

INTERNATIONAL CHRISTIAN CONCERN

REPORT PREPARED FOR THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF

Religious Intolerance in International Law and Policy

Tolerated by some governments and mandated by others, religious intolerance around the world is often deeply rooted in legal and political structures. These structures serve as a sort of framework for persecution, institutionalizing national identity under one religion, creating legal avenues for discrimination, and in some cases providing persecutors immunity for their actions.

Whether they criminalize minority religious belief or simply further anti-minority sentiment, religiously intolerant laws and politics serve to divide the populous, sow dissension, and foment violence.

Participation and representation in public life

Minority religious communities are, almost by definition, underrepresented in the countries where they reside. This often leads to discrimination, inadequate access to resources, and lack of personal autonomy. But these problems are made even worse when their legally-guaranteed representation in the government is attacked. Such is the case in Pakistan, where religious minorities are guaranteed representation in the legislature, both at the provincial and the national level. These reserved seats in Pakistan's legislative assemblies are supposed to be based on current population data—data which the government of Pakistan refuses to release on “national security” grounds.

Pakistan's refusal to publicly release information on the country's growing religious minority population effectively guarantees that they will be underrepresented, and not just legislatively—the census also impacts access to higher education and jobs in the public and private sectors. In addition, Pakistan's selective process of allocating seats ensures that members of the legislatures further the interests of their parties rather than the minority groups they are theoretically supposed to represent.

Access to food, housing, and employment

Pakistani Christians officially make up less than 2% of the overall population, but they make up 80-90% of the sanitation workforce, according to research conducted by International Christian Concern and others. These government employees are tasked with dangerous and menial tasks, including clearing stoppages in sewage drains and sweeping the streets—often without even the most basic of personal protective equipment such as shoes. In many cases, job postings for these sanitation positions say that only religious minorities may apply.

In India, scheduled caste benefits serve as a sort of social safety net for the poor of society. These benefits were established in 1947, but in 1948 they were restricted to Hindus only. Later, all Indic religions were readmitted to the schedule caste benefit system, but Christians and Muslims were notably excluded. This discrimination continues to this day on the facetious argument that, since these other religions don't subscribe to the Hindu caste system, they shouldn't receive scheduled caste benefits.

Imposition of an understanding of national identity around one religion

National identity can be a touchy subject, especially in areas where various ethnoreligious and cultural traditions are tasked with operating and living under a single government. Certain governments look to religion in an attempt to create a sense of national identity, often leading to the disenfranchisement of minority religious communities. This disenfranchisement can lead to social unrest, instability, and even violence. Rather than going into the details of a single instance of this juxtaposing of national identity and religion, it may be helpful to look at patterns in the way that this religious nationalism is institutionalized around the world.

One major pattern of religious nationalism can be found in the many blasphemy laws found around the world. The West is not immune from these laws either, with several states maintaining blasphemy laws despite their blatantly discriminatory nature. Blasphemy laws essentially criminalize minority religious belief, forcing theological alignment with the ruling class upon the general populous. These laws have been roundly condemned

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by human rights observers and the international community more broadly, including in detailed reports from organizations like USCIRF and International Christian Concern.

Anti-conversion laws are another major vehicle for religious nationalism. India's anti-conversion laws blatantly favor the Hindu majority against the Christian and Muslim minorities, allowing putting bureaucratic red tape around conversion to these religions but making it easy to "reconvert" to Hinduism. The term for conversion to Hinduism, *ghar wapsi*, encapsulates the religious bias behind these laws—the term literally means "return to home" and stems from the assumption by Hindu nationalists that all Indians are originally or naturally Hindu.

India is at a crossroads. Founded as a secular state in 1947, leaders in the political and religious establishment are attempting to cast India as a Hindu nation. This perspective, importantly, often teaches that citizenship should be restricted to Hindus only. Among the adherents to this radical Hindu nationalism are members of the Bharatiya Janta Party, which Prime Minister Narendra Modi leads. The Citizenship Amendment Act, which would essentially strip Muslims of their citizenship on the basis of their religion, is but one example of the religious discrimination peddled by India's radical Hindu nationalists.

In Algeria, despite constitutional protections for religious minorities, non-Muslim places of worship are specifically targeted for harassment and even forced closures. The evangelical church in Algeria, represented by the Eglise Protestante d'Algérie (EPA), has come under particular attack in recent years. A series of legal challenges beginning in the early 2000s began to threaten the legal approval that they have enjoyed since 1974 and, since then, the EPA has seen dozens of local churches forcibly closed by the Algerian government. International Christian Concern has written on this issue, including in a report entitled *Brief: Religious Freedom in Algeria*.

In Iran, religious minorities who find themselves targeted by the state for their religion often find themselves facing national security-related charges. The implication in this is that minority religious belief is at odds with national security. This narrative deepens the prejudice against religious minorities and furthers a uniform understanding of national identity around one dominant religion.

Family laws that impose traditions of the majority religion on religious minorities

While there are many examples of discriminatory family laws around the world, one particularly egregious and ongoing example stands out among the others. Studies indicate that as many as 1,000 Christian and Hindu girls are subjected to kidnappings, forced conversions to Islam, and coerced marriages every year in Pakistan. One of these girls, Huma Younus, was abducted in October 2019 by her family's driver. She was only 14 years old.

Huma's case has received national and international attention, but despite this she was forcibly converted and married to her captor shortly after the kidnapping. The kidnappers are known to the local authorities, but they remain protected by the Pakistani judicial system which, in February 2020, ruled in favor of Huma's kidnappers in a finding that flew directly in the face of established statutory law which explicitly prohibits underage and forced marriage. The ruling sidestepped proof that Huma is only 14 years old, citing Sharia law to the effect that girls who have had their first menstrual cycle are de facto eligible to be married regardless of the circumstances of their marriage.

International Christian Concern is a non-profit organization based in Washington, D.C. that exists to advance the cause of religious freedom for people of conscience all around the world. Its particular mission and expertise in the global effort to advance international religious freedom is in the Christian church, which ICC assists through extensive fieldwork, cares for through consistent government advocacy, and lifts up with worldwide awareness efforts.