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**INTERNATIONAL JOURNAL  
FOR RELIGIOUS FREEDOM**

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The impact of the  
COVID-19 pandemic  
on religious minorities



## INTERNATIONAL JOURNAL FOR RELIGIOUS FREEDOM

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### Journal of the International Institute for Religious Freedom

The IJRF aims to provide a platform for scholarly discourse on religious freedom and persecution. It is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and contains research articles, documentation, book reviews, academic news and other relevant items.

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### **Lord, hear our prayer!**

During the COVID-19 pandemic, houses of worship were closed. At a time when people felt the need for their religious communities, religious practices like prayer had to move online. This artwork expresses the need for solidarity in prayer while respecting requirements to mask and socially distance.

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## Editorial

### **The impact of the COVID-19 pandemic on religious minorities**

The COVID-19 pandemic was more than a health crisis; it had a disproportionate impact on minorities, including religious minorities. We are pleased to publish this special issue on religious freedom in the age of COVID-19. It is a timely analysis of the crisis from a variety of perspectives. While the IJRF has typically had its major focus on persecution of Christians, this issue addresses many religious minorities. It is important to recognize that while diverse religions experience persecution, the experiences of persecution are similar.

We are pleased to welcome two guest editors for this issue. Adelaide Madera is a Full Professor at the Department of Law of the University of Messina, Italy, where she currently teaches Canon Law, Law and Religion, Comparative Religious Laws, and Religious Factor and Antidiscrimination Law. Since 2020, her research has focused on the impact of COVID-19 on religious freedom and the evolution of church-state relationships.

Kerstin Wonish was a PhD researcher in the field of religious minorities at the Institute for Minority Rights at EURAC Bolzano until 2022. With a background in law and religious studies she studied the accommodation of Islamic pluralism, religion and gender, and religion and human rights.

In addition to the thematic articles, I note a short “In my opinion” article by Kyle Wisdom about his project with the International Institute for Religious Freedom on “Good practices to reduce, resolve and prevent religious conflict”. The IIRF is looking for input so please consider participating in this project. As well, we have an interesting selection of book reviews.

We are also very pleased to have a new look for the journal. A hearty thank you to Ben Nimmo of Solid Ground for the new design.

*Yours for religious freedom,  
Prof Dr Janet Epp Buckingham  
Executive editor*

### **Introducing this special issue**

Since 2020, the health crisis due to the spread of COVID-19 has had a devastating impact not only on our social lives but also on the exercise of fundamental freedoms, the protection of which is grounded in constitutional and international frameworks. Understandably, during an unparalleled health crisis, states’ first priority was to protect public health. However, the health emergency emphasized

underlying and previously existing elements of legal, social and financial weakness in many legal contexts, including a frail balance between mainstream religious groups and religious minorities. As legal scholars deeply involved in studying the legal protection of religious freedom, we were concerned about the pandemic's impact on religious minorities, as the health emergency highlighted situations of structural inequality and threatened to increase the marginalization of minorities.

This issue of the *International Journal of Religious Freedom* addresses the challenging issue of religious minorities and COVID-19. Most of the papers in this special issue were presented to the 18th Conference of the European Association for the Study of Religions on "Resilient Religion," hosted in Pisa from 30 August to 3 September 2021 in a hybrid format. We are grateful to Professor Chiara Ombretta Tomasi, the organizer of the meeting, for providing hospitality to this conversation from the point of view of law and religion. Along with papers presented at this conference, we have included in this special issue other papers written by influential experts on the topic of religious minorities.

COVID-19 particularly affected the collective dimension of freedom of religion and served as an excuse for states to use rhetoric that scapegoats certain minorities, exacerbates tensions between religious groups and justifies further suppression of already-marginalized communities. For instance, religious groups deviating from mainstream Sunni Islam in certain Middle Eastern and North African countries are still denied any sort of formal (legal) recognition but endure discriminatory practices on an almost daily basis and are even blamed for spreading the virus. Also in the European context, where religion has been a central element for 'othering' and discriminating against minority communities for centuries, a rise in anti-Semitic and Islamophobic trends, partially fueled by the pandemic, endangers not only Jewish or Muslim communities but society as a whole.

The pandemic thus sheds light on how the concept of minorities is framed in a certain socio-geographical context and how it relates to historical developments in a given region. Moreover, constantly changing power relations in connection with the politicization of religion serve as a pretext for COVID-19-related policies that target religious minorities. Frictions and divisions within and between religious communities serve as an additional excuse for states to limit the rights of minority communities, discriminating against and ultimately persecuting groups that deviate from mainstream religion. COVID-19 highlights blind spots neglected by policy makers and legislators concerning the meaningful protection of the rights of religious minority communities.

With contributions by leading scholars from various fields of research and expertise, this issue reflects on the impact of the pandemic on the rights of religious minorities in various legal contexts and aims to address rising discrimination and prejudice against religious groups. It also envisions future scenarios that could enable comprehensive protection and promotion of religious minority communities.

Rossella Bottoni is an associate professor of law and religion at the University of Trento, Italy, where she teaches Law and Religion, Comparative Ecclesiastical Law, and Introduction to Islamic Law. She is author of two monographs in the Italian language and co-editor of *Religious Rules, State Law, and Normative Pluralism* (Springer, 2016), the *Routledge Handbook of Religious Laws* (Routledge, 2019) and the *Routledge Handbook of Freedom of Religion or Belief* (Routledge, 2021). Her paper focuses on the implications of the COVID-19 pandemic for religious minorities from the UN perspective. In particular, she analyzes the positions and the documents of the General Assembly, the Office of the High Commissioner for Human Rights and the Special Rapporteur on Freedom of Religion or Belief.

Silvia Angioi is an Associate Professor of International Law at the Department of Law, University of Sassari, Italy. Currently, she is working on a research project on international migrations that involves several Italian universities. Her publications focus mainly on human rights, the integration of human rights in EU development and trade policies, and United Nations peacekeeping. Her article introduces the issue of disparate access to health services in times of COVID-19, with specific regard to religious and ethnic minorities and indigenous peoples in various parts of the world, demonstrating that the pandemic has worsened their condition of vulnerability.

Dennis P. Petri is international director of the International Institute for Religious Freedom; founder and scholar-at-large at the Observatory of Religious Freedom in Latin America; Professor and Head of the Chair of Humanities at the Universidad Latinoamericana de Ciencia y Tecnología and the Latin American Faculty of Social Sciences (UNESCO); and director of the Foundation Platform for Social Transformation. Teresa Flores is a Peruvian lawyer, with experience in the research and study of religious freedom in the region, and currently director of the Observatory of Religious Freedom in Latin America. Their paper investigates the impact of the restrictive measures, taken to reduce the spread of the COVID-19 contagion, on religious regulation in four countries of South America (Colombia, Cuba, Mexico, and Nicaragua). They show how the governments took advantage of the pandemic situation to enhance repression of religious groups.

Danielle N. Boaz is Associate Professor of Africana Studies at the University of North Carolina at Charlotte. Her contribution to this volume analyzes how Af-

rican diaspora religions, which had already been persecuted as “superstitions” and as a threat to public health from the 18th century to the early 20th century, suffered discrimination during the COVID-19 health crisis, as they were framed as a threat to moral, environmental, and physical health.

Minoo Mirshahvalad is senior researcher at the John XXIII Foundation for Religious Sciences. She is also Research Consultant at the Universidad Autonoma de Barcelona for a project related to Shi'a communities in Europe. She collaborates with the chair of the Islamic Studies at the University of Pisa as subject matter expert and member of undergraduate and graduate examination committees, and she is a member of the research group of the Atlas of Religious or Belief Minorities Rights, a multi-year project headed by Prof. Silvio Ferrari. Her current research concerns Italian conversions to Shiism. Her paper focuses on changes in three aspects of Shi'a online communities before and during the pandemic: the relationship with their religious authorities, their relations with other faith communities and their gender relations.

Ciarán Burke is a Professor at the Jena Center for Reconciliation Studies, Friedrich Schiller Universität, Jena, Germany. His paper focuses on South Korean legislation aimed at managing the pandemic. He shows how the restrictive measures applied were not consistent with human rights safeguards, and were opportunistically employed by the government to target an unpopular religious community (the Shincheonji Church of Jesus) and its leader.

Lakmali Manamperi is a Lecturer at the Law School of the Asia Pacific Institute of Information Technology (APIIT) of Sri Lanka. She focuses on the Sri Lanka government's forced cremation of victims of COVID-19, which had a discriminatory impact on certain religious minorities, namely, Muslims and portions of the Christian community who were compelled to contravene their religious rules.

This has been a very demanding topic for all the scholars who have contributed to this special issue. Each one seriously considered the complexity of the implications of the COVID-19 health emergency in terms of religious inequalities and state-religion conflicts, identifying how COVID-19 became a further factor inducing discrimination against minority faith communities. We thank them for their acute and thought-provoking insights, as well as their generous personal commitment to investigating how religious minorities have been adversely affected by COVID-19 precautionary measures. We especially thank the journal's editor, Janet Epp Buckingham, who acknowledged that the complex interplay between state management of the COVID-19 health crisis and its impact on religious minorities could be an important matter for the International Journal for Religious Freedom; her precious assistance has been indispensable to the publication of this issue.

It has been our great pleasure to serve as guest editors for this special issue and to cooperate with outstanding scholars in providing important insights and developing new perspectives. We are grateful for the opportunity to assemble a set of significant research contributions, and we earnestly hope that this special issue will help to promote the status of religious minorities and bridge the gap between the legal treatment of mainstream religions and that of vulnerable minorities, with a view to enhancing social cohesion.

*Prof Dr Adelaide Madera*

*Mag Kerstin Wonisch, MA*

*Guest editors*

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Thomas Schirmacher

# The Persecution of Christians

## Concerns Us All



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# Good practices to reduce, resolve, and prevent religious conflict

*Kyle Wisdom*

This project was inspired by the clear needs which surfaced through research. One clear example comes from an article published in the *International Journal for Religious Freedom* (IJRF). In Petri's article, "Resilience to Persecution: A Practical and Methodological Investigation" (2017), he surveys research done on religious communities and their response to persecution. He proposes a resilience assessment tool to categorize how vulnerable communities respond to persecution, then uses empirical research in three Latin American contexts to illustrate the importance of helping vulnerable populations. In the conclusion he states:

As Stout (2010) argues, grassroots religious groups, if they adopt effective strategies, can exercise real influence over policy and promote social justice. Compiling a manual of best practices of the application of coping mechanisms, similar to Gene Sharp's (1993) catalogue of 198 'methods of nonviolent action,' could also serve a didactic purpose (Petri 2017:82).

Petri's understanding of coping mechanisms draws on several previous studies, two of which present broader categories for understanding and analyzing responses to conflict. The first is the book *Under Caesar's sword*, which groups Christian responses to persecution in categories of "survival, association, and confrontation" (Philpott and Shah 2018:11). The second study uses a human security lens. Glasius focuses on citizen's own survival responses to violent conflict through categories of "avoidance, compliance, collective action, and taking up arms" (2012). These categories are indeed helpful places to begin, but additional work is needed to compile best practices in the spirit of what Petri has proposed.

This is the gap this project seeks to fill. We have used the term "good practices" instead of "best practices" as this acknowledges the complicated problem we are addressing, in alignment with the Cnyefin framework. The name change avoids universalizing any specific practice as fitting for any context and acknowledges the reality that responding to the problem of conflict requires a range of responses.

Researchers and actors in the field of religious studies have access to many streams of information from a plethora of perspectives. Studies of conflict, their

sources and contributing factors should and will continue. However, this project aims to investigate practices that help prevent, de-escalate, or resolve conflict. This inevitably involves building resiliency, local and foreign actors, and multiple domains of society working together.

This research endeavor follows a case study approach. Rooted in studies on religious freedom, it generates and collects information on good practices for mitigating conflict that involves religion. The researcher has interviewed individuals and organizations in diverse regional contexts with known pressure against religious communities. This is a first step in an ongoing process of compiling good practices. This initial report follows pilot research in: Vietnam, Iraq, Nigeria, Colombia, and Mozambique. The case studies aim to generate descriptions of practices that might be replicated and adapted in different contexts to promote the religious freedom.

Good practices noted from pilot research include:

- Mobilizing business and the economic sector to unite communities together. The Business and Religious Freedom Foundation highlighted how the Sunshine nut company is hiring workers from North and South in Mozambique and investing profits into local communities.
- Working with multiple organizations and governments to advocate from the outside in, in difficult contexts like Vietnam.
- Developing a program like Ambassadors for Peace in Iraq and Syria, by building intentional connections with Muslim leaders to reduce active conflict. This program reportedly reduced violence by 42 percent.
- Starting a peace foundation and focusing on research in Nigeria. Creating well informed reports that avoid sensationalism helps policy makers and parliamentarians face the reality on the ground and increase accountability.

This project is still in its infancy and has several avenues for expansion. We plan to write up case studies based on interviews already conducted in phase one and re-evaluate the plan for the next phase. If you have a case you feel would be a valuable addition please contact Dr Kyle Wisdom: [kwisdom@iirf.global](mailto:kwisdom@iirf.global).

## References

- Glasius, Marlies. 2012. "Citizen participation in conflict and post-conflict situations." Address at the occasion of the acceptance of the Special Chair on Citizens' Involvement in War Situations and Post-Conflict Zones.
- Petri, Dennis P. 2017. "Resilience to persecution: A practical and methodological investigation." *International Journal for Religious Freedom*, 10(1/2):69-86.
- Philpott, Daniel and Timothy S. Shah (eds). 2018. *Under Caesar's sword: How Christians respond to persecution*. Cambridge: Cambridge University Press.

# Implications of the COVID-19 pandemic for religious minorities from the UN perspective

Rossella Bottoni<sup>1</sup>

## Abstract

The COVID-19 pandemic has posed a serious challenge to the enjoyment of freedom of religion or belief. This article examines how this was addressed in the context of the UN machinery on human rights protection. UN documents indicate a holistic perspective that the global crisis could not be solved only with public health and emergency measures, but also required a human rights-based approach. The UN also exhibited a concern for application of the principles of necessity and proportionality, with particular regard for the inclusion of marginalized and vulnerable groups, such as religious minorities.

## 1. The United Nations, the COVID-19 pandemic and human rights

The serious concern of the United Nations (UN) about the COVID-19 pandemic was self-evident. As the largest international organization in world history – founded in 1945 with 51 member states and today consisting of 193 – it was naturally preoccupied with the worst global health crisis since World War II (UN Human Rights Treaty Bodies Working Group on COVID-19 2020:1) and with the deep social, economic, political and cultural consequences of the pandemic globally. As the ninth UN Secretary-General, António Guterres, stated, “We are all in this together” (Secretary-General 2020b).

The pandemic threatened all three pillars on which the UN rests: “human rights, peace and security, and development” (Permanent Mission of Switzerland 2015:5). The first pillar comprises a system of organs and procedures to protect,

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promote and monitor respect for human rights (Mégret and Alston 2020; Mertus 2009). The leading UN body on human rights is the Office of the High Commissioner for Human Rights (OHCHR), established by the UN General Assembly (GA) on 20 December 1993 (Ramcharan 2002). The seventh and current High Commissioner is Michelle Bachelet, who was previously the first female president of Chile and that country's health minister. A separate entity is the Human Rights Council (HRC), which was created by the GA on 15 March 2006, and which replaced the Commission on Human Rights (Tolley 2019; Kothari 2013). Like its predecessor, the HRC is a Charter-based party, because it derives its establishment from provisions contained in the UN Charter and was created through a resolution by an organ whose authority also flows from the same charter.

The UN machinery for the protection of human rights further includes ten treaty-based bodies (Rodley 2013), such as the Human Rights Committee (HR Committee), established under the International Covenant on Civil and Political Rights (ICCPR). To avoid an extensive fragmentation of their responses to the crisis, the treaty-based bodies created a Working Group on COVID-19, a mechanism meant to coordinate their efforts:

[T]o identify trends of violations of human rights in the context of the COVID-19 pandemic, and support efforts to develop a cogent response in terms of standard-setting, recommendations and guidelines issued by the UN Human Rights Treaty Bodies when monitoring the compliance of States with their international obligations (UN Human Rights Treaty Bodies Working Group on COVID-19 2020:2).

A number of other UN bodies and entities (such as the GA) and UN agencies (such as UNESCO) are involved in the promotion and protection of human rights. A Secretary-General decision of 2012 created the UN Network on Racial Discrimination and Protection of Minorities “to enhance dialogue and cooperation between relevant UN Departments, Agencies, Programmes and Funds.” (UN Network on Racial Discrimination and the Protection of Minorities 2021b:2). Additional entities that deserve special mention are the Special Rapporteur on freedom of religion or belief (SRFoRB), the Special Rapporteur on minority issues (SRMI) and the Special Rapporteur on the rights of indigenous peoples (SRRIP).

The challenge posed to the enjoyment of human rights by the COVID-19 outbreak was emphasized as early as 6 March 2020 by Ms. Bachelet:

As a medical doctor, I understand the need for a range of steps to combat COVID-19, and as a former head of government, I understand the often dif-

difficult balancing act when hard decisions need to be taken ... . However our efforts to combat this virus won't work unless we approach it holistically, which means taking great care to protect the most vulnerable and neglected people in society, both medically and economically (OHCHR 2020c).

A holistic approach includes not only “lockdowns, quarantines and other such measures to contain and combat the spread of COVID-19,” but also “additional actions” to protect the most marginalized individuals and groups. All measures must be implemented in accordance with the standards of human rights protection and, in particular, with the principles of necessity and proportionality. As the High Commissioner stressed, “Human dignity and rights need to be front and centre in that effort, not an afterthought” (OHCHR 2020c). The Secretary-General reiterated that human rights were critical for the response to the crisis and for the recovery, because “they put people,” whose livelihoods and security are being endangered, “at the centre and produce better outcomes” (2020b:2).

Although human rights as a whole have been badly affected by the COVID-19 pandemic, the enjoyment of freedom of religion or belief has faced especially serious challenges (see inter alia Martínez Torrón and Rodrigo Lara 2021; Madera 2021; Eurac 2021; Du Plessis 2021; Consorti 2020; Balsamo and Tarantino 2020). This article examines how those challenges have been addressed – especially in relation to religious minorities – in the context of the UN machinery on human rights protection. The following sections will identify the main groups concerned, the issues affecting them and the remedies that have been recommended. The examined documents date from 11 March 2020, when the World Health Organization (WHO) declared the COVID-19 outbreak a global pandemic (Cucinotta and Vanelli 2020), to 31 January 2022, when this article was submitted.

## **2. Religious minorities as marginalized and vulnerable groups**

As each of us experienced during the pandemic, and as aptly stressed by the Secretary-General,

The coronavirus can infect and kill the young, as well as the old, the rich, the poor ... . It does not respect race, colour, sex, language, religion, sexual orientation or gender identity, political or other opinion, national, ethnic or social origin, property, disability, birth or any other status. The virus does not discriminate (2020b:10).

However, “its impacts do” (2020b:10). In fact, the COVID-19 pandemic is having “a broad range of disproportionate and adverse impacts upon national, ethnic,

religious and linguistic minority communities” (OHCHR 2020h:2). As stressed by UN experts, minority status in most countries is closely associated with lower socio-economic status (OHCHR 2020a:1), which explains why religious minorities – like other minority communities – are listed among the marginalized groups in UN documents.

From marginalization to vulnerability is a short step. Existing structural inequalities limit access to systems of social and health protection (Secretary-General 2020b:2). Unequal access to adequate medical care and to the provision of medicines made religious minorities in some countries more vulnerable to COVID-19 infection and mortality (SRFoRB 2020:15). Inadequate living conditions also reduced their ability to isolate themselves (OHCHR 2020l). About one week after the WHO pandemic declaration, the UN Special Rapporteur for the situation of human rights in the Palestinian Territory, Michael Lynk, urged Israel, the Palestinian Authority and Hamas to ensure that the right to health was fully provided to Palestinians in Gaza and the West Bank, including East Jerusalem, in accordance with their international legal responsibilities. Here, as in other areas around the world, “the health care system was collapsing even before the pandemic,” with a chronic shortage of essential drugs, potable water and electric power, and with a population already vulnerable due to “malnutrition on the rise, poorly controlled non-communicable diseases, dense living and housing conditions” (OHCHR 2020e).

Mr. Lynk was concerned that the initial publication of information concerning the spread of the coronavirus occurred almost exclusively in Hebrew, to the exclusion of the Arabic-speaking population. He also worried that the significant restrictions on the movement of patients and health workers could limit even more Palestinians’ access to medical care, and he reiterated that “the right to dignity requires that all persons ... should enjoy equality of access to health services and equality of treatment” (OHCHR 2020e). There were also reports of high vulnerability to the coronavirus in the UK and India among Muslims living in segregated residential areas or poor houses (SRFoRB 2021a:11).

Members of religious minorities and other vulnerable groups experienced not only a disproportionate number of deaths, but also a greater economic downturn (OHCHR 2020a:1). The pandemic has had a stark impact on minorities communities “in loss of lives, livelihoods, educational opportunities, and in many cases, loss of dignity” (UN Network on Racial Discrimination and the Protection of Minorities 2021a:2; see also OHCHR 2021e:2-5). In fact, those at greater risk from the coronavirus were the same people who were most harshly affected by the negative consequences of the measures adopted to prevent and contain its spread (Secretary-General 2020b:7). This was the case, for example, with labor rights:

“Only recently has it been noticed by many that disproportionate numbers of essential workers are migrants and persons belonging to minorities and that most of these workers, despite being ‘essential,’ are often very poorly paid” (OHCHR 2020a:1). There was no unemployment assistance for those who were working in the informal sector and lost their job or were unable to perform it because of lockdowns or quarantines (Secretary-General 2020b:7). Restrictions on the freedom of movement limited access to food security, water resources for drinking and hygiene, and shelter. They also impacted the continuity of education (UN Human Rights Treaty Bodies Working Group on COVID-19 2020:1). Home-schooling, which became necessary due to the pandemic, was made more difficult by parental education gaps as well as limited or no access at all to digital devices and the internet (OHCHR 2020a:1).

These problems intensely affected the 300,000 Rohingya children living in the world’s largest refugee camp, in Cox’s Bazar, Bangladesh, where they were excluded from remote learning (a fundamental need during the pandemic) by a government ban on internet access (SRFoRB 2020:14). The Rohingya have been defined by the United Nations as “the most persecuted minority in the world” (see Foundation The London Story 2021:1). They are an ethnic group but – being predominantly Muslims in Buddhist-majority Myanmar – also a religious minority, oppressed by Myanmar for decades. The GA has expressed its deep concern in response to reports of violence against (inter alia) religious sites, as well as restrictions on the exercise of the right to religious freedom, and it has recommended the amendment or repeal of “all discriminatory legislation and policies, including discriminatory provisions of the set of ‘protection of race and religion laws’ enacted in 2015 covering religious conversion, interfaith marriage, monogamy and population control” (2021d:10. See also GA 2021e; OHCHR 2020j and 2020k). The Rohingya consider themselves to be an indigenous people of Rakhine State in Myanmar (Minority Rights Group International 2017). However, they are not one of the 135 national races recognized under the 1982 citizenship law. Consequently, they are not recognized as Myanmar citizens but rather as illegal immigrants from Bangladesh. Even the name Rohingya is not recognized by the government (see Ware and Laoutides 2018). Since the 1970s and especially after 2017, they have been forced to flee to neighboring countries, including Bangladesh, which nevertheless has denied them formal refugee status (Bhatia et al. 2018:107). Utpala Rahman has argued that “the Rohingya crisis is no longer only a humanitarian calamity but a potential threat to Bangladesh’s internal stability” (2010:233). A survey on their lives as refugees in Cox’s Bazar – conducted well before the COVID-19 pandemic – found “high levels of mortality among young Rohingya men, alarmingly low levels of vaccination among children, poor litera-

cy, and rising poverty” (Bhatia et al. 2018:106). The conclusions of various studies (e.g., Islam and Yunus 2020) that the Rohingya in the refugee camp in Cox’s Bazar were at high risk from the coronavirus were sadly unsurprising.

The examples of the Palestinians and the Rohingya highlight the existence of multiple and concurrent factors that make a group marginalized. Although this article focuses on religious minorities, UN experts have identified multiple categories subsumed within the notion of marginalized and vulnerable groups, and a number of them can apply to the Palestinians and the Rohingya. Along with religious and ethnic minorities (OHCHR 2020l), the list includes migrants (GA 2021b:3), refugees, internally displaced people (Secretary-General 2020b:11), indigenous peoples (GA 2020d:2 and 2021c:2; OHCHR 2020b and 2021f), children and women (GA 2020a:2; Secretary-General 2020c; HR Committee 2021a, 2021b, 2021c, 2021d, 2021e), people of Asian and African descent (GA 2021a:3; OHCHR 2020h:4), older persons (Secretary-General 2021b), persons with disabilities, prisoners, detainees and those deprived of their liberty, the homeless, the poor (HRC 2020:1), LGBTI people and persons living with HIV (Secretary-General 2020b:12; OHCHR 2021e:6-7).

Scholars such as Jo Howard have focused on intersecting vulnerabilities. Howard directed a study of the COVID-19 pandemic’s direct and indirect effects on marginalized religious minorities in Nigeria and India, demonstrating “how religious inequalities intersect with other inequalities of power – historical, structural, and socially determined characteristics (class, ethnicity, caste, gender, age)” (2021:8). The same approach may as well be applied to any other national contexts, and the findings can contribute to the coordination of effective actions to prevent the deepening of the marginalization of religious minorities and other vulnerable groups.

### **3. Discrimination and intolerance against religious minorities**

The preceding section has addressed the exacerbation, during the COVID-19 pandemic, of the vulnerability of marginalized groups, including religious minorities, because of structural and systematic inequalities. However, these are not the only explanations of such adverse effects, which in fact have been caused also by the actions by public authorities and/or social actors that reinforced hostility and stirred up religious hatred. As highlighted by the Pew Forum, religious discrimination and intolerance may be the result of either government restrictions or social hostilities, which “can range from harassment over a person’s religious identity to religion-related mob violence, sectarian conflict and terrorism” (Pew Forum 2021). Both phenomena have been aggravated by the COVID-19 pandemic.

### **3.1. Government restrictions**

The Secretary-General stressed that “the threat is the virus, not the people” and that the measures to combat the coronavirus “must be temporary, proportional and aimed at protecting people” (2020b:15). Nevertheless, there were reports of religious minorities being subjected to harsh treatment by law enforcement in the implementation of such measures (2020b:11). The Secretary-General also noted that in the general context “of rising ethno-nationalism, populism, authoritarianism and pushback against human rights in some countries,” which emerged before the public health crisis but were also strengthened by it, governments could use the coronavirus as “a pretext to adopt repressive measures for purposes unrelated to the pandemic” (2020b:3).

Abuses of emergency measures included not only the exclusion of minorities, but also the repression of dissenting voices and in particular the silencing of minority rights defenders. There was concern about the possibility that tracking tools employed for public health reasons could also be used to keep minorities under constant surveillance (OHCHR 2020a:2). A number of states have restricted freedom of expression under the pretext of addressing hate speech, while in fact using anti-blasphemy and anti-apostasy laws to “render religious or belief minorities, including atheists and dissenters, vulnerable to discrimination and violence” (OHCHR 2021d). Likewise, “the policing of opinions and expressions online, the targeting of certain religious communities for reasons of national security, [and] the use of counter-terrorism or public order laws” have suppressed legitimate manifestations of the right to expression and have strengthened negative stereotypes (OHCHR 2021d).

### **3.2. Social hostilities**

Numerous UN documents have addressed the increase in religious intolerance during the pandemic. UN experts noted that the instability and fear caused by the global health crisis exacerbated “discrimination, hostility, hate speech, xenophobia and violence against religious and belief minorities in some countries” (SRFoRB 2020:11; see also GA 2020b:5; OHCHR 2020a:2; UN Network on Racial Discrimination and the Protection of Minorities 2020:2). Intolerance targeted Jews, Christians, Muslims and Baha’is, among others (OHCHR 2020m and 2021a:16). It was reported that “migrants, refugees and asylum seekers from different minority groups have also been similarly stigmatised ... . Those targeted also have faced verbal abuse, death threats, physical attacks and experienced discrimination accessing public services, including denial of vital health services” (OHCHR 2020m). As noted above, marginalized persons may have intersecting vulnerabilities, and incitement to hatred may affect members of religious minorities who belong to

other vulnerable categories at the same time, thus reinforcing discrimination against them. Therefore, the GA recognized that “responses to the COVID-19 pandemic need to take into account multiple and intersecting forms of violence, discrimination, stigmatization, exclusion and inequalities” (2020b:5).

Hate speech, an alarming phenomenon and a source of concern since well before the outbreak of the coronavirus, was further fueled during the pandemic due to prejudices strengthened by campaigns of disinformation (Secretary-General 2021a). One of its most repulsive forms, antisemitism, exhibited a worrying rise. The SRFoRB noted with deep concern:

... that certain religious leaders and politicians continue to exploit the challenging times during this pandemic to spread hatred against Jews and other minorities ... ‘conspiracy’ theory prevails in claiming that Jews or Israel are responsible for developing and spreading COVID-19 virus to reduce the non-Jewish population and to control the world (OHCHR 2020i).

Islamophobia has also been nourished by the crisis. In Sri Lanka and in the UK, Muslims were accused of spreading the coronavirus. Islamophobic disinformation was disseminated through encrypted chat platforms. In India in particular WhatsApp chat groups have depicted Muslims as criminals or terrorists, and the “corona jihad” hashtag (#coronajihad) was popular on Twitter (SRFoRB 2021a:7).

The Special Adviser to the Secretary-General on the Prevention of Genocide released guidelines to address and counter hate speech related to COVID-19. He noted that individuals belonging to certain religious minorities, including Jews, Christians, Muslims and Baha’is, have been blamed for spreading the virus (2020:2; see also OHCHR 2020a:2; Secretary-General 2020a:18).

#### **4. Violations of religious minorities’ right to manifest their religion**

The right to freedom of religion or belief includes “freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (Universal Declaration of Human Rights, Art. 18). Under Article 18, paragraph 3 of the ICCPR, this freedom may be limited, but legitimate limitations must be prescribed by law and must be necessary to pursue one or more specifically identified aims, which include public health. Whereas some restrictions are not new and were imposed in the past, such as during the Ebola outbreak in West Africa or Zika in Latin America, the global scale of limitations caused by COVID-19 was unprecedented, leading to heated debates over their legitimacy. In situations such as cancelling or postpon-

ing religious funeral rites or limiting attendance at them, or restrictions on gatherings at places of worship in the United States and elsewhere, the line between a legitimate limitation and a violation of the right to manifest religion proved to be a very thin one (see Goodman 2020). The SRFoRB insisted on the principles of proportionality and non-discrimination as criteria to be used in determining the compliance of restrictions with international standards on the right to freedom of religion or belief:

The least restrictive measure necessary to achieve the goal, and in no way vitiate the right itself or be discriminatory in intent or effect. ... Some restrictions limit or render impossible the manifestation of certain observances and practices fundamental to one's religion or belief. Therefore, there is an obligation on the part of the State to ensure that any intervention by the State be the least restrictive measure that is available, and accommodate as far as possible the wishes of individuals to exercise their rights to communal religious expression. (Quoted in Goodman 2020; see also SRFoRB et al. 2020:3-4)

UN documents criticized the practice by Sri Lankan authorities of forcibly cremating the bodies of deceased Muslims. (Manamperi 2023:109) Cremation, which is regarded as a sinful act in Islam, does not comply with the above-mentioned principles of proportionality and non-discrimination. Thus, it has been found to constitute a violation of a religious minority's right to manifest its religion (SRFoRB et al. 2020 and 2021; OHCHR 2021i). The SRFoRB raised three issues with the Sri Lankan government. First, whereas some restrictions were necessary and justified by the need to protect public health, "there were less restrictive measures than cremation that were available under the public health guidelines issued by the WHO in relation to the pandemic, and some of these measures could accommodate the relevant religious practices of communities" (quoted in Goodman 2020). On one hand, there was no established scientific evidence that burial would increase the risk of spreading the coronavirus (SRFoRB et al. 2021:6). On the other hand, the WHO guidelines focused on respect for the dignity of the dead and their families, and for their religious and cultural traditions. However, with the adoption of such extreme measures, the Sri Lankan Minister of Health showed lack of consideration for and sensitivity to the community's religious and cultural practices (SRFoRB et al. 2020:2). Further, as a side effect, many poor and seriously ill Muslims avoided seeking medical help, because they feared that they would be cremated after death (SRFoRB et al. 2021:5).

Second, the Muslim community was not consulted or involved in the adoption of restrictions. Although these forms of engagement are not compulsory, they would “have been in accordance with the human rights principle of stakeholder participation and would also have been more effective from a public health perspective” (quoted in Goodman 2020). The SRFoRB, along with other UN experts, reiterated that an inclusive and participatory dialogue should take place whenever religious or cultural sensitivities are involved (SRFoRB et al. 2020:2).

Third, the SRFoRB expressed concern over the general context leading to the restrictions, which was characterized by “impunity for scapegoating and stigmatization of Muslims in Sri Lanka” (quoted in Goodman 2020). UN experts deplored “the implementation of such public health decisions based on discrimination, aggressive nationalism and ethnocentrism amounting to persecution of Muslims and other minorities in the country. ... Such hostility against the minorities exacerbates existing prejudices, intercommunal tensions, and religious intolerance, sowing fear and distrust while inciting further hatred and violence” (OHCHR 2021i; see also SRFoRB et al. 2021: 7).

## 5. Concluding remarks

UN experts insisted that the global COVID-19 crisis could not be solved only through public health and emergency measures, and it also called for a human rights-based approach:

Everyone, without exception, has the right to life-saving interventions and this responsibility lies with the government. ... Everybody has the right to health. ... Advances in biomedical sciences are very important to realize the right to health. But equally important are all human rights. The principles of non-discrimination, participation, empowerment and accountability need to be applied to all health-related policies. (OHCHR 2020g)

The implementation of a human rights-based approach means that measures to combat the coronavirus may not serve as a justification for excessive use of force or for the suppression of fundamental freedoms (OHCHR 2020d, 2020f, 2020n).

Another key message emerging from the examined documents is the need for international solidarity and collaboration: “No country can beat this alone,” because “global threats require global responses” (Secretary-General 2020b:18). The GA repeatedly called for global solidarity and a coordinated and united response (2020b, 2020c, 2020e). The treaty-based bodies, too, urged “comprehensive, inclusive and universal COVID-19 human rights policies” (OHCHR 2021b). These steps

required the involvement of many parties (Secretary-General 2020b:13-14): national and local governments (OHCHR 2021h), parliaments (OHCHR 2021c) and civil society actors (SRFoRB 2020:18), including minorities (SRMI 2021:4) and faith leaders (Goodman 2020; OHCHR 2020a:5, 2020m, 2021g). The SRFoRB (2021b:3), the OHCHR (2021g) and other UN experts worked to advance the “Global Pledge for Action by Religious Actors and Faith-Based Organizations to Address the COVID-19 Pandemic in Collaboration with the United Nations,” a network of 21 institutions, organizations and communities (including Christian, Jewish, Islamic and Sikh ones), which responded to the UN call “to play a key role in addressing the pandemic by working together and translating common values into action,” and “to stand up and speak against hate speech and hate crimes, xenophobia, racism and all other forms of discrimination.” (Global Pledge for Action 2020:1-2).

In this context, the call for the inclusion of marginalized religious minorities should not be seen as mere rhetoric. Bearing in mind the role that religious actors have played throughout history in providing pastoral care and humanitarian services, including medical help (Goodman 2020), and in offering guidance for the believer’s everyday behavior, it is hard to envision an effective response to the COVID-19 pandemic and all its dramatic consequences without engaging the participation and contributions of religiously vulnerable groups, which in turn requires the recognition of their full dignity and the empowerment of their members in the political, economic, social and cultural spheres.

## References

### *UN sources*

- General Assembly [GA]. 2020a. *Child, early and forced marriage A/RES/75/167*, 16 December. Available at: <https://undocs.org/A/RES/75/167>.
- GA. 2020b. *Comprehensive and coordinated response to the coronavirus disease (COVID-19) pandemic A/RES/74/306*, 11 September. Available at: <https://undocs.org/A/RES/74/306>.
- GA. 2020c. *Global solidarity to fight the coronavirus disease 2019 (COVID-19) A/RES/74/270*, 2 April. Available at: <https://undocs.org/en/A/RES/74/270>.
- GA. 2020d. *Rights of indigenous peoples A/RES/75/168*, 16 December. Available at: <https://undocs.org/A/RES/75/168>.
- GA. 2020e. *United response against global health threats: combating COVID-19 A/RES/74/307*, 11 September. Available at: <https://undocs.org/A/RES/74/307>.
- GA. 2021a. *A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action A/RES/76/226*, 24 December. Available at: <https://undocs.org/A/RES/76/226>.

- GA. 2021b. *Protection of migrants A/RES/76/172*, 16 December. Available at: <https://undocs.org/A/RES/76/172>.
- GA. 2021c. *Rights of indigenous peoples A/RES/76/148*, 16 December. Available at: <https://undocs.org/A/RES/76/148>.
- GA. 2021d. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar A/RES/76/180*, 16 December. Available at: <https://undocs.org/A/RES/76/180>.
- GA. 2021e. *The situation in Myanmar A/RES/75/287*, 18 June. Available at: <https://undocs.org/A/RES/75/287>.
- Global Pledge for Action. 2020. *Global Pledge for Action by religious actors and faith-based organizations to address the COVID-19 pandemic in collaboration with the United Nations*. Available at: <http://bit.ly/3EgAoJ3>.
- Goodman, Ryan. 2020. *A conversation with UN Special Rapporteur Ahmed Shaheed: COVID-19 and Freedom of Belief*, 18 June. Available at: <http://bit.ly/3SchOyP>.
- Human Rights Committee [HR Committee]. 2021a. *Concluding observations on the fourth periodic report of Kenya CCPR/C/KEN/CO/4*, 11 May. Available at: <https://undocs.org/en/CCPR/C/KEN/CO/4>.
- HR Committee. 2021b. *Concluding observations on the second periodic report of Botswana CCPR/C/BWA/CO/2*, 24 November. Available at: <https://undocs.org/en/CCPR/C/BWA/CO/2>.
- HR Committee. 2021c. *Concluding observations on the seventh periodic report of Finland CCPR/C/FIN/CO/7*, 3 May. Available at: <https://undocs.org/en/CCPR/C/FIN/CO/7>.
- HR Committee. 2021d. *Concluding observations on the seventh periodic report of Germany CCPR/C/DEU/CO/7*, 30 November. Available at: <https://undocs.org/en/CCPR/C/DEU/CO/7>.
- HR Committee. 2021e. *Concluding observations on the third periodic report of Armenia CCPR/C/ARM/CO/3*, 25 November. Available at: <https://undocs.org/en/CCPR/C/ARM/CO/3>.
- Human Rights Council [HRC]. 2020. *Human rights implications of the COVID-19 pandemic A/HRC/43/L.42*, 27 May. Available at: <https://undocs.org/A/HRC/43/L.42>.
- Office of the High Commissioner for Human Rights [OHCHR]. 2020a. *COVID-19 and minority rights: Overview and promising practices*, 4 June. Available at: <http://bit.ly/3k783hD>.
- OHCHR. 2020b. *COVID-19 is devastating indigenous communities worldwide, and it's not only about health, UN expert warns*, 18 May. Available at: <http://bit.ly/3Idb4F2>.
- OHCHR. 2020c. *Coronavirus: Human rights need to be front and centre in response, says Bachelet*, 6 March. Available at: <http://bit.ly/3S6HAo4>.

- OHCHR. 2020d. *COVID-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs*, 17 April. Available at: <http://bit.ly/3Kh6U1D>.
- OHCHR. 2020e. *COVID-19: Israel has 'legal duty' to ensure that Palestinians in OPT receive essential health services – UN expert*, 19 March. Available at: <http://bit.ly/3YVYRvg>.
- OHCHR. 2020f. *COVID-19: States should not abuse emergency measures to suppress human rights – UN experts*, 16 March. Available at: <http://bit.ly/3I716oN>.
- OHCHR. 2020g. *No exceptions with COVID-19: "Everyone has the right to life-saving interventions," UN experts say*, 26 March. Available at: <http://bit.ly/3XGwNLX>.
- OHCHR. 2020h. *Rights of persons belonging to national or ethnic, religious and linguistic minorities A/HRC/46/44*, 28 December. Available at: <https://undocs.org/A/HRC/46/44>.
- OHCHR. 2020i. *Rise in antisemitic hatred during COVID-19 must be countered with tougher measures, says UN expert*, 17 April. Available at: <http://bit.ly/3xvNpLb>.
- OHCHR. 2020j. *Situation of human rights of Rohingya Muslims and other minorities in Myanmar A/HRC/45/5*, 3 September. Available at: <https://undocs.org/A/HRC/45/5>.
- OHCHR. 2020k. *Situation of human rights of Rohingya Muslim minority and other minorities in Myanmar A/HRC/43/18*, 11 November. Available at: <https://undocs.org/A/HRC/43/18>.
- OHCHR. 2020l. *Statement by Michelle Bachelet addressing the disproportionate impact of COVID-19 on minority ethnic communities*, 24 November. Available at: <http://bit.ly/3IuZkzc>.
- OHCHR. 2020m. *UN expert warns against religious hatred and intolerance during COVID-19 outbreak*, 22 April. Available at: <http://bit.ly/413wJbk>.
- OHCHR. 2020n. *UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19*, 24 March. Available at: <http://bit.ly/3I4oGiW>.
- OHCHR. 2021a. *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief A/HRC/46/67*, 11 January. Available at: <https://undocs.org/A/HRC/46/67>.
- OHCHR. 2021b. *Comprehensive, inclusive and universal COVID-19 human rights policies urgently needed – UN Treaty Bodies' statement on Human Rights Day*, 10 December. Available at: <http://bit.ly/41hGTpd>.
- OHCHR. 2021c. *COVID-19 pandemic recovery through a human rights lens: What contribution from parliaments?* 29 June. Available at: <http://bit.ly/4122OjY>.
- OHCHR. 2021d. *Historic consensus on freedoms of religion and expression at risk, say UN experts*, 23 March. Available at: <http://bit.ly/3EeQoeA>.

- OHCHR. 2021e. *Impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of human rights around the world, including good practices and areas of concern A/HRC/46/19*, 18 January. Available at: <https://undocs.org/A/HRC/46/19>.
- OHCHR. 2021f. *Indigenous peoples have been disproportionately affected by COVID-19, senior United Nations official tells Human Rights Council*, 28 September. Available at: <http://bit.ly/3kzyRjc>.
- OHCHR. 2021g. *Side event: Global pledge for action by religious actors and faith-based organizations to address the COVID-19 pandemic in collaboration with the United Nations*, 7 July. Available at: <http://bit.ly/3XUCcPf>.
- OHCHR. 2021h. *Side event: The role of local government in ensuring human rights in post-pandemic recovery*, 1 October. Available at: <http://bit.ly/3KkExQ7>.
- OHCHR. 2021i. *Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts*, 25 January. Available at: <http://bit.ly/3k8u6Vc>.
- Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva. 2015. *The Human Rights Council: A practical guide*. Available at: <http://bit.ly/4123hCK>.
- Secretary-General. 2020a. *Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief A/75/369*, 30 September. Available at: <https://undocs.org/en/A/75/369>.
- Secretary-General. 2020b. *COVID-19 and Human rights: We are all in this together*. Available at: <http://bit.ly/3S6Jxtq>.
- Secretary-General. 2020c. *The impact of COVID-19 on women*. Available at: <http://bit.ly/3xvP43n>.
- Secretary-General. 2021a. *Message for the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief*, 20 August. Available at: <http://bit.ly/3YWysxp>.
- Secretary-General. 2021b. *Message on the International Day of Older Persons*, 30 September. Available at: <https://www.un.org/sg/en/node/259841>.
- Special Adviser to the Secretary-General on the Prevention of Genocide. 2020. *Guidance note on addressing and countering COVID-19 related hate speech*, 11 May. Available at: <http://bit.ly/3lARz1w>.
- Special Rapporteur on freedom of religion or belief [SRFoRB] et al. 2020. *Comments on the circular by the Ministry of Health of Sri Lanka providing standard guidance on the autopsy practice and the disposal of COVID-19 related dead body LKA 2/2020*, 8 April. Available at: <http://bit.ly/3kbZaDl>.
- SRFoRB et al. 2021. *Communication concerning the cremation of dead bodies belonging to the Muslim community during COVID-19 pandemic LKA 8/2020*, 21 January. Available at: <http://bit.ly/3KiTI8>.

- SRFoRB. 2020. *Elimination of all forms of religious intolerance A/75/385*, 12 October. Available at: <https://undocs.org/A/75/385>.
- SRFoRB. 2021a. *Countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief A/HRC/46/30*, 13 April. Available at: <https://undocs.org/A/HRC/46/30>.
- SRFoRB. 2021b. *Freedom of thought A/76/380*, 5 October. Available at: <https://undocs.org/A/76/380>.
- Special Rapporteur on minority issues [SRMI]. 2021. *Recommendations of the Forum on Minority Issues at its fourteenth session on the theme "Conflict prevention and the protection of the human rights of minorities" A/HRC/49/81*, 31 December. Available at: <https://undocs.org/A/HRC/49/81>.
- UN Human Rights Treaty Bodies Working Group on COVID-19. 2020. *Concept note*. Available at : <http://bit.ly/3lNoNI4>.
- UN Network on Racial Discrimination and the Protection of Minorities. 2020. *Leave no one behind: Racial discrimination and the protection of minorities in the COVID-19 crisis*, 29 April. Available at: <http://bit.ly/3lXitu3>.
- UN Network on Racial Discrimination and the Protection of Minorities. 2021a. *Checklist to strengthen UN work at country level to combat racial discrimination and advance minority rights*, 19 March. Available at: <http://bit.ly/3xyg426>.
- UN Network on Racial Discrimination and the Protection of Minorities. 2021b. *Workplan 2021-2025*. Available at: <https://bit.ly/3lLdeV1>.

### **Literature**

- Balsamo, Fabio and Daniela Tarantino (eds.) 2020. *Law, Religion and the Spread of COVID-19 Pandemic*, Pisa: Diresom Papers no. 2.
- Bhatia, Abhishek et al. 2018. "The Rohingya in Cox's Bazar: When the Stateless Seek Refuge." *Health and Human Rights Journal*, 20(2):105-122.
- Consorti, Pierluigi (ed.) 2020. *Law, Religion and Covid-19 Emergency*, Pisa: Diresom Papers no. 1.
- Cucinotta, Domenico and Maurizio Vanelli. 2020. "WHO Declares COVID-19 a Pandemic." *Acta Biomedica*, 91(1):157-160.
- Du Plessis, Georgia Alida. 2021. "COVID-19 and Limitations to the International Right to Freedom of Religion or Belief." *Journal of Church and State*, 63(4):619-647.
- Eurac. 2021. *Eurac Research Webinar Briefs. Minorities and COVID-19*. Available at: <http://bit.ly/3Iuvmu7>.
- Foundation The London Story. 2021. *Status of Rohingyas in India, Submission to the Office of High Commissioner for Human Rights, Call for Input. Status of Persecuted Minorities*. Available at: <http://bit.ly/3S6TxD4>.

- Howard, Jo. 2021. *Understanding Intersecting Vulnerabilities Experienced by Religious Minorities Living in Poverty in the Shadows of COVID-19*, Brighton: Institute of Development Studies/CREID.
- Islam, Mohammad Mainul and MD Yeasir Yunus. 2020. "Rohingya Refugees at High Risk of COVID-19 in Bangladesh." *The Lancet Global Health*, 8(8):e993-e994.
- Kothari, Miloon, 2013. "From Commission to the Council: Evolution of UN Charter Bodies," in *The Oxford Handbook of International Human Rights Law*, edited by Dinah Shelton. Oxford: Oxford University Press, 587-620.
- Madera, Adelaide (ed.) 2021. *The Crisis of Religious Freedom in the Age of COVID-19 Pandemic*, Basel: MDPI.
- Manamperi, Lakmali Bhagya. 2023. "A critical human rights perspective on the Sri Lankan government's forced cremation policy of COVID-19 deceased in the context of religious majoritarianism." *International Journal for Religious Freedom*, 16(1):105-116.
- Martínez Torrón, Javier and Belén Rodrigo Lara (eds.) 2021. *COVID-19 y libertad religiosa*, Madrid: Iustel.
- Mégret, Frédéric and Philip Alston (eds.) 2020. *The United Nations and Human Rights: A Critical Appraisal*, Oxford: Oxford University Press.
- Mertus, Julie A. 2009. *The United Nations and Human Rights: A Guide for a New Era*, New York: Routledge.
- Minority Rights Group International. 2017. *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma: Muslims and Rohingya*. Available at: <http://bit.ly/3lIGhIS>.
- Pew Forum. 2021. *Key Findings about Restrictions on Religion Around the World in 2019*, 30 September. Available at: <https://pewrsr.ch/3S9IAAZ>.
- Rahman, Utpala. 2010. "The Rohingya Refugee: A Security Dilemma for Bangladesh." *Journal of Immigrant & Refugee Studies*, 8(2):233-239.
- Ramcharan, Bertrand G. 2002. *The United Nations High Commissioner for Human Rights: The Challenges of International Protection*, The Hague: Martinus Nijhoff.
- Rodley, Nigel S. 2013. "The Role and Impact of Treaty Bodies," in *The Oxford Handbook of International Human Rights Law*, edited by Dinah Shelton. Oxford: Oxford University Press, 621-648.
- Tolley, Howard Jr. 2019. *The U.N. Commission on Human Rights*, New York: Routledge.
- Ware, Anthony and Costas Laoutides. 2018. *Myanmar's "Rohingya" Conflict*, London: Hurst.

# Addressing health inequalities in times of COVID-19

Minorities and indigenous peoples between deeply rooted and new, emerging forms of discrimination

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## Abstract

In numerous countries, the spread of the COVID-19 epidemic has affected ethnic, racial and religious minorities most severely, along with indigenous peoples. On one hand, the pandemic is laying bare the presence of deeply rooted patterns of discrimination in access to health; on the other hand, for some states and non-state actors, it also represents a useful opportunity to persecute particular ethnic and religious minorities through additional forms of discrimination, labelling, stigmatization and scapegoating.

## Keywords

COVID-19, right to health, minorities, indigenous peoples.

## 1. Introduction

From the early stages of the spread of the COVID-19 epidemic in different parts of the world, the disaggregated data collected in various countries have shown that ethnic and religious minorities and indigenous peoples have been at higher risk of contracting and dying from the virus. The more severe impact of the virus on these population groups can be explained by several factors, but it is indisputable that the current pandemic has contributed to further deepening the conditions of discrimination and vulnerability faced by those groups. In general, the health impact of COVID-19 reflects deeply rooted patterns of discrimination in access to health services that, in turn, reflect the presence of a broader system

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of multi-sectoral discrimination based on ethnic, racial or religious affiliation. Furthermore, since the outbreak of the pandemic an increase in other forms of discrimination has been reported, such as stigmatization, labelling and scapegoating, which have often resulted in discriminatory acts, violence and denial of access to healthcare.

This article explores how minorities and indigenous people have experienced the COVID-19 pandemic, focusing on the egregious combination of pre-existing systems of discrimination and new forms of discrimination directly related to the spread of the pandemic. It examines types of discrimination in health against those specific population groups from an international law perspective, and more specifically through the lens of the human rights approach. The current pandemic is indeed highlighting the fundamental conflict between (recent and less recent) discriminatory practices in health and several fundamental international law provisions on human rights, particularly those concerning the right to health.

## **2. The role played by the social determinants of health and barriers to health in creating and consolidating health disparities against minorities and indigenous peoples**

A vast literature has extensively documented the existence, in multi-ethnic and multiracial states, of a serious gap in disease incidence and life expectancy between people belonging to minorities and indigenous peoples, on one hand, and the rest of the national population on the other hand.<sup>2</sup> Especially in developing countries but also in developed countries, the status of health among people belonging to those groups is different from that of the rest of the population. The causal factors fall into two categories: social determinants of health (SDH) and barriers to health. These two distinct but related concepts both describe non-medical factors which have a direct impact on health status.

The existence of this link was stressed by the United Nations World Health Organization (WHO) Conference convened in Alma Ata in 1978, and by the Declaration adopted at the end of that conference. From that point onward, both the UN – in particular through the adoption of the Millennium Development Goals

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<sup>2</sup> Institute of Medicine, 'Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care', The National Academies Press, Washington, DC, 2003; Leonard E. Egede, 'Race, Ethnicity, Culture, and Disparities in Health Care', *Journal of General Internal Medicine*, 2006, 21(6):667-669; Jason Schnittker, Mehul Bhatt, 'The role of income and race/ethnicity in experiences with medical care in the United States and United Kingdom', *International Journal of Health Services*, 2008, 38(4):671-95; Lindsey Konkel, 'Racial and Ethnic Disparities in Research Studies: the Challenge of Creating More diverse Cohorts', *Environmental Health Perspectives*, 2015, 123 (12):297-302; Odette Mazel, 'Indigenous Health and Human Rights: A Reflection on Law and Culture', *International Journal of Environmental Research & Public Health*, 2018, 15:789.

and more recently the Sustainable Development Goals<sup>3</sup> – and WHO, with its 2011 Rio Political Declaration, have recognized the central role played by SDH. According to the definition given by WHO’s Commission on the social determinants of health, SDH are “the conditions in which people are born, grow, live, work and age” and the fundamental drivers of these conditions.<sup>4</sup> These factors have been defined as “the cause of the causes of health disparities”<sup>5</sup> since they create the conditions for the origin of health disparities and contribute to creating a vicious cycle: the poorest, most vulnerable and most marginalized segments of the population have no access to health services because they are poor and marginalized, and their condition of marginalization and poverty is a primary source of illness and disease.<sup>6</sup>

Although the interrelationship between poverty, marginalization and the burden of disease seems obvious, it is actually more complex than it appears. What seems uncontroversial is that health generally improves as social position increases. In this respect, the interaction between SDH and the above-mentioned barriers to health plays a central role in creating and consolidating disparities. A number of social and economic factors such as education, employment opportunities, income, and possessions impact each individual’s access to various material resources (such as proper housing, food, and sanitation and a healthy workplace) on which health depends. These factors interact with barriers to health such as the geographical location or absence of health facilities and structures, or the incompatibility of health services with the prospective recipient’s cultural and religious background, to make healthcare unaffordable, unacceptable or unavailable for some segments of the national population.

Access to health is also basically affected by the functioning of national health systems. In numerous countries where access to health services – most significantly, hospitalization – is determined by the ability to pay out of pocket, the ability to receive adequate treatment in case of illness is almost nil for those who cannot afford the cost. A pernicious combination of environmental and personal factors can therefore substantially impair access to treatment, hospitalization and basic health services which could be essential for health or even survival.

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- 3 Michel Marmot, Ruth Bell, ‘The Sustainable Development Goals and Health Equity’, *Epidemiology*, 2018, 1:5-7; Ahmad Reza Hosseinpoor, Nicole Bergen, Anne Schlottheubera, John Grovea, ‘Measuring health inequalities in the context of sustainable development goals’, *Bulletin of World Health Organisation*, 2018, 654-659.
  - 4 WHO, World Conference on Social Determinants of Health, Rio Political Declaration on Social Determinants of Health, 2011, at para 6.
  - 5 Paula Braveman, Laura Gottlieb, ‘The Social Determinants of Health; It’s Time to Consider the Cause of the Causes’, *Public Health Rep.* 2014, 129 (Suppl. 2):19-31.
  - 6 Paul Farmer, ‘Social Inequalities and Emerging Infectious Diseases’, *Emerging and Infectious Diseases*, 1996 Oct-Dec., 259-269.

Clearly, the underlying problem is the unequal distribution of social and economic factors that make healthcare inaccessible and unavailable.<sup>7</sup> In this respect, policy choices and the government strategies can make a difference. Usually, the combination of SDH and barriers to health, and the resulting discriminatory practices, are the direct consequence of policy choices, economic programmes and bad governance. In 2008, the WHO Commission on SDH pointed out that “where systematic differences in health are judged to be avoidable by reasonable action, they are, quite simply, unfair.”<sup>8</sup> The Commission also stressed that the unequal distribution of health-damaging experiences “is not in any sense a natural phenomenon but is a result of a toxic combination of poor social policies and programmes, unfair economic arrangements and bad politics.”<sup>9</sup> In the Commission’s view, action on SDH is therefore essential “to create inclusive, equitable, economically productive and healthy societies.”<sup>10</sup>

The dimensions of inequality differ from one country to another. However, although in general the presence of more disadvantaged segments of the national population and the consequential problem of health inequities are pervasive issues, the problem takes on a further dimension in countries characterized by the presence of ethnic, racial and religious minorities and indigenous peoples, regardless of the level of that country’s development.<sup>11</sup> Very often, even in developed countries, the condition of belonging to ethnic or racial groups or indigenous peoples and the condition of economic and social marginalization coincide;<sup>12</sup> ethnic and minority groups are indeed disproportionately affected by socio-economic

7 Hilary Graham, ‘Social determinants and their unequal distribution: clarifying policy understandings’, *Milbank Quarterly*, 2004, 82 (1):101-124.

8 WHO, *Closing the gap in a generation: health equity through action in the social determinants of health – Final report of the Commission on social determinants of health, 2008*, WHO/IER/CSDH/08:4.

9 *Ib.*:5.

10 WHO, *Rio Declaration*, *cit.*, para 6.

11 Angela Durey, ‘Reducing racism in Aboriginal healthcare in Australia: where does cultural education fit?’ *Australian and New Zealand Journal of Public Health*, 2010, 34 (1):87-92; European Commission, *Roma Health Report*, Brussels, 2014; Phyu Phyu Thin Zaw, Thant Sin Htoo, Ngoc Minh Pham, Karen Eggleston, ‘Disparities in health and health care in Myanmar’, *The Lancet*, 21 Nov 2015, 386 (10008):2053; Shawnita Sealy-Jefferson, Jasmine Vickers, Angela Elam, M. Roy Wilson, ‘Racial and Ethnic Health Disparities and the Affordable care Act: a Status Update’, *Journal of Racial and Ethnic Health Disparities*, 2015, 2:583-588; Kun Tang, Yingxi Zhao, ‘Health as a bridge to peace and trust in Myanmar: The 21st Century Panglong Conference’, *Globalisation and Health*, 2017, 13:40; United Nations, *State of the World’s Indigenous Peoples: Indigenous Peoples’ Access to Health Services*, New York, 2018; UNDP, *Health deprivation among Roma in the Western Balkans*, 2018; Wang, Y.J., Chen, X.P., Chen, W.J. et al. ‘Ethnicity and health inequalities: an empirical study based on the 2010 China survey of social change (CSCS) in Western China’, *BMC Public Health*, 2020, 20:637; Veena Raleigh, Jonathon Holmes, ‘The health of people from ethnic minority groups in England’, 2021. Available at: <http://bit.ly/3F6UJ3q>; Oxfam, *India Inequality Report 2021: India’s Unequal Healthcare Story*, 20 July 2021. Available at: <http://bit.ly/3h2sTgL>.

12 UNDP, *Marginalised Minorities in Development Programming*, 2010; United Nations, *Indigenous peoples and ethnic minorities: Marginalization is the norm*, *The Report on the World Social Situation 2018. Promoting Inclusion Through Social Protection*, September 2018, 97-108; The World Bank, *Everyone Equal: Making Inclusive Growth a Priority for Ethnic Minorities*, 13 July 2020. Available at: <http://bit.ly/3Fzb8z4>.

deprivation, with the result that these groups are more vulnerable and exposed to illness and mortality.

Racial and ethnic health disparities can therefore be the consequence of a complex combination of low socio-economic status, less healthy lifestyles and poor access to care. Even in countries where access to care is guaranteed to the vast majority of the population, recourse to healthcare is prevented by other factors, such as lack of documentation of residential status. The lack of access to healthcare could be a consequence of the fact that some segments of the population are invisible; for example, the lack of documents attesting to citizenship or permanent residence excludes numerous people, particularly those belonging to ethnic and religious minorities as well as irregular migrants, from all sorts of state-subsidized social benefits, including healthcare. This problem, in different ways, is shared by various developed nations, including the United States, Canada, Australia and European countries.<sup>13</sup> Even in Europe, although most health systems cover nearly the whole population, the problem of health disparities remains challenging. The European Union has long been focusing on the problem of unequal access to health services and the need to outline specific policies to handle this issue and meet the needs of vulnerable groups.<sup>14</sup>

### **3. The spread of the COVID-19 pandemic, minorities and indigenous peoples: a spotlight on inequality**

The problem of health disparities is not confined to special circumstances or phases. The combination of SHD and barriers to health plays a primary role in shaping these disparities under normal conditions; these factors become even more important in times of emergency. In such situations, it can indeed produce extremely pernicious effects. In this respect, the ongoing pandemic is not only putting national health systems under exceptional pressure but is also laying bare their shortcomings, revealing the existence of deeply rooted patterns of discrimination, and exacerbating existing inequalities in health and living conditions.

From the earliest stages of the pandemic's spread, data showed that in both developed and developing countries, ethnic minorities and indigenous peoples were (and still are) generally at higher risk of contracting and dying from the

<sup>13</sup> 'Stateless. No legal identity. Few rights. Hidden from society. Forgotten', *Forced Migration Review*, Issue 32, April 2009; Timon Forster, Alexander Kentikelenis, Clare Bambra, *Health Inequalities in Europe: Setting the Stage for Progressive Policy Action*, Dublin, 2018; UNDP, *Health deprivation among Roma in the Western Balkans*, 2018; Rasha Al-Saba, 'COVID-19, Minorities, and Indigenous peoples: The Litmus Test of Equality', *VerfBlog*, 2021/4/24. Available at: <http://bit.ly/3Pa8EdG>.

<sup>14</sup> European Commission Staff Working Document, *Report on health inequalities in the European Union*, SWD (2013) 328 final; European Commission, *Inequalities in access to healthcare. A study in national policies*, 2018.

virus. Disease incidence and mortality rates were higher among black communities in the USA<sup>15</sup> and United Kingdom<sup>16</sup> – the so-called BAME communities – as well as among indigenous peoples in the Amazon subregion<sup>17</sup> and Afro-descendants in various Latin-American countries.<sup>18</sup> A comparable situation of ethnicization of the COVID-19 epidemic was found in several European countries. European institutions – in particular the European Commission and the European Fundamental Rights Agency – pointed out that Roma communities were facing a much higher risk of contracting the virus and of dying once infected.<sup>19</sup> In the same vein, several studies carried out in European countries including Norway and Denmark showed that the highest risk of COVID-19 infection was among people born in Somalia, Afghanistan, Iraq, Ethiopia, Morocco and Lebanon.<sup>20</sup>

The pandemic is highlighting the importance of the role played by SDH and barriers to health in preventing the most marginalized segments of the population not only from having access to health services, but also from taking basic and fundamental measures to protect themselves against illness.<sup>21</sup> COVID-19 has exacerbated long-standing situations of exclusion, deprivation, and discrimination against the most disadvantaged segments of the population. In numerous countries, the national health system does not guarantee access to healthcare and health services in a non-discriminatory manner, owing to different factors ranging from individuals' ability to pay out of pocket for healthcare, to the absence of health infrastructures and facilities in the areas where those people live, to a

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- 15 Cf. CDC, 'Introduction to COVID-19 Racial and Ethnic Health Disparities', December 2020. Available at: <http://bit.ly/3VEzxZl>; Lopez, Harts, Katz, 'Racial and Ethnic Health Disparities Related to COVID-19', *JAMA*, 2021, 23:719-720; Tai, Shah, Doubeni, Sia, Wieland, 'The Disproportionate Impact of COVID-19 on Racial and Ethnic Minorities in the United States', *Clinical Infectious Diseases*, 2021, 72, 2021:703-706; Adelle Simons, Andre Chappel et. al., 'Health Disparities by Race and Ethnicity During the COVID-19 Pandemic: Current Evidence and Policy Approaches, ASPE Issue Brief, 16 March 2021.
- 16 Cf. Mrigesh Bhatia, 'COVID-19 and BAME Group in the United Kingdom', *The International Journal of Community and Social Development*, 2, 2020, 271-274; Public Health England, 'Beyond the data: Understanding the impact of COVID-19 on BAME groups', 2020; Kausik Chaudhuri, Anindita Chakrabarti, et. al., 'The interaction of ethnicity and deprivation on COVID-19 mortality risk: a retrospective ecological study', *Scientific Reports* Jun 2021. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8172854/>.
- 17 Cf. World Economic Forum, 'How coronavirus is affecting indigenous people in the Amazon', 29 April 2020. Available at: <http://bit.ly/3ExoSKx>; PAHO, 'The Impact of COVID-19 on the Indigenous Peoples of the Region of the Americas Perspectives and Opportunities, 30 October 2020; Lucas Ferrante, Philip M. Fearnside, 'Protecting Indigenous peoples from COVID-19', *Science*, 17 April 2020, 368(6488):251-252.
- 18 UN ECLAC, 'People of African descent and COVID-19: unveiling structural inequalities in Latin America', COVID-19 Reports, January 2021.
- 19 FRA, 'Coronavirus pandemic in the EU: Impact on Roma and Travellers, 1 March-30 June 2020; Overview of the impact of Coronavirus measures on the marginalised Roma communities in the EU, 2020. Available at: <http://bit.ly/3ijTTSn>.
- 20 NIPH, 'Systematic Review: Incidence and severe outcomes from COVID-19 among immigrant and minority ethnic groups and among groups of different socio-economic status, Report 2021.
- 21 Charles Agyemang, Anke Richters, Shahab Jolani, et. al., 'Ethnic minority status as social determinant for COVID-19 infection, hospitalisation, severity, ICU admission and deaths in the early phase of the pandemic: a meta-analysis', *BMJ Global Health*, 6 Nov 2021, 11:1-14; Andres Felipe Valencia Rendon, Isabela Mendes Volschan et. al., 'Marginalization, Vulnerability and Economic Dynamics in COVID-19', *International Journal of Cardiovascular Sciences*, 2021, 34(3):319-323.

more general problem of social exclusion. Moreover, the COVID-19 pandemic has some peculiarities. In the current phase, the adoption of a series of preventive measures is proving to be of fundamental importance in preventing the spread of the disease and in protecting the health of each individual. Both environmental and individual measures – hygiene, sanitization of places, frequent use of soap and disinfectants, face masks – and the ability to maintain a safe physical distance from others have proven essential for protection against the virus. The adoption of these measures can, however, be nearly impossible where the poorest and most vulnerable segments of the national population live. In many such settings, residents are more exposed to becoming infected or dying from COVID-19 due to poor access to running and clean water, washing facilities, soap and disinfectant; scarcity of sanitation and waste disposal systems; the high concentration of people in overcrowded areas and slums; multigenerational households; and/or living far away from hospitals and health centres. The ability to meet health care costs together with the increased exposure to the risk of infection and, last but not least, higher rates of comorbid chronic conditions – a situation that very frequently characterizes members of ethnic and racial minorities – is making a difference in the current pandemic, increasing the incidence of infection among minorities and indigenous peoples.<sup>22</sup> Again, this situation has arisen in developed countries, such as Canada,<sup>23</sup> as well as in developing ones.

A similar point can be made with regard to the additional adverse effects produced by the spread of the pandemic. In various countries, the pandemic has provided a useful opportunity for governments to adopt intentionally discriminatory measures. Since the beginning of the pandemic, various NGOs and human rights defenders have warned about an increase in different forms of discrimination against minorities, particularly ethnic and religious minorities. All measures taken by states to limit the spread of the virus and the number of fatalities – the closure of non-essential businesses, schools and borders, as well as other restrictions on movement aimed at enforcing social distancing such as curfews and lockdowns – should indeed be legally grounded. However, since the outbreak of the pandemic, the adoption of unjustified, more restrictive measures towards some specific groups has been repeatedly denounced. For example, the alarm was raised about the conditions of African immigrants and Uighurs in China,<sup>24</sup> of Roma in various

22 Efrat Shadmi, Yingyao Chen, Inês Dourado et. al. 'Health equity and COVID-19: global perspectives', *International Journal for Equity in Health* 2020, 19:1-16; Claire Bamba, 'Pandemic inequalities: emerging infectious diseases and health equity', *International Journal for Equity in Health*, 2022, 21:1-4.

23 Emily Thompson, Rojmiyahd Edjoc, Nicole Atchessi, et. al., 'COVID-19: A case for the collection of race data in Canada and abroad', *Canada Communicable Disease Report* 2021;47(7/8):300-304.

24 HRW, China: COVID-19 Discrimination Against Africans, 5 May 2020. Available at: <http://bit.ly/3XnYusf>; Michel Caster, 'COVID diplomacy' fuelled by Uygur oppression. Available at: <https://minorityrights.org/programmes/library/trends2021/china/>.

European countries,<sup>25</sup> and of Rohingya and other ethnic and religious minorities in Myanmar.<sup>26</sup> Furthermore, since the outbreak of the epidemic, an increase in scapegoating, labelling, stigmatization, and racist speech against minorities or those who are regarded as belonging to lower castes has been reported. This was the case with the Shi'a minority in Pakistan,<sup>27</sup> the Muslim minority in India and Sri Lanka<sup>28</sup> and the Roma communities in several European countries.<sup>29</sup> They have been scapegoated and blamed for spreading the virus, both by the general population and by public officials.

This situation raises serious concerns about the possibility of effectively protecting vulnerable groups from the pandemic and ensuring that they enjoy the right of access to healthcare and necessary health treatments. Most importantly, it is clearly in contrast with the provisions of international law on human rights and, more specifically, with general provisions that prohibit discrimination.

#### 4. The right to health and the prohibition of discrimination in international human rights law

In the debate on the prohibition of discrimination in the general system of the international law on human rights, a central point is represented by the nature and scope of the principle of non-discrimination. This principle can be indeed considered as a sort of foundational norm that inspires the entire system of international human rights law and is, as such, incorporated in the most relevant international instruments adopted both at universal and regional levels. These instruments – led by the United Nations Covenants on civil and political rights

25 ERRC, Roma Rights in the Time of COVID, 9 September 2020, <http://www.errc.org/reports-submissions/roma-rights-in-the-time-of-covid>; Amnesty International, 'Europe: Policing the Pandemic. Human Rights Violations in the Enforcement of COVID-19 Measures in Europe', 24 June 2020. Available at: <https://www.amnesty.org/en/documents/euro1/2511/2020/en/>.

26 Marlene Spoerri, Yasmin Ullah, N. Chloé Nwangwu, 'The Rohingya and COVID-19. Towards an Inclusive and Sustainable Response', Independent Diplomat, Policy Report, July 2020. Available at: <http://bit.ly/3UE7fNB>.

27 Jaffer Abbas Mirza, 'COVID-19 Fans Religious Discrimination in Pakistan', The Diplomat, 28 April 2020; Ruchir Joshi, Esha Joshi, 'COVID-19: A Catalyst for Minority Exploitation in Pakistan', Journal of International Affairs, 8 July 2020; Did 'Shia virus' blame affect attitudes towards Pakistan's Shia Hazara, Institute of Development Studies, 12 March 2021. Available at: <http://bit.ly/3iy8HU8>; British Home Office, 'Country Policy and Information Note. Pakistan: Shia Muslims', July 2021. Available at: <http://bit.ly/3P3VUVU>.

28 Amjad Nazeer, 'India Muslim minority experiences increased targeting and violence during COVID-19', Institute of Development Studies, 4 June 2020. Available at: <http://bit.ly/3VBrpJ3>; Kanika K. Ahuja, Debanjan Banerjee, 'The "Labeled" Side of COVID-19 in India: Psychosocial Perspectives on Islamophobia During the Pandemic', Frontiers in Psychiatry, 22 January 2021. Available at: <http://bit.ly/3VYuYck>; Nehaluddin Ahmad, 'Protecting the Rights of Minorities Under International Law and Implications of COVID-19: An Overview of the Indian Context', Laws, 23 March 2021. Available at: <https://www.mdpi.com/2075-471X/10/1/17>; France 24, 'Sri Lanka sticks to cremation of Muslim COVID-19 victims despite uproar', 8 Jan 2021. Available at: <http://bit.ly/3ULppkI>; Mohamed Imtiyaz Abdul Razak, Amjad Mohamed Saleem, 'COVID-19: The Crossroads for Sinhala-Muslim Relations in Sri Lanka', Journal of Asian and African Studies, 14 June 2021, 57(3):529-542.

29 Council of Europe (CDADD), 'COVID-19: an analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member States', November 2020. Available at: <http://bit.ly/3FbbvOz>.

and on economic, social and cultural rights, as well as the European Convention and the American Convention on human rights – contain a general provision that obligates states to recognize all the rights enshrined in the international instrument without discrimination of any kind, such as by race, colour, sex, language, religion, political or other opinion, or national or social origin.

This fundamental and general rule concerns discrimination in legislation and policies as well as their implementation, but although the adoption of specific measures and policies is a general problem in any implementation of rules guaranteeing human rights, this problem can take on a different dimension with regard to economic and social rights, including the right to health.

For a long time, the international debate on the two categories of human rights has focused on the different natures of the categories and, accordingly, of the state's obligations. The fundamental assumption has been that whereas civil and political rights require the state to refrain from interfering with individual freedoms, the realization of economic, social and cultural rights requires the state to make investments and adopt targeted economic plans aimed at ensuring the effective protection and realisation of these rights. Although such a debate seems outdated and the division between different categories of rights has been abandoned, the idea that the realization of economic, social and cultural rights cannot be achieved in a short period of time and that states are responsible for the “progressive realization” of these rights has not been completely overcome.

The Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment number 3 on the nature of the state's obligations under the Covenant,<sup>30</sup> has offered several valuable insights in this respect. The first one is that the obligations undertaken by state parties to the Covenant are both obligations of result and obligations of conduct; the second is that, although it is understood that the realization of some rights enshrined in the Covenant may be conditioned by resource constraints and poor investments, some obligations are of immediate effect. Among these obligations, two are of particular importance here: the obligation to “take steps,” i.e., all the appropriate measures to guarantee the realization of the relevant rights, and the obligation not to discriminate.

Clearly, this reasoning is applicable to the problem of recognition of the right to health as a right of an economic and social nature enshrined in Article 12 of the Covenant. This provision is designed to achieve a fundamental aim already provided for in WHO's statute, that is “the enjoyment of the highest attainable standard of physical and mental health.” When we analyse the content and scope

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<sup>30</sup> CESCR, General Comment n. 3: The Nature of States Parties Obligations (Art. 2, Para.1, of the Covenant), E/1991/23.

of the right to health, some elements deserve to be highlighted, as reflected in General Comment number 14 on the content and scope of Article 12, adopted in 2000 by the CESCR.<sup>31</sup> The CESCR has made clear, first, that Article 12 imposes specific obligations upon the states in terms of availability and access to healthcare facilities, goods and services, and second that the right to health must be ensured without discrimination of any kind, such as by race, sex or religion.

The state's obligations are positive in nature, and the state is called upon to ensure the progressive realization of this right. Such progressive realization implies that an obligation to adopt the necessary measures to ensure this right, taking into account each state's own level of development and available resources. Clearly, this means that the most appropriate measures to implement the right to health will vary significantly across countries. In deciding on the adoption of the necessary or the most appropriate measures, and therefore in how its national health system must be organized, each state has a considerable margin of discretion. But over and above the unavoidable differences and the discretion of each state in implementing the right to health, some basic obligations are common to all states.

The first such obligation pertains to the progressive nature of the right to health, which cannot be interpreted as an alibi for a state that does not wish to fulfil its obligation. Article 12 obliges each state party to take the necessary steps to the maximum of its available resources; it thereby follows that a state which is unwilling to use the maximum of its available resources for the realization of the right to health is violating its obligations under Article 12. The second fundamental obligation pertains to the basic principle of non-discrimination: Article 12, which imposes the obligation to recognize the right to health without any distinction or discrimination, also indicates that states must ensure this right for the most vulnerable and marginalized segments of the population.<sup>32</sup> In this respect, the CESCR has pointed out, "States are under the obligation to respect the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum-seekers and illegal immigrants, to preventive, curative and palliative health services."<sup>33</sup> Analogously, the misallocation of public resources which results in the denial of the right to health for individuals or groups – particularly those who are vulnerable or marginalized – and the failure to take measures to reduce the inequitable dis-

31 CESCR, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), *E/C.12/2000/4*.

32 A similar approach to the issue of the recognition of the right to health under equal conditions characterizes the provisions of the UN Convention against Racial Discrimination. Article 5 of this convention declares that states have the obligation to guarantee without distinction the right of everyone to the equality before the law in the enjoyment of a series of fundamental rights including the right to health.

33 CESCR, General Comment No. 14, *cit.*, at para 34.

tribution of health facilities, goods and services represent clear violations of the obligations to fulfil the right to health.

The principle of non-discrimination also inspires the system of the International Health Regulations, which is the system of international rules laid down by the WHO in 2005. These regulations provide for member states' obligations in case of an outbreak of a pandemic and more specifically of a "public health emergency of international concern" (PHEIC). Over and above the duty to report the outbreak of epidemics that could spread across a state's national border and the obligation to cooperate with other states in handling such events, states are also obligated to adopt specific measures aimed at curtailing an epidemic and to protect and safeguard the health of the population. These health measures may include quarantine, screening of and/or restrictions on persons from affected areas, medical treatment, vaccination and prophylaxis. These provisions impose a series of obligations that seem clearly interrelated with those envisaged by Article 12 of the Covenant. In its general comment, the CESCR explains that this rule imposes upon states some "core obligations," among which the Committee has included the obligations to provide immunization against major infectious diseases occurring in the community; to take measures to prevent, treat and control epidemic and endemic diseases; and to provide education and access to information concerning the main health problems in the community. As pointed out above, the system of International Health Regulations is grounded on the basic principle of non-discrimination; Article 42 provides that "health measures taken pursuant to those regulations shall be initiated and completed without delay and applied in a transparent and non-discriminatory manner." It follows that the adoption of measures aimed at curtailing a public health emergency in a discriminatory manner – that is to say, in a manner which does not ensure equal access to the necessary preventive or curative services – is clearly in contrast with the provisions of both Article 12 of the Covenant on economic, social and cultural rights and Article 42 of the International Health Regulations.

Finally, when dealing with the issue of the right to health in international human rights law, we should note that the reduction of health inequalities and the fulfilment of the principle of non-discrimination in health matters constitute one of the pillars of Universal Health Coverage (UHC). The latter has been defined by WHO and the United Nations as a strategy to be implemented by all states as part of strengthening national health systems so that all people have access to promotive, preventive, curative, and rehabilitative health services of quality, when and where they need them, without financial hardship.<sup>34</sup> UHC – which, given its importance,

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34 UNGA Res. 63/33, 26 November 2008; 67/81, 12 December 2012; 74/20, 11 December 2019.

has been included in the SDGs – is strongly focused on the goal of breaking the link between illness and poverty and making access to health and healthcare affordable and available for all. Clearly, the achievement of this goal requires a progressive reorientation and strengthening of national health systems, but it mostly requires that a commitment to leaving no one behind in terms of health protection must become the founding principle of any national health system.

## 5. Conclusions

As noted at the beginning of this article, the COVID-19 pandemic has proved to be a very important test and an important lesson should be learnt from it. We have often heard – particularly when dealing with the problem of vaccinations – that until every country is safe, no country will be safe; however, the same principle also applies to the internal situation of each country, and indeed, until every person is safe, there is a real risk that the epidemic will remain out of control. COVID-19 should represent a watershed moment for health inequalities. It is demonstrating that the appropriate allocation of resources to create conditions for healthy lives is an essential prerequisite for the state to be able to react adequately to emergencies of the magnitude of COVID-19. The problem is not merely one of increased earmarking of resources necessary for strengthening and improving the efficiency of the health system; rather, it is a matter of ensuring access to healthcare and health facilities for all segments of the national population on equal terms. Ensuring access to healthcare and treatment becomes particularly important in times of emergency, when there is a real risk that, due to limited resources and exceptional pressure on health systems, national authorities will give priority to certain groups, thereby discriminating in access to care or reinforcing existing discrimination. The ongoing pandemic is demonstrating that inequalities and discrimination in health not only create favourable conditions for the spread of diseases, especially infectious diseases, but can also put the health of the entire population at risk.

As a last point, with specific regard to the problem of other forms of discrimination generated by the pandemic, we should recognize that an efficient health system capable of providing assistance for all is also a useful and effective instrument for preventing other adverse effects that a pandemic could provoke. If the national health system functions in such a way as to guarantee access to treatment and care without distinction, it will be more difficult for even a health emergency to become a pretext for fuelling other pre-existing forms of discrimination against minorities and other vulnerable groups or a further tool to exacerbate inter-ethnic and inter-religious conflicts.

# The impact of COVID-19 on religious regulation in Colombia, Cuba, Mexico, and Nicaragua

*Dennis P. Petri and Teresa Flores<sup>1</sup>*

## Abstract

In Latin America and globally, drastic sanitary measures were taken to combat the coronavirus. In this study, we investigate the consequences of these sanitary measures for religious regulation. We compare the situation before and after the sanitary measures taken in four Latin American countries (Colombia, Cuba, Mexico, and Nicaragua). We conclude that the COVID-19 measures mainly restricted the collective dimension of freedom of worship, bringing religious regulation to similar levels as that in some authoritarian regimes. We also found evidence that some governments took advantage of the situation to increase their repression of religious groups.

## Keywords

religious regulation, COVID-19, Colombia, Cuba, Mexico, Nicaragua.

## 1. Introduction

Regardless of whether the extreme sanitary measures taken to combat the coronavirus beginning in 2020 were justified, exaggerated or, on the contrary, insufficient, it is indisputable that they have had real consequences for our societies. While some rejoiced at the positive effects on the environment, others expressed concern about the severe economic consequences. Very little was said, however, about the political consequences of the protective measures, which have been far-reaching and may remain so long beyond the pandemic.

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Among the political consequences of the health measures are practical limitations on the exercise of many democratic activities. For example, the sanitary measures posed significant logistical challenges to the normal conduct of electoral processes. Due to health restrictions, it was also practically impossible to carry out traditional collective actions such as marches, strikes or blockades, or any intervention involving assemblies of large numbers of people. While many social protests shifted to social networks or adopted creative interventions such as “cacerolazos” (in Argentina, Brazil and Colombia) from the balconies of homes, they did not have the same political impact and could more easily be ignored. Similarly, citizens were restricted from visiting the offices of their parliamentary representatives or mayors. And how could true investigative journalism be guaranteed if journalists were unable (or unwilling), because of COVID-19 restrictions, to visit certain sites where human rights violations may occur (Dabène 2021; Petri 2021a; Perdomo 2022)? These examples illustrate the invasive impact of the sanitary restrictions on many civil and political rights.

In this study, we examine the effects of the pandemic on religious regulation through an in-depth study of four Latin American countries: Colombia, Cuba, Mexico, and Nicaragua. These four countries were selected because they provide particularly interesting illustrations of this phenomenon. Cuba and Mexico are the two Latin American countries that had the highest pre-pandemic levels of religious regulation. Colombia, and to a lesser extent Mexico, have established interreligious dialogue mechanisms that have been activated around the pandemic. Nicaragua, and to a lesser extent Mexico, implemented relatively few measures to combat the COVID-19 outbreak. These case studies may provide insights for other scholars who could examine other countries in the region or other regions of the world in the same way.

Religious regulation is a dimension of religious policy<sup>2</sup> that can simply be defined as “all government laws, policies, and practices that limit, regulate, or control the majority religion in a state, or all religions in a state” (Fox 2013:41). The Religion and State (RAS) dataset (Fox 2008, 2014, 2015, 2016, 2019; Fox, Finke and Mataic 2018) describes religious regulation through 29 variables. In this study, we score these variables for the situation during the pandemic (roughly from April 2020) and compare them to the most recent data available describing the pre-pandemic situation (2014). More recent data is unfortunately not available, but, because the RAS dataset describes policy, most of its variables generally re-

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2 The Religion and State Project distinguishes four dimensions of religious policy: official religion, religious discrimination against minority religions, regulation of and restrictions on the majority religion or all religions and religious support. In this article, we discuss only the third dimension, religious regulation.

main very stable in the short term and mid-term and can thus be used as a proxy for the pre-pandemic levels of religious regulation. The only exception is Nicaragua, which has experienced substantial increases in religious regulation in recent years as the regime has increased its repression of religious groups who criticize the government.

When considering religious regulation, we must keep in mind that every state regulates religion in one way or another, which can be more or less restrictive. This is a central point in the work of scholars such as Fox (2016) and Philpott (2019, writing on the Muslim world). Major differences can be observed between democratic and authoritarian states, but also within them.<sup>3</sup> State regulation of religion can range from simple administrative requirements such as the registration of religious organizations, which is standard in most democracies, to severe restrictions such as state interventions within religious groups or even the complete outlawing of particular religious practices or groups. The latter is more common in authoritarian states, particularly those that enforce a strict anti-religion policy (such as communist states) or that favor one religion to the detriment of others (such as theocratic states).

Our starting point is that the sanitary measures adopted to combat the coronavirus have substantially increased, at least for the duration of the pandemic, the regulation of religion and therefore constitute a restriction of religious freedom, as has also been theorized in other contexts (Du Plessis 2021; Flood, MacDonnell, Thomas and Wilson 2020; Martínez-Torreón 2021; Burlacu et al. 2020). To investigate this proposition, we first describe how Colombia, Cuba, Mexico, and Nicaragua responded to the COVID-19 pandemic. We then compare the regulation of religion in these four countries before and during the pandemic, using data collected through the Violent Incidents Database of the Observatory of Religious Freedom in Latin America, which we apply to the RAS indicators. We conclude with a discussion of the broader implications of the sanitary measures for religious freedom.

## **2. Response by the state to COVID-19 in Colombia, Cuba, Mexico, and Nicaragua**

Governments have taken countless measures to address the crisis unleashed by COVID-19. The pandemic negatively impacted not only the health sector, but also the economic, social and political areas. In many countries, especially in Latin America, it exacerbated long-standing problems and revealed other underlying

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<sup>3</sup> The impact of religious policy on religious freedom can also be considered as a function of state capacity, but we will touch on this aspect only tangentially.

deficiencies related to the inability of governments, further fueled by corruption issues. In this section, we focus on the measures that directly or indirectly affected religious communities and their exercise of religious freedom.

### **2.1. Colombia**

In recent years, Colombia took substantial steps to recognize religious communities in its territory and their important role as social actors in peace and justice processes, as well as in the defense of human rights. In 2017, the Comprehensive Public Policy on Religious Freedom and Worship was adopted by the Ministry of the Interior of Colombia (MICO), with the goal of providing guarantees for the effective exercise of the right to freedom of religion and worship in Colombia. In this spirit, the Colombian government expressly considered religious groups when issuing its decrees (MICO 2020a) to handle the COVID-19 pandemic.

In March 2020, Colombia declared a “state of economic, social and ecological emergency,” ordering all inhabitants to quarantine as a prevention mechanism and limiting the free movement of people and vehicles in the national territory, except for those people engaged in the provision of public or emergency services, supply of basic necessities, financial services, production chains and agriculture, among others. During this lockdown period, the free movement of people dedicated to the provision of funeral services, burials and cremations, as well as to faith-based emergency and humanitarian programs or spiritual and psychological aid, were allowed (MICO 2020b). Religious groups and their various social organizations were also involved in the coordination mechanisms of the Family Police Stations, to deal with cases of intra-family violence during the health emergency (MICO 2020c) and their priorities for obtaining medicine, hygiene items and cleaning supplies (MICO 2020d). Religious groups registered in the Public Registry of the Ministry of the Interior were consulted for information on vulnerable people and families in order to benefit from food aid from the government (Parlamento Andino 2021). Religious services, however, were prohibited at the beginning of the pandemic, being considered a “non-essential activity.”

At the same time, in coordination with religious leaders, the Colombian authorities adopted a series of decrees to prevent the spread of COVID-19 (MICO 2020e). The measures included social distancing, ventilated spaces and the use of masks inside churches, among others. In July 2020, a security protocol was approved to mitigate the risk of the pandemic in the religious sector, and local governments were tasked with monitoring compliance (Ministerio de Salud y Protección Social de Colombia [MSPSCO] 2020a). The measures adopted included a distance of two meters between people, the non-entry of children while the government maintained the mandatory preventive isolation of this group, hav-

ing staff verify the correct use of masks, prohibition of distributing objects hand to hand, and prohibition of meetings before or after religious services. Regarding the size of gatherings, a pilot plan was established that would allow a maximum of 50 people for the first 15 days and, later, up to 35 percent of the capacity religious venues (MSPSCO 2020b).

A nationwide reopening of religious facilities was not possible, but local reopenings were permitted, depending on the degree of impact of the coronavirus. Municipalities with little or no impact from the coronavirus were authorized to request the Ministry of the Interior to lift the mandatory preventive isolation measures in their territory. In the municipalities of moderate and high impact, religious services were not permitted. Local mayors, not religious leaders, were responsible for requesting the respective authorizations for the reactivation of religious services in their municipality.

In August 2020, religious services were eliminated from the list of prohibited activities, and the reopening of religious facilities and services in all municipalities of the country was authorized one month later, regardless of the location's degree of COVID-19 impact, under the conditions that they did not involve crowds of more than 50 people and that they complied with the protocols described above. Under this new regulation, participation by minors and people over 70 years old was allowed. If a mayor of a municipality highly affected by COVID-19 believed that religious services should still be restricted, before adopting a measure for this purpose, he or she was obliged to request authorization from the Ministry of the Interior (Conferencia Episcopal de Colombia 2020).

In June 2021, new rules established new criteria for the development of economic, social, and State activities – including religious activities – according to three different cycles (MSPSC resolution 777):

- i) *Cycle 1*: public or private events may be held, as long as the occupancy of intensive care (ICU) beds in the department to which the municipality belongs is equal to or less than 85 percent, a minimum physical distance of 1 meter is maintained, and a maximum of 25 percent of the capacity of the event is admitted. If the occupancy of ICU beds is greater than 85 percent, public or private events that exceed 50 people are not allowed.
- ii) *Cycle 2*: events of a public or private nature may be held if the physical distance of at least 1 meter is maintained and a maximum of 50 percent of the capacity of the venue is admitted.
- iii) *Cycle 3*, public or private events may be held if the physical distance of 1 meter is maintained and a maximum of 75 percent of the venue's capacity is admitted. The development of religious activities is also subject to these conditions.

Describing each Colombian norm or decree related to COVID-19 is beyond the scope of this study, but from the above description, we can conclude that religious services in Colombia during the pandemic depended heavily on government authorization. Even though religious leaders had the power to determine the procedures to be followed in each church or denomination, their decisions necessarily had to be adapted to the guidelines approved by local authorities. In some cases, religious leaders chose voluntarily to close buildings temporarily or cancel the celebration of specific religious festivities, to avoid crowds and thus prevent contagion.

The activities of the religious sector were considered essential but only in their humanitarian dimension, that is, only with respect to those activities dedicated to social assistance or psychological support (MICO 2020e). In contrast, worship services, the celebration of the sacraments, and religious events such as processions or group prayers were completely suspended or made dependent on the impact of COVID-19 in each territory and subject to the authorization of the local authorities (Rodríguez 2020). During the lockdowns, there were even some cases in which church buildings with people assembled for worship were emptied by the police.

## **2.2. Cuba**

At the beginning of the pandemic on the island, the country declared an emergency hygienic-epidemiological situation (Ministerio de Justicia de Cuba, MJCU 2020a), under which it determined the mandatory temporary isolation period for all travelers from abroad who entered the country, and for people with contagious symptoms. At first, the authorities determined that the epidemiological quarantine would be an extraordinary measure. Non-essential personnel were prohibited from entering hospitals and other public institutions, to prevent the spread of the virus.

In June 2020, the Council of Ministers approved a series of measures for the post-COVID-19 recovery stage. These were grouped into 13 areas and were divided into those that applied equally in each of three phases and those that would require adjustment between phases. Religious institutions were considered among the activities of the social sector (Consejo de Ministros de la República de Cuba 2020). They were advised that they could gradually resume holding services, provided that they guaranteed suitable distance between people and respected other guidelines.

Due to the rise in infections, the strategy was to divide the country's provinces into different phases: i) Limited autochthonous transmission, ii) Phase 1, iii) Phase 2, iv) Phase 3, v) New normal, with specific restrictions according to each

phase in each province (Ministerio de Salud Pública de Cuba 2021). The first one, Limited Autochthonous Transmission was the name given to the stage in which there was a record of the highest contagions and therefore entailed greater limitations. A province entered this phase when cases were confirmed that could not be traced to travelers from affected areas, but when the cases were limited to small communities or institutions (Universidad Virtual de Salud 2020). Stricter capacity limits and rules concerning operating hours were enforced under Phase 1. In Phase 2, authorities could lift restrictions on inter-municipal passenger transport and ease restrictions on the tourism sector. In Phase 3, all economic and productive activities were allowed to continue, and interprovincial travel could resume.

In August 2020, the Council of Ministers established sanctions with the aim of increasing compliance with public-health measures so as to prevent the spread of the coronavirus in the province of Havana (MJCJ 2020b). The main sanction was fines ranging from two thousand to three thousand pesos. Failure to pay within the established period would lead to the opening of a criminal case. Agents of the National Revolutionary Police and inspectors of the Integral Directorate of Supervision and Control of the Province of Havana, of Public Health, of the National Office of State Inspection of Transport, and of the State Directorate of Commerce were tasked with imposing these sanctions.

As of mid-December 2020, Cuban authorities were still enforcing stricter business and movement restrictions in provinces with higher transmission rates, while applying the “New Normal” phase of recovery across other provinces in the country. As of January 2021, the proposed measures for the stage of limited autochthonous transmission included the temporary suspension of religious activities (CubaDebate 2021). In June 2021, the Cuban authorities decreed that the entire national territory would enter the phase of community transmission due to the high number of cases of COVID-19 (Crisis24 2021). It was a phase that had not been declared before in the country and led to the application of new measures, aimed at stopping transmission and advancing health intervention. This led to the approval of a new contingency plan that emphasized, among other things, avoiding high concentrations of people and reducing their mobility (Puig 2021). Local authorities could enforce tighter measures on business, public transport, and recreational and group activities based on local disease activity with little to no notice. This stricter plan directly impacted religious services.

Cuba initiated efforts to develop its own vaccine. In July 2021, the Center for State Control of Medicines, Medical Equipment and Devices (CECMED) authorized the emergency use of Abdala, the first anti-SARS-CoV-2 vaccine developed and produced in Latin America and the Caribbean (CECMED 2021). As of De-

ember 2021, the Center for Genetic Engineering and Biotechnology (CIGB) confirmed the protection of the vaccine against the most serious form of COVID-19 by 92 and 90.7 percent. (Conde 2021) Although Cuba began the procedures for the World Health Organization to approve the vaccine, as of November 2022, the international organization is still waiting for the necessary documentation (WHO 2022).

During the time the most restrictive measures were in force to reduce the risk of contagion from COVID-19 access to places of worship become an acute problem, especially for unregistered churches. The powers granted to local authorities to verify compliance with security measures have translated into greater power to close churches or impose fines, which often leaves congregations without a place to meet (ADN Cuba 2021a).

The measures adopted by the government, under the guise of epidemiological surveillance to guarantee compliance with prevention measures, have been arbitrarily applied by the authorities to monitor activities at places of worship and to scrutinize the content of sermons, not only at unregistered churches but also at some registered ones (Cardoso 2021).

Given the recent escalation of repression by the government, more and more religious leaders, including some usually silent Catholic priests, have raised their voices, despite the risk of sanctions (ADN Cuba 2021b). Religious leaders and members of religious communities who speak out openly against the regime have been arrested on false or arbitrary charges. The pandemic has fueled these incidents under the pretext of crimes such as “transmission of the epidemic” or allegedly not complying with the required sanitary precautions during religious services (Cardoso 2020). Religious leaders who have sought to distribute aid to needy populations during the pandemic have been charged with contempt.

### **2.3. Mexico**

In March 2020, Mexico declared the “epidemic generated by the SARS-CoV-2 virus (COVID-19) a health emergency due to force majeure” (Secretaría de Gobernación, SGMEX 2020a), which led to the immediate suspension of “non-essential activities.” Only services necessary to respond to the health emergency, such as public security, fundamental sectors of the economy and government social programs, were allowed to continue operating. The population was exhorted to self-quarantine, but this was not mandatory (SGMEX 2020b). Religious services were not included in the range of essential activities, which led to a strange situation in which liquor stores were allowed to remain open but churches could not receive visitors.

In April 2020, the Secretariat of Government called on churches, associations and religious groups in the country to follow up on security measures, exhorting

them to promote self-quarantine among church members and urging them to suspend in-person religious services in favor of virtual worship (SGMEX 2020c). The General Directorate of Religious Affairs issued a statement with specific guidelines to extraordinarily allow the transmission of acts of public worship by non-printed mass media during the period of the health emergency, in accordance with article 21 and 22 of the Law of Religious Associations and Public Worship (SGMEX 2020d).

As of June 2020, a regional traffic light system was established to gradually reopen social, educational and economic activities, based on weekly assessment of the epidemiological risk related to the resumption of activities in each federal entity. Activities carried out in closed public spaces could gradually be restarted. As for religious facilities, their activities would be suspended if they were located in places categorized as “Maximum” (red), the allowed capacity would be 25 percent in places categorized as “High” (orange), it would be 50 percent in places categorized as “Medium” (yellow), and regular activities could take place with basic prevention measures in places categorized as “Low” (green). When locations reopened, recommended security protocols were issued (SGMEX 2020e).

The federal Ministry of Health was responsible for determining when activities could restart. Due to the nature of the traffic light, the reopening dates varied between states and municipalities. As of June 2020, there was no general determination for the reopening of places of worship. This was largely dependent on the guidelines issued at the federal, state, or municipal level about the reopening stages. To date, the epidemic risk traffic light strategy is maintained to determine what activities are allowed, including religious services.

Access to places of worship and other inside or outside activities no longer depends on ecclesiastical authorities, but on the criteria of each state authority based on the incidence of COVID-19. In some states, the authorities established a dialogue with religious leaders to jointly determine the measures to be adopted in places of worship, whereas in others, the authorities decided unilaterally, and often arbitrarily, which activities were to remain suspended.

#### **2.4. Nicaragua**

Unlike the other countries under review, in Nicaragua, lockdowns and travel restrictions were never part of the government’s response to COVID-19. Very few policies were implemented to mitigate the crisis caused by the pandemic (Miranda 2020). On the contrary, the regime did not recognize the seriousness of the situation and, instead of following international health protocols, provided little or no information about the progress of COVID-19 in the country. In fact, it encouraged massive activities in order to promote a false security among its

inhabitants and reinforce the impression that the government was in control of the situation (Hurtado 2020).

The Ministry of Health promoted measures related to controlling COVID-19 cases only for those people with symptoms or with positive test results (Ministerio del Poder Ciudadano para la Salud de Nicaragua, MPCSNIC 2020a). Other strategies included home visits by community health staff to communicate health protection measures, establishment of a National COVID-19 Information Center to field calls (MPCSNIC 2020b), disinfection of public spaces and public transport, and raising awareness about the importance of handwashing (MPCSNIC 2020c). The government also issued the Plan for the Employment of Forces and Means of the Nicaraguan Army, under which military capacity was used to combat the pandemic. Among the activities assigned to the army were the reorientation of military production plans related to suits, masks, disinfectant substances and other items; reinforcement of military units in border territories; disinfection of public spaces (Ejército de Nicaragua 2020); and campaigns to communicate basic COVID-19 prevention measures (Ejército TV 2020). The Nicaraguan Ministry of Health issued guidance to prevent the transmission of COVID-19 as well as biosafety guides for different spaces, from commercial food establishments to pharmacies, dental practices and beauty salons (MPCSNIC 2020d).

In March 2021, the Ministry of Health elaborated a risk management guide for mass events and activities, including events of a religious nature (MPCSNIC 2020e). As part of the prevention and control measures, the Local Comprehensive Health Care System (Sistema local de atención sanitaria integral or SILAIS) would have the power to request organizers to implement systems that allow identification of participants and disclosure of contact information to the health authorities. The guide also explained means of maintaining communication and cooperation with the health authorities for the exchange of necessary information. In general, however, isolation and quarantine requirements were not officially applied. Measures were limited to prevention recommendations and communication campaigns (Secretaría Privada de Políticas Nacionales de la Presidencia de la República 2020). On multiple occasions, the authorities not only allowed but promoted massive events (Hurtado 2021).

National unions and civil society organizations, as well as regional and international organizations, repeatedly called on the government to adopt stricter measures and greater transparency in the information provided on confirmed cases or deaths due to COVID-19 (Belchi 2021). Although, as of the date of publication of this article, the Pan American Health Organization has indicated that Nicaragua reports vaccination coverage against COVID-19 of 80.9 percent of its total population (PAHO, 2022), by March 2021 – the time of writing – the authorities had

not presented a national vaccination plan in accordance with the parameters of the World Health Organization, nor have they decentralized COVID-19 detection tests, which made it difficult to know the real number of infected people in the country. Instead, authorities harassed those who tried to provide information on the evolution of the pandemic in the country (Swiss Info 2021), including religious groups, arguing that such actions contradicted the government's position and threatened the country's sovereignty.

Some recent regulations, approved during the crisis unleashed by the pandemic, have reduced the opportunity for foreign civil society organizations to be affiliated with Nicaraguan religious denominations. The most outstanding rule in this regard is the Law for the Regulation of Foreign Agents, which establishes that "foreign agents" must provide identification data on the foreign government(s), parties and related entities. It also requires that these "foreign agents" refrain – under penalty of legal sanctions – from intervening in internal and external political activities and from financing or promoting the financing of any organization, party or coalition that carries out internal political activities in the country.

Although one of the exceptions includes legally recognized religious entities properly registered with the Ministry of the Interior, those that carry out any type of activism that the government considers contrary to their interests could be sanctioned with fines, cancellation of their legal status, or confiscation of their assets, in addition to criminal charges. In practice, this also implies that any affiliation or relationship with religious organizations perceived as opponents of the government may jeopardize an entity's legal status (OLIRE 2020).

Surveillance inside places of worship is carried out by the authorities and by infiltrators who monitor sermons, especially those of religious leaders perceived as opponents of the government. Verification of the preventive measures adopted to counter COVID-19 is often taken as a justification for the monitoring of services, although this practice has been normalized to some extent and religious leaders know that they should be careful with their messages to parishioners so as not to be accused of "treason against the homeland" (García 2020). Despite this, many religious leaders, especially Catholics, remain outspoken critics of the government, continually exposing themselves to possible reprisal (Salinas 2021).

Nicaragua is the only country in our sample where the ecclesiastical authorities themselves, voluntarily and due to the government's inaction at the beginning of the pandemic, chose to cancel religious services and did not allow parishioners to access houses of worship in order to avoid the spread of the virus. Other religious leaders continued their activities on a regular basis, applying security protocols.

### 3. Comparison of the regulation of religion before and during the pandemic

The foregoing descriptions of the measures taken by the authorities in Colombia, Cuba, Mexico, and Nicaragua to combat the COVID-19 pandemic indicate that additional regulations and restrictions of religion were imposed in most of the following areas:

- 1) Restrictions on trade associations or other civil associations affiliated with religion.
- 2) Restrictions on or monitoring of sermons by clergy.
- 3) Restrictions on access to places of worship.
- 4) Government influence on the internal workings of religious institutions and organizations.
- 5) Restrictions on religious activities outside recognized religious facilities.
- 6) Arrest of people engaged in religious activities.
- 7) Restrictions on religious public gatherings that were not placed on other types of public gatherings.
- 8) Arrest, detention and/or harassment of religious figures, officials and members of religious parties.

These restrictions and regulations correspond to eight of the 29 variables describing religious regulation in the RAS dataset. We suggest adding a ninth variable to account for the variety of all other religious restrictions derived from the COVID-19 measures – such as the imposition of hygiene protocols – that are not covered by the existing variables. Other areas of religious regulation were left untouched.

Most of these restrictions (e.g., access limitations, prohibiting activity outside recognized religious facilities, arrests), correspond to the collective dimension of freedom of worship. Regarding the first two variables, only Nicaragua did not implement any restrictions – on the contrary, the authorities exploited religious festivities to gain greater social legitimacy – while Mexico allowed considerable flexibility.

Only in Cuba was the individual dimension of freedom of worship *de facto* affected by the sanitary measures, because the majority of the population does not have access to the internet and therefore attending livestreamed religious services was not an option for them.

Arrests for religious activities in Cuba and breaking up of religious services in Colombia occurred when authorities believed that sanitary measures were being violated, although in Cuba these enforcement actions may also have been used as a pretense to intimidate religious leaders critical of the regime, in line with its practice of fabricating charges that have nothing to do with religion (Petri 2020).

The variable of restrictions on religious public gatherings that are not placed on other types of public gatherings is complex to score in the COVID-19 context because restrictions on public gatherings did not discriminate between religious and non-religious gatherings. Nevertheless, some degree of arbitrariness in the categorization of essential and non-essential activities could be observed, as no objective criteria were provided to exclude religious services from the list of non-essential activities. At any rate, it is hard to explain why places of worship had to close while liquor stores could remain open. Only in Colombia were humanitarian initiatives by faith-based groups considered essential activities, and this classification did not apply to regular religious services. Furthermore, in both Mexico and Colombia, religious activities were among the last activities to be considered for reopening as the pandemic situation receded.

The individual dimension of freedom of worship was rarely affected by the COVID-19 measures, and much collective worship continued through virtual channels. From an anthropological perspective, it is notable that most religious communities underwent a process of adaptation to the circumstances imposed by the coronavirus, reinventing their religious practices. The use of technology for virtual religious services became widespread, or religious services were organized outdoors and in markets, where the risk of contagion was lower. The Mexican Catholic Church developed protocols for dealing with cases of COVID-19 and appointed a sort of “coronavirus coordinator” to supervise this process (Gazanini 2020). Orthodox Jewish groups, which usually do not use electronic devices on the Sabbath, authorized electronic celebrations.

Another area affected by the COVID-19 measures was the internal autonomy of religious institutions, which is measured by the variable of government influence on the internal workings of religious institutions and organizations. In all cases where religious services were suspended, the reopening of places of worship was subject to an administrative decision in which religious organizations themselves had little to say, except in Colombia where the government actively consulted religious groups.

The most striking aspect is that decisions about the internal work of the churches, especially in relation to worship or indoor work – such as the number of people permitted to attend, distribution of parishioners in the sanctuary, or times of permitted access – no longer depended on the religious authorities but on the consent of external agents, such as mayors, governors or ministries, and bureaucratic processes. This meant that, in those territories where the authorities have not cultivated a culture of respect for human rights or are not aware of the multiple dimensions of religious freedom, religious services were at risk of being limited or suspended indefinitely and arbitrarily.

In Cuba and Nicaragua, the government actively took advantage of the COVID-19 situation to increase its pressure on religious groups. In both countries, ensuring compliance with sanitary protocols was used as a pretext to intensify the monitoring of sermons by state actors, thereby restricting the clergy's freedom of expression on politically sensitive matters. In Nicaragua, the Law for the Regulation of Foreign Agents, imposed during the pandemic, directly hindered religious groups that had ties with foreign organizations perceived as opponents of the government. In Cuba, as already mentioned, religious leaders and members of religious communities who spoke out against the regime were arrested on false or arbitrary charges, with the authorities conveniently claiming that their activity was contributing to the propagation of the pandemic. This is particularly worrying because in both Cuba and Nicaragua, religious services continue to be among the few places where messages in support of justice, democracy, protection of human rights, or respect for the rule of law can still be delivered.

Two positive aspects of the position of religious minorities during the pandemic can be mentioned. In Colombia, the government actively sought input from religious groups when issuing its sanitary measures, actively supported their humanitarian work throughout the pandemic, and involved them in the process that led to the gradual reopening of places of worship. Some local governments in Mexico also consulted representatives of religious groups to inform their COVID-19 responses. Mexico temporarily overturned its ban on the broadcast of worship services by non-print media – a unique step, considering the country's anticlerical history.

Following the RAS codebook, we re-scored the four countries of our sample based on their additional religious regulations and restrictions related to the COVID-19 measures. Detailed scoring of individual variables can be found in Appendix 2. The 29 variables describing religious regulation were scored on a scale of 0 to 3<sup>4</sup> and can be combined to create a Religious Regulation Index with a range from 0 to 87. Figure 1 compares the most recent scores on this index (2014) to the COVID-19 situation. The 2014 scores were taken directly from the RAS dataset. The COVID-19 scores are based on our own assessment, which is informed by the Violent Incidents Database, the media monitoring instrument of the Observatory of Religious Freedom in Latin America (OLIRE).

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4 Each of the items in the category "Regulation of and restrictions on the majority religion or all religions" was coded on the following scale: 3 = the activity is illegal, or the government engages in this activity often and on a large scale; 2 = significant restrictions including practical restrictions, or the government engages in this activity occasionally and on a moderate scale; 1 = slight restrictions including practical restrictions, or the government engages in this activity rarely and on a small scale; 0 = no restrictions.

Religious Regulation Index (0-87)	2014	Covid19
Colombia	2	8
Cuba	27	36
Mexico	20	25
Nicaragua	8	14
Latin America (average)	6.2	
Western democracies (average)	5	
Middle East (average)	21.5	
Other regions (average)	12.1	

**Figure 1:** Comparison of the Religious Regulation Index of Colombia, Cuba, Mexico and Nicaragua before and during the COVID19 pandemic. Source: RAS dataset (2014); COVID19 scores are ours.

Although the RAS dataset is a quantitative instrument, this study is not primarily a quantitative study. Rather, we provide a qualitative reflection on religious regulation in four countries, using the RAS variables as a comparative framework. The re-coding of the RAS variable for the four countries is done for illustrative purposes only.

As a result of the additional religious regulations and restrictions related to the COVID-19 situation, the Religious Regulation Index increased in all four countries in our sample, pushing them closer to the average of Middle Eastern countries (most of which are not democracies), or even above them in the case of Cuba and Mexico. These two countries already had relatively high levels of religious regulation prior to the pandemic. The former is explained by the anti-religious nature of the communist regime and the latter by the historic anticlericalism in the country (Petri 2020).

#### 4. Implications for religious freedom

As stated earlier, in this study we are not debating the pertinence of the sanitary measures but only describing their objective impact on religious regulation. Although some measures taken by the governments of the four countries may have been justified on health grounds, others were unnecessary, disproportionate or insufficiently sensitive to the specific needs of religious groups. The ease with which many public officials dismissed religious services as “non-essential activ-

ities” is worrisome and shows an evident lack of sensitivity to the needs of religious communities, as well as poor religious literacy (Petri 2021b). Governments may have failed to balance the imperative of public health and the protection of the right to religious freedom (Flores and Muga 2020).

Indisputably, the COVID-19 measures restricted aspects of the collective dimension of freedom of worship, as the Inter-American Commission on Human Rights – which does not often report on issues related to the violation of the human right to religious freedom – also warned in a press release, pointing to some COVID-19 measures that limited the possibility of congregating, participating in processions or attending funerals (IACHR 2020).

The most acute consequences of the restrictions were mitigated to some degree when governments consulted religious groups to inform their policies, as happened in Colombia and in parts of Mexico, but even in these cases religion received a discriminatory normative treatment. When the restrictions began to be lifted, religion and/or religious services were almost always among the last to be considered for restoration by the authorities, who at times disrespected the internal autonomy of religious institutions.

The COVID-19 measures also had an impact on religious freedom beyond religious regulation (see Appendix 1). An increase in societal religious discrimination could be observed.

Around the world, religious gatherings were accused of contributing to the spread of the virus – not without justification since there is evidence that mass gatherings of people increased the risk of contagion due to the saliva dispersed in the air during collective singing. Likewise, religious groups have been accused of taking advantage of the crisis to collect more offerings and win more followers. Also, accusations of obscurantism were directed toward some religious communities whose alternative views on the virus contradicted those of conventional medicine.

In areas with a weak state presence, such as some indigenous communities or areas affected by organized crime, as well as in autocratic states such as Cuba and Nicaragua, the pandemic context served as a pretext to silence critical voices in religious groups. In indigenous communities in some areas of Mexico, there were reports of converts away from the majority religion being denied access to health services. In Cuba, arbitrary detentions of religious ministers were reported (Flores and Muga 2020). Across the continent, there is very little tolerance for people who do not wish to be vaccinated for reasons of conscience.

Moreover, during the pandemic, the authorities focused heavily on controlling the spread of infection and enforcing prevention measures, which led to paying less attention to other security problems, especially in the most remote areas. As

a result, the lockdowns benefited criminal groups in Colombia and Mexico. In rural areas, guerrillas or cartels were the ones imposing curfews and quarantines or authorizing movements of people and the distribution of food or medicine. In these communities, the risk of extortion increased for those ministers of worship who decided to continue their humanitarian work when the streets were deserted due to the confinements. In sum, COVID-19 made it even more likely that religious leaders or minorities would be exposed to various types of hostilities or threats by criminal groups.

In the four countries under study and more generally in Latin America, most religious groups gladly complied with the sanitary measures demanded by the government, combined with remarkable displays of solidarity. Throughout the continent, religious services were suspended, strict sanitary measures were taken, and religious communities offered spiritual and humanitarian accompaniment to the victims of the pandemic. Very few confessional actors denounced the far-reaching nature of the religious restrictions resulting from the sanitary measures.

The unquestioning support of these protective measures is somewhat surprising because of the unprecedented nature of the restrictions placed on religious freedom. We must recall that the exercise of religious freedom has both individual and collective dimensions. It sits at the intersection between several fundamental rights (including freedom of worship, assembly, association, expression and conscience) and enjoys special legal recognition. With regard to this last point, the United Nations Human Rights Committee, in its General Comment 22 of 1993, stipulated that religious freedom is a “far-reaching and profound” right that “cannot be derogated from, even in time of public emergency.” Limitations of the right to religious freedom are permitted only “to protect public safety, order, health or morals, or the fundamental rights and freedoms of others,” but not arbitrarily: they must be “prescribed by law” and “necessary.” Considering that the health measures taken to curb the spread of the coronavirus constituted effective restrictions on several essential dimensions of religious freedom, the question therefore arises whether the international normative framework on religious freedom was fully respected (Petri 2021a).

Almost three years after the pandemic began, it is of utmost importance to acknowledge the multiple implications of these issues so that civil society, academia, and the public sector can design strategies that contribute to a better understanding of the multiple dimensions of the right to religious freedom and allow religious communities, especially religious minorities, to develop proper resilience strategies. With regard to the post-COVID-19 scenario, it is reasonable to wonder whether past restrictions will have a lasting effect on religious freedom.

## References

- ADN Cuba. 2021a, 29 May. Policías interrumpen culto religioso en Santiago de Cuba: ¡Todos para su casa! Available at: <http://bit.ly/3ONtxeh>.
- ADN Cuba. 2021b, 9 March. Sacerdote Fernando Gálvez denuncia amenazas por hablar de política. Available at: <http://bit.ly/3UhptE8>.
- Belchi, Antoni. 2021, 4 August. La OPS pide transparencia a Nicaragua sobre el manejo de la pandemia. *Voz de América*. Available at: <http://bit.ly/3UhF3zP>.
- Burlacu, Alexandru, Radu Crisan-Dabija, Adrian Covic, Catalin Raiu, Ionut Mavrichi, Iolanda Valentina Popa, Manuel Lillo-Crespo. 2020. Pandemic lockdown, healthcare policies and human rights: integrating opposed views on COVID-19 public health mitigation measures. *Reviews in Cardiovascular Medicine* 21(4):509-516.
- Cardoso, Tomás. 2020, 10 April. Amenazan a pastor Toledano de que será acusado de propagación de epidemias. *Radio Television Marti*. Available at: <http://bit.ly/3Vj8BOH>.
- Cardoso, Tomás. 2021, 13 May. Pastores cubanos afirman que el régimen usa la pandemia para restringir la libertad de culto. *Radio Televisión Marti*. Available at: <http://bit.ly/3ARqEDG>.
- Center for State Control of Medicines, Medical Equipment and Devices. 2021. El CECMED el autorizo de uso de emergencia del candidato vacunal cubano Abdala. Available at: <http://bit.ly/3GW5Hv8>.
- Conde, Liz. 2021, 01 November. Vacuna Abdala demostró alta efectividad en La Habana frente a la variante Delta del SARS-CoV-2. *Granma*. Available at: <http://bit.ly/3E4nEFs>.
- Conferencia Episcopal de Colombia. 2020. Comunicado de prensa SPEC 18426/20. Available at: <http://bit.ly/3u5Mvn3>.
- Consejo de Ministros del Gobierno de Cuba. 2020. Etapa de recuperación post covid-19. Medidas a implementar en sus tres fases. Available at: <http://bit.ly/3EKdlG1>.
- Crisis24. 2021, 5 July. Cuba: Authorities maintain most COVID-19-related travel protocols and domestic restrictions as of July 5 / update 23. Available at: <http://bit.ly/3u7Cypd>.
- CubaDebate. 2021, 13 January. Medidas actualizadas de La Habana para la fase de transmisión autóctona limitada. Available at: <http://bit.ly/3ikuONN>. Document available at: <http://bit.ly/3AU5EMe>.
- Dabène, Olivier. 2021. El año Covid: ¿una coyuntura crítica para América latina? *América latina. El año político 2020 / Les Etudes du CERI* 252-253:5-11.
- Du Plessis, Georgia Alida. COVID-19 and Limitations to the International Right to Freedom of Religion or Belief. *Journal of Church and State* 63(4):619-647.

- Ejército de Nicaragua. 2020. Resumen ejecutivo sobre las medidas de prevención, protección, preparación y apoyo a la población en el combate al covid-19 por el ejército de nicaragua período del 31 de enero al 30 de septiembre de 2020. Available at: <http://bit.ly/3FcnVHm>.
- Ejército TV. 2020. Ejército de Nicaragua te recuerda las medidas básicas para prevenir la COVID-19. Available at: <http://bit.ly/3EMpNoP>.
- Flood, Colleen M., Vanessa MacDonnell, Bryan Thomas and Kumanan Wilson. Reconciling civil liberties and public health in the response to COVID-19. *FACETS* 5(1):887-898.
- Flores, Teresa and Rossana Muga. 2020. Vulnerabilidad de las comunidades religiosas en América Latina en el contexto del COVID-19. *Religiones Latinoamericanas - Nueva Época* 6:137-172.
- Fox, Jonathan, Roger Finke and Dane R. Mataic. 2018. Societal Discrimination and Religious Minorities. *Interdisciplinary Journal of Research on Religion* 14(4):1-37.
- Fox, Jonathan. 2008. *A World Survey of Religion and the State*. New York: Cambridge University Press.
- Fox, Jonathan. 2013. *An Introduction to Religion and Politics: Theory and Practice*. London, UK: Routledge.
- Fox, Jonathan. 2014. Religion and state dataset. Available at: <http://www.religionandstate.org>.
- Fox, Jonathan. 2015. *Political Secularism, Religion, and the State*. New York: Cambridge University Press.
- Fox, Jonathan. 2016. *The Unfree Exercise of Religion: A World Survey of Religious Discrimination against Religious Minorities*. New York: Cambridge University Press.
- Fox, Jonathan. 2019. A World Survey of Secular-Religious Competition: State Religion Policy from 1990 to 2014. *Religion, State & Society* 47(1):10-29.
- García, Ernesto. 2020, 4 August. Arrecian ataques contra templos católicos en Nicaragua. *Información Puntual*. Available at: <http://bit.ly/3ViWU7j>.
- Gazanini, Guillermo. 2020, 15 May. Así se preparan sacerdotes de Jalisco para atender a enfermos de coronavirus. Blog Sursum Corda. *Religión en Libertad*. Available at: <http://bit.ly/3gHj1c6>.
- Hurtado, Jorge. 2020, 2 February. Nicaragua y el Covid-19: entre la falta de información y un Gobierno que anima a aglomerarse. *France 24*. Available at: <http://bit.ly/3lwxJob>.
- Hurtado, Jorge. 2021, 14 September. La falta de restricciones contra el Covid-19 en Nicaragua alienta aglomeraciones en festejos patronales. *France 24*. Available at: <http://bit.ly/3AW9t3D>.

- Inter-American Commission on Human Rights (IACHR). 2020, 1 May. Respeto al duelo de las familias de las personas fallecidas en la Pandemia del COVID-19. Available at: <http://bit.ly/3lzR6gh>.
- Martínez-Torrón, Javier. 2021. COVID-19 and Religious Freedom: Some Comparative Perspectives. *Laws* 10(2):39.
- Ministerio de Justicia de Cuba (MJCU). 2020a. *Gaceta Oficial de la República de Cuba*. Resolución 82/2020. Available at: <http://bit.ly/3ioVkk8>.
- Ministerio de Justicia de Cuba (MJCU). 2020b. Decreto 14-2020. De las infracciones contra la Higiene Comunal y las Medidas Sanitarias para la Etapa de Enfrentamiento a la COVID-19 en la provincia de la Habana. *Gaceta Oficial de la República de Cuba*. No. 44. Available at: <http://bit.ly/3EQazPA>.
- Ministerio de Salud y Protección Social de Colombia (MSPCO). 2020a. Protocolo de bioseguridad para mitigar, controlar y realizar la adecuada gestión del riesgo de la pandemia del Coronavirus COVID-19 para el sector religioso. Available at: <http://bit.ly/3VT8FVx>.
- Ministerio de Salud y Protección Social de Colombia (MSPCO). 2020b. Iglesias ya cuentan con protocolo de bioseguridad. Boletín de Prensa No 444 de 2020. Available at: <http://bit.ly/3VrGHjk>.
- Ministerio de Salud y Protección Social de Colombia (MSPCO). 2021. Resolution No. 777. Available at: <http://bit.ly/3AUaCJ4>.
- Ministerio del Interior de Colombia (MICO). 2017. Política Pública Integral de Libertad Religiosa y de Culto. Available at: <http://bit.ly/3OLbfKE>.
- Ministerio del Interior de Colombia (MICO). 2020a. Decreto No. 457. Available at: <http://bit.ly/3u82zV4>.
- Ministerio del Interior de Colombia (MICO). 2020b. Oficina de Asuntos Religiosos. Decretos aplicables al sector interreligioso. Available at: <http://bit.ly/3UwrtJ7>.
- Ministerio del Interior de Colombia (MICO). 2020c. Decreto No. 460. Available at: <http://bit.ly/3VhlmJL>.
- Ministerio del Interior de Colombia (MICO). 2020d. Decreto No. 463. Available at <http://bit.ly/3OOPTkA>.
- Ministerio del Interior de Colombia (MICO). 2020e. El Ministerio del Interior, el Ministerio de Sanidad y los líderes religiosos adoptan medidas para prevenir la propagación del coronavirus durante los servicios religiosos y/o los actos litúrgicos. Available at: <http://bit.ly/3EQ7ak1>.
- Ministerio del Poder Ciudadano para la Salud de Nicaragua (MPCSNIC). 2020a. Medidas frente al Coronavirus. Available at: <http://bit.ly/3GSN93p>.
- Ministerio del Poder Ciudadano para la Salud de Nicaragua (MPCSNIC). 2020b. Nota de Prensa. Available at: <http://bit.ly/3VfsmXn>.

- Ministerio del Poder Ciudadano para la Salud de Nicaragua (MPCSNIC). 2020c. Conozca el paso a paso del lavado de manos como medida preventiva ante el Coronavirus. Available at: <http://bit.ly/3AX9aFY>.
- Ministerio del Poder Ciudadano para la Salud de Nicaragua (MPCSNIC). 2020d. Guías, Normas y Protocolos. Available at: <http://bit.ly/3XJU1Bq>.
- Ministerio del Poder Ciudadano para la Salud de Nicaragua (MPCSNIC). 2020e. Guía de gestión de riesgo para eventos y actividades multitudinarias en el contexto de la covid-19. Available at: <http://bit.ly/3ARxCbO>.
- Miranda, Wilfredo. 2020, 4 May. El Gobierno de Ortega minimiza los casos de la covid-19 mientras crecen las alarmas en los hospitales. *El País*. Available at: <http://bit.ly/3OLcFVu>.
- Observatory of Religious Freedom in Latin America (OLIRE). 2020, 16 November. Nicaragua: Law regulating foreign agents. Available at: <http://bit.ly/3uaEpt7>.
- Observatory of Religious Freedom in Latin America (OLIRE). Violent Incidents Database. Available at: [www.violentincidents.com](http://www.violentincidents.com).
- Pan American Health Organization. 2022. Nicaragua alcanza el 80.9% de cobertura de vacunación contra la COVID-19 y se coloca en el décimo país con mayor cobertura en la región de las Américas. Available at: <http://bit.ly/3K4wR4g>.
- Parlamento Andino. 2021. Principales medidas adoptadas por el gobierno colombiano ante la emergencia provocada por el COVID-19. Available at: <http://bit.ly/3GVDPYo>.
- Perdomo, Roman. 2021. Protestas: Una serie web sobre activismo político en América latina en tiempos de COVID. In Petri, Dennis P. (ed.), 2022 (in press). *Negociación Internacional en América Latina*. San José: Facultad Latinoamericana de Ciencias Sociales (FLACSO).
- Petri, Dennis P. 2020. The Specific Vulnerability of Religious Minorities (Doctoral dissertation). Amsterdam: Vrije Universiteit.
- Petri, Dennis P. 2021a. Los efectos de la pandemia sobre la Libertad Religiosa. Querétaro: Observatorio Mexicano de Libertad Religiosa, Centro de Investigación Social Avanzada. Available at: <http://bit.ly/3ATfgqN>.
- Petri, Dennis P. (2021b). The Necessary Religious Literacy in Public Administration. In *La libertad religiosa es todo menos religiosa*. Funza:31-35. Available at: <http://bit.ly/3FaZwBW>.
- Philpott, Daniel. 2019. *Religious freedom in Islam: the fate of a universal human right in the Muslim world today*. New York, NY: Oxford University Press.
- Puig, Yaima. 2021, 29 June. Cuba, en transmisión comunitaria, aprueba nuevo Plan de medidas (+Video). *Granma - Órgano oficial del PCC*. Available at: <http://bit.ly/3uavJm>.

- Rodríguez, Ferney. 2020, 14 July. Iglesias en Bogotá permanecerán cerradas por julio y agosto: Claudia López. *Las2orillas*. Available at: <http://bit.ly/3VkUKaS>.
- Salinas, Carlos. 2021, 5 November. La cruzada de la Iglesia de Nicaragua frente al régimen de Daniel Ortega. *El País*. Available at: <http://bit.ly/3VleTxm>.
- Secretaría de Gobernación de México (SEGEMEX). 2020a. Acuerdo por el que se declara como emergencia sanitaria por causa de fuerza mayor, a la epidemia de enfermedad generada por el virus SARS-CoV2 (COVID-19). *Diario Oficial de la Federación*. Available at: <http://bit.ly/3UiWobE>.
- Secretaría de Gobernación de México (SEGEMEX). 2020b. Acuerdo por el que se establecen acciones extraordinarias para atender la emergencia sanitaria generada por el virus SARS-CoV2. *Diario Oficial de la Federación*. Available at: <http://bit.ly/3GWLHbM>.
- Secretaría de Gobernación de México (SEGEMEX). 2020c. Comunicado No. 034/2020: A las iglesias, asociaciones y agrupaciones religiosas de México. Available at: <http://bit.ly/3EN8yUq>.
- Secretaría de Gobernación de México (SEGEMEX). 2020d. Comunicado de la Dirección General de Asuntos Religiosos. Available at: <http://bit.ly/3H19es9>.
- Secretaría de Gobernación de México (SEGEMEX). 2020e. Comunicado a las iglesias, agrupaciones y asociaciones religiosas. Available at: <http://bit.ly/3ijkzr8>.
- Secretaría Privada para Políticas Nacionales de la Presidencia de la República. 2020. Al pueblo de Nicaragua y al mundo. Informe sobre el COVID19 y una estrategia singular. Available at: <http://bit.ly/3OLiH8y>.
- Swiss Info. 2021, 22 July. Nicaragua advierte de aplicar ley a médicos críticos con manejo de pandemia. Available at: <http://bit.ly/3ONyJin>.
- United Nations Human Rights Committee. 1993. General Comment No. 22: The right to freedom of thought, conscience and religion.
- Universidad Virtual de Salud. 2020. Infecciones por coronavirus – COVID-19: Cuba entró en fase de transmisión autóctona limitada. Available at: <http://bit.ly/3uaN2E4>.
- World Health Organization. 2022. Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process. Available at: <http://bit.ly/3Io5Igs>.

	Colombia	Cuba	Mexico	Nicaragua
Killings	2	0	9	2
(Attempts) to destroy, vandalize or desecrate places of worship or religious buildings	17	7	44	21
Closed places of worship or religious buildings	17	1	0	0
Arrests/detentions	1	33	12	0
Sentences	3	3	0	0
Abductions	2	0	10	1
Sexual assaults/harassment	7	0	0	0
Forced Marriages	0	0	0	0
Other forms of attack (physical or mental abuse)	99	7	43	3
Attacked houses/property of faith adherents	1	3	14	1
Attacked shops, businesses or institutions of faith adherents	0	1	1	0
Forced to leave Home	233	0	72	0
Forced to leave Country	0	0	0	0

**Appendix 1.** Violent incidents against religious groups in Colombia, Cuba, Mexico and Nicaragua during the COVID-19 pandemic from April 2020 to July 2021. Source: Violent Incidents Database, Observatory of Religious Freedom in Latin America.

### Notes:

This table counts all reported incidents against religious groups during the COVID-19 pandemic from April 2020 to July 2021. These incidents may or may not be related to the sanitary measures taken to combat COVID-19.

OLIRE validates the reported incidents to the extent possible. If, after an incident has been entered, users or collaborators detect that the information provided is not entirely correct or incomplete, it may be eliminated and/or modified.

The updating of this database is continuous. The total number of incidents may vary as new cases are registered or identified. To view the updated data, enter the appropriate search criteria here: <http://violentincidents.plataformac.org/web/search/search>.

Regulation of and Restrictions on the Majority Religion or All Religions	
Restrictions on religious political parties.	
Restrictions on trade associations or other civil associations being affiliated with religion.*	
Restrictions on clergy holding political office.	
Restrictions or monitoring of sermons by clergy*	
Restrictions on clergy/religious organizations engaging in public political speech (other than sermons) or propaganda or on political activity in or by religious institutions.	
Restrictions/harassment of members and organizations of the majority religion who operate outside of the state sponsored or recognized ecclesiastical framework.	
Restrictions on formal religious organizations other than political parties	
Restrictions on access to places of worship.*	
Foreign religious organizations are required to have a local sponsor or affiliation	
Heads of religious organizations (eg. Bishops) must be citizens of the state.	
All practicing clergy must be citizens of the state.	
The government appoints or must approve clerical appointments or somehow takes part in the appointment process.	
Other than appointments, the government legislates or otherwise officially influences the internal workings or organization of religious institutions and organizations.*	
Laws governing the state rel. are passed by the government or require the government's approval.	
Restrictions on the public observance of rel. practices, including rel. holidays and the Sabbath.	
Restrictions on religious activities outside of recognized religious facilities.*	
Restrictions on the publication or dissemination of written religious material.	
People are arrested for religious activities.*	
Restrictions on religious public gatherings that are not placed on other types of public gathering.*	
Restrictions on the public display by private persons or orgs. of rel. symbols, including (but not limited to) rel. dress, the presence or absence of facial hair, nativity scenes/icons.	
Conscientious objectors to military service are not allowed alternative service and are prosecuted.	
Arrest/detention/harassment of religious figures, officials, and/or members of religious parties.*	
Restrictions on public religious speech.	
Restrictions on religious-based hate speech.	
Government controls/influences the instructors or content of rel. education in public schools.	
Government controls/influences the instructors or content of rel. education outside public schools.	
Government controls/influences the instructors or content of rel. education at the university level.	
State ownership of some religious property or buildings.	
Other religious restrictions. Specify: Various other religious restrictions related to COVID19 measures	
<b>Religious Regulation Index</b>	

**Appendix 2.** Additional religious regulations and restrictions related to the COVID-19 measures.

Source: RAS dataset (2014); COVID19 scores are ours.

THE IMPACT OF COVID-19 ON RELIGIOUS REGULATION IN COLOMBIA, CUBA, MEXICO, AND NICARAGUA

	Colombia		Cuba		Mexico		Nicaragua	
	2014	COVID19	2014	COVID19	2014	COVID19	2014	COVID19
	0	-	3	-	3	-	0	-
	0	-	0	-	0	-	2	+1
	0	-	2	-	3	-	2	-
	0	-	1	+1	3	-	0	+1
	0	-	3	-	3	-	0	-
	0	-	0	-	1	-	0	-
	0	-	2	-	0	-	0	-
	0	+1	0	+1	0	+1	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	+1	0	+1	0	+1	0	+1
	0	-	0	-	0	-	0	-
	0	-	0	-	0	-	2	-
	0	+1	2	+1	1	+1	0	+1
	0	-	2	-	0	-	0	-
	0	+1	0	+2	0	-	0	-
	0	+1	2	+1	1	+1	0	+1
	0	-	1	-	0	-	0	-
	0	-	1	-	0	-	0	-
	0	-	2	+1	0	-	2	-
	0	-	2	-	0	-	0	-
	2	-	0	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	2	-	0	-	0	-
	0	-	0	-	0	-	0	-
	0	-	0	-	2	-	0	-
	0	+1	2	+1	3	+1	0	+1
	2	+6	27	+9	20	+5	8	+6

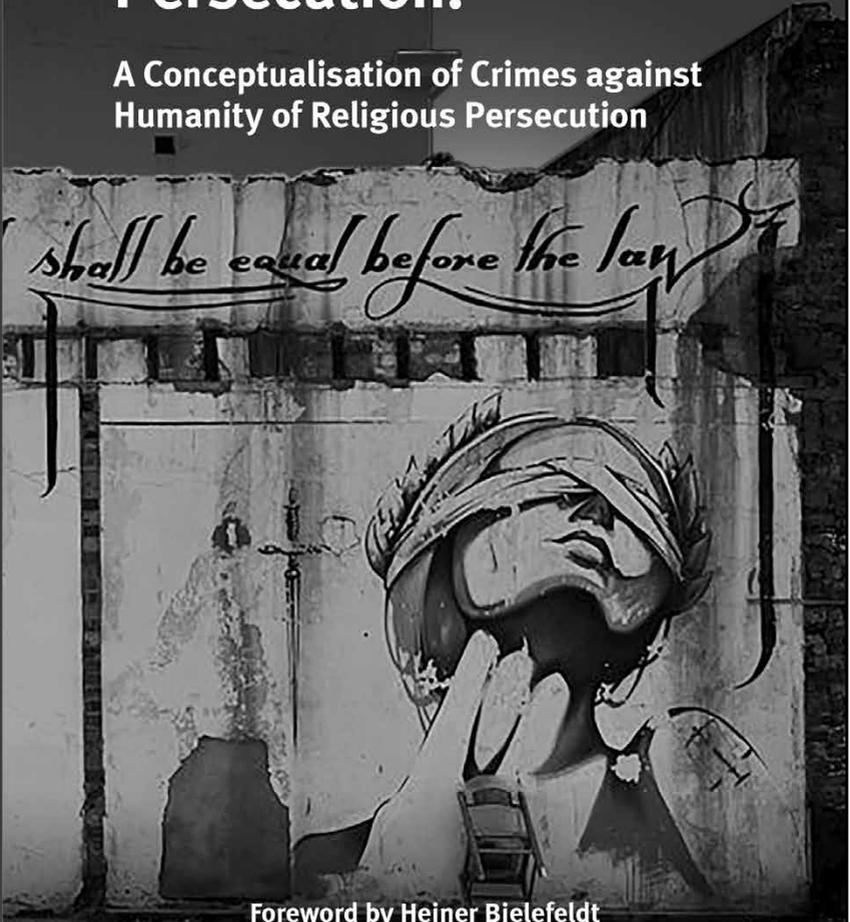
\* Affected variables.

Werner Nicolaas Nel

# Grievous Religious Persecution:

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# Moral, environmental, and physical contamination

Africana religions and public health before and  
during the COVID-19 pandemic

*Danielle N. Boaz*<sup>1</sup>

## Abstract

In 2020, global restrictions on religious gatherings raised questions regarding the extent to which governments could restrict religious liberty to protect the public. Although the COVID-19 pandemic heightened public awareness about such issues, African diaspora religions had already been widely persecuted as “superstitions” that posed a threat to public health from the 18th century to the early 20th century. This article argues that discrimination against Africana religions has continued in the 21st century using similar rhetoric, as private citizens and governments in the Atlantic world have restricted religious practices that they claim threaten moral, environmental, and physical health.

## Keywords

African diaspora religions, public health, superstition, animal sacrifice, child custody.

## 1. Introduction

In October 2010, a massive cholera outbreak began in Haiti. Before the outbreak was contained in 2015, it would kill at least 9,000 people and infect hundreds of thousands (Frerichs 2016:1). In some parts of the country, Vodou (more commonly known as “Voodoo”) priests were blamed for starting and spreading the disease by putting “cholera powder” in the water supply (Grimaud and Legagneur 2011:27). During the first few weeks of the outbreak, lynch mobs attacked devotees in the streets. In the Department of Grand Anse, they killed at least 45 Vodou devotees in the months of November and December alone (Grimaud and Legagneur

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2011:28; Human Rights Council 2011a:39). Most of these individuals suffered very violent deaths; mobs hacked them to pieces with machetes, or poured gasoline over them and set them on fire. In reports to United Nations Human Rights officials, the Haitian government claimed to have the situation under control and promised to hold the murderers accountable (Human Rights Council 2011b:28). However, the government never responded to requests for detailed information on how many people had been arrested and how the government planned to protect Vodou adepts from future attacks (Human Rights Committee 2014:4).

This example provides insight into the ways in which African diaspora religions (also called Africana religions) such as Obeah, Vodou, Santería/Lucumí, and Candomblé have been framed as a threat to public health. These religions, which developed in the Americas from the influences of people of African descent, indigenous populations, Europeans, and others, have been discriminated against since they were first observed by Europeans and given the names by which we know them today. In this article, after briefly describing the historical prohibitions of these religions, I argue that more recent forms of discrimination or restriction continue today, based on assumptions that Africana religions pose a threat of moral, environmental, and physical harm or contamination. I contend that the global COVID-19 pandemic highlighted the hypocrisy of these allegations, as countries that have long persecuted Africana religions because of concerns about moral health and potential or rumored physical harm to others have made accommodations for mainstream religions that posed a tangible and immediate threat to public health.

## 2. Historical bans on Africana religions

The earliest prohibitions of African diaspora religions were based on two arguments: that religious leaders “duped” others into participating in slave rebellions and that adepts used their ritual and herbal knowledge to harm others. The former argument was based on the premise that priests of Africana religions were charlatans who preyed on the “superstitions” of others. During the period of slavery, legislators would claim that it was not the trauma of forced labor and brutal treatment that led enslaved persons to rebel; rather, they alleged, religious leaders who administered oaths and performed other spiritual rituals were convincing people that they would suffer physical harm if they failed to participate in the uprising or revealed the rebels’ plans.

The most famous example of this sort was Tacky’s Rebellion in Jamaica in 1760. In this instance, so-called “Obeah practitioners” performed rituals to bind the rebels together and to protect them from detection and from bullets (Paton 2015:17-42; Rucker 2006:44-45; Brown 2008:147-50). This large-scale uprising led

directly to the passage of the first anti-Obeah legislation in the Caribbean. These early restrictions on African religious practices were implemented alongside other prohibitions of activities thought to have led to slave rebellions, such as the possession of weapons and moving from place to place without a “pass” or “ticket” (“Act 24 of 1760” 1791).

The notion that leaders of African religions harmed others was also widespread in the Americas and led to the passage of various laws against certain ceremonies and belief systems. In St. Domingue (modern-day Haiti), a man named Francois Makandal, who some scholars believe was a Vodou priest, planned an uprising that involved using his herbal knowledge to poison the water supply. After Makandal was discovered and executed, authorities prohibited the possession of charms known as “makandals” (Burnham 2006:1362-1363; Paton 2012:254-55).

Similar concerns also contributed to the passage of the aforementioned Obeah laws. Plantation owners in the British Caribbean frequently asserted that Obeah practitioners used their herbal knowledge and spiritual authority to intimidate and harm people who angered them. Often unwilling to concede that Obeah practitioners might have any real spiritual power, many colonists lamented that “superstitious” Black people would succumb to wasting illnesses if they believed themselves to be afflicted by Obeah charms or rituals (Paton 2012:239-243). Although people of European descent insisted that they did not believe in such “witchcraft,” they asserted that the proscription of Obeah was necessary to protect the health of others. Obeah laws occasionally mentioned these concerns explicitly (Barbados 1827; Dominica 1788).

Despite these early laws about Obeah, makandals, and other spiritual practices, the most widespread prohibitions of African diaspora religions were implemented after emancipation in the late 19th and early 20th centuries. These laws continued to reflect purported concerns about “public health.” The most commonly expressed justification was that “charlatan” priests promoted “superstition” and corrupted the moral health of the public, especially people of African descent. The best example comes from Brazil, where a penal code passed in 1890, two years after emancipation, banned the use of talismans and the practice of spiritism, fortune telling, or “magic,” especially when used to cure disease or to prey upon public “credulity.” The penal code also prohibited “faith healing” (*curandeiros*) and limited medical practice to individuals who were licensed by the government (Rafael and Maggie 2013:282; Johnson 2001:19). Legal historian Paul Christopher Johnson (2001:20) argues that this penal code was an effort to make Brazil appear more enlightened to the Western world at a time when “progress and modernization were tied to ‘whiteness’; backwardness and indolence to ‘blackness.’”

In a few countries, post-emancipation restrictions on African diaspora religions continued to be connected to allegations that devotees physically harmed others. In early 20th-century Cuba, rumors arose that Black *brujos* (witches) murdered innocent people (usually white children) and used their body parts in ritual practices (Roman 2007:82-106). In addition to stating that they were protecting the physical well-being of others (by preventing ritual murder), authorities also treated these allegations as evidence that the Black population was contaminating Cuba with their “barbaric” religions and that their influence needed to be suppressed or eradicated. Research suggests that these claims about ritual murder or related practices were largely, if not entirely, fabricated.

Scholars have extensively studied the historical persecution of African diaspora religions and the framing of these restrictions as protections of moral and physical health (e.g., Johnson 2001; Roman 2007; Paton 2009; Ramsey 2011; Roberts 2015). In contrast, the study of more recent methods of policing and persecuting Africana religions is still in its relative infancy. A few studies have examined persistent stereotypes of Obeah as a tradition centered on “dark arts” and harming others (Khan 2013; Crosson 2015); however, most research on present-day discrimination against African diaspora religions tends to focus on aspects that are analogous to restrictions on other forms of religious practice, such as controversies about the right to use marijuana as a sacrament and disputes about the role of religion in schools (Mhango 2008; Bone 2014; Andrade and Teixeira 2017). In this article, I demonstrate that concerns about public health remain a central rhetoric in virtually all forms of intolerance and discrimination against Africana religions.

### 3. 21st-century discrimination

This section briefly outlines some of the primary arguments used to limit or prohibit African diaspora religions in the 21st century. The arguments can be divided into four categories: moral pollution, the “threat” of animal sacrifice, environmental pollution, and the danger these religions allegedly pose to children.

#### 3.1. Moral pollution

One glaring example of the current policing of African diaspora religions is the continued proscription of Obeah in much of the Caribbean. In the 21st century, laws in at least a dozen countries still prohibit the practice of Obeah. These laws were typically passed in the late 19th or early 20th century and have remained largely unchanged since then. It is important to note that the prohibition of Obeah was directly connected to and happened alongside the prohibition of spiritualism and “pretended” witchcraft in England, the United States, and other countries.

However, while legislators in different parts of the world (especially the Anglophone Atlantic) banned many belief systems that included activities such as conjuring of spirits and divination, Obeah was a racialized term that distinguished Afro- and Indo- Caribbean spiritual practices from recognized “religions.”

The continued prohibition of Obeah is anachronistic and racist. Spiritualists, Wiccans, and similar Western belief systems have been decriminalized and recognized as “religions” by most, if not all, of the countries that prohibited such practices in the past (Boaz 2021:141-159). In some places, even Satanic churches have been recognized as official religions (Wecker 2019). Yet efforts to repeal Obeah laws in the Caribbean continue to be met with concerns about the spread of fraud, superstition, and devil worship. Furthermore, even in places where Obeah is not criminalized, courts have refused to grant devotees the same rights as other religious communities, expressing concern that Obeah might be used to harm others or that it simply does not represent the kind of religious expression that benefits society (Boaz 2021:160-179).

Devotees of African diaspora religions have also faced arguments about moral pollution in response to disputes over their rights to wear religious hairstyles and attire. For instance, in recent years, Rastafarians have seen their right to wear dreadlocks in schools restricted. School administrators in England argued that Black hairstyles such as cornrows and dreadlocks would allow “gang culture” to seep into the school (*G v. the Head Teacher* 2011). In the Cayman Islands and South Africa, school authorities tried to ban Rastafarian students from wearing dreadlocks, asserting that it was well known that Rastafarians use marijuana and that admitting students with visible symbols of this religion would suggest that the school promoted illegal drug use (*Grant & Anor v. The Principal* 2001; *Lerato Radebe v. Principal* 2013). In both cases, there was no evidence that the children or their families used marijuana; in the Cayman Islands, the child in question was merely eight years old.

Followers of African diaspora religions have encountered similar issues in professional settings. Judges have refused to allow them to participate in their own court hearings or even observe legal proceedings because they found the devotee’s religious hairstyle or attire to be distracting or disrespectful. In one instance, a judge in Zimbabwe even refused to admit a prospective attorney to the practice of law because he believed that the Rastafarian attorney’s dreadlocks were unprofessional (*In re Chikweche* 1995). In South Africa, Pollsmoor Prison refused to allow Rastafarians and traditional healers to wear dreadlocks while working as correctional officers. They argued that permitting men to wear long hair would promote “lawlessness” and would lead to an escalating series of employment problems. Similar to the schools in the Cayman Islands and South Af-

rica, prison officials also contended that wearing a physical representation of Rastafarian religion would suggest to inmates that the officers might be willing to help them smuggle illegal drugs into the facility and would therefore make the officers vulnerable to manipulation (*POPCRU v. The Department* 2013).

### 3.2. *Animal Sacrifice*

Another primary restriction on African diaspora religions has been limitations on the ritual slaughter or sacrifice of animals. These limitations have frequently been framed as a component of health and environmental codes. For example, in 2003, the state of Rio Grande do Sul, Brazil, passed a law that governed the “protection” of animals. It stipulated guidelines for the physical treatment of animals, such as the amount of light, air, and space to which they should have access, how working animals can be used, and how animals can be killed (Assembleia Legislativa 2003). The initial version of this bill also targeted Afro-Brazilian animal sacrifices, by prohibiting the use of animals in “sorcery” or “religious ceremonies” (Oro 2006:1-2). However, activists succeeded in having this language removed from the final version.

Similarly, in 2015, legislators in Libertador (a neighborhood in Caracas, Venezuela) passed an amendment to their ordinance protecting domestic fauna that prohibited the ritual sacrifice of animals (“Sacrificio de animales” 2016). Animal rights activists lauded this amendment, citing the purported abuses that animals suffered from Santería/Lucumí sacrifices. Several also mentioned public health concerns. For example, Daniel Cabello, president of the *Fundación de Ayuda y Protección Animal*, acknowledged the constitutional right to religious freedom but argued that such freedom ends when practices such as animal sacrifice are contrary to “morals, good customs and public order” (Guevara 2016). Roger Pacheco, director of an NGO called *AnimaNaturalis*, contended that animal sacrifice should be restricted because of sanitary, environmental, and ethical concerns (Guevara 2016).

Additionally, whether or not such prohibitions are passed as part of a health or environmental code, legislators often use arguments about public health to justify restrictions on animal sacrifice. Rio Grande do Sul again provides an instructive example. Although the language about the use of animals in “religious ceremonies” or “sorcery” was removed from State Animal Protection Code before it took effect, Afro-Brazilian religious leaders feared that remaining sections of the law that required animals to be killed “suddenly and painlessly” and prohibited people from physically harming animals would be used to bar animal sacrifices anyway. A concerned legislator successfully introduced an amendment in 2004 that explicitly guaranteed that the Code would not be used to prohibit the re-

ligious freedom of devotees of African diaspora religions (Assembleia Legislativa 2004). Subsequently, however, Rio Grande do Sul legislators would try to repeal this amendment, and its constitutionality would be evaluated by multiple courts, including the Brazilian Supreme Court in 2019. In the legislative debates and in the courts, opposition to the 2004 amendment frequently raised public health concerns. Perhaps most notably, when Representative Regina Fortunati proposed repealing the amendment in 2015, her justification included claims that animal sacrifice “greatly disturbs society” and that repealing the law would reestablish “good harmonious and peaceful coexistence.”<sup>2</sup> She described animal sacrifice as something that society is “subjected to,” adding that “one must consider the issue of public health, which is put at risk in the face of the decomposition of the animals that are victimized in rituals in the name of faith.”<sup>3</sup>

Unfortunately, allegations about the public health threats of animal sacrifice frequently include false information or invented statistics. One example is the case of José Merced in Euless, Texas, USA. Merced is a Santería/Lucumí priest who runs a religious organization known as the Templo Yoruba Omo Orisha Texas. In 2006, authorities tried to prevent Merced from carrying out sacrifices at his home. The city’s expert witnesses claimed that his keeping and disposing of animals would spread diseases including salmonella and typhoid and attract insects, rodents, and other pests (Appellees’ Brief 2008:3, 6). However, Merced had been performing sacrifices at his home for 16 years prior to the city’s intervention, and there was no evidence that he had ever caused any of the public health issues that the city claimed would result.

Policymakers and courts also frequently ignore analogous problems when targeting animal sacrifice. Such disparities became apparent when the Rio Grande do Sul legislature reviewed Fortunati’s proposal to repeal the amendment protecting animal sacrifice (Assembléia Legislativa 2015a). Although Fortunati claimed to be concerned about animal welfare and public health, Pedro Ruas pointed out that more than one million sheep, cows, pigs, and chickens were killed in food production in Rio Grande do Sul each month and that 5,000 animals died in preventable roadway accidents every day in Brazil (Assembléia Legislativa 2015b). Manuela D’Ávila quoted a law student, Winnie Bueno, who argued that, in addition to slaughterhouses, rodeos and product testing posed threats to animals as well. Because Fortunati’s bill focused only on eliminating animal sacrifice, Ruas, D’Ávila, and others believed that her true motive was religious discrimination.

2 “O sacrifício de animais em rituais religiosos em muito inquieta a sociedade e os preceitos de respeito e da boa convivência harmônica e pacífica precisam ser restabelecidos.” (Assembleia Legislativa PL 21/2015).

3 “Há de se considerar a questão da saúde pública, colocada em risco diante da decomposição orgânica dos animais que são vitimados nos rituais em nome da fé.” (Assembleia Legislativa PL 21/2015).

Another particularly ironic example occurred in the state of São Paulo, Brazil. In 2011, legislator Feliciano Filho introduced a bill that would prohibit “the sacrifice of animals in religious rituals” (Assembléia Legislativa 2011). In the bill’s justification section, Filho asserted that his intention was to protect animals from cruelty and to protect the public’s constitutional right to “an ecologically balanced environment,” which is necessary for a “healthy quality of life” (Assembléia Legislativa 2011). But three years later, Filho himself was arrested on charges of animal cruelty after more than 40 mistreated and deceased animals were found at the property of a non-governmental animal protection organization that he had founded (“Deputado reeleito de SP” 2014).

### **3.3. Environmental pollution**

Another common complaint about African diaspora religious communities is that they negatively impact public health by polluting the environment. Animal sacrifice bans are usually framed as part of broader protections of flora and fauna and, as in the São Paulo bill mentioned previously, of the general quality of the environment, which requires a balanced ecosystem. Recent efforts to ban Africana religions have also been closely connected to conversations about environmental rights and pollution in other ways.

African diaspora religious communities are frequently charged with creating noise pollution with their ceremonial singing and drumming. In some countries, simple noise complaints have led to police surrounding a home or temple where a ceremony is being conducted and holding the devotees at gunpoint (i.e. Aelion 2008). In Brazil, authorities are often sent to stop ceremonies and arrest religious leaders at Candomblé and Umbanda *terreiros* (temples), sometimes for exceeding sound emissions of a mere 50 decibels or less (e.g. *Sociedade Beneficente v. Ministerio Publico* 2018; De Almeida 2017). By way of reference, the U.S. Centers for Disease Control and Prevention (n.d.) estimate that the average sound emission of a normal conversation or an air conditioner is 60 decibels – a level that causes no physical harm, even with repeated exposure.

Another common claim that African diaspora religions pollute the environment relates to the placement of sacred offerings in public areas. One of the most striking situations occurred in the city of Maceió (Alagoas state, Brazil) in 2012. In many cities, Afro-Brazilian religious communities host one of their largest festivals of the year on 2 February, in honor of the *orixá* (divinity) Yemanjá. Devotees bring various types of offerings – flowers, food, candles, etc. – in beautifully crafted vessels and launch them into the sea in honor of this *orixá* who governs the oceans. In December 2011, just weeks before the annual festival, Maceió imposed strict limitations on where and when offerings could be made, pushing

them to peripheral areas of the city (Souza 2012). This restriction was shocking because the impending 2012 festival was also the centennial anniversary of the most horrific attack on African diaspora religious communities in Brazilian history. In 1912, nearly all the Afro-Brazilian temples in the region were destroyed in a massive riot known as Quebra de Xangô. In addition to the customary annual festivities, Afro-Brazilian religious communities were planning remembrances of the atrocities of 1912 and events to promote respect for Africana religions.

In many cases, these concerns about African diaspora religions harming the environment seem extremely speculative and far-fetched, as if proponents of such bans are searching for public-interest arguments to support their discrimination. For instance, in the late 1990s, the city of Salvador (Bahia state, Brazil) commissioned artist Tatti Moreno to build sculptures of the *orixás* as a part of the revitalization and beautification of Dique do Tororó, the largest body of fresh water in the city. Evangelical citizens and council members protested the installation of the statues, claiming that they would bring evil energies to the city (Dos Santos 2013:9). To support their position, they cited the fact that numerous fish had died during the revitalization process. However, these fish died because the city changed the oxygenation level of the water when it removed certain plants from the area. The process had no connection to Afro-Brazilian religions, “evil energy,” or the statues.

In the most extreme circumstances, devotees of Africana religions have even been blamed for environmental disasters, most notably after a 7.0-magnitude earthquake struck Haiti in January 2010. This tragedy took the lives of more than 200,000 people and displaced at least one million. Immediately after the earthquake, several Christian ministers began publicly blaming Vodou devotees in Haiti for causing the destruction. Like the people who opposed the construction of the statues in Dique do Tororó, they asserted that African diaspora religious practices had brought negative energies and, in this case, incurred god’s wrath with their “devil worship.” (Contrary to such accusations, African diaspora religions do not believe in the existence of the devil or any analogous source of ultimate evil.) The reaction went beyond mere verbal discrimination. Vodou devotees were denied critical resources such as food and shelter in the aftermath of the earthquake, and some Christian missionaries used the situation to coerce Haitians into converting by reserving aid for those who patronized their churches. Vodou devotees also suffered physical attacks, such as being pelted with stones and people urinating on their sacred objects, due to the popular contention that they had caused the earthquake (Boaz 2021:30-32). The attacks on devotees during the cholera outbreak mentioned in the first section of this paper took place less than one year later and can be viewed as part of the same pattern of violence.

As with charges that animal sacrifices harm the environment, these claims are frequently undermined by tepid official responses to analogous issues. Most significantly, rising assaults on Afro-Brazilian religious communities frequently target environmental sites. In Salvador, Brazil, a stone estimated to be two billion years old and surrounding vegetation serve as a site of historical importance for *quilombo* (runaway slave) communities and a sacred site for the *orixá* Xangô, who is honored in Afro-Brazilian religious communities. Between December 2014 and January 2019, unknown persons vandalized this site at least three times, dumping hundreds of kilograms of salt and plastic bags on the stone and the surrounding earth (Garrido 2018, 2019). In this case, both substances are damaging to the environment; salt prevents vegetation from growing.

Additionally, one of the broader patterns of intolerance against Afro-Brazilian religions has been the destruction of plants and trees that are sacred to devotees and used in religious ceremonies. For instance, arsonists repeatedly targeted a sacred iroko tree in the city of Recife, Pernambuco (Lima 2018). The tree, which was more than 130 years old at the time of the first attack, was located on the grounds of Ilê Obá Ogunté Sítio Pai Adão, one of the oldest and most well-known temples in the state. Similarly, in January 2013 and November 2019, mysterious fires destroyed much of the vegetation, including sacred trees, surrounding two historic *terreiros* in Cachoeira, Bahia (Pita 2013; Bahia 2019). The culprits were never caught; however, these fires were part of a series of acts of intolerance targeting these communities. Moreover, in recent years, arson has become a common mechanism for attacking Afro-Brazilian places of worship.

### 3.4. *Child custody*

Another example of the deployment of so-called public health arguments to discriminate against African religions is the claim that devotees pose a mental and physical threat to children. In animal sacrifice cases, one common argument for banning the practice is the notion that children of devotees would be traumatized by seeing the death of an animal or even that children residing nearby would be negatively impacted by hearing drumming and singing during ceremonies, leading to the realization that animals are being slaughtered (Boaz 2021:72-86).

In Brazil, some private citizens and government authorities are arguing that devotees are unfit parents and should lose custody of their children in even more benign situations. In July 2020, Kate Belintani's 12-year-old daughter was undergoing initiation in Candomblé in Araçatuba, São Paulo, and was staying at the temple for seven days. During this process, Belintani's mother (the child's grandmother) reported to the Guardianship Council (a government authority that handles complaints related to child abuse) that the girl was being abused.

One of her specific concerns was that the child's head would be shaved as part of the initiation process. The grandmother characterized this process as a form of abuse. She also made baseless claims about sexual abuse at the temple. The Council interrupted the initiation process to investigate these claims and temporarily removed custody from Belintani. Ultimately, Belintani was able to regain custody of her daughter after the claims were shown to be unfounded (“Mãe de menina” 2020).

A few months later, in October 2020, a similar case took place in Olinda, Pernambuco. A father reported to the Guardianship Council that his 9-year-old daughter was being abused because she was regularly visiting a Candomblé *terreiro*. The father also made unfounded claims that the child was forced to drink animal blood and that the child's teeth were infested with larvae and had to be removed. Both claims were proven to be false, but not before the Guardianship Council had moved forward with proceedings to grant legal custody of the child to the father. The mother's representatives claimed that religious intolerance was the basis for the Guardianship Council's actions because they accepted the complaints as true without conducting any form of investigation, such as visiting the child in her mother's care or visiting the home. One ironic and unfortunate feature of this case was the fact that the father had no regular physical visitation with the child; she was with him only for rare weekend visits. Therefore, he likely had little basis for knowing the status of the child's health and certainly little claim to custody of the child (Augustto 2020; Moura 2020).

Around six months later, in March 2021, an unidentified person spread similar rumors on social media. The individual posted on Twitter that Winnie Bueno, a Black female researcher who is also a devotee of Candomblé, had imprisoned three young children in her “temple of sorcery” in Belford Roxo, Rio de Janeiro. The author of the post falsely claimed that the children had been kept for two weeks without food and were being prepared to be offered as human sacrifices (Redação 2021).

Each of these claims took place in 2020 or 2021, during the COVID-19 pandemic. Although cases where parents lost custody of their children because they were devotees of Candomblé can be traced back to at least the 2000s,<sup>4</sup> such controversies seemed to surge during the recent public health crisis. Along with the general claim that attending ceremonies or patronizing Afro-Brazilian temples is harmful to a child, these cases centered on false claims about threats to the child's health such as neglecting their treatment, refusing to feed them, or phys-

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4 For example, iyalorixá Rosiane Rodrigues (2021) described losing custody of her two-year-old son under similar circumstances in 2007.

ical abuse. The first case mentioned even included the incredible assertion that shaving a child's head caused physical harm. Ironically, as further discussed below, some Christian churches in Brazil openly defied public health regulations and endangered their communities by holding services with thousands of people in attendance during the pandemic. However, I have not seen a single report where the Guardianship Council investigated a family or removed custody of a child because the family was attending church activities that unreasonably exposed the child to a deadly virus.

#### **4. Conclusion**

From the 18th century to the present day, individuals with an unfavorable view of African diaspora religions have often justified placing restrictions on African diaspora religions based on imagined ways in which these religious groups' practices could negatively impact public health. These claims have often centered on emotional or mental forms of "harm," such as Obeah fostering "superstition," Rastafarian dreadlocks encouraging drug use or gang activities, or animal sacrifice promoting "barbaric" behavior. Alternatively, intolerant persons have focused on larger-scale environmental harms that these religions could supposedly cause: that the sounds of their ceremonies could generate noise pollution, that public offerings could dirty rivers and oceans, or that animal sacrifice could damage local fauna. They have even accused devotees of causing natural disasters such as the widespread death of fish and a devastating earthquake.

Where African diaspora religious communities have been accused of damaging physical health, these claims have often stretched the imagination of what could constitute harm. As we saw, one complaint in Brazil characterized shaving a child's head as abuse, leading to the temporary removal of that child from her temple and her home. Complaints that contain allegations of legitimate threats to public health, such as the spread of disease or starvation of children, have been shown to be speculative or complete fabrications. In cases regarding moral, emotional, and physical health, the government has often ignored analogous concerns posed by non-religious activities or by acts of intolerance carried out against African diaspora religious communities.

After several centuries of preoccupation with the ability of religion to harm public health, one might have expected a very concerned and restrictive response to religious activities during the COVID-19 pandemic, which presented the first major example in recent history of a deadly disease that could be spread through social gatherings. Nevertheless, some countries in the Western Hemisphere took a comparatively relaxed approach to religious gatherings

from the outset of the pandemic (Boaz 2020). While many countries in Africa and Asia severely punished religious leaders and adherents who held or attended gatherings in violation of lockdown measures, several countries in the Americas engaged in hotly contested debates over whether religious gatherings were “essential services” that should be exempted from regulation. Moreover, in countries such as Brazil and the United States, leaders of churches who held services with over a thousand people present in the early months of the pandemic were either not prosecuted or very mildly penalized. It seems likely that because Christians led the fight to protect religious freedom during the pandemic, many states that had persecuted African religions for lesser violations suddenly came to view religious liberty as more important than public health recommendations about large gatherings.

Not surprisingly, this protection of religion as an “essential service” was not uniformly applied. During the pandemic, I spent several months interviewing African religious communities in Brazil about the types of discrimination they have faced in recent years and the solutions that they believe would prevent future attacks. Although the pandemic was not the focus of these conversations, many people expressed concern that laws requiring mask wearing and limiting the gathering of people had become a pretext for government authorities to investigate and harass Afro-Brazilian temples and that minority religious communities were the only ones subjected to such scrutiny (for an example of such biases, see Odé 2020).

Moreover, even though Christian churches were by far the most vocal in insisting on their “right” to hold large gatherings, they were not denounced as a threat to public health or harassed and denigrated as the cause of disease. Instead, where religious communities were blamed for the pandemic, such allegations continued to fixate on minorities, including African religions. For instance, one leader of a Christian church in Brazil that refused to shut down during the pandemic started referring to the pandemic as “exu-corona” – a reference to Exu, one of the *orixás* honored in Afro-Brazilian religions (Balloussier 2020).

As we try to understand the impacts of the COVID-19 pandemic on religious minorities, we should not limit our inquiry to considering who was severely mistreated during this public health crisis. Instead, we must take a broader view of which religious communities have been characterized as a threat to public health and persecuted on tenuous or specious grounds of alleged relationships to the spread of disease. When we look at the bigger picture, it becomes apparent that minority communities, such as African religions, face a perpetual burden of being stereotyped as contaminating influences and are thus vulnerable to suppression in the name of the public good.

## References

### Primary Sources

- “Act 24 of 1760,” in *Acts of Assembly Passed in the Island of Jamaica: From the Year 1681 to the Year 1769* (Saint Jago de la Vega: Lowry and Sherlock, 1791), 2:55. Appellees’ Brief, *Jose Merced v. Kasson*, 2008 WL 7241291.
- Assembléia Legislativa, 2003. Rio Grande do Sul, Brazil: Lei No. 11.915.
- Assembléia Legislativa, 2004. Rio Grande do Sul, Brazil: Lei No. 12.131.
- Assembléia Legislativa, 2011. São Paulo, Brazil: Projeto De Lei No. 992/2011.
- Assembléia Legislativa, 2015a. Rio Grande do Sul, Brazil: Proposição, PL 21/2015.
- Assembléia Legislativa. 2015b. Estado do Rio Grande do Sul, Plenary Sessions: 2 June. Barbados. 1827 “An Act for the Better Prevention of the Practice of Obeah of 1818.” In *State Papers, Session: 21 November 1826 – 2 July 1827*, 25:269. London: H. G. Clarke.
- Dominica. 1789. “An Act for the Encouragement, Protection, and Better Government of Slaves 1788.” In *Copies of Several Acts for the Regulation of Slaves, Passed in the West India Islands*, 24: n.p.
- G v. the Head Teacher and Governors of St. Gregory’s Catholic Science College*. 2011. EWHC 1452. 2011.High Court of Justice, Queen’s Bench Division, England (17 June).
- Grant & Anor v. The Principal, John A. Cumber Primary School and Others*. 2001. 3 CHRLD. 138; [2001] CILR 78. Court of Appeal, Cayman Islands.
- Human Rights Committee. 2014. “List of Issues in Relation to the Initial Report of Haiti.” U.N. Doc CCPR/C/HTI/Q/1 (23 Apr.).
- Human Rights Council. 2011a. “Report of the Independent Expert on the Situation of Human Rights in Haiti, Michel Forst.” U.N. Doc. A/HRC/17/42 (4 Apr.).
- Human Rights Council. 2011b. “National Report Submitted in Accordance with Paragraph 15 (a) of the Annex to the Human Rights Council Resolution 5/1: Haiti.” U.N. Doc. A/HRC/WG.6/12/HTI/1 (19 July).
- In re Chikweche*. No. CA 626/93. 1995. Zimbabwe Supreme Court (27 March).
- Lerato Radebe et al. v. Principal of Leseding Technical School et al.* 2013. No. 1821/2013. Free State High Court, Republic of South Africa (30 May).
- Police and Prisons Rights Union (“POPCRU”) and Others v. The Department*, 2013. No. C544/2007; *Department of Correctional Services v POPCRU*, [2013] ZASCA 40.
- Sociedade Beneficente de Umbanda e Nacao Pai Ogum e Pai Oxala v. Ministerio Publico*, 2018. Case No. 70079025607 (CNJ Number: 0267772-59.2018.8.21.7000); Second Civil Chamber, Porto Alegre District (18 September).

### Secondary Sources

- Aelion, David, 2008. “News Release: Victory with Police in Pursuit of Religious Freedom,” 22 July. Available at: <http://bit.ly/3OgAhBe>.

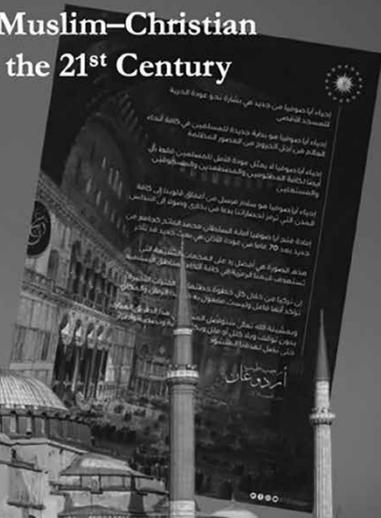
- Andrade, Marcelo, and Pedro Teixeira. 2017. "School, Religion, and Intolerance: On Laic School and Religious Conflicts in Brazil," in *Second International Handbook of Urban Education*, William T. Pink and George W. Noblit (eds.), Cham, Switzerland: Springer International Handbooks of Education, 1:585-611.
- Augustto, Thiago. 2020. "Atriz, educadora social e candomblecista perde guarda da filha após denúncia anônima lhe acusando de maus-tratos," *Notícia Preta*, 29 September. Available at: <http://bit.ly/3EoGZkd>.
- Balloussier, Anna Virginia. 2020. "'Exu corona' e terreiro queimado escancararam intolerância religiosa na pandemia," *Folha de São Paulo*, 4 November. Available at: <http://bit.ly/3Aszrvq>.
- Boaz, Danielle. 2020. "Between 'Essential Services' and Culpable Homicide: State Responses to Religious Organizations and the Spread of the Novel Coronavirus in 2020," *Journal of Law, Religion, and State*, 8(2-3):129-151.
- Boaz, Danielle. 2021. *Banning Black Gods: Law and Religions of the African Diaspora*. University Park: Pennsylvania State University Press.
- Bone, Melissa. 2014. "From the Sacrilegious to the Sacramental: A Global Review of Rastafari Cannabis Case Law," in B. C. Labate and C. Cavnar (eds.), *Prohibition, Religious Freedom, and Human Rights: Regulating Traditional Drug Use*, Berlin: Springer-Verlag, 89-109.
- Brown, Vincent. 2008. *The Reaper's Garden: Death and Power in the World of Atlantic Slavery*. Cambridge: Harvard University Press.
- Burnham, Thorald M. 2006. "Makandal, François." *Encyclopedia of African-American Culture and History*, edited by Colin A. Palmer, 2nd ed., Macmillan Reference USA, 4:1362-1363.
- Crosson, J. Brent. 2015. "What Obeah Does Do: Healing, Harm, and the Limits of Religion," *Journal of Africana Religions*, 3(2):151-176.
- De Almeida, Rosiane Rodrigues. 2017. "Intolerância Religiosa e Redes Sociais," *Revista Lumen et Virtus*, 8(18). Available at: <http://bit.ly/3ArWHOS>.
- "Deputado reeleito de SP é acusado por maus-tratos a animais em ONG," 2014. *G1 Globo*, 9 October. Available at: <http://glo.bo/3hXKJ4F>.
- Dos Santos, Adriana Martins. 2013. "O Reino de Deus no Legislativo Municipal: Bolinhos de Jesus, Orixás do Tororó e Outras Histórias," *Sociabilidades Religiosas: Mitos, Ritos, Identidades*, XI Simpósio Nacional Da Associação Brasileira de História Das Religiões," Available at: <http://bit.ly/3Xgn4w7>.
- Frerichs, Ralph. *Deadly River: Cholera and Cover-Up in Post-Earthquake Haiti*. Ithaca: Cornell University Press, 2016.
- Garrido, Yasmin. 2018. "Ministério Público vai ser chamado para intervir em agressão à Pedra de Xangô," *Correio*, 31 December. Available at: <http://glo.bo/3XgCeBS>.

- Garrido, Yasmin. 2019. "Casos De Intolerância Religiosa Aumentam 2.250% Nos Últimos 6 Anos Na Bahia," Dossiê Intolerância Religiosa, 3 January. Available at: <http://bit.ly/3V5wqsU>.
- Grimaud, Jerome, and Fedia Legagneur. 2011. "Community Beliefs and Fears During a Cholera Outbreak in Haiti," *Intervention* 9(1):26-34.
- Guevara, Ariana. 2016. "Santería: profanaciones y sangre derramada," *El Estímulo*, 27 June. Available at: <http://bit.ly/3GtmpBR>.
- Bahia, 2019. "Integrantes de terreiro denuncia incêndio motivado por intolerância religiosa no recôncavo baiano," G1 Globo, 16 November. Available at: <http://glo.bo/3Gvsm1a>.
- Johnson, Paul Christopher. 2001. "Law, Religion and 'Public Health' in the Republic of Brazil," *Law and Social Inquiry*, 26:9-33.
- Khan, Aisha. 2013. "Darks Arts and Diaspora," *Diaspora: A Journal of Transnational Studies* 17(1):40-63.
- Lima, Ísis. 2018. "Vândalos ateiam fogo em árvore sagrada do Terreiro de Pai Adão," Radio Jornal Pernambuco, 11 November. Available at: <http://bit.ly/3ArMT2C>.
- "Mãe de menina iniciada no candomblé não quer que ela guarde raiva da avó," 2020. UOL, 23 August. Available at: <http://bit.ly/3GKZnXL>.
- Mhango, Mtendeweka Owen. 2008. "The Constitutional Protection of Minority Religious Rights in Malawi: The Case of Rastafari Students," *Journal of African Law*, 52:218-244.
- Moura, Rayane. 2020. "Pai mente sobre candomblé e ganha guarda de filha que raramente via," UOL, 22 October. Available at: <http://bit.ly/3GowhN8>.
- Odé, Bábá Deá. 2020. "Coronavírus e intolerância religiosa," Campo Grande News, 3 July. Available at: <http://bit.ly/3hUC1UF>.
- Oro, Ari Pedro. 2006. "The Sacrifice of Animals in Afro-Brazilian Religions: Analysis of a Recent Controversy in the Brazilian State of Rio Grande Do Sul," *Religião e Sociedade* (2nd ed.) 1:1-14.
- Paton, Diana. 2009. "Obeah Acts: Producing and Policing the Boundaries of Religion in the Caribbean." *Small Axe* 28:1-18.
- Paton, Diana. 2012. "Witchcraft, Poison, Law, and Atlantic Slavery." *William and Mary Quarterly* 69(2):235-264.
- Paton, Diana. 2015. *The Cultural Politics of Obeah: Religion, Colonialism and Modernity in the Caribbean World*. Cambridge: Cambridge University Press.
- Redação. 2021. "Pesquisadora Winnie Bueno sofre intolerância religiosa nas redes sociais," Ponta Porã Informa, 30 March. Available at: <http://bit.ly/3gpSgIK>.
- Pita, Cristina. 2013. "Fogo destrói árvores e plantas sagradas da Roça do Ventura," A Tarde, 9 January. Available at: <http://bit.ly/3TOM5AZ>.

- Rafael, Ulisses N. and Yvonne Maggie. 2013. "Sorcery objects under institutional tutelage: Magic and Power in Ethnographic Collections," *Vibrant*, 10(1):281.
- Ramsey, Kate. 2011. *The Spirits and the Law: Vodou and Power in Haiti*. Chicago: University of Chicago Press.
- Roberts, Kodi. 2015. *Voodoo and Power: The Politics of Religion in New Orleans, 1881-1940*. Baton Rouge: Louisiana State University Press.
- Rodrigues, Rosiane. 2021. "Tell Me Who You Pray For, and Justice Will Guarantee Your Rights – Or Not," *Journal of Africana Religions* 9(2):275-283.
- Roman, Reinaldo. 2007. *Governing Spirits: Religion, Miracles and Spectacles in Cuba and Puerto Rico, 1898-1956*. Chapel Hill: University of North Carolina Press.
- Rucker, Walter C. 2006. *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America*. Baton Rouge: Louisiana State University Press.
- "Sacrificio de animales con fines rituales? Fe verdadera o lucro sin control?" 2016. *VTactual*, 16 December. Available at: <http://bit.ly/3UQQaAS>.
- Souza, Daiane. 2012. "Ministério Público alagoano poderá ter promotoria de repressão à intolerância religiosa," 16 January. Available at: <https://www.palmares.gov.br/?p=17307>.
- U.S. Centers for Disease Control and Prevention. N.d. "What noises cause hearing loss?" Available at: <http://bit.ly/3OhOLAE>.
- Wecker, Menachem. 2019. "The Satanic Temple is a real religion, says IRS." *Religion News Service*. 25 April. Available at: [bit.ly/3TPTsmH](http://bit.ly/3TPTsmH).

# God Needs No Defense

Reimagining Muslim–Christian  
Relations in the 21<sup>st</sup> Century



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# Organised Shi'ism without organisation

## Italian Shi'a online communities under the pandemic

*Minoo Mirshahvalad*<sup>1</sup>

### Abstract

This article investigates the mutation of three aspects of Shi'a online communities before and during the pandemic. These aspects are the Shi'a relationship with their religious authorities, their relations with other faith communities and their gender relations. The article shows that gender relations have undergone relatively smaller changes. For the fulfilment of this enquiry, online ethnography and interviews with members of the online communities were adopted.

### Keywords

Shi'ism, online communities, COVID-19, Italy.

### 1. Shi'a online communities

At the beginning of 2020, when restrictions due to the COVID-19 emergency depopulated Shi'a places of worship, interaction through digital media increased in popularity. Online spaces turned into the locus not only of prayers, votive offerings, and advice on health and religious norms, but also of games and recreational activities. Despite the unprecedented nature of the situation, Italy had in fact witnessed a rise in Shi'a online communities before the outbreak of COVID-19. However, as a sign of resilience against the challenging conditions of

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the pandemic, new media technologies were adopted, transnational bonds were strengthened, and online venues bustled.

This article shows how Shi'a communal life – referred to as “online communities” – has evolved during the COVID-19 pandemic. Before smartphones, religious experience on the Internet was considered a ‘disembodied’ activity (Campbell 2003). Alongside the twilight of the PC era, the Internet has been fully incorporated into our body and hence one can no longer call religious experience through smartphone applications a ‘disembodied’ enterprise. Today, smartphones have become a physical and psychological extension of the self, and even a part of our identity (Park and Kaye 2019). Cell phones and their applications are culturalized by sharing symbols, values, and the rhythm of time. In this manner, life in the offline and online spheres has become similar. Based on this similarity, the present article examines the trends of continuity and change in the religious experience of Shi'as in the online sphere before and during the pandemic.

The expression “online community” has been in use since 2000, when new technologies challenged the necessity of physical proximity for community building, yet existing literature is almost completely limited to the desktop era (e.g. Armstrong and Hagel III 1996; Kim 2000; Wilson and Peterson 2002; Jensen et al. 2002; Preece et al. 2003; Evans 2004; Faraj et al. 2011). The potential of the smartphone has been scrutinised more often in relation to games (Richardson 2012; Ganzert et. al 2017). Other studies have examined the impact of media technologies on community experience (Bernal 2005) and religious practices (Meyer 2006; Schulz 2006; Campbell 2013). Scholars have also researched the influence of religion on technologies (Campbell 2007), the role of media within the religious world (Rinker et al. 2016; Campbell 2014), and the media's benefits for refugees (Kaufmann 2018; Hajj 2021) and immigrants (Kim 2018). Nevertheless, smartphone communities seem to be unexplored topics, and their relations with religions are especially so.

Despite the dearth of literature on the topic, recent smartphone applications are even more eligible in certain aspects for consideration as community venues than offline relationships, because they facilitate a more fluid presence and easier interaction between members. Moreover, they guarantee freedom and fluidity in human relations, which are considered classic hallmarks of community (Hillery 1955). Therefore, here, a combination of “online” and “community” is used to refer to these groups. Far from its grandiose, classic implications, “community” is used only as a discursive instrument and is interchangeable with “group.”

To examine Shi'a online communal life, online ethnography and conversations with members of Shi'a online communities were conducted both before and during the pandemic. From November 2016 to December 2019, I visited Shi'a

places of worship or gathering in 13 Italian cities and interviewed 89 Shi'as of various nationalities. During the fieldwork, the existence of a parallel communal life was notable, unfolding through smartphone applications. The fieldwork provided the opportunity to join Telegram and WhatsApp groups whose administrators, having been apprised of this study, permitted my virtual presence.

I am currently a member of two Pakistani groups on WhatsApp: the Ja'fariyeh Informatic Group (160 members) and the Al-A'sr Contact Group (150 members), whose participants are based in Europe, Iran, or Pakistan. Moreover, I am part of two groups related to a Roman centre, one is called *Dimore della Sapienza* (53 members), and the other, *Gli innamorati di Sophia* (41 members), which gather Italian Shi'a converts along with their non-Shi'a interlocutors, all based in Italy. On 31 December 2020, I joined a WhatsApp group called *Amici dell'Iran* that brings together Italian converts and a few Italian-based Shi'as from Iran, Lebanon, and Iraq (43 members). On Telegram, I am part of seven stable groups, as well as certain others created on an ad hoc basis to organise the *Ashura World Wide* campaign.<sup>2</sup> This campaign is created a month before Muharram<sup>3</sup> and then abandoned by its members annually. The Telegram groups are almost entirely composed of Italian-based Iranians, since Telegram is the Iranians' favoured application. Three of the Telegram groups are female-only.

In Italy, Shi'a online communities have emerged as a response to certain social needs, such as to readjust the calendar. According to Article 8 of the Italian constitution, non-Catholic organisations should conclude a bilateral agreement with the Italian Interior Ministry to be recognised as religious entities. No Shi'a organisation has ever presented a protocol of agreement to this ministry. One consequence of the lack of this agreement is the extreme difficulty involved in constructing mosques in Italy. As a result, Shi'as do not have access to conventional places of gathering or worship, such as a mosque, *hussainiya*,<sup>4</sup> or *takiyya*.<sup>5</sup> Currently, aside from a few groups that possess permanent places of worship, such as the Imam Mahdi Association in Rome (MC) and Imam Ali Centre in Milan (AC), meeting places are often in schools, parishes, bars, sport centres, or warehouses.

In such a situation, online communities have played a crucial role in reminding members of the rhythms of sacred time. It has been said that in the West,

2 Ashura World Wide, formerly also called Who Is Hussain, is a campaign launched in 2014 by an Iranian PhD student at the Polytechnic University of Milan (Mirshahvalad 2019).

3 The first month of the Islamic calendar when the Shi'a mourning rituals are held.

4 Hussainiya is the name of congregational halls in Iran, Iraq, and Lebanon, where Shi'as hold mourning sessions for the martyrdom of their third imam. The name comes from Hussein ibn Ali, the third imam of Shi'a Muslims.

5 Whenever there are insufficient funds for the construction of hussainiya, basements, warehouses and public passages can become takiyya. Sometimes, benefactors make their homes available for Muharram mourning ceremonies (Asqariyyan Jeddi, 1393/2014).

Islamic communities should adopt “calendrical adjustment” as a strategy of survival (Abusharaf 1998:256). One can imagine that these online communities must ‘readjust’ the sacred time; the Shi’a calendar is saturated with moments that are commemorated by mourning rituals, besides a few joyous occasions, but in Italy, it is impossible to perform these commemorations at their exact times. Within online communities, members are constantly reminded of important dates and their communal life has become omnipresent. The repetitive rhythm of sacred time, which is either taken for granted or even becomes bothersome in Shi’a-majority countries, has been both promoted and appreciated by members of online communities in Italy. These online Shi’a communities keep the commemoration of sacred time alive through their members’ devotion to constantly posting mourning or greeting messages. Smartphone communities have allowed members to experience a sense of synchronicity with the homeland through the touchscreen. They have offered new frontiers of group living, allowing an expansion of homeland values and transnational member engagement.

In addition, online communities help to customise personal religious agendas (Lövheim 2014). Thanks to smartphones, community members can change their mood from one group to another. Members can choose when to join the rituals, when to leave, and how much to contribute comments and messages. They can constantly shift among communities, check their personal messages, or even chat with others during rituals. New technologies allow them to be contemporarily present in rituals both offline and online. For instance, during Muharram 2018 at the MC (which was established and governed by Italian converts, and which sometimes allows the Shi’a-born (people born into Shi’a families) to hold mourning sessions in their local languages), a female convert who could not understand the ritual language listened to an English sermon through her smartphone’s earbuds. On the other hand, Iranian students who could not understand the Italian sermons followed other programs in Persian. These people simultaneously contributed to the life of two communities with their physical and mental presence. Although it may seem that new media technologies distract participants, they can actually amplify human presence and even communal life.

During the pandemic, the concentration of activities on the online sphere modified some dimensions of Shi’a religious activities. Here, three aspects of the Shi’a online communities that have undergone some level of change are discussed.

## **2. Shi’a religious authorities**

Smartphone applications have created new positions of power and easier access to sacred texts, both of which challenge traditional religious authorities. This is why orthodox religious leaders, for instance in Iran and Israel, have tried to limit

or block access to the Internet through censorship and website surveillance. Alternatively, traditional religious authorities exploit the Internet as a new avenue to reassert themselves, but they are careful to 'culturally' shape the media to preserve the hierarchy (Barzilai-Nahon and Barzilai 2005; Campbell 2012).

Despite these attempts to tame the new digital technology, it has undeniably altered power structures. Older forms of digital media, such as e-forums, email lists, and websites, maintain vertical ties with traditional authorities, whereas smartphone applications offer more opportunities for horizontal bonds between religious authorities and their followers. If websites and emails are authoritarian in message conveyance, smartphone applications can promote interactivity. The former one-way digital system was concentrated on delivery of information and on proselytism (Kalinock 2006), whereas the interactive nature of modern smartphone groups allows a democratic means of message production. Within online Shi'a communities, members send questions on religious matters and receive answers almost immediately without appealing to more formal and indirect channels, such as the websites of the *maraji*.<sup>6</sup> On a female group called European Followers of Zainab, which is dedicated to Shi'a law, women send their questions with the name of their *marja'* and receive the answers from female experts of law within a few minutes. Many times, when a *marja'* has not answered a religious query or is not consulted at all, the online communities support the faithful much more easily. Through the 'traditional' channels for relations with *maraji*, namely their websites, the faithful may not receive answers when needed or may not receive them at all, for various reasons. The *maraji* do not normally answer questions that are on politics, contain philosophical or complicated arguments, raise sensitive topics, are related to specific people, or are deemed too similar to those already answered in their manuals. Moreover, receiving an answer may require almost two weeks, especially if the *marja* is a well-known one with an international entourage. In addition, according to interviewees, coreligionists who live in the same social context and comprehend its difficulties and needs are deemed better sources of counsel.<sup>7</sup>

Ultimately, the pandemic brought new religious leaders into play. Before the pandemic, the only Italian cleric, Shaykh Abbas, was not present in the online communities. Whenever Shi'as created WhatsApp groups and added him, he immediately left the group. The Ramadan seasons of 2020 and 2021 occurred under periods of restricted social interactions, and on some other occasions, the MC organised Zoom meetings with Shi'as of different nationalities. These meetings were inter-

6 The prominent Shi'a clerical figures who are reference points in religious matters.

7 I have explained elsewhere (Mirshahvalad 2020a, 2020b) why there has been a need for new Shi'a religious leaders in Italy who could satisfy the exigencies of the Italian-based Shi'as.

esting from various viewpoints. Compared to the Zoom meetings of the AC, where all the attendees were Iranian, the Italian language of Shaykh Abbas attracted various nationalities. Even the Persian-speaking Afghans preferred to attend the MC e-meetings rather than those held by the AC, where Persian was adopted as the only language of the session. Attendees viewed the MC's meetings as multimedia forums where they could consult Shaykh Abbas. Even when Shaykh Abbas was supposed to deliver speeches on historical and social issues, such as the status of Muslims in Europe, the meetings ended up becoming venues for questions and answers about religious practice. The presence of converts may help to explain this transmutation of the meetings' objectives, given that thus far, *maraji* have neither published Italian manuals on norms of behaviour nor offered their websites in Italian. However, in the online question-and-answer sessions, surprisingly, even the native Shi'a participants took advantage of the interactive opportunity to ask religious questions as if they had no *marja al-taqlid* or could not or did not want to communicate with him. Curiously, Shaykh Abbas has not yet received an *ijtihad*<sup>8</sup> licence, let alone been recognised as a *marja*. Therefore, the online communities and Zoom sessions have had a significant influence on the amateurisation<sup>9</sup> of *ijtihad* in Italy.

Despite the already ubiquitous presence of the Internet, Iranian clerics still resist the de-professionalisation of their expertise. When physical gatherings were completely prohibited, the AC, like the MC, organised some Zoom meetings that hosted Iranian clerics based in Qum or other European countries. These clerics discussed the usual theological and doctrinal arguments that had nothing to do with Shi'a life in Italy or Europe; as such, the content was not very engaging for the audience. The Iranian Zoom initiatives usually lasted around two hours. No more than ten minutes at the end were dedicated to attendee interaction with the clerics, and they were usually spent on giving compliments to the organisers. Other Iranian gatherings were hosted by the Union of Islamic Student Associations. Since most of the people attending these online rituals were students, clerics would choose more innovative themes for their interventions. However, during these initiatives, no interactive session was observed. The Iranian clergies' approach to Zoom (which is banned in Iran) is aligned with their claim to be otherworldly or *ruhani* (spiritual) and to belong to an upper universal order. This is why they adopt an authoritative approach towards both the platform and participants.

Conversely, when the MC organised Zoom gatherings, Shaykh Abbas did not speak for longer than half an hour, and the themes of his debates were completely different. He spoke about the challenges of life in Italy as Muslims and

8 "ijtihad" is the quality that allows a clerical figure to be a reference point in religious matters.

9 This word has been borrowed from Shirky (2008), who introduced the concept "mass amateurisation" to describe how social media amateurises photography and journalism.

the need for dynamic *ijtihad*. To support his arguments, he drew on European philosophers, such as Burkhart, Corbin, Guenon, and Massignon. In a completely different vein, Pakistani activities online were limited to videos of clerics posted on Facebook pages or WhatsApp groups. Hence, no interaction between Pakistani preachers and attendees was observed.

The different relations between clerics and ordinary people in Shi'a communities online mirror clerics' approach towards the issues within Italian-based Shi'a gathering places. As observed by Wilson and Peterson (2002:456), power relations and identity construction in the offline world influence online communities. Iranian and Pakistani clerics are not yet willing to exploit this new potential for developing symmetrical relations with the grassroots online, whereas only one Italian cleric seems to have accepted the increasingly pluralistic atmosphere of the current European religious marketplace, which has been further enriched by the new platforms.

### 3. Contact with other religions

Physical interaction among coreligionists sometimes entails episodes of discussion, or even fights, that can split communities. However, in the online sphere, there seems to be more tolerance, not only because members are not physically present but because conversations are mediated. Quarrels and disputes online among groups for Iranians, Italian converts, and Pakistanis were observed in this study. For instance, in an Iranian Telegram group composed of students and workers mainly based in Milan, heated debates would emerge among the followers of Ayatollah Khāmeneī and the sole participating follower of Ayatollah Shirazi. Controversies emerged around sensitive topics, such as bloody self-flagellation and whether Sunnis should be considered subject to *tabarri* (disassociation). Interestingly, the follower of Ayatollah Shirazi did not leave the group, despite his vulnerability. In the same vein, advocates of rival political fronts in Iran, who enter into heated debates near presidential elections, remained part of the online communities.

Within the two aforementioned Italian-speaking groups, there are both Sunni and Shi'a Muslims. Therefore, during sacred times, two contrary senses may be observed within these groups. On the 9th and 10th of Dhul al-Ḥajja (the last month of the Islamic calendar), while Sunnis send greetings for the I'd al-Aḏḥa, Shi'as post videos about Du'a Arafā<sup>10</sup> with messages of condolence for Imam Hus-sain's move from Mecca to Kufa and the martyrdom of Muslim ibn Aqil. The same dual online Islamic atmosphere exists also during Muḥarram. While Sunnis send

<sup>10</sup> A prayer presumably recited for the first time by Hussein ibn Ali. Shi'as perform it on the 9th of Dhul al-Hajja.

greeting messages for the New Year, Shi'as commence their principal mourning season. Despite the dualistic atmosphere, tolerance and respect regarding these specifically sectarian issues dominate the religiously mixed groups. Before the pandemic, in two consecutive Muharram periods (2018 and 2019), I was a member of the *Ashura World Wide* campaign and was given the duty of informing the public about the Karbala Tragedy. Some sarcastic comments from Sunnis about Shi'a public chest-beatings for Ashura and Arbain were overheard, with interviewees reporting similar observations. Yet in the online communities where both Shi'a and Sunni Muslims were present, such comments were never witnessed.

Although Shi'a smartphone communities are by no means venues of homogeneous groups of humans functioning in perfect harmony, the temporal distance between messaging and reacting creates more space for reflection. In the online sphere, members tend to relinquish their religious affiliations and decrease their religious exclusivism. They 'tinker' with spiritual options and reject the exclusive claims of any one particular religious tradition (McClure 2017).

In Italy, due to the unfamiliar languages and practices, non-Muslim Italians normally do not attend the religious services of native Shi'a. As a result, Shi'as have not developed ties with the outgroup. The pandemic introduced widespread use of Zoom, which added new dimensions to Shi'a religious activities online. The heterogeneity of participants at this point was not limited only to Sunnis or by the geographical position of participants but encompassed a wider religious panorama. During the pandemic, the Zoom meetings of the MC in Italian provided a welcoming terrain for erudite, irreligious, and Catholic Italians to contribute to debates.

Tolerance of others within online meetings is also driven by digital platforms that allow one's identity to be camouflaged. As an example, on 31 March 2021, Shaykh Abbas (the aforementioned Italian cleric, who converted to Shi'ism many years before this study and who has undertaken periods of training and study in Syria, Iran, and London) was invited to deliver a speech on topics related to inter-religious dialogue. The initiative was organised by the King Hamad Chair for inter-faith dialogue and peaceful coexistence, and in collaboration with the Roma Sapienza Foundation. The encounter started with unexpected verbal violence from an unidentifiable group of attendees who shouted anti-Islamic slogans and insulted the moderator. Although the meeting was temporarily interrupted, the organisers succeeded in blocking all the unfriendly intruders from participating. Such a clash in an offline venue may have provoked violence and required police intervention.

#### **4. Women and their activities**

Women are core components of Muslim culture. In non-Islamic countries where Muslims are a minority, women become objects of tension between cultures

(Saint-Blancat 1999). They are held liable for protecting their cultural heritage, especially where this heritage can be jeopardized. It is unacceptable for women, who are central elements of communal order, to become the sources of its disintegration (Saint-Blancat 1995). Due to these concerns, minority groups in diaspora contexts are less prone to make compromises regarding the core of their culture or private sphere than in their public affairs (Navas et al. 2005).

Gender roles and relations online are quite similar to those in offline venues. For instance, within Pakistani online communities, I have been the only woman among hundreds of male members. This pattern echoes the rigid sexual division among Pakistani Muslims and the fact that women hold only secondary importance in their communal life.<sup>11</sup> Conversely, among Iranian and international online communities, there are some women as well, even though religious women prefer female-only groups where they can discuss their ideas about 'taboo' matters without concerns about the male presence. Within these e-harams,<sup>12</sup> women feel free to talk about 'embarrassing' topics such as pregnancy, gynaecologists, abortion, children, and family-related matters. In the e-haram of the AC, which is also composed of moderately religious women, even an extremely sensitive topic such as the compulsory veil in Iran was once stealthily discussed.<sup>13</sup>

As a native Iranian woman, I was present in both online and offline communities of religious and irreligious Iranians. Only religious women tended to create women-only Telegram and WhatsApp groups. They rarely exposed their personal photos on their profiles, did not present polemical arguments on the mixed online groups, and did not take any position in political discussions. For instance, in November 2019, the Tehran-based institute, *Hayat-e Husna*, offered a series of workshops motivated by the need to restore polygamy as a solution to the unprecedented rise in divorce rates, extramarital sexual relations (called "white marriage" in Iran), and celibacy. Women were dismayed to hear about this initiative and sent numerous negative comments. They posted pictures of Ayatollah Khāmeneī with attributed phrases about the *kirāha* (detestability) of polygamy, and they even forwarded the decree to fire his potentially polygamous employees. This workshop and the women's distress had no echo in the mixed online groups.

Not all messages of the e-harams are necessarily related to 'taboo' matters, but religious women are more comfortable posting messages in female groups than in mixed ones, even when the messages have no specific tie to femininity. This is

11 In Pakistan, women do not attend mosque services, and even in Italy, the Pakistani and Bangladeshi Sunni gathering places are bereft of any space for women.

12 This apt expression is coined by Bunt (2003:210).

13 The AC is governed by the Iranian consulate, which creates a climate of self-censorship, fear and hypocrisy among AC members.

because expressing ideas even on ordinary topics makes some women uncomfortable when men are present in the groups. Posting new recipes and exploring halal foods are not female topics in any strict sense, but women never share these themes outside of the e-harams.

In March 2018 in Milan, I interviewed a 29-year-old Iranian PhD student who had created the AC's female Telegram group. She had launched the group on 'īd al-Fitr with women who had attended the AC service during Ramadan. In response to being asked what would have happened had any men been included, she answered:

Perhaps a woman wants to ask about buying rice ... well, men don't have any expertise on this matter. Women cannot ask questions or express their ideas where men are present. ... I mean, it'll become a little bit hard. Women are comfortable where all are women, but if even one man enters, they start to feel embarrassed.

The reason for this embarrassment is that from childhood, women internalise the above-mentioned concerns about their role in preserving cultural values; therefore, they adjust their conduct online to match traditional behavioural codes and taboos.

Since the outbreak of the pandemic, and especially during lockdown, Zoom has created the opportunity for more complex interactions through video and audio sharing. In these meetings, women are less numerous than men. I participated in meetings of the AC, the MC, the *Dimore della Sapienza* Association, the European female branch of the Ahl al-Bayt World Assembly, and the Union of Islamic Student Associations. During the Zoom meetings, the women remained aloof; they never asked questions or commented on the debates. The Lebanese administrator of the MC's online gatherings would silence all participants until the end of the meetings, and thus Shaykh Abbas could speak without the usual interruptions that occur in offline gatherings. Nevertheless, as soon as the administrator unmuted the participants, the men would rush to speak, whereas the women never turned on their video screens or unmuted their microphones. In a few cases, female converts would raise their virtual hands and Shaykh Abbas, with his usual respect for women, gave them priority to write their questions – the same priority that he would concede to women at the MC's headquarters.

A public Zoom event was eventually organised at which women were supposed to play the central role, as it was the anniversary of the birth of Fatima al-Zahra. On 6 February 2021, the female branch of the Ahl al-Bayt World Assembly held the anniversary event. Women and men from various European countries and Qum participated. In this online event, the clerics presented their arguments on Fatima's worldly and otherworldly merits and compared her with

other female protagonists of the Qur'ān. They praised Fatima for both her social activism and her modesty. She was described as a woman who had never been seen in public but had fought for the rights of Ahl al-Bayt. Thus, Fatima was an embodiment of both the political and ethical messages of the Qur'ān. Between cleric interventions and at the end, there were five-minute intervals during which women presented the activities of their organisation in Arabic, Persian, and European languages. The labour was divided between men, who presented the moral values, and women, who briefly described the activities of the association created to safeguard those values.

Despite the undeniable similarities between gender relations in offline and online venues, the latter setting's features facilitated certain innovations. One of the most innovative and impressive uses of Telegram that has modified women's activities comes from a cultural association of Iranian students and workers in Milan, called Acqua. Acqua created a Telegram group known as *Jam'-khani-e Qur'ān* (collective recitation of the Qur'ān) with 23 members, with the only messages posted being the names of *surahs* (chapters) and *ayahs* (verses). Members read these verses at home, and then they respond with the name of the final verse. Afterwards, another person continues the thread. It has become a sort of Qur'ānic relay race, in which members complete parts of the performance and entrust the rest to the next participant. In this way, they somehow carry on as they did in offline gatherings before the pandemic, where they would sit around a circle in a small room, occasionally offered to them by one of Milan's municipalities, and read the Qur'ān in turn. Nevertheless, some important differences exist between the two spheres. In the online readings, the community did not have to pay rent for a facility, members did not have to prepare the dinner normally served at the end of each gathering, and no one checked the correctness of others' *tilawa* (i.e. Qur'ān recitation). Therefore, members were more comfortable reciting as they wished, and more importantly, the women actively participated in the readings of the Qur'ān without their usual timidity.

For instance, despite the absence of restrictions established by Islamic law, women never recited the Qur'ān or *du'a* (supplication) loudly in offline gatherings. During my fieldwork, I never witnessed any online or offline Qur'ānic lesson organised for or by Shi'a women. In Acqua's offline pre-pandemic gatherings, the Qur'ān and supplications were always recited by the men. In this community, the women would contribute to the recitation of the Qur'ān only within the space of the online Qur'ānic group. A middle-aged woman, when asked to clarify why this was the case, stated that the recitation of the Qur'ān, which was the usual weekly program of the Acqua, had originally been performed by both sexes for a certain time. The women, sitting around the small hall in front of the men, used to recite the Qur'ān in turn with *tart-*

eel rhythmic tones. Most *maraji* allow the female *tarteel* recital of the Qur'ān (which is not melodic), provided that it does not provoke *fitna* (chaos). However, after a while, some women began to feel embarrassed at Acqua and chose not to collaborate, and so the others decided to stop reciting the Qur'ān. The interviewee added:

No one has banned it. It is the women's fault, because we talk and laugh with men without any scruple, so why should an Arabic Qur'ān, which is not even recited with a melodic voice, be a problem? So the women themselves gave up. They can restart it whenever they want, but I know that no one other than me would recite it. So the men got used to it and they do not ask the women if they want to participate anymore.

During the pandemic, a female WhatsApp Qur'ānic group formed that unites Persian-speaking European, Iranian, and Afghan Shi'a women. The group is called *Tadabbur dar Qur'ān* (Reflections on the Qur'ān) and is dedicated to Qur'ānic exegesis. The group has a weekly online conference organised in Iran and held in the Skyroom<sup>14</sup>. Even in this case, although all the participants are women, only a pre-recorded male recitation of the Qur'ān is released. Therefore, the *Jam'-khani-e Qur'ān* was a special venue where women were allowed to contribute to this collective ritual by posting the names of chapters and verses, as if Telegram had offered them a virtual veil and hence greater self-confidence.

## 5. Conclusions

In this article, I have examined trends of continuity and change in three aspects of Shi'a online communities. Relative to on-site meetings, online communities have facilitated women's free expression. However, when we compare the three areas discussed above, the approach to women has undergone the least amount of change since the onset of the pandemic. The private nature of gender relations makes these matters less susceptible to change. Compared to women's issues, during the pandemic smartphone applications have widened the horizons of change in rituals and intra-religious relations. These applications have augmented the ability to customise relationships with coreligionists and with the religion itself. For instance, rituals online can become simultaneously individual and collective. Consequently, the new technology has been considered a steppingstone towards making religion more of a private affair. The secularising power of this technology is amplified in a country such as Italy, where the political system separates religion from civic

<sup>14</sup> Various platforms such as Zoom and Skype are inaccessible in Iran. Therefore, Iranians have launched a Persian version of Skyroom, which is platform where online events can be held.

affairs. The privatisation of religion opens the door to the reconfiguration of sectarian categories and religious authority. Shi'as in a non-Islamic country constantly face unprecedented social needs. Given the geographical distance from predominantly Islamic lands, the Shi'a traditional authorities cannot produce suitable and relevant instructions for the faithful or cannot provide them when they are needed (Mirshahvalad 2020a, 2020 b). Even the few Middle Eastern clerical representatives of *maraji* in Italy are not willing to surrender to the de-institutionalising power of the new media. Thus, the relationship tends to be replaced by more dialogic and interactive alternatives, primarily conversations with coreligionists, which have become even more fluid and omnipresent through smartphone applications.

Besides Zoom, the WhatsApp and Telegram applications provide group arrangements that do not require traditional institutions to be present. These applications allow for formulating rituals and regulating interreligious relations without the supervision of traditional authorities and institutes. Similar to what Shirky (2008) observed, things here are organised without organisations. The horizontal bonds, fluidity of relations, and freedom of expression make these platforms more suitable environments for communal life than institutionalised venues such as mosques, especially where mosques can hardly be built as in Italy.

### References

- Armstrong A., and Hagel J., III (1996). The Real Value of Online Communities. *Harvard Business Review* (May/June):134-140.
- Asqariyyan Jeddi A. (1393/2014). Mabani Nazari Makan Yabi Masajed-e Irani Dar Advar-e Mokhtalef. *Soffe*, 1-2.
- Barzilai-Nahon K. and Barzilai G. (2005). Cultured Technology: Internet and Religious Fundamentalism. *The Information Society*, 21(1):25-40.
- Bernal V. (2005). Eritrea On-Line: Diaspora, Cyberspace, and the Public Sphere. *American Ethnologist*, 32(4):660-675.
- Bunt G. R. (2003). *Islam in the Digital Age: E-Jihad, Online Fatawas and Cyber Islamic Environments*, London: Pluto Press.
- Bunt G. R. (2004). "Rip. Burn. Pray": Islamic Expression Online. In: L. Dawson and D. Cowan, eds., *Religion Online: Finding Faith on the Internet*. New York and London: Routledge, 123-134.
- Campbell, H. (2003). *Congregation of the Disembodied*. In M. Wolf (ed.), *Virtual Morality*. London: Peter Lang, 179-199.
- Campbell H. (2007). "What Hath God Wrought?" Considering How Religious Communities Culture (or Kosher) the Cell Phone. *Continuum: Journal of Media and Cultural Studies*, 21(2):191-203.

- Campbell H. (2012). How Religious Communities Negotiate New Media Religiosity. In: P. H. Cheong, P. Fischer-Nielsen, S. Gelfgren, and C. Ess. eds., *Digital Religion, Social Media and Culture: Perspectives, Practices and Futures*. New York: Peter Lang, 81-96.
- Campbell H. (2013). *Digital Religion: Understanding Religious Practice in New Media*. New York, Routledge.
- Campbell H. (2014). Altenhofen Brian, Bellar Wendi, James Cho Kyong, There's a Religious App for That! A Framework for Studying Religious Mobile Applications. *Mobile Media and Communication*, 2(2):154-172.
- Cheong, P. H. (2013). Authority. In: H. A. Campbell, ed., *Digital Religion: Understanding Religious Practice in New Media Worlds*. London and New York: Routledge.
- Evans K. F. (2004). *Maintaining Community in the Information Age: The Importance of Trust, Place and Situated Knowledge*. London: Palgrave MacMillan.
- Faraj S., Jarvenpaa S. L., Majchrzak A. (2011). Knowledge Collaboration in Online Communities. *Organization Science*, 22(5):1224-1239.
- Ganzert A., Gielnik T., Hauser P., Ihls J., and Otto I. (2017). In the Footsteps of Smartphone-Users: Traces of a Deferred Community in Ingress and Pokémon Go. *Digital Culture and Society*, 3(2):41-57.
- Hajj N., (2021). *Networked Refugees: Palestinian Reciprocity and Remittances in the Digital Age*. Oakland: University of California Press.
- Hillery G. A. (1955). Definitions of Community: Areas of Agreement. *Rural Sociology*, 20(2):111-123.
- Ja'fariyan, R. (2004). Hosayniyya. In: R. C. Martin, ed., *Encyclopedia of Islam* (vol. 1). New York: Macmillan Reference, 317.
- Jensen C., Davis J., and Farnham S. (2002), *Finding Others Online: Reputation Systems for Social Online Spaces*, Proceedings of the SIGCHI Conference on Human Factors in Computing Systems: Changing Our World, Changing Ourselves, Minneapolis, USA, 447-454.
- Kalinock S. (2006). Going on Pilgrimage Online. *Heidelberg Journal of Religions on the Internet*, 2(1):6-23.
- Kaufmann K. (2018). Navigating a New Life: Syrian Refugees and Their Smartphones in Vienna. *Information, Communication and Society*, 21(6):882-898.
- Kim A. J. (2000). *Community Building on the Web: Secret Strategies for Successful Online Communities*. Hoboken: Peachpit Press.
- Kim D. Y. (2018). *Transnational Communities in the Smartphone Age: The Korean Community in the Nation's Capital*. Lanham, MD: Lexington Books.
- Lövheim M. (2014). Mediatization and Religion. In: K. Lundby, ed., *Mediatization of Communication*. Berlin: Walter de Gruyter GmbH and Co KG, 547-570.

- McClure P. K. (2017). "Tinkering with Technology and Religion in the Digital Age: The Effects of Internet Use on Religious Belief, Behavior, and Belonging". *Journal for the Scientific Study of Religion*, 56(2):1-17.
- Meyer B. (2006). "Praise the Lord": Popular Cinema and Pentecostalite Style in Ghana's New Public Sphere. *American Ethnologist*, 31(1):92-110.
- Mirshahvalad M. (2019). "Ashura in Italy: The Reshaping of Shi'a Rituals". *Religions*, 10:1-14.
- Mirshahvalad M. (2020 a). *Sciiti in Italia: Il cammino dell'Islam minoritario in diaspora*. Mercato S. Severino: Paguro.
- Mirshahvalad M. (2020 b). "A Silent Quest for New Shi'a Religious Leaders in Italy". *Journal of Muslims in Europe*, 10:1-18.
- Navas M., Maria C. Garcia, Juan Sanchez, Antonio J. Rojas-Tejada., Pablo Pumares, and Juan S. Fernández Prados. (2005). Relative Acculturation Extended Model (RAEM): New Contributions with Regard to the Study of Acculturation. *International Journal Relations*, 29(1):21-37.
- Park C. S. and Kaye B. K. (2019). "Smartphone and Self-Extension: Functionally, Anthropomorphically, and Ontologically Extending Self via the Smartphone". *Mobile Media and Communication*, 7(2):215-231.
- Preece J., Maloney-Krichmar D., and Abras C. (2003). *History of Online Communities, Encyclopedia of Community: From Village to Virtual World*. Thousand Oaks, CA: Sage, 1023-1027.
- Richardson, I. (2012). "Touching the Screen: A Phenomenology of Mobile Gaming and the iPhone". In: L. Hjorth, J. Burgess, and I. Richardson, eds., *Studying Mobile Media: Cultural Technologies, Mobile Communication, and the iPhone*. New York: Routledge, 133-151.
- Saint-Blancat C. (1999). "Le donne tra transizione ed alterità". In: C. Saint-Blancat, ed., *L'Islam in Italia: Una presenza plurale*. Rome: Lavoro, 141-157.
- Saint-Blancat C. (1995). *L'Islam della diaspora*. Rome: Lavoro.
- Samuel M. W. and Leighton C. P. (2002). "The Anthropology of Online Communities". *Annual Review of Anthropology*, 31:449-467.
- Shirky C. (2008). *Here Comes Everybody: The Power of Organizing without Organizations*. New York: Penguin Press.
- Schulz D. E. (2006). "Promises of (Im)mediate Salvation: Islam, Broadcast Media, and the Remaking of Religious Experience in Mali". *American Ethnologist*, 33(2):210-229.

Heiner Bielefeldt

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# COVID-19 and Korea

## Viral xenophobia through a legal lens

*Ciarán Burke*<sup>1</sup>

### Abstract

Although South Korea's response to COVID-19 has been praised as efficient, effective, and well-planned, the legislation devised to tackle the pandemic suffered from a lack of human rights safeguards and was rather opportunistically employed by the government to target an unpopular religious community. In such situations, it falls to the courts to provide protection to those who may have suffered as a result of state excesses. The trial of Chairman Lee Man-hee of the Shincheonji Church of Jesus places these issues in sharp relief. Chairman Lee's prosecution is instructive regarding applications of the rule of law in situations of national emergency, freedom of religion, and the inadequacy of traditional legal remedies for certain human rights violations.

### Keywords

South Korea, Shincheonji, human rights, rule of law, courts, COVID-19.

### 1. Introduction

On 12 August 2022, the Supreme Court of South Korea confirmed the verdict of the Suwon High Court of 30 August 2021, finding the leader of a South Korean religious movement not guilty of breaking virus control laws. At the same time, the Supreme Court confirmed the verdict of the Suwon High Court (and the earlier verdict of the Suwon District Court), finding the same individual – Chairman Lee Man-hee, who heads the Shincheonji Church of Jesus (SCJ) – guilty of embezzlement.

The SCJ was at the centre of South Korea's first major COVID-19 outbreak in February 2020, making it the target of considerable public anger at the time. However, as shall be demonstrated, much of this anger was unwarranted. More-

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over, it was exacerbated by Korean government efforts to harness the opprobrium directed at the SCJ for its own political ends, causing serious damage to the religion and its adherents.

The prosecution of Chairman Lee and the SCJ's status in the context of Korean society are instructive regarding applications of the rule of law in situations of national emergency, freedom of religion, and the inadequacy of traditional legal remedies for certain human rights violations, especially those affecting religious minorities. The present article endeavours to explore these issues and to explain more broadly how the Korean government harnessed the COVID-19 pandemic as a convenient foil to persecute elements in society that it deemed undesirable.

## 2. COVID-19 in Korea

COVID-19 has affected different countries in a wide variety of ways, and government responses to the pandemic have also varied. Australia, for example, declared a state of emergency, whereas Bangladesh acted in a more ad hoc manner, declaring a country-wide “general holiday” from 26 March to 5 May 2020 in lieu of an official lockdown. Japan declared a state of emergency but relied on “voluntary” social distancing (*jishuku*) rather than legal enforcement. In the meantime, Brazil and Hungary, amongst other states, avoided explicitly declaring an emergency but used the crisis as an excuse to exercise extraordinary powers and implement legislation aimed at curtailing civil liberties and granting additional authority to the executive branch. A wide range of other responses also occurred throughout the world.<sup>2</sup>

The catalogue above highlights the fact that the perils posed by a pandemic do not emanate only from the virus itself. Rather, additional danger may result from the abuse of emergency powers or other responses crafted to deal with a developing crisis. In the past, such emergency situations have been used as excuses to enact extraordinary legal measures in the name of national security, public health, or other justifications.<sup>3</sup> However, such measures may in fact be intended to achieve other goals, such as curtailing dissent, dissolving Parliament, postponing elections or aggregating additional powers to the executive branch.

In this context, Korea offers a particularly interesting case study. Korea appeared well-prepared for the pandemic, rendering it perhaps less vulnerable to potential abuses such as those outlined above. Indeed, it was frequently identified as a prominent success story in terms of its response to the COVID-19 out-

<sup>2</sup> Tom Daly, “Democracy and the Global Emergency: Shared Experiences, Starkly Uneven Impacts,” *Verfassungsblog*, 15 May 2020.

<sup>3</sup> See for example Hans Mommsen, “The Reichstag Fire and Its Political Consequences,” *Aspects of the Third Reich* (London: Palgrave, 1985), 62-95.

break.<sup>4</sup> A rigorous system of contact tracing and multiple government interventions aided in keeping the viral transmission rate relatively low. The government quickly identified the importance of preventive measures, early diagnostics, and a centralized control system.<sup>5</sup> However, perhaps the key element distinguishing Korea from many other states' response to COVID-19 was the fact that it had garnered relevant experience via a similar recent event. The Korean government had learned valuable lessons from the comparatively recent outbreak of Middle East Respiratory Syndrome (MERS) in 2015, where Korea was the most severely affected country outside the Middle East.<sup>6</sup>

Korea's experience with MERS led to significant legislative innovation, including ordinary legislation devised to deal with future outbreaks. This legislation was invoked in response to the outbreak of COVID-19, and its application rendered it unnecessary for Korea to declare a state of emergency.<sup>7</sup> However, as shall be explained, Korea's apparent success and its preparedness for the crisis do not imply that Korean society escaped the democratic and human rights abuses that often occur when emergency powers are invoked. Rather, the legislative framework itself furnished a means through which the Korean government could persecute a small and already marginalized religious group, namely the SCJ. This action raises uncomfortable questions concerning Korea's compliance with an assortment of international human rights norms, its own constitution, and the rule of law.

### 3. The Infectious Disease Control and Prevention Act

Korea reported its first confirmed case of the MERS virus on 20 May 2015. Thereafter, Korean public health authorities enforced a number of preventive measures for the protection of public health that were not authorized under Korean law. The legislation concerning infectious diseases that was in force at the time did not grant effective enforcement powers regarding mass public health measures to either the central or the regional authorities.<sup>8</sup> The response was further characterised by government secrecy. The Korean Ministry of Health and Welfare initially withheld details concerning the locations of infected individuals from the public.<sup>9</sup> This approach was heavily criticised as preventing the Ministry from

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4 Edward White, "South Korea Reports No New Local Coronavirus Cases," *Financial Times*, 30 April 2020. Available at: <https://on.ft.com/3Viirmz>.

5 Seung-Youn Oh, "South Korea's Success Against COVID-19," *Regulatory Review*, 14 May 2020.

6 Sang-il Lee, "Costly Lessons From the 2015 Middle East Respiratory Syndrome Coronavirus Outbreak in Korea," *Journal of Preventive Medicine & Public Health* (2015), 48(6):274-276.

7 Brian Kim, "Lessons for America: How South Korean Authorities Used Law to Fight the Coronavirus," *Lawfare*, 16 March 2020. Available at: <http://bit.ly/3Fy2fVa>.

8 Mijeong Park, "Infectious Disease-Related Laws: Prevention and Control Measures," *Epidemiology and Health*, 39, 25 July 2017.

9 Ji-hye Shin, "Korea Mulling Disclosure of MERS-Affected Hospitals," *Korea Herald*, 2 June 2015; Poh Lian

properly notifying hospitals and municipal governments as to risks they might face, reflecting a seeming prioritisation of the privacy of those infected over broader public health concerns.

The MERS crisis continued only for a matter of months, but both the public and the Korean authorities were shocked that the virus was able to kill 38 people. Korea's MERS infection toll was the highest for any country outside the Middle Eastern region, spurring the Korean government into action.<sup>10</sup> Seoul was eager to learn lessons from the experience of MERS and to be better prepared for the next pandemic, in the hope that *ad hoc* responses would not be required.<sup>11</sup> Inter-institutional co-operation was identified as a key action area. Prior to the outbreak, various state agencies and government organs claimed overlapping competencies, often hindering the co-ordination of national efforts. It was determined at an early juncture that this situation required improvement, and that new legislation to manage infectious disease outbreaks was needed. The result was the Infectious Disease Control and Prevention Act (IDCPA), which came into force in 2016.<sup>12</sup>

The IDCPA was designed as comprehensive legislation for the management of outbreaks of infectious diseases. It endows the central government with a wide array of powers. For example, Article 26 bis allows the authorities to carry out checks of prior vaccination records; Article 27(1) provides for a centralized system of certificates of vaccination, administered at the municipal level; Article 33 establishes an integrated vaccination management system (including the processing of personal data); and Article 41 requires private entities, including employers, to co-operate with public authorities where so requested. These provisions all represent *lex specialis* and derogations from the provisions of ordinary Korean law.

Beyond the above, certain IDCPA provisions confer the Seoul government with discretionary powers, or powers that were either loosely defined or couched in open-ended terminology. Article 76-2(2) of the IDCPA gives the Ministry of Health extensive legal authority to collect private personal data, without a warrant, from both individuals already confirmed as infected and those suspected of infection (with the latter category being undefined). The same article requires telecommunications companies, as well as the National Police Agency, to share the

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Lim, "Middle East Respiratory Syndrome (MERS) in Asia: Lessons Gleaned from the South Korean Outbreak," *Transactions of the Royal Society of Tropical Medicine and Hygiene* (September 2015), 109(9):541-542; Jong-Myon Bae, "The Duty to Prevent' during an Epidemic Situation like 2015 Korean MERS outbreak," *Epidemiology and Health*, 2015, 37:e2015037-e2015037.

10 Han Ki Seo, "The Daily Records of the Outbreak of MERS in South Korea," *Yonhap News*, 8 September 2018. Available at: <https://www.yna.co.kr/view/AKR20180908044400017>.

11 KCDC, *The End to the MERS based on WHO Standard*. Available at: <http://bit.ly/3BD5MA6>.

12 Act No. 13639, revised on 29 December 2015 and effective since 30 June 2016.

“location information of patients ... and [of] persons likely to be infected” with health authorities, upon the request of the latter.

In addition, Article 76-2(1) enables the Ministry of Health and the Director of the Korea Centers for Disease Control (KCDC) to require “medical institutions, pharmacies, corporations, organisations, and individuals” to provide “information concerning patients ... and persons feared to be infected.” Public and private authorities, upon request, are obliged by Article 76 to surrender, among other items, (a) personal information, such as names, resident registration numbers prescribed in Article 7(3) of the Resident Registration Act, addresses, and telephone numbers (including cell phone numbers); (b) prescriptions described in Article 17 of the Medical Service Act and records of medical treatment described in Article 22 of the same Act; (c) records of immigration control during the period determined by the Minister of Health and Welfare; and (d) other information prescribed by presidential decree for monitoring the movement paths of patients with infectious diseases.

Article 76 is supported and explicitly linked to several subsections of Articles 6 and 34(2), which specifically invoke the public’s “right to know” and require the Ministry of Health to “promptly disclose information” to the public about the “movement paths, transportation means ... [and] contacts of patients of the infectious disease.”

The provisions in question espouse transparency and the prioritisation of public health over the privacy of those infected. As such, they represent a *volte-face* in respect of the response to the MERS outbreak in Korea. However, closer scrutiny of these provisions reveals significant shortcomings in several respects, not least their compliance with fundamental tenets of the rule of law, most prominently legal certainty. Furthermore, their open-ended nature confers considerable flexibility upon the powers that be, ultimately creating a risk of abuse of power. More specifically, the legislation fails to define the factors to be considered in identifying persons feared or suspected of being infected through contact tracing. This feature raises the possibility of large lists of individuals being drawn up based upon criteria devised by state officials, rather than legal or medical professionals, with the result that these people’s personal data – including records of their movements, transactions, and private activities – would be surrendered to central governmental authorities. Indeed, as shall be discussed, this very eventuality transpired shortly after the outbreak of the COVID-19 pandemic, specifically with reference to members of the SCJ, many of whom could not possibly have had contact with infected persons in Korea because they were not in the country at the time.

Furthermore, the open-ended nature of Article 76’s reference to “other information” means that the ambit of collectable material is potentially very broad

indeed. Finally, the creation of a public “right to know” and an obligation for state authorities to share information with them concerning infected individuals implies a decision that individual privacy is significantly less important than the protection of public health. In addition, the legislation gives the government a variety of legal tools for imposing physical restrictions during a health crisis. In particular, Article 47(1) empowers authorities to shut down any location “deemed contaminated,” without stipulating any test for contamination that should apply. Article 49(2) further permits the “restrict[ion] or prohibit[ion of] performances, assemblies, religious ceremonies, or any other large gathering of people.” Again, these tools would be applied swiftly and decisively against the SCJ shortly after the outbreak of the pandemic.

#### 4. Lee Man-hee and the SCJ

The SCJ is a small Christian sect with multiple outposts in China, including Wuhan. The church enjoys a disproportionately high profile in Korea for its size (at the beginning of the pandemic, it had approximately 320,000 members) and is unpopular with members of other religious congregations as well as with certain sections of the general public, in particular the counter-cult movement.<sup>13</sup> Many of the larger Protestant congregations have historically adopted hostile positions towards the SCJ, which they view as an upstart movement with heretical views.<sup>14</sup> The church was founded in 1984 by Lee Man-hee. The visible devotion and fervour of many of its adherents have stirred controversy ever since the congregation’s founding, both in Korea and abroad.

An alleged connection was drawn between the SCJ and the outbreak of COVID-19 in Korea. Initially, this connection was based on a single case, the so-called “Patient 31,” a member of the church who spread the virus to many of her fellow congregants. By 23 February 2020, over 50 percent of all active cases officially registered in South Korea were linked to this outbreak.<sup>15</sup> By 8 March, the KCDC announced that 79.4 percent of confirmed COVID-19 cases were related to group infections. The KCDC further noted that the outbreak associated with SCJ involved 4,482 infections, accounting for 62.8 percent of the confirmed cases in the country.<sup>16</sup>

13 Massimo Introvigne, “Killing the Competition: Opposition to Shincheonji before and after the COVID-19 Crisis,” *Nova Religio* (2021), 25(1):14-39.

14 Massimo Introvigne, Willy Fautré, Rosita Šoryté, Alessandro Amicarelli, and Marco Respinti, *Shincheonji and Coronavirus in South Korea: Sorting Fact from Fiction. A White Paper*, CESNUR and Human Rights Without Frontiers, 2020, 13. Available at: <http://bit.ly/3WdsR4E>.

15 “Coronavirus Live Updates: Xi Acknowledges ‘Shortcomings’ in Fight Against Outbreak,” *New York Times*, 23 February 2020. Available at: <https://nyti.ms/3PJU1Ox>.

16 Bahk Eun-ji, “New Cases of Infections Drop for Third Day,” *Korea Times*, 9 March 2022. Available at: <http://bit.ly/3Wofbu1>.

This official announcement of a connection between the SCJ and the COVID-19 outbreak provided considerable fodder for those who wished the church ill. The church was repeatedly cited in the media as having impeded the government's requests for transparency concerning its membership, and even of having provided false lists of members and asked its members to hide from authorities.<sup>17</sup> These allegations ultimately provided the kernel of the indictment against Lee Man-hee before the Suwon District Court, to which we shall return anon.

In addition, entirely spurious allegations were made against Lee and the church. The media alleged that Lee had instructed SCJ members not to wear face coverings, as their faith would shield them against infection. A number of congregants were also allegedly instructed to endure COVID-19 and to attend SCJ services in spite of their infected status, thereby spreading the virus still further in violation of Korean law.<sup>18</sup>

The credibility of these allegations was bolstered by official action by the Korean authorities. The KCDC repeatedly issued press releases explicitly linking the SCJ to the outbreak in statistical terms. Other churches linked to outbreaks of COVID-19 were not subjected to the same treatment. For example, the Wangsung Presbyterian Church was linked to a separate outbreak, but as a much smaller congregation, it attracted less attention.<sup>19</sup> Further clusters were identified around the Anyang Jesus Younggwang Church, the Ilgok Central Church, the River of Grace Community Church in Seongnam, the Manmim Central Church, and the Gwangneuksa Temple in Gwangju.<sup>20</sup> In the context of these outbreaks, the KCDC recommended a generalized framework of preventive measures applicable to all religious facilities – including contactless events, directions on how to move towards online activities, social distancing, and avoiding activities such as singing, chanting, and shouting – without specifying or taking measures against any individual congregation or mentioning specific churches in its press releases.<sup>21</sup> This was in spite of the fact that by July 2020, when these additional clusters arose, the pandemic in Korea was both less controllable and more serious than when the bulk of infections originated in a single cluster, linked to the SCJ.<sup>22</sup> None of the other churches involved were subjected to indi-

17 Christopher Khatouki, "Clandestine Cults and Cynical Politics: How South Korea Became the New Coronavirus Epicentre," *The Diplomat*, 12 March 2020. Available at: <http://bit.ly/3FRnBy1>.

18 *Ibid.*

19 Yonhap, "S. Korea Reports 51 More Coronavirus Cases amid Cluster Infections at Seoul Church," *Korea Herald*, 27 June 2020. Available at: <http://bit.ly/3jQSWJe>.

20 Korean Centre for Disease Control, "The Updates on COVID-19 in Korea as of 6 July." Available at: <http://bit.ly/3FxmTOB>.

21 *Ibid.*

22 Lee Hye-in and Bak Chae-yeong, "Infectious Disease Experts Call for Need to Expand Level 2 Physical Distancing Nationwide," *Kyunghyang Shinmun*. Available at: <http://bit.ly/3Psbz1j>.

vidualised measures.<sup>23</sup> A number of additional Protestant churches refused to close their doors and move services online, sparking some public criticism but no further action.<sup>24</sup>

The uneven treatment of the SCJ by the KCDC was paralleled by further action at municipal and national levels. In March 2020, Seoul Mayor Park Won-soon announced a lawsuit against 12 SCJ leaders “for murder, injury, and violation of prevention and management of infectious diseases.”<sup>25</sup> The central government further requested a list of all church members and moved quickly to close SCJ facilities and buildings. In the meantime, media agencies printed sensationalist reports about how much the SCJ-linked outbreak had cost the government, effectively placing blame for the outbreak at the door of the church.<sup>26</sup> In late February, within a few days of its launch, a petition to Korea’s president urging the disbanding of the SCJ had attracted over 750,000 signatures. The SCJ’s headquarters in Gwacheon was raided by law enforcement officers, and government officials announced that all members of the religious group would be located and tested for infection.

## 5. The indictment of Lee Man-hee

As noted above, following the outbreak linked by the authorities to Patient 31 in Daegu, the Korean government requested that the SCJ supply lists of all its members, not only in Daegu but throughout South Korea and even abroad, as well as a list of its property interests.

The SCJ supplied several lists in response to this request. However, the authorities suspected that the lists contained omissions. Therefore, a raid was carried out on the church’s headquarters. SCJ leaders, including Chairman Lee himself, were accused of obstructing the work of health authorities by submitting incomplete lists, even though the police admitted that any discrepancies in the lists were minor in nature.<sup>27</sup> On the night of 31 July,<sup>28</sup> the then 89-year-old Chairman

23 Park Chan-kyong, “Coronavirus Cluster Emerges at Another South Korean Church, as Others Press Ahead with Sunday Services,” *South China Morning Post*, 30 March 2020. Available at: <http://bit.ly/3PBRbm>.

24 Kim Boram, “(2nd LD) Protestant Churches Under Fire for Holding Sunday Services despite Coronavirus Epidemic,” *Yonhap News Agency*, 17 March 2020. Available at: <http://bit.ly/3YT8fj5>.

25 Rhea Mahbubani, “The Leader of a Fringe Religious Sect at the Center of South Korea’s Coronavirus Outbreak Has Apologized as Seoul’s Mayor Files Lawsuit Accusing the Group of ‘Murder’ and ‘Injury,’” *Business Insider*, 2 March 2020. Available at: <http://bit.ly/3uR8QVR>.

26 홍완기 (14 April 2020). “31번 확진자 입원 ‘58일째’... 치료 길어지는 이유는?” *의협신문 Doctor’s News* (in Korean). Available at: <http://bit.ly/3FUErvS>.

27 Massimo Introvigne, “Chairman Lee’s ‘Embezzlement of Fund’: Stealing from His Own Pocket,” *Bitter Winter*, 2 March 2021. Available at: <http://bit.ly/3lGwwdS>.

28 For additional details on the arrest and subsequent proceedings, see Massimo Introvigne, Willy Fautré, Rosita Šorýté, Alessandro Amicarella, and Marco Respinti, *Shincheonji and Coronavirus in South Korea: Sorting Fact from Fiction. A White Paper*, CESNUR and Human Rights Without Frontiers, 2020. Available at: <http://bit.ly/3WdsR4E>.

Lee was arrested. He was later committed to trial before the Suwon District Court, which rendered its verdict on 13 January 2021.

The principal question before the court concerned the application of the IDCPA by the Korean authorities. More specifically, the court was asked how far health authorities may go in applying the IDCPA when summoning, during a pandemic, information that private parties would normally have the right to keep confidential on the basis of privacy legislation. The Korean judges agreed that in the exceptional situation of a pandemic, authorities may summon otherwise confidential information, but that this power is subject to reasonable limits and based on a principle of proportionality, and that it may not be used in an arbitrary manner or for purposes beyond its original intent. This position reflected academic criticism of how the IDCPA had been invoked in relation to COVID-19, particularly in view of Korea's international human rights obligations.<sup>29</sup> The judges held that demanding lists of SCJ members, including those based abroad, and of the church's property interests exceeded the prescribed limits.

The judgment further noted that the Korean Central Disease Control Headquarters (CDCH) did not submit a clear and unambiguous request as to which properties should be included in any list. Ultimately, a list of 1,100 facilities was submitted on 22 February, seven days after the CDCH's first request, followed by a more complete list of 2,041 facilities on 9 March. Although four properties were omitted, as Chairman Lee argued that they did not really belong to the SCJ, ultimately the church was found, overall, to have co-operated effectively.

The court reached a similar conclusion concerning the list of SCJ members. The prosecution had built its case on a wiretapped phone conversation in which Chairman Lee, when first informed that a full list of church members had been requested, reacted negatively. However, as noted, the request itself was excessive and went beyond the terms of what was permitted by the IDCPA. As such, the court found, Chairman Lee's reaction was justified. In any event, ultimately, the list requested, including names, dates of birth, genders, addresses, and telephone numbers, was ultimately supplied to the authorities on 25 February. While prosecutors objected that the list was incomplete, because it did not include the resident registration numbers of the members, the court noted that this information had not been specifically requested and could therefore be omitted.

Ultimately, details of 212,324 domestic members and 33,281 overseas members were supplied by the SCJ. The prosecution claimed that the lists were misleading because of errata in the data supplied. Specifically, 24 dates were incorrect, and

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<sup>29</sup> Ciarán Burke, "Abusus Non Tollit Usum? Korea's Legal Response to Coronavirus and the Shincheonji Church of Jesus." *Journal of CESNUR* (2020), 4(5):64-85.

eight names were missing. However, these discrepancies were attributed to simple mistakes in the database itself, as the court observed that the birthdates were not altered after the CDCH requested the list, so that the inaccuracy did not reflect an intent to obstruct the administration's measures against COVID-19. As for the eight missing names, some were dead while others had left the church (and two were in the process of doing so) and had requested the removal of their personal data from the SCJ's database.

The court heard statements from public health officials that there was no evidence of obstruction of anti-COVID measures by the SCJ. Rather, the SCJ was found to have actively co-operated with the requests, providing the data promptly to the CDCH. However, the charges of obstruction and non-compliance with the IDCPA were not the only ones levied against Chairman Lee. Rather, additional charges were added to the indictment, relating to incidents that preceded the pandemic altogether. These concerned the embezzlement of funds belonging to the SCJ and the organisation of activities in certain venues after rental agreements had been cancelled by the owners.

The addition of these charges to the indictment raised eyebrows. Writing in the *Korea Times* before the trial began, Michael Breen noted that in court cases involving leaders of unpopular religious movements, a charge of embezzlement of funds is commonly included, as "the court is almost certain to accept this as embezzlement if the prosecutors say it is."<sup>30</sup> Korean prosecutors handling prominent criminal cases frequently insert an embezzlement charge as a failsafe should other charges fail, as failure to secure a conviction is viewed as particularly problematic in a country with a 97 percent conviction rate.<sup>31</sup> Breen's prediction was correct, as the court accepted this charge. Introvigne notes that this result is consistent with other similar cases relating to churches labelled as "cults" in Korea.<sup>32</sup>

Accusations of embezzlement of funds such as those levelled against Chairman Lee are common against leaders of religious movements. As Introvigne has stated, when a religious movement is in its first generation, with the leader still alive, commingling of the assets of the movement and those of the leader is common. For members, it may be unclear whether they are donating to the leader or the movement. The leader represents the movement, and by supporting the leader, his or her travels around the world, and similar activities, devotees believe they are supporting the religious organisation. As such, the leader is often charged with stealing from his or her own (institutional) wallet. Defending

30 Michael Breen, "Can Unpopular Sect Expect Justice?" *Korea Times*, 5 August 2020. Available at: <http://bit.ly/3C1t27>.

31 See in this regard Hee-Jong Joo, "Crime and Crime Control," *Social Indicators Research* (2003). 62/63:239-263.

32 Introvigne, "Chairman Lee's 'Embezzlement of Fund.'"

against such charges may be difficult, and all the more so in a jurisdiction such as Korea, where prosecutions are virtually always successful.

Although the details of the case against Lee are complex – and related to events unconnected to and predating the pandemic – the crux of the court’s judgment on this count was that according to the SCJ’s own regulations, donations to individuals were prohibited. The court concluded that by depositing donations received into a bank account registered in his own name, Chairman Lee was guilty of embezzlement of funds. Statements by donors submitted by the defence as evidence that they had no complaints and were indeed happy that Chairman Lee used their gifts for his travels and related activities were regarded by the court as irrelevant.

With respect to the organisation of “illegal events,” these accusations again concerned events that had occurred long before and were substantially unrelated to the COVID-19 crisis. The facts of these events were clear and known to authorities, yet Chairman Lee was not prosecuted for them before the COVID-19 crisis. Only after the indictment related to breaches of the IDCPA was brought forward were these events resurrected.

The charge of organising illegal events was related to a number of incidents between 2014 and 2019 in which the SCJ and other organisations with which Lee was associated had rented premises for an event. The rental agreement was then cancelled due to pressures by the SCJ’s opponents; the SCJ deemed the cancellation illegal (as a breach of contract) and held the event nonetheless. The leaders and members of the SCJ and related organisations did not enter the premises by force, and indeed, any communication of cancellation by the rental agencies or venues seems to have been merely formal. Ultimately, complaints by the rental agencies were dismissed or withdrawn. However, in 2020, these cases were reopened and cited amongst the reasons for arresting and prosecuting Chairman Lee.

Accusations that Chairman Lee and the SCJ had held illegal events were resolved well before 2020. Moreover, in relation to the majority of such events, the Suwon District Court concluded that “these cases had been already investigated in the past and cleared.” It found Chairman Lee not guilty in connection with these three events. However, when examining one 2017 case, the court found Chairman Lee guilty of having “known and directed” actions misleading the City of Hwaseong into believing that the organiser of the event was a “volunteer organisation”, when it was in fact the SCJ. Here, under pressure from anti-SCJ pressure groups, the city of Hwaseong attempted to cancel the agreement it had signed five days before the event, which the lessees did not accept. In the end, officers of the city of Hwaseong attended the event, were satisfied that it was not a proselytisation rally for the SCJ but rather a civil event organised by an NGO, and asked for the payment of the rent

(which followed shortly) to close the matter. Nonetheless, Lee was found to have organised an illegal event, as the court found that the event was against the terms of the lease agreement, which prohibited religious ceremonies.

It is difficult to make sense of the additional charges relating to embezzlement and illegal events, as they were substantially and temporally unconnected to the IDCPA or the pandemic. In addition, they had previously been investigated, with the authorities having found that Chairman Lee had no case to answer. However, in adding them to the COVID-19-related indictment, prosecutors ultimately ensured that Lee would be convicted of an offence, thus saving face for the state. He was sentenced to three years' imprisonment, suspended for four years. This sentence, as well as the verdict (acquittal on the charges related to the IDCPA, conviction on the embezzlement and illegal events charges), was confirmed by the Court of Appeal and ultimately by the Korean Supreme Court (with the suspension extended from four to five years).

## 6. Conclusion: Korea and the rule of law

On paper, Korea's response to COVID-19 seemed superior to that of many states around the world. By using regular legislation, crafted for the purpose of pandemic response, Korea managed to avoid enacting broad emergency measures. However, as shown by the IDCPA model, the flexibility needed to make such a model effective may still result in abuses, because pandemics are likely to require exceptional measures and some deviation from full enjoyment of all human rights by all citizens.

In this context, arresting a religious leader, let alone one in his late eighties, for failing to co-operate with draconian measures undertaken on the basis of a broad and uncertain law would seem *prima facie* suspect and difficult to reconcile with Korea's avowed respect for human rights. No other religious leaders were arrested. This fact, combined with the prior history of persecution of the SCJ and the group's unpopularity, contributes to the impression that the legal framework was employed in a manner contrary to the twin principles of proportionality and non-discrimination, and for the purpose of harassing enemies of the political regime.<sup>33</sup>

A certain temptation to allow governments space and time to tackle crises is quite normal. Dealing with a crisis requires flexibility. However, democratic oversight mechanisms and human rights are not just fair-weather friends. They are especially important when no one is looking, or when people's attention is elsewhere. Legislative drafting must take into account the political temptation to

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33 Some further reflections in this regard are offered in Burke, "Abusus Non Tollit Usum?"

use flexible legislation in a non-impartial manner in order to scapegoat and pursue one's enemies. When the government fails to prevent excesses, as happened in Korea, the courts represent the next port of call.

In a society that respects the rule of law, it is essential that courts function as guarantors to counter such excesses by the executive branch. Such guarantees are all the more important in times of crisis, particularly in light of the propensity of such crises to provide opportunities for the repression of minorities, particularly religious minorities.<sup>34</sup> Here again, Korea appears to have failed the test. Although Chairman Lee was acquitted of the charges pertaining to the matter at issue – namely, failure to comply with the IDCPA – other charges unconnected to the pandemic were added to the indictment. Whether they should properly have been tried together, particularly during a time when Lee and the SCJ were receiving consistent negative media coverage, is questionable, as is the fact that Lee was convicted of what appear, factually, to be tenuous offences that authorities had previously investigated and had determined did not warrant his indictment.<sup>35</sup>

Tempering the above, to some degree at least, is the sentence handed down. The fact that Lee escaped spending time in prison, with the custodial portion of his sentence having been suspended, seems, on the face of it, to lessen the apparent injustice of the verdict. However, such a conclusion ignores the broader context. The events recounted in the present contribution – from the outbreak of the virus in Korea to the confirmation of the verdict by the Supreme Court – took more than two years, during which Lee and the SCJ were scapegoated and castigated by public figures and the Korean media. This caused the SCJ to lose many of its congregants, who suffered due to their association with the religion and who ultimately left the church.

Korea styles itself as a progressive, democratic regime and is a party to a number of important human rights treaties.<sup>36</sup> In addition, Korea's constitution contains multiple provisions concerning human rights. Specifically, the right to

34 See in this regard Evan J. Criddle and Evan Fox-Decent, "Human Rights, Emergencies, and the Rule of Law," *Human Rights Quarterly* (2012), 34:39; Silvio Ferrari, "Religious Rules and Legal Pluralism: An Introduction," in *Religious Rules, State Law, and Normative Pluralism: A Comparative Overview*, edited by Rossella Bottoni, Rinaldo Christofori, and Silvio Ferrari (Cham: Springer, 2016), 1-25.

35 For some general reflections on the parameters to be considered in determining whether offences should be properly tried together or separately, see James Farrin "Rethinking Criminal Joinder: An Analysis of the Empirical Research and Its Implications for Justice," *Law and Contemporary Problems* (1989), 52(4):325-340.

36 In particular, one may note the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of Persons with Disabilities (CRPD). See Whiejin Lee. "The Enforcement of Human Rights Treaties in Korean Courts," *Asian Yearbook of International Law* (2017), 23(95):96.

freedom of religion is protected under Article 20, which also provides for the separation of church and state and proscribes the recognition of a single national creed. Furthermore, Article 11 proscribes any discrimination based on a citizen's religious belief. This human rights framework and Korea's commitment to the rule of law entailed that there were reasonable grounds for assuming that the Korean authorities would deploy a proportionate, evidence-based response to COVID-19. However, this did not occur, raising questions concerning the seriousness of Korea's commitment to fundamental rights and the rule of law.

Of further note, the damage inflicted is unlikely to be rectifiable. Tarrred with the stain of having contributed to the pandemic and convicted of crimes, Lee and his church have lost momentum, congregants, and respectability. Even if the SCJ had legal avenues to claim compensation for breaches, for example, of Article 11 of the Korean constitution – a very unlikely possibility – no remedy could compel former members to re-join the church or completely remove the stain caused by this ugly episode.<sup>37</sup> The fact that such remedies are unlikely ever to be available when religious groups are singled out for special treatment in this manner reinforces the contention that protecting such groups is particularly important in pluralist democratic states, since any damage caused by such treatment will likely be permanent and irreparable.

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37 See more generally in this regard Benjamin Schonthal, Tamir Moustafa, Matthew Nelson, and Shylashri Shankar, "Is the Rule of Law an Antidote for Religious Tension? The Promise and Peril of Judicializing Religious Freedom," *American Behavioral Scientist* (2016). 60(8):966-986.

# A critical human rights perspective on the Sri Lankan government's forced cremation policy of COVID-19 deceased in the context of religious majoritarianism

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## Abstract

The State-sanctioned forced cremation of COVID deceased in Sri Lanka was a policy which blatantly discriminated the religious rights of certain minority communities – the Muslims, for whom cremation is forbidden by their religion, and certain sections of the Christian community who consider burial as the traditional way of farewell to the dead.

This paper analyzes how COVID-19 was used as a tool for State intervention in the religious matters in a Constitutional context where religious majoritarianism prevails. It is suggested that more secular features, would improve the respect for human rights of the country.

## Keywords

religious majoritarianism, secularism, forced cremation of COVID deceased, religious rights.

## 1. Introduction

In Sri Lanka, with a population of 21.41 million as of 2020, Sinhalese make up the majority with 74.9 percent predominantly the Buddhist<sup>2</sup> and a minority Christian community. Tamils comprise approximately 15.3 percent of the population and are mainly Hindus,<sup>3</sup> with some belonging to Christian churches. The Muslim

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2 United Nations Human Rights Office of the High Commissioner, (2019) *Preliminary findings of Country Visit to Sri Lanka by the Special Rapporteur on Freedom of Religion or Belief*. Available at: <https://bit.ly/3hs3GMv>.

3 Ibid.

community forms the third largest ethnic group of 9.2 percent<sup>4</sup> of the population – mainly Sunni. There are also the Veddas, an indigenous community, who practice a traditional belief.

Sri Lanka, being a country enriched with different peoples, has a high probability of challenges – as it is diversity which creates the necessary condition for contestation<sup>5</sup> as seen in the recent blatant discrimination of the rights of certain minority communities based on their religious beliefs during the height of the pandemic. The policy adopted by the government of Sri Lanka requiring compulsory cremation of the COVID-19 deceased, is a continuation of the history of Sri Lankan government policies tilted towards Sinhala-Buddhist majority and hence discriminatory towards the minorities in the country. The structural amendments made to the supreme law of the land, the Constitution of Sri Lanka, since the independence of 1948 strongly identified with a single religious denomination – Buddhism – which made ‘religious othering’ apparent. Despite religious rights being guaranteed under the fundamental rights chapter, contesting prejudicial laws directed towards ‘other’ religious beliefs and practices is made an arduous task in the Sri Lankan context which has now jeopardized its human rights status quo.

Religion and the State function in two fundamentally different areas of human activity, each with its own objectives and methods.<sup>6</sup> It is not the function of the State to promote, regulate, direct or otherwise interfere in religion.<sup>7</sup> However, it may do so on exceptional circumstances to ensure ‘equality’ among religious groups. It is stated that in States which identify themselves strongly with a single religious denomination as well as States which identify themselves negatively in relation to a religion, there is no scope for human rights compliance.<sup>8</sup> In order to strike a balance between the two, secularism emerged as a concept in the West.

The term secularism was first coined by the British free thinker George Jacob Holyoke in 1851 and had the meaning of ‘non-religious’. The normative principle of secularism is to ensure equality by the State being neutral toward religions. The Eastern part of the world was intrigued by the concept towards the end of the 19th century. However, its incorporation into the constitutional architectures of certain countries happened in its own time and with its own distinctiveness. While some countries embraced the concept fully, some have totally avoided it based on their histories.

4 Ibid.

5 Kathryn Harvey, (2012) *Democratic Agonism: Conflict and Contestation in Divided Societies*, E-International Relations. Available at: <http://bit.ly/3fVxGQh>.

6 Rajeev Bhargava, (ed.) (1998) *Secularism and its Critics*, (New Delhi: Oxford University Press), 180.

7 Ibid.

8 Jeroen Temperman, (2006) “The neutral state: optional or necessary? A triangular analysis of State-Religion relationships, democratization and human rights compliance,” *Religion & Human Rights*, 1(3):269. Available at: <https://bit.ly/3zYga4U>.

The 1978 Constitution of Sri Lanka has not adopted the secular approach. Buddhism predominates. This has ignited certain tensions, especially 'anti-Muslim hatred', particularly after the end of the civil war in 2009. Violent incidents against Muslims were recorded in cities such as Aluthgama in 2014, Ampara and Kandy in 2018. All these outbreaks of violence were manifested in several dimensions: campaigns against Halal, Muslim attire, and cattle slaughter, as well as attacks on mosques and Muslim-owned businesses. These sustained the campaign of Sinhala Buddhist hardline elements, which resulted in enormous damage both on the lives and properties of Muslims.<sup>9</sup> The matter intensified after the 'Easter Attacks' in 2019, which paved the way for the incumbent President Gotabaya Rajapaksha to win the election. He pledged justice to be served for all who suffered from the 'Easter Attack' and secure national security from Muslim extremism. This election marks a clear return to majoritarian politics.

In such a socio-political and legal background, the State functions within a tension where it struggles to strike a balance between the non-secular character of the Constitution and its obligation towards protection and promotion of religious rights of the minorities. The government's pandemic response is identified as another extension of this polarization process. This paper is structured in two sections: the forced cremation policy of Sri Lanka and religious majoritarianism vs. religious rights of minorities.

## 2. COVID-19 and the forced cremation policy of Sri Lanka

### 2.1. Issue

The COVID-19 pandemic has wreaked havoc worldwide and smaller countries have been hit particularly badly. In Sri Lanka, the first confirmed case of COVID-19 was reported on 27 January 2020. Ever since then, the matter has been escalating its impact on multiple sectors. While the government's robust action helped contain the spread of COVID-19 initially, certain elements of the plan were unnecessary, conflicted with human rights laws and were arguably acts of violence.<sup>10</sup> One of these included the mandatory cremation policy which blatantly discriminated by restricting certain religious rights of minority communities – the Muslims, for whom cremation is forbidden by their religion and certain sections of the Christian community who consider burial as the traditional way of farewell to the dead. It is a total contrast to the initial stance adopted by the government which was well in line with the WHO standards. The Provincial Practice Guidelines on

9 Mohamed Anifa Mohamed Fowsar, Mohamed Abdullah Mohamed Rameez, and Aboobacker Rameez, (2020) "Muslim minority in post-war Sri Lanka: A case study of Aluthgama and Digana violences," *Academic Journal of Interdisciplinary Studies*, 9(6):56. Available at: <https://bit.ly/3EgJshB>.

10 Megara Tegal, (2021) *Sri Lanka's double pandemic: State sanctioned forced cremations during the COVID-19 Pandemic*, People's Rights Group Sri Lanka. Available at: <https://bit.ly/3fMG44L>.

COVID-19 Suspected and Confirmed Patients published by the Ministry of Health on 27 March 2020<sup>11</sup> allowed for burial under certain conditions. Turning a blind eye on the existing legal establishments, the first critical incident was marked on 30 March where the first Muslim COVID-19 related death occurred at the Negombo Base Hospital and the body was cremated. This incident was questioned by many and was interpreted as violating the existing law of the country which emphasizes the religious rights of the people.

Following this initial incident, the Ministry of Health revised the existing guidelines on the matter the next day which enabled compulsory State sanctioned forced cremation of COVID-19 deceased. Later this was turned into a policy through the Gazette Extraordinary No. 2170/8 on 11 April 2020<sup>12</sup> and was swiftly included in the Ministry of Health's Provisional Clinical Practice Guidelines on COVID-19 Suspected and Confirmed Patients. This was a total contrast to the WHO Health Guidelines. Civil society organizations, human rights activists and citizens directed multiple appeals towards the government requesting an immediate revision of the policy, which is a direct violation of human rights.

## 2.2. *The Supreme Court judgment*

A petition was filed in the Supreme Court of Sri Lanka soon after the cremation of the first Muslim COVID-19 victim challenging the Sri Lankan government's forcible cremation policy. The grounds for the legal challenge included that it violates the right to freedom of religion and belief of some faiths and that the regulation violates the law under which the regulation was made as the law itself permits either burial or cremation.<sup>13</sup> However, by a majority decision the court refused to grant leave to proceed to the 11 applications filed by petitioners belonging to Muslim, Christian and Catholic communities.

The judges upheld the government's policies, resulting in a more politically and socially tense environment for the people. Some criticized the policy on the basis that the State apparatus is controlled by the dominant ethnic and religious group, and policies that are implemented by the State are largely in favor of the dominant ethnic group. Hence, these policies disregard other minority groups in the society.<sup>14</sup>

11 Extraordinary Gazettes No. 2167/18 (2020) Quarantine and Prevention of Disease Ordinance. Friday, 20 March 2020. Available at: <https://bit.ly/3UjRBrl>.

12 Extraordinary Gazettes No. 2170/8 (2020) Quarantine and Prevention of Disease Ordinance, Saturday, 11 April 2020. Available at: [http://documents.gov.lk/files/egz/2020/4/2170-08\\_E.pdf](http://documents.gov.lk/files/egz/2020/4/2170-08_E.pdf).

13 Center for Policy Alternatives, (2020) *Statement on Forced Cremations*. Available at: <https://www.cpalanka.org/statement-on-forced-cremations/>.

14 Sakina Moinudeen, (2021) "Ethno-centric pandemic governance: The Muslim community in Sri Lanka's COVID response," in Pradeep Peiris (ed.) *Is the cure worse than the disease? Reflections on COVID governance in Sri Lanka*, (Colombo: Center for Policy Alternatives), 111-124. Available at: <https://bit.ly/3UjSmkb>.

### 2.3. *National and international pressure*

The voices of scientists and medical professionals in the field who advocated for the need to follow WHO guidelines – as mandatory cremation had no scientific base – were sidelined and rejected. Publicity in both print and electronic media aligned with the State.<sup>15</sup> Sri Lanka received significant pressure from the international community for immediate reversal of the policy<sup>16</sup>. The UN special rapporteurs<sup>17</sup> made several references to the Sri Lankan government on the matter. It was tabled for debate at the 46th session of the United Nations Human Rights Council in February 2021 by the 57-member Organization of Islamic Cooperation (OIC). However, amidst all pressures, the government kept the policy in effect till 10 February 2021.

## 3. Religious majoritarianism vs. religious rights of the minorities

### 3.1. *Constitutional protection for religious rights*

From a human rights perspective, the forced cremation policy is a total violation of Sri Lanka's international commitment to protect the values and practices of religions. Sri Lanka ratified the International Covenant on Civil and Political Rights (ICCPR) in 1980. Article 18 (1) of the ICCPR states:

Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include 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.

It elaborates that the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including ritual formulae or ceremonial acts.<sup>18</sup> Funeral practices and customs are well within the definition.

In accordance with international standards, Article 10 of the Constitution of 1978 of Sri Lanka carries a similar undertone – the right to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or

<sup>15</sup> Ibid.

<sup>16</sup> See also Rossella Bottoni, "Implications of the COVID-19 pandemic for religious minorities from the UN perspective," *International Journal for Religious Freedom* 16(1):3-18.

<sup>17</sup> Quoting Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief; Mr. Fernand de Varennes, Special Rapporteur on minority issues; Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights of peaceful assembly and association; and Ms. Taleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health stated on "Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts", Press Releases of United Nations Human Rights Office of the High Commissioner, Available at: <http://bit.ly/3Xz9H9i>.

<sup>18</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4. Available at: <https://www.refworld.org/docid/453883fb22.html>.

belief of his choice. It is an absolute right and exempted from the limitations provided for fundamental rights under Article 15.<sup>19</sup> The right has been given a broad interpretation in the case of *Premalal Perera v. Weerasuriya*,<sup>20</sup> where the Supreme Court held that beliefs rooted in religion are protected in their absolute senses and they need not be logical, acceptable, consistent, or comprehensible to be protected.

Article 14(1)(e) guarantees to every citizen the freedom to either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice, or teaching. This general provision on religious rights is subjected to 'proportional' and 'necessary' restrictions prescribed under Article 15(7) of the Constitution in the interest of public security and to protection of rights and freedom of the others.

Apart from these articles which have a direct bearing on the matter; many other provisions of the Constitution have also contributed towards enhancing religious rights of the people. Article 12(2) protects individuals from discrimination on grounds of religion, whilst Article 12(3) prevents any person from being subject to any disability, liability, restriction or condition with regard to access to public places on grounds of religion. All organs of the government are held responsible as per Article 4(d) of the Constitution to respect, secure and advance all fundamental rights recognized by the Constitution.

It is the duty of the State under Article 27(5) – the Directive Principles of State Policy – to strengthen national unity by promoting co-operation and mutual confidence among all sections of the people of Sri Lanka, including all racial, religious, linguistic and other groups. The State is required to take effective steps in the fields of teaching, education and information in order to eliminate discrimination and prejudice. Article 27(6) mandates the State to ensure equal opportunities to citizens, so that no citizen shall suffer any disability on the ground of race, religion, language, caste, sex, political opinion or occupation. Finally, Article 27(11) requires the State to create necessary economic and social environment to enable people of all religious faiths to fully engage in their religious principles.

Although Directive Principles are not justiciable in a court of law, the Constitution envisages that they will guide the Government and the Legislature in good governance. The Supreme Court in *Bulankulama and Others v. Minister of Industrial Development and Others*<sup>21</sup> held that the Directive Principles of State Policy place an obligation on the State to ensure progressive realization of the rights.

<sup>19</sup> This stance was reiterated in the case *Sunila Abeysekera v. Ariya Rubasinghe, Competent Authority and Others* [2000] 1 Sri. L.R. 314.

<sup>20</sup> (1985) 2 Sri. L.R. 177.

<sup>21</sup> [2000] 3 Sri. L.R. 243.

Based on this rationale, it is reasonable to argue that the State has a positive obligation to create the necessary economic, political, and social environment to enable people of all religious faiths to practice their beliefs.

Conversely, the rights enumerated in the Fundamental Rights portion of the Constitution are justiciable in the Supreme Court of Sri Lanka. Yet, they can only be enforced when there is an infringement or imminent infringement of such rights by executive or administrative action. Therefore, every person who alleges that the fundamental rights provided in Article 10, 12 and 14(1)(e) of the Constitution have been violated or is in danger of being violated by executive or administrative action, is entitled under the terms of Article 126(2) within one month thereof, to apply to the Supreme Court by way of petition seeking relief or redress in respect of such infringement. However, as elaborated in *Mohamed Faiz v. Attorney General*,<sup>22</sup> where a private individual was acting as a functionary of the State or where an executive or administrative authority should have, but failed to, prevent the actions of a private individual, which would amount to the infringement of a fundamental right, the Supreme Court has been willing to consider an application regarding the violation of fundamental rights under Article 126 of the Constitution. With this wide scope of affairs, the State as well as individuals could now be held liable for breaching the religious rights of the people.

On such grounds, the forced cremation policy was challenged as a discriminatory health decision, arousing hostility against minorities, exacerbating existing prejudices and intercommunal tensions. However, the Sri Lankan Constitution gives prominence to the majoritarian religion, which is Buddhism and Buddha Sasana. The country has ignored the interests of religious minorities, and hence policies which were adopted violating minority religious rights were defended from the Constitution itself. In such a context, State is in a difficult situation where it is required to promote the interests of the majority religion and hence ignore the minority religions.

### **3.2. *The constitutional evolution of majoritarianism***

The current Sri Lankan Constitution of 1978 is not secular in nature; it protects the religion of the majority in Article 9 of the Constitution where it grants Buddhism the “foremost place”. It obliges the state to “protect and foster Buddha Sasana”.<sup>23</sup>

However, a close study of the Constitutional evolution of Sri Lanka indicates how Sri Lanka moved from a secular to a non-secular state. The first Constitu-

<sup>22</sup> [1995] 1 S.L.R 372.

<sup>23</sup> “Buddha Sasana” refers to a wider range of Buddhist practices and ideology, not limiting to teaching and practices but also including temples, relics, temple lands and lay devotees and this indirectly postulated pre-eminence for Buddhism.

tion<sup>24</sup> after independence in 1948 prevented the State from encroaching on the domain of religion. More precisely, the law concerning religion in Section 29(2) prohibited the Parliament from enacting bills that would:

- a) prohibit or restrict the free exercise of any religion;
- b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable;
- c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religion; or
- d) alter the constitution of any religious body except with the consent of the governing authority.

As intended by its drafters, section 29(2) tried to remove religion from governance, so that each would flourish in the absence of the other. However, section 29(2) was soon subject to strong criticisms. One side of the argument pertained to the inadequacy of section 29(2) to protect Buddhism – the most victimized religion during colonization necessitating resuscitation after independence. Hence, the minority communities expected a direct reference to their rights under the Supreme Law. The insufficiency of the Constitution to protect racial and religious stratum in the society was emphasized as a lacuna in the law. It further reiterated the importance of a State's positive obligations to uphold individual and group freedoms and to enhance religious liberty through government action.<sup>25</sup> These two types of demands for religious rights were articulated in different discourses and in respective anticolonial movements.

In 1945, both the island's largest political party, the Ceylon National Congress (CNC), and the All Ceylon Tamil Congress (ACTC), cautioned that section 29(2) is not strong enough to protect the freedoms and rights of non-Sinhala communities. Meanwhile, some Buddhists in Ceylon, particularly lay Buddhist organizations such as the All Ceylon Buddhist Congress (ACBC), objected to section 29(2) because it did not redress the injuries that had been done to Buddhism during the colonial period, and voiced the “disappointment, almost resentment, growing among the Buddhists of Ceylon,” and prevailed on the government to “extend to Buddhism the same patronage as was extended to it by Sinhalese rulers of old.”<sup>26</sup>

Rooted in such historical reasonings, the State adopted a more of an interventionist stance for the protection of religious rights. However, in the process of

<sup>24</sup> 1947 Soulbury Constitution of Sri Lanka.

<sup>25</sup> Neil DeVotta, (2004.) *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka*. (Stanford: Stanford University Press).

<sup>26</sup> All Ceylon Buddhist Congress (1951) *Buddhism and the State: Resolutions and Memorandum of the All Ceylon Buddhist Congress*, Maradana: Oriental Press, 3.

constitutionalizing religious rights, the religion of the majority Buddhist population was granted special protection over other religious rights.

The first home-grown Constitution of 1972 altered drastically some fundamental constitutional structures – securing special status for Buddhism but only general reference to religious rights of other citizens. It did not establish Buddhism as the State religion – but granted a foremost place where it is now a duty of the State to foster Buddhism while assuring to all ‘other’ citizens their religious rights under Section 18(1)(d) of the Constitution. For some, this seemed a victory; demands for religious freedom that had been gestating for decades were now recognized in the highest law of the land. However, a mechanism to reconcile a conflict of interest between the special status of Buddhism and the general status of the minority religious rights is an important matter that has been omitted in the Constitution. State patronage for Buddhism is largely a compromise between secularism and Buddhist majoritarianism whereas the ‘other’ religions were only protected under the fundamental rights chapter in the constitution. It is a high hurdle for religious minorities to enforce their rights, with all the procedural limitations attached to it.

The initiative taken in 1972 has been continued in 1978 when the Second Republican Constitution of Sri Lanka was enacted. It only changed a single word in the Buddhism chapter; ‘Buddhism’ to ‘Buddha Sasana’, which again is alleged to have reference to a much wider range of Buddhist practices and ideology, not limiting to teaching and practices but also including temples, relics, temple lands and lay devotees. This indirectly granted pre-eminence to Buddhism.<sup>27</sup>

Meanwhile, religious rights were stated under Article 10 of the Constitution as: “Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.” Thus, it was made an absolute freedom, not subject to the limitations imposed on other fundamental rights<sup>28</sup> and was listed first among the fundamental rights, making it by implication, the most primary and it was given the status of an entrenched clause just like the Buddhism chapter. Therefore, it is claimed that neither part is given any distinct legal priority as the State’s duties to protect Buddhism and the State’s duties to guarantee religious rights are both entrenched sections of the Constitution and very difficult to amend.<sup>29</sup>

<sup>27</sup> Ibid., 55.

<sup>28</sup> These limitations included “the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.” Sri Lanka Constitution, chap. III, Art.15(7). A similar list can be found in the Sri Lanka Constitution of 1972, Chap. VI, Art. 18(2).

<sup>29</sup> Michael Siam Heng, and Ten Chin Liew, (eds.) (2010) “State and Secularism: Perspectives from Asia,” *World Scientific Publishing*. Available at: <https://ssrn.com/abstract=1588443>.

However, there still exists a “differential burdening,”<sup>30</sup> on the majority religion over the minority religions – especially depicted through State imposed regulations, State practices and court decisions. “Differential burdening” can be well witnessed through assessing the extent to which given religious beliefs can or cannot function freely, and the space allowed for unbelief. Regulating a religion and thereby privileging certain groups and dis-privileging ‘others’, is seen as burdening it. Similarly, in Sri Lanka the majority religion is privileged by the State. It is why certain critics argue that the solution to Sri Lanka’s religious tensions lies within the apparatus of law and hence Buddhist exclusivism plays a great role in it.

### **3.3. *The persistent tensions between constitutional majoritarianism and protection of religious rights***

The tensions between the minority-majority religious rights which has been a common occurrence within Sri Lanka’s majoritarian constitutional framework has raised two problematic areas of concern. First, how should the state reconcile the special status granted to Buddhism with the Constitution’s assurance of religious freedom for all? Second, how much authority should the State exercise over Buddhism?

Tensions between the two views were manifested in various forms since the start and the relationship between the special status of Buddhism and general religious rights remained very much in question, subject to negotiation, contest, and debate. There has been constant dialogue among and between religious groups to determine the relationship between Buddhist prerogatives and fundamental religious rights. Contesting claims about the relative status of Buddhism vis-à-vis other religions or the necessity of equal religious rights vis-à-vis special Buddhist protections<sup>31</sup> is still persistent but has emerged particularly favoring the Buddhist side.<sup>32</sup>

In such a scenario of explicitly creating a special status for Buddhism, the Constitution has, in effect, produced the category of “The Other”.<sup>33</sup> “The Other” refers to the second component, the less evident, the subordinate and the inferior affiliation. It excludes “The Other” from the mainstream human rights discourse and suppresses their religious traditions, beliefs and encounters with God as less

<sup>30</sup> A term adopted from US Supreme Court jurisprudence in the case *Sherbert v. Verner*, 374 U.S. 398.

<sup>31</sup> Neil DeVotta, (2007). *Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka*. (Washington: East West Center). Available at: <https://bit.ly/3Z9e7n>.

<sup>32</sup> Ayesha Wijayalath, (2018) “Constitutional Contestation of Religion in Sri Lanka,” NUS Centre for Asian Legal Studies Working Paper, No. 18/03, 8. Available at: <https://bit.ly/3hfDcor>.

<sup>33</sup> *Ibid*, 1.

than the truth, which deserves less importance or prevalence.<sup>34</sup> It is a result of the discursive process of drawing an identity boundary asserted by politics and hence used as a democratic defense of cultural diversity within a universalistic perspective.<sup>35</sup> It implies a power relationship where the dominant in-group constructs one or many dominated out-groups by stigmatizing differences, either real or imaginary, and using it as motive for discrimination.<sup>36</sup> Dominated out-groups are “others” precisely because they are subjected to the categories and practices of the dominant in-groups<sup>37</sup> and frequently subjected to the oppression of them. The creation of this distinction has the potential to subject communities to discrimination in a pluralistic society and to undermine the fundamental principle of equality. Article 9 has thereby become one foundation for the religious tensions and divisions within the Sri Lankan society where discriminatory legislation such as the forced cremation policy was easily made a reality.

#### 4. Conclusion

The historical narration of certain post-colonial states (like Sri Lanka) countered the remnants of imperialism by embracing the idea of nationalism. In the process of their endeavor to create a modern nation or homogenous population, they have often undertaken state-sponsored models of nationhood, which adopted various elements such as culture, language, and religion as tools of homogenization. These elements are more often attributes of the dominant or majority community. This has resulted in tensions – fostering social and political instability, growing separatist tendencies and disconnecting people from one another. The quick-fix solutions to these complex issues have downplayed the root causes of them so they reoccur when and where there is an opportunity.

As elaborated in the paper, the same line of argument is reflected in the issues encountered by Sri Lanka. Since 1972, Sri Lankan lawmakers have responded to popular demands of Buddhist prerogatives. However, it has created some space for “other” religious rights in the Constitution. At the same time, for reasons of political expedience, they have left the relationship between the two undetermined. In the constitutions of 1972 and 1978, as well as the proposed constitution in 2000 (although it was never ratified), lawmakers succeed in entrenching and deepening the legal foundation for protection of Buddhism and other religious rights in Sri Lanka, yet this left an ambiguity in failing to strike a balance between the two. This has paved the way for enactments of discriminatory legisla-

34 DeVotta, *Sinhalese Buddhist Nationalist Ideology*, 8.

35 Riva Kastoryano, (2010) “Codes of Otherness,” *Social Research*, 77(1):79-100.

36 Jean-Françoise Staskaz, J. (2000), “Other/ Otherness,” *International Encyclopedia of Human Geography* n.p. Available at: <https://archive-ouverte.unige.ch/unige:77582>.

37 *Ibid.*

tion such as the forced cremation policy to dismantle the socio-political stability of the country. Experts argue that the removal of the foremost place to Buddhism will result in derailing the entire Constitution and conversely, the failure to do so will heavily question the legitimacy of the government.

The answer to this dilemma is to incorporate principles of secularism – the thick wall dividing the State and religion within the Constitutional framework, which would guide the legislature and the other organs of the State to embrace pluralism. The idea of secularism would enable three principal philosophies – liberty, equality, and neutrality. The first is the principle of liberty, which requires the State to facilitate practice of any religion; the second is the principle of equality, which requires the State to prevent any preference of one religion over another and paves the way for State neutrality, the third important principle. Eventually, overthrowing the Sinhala-Buddhist nationalism and managing to establish the traditions of pluralism, tolerance and accommodation within the Constitutional framework of Sri Lanka will enable a conducive environment for human rights protection for all religious adherents, be they majority or minority religions.

## Noteworthy

The noteworthy items are structured in three groups: annual reports and global surveys, regional and country reports, and specific issues. Though we apply serious criteria in the selection of items noted, it is beyond our capacity to scrutinize the accuracy of every statement made. We therefore disclaim responsibility for the contents of the items noted. The compilation was produced by Janet Epp Buckingham.

### *Annual reports and global surveys*

#### **Indigenous peoples and the right to freedom of religion or belief**

UN Special Rapporteur on Religious Freedom, 10 October 2022

<http://bit.ly/3YvASmv>

The outgoing UN Special Rapporteur on Religious Freedom, Ahmed Shaheed, issued a final thematic report to the UN General Assembly on barriers to religious freedom for Indigenous peoples around the world.

#### **Persecution trends 2023**

Release International, 28 December 2022

<http://bit.ly/3lJCcur>

Release International's annual Persecution Trends report highlights Nigeria, India, China and Iran as countries of growing concern in 2023.

#### **World Watch List 2023**

Open Doors Analytical, 20 January 2023

<https://www.opendoorsanalytical.org/> (password: freedom)

North Korea, Somalia and Yemen topped the list of countries that persecute Christians.

### *Regional and country reports*

#### **Afghanistan: Inside Afghanistan after the fall**

Charles M. Ramsay, Religious Freedom Institute, July 2022

<http://bit.ly/3Xd3lZ>

This is Ramsay's report from a field research trip in May 2022 to assess the political, religious, and social conditions affecting governance and security in Afghanistan.

### **China: State-controlled religion and religious freedom violations in China**

USCIRF, 29 December 2022

<http://bit.ly/4owIoPT>

This fact sheet provides an overview of the state-controlled religious organizations and their role and function within China's institutional control of religion, demonstrating their complicity in the government's systematic, ongoing, and egregious violations of religious freedom.

### **Cuba: Annual report 2022**

Christian Solidarity Worldwide, 6 February 2023

<https://www.csw.org.uk/2023/02/06/report/5929/article.htm>

In this report, CSW documented 657 violations of freedom of religion or belief (FoRB) in 2022, a staggering jump from 272 in the previous year.

### **India: FIACONA annual report 2023**

Federation of Indian American Christian Organizations of North America, 5 February 2023

<http://bit.ly/3JUJlvz>

This report focuses on civil unrest in India on the basis of religion. Its purpose is to encourage American policy makers and business leaders to take action to address the problem.

### **India: India country update**

USCIRF, 22 Nov 2022

<http://bit.ly/3YACyv5>

This report provides a broad overview of religious freedom conditions in India in 2021 and 2022. It examines how various policies adopted and implemented by the Indian government have cultivated an environment that is increasingly hostile toward religious minority communities.

### **Iraq: Factsheet: Religious freedom in Iraq**

USCIRF, 3 January 2023

<http://bit.ly/3YeRAGT>

This fact sheet examines how the political instability in Iraq since 2019 has fomented intra-Shi'a and intra-Sunni sectarianism and has prevented the government from protecting religious minorities such as Yazidis and Christians.

### **Latin America: Bi-Annual Report, June-December 2022**

Observatory of Religious Freedom in Latin America, 15 February 2023

<http://bit.ly/3EfkvCG>

This report documents violent incidents on the basis of religion in the Latin American region.

**Myanmar: Violations of freedom of religion or belief since the coup d'etat in Myanmar: A briefing paper**

International Commission of Jurists, October 2022

<http://bit.ly/4oAXt2T>

This report presents an overview of the violations of the right to freedom of religion or belief that have taken place from the coup in February 2021 until 31 May 2022.

**Pakistan: Conversion without consent**

Jubilee Campaign, November 2022

<http://bit.ly/3lhaRsH>

This is a report on the abductions, forced conversions, and forced marriages of Christian girls and women in Pakistan.

**Saudi Arabia: Religious freedom conditions in Saudi Arabia**

USCIRE, 28 December 2022

<http://bit.ly/3HJR1xI>

This updated report documents ongoing and severe violations of religious freedom in Saudi Arabia.

## ***Specific issues***

**COVID: Implications for development cooperation with religious communities**

PaRD: Southern Africa Regional Forum on Religion and COVID-19, 26 October 2022

<http://bit.ly/3lhiocu>

This report of a regional consultation on COVID and religious communities highlights the issues and concerns of how governments addressed COVID-19.

**COVID: How COVID-19 restrictions affected religious groups around the world in 2020**

Pew Research Center, 29 November 2022

<https://pewrsr.ch/3jKaHtl>

This report – Pew Research Center's 13th annual study of restrictions on religion around the world – focuses on how the lockdowns and other public health measures affected religious groups, and how they responded.

## **Refugees: The Church on the Run: IDP and Refugee Report 2022**

Open Doors, June 2022

<http://bit.ly/3RDw509>

This preliminary report finds that in many contexts, Christians are likely to be forced out of their homes and countries and to experience psychological and physical violence once displaced on account of their religious identity and activity.

## **Guidance for Graduate Students**

**International Institute for Religious Freedom**

The International Institute for Religious Freedom can provide guidance for students who are writing a thesis or dissertation on a topic related to religious freedom. The IIRF can also assist with publication opportunities.

Please send a letter of interest to [info@iirf.global](mailto:info@iirf.global).

## Book reviews

### Promoting religious freedom in an age of intolerance

Barbara Ann Rieffer-Flanagan

Cheltenham, UK: Edward Elgar, 2022, 244 pp. ISBN: 9781803925868, £85.00 (hardback)

A pandemic is sweeping the world. But not just COVID-19. A pandemic of persecution is targeting women and men for what they believe (or don't). For the last quarter-century, the United States, like many other states, have worked to promote religious freedom and prevent religious repression. But persecution continues like a plague.

Studies from the Pew Research Center indicate that 84 percent of the global population believes in God or a higher power.<sup>1</sup> However, roughly two-thirds of humanity lives in countries with significant restrictions on faith practices.<sup>2</sup> This is a recipe for rampant human rights violations and unrest as people struggle to peacefully live out their faith. Some people in the field of religious freedom are producing new resources, trying to chart innovative pathways forward. For instance, the *Routledge Handbook of Religious Literacy, Pluralism and Global Engagement*, edited by Chris Seiple and Dennis Hoover, has offered a range of new ideas and solutions.<sup>3</sup> But religious persecution will not go quietly into the night.

The year 2023 marks the 25th anniversary of the International Religious Freedom Act, a groundbreaking piece of legislation that mandated religious freedom as a U.S. foreign policy priority and created special offices, reports, and designations to spur reforms. However, while U.S. efforts have helped the persecuted and brought some positive change, they have not stemmed the seemingly inexorable rise of restrictions identified by Pew every year.

With the International Religious Freedom Act and its various mechanisms turning 25, silver anniversaries are natural inflection points. Consequently, the timing of Barbara Ann Rieffer-Flanagan's book couldn't be better. *Promoting Religious Freedom in an Age of Intolerance* highlights past efforts in the field while elevating examples to pursue further.

Rieffer-Flanagan addresses building up religious freedom, multilateral approaches, education reform, government leadership, civil society engagement, new ideas of human dignity, and other topics. She explores "efforts to develop a

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1 Pew Research Center, "The Global Religious Landscape," 18 December 2012. Available at: <https://pewrsr.ch/3jPCAQT>.

2 Pew Research Center, "Globally, Social Hostilities Related to Religion Decline in 2019," 30 September 2021. Available at: <https://pewrsr.ch/3xbMuPV>.

3 Chris Seiple and Dennis Hoover, *The Routledge Handbook of Religious Literacy, Pluralism and Global Engagement* (London: Routledge, 2022).

religiously tolerant society and then ultimately one where the right to freedom of religion or belief is institutionalized in norms, dispositions, laws, and policies” (20). Rieffer-Flanagan understands the progressive nature of human rights work and recognizes that building on a firm foundation of respect for others can establish a basis for defending different communities’ religious beliefs.

Rieffer-Flanagan has pursued these ideas over a decade of research and reflection. She credits many leading voices with providing insights. Although much of what she extols will feel familiar to those steeped in the world of international religious freedom advocacy, her book is a useful introduction for those wanting to learn more. As the book is of manageable length, it provides a concise overview of past challenges without going into the history of legislation or various theologies.

But the downside of brevity can be the loss of context. Such a relatively short book on this complex topic may not fully achieve her stated goal, which is “to understand the various policies and institutions a society needs as it evolves from an intolerant society where persecution exists to one where individuals are recognized, respected, and protected” (20). However, she effectively explores “how civil society, educational policies, domestic political leadership, international organizations, and foreign policy can make progress on the issue” (20).

Overall, Barbara Ann Rieffer-Flanagan has written a useful and timely book on an issue of international concern. She gives readers a sense of the challenge, information about past efforts, and ideas for a way forward. Hopefully, policy-makers and activists will engage and consider her book.

*Knox Thames formally served as the U.S. Special Advisor for Religious Minorities at the State Department. He is currently writing a book on ending religious persecution.*

## **Law and religion in the Commonwealth: The evolution of case law**

***Renaë Barker, Paul T. Babie and Neil Foster (eds.)***

*Oxford: Hart Publishing, 2022, ISBN 978-1-50995-014-0, 334 pp., US \$110 (hardcover)*

Law and religion is a burgeoning area of scholarship, with the frequent and unrelenting publication of articles, monographs and edited collections due to high interest in the associated tensions. It would be easy for good publications to be lost despite the fertile ground. This book, I hope and believe, will not suffer such a fate. Barker, Babie and Foster – three outstanding scholars – have skilfully gathered a diverse range of thinkers who contribute to our understanding of the evo-

lution of law and religion through deep consideration of representative cases from different jurisdictions.

As the three editors are based in Australia, there is an undeniable emphasis on Western jurisdictions such as Australia (with five chapters on Australian cases), the UK and Canada. Nevertheless, cases are also included from Commonwealth nations such as Pakistan, Malaysia, South Africa, India and Nigeria, providing a comprehensive view of case law in the Commonwealth more broadly.

It is, of course, not possible to engage properly with each contribution of an edited collection in a short book review. However, I will ground my following comments in two interconnected themes. First, since this is a religious freedom journal, I will consider religious freedom issues which arise in particular cases, and across cases. Second, since the edited collection aims to describe the *evolution* of case law, I will consider how case law in different jurisdictions has developed both conceptually and temporally with respect to religious freedom. This is especially fruitful because, as the editors note, many of the relevant cases “already build on one another” (8).

Religious freedom is an explicit theme of the book. One part of the book, comprising five chapters, is devoted to this topic; many other contributions explore religious freedom cases or issues, and the editors tend to frame the chapters as engaging with issues pertaining to religious freedom (2). Several chapters consider two sometimes related aspects of religious freedom: the imposition of theological perspectives by secular courts and an implicit hierarchy of rights according to which religious freedom must always yield to equality concerns.

Joshua Neoh points out the problem that the Court of Appeal in the 2009 Malaysian *Archbishop* case sought to impose its own theological perspectives, based on spurious personal research that did not provide an opportunity for the aggrieved parties to make a submission addressing the theological issues (39-45). Neil Foster identifies the 2014 Australian *Cobaw* case as an especially egregious example where “a judge who has no real familiarity with the faith concerned” imposed his own view of what is a core doctrine of the faith and how it should be applied in the life of a believer, despite the submission of contrary evidence by the relevant religious group (274). Kathryn Chan similarly explains that the 1992 Canadian *Lakeside Colony* case held that courts have the authority to decide religious disputes, although they should take care not to impose secular perspectives contrary to the self-understanding of the religious community.

However, the more recent *Wall* case in 2018 indicates that religious freedom principles such as the autonomy of the church imply a jurisdictional limit on courts considering religious disputes (225-226). If this shift continues, it would appropriately uphold the freedom of religious communities to self-define and self-regulate.

Russell Sandberg observes that the “little regard given to religious freedom” in the 2009 consideration of *Ladele* by English courts suggests a “hierarchy of rights with religious discrimination coming below other equality strands,” which gives the impression that religious rights are always trumped by equality rights (54, 56). Foster also agrees with this point in the context of *Cobaw*, which privileges equality over religious freedom by construing religion and religious freedom exemptions extremely narrowly, on the basis that such exemptions undermine the fundamental object of anti-discrimination law (272-273, 278-280). This raises the question of whether there is a “right to have a religious identity” which may be “affirmed and embraced,” especially in public contexts where anti-discrimination laws may interfere with the manifestation of religious identity (291).

Ian Leigh notes that until the 2018 UK *Ashers Baking* case, there was a “clear trend” of equality being favoured over religious freedom, implying an implicit hierarchy (67-68). However, *Ashers* won only by framing their position as a freedom of speech interference, leaving religion to one side. Leigh surmises that using “public reason” to “translate religious language” might be the way out of the culture war (78-79). But this kind of “monolingual adjudication” silences religious perspectives and marginalises the religious tensions which caused the issue to arise in the first place.<sup>1</sup> It will entail the imposition of secular perspectives on theological positions; one may win a legal battle here or there but will lose the culture war. Taking this suggestion to its logical conclusion, Richard Moon argues that having believers provide “external, secular” arguments for religiously motivated civic positions is a “pragmatic” approach which draws an appropriate line between public concerns and private conscience (90-92). “Religious freedom ... must be limited ... to matters that can be viewed as private and outside the scope of politics” (92). However, this approach again imposes a Rawlsian secularisation of religious freedom and marginalises religious perspectives.

Iain Benson’s analysis of the 2005 South African *Fourie* case represents a way forward. While acknowledging the importance of equality considerations, Judge Sachs for the Constitutional Court engaged deeply with the nature of religion and religious freedom, and with its importance for a free, diverse and pluralistic society (232-235). As Benson notes, rather than marginalising or excluding religion, “we should aim for a rich jurisprudence of engagement and genuine inclusion without homogenisation” (229). This would address the problem of secular courts imposing theological perspectives by ensuring that such courts genuinely and empathetically engage with religious perspectives. More broadly, recognising

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<sup>1</sup> See Joel Harrison, “Towards re-thinking “balancing” in the courts and the legislature’s role in protecting religious liberty” (2019), 93(9) *Australian Law Journal* 734, 738.

that equality means “equal respect across difference” rather than the imposition of a flat uniformity promotes “a more comprehensive understanding of the good” (229, 231). Benson suggests that methods to achieve this goal include enhancing the understanding that religious freedom is a “public” and “communal” right that should be protected and accommodated by the state (235-241). This stance strikes a more appropriate balance between religious freedom and equality according to which both are valued and upheld, rather than one being subservient to the other.

Regardless of the diverse views on such matters, as the editors aptly put it, “this volume offers something for everyone interested in law and religion in the Commonwealth” (8).

*Alex Deagon, Senior Lecturer, School of Law, Queensland University of Technology*

## **What about us? Global perspectives on redressing religious inequalities**

***Mariz Tadros (ed.)***

*Brighton: Institute of Development Studies, Coalition for Religious Equality and Inclusive Development, 2022, 332 pp., ISBN: 978-1804700105. Available at: <http://bit.ly/40Lbqvi>.*

Those working in the field of religious freedom, peace studies, or development studies will surely be interested in this volume. Making a unique contribution to a cross-section of academic discourses, the book presents a substantial number of well-researched case studies from diverse areas in the non-Western world. The case studies offer a treasure trove of information for both area specialists and discipline theorists. Area specialists will benefit from the focused literature reviews in the respective chapters on Israel; Oyo, Nigeria; Bangalore, India; wider India; Limpopo, South Africa; the Rwenzori mountains in Uganda; Pakistan; and Sudan. Theorists and people working in development or peace studies will appreciate the transparent methodology articulated in each case study, along with the substantive bibliographies and original research.

Along with presenting detailed case studies, the volume seeks to redress the lack of research on the impact of freedom of religion or belief (FoRB) on development. Virtually all nine case studies begin by highlighting this research gap. Numerous studies in this field have focused on issues of economic poverty, lack of access to health care, avoiding systems of dependence, and caring for the environment. This book aims to incorporate FoRB into these conversations, to show its importance for supporting the whole person and entire communities.

The holistic lens presented by the authors is demonstrated through case studies involving many religious traditions: Judaism, Sunni Islam, various expressions of Hinduism, Shia Islam, scheduled caste Indians, African Traditional Religions, those with general spirituality, and those with no belief or religious affiliation. In the introductory chapter, the editor frames the subsequent case studies as an avenue for highlighting the problem of ‘religious otherization’ for people living in poverty. As various state actors and NGOs work toward the Sustainable Development Goals, this book is a reminder of the important role FoRB can play in promoting inclusive development.

*What About us?* makes a unique contribution by moving the conversation beyond the post-colonial origins and critiques of development studies. In virtually every case study, minority voices are placed at the forefront. The authors of several chapters articulate their positionality as local actors, with all the benefits and drawbacks of a local perspective. This is part of the book’s contribution to academic discourse, but it also adds tremendous value as these perspectives can be hard for geographically distant researchers to access. As Tadros states explicitly in the first chapter, “The book situates religious equality in relation to global narratives around inclusive development as well as in relation to local conceptions of recognition and justice” (4).

Readers approaching this book with a particular topical interest are likely to find their topic addressed somewhere. The case studies are grouped into four main categories, the headings of which demonstrate their interdisciplinary nature: Religious inequalities in education, health, and economic wellbeing; Tensions between national models of development, religious equality and respect for FoRB; External actors’ promotion of FoRB; and Ideology and political will. The chapter titles give equally transparent clues to the discerning reader.

As already noted, area specialists and theorists alike will find plenty of information that has been clearly situated in particular academic disciplines. The case studies each present their unique methodology, though the first chapter suggests a reliance on grounded theory throughout. The authors have taken great care in their presentation of information. Each chapter offers clearly discernible research methods with some justification. In most cases, the researchers also present their sources, questionnaires, and tables as appendices. This gives the inquisitive reader plenty of raw information that could be analyzed with a different lens.

As is often the case, this strength of the book is also a weakness at times. It can feel repetitive to work through each chapter’s clear explication of methodology, sources, data, findings, bibliography, and appendices. Readers interested in specific components of case studies will benefit from the clear signposting and title

structure that will enable them to skip around to points of interest. However, this format can make reading the book straight through from start to finish tiring. The writing is uneven in quality and seems overly detailed in places, but the details may also be of interest to many readers.

I expect that readers will be delighted with the cross-disciplinary nature of this work and the diverse religious, geographic, and non-Western perspectives included. I commend the effort and work invested in producing this volume, especially the sensitivity and care devoted to advancing development studies beyond post-colonial critiques. This volume offers a refreshing, clear-eyed analysis of real problems rooted in local contexts.

*Dr Kyle Wisdom, International Institute for Religious Freedom*

## **Human Rights Commitments of Islamic States: Sharia, Treaties and Consensus**

***Paul McDonough***

*Oxford, UK: Bloomsbury Publishing, 2022, 305pp. ISBN 978-1509943104, £26.63 (paperback)*

This book seeks to determine whether (a) the human rights commitments Islamic states have made and (b) Islamic law or *sharia* are compatible with the international standard set by United Nations treaties. It highlights both possible alignments and tensions between Islamic law as implemented by Islamic states and international human rights law.

McDonough begins with an overview of the political history of Islam and of Islamic law, underscoring the relationship between *sharia* and the state in terms of institutions of governance. He examines the legal nature of Islamic states and the human rights they have committed to uphold.

For McDonough, an Islamic state is defined as one that governs in accordance with *sharia*. However, two more layers of law bind the Islamic state: international treaty commitments – such as the 1948 Universal Declaration on Human Rights, the 1990 Cairo Declaration on Human Rights in Islam, and the Arab League’s 2004 Arab Charter on Human Rights – and a “modern Islamic consensus” (3). McDonough notes that the interpretation of Islamic law generally relies on ancient scholars even though in principle, the *umma* (Islamic community) has the right to review old and new legislation to determine the legality of the law in relation to *sharia* guidelines.

Of the 57 member states of the Organisation of Islamic Cooperation (founded in 1969), 25 proclaim themselves to be secular states, five do not address this topic, Indonesia embraces monotheism generally, and 26 have Islam as their state

religion or as a governing principle. Those Islamic states, seated at the United Nations, have all agreed to observe international human rights norms.

After examining the constitutions of this last group of 26 Islamic states, McDonough concludes that the main areas of tension concern civil matters such as divorce or apostasy (renouncing Islam). In his opinion, finding common ground in those areas may require serious effort, but in general, nearly all Islamic states reflect international human rights standards.

Critics who state that Islamic states cannot implement human rights and democracy are, in the author's opinion, ignoring the fact that human rights violations committed by Islamic states may be due to the incorrect application of Islamic law, which in fact offers a certain flexibility that can be applied in favor of international norms. Given this flexibility, Islamic states can select alternative interpretations that "more closely reflect international human rights language" (207).

In analyzing the constitutions of the Islamic states, McDonough also considers *siyar* (the law of war and attitude of the Islamic state towards non-Muslims) and aliens in *fiqh* (in Islamic law, this term refers to the set of rules that determine the state's attitude toward non-Muslims or *dhimmi*s). Throughout the book, he draws on the opinion of Pakistani scholar Abū l-A'lā Maudūdī (1903-1979), who stated that *dhimmi* in Islamic states always enjoyed great freedoms as long as they respected Islamic norms in the public sphere. McDonough also refers to the Afghan professor of Islamic law, Hashim Kamali (born 1944), who sought a synthesis between "western" human rights and Islamic law in his writings, although *sharia* remained the main point of reference for all his arguments.

McDonough emphasizes that human dignity is a core concern of *sharia* and is not limited in any way in the Qur'an. Like the international human rights declarations, the *siyar* agreement is binding on the various parties, since contracts require compliance. Therefore, the concept of *siyar* could be seen as another commonality between *sharia* law and international conventions.

The book's aim to find areas of compatibility between Islamic law as applied in Islamic states and international treaty commitments is a challenging one, and McDonough carries out this project rather vaguely. It seems that the explanation of various historical circumstances takes up more space than the analysis of the 26 Islamic state constitutions. Even though the author finds few disagreements and tries to reduce their number even further, controversial topics such as divorce, apostasy, polygamy or inheritance remain areas of conflict. Accordingly, the compatibility of *sharia* and Western human rights declarations remains, to some extent, an open question.

*Esther Schirrmacher, Islamic Relations Coordinator, World Evangelical Alliance*

## **The China Nexus: Thirty Years in and Around the Chinese Communist Party's Tyranny**

**Benedict Rogers**

*Ottawa: Optimum Publishing International, 2022, 360 pp. ISBN: 978-0888903273, US \$34.95*

While there has been no shortage of reporting on the myriad abuses of Xi Jinping's regime in recent years, these stories often lack context. Periodic reports produced by NGOs, think tanks, and governmental entities present a more complete picture, but their readership is often limited to specialists and policymakers. The strength of Benedict Rogers's book is his ability to document convincingly for a wide audience why these stories matter in today's world. Rogers combines his decades of experience as an activist, journalist, NGO leader, and deputy chair of the UK Conservative Party's Human Rights Commission with a thorough and penetrating analysis of the Chinese Communist Party's (CCP) systematic attacks on freedom both within China's borders and beyond.

Following an introduction in which Rogers describes his expulsion from Hong Kong in 2017, he recounts a more hopeful era in which he served as an English teacher in China during his college years and then as a journalist for a trade publication in Hong Kong, immediately after the territory's return to Chinese rule. Relating his personal experience with new media restrictions (largely due to self-censorship) in the wake of the handover, Rogers introduces a recurring theme: the inability or unwillingness of many in the free world to recognize the signs of growing tightening in the decades preceding Xi's rise to power.

Subsequent chapters cover the CCP's attacks on civil society, law and the media; restrictions on Chinese Christians; Tibet's history of repression; the Uyghurs in Xinjiang; persecution of the Falun Gong religious minority and the practice of human organ harvesting; the demise of "One Country, Two Systems" in Hong Kong; Taiwan's struggle to retain de facto independence in the face of mounting Chinese aggression; China's involvement in Myanmar; and the uneasy yet mutually beneficial relationship between China and North Korea. Rogers closes with a wakeup call to the global community, with specific recommendations for countering the CCP's pernicious influence as it seeks to challenge international norms through the UN and other international bodies, advances economic and strategic interests with its Belt and Road Initiative, and politicizes overseas Chinese communities.

The patterns that emerge in this trajectory of repression will be familiar to *IJRF* readers. Rogers shows how policies used to subjugate Tibetans have subsequently been implemented in Xinjiang and Hong Kong. In the case of

religious believers, the current Sinification campaign targets “foreign” beliefs and practices while promoting the CCP’s socialist values. Those deemed a threat to the regime are subject to varying degrees of forced assimilation, surveillance, intimidation, detention, incarceration, and criminal prosecution. Outside China, the regime manipulates existing power relationships in pursuit of its own interests, with little concern for the long-term stability or prosperity of the countries involved. In recent years, the CCP’s repertoire has expanded to include increased detention of foreign nationals and pressuring foreign governments to assist in apprehending individuals sought by the Chinese government.

Rogers groups into three clusters the measures he recommends to counteract the CCP’s aggressive tactics. First, the international community needs to put a stop to the impunity of China’s leaders by holding them accountable through sanctions and, where possible, legal action. Second, more should be done to support and publicly recognize dissidents and to advance Internet freedom. Finally, global leaders must take steps to reduce their dependency on China, state clearly their intentions concerning Taiwan, combat Chinese influence operations abroad, and form alliances among democracies. As an example of this last strategy, Benedict mentions the Inter-Parliamentary Alliance on China (IPAC), a cross-party global movement founded in 2020 and comprising lawmakers from 23 countries.

Although Rogers states that the book is not an autobiography or a memoir, his role as a participant in many of the stories he tells so passionately gives the reader a front-row seat in the drama that is unfolding as China assumes center stage on the world scene. At some points, however, he risks overstating his case. His assertions, for example, that Christians are directly targeted by China’s social credit system and that online worship services have been shut down (101) may be true in certain instances, but at the time of writing, this is not the case nationwide.

That Rogers paints the Chinese regime with a very broad brush is to be expected, given the book’s purpose. While there is no excuse for the regime’s abuses, Rogers’s approach unfortunately leaves little room for a more nuanced look at factors that have historically complicated the relationship between the state and religious communities in China, dynamics that today figure prominently in the Xi regime’s approach. Rogers describes in glowing terms, for example, the 2019 religious freedom conference initiated by the US Ambassador for International Religious Freedom and hosted in Taiwan. Given Taiwan’s role as a political and military flashpoint in the US-China relationship, the introduction of religion into the equation would inevitably fuel the longstanding argument by Chinese officials that the United States is using religion to undermine the CCP’s rule. One may

argue that religious believers in China face enough trouble as it is; why implicate them in the conflict over Taiwan?

These caveats aside, *The China Nexus* provides an invaluable resource for untangling the many threads of the CCP's attacks on freedom. One hopes it will encourage, in the words of one of Rogers's interviewees, a much-needed shift in the global community's approach to China from "strategic ambiguity" to "strategic clarity".

*Dr Brent Fulton, ChinaSource*

## **Race, religion, and COVID-19: Confronting White supremacy in the pandemic**

**Stacey M. Floyd-Thomas, ed.**

*New York: New York University Press, 2022, 312 pp. ISBN: 978-1479810222, US \$30 (paperback)*

This book explores the twin pandemics of COVID-19 and systemic racism against African Americans that clashed in 2020. As the title suggests, it is highly critical of white evangelicals in the US.

This edited volume includes a variety of articles focusing on America's experience of COVID-19 under President Donald Trump and the resurgence of the Black Lives Matter movement with the police killing of George Floyd on 25 May 2020. The US was hit very hard by COVID-19, suffering nearly one-fourth of global fatalities during the first year of the pandemic.

The authors note that while many large White evangelical churches remained open, Black pastors closed their churches and moved services online. African Americans were particularly affected by COVID-19. This was due to poverty, lack of access to healthcare, and having jobs in essential services where they were required to continue working through lockdowns.

In the binary division that exists in the US, the authors and editor are clearly on the left side of the political spectrum. They are pro-Black, pro-women, and pro-LGBTQ. Even though all the authors are academics, an online reviewer commented that they are all so 'woke' that their reliability is in question. Unfortunately, this situation represents the right-left division in the US, which is so pervasive that people seem unwilling even to listen to those on the other side of the divide.

David P. Gushee's article, "Toxic religion, toxic churches, and toxic policies," describes the premise of the book quite well:

While serious debates need to take place at the intersection of religion, ethics, and COVID-19, the big story here has been the sustained difficul-

ty of white fundamentalists and evangelicals in dealing with COVID-19 on the terms required for the social good. (231)

Unfortunately, these “white fundamentalists and evangelicals” are lumped together in this and other articles and denounced for supporting Trump and ignoring the plague of racism. Gushee builds on earlier writings on the history of evangelicalism in the US, stating that it developed in the US in the 1940s as a softer version of fundamentalism. He also insists that evangelicalism is inherently White and racist. This is a dubious claim even about US evangelicals and certainly not generally the case globally, as the World Evangelical Alliance, founded in Britain in 1846, has a long history of speaking against slavery.

The book has several articles of interest. The first article is by the editor, Stacey M. Floyd-Thomas, an associate professor of ethics and society at Vanderbilt University. She explains that the Black church in the US is not just a spiritual haven but also a center for economic cooperation, an arena for political activity, a sponsor of education and a refuge in a hostile white world. Closing Black churches was therefore profoundly challenging for African American communities who were caught in the “crosshairs of the pandemic and racial conflict” (22). Floyd-Thomas is critical of many Black churches that rest on the laurels of past victories in racial justice but remained on the sidelines of Black Lives Matter. She gives some examples of churches and Christian communities that found new ways to minister to Black Christians in need during the twin pandemics.

Tink Tinker presents a polemic on how COVID-19 sits in a long line of diseases used against Indigenous Americans to clear the land for exploitation by White people. Blanche Bong Cook writes a personal account of her parents, a Korean mother and African American father, and their challenges as an interracial couple in America. Miguel A. de la Torre describes how Latino Americans were blamed for the pandemic.

Why is this book of interest? The US has a long history of promoting religious freedom domestically and internationally. But articles by Juan M. Floyd-Thomas, Gushee and Marla F. Frederick argue forcefully that this is a White evangelical interest and initiative. They point to racist roots of religious freedom, as slaveholders argued that religious freedom protected their rights to own slaves. Similarly, evangelicals used religious freedom arguments to support segregation of Blacks in the US. Frederick surmises, “This alliance between the right of white Christians to deny Black rights based upon their religious freedom [sic] made religious freedom a less salient and attractive argument for Black religionists” (253).

There are important lessons to be learned for those inside and outside the US. In the US, more White evangelicals need to take up issues of racial justice and

reconciliation. The National Association of Evangelicals is addressing this concern, as have other evangelical organizations. Advocates for religious freedom must understand the history of this issue in the US in order to right some historic wrongs. US-based international religious freedom organizations can initiate discussions across racial lines as they advocate for religious freedom, especially in West Africa since Nigeria currently tops the list for Christians killed because of their faith.

Outside the US, evangelicals are often stereotyped by the same perception of White evangelicals that is portrayed in this book – that evangelicals are White, Trump-supporting racists. This is not true even of all American evangelicals, and certainly not of evangelicals outside the US. But the label “evangelical” has been tainted globally and negatively impacts advocacy for religious freedom. The articles in this book help us understand critiques of White American evangelicals from Christians within the US. Hopefully, this understanding can help evangelicals around the world address the stereotypes.

*Janet Epp Buckingham, Director, Global Advocacy, World Evangelical Alliance, Canada*

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Christians under Pressure: Studies in Discrimination and Persecution 2

Kay Bascom

# Overcomers

*God's deliverance through the  
Ethiopian Revolution as witnessed  
primarily by the Kale Heywet Church community*



VKW

# Guidelines for authors

This document combines essential elements of the editorial policy and the house style of IJRF which can be viewed on [www.ijrf.org](http://www.ijrf.org).

## Aims of the journal

The IJRF aims to provide a platform for scholarly discourse on religious freedom in general and the persecution of Christians in particular. The term persecution is understood broadly and inclusively by the editors. The IJRF is an interdisciplinary, international, peer reviewed journal, serving the dissemination of new research on religious freedom and is envisaged to become a premier publishing location for research articles, documentation, book reviews, academic news and other relevant items on the issue.

## Editorial policy

The editors welcome the submission of any contribution to the journal. All manuscripts submitted for publication are assessed by a panel of referees and the decision to publish is dependent on their reports. The IJRF subscribes to the Code of Best Practice in Scholarly Journal Publishing, Editing and Peer Review of 2018 (<https://sites.google.com/view/assaf-nsef-best-practice>) as well as the National Code of Best Practice in Editorial Discretion and Peer Review for South African Scholarly Journals (<http://tinyurl.com/NCBP-2008>) and the supplementary Guidelines for Best Practice of the Forum of Editors of Academic Law Journals in South Africa. As IJRF is listed on the South Africa Department of Higher Education and Training (DoHET) “Approved list of South African journals”, authors linked to South African universities can claim subsidies and are therefore charged page fees.

## Submission addresses

- Book reviews or suggestion of books for review: [bookreviews@iirf.global](mailto:bookreviews@iirf.global)
- Noteworthy items and academic news: [editor@iirf.global](mailto:editor@iirf.global)
- All other contributions: research or review articles, opinion pieces, documentation, event reports, letters, reader’s response, etc.: [editor@iirf.global](mailto:editor@iirf.global).

## Selection criteria

- All research articles are expected to conform to the following requirements, which authors should use as a checklist before submission:
- Focus: Does the article have a clear focus on religious freedom / religious persecution / suffering because of religious persecution? These terms are

understood broadly and inclusively by the editors of IJRF, but these terms clearly do not include everything.

- Scholarly standard: Is the scholarly standard of a research article acceptable? Does it contribute something substantially new to the debate?
- Clarity of argument: Is it well structured, including subheadings where appropriate?
- Language usage: Does it have the international reader, specialists and non-specialists in mind and avoid bias and parochialism?
- Substantiation/Literature consulted: Does the author consult sufficient and most current literature? Are claims thoroughly substantiated throughout and reference to sources and documentation made?

### **Submission procedure**

1. Submissions must be complete (see no.6), conform to the formal criteria (see no. 8-10) and must be accompanied by a cover letter (see no.3-4).
2. The standard deadlines for the submission of academic articles are 1 February and 1 August respectively for the next issue and a month later for smaller items such as book reviews, noteworthy items, event reports, etc.
3. A statement whether an item is being submitted elsewhere or has been previously published must accompany the article.
4. Research articles will be sent to up to three independent referees. Authors are encouraged to submit the contact details of 4 potential referees with whom they have not recently co-published. The choice of referees is at the discretion of the editors. The referee process is an anonymous process. This means that you should not consult with or inform your referees at any point in the process. Your paper will be anonymized so that the referee does not know that you are the author. Upon receiving the reports from the referees, authors will be notified of the decision of the editorial committee, which may include a statement indicating changes or improvements that are required before publication. You will not be informed which referees were consulted and any feedback from them will be anonymized.
5. Should the article be accepted for publication, the author will be expected to submit a finalized electronic version of the article.
6. Include the following:
  - Articles should be submitted in Word and an abstract of no more than 100 words.
  - Between 3 and 10 keywords that express the key concepts used in the article.
  - Brief biographical details of the author in the first footnote, linked to the name of the author, indicating, among others, the institutional affiliation,

special connection to the topic, choice of British or American English, date of submission, contact details including e-mail address.

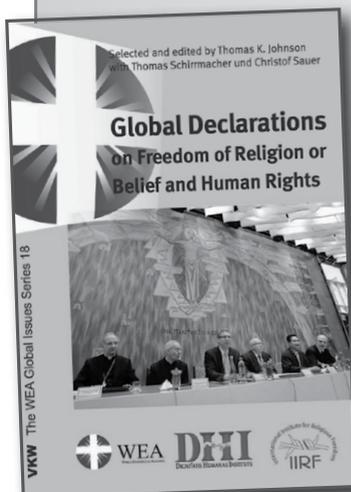
7. Authors are encouraged to also engage with prior relevant articles in IJRF, the Religious Freedom Series, and IIRF Reports ([www.iirf.global](http://www.iirf.global)) to an appropriate degree. So check for relevant articles.
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9. Number your headings (including introduction) and give them a hierarchical structure. Delete all double spaces and blank lines. Use as little formatting as possible and definitely no "hard formatting" such as extra spaces, tabs. Please do not use a template. All entries in the references and all footnotes end with a full stop. No blank spaces before a line break.
10. Research articles should have an ideal length of 4,000-6,000 words. Articles longer than that may be published if, in the views of the referees, it makes an important contribution to religious freedom.
11. Research articles are honoured with one complimentary printed copy.
12. For research articles by members of the editorial team or their relatives, the full editorial discretion is delegated to a non-partisan editor and they are submitted to the same peer review process as all other articles.

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1. IJRF prefers the widely accepted 'name-date' method (or Harvard system) for citations in the text. Other reference methods are permissible if they are fully consistent.
2. A publication is cited or referred to in the text by inserting the author's last name, year and page number(s) in parentheses, for example (Mbiti 1986:67-83).
3. Graphics and Tables: These must be attached as separate files. Indicate in red where they should go in the text. Every effort will be made to place them in that spot.
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5. Tables and "simple" diagrams: These will likely be redesigned by our layout expert. Please attach them in a separate file.

6. Footnotes should be reserved for content notes only. Bibliographical information is cited in the text according to the Harvard method (see 2 above). Full citations should appear in the References at the end of the article (see below).
7. References should be listed in alphabetical order of authors under the heading “References” at the end of the text. Do not include a complete bibliography of all works consulted, only a list of references actually used in the text.
8. Always give full first names of authors in the list of references, as this simplifies the retrieval of entries in databases. Keep publisher names short.

## Global Declarations on Freedom of Religion or Belief and Human Rights



by Thomas K. Johnson,  
Thomas Schirmmacher,  
Christof Sauer (eds.)

*(WEA GIS, Vol. 18)*  
*ISBN 978-3-86269-135-7*  
*Bonn, 2017. 117 pp.,*  
*€12.00 via book trade*

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Bernhard Reitsma (Ed.)

# Fruitful Minorities

*The Witness and Service of  
Christian Communities in  
Predominantly Islamic Societies*

Christians under Pressure: Studies in Discrimination and Persecution 1



VKW

Religious Freedom Series 3, 2nd edition, VKW: Bonn 2017, 364 pp,  
ISBN: 978-3-86269-117-3, € 20



## **INTERNATIONAL JOURNAL FOR RELIGIOUS FREEDOM**

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