

Ashworth, Lillie et al.

## Research Report

Freedom of Thought Report 2020: Key Countries Edition — A global report on the rights, legal status and discrimination against humanists, atheists and the non-religious

## Provided in Cooperation with:

WZB Berlin Social Science Center

*Suggested Citation:* Ashworth, Lillie et al. (2020) : Freedom of Thought Report 2020: Key Countries Edition — A global report on the rights, legal status and discrimination against humanists, atheists and the non-religious, Humanists International, New York, NY, <https://fot.humanists.international/download-the-report/>

This Version is available at:

<https://hdl.handle.net/10419/248835>

### Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

### Terms of use:

*Documents in EconStor may be saved and copied for your personal and scholarly purposes.*

*You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.*

*If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.*



<https://creativecommons.org/licenses/by-sa/4.0/>



# The Freedom of Thought Report 2020

## Key Countries Edition

A global report on the rights, legal status and discrimination  
against humanists, atheists and the non-religious



**Humanists**  
INTERNATIONAL

## Credits

**Editor:** Emma Wadsworth-Jones

**Lead researchers:** Lillie Ashworth, Mahalet Tadesse, Tommaso Virgili

**Volunteer researchers:** Moses Alusala, Yusuf Baraka, Katarina Branovacki, Adriana Buenaventura Martinez, Georgina Edwards, Sam Eisenkraft, Jaylyn Galloway, Kacem El Ghazzali, Pilar Gianni Rodriguez, Nia Hamedi, Gelila Kebede, Abigail Kendall, Clare-Marie Koh, Mario Kuçi, Kevin Makova, Jessica Marvata, Mxolisi Masuku, Soukaina El Mountassir, Pavlina Naydenova, Bishwa P. Pandey, Ferlin F. Pedro, Kethoseno Peseyie, Lawrence Rickard, Dominika Rozanska, Dennis Schutijser, Eleonora Vassanelli, Liam Whitton, Ekaterina Zemskova, and our anonymous contributors.

**Contributors:** Gary McLelland, Mohamed Cheikh Ould Mkheitir

### Special thanks to the following Humanists International's Members and Associates:

American Humanist Association

Association of Atheism, Turkey

Atheist in Kenya Society

Atheist Ireland

Cyprus Humanist Association

demens.nu (Belgium)

Danish Humanist Society (*Humanistisk Samfund*)

Finnish Humanist Association

French Atheist Union

Humanist Alliance Philippines, International

Humanist Society of New Zealand

Humanist Association of the Netherlands (*Humanistisch Verbond*)

Humanists UK

National Secular Society (UK)

Norwegian Humanist Association (*Human-Etisk Forbund*)

Union of Rationalist Atheists and Agnostics (Italy) (*Unione degli Atei e degli Agnostici Razionalisti*)

### Special thanks

to Matt Cherry who worked on the initial 2012 and 2013 editions of this Report, and on whose work the General Introduction is largely based, and to Bob Churchill, the Report's editor and pioneer from 2012-2019.

If you have updates, additions or corrections for this Report, please email [report@humanists.international](mailto:report@humanists.international)

***Freedom of Thought Report by Humanists International is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License.***

***The Freedom of Thought Report 2020: A Global Report on the Rights, Legal Status and Discrimination Against Humanists, Atheists and the Non-religious, was created by Humanists International.***

**Humanists International** is the global representative democratic body of the humanist movement, which unites a diversity of humanist (and other non-religious) organizations and individuals. We want everyone to live a life of dignity in a world where universal human rights are respected and protected, including adherence to political secularism by all states. We work to build, support and represent the global humanist movement by defending human rights, particularly those of non-religious people, and promoting humanist values worldwide as exemplified in the Amsterdam Declaration (2002): [hmnts.in/Amsterdam-Declaration](https://www.hmnts.in/Amsterdam-Declaration). Humanists International is the trading name of the International Humanist and Ethical Union (IHEU), a not-for-profit organization registered in New York, USA (501(c)3) and operating as a foreign company in the United Kingdom (FC020642).

To receive updates and news from Humanists International, or to join as a supporter, visit [humanists.international](https://www.humanists.international)

# The Freedom of Thought Report 2020

## Key Countries Edition

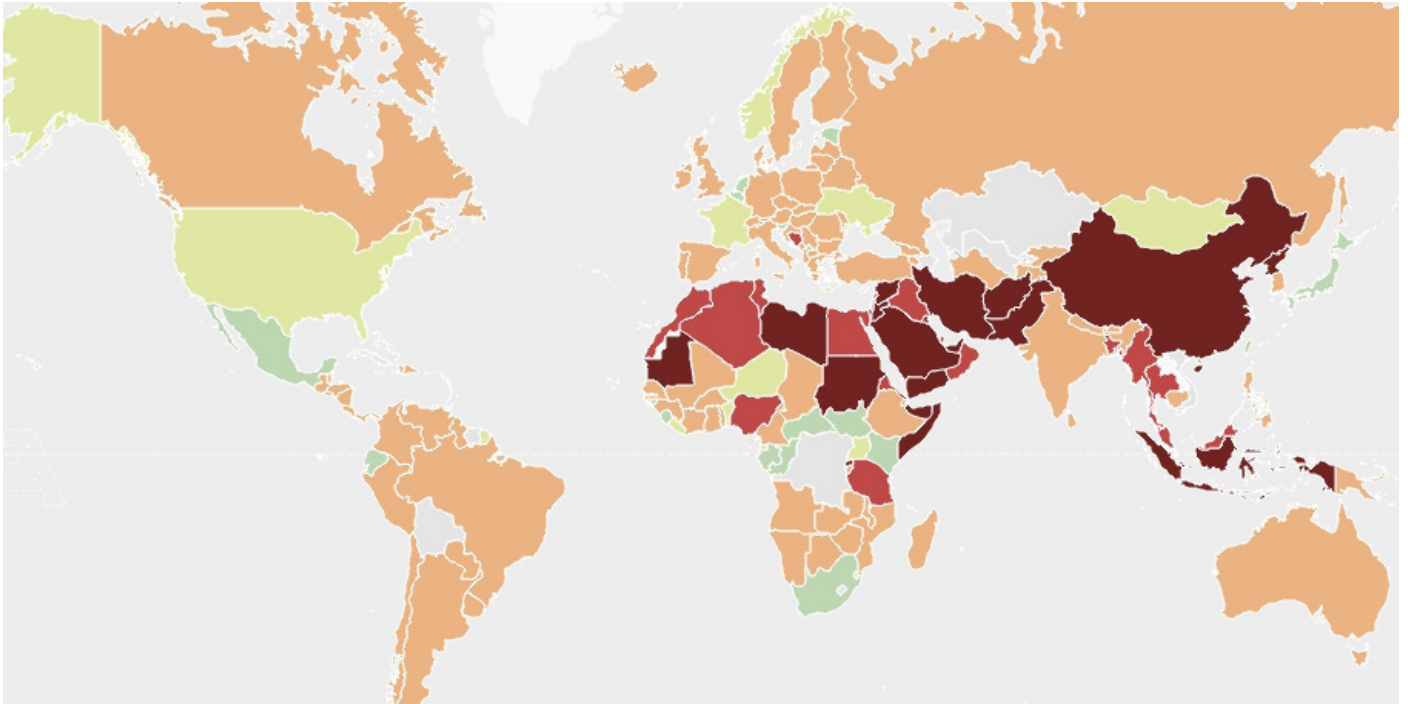
A global report on the rights, legal status  
and discrimination against humanists,  
atheists and the non-religious



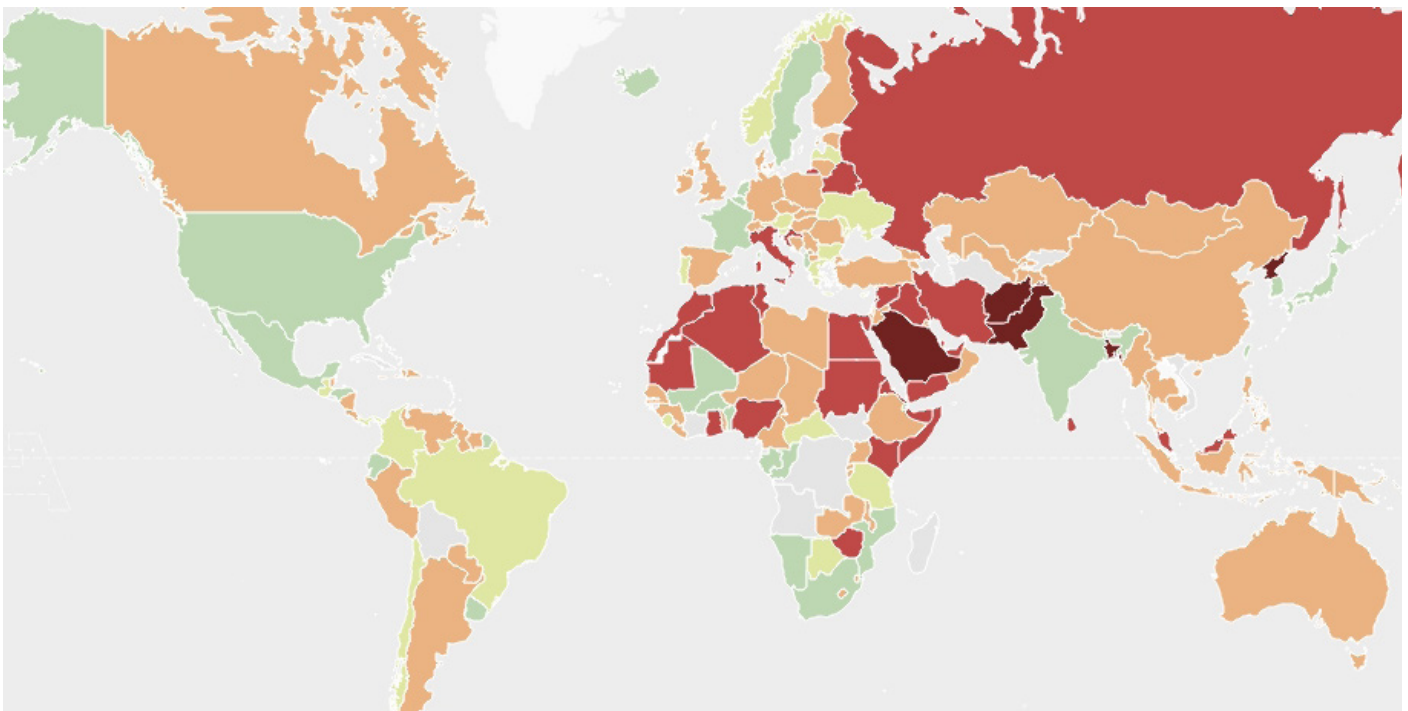
**Humanists**  
INTERNATIONAL



## Constitution & Government



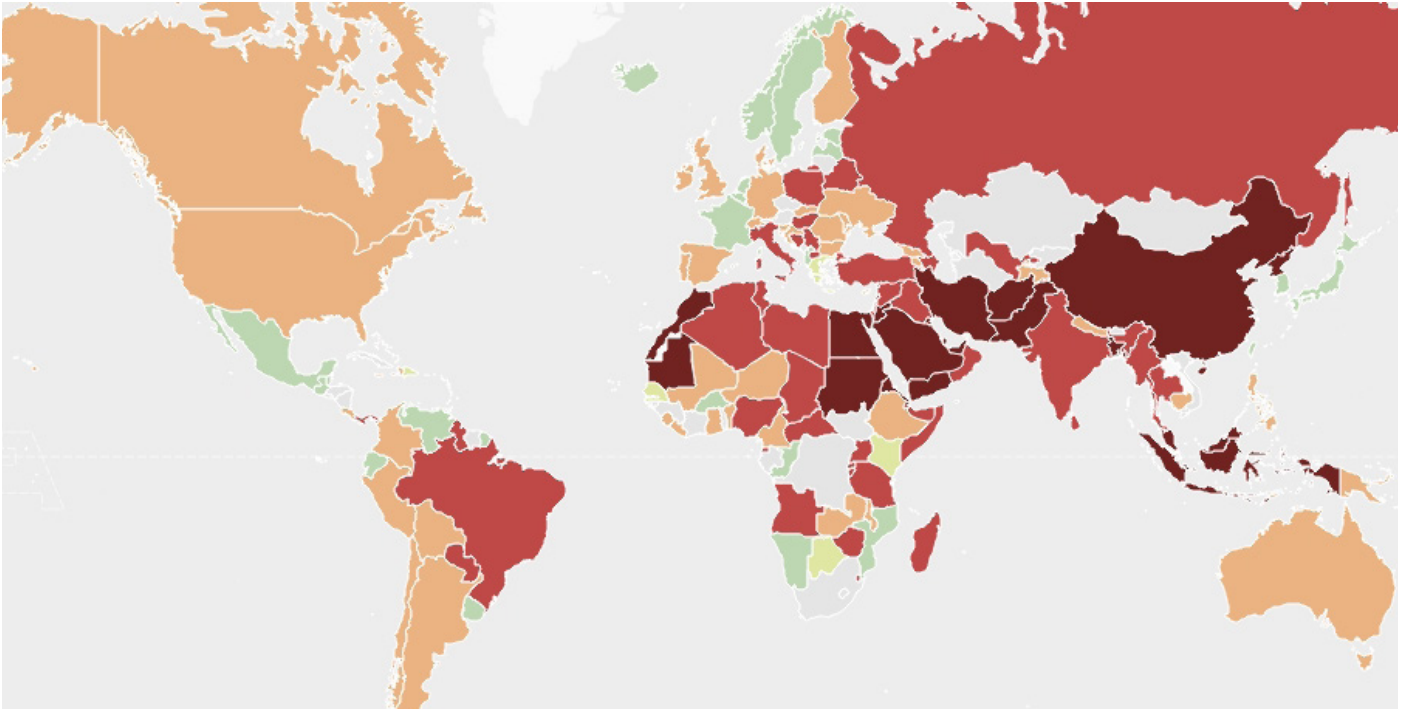
## Education & Children's Rights



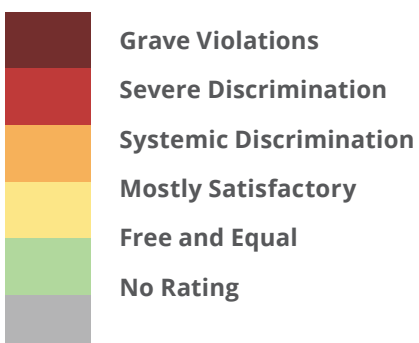
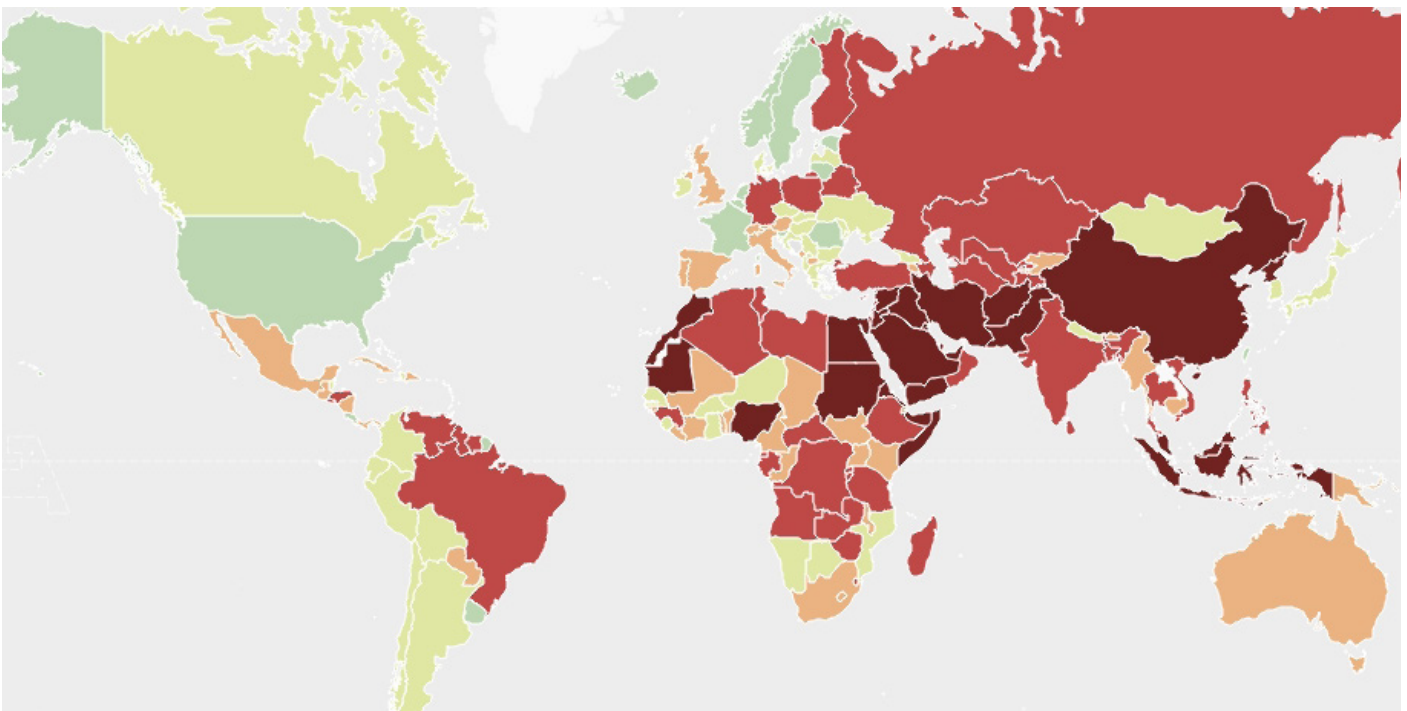
These maps depict the findings of the full Freedom of Thought Report which is available in a complete Online Edition at [fot.humanists.international](https://fot.humanists.international)

The maps correspond to each of the four thematic strands of the Report: Constitution & Government, Education & Children's Rights, Society & Community, and Freedom of Expression & Advocacy of Humanist Values. Each map shows the highest severity level (see key, right) of any boundary condition applied in each thematic strand.

## Society & Community

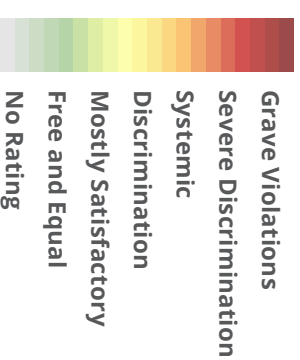


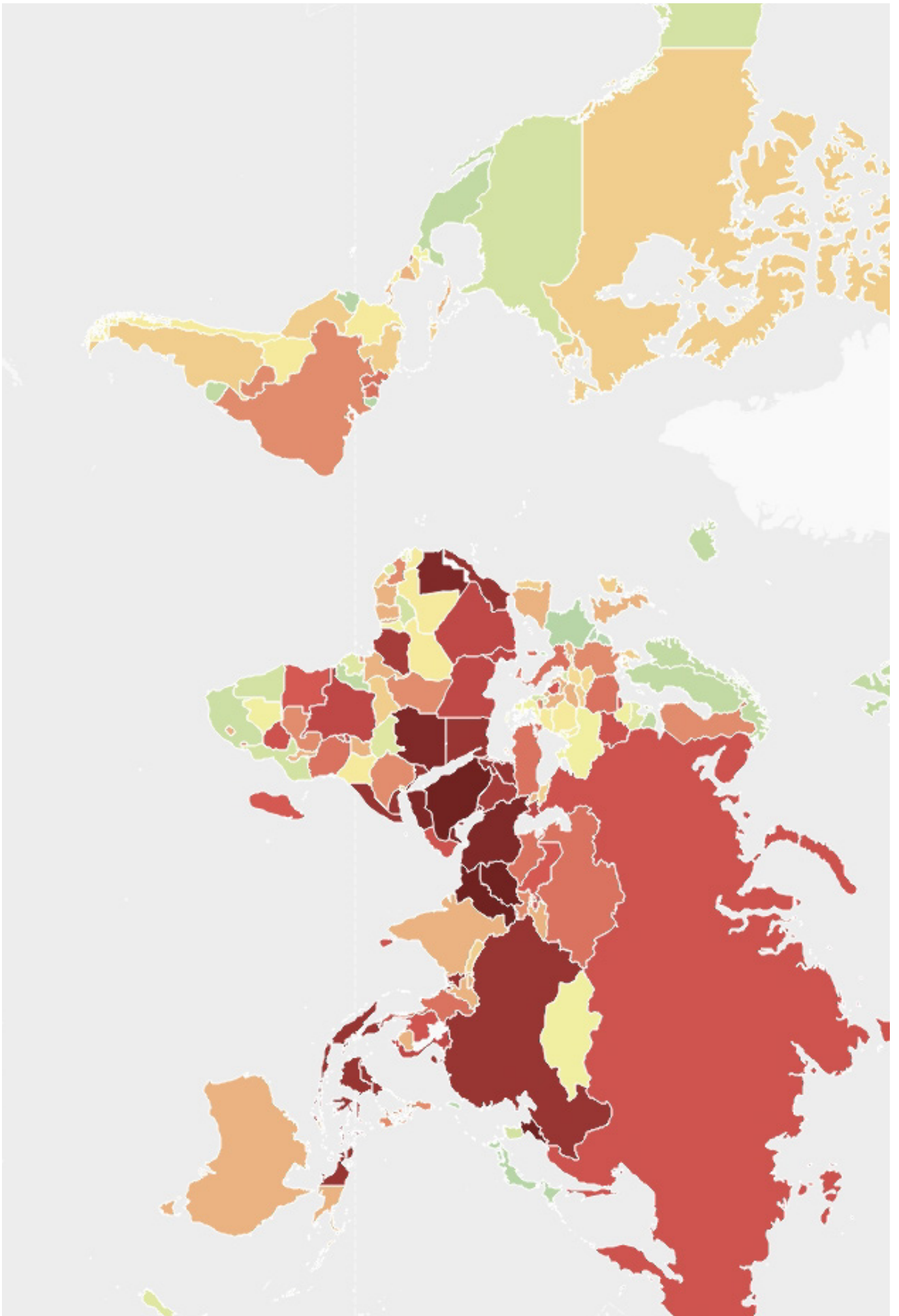
## Expression & Advocacy of Humanist Values



This map depicts the findings of the full Freedom of Thought Report which is available in a complete Online Edition at [fothumanists.international](http://fothumanists.international)

The following maps color each country by the level of the most severe boundary condition(s) applied in each category. For example: if the worst boundary condition that is found to apply in the “freedom of expression” category was at the level of “Severe discrimination” then this country will be colored red (see the key, right).







# Preface to the 2020 edition

By Andrew Copson

Welcome to the ninth annual edition of the *Freedom of Thought Report*.

Today our world is in the grip of a global pandemic, the likes of which we have not seen for a century. Governments and authorities around the world have introduced various policies of 'distancing' to reduce the risk of spreading the infection. These restrictions, whilst completely necessary, have also had the secondary effect of undermining and destabilizing the lives of those who are most vulnerable.

Through good leadership, guided by science and empathy, and our global solidarity, we will overcome this current crisis. By working together, and learning together, we will begin to contain this virus and to ameliorate the damage it is doing.

Everyone around the world has had to bear a burden, from the loss of financial security, the loss of contact with our family and friends, and the loss of certainty in a world we didn't expect. We know that the lockdown restrictions have put some humanists who were already at risk, in a much more serious situation. We are working with many individuals who found themselves stranded in the process of fleeing harm, unable to access consular or other support services.

In 2020 we were joined by the UN Special Rapporteur for Freedom of Religion or Belief to launch a new report, funded by the UK Government. This report, the *Humanists at Risk: Action report 2020*, clearly highlights some examples of the discrimination that humanists face around the world, such as: legal discrimination (such as 'blasphemy', 'apostasy' and other laws restricting so called 'religious insult'); impunity for attacks and killings; as well as bullying, discrimination, ostracism and social isolation.

So we know that the humanist community was already among some of the most vulnerable and at risk of all groups around the world. The COVID-19 pandemic, therefore, poses an even more severe risk.

It has been heartening to see how the global humanist community has responded to these unprecedented challenges. The response has been awe inspiring. From the Uganda Humanist Association raising public awareness of the worrying rise in domestic violence during the lockdown, to the Humanist Society of Peru's



*Andrew Copson is president of Humanists International*

campaign to promote proper scientific information in the face of harmful falsehoods, to the Humanist Society of Singapore which quickly moved to develop a range of 'Humanism at home' resources for its members. These responses should give us heart, in these difficult times. You can read more of these amazing reports in the 'Global Humanism Now' series on the Humanists International website.

By early April, the Board had approved plans from the Chief Executive to make available an additional fund of small COVID-19 grants, payable directly to individual humanists in developing countries with the minimum possible bureaucracy. So far we have made over 20 of these grants, helping our friends and colleagues to buy soap, food and other essentials for themselves and their communities.

Amid the difficulties, we are glad to be able to report two successes. The safe release of Mohamed Cheikh Mkhaitir from Mauritania, after a six year campaign by Humanists International, has brought great joy, whose own account of his experience you can read in this very report. So too has the safe arrival of Gulalai Ismail in the US, where she is now living with members of her family. These are two positive highlights of a very grueling program of work protecting humanists at risk. You can read more about this important work in our annual report.

# Foreword to the 2020 edition

By Mohamed Cheikh Ould Mkhaitir

Everything seemed to be normal in that land that had been dating the sea since eternity, the two gave birth to a city and agreed to call it: "Nouadhibou". And it was a female city ...

And everything seemed normal... until I wrote my article about slavery and social injustice and their relationship to religion, from then on everything turned upside down:

- I was placed in an isolation cell
- I was denied the right to family visits
- My wife was divorced from me and forcibly married to another man
- Nothing was normal anymore ...

Raging waves of bloodthirsty extremists filled the streets and their only demand was my head.

Why all this fuss? It was simply an article I wrote in which I demanded that slavery and racial discrimination should be abolished. I knew that I had touched a nerve when I showed from the old and recent Islamic history and theology that slavery and the caste system in Mauritania and -other Muslim countries- are practices primarily stemming from and legitimated by religion and do not resemble most of other types of slavery that existed in other parts of the world, such as the United States, which had an economic character.

***"Because I said 'no to slavery and caste discrimination' I had to spend six years of my life behind bars, six years in solitary confinement"***

Because the article called also for freedom of religion or belief, and it was written by a person descended from the "maalemine" caste [translator's note: darker-skinned people descended from blacksmiths, carpenters and other skilled laborers regarded as "low caste" and still subject to discrimination], this was for the masters an indication that the time of silence had gone with the wind.



*Mohamed Cheikh Ould Mkhaitir*

Because I said "no to slavery and caste discrimination" I had to spend six years of my life behind bars, six years in solitary confinement. After a year in imprisonment I was sentenced to death, which was upheld by the Court of Appeal two years later. The accusation was "apostasy," and the evidence against me was words I wrote in the aforementioned article and other articles where I called for freedom of religion or belief and individual liberties for all.

I do not regret any of the minutes, weeks and years I spent in the corridor of death, because every change has a price, and what would you say, if the change we aspire for, would take us from darkness to enlightenment, from slavery to liberty...? It is indeed a price worth fighting for.

A large part of what I have experienced is the responsibility of some influential human rights organizations and the so-called leaders of the free world, many of these organizations do not care about the misery that the people of Mauritania have to endure. There are several reasons for this, the most important of which is the lack of the economic and geostrategic significance of Mauritania. It's the "curse of geography" as my friend Kacem El Ghazzali calls it.

In this context I must mention - and it is something I will never forget as long as I live - the role played by "International Humanists" in advocating my freedom and supporting me and my family. I will never forget the

repeated phone calls of Kacem El Ghazzali to my family in the early days of my imprisonment, Kacem El Ghazzali, Elizabeth O'Casey, Bob Churchill, Gary McLelland and all their comrades at Humanists International who were in fact my voice, my direct voice from the death cell in Mauritania to the entire world, including the UN Human Rights Council.

Granting freedom of religion or belief, and abolishing blasphemy laws all over the world, especially in Islamic countries.

Strengthening the role and rights of women in society and eliminating the shameful discrimination that they are exposed to.

Combating slavery, which is a disgrace to our societies in the twenty-first century.

Eliminating all kind of discrimination on the basis of sexual orientation.

I also call on international Human Rights groups to be fair, and that their interests should not be based on the economic geopolitical interests. It is a shame for humanity that the human rights situations in North Korea, Iran, Saudi Arabia and China consistently take the spotlight, while there is little to no mention of the severe human rights violations taking place in the Sahel region.

I must also mention our Humanist friends in Nigeria who are being imprisoned on charges of apostasy and blasphemy, and I ask for their immediate release.

Thank you Humanists International and all the best with your very much needed work!

---

Translation from the Arabic by Kacem El Ghazzali.

To read the original Arabic text: [hmnts.in/Cheikh-FOTR-2020](https://hmnts.in/Cheikh-FOTR-2020)

# General Introduction

---

The Freedom of Thought Report by Humanists International is a unique annual report and online resource, looking at the rights and treatment of humanists, and the non-religious generally, in every country in the world.

Specifically, this Report looks at how non-religious individuals—whether they call themselves atheists, agnostics, humanists, freethinkers, or are otherwise just simply not religious—are treated because of their lack of religion or absence of belief in a god. We focus on discrimination by state authorities; that is systemic, legal or official forms of discrimination and restrictions on freedom of thought, belief and expression, though we do also try to include some consideration of extra-legal persecution or persecution by non-state actors, social discrimination, and personal experience where possible.

In setting the parameters of this survey we focus on the global human rights agreements that most affect the non-religious: the right to freedom of thought, conscience, religion or belief; the right to freedom of expression; and, to some extent, the rights to freedom of assembly and association. We consider national laws that compromise or violate these rights, or which otherwise enshrine discrimination against the non-religious. Of course, laws and practices affecting the non-religious often also impact on religious groups, usually religious minorities in a national context, so we also consider the corresponding impact from discriminatory laws on other groups. And sometimes we also consider wider social and ethical issues indicative of the marginalization of humanist values.

Our findings show that the overwhelming majority of countries fail to respect the rights of humanists, atheists and the non-religious. For example, there are laws that deny atheists' right to identify, revoke their right to citizenship, restrict their right to marry, obstruct their access to or experience of public education, prohibit them from holding public office, prevent them from working for the state, or criminalize the expression of their views on and criticism of religion. In the worst cases, the state or non-state actors may execute the non-religious for leaving the religion of their parents, may deny the rights of atheists to exist, or may seek total control over their beliefs and actions.

By limiting the scope of the Report to the systemic, legal or official forms of discrimination - so called 'hard' indicators - the effect of social stigma, non-official discrimination and other 'soft' factors which might

affect the lives of the non-religious are underestimated. We acknowledge this limitation, and it is our intention to expand the remit of this Report when we have the resources to do so. In 2020 we were funded by the UK Government to undertake a separate report, with a more limited scope into the lived experiences of humanists in eight countries around the world. This report, *The Humanists At Risk: Action Report 2020*, found that in these countries, many humanists reported experiencing bullying, discrimination, ostracism and social isolation<sup>1</sup>.

## A secularizing world

Any rights violations and discrimination are important, even when only small numbers of people are affected. However, the non-religious are not necessarily a very small group. Atheists (those who do not believe in any god), and humanists (those who embrace a morality centered on human welfare and human flourishing that does not appeal to any supernatural or divine entities), and others who consider themselves non-religious, constitute a large and growing population across the world. A detailed survey in 2012 revealed that religious people make up 59% of the world's population, while those who identify as "atheist" make up 13%, and an additional 23% identify as "not religious" (while not self-identifying as "atheist"). The report by the WIN-Gallup International Association<sup>2</sup> is in line with other recent global surveys. It shows that atheism and the non-religious population are growing rapidly—religion dropped by 9 percentage points and atheism rose by 3 percentage points between 2005 and 2012—and that religion declines in proportion to the rise in education and personal income, which is a trend that looks set to continue. Even in countries which at first glance seem to have few self-identifying non-religious people, it should be remembered that often it is these states or societies that are most oppressive of non-religious views.

Far from thinking that a country with seemingly very few non-religious people is probably not contravening the rights of the non-religious, commentators should probably recognize that the apparent absence of non-religious voices may well indicate that the non-religious are self-censoring their views in response to oppressive laws or social taboo, or that they are being actively silenced, as this Report documents all too often.



## Freedom of thought under the human rights framework

The right to freedom of thought, conscience, religion or belief protects the individual conscience of every human being. This right was first stated by the global community in 1948 in Article 18 of the Universal Declaration of Human Rights. It states:

*“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.”*

— Article 18, Universal Declaration of Human Rights

This simple but powerful statement was given the force of international law by Article 18 of the International Covenant on Civil and Political Rights in 1976. In 1981 it was given broader application and detail by the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Just as freedom of thought, conscience, religion or belief protects the right of the individual to follow a religion, it also protects the right to reject any religion or belief, to identify as humanist or atheist, and to manifest non-religious convictions through expression, teaching and practice. As the United Nations Human Rights Committee explains (General Comment 22)<sup>3</sup>:

“1. The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others...

2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms ‘belief’ and ‘religion’ are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.”

***“It is not necessary to describe atheism as a religion... to guarantee atheists the same protection as religious believers”***

Thus, it is not necessary to describe atheism as a religion, or as analogous to religion, to guarantee atheists the same protection as religious believers. On the contrary, atheism and theism are protected equally as manifestations of the fundamental right to freedom of thought, conscience, religion or belief.

Religious believers and non-believers are equal in human rights because they are all human, irrespective of their religion or beliefs. Just as the profession of religion is protected as a manifestation of belief and conscience, so is the atheist’s criticism of religious beliefs and practices. Just as speaking in support of one’s religious convictions and moral values can be of fundamental meaning and importance to the individual, so can advocating core humanist values of democracy, freedom, rationalism, or campaigning for human rights, equality and the principles of secularism. As the United Nations says, “religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life”.<sup>4</sup>

Article 18 protects atheists’ right to be atheist and to manifest their atheist beliefs, and non-beliefs, in public as well as in private, in teaching as well as in practice. The right to freedom of religion or belief is therefore central to our examination of the status of atheists and other non-religious people around the world. But there are other rights that are necessary for people to express their conscience, thoughts and beliefs.

## Other rights and freedoms

The right to freedom of expression is, obviously, necessary for people to express their beliefs, but also to explore and exchange ideas. As stated by Article 19 of the Universal Declaration of Human Rights, the right to freedom of expression includes the right to share ideas and, crucially, the freedom of the media that is necessary for the free exchange of opinions as well as news:

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

— Article 19, Universal Declaration of Human Rights

In addition to expressing their thoughts through private discussion or public media, people also have the right to associate with others who share those beliefs, and to express their thoughts at meetings, including public assemblies and demonstrations. These rights are protected by Article 20 of the Universal Declaration of

Human Rights: “Everyone has the right to freedom of peaceful assembly and association” (Article 20).

It’s no coincidence that these three rights are stated together in the Universal Declaration of Human Rights: Articles 18, 19, and 20 are intertwined, and generally stand or fall together. Our survey therefore looks at violations to the freedoms of expression, assembly and association, as well as freedom of thought, conscience, religion or belief, to show how non-religious people are prevented from, or persecuted for, expressing their atheist ideas or humanist values.

The countries with the worst records on freedom of thought are usually the countries with the worst records on human rights overall. This is no coincidence either: when thought is a crime, no other freedom can survive for very long.

## Rights violations and discrimination against the non-religious

### Apostasy and blasphemy laws

In some countries, it is illegal to be, or to identify as, an atheist. Many other countries, while not outlawing people of different religions, or no religion, forbid leaving the state religion. And in these countries the punishment proscribed in law for “apostasy” (converting religion or declaring oneself not of a religion) is often death. In fact, there are at least 10 countries in which ‘apostasy’ is punishable with death in whole or in part of the country (Afghanistan, Iran, Malaysia, Maldives, Mauritania, Nigeria, Qatar, Saudi Arabia, United Arab Emirates, Yemen). Pakistan doesn’t have a death sentence for apostasy but it does for “blasphemy”, and the threshold for blasphemy can be very low. So, in effect you can be put to death for expressing atheism in 11 countries.

More common than crimes relating to simply being an atheist are the criminal measures against expressing atheist views. Many countries have “blasphemy” laws that outlaw criticism of protected religions, religious beliefs, religious figures, or religious institutions. For example, Pakistan has prosecuted more than a thousand people for blasphemy since introducing its current anti-blasphemy laws in 1988. Dozens of those found guilty remain on death row, and there are repeated calls from Islamist leaders to lift the effective moratorium, enforce the death penalty, and make death the only sentence for “blasphemy” convictions.

The “crime” of criticizing a religion is not always called “blasphemy” or “blasphemous libel”; some countries outlaw “defamation of religion”; sometimes it is included

under hate speech laws (i.e. some hate speech laws outlaw expressions that fall well below any sensible standard of actually inciting hatred or violence); some quasi-“blasphemy” laws outlaw instead “hurting religious sentiments” or “insulting religion”. As documented in this Report, there are legal restrictions against expressing “blasphemy”, defaming or insulting religion or religious beliefs, or offending religious feelings etc, in dozens of countries.

‘Apostasy’ and ‘blasphemy’ laws get a lot of attention because they are often fairly quantifiable and certainly within the context of human rights discourse there is a wide consensus that they constitute human rights violations. There are other laws that severely affect those who reject religion however.

## Other discriminatory laws

Some countries have family law that in effect excludes atheists from getting married (unless they pretend to be religious) or will remove parental rights from parents known to be atheists. Some countries require that certain public officers are restricted to persons of a particular religion, thereby excluding the non-religious. Some governments require citizens to identify their religion (for example on state ID cards or passports) but make it illegal, or do not allow, for them to identify as an atheist or as non-religious. Sometimes, the purpose of citizens identifying their religion is not to discriminate against atheists—or any religion—but to ensure government benefits are given to people in accordance with their faith, or that religious laws enforced by religious courts will apply to them on certain matters, especially family matters. However in many such countries this means that atheists are marginalized.

In fact, discrimination against the non-religious is often caused, not by a desire to hurt atheists, but by the desire to help one or more religions. The promotion by the state of religious privilege is one of the most common forms of discrimination against atheists. Freedom of religion or belief requires equal and just treatment of all people irrespective of their beliefs. But when states start to define citizens not by their humanity but by their membership of a religious group, discrimination automatically follows. For example, as a result of its 15-year-long civil war and with a view to bringing peace to the country, the entire system of government in Lebanon is based on sectarian quotas, with different rights and roles available to Sunni Muslims, Shiite Muslim and Maronite Christians, etc. This practice not only codifies and encourages religious discrimination but it also discourages people from leaving the religion of their birth, because they will lose all the state privileges that come with belonging to that religion.

Religious privilege is also seen in many countries' public services and public education. The most common and substantial of these privileges is religious control of state-funded schools. For example, in Northern Ireland 94% of state-funded schools are religious in character. This not only reinforces sectarianism beyond the school gate, but also excludes the non-religious.

Family law, also known as "personal status law", is the set of laws that control marriage, divorce, inheritance, child rearing and child custody—all of family life. More than that, personal status law also determines the individual's relationship with the community and state: for example, a wife has different legal rights and legal relationships than an unmarried woman. Many Muslim countries give control of family law to the Sharia courts operating Muslim, not civil, law. Other countries, usually those with historically large religious minorities, have voluntary religious family courts for the different religious communities. Unfortunately for freethinkers who may have left, or want to leave, the religion of their family, these "optional" religious family courts can become a trap that is far from voluntary, where opting out may raise suspicions of apostasy or threats of social exclusion or abandonment by one's family. Notably, non-religious women often suffer double discrimination in religious family courts; whereby they are discriminated against not only on the grounds of their belief but on the grounds of their gender also.

In compiling this evolving, annual report, we also find that religious privilege is not only a form of discrimination in and of itself, but it is also a signifier of more general societal discrimination against atheists. When a religion is singled out as special, then it generally follows that the members of that religion receive advantages not available to others. Even when there is just a vague state preference for generic religion, or belief in a god, it may reinforce societal prejudice and discrimination against the non-religious. Therefore, we also consider in this Report religious discrimination, or religious privilege, even when its supporters claim it is merely ceremonial or symbolic. We agree that some religious signaling by the state is sometimes "only" a matter of symbolism, but what it symbolizes is the state's preference for religion or for a particular religion, and the second class status or disfavoring of the non-religious.

## References

- <sup>1</sup> <https://humanists.international/get-involved/campaigns/humanists-at-risk-report/>
- <sup>2</sup> <http://www.wingia.com/web/files/news/14/file/14.pdf>
- <sup>3</sup> <https://www.refworld.org/docid/453883fb22.html>
- <sup>4</sup> [UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief](#)

# The Ratings System

Every country in this Report is assessed against a range of “boundary conditions”. The boundary conditions are statements which may or may not apply to each country. Each boundary condition is associated with one of four thematic strands (these are the vertical columns in the

table below). Also, each boundary condition is placed at a given level of severity (these are the colored horizontal rows in the table below). The following table lists all the possible boundary conditions.

| Constitution and government  | Education and children’s rights  | Family, community, society, religious courts and tribunals   | Freedom of expression, advocacy of humanist values  |
|--|--|--|---|
| <b>GRAVE VIOLATIONS</b>  |  |  |   |
| <p>Complete tyranny precludes all freedoms of expression and thought, religion or belief</p> <p>Religious authorities have supreme authority over the state</p> <p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>Quasi-divine veneration of a ruling elite is enforced, or a single-party regime holds uncontested power, subject to severe punishment</p> <p>The non-religious are barred from holding government office</p> | <p>Religious or ideological indoctrination is utterly pervasive in schools</p> <p>Religious or ideological instruction in a significant number of schools is of a coercive fundamentalist or extremist variety</p> | <p>Expression of non-religious views is severely persecuted, or is rendered almost impossible by severe social stigma, or is highly likely to be met with hatred or violence</p> <p>There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious</p> <p>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</p> <p>It is illegal to register an explicitly humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities</p> | <p>Expression of core humanist principles on democracy, freedom and human rights is brutally repressed</p> <p>‘Apostasy’ or conversion from a specific religion is outlawed and punishable by death</p> <p>‘Blasphemy’ or criticism of religion is outlawed and punishable by death</p> <p>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</p> <p>It is illegal or unrecognised to identify as an atheist or as non-religious</p> |

| Constitution and government   | Education and children's rights  | Family, community, society, religious courts and tribunals  | Freedom of expression, advocacy of humanist values   |
|---|--|---|--|
| <b>SEVERE DISCRIMINATION</b>  |  |   |  |
| <p>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p> <p>State legislation is partly derived from religious law or by religious authorities</p> | <p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</p> | <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly humanist, atheist, secularist or other non-religious NGO or other human rights organization</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Apostasy' is outlawed and punishable with a prison sentence</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p> |

| <b>SYSTEMIC DISCRIMINATION</b>   |   |   |   |
|--|---|---|---|
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>There is an established church or state religion</p> <p>Legal or constitutional provisions exclude non-religious views from freedom of belief</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> <p>Some concerns about children's right to specifically religious freedom</p> | <p>There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism</p> <p>Some religious courts rule in civil or family matters on a coercive or discriminatory basis</p> <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted</p> <p>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</p> |

| Constitution and government   | Education and children's rights  | Family, community, society, religious courts and tribunals   | Freedom of expression, advocacy of humanist values   |
|---|--|--|--|
| <b>MOSTLY SATISFACTORY</b>  |  |  |  |
| <p>There is a nominal state church with few privileges or progress is being made toward disestablishment</p> <p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p> | <p>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</p> <p>State-funded schools provide religious education which may be nominally comprehensive but is substantively biased or borderline confessional</p> | <p>Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear</p> <p>Localised or infrequent but recurring and widespread social marginalisation or prejudice against the non-religious</p> | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p> |
| <b>FREE AND EQUAL</b>   |  |  |  |
| <p>The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief</p>  | <p>No formal discrimination in education</p>   | <p>No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</p>   | <p>No fundamental restrictions on freedom of expression or advocacy of humanist values</p>   |
| <b>NO RATING</b>  |  |  |  |
| <p>Insufficient information or detail not included in this Report</p> <p>No condition holds in this strand</p>  | <p>Insufficient information or detail not included in this Report</p> <p>No condition holds in this strand</p>   | <p>Insufficient information or detail not included in this Report</p> <p>No condition holds in this strand</p>   | <p>Insufficient information or detail not included in this Report</p> <p>No condition holds in this strand</p>   |

Example ratings table for a single country

| Constitution and government   | Education and children's rights   | Family, community, society, religious courts and tribunals   | Freedom of expression, advocacy of humanist values  |
|---|---|--|---|
|   |   | Government authorities push a socially conservative, religiously inspired agenda, without regard to the rights of those with progressive views | 'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence  |
| Preferential treatment is given to a religion or religion in general<br><br>State-funding of religious institutions or salaries, or discriminatory tax exemptions | Religious instruction is mandatory in at least some public schools (without secular or humanist alternatives) | Some religious courts rule in civil or family matters on a coercive or discriminatory basis  | Expression of core humanist principles on democracy, freedom of human rights is somewhat restricted   |
| Official symbolic deference to religion   |   |  | Some concerns about political or media freedoms, not specific to the non-religious<br><br>Concerns that secular or religious authorities interfere in specifically religious freedoms |

## How countries are rated

Only the boundary conditions which are found to apply to a given country are shown in that country's own "ratings table". Here is an example ratings table which would be found on a country's individual page.

In the individual country ratings table, rows at the edges of the table are omitted when no boundary conditions were found to apply in those rows. In the example, there is no green row and no dark red row, because no strand was found to meet boundary conditions at the lowest level or at the highest level of severity.

A "signal light" summary system sits alongside the title of each country on its individual page. The "signal light" shows the worst rating received in each strand. In the example table above, the worst-rated boundary conditions applying in the left-most two strands are both at the middle level of severity: orange. The worst-rated boundary conditions applying in the right-most two strands are both at the second highest level of severity: red. (They don't always come in pairs like this!)

A "signal light" shows that the worst boundary conditions applied in this example were at levels 3, 3, 4 and 4.

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
|            |           |              |            |

Here is an example "signal light" summary which corresponds to the example ratings table above.

The "signal light" is designed to give an at-a-glance visual summary of the country's rating within the scope of this Report.

## Another look at the full list of boundary conditions

It is common for a condition on the more free end of the spectrum (except for the "Free and equal" conditions) to be superseded by a condition on the more severe end of the spectrum. In this case, the less severe condition



may remain implicit, and not listed against the country in the Report. For example: if blasphemy is punishable by a maximum sentence of “death”, then the less severe boundary condition stating that blasphemy is punishable by “imprisonment” may be omitted in an individual country’s ratings table.

The table is designed to break the boundary conditions into separate “strands” of concern, allowing for a clearer visualization of what information is available or included in the Report. This means that as we gather more information we will be doing a better job at identifying gaps in our own coverage. As stated in earlier edition of this Report, given the way the ratings are designed, some ratings are likely to get worse over time simply because we are satisfied that additional, more severe boundary conditions have been met.

Omission of a boundary condition in the ratings box does not necessarily mean that the condition does not hold in reality; it may be that that information is missing from the Report. We are always interested in new sources of information.

The bottom, grey row does not contribute toward the “severity” rating of a country. Only the null conditions “No condition holds in this strand” or “Insufficient information or detail not included in this Report” appear at this level.

## Cautions

*It should be noted that this Report cannot claim to be exhaustive.* While all sovereign nations are recorded in this Report, some “overseas territories” are not detailed and are not necessarily without discrimination on freedom of thought. Likewise, the individual cases listed as “Highlighted Cases” in this Report are examples, not exhaustive lists.

*Lack of transparency in some countries makes comprehensive analysis of those countries more difficult.* In some countries, usually among the worst offenders, the secrecy of courts, or state control of media, or lack of reporting, make it impossible to produce a complete account. In some countries, vague laws or broad legal powers delegated to local authorities make it difficult to ascertain exactly how laws are applied (or not applied) on the ground.

We may still be overlooking serious concerns in some countries where we have little on-the-ground contact and the last thing we want to achieve is to make already marginalised non-religious people feel like their problems are being ignored or overlooked because we’ve given the country a better rating than it deserves,

or because we have overlooked issues of concern. If you find yourself in this situation, or you have any other information including mitigation or errata for a given country, please take it as a prompt to reach out to us and make contact via [report@humanists.international](mailto:report@humanists.international).



# The Ranking Index

The base score for each country is calculated according to the number and severity of boundary conditions applied to the country in its Ratings Table. △ indicates the country's base score has increased, whereas ▽ indicates a decrease. For the full narrative Report and Ratings Table for each country, see: [fot.humanists.international](https://www.fot.humanists.international).

**NOTE:** These rankings reflect the considerations in this Report. There is a heavy emphasis on various kinds of formal or legal discrimination. We are not able to produce a full, qualitative assessment of societal factors or personal experience. Countries about which we have more information are likely to receive worse results.

*These rankings only list countries that have been updated since 2018. Countries that have not been reviewed in the period 2018-October 2020 are therefore excluded from the rankings.*

| Country                  | Signal light (the severity of the worst boundary condition in each thematic strand) |                                 |  |  | Base score                             | Ranking |
|--------------------------|---|---------------------------------|--|--|--|---------|
|                          | Constitution and government   | Education and children's rights | Family, community, society, religious courts | Freedom of expression, humanist values |  |         |
| Belgium                  |   |                                 |  |  | 0                                      | 1       |
| Netherlands              |   |                                 |  |  | 0                                      | 1       |
| Taiwan                   |   |                                 |  |  | 0                                      | 1       |
| Ecuador                  |   |                                 |  |  | 2 <span style="color: green;">△</span> | 4       |
| Nauru                    |   |                                 |  |  | 2                                      | 4       |
| São Tomé and Príncipe    |   |                                 |  |  | 2                                      | 4       |
| Norway                   |   |                                 |  |  | 6                                      | 7       |
| Saint Kitts and Nevis    |   |                                 |  |  | 8                                      | 8       |
| Estonia                  |   |                                 |  |  | 9                                      | 9       |
| Sweden                   |   |                                 |  |  | 9                                      | 9       |
| Burkina Faso             |   |                                 |  |  | 11                                     | 12      |
| Congo, Republic of       |   |                                 |  |  | 11                                     | 12      |
| Mozambique               |   |                                 |  |  | 11                                     | 12      |
| Namibia                  |   |                                 |  |  | 11 <span style="color: red;">▽</span>  | 12      |
| Palau                    |   |                                 |  |  | 11                                     | 12      |
| Slovenia                 |   |                                 |  |  | 11                                     | 12      |
| Albania                  |   |                                 |  |  | 13 <span style="color: red;">▽</span>  | 18      |
| Barbados                 |   |                                 |  |  | 13                                     | 18      |
| Korea, Republic of       |   |                                 |  |  | 13                                     | 18      |
| Sierra Leone             |   |                                 |  |  | 13                                     | 18      |
| Kiribati                 |   |                                 |  |  | 15                                     | 23      |
| Micronesia               |   |                                 |  |  | 15                                     | 23      |
| United States of America |   |                                 |  |  | 15                                     | 24      |

|                            |  |    |  |    |
|----------------------------|--|----|--|----|
| Botswana                   |  | 17 |  | 26 |
| Kosovo                     |  | 20 |  | 29 |
| Marshall Islands           |  | 20 |  | 29 |
| Fiji                       |  | 22 |  | 32 |
| Greece                     |  | 24 |  | 34 |
| Senegal                    |  | 24 |  | 34 |
| Iceland                    |  | 27 |  | 36 |
| Luxembourg                 |  | 27 |  | 36 |
| Bulgaria                   |  | 28 |  | 38 |
| Cape Verde                 |  | 29 |  | 39 |
| Mali                       |  | 29 |  | 39 |
| New Zealand                |  | 31 |  | 41 |
| Colombia                   |  | 33 |  | 42 |
| Chile                      |  | 35 |  | 43 |
| Portugal                   |  | 40 |  | 44 |
| Nepal                      |  | 42 |  | 47 |
| Australia                  |  | 47 |  | 50 |
| Costa Rica                 |  | 47 |  | 50 |
| Liechtenstein              |  | 47 |  | 50 |
| Mauritius                  |  | 47 |  | 50 |
| Spain                      |  | 49 |  | 54 |
| Papua New Guinea           |  | 51 |  | 55 |
| Saint Vincent / Grenadines |  | 52 |  | 56 |
| Antigua and Barbuda        |  | 53 |  | 57 |
| San Marino                 |  | 53 |  | 57 |
| Kenya                      |  | 55 |  | 59 |
| Georgia                    |  | 56 |  | 60 |
| Slovakia                   |  | 56 |  | 60 |
| Switzerland                |  | 56 |  | 60 |
| Romania                    |  | 58 |  | 64 |
| Panama                     |  | 64 |  | 66 |
| Peru                       |  | 66 |  | 67 |
| Ireland                    |  | 67 |  | 68 |
| Malawi                     |  | 71 |  | 69 |
| Tajikistan                 |  | 71 |  | 69 |
| Venezuela                  |  | 71 |  | 77 |
| Canada                     |  | 73 |  | 72 |
| Malta                      |  | 76 |  | 73 |
| Denmark                    |  | 78 |  | 74 |
| Hungary                    |  | 80 |  | 75 |
| Cyprus                     |  | 82 |  | 76 |
| Ethiopia                   |  | 82 |  | 76 |
| Singapore                  |  | 82 |  | 76 |
| Finland                    |  | 85 |  | 80 |
| Serbia                     |  | 86 |  | 81 |
| Uganda                     |  | 87 |  | 82 |
| United Kingdom             |  | 91 |  | 84 |

|                          |  |     |   |     |
|--------------------------|--|-----|---|-----|
| Central African Republic |  | 100 |   | 87  |
| Argentina                |  | 103 | △ | 88  |
| Haiti                    |  | 112 |   | 89  |
| Zambia                   |  | 118 |   | 90  |
| Philippines              |  | 124 | ▽ | 91  |
| Germany                  |  | 127 | ▽ | 92  |
| Guyana                   |  | 129 |   | 93  |
| Macedonia                |  | 129 |   | 93  |
| Tanzania                 |  | 131 |   | 95  |
| Turkey                   |  | 131 | ▽ | 95  |
| Burundi                  |  | 149 | ▽ | 97  |
| Poland                   |  | 149 |   | 97  |
| Brazil                   |  | 158 | ▽ | 99  |
| Belarus                  |  | 159 |   | 100 |
| Italy                    |  | 185 |   | 101 |
| Palestine                |  | 187 | ▽ | 102 |
| Thailand                 |  | 211 |   | 103 |
| India                    |  | 213 |   | 104 |
| Lebanon                  |  | 233 | ▽ | 105 |
| Zimbabwe                 |  | 265 | ▽ | 106 |
| Libya                    |  | 274 | ▽ | 107 |
| Oman                     |  | 276 | △ | 108 |
| Rwanda                   |  | 291 | ▽ | 109 |
| Russia                   |  | 318 | △ | 110 |
| Israel                   |  | 321 |   | 111 |
| Sri Lanka                |  | 336 |   | 112 |
| China                    |  | 360 |   | 113 |
| Bahrain                  |  | 389 |   | 114 |
| Syria                    |  | 400 |   | 115 |
| Iraq                     |  | 429 | ▽ | 116 |
| Tunisia                  |  | 432 |   | 117 |
| Algeria                  |  | 454 |   | 118 |
| North Korea              |  | 502 | ▽ | 119 |
| Eritrea                  |  | 503 |   | 120 |
| Comoros                  |  | 540 |   | 121 |
| Kuwait                   |  | 589 |   | 122 |
| Nigeria                  |  | 589 |   | 122 |
| Jordan                   |  | 656 | △ | 124 |
| Qatar                    |  | 676 |   | 125 |
| Bangladesh               |  | 705 | △ | 126 |
| Morocco                  |  | 705 | ▽ | 126 |
| Somalia                  |  | 720 |   | 128 |
| Indonesia                |  | 725 | ▽ | 129 |
| Egypt                    |  | 774 |   | 130 |
| Sudan                    |  | 780 |   | 131 |
| Malaysia                 |  | 923 | ▽ | 132 |
| Maldives                 |  | 945 |   | 133 |

|                      |  |  |  |      |     |
|----------------------|--|--|--|------|-----|
| Mauritania           |  |  |  | 969  | 134 |
| Brunei Darussalam    |  |  |  | 996  | 135 |
| Yemen                |  |  |  | 1016 | 136 |
| United Arab Emirates |  |  |  | 1060 | 137 |
| Afghanistan          |  |  |  | 1100 | 138 |
| Pakistan             |  |  |  | 1176 | 139 |
| Iran                 |  |  |  | 1287 | 140 |
| Saudi Arabia         |  |  |  | 1358 | 141 |

★ The following countries have been excluded from the ranking index, because at least one thematic area contains no active boundary conditions in their Ratings Table, either because information is unavailable or is insufficient to make a determination. Therefore there is a lesser degree of confidence in their overall rating. However, for a rough indication of their possible standing, their nominal scores and rankings are listed below.

| Country                        | Signal light (the severity of the worst boundary condition in each thematic strand) |                                 |  |  | Base score | Ranking |
|--------------------------------|---|---------------------------------|--|--|------------|---------|
|                                | Constitution and government   | Education and children's rights | Family, community, society, religious courts | Freedom of expression, humanist values |            |         |
| South Sudan*                   | Green   | Grey                            | Grey   | Orange                                 | 9          | 9       |
| Seychelles*                    | Orange  | Yellow                          | Grey   | Yellow                                 | 13         | 18      |
| Côte d'Ivoire*                 | Orange  | Grey                            | Grey   | Orange                                 | 18         | 27      |
| South Africa*                  | Green   | Green                           | Grey   | Orange                                 | 18         | 27      |
| Austria*                       | Orange  | Yellow                          | Grey   | Orange                                 | 20         | 29      |
| Saint Lucia*                   | Orange  | Yellow                          | Grey   | Orange                                 | 22         | 32      |
| Congo, Democratic Republic of* | Grey  | Grey                            | Grey   | Red                                    | 40         | 44      |
| Gabon*                         | Green   | Green                           | Grey   | Red                                    | 40         | 44      |
| Czech Republic*                | Orange  | Orange                          | Grey   | Yellow                                 | 42         | 47      |
| Grenada*                       | Grey  | Yellow                          | Grey   | Red                                    | 42         | 47      |
| Laos*                          | Yellow  | Orange                          | Grey   | Red                                    | 57         | 63      |
| Honduras*                      | Orange  | Green                           | Grey   | Red                                    | 58         | 64      |
| Azerbaijan*                    | Grey  | Grey                            | Red  | Red                                    | 82         | 76      |
| Kazakhstan*                    | Grey  | Orange                          | Grey   | Red                                    | 89         | ▽ 83    |
| Angola*                        | Orange  | Grey                            | Red  | Red                                    | 91         | 84      |
| Uzbekistan*                    | Grey  | Grey                            | Red  | Red                                    | 91         | ▽ 84    |

---

**This “Key Countries Edition” of the Freedom of Thought Report** contains some of the best- and worst-performing countries, as well as entries on countries that are mentioned in the introductory material, or which have other significant updates, or regional impact. These country chapters are a sample only. The full Report is available in the Online Edition via the website at [fot.humanists.international](http://fot.humanists.international) where every country in the world is featured with its own webpage and interactive ratings table.

---

# Netherlands

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
|            |           |              |            |

Ranking Index: 1

The Netherlands is a democratic, constitutional monarchy in Western Europe, generally recognised as a liberal country that formally has an even-handed policy towards religious and non-religious views. As of 2017,

the largest belief group in the Netherlands were the non-religious, accounting for 50.7% of the population; a further 24% identified as Roman Catholic, 14.9% as Protestant, 5.1% as Muslim.<sup>1</sup>

| Constitution and government   | Education and children's rights       | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values                                   |
|---|---------------------------------------|---|---|
| The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief | No formal discrimination in education | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state | No fundamental restrictions on freedom of expression or advocacy of humanist values |

## Constitution and government

The Constitution of the Kingdom of the Netherlands<sup>2</sup> and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of opinion and expression. These rights are generally upheld.

Article 6 of the Constitution states that:

*"[e]veryone shall have the right to profess freely his religion or belief, either individually or in community with others, without prejudice to his responsibility under the law" providing for limitations of the right "by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorders."*

Article 1 includes explicit mention of 'belief' in its clause protecting citizens from discrimination stating:

*"All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted."*

## Education and children's rights

Article 23(3) of the Constitution states: "Education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief:

*The formal educational system is divided between public and so called 'special' ("bijzondere") schools. Both are funded by the state (Article 23(7) of the Constitution). Special schools may be based on a religious worldview or a secular pedagogical system. Under Article 23(5) state-funded private schools are closely supervised and regulated by the government, stating that "[t]he standards required of schools financed either in part or in full from public funds shall be regulated by Act of Parliament, with due regard, in the case of private schools, to the freedom to provide education according to religious or other belief."*

Approximately two-thirds of all primary schools are 'special' schools, most of which are inclusive schools, where the 'religious' identity is more or less an historic relic. A minority are orthodox Christian, conservative-Islamic, strict-Hindu or Jewish schools. In the past these schools were allowed by law to refuse pupils and teachers on the basis of their lifestyle and beliefs and to be secretive about their financial situation and funding. Since 1 July 2015 the law no longer permits schools to discriminate in the employment of teachers. However the reality is that teachers may still be put under pressure to leave.

Following reforms to the education system, humanism is now recognised as a lifescape upon which a 'special school' can be based, such schools may receive structural finance from the state.<sup>3</sup> Humanist primary and secondary schools now operate in Amsterdam.<sup>4</sup>

In February 2020 the Inspectorate of Education published a report on education relating to citizenship. It is mandatory for all schools in the Netherlands to teach pupils on the basic values of a democracy based

on rule of law: equality and tolerance and rejecting discrimination. The report found that although the majority of schools pass the test for advocating these values, there is concern about a minority (schools based on a religious worldview and very homogenic white schools) that do not sufficiently promote them.<sup>5</sup>

In the countryside, due to shrinking population, many schools – both public and religious schools – have to close their doors or merge. Due to the mergers of public and religious schools, the availability of pure public, non-religious education is at risk in these areas.

In September 2019, a joint investigation conducted by the Dutch TV programme *Nieuwsuur* and the newspaper *NRC*, found that around thirty informal Islamic (weekend) schools in the Netherlands were promoting intolerance among their pupils, teaching them to hate non-Muslims, non-strict Muslims and non-believers, as well as encouraging children to distance themselves from Dutch society, and to refuse and reject homosexuality. Earlier investigations also showed that these schools were either being financed by or had required funding from the Gulf states.<sup>6</sup>

Moreover, in 2019 an Orthodox-Jewish and a Hindu school were also criticized due to their teaching falling below national standards, particularly on subjects such as sexuality and other related issues.<sup>7</sup>

These events have caused much debate in the Netherlands about the role of the state in ‘special schools’, leading to a renewed discussion of the law providing equal funding of special (religious) and public schools.

## Family, community and society

The government provides no direct financial support for religious or secular/philosophical (including humanist) organizations. But counsellors (both religious and humanists) in the army, the penal and health-system are equally financed by the government (in the army and penal system this funding is made on the basis of requests and needs).

In 2020, the Dutch Humanist Association carried out a comprehensive survey of non-believer’s set of values. According to the study, the dominant values shared by respondents are freedom, equality and family.<sup>8</sup>

Government research initiatives are still failing to update social measures and classifications; for example, Christians are sometimes subdivided into Protestant and Catholic denominations, while the majority of non-religious citizens in the Netherlands are usually identified as ‘other’. In 2019, the Dutch Humanist Association, *Humanistisch Verbond*, successfully sought an update of these research categories, in which the

lifeworld and worldviews of the non-religious are taken more seriously.

In recent years, the Dutch Ministry of Foreign Affairs has prioritized the freedom of religion or belief in its human rights policy, while omitting non-religious views. On 16th November 2020, Sjoerd Sjoerdsma, a member of Parliament for the Dutch Liberal Democrats (the D66 group), delivered a paper to the Dutch Parliament to improve the protection of non-believers and dissenters, both within the Netherlands and abroad. The SOP furthermore provides that a Dutch representative should be present in legal proceedings against the Dutch non-believers abroad.

## Discrimination

Social pressure inside conservative religious groups — against for instance the rights of women, sexual minorities and more liberal religious views — is of ongoing and growing concern. The new coalition government of the Netherlands, in which an orthodox-protestant party is represented, has frozen new policies considering reproductive rights for women.

In 2018, the Dutch Humanist Association successfully lobbied against granting government subsidies to Siriz, an anti-abortion organization that supports women who face unwanted pregnancies.<sup>9</sup>

In 2019, anti-abortions activists consistently organized demonstrations in front of abortion clinics, showing aggressive behavior towards women. Due to the intensity of the protests, the Dutch Health Minister Hugo de Jonge decided to support municipalities in creating buffer zones for protesters around the clinics.<sup>10</sup> The COVID-19 pandemic has proved to be a further obstacle to women’s access to abortion, as few were able to physically get to an abortion clinic.<sup>11</sup>

Moreover, in 2019 the political leader of the Reformed Political Party in the Netherlands also signed the so-called ‘Nashville Statement’.<sup>12</sup> This document provides a Christian orthodox-conservative stance on marriage and sexuality, women rights, the position of a man in society, speaking out against LGBT+ issues and ‘sexual impurity’. The Statement was supported by a group of 250 Christian leaders, pastors and scholars, as well as members of the Dutch public. In reaction to the Nashville Statement, the Dutch Humanist Association initiated the ‘Love Statement’ which was signed by 54,000 people and presented to the chair of the Ministry of Education, Culture and Science at the Dutch Parliament.<sup>13</sup>

Same-sex marriages have been legal in the Netherlands since 2001. It is guaranteed that in every town a same-sex marriage can be registered and civil servants may not refuse same-sex marriages. Humanists are now lobbying for equal treatment for alternative parenting,

and equal inheritance tax for alternative family forms and for single persons.

## Ex-Muslims from home and abroad

In 2016, the Dutch Humanist Association created the New Freethinkers platform, which aims to provide assistance to individuals who have left religion. It is mainly oriented towards ex-Muslims. The platform reports hesitance amongst Ex-Muslims to express their sceptical views of their former religion publicly or to publicly announce their atheism. This is especially true among Ex-Muslims who were born and raised in the Netherlands, while ex-Muslims with a refugee background are more likely to live openly as humanist or atheists, having already chosen to move abroad precisely because of their humanist or atheist lifestyle, whereas in their home country they risked discrimination, physical threats of violence, prosecution or persecution. People who apply for asylum are all housed in asylum seeker centres in the Netherlands. This includes asylum seekers who applied for asylum in relation to their atheism, agnosticism, secular activism or criticism of religion. Such asylum seekers often don't feel safe in these asylum seekers centres where the majority of the population is Muslim. When lodging a complaint, some have been advised by official police personnel to remain silent about their beliefs for safety reasons.<sup>14</sup>

People who ask for asylum because they have been threatened in relation to their atheism, agnosticism or secular activists critical of religion, often don't feel safe in asylum centers where the majority of the population is Muslim. The Dutch Humanist Association and the Humanist Broadcasting Corporation HUMAN made a documentary about the life of nonbelievers on the run in asylum centres. They report receiving insufficient support from the Dutch authorities in free exercise of their non-religious worldview. Some of them have been advised to remain silent about what they do or don't believe for safety reasons after they made complaints to personnel or the police. The Dutch government does not have a clear policy for the protection of atheist and other secular asylum seekers in the centers.<sup>15</sup>

In 2015, the government urged asylum centers to familiarize all new asylum seekers with human rights, among which is the right to freedom of religion or belief. The Dutch Humanist Association has lobbied to make sure the information provided expressly includes the right to hold a humanist, atheist or secular life-stance, and produced a digital brochure 'Free not to believe' in eleven languages, which explains the rights of the non-religious. The information campaign was due to begin at the end of 2016. In 2018, information about the campaign was uploaded on a website for both personnel and asylum-seekers to see and although only partially, some asylum centers discussed it. The Dutch Humanist Association continues to advocate for the topic of

freedom of religion and belief, including the right not to believe, to be discussed with everyone entering the Netherlands.

In 2018, the Dutch Ministry of Safety and Justice researched, in the Netherlands and other European countries, the assessments methods used to authenticate the narratives used by asylum seekers who claimed to be persecuted or who feared persecution for changing or abandoning their religion. On the basis of this research, and also thanks to the inputs of the Dutch Humanist Association, the Immigration and Naturalisation Service adjusted its refugee status determination method: in fact, while in the past the latter mainly considered cases of conversion to another religion, it now also includes more substantive and procedural perspectives for apostasy or conversion to atheism.

## Freedom of expression, advocacy of humanist values

In the Netherlands, freedom of expression covers both thought and religion, and is guaranteed by constitutional law.

### COVID-19

The COVID-19 pandemic has had far-reaching consequences for Dutch society in general. There has been a growing tension between the Government imposing strict COVID-19 measures to battle the pandemic on the one hand and protection of human rights on the other. Emergency measures<sup>16</sup> implemented by the government in March 2020 sparked concern regarding the protection of privacy in homes; limitations to religious freedom; impacts on the right to education via the closure of schools; as well as general restrictions on freedom of movement.<sup>17</sup> The outbreak of COVID-19 has also affected the judicial system since courts closed down and hence court proceedings postponed.

Following the outbreak of COVID-19, the Dutch Humanist Association challenged the governments discriminatory decision to grant certain religious groups exemption from limits on gatherings.<sup>18</sup>

Further, the Dutch Ministry of Justice and Security took the decision to suspend the entire asylum procedure and thereby failed the protection of asylum seekers and refugees.<sup>19</sup>



## References

<sup>1</sup> <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/nl.html>

<sup>2</sup> [https://www.government.nl/binaries/government/documents/reports/2019/02/28/the-constitution-of-the-kingdom-of-the-netherlands/WEB\\_119406\\_Grondwet\\_Koninkrijk\\_ENG.pdf](https://www.government.nl/binaries/government/documents/reports/2019/02/28/the-constitution-of-the-kingdom-of-the-netherlands/WEB_119406_Grondwet_Koninkrijk_ENG.pdf)

<sup>3</sup> <https://www.poraad.nl/nieuws-en-achtergronden/structurele-bekostiging-voor-levensbeschouwend-onderswijs-openbare-scholen>

<sup>4</sup> [deamsterdamsemavo.nl/](https://deamsterdamsemavo.nl/);

<https://www.hkcdewereldboom.nl/>

<sup>5</sup> <https://www.onderwijsinspectie.nl/actueel/nieuws/2020/03/13/scholen-blijven-binnen-wettelijke-grenzen-van-burgerschap>

<sup>6</sup> [dutchnews.nl/news/2019/09/mosque-run-salafist-schools-are-teaching-children-sharia-law-report/](https://dutchnews.nl/news/2019/09/mosque-run-salafist-schools-are-teaching-children-sharia-law-report/);

[dutchnews.nl/news/2018/04/30-islamic-organizations-in-nl-have-requested-funding-from-kuwait-saudi-arabia/](https://dutchnews.nl/news/2018/04/30-islamic-organizations-in-nl-have-requested-funding-from-kuwait-saudi-arabia/)

<sup>7</sup> [dutchnews.nl/news/2019/07/education-minister-calls-for-board-of-hindu-school-in-the-hague-to-step-down/](https://dutchnews.nl/news/2019/07/education-minister-calls-for-board-of-hindu-school-in-the-hague-to-step-down/);

[dutchnews.nl/news/2019/09/minister-warns-jewish-school-for-putting-jewish-codices-above-dutch-law/](https://dutchnews.nl/news/2019/09/minister-warns-jewish-school-for-putting-jewish-codices-above-dutch-law/)

<sup>8</sup> <https://www.humanistischverbond.nl/onderzoek-niet-gevolgen/>

<sup>9</sup> <https://www.nrc.nl/nieuws/2018/08/31/geen-subsidie-voor-anti-abortuslobby-a1614913>

<sup>10</sup> [nltimes.nl/2019/03/29/create-buffer-zones-protesters-around-abortion-clinics-dutch-health-minister/](https://nltimes.nl/2019/03/29/create-buffer-zones-protesters-around-abortion-clinics-dutch-health-minister/);

<https://nltimes.nl/2020/09/17/abortion-clinics-call-nation-wide-ban-protesters-around-clinics>

<sup>11</sup> <https://www.rutgers.nl/nieuws-opinie/nieuwsarchief/zwangerschapsafbreking-tijden-van-corona>

<sup>12</sup> [economist.com/erasmus/2019/01/09/in-the-easy-going-netherlands-two-worlds-have-clashed](https://economist.com/erasmus/2019/01/09/in-the-easy-going-netherlands-two-worlds-have-clashed)

<sup>13</sup> [humanistischverbond.nl/watwedoen/onze-programmas/leven-liefde-en-dood/de-liefdesverklaring/](https://humanistischverbond.nl/watwedoen/onze-programmas/leven-liefde-en-dood/de-liefdesverklaring/)

<sup>14</sup> [nieuwevrijdenkers.nl](https://nieuwevrijdenkers.nl)

<sup>15</sup> [human.nl/2doc/2016/ongelovig.html](https://human.nl/2doc/2016/ongelovig.html)

<sup>16</sup> <https://www.rivm.nl/en/novel-coronavirus-covid-19/>

[what-are-we-doing-in-the-netherlands-in-response-to-the-coronavirus](https://www.rivm.nl/en/novel-coronavirus-covid-19/)

<sup>17</sup> <https://www.openbareorde.nl/>

<sup>18</sup> <https://cip.nl/78640-boze-brief-humanistisch-verbond-aan-minister-over-uitzondering-religieuze-samenkomsten-stop-ongelijke-behandeling>

<sup>19</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/03/15/onderwerp-vervolgmaatregelen-aanpak-coronavirus>

# Ecuador

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 4

Ecuador is a presidential democracy with a Constitution that declares Ecuador to be secular. The people are a

patchwork of indigenous communities, including people of colonial Spanish origins.

| Constitution and government   | Education and children's rights       | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values                                  |
|---|---------------------------------------|---|--|
|   |                                       |   | Some concerns about political or media freedoms, not specific to the non-religious |
| The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief | No formal discrimination in education | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state |  |

## Constitution and government

Ecuador is among the countries showing the biggest fluctuations with regard to religiosity. In 2005, 85% of Ecuadorians declared a religious affiliation. In 2012 this had reduced to 70%, according to the Global Index of Religiosity and Atheism (2012) by Win-Gallup.<sup>1</sup> However, a 2018 report by Pew Research found that 95% of the population consider themselves a religious affiliate.<sup>2</sup>

The Constitution of the Republic of Ecuador<sup>3</sup> refers to the state "Guaranteeing secular ethics as the basis for public service and the legal regulatory system" (Article 3(5)), but the preamble invokes: "the name of God and recognizing our diverse forms of religion and spirituality". Article 1 declares Ecuador "a social, democratic, sovereign, independent, unitary, intercultural, multinational and secular State."

Article 11(2) provides a comprehensive non-discrimination clause, prohibiting discrimination on the basis of "ethnic belonging, place of birth, age, sex, gender identity, cultural identity, civil status, language, religion, ideology" among other distinguishing attributes. It also establishes a positive obligation on the State to "adopt affirmative action measures that promote real equality for the benefit of the rights-bearers who are in a situation of inequality."

Article 66(8) protects the right to:

*"practice, keep, change, profess in public or private one's religion or beliefs and to disseminate them*

*individually or collectively, with the constraints imposed by respect for the rights of others.*

*"The State shall protect voluntary religious practice, as well the expression of those who profess no religion whatsoever, and shall favor an environment of plurality and tolerance."*

Since 2018, the Interfaith National Council for Religious Freedom and Equality has worked to propose legislation to achieve more equal treatment of different religious institutions and organizations. However, the Catholic Church continues to benefit from financial privileges and tax exemptions.<sup>4</sup>

## Education and children's rights

Under Article 26 of the Constitution, education is designated a priority area for public policy-making and investment. Article 28 states that "[p]ublic education shall be universal and secular at all levels," however Ecuador has a long history of provision of private education by religious organizations.

According to Article 27:

*"Education will focus on the human being and shall guarantee holistic human development, in the framework of respect for human rights, a sustainable environment, and democracy; education shall be participatory, compulsory, intercultural, democratic, inclusive and diverse, of high quality and humane; it*

*shall promote gender equity, justice, solidarity and peace; it shall encourage critical faculties, art and sports, individual and community initiatives, and the development of competencies and capabilities to create and work.”*

Public schools are prohibited from providing religious instruction.

## Family, community and society

### LBGTQ+ rights

Same-sex marriage was legalized in Ecuador in July 2019, following a Constitutional Court ruling that the country’s ban on same-sex marriage was unconstitutional.<sup>5</sup>

The country has yet to legalize adoption by same-sex couples.<sup>6</sup>

According to a survey conducted in 2019, an estimated 51.3% of the population still disapprove of same-sex marriage.<sup>7</sup>

### Indigenous communities

Approximately one quarter of the country’s estimated 1.1 million indigenous people live in the Amazonian region. Of the 14 nationalities indigenous to the country, seven are in an extremely vulnerable position with populations ranging between 300-1,500.<sup>8</sup> The COVID-19 pandemic has caused some groups to fear extinction.<sup>9</sup>

Chapter four of the Constitution sets out the rights of its indigenous peoples. However, according to the International Working Group for Indigenous Affairs (IWGIA), “Ecuador still lacks specific and clear public policies that could prevent or mitigate the risk of these peoples disappearing, together with effective instruments that would ensure the enforcement of collective rights that are already widely recognised in the current Constitution.”

As a mineral and oil-rich country, the lands and territories of the indigenous peoples of Ecuador are vulnerable to exploitation and extraction that undermine their human dignity, cultural heritage, socio-cultural cohesion and economic security.<sup>10</sup>

## Freedom of expression, advocacy of humanist values

### Free speech limitations

The Constitution provides for freedom of speech. In particular, Section three outlines rights related to information and communication.

Article 18 states:

*“all persons, whether individually or collectively, have the right to: 1. Look for, receive, exchange, produce and disseminate information that is truthful, accurate, timely, taken in context, plural, without prior censorship about the facts, events, and processes of general interest, with subsequent responsibility.”*

Some self-censorship is exercised, especially regarding politically-sensitive issues and stories about the armed forces. Defamation is a criminal offence punishable by up to three years in prison. In 2011, three executives and a former columnist from opposition daily newspaper El Universo were sentenced to jail terms and a massive fine for “libelling” President Correa.<sup>11</sup>

Under a law which requires the media to give the government free space or airtime, governments can and have required TV and radio to broadcast programmes produced by the state.

### Freedom of assembly and attacks on the press

In October 2019, at least 138 journalists were attacked while attempting to cover protests taking place against a series of economic adjustments (Decree 883) announced by the government, which included a reduction in public sector salaries and the end to fuel subsidies.<sup>12</sup> Journalists reportedly faced attack from the police and by demonstrators.<sup>13</sup> The declaration of a State of Emergency further hampered journalists’ ability to cover the protests.

Following a fact-finding mission conducted by the Inter-American Commission on Human Rights, the Ecuadorian government was found to have used excessive use of force in order to quell the protests.<sup>14</sup>

## References

- <sup>1</sup> <http://www.wingia.com/web/files/news/14/file/14.pdf>
- <sup>2</sup> <https://www.pewforum.org/2018/06/13/how-religious-commitment-varies-by-country-among-people-of-all-ages/>
- <sup>3</sup> <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>
- <sup>4</sup> <https://www.state.gov/reports/2018-report-on-international-religious-freedom/ecuador/>
- <sup>5</sup> <https://www.bbc.co.uk/news/world-latin-america-48620744>
- <sup>6</sup> <https://www.equaldex.com/region/ecuador>
- <sup>7</sup> <https://ww2.elmercurio.com.ec/2019/07/24/el-513-de-los-ecuatorianos-desaprueba-el-matrimonio-igualitario-segun-encuesta/>
- <sup>8,10</sup> <https://www.iwgia.org/en/ecuador/3620-iw-2020-ecuador.html>
- <sup>9</sup> <https://www.aljazeera.com/news/2020/5/6/ecuador-indigenous-community-fears-extinction-from-coronavirus;>  
<https://www.amazonfrontlines.org/chronicles/covid19-siekopai-secoya-amazon-ecuador/>
- <sup>11</sup> <https://pen-international.org/es/noticias/ecuador-letter-to-president-correa-from-pen-international-and-pen-centres-in-latin-america-and-the-caribbean>
- <sup>12</sup> [https://www.bbc.com/mundo/noticias-america-latina-49934023;](https://www.bbc.com/mundo/noticias-america-latina-49934023)  
<https://pen-international.org/news/latin-america-freedom-of-expression>
- <sup>13, 14</sup> <http://www.oas.org/es/cidh/prensa/comunicados/2020/008.asp><sup>4</sup>

# Norway

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 7

Norway is a constitutional parliamentary monarchy of about five million inhabitants, bordering its Nordic neighbours Sweden and Finland, as well as Russia. Norway is rated as having the highest Human Development Index (HDI) in the world, according to the

most recent data published in 2018. Recent reforms which extend and exaggerate privileges to Christianity in public education, to the point that the religious education curriculum can likely no longer be considered “non-confessional”, give cause for concern.

| Constitution and government  | Education and children's rights  | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values                                   |
|--|--|---|---|
| There is a nominal state church with few privileges or progress is being made toward disestablishment<br>Official symbolic deference to religion | State-funded schools provide religious education which may be nominally comprehensive but is substantively biased or borderline confessional |   |   |
|  |  | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state | No fundamental restrictions on freedom of expression or advocacy of humanist values |

## Constitution and government

Freedom of religion or belief and freedom of expression are protected by the Constitution of the Kingdom of Norway (Articles 16 and 100, respectively).<sup>2</sup> Successive amendments made between 2012-2014 assert the close relationship between Church and State, and adopt a human rights framework. Articles 2, 4 and 16 grant Christianity and the Church of Norway a privileged position:

Article 2 states:

*“Our values will remain our Christian and humanist heritage. This Constitution shall ensure democracy, a state based on the rule of law and human rights.”*

Under Article 4 the monarch is required to at all times profess the Evangelical-Lutheran religion.” Additionally, under Article 9, the monarch is required to invoke “God, the Almighty and Omniscient” in the oath of accession.

Article 16 of the Constitution prominently refers to Christianity, but affirms freedom of religion for all:

*“All inhabitants of the realm shall have the right to free exercise of their religion. The Church of Norway, an Evangelical-Lutheran church, will remain the Established Church of Norway<sup>3</sup> and will as such be*

*supported by the State. Detailed provisions as to its system will be laid down by law. All religious and belief communities should be supported on equal terms.”*

In its concluding remarks to Norway’s periodic review – held in April 2018 – the UN Human Rights Committee raised concerns regarding the privileged position held by the Church of Norway (see more below) and made recommendations that the State include freedom of religion or belief in its chapter on human rights within the Constitution.<sup>4</sup>

## Church of Norway

The process to separate Church and State in Norway remains ongoing. In 2012, the ties between the Church of Norway (CoN) and the state were partly dissolved. However, the Evangelical-Lutheran Church (*Den norske kirke*) is still conceived of as “the Established Church of Norway” (*Norges Folkekirke*), the Parliament continues to decide law that regulates even some internal matters of the CoN. This can both be seen as a restriction of the religious freedom of the CoN, as well as a privileged position towards other religious and life stance communities.

From January 2017, the CoN was given status as a legal entity and the clergy are no longer “state officials” but

employed by the church itself. However, funding for their salaries is still provided by the state.

Even though there is an ongoing process to separate state and church on the national level, at the local level the situation remains partially unchanged. By law local municipalities are required to build and take care of church buildings, while there is no such obligation to provide other belief communities with facilities like assembly halls or venues for ceremonial activities.

While the Norwegian state supports the Evangelical-Lutheran Church financially, other groups (religious or secular) may also register with the government to receive financial support. The degree of financial support is provided to all groups in proportion to their formally registered membership. In practice, however, some of the government financial support is exclusively reserved for the CoN, as the Norwegian state continues to finance tasks that the state used to fund when the CoN was an official entity. In contrast to other belief communities, the CoN does not receive a reduction in funding if its numbers decline.

Under the new common law (effective from 2021) on the CoN and other faith and life stance communities, the CoN will be funded both from the state and the local municipalities, while the others will have their funding altogether from the state. This will make it hard to decide whether the requisition in the Constitution to treat all belief communities equally actually is met, as the funding per member is supposed to be equal.<sup>5</sup>

During the 42nd Session of the UN Human Rights Council in 2019, the Norwegian Humanist Association's Senior International Adviser pointed out that while progress has been made in the past few years, Norway still faces problems "pertaining to the constitutional protection of freedom of religion or belief in Norway. Articles 2, 4 and 16 of the Constitution emphasize the state's Christian values, demand that the king shall adhere to the Lutheran faith and places the Church of Norway in a privileged position." She further commented that the Norwegian Humanist Association was worried that "these provisions send a signal of exclusion, and may lead to discrimination," and thus called for "the government of Norway to amend these articles and to include the right to freedom of religion or belief into the human rights chapter of the Constitution, to bring it in line with international and European human rights law."<sup>6</sup> These concerns have been echoed by other national human rights groups.

## Education and children's rights

A majority of state schools take pupils to participate in church services before Christmas, and some also do this throughout the year, like at Easter. Even though it is not mandatory for the pupils to take part, a lack

of information on exemption, peer pressure and the absence of good alternatives results in some students participating against their will.

The Educational Directory launched new recommendations from 2016, proposing an opt-in-system, instead of the old opt-out-system. This was met with resistance from some headmasters and local politicians, as well as in the Parliament, where the Christian Democratic Party used its influence to reverse this recommendation.

Under the center-right coalition government formed in 2013 and re-elected in 2017, there has been a more heated debate on immigration, integration and national identity, and this has also influenced the debate around religious education in schools and requirements to convey the Christian cultural heritage to all pupils.

Currently rules stipulate that pupils cannot be involved in religious activities within religious education classes, but the school and church can invite pupils to participate in church services and other religious activities; in this context it is formally not considered to be religious instruction, but a way of conveying cultural heritage.

As of the autumn 2020 an entirely new and better balanced curriculum was introduced in the school system, including religious education. There are fewer competence aims in total in the new curriculum, and the competence aims are generally less detailed than before. Still, Christianity is given privilege, and mentioned specifically, while other religions and life stances are mostly referred to more generally. It is too early to say if the new curriculum changes the education in the classrooms, as many of the textbooks used remain the same.<sup>7</sup>

## Family, community and society

While the majority of the population remain nominally affiliated with the Church of Norway (69% as of 31 December 2019), the most recent figures from Statistics Norway describe a steady decline in number of church baptisms, church confirmations and church membership.

The fastest growing group is in fact the "nones", those that don't affiliate with any faith community. According to 2018 statistics, they comprise about 17% of the population, more than the members of all other belief communities outside the CoN.<sup>8</sup>

In reality, polls over recent years have consistently shown Norway to be among the least religious countries in the world, as measured by a relatively small percentage of the population believing in a personal god, a low percentage describing themselves as religious, and very low rates for regular church

attendance. For a large percentage of church members, church affiliation is of a nominal (“cultural”) rather than of a religious nature.<sup>9</sup>

The Church of Norway is adjusting quite well to this phenomenon, eagerly embracing the very Nordic/Scandinavian concept of the “Peoples’ churches”; where the focus is not so much on belief or god left in that church, but by the church prioritizing the use of their buildings all over the country for ceremonies and cultural activities instead of religious activities as their main task. This “cultivation of religion” is strongly supported by many politicians and political parties.

## Freedom of expression, advocacy of humanist values

Freedom of expression is guaranteed in the constitution and generally upheld in practice. The state provides support for civil society actors, political parties, NGOs and promotes the free press.

The largest non-religious organization is the Norwegian Humanist Association, *Human-Etisk Forbund* (HEF) with 100,000 members as of November 2020 (HEF is a Member of the Humanists International). In principle non-religious groups, including humanist organizations, are treated on equal footing with religious groups.

### “Blasphemy” abolished

In 2015, Norway formally abolished its remaining “blasphemy” law (formerly under section 142 of the Penal Code, banning public expression of “contempt” for religions recognised by the state). There had been no successful prosecutions under the law for many decades, though there had been threats in relation to republication of the Jyllands-Posten cartoons as recently as in 2006. In 2020 some Muslim groups have proclaimed the need for a ban on burning the Quran, after a right-wing group hostile towards Muslims, SIAN, arranged several burnings the previous year.

## References

- <sup>1</sup> <http://hdr.undp.org/en/content/2019-human-development-index-ranking>
- <sup>2</sup> <https://lovdata.no/dokument/NLE/lov/1814-05-17?q=grunnloven>
- <sup>3</sup> A more literal translation of the original Norwegian reads “the Norwegian Peoples’ Church”
- <sup>4</sup> 5th of April 2018 – CCPR/C/NOR/C=//, online: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC)
- <sup>5</sup> <https://www.stortinget.no/no/Saker-og-publikasjoner/Saker/Sak/?p=76670>
- <sup>6</sup> [humanists.international/2019/10/humanists-call-on-norway-to-make-constitution-more-inclusive/](https://humanists.international/2019/10/humanists-call-on-norway-to-make-constitution-more-inclusive/)
- <sup>7</sup> <https://www.udir.no/lk20/rle01-03>
- <sup>8</sup> [https://www.ssb.no/kirke\\_koetra](https://www.ssb.no/kirke_koetra)
- <sup>9</sup> [fritanke.no/andelen-som-ikke-tror-pa-gud-oket-sterkt-gudstroen-svekket/19.10773](https://fritanke.no/andelen-som-ikke-tror-pa-gud-oket-sterkt-gudstroen-svekket/19.10773)



# United States of America

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 24

The United States of America is a large country of around 327 million people, bordered by Canada to the north and Mexico to the south. Since the end of World

War II, the US has been widely considered the most powerful nation on Earth and remains very influential globally in economic, cultural and political affairs.

| Constitution and government  | Education and children's rights              | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values  |
|--|--|---|--|
|  |  |   |  |
| <p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p> |  | <p>Localised or infrequent but recurring and widespread social marginalisation or prejudice against the non-religious</p> |  |
|  | <p>No formal discrimination in education</p> |   | <p>No fundamental restrictions on freedom of expression or advocacy of humanist values</p> |

## Constitution and government

The United States receives a relatively good rating in this Report, in consequence of the nation's strong constitutional protections in favour of freedom of thought, religion or belief and freedom of expression, which are usually upheld in practice. There is also a deep-rooted cultural emphasis on individual freedom.

However, those very freedoms, and openness to challenge, debate and due process — combined with the sometimes also very strong, deeply-rooted Christian conservatism of some Americans — means that secular, humanist and civil liberties groups find themselves facing a continual battle to preserve the inherent secularism of the constitution from persistent challenges, often involving state authorities or officials, or individuals, citing "religious freedom" in an attempt to bypass separation of church and state, to enforce particular religious beliefs in the public sphere, or in some way "establish" religion. Thanks to founding constitutional principles, these battles have usually been won on the side of secularism in the longer term.

## The Constitution, "free exercise" and "establishment"

The US Constitution<sup>1</sup> is often considered to be one of the world's first political secular documents. The secular tradition in US law comes in part from the diverse religious makeup of the original colonies and the enlightenment idea that no one religion should come to be dominant in politics.

The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference.

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."*

The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference:



*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”*

The Constitution also prevents religious requirements for public office with Article 6 stating:

*“No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”*

Broadly speaking, these clauses combine to create a largely open society in which all people are afforded the same legal rights to practice religion or not; convert from one religion to another, or reconvert altogether; to express beliefs regarding religion; and to participate in all areas of public life.

In 2019, the American Humanist Association scored a victory in its battle for guaranteeing Church-State separation in the US: after a long legislative struggle, the US District Court of Maryland signed a final order prohibiting Carroll County commissioners from leading prayers to public meetings, a practice that had taken hold since 2010. “Carroll County’s prayers unconstitutionally wrapped the power and prestige of the government around the personal religious beliefs of elected officials,” explained Monica Miller, the AHA’s Legal Director and Senior Counsel.<sup>2</sup>

## Concerns regarding Trump presidency

President Trump courted and won the support of conservative Christian leaders during the election campaign and in subsequent policy-making.<sup>3</sup>

He offered the role of Education Secretary to prominent creationist Jerry Falwell but in the end went with billionaire Republican party donor Betsy DeVos, a Christian campaigner against marriage equality and ardently in favour of the school vouchers system.<sup>4</sup> The National Education Association criticized her appointment saying: “her efforts over the years have done more to undermine public education than support students. She has lobbied for failed schemes, like vouchers — which take away funding and local control from our public schools — to fund private schools at taxpayers’ expense.” The voucher system effectively channels taxpayers’ money to religious schools in particular, which do not have to serve families of all religions or beliefs equally. Rabbi Jack Moline, president of Interfaith Alliance, commented:

“Americans are always free to send their children to private schools and religious schools, but raiding the public treasury to subsidize private businesses and religious organizations runs against the public trust and the Constitution” and that the move suggests that

Trump “has little regard for... the constitutional principle of separation of church and state.”

Along with vice-president Mike Pence, the Trump administration represents various threats to LGBTQ+ rights. Trump has also said he would like to criminalize the burning of the American flag with prison terms or the revocation of citizenship, a policy widely-denounced as contrary to the free expression, as well as being a violation of the human right to citizenship. Executive Director of the American Humanist Association, Roy Speckhardt, commented in the wake of Trump’s election:

“No matter how thin Trump’s veneer of religiosity may be, make no mistake that the Religious Right has just assumed a mantle of power that exceeds their fondest hopes and humanists’ worst nightmares.”

During his term in office, various threats to American secularism have emerged.

Speaking at an event called ‘National Prayer Breakfast’ in February 2019, Trump promised to help religious adoption agencies that chose not to work with gay parents as he claimed they should be free to follow “their deeply held beliefs.”<sup>5</sup>

In August 2019, the Trump administration also announced a proposal which would extend to for-profit companies whose owners claim to follow a religious belief the right currently granted exclusively to non-profit religious organizations to enter into contracts with the federal government with an exemption from the requirement to not discriminate in employment on the basis of religion.<sup>6</sup>

Nine departments in Trump’s administration proposed rule changes that, if implemented, will strip away antidiscrimination protections from people who use government-funded social services. Departments of Education, Justice, Health and Human Services, Homeland Security, Labor, Veterans Affairs, and Agriculture, and USAID are all attempting to remove long-standing requirements that ensure that the people who use tax-payer funded services are not proselytized to or discriminated against. The rule changes may force people who rely on basic taxpayer-funded programs, such as housing, shelters, healthcare, or education services, to decide between accessing the critical services they need or preserving their religious freedom protections. The people who will likely face the most harm from these regulatory changes are religious minorities and the nonreligious, women, and LGBTQ+ people.<sup>7</sup>

Trump used religious imagery to oppose national anti-racism protests following the death of George Floyd in May 2020. During a protest outside the White House, Trump ordered tear gas used on protestors to clear the way for a photo op, during which he held up a Christian

bible in front of St. John's Church in a moment intended to rebuke protestors and proclaim law and order.<sup>8</sup> In September 2019, the American Humanist Association expressed concerns regarding Trump's declarations during the United Nations Global Call to Protect Religious Freedom event. The President "announced the formation of a coalition of U.S. business leaders meant to "encourage the private sector to protect people of all faiths in the workplace"", noticeably omitting humanists or non-religious people.<sup>9</sup>

Trump's Secretary of State Mike Pompeo also made Christian nationalist declarations in October 2019, noting that "he asks God for direction" in his work as well as he "directly linked his work as one of the administration's top officials to his role as an "imperfect servant serving a perfect God"", echoing a similar recent statement by Attorney General William Barr who also warned that ""militant secularists" are behind a campaign to destroy traditional moral order."<sup>10</sup> Roy Speckhardt, director of the American Humanist Association, commented: "the Trump administration's flagrant promotion of Christian ideology is a gift to Christian nationalists. This religious favoritism is the kind of abuse of their duty to represent all Americans equally that demonstrates how fundamentalism is the driving force of this administration's agenda."<sup>11</sup>

On 16 July 2020, Secretary Pompeo released the first report by the Commission on Unalienable Rights.<sup>12</sup> The Commission – created by Pompeo in 2019 – purports an intention to promote religious freedom around the world. According to the State Department, the Commission will "provide the Secretary with advice on human rights grounded in our nation's founding principles and the principles of the 1948 Universal Declaration of Human Rights." Many believe that the Commission will devalue or ignore certain rights (such as reproductive or sexual rights) at the expense of Christian beliefs. Françoise Girard, President of the International Women's Health Coalition (IWHC), points out that the Commission will instead create a "hierarchy of rights," politicize certain human rights, and allow governments to deny the rights of women and LGBTQ+ people under the guise of religious freedom.<sup>13</sup>

## Trump vs the Johnson Amendment

For many US secularists, president Trump's tax reforms, particularly the provisions concerning the Johnson Amendment, represent a new threat to "church-state" separation in the United States.<sup>14</sup> They fear that allowing religious leaders (for example, including wealthy and influential mega-churches) to participate in partisan politics will lead to an increase in the involvement of religion in American politics and potentially pool electorate influence in the hands of pastors.

Others, such as Jay Sekulow, chief counsel for the American Center for Law and Justice, argues that the

Johnson Amendment: "prevents religious leaders from truly exercising their constitutionally-protected free speech rights when they act in their official capacity as a pastor or head of a religious, tax-exempt organization."<sup>15</sup>

There is no restriction on a religious leader's right to act in a partisan fashion, however at present, if they do so, their tax exempt status will be revoked.

Roy Speckhardt of the American Humanist Association explains that: "The Johnson Amendment is a key protection for everyone's constitutional right to be free from religious coercion in government. And Trump's false claim that it's silencing ministers is just a smoke screen for his real agenda of setting aside the Johnson Amendment so he can open up churches to be used as political action committees."<sup>16</sup>

## "Under God" and "In God we Trust"

Despite the long history of the secular constitution, the Cold War Era in the 1950s saw increased paranoia towards atheism because of its association with Communism. In 1951 the Catholic group "The Knights of Columbus" successfully lobbied to have the words "Under God" added to the pledge of allegiance. The pledge is said during the opening of sessions of Congress, the beginning of numerous state and local government meetings and at the beginning of a school day. It is also popular during the July 4th festivities.<sup>17</sup>

Similarly, the United States Motto was established in 1956 as "In God We Trust" and can be found on all paper currency in the US. There have been numerous unsuccessful campaigns since the 1950s, by secular and religious minority groups alike, to secularise both the pledge and the motto. These have included numerous supreme and appeals court cases, the most recent being in April 2014.<sup>18</sup>

The Don't Say the Pledge campaign by the American Humanist Association had some success in 2015, establishing precedents against the enforced recitation of the pledge by students in school settings.<sup>19</sup>

## Religious monuments on government land

The U.S. Constitution prohibits the government from endorsing one religion over the other, but there have been many attempts to establish religion, particularly Christianity, in the form of religious monuments on public property. However, results from a variety of lawsuits have been mixed.

In April 2014, the American Humanist Association successfully challenged plans to erect a memorial honoring war veterans that included an image of a soldier kneeling to a Christian cross. In June 2019, the American Humanist Association lost a Supreme Court case challenging a 40-foot Christian cross, known as the

Peace Cross, on government property in Bladensburg, Maryland. The cross was allowed to remain in its original location.<sup>20</sup>

The holiday season in December often results in an uptick of constitutional violations regarding religious displays on public property. Local governments often place stand-alone nativity scenes (also known as creches) on public grounds, which violates the Establishment Clause. However, local governments have found a way around the law by allowing other religious holiday displays along with the nativity scenes, such as menorahs. A number of local humanist organizations have requested permission to display a HumanLight sign or other display representing humanists, atheists, and freethinkers.

## State Laws

Although the Constitution is secular, there are significant anti-secular issues at the state level. Despite the constitutional prohibition (Article 6) of any “religious test” for public office, there are currently 8 states where the laws directly block those who deny the existence of God or “a supreme being” from holding public office. This can even extend to the banning of atheists from testifying in court. An example of this is the State constitution of Arkansas<sup>21</sup> which explicitly mentions atheists:

***“1: Atheists disqualified from holding office or testifying as witness.***

No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any Court.”

Similar laws exist in Maryland, Mississippi, Texas, both Carolinas, Tennessee and Pennsylvania, but were recently removed from the constitutions of Texas and South Carolina.<sup>22</sup>

Numerous federal test cases have declared these laws unconstitutional. But there has been insufficient political will to amend them.

## Education and children’s rights

The role of religion in American public schools has been a source of heated debate for decades. The Establishment Clause has generally been interpreted as prohibiting the observance or promotion of religion in state-funded schools.

Despite the clear prohibition against public funding for religious schools, there are some cases where state and federal funding can be used to send children to private religious schools through a voucher program. There is an argument to be made that this constitutes indirect

funding of religious schools.<sup>23</sup>

The CARES Act of 2020, an aid package in response to COVID-19, provided the Department of Education with funding to help low-income students. Secretary of Education Betsy DeVos has attempted to direct the funds towards parent microgrants to households with students.<sup>24</sup> Parents are free to spend these microgrants on anything from improving internet connectivity in the home to private school tuition, thus providing government funds to private religious institutions.<sup>25</sup>

The National Education Association, an education labor union, criticized the plan as an attempt to usher in school vouchers and eventually defund secular public education.<sup>26</sup> DeVos also diverted funds meant for struggling public universities to private and religious universities.

In 2015, religious and secular groups protested the possible creation of a private school voucher programme under the Elementary and Secondary Education Act (ESEA) under the guise of “portability” of voucher entitlements. The groups protested that “The portability provision undermines Title I’s fundamental purpose of assisting public schools with high concentrations of poverty and high-need students and serves as a stepping-stone to private school vouchers...”

School prayer has been a major heatedly contested issue. Since the 1960s, schools have been forbidden to compose prayers for students or include prayer as part of official school proceedings. Students are allowed to pray in groups or on their own independent of formal school proceedings as long as it is not disruptive. Other expressions of religion, such as religious clothing, are protected under the free exercise clause of the 1st amendment. As of 2014, 61% of Americans supported daily classroom prayer.<sup>27</sup> Over the decades there have been numerous legal cases, many of which have gone as far as the supreme court.<sup>28</sup>

Many local School districts are run by a board directly elected by the local population. Whilst this direct involvement can be seen as positive, in some cases, it has led to the school board’s domination by religious ideologues. This has often lead to school boards attempting to introduce creationism and intelligent design curricula such as during the Kitzmiller v. Dover case in 2005. A more recent and complex case can be found in the East Ramapo School District where the Orthodox Jewish dominated board has been accused of favouring Jewish students who attend Private Orthodox schools whilst defunding the places of up to 9,000 public school students.<sup>29</sup>

On 26 June 2017, the Supreme Court sided with religious institutions in a major church-state decision. The American Humanist Association (AHA) expressed serious concern over the ruling that requires taxpayer money

to flow to a Missouri church school for playground improvements. David Niose, the Legal Director at the AHA's Appignani Humanist Legal Centre, said: "This decision, requiring the transfer of tax money from hard working Missourians to houses of worship, is an assault on the principle of church-state separation."<sup>30</sup>

*Espinoza v. Montana Department of Revenue*: In June of 2020, the U.S. Supreme Court ruled that a Montana law offering tax refunds to individuals who donated to private school scholarship funds – a law previously ruled unconstitutional by Montana's Supreme Court – was constitutional. The Court also decided that the Blaine amendment, a part of Montana's Constitution which prohibits public money being used for private religious education, was unconstitutional and violated free exercise of religion. This decision will likely make it easier for states to use taxpayer funds for potentially discriminatory private religious schools, and to defund public education in favor of those schools.<sup>31</sup>

## Family, community and society

### Hobby Lobby

On 25 March 2014, the Supreme Court heard arguments for the cases *Sebelius v Hobby Lobby Stores, Inc.* and *Conestoga Wood Specialties Corp. v Sebelius*.<sup>32</sup> The Hobby Lobby Stores and Conestoga Wood Specialties are both Christian-owned stores that were concerned about the 'contraceptive mandate', which would require that businesses that offer health insurance to their employees must also cover all federally-approved contraception methods for them at no additional cost. The store owners believe that four of those contraceptive methods are equivalent to abortion. They argued that the contraceptives would burden their religious exercise and sought an exemption. They argued that they were entitled to exemption under the RFRA (Religious Freedom Restoration Act) and the administration had granted exemptions to some churches and religious non-profit organizations, showing that the mandate could not be the least restrictive means of achieving a compelling state interest. The government had argued that for-profit corporations' owners do not receive such exemptions. However, the Supreme Court eventually ruled in a 5-4 decision that a closely-held company can be exempt from contraceptive coverage under the Affordable Care Act.<sup>33</sup>

### Social Pressure on the Non-religious

The US has among the highest religiosity in the western world, though there has been a marked rise in the number of people identifying as non-religious or religiously "unaffiliated" in recent years. Statistics from 2018 indicate that there are now as many Americans who identify as non-religious as there are Evangelicals and Catholics (about 23%).<sup>34</sup>

Despite strong legal and constitutional protections for the religious and secular alike, the U.S. has long been home to a social and political atmosphere in which the non-religious are sometimes made to feel like lesser Americans or as if atheism is "un-American".

Opinion polls have regularly suggested that the majority of US citizens would be less likely to vote for a presidential candidate if they were an atheist. One survey suggested that "No other trait, including being gay or having never held elected office, garnered a larger share of people saying they'd be less likely to support the potential candidate." Other surveys have shown that 60% of the population (75% of Evangelicals) have a less favourable view of atheists than most other belief groups.<sup>35</sup>

It's worth noting that these surveys actually represent an improvement in the reputation of atheists when compared to similar studies undertaken in previous years.

In some states more than others, the prevailing social prejudice against atheists and the non-religious reinforces, and is reinforced by, the political support for religious, especially Christian, privilege. While there is legal remedy for clear discrimination on grounds of religion or belief, it can often go unchallenged in situations where it is difficult, or personally disadvantageous or hazardous, to take a stand against authority, for example in prisons, the military, and even some administrative contexts.

In 2017, some media in the US were quick to attempt to associate Texas Church gunman Devin Kelly's actions with a 'militant atheist' ideology despite their being no evidence of religious affiliation between Kelly or those inside the church. Many fake news articles reverberated around conservative social network sources used by many large, right wing media stations.<sup>36</sup>

Following the presidential election of Donald Trump in November 2016, right-wing Christian lobby group National Organization for Marriage (NOM) vowed to work with Trump to reverse equal marriage throughout the country, and to bring about an end to the US's persuasions to equalise marriage abroad.<sup>37</sup>

## Freedom of expression, advocacy of humanist values

The United States has a strong constitutional tradition, and the constitution famously guarantees freedom of expression. The concept of free speech is deeply embedded within its culture.

However there were concerns following the November 2016 elections that President Trump had repeatedly questioned the right to opinion of various media outlets



and individual commentators. In a characteristically blasé tweet of 29 November 2016 he said: “Nobody should be allowed to burn the American flag – if they do, there must be consequences – perhaps loss of citizenship or year in jail!”

Whether the first amendment to the US constitution protects flag-burning has been a recurrent question in free speech debate and may be considered a touchstone issue. Trump’s stance has been contrary to a Supreme Court decision of 1989 which found that flag-burning was a constitutionally protected expression.

## Atheists in Congress

Anti-non-religious sentiment has fed into the social idea that to be really “American” is to be religious, especially Christian, which in turn creates an atmosphere in which elected officials, or candidates seeking office, feel the need to play into that idea. There is a clear right to be an atheist, but going public as such, in some states or in some social or political contexts, might have debilitating consequences for your chances of success in life.

As of 2019, Rep. Jared Huffman (Member of the U.S. House of Representatives from California’s 2nd district - Democratic Party) is the only openly-nontheist elected official serving at the federal level.

In 2018, the Congressional Freethought Caucus (CFC) was founded by Representatives Jared Huffman (California), Jamie Raskin (Maryland), Jerry McNerney (California), and Dan Kildee (Michigan). While many of its members still claim adherence to a religion, it is a considerable step forward. The CFC’s stated purpose is to foster science and reason-based solutions and to defend the secular character of government and oppose discrimination against atheists, agnostics, humanists, seekers, religious, and non-religious persons and to champion the value of freedom of thought and conscience worldwide.<sup>38</sup>

Despite the dearth of known non-religious politicians in Congress, the American Humanist Association suggested in 2014 that dozens have in fact stated privately they are non-religious, but are afraid to “come out.”<sup>39</sup>

## Same-sex marriage

In June 2015, the Supreme Court established the right of same-sex couples to marry, in a landmark ruling (*Obergefell v. Hodges*). Implementation of the decision, which effectively legalised same-sex marriage nationwide, has faced opposition from some conservative religious groups.

## Highlighted cases

There are some mixed signs for secular equality in the justice system in the United States.

In February 2015, after a hearing on charges of DUI (driving under the influence), one **Michael Baker** was required to attend Alcoholics Anonymous (“AA”) meetings as a condition of his parole, despite being an atheist and despite officially raising objections to his parole officer and again at a hearing in August, and despite being verbally harassed for his atheism by other attendees at the AA meetings he did attend. At the most recent hearing in August, despite recognising the “spiritual basis” of AA, the judge ordered Baker to attend.

*“The state cannot require an atheist to undergo faith-based treatment, as doing so clearly violates the Establishment Clause of the First Amendment. In fact, the Ninth Circuit has twice held that a parolee’s right to be free from coerced participation in AA is a matter of ‘uncommonly well-settled case law...’”*

— Monica Miller, senior counsel, Appignani Humanist Legal Center<sup>40</sup>

**Jason Holden**, a humanist inmate at the Federal Correctional Institution in Sheridan, Oregon, was denied the right to form a humanist study group and to identify as a humanist for official purposes. However, in this case, acting on Holden’s behalf, the American Humanist Association’s Appignani Humanist Legal Center reached a favorable settlement with the Federal Bureau of Prisons. “This settlement is a victory for all humanists in the federal prison system, who will no longer be denied the rights that religious individuals are accorded,” commented Roy Speckhardt, executive director of the American Humanist Association. Under the terms of the enforceable settlement, the Bureau must acknowledge humanism as a worldview in parity with theistic religious beliefs, provide information as required, recognise those who wish to identify as humanist for official assignment purposes, and must permit humanist study groups.<sup>41</sup>

In 2017, a lawsuit was filed by American Atheists alleging that a developmentally disabled child was forcibly baptized against the expressed wishes of his parents by a minister and a court approved mentor. The child, referred to as “V” in the court filing, was taken to a church picnic in August 2016 by the child’s mentor. During the picnic, the mentor and the church’s pastor subjected V to a full-immersion baptism. The lawsuit alleges that V’s court-appointed guardian Margaret Vaughan repeatedly attempted to convert V’s parents and their children and told them that “families need God to raise children.” On 28 August 2016, V’s mentor took V to a picnic at his church and, along with the church pastor, forcibly baptized V, pushing him under water. Since the incident, V is said to have suffered anxiety and emotional distress.<sup>42</sup>

The American Humanist Association filed a complaint against the Maryland-National Capital Park and Planning Commission in February 2014 challenging the constitutionality of a Christian cross owned, maintained, and funded by taxpayer dollars. The Fourth Circuit Court of Appeals held that the government's monolithic Christian cross unconstitutionally endorses Christianity and fosters excessive government entanglement with religion.

In 2019, the American Humanist Association argued the case in front of the U.S. Supreme Court, and ultimately, the Court reversed the earlier U.S. Court of Appeals for the Fourth Circuit decision in the ongoing Bladensburg cross litigation. The court will allow the Bladensburg cross to stand, but will not upset the overarching national precedent forbidding government-sponsored religious symbols.

*"After our earlier victory, our opponents took this case to the post-Kennedy Supreme Court hoping for a complete upheaval of the separation of church and state," explained Monica Miller, senior counsel at the American Humanist Association (AHA). "Fortunately, the Lemon test and decades of precedent have not been overruled."*

The 7-2 decision allows the 40-foot-tall Latin cross to stand at the entrance to the Town of Bladensburg, Maryland. The court excuses the monument from the Establishment Clause of the Constitution due to its longevity and its connection to World War I as a determining factor.

## References

- <sup>1</sup> [https://www.senate.gov/civics/constitution\\_item/constitution.htm](https://www.senate.gov/civics/constitution_item/constitution.htm)
- <sup>2</sup> [http://ahuman.convio.net/site/MessageViewer?em\\_id=2961.0&dlv\\_id=6684&pgwrap=n](http://ahuman.convio.net/site/MessageViewer?em_id=2961.0&dlv_id=6684&pgwrap=n)
- <sup>3</sup> [huffingtonpost.com/entry/ignorance-won-can-we-return-to-reason\\_us\\_58233104e4b0334571e0a3a0](https://huffingtonpost.com/entry/ignorance-won-can-we-return-to-reason_us_58233104e4b0334571e0a3a0);  
[patheos.com/blogs/friendlyatheist/2016/11/14/donald-trump-women-may-have-to-go-to-another-state-to-obtain-abortion-under-his-supreme-court/](https://patheos.com/blogs/friendlyatheist/2016/11/14/donald-trump-women-may-have-to-go-to-another-state-to-obtain-abortion-under-his-supreme-court/)
- <sup>4</sup> [bigstory.ap.org/article/df9a14336c64485cabb5fdc81ded5981/falwell-says-trump-offered-him-education-secretary-job](https://bigstory.ap.org/article/df9a14336c64485cabb5fdc81ded5981/falwell-says-trump-offered-him-education-secretary-job);  
[washingtonpost.com/local/education/trump-picks-billionaire-betsy-devos-school-voucher-advocate-as-education-secretary/2016/11/23/c3d66b94-af96-11e6-840f-e3ebab6bcd3\\_story.html](https://washingtonpost.com/local/education/trump-picks-billionaire-betsy-devos-school-voucher-advocate-as-education-secretary/2016/11/23/c3d66b94-af96-11e6-840f-e3ebab6bcd3_story.html)
- <sup>5</sup> [washingtonpost.com/religion/2019/02/07/trump-just-promised-help-religious-adoption-agencies-that-wont-work-with-gay-parents-heres-what-he-could-do/](https://washingtonpost.com/religion/2019/02/07/trump-just-promised-help-religious-adoption-agencies-that-wont-work-with-gay-parents-heres-what-he-could-do/)
- <sup>6</sup> [washingtonpost.com/religion/2019/08/14/trump-administration-proposes-protecting-federal-contractors-who-fire-or-hire-workers-based-religious-beliefs/](https://washingtonpost.com/religion/2019/08/14/trump-administration-proposes-protecting-federal-contractors-who-fire-or-hire-workers-based-religious-beliefs/)
- <sup>7</sup> [washingtonpost.com/religion/2019/08/14/trump-administration-proposes-protecting-federal-contractors-who-fire-or-hire-workers-based-religious-beliefs/](https://washingtonpost.com/religion/2019/08/14/trump-administration-proposes-protecting-federal-contractors-who-fire-or-hire-workers-based-religious-beliefs/);  
[atheists.org/2019/08/federal-contractors-discriminate-religion/](https://atheists.org/2019/08/federal-contractors-discriminate-religion/)
- <sup>8</sup> [nytimes.com/2020/06/02/us/politics/trump-holds-bible-photo.html](https://nytimes.com/2020/06/02/us/politics/trump-holds-bible-photo.html)
- <sup>9</sup> [ahuman.convio.net/site/MessageViewer?em\\_id=3042.0&dlv\\_id=6761&pgwrap=n](http://ahuman.convio.net/site/MessageViewer?em_id=3042.0&dlv_id=6761&pgwrap=n)
- <sup>10</sup> [theguardian.com/us-news/2019/oct/19/william-barr-attorney-general-catholic-conservative-speech](https://theguardian.com/us-news/2019/oct/19/william-barr-attorney-general-catholic-conservative-speech)
- <sup>11</sup> [americanhumanist.org/press-releases/humanists-respond-to-weekend-of-christian-nationalism-from-trump-officials/](https://americanhumanist.org/press-releases/humanists-respond-to-weekend-of-christian-nationalism-from-trump-officials/)
- <sup>12</sup> [nytimes.com/2020/06/23/us/politics/pompeo-state-human-rights.html](https://nytimes.com/2020/06/23/us/politics/pompeo-state-human-rights.html)
- <sup>13</sup> [hrw.org/news/2020/05/01/us-unalienable-rights-commission-shouldnt-cherry-pick-rights](https://hrw.org/news/2020/05/01/us-unalienable-rights-commission-shouldnt-cherry-pick-rights)
- <sup>14</sup> [washingtonpost.com/politics/2019/05/09/president-trumps-shifting-claim-that-we-got-rid-johnson-amendment/](https://washingtonpost.com/politics/2019/05/09/president-trumps-shifting-claim-that-we-got-rid-johnson-amendment/)

<sup>15</sup> [latimes.com/opinion/op-ed/la-oe-balmer-johnson-amendment-20170202-story.html](https://www.latimes.com/opinion/op-ed/la-oe-balmer-johnson-amendment-20170202-story.html)

<sup>16</sup> [americanhumanist.org/press-releases/humanists-rail-trumps-theocratic-speech/](https://americanhumanist.org/press-releases/humanists-rail-trumps-theocratic-speech/)

<sup>17</sup> [oldtimeislands.org/pledge/pledge.htm](https://oldtimeislands.org/pledge/pledge.htm)

<sup>18</sup> [religionnews.com/2014/05/28/atheists-lose-latest-legal-fight-god-trust/](https://religionnews.com/2014/05/28/atheists-lose-latest-legal-fight-god-trust/)

<sup>19</sup> [dontsaythepledge.com/](https://dontsaythepledge.com/)

[americanhumanist.org/news/details/2015-10-student-may-sit-during-the-pledge-of-allegiance-says](https://americanhumanist.org/news/details/2015-10-student-may-sit-during-the-pledge-of-allegiance-says)

<sup>20</sup> [supremecourt.gov/opinions/18pdf/17-1717\\_4f14.pdf](https://supremecourt.gov/opinions/18pdf/17-1717_4f14.pdf)

<sup>21</sup> [arkleg.state.ar.us/assembly/Summary/ArkansasConstitution1874.pdf](https://arkleg.state.ar.us/assembly/Summary/ArkansasConstitution1874.pdf)

<sup>22</sup> [ffrf.org/faq/feeds/item/14017-religious-tests-for-public-office](https://ffrf.org/faq/feeds/item/14017-religious-tests-for-public-office)

<sup>23</sup> [secular.org/issues/vouchers/](https://secular.org/issues/vouchers;)

[americanhumanist.org/news/details/2015-07-stop-vouchers-oppose-government-funding-of-religious](https://americanhumanist.org/news/details/2015-07-stop-vouchers-oppose-government-funding-of-religious)

<sup>24</sup> [npr.org/sections/coronavirus-live-updates/2020/04/29/847783190/devos-to-use-coronavirus-relief-funds-for-home-schooling-microgrants](https://npr.org/sections/coronavirus-live-updates/2020/04/29/847783190/devos-to-use-coronavirus-relief-funds-for-home-schooling-microgrants)

<sup>25</sup> [nytimes.com/2020/05/15/us/politics/betsy-devos-coronavirus-religious-schools.html](https://nytimes.com/2020/05/15/us/politics/betsy-devos-coronavirus-religious-schools.html)

<sup>26</sup> [americanhumanist.org/news/details/2015-10-aha-joins-groups-opposing-private-school-vouchers](https://americanhumanist.org/news/details/2015-10-aha-joins-groups-opposing-private-school-vouchers)

<sup>27</sup> [news.gallup.com/poll/177401/support-daily-prayer-schools-dips-slightly.aspx](https://news.gallup.com/poll/177401/support-daily-prayer-schools-dips-slightly.aspx)

<sup>28</sup> [aclu.org/religion-belief/aclu-and-freedom-religion-and-belief/](https://aclu.org/religion-belief/aclu-and-freedom-religion-and-belief/)

[infidels.org/library/modern/church-state/decisions.html](https://infidels.org/library/modern/church-state/decisions.html)

<sup>29</sup> [thisamericanlife.org/radio-archives/episode/534/transcript/](https://thisamericanlife.org/radio-archives/episode/534/transcript/)

[nytimes.com/2014/11/18/nyregion/east-ramapo-school-board-is-criticized-by-new-york-city-monitor.html?\\_r=0](https://nytimes.com/2014/11/18/nyregion/east-ramapo-school-board-is-criticized-by-new-york-city-monitor.html?_r=0)

<sup>30</sup> [americanhumanist.org/featured/aha-condemns-supreme-court-ruling-sending-tax-dollars-churches/](https://americanhumanist.org/featured/aha-condemns-supreme-court-ruling-sending-tax-dollars-churches/)

<sup>31</sup> [ballotpedia.org/Espinoza\\_v.\\_Montana\\_Department\\_of\\_Revenue](https://ballotpedia.org/Espinoza_v._Montana_Department_of_Revenue)

<sup>32</sup> <http://www.scotusblog.com/case-files/cases/sebelius-v-hobby-lobby-stores-inc/>

<sup>33</sup> [economist.com/blogs/economist-explains/2014/03/economist-explains-19/](https://economist.com/blogs/economist-explains/2014/03/economist-explains-19;)

[msnbc.com/msnbc/hobby-lobby-supreme-court-wins-narrow-ruling](https://msnbc.com/msnbc/hobby-lobby-supreme-court-wins-narrow-ruling)

<sup>34</sup> [pewforum.org/2015/05/12/americas-changing-religious-landscape/](https://pewforum.org/2015/05/12/americas-changing-religious-landscape/)

[edition.cnn.com/2019/04/13/us/no-religion-largest-group-first-time-usa-trnd/index.html](https://edition.cnn.com/2019/04/13/us/no-religion-largest-group-first-time-usa-trnd/index.html)

<sup>35</sup> [pewresearch.org/fact-tank/2014/05/29/americans-are-somewhat-more-open-to-the-idea-of-an-atheist-president/](https://pewresearch.org/fact-tank/2014/05/29/americans-are-somewhat-more-open-to-the-idea-of-an-atheist-president/)

[pewresearch.org/fact-tank/2014/07/16/u-s-evangelical-christians-are-chilly-toward-atheists-and-the-feeling-is-mutual](https://pewresearch.org/fact-tank/2014/07/16/u-s-evangelical-christians-are-chilly-toward-atheists-and-the-feeling-is-mutual)

<sup>36</sup> [news.vice.com/story/facebook-is-still-spreading-conspiracies-48-hours-after-texas-shooting](https://news.vice.com/story/facebook-is-still-spreading-conspiracies-48-hours-after-texas-shooting)

<sup>37</sup> [http://www.patheos.com/blogs/friendlyatheist/2016/11/10/anti-lgbt-christians-are-already-working-to-undo-marriage-equality/?utm\\_source=dlvr.it&utm\\_medium=twitter](http://www.patheos.com/blogs/friendlyatheist/2016/11/10/anti-lgbt-christians-are-already-working-to-undo-marriage-equality/?utm_source=dlvr.it&utm_medium=twitter)

<sup>38</sup> [washingtonpost.com/religion/2020/04/09/congress-freethought-caucus-science/](https://washingtonpost.com/religion/2020/04/09/congress-freethought-caucus-science/)

[pewforum.org/2019/01/03/faith-on-the-hill-116/](https://pewforum.org/2019/01/03/faith-on-the-hill-116/)

[patheos.com/blogs/friendlyatheist/2015/04/06/former-congressman-barney-frank-atheist-politicians-shouldnt-use-the-word-atheist/](https://patheos.com/blogs/friendlyatheist/2015/04/06/former-congressman-barney-frank-atheist-politicians-shouldnt-use-the-word-atheist/)

<sup>39</sup> [huffingtonpost.com/2014/08/22/atheist-congress-members\\_n\\_5701377.html](https://huffingtonpost.com/2014/08/22/atheist-congress-members_n_5701377.html)

<sup>40</sup> [americanhumanist.org/news/details/2015-09-humanist-group-defends-atheist-sentenced-to-attend-f](https://americanhumanist.org/news/details/2015-09-humanist-group-defends-atheist-sentenced-to-attend-f)

<sup>41</sup> [americanhumanist.org/news/details/2015-07-american-humanist-association-secures-equal-rights-f](https://americanhumanist.org/news/details/2015-07-american-humanist-association-secures-equal-rights-f)

<sup>42</sup> [atheists.org/2017/03/child-forced-baptism/](https://atheists.org/2017/03/child-forced-baptism/)



# Kenya

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 59

The Republic of Kenya is situated between Somalia and Uganda. The population is largely Christian (85.5%), with a large Muslim minority (10.9%), with other religious minorities making up the rest of the population.<sup>1</sup> Kenya is home to more than 498,000 refugees, the majority of whom come from neighbouring Somalia.<sup>2</sup>

In recent years, there has been growing terrorist violence in Kenya, which in part has contributed to new laws that put restrictions on freedom of expression.

Kenya requested full membership to the Organization of Islamic Cooperation (OIC) in 2011.

| Constitution and government   | Education and children's rights   | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values   |
|---|---|---|---|
|   | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative |   |   |
|   |   |   | Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted   |
|   |   | Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear | Some concerns about political or media freedoms, not specific to the non-religious<br>Concerns that secular or religious authorities interfere in specifically religious freedoms |
| The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief |   |   |   |

## Constitution and government

In 2010, Kenya adopted a new Constitution<sup>3</sup> that states there is no state religion (Article 8) and lays out a secular system of law. The Constitution protects the rights to freedom of expression (Article 33), freedom of the media (Article 34), freedom of association and assembly (Articles 36 and 27), and freedom of conscience, religion, thought, belief and opinion (Article 32).

According to the law, new religious groups, institutions or places of worship, and faith-based non governmental organizations (NGOs) must register with the Registrar of Societies, which reports to the Attorney General's Office. Registered religious institutions and places of worship may apply for tax-exempt status. However, registration of new groups has been paused while the Rules of Religious Societies are revised. As of 2019, there were estimated to be 4,400 such groups awaiting approval.<sup>4</sup>

## Education and children's rights

All public schools have religious education classes taught by government funded teachers. The national curriculum mandates religious classes, and students may not opt out. Some public schools offer religious education options, usually Christian or Islamic studies, but are not required to offer both.<sup>5</sup>

### Olympic High School case

In a case regarded as a test of religious freedom in the country, a girl was sent home by Olympic High School, Nairobi over her dreadlocks. Her father went to court on 14 January 2019, suing the school for sending his daughter home for refusing to cut her dreadlocks. His lawyer, Wambua Shadrack, said the action amounted to discrimination on the basis of Rastafarian beliefs. Justice Chacha Mwita ruled that Rastafarianism is a religion, whose practices, including the growing of dreadlocks, shouldn't be discriminated against in public institutions. "The fact that she keeps rastas should not have been the basis to chase her from school," the judge said, reiterating that: "School rules should never be applied in a manner that infringes on the students' Constitutional rights."<sup>6</sup>

## Family, Community and Society

Atheists in Kenya are vastly in the minority, both to the Christian majority and the smaller Muslim population. There is significant religious influence on social and moral issues, detrimental to human rights standards and equalities.

In 2014, lawyer and human rights activist Achieng Maureen Akena argued: "This link between religion and oppression is particularly visible today in Kenya, where the public's religious adherence is increasing with rising poverty and insecurity. My country's television and radio stations cover religion more frequently than before, even as Kenyans decry their radically increasing cost of living, ongoing unemployment, and rising physical insecurity. Kenya's official 50th anniversary celebrations, moreover... included more religious content than any of our previous Independence Day festivities."<sup>7</sup>

### Religious courts

Under Article 45(4)(b) of the Kenyan Constitution parliament is required to enact legislation recognizing a system of personal and family law adhered to by persons professing a particular religion. The Constitution also allows Kadhis' courts (a form of family court applying Islamic law) to be used where all parties concerned describe themselves as Muslims and agree to submit themselves to the jurisdiction of the court. These courts are permitted to make rulings on matters relating to personal status, marriage, divorce and inheritance.

But there is no mechanism for ensuring that vulnerable persons of Muslim background will not be pressured into using these courts. This includes individuals who may not even be Muslim but are socially pressured to conform anyway. The country's secular High Court has jurisdiction over civil or criminal proceedings, including those in the Kadhis' courts, and accepts appeals of any Kadhis' court decision.<sup>8</sup>

### LGBTQ+ Rights

Homophobia and transphobia is common. "Openly gay or transgender people are vulnerable to physical violence, harassment and intimidation."<sup>9</sup> On 24 May 2019, Nairobi's High Court upheld the nation's laws criminalizing homosexual acts between consenting adults.<sup>10</sup> The ruling was the culmination of a three-year long petition by three organizations working to promote LGBTQ+ rights.<sup>11</sup> This ruling contrasts several other court decisions in recent years that have instead upheld LGBTQ+ people's fundamental rights. Activists said they would appeal the May 24 High Court ruling.

Under Articles 162, 163 and 165 of the Penal Code<sup>12</sup> - a legacy of the British colonial era - consenting adults engaging in homosexual acts could spend up to 14 years in prison. However, the laws are rarely enforced, according to Human Rights Watch.<sup>13</sup>

In 2018, the Kenyan film classification board banned the lesbian film 'Rafiki', on the grounds that it promotes homosexuality. "It is a sad moment and a great insult, not only to the film industry, but to all Kenyans who stand for morality, that a film that glorifies homosexuality is allowed to be the country's branding tool abroad ... The board firmly believes films should reflect the dominant values of the Kenyan people. Homosexuality does not qualify as such," the board said in a statement.<sup>14</sup>

In September 2018, the Nairobi High Court ruled to temporarily lift the ban on the film, permitting it be shown for one week.<sup>15</sup>

Under Article 45(2) the Kenyan Constitution, marriage is a union between members of the opposite sex.<sup>16</sup>

### Non-belief in the times of a pandemic

According to Atheists in Kenya Society:

*"As COVID-19 spread around the world, here in Kenya the government seemed to place religion ahead of health. President Uhuru Kenyatta hosted religious leaders to a day of national prayer just before the government suspended all social gatherings/events. As the public health measures took effect, some religious leaders said that their places of worship would remain open to the public, against government directives.*

*This business-as-usual attitude among some religious and political leaders threatened to undermine public efforts to contain the spread of coronavirus.”*

As restrictions came into force preventing gatherings, non-theist groups, like all others, were forced to move their activities online, or cancel them where this wasn't possible.

Those of religious faith were initially inclined to explain the pandemic variously as some kind of global conspiracy or a punishment from God.

## **Freedom of expression, advocacy of humanist values**

Freedom of expression, freedom of the media, freedom of association and assembly are enshrined in the Kenyan Constitution. However, respect for these rights is varied and often restricted on the pretext of tackling insecurity. In the case of freedom of expression specifically, an array of laws carrying criminal sanctions are used to silence journalists and self-censorship is reported to be common.<sup>17</sup>

During the state's review at the UN Universal Periodic Review in 2015, Kenya accepted recommendations to specifically guarantee freedom of expression, press, associations and peaceful assembly of journalists, activists and participants in demonstrations in both law and practice.

But to date, the right to freedom of peaceful assembly is not sufficiently protected in Kenyan law, and the right is routinely violated by law enforcement authorities responding to protests. The government has also failed to put in place measures to ensure the safety and protection of journalists, bloggers, and others expressing their opinion.<sup>18</sup>

At its most recent review in January 2020, the state once again accepted recommendations on these rights.<sup>19</sup>

## **Media freedom**

The Kenyan Information and Communications Amendment Bill in 2013 introduced strong controls on radio and television broadcasts.<sup>20</sup>

According to Reporters Without Borders (RSF), media freedom in Kenya has been slowly eroding since 2016, with security concerns being used as one of the key rationales for tightening restrictions.<sup>21</sup> RSF report that:

*“During election campaigns, the media are routinely subjected to physical attacks by the security forces and the public, as well as to threats and intimidation by politicians, confiscation of equipment, and censorship of journalistic content. Journalists can pay*

*dearly for covering opposition events or for portraying President Uhuru Kenyatta's party and its flaws in a negative light.”*

In June 2019, blogger Robert Alai was detained and charged under Section 19 of the state's Prevention of Terrorism Act 2012 after he shared images of police officers killed in a terrorist attack. Alai was charged even after he had taken down the images at the request of the police.<sup>22</sup> In an unrelated incident, Alai was subsequently charged under the problematic Computer Misuse and Cybercrimes Act<sup>23</sup> in relation to a tweet about COVID-19 which the state claims was false.<sup>24</sup>

Since the outbreak of the COVID-19 pandemic, ARTICLE 19 documented 48 attacks on journalists attempting to cover the government's handling of the crisis. The number represented more than twice that of the previous six months.<sup>25</sup>

## **Suppression of protests**

According to research conducted by ARTICLE 19, at least 7 protestors were killed and a further 21 injured in Kenya during or as a result of protests held between 2018-2019.<sup>26</sup> Citizens protesting issues ranging from education to sexual violence, corruption and environmental degradation, among others, have been met with excessive use of force at the hands of the security forces despite having robust mechanisms in place to protect the right to peacefully protest.

## Testimonies

*"I don't know what my family has a harder time accepting, my atheism or my orientation. I came out as an atheist when I was 17 and when I told them I was gay later on, they concluded that I'm gay because I don't believe in god.*

*It's been really hard being a gay atheist because I'm an assertive person who doesn't run away from debate. I've lost many friends and been blocked and deleted on Facebook. I've been betrayed by family (a relative complained to my father and demanded I be reprimanded for my orientation). I've been drugged and raped because I came out to someone I thought was my friend, but I felt like no one was going to believe me so I never spoke about it after it happened, I just never spoke to my attacker again. I've been ignored by family members who I used to be really close to because they know I'm a gay atheist.*

*... I'm still forced to go to church when my mother wants me to which is very uncomfortable because she truly believes that if she forces me to go to church, I'll go back to being a "straight Christian".*

*... My sexuality and religious views are not the problem, it's the religious intolerance and homophobia that has the problem. Changing their perception of me is not easy because they've been brainwashed, so I stopped trying.*

*... The thing with homophobia and religious people is that they hate what makes them feel uncomfortable and victimise whoever's different. But I'll never stop voicing my opinions because I am a person with rights and I hope to be respected more one day."*

— Dorothy

## References

- <sup>1</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>
- <sup>2</sup> <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2020/09/Kenya-Infographics-31-August-2020.pdf>  
<https://www.unhcr.org/ke/figures-at-a-glance>
- <sup>3,16</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/ke/ke019en.pdf>
- <sup>4,5,8</sup> <https://www.state.gov/reports/2019-report-on-international-religious-freedom/kenya/>
- <sup>6</sup> [washingtonpost.com/religion/2019/02/07/trump-just-promised-help-religious-adoption-agencies-that-wont-work-with-gay-parents-heres-what-he-could-do/](https://www.washingtonpost.com/religion/2019/02/07/trump-just-promised-help-religious-adoption-agencies-that-wont-work-with-gay-parents-heres-what-he-could-do/)
- <sup>6</sup> [nairobi.news.nation.co.ke/editors-picks/livity-kenyans-divided-over-landmark-rastafarian-judgment](https://nairobi.news.nation.co.ke/editors-picks/livity-kenyans-divided-over-landmark-rastafarian-judgment)
- <sup>7</sup> [secularism.org.uk/blog/2014/08/dont-merge-human-rights-with-religion-even-in-africa](https://secularism.org.uk/blog/2014/08/dont-merge-human-rights-with-religion-even-in-africa)
- <sup>9</sup> [equalrightstrust.org/ertdocumentbank/In\\_the\\_Spirit\\_of\\_Harambee.pdf](https://equalrightstrust.org/ertdocumentbank/In_the_Spirit_of_Harambee.pdf)
- <sup>10</sup> <https://www.bbc.co.uk/news/world-africa-48400801>
- <sup>11</sup> <http://kenyalaw.org/caselaw/cases/view/122862/>
- <sup>12</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/28595/115477/F-857725769/KEN28595.pdf>
- <sup>13</sup> <https://www.hrw.org/news/2019/05/24/kenya-court-upholds-archaic-anti-homosexuality-laws>
- <sup>14</sup> [ca.reuters.com/article/entertainmentNews/idCAKCN1M11HD-OCAEN](https://ca.reuters.com/article/entertainmentNews/idCAKCN1M11HD-OCAEN)
- <sup>15</sup> <https://www.article19.org/resources/kenya-court-rules-to-temporarily-remove-ban-on-rafiki-film/>
- <sup>17, 21</sup> <https://rsf.org/en/kenya>
- <sup>18</sup> <https://www.article19.org/resources/kenya-government-must-commit-to-action-on-freedom-of-expression-and-association/>
- <sup>19</sup> <https://www.ohchr.org/EN/HRBodies/UPR/Pages/KEindex.aspx>
- <sup>20</sup> [hrw.org/news/2013/11/11/kenya-new-laws-would-undermine-basic-rights](https://www.hrw.org/news/2013/11/11/kenya-new-laws-would-undermine-basic-rights)
- <sup>20</sup> [arkleg.state.ar.us/assembly/Summary/ArkansasConstitution1874.pdf](https://arkleg.state.ar.us/assembly/Summary/ArkansasConstitution1874.pdf)
- <sup>22</sup> <https://www.article19.org/resources/kenya-blogger-alai->

to-face-terror-related-charges/

<sup>23</sup> <https://www.article19.org/resources/kenya-suspension-of-cybercrimes-act-provisions-a-welcome-step-to-protect-free-expression/>

<sup>24</sup> <https://nairobinews.nation.co.ke/news/blogger-alai-charged-for-publishing-alarming-claims-on-coronavirus>

<sup>25</sup> <https://www.article19.org/resources/kenya-journalists-attacked/>

<sup>26</sup> <https://www.article19.org/resources/kenya-report-on-the-challenges-to-free-protest-2018-2019/>

# Venezuela

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 69

The majority of Venezuelans are Catholic, who coexist with Protestant, Muslim, Jewish, and indigenous populations<sup>1</sup>. There has been much tension between the government and Catholic officials and the Jewish community. Freedom of expression, assembly and association have been restricted.

Since 2017, Venezuela has been undergoing a severe social, economic and political crisis. In recent years, soaring hyperinflation and severe shortages of basic goods have prompted massive anti-government protests. The government under the leadership of President Nicolás Maduro has taken an increasingly

authoritarian turn, disbanding democratic institutions and seeking to reverse checks and balances on the powers of the executive. While the government accuses the opposition of trying to sabotage the government and stage a coup, the authorities have been widely condemned for overreacting to protests, with dozens of civilian protesters killed. Some security service personnel have also been killed in the violence<sup>2</sup>. Since January 2019, the country has wrestled with two competing presidencies<sup>3</sup>. While Maduro's government retains control of the nation's institutions, Juan Guaidó – leader of the opposition – is recognised as president by 59 nations.

| Constitution and government  | Education and children's rights   | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values   |
|--|---|---|---|
|  |   |   | Expression of core humanist principles on democracy, freedom or human rights is severely restricted |
| Preferential treatment is given to a religion or religion in general State-funding of religious institutions or salaries, or discriminatory tax exemptions | There is state funding of at least some religious schools   |   |   |
|  | State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional |   | Concerns that secular or religious authorities interfere in specifically religious freedoms         |
|  |   | No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state |   |

## Constitution and government

Article 59 of the Constitution grants protection of religious freedom under the condition that it is not contrary to morality, good customs and public order<sup>4</sup>. However, it also explicitly states that the independence of religious groups are defined by the constitution and law, giving the legislature the power to limit their independence. The Constitution also limits the political influence of religious organizations by forbidding clergy from running for public office.

Venezuela's funding system has traditionally exhibited strong favoritism toward Catholicism, discriminating against other religious groups<sup>5</sup>. However, the state appears to be increasingly vocal in its support of the Evangelical Church.

In November 2019, the government created the position of Vice Presidency for Religious Affairs<sup>6</sup>. Upon the appointment of José Vielma Mora to the post, Venezuela's Vice President is quoted as stating:

*"Just as we have organizations in charge of education, youth and education, now we have a section to attend to the affairs of the church"*<sup>7</sup>

## International obligations

On 24 April 2020, Venezuela formally withdrew from the Organization of American States – a move unprecedented in the inter-American system<sup>8</sup>. As a result, it is no longer bound by its former obligations to human rights enshrined in the American Declaration on the Rights and Duties of Man.

However, it remains bound to protect human rights under its obligations as a State Party to international conventions<sup>9</sup>.

## Education and children's rights

A 1964 Concordat between the Venezuelan government and the Catholic Church established special government subsidies for Catholic schools<sup>10</sup>.

There has been a long-running battle over the inclusion and character of religious education in Venezuela's schools.

Article 59 of the Constitution of Venezuela reads:

*"[...] The father and mother have the right to have their sons and daughters receive religious education in accordance with their convictions."*

The Article was incorporated into the *Ley Orgánica de Educación*, or the Organic Law on Education,

which was introduced in 1980:

*"Religious education will be taught to students up to the sixth year of basic education, as long as their parents or guardians request it. In this case, two hours per week will be established within the official school hours"* (Article 50)<sup>11</sup>

However, in 2009, the Venezuelan National Assembly introduced a controversial Education Law which strengthened the role of the state in education, reducing the scope for religious instruction.

After the first draft was approved in 2001, the Catholic Church as well as teachers unions, an association of rectors of public and private universities and privately owned media, organized a campaign against the law claiming that the law represented a threat to the sanctity of the family and freedom of religion<sup>12</sup>.

Article 7 of the 2009 law reads:

*"The State will maintain in all circumstances its secular character in educational matters, preserving its independence with respect to all religious currents. Families have the right and the responsibility for the religious educations of their sons and daughters, in line with their convictions and in accordance with religious freedom and worship, constitutionally envisaged"*<sup>13</sup>.

The law does not explicitly prohibit or promote religious education in schools. The president of the Education Commission in the National Assembly clarified that "religious education in schools is not going to be prohibited, rather it will not be obligatory in the curriculum"<sup>14</sup>.

## Religion and university education

In February 2020, the Vice President for Religious Affairs reportedly announced plans for the creation of religious education workshops and seminars in universities with the aim of:

*"creating a link between the Venezuelan people and the church appealing to the conscience and strengthening peace in each and every Venezuelan"*<sup>15</sup>.

In December 2019, President Nicolás Maduro approved the creation of the state-funded *Universidad Teológica Evangélica de Venezuela* (Evangelical University of Venezuela) "as an example to the world and in order to open the doors of Venezuela and University so that evangelicals from across America may know our experience"<sup>16</sup>.



## Family, community and society

### Christian privilege

The government provides funding to religious organizations, but most of it goes to Catholic institutions including social programs. Other religious groups are free to establish and fund their own. Military chaplains are almost exclusively Catholic.<sup>17</sup>

The launch of Misión Venezuela Bella<sup>18</sup> – an urban planning project designed to improve public spaces across the country – has led to publicly-funded investment in the refurbishment of at least 749 Christian (predominantly Catholic) places of worship across the country<sup>19</sup>.

### Tension between the State and the Church

Despite preferential treatment toward Catholics, there has been much tension between church and state. Members of the church who have condemned encroaching authoritarianism and violence against peaceful protestors have increasingly come under attack since 2017<sup>20</sup>, including threats of prosecutions, confiscation of church properties, harassment and surveillance, most notably phone wiretapping<sup>21</sup>.

In May 2019, police fired teargas in Our Lady of Fatima parish church in San Cristobal, Táchira state<sup>22</sup>. In October 2019, José Albeiro Vivas, a pastor in the evangelical church was arrested after speaking at a March for Jesus<sup>23</sup>. Albeiro Vivas, who is also a serving military major, is reported to have been placed under investigation for the crimes of misuse of decoration, badges, military titles and disobedience after he stated “Venezuela your time of freedom has arrived.”

### Tensions between the State and the Jewish community

Media programs sponsored by the government have often made anti-Semitic comments<sup>24</sup>.

### Discrimination

According to Freedom House, several groups within society are under-represented in government including women, the LGBTQ+ community and indigenous people.

Although rights of indigenous peoples are enshrined in the Constitution under Chapter 8, as well as Law on Demarcation and Guarantee of the Habitat and Lands of Indigenous Peoples (2001), the Organic Law on Indigenous Peoples and Communities (2005), and the Indigenous Languages Act (2007), they are poorly protected in practice<sup>25</sup>. Indigenous peoples continue to struggle with a lack of demarcation of indigenous habitat and lands, illegal mining activities, and environmental degradation<sup>26</sup>.

Although discrimination based on sexual orientation is barred, members of the Venezuelan LGBTQ+ community face widespread intolerance in practice. Same-sex marriage remains illegal<sup>27</sup>.

The economic crisis has also led to a reduction in the availability of reproductive health care, and maternal and infant mortality has increased due to poor conditions, and the lack of medical supplies and skilled physicians. Additionally, restrictions on abortion<sup>28</sup> mean that many women and girls resort to clandestine abortions that are unsanitary unless they have the means to travel abroad.

### Freedom of expression, advocacy of humanist values

The Constitution provides protection for free speech but explicitly exempts this protection for messages that promote religious intolerance. Venezuela has co-sponsored OIC resolutions in the United Nations proposing prohibition of ‘defamation of religion’<sup>29</sup>.

In 2019, IPYS Venezuela recorded 1,032 violations of individuals’ – both journalists and ordinary citizens – exercise of their rights to freedom of expression and access to information perpetrated in the most part by state actors<sup>30</sup>. This number exceeds even that recorded at the height of the protests in 2017.

Attacks on journalists have continued as the authorities have sought to control coverage of the COVID-19 pandemic. IPYS Venezuela reports that at least 146 journalists attempting to cover the pandemic faced obstructions in the first four months of the year<sup>31</sup>.

### Censorship

Censorship – both state-enforced and self-imposed – has become increasingly prevalent in Venezuela. Direct attacks on journalists, restrictive legislation, lawsuits against media outlets, and the government’s control of imports, including printing paper have combined to stifle the climate and led to growing self-censorship<sup>32</sup>.

Criminal defamation provisions in Venezuela’s Penal Code<sup>33</sup> (see articles 147, 148, 149, 442, 444, 222, 240) have been frequently utilized against writers and journalists<sup>34</sup>.

The Venezuelan authorities have increasingly sought to control online expression, restricting access to websites or social media providers.<sup>35</sup> Such measures have reportedly increased following the outbreak of the COVID-19 pandemic<sup>36</sup>. Access to a web portal created by members of the opposition designed to spread information about the pandemic was blocked<sup>37</sup>.

## Crimes against national security

Since 2017, the authorities have sought to limit dissent under the guise of national security legislation described by the Inter-American Commission on Human Rights as typifying “behaviors in a broad, vague, and ambiguous way that lend themselves to abuse in order to suppress political and critical expressions that have nothing to do with national security, from a democratic perspective.”

In November 2017, Anti-Hate Law for Tolerance and Peaceful Coexistence<sup>38</sup> (better known as the “Anti-Hate Law”) was passed by the National Constituent Assembly. The law criminalizes the fomentation, promotion or incitement of hatred on grounds of their ethnicity, religion, sexual orientation, gender identity or of “any other nature”, providing penalties of up to 20 years in prison. The law fails to provide a definition of ‘hatred’ or ‘hate speech’, leading to fears that the lack of clarity may be used as a tool to further restrict free expression and target critics of the government. Several writers, journalists, bloggers and others have faced prosecution to date<sup>39</sup>.

## References

- <sup>1</sup> <https://culturalatlas.sbs.com.au/venezuelan-culture/venezuelan-culture-religion>
- <sup>2</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25699&LangID=E;>  
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24958&LangID=E;>
- <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>
- <sup>3</sup> <https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/79-imagining-resolution-venezuelas-crisis>  
[patheos.com/blogs/friendlyatheist/2016/11/14/donald-trump-women-may-have-to-go-to-another-state-to-obtain-abortion-under-his-supreme-court/](http://patheos.com/blogs/friendlyatheist/2016/11/14/donald-trump-women-may-have-to-go-to-another-state-to-obtain-abortion-under-his-supreme-court/)
- <sup>4</sup> <http://www.minci.gob.ve/wp-content/uploads/2011/04/CONSTITUCION.pdf>
- <sup>5</sup> [uscirf.gov/sites/default/files/resources/2012ARChapters/venezuela%202012.pdf](http://uscirf.gov/sites/default/files/resources/2012ARChapters/venezuela%202012.pdf)
- <sup>6</sup> [https://www.elnacional.com/venezuela/psuv-designo-a-vielma-mora-como-vicepresidente-para-atender-asuntos-religiosos/;](https://www.elnacional.com/venezuela/psuv-designo-a-vielma-mora-como-vicepresidente-para-atender-asuntos-religiosos/)  
<https://www.vtv.gob.ve/psuv-vicepresidente-jose-vielma/>
- <sup>7</sup> “Así como tenemos organizaciones que se encargan de la educación, la juventud, la educación, ahora tendremos un espacio para atender los asuntos de la iglesia.”  
<https://ultimasnoticias.com.ve/noticias/politica/psuv-creo-vicepresidencia-para-asuntos-eclesiasticos/>
- <sup>8</sup> <http://mppre.gob.ve/en/2020/04/27/venezuelas-withdrawal-oas-sovereign-decision/>
- <sup>9</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=191&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=191&Lang=EN)
- <sup>10</sup> [http://www.vatican.va/roman\\_curia/secretariat\\_state/archivio/documents/rc\\_seg-st\\_19941031\\_s-sede-venezuela\\_sp.html](http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19941031_s-sede-venezuela_sp.html)
- <sup>11</sup> [defiendete.org/html/deinteres/LEYES%20DE%20VENEZUELA/LEYES%20DE%20VENEZUELA%20II/LEY%20ORGANICA%20DE%20EDUCACION.htm](http://defiendete.org/html/deinteres/LEYES%20DE%20VENEZUELA/LEYES%20DE%20VENEZUELA%20II/LEY%20ORGANICA%20DE%20EDUCACION.htm)
- <sup>12</sup> [venezuelanalysis.com/news/4722](http://venezuelanalysis.com/news/4722)
- <sup>13</sup> [scribd.com/document/226204818/Ley-Organica-de-Educacion-de-Venezuela-2009](https://scribd.com/document/226204818/Ley-Organica-de-Educacion-de-Venezuela-2009)
- <sup>14</sup> [venezuelanalysis.com/analysis/4734](http://venezuelanalysis.com/analysis/4734)

<sup>15</sup> “cree un enlace entre los venezolanos y la iglesia haciendo un llamado a la conciencia y fortaleciendo la paz de cada uno de los venezolanos”

<https://laicismo.org/venezuela-proponen-realizar-talleres-seminarios-y-programas-educativos-religiosos-en-universidades-del-pais/>

<sup>16</sup> <http://vicepresidencia.gob.ve/crearan-universidad-teologica-evangelica-de-venezuela/>;

<https://www.vtv.gob.ve/decretado-dia-pastor-evangelico-15-enero/>

<sup>17</sup> [berkeleycenter.georgetown.edu/essays/religious-freedom-in-venezuela](http://berkeleycenter.georgetown.edu/essays/religious-freedom-in-venezuela;);

[justice.gov/eoir/vll/country/Religion\\_Public\\_policy/Venezuela%20Immigration%20Report.pdf](http://justice.gov/eoir/vll/country/Religion_Public_policy/Venezuela%20Immigration%20Report.pdf)

<sup>18</sup> <http://vicepresidencia.gob.ve/especial-mision-venezuela-bella-garantiza-el-derecho-a-la-ciudad-para-los-venezolanos-y-a-su-paso-va-dejando-brillo-y-color/>;

<http://www.minci.gob.ve/conozca-los-objetivos-de-la-mision-venezuela-bella/>

<sup>19</sup> <http://vicepresidencia.gob.ve/mision-venezuela-bella-evaluo-749-proyectos-de-rehabilitacion-de-centros-religiosos/>

<sup>20</sup> [https://forbinfull.org/2019/e-la-linea-de-fuego-frente-a-la-ldrc-una-competencia-para-el-gobierno](https://forbinfull.org/2019/e-la-linea-de-fuego-frente-a-la-ldrc-una-competencia-para-el-gobierno/); <https://olire.org/monitor/country-reports/venezuela/>

<sup>21</sup> [usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/upload/Fighting-to-Feed-and-Educate-the-People-in-Venezuela.pdf](http://usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/upload/Fighting-to-Feed-and-Educate-the-People-in-Venezuela.pdf)

<sup>22</sup> [http://violentincidents.plataformac.org/web/incident/4077](http://violentincidents.plataformac.org/web/incident/4077;);

<https://www.vaticannews.va/es/iglesia/news/2019-05/venezuela-ataque-iglesia-san-cristobal.html>;

[https://www.cope.es/religion/actualidad-religiosa/iglesia-universal/noticias/iglesia-venezuela-denuncia-ataque-contra-una-parroquia-por-parte-guardia-nacional-20190502\\_405955](https://www.cope.es/religion/actualidad-religiosa/iglesia-universal/noticias/iglesia-venezuela-denuncia-ataque-contra-una-parroquia-por-parte-guardia-nacional-20190502_405955)

<sup>23</sup> <https://evangelicalfocus.com/world/4835/venezuelan-pastor-and-officer-arrested-for-organising-a-march-for-jesus>

<sup>24, 25, 27</sup> [npr.org/sections/coronavirus-live-updates/2020/04/29/847783190/devos-to-use-coronavirus-relief-funds-for-home-schooling-microgrants](http://npr.org/sections/coronavirus-live-updates/2020/04/29/847783190/devos-to-use-coronavirus-relief-funds-for-home-schooling-microgrants)

<sup>26</sup> <https://www.iwgia.org/en/venezuela.html>

<sup>28</sup> <https://oig.cepal.org/es/laws/2/country/venezuela-23>

<sup>29</sup> [justice.gov/eoir/vll/country/Religion\\_Public\\_policy/Venezuela%20Immigration%20Report.pdf](http://justice.gov/eoir/vll/country/Religion_Public_policy/Venezuela%20Immigration%20Report.pdf)

<sup>30</sup> <https://ipysvenezuela.org/2020/02/26/voces-en-el-paredon-reporte-anual-ipysve-2019/>

<sup>31</sup> <https://ipysvenezuela.org/2020/05/03/la-verdad-en-cuarentena-dia-mundial-de-la-libertad-de-prensa/>

<sup>32</sup> <https://pen-international.org/app/uploads/PEN-Venezuela-Report-ENG-9-18-Proof2.pdf>

<sup>33</sup> [http://www.oas.org/juridico/spanish/mesicic3\\_ven\\_anexo6.pdf](http://www.oas.org/juridico/spanish/mesicic3_ven_anexo6.pdf)

<sup>34</sup> <https://pen-international.org/app/uploads/Resolution-on-the-Bolivarian-Republic-of-Venezuela-ENG.pdf>;

<https://cpj.org/reports/2016/03/south-america/>;

<http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>

<sup>35</sup> <https://netblocks.org/reports/social-media-restricted-in-venezuela-on-day-of-national-assembly-leadership-vote-3AnEVk82>

<sup>36</sup> <https://ipysvenezuela.org/2020/05/17/desconexion-y-censura-reporte-anual-derechos-digitales-ipysve-2019/>

<sup>37</sup> [https://vesinfiltro.com/noticias/bloqueado\\_portal\\_coronavirus\\_AN](https://vesinfiltro.com/noticias/bloqueado_portal_coronavirus_AN); [https://vesinfiltro.com/noticias/2020-04-26-phishing\\_healthcare\\_heroes](https://vesinfiltro.com/noticias/2020-04-26-phishing_healthcare_heroes)

<sup>38</sup> <https://albaciudad.org/2017/11/este-es-el-contenido-de-la-ley-contra-el-odio-por-la-convivencia-pacifica-y-la-tolerancia/>

[pewforum.org/2019/01/03/faith-on-the-hill-116/](http://pewforum.org/2019/01/03/faith-on-the-hill-116/);

[patheos.com/blogs/friendlyatheist/2015/04/06/former-congressman-barney-frank-atheist-politicians-shouldnt-use-the-word-atheist/](http://patheos.com/blogs/friendlyatheist/2015/04/06/former-congressman-barney-frank-atheist-politicians-shouldnt-use-the-word-atheist/)

<sup>39</sup> <https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1133&IID=1>;

<https://pen-international.org/app/uploads/PEN-Venezuela-Report-ENG-9-18-Proof2.pdf>

# Denmark

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|

Ranking Index: 74

Denmark is a constitutional monarchy with a parliamentary system of government.

The Kingdom of Denmark encompasses Denmark, Greenland and the Faroe Islands in the North Atlantic Ocean.

| Constitution and government   | Education and children's rights  | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values  |
|---|--|---|--|
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p>   | <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p> | <p>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</p>   |
|   | <p>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</p> |   | <p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p> |

## Constitution and government

The Constitution<sup>1</sup> and other laws and policies protect freedom of religion or belief, as well as freedom of expression, association and assembly. However, religious societies are not on equal footing when it comes to funding the vocational training of religious ministers, the cost of maintenance of churches and religious houses, the partial financing of salaries of clergy, and the cost of running the Ministry of Ecclesiastical Affairs itself, especially with regard to privileges afforded to the established state church (see below).

Chapter VII of the Constitution regulates church matters i.e. the right to religious assembly, however, also the

right not to contribute financially to any church of a religion that the citizen does not share. The Constitution states in Article 70 that "No person can, because of his religious belief or descent, be deprived of access to the full enjoyment of civil and political rights." Neither can a citizen, for religious reasons, shirk from civic duty.

Article 67 of the Danish Constitution states: "citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done." The language of this provision effectively means that the Danish Constitution does not guarantee freedom of religion for people with non-theistic beliefs. This definition is considerably narrower than that of the

European and international conventions that Denmark has ratified — in particular article 9 of the European Convention on Human Rights (ECHR) and article 18 of the International Covenant on Civil and Political Rights (ICCPR).

## State church privileges

In Articles 4 and 6, the Constitution states that the Evangelical Lutheran Church (ELC) is the “church of the Danish people and is as such supported by the state”, and that the reigning monarch must be a member of the ELC (though the monarch is not the head of the church).

Integration of church and state is significant, with the ELC as well as other churches and religious organizations being, from the point of view of the administration, governed by the Danish Minister for Ecclesiastical Affairs. Article 69 of the Constitution states that “Rules for religious bodies other than the (ELC) shall be laid down by Statute.” However, this has never been implemented.

The ELC is primarily funded through the state-run voluntary taxes deducted through payroll. Members receive a tax credit for their donations to the ELC. Voluntary taxes account for an estimated 86% of the ELC’s operating budget; the remaining 14% is provided through a combination of voluntary donations by congregants and government grants. Members of other recognized religious communities cannot contribute via payroll deduction but may donate to their own community voluntarily and receive an income tax credit.<sup>2</sup> In 2015, Dkr. 765,2 mil. of the government’s annual budget was allocated to the ELC. Such direct yearly support is not available to other religious or secular belief groups.

The ELC is mandated to run a number of secular public functions, including management of non-sectarian cemeteries and the civil registration of citizen’s data such as births, deaths, names, church marriages and membership.

## Registration of religious communities

By law, religious communities are required to register with the Ministry of Ecclesiastical Affairs in order to receive tax benefits. Recognized religious groups have the right to perform legal marriage ceremonies, name and baptize children with legal effect, issue legal death certificates, among other rights.<sup>3</sup>

Religious groups seeking registration must submit to the Faith Registry in the Ministry of Ecclesiastical Affairs a document on the group’s central traditions; a description of its most important rituals; a copy of its rules, regulations, and organizational structure; an audited financial statement; information about the group’s leadership; and a statement on the

number of adult members permanently residing in the country. The Ministry of Justice makes the final decision on registration applications after receiving recommendations from a group consisting of a lawyer, religious historian, sociologist of religion, and nonordained theologian. Religious groups that do not submit the annual financial statement or other required information may lose their registration status.<sup>4</sup>

The total number of registered religious communities and congregations was estimated to have reached 450 by the end of 2018.<sup>5</sup> In the same year, the authorities revoked the registration of six groups for failing to provide required information to the Faith Ministry.

## The Faroe Islands

An autonomous self-governing region in the Kingdom of Denmark of about 53,000 inhabitants, situated approximately halfway between Scotland and Iceland, the Faroe Islands are an archipelago of 18 islands and other smaller islets. The Human Development Index for the Faroes Islands is on par with other Nordic countries. Being a part of the Kingdom of Denmark, the Danish Constitution is therefore, the sovereign law, however, the Faroe Islands have a home-rule law, a constituent administrative division of state power to the Faroese government – mostly on internal affairs. The Faroese political landscape is somewhat more conservative compared to its northern European neighbours.

The laws of the Faroe Islands have some contradictory clauses – affecting religious and non-religious minorities alike – in that they promote freedoms and discrimination at the same time. The dominant Lutheran Church of the Faroe Islands is a national or state-church, which is given special precedence in the law and it functions as a state entity with national tax income and a national registry. However, the law also clearly stipulates that governance of the state and church bodies are not to be interconnected, or one to affect the other directly. Løgtingslóg No.60 (7 June 2007) regarding the National Church (Fólkakirkjan) stipulates: “The state supports the National Church.”<sup>6</sup>

There is a church-tax and the government finances church expenditure, discriminating against other religion or belief groups by their exclusion from any similar provision. In addition, having been baptised into the church, citizens are expected to individually inform the Faroese Tax Authorities that they are not a member of the State-Church, to be exempt from the tax (Løgtingslóg No.61, 7 June 2007, on Financial matters of the National Church). There is also an unnecessarily complicated and personal/intrusive procedure to leave the Church, or to opt out of its taxes: the process involves going to the priest of the parish in which you were baptised, and filling in a form and answering questions as to why you are leaving.



## Greenland

Like the Faroe Islands, Greenland is subject to the Danish Constitution. As such, Greenland has its own evangelical Lutheran church that is state-subsidized, called "Folkekirke". All citizens are obliged to pay taxes to the church, irrespective of their beliefs.

## Education and children's rights

In Denmark, the child's right to education dates back to 1814. Both the right to education and freedom from unwanted educational bias is stated in Article 83 of the Constitution.

The Danish primary and secondary schools are represented by the 'Folkeskole', free for everybody. "It is education itself that is compulsory, not school" says the Ministry for Children, Education and Gender Equality; educational standards are to be met not only by public or private schools alike but also in home-teaching.

The state provides financial support to all public and private schools, including religious schools.<sup>7</sup>

14% of all basic school students attend private schools, including what the Ministry describes as: small independent schools in rural districts (friskoler); large independent schools in urban districts (privatskoler); religious schools; progressive free schools; schools with a particular educational aim, such as Rudolf Steiner schools; German minority schools; and immigrant schools. According to the Ministry:

***"The bottom line is that private schools will be recognized and receive government financing regardless of the ideological, religious, political or ethnic motivation behind their establishment ... private schools must be of a minimum size in number of pupils, be organized as a self-governing institution, muster some level of self-financing, can only spend the school's budget on strictly educational matters and cannot be run for private profit..."***

Religion classes are compulsory in all schools whether public or private between grades 1-9, although students may be exempted if a parent presents a request in writing. No alternative classes are offered.<sup>8</sup>

The subject "*Kristendomskundskab*" ("Christian Scriptures" or "Christian Knowledge"), is the only subject regulated directly in the Education Act, under Article 6. The title is somewhat misleading as the subject is broader than Christian belief alone.

However, considerable emphasis is put on Evangelical Lutheran theology.

Since 1975 religious instruction (or preaching) as such is precluded from the Christian Knowledge curriculum, and other world religions and "philosophies of life" form part of the religious knowledge taught in more senior classes. Students are intended to gain familiarity with religious texts, again with the Bible most prominent, also with the history of religion, and an understanding of other belief systems. It is stated that students should be enabled to make up their minds about norms, values, and freedom of choice in a democratic society.

Since 1856 students have, in principle, had the right to withdraw from religion classes with parental consent, though some religious private schools may deny this right in practice. Today, this right is stated in the Education Act in the very same Article 6 that directs education in "religious knowledge". If a student is 15 years old or older, the student and parent must jointly request the student's exemption. Remembering that, "it is education itself that is compulsory, not school", this goes for religious education too: parents withdrawing children from religious education in public schools are obliged to teach at home. The Education Act says: the parent must declare in writing to the schoolmaster that they take responsibility for teaching 'education on religious knowledge', and to do so as to meet the same standards as for public school.<sup>9</sup>

A private school can inform the Ministry that their school's values do not cohere with "religious knowledge" in order to omit the classes altogether. However, parents choosing private schools that do offer "religious knowledge" classes may be told that exemption from such classes is not possible.

## Education in the Faroe Islands

In the Faroe Islands, schools and day-care institutions are affected by the stipulations of the Faroese Education Act, which unlike the status of the Church, specifically implies a Christian education. One school subject is called "Christianity" and teaches Christian teachings, theology and ethics, though in recent years there have been small additions of Jewish, Muslim and Norse religions added to the curriculum. Yet, it remains rather more proselytising than educational, and excludes non-religious or secular philosophies.

There is no formal obligation for any child to attend or participate in religious instruction, however, there is no alternative provided.

There is also Morning Assembly in schools which includes prayer and the singing of Christian hymns, and day-care have meal-time prayers, to satisfy the requirements of the Law concerning education:

*“Stk. 3. Public School should in agreement and cooperation with the parents help give the students a Christian and ethical upbringing.”*

— Chapter 1. Public School Law: Public School Objectives

According to Humanistisk Samfund, a Christian boarding school “Efterskole” was recently established by evangelical communities, and there are reports that indicate students are coerced into religious practices.

## Family, community and society

The Constitution (Chapter VIII, Article 78) grants citizens the entitlement to freely form associations for any lawful purpose. It is a criterion to obtain recognition as a ‘religious community’ or organization that the community respects freedom of religion, meaning the right to change religion.

Recognised and approved religious communities, however, enjoy a number of additional rights, including: the right to perform legally binding marriage ceremonies under the Danish Marriage Act; the right to residence permits for foreign preachers under the Aliens Act; churches and cemeteries are exempt from real-estate tax. (Financial contributions to such religious communities are also tax-deductible under the Danish Tax Assessment Act, though this Act applies also to secular associations.)

In 2012, the government passed a bill obliging the Danish State Church to perform legally binding same-sex marriage ceremonies. However, priests can refuse to wed same-sex couples due to religious beliefs. Same-sex couples now have a choice of a marriage ceremony taking place in a state church, or a marriage to be performed by a secular registrar or mayor. The statute does not regulate religious communities other than the ELC.

## Discrimination

The privileging of monotheistic faith and worship by the Constitution has created serious knock-on effects on the participation of non-religious persons in Danish politics and civil society. For example, non-religious organizations are regularly excluded from participating in government-led committees discussing important ethical questions, and are excluded from commenting on new legislation related to religion and belief.

The Danish Institute of Human Rights has also reported that atheists (as well as Christian converts, women and LGBTI+ people), are “particularly vulnerable to harassment or attempts at negative social control” in the asylum system.<sup>10</sup> Their report states that much of this stems from the fact that many immigration officials

have a poor understanding of religious persecution and may take decisions that inadvertently cause harm to minorities. An example of this includes forcing a someone who is non-religious to live in a religious community, where they may face pressure, harassment and even threats of violence for their decision to leave the religion.<sup>11</sup>

Violent acts and harassment targeting members of the Jewish and Muslim community are relatively common. According to police statistics for 2018, there were 112 religiously-motivated hate crimes reported.<sup>12</sup>

## The pursuit of cultural homogeneity

The Danish government’s pursuit of religious and cultural homogeneity has led it to pass a series of discriminatory assimilationist laws aimed at forcefully integrating immigrants and ethnic minorities into the “Danish” way of life, in violation of their basic rights to non-discrimination, culture and religion.

Laws which have been collectively described by the government as the “ghetto package” have as their purported aim to reduce the effects of parallel society and criminal behavior in Denmark.<sup>13</sup>

The 22 proposals in the ‘package’ were passed in 2018 and include the following discriminatory laws and policies:

1. Powers for the police to define areas as ‘increased punishment zones’ in which punishments for certain crimes (eg, violence, vandalism, burglary, threatening behavior, arson, drug offences, possession of weapons) can be doubled.
2. Penalties for immigrant parents who take their children on extended visits to their country of origin — described as “re-education visits” —in that way may have serious negative consequences for their “healthy development” in line with Danish values and norms.
3. A mandatory pre-school programme in which children living in neighbourhoods designated as vulnerable “ghettos” must be separated from their parents for at least 25 hours a week to attend a targeted and intensive course to support their “social integration, personal and cognitive development and democratic insight.” If parents do not allow a child to register, or the child does not use the day care offer sufficiently, the municipality may decide to terminate child benefit. The requirement lasts until a mandatory language evaluation is carried out when the child is 2 or 3 years old. If the test is not passed, the child cannot start school.

In addition to the “ghetto package”, other forms of discriminatory policies exist that are specifically directed towards Muslims and apply throughout Denmark.



These include:

1. A ban on the wearing of full-face veil covering (known as the 'burqa ban'). A violation of the ban triggers a fine of 1,000 Danish Kroner, and the fine will increase if the ban is subsequently violated again. It is estimated that less than 200 women wear the burqa or niqab in Denmark.<sup>14</sup>
2. A policy making it mandatory to shake hands with the local mayor at the citizenship ceremony if one wants to be a Danish citizen. The law has clear Islamophobic undertones, given that many Muslims prefer not to shake hands with members of the opposite sex.

Paradoxically, while purportedly aimed at integrating minorities, the laws in fact send the message that may have a counter-effect to the sense of belonging, because they single out certain groups for nonconformity through the use of sanctions and penalties.

## Faroese society

Faroese society is considered closely knit. In most other places in the modern world beyond first cousin family relations are distant, yet in the Faroes first to fourth-cousins are likely still considered family.

However, with the closeness can come a pressure to conform. Some individuals have been excluded from families for criticizing religion, or because of their irreligion. On a societal level the view of the irreligious and other religions apart from Christianity is often negative. Specifically, atheists and agnostics are viewed as immoral or morally deficient people because of their non-conformity to religious norms, which is a view that propagates distrust.

Not surprisingly humanists and humanism have the same negative denotations attached. Humanism is not only viewed as some negative and morally deficient, but also the word humanism or humanist is often associated with global human depravity. That is, in the sense that wrongdoings and issues affecting globally today, or domestic in the Faroes are becomes of humanist behavior and humanism as a teaching. Evidently, both humanism and atheism are in these instances misunderstood and misinterpreted terms, however, the view such as it is, makes criticism of religions or publicity of anything not religious extremely difficult to convey.

## Freedom of expression, advocacy of humanist values

### The cartoon crisis and Copenhagen shootings

Freedom of expression is generally upheld and is not problematically restricted; the Penal Code 1995 outlines

restrictions on incitement to hatred in Section 266.b.<sup>15</sup> According to the World Press Freedom Index published by Reporters Without Borders (RWB), Denmark was ranked as the number one country in both 2004 and 2005, however following the cartoon crisis dropped in 2006 to number 19. It has subsequently risen to place 3rd of 180 countries examined in 2020.<sup>16</sup> The cartoon crisis of 2005 surrounded the publication of drawings of the Prophet Mohammed published by the national Danish newspaper Jyllands-Posten. The issue of violent protests and reprisals against these satirical images as well as other critical discussion around Islam have become part and parcel of the public debate on free speech, self-censorship and terrorism.<sup>17</sup>

One of the cartoonists, Kurt Westergaard, has been forced to live under police protection since 2005. In 2008 and 2010, attempts to assassinate Westergaard failed,<sup>18</sup> but have fuelled the heated debate on religious extremism and free expression.

In February 2015, only a month after the Charlie Hebdo massacre, Denmark suffered a terrorist attack at 'Krudttønden', Østerbro and a nearby Jewish Synagogue. Swedish cartoonist Lars Vilks had been invited to a meeting under the title "Art, Blasphemy and Free Speech" in Copenhagen. One person was killed and three wounded when a gunman opened fire on the building from outside. The same evening, the shooter attacked a Jewish Synagogue and another person was shot dead while two more were injured.

### "Blasphemy" law abolished in 2017

On 2 June 2017, the Danish parliament voted in favour of the abolition of its blasphemy law. This marked a great step forward for Danish freedom of speech.

The "blasphemy" ban dated back to 1866. The law had come under Chapter 15 on crimes violating public law and order, and the provision was sometimes used historically as a form of anti-hatred legislation, for example in 1938 it was employed against a number of Nazis accusing Jews of assaults on non-Jewish girls. However, it was also used in more frivolous cases, for example in 1946 when a couple, one of whom was dressed up like a priest, were fined for baptising a doll at a carnival. The largely dormant provision was nevertheless called on eight times in the following 60 years.

There was a prominent attempt to invoke the "blasphemy" law during the 2005 Prophet Mohammed cartoon crisis, against the publication Jyllands-Posten. The Prosecutor General did not file charges against the newspaper, citing freedom of expression. However, pressure to abolish the law increased significantly from this point onwards, with lawmakers and some human rights groups pushing for review and repeal.

A proposal to abolish the law was set forth by Bruno Jerup from the left-wing party Enhedslisten. This gained momentum from left to right on the Danish political spectrum. Supported by both secular arguments and liberal freedom of speech arguments, parliament passed the law in 2017 and “blasphemy” law was finally abolished.

## The “Imam Law” and Folkekirken

A provision of the Danish Penal Code (§ 136, article 3) commonly referred to as the “Imam Law”, has been in place since January 2017. This law criminalizes the explicit condoning of certain criminal acts in the context of religious training. The law has been criticized as a threat to the freedom of religion or belief, in that – regardless of the intent of the law – it subjects all religious leaders or proponents to a wider interpretative range of criminal behavior than other citizens.

In May 2016 the government and four supporting opposition parties agreed on a ‘Unity Paper’, in part aimed at “criminalization of explicit approbation of certain punishable acts as part of religious teaching or training”. This was a central pretext to the creation of the “Imam Law.”<sup>19</sup>

The ‘Unity Paper’ proposed a series of changes to the Penal Code, Marriage Law and the laws on schools and adult education, as well as other actions to punish or prevent ‘explicit approbation’. This includes restrictions on the ability to perform legal weddings as a religious community and demands that a religious preacher attend a course in Danish laws and democracy (appendix 4). A diverse group of organizations protested the proposal, among them the Danish PEN society and 16 different religious groups and congregations (primarily Lutheran Evangelical).<sup>20</sup>

In the latter half of 2017, new legislation (L19) on the religious communities outside of the state church, Folkekirken, came before parliament. Some of the less controversial elements of the ‘Unity Paper’ have been carried over into this draft law.

During the legislative process surrounding L19, the Enhedslisten party called for the inclusion of non-religious life stance communities under this legislation, with comparisons made to the Norwegian model, which would improve systemic equality between religious and non-religious groups under freedom of religion or belief in Denmark.

## “Christianization” of the Danish national media

2019 saw the renewal of the national media outlet Danish Broadcasting Corporation’s (DR) contract. Drafted by Danish politicians, it requires that DR’s programs must make clear that Danish society ‘has roots

in Christianity’. Whilst it is unclear how this has affected the Danish press in practice, this is seen as an attempt to underline the idea of Denmark as a Christian nation.

## Freedom of expression in the Faroe Islands

The Faroe Islands has a Blasphemy Law on statute, though no one has been prosecuted under it. According to the Penal Code (Chapter 15de *Forbrydelser mod den offentlige orden og fred* – Crimes against public order and peace):

***“140) He who publicly insults or mocks something in this country any legally established religious community’s doctrines or worship, is punishable by fine, or imprisonment up to four months.”***

While the law does not appear to be in active use, serious critical discussion of religion would likely meet with social opprobrium.

## References

<sup>1</sup> [https://www.thedanishparliament.dk/-/media/pdf/publikationer/english/my\\_constitutional\\_act\\_with\\_explanations.ashx](https://www.thedanishparliament.dk/-/media/pdf/publikationer/english/my_constitutional_act_with_explanations.ashx)

<sup>2,3,4,5,7,8,12</sup> <https://www.state.gov/wp-content/uploads/2020/06/DENMARK-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

<sup>6</sup> [logir.fo](https://logir.fo)

<sup>9</sup> [retsinformation.dk/forms/r0710.aspx?id=163970;](https://retsinformation.dk/forms/r0710.aspx?id=163970;)

<https://www.retsinformation.dk/eli/lta/2020/1396>

<sup>10</sup> [https://menneskeret.dk/sites/menneskeret.dk/files/media/document/\\_%2019\\_02922-5%20rapport\\_religion\\_asylcentre\\_19pdfua%20446887\\_1\\_1.PDF](https://menneskeret.dk/sites/menneskeret.dk/files/media/document/_%2019_02922-5%20rapport_religion_asylcentre_19pdfua%20446887_1_1.PDF)

<sup>11</sup> [https://pure.au.dk/portal/files/172243359/Faith\\_in\\_the\\_system\\_OA.pdf](https://pure.au.dk/portal/files/172243359/Faith_in_the_system_OA.pdf)

<sup>13</sup> [https://www.islamophobiaeurope.com/wp-content/uploads/2019/09/EIR\\_2018.pdf](https://www.islamophobiaeurope.com/wp-content/uploads/2019/09/EIR_2018.pdf)

<sup>14</sup> <https://www.thelocal.dk/20190801/one-year-on-denmarks-burqa-ban-has-resulted-in-23-fines>

The Republic of Cyprus is a sovereign island state in southeastern Europe. Situated in the Mediterranean Sea, it is located close to Turkey (north), Syria and Lebanon (east), Israel (south east), Egypt (south) and Greece (west). The Republic of Cyprus is a democracy that has *de jure* sovereignty over the entire island.

In practice, however, the government controls only the southern, largely Greek-speaking part of the island, as the northern area is ruled by the self-declared Turkish Republic of Northern Cyprus (TRNC), recognized only by Turkey.

| Constitution and government   | Education and children's rights  | Family, community, society, religious courts and tribunals                           | Freedom of expression advocacy of humanist values   |
|---|--|--|---|
|   |  |  | <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p> |
| <p>There is systematic religious privilege<br/>Preferential treatment is given to a religion or religion in general<br/>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> |  | <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> |   |
|   | <p>State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional</p> |  | <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p>          |

## Constitution and government

Although the Constitution<sup>1</sup> does not specifically make reference to secularism, it guarantees freedom of thought, religion and expression. While these are generally upheld, there are indications of some special privileges afforded to religious groups, *de facto* blasphemy laws present within the Criminal Code and some reports of societal discrimination based on religious belief. Article 18 of the Constitution explicitly states that "every person has the right to freedom of thought, conscience and religion".

## Privileged groups

In spite of this, Article 110 affords the autocephalous Greek Orthodox Church of Cyprus along with the Vakf, an Islamic institution, exclusive rights in which neither the legislature, executive or administrative functions of the government are permitted to interfere with their activities. No other religious groups are afforded an equivalent level of societal privilege. These institutions, alongside the three other religious denominations recognised within the Constitution (Maronite Catholics, Armenian Orthodox, Roman Catholics) are exempt from tax (except when engaging in strictly commercial activities). All receive significant subsidies and financial assistance from the state. This financial assistance is not for the purpose of propagating these religions *per se*, but

generally allocated for construction work, repairs and upkeep of churches, monasteries, mosques, cemeteries etc.<sup>2</sup>

Three recognized Christian minorities—the Armenians, the Latins, and the Maronites—each have one non-voting representative in the parliament. Members of these minority groups vote in special elections for their representatives, as well as in the general elections.<sup>3</sup>

There are some reports of social tensions between those of the Orthodox and Islamic faith resulting in vandalism and desecration of some mosques, however the government has always been quick to secure and fund timely restoration.

The government recognizes Muslim religious institutions and facilitates crossings at the UN buffer zone between north and south for the purpose of worship at religious sites. Muslim groups have occasionally faced obstacles in the operation of their religious sites. Other religious minorities sometimes encounter discrimination.<sup>4</sup>

Other religious groups are able to register as non-profit organizations and are granted tax exempt status, but are not eligible for the allocation of any governmental financial support.

## Education and children's rights

Greek Orthodox religious instruction is provided as standard within the education system, but provisions for Non-Christian Orthodox individuals to opt out are available. According to Freedom House, there are some reports of school text books containing negative or prejudiced language when referring to Turkey or Turkish Cypriots.<sup>5</sup>

## Family, community and society

Fourteen months of military service is compulsory for adult males in the Greek Cypriot community that are over 18 years of age. Members of the Turkish Cypriot community are not conscripted. There have been problems with abiding by international guidelines regarding the right to conscientious objection; objectors are exempt from active military duty but are obliged to perform reservist duties and those who refuse to do so are often charged with insubordination. The Jehovah's Witnesses allege that this policy is discriminatory because their faith does not permit them to take up arms or perform reservist exercises.<sup>6</sup>

## Freedom of expression, advocacy of humanist values

The state provides unrestricted access to the internet, and there is a strong level of political and press freedom. Non-governmental organizations, human rights organizations and trade unions operate without impediment or governmental interference.<sup>7</sup>

### *De facto* "blasphemy" law

Although Article 19 of the Constitution states that "every person has the right to freedom of speech and expression in any form", sections 141-142 of the Cypriot Criminal Code seem to contradict this guarantee by enacting a *de facto* blasphemy law in which it is an offence to essentially insult religions:

*"Any person who with the deliberate intention of wounding the religious feelings of any person, or makes any gestures in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanor and is liable to imprisonment for one year.*

*"[...] Any person who publishes a book or pamphlet or any article or letter in a newspaper or periodical which any class of persons consider as a public insult to their religion, with intent to vilify such religion or to shock or insult believers in such religion is guilty of a misdemeanor."*

— Articles 141 and 142, Cyprus Criminal Code

## Highlighted cases

In September 2020, teacher and painter, George Gavriel, was placed under investigation by the Ministry of Education following complaints about his paintings, which some – including Archbishop Chrysostomos – deemed to be derogatory of religion.<sup>8</sup> Some of his artworks, which he describes as anti-establishment,<sup>9</sup> are religion-themed with one depicting a naked Jesus and another a dog urinating on the archbishop.

Maria Stylianiou Lottidis, the Commissioner for Administration and the Protection of Human Rights, reportedly agreed with those who object to his paintings stating that Gavriel had "exceeded the limits to which freedom of expression is subject by law, and infringed the rights of others through his art. [...] Because of his unique role of both teacher and artist, Gavriel has failed to take into account the impact of his work, using Christ to shock, provoke and anger a considerable amount of people in Cyprus."<sup>10</sup>

## References

<sup>1</sup> [https://www.constituteproject.org/constitution/Cyprus\\_2013.pdf?lang=en](https://www.constituteproject.org/constitution/Cyprus_2013.pdf?lang=en)

<sup>2</sup> [religiousfreedom.com/index.php?option=com\\_content&view=article&id=200&Itemid=29;](https://religiousfreedom.com/index.php?option=com_content&view=article&id=200&Itemid=29)

[books.google.co.uk/books/about/Religion\\_and\\_Law\\_in\\_Cyprus.html?id=IConiWXuPMgC&redir\\_esc=y](https://books.google.co.uk/books/about/Religion_and_Law_in_Cyprus.html?id=IConiWXuPMgC&redir_esc=y)

<sup>3,4,5,7</sup> <https://freedomhouse.org/country/cyprus/freedom-world/2020>

<sup>6</sup> [wri-irg.org/node/13264](https://wri-irg.org/node/13264); [amnesty.org.uk/press-releases/cyprus-conscientious-objector-status-must-be-amended](https://amnesty.org.uk/press-releases/cyprus-conscientious-objector-status-must-be-amended)

<sup>8</sup> [https://www.financialmirror.com/2020/09/17/teacher-under-fire-for-irreverent-artwork/;](https://www.financialmirror.com/2020/09/17/teacher-under-fire-for-irreverent-artwork/)

<https://cyprus-mail.com/2020/09/27/art-uproar-shows-ditching-blasphemy-law-long-overdue/>

<sup>9</sup> [www.facebook.com/george.gavrielpainter](https://www.facebook.com/george.gavrielpainter)

<sup>10</sup> <https://daily-cyprus.com/2020/09/18/protesters-out-on-the-streets-in-support-of-controversial-art-teacher/>

# United Kingdom

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
|            |           |              |            |

Ranking Index: 84

The United Kingdom (UK) is a constitutional monarchy comprising Great Britain (England, Scotland and Wales) and Northern Ireland, with a total population of about 64 million people. England with the largest population, 53 million, is home to a bi-cameral UK parliament which has devolved a range of powers to the other three nations.

There are specific legislative differences in the four nations, exercised by their parliaments or assemblies, reflecting the historical and cultural differences in those nations. A referendum vote in 2016 to “leave the European Union” is widely regarded as having exposed social divisions and as creating political and economic uncertainty.

| Constitution and government   | Education and children’s rights   | Family, community, society, religious courts and tribunals   | Freedom of expression advocacy of humanist values  |
|---|---|--|--|
| <p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>There is an established church or state religion</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> | <p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p>                        | <p>Criticism of religion is restricted in law or a de facto ‘blasphemy’ law is in effect</p> |
| <p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p>  | <p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p>  | <p>Religious courts or tribunals rule directly on some family or ‘moral’ matters; it is legally an opt-in system, but the possibility of social coercion is very clear</p> | <p>Some concerns about political or media freedoms, not specific to the non-religious</p>    |

## Constitution and government

UK laws and policies protect freedom of religion or belief, as well as freedom of expression, association and assembly. However, religious privileges and legal exemptions, some linked to the established state church, are cause for concern.

### National churches

The Church of England was created in a schism from Rome in the 16th century when the king made himself head of the church. The monarch must by law be a confirmed member of the Church of England and is described as the ‘Defender of the Faith and Supreme Governor of the Church of England’ as well as being Head of State. Though usually considered “ceremonial”, this religiously-restricted and hereditary role does have some non-trivial powers. The monarch approves the appointment of Bishops.

The Church of Scotland is not formally established, however the Church of Scotland’s role as the “national church” is enshrined in legislation, and senior ministers from the Church play a prominent role in national ceremonial matters. The monarch takes an oath to preserve and defend the Church of Scotland. In Wales and Northern Ireland there are no constitutional links between churches and monarchy, but Northern Ireland Protestants assert loyalty to the monarch (often considered part of their case for remaining in the UK).

### Religious privileges and exemptions

26 ‘Lords Spiritual’ (consisting of the Archbishops of Canterbury and York, plus 24 diocesan bishops from the Church of England) sit in the House of Lords (the upper chamber of parliament) as of right, where they speak and vote on legislation – a privilege not awarded to any other group, and without public accountability.<sup>1</sup>



The UK state provides preferential treatment in the finance of church buildings.<sup>2</sup> In 2012, places of worship were singled out for compensation for the removal of the zero Value Added Tax (VAT) rating concession for alterations to listed buildings. The government also helps fund the repair and maintenance of all listed places of worship for religious groups nationwide (without any comparable funding for secular alternatives) and contributes to the budget of the Church Conservation Trust, which preserves disused Church of England buildings of architectural or historic significance.

Exemptions from employment equality legislation allow employers with a “religious ethos” to discriminate in their employment practices on grounds of religion or belief. This extends to recruitment, promotion and disciplinary practices. However, UK law additionally allows discrimination on grounds of sexual orientation.<sup>3</sup> Moreover, religious groups are increasingly being contracted by the central and local government to run services for the general public and are allowed to exercise these exemptions even when running such public services. These exemptions are separate from those where a “genuine occupational requirement” can be shown for a post-holder to be of a particular religion or belief.

## Family, community and society

### Faith schools, discrimination, and selection

Faith schools (including Church schools) are a significant part of the UK education system. 34% of state-funded schools in England, 14% (denominational) in Scotland, 15% in Wales and 94% in Northern Ireland are designated with a religious character, and in Great Britain their proportion is increasing. Wales and Northern Ireland have both Catholic and Protestant schools; England additionally has Jewish, Muslim, Hindu, Sikh and other Christian schools.

In Scotland all state schools are to a degree ‘faith schools’. Most schools in Scotland are non-denominational Christian schools. There is no provision for secular schooling in the Scottish state school system. In 2018 there were 364 state-funded denominational schools in Scotland, of which 52 were secondary schools. Most denominational schools in Scotland are Roman Catholic Schools.<sup>4</sup>

A high proportion of these state-funded religious schools (the legislation is complex) can discriminate against students in their admissions policies, and some or all teachers in their employment policies, on religious grounds. In October 2015, a report from the Fair Admissions Campaign found “near-universal noncompliance” with the statutory rules on admission of

pupils by religiously-selective state schools in England.<sup>5</sup> This added to earlier findings that showed that religious selection causes extensive socio-economic and ethnic segregation.<sup>6</sup>

In 2018, the UK Government announced it will lift a 50% limit on religious selection in admissions that had applied to all new state-funded schools in England since 2007, with new 100%-selective religious schools to open under a funding scheme for voluntary-aided schools. The first of these, a Roman Catholic school in Peterborough, was approved in early 2020 and is set to open in 2022.<sup>7</sup>

Furthermore, religious schools in Great Britain are currently allowed to discriminate more broadly than EU law permits. In a report published in late December 2016, the Equality and Human Rights Commission for the UK stated that it considers the existing exceptions permitting a religious requirement for all teacher recruitment to be too broad. The Commission recommended that the provisions should be reviewed by both the Department for Education and the Scottish Government to make them compatible with the EU Employment Equality Directive.<sup>8</sup>

### Religious education

In England and Wales, all state schools are obliged to teach religious education (RE). Most religious schools can provide confessional education (meaning that religious instruction is funded by the state) but legislation mandates that RE is non-confessional in other state schools where the syllabus is required to “reflect the fact that the religious traditions in Great Britain are in the main Christian whilst taking account of the teaching and practices of the other principal religions represented in Great Britain” (these are generally taken to be Islam, Hinduism, Sikhism, Judaism and Buddhism).<sup>9</sup> Detailed syllabuses for RE are prepared for individual local authorities by advisory bodies. These advisory bodies are required to have religious members, along with teachers and local councillors.

Increasingly, humanism is included in RE. Indeed, in 2018, the landmark report of the Commission on Religious Education (CoRE) proposed that the subject be renamed Religion and Worldviews to make it clear that it should be inclusive of non-religious perspectives. However, the UK Department for Education (DfE), which is responsible for England, has stated that it does not intend to make the recommended changes because some religious stakeholders believe they will ‘dilute’ the subject. And previously, in 2015, the Government excluded humanism from age 16+ examination syllabuses, despite majority public support (including almost 90% of consultation respondents) for its inclusion.<sup>10</sup>

The DfE's claim that this narrow examination syllabus would meet the statutory requirement for RE was challenged based on human rights law in a case brought by three humanist families with support from Humanists UK. In November 2015 the High Court ruled against the DfE, saying that non-religious views such as Humanism must be given parity with religions in RE; the judge described the Government's claims to the contrary as an "error of law". The judgment potentially has significant implications, establishing a duty on the state to treat religious and non-religious worldviews with equal respect; however, to date, the DfE has refused to acknowledge anything more than a technical defeat.<sup>11</sup>

In Wales, the Government has recently laid a new Curriculum Bill before the Senedd that will radically change the way RE is taught. If it becomes law, the Bill will make it explicit that RE – which is set to be renamed Religion, Values and Ethics to reflect its broader scope – must include humanism on an equal basis to the major religions to ensure compliance with human rights law. This change follows from a successful challenge to a local council's decision to refuse a humanist representative permission to become a full member of the local body that decides on what goes on the RE syllabus. This prompted the Welsh Government to issue guidance to ensure that these bodies are fully inclusive. The Government in England refuses to issue similar guidance, preferring to defer decisions about who may sit on these bodies to local councils.<sup>12</sup>

The Welsh Government will also be replacing the right of parents to withdraw their children from denominational R(V)E in voluntary aided faith schools with a right to demand alternative lessons in the subject that are 'objective, critical, and pluralistic'.<sup>13</sup>

In Scotland, Religious Observance and Religious Education are statutory requirements in every year of schooling. In non-denominational schools, which must still reflect Scotland's Christian (Presbyterian) heritage. Most faith schools are Roman Catholic in nature. The Roman Catholic Bishops' Conference in Scotland retains the right to set the religious education curriculum (RERC) and relationships, sexual health and parenthood education. Whilst only 15% of schools in Scotland are 'denominational' in nature, all of Scotland's state schools have, to a greater or lesser extent, a Christian influence.<sup>14</sup>

Despite this Religious and Moral Education (RME), sometimes known as Religious, Moral and Philosophical Studies (RMPS), in non-denominational schools does include an understanding of non-religious viewpoints alongside traditional teaching of faith positions.<sup>15</sup>

In Northern Ireland, all religious education is Christian in nature, with the core syllabus having one module that mandates the teaching of two world religions, but otherwise only focusing, from a faith-based perspective, on Christianity.<sup>16</sup>

## No opt-out from religious education for students

Students cannot opt out of RE in any state school (including religious schools) but parents do have the absolute right to withdraw their children. The Welsh Government plans to remove this right once the new national curriculum is introduced in 2021, replacing it with a right to demand objective lessons in line with the agreed syllabus in voluntary aided faith schools. However, as with the right to withdraw in the rest of the UK, this right will sit entirely with the parents. This likely breaks children's human rights, with case law on what is known as *Gillick competence* seeming to suggest that once a child obtains sufficient understanding and intelligence to be mature enough to make up their own mind on the matter, a child's right to make their own decisions overrides their parents' rights over them.

## Required collective worship

In England, Wales and Northern Ireland, every state-funded school is legally required to hold a daily act of "collective worship". In religious schools this is in line with the faith of the school but in schools not designated with a religious character, worship must be "wholly or mainly... broadly Christian", subject to variations approved by their local authority to reflect the school's population – but they cannot substitute a secular equivalent. Parents have the same right to withdraw their children from worship as from RE, save that in England and Wales the right is transferred to the pupil in the sixth form (i.e., at 16+). However, the right is rarely used because it singles out students from their peers and may mean they miss out on secular aspects of the assembly. In Scotland religious observance is required six times a year and older pupils do not have the right of withdrawal.

Humanists UK reports being frequently contacted by parents whose children have experienced proselytising in school, either because their child attends a religiously designated school, or because of the Christian collective worship that every English and Welsh school has to hold. And, in 2019, the charity supported two non-religious parents, Lee and Lizanne Harris, to take a legal challenge against their children's school because it refused to provide a meaningful alternative to collective worship for their children. When the trust that runs the school eventually backed down after the Harrises won permission to have their case heard at the High Court, the school agreed to provide an inclusive alternative to the Harris children and any other withdrawn children whose parents wished them to receive it. Unfortunately, the case does not set a legal precedent, however, it logically ought to mean that similar arrangements are possible at other schools.<sup>17</sup>

In Scotland, all schools are required to hold occasions for Religious Observance, however there is no minimum number of sessions, with guidance suggesting it takes place “sufficiently frequently to have an impact on the spiritual development of the school community”. Religious Observance is defined by the government as: “Community acts which aim to promote the spiritual development of all members of the school’s community and express and celebrate the shared values of the school Community”.

Children and Young People are not given the right to opt out of these religious observance sessions, however parents and guardians can withdraw their children. If pupils do not attend sessions due to parental opt-out, government guidance states they must be provided with “a meaningful alternative” by the school.

Humanist Society Scotland has campaigned for children and young people to have their own right to opt-out of Religious Observance and have previously taken legal action on the subject in line with recommendations from the United Nations Committee on the Rights of the Child. In 2016 Humanist Society Scotland led a court challenge to require Scottish Ministers change the law to ensure young people can realise their own right to freedom of thought, belief and religion. The charity was not able to test the human rights arguments however they did force the Scottish Government to issue updated guidance to give young people a voice in the process for the first time.<sup>18</sup>

## Family, community and society

There has been a marked decline in people’s declared religious affiliation, particularly in Great Britain. The 2011 Census found 59% ticking the Christian box (down from 72% in 2001), 25% (15%) ticking no religion, and 5% (3%) ticking Muslim. Other religions totalled 4% (3%) and 7% (8%) declined to answer.

In contrast to the Census, the British Social Attitudes survey measures religious belonging; in 2018 it found 52% declaring no religion (up from 49% declaring in 2014). A 2016 Scottish Social Attitudes Survey found 58% have no religion, rising to 74% of 18 to 34-year-olds.<sup>19</sup>

There is a wide range of humanist and other non-religious organizations.

## Marriage law discrimination

Religious people in the UK have a choice between being married by a civil registrar and being married by a representative of their religion who shares their approach to life. Except in Scotland and Northern Ireland, non-religious people have no option other than the civil registrar. Each year thousands of people in

England and Wales choose to have a wedding ceremony performed by a humanist celebrant but their weddings are not legally recognised.

In 2020, the High Court ruled, in a case brought by six humanist couples wanting legally recognised humanist marriages in England and Wales, that the failure to provide legally recognised humanist marriages means that ‘the present law gives rise to... discrimination’. However, the Court did not issue a declaration of incompatibility with the law, which would instruct the Government to grant legal recognition, on the basis that the Government should be given more time to resolve the matter. There is ongoing litigation on this point.<sup>20</sup>

In Scotland, however, humanist marriages have been legally recognised since 2005, and in Northern Ireland this has been the case since 2018. In 2019, the total number of humanist weddings in Scotland exceeded Christian marriages for the first time.<sup>21</sup>

## One law for all?

Historically, the Church of England’s canon law and its courts were deeply entangled with the secular law and courts but currently, although canon law is still part of the law of the land, the ecclesiastical system is almost entirely concerned with internal matters to the Church. Other denominations and religions often have their own internal tribunals but again in most instances there is little conflict between the systems. The emergence of sharia councils (not courts) run by local Muslim imams has, however, raised concerns. Their business is almost entirely to provide (or refuse) religious divorces to Muslim women, and there is strong evidence of patriarchal and misogynist behavior by some councils. A Muslim Arbitration Tribunal operates under the general law on arbitration and occasionally sharia councils are also reported to do so. Concern focuses on rulings that may stray into matters not legally open to sharia councils – child custody, inheritance and criminal matters. The campaign group One Law For All explains, “Proponents argue that those who choose to make use of Sharia courts and tribunals do so voluntarily and that according to the Arbitration Act parties are free to agree upon how their disputes are resolved. In reality, many of those dealt with by Sharia courts are from the most marginalised segments of society with little or no knowledge of their rights under British law. Many, particularly women, are pressured into going to these courts and abiding by their decisions.”<sup>22</sup>

The last Census, conducted in 2011, showed 4.8% of the UK population is Muslim. The number contained within this figure who are secular or non-religious is difficult to establish. Evidence indicates that some people who have been raised as Muslim will go on to become non-religious (sometimes identifying as ex-Muslim), however they may be forced to hide their non-religious views, either by the social taboo against “apostasy”

or outright threats of ostracism or in extreme cases against their lives. Similar problems are sometimes reported within other extremely conservative religious groups – Christian Exclusive Brethren and Charedi Jewish communities, for example. In November 2015, the hashtag #ExMuslimBecause trended in the UK for several days, as part of a ‘coming out’ campaign.<sup>23</sup>

## Freedom of expression, advocacy of humanist values

UK law, incorporating the European Convention on Human Rights, protects freedom of expression and freedom of association and assembly, and the UK is known for its strong and diverse media and active civil society.

However, some sections of the British press have a reputation for subtly or not so subtly playing into far-right nationalist views. A report for the UN High Commission for Refugees (UNHCR) in 2015 comparing press coverage on the migration crisis in Europe, found that “coverage in the United Kingdom was the most negative, and the most polarised. Amongst those countries surveyed, Britain’s right-wing media was uniquely [aggressive] in its campaigns against refugees and migrants.”<sup>24</sup>

In 2019, in responding to campaigning by Humanists UK and other religion or belief groups working with asylum seekers in the UK, the UK Home Office, which deals with all immigration matters, introduced new specific training on processing and understanding claims made based on religion or belief. This followed several high-profile media cases where claimants were turned down for spurious or unfair reasons, including a humanist who was denied asylum on the basis that he could not name Plato and Aristotle as humanists, even though neither was.<sup>25</sup>

The libel laws of England and Wales, which previously had been over-reaching, were reformed in 2013 to make it more difficult to use them to suppress free speech. However, the same libel laws as previously applied are still on the books in Northern Ireland. There is an ongoing campaign for reform there, too.<sup>26</sup>

## “Blasphemy” laws in Scotland and Northern Ireland

“Blasphemy” law in England and Wales was abolished under the Criminal Justice and Immigration Act in 2008. However, two distinct laws in Scotland and Northern Ireland are still on the statute books. The last successful prosecution for “blasphemy” in Scotland was in 1843, when a bookseller Thomas Paterson was handed a fifteen-month prison term.

In 2020, the Scottish Government announced it will abolish the common law offence of blasphemy as part of the Hate Crime and Public Order (Scotland) Bill. It follows a long campaign led by Humanist Society Scotland. The Scottish Government said that blasphemy ‘had not been prosecuted in Scotland for more than 175 years’ and its continued criminalisation ‘no longer reflects the kind of society in which we live.’<sup>27</sup>

In 2019, Northern Ireland Humanists launched a campaign to repeal the blasphemy laws in Northern Ireland. As a result of this campaign all of the major political parties in Northern Ireland came out in support of repeal, except for the Democratic Unionist Party, which is opposed, and the Ulster Unionist Party, which is still forming its policy.<sup>28</sup>

Some commentators believe that the Human Rights Act (1998) effectively makes the “blasphemy” laws in Scotland and Northern Ireland inapplicable. The Scottish Government’s official position in a letter from the Justice Secretary in 2017 supports this view and therefore has rejected calls to scrap the common law of blasphemy. This is because under the Human Rights Act all courts in the United Kingdom must interpret the law such that it is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms, which includes freedom of expression under Article 10. However, before the passage of the Human Rights Act, the claim that “blasphemy” law is inconsistent with the right to free expression was tested in the case of *Wingrove v UK* (1997) and was rejected on the basis that the state’s margin of appreciation on free speech could include restrictions on “blasphemy”. It therefore remains unclear whether there could be a prosecution under the laws in Northern Ireland and Scotland as they stand.

## Social and ethical issues

There are mixed fortunes in the UK for advocacy of humanist values. In 2020, same-sex marriage was legally recognised in Northern Ireland. This followed recognition being granted in England and Wales in 2014, and Scotland in 2015. However, humanist marriage in England and Wales has been blocked whilst flourishing in Scotland since 2005 and Northern Ireland since 2018 (see above). Legislation to legalise assisted dying has consistently been rejected by both UK and Scottish Parliaments, despite popular support.

Under the terms of the Abortion Act 1967, abortion in England, Scotland, and Wales is generally accessible up to 24 weeks gestation, with women needing the permission of two doctors for one of several reasons, including long-term damage to the mother’s physical or mental health. Outside of these reasons, abortion remains a crime under the 1861 Offences Against the Person Act, with the maximum sentence being life imprisonment. However, the Abortion Act did not extend to Northern Ireland. In October 2019, the UK Parliament



passed legislation which removed abortion from criminal law in Northern Ireland.

From 2020, women in Northern Ireland have been able to access abortion services for any reason up to 12 weeks' gestation, and up to 24 weeks in cases where the continuance of the pregnancy would involve risk of injury to the physical or mental health of the pregnant woman or girl, greater than the risk of terminating the pregnancy.<sup>29</sup>

The Scotland Act 2016 devolved the power to legislate on abortion to the Scottish Parliament. Scottish Ministers currently have no plans to change the law on abortion.<sup>30</sup>

In 2017, Scotland's Chief Medical Officer wrote to all health boards to say the drug misoprostol, known as the abortion pill, can be taken at home.<sup>31</sup> Home use of misoprostol was introduced in Wales in 2018. Under emergency powers enacted due to the COVID-19 pandemic, women in England and Scotland also became able to access abortion services at home. The UK Government has announced that it will consult on whether to extend this provision beyond the pandemic, and the Scottish Government has launched a similar consultation.<sup>32</sup>

Communications privacy and civil liberties concerns  
In November 2016, the UK Parliament passed the Investigatory Powers Act, sometimes referred to as "the Snooper's Charter". The law grants new "hacking powers" to police and security services, requires internet service providers to store all their customers' website visits (at domain level) for a year, and requires phone companies to keep metadata on all phone calls. The data may be made available on request, without judicial oversight, to various public authorities, including some bodies which have no direct relationship to national security (e.g. the Department of Work and Pensions and the Food Standards Agency). The Investigatory Powers law has been severely criticized by civil liberties groups and privacy advocates. American whistleblower Edward Snowden called it "the most extreme surveillance in the history of western democracy. It goes further than many autocracies." Amnesty UK said the law would "violate the human rights of every single person in the UK." Open Rights Group (ORG) said the law set a dangerous international precedent.<sup>33</sup>

Another new law, the Digital Economy Act, came into force in April 2017. It was set to require age verification procedures on all pornographic websites, and restricts the provision of "extreme" pornography, vaguely defined as material that is "grossly offensive, disgusting or otherwise of an obscene character". Open Rights Group criticized the bill before parliamentary approval as constituting "censorship of legal content", and argued that it increased the risk of credit card fraud and personal data leaks by requiring sites to collect personal information. ORG adds: "Blocking websites is a disproportionate, technical response to a complex,

social issue. The UK's children need education, not censorship, to keep them safe." After multiple delays, the plan to require age verification measures on pornographic websites was finally dropped in October 2019.<sup>34</sup>

## References

<sup>1</sup> <https://www.parliament.uk/business/lords/whos-in-the-house-of-lords/members-and-their-roles/how-members-are-appointed/>

<sup>2</sup> <https://www.gov.uk/government/news/support-for-churches-and-cathedrals-across-the-uk-announced-by-chancellor>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/16/26/1>; <https://www.equalityhumanrights.com/en/advice-and-guidance/religion-or-belief-discrimination>;

<https://www.citizensadvice.org.uk/consumer/discrimination-in-the-provision-of-goods-and-services/discrimination-in-the-provision-of-goods-and-services/1/goods-and-services-what-are-the-different-types-of-discrimination/what-doesn-t-count-as-unlawful-discrimination-in-goods-and-services/religious-organizations-and-charities-when-discrimination-is-allowed-in-the-provision-of-goods-or-services/>

<sup>4</sup> [ippr.org/read/autonomy-in-the-right-place#school-governance-in-38-160-scotland](http://ippr.org/read/autonomy-in-the-right-place#school-governance-in-38-160-scotland)

<sup>5</sup> [fairadmissions.org.uk/an-unholy-mess-new-report-reveals-near-universal-noncompliance-with-school-admissions-code-among-state-faith-schools-in-england/](http://fairadmissions.org.uk/an-unholy-mess-new-report-reveals-near-universal-noncompliance-with-school-admissions-code-among-state-faith-schools-in-england/);

<https://www.equalityhumanrights.com/en/advice-and-guidance/religion-or-belief-discrimination>

<sup>6</sup> [fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/](http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/)

<sup>7</sup> <https://humanism.org.uk/2018/05/11/humanists-uk-wins-government-u-turn-on-50-cap-on-faith-school-admissions/>;

<https://humanism.org.uk/2020/02/13/final-approval-granted-for-most-religiously-selective-state-school-in-a-decade/>

<sup>8</sup> [equalityhumanrights.com/sites/default/files/religion-or-belief-report-december-2016.pdf](http://equalityhumanrights.com/sites/default/files/religion-or-belief-report-december-2016.pdf)

<sup>9</sup> <https://www.legislation.gov.uk/ukpga/1988/40/part/II/chapter/II/crossheading/religious-education/enacted>

<sup>10</sup> [humanism.org.uk/2018/09/09/humanists-uk-welcomes-landmark-commission-on-re-recommending-new-subject-religion-and-worldviews/](http://humanism.org.uk/2018/09/09/humanists-uk-welcomes-landmark-commission-on-re-recommending-new-subject-religion-and-worldviews/); [humanism.org.uk/2018/12/16/secretary-of-state-for-education-rejects-calls-for-legal-reform-to-re/](http://humanism.org.uk/2018/12/16/secretary-of-state-for-education-rejects-calls-for-legal-reform-to-re/);

[humanism.org.uk/2015/02/12/government-rejects-consensus-subject-experts-public-religious-leaders-marginalises-humanism-gcse-levels/](http://humanism.org.uk/2015/02/12/government-rejects-consensus-subject-experts-public-religious-leaders-marginalises-humanism-gcse-levels/)

<sup>11</sup> [bbc.co.uk/news/education-34921857](http://bbc.co.uk/news/education-34921857);

[humanism.org.uk/2015/11/25/judge-rules-government-broke-the-law-in-excluding-humanism-from-school-curriculum/](http://humanism.org.uk/2015/11/25/judge-rules-government-broke-the-law-in-excluding-humanism-from-school-curriculum/)

<sup>12</sup> [humanism.org.uk/2019/05/01/success-new-welsh-curriculum-is-fully-inclusive-of-humanism/](http://humanism.org.uk/2019/05/01/success-new-welsh-curriculum-is-fully-inclusive-of-humanism/);

[humanism.org.uk/2018/11/08/humanist-representatives-will-be-included-on-schools-re-body-welsh-council-rules/](http://humanism.org.uk/2018/11/08/humanist-representatives-will-be-included-on-schools-re-body-welsh-council-rules/)

<sup>13</sup> <https://humanism.org.uk/2020/07/21/wales-humanists-backs-government-plan-for-objective-re-that-includes-humanism-to-be-taught-in-all-schools/>

<sup>14</sup> [humanism.scot/what-we-do/education/](http://humanism.scot/what-we-do/education/)

<sup>15</sup> [education.gov.scot/Documents/rme-pp.pdf](http://education.gov.scot/Documents/rme-pp.pdf)

<sup>16</sup> [education-ni.gov.uk/sites/default/files/publications/de/religious-education-core-syllabus-english-version.pdf](http://education-ni.gov.uk/sites/default/files/publications/de/religious-education-core-syllabus-english-version.pdf)

<sup>17</sup> [humanism.org.uk/campaigns/schools-and-education/](http://humanism.org.uk/campaigns/schools-and-education/);

<https://humanism.org.uk/2019/11/20/school-concedes-in-collective-worship-legal-case-will-provide-alternative-assemblies/>

<sup>18</sup> [humanism.scot/what-we-do/news/humanists-to-challenge-scottish-government-in-courts/](http://humanism.scot/what-we-do/news/humanists-to-challenge-scottish-government-in-courts/)

<sup>19</sup> [scotcen.org.uk/news-media/press-releases/2017/july/scots-with-no-religion-at-record-level/?\\_ga=2.84817945.1436756900.1511782481-1070362660.1511782481](http://scotcen.org.uk/news-media/press-releases/2017/july/scots-with-no-religion-at-record-level/?_ga=2.84817945.1436756900.1511782481-1070362660.1511782481)

<sup>20</sup> <https://humanism.org.uk/2020/07/31/humanist-marriage-case-outcome/>

<sup>21</sup> <https://humanism.org.uk/2020/06/25/more-humanist-than-christian-marriages-in-scotland-in-2019-new-stats-show>

<sup>22</sup> <https://onelawforall.org.uk/>

<sup>23</sup> [bbc.co.uk/news/magazine-34357047](http://bbc.co.uk/news/magazine-34357047)

<sup>24</sup> [unhcr.org/uk/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html](http://unhcr.org/uk/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html)

<sup>25</sup> <https://humanism.org.uk/2018/10/16/home-office-to-introduce-training-on-humanism-following-humanists-uk-asylum-campaign/>

<sup>26</sup> [libelreform.org/latest-news/libel-reform-northern-ireland](http://libelreform.org/latest-news/libel-reform-northern-ireland)

<sup>27</sup> <https://humanism.org.uk/2020/04/24/humanists-uk-celebrate-scotland-becoming-latest-country-to-abolish-blasphemy-law/>;

[humanism.scot/what-we-do/news/msps-consider-petition-blasphemy-laws/](http://humanism.scot/what-we-do/news/msps-consider-petition-blasphemy-laws/)

<sup>28</sup> <https://humanism.org.uk/2019/07/12/dup-opposes-repealing-northern-irelands-blasphemy-laws-while-all>



[other-parties-come-out-in-favour/](#)

<sup>29</sup> <https://humanism.org.uk/2019/07/19/parliament-passes-landmark-northern-ireland-abortion-same-sex-marriage-legislation-with-early-2020-implementation-date/>;

[wetrustwomen.org.uk](http://wetrustwomen.org.uk)

<sup>30</sup> [gov.scot/Publications/2016/09/2860/6](http://gov.scot/Publications/2016/09/2860/6)

<sup>31</sup> [bbc.co.uk/news/uk-scotland-41760959](http://bbc.co.uk/news/uk-scotland-41760959)

<sup>32</sup> <https://humanism.org.uk/2020/03/30/women-in-england-reportedly-to-receive-abortion-care-at-home-during-covid-19/>

<sup>33</sup> [theguardian.com/world/2016/nov/19/extreme-surveillance-becomes-uk-law-with-barely-a-whimper](http://theguardian.com/world/2016/nov/19/extreme-surveillance-becomes-uk-law-with-barely-a-whimper);

[amnesty.org.uk/blogs/yes-minister-it-human-rights-issue/urgent-stop-ipb-investigatory-powers-bill-snoopers-charter-human-rights](http://amnesty.org.uk/blogs/yes-minister-it-human-rights-issue/urgent-stop-ipb-investigatory-powers-bill-snoopers-charter-human-rights);

[openrightsgroup.org/press/releases/2016/ipb-will-reach-beyond-the-uk](http://openrightsgroup.org/press/releases/2016/ipb-will-reach-beyond-the-uk)

<sup>34</sup> [theguardian.com/technology/2016/nov/23/censor-non-conventional-sex-acts-online-internet-pornography](http://theguardian.com/technology/2016/nov/23/censor-non-conventional-sex-acts-online-internet-pornography);

[openrightsgroup.org/campaigns/digital-economy-bill-hub/stop-uk-censorship-of-legal-content](http://openrightsgroup.org/campaigns/digital-economy-bill-hub/stop-uk-censorship-of-legal-content);

[bbc.co.uk/news/technology-50073102](http://bbc.co.uk/news/technology-50073102)

# Brazil

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|

Ranking Index: 99

The Federative Republic of Brazil is a secular and democratic sovereign state in South America with a population of around 202 million. Often described as an emerging world power, it is the sixth largest country in the world by population and fifth by area, and one of just 17 countries worldwide classed as “megadiverse” due to its abundant natural resources and wildlife<sup>1</sup>. Aside from having the world’s largest Catholic population (126 million people, or 64.6% of the

population), Brazil also appears as one of the top ten most religious countries in the world. According to the 2012 Gallup Global Index of Religiosity and Atheism, 85% of Brazilians describe themselves as religious. There is also a relatively large non-religious community that makes up around 8% of the population, with the small remainder split between indigenous spiritism, Islam and Judaism.

| Constitution and government  | Education and children’s rights   | Family, community, society, religious courts and tribunals   | Freedom of expression advocacy of humanist values   |
|--|---|--|---|
|  |   | Systemic religious privilege results in significant social discrimination<br>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views | Expression of core humanist principles on democracy, freedom or human rights is severely restricted |
| There is systematic religious privilege<br>Preferential treatment is given to a religion or religion in general<br>State-funding of religious institutions or salaries, or discriminatory tax exemptions |   |  | Criticism of religion is restricted in law or a de facto ‘blasphemy’ law is in effect               |
|  | State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional |  |   |
| The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief  |   |  |   |

## Constitution and government

The preamble to the Brazilian Constitution<sup>2</sup> declares that society shall be founded “under the protection of God”. Despite this and the country’s high level of religiosity, Article 5 of the constitution enshrines the freedoms of religion, conscience, belief, and expression.

Section 5, Article 5 states:

*“Freedom of conscience and of belief is inviolable, the free exercise of religious sects being ensured and, under the terms of the law, the protection of places of worship and their rites being guaranteed,”*

while Section 7 of Article 5 affirms that

*“expression of intellectual, scientific, and communications activities is free, independently of censorship or license.”*

There is no official state religion. Article 19 of the Constitution outlines the secular nature of the state which separates church and state, and prohibits the government to “establish religious sects or churches, subsidize them, hinder their activities or maintain relationships of dependence or alliance with them or their representatives”.

However, the election of Jair Bolsonaro in October 2018 highlighted the role of religion in Brazilian politics. Throughout his election campaign, Bolsonaro presented himself as the defender of traditional Christian moral values with the slogan “Brazil above everything, God above everyone.” His election has ensured that Brazil is governed by a Christian-extreme-right authoritarian agenda that aims to hegemonize Brazilian politics<sup>3</sup>.

During his campaign, Bolsonaro focused on Christianity, arguing for obligatory crucifixes and the provision of Bibles in legislative buildings. Bolsonaro has the support of many among the rising and powerful Brazilian evangelical community, who regard him as “the answer to their prayers”<sup>4</sup>.

### Far-right threat

Jair Bolsonaro offers an ultra-conservative agenda, his speeches filled with openly and harsh misogynistic, racist, anti-LGBTI+ and anti-democratic views.

During the COVID-19 pandemic, people gathered in Brazil’s capital city in order to rally against quarantine, in support of a military coup against the legislature and judiciary. Bolsonaro has insisted that these protests are “spontaneous movements” by supporters, but the Supreme Court has commenced an investigation into their origin. Multiple members of Congress in addition to the president are suspected of arranging the events.

There are fears that Brazil is accelerating towards another dictatorship similar to the military one who ruled between 1964 to 1985<sup>5</sup>. Such concerns are exacerbated by the fact that army officers hold no fewer than 325 posts in the federal administration<sup>6</sup>. In addition, the president has consistently sought to shield police and military officials from wrongdoing<sup>7</sup>.

## Education and children’s rights

Religious education is provided in all schools, but must be optional, as protected by Article 210 in the Constitution. Even though the enrolment in religious education is optional, the classes are conducted during regular school hours which has been found in a recent Supreme Court decision to be lawful<sup>8</sup>.

The effect that Bolsonaro’s choice of new education minister will have on the schooling system remains to be seen. Appointed in July 2020, Brazil’s new minister for education is a pastor at an evangelical church in Sao Paulo. Religious groups have welcomed the new post-holder, stating that the education ministry is key to increasing Christian values in Brazil and reducing what they contend to be ‘leftist’ influence in the school system<sup>9</sup>.

## Family, community and society

Since his election, President Bolsonaro has consistently invoked an anti-human-rights rhetoric, which is also being manifested in concrete measures that are being taken to threaten and violate the human rights of all those living in Brazil<sup>10</sup>.

### LGBTQ+ rights

Although homosexuality is not criminalised in Brazil,<sup>11</sup> LGBTQ+ individuals still face social stigma and harassment<sup>12</sup>. The country is also one of the world’s most dangerous for gay and trans people<sup>13</sup>. RedeTransBrasil documented the murder of 105 transgender individuals over the course of 2019<sup>14</sup>.

Throughout 2016-2018, efforts to stage Jo Clifford’s *The Gospel According to Jesus, Queen of Heaven* – a play in which Jesus is re-imagined as a transgender woman who tells Biblical stories of tolerance – were repeatedly opposed and even cancelled following the intervention of members of the Evangelical and Catholic Church<sup>15</sup>. Most of the progress made in LGBTQ+ rights has been through the courts, rather than Congress. In recent years, Brazil’s Supreme Court has handed down countless rulings in favour of LGBTQ+ rights<sup>16</sup>. In June 2019, the Supreme Court voted to criminalize homophobia and transphobia<sup>17</sup>. President Bolsonaro reportedly condemned their judgement<sup>18</sup>.

In 2020, the Supreme Court also struck down municipal provisions in two separate states that prohibited referring to educational policies and materials addressing “gender ideology”. The court ruled that municipalities cannot override national education plans and also found that the municipal bans violated the rights to equality, education, and freedom of expression. According to Human Rights Watch, the term “gender ideology” is used by far-right movements and politicians to denote “an ill-defined gay and feminist conspiracy to wreak havoc on traditional values.”<sup>19</sup>

## Women’s rights

Violence against women has long been an issue in Brazil<sup>20</sup>. An average of five women are murdered by their partners each day, according to Deutsche Welle<sup>21</sup>. However, despite “the innumerable policies and laws toward women” claimed to have been implemented by the Bolsonaro administration by Family, Women and Human Rights Minister Damares Alves, a conservative evangelical pastor, funding for projects to protect women has dried up; what budget that has been made available to projects remains, largely, unspent<sup>22</sup>.

Since lockdown restrictions were imposed by some state and municipal authorities across Brazil in mid-March 2020 in response to the COVID-19 pandemic, judges who specialise in gender-based violence estimate that reported cases have doubled. Activists on the ground believe that the reported figures represent only a fraction of the actual number<sup>23</sup>.

Abortion is legal only in cases of rape, incest, to save a woman’s life, and, since 2012, in the case of anencephaly — a fatal condition in which infants are born without parts of the brain or skull. Despite Brazil’s severe legislation, 500,000 illegal abortions are estimated to occur every year among women aged 18–39 years, which equates to one in five women, with half of these abortions resulting in emergency room visits due to complications. More than 200 women are reported to die each year due to illegal abortions<sup>24</sup>. Those convicted of having an illegal abortion face penalties of up to three years in prison, while those who conduct them face up to four years in prison<sup>25</sup>.

In August 2020, a 10-year-old girl who had been raped by her uncle was forced to fly to a hospital 900 miles away after religious extremists and far-right anti-abortion activists and politicians sought to prevent her from entering the hospital to access an abortion to which she was legally entitled. The protests are thought to have been organised by a former staffer of the incumbent Family, Women and Human Rights Minister, Damares Alves<sup>26</sup>.

According to Reporters Without Borders, the staff of AzMina – a Brazilian online newspaper run by women journalists fighting for gender equality – were subjected to a slew of threats and harassment in September 2018 after

they published a report entitled, “How to abort safely”<sup>27</sup>.

## Indigenous peoples’ rights

More than 800,000 indigenous people live in 505 demarcated indigenous territories across Brazil – which cover 12.5% of land<sup>28</sup>. Most are located in the Amazon region and some people live in total isolation.

The Bolsonaro administration has repeatedly questioned the existence of their protected reserves, which are rights guaranteed in the country’s constitution. Bolsonaro himself is known to favour development over conservation, and has argued that indigenous peoples’ territories are too big in relation to the number of people who live there<sup>29</sup>.

In July 2019, illegal gold-miners killed a leader of the Wajãpi community after they invaded a village in Amapá state<sup>30</sup>.

In January 2020, it was reported that the Association of Indigenous Peoples planned to sue President Bolsonaro for racism after he reportedly stated that “*The Indian is gradually evolving; more and more they are human being like us*”<sup>31</sup>.

## Environmental degradation

Deforestation recorded on Indigenous Lands in the Amazon between 1 August 2018 and 31 June 2019 was 65% higher than over the previous period representing a 4% loss in total Amazonian biomass<sup>32</sup>.

During the course of 2019, satellite imaging recorded almost 90,000 fires in the Amazon, 30% more than in 2018. Over a 10-year period, 2019 was the fourth highest year for number of fires. According to experts, the fires in the Amazon are caused primarily by people burning to clear an area of forest that has recently been felled<sup>33</sup>. According to Global Witness, 24 land and environmental rights defenders were killed in Brazil in 2019<sup>34</sup>.

## Freedom of expression, advocacy of humanist values

Free expression organizations have repeatedly expressed concern regarding systematic violations of freedom of expression in the country, attacks on the press, censorship of artistic and cultural freedom, stifling of social participation spaces and access to public information<sup>35</sup>.

## Media freedom

The press is private and pluralistic with dozens of daily newspapers, television and radio stations across the country. However, there have been numerous reports of attacks on journalists in Brazil. The most recent being

that of Alex Braga on 23 July 2020. Braga hosts the nightly news show 'Amazonas Diário,' on which he frequently covers corruption allegations involving local authorities and private companies. He has since reported that he had received threats from politicians in the weeks leading up to the attack<sup>36</sup>.

In August 2020, President Bolsonaro told a reporter, "I want to punch you in the face," after the reporter asked about thousands of dollars that were transferred into a bank account of the president's wife by a former aide who is now the target of a corruption probe<sup>37</sup>.

## Access to information during COVID-19

A group of civil society organizations have brought charges against the Brazilian Federal Government at the Inter-American Commission on Human Rights (IACHR), alleging systematic violation of access to information and transparency during the COVID-19 pandemic<sup>38</sup>.

Meanwhile, ARTICLE19 Brazil has recorded 82 attacks against journalists and the media. In 72% of cases, members of the government were found to be directly responsible. This includes the president who held a press conference confirming that he had tested positive for COVID-19 without wearing a mask, putting the journalists in attendance at direct risk.<sup>39</sup>

## Proposed 'Disinformation' Bill

In 2020, Bill 2630/2020 Law on Freedom, Responsibility and Transparency in the Internet – a bill aimed at tackling disinformation in Brazil – passed through the Senate in exceptional conditions because of the COVID-19 pandemic. Civil society organizations have raised concerns that the bill violates international standards of freedom of expression and is being rushed through parliament without sufficient and proper debate, ignoring the wider implications of the bill.<sup>40</sup>

## "Blasphemy"

The Brazilian Penal Code contains a *de facto* blasphemy law which renders "crimes against religious feeling" a punishable offense. Article 208 states that to "mock someone publicly, by reason of belief or religious function; prevent or disrupt ceremony or practice of religious worship; publicly vilify an act or object of religious worship: Penalty – detention of one month to one year or a fine." Previously, this law does not appear to have been used to prohibit or obstruct the criticism of religion. However, in January 2020, a Brazilian judge ordered Netflix to remove a Christmas special that some called blasphemous for depicting Jesus as a gay man. The ruling by Rio de Janeiro judge Benedict Abicair was made in response to petitions by a Brazilian Catholic organization that claimed the 'honor of millions of Catholics' was wounded by the airing of 'The First Temptation of Christ'<sup>41</sup>. The decision was subsequently overturned by the Supreme Court<sup>42</sup>.

## References

- <https://www.worldometers.info/world-population/population-by-country/>
- [http://www.oas.org/es/sla/ddi/docs/acceso\\_informacion\\_base\\_dc\\_leyes\\_pais\\_b\\_1\\_en.pdf](http://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_b_1_en.pdf)
- <http://www.o-re-la.org/index.php/analyses/item/3093-religion-politics-and-the-election-of-jair-bolsonaro-in-brazil-some-preliminary-remarks>
- [theatlantic.com/international/archive/2018/01/the-evangelical-takeover-of-brazilian-politics/551423/](http://theatlantic.com/international/archive/2018/01/the-evangelical-takeover-of-brazilian-politics/551423/)
- <https://www.independent.co.uk/news/world/americas/brazil-bolsonaro-coronavirus-lockdown-protests-brasil-rio-de-janeiro-a9474011.html>
- <https://www1.folha.uol.com.br/poder/2019/10/bolsonaro-amplia-presenca-de-militares-em-30-orgaos.shtml>
- <https://www.hrw.org/news/2020/01/15/one-year-ruinous-anti-rights-policies-brazil;>
- <https://en.mercopress.com/2020/06/13/brazil-excludes-complaints-of-police-violence-from-its-annual-human-rights-report>
- Weingartner Neto J. (2020) 'Secular State and Religious Education in Public Schools: The Brazilian Case'. In: Souza Alves R. (eds) Latin American Perspectives on Law and Religion. Law and Religion in a Global Context, vol 3
- [https://www.washingtonpost.com/world/the\\_americas/brazils-bolsonaro-picks-pastor-as-latest-education-minister/2020/07/10/8dfcd684-c301-11ea-8908-68a2b9eae9e0\\_story.html](https://www.washingtonpost.com/world/the_americas/brazils-bolsonaro-picks-pastor-as-latest-education-minister/2020/07/10/8dfcd684-c301-11ea-8908-68a2b9eae9e0_story.html)
- <https://www.amnesty.org/en/latest/news/2019/05/brazil-bolsonaro-anti-human-rights-rhetoric/>
- <https://www.equaldex.com/region/brazil>
- <https://www.opendemocracy.net/en/democraciaabierta/hate-speech-brazilian-politicians-threatens-lgbt/>
- <https://www.reuters.com/article/us-brazil-lgbt-politics/with-brazils-bolsonaro-attacking-the-supreme-court-are-gay-rights-at-risk-idUSKCN24L00D>
- <http://redetransbrasil.org.br/2020/01/22/monitoramento-de-assassinatos-trans-dezembro-2019/#more-1497>
- <https://pen-international.org/news/brazil-pen-centres-urge-foreign-secretary-jeremy-hunt-to-act-on-case-of-jo-clifford;>
- <https://pen-international.org/app/uploads/PEN-Case-List-FULL-Web-2018.pdf>

<sup>16</sup> <https://www.reuters.com/article/us-brazil-lgbt-politics/with-brazils-bolsonaro-attacking-the-supreme-court-are-gay-rights-at-risk-idUSKCN24L00D>;

<https://www.pinknews.co.uk/2020/07/20/jair-bolsonaro-lgbt-rights-brazil-supreme-court-homophobia-transphobia-same-sex-marriage-judges-retirement/>

<sup>17</sup> <https://www.independent.co.uk/news/world/americas/brazil-crime-homophobia-transphobia-racism-court-bolsonaro-lgbt-rights-a8958691.html>

<sup>18</sup> <https://www.euronews.com/2019/06/15/brazilian-president-says-decision-to-criminalise-homophobia-completely-wrong>

<sup>19</sup> <https://www.hrw.org/news/2020/05/19/supreme-court-strikes-down-bigotry-brazils-schools>

<sup>20</sup> [http://www.oas.org/en/iachr/media\\_center/PReleases/2019/024.asp](http://www.oas.org/en/iachr/media_center/PReleases/2019/024.asp);

<https://womensmediacenter.com/women-under-siege/while-murder-rates-fall-in-brazil-femicide-remains-on-the-rise>; <https://www.opengovpartnership.org/stories/open-data-about-femicide-in-brazil/>;

<https://g1.globo.com/monitor-da-violencia/noticia/2020/03/05/mesmo-com-queda-recorde-de-mortes-de-mulheres-brasil-tem-alta-no-numero-de-feminicidios-em-2019.ghtml>

<sup>21</sup> <https://www.dw.com/en/brazil-a-dangerous-place-for-women/av-51068379>

<sup>22</sup> <https://www.hrw.org/news/2020/01/10/brazils-empty-gestures-women>

<sup>23</sup> <https://www.opendemocracy.net/en/5050/black-brazilian-women-take-bold-action-against-gender-based-violence/>

<sup>24</sup> [https://www.thelancet.com/pdfs/journals/lanpub/PIIS2468-2667\(19\)30204-X.pdf](https://www.thelancet.com/pdfs/journals/lanpub/PIIS2468-2667(19)30204-X.pdf)

<sup>25</sup> <https://examedaoab.jusbrasil.com.br/artigos/414535657/aborto-o-que-diz-a-lei>; <https://presrepublica.jusbrasil.com.br/legislacao/91614/codigo-penal-decreto-lei-2848-40#art-124>; <https://www.hrw.org/legacy/women/abortion/brazil.html>

<sup>26</sup> <https://www.theguardian.com/world/2020/aug/17/brazil-protest-abortion-ricfe-hospital>

<sup>27</sup> <https://azmina.com.br/especiais/como-e-feito-um-aborto-seguro/>;

<https://rsf.org/en/news/brazilian-website-women-targeted-after-report-abortion>;

<sup>28,32</sup> <https://www.iwgia.org/en/brazil/3616-iw-2020-brazil.html>

<sup>29</sup> <https://www.bbc.co.uk/news/world-latin-america-49329680>

<sup>30</sup> <https://www.bbc.co.uk/news/world-latin-america-49144917>

<sup>31</sup> <https://uk.reuters.com/article/uk-brazil-indigenous/brazils-indigenous-to-sue-bolsonaro-for-saying-theyre-evolving-idUKKBN1ZN1T8>;

<https://www.survivalinternational.org/articles/3540-Bolsonaro>

<sup>33</sup> <https://g1.globo.com/jornal-nacional/noticia/2020/01/08/focos-de-queimadas-na-amazonia-umentam-em-2019-informa-o-inpe.ghtml>;

<https://www.iwgia.org/en/brazil/3616-iw-2020-brazil.html>

<sup>34</sup> <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>

<sup>35</sup> <https://rsf.org/en/news/brazilian-government-avoids-questions-and-iachr-condemns-bolsonaros-charge-press>;

<https://www.article19.org/resources/brazil-media-freedom-at-crisis-point-as-government-fails-to-protect-journalists/>;

<https://ifex.org/location/brazil/>

<sup>36</sup> <https://cpj.org/2020/07/journalist-alex-braga-attacked-threatened-in-brazil/>

<sup>37</sup> <https://uk.reuters.com/article/uk-brazil-politics/brazils-bolsonaro-says-journalist-wimps-more-likely-to-die-of-covid-19-idUKKBN25K2GB>

<sup>38</sup> <https://www.article19.org/resources/brazil-civil-society-charges-government-at-iachr-for-violating-access-to-information-and-transparency-during-coronavirus-crisis/>

<sup>39</sup> <https://www.article19.org/resources/brazil-82-attacks-on-journalists-covering-the-coronavirus-pandemic/>

<sup>40</sup> <https://www.article19.org/resources/fake-news-law-threatens-freedom-of-expression-in-brazil/>;

<https://rsf.org/en/news/brazils-fake-news-bill-poses-major-threat-freedom-inform>

<sup>41</sup> <https://www.nbcnews.com/feature/nbc-out/brazil-judge-orders-netflix-remove-film-gay-jesus-n1112946>

<sup>42</sup> <https://www.theguardian.com/world/2020/jan/09/brazil-supreme-court-netflix-gay-jesus-film>



# India

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 104

India is the world's most populous democracy, religiously pluralistic, and for many years proud, in the main, of its secular Constitution.

Since the passage of the Citizenship (Amendment) Act in December 2019, sweeping protests and counter protests have turned increasingly violent, with the vast majority

of victims being Muslims. The Act, which establishes a new route to citizenship for irregular migrants of various religions originating from Pakistan, Bangladesh and Afghanistan, but does not offer the same path to Muslim or humanist migrants, has been widely interpreted as further evidence of Indian Prime Minister Narendra Modi's promotion of Hindu nationalism.

| Constitution and government   | Education and children's rights              | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values  |
|---|--|---|--|
|   |  | <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p> |
| <p>Preferential treatment is given to a religion or religion in general</p>                 |  |   |  |
| <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p> |  |   | <p>Some concerns about political or media freedoms, not specific to the non-religious</p>  |
|   | <p>No formal discrimination in education</p> |   |  |

## Constitution and government

India is a secular republic and its Constitution<sup>1</sup> protects freedom of thought, conscience and religion, as well as freedom of expression, assembly and association.

However, some laws and policies restrict these freedoms, and there continues to be some violence between religious groups and organized communal attacks against religious minorities.

Despite its famously secular Constitution, concerns about Hindu nationalism and interreligious tension have risen under the premiership of Narendra Modi. Modi's presidency has been linked to a rise in Hindu nationalism — both socially and on the part of officials appearing to elevate and promote a politicized Hindu nationalist agenda. Several state or federal laws introduced by the ruling Bharatiya Janata Party (BJP) have been designed to promote patriotism or Hindu national identity in particular. Along with a rise in Hindu

nationalist rhetoric and state-sponsored religious fundamentalism these developments have sparked deep concern for minorities and their right to freedom of religion and belief.

Rationalism as a belief has a long and proud history throughout Indian culture; since the 6th century BCE. According to the 2012 WIN-Gallup Global Index of Religion and Atheism report,<sup>2</sup> 81% of Indians were religious, 13% were non-religious, 3% were convinced atheists and 3% were unsure or did not respond.

Between 2013 and 2015, three prominent rationalists were assassinated apparently because of their work combating superstition or Hindu nationalism (see “Highlighted cases” below). The authorities were quick to promise action, but were also accused of prematurely ruling out links to Hindu nationalist extremist groups. Government officials refrained from forcefully condemning the killings. Whilst India’s Minister for Minorities, Mukhtar Abbas Naqvi, has said that “you cannot judge the government with isolated incidents of violence or isolated statements by some ministers,”<sup>3</sup> this violence has happened against a backdrop of a number of BJP politicians making deeply derogatory remarks about minorities — including, Niranjan Jyoti implying that non-Hindus were bastards by telling attendees at a rally that they would have to decide between a government led by ‘sons of Ram or by bastards’.<sup>4</sup>

## Education and children’s rights

Article 28(1) of the Constitution states,

*“[n]o religious instruction shall be provided in any educational institution wholly maintained out of State funds.”*<sup>5</sup>

While clause 3 of the same article states that:

*“[n]o person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.”*

There are a mixture of state and private schools, and some disparity between different states in this large and varied democracy. There has been debate for decades about whether India’s famous constitutional secularism, in a socially very religious country, should mean the exclusion of religion from the classroom, or its inclusion either with instruction for all, or under a comparative framework, and there were even experiments with a secular moral education.

Today, generally, the religious affiliation of children may be obvious from symbolic religious attire, and this is not discouraged or unlawful, but in this religiously diverse society the placing of undue influence on children through religious instruction is usually avoided in favour of inclusive secular norms, and parents who felt that their children were being wrongfully exposed to unwanted religious instruction would have legal recourse.

In 2002, the Supreme Court ruled that:

*“[s]tudents have to be made aware that the basic concept behind every religion is common, only the practices differ. Even if there are differences of opinion in certain areas, people have to learn to co-exist and carry no hatred against any religion.”*<sup>6</sup>

Dating back to the British Raj, some Christian and even some secular schools do offer Christian instruction, as an optional extra.

The more religious nature of some private Islamic schools, and the taboo in some Muslim communities against educating girls, may be largely responsible for Muslims underperforming in literacy statistics.<sup>7</sup>

Christian and Muslim schools are covered under the minority institutions. However, more recently in order to counter this, and in a clear violation of the Constitution, Hindu nationalists claim that the government schools are Hindu schools and must teach Hindu religious texts. Government schools cannot be termed or converted into Hindu schools simply because there are certain Christian or Muslim schools preaching their faiths to their pupils.

## Family, community and society

### Rise of violence against religious minorities

The presidency of Narendra Modi has been linked to a rise in Hindu nationalism. Statistics on inter-communal violence show a 30% increase in the first half of 2015 with a total of 330 attacks, of which 51 were fatal, compared with 252 attacks, 33 of which were fatal in the same period of 2014. However, these statistics pale in comparison with the anti-Muslim riots in 2002 in Gujarat, with more than 1,000 people killed in violent clashes after 60 Hindu pilgrims died in a fire on a train.<sup>8</sup>

Critics of the government are often told that they should “go to Pakistan”.

In December 2019, the government passed the Citizenship (Amendment) Act, which establishes a new route to citizenship for irregular migrants of various religions originating from Pakistan, Bangladesh and Afghanistan, but does not offer the same path to Muslim

or humanist migrants. The passage of the act led to sweeping protests and counter protests have turned increasingly violent, with the vast majority of victims being Muslims.

## Cow vigilantism

One recurring social and legal issue is the slaughter of Indian cows for beef. Millions of Indians do eat beef, especially members of the so-called Dalit “caste”, as well as Muslims and Christians. It is often an important source of protein and, for many, income. However, many Hindus regard the Indian cow as a sacred creature, which is worshiped and decorated during festivals. The slaughter of cows is a highly sensitive issue across much of India and a source of violence.

Accusations of keeping and slaughtering cows for beef have resulted in many riots. The beginning of the most recent wave of mob violence may be associated with the well-publicized case of the brutal killing of Mohammed Akhlaq in Dadri on 28 September 2015, following a rumor that his family was in possession of cow meat.<sup>9</sup> There were further incidents in the next few years and in 2017, an increasing number of attacks by self-declared gau rakshaks (cow vigilantes) spurred nationwide protests under a campaign called “Not in My Name”.<sup>10</sup> Attacks have included mob lynching and gang attacks on individuals and families. In July 2017 a mob lynched a man who was accused of carrying beef in his car in Jharkhand, and a local BJP leader was among the two people that were arrested in the case.

## Freedom of expression, advocacy of humanist values

Freedom of expression is protected by the Constitution and there is a vigorous and diverse range of media outlets. Despite the vibrant media landscape, journalists continue to face a number of constraints. The government has used security laws, criminal defamation legislation, hate-speech laws, and contempt of court charges to curb critical voices.<sup>11</sup>

In September 2017, journalist Gauri Lankesh was shot dead by at least two assailants outside her home in Bangalore.<sup>12</sup> She had been an ardent critic of Hindu nationalism and extremism. At the time of her death, Lankesh was in the process of appealing her 2016 conviction for defamation after publishing an article in 2008 in which she alleged that members of the BJP had committed theft. State police say it is widely suspected that the murder is linked to her work.

As a result of the investigations into Lankesh’s murder, the Karnataka Police Special Investigation team submitted a 9,235 page report to the Karnataka Court where a confession by accused Rajesh Bagera is recorded.<sup>13</sup> Bagera also admitted that his group

of assassins had also conducted surveillance of the movements of Narendra Nayak, the current president of Federation of Indian Rationalist Associations (FIRA) (following the murder of his predecessor, Narendra Dabholkar). Narendra Nayak is a highly respected and well-known leader of the Indian rationalist community, with an academic scientific background. For decades, he has been campaigning against superstition, exposing ‘godmen’ as fraudsters, and advocating for separation of state and religion.

In March 2017, he reported a suspected attack on his life.<sup>14</sup> As with many other rationalist and atheist leaders, he continues to receive death threats. Nayak is prominently featured on all known “hit-lists” against rationalists.

## Internet shutdowns

Internet access is largely unrestricted, although some states have passed legislation that requires internet cafés to register with the state government and maintain user registries. Under Indian internet crime law, the burden is on website operators to demonstrate their innocence. Potentially inflammatory books, films, and internet sites are occasionally banned or censored. Internet shutdowns have become an easy way for those in power to curtail protest, despite access to the internet being protected by Article 19 of the Constitution and being declared as a fundamental right by the Supreme Court.<sup>15</sup>

## “Insult” and “blasphemy”

The Indian Penal Code provides an array of vaguely-worded or overbroad laws, which enable complainants to stifle criticism of religion.<sup>16</sup> Among them, “blasphemy” laws are being increasingly used and cited.

Section 295 of the Indian Penal Code criminalizes “insulting religious beliefs”; it allows up to three years’ imprisonment and fines for “whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of a class.”<sup>17</sup>

In January 2015, the well-received and record-breaking high-grossing Bollywood film titled “PK”, satirized problems with religion through the eyes of an alien in human form. It was criticized by Hindu nationalists who disliked its satire on “godmen” and called for a ban on the film and a the arrest of its star Aamir Khan and the filmmakers.<sup>18</sup>

Director and writer Rajkumar Hirani responded by explaining, “In fact, with PK, I am saying that we are humans first and not Hindus or Muslims. Everyone should have the freedom to live and get settled with

whoever they want to".<sup>19</sup>

## Freedom of assembly and association

There are some restrictions on freedoms of assembly and association. Section 144 of the Criminal Procedure Code empowers the authorities to restrict free assembly and impose curfews whenever "immediate prevention or speedy remedy" is required.<sup>20</sup> State laws based on this standard are often abused to limit the holding of meetings and assemblies. Nevertheless, protest events take place regularly in practice.

## Highlighted cases

In March 2017, the *Times of India* reported that an atheist and ex-Muslim, **H Farook** (age 31), had been killed by four assailants in Tamil Nadu state. He was apparently targeted due to his participation in an atheistic WhatsApp group and his Facebook page, where he posted "rationalist" messages including views critical of religion. A realtor named as "Ansath" of Muslim background reportedly surrendered before the judicial magistrate court in connection with the murder. A police spokesperson said: "Farook's anti-Muslim sentiments had angered people, which could be the possible motive for murder." As of July 2019, six individuals had reportedly been identified to have links to the crime.<sup>21</sup>

On 16 February 2015, **Govind Pansare** and his wife, Uma, were shot at by two men on motorcycles outside their house in Kolhapur, Maharashtra state, having returned from a morning walk. He later died of his injuries. Pansare was a senior left-wing politician of the Communist Party of India (CPI), a writer and rationalist, having often spoken out against right-wing groups. Pansare was a member of the Kolhapur Anti-Toll Committee having taken a lead in the campaign. Comparisons have been drawn between this attack and the earlier murder of anti-superstition activist Narendra Dabholkar (below). Raghunath Kamble, general secretary of CPI's Kolhapur unit has said that a few months before Pansare had received anonymous letters, saying "**Tumcha Dabholkar Karu** [you would also be killed like Dabholkar]". Kamble said that Pansare had received threats several times in the past but that he would "ignore such threats and continued with his work." Hamid Dabholkar (Narendra Dabholkar's son) criticized those dismissing similarities in the two cases, pointing out that both Dabholkar and Pansare were rationalists and opponents of right-wing extremism, and had been threatened several times.<sup>22</sup> To date, at least 12 individuals have been arrested in connection with the crime, including members of the right-wing Hindu nationalist group Sanatan Sanstha.<sup>23</sup> In November 2019, Pansare's family reportedly filed an application seeking change of investigating officer due to their dissatisfaction with the manner in which he was handling the investigation.<sup>24</sup>

In August 2015, **M.M. Kalburgi**, a 77 year old rationalist scholar and university professor, was shot dead at his home in the southern state of Karnataka. As in the case of Govind Pansare and Narendra Dabholkar, two unidentified male assailants on a motorbike were responsible. Kalburgi had received death threats following his criticism of idol worship during a seminar in 2014. In a statement to the *Hindustan Times* newspaper his daughter Roopadarshi said that:

*"There was a threat to my father from groups that couldn't digest his views on caste and communalism. The role of these groups should be probed..."*<sup>25</sup>

On 18 August 2019, police filed charges against six individuals, including the man accused of killing journalist Gauri Lankesh (see above).<sup>26</sup>

On 20 August 2013, leading anti-superstition campaigner **Narendra Dabholkar** was shot and killed in Pune, Maharashtra state, by two men on a motorcycle. The murder came just days after the state government pledged to re-introduce an anti-superstition bill,<sup>27</sup> aimed at making it an offence to exploit or defraud people with 'magical' rituals, charms and cures. This bill was closely associated with Dabholkar's work, and was opposed by many right-wing and Hindu nationalist groups who labelled it "anti-Hindu".<sup>28</sup> Dabholkar was a long-time activist in India's rationalist movement, founder-president of Maharashtra Andhashraddha Nirmoolan Samiti (MANS), an anti-superstition organization, and a leader of the Federation of Indian Rationalist Association, a member organization of Humanists International. The anti-superstition bill was passed into law soon after Dabholkar's assassination. In 2017, the state of Karnataka passed the 'Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill,' an anti-superstition bill, under pressure from civil society groups following the murders of Dr Dabholkar and Dr Kalburgi. Almost seven years since his murder, the trial of the accused had still not commenced as of March 2020.<sup>29</sup> In February 2020, the Bombay High Court expressed concern at the delay.<sup>30</sup>

## References

- <sup>1</sup> <https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text>
- <sup>2</sup> <https://sidmennt.is/wp-content/uploads/Gallup-International-um-tr%C3%BA-og-tr%C3%BAleysi-2012.pdf>;  
<https://www.jagranjosh.com/current-affairs/global-index-of-religion-and-atheism-report-number-of-atheists-increased-on-global-level-1369644886-1>
- <sup>3</sup> <https://www.bbc.com/news/magazine-33241100>
- <sup>4</sup> <https://time.com/3619564/niranjan-jyoti-racist-india-bjp/>
- <sup>5</sup> [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf)
- <sup>6</sup> Ms. Aruna Roy And Others vs Union Of India And Others on 12 September 2002  
<https://indiankanoon.org/doc/509065/>
- <sup>7</sup> <https://thewire.in/education/census-literacy-religion>
- <sup>8</sup> [bbc.co.uk/news/magazine-33241100](https://www.bbc.co.uk/news/magazine-33241100)
- <sup>9</sup> <https://cjp.org.in/mohammed-akhlaq-lynching-case-timeline/>
- <sup>10</sup> <https://www.bbc.com/news/world-asia-india-40428067>
- <sup>11</sup> <https://pen-international.org/app/uploads/PEN-Int-India-Report-2018.pdf>
- <sup>12</sup> [https://www.cjr.org/special\\_report/gauri-lankesh-killing.php](https://www.cjr.org/special_report/gauri-lankesh-killing.php)
- <sup>13</sup> <https://scroll.in/latest/908884/gauri-lankesh-murder-sanatan-sanstha-also-tracked-rationalist-narendra-nayak-say-police>
- <sup>14</sup> <https://www.deccanchronicle.com/nation/in-other-news/170317/mangaluru-bid-on-rationalist-narendra-nayaks-life.html>
- <sup>15</sup> <https://www.indiatoday.in/news-analysis/story/internet-access-fundamental-right-supreme-court-makes-official-article-19-explained-1635662-2020-01-10>
- <sup>16</sup> <https://pen-international.org/app/uploads/Imposing-Silence-FINAL.pdf>
- <sup>17</sup> <https://indiankanoon.org/doc/305995/>
- <sup>18</sup> [theguardian.com/film/2015/jan/02/bollywood-film-pk-hindu-nationalist-protests-india-aamir-khan](https://theguardian.com/film/2015/jan/02/bollywood-film-pk-hindu-nationalist-protests-india-aamir-khan)
- <sup>19</sup> [financialexpress.com/article/lifestyle/showbiz/aamir-khans-pk-is-saying-we-are-not-hindus-or-muslims-first-director-rajkumar-hirani/30791/](https://financialexpress.com/article/lifestyle/showbiz/aamir-khans-pk-is-saying-we-are-not-hindus-or-muslims-first-director-rajkumar-hirani/30791/)
- <sup>20</sup> <https://www.icj.org/hrc44-india-foa/>
- <sup>21</sup> <https://www.thehindu.com/news/national/tamil-nadu/duo-held-for-attempt-to-disturb-communal-harmony-had-role-in-sensational-cases-say-police-sadam-hussain-faizal-rahman-aka-auto-faizal-kichan-buhari-al-umma-dravidar-viduthalai-kazhagam-h-farook/article28494593.ece>
- <sup>22</sup> <https://indianexpress.com/article/india/politics/kolhapur-senior-cpi-leader-govind-pansare-wife-injured-in-firing/>
- <sup>23</sup> <https://www.ndtv.com/india-news/3-more-suspects-arrested-in-the-govind-pansare-murder-case-police-2096835>
- <sup>24</sup> <https://www.firstpost.com/india/govind-pansare-murder-case-unhappy-with-probe-slain-activists-family-demands-the-investigating-officer-be-changed-7688491.html>
- <sup>25</sup> <https://time.com/4016747/mm-kalburgi-india-murder-rationalist-idol-worship-hindu-nationalism/>
- <sup>26</sup> <https://www.hindustantimes.com/india-news/sit-files-kalburgi-charge-sheet-finds-lankesh-link/story-pDOLmo59Yl6mBiYdPmFHnJ.html>
- <sup>27</sup> <https://timesofindia.indiatimes.com/city/pune/In-18-mths-150-cases-filed-under-anti-superstition-Act-most-victims-women/articleshow/48567491.cms>
- <sup>28</sup> <https://www.theguardian.com/world/2013/aug/20/anti-superstition-narendra-dabholkar-shot-dead>
- <sup>29</sup> <https://thewire.in/government/pistol-suspected-to-be-used-in-dabholkar-murder-recovered-from-arabian-sea-bed>
- <sup>30</sup> <https://www.newindianexpress.com/nation/2020/feb/13/hc-raps-cbi-cid-over-trial-delay-in-narendra-dabholkar-govind-pansare-murder-cases-2102937.html>



# Zimbabwe

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 106

The Republic of Zimbabwe is an entirely landlocked sovereign state in southern Africa, with a population of approximately 14.6 million.<sup>1</sup> Zimbabwe is declared a secular state, but the government is strongly influenced by Christianity.

Since acquiring its independence in 1980, the state has been dominated by the liberation party, ZANU-PF (Zimbabwe African National Union-Patriotic Front). The party's reign has been characterised by the systematic abuse of the

freedoms of belief, expression, assembly among other human rights. Since he came to power in 2018, the current President, Emmerson Mnangagwa, has failed to live up to his commitments to human rights reforms.<sup>2</sup>

Approximately 87% of the population belong to various Christian denominations which are often intertwined with traditional indigenous animist beliefs. There are also small numbers of adherents to Islam, Greek Orthodox, Hinduism, and very few openly atheist/non-religious persons.<sup>3</sup>

| Constitution and government  | Education and children's rights  | Family, community, society, religious courts and tribunals   | Freedom of expression advocacy of humanist values   |
|--|--|--|---|
|  | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative  | Systemic religious privilege results in significant social discrimination<br>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views | Expression of core humanist principles on democracy, freedom or human rights is severely restricted<br>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence |
| There is systematic religious privilege<br>Preferential treatment is given to a religion or religion in general<br>State-funding of religious institutions or salaries, or discriminatory tax exemptions | There is state funding of at least some religious schools<br>Religious schools have powers to discriminate in admissions or employment<br>Some concerns about children's right to specifically religious freedom | Discriminatory prominence is given to religious bodies, traditions or leaders  |   |
| Official symbolic deference to religion  |  |  |   |

## Constitution and government

The Zimbabwean Constitution<sup>4</sup> references a deity twice within the preamble which affirms "acknowledging the supremacy of Almighty God, in whose hands our future lies" and "imploring the guidance and support of Almighty God".

However, there is no official state religion in Zimbabwe. Article 60 of the Constitution guarantees "freedom of thought, opinion, religion or belief; and freedom to

practise and propagate and give expression to their thought, opinion, religion or belief, whether in public or in private..."

The government does not require religious groups to register; however, religious groups operating schools or medical facilities must register those institutions with the appropriate ministry. Religious groups, as well as schools and medical facilities run by religious groups, may receive tax-exempt status. Religious groups may apply for tax-exempt status and duty-free privileges



with the Zimbabwe Revenue Authority (ZIMRA), which generally grants these requests.<sup>5</sup>

## Religious Bias

There are reports of a strong and far reaching bias in the public sphere and in the political community towards Christianity. Church attendance is increasingly politicized. Many of the country's political elites are affiliated with the churches and it is reported that the Anglican Church in particular holds a position of pronounced bilateral influence and cooperation with the state. There are also reports of religious bias making inroads into journalistic news.<sup>6</sup>

State bias towards religion has also manifested itself during the COVID-19 pandemic in the form of presidential calls for National Prayer Days. During one such event, the President is reported to have intimated that such a pandemic comes *“as a warning to people to leave their sinful ways. As such, President Mnangagwa said Zimbabweans had two choices to make in light of the pandemic; either to repent and seek God's help or continue to live in defiance of his word.”*

Throughout the event, prayer was touted as the way to eradicate the pandemic.<sup>7</sup>

## Education and children's rights

All schools are under state control with the Ministry of Primary and Secondary Education setting curricula for public primary and secondary schools. The state guarantees quality education for all. However, standards of education vary widely between urban and rural areas.<sup>8</sup>

Following contentious reforms to the public school curriculum in 2017, religious education – while still primarily focussed on Christianity – now includes reference to other world religions and places an emphasis on religious tolerance. There appears to be no provision for teaching humanist or secular alternatives.<sup>9</sup> Many public primary schools provide compulsory religious education classes from which there is no possibility of opting out. However, students are able to opt out of religious education in public secondary schools.<sup>10</sup>

The government does not regulate religious education in private schools but must approve employment of headmasters and teachers at those schools.<sup>11</sup> According to Zimbabwean Atheists, private religious schools are able to discriminate on the basis of religious affiliation and students are mandated to participate in the respective Christian rights. In practice, many of the best performing schools are reported to be mission schools established during the colonial era.

## Family, community and society

### Child marriage

Despite Zimbabwe's Constitutional Court having declared child marriage unconstitutional<sup>12</sup>, the government has failed to put in place structures to implement the court's decision and ensure that girls under 18 are not forced into marriage.<sup>13</sup>

According to Girls Not Brides, 32% of girls in Zimbabwe are married before the age of 18 and 4% are married before their 15th birthday.<sup>14</sup> Among the drivers listed is religion, particularly indigenous apostolic churches and evangelical sects that mix Christian beliefs with traditional cultures.<sup>15</sup> Men in the church are reportedly entitled to marry girls to shield them from pre-marital sex.<sup>16</sup>

In 2017, Zimbabwe committed to eliminate child, early and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals.<sup>17</sup>

### Women's rights

According to Human Rights Watch,

*“The Matrimonial Causes Act<sup>18</sup> technically allows for equitable distribution of property between spouses at divorce, considering direct and indirect contributions, such as raising children and caring for the family and household. But in practice, provisions of this law have not been fully applied and many women lose their property when a marriage ends or the husband dies, while men and their families keep everything.”<sup>19</sup>*

### LGBTQ+ rights

Zimbabwe does not recognise same-sex marriage or civil unions. In 2013, the Zimbabwe Constitution Article 78(3) was amended to define marriage as being only between a man and a woman. Homophobia in the state exists mostly due to Christian and traditional values.

In May 2019, the Cabinet approved amendments to Zimbabwean marriage law, which would ban both child marriages and same-sex marriages, bringing it into line with the Constitution.<sup>20</sup>

Section 73 of the Criminal Law (Codification and Reform) Act, 2004 punishes consensual same-sex conduct between men with up to one year in prison or a fine or both.<sup>21</sup>

Members of the LGBTQ+ community are subject to severe social stigma, discrimination and harassment. Many are forced to hide their sexual identity in order to secure their safety.<sup>22</sup>

## Freedom of expression, advocacy of humanist values

Despite guarantees of freedom of expression in the Constitution, this right is limited in practice, with journalists, political and human rights activists critical of the government particularly at risk of falling foul of the law.<sup>23</sup>

In 2019, at least five people were charged with insulting or undermining the authority of President Mnangagwa.<sup>24</sup>

Freedom of expression organizations on the ground warn of a deteriorating climate for the right, highlighting the government's increasing use of surveillance in order to crack down on perceived "subversion."<sup>25</sup>

### Media freedom

Despite many promises, the authorities have failed to license any community radio stations and the country still has only one television station with a broadcasting license since its independence in 1980, resulting in lack of media plurality and diversity.<sup>26</sup>

Although Article 61(3c) of the Constitution affirms media freedom and the importance of being afforded "fair opportunity for the presentation of divergent views and dissenting opinions", state sponsored political violence is an ongoing and chronic problem in Zimbabwe. Human rights defenders are known to have faced harassment, arbitrary arrest and violence at the hands of the authorities. Elections have been marked by political violence, with anti-government critics, journalists and even religious leaders being harassed and oppressed. In July 2020, the authorities arrested award-winning journalist Hopewell Chin'ono under Section 164 of the Criminal Law (Codification and Reform) Act on charges of inciting violence in connection with his reports on government corruption and anti-government demonstrations.<sup>27</sup>

The authorities have used COVID-19 as a pretext to arrest journalists seeking to cover the government's handling of the pandemic, subjecting them to brief detentions and beatings despite displaying their press accreditation.<sup>28</sup> The situation led to the Zimbabwean High Court's intervention preventing police from obstructing the work of journalists.<sup>29</sup>

Under one of the provisions relating to restrictions during the COVID-19 pandemic adopted by the authorities on 28 March 2020, reporting "false news" about officials responsible for enforcing the lockdown is punishable by up to 20 years in prison.<sup>30</sup>

## *De facto* "blasphemy" law

Section 42 of the Penal Code<sup>31</sup> stipulates that "causing offence to persons of a particular religion" which is defined as "any system of beliefs associated with practices of worship that is adhered to by any significant body of persons in Zimbabwe or any other country" could result in a significant fine and / or imprisonment for up to one year. This law is explicitly recognised and codified as Blasphemy in the Correspondence of Common Law Crimes with Codified Crimes. Though this law appears on the statute books there are no available reports of citizens being charged with this specific offense.<sup>32</sup>

## Crackdown on protests

International human rights organizations report that the government has routinely suppressed the freedoms of its citizens to peaceful assembly and association, using lethal and excessive force to disperse peaceful demonstrations.<sup>33</sup>

In January 2019, the government instructed internet service providers to shut down the internet, ostensibly to curtail sharing of information and reporting during the public protests against fuel and food price increases.<sup>34</sup>

Proposals to amend or repeal repressive laws, including the Public Order and Security Act (POSA), which was widely used to quash peaceful protests, fail to adequately protect the right to freedom of assembly and would provide law enforcement agencies with broad regulatory discretion and powers.<sup>35</sup>

In July 2020, the authorities launched what has been described by Amnesty International as a "witch-hunt" against the political and human rights activists suspected of being behind a planned anti-corruption demonstration. The authorities are reported to have arrested or abducted at least six human rights activists suspected of involvement in the protests, leading many others to go into hiding. According to Amnesty, "[i]n the lead up to today's planned protests, authorities have been beefing up security in main cities, including sealing off the Harare Central Business District, under the pretext of enforcing COVID-19 regulations."<sup>36</sup>

## References

- <sup>1</sup> <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ZW>
- <sup>2,13</sup> <https://www.hrw.org/world-report/2020/country-chapters/zimbabwe>
- <sup>3</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>
- <sup>4</sup> [https://www.parlzim.gov.zw/component/k2/download/1290\\_da9279a81557040d47c3a2c27012f6e1](https://www.parlzim.gov.zw/component/k2/download/1290_da9279a81557040d47c3a2c27012f6e1)
- <sup>5,10,11</sup> <https://www.state.gov/reports/2019-report-on-international-religious-freedom/zimbabwe/>
- <sup>6</sup> [archive.frontpagemag.com/readArticle.aspx?ARTID=35012](https://archive.frontpagemag.com/readArticle.aspx?ARTID=35012)
- <sup>7</sup> <https://allafrica.com/stories/202006160241.html>
- <sup>8</sup> <https://www.herald.co.zw/the-rural-urban-education-divide>
- <sup>9</sup> <https://files.eric.ed.gov/fulltext/EJ1213174.pdf>;  
<https://www.state.gov/wp-content/uploads/2019/01/Zimbabwe-2.pdf>
- <sup>12</sup> <https://www.girlsnotbrides.org/girls-voices/ruvimbo-child-bride-got-zimbabwe-constitutional-court-to-say-no-child-marriage/>;  
<https://uk.reuters.com/article/us-zimbabwe-childmarriage/zimbabwe-court-bans-child-marriage-after-challenge-by-former-child-brides-idUSKCN0UY27H>
- <sup>14</sup> <https://www.girlsnotbrides.org/where-does-it-happen/atlas/zimbabwe/>;  
<https://www.dhsprogram.com/pubs/pdf/FR322/FR322.pdf>
- <sup>15</sup> <https://storage.googleapis.com/wzukusers/user-28924863/documents/5c9b61e4a7850qfNTEEq/DRJ-JEF2019V4-2A6.pdf>
- <sup>16</sup> <https://www.hrw.org/news/2015/11/25/zimbabwe-scourge-child-marriage>
- <sup>17</sup> <https://sustainabledevelopment.un.org/sdg5;>  
<https://www.girlsnotbrides.org/where-does-it-happen/atlas/zimbabwe>
- <sup>18</sup> <http://www.veritaszim.net/node/150>
- <sup>19</sup> [https://www.hrw.org/sites/default/files/report\\_pdf/zimbabwe0117\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/zimbabwe0117_web.pdf);  
<https://www.hrw.org/world-report/2020/country-chapters/zimbabwe#e0c9cf>
- <sup>20</sup> <https://www.newsday.co.zw/2019/05/gays-lesbians-cant-marry-cabinet/>
- <sup>21,35</sup> <https://www.hrw.org/world-report/2020/country-chapters/zimbabwe#e0c9cf>
- <sup>22</sup> <https://www.washingtonblade.com/2019/05/07/transgender-activist-from-zimbabwe-receives-asylum-in-us/>
- <sup>23</sup> <https://ifex.org/afex-condemns-attacks-on-journalists-in-zimbabwe/>
- <sup>24,26,34</sup> <https://www.amnesty.org/en/countries/africa/zimbabwe/report-zimbabwe/>
- <sup>25</sup> <https://ifex.org/right-to-privacy-under-threat-in-zimbabwe/>
- <sup>26</sup> <https://www.hindustantimes.com/india-news/sites-files-kalburgi-charge-sheet-finds-lankesh-link/story-pDOLmo59Yl6mBiYdPmFHnJ.html>
- <sup>28</sup> <https://rsf.org/en/news/five-zimbabwean-reporters-arrested-while-covering-coronavirus-lockdown;>  
<https://ifex.org/two-zimbabwean-journalists-arrested-under-covid-19-lockdown-regulations/>
- <sup>29</sup> <https://bulawayo24.com/index-id-news-sc-national-byo-183811.html>
- <sup>30</sup> [https://www.veritaszim.net/sites/veritas\\_d/files/SI%202020-083%20Public%20Health%20%28COVID-19%20Prevention%2C%20Containment%20and%20Treatment%29%20%28National%20Lockdown%29%20Order%2C%202020.pdf](https://www.veritaszim.net/sites/veritas_d/files/SI%202020-083%20Public%20Health%20%28COVID-19%20Prevention%2C%20Containment%20and%20Treatment%29%20%28National%20Lockdown%29%20Order%2C%202020.pdf)
- <sup>31</sup> <https://www.refworld.org/docid/4c45b64c2.html>
- <sup>32</sup> <https://www.loc.gov/law/help/blasphemy/index.php#Zimbabwe>
- <sup>33</sup> <https://www.amnesty.org/en/countries/africa/zimbabwe/report-zimbabwe/>;  
<https://www.hrw.org/world-report/2020/country-chapters/zimbabwe#e0c9cf>;
- <https://www.hrw.org/news/2018/08/03/zimbabwe-least-6-dead-post-election-violence>
- <sup>36</sup> <https://www.amnesty.org/en/latest/news/2020/07/zimbabwe-authorities-thwart-anti-corruption-protests-launch-a-witchhunt-against-activists/>

# Russia

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 110

The Russian Federation is the world's largest country by land area. After the collapse of the Soviet Union in 1991, beset by corruption and cronyism, Russia has struggled in efforts to build a new democratic political system and market economy.

This country is found to be declining under the renewed Putin regime; with numerous new failures to uphold rights

and provide accountability, the president has plunged the country into new international crises for the sake of national pride. The role of clericalism as an aspect of social control is expanding. Throughout 2019, the authorities continued to target "nontraditional" religious minorities with fines, detentions, and criminal charges under the pretext of combating extremism.<sup>1</sup>

| Constitution and government  | Education and children's rights   | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values   |
|--|---|---|---|
|  | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative | Systemic religious privilege results in significant social discrimination<br>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views<br>Prohibitive interreligious social control (including interreligious marriage bans)<br>Religious control over family law or legislation on moral matters | Expression of core humanist principles on democracy, freedom or human rights is severely restricted<br>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence |
| There is systematic religious privilege<br>State-funding of religious institutions or salaries, or discriminatory tax exemptions |   | Some religious courts rule in civil or family matters on a coercive or discriminatory basis<br>Discriminatory prominence is given to religious bodies, traditions or leaders  |   |
| Official symbolic deference to religion  |   |   |   |

## Constitution and government

The Constitution of the Russian Federation<sup>2</sup> also promotes the principle of state secularism (neutrality in terms of belief) (Article 14). However, amendments to the Constitution passed into law through presidential decree on 4 July 2020, describes a "belief in God" as a core national value.<sup>3</sup>

The Constitution provides for the separation of powers between a legislative, an executive and a judicial branch, which is independent (Article 10). However, in practice, the power of the state is heavily centred on the role of the president. The constitutional amendment package passed also enables President Putin to reset his term-limit clock to zero, opening the way for him to run for re-election when his current six-year term expires in 2024, and again in 2030.

The Russian government has demonstrated a clear preference towards the Russian Orthodox Church. After the collapse of the Soviet Union there was a large upsurge in religious affiliation.<sup>4</sup>

## The President

According to Article 4 of the Constitution of the Russian Federation, the President is the head of state, guarantor of the Constitution, human and civil rights and freedoms. They take measures in order to protect the sovereignty of the Russian Federation, ensure coordinated functioning of public authorities, and determine the main goals of domestic and foreign policy, while acting as Commander-in-Chief. The president addresses citizenship issues, gives national awards, and grants pardons. Numerous federal ministries, services and agencies work under direct supervision of the President of the Russian Federation.

In spring 2016, the powerful National Guard of the Russian Federation was created and appointed a federal executive body. The members of the National Guard not only have the right to check documents, personal belongings and transport, but to use physical force and firearms against suspects without warning, if delay “threatens somebody’s life and has staggering implications”. The Guard also reports to the President of the Russian Federation. The Guard has subsequently been used in the suppression of protest activities alongside police forces.

The President has a predominant role across the state system, having the right to dissolve the State Duma, and controlling all branches of the government. In fact, Russia has a presidential government with a pronounced imbalance of power, coupled with authoritarian tendencies in the person of Vladimir Putin, who has been President since the year 2000, except between 2008 to 2012 when he was Prime Minister.

## Legislative authorities violating secularism

The legislative branch on the federal level consists of the State Duma and the Federation Council. The legislative branch provides the foundation for executive and judicial branches, and creates a framework of society and government.

However, the violation by legislative authorities of the secularism guaranteed in the Constitution, as well as a low level of legal awareness, have given rise to bad law and human rights abuses. Freedom of conscience, religion or belief has been degraded under the Putin regime, usually with the agreement or to the benefit of the Russian Orthodox Church (ROC). State-run religious organizations (called “traditional”) are often used to legitimize unconstitutional initiatives. Relations between the legislative body of the secular state and religious organizations remain very close. Both parties take part

in joint events: for example, Christmas Parliamentary Meetings, held in the premises of the State Duma, and attended by the deputies and ROC representatives. On 14 December 2016, at the plenary meeting of the State Duma, the deputies unanimously decided to create a new Committee on Development of Civil Society and Civic and Religious Associations, as well as to appoint Sergei Gavrilov a chairman of the Committee.

On 26 January 2017, in the course of Christmas Parliamentary Meetings, the same committee, in cooperation with Synodal Department for Media and Public Relations of the Moscow Patriarchate, held a roundtable meeting on the topic “Religion. Society. State.” While First Deputy Chairman of the Committee, Ivan Suharev, pointed out the necessity of regulating activities of “pseudo-religious” organizations and associations, the Chairman Sergei Gavrilov emphasized “joint constructive activities” between the government and “traditional” Russian churches.

Religious organizations are awarded additional benefits, including exemptions from VAT and from income tax on profits generated from economic activities. Exemptions from property tax are granted to religious organizations that use the property for religious activities.<sup>5</sup>

## Anti-extremism

Under Russian domestic law, provisions pertaining to the criminalisation of “extremist” speech are contained in several legislative acts, including: the Law on Counteraction to Terrorism, the Law on Combating Extremist Activity, the Criminal Code and the Code of Administrative Offences.<sup>6</sup>

In 2016, President Putin adopted the ‘Yarovaya law’, ostensibly aimed at tightening measures in the fight against terrorism. The law fails to adequately define the term “extremism” thereby enabling the state to prosecute a vast range of nonviolent religious activity.<sup>7</sup>

Religious groups are required to obtain official permits. Activities such as prayer meetings are prohibited from taking place anywhere except for officially recognized religious buildings.<sup>8</sup>

In 2019, the Russian government also continued to use its anti-extremism law to prosecute Muslims—particularly adherents of the Islamic missionary movement Tablighi Jamaat and readers of the Turkish theologian Said Nursi—and Scientologists for peaceful religious activity.<sup>9</sup>

In July 2020, Russian lawmakers proposed further changes to anti-extremism legislation with a view to suppressing opposition to the annexation of the Crimean Peninsula.<sup>10</sup>



## Education and children's rights

The government introduced mandatory classes in Orthodox Christianity in all public schools. In 2013 the president Vladimir Putin has signed a bill into law that makes religious education mandatory in all schools in the country.<sup>11</sup>

The curriculum includes a course on the fundamentals of religion. A federal law guarantees that religious educational establishments can receive accreditation.<sup>12</sup>

## Family, community and society

### LGBTQ+

Constitutional amendments that passed into law on 4 July 2020, reinforce the state's anti-LGBTQ+ stance by barring the possibility of same-sex marriage.<sup>13</sup> The amendments followed a homophobic advertising campaign launched by Patriot Media Group to sway voters into voting for the constitutional amendments. The advert, set in 2035, showed two gay men in the process of adopting a child. A concerned and upset looking boy asks where his mother is, and the orphanage workers also look on with concern. The new mother, an effeminate male actor wearing eyeliner, gets out of the car. A voice in the background then asks viewers "Is this the Russia you choose?". The voice then says, "Decide the future of your country and vote for the constitutional amendments."<sup>14</sup>

Additionally, Human Rights Watch have raised concerns about a draft bill currently being considered by parliament that would significantly negatively affect the rights LGBTQ+ people.<sup>15</sup>

Under Russia's current laws, transgender individuals can change their legal gender by taking steps that include a psychiatric evaluation and medical procedures. The proposed law provides that a person's sex on their birth certificate cannot be changed, and that trans people who have changed their birth certificates under the current law would have to change them back to the sex they were assigned at birth.

Human Rights watch stated, "The new law falls into a pattern of the Russian government increasingly using so-called 'traditional values' to trample human rights, particularly for LGBTQ+ people."

Members of the LGBTQ+ community have long faced harassment and violence. The adoption of the federal law "against the propaganda of non-traditional sexual relations among minors" led to a huge spread of homophobic violence. Violating the law is punishable by a range of fines. Homophobic crimes count a high

number of murders, grave physical violence. Foreigners who violate the law are subject to fines, up to 15 days in detention and deportation. There are many gangs in Russia who feel empowered to hunt and to bully, attack and even kill gay people.<sup>16</sup> In 2019, the law was used to censor LGBTQ+ social media groups.<sup>17</sup>

Radical groups justify homophobic attacks by equating homosexuality with paedophilia, and in January 2014 before the begin of Olympic winter games in Sochi President Putin said that "gay people are welcome in Sochi but they should leave children in peace". Human Rights Watch said: "Such a chilling and wrongheaded message about LGBTI+ people from Russia's head of state is irresponsible and extremely dangerous."<sup>18</sup>

### Religious tension

Muslims are the second largest religious group in Russia and there are severe tensions between Muslims and Russian Orthodox adherents. Ethnic Muslims account for approximately 25 million of Russia's population.<sup>19</sup>

Muslim leaders in Russia say that attempts to build more mosques in Moscow have been rejected or blocked by local officials who fear angering the ethnic Russians in the capital. For many ethnic Russians, the fact of becoming a minority in their country is unthinkable, and nationalist sentiments are dramatically on the rise. Attacks on mosques have been increasing.<sup>20</sup>

Since the annexation of Crimea in 2014, ethnic Tatar Muslims have faced considerable persecution, including being denied work, their language, their newspapers, and accused of extremism.<sup>21</sup> In 2019, the authorities conducted mass arrests of politically active Crimean Tatars, whom they accused of membership in the banned Islamic Party Hizb ut-Tahrir (HT). Many face lengthy prison sentences.<sup>22</sup>

Reports also indicate that the state has sort to impose its own interpretation of what constitutes "traditional" Islam, which is seen as an inherent part of Russian culture. Anything which is not considered "traditional" is reportedly considered "extremist".<sup>23</sup>

### Foreign enemies

In 2012 the Russian government adopted a law that required nongovernmental organizations (NGOs) to register as "foreign agents" with the Ministry of Justice if their actions can be defined as political activities and they receive foreign funding. Since the definition of "political activity" is wide, it can also be extended to all activities of advocacy and human rights work.<sup>24</sup>



## Ukraine conflict

In November 2013 a wave of demonstrations in neighbouring Ukraine began, protesters demanding closer European integration, following the suspension of the Ukraine-European Union Association Agreement with the European Union, in order to seek closer economic relations with Russia. Pro-Russian counter-protests began and the political crisis escalated. Russia illegally annexed Crimea in March 2014. There is ongoing pro-Russian unrest in the eastern part of Ukraine.

On 28 June 2019, occupation authorities seized and closed the Cathedral of Vladimir and Olga in Simferopol, the main cathedral of the Orthodox Church of Ukraine (OCU) in Crimea. Members reported to USCIRF that, since the occupation, the OCU has faced systematic persecution for its perceived ties to Ukrainian nationalism, including the confiscation of church property and the harassment of clergy and congregants. On 6 November 2019, a court in the western Crimean city of Yevpatoriya ordered the destruction of an OCU chapel.<sup>25</sup>

## Freedom of expression, advocacy of humanist values

The Russian authorities use a range of laws passed since Vladimir Putin's return to the presidency in May 2012 to control over the flow of information online and offline, stifling free expression in Russia.<sup>26</sup> According to PEN International,

*"From recently introduced legislation that criminalises legitimate criticism of the government, to state-run media which act as propaganda tools, to libraries targeted for holding 'extremist materials', the space for free expression, civil society and dissent is shrinking fast in Russia."*

## Media freedom

With few exceptions, Russian authorities or their affiliates own most media outlets, which have effectively become mouth pieces of the state. Independent journalists face huge pressure – legal, physical and economic – not to contradict the official line or provide coverage of critical viewpoints.

## Blasphemy

In 2013, President Putin signed a law amending the Federal Penal Code and incorporating a 'blasphemy' clause in part as a response to the Pussy Riot case in 2012.<sup>27</sup> The President's Office stated that the law "introduces liability for public action that shows clear and obvious disrespect for society and intend to offend religious believers' feelings."<sup>28</sup>

If convicted of offending religious believers, one can be sentenced to fines, corrective work, or imprisonment for up to a year, and up to three years if the crime is committed in a place of worship.

Article 148 of the Penal Code<sup>29</sup> states (unofficial translation):

*1. Public actions expressing clear disrespect for society and committed in order to offend the religious feelings of believers shall be punishable by a fine in an amount of up to three hundred thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to two years, or by compulsory works for a term of up to two hundred and forty hours, or by compulsory labor for a term of up to one year, or by imprisonment for the same term.*

*2. The acts provided for in the first part of this article, committed in places specially designated for conducting divine services, other religious rites and ceremonies, shall be punishable by a fine in an amount of up to 500 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to three years, or by compulsory works for a term of up to four hundred and eighty hours, or by compulsory labor for a term of up to three years, or by imprisonment for the same term with restriction of liberty for up to one year or without it.*

Since the 'blasphemy' law was introduced seven years ago, there have been 19 prosecutions under Article 148, 12 of which resulted in a conviction.<sup>30</sup>

Research shows that since the 'blasphemy' law was introduced in 2013, media and journalists tend to self-censor as they zealously avoid writing about religion due to the clause's imprecise and unclear wording.<sup>31</sup>

## COVID-19 false information

On 1 April 2020, President Putin signed legislation imposing severe punishments for individuals and organizations convicted of spreading false information about the pandemic.<sup>32</sup> Free expression groups have raised concerns that the coronavirus pandemic may be used as a method to restrict the media and independent journalists.<sup>33</sup>

## Highlighted Cases

In February 2019, Russian stand-up comedian **Aleksandr Dolgoplov** made jokes about Jesus, the Virgin Mary,<sup>34</sup> the Russian Orthodox Church<sup>35</sup> and President Vladimir Putin's supporters. A video of his act was uploaded on YouTube. A year later, after watching the video, an individual filed a complaint with the authorities alleging that Dolgoplov had "offended the feelings of religious believers".<sup>36</sup> In January 2020, the venue where

Dolgoplov had performed was asked by the Ministry of Internal Affairs for information about the performance. Dolgoplov received news that the local police had opened an investigation into him under Article 148 of the Penal Code, the country's 'blasphemy' provision. Fearing for his safety, Dolgoplov fled the country but has since returned to Russia.

On 17 August 2012, three members of **Pussy Riot**, **Nadezhda Tolokonnikova**, **Maria Alyokhina**, and **Yekaterina Samutsevich** were convicted of "hooliganism motivated by religious hatred" and sentenced to two years hard labor. Pussy riot is a feminist punk rock group with a freethinking message including being in favour of church-state separation. Their offense was to stage an impromptu protest performance (which was itself disrupted after only a few moments) called "Punk Prayer: Mother of God, Chase Putin Away!" at Moscow's Cathedral of Christ the Saviour. The Russian authorities were widely condemned by human rights organizations around the world for overzealous prosecution and harsh sentencing of the Pussy Riot singers. The judge cited what she regarded as Christianity's dissent from the principles of women's equality (contra the band's explicit feminist values) to back the prosecution claim that the performance was motivated by "religious hatred". After 21 months in prison, Tolokonnikova and Alyokhina were released on December 23, 2013 after the Duma approved an amnesty. On 6 March 2014, Nadezhda Tolokonnikova and Maria Alyokhina were assaulted and injured by youths in Nizhny Novgorod.

**Ruslan Sokolovsky**, an atheist blogger, faced a possible seven and a half year prison term for playing Pokémon Go in a church. He was convicted in May 2017 and handed a three and half year suspended sentence. The 22-year-old blogger had been held in pre-trial detention since October 2016, after he released a video of himself playing Pokémon Go in a church in Yekaterinburg, central Russia, that August. In the video he explains that a recent news report in Russia highlighted the apparent risks of playing the popular augmented reality video game in churches. However, in the video Sokolovsky discusses his disbelief that such actions would be prosecuted, and decides to test it by filming himself. He said of the threat of prosecution, "for me this is total bullshit, because who can ever be offended by you walking around a church with your smartphone?"<sup>37</sup>

## Testimonies

*"The public perception of atheism has been transformed in Russia, from the dominant ideology of the Soviet Union, into something that is considered indecent for intellectual people. The common perception is that humanism is wrong, dangerous or anti-spiritual."*

— Anonymous Russian humanist

## References

- <sup>1,9,22,25</sup> <https://www.uscirf.gov/sites/default/files/Russia.pdf>
- <sup>2</sup> <http://www.constitution.ru/en/10003000-02.htm>
- <sup>3</sup> <https://www.rferl.org/a/30704684.html>;  
<https://www.bbc.co.uk/news/world-europe-53255964>
- <sup>4</sup> [berkleycenter.georgetown.edu/essays/religious-freedom-in-russia](http://berkleycenter.georgetown.edu/essays/religious-freedom-in-russia)
- <sup>5</sup> [cof.org/content/russia](http://cof.org/content/russia)
- <sup>6</sup> <https://ehrac.org.uk/news/russias-overuse-and-misuse-of-anti-extremism-laws/>
- <sup>7</sup> <https://www.uscirf.gov/sites/default/files/Russia.pdf>;  
<https://www.uscirf.gov/reports-briefs/special-reports/inventing-extremists-the-impact-russian-anti-extremism-policies/>
- <sup>8</sup> [rferl.org/a/russia-yarovaya-law-religious-freedom-restrictions/27852531.html](http://rferl.org/a/russia-yarovaya-law-religious-freedom-restrictions/27852531.html)
- <sup>10</sup> <https://www.rferl.org/a/russian-lawmakers-propose-expanded-extremism-law-aimed-at-crimea/30716700.html>
- <sup>11</sup> [themoscowtimes.com/news/article/putin-approves-new-education-law/473783.html](http://themoscowtimes.com/news/article/putin-approves-new-education-law/473783.html)
- <sup>12</sup> [eng.kremlin.ru/news/18002](http://eng.kremlin.ru/news/18002)
- <sup>13</sup> <https://www.bbc.co.uk/news/world-europe-53255964>
- <sup>14</sup> [independent.co.uk/news/world/europe/russia-putin-homophobic-gay-video-trolls-a9551186.html](http://independent.co.uk/news/world/europe/russia-putin-homophobic-gay-video-trolls-a9551186.html);  
[pinknews.co.uk/2020/06/03/vladimir-putin-homophobia-advert-gay-parents-propaganda-russia-patriot-media-group/](http://pinknews.co.uk/2020/06/03/vladimir-putin-homophobia-advert-gay-parents-propaganda-russia-patriot-media-group/)
- <sup>15,17</sup> <https://www.hrw.org/news/2020/08/06/russia-reject-anti-lgbt-traditional-values-bill>
- <sup>16</sup> [pinknews.co.uk/2014/02/07/the-25-most-shocking-anti-gay-stories-from-russia-so-far/](http://pinknews.co.uk/2014/02/07/the-25-most-shocking-anti-gay-stories-from-russia-so-far/)
- <sup>18</sup> [hrw.org/news/2014/02/03/russia-sochi-games-highlight-homophobic-violence](http://hrw.org/news/2014/02/03/russia-sochi-games-highlight-homophobic-violence)
- <sup>19</sup> <http://muslimnews.co.uk/news/russia/russia-muslims-make-30-population-2034/>;  
<https://worldpopulationreview.com/countries/russia-population>
- <sup>20</sup> [sfgate.com/news/article/Russia-has-a-Muslim-dilemma-Ethnic-Russians-2466527.php](http://sfgate.com/news/article/Russia-has-a-Muslim-dilemma-Ethnic-Russians-2466527.php)

<sup>21</sup> <https://foreignpolicy.com/2019/05/18/crimean-tatars-ethnic-cleansing/>

<sup>23</sup> <https://www.trtworld.com/opinion/is-russia-on-the-path-to-marginalising-its-muslim-population-23927>

<sup>24</sup> [hrw.org/news/2014/11/20/russia-government-against-rights-groups](http://hrw.org/news/2014/11/20/russia-government-against-rights-groups)

<sup>26</sup> <https://pen-international.org/news/new-report-pen-international-highlights-russias-relentless-crackdown-on-free-expression>

<sup>27</sup> <https://time.com/5442791/pussy-riot-russia-poisoning-olga-kyrachyova-veronika-nikulshina/>

<sup>28</sup> <http://en.kremlin.ru/events/president/news/18422>

<sup>29</sup> <https://rg.ru/2013/06/30/zashita-site-dok.html>

<sup>30,35,36</sup> <https://www.codastory.com/disinformation/russias-blasphemy-law/>

<sup>31</sup> <https://www.indexoncensorship.org/2015/11/blasphemy-law-has-resulted-in-growth-of-religious-censorship-in-russia/>

<sup>32</sup> [themoscowtimes.com/2020/04/01/russians-risk-fines-jail-time-for-dodging-coronavirus-quarantine-a69818](http://themoscowtimes.com/2020/04/01/russians-risk-fines-jail-time-for-dodging-coronavirus-quarantine-a69818)

<sup>33</sup> [article19.org/resources/russia-stop-restrictions-on-media-and-independent-journalists-under-the-cover-of-coronavirus/](http://article19.org/resources/russia-stop-restrictions-on-media-and-independent-journalists-under-the-cover-of-coronavirus/)

<sup>34</sup> <https://www.bbc.com/news/world-europe-51222812>

<sup>37</sup> [theguardian.com/technology/2017/may/11/pokemon-go-russian-youtuber-convicted-playing-church-ruslan-sokolovsky](http://theguardian.com/technology/2017/may/11/pokemon-go-russian-youtuber-convicted-playing-church-ruslan-sokolovsky)

# Sri Lanka

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|

Ranking Index: 112

The Democratic Socialist Republic of Sri Lanka is a country of just over 20 million people occupying an island in the northern Indian Ocean. Formerly part of the British Empire, “Ceylon” attained independence in 1948, and became a republic in 1972.

According to the 2012 census, the Sinhalese make up 74.9% of the population and are predominantly Buddhist, or belong to the minority Christian community. Tamils comprise approximately 15.3% of the population and are mainly Hindus, with some belonging to Christian churches. The Muslim community form the third largest ethnic group at 9.7% of the population. Just over 70% of the population are followers of Theravada Buddhism. There are significant minorities of Hindus (12.6% ), Muslims (9.7%) and Christians (7.4%). The census indicates that most Muslims are Sunni and Christians are mainly Roman Catholic, however there are

small numbers of Baha’is, Shia, Sufis, Ahmadis, Jehovah Witnesses, Methodists, and Evangelicals. The Veddas, an indigenous group, practice their traditional belief. There are no records on the numbers of non religious people and only 0.1% of the population are recorded as “other” in the last census.<sup>1</sup>

Sri Lanka’s post independence history has been marked by ethnic violence and a 30-year civil war that ended in 2009. Reverberations of the conflict continue to be felt across the political, social and economic spheres and have an impact on the enjoyment of the right to freedom of religion or belief.<sup>2</sup> Most recently, a terrorist attack targeting several churches and public spaces on Easter Sunday 2019 is estimated to have killed more than 250 people and led to an intensification of discrimination, hostility and violence against Muslim communities.

| Constitution and government   | Education and children’s rights  | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values  |
|---|--|---|--|
|   | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative          | The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism<br>Systemic religious privilege results in significant social discrimination<br>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views<br>Prohibitive interreligious social control (including interreligious marriage bans)<br>Religious control over family law or legislation on moral matters | ‘Blasphemy’ is outlawed or criticism of religion is restricted and punishable with a prison sentence |
| There is systematic religious privilege<br>Preferential treatment is given to a religion or religion in general | There is state funding of at least some religious schools<br>Religious schools have powers to discriminate in admissions or employment | Discriminatory prominence is given to religious bodies, traditions or leaders   | Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted  |

| Constitution and government | Education and children's rights | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values                                  |
|-----------------------------|---------------------------------|--|--|
|                             |                                 |  | Some concerns about political or media freedoms, not specific to the non-religious |

## Constitution and government

Four religions are recognized by law: Buddhism, Islam, Hinduism and Christianity. According to Article 10 of the Constitution,<sup>3</sup> every person is “entitled to freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief of his choice.” While Article 14(1)(e) gives citizens “the right either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice, and teaching.”

Article 15 outlines the permissible restrictions to the rights enshrined in Article 14(1), namely in the interests of racial or religious harmony, contempt of court, defamation or incitement to an offence, the economy or in relation to parliamentary privilege.

However, Article 9 of the Constitution also accords Buddhism the “foremost place” and commits the government to protecting it, but does not recognize it as the state religion.<sup>4</sup> In December 2019, the government established the Ministry of Buddha Sasana, Cultural and Religious Affairs’ consolidating all previous independent ministries representing the four main religious groups into one.<sup>5</sup> Its stated mission is to “create a qualitative society with a better way of living by way of formulating and implementing policies and programs with the participation of all stake holders based on all-faith teachings with emphasis on Buddhism around religious centers.”<sup>6</sup>

Protections against discrimination on the basis of race, religion, language, caste, or sex may be found within Article 12. While the Article protects against discrimination on the basis of one’s religion, it does not explicitly provide the same protection on the basis of their beliefs, thereby making it possible to discriminate against the non-religious.

The right to proselytize is not fully protected. In 2003, the Supreme Court ruled that the propagation of an religion other than Buddhism would not be constitutional as it would “impair the very existence of Buddhism or the Buddha Sasana”;<sup>7</sup> this ruling was further supported in 2018, when the Supreme Court held that the right to propagate one’s religion was not protected by the Constitution.<sup>8</sup> In his report to the Human Rights Council, UN Special Rapporteur Ahmed Shaheed reported that “hostilities towards Jehovah’s Witnesses, Evangelicals and Muslims appear to be grounded in the perception that religious conversions threaten established hegemonies or “insult” the

doctrines and beliefs of the dominant religion in a given area.”<sup>9</sup>

## Education and children’s rights

Sri Lanka’s education system is divided by ethnicity or language, with the majority of schools being Sinhala-only. Schools of mixed ethnicities and religions are significantly fewer in number. In addition, religious communities are free to run schools and religious education classes. The state exclusively provides funding to religious schools run by the Buddhist community.<sup>10</sup> The segregated system has been criticized for further entrenching divisions within society.<sup>11</sup>

In 2020, the Ministry of Education announced the appointment of Buddhist monks and nuns as teachers in schools, describing it as a “contemporary need” in order to create “a generation which can improve the belief in the identity of the country and its culture”. The Minister of Education stated: “The religious institution headed by the priests can provide a real contribution to create sensitive people who identify their customs and norms and love their culture instead of creating robots from the system of education in the country.”<sup>12</sup>

Religion is a mandatory subject in both the state and private school curriculum. No child may receive an exemption. However, parents may choose for their children to study Buddhism, Islam, Hinduism, or Christianity. In order for the subject to be taught there must be at least 15 students within the school. Students belonging to other religious groups may pursue religious instruction outside the public school system. The curriculum on religion for the Sri Lankan Ordinary Level is provided by the Ministry of Education, and covers the four main religions. It is a compulsory subject for the General Certificate of Education Ordinary Level exams.<sup>13</sup>

## Family, community and society

### Ethnic and Religious Tensions

As a result of a terrorist attack targeting several churches and public spaces on Easter Sunday 2019 carried out by individuals linked to ISIS – which is estimated to have killed more than 250 people – discrimination, hostility and reports of violence against Muslim communities has intensified.<sup>14</sup>

Tensions between the Buddhist majority and the



Christian minority—particularly evangelical Christian groups, which are accused of forced conversions—sporadically flare into attacks on churches and individuals by Buddhist extremists. Muslims have also faced harassment: in April 2012, Buddhist monks stormed a mosque in Dambulla and the government complied with their demands to destroy the mosque, ordering that the mosque would be demolished and relocated. In 2020, a Buddhist monk known for his threatening and violent behavior slapped a Christian while members of the police stood by and watched.<sup>15</sup>

## Family law

Matters related to family law, including divorce, child custody, and inheritance, are adjudicated according to the customary law of the applicable ethnic or religious group. In order to solemnize marriages, religious groups must register with the Ministry of Buddha Sasana and Religious Affairs.

Muslim marriages and divorces, and interfaith marriages involving a Muslim, fall under the Muslim Marriages and Divorce Act 1951.<sup>16</sup> The act does not discuss consent of the bride. Amendments made in 2019, raised the minimum age to marry to 18 and restricted polygamy provisions by granting first wives the possibility of divorce.<sup>17</sup> Furthermore, the penal code exempts Muslims from prosecution for statutory rape providing the victim is married to the perpetrator and is 12 or older.

Activists have recently begun a vigorous campaign to change the law. Gathering data to prove this however is rather difficult as parents or guardians lie about the age of the women they are giving in marriage and some marriages are not even registered. A government committee appointed in 2009 proposes to change Muslim personal law, but as of June 2017 its chairman, a former supreme-court judge, is struggling to get the Muslim community to embrace it.<sup>18</sup>

## Discrimination

After visiting Sri Lanka in August 2019, UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed noted:

*“In Sri Lanka, women’s experiences of ethno-religious hostilities are no less than those experienced by men. Religious minority women risk double victimization at community and personal levels due to the patriarchal structure of the society and in policies.”<sup>19</sup>*

Under the Muslim Marriage and Divorce Act 1951, husbands can get quick divorces without having to offer any explanation, however the wife endures a long process that requires her to produce sufficient and valid grounds for divorce including by producing witnesses and attending hearings. Furthermore, these matters are addressed in Quazi courts, where women are not

permitted to be judges.

The Special Rapporteur also observed that *“[a]fter the Easter bombings, the Government proclaimed under emergency regulations a ban on face covering in public places. This has led to a rise in intolerance towards those who observe religious dress codes, especially Muslim women in public institutions such as hospitals, schools and public transport.”*

He also noted that “[m]embers of LGBT+ communities also reported that religious teaching was a significant factor in the marginalization of LGBT+ communities and led to deep personal struggles for those who attempted to reconcile their religious identity with their sexuality. Often, the perspectives of LGBT+ persons and women are excluded from interreligious dialogues and processes of reconciliation. Efforts towards reconciliation, refracted through ethnic and religious lenses, without considering gendered impacts, are not inclusive.”<sup>20</sup>

## Freedom of expression, advocacy of humanist values

Although freedom of expression is guaranteed in the Constitution, a number of laws and regulations restrict this right. These including the Official Secrets Act 1955,<sup>21</sup> the Prevention of Terrorism Act (PTA) 1979,<sup>22</sup> additional anti terrorism regulations issued in 2006, and laws on defamation and contempt of court.

Journalists throughout Sri Lanka, particularly those who cover human rights, corruption or military issues, encountered considerable levels of intimidation, which has led over the past several years to increased self-censorship. Several media publications including *Sirasa Maharaja* media have faced attacks from armed gangs.<sup>23</sup> Past attacks on journalists and media outlets, such as the murder of *Lasantha Wickrematunga* in 2009 and the disappearance of *Prageeth Eknaligoda* in 2010, have not been adequately investigated, leading to a climate of complete impunity.

## Restrictions on ‘hurting religious feelings’ act as de facto “blasphemy” law

Articles 290-292 of the Penal Code (Ordinance No. 2 of 1883)<sup>24</sup> provide the framework for restricting expressions that hurt religious sentiments.

Under Article 290 anyone who destroys, damages or defiles places of worship or objects held sacred to a class of person “with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to



their religion” is liable to face a two-year prison term. Article 290A further criminalizes any act in a variety of circumstances within or near places of worship that is intended to “wound religious feelings” or may be considered an “insult” to religion.

Moreover, the law goes on to criminalize in very broad terms any act, including speech acts and written words, made with the intention of “wounding the religious feelings of any person” (Article 291A) or “outraging the religious feelings of any class of persons” (291B), respectively.

Police often take strict action against perceived insults to Buddhism. Foreign tourists perceived to be “disrespecting” the religion have regularly fallen foul of the law.

Section 2(1)(h) of the Prevention of Terrorism Act provides that any person, by words either spoken or intended to be read, or by signs or by visible representations or otherwise causes or intends to cause the commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups shall be guilty of an offence under this Act. The Act has long been criticized for being used to target minorities, critics of the government, journalists and political opponents.<sup>25</sup>

Article 3(1) of the ICCPR Act 56 of 2007 (ICCPR Act),<sup>26</sup> states:

*“no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’ and makes any such crime a non-bailable offence which is punishable by up to 10 years in prison. Sri Lanka’s ICCPR Act falls short of international standards guaranteeing the right to freedom of expression.”*

Following a recent country visit, Ahmed Shaheed, UN Special Rapporteur on Freedom of Religion or Belief, noted that:

*“civil society has observed that certain actors have attempted to misuse the ICCPR Act to restrict freedom of expression and crush dissent. Although inciting to discrimination, hostility and violence is criminalised under the ICCPR Act, many argued that the Act was not applied in a manner that would protect minorities against incitement; rather, it is invoked to protect religions or beliefs against criticism or perceived insult. ICCPR Act has ironically become a repressive tool curtailing freedom of thought or opinion, conscience and religion or belief.”<sup>27</sup>*

Together with the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979, the ICCPR Act and articles within the Penal Code form the basis for Sri Lanka’s legal framework to combat hate speech.

## Highlighted cases

On 8 June 2020, a Buddhist monk and director of the Buddhist Information Centre, filed a complaint against online activist and rationalist **Indika Rathnayake** claiming that he had propagated fictitious ideas about Buddhism and Buddha. According to Rathnayake, the monk based these accusations on Rathnayake’s Facebook posts – stating that Buddhism originated from Jainism. Reacting to the complaint filed with the Criminal Investigation Department, Rathnayake filed a complaint himself with the Human Rights Commission of Sri Lanka on 10 June 2020, due to this infringement of his fundamental right of freedom of expression. Since the initial complaint was filed, Rathnayake has been questioned by the Criminal Investigation Department. He awaits further information on whether the case will proceed.<sup>28</sup>

On 1 April 2019, rationalist and writer **Shakthika Sathkumara** was arrested on suspicion that he had committed offences under Section 291B of the Penal Code and Article 3(1) of the ICCPR Act (2007) through the online publication of a short story that made references to homosexuality within the Buddhist clergy. Following multiple procedural delays, Sathkumara was granted bail on 5 August 2019, and released 3 days later. On 22 May 2020, the United Nations Working Group on Arbitrary Detentions issued an opinion that Sathkumara’s 127-day detention was arbitrary.<sup>29</sup> Despite the completion of their investigation on 25 June 2019, Sathkumara continues to await the decision of the Attorney General as to whether he will be charged. If charged and convicted, he could face up to 10 years in prison.<sup>30</sup>

On 17 October 2019, playwright and filmmaker **Malaka Dewapriya** was reportedly interrogated for four hours by police from the Organized Crimes Prevention Division after he was accused of distorting Buddhist terminology in a radio series.<sup>31</sup>

In June 2019, the identity of one of the members of the Council of Ex-Muslims of Sri Lanka, Rishvin Ismath, was made public against his will, jeopardizing his personal security. Ismath was summoned by a Parliamentary Commission, in front of which he denounced some Islamic textbooks, printed and distributed by the Government, which contained explicit incitements “to kill the apostates of Islam”. Since that day, Ismath has received multiple death threats.

## Testimonies

*“Humanists can have gatherings and meetings only for a selected crowd at in-house auditoriums (subject to the permission of the management). Arranging a large public gathering or meeting is not possible as there could be troubles created by Buddhist monks. Particularly, ex-Muslims have no way of gathering in public, whether small or large, their safety and privacy would be at high risk. Ex-Muslim gatherings are always secret.”*

– Anonymous

*“Atheists and non-religious people are not welcomed by the people. General public thinks that atheists and non-religious people are the worst” and that “they would do any crimes.”*

– Rishvin Ismath

## References

- <sup>1</sup> [statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=pop43&gp=Activities&tpl=3](http://statistics.gov.lk/PopHouSat/CPH2011/index.php?fileName=pop43&gp=Activities&tpl=3)
- <sup>2</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24918&LangID=E>
- <sup>3</sup> <https://www.parliament.lk/files/pdf/constitution.pdf>
- <sup>4</sup> [priu.gov.lk/Cons/1978Constitution/Introduction.htm](http://priu.gov.lk/Cons/1978Constitution/Introduction.htm)  
5,9,10,13,14,17,19,20,25  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=dtYoAzPhJ4NMy4Lu1TOebEfrSGrbmjph2lZwlpWCO-c8oxh7%2fNIMraQpuL%2bbkydYT8SUHjdE6R0DAKsz07r-MuiC7urK2A%2ftID9ob%2f5xfpThLqQIPUpBsgrvERivgVKJV>
- <sup>6</sup> <http://www.mobs.gov.lk/en/>
- <sup>7</sup> [https://www.refworld.org/cases,SLK\\_SC,4be3e7042.html](https://www.refworld.org/cases,SLK_SC,4be3e7042.html)
- <sup>8</sup> <https://ijdjhl.com/uploads/3488-49.pdf>
- <sup>11</sup> <http://www.themorning.lk/education-system-under-fire/>  
12  
<https://moe.gov.lk/%e0%b7%83%e0%b7%8a%e0%b7%80%e0%b7%8f%e0%b6%b8%e0%b7%93%e0%b6%b1%e0%b7%8a%e0%b7%80%e0%b7%84%e0%b6%b1%e0%b7%8a%e0%b7%83%e0%b7%9a%e0%b6%bd%e0%b7%8f-%e0%b6%9c%e0%b7%94%e0%b6%b-b%e0%b7%94-%e0%b7%83%e0%b7%9a/>
- <sup>15</sup> <https://www.tamilguardian.com/content/sinhala-buddhist-monk-threatens-government-officials-over-archaeological-site>; <https://www.colombotelegraph.com/wp-content/uploads/2019/12/Ampitiye-Sumana.mp4>
- <sup>16</sup> [http://www.commonlii.org/lk/legis/consol\\_act/mad134294.pdf](http://www.commonlii.org/lk/legis/consol_act/mad134294.pdf)
- <sup>18</sup> [economist.com/news/asia/21723450-girls-any-age-can-wake-up-married-without-having-given-their-consent-sri-lanka-debates-its](http://economist.com/news/asia/21723450-girls-any-age-can-wake-up-married-without-having-given-their-consent-sri-lanka-debates-its)
- <sup>21</sup> <https://www.srilankalaw.lk/Volume-VI/official-secrets-act.html>
- <sup>22</sup> <https://www.lawnet.gov.lk/1948/12/31/prevention-of-terrorism/>
- <sup>23</sup> <https://srilankabrief.org/2018/04/attack-on-maharaja-group-news-1st-harms-media-freedom/>
- <sup>24</sup> <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/67628/64581/F1856665391/LKA67628.pdf>
- <sup>26</sup> <https://srilankalaw.lk/Volume-IV/international-covenant-on-civil-and-political-rights-iccpr-act.html>
- <sup>27</sup> Paragraph 72, A/HRC43/48 Add.2 , available online: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Visits.aspx>
- <sup>28</sup> <https://humanists.international/2020/07/sri-lankan-rationalist-summoned-by-police-for-questioning/>
- <sup>29</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A\\_HRC\\_WGAD\\_2020\\_8\\_Advance\\_Edited\\_Version.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_8_Advance_Edited_Version.pdf)
- <sup>30</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A\\_HRC\\_WGAD\\_2020\\_8\\_Advance\\_Edited\\_Version.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session87/A_HRC_WGAD_2020_8_Advance_Edited_Version.pdf)
- <sup>31</sup> <https://pen-international.org/app/uploads/Case-List-2019-Web-2UP-WPFD.pdf>

China, the world's most populous country with about 1.3 billion inhabitants, has one of the fastest growing economies in the world. It has remained under Communist one-party rule since 1949, but has embraced capitalism in recent decades. Although now less extreme than in the Maoist years, the ruling party maintains a tight grip on the population and regularly suppresses free speech and dissent. Surveys have found it to be the

most atheist country in the world. This is evident from its repression of the movement for democracy in Hong Kong, and its systematic attempt to wipe out the Uyghur population through mass detention in 're-education camps' in Xinjiang province. Both actions are justified by the Chinese State under the pretence of fighting 'terrorism' and 'subversion'.

| Constitution and government   | Education and children's rights   | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values   |
|---|---|---|---|
| Quasi-divine veneration of a ruling elite is enforced, or a single-party regime holds uncontested power, subject to severe punishment |   | It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities | Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed |
|   |   | Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views                   |   |
|   | Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives) Some concerns about children's right to specifically religious freedom |   |   |
|   |   |   | Concerns that secular or religious authorities interfere in specifically religious freedoms         |

## Constitution and government

The Constitution<sup>1</sup> states that citizens enjoy "freedom of religious belief", but this is not protected in practice. Those who do profess religion can only worship one of the five state-sanctioned religions: Buddhism, Taoism, Islam, Catholicism and Protestantism. Only these five religions are allowed to legally hold worship services, and any religious worship is limited to "normal religious activities" – of which 'normal' is never defined.

## Narrowing and restricting specifically religious freedoms

China's leadership has always sought to regulate and restrict freedom of religion or belief, seeing any form of belief other than belief in the ideology of the communist party as being a threat to the security of the Chinese state. Under President Xi Jinping, there has been a new focus on religion at the highest levels of government and renewed emphasis put on the requirement that all

religious communities in China ‘sinicise’ by becoming ‘Chinese in orientation’ and adapting to ‘socialist society’. The Chinese Communist Party (CCP), to which almost all holders of public office belong, requires its members to be atheists. People can and have been expelled from the party for practicing any form of religion.

In some parts of the country, local authorities have pressured non-affiliated religious groups to register with one of the five state-sanctioned religions, and arbitrarily detained members until they have registered. People are allowed to worship at home, although there are still reports of authorities harassing and detaining groups worshipping in private.<sup>2</sup>

There is significant religious discrimination, notably of the Uyghur Muslims in the Xinjiang region. In 2014, President Xi Jinping gave a number of private speeches to CCP officials on the dangers of the Uyghurs, calling on the CCP to unleash the tools of “dictatorship” to eliminate “radical Islam” in Xinjiang. This year also marked the launch of the government’s “Strike Hard Campaign against Violent Extremism”, as a result of which over one million Uyghurs currently sit in “indoctrination camps,” which essentially serve as concentration camps designed for brainwashing, forced labor, and ridding the Uyghurs of their cultural heritage and religious beliefs. Reasons for detention can be faith-based, such as reciting Arabic prayers or simply based on physical appearance or clothing. A report published in June 2020 found that Chinese officials have been secretly carrying out mass forced sterilisations of Uyghur women, providing more evidence towards the argument that China’s actions meet the criteria for genocide contained in the UN Convention on the Prevention and Punishment of the Crime of Genocide.<sup>3</sup>

Other religious and belief minorities continue to face persecution by the Chinese government. China has long sought to interfere in the practice of Tibetan Buddhism by subjecting it to “Sinicisation” policies. Over 1.2 million Buddhists have been killed since 1949, nearly 6,000 monasteries and shrines have been destroyed, and it has evicted between 6,000 and 17,000 Tibetan and Han Chinese monks and nuns from Larung Gar and Yachen Gar Tibetan Buddhist Institutes. The belief in reincarnation and the role of lamas – spiritual teachers – are fundamental aspects of Tibetan Buddhism. China has long sought to interfere with the ability of Tibetan Buddhists to appoint their own lamas, viewing such individuals as a separatist threat. The Dalai Lama has now been in exile for 61 years, and in 1995 Chinese authorities abducted a 6-year old Panchen Lama, who has not been seen since. The Chinese government installed its own candidate in his place. In recent years, the Chinese government has repeatedly stated that when the current Dalai Lama passes away, it will appoint its own Dalai Lama to replace him. In most areas of Tibet it is illegal to sell or possess images of the Dalai Lama.

China’s Christians have also come under increasing

repression and surveillance under President Xi. In early 2014 the government launched a programme of removing unauthorised Christian churches in the Zhejiang province – resulting in more than 230 being demolished and even more having their Crosses removed. It has banned the sale of bibles online and has declared its intention to issue a ‘reinterpretation’ of the text so that it conforms to Chinese-style Christianity.<sup>4</sup>

## Education and children’s rights

There are no faith-based primary or secondary schools, or any form of religious education for primary or secondary school children. The teaching of atheism in schools is mandatory, and a Communist party directive gives guidance to universities on how to prevent the ‘foreign conversion’ of students.

The Community Youth League, the Chinese Communist Party’s youth wing, promotes atheist content to its members and online in accordance with the doctrine of the Party.<sup>5</sup>

### “Sinicisation” and the limiting of specifically religious education

China does not allow religious communities to run schools for children, and religious education is not provided for in state schools.

Religious activity is highly discouraged on university campuses. In 2018, a University in Northwest China’s Gansu Province stressed a ban on religious activities on campus during the month of Ramadan. The head of the university highlighted the principle of separation between education and religion.<sup>6</sup>

Religious groups may apply to set up faith-based universities and colleges for over-18-year-olds, but only if they are one of the five state-sanctioned religions. According to figures from the State Administration of Religious Affairs there were 92 such schools in operation in China, as of 2017.<sup>7</sup>

The state limits the number of such religious institutions, as well as their size and what content is allowed to be taught. Establishing new colleges is cumbersome and long drawn out, even when successful, their curricula must include “politics” and “patriotic” education, as defined by the state.

Under regulation, parents are permitted to instruct children in the beliefs of officially recognised religions and children may participate in religious activities. In Xinjiang, however, where there is a large base of Muslims, officials require minors to complete nine years of compulsory education before they can receive religious education outside of school, a measure which appears to be part of efforts to achieve the “Sinicisation”

of Muslims in the province. Students at religious institutions have limited access to printed materials for their studies. In the Buddhist Academy of China, neither of the two textbooks required for the course on the History of Buddhism in China address the development of Buddhism since 1949.

## Family, community and society

### “Foreign NGO Law”

On 1 January 2017, a new law on the “Management of Domestic Activities of Overseas Non-governmental Organizations” entered into force. In order to keep working in China, Foreign NGOs must submit themselves to greater government control including finding government sponsors, registering with the police, and submitting annual reports on their financing. In addition, the law prohibits unregistered foreign groups from funding local counterparts. Any violation of these requirements could potentially result in asset confiscations or deportation.

According to Chinese officials, roughly 7000 NGOs are present in the country. NGOs working in fields such as human rights and the rule of law are likely targets of the new law and there are concerns that some may be forced to abandon China altogether.

The American Bar Association (ABA), which provides legal training and promotes the rule of law, has closed its office in Beijing. In July 2016, ABA had declared the Chinese lawyer Wang Yu the winner of its International Human Rights Award. The lawyer was arrested with over 100 human rights lawyers nationwide and faced 12 months of detention. In a videotaped message from detention which echoed the government line against foreign NGOs, and which human rights campaigners believe was a forced confession, Wang Yu denounced the award as “another way for (foreign forces) to use me to attack and smear the Chinese government.”<sup>8</sup>

### Gender equality

Although the Chinese Communist Party has consistently declared its commitment to equality between women and men (as Mao’s quote: “Women hold up half of the sky” suggests), in practice the country has prioritized men’s interests over women’s.

The state often encourages women to prioritize the domestic realm over career. In 2015, the state-led Women’s Federation launched a campaign aimed at successful professional women, to warn them that they would soon become “leftovers” if they did not marry and procreate before their mid-twenties.<sup>9</sup>

Although a law to prevent sexual harassment came into force in 2006, it remains rampant in China. A survey

conducted by a Chinese NGO reported that 70% of the women surveyed faced some form of harassment, with 15% stating that they previously had left a job because of it.<sup>10</sup>

On 8 March 2015, five Chinese feminists were detained for campaigning against sexual harassment on International Women’s Day. They were accused of “picking quarrels and creating a disturbance”. The women were released on bail on 14 April 2015, but remained under surveillance.

## Freedom of expression, advocacy of humanist values

### Surveillance and Media Freedoms

China continues to subdue any individuals or organizations which advocate democratic reform. All media outlets remain owned by the state, resulting in substantially biased media coverage, and internet content is heavily censored.

In addition, China operates a highly sophisticated system of mass surveillance through different methods, including facial recognition technology. Many Uyghurs in Xinjiang have been arrested, tried and convicted by computer algorithm based on data harvested by the facial recognition cameras.<sup>11</sup>

## References

- <sup>1</sup> [http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node\\_2825.htm](http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm)
- <sup>2</sup> [state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222123](http://state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222123)
- <sup>3</sup> <https://www.bbc.co.uk/news/world-asia-china-53220713>
- <sup>4</sup> <https://www.theguardian.com/world/2019/jan/13/china-christians-religious-persecution-translation-bible>
- <sup>5</sup> [youtube.com/watch?v=t0kPxXhd6w4](https://www.youtube.com/watch?v=t0kPxXhd6w4)
- <sup>6</sup> [en.people.cn/n3/2018/0523/c90000-9462972.html](http://en.people.cn/n3/2018/0523/c90000-9462972.html)
- <sup>7</sup> [state.gov/j/drl/rls/irf/religiousfreedom/index.htm](http://state.gov/j/drl/rls/irf/religiousfreedom/index.htm)
- <sup>8</sup> [qz.com/873489/ngos-are-trying-to-stay-alive-in-chinas-latest-crackdown-against-foreign-forces/;](http://qz.com/873489/ngos-are-trying-to-stay-alive-in-chinas-latest-crackdown-against-foreign-forces/)  
[brookings.edu/blog/up-front/2016/12/15/the-state-of-ngos-in-china-today/](http://brookings.edu/blog/up-front/2016/12/15/the-state-of-ngos-in-china-today/)
- <sup>9</sup> [theconversation.com/inequality-in-china-and-the-impact-on-womens-rights-38744](http://theconversation.com/inequality-in-china-and-the-impact-on-womens-rights-38744)
- <sup>10</sup> [asafeworldforwomen.org/global-news/asia/china/4898-challenges-to-womens-rights.html](http://asafeworldforwomen.org/global-news/asia/china/4898-challenges-to-womens-rights.html)
- <sup>11</sup> <https://time.com/5735411/china-surveillance-privacy-issues/>



# Nigeria

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 122

In Nigeria, approximately half of the population are Muslims, about 40% are Christians, and roughly 10% are of traditional indigenous religions or no religion. While the Constitution guarantees religious freedom, the

state endorses numerous anti-secular and theocratic policies. The government and non-state militia such as Boko Haram constantly violate the rights to freedom of thought and expression.

| Constitution and government   | Education and children's rights  | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values  |
|---|--|---|--|
|   |  |   | <p>'Apostasy' or conversion from a specific religion is outlawed and punishable by death</p> <p>'Blasphemy' or criticism of religion is outlawed and punishable by death</p> |
| <p>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p> <p>State legislation is partly derived from religious law or by religious authorities</p> | <p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</p> | <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p> | <p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p>   |

| Constitution and government  | Education and children's rights | Family, community, society, religious courts and tribunals   | Freedom of expression advocacy of humanist values                                  |
|--|---------------------------------|--|--|
| Preferential treatment is given to a religion or religion in general |                                 | Some religious courts rule in civil or family matters on a coercive or discriminatory basis<br>Discriminatory prominence is given to religious bodies, traditions or leaders |  |
|  |                                 |  | Some concerns about political or media freedoms, not specific to the non-religious |

## Constitution and government

The Nigerian Constitution<sup>1</sup> protects freedom of religion and allows religious conversion. Section 10 of the Constitution states, “[t]he Government of the Federation of a State shall not adopt any religion as State Religion.” This provision has however occasionally been overlooked by national leaders, with Rivers State Governor Nyesom Wike pronouncing Rivers a Christian state during a speech in June 2019.<sup>2</sup>

However, Sections 275–279 of the Constitution give constituent states the power to establish their own Sharia courts on civil matters. Abiding by Sharia law is required for Muslims in some states but optional in others and enforcement differs by state. Rulings and procedures are sometimes difficult to find. Christians are not obliged to abide by Sharia law in any of the 12 states.

Proselytizing in public is illegal in some states, on the grounds that it deters ethnic conflict. Religious groups are required to have permits to build places of worship and to hold public gatherings. Christian and Islamic groups are required to register with the Corporate Affairs Commission (CAC) to do so. Religious discrimination is prohibited by law, but there are significant inter-religious social tensions.

In several instances, politicians have been reported to refer to religion when justifying their stance on legislative proposals and in other political contexts: in 2017, the MP Gudaji Kazaure declared himself to be against family planning as the latter is against Islamic doctrine, and cited Prophet Muhammad’s words “Marry and have children so that I can be proud of you on the day of judgement”. In 2019, a video began circulating on social media showing Senator Dino Melaye campaigning in his home state and reciting the first chapter of the Quran to a roaring Muslim campaign mob.<sup>3</sup>

## Education and children’s rights

Under Article 38 of the Constitution of Nigeria, it is a requirement for all students in the public education system to receive instruction either in Christianity or Islam, though the Constitution states that institutions cannot subject students to instruction in a religion other than that inherited from their family.<sup>4</sup> In practice, Christian education classes are not offered in many Northern states and Muslim education classes are not always provided in Southern states.

The Constitution states:

*“Section 38:2 No person attending any place of education shall be required to receive religious instruction or to take part in, or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion not approved by his parent or guardian.”*

*“Section 38:3 No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.”*

On 8 September 2018, the 52nd anniversary of Literacy Day as declared by UNESCO, the Nigerian Minister of Education Adamu Adamu declared that Nigeria has about 60 million illiterate youth and adults (about one third of the entire Nigerian population), 60% of whom are female. He also underlined that 11 million children are out of school, and he called for urgent attention to this matter as the country strives for the attainment of the SDGs by 2030.<sup>5</sup>

In the same year, the Minister also brought forward a reform to the school curriculum, introducing an umbrella subject called ‘Religion and National Values Curriculum’, which includes five subjects, taught separately: Civic Education, Social Studies, Christian Religious Knowledge, Islamic Studies and Security Education. The reform also made Civic Education a compulsory subject.<sup>6</sup>

In 2019, a number of Islamic rehabilitation schools (Almajiris) across northern Nigeria were discovered to be abusing hundreds of children. The Nigerian police freed more than 1,000 people from these centres in October 2019 alone, but thousands of other children could be at risk as some 10 million children are estimated to attend Almajiris schools across the country. President Buhari has ordered the police to search for these abusive centres and disband them.<sup>7</sup>

## Family, community and society

Nigeria is a religiously pluralistic country in which an individual's ethnicity has a bearing on religious demographics. The Hausa-Fulani ethnic group, which is most populous in northern Nigeria, are predominantly Muslim while the Igbo, a major ethnic group in the south, is predominantly Christian. Meanwhile no single religion is in the majority throughout the country. Muslims, who are in the majority in the north are in the minority in Southern Nigeria. Whilst Christians, who are in the majority in Southern Nigeria, are in the minority in the north. Nigeria has a volatile ethno-religious mix and ethno-religious violence often erupts.<sup>8</sup>

Islam is often regarded, and is in effect, the *de facto* state religion of numerous northern states due to: the introduction of criminal law aspects of Sharia, the continued state use of resources to fund mosque construction, the education of Kadis (Muslim judges), pilgrimages to Mecca (Hajj), and religious instruction in schools. Some states have also used government funds to pay for Christian pilgrimages to Jerusalem. In general, states with a Christian or Muslim majority favour and give privileges to the majority faith to the exclusion of religious or belief minorities.

## Sectarian divide

Muslims in some predominantly Christian states have complained about being denied permission to build mosques in predominantly Christian southern states. Christians in the predominantly Muslim northern states have claimed that local government officials used zoning laws to delay or prevent the establishment of new churches. Some have made claims that the enforcement of zoning laws was selective. Government officials have been commonly reported to have discriminated against people whose religious beliefs are different from their own, notably in hiring or contract awarding. Religious and ethnic discrimination also exists in private businesses' hiring practices and purchasing patterns. The deep entanglement of religion and state perpetuates parallel legal systems for different religious and ethnic groups.

## Boko Haram

The country has been afflicted in recent years by the terrorism of Boko Haram, with abductions, massacres and bomb blasts in Abuja. Boko Haram has deliberately attacked Christians and moderate Muslims during its armed campaign, along with their respective houses of worship.<sup>9</sup>

The abduction of around 200 school girls early in 2014 by Boko Haram prompted the sharing of the #BringBackOurGirls hashtag around the world, but most abductees from Chibok and other towns remain lost. The government and armed forces were accused of hesitation, inaction and incompetence in addressing the terrorist threat; and deaths and kidnappings number in the thousands. Sectarian tension was on the rise in 2014 and attacks continued in 2015. Boko Haram caused more deaths in terror attacks in 2014 than ISIS. A more concerted military response in 2015 and 2016 appears to have diminished Boko Haram's strength.

In spring 2018, Boko Haram took about one hundred more girls from a secondary school in the town of Dapchi, just south of the Sahara, in the state of Yobe. The convoy took them to the edges of lake Chad, where the splinter group loyal to ISIS in Syria-Iraq resides. After more than a month, the terrorist group eventually returned the girls, in broad daylight, to their parents, declaring, as one parent reported: "We have now returned your children to you but make sure you don't enrol them in western education again because if you do we will come back and take them away". Some youths, soon after the sermon in the middle of the town, joined the convoy and swore fealty afterwards, going back to their base, where they keep territory and receive IS runaways from the Middle East and Libya.<sup>10</sup>

## LGBTQ+ rights

Same-sex relationships were criminalized and LGBTQ+ advocacy groups were banned in 2014, when former president Goodluck Jonathan signed the Same-Sex Marriage (Prohibition) Act.<sup>11</sup> The law made same-sex relationships punishable by up to 14 years in prison. In October 2020, a judge in a Nigerian court threw out a case against 47 men charged with public displays of affection with members of the same sex after the prosecution failed to attend or present evidence.<sup>12</sup> The case has widely been seen as a test case for the Same-Sex Marriage (Prohibition) Act, as the men were the first to face charges under the act.<sup>13</sup>

According to Freedom House, LGBTQ+ people are deterred from openly running for office or working to advance their political interests.<sup>14</sup>

## Women's rights

According to Amnesty International, "[d]espite the passage of the Violence Against Persons Prohibition (VAPP) Act, violence against women remains prevalent

in Nigeria. The VAPP Act, a law which criminalizes acts that are harmful to and discriminatory against women, is applicable in Abuja and has been domesticated in less than 10 states across Nigeria.”<sup>15</sup>

## Freedom of expression, advocacy of humanist values

Freedom of expression is guaranteed under the Constitution, however, this right is restricted in practice by both state and non-state actors. A series of laws prohibiting sedition, criminal defamation, and publication of false news are regularly used by the government to crack down on dissent. Further northern states that have adopted the Sharia court system apply severe penalties for alleged press offences.<sup>16</sup>

In November 2019, Nigeria’s National Assembly considered two draft legislations: Protection from Internet Falsehood and Manipulation and other Related Offences Bill 2019<sup>17</sup> and the Bill to establish a National Commission for the Prohibition of Hate Speech.<sup>18</sup> If passed into law, the bills will give authorities arbitrary powers to shut down the internet, make criticizing the government punishable with penalties of up to three years in prison, a life sentence and a maximum of death penalty.<sup>19</sup> Following public outcry, the decision to pass the bills was suspended, but the Bills themselves had not been formally withdrawn as of July 2020.<sup>20</sup>

## Media freedom

According to Reporters Without Borders (RSF), Nigeria is now one of West Africa’s most dangerous and difficult countries for journalists, who are often spied on, attacked, arbitrarily arrested or even killed. Two journalists were shot dead while covering Islamic Movement in Nigeria – a banned Shiite Muslim organization – protests; one in July 2019 and the other in January 2020 – without any proper investigation with the aim of identifying those responsible.<sup>21</sup>

Journalists often face harassment, intimidation and arrest especially when they cover corruption scandals, human rights violations, separatist and communal violence, or other politically sensitive topics.<sup>22</sup>

According to RSF, “[j]ournalists are often denied access to information by government officials, police and sometimes the public itself. The all-powerful regional governors are often their most determined persecutors and act with complete impunity.”<sup>23</sup> Two pieces of legislation commonly used against journalists by the authorities are the Cybercrime Act of 2015<sup>24</sup> and Terrorism (Prevention) (Amendment) Act of 2013.<sup>25</sup>

## Blasphemy

Under the Customary system, applicable nationwide, ‘blasphemy’ is prohibited under section 204 of the Criminal Code.<sup>26</sup>

Section 204, “Insult to religion”, states:

*“Any person who does an act which any class of persons consider as a public insult on their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanour, and is liable to imprisonment for two years.”*

States subject to Shariah courts can and do implement severe punishments for crimes such as ‘blasphemy’, including execution. In August 2020, **Yahaya Sharif-Aminu**, described by the BBC as a little-known Islamic gospel musician was sentenced to death by hanging by an upper Shariah court in Kano state.<sup>27</sup> Sharif-Aminu was arrested in March 2020 after allegedly saying that Sheikh Ibrahim Niassé, the Senegalese founder of the Islamic Tijjaniya sect, which has a large following across West Africa, “was bigger than Prophet Muhammad”. On 4 March 2020, protestors reportedly burned down Sharif-Aminu’s home and demanded that the Islamic police, Hisbah, take action against him.<sup>28</sup> It is understood that Sharif-Aminu has filed an appeal against his conviction and sentence.<sup>29</sup> The same Shariah court in Kano state sentenced 13-year-old **Umar Farouq** in August 2020 to 10 years in prison with menial labor for ‘blasphemy’.<sup>30</sup> Farouq was found guilty of offending God, as he had used “foul language” against God during an argument with a friend.<sup>31</sup> Farouq has appealed the judgment.

In addition to handing down executions, predominantly Muslim states have frequently seen riots, violence and murder after ‘blasphemy’ accusations, sometimes against individual Muslims accused, but with potential for wider violence when the accused is Christian.

## Highlighted cases

Nigerian human rights activist and President of the Humanist Association of Nigeria **Mubarak Bala** was arrested by Kano State Police Command on 28 April 2020 following a petition filed by a law firm alleging that Bala had insulted the Prophet Muhammad in his Facebook posts.<sup>32</sup> Bala was held without access to his lawyers until October 2020.<sup>33</sup> He remains held without charge in Kano state; successive court hearings have been subjected to adjournments. Bala has been the victim of death threats and harassment since he renounced Islam in 2014.<sup>34</sup> In June that year, he was assessed as needing psychiatric help because he was “an atheist” and was held against his will at a psychiatric ward in Kano, northern Nigeria. His father, formerly a senior member of the Islamic religious authorities, had orchestrated Mubarak’s detention after Mubarak had refused to keep quiet about his atheistic views on religion. Bala was freed after nearly three weeks due to a strike at the hospital.

The Humanist Association of Nigeria was denied registration as an organization for many years. Antagonists linked the group to the promotion of gay rights, presuming this to stand against its merits (and in reality it may well contribute to authorities' refusal to progress a registration).<sup>35</sup> In 2017, the Humanist Association of Nigeria was eventually granted formal recognition after 17 years of campaigning, together with other humanist/atheist groups, including the Northern Nigeria Humanist Movement, the Atheist Society of Nigeria and Lagos Humanists.<sup>36</sup>

## References

- <sup>1</sup> [https://www.constituteproject.org/constitution/Nigeria\\_1999.pdf](https://www.constituteproject.org/constitution/Nigeria_1999.pdf)
- <sup>2</sup> <https://www.pulse.ng/news/local/rivers-is-a-christian-state-says-wike/03wh1jh>
- <sup>3</sup> [youtube.com/watch?v=06xexylbmw](https://www.youtube.com/watch?v=06xexylbmw);  
[bellanaija.com/2017/10/muslim-family-planning-gudajikazaura/](https://bellanaija.com/2017/10/muslim-family-planning-gudajikazaura/)
- <sup>4</sup> <https://wipolex.wipo.int/en/text/179202>
- <sup>5</sup> [allafrica.com/stories/201812060012.html](https://allafrica.com/stories/201812060012.html)
- <sup>6</sup> [legit.ng/1168651-nigerian-curriculum-secondary-schools-2018.html](https://legit.ng/1168651-nigerian-curriculum-secondary-schools-2018.html)
- <sup>7</sup> [reuters.com/article/us-nigeria-captives/police-free-hundreds-of-males-some-chained-and-beaten-from-nigerian-school-in-third-raid-this-month-idUSKBN1WV23B](https://www.reuters.com/article/us-nigeria-captives/police-free-hundreds-of-males-some-chained-and-beaten-from-nigerian-school-in-third-raid-this-month-idUSKBN1WV23B)
- <sup>8</sup> <https://end-blaspemy-laws.org/2020/08/a-case-against-blaspemy-in-nigeria/>
- <sup>9,14,16,22</sup> <https://freedomhouse.org/country/nigeria/freedom-world/2020>
- <sup>10</sup> [bbc.co.uk/news/43489217](https://www.bbc.co.uk/news/43489217)
- <sup>11</sup> <https://www.refworld.org/pdfid/52f4d9cc4.pdf>;  
<https://www.theguardian.com/global-development/2018/mar/30/blackmail-prejudice-persecution-gay-rights-nigeria>
- <sup>12</sup> <https://www.reuters.com/article/us-nigeria-lgbt/nigerian-judge-throws-out-case-against-47-men-facing-homosexuality-charge-idUSKBN27C1TZ>
- <sup>13</sup> <https://www.theguardian.com/world/2019/dec/11/first-men-go-on-trial-under-nigerias-anti-homosexuality-laws>
- <sup>15,19</sup> <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>
- <sup>17</sup> <https://www.nassng.org/documents/billdownload/10965.pdf>
- <sup>18</sup> <https://media.premiumtimesng.com/wp-content/files/2019/11/ational-Commission-of-Prohibition-of-Hate-Speeches-Bill-2019-1.pdf>
- <sup>20</sup> <http://saharareporters.com/2020/07/13/social-media-bill-and-hate-speech-bill-%E2%80%93-drop-them-now-david-hundeyin>
- <sup>21,23</sup> <https://rsf.org/en/nigeria>
- <sup>24</sup> <http://www.nigerianlawguru.com/legislations/STATUTES/CYBERCRIME%20ACT%202015.pdf>
- <sup>25</sup> <https://ctc.gov.ng/wp-content/uploads/2020/03/TERRORISM-PREVENTION-AMENDMENT-ACT-2013.pdf>;  
<https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>

<sup>26</sup> <https://www.wipo.int/edocs/lexdocs/laws/en/ng/ng025en.pdf>

<sup>27</sup> <https://www.bbc.co.uk/news/world-africa-53726256>;

<https://end-blaspemy-laws.org/2020/08/nigerian-singer-sentenced-to-death-for-blaspemy/>

<sup>28</sup> <https://guardian.ng/news/kano-court-sentences-singer-yahaya-aminu-sharif-to-death-for-blaspemy/>

<sup>29</sup> <http://saharareporters.com/2020/09/03/breaking-kano-musician-sentenced-death-blaspemy-appeals-judgment>

<sup>30</sup> <http://saharareporters.com/2020/09/09/13-year-old-boy-sentenced-10-year-imprisonment-blaspemy-appeals-judgment>

<sup>31</sup> <https://www.voanews.com/africa/nigeria-singer-sentenced-death-blaspemy>

<sup>32</sup> <https://humanists.international/2020/04/mubarak-bala-president-of-nigerian-humanists-arrested-for-blaspemy/>

<sup>33</sup> <https://humanists.international/2020/10/mubarak-bala-meets-with-lawyer/>

<sup>34</sup> [https://humanists.international/wp-content/uploads/2020/06/3098\\_Humanists-International\\_Humanists-at-Risk-Action-Report\\_Amends-V2\\_LR.pdf](https://humanists.international/wp-content/uploads/2020/06/3098_Humanists-International_Humanists-at-Risk-Action-Report_Amends-V2_LR.pdf)

<sup>35</sup> <http://www.gamji.com/article9000/news9553.htm>;

<http://dialogueseriesnew.blogspot.de/2011/10/usa-africa-dialogue-series-humanism-and.html>

<sup>36</sup> [humanists.international/2017/12/humanist-association-nigeria-achieves-formal-recognition-17-year-campaign/](https://humanists.international/2017/12/humanist-association-nigeria-achieves-formal-recognition-17-year-campaign/)



# Kuwait

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 122

Kuwait is a constitutional monarchy with an elected parliamentary system. When taken in comparison with other countries in its region, Kuwait generally ranks well in terms of civil liberties, press freedom and judicial independence. Nevertheless, the past few years have seen a notable crack-down on freedom of expression in the country. Kuwait is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Rating: Grave Violations

*This country is found to be declining due to recent prosecutions for “blasphemy” and a general deterioration of freedom of expression post-Arab Spring.*

| Constitution and government  | Education and children’s rights  | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values  |
|--|--|---|--|
| State legislation is largely or entirely derived from religious law or by religious authorities                          |  | It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities | Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed<br>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed |
|  |  | Systemic religious privilege results in significant social discrimination<br>Religious control over family law or legislation on moral matters                                    | ‘Apostasy’ is outlawed and punishable with a prison sentence<br>‘Blasphemy’ is outlawed or criticism of religion is restricted and punishable with a prison sentence                                   |
| Preferential treatment is given to a religion or religion in general<br>There is an established church or state religion | Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives) |   |  |
|  |  |   | Some concerns about political or media freedoms, not specific to the non-religious   |

## Constitution and government

The Constitution establishes Islam as the state religion, and whilst the constitution provides for “absolute freedom” of belief, other constitutional provisions, laws, and policies restrict freedom of religion or belief. Sharia is a primary source of legislation (Article 2), and personal status law is administered by Religious courts.

The constitution guarantees freedom of religious practice, nevertheless it specifies that such practice must not

contravene public order or morals and must work in accordance with established customs (Article 35). The government does not recognize Baha’i, Buddhist, Hindu or Sikh groups which are not included in the Islamic principle of Abrahamic faiths (ahl al-kitab: Muslims, Jews, Christians). It also has denied the recognition of several Christian groups. The recognition by the state often takes years for approval and is not transparent. The authorities further detain individuals for practising black magic or sorcery, which is considered inconsistent with Islamic law.

In general, the import of alcohol and pork products is prohibited.

The media sometimes includes anti-Semitic commentary or images.

The government exercises direct control over Sunni religious institutions. It appoints Sunni imams, pays their salaries and finances the construction of Sunni mosques. Friday sermons are monitored and the government prohibits political issues being discussed in them.<sup>1</sup>

Kuwaiti law does not specifically prohibit proselytism, but individuals may be prosecuted under laws criminalizing contempt of religion.<sup>2</sup> Nevertheless, the government provides financial support to Sunni Muslims who proselytize foreign residents.

Between sunrise and sunset during the period of Ramadan, eating, drinking, and smoking within the public arena are banned for all people in Kuwait, regardless of their beliefs and nationalities. Penalties for such behaviors include a month's imprisonment. In 2014 the authorities arrested 19 people for eating in public, including American and Dutch citizens. A Lebanese expat was charged for smoking.<sup>3</sup>

## Education and children's rights

Islamic religious instruction, largely based on the teachings of Sunni Islam, is compulsory in all public schools for all students and in those private schools that have one or more Muslim students. Non-Muslim students are not required to attend these classes, and no adverse consequences have been reported for not attending. The religious organized education of other faiths is prohibited in public high schools, but practiced privately at homes.

Books containing reference to the Holocaust or Israel are banned and foreign schools are not allowed to teach comparative religion. Schools are required to teach and celebrate only Muslim holidays.

## Family, community and society

### Demography

Approximately 70% of citizens, including the ruling family, adhere to the Sunni branch of Islam, whilst Shiite Muslims make up around a third of the population. Whilst some areas have relatively high concentrations of either Sunnis or Shia, most areas are religiously well integrated. The past couple of years have seen an increase in the reports of harassment of Shiite Muslims by Kuwaiti Salafis and Sunni Islamists. There are also small numbers of other religious citizens, such

as Christians and Baha'is. Out of the 3.8 million people living in Kuwait, only 1.2 million are citizens. The ethnic minority group of Bidun is denied citizenship and over 100'000 Bidun residents remain stateless in Kuwait.

Migrant workers in Kuwait constitute up to two-thirds of the population in Kuwait, but do not have adequate legal protections, and remain vulnerable to abuse, forced labor, and arbitrary deportation. Under the kafala system (which also exists in Bahrain, Oman, Qatar, Saudi Arabia, the UAE, Jordan and Lebanon) migrant domestic workers' visas are tied to their employers, such that they cannot leave jobs without their employers' consent.<sup>4</sup> The International Labour Organization has likened the kafala system to a "contemporary form of slavery".<sup>5</sup> The COVID-19 pandemic has exacerbated the situation for Kuwait's migrant workers, many of whom live in overcrowded facilities without access to adequate health care.<sup>6</sup>

## Islamic Law

The Kuwaiti civil code is based on Egyptian Civil law, Islamic Sunni law and customary law and stipulates that in the absence of any legal disposition, the judge has to refer to the principles of Islamic law. It is mainly in the family code that such legal dispositions are missing and therefore, Islamic law is applied. Shiite citizens may apply Shiite family laws, although a lack of qualified Shiite imams is reported. The government does not allow the establishment of non-Sunni religious training institutions, therefore Shiite imams have to be educated abroad.

In 2007 the minister of education Nouriya Al-Subeeh refused to wear a hijab in the Parliament, which opened a heated discussion about Islamic dress codes.

## Discrimination against women

Women face discrimination in law and practice. There are no laws against domestic violence or marital rape. According to the law a male citizen of any religion transmits citizenship to their children. A Kuwaiti woman requires the permission of her father to marry and by law a Muslim woman may not marry a non-Muslim man, whereas a Muslim man is allowed to marry a Muslim, Jewish or Christian woman. The children have to be brought up in their father's faith and Islamic law is applied in marital disputes.

## Freedom of expression, advocacy of humanist values

### Freedom of Assembly

Since the events of the Arab Spring throughout the Arab world, Kuwait has been cracking down on online media freedoms. Under the far-reaching Cybercrime

Law passed in 2015, which imposes prison sentences and fines for insulting religion and religious figures, and for criticizing the emir over the Internet, the authorities have detained and prosecuted government critics and activists.<sup>7</sup>

Freedom of assembly and association is guaranteed by law, but these rights are restricted in practice. Kuwaitis must notify authorities of a public meeting or protest, but do not need a permit. In July 2019, authorities cracked down on peaceful protests calling for rights of the Bidun to be respected after the death of Ayed Hamad Moudath, a 20-year old Bidun man who committed suicide after being denied citizenship. Fifteen Bidun men were arrested during the protest and charged with spurious offences including spreading fake news, harming allied countries, calling for and participating in protests.<sup>8</sup> While 12 of the men were released on a pledge of good conduct, prison sentences between life and 10 years in prison were handed to three of the men in January 2020.<sup>9</sup>

## Blasphemy

There are several laws against blasphemy which the government actively enforces, even where the statement being made is seemingly benign (see *Highlighted cases* below).

Article 111 of the Penal Code states:

*“Whoever [broadcasts or communicates] views including ridicule, contempt, or belittlement of religion or religious doctrine — whether it is to challenge beliefs, practices, rituals, or teachings — is punished with imprisonment for a period of time not exceeding one year, and a fine not exceeding 1000 dinars, or either of these two punishments.”<sup>10</sup>*

Kuwait’s 2006 Press and Publications Law prohibits the publication of any material that attacks religions or incites persons to commit crimes, create hatred, or spread dissension. This has been used in practice to prosecute and imprison individuals for criticizing religion.<sup>11</sup> The publishing or broadcasting of content, including via social media, that could be perceived as offensive to religious groups is criminalised by the National Unity Law ratified by Parliament in January 2012. The punishment includes up to one year of prison and/or a fine of 1000 dinars. Non-citizens convicted under blasphemy laws are also subject to deportation (the Law of Nationality 15/1959) allows the government to strip Kuwaiti citizens of their nationality and to deport them under certain circumstances, if the person undermines the country’s well being).

Kuwait’s 2015 Cybercrime law<sup>12</sup> expands the scope of the Printing and Publishing Law of 2006 by applying it to Internet-based media publications. Article 6 imposes penalties of up to a year in prison and a 20,000 KD fine

(USD \$66,208) for defaming, slandering, mocking, or meddling with “God, the Holy Quran, Prophets, the Noble Companions of Prophet Muhammad, Wives of the Prophet [...], or persons who are part of the Prophet’s family” by use of an “information network” or “an information technology.” Article 7 pledges up to 10 years in prison for offenses including “the publication of incitement to overthrow the regime in the country.” While in theory this is a counterterrorism measure, it could be used against human rights defenders calling for political reform.<sup>13</sup> According to one source, there are at least 42 individuals currently in prison in Kuwait for various offences under the Cybercrime law stemming from posts made on Twitter.<sup>14</sup>

In 2013, Kuwait’s Council of Ministers rejected amendments by the country’s parliament to make blasphemy a capital crime.

## Apostasy

There is no explicit prohibition of apostasy, however, there is high societal pressure against conversion from Islam and apostates can lose certain rights, like the right to inherit property from Muslim relatives.<sup>15</sup> Moreover, the government does not issue documents stating a change in religion or belief, unless the person has converted to Islam, making apostasy *de facto* illegal. An apostate can be denied custody of his/her children and a court can declare an apostate’s marriage as void and strip them of their nationality.

## Highlighted cases

The summer of 2014 saw the release of **Abdul Aziz Mohamed El Baz** (also known as Ben Baz Aziz), a twenty-eight-year-old Egyptian secularist and supporter of LGBTI+ minorities and atheists who had been jailed on blasphemy charges in Kuwait. In February 2013, his employer reported him as a blasphemer after seeing his online writings on religion and secularism, and he was found guilty of “contempt of religions and attempting to spread atheism” and sentenced to one year in jail plus forced labour, a fine, and deportation to Egypt.

Of his atheist identity, Aziz says:

*“It’s hard to say that you are an atheist, but it’s harder to criticize religion. I don’t hide my atheism—everyone around me knows about it [...] I usually say I’m a skeptic in the beginning, but then I declare that I’m an atheist when I’m sure they’re not going to harm me. One day, I was wrong in my certainty—when I was reported to the police by someone at work.”<sup>16</sup>*

In August 2014, human rights activist and satirist, **Abo Asam**, was arrested and detained by police because one of his tweets was deemed to be “in contempt of religion”. His tweet had accused the Jamiya, from the Islamic Salafi

sect of blindly following their religious leader, Hamad al-Uthman. The authorities considered the tweet offensive enough to warrant his arrest.

In April 2016, Kuwaiti academic **Sheikha al-Jassem** was charged with blasphemy after giving a TV interview in which she asserted that the Constitution of Kuwait should be above the Quran and Islamic law in governing the country. The public prosecutor told her that the person bringing the complaint alleged that he had been “psychologically damaged” by her remarks.

In August 2019, Iranian blogger **Shahab Murtadha Ghafouri** was arrested over allegations of “insulting God” in a comedy sketch he posted online. The video shows Ghafouri telling a sick hospital patient: “If you go to paradise, tell God to let me enter too.”<sup>17</sup> It is unclear whether the investigation against Ghafouri was eventually dropped.

## Testimonies

*“I ‘partially’ came out, most of my family members know, some of my colleagues know, and I sometimes just casually say ‘I’m atheist’ to strangers who work at shops. It did have negative AND positive consequences, it was really bad with my family when they found out. It was very hard on my father especially, you see I’m from a religious Shi’ite family, my dad spends lots of his time with clerics and his religion is his pride. I used to pray since I was 6, and wore the Hijab when I was 9 years old, so it was shocking for him, he didn’t really speak with me for 2 years, my aunts didn’t want their daughters to talk to me, my best friend -then of course- told me that our friendship shames her before her Allah, I was sort of an outcast then.*

*Now it went back to normal between me and my family, they hope I will someday return to Islam. The colleagues that know about my atheism don’t really talk about it, I think they actually like me, they can see that an atheist doesn’t necessarily have horns and a tail. Also a big positive point! I have encouraged some people to ask questions and some people are now atheists because of me.*

*However, my family’s ‘hesitant’ acceptance comes with a price, I still wear the hijab, even though I despise nothing more. Also, being openly apostate isn’t a good idea probably, you see when you’re openly an ‘apostate’ and you wanted to get married you simply can’t, the law forbids you even if your partner is an apostate or a non-Muslim to begin with.”*

— M.

## References

1 v

<sup>2</sup> <https://kw.usembassy.gov/wp-content/uploads/sites/157/KUWAIT-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT-ENG-20190621.pdf>

<sup>3</sup> <https://www.arabianbusiness.com/19-people-arrested-for-eating-in-public-during-ramadan-557401.html>

<sup>4</sup> <https://www.hrw.org/world-report/2019/country-chapters/kuwait>

<sup>5</sup> <https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>

<sup>6</sup> <https://www.amnesty.org/en/latest/campaigns/2020/04/covid19-makes-gulf-countries-abuse-of-migrant-workers-impossible-to-ignore/>

<sup>7</sup> <https://www.hrw.org/news/2015/07/22/kuwait-cybercrime-law-blow-free-speech>

<sup>8</sup> <https://www.ecdhr.org/?p=443>

<sup>9</sup> <https://www.amnesty.org/en/latest/news/2020/01/kuwait-heavy-prison-sentences-of-activists-demanding-rights-of-citizenship/>

<sup>10</sup> <http://www.gcc-legal.org/LawAsPDF.aspx?opt&country=1&LawID=4204> (in Arabic)

<sup>11</sup> [https://menarights.org/sites/default/files/2019-01/KWT\\_PressAndPublicationsLaw\\_EN.pdf](https://menarights.org/sites/default/files/2019-01/KWT_PressAndPublicationsLaw_EN.pdf)

<sup>12</sup> <https://www.e.gov.kw/sites/kgenglish/Forms/CAITLaw-No.63of2015oncombatingInformationTechnologyCrimes.pdf> (in Arabic)

<sup>13</sup> <https://www.hrw.org/news/2015/07/22/kuwait-cybercrime-law-blow-free-speech>

<sup>14</sup> <https://menafn.com/1099538683/Kuwait-Cybercrime-law-sword-brandished-on-neck-of-bloggers-and-golden-egg-hen-for-lawyers>

<sup>15</sup> <https://humanists.international/get-involved/resources/the-right-to-apostasy-in-the-world/>

<sup>16</sup> [thehumanist.com/features/interviews/an-atheist-in-kuwait-interview-with-benbaz-aziz-part-1](https://thehumanist.com/features/interviews/an-atheist-in-kuwait-interview-with-benbaz-aziz-part-1)

<sup>17</sup> <https://www.frontlinedefenders.org/en/case/case-history-shaikha-binjasim>

# Egypt

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|

Ranking Index: 130

A nation of 100 million people, an estimated 90% of whom follow Sunni Islam,<sup>1</sup> Egypt is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

During the Arab Spring protests in 2011, long-time President Hosni Mubarak resigned and was later replaced in an election by the Muslim Brotherhood-supported Mohammed Morsi. Morsi was himself overthrown in 2013 leaving the country to be ruled by President Abdel Fattah el-Sisi.

Since 2017, under the pretext of the fight against terrorism, the country has been living under a state of emergency that has given security forces unchecked power to repress dissent. Political opponents, human rights activists, freethinkers and LGBTQ+ people are particularly vulnerable categories, while the government exerts a tight grip on the media and civil society organizations.<sup>2</sup>

| Constitution and government  | Education and children's rights   | Family, community, society, religious courts and tribunals   | Freedom of expression advocacy of humanist values   |
|--|---|--|---|
| State legislation is partly derived from religious law or by religious authorities | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative | There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious<br>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious<br>It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities | It is illegal or unrecognised to identify as an atheist or as non-religious   |
|  |   | Systemic religious privilege results in significant social discrimination<br>Prohibitive interreligious social control (including interreligious marriage bans)<br>Religious control over family law or legislation on moral matters<br>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization                        | Expression of core humanist principles on democracy, freedom or human rights is severely restricted<br>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence |



| Constitution and government  | Education and children's rights  | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|--|--|--|---|
| Preferential treatment is given to a religion or religion in general<br>There is an established church or state religion | Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives) |  |   |

## Constitution and government

The Egyptian legal system is based on positive (mainly secular) law, although it refers to Islamic *hanafi* law on specific matters. The Constitution places sharia and Islam at its core whilst only recognizing "Abrahamic" religions (Islam, Judaism and Christianity) as legitimate forms of worship.

The 2014 Constitution<sup>3</sup> begins: "In the Name of Allah, Most Gracious, Most Merciful", and part 1 of the document lays out the role of religion. Article 2 describes Islam as "the religion of the State. [...] The principles of Islamic Sharia are the main source of legislation." The influence of Sharia is especially relevant in civil law, but also in certain criminal provisions – notably on blasphemy (see below).

The Constitution formally recognizes the principle of equality, which appears both in the preamble ("We are drafting a Constitution that achieves equality between us in rights and duties with no discrimination") and in the body of the Constitution (Art.4, Art.9, Art. 53). Art. 4 reads: "Sovereignty belongs to the people [...]. They safeguard their national unity, which is based on the principles of equality, justice and equal opportunities between citizens, as provided in this Constitution".

Article 9 reads: "The state ensures equal opportunities for all citizens without discrimination". Finally, as per Article 53, "Citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of religion, belief, sex, origin, race, color, language, disability, social class, political or geographical affiliation, or for any other reason. Discrimination and incitement to hate are crimes punishable by law. The state shall take all necessary measures to eliminate all forms of discrimination, and the law shall regulate the establishment of an independent commission for this purpose".

Since 1913, the Egyptian Penal Code has not included an article on apostasy or conversion. However, a conversion from Islam has legal consequences in family law, regarding marriage, child custody and inheritance (see below).

## Discrimination in practice

Religious minorities and atheists still face discrimination in several domains.

Article 3 of the Constitution only officially recognizes Christians and Jews as religious communities that have the faculty to refer to their own religious courts instead of Islamic law. No reference is made to atheists and religious minorities such as Bahā'īs and Jehovah's Witnesses.

Furthermore, the Constitution distinguishes between freedom of religion or belief and freedom to practice one's religion. While stating that freedom of belief is absolute, "[t]he freedom of practicing religious rituals and establishing places of worship for the followers of revealed religions is a right organized by law" (Article 64).<sup>4</sup>

Concerning atheists and agnostics, they are "one of Egypt's least-protected minorities", according to Human Rights Watch, and there has been a prolonged campaign to turn "youth" away from atheism, with several prominent atheists arrested and convicted.<sup>5</sup>

One of the most visible signs of discrimination against atheists, apostates from Islam and members of minority religions is the policy concerning the Egyptian State ID cards, which include a section on religion where only one of the three "divine religions" can be recognized. Many elderly members of Baha'i or other minority communities further lack birth and marriage certificates. In 2008 the situation slightly improved, when two Bahā'īs were given permission to use a dash ("-") in the religion section.<sup>6</sup> However, Baha'is still do not enjoy the right to have their religion recognized, nor to profess it in public.

Muslim-born individuals who leave Islam are not allowed to change the religion field on their identity card. Only in a few cases in which Christians converted to Islam and subsequently returned to Christianity have the Egyptian courts, albeit inconsistently, allowed the change in the documents.<sup>7</sup>

## Key constitutional developments

In April 2019, the Parliament adopted constitutional amendments giving more power to the military and allowing the President Al-Sisi to run until 2030.<sup>8</sup> These amendments decisively expand the role of the military: they entrust the armed forces with the protection of the Constitution (without giving information on how this authority will coordinate with the legislative and judiciary power) and with safeguarding "democracy,



maintaining the foundations of the state and its civilian nature, the gains of the people, and the rights and freedoms of the individual”;<sup>9</sup> furthermore, the amendments broaden the military jurisdiction over civilians to cover all “attacks directed against the military”, while before the Constitution mentioned “direct attacks”, thus making the provision broader and more arbitrary.<sup>10</sup> Members of secular and leftist parties that have openly opposed these amendments have been investigated by the authorities: one of them is Hamdeen Sabbahy, political leader of the Egyptian Popular Current.<sup>11</sup>

Against the backdrop of a situation where the security forces have adopted different tactics to crackdown on any opposition movement against the guarantees of the rule of law,<sup>12</sup> the latest constitutional amendments further undermine the right to a fair trial and the independence of the judiciary.<sup>13</sup>

## Education and children’s rights

Article 24 of the Constitution states: “The Arabic language, religious education, and national history in all its stages are core subjects of pre- university public and private education. Universities are committed to teaching human rights, and professional morals and ethics relating to various academic disciplines.”

Muslim and Christian students are required to take Islamic and Christian courses respectively, in public schools, in all grades. Non-religious and religious minority students must choose one or the other course; they may not opt out or change from one to the other.<sup>14</sup>

Article 7 of the Constitution states that the religious al-Azhar university is the “the main authority for religious sciences, and Islamic affairs. It is responsible for preaching Islam and disseminating the religious sciences and the Arabic language in Egypt and the world.” It further adds that “The state shall provide enough financial allocations to achieve its purposes.”

Article 80 of the Constitution enshrines the rights of the Child in multiple fields, including health care, education, protection against violence, legal guarantees in case of criminal liability. However, there is ample evidence of children abducted by the authorities, held in incommunicado detention and tortured in prison.<sup>15</sup>

## Family, community and society

Article 10 of the Constitution defines the family as “the basis of society and is based on religion, morality, and patriotism.”

Family law is mainly derived from Islamic law. However,

Article 3 states that “[t]he principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders.”

Cases involving individuals who are not Muslim, Christian or Jews are adjudicated based on the Egyptian codified law (mainly based on Islamic law).<sup>16</sup> The same applies to mixed marriages and to matters of inheritance and guardianship.<sup>17</sup>

Under Sharia Law, the rights of men and women relating to marriage vary, including inter-religious marriages. Coptic personal status laws prohibit all mixed marriages.<sup>18</sup>

Societal pressure relating to religious interpretations of law can represent a threat with consequences such as violent sectarian clashes and honour killings.<sup>19</sup>

The government appoints imams and pays their salaries. It further monitors their activities by publishing weekly instructions for their sermon contents.<sup>20</sup>

In 2011, Al-Azhar and the Coptic Orthodox Church formed a common committee to address sectarian disputes in a conciliatory matter and prevent sectarian tensions, which still exist throughout the country.<sup>21</sup>

Many Christians (especially girls) are targeted for kidnapping and extortion.<sup>22</sup> Furthermore, construction of churches must meet strict requirements and is subject to a more stringent government scrutiny than the construction or renewal of mosques.<sup>23</sup>

## Women

Besides marriage, religious family laws discriminate against women in relation to divorce, child custody and inheritance. Since 2000, a Muslim woman may obtain a divorce without her husband’s consent, following the Islamic principle of “*khul*”; this, however, entails for her the loss of all her financial rights, including alimony, dowry and other benefits.<sup>24</sup>

No law criminalizes domestic violence, unless it is “considered to be beyond ‘the accepted limits of discipline decided by the judge’ and ‘if the injuries are apparent’”.<sup>25</sup>

Female genital mutilation (FGM), although prohibited by law, is still widespread.<sup>26</sup> Similarly, child marriage has been outlawed, but it continues to be practiced in certain areas.<sup>27</sup> Sexual harassment of women in the streets continues to be endemic.<sup>28</sup>

## LGBTQ+ rights

Despite the absence of legislation explicitly banning homosexuality, LGBTQ+ individuals may be prosecuted

under Law 10/1961 for engaging in the “habitual practice of debauchery” or “inciting debauchery”. In recent years, the crackdown has become more intense,<sup>29</sup> targeting homosexuals, gender non-conformist and mere supporters of LGBTI+ rights. For instance, police arrested dozens of people in the aftermath of a 2017 concert in Cairo where several rainbow flags were waived. One of them, a lesbian activist named Sarah Hegazi, never overcame the shock of the detention and tortures, and took her life in 2020.<sup>30</sup>

## Freedom of expression, advocacy of humanist values

Under a series of vague laws regulating the press and the media, and forbidding blasphemy and indecency, the authorities may ban or confiscate books and works of art and shut down websites, if they consider them as offensive to public morals or detrimental to religion.<sup>31</sup> A decree issued in January 2015 allows ministries to ban any foreign publications that are deemed offensive to religion.<sup>32</sup>

Al-Azhar has endorsed these restrictions in the name of Islamic morals.<sup>33</sup>

### “Blasphemy” law

The Egyptian Penal Code explicitly outlaws blasphemy. Nestled among prohibitions on advocating “extremist thoughts”, “instigating sedition” or “prejudicing national security”, Article 98 (f) outlaws “disdaining and contempting any of the heavenly religions or the sects belonging thereto” with jail terms from six months to five years and/or fines of up to 1,000 Egyptian Pounds (approximately US\$ 64). In addition, the desecration of religious symbols is punishable by up to five years in prison and/or fines of up to 500 EGP (\$ 32), as per Article 160. The same penalties apply to printing distorted versions of religious books and mocking religious ceremonies (Art. 161).

All these provisions are also used against public declarations of atheism, and they have been used to limit the freedom of speech of religious and non-religious groups and individuals alike.

Furthermore, Law 175/2018, the “Anti-Cyber and Information Technology Crimes law” has been arbitrarily used by the authorities to stifle online media and bloggers that allegedly spread fake news, threaten national security or attack the family values of Egyptian society.<sup>34</sup>

Blasphemy cases have been increasing since 2011.<sup>35</sup> Besides atheists and freethinkers, religious minorities such as Christians, Shi’a Muslims and Bahais are the most targeted with accusations of blasphemy.<sup>36</sup>

## Anti-atheist campaign

Atheists and agnostics are on the rise in Egypt,<sup>37</sup> despite the government’s use of religious propaganda in order to silence these movements.

What the *New York Times* described as “Egypt’s War on Atheism”<sup>38</sup> flared up in 2014 and has continued in various forms since. Arrests and convictions for ‘blasphemy’ together with a campaign of intimidation against atheists has been described by Human Rights Watch (HRW) as part of the ongoing “coordinated government crackdown on perceived atheists”.<sup>39</sup>

Beginning in June 2014, the Ministry of Youth together with the Ministry of Endowments began a media and re-education campaign to “eradicate” atheism. The initiative was linked to a wider campaign that also targeted “religious extremists”, most of whom were associated with the outlawed Muslim Brotherhood, and there were overt attempts to explicitly associate atheism *per se* with threats to national security and extremism. The programme was aimed at “confronting and abolishing [atheism] through religious, educational and psychological means handled by experts in these fields.”<sup>40</sup>

The backlash against the apparent growth of atheism, increasingly associated with young people and expressed on social media, has come primarily from government leaders and Islamic clerics and scholars. However, in November 2014 it was reported that Christian churches held a joint conference and were “joining forces” with Egypt’s Al-Azhar to fight the spread of atheism. The Egyptian Council of Churches organized, in late October 2014, a workshop for young people discussing the “dangers” of atheism.<sup>41</sup>

In 2017, the Egyptian government took legislative measures in order to mitigate the voices of atheism within the country: the head of parliament’s committee on religion, Amro Hamroush, affirmed that atheism is to be condemned as it is an insult to the monotheistic religions: Islam, Christianity and Judaism. He also stated that “atheists have no doctrine and try to insult Abrahamic religions”. This legislative measure has been supported by Al-Azhar.<sup>42</sup>

## How has the COVID-19 pandemic in Egypt affected freedom of expression?

In April 2020, President Abdel Fattah al-Sisi introduced new amendments to the 162/1958 Emergency Law that have further consolidated the presidential power. According to these amendments, the president can cease any type of public gathering and manifestation. These changes have further allowed security forces to make arrests and search peoples’ homes without a warrant.<sup>43</sup>

The government response to COVID-19 was to deny and simplify the crisis; in fact, a high number of people that have advocated the rights of detainees have been charged for spreading false news and undermining public order. As a consequence, journalists, artists, human rights advocates and politicians have been arrested for reporting about the pandemic or denouncing the management thereof.<sup>44</sup>

The authorities have used the Countering Terrorism Law that provides a broad definition of what constitutes an act of terrorism to suppress political pluralism. Many advocates and activists that have urgently called for the release of detainees that are elderly or have preconditions, due to their vulnerability to Covid-19, have been arrested with the charge of spreading false information.<sup>45</sup> An example is that of Mohamed Mounir, a known Egyptian journalist who, after being arrested on terrorism charges for having allegedly fomented sectarian conflict and spread fake news about Coronavirus, contracted COVID-19 during his pre-trial detention and died in July 2020.<sup>46</sup>

Another notable case of a detainee at risk due to COVID-19 is that of Patrik Zaki, a human rights activist on matters related to gender and sexuality, affiliated with the Egyptian Initiative for Personal Rights. He too was arrested under accusations of “spreading false news” and “inciting terrorism”, and he has been kept in pre-trial detention in spite of his asthma, which makes him particularly vulnerable to COVID-19.<sup>47</sup>

## Highlighted cases

In June 2020, activist and blogger Anas Hassan was convicted and sentenced on appeal to three years imprisonment and a fine of 300,000 EGP (approximately \$ 19,144) for managing the Facebook page ‘The Egyptian atheists’ which allegedly criticized the “divinely revealed religions”.<sup>48</sup>

In 2018, **Mohamed Hisham Nofal**, a young Egyptian atheist who was invited by the TV show “Egyptian streets” to discuss his atheism with an imam, was in fact insulted and kicked off the show live on air for stating his disbelief. After the show, he endured threats and harassment that forced him to leave Egypt and start a new life in Germany.<sup>49</sup>

## Testimonies

*“I come from a Muslim family and discovered my unbelief in my teenage years. To come out as an atheist to my family and close friends was not exactly acceptable, but it was not a danger. Some people didn't like to hear that and tried to ignore me. Others tried to talk to me friendly to convince me about my “fault”. Until today, my mother tries to bring me back to Islam every time I talk to her. It is the same with*

*many family members and it is really annoying.*

*To break fasting in public or to criticize Islam or religion publicly would be hard. And Christians face more discrimination in Egypt, it is for instance hard for them to get a promotion at work. In general I would say that the normal society silently tolerates a person being atheist, although they don't really understand and accept it. They might think that you are crazy or stupid and you lose your credibility as an ethical and honest person. But being gay or an unveiled woman brings more problems than being atheist itself. Consequently, you can think and believe whatever you want, as long as you keep it to yourself, but any public manifestation of it raises anger.”*

— Mahmoud

*“I did not come out as an atheist in Egypt although only some of my friends knew that I am. The reason was that I already struggled with my family and at work just because I don't practice Islam. For my family part, I used to spend most of my time on my own in front of my computer, almost everyone didn't speak to me, didn't want to share anything with me just because I had different ideas. For work, most of companies in Egypt don't hire Christians just because they are Christians, so I didn't have other choice but stay Muslim in their eyes. Even then, everyone at work was wondering why I am not veiled, why I don't do Ramadan or why I don't pray. I actually once had a terrible problem with my boss back then... because she doesn't like my outfits and that everyone at work say that I am kind of a slut because I am not covered enough. Since my life was hell as an atheist in Egypt, I had to leave. Only now I can say out loud to my family that I am an atheist, and only now they accept it.*

## References

<sup>1</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html>

<sup>2</sup> <https://www.hrw.org/world-report/2020/country-chapters/egypt>;

<https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/>

<sup>3</sup> [https://www.constituteproject.org/constitution/Egypt\\_2014.pdf](https://www.constituteproject.org/constitution/Egypt_2014.pdf)

<sup>4</sup> Emphasis added

<sup>5</sup> <https://www.hrw.org/news/2015/01/13/egypt-3-year-sentence-atheist>

<sup>6</sup> Moataz El Fegiery, *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2016), 168.

<sup>7</sup> Moataz El Fegiery, *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2016), 188-190.

<sup>8</sup> The Arabic text of the amendments is available here: <https://www.youm7.com/story/2019/4/16/%D9%86%D9%86%D8%B4%D8%B1-%D8%A7%D9%84%D9%86%D8%B5-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84-%D9%84%D9%85%D9%88%D8%A7%D8%AF-%D8%A7%D9%84%D8%AA%D8%B9%D8%AF%D9%8A%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1%D9%8A%D8%A9-%D9%82%D8%A8%D9%84-%D8%B3%D8%A7%D8%B9%D8%A7%D8%AA-%D9%85%D9%86-%D8%AA%D8%B5%D9%88%D9%8A%D8%AA/4208464>

<sup>9</sup> <https://timep.org/reports-briefings/timep-brief-2019-constitutional-amendments>

<sup>10</sup> <https://timep.org/reports-briefings/timep-brief-2019-constitutional-amendments/>

<sup>11</sup> <https://www.hrw.org/news/2019/04/20/egypt-constitutional-amendments-entrench-repression>

<sup>12</sup> <https://www.hrw.org/world-report/2020/country-chapters/egypt>

<sup>13</sup> <https://www.hrw.org/news/2019/04/20/egypt-constitutional-amendments-entrench-repression>;

<https://timep.org/reports-briefings/timep-brief-2019-constitutional-amendments/>

<sup>14,16,20</sup> <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>

<sup>15</sup> <https://www.hrw.org/report/2020/03/23/no-one-cared-he-was-child/egyptian-security-forces-abuse-children-detention>

<sup>17</sup> Moataz El Fegiery, *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2016), 142.

<sup>18</sup> <https://www.bbc.com/news/world-middle-east-29932094>

<sup>19</sup> <https://www.bbc.com/news/world-middle-east-29932094>;

<https://egyptianstreets.com/2015/11/23/a-mother-of-two-has-been-killed-for-converting-marrying-a-coptic-christian-in-egypt/>

<sup>21,23</sup> <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>

<sup>22</sup> <https://www.hudson.org/research/14725-egypt-s-silent-epidemic-of-kidnapped-christian-girls>;

<https://www.copticsolidarity.org/wp-content/uploads/2020/09/jihad-of-the-womb-report-fa.pdf>

<sup>24</sup> <https://www.cairn.info/revue-tiers-monde-2011-5-page-117.htm#>

<sup>25</sup> <https://egyptianstreets.com/2020/05/01/egypts-hidden-pandemic-domestic-violence-on-the-rise-during-covid-19/>

<sup>26</sup> <https://egypt.unfpa.org/en/node/22544>

<sup>27</sup> <https://www.unicef.org/mena/media/1796/file/MENA-CMReport-EgyptBrief.pdf.pdf>

<sup>28</sup> <https://www.spiegel.de/international/tomorrow/almost-every-egyptian-woman-is-subjected-to-sexual-harassment-a-1198328.html>

<sup>29</sup> <https://eipr.org/en/publications/trap-punishing-sexual-difference-egypt>

<sup>30</sup> <https://www.nytimes.com/2020/06/15/world/middleeast/egypt-gay-suicide-sarah-hegazi.html>

<sup>31</sup> <https://afteegypt.org/wp-content/uploads/2014/04/Censors-of-creativity-English.pdf>;

<https://timep.org/reports-briefings/timep-briefs/timep-brief-press-freedom-in-egypt/>; <https://www.article19.org/resources/egypt-2018-law-on-the-organization-of-press-media-and-the-supreme-council-of-media/>;

<https://www.theatlantic.com/international/archive/2017/12/egypt-sisi-books-freedom-of-speech/547259/>

<sup>32</sup> <https://timep.org/reports-briefings/timep-briefs/timep-brief-press-freedom-in-egypt/>

<sup>33</sup> Moataz El Fegiery, *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2016), 122.

<sup>34</sup> <https://www.article19.org/resources/egypt-ngos-call-for-full-repeal-of-cybercrime-law-and-reform-of-dangerous-law-regulating-media/>

<sup>35</sup> <http://english.ahram.org/eg/NewsContent/1/151/216896/Egypt/Features/Egyptantiblasphemy-law-Defence-of-religion-or-to.aspx>

<sup>36</sup> Moataz El Fegiery, *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2016), 128-130.

<sup>37</sup> [https://www.salon.com/2013/10/27/a\\_christopher\\_hitchens\\_dream\\_atheism\\_on\\_the\\_rise\\_in\\_egypt/](https://www.salon.com/2013/10/27/a_christopher_hitchens_dream_atheism_on_the_rise_in_egypt/)

<sup>38</sup> [nytimes.com/2015/01/28/opinion/mona-eltahawy-egypt-war-on-atheism.html](https://www.nytimes.com/2015/01/28/opinion/mona-eltahawy-egypt-war-on-atheism.html)

<sup>39</sup> [hrw.org/news/2015/01/13/egypt-3-year-sentence-atheist](https://www.hrw.org/news/2015/01/13/egypt-3-year-sentence-atheist)

<sup>40</sup> <https://al-bab.com/blog/2014/06/isis-egypt-eliminate-atheism;>

[english.ahram.org.eg/NewsContent/1/151/120204/Egypt/Features/Egypt-war-on-atheism.aspx](https://english.ahram.org.eg/NewsContent/1/151/120204/Egypt/Features/Egypt-war-on-atheism.aspx)

<sup>41</sup> [https://www.richarddawkins.net/2014/06/govt-announces-campaign-to-save-youth-from-atheism/;](https://www.richarddawkins.net/2014/06/govt-announces-campaign-to-save-youth-from-atheism/)

<https://www.richarddawkins.net/2014/11/egypt-muslim-christian-authorities-unite-against-atheism/>

<sup>42</sup> [https://eu.usatoday.com/story/news/world/2018/01/04/egyptian-parliament-considers-outlawing-atheism/1005441001/;](https://eu.usatoday.com/story/news/world/2018/01/04/egyptian-parliament-considers-outlawing-atheism/1005441001/)

<https://egyptianstreets.com/2017/12/24/egyptian-parliament-discusses-plans-to-criminalise-atheism/>

<sup>43</sup> <https://www.aljazeera.com/news/2020/04/28/egypt-extends-state-of-emergency-for-twelfth-time-since-2017/>

<sup>44</sup> <https://www.washingtoninstitute.org/fikraforum/view/egypt-coronavirus-denial-conspiracy-COVID-pandemic;>

<https://euromedrights.org/wp-content/uploads/2020/04/200430-EuroMed-Rights-Briefing-EGY-COVID-HR.pdf>

<sup>45</sup> <https://euromedrights.org/wp-content/uploads/2020/04/200430-EuroMed-Rights-Briefing-EGY-COVID-HR.pdf>

<sup>46</sup> <https://insidearabia.com/egyptian-journalist-mohamed-mounir-murdered-by-coronavirus/>

<sup>47</sup> <https://eipr.org/en/press/2020/03/third-time-two-weeks-patrick-zaki%E2%80%99s-detention-renewal-hearing-postponed-invoking-force;>

<https://www.hrw.org/news/2020/02/12/egypt-rights-activist-detained-allegedly-tortured>

<sup>48</sup> <https://eipr.org/en/press/2020/06/economic-misdemeanour-appeals-court-upholds-verdict-against-blogger-3-years>

<sup>49</sup> <https://humanists.international/blog/do-you-remember-mohamed-the-egyptian-atheist-kicked-off-a-tv-interview/>  
Cambridge Scholars Publishing, 2016), 128-130.



# Sudan

|            |           |              |            |
|------------|-----------|--------------|------------|
| Const/Govt | Edu/Child | Society/Comm | Expression |
|            |           |              |            |

Ranking Index: 131

Sudan, an Arab republic in which the predominant religion is Islam, has long suffered from severe ethnic strife and has been plagued by internal conflict. Sudan's long civil war has given the country a poor human rights record, and has led to large numbers of internal displacements within the country. Approximately 97% of the population is Sunni Muslim, with most of the remaining 3% being Christian.<sup>1</sup> Sudan is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Sudan is currently undergoing a political transition, which began in July 2019 with the overthrow of former President Omar al-Bashir, and aims to dismantle some of the hardline Islamist policies of the former regime and achieve peace and democracy through civilian rule.<sup>2</sup> Currently, as part of a power sharing deal between the ruling Transitional Military Council

(TMC) and the opposition Forces for Freedom and Change (FFC) coalition, a 11-member sovereign council composed of six civilians and five military officers has been appointed to govern the country for a three-year transition period (until 2022).<sup>3</sup>

Sudan's former President al-Bashir was convicted of corruption charges by a Sudanese court and is currently serving a two year prison sentence. He is also wanted by the International Criminal Court (ICC) to stand trial for genocide, crimes against humanity and war crimes over Sudan's military campaign in Darfur (2003-2008), in which an estimated 300,000 people were killed.<sup>4</sup> In August 2020, Sudan's Prime Minister, Abdalla Hamdok, stated that Sudan would be prepared to cooperate with the ICC, and indicated that al-Bashir and other Sudanese officials facing ICC charges would be handed to the ICC.<sup>5</sup>

| Constitution and government   | Education and children's rights   | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values   |
|---|---|---|---|
| State legislation is largely or entirely derived from religious law or by religious authorities |   | Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious. It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities  | Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed. It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed      |
|   | Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative | Systemic religious privilege results in significant social discrimination. Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views. Prohibitive interreligious social control (including interreligious marriage bans). Religious control over family law or legislation on moral matters | Expression of core humanist principles on democracy, freedom or human rights is severely restricted. 'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence |



## Constitution and government

Following al-Bashir's ousting, the TMC and the FFC signed an interim constitutional declaration (the "2019 Declaration").<sup>6</sup>

The 2019 Declaration contains several provisions protecting the right to freedom of religious belief and worship "in accordance with the requirements of the law and public order". It repeals the Transitional Constitution of 2005 and the constitutions of all Sudanese provinces.<sup>7</sup> However, laws promulgated pursuant to the 2005 Constitution will remain in effect until such time as they are abolished or new laws are passed repealing them. A raft of legal amendments were passed in July 2020 in order to bring the country's laws in line with the democratic ideals of the 2019 Declaration. These include amendments to abolish the crime of apostasy;<sup>8</sup> to end the death penalty and flogging for same-sex relationships (but keeping a possible sentence of prison terms ranging from five years to life);<sup>9</sup> to permit children to travel with their mothers without permission from male members of their family; to ban female genital mutilation (FGM); to repeal some laws restricting women's dress; and to allow consumption of alcohol for non-Muslims.<sup>10</sup>

While many in Sudan have celebrated the reforms, loyalists of al-Bashir and Sudan's Islamic parties, including the Popular Congress Party (PCP), have denounced them. Famous Sudanese cleric Abdul Hai Youssef called for "jihad" against Hamdok's government, stating that "bringing down this government, which has legalised apostasy and other wrongdoings, is a duty for any Muslim."<sup>11</sup> In March 2020, an unsuccessful assassination attempt was carried out against Prime Minister Hamdok, who is widely seen to be leading the reforms.<sup>12</sup>

Meanwhile, progressive activists have pointed out that reforms so far have been piecemeal, and many problematic and discriminatory laws in Sudan remain in effect, including a law against blasphemy under Article 125 of the Penal Code. The Penal Code also continues to allow for floggings for various vaguely defined honour-based offences, adultery, and public morality crimes. In September 2020, the transitional government agreed to end 30 years of Islamic rule by signing a declaration adopting the principle of secularism. The declaration stated that "[f]or Sudan to become a democratic country where the rights of all citizens are enshrined, the constitution should be based on the principle of 'separation of religion and state,' in the absence of which the right to self-determination must be respected".<sup>13</sup>

## Education and children's rights

The law requires that all students receive religious instruction. All schools are required to teach Islamic

education classes, from pre-school up until the second year of university. The law does not require non-Muslims to attend Islamic education classes, and in practice non-Muslims will either attend private religious studies classes, or will be forced to attend Islamic education classes, to meet the religious instruction requirement and receive their certificate.<sup>14</sup>

In January 2020, the Ministry of Education announced that kindergarten students would no longer be required to learn the Quran in school.<sup>15</sup> The transitional government has also suspended a law which required Christian schools to conduct classes on Sundays.<sup>16</sup> The new amendments to the Penal Code abolished the death penalty for individuals younger than 18 years.<sup>17</sup>

## Family, community and society

### Religious discrimination

Under al-Bashir, Christians in Sudan were persecuted and churches were forcibly shut down or destroyed, often under the pretext that they lacked proper building permits.<sup>18</sup>

In September 2019, Prime Minister Hamdok stated that his administration would address "religious discrimination", and the Minister of Religion invited Jews and Christians who had left the country to return. However, religious discrimination remains prevalent in Sudan as many laws concerning personal and family affairs adopted during al-Bashir's administration largely remain in effect. For example, while Muslim men are allowed to marry Christian or Jewish women, a Muslim woman cannot marry a non-Muslim man. The implementation of criminal and civil law in terms of penalties imposed can depend upon the religion of the perpetrator. For example, whilst Muslims might be punished with lashes if caught producing or consuming alcohol, Christians are typically not punished if caught for the same crime. The justice minister has the power to release any prisoner who memorizes the Quran during his prison term.

In December 2019 the transitional government declared Christmas a national holiday and court proceedings were initiated to return land confiscated by the previous regime back to Christian communities.<sup>19</sup>

## Freedom of expression, advocacy of humanist values

### "Apostasy" and "blasphemy"

Apostasy was decriminalised in July 2020, and replaced by a new provision prohibiting the labeling of any group

of individuals as “infidels.”<sup>20</sup> Sudan witnessed many high profile cases of apostasy during al-Bashir’s reign. In May 2017, 23-year old activist **Mohammad Salih** was arrested after requesting that his religion on his national identification card be changed from Islam to “non-religious”. His case was only dismissed after Salih was found ‘not mentally competent to stand trial’.<sup>21</sup> In 2014, **Mariam Yahya Ibrahim** narrowly escaped the death penalty after she was charged with apostasy for refusing to renounce her Christian faith.<sup>22</sup>

“Blasphemy” remains a criminal offence, however the provision has been amended. Prior to the amendment Article 125 of the Penal Code stated:

*“Whoever, by any means, publicly abuses or insults any of the religions, their rites, or beliefs, or sanctities or seeks to excite feelings of contempt and disrespect against the believers thereof, shall be punished with imprisonment for a term not exceeding one year, or with a fine, or with whipping which may not exceed forty lashes.”<sup>23</sup>*

The new law abolishes the penalty of whipping and the period of imprisonment is limited to six months.<sup>24</sup>

## Media freedoms

Media freedoms were heavily restricted during al-Bashir’s rule, characterized by institutionalised censorship, mass arrests of journalists and raids on newspapers and printing presses. While there have been improvements under the new regime, Reporters Without Borders finds that, while the government has committed to freedom of expression, censorship is now exercised more discreetly. Most political newspapers continue to be affiliated or close to supporters of the former regime.<sup>25</sup>

Moreover, the 2008 Cybercrime Act, the 2009 Press and Publications Act and the 2010 National Security Forces Act, all of which have been used in the past to target critics and activists, remain in effect.<sup>26</sup>

## Freedom of Assembly

Anti-government protests, which began in December 2018, were violently suppressed by state security forces, who attacked protesters wherever they congregated, including outside mosques, hospitals, and schools. Serious violations reported during the protests include the use of torture and other inhuman, degrading treatment; sexual and gender based violence and attempts by the state to limit information about events on the ground by shutting down the internet and communications networks.<sup>27</sup> While the transitional government has committed to holding those responsible for the violence to account, it has yet to release the findings from its investigation and bring charges against officials. Human Rights Watch found that at least 120 people had been killed and more than 900 injured between 3-18 June 2019, while Sudanese officials have estimated that at least 64 women were raped, and others sexually assaulted.<sup>28</sup>

## References

- <https://www.meconcern.org/countries/sudan/>
- <https://www.chathamhouse.org/expert/comment/can-sudan-achieve-peace-and-democratic-transition>
- <https://www.aa.com.tr/en/africa/profile-members-of-sudans-sovereign-council/1561302>
- <https://edition.cnn.com/2020/07/21/africa/sudan-omar-al-bashir-trial-intl/index.html>
- <https://www.aljazeera.com/news/2020/08/sudan-cooperate-icc-war-crimes-charge-bashir-200823011112955.html>
- <https://perma.cc/K78K-FDGy>
- <sup>7,20,24</sup> <https://www.loc.gov/law/foreign-news/article/sudan-new-law-amending-penal-code-takes-effect/#:~:text=The%20new%20law%20abolishes%20the%20penalty%20of%20flogging%20imposed%20on,12%2C%20art.>
- <https://www.bbc.co.uk/news/world-africa-53379733>
- <https://www.reuters.com/article/us-sudan-lgbt-rights-trfn/great-first-step-as-sudan-lifts-death-penalty-and-flogging-for-gay-sex-idUSKCN24H30j>
- <sup>10,11</sup> <https://perma.cc/LT84-NXRE>
- <https://www.bbc.co.uk/news/world-africa-51800278>
- <https://www.bloomberg.com/news/articles/2020-09-04/sudan-ends-30-years-of-islamic-law-by-separating-religion-state>
- <https://www.state.gov/wp-content/uploads/2020/06/SUDAN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>;
- <https://www.eternitynews.com.au/world/hopes-wilt-for-teaching-christianity-in-sudan-schools/>
- <sup>16,19</sup> <https://www.government.nl/documents/diplomatic-statements/2020/08/26/joint-statement-on-sudan>
- <sup>17</sup> <https://www.loc.gov/law/foreign-news/article/sudan-new-law-amending-penal-code-takes-effect/#:~:text=The%20new%20law%20abolishes%20the%20penalty%20of%20flogging%20imposed%20on,12%2C%20art.>
- <https://www.worldwatchmonitor.org/2017/05/sudanese-government-destroys-another-church/>
- <https://english.alaraby.co.uk/english/news/2017/5/13/sudanese-activist-accused-of-apostasy-released-after-psychiatric-examination>
- <https://www.amnesty.org.uk/meriam-ibrahim-freed-death-row-sudan-apostasy-pregnant-mother>
- <https://centerforinquiry.org/blog/on-apostasy-and-blasphemy-in-sudan/>
- <sup>25</sup> <https://rsf.org/en/news/sudan-still-awaits-its-press-freedom-revolution>
- <sup>26</sup> <https://www.hrw.org/news/2020/07/24/sudans-army-threatens-activists-journalists-lawsuits>
- <sup>27</sup> <https://www.amnesty.org.uk/press-releases/sudan-all-security-agencies-were-involved-brutal-protest-attacks-and-must-be-held>
- <sup>28</sup> <https://www.hrw.org/news/2020/06/02/sudan-justice-june-3-crackdown-delayed>

# Pakistan

| Const/Govt | Edu/Child | Society/Comm | Expression |
|------------|-----------|--------------|------------|
|            |           |              |            |

Ranking Index: 139

Pakistan is approximately 97% Muslim and the remaining 3% of the population are Christian, Hindu, Buddhists or others.<sup>1</sup> The country has suffered chronic sectarian violence against religious and non-religious minorities, with Shia Muslims subjected to the majority of the violence, and many extremely serious incidents against the Christian minority. For individual non-religious persons to

speak out is uncommon, but those revealed or alleged to be non-religious tend to provoke swift condemnation.

The legal environment in Pakistan is notably repressive; it has brutal blasphemy laws, systemic and legislative religious discrimination and often allows vigilante violence on religious grounds to occur with impunity.

| Constitution and government   | Education and children's rights   | Family, community, society, religious courts and tribunals  | Freedom of expression advocacy of humanist values   |
|---|---|---|---|
| <p>The non-religious are barred from holding government office</p>                        | <p>Religious or ideological instruction in a significant number of schools is of a coercive fundamentalist or extremist variety</p> | <p>Expression of non-religious views is severely persecuted, or is rendered almost impossible by severe social stigma, or is highly likely to be met with hatred or violence<br/>There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious<br/>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</p>   | <p>Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed<br/>'Blasphemy' or criticism of religion is outlawed and punishable by death<br/>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed<br/>It is illegal or unrecognised to identify as an atheist or as non-religious</p> |
| <p>State legislation is partly derived from religious law or by religious authorities</p> |   | <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views<br/>Prohibitive interreligious social control (including interreligious marriage bans)<br/>Religious control over family law or legislation on moral matters<br/>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p> |   |

| Constitution and government  | Education and children's rights                                  | Family, community, society, religious courts and tribunals | Freedom of expression advocacy of humanist values |
|--|--|--|---|
| <p>There is an established church or state religion</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p> | <p>There is state funding of at least some religious schools</p> |  |   |

## Constitution and government

Article 2 of the Constitution establishes Islam as the state religion and requires that all laws are consistent with Islam. Despite the Constitution's promise of adequate provisions for minorities to practice their religious beliefs freely, many of Pakistan's laws and policies restrict freedom of religion or belief.<sup>2</sup> The Muslim majority is afforded more protections than the non-religious or minority religious groups. The relatively common sectarian and religiously motivated violence against minorities and individuals in Pakistan often goes unpunished.

The Constitution states that Ahmadis are not considered as Muslims, despite their self-identification as such. Additionally, articles 298(b) and 298(c) of the Penal Code<sup>3</sup> prohibit Ahmadis from self-identifying as Muslims, propagating or disseminating materials about their faith, or calling their houses of worship mosques. Ahmadis have been imprisoned simply for sharing Ahmadiyya literature.<sup>4</sup>

## Islam and a confused legal system

The Constitution establishes a Federal Shariat Court (FSC) composed of Muslim judges to examine and decide whether any law or provision is "repugnant to the injunctions of Islam." The Constitution gives the FSC the power to examine a law of its own accord or at the request of the government or a private citizen. The Constitution requires the government to amend the law as directed by the FSC.<sup>5</sup>

Pakistan's Penal Code encompasses a number of Islamic legal provisions. The judicial system encompasses several different court systems with overlapping and sometimes competing jurisdictions that reflect differences in civil, criminal, and Islamic jurisprudence. For certain criminal convictions under the Hudood Ordinances,<sup>6</sup> including those for rape, extramarital sex, alcohol, and gambling, the Shariah bench of the Supreme Court and the FSC serve as appellate courts.

The FSC has the power to review, of its own accord, cases in lower courts that relate to hudud laws and apply to Muslims and non-Muslims.

## Anti-secular government

Government funding is available for Islamic clergy and the building and maintenance of mosques. This funding comes from a 2.5% tax the state levies on all Sunni Muslims. The funds are re-distributed amongst Sunni mosques, madrasahs, and charities. No other religious or non-religious groups are tithed.

It is a constitutional requirement that the president and prime minister be Muslim. All senior officials, including members of parliament, must swear an oath to protect the country's Islamic identity and affirm their belief in the finality of the prophet Muhammad.<sup>7</sup> The Interior Ministry has been critical of both secular and religious parties that have protested against this move.

For lawmakers and others to critically discuss the Islamist nature of the law, such as suggesting reform of blasphemy laws (see below) or any broader secular reforms, exposes the critic to potential assassination.<sup>8</sup>

## Education and children's rights

According to 'the United States State Department's 2019 International Religious Freedom report' on Pakistan:

*"The constitution prohibits discriminatory admission based on religious affiliation to any governmental educational institution. According to regulations, the only factors affecting admission to government schools are students' grades and home provinces; however, students must declare their religious affiliation on application forms. This declaration is also required for private educational institutions, including universities. Students who identify themselves as Muslims must declare in writing they believe the Prophet Muhammad is the final prophet."*

*Non-Muslims are required to have the head of their local religious communities verify their religious affiliation. There is no provision in the law for atheists.”<sup>9</sup>*

In state-run schools, Islamic studies are compulsory for all Muslim students.<sup>10</sup> Whilst non-Muslims are not required by law to take Islamic studies, and are offered ethical studies as an alternative in some schools, in practice no alternative to Islamic studies is usually available and by consequence many non-Muslims are required to take Islamic studies.<sup>11</sup> The state reportedly plans to bring in a compulsory national curriculum<sup>12</sup> rolling out in April 2021.<sup>13</sup> The first stage is expected to be implemented in years 1-6. Muslim students will be expected to study Islamiyat, while non-Muslims – specifically five minority groups – will be obliged to study Religious Education instead from grade 1 onwards. The precise contents of the curriculum are not yet known. In some places, schools, teachers and students – girls in particular – have frequently been subject to violence and terrorism by the Taliban and other extremist groups.<sup>14</sup> Many children are unable to attend schools, many schools are run down, and the madrasas, which in some areas provide the only available education, are notorious for teaching revisionist history and hatred of non-Islamic religions and people.<sup>15</sup>

In April 2019, the Pakistani government that it would be taking control of over 30,000 madrasa schools as part of a drive to “mainstream” the Islamic schools and address previously reported concerns regarding the existence of textbooks, educational content and teaching that sought to devalue religious minorities in “an alarming number of schools”.<sup>16</sup>

## Forced “conversions”

Forced “conversion” to Islam is a serious problem faced by some minorities in the country, usually targeting young women and girls as a way of forcibly marrying them into Muslim families.<sup>17</sup>

On 24 November 2016, the Sindh province assembly enacted the Sindh Criminal Law (Protection of Minorities) Bill, 2015, proposed by a Hindu minority MP, Mr Nand Kumar Goklani, in 2015. This is Pakistan’s first law criminalizing forced conversion, under which perpetrators face a prison term of up to five years.<sup>18</sup>

## Family, community and society

### Family courts

In the absence of specific language in the law authorizing civil or common law marriage, marriage certificates are signed by religious authorities and registered with the local marriage registrar. The 2016 Sindh Hindu Marriage Act and the 2017 Hindu Marriage Act (applying to all

other provinces) codified legal mechanisms to formally register and prove the legitimacy of Hindu marriages.<sup>19</sup> According to the United States’ State Department:

*“Some court judgments have considered the marriage of a non-Muslim woman to a non-Muslim man dissolved if she converts to Islam, although the marriage of a non-Muslim man who converts remains recognized. Under such judgments, children born to a non-Muslim couple could be considered illegitimate and ineligible for inheritance if their mother converts to Islam. The only way to legitimize the marriage and the children would be for the husband also to convert to Islam. Under such judgments, the children of a Muslim man and a Muslim woman who both convert to another religious group could be considered illegitimate, and the government could take custody of the children. The law does not speak on any of these practices.”<sup>20</sup>*

## No such thing as “No Religion” in personal identity or family life

The government designates religious affiliation on identity documents such as passports and in national identity card applications. Applicants must state their religion when applying for a passport. “No Religion” is not accepted as an answer.<sup>21</sup>

Neither civil nor common law marriage are recognised in Pakistan, and religion predominates over family life and law in a variety of extremely prejudicial ways, including:

- Marriages are registered according to one’s religious identity (although there is no legal recognition of the non-religious, and no mechanism for the government to register marriages of e.g. Hindus and Sikhs).
- The marriages of non-Muslim men remain legal upon conversion to Islam. However, if a non-Muslim woman converts to Islam and her marriage was performed according to her previous religious beliefs, the marriage is considered dissolved.
- Children born to non-Muslim women who convert to Islam after marriage are considered illegitimate.
- The children of a Muslim man and a Muslim woman who both convert from Islam are considered illegitimate, and the government has the power to take custody of them.

Freedom House states that, “Constitutional guarantees of religious freedom have not provided effective safeguards against discriminatory legislation, social prejudice, and sectarian violence.” Hindus have been vulnerable to kidnapping and forced conversion. Furthermore, religious minorities are targets for blasphemy accusations.<sup>22</sup>



## Discrimination against women and minorities

Women are placed at a disadvantage under personal status laws and face discrimination in practice.<sup>23</sup>

LGBTQI+ individuals face discrimination and violence. Article 377 of the Penal Code criminalizes “intercourse against the order of nature”, which is believed to deter people from acknowledging or publicizing their identity. Transgender and intersex people can register as a “third gender” in official documents, and some were recognized in the 2017 census. In 2018, Parliament passed the Transgender Persons (Protection of Rights) Act, granting transgender people the right to choose their gender and to have that recognized in official documents and the prohibition of depriving transgender people rights such as the right to vote.<sup>24</sup> However, it is reported that they face discrimination with regards to housing and employment in addition to violence and harassment.<sup>25</sup> At least 65 transgender women have been killed since 2015.<sup>26</sup>

According to Amnesty International, “In recent years, [Hindus] have faced increasing marginalization, with individuals facing false accusations of “blasphemy” – a crime that carries a mandatory death penalty in Pakistan – attacks on temples and shops, and the horrific abduction, forced conversion and forced marriage of hundreds of young Hindu women.”<sup>27</sup>

## Freedom of expression, advocacy of humanist values

The right to freedom of expression, including media freedom, is frequently violated in Pakistan. The 2016 Prevention of Electronic Crimes Act has given the telecommunication authority unchecked powers to censor material online, often justified by an intention to remove blasphemous and pornographic content.<sup>28</sup>

## Establishing “blasphemy” laws

Chapter XV of Pakistan’s Penal Code contains a number of sections that institute blasphemy and religious defamation laws: Article 295-A outlaws “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs”; Article 295-B outlaws the defaming of the Quran; Article 295-C bans the use of insulting remarks about the Prophet; Article 298 prohibits people from saying anything that had the deliberate intent to wound religious feelings; and article 298-B punishes any misuse of epithets, descriptions, or titles reserved for certain holy personages or places.<sup>29</sup>

The blasphemy laws are further bolstered by the Anti-Terrorism Act, which states that any action, including speech, intended to incite religious hatred is punishable

by imprisonment.<sup>30</sup> Whilst applicable nationwide, the country’s blasphemy laws are used predominantly in the Punjab province, where local authorities have, over the course of 2020, repeatedly sought to censor expressions deemed “blasphemous” including text books.<sup>31</sup>

Blasphemy laws carry the death penalty or life in prison, and tend to target non-believers, religious minorities and dissenting Muslims. Though there has been an effective moratorium on carrying out the death sentence in recent years, dozens of people remain on death row, and furthermore those accused of blasphemy are often murdered before or after any trial takes place (see below).

Notably, for a charge of blasphemy to be made in Pakistan an allegation is all that is required – and it may be highly subjective, since the law does not provide clear guidance on what constitutes a violation. Proof of intent or evidence against the alleged is not necessary.<sup>32</sup>

## The real victims of blasphemy laws: those who are accused

Most blasphemy cases are either brought by those wishing to undermine minority groups or by those wishing to eliminate individuals against whom they have a grudge. The mere accusation of blasphemy against someone can result in the accused’s life being endangered.

Mullahs will often come to court to intimidate the judiciary, and obtaining a lawyer to ensure a fair trial is often impossible. In a recent incident, in July 2020, an Ahmadi man was shot dead in court while standing trial for “blasphemy.”<sup>33</sup>

Those accused of blasphemy, and who have been acquitted by the courts, often either flee Pakistan or are assassinated on their release from jail. Further those who represent alleged blasphemers run the risk of being accused of apostasy. In May 2014, Rashid Rehman, lawyer for Junaid Hafeez was killed for representing him.<sup>34</sup>

Prosecuting those who commit murder in the name of winning retribution against ‘blasphemers’ is also problematized by Islamists and others who intimidate or threaten prosecutors. In 2017 the lead prosecutor of the killers of Mashal Khan (see Highlighted Cases below) was forced to quit reportedly under extreme pressure from the families of the accused.<sup>35</sup>

Blasphemy laws are also used specifically against the minority Ahmadi community. Article 298 of Pakistan’s Penal Code contains anti-Ahmadiyya blasphemy legislation. Whilst Ahmadis have the Quran as their holy book, they can be punished with up to three years in prison by just referring to their faith as Islam. At the end of 2013, a 72-year-old doctor and member of the



Ahmadiyya community, Masood Ahmad, was imprisoned for 'posing as a Muslim' and heresy after being secretly filmed reading from the Quran at his surgery. In May 2014, a Pakistani mob killed an Ahmadi woman and two of her granddaughters after an Ahmadi was accused of posting blasphemous material on Facebook.

## "Blasphemy" law: some individual victims

Perhaps the most famous cases of those killed extrajudicially are Salman Taseer and Shahbaz Bhatti. The then-governor of Punjab state, Salman Taseer, was gunned down by his own bodyguard, Mumtaz Qadri, in broad daylight at Islamabad's Kohsar Market on 4 January 2011. Qadri said he killed Taseer over what he called the politician's vocal opposition to blasphemy laws of the country. Two weeks after Taseer was killed, the only Christian minister in the federal cabinet, Shahbaz Bhatti, was gunned down in Islamabad. He too was a critic of the blasphemy laws.<sup>36</sup>

The politicians are only the most high profile of numerous other cases in which individuals are either locked up for many years awaiting various long-drawn out stages of the trial process, or are hurt or killed extrajudicially. The victims frequently include children, minorities, and other vulnerable people.

Human rights activists and politicians in Pakistan banded together to successfully secure the release of a jailed 9-year-old Christian boy and his mother, who could have faced the death penalty after they were accused of burning the Quran. According to the London-based charity British Pakistani Christian Association, 9-year-old Izhan was at school in the town of Quetta on 20 October 2016 when he was accused of burning a copy of Islam's holy book.<sup>37</sup>

On 3 June 2016, it was reported that Pakistan's national TV regulator banned two TV hosts after a discussion about blasphemy and the status of a religious minority sparked controversy. The Pakistan Electronic Media Regulatory Authority said it banned Hamza Ali Abbasi, one of the country's biggest TV stars, and Shabbir Abu Talib from hosting their Ramadan-themed shows after receiving over a thousand complaints. Mr. Abbasi asked Islamic scholars during the broadcast on the channel Aaj TV if the state had the right to declare a group of people infidels or non-Muslims. He referred specifically to the Ahmadiyya Muslim community, widely regarded as blasphemers and as non-Muslims.<sup>38</sup>

In November 2014, a married Christian couple, Sajjad Maseeh (or Shehzad Maish), 27, and Shama Bibi (or Samah), 24, who was pregnant, were attacked by a mob of around 1,200 people after rumors that they had burned verses from the Quran. After their legs were broken to prevent them running, they were set alight and thrown in a kiln. As is often the case, the origin of the rumours have subsequently been linked

to an interpersonal conflict, in this case, "revenge for unpaid bills". The viscerally shocking nature of this case has reverberated through the 'blasphemy' law debate in Pakistan, prompting more than usual pressure on police to convict members of the mob who killed them. In November 2016, five of the killers were sentenced to death. An editorial in *The Nation* broadly welcomed the death sentences for the killers, adding: "Avenging Samah and Shehzad Maish isn't enough, we must prevent future deaths. The root cause of the problem, the blasphemy laws, are still in place in their nefarious form, as is a politico-religious complex designed to protect them."<sup>39</sup>

In two separate incidents in 2019, mobs attacked Hindu properties and places of worship in the southern Sindh province after allegations of "blasphemy" were made against a Hindu school principal and a Hindu veterinarian.<sup>40</sup>

## "Blasphemy" online

From 2010 onward, the government has been aggressive in its blocking of online "blasphemous" content. For example, perceived blasphemous content on YouTube is blocked by the Pakistani government, and the social-networking site Twitter has also been subject to blocking. In May 2012, Twitter was blocked briefly, and again in September that year. In May 2014, the Pakistan Telecommunication Authority requested the removal of some material, much of which mocked Islam and other religions, claiming that it was "blasphemous," "unethical" and violated Pakistan's Penal Code. Twitter used its Country Withheld Content tool, which blocks content in a particular nation, to comply and block several dozen Twitter accounts. After international protest, including by Humanists International, in June Twitter restored access to tweets and the accounts it had blocked.<sup>41</sup>

Under the 2016 Prevention of Electronic Crimes Act (PECA), the Ministry of Religious Affairs and Interfaith Harmony is responsible for reviewing internet traffic and reporting blasphemous or offensive content to the Pakistan Telecommunications Authority (PTA) for possible removal, or to the Federal Investigative Agency (FIA) for possible criminal prosecution.<sup>42</sup>

## Signs of change... and fading hope

In the past several years there have been a few preliminary efforts by responsible parties to reign in the malign influence of 'blasphemy' laws in Pakistan. However, such efforts have often been countered by Islamist voices and by pressure in the opposite direction. In September 2013, the Council of Islamic Ideology recommended against amending the blasphemy laws to add procedural safeguards, noting situations of misuse or fraud could be penalized through other sections of the Penal Code. In December, the Federal Shariat Court (FSC) stated that the death penalty is

the sole appropriate punishment for blasphemy and recommended the removal of life imprisonment as an option when sentencing. The government considered this recommendation, but those found guilty of 'blasphemy' seem to enter a permanent holding situation on death row, under a *de facto* moratorium.

In 2017, the High court in Islamabad asked the Pakistani government to make changes to the laws in order to prevent people from being falsely accused of blasphemy. The judicial request, while not demanding a repeal of the law, asked for the same punishment for those who falsely allege blasphemy as for those who commit the crime. Currently, the false accuser faces imprisonment of up to between two years and life, although such a sentence is rare. This request however has mostly been ignored by Parliament.<sup>43</sup>

Asia Bibi was the most prominent 'blasphemy' prisoner in recent times. A "lower-caste" Christian farm worker accused of 'blasphemy' by neighbours, who objected to her drinking water from a particular well. The charge in 2009 led initially to a death sentence in 2010, followed by years in indefinite detention, as is the fate of many 'blasphemy' convicts in the country.

Asia Bibi was eventually released from jail in 2019 after being cleared of charges in October 2018. The court's decision to drop the blasphemy charges in 2018 was met with violent demonstrations by extremists calling for Asia's beheading, which paralyzed cities across Pakistan for several days. In order to stop the violence, Imran Khan's government struck a deal with the protesters, allowing them to petition against the Supreme Court's judgement. The Supreme Court, however, rejected the challenge to its October ruling.<sup>44</sup>

While her release comes as some good news, blasphemy law remains unchanged. Asia Bibi herself has attempted to draw attention to the issue, stating that: "There are many other cases where the accused are lying in jail for years and their decision should also be done on merit. The world should listen to them."<sup>45</sup>

## Apostasy

Pakistan has no specific statutory law that criminalizes apostasy. However, renouncing Islam is widely considered by clerics to be a form of blasphemy.<sup>46</sup>

## Freedom of the press

Despite all the restrictions on free expression, Pakistan's media is diverse and varied. This notwithstanding, blasphemy laws and other laws are used by the state to justify censorship. Journalists are targeted by non-state actors, as well as by political, military, and intelligence

operatives.<sup>47</sup> In 2019, four journalists and bloggers were killed in relation to their reporting. In fear of their lives, journalists increasingly self-censor themselves.<sup>48</sup> Impunity in cases concerning murdered journalists remains the norm.<sup>49</sup>

## Highlighted cases

**Mashal Khan**, a student who referred to himself as a 'humanist' on his Facebook page, was murdered by his fellow university students for alleged blasphemy.<sup>50</sup> According to Pakistani media, a large group of students were involved in the attack that occurred on 13 April 2017 after Khan was accused of posting "blasphemous" content online. Khan had called himself "The Humanist" on his Facebook page. Khan appears to have posted routinely against discrimination and in favour of human dignity. Khan was reportedly shot in the head and then beaten with sticks. Video footage circulated on social media showed his lifeless body being attacked. Police were reportedly present during the attack but claimed they were unable to intervene due to the large number of attackers present. The official police report into Mashal's death says there is no evidence supporting any blasphemy allegation. 57 suspects went on trial in 2017. The court convicted 31 people, sentenced one individual to death, two more to life imprisonment, while acquitting 26 individuals.<sup>51</sup> Mashal Khan's father, Iqbal Khan, is reported to have said he rejected any attempt at "reconciliation" by the families of those who killed his son, saying "If someone wants it [reconciliation] then he should watch the videos of the brutal killing of my son."<sup>52</sup>

In January 2017, several bloggers and activists accused of atheism or blasphemy were forcibly disappeared apparently by state security services.<sup>53</sup> When they were released, some reported having been tortured in detention.

In October 2016, police reportedly registered a case under Section 295-A of the Penal Code against a man named only as Aslam alias Saeen Achhu. Aslam was accused of denying "Allah, all the prophets including Holy Prophet Hazrat Muhammad (PBUH), all the holy books, angels and the prayers, fast, Zakat and Haj." A petitioner is cited as providing recordings of "blasphemous" conversation with Aslam. At the time of writing, the status of the case remains unclear.<sup>54</sup>

**Fauzia Ilyas** is the founder of the Atheist & Agnostic Alliance Pakistan (AAP), which claims over 3,000 supporters. With strict "blasphemy" and apostasy laws, the very existence of the AAP appears to have been taken as *prima facie* evidence of a crime. Custody of Fauzia's daughter was granted to her ex-husband, a devout Muslim, apparently on the basis of Fauzia having left Islam. In 2015 a Lahore court initiated criminal proceedings against Fauzia and issued an arrest warrant. Fauzia has fled to the Netherlands where she is



<sup>27,32,40</sup> <https://www.amnesty.org/en/latest/news/2020/07/pakistan-must-protect-religious-freedom-for-hindus/>

<sup>30</sup> <https://www.loc.gov/law/help/fighting-extremism/pakistan.php>

<sup>31</sup> <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/pakistan/>

<sup>33</sup> <https://www.dw.com/en/pakistan-man-accused-of-blasphemy-shot-dead-at-court-trial/a-54365714>

<sup>34</sup> <https://uk.reuters.com/article/us-pakistan-blasphemy/gunmen-kill-pakistan-lawyer-defending-blasphemy-case-idUSBREA4709N20140508>

<sup>35</sup> [dawn.com/news/1366186](http://dawn.com/news/1366186)

<sup>36</sup> <https://www.bbc.com/news/world-south-asia-12111831>

<sup>37</sup> [christianpost.com/news/9-year-old-christian-boy-accused-burning-quran-tortured-four-days-police-finally-released-from-jail-171150/](http://christianpost.com/news/9-year-old-christian-boy-accused-burning-quran-tortured-four-days-police-finally-released-from-jail-171150/)

<sup>38</sup> [blogs.wsj.com/indiarealtime/2016/06/21/pakistan-tv-hosts-banned-after-blasphemy-discussion/](http://blogs.wsj.com/indiarealtime/2016/06/21/pakistan-tv-hosts-banned-after-blasphemy-discussion/)

<sup>39</sup> [christianitytoday.com/gleanings/2014/november/into-fiery-furnace-christians-pakistan-burned-blasphemy.html](http://christianitytoday.com/gleanings/2014/november/into-fiery-furnace-christians-pakistan-burned-blasphemy.html);

[nation.com.pk/editorials/25-Nov-2016/a-measure-of-atonement](http://nation.com.pk/editorials/25-Nov-2016/a-measure-of-atonement)

<sup>41</sup> [iheu.org/twittertheocracy-campaign-after-social-network-blocks-blasphemy-in-pakistan/](http://iheu.org/twittertheocracy-campaign-after-social-network-blocks-blasphemy-in-pakistan/)

<sup>43</sup> [aljazeera.com/indepth/features/2017/08/pakistan-court-seeks-amend-blasphemy-law-170814120428595.html](http://aljazeera.com/indepth/features/2017/08/pakistan-court-seeks-amend-blasphemy-law-170814120428595.html)

<sup>44</sup> [theguardian.com/world/2019/feb/09/asia-bibi-pakistani-authorities-barring-her-from-leaving-friend-says](http://theguardian.com/world/2019/feb/09/asia-bibi-pakistani-authorities-barring-her-from-leaving-friend-says)

<sup>45</sup> [telegraph.co.uk/news/2019/08/31/asia-bibi-pleads-justice-victims-pakistans-harsh-blasphemy-laws/](http://telegraph.co.uk/news/2019/08/31/asia-bibi-pleads-justice-victims-pakistans-harsh-blasphemy-laws/)

<sup>46</sup> [loc.gov/law/help/apostasy/index.php#pakistan](http://loc.gov/law/help/apostasy/index.php#pakistan);

<https://www.state.gov/wp-content/uploads/2020/05/PAKISTAN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

<sup>47</sup> <https://rsf.org/en/pakistan>

<sup>50</sup> <https://www.dawn.com/news/1387707>;

[tribune.com.pk/story/1382848/journalism-student-killed-mardan-university-alleged-blasphemy/](http://tribune.com.pk/story/1382848/journalism-student-killed-mardan-university-alleged-blasphemy/)

<sup>51</sup> <https://www.aljazeera.com/news/2019/03/21/pakistan-convicts-two-over-mashal-khan-blasphemy-lynching-case/>

<sup>52</sup> [samaa.tv/pakistan/2017/09/iqbal-khan-rules-reconciliation-mashal-khans-killers/](http://samaa.tv/pakistan/2017/09/iqbal-khan-rules-reconciliation-mashal-khans-killers/)

<sup>53</sup> <https://www.hrw.org/news/2017/01/10/pakistan-bloggers-feared-abducted>

<sup>54</sup> <https://nation.com.pk/15-Oct-2016/gcci-scci-stress-joint-efforts-to-boost-exports>

<sup>55</sup> <https://www.amnesty.org/en/latest/news/2019/09/pakistan-authorities-immediately-unconditionally-release-junaid-hafeez/>

<sup>56</sup> <https://www.bbc.com/news/world-asia-50878432>

<sup>57</sup> <https://www.independent.co.uk/incoming/pakistani-lawyer-rashid-rehman-murdered-after-taking-blasphemy-case-9341021.html>





**Humanists**  
INTERNATIONAL