



## **Jubilee Campaign Contribution to the United Nations Special Rapporteur on minority issues - call for input on institutional arrangements of States that enable minority rights to flourish**

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Jubilee Campaign would like to raise the following countries in which legal framework and state policies impede faith minorities' exercise of their right to freedom of thought, conscience, and religion.

Are there institutional arrangements and/or political practices that de facto exclude persons belonging to minorities from effective participation in decisions at the national - and, where appropriate, regional level - concerning the minority to which they belong?

Are there legal, administrative or other barriers that prevent persons belonging to minorities to participate effectively in cultural, religious, social, economic or public life?

### **I. Laws on the registration of faith communities and establishment of houses of worship**

In some countries, legislations on the establishment of religious communities, application processes for the legal registration thereof, and applications for building permits present obstacles for communities' full participation in cultural life as religious entities. Some laws and policies require a prolonged and often indefinite waiting period, biographical information on community leadership and congregation members, a minimum number of congregants, etc.

In **Algeria**, the 2012 Law on Associations (Law 12-06) requires faith groups to apply and receive a registration receipt from the Ministry of Religious Affairs National Commission for non-Muslim Religious Groups in order for them to operate freely, but authorities either reject these applications or simply fail to provide receipts.<sup>1</sup> Furthermore, these groups are unable to build houses of worship as Ordinance 06-03, passed in 2006, requires legal recognition for the issuance of church permits. As a result, faith communities that do not receive permission have no option but to operate unofficially.<sup>2</sup>

In **Brunei**, faith minorities have noted that they have experienced obstacles to building new churches. Though legislation permits non-Muslims to construct new houses of worship and transform existing buildings into houses of worship, written permission is required. Some have reported that it appears that the government "seeks to prevent the usage of private residences as places of worship for non-Muslim and non-Shafi'i Muslim communities". Fortunately, some formally unregistered pre-existing Christian churches have been able to continue operating relatively free from government restriction)<sup>3</sup>

In September 2023, **China** passed the Measures for the Management of Religious Activity Venues which requires the following prerequisites to be met in order to register new mosques, temples, and churches: a minimum number of congregation members participating in "regular" activities; the establishment of a

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<sup>1</sup> Human Rights Watch, "[Algeria: Bureaucratic Ploys Used to Stifle Associations](#)", 30 March 2014.

<sup>2</sup> United States Commission on International Religious Freedom (USCIRF), [2024 Annual Report](#).

<sup>3</sup> Human Rights Resource Centre for ASEAN, [Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN](#), 2015.

“preparatory organization”; providing leaders’ household registers and identity cards, architectural drawings of the proposed buildings, and “texts of rules and regulations on personnel, finance, assets, accounting, archives, public security, fire protection, cultural relics protection, and health and epidemic prevention”.<sup>4</sup>

**Indonesia** upholds a restrictive definition of what constitutes a religion with legal status: the belief system must have a prophet or holy figure; the belief system must have a scripture or holy text; the members of the belief system must agree on common rituals and traditions; and the belief system must have international recognition. Due to the exclusionary nature of such a definition, many indigenous faiths and spiritual traditions are rejected by the state.<sup>5</sup>

In 1997, **Russia** passed the Law on Freedom of Conscience and Religious Associations, which requires religious groups to provide the biographical and personal information of its founding members; the identification of the group’s foundational/guiding religious literature; and evidence of the faith community’s existence in Russia for at least 15 years.<sup>6</sup>

In **Vietnam**, the 2005 Executive Order ‘Special Instructions Regarding Protestantism’ requires that religious groups submit a dossier providing details on “the group’s structure, membership, geographical scope of operation and headquarters location; summary of history, dogmas, canon laws and rites; list and resumes, judicial records, and summary of religious activities of the organization’s representatives and tentative leaders”.<sup>7</sup> Additionally, faith groups must engage in a minimum of five years’ “continuous religious activity” in order to apply for recognition by the state. In June 2022, the government introduced two new draft policies regarding faith, one of which stipulates penalties of “warning”, “severe warning”, or fines of VNG ₫30 million per individual and ₫60 million per entity, against anyone who fails to receive approval to organize church activities.<sup>8</sup>

## II. Revocation of legal status of faith communities and closure of their institutions

Countries often apply laws on faith group registration and construction of houses of worship - such as the ones listed above - to discriminatorily revoke religious communities’ legal recognition and shut down their churches and institutions.

Since 2019, **Algerian** authorities have arbitrarily shut down Protestant Churches and have maintained their closures on arbitrary grounds, citing that they do not have licenses and permits to operate or that they have failed to meet safety regulations.<sup>9</sup> Following the temporary closure of all houses of worship in the efforts of mitigating the spread of COVID-19, mosques were permitted to reopen while churches were denied from reopening on baseless accusations of failing to meet health guidelines and safety codes.<sup>10</sup> To date, 43 of the nation’s 47 churches have been unjustly closed by authorities, with an additional 3 having resigned to cease operations in the face of persecution.<sup>11</sup>

In 1999, **China** outlawed Falun Gong, a spiritual practice amassing millions of followers, characterizing it as a dangerous ‘cult’ and establishing a government office tasked with cracking down on its membership and practice; since the turn of the millennium, China has been detaining and forcibly harvesting the organs of innumerable Falun Gong practitioners.<sup>12</sup>

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<sup>4</sup> Hu Zimo, “[The New Chinese Measures for Religious Activity Venues Come into Force on September 1: The Full Text](#)”, *Bitter Winter*, 7 August 2023.

<sup>5</sup> Religious Freedom Institute, [Indonesia Religious Freedom Landscape Report](#), 2020.

<sup>6</sup> Aid to the Church in Need, [Religious Freedom in the World Report 2021: Russia](#), 2021.

<sup>7</sup> Boat People SOS (BPSOS), [Statelessness as form of punishment against H’Mong and Montagnard Christians in the Socialist Republic of Vietnam](#), 6 March 2019.

<sup>8</sup> Morning Star News, [“Vietnam Floats Draconian New Religion Decrees”](#), 14 June 2022.

<sup>9</sup> Open Doors World Watch Research, [Algeria: Full Country Dossier Revised Version](#), March 2021.

<sup>10</sup> International Christian Concern, [“Algerian Churches Remain Closed Amidst Pandemic”](#), 18 February 2021. ; Middle East Concern, “Algeria: Violations of the Religious Freedom of Christians”, 26 March 2021.

<sup>11</sup> USCIRF, [2024 Annual Report](#).

<sup>12</sup> Falun Info, [“The Rise and Resilience of Falun Gong”](#). ; Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China, [Final Judgement & Summary – 2019](#), 2019.

Via a presidential decree in 1994, president Isaias Afwerki of **Eritrea** rescinded the legal status of Jehovah's Witnesses. In August 2022, the Eritrean government seized the Hagaz Agro-Technical School, which was operated by Brothers of the Christian Schools and educated its students in agricultural machinery, crop cultivation, animal husbandry, and soil conservation. It is believed that "the latest seizures are a retaliation for the Catholic Church's call for reforms in the one-party state"<sup>13</sup>

In **India**, radical Hindus perpetuate the fabricated conspiracy theory that Muslims and Christians engage in forced religious conversions of Hindus. Citing these accusations, the Ministry of Home Affairs has canceled the licenses of several Christian non-governmental organizations, alleging that they violated the 2021 Foreign Contribution Regulation Act which prohibits "indulging in forced conversions".<sup>14</sup>

In early August 2022, it was reported that authorities in **Nicaragua** ordered the closure of six radio stations operated by the Catholic Church; in some of these closures, authorities would confiscate technological equipment and fire tear gas and gunshots into the air to disperse any Catholic congregants or leaders who attempted to interfere with the closures.<sup>15</sup> In February 2022, the national assembly revoked the legal status of Universidad Católica del Trópico Seco as well as numerous other Catholic charitable services in the Diocese of Estelí. Targeted projects included an organization of parochial schools, a Church-run agricultural learning facility, a local Catholic cultural association, "the diocesan justice and peace commission", and the diocesan chapter of Caritas Internationalis, a global federation of Catholic organizations providing aid, relief, and social services.<sup>16</sup>

In January 2023, Voice of the Martyrs Korea reported that their five daily Christian radio broadcasts - featuring bible recitations and sermons - were the primary target for frequency blocking efforts by state actors in **North Korea**, indicating that both Christian fellowship and faith-based persecution are expanding.<sup>17</sup>

In early 2017, the Supreme Court of **Russia** banned the association of Jehovah's Witnesses on the grounds of "extremist" identity and activity, though there was no further clarification regarding what activities caused their proscription and new illegal status. Speculated reasons for why Russia targets Jehovah's Witnesses for charges of extremism include their evangelistic activities, their historical ties to the United States and the West, their conscientious objection to military service and blood transfusions [despite that people of faith have the right to refuse mandatory military service as outlined in Article 59-3 of the Constitution]. Additionally, it has been postulated that their sizable membership might be perceived as a threat to political authority.<sup>18</sup>

### III. Increased government control over religious affairs

In recent years, a notable trend has emerged wherein governments worldwide are tightening their grip on religious affairs. This phenomenon manifests in various forms, from legislation imposing stricter regulations on religious institutions to increased surveillance and monitoring of religious activities. Governments cite reasons such as national security, social cohesion, and the prevention of extremism to justify these measures. Human rights activists argue that such actions often infringe upon religious freedom and exacerbate tensions between the state and religious communities.

In June 2021, President Ilham Aliyev of **Azerbaijan** amended the 1992 law on freedom of religion, introducing requirements such as the pre-approval of non-Muslim religious leaders by the State

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<sup>13</sup> Silas Isenjia, "[Eritrean Authorities Seize Control of Catholic-Owned School. Set to Take Over Another](#)", *Association for Catholic Information in Africa (ACIAFRICA)*, 28 August 2022.

<sup>14</sup> Bharti Jain, "[13 NGOs lose FCRA licence over 'religious conversions'](#)", *Times of India*, 8 September 2020.

<sup>15</sup> Catholic News Agency, "[Ortega regime in Nicaragua violently shuts down Catholic radio stations](#)", 2 August 2022. ; Reuters, "[Nicaragua's government shuts one of last opposition radio stations](#)", 12 August 2022.

<sup>16</sup> David Agren, "[Nicaragua revokes legal status of Catholic charities, educational projects](#)", *National Catholic Reporter*, 4 February 2022.

<sup>17</sup> Voice of the Martyrs Korea (VOMK), "[NK Expands Efforts to Jam Gospel Broadcast](#)", 31 January 2023.

<sup>18</sup> Patrick Reeve, "[Russia's mysterious campaign against Jehovah's Witnesses](#)", *ABC News*, 18 July 2021.

Committee for Work with Religious Organisations (SCWR) which consists of the Sheikh of the Muslim Board, the Patriarch of the Russian Orthodox Church, and the President of Azerbaijan. Faith communities without a “religious centre” (headquarters) are prohibited from assigning titles to and outlining ranks of clergy; establishing theological schools and organizing pilgrimages; and holding “mass events” without prior approval from the State Committee. Azerbaijani human rights activist Elshan Hasanov said of the amendments: “The result: pilgrimages – only with permission; mass religious rituals – only with permission; religious education – only with permission; literature – only with permission”.<sup>19</sup>

In 2017, **China** implemented Revised Regulations on Religious Affairs, which were the first extremely restrictive legislation that formally codified persecutory practices. The regulations delineate a myriad of controls that local branches of the government’s administrative entity on religion maintain over faith groups, including: approving requests for religious activities; reviewing and approving clergy and theological instructors’ credentials and curricula; periodically inspecting religious sites; approving all religious publications to be distributed among faith communities; overseeing religious communities’ online activities; shutting down ‘illegally operating’ or unauthorized religious sites; and more.<sup>20</sup> In more recent years China has ratified, implemented, or introduced - subject to review before enactment - numerous other legislations which grant more power to state actors and entities’ to control all aspects of religion. Such laws comprise the 2020 Administrative Measures for Religious Groups<sup>21</sup>, (Draft) 2020 Detailed Implementation Measures on the Administration of Foreigners’ Group Religious Activities in the Mainland Territory of the P.R.C.<sup>22</sup>; 2021 Measures on the Management of Religious Personnel<sup>23</sup>; 2021 Measures on the Administration of Internet Religious Information Services<sup>24</sup>; and the (Draft) 2021 Measures for the Administration of Religious Schools.<sup>25</sup>

The aforementioned two draft policies introduced by **Vietnam** in 2022 to stipulate punishments for certain violations of the Law on Belief and Religion not only prescribed penalties for failing to receive approval to organize church activities, as discussed in Section I of the present submission. The amendments additionally obligated faith organizations to follow strict guidelines, including: updating the government regarding reassignment of and newly introduced clergy; reporting to the government on all international financial contributions and transactions; and providing biographical information on all religious leaders to the government for review and approval. A noteworthy clause to this new decree extends regulations to faith activities conducted online during the COVID-19 pandemic.<sup>26</sup>

#### **IV. Weaponization of citizenship against undesirable religious communities**

Some governments have been known to revoke citizenship from members of faith minorities, often as part of broader discriminatory policies. For example, in certain authoritarian regimes or countries with highly sectarian or religiously polarized environments, governments may target specific religious groups for persecution or marginalization. This can include revoking citizenship, often on arbitrary or discriminatory grounds, as a means to suppress dissent or exert control over minority populations.

In **India** in 2019, the Lok Sabha (lower house in Parliament) passed the Citizenship Amendment Act (CAA). The CAA makes eligible for citizenship Hindu, Sikh, Buddhist, Jain, Parsi, and Christian immigrants fleeing religious persecution from neighboring countries. However, the CAA does not include Muslims – nor Jews, Bahá’ís, or atheists – despite the fact that many minority Muslim groups in surrounding countries, including Rohingya and Ahmadis, face serious discrimination within their home countries. The establishment of a religious test for citizenship, and particularly when used in a sweeping and

<sup>19</sup> Felix Corley, [“AZERBAIJAN: Religion Law amendments ‘more controlling mechanisms’”](#), *Forum* 18, 17 June 2021.

<sup>20</sup> China Law Translate, [Religious Affairs Regulations 2017](#), 7 September 2017.

<sup>21</sup> China Law Translate, [Measures for the Administration of Religious Groups](#), 1 February 2020.

<sup>22</sup> China Law Translate, [Detailed Implementation Measures on the Administration of Foreigners’ Group Religious Activities in the Mainland Territory of the P.R.C. \(Draft Revisions for the Solicitation of Comments\)](#), 18 November 2020.

<sup>23</sup> [China] State Administration of Religious Affairs, [State Administration of Religious Affairs Order No. 15: Measures for the Administration of Religious Personnel](#), 18 January 2021.

<sup>24</sup> China Law Translate, [Measures on the Administration of Internet Religious Information Services](#), 20 December 2021.

<sup>25</sup> China Law Translate, [Measures for the Administration of Religious Schools \(Draft for Comment\)](#), 9 February 2021.

<sup>26</sup> Morning Star News, [“Vietnam Floats Draconian New Religion Decrees”](#), 14 June 2022.

discriminatory manner, violates both the Indian Constitution and international law.<sup>27</sup>

**Iran** repeatedly asserts that Baha'i practitioners are granted the civic rights and freedoms shared by all Iranian citizens. However, the Supreme Revolutionary Council's 1991 classified memorandum delineates "state policy objectives" to discriminate against Baha'is and infringe upon inalienable rights guaranteed by citizenship. Jurisprudence continues to cite this memorandum in its decisions to exclude Baha'i as a faith identity listed in national ID cards; restrict Baha'is access to employment benefits; revoke their business licenses; seize their property; prohibit their community activities; expel them from certain institutions of higher education; distribute negative propaganda about them; disqualify them from "any position of influence"; deny their marriage, divorce, and birth registrations; refuse to grant them inheritance rights; reject their passport applications; interfere with their religious traditions; violate their burial customs; proscribe their engagement in partisan politics; and more.<sup>28</sup>

The 1982 Citizenship Law of **Myanmar/Burma** effectively denies citizenship to predominantly Muslim Rohingya, and renders them "one of the largest stateless populations in the world".<sup>29</sup> The legislation identified the prerequisite that individuals applying for citizenship must provide evidence that their ancestors resided in Myanmar in or before 1823. Within the past decade Rohingya were instructed to obtain National Verification Cards which explicitly identify them as "non-citizens"; in the process of acquiring this documentation, Rohingya were additionally subjected to biographical data collection such as fingerprinting.<sup>30</sup> In late 2017, the Tatmadaw (military) embarked on an ethnic cleansing "clearance operation", torturing, killing, and raping no fewer than 20,000 Rohingya Muslims and causing an additional 700,000+ to flee into neighboring Bangladesh where they continue to experience statelessness.<sup>31</sup> In late 2023, Bangladeshi foreign ministry officials and Burmese minister for international cooperation Ko Ko Hlaing announced a plan to repatriate clusters of thousands of Rohingya refugees from Bangladesh to Myanmar.<sup>32</sup> Rohingya asylum seekers have expressed that they will resist this forced return to Myanmar until their citizenship is restored, and their safety concerns are heightened by the fact that they would be sent back to a country controlled by the Tatmadaw - the very perpetrators of the genocide who successfully conducted a coup d'état in 2021.

In **Vietnam**, household registration is perhaps the most important documentation an individual or family can possess; with such documentation, one can apply for employment and education, open a business, gain access to government-funded public services, and open a bank account. Boat People SOS has observed that "denial of household registration and national ID documents has been used by some provincial governments in Vietnam as a punitive measure against members of unrecognized religions or banned churches."<sup>33</sup> Local governments with an anti-Christian sentiment have been refusing to allow Hmong and Montagnard Christians to obtain household registration. Additionally, national identification documentation must be provided in order to obtain access to public services such as education, welfare, healthcare, and more. An individual is ineligible to apply for an identification card if he or she does not have a valid household registration document, thus further preventing targeted individuals such as Hmong and Montagnard Christians from receiving the benefits that all Vietnamese citizens are provided by law. To make matters even more cruel, couples that do not have household registration are unable to register the birth of their children and obtain birth certificates, forcing the entire family to statelessness.

## V. Laws criminalizing blasphemy and apostasy

Many Muslim-majority countries implement laws criminalizing blasphemy (i.e., criticism of faith and its figures, offending another religious person's feelings, making derogatory remarks and gestures, etc.) and

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<sup>27</sup> BBC News, "[Citizenship Amendment Bill: India's new 'anti-Muslim' law explained](#)", 11 December 2019.

<sup>28</sup> Human Rights Watch, "[The Boot on My Neck: Iranian Authorities' Crime of Persecution Against Baha'is in Iran](#)", 1 April 2024.

<sup>29</sup> Human Rights Watch, "[Rohingya](#)".

<sup>30</sup> Rina Chandran, "[They tried to erase us: Rohingya IDs deny citizenship](#)", *Context*, 28 November 2022.

<sup>31</sup> Physicians for Human Rights, "[The Rohingya: Survivors of Atrocity](#)".

<sup>32</sup> Shaikh Aizur Rahman, "[Rohingya Say No Return to Myanmar Without Guaranteed Citizenship](#)", *Voice of America*, 13 September 2023.

<sup>33</sup> Boat People SOS (BPSOS), "[Statelessness as form of punishment against H'Mong and Montagnard Christians in the Socialist Republic of Vietnam](#)", 6 March 2019.

apostasy (renouncing one's faith and/or converting to another belief, or abandoning faith altogether). These nations claim that such legislations criminalize 'hate speech' in the interest of preserving social harmony between faith groups. In reality, however, these laws are used to penalize legitimate conversions away from the majority religion (Islam) and arrest and detain faith minorities for peacefully expressing their beliefs which 'offend' the faith majority communities. The implementation of blasphemy and apostasy laws, in effect, present barriers for individuals to participate in their religious activities including evangelism/proselytism, organizing public events, sharing their beliefs, etc. Accusations of blasphemy - which often are false and are directed toward non-violent conduct that falls under freedom of religion and belief (i.e., criticism of religion, its precepts, holy texts, and figures) - are incendiary and in themselves cause religious hatred and corresponding violence, as well as unjust judicial and extrajudicial killings. Additionally, the existence of blasphemy laws and corresponding severe punishments can cause faith minorities to self-censor their beliefs and/or retreat from the public in fear of persecution. In total, blasphemy laws are harmful to society because they restrict freedom of speech, suppress dissent and minority religious views, can be abused by authorities to target individuals, inhibit intellectual and social progress by discouraging open discussion, and fuel religious tensions and conflict.

Currently, there are at least 11 nations that maintain the death penalty for apostasy and/or blasphemy: **Afghanistan, Brunei, Iran, Maldives, Mauritania, Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirates, and Yemen.**<sup>34</sup> In May 2023 two **Iranian** men who had been previously convicted of blasphemy and sentenced to death in 2021, Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare, were executed. Mehrdad and Fazeli-Zare had been initially arrested for creating an online social media forum to discuss religion and atheism.<sup>35</sup> In July 2023, 19-year-old **Mauritanian** high school student Mariya Oubed was charged with blasphemy for allegedly writing derogatory remarks about the Prophet on a mock exam paper. Despite her young age, the Association of Mauritanian Ulama (Muslim scholars) issued a fatwa calling for her execution 'if her guilt was proven'.<sup>36</sup> Over the course of a few days in August 2023, thousands of Muslims in Faisalabad, **Pakistan** attacked Christians in a local community in response to accusations that two local Christian men had written blasphemous words on a torn page of the Quran. No fewer than 25 churches and 100 Christians' private residences were destroyed.<sup>37</sup>

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<sup>34</sup> USCIRF, [Blasphemy Law Compendium](#), 2023. ; Chris Alexander, Mai Sato, Nadirsyah Hosen, & James McLaren, [Killing in the Name of God: State-sanctioned Violations of Religious Freedom](#), Monash University & Elios Justice, October 2021.

<sup>35</sup> USCIRF, [Yusuf Mehrdad](#), updated 8 May 2023. ; USCIRF, [Seyyed Sadrollah Fazeli Zare](#), updated 8 May 2023.

<sup>36</sup> Mariam Ahmed Abbe, ["A Mauritanian high school student faces the death penalty over blasphemy"](#), *Global Voices*, 29 August 2023.

<sup>37</sup> Asif Aqeel & Brian Isaac Asaph, ["After 26 Churches Burned, Pakistan Christians Brace for More Blasphemy Accusations"](#), *Christianity Today*, 23 August 2023.