



## Maat for Peace' submission on “Indigenous Peoples and the Right to Freedom of Religion or Belief”

### Background

Freedom of religion or belief, including the ability to worship in peace and security, is a universal human right. It is enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, among other key human rights documents. Discrimination against religious sects, like all other forms of discrimination, causes suffering, divisions and contributes to a climate of fear, intolerance and stigma.

The promotion and protection of human rights, including freedom of religion or belief especially for minorities, is an important part of the constructive engagement of society and the respect for diversity. In order to build a state based on citizenship, Maat presents some examples of the violations that indigenous peoples are subjected to with regard to their beliefs, especially since most of the countries mentioned in the models are countries that have been exhausted by conflicts, and they are far from the need for religious tensions that fuel conflict.

### First: The relationship between freedom of religion or belief in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Declaration on the Rights of Indigenous Peoples.

The Universal Declaration of Human Rights issued by the United Nations General Assembly explicitly states the rights of individuals to “freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.<sup>1</sup>

Freedom of religion and belief is also guaranteed by Article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of

<sup>1</sup> UN, Universal Declaration of Human Rights <https://bit.ly/3yqAknx>

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Intolerance and Discrimination Based on Religion or Belief. Article 18 of the Covenant states that everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice. Professing one's religion or beliefs may only be subject to such restrictions as are prescribed by law and necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others.

Article 27 further states that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.<sup>2</sup>

These articles protect not only the right to hold the religious beliefs of one's choice but also the right to express and practice that belief in a public manner. This includes the transmission of religious beliefs and assembly with others (also protected by Article 21, which guarantees freedom of peaceful assembly, as the expression of one's belief must be prohibited by law and must be necessary to achieve the specific purposes of protecting public safety, order, health, morals, and the fundamental rights and freedoms of others.

In addition, Article 2 of the International Covenant on Civil and Political Rights undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind. Article 26 also obligates states to ensure that “the law prohibits any discrimination and guarantees to all persons equal and effective protection against discrimination on any grounds such as ... religion.” Article 17 guarantees protection against unlawful or arbitrary interference with the privacy of an individual or his family, and obligates the state to ensure legal protection against such interference. According to the United Nations Human Rights Committee, “the concept of privacy refers to the area of a

<sup>2</sup> Ohchr, International Covenant on Civil and Political Rights <https://bit.ly/3OwhYqP>

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person’s life in which they can freely express their identity, whether by entering into relationships with others or alone.”

Finally, in November 1981, the United Nations General Assembly issued a declaration on the elimination of all forms of intolerance and discrimination based on religion or belief. Although the Declaration does not cover treaty law obligations, it affirms the right to freedom of religion and choice of religious belief (Article 1) and calls on all states to “take effective measures to prevent discrimination based on religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms.” in all spheres of civil, economic, political, social and cultural life” (Article 4).<sup>3</sup>

The United Nations Declaration on the Rights of Indigenous Peoples also states that indigenous peoples have the right to practice and revive their cultural traditions and customs. This includes the right to preserve, protect and develop past, present and future manifestations of their culture, such as archaeological and historical sites, antiques, designs, ceremonies, techniques, visual and performing arts and literature, as well as the right to restitution of cultural, intellectual, religious and spiritual property that was seized without their free consent or in violation of their laws, traditions and customs.<sup>4</sup>

## Second: Practices against indigenous peoples in relation to freedom of religion or belief

### a. Eritrea

On February 9, 2022, Patriarch Abune Antonios of the Eritrean Orthodox Church, the longest-serving prisoner of conscience in the Horn of Africa, died at the age of 94. In addition to being a patriarch of the church, he belongs to the historical town of Hambarti in the capital, Asmara. Abune Antonios was still in detention in the Eritrean capital, Asmara, for 16 years, where he was placed in solitary confinement for his resistance of government interference in the church.<sup>5</sup> In January

<sup>3</sup> HRW, VIII. Freedom of Religion and Human Rights Law <https://bit.ly/3NnQ6nH>

<sup>4</sup> Georgetown, 1994/45. Draft United Nations Declaration on the Rights of Indigenous Peoples, <https://bit.ly/3OJcnx2>

<sup>5</sup> Religionnews, Eritrean Orthodox patriarch dies after 16 years in detention <https://bit.ly/3xPtJBy>

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2006, he was formally removed from his position as head of the Eritrean Orthodox Church and spiritual leader of more than two million people and placed under house arrest. Then he was prevented from contacting the outside world until he passed away.<sup>6</sup>

Abune Antonios was held under duress, with government officials ensuring that he was unable to leave the building. He never had a chance to challenge this unlawful detention in a court of law. He was arbitrarily detained without charge or trial, and was denied any contact with religious leaders and friends.<sup>7</sup>

Over the past two decades, Eritrea has been closing most Christian churches. The only permitted religions are Sunni Islam, the Eritrean Orthodox Church, Roman Catholicism, and the Lutheran Church, although registered churches are also tightly controlled. Also here are 220 Christians of different denominations in prison. In March 2022, Eritrea imprisoned 29 Christians after police raided a prayer meeting in a private house in the historical city of Asmara. Most are held indefinitely and have been held for more than a decade, often without charge in locations secret from their families. The authorities refuse to release the records. Some Christian prisoners are also tortured by being kept in shipping containers “exposed to the scorching heat of desert of at day and the cold of the night. Some are beaten in an attempt to force them to renounce their faith, and moreover, prison officials forbid loud prayer, singing, preaching, or reading books.” The Eritrean constitution prohibits religious discrimination, but it has not been enforced since 1993.<sup>8</sup>

## b. Sudan

In Kassala State, sectarian clashes erupted on April 1, 2022 between the Sabdarat and Bani Amer tribes in the village of Eid Sedna in the Kassala Rural Locality in Kassala State, resulting in the death of one person and the injury of others. Between 200 and 400 people (40-80 families) were displaced to the village of Hafara. Some of the houses in the affected villages were burnt.<sup>9</sup>

<sup>6</sup> Humanrightscommission, Patriarch Abune Antonios <https://bit.ly/3QSA1p>

<sup>7</sup> Britishorthodox, DEATH OF ABUNE ANTONIOS, PATRIARCH OF ERITREA <https://bit.ly/3u54Sjf>

<sup>8</sup> Evangelicalfocus, Eritrea: 20 years without religious freedom <https://bit.ly/3ueejG7>

<sup>9</sup> Reliefweb, Sudan: Humanitarian Update, April 2022 (No. 04) 1 – 30 April 2022 <https://bit.ly/3ypJRLQ>

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### c. Ethiopia

The war on Tigray caused devastating damage to the historical and religious heritage of the region. Ancient churches, monasteries, and mosques were attacked; Religious leaders and religious groups were summarily executed and precious ancient manuscripts and inscriptions were looted. Recently, many looted Tigray manuscripts and ancient artifacts have appeared for sale on the Internet. Only in the district of Hozen, near the majestic Geralta Mountains, home to more than 80 rock-cut churches and monasteries including Abriha Atsebha, Abun Avriham, Maryam Korkor, and Abun Yamata Guh, many ancient monasteries and rock-cut churches 31 were damaged by artillery shelling, looting and vandalism of ancient artifacts. There has been a campaign of deliberate destruction of the historical and religious heritage of Tigray by both Ethiopian and allied forces, aimed at destroying the religious, value and spiritual symbols that the Tigrayans possess as an ancient and civilized society.<sup>10</sup>

The Hozen region, especially the Geralta region, has witnessed several attacks by the Ethiopian army, Eritrean and Amhara Special Forces, and militia groups. Massacres of civilians were committed in the ancient monasteries of Maryam Dangelat and Abu Yamata, the library of the rock-hewn church and the monastery of Mary Yerifa were destroyed. The site is dedicated to Mary, with two ships dedicated to Saints Michael and Gabriel. Church property was destroyed and looted. At least 31 monasteries and churches in the Hawazin region have been severely damaged. This damage to churches and monasteries has destroyed the vital heritage of Tigray. It also destroyed the potential of its tourism industry.<sup>11</sup>

The Tigray Liberation Forces also destroyed and looted historical churches in some parts of the Amhara region, and excavation sites were destroyed in the Afar region, during the conflict. During the conflict, in North Wolo, several churches were subjected to deliberate looting and

<sup>10</sup> Tghat, Destruction of tourism infrastructures in Hawzen district, Tigray <https://bit.ly/3OTWFj3>

<sup>11</sup> Theconversation, Tigray's ancient rock-hewn churches are under threat: why it matters <https://bit.ly/39XAj10>

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bombing by the Popular Front forces to liberate Tigray. In Disi, the historical pieces of churches were looted by the front forces.<sup>12</sup>

Religious institutions were also deliberately damaged and destroyed in other areas in the series of protests that followed the April 2022 killing of more than 20 Muslims in an attack in the historic city of Gondar. Two mosques were set on fire in Debark, and on the other hand, two churches were destroyed in Warrabe, the capital of the Silt region.<sup>13</sup>

#### d. South Sudan

In June, the former mayor of Juba, Kalisto Lado, destroyed shrines associated with indigenous religious practices.<sup>14</sup> A church leader was killed, and several religious buildings were destroyed on February 14 in a large-scale attack on the Anit market on the border of the disputed Abyei region in Sudan and Tweek county in South Sudan. The Tug Ajakj tribe, to which South Sudan President Salva Kiir belongs, attacked the town of Anit after claiming it belonged to them, and ordered all its residents to leave. The buildings belonging to the Pentecostal Church and the Evangelical Presbyterian Church in Sudan, as well as a local mosque were completely destroyed, and buildings belonging to the Episcopal and Catholic Church were partially destroyed.<sup>15</sup>

### Recommendations

Having presented different models, and reviewed freedom of religion and belief in various international conventions, Maat for Peace, Development and Human Rights makes the following recommendations:

<sup>12</sup> Fanabc, TPLF Forces Destroy Churches In Amhara, Obliterate Paleontological Sites In Afar: Authority <https://bit.ly/3ORoU1N>

<sup>13</sup> Ethiopiaobserver, A wave of religious violence sweeps following the attack in Gondar <https://bit.ly/3bC4kUH>

<sup>14</sup> state.gov, 2021 Report on International Religious Freedom: South Sudan <https://bit.ly/3QVaFe5>

<sup>15</sup> CSW, Church elder killed and religious buildings destroyed in Abyei attack <https://bit.ly/3y3Z2sl>

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**First:** Maat recommends the appointment of a special rapporteur on the historical places of indigenous peoples, in order to preserve them from continuous violations, especially since indigenous peoples are often a minority in the state.

**Second:** Maat recommends the government of the State of Eritrea to open the way for churches to return to prayer, especially since those belonging to the closed churches are indigenous peoples of land, and some of these churches are thousands of years old.

**Third:** Maat recommends that the government of the State of Ethiopia to immediately investigate the violations that were subjected to the monasteries and churches in Tigray, and provide immediate support to the remaining part of them, so as not to exacerbate the losses.

**Fourth:** Maat appeals to the rapporteur on indigenous peoples to submit a request to visit the two states of Eritrea to find out the extent of violations against indigenous peoples in this country.

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