

RELIGIOUS FREEDOM IN LATIN AMERICA

Dennis P. Petri

MSc, MPhil, Sciences Po (Paris Institute of Political Studies), France

PhDc, VU University Amsterdam, The Netherlands

Invited scholar, Bar-Ilan University, Israel

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OUTLINE

Concepts and perspectives

Religious Freedom Assessment Tools

Empirical evidence from Latin America

Practical tools to build the resilience of vulnerable religious communities

Conclusions



RELIGIOUS FREEDOM FROM THE HUMAN RIGHTS PERSPECTIVE

UNIVERSAL DECLARATION OF HUMAN RIGHTS, ART. 18

“Everyone has the right to freedom of thought, conscience and religion; this right 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.”

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, ART. 18

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions. respect the exclusive character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.”

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, ART. 27

“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.”

UN HUMAN RIGHTS COMMITTEE (HRC), CCPR GENERAL COMMENT N. 22 (1993)

- “far-reaching and profound.”
- “encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others.”
- “this provision cannot be derogated from, even in time of public emergency.”
- “there are N limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one’s choice.”
- “the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.”

AMERICAN CONVENTION ON HUMAN RIGHTS, ART. 12

- “1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.
2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.
3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.
4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.”

DIMENSIONS OF RELIGIOUS FREEDOM

1. The freedom to have, choose, change or leave a religion or belief;
2. Freedom to manifest a religion or belief;
3. Freedom from coercion;
4. Freedom from discrimination;
5. The right of parents to give their children religious and moral education in accordance with their own beliefs;
6. The right to conscientious objection;
7. Freedom to practice one's religious belief in the workplace.

Source: Swedish Mission Council (2010), *What freedom of religion involves and when it can be limited*.

ASPECTS OF FREEDOM TO MANIFEST A RELIGION OR BELIEF

- To worship or assemble in connection with a religion or belief, and to establish and maintain premises for these purposes.
- To establish religious, humanitarian and charitable institutions.
- To make, acquire and use articles and materials related to the rites or customs of a religion or belief, including to follow a particular diet.
- To write, issue and disseminate relevant publications.
- To teach a religion or belief in places suitable for the purposes and to establish theological seminaries or schools.
- To solicit and receive voluntary financial and other contributions.
- To train, appoint or elect leaders, priests and teachers.
- To celebrate religious festivals and observe days of rest.
- To communicate with individuals and communities on faith issues at national and international level.
- To display religious symbols including the wearing of religious clothing.

LEGAL ISSUES

- Multidimensionality of religious freedom.
- Difference between constitutional statements or ratified human rights declarations and the reality in the country.
- Document, document, document cases – the government does not always do this, and neither do most NGO's.
- Use legally binding human rights treaties.
- Need to link human rights violations with criminal law.
- Observing and denouncing human rights violations is not enough! Do something about it!



RELIGIOUS FREEDOM FROM THE POLITICAL SCIENCE PERSPECTIVE

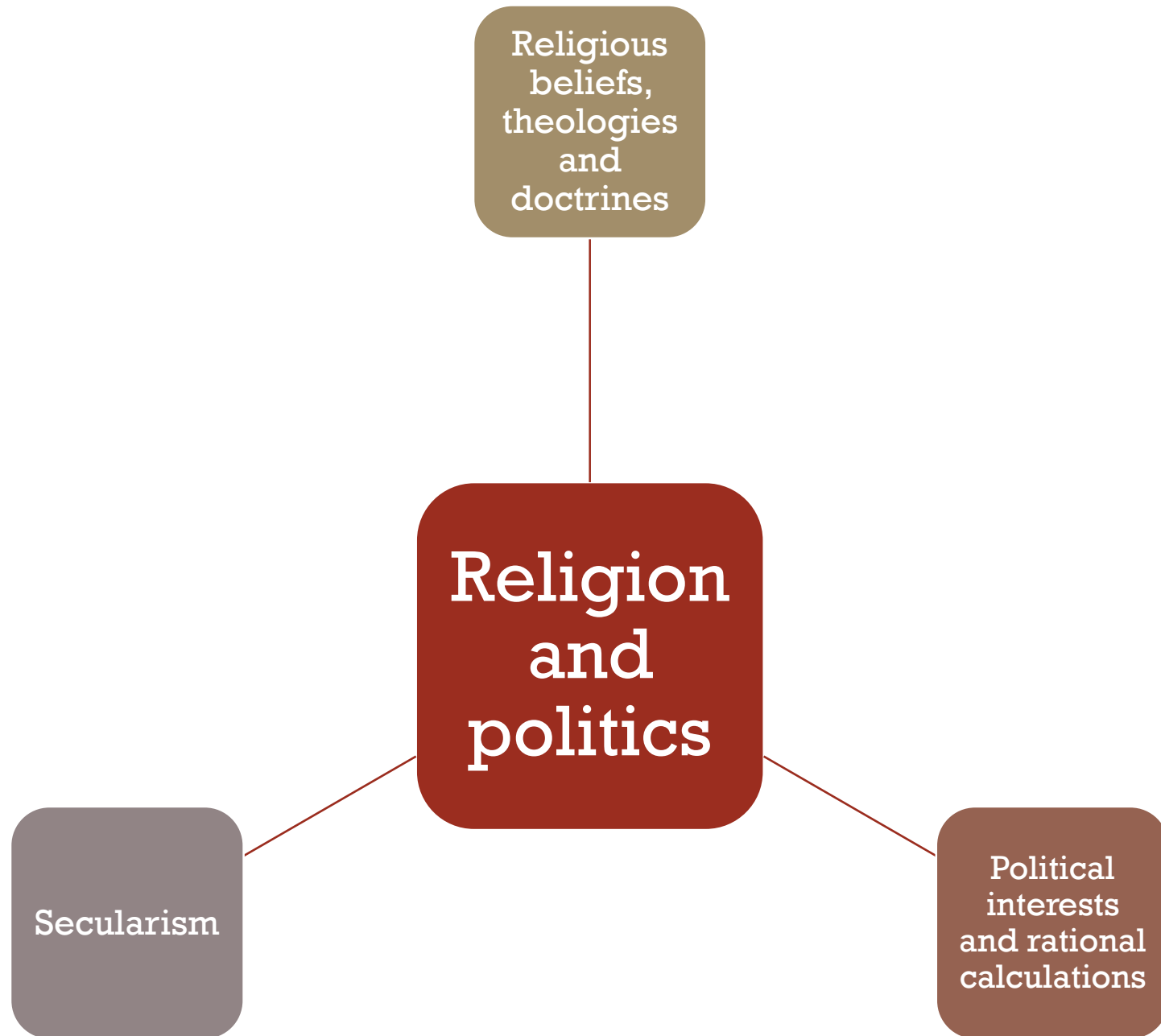
FRAMEWORK FOR UNDERSTANDING RELIGION AND POLITICS



Religious
beliefs,
theologies
and
doctrines

- Legitimacy
- Institutions
- Identity

Source: Fox (2013), *An Introduction to Religion and Politics*.





SEPARATION OF RELIGION AND STATE



FOKKE & SUKKE

KWAMEN OOK OP BEZOEK IN DE STAL

UW GEZIN
STAAT IN ONZE
DATABANK

ALS
'MOGELIJK
RELIGIEUS
FUNDAMENTA-
LISTISCH'



Twitter: @FokkeSukke

SECULAR INTOLERANCE

*Fokke & Sukke are visiting the stable.
“Your family is marked in our
database as ‘potentially religious
fundamentalist’.”*

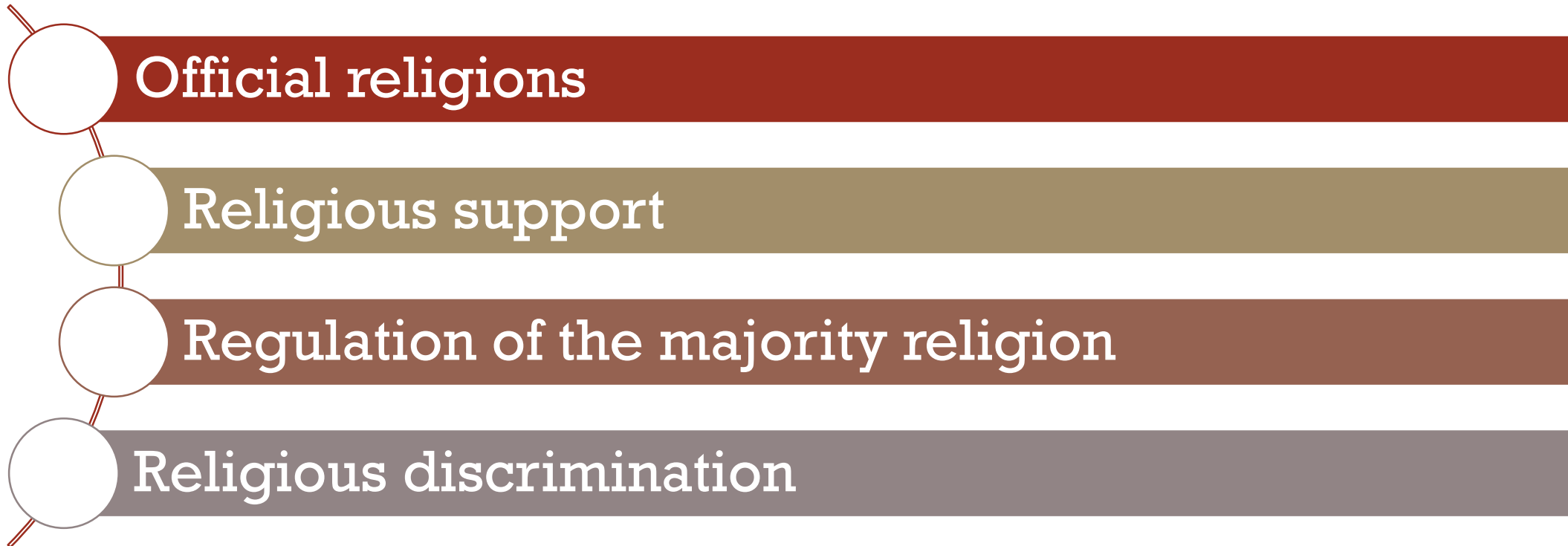
THE MYTH OF SEPARATION

**Separation Religion /
State**

≠

Separation Faith / Politics

TYPES OF RELIGIOUS POLICY



Source: Fox (2013), *An Introduction to Religion and Politics*.

OFFICIAL RELIGIONS

| Variables | CR I | EG Y | FR A | IS R | ME X | NL D | GB R | US A |
|---|---------|---------|---------|---------|---------|---------|---------|---------|
| Official religion | Y | Y | N | Y | N | N | Y+ | N |
| One religion has more benefits than other religions | Y | Y | N | Y | N | N | Y | N |
| There is N unequal treatment | Y | N | N | Y | N | Y | Y | Y |

RELIGIOUS SUPPORT

| Variables | CRI | EGY | FRA | ISR | MEX | NLD | GBR | USA |
|---|-----|-----|-----|-----|-----|-----|-----|-----|
| Marriages performed by clergy of at least some religions are given automatic civil recognition, even in the absence of a state license. | Y | N | N | Y | N | N | Y | N |
| Religious education is present in public schools. | Y | Y | N | Y | N | Y | Y | N |
| Government funding of religious primary or secondary schools or religious educational programs in non-public schools. | Y | Y | Y | Y | N | Y | Y | Y |
| Government collects taxes on behalf of religious organizations (religious taxes). | N | N | N | N | N | N | N | N |
| Official government positions, salaries or other funding for clergy other than salaries for teachers of religious courses. | Y | Y | N | Y | N | N | N | N |
| Direct general grants to religious organizations | N | Y | N | Y | N | N | N | N |
| Funding for building, maintaining, or repairing religious sites. | N | Y | Y | Y | Y | N | Y | N |
| Free air time on television or radio is provided to religious organizations on government channels or by government decree. | N | Y | Y | Y | N | N | N | N |
| Presence of an official government ministry or department dealing with religious affairs. | Y | Y | Y | Y | Y | N | N | N |
| A registration process for religious organizations exists which is in some manner different from the registration process for other non-profit organizations. | N | Y | Y | Y | Y | N | N | N |

REGULATION OF THE MAJORITY RELIGION

| Variables | CR I | EG Y | FR A | ISR | ME X | NL D | GB R | USA |
|--|---------|---------|---------|-----|---------|---------|---------|-----|
| Restrictions on religious political parties. | N | Y | N | Y | Y | N | N | N |
| Restrictions on clergy and/or religious organizations engaging in public political speech (other than sermons) or propaganda or on political activity in or by religious institutions. | Y | Y | N | N | Y | N | N | Y |
| Restrictions on clergy holding political office. | Y | N | N | N | Y | N | N | N |
| Restrictions on religious-based hate speech. | N | N | Y | N | N | Y | Y | N |
| The government appoints or must approve clerical appointments or somehow takes part in the appointment process. | N | Y | Y | N | Y | N | Y | N |
| Other than appointments, the government legislates or otherwise officially influences the internal workings or organization of religious institutions and organizations. | N | N | N | N | N | N | N | N |
| State ownership of some religious property or buildings. | Y | Y | Y | Y | Y | N | N | N |

RELIGIOUS DISCRIMINATION

| Variables | CRI | EGY | FRA | ISR | MEX | NLD | GBR | USA |
|--|-----|-----|-----|-----|-----|-----|-----|-----|
| Restrictions on public observance of religious services, festivals and/or holidays, including the Sabbath. | N | N | Y | N | N | N | N | N |
| Restrictions on building, leasing, repairing and/or maintaining places of worship. | N | Y | Y | Y | Y | N | N | N |
| Arrest, continued detention, or severe official harassment of religious figures, officials, and/or members of religious parties for activities other than proselytizing. | N | Y | Y | N | Y | N | N | N |
| State surveillance of minority religious activities not placed on the activities of the majority. | N | Y | Y | N | N | N | Y | N |
| Restrictions on the wearing of religious symbols or clothing. This includes presence or absence of facial hair. | N | N | Y | N | N | N | N | N |
| Restrictions on proselytizing by permanent residents of state to members of the majority religion. | N | Y | N | N | Y | N | N | N |
| Requirement for minority religions (as opposed to all religions) to register in order to be legal or receive special tax status. | Y | Y | N | N | N | N | N | N |
| Restricted access of minority clergy to hospitals, jails, military bases, and other places a chaplain may be needed in comparison to chaplains of the majority religion. | Y | Y | Y | Y | N | N | N | Y |
| There is a legal provision or policy of declaring some minority religions dangerous or extremist sects. | Y | N | Y | N | N | N | N | N |
| Anti-religious propaganda in official or semi-official government publications. | N | Y | Y | N | N | N | N | N |

COSTA RICA: DEBATE ABOUT MOVING TO A SECULAR STATE

- Little conceptual clarity in the public debate.
- Ideological and emotional discussions about the Secular State.
- Costa Rica is formally a confessional state, but its reach is merely symbolic:
 - There is freedom of religion in Costa Rica;
 - There is N substantial discrimination of minority religions;
 - There is N substantial favoritism of the majority religion (including some disadvantages).
- Are we losing our time with this debate? (Priorities)
- Forgotten question in the debate: What type of State would replace the Confessional State?

TYPES OF POLITICAL SECULARISM

Laïcité

Absolute separation

Political neutrality

Exclusion of ideals



“NOT SO CHRISTIAN” POLITICS

Left man: “Hey, hey! Don’t get confused! We are pro-life... But once alive, everyone needs to pay for himself, are we clear?”

Left sign: “Yes to life, N to abortion.”

Right sign: “I’ve got Hepatitis C. Help!”



FREEDOM OF RELIGIOUS EXPRESSION

The Sabbath is the true day of the Lord.



FREEDOM OF RELIGIOUS EXPRESSION

Boys have penises, girls have vaginas. Don't be fooled. If you're born a man, you're a man. If you're a woman, you'll always be a woman.

Do you know what they want to teach your child at school? The laws of sexual indoctrination.



RELIGIOUS FREEDOM FROM THE PERSPECTIVE OF REFORMED POLITICAL PHILOSOPHY

REFORMED STATESMEN

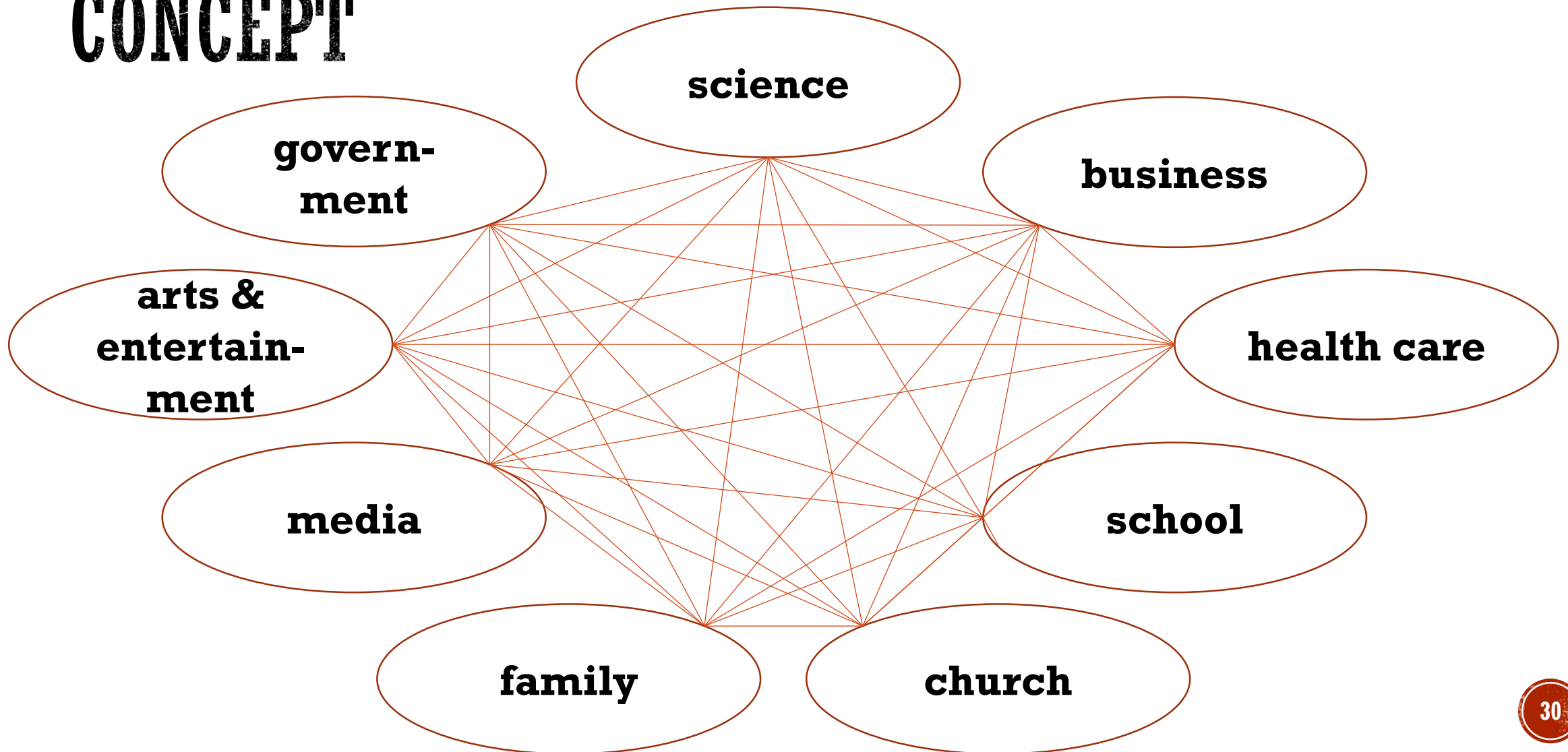
**Guillaume Groen van Prinsterer
(1801-1876)**



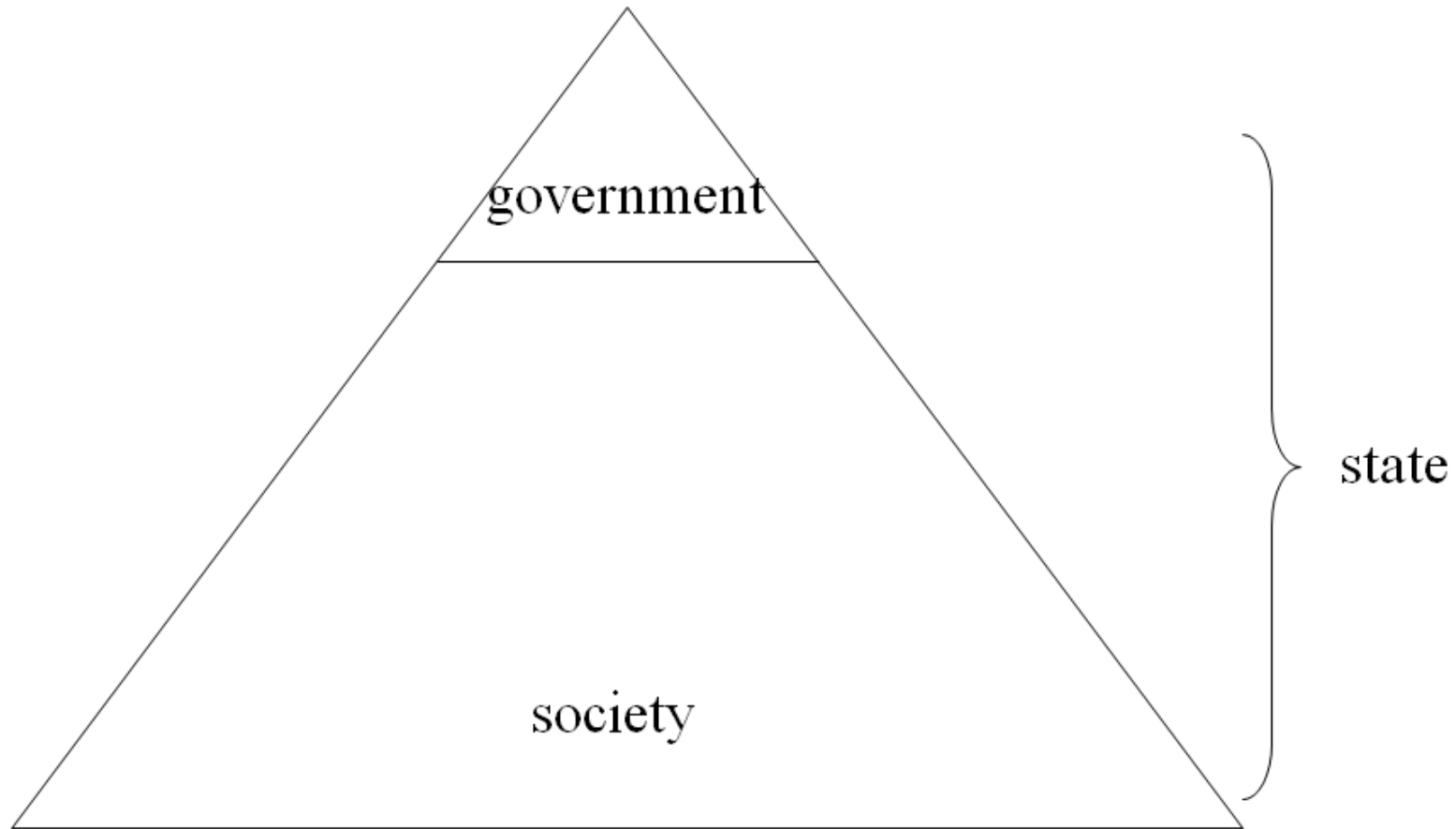
Abraham Kuyper (1837-1920)



SPHERE SOVEREIGNTY: THE ORIGINAL CONCEPT



CLASSIC VISION OF THE STATE



SPHERE SOVEREIGNTY AND RELIGIOUS FREEDOM

- The separation of the church and government spheres.
- The existence of a boundary between the church and the government spheres does not mean that religion can play N role in politics.
- Religious freedom encompasses the autonomy to live according to one's religious perspective in each sphere of society.

Source: Petri & Visscher (2015), "Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom."

SPHERE SOVEREIGNTY REVISITED

- The use of sphere sovereignty as an analytical category, instead of a normative concept.
- The notion of “sovereignty” in relation to the notion of “autonomy.”
- The multidimensionality of religious freedom.
- **Defining restrictions on religious freedom – religious persecution – as “any restriction on religious expression in any sphere of society.”**
- Approaching religious conflicts in terms of “infringed sphere autonomy.”

Source: Petri & Visscher (2015), “Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom.”

SPHERE SOVEREIGNTY AS A SAFEGUARD FOR RELIGIOUS FREEDOM

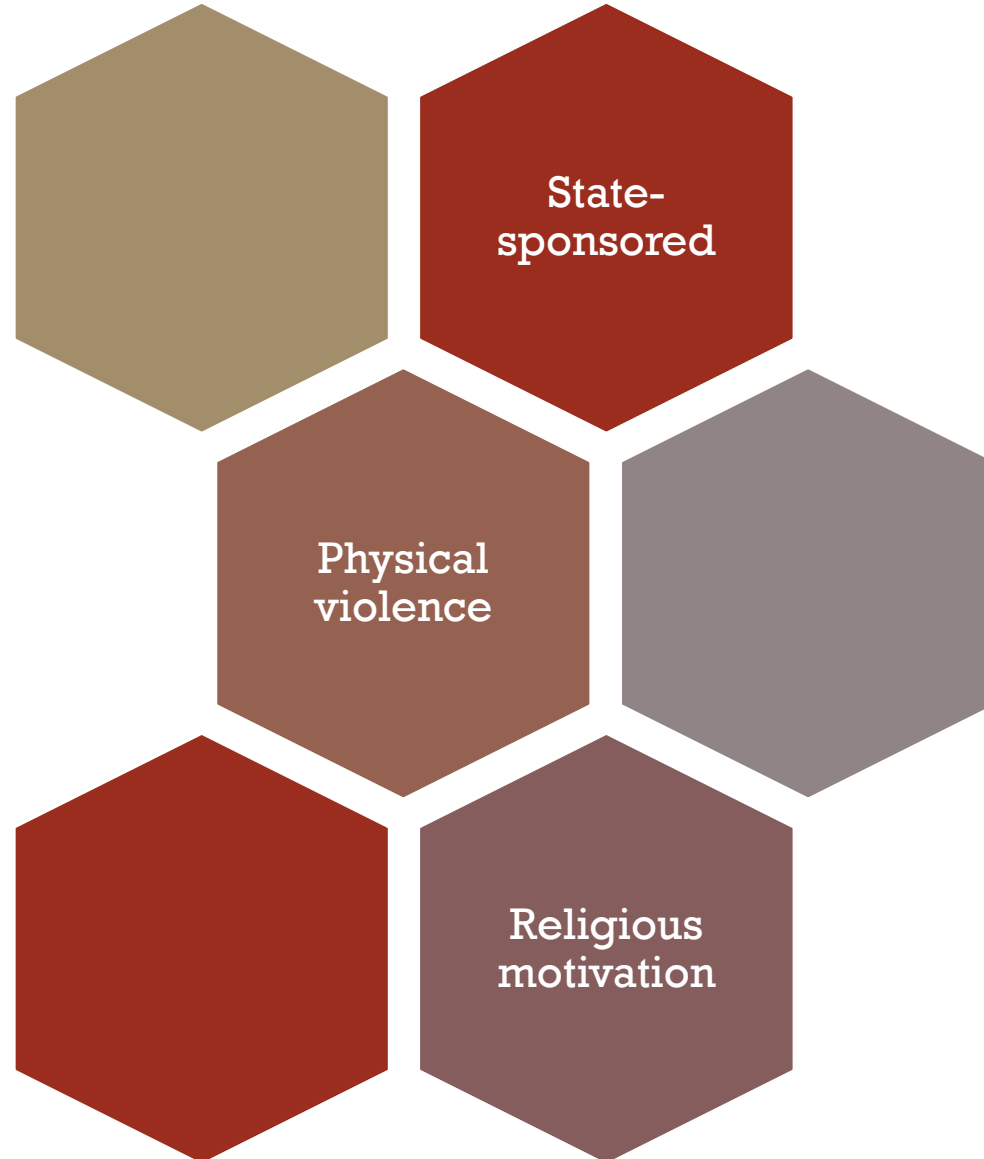
- The best guarantee for religious freedom is ensuring not only the autonomy of each sphere of society, but specifically free religious expression in each sphere of society.
- True religious freedom requires not only a sovereign church sphere – the respect of church autonomy –, but also the freedom for (Christian) religious expression in the family sphere, the school sphere, the government sphere, and in all other spheres.
- Institutional Religious Freedom.

Source: Petri & Visscher (2015), “Revisiting Sphere Sovereignty to Interpret Restrictions on Religious Freedom.”



REVIEW OF RELIGIOUS FREEDOM ASSESSMENT TOOLS

THREE MYTHS OF RELIGIOUS PERSECUTION



DEFINITIONS OF (RELIGIOUS) PERSECUTION

- Narrow definition in refugee and asylum law.
- Broader definition of advocacy and faith-based organizations.
- Persecution as physical violence or also as pressure ("symbolic violence").
- Persecution, reserved for extreme cases or as a continuum.
- In social sciences, definitions matter!

BROADENING YOUR MIND

- Decision (i): Choose between
 - A. sure gain of \$240
 - B. 25% chance to gain \$1,000 and 75% chance to gain nothing
- Decision (ii): Choose between
 - C. sure loss \$750
 - D. 75% chance to lose \$1,000 and 25% chance to lose nothing
- Combined decisions:
 - AD. 25% chance to win \$240 and 75% to lose \$760
 - BC. 25% chance to win \$250 and 75% to lose \$750
- Broad or narrow?

Source: Kahneman (2011), *Thinking, Fast and Slow*.

COMPARISON OF RELIGIOUS FREEDOM ASSESSMENT TOOLS

| Religious Freedom Assessment Tool | Responsible institution |
|--------------------------------------|---|
| Religious Freedom Rating | Center for Religious Freedom (Hudson Institute) |
| World Watch List | World Watch Unit (Open Doors International) |
| International Religious Freedom Data | The Association of Religion Data Archives (Pennsylvania State University) |
| Global Restrictions on Religion | Pew Research Center's Forum on Religion & Public Life |
| Government Involvement in Religion | Religion and State Project (Bar-Ilan University) |

GOVERNMENT INVOLVEMENT IN RELIGION

| | Christian -Majority States I | Christian- Majority States II | Muslim- Majority States | Other Religions | WORLD |
|---|---|--|--|----------------------------|--------------|
| Official religion | 19.6% | 11.5% | 53.2% | 9.4% | 24.3% |
| Average number of types of religious support | 7.59 | 5.08 | 15.91 | 6.56 | 8.88 |
| Average number of types of religious regulation | 2.63 | 2.06 | 7.28 | 4.84 | 8.86 |
| Average number of types of religious discrimination | 6.09 | 2.27 | 10.0 | 6.78 | 11.11 |

Source: Fox (2013), *An Introduction to Religion and Politics*.

CONTRIBUTIONS OF RELIGIOUS FREEDOM ASSESSMENT TOOLS

- Document the situation of religious freedom worldwide.
- Describe and quantify religious freedom violations.
- Make data available for cross-national comparisons.
- Justify religious freedom as a “social fact” (Durkheim)

CRITIQUES OF RELIGIOUS FREEDOM ASSESSMENT TOOLS

- Disconnection from theoretical frameworks.
- Quantitative bias.
- Negligence of the local scale.
- State bias.
- Implicit focus on religious freedom violations, but not on the group suffering these violations.
- Too restrictive definitions of “religious persecution” and “religion.”

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METHODOLOGY OF THE WORLD WATCH LIST

DEFINITIONS

- **Christian:** A Christian is 'anyone who self-identifies as a Christian and/or someone belonging to a Christian community as defined by the church's historic creeds'.
- **Persecution:** Persecution is 'any hostility experienced as a result of one's identification with Christ. This can include hostile attitudes, words and actions towards Christians'.

PERSECUTION ENGINES

Islamic
oppression

Religious
nationalism

Ethnic
antagonism

Denominational
protectionism

Communist and
post-Communist
oppression

Secular
intolerance

Dictatorial
paranoia

Organized
corruption and
crime

DRIVERS OF PERSECUTION

Government
officials at any
level from local to
national

Ethnic group
leaders

Non-Christian
religious leaders
at any level from
local to national

Religious leaders
of other churches
at any level from
local to national

Fanatical
movements

Normal citizens
(people from the
broader society),
including mobs

Extended family

Political parties at
any level from
local to national

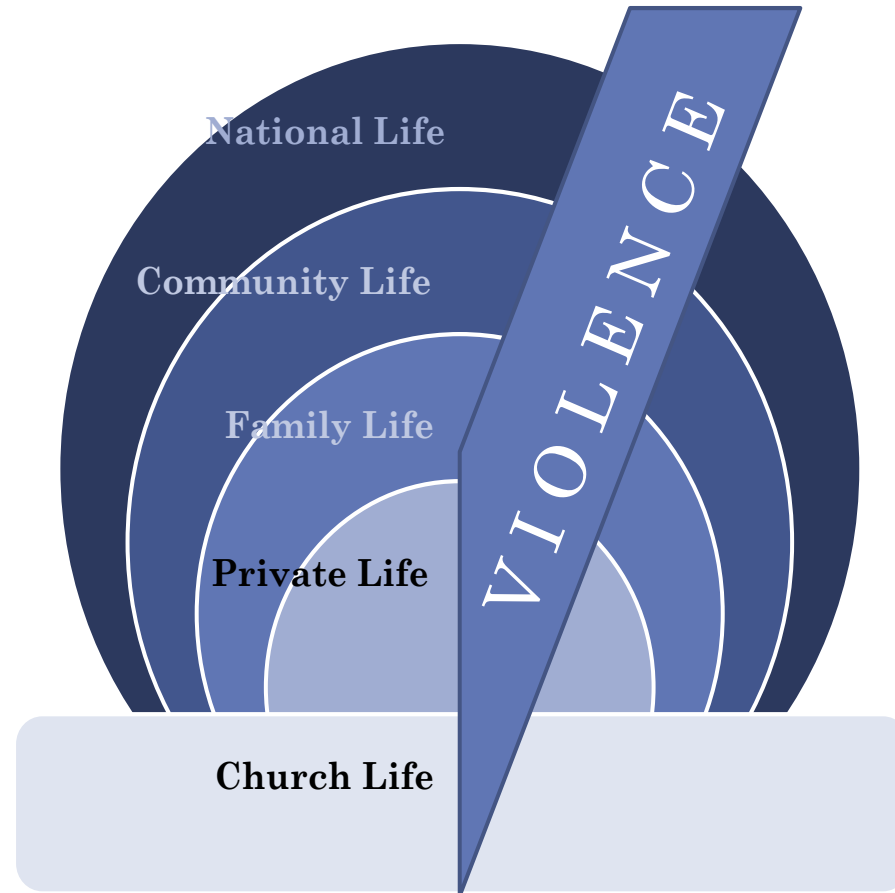
Revolutionaries
or paramilitary
groups

Organized crime
cartels or
networks

Multilateral
organizations

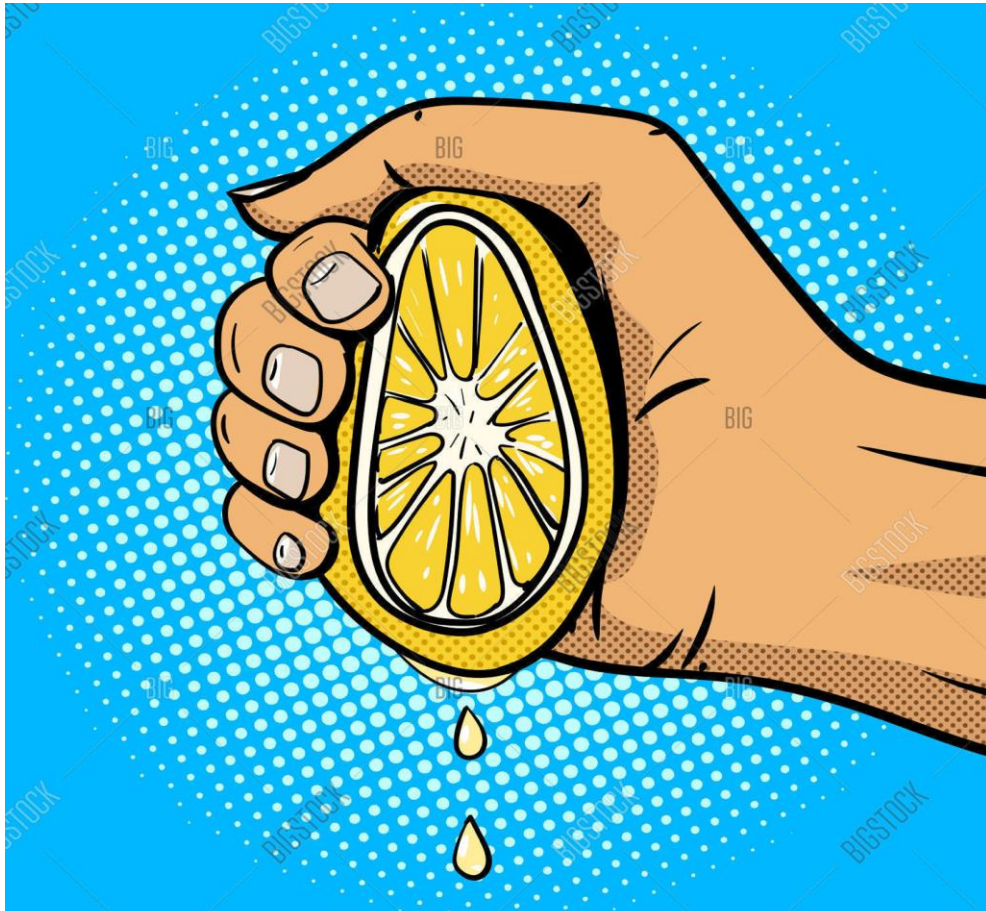
PRESSURE AND VIOLENCE

5 spheres of life



PRESSURE AND VIOLENCE

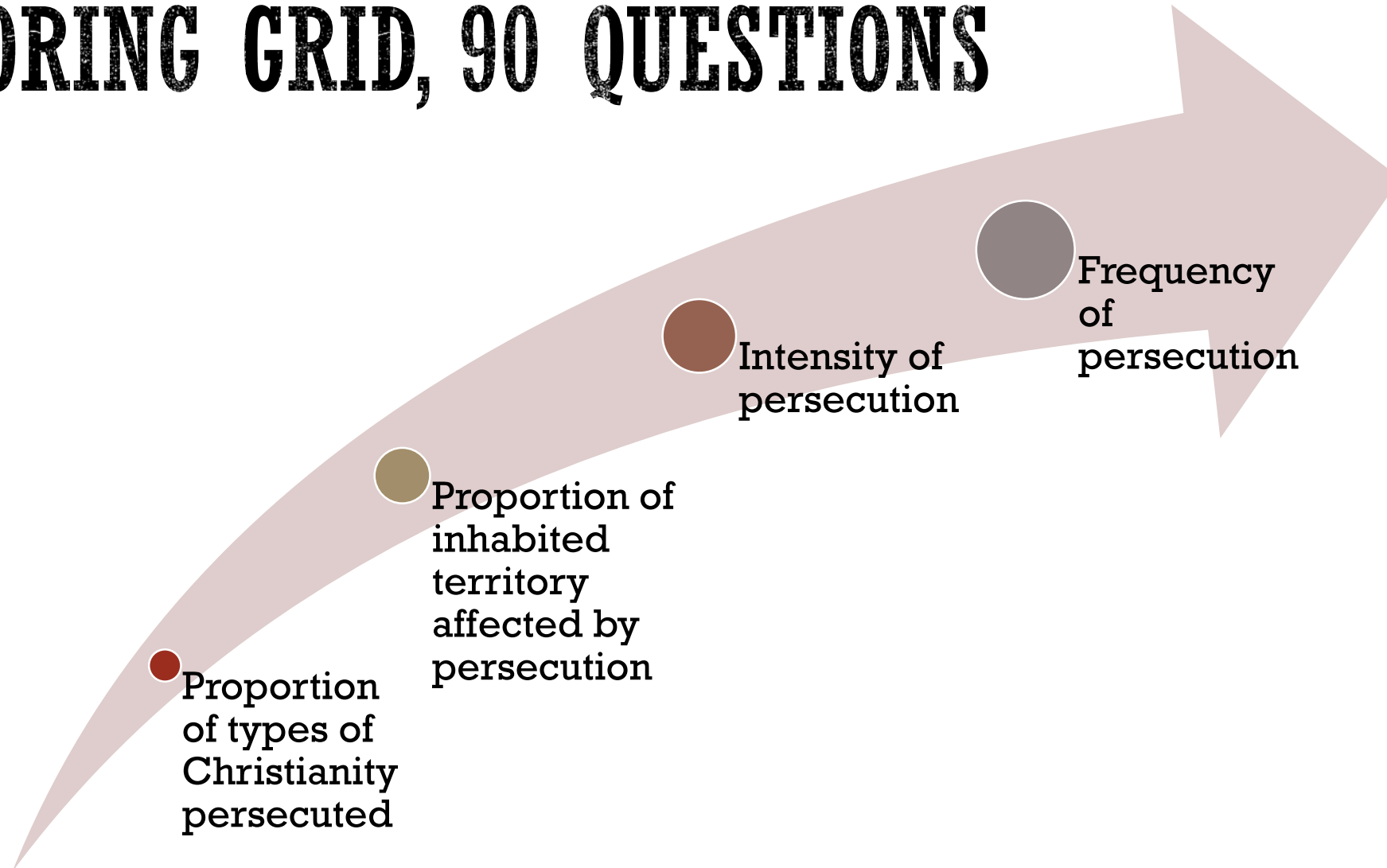
Squeeze



Smash



SCORING GRID, 90 QUESTIONS





WORLD WATCH LIST 2017



WORLD WATCH LIST, COMPARISON OF PRESSURE AND VIOLENCE

| Top 10 (overall score, MAX = 100) | Top 10 (pressure, MAX = 83.3) | Top 10 (physical violence, MAX = 16.7) |
|-----------------------------------|-------------------------------|--|
| 1. North Korea (91.6) | 1. North Korea (81.8) | 1. Pakistan (16.7) |
| 2. Somalia (90.9) | 2. Somalia (80.8) | 2. Nigeria (16.1) |
| 3. Afghanistan (89.3) | 3. Yemen (79.4) | 3. Egypt (16.1) |
| 4. Pakistan (87.8) | 4. Afghanistan (78.7) | 4. Mexico (14.4) |
| 5. Sudan (87.3) | 5. Eritrea (76.7) | 5. Syria (13.7) |
| 6. Syria (86.5) | 6. Iraq (75.8) | 6. India (13.5) |
| 7. Iraq (86.2) | 7. Maldives (75.7) | 7. Sudan (13.3) |
| 8. Iran (85.4) | 8. Iran (75.2) | 8. Bangladesh (12.2) |
| 9. Yemen (85.3) | 9. Saudi-Arabia (74.5) | 9. Vietnam (11.1) |
| 10. Eritrea (81.7) | 10. Sudan (74.0) | 10. Afghanistan (10.6) |

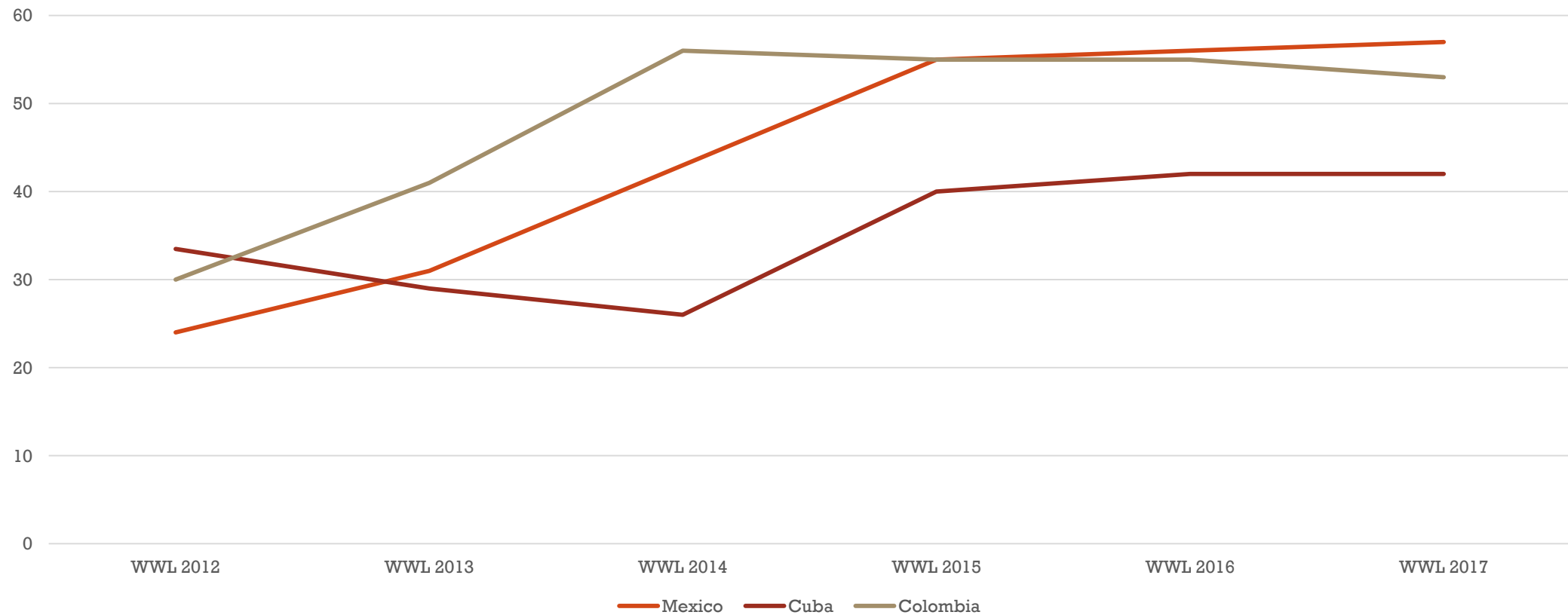


OVERVIEW OF RELIGIOUS FREEDOM IN LATIN AMERICA

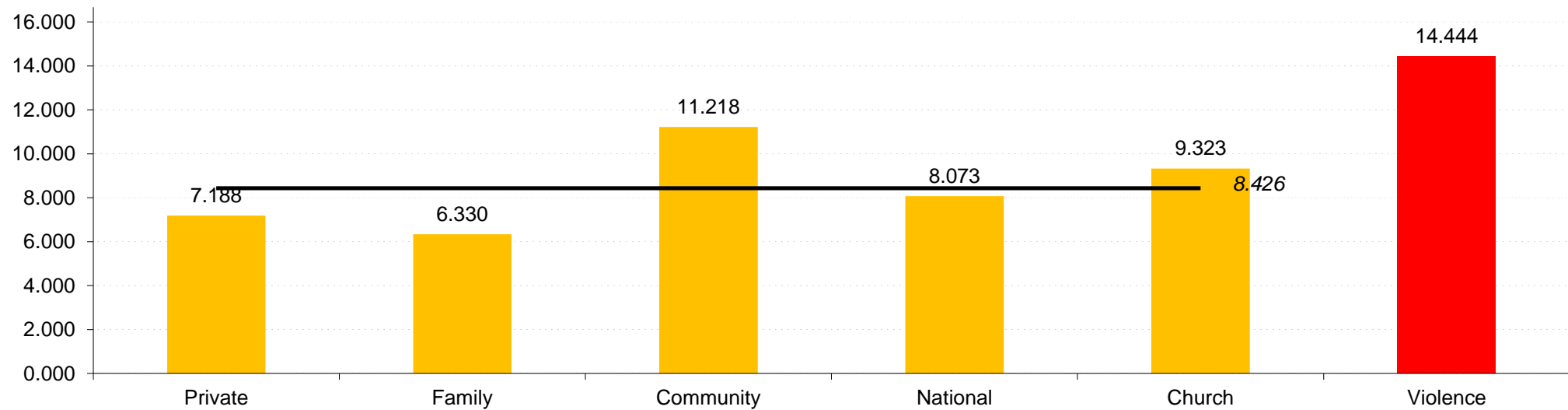
CHALLENGES TO RELIGIOUS FREEDOM IN LATIN AMERICA

- Actively practicing Christians, a religious minority.
- N issues with the legal framework – enforcement challenges.
- Restrictions on religious freedom from a human security perspective.
- Organized crime is posing a threat to freedom of religion and expression in the Americas.
- In indigenous areas, converts to Christianity are threatened by tribal leaders and they are not given sufficient protection by their governments.
- In communist and post-communist countries, Christians are denied the freedom to exercise their right to worship as well as freedom of expression.
- All over the region Secular intolerance is gaining importance.
- Latin American states are not always diligent enough in terms of investigating issues related to violations of freedom of religion and expression.

WWL HISTORY OF LATIN AMERICAN COUNTRIES (2012-2017)

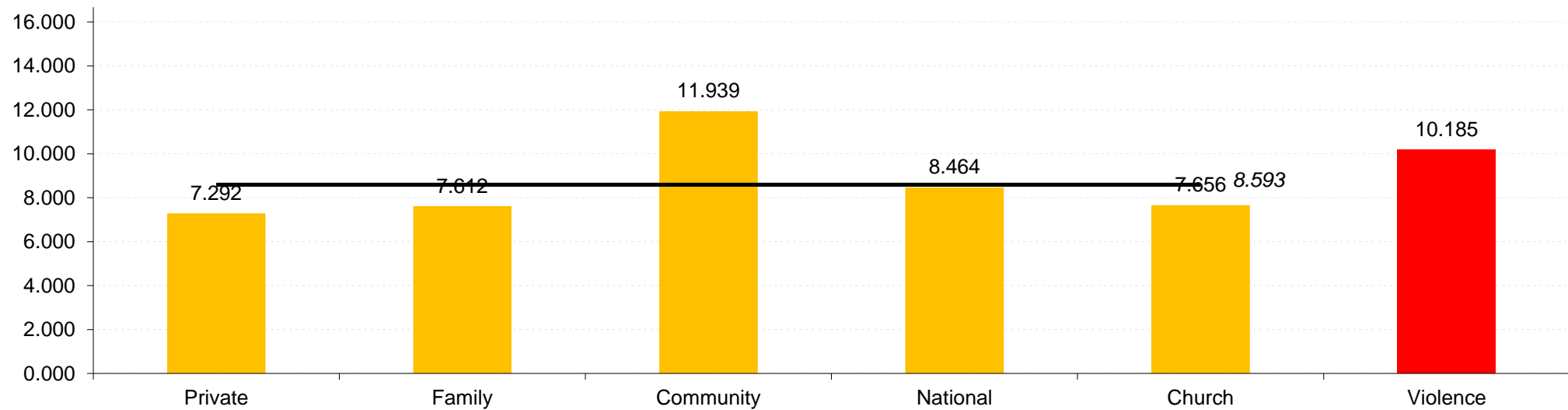


MEXICO (57 PTS)



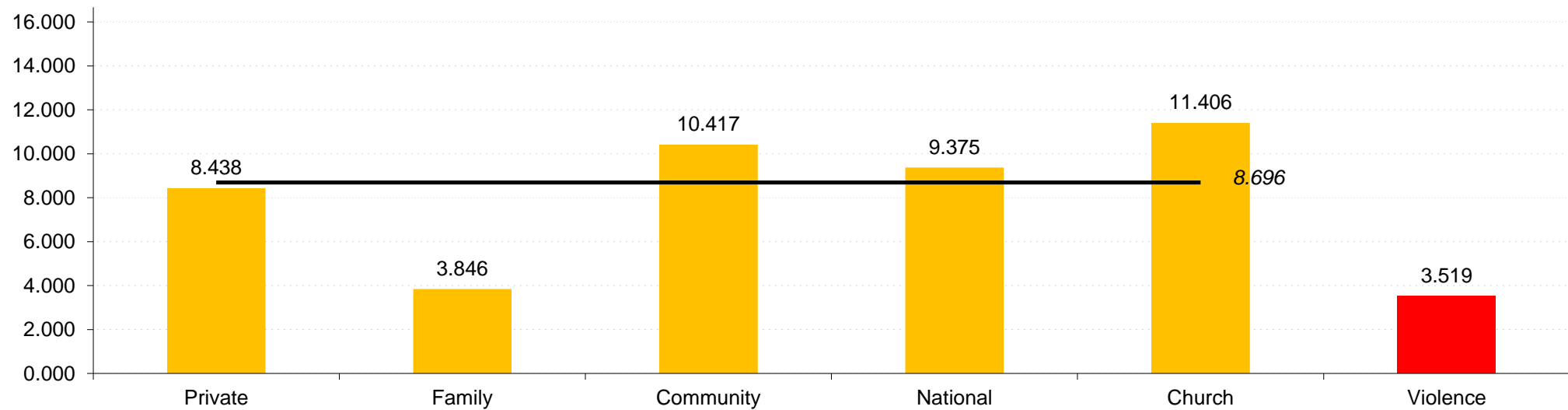
Source: Open Doors International (2017).

COLOMBIA (53 PTS)



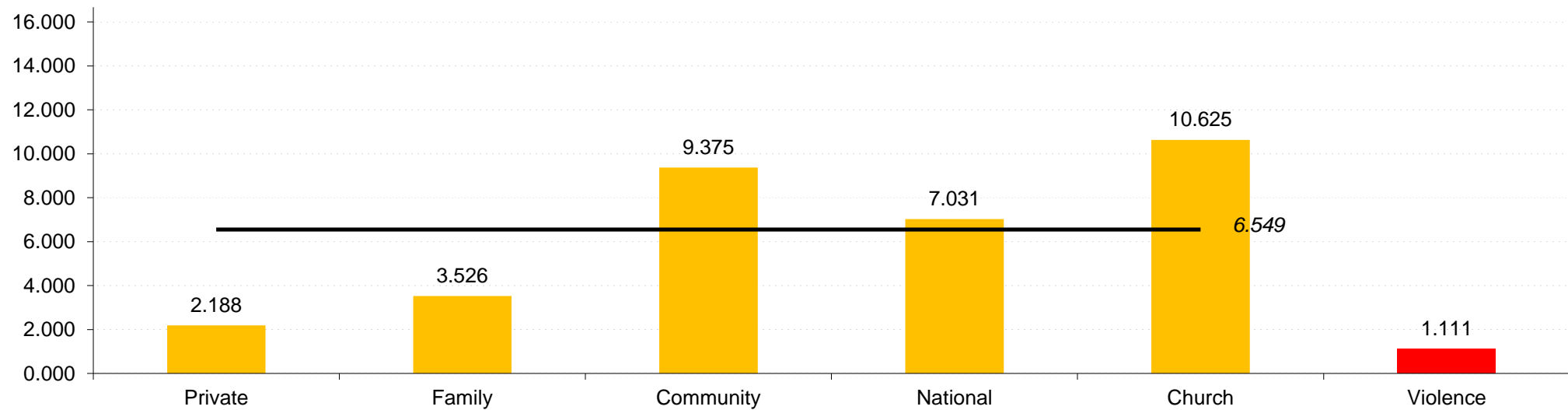
Source: Open Doors International (2017).

CUBA (47 PTS)



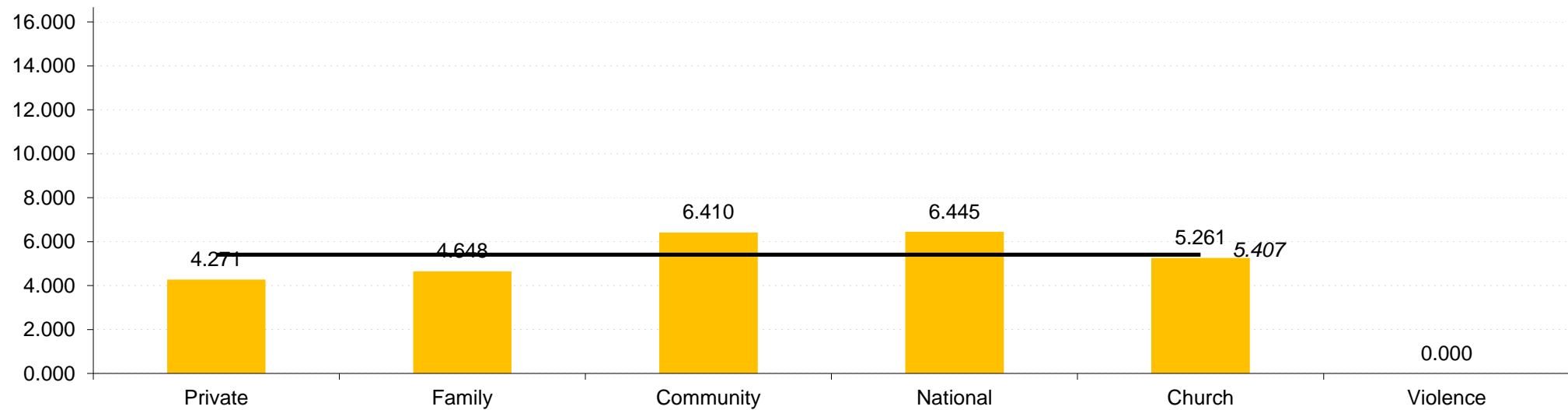
Source: Open Doors International (2017).

VENEZUELA (34 PTS)



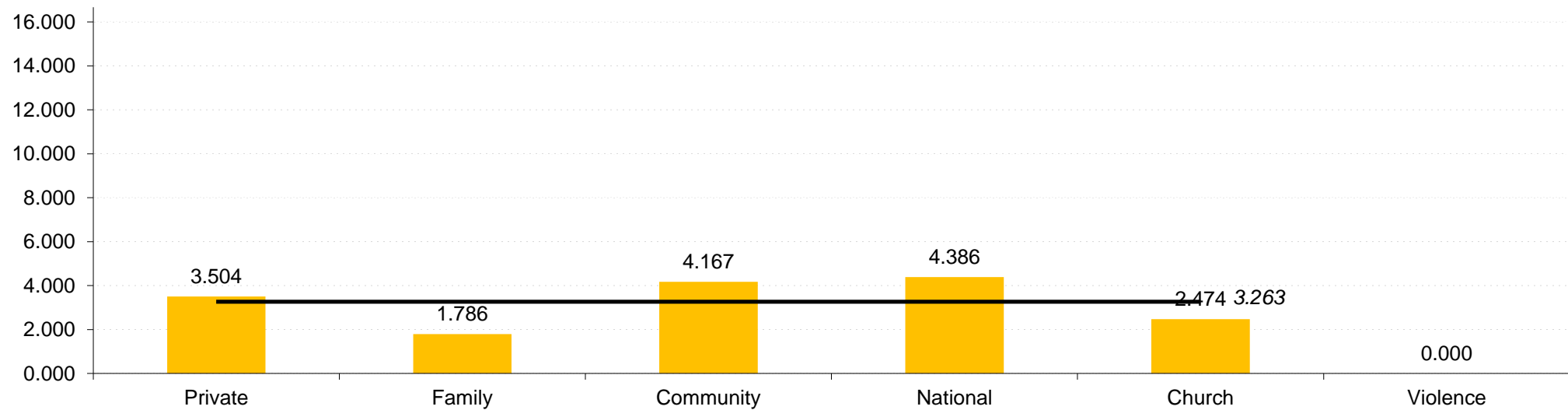
Source: Open Doors International (2017).

BOLIVIA (27 PTS)



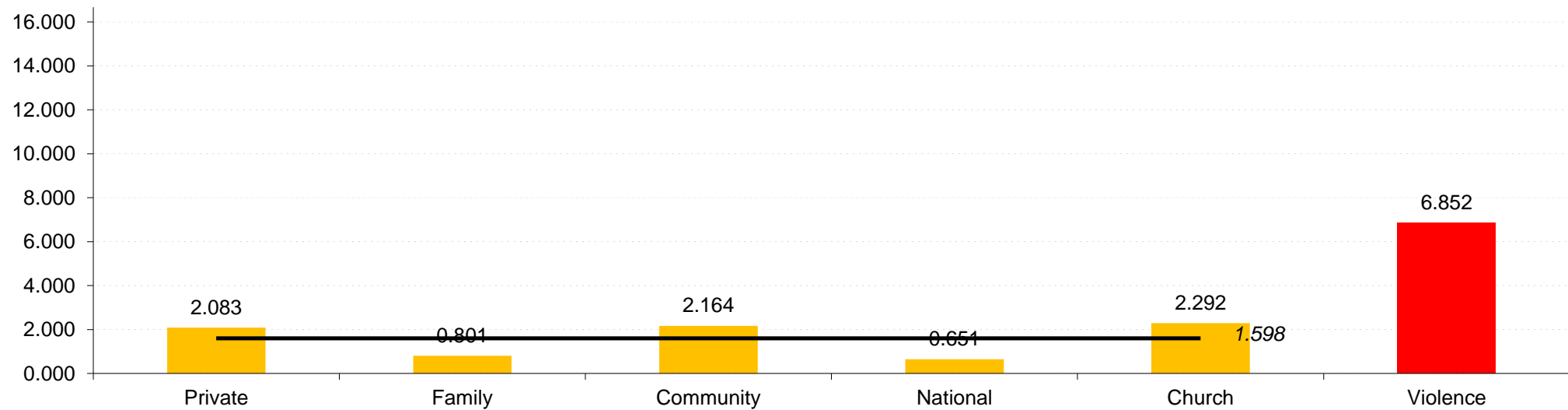
Source: Open Doors International (2017).

PERU (16 PTS)



Source: Open Doors International (2017).

CHILE (15 PTS)



Source: Open Doors International (2017).

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THE REGULATION OF RELIGION BY ORGANIZED CRIME

DRUG CARTELS IN MEXICO

- Creation of a climate of impunity, anarchy and corruption.
- Drug cartels take over traditional functions of the state.
- Specific vulnerability of actively practicing Christians.
- Churches and other Christian institutions are often seen as revenue centers by drug cartels.
- Extortion of priests, pastors and Christian business-owners is commonplace.
- Attending church services increases the threat of kidnapping.
- Youths are particularly at risk of being recruited into gangs.
- Social initiatives are also faced with major threats, especially initiatives that enter the area of influence of criminal organizations.
- Drug rehabilitation programs or youth work are a direct threat to the market and influence of drug cartels.
- Widespread and sophisticated surveillance and monitoring by members of drug cartels within churches.

THE POSITION OF RELIGIOUS MINORITIES IN INDIGENOUS COMMUNITIES

***RESGUARDOS INDÍGENAS* OF COLOMBIA**

- Hostilities against conversion to Christianity in indigenous areas:
 - Threats,
 - Exclusion from access to basic social services,
 - Beatings,
 - Forced displacement.
- Indigenous communities self-determination rights in practice lead to undemocratic excesses in *resguardos indígenas*.
- These human rights violations can exist because of the existence a legal situation in which collective and individual rights are not balanced.
- “Regime juxtaposition” (Gibson 2005).
- “Legal pluralism” (Ballón Quintanilla 2015).
- Internal and external dimensions of self-determination (Jones 1999).
- Minority within the minority (Scolnicov 2011; Pinto 2015).



ETHNO- RELIGIOUS CONFLICT

*Beating is a local tradition. Respect
our customs!*



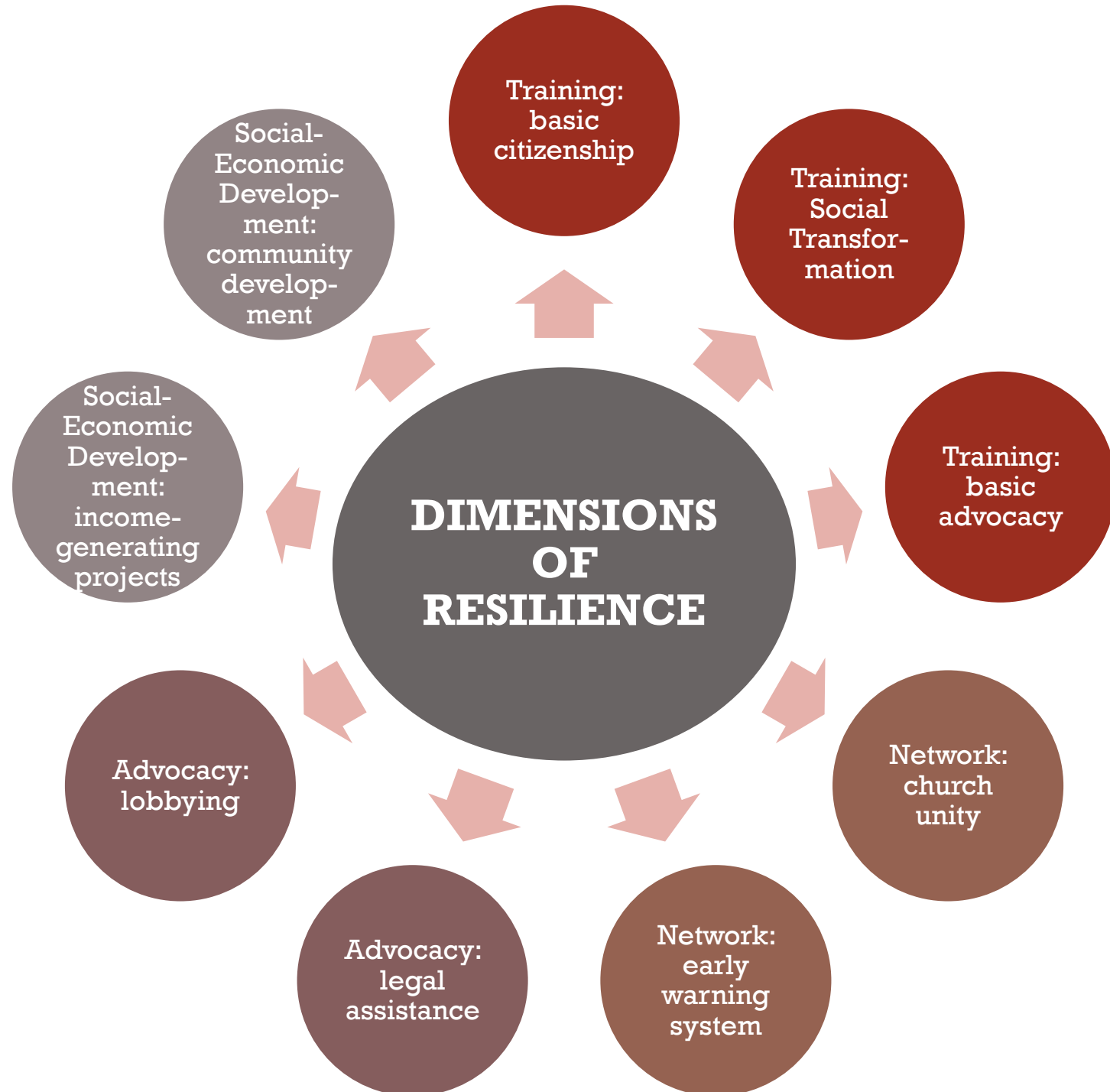
STATE-SPONSORED PERSECUTION IN COMMUNIST AND POST-COMMUNIST COUNTRIES

THE CHURCH AS A COMPETING SOURCE OF LEGITIMACY

- In Cuba, pressure on Christians continues in the form of harassment, strict surveillance and discrimination, including the occasional imprisonment of leaders. Religious practice is monitored and all church services are infiltrated by spies.
- In Venezuela, the pressure on Christians is subtle, but any organization which is influential is restricted by the government.
- For years, the Venezuelan administration has attempted to shut down private Catholic education in favor of public schools.
- In Bolivia, through administrative and bureaucratic obstacles, Christians are also restricted in their freedom to exercise their right to worship as well as freedom of expression.



PRACTICAL TOOLS TO STRENGTHEN THE RESILIENCE OF VULNERABLE RELIGIOUS COMMUNITIES





SUGGESTED READING



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