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The Special Rapporteur on the right to freedom of religion or belief’s report to 75th Session of the UN General Assembly

## -Situations where religious minorities are at risk of forced displacement/have been displaced owing to discrimination, exclusion or land rights violations.

Mexico’s Law of Uses and Customs gives significant autonomy to indigenous communities to implement and maintain their own social and cultural norms. It is meant to be exercised in line with human rights guarantees in the Mexican constitution, which affords strong protections for FoRB, but in practice the government at both the state and federal levels do little to enforce it. As a result, the rights of religious minorities are routinely violated. A culture of impunity has become entrenched in around 14 states, and especially in Chiapas, Guerrero, Hidalgo, Oaxaca and Puebla. In these states the majority religious community often believes it is their right to enforce religious belief and practice. In the most extreme cases, and in the face of government inaction to uphold freedom of religion or belief (FoRB), forced displacement takes place as hostilities against religious minorities escalate.

Many local leaders in communities, functioning under the Law of Uses and Customs, mandate community uniformity in terms of religious practice and belief, compelling every members of the community to participate in the religious activities of the majority faith community, or face punishment. In October 2018, Gabriel Lara Antonio and Gilberto Badillo, both members of the Protestant Evangelical Missionary Baptist Church of Mexico and residents of Cuamontax del Huazalingo in the Hidalgo state, requested to be excused from required financial contributions and community work linked to the celebration of Roman Catholic festivals and activities associated with Xantolo. The activities for which they requested exemption included Roman Catholic Masses held in the public village cemetery. Lara Antonio and Badillo expressed a desire to continue to contribute to and participate in all non-religious community activities. Village leaders refused the men’s request and issued them with illegal fines. When the two men continued to refuse to participate in the religious activities, the village leaders cut off their electricity on 8 November 2018, and their access to water and sewage services on 25 November 2018. These services was not restored, and they were forcibly displaced in July 2019.

In another example, on 14 January 2019 authorities cut water and sewage services to two Protestant Christian families in La Mesa Limantitla, Huejutla Municipality, Hidalgo state. They are no longer recognised as members of the community, and have to walk forone kilometre in order to access water. On 22 July 2019 a further eight families from the community were forced to sign an agreement renouncing their denomination, and are no longer allowed to participate in Protestant religious services. Two Protestant families were threatened with forced displacement. They remain at risk of displacement if they refuse to fully participate in all community activities.

The majority of FoRB violations involve Protestant Christians who have left the majority faith; however, other groups, including Jehovah’s Witnesses, are also affected. In 2019 the General Directorate for Religious Associations (DGAR) within the Interior Ministry (SEGOB) at the federal level reported that the authorities of Tamalcuatitla and Tetla communities in Yahualica Municipality, Hidalgo, had summoned the inhabitants of both villages to agree to the expropriation of the property of Aristeo Hernández Hernández and his family, and their forced displacement from Tamalcuatitla, on the basis that the family are Jehovah's Witnesses and do not belong to the majority religious community.

On 18 November 2019 Filiberto Hernández López, a Protestant from Guadalupe Shucun, Zinacantán Municipality, Chiapas, was arbitrarily detained when he declined the position of mayor of the community, a position which includes the responsibility for, and authority to organise, the traditional Roman Catholic festivals and religious activities. He was fined illegally and later released. He has since been threatened with forced displacement. Under pressure from the local authorities and the village assembly, he was forced to sign an agreement and take up the position of mayor.

Displacement causes disruption to children’s education. Some parents are reluctant to enrol their children in a new local school, hoping their displacement is only temporary. Secondary school-aged children are often expected to seek work in the urban setting, and/or take care of younger siblings, to help the family; meaning they miss out on vital years of schooling and their possibilities for the future are significantly reduced. Most forcibly displaced families lack a new permanent residential address, which is another obstacle to enrolling children in a local school. In other cases the violent nature of the forced displacement, with families fleeing their homes and leaving their belongings behind, often means parents lack the necessary paperwork to enrol their children in a new school; most are unable to return to their community to obtain the documents.

In December 2017, indigenous families in the Bolaños Municipality, Jalisco State, were forcibly displaced by the indigenous community due to their conversion to Protestant Christianity. In all, 66 people were made homeless, and their children were unable to continue their education.

Many of the cases of religious intolerance in states governed by the Law of Uses and Customs end in the forced displacement of individuals from the minority religious group. Forced displacement is often accompanied by violent mob action, physical violence, and damage and destruction of property. Once displaced, victims have limited options in the absence of government assistance and intervention. Many communities have spent years in a state of displacement, waiting on state government promises of a ‘solution’ to their cases.

## -Examples of legislative, policy and institutional frameworks and measures protecting minority religious or belief communities against discrimination and violence.

## AND/OR

## -Examples of state legislative, institutional and policy measures to address past injustices, including violence and discrimination, against religious or belief minorities and to provide redress and reparations

On 21 May 2020, Sudan’s transitional government and the Sudan People’s Liberation Movement-North (Agar) announced the creation of an independent National Commission on Freedom of Religion or Belief (FoRB) to address past egregious FoRB violations. As a start, the Ministry has surveyed religious institutions and communities in an attempt to understand the challenges they are experiencing.

Unfortunately, to date there have been no concrete steps taken to return land, to expedite court cases over land issues, or to suspend criminal cases against church leaders.

The development of the National Commission on FoRB has the potential to be of great benefit to the Sudanese people, and particularly to faith communities

that have been marginalised historically. However, implementation will be the key factor determining whether the commission realises its full potential as this is predicated on the success of the government’s transitional period.

Furthermore, discrimination against Christians is still embedded in legal systems, government personnel and Sudanese society. Testament to this is the reopening of cases against churches. In July 2019 Sudanese authorities re-opened a case against eight leaders from the Sudanese Church of Christ (SCOC). The men were initially arrested on 23 August 2017 for refusing to hand over administrative control to a government-appointed and unelected church committee led by Mr Angelo Alzaki. The case had been dismissed by the court of first instance on 9 August 2018. However, the ruling was appealed, and the Court of Appeal and Supreme Court subsequently determined that a new criminal trial should proceed. Charges of criminal trespass and illegal possession of SCOC properties were confirmed against the eight leaders, including the SCOC’s elected president, on 7 October 2019. The charges indicate a worrying continuation of the judicial harassment

the SCOC faced under the al Bashir regime.

Moreover, on 28 December 2019 three churches, belonging to the Sudan Interior Church, the Catholic Church and the Orthodox Church, were razed to the ground in Bout Town in Blue Nile State. Church members reported the arson attacks to the police, but no investigations were conducted. The Christian communities rebuilt the churches from local materials, but on 16 January 2020 the churches were burned down again. The State and Federal governments have pledged to investigate the attacks and rebuild the churches; however, to date, the churches have only been offered the equivalent of $900 compensation and no perpetrator has been charged.

Furthermore, the SCOC building in Jabarona was attacked on 18 December 2019 and again on the 14, 21 and 29 January, 2020. During each incident, the assailants attempted to burn down parts of the church building. In addition to the attacks, church leaders received serious threats from Muslim extremists living in the area, who warned that they would not allow churches to be built in the area even if official permission was granted. The Ministry of Religious Affairs and Endowments has formed a committee to investigate these attacks and threats.

There have been some limited positive developments in recent months. On 9 September 2019 Sudan’s Court of Appeal ruled that land belonging to the Baptist Church, which had been confiscated by the infamous National Intelligence and Security Service (NISS, now rebranded the General Intelligence Service), should be returned to the church.

On 11 February 2020 the transitional government issued a statement pledging to hand over those indicted by the International Criminal Court (ICC) for atrocity crimes. It remains to be seen whether this will be enacted, and if former President al Bashir will be among those handed over.

## -Laws and policies restricting the right to manifest freedom of religion or belief of minority religious communities, including blasphemy, national security and counter-terrorism laws; laws and policies with regard to the registration of faith-based organizations and associations; and those pertaining to religious property, religious educational institutions and places of worship and of burial

## AND/OR

## -Circumstances in which religious communities are prevented from administering their own affairs without State interference.

The Eritrean government appears to have had a long-standing ideological antipathy towards religion. This attitude was evident in policy documents drawn up by the current regime in the 1970s, during its struggle for liberation. A 140-page book entitled General Political Education to the Fighters (*Hafeshawi Poletikawi Temherti n'Tegadelti)* labelled several Protestant Christian denominations as "*tools of capitalism*," arguing that capitalism "*keeps creating new Kenisha [Protestant] churches to buttress the status quo and support absolute monarchy*", and exporting them to Eritrea in order to lure the working classes away from “*the path of struggle*.” Specifically mentioned are "*Jehovah's Witnesses, The Seventh Day Adventists, Faith Mission, Mekane Yesus* [the Evangelical Lutheran Church] *the Baha’i... etc*." In addition, Objective 7 of the 1977 National Democratic Program of the Eritrean People’s Liberation Front included an undertaking to “*strictly oppose all the* *imperialist-created new counter-revolutionary faiths, such as Jehovah’s Witnesses, Pentecostal, Bahai, etc,*” and to “*legally punish*” anyone attempting to use religion to sow discord or undermine the progress of the Eritrean people during or after the conclusion of the armed conflict

The Jehovah’s Witness movement, whose members did not vote in the 1993 referendum on independence from Ethiopia, and later announced they would participate only in non-military aspects of the obligatory national service regime introduced by the new government, were the first faith community to experience overt repression. In October 1994, a presidential directive effectively ended their civil, political, social economic and cultural rights. The citizenship of adherents was revoked; they could no longer access government employment, accommodation, schools, hospitals or other services generally available to Eritrean nationals. Most significantly, they were denied the official identity cards necessary, amongst other things, for registration of births, deaths and marriages, purchasing property, and gaining passports, internal and external travel permits, and commercial licenses. Some 250 families have fled the country while around 100 families were dismissed from government employment, and at least 36 families were evicted from their homes.

A year later, the Eritrean Minister of Internal Affairs confirmed that by “refusing to accept the Government of Eritrea and the laws" Jehovah’s Witnesses had “lost their right to citizenship”. Those who had declined full military service were detained indefinitely – four men have been detained since 1994 - and Jehovah’s Witnesses caught holding worship services face detention and harassment, including children and geriatrics. There are currently 52 members of the Jehovah’s Witness movement in detention. Imprisoned Jehovah’s Witnesses are reportedly subjected to special torture to force them to renounce their belief.

In 1995, Proclamation No. 73/1995 to Standardize and Articulate Religious Institutions and Activities, which amongst other things, limited the activities of religious institutions in development work, and obliged them to register all assets, including bank accounts with the Department of Religious Affairs within the Ministry of Internal Affairs.

By 2001, the government began to close facilities owned by Protestant denominations. Subsequently, May 2002 saw the harsh enactment of the 1995 law, with the Minister of Information and Culture issuing a decree obliging religious groups to cease all religious activities. The decree also obliged all religious groups, except those belonging to Orthodox, Catholic and Lutheran Christianity or Sunni Islam, to officially register and function under the surveillance of the Department of Religious Affairs.

The proscribed church denominations and other religious communities such as the Baha’is were subsequently supplied with extensive registration requirement forms. Not only was the process discriminatory, in that it did not apply to sanctioned groups; it was also excessively stringent and intrusive, as included demands for intimate and detailed information on church members. Some churches complied and handed over all the information requested. Others supplied half a membership list, or merely listed details of leaders and their salaries. However, the Rhema, Hallelujah, Charisma, Philadelphia Churches and several others refused to comply. In hindsight, it is clear the government never intended to register any of these churches; Meherte Yesus Evangelical Presbyterian Church, Faith Mission Church, the Seventh Day Adventist Church and the Baha’i movement are yet to receive accreditation. Despite having complied fully in 2002 and having satisfied every stipulated requirement, 18 years later, their registration requests still await the signature of the president.

The 2002 decree marked the acceleration of overt repression of Christian denominations, with the initiation of a campaign of arrests particularly targeting leaders and members of Evangelical and Charismatic/Pentecostal churches that continues to date with varying waves of intensity. Thousands of Eritrean adherents of non-recognised creeds have been detained without charge or trial in inhumane, life threatening conditions, where they may experience torture or even death. The number of Christian prisoners is difficult to ascertain, but CSW confirmed in 2018 that 345 church leaders and officials were being held in over 300 prisons, while estimates of imprisoned lay persons range from 800 to 2,000. Christian prisoners are also pressure to renounce their faith in exchange for freedom, or in order to access to medication when ill. Moreover, even the four government-sanctioned religious communities experience repression. Notable is the case of Abune (Father) Antonios, the legitimate patriarch of the Eritrean Orthodox Church. He has officially been under house arrest since January 2007 after having been removed from office in 2006, in violation of canon law, for repeatedly objecting to government interference in ecclesiastical affairs and refusing to excommunicate members of the Orthodox renewal movement known as Medhanie Alem. Of particular concern to the patriarch was the fact that Mr Yoftahe Dimitros Gebre-mariam, a lay-person, had been imposed on the Church, and had assumed the role of General Secretary of the Holy Synod in violation of the church's constitution, which reserves this position for a bishop appointed by the legitimate patriarch. The Eritrean State effectively “captured” the Eritrean Orthodox Church through this appointment and the patriarch’s subsequent removal, with the added assistance of a handful renegade priests and bishops, and now controls its assets and finances, selling off and closing monasteries at will.

With the exception of a tightly managed appearance in July 2017, he has not been seen in public since his arrest, except in smuggled videos in which he criticises the conditions and grounds of his detention. In July 2019 five pro-government bishops issued a statement - which was only signed by four of them - accusing the patriarch of having committed heresy and stripping him of all official authority, in yet another violation of Church canon.

On 12 June, 22 health facilities owned by the Catholic Church were seized and forcibly closed in line with a government directive that was communicated verbally and enforced by police, soldiers and government doctors. In-patients were ejected, and equipment and furniture were carted away to unknown locations. The health centres provided vital medical care to Eritrea’s rural poor and were based inside the premises housing church staff. Consequently, the seizures meant that nuns and clergy who lived in these premises were rendered homeless. Some of the health centres have reportedly reopened, but remain under government, and their services are extremely limited.

The government justified the seizures by claiming it was enforcing Regulation 73, which was issued in 1995, which states that social institutions – including schools and clinics – should be operated by the state. In reality, the mandate of these health centres was in compliance with Proclamation No. 73/1995 to Standardize and Articulate Religious Institutions and Activities, which states in Article 8:3 that: “*Religions and religious institutions shall only support and assist the poor, handicaped, orphans, needy and the vulnerable and other disadvantaged from the congregation or members of the church's offering. Otherwise their assistance and support should be known to the government and if allowed shall be done/administered in accordance with the government's directives and procedures*.”

In the context of deaths in arbitrary detention in Eritrea, the following serves as a prominent example: according to local sources, Haji Ibrahim Younus, a septuagenarian and a member of the Executive Committee of Al-Diaa Islamic School in the Eritrean capital Asmara, died on 30 January 2019. Haji Younus was detained during mass arrests that occurred in the aftermath of unprecedented protests against the detention of Haji Musa, a nonagenarian and the well-respected Honorary President of Al-Diaa, on 20 October 2017. Haji Musa had opposed the government’s attempted expropriation of the private school and its insistence that female students should no longer wear the hijab. He died in March 2018 in Asmara’s 5th Police Station, where he had been held since his arrest.