

EUROPEAN CENTRE



FOR LAW & JUSTICE

ADVOCATING FOR HUMAN RIGHTS

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A MESSAGE FROM EXECUTIVE DIRECTOR JORDAN SEKULOW

By way of introduction, the European Centre for Law & Justice (ECLJ) is an international not-for-profit legal organization located in Strasbourg, France, dedicated to protecting human rights and religious freedom in Europe and around the world. The ECLJ holds Special Consultative Status as a non-governmental organization (NGO) at the United Nations.

As part of our ongoing advocacy campaign to fight for religious minorities facing persecution all around the world, we regularly engage key members of the international community.

We have filed numerous written submissions to the United Nations Human Rights Council (UNHRC), sent letters to government officials, international organizations, and sitting Presidents of the United Nations Security Council. In addition to our written submissions, we have also delivered numerous oral interventions before the UNHRC.

In this booklet you will find our most recent written submissions, all of which have been filed within the last year. Included are Universal Periodic Reviews (UPRs) for Bolivia, Egypt, Iran, Iraq, and Kazakhstan, as well as a written submission on Myanmar to the UNHRC. Our purpose for filing these submissions is two-fold: 1) to detail the religious persecution that occurs in Member States, and 2) to highlight key improvements made by Member States.

It is our hope that this will lead to meaningful change and greater protection of religious freedom around the world.

At the ECLJ, we are continually pressing forward in our efforts to advocate for religious minorities around the world many of whom have no other voice. We strive to bring the abuses they are suffering to light, to instigate change for the better, and to expand religious freedom in every corner of the world.

We will continue to engage the international community toward these ends. We look forward to working with you in pursuit of this mutual goal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Sekulow', with a long, sweeping horizontal stroke at the end.



ABOUT THE ECLJ:

The European Centre for Law and Justice is an international, Non-Governmental Organization dedicated to the promotion and protection of human rights in Europe and worldwide.

The ECLJ has held special Consultative Status before the United Nations/ECOSOC since 2007.

The ECLJ engages legal, legislative, and cultural issues by implementing an effective strategy of advocacy, education, and litigation.

The ECLJ advocates in particular for the protection of religious freedoms and the dignity of the person at the European Court of Human Rights and the other mechanisms afforded by the United Nations, the Council of Europe, the European Parliament, the Organization for Security and Cooperation in Europe (OSCE), and others.

The ECLJ is an organization that bases its action on “the spiritual and moral values which are the common heritage of European peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy” (Preamble of the Statute of the Council of Europe).

The ECLJ is affiliated with offices in Israel, Pakistan, Russia, the US, and Zimbabwe.

As a non-profit organization, the ECLJ does not charge for its services. Jay Sekulow is the Chief Counsel of the European Centre for Law and Justice. He is also Chief Counsel of the American Center for Law and Justice (ACLJ), a law firm and educational organization that focuses on constitutional law. Dr. Grégor Puppink is the Director General of the European Centre for Law and Justice.

THE ECLJ'S MISSION:

Promote the defense of religious liberties and fostering human rights and democratic freedoms in Europe

The European Centre for Law and Justice was founded for the legal and legislative defense of religious freedoms, human dignity and the family among the Member States of the Council of Europe and the European Union. The ECLJ, through litigation before the courts of the European Institutions and work with the European Union legislative bodies, acts to further the implementation and respect for these ideals.

Provide Legal Expertise and High-Level Networking

The European Centre for Law and Justice serves individuals, associations, and religious groups before the European Court of Human Rights and the European Court of Justice through its mastery of the technical and procedural workings of European and International Human Rights Law. The ECLJ also promotes fundamental freedoms and human dignity by working with Members of European Parliament and the European Commission in the legislative process. The ECLJ is also active in these same areas in many of the countries of Europe.

Promote Religious Freedoms, Democratic Liberties, Dignity of the Person and Integrity of the Family

The ECLJ engages in litigation, provides legal services, renders advice and counsel to clients, and supports attorneys and organizations that are involved in defending religious freedoms and human rights. Our services are provided without charge. The principle office of the European Centre for Law and Justice is Strasbourg, France, seat of the European Court of Human Rights, The Council of Europe, and the European Parliament.

Defend Religious Freedoms, Protection of the Dignity of the Person and Life, and Preservation of the Family

The ECLJ defends:

- Individuals and associations with respect to the protection and defense of religious freedom and fundamental human rights
- Victims of religious discrimination or persecution from public authorities
- The family

The ECLJ currently has several cases before the European Court of Human Rights and has supported clients through the provision of amicus briefs before courts in South America, the

Caribbean, Sweden, Cyprus, Slovakia, Ireland and elsewhere. We have also assisted Members of European Parliament in the provision of legislative amendments, advisory opinions, resolutions and Court interventions.

Monitor Religious Freedom Issues and Share Information about National and European Policies

The ECLJ, through our network in Europe and with our office within the heart of the European Institutions in Strasbourg, France, is able to collect and share information about legislation and matters impacting religious freedom and traditional values in Europe.

Provide Information to Religious Institutions and Associations, Attorneys, Judges, Public Officials and Interested Citizens

From our principal office in Strasbourg, seat of the European Institutions, cases can be brought to the European Court of Human Rights which protects the fundamental right to engage in religious worship, belief and expression without fear of discrimination as guaranteed by the European Convention of Human Rights and Fundamental Freedoms. It is the mission of the ECLJ to be rigorous advocates of these most basic rights and democratic freedoms.

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NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE

UNIVERSAL PERIODIC REVIEW 2019

RELIGIOUS FREEDOM IN IRAQ

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RELIGIOUS FREEDOM IN IRAQ

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in Iraq for the 2019 Universal Periodic Review (UPR).

Background

2. The biggest threat to religious freedom in Iraq is the humanitarian crisis that has resulted from genocidal atrocities that the Islamic State has committed against Christians and other religious minorities. In Iraq, Christians make up approximately less than 3% of the population¹. The fact is, the Islamic State's genocidal atrocities have nearly decimated the Christian population. In fact, hundreds of thousands of Christians have fled Iraq since the rise of the Islamic State². In order for Christians and other religious minorities to have a place in the future of Iraq, it is critical that Iraq work with the international community to ensure that Islamic State fighters are held accountable. In addition, aid must be delivered to the victims so that Christians and religious minorities are able to return to their homes and rebuild their communities. These things are necessary to ensuring a future where Christians and other religious minorities in Iraq are able to freely and safely practice their religion.

Persecution of Christians and other religious and ethnic minorities

3. The Islamic State's religion-based abuses in Iraq include beheadings, burning victims alive in caskets, and other barbaric "killings, rape, kidnapping, enslavement, theft . . . destruction of religious sites . . . sexual slavery, forced conversion, ransom demands, property seizures, and forced business closures"³. Islamic State fighters destroyed Iraq's oldest Christian monastery, St. Elijah's⁴. Father Paul Thabit Habib, a Catholic priest "who now lives in Kurdish-administered Irbil", said that Iraq's "Christian history was 'being barbarically leveled'"⁵. He added, "[W]e see it as an attempt to expel us from Iraq, eliminating and finishing our existence in this land"⁶. Such

¹BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, IRAQ 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 3 (2014) [hereinafter IRAQ REPORT].

²GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, KNIGHTS OF COLUMBUS AND IN DEFENSE OF CHRISTIANS (9 Mar. 2016) [hereinafter GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST], available at <http://www.stopthechristianguenocide.org/en/resources/Genocide-report.pdf>; see also BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, SYRIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2014) [hereinafter SYRIA REPORT].

³IRAQ REPORT, *supra* note 1 at 2.

⁴*Iraq's Oldest Christian Monastery Destroyed by Islamic State*, BBC NEWS (Jan. 20, 2016), <http://www.bbc.com/news/world-middle-east-35360415>.

⁵*Id.*

⁶*Id.*

savagery has been punctuated by evidence that the Islamic State is burning Christians alive in locked caskets⁷.

4. One Christian in Iraq described his reason for leaving his home: “I left due to the announcement of the leader of Daesh Abu Bakir al-Baghdadi that the Nazarene (that’s how they call the Christians) must leave or pay the ‘tax’ (jizya) or become Muslim or get killed”⁸. He explained that his family had not left sooner because they had no vehicle and had handicapped persons with them. Ultimately, they hired a taxi to flee, but were stopped by “members of Daesh” who learned that they were “Nazarenes”: “they robbed us, and took everything we had”⁹. After that, they were dumped on the border “only with the clothes we were wearing and nothing else”¹⁰.

5. As areas within Iraq have been liberated by Allied forces, the full extent of the genocide against these religious minorities is becoming more clear. Mass graves have been exhumed, ancient churches and holy areas have been found in rubble, and the very few survivors who remain have lost everything. For example, in October 2016, when Allied forces began their campaign to liberate the Nineveh region of Iraq from the grip of the Islamic State, some Christian leaders were able to return to their ancient homeland for the first time in over two years. Having fled for their lives when the Islamic State took over the region in 2014, the leaders returned to piles of dust. The 200,000 Christians who resided in the region when the Islamic State brutally took over have now dwindled to 20 to 30 Christian residents. Their places of worship, ancient texts, and congregations have summarily been wiped out by the Islamic State¹¹.

6. These reports are consistent with the United Nations’ own fact-finding. According to a report issued by the Office of the United Nations High Commissioner for Human Rights and the United Nations Assistance Mission for Iraq, “The violence suffered by civilians in Iraq remains staggering. The so-called ‘Islamic State of Iraq and the Levant’ (ISIL) continues to commit systematic widespread violence and abuses of international human rights law and humanitarian law. These acts may, in some instances, amount to war crimes, crimes against humanity, *and possibly genocide*”¹².

7. The brutality with which the Islamic State victimised religious minorities is beyond belief. The accounts of the trauma experienced by survivors in Iraq are heartbreaking. “One account [tells] of a couple whose children had been captured by ISIS militants. When they answered their door one day, they found a plastic bag on their doorstep. It contained the body parts of their daughters and a video of them being raped and tortured”.

8. The Islamic State’s treatment of Christians is directly compared to its treatment of another religious minority, the Yazidis. Much like the Islamic State’s treatment of Christians in Mosul and

⁷Anuragh Kumar, *ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals*, CHRISTIAN POST (5 Jan. 2016), <http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-revels-154281/>.

⁸*Id.* at 66.

⁹*Id.*

¹⁰*Id.*

¹¹ *In Biblical Lands of Iraq, Christianity in Peril After ISIS*, CNN News (21 Nov. 2016), <http://www.cnn.com/2016/11/20/middleeast/iraq-christianity-peril/>.

¹²*Id.* (emphasis added).

Raqqa City, in August 2014, the Islamic State captured a Yazidi village and demanded that its residents convert to Islam. After the villagers refused to convert over a period of several days, Islamic State members executed at least 100 Yazidi men and took the women and children hostage as sex slaves¹³. Similarly, in Syria, the Islamic State beat and tortured twenty-five Yazidi men in an attempt to force them to convert¹⁴. A small number were reportedly released after their families paid a ransom, but the rest were killed¹⁵.

9. The joint Report of the Knights of Columbus and In Defense of Christians, based on the superior and thorough fact-finding of the Shlomo Organization for Documentation, contains numerous first-hand accounts of genocide survivors and relatives of deceased or missing victims¹⁶. Again, the evidence is well-documented, and it is sickening. And while acknowledging that estimates may contain inaccuracies or duplication, due to what's known by some as "the fog of war," this valuable source of data emphasised a critical point: "speculation about the accuracy of figures cuts both ways"¹⁷. In their estimation, and in ours, "the numbers are likely to be much higher"¹⁸. Virtually every day brings new reports and accounts of the Islamic State's barbarism. Any question as to the genocidal nature of the atrocities committed against Christians and other religious and ethnic minorities has been answered in the affirmative.

Conclusion

10. Christians and other religious and ethnic minorities in Iraq are facing a grave humanitarian crisis. Information we are receiving from those working on the ground to provide assistance confirms the reality of the situation and the need for assistance in addition to providing safety and basic necessities. As those persecuted begin to return home, they face many legal challenges in establishing their identities and obtaining new personal identification documents. Additionally, they need assistance in obtaining documents to prove their residence. In order to provide the true lasting resettlements of displaced Christians and other religious minorities, all these issues need to be addressed. This is absolutely critical to ensuring that Christians and other religious minorities have a place in the future of Iraq.

11. The growing body of evidence demonstrates that the inhuman violence at issue is, in fact, genocide as defined by the Convention. The victims of the Islamic State's genocide deserve the recognition and protection of the Iraqi government. Time is running out and action must be taken immediately to address these egregious violations of human rights. The ECLJ recognises and applauds the steps that Iraq has taken in conjunction with the U.N. through the passage of U.N. Security Resolution 2379 to begin addressing these issues. This is a critical step in the process of justice. The ECLJ respectfully encourages Iraq to continue its efforts to bring justice to the victims and to ensure that such barbaric behaviour will never again be tolerated.

¹³IRAQ REPORT, *supra* note 1, at 11.

¹⁴SYRIA REPORT, *supra* note 2, at 10.

¹⁵*Id.*

¹⁶GENOCIDE AGAINST CHRISTIANS IN THE MIDDLE EAST, *supra* note 2.

¹⁷*Id.* at 39.

¹⁸*Id.*



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UNIVERSAL PERIODIC REVIEW 2019

RELIGIOUS FREEDOM IN IRAN

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RELIGIOUS FREEDOM IN IRAN

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Islamic Republic of Iran (hereinafter Iran) for the 2019 Universal Periodic Review (UPR).

Background

2. In 1975, the government of Iran ratified the International Covenant on Civil and Political Rights (ICCPR). Article 2 of the ICCPR requires each state party 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, such as race, colour, sex, language, religion . . .”¹. The government of Iran discriminates against its citizens on the basis of religion or belief. Article 18 protects “the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”².

3. As a member of the United Nations, the Islamic Republic of Iran is obligated to adhere to the principles set forth in the U.N. Charter requiring members “[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to [inter alia] religion”³.

3. Iran’s Constitution is problematic in its endorsement of a state religion and in its failure to recognize minority religions other than Zoroastrian, Jewish, and Christian religions in Iran. In theory, Iran’s Constitution offers some protection to those specific religious minorities. According to Article 13, “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education”⁴. Article 14 states, “[T]he government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms . . . and to respect their human rights”⁵. In practice, however, religious minorities face multiple threats to their free practice of religion at the hands of the Iranian government.

¹International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 2.

²*Id.* art. 18.

³ U.N. Charter art. 73(c).

⁴IRAN’S CONSTITUTION OF 1979 WITH AMENDMENTS THROUGH 1989, art. 13.

⁵*Id.*, art. 14.

4. On December 19, 2016, Iranian President Hassan Rouhani signed the Charter on Citizens' Rights "with the aim of 'recovering and promoting citizens' rights'"⁶. Despite the ceremony behind the signing, the Charter is non-binding and "growing numbers of religious minorities . . . have been subject to harassment, arrest, and execution for exercising rights nominally protected under the charter"⁷.

5. Thus, the greatest threat to religious freedom in Iran is the extreme persecution that religious minorities face at the hands of the Iranian government. For almost two decades, the U.S. government has designated Iran as a "country of particular concern" because of its treatment of religious minorities. In its 2018 report, the United States Commission on International Religious Freedom (USCIRF) details the persecution faced by Christians in Iran: "Members of the historical churches face extensive government surveillance and legal restrictions on construction and renovation of houses of worship. Evangelical Christians and Christian converts, however, are particularly targeted for repression because many conduct services in Persian and proselytize to those outside their community. Pastors of house churches are commonly charged with unfounded national security-related crimes, as well as apostasy and illegal house-church activities"⁸.

Persecution of Christians

6. According to reports, the Iranian government's religion-based abuses include raids of house churches and arrests and sentencing of house church members. For example, "[i]n May 2017, four evangelical Christians, three of them Azerbaijani citizens, were sentenced to 10 years in prison each for house church activities and evangelism. The following month, Pastor Youcef Nadarkhani, who previously served a prison sentence for apostasy and is among those highlighted by USCIRF's Religious Prisoners of Conscience Project, faced trial along with three codefendants because of their house church activities. Each of the four Christians was sentenced to 10 years in prison, with Nadarkhani receiving an additional two years in exile"⁹.

7. This new arrest and sentencing of Pastor Nadarkhani is particularly concerning to the ECLJ. Pastor Nadarkhani was first arrested in 2006 and charged with apostasy and evangelism, then again in 2009 when he criticized the monopoly Islamic authorities had on education in Iran. He was found guilty and sentenced to death-by-hanging. And although he was acquitted and released in September of 2012, three months later he was arrested again on Christmas day. After a great deal of international outcry and attention to his case, Pastor Nadarkhani was acquitted of his apostasy charge and released from prison. Reports indicated that while the court acquitted him of apostasy, he was charged and convicted of evangelizing to Muslims, but was granted time served in consideration of his nearly three-year imprisonment.

8. Pastor Nadarkhani's arrest and imprisonment is symbolic of the threat to freedom of religion and belief experienced by Christians and other religious minorities in Iran through government discrimination, harassment, unjust imprisonment, and inhumane treatment.

⁶*Global Legal Monitor: Iran: Charter on Citizens' Rights Signed*, LIB. OF CONG., available at <http://www.loc.gov/law/foreign-news/article/iran-charter-on-citizens-rights-signed/> (last visited 26 Mar. 2019).

⁷*Id.*

⁸USCIRF 2018 ANN. REP.: IRAN 5-6, available at https://www.uscifr.gov/sites/default/files/Tier1_IRAN.pdf.

⁹*Id.*

9. Additionally, in February 2019, four women who converted from Islam to Christianity were arrested. A fifth woman, 65-years-old, was also arrested by the Intelligence Ministry just before Christmas 2018. In addition to arresting her, “authorities confiscated several of her personal items, included electronics and Christian materials. . . . She was detained for ten days and interrogated during that time”¹⁰.

10. In December 2018, a Christian couple were arrested following a raid on their home. Since their arrest, the couple has been held in detention and has not been allowed to communicate with family members, including their 7-year-old daughter. Furthermore, the couple has been denied access to legal assistance¹¹.

11. Also in December 2018, “Iran’s Mehr News Agency announced that a total of 142 men and women belonging to different Christian groups were arrested in 10 or 11 different cities across the country.” While in most cases the Christians were released after a few hours, they “were asked to write down details of the history of their Christian activities and told to have no more contact with any other Christians or Christians groups”¹².

12. These arrests and detentions represent only a small sampling of the growing persecution that Iranian Christians are facing at the hands of their government.

Conclusion

13. The ECLJ respectfully demands the immediate release of Pastor Youcef Nadarkhani and other Christians who have also been unjustly arrested and convicted. The Islamic Republic of Iran must be reminded of its obligations to actively protect the rights of all its citizens, including the rights of minority religious adherents, such as Pastor Nadarkhani, so that they can practice their religion peacefully without fear of arrest or violence from their government. In addition, the ECLJ encourages Iran to reform its laws to ensure that the right to freely choose and practice one’s own religion is protected in fact, not just on paper.

¹⁰*Five Christian Women Arrested in Iran*, International Christian Concern (1 Feb. 2019), <https://www.persecution.org/2019/02/01/five-christian-women-arrested-iran/>.

¹¹*Iran: Christian Couple Arrested in Mashad*, MIDDLE EAST CONCERN (18 Dec. 2018), <https://www.meconcern.org/2018/12/18/iran-christian-couple-arrested-in-mashhad/>.

¹²Lindy Lowry, *114 Christians Arrested in One Week in Iran*, OPEN DOORS (6 Dec. 2018), <https://www.opendoorsusa.org/christian-persecution/stories/114-christians-arrested-in-one-week-in-iran/>.



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RELIGIOUS PERSECUTION IN EGYPT

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Religious Persecution in Egypt

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Arab Republic of Egypt [hereinafter Egypt] for the 2019 Universal Periodic Review (UPR).

Background

2. Open Doors USA currently lists Egypt as the 16th worst country for Christians¹. Egypt's Coptic Christians, who make up the vast majority of the 9 million Christians in Egypt, have long faced persecution; far too often they are victims of atrocities committed by Islamic extremists².

3. Egypt's Constitution establishes Islam as the official religion and dictates that the principle source of legislation is Sharia³ law. Article 64 states: "The freedom of practicing religious rituals and establishing places of worship for the followers of revealed religion is a right organized by law"⁴.

4. Additionally, Egypt is a party to the International Covenant on Civil and Political Rights (ICCPR). Article 18 of the ICCPR states:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching⁵.

5. It is critical that Egypt work to enforce the principles that it has established so that all its citizens are permitted to safely exercise their religion without fear of violence from the State or society.

Persecution from Islamic Extremists

6. Christians are routinely the target of Islamic extremists, and it is not uncommon for these attacks to occur at places of worship during major Christian religious holidays⁶, such as Christmas and Easter, where Christians all around Egypt gather to worship.

¹*World Watch List: Egypt*, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/egypt/> (last visited 27 Mar. 2019).

²Matt Rehbein, *Who are Egypt's Coptic Christians?*, CNN (26 May 2017, 10:00 AM), <https://www.cnn.com/2017/04/09/middleeast/egypt-coptic-christians/index.html>.

³EGYPT'S CONST. OF 2014, available at https://www.constituteproject.org/constitution/Egypt_2014.pdf.

⁴*Id.*

⁵International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 18.

⁶Ewelina U. Ochab, *Persecution of Christians in Egypt*, FORBES (10 Apr. 2017, 6:07 PM), <https://www.forbes.com/sites/ewelinaochab/2017/04/10/persecution-of-christians-in-egypt/#6c1ff7cb15ea>.

7. In April of 2017, 50 Christians were killed as a result of a coordinated bombing at two churches on Palm Sunday by the Islamic State⁷. Marian Abdel Malak, a 26-year-old who lost three loved ones in the attack, issued a startling warning: “If things stay like this and we don’t get our rights we definitely have no future We would be better off dead because we don’t have any place anywhere in the country – in schools, or in government departments. We don’t have any value⁸”.

8. On 29 December 2017, nine Coptic Christians were killed as a result of two terror attacks carried out by jihadists. The first of these attacks was carried out by at least one Islamic State terrorist on a motorcycle who attempted to storm a Church in south Cairo before being killed by security forces. The terrorist was found wearing an explosive belt, that if detonated, would have resulted in numerous more casualties. However, this attack still resulted in the death of six civilians and one police officer⁹. The second attack was carried out against a Christian-owned shop, resulting in two deaths¹⁰.

9. According to report by the BBC in 2017, “More than 100 Christians have been killed in Egypt during the past year, with most attacks claimed by the local branch of IS militants”¹¹. One commentator, describing the situation as an “ongoing crisis,” had this to say about the continued assault on Christians in Egypt: “It’s more continuity than change, we still need more details to come up, but so far Egypt has witnessed over 2,000 attacks in the last three years”¹².

10. In November 2018, Islamic militants attacked three buses carrying Christians on a pilgrimage to a desert monastery south of Cairo. The attack resulted in the death of seven Christians, two of which were children, and injured 19¹³.

Conclusion

11. In January of 2019, the President of Egypt, Abdul Fattah al-Sisi inaugurated Egypt’s largest cathedral. At the inauguration, President Sisi stated that “We are one and will remain one”¹⁴. This was an important symbol of unity, and the ECLJ encourages Egypt’s president to uphold this promise and ensure that Christians in Egypt are protected.

⁷Orla Guerin, *Egyptian Christians Living in Fear for the Future*, BBC NEWS (27 Apr. 2017), <https://www.bbc.com/news/world-middle-east-39694408>.

⁸*Id.*

⁹*Egypt Attack: Gunman Targets Coptic Christians in Church and Shop*, BBC NEWS (29 Dec. 2017), <https://www.bbc.com/news/world-middle-east-42511813>.

¹⁰*Id.*

¹¹*Id.*

¹²Stoyan Zaimov, *Gunmen Attack Coptic Christians in Cairo Church and Shop, Killing 9*, CHRISTIAN POST WORLD (29 Dec. 2017), <https://www.christianpost.com/news/at-least-12-slaughtered-terror-attack-coptic-christians-cairo-211872/>.

¹³Associated Press, *Egypt Attack: Gunmen Kill Seven Coptic Christians in Bus Ambush*, The Guardian (2 Nov. 2018, 21:13 PM), <https://www.theguardian.com/world/2018/nov/03/egypt-attack-gunmen-kill-coptic-christians-bus-ambush>.

¹⁴*Egypt Opens Middle East’s Biggest Cathedral Near Cairo*, BBC NEWS (7 Jan. 2019), <https://www.bbc.com/news/world-middle-east-46775842>.

12. All citizens should be permitted to exercise their religion without the threat of being killed. Islamic extremists acting with impunity pose a grave threat to religious freedom. In order for Egypt to ensure that Christians have a place in the future of Egypt, it needs to work now to guarantee their protection. Egypt needs to be reminded of its legal obligations, both nationally and internationally, to protect the rights and lives of all its citizens.



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UNIVERSAL PERIODIC REVIEW 2019

RELIGIOUS FREEDOM IN BOLIVIA

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RELIGIOUS FREEDOM IN BOLIVIA

INTRODUCTION

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Plurinational State of Bolivia [hereinafter Bolivia] for the 2019 Universal Periodic Review (UPR).

2. Article 4 of Bolivia's Constitution states: “The State respects and guarantees freedom of religion and spiritual beliefs, according to their view of the world. The State is independent of religion¹.” Article 14 of the Constitution “prohibits and punishes all forms of discrimination based on . . . religious beliefs.” Finally, Article 21 states that Bolivians have the right to “freedom of belief, spirituality, religion and cult, expressed individually, or collectively, in public and in private, for legal purposes².”

3. Despite these protections guaranteed in the Constitution, the government is increasingly interfering with these protected rights by requiring religious groups to submit detailed information of its members as well as by attempting to criminalise evangelization.

Government Interference and Burdensome Requirements

4. Even though Bolivia guarantees freedom of worship, its laws are overly burdensome for religious groups. The law requires that all religious groups register with the Ministry of Foreign Affairs’ Office of Religion and Nongovernmental Organizations as an NGO if they wish to lawfully operate within the country³. In order to register with the government, religious group must fulfill fourteen requirements. Some of these requirements are quite burdensome and quite intrusive. These requirements include submitting notarized legal documents of their statutes and internal regulations and detailed information on all board members, including background checks. Additionally, they must submit a full list of members and identifying information such as photos, addresses, and ID card numbers⁴.

5. In order for a religious group to maintain its legal status, it is required to submit an annual report to the government detailing its activities for that year. If it fails to submit the report for more than two consecutive years, or if its activities are found to differ from those stated in the report, the government can revoke its legal status⁵. Requiring this amount of information, including the private information of church members, be provided to the government is deeply concerning, especially given recent efforts by the government to criminalise evangelization.

¹BOLIVIA (PLURINATIONAL STATE OF)’S CONT. of 2009, *available at* https://www.constituteproject.org/constitution/Bolivia_2009.pdf.

²*Id.*

³USCIRF 2017 ANN. REP.: BOLIVIA EXECUTIVE SUMMARY 2, *available at* <https://www.state.gov/documents/organization/281296.pdf>, (last visited 26 Mar. 2019).

⁴*Id.*

⁵*Id.*

6. In December of 2017, the government authorized changes to Article 88.11 of their penal code. Under the change, the penal code stated “whoever recruits, transports, deprives of freedom, or hosts people with the aim of recruiting them to take part in armed conflicts ***or religious or worship organizations*** will be penalized 5 to 12 years of imprisonment”⁶. Under that new revision, evangelization was treated essentially as terrorism. This was a serious infringement on the rights of people to peacefully practice their religion. The National Association of Evangelicals in Bolivia stated, “It is deplorable that Bolivia becomes the first Latin American country to persecute the rights of freedom of conscience and of religion, which are protected by the Universal Declaration of Human Rights, the Declaration of San Jose de Costa Rica, and our Constitution”.

7. Thankfully, due to public outcry, the amendment to the penal code was eventually repealed⁷. However, the fact that this confusing and discriminatory amendment passed in the first place is deeply concerning, and the ECLJ respectfully requests that Bolivia offer assurances that similar legislation will not be even contemplated in the future. Additionally, we request that Bolivia repeal its burdensome and intrusive laws that infringe on the rights of its citizens to freely exercise their religion.

Conclusion

8. Religious organizations should be permitted to lawfully operate within a country without burdensome requirements, especially a requirement that involves the disclosure of the highly detailed personal information of church members. Such requirements stifle the free exercise of religious beliefs. The requirement of detailed personal information, coupled with the threat of religious adherents being treated as terrorists for engaging in a basic tenant of their faith, evangelism, is extremely concerning. The Bolivian government must work to ensure that all its citizens are able to freely and peacefully practice their religion without interference from the government.

⁶Sarah Eekhoff Zylstra, *Bolivia Makes Evangelism a Crime*, CHRISTIANITY TODAY (17 Jan. 2018, 10:18 AM), <https://www.christianitytoday.com/news/2018/january/bolivia-makes-evangelism-crime.html> (emphasis added).

⁷Tola Mbakwe, *Bolivia's President Reverses Evangelism Ban After Christian Outcry*, PREMIER (23 Jan. 2018), <https://www.premier.org.uk/News/World/Bolivia-s-president-reverses-evangelism-ban-after-Christian-outcry>.



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE

UNIVERSAL PERIODIC REVIEW 2019

RELIGIOUS FREEDOM IN KAZAKHSTAN

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RELIGIOUS FREEDOM IN KAZAKHSTAN

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Kazakhstan [hereinafter Kazakhstan] for the 2019 Universal Periodic Review (UPR).

Background

2. Kazakhstan's Constitution establishes it as a secular state and Article 14 states: "No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances¹." However, the government of Kazakhstan imposes restrictions and seeks to control religious groups, especially those that are viewed as non-traditional – such as non-Sunni Muslims and Protestant Christians².

3. Open Doors lists Kazakhstan as the 34th worst place for Christian persecution³. The primary source of persecution comes from the government⁴. A 2017 report by the United States Commission on International Religious Freedom states: "The country's restrictive 2011 religion law bans unregistered religious activity and is enforced through police raids, detentions, fines, and the closing of religious institutions⁵."

Restrictions on Religious Freedom

4. In 2011, Kazakhstan passed a law that is being used to severely restrict and infringe on the people's right to religious freedom. This law imposed severe restrictions on religious organisations seeking to peacefully practice their religion and gave the government immense power over religion. Only religious activity that is either state sponsored or state approved is permitted to take place⁶.

5. The first thing the 2011 law did was require all religious organisations to re-register if they wanted to be legally recognised⁷. As part of this new registration process, religious organizations

¹CONST. OF THE REPUBLIC OF KAZAKHSTAN, art. 14, *available at* <http://mfa.gov.kz/en/hague/content-view/the-constitution-of-the-republic-of-kazakhstan>.

²USCIRF 2017 ANN. REP.: KAZAKHSTAN EXECUTIVE SUMMARY 1, *available at* <https://www.state.gov/documents/organization/281268.pdf> (last visited 26 Mar. 2019)..

³*World Watch List: Kazakhstan*, OPEN DOORS, *available at* <https://www.opendoorsusa.org/christian-persecution/world-watch-list/kazakhstan/> (last visited 26 Mar. 2019).

⁴*Id.*

⁵USCIRF 2017 ANN. REP.: KAZAKHSTAN 1, *available at* <https://www.uscifr.gov/sites/default/files/Kazakhstan.2017.pdf> (last visited 26 Mar. 2019).

⁶*Global Legal Monitor*, LIB. OF CONG., <http://www.loc.gov/law/foreign-news/article/kazakhstan-new-law-on-religion-enacted/> (last visited 26 Mar. 2019).

⁷*Id.*

are required to meet membership quotas at the local, regional, and national levels⁸. Churches are required to provide detailed lists of members, including the names and addresses of at least 50 members. If religious groups fail to meet the quota requirement, which some minority religious groups do, they are prohibited from holding religious activities⁹. However, a perhaps more intrusive aspect of the law requires that the government review all imported religious texts and materials and prohibits religious groups from distributing these materials outside religious buildings¹⁰. Effectively, this prohibits religious practitioners, such as Protestant Christians, from practicing a key element of their faith – evangelizing.

Government Raids on Churches

6. As a result of the 2011 law, there has been an increase in police raids of churches. On March 25, 2016, police raided the homes of Protestant church leaders and five buildings that belonged to Amlaty's New Life Pentecostal Church. Then, on Easter Monday 2016, another raid was carried out at the Church's office where they seized financial documents, computers and approximately \$280 in local currency¹¹. Protestant Christians are particularly targeted because they are viewed as having foreign influence¹².

7. On May 28, 2017, police raided a Baptist Church and detained 20 individuals. The Police then proceeded to take photographs, fingerprints and other personal information of the detained Christians before imposing fines on eight of them without any court hearing¹³. In the first half of 2018 alone, the government prosecuted 69 individuals and imposed three-month bans on holding religious ceremonies or distributing religious materials¹⁴.

8. In 2018, there were approximately 37 administrative cases brought against individuals and religious groups who were participating in unsanctioned religious activity. Of these 38 cases, 27 of them resulted in fines being administered¹⁵. In three particular cases, courts ordered the seizure and destruction of religious literature¹⁶.

Conclusion

10. As a party to the International Covenant on Civil and Political Rights (ICCPR), Kazakhstan has agreed to adhere to those principles. Article 18 of the ICCPR states that:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and

⁸*Id.*

⁹*Id.*

¹⁰*Id.*

¹¹*Kazakhstan Church Raids a 'Backward Step'*, WORLD WATCH MONITOR, (24 May 2016), <https://www.worldwatchmonitor.org/2016/05/kazakhstan-church-raids-a-backward-step/>.

¹²*World Watch List: Kazakhstan*, *supra* note 3.

¹³*Id.*

¹⁴*Id.*

¹⁵Felix Corley, *Kazakhstan: One City, Two Raids, Three Fines*, FORUM 18 (4 Mar. 2019), http://forum18.org/archive.php?article_id=2458.

¹⁶*Id.*

freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

11. It is clear that Kazakhstan is not upholding these principles. The government's increased control over religious activity is clearly prohibiting its citizens from exercising their right to freely exercise their religious beliefs. If religious groups fail to register, or fail to meet the requirements set forth for registration, they are legally prohibited from holding religious services and face prosecution by the government. The quota requirements allow the government to discriminate against minority religious congregations and place an unnecessary burden on religious practitioners. The government's control over the acquisition and distribution of religious materials also prohibits religious practitioners from freely sharing their faith. Kazakhstan must work to reform its laws so that its citizens are truly able to enjoy religious freedom without the fear of police raids, arrests, or fines.



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Agenda item 3

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.

**REQUESTING THAT THE U.N. RECOGNISE THE
GROWING PERSECUTION OF CHRISTIANS AND OTHER
RELIGIOUS AND ETHNIC MINORITIES IN MYANMAR
AND TAKE IMMEDIATE AND APPROPRIATE ACTION
TO CONDEMN THAT PERSECUTION**

1. INTRODUCTION

Myanmar faces the need for significant political and economic reform, which are challenges as Myanmar is also working to transition from authoritarian rule to democracy. One of its greatest challenges is to correct the continuing violation of human rights. In Myanmar today, Christians and other religious minorities face discrimination, persecution, and even ethnic cleansing. Civilians who are not targeted because of their faith also face violence and trauma because of the ongoing conflicts in Myanmar. Wa State is targeting Christians, in large part due to the influence of the Chinese government, which has encouraged the Wa government to shut down any kind of traceably foreign religious activity. In September 2018, Wa State issued a statewide policy that ordered the shutdown and/or destruction of any churches that were started or built after 1993. Christians in Chin State, in Western Myanmar, face persecution and discrimination at the hands of the Myanmar Army. For example, in August 2018, a Christian funeral party was forbidden by the local authorities from crossing a bridge to reach the burial grounds. These are but a few examples of the violation of human rights that are occurring in Myanmar.

2. BACKGROUND

Since Myanmar gained its independence in 1947 from Japanese occupation, it has faced a long and complicated political history involving military control and political unrest. In 2010, new election laws were passed, and President Thein Sein became the first president of Myanmar to be elected through democratic process. President Thein Sein's government entered into, or reaffirmed, ceasefires with most of the largest Ethnic Armed Organisations (EAOs) in order to promote political dialogue and constitutional reform. However, due to the complex political situation, ceasefires have been broken, and civilians are frequently caught in the conflict between the Myanmar Army and EAOs. The ECLJ has received information from sources on the ground in Myanmar who are reporting on continued violence and violations of human rights.

In Chin State, not only are Christians facing persecution and discrimination at the hands of local authorities, but landmines are causing hazardous conditions for civilians. For example, in September 2018, a 28-year-old-woman died after stepping on a landmine while she was out picking vegetables.

Despite the political changes occurring in Myanmar, an estimated 92,000 Karen citizens have fled because of ongoing conflict, and they are currently residing in refugee camps in Thailand. According to on-the-ground reports from January 2019, the Myanmar Army has doubled troop size at its camps in Karen State, further indicating that it would be unsafe for refugees to return home.

As stated above, Christians in Wa State are experiencing persecution and are being targeted for their faith. One Wa woman, a mother of two who is passionate about serving children at risk and sharing her faith with them, has a warrant out for her arrest. Many churches are being destroyed. One Chinese citizen and U.S. lawful permanent resident, Pastor John Cao, who served as a humanitarian worker in the impoverished Wa State, is another example of the targeted persecution that is being encouraged by China. Pastor Cao was wrongfully detained and convicted by the Chinese government on charges of organizing illegal border crossings—a charge generally reserved to convict human traffickers—despite a dismal lack of evidence against him. Pastor Cao used a local ferry service, utilized by local citizens for hundreds of years, to cross the border between China and Myanmar. He used this service openly and without problem from either government for years while conducting humanitarian work in Wa State by providing basic necessities and establishing schools to provide education to over 2000 students. He also spoke frequently with the Chinese local National Security Police to talk about his charity work and travel to Myanmar. Notably, there were approximately 12 people arriving on different ferries at the same time as Pastor Cao and a Christian teacher on the day of his arrest. While the others received a rare administrative fine for using the ferries, Pastor Cao and the other Christian present were the only ones detained, arrested, and charged with illegal border crossings. Pastor Cao's targeted arrest seems to be directly related to his religious work and is an example of how Chinese officials are cracking down on religious humanitarian workers in conjunction with officials in Wa State. Since Pastor Cao's arrest, the 16 schools that he helped build and establish in Wa State have been torn down.

In May 2018, Myanmar Army soldiers in Kachin State fired rifles and rifle grenades at a Roman Catholic church and a nearby house. One shell landed next to the home and exploded, causing damage and also injuring an infant girl.

3. REQUEST

The continued conflict and increasing persecution of Christians and other religious and ethnic minorities in Myanmar is deeply concerning. Internal conflict has caused loss of life and created a massive humanitarian crisis. The ECLJ respectfully calls on this Council to address Myanmar's continuous violations of the freedom of religion by respectfully and firmly remind Myanmar of its obligations as a signatory to the International Covenant on Civil and Political Rights (ICCPR). This Council should also urge Myanmar to continue to reform its laws and policies. The purpose of this Council and the ICCPR is to protect the human rights of individuals living around the world. Myanmar has an obligation to ensure that the rights of all of its citizens are protected, including the rights to freedom of religion and belief, and the right to life.

ECLJ AND HUMAN RIGHTS

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