

SUPPLEMENTARY HUMAN DIMENSION MEETING ON FREEDOM OF
RELIGION AND BELIEF

Session 1

Intervention by the European Humanist Federation

Thank you, Mr.Chairman.

Last night Ireland introduced a new blasphemy law. A law, if I understand correctly, that makes it a crime punishable with a fine of 25.000 euros to publish or say anything that is *grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion.*

Mr.Chairman, ladies and gentlemen,

I meant to intervene on a different aspect of Freedom of Religion or Belief but the Irish blasphemy law, which breaches Ireland's international obligations under human rights treaties, is such a serious attack on freedom of speech and such a retrograde step in the implementation of the broader international human rights framework that I believe it deserves this assembly's attention.

What is *grossly abusive or insulting* is a subjective matter, and religious believers are often both oversensitive and highly litigious. Whatever the safeguards against prosecution - and we are unconvinced of their value - the law will have a chilling effect on free discussion of religious matters which may often mean free discussion of basic human rights.

Furthermore, in our legal culture rights belong exclusively to human beings. Like all ordinary citizens, believers have the right not to be defamed and they can go to court if they feel they are. In this sense, defamation is already attended to in most or all of our legislations. But this is not the point. The point is that laws condemning blasphemy or defamation of religion have a far-reaching implication that cannot be glossed over, not here, in this forum concerned with human rights commitments and implementation. Laws on blasphemy and defamation of religion imply that religions as such or religious and belief institutions are incumbents of rights whereas in our legal culture they are not. I am aware that there is an overall strategy, especially in the EU context, that aims to endow religions with what religious leaders call *institutional rights*, by which they mean the right to intervene in policy-making. This is the crux of the matter. In our democratic systems law-making is the preserve of the elected members of parliament. Laws that were to recognise, implicitly or explicitly, that religious and belief institutions are incumbents of rights, would impinge on the rule of law.

Laws on blasphemy and defamation of religion have been sponsored at the UN Human Rights Commission by the Organisation of The Islamic Conference and supported by the Holy See. They have been recommended here at the OSCE as well as at the EU. The reason given for them is that defamation of religion hurts the feelings of believers, as though laws were made to protect peoples' feelings! Would it not be simpler – and here I turn to the representatives of religions or beliefs and to communities of faith – to start by not doing *unto others what we would not have them do unto us*? Atheists and agnostics have undergone smear campaigns by the Catholic Church for 21 centuries and the new Encyclical *Caritas in Veritate* confirms that the campaign still goes on and has even been extended to humanism: *A humanism which excludes God is an inhuman humanism*, according to Pope Benedict. I speak here as an atheist and a humanist but also as one who, until not so long ago (1964) was considered a *perfidious Jew*.

I trust all the participants to this meeting are conversant with the UN General Assembly interim report on *Blasphemy laws and “defamation of religions”* (20.08.07) of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir.

I shall read out a few lines which summarise perfectly the major issues connected with blasphemy and defamation laws and with Freedom of Religion or Belief. According to the report:

Several national laws which prohibit blasphemy afford different levels of protection to different religions. Such domestic blasphemy laws for example protect only the prevailing religion in the State concerned, or they are applied in a discriminatory sense. Some laws against blasphemy are used in practice to repress not only religious minorities or dissenters but also atheists and non-theists. The notion of “belief” is usually absent from such legal instruments and consequently these laws against blasphemy establish a normative hierarchy of theistic and atheistic/non-theistic beliefs”.

Besides, the Special Rapporteur is *deeply concerned about the present exercise to combat “defamation of religions” at the international level. Because the very concept of “defamation of religions” is flawed, since it is individuals — both believers and non-believers alike — who have rights, not religions. Furthermore the lack of an objective definition of the term “defamation of religions” makes the whole concept open to abuse... attempts to protect religions from “defamation” are really seeking to protect religion from critical evaluation and aim to stifle religious dissent...*

The Special Rapporteur would like to reiterate that criminalizing “defamation of religions” can be counterproductive, since it may create an atmosphere of intolerance and fear and may even increase the chances of a backlash. Accusations of “defamation of religions” might stifle legitimate criticism or even research on practices and laws appearing to be in violation of human rights but that are, or are at least perceived to be, sanctioned by religion. Finally, a recent report of the

United Nations Educational, Scientific and Cultural Organization emphasized that freedom of religion, thought, conscience and opinion “allows the same rights to atheists, agnostics and secular humanists to express their views, so an agreement which deals only with sacred beliefs would run counter to the fundamental principles of human rights and non-discrimination agreements.

Since 2005, that is when the European Humanist Federation started attending HDIMs regularly, we have been one of the rare voices speaking up for non-believers as compared to the scores of representatives of communities of faith who usually attend such meetings. The opinion in this regard of the UN Special Rapporteur fits our case perfectly. This is what she writes: *On a global level, atheists and non-theists seem not to be as institutionalized and vocal as their theistic counterparts. Apart from historical and cultural reasons, this may partly be attributed to the fact that atheistic or non-theistic beliefs often imply rather personal approaches. Furthermore, there are many different schools of thought of atheistic or non-theistic belief; however, this does not, in essence, distinguish them from theistic beliefs, given the multitude of religions, denominations and individual theistic approaches worldwide. The Special Rapporteur would like to reiterate that the right to freedom of religion or belief applies equally to theistic, non-theistic and atheistic beliefs. Furthermore, the right not to profess any religion or belief is also protected.*

I trust that such an authoritative voice will not be disregarded.

Vera Pegna
European Humanist Federation representative to OSCE