

Published in Lamin Sanneh and Michael J. McClymond, eds., *The Wiley-Blackwell Companion to World Christianity* (Malden, MA: Wiley Blackwell, 2016), 330-349 (with M. Christian Green)

## FREEDOM, PERSECUTION, AND THE STATUS OF CHRISTIAN MINORITIES

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### Abstract

*This chapter explores issues of religious freedom and religious persecution faced by Christian minorities around the world. It describes the nature and scope of religious rights and analyzes various forms of religious persecution against prevailing international human rights instruments. It also provides case studies of recent persecution of Christian minorities in Afghanistan, Burma, China, Egypt, Eritrea, Uzbekistan, and Vietnam. The chapter concludes with an argument that religious liberty for all peaceable forms of faith is a fundamental human right, and an essential part of every just human rights and constitutional regime.*

**Keywords:** religious freedom; human rights; Christian persecution; church-state relations: Afghanistan, Burma, China, Egypt, Eritrea, Uzbekistan, and Vietnam

### Religious Human Rights in the Dickensian Era

In the past four decades, the world has entered something of a "Dickensian era"<sup>1</sup> of human rights and democracy. We have seen some of the best of human rights protections inscribed on the books, but some of the worst of human rights violations inflicted on the ground. We have witnessed the creation of more than forty new democracies, but also the eruption of more than forty new civil wars. For every Southern African spring of hope there has been a Yugoslavian winter of despair; for every Ukrainian season of light, a Sudanese season of darkness. These Dickensian

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<sup>1</sup> The phrase is from Irwin Cotler, "Jewish NGOs and Religious Human Rights: A Case Study," in *Human Rights in Judaism: Cultural, Religious, and Political Perspectives* 165-272, at 165 (Michael J. Broyde and John Witte, Jr., eds., 1998).

paradoxes have been particularly evident when reviewing the rights of religious minorities, including, notably, Christian minorities in various parts of the world.<sup>2</sup>

On the one hand, in regions newly committed to democracy and human rights, faiths once driven underground by autocratic oppressors have sprung forth with new vigor. In Russia and the former Soviet republics, for example, the Russian Orthodox Church is once again a visible force in social, political, and spiritual life—so much so that some now raise questions about religious establishment, nationalism, and their effects on minority faiths. In post-colonial and post-revolutionary Africa, mainline Christian churches exist alongside an array of new independent African Christian churches, as well as Muslims and indigenous religious groups. In Latin America, the human rights revolution has not only transformed long-standing Catholic and mainline Protestant communities, but also triggered the explosion of numerous new Evangelical, Pentecostal, and indigenous groups. Even in long-trammelled regimes like China and Burma, Christians have risen up to demand social and political reforms amenable to the protection of human rights. In each of these contexts, Christian groups have been beneficiaries of and advocates for the human rights revolution.

Christian groups around the world have been particularly effective advocates of religious freedom for all. They have helped to develop numerous new statutes and constitutional provisions on religious rights in the newly opened or democratized regions of the world, including generous protections of liberty of conscience and freedom of religious exercise, guarantees of religious pluralism, equality, and non-discrimination, and several other special protections and entitlements for religious individuals and religious groups. These national guarantees have been matched with a growing body of regional and international norms building upon foundational international guarantees of religious freedom contained in the 1948 Universal Declaration of Human Rights,<sup>3</sup> the 1966 International Covenant on Civil and Political Rights,<sup>4</sup> the 1981 Declaration on the Elimination of All Forms of Religious Intolerance and of Discrimination Based Upon Religion and Belief,<sup>5</sup> the 1989 Vienna Concluding Document,<sup>6</sup> and the 1992 Declaration on the Rights of the Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities.<sup>7</sup>

On the other hand, this very same human rights revolution has helped to catalyze new forms of religious and ethnic conflict, oppression, and belligerence, of tragic

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<sup>2</sup> For an excellent survey of Christianity around the world, see Pew Forum on Religion and Public Life, *Global Christianity: A Report on the Size and Distribution of the World's Christian Population* (Washington, DC: Pew Research Center, 2011).

<sup>3</sup> G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess, 1st plen. mtg., U.N. Doc A/810 (Dec. 12, 1948).

<sup>4</sup> G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp (No. 16) at 52, U.N. Doc. A/6316, 999 U.N.T.S. (Dec. 16, 1966).

<sup>5</sup> G.A. Res. 55, 36 U.N. GAOR Supp. (No. 51), U.N. Doc. A/RES/36/55 (Nov. 25, 1981).

<sup>6</sup> Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, Held on the Basis of the Provisions of the Final Act Relating to the Follow-Up to the Conference (Jan. 17, 1989) 28 I.L.M. 527 [hereinafter “Vienna Concluding Document”].

<sup>7</sup> United Nations General Assembly Resolution 135 (Dec. 18, 1992).

proportions. In some communities, such as the former Yugoslavia and former Soviet republics of the Caucasus and Central Asia, local religious and ethnic rivals, previously kept at bay by a common oppressor, have converted their new liberties into licenses to renew ancient hostilities, with catastrophic results. In a number of nations across Africa , such as Rwanda, Sudan, Nigeria, Kenya, Eritrea, Ethiopia, the Democratic Republic of the Congo, the Central African Republic, and South Sudan, ethnic nationalism and religious extremism have conspired to bring persecution, false imprisonment, dislocation, forced starvation, death, and other savage abuses to rival religious believers. In France, Belgium, Germany, and Austria, political secularism, laicization, and nationalism have combined to threaten civil denial and deprivation to a number of believers, particularly “sects” and “cults” of high religious temperature or of low cultural conformity, including a number of mainline Protestant and Eastern Orthodox groups. In the United States, political messianism and Evangelical fundamentalism have together embraced a “clash-of-civilizations” ethic that has encouraged bigotry against minorities at home and belligerence against the “axis of evil” abroad. In several communities from Asia to the Middle East, Christian, Jewish, and Muslim minorities have faced sharply increased restrictions, repression, and more than occasional martyrdom. And, in many parts of the world today, Islamicist terrorists have waged a destructive jihad against all manner of religious, cultural, and ethnic enemies, real and imagined.

At the same time, in parts of Russia, Eastern Europe, Africa, Asia, and Latin America, this human rights revolution has brought on something of a new war for souls between indigenous and foreign religious groups. With the political transformations of these regions in the past three decades, foreign religious groups, notably Western Christians, were granted rights to enter these regions for the first time in decades to preach their faiths, to offer their services, to convert new souls. Initially, local religious groups welcomed these foreigners, particularly their foreign co-religionists with whom they had lost contact for many decades. In many cases, local religious groups have come to resent these foreign religions and have begun to conspire with their political leaders to adopt statutes and regulations restricting the constitutional rights of their foreign religious rivals. Beneath shiny constitutional veneers of religious freedom for all and unqualified ratification of international human rights instruments, several countries of late have passed firm new anti-proselytism laws, registration requirements, tightened visa controls, and various discriminatory restrictions on minority religions. These developments have been challenges for international law and for religious minorities around the world.<sup>8</sup>

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<sup>8</sup> For the most up-to-date information on the rising tide of religious restrictions around the world, see the following reports published by the Pew Forum on Religion and Public Life--recently renamed the Religion and Public Life Project--at the Pew Research Center in Washington, DC: *Global Restrictions on Religion* (2009); *Tolerance and Tension: Islam and Christianity in Sub-Saharan Africa* (2010); *Rising Restrictions on Religion* (2011); *Arab Spring Adds to Global Restrictions on Religion* (2013); *Religious Restrictions Reach Six-Year High* (2014). See also Brian J. Grim and Roger Finke, *The Price of Freedom Denied* (New York: Cambridge University Press, 2011); Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, *God's Century; Resurgent Religion and Global Politics* (New York: W. W. Norton, 2011); John Witte and M. Christian Green, “Religious Freedom, Democracy, and International Human Rights,” in Timothy

## **Religious Freedom and International Law**

The modern cultivation of human rights in the West began in the 1940s when both Christianity and the Enlightenment seemed incapable of delivering on their promises. In the middle of this century, there was no second coming of Christ promised by Christians, no heavenly city of reason promised by enlightened libertarians, no withering away of the state promised by enlightened socialists. Instead, there were world wars, Soviet gulags, and the Holocaust—instances of conflict, persecution, and violations of human dignity and human life on a massive scale to which Christianity and the Enlightenment seemed to have no cogent response or effective deterrent. The modern human rights movement was born out of desperation in the aftermath of World War II. It was an earnest attempt to find a world faith to fill a spiritual void. It was an attempt to harvest from the traditions of Christianity and the Enlightenment the rudimentary elements of a new faith and a new law that would unite a badly broken world order. Nowhere was this objective more apparent than in the proud claim of Article I of the 1948 Universal Declaration of Human Rights: "That all men are born free and equal in rights and dignity [and] are endowed with reason and conscience."

In recent years, however, particularly since the end of the Cold War and the overthrow of the anti-religious Communist regimes, religious groups and their particular religious rights have been assigned lower priority. Freedoms of speech and press, parity of race and gender, and the provision of economic, social, and cultural rights captured most of the attention and energy of the human rights community. Religious rights and liberties fell out of favor as religion no longer seemed "special" or "distinctive" in a way that merited special protection.<sup>9</sup> The protection of religious freedom and of religious minorities from persecution seemed to be adequately dealt with through the protection of other civil and political rights. Inquiries and interventions into religious rights and their abuses became increasingly intermittent and isolated. More and more, the rights revolution seemed to be passing religion by.

This has changed in the United States in the past decade – in no small part because of the growing evidence that Christians around the world were facing escalating persecution. In 1998, fifty years after the Universal Declaration of Human Rights, the United States enacted the International Religious Freedom Act.<sup>10</sup> The purpose of the law was to express and elevate the promotion of religious freedom as a

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Samuel Shah, Alfred Stepan, and Monica Duffy Toft, eds., *Rethinking Religion and World Affairs* (New York: Oxford University Press, 2012.)

<sup>9</sup> For recent counterarguments to this view, see Grim and Finke, *The Price of Freedom Denied*; Toft, Philpott, and Shah, *God's Century*. See also John Mickelthwait and Adrian Woolridge, *God Is Back: How the Global Revival of Faith Is Changing the World* (New York: Penguin Press, 2009). See also Johan D. Van der Vyver and John Witte, Jr., eds., *Religion and Human Rights in Global Perspective: Legal Perspectives and Religion and Human Rights in Global Perspective: Religious Perspectives* (Leiden: Martinus Nijhoff Publishers, 1996).

<sup>10</sup> International Religious Freedom Act of 1998 (Public Law 105–292, as amended by Public Law 106–55, Public Law 106–113, Public Law 107–228, Public Law 108–332, and Public Law 108–458)

matter of foreign policy; to strengthen advocacy on the behalf of the individuals in foreign countries who were being persecuted on account of their religion; and to authorize United States action in response to violations of religious freedom abroad. Though its motivations and efficacy have been questioned at times, the act established an Office of International Religious Freedom<sup>11</sup> and Ambassador at Large for International Religious Freedom within the Department of State; a separate Commission on International Religious Freedom (USCIRF)<sup>12</sup> to advise the President, Congress, and the State Department; and a Special Adviser on International Religious Freedom within the National Security Council. In 2013, President Barack Obama has appointed a Special Adviser for Faith-Based and Community Initiatives to advise the Secretary of State on matters related to religion and diplomacy. Both the State Department and USCIRF continue to issue annual reports on violations of religious freedom around the world. USCIRF, further, annually identifies “Countries of Particular Concern,” which become the basis for specific foreign policy attention and possible diplomatic intervention, as well as a secondary “Watch List” of countries where issues of religious freedom merit close scrutiny. These annual reports, along with the annual reports of the United Nations Special Rapporteur on Freedom of Religion and Belief<sup>13</sup> are valuable sources of information on violations of religious freedom and persecution for religious belief being experienced by Christian and other religious minority groups around the world. Before considering some of the specific persecutions of Christian minorities recounted in these reports—the situation on the ground—it is helpful to have a sense of the nature and scope of the religious rights in which religious freedom consists.

## What Are Religious Rights?

Religious rights entail, first of all, the basic religious freedoms familiar to Americans as expressed in the religion clauses of the First Amendment to the United States Constitution—the Establishment Clause guarantee of freedom from government establishment of religion and the Free Exercise clause guarantee of freedom of religious expression, practice and worship.<sup>14</sup> The slogan of Forum 18, a leading worldwide religious freedom watchdog group based in Norway expresses it well as “The right to believe, to worship and to witness; The right to change one’s belief or religion; The right to join together and express one’s belief.”<sup>15</sup> These basic rights have been especially contested in recent years with the growing movement to reestablish state churches, particularly in the Orthodox Christian countries of Russia and its Slavic neighbors. They are also inextricably connected with concerns about proselytism, conversion, and apostasy, which have become key religious freedom issues not only between Russian Orthodox and all others in the former Soviet bloc, but also between Catholics and Protestants in Latin America, and between Christian and Muslim groups in Africa. Christians have experienced the heat of these debates in recent years, both in new

<sup>11</sup> See <http://www.state.gov/g/drl/irf/>

<sup>12</sup> See <http://www.uscirf.gov/>

<sup>13</sup> See <http://www2.ohchr.org/english/issues/religion/index.htm>

<sup>14</sup> For a survey of the historical and contemporary development of the American constitutional law of church and state, see John Witte, Jr. and Joel A. Nichols, *Religion and the American Constitutional Experiment*, 3<sup>rd</sup> ed. (Boulder, CO: Westview Press, 2010).

<sup>15</sup> <http://www.forum18.org/>

restrictions on their proselytizing activities around the world and in charges that converts to the Christian faith, particularly from Islam, are charged with apostasy, a capital offense in some countries. Concerns about proselytism, conversion, and apostasy have been cited in restrictions and bans on minority, foreign, or nontraditional religions—often deemed cults or sects—in countries around the globe.

Guarantees of free exercise and disestablishment of religion serve the larger goal of protecting the individual's liberty of conscience—a concept that is sometimes lost in international human rights mantras protecting "freedom of thought, conscience, and belief."<sup>16</sup> Religion viewed in its broadest terms embraces all beliefs and actions that concern the ultimate origin, meaning, and purpose of life, of existence. It involves the responses of the human heart, soul, mind, intuition, reason, and conscience to revelation, to transcendent values or what Rudolf Otto called the "idea of the holy."<sup>17</sup> Liberty of conscience exempts a party from compliance with state proscriptions or prescriptions that run directly counter to core claims of conscience or cardinal commandments of the faith.<sup>18</sup> This includes the right of individuals and groups to conscientiously object to war and military service, to refuse to swear oaths, salute the flag, or participate in religious rituals and ceremonies sponsored by the state. While most rights may be qualified or limited within certain parameters in order safeguard the rights and liberties of others or to secure public health, safety, morality and other concerns,<sup>19</sup> liberty of conscience rights are absolute rights from which no derogation can be made.

A set of rights that might best be termed "ecclesial rights" pertaining to the corporate and institutional church as a community of faith have often served as threshold freedoms. These rights have also been described as rights of "church autonomy" or "self-determination."<sup>20</sup> These include, in the words of the Vienna Concluding Document, the right of religious groups "to establish and maintain freely accessible places of worship or assembly; organize themselves according to their own hierarchical and institutional structure; select, appoint and replace their personnel in

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<sup>16</sup> For an excellent survey of the various dimensions of freedom of religion and belief, see Tore Lindholm, W. Cole Durham, and Bahia G. Tahzib-Lie, eds., *Facilitating Freedom of Religion or Belief: A Deskbook* (Leiden: Martinus Nijhoff, 2004). See also Paul M. Taylor, "Religion and Freedom of Choice," Carolyn Evans, "Religion and Freedom of Expression," and Natan Lerner, "Religion and Freedom of Association," in *Religion and Human Rights: An Introduction*, eds. John Witte, Jr. and M. Christian Green (New York: Oxford University Press, 2012).

<sup>17</sup> Rudolph Otto, *The Idea of the Holy* [1917], 2nd ed., trans. John W. Harvey (New York: Oxford University Press, 1958).

<sup>18</sup> For more on freedom of conscience, see Stephen D. Smith, "The Phases and Functions of Freedom of Conscience" in *Religion and Human Rights: An Introduction*, eds. John Witte, Jr. and M. Christian Green (New York: Oxford University Press, 2012).

<sup>19</sup> On qualification and limitation of rights, see T. Jeremy Gunn, "Permissible Limitations on the Freedom of Religion or Belief," in *Religion and Human Rights: An Introduction*, eds. John Witte, Jr. and M. Christian Green (New York: Oxford University Press, 2012).

<sup>20</sup> For discussion of ecclesial rights along these lines, see Richard W. Garnett, "Religious Liberty, Church Autonomy, and the Structure of Freedom," in *Christianity and Human Rights*, eds. John Witte, Jr. and Frank S. Alexander (New York: Cambridge University Press, 2011); Johan D. Van der Vyver, "The Right to Self-Determination of Religious Communities," in *Religion and Human Rights: An Introduction*, eds. John Witte, Jr. and M. Christian Green (New York: Oxford University Press, 2012).

accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State; solicit and receive voluntary financial and other contributions.”<sup>21</sup> In many countries, however, religious groups cannot attain these rights unless they incorporate themselves and register with the state in the same way that secular corporations must do. This is a condition for being recognized minimally as a legal entity, let alone gaining such benefits as tax exemption or tax appropriations, or the right to run schools, charities, cemeteries, and more. But state registration can be problematic. Not only do states often discriminate in allowing religious registration and granting group rights, but such procedures introduce an inevitable level of entanglement with the state and the potential for state interference with a church’s education, selection, and ordination of clergy, maintenance of discipline, or collaboration with their foreign co-religionists. Moreover, for those churches and other religious bodies that teach separation from the state, these registration procedures and attendant regulations are especially intrusive violations of ecclesial rights.

Freedom from discrimination -- inherent in both the disestablishment and free exercise principles of the First Amendment -- is a particular concern for religions around the world.<sup>22</sup> Religious discrimination occurs when a government official or private party singles out a religious individuals or groups for particular burdens or restrictions that are not imposed upon others who are like-positioned. More recently , the term “societal discrimination” has become a term of art in the international law of religious freedom.<sup>23</sup> Originally, in the post-Holocaust era, it tended to refer to anti-semitism. In the conflicts in Bosnia, Rwanda, Darfur, and elsewhere it came to apply other large scale oppressions of religions, ethnicities, and cultures, sometimes escalating to ethnic cleansing and genocide – now crimes against humanity that are severely condemned by several international human rights instruments. Such societal discrimination may be effected through state-sponsored attacks on, or promotion of, religion through the media and official statements; deployment of nationalist ideologies against religious and ethnic minorities; and incitement, financing or other support of religious and ethnic hatred through words and actions.

These sorts of concerns are not always at the forefront in countries that are religiously homogeneous, on the one hand, or religious pluralistic, on the other. But they are of immense concern in places around the world in which strong religious, ethnic, linguistic, and cultural groups live side-by-side. The 1992 Declaration on the Rights of the Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities is designed precisely to define and denounce all such forms of societal discrimination, and identify the minimal rights of religious and other forms of self-determination by each such group. More recently, religious freedom researchers at

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<sup>21</sup> Vienna Concluding Document, Art. 16(4).

<sup>22</sup> For more on the rights to equality and nondiscrimination, see Nazila Ghanea, “Religion, Equality, and Nondiscrimination,” in *Religion and Human Rights: An Introduction*, eds. John Witte, Jr. and M. Christian Green (New York: Oxford University Press, 2012).

<sup>23</sup> The State Departments International Religious Freedom Reports continue to discuss both “government practices” and the “status of societal respect for religious freedom.”

places like the Pew Research Center have distinguished religious freedom violations that come from “government restriction” and those that result from “social hostilities” toward religion or between religions. “Social hostilities” threats to religious freedom have been rising around the world, but they have become especially pronounced in a number of African countries, particularly Nigeria, Kenya, Mali, the Central African Republic, and South Sudan, in recent years, as these are places where Christians tend to live side by side with Muslim, African Traditional Religion, and other religious groups.<sup>24</sup>

Religious rights in many parts of the world are not, however, limited to the usual establishment and free exercise concerns that have occupied American courts. Depending on how comprehensively or extensively a faith is held, how many areas of existence and endeavor religion is seen to penetrate, religious freedom may touch on many other sorts of rights, as well. Rights dealing with sexuality, marriage, and family have strong religious dimensions, and many religions deem these to be crucial arenas of personal moral conduct, community formation, and transmission of the faith to subsequent generations.<sup>25</sup> The tensions that the Anglican Communion has been facing in recent years among its African, American, and European branches over same-sex marriage are a key example of how these concerns play out in world Christianity. The embodied nature of the rights of sex, marriage, and family inevitably invokes and implicates many other rights related to health and medicine, including reproductive rights, treatment of HIV/AIDS, and rights to refuse medical treatment or to surrender one’s body for military conscription.

Closely related to rights of the body and its relationships are rights to home and property, particularly the rights to ownership and use of property, especially for nonresidential and religious purposes and as sites for rituals, rites, ceremonies, and worship, as well as for rights of privacy in the home and correspondence and communication from the home. One of the distinctive features of minority Christian communities around the world is the establishment, in imitation of the practices of the earliest Christian communities, of private house churches. These house churches are often a key target of oppressive states in places like China, Burma, and Vietnam. Education and media are additional areas in which the protection of rights is essential, particularly for communities that proselytize, as many Christian groups around the world tend to do in expression of their central mandate of the Great Commission: “Go ye, therefore, and make disciples of all nations.” Christian groups, particularly from North America and Western Europe, have often had the financial wherewithal to develop significant educational institutions and media presence in countries in which they are a

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<sup>24</sup> See Pew Forum on Religion and Public Life, *Religious Restrictions Reach Six-Year High* (2014) and *Tolerance and Tension: Islam and Christianity in Sub-Saharan Africa* (2010)

<sup>25</sup> For discussion of recent disputes between Muslims and Christians over the implementation of Sharia family law around the world, see Abdullahi Ahmed An-Na’im and M. Christian Green, eds., Symposium Issue, [“Sharia, Family, and Democracy: Religious Norms and Family Law in Pluralistic Democratic States.”](#) Emory International Law Review vol. 25:2 (2011)

religious minority. These educational and media institutions have often been vulnerable to attack by majority faiths and the state.<sup>26</sup>

Freedom of movement is another freedom that is taken for granted in some parts of the world, even as it is highly controlled and crucially connected to religious freedom in others. Freedom of movement includes both freedom to reside in one place and freedom to travel to another. Regulation of freedom of movement often ranks just below registration requirements as a means of controlling religious groups. Foreign missionary workers need permission to reside and travel in-country in order to pursue their missionary and humanitarian work. Domestic religious workers also require travel rights, free from oppressive internal passport, identity, and movement restrictions. They may also need the right to travel out of their countries to collaborate with fellow believers at conferences and other events as well as emigration rights to pursue temporary education or more permanent positions abroad. Perhaps most crucially, they may need pilgrimage rights to visit holy sites at home and abroad. All of these rights to freedom of movement affect Christians and other religious groups around the world.

The idea of religious rights or religious freedom thus includes a wide penumbra of other rights related to religious identity, practice, and organization. Some critics of religious freedom, in the West and well beyond, now argue that the rights of religious individuals and groups are adequately protected by general civil and political rights set out notably in the 1966 International Covenant on Civil and Political Rights. To single out religion for special rights protection, they argue, is to discriminate against those who claim no religious belief or motivation and to license religious parties to receive favors and to escape responsibilities that the rest of society must bear. Certainly, religious individuals and religious groups need freedoms of speech, press, association, assembly, and political citizenship, as well as due process rights that to protect them from unlawful detention, torture, and punishment. But religious individuals and groups also have special needs and demands. Religion is a unique source of individual and personal identity, involving "duties we owe to our creator and the manner of discharging them" in the words of American founding father, James Madison.<sup>27</sup> Religion is also a unique form of public and social identity, involving a vast plurality of sanctuaries, schools, charities, missions, and other forms and forums of faith. Individual and corporate, private and public entities and exercises of religion --in all their self-defined varieties--properly deserve protection. We shall return to this point by way of conclusion.

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<sup>26</sup> On the other hand, the religious and secular media have also been used to foment religious intolerance in some cases. For analysis of this in the African context, see the recent and ongoing research of Rosalind I.J.. Hackett, e.g. "Charismatic/Pentecostal Appropriation of Media Technologies in Nigeria and Ghana," *Journal of Religion in Africa*, 28(3)(1998): 258-77; "Managing or Manipulating Religious Conflict in the Nigerian Media," accessible at <http://web.utk.edu/~rhackett/2edin.book.end.pdf>; "Mediated Religion in South Africa: Balancing Airtime and Rights Claims," in Religion, Media, and the Public Sphere, eds. Birgit Meyer and Annelies Moors (Bloomington, IN: Indiana University Press, 2005).

<sup>27</sup> James Madison, "Memorial and Remonstrance Against Religious Assessments" [1785] in *The Papers of James Madison*, ed. Robert A. Rutland et al., 9 vols. (Chicago: University of Chicago Press, 1973), 8:299.

## **Freedom and Persecution of Christian Minorities: The Situation on the Ground**

A review of the various annual reports on religious freedom produced by domestic and international monitoring groups over the past decade reveals a distinctive geography of religious persecution. In 2014, sixty years after the Universal Declaration of Human Rights a decade and a half since the United States International Religious Freedom Act, 18 nations are routinely cited by the United State Commission on International Religious Freedom (USCIRF) as Tier 1 “Countries of Particular Concern” when it comes to the religious freedom of Christians and other religious groups. The Asian nations include Burma (Myanmar), China, North Korea, and Vietnam. The Central Asian and Near Eastern nations include Afghanistan, Iran, Iraq, Pakistan, Saudi Arabia, Tajikistan, Turkmenistan, and Uzbekistan. The African nations include Egypt, Eritrea, Nigeria, and Sudan. USCIRF has also identified a list of Tier 2 “Watch Countries” that includes Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, and Russia. Additional countries monitored by USCIRF include Bahrain, Bangladesh, Belarus, Ethiopia, Turkey, Venezuela, and the countries of Western Europe. It is noteworthy that, with the exception of Belarus, Cuba, and Venezuela, most of monitored countries are located in Asia, Africa, and the Middle East.<sup>28</sup> The seven countries described in this section are the ones in which minority Christian groups currently experience the most persecution.<sup>29</sup>

**Afghanistan.** Despite the American-led war intended to liberate Afghanistan from the fundamentalist Muslim Taliban and to extirpate Islamic terrorist groups, the country remains inhospitable to religious freedom. Christians have been specific targets of persecution, even though they are estimated to number only 500 to 8,000 out of a total population of 31 million. Afghan law proclaims Islam to be the state religion, but it purports to allow non-Muslim citizens freedom of belief and worship. Religious freedom is subject to limitation in the name of public decency and peace, and no law can be

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<sup>28</sup> The prevalence of restrictions on religious freedom in Asia, Sub-Saharan Africa, and the Middle East/North Africa reason is confirmed by the recent reports of the Pew Forum on Religion and Public Life which include detailed region-by-region comparisons. See *Global Restrictions on Religion* (2009) and *Rising Restrictions on Religion* (2011).

<sup>29</sup> The following are based largely on the country reports of the United State Commission on International Religious Freedom, the International Religious Freedom Reports of the United States State Department's Office of International Religious Freedom, as well as the short summaries on religious contained in the annual Human Rights Reports of the State Department's Bureau of Democracy, Human Rights, and Labor. The Human Rights Bureau bases its summaries of religious freedom as a human right on the previous year's reports by the office of Religious Freedome. The most recent International Religious Freedom Reports may be accessed at: <http://www.state.gov/g/drl/rls/irf>. The 2012 Human Rights Report may be accessed at: <http://www.state.gov/g/drl/rls/hrrpt>. For additional accounts of religious freedom ;and religious persecution, particularly of global Christian communities, see John L. Allen, Jr., *The Global War on Christians* (Image Books, 2013) Allen D. Hertzke, *The Future of Religious Freedom: Global Challenges* (New York: Oxford University Press, 2012); Allen D. Hertzke, *Freedom God's Children: The Unlikely Alliance for Global Human Rights* (Lanham, MD: Rowman & Littlefield, 2006).

contrary to the principles of Islam. In cases where the constitution and penal codes are silent—most notably cases of religious conversion and blasphemy—the courts defer to Shari'a. In recent, Christians are said to have been the focus of campaigns against the “crime” apostasy and have been subject to detention and jail time for their beliefs. There have been reports, since 2011, of the resurgent Taliban using social media to threaten Christians particularly around themes of possible conversion and baptism of Muslims. The civil code governing family law is based on the Sunni Hanafi school of Islam and may be applied to Muslims of all traditions, as well as to non-Muslims. Due to societal pressure, Christian groups remain largely underground and do not openly practice their religion or reveal their religious identity. The country's one known Christian church is located in the foreign diplomatic quarter. Conversion and blasphemy have been particular concerns in Afghanistan, and several calls for the death penalty against Muslim converts to Christianity have drawn international attention. Foreign Christian groups have also been targeted for harassment and threats.

In 2006, Abdul Rahman was arrested, charged with apostasy, and sentenced to death for converting to Christianity. Pursuant to international pressure, Rahman was released for medical reasons related to an unspecified “mental disorder,” at which point he fled the country for asylum in Italy. In 2007, a group of twenty-three South Korean missionaries were kidnapped by the Taliban and two were executed before the release of the other could be arranged with an agreement conditioned on South Korea’s promise to remove its troops from Afghanistan by the year’s end. In August 2010, ten members of a Christian medical relief group providing free eye care were massacred in a remote mountainous region of the country for their supposed plans to convert Muslims to Christianity. In October 2011, the Taliban posted a statement to a website vowing to purge all Christians from Afghanistan and to target foreign relief organizations suspected of proselytizing activities. Two German development worker had been executed and their bodies found in the two months preceding this announcement. The foregoing list of incidents is highly selective and represents just a small sample of offenses against Christian in Afghanistan in recent years—religious freedom monitoring groups have documented many, many more.

**Burma.** Burma, or Myanmar according to its official name, was ruled by military regimes from 1962, until its turn to democracy in 2010 with its general election and release of the noted human rights leader Aung San Suu Kyi and with the dissolution of its governing military junta in 2011. Even with the recent democratic shift, USCIRF continues to label Burma a “Country of Particular Concern” on religious freedom, a designation that it has held since 1999. The Burmese Constitution grants limited rights to religious freedom, but contains other provisions that restrict these rights. The Burmese Ministry of Religious Affairs maintains a separate department for the promotion and propagation of Buddhism. In this new post-authoritarian era, Theravada Buddhism is the de facto state religion and the 6 % of the population who are Christian and 4% who are Muslim have been particularly singled out for oppression, which the government has been unable or unwilling to curtail. While Buddhist attacks on Burma’s minority Muslim Rohingya ethnic group have grabbed recent headlines, there have also been notable religioethnic attacks have focused on Christian groups. Among the most

persecuted have been the Karen people, whose strong resistance to the state through the insurgent group known as the Karen National Union, has made them particular targets of persecution. Christianity is also the largest religious tradition among the Kachin, Chin, and Naga ethnic groups. In October 2010, the military launched aerial strikes in predominantly Christian regions, and armed clashes between the military and Christian groups are ongoing in several states.

All religious groups are required to register with the state in order to engage in property and financial transactions and to get travel permits for their members. Religious affiliation is listed on all government-issued identification cards. The government officially discourages proselytization, and the de facto prohibition on proselytizing activities has affected Christians particularly. Christian groups have both experienced difficulties in obtaining permission to build and repair places of worship. They have experienced both crackdowns on private house churches and government discouragement of those who might lease them public places to worship. Christians have also experienced difficulties in importing and translating religious literature and are prohibited from importing the Bible in indigenous languages. An unusual measure in this regard has been the censorship authority's prohibition of Christians from using in their religious publications and translations 100 words said to be indigenous and derived from Buddhist writings in the Pali language. Christians have also been restricted from public sector jobs unless they convert to Buddhism. Most ominously, the military has reportedly engaged in actions to restrict religious worship and to promote Buddhism as a state religion in campaigns that are said to have targeted Christians for forced labor, rape, intimidation, and destruction of religious sites. In some cases, Christians have been even conscripted to build Buddhist pagodas.

**China.** The Chinese Constitution officially protects religious freedom for religious groups defined as "normal," but religious freedom tends to be limited to individual's private profession of belief or unbelief and does not include public religious expression. Protestantism and Catholicism are two of the five recognized religions. Christians have been estimated to include 40 million of China's 1.3 billion citizens, though these figures are higher than official state estimates. Catholics number 5.3 million and Protestants 20 million, according to their official organizations. Other Christian groups have been labeled "cults." Interest in Christianity is thought to be growing, as evidenced in increasing demand for Bibles, which are permitted to be published, but are strictly controlled by the government, which maintains control of all texts. All religious groups must register themselves and their places of worship with the both State Administration for Religious Affairs and provincial and local Religious Affairs Bureaus. Protestant house churches, organized under the China House Church Alliance, have been particularly affected by the required registration of places of worship. Evangelical Protestant groups have been particularly reluctant to register with the officially recognized Three-Self Patriotic Movement/Chinese Christian Council (TSPM/CCC) because of theological differences with the group and fear of adverse consequences. House churches have been allowed to exist in some parts of the country, but they remain strictly forbidden and subject to disruptive raids by the authorities in others. House church leaders who have met with Christian visitors from abroad have been

accused of “evil cult activities” as part of a “strike hard” campaign. This concern was particularly prevalent in preparation for the 2008 Olympic Games.

House church leaders have been interrogated, detained, and tortured in custody. Chinese citizens are forbidden to attend worship service conducted by foreigners, but foreigners may attend service of registered Chinese organizations. Foreign Christians have been regularly expelled for unauthorized religious activities. Unregistered Catholic bishops, priests, and laypersons have been harassed, monitored, and detained. China has no diplomatic relations with the Holy See and the state-controlled China Patriotic Association does not always recognize the Vatican’s authority to appoint bishops. Ninety percent of China’s Catholic bishops, however, regularized their relationship with the Vatican, pursuant to a June 2007 invitation by Pope Benedict XVI to do so. U.S. President George W. Bush held private meetings with Chinese dissidents, including religious believers, before joining the U.S. delegation to the 2008 Olympics in Beijing, echoing and amplifying numerous calls during his presidency for religious freedom in China.

Overall, despite the government’s efforts to stifle religion in China, particularly religious dissident voices that are critical of the official Communist regime, the growth of Christianity in China is said to be a remarkable success story. By even the most conservative estimates, the growth of Protestant traditions in China alone is said to have experienced a growth of over 4,300 percent in the last half century, occurring notably since the Cultural Revolution of the 1960s and 1970s and after the expulsion of foreign missionaries, such that much of the expansion can be said to be home-grown.<sup>30</sup>

**Egypt.** The Arab Spring revolution of 2011 carried the promise of political and social transformation in Egypt, but the ultimate outcome of that transformation is still unknown, particularly as it concerns matters of religious freedom and the treatment of Egypt’s vocal Coptic Christian minority. The 2012 Egyptian Constitution specifies that “freedom of belief is an inviolable right” but is said to provide fewer protections of religious freedom than the document that it replaced. Like previous constitutions, the new constitution proclaims Islam to be the state religion and Shar’ia to be the basis of legislation. Rights of free exercise and worship are protected only for adherents of Judaism, Islam, and Christianity. Christians and other minority groups report a variety of kinds of personal and collective forms discrimination, exacerbated by the government’s failure to prosecute crimes against them or other forms of discrimination that single them out.

Christians are estimated to constitute approximately 10 percent of the Egyptian population, the majority belonging to the Coptic Orthodox Church. Applicants for government identity cards are required to self-identify as Jewish, Christian, or Muslim. Jehovah’s Witnesses, in particular, have been denied legal status and have been subject to persecution. Conversion and apostasy have been key religious freedom concerns. While there are no legal restrictions on converting non-Muslims to Islam, the

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<sup>30</sup> For additional statistics on the phenomenal growth of Christianity in China, see Allen, *The Global Persecution of Christians*.

conversion of Muslims to other religions is prohibited, and Christians have faced particular harassment for proselytizing and conversion activities. Administrative courts have ruled that the government is not obligated to recognize reconversion by Christian-born converts to Islam who wish to return to Christianity. Technically, Jews, Christian, and Muslims are governed by their own religions in matters of family law, and the government does not recognize marriages by people of other faiths.

Intermarriage of Christians and Muslims has been a particular problem. Coptic men are prevented from marrying Muslim women by civil and religious law. Marriages abroad of Christian men to Muslim women are not recognized in Egypt. Muslim women in these marriages can be charged with apostasy and their children placed with a Muslim male guardian. There continue to be unsubstantiated reports of forced conversion of Coptic women, particularly underage girls, upon marriage to Muslim men, sometimes to circumvent laws on underage marriage. Some Christian families have alleged these to be instances of kidnapping. Marriages between Muslim women and Coptic men have been the basis of riots and property vandalism against Christians in various locales. Christians are discriminated against in public sector employment and in admission to such elite, publicly-funded institutions as Al-Azhar University, which has reportedly produced no Christian graduates since 2001.

**Eritrea.** The laws and still unimplemented constitution recognize freedom of religion, but religious rights are still limited in practice. Only four religious groups are registered and allowed to meet legally. These include Orthodox Christians, Muslims, Catholics, and members of the Evangelical Lutheran Church of Eritrea, a confederation of Protestant churches. Muslims are 50% of the population; Orthodox Christians are 30%; Roman Catholics are 15%; other Protestants are 5%. While the fact that Christians constitute three of the four recognized groups would seem to suggest a hospitable climate for Christianity, this is not the case. The four recognized religions have been required to produce lists of priests, seminarians, and religious workers to be conscripted into military service. The Catholic Church has been subjected to proclamations limiting the activities of religious institutions; some of its priests and nuns have been denied residence and work permits and ordered to leave the country; and there are reports of government confiscation of church property. A patriarch of the Eritrean Orthodox Church was deposed and another substituted in his place under government pressure. The government has also confiscated weekly offerings made to the church by parishioners. Jehovah's Witnesses have been targeted for persecution because of their refusal to vote in independence referenda and their refusal to perform military service and alternative national service. They have been dismissed from civil service, evicted from government housing, denied passports and other travel and identity documents, and imprisoned without charge in military camps for refusing military service.

**Uzbekistan.** The constitution and laws of Uzbekistan provide for freedom of religion and separation of church and state, but the government restricts religious activity in practice. Even Muslims, while enjoying considerable government support in order to maintain the country's Muslim heritage, are significantly controlled by the

government, which has sought to promote what it considers to moderate version of Islam as a way of averting the development and propagation of terrorist groups. Muslim groups deemed extremist, separatist, or fundamentalist are dealt with particularly harshly. All religious groups are required to register with the government. The strict and burdensome registration criteria include a requirement the groups provide the government with lists of 100 national citizen members. Registration applications are routinely denied for minute technical and clerical errors. Christian churches often operate without registration, which means that their conduct of religious services is illegal. Police have broken up private house churches and have beaten and detained members of Christian evangelical organizations. Proselytization in Uzbekistan is a crime. Evangelical Baptists and Jehovah's Witnesses, in particular, have been prosecuted for their proselytizing activities. Jehovah's Witnesses have had particular difficulties in getting registered and have generally been the subjects of heightened scrutiny. Christians, particularly Evangelicals and Pentecostals, who have tried to convert Muslims or who have had members of traditional Muslim ethnic groups in their congregations have faced official harassment, legal action, and other forms of persecution. The ethnic Muslim Uzbeks who convert are also subject to harassment and discrimination. Uzbek law limits religious instruction to officially sanctioned religious schools and prohibits private religious instruction or the teaching of religion to minors without parental consent. While institutions exist to train clergy in Uzbekistan, it is difficult for lay Christians to pursue religious education. The government controls the publication, importation, and distribution of religious literature, and it discourages and occasionally blocks importation of religious literature deemed objectionable. Overall, the country is said to be tolerant of religious diversity, but not of proselytization.

**Vietnam.** The constitution and decrees of the Vietnamese government provide for religious freedom, including freedom of worship, but the government continues to place restrictions on the organized, political activities of religious groups. All religious groups must be registered and the leadership of individual congregations must be approved by local authorities. There have been delays in processing the registration applications of Protestant congregations, as well as difficulties in the establishment of Catholic seminaries and Protestant ministry training courses. The government has rejected the appointment of some Catholic bishops appointed by the Vatican, but the Jesuit order was permitted to open a theological training facility and some Catholic clergy have reported an easing of government control. Catholic priests and Protestant ministers have been detained for political activity. The Catholic Church has received some government support for activities to combat HIV/AIDS, but other permits for programs and activities have been suspended or withheld. Protestant families have reported discrimination against their children in state-run schools, but the government denies any limitation on access to education based on religious belief. Recent converts to Christianity have been pressured by local authorities to renounce their conversion and return to their traditional beliefs. Some have also been denounced as "enemies of the state" for believing in foreign, particularly American, confessions. Foreign missionaries may not operate openly as religious workers, but they do conduct humanitarian and development activities with government approval. The government retains control over all publishing, but it has allowed some publication of religious texts,

including the Bible, sometimes in ethnic minority languages. Christians generally have amicable relations with other religious communities, and the Catholic Church has worked with the Vietnam Buddhist Sangha on charitable activities, especially those related to HIV/AIDS.

These seven examples are indicative of the terrain of religious freedom experience or denied by Christian minorities around the world. Christians are not always the only persecuted groups in these locales. Particularly in authoritarian, post-authoritarian, or post-conflict states, religion itself is usually seen as a social problem and a threat to fragile state. But the persecution of Christian minorities often has a distinctive flavor, determined by the relationship between church and state and the zeal with which many Christian pursue proselytization activities. The private house church is, perhaps, the best symbol of the power of religion to constitute as a source of authority and normativity outside of the state. Moreover, the message and practice of Christianity is both personal and communal in a way that attracts new believers. It is a religion with global appeal, not the least for its congruence with democracy and human rights.

### **Religious Rights as Human Rights**

The right to religion is "the mother of many other rights."<sup>31</sup> For the religious individual, the right to believe leads ineluctably to the rights to assemble, speak, worship, proselytize, educate, parent, travel, or to abstain from the same on the basis of one's beliefs. For the religious association, the right to exist invariably involves rights to corporate property, collective worship, organized charity, parochial education, freedom of press, and autonomy of governance. Religion is inextricably integrated into these rights and into many facets of life. Religious rights are an inherent part of rights of speech, press, assembly, and other individual rights as well as ethnic, cultural, linguistic, and similar associational rights. To ignore religious rights is to overlook the conceptual, if not historical, source of many other individual and associational rights. Religious rights are human rights.

Beyond the lists and categories of the violations, persecutions, and things that can be done *to religion*, particularly to religious minorities, there is the catalogue of what religion, free from persecution, can do *for human rights*. What is lost when religion—particularly minority religions that may pose some of the most challenging and necessary critiques to reigning orthodoxies of both church and state—is persecuted and crushed out of existence? Christians around the world have been some of the most faithful and effective advocates on behalf of women, children, the sick and disabled, and others who face social discrimination. Christian groups have been among the leaders in combating the trafficking in persons for sexual and labor exploitation and in instituting and presiding over committees for truth and reconciliation in post-conflict societies. Christian and other religious groups have provided crucial medical and humanitarian

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<sup>31</sup> Georg Jellinek, *Die Erklärung der Menschen- und Bürgerrechte: Ein Beitrag zur modernen Verfassungsgeschichte* 42 (1895).

relief in parts of the world affected by natural disaster or afflicted with the scourge of HIV/AIDS.

Without religion, the state is given an exaggerated role to play as the guarantor of human rights. In reality, the state is not, and cannot be, so omnicompetent. Numerous "mediating structures" stand between the state and the individual, religious institutions prominently among them. Religious institutions, among others, play a vital role in the cultivation and realization of rights. They can create the conditions (sometimes the prototypes) for the realization of first generation civil and political rights. They can provide a critical (sometimes the principal) means to meet second generation rights of education, health care, child care, labor organizations, employment, artistic opportunities, among others. They can offer some of the deepest insights into norms of creation, stewardship, and servanthood necessary to achieve the third generation rights, including environmental sustainability, global health, the alleviation or end of poverty and hunger, and the reconciliation, transformation, and healing of war and conflict.

The modern human rights revolution was inspired and effectuated in no small measure by the work of religious individuals and religious organizations, including many Christian groups, working in such international organizations as the United Nations. The human rights religion has, in turn, helped to catalyze a great awakening of religion around the globe. Religion today has become the latest "transnational variable."<sup>32</sup> Christianity and other world religions, whether majority or minority in their particular locales, are well positioned, as transnational actors, to demand and secure religious freedom for themselves, for other religions, and for the vulnerable people of the world. Pursuit of religious freedom and human rights will continue to be a vital piece of the Christian mission worldwide.

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<sup>32</sup> Susanne Hoeber Rudolph, *Introduction*, in *Transnational Religion and Fading States* 6 (Susanne Hoeber Rudolph and James Piscatori, eds., 1997).