

Università degli Studi Roma Tre

L'unità del diritto

Collana del Dipartimento di Giurisprudenza

LIBERTÀ RELIGIOSA, DIRITTI UMANI, GLOBALIZZAZIONE

Senato della Repubblica – 5 maggio 2016

Coordinatori: GIULIANO AMATO e CARLO CARDIA

Prefazione di GIORGIO NAPOLITANO



RomaTre-Press
2017

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Editing e impaginazione:

Alessandro Agostini

Edizioni: Roma TrE-Press ©

Roma, marzo 2017

ISBN: 978-88-94885-11-8

<http://romatrepress.uniroma3.it>

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PARTE PRIMA

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PARTE TERZA

Rapporto del Dipartimento di Stato USA sulla libertà religiosa per il 2015. Selezione a cura di Stefano Testa Bappenheim 183

Documentazione sulle violazioni della libertà religiosa nel mondo

La documentazione che si allega, i cui contenuti fanno da sfondo ad alcune relazioni e interventi del Convegno, è strutturata in tre parti.

Nella prima si pubblicano ampie parti del Documento presentato al Parlamento tedesco dal Governo Federale nel 2016, che si sofferma sulle diverse tipologie di violazione della libertà religiosa, e libertà di credenza, in diverse parti del mondo. Esso ha una impostazione prevalentemente normativa e offre un quadro decisamente grave e avvilente se si confrontano gli spazi che la libertà religiosa ha in alcuni ordinamenti nazionali e l'ampiezza delle garanzie offerte dalle Carte Internazionali dei diritti umani. Nel Convegno si è sottolineata l'importanza che avrebbe una specifica Convenzione internazionale sulla libertà religiosa, che potrebbe fungere anche da strumento di controllo e di intervento a favore della libertà religiosa all'interno dei singoli Paesi.

Nella seconda parte, la documentazione riguarda alcuni specifici Paesi, nei quali si sono di fatto realizzate e si realizzano tuttora vere e proprie persecuzioni nei confronti di confessioni religiose, gruppi etnici, categorie di persone (sovente, donne e giovani). La documentazione, che testimonia di violenze e atrocità di cui si era persa memoria, è tratta dai Rapporti annuali dell'Aiuto alla Chiesa che soffre, e di Amnesty International, che inquadrano la tematica della libertà religiosa nel più ampio panorama dei diritti umani.

La terza parte dell'Appendice contiene un estratto del Rapporto del Dipartimento di Stato USA del 2016. Come altri Rapporti già citati, esso si sofferma su alcuni Paesi nei quali le violazioni dei diritti umani e della libertà religiosa ha subito negli ultimi anni una *escalation* che appare senza fine, e descrive alcune situazioni di sistematiche violazioni della libertà religiosa che hanno colpito, e colpiscono, Chiese, confessioni religiose, credenti e non credenti in ragione della loro fede o opinione.

PARTE TERZA

*Rapporto del Dipartimento di Stato USA
sulla libertà religiosa per il 2015*²¹⁰

Il Congresso degli Stati Uniti, approvando l'International Religious Freedom Act, nel 1998, istituì un ufficio del Dipartimento di Stato dedicato alla libertà religiosa internazionale, guidato da una persona col rango di 'Ambassador at Large', cui affidò l'incarico di preparare e trasmettere annualmente al Congresso un rapporto sulla libertà religiosa internazionale, nel quale venissero dettagliatamente analizzate le condizioni della libertà religiosa in ogni Paese straniero, le sue violazioni da parte di Governi stranieri, e le politiche ed azioni del Governo degli Stati Uniti a supporto della libertà religiosa.

Sulla base del Rapporto annuale, poi, quest'Ufficio del Dipartimento di Stato deve indicare come «Paesi Attentamente Osservati» quelli il cui Governo compia, o tolleri, sistematiche rilevanti violazioni della libertà religiosa.

L'autorità del Presidente dell'Ufficio d'indicare ufficialmente Paesi Attentamente Osservati viene delegata al Segretario di Stato: nei casi in cui questi qualificati ufficialmente un PAO, ciò viene notificato al Congresso, procedendo dapprima ad attuare opzioni politiche non economiche per far cessare queste violazioni alla libertà religiosa, e, una volta che queste fossero state ragionevolmente tentate tutte, ma invano, debbono essere imposte misure sanzionatorie economiche.

I PAO dichiarati nel 2016 (dichiarazione ufficiale del Portavoce del Dipartimento di Stato, del 15 aprile 2016²¹¹) sono Myanmar, Cina Popolare, Eritrea, Iran, Corea del Nord, Arabia Saudita, Sudan, Tagikistan, Turkmenistan ed Uzbekistan.

Qui di seguito, perciò, riportiamo le schede che il Rapporto del Dipartimento di Stato statunitense ha dedicato a questi Paesi.

²¹⁰ <<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm>> (ultimo accesso 02.02.2017).

²¹¹ <<http://www.state.gov/t/pa/prs/dpb/2016/04/255860.htm>> (ultimo accesso 31.05.2014).

Custom Report Excerpts

Burma

Executive Summary

The constitution guarantees every citizen «the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution». The government adopted a package of four laws that many local and international nongovernmental organizations (NGOs) said were an infringement on religious freedom and other basic rights. The new laws, known collectively as the «race and religious protection» laws, included registration requirements for interfaith marriage and religious conversion, as well as mandatory population control measures in zones the government may specially designate. The government, however, has not drafted any implementing regulations for these laws. Government authorities, through various policies and practices, subjected Rohingya Muslims to physical abuse, arbitrary arrest and detention, restrictions on religious practice and travel, and discrimination in employment, social services, and access to citizenship. Religious minority populations, including Muslims, Christians, and others, experienced arrest and detention, restrictions on religious practice, and various forms of discrimination. Although the law prohibits mixing of religion and politics, some political parties described themselves as Muslim-free parties, and some monks publicly supported specific political candidates. Some government officials publicly spoke out against hate speech and called for religious tolerance. NGOs and religious groups said local authorities in some cases moved quickly to investigate and debunk rumors that could inflame religious tensions and spark violence.

Episodes of intercommunal conflict were small scale during the year and did not escalate into widespread violence as in the previous year. Violent nationalists widely circulated anti-Muslim materials, and the Buddhist Committee for Protection of Race and Religion (MaBaTha) supported and publicly celebrated the passage of the four «race and religious protection» laws. Activists received threats for speaking out against the four race and religion laws, anti-Muslim discrimination, and religious-based violence. Religious and civil society leaders increasingly organized intrafaith and interfaith events and developed mechanisms to monitor and counter hate speech.

The U.S. government advocated religious freedom and tolerance with all sectors of society and consistently raised concerns about the passage of the «race and religious protection» laws, conditions in Rakhine State, including those facing Muslim communities and ethnic Rakhine, and the rise of anti-Muslim hate speech and tension. The embassy regularly highlighted concerns about religious-based tension and anti-Muslim discrimination and called for respect for religious diversity and tolerance, including during the pre-election period. It also pressed for a voluntary and transparent path to restoration and provision of citizenship for the Rohingya that does not require applicants to self-identify in ways with which they are not comfortable.

Since 1999, Burma has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated Burma as a CPC and identified the following sanction that accompanied the designation: the existing ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to section 402(c)(5) of the Act.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states, «[e]very citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution,» and notes that, «every citizen shall be at liberty...if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality...to develop...[the] religion they profess and customs without prejudice to the relations between one national race and another or among national races and to other faiths».

Religious organizations are not required to register with the government.

The law bars members of religious orders (such as priests, monks, and nuns) from running for public office, and the constitution bars members of religious orders from voting. The constitution forbids «the abuse of religion for political purposes». Although there is no official state religion, the constitution notes that the government «recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the

Union». The constitution «also recognizes Christianity, Islam, Hinduism, and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution».

The government restricts by law the political activities and expression of the Buddhist clergy (sangha). The government bans any organization of Buddhist monks other than nine state-recognized monastic orders. Violations of this ban are punishable by immediate public defrocking and criminal penalties. The nine recognized orders submit to the authority of the State Sangha Monk Coordination Committee (SSMNC), the members of which are elected by monks.

The Ministry of Religious Affairs' Department for the Perpetuation and Propagation of the Sasana (Buddhist teaching) oversees the government's relations with Buddhist monks and schools.

Between May and August, the government adopted a package of four laws related explicitly to «protection of race and religion». The Buddhist Women Special Marriage law stipulates notification and registration requirements for marriages between non-Buddhist men and Buddhist women and introduces new obligations to be observed by non-Buddhist husbands and penalties for noncompliance. The Religious Conversion law regulates conversion through an extensive application and approval process. The Population Control Law allows for the designation of special zones for which population control measures could be applied, including authorizing local authorities to implement three-year birth spacing. The Monogamy Law bans polygamous practices, which were already criminalized under the country's penal code. No implementing guidelines for these laws have been drafted.

Antidiscrimination laws do not apply to groups not recognized under the law as citizens, such as the Rohingya in Rakhine State.

China (Includes Tibet, Hong Kong, and Macau)

Executive Summary

Reports on Hong Kong, Macau, and Tibet are appended at the end of this report.

The People's Republic of China's constitution states citizens have «freedom of religious belief» but limits protections for religious practice to «normal religious activities» and does not define «normal». In practice, the government exercised state control over religion and restricted the activities and personal freedom of religious adherents when these were perceived to threaten state or Chinese Communist Party (CCP) interests, according to nongovernmental organization (NGO) and international media reports. Only religious groups belonging to one of the five state-sanctioned «patriotic religious associations» (Buddhist, Taoist, Muslim, Catholic, and Protestant), are permitted to register with the government and are officially permitted to hold worship services.

Over this past year, there continued to be reports that the government physically abused, detained, arrested, tortured, sentenced to prison, or harassed adherents of both registered and unregistered religious groups for activities related to their religious beliefs and practices. Human rights organizations stated police shot and killed Uighur Muslims during house raids and protests after conflicts arose due to stricter government controls on religious expression and practice in the Xinjiang Uighur Autonomous Region. A Falun Gong group reported abductions, detention, and a death in police custody. The government continued to cite concerns over the «three evils» of «ethnic separatism, religious extremism, and violent terrorism» as grounds to enact and enforce restrictions on religious practices of Uighur Muslims. The government sought the forcible repatriation of Uighurs from foreign countries, many of whom sought asylum in those countries on the grounds of religious persecution.

According to media and NGO reports, seven Tibetans, including monks, nuns, and laypersons, self-immolated during the year in protest of restrictive government policies, including those restricting religious freedom. Authorities often justified official interference with Tibetan Buddhist monasteries by associating them with separatism and pro-independence activities. Authorities in Zhejiang Province ordered the destruction of more than 1,500 crosses on Christian churches, as well as some church buildings, as part of a campaign against «illegal structures»,

according to NGO and press reports. Many Zhejiang pastors and congregants openly resisted the campaign, resulting in the detention of several church leaders and activists, including Pastor Huang Yizi in September, and human rights lawyer Zhang Kai, detained by authorities immediately prior to a scheduled meeting with the U.S. Ambassador at Large for International Religious Freedom. Local authorities in many areas used a variety of means to punish members of unregistered religious or spiritual groups, including Christian «house churches». Authorities in Guangdong Province sentenced Buddhist leader Wu Zeheng to life in prison on what advocacy groups stated were politically motivated charges. In some parts of the country, however, local authorities allowed or at least did not interfere with the activities of unregistered religious groups.

Uighur Muslims and Tibetan Buddhists reported severe societal discrimination in employment, housing, and business opportunities. Discrimination was particularly acute around politically «sensitive» anniversaries and major religious events. In Xinjiang, tension between Uighur Muslims and Han Chinese continued. For example, many hospitals and businesses reportedly would not provide services to women wearing veils.

U.S. officials, including the President and the Secretary of State, repeatedly and publicly expressed concerns about violations of religious freedom in China. U.S. officials consistently urged the government to adhere to internationally recognized rights of religious freedom. In meeting with members from diverse religious communities, U.S. officials also acknowledged some improvements in the ability of some house churches to meet and operate. The embassy protested the imprisonment of individuals on charges related to religious freedom. The Ambassador highlighted the importance of religious freedom during his May visit to Lhasa and Xi'an, and the U.S. Ambassador at Large for International Religious Freedom reiterated this during his August visit to Beijing, Shijiazhuang, Shanghai, and Hangzhou.

Since 1999, China has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated China as a CPC and identified the following sanction that accompanied the designation: the existing ongoing restriction on exports to China of crime control and detection instruments and equipment, under the Foreign Relations Authorization Act of 1990 and 1991 (Public Law 101-246), pursuant to section 402(c)(5) of the Act.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states citizens have «freedom of religious belief», but limits protections for religious practice to «normal religious activities». The constitution does not define «normal». The constitution provides for the right to hold or not hold a religious belief and states that state organs, public organizations, and individuals may not discriminate against citizens «who believe in, or do not believe in, any religion». The law does not allow for legal action to be taken against the government on the basis of the religious freedom protections afforded by the constitution. Criminal law allows the state to sentence government officials to up to two years in prison if they violate a citizen's religious freedom.

CCP members and members of the armed forces are required to be atheists and are forbidden from engaging in religious practices. Members who belong to religious organizations are subject to expulsion, although these rules are not universally enforced. The vast majority of public office holders are CCP members, and being a member is widely considered a prerequisite for success in a government career.

The 2005 Regulation on Religious Affairs requires religious groups to register with the government. Only religious groups belonging to one of the five state-sanctioned «patriotic religious associations» (Buddhist, Taoist, Muslim, Roman Catholic, and Protestant) are permitted to register with the government and legally hold worship services. These five associations operate under the direction of the CCP United Front Work Department. Other religious groups, such as Protestant groups unaffiliated with the official patriotic religious association or Catholics professing loyalty to the Vatican, are not permitted to register as legal entities. Proselytizing in public or meeting in unregistered places of worship is not permitted. Tibetan Buddhists in China are not free to venerate the Dalai Lama openly. The country's laws and policies do not provide a mechanism for religious groups independent of the five official government patriotic religious associations to obtain legal status.

All religious organizations are required to register with SARA or its provincial and local offices. Registered religious organizations are allowed to possess property, publish approved materials, train staff, and collect donations. According to regulations, religious organizations must submit information about the organization's historical background, doctrines, key publications, minimum funding requirements, and a government sponsor.

In addition to the five nationally recognized religions, local governments permit certain religious communities and practices, such as Orthodox Christianity in Xinjiang, Heilongjiang, Zhejiang, and Guangdong provinces. Worship of Mazu, a folk deity with Taoist roots, has been reclassified as «cultural heritage» rather than religious practice.

The government and the Holy See do not have diplomatic relations, and the Vatican has no representative in the country. The CPA does not recognize the authority of the Holy See to appoint Catholic bishops; approximately 40 Catholic bishops remain independent of the CPA and operate unofficially. Several of those bishops have been detained for many years or are under close government surveillance. The Regulation on the Election and Consecration of Bishops requires candidate bishops to publicly pledge support for the CCP.

Certain religious or spiritual groups are banned by law. The criminal law defines banned groups as cult organizations, and those belonging to them can be sentenced to prison. A judicial explanation states this term refers to «those illegal groups that have been found using religions, qigong [a traditional Chinese exercise discipline], or other things as a camouflage, deifying their leading members, recruiting and controlling their members, and deceiving people by molding and spreading superstitious ideas, and endangering society». There are no published criteria for determining, or procedures for challenging, such a designation. The government maintains a ban on the Guanyin Method Sect (Guanyin Famen or the Way of the Goddess of Mercy), Zhong Gong (a qigong exercise discipline), and Falun Gong. The government also considers several Christian groups to be «evil cults», including the Shouters, Eastern Lightning, Society of Disciples (Mentu Hui), Full Scope Church (Quan Fanwei Jiaohui), Spirit Sect, New Testament Church, Three Grades of Servants (San Ban Puren), Association of Disciples, Lord God Sect, Established King Church, Unification Church, Family of Love, and South China Church.

A National Security Law passed in July by the National People's Congress Standing Committee (NPCSC) explicitly bans «cult organizations.» An amendment to the criminal law passed by the NPCSC in August increases the maximum possible sentence for «organizing and using a cult to undermine implementation of the law» from 15 years to life in prison.

The religious and social regulations permit official patriotic religious associations to engage in activities, such as building places of worship, training religious leaders, publishing literature, and providing social services to local communities. The CCP's United Front Work Department, SARA, and the Ministry of Civil Affairs provide policy guidance and

supervision on the implementation of these regulations. Most leaders of official government religious organizations serve in the Chinese People's Political Consultative Conference (CPPCC), a CCP-led body that provides advice to the central government from business leaders, academics, and other segments of society.

A law implemented by the Urumqi Municipal People's Congress Standing Committee in January prohibits residents from wearing veils that cover the face. A separate regulation approved by the Xinjiang People's Congress Standing Committee in January bans the practice of religion in government buildings and the wearing of clothes associated with «religious extremism». An amendment to the criminal law and a judicial interpretation by the national Supreme People's Procuratorate and the Supreme People's Court published in November criminalizes the act of forcing others to wear «extremist» garments. Neither the amendment nor the judicial interpretation defines what garments or symbols are considered «extremist».

Since 2005, SARA has stated through a policy posted on its website that family and friends have the right to meet at home for worship, including prayer and Bible study, without registering with the government.

According to the law, inmates have the right to believe in a religion and maintain their religious beliefs while in custody.

The government offers some subsidies for the construction of state-sanctioned places of worship and religious schools.

By regulation, if a religious structure is to be demolished or relocated because of city planning or construction of key projects, the party responsible for demolishing the structure should consult with its local Bureau of Religious Affairs (administered by SARA) and the religious group using the structure. If all parties agree to the demolition, the party conducting the demolition should agree to rebuild the structure or provide compensation equal to its appraised market value.

Patriotic religious associations and registered religious organizations are allowed to compile and print religious materials for internal use. To distribute religious materials publicly, an organization must follow national printing regulations, which restrict the publication and distribution of literature with religious content. Under the law, religious texts published without authorization, including Bibles and Qurans, may be confiscated and unauthorized publishing houses closed. The government allows some foreign educational institutions to provide religious materials in Chinese, which are used by both registered and unregistered religious groups.

Under national regulations, parents are permitted to instruct children under 18 in the beliefs of officially recognized religious groups, and children

may participate in religious activities. Xinjiang officials, however, require minors to complete nine years of compulsory education before they can receive religious education. In Xinjiang, regulations forbid minors from participating in religious activities and impose penalties on organizations and individuals who «organize, entice, or force» minors to participate in religious activities.

The teaching of atheism in schools is mandated.

The law states job applicants shall not face discrimination in hiring based on factors including religious belief.

Birth limitation policies remain in force, but Chinese authorities further relaxed the one-child policy in November to allow all Chinese couples to have two children.

The constitution states official government religious bodies are not «subject to any foreign domination». A CCP directive to universities provides guidance on how to prevent proselytizing among university students by foreigners.

The law permits domestic NGOs, including religious organizations, to receive donations in foreign currency. The law requires documented approval by SARA of donations from foreign sources to domestic religious groups of more than one million renminbi (RMB) (\$154,000). Overseas donations received by religious organizations receive favorable tax treatment if the funds are used for charitable activities.

China (Includes Tibet, Hong Kong, and Macau)

Executive Summary

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties in other provinces to be a part of the People's Republic of China. The constitution of the People's Republic of China states citizens «enjoy freedom of religious belief» but limits protections for religious practice to «normal religious activities» without defining «normal». In the TAR and other Tibetan areas, authorities engaged in widespread interference in religious practices, especially in Tibetan Buddhist monasteries and nunneries. There were reports of death in prison, forced disappearance, physical abuse, prolonged detention without trial, and arrests of individuals due to their religious practices. Travel restrictions also hindered traditional religious practices. Repression increased around politically sensitive events, religious anniversaries, and the Dalai Lama's birthday, according to numerous sources. According to reports by journalists and nongovernmental organizations, seven Tibetans, including monks, nuns, and laypersons, self-immolated. The government routinely denigrated the Dalai Lama, whom most Tibetan Buddhists revere as their most important spiritual leader, and restricted the rights of Tibetans to venerate him and other religious leaders at temples and monasteries. The government blamed the «Dalai [Lama] Clique» or other outside forces and foreign media reporting for instigating the self-immolations and other protests against government practices. Authorities often justified their interference with Tibetan Buddhist monasteries by attributing to them separatist and pro-independence activities.

Some Tibetans encountered societal discrimination when seeking employment, engaging in business, or when traveling, according to multiple sources.

The U.S. government repeatedly pressed Chinese authorities at multiple levels to respect religious freedom for all faiths and to allow Tibetans to preserve, practice, teach, and develop their religious traditions. In his meetings with TAR government officials in May, the U.S. Ambassador emphasized the importance of individual expression of religious beliefs. In September at a joint press conference during the state visit of Chinese President Xi Jinping, President Obama called on «Chinese authorities to preserve the religious and cultural identity of the Tibetan people, and to engage the Dalai Lama or his representatives». In meetings with visiting senior Chinese officials in Washington, DC, the Under Secretary of

State for Civilian Security, Democracy, and Human Rights and the U.S. Special Coordinator for Tibetan Issues raised U.S. government concerns about religious freedom in Tibet and urged China to comply with the freedoms guaranteed in China's constitution. The U.S. Ambassador at Large for International Religious Freedom raised religious freedom concerns in Tibet directly with central government officials during a visit to China in August. The Assistant Secretary for Democracy, Human Rights, and Labor raised Tibet issues during a visit to Beijing in October. The U.S. government regularly raised individual cases and incidents with the Chinese government. Embassy and other U.S. officials urged the Chinese government to reexamine the policies that threaten Tibet's distinct religious, cultural, and linguistic identity. While diplomatic access to the TAR remained tightly controlled, U.S. officials did see increased, although still tightly managed, access during the year, with authorities granting one visit by the U.S. Ambassador in May, a U.S. consular visit in November, and a separate congressional delegation visit in November.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states citizens enjoy «freedom of religious belief», but limits protections for religious practice to «normal religious activities» without defining «normal». The constitution bans the state, public organizations, and individuals from compelling citizens to believe in, or not believe in, any religion. The constitution states religious bodies and affairs are not to be «subject to any foreign control». The constitution also stipulates the right of citizens to believe in or not believe in any religion. Only religious groups belonging to one of the five state-sanctioned «patriotic religious associations» (Buddhist, Taoist, Muslim, Roman Catholic, and Protestant), however, are permitted to register with the government and legally hold worship services or other religious ceremonies and activities.

The government's April white paper titled *Tibet's Path of Development Is Driven by an Irresistible Historical Tide* states «the freedom of religious belief of various ethnic groups is respected and protected by the Constitution and the laws, with all religions and sects being treated equally», and «no state organ, public organization or individual may compel citizens to believe in, or disbelieve in, any religion».

The government's September white paper titled *On Successful Practice*

of Regional Ethnic Autonomy in Tibet states «the central government and the local government of Tibet Autonomous Region have fully respected citizens' right to freedom of religious belief, and given equal attention and protection to all religions and sects to ensure normal religious activities and religious beliefs are protected according to law».

Regulations issued by the State Administration of Religious Affairs (SARA) codify government control over the selection of Tibetan religious leaders, including reincarnate lamas. These regulations stipulate city governments and higher-level administrative entities may deny permission for a lama to be recognized as a reincarnate. Provincial or higher-level governments must approve reincarnations, and the State Council has the right to deny the recognition of reincarnations of high lamas of «especially great influence». The regulations also state no foreign organization or individual may interfere in the selection of reincarnate lamas, and all reincarnate lamas must be reborn within China. The government maintains a registry of officially recognized reincarnate lamas.

Within the TAR, regulations issued by SARA assert state control over all aspects of Tibetan Buddhism, including religious venues, groups, and personnel. Through local regulations issued under the framework of the national-level Management Regulation of Tibetan Buddhist Monasteries, governments of the TAR and other Tibetan areas control the registration of monasteries, nunneries, and other Tibetan Buddhist religious centers. The TAR government has the right to deny any individual's application to take up religious orders. The regulations also require monks and nuns to obtain permission from officials in both the originating and receiving counties before traveling to other prefectures or county-level cities within the TAR to «practice their religion», engage in religious activities, study, or teach. Tibetan autonomous prefectures outside of the TAR have formulated similar regulations. TAR regulations also give the government formal control over the building and management of religious structures and require monasteries to obtain official permission to hold large-scale religious events or gatherings.

At the national level, the Chinese Communist Party (CCP) Central Committee's Central Tibet Work Coordination Group, the CCP's United Front Work Department (UFWD), and the SARA are responsible for developing religious management policies, which are carried out with support from the «patriotic religious associations». At local levels, party leaders and branches of the UFWD, SARA, and the Buddhist Association of China are required to coordinate implementation of religious policies in monasteries, and many have stationed party cadres and government

officials, including public security agents, in monasteries in Tibetan areas.

CCP members, including ethnic Tibetans, are required to be atheists and are forbidden from engaging in religious practices. CCP members who belong to religious organizations are subject to expulsion, although these rules are not universally enforced.

China (Includes Tibet, Hong Kong, and Macau)

Executive Summary

The Basic Law of the Hong Kong Special Administrative Region (HKSAR), as well as other laws and policies, protects religious freedom. The Bill of Rights Ordinance incorporates the religious freedom protections of the International Covenant on Civil and Political Rights (ICCPR). Religious groups are exempt from the legal requirement that nongovernmental organizations (NGOs) register, and can apply for subsidies and concessionary terms to run schools and lease land. The government invites all religious groups to comment on whether proposed measures discriminate on the basis of religion. Some residents reported mainland authorities encroached on their religious outreach and engagement activities with mainland visitors and students.

There were no reports of significant societal action affecting religious freedom.

The U.S. consulate general affirmed U.S. government interest in the full protection of freedom of religion in meetings with the government. Consulate general officers at all levels, including the Consul General, met regularly with religious leaders and community representatives.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

Under the Basic Law, the HKSAR has autonomy in the management of religious affairs. The Basic Law calls for ties between the region's religious groups and their mainland counterparts based on «nonsubordination, noninterference, and mutual respect». The Basic Law states residents have freedom of conscience; freedom of religious belief; and freedom to preach, conduct, and participate in religious activities in public. The Basic Law also states the government cannot interfere in the internal affairs of religious organizations or restrict religious activities which do not contravene other laws.

The Bill of Rights Ordinance incorporates the religious freedom protections of the ICCPR. These protections include the right to manifest religious belief individually or in community with others, in public or

private, and through worship, observance, practice, and teaching. The Bill of Rights Ordinance states that persons belonging to ethnic, religious, or linguistic minorities have the right to enjoy their own culture, profess and practice their own religion, and use their own language. The ordinance also protects the right of parents or legal guardians to «ensure the religious and moral education of their children in conformity with their own convictions». These rights may be limited when an emergency is proclaimed and «manifestation» of religious beliefs may be limited by law when necessary to protect public safety, order, health, or morals or the rights of others. Such limitations may not discriminate solely on the basis of religion.

Religious groups are exempt from the legal requirement that NGOs register with the government. Religious groups are only required to register if they seek government benefits, such as tax-exempt status, rent subsidies, government or other professional development training, the use of government facilities, or a grant to provide social services. Applicants for registration must provide the name and purpose of the organization, identify its office-holders, and confirm the address of the principal place of business and any other premises owned or occupied by the organization. Religious groups may register as a society or tax-exempt organization as long as they have at least three members who hold valid HKSAR identity documents; the registration process normally takes about 12 working days. Falun Gong is not classified as a religious group under the law and must register if the group wishes to establish offices, collect dues from members, or have legal status.

The Basic Law allows private schools to provide religious education. The government offers funding to cover 90 percent of the budget of schools built and run by religious groups, should they seek such support. Government subsidized schools may not bar students based on religion, but they may provide religious instruction as part of their curriculum, which may be mandatory for all students. Teachers, however, may not discriminate against students on account of their religious beliefs. The public school curriculum mandates coursework on ethics and religious studies, with a focus on religious tolerance; the government's curriculum also includes elective modules on different world religions.

Religious groups may apply to the government to lease land at concessionary terms through Home Affairs Bureau sponsorship. Religious groups may apply to develop or use facilities in accordance with local legislation.

The only direct government role in managing religious affairs is the Chinese Temples Committee, led by the secretary for home affairs. The HKSAR Chief Executive appoints its members. The committee oversees

the management and logistical operations of 24 of the region's 600 temples and provides grants to other charitable organizations. The committee also provides grants to the Home Affairs Bureau for eventual disbursement as financial assistance to needy ethnic Chinese citizens. The colonial-era law does not require new temples to register.

Procedures under the current law have resulted in the six largest religious groups in the HKSAR holding 60 seats on the approximately 1,200-member election committee tasked with nominating and voting for the region's chief executive. The groups represented are the Catholic Diocese of Hong Kong, the Chinese Muslim Cultural and Fraternal Association, the Hong Kong Christian Council (which represents Protestant denominations), the Hong Kong Taoist Association, the Confucian Academy, and the Hong Kong Buddhist Association. Many of these groups hold their own internal elections to determine which member(s) will hold seats on the election committee.

China (Includes Tibet, Hong Kong, and Macau)

Executive Summary

The Basic Law of the Macau Special Administrative Region (SAR) grants residents freedom of religious belief, freedom to preach and participate in religious activities in public, and to pursue religious education. The law also protects religious assemblies and the rights of religious organizations to run schools, hospitals, and welfare institutions and to provide other social services. The Freedom of Religion and Worship Law states the government does not recognize a state religion, explicitly notes all religious denominations are equal before the law, and stipulates that religious groups may develop and maintain relations with religious groups abroad.

There were no reports of significant societal actions affecting religious freedom.

The U.S. Consulate General in Hong Kong and Macau engaged with government, religious, and civil society leaders on religious freedom. Consulate general staff stressed the importance of religious freedom in meetings with top Macau SAR government officials and civil society representatives.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The Macau Basic Law states, «Macau residents shall have freedom of religious belief, and freedom to preach and to conduct and participate in religious activities in public». These rights may be limited for national security reasons in extreme situations. The Basic Law further stipulates that the government shall not interfere in the internal affairs of religious groups or in the relations religious groups maintain with counterparts outside Macau. It bars the government from restricting religious activities that do not contravene the laws of the SAR.

Under the Basic Law, the government of the Macau SAR, rather than the central government of the People's Republic of China (PRC), is charged with safeguarding religious freedom in the SAR. Religious groups coordinate their relations with coreligionists in the PRC through the Central Government Liaison Office (CGLO). The CGLO also engages in dialogue with religious groups in the SAR.

The Basic Law's provisions for the protection of religious freedom are further delineated in the Freedom of Religion and Worship Law, which states the Macau SAR government does not recognize a state religion and stipulates all religious denominations are equal before the law. The law further provides for freedom of religion, including privacy of religious belief, freedom of religious assembly, freedom to hold religious processions, and freedom of religious education. The law specifically guarantees religious organizations may run seminaries and schools, hospitals, and welfare institutions and provide other social services. Schools run by religious organizations may provide religious education. The law also guarantees religious organizations the right to acquire, use, dispose of, and inherit property.

The law allows religious groups to register directly with the Identification Bureau. Applicants must supply their names, identification card numbers, and contact information, as well as the group's name and a copy of the group's charter to register. Registration is not required to conduct religious activities, and it does not automatically confer tax-exempt status or other advantages, though several religious groups reported they had tax exemptions for land use and business operation, enabling them to afford to fund charity work and operate schools.

The law stipulates religious groups may develop and maintain relations with religious groups abroad. The local Catholic Church, in communion with the Holy See, recognizes the pope as its head. The Vatican appoints the bishop for the diocese.

Eritrea

Executive Summary

The law and unimplemented constitution prohibit religious discrimination and provide for freedom of thought, conscience, and belief and the freedom to practice any religion. The government recognizes four officially registered religious groups: the Eritrean Orthodox Church, Sunni Islam, the Roman Catholic Church, and the Evangelical Lutheran Church of Eritrea. It appoints the heads of the Eritrean Orthodox Church and the Sunni Islamic community. Places of worship other than those of the four registered religious groups remained closed, but most buildings were unharmed and protected, including the Jewish synagogue. The government continued to refuse approval for most foreign financing of religious organizations. Jehovah's Witnesses, who were stripped of citizenship in 1994 due to their refusal to vote, continued to be unable to obtain official identification documents because of their religion. The government did not recognize conscientious objectors to military service and singled out Jehovah's Witnesses for particularly harsh treatment.

Government lack of transparency and intimidation of sources made it difficult to report accurately on specific religious freedom cases. According to the international nongovernmental organizations (NGOs) Human Rights Watch and Amnesty International, all religious groups were to varying degrees targeted by government restrictions. They reported that the government subjected members of unauthorized religious groups to arbitrary detention, torture, forced recanting as a condition of release, and other ill-treatment. According to the June 5 report of the UN Commission of Inquiry (COI) on Human Rights in Eritrea, the COI found that authorities prohibited religious gatherings; confiscated religious materials; arrested, subjected to ill treatment, tortured, and coerced religious adherents to recant their faith; and «disappeared» or killed many religious followers over the course of its reporting period between 1991 and 2015. The COI's findings relied primarily on testimony from victims and witnesses, thematic discussions, and written submissions. The government did not grant the COI access to the country.

There were no reports of significant societal actions affecting religious freedom.

U.S. embassy officials raised religious freedom concerns with government officials, including the imprisonment of Jehovah's Witnesses and

the lack of alternative service for conscientious objectors to mandatory national service that includes military training. Embassy officials also met with leaders and other representatives of religious groups, both registered and unregistered. Embassy officials discussed religious freedom on a regular basis with a wide range of interlocutors, including visiting international delegations, members of the diplomatic corps based in Asmara as well as in other countries in the region, and with UN officials.

Since 2004, Eritrea has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated Eritrea as a CPC and identified the following sanction that accompanied the designation: the existing ongoing arms embargo referenced in 22 CFR 126.1(a) pursuant to section 402(c)(5) of the Act.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The law and unimplemented constitution prohibit religious discrimination and provide for freedom of thought, conscience, and belief and the freedom to practice any religion.

A longstanding proclamation requires religious groups to register with the government or cease activities. Members of religious groups that are unregistered or otherwise not in compliance with the law are subject to penalties under the provisional penal code. Such penalties may include fines and prison terms. The Department of Religious Affairs has authority to regulate religious activities and institutions including approval of the applications of religious groups seeking official recognition. Each application must include a description of the religious group's history in the country, an explanation of the uniqueness or benefit the group offers compared with other religious groups, names and personal information of the group's leaders, detailed information on assets, a description of the group's conformity to local culture, and a declaration of all foreign sources of funding.

The government has registered and recognizes four religious groups: the Eritrean Orthodox Church, Sunni Islam, the Roman Catholic Church, and the Evangelical Lutheran Church of Eritrea. It also has appointed the heads of the Eritrean Orthodox Church and the Sunni Islamic community.

Groups must renew their registration every year. In 2002, the minister

of information issued a decree requiring all religious groups, except the Eritrean Orthodox Church, Sunni Islam, the Roman Catholic Church, and the Evangelical Church of Eritrea (affiliated with the Lutheran World Federation), to submit registration applications and cease religious activities and services until these applications were approved. Since 2002, the government has not approved the registration of additional religious groups.

Religious groups may print and distribute documents only with the authorization of the Office of Religious Affairs, which routinely approves such requests only for the four officially registered religious groups. If a religious institution disseminates a publication or broadcast through the media without government approval, the author of the publication or director of the broadcast is subject to a fine of up to 10,000 nakfa (\$667) and/or two years' imprisonment.

Religious groups must obtain government approval to build facilities for worship.

The law does not address religious education in public school. Religious education is allowed in private schools.

By law all citizens between 18 and 50 must perform national service, with limited exceptions. In 2012 the government instituted a compulsory citizen militia, requiring persons not already in the military, including many who were demobilized, elderly, or otherwise exempted from military service in the past, to carry firearms and attend militia training. Failure to participate in the militia or national service could result in detention. Militia duties mostly involve security-related activities, such as airport or neighborhood patrolling. Militia training primarily involves occasional marches and listening to patriotic lectures. The law does not provide for conscientious objector status for religious reasons, nor are there alternative activities for persons willing to perform national service but unwilling to engage in military or militia activities.

The law prohibits any involvement in politics by religious groups and restricts the right of religiously affiliated media outlets to comment on political matters.

All citizens must obtain an exit visa prior to departure. The application requests the applicant's religious affiliation, but the law does not require that information.

The law limits foreign financing for religious groups. The only contributions legally allowed are from local followers, from the government, or from government-approved foreign sources.

Iran

Executive Summary

The constitution declares the country to be an Islamic Republic, and Ja'afari Shia Islam to be the official state religion. It states all laws and regulations must be based on «Islamic criteria» and official interpretation of sharia. The constitution states citizens shall enjoy human, political, economic, and other rights, «in conformity with Islamic criteria» The penal code specifies the death sentence for proselytizing and attempts by non-Muslims to convert Muslims, as well as for moharebeh («enmity against God») and sabb al-nabi («insulting the prophets»). The constitution stipulates the five major Sunni schools be «accorded full respect» and enjoy official status in matters of religious education and certain personal affairs. «Within the limits of the law», the constitution states Zoroastrians, Jews, and Christians are the only recognized religious minorities permitted to worship freely and to form religious societies, although proselytizing is prohibited. The government executed at least 20 individuals on charges of moharebeh, among them a number of Sunni Kurds. A number of other prisoners, including several Sunni preachers, remained in custody awaiting a government decision to carry out their death sentences. According to the Iran Human Rights Documentation Center database, at least 250 members of minority religious groups remained imprisoned, including Sunnis, Bahais, Christian converts, Sufis, Yarsanis, and Zoroastrians. Shia religious leaders who did not support government policies reportedly continued to face intimidation and arrest. The government continued to harass Bahais, and regulated Christian religious practices closely to enforce the prohibition on proselytizing. Security officials continued to raid prayer sites belonging to Sunnis. Government-sponsored public denunciations of the Bahai faith increased. Anti-Semitic rhetoric also continued to appear in official statements. There were reports of authorities placing restrictions on Bahai businesses or forcing them to shut down.

Non-Muslims and non-Shia reportedly continued to face societal discrimination, especially the Bahai community, which reported continuing problems at different levels of society, including personal harassment. There were reports of non-Bahais being pressured to refuse employment to Bahais or dismissing Bahais from their private sector jobs. Shia clerics and prayer leaders reportedly continued to denounce Sufism and the activities of Sufis in both sermons and public statements.

The United States has no diplomatic relations with Iran. The U.S. government used public statements, sanctions, and diplomatic initiatives in international forums to condemn the government's abuses and restrictions on worship by religious minorities. Senior U.S. government officials publicly reiterated calls for the release of prisoners held on religious grounds. The United States supported religious minority groups in the country through actions in the UN, including votes to extend the mandate of the UN Special Rapporteur for Human Rights in Iran and support for resolutions expressing concern over the country's human rights practices, including the continued persecution of religious minorities. Since 1999, Iran has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated Iran as a CPC and identified the following sanction that accompanied the designation: the existing ongoing travel restrictions based on serious human rights abuses under section 221(a)(1)(C) of the Iran Threat Reduction and Syria Human Rights Act of 2012, pursuant to section 402(c)(5) of the Act.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares the country to be an Islamic Republic, the official religion to be Islam, and the doctrine followed to be Ja'afari Shiism. It states all civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on «Islamic criteria» and official interpretation of sharia.

The constitution states all citizens shall enjoy human, political, economic, social, and cultural rights, «in conformity with Islamic criteria». It states the investigation of an individual's beliefs in general is forbidden, and no one may be «molested or taken to task» for holding a certain belief. The constitution does not address the right of Muslim citizens to change or renounce their religious beliefs, nor does the penal code include provisions addressing apostasy, although apostasy is a crime punishable by death under sharia law, which judges may also apply. Under the law, a child born to a Muslim father is considered to be Muslim.

By law, non-Muslims may not engage in public religious expression, persuasion, or conversion of Muslims. Such activities are considered proselytizing

and are punishable by death.

The penal code stipulates the death sentence for moharebeh («enmity against God») and sabb al-nabi («insulting the prophets»).

The constitution states other schools of Islam, including the Hanafi, Shafi, Maliki, Hanbali, and Zaydi Sunni schools of Islam, are to be «accorded full respect» and their followers are free to perform religious rites. It states these five schools shall enjoy official status in matters of religious education and certain personal affairs, including marriage, divorce, and inheritance.

The constitution states Zoroastrians, Jews, and Christians are the only recognized religious minorities who, «within the limits of the law», have permission to perform religious rites and ceremonies and to form religious societies. They are also free to address personal affairs and religious education according to their own religious canon. The law bans these groups from proselytizing. Included in this legal grouping of three recognized religious minorities are Sabean-Mandaeans, whom the government regards as Christians, even though the Sabean-Mandaeans do not consider themselves to be Christians.

The Ministry of Culture and Islamic Guidance and the Ministry of Intelligence and Security monitor religious activity, while churches are also monitored by the Islamic Revolutionary Guard Corps (IRGC). All churchgoers must register with the authorities. Registration conveys certain rights, including the use of alcohol for religious purposes. Failure of churchgoers to register and attendance at churches by unregistered individuals may subject a church to closure and arrest of its leaders by the authorities. The law also requires Bahais to register with the police.

The constitution provides for freedom of the press except when it is «detrimental» to the fundamental principles of Islam.

The religious curriculum of public schools is determined by the Ministry of Education. All school curricula must include a course on Shia Islamic teachings and all pupils must pass this course in order to advance to the next educational level through university. Sunni students and students from recognized minority religious groups must also take and pass the courses on Shiism, although they may take courses on their own religions in addition.

Recognized religious minority groups, except for Sunni, may operate private schools.

The Ministry of Education supervises the private schools operated by the recognized minority religious groups and imposes certain curriculum requirements. The ministry must approve all textbooks used in

coursework, including religious texts. These schools may provide religious instruction in non-Persian languages, but authorities must approve those texts as well. The minority communities must bear the cost of translation expenses to meet this requirement. Directors of such private schools, whether the directors are Muslim or non-Muslim in religious affiliation, must demonstrate loyalty to the official state religion (a requirement known as *gozinesh*).

The law bars Bahais from founding their own educational institutions. A Ministry of Science, Research, and Technology order requires universities to exclude Bahais from access to higher education or expel them if their religious affiliation becomes known. The government instruction states Bahais are permitted to enroll in schools only if they do not identify themselves as such. To register for the university entrance examination, Bahai students must identify themselves as followers of a religion other than Bahai. To pass the entrance examination, university applicants must pass an exam on Islamic, Christian, or Jewish theology.

According to the constitution, Islamic scholars select the supreme leader, whose qualifications include piety and religious scholarship. To «safeguard» Islamic ordinances and to examine the compatibility with Islam of legislation passed by the Consultative Assembly, the constitution mandates formation of a Guardian Council composed of six Shia clerics appointed by the supreme leader and six Shia legal scholars nominated by the judiciary. The Guardian Council also reviews all candidates for the body selecting the supreme leader, and all candidates for elective office.

The constitution bans the Majlis from passing laws contrary to Islam and states there may be no amendment to its provisions related to the «Islamic character» of the political or legal system or to the specification of Shia Ja'fari Islam as the official religion.

Non-Muslims may not be elected to a representative body or hold senior government or military positions, with the exception of five of the 290 Majlis seats reserved by the constitution for religious minorities. There are two seats for Armenian Christians, one for Assyrian Christians, one for Jews, and one for Zoroastrians.

The constitution states in regions where followers of one of the five recognized Sunni schools constitute the majority, local regulations are to be in accordance with that school within the bounds of the jurisdiction of local councils, and without infringing upon the rights of the followers of the other schools.

According to the constitution, a judge should rule on a case on the basis of the codified law, but in a situation where such law is absent, he

should deliver his judgment on the basis of «authoritative Islamic sources and authentic fatwas».

The constitution specifies the government and all Muslims are «duty-bound» to treat non-Muslims in conformity with the principles of Islamic justice and equity, and to respect their human rights, as long as those non-Muslims refrain from «engaging in conspiracy or activity» against Islam and the Islamic republic.

According to the law, the value of a woman's «blood money» or testimony in court is half that of a man, with the exception of traffic accidents, and women are not granted custody or guardianship of their children. The age for criminal accountability for a girl starts from about age nine and about age 14 for a boys.

By law, non-Muslims may not serve in the judiciary, the security services (separate from regular armed forces), or as public school principals. Officials screen candidates for elected offices and applicants for public sector employment based on their adherence to and knowledge of Islam, although members of recognized religious minorities, with the exception of Bahais, may serve in the lower ranks of government. Government workers who do not observe Islamic principles and rules are subject to penalties and may be barred from work.

Bahais are banned from government employment and from all leadership positions in the military. They are not allowed to participate in the governmental social pension system. Bahais cannot receive compensation for injury or crimes committed against them and cannot inherit property. The government does not recognize Bahai marriages and divorces, but allows a civil attestation of marriage to serve as a marriage certificate.

The constitution permits the formation of political parties based on Islam or on one of the recognized religious minorities, provided the parties do not violate the «criteria of Islam», among other stipulations.

The constitution states the military must be Islamic, must be committed to Islamic ideals and must recruit individuals who are committed to the objectives of the Islamic revolution. In addition to the regular military, there is an Islamic Revolutionary Guard Corps charged with upholding the Islamic nature of the revolution at home and abroad. By law, members of religious minority groups are not exempt from military service. The law forbids non-Muslims from holding positions of authority over Muslims in the armed forces. Members of constitutionally protected religious minorities with a college education may serve as officers during their mandatory military service, but may not continue to serve beyond the mandatory service period to become career military officers.

The law authorizes collection of «blood money» as restitution to families for the death of Muslims and protected minorities. According to law, Bahai blood may be spilled with impunity, and Bahai families are not entitled to restitution.

Korea, Democratic People's Republic of

Executive Summary

Religious freedom does not exist in North Korea despite the constitutional guarantee for the freedom of religion. The February 2014 report of the United Nations Commission of Inquiry (COI) on the Human Rights Situation of the DPRK concluded there was an almost complete denial by the government of the right to freedom of thought, conscience, and religion, and, in many instances, violations of human rights committed by the government constitute crimes against humanity. The COI recommended that the UN Security Council refer the situation in the country to the International Criminal Court (ICC) for action in accordance with the Court's jurisdiction. In 2015, the UN General Assembly and Human Rights Council adopted resolutions on the human rights situation in the country. Since 2014, these resolutions have encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the COI. The government's policy towards religion has been to maintain an appearance of tolerance for international audiences, while suppressing internally all nonstate-sanctioned religious activities. The country's inaccessibility and lack of timely information, make arrests and punishments difficult to verify. International media reported the country's authorities detained and deported foreigners, possibly in connection with religious activities.

Defector accounts indicated religious practitioners often concealed their activities from neighbors, coworkers, and other members of society for fear their activities would be reported to the authorities.

The U.S. government does not have diplomatic relations with the country. Since 2001, it has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated the country as a CPC and identified the following sanction that accompanied the designation: the existing ongoing restrictions to which North Korea is subject, pursuant to sections 402 and 409 of the Trade Act of 1974 (the Jackson-Vanik Amendment) pursuant to section 402(c)(5) of the Act.

The United States cosponsored resolutions at the UN General Assembly and Human Rights Council condemning the government's systematic, widespread, and gross human rights violations.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The country is party to the International Covenant on Civil and Political Rights. Article 68 of the constitution provides for freedom of religion: «Citizens shall have the right of faith. This right guarantees them chances to build religious facilities or perform religious rituals». It further provides, however, that «religion must not be used as a pretext for drawing in foreign forces or for harming the state and social order».

The «Report of the DPRK Association for Human Rights Studies», an official government document, states «Freedom of religion is allowed and provided by the State law within the limit necessary for securing social order, health, social security, morality and other human rights. Especially, the Government prevents the religion from being used to draw in foreign forces or harm the state and social order».

Ownership of Bibles or other religious materials brought in from abroad is reportedly illegal and also punishable by imprisonment and severe punishment, including, in some cases, execution.

Saudi Arabia

Executive Summary

Sunni Islam is the official religion, and the country's constitution is the Quran and the Sunna, or traditions of the Prophet Muhammad. The legal system is based on the Hanbali School of Sunni Islamic jurisprudence, and freedom of religion is not addressed in the law. The law criminalizes «calling for atheist thought», «calling into question the Islamic religion», and «sowing discord in society». One citizen was publicly lashed 50 times in accordance with a sentence based on his 2013 conviction for violating Islamic values, violating sharia, committing blasphemy, and mocking religious symbols on the internet. The government imprisoned individuals accused of apostasy and blasphemy, violating Islamic values, insulting Islam, black magic, sorcery, and «immoral activity». The government sentenced at least two individuals to death for apostasy and blasphemy, and both sentences were pending appeal at year's end. Citing rules on activities such as gender mixing, noise disturbances, and immigration violations, the government harassed, detained, arrested, and occasionally deported some foreign residents who participated in private non-Islamic religious activities. Instances of prejudice and discrimination against Shia Muslims continued to occur with respect to access to public services and equitable representation in government, educational and public-sector employment opportunities, and judicial matters. Shia clerics and activists who advocated for equal treatment of Shia Muslims were arrested, and at least one Shia cleric awaited execution after being convicted on charges of «violent opposition» to the government. The government continued to censor or block media content it deemed objectionable, and employed religious police to enforce public morality. The government did not recognize the freedom to practice publicly any non-Muslim religions. The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV) continued to receive criticism in both traditional and social media for aggressive policing. The government did not complete its project with the stated aim of removing content disparaging religions other than Islam from textbooks, although it continued to phase in a newly revised curriculum.

Local affiliates of Da'esh (Islamic State of Iraq and the Levant) claimed to have conducted at least five attacks against Shia targets in the country during the year. The government condemned and investigated the attacks, and increased security at Shia places of worship.

Instances of societal prejudice and discrimination against Shia Muslims continued regarding private-sector employment. Social media provided an outlet to discuss current events and religious issues, which sometimes included making disparaging remarks about members of religious groups. Editorial cartoons exhibited anti-Semitism characterized by the use of stereotypical images of Jews along with Jewish symbols, particularly at times of heightened political tension with Israel.

Embassy and consulate officials at all levels continued to press the government to respect religious freedom, eliminate discriminatory enforcement of laws against religious minorities, and promote respect and tolerance for minority Muslim and non-Muslim religious practices and beliefs. During the year, the Ambassador and other embassy officials continued to raise and discuss violations of religious freedom, and queried the legal status of those detained with officials from a variety of government entities. Embassy and consulate officials continued to discuss religious freedom concerns such as religious assembly and importation of religious materials with members of religious minorities, including Shia Muslims and citizens who no longer considered themselves Muslims, as well as with non-Muslim foreign residents.

Since 2004, Saudi Arabia has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. Most recently, on February 29, 2016, the Secretary of State redesignated Saudi Arabia as a CPC, and announced a waiver of the sanction that accompany designation as required in the important national interest of the United States pursuant to section 407 of the Act.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The Basic Law of Governance establishes the country as a sovereign Arab Islamic state in which Islam is the official religion. The Basic Law stresses sharia as the «foundation of the Kingdom» and states that the «country's constitution is the Quran and the Sunna». The Basic Law contains no legal recognition or protection of religious freedom, and does not address the concept of inviolability of conscience other than for Islam. Conversion from Islam to another religion is grounds for charges of apostasy, a crime

which is legally punishable by death, although Saudi courts have not carried out a death sentence for apostasy in recent years.

Blasphemy against Sunni Islam is a crime that may also legally be punished by death, but in practice courts have not sentenced individuals to death for blasphemy in recent decades. Common penalties for blasphemy are lengthy prison sentences and lashings, often after detentions without trial, or so-called «protective custody». Criticism of Islam, including expression deemed offensive to Muslims, is forbidden on the grounds of preserving social stability.

The country's counterterrorism law criminalizes «calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion». The law also prohibits «attending conferences, seminars, or meetings inside or outside [the country] targeting the security of society, or sowing discord in society», and «inciting or making countries, committees, or international organizations antagonistic to the Kingdom». The right to access legal representation for those accused of violating the counterterrorism law is limited to an unspecified period before the matter goes to court with the timeframe determined by the investigative entity. There is no right to access government-held evidence.

All citizens are required to be Muslim. The Basic Law states the duty of every citizen is to defend Islam, society, and the homeland. Non-Muslims must convert to Islam before they are eligible to naturalize. The law requires applicants for citizenship to attest to being Muslim and obtain a certificate documenting their religious affiliation endorsed by a Muslim religious authority. Children born to Muslim fathers are deemed Muslim by law.

Public school students at all levels receive mandatory religious instruction based on Sunni Islam according to the Hanbali School of jurisprudence. Private schools are not permitted to deviate from the official, government-approved religious curriculum. Non-Muslim students in private international schools are required to study «Islamic civilization» in place of the curriculum designed for Muslim students.

The CPVPV, sometimes referred to as the «religious police», is a semi-autonomous government agency with authority to monitor social behavior and enforce «morality» consistent with the government's policy and in coordination with law enforcement authorities. CPVPV field officers do not wear uniforms but are required to wear identification badges and legally can only act in their official capacity when accompanied by regular police. The CPVPV reports to the king through the Council of Ministers, and the Ministry of Interior (MOI) oversees its operations on the king's behalf.

The purview of the CPVPV includes combatting public socializing and private contact between unrelated men and women (gender mixing); practicing or displaying emblems of non-Muslim faiths or failing to respect Islam; «immodest» dress, especially for women; displaying or selling media contrary to Islam, including pornography; producing, distributing, or consuming alcohol; venerating places or celebrating events inconsistent with approved Islamic practices; practicing «sorcery» or «black magic»; and committing or facilitating acts that are considered lewd or morally degenerate, including adultery, homosexuality, and gambling.

The judicial system is based on laws derived from the Quran and the Sunna, and on fatwas (legal opinions or interpretations) of the 20-person Council of Senior Religious Scholars (ulema) that reports to the king. The Basic Law states governance is based on justice, shura (consultation), and equality according to sharia and further identifies the Quran and the Sunna as the sources for fatwas. The law specifies hierarchical organization for the composition of the Council of the Senior Ulema, the Research Administration, and the Office of the Mufti, together with their functions. The Basic Law recognizes the council, supported by the Board of Research and Religious Rulings, as the supreme authority on religious matters. The council is headed by the grand mufti and is composed of Sunni religious scholars and jurists, most of whom are from the Hanbali School of jurisprudence, with one representative of each of the other Sunni Schools (Malaki, Hanafi, and Shafi'i). There are no Shia members. Scholars are chosen at the king's discretion and serve renewable four-year terms, with most members serving for life.

Decisions in Islamic law are not bound by precedent, and rulings can diverge widely. Appeals are made to the appellate and supreme courts, provided higher courts agree to hear the case. Government universities provide training in all four Sunni Schools of jurisprudence, with a focus on the Hanbali School; consequently, most Islamic law judges follow the Hanbali system. The calculation of accidental death or injury compensation differs according to the religious affiliation of the plaintiff. In the event a court renders a judgment in favor of a plaintiff who is a Jewish or Christian male, the plaintiff is entitled to receive only 50 percent of the compensation a Muslim male would receive; all other non-Muslims are entitled to receive only one-sixteenth the amount a male Muslim would receive. Judges have been observed to discount the testimony of Muslims whom they deemed deficient in their knowledge of Islam, and to favor the testimony of Muslims over the testimony of non-Muslims. Under the government's interpretation of the Quran, courts place the value of a

woman's testimony in capital cases as half that of a man's.

The Basic Law requires the state to protect human rights in accordance with sharia. The Human Rights Commission (HRC), a government entity, is tasked with protecting, enhancing, and ensuring implementation of international human rights standards «in light of the provisions of sharia», and regularly follows up on citizen complaints. Although there are no formal requirements regarding the composition of the HRC, during the year the commission had approximately 28 members from various parts of the kingdom, including two Shia.

Sudan

Executive Summary

The Interim National Constitution (INC) provides for freedom of religious creed and the rights to worship, assemble, and maintain places of worship. Some laws and government practices are based on sharia and do not provide protections for religious minorities, including minority Muslim groups. The criminal code criminalizes apostasy, blasphemy, and conversion from Islam to another religion. There were reports of the government denying permits for the construction of new churches, detaining church members, closing or demolishing pre existing churches, restricting non-Muslim religious groups and missionaries from operating in or entering the country, censoring religious materials and leaders, and arresting or intimidating suspected proselytizers. Authorities detained 27 individuals following a seminar in which they reportedly said they did not acknowledge the hadiths (the Prophet Mohammad's teachings). In September local media reported an imam was charged with apostasy for reportedly saying that bowing or prostrating to someone other than God in certain social contexts was permissible. In March two South Sudanese pastors from the Presbyterian Evangelical Church stood trial in Khartoum after several months of detention for crimes including espionage and undermining the constitutional system – both of which carried the death penalty. Both pastors were convicted of lesser charges and released based on time already served. The government initiated an appeal in absentia in November. There were multiple reports of individuals being arrested for «indecent dress», including 12 Christian female students wearing trousers. One was sentenced to 20 lashes, although the penalty was not imposed. As part of the National Dialogue, representatives from the government, civil society, and political parties debated, among other issues, the centrality of religion to national identity in an effort to inform future legal reforms, including to the constitution.

There were reports Muslim citizens sometimes harassed and intimidated non-Muslims. Unknown assailants burned down the Evangelical Lutheran Church in Gedaref. A small but growing minority of Salafist groups continued their rhetoric against other Muslims and non-Muslims.

In high-level discussions with the government, U.S. officials encouraged respect for religious freedom and the protection of minority religious groups. On separate visits to Sudan, the U.S. Ambassador at Large for

International Religious Freedom, the U.S. Special Envoy for Sudan and South Sudan, and the Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor raised specific cases with government officials and emphasized the government's need to bring the country's legal framework into compliance with international human rights obligations. Embassy officials stressed respect for religious freedom was crucial to improved relations with the United States. The Embassy maintained close contact with religious leaders, faith groups, and nongovernmental organizations (NGOs) and monitored and attended many of the legal proceedings for those prosecuted in connection with their religious beliefs.

Since 1999, Sudan has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated Sudan as a CPC and identified the following sanction that accompanied the designation: the restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7042(j) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (Div. K, Pub. L. 113-76), and any provision of law that is the same or substantially the same as this provision, pursuant to section 402(c)(5) of the Act.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The INC provides for freedom of religious creed and worship, and grants individuals the right to declare their religious beliefs and manifest them by way of worship, education, practice, or performance, subject to requirements of laws and public order. It prohibits the coercion of individuals to adopt a faith they do not believe in or to engage in rites or services to which they do not voluntarily consent. These rights may be suspended during a state of emergency. The INC states that nationally enacted legislation shall be based on sharia, but otherwise does not stipulate laws based on religion.

According to the INC, all rights and freedoms enshrined in international human rights instruments ratified by Sudan are considered integral parts of the INC's bill of rights.

The INC allows religious groups to establish and maintain humanitarian

and charitable institutions, acquire property and materials related to their religious rites and customs, write and disseminate religious publications, teach religion, solicit public and private contributions, select their own leaders, observe days of rest, celebrate religious holidays, and communicate with constituents on matters of religion.

The INC has not been amended to reflect the 2011 independence of South Sudan. The INC states that where the majority of residents do not practice the religion or customs on which the national legislation is based, citizens may introduce new legislation consistent with their religion and customs or refer the existing legislation to the Council of States, the lower house of parliament. To date no group has attempted to introduce new legislation or referred existing legislation to the council based on minority religious beliefs, practices, or customs.

The INC denies recognition to any political party that discriminates based on religion and specifically prohibits religious discrimination against candidates for the national civil service. Constitutional violations of freedom of religion may be pursued in the Constitutional Court; however, cases of discrimination often originate and are addressed in lower courts dealing with civil or criminal charges.

National laws reflect a sharia system of jurisprudence. The criminal code states the law shall be based on sharia sources and include hudood, qisas, and diyah principles (specific serious crimes and related restitution and punishment). It takes into consideration sharia schools of jurisprudence (madhabib). Other criminal and civil laws, including public order laws, are determined at the state level.

Some aspects of the criminal code specify punishments for Muslims based on sharia principles. For example, the criminal code stipulates 40 lashes for a Muslim who drinks, possesses, or sells alcohol; no punishment is prescribed for a non-Muslim who drinks or possesses alcohol in private. The criminal code stipulates if a non-Muslim is arrested for public drinking, possessing, or selling of alcohol, he or she is subject to trial, but the punishment will not be based on hudood principles. Most other articles of the code specify punishments according to the region (North or South) where the crime occurred, rather than the religion of the accused.

The criminal code's section on religious offenses includes articles on violations against any religion, such as insulting religion or blasphemy, disturbing places of worship, and trespassing upon places of burial.

The criminal code states, «whoever insults any religion, their rights or beliefs or sanctifications or seeks to excite feelings of contempt and disrespect against the believers thereof» shall be punished with up to six months

in prison, flogging of up to 40 lashes, and/or a fine. The government has only enforced the law against those it has found to be blasphemers of Islam. In January the article was amended to include two additional sub-articles, which prescribe penalties for any non-Muslim who curses the Prophet Muhammad, his wives, or members of his households of up to five years' imprisonment and 40 lashes.

There is no penalty for someone who converts from another religion to Islam. The criminal code does not explicitly ban proselytizing, but criminalizes both apostasy and acts that encourage apostasy against Islam. In January the government amended the criminal code to widen the legal definition of apostasy. In addition to those who convert from Islam to another religion, any Muslim who questions the Quran, the Sahaba (the Companions of the Prophet), or the wives of the Prophet may also be considered guilty of apostasy and sentenced to death. Those charged with apostasy are allowed to repent within a period decided by the court. Under the new amendment, those who do repent may still face up to five years in prison.

By law, the justice minister can release any prisoner who memorizes the Quran during his or her prison term. The release requires a recommendation for parole from the prison's director-general and a religious committee composed of the Sudan Scholars Organization and members of the Islamic Panel of Scholars and Preachers (Fiqh Council, an official body of 40 Muslim religious scholars responsible for Islamic jurisprudence), which consults with the Ministry of Guidance and Endowments (MGE) to ensure decisions comply with Islamic legal regulations.

Muslim men may marry women of any faith, including Christianity and Judaism. A Muslim woman cannot legally marry a non-Muslim man unless he converts to Islam.

Separate family courts exist for Muslims and non-Muslims to address personal affairs such as marriage, divorce, and child custody, according to their religious norms. In custody dispute cases where one parent is Muslim and the other is Christian, courts grant custody to the Muslim parent if there is any concern that the non-Muslim parent will raise the child in a religion other than Islam.

According to Muslim personal status laws, Christians (including children) may not inherit assets from a Muslim.

To gain official recognition by the government, religious groups must register at the state level with the MGE, or a related ministry such as the Ministry of Culture or the Humanitarian Aid Commission (HAC), depending on the nature of the group and its activities. The HAC oversees NGOs and nonprofit organizations. Religious groups with humanitarian

or development agencies must register those bodies as nonprofit NGOs with the HAC. Groups registered with the HAC must have their activities approved and financial statements reviewed by the government. Religious groups that do not register are ineligible to apply for other administrative procedures, including land ownership, tax exemptions, and work permits.

The MGE regulates religious practice, including activities such as reviewing Friday sermons at mosques. It determines, along with the state level entities responsible for land grants and planning, whether to provide authorizations or permits to build new houses of worship, taking into account zoning concerns such as the distance between religious institutions and population density (the allocation of land to religious entities is determined at the state level). The MGE is mandated to assist both mosques and churches in obtaining tax exemptions and duty-free permits to import items such as furniture and religious items for houses of worship; it also assists visitors attending religiously sponsored meetings and activities to obtain tourist visas through the Ministry of Interior.

An interministerial committee must approve foreign clergy and other foreigners seeking a residency permit.

Public order laws, based largely on the government's interpretation of Islamic law, vary by state and are primarily enforced in large cities. These laws prohibit indecent dress and other «offenses of honor, reputation, and public morality». The law grants the Special Public Order police and judges wide latitude in arresting and passing sentence on accused offenders.

The state mandated education curriculum requires all schools, including international schools and private schools operated by Christian groups, to provide Islamic education classes to Muslim students, from pre school through the second year of university. Some private schools have government-provided teachers to teach Islamic subjects. Public schools do not require non-Muslims to attend Islamic education classes, but must provide them with other religious instruction. A minimum of 15 Christian students per class is required for Christian instruction in public schools. According to the Ministry of Education, following the separation of South Sudan, this ratio has not been met in most schools. Students therefore attend religious study classes outside of regular school hours.

The curriculum for religious education is determined by the Ministry of Education. According to the ministry, the Islamic curriculum is intended to reflect one form of Islam. According to government representatives, this implies following the Sunni tradition.

Government offices and businesses follow an Islamic workweek (Sunday to Thursday). The law requires employers to give Christian

employees two hours off on Sundays for religious activity. Citizens are granted leave from work to celebrate Orthodox Christmas, an official state holiday, along with several key Islamic holidays.

The president appoints the Fiqh Council to four-year renewable terms to advise the government and issue fatwas on religious matters, including levying customs duties on the importation of religious materials and the payment of interest on loans for public infrastructure. The panel's opinions are not legally binding. Muslim religious scholars are free to present differing religious and political viewpoints in public.

Tajikistan

Executive Summary

The constitution provides for the right, individually or jointly, to adhere to any religion or to no religion, and to participate in religious customs and ceremonies. The constitution says religious organizations shall be separate from the state and «shall not interfere in state affairs». The law restricts Muslim prayer to specific locations, regulates the registration and location of mosques, and prohibits persons under the age of 18 from participating in public religious activities. The government's Committee on Religious Affairs (CRA) approves appointment of imams in accordance with the law, and controls the content of their sermons. There were numerous reports of police forcibly shaving men's beards, although the government denied it had issued any instruction to police to forcibly shave citizens. One man died in police custody after police detained and beat him allegedly for wearing a beard. The government maintained a list of banned organizations and convicted at least 13 individuals of belonging to the banned Salafiya movement. The government provided no information on the number of cases of individuals detained, arrested, or convicted in 2014 on charges of inciting religious enmity and/or involvement in groups banned as extremist. Nongovernmental organizations (NGOs) reported the CRA denied registration to religious groups on technical or administrative grounds. Officials reportedly told the Jehovah's Witnesses not to apply for reregistration because of the group's «extremist» activities. The government installed surveillance cameras in mosques, and also banned public financial donations to mosques. Officials announced the suspension and/or conversion to social use of several hundred mosques, which they said had been operating illegally or remained unregistered. The government-influenced Hanafi Sunni Ulema Council, the country's highest body of Islamic scholars, maintained its ruling that prohibits women from attending mosques.

It was difficult to obtain information concerning societal abuses or discrimination on the basis of religious belief from nongovernment sources. Ethnic Tajiks who converted from Islam reported that at times they faced disapproval from family members or pressure to return to their traditional faith. Leaders of the Roman Catholic and Russian Orthodox communities stated the local population did not hinder their worship services.

The U.S. ambassador, other embassy staff, and visiting senior U.S. government officials met with government officials, including CRA members,

to encourage them to adhere to their international commitments to respect freedom of religion and belief. Embassy officers also raised concerns about restrictions on minors and women participating in religious services, rejection of attempts of nontraditional religions to register their organizations, convictions on the grounds of «religious extremism», and restrictions on religious education, the wearing of religious attire, and the publication and importation of religious literature. Embassy officers also met regularly with religious leaders and civil society groups to address the same issues and discuss their concern over government restrictions affecting religious freedom. On February 29, 2016, the Secretary of State designated Tajikistan a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. The Secretary of State also announced a waiver of the sanctions that accompanies designation as required in the important national interest of the United States.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares the country shall be a secular state and religious organizations shall be separate from the state and «shall not interfere in state affairs». According to the constitution, everyone has the right, individually or jointly, to adhere to any religion or to adhere to no religion, and to take part in religious customs and ceremonies.

The law recognizes the «special status» of Sunni Islam's Hanafi school of jurisprudence with respect to the country's culture and spiritual life.

The law defines any group of people who join together for religious purposes as a religious association. These associations are «formed for the aims of joint conducting of religious worship» and are sub-divided into religious organizations and religious communities. In order to operate legally, religious associations and organizations are required to register with the government, a process overseen by the CRA.

In order to register a religious organization, a group of at least 10 persons over the age of 18 must first obtain a certificate from the local authorities confirming that adherents of their religious faith have lived in the local area for at least five years. The founders must each supply proof of citizenship, home address, and date of birth; they must also provide an account of their beliefs and religious practices and describe their attitudes related to

education, family and marriage, and the health of their adherents. As part of their documentation, religious organizations must list «national religious centers, central cathedral mosques [facilities built for Friday prayers], central jamoatkhona [prayer places], religious educational institutions, churches, synagogues and other forms not contradicting the law». There are also restrictions on the number and type of mosques. Religious organizations have to specify in their charters the activities they plan to undertake, and have to report annually on their activities or face deregistration.

Religious communities include cathedral mosques and mosques where prayers are recited five times per day. These communities are required to register both locally and nationally, and must be registered «without the formation of a legal personality». Religious communities must stick to the «essence and limits of activity» set out in their charters.

The law provides penalties for religious associations which engage in activities contrary to the purposes and objectives set out in their charter, and makes the CRA responsible for handing down fines for such offenses. The Code on Administrative Offenses imposes fines for performing activities beyond the purposes and objectives defined by the charter of a religious association. Individuals are subject to fines of 280 to 400 somoni (\$43-\$62), heads of religious associations are fined 800 to 1,200 somoni (\$123-\$184), and legal entities are subject to fines of 4,000 to 5,000 somoni (\$615- \$769). For offenses committed repeatedly within a year after the original offense, fines are increased to 480 to 800 somoni (\$74-\$123) for individuals, 1,600 to 2,000 somoni (\$246-\$307) for heads of religious associations, and 12,000 to 16,000 somoni (\$1,842- \$2,456) for legal entities.

If a religious group conducts activities without obtaining lawful registration, local authorities may force a place of worship to close, and fine each member from 280-400 somoni (\$43-\$62) for first time individual offenders, 800-1,200 somoni (\$123-\$184) for religious organization leaders, and 4,000-8,000 somoni (\$614-\$1,228) for illegal entities. In case of repetition of the same offense within one year, the authorities may levy fines of 480-800 somoni (\$74-\$123) for repeat individual offenders, 1,600-2,000 somoni (\$246-\$307) for religious organization leaders, and 12,000-16,000 somoni (\$1,842-\$2,456) for illegal entities.

The CRA is the main body overseeing and implementing all religious law. The Center for Islamic Studies, under the president's executive office, helps formulate the government's policy toward religion.

The law restricts Muslim prayer to four locations: mosques, cemeteries, homes, and shrines. The law regulates registration, size, and location

of mosques, limiting the number of mosques which may be registered within a given population area. «Friday» mosques, which conduct larger Friday prayers as well as prayers five times per day, are allowed in districts with populations of 10,000 to 20,000 persons; «five-time» mosques, which conduct only daily prayers five times per day, are allowed in areas with populations of 100 to 10,000. In Dushanbe, Friday mosques are allowed in areas with 30,000 to 50,000 persons, and five-time mosques are allowed in areas with populations of 1,000 to 5,000. The law allows one «central Friday mosque» per district or city, and makes other mosques subordinate to it.

Mosques function on the basis of their self-designed charters in buildings constructed by appropriate religious organizations or by individual citizens, or with the assistance of the general population. The law states the selection of imam-khatibs (religious leaders who preach sermons and conduct weekly Friday prayers) and imams shall take place in coordination with «the appropriate state body in charge of religious affairs» (i.e. the CRA must approve the imam-khatibs and imams elected by the founders of each mosque). The CRA regulates and formulates the content of Friday sermons.

The law regulates private celebrations, including weddings, funeral services, and celebration of the Prophet Muhammad's birthday. The law limits the number of guests and controls ceremonial gift presentations and other rituals. The law states mass worship, religious traditions, and ceremonies shall be carried out according to the procedures for holding meetings, rallies, demonstrations, and peaceful processions prescribed elsewhere in the law.

The law prohibits children under 18 years of age from participating in «public religious activities», including attending worship services at public places of worship. Children are allowed to attend religious funerals and to practice religion at home, under parental guidance. The law allows children to participate in religious activities as part of specific educational programs at authorized religious institutions.

The law allows registered religious organizations to produce, export, import, and distribute an unspecified amount of religious literature with the advance consent of the appropriate state authorities. Only registered religious organizations are entitled to establish enterprises to produce literature and material with religious content. Such literature and material must indicate the full name of the religious organization producing it. The law allows the government authorities to levy fines for the production, export, import, sale, or distribution of religious literature without permission from the CRA. According to the law, violators are subject to

finances of up to 2,800 somoni (\$430) for individuals, 6,000 somoni (\$921) for government officials (who distribute or produce literature without permission), and 12,000 somoni (\$1,842) for legal entities.

The law requires all institutions or groups wishing to provide religious instruction to obtain permission from the CRA. Central district mosques may operate madrassahs, which are open only to high school graduates. Other mosques, if registered with the government, may provide part-time religious instruction for younger students.

With written parental consent, the law allows minors between the ages of seven and 18 to obtain religious instruction provided by a registered religious organization outside of mandatory school hours. According to the law, this kind of extracurricular religious education may not duplicate religious instruction already part of the school curriculum. The CRA is responsible for monitoring mosques throughout the country to ensure implementation of these provisions.

Parents may teach religion to their children at home, provided the child expresses a desire to learn. The law forbids religious instruction at home to individuals outside the immediate family. The law maintains restrictions on sending citizens abroad for religious education, and for establishing ties with religious organizations abroad without CRA consent. To be eligible to study religion abroad, students must complete a higher education degree domestically and be enrolled at a university accredited in the country in which it operates. The law provides for fines of 2,000 to 4,000 somoni (\$307 to \$614) for violating these restrictions.

The constitution protects the right to create political parties which are religious in nature, but prohibits the establishment of political parties and public associations which encourage religious enmity and hatred.

The constitution prohibits «propaganda and agitation» encouraging religious enmity.

Turkmenistan

Executive Summary

The constitution guarantees the equality of citizens before the law regardless of religious preference. There were reports of beatings, imprisonment, arbitrary detention, searches, confiscation of religious materials, and verbal abuse against religious minorities, particularly Protestants and Jehovah's Witnesses. No new religious groups received registration during the year. The law prohibits all activity by unregistered religious groups including establishing places of worship, gathering for services, producing and disseminating religious materials, and proselytizing. Activities of unregistered groups are punishable through administrative fines. The government restricted the ability of registered groups to obtain permanent premises for worship, and to print, import, or disseminate religious literature. The government granted early release to one Jehovah's Witness imprisoned for conscientious objection to military service. One Jehovah's Witness remained in prison and another was reportedly held against his will in a military medical facility. The government stated it would not engage in a direct dialogue with minority religious groups regarding alternatives to military service for conscientious objectors or the treatment of minority religious groups by the government. Self-funded pilgrims reportedly were able to participate in the Hajj without government restriction, and government officials participated in a study tour on international religious freedom sponsored by the Organization for Security and Cooperation in Europe (OSCE). The government replaced the Council on Religious Affairs with the State Commission on government replaced the Council on Religious Affairs with the State Commission on Religious Organizations and Expert Evaluation of Religious Information Resources (SCROEERIR).

Societal criticism and harassment of those who deviated from traditional ethnoreligious beliefs and practices continued. Ethnic Turkmen who converted from Islam reportedly received more societal scrutiny than ethnic non-Turkmen converts and were ostracized by their communities.

In meetings and official correspondence with government officials, U.S. Embassy representatives and visiting U.S. government officials – including the Secretary of State – continued to express concerns about the arrests and imprisonment of Jehovah's Witnesses, the lack of civilian service alternatives to military service, the right of religious groups to register, the lack of readily available information about registration procedures, restrictions

on the importation and distribution of religious literature, and the right to freedom of thought, conscience, and religion. Since 2014, Turkmenistan has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. On February 29, 2016, the Secretary of State redesignated Turkmenistan as a CPC and announced a waiver of the sanctions that accompany designation as required in the important national interest of the United States.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of religion and worship, including the right of individuals to choose their religion, to express and disseminate their religious beliefs, and to participate in religious observances and ceremonies. The constitution maintains separation of government and religion and guarantees government education be secular in nature. The constitution guarantees the equality of citizens before the law regardless of religious preference.

The law requires all religious organizations to register with the Ministry of Justice (MOJ) to operate legally. Regulations state that to register, organizations must submit their contact information, proof of address, charter, and a registration fee of approximately 400 manat (\$114).

There are two legal categories for registered religious communities: religious groups (consisting of at least five and fewer than 50 members of legal age), and religious organizations (consisting of at least 50 members).

The administrative code sets out a detailed schedule of fines for conducting any activities that are not described in a religious group's or organization's charter.

Unregistered religious groups and unregistered branches of religious groups cannot legally conduct religious activities, including establishing places of worship, gathering for services, producing or disseminating religious materials, or proselytizing. Such activity is punishable as an administrative offense, with fines ranging from 500 to 1,000 manat (\$143 to \$286), depending on whether the person involved in the activity is a religious leader or is acting on behalf of a religious group.

The religion law prohibits religious attire in public places, except for clergy.

The religion law prohibits the domestic publication of religious literature inciting «religious, national, ethnic, and/or racial hatred». The government must approve imported religious literature, and only registered religious groups can import literature. Registered religious groups may also be fined for publishing or disseminating religious material without state approval. The administrative code sets out a detailed schedule of fines for producing, importing, and disseminating unauthorized religious literature and other religious materials.

Although no laws expressly prohibit holding religious services on residential property, the housing code states that communal housing should not be used for any activities other than habitation. The religion law states that religious services must be held at the religious group's designated location.

There is no religious instruction in public schools.

The religion law allows mosques to provide religious education to children after school for four hours per week with parental approval. Those who graduate from institutions of higher religious education (the law does not specify domestic or international institutions) and who obtain approval may provide religious education. Citizens have the right to receive religious education individually or with other persons; however, the law prohibits providing religious education in private settings such as residences, and those who do so are subject to legal action.

The law prohibits unregistered religious groups or unregistered branches of registered religious groups from providing religious education.

The administrative code sets out a detailed schedule of fines for providing unauthorized religious education to children.

The constitution states military service is compulsory for men over the age of 18. The government does not offer civilian service alternatives for conscientious objectors; individuals who refuse military service for religious reasons are offered noncombatant military positions. Refusal to perform compulsory two-year service in the armed forces is punishable by a maximum of two years' imprisonment.

The constitution and law prohibit the establishment of political parties on the basis of religion and the law further prohibits the involvement of religious groups in politics.

The criminal and administrative codes prohibit harassment by private actors towards registered religious groups.

The administrative code stipulates penalties of 200-500 manat (\$57-\$143) for officials who violate an individual's right of freedom to worship or abstain from worship.

On May 23, the government amended the religion law to abolish the

Council of Religious Affairs and replace it with the SCROEERIR. The law states the commission assumed the duties and the responsibilities of the previous council and should help registered religious groups to work with government agencies, explain the law to religious representatives, monitor the activities of religious groups to ensure they are in compliance with the law, assist with translating and publishing religious literature, and promote understanding and tolerance among different religious groups. The grand mufti heads the new commission, reporting to the deputy chairman of the cabinet of ministers responsible for religious affairs.

The religion law prohibits foreign missionary activity and foreign religious organizations.

The tax code stipulates that religious groups are tax-exempt.

The law on religion requires religious groups to register all foreign assistance with the MOJ and provide interim and final reports on the use of the funds. The administrative code sets out a detailed schedule of fines for accepting funds from foreign sources by unregistered religious groups; the code stipulates fines of up to 10,000 manat (\$2,864) for religious groups receiving unapproved donations from outside the country.

Uzbekistan

Executive Summary

The constitution provides for separation of religion and state. It guarantees freedom of conscience and states everyone has the right to profess or not to profess any religion. The law provides for freedom of worship and freedom from religious persecution, but restricts religious rights when the government deems such restrictions are necessary to maintain national security, the social order, or morality. The law requires religious groups to register with the government and declares religious activities of unregistered groups to be illegal. It bans a number of religious groups as «extremist». The law prohibits proselytizing, efforts to involve minors in religious activities without the permission of their parents, and the teaching of religious subjects in public and private schools. Independent human rights groups estimated between 5,000 and 15,000 individuals remained in prison on charges related to «religious extremism» or membership in an illegal religious group. There were several reports of deaths of prisoners in custody on charges of «religious extremism» following physical abuse by prison officials. There were continued reports of law enforcement officers raiding meetings of unregistered religious groups and detaining their members and courts sentencing members of minority religious groups to administrative detention following searches of their homes. The government limited access to religious publications and arrested individuals attempting to import or publish religious literature without official permission as well as individuals in possession of literature deemed by the government to be extremist. Minority religious groups continued to experience difficulties registering and conducting religious activities.

Nongovernmental organizations (NGOs) and believers reported continued social pressure on individuals, particularly among the majority Muslim population, not to change religions. Religious groups perceived as proselytizing, including evangelical, Baptist, and Pentecostal Christian Churches, said they faced greater societal scrutiny and encountered discrimination. Ethnic Uzbeks who converted to Christianity reportedly suffered continued harassment and discrimination including pressure upon them to repudiate their new faith, and on their family members to convince them to do so. A number of independent media organizations continued to publish articles critical of proselytism and critical of members of minority religious groups deemed by media outlets to be «nontraditional».

The U.S. Ambassador and visiting senior officials from the Department of State met with government officials to recommend tangible steps the government could take to improve its record on religious freedom, including easing restrictions on religious practice and increasing tolerance of minority religions. Embassy officers urged the government to include religious prisoners of conscience in its annual amnesty, and met with government officials to discuss the non-registration of religious communities, limitations on religious expression, and restrictions on the publication and dissemination of religious literature. Since 2006, Uzbekistan has been designated as a «Country of Particular Concern» (CPC) under the International Religious Freedom Act of 1998 for having engaged in or tolerated particularly severe violations of religious freedom. Most recently, on February 29, 2016, the Secretary of State redesignated Uzbekistan as a CPC, and announced a waiver of the sanctions that accompanies designation as required in the important national interest of the United States.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for separation of religion and state. It states religious organizations and associations shall be separate from the state and equal before the law and the state shall not interfere in the activity of religious associations.

The constitution guarantees freedom of conscience and states everyone has the right to profess or not to profess any religion. The law provides for freedom of worship and freedom from religious persecution, but grants the government authority to restrict these freedoms when the government deems such restrictions «necessary to maintain national security, social order, life, health, morality, and the rights or freedoms of other citizens».

The law requires all religious groups to register. Among its requirements, the law states each group must present a list of at least 100 citizens, age 18 years or older, belonging to the group and a charter with a legal address to the local branch of the Ministry of Justice (MOJ). It also requires notarized documents stating the leading founding members have the religious education necessary to preach their faith, the group's sources of income, and the Committee on Religious Affairs (CRA) concurrence to registration. The law requires a «guarantee letter» from local government authorities stating the legal and postal addresses of the organization

conform to all legal requirements (including statements from the main architectural division, sanitary- epidemiological services, fire services, and neighborhood committees). By law the MOJ may take one to three months to review a registration application. An MOJ specialist may approve or deny the registration, or cease review without the issuance of a decision. Registration of a faith's central administrative body requires registered religious groups to be present in eight of the 14 administrative units, which may include Karakalpakstan and Tashkent city.

The law limits the operations of a registered group to those areas where it is registered. The law grants only registered religious groups the right to establish schools and train clergy.

The criminal code distinguishes between «illegal» groups, which are those not registered properly, and «prohibited» groups viewed as «extremist». It is a criminal offense, punishable by up to five years in prison or a fine of four million to eight million soum (\$1,400–\$2,800) to organize or participate in an illegal religious group. The law also specifically prohibits persuading others to join illegal religious groups with penalties of up to three years in prison. The criminal code provides penalties of up to 20 years in prison for organizing or participating in the activities of religious extremist, fundamentalist, separatist, or other prohibited groups. Aside from joining an extremist group, charges of religious extremism may include the offenses of attempting to overthrow the constitutional order and terrorism.

There are 2,238 registered religious groups representing 16 denominations. There are 2,064 Muslim groups (affiliated with mosques, educational institutions, and Islamic centers). Among the Muslim groups are several Shia congregations. Registered minority religious groups include the ethnic Korean Christian, Russian Orthodox, Baptist, Pentecostal (Full Gospel), Seventh-day Adventist, Jewish, Catholic, Bahai, Lutheran, New Apostolic, Armenian Apostolic, Jehovah's Witnesses, Krishna Consciousness, Temple of Buddha, and Christian Voice of God Church communities, as well as one interconfessional Bible society.

The CRA oversees registered religious activity. The Council for Confessions, under the CRA, includes ex-officio representatives from Muslim, Christian, and Jewish groups, and discusses ways of ensuring compliance with the law, the rights and responsibilities of religious organizations and believers, and other issues related to religion.

The criminal and administrative codes contain penalties for violating the law and other statutes on religious activities. The law punishes proselytism with up to three years in prison. It proscribes efforts to draw minors

into religious organizations without the permission of their parents and prohibits the wearing of «cult robes» (religious clothing) in public places by all except clergy and individuals serving in officially recognized leadership position of religious organizations. Any religious service conducted by an unregistered religious organization is illegal. After an offender is punished for a violation under the administrative code, a repeat offense may be tried under the criminal code.

Under the law, state bodies, including neighborhood committees and non-state and non-commercial public organizations have wide-ranging powers to combat suspected «antisocial activity» in cooperation with police. These powers include preventing the activity of unregistered religious organizations, ensuring observance of rights of citizens to religious freedoms, prohibiting forced propagation of religious views, and considering other questions related to observance of the law.

The law requires religious groups to obtain a license to publish or distribute materials. It limits the right to publish, import, and distribute religious literature solely to registered central offices of religious groups, and only following approval by the CRA. Under a Cabinet of Ministers decree the CRA must conduct a theological review of any «religious materials» imported, produced, or distributed. The decree defines religious materials as books, magazines, newspapers, brochures, leaflets, audiovisual items (including animated material), CDs, DVDs, and materials posted to the internet «describing the origins, history, ideology, teachings, commentaries, and rituals of various religions of the world». The decree also requires the CRA to compile an annual list of religious materials banned for import, production, or distribution.

According to the law, individuals in possession of literature by authors the government deems to be extremists or of any literature illegally imported or produced are subject to arrest and prosecution. The administrative code punishes «illegal production, storage, import, or distribution of materials of religious content» with a fine of 20 to 100 times the minimum monthly wage of 130,240 soum (\$46) for individuals. The fine for government officials committing the same offense is 50 to 150 times the minimum monthly wage, together with confiscation of the materials and the «corresponding means of producing and distributing them». The criminal code imposes a fine of 100 to 200 times the minimum monthly wage or corrective labor of up to three years for these offenses for acts committed subsequent to a judgment rendered under the administrative code.

The law allows only those religious groups with a registered central administrative body to train religious personnel. Eleven specialized

Islamic training schools (including two for women), an Orthodox and a Protestant seminary, as well as the Tashkent Islamic University under the Cabinet of Ministers may officially train religious personnel.

The law limits religious instruction to officially sanctioned religious schools and state- approved instructors. The law prohibits the teaching of religious subjects in public schools. It does not permit private religious instruction and imposes fines for violations.

Nine madrassahs, including two for women, provide secondary education on a full range of secular subjects. The Cabinet of Ministers considers diplomas granted by madrassahs equivalent to other diplomas, enabling graduates of those institutions to continue their education at the university level. In addition, the Tashkent Islamic Institute and the Tashkent Islamic University under the Cabinet of Ministers, which is a secular institution, provide higher education religion programs. There is no other officially sanctioned religious instruction for individuals interested in learning about Islam.

The law allows those who object to military service on the basis of their religious beliefs to perform alternative civilian service.

The constitution prohibits the formation of political parties based on religious principles as well as political parties and public associations advocating religious hostility.

The law restricts the activities of faith-based NGOs. It prohibits religious activities outside of formal worship, as well as religious gatherings intended for children and the creation of faith-based activity groups deemed by the government to be unrelated to acts of worship.

Il Convegno sul tema “Libertà religiosa, diritti umani, globalizzazione”, di cui si pubblicano gli Atti, si è svolto presso il Senato della Repubblica, e con il suo Patrocinio, il 5 maggio 2016, ed ha avuto come promotori Giuliano Amato e Carlo Cardia, e come struttura organizzatrice il Dipartimento di Giurisprudenza dell’Università degli Studi di Roma Tre. Il Convegno ha fatto registrare un consenso molto ampio tra le numerose personalità istituzionali, che hanno preso parte in diverso modo all’iniziativa. Oltre alla presenza ufficiale del Presidente emerito della Repubblica Giorgio Napolitano e del Vicario Generale di Sua Santità Card. Agostino Vallini, hanno partecipato con relazioni e interventi alla Tavola Rotonda, il Presidente del Senato Pietro Grasso, il Ministro degli Esteri Paolo Gentiloni, il Card. Giuseppe Betori, Arcivescovo di Firenze, il Prof. Alberto Melloni, Direttore del Centro di Studi religiosi di Bologna, il Presidente emerito della Corte Costituzionale Giuseppe Tesauro. Ha concluso il Convegno il Cardinale Pietro Parolin, Segretario di Stato vaticano. Erano presenti, inoltre, numerose rappresentanze delle Confessioni religiose riconosciute in Italia, alcune delle quali hanno stipulato l’Intesa con lo Stato ai sensi dell’articolo 8 della Costituzione, e che avevano partecipato nel 2006-2007 all’iter formativo della Carta dei valori della cittadinanza e dell’integrazione, promossa dal Ministro dell’Interno Giuliano Amato. Gli Atti del Convegno, pubblicati nella loro integrità, sono seguiti da una Appendice documentaria, che comprende i più importanti Rapporti di studio e di analisi sulle violazioni della libertà religiosa in diverse parti del mondo, e i cui contenuti sono stati spesso alla base delle relazioni e degli interventi del Convegno. Anche a seguito del Convegno, presso la Cattedra di Diritto ecclesiastico di Roma Tre è stato attivato il Centro per la Libertà Religiosa (CELIR), con un suo sito permanente, per promuovere iniziative e incontri per lo studio e la promozione dei diritti umani.