

A matter of control:

**Challenges to freedom of religion or
belief and freedom of expression**

May 2025

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Acknowledgments:

CSW would like to thank Steven Kefas, Gina Ortega, Benedict Rogers, Anna Shannon, Yoel Suarez and Anouk Wear for their contributions to this report.

CSW would like to formally acknowledge Stefanus Alliance International which generously funded this report.



Executive Summary

Freedom of expression (FoE) and freedom of religion or belief (FoRB) are inextricably linked. A key aspect of FoRB, the free manifestation and practice of one’s religion or belief, relies upon the right to express one’s beliefs. Similarly, while the right to FoE extends beyond FoRB, it cannot be fully enjoyed unless the freedom to express one’s religion or beliefs is included. Governments that routinely violate FoRB, also violate FoE, and vice versa. Ultimately, restrictions on both rights centre on the issue of control. In some countries the authorities, sometimes aided by paramilitary or other non-state actors, systematically attempt to police the very thoughts of their citizens. The affiliation of any individual or group, to a belief system that is unrelated to the political philosophy, prevailing religion or belief, or agreed position of the respective government or ruling political party, renders them automatically suspect.

The approach to FoE and FoRB in Cuba and China is emblematic of that seen under many authoritarian regimes and one-party states. While both governments pay lip service to FoE and FoRB and maintain that they uphold both rights, their laws and practice indicate otherwise. References to FoE and FoRB in their respective legal frameworks are characterised by broad and vaguely worded justifications to limit both rights. These range from national security concerns, and support for the aims of the State, to mandates that expression must uphold respect for the authorities and the symbols of the country.

Ultimately, restrictions on both rights centre on the issue of control.

In both Cuba and China, independent civil society is tightly controlled when permitted at all and religion or belief groups, which collectively comprise one of the largest sectors of civil society, are no exception. Religious leaders especially are subject to intrusive scrutiny, including the widespread use of government informants planted in religious groups and services. Religious leaders well understand that any perceived lack of support for or opposition to their government and its policies can have dire consequences. As a result, many practice a form of self-censorship, to varying degrees.

In countries where religious supremacism or nationalism is pervasive or rising, FoRB and FoE violations often intersect when discourse by religious leaders or individuals is interpreted, often very arbitrarily, as hostile to the dominant or officially endorsed religion. This can, in some cases, take the form of laws that criminalise blasphemy or ‘insult’ to a religion, as seen in northern Nigeria and Türkiye where societal hostility accompanies official repression. In the latter case, the government actively pursues and prosecutes individuals deemed to have made statements interpreted as offensive to Islam.

These cases of alleged insult to Islam are often connected to perceived insult to the ruling political party and its leaders. In both countries, such cases have had a knock-on and chilling effect on FoE as those of all religions and beliefs observe the consequences for individuals who freely express themselves in manner that might be construed as offensive, regardless of intentionality, to the dominant religion, and as in the case of Cuba and China, may find it safer to practice a form of self-censorship.

In Nigeria, those in authority at both federal and state levels who seek to advance religious supremacy take advantage of loopholes and ambiguities in the federal constitution, for example in how it relates to state law – and Shari’a law and courts in particular – to weaken protections for both FoE and FoRB. At the same time, they systematically and consciously fail to take effective action against non-state actors who take the law into their own hands, carrying out arbitrary attacks and extra-judicial executions. This inaction has been interpreted by many as approval of these actions. Those who attempt to exercise FoE, including journalists, bloggers, clerics and traditional leaders who speak out about violations committed by both the government and non-state actors, find themselves targeted for arrest and criminal charges by the same authorities who are entrusted with upholding these rights. There are fears that these rights will continue to be eroded with the promotion of proposed hate speech legislation that would codify the targeting of those who are critical of the government and its actions.

In Türkiye, over the past decade, President Recep Tayyip Erdoğan and the ruling Justice and Development Party have steadily and systematically chipped away at the country’s secular identity. They continue to promote a national identity based on Turkish ethnicity and adherence to Sunni Islam. Civil and political rights have been rolled back significantly; FoE and FoRB are no exception. Official intolerance for independent voices and criticism of the government and its policies has become increasingly overt. Foreign nationals, including religious workers and refugees, are among some of the most vulnerable to violations of FoRB and FoE, but in recent years numerous cases demonstrate that the government is equally intent on cracking down on those of Turkish nationality or citizenship.

Similarly, in Cuba, the government and Cuban Communist Party, both led by President Miguel Díaz-Canel Bermúdez, have demonstrated clearly both in legislative developments and in action, including mass arrests and violent crackdowns, that there is no tolerance for those that do not support the government’s position and objectives. Religious leaders are acutely aware that, as leaders of the only somewhat-tolerated sector of independent civil society, they and especially their discourse – whether from the pulpit or in other arenas, including on social media – are subjected to onerous scrutiny. While the government has made public displays of respect for FoE, calling for national discussions and debates around proposed legislation including the 2019 Constitution and revised Family and Criminal Codes, it has systematically targeted, with campaigns of harassment and threats, and in some cases, arbitrary detention, those who have taken the government up on its offer and attempted to express their sincere thoughts, questions, or concerns, in many cases influenced by their religious beliefs.

In each country examined in this report, the government and ruling parties or political groups appear to be entrenching and consolidating their power.

Finally, in China, the already limited space for FoE and FoRB has shrunk severely under the leadership of President Xi Jinping. There is no tolerance for the practice of religion or beliefs outside state-approved religious institutions. Religion has been politicised, and state-controlled religious bodies are expected to promote the Chinese Communist Party, its propaganda and teachings, as well as Xi personally. As in the case of the other countries in the report, the consequences for those who speak out about human rights violations committed by the state, and especially those affecting religion or belief groups, like Uyghur Muslims for example, are swift and harsh and have included long term arbitrary detention and forced disappearance.

There is no indication that the situation in any of the countries examined in this report is set to improve. On the contrary, in each country the government and ruling parties or political groups appear to be entrenching and consolidating their power. As long as FoE and FoRB pose a threat to their control, they have demonstrated in both word and deed, including in their failure to take action to uphold the rights of all, their intent to further restrict the fundamental rights to FoE and FoRB. A more general deterioration in respect for all human rights and in democracy concomitantly is inevitable.

Recommendations to the international community

- Promote Resolution 16/18, and the associated Istanbul Process and Rabat Plan of Action, as strong consensus-based agreements toward the promotion of freedom of expression (FoE), and freedom of religion or belief (FoRB).
- At every opportunity implement Resolution 16/18 and use the Rabat Plan of Action with its clear guidance, six-part threshold test and recommendations to both state and non-state actors.
- In line with the UN Human Rights Committee’s General Comment 34 and the Committee on the Rights of the Child’s General Comment 25, take measures to address media and online activities that advocate hatred and constitute incitement to discrimination.
- Urge online platforms to conduct human rights due diligence and take all reasonable steps to comply with the UN Guiding Principles on Business and Human Rights, the UN Human Rights Committee’s General Comment 34 on specific limitations on freedom of expression, and to implement the recommendations of the UN Strategy and Action Plan on Hate Speech.
- Urge all UN Member States to issue a standing invitation to all UN Special Procedures – including the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on minority issues, and the Special Rapporteur on freedom of expression.
- The EU, as the primary sponsor of annual UN resolutions on FoRB, should continue to resist the attempts of the Organisation of Islamic Cooperation (OIC) to present alternative resolutions that provide for defamation of religion in ways that violate FoE.
- Unite in countering religious hatred and violations of FoRB globally by upholding obligations to protect both FoRB and FoE; and support initiatives to promote inter-faith reconciliation, dialogue, and harmony.
- Reverse the culture of impunity ensuring that perpetrators inciting and perpetrating violence against ethnic or religious minorities are brought to justice, balancing any genuine conflicts of rights case by case and in accordance with international norms, and ensure adequate levels of compensation for victims.
- Ensure accountability for individuals who commit false accusations of blasphemy; and bring perpetrators of related violence to justice.

Legal Framework

International human rights treaties

The right to freedom of expression and the right to freedom of religion or belief are outlined in the **Universal Declaration of Human Rights (UDHR)**. The Declaration was established in 1948, and was a monumental achievement, articulating universal rights for all. Article 19 reinforces the idea of individual freedom, stating ‘Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’ Meanwhile Article 18 outlines the right to freedom of thought, conscience and religion which includes ‘freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.’

The **International Covenant on Civil and Political Rights (ICCPR)** came into force in March 1976 and further builds on the UDHR. **Cuba, Türkiye, China and Nigeria are all signatories, however, Cuba and China have yet to ratify the Covenant.** Freedom of religion or belief is articulated in Article 18 and is understood in terms of its internal element, or *forum internum* – which incorporates the right to believe a religion or belief of one’s choice, the right not to believe, and the right to change one’s religion or belief free from coercion – and the *forum externum*, which refers to a person’s right to manifest or outwardly display their religion or belief, either alone or with others through teaching, worship, practice, and other forms of observance. It also includes the right to share one’s religion or belief with others peacefully and without coercion. The *forum internum* aspect of FoRB is inviolable under international law. However, the *forum externum* and the right to freedom of expression as articulated in article 19 of the ICCPR, can only be restricted in narrowly defined circumstances provided in law, which serve a legitimate purpose, and are timebound and non-discriminatory.

Under Article 19 (3), the Covenant establishes certain circumstances under which freedom of expression can be subject to limitations by law and necessity. Subsection (a) outlines restrictions for ‘respect of the rights or reputations of others,’ while (b) outlines restrictions for ‘the protection of national security or of public order, or of public health or morals.’ The ICCPR also placed certain limitations under Article 18 and the right to FoRB which is outlined in subsection 3 to protect, ‘public safety, order, health, or morals or the fundamental rights of others.’ Article 20 further outlines the prohibition of ‘propaganda

for war,’ as well as the ‘advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.’

Legislative developments have taken place since the inauguration of the ICCPR to clarify the scope and limitations of the right to FoE and FoRB. In 1993, the Human Rights Committee (HRC) provided greater authoritative guidance on Article 18 of the ICCPR adopting **General Comment 22**, emphasising its protection of all religions and beliefs, including the right not to profess any religion or belief. Moreover, the Committee stressed the narrow scope of limitations that should be implemented with great consideration in restricting the right to Article 18.¹

In a similar manner, the HRC reviewed Article 19 of the ICCPR and provided clarity on the right to freedom of expression in 2011 by adopting **General Comment 34**. The Committee expressed the interrelatedness of FoE with rights outlined in the ICCPR. An emphasis was also placed on the right to political discourse, human rights, journalism and religious discourse. Notably, the Committee highlighted displays of lack of respect for a religion or belief system, including blasphemy laws, as incompatible with the ICCPR. As such, restrictions outlined in Article 20 must be held to a high threshold. Legislation cannot therefore be used to discriminate in favour of certain religious or belief systems.²

Regional instruments and declarations

The right to freedom of expression and freedom of religion or belief have been similarly reiterated in regional conventions, with varying limits on the use of restrictions. The **American Convention on Human Rights (Pact of San Jose)**, implemented in 1978, recognises the right to ‘freedom of conscience and of religion’ in Article 12, subject to limited restrictions under subsection 3. The right to ‘freedom of thought and expression’ is outlined in Article 13, subject to restrictions under subsection (2), while subsection (5) prohibits ‘propaganda for war’ and ‘advocacy of national, racial, or religious hatred that constitute incitements to lawless violence.’ The rights enjoyed under the Convention are freely exercised ‘without discrimination’ for reasons of race, sex, religion or political opinion under Article 1.

The **African Charter on Human and Peoples’ Rights** (1986), **of which Nigeria is a State Party**, guarantees the ‘freedom of conscience, profession and free practice of religion,’ subject to the law under Article 8. In relation to the right to freedom of expression, under Article 9, an

1 General Comment no.22, CCPR/C/21/rev, 1/Add.4, 1993.
2 General Comment no.34, CCPR/C/GC/34, 2011.

individual has the right to receive information, while the right to express and disseminate opinions must be within the law. However, the Charter does not provide clarity regarding what can be constituted as ‘within the law,’ and subsequent concerns have arisen suggesting that the enforcement of rights is dependent on municipal law or at the discretion of national authorities.³

Article 30 of the **Arab Charter on Human Rights** (2004) includes the right to freedom of thought, conscience and religion, as well as the right to manifest one’s religion or belief. Restrictions on the right to thought can be justifiable by law, while restrictions on the right to manifest one’s religion can be restricted by law and necessary in a tolerant society for the protection of ‘public safety, order, health or morals.’ Notably, the inclusion of the term ‘morals’ may create ambiguity as to what constitutes morality in differing member states. Article 3 of the Charter highlights the enjoyment of individual rights without discrimination, while Article 24 promotes the rights of minorities to enjoy their own culture, language and religion.

The **Association of Southeast Asian Nations** (ASEAN), a union of ten states in Southeast Asia, created its Human Rights Declaration in 2012. The Declaration has faced criticism from human rights institutions for the exclusion of basic rights such as the right to freedom of assembly, and the use of cultural relativism due to the prioritisation of regional and national law over international treaties. Article 23 promotes the right to freedom of opinion and expression, while Article 22 upholds the right to the freedom of thought, conscience and religion, stating in strong language that any discrimination or intolerance of religion or belief shall be ‘eliminated.’ Due to the Declaration’s emphasis on the supremacy of national law, what a particular nation considers as intolerance will differ for each cultural region.

European legislative framework

The **European Convention on Human Rights (ECHR)** is a treaty between member states of the Council of Europe which entered into force in 1953. The Convention contains the fundamental civil and political rights to which citizens under a European State are subject. Article 10 of the ECHR outlines the right to freedom of expression, while Article 9 outlines the right to freedom of thought, conscience and religion. The ECHR differs in nature from the UDHR due to the existence of the European Court of Human Rights (ECtHR). Therefore, citizens of member states can effectively take states

to court if they believe there is ground that their fundamental rights outlined in the Convention have not been upheld.

The nature of the ECtHR has led to the Court providing legal precedence as to practical applications of the principle of necessity and proportionality. This jurisprudence has proved as a guide to confronting restrictions of the right to FoE and FoRB. In the case of *Eweida and Ors v UK*,⁴ the Court used the test of the ‘margin of appreciation’ in determining to what extent interference is necessary when approaching violations of Article 9. In the earlier landmark case of *SAS v France*,⁵ the Court considered the right to religious freedom and restrictions in the context of national security. In doing so, the Court applied the requirements of necessity and proportionality, determining that the ban on wearing a full-face religious veil was necessary to ‘living together’ in a democratic society.

In relation to Article 10 freedom of expression violations, the Court utilises three tests: the lawfulness of interference, the legitimacy of the aim pursued by the interference, and the necessity of the interference in a democratic society.⁶ Article 10 jurisprudence has centred on the issues of defamation (*Sofranschi v Moldova*),⁷ the right to information (*Guseva v Bulgaria*)⁸ and access to the internet (*Cengiz and others v Türkiye*).⁹ The ECtHR makes use of previous case law as a guide to forming judgments of human rights cases, however, the lack of strict uniformity concerning the necessity of restrictions has led to ambiguity as to what constitutes a clear violation under the ECHR.

The right to freedom of expression

The right to freedom of expression has faced contemporary challenges due to the fast-paced nature of technological advancements and the spread of online information. It is therefore critical that authoritative guidance is implemented to ensure that restrictions are not applied without necessity. In 2017, a joint declaration by four UN Special Rapporteurs on freedom of expression considered the right in relation to ‘fake news, disinformation and propaganda.’¹⁰ The declaration acts as a guideline for state members when imposing restrictions on free speech, placing a positive obligation on states to promote media diversity and independent communications. A further report by Irene Khan, the current Special Rapporteur on freedom of expression in 2021, examines the threat of disinformation to human rights and democratic institutions. She encourages both

state actors and companies to implement regulations which promote digital literacy and encourage the free media.¹¹ The implementation of frameworks and mechanisms are integral to protecting the freedom of expression for every individual, including journalists, human rights defenders and civil actors.

The intersection of freedom of expression and FoRB

The relationship between FoE and FoRB has often been considered by some to be contradictory in nature. Former UN Special Rapporteur on FoRB, Heiner Bielefeldt, however, has emphasised the positive nature of their interrelatedness, stating that they are the ‘twin tools in combatting incitement to hatred.’¹² Both rights promote the protection of an individual’s beliefs and mutually enforce each other in practice. Any restriction on the right to FoE will often lead to restrictions on FoRB and vice versa.

In countries governed by secular authoritarian regimes, restrictions to FoE and FoRB are frequently enforced through domestic legislation. In Cuba, the Social Communication Law implemented in 2024 prohibits peaceful expression, including religious expression that is critical of the Cuban government.¹³ The legislation has increased State control over independent journalists and right’s activists. In a similar manner, China utilises legislation to restrict free expression. In 2017, China introduced the Cybersecurity Law governing online free speech. The legislation requires the removal of any content deemed to contravene national interest. As a result, human rights defenders who promote FoE and FoRB online or offline are arbitrarily detained and tortured by the State.

The development and implementation of blasphemy legislation in countries like Nigeria and Türkiye pose challenges to both FoE and FoRB. The Pew Research Center reported that in 2019, 79 out of the 198 countries and territories studied around the world had laws or policies banning blasphemy. This is most common in the Middle East and North Africa where 90% of the regions criminalise blasphemy, and in Afghanistan and Iran the penalty carries the possibility of death. However, in some cases, countries are utilising blasphemy laws

that were formulated by former colonial rulers. Pew defined blasphemy as ‘speech or actions considered to be contemptuous of God or of people or objects considered sacred.’¹⁴

Initial steps to promote the cause of religious defamation was spearheaded by the Organisation of Islamic Cooperation (OIC) in 1999, introducing their first UN resolution on the *Defamation of Islam*. At the risk of appearing one-sided, negotiations led to the resolution of *Combating Defamation of Religions* in 2007. Yet, the resolution mentioned specifically only the situation of Islam and Muslims.¹⁵ Efforts to combat blasphemy developed into the discussion of religious hate speech, while in the West concern over an individual’s freedom to expression came to the fore.

An amendment by the HRC in 2008 required the Special Rapporteur on Freedom of Expression to report on the ‘abuse’ of FoE by an act of racial or religious discrimination.¹⁶ In response, four Freedom of Expression monitors adopted the ‘Joint Declaration on Defamation’ stressing the importance of open dialogue and opposing restrictions being used in protection of religious institutions, concepts and beliefs.¹⁷

In 2011, a significant step was taken in finding consensus in the rights debate of FoE and FoRB in the form of the Human Rights Council **Resolution 16/18**.¹⁸ The resolution contains no protection of religious ideas, doctrines and symbols, and therefore emphasises the difference between the protection of individuals and the protection of their ideas.¹⁹ It highlights the importance of the right to freedom of expression when approaching cases of discrimination and intolerance.

In 2017, the then-Special Rapporteur for FoRB, Ahmed Shaheed commented, ‘Anti-blasphemy, anti-apostasy or anti-conversion laws, some of which are falsely presented as “anti-incitement” legislation, also often serve as platforms for enabling intolerance.’²⁰ He similarly warned against the increased use of extremist violence in the name of religion, threatening both the right to freedom of expression and FoRB. In July 2023, the HRC adopted **Resolution 53/1** to encourage States to adopt and implement national legislation preventing acts of religious hatred constituting ‘incitement to

3 Gino J. Naldi, “Limitation of Rights under the African Charter on Human and Peoples’ Rights: The Contribution of the African Commission on Human and Peoples’ Rights,” *South African Journal on Human Rights* 17, no.1 (2001):109.
4 [2013] ECHR 37.
5 [2014] ECHR 695.
6 “Guide to Article 10 of the Convention – Freedom of expression,” Council of Europe, 1st edn, 31 March 2020, <https://rm.coe.int/guide-art-10-eng/16809ff23f>
7 [2010] ECHR 2087.
8 (6987/07).
9 (48226/10 and 14027/11).
10 FOM.GAL/3/17, March 3, 2017, <https://www.osce.org/files/f/documents/6/8/302796.pdf>

11 A/HRC/47/25: Disinformation and freedom of opinion and expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 13 April 2021, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4725-disinformation-and-freedom-opinion-and-expression-report>
12 HRC, ‘Report of the Special Rapporteur on freedom of religion or belief,’ 23 December 2015, 0917804
13 USCIRF, ‘Annual Report 2024,’ <https://www.uscifr.gov/sites/default/files/2024-05/Cuba.pdf>
14 Virginia Villa, “Four-in-ten countries and territories worldwide had blasphemy laws in 2019,” *Pew Research Center*, 25 January 2022, <https://www.pewresearch.org/short-reads/2022/01/25/four-in-ten-countries-and-territories-worldwide-had-blasphemy-laws-in-2019-2/>
15 Paul Marshall, “Exporting Blasphemy Restrictions: The Organisation of the Islamic Conference and the United Nations,” *The Review of Faith and International Affairs* 9, no. 2 (2011): 59.
16 Marshall, “Exporting Blasphemy Restrictions,” 60.
17 Joint Declaration on Defamation of Religions, and Anti-Terrorism and Anti-Extremism Legislation (2008).
18 *Resolution on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence, and violence against persons based on religion or belief*, A/HRC/RES/16/18, 2011.
19 Marie Juul Petersen and Heini í Skorini, “Freedom of expression vs. defamation of religions: Protecting individuals or protecting religions?” *LSE*, 1 March 2017, <https://blogs.lse.ac.uk/religionglobalsociety/2017/03/freedom-of-expression-vs-defamation-of-religions-protecting-individuals-or-protecting-religions/>
20 “UN expert urges global repeal of blasphemy laws to boost religious freedom,” OHCHR, 24 October 2017, <https://www.ohchr.org/en/press-releases/2017/10/un-expert-urges-global-repeal-blasphemy-laws-boost-religious-freedom>

discrimination, hostility or violence.²¹ In January 2024, Nazila Ghanea, the current Special Rapporteur on FoRB presented a report advocating against the increased use of violence and hatred based on religion or belief and for States to respond in a ‘human rights-compliant manner.’²²

UN Mechanisms

The use of mechanisms such as the Istanbul Process and the Rabat Plan of Action have been reinforced in achieving practical outcomes of FoRB and FoE protection.

The **Istanbul Process** is a UN mechanism in the form of policy framework to ensure the follow-up and implementation of Resolution 16/18 for combating religious intolerance and discrimination. Since the launch of the mechanism in 2011, there have been seven expert-level meetings globally.²³ Recent support has ensured ongoing efforts and strengthening of the process in light of rising religious intolerance against religious minorities.

An additional mechanism implemented by the UN is the **Rabat Plan of Action** adopted in 2012.²⁴ The Plan considers legislative practices which incite national, racial or religious hatred whilst protecting the right to freedom of expression. The mechanism maintains a high threshold for restrictions on right to FoE, outlining a six-part threshold test including: (1) the context of the statement, (2) the speaker’s position or status, (3) intent to incite the audience against a target group, (4) content and form of the speech, (5) extent of its dissemination and (6) likelihood of harm, including imminence.²⁵ The mechanism has been repeatedly referred to in various initiatives, such as the UN strategy and Plan of Action on Hate Speech in 2018. In recent months, the Special Rapporteur for FoRB and the High Commissioner have encouraged the use of the Plan in discerning discriminatory speech.²⁶

As such, the use of mechanisms and policy frameworks are vital in ensuring that authoritative guidance provided by international rights bodies are implemented effectively into domestic law. Hence, there must be a continued support for the expansion and addition of frameworks in protection of both FoE and FoRB in practice.

Conclusion

Initially, the UDHR established the fundamental right to FoE and the right to FoRB. To reaffirm and expand the understanding of both rights, the implementation of the ICCPR included the conditions under which restrictions could be imposed. In the European context of the ECHR, a variety of cases brought before the Court have highlighted the continued ambiguity and importance of striking a fine balance between upholding the right to freedom of expression and FoRB. The implementation of Resolution 16/18 by the HRC has been welcomed as a balanced approach to both sides of the debate on religious hate speech and an individual’s right to freedom of expression. Prior efforts to readily criminalise religious defamation were confronted with concerns over the protection of open debate and free speech at the heart of democratic societies. The Resolution therefore provided a framework for guidance as to how states are to approach addressing instances of intolerance and discrimination.

This chapter also highlighted the continued use of blasphemy laws in various jurisdictions across the globe. The reality of blasphemy and hate speech legislation has impacted both religious minorities and civil actors who wish to exercise their basic right to freedom of expression and opinion. A call to repeal anti-blasphemy legislation by the Special Rapporteur, and the introduction of the Istanbul Process and the Rabat Plan of Action, have emphasised the urgency to protect the right to FoE in member states with a strong religious majority. Furthermore, the heightened wave of States policing the opinions and expressions of individuals online, in addition to restrictions of freedom of religion or belief in the name of national security and counter-terrorism, has led to increased discrimination of minority religions and beliefs. It is vital that international bodies continue to develop and implement mechanisms which accord equal value to free speech and expression, as well as the protection of both religious and non-religious belief.

China

Introduction

The People’s Republic of China (PRC) is officially an atheist country, with limited protections for freedom of religion or belief. There is no rule of law or judicial independence, but instead ‘rule by law’.²⁷ Censorship, arbitrary arrests and detention, torture, forced labour and surveillance are widespread and systematic. The ruling Chinese Communist Party (CCP) is increasingly intolerant of dissent and fearful of large gatherings or movements of people it does not control, and, for this reason, is particularly repressive and restrictive of freedom of expression and freedom of religion or belief.²⁸ In a recent survey of groups at risk of human rights violations in the PRC, the group of people with particular religious beliefs or practices’ were considered at risk across all categories of human rights. They are particularly at risk of violations of freedom of religion or belief, expression, and torture and ill-treatment.²⁹

Accurate data for the numbers of religious practitioners is difficult to obtain, but experts estimate that approximately 200 million citizens of China practice a religion. A conservative estimate suggests that there are at least 38 million Christians (of whom 6 million are Roman Catholic), and 20 million Muslims. The real figure is likely to be much higher and some estimate the Christian population to be as high as 90-100 million.³⁰

This chapter focuses on threats to Christians, both Protestant and Roman Catholic, Muslims, Buddhists and Taoists, which are the five religions recognised by the state. It should be noted that other religions and beliefs which are not recognised, and in some cases are regarded as illegal cults, such as Falun Gong, are particularly persecuted, as are adherents of religions recognised by the State but practised outside the State-controlled religious organisations.

Legal Framework

The Constitution

All citizens of the PRC are ‘equal before the law’, according to China’s 1982 constitution (which was revised in 2018). The state ‘shall respect and protect

human rights’³¹ and, except for reasons of national security or criminal investigations, ‘no organisation or individual shall infringe on a citizen’s freedom and confidentiality of correspondence for any reason.’³² Citizens ‘shall not undermine the interests of the State, society or collectives, or infringe upon the lawful freedoms and rights of other citizens.’³³

Article 36 of China’s 1982 constitution (which was revised in 2018) states that the ‘citizens of the People’s Republic of China enjoy freedom of religious belief.’ The state protects what it terms ‘normal religious activities’, and ‘no state organ, public organisation or individual may compel citizens to believe in, or not believe in, any religion, or discriminate against citizens for their beliefs.’ However, the constitution fails to define what ‘normal’ religious activity means and clearly prohibits the use of religion for activities that ‘disrupt public order, impair the health of citizens or interfere with the educational system of the state.’ Religious organisations and activities must not be ‘subject to any foreign domination.’³⁴

In practice, Article 36 only applies to the activities of the five officially recognised religions – Buddhism, Taoism, Islam, Protestantism and Roman Catholicism – and only those practised by the seven state-controlled ‘patriotic’ associations. Religious activity outside the state-controlled apparatus is illegal and subject to punishment and repression.

Regulations on Religious Affairs

On 1 February 2018 revised Regulations on Religious Affairs took effect, and amount to the most restrictive new laws on religious activity in over a decade. Essentially, they update the previous 2005 Regulations on Religious Affairs and tighten the stipulation that religious activities should be confined to state-approved registered sites. The regulations state that ‘religious groups, religious schools and religious activity sites and religious affairs are not to be controlled by foreign forces’, and that religion must not endanger national security. The regulations also impose further restrictions on the communication of religious content, religious schools and charity work.³⁵

21 (A/HRC/53/L.23).
22 (A/HRC/55/47): Hatred on the basis of religion or belief – Special Rapporteur on freedom of religion or belief, 8 January 2024, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5547-hatred-basis-religion-or-belief-special-rapporteur-freedom>
23 “About the Istanbul Process,” 16/18 Istanbul Process, <https://www.istanbulprocess1618.info/about/>
24 The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
25 “OHCHR and freedom of expression vs incitement to hatred: the Rabat Plan of Action,” OHCHR, <https://www.ohchr.org/en/freedom-of-expression>
26 Ibid.

27 World Justice Project, China, <https://worldjusticeproject.org/rule-of-law-index/country/China> (accessed 1 June 2023).
28 The Human Rights Measurement Index, Safety from the State, <https://rightstracker.org/metric/physint> (accessed 23 June 2023).
29 Ibid.
30 中国共产党新闻网 [Chinese Communist Party News Network], 始终坚持中国宗教与社会主义社会相适应 [Always adhere to the adaptation of Chinese religion to socialist society], 11 August 2022, <http://cpc.people.com.cn/n1/2022/0811/c64387-32499858.html> (accessed 27 June 2023) (author tr).
31 Constitution of the People’s Republic of China <http://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml> accessed 23 May 2023 art 33.
32 Ibid art 40.
33 Ibid art 51.
34 Ibid art 36.
35 CSW, “Repressed, Removed, Re-educated: The stranglehold on religious life in China,” February 2020 – <https://www.csw.org.uk/2020-china-report>



Pastor Wang Yi. Photo: Facebook/Early Rain Church

Since March 2018, religious affairs have been the responsibility of the CCP’s United Front Work Department (UFWD), replacing the State Administration of Religious Affairs (SARA) and effectively merging SARA into UFWD. This means that it is no longer the government, but instead specifically the Communist Party, that has direct management of religious affairs.³⁶

White Paper on “China’s Policies and Practices on Protecting Freedom of Religion or Belief

In April 2018, the Chinese government issued a new White Paper titled ‘China’s Policies and Practices on Protecting Freedom of Religious Belief.’ According to the White Paper, ‘active guidance’ will be provided to religious organisations to help them ‘adapt to the socialist society’ and foreigners can only engage in religious activity that is ‘authorised.’³⁷ Religion, according to the White Paper, must serve the Communist Party.

Measures on the Management of Religious Clergy

On 1 May 2021, the Measures on the Management of Religious Clergy came into effect, having been issued by SARA on 9 February. These are part of a series of new regulations that supplement the revised 2018 Regulations on Religious Affairs. They increase state control and surveillance of clergy of the five state-sanctioned religious groups in China – the Buddhist Association of China, the Chinese Taoist Association, the Islamic Association of China, the Protestant Three-Self Patriotic Movement, and the Patriotic Catholic Association – and impose penalties for clergy who violate state policies which curtail religious freedom. The Measures ban religious activity by independent religious clergy who are outside the five state-approved religious groups.³⁸

Measures for the Administration of Internet Religious Information Services

The Measures for the Administration of Internet Religious Information Services took effect on March 1, 2022, and prohibit overseas organizations and individuals from operating online religious information services in the country.³⁹ They prohibit the sharing of religious content online without a permit, including through text messages, images, audio and video. They also prohibit religious content that ‘induce[s] minors to believe in religion.’ They have resulted in the disbanding of WeChat groups by religious adherents, and strict self-censorship. They also mean a ban on live streaming of religious events and the removal of videos of religious events from the Internet.⁴⁰ Among all the recent regulations, these Measures represent the most direct assault on the intersection between freedom of expression and freedom of religion or belief.

Financial Management Measures for Places of Religious Activities

On 1 June 2022, new Financial Management Measures for Places of Religious Activities came into force. These regulations effectively give the United Front Work Department and the Ministry of Finance control of the finances of religious sites of state-controlled groups and regulate donations and offerings to ensure the promotion of ‘sinicisation’ of religion.⁴¹

National Security Law

In 2015 China introduced a new National Security Law, which was criticised at the time by the United Nations High Commissioner for Human Rights for its ‘extraordinarily broad scope’ with vague wording that leaves ‘the door wide open to further restrictions of the rights and freedoms of Chinese citizens, and to even tighter control of civil society.’⁴² Article 27 of the National Security Law says:

The State lawfully protects citizens’ freedom of religious belief and regular religious practices, it persists in the principles of religious independence, autonomy and self-organization, it prevents, curbs and lawfully sanctions the use of the name of religion to conduct unlawful and criminal acts harming national security, it opposes interference by foreign forces in domestic religious affairs, and safeguards the order of regular religious activities. The State lawfully bans heretical organizations, it prevents,

*curbs and lawfully sanctions heretical unlawful and criminal activities.*⁴³

Other regulations relevant to both freedom of expression and freedom of religion or belief

Other regulations that may impact freedom of expression and freedom of religion or belief include Document 9, issued in April 2013 by the Central Committee of the Communist Party’s General Office, and a new law on foreign Non-Governmental Organisations, adopted in 2016.

Document 9, officially titled the ‘Communique on the Current State of the Ideological Sphere’, clearly declares the CCP’s hostility towards and conflict with seven ‘false ideological trends, positions, and activities,’ including ‘Western constitutional democracy,’ ‘universal values,’ ‘the West’s idea of journalism,’ and civil society, and claims that petitions and letters calling for protection of human rights are the work of ‘Western anti-China forces.’⁴⁴ It is the most important document expressing the CCP’s ideological positioning and represents a clear assault on the rights to freedom of expression and freedom of religion or belief.

In January 2015, a new NGO Law came into effect, giving the police unprecedented power to restrict the work of foreign groups in the country, and to limit the ability of local groups to receive foreign funding and work with foreign organisations. Foreign NGOs will be required to be sponsored by a Chinese government organisation, register with the police and be under the supervision of the Public Security Bureau. Police will have new powers to arbitrarily summon representatives of foreign organisations in China, seize documents, examine bank accounts and revoke registration. Foreigners or foreign organisations perceived to be involved in activities aimed at ‘splitting the state, damaging national unity or subverting state power’ can be detained, barred from leaving the country, or deported.⁴⁵ This has clear implications for religious missionaries and religious charity workers.

Sinicisation

In May 2015, in a speech at the Central United Front Conference held by the UWFD, Xi Jinping introduced the principle of ‘Sinicisation of religion.’ This effectively requires religions to be independent of foreign influence and unwavering in loyalty and adherence to the CCP’s goals, leadership and control.

36 CSW, “Communist Party takes control of religious affairs,” 22 March 2018: <https://www.csw.org.uk/2018/03/22/news/3886/article.htm>
37 “Full Text: China’s Policies and Practices on Protecting Freedom of Religious Belief,” State Council Information Office, People’s Republic of China, 4 April 2018: http://english.scio.gov.cn/2018-04/04/content_50811898.htm
38 US Commission on International Religious Freedom, Factsheet China, October 2021 – www.uscifr.gov/sites/default/files/2021-10/2021%20China%20Factsheet.pdf

39 US State Department, International Religious Freedom annual report 2021: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/china/>
40 CSW, “China: Freedom of religion or belief: the untold stories,” July 2022 – <https://www.csw.org.uk/untoldstories>
41 Asia News, “Communist Party grabs religious funding,” 15 April 2022: <https://www.asianews.it/news-en/Communist-Party-grabs-religious-funding-55599.html>
42 UN OHCHR, “UN Human Rights Chief Says China’s New Security Law Is Too Broad, Too Vague,” 7 July 2015 – <https://www.ohchr.org/en/press-releases/2015/07/un-human-rights-chief-says-chinas-new-security-law-too-broad-too-vague>
43 National Security Law of the People’s Republic of China, 2015 – <https://digichina.stanford.edu/work/national-security-law-of-the-peoples-republic-of-china/>
44 China File Translation of the CCP’s Document 9: <https://chinadigitaltimes.net/2013/11/chinafile-translation-ccps-document-9/>
45 “Fact Sheet on China’s NGO Law,” ChinaFile: <http://www.chinafile.com/ngo/latest/fact-sheet-chinas-foreign-ngo-law>

The authorities have an almost all-pervasive ability to monitor citizens.

In April 2016, Xi Jinping developed this campaign further in an address to senior Communist Party officials at a meeting on religion, in which he said that ‘religious groups ... must adhere to the leadership of the Communist Party’ and that the Party ‘should guide and educate the religious circle and their followers with the socialist core values.’⁴⁶ The director of SARA told a seminar on the sinicisation of Christianity that ‘Chinese Christian theology should be compatible with the country’s path of socialism.’⁴⁷

Freedom of Expression and Freedom of Religion or Belief in practice

Freedom of expression in general is extremely restricted in China today, with a high degree of censorship of the media, the Internet and digital communications, heavy surveillance of citizens, and the severe repression of civil society, lawyers, human rights defenders, bloggers, journalists, and dissidents. In addition, the authorities continue to perpetrate severe, widespread and systematic violations of freedom of religion or belief. In all the major studies by human rights organisations, including Freedom House’s *Freedom in the World* report, China is recognised as one of the world’s worst violators of basic human rights. China is, for example, the worst jailer of journalists in the world, according to both Reporters Without Borders and the Committee to Protect Journalists.

The ideological, legislative, regulatory and policy framework outlined above illustrates just how restricted the space for freedom of expression and freedom of religion or belief is in China today. In the state-controlled religious bodies – namely the Protestant Three Self Patriotic Movement (TSPM) and its sister body the China Christian Council, the Catholic Patriotic Association, the Buddhist Association of China, the Taoist Association of China and the Islamic Association of China – censorship and self-censorship is well-established and extensive, and surveillance is pervasive. The explicit purpose of these State-controlled religious bodies is to ensure their loyalty to the State. The Buddhist Association of China, for example, explicitly declares its objective is ‘to unite and lead Buddhists of all nationalities in the country to love the country and religion, support the leadership of the Communist Party of China and the socialist system’

and to promote traditional Buddhist teachings and traditional culture.’⁴⁸ Similarly, the Taoist Association of China states its purpose is:

...to unite and lead Taoists across the country to love the country and religion, support the leadership of the Communist Party of China, support the socialist system, study and implement Xi Jinping’s new era of socialism with Chinese characteristics, adhere to the direction of Sinicization of Taoism, and actively adapt to the socialist society; carry forward The fine traditions of Taoism, the establishment of Taoist undertakings, the promotion of Taoist teachings, and the dissemination of Taoist culture; resist the tendency of commercialization, safeguard the legitimate rights and interests of Taoism, and promote the healthy development of Taoism; resist illegal religious activities and religious extremism, and resist the infiltration of foreign forces using religion; contribute to promoting economic and social development, maintaining religious harmony, national unity, social harmony, national unity, and world peace, and play an active role in realizing the Chinese dream of the great rejuvenation of the Chinese nation.’⁴⁹

Surveillance cameras are reportedly placed on altars in state-controlled churches, for example, recording the attendance of worshippers. For those who choose to practise their religion outside the state-controlled organisations, in unregistered churches, for example, are subjected to harassment and, periodically, police raids and arrests. And for those who, in addition to exercising their right to freedom of religion or belief, speak out against the CCP or seek to defend human rights, the consequences are particularly severe.

China under the CCP has always been a surveillance state, but in recent years, with the development of surveillance equipment, facial recognition technology and artificial intelligence, combined with old-fashioned forms of surveillance, the authorities have an almost all-pervasive ability to monitor its citizens.

For decades the CCP has had a system of neighbourhood committees, with representatives in each apartment block assigned responsibility for monitoring and reporting on the activities of residents. In recent years this system has been strengthened, as neighbourhoods are carved up into a grid pattern with 15-20 households per square, and each grid given a dedicated monitor responsible for reporting back on residents’ activities to the neighbourhood committee. As Radio Free Asia reported, ‘the new grid management system will allow the ruling party to manage the daily lives of ordinary

people even more closely, as well as giving indicators of possible dissent at an early stage.’⁵⁰ This means, for example, that unregistered house church gatherings, where small groups of Christians meet in someone’s home to pray, study the Bible and worship, are made more difficult.

Xinjiang and Tibet have been the laboratories for the CCP’s surveillance state, with extensive facial recognition cameras, artificial intelligence and other surveillance technology has been rolled out in recent years. But these technologies are now pervasive throughout China.

Furthermore, censorship of digital communications, whether on the Internet or through channels like WeChat and Weibo, is extensive as well. Since January 2022, some large WeChat groups used by religious believers have disbanded, while others changed their names to avoid religious affiliations. A Muslim Imam reported being told that WeChat groups cannot exceed ten people and cannot post religious content.⁵¹ Apps that share religious content are increasingly being taken down by the authorities.⁵²

Religious leaders who express political dissent or challenge the CCP face severe punishment. One of the best-known examples of this is the case of Wang Yi, founder and Pastor of Early Rain Church in Chengdu. In 2018 his church organised a petition in protest at the intensifying crackdown on Christians, and his signature was alongside the signatures of over 400 other pastors from across China. In October that year, he preached a sermon in which he said that the regime was launching ‘a war against the soul’, but warned that

they have established for themselves an enemy that can never be detained, can never be destroyed, will never capitulate, nor be conquered: the soul of man ... so they are destined to lose this war and are doomed to fail.’⁵³

In December 2018, Wang Yi published a 7,300-word manifesto called *Meditations on the Religious War* and urged Chinese Christians to engage in civil disobedience. He accused the CCP of instituting ‘Caesar worship’ by elevating Xi Jinping, and said such ideology is ‘morally incompatible with the Christian faith and with all those who uphold freedom of mind and thought.’⁵⁴ Anticipating his likely arrest, he wrote an open letter, *My Declaration of Faithful Disobedience*, which he instructed his church to publish within forty-eight hours of his arrest. On

9 December 2018, Wang Yi was arrested, along with one hundred church members, and was tried and sentenced a year later to nine years in jail. In his open letter, he had written:

I believe that this Communist regime’s persecution against the church is a greatly wicked, unlawful action. As a pastor of a Christian church, I must denounce this wickedness openly and severely.’⁵⁵

He was courageously exercising his freedom of expression and freedom of religion or belief and has paid a very high price for doing so.

There are numerous other cases that could be cited. In November 2021, for example, a Christian couple, Chang Yuchun and Li Chenhui, from Shaanxi province, were each sentenced to seven years in prison and a fine of RMB 250,000 (approximately £29,240) for ‘illegal business operations’, after their appeals were rejected. According to the Chinese human rights site Weiquwang, their registered printing company produced a large number of Christian books before being seized by the local authorities on 21 July 2020. More than 210,000 copies of various religious books were confiscated and at least 24 titles were later deemed to be ‘illegal publications.’⁵⁶

In August 2022, at least five Protestant Christians from ethnic minority communities in Yunnan province were arrested, for allegedly refusing to join a state-sponsored church body. Pastor Wang Shunping and four Christians were detained at the end of August on charges of ‘organizing and financing illegal gatherings’ and were formally charged in September. Pastor Wang is an ethnic Nu and the other four are from Nu and Lisu communities

‘They have established for themselves an enemy that can never be detained, can never be destroyed, will never capitulate, nor be conquered: the soul of man...’

46 “Religious groups ‘must adhere to the leadership of the Communist Party’ – Pres. Xi Jinping,” Hong Kong Free Press, 24 April 2016: <https://www.hongkongfp.com/2016/04/24/religious-groups-must-adhere-to-the-leadership-of-the-communist-party-pres-xi-jinping/>

47 “China plans establishment of Christian theology,” China Daily, 7 August 2014: http://www.chinadaily.com.cn/china/2014-08/07/content_18262848.htm

48 中国佛教协会 [The Buddhist Association of China], 中国佛教协会简介 [Introduction to the Buddhist Association of China], 24 July 2017, https://www.chinabuddhism-com-cn.translate.google.com/translate/a/action/ListInfo?classid=540&_x_tr_sl=zh-CN&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc (accessed 1 July 2023)

49 [中国道教协会简介] Introduction to the Taoist Association of China, [中国道教协会] The Taoist Association of China, undated (accessed 3 July 2023) (author tr).

50 Radio Free Asia, “China Setting Up ‘Grid’ System to Monitor Ordinary People,” 10 April 2018 – <https://www.rfa.org/english/news/china/china-setting-up-grid-system-to-monitor-ordinary-people-04102018121018.html>

51 CSW, “China: Freedom of religion or belief: The untold stories,” July 2022 – <https://www.csw.org.uk/untoldstories>

52 The Tablet, “China moves to censor Christians online,” 7 May 2021 – <https://www.thetablet.co.uk/news/14119/china-moves-to-censor-christians-online>

53 Liao Yiwu, “A Brainwashing War: An Appeal for the Poet-preacher Wang Yi,” China Change, 4 March 2019 – <https://chinachange.org/2019/03/05/a-brainwashing-war-an-appeal-for-the-poet-preacher-wang-yi/>

54 CBN News, “Letter from a Chengdu jail by Wang Yi,” 16 December 2018 – <https://www2.cbn.com/news/news/letter-chengdu-jail-wang-yi>

55 Wang Yi, “My Declaration of Faithful Disobedience,” China Partnership, 12 December 2018 – <https://chinapartnership.org/blog/2018/12/my-declaration-of-faithful-disobedience/>

56 CSW, “Christians face arrests, jail terms for church meetings and printing religious texts,” 24 November 2021: <https://www.csw.org.uk/2021/11/24/press/5489/article.htm>

in Fugong county of Nujiang Lisu Autonomous Prefecture in Yunnan.⁵⁷

Freedom of expression with regards to freedom of religion or belief is even further restricted for those who adhere to Islam. The PRC has embraced the global post-9/11 counterterrorism narrative, linking terrorism with Islamism and justifying human rights violations under the guise of counter-terrorism. The ambiguous PRC definition and lack of a UN definition of ‘terrorism’ allows the State to broadly interpret and apply this term, and others related to it (for example, counterterrorism).

The PRC defines ‘terrorism’ as ‘propositions and actions that create social panic, endanger public safety, violate person and property, or coerce national organs or international organizations, through methods such as violence, destruction, intimidation, so as to achieve their political, ideological, or other objectives.’⁵⁸ Additionally, the lack of a UN definition of terrorism ‘has enabled Beijing to develop an expansive definition of terrorism that includes actions that elsewhere would not fall under the label.’⁵⁹ The government has taken advantage of these ambiguities to defend suppressing unsanctioned religious activities in the Xinjiang Uyghur Autonomous Region (XUAR), which it deems to be ‘extremism,’ and as an aspect of countering terrorism.⁶⁰ The violations of freedom of expression in regard to freedom of religion or belief in the XUAR are among the many human rights violations in the region which have drawn international outcry, including findings of genocide¹⁸ by multiple organisations and crimes against humanity by others, such as the United Nations Office of the High Commissioner for Human Rights.¹⁹ In the XUAR, peaceful expressions of Islam and Uyghur culture are attacked as part of counterterrorism. The lack of safeguards, independent monitoring, and remedies exacerbates this lawfare. This furthers the PRC’s agenda and reduces criticism of the State, violating cultural rights, as well as others that are related, such as religious rights. In 2014, the XUAR introduced a policy entitled ‘Foundational knowledge for distinguishing religious extremism – 75 types of specific expressions’ (识别宗教极端活动（75种具体表现）基础知识) that described 75 characteristics that are suspicious, so the public should contact the police if they see any of these characteristics at any moment. This includes men with short-legged trousers and beards, veiled women, using religion to promote the prohibition of alcohol, *inter alia*.³²

This policy pushes normal, peaceful activities with religious significance into the realm of ‘religious

extremism’ which has terrorist connotations. All expressions of Islam are therefore suspicious and can be treated as terrorism, which both the State and all citizens are expected to report and address. These reasons for internment reveal that ‘religious activities and belief in Islam as a leading reason for internment or suspicion despite clear indications these practices are legitimate and peaceful’⁴⁴ and continuously highlight individuals as persons of interest due to their faith.⁴⁵ In the Karakax List, 10.6% were detained for wearing a veil, having a wife who wore a veil, or having a beard, 7.4% for a reason related to religious practice, and 6.1% for ‘religious extremist thought infection.’⁴⁶

Violations of freedom of expression and freedom of religion or belief continue in Tibet as well. In May 2021, the Chinese government issued a white paper on Tibet which included a specific focus on sinicising religion. In July 2021, the General Secretary of the CCP Xi Jinping visited Tibet and stressed the importance of ‘fully implementing’ the Party’s policies on religion. Seminars were organised by local authorities to indoctrinate Tibetan Buddhist monks and nuns in monasteries, and restricted access to temples. Religious sites and symbols have been destroyed, and Tibetans who listen to the Dalai Lama’s teachings or possess his picture are arrested and detained.⁶¹

The persecution of other groups, such as Falun Gong, is ongoing. According to Minghui, a New York based non-profit publishing house that specialises in providing news and information about Falun Gong, thousands of Falun Gong practitioners were harassed and arrested, and at least 892 were sentenced to prison terms. It is reported that 101 practitioners died as a consequence of state persecution.⁶² As of 30 June 2022, the Political Prisoner Database of the human rights NGO Dui Hua Foundation counted 3,218 individuals imprisoned for ‘unorthodox’ religious beliefs, including unregistered Christian groups and Falun Gong practitioners.⁶³

In Hong Kong, as freedom of expression, freedom of assembly and freedom of association have been almost completely dismantled, freedom of religion or belief is increasingly threatened. While freedom of worship remains, there is increasing self-censorship by clergy in their homilies and preaching, growing surveillance of religious activities, threats to church-run schools and increasing control of churches. In January 2022, Ta Kung Pao, a newspaper controlled by the Liaison Office of the Central Government, published a series of articles attacking prominent Christians in Hong Kong

and advocating restrictions on Christian churches.⁶⁴ The arrest and trial of Cardinal Zen, while not directly related to his religious identity or activities, is nevertheless a clear sign that the authorities no longer uphold or respect religious freedom in Hong Kong.

Conclusion

Although the PRC Constitution and state narrative guarantees freedom of expression and freedom of religion or belief, the reality is that the CCP regime is a repressive dictatorship which, over the past decade of Xi Jinping’s leadership has intensified its crackdown on the exercise of these basic freedoms beyond the limited boundaries it sets.

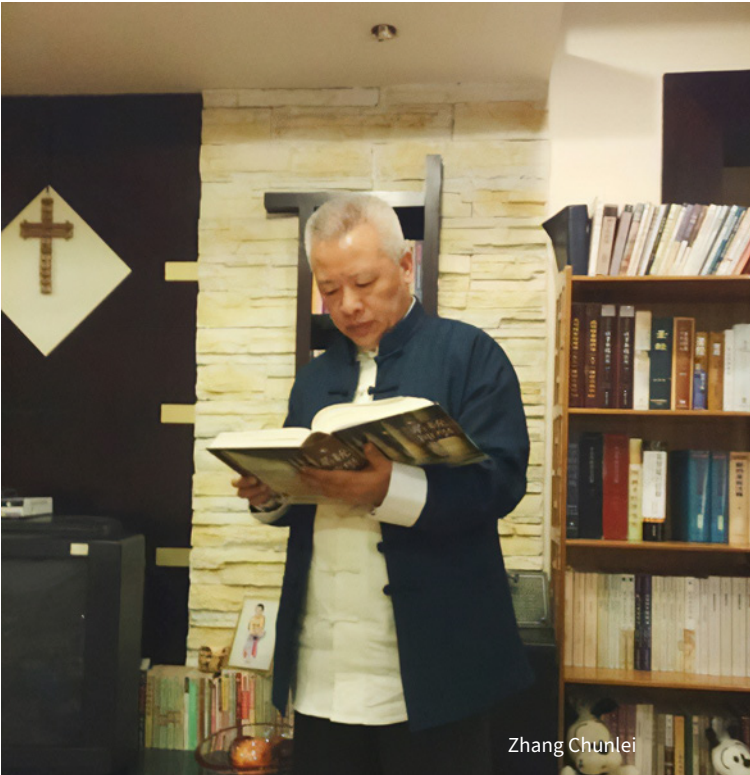
Religious practitioners in the PRC can only legally express their religion or belief if they are a member of a state-approved religion and practice through state institutions. The situation for each religious group varies in severity, but all of them face very challenging circumstances. Violations of freedom of expression with regard to freedom of religion or belief are even more aggressive for practitioners of religions that are not recognised by the State, such as the Falun Gong.

Finally, the politicisation of religion is an increasing challenge. In particular, there has been a shift towards integrating ‘Xi Jinping Thought’ (which has now been incorporated into the Constitution) and the cult of personality into religious practice, requiring the state-controlled religious bodies not only to promote the CCP’s propaganda and teachings, but Xi’s own personal leadership, through displaying portraits of Xi alongside religious images and requiring religious leaders to promote the study of ‘Xi Jinping Thought’.

Case Study – China

In February 2018, the government issued revised regulations on religious activities. It was a time when both registered and unregistered churches in China were already coming under various forms of pressure. ‘Three Self’ churches were increasingly expected to demonstrate their commitment to the government ‘sinicisation’ campaign, which aims to ensure that all inhabitants of China are acculturated or assimilated into Chinese culture, based on the language, societal norms, culture, and ethnic identity of the Han Chinese.

Some churches reported being required to sing patriotic, pro-Communist songs in church services and to fly the national flag. There was significant pressure to remove crosses and other religious symbols from churches and in cases of resistance to this pressure, police and local authorities used force to remove or destroy crosses and icons. Independent churches (those not registered with the state-sanctioned Three Self Patriotic Movement and



often referred to as ‘house churches’ or ‘family churches’) were experiencing intensifying pressure to close, and were subject to intrusive surveillance, intimidation, detention and fines.

It was in this context that, in July 2018, 34 independent churches in Beijing issued ‘A Declaration for the Sake of the Christian Faith’, a joint declaration calling on the government to respect the basic freedom and rights of religious citizens and affirming the churches’ commitment to stand together at a time following the enactment of the Regulations on Religious Affairs earlier that year. The statement declared that their faith was protected by the constitution, is in accordance with the Bible and Christian tradition, and stressed the churches’ contribution to society.

In late 2018, the Department in charge of Ethnic and Religious Affairs in the southwestern province of Yunnan circulated a confidential document which included comprehensive personal details of each of the signatories of the ‘A Declaration for the Sake of the Christian Faith’ and laid out the government’s plan to crackdown on Christian groups, particularly unregistered churches, following the publishing of the joint declaration. The document, which was viewed by CSW, stated:

‘Recently, as the crackdown on Christian irregularities and violations continues to intensify throughout the country, the forces of illegal Christian organisations, represented by the illegal Christian organisation Early Rain Covenant Church in Chengdu, Sichuan,

57 UCANews, “Ethnic minority Christians arrested in China,” 21 September 2022: <https://www.ucanews.com/news/ethnic-minority-christians-arrested-in-china/98843>
58 Anon, ‘Counter-Terrorism Law (2015)’ (*China Law Translate*, 27 December 2015) <https://www.chinalawtranslate.com/en/counter-terrorism-law-2015/> accessed 15 June 2021.
59 Michael Clarke, ‘Widening the Net: China’s Anti-Terror Laws and Human Rights in The Xinjiang Uyghur Autonomous Region’ (2010) 14:4 The Intl J of Human Rights 542, 547.
60 Sean Roberts, ‘The biopolitics of China’s “war on terror” and the exclusion of the Uyghurs’ (2018) 50:2 Critical Asian Studies 232, 238.
61 US Commission on International Religious Freedom (USCIRF), Annual Report 2022, China chapter: <https://www.uscifr.gov/annual-reports?country=36>
62 Ibid.
63 Dui Hua Political Prisoners Database: <https://duihua.org/resources/political-prisoners-database/>

64 CSW, “China: Freedom of religion or belief: the untold stories,” July 2022 – <https://www.csw.org.uk/untoldstories>

and its main leader Wang Yi, have reacted strongly and conspired with each other to mobilize more than 400 illegal organisations and key individuals in more than 20 provinces, autonomous regions and municipalities in China to co-sign the Pastors’ Joint Statement for the Christian Faith, resisting the newly revised Regulations on Religious Affairs. This is their attempt to create momentum through online hype, form public opinion pressure, and obstruct and confront the government’s governance in accordance with the law. This has seriously disrupted the normal order of religious administration, resulting in extremely bad influence. Based on the relevant clues, Yunnan police launched investigation and verification of the seven co-signatories who we are currently aware of...

On 9 December 2018, one of the churches that signed the joint declaration, the Early Rain Church, was shut down.⁶⁵ Over 100 of its members were arrested, including its pastor, Wang Yi, and his wife. Later the same day several seminaries and schools run by Early Rain Church were also closed and some of their students arrested, with dozens more detained in raids on many of Early Rain’s satellite groups. Members of the church were turned away from the building where they used to worship. A service held by leaders in a park nearby was stopped and its organisers also detained.

Pastor Wang’s statement, ‘My Declaration of Faithful Disobedience’ written in anticipation of his impending arrest, was released by the church 48 hours into his imprisonment.⁶⁶ In it he outlined his theological beliefs behind his non-violent resistance to Xi Jinping’s government and its regulations on religion.

On 30 December 2019, the Chengdu Intermediate People’s Court sentenced Wang to nine years in prison and three years of deprived political rights for ‘inciting subversion of state power’ and ‘illegal business activity.’ Wang is reported to be held in solitary confinement and to have been denied adequate medical care. Other members of the Early Rain Church were released but reported that they continued to be monitored by authorities in their own homes.

A second group that signed the joint declaration came under such intense pressure, that the entire church fled the country. Pastor Pan and two elders from Shenzhen Holy Reformed Church were among those who signed ‘A Declaration for the Sake of the Christian Faith.’ The police began a campaign of harassment targeting Pastor Pan. His landlord came under pressure to evict him and his family, and the authorities intervened in an attempt to block them from finding a new home. The government later demanded that he disband the church, close the school, and cut off all contact with Christians in the US. In 2019, 63 members of the SHRC fled to South

Korea where they applied for asylum. However, even though they were outside the country, they continued to receive threats from the Chinese government. In 2022, they decided to leave South Korea for Thailand to apply for refugee status with the United Nations High Commissioner for Refugees (UNHCR) directly in Bangkok. There, they continued to face harassment and threats, including being followed and photographed, and having to change hotels multiple times to ensure their safety. In 2023, the entire congregation was arrested by immigration police in Thailand who took them to a detention centre and threatened them with repatriation. In April 2023, they able to travel to the United States, where they were granted asylum.

The targeting of the signatories of the ‘A Declaration for the Sake of the Christian Faith’ did not stop there. On the morning of 16 March 2021, local police and officials from the Religious Affairs Bureau stormed a privately rented property in Guiyang, Guizhou Province where a group associated with the Love (Ren’ai) Reformed Church were holding a retreat. Ten people were detained.

Later that day, Elder Zhang Chunlei, who was one of the first signatories of the ‘A Declaration for the Sake of the Christian Faith’, went to the police station to make inquiries, at which point he, too, was detained. Officers then raided the homes of Elder Zhang and several other church members, and subsequently issued Elder Zhang and three others, Chen Jianguo, Li Jinzhi and Li Lin, with penalties of administrative detention for ‘illegally operating as an association.’

While the other three were released on 20 March, Elder Zhang remained in detention. Later that month reports emerged that he had been criminally detained. On 1 May 2021, Elder Zhang was officially charged with fraud for the alleged crime of ‘illegally’ collecting donations from church members. Six months later, his lawyer learned that Elder Zhang was also being investigated for ‘inciting subversion of state power.’ On 29 November 2022, the case went to trial but as of June 2024, no verdict had been handed down. Elder Zhang remains in the Guiyang City Detention Centre.

Cuba

Introduction

According to an official census in 2010, Cuba’s population was just over 11million people. Low birthrates and unprecedented rates of emigration likely mean that the number is now lower. Independent and accurate statistics around religious demographics do not exist, however, it is estimated that those who identify as Roman Catholic number around 60% of the population. There is also a widespread presence of practitioners of Afro-Cuban religions, and due to some syncretism, there may be overlap with those who identify as Roman Catholic. As a group, protestant Christian denominations also have a significant presence across the island. Many of the historic denominations have maintained a formal presence on the island for over 150 years. There is a small presence of Muslim, Buddhist, Baha’i and Jewish groups. In general, over the past twenty years, there has been significant growth across the religious sector.

In 1961, following the 1959 Revolution, Cuba, under the leadership of Fidel Castro Ruz, established itself as a Marxist-Leninist socialist republic with one political party, the Cuban Communist Party (CCP). From 1959 until 2021, Cuba was governed successively by Fidel Castro Ruz (from 1959-2008) and his brother Raul Castro Ruz (from 2008-2021).⁶⁷ Miguel Diaz-Canel Bermúdez, a member of the CCP Politburo since 2003, is the current president, having taken over from Raúl Castro Ruz. Criticism of the government and the CCP is not tolerated. There is extremely limited space for the exercise of civil and political rights. Fundamental human rights, including freedom of assembly and association, FoE, and FoRB are systematically violated.

On 11 July 2021, the largest public demonstrations not organised by the government to take place since 1959, spontaneously erupted across the island. Protesters were focused on shortages of food and other necessities but also made calls for political change and ‘freedom’. In response, President Diaz-Canel, sent riot police and paramilitary groups to stop the protests with violence and mass arrests, and declared that there would be no social or political change. Since then, the human rights situation has deteriorated. As of October 2024, there were 1,117 documented political prisoners.⁶⁸

Legal Framework

Constitution

The Constitution of the Republic of Cuba, approved by popular referendum in 2019 and published in the Official Gazette of the Republic of Cuba establishes basic protections for FoRB. **Article 15** states that the ‘State recognizes, respects and guarantees religious freedom’ and **Article 57**, confirms that: ‘Everyone has the right to profess or not religious beliefs, to change them and to practice the religion of their choice, with due respect for others and in accordance with the law.’

Article 42 prohibits religious discrimination, stating that:

All people are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implies a distinction injurious to human dignity.

The constitution also contains provisions in regard to freedom of expression. Article 54 states that the ‘State recognizes, respects and guarantees people the freedom of thought, conscience and expression.’ This guarantee is qualified in that ‘conscientious objection cannot be invoked for the purpose of evading compliance of the law or prevent another from complying with it or exercising their rights’.

Legal Decree 349

Legal Decree 349 went into effect on 7 December 2018, after its initial proposal by President Diaz-Canel in April 2018. The law mandates that advance permission be obtained from the Ministry of Culture for public and private artistic exhibitions and performances. It empowers the government to shut down any such exhibitions or performances that are deemed to contain prohibited content including the use of national symbols to ‘contravene current legislation.’ Artists must obtain government approval to sell their work. Penalties include fines and the confiscation of artwork.

65 CSW, “Police arrest 100 members of Early Rain Church,” 10 December 2018: <https://www.csw.org.uk/2018/12/10/press/4170/article.htm>
66 Wang Yi, “My Declaration of Faithful Disobedience”, 12 December 2018 <https://chinapartnership.org/blog/2018/12/my-declaration-of-faithful-disobedience/>

67 During these periods the Castro brothers’ leadership roles included the presidency, prime minister and the first secretary of the CCP. Raul Castro Ruz stepped down from the presidency in 2018 but remained in the position of first secretary. Diez-Canel Bermudez took over the presidency in 2018, and the position of first secretary in 2021.
68 “Nuevas detenciones por protestas pacíficas en Cuba elevan el número de prisioneros políticos hasta los 1117 en octubre,” Prisoners Defenders; 14 November 2024; <https://www.prisonersdefenders.org/2024/11/14/nuevas-detenciones-por-protestas-pacificas-en-cuba-elevan-el-numero-de-prisioneros-politicos-hasta-los-1-117-en-octubre/>

Legal Decree 370

In July 2019, the government adopted **Decree Law 370** which curtails freedom of expression on the internet in order to guard against ‘disseminating information contrary to the common good, morals, decency, and integrity through public data transmission networks.’ Since it came into force it has been used against independent journalists, including those reporting on FoRB and other human rights.

Legal Decree 35

In August 2021, **Legal Decree 35** came into force. This ‘cybersecurity’ law criminalises any online criticism of the government as well as incitement to ‘public disturbances’, the term the government uses to describe the spontaneous and largely peaceful protest marches that took place across the island on 11 July 2021. According to **Legal Decree 35**, any dissemination of ‘content that violates the constitutional, social and economic precepts of the State, that incites mobilizations or other acts that affect public order; that spreads messages that justify violence, accidents of any kind that affect the privacy and dignity of people’ is considered to be an act of cyberterrorism. This gives the government sweeping and subjective powers to crack down on freedom of expression and related rights including FoRB.

Criminal Code

The Criminal Code (Law 151/2022) went into effect in December 2022. It retains much of the problematic content of the previous code but increases the minimum sentencing for numerous offences and contains clauses that have the potential to violate both FoRB and FoE. As in previous versions, the criminal code includes several vaguely defined crimes, including those of ‘disrespect’ (**Article 144**) and ‘disobedience’ (**Article 147**). The code amplifies the government’s ability to crack down on religious leaders, especially those associated with unregistered groups, and together with the limits outlined in the 2019 constitution, effectively nullifies constitutional guarantees for freedom of conscience.

Chapter VI Article 272 states that offenders:

‘Who, abusing the constitutionally guaranteed religious beliefs that he professes or practices, [uses them to] oppose the objectives of education, or the duty to work, defend the Homeland through the armed struggle when no other resources is available, to revere [Cuba’s] symbols or anything else established by the Constitution of the Republic of Cuba...’

will be subjected to a six-month to one year prison sentence or a heavy fine. The vague wording of this clause leaves it open abuse and arbitrary application

when it comes to both FoRB and FoE. By singling out religious beliefs as having potential to be ‘abused’, members of religious communities are pressured to exercise special caution when speaking about the education system and its objectives, expressing opinions about the ‘duty to work’, and in their interactions with the ‘symbols’ of the ‘Homeland’. The inclusion of the defence of the ‘Homeland’, as one of the areas in which Cuban are specifically told they may not draw upon any religious beliefs to ‘oppose’, presents a particular problem for members of religious communities who profess pacifism as part of their religion or beliefs.

The Criminal Code also increased penalties from a few months’ imprisonment for leading or belonging to an unauthorised association to six months to two years for a leader and six months to one year for a member. The same sentences are applicable for leading or participating in an unauthorised meeting. This is of particular concern given the government’s uneven and arbitrary treatment of unregistered religious groups. The government has permitted only a handful of religious groups to register since 1959 and arbitrarily stripped the registration of some groups including the Jehovah’s Witnesses and the Berean Baptists in the 1970s. Unregistered groups are left in a vulnerable position, with their existence and activities outside the law, and are subject to fines, confiscation of property, forced closure and arbitrary detention at the whim of government and Cuban Communist Party (CCP) officials. Such actions are almost always in response to the perceived lack of support from leaders of unregistered religious groups for the government and its policies.

Title XIV Chapter VII of the **Criminal Code** is the only section to addresses protections for FoRB and is narrowly focused on violations of freedom of worship.⁶⁹ **Article 387** states that

- 1. *Whoever prevents or disturbs the acts or ceremonies of registered or recognized religious institutions, which are held in compliance with the legal provisions, is punished with deprivation of liberty from six months to one year or a fine of one hundred to three hundred quotas, or both.*
- 2. *If the crime is committed by a public official or public authority, with abuse of his position, the sanction is deprivation of liberty from six months to two years or a fine of two hundred to five hundred quotas, or both.*

These protections do not extend to unregistered or unrecognised religious associations and while the provision of sanctions for public officials or authorities who are responsible for violations of freedom of worship of registered or recognise associations is positive, CSW is unaware of any instance in which a public official or authority has been made to account for such actions.

Family Code

In addition to the **Criminal Code**, a new **Family Code** came into force in 2023. Like the **Criminal Code**, the revised **Family Code** also strengthens the ability of the government to pressure religious leaders and others into compliance. **Article 191** gives the government the right to remove children from their homes if their parents fail to fulfil a list of responsibilities detailed in **Article 138ñ**. These include the duties to instil in their children ‘love for the Homeland, respect of its symbols, and respect for the authorities’. Again, there is a strong intersection with FoE, as expressed beliefs regarding the ‘Homeland’, its symbols, or respect for the authorities, interpreted by the government to be in conflict with its own position, could be grounds for the loss of parental custody rights. Religious leaders as some of the only independent civil society representatives permitted to speak publicly and regularly to relatively large groups of people operate in a unique space in Cuba and are particularly exposed to the application of this code.

Law on Social Communication

In May 2023, the Cuban government adopted the **Law on Social Communication**. It was immediately criticised by independent civil society organisations in and outside of Cuba and by the Inter-American Human Rights Commission Office of the Special Rapporteur for Freedom of Expression. The law bans independent, non-state media and aims to control how all Cubans express themselves on and offline, establishing that such expression must meet a detailed list of vaguely defined requirements including being linked ‘to ethics and responsibility’, ‘promoting peace, inclusion, decency and social coexistence’, and ‘protecting honour, identity and individual and family privacy’. The law prohibits the creation and dissemination of any content that aims to ‘subvert the constitutional order and destabilize the socialist state of law and social justice’ or to ‘defame, slander or insult the persons, organs, agencies and entities of the State, political, mass and social organizations of the country’ and bans “the use of content elaborated from existing images, texts, audios and videos, to create false realities for any purpose or purpose” (**Article 51(i)**).

The Office of Religious Affairs of the Central Committee of the Cuban Communist Party

Despite the 2022 creation of the new government Department for Attention to Religious Institutions and Fraternal Groups, religious leaders have told CSW that, in practice, all business continues to be conducted by the Office of Religious Affairs (ORA) of the Central Committee of the Cuban Communist Party (CCP), which maintains a consistently antagonistic relationship with religious groups. All requests for authorisation, from making repairs to a building to holding a public event, are decided by the ORA, an entity operating

outside of any defined legal framework. The ORA habitually denies or simply fails to respond to many of these requests and there is no recourse for appeal. It awards permits, including the right to invite visitors on a required religious visa, according to the inviting religious association’s perceived level of support for or cooperation with the government.

All religious groups must be registered with the Ministry of Justice to operate legally: the ORA receives the request for the registration and the government then makes the decision, with input from CCP officers. While there are some criteria for registration, for example that the association must have more than 30 members, decisions are made on an arbitrary basis in line with political considerations and are only rarely approved.

Freedom of Expression and Freedom of Religion or Belief in practice

Since the 1959 Revolution and the installation of Fidel Castro Ruz as leader of the country for the next half century, both freedom of expression (FoE) and freedom of religion or belief (FoRB) have been seriously and systematically violated alongside other fundamental human rights. Government repression of both rights continued with political transition to Raul Castro Ruz in 2006, when he took over as acting president for his older brother and worsened under Miguel Díaz-Canel Bermúdez who became president in 2019.

The government often points to officially organised public debates and consultations on the local level as evidence that Cubans are free to express themselves; however, it omits to mention the constant presence in these meetings of the internal government intelligence apparatus and the high likelihood that those who are openly critical of the government or its objectives will face repercussions in all spheres of their lives. Similarly, the government maintains that the limited ability of members of registered religious associations to meet for worship is proof that FoRB is respected. This ignores the fact that thousands of Cubans participate in religious or belief groups that have not been permitted to register. Even in the case of registered religious associations, discourse is closely monitored. Those in and outside of legally registered associations who express criticism of the government or its policies, or are simply perceived to be unsupportive, are systematically singled out for acts of repression including police summons, interrogations, fines, and threats.

Internal surveillance

Intrusive government surveillance of ordinary Cuban people is recognized by most on the island as a fact of life. The Department of State Security (DSE), tasked with domestic intelligence work and operating out of the Ministry of the Interior, was created in the early days of the Castro dictatorship. DSE agents worked closely with

69 Freedom of worship is only one aspect of FoRB, which encompasses a much wider span of rights.

their counterparts in the USSR and Eastern Europe and received training from the German Democratic Republic Ministry for State Security, better known as the Stasi, which ran one of the most comprehensive internal spy operations in the world. Like the Stasi, the DSE employs the use of a far-reaching network of overt and covert agents, who monitor the activities of Cuban citizens in their professional and private lives, paying particular attention to their political views and identifying problematic and potentially problematic individuals. DSE efforts are reinforced by a grassroots neighbourhood surveillance program called Committees for the Defence of the Revolution (CDRs), launched by Fidel Castro Ruz in 1960:

We are going to set up a system of collective vigilance; we are going to set up a system of revolutionary collective vigilance... Because one thing is certain, we have people in every part of the city; there is no apartment building in the city, not a corner, not a block, not a neighbourhood, that is not amply represented [in the audience]. We are going to set up a system of revolutionary collective vigilance in response to the imperialist campaigns of aggression, so that everybody will know everybody else on his

*block, what they do, what relationship they had with the tyranny, in what they believe, what people they meet, in what activities they participate.*⁷⁰

True to Fidel Castro Ruz’s vision, over sixty years later, CDRs continue to operate in neighbourhoods across the island. They work closely with both local CCP officials and DSE agents, monitoring and reporting on the activities of neighbours recognised as ‘problematic’, and flagging those who, they think, might become so. This includes religious leaders affiliated with both registered and unregistered religious groups. As part of the Vigilance, Ideology, and Community service, CDR officers maintain notes on everyone on their block, reporting on their movements, their work and family history, religious involvement, how often and how many people enter their homes, and even how much mail they receive.

Religious groups in Cuba operate in a unique space in that they represent the only sector of independent civil society able to gather, speak to, and organise significant numbers of members of the public on a regular basis. As such, religious groups and their leaders attract particular attention from the internal intelligence apparatus which is especially concerned with monitoring their

exercise of FoE. Undercover DSE agents systematically infiltrate religious groups, posing as potential members, members, and at times even rising to positions of leadership, in order to collect information on the activities and internal discourse of the groups. Religious leaders also report the regular and open presence of known DSE agents or CCP officials at religious activities; their presence serving to remind the group that they are being watched, with the objective that they self-censor accordingly.

Alongside the DSE, the ORA plays an active role in monitoring and attempting to control FoE when it comes to religious groups and especially their leaders. Religious leaders are regularly visited by local ORA officers (who work closely with the local CDR), or are summoned by the ORA into meetings where CCP officials and DSE officers are present, and in which the leaders are pressured to publicly support government policies and initiatives, interrogated about their positions on various issues of interest to the government, as well as the position of other leaders in their religious group, and belittled and threatened if they decline to cooperate. The ORA awards permits, including the right to invite foreign visitors to the island on a required religious visa, according to the inviting religious association’s perceived level of support for the government and its policies. Those not deemed sufficiently supportive frequently see their requests for example, for permits to make essential repairs to their buildings of worship or to hold special events, summarily denied.

Censorship

As noted above, religious leaders representing all groups are acutely aware of informants in their congregations and even, in many cases, within the internal administration and the leadership of their religious institution. This includes those affiliated with the Cuban Council of Churches (CCC) which enjoys a close relationship with the government in return for its leadership’s public support of the government and its policies. Within this context and over the past sixty years, a culture of self-censorship has become deeply entrenched within registered religious groups, in and outside of the CCC. Religious leaders word their sermons, other types of discourse, and even prayers carefully so as not to express anything that might be interpreted as critical of the government or its policies. They also exercise caution in internal meetings, many individuals having experienced statements they had believed were made in confidence repeated back to them verbatim in later interrogations with the DSE or meetings with the ORA.

Some religious groups, including unregistered charismatic or Pentecostal churches that have grown rapidly, both in terms of numbers and geographic spread over the past two decades, rely on a much more extemporaneous style in their religious practice. Church

leaders in these groups have at times, as they are leading religious services, been more directly and indirectly critical of government figures and have, as a result, have attracted open hostility from the government. In 2010 Caridad del Rosario Diego Bello, the decades-long head of the ORA, was surreptitiously recorded openly speaking of the government plans to eradicate one of the largest such groups, the Apostolic Movement, from the island. Since then, a number of large Apostolic Movement churches have been razed to the ground, their leaders and members of their congregations have been arbitrarily detained, threatened and interrogated, barred from leaving the island, and in some cases given lengthy prison sentences or forced into exile.

In November 2021, Bernardo de Quesada Salomón, a high-profile Apostolic Movement leader whose Camagüey church was demolished by the government in 2015, was met by DSE officers as he was returning to Camagüey following a pastoral visit to the eastern part of the island. The DSE officers ordered de Quesada Salomón to follow their two patrol cars to the provincial Directorate for Identification, Immigration and Foreigners (DIIE) offices. The pastor was met there by two other DSE officers who identified themselves as Lieutenant Colonel ‘Wilmer’, from the Criminal Procedure Department, and ‘Cristian’, who said that he was in Counterintelligence and was responsible for ideological issues. The pastor was interrogated for over an hour regarding posts he had made on social media, prayer vigils he had organised and led, and his views on a protest march organised by some members of the opposition and planned for later that same month.

In many cases, the government has attempted to use the school-aged children of religious leaders as pressure points, flagging them as ‘problematic’ in their education files or singling them out for organized public ridicule because of their faith and the ‘counter-revolutionary’ activities of their parents. In one such case in 2019, a now forcibly exiled pastor of an unregistered church went to the primary school which his daughter had attended for three years, to request her school file to facilitate her transfer to a school closer to their home. During her time at the school, from the age of six to eight, his daughter had been repeatedly punished for talking about her religious beliefs and had been made to stand in front of her class while teachers and administrators ridiculed her for being the child of unregistered religious leaders. When the pastor received the file, he noticed, among the notes on her academic progress, another note explaining to the new school that the girl was the daughter of counter-revolutionaries. It included an alert to keep her under surveillance and flagged her future ability to enrol in university degree courses, confirming threats one of her teachers had made to the pastor, that his daughter would never be accepted to a good degree programme if he continued to fail to support government policies publicly in his capacity as a religious leader.



Yoe Suarez

70 “Discurso Pronunciado por el Comandante en Jefe Fidel Castro Ruz a su Llegada de la Organizacion de Naciones Unidas, en la Concentracion Frente a Palacio, el 28 de septiembre de 1960” <http://www.fidelcastro.cu/es/discursos/discurso-su-llegada-de-la-organizacion-de-naciones-unidas-en-la-concentracion-frente>

While the government has maintained an open campaign in its attempts to censor the leaders of unregistered religious groups, it is important to note that registered groups are also targeted, though often in less blatant ways. Leaders from CCC-linked religious associations who have questioned or criticized government policies have come under particularly intense pressure from the DSE, the ORA and often from other members of their religious association. CCC leaders who have made public calls for increased respect for FoRB have been subjected to repeat interrogations, threats, and arbitrary detention. In 2019, one high profile CCC leader told a FoRB activist, ‘Our denominations experience the same (FoRB violations) you are talking about. Our religious freedom is violated regularly, but I do not dare to speak about it because if I were to do so, the retribution would be swift.’

Social media and improved access to the internet in many parts of the island have provided more opportunities for Cubans to express their opinions. In response, the DSE has adapted and allocated increased resources to monitor FoE online. Many religious leaders have utilized social media accounts to amplify their voices, speaking out on religious doctrine, social issues and, at times, government initiatives. In response, they have been summoned for interrogations and threatened with fines or imprisonment should they continue to post statements that DSE interprets as unsupportive of the government.

In some cases, they have seen their services blocked. In May 2023, a pastor affiliated with an unregistered religious group noticed that his internet, landline, and cell phone services had stopped working. When the pastor went to the local offices of ETECSA, the government run monopoly that provides these services, an employee explained to him, confidentially, that the system indicated that DSE had ordered his services cancelled until further notice due to posts of a religious nature that the pastor had shared on social media, and the responses to the posts, as well as because of comments he had made on social media posts by others.

Public consultation

In recent years, the Cuban government has called for local consultations in communities across the island to discuss proposed changes to the law, including in 2018, for a new constitution. Religious groups took the government at its word and entered into enthusiastic discussion and debate on the content of the draft constitution, which was put to a public referendum in early 2019. In September 2018, a group representing some of the largest registered Protestant denominations launched a petition calling for comprehensive protections for FoRB to be included in the new constitution. The authors of the petition raised several issues with the draft constitution, expressing concern

that references to FoRB had been further weakened relative to the already problematic previous constitution, and proposed language for two additional clauses to be added to the new constitution:

(66) “*The Cuban State guarantees the churches and religious institutions the freedom to manifest their religion or belief and to do so individually and collectively, in public and in private, and the right to teach and practice the corresponding worship and to independently observe their principles and faith.*”

(67) “*The Cuban government, its bodies and authorities will abstain of interfering with the internal life of religious associations, and of creating organizations to control them.*”

The Cuban government gave no indication that it even considered the petition. Instead, it turned its attention to religious leaders across the island, attempting to coerce, through offers of privileged treatment and by threats of adverse consequences, religious leaders not just to vote ‘yes’ to adopt the new constitution but to encourage the members of their congregations to do so as well.

This pressure grew especially intense in the weeks and days leading up to the referendum. In one example, on 12 February 2019, high ranking CCP officials in Santiago de Cuba summoned Christian, Yoruba and Masonic leaders in Santiago to demand verbal commitments that they and their congregations would all be voting in favour of adopting the new constitution. In a surreptitious recording of the meeting provided to CSW, Lázaro Expósito Canto, First Secretary of the CCP in Santiago, and Roberto Noa Frómeta, the regional ORA officer at the time,⁷¹ told the religious leaders ‘...that the enemy was trying to destroy the Revolution, that a unanimous “yes” vote was needed and that they would do everything in their power to ensure that things went well.’ The CCP officials then demanded that the religious leaders state, on the spot, how they and their members planned to vote.

Religious leaders in towns and cities reported being summoned to similar meetings throughout the same week. The following week, the home of a Baptist pastor in Baracoa was surrounded by DSE agents and police for days. Government officials referred to the pastor a ‘mercenary’ because of his criticism of the draft constitution and threatened him with arrest. Another pastor who was outspoken about his intention to vote ‘no’ and whose church belongs to the CCC, was advised to ‘take a vacation,’ and was suspended for 15 days after he refused to do so. On 21 February 2019, the leader of another major Protestant denomination received a phone call from Sonia García García, another high-ranking ORA official, who accused the denomination of telling its members to vote ‘no’. The church leader told CSW:

I told her clearly that they could not count on our vote for a constitution that does not represent us. I told her that they did not listen to our demands, they did not give us an opportunity to discuss, they refused us permissions, they accused us of being fundamentalists and backwards. The church has had no rest in these days. They are besieging and intimidating us just for defending our rights and our principles. They cannot count on us now. After these words she hung up on me.

Pressure was maintained up to the referendum and in the days following. On 23 February 2019, a pastor affiliated with the Assemblies of God denomination, a registered religious association, was arbitrarily detained for two hours by a DSE Department of Technical Investigations (DTI) agent who accused him of directing members of his congregation to vote ‘no’ in the referendum. Two high profile pastors with the unregistered Apostolic Movement, Pastor de Quesada Salomón and Alain Toledano Valiente, were held for seven hours by customs agents in the Havana airport upon their return from Argentina. Religious materials they were carrying were confiscated because ‘their content was against the government,’ according to customs officers. Baptist Reverend Sandy Cancino, one of the most vocal voices in the ‘no’ campaign, was blocked from voting at the Cuban Embassy in Panama despite showing identification and proof that he was a permanent resident of Havana.

The authorities employed similar tactics in the run up to the September 2022 referendum on a new **Family Code**, which the government presented to the outside world principally as a progressive attempt to legalize same sex marriage, despite the fact that only a handful of lines in the 100-page document dealt with LGBTQ+ rights. Religious leaders expressed alarm, often publicly from the pulpit and via social media, at clauses, outlined above in the legal analysis, that strengthen the power of the government to remove children from parents deemed insufficiently loyal to the system. The authorities, in turn, began a targeted campaign of harassment, including repeated summonses to meetings with DSE agents and ORA officials, interrogations to identify the positions of religious leaders on the referendum, and threats aimed at extracting promises of public support by religious leaders for a ‘yes’ vote.

In a typical case, a pastor affiliated with an unregistered religious group received a summons in March 2022 to appear at the local police station the following day. Upon arriving, three DSE officers including a captain took the pastor to an interrogation room where he was made to answer questions about opinions he had shared publicly regarding the proposed **Family Code**. They threatened him with negative consequences if he did not change his position. The officers accused the pastor of ‘instigating’ members of his congregation to oppose the new code. The pastor replied that he had no power to force the

member of his church to do or believe anything, but that he and they had a right, as citizens, to disagree with the government. In response, the DSE officers threatened him with a 30-year prison sentence for leading an ‘illegal’ church and, in what they referred to as an ‘act of sedition’, inciting its members to oppose government policies. The pastor was presented with an *Acta de Advertencia*, a document that justifies future arrest for crimes which have not yet taken place, which he refused to sign.

In another case, also in early 2022, the authorities held a public consultation in a Havana neighbourhood regarding the upcoming referendum on the **Family Code**, which local residents were encouraged to attend. Two of the residents, a married couple who led a local, registered church, attended and expressed their concerns about the code, explaining the points on which they disagreed. The couple, who had not mentioned anything about their religious beliefs, were ridiculed by government officials and CDR representatives present, who raised the fact that the couple were known to be Baptist Christians and warned them that they should be careful, in case ‘anything should happen to them.’ The following day, the couple received a police summons, with which they complied, and were then interrogated about their religious beliefs and their stance on the then draft code.

When it comes to government-run public consultations, attacks on FoE based on religious beliefs have extended beyond leaders to ordinary citizens including students. In early 2019, as part of the government push for a ‘yes’ vote in the constitutional referendum, teachers at a Havana university conducted a practice exercise with each of the students. In the simulation, students were shown a copy of the ballot that would be used and were encouraged to mark ‘yes’ in front of the watching teachers. One student, however, marked ‘no’, explaining that she had done so for reasons of conscience as she did not believe that the draft constitution contained sufficient protections for FoRB. She was put in front of an audience of other students, subjected to public ridicule because of her beliefs, and warned that her actions could negatively affect her future work placement, which depends on a ‘political evaluation’ carried out by members of the faculty.

FoE and the defence of FoRB

The government systematically harasses and threatens human rights defenders (HRDs), and those who specialise in FoRB are no exception. Government repression of HRDs intensified significantly following the nationwide protests of 11 July 2021 but initially began to worsen in 2019 and 2020 in the crackdown on the San Isidro Group, a coalition of artists, academics, and journalists which formed in response to **Legal Decree 349** and increased government censorship of artistic expression. Since then independent journalists,

71 He has since been transferred to the central ORA office in Havana.

like Yoel Suárez Fernández, known for his reporting on FoRB issues in Cuba, and religious leaders, including those affiliated with registered CCC denominations like Reverend Yordanys Díaz Arteaga (Reformed Church of Cuba), registered non-CCC groups like Reverend Arcadis Solano Silvera (Baptist Convention of Eastern Cuba), and unregistered groups like Apostle Alain Toledano Valiente, and Enrique de Jesus Fundora Pérez, who regularly spoke out against FoRB violations, have all been threatened and forced into exile.

Pressure on those who defend FoRB remains intense. Members of the Alliance of Christians of Cuba (ACC), an ecumenical and independent network of religious leaders from across the island established in 2022, report that they experience regularly experience harassment and are subjected to threats by the authorities. The group meets regularly and has made multiple public statements which call for FoRB in Cuba to be upheld and often include commentary on other social and political issues, including the rights of women and of children. On 13 August 2024, Bishop Eduardo Batista Guibert of the unregistered Conservative Free Anglican Church, was summoned to a PNR station in Havana. Captain Alesi Leyva interrogated the religious leader, expressing his concern at Bishop Batista Guibert’s participation in the ACC. Captain Leyva warned that the bishop’s involvement in a ‘movement that is against the principles and leadership of the Revolution...’ could leave him open to accusations of ‘being in opposition to the principles of the Cuban nation’.

In November 2024, another participant in the ACC, a religious leader from an unregistered religious organisation in central Cuba, discovered that he was blocked from accessing his personal bank accounts. When he made enquiries at the bank to resolve the problem, he was informed by the bank manager that the bank had received an order to freeze his and his wife’s accounts as they were ‘under investigation.’ A few weeks later, the pastor was summoned by the PNR to an interrogation and accused by an officer of ‘carrying out counter-revolutionary events, through a movement which is in opposition to the principles of the Revolution.’ The officer went on to warn the pastor that they knew he was one of the leaders and organiser of the ACC gathering that had recently taken place ‘in order to destabilise the country’, noting that they had discussed political issues. The pastor noted that in the eyes of the government, everything was political because everything is politicised by the state and refused to sign an *Acta de Advertencia* that the officer had prepared.

Conclusion

FoRB and FoE are both severely restricted in Cuba. Legal guarantees for both rights are cancelled out by vaguely worded clauses that qualify the rights based on an individual’s loyalty to the authorities and Cuban ‘symbols’ as perceived by the government. Both rights are systematically infringed upon by Cuba’s internal intelligence apparatus which combines the use of DSE officers, often working under false names, CDR’s planted in and operating out of every neighbourhood, and the use of informants who report on the activities and discourse of civil society groups and their leaders, including those of a religious nature.

Religious leaders in Cuba understand their delicate position, as the only independent civil society leaders permitted to speak to and organise groups of people, only too well. Many have cultivated a culture of cautiousness and self-censorship over decades, attempting to stay true to their religious convictions without expressing anything that might be construed as unsupportive of the government and the CCP. Those who have attempted to push back on this culture have faced harsh consequences including imprisonment and forced exile.

The government’s invitations over the past decade for public participation in conversation and debate regarding the new constitution and subsequent reforms to administrative codes have been issued in bad faith. The processes, repeated in the lead up to referendums and the adoption of new legislation, have been little more than a charade to attempt to portray a society where FoE flourishes. Those who have attempted to express their sincere thoughts or concerns, including religious leaders and practitioners approaching these questions informed by their personal religious beliefs, have found, to their own cost, that there is no tolerance for any that do not align with the government’s position and objectives. The legislative developments of the past six years demonstrate clearly that, under President Diaz-Canel Bermúdez, the government will continue to tighten already onerous restrictions on FoRB and FoE and will continue to devote significant resources to attempt to control as much a possible the point where the two rights intersect.

Case Study – Cuba

Yoel Suárez Fernández, a Protestant Christian and an independent journalist who has written extensively about human rights and FoRB issues in Cuba began working with non-state media outlets on the island in 2014. His work, especially as one of the only journalists in the country covering FoRB issues, attracted the attention of the Cuban government, which targeted him and members of his family, subjecting them to harassment, repeated police summons, threats, and travel bans. The government’s hostility increased in 2020 and 2021, during a period of heightened unrest linked to the COVID-19 pandemic, extreme economic shortages, and the political transition from the leadership of Raul Castro Ruz to Miguel Diaz-Canel Bermúdez.

In 2020, Mr Suárez was repeatedly summoned or arbitrarily detained and interrogated by government agents. Early in the year, during one of these interrogations, he was informed by a State Security (DSE) agent that he was subject to a travel ban and was prohibited from leaving the country. The numerous interrogations to which he was subjected centred around accusations of ‘enemy propaganda’ as defined by the Criminal Code, and violations of Decree-Law 370, which regulates use of the internet and has been used to punish Cubans for publishing content online that is interpreted as critical of the government. Mr Suárez also reported that government agents routinely issued threats to harm him, his wife, and his then two-year old son.

While most of these interrogations took place at police stations, one was held at a government run tour agency and another was held in an unknown location. In the latter case, Mr Suárez was stopped as he was withdrawing cash in Havana and ordered by two DSE agents, who identified themselves as ‘Officer René’ and ‘Major Armando’ to get into a police car, threatening to handcuff him if he refused. He was told to turn over his identification documents and blindfolded. According to Mr Suárez, they drove for a few miles, parked the car, and guided him into an air-conditioned building. When Mr Suárez objected to the proceedings, Officer René responded

We met you at the Siboney [Police] Station and you said you were not comfortable there. We met at the Cubatur company on your block, and you did not like us there either. Now we bring you here and it’s the same. It seems that what you don’t like is getting to know us.

In the interrogation they accused him of ‘leaving out’ key information in his journalistic work. When they had finished, he was blindfolded once again, and taken back, in the same vehicle to Havana. Before allowing him to go, they asked Mr Suárez if he had any family outside Cuba, if his wife had a passport, and if the family had considered emigrating’.

Members of his immediate family were also targeted. In April 2020, Mr Suárez’s mother, who was never involved in his journalism work, was summoned and interrogated by two DSE agents who attempted to convince her that her son was on ‘a bad path’. They suggested that she ‘convince’ him to stop his independent coverage of FoRB and other human rights issues. On 3 April, she was summoned for a second interrogation, this time at the Siboney Police Station. Two DSE agents who identified themselves as René and Captain Jorge, second in command at the internal intelligence agency that deals with the independent press, questioned her. Mr Suárez reported that his mother was very shaken after this event and expressed concern about her physical and mental wellbeing.

The government’s targeting of Mr Suárez by National Revolutionary Police (PRN) officers and DSE agents continued into 2021. In January, he was summoned and physically searched before being questioned about his publications in the independent press and on social media denouncing FoRB violations. The government officers reminded Mr Suárez about the travel ban to which he had been subject for almost a year and threatened him with prosecution as a ‘mercenary’ if he continued to write about the topic.

A little over one month later, he was summoned again, this time to another police station in the Havana neighbourhood of Miramar. He was questioned about his work ties, his family, occupation, relatives abroad, in addition to his coverage of human rights, including FoRB. They warned him: ‘In Cuba, we control our citizens. Today, this [interrogation] is the action we are taking, but tomorrow it could be something different’. When Mr Suárez noted the fact that he had been interrogated about the same issue a few weeks earlier, he said, ‘[The DSE agent] told me it was not an interrogation, but an interview, and talked a lot about the consequences of my work: for me, for my family members. He told me to think about my child, about my family’.

In the same month Mr Suárez’s wife, Maria Antonieta Colunga Olivera, was given three hours’ notice to report to the Immigration Police Station in Nuevo Vedado. DSE agents told Ms Colunga Olivera that she was there for a conversation her husband’s work. Ms Colunga Olivera responded that she was there involuntarily, noting that the summons indicated she would be fined if she did not comply, and that ‘as such this was not a conversation, but an interrogation, and whatever they needed to know about my husband, his journalistic work and anything else, it seemed wiser to ask him, that I would only answer questions related to me’. The interrogation lasted around 30 minutes, during which the officers asked about her work for the Catholic aid organisation Caritas. They repeatedly asked if she thought her husband’s work as an independent journalist could affect her work or her employer and posed questions related to her

family, including specific questions about the health of her mother.

The threats did not stop Mr Suárez, however. In May 2021, he and a group of six other Protestant Christians attempted to visit Luis Manuel Otero Alcántara, a now imprisoned dissident, who was at that point on day six of a hunger strike. The group was stopped by DSE agents and PRN officers, who took their identification cards and ordered them to go to a nearby church. When the group explained that they planned to visit Mr Otero Alcántara in order to pray with him, they were informed that this would not be allowed, a DSE agent explaining:

The order I have is that you can pray there in the church park and then leave...No recording is to take place here because I said so. ... I don't want any media reports stating that a church group was praying in the house of this person at noon... we have all your [identification information] ... I'm warning you all now.

In June 2021, Mr Suárez was handcuffed, detained, held incommunicado at a PNR station for over three hours, and fined after leading a workshop on journalism and FoRB.

Unprecedented, spontaneous and peaceful protests erupted across the island on 11 July 2021. The government responded with violence and mass arrests and a crackdown that continues to the present day. In the months that followed, he was regularly summoned and interrogated by the PNR and warned not to participate in demonstrations planned for November 2021 or any ‘subversive’ activity linked to International Human Rights Day on 10 December. After he released a documentary on FoRB in Cuba, Mr Suarez was informed that he had been assigned a new DSE agent, ‘Osvaldo’, due to his status as a ‘counter-revolutionary’. In December, ‘Osvaldo’ threatened Mr Suárez with charges for the crime of ‘social dangerousness,’⁷² noting that he was employed by a non-state organization and had an extensive record of interactions with the PNR and urged him to think of his young son.

The threats against his family, and especially his child, led Mr Suárez and his wife to take the decision to seek asylum abroad. In early 2022, he was informed by government agents that they would lift the travel ban imposed on him for two years, but on the condition that he not return to Cuba. In August 2022, the family left Cuba and now reside in the United States where he continues to monitor and report on FoRB issues in Cuba from exile.

They warned him: ‘In Cuba, we control our citizens. Today, this [interrogation] is the action we are taking, but tomorrow it could be something different.’

Nigeria

Introduction

Nigeria is ethnically and religiously diverse, with religious and belief communities comprising of Christians, Muslims, adherents of Traditional African Religions and Humanists. While the country’s constitution guarantees freedom of religion or belief (FoRB) for all citizens, including the right to change one’s religion, violations are frequent, particularly affecting minority religious and belief communities in diverse parts of the country. Violations are perpetrated by both state and non-state actors. State actors often exploit sections of the constitution that restrict freedom of expression (FoE) and promulgate laws that further restrict free speech. Non-state actors in northern Nigeria violate the right through acquiescence with or enforcement of an historical, systemic and systematic marginalisation of minority religious communities which has been normalised over time.

In the majority of Shari’a states, the construction of churches is severely restricted. Most congregations cannot purchase land for erecting church buildings, and in some instances official documentation issued to buyers has listed churches among forbidden structures alongside hotels and brothels. Certificates of ownership for land already purchased for construction purposes are difficult if not impossible to obtain, permission to build is generally delayed indefinitely, and existing church buildings are often demolished for real or spurious infractions, when land is appropriated ostensibly for development purposes or during episodic religion-related violence. In each case congregations are rarely compensated adequately or offered viable alternative sites.

Legal framework

In a nod to the country’s religious and ethnic diversity, paragraph 3 of the preamble of the Nigerian constitution commits

... to provide for a constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people.

Unfortunately, several sections of the Constitution appear to contradict this guiding ethos.

Freedom of religion or belief

The Federal Constitution:

Nigeria’s 1999 Constitution⁷³ mentions religion in **Sections 10, 38, 275 and 280**. **Section 10** states that ‘The Government of the Federation or of a State shall not adopt any religion as State Religion’. **Section 38:** (1) asserts that ‘Every person shall be entitled to freedom of thought, conscience, and religion, including the freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice, and observance’. Three subsequent subsections expand on this, emphasising the right of students not to engage in or receive religious instruction on a faith other than their own and to be able to access appropriate religious instruction, while **Subsection 4** warns against forming or joining a secret society.

Section 275. (1) allows for the creation of a Shari’a Court of Appeal by ‘any State that requires it,’ while **Section 280. (1)** permits states to create a Customary Court of Appeal. Shari’a Courts of Appeal are exclusively for Muslims, and Customary Courts are secular and for everyone. Consequently, while **Sections 10 and 38** are in line with the spirit of the preamble, **Sections 275 and 280** create a discrepancy in the constitution which has, over decades, been subject to extreme interpretations that have threatened the unity upon which the constitution is premised.

According to the Pew-Templeton Global Religious Futures project⁷⁴ Christians and Muslims are evenly distributed, with 2% pockets of others and non-religious persons. Given the above, a Shari’a Court for Muslims in the absence of an ecclesiastical court for Christians as well as a court for adherents of Traditional African Religions violates the spirit of the constitution with respect to equity and unity. This ambivalence has created constitutional crises repeatedly, leading to loss of lives and properties, particularly on the part of Christians and other non-Muslims.

72 Social dangerousness is a pre-emptive charge which applies to individuals who have yet to commit a crime, but who the government deems likely to engage in criminal or anti-social behaviour.

73 Nigeria’s Constitution of 1999, https://www.constituteproject.org/constitution/Nigeria_1999.pdf

74 Pew Research Center, ‘Religious Composition by Country, 2010-2050,’ <https://www.pewresearch.org/religion/interactives/religious-composition-by-country-2010-2050/>

Federal, state, and local authorities often justify their suppression of FoE and the press by referring to **Section 45** of the constitution in particular⁷⁵:

45. 1. *Nothing in sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society*

a. *in the interest of defence, public safety, public order, public morality or public health; or*

b. *for the purpose of protecting the rights and freedom of other persons.*

2. *An act of the National Assembly shall not be invalidated by reason only that it provides for the taking, during periods of emergency, of measures that derogate from the provisions of section 33 or 35 of this Constitution; but no such measures shall be taken in pursuance of any such act during any period of emergency save to the extent that those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency:*

• *Emergency provisions: Provided that nothing in this section shall authorise any derogation from the provisions of section 33 of this Constitution, except in respect of death resulting from acts of war or authorise any derogation from the provisions of section 36(8) of this Constitution.*

3. *In this section, a “period of emergency” means any period during which there is in force a Proclamation of a state of emergency declared by the President in exercise of the powers conferred on him under section 305 of this Constitution.’*

Religious Discrimination (Prohibition, Prevention Etc.) Bill (2021)⁷⁶

This bill ostensibly seeks to prohibit discrimination on the grounds of religion, and to provide a mechanism for enforcing stipulations regarding FoRB and non-discrimination on the grounds of religious belief contained in the federal constitution and in relevant regional and international conventions to which Nigeria is party. It was formulated amid incidents in southern Nigeria in which Muslim female students attempted to wear the hijab to Christian schools with strict and longstanding uniform codes.⁷⁷ (In public schools in the north, Christian students are obliged to wear the hijab.)

Christian leaders expressed particular concern regarding **Section 4(1) in Part B** of the bill, which would prohibit discrimination ‘on the ground of manifestation of religion or religious belief or any other ground of a characteristic that people who have or engage in the religious belief or activity generally have,’ and makes specific mention of the hijab. Reverend Samson Ayokunle, who was president of the Christian Association of Nigeria (CAN) at the time, stated that if passed into law, the bill would enforce discrimination rather than unite the country, adding that sufficient legislation to address discrimination already existed.⁷⁸

The Corporate and Allied Matters Act (CAMA):

The new Companies and Allied Matters Act was signed into law on 7 August 2020, repealing the previous Companies and Allied Matters Act which originally came into force in 1990. The CAMA generated controversy due to stipulations such as those contained in **Section 839**, which gave undue powers to the State to dissolve, change, management or merge organisations, including Christian organisations, at its discretion and without recourse to the founding members of these establishments. These provisions were deemed abhorrent by civil society organisations, the Christian community and several other stakeholders, as they could potentially be employed by the state to impose further restrictions on the freedoms of religion or belief and association.

The issue was taken to court, with opponents arguing it was inconsistent with several sections on freedom of association and expression within the 1999 Constitution, and the complaint was upheld by the court. However, the controversy exposed an official attempt to repress the freedoms of religion or belief and expression through the Corporate Affairs Commission, which has continued to make it harder for organisations with religious affiliations other than Islam to register.

The Kaduna State Religion Preaching Law

Laws affecting FoRB are also in place on the state level. In June 2019, the Kaduna State House of Assembly passed the **Religion Preaching Law**, initially proposed by the Kaduna state government in 2016.⁷⁹ The bill was vigorously opposed for being in direct contravention of **Section 38 of the 1999 Constitution**. **Section 12** of the law prohibits preaching without a valid license, playing religious cassettes or using a loudspeaker for religious purposes after 8pm in a public place, using a loudspeaker for religious purposes other than inside a

mosque or church and the surrounding areas outside stipulated prayer times, or using a loudspeaker in vehicles to broadcast religious messages in the streets. **Section 12** also gives jurisdiction over these matters to both Shari’a and Customary (non-religious) Courts to try violators of the law but does not state the segments of the population over which each court system has authority. Both courts are given the authority to order the surrender or destruction of property, including vehicles, equipment, books, or other materials carry an ‘offensive’ message. Critics have noted that the law only mentions Islam and Christianity, making the situation unclear for those holding other religious beliefs or none at all.

The Kaduna state government under former governor Nasir El-Rufai claimed that the 2019 bill would help the government to control violent language from both Christian and Muslim members of the clergy, a message which resonates to some extent in the state with the highest incidence of religious violence. On the surface, the bill appeared to address the needs of Kaduna State, which for decades has been prone to religion-related violence. However, given the then-governor’s tendency to display bias against persons espousing religions or beliefs other than his own, concerns arose regarding his true intentions.

The Religion Preaching Law cites a similar bill that emerged in 1980. The Kasuwan Magani crisis, between the largely Christian indigenous Adara people and Muslim Hausa and Fulani settlers, erupted shortly thereafter in 1981. From that time onwards, Kaduna State was never crisis-free, as every succeeding decade witnessed a major sectarian conflict, with the 1992 Zangon Kataf crisis⁸⁰ and the 2000 Sharia crisis⁸¹ being among the most significant.

Although it was vigorously opposed by many Kaduna residents, who insisted it contravened **Section 38 of the 1999 Constitution**, the bill was passed into law by the State Assembly in 2019. This occurred against the background of the issuing of a White Paper on the Zangon Kataf crisis,⁸² which caused unrest and loss of life in the area, with the Sharia Council calling for the execution of retired Major General Zamani Lekwot, who is from Zangon Kataf, as the means of ensuring peace, and the abolition by the Kaduna state government of chiefdoms largely comprising indigenous Christians, and their replacement with Muslim emirates.⁸³

Freedom of Expression

The Federal Constitution

The 1999 Constitution guarantees the freedom of the press, as well as freedom of expression. **Section 39 subsection (1)** provides that ‘every person shall be entitled to freedom of expression, including the freedom to hold and to receive and impart ideas and information without interference.’ **Subsection (2)** states that ‘without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas, and opinion.’

In addition, **Section 22** of the Nigerian Constitution stipulates that ‘the press, radio, television and other agencies of mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people.’

Section 45 places limitations on the freedom of expression in the interest of defence, public safety, public order, public morality or public health. The restriction of press freedom on these grounds is applicable to print, electronic, and online media.

Blasphemy Law

Nigeria is one of 71 countries that criminalises blasphemy through a law introduced during the colonial era which contravenes constitutional provisions allowing for the freedoms of thought, conscience, and expression. The law is also incompatible with the nation’s international obligations regarding the freedoms of religion or belief and expression.

While the sentence stipulated for blasphemy under **Section 204 of the Criminal Code** is two years imprisonment, the institution of Shari’a penal codes by 12 northern states since 2001 in violation of the constitution allowed state Shari’a courts to arrogate the jurisdiction reserved for criminal courts over capital sentences, and to stipulate punishments that contravene Nigeria’s international human rights obligations, including amputation for theft, stoning to death for adultery, and death for blasphemy.

In a report published by CSW in April 2023, it was noted that:

There is a strong correlation between blasphemy laws and extremism. The unconstitutionality of Shari’a penal codes, coupled with the retention of the crime of blasphemy in the criminal code, have fed

75 Nigeria’s Constitution of 1999, https://www.constituteproject.org/constitution/Nigeria_1999.pdf
76 Religious Discrimination (Prohibition, Prevention Etc) Bill 2021, <https://thedefenderngr.com/religious-discrimination-prohibition-prevention-etc-bill-2021-1/>
77 Iyabo Lawal, “Nigerian schools in the throes of hijab crisis” *The Guardian (Nigeria)* 14 February 2019, <https://guardian.ng/features/nigerian-schools-in-the-throes-of-hijab-crisis/>; Mark Michael, “Anglican Schools Caught Up in Nigerian Hijab Conflict” *The Living Church* 23 March 2021, <https://livingchurch.org/news/news-anglican-communion/anglican-schools-caught-up-in-nigerian-hijab-conflict/>
78 Udora Orizu “CAN rejects wearing of hijab in Christian schools” *This Day* 2021 <https://www.thisdaylive.com/index.php/2021/04/14/can-rejects-wearing-of-hijab-in-christian-schools/>
79 Justina Unegbu “The religious preaching bill in Kaduna State” *The Sun* 8 April 2016 <https://sunnewsonline.com/the-religious-preaching-bill-in-kaduna-state/>

80 John Shiklam “28 years after, Kaduna moves to issue white paper on Zangon Kataf riot” *This Day* 20 June 2020, <https://www.thisdaylive.com/index.php/2020/06/30/28-years-after-kaduna-moves-to-issue-white-paper-on-zangon-kataf-riot>
81 “Nigeria Report 2003” *Human Rights Watch (HRW)* <https://www.hrw.org/reports/2003/nigeria0703/2.htm>
82 “How I was framed, tried and convicted – General Lekwot” *PM News* 10 September 2023, <https://pmnewsnigeria.com/2023/09/10/how-i-was-framed-tried-and-convicted-general-lekwot/>
83 Saxone Akhaine “El-Rufai’s decision to establish emirates in Southern Kaduna will engender crisis” *The Guardian (Nigeria)* 3 July 2018, <https://guardian.ng/news/el-rufais-decision-to-establish-emirates-in-southern-kaduna-will-engender-crisis/>

into religious extremism. The situation is exacerbated by the culture of impunity that generally surrounds religion-related crimes committed by members of the majoritarian religious community in northern Nigeria, with perpetrators of violations, and even of extrajudicial killings, hardly facing consequences for their actions’⁸⁴

Additionally, as UN human rights experts have observed,

Criminal laws that penalize blasphemy represent an unlawful restriction on freedom of expression, and disproportionately target persons belonging to religious minorities or traditional religions, non-believers and political dissidents.⁸⁵

Defamation Law

In addition to the restrictions imposed on FoE by **Section 45** of the constitution and the problematic blasphemy laws, the defamation laws, according to **Criminal Code Section 375**, prohibit the deliberate dissemination of lies about a person with the intention of damaging his or her reputation. A defamatory statement has been defined as something

...that tends to lower the plaintiff in the estimation of right-thinking members of the society; or to expose him to hatred, contempt or ridicule; Or to cause other persons to shun or avoid him; or to discredit him in his office, trade or profession; or to injure his financial credit.⁸⁶

According to **Section 375**, the publisher of defamatory matter, regardless of the writer’s motivation and ‘even if the written article does not directly impute actual disgraceful conduct to the plaintiff,’⁸⁷ has committed a misdemeanour punishable by up to a year in prison. Moreover, anyone who publishes any defamatory matter knowing it to be false is liable to two years imprisonment.

Despite the existence of such legislation, prior to 2015, Nigerians were relatively free to express political views, including opinions opposing the ruling Peoples Democratic Party (PDP), its president and its policy failings. However, the situation deteriorated markedly with the advent of All Progressives Congress (APC) governments.

Cyber-Crime Act (2015)⁸⁸

Upon assuming power in 2015, the administration of President Muhammadu Buhari was swift to impose further restrictions on social media and almost immediately set about eroding democratic gains

by curtailing the press, free speech and civil society space through actions and legislation designed to stifle freedom of expression. In particular, the online content which the party had utilised unchallenged and to devastating effect during its election campaign, immediately saw restrictions in the form of the **2015 Cyber-Crime Act**.

The **Cyber-Crime Act** effectively facilitates a complete clampdown on freedom of expression, and particularly digital/online expression, through the use of such terms as cyber stalking, cyber bullying, etc. This act prohibits the distribution of racist or xenophobic materials through social media, which is punishable by five years’ imprisonment and 10 million naira fine. The act allows service providers to track and keep all traffic data and information about subscribers and permits government to intercept electronic communication on the grounds of criminal investigation.

A more worrying aspect of the act is the broadly-worded **Section 24 (b)**, which targets social media by criminalising the use of computers or other devices to transmit information that the sender ‘knows to be false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another or causes such a message to be sent.’ Those convicted of such an offence face ‘a fine of not more than [7million naira] or imprisonment for a term of not more than 3 years or to both such fine and imprisonment.’

Amendment to the National Broadcasting Commission Act:

Under the Buhari administration, an amendment to the **National Broadcasting Commission (NBC) Act** was enacted in 2020 that has had a chilling effect on the freedoms of expression and the press. The NBC was given the power to fine substantially and even to close a radio or television station that is deemed to have breached provisions of the broadcasting code by airing content that it judges socially harmful or capable of inciting ridicule or harm. For example, in March 2019, the NBC imposed fines of 500,000 naira on 45 media stations over alleged violations. Additionally, three media houses received 3million naira fines each on account of their coverage of the #EndSARS Protests in 2020.

A government spokesperson, following the #EndSARS protests, praised the repressive social media policies of China and a media shut down by Ethiopia, while emphasising the need for a policy ‘that will regulate what should be said and posted and what should not,’ and advocating ‘technology and resources to dominate

our social media space’.⁸⁹ The government subsequently blocked access to Twitter (now known as X) from 5 June 2021 to 13 January 2022 in retaliation for the removal of tweets by President Buhari which threatened violence against youth of Igbo ethnicity and alluded to the 1967-70 Civil War in which up to 3 million Igbos may have been killed.⁹⁰

The prospect of social media restrictions arose again following the marred 2023 elections and ongoing criticism of government policies that precipitated an economic crisis, and a new bill was submitted to the National Assembly by the government of Bola Tinubu.⁹¹ The bill proposes amending the **NBC Act** to include social media regulation, and would empower the NBC to monitor and sanction any social media platform that is deemed to be in breach of national security, public order, public morality, or public health. Ominously, the Commission’s director general said: ‘One of our major problems now is social media. Unless there is a law that allows NBC to act on social media issues, the issue will continue to be a monster in our daily lives in this country’.⁹²

However, in an encouraging development, in January 2024 an Abuja Federal High Court barred the NBC from imposing fines on broadcast stations, stating that the broadcasting code was in conflict with **Section 6 of the constitution** which vested judicial power in the court of law. The judge also made an order of perpetual injunction restraining the commission from imposing fines on broadcast stations, and set aside the N500,000 fines imposed in 2019 on the 45 broadcast stations.⁹³

Efforts to restrict FoE further through legislation

Data Protection Laws, and Protection from Internet Falsehood and Manipulations Bill (Anti-Social Media Bill)

In 2019, data protection laws were introduced, prohibiting the distribution of personal or sensitive information of other people. Also introduced in 2019 was a bill for ‘**Protection from Internet Falsehood and Manipulation and other Related Offences**,’ often referred to as the **Anti-Social Media Bill**. The bill’s sponsors claimed it was aimed at discouraging harassment on the basis of ethnicity, religion or any other grounds. However, hate speech was not clearly defined – and has not been defined in national law – leaving it open to subjective interpretation. Despite

receiving a second reading at the Nigerian Senate, significant opposition to the **Anti-Social Media Bill**, including protests by civil society, eventually caused it to be shelved.

Hate Speech Bills

In 2018 the **Hate Speech (Prohibition) Bill** was introduced but was later set aside following protests from civil society regarding its inherent violations of the constitutional right to free expression.

A similar bill was reintroduced in November 2019 entitled the ‘**National Commission for the Prohibition of Hate Speech Bill**.’ The bill sought to establish a National Commission to assist in investigating and prosecuting offenders. It also prescribed stiff penalties for offences such as ‘ethnic hatred’:

Any person who uses, publishes, presents, produces, plays, provides, distributes and/or directs the performance of any material, written and/or visual, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words, commits an offence, and will either be given a minimum five year sentence, a fine of ‘not less than N10 million or both.

Moreover, it prescribed the death penalty for situations where hate speech results in a fatality.⁹⁴

Perhaps the most damning criticism of the bill was that rather than seeking to protect vulnerable minorities, it was, in reality, an attempt to curtail freedom of expression and of the press, particularly for minorities seeking justice for violations committed against them, by inhibiting even legitimate criticism or scrutiny of the authorities. Shehu Sani, the former Senator for the Kaduna state Central District and a member of the governing party, warned it would lead to the prohibition of free speech if enacted, as most Nigerian leaders are intolerant of even the slightest criticism.⁹⁵ Moreover, the provisions of the bill infringed on rights outlined in the constitution, particularly **Sections 38** and **39**, which guarantee the freedom of thought, conscience and religion; and freedom of expression and the press.

Section 4 of the **Hate Speech Bill** is a repetition of a **Section of the Cyber-Crime Act 2015**. The widespread opposition to the bill is partly due to the harsh penalties and the perception and that both pieces of legislation are

84 “Nigeria’s Blasphemy Law” CSW 19 April 2023, <https://www.csw.org.uk/2023/04/19/report/5985/article.htm>
85 “Blasphemy law has no place in a tolerant nation like Indonesia – UN rights experts” United Nations Human Rights Office of the High Commission 22 May 2017, <https://www.ohchr.org/en/press-releases/2017/05/blasphemy-law-has-no-place-tolerant-nation-indonesia-un-rights-experts>
86 Inioluwa Olaposi “DEFAMATION: Definition, Types, Distinctions, Vulgar Abuse (NG)” 28 September 2021, <https://www.lawglobalhub.com/defamation-torts/>
87 Beverley Agbakoba-Onyejiyanya and Ebinoluwa Bayode-Ojo “Nigeria: Defamation And The Law In Nigeria” 7 July 2022, <https://www.mondaq.com/nigeria/civil-law/1209614/defamation-and-the-law-in-nigeria>
88 Cybercrimes (Prohibition, Prevention, Etc) Act 2015, <https://www.nfiu.gov.ng/images/Downloads/downloads/cybercrime.pdf>

89 “Lai Mohammed: We need to ‘dominate’, control what Nigerians post on social media” Premium Times 28 October 2020, <https://www.premiumtimesng.com/news/headlines/423463-lai-mohammed-we-need-to-dominate-control-what-nigerians-post-on-social-media.html>
90 Emmanuel Akinwotu “Nigeria suspends Twitter access after president’s tweet was deleted” The Guardian (UK) 4 June 2021, <https://www.theguardian.com/world/2021/jun/04/nigeria-suspends-twitter-after-presidents-tweet-was-deleted>
91 National Broadcasting Commission (NBC) Act, CAP L11 laws of the Federation of Nigeria 2004 (Repeal and Reenactment) Bill, 2023.
92 Osas gregx “Social Media Regulation Bill sent to National Assembly, NBC DG says”, Parallel Facts 12 October 2023, <https://parallelfactsnews.com/social-media-regulation-bill-sent-to-national-assembly-nbc-dg-says/>
93 Samuel Bolaji “NBC has no powers to fine broadcast stations, court rules” Punch 10 May 2023, <https://punchng.com/just-in-nbc-has-no-powers-to-fine-broadcast-stations-court-rules/>
94 Protection from Internet Falsehoods and Manipulation Bill 2019 <https://guardian.ng/wp-content/uploads/2019/11/Protection-from-Internet-Falsehood-and-Manipulation-Bill-2019.pdf>
95 “Hate Speech Law Will Be Used Against Free Speech, Sen. Shehu Sani Warns” Sahara Reporters 9 March 2018, <http://saharareporters.com/2018/03/09/hate-speech-law-will-be-used-against-free-speech-sen-shehu-sani-warns>

essentially designed to inure authorities from legitimate criticism, including regarding the failure to address the perpetrators of ethnoreligious violence in central Nigeria.

FoE and FoRB in reality

Federal administrations mandated to promote, protect and fulfil the right of all citizens to FoRB and FoE often appear to tacitly condone violations, either by refusing to arrest culprits, or by detaining them briefly, then freeing them without holding them fully accountable. This feeds into a culture of impunity which in turn allows this cycle to continue. Meanwhile, those reporting on FoRB violations are often targeted, and members of communities enduring religion-related violence are harassed into silence. FoE is regularly suppressed arbitrarily and without recourse to legality, legitimacy and proportionality, as journalists, human rights defenders, and concerned citizens are frequently subjected to arbitrary detention in a manner reminiscent of the military era.

Blasphemy

Even without the formulation of additional legislation aimed at restricting rights and freedoms, the legal framework which appears at first glance to undergird both FoRB and FoE in Nigeria contains several lacunae which can be exploited by those in authority. In Shari’a states, non-Muslim communities and minority Muslim sects do not enjoy FoRB in full despite constitutional guarantees. They are unable to peacefully express their beliefs freely, without risking intimidation, harassment or even detention by the authorities, who often exploit loopholes and ambivalence within the constitution. The nexus between FoRB and FoE is perhaps most starkly displayed by Nigeria’s blasphemy provisions and their outworkings, which include extrajudicial murders by angry mobs, collective punishment, and excessive sentencing.

In an egregious example, on 2 June 2016, Mrs. Bridget Agbahime, a 74-year-old market vendor was accused of blasphemy and beaten to death by a mob in Kofar Wambai Market in the Kano State capital. According to eyewitness, Mrs Agbahime was killed after being falsely accused of blasphemy by an envious fellow trader who insisted on performing his pre-prayer ablutions in front of her stall, splashing her goods in the process. The man responsible was arrested along with four others. All were charged with ‘inciting disturbance, joint act, mischief and culpable homicide’ under **Sections 114, 80, 327 and 221** of the **Criminal Code**. However, the five men were freed on 3 November 2016 following a directive from the Kano State Attorney-General and Commissioner for Justice, who also terminated the case against them.

Individuals from majority and minority Muslim communities have also been targeted with blasphemy allegations, as have adherents of other beliefs. On 20 June 2023 Usman Buda, a successful butcher and market trader, was lynched in Sokoto State following an unproven allegation that he had committed blasphemy while arguing with a fellow market trader. The victim’s friends insisted that Mr Buda, a devout member of the Salafi Izala movement, would never have blasphemed. They attributed his murder to jealousy on the part of competitors, pointing out that another butcher, who had been losing business due to Mr Buda’s popularity, no longer has any competition.⁹⁶

On 5 April 2022, Mubarak Bala, president of the Nigerian Humanist Society, was sentenced to 24 years in prison by the Kano State High Court.⁹⁷ He was arrested on 28 April 2020 following a petition to the Kano State Police Commissioner by a law firm in Kano State, accusing him of insulting Islam in Facebook posts, including one questioning the existence of an afterlife. Held incommunicado for the first 162 days, Mr Bala spent 462 days in prison before being formally charged.⁹⁸ On 5 April 2022, he was convicted on 18 counts of causing a public disturbance under Sections 210 and 114 of the Kano State Penal Code and sentenced to 24 years in prison by a High Court in Kano State. However, on 13 May 2024 an appeal court ruled the sentence was excessive and in contravention of the law, reducing it from 24 years to five. Mr Bala was eventually released on 7 January 2025.

In a third example, on 10 August 2020 a Shari’a court in Kano State sentenced singer Yahaya Sharif-Aminu, then aged 22, to death for allegedly blaspheming in a song praising the founder of his Tijāniyyah Sufi religious order. On 21 January 2021 the appellate division of the Kano State High Court overturned the sentence, citing procedural irregularities, and ordered a retrial. Mr Sharif-Aminu’s lawyers asked the Kano Court of Appeal to rule on whether the High Court was wrong to order a retrial, arguing that their client should be discharged and acquitted. They also requested a ruling on whether Kano State’s Shari’a Penal Code was inconsistent with Nigeria’s secular constitution. On 17 August 2022, in a worrying split decision, the Court of Appeal upheld both the legality of the Shari’a Penal Code, and the decision of the lower court to order a retrial. Mr Sharif-Aminu’s lawyers are, at the time of publication of this report, challenging Nigeria’s blasphemy law and the constitutionality of Kano State’s Shari’a Penal Code at the Supreme Court.

Southern Kaduna

Kaduna State has been described as a microcosm of the larger Nigerian State due to its ethnic and religious diversity, with the southern part being predominantly Christian, while the population in the north is predominantly Muslim. Since 2015, communities in Southern Kaduna have experienced kidnappings for ransom and attacks on an almost daily basis. Human rights defenders, traditional rulers, and Christian religious leaders and villagers have been threatened with detention for speaking about the government’s failure to effectively intervene and criticising official complacency or apparent complicity.⁹⁹

After Agom Adara III Dr Galadima Maiwada, traditional leader of the predominantly Christian Adara ethnic group, was abducted and assassinated, despite payment of a ransom, by Fulani assailants in October 2018, the Kaduna State government, under the leadership of Governor El-Rufai, unilaterally abolished the indigenous chiefdom. The chiefdom was divided and placed under two emirates, even though less than fifteen percent of the population in the area is Muslim. Members of the Adara ethnic group who complained were accused of hating Islam and Muslims.

On 23 November 2018, Segun Onibiyo, a broadcaster with the Federal Radio Corporation of Nigeria (FRCN), was arrested and detained. According to a First Information Report (FIR) dated 14 November 2018, he was accused of ‘incitement, disturbance, defamation of character and injurious falsehood’ for a Facebook post which had described the governor as a ‘religious jingoist’ and claimed that, prior to the murder of the Adara leader by Fulani kidnappers, the Agom Adara had resisted efforts to create an emirate. Mr Onibiyo denied the allegations, pointing out that the Facebook account in question had been hacked prior to 2015, and he had subsequently created two other accounts. The journalist was granted bail after spending 24 days in detention. Mr Onibiyo, who no longer resides in Kaduna State, was obliged to travel there for court dates along with his lawyer at his own expense, only for hearings to be repeatedly adjourned. One month after the detention of Mr Onibiyo, in December 2018, Reverend Dr Paul Enenche, Senior Pastor of Dunamis International Gospel Centre, was threatened by the governor after he spoke

Since 2015, communities
in Southern Kaduna have
experienced kidnappings for
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out about the discrimination and continued killings affecting indigenous communities in Southern Kaduna.¹⁰⁰

A televised broadcast by Governor El-Rufai on the eve of the February 2019 presidential elections, in which he claimed that at least 130 Fulanis had been killed in Kajuru Local Government Area (LGA), a number later reduced to 66, threw the state into a series of crises.¹⁰¹ Subsequent attacks on the Adara Chiefdom from February to April 2019 led to the displacement of 12,480 people, despite the governor’s claim being widely refuted, including by the Nigeria Emergency Management Agency (NEMA) and the local police chief. Between 12 and 15 February, nine elders of the Adara Chiefdom, who had assumed leadership roles following the death of the Agom Adara, were rounded up, falsely accused of incitement and culpable homicide.¹⁰² Six were released on 31 May 2019 due to lack of evidence; one was released on bail, and another was held pending further investigation into a hunting gun that was found in his home. At the same time, Adara youth were targeted when attempting to defend their communities against invading militia with muskets and bows and arrows.¹⁰³

Remarks about the violence and government failures or complicity on both social and traditional media were highly policed and met with a crackdown. On 8 May 2019, Kaduna-based citizen journalist and human rights defender Steven Kefas was arrested in Rivers State and transported to Kaduna the following day. The journalist’s detention came about, reportedly, on the orders of Governor El-Rufai after Mr Kefas shared an article on social media by the online journal Sahara Reporters about the events leading up to the abduction and murder of the Agom Adara. Mr Kefas was charged under the **Cyber-Crime Act 2015, Section 375 of the Criminal Code** and **Section 45 of the constitution** with injurious publication, incitement, and false accusations. Mr Kefas,

96 “Market trader murdered following unproven blasphemy accusation” CSW 28 June 2023, <https://www.csw.org.uk/2023/06/28/press/6021/article.htm>
97 Mr Bala had previous experiences of arbitrary detention. In 2014, he was committed by his family to the psychiatric ward of Aminu Kano Teaching Hospital in Kano after he renounced Islam and declared himself an atheist. He was released due to a strike at the hospital.
98 “President of the Nigerian Humanist Society sentenced to 24 years in prison” CSW 6 April 2022, <https://www.csw.org.uk/2022/04/06/press/5672/article.htm>
99 Nasir Ayitogo “Kaduna govt speaks on Dadiyata, prosecution of Odinkalu, Maikori, others” *Premium Times* 31 August 2020, <https://www.premiumtimesng.com/news/headlines/411760-just-in-kaduna-govt-speaks-on-dadiyata-prosecution-of-odinkalu-maikori-others.html>; Saxone Akhaine “Southern Kaduna Leaders Accuse El-Rufai of Hate Speech” *The Guardian (Nigeria)* 6 September 2018, <https://guardian.ng/news/southern-kaduna-leaders-accuse-el-rufai-of-hate-speech/>
100 “Kaduna killings: ‘I will get you’ – El-Rufai threatens Paul Enenche of Dunamis” *Daily Post (Nigeria)* 14 December 2018 <https://dailypost.ng/2018/12/14/kaduna-killings-will-get-el-rufai-threatens-paul-enenche-dunamis/>
101 Terhemba Daka “130, not 66 Fulani killed in Kaduna – El-Rufai” *The Guardian (Nigeria)* 20 February 2019, <https://guardian.ng/news/nigeria/national/130-not-66-fulani-killed-in-kaduna-says-el-rufai/>
102 Saxone Akhaine “Southern Kaduna elder tells panel how El-Rufai humiliated, jailed their leaders” *The Guardian (Nigeria)* 11 February 2020, <https://guardian.ng/news/nigeria/national/southern-kaduna-elder-tells-panel-how-el-rufai-humiliated-jailed-their-leaders/>
103 Earlier in his tenure former Governor El-Rufai claimed that the violence was being committed as reprisals by foreign Fulani herders who had been caught in the crossfire during post-electoral violence in the area in 2011. He also admitted that he had sourced finances from state coffers and crossed national boundaries to pay an undisclosed amount to them as compensation. “We’ve paid some Fulani to stop killings in Southern Kaduna – El-Rufai” *Vanguard* 3 December 2016; <https://www.vanguardngr.com/2016/12/weve-paid-fulani-stop-killings-southern-kaduna-el-rufai/>; Tor Vande-Acka “Killings In Kaduna escalated since El-Rufai confessed to paying herders – Akase” *Independent (Nigeria)* 9 May 2021, <https://independent.ng/killings-in-kaduna-escalated-since-el-rufai-confessed-to-paying-herders-akase/>

who, during the intensification of the massacres in Southern Kaduna, had gained a significant following on social media through which he updated the general public on the violence and expressed his opinion about the lack of an effective response by the government, was held for 162 days in Kaduna’s maximum-security prison before being granted bail.

In 2020, Dr Obadiah Mailafia, the former deputy governor of the Central Bank of Nigeria, was fined 5million naira by the NBC for highlighting the continuing attacks on communities in southern Kaduna, sharing his conclusion that the authorities were both unable and unwilling to protect the local population, and agreeing with the 2018 contention of retired General TY Danjuma that elements within the security forces were colluding with the attackers in an 11 August 2020 interview with a Lagos-based media house.¹⁰⁴ In its decision to fine Dr Mailafia, the NBC cited the amendment to the broadcasting code and noted that the case should serve as a deterrent to other broadcasters.¹⁰⁵ Dr Mailafia was reportedly harassed by the Department of State Security (DSS) until his death in questionable circumstances in 2021, having been denied a respirator and other reasonable treatment at two separate hospitals in Abuja while suffering from suspected COVID 19.¹⁰⁶

Luka Binniyat, a journalist and former spokesperson for the Southern Kaduna Peoples Union (SOKAPU), was arrested on 4 November 2021 in connection with an article¹⁰⁷ he had written criticising the Kaduna state government’s inadequate response to attacks¹⁰⁸ on communities in Southern Kaduna two months earlier. He was accused of defaming Samuel Aruwan, the Kaduna State Commissioner for Internal Security, in a comment¹⁰⁹ attributed to Senator for Kaduna South, Danjuma La’ah, who subsequently denied making it. During a hearing on 27 January 2022 Mr Binniyat, who was charged under **Section 24 (b) of the Cybercrimes Act** pleaded not guilty to cyberstalking and aiding and abetting the offences of cybercrime. He was granted bail after 84 days in pre-trial detention.¹¹⁰

The Adara villages remain highly insecure and kidnap for ransom and arbitrary execution are commonplace. Religious leaders including priests, pastors, and other members of the clergy were threatened and sometimes killed for speaking out. In 2018, the late Catholic Bishop of Kafanchan Diocese, Joseph Bagobiri, and other church leaders were accused by the governor of speaking out about the ongoing attacks in order to collect money from overseas under the pretext of assisting survivors and were threatened with arrest.¹¹¹ As the violence continued unabated into 2020 despite the presence of over 11 military installations in Kaduna State, the El-Rufai administration rounded on SOKAPU, the Christian Association of Nigeria (CAN) and other Christian organisations that had expressed concerns about the widespread killings and kidnappings, effectively labelling them Islamophobic, and accusing them of ethnically profiling indigenous communities and portraying them in a negative light.¹¹² As a result, many living in Southern Kaduna were intimidated into an uneasy silence, fearing that they would be targeted by the military or arbitrarily detained.

Laws regulating FoE, and particularly those meant to address hate speech and incitement to violence, that have been cited to justify the crackdown on anyone expressing critical views about the government’s approach to the conflict, have not been applied even-handedly. There have been no consequences, or even investigations, into several audio recordings allegedly made inciting Muslim communities to acts of violence against indigenous peoples in Southern Kaduna.¹¹³ In one example, in an audio message that was widely circulated in mid-December 2018, a woman claiming to be a Muslim from Southern Kaduna made several unfounded allegations, including holding Christians responsible for secretly killing Muslims in Southern Kaduna. In the recording she questioned why Christians were ‘complaining’ about militia attacks, referencing demonstrations that had taken place in Southern Kaduna in protest at the preferential treatment by the government of Southern Kaduna in channelling

resources and positions of influence to Muslim settlers, while neglecting indigenous communities. In the recording, the woman referred negatively to the ‘Yan Boko Kudancin Kaduna’ – the educated elites of Southern Kaduna – and echoed statements made by Governor El-Rufai, which misrepresented the protest for parity and equity as hateful towards Muslims.¹¹⁴ The woman was never investigated or brought in for questioning.

Governor El-Rufai has faced no consequences for a series of statements that could be interpreted as hate speech and inciting violence. While addressing a group of Muslim clerics on his penultimate day in office after his party, the APC, was declared the winner of the Kaduna State gubernatorial election, El-Rufai was caught on camera speaking extensively of how the APC had capitalised on religion, including by running on a Muslim-Muslim ticket, to secure electoral victory in state and national elections: ‘No liar will contest as a Christian and win elections ever again. Peter Obi tried, and you can see where he is today – we have done the medicine for that one.’¹¹⁵ ...This is the only way to have peace in this land.’¹¹⁶

Conclusion

The full enjoyment of the freedoms of expression and religion or belief remains elusive despite giving the appearance of being protected under the law. Ambiguities within the federal constitution and law have been exploited in pursuit of an agenda that contradicts the document’s articulated commitments to justice, equality and unity. Proposed hate speech legislation which would embolden those seeking to silence legitimate criticism of the authorities is legitimate cause for concern.

Nigerian authorities at both the federal and state levels regularly violate FoRB and FoE. This is particularly evident in states like Kaduna, where the former state government targeted journalists, bloggers, clerics and traditional leaders who were vocal in condemning its inadequate response to attacks on communities and/or highlighted uneven development policies. The government, at every level, is under a legal obligation to respect, protect, and fulfil FoE, freedom of information, and FoRB in Nigeria, and the international community must insist it abides by its commitments.

104 “Armed forces collude with those behind killings – T.Y. Danjuma” *Channels Television* 24 March 2018, <https://www.youtube.com/watch?v=uIe94EzvHm4>

105 In the interview, Dr Mailafia described people who call the attacks ‘farmer-herder clashes’ as ‘accessories to genocide,’ and stated that he had been informed by repentant extremists that a serving northern governor was the ‘commander of Boko Haram in Nigeria.’ He also stated Boko Haram and the ‘armed bandits’ were ‘one and the same thing; they have a sophisticated network’ which intended to ignite a civil war in 2022. “Head of Boko Haram is a serving state governor and a civil war is planned for 2022 – Ext” *Fatherland Group* 10 August 2020 <https://www.youtube.com/watch?v=zThYNN9kD8k>

106 “Outspoken Middlebelt advocate Dr Obadiah Mailafia passes away in Abuja hospital” *CSW* 20 Sep 2021, <https://www.csw.org.uk/2021/09/20/press/5408/article.htm>

107 Luke Binniyat “In Nigeria police decry massacres as ‘Wicked’, but make no arrests” *The Epoch Times* 29 October 2021, <https://www.theepochtimes.com/world/in-nigeria-police-decry-massacres-as-wicked-but-make-no-arrests-4075998>

108 “49 killed and 27 abducted in southern Kaduna attacks” *CSW* 28 Sep 2021 <https://www.csw.org.uk/2021/09/28/press/5430/article.htm>

109 Ibrahim Hassan “Nigeria: Senator La’ah denies accusing Aruwan of aiding genocide in S/Kaduna” *Vanguard* 10 November 2021, <https://allafrica.com/stories/202111100313.html>

110 This was the second time Mr Binniyat had been arbitrarily detained. In 2017 he was arrested and charged in connection with an article based on information which was later found to be false, and for which he publicly apologised, after making strenuous efforts to retract it prior to publication. After many adjournments and lengthy gaps between hearings, he was released on bail after spending 96 days in detention. “Nigeria: Journalist Luka Binniyat released” *CSW* 3 October 2017, <https://www.csw.org.uk/2017/10/13/press/3750/article.htm>

111 Saxone Akhaine “Kukah berates El-Rufai over comments against Southern Kaduna Christians, clerics” *The Guardian (Nigeria)* 17 March 2018, <https://guardian.ng/news/kukah-berates-el-rufai-over-comments-against-southern-kaduna-christian-clerics/>

112 drinokrane “El-Rufai Accuses Southern Kaduna Leaders Of Inciting Killings To Enrich Themselves” *Igbere TV News* 2020 <https://igberetvnews.com/1361640/el-rufai-accuses-southern-kaduna-leaders-inciting-killings-enrich/#forward>; “El-Rufai Names Perpetrators Of Southern Kaduna Killings” *International Centre for Investigative Reporting (ICIR)* 10 January 2017, <https://www.icirnigeria.org/el-rufai-names-perpetrators-of-southern-kaduna-killings/>

113 Okwe Obi “MACBAN denies Fulani’s involvement in viral audio threatening lives” *The Sun (Nigeria)* 30 August 2020, <https://sunnewsonline.com/macban-denies-fulanis-involvement-in-viral-audio-threatening-lives/>

114 Governor El-Rufai described the attacks on several occasion as reprisal killings stemming from post-2011 election violence. Killings and attacks have continued unabated despite his claim of having crossed international borders to pay compensation to foreign Fulani herders who were allegedly caught in crossfire.

115 Mr Obi was the presidential candidate of the Labour Party, which is widely presumed to have won the elections, and is a practicing Catholic.

116 Mohamed Babangida “Transcript of El-Rufai’s controversial statement about role of religion in Kaduna governorship” *Premium Times* 7 June 2023, <https://www.premiumtimesng.com/news/top-news/603158-transcript-of-el-rufais-controversial-statement-about-role-of-religion-in-kaduna-governorship.html>



Deborah Emmanuel

Case Study – Nigeria

Deborah Emmanuel was a Level 200 home economics major at the Shehu Shagari College of Education in Sokoto, Sokoto State. She participated in a class WhatsApp group meant for sharing assignments and objected to its use by some Muslim students for proselytizing. When some students responded that they were following the commands of their prophet, Ms Emmanuel, a member of the Evangelical Church Winning All (ECWA), allegedly responded that she was ‘not concerned with any prophet’. In contrast, when she, according to WhatsApp messages viewed by Catholic News Agency, had credited her faith in Jesus Christ for her success on an exam, she had been threatened and warned to apologise.¹¹⁷

On 12 May 2022, Ms Emmanuel was lynched by her fellow students on the college campus, in an hours-long attack involving stoning and beating with steel pipes and metal rods and culminating in her body being set on fire with burning tyres. According to eyewitnesses, dozens of armed local police and Department of State Security (DSS) were present but failed to intervene to protect Ms Emmanuel and ultimately observed the drawn-out murder from a safe distance. Ms Emmanuel was buried on 14 May in her home state of Niger, after her father travelled to Sokoto to retrieve her remains.

The lynching was widely justified, and even celebrated on social media, including by the Deputy Chief Imam of Abuja’s National Mosque, who wrote: ‘The dignity of the Prophet (PBUH) is at the forefront of the redlines. If our grievances are not properly addressed, then we should not be criticized for addressing them ourselves’ on X (formerly known as Twitter). On 15 May, Sunday masses were cancelled after rioters attacked the Holy Family Catholic Cathedral on Bello Way, St Kevin’s Catholic Church Gidan Dere, the Bishop Lawton Secretariat, and the St. Josephine Bakhita Secretariat the previous day, following the Catholic Bishop of Sokoto’s forthright condemnation of Ms Emmanuel’s murder. A subsequent viral video in which Sheikh Abubakar Jibril, the Chief Imam of Bayero University, Kano, allegedly called on Muslims to find and attack the bishop’s home prompted the Human Rights Writers Association of Nigeria (HURIWA) to call on the DSS to arrest him for incitement.

Graphic video of the crime, clearly showing the faces of many in the mob, was posted and circulated online. Despite this, two male students named Bilyaminu Aliyu and Aminu Hukunchi, were the only individuals arrested. They were charged with ‘criminal conspiracy’ and ‘disturbing the peace,’ both bailable offences, rather than with murder, and they received free legal representation from a team of 34 Muslim lawyers led by a professor of law. In January 2023 the two men were released on the grounds that the prosecution regularly failed to appear at court hearings. According to the presiding judge, even when the lawyers representing the state were present, they were not serious in their prosecution the case.¹¹⁸

Despite the international and domestic outcry about the case, the response from political leaders ranged from muted to non-existent. Then President Muhammadu Buhari took 36 hours to issue a statement condemning ‘the resort to self-help by the mob in Sokoto, resulting in violence, destruction and killing’ of Ms Emmanuel, but made no calls for their prosecution. Vice President Yemi Osinbajo, an ordained Christian pastor and Senior Advocate of Nigeria (SAN), subsequently condemned the lynching as ‘deeply distressing thing, very disturbing ... [and] ... very unfortunate.’ Other high-profile politicians were silent, with the exception of former vice president Atiku Abubakar, who tweeted a condemnation of the killing, then deleted it and denied authorising its release.

Türkiye

Introduction

The population of Türkiye is estimated to be between 83.5 million and 85.3 million.¹¹⁹ Around 99% are affiliated with Islam. The majority of Muslims identify as Sunni and follow the Hanafi school of thought; however, those who identify as Alevi comprise Türkiye’s largest minority – at between 10 and 25 million. There is also a small population of Shi’a Muslims. Around .2% of the population hold non-Muslim or no beliefs and is comprised of Yazidis, Baha’is, Jews, Jehovah’s Witnesses, atheists, and Christians of various types including Armenian Apostolics, Bulgarian, Greek, Russian, and Syriac Orthodox, Roman, Chaldean and Syrian Catholics, and Protestants of different traditions.

Türkiye is officially a secular state, but the government, under the leadership of President Recep Tayyip Erdoğan has publicly endorsed a move towards a Sunni Muslim identify for Türkiye, conflating religious and national identities. The religious nationalism propagated by the ruling Justice and Development Party (Adalet ve Kalkınma Partisi, or AKP) has been brought together with the ultra-nationalist ideology of the secular Nationalist Movement Party (Milliyetçi Hareket Partisi, or MHP).

President Erdoğan supported a 2017 referendum which transformed Türkiye’s parliamentary system into a presidential system, limited the head of government to two full five-year terms, and greatly expanded executive powers. This new system of government formally came into play after the 2018 general election, when the office of prime minister was abolished and Erdoğan was made president with newly expanded executive powers. In 2018 and 2023, Erdoğan was re-elected as president with 53% and 52% of the vote respectively. The 2023 elections were highly criticised, with a joint mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE) finding that legislation introduced to ensure a smooth potential run-off was inadequate to address concerns around the integrity of second rounds, describing the May elections as

...characterised by increasingly inflammatory and discriminatory language during the campaign period. Media bias and ongoing restrictions to freedom of expression created an unlevel playing

field and contributed to an unjustified advantage of the incumbent.

The mission found that

...trials and arrests of journalists and bloggers continued ahead of the run-off, further restricting freedom of expression. At the same time, observers noted that many broadcasters did not meet a legal obligation to provide impartial coverage of the campaign and equal opportunities for the two presidential candidates, with the public broadcaster significantly favouring the incumbent and a similar bias noted in numerous private media outlets.¹²⁰

On 20 July 2016 the government declared a state of emergency following a thwarted military coup on 15 July 2016, which the authorities attributed to the Gülen movement or Gülen Hareketi, an Islamist fraternal movement with the aim of moving Türkiye away from secularism. The movement follows the teaching of its late leader, Fethullah Gülen. The state of emergency was in effect until 18 July 2018 and saw the government intensify a far-reaching crackdown on freedom of expression.

During the state of emergency and up to the present, under anti-terrorism legislation adopted in July 2018, the government has directed a crackdown on individuals and groups it believes have links with the Gülen movement. According to a UK government report, 122,632 people with alleged links to the movement had been sentenced as of July 2023, and 12,108 remained in prison; 97,139 people had been acquitted, and investigations were still underway into 67,893 others.¹²¹ Among those targeted are thousands of journalists, academics, activists, writers, teachers, judges, and intellectuals accused of being ‘traitors and collaborators against national interests’. Some have been forced to seek asylum abroad or adopt lower profiles and live in constant fear of arrest.¹²² The government has also closed hundreds of businesses and institutions and seized their assets in large scale operations targeting Turkish nationals in and outside of Türkiye.

117 Douglas Burton, Beloved John “Eyewitness details brutal ‘blasphemy murder’ of Nigerian Christian student” *Catholic News Agency* 23 June 2022 <https://www.catholicnewsagency.com/news/251617/deborah-emmanuel-christian-student-nigeria-blasphemy-killing>
118 “Nigeria: submission to the 45th session of the Universal Periodic Review” CSW 18 July 2023, <https://www.csw.org.uk/2023/07/18/report/6106/article.htm>

119 The higher number is the official figure from the Turkish government, the lower is an estimate from the United States government.
120 “In Türkiye’s presidential runoff, a competitive campaign continued to be marked by lack of level playing field and media bias: international observers” *OSCE PA* 29 May 2023 <https://www.oscepa.org/en/news-a-media/press-releases/press-2023/in-tuerkiye-s-presidential-runoff-a-competitive-campaign-continued-to-be-marked-by-lack-of-level-playing-field-and-media-bias-international-observers>
121 “Country policy and information note: Gülenist movement, Türkiye, October 2023” <https://www.gov.uk/government/publications/Turkiye-country-policy-and-information-notes/country-policy-and-information-note-gulenist-movement-Turkiye-february-2022-accessible-version>
122 “General Briefing: Türkiye” CSW 22 March 2022 <https://www.csw.org.uk/2022/03/22/report/5651/article.htm>

Legal Framework

The Constitution

Article 2 of the Turkish constitution defines Türkiye as a secular state. **Article 24** upholds freedom of religion or belief (FoRB), and states that ‘acts of worship, religious rites and ceremonies shall be conducted freely’, as long as they do not violate the provisions of **Article 14** which stipulates that ‘none of the rights and freedoms embodied in the Constitution may be exercised with the aim of violating the indivisible integrity of the State with its territory and nation’ or ‘of endangering the existence of the Turkish State and Republic’. There is a risk that **Article 14** could be purposefully misinterpreted by the government to undermine the rights enshrined in **Article 24** and other Articles of the Turkish constitution.

Article 24 also states that ‘no one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions’. It stipulates that religious and moral education is compulsory and shall be conducted under state supervision and control. Typically, in Türkiye, such education is influenced by an Islamic value system.

Articles 25 and **26** outline ‘freedom of thought and opinion’ and ‘freedom of expression and dissemination of thought’, respectively. **Article 90** stipulates that international treaties to which Türkiye is party have the force of law. It follows that this includes the International Covenant on Civil and Political Rights (ICCPR), which upholds the right to FoRB and freedom of expression in Articles 18 and 19 respectively, and which Türkiye signed in 2000 and ratified in 2003.¹²³

Article 136 establishes The Presidency of Religious Affairs (Diyanet).¹²⁴ This was originally enshrined in the 1924 constitution and has evolved through legislation since then. The Diyanet is a government body that oversees all religious matters related to Islam, with a particular emphasis on Sunni Islam. It is empowered to facilitate the practice of Islam, provide religious education, and manage Islamic religious institutions, including the administration of mosques. The Diyanet operates under the executive branch. The head, a political appointment made by the president, oversees a 16-person council whose members are elected by clerics and theological institutions. The members of the council have always been Sunni Muslim although this is not mandated by law. There are no government bodies that oversee the management of the affairs of non-Muslim religious groups.

Turkish Criminal Code (TCC)

The Turkish Criminal Code (TCC) took effect on 1 June 2005 and, under **Article 216**, purports to protect ‘the religious values of a section of the public’ from insult. This essentially constitutes a blasphemy law, providing for a sentence of six months to a year for anyone found guilty of openly doing so. However, in regard to the religious sector, the law is generally used to target only individuals deemed to have insulted Islam in some way, rather than other religions. It has also been used to punish critics of the president and the ruling AKP.

Article 219 of the TCC imposes limits on the freedom of expression of religious leaders, stating that:

Where a religious leader, such as an imam, orator, preacher, priest or rabbi, while performing his duty, publicly degrades or ridicules the government administration or activities or the laws of the State, [they] shall be sentenced to a penalty of imprisonment for a term of one month to one year and a judicial fine or either of these penalties may be imposed.

Articles 299, 300 and **301** of the TCC are frequently used to silence criticism of the government and the president. **Article 299** stipulates a one-to four-year prison term for anyone who insults the president, while **Article 300** specifies a prison term of one to three years for anyone who publicly degrades the Turkish flag, and six months to two years for anyone who publicly degrades the Turkish National Anthem. **Article 301** states that any person who publicly degrades the Turkish Nation, State of the Turkish Republic, Turkish Grand National Assembly, the government of the Republic of Türkiye, the judicial bodies of the State or the military or security organisations shall be sentenced to six months to two years in prison. The definitions of terms such as ‘insult’ and ‘degrade’ in these articles are vague and open to abuse.

The TCC also stipulates that the Turkish law shall apply to offences committed in a foreign country regardless of whether the offender is a citizen or non-citizen of Türkiye. **Article 300** is one of several that contain provisions specifically stipulating an increase in the indicated prison sentences for Turkish citizens who are deemed to have committed these offences while in a foreign country.¹²⁵

The Disinformation Law

On 13 October 2022, the Turkish parliament passed a number of amendments to several existing laws, including the TCC, the Internet Law (5651), and the Press Law (5187), collectively referred to as the ‘Disinformation Law.’ The amendments outlined new criminal speech offences, expanded online censorship, and further restricted access to information. The legislation empowers the authorities to apply TCC and anti-terrorism law provisions to prosecute and convict journalists and any perceived government critic for critical reporting, statements, or commentary even if they in no way advocate violence. Under the new legislation, which tightens control over social media and independent online news sites anyone who criticises the government on online platforms can be prosecuted under disinformation charges.

Intelligence services

The Milli Istihbarat Teskilati (MIT) is Türkiye’s intelligence service focusing on both internal and external threats. It is made up of different departments and units, each with a specific specialisation, including intelligence, counterterrorism, and analysis. The MIT includes a network of civilian organisations and the Turkish diaspora. Türkiye’s informant networks within Turkish diaspora communities, especially in Europe, has been expanded greatly since 2014, when President Erdoğan found himself incriminated in massive corruption investigations that were made public in December 2013.¹²⁶ Reports indicate that the Turkish police have developed an app that allows individuals in Germany to inform on people they believe to be suspicious.¹²⁷ It has been the target of criticism because of its intrusive tactics, including the mass wire-tapping of individuals in other countries.

126 Abdullah Bozkurt “Türkiye’s vast network of informants takes toll on Erdoğan critics in Germany” *Nordic Monitor* 9 January 2021

<https://nordicmonitor.com/2020/05/11017/>

127 “Turkish intelligence develops app which lets expats inform on PKK, Gulen supporters” *The New Arab* 10 June 2019

<https://www.newarab.com/news/Türkiye-develops-app-enable-reporting-government-critics>

Eminönü New Mosque



123 UN Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=179&Lang=EN

124 Diyanet İşleri Başkanlığı.

125 A 2014 Human Rights Action Plan outlining ways to prevent violations of the European Convention on Human Rights included a section on freedom of expression and highlighted the need for revision of numerous articles in the TCC but was never implemented.

Political context

Freedom of expression:

Türkiye remains a country of significant concern regarding its human rights record, and rights associated with freedom of expression are no exception. Between August 2014 and March 2015, over 263 people were investigated for insulting the president. Academics have also been investigated for encouraging free thinking and diversity. In their 2024 index, Reporters Without Borders listed Türkiye as one of the worst places in the world for press freedom, ranking it as number 158 of 180 countries. The index described the situation as having ‘gone from problematic to very bad’, falling 23 places in comparison to 2022.¹²⁸

In November 2024, the government summoned two military lieutenants, Ebru Eroglu and Izzet Talip Akarsu, to a disciplinary board with a request to dismiss them from the armed forces because they chanted secularist slogans at an oath-taking ceremony following their graduation on 30 August 2024 from the Turkish Military Academy. The investigation into Akarsu and Eroglu, who was accoladed as the ‘best cadet’ for 2024, was initiated following criticism from Islamists, because they and other officers had unsheathed their swords and chanted ‘We are the soldiers of Mustafa Kemal!’ and ‘Secular Turkish Republic!’ The High Disciplinary Board stated that it would examine the two officers for ‘... engaging in attitudes and behaviours that would harm the reputation of the State and the Turkish Armed Forces or in acts that constitute a serious crime or indiscipline.’ The investigation was condemned by the Republican People’s Party and fifty-two Turkish bar associations as an infringement on freedom of expression.¹²⁹

Journalists are regularly targeted, and many have lost their jobs in retaliation for speaking out against the government and its policies. Journalists report that they have seen mass dismissals across their sector and spoke of receiving phone calls from government ministries asking for unfavourable stories to be ‘corrected’. The simple act of publishing an article in English can run the risk of being perceived as anti-national.

Over the past decade, the government has systematically used Articles 299-301 of the TCC, which criminalise insulting the president and insulting the Turkish nation, as a tool in the systematic crackdown on free speech and punish individuals considered critical of the state. The government’s investigation and prosecution of cases brought under Article 299 has skyrocketed in the years since Erdoğan assumed the presidency in 2014. Between 2010 and 2017, 12,893 cases of insulting the

president were filed. 12,305 of the cases were related to Erdoğan. Social media posts, caricatures, and newspaper editorials were introduced as evidence for investigations and prosecutions. In its 2024 report, Freedom House found that internet freedom had declined for the sixth consecutive year, with thousands of online users, including members of the political opposition, criminally charged for their activities on social media.¹³⁰

Under a March 2018 amendment to the Establishment of Radio and Television Broadcasting Services Law (6112), streaming and digital TV services must register with Radio and Television Supreme Council (RTUK), Türkiye’s media regulator. This applies to services based outside of Türkiye, but which target a Turkish audience with ‘Turkish language content or commercial content in any language’.¹³¹ RTUK has the power to penalise those not in compliance including through the revocation of licenses, and by requesting that the courts block access to outlets that do not comply with orders to censor or eliminate content. Access to Facebook, X (formerly Twitter), and YouTube, has been blocked at different points in time, and Wikipedia was banned between 2017 and 2020, supposedly for reasons of national security.

Freedom of religion or belief

Restrictions are not always directly codified into law but rather imposed via established practices and policies based on laws and regulations that are not directly related to FoRB, for example national security laws. In some cases, restrictions have also emerged through court rulings not in full compliance with international law. Members of religious minorities experience regular discrimination. Although required identification cards no longer include a visible reference to the individual’s religion, religious affiliation is accessible to government officials via electronic chip. Government administrative institutions and the security forces routinely discriminate against non-Muslims when it comes to employment.

Religious minorities, particularly Alevis, Christians and Jehovah’s Witnesses continue to face restrictions on the construction of new houses of worship. It is impossible to register as a new religious community. Although there is an option for churches to register as an ‘association’, this is also a difficult process, and some applications have been denied. Establishing a foundation with the aim of supporting a new religious community is also prohibited. Obtaining permits for building, repairing, or renovating church buildings is a long and difficult process, made more so by anti-Christian sentiments within the bureaucracy. Training Christian leaders legally is impossible; the seminaries of the historical

Christian communities were closed in the 1970s and have remained closed ever since, so only unofficial training can take place.

Historic non-Muslim religious communities have also experienced the confiscation of property. In 2016 numerous churches, monasteries, cemeteries and other assets belonging to the Syriac community in Mardin Province were transferred by the Transfer, Liquidation and Redistribution Committee of Mardin Governorate to the Treasury which subsequently transferred them on to the Diyanet. The Orthodox Halki Seminary, forcibly closed by the government in 1971, remains shuttered, despite promises that it would be reopened. On 10 July 2020 President Erdoğan announced the government’s decision to turn the Cathedral of Hagia Sophia in Istanbul into a mosque after the highest administrative court annulled the site’s museum status. This decision sparked a wave of gloating and anti-Christian hate speech not only in Türkiye but also from Islamists all over the world celebrating the wake of the ‘Neo Ottomans’ and threatening to reconquer Europe and force it into submission.¹³² More recently, in February 2024 the government followed through on a similar effort to convert the Byzantine Chora Church – another UNESCO World Heritage Site in Istanbul – into a mosque, despite protests from Orthodox Christians.¹³³

Non-Muslim foreign nationals, and especially Protestant Christians engaged in missionary work, have been a particular target of the government. In October 2016, a pastor and US national, Andrew Brunson, was arrested and accused of plotting to overthrow the government. He was formally indicted in March 2017 on charges including supporting the outlawed Kurdistan Workers’ Party (PKK) and the Gülen Movement. The charges against Pastor Brunson, who had led a church in Izmir for over 23 years with the full knowledge of the authorities, were completely unfounded. He was released following a fourth court hearing on 12 October 2018.

According to the US State Department, in 2018 a foreign pastor was deported and banned from re-entering the country for publicly proselytising in the streets of Istanbul. The pastor had lived in Türkiye for 19 years.¹³⁴ Since 2019, at least 250 foreign nationals, including around 70 Protestant Christians have been expelled from the country. Some of those affected, who were originally from the United Kingdom, Germany, South Africa, South Korea, and the United States, among others, and some of whom are the spouses of Turkish citizens, had resided in Türkiye for decades. In some cases, the individuals were prevented from re-entering the country after travelling

abroad. In others, valid visas were withdrawn and cancelled or not renewed, including at least one person with a permanent work permit. Those stopped at the border, either when entering or leaving, were informed of an N-82 code in their file, barring them from re-entry without special permission. Most of the 70 expelled Protestant Christians appear to have been targeted after they attended two annual training seminars in late 2019 and early 2020, one on working with children and the other for church leadership.

To date, not one of the Protestant foreign nationals with the N-82 code has been granted a visa after being given the N-82 code and challenging the N-82 code application is extremely difficult as designations are based on secret dossiers from the MIT containing allegations of activities that threaten national security. Those affected have generally been denied access to their case files, however, in one exception the affected foreign national was accused of engaging in evangelistic activities, even though such activity is allowed under the constitution. There are reports this practice has now extended to Northern Cyprus, amid an increase in anti-Christian sentiment. In October 2024, the Constitutional Court upheld the expulsions, finding that no FoRB violations had occurred and agreed that it was justified to classify activities that are ‘missionary in nature’ as a potential danger to ‘public order, security, the rights and freedoms of others or other values that prevail in the balancing act’.¹³⁵

The refugee population in the country is among the most vulnerable. Cases of Iranian Christian asylum seekers are handled directly by the Turkish authorities and not by the office of the United Nations High Commissioner for Refugees (UNHCR). As a result, refugees do not enjoy the full protection of the UNHCR and are vulnerable to intimidation and exploitation by the police and employers. Many refugees work 16 hours per day for half the average earnings of a Turkish employee. Exploitation at workplaces and bullying at schools are common complaints, with many refugees reportedly obliged to hide their faith in order to keep their jobs, while others were sacked once their employers discovered they were Christians. In some cities, such as Konya, even Turkish Christians have been forced to leave due to the level of societal hostility towards them.

For the past six years, the United States Commission on International Religious Freedom (USCIRF) has consistently recommended that the Department of State include Türkiye on its Special Watch List for engaging in severe FoRB violations.¹³⁶

128 “Türkiye” *Reporters Without Borders* <https://rsf.org/en/country-t%C3%BCrkiye>
129 Hamdi First Buyuk “Turkish investigation into army officers over secularist chants condemned” *Balkan Insight* 18 November 2024 <https://balkaninsight.com/2024/11/18/turkish-investigation-into-army-officers-over-secularist-chants-condemned/>
130 “Freedom in the World 2024” *Freedom House* https://freedomhouse.org/sites/default/files/2024-02/FIW_2024_DigitalBooklet.pdf
131 “Türkiye: Radio and Television Supreme Council Puts International Media Outlets on Notice for Failure to Obtain License” <https://www.loc.gov/item/global-legal-monitor/2022-03-20/turkiye-radio-and-television-supreme-council-puts-international-media-outlets-on-notice-for-failure-to-obtain-license/>

132 A. Kadir Yildirim “Triumphalism in Hagia Sophia” *Sada* 29 July 2020 <https://carnegieendowment.org/sada/82390>
133 Manolis Kostidis “Türkiye revives plan to convert another iconic Byzantine site into a mosque” *ekathimerini-com* 6 February 2024 <https://www.ekathimerini.com/news/1230965/Turkiye-revives-plan-to-convert-another-iconic-byzantine-site-into-a-mosque/>
134 “2022 Report on International Religious Freedom: Türkiye (Türkiye)” *U.S. Department of State* 2022 <https://www.state.gov/reports/2022-report-on-international-religious-freedom/turkiye/#:~:text=The%20constitution%20defines%20the%20country,discrimination%20based%20on%20religious%20grounds>
135 “Türkiye, Constitutional Court: Expulsion of Protestant leaders does not violate freedom of faith” *Asia News* 10 June 2024 https://www.asianews.it/news-en/Turkiye%2C-Constitutional-Court%3A-Expulsion-of-Protestant-leaders-does-not-violate-freedom-of-faith-60914.html#google_vignette
136 “USCIRF Releases New Report on Religious Freedom in Türkiye” *United States Commission on International Religious Freedom* 26 July 2024 <https://www.uscifr.gov/news-room/releases-statements/uscifr-releases-new-report-religious-freedom-turkiye>

The intersection of FoRB and freedom of expression

Blasphemy and insulting religion

The Disinformation Law and Article 216 of the TCC place inherent limitations on both FoRB and freedom of expression. They are rarely applied to address statements made about religions apart from Islam. In a 2022 report on blasphemy laws, USCIRF found that Türkiye was among the top ten countries in the world where the majority of cases of alleged blasphemy involved the use of social media.¹³⁷ The government implements these laws arbitrarily – usually to punish anyone deemed to have insulted Islam or for political reasons, to intimidate or retaliate against critics of President Erdoğan, the AKP and other government figures.

In one example, in January 2021 authorities detained five university students and charged them with inciting hatred and insulting religious values after they displayed a poster depicting a sacred religious site alongside LGBT+ flags.¹³⁸ The students were released six weeks later, however, the case against them remains open. In October of the same year, musician and YouTuber Oğuzhan Uğur was called to a prosecutor’s office regarding video footage which was interpreted as denigrating Muslim attire. He was accused of insulting Islamic values and inciting people to violence or insult.¹³⁹

In April 2022, prosecutors requested a five-year prison sentence for Deniz Furkan Talu on charges of insulting religious values and glorifying criminal content on social media. He denied the accusations but, in January 2024, was sentenced to two years and one month in prison, and was released.¹⁴⁰ That summer, the authorities opened an investigation into geologist Dr Ali Mehmet Celâl Şengör, for making televised statements that Abraham and Moses, important figures in Judaism, Christianity and Islam, never existed, referring to them as ‘fairy tales’.¹⁴¹ Around the same time, pop singer Gülşen Çolakoglu was arrested at her İstanbul home in August after footage circulated on social media in which she joked during a concert that the ‘perversion’ of one of her musicians was due to his education in a religious school. The singer was charged with ‘inciting hatred and enmity’ in October 2022 and jailed for five days. She later spent 15 days under house arrest, despite her apology for any offense that she may have caused to religious school graduates.

The promotion of ultra-nationalism has contributed to a rise in discrimination and hate speech that encourages violence towards non-Sunni religious communities.

In 2024, a warrant for the arrest of Diamond Tema, an agnostic, pro-secular YouTuber, was issued after he read a passage from the Buhkari Hadith and asked questions about the content during an online debate on Shari’a law.¹⁴²

Linguistic restrictions

Türkiye maintains a long-term policy followed by successive governments that aims to ‘Turkify’ non-Turkish citizens by making it very difficult, and, in some cases, illegal, for them to learn, teach and use their own languages. The Kurdish community has been a primary target of this effort for decades, with the intention of cracking down on any separatist aspirations. Although use of the Kurdish language is no longer illegal, it is still discouraged, and the authorities insist that Friday mosque services must be conducted in Turkish, in contravention of Article 27 of the ICCPR which states that

...in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Moreover, Article 2 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities further emphasises that persons belonging to national or ethnic, religious and linguistic minorities have the right to ‘...use their own language in private and in public, freely and without interference or any form of discrimination.’

In 2021, despite these international protections, 28 imams were arrested by the police for preaching in Kurdish. The imams were interrogated about praying in Kurdish and their failure to adhere to the government’s official sermons.

Hate speech and discrimination

Under the leadership of President Erdoğan, there has been a surge in the expression of anti-Christian sentiments in pro-government media and increasing reports of incidents of bullying and intimidation of Christian students in schools. Educational books fuel societal hostility against, and distrust of, religious minorities by, for example, denigrating missionary activity and describing it as a means of dividing the nation.

The promotion of ultra-nationalism has contributed to a rise in discrimination and hate speech that encourages violence towards non-Sunni religious communities. Such incitement is visible in a variety of sectors ranging from education, the workplace and religious practice, to day-to-day administrative procedures. Alevi Muslims, Bahai’s and Christians, particularly those who have converted from Islam, face daily societal pressures. Hate speech and occasional hate crimes targeting religious minorities continue, including attacks on their places of worship and even murder in extreme cases, with perpetrators generally enjoying impunity.

Government officials at various levels frequently express antisemitic views through statements and in social media posts. In May 2012, Turkish President Erdoğan used antisemitic language in a televised speech. In November 2021, a court in Bursa ruled that a man who called President Erdoğan ‘a Jew’ on social media had insulted the President, convicting him under Article 299 of the TCC and fining him approximately 721 USD (7,000 Turkish lira). President Erdogan’s lawyer argued that the remark was ‘humiliating [and] damaging to his honour and respectability’.¹⁴³ In other instances of antisemitism, an online group hacked and carried out cyberattacks on Shalom, Türkiye’s only Jewish newspaper, and Avlaremoz, a Turkish-language Jewish news platform.¹⁴⁴

Conclusion

There is no question that protections for both FoRB and FoE have been rolled back significantly, along with other civil and political rights, under the leadership of President Erdoğan and the AKP. It can be expected that this will deteriorate further as the government continues attempts to consolidate a national identity that is based on both Turkish ethnicity and adherence to Sunni Islam and remains intolerant to criticism and independent voices. While foreign nationals, including religious workers and refugees remain among the most vulnerable to violations of FoRB and FoE, the authorities have demonstrated in recent years, that they are also more than willing to crack down on those of Turkish nationality.

There has been a significant and deliberate erosion of Türkiye’s secular identity, and this should be of grave concern to its neighbours and the wider international community. At the same time, it is clear that many living in Türkiye are resisting the government’s attempts to reshape the country and continue to promote secular values and an environment where individuals are able to express themselves freely and to peacefully follow the religion or belief of their choosing. Efforts must be made to support them in preserving and expanding this space.

137 Keely Bakken “Issue Update: Blasphemy Charges in Türkiye” *United States Commission on International Religious Freedom* December 2022 <https://www.uscifr.gov/sites/default/files/2022-12/2022%20Türkiye%20Charges%20for%20Blasphemy%20and%20Insulting%20Religious%20Values%20v2.pdf>

138 Umut Rojda Yildirim “Worsening repression in Türkiye: The ongoing crackdown on the LGBTI+ community” *Freedom House* February 2024 <https://freedomhouse.org/sites/default/files/2024-02/7th-Policy%20Brief-Worsening%20Repression-in%20Türkiye-The-Ongoing%20Crackdown-on-the-LGBTI-Community.pdf>

139 “Sosyal medya fenomeni Oğuzhan Uğur savcılığa ifade verdi” *Cumhuriyet* 10 April 2021 <https://www.cumhuriyet.com.tr/yasam/sosyal-medya-fenomeni-oguzhan-ugur-savciliga-ifade-verdi-1874159>

140 “Türkiye, Peygambere hakarete ceza yok! Deniz Furkan Talu ilk duruşmada serbest kaldı” *Haber Sitesi* <https://habersiz.org/haber/haber-606440-Peygambere-hakarete-ceza-yok-Deniz-Furkan-Talu-ilk-durusmada-serbest-kaldi/amp/>

141 “‘Dini değerler’ soruşturması: Celal Şengör ifade için adliyede” *Diken* 6 September 2022 <https://www.diken.com.tr/dini-degerler-sorusturmasi-celal-sengor-ifade-icin-adliyede/>

142 See Case Study for additional information.

143 “Calling Erdogan a Jew is insulting and damaging to his prestige and honor, his lawyer says” *Stockholm Center for Freedom* 5 November 2021 <https://stockholmcf.org/calling-erdogan-a-jew-is-insulting-and-damaging-to-his-prestige-and-honor-his-lawyer-says/>

144 David Ian Klein “Turkish Jewish media outlets hit with cyberattacks amid global antisemitism surge” *Forward* 22 July 2021 <https://forward.com/news/473413/turkish-jewish-media-outlets-hit-with-cyberattacks-amid-global/>

Case Study – Türkiye

On 14 June 2024, Diamond Tema, a thirty-year old agnostic and secularist content creator,¹⁴⁵ participated in a debate on the Yer6 YouTube channel¹⁴⁶ about Shari’a law with Asrin Tok, another Turkish social media content creator. During the discussion Tema, who holds both Turkish and Albanian citizenship, read a text describing the Prophet Mohammed’s marriage and consummation of the marriage to his final wife, Aisha, when she was six and nine years old respectively, from the Sahih al-Bukhari hadith collection. He stated that he believed such actions to be immoral and incompatible with human rights, and asked Tok if he believed that the text was accurate and for his views on its morality. During the debate Tema, whose work focuses on religion and philosophy, also made critical statements about the ruling AKP, the Republican People’s Party, Good Party, and other opposition parties for what he called their Islamist leanings.



Diamond Tema. Photo: YouTube/Diamond Tema

Three days later, Tema relocated to Albania after receiving death threats and warnings that he would likely be arrested if he remained in Türkiye. He posted a video¹⁴⁷ on YouTube explaining why he was leaving, stating:

The next time I come to Türkiye, if they want, they can arrest me and put me in jail; I can go to court, I can testify then. No problem at all. But I didn’t want to experience this just now, when this is pushed against me, when everyone wants me to die, when everyone wants me to be thrown out. I don’t want photos of me in handcuffs to be shared on the internet... I don’t want to make them happy. I don’t want them to say, ‘Did you see that? Look what has become of the heathen’. I won’t give them that pleasure... I won’t be defeated by these guys on this issue. There is no justice, there is no law, unfortunately there is no secularism ... It’s all just on paper. I will not be defeated by their order and system... I am defending secularism and the (Turkish) republic against a man who says that Shari’a must come to this country. I am defending this country. Today they ... silence me. Tomorrow it will be your turn.

The following day, on 18 June 2024, a warrant was issued for Tema’s arrest for violating Criminal Code Article 216, ‘A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.’

On that same day, Aslan Değirmenci, Digital Media Coordinator of the Presidency’s Communication Directorate, posted on his X account that

An investigation was initiated against the person named Diamond Tema, who insulted our Prophet, for the crimes of insulting a section of the public and insulting religious values regulated in paragraphs 216/2 and 3 of the Turkish Penal Code,

He added that a request had been made to YouTube to ban access to the Yer6 channel. In addition, Justice Minister Yılmaz Tunç posted on X that Tema had been charged with ‘publicly inciting the public to hatred and hostility ... due to the insulting, ugly and provocative expressions used about our Prophet in the video content shared on social media.’

As of the time of writing of this report, the criminal charges remain in place and Tema is still in Albania.

Conclusion

Authoritarianism and religious supremacism are inimical to the unhindered exercise of FoRB and FoE. The leaders of China, Cuba, Nigeria and Türkiye not only recognise this, but have also implemented policies and are developing strategies which further limit both of these rights. While this report focuses on four countries, they represent a wider, global problem. Both rights, separately and at their intersection, are under siege in nations around the world. Countries such as North Korea and Eritrea maintain some of the most extreme restrictions on both rights. FoE and FoRB are also under siege in Nicaragua, Iran, Myanmar, and Sudan; while, worryingly, even historically pluralistic and democratic countries like India, Hungary, and Indonesia have seen a trend towards more limitations on FoE and FoRB in recent years.

It is critical, at this moment, that the international community recognises and reaffirms its commitment to the upholding of FoE and FoRB. There must be proactive engagement with governments of countries where these rights are already limited or are being rolled back to stress the importance and purpose of both rights, as well as their contribution towards the development of strong democracies, stability and social cohesion. It is also vital to work with civil society, including religious leaders, to raise awareness and understanding of how upholding FoRB and FoE for all protects their rights as well as those of others. Individuals around the world must be free to both espouse and peacefully express their religion or belief. Their ability to report on, question and even criticise the actions or inaction of state and non-state actors that result in unwarranted restrictions on FoRB and FoE must also be guaranteed.

145 <https://www.youtube.com/@DiamondTema>
146 <https://www.youtube.com/watch?v=w8-A-hi7hkA>
147 <https://www.youtube.com/watch?v=6g0q0syaQXM>

**‘Everyone has the right to freedom
of thought, conscience and religion...’**

Article 18, UDHR

**‘Everyone has the right to freedom
of opinion and expression...’**

Article 19, UDHR

**CSW everyone
free to believe**

CSW is a human rights organisation advocating for freedom of religion or belief, and as Christians we stand with everyone facing injustice because of their religion or belief.

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