience little or no societal discrimination in practice."

### **Europe:** Anti-Semitism on the Rise

Discriminations against Jews has reportedly been rising across Europe with increasing reports of assaults on individuals and vandalising of homes, businesses, and places of worship. *Human Rights Without Frontiers* released a report in early February on 'Anti-Semitism' in Belgium in 2002. The report reviewed almost 40 different anti-Semitic incidents that had taken place during the year. These incidents included, among others, graffiti on Jewish-owned shops, throwing Molotov Cocktails at synagogues, personal attacks on groups of Rabbis, and damage to automobiles. Although perpetrators could not be identified in all cases, several of the reports noted the involvement of persons of Arab or North African origin. It is thought that the incidents have been fuelled by the current conflicts between Israel and Palestine.

In France, the *BBC* reported in late February that 455 racist and anti-Semitic incidents were recorded in French state schools just during the autumn term alone. These incidents included verbal insults and offensive graffiti. Education officials have been told by the government to take a tougher line against those engaged in such racist behaviour. Attacks on synagogues in France have also increased since the terrorist incidents in New York in September 2001.

Similar anti-Semitic attacks have also apparently been on the rise in several other European countries, such as in the United Kingdom, Russia, and Germany. Over 50 incidents, primarily assaults against individuals, were recorded in one month alone last year in the U.K. Jewish groups assert that the authorities have largely turned a blind eye to these developments, a sentiment echoed by the *Lawyers Committee for Human Rights* which released a report last August entitled “Fire and Broken Glass: The Rise of anti-Semitism in Europe.” The report concludes that European governments are not “accurately or effectively combating anti-Semitic violence, creating a climate that has contributed to the rise of anti-Jewish speech and violence.” While public statements have been made, claims the report, little documentation has been released by governments with not enough efforts made to stem a ‘rising tide’ of violence. (Report and suggested actions to take are available at: <http://www.lchr.org/IJP/antisemitism/antisemitism.htm>).

### **France:** New Muslim Council Created

After several years of effort, French officials and Muslim leaders have agreed to create a Muslim Council to represent the country’s 5 million Muslims. Similar bodies have been in existence for Catholics, Jews, and Protestants and they enable the government to better address a religious constituency in terms of education, work, and the administration of places of worship. Now, reportedly, the new Muslim Council will allow for improved dialogue between the government and the millions of Muslims living in France. Authorities note that the effort was a way to create an ‘official Islam of France’ and, therefore, to fight the ‘underground Islam’ of extremism and fundamentalism. No doubt, the threat from radical Islamic groups and the anti-Muslim feelings created by the terrorist incidents on 11 September 2001 spurned efforts to create this new Council. Some conservative Muslim groups in France, however, have not supported the initiative and claim that the Muslim community is too diverse to speak with a common voice.

In a related vein, a debate is also underway in France regarding the potential public funding of mosques. Some officials feel that allowing government bodies in France to subsidise mosques would prevent some mosques from turning to Arab governments with fundamentalist leanings as a source of funds. There are about 1,600 mosques or Muslim prayer halls in France. A law was put in place in 1905 which prohibited any government funding of religious bodies. Churches built before this time, however, were allowed to receive public funds for upkeep. Nonetheless, due to a widely-accepted policy of strict separation of church and state in the country, the debate about public funding of places of worship remains very contentious. (Sources: *BBC News* and the *New York Times*)

### **Iran:** Death Sentence Sparks Debate

In mid-February, Iran’s Supreme Court lifted a controversial death sentence against Hashem Aghajari, a university professor whose case led to nation-wide protests last fall. Prof. Aghajari had been condemned to death for a speech he gave last summer in which he questioned why only clerics could interpret Islam. In suggesting that each new generation should be able to interpret Islam on its own, Aghajari enraged

hard-line clerics who organised street demonstrations in several cities and encouraged the courts to prosecute him.

Alternatively, thousands of students protested the death sentence last fall in the largest demonstrations seen in Iran in several years. Additionally, nearly 2/3 of Iran's parliament called for lifting the death sentence in November. A leading reformist legislator, Mohsen Armin, said that the sentence portrayed Islam as a religion of violence and Iran's Islamic establishment as "dictatorial, anti-human rights, and anti-freedom."

While the death sentence against Aghajari has now been lifted, conservative clerics have threatened to execute Aghajari themselves for both insulting Islam and questioning clerical rule, which is seen as blasphemy. It remains unclear what will happen now, or whether remaining charges will be dropped. These charges would include Aghajari's banishment to a remote corner of Iran and/or being banned from teaching for 10 years. Nonetheless, the case underlines the tensions in Iran between conservative clerics and reformists. Iran is governed by a cleric, Ayatollah Ali Khamenei, but it also has an elected president, Mohammad Khatami, and a parliament, both of whom are more reform minded. (Sources: *The Boston Globe*, *BBC News*, and *Associated Press*.)

### **Japan:** Ongoing Court Cases for Aum Shinrikyo

The Public Security Examination Commission (PSEC) has decided to continue surveillance of the Aum Shinrikyo cult for another 3 years, claiming that leaders on trial still continue to wield power over the cult and, thus, pose a danger. Now calling itself 'Aleph,' the cult's founder, Shoko Asahara, was indicted over the lethal gassing of Tokyo subways in 1995. (The closing arguments of his almost 7 year trial are expected in April.) Despite some 10 members of the group being prosecuted for the attack and the group declaring bankruptcy in 1996, the cult still claims a following of more than 1,000 members. These followers claim that continued surveillance of the group violates freedom of religion as guaranteed by the Constitution. As such, they are expected to file a suit to overturn this decision.

In a prior ruling, a Tokyo District Court stated in 2001 that, for applying surveillance, "it is necessary to prove that there exists a specific danger that an act of indiscriminate mass murder may be committed" and that, "if there is no such danger, restrictions on freedom of religion cannot be permitted." Regardless of whether further incidents threatening the public might occur, there is little public trust of the group in Japan and the PSEC says that Aleph still urges followers to show absolute devotion to its former leader, a mandate which is considered potentially dangerous.

In a related development involving the rights of Aleph's members, the Mito District Court has ordered a town government to pay approximately 2 million yen to 21 members of the cult for refusing applications to register their residencies. In a suit, Aleph's members said their human rights were being violated as they could not, for example, register for national health insurance without residency papers. The local government, however, said that their applications were rejected based on the safety

concerns raised by local residents. Other local governments across Japan have taken similar decisions. (Sources: *Mainichi*, *Japan Times*, and *Associated Press*)

### **South Africa:** Religious Education Revised

In what should have been a routine divorce case, some legal history was made in South Africa when a judge refused to include a paragraph in the settlement noting that the parents would raise their child in the Apostolic Church. The paragraph read: “Both parties undertake to educate their minor child in the Apostolic Church and to undertake that he will fully participate in all the religious activities of the Apostolic Church.” Although both parents were members of the Church and agreed to this text, the judge noted that the South African Constitution guaranteed freedom of thought and of religion and that including this paragraph would essentially remove the child’s freedom of thought.

While the child is only 3 years old at present, the judge felt that no one could make decisions about religion on behalf of someone else. In this case, he argued, such a court order would potentially prevent the child from investigating a different religion at some later stage, if he chose to do so. It is key to note that the parents would not be prevented from bringing up the boy in their church, but only that this directive could not be made an order of the court. (Source: *The Johannesburg Sunday Times*)

Regardless, parental rights to educate one’s children in religious matters remains enshrined in international agreements. Article 5 of the *U.N. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (1981) states as follows: “The parents or, as the case may be, the legal guardians of the child have the right to organise the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.”