

## COVID-19: LEGITIMATE LIMITATIONS?

# Algeria

An estimated 99 percent of the population of Algeria are Sunni Muslim. The remaining 1 percent of the population is comprised of Jews, nonbelievers, Muslim minorities (including Ahmadiyya and Shi'a Muslims) and Christians (including Roman Catholics, Seventh-day Adventists, Methodists, Evangelicals, Lutherans, the Reformed Church, and Egyptian Coptic Christians).

All places of worship were closed under COVID regulations. However, in February 2021 the Prime Minister's office announced that, "All mosques on the national territory are opened, in strict compliance with health measures and protocols for the prevention and protection against the spread of the Coronavirus, in particular the preventive support system put in place for mosques." Restrictions were kept in place for churches, even though the same social distancing and health protocols could apply equally to churches and mosques.

### Sources

United States Commission on International Religious Freedom

[www.uscifr.gov](http://www.uscifr.gov)

International Christian Concern



CASE STUDY



CASE STUDY

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# Azerbaijan

On August 28, 2020, authorities did not permit Shia believers to gather in mosques or mosque courtyards to mark the Ashura religious commemoration because of COVID-19 restrictions that applied to all public gatherings, regardless of the purpose. Police detained numerous individuals in Shamkir, Yevlakh, Barda, and Lankaran for trying to observe Ashura in spite of the prohibition on gatherings. Judges sentenced at least six individuals to administrative detention ranging from 10 to 30 days.

During 2020, authorities also continued legal action against individuals associated with the unregistered group MUM including through the use of COVID-19 restrictions. Authorities stated the movement mixed religious and political ideology and said they were concerned about its ties to Iran. During the year, authorities placed multiple members of MUM under administrative arrest for allegedly violating COVID-19 regulations and “resisting police.” For example, the Sabunchu District Court sentenced Samir Babayev to 30 days of administrative arrest and the Khatai District Court sentenced Hikmat Agayev to 25 days of administrative arrest.

### Source

US State Department, 2020 report on international religious freedom [www.state.gov/reports/2020-report-on-international-religious-freedom/azerbaijan/](https://www.state.gov/reports/2020-report-on-international-religious-freedom/azerbaijan/)

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# France and Germany



CASE STUDY

In March 2020, in response to the COVID-19 pandemic, the Federal Government of Germany announced that, “gatherings in churches, mosques, synagogues as well as gatherings of other religious communities are to be banned.” In effect, this introduced a blanket ban on meeting in places of worship.

Similar wide-ranging restrictions were imposed by France in the form of restrictions on freedom of movement and a decree which suspended religious ceremonies which amounted to a blanket ban on meetings in places of worship. Gatherings in other types of public places were limited to 10 people.

### Sources

OSCE Office for Democratic Institutions and Human Rights, ‘OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic 2020’ report

[www.osce.org/files/f/documents/e/c/457567\\_0.pdf](http://www.osce.org/files/f/documents/e/c/457567_0.pdf)

The Conversation 9 April 2020 [theconversation.com/coronavirus-how-new-restrictions-on-religious-liberty-vary-across-europe-135879](https://theconversation.com/coronavirus-how-new-restrictions-on-religious-liberty-vary-across-europe-135879)



CASE STUDY

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# Gabon

When public life resumed following a 7 month lockdown, the Catholic Church in Gabon announced that churches would re-open on Sunday 25 October. On 16 October the government published new regulations introducing tight restrictions on public worship: only one service per week, no distribution of communion, and a maximum of 30 worshippers, all of whom must provide a negative COVID-19 test result and register their attendance with the government.

The church protested both the delay and the rules which made it impossible for many to attend mass, particularly poor people unable to obtain the COVID-19 tests. They also complained that shops, schools and other institutions were being permitted to operate without comparable restrictions.

On 24 October the Gabonese government deployed police patrols across the country to blockade churches and prevent early re-openings. Archbishop Jean Patrick Iba Ba of Libreville wrote to parishes informing them that security forces were starting to surround local churches but encouraged local churches to proceed with re-openings on the 25th using a shorter simpler format, without celebrating mass.

Soldiers then surrounded the Archbishop's residence, barricaded nearby roads and churches, arrested two priests in the diocese and used teargas on parishioners filming the blockades. A spokesman for the archdiocese said church re-openings would still go ahead, since shops, banks and other places were already open. "We will continue to open our churches while respecting the safety measures,".

While officiating the re-opening ceremony at St Charles Lwanga Cathedral, Bishop Jean-Vincent Ondo Eyene of Oyem and his fellow clergy were reportedly attacked by soldiers.

### Source

<https://catholicherald.co.uk/after-seven-months-of-lockdown-police-violently-shut-down-church-reopenings-in-gabon/>

## COVID-19: LEGITIMATE LIMITATIONS?

# Burma/Myanmar



CASE STUDY

In February 2020, the authorities in Myanmar designated COVID-19 as a notifiable disease under the 1995 Prevention and Control of Communicable Diseases Law. This gave the authorities wide-ranging powers to limit freedom of movement, including confining people under strict government-controlled quarantine. Under the law, anyone who fell sick with suspected COVID-19 must report to the authorities or face a fine or jail time. People arriving in Myanmar from abroad were required to undergo quarantine for 28 days – 21 in a state facility followed by 7 days of quarantine at home. The following month, public events and gatherings of more than five people were banned, including religious gatherings.

Between March and May 2020 at least 500 people, including children, returning migrant workers, and religious minorities were sentenced to between one month and one year in prison in Myanmar for breaching curfews, quarantines, or other control orders.

Lawsuits were subsequently filed against members of the majority Buddhist as well as minority Christian and Muslim communities across the country. In one case, two Buddhists were fined 100,000 kyats (around \$75) under Article 188 of the Penal Code for organising the funeral of a Buddhist monk, which more than 200 people attended. In a separate case, a group of 12 Muslim men were sentenced to 3 months in prison for gathering in a house to pray, under the Natural Disaster Management Law Article 30(a). In a third case, two Christian pastors were sentenced to 3 months with hard labour under the Natural Disaster Management Law Article 30(a) for organising religious gatherings linked to 80 confirmed cases of COVID-19 and two deaths.

### Source

Human Rights Watch [www.hrw.org/news/2020/05/28/myanmar-hundreds-jailed-covid-19-violations](https://www.hrw.org/news/2020/05/28/myanmar-hundreds-jailed-covid-19-violations) and Rachel Fleming



CASE STUDY

## COVID-19: LEGITIMATE LIMITATIONS?

# Sri Lanka

In March 2020, the government of Buddhist-majority Sri Lanka banned the burial of victims of COVID-19 and instituted a policy of compulsory cremation. The authorities cited risks to the country's water supply, even though guidelines from the World Health Organisation state that it is safe to bury victims of COVID-19.

Islam prohibits cremation. By March 2021, two thirds of COVID-19 deaths were among minority communities. Many victims avoided seeking treatment, fearing diagnosis and cremation.

Mohammed Niyas' two-month-old baby boy was one such victim. At the crematorium, Mohammed and his relatives chanted a funeral prayer, overcome by the loss of the child and the added trauma of being unable to bury him according to Islamic tradition. "We are being forced to go through this trauma," said Mohammed. He called the government's policy painful and unfair but felt powerless to challenge it.

Sri Lanka ended the compulsory cremation policy in February 2021, but then required Muslim COVID-19 victims to be buried at a remote government-designated site in the absence of their families and without final religious rites. This policy was ended in March 2022.

### Source

Washington Post 12 February 2021 [www.washingtonpost.com/world/asia\\_pacific/sri-lanka-cremations-covid/2021/02/12/b97719a6-6562-11eb-bab8-707f8769d785\\_story.html](https://www.washingtonpost.com/world/asia_pacific/sri-lanka-cremations-covid/2021/02/12/b97719a6-6562-11eb-bab8-707f8769d785_story.html)

## COVID-19: LEGITIMATE LIMITATIONS?

# United States of America



CASE STUDY

Over a million people died from COVID-19 in the USA. By April 2020 every state in country had issued guidelines or orders limiting social interaction in an effort to slow the spread of the disease. Most states set out some exemptions for religious gatherings in their directives with the aim of balancing religious freedom with the need for social distancing practices.

Then Vice President Mike Pence said that churches should not host groups bigger than 10 people, in line with the Center for Disease Control and Prevention (CDC) recommendation that gatherings of more than 10 people be cancelled and that small gatherings maintain social distancing measures of 6 feet between participants. Twenty-two states and the District of Columbia specified in their orders that religious gatherings could take place, but only if limited to 10 people or fewer. Around a third of states allowed religious gatherings to continue without any limit on their size. However, many religious leaders chose to either cancel, limit, or move worship online to comply with the CDC guidelines, despite state-level exemptions.

Florida was one of the last states to issue a state-wide stay-at-home executive order, which deemed religious worship services 'essential' and therefore exempt. Based on infection rates at the local level, some counties in Florida had previously introduced county-level restrictions. Rev. Rodney Howard-Browne, the pastor of a Pentecostal megachurch in Florida, chose to ignore one such stay-at-home order issued by Hillsborough County. He continued to hold worship services for up to 500 people at a time with no social distancing measures in place, ignoring pleas from local officials. He was subsequently arrested and charged with a misdemeanour.

### Sources

Pew Research Centre 27 April 2020 <https://www.pewresearch.org/fact-tank/2020/04/27/most-states-have-religious-exemptions-to-covid-19-social-distancing-rules/>

Associated Press 5 April 2020 <https://apnews.com/article/virus-outbreak-us-news-ap-top-news-freedom-of-religion-politics-2932726091de722fa3e4a5bf41c84d0c>