



# THE FREEDOM OF THOUGHT REPORT 2018

## Key Countries Edition

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



**IHEU**  
International  
Humanist and  
Ethical Union



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*Freedom of Thought 2018: A Global Report on the Rights, Legal Status and Discrimination Against Humanists, Atheists and the Non-religious*, was created by the International Humanist and Ethical Union (IHEU).

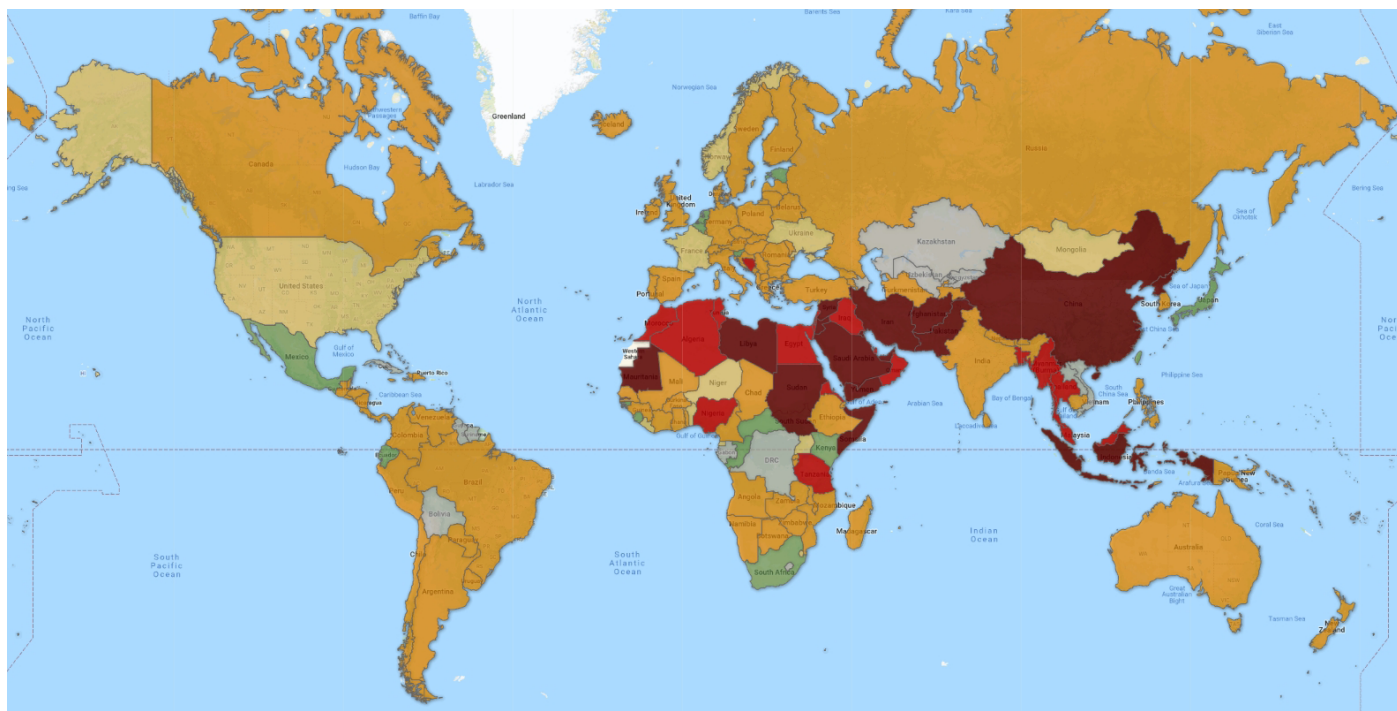
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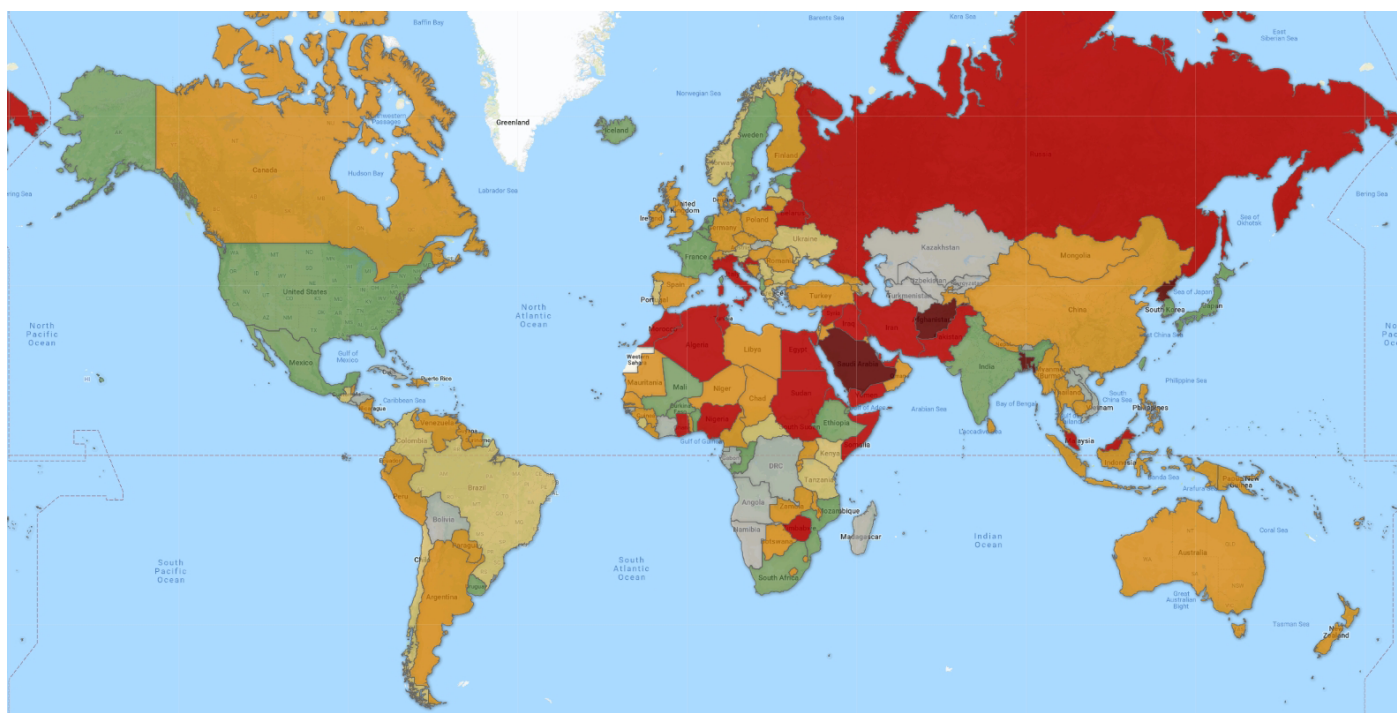
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## Constitution & Government



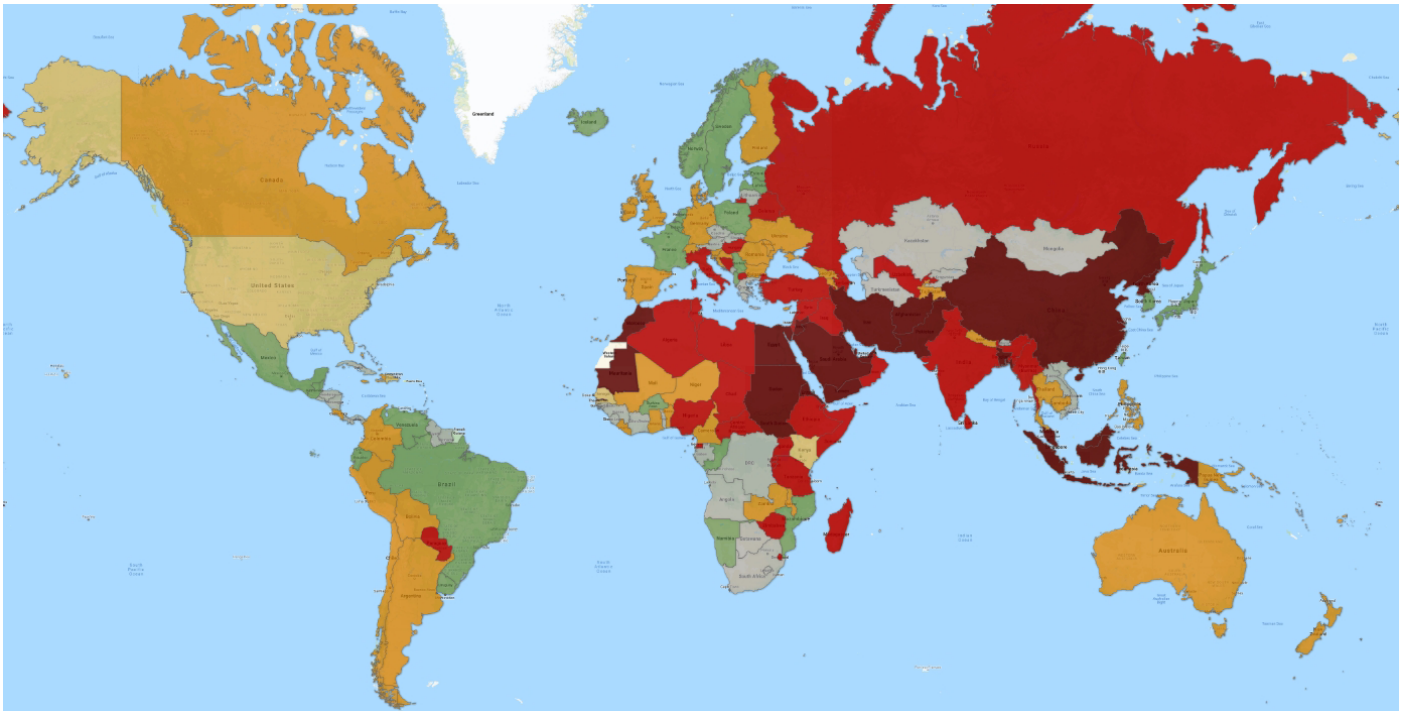
## Education & Children's Rights



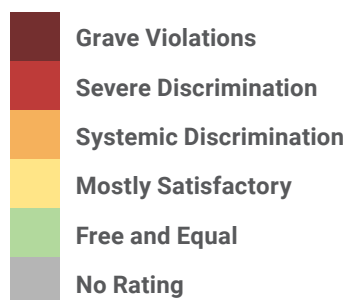
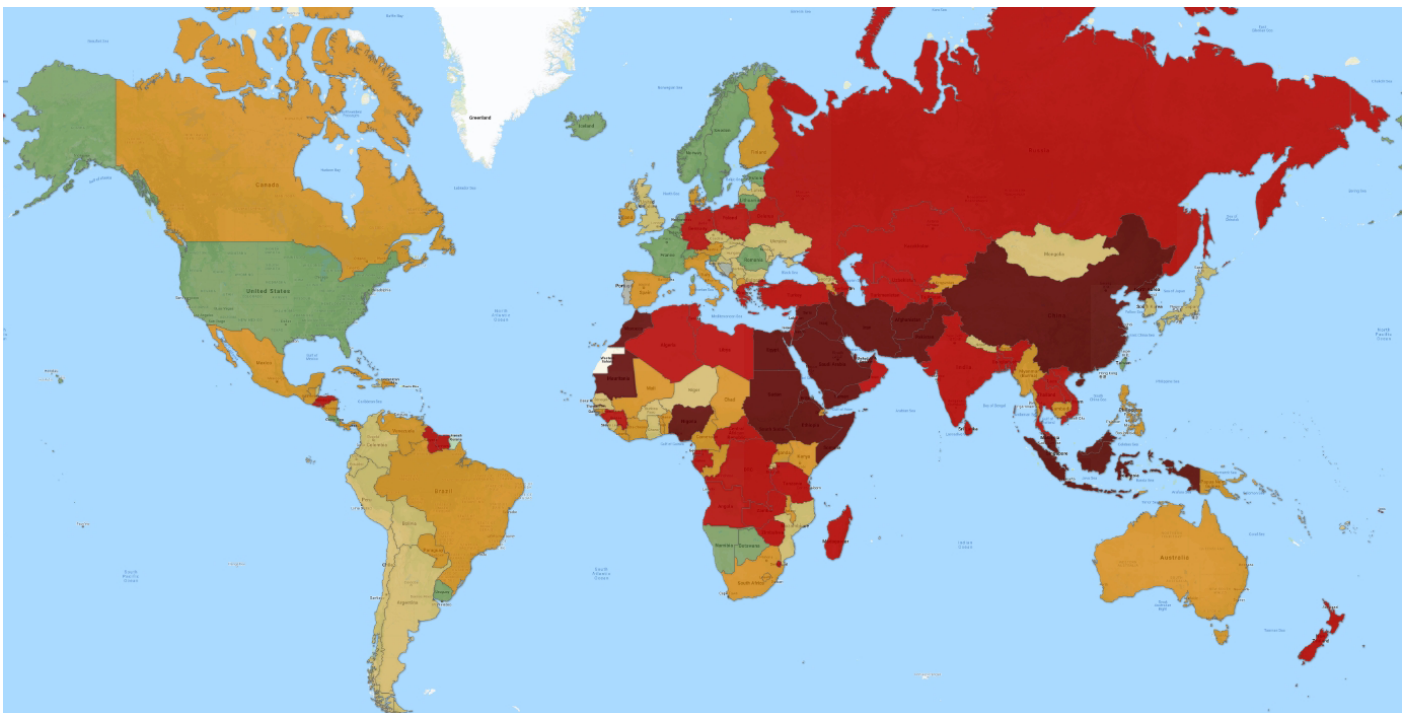
These maps depict the findings of the full Freedom of Thought Report which is available in a complete Online Edition at [freethoughtreport.com](https://freethoughtreport.com).

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

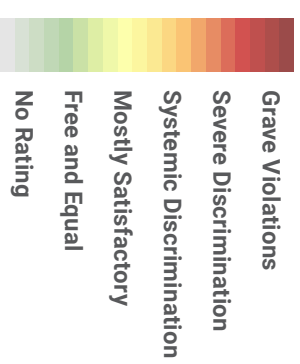


## Expression & Advocacy of Humanist Values



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

This map shows as a colour gradient the “summary score” for each country (the average of the worst severity level (see key, right) of any boundary condition applied in each thematic strand.





# Preface to the 2018 edition

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*Andrew Copson is president of the International Humanist and Ethical Union (IHEU)*

**By Andrew Copson**

One of the underlying messages of this report, a fact which flows from its findings, is that there are billions of people living in countries with compromised freedom of thought, expression and association.

In particular, it shows that even on the most conservative estimates, there are untold millions of de facto humanists, atheists and otherwise religiously unaffiliated people living in countries where they face discrimination or outright persecution, both in society and at the hands of the state.

In the most extreme cases, the non-religious are told that to espouse atheistic thought is an act of terrorism; that to promote humanist values (such as reason, open mindedness, human rights, equality, social tolerance) is a kind of criminal attack on culture; that to leave the religion presumed of them at birth is a moral crime worthy of death; that they cannot marry who they choose or unless they pay lip-service to a sanctioned religion; that their children could be taken away because of their 'apostasy'; that simply to question the culture which surrounds them may be construed as 'blasphemy' and they could be locked up or executed for it.

Even in countries with less severe discrimination, the non-religious face uphill battles against religious privilege and inequalities which are sometimes subtle, sometimes abundantly clear.

Humanists may hold strong convictions about the world, about the right way to live or at least how they want to live, about human nature, knowledge, love and freedom. These philosophical convictions may be no less serious, no less meaningful, no less inseparable from the person and their human dignity, than religious convictions can be. Of course, not all humanists or non-religious people generally hold particularly well-formed convictions, or identify closely with these terms (in the same way that many nominally religious people are actually non-practicing, or perhaps don't care to think all that deeply or all that often about big questions or underlying beliefs). And your own level of interest is irrelevant. All of us — humanist, freethinker or disinterested; religious, spiritual or apathetic — we all share the exact same rights to freedom of thought, expression, association, love, life and happiness.

Yet that basic equality in the human condition still eludes many lawmakers and is denied to millions of people.

This year is the 70th anniversary of the Universal Declaration of Human Rights. For seven decades now the world has known international human rights law which recognises the need to treat people with equality and respect, and which explicitly upholds not only freedom of religion, but freedom of thought and belief more generally, and under this framework we can assert with authority that the human right to freedom of thought, conscience, religion or belief "applies to theistic, non-theistic, and atheistic beliefs"<sup>1</sup> just as it does to religious beliefs and political convictions.

<sup>1</sup> <http://www.refworld.org/docid/453883fb22.html> ; <https://www.ohchr.org/en/issues/freedomreligion/pages/istandardsi1.aspx>

We hope that this Report contributes to the recognition of injustices perpetrated against humanists and the non-religious around the world. We hope it shines a light on the discrimination and persecution that is often inherent in the law. We hope that lawmakers will be moved to reform. We hope also that humanists, and non-religious people generally, especially those who suffer most under a blanket of denial and taboo and accusation, will know that there are others who care, who understand, who recognize their marginalization and persecution, and who want to see them free to be and express who they are.

# Editorial Introduction



*Bob Churchill is Director of Communications at the IHEU, and Editor of the Freedom of Thought Report*

By Bob Churchill

## New ranking index

This year, for the first time, the Freedom of Thought Report provides a ranking index. The new index for 2018 allows greater clarity of the comparative performance of different countries according to our rating system.

The ranking index is an extension of the existing ratings system. Under this ratings system, a series of boundary conditions (descriptions of various possible situations) are applied to a country when they are found to be true based on the narrative report for that country. The boundary conditions are classed at various levels of “severity” depending on the seriousness of the situation they describe.

Under the new ranking system, countries accumulate a base score according to how many boundary conditions are applied and how severe they are. The higher a country’s base score, the worse that country has performed, and the higher its position in the ranking index will be.

## Worst-performing countries

The ten worst-performing countries are:

Country	Base Score	Ranking out of 196
Brunei Darussalam	876	187
Sudan	880	188
Malaysia	923	189
Mauritania	940	190
United Arab Emirates	1060	191
Pakistan	1076	192
Maldives	1094	193
Afghanistan	1100	194
Iran	1287	195
Saudi Arabia	1358	196

As has been noted in some previous editions of the Report, one of the obvious similarities between these worst-performing countries is that they are in various ways states with legal codes drawing on Islamic law. Note that this is not to say that countries with majority Muslim populations are always among the worst-

<sup>2</sup> <https://freethoughtreport.com/ratings-system/>

<sup>3</sup> The ranking index assigns a numerical value to each severity level; the higher the severity, the higher the number. Each country’s base score is equal to the product of the number of boundary conditions at each severity level and the value assigned to that severity level. The scores are then ranked consecutively to form the ranking index. Countries with a base score of zero are those which we found to have no measurable or systemic discrimination against the non-religious (they only have “all-clear” boundary conditions applied to them) and therefore share rank 1 in the ranking index.

performing countries. There are states with predominantly Muslim populations such as Burkina Faso and Senegal which perform relatively well according to our criteria (in those two countries in particular the legal systems inherit more from previous colonisation by secular France than from Islam).

What all these worst-performing countries do have in common that is not shared by more liberal or secular-state majority-Muslim countries, is that a conservative vision of Islam is deeply embedded in the legal framework.

Of these worst-performing ten countries, we happen to have applied the boundary condition “State legislation is largely or entirely derived from religious law or by religious authorities” in eight out of ten cases, or in the cases of Malaysia and Pakistan we applied “State legislation is partly derived from religious law or by religious authorities”.

Both Malaysia and Pakistan are among the countries which have suffered specific apparent anti-atheist and anti-‘blasphemy’ violence in recent years.

It is alarming that there have been serious notable degradations in several of these worst-performing countries during the seven years we have produced the Freedom of Thought Report. Saudi Arabia introduced a law under which “the promotion of atheist thought in any form” was classed as terrorism. Sudan has prosecuted numerous apostates. Pakistan saw in 2017 an anti-‘blasphemy’ crackdown against atheists and supposed ‘blasphemers’ on social media, as well as continued mob ‘blasphemy’ violence. Mauritania has this year increased the penalty for ‘apostasy’ and ‘blasphemy’ to death and removed the right of “repentance”.

There are a few signals of hope in some of our other worst-rated countries, however. The government of Brunei planned to implement an even more strict Islamic penal code; the plan was due to take place in stages culminating in the introduction of some of the most severe Sharia penalties including death for some infractions of Islamic norms. However, the plan stalled early in 2018, after the international community - and trading partners - expressed their grave concerns. As noted in last year’s report, anti-atheist rhetoric from senior officials in Malaysia (not to mention Muslim-Malay nationalism) caused serious alarm, but that government has now been replaced by a new leadership. In Maldives, too, a government which had overseen an increasing role for conservative Islam in the legal system, and under which various secular and human rights activists have been ‘disappeared’ or murdered, has been routed in elections. It can take more than setbacks and changes in government to reverse long term trends, but it’s worth noting and encouraging hopeful possibilities where they exist, slim as they may be.

<sup>4</sup> <https://iheu.org/atheism-dangerous-unconstitutional-says-government-minister-malaysia-wrongly/>  
<https://iheu.org/pakistans-disappeared-activists-what-we-know/>

Note: There are of course other countries where human rights in general, including freedom of thought and expression, are severely repressed. Our ratings do consider and reflect such issues; so for example North Korea (where the state is almost entirely identical with a propaganda machine designed to uphold a repressive cult of personality) is also rated very badly in our report. But our remit, and the major focus of our ratings, is on discrimination specifically against the non-religious, including restrictions on secularism and religious privilege. This is why a country like North Korea, which fundamentally violates human rights, human dignity and human autonomy on a colossal scale, may be rated badly (currently at 173 out of 196) but not at the very top, where countries which specifically discriminate against or persecute the non-religious pull ahead.

## Best-performing countries

The ten best-performing countries are:

Country	Base Score	Ranking out of 196
Belgium	0	1
Netherlands	0	1
Taiwan	0	1
Nauru	2	4
France	2	4
Japan	2	4
São Tomé and Príncipe	2	4
Norway	6	8
United States of America	6	8
Saint Kitts and Nevis	8	10

The best performing states highlighted in this Report are Belgium, Netherlands and Taiwan. The first two share some clear similarities, indeed cultural and legal roots in the case of Belgium and Netherlands. Belgium and the Netherlands have both taken a pluralist approach to secularism, with the state adopting a neutral attitude toward religion or belief, and have done so against a backdrop of historically high levels of Christian belief. The pluralist systems now in place do not mean there is no religion in public life, and the overall high rating does not mean that there are no conservative religious forces and other social issues, but it does mean that the non-religious do not face any documented systematic discrimination, and there is protection or legal recourse for any incidents of discrimination.

Taiwan is clearly an outlier in the top 3, all-clear countries. It is non-European, and demographically much more religious. But in its relatively open, democratic and tolerant society we have recorded no evidence of laws or social discrimination against members of the non-religious minority.

While France, Japan and Norway may not be particular surprises in the top 10, the socially religious island nations of São Tomé and Príncipe, Nauru, and Saint Kitts and Nevis may be surprising, as may be the United States of America, world famous for its conservative Christian influence. On the island nations it's worth noting that they are small, and it may be that their tolerance of non-religious voices has simply not been tested, but this shouldn't take away from the legal and constitutional frameworks which appear to be sound.

The United States is famously a land with an entrenched culture war, and a very active “Christian right”. Yet it is also famous for extremely strong constitutional protections, valued by the judiciary and the people, not least pertaining to freedom of religion and freedom of expression. There will (as anywhere) be individuals who will suffer for ‘coming out’ as non-religious in a conservative religious family, for example, and the sense of social pressure to conform to religious norms in some states or communities may be very strong. However, such individuals have legal recourse, social options, and a great tradition of liberty to support them; benefits which are absent in so many other countries with a prevalence of high-control religious presumption.

None of this means that an American secularist can be complacent! The United States is one of the countries where the idea of ‘religious freedom’ in the popular mindset is often deeply distorted, presented as a right to claim privilege, to overrule, and to discriminate. This is a notion of ‘religious freedom’ which is conceptually diminished from the full right to “freedom of thought, conscience and religion” which we get from Article 18 of the Universal Declaration of Human Rights. Under that later conception, the law must respect thoughts and beliefs of many kinds, and the right to manifest beliefs (religious or otherwise) may be curtailed if it impinges on the rights and freedoms of others. The populist US conception of ‘religious freedom’ suffers from having being formed, as part of its visionary constitution, so early in modern history. It preceded the future benefit of the more inclusive language of 1948, which in some form or other is now included in many of the constitutions created subsequently. The narrower, more exclusive form of ‘religious freedom’ prominent in US discourse is both being exported around the world, and it could always become more deeply entrenched in law and precedent domestically if it continues to expand, or if certain offices of justice are held in sway to self-entitled partisan causes.

## Some words of caution

The remit of this report is extensive, and our organizational capacity limited. Therefore **there will be incidents and issues which we have failed to record, or recorded with some element of error.** In mitigation, we consider the report an evolving document; it is always available online and we will continue to update the narrative reports, the rankings, and the index, in line with new evidence in subsequent editions. We advertise year-round for submissions and researcher volunteers, are we are very open to receiving any corrections or additional material.

**Qualitative questions about how difficult it might be to ‘come out’ as non-religious in a given society, or how experiences of various forms of discrimination along different spectra differ from place to place, are beyond our current capacity to research and capture,** as we are not able to conduct such wide-ranging social research. In mitigation, we introduced boundary conditions which attempt to capture forms of social discrimination, such as whether “There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious” or “The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism”. Such conditions may be supported by secondary sources, testimony, and observation. We can hope for more resources to extend our analysis into qualitative social research in the future, or that others will step in to fill this gap. Nevertheless, in the meantime, there is a strong leaning in the Report toward particular kinds of binary (or at least, fairly easily evidenced) legal questions, over social experience, and this will be reflected in the rankings.

There is inevitably some **subjectivity** in this process. Some questions are quite binary, such as whether or not a particular law exists, though even then the wording and application of some laws mean that some further analysis is necessary. Other issues can only be examined through interpretation and a multi-faceted understanding of the situation in a given country. For example, whether the “Expression of core Humanist principles on democracy, freedom and human rights” is suppressed is a somewhat broad question, and assessing it depends on interpretation of events and terms. Further, whether we classify such suppression as “somewhat restricted”, “severely restricted” or “brutally repressed” (corresponding to three of our boundary conditions at three escalating levels of severity) creates further room for subjectivity. In mitigation, however, the very fact that we can split out somewhat subjective questions over a range of severity levels creates a helpful guide for consistent application; if a given set of evidence means we apply a boundary at a particular severity level to one country, it works as a steer for the application of similar evidence to other countries.

At the moment, **all boundary conditions at a given severity level share the same numerical value.** This could be extended by subdividing the boundary conditions, or giving them a variable value depending for example on how harshly or how often a given law is applied, or a given situation is encountered. Such a process would add some granularity, but also significant complexity. In mitigation, again, the spread of similar boundary conditions across multiple severity levels means that we can be sensitive to context to some degree, and in some cases (such as the “Education and children’s rights” strand) the boundary conditions are worded such that many combinations of circumstance (such as whether or not there’s an opt-out to religious instruction, and whether there are alternative classes) can be taken into account.

**All these considerations affect the application of boundary conditions and therefore the final rankings index.**

<sup>5</sup> We recognise this with the application of the boundary condition: “Localised or infrequent but recurring and widespread social marginalisation or prejudice against the non-religious”.

# General Introduction

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The IHEU Freedom of Thought Report is a unique annual report and online resource, looking at the rights and treatment of the non-religious 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 impact on religious groups, usually religious minorities in a national context, so we also consider 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.

## 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>1</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 recognise 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):

“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.”

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>2</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: 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, we document 22 countries which criminalize apostasy. In 12 of those countries (Afghanistan, Iran, Malaysia, Maldives, Mauritania, Nigeria, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates, Yemen) “apostasy” is in principle punishable by death. Pakistan doesn’t have a death sentence for apostasy but it does for “blasphemy”, and the threshold for blasphemy can very low. So, in effect you can be put to death for expressing atheism in 13 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 criticising a religion is not always called “blasphemy” or “blasphemous libel”; some countries outlaw “defamation of religion”; sometimes 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 74 countries. This is higher than some other lists put the figure. Our report does include laws which use variants of the word ‘blasphemy’ or ‘defamation of religion’, ‘hurt sentiments’, ‘insult’, etc, and including anti-hatred laws where those laws appear to be usable to restrict what should be legitimate free expression about religion. We do not include laws which appear genuinely to prohibit incitement to hatred only.

Of these countries with “blasphemy”-type restrictions, 43 allow for a prison term for this crime. And the crime of “blasphemy” is punishable by death in a further 6 countries: Afghanistan, Iran, Nigeria, Pakistan, Saudi Arabia and Somalia. In addition, most of the twelve countries which punish “apostasy” with death also sometimes treat ‘blasphemy’ as evidence of apostasy.

‘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 religion. 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, in Lebanon the entire system of government 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. In England and Wales, 16% of state-funded school places (or 1.2 million children), are subject to admission policies that discriminate against atheists.

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.

In compiling this evolving, annual report, we also found 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 signalling 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 disfavours of the non-religious.

## References

1. [wingia.com/web/files/news/14/file/14.pdf](http://wingia.com/web/files/news/14/file/14.pdf)
2. 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”. These 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 coloured 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 thought and expression, religion or belief 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, subject to severe punishment</p> <p>The non-religious are barred from holding government office</p>	<p>Religious indoctrination is utterly pervasive in schools</p> <p>Religious 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>
<b>SEVERE DISCRIMINATION</b>			
<p>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p>	<p>Religious 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>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
<b>SEVERE DISCRIMINATION</b>			
State legislation is partly derived from religious law or by religious authorities		<p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously 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>'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 instruction is mandatory in at least some public schools (without secular or humanist alternatives)</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 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 religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</p>
<b>FREE AND EQUAL</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>

## 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". Below 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.

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  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  Concerns that secular or religious authorities interfere in specifically religious freedoms

*Example ratings table for one country*

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!)

Here (right) 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

Const/Govt	Edu/Child	Society/Comm	Expression

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

by a maximum sentence of "death", then the less severe boundary condition stating that blasphemy that 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 visualisation 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 that 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 [\*\*freethoughtreport.com/contact\*\*](https://freethoughtreport.com/contact).

# 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. For the full narrative report and Ratings Table for each country, see [freethoughtreport.com/countries](https://freethoughtreport.com/countries).

**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. See also "Editorial Introduction : Some words of caution" above.

Country	Signal light (the severity of the worst boundary condition in each thematic strand)				Base score	Ranking
	Const/Govt	Edu/Child	Society/Comm	Expression		
Belgium					0	1
Netherlands					0	1
Taiwan					0	1
France					2	4
Japan					2	4
Nauru					2	4
São Tomé and Príncipe					2	4
Norway					6	8
United States of America					6	8
Saint Kitts and Nevis					8	10
Estonia					9	11
Sweden					9	11
Uruguay					9	11
Burkina Faso					11	19
Congo, Republic of the					11	19
Mozambique					11	19
Palau					11	19
Slovenia					11	19
Albania					13	28
Korea, Republic of					13	28
Mexico					13	28
Sierra Leone					13	28
Kiribati					15	33
Micronesia					15	33
Monaco					15	33
Kenya					17	37
Benin					20	42
Ecuador					20	42
Kosovo					20	42
Marshall Islands					20	42
Brazil					22	50
Fiji					22	50
Guatemala					22	50
Dominica					24	55
Latvia					24	55
Moldova					24	55

Niger				24	55
Senegal				24	55
Iceland				27	60
Bulgaria				28	62
Cape Verde				29	63
Mali				29	63
Colombia				33	70
Chile				35	71
Serbia				35	71
Liberia				40	76
Venezuela				40	76
Belize				42	80
Nepal				42	80
Singapore				42	80
Australia				47	89
Costa Rica				47	89
Dominican Republic				47	89
Georgia				47	89
Liechtenstein				47	89
Spain				47	89
Switzerland				47	89
Luxembourg				51	97
Papua New Guinea				51	97
Saint Vincent and the Grenadines				52	101
Antigua and Barbuda				53	102
San Marino				53	102
Armenia				54	105
Cambodia				54	105
Timor-Leste (East Timor)				54	105
Cameroon				55	108
Romania				58	109
Tajikistan				62	112
Ghana				64	114
Ireland				65	115
Peru				66	116
Malawi				71	117
New Zealand				71	117
Denmark				74	119
Malta				76	120
Hungary				80	121
Canada				82	124
Cyprus				82	124
Chad				85	128
Finland				85	128
Paraguay				86	130
Uganda				87	131
Croatia				89	132
Poland				91	133
United Kingdom				91	133
Central African Republic				100	136
Swaziland				100	136
India				102	138

Argentina			103	139
Jamaica			109	140
Rwanda			111	141
Haiti			112	142
Zambia			118	143
Philippines			120	144
Germany			127	145
Samoa			127	145
Macedonia			129	147
Tanzania			131	148
Turkey			131	148
Burundi			140	150
Djibouti			140	150
Thailand			158	153
Belarus			169	155
Myanmar (Burma)			176	156
Zimbabwe			183	158
Italy			185	159
Sri Lanka			225	160
Lebanon			233	161
Ethiopia			262	162
Libya			274	163
Oman			276	164
Russia			318	165
Israel			321	166
China			351	167
Bahrain			387	168
Iraq			420	169
Syria			440	170
Tunisia			450	171
Algeria			454	172
North Korea			502	173
Eritrea			503	174
Comoros			540	175
Gambia			545	176
Nigeria			547	177
Kuwait			589	178
Jordan			656	179
Bangladesh			665	180
Qatar			676	181
Morocco			705	182
Indonesia			725	183
Egypt			774	184
Somalia			820	185
Yemen			827	186
Brunei Darussalam			876	187
Sudan			880	188
Malaysia			923	189
Mauritania			940	190
United Arab Emirates			1060	191
Pakistan			1076	192
Maldives			1094	193

Afghanistan		1100	194
Iran		1287	195
Saudi Arabia		1358	196

⚠ 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
	Const/Govt	Edu/Child	Society/Comm	Expression		
⚠ Barbados					9	11
⚠ Cuba					9	11
⚠ Guinea-Bissau					9	11
⚠ Namibia					9	11
⚠ South Sudan					9	11
⚠ Bolivia					11	19
⚠ Seychelles					11	19
⚠ Tonga					11	19
⚠ Trinidad and Tobago					11	19
⚠ Mongolia					13	28
⚠ Ukraine					15	33
⚠ Côte d'Ivoire					18	38
⚠ Lesotho					18	38
⚠ Mauritius					18	38
⚠ South Africa					18	38
⚠ Austria					20	42
⚠ Bahamas					20	42
⚠ Botswana					20	42
⚠ Kyrgyzstan					20	42
⚠ Panama					22	50
⚠ Saint Lucia					22	50
⚠ Montenegro					27	60
⚠ Andorra					29	63
⚠ Bhutan					29	63
⚠ Portugal					29	63
⚠ Solomon Islands					29	63
⚠ Tuvalu					29	63
⚠ Lithuania					36	73
⚠ Nicaragua					38	74
⚠ Slovakia					38	74
⚠ Congo, DR					40	76
⚠ Gabon					40	76
⚠ Czech Republic					42	80
⚠ Grenada					42	80
⚠ Laos					42	80
⚠ Viet Nam					42	80
⚠ Vanuatu					44	87
⚠ Togo					45	88
⚠ Suriname					49	96

⚠ Angola				51	97
⚠ Guyana				51	97
⚠ Turkmenistan				53	102
⚠ Honduras				58	109
⚠ Greece				60	111
⚠ El Salvador				62	112
⚠ Guinea				80	121
⚠ Kazakhstan				80	121
⚠ Azerbaijan				82	124
⚠ Uzbekistan				82	124
⚠ Equatorial Guinea				91	133
⚠ Madagascar				151	152
⚠ Bosnia and Herzegovina				160	154
⚠ Palestine				178	157

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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. The full report is available in the Online Edition via **[freethoughtreport.com](https://freethoughtreport.com)** where each country is featured with its own webpage and interactive ratings table.

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# Belgium

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 1

Belgium, a nation of 10.8 million, has a federal constitution with three levels of power. The Communities (French, Flemish, German), the Regions (Walloon, Flanders, Brussels) and the Federal State each have their own

responsibilities, mandates and scope. Over 40% of Belgium's population are identified as non-believers/agnostics (no religious affiliation) or atheists.

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 Belgian Constitution states that:

*"Enjoyment of the rights and freedoms recognised for Belgians must be provided without discrimination. To this end, laws and federal laws guarantee among others the rights and freedoms of ideological and philosophical minorities"*  
*"Freedom of worship, its public practice and freedom to demonstrate one's opinions on all matters are guaranteed"*  
*"No one can be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion or to observe its days of rest"*

### Religion or belief neutrality

According to Article 21 of the constitution; the State does not have the right to intervene either in the appointment or installation of ministers of any religion or to forbid these ministers from corresponding with their superiors. A civil wedding must always precede the religious blessing of a marriage, apart from any exceptions that are established by the law.

Article 181, section 1, states that the salaries and pensions of religious ministers are paid for by the State and the amounts required are charged annually to the national budget. Section 2 declares that the salaries and pensions of representatives of organizations recognized by the law as providing moral assistance according to a non-denominational philosophical concept are also to be paid for by the Belgian Government.

## Some controversies

A 2011 study of total public support at all levels of government noted that subsidies were not proportionate to the relevant populations. The Catholic Church received a more than the proportion of its adherents.

The Belgian government has curtailed the wearing of external religious signs in public functions. In Flanders, GO-Schools (Schools of the Flemish Community) have the authority to ban children from wearing the veil at school. Whether these infringe rights of some Muslim Belgians remains a contested subject.

## Education and children's rights

The public education system, from kindergarten to university, requires strict neutrality, except with regard to the views of teachers of religion or secular "moral" education. (Education was one of the first aspects of Belgian politics to be administratively separated between the French and Flemish communities.)

Until 2015 religious or secular "moral" instruction was mandatory in all public schools, but provided according to the student's preference between either the religious or secular, broadly humanist classes. While based on a principle of equality between religious and secular views, some have objected that the courses as such may still constitute instruction with no overall opt-out available, and that — in lieu of a unified citizenship, ethics or philosophical education for all — students are still segregated by religion or belief.

On this basis, in early 2015, the constitutional court found that to compel the student to undertake either one or the other was a breach of their human rights, and that an option to take neither should be implemented in the French Community.

› [laicite.be/communiqués-de-presse/la-cour-constitutionnelle-a-tranche-les-cours-de-religion-et-de-morale-sont-facultatifs](http://laicite.be/communiqués-de-presse/la-cour-constitutionnelle-a-tranche-les-cours-de-religion-et-de-morale-sont-facultatifs)

Private authorized religious schools following the same curriculum as public schools are known as “free” schools. They receive government subsidies for operating expenses, including building maintenance and utilities. Teachers in these schools, like other civil servants, are paid by their respective community governments.

## Family, community and society

There have long been concerns, which deepened significantly in 2015, about radical Islamism in parts of Belgium. Terrorists involved in undertaking the November 2015 Paris attacks were linked to Belgium, and Brussels was on high terror alert in the weeks following that attacks. There is some suggestion that Salafist clerics supported by Saudi Arabia have for decades undermined attempts by Moroccan immigrants to integrate, and the Belgian government is currently under significant pressure to “revise” diplomatic relations with Saudi Arabia.

› [independent.co.uk/news/world/europe/paris-attacks-how-the-influence-of-saudi-arabia-sowed-the-seeds-of-radicalism-in-belgium-a6745996.html](http://independent.co.uk/news/world/europe/paris-attacks-how-the-influence-of-saudi-arabia-sowed-the-seeds-of-radicalism-in-belgium-a6745996.html)  
› [sputniknews.com/politics/20151127/1030848900/belgium-saudi-arabia-tax.html](http://sputniknews.com/politics/20151127/1030848900/belgium-saudi-arabia-tax.html)

In October 2015, after an 18 year investigation by Belgian authorities members of the Church Of Scientology appeared in court to “face charges of fraud, extortion, running a criminal organization, violating privacy laws and practicing illegal medicine”. If convicted the church could in theory be banned from the country although it seems that this would be unlikely in practice.

› <http://m.huffpost.com/us/entry/562fbd51e4b06317990facd7?ncid=fcbklnkushpmg00000014>

## Freedom of expression, advocacy of humanist values

Freedoms of speech and the press are guaranteed by the constitution and generally respected by the government. Internet access is unrestricted. Belgians have access to numerous private media outlets. The concentration of newspaper ownership has increased in recent decades, leaving most of the country’s papers in the hands of a few corporations.

Abortion still falls under the criminal justice system. In

2017 Christian political parties proposed a law that would give legal status to the fetus.

# 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 evenhanded policy towards religious and non-religious views.

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 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.

In the constitution of 1982 the equal treatment of religion and non-religious beliefs (life-stance or "philosophy of life") is made explicit. In public debate, however, reference to 'freedom of religion' is more common than reference to the equal freedom of non-religious beliefs.

## Education and children's rights

The formal educational system is divided between public and so called 'special' ("bijzondere") schools. Both are funded by the state. Special schools may be based on a religious or a secular pedagogical system. Approximately two-thirds of all primary schools are 'special' schools, most of which are mildly, inclusive religious schools. A minority are orthodox Christian, or more conservative Islamic 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. However, this applies equally to religious and to secular-pedagogical special schools, and in practice only a small number of very orthodox religious schools used this measures. Since 1st of July 2015 the law no longer permits schools to discriminate in the employment of teachers.

In 2015, the Secretary of Education further reformed the educational system, with the intention of better adapting education to the contemporary, secular society of the Netherlands. As part of this process, various proposals have been made to make more room to incorporate the present and actual wishes of parents, as opposed to

assuming classical religious divisions. In this light, a number of public initiatives have been taken to achieve acceptance of Humanism as a visible and important lifestance. In 2014 humanism was recognised by the state as a lifestance upon which a special school can be based. In 2016 the first Humanist secondary school was opened in Amsterdam.

Humanists are permitted to, and do, provide humanist education in public primary schools. In 2016 Dutch parliament voted for structural finance of both humanist and religious education. In 2017 the Dutch Senate voted for structural finance as well. <https://www.poraad.nl/nieuws-en-achtergronden/structurele-bekostiging-voor-levensbeschouwelijk-onderwijs-openbare-scholen>

Humanist or religious education are not automatically provided for; Parents have to ask the school to provide for it.

In the countryside, due to shrinking population, lots of 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.

## 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).

There is a growing proportion of individuals that identify as non-religious, at present more than half of the Dutch

population. However, 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'. The Dutch Humanist Association, Humanistisch Verbond, has requested an update of these research categories, in which the life stance and worldviews of the nonreligious are being taken more seriously. These suggested changes have not been implemented.

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.

Social pressure inside conservative religious groups – against for instance the rights of women, sexual minorities and more liberal religious views – is of ongoing 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.

## Freedom of expression, advocacy of humanist values

Although the freedom of expression, thought and religion is guaranteed by law in the Netherlands, there is doubt concerning the reality of this individual freedom within the small orthodox Christian minorities and within Muslim communities. The social and cultural pressure for those raised in a conservative religious family not to change or 'lose' religion can be high. This lack of 'horizontal' freedom (the freedom in relation to family, friends and neighborhood) remains a concern. Ex-Muslims often keep their views hidden from family, friends and the wider community.

The Platform of New Freethinkers – an initiative of the Dutch Humanist Association – is mainly oriented towards ex-Muslims and reports a strong hesitance of new freethinkers to express their skeptical views publicly. A second group of New Freethinkers, also initiated by the Dutch Humanist Association, consists of refugees who fled their country because they were discriminated against or confronted with threats, violence or persecution because of their humanist or atheist life-stance.

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 life of nonbelievers on the run in asylum centers. 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.

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 but has not started as of November 2017.

› [humanistischverbond.nl/vrijomniettegeloven/english.html](https://humanistischverbond.nl/vrijomniettegeloven/english.html)

In recent years, the Dutch Ministry of Foreign Affairs has prioritized the freedom of religion or belief in its human rights policy. Unfortunately, many of the concrete provisions of this policy pay close attention to freedom of religion but omit non-religious views.

## Blasphemy abolished

As of 2014, the Dutch Penal Code no longer criminalizes "blasphemy". Humanist and freedom of expression campaigners in the Netherlands do not, for the moment, foresee any further attempts to reintroduce anti-blasphemy laws.

It is a crime to engage in public speech that incites hatred against persons on the ground of their race, religion or non-religious belief, gender, sexual orientation and (dis)abilities. The Dutch Penal Code also penalizes defamation of groups because of their race, religion or conviction, sexual orientation and (dis)abilities. Neither of these laws prohibits criticism per se of persons, ideas or institutions and they do not constitute 'blasphemy'-type restrictions.

# Taiwan

Const/Govt

Edu/Child

Society/Comm

Expression

Ranking Index: 1

The independence and sovereign limits of Taiwan are disputed. Owing to the refusal of the mainland to recognize the island nation's dissent and independence from the

People's Republic of China, Taiwan is diplomatically isolated, but has nevertheless fashioned a secular nation, well-recognised as relatively prosperous and free.

## Constitution and government

The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief

## Education and children's rights

No formal discrimination in education

## Family, community, society, religious courts and tribunals

No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state

## Freedom of expression advocacy of humanist values

No fundamental restrictions on freedom of expression or advocacy of humanist values

## Constitution and government

Formally a secular state, Taiwan's constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association. These rights are generally respected in practice.

› [freedomhouse.org/report/freedom-press/2015/taiwan](https://freedomhouse.org/report/freedom-press/2015/taiwan)

Three journalists covering student protests were arrested in Taipei in July 2015. They refused to pay bail, but were released the next day anyway. In a statement, the Mayor of Taipei, Ko Wen-je, apologized for "the violation of press freedom" and said that as mayor, he had "an obligation to protect press freedom."

› [cpj.org/2015/07/in-taiwan-three-journalists-arrested-at-student-pr.php](https://cpj.org/2015/07/in-taiwan-three-journalists-arrested-at-student-pr.php)

## Education and children's rights

Compulsory religious instruction is not permitted in any Ministry of Education (MOE)-accredited public or private elementary, middle, or high school. High schools accredited by the MOE are not allowed to require religious instruction, but may provide elective courses in religious studies, provided such courses do not promote certain religious beliefs over others. Religious organizations are permitted to operate private schools.

## Family, community and society

In addition to Buddhism and a range of other religions, secular moral Confucianism commonly pervades the culture.

## Freedom of expression, advocacy of humanist values

There appear to be relatively few concerns of any kind about freedom of the press and of political opposition in Taiwan. The media is generally considered amongst the most free in Asia. Censorship laws are in place but do not appear to be widely enforced. Taiwan is rated "Free" by Freedom House.

# Nauru

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 4

Nauru is an island republic with a unicameral parliament and no political parties, with politicians usually standing on

independent platforms. With a population of around 10,000, the island is the smallest republic in the world.

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

The Constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of opinion and expression. These rights are generally respected in practice.

There is no state religion. The constitution and other laws and policies protect religious freedom.

## Education and children's rights

Education is compulsory from six to sixteen years old, with two further years offered. There are only three primary schools, two secondary schools, the latter being Nauru College and Nauru Secondary School. There is a campus of the University of the South Pacific on Nauru.

After the previous community public library was destroyed in a fire, there was no major public library until the new Nauru Community Library open in May 2018, in the new University of the South Pacific Nauru Campus building.

There have been concerns about high rates of ill-health and resignation syndrome (suicidal tendencies) among children in Australian off-shore detention centers on Nauru and elsewhere.

› [theguardian.com/news/2016/aug/11/nauru-teachers-speak-out-for-children-we-dont-have-to-torture-them](https://www.theguardian.com/news/2016/aug/11/nauru-teachers-speak-out-for-children-we-dont-have-to-torture-them)  
› [theguardian.com/australia-news/2018/oct/12/they-conspired-against-us-nauru-government-accuses-msf-of-activism](https://www.theguardian.com/australia-news/2018/oct/12/they-conspired-against-us-nauru-government-accuses-msf-of-activism)

## Family, community and society

According to the 2011 census 95 percent of the population is Christian, while two percent report no religious affiliation. Major Christian denominations include the Nauru Congregational Church, Roman Catholicism, and Assemblies of God. Around 10% of the country is identified as Nauruan indigenous religion.

We have no reports of discrimination against the two percent non-religious population.

Under the law, religious groups must register with the government to operate in an official capacity, which includes proselytizing, building houses of worship, holding religious services, officiating marriages, and otherwise practicing their religion. The Catholic Church, the Nauru Congregational Church (which includes the Kiribati Protestant Church), the Assemblies of God, and the Nauru Independent Church are officially registered.

› [state.gov/j/drl/rls/irf/2007/90147.htm](http://state.gov/j/drl/rls/irf/2007/90147.htm)

We have been able to determine whether the same registration criteria apply for non-religious groups or whether a non-religious group would be successful in applying.

There are no indications of widespread societal discrimination against particular religious denominations. Some religious groups, in particular The Church of Jesus Christ of Latter-day Saints (Mormons) and the Jehovah's Witnesses have been perceived as "foreign". Some resistance by the Nauru Protestant Church to members

of the Church of Jesus Christ of Latter-day Saints and Jehovah's Witnesses has emerged as some Christians fear that proselytisation by these groups would create tensions. While previously their members were often denied entry visas, in recent years the government lifted all restrictions on the practice of missionary work. Also, members of these Churches are now allowed to hold religious services in their company-owned housing.

› [religious-freedom-report.org/report/nauru/](https://religious-freedom-report.org/report/nauru/)

Societal pressures limit women's ability to exercise their legal rights. In 2014, Jane Elizabeth Hamilton-White, a former barrister in Australia, became the first woman to sit on the Nauruan Supreme Court.

› [freedomhouse.org/report/freedom-world/2015/nauru](https://freedomhouse.org/report/freedom-world/2015/nauru)

By mean Body Mass Index, Nauru has the most overweight population on earth, and suffers the highest rate of type-2 diabetes.

## Freedom of expression, advocacy of humanist values

Freedom of expression and freedom of assembly are guaranteed by the constitution and generally respected in practice. The government does not restrict or censor the very limited homegrown news media (there is no national paper, but a fortnightly publication).

However, there are intermittent issues are political and press freedoms.

Though rated "Free" overall, Freedom House reports that "the government has taken steps to sideline its political opponents, and corruption is a serious problem".

› [freedomhouse.org/report/freedom-world/2018/nauru](https://freedomhouse.org/report/freedom-world/2018/nauru)

Civil liberties concerns were raised in 2015 around government attempts to limit freedom of expression among foreign journalists and opposition figures.

Australian offshore detention centres in Nauru have been internationally condemned over persistent reports of abuse and ill health among the asylum seekers housed there. The government reacted angrily to criticism of these centres on the island in October 2018 and ejected the Doctors Without Borders workers from the country.

› [theguardian.com/australia-news/2018/oct/12/they-conspired-against-us-nauru-government-accuses-msf-of-activism](https://theguardian.com/australia-news/2018/oct/12/they-conspired-against-us-nauru-government-accuses-msf-of-activism)

# France

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 4

In France, the dominant religion is Catholicism but the state is strongly secular. Freedom of religion is supported but its importance is secondary to the freedom and rights of all citizens and public order and morality. France suffered two horrendous terrorist attacks in 2015, first against the

offices of satirical magazine Charlie Hebdo and a Jewish supermarket in January, supposedly in response to the magazine "insulting Islam"; then coordinated attacks by ISIS against indiscriminate targets across Paris in November.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
Anomalous discrimination by local or provincial authorities, or overseas territories			
	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 French constitution was adopted in 1958 and declares France a secular state and guarantees religious freedom and equality. Article 1 states, 'France is an indivisible, secular, democratic and social Republic, guaranteeing that all citizens regardless of their origin, race or religion are treated as equals before the law and respecting all religious beliefs.'

The constitution and other laws, including the 1905 "Law on the Separation of the Churches and the State", ensure state secularism (laïcité) and protect freedom of religion or belief. The constitution also guarantees the rights to freedom of expression, association and assembly, and the government respects these rights in practice. The establishment of secularism in the public sphere put all religions into the private sphere. The government does not have a religious preference and aims at the peaceful co-existence of various faiths.

› [france.fr/en/institutions-and-values/secularism-and-religious-freedom.html](http://france.fr/en/institutions-and-values/secularism-and-religious-freedom.html)

### Local exceptions

There are some exceptions to the policy of strict secularism. Notably, the law of 1905 does not completely apply to all French regions and territories. Because the regions of Alsace and Lorraine were part of the German Empire during the passage of the 1905 law, members of Catholic, Lutheran, Calvinist, and Jewish groups there may choose to allocate a portion of their income tax to

their religious group. Local governments may also provide financial support for building religious edifices.

In addition, there are still blasphemy laws on the book in the regions of Alsace and Lorraine, as Articles 166 and 167 of the local penal code, although no convictions have been registered.

French Guyana, which is governed under the colonial laws of Charles X, may provide subsidies to the Catholic Church. The French Overseas Departments and Territories, which include island territories in the Atlantic, Caribbean, Pacific, and Indian oceans, are also not subject to the 1905 law and may provide funding for religious groups within their territories.

The French government maintains all the Roman Catholic churches built before 1905, however they are under the ownership of the French government. No other religious buildings are maintained in this way.

## Family, community and society

### Some religious restrictions, not necessarily unlawful or wrong

France banned the wearing of the face-veil (niqab) in public, along with other face coverings, explained in terms of maintaining social cohesion and disempowering potential terrorists. In July 2014, the European Court of Human

Rights ruled that it was within the margin of freedom under European human rights legislation. The French government has also prohibited or limited the activities of religious groups considered to be cults, such as Scientology and Jehovah's Witnesses.

Japan is an island nation of 126 million inhabitants, located in the Pacific Ocean, east of China. It is a constitutional

parliamentary monarchy and a major economic power.

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

Japan's secular constitution provides strong protections of freedom of thought, conscience, and religion, as well as a clear separation of religion and state:

**Article 19: Freedom of thought and conscience shall not be violated.**

**Article 20: Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority. No person shall be compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity....**

**Article 89: No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association ...**

› [japan.kantei.go.jp/constitution\\_and\\_government\\_of\\_japan/constitution\\_e.html](http://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html)

Freedom of thought and expression are respected and protected in law and practice. Internet access is not restricted.

## Freedom of expression, advocacy of humanist values

While freedom of expression generally has been upheld and the media is usually considered free across Japan, there have been serious concerns in recent years about new

“state secrecy” legislation.

Passed in late 2013 and coming into force on 10 December, 2014, critics complain that Japan's new State Secrecy Law targets whistleblowers leaking broadly defined “state secrets” and that journalists publishing leaked information will face up to 10 years in prison, even if publication of such classified information would be justified, e.g. to expose human rights violations or corruption. Prior to its enactment, Reporters Without Borders said that, in effect, the law “is making investigative journalism illegal” and the newspaper Asahi Shimbun said the law “almost limitlessly widens the range of what can be considered confidential.”

› [hrw.org/news/2013/11/25/japan-amend-special-secrets-bill-protect-public-interest](http://hrw.org/news/2013/11/25/japan-amend-special-secrets-bill-protect-public-interest)

› [theguardian.com/world/2013/dec/05/whistleblowers-japan-crackdown-state-secrets](http://theguardian.com/world/2013/dec/05/whistleblowers-japan-crackdown-state-secrets)

› [ajw.asahi.com/article/behind\\_news/politics/AJ201312070057](http://ajw.asahi.com/article/behind_news/politics/AJ201312070057)

During its first 12 months of operation, government agencies were quick to declare numerous “state secrets”, with concerns persisting, despite government assurances, that oversight was weak and there was little to prevent government from declaring inconvenient truths as “secret”. Japan cancelled a visit by the UN Special Rapporteur on Freedom of Expression planned for December 2015.

› [japantimes.co.jp/news/2014/12/27/national/politics-diplomacy/government-entities-designate-400-state-secrets-under-new-law/](http://japantimes.co.jp/news/2014/12/27/national/politics-diplomacy/government-entities-designate-400-state-secrets-under-new-law/)

› [japantimes.co.jp/opinion/2015/04/04/editorials/oversight-secrets-weak/](http://japantimes.co.jp/opinion/2015/04/04/editorials/oversight-secrets-weak/)

› [indexoncensorship.org/2015/12/71961/](http://indexoncensorship.org/2015/12/71961/)

# São Tomé and Príncipe

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 4

In the Gulf of Guinea, off the western equatorial coast of Central Africa, the island is a former Portuguese colony, which gained independence in 1975. The new president, elected in 2011 promised to focus on ensuring political

stability and ending corruption. The recent discovery of oil in the Gulf of Guinea provided new hope for improving the country's economy.

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

The constitution of São Tomé and Príncipe guarantees freedom of conscience, religion and worship.

Article 8 explicitly stipulates that São Tomé and Príncipe is a secular state and that all religious institutions are separated from state institutions.

Religious groups have to register with the government. The registration process does not appear to be onerous or obstructive.

## Education and children's rights

There are no reported issues with religious schools or religion in schools.

Although the country has achieved universal primary education, the system faces challenges with respect to efficiency, quality and governance. About 60% of primary education teachers are unqualified. To address some of these issues, the government has developed an education sector plan, as well as an Educational Policy Charter 2012-2020, outlining new strategies. The final objective of the government is to provide 12 years of free, quality education to all children in the country, as well as offer higher and technical education opportunities.

› [globalpartnership.org/country/sao-tome-and-principe](http://globalpartnership.org/country/sao-tome-and-principe)

## Family, community and society

There are around 190,000 inhabitants of São Tomé and Príncipe. About 85% are Catholics, 12% are Protestants, than 2% are Muslims, though there has been migration from Nigeria and Cameroon in recent years which may increase the proportion of Muslims.

Registered religious groups receive only the same benefits, such as tax exemptions, as registered nonprofit organizations, therefore it seems that humanist or secular worldview organizations would not be barred from equal treatment.

The Catholic roots of around 80 percent of the population go back to the fifteenth century. However, besides baptisms, wakes and funeral masses, other Catholic sacraments are rarely observed. A widely held set of spiritist beliefs derived from the religions of African coastal societies continues alongside Catholic belief. Spiritist rituals often center on healing and appeasing spirits.

› [everyculture.com/Sa-Th/S-o-Tom-e-Pr-ncipe.html](http://everyculture.com/Sa-Th/S-o-Tom-e-Pr-ncipe.html)

Though this diffuse, syncretic religious culture could conceivably be alienating to an individual who rejected all religious belief, we have found no reports of direct discrimination against non-religious individuals.

## Freedom of expression, advocacy of humanist values

According to Freedom House the country is “Free”, holding “regular, competitive national elections... Civil liberties are generally respected, but poverty and corruption have weakened some institutions and contributed to dysfunction in the justice system. The opposition has accused the ruling party of using its control over the presidency and a strong parliamentary majority to consolidate power... Public media convey opposition views and grant some access to opposition leaders, but only a handful of private media outlets are available, and a degree of self-censorship is reported at both public and private outlets. There are no restrictions on online media, though the sector is poorly developed. Less than a third of the population has internet access.”

› [freedomhouse.org/report/freedom-world/2014/s-o-tom-and-pr-ncipe-0#VGutk\\_IKKSo](https://freedomhouse.org/report/freedom-world/2014/s-o-tom-and-pr-ncipe-0#VGutk_IKKSo)

# Norway

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 8

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 report published in 2014, and including 11 of the past 13 annual reports).

Rating: Mostly Satisfactory

*This country is found to be declining due to 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".*

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 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 and freedom of expression are protected by the Norwegian Constitution (Articles 16 and 100, respectively). 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 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."*

› [stortinget.no/globalassets/pdf/constitutionenglish.pdf](http://stortinget.no/globalassets/pdf/constitutionenglish.pdf)

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 from the state. 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 for the state church is exclusive for the Church of Norway.

## Church of Norway

In 2012, the ties between the Church of Norway and the state were partly dissolved. However, the Evangelical-Lutheran Church (Den norske kirke) is still described as "the Established Church of Norway" (Norges Folkekirke) and remains the de facto state church, with bishops and priests still "state officials".

› [human.no/Livssynspolitik/?index=5](http://human.no/Livssynspolitik/?index=5)  
[Statskirkeordningen/?index=5](http://Statskirkeordningen/?index=5)

Article 2 of the Constitution had previously stated that "The Evangelical-Lutheran religion shall remain the official religion of the State. The inhabitants professing it are bound to bring up their children in the same." The article was changed in 2012 to a somewhat more inclusive wording: "Our values will remain our Christian and humanist heritage." A requirement that at least half of the government had to be church members was also removed in 2012.

Since 2012 the monarch is no longer the head of the Church of Norway. The monarch is however still required to profess the Evangelical-Lutheran religion (hence the monarch's own 'religious freedom' is compromised) and the monarch must invoke "God, the Almighty and Omniscient" in the oath of accession (Art. 4 and Art. 9, Constitution).

## Education and children's rights

Many state schools take the students to church services before Easter or Christmas. Even though students are not formally required to take part, peer pressure and inadequate information on exemption rules results in some students participating in the school church services against their will.

Changes to religious education in 2015 have raised serious concerns of undue bias toward Christianity in the classroom.

Under the centre-right coalition government formed in 2013, there have been more heated debates around various social topics including immigration, as well as education and religion. Though the government itself formally consists of the Conservative party and Progress party, a secondary agreement with the Liberal party and the Christian Democratic Party ensures significant influence on policy from these parties.

The Christian Democrats are widely regarded to have based their support for the coalition on an education reform, which as of the 2015 school year, re-emphasises Christianity in religious education. The previous equivalent school subject "Religion, Lifestance and Ethics" (Religion, livssyn og etikk, RLE) was mandatory for Norwegian students, covering world religions on a roughly comparative basis (though there were already some concerns about the prominence or bias toward Christianity under RLE).

However, as of 2015 the subject is now KRLE, to emphasise "Kristendom", under which teachers are encouraged to make "about half" of the classes cover Christianity exclusively.

Some pedagogists had quickly objected that this change would represent a retrograde "setback", resurrecting old problems:

*"...it is clear from this proposal that the main concern seems to be to secure an extended focus on Christianity. However, from the perspective of Study of Religions, this represents a real setback for the development of RE in Norway, as it re-introduces the old Christianity + others model, in which most of the teaching should revolve around Christianity."*

— Bengt-Ove Andreassen, Associate Professor

› [ojs.tsv.fi/index.php/temenos/article/viewFile/9544/13973](https://ojs.tsv.fi/index.php/temenos/article/viewFile/9544/13973)

Likewise, the Norwegian Humanist Association campaigned against the change, arguing: that under KRLE, more students were likely to apply for exemption, which "will help to segregate students by religion or belief"; that the realignment of the subject "sends a signal that Christianity is more important and more accurate than other religions and beliefs", constituting a public privilege for Christianity; that by comparison other "religions, beliefs, ethics and philosophy" would get less time and so teaching

would be of a lower quality; that most Christian groups also seemed to dispute the need for or wisdom of the change; and that the change was "not evidence-based, but ideologically and religiously rooted". In summary:

*"We believe that the introduction of a symbolic K for Christianity [Kristendom] will seem divisive, and that the stipulation "about half" for Christianity represents a distinct bias in the direction of a specific religion. In addition, we are not confident that the KRLE subject is in line with human rights... We believe that school should be a place where all students meet on an equal basis regardless of religion or belief. A society with several religions needs cohesion rather than disunity..."*

› [human.no/Skolesider/KRLE/hvorfor-er-human-etisk-forbund-imot-krle/](https://human.no/Skolesider/KRLE/hvorfor-er-human-etisk-forbund-imot-krle/)

The objections were in fact voiced widely: KRLE was protested by a huge popular petition, education experts were overwhelmingly against it, concerns were raised by the Christian Educational Forum, and it was even criticised by bishops of the Church of Norway.

› [iko.no/2014/1/krle-a-skape-problemer-i-stedet-for-a-lose-eksisterende](https://iko.no/2014/1/krle-a-skape-problemer-i-stedet-for-a-lose-eksisterende)

› [aftenposten.no/nyheter/iriks/Biskoper-sier-nei-til-nytt-religionsfag-7522456.html](https://aftenposten.no/nyheter/iriks/Biskoper-sier-nei-til-nytt-religionsfag-7522456.html)

Despite significant dissent, KRLE came into force for the 2015-16 academic year. There are concerns that while opting out is permitted from specific activities, in practice the change may seriously alter the tone of delivery, especially under individual teachers that are inclined to be more prescriptive about religion. While the subject may still be considered broadly comparative (in that it does still contain other beliefs, including Humanist and secular positions, though as a necessarily reduced proportion of the overall subject) the newly exaggerated emphasis on Christianity "casts doubt on whether the subject remains non-confessional", according to Lars-Petter Helgestad, of the Norwegian Humanist Association.

› [utrop.no/Plenum/Kommentar/Blogg/29027](https://utrop.no/Plenum/Kommentar/Blogg/29027)

## Family, community and society

While the majority of the population remain nominally affiliated with the Church of Norway (74,3 % as of January 1st 2015), the most recent figures from Statistics Norway describe a "Steady decline in number of church baptisms". <[ssb.no/en/kultur-og-fritid/statistikker/kirke\\_kostra/](https://ssb.no/en/kultur-og-fritid/statistikker/kirke_kostra/)>

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.

› [newsinenglish.no/2009/09/30/church-attendance-hits-new-low/](http://newsinenglish.no/2009/09/30/church-attendance-hits-new-low/)

## Freedom of expression, advocacy of humanist values

Freedom of expression is guaranteed in the constitution and generally upheld in practice.

The largest non-religious organization is the Norwegian Humanist Association, Human-Etisk Forbund (HEF) with over 85,000 members. (HEF is a Member of the IHEU.) 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 some decades, though threats had been in relation to republication of the Jyllands-Posten cartoons as recently as 2006.

A parliamentary vote had already indicated political consensus to abolish the law, but the decision had not come into effect due to delays in implementing a revised Penal Code. In direct response to the Charlie Hebdo massacre in Paris in January 2015, two Norwegian MPs brought a motion in February arguing that the blasphemy prohibition “underpins a perception that religious expressions and symbols are entitled to a special protection... This is very unfortunate signal to send, and it is time that society clearly stands up for freedom of speech.” The motion passed with broad political and public support.

› [thelocal.no/20150507/norway-scraps-blasphemy-law-after-hebdo-attacks](http://thelocal.no/20150507/norway-scraps-blasphemy-law-after-hebdo-attacks)

› [human.no/Livssynspolitik/blasfemi/](http://human.no/Livssynspolitik/blasfemi/)

# United States of America

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 8

The United States of America is a large country of around 315 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
Official symbolic deference to religion Anomalous discrimination by local or provincial authorities, or overseas territories		Localised or infrequent but recurring and widespread social marginalisation or prejudice against the non-religious	
	No formal discrimination in education		No fundamental restrictions on freedom of expression or advocacy of humanist values

## 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 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 Amendment has two clauses directly relating to the relationship between state and religion. The “Free Exercise Clause”, protects the rights of people to hold whatever religious beliefs he or she wants, and to exercise that belief. This protection has also been extended to the right to non-belief. The “Establishment Clause” forbids the establishment of a state church and prevents the government, both state and federal, from favoring any one religious doctrine. This is often called the separation clause, referring to Thomas Jefferson's description of “a wall of separation between church and state”.*

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.

## Concerns regarding Trump presidency

US president-elect Trump courted and won the support of conservative Christian leaders. Some commentators have noted that since claiming victory, Trump has rowed back on some of the pledges made during the campaign, but policy pledges around conservative religious and nationalist values are being upheld in his post-election statements and appointments. He has said that his promise to appoint pro-gun, pro-life Supreme Court judges would be kept, and responding to the prospect of women finding it harder to obtain an abortion he said: "Yeah, well, they'll perhaps have to go, they'll have to go to another state." He offered the job 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. The National Education Association criticised 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 his running mate, Mike Pence, there are various threats to LGBTI 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, comments: "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."

› [patheos.com/blogs/friendlyatheist/2016/11/14/donald-trump-women-may-have-to-go-to-another-state-to-obtain-abortions-under-his-supreme-court/](https://patheos.com/blogs/friendlyatheist/2016/11/14/donald-trump-women-may-have-to-go-to-another-state-to-obtain-abortions-under-his-supreme-court/)

› [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-e3ebab6bcdd3\\_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-e3ebab6bcdd3_story.html)

› [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)

## 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. 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 organisation."

› [latimes.com/opinion/op-ed/la-oe-balmer-johnson-amendment-20170202-story.html](https://latimes.com/opinion/op-ed/la-oe-balmer-johnson-amendment-20170202-story.html)

There is no restriction on a religious leaders right to act in a partisan fashion, however at present if they do so act, 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."

› [americanhumanist.org/press-releases/humanists-rail-trumps-theocratic-speech/](https://americanhumanist.org/press-releases/humanists-rail-trumps-theocratic-speech/)

## "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.

› [oldtimeislands.org/pledge/pledge.htm](https://oldtimeislands.org/pledge/pledge.htm)

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.

› [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/)

The Don't Say the Pledge campaign [dontsaythepledge.com/](https://dontsaythepledge.com/) by the American Humanist Association has had some success in 2015, for example establishing precedents against the enforced recitation of the pledge by students in school settings.

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

### 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. However, in November 2015, the association lost a similar case challenging a 40-foot Christian cross, known as the Peace Cross, in Bladensburg, Maryland.

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 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.”*

— [arkleg.state.ar.us/assembly/Summary/ArkansasConstitution1874.pdf](http://arkleg.state.ar.us/assembly/Summary/ArkansasConstitution1874.pdf)

Similar laws exist in Maryland, Mississippi, Texas, both Carolinas, Tennessee and Pennsylvania.

› [ffrf.org/faq/feeds/item/14017-religious-tests-for-public-office](http://ffrf.org/faq/feeds/item/14017-religious-tests-for-public-office)

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.

› [secular.org/issues/vouchers](http://secular.org/issues/vouchers)

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

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...”

› [americanhumanist.org/news/details/2015-10-aha-joins-groups-opposing-private-school-vouchers](http://americanhumanist.org/news/details/2015-10-aha-joins-groups-opposing-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. Despite a recent decline in support a 2011 poll found that 65% of the Americans support school prayer. Over the decades there have been numerous legal cases, many of which have gone as far as the supreme court.

› [aclu.org/religion-belief/aclu-and-freedom-religion-and-belief](http://aclu.org/religion-belief/aclu-and-freedom-religion-and-belief)

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

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.

› [thisamericanlife.org/radio-archives/episode/534/transcript](http://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](http://nytimes.com/2014/11/18/nyregion/east-ramapo-school-board-is-criticized-by-new-york-city-monitor.html?_r=0)

On June 26, 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."

› [americanhumanist.org/featured/aha-condemns-supreme-court-ruling-sending-tax-dollars-churches/](http://americanhumanist.org/featured/aha-condemns-supreme-court-ruling-sending-tax-dollars-churches/)

## 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*. 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 and sought for 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 nonprofit 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.

› [economist.com/blogs/economist-explains/2014/03/economist-explains-19](http://economist.com/blogs/economist-explains/2014/03/economist-explains-19)  
› [msnbc.com/msnbc/hobby-lobby-supreme-court-wins-narrow-ruling](http://msnbc.com/msnbc/hobby-lobby-supreme-court-wins-narrow-ruling)

### 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.

› [pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://pewforum.org/2015/05/12/americas-changing-religious-landscape/)

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 Americans 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 Americans (75% of Evangelicals) have a less favourable view of atheists than most other belief groups.

› [pewresearch.org/fact-tank/2014/05/29/americans-are-somewhat-more-open-to-the-idea-of-an-atheist-president/](http://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/](http://pewresearch.org/fact-tank/2014/07/16/u-s-evangelical-christians-are-chilly-toward-atheists-and-the-feeling-is-mutual/)

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. [news.vice.com/story/facebook-is-still-spreading-conspiracies-48-hours-after-texas-shooting](http://news.vice.com/story/facebook-is-still-spreading-conspiracies-48-hours-after-texas-shooting)

Following the presidential election of Donald Trump in November 2016, right-wing Christian lobby group National Organization for Marriage (NOM) have 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.

› [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)

## 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 in the culture.

However there are concerns following the November 2016 elections that President Trump has 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 is 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.

For example, there are several Congress members who refuse to list their religious affiliation but only one of the 535 members of Congress claim to be non-religious (Rep. Kyrsten Sinema (Arizona) listed “none” under the category of religious affiliation). One former Congressman, Barney Frank, who had previously suggested he was an atheist, said in his 2015 memoir that, “In fact, I am not an atheist”, and even advised others against using the term.

› [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/)

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”.

› [huffingtonpost.com/2014/08/22/atheist-congress-members\\_n\\_5701377.html](http://huffingtonpost.com/2014/08/22/atheist-congress-members_n_5701377.html)

### 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. In one widely-reported case, Kentucky clerk Kim Davis, an elected official, was briefly sent to prison after refusing to comply with the ruling by issuing same-sex marriage licenses, for discriminating against same-sex couples.

## Highlighted cases

There were some mixed signs for secular equality in the justice system in 2015. 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

› [americanhumanist.org/news/details/2015-09-humanist-group-defends-atheist-sentenced-to-attend-f](http://americanhumanist.org/news/details/2015-09-humanist-group-defends-atheist-sentenced-to-attend-f)

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.

› [americanhumanist.org/news/details/2015-07-american-humanist-association-secures-equal-rights-f](http://americanhumanist.org/news/details/2015-07-american-humanist-association-secures-equal-rights-f)

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 August 28, 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.

› [atheists.org/2017/03/child-forced-baptism/](http://atheists.org/2017/03/child-forced-baptism/)

# Saint Kitts and Nevis

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 10

Saint Kitts and Nevis, also known as The Federation of Saint Christopher and Nevis, is a two-island nation in the Caribbean which maintains a multi-party parliamentary

democracy political system under a constitutional monarchy.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
Official symbolic deference to religion	State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional		Some concerns about political or media freedoms, not specific to the non-religious
		No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state	

## Constitution and government

Saint Kitts and Nevis has a constitution which protects the religious rights of all individuals, regardless of whether or not they believe in a god. The government is secular and generally does not interfere with freedom of belief.

The constitution of Saint Kitts and Nevis protects freedom of expression and religion.

However some government endorsement of religion does occur, as well as some apparent discrimination against Rastafarians (see below).

## Education and children's rights

Public schools undertake Christian religious instruction and religious assemblies, though students who do not want to attend may opt out from all religious activities. The government requires prayers to be said in all public schools.

The Organization for Rastafarians in Unity (ORU) have complained that both public and private schools have refused to enroll children of Rastafarian parents. However, it seems to be agreed that this discrimination is indirect, because the Ministry of Health requires immunization of all children before enrolling in school, whereas Rastafarian parents often do not vaccinate their children on purportedly "religious" grounds. In October 2017 officials agreed to

permit unvaccinated children to attend schools, stating it would develop a formal process to allow for the exemption. [› state.gov/j/drl/rls/irf/2017/wha/281096.htm](https://state.gov/j/drl/rls/irf/2017/wha/281096.htm)

## Family, community and society

We have found no reports of direct discrimination against non-religious individuals.

There is social and employment discrimination against Rastafarians. The Organization for Rastafarians in Unity (ORU) report that they are harassed and that the mandatory cutting of dreadlocks may occur while in prison. The government prohibits the use of marijuana, including for religious purposes.

## Freedom of expression, advocacy of humanist values

Freedom House rate Saint Kitts and Nevis as "Free", however: "There are some concerns about government corruption and transparency, particularly in regard to the Citizenship by Investment Program (CIP). Authorities in recent years have struggled to address a rising crime rate." While freedom of expression is generally respected, Freedom House also explains that "the government owns the sole local television station, and the opposition faces some restrictions on access to it, particularly around elections. Defamation is a criminal offence that can

potentially carry a prison sentence. Some journalists reportedly self-censor in order to avoid pressure from government officials.”

› [freedomhouse.org/report/freedom-world/2018/st-kitts-and-nevis](https://freedomhouse.org/report/freedom-world/2018/st-kitts-and-nevis)

**Middle-performers:** In this section we include several middle-ranking countries chosen to illustrate a variety of issues.

# Spain

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 89

Spain is a constitutional monarchy with a bicameral parliament.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
There is systematic religious privilege State-funding of religious institutions or salaries, or discriminatory tax exemptions	There is state funding of at least some religious schools	Discriminatory prominence is given to religious bodies, traditions or leaders	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		

## Constitution and government

The constitution and other laws and policies protect freedom of religion or belief, freedom of expression, and freedom of assembly and association. These rights are generally respected in practice, and there is no state religion, although the Roman Catholic Church continues to receive some privileges that are not available to other religions or groups.

The constitution provides for religious freedom and the freedom of worship by individuals and groups. The constitution also states that "no faith shall have the character of a state religion."

Federal tax law, however, provides taxpayers the option of allocating up to 0.7 percent of their income tax to the Catholic Church or to a nongovernmental organization (NGO), but not to other religious groups.

As a result of a 1979 agreement with the Vatican, religious institutions are exempt from paying property tax.

## Education and children's rights

The government funds teachers for Catholic, Islamic, Protestant, and Judaic instruction in public schools when at least 10 students request it. The courses are not

mandatory. Those students who elect not to take religious education courses are required to take an alternative course covering general social, cultural, and religious themes. Religious groups are responsible for selecting teachers for their particular religion. Either the national Ministry of Education or the regional entity responsible for education certifies teachers' credentials.

## Family, community and society

Secularization is proceeding apace in some regions. Around 30% of Catalans now profess atheism, compared to 20% Roman Catholicism. According to a survey conducted in 2016 by the Center for Sociological Research, 19.4 percent of respondents identified themselves as "non-believers" and an additional nine percent stated themselves as being outright "atheistic." At 67.8 percent, Roman Catholicism has the largest group of religiously affiliated adherents.

## Expression, advocacy of humanist values

The expression of humanist or secular values is generally respected.

There are some concerns that the Law on Public Safety (2015) places some undue limits on freedom of expression and association on "public order" grounds. Under the

law all protests must be registered with a local authority and protesters are forbidden from demonstrating near government buildings. Disseminating unauthorized images of law enforcement can also carry a penalty of up to €30,000.

› [freedomhouse.org/blog/worrying-setback-freedom-expression-spain](https://freedomhouse.org/blog/worrying-setback-freedom-expression-spain)

### De facto “blasphemy” law

A de facto blasphemy law is still on statute and is sometimes enforced. Article 525 of the Spanish Civil Code reads:

*“1. Those that, in order to offend the feelings of members of a religious confession, make public derision, orally, by writing or through any type of document, of their dogmas, beliefs, rituals or ceremonies or mistreat, also publicly, those who practice that religion, will be punished with a fine between eight to twelve month of their salary. 2. Those that make public derision, orally or by writing, of people who do not confess any religion will incur in the penalties set in the previous paragraph.”*

› [ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Spain.pdf](https://ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Spain.pdf)

There have been a number of prosecutions under this law in the last several years. Most of these cases have been brought by the Spanish Association of Christian Lawyers and by a Catholic legal association, the Tomás Moro Legal Center.

Europa Laica, an organization that promotes pluralism and freedom of conscience, campaigns against Article 525 and has initiated a petition for its derogation.

› [peticionpublica.es/Default.aspx?pi=P2010N4138](https://peticionpublica.es/Default.aspx?pi=P2010N4138)

## Highlighted cases

In July 2017, the Spanish actor Willy Toledo wrote a Facebook post to express his indignation after three women were charged for offense against religious feelings by parading a large model of vagina through the streets of Seville during what was called the Procession of the insubordinate pussy. The Facebook post read:

*“I shit on God and have enough shit left over to shit on the dogma of the saintliness and virginity of the Virgin Mary. This country is unbearably shameful. I’m disgusted. Go fuck yourselves. Long live the Insubordinate Pussy.”*

› [elpais.com/elpais/2018/09/04/inenglish/1536063749\\_831261.html](https://elpais.com/elpais/2018/09/04/inenglish/1536063749_831261.html)

The Spanish Association of Christian Lawyers filed a complaint against Toledo. In May 2018, instead of appearing at court, the actor called a press conference where he stated that he had not committed any crime and therefore would not appear before a judge. In September 2018, the Court of Madrid issued an arrest warrant against Toledo after he twice failed to appear and testify in court.

› [eldiario.es/politica/archivan-mayoria-denuncias-sentimiento-religioso\\_0\\_343665942.html](https://eldiario.es/politica/archivan-mayoria-denuncias-sentimiento-religioso_0_343665942.html)  
› [humanistfederation.eu/spanish-actor-willy-toledo-prosecuted-following-case-on-insult-to-religion/](https://humanistfederation.eu/spanish-actor-willy-toledo-prosecuted-following-case-on-insult-to-religion/)

In 2004, the Spanish singer Javier Krahe was accused of blasphemy based on a short-film shot in 1978, where the artist allegedly showed how to cook a crucified Christ. The case was open for eight years and in 2012, after multiple attempts by the Tomás Moro Legal Center to prosecute him, the judge ruled that there was no intention from the defendant to humiliate religious beliefs and Krahe was acquitted.

› [elpais.com/sociedad/2012/05/26/actualidad/1338051427\\_175989.html](https://elpais.com/sociedad/2012/05/26/actualidad/1338051427_175989.html)

During his play The Revelation, comedian Leo Bassi dressed up as the Pope in an attempt to condemn religious fanaticism and obscurantism. The Tomás Moro Legal Center accused Bassi of breaching Article 525. However, the court concluded in 2015 that apparently believing in a religion and publicly manifesting it (even in the form of satire chosen by Bassi) is protected under freedom of expression. Bassi also received multiple death threats and on 1 March 2015, during one of the comedian’s shows, a homemade explosive device was put under a theatre chair (luckily, the bomb caught fire but did not explode).

› [eldiario.es/politica/archivan-mayoria-denuncias-sentimiento-religioso\\_0\\_343665942.html](https://eldiario.es/politica/archivan-mayoria-denuncias-sentimiento-religioso_0_343665942.html)

# Papua New Guinea

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 97

Papua New Guinea is located on the eastern half of the island of New Guinea, which is the second largest island in the world. The country was divided between Germany and UK in 1885. In 1976, Papua New Guinea became an independent country. Some significant social tensions

and social dysfunction are associated with religion in the country including violence against accused so-called 'witches', homophobia, and deteriorating Muslim-Christian relations.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
There is systematic religious privilege State-funding of religious institutions or salaries, or discriminatory tax exemptions	There is state funding of at least some religious schools	Religious groups control some public or social services	Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect
Official symbolic deference to religion	State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional		Some concerns about political or media freedoms, not specific to the non-religious

## Constitution and government

The constitution protects the rights to religious freedom, conscience and to freedom of thought. There is no official state religion but the preamble of the Papua New Guinea constitution points to Christian principles which are the principle of the country.

In June 2016, the Constitutional Review commission halted a parliamentary proposal to 'prohibit the worship of non-Christian faiths' on the grounds that such a ban would be in violation of religious freedom.

## Education and children's rights

Education in Papua New Guinea is a shared venture with other agencies. The Catholic Church is one of those agencies. After the independence of Papua New Guinea churches were pioneers of Western education in Papua New Guinea. In 1995 churches operated 20 professional schools nurses and other community health workers. The National Department of Education estimates that churches provide 29 % of lower secondary education.

› [education.stateuniversity.com/pages/1166/Papua-New-Guinea-EDUCATIONAL-SYSTEM-OVERVIEW.html](https://education.stateuniversity.com/pages/1166/Papua-New-Guinea-EDUCATIONAL-SYSTEM-OVERVIEW.html)

Churches continue to run most schools and many health

services, and the government provides support for these institutions. In addition, the government pays the salary and provides benefits for the majority of teachers and health staff (generally members of the civil service) who work at these church-administered institutions, as it does with teachers and health staff of national institutions.

It is the policy of the Department of Education to set aside one hour per week for religious instruction in the public schools. Representatives of Christian churches teach the lessons, and students attend the class operated by the church of their parents' choice. Children whose parents do not wish them to attend the classes are excused.

## Family, community and society

### Demography

According to research by the Australian social and political science researcher Dr. Scott Flower, the Muslim minority in Papua New Guinea has grown by around 500% since 2001, due to an increase in conversions to Islam by indigenous people. The change has caused tensions in Christian-Muslim relations. Flower believes the change is driven by converts rejecting the influence of Christianity, which they associate with colonization and the destruction of the traditional culture.

› [academia.edu/1231008/Christian\\_Muslim\\_relations\\_in\\_](https://academia.edu/1231008/Christian_Muslim_relations_in_)

## Papua\_New\_Guinea

### Witch hunts

Witch hunts in Papua New Guinea are still common. 80% of the population in Papua New Guinea still live in the bush. According to the Papua New Guinea's Constitutional and Law Reform Commission 150 attacks a year were reported in the Highlands province of Simbu alone. In February 2013 a 20-year old woman was accused of killing and eating the liver of a 6-year-old boy. She was tortured and burned alive in front of hundreds of people. Police said that they were outnumbered and couldn't save the woman. In Papua New Guinea witchcraft is often blamed for unexplained misfortunes.

› [bbc.co.uk/news/world-asia-21363894](http://bbc.co.uk/news/world-asia-21363894)

› [smh.com.au/world/witchhunt-20130419-2huha.html](http://smh.com.au/world/witchhunt-20130419-2huha.html)

› [freethinker.co.uk/2013/02/13/leo-igwes-bid-for-help-to-fight-superstition-in-papua-new-guinea-is-rebuffed/](http://freethinker.co.uk/2013/02/13/leo-igwes-bid-for-help-to-fight-superstition-in-papua-new-guinea-is-rebuffed/)

› [theaustralian.com.au/news/world/Papua New Guinea-women-in-easter-torture/story-e6frg6so-1226613576167?nk=38a8d23aab4a46e19948bbef0c05ff3b](http://theaustralian.com.au/news/world/Papua-New-Guinea-women-in-easter-torture/story-e6frg6so-1226613576167?nk=38a8d23aab4a46e19948bbef0c05ff3b)

### Homophobia

Papua New Guinea has strict anti-gay laws which "provide a 14 year sentence for consensual sex between same-sex couples". This induced many LGBT personalities to seek for asylum in other countries.

› [gaynewsnetwork.com.au/news/gay-asylum-seekers-fear-persecution-under-papua-new-guinea-s-anti-gay-laws-13108.html](http://gaynewsnetwork.com.au/news/gay-asylum-seekers-fear-persecution-under-papua-new-guinea-s-anti-gay-laws-13108.html)

## Freedom of expression, advocacy of humanist values

Freedom of speech is generally guaranteed and the government respects this freedom as well as freedom of media in practice.

### Blasphemy censorship

However, Papua New Guinea does prohibit "blasphemous" content in published material. The Classification of Publication (Censorship) Act 1989 defines an "objectionable publication" as one which inter alia depicts "matters of sex, drug misuse or addiction, crime, cruelty, blasphemy, immorality, violence or revolting or abhorrent phenomena in a manner that is likely to be offensive to a reasonable adult person and is undesirable in the interest of the public".

› [wipo.int/wipolex/en/text.jsp?file\\_id=199835](http://wipo.int/wipolex/en/text.jsp?file_id=199835)

The usual sentence for breaking the law is confiscation and destruction of prohibited goods, but the courts can impose a fine or even a prison term up to 2 years. It is unclear whether the prison sentence would apply to specifically "blasphemous" content in and of itself.

## Press and online freedoms

There is no government news agency in Papua New Guinea but there are several privately operated news agencies.

However, there are concerns about restrictions on social media introduced in 2015.

› [bc.net.au/news/2015-10-22/png-government-cracks-down-on-social-media/6877024](http://bc.net.au/news/2015-10-22/png-government-cracks-down-on-social-media/6877024)

Greece, regarded by many as the birthplace of democracy in Europe, has been hit hard by the current financial crisis,

and seen a rise of extreme nationalism in recent years.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
			'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence
There is systematic religious privilege State-funding of religious institutions or salaries, or discriminatory tax exemptions			
	State-funded schools offer religious or ideological instruction with no secular or humanist alternative, but it is optional		
		Insufficient information or detail not included in this report	

## Constitution and government

The constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association. However, anti-blasphemy laws and state sponsorship of religion exist.

### Orthodox privilege

The government financially supports the Orthodox Church; for example, the government pays for the salaries and religious training of clergy, finances the maintenance of Orthodox Church buildings, and exempts from tax Orthodox Church's revenues from properties it owns.

## Education and children's rights

Orthodox religious instruction in primary and secondary schools, at government expense, is mandatory for all students. Although non-Orthodox students may exempt themselves, in practice public schools offer no alternative

activity or non-Orthodox religious instruction for these children.

## Freedom of expression, advocacy of humanist values

### Blasphemy

Recent years have seen a number of blasphemy cases, coinciding with increasing xenophobia and civil strife in Greek society. Article 198 of the Greek Penal Code states that "1. One who publicly and maliciously and by any means blasphemes God shall be punished by imprisonment for not more than two years; 2. Anyone, except as described in par.1, who displays publicly with blasphemy a lack of respect for things divine, is punished with up to 3 months in prison."

Article 199 states that "one who publicly and maliciously and by any means blasphemes the Greek Orthodox Church or any other religion tolerable in Greece shall be punished by imprisonment for not more than two years." Similarly,

the country outlaws any speech or acts that “insults public sentiment” or “offends people’s religious sentiments.”

## Highlighted cases

On June 9th, 2012, three actors in the play “Corpus Christi” were arrested on the charge of blasphemy following a lawsuit filed by Greek Orthodox Bishop Seraphim of Piraeus. Then, in November, the Athens public prosecutor charged the organizers, producers and cast of the play with blasphemy. If convicted, they could face several months in prison. According to newspaper reports, Bishop Seraphim was accompanied to court by members of the neo-Nazi Golden Dawn party.

› [csmonitor.com/World/Europe/2012/1002/Blasphemy-in-democracy-s-birthplace-Greece-arrests-Facebook-user](http://csmonitor.com/World/Europe/2012/1002/Blasphemy-in-democracy-s-birthplace-Greece-arrests-Facebook-user)

In late September, 2012, a man was arrested in Evia, Greece, on charges of posting “malicious blasphemy and religious insult on the known social networking site, Facebook”. The accused, 27-year-old Phillipos Loizos, had created a Facebook page for “Elder Pastitsios the Pastafarian”, playing on a combination of Elder Paisios, the late Greek-Orthodox monk revered as a prophet by some, and the Greek food pastitsio, a baked pasta dish made of ground beef and béchamel sauce. “Pastafarian” refers to the spoof religion of the Church of the Flying Spaghetti Monster, itself an intentional pun on aspects of Creationism. A manipulated image on the Facebook page depicted Elder Pastitsios with a pastitsio where the monk’s face would normally appear.

› [greece.greekreporter.com/2012/11/16/greece-prosecutes-corpus-christi-for-blasphemy/](http://greece.greekreporter.com/2012/11/16/greece-prosecutes-corpus-christi-for-blasphemy/)

On March 14th, 2013, Greek artist Dionysis Kavalieratos was tried in court on blasphemy charges for three of his Christian-themed cartoons that were displayed in a private Athens art gallery. The gallery owner was a co-defendant. He was acquitted.

› [onthewaytoithaca.wordpress.com/2013/04/19/greek-artist-acquitted-of-blasphemy-charges/](http://onthewaytoithaca.wordpress.com/2013/04/19/greek-artist-acquitted-of-blasphemy-charges/)

# Ireland

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 115

Ireland is a Republic of about 4.8 million people. It covers about five-sixths of the geographical island of Ireland. In 1922 it achieved de facto independence from the UK, and became the mostly-Catholic Irish Free State. The rest of the island remained within the UK, and became the mostly-Protestant Northern Ireland. In 1937 the Irish Free

State adopted a new constitution which named the state Ireland. In 1949 Ireland declared itself a fully sovereign Republic. In 1972 Ireland joined what is now the European Union. In 1999 the Belfast Agreement created new shared institutions between Ireland and Northern Ireland, and between Ireland and the UK.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
There is systematic religious privilege 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 Religious schools have powers to discriminate in admissions or employment Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)	Religious groups control some public or social services	Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect
Official symbolic deference to religion			

## Constitution and government

The constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association. However, state sponsorship of religion, particularly in the education system, and laws against blasphemy, are in place.

The constitution is ostensibly secular, stating that "no law may be made either directly or indirectly to endow any religion". However, the state argues that it is constitutionally obliged to buttress the rights of religious bodies to act in accordance with their own religious ethos, even while those religious bodies are delivering state-funded essential public services such as schools and hospitals.

### Explicit appeals to the Christian god

The constitution includes explicit appeals to the Christian god, including:

*The preamble: "In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Éire, Humbly acknowledging all our obligations to our Divine Lord, Jesus Christ..."*

**Article 44: "The State acknowledges that the homage of public worship is due to Almighty God. It shall hold His Name in reverence, and shall respect and honour religion."**

Every day, the Dail and Seanad (the houses of parliament) begin their work with a public prayer to the Christian God. The chairperson must read this prayer aloud, which imposes a religious test on an elected public office-holder. In 2017, the Dail added a moment of silent reflection for non-Christians, but also voted that parliamentarians must now stand during the Christian prayer.

› [atheist.ie/2017/05/do-not-stand-for-this/](http://atheist.ie/2017/05/do-not-stand-for-this/)

### Religious oaths for public office holders

Articles 12, 31 and 34 of the constitution include obligatory religious oaths for the President, judges, and members of the Council of State which includes the Taoiseach (Prime Minister), Tanaiste (Deputy Prime Minister), Chief Justice, President of the High Court, chairs of the Dail and Seanad, and Attorney General. This is the Presidential oath:

*"In the presence of Almighty God I do solemnly and sincerely promise and declare that I will maintain the Constitution of Ireland and uphold its laws, that I will fulfil my duties faithfully and conscientiously in accordance with*

*the Constitution and the law, and that I will dedicate my abilities to the service and welfare of the people of Ireland. May God direct and sustain me."*

These oaths effectively preclude conscientious atheists and agnostics from holding these important positions.

In 2014, the United Nations Human Rights Committee told Ireland:

Ireland should amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior public office positions, taking into account the Committee's general comment No. 22 (1993) concerning the right not to be compelled to reveal one's thoughts or adherence to a religion or belief in public.

› [atheist.ie/2014/07/irish-government-again-evades-un-questions-on-oaths-blasphemy-and-religious-discrimination-in-irish-schools/](http://atheist.ie/2014/07/irish-government-again-evades-un-questions-on-oaths-blasphemy-and-religious-discrimination-in-irish-schools/)

### Other constitutional and legal issues

The constitution is heavily influenced by the Roman Catholic ethos of 1937. Article 40.1, on equality before the law, does not include the principle of non-discrimination. Article 40.3.3 makes abortion unconstitutional in all but very few circumstances. Article 40.6.1 makes blasphemy a criminal offence. Article 41.2 refers to the duties of women in the home. Article 42, on education, and Article 44, on religion, do not protect freedom of thought, conscience and religion for atheists, agnostics and humanists, particularly within the education system.

› [taoiseach.gov.ie/eng/Historical\\_Information/The\\_Constitution/Bunreacht\\_na\\_hEireann\\_October\\_2015\\_Edition.pdf](http://taoiseach.gov.ie/eng/Historical_Information/The_Constitution/Bunreacht_na_hEireann_October_2015_Edition.pdf)

In 2013 the Humanist Association of Ireland said: "If the Constitution is to be a document to speak for all citizens, its current wording fails that test."

› [humanism.ie/wp-content/uploads/2013/03/EqualityForNon-ReligiousPamphlet.pdf](http://humanism.ie/wp-content/uploads/2013/03/EqualityForNon-ReligiousPamphlet.pdf)

Many laws discriminate against atheists, humanists and minority faith members. These include the Education Act, which gives preference to religious families over nonreligious families; the Defamation Act, which includes the crime of blasphemy; the Equal Status Act and Employment Equality Act, which allow state-funded schools and hospitals to discriminate on the ground of religion; the Charities Act, which favours religious motivations over secular ones; and the Civil Registration Act, which discriminates against and among secular marriage solemnisers.

In 2015 Atheist Ireland elaborated on these issues in this report to the United Nations Human Rights Council for its Universal Periodic Review of Ireland:

› [atheist.ie/2015/09/universal-periodic-review-of-ireland/](http://atheist.ie/2015/09/universal-periodic-review-of-ireland/)

### Historical religious influence

The dominant religion has traditionally been Roman

Catholicism, and the Catholic Church has influenced the island since the fourth century. Most Irish people remained Catholic despite the reformation in England, and Irish history has been dominated by ethno-religious conflicts between Catholics and Protestants. Resistance to British rule largely came from Catholics (with some notable exceptions). Under British administration, the Catholic majority experienced high levels of discrimination, including restrictions on land ownership, limitations on religious practice, and being barred from political positions. Despite reforms, by the early 20th-century, discrimination was still widespread and was one of the factors fuelling an independence movement dominated by Catholics.

From the first decades of independence, the Catholic Church came to be dominant in both the political system and civil society. Over 92% of people were recognised as Catholic, and this grew as many Protestants left the Free State. The Catholic Church also wielded significant political influence. Pressure from the Church resulted in bans on contraception (partially legalised in 1978), homosexual acts (reluctantly legalised in 1993 after the David Norris case at the European Court of Human Rights), and divorce (legalised by referendum in 1997). Censorship of books, plays, television and films was also widespread, especially those not congruent with Catholic dogma. In 1982 a Catholic-backed referendum made abortion unconstitutional in all but very restrictive cases.

### Religious influence today

In recent decades the Catholic Church's influence on Irish civil society has waned. This is in part due to changes in demographics, urbanisation, and the country's emergence into the global economy. A series of Church scandals going back to the late 1990s, especially the Catholic Church Child Sex abuse appear to have contributed to plummeting church attendance. Whereas, back in the 1970s attendance had been recorded at 90%, recent surveys have recorded national weekly attendance at 30% with some parts of Dublin reporting attendance at less than 15%.

However, while the Catholic Church has lost the control that it used to have over the population, it still retains considerable political influence. This is because many of the laws that were passed while the Church was stronger are still in place. Some of these laws are underpinned by the 1937 constitution, and they would require referendums to amend them. Successive governments have been unwilling to fundamentally address this issue. One notable exception was the 2015 referendum that legalised marriage equality for same-sex couples.

In the 2016 census, 78.3% said they were Roman Catholic; 10.12% said they had no religion or were atheist or agnostic; 6.84% said they were of another Christian denomination; 2.54% did not answer the question; and 2.2% said they were of a non-Christian religion. In 2017 Atheist Ireland argued that these figures overestimate the strength of religion, because of bias in the census question, and made the following proposal to the census office to amend religion

question in the 2021 census:

› [atheist.ie/2017/11/religion-question-census-2021/](https://atheist.ie/2017/11/religion-question-census-2021/)

## Education and children's rights

The Catholic Church has dominated education in Ireland since British reforms in the 1830s. This dominance was expanded after independence. Currently, despite the church's decline in influence within the country as a whole, it still controls most state-funded public schools. This results in infringements of the human rights of atheists, humanists, and members of minority faiths.

### Multi-belief alliance for secular schools

In 2016 a multi-belief alliance was formed to campaign for secular schools, involving Atheist Ireland, the Evangelical Alliance of Ireland, and the Ahmadiyya Muslim Community of Ireland. This alliance has met with the Oireachtas (Parliament) Education Committee and the Council of Europe Commissioner for Human Rights.

› [teachdontpreach.ie/2016/12/oireachtas-education-committee/](https://teachdontpreach.ie/2016/12/oireachtas-education-committee/)

› [teachdontpreach.ie/2016/11/council-of-europe-commissioner/](https://teachdontpreach.ie/2016/11/council-of-europe-commissioner/)

There are four related areas in which Irish schools infringe on the human rights of atheists, humanists, and minority faith member. They are outlined in the Schools Equality PACT, an acronym for Patronage, Access, Curriculum, and Teaching.

› [atheist.ie/schoolsequality/](https://atheist.ie/schoolsequality/)

### Patronage

The Irish education system cedes control of most publicly funded schools to patron bodies, almost all religious. Nearly 90% of state-funded public primary schools are run solely by the Catholic Church. Most of the remaining primary schools are run by minority faith churches, or by a nonreligious patron body called Educate Together. Nearly half of all state-funded public second level schools are run by the Catholic Church. Most of the rest are run by state Education & Training Boards and are described as multi-denominational, but many of these are run in partnership with the Catholic Church or the Church of Ireland. There are currently no fully secular or non-denominational schools in Ireland.

These patron bodies are allowed to determine the ethos of the school, which in most cases is Catholic, and that ethos permeates throughout the whole school day. Even many schools directly run by the state, under Education & Training Boards, have a Catholic ethos and engage in "faith formation". The Oireachtas (parliament) Education Committee has concluded that multiple patronage and ethos as a basis for policy can lead to segregation and inequality, and that the objectives of admission policy should be equality and integration.

### Access

Section 7.3(c) of the Equal Status Act gives an exemption to religious-run, state-funded, schools that allows them to discriminate on the ground of religion in their admissions processes. The current Minister for Education is proposing measures to limit this exemption, but only in a way that enables such schools to protect their religious ethos in some way. In 2016 the Council of Europe Commissioner for Human Rights Nils Muiznieks told The Irish Times that:

*"You have a system which I have not encountered elsewhere... with the State being held hostage to an extent by patrons... Ireland is bound by international human rights standards and has to provide access to education on a non-discriminatory basis, however it does it."*

› [teachdontpreach.ie/2016/11/holding-state-hostage/](https://teachdontpreach.ie/2016/11/holding-state-hostage/)

The Humanist Association of Ireland argue in their report "Equality for Non-Religious People" that:

*"The reality for many families is one of lack of choice of school in their locality and many are effectively forced to send their children to schools of a particular religious denomination whose ethos is not in conformity with their own."*

› [humanism.ie/wp-content/uploads/2013/03/EqualityForNon-ReligiousPamphlet.pdf](https://humanism.ie/wp-content/uploads/2013/03/EqualityForNon-ReligiousPamphlet.pdf)

### Curriculum

The state's national curriculum is administered by the National Council for Curriculum and Assessment (NCCA), but there is also time put aside for the patron body's religious education programme. According to the NCCA, "The development of curriculum for religious education remains the responsibility of the different church authorities." This is usually, though not always, the Catholic Church.

Parents have a constitutional right to exempt their children from religious instruction in schools, but such parents are routinely asked to supervise them personally during school hours because schools will not do so.

The state religious education curriculum only includes discussion of atheism and humanism under the heading "Challenges to Faith". The NCCA recently produced a report on updating this course to cover Education about Religions and Beliefs and Ethics (ERBE). However, even if such a course was developed, it would be delivered in accordance with the religious ethos of each school. The Catholic Church has opposed, and has effectively prevented, the course being introduced.

The ethos of schools permits sex education to be delivered through the lens of the patron body, which in most cases is the Catholic Church.

### Teaching

An exemption in Section 37 of the Employment Equality Act allows state-funded Irish schools to legally discriminate

against teachers on the ground of religious belief, if “the provision of services in an environment which promotes certain religious values”. This Act was amended to prevent schools from also discriminating on the ground of sexuality or marital status, but they are still allowed to discriminate on the ground of religion. Most teachers in Ireland are expected to teach religious instruction, mostly Catholic, in order to access the teaching profession in the vast majority of state-funded schools.

### Recommendations from human rights bodies

In August 2014 the UN Human Rights Committee criticised the Irish government for its lack of provision of education to the non-religious and religious minorities stating:

*“The Human Rights Committee is concerned about the slow progress in increasing access to secular education through the establishment of non-denominational schools, divestment of the patronage of schools and the phasing out of integrated religious curricula in schools accommodating minority faith or non-faith children.”*

› [atheist.ie/2014/08/un-asks-ireland-about-religious-discrimination-in-irish-schools-video-and-transcript/](http://atheist.ie/2014/08/un-asks-ireland-about-religious-discrimination-in-irish-schools-video-and-transcript/)

In recent years, ten different United Nations and Council of Europe human rights oversight bodies have told Ireland that its schools are breaching the human rights of atheists, agnostics and members of minority faiths:

- Council of Europe Human Rights Commissioner 2017
- United Nations Committee on the Rights of the Child 2016
- United Nations Committee on ESC Rights 2015
- United Nations Human Rights Committee 2014
- Council of Europe Commission Against Racism and Intolerance 2013
- United Nations Committee on the Elimination of Racial Discrimination 2011
- United Nations Human Rights Committee 2008
- Council of Europe Protection of National Minorities 2006
- United Nations Committee on the Rights of the Child 2006
- United Nations Committee on Elimination of Racial Discrimination 2005

## Family, community and society

Three serious issues of concern in this area are the law against abortion, which is enshrined in the constitution, and about which the government has committed to hold a referendum in 2018; the same-sex marriage equality referendum, which was passed in 2015; and the Civil Registration Amendment Act 2012, which discriminates against and among secular marriage solemnisers.

### Abortion

Abortion has been illegal in Ireland since British rule and remained so after independence. In 1983 a Catholic-led referendum made abortion unconstitutional.

*“The State acknowledges the right to life of the unborn*

*and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.”*

Campaigners on both sides accepted that Irish women would continue to travel to England for abortions. But in 1992, the parents of a raped 14-year-old girl asked the police if they could use DNA from a foetus in the case against her rapist. The state responded by taking out an injunction preventing the child from travelling to England for an abortion. After a public outcry, the Courts found that a pregnant woman could have an abortion if there was a direct threat to her life. Because this girl was suicidal, she could have an abortion. The case became known as the X Case. It resulted in a further amendment to the constitution, which added:

*“This subsection shall not limit freedom to travel between the State and another state. This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.”*

In 2012 Savita Halappanavar died at University Hospital Galway in Ireland, after requesting and being denied an abortion. After another public outcry, the law was again relaxed very slightly, and the campaign for more liberal abortion laws intensified. In 2017 a Citizens’ Assembly recommended that the government hold a referendum to introduce more liberal abortion laws. An Oireachtas (parliament) committee is currently examining that recommendation. In 2017 the current government committed to holding a referendum during 2018, but has not decided what wording will be put before the people.

### Marriage Equality

In 2015 the Irish people passed a referendum to amend the constitution to allow same-sex couples to marry. The new clause that was added to the constitution is:

*“Marriage may be contracted in accordance with law by two persons without distinction as to their sex.”*

This made Ireland the first country in the world to introduce marriage equality by popular vote, as opposed to by a court decision or a parliamentary vote. It strengthens the argument that the Irish people are more secular than is reflected by the Irish constitution and laws. A separate Children and Family Relationships Act 2015 was passed in April 2015. This included adoption rights for same-sex couples.

### Civil Marriages

In 2012 the Civil Registration Act was amended to allow secular bodies to nominate solemnisers for civil marriage ceremonies. This Act overtly discriminates between religious and secular bodies on a number of grounds.

Religious bodies who nominate solemnisers can also promote a political cause, but secular bodies who nominate

solemnisers cannot legally promote a political cause. Also, secular bodies have to comply with regulations on length of time in existence, amount of members, and being ethical. These requirements do not apply to religious bodies, whose only condition is that they meet regularly for worship. The Act also discriminates between secular bodies, as only a body whose principal objects are secular, ethical and humanist (as well as other restrictions) can apply for inclusion on the Register of Solemnisers.

The Government claims that this discrimination has a legitimate aim, which is to ensure that the institution of marriage is protected. When the Bill was being debated in parliament, the Minister suggested that the different rules were intended to prevent Elvis impersonators from solemnising marriages. Atheist Ireland has argued that the Act is a breach of human rights law. It is direct discrimination, and in particular it breaches Article 26 (Equality before the law without discrimination) of the International Covenant on Civil & Political Rights.

› <https://atheist.ie/2013/07/the-civil-registration-act-discriminates-on-religious-grounds-and-undermines-human-rights/>

## Freedom of expression, advocacy of humanist values

The main freedom of expression issue in Ireland is the law against blasphemy, which is enshrined in the constitution. In 2017 the Government committed to holding a referendum on blasphemy during 2018, but has not decided what wording will be put before the people.

### History of Irish blasphemy law

Blasphemy was a common law offence under Irish law until the 1937 Constitution explicitly made it an offence punishable by law. The Defamation Act of 1961 also made it a statutory crime, but did not define what blasphemy was. The 1996 Constitution Review Group called for the deletion of the crime of blasphemy from the Irish Constitution, along with other references to the Christian God, religion and religious oaths. Two other All-Party Committees have also called for the removal of religious references in the Constitution. In 1999, the Supreme Court found the Irish law against blasphemy to be unenforceable because it included no definition of what the offence consisted of.

In 2009 the Oireachtas (parliament) was updating the Defamation Act that included the offence of blasphemy. The Minister for Justice, Dermot Ahern, introduced a definition in order to make the offence enforceable. "Blasphemous matter" was defined as matter "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," and "he or she intends, by the publication of the matter concerned, to cause such outrage." Some defences were

introduced, but not with sufficient precision to enable a citizen to regulate his conduct.

### Irish blasphemy law today

So far, there has been no recorded prosecution under the new Blasphemy Law. However, some media outlets have self-censored themselves for fear of falling foul of the law, and in 2017 the police investigated a complaint that the comedian Steven Fry had committed blasphemy on an RTE television programme. More worryingly, Islamic states and proponents of "blasphemy" and "defamation of religion" laws have pointed towards the Irish law to justify their own draconian legislation. In particular, Pakistan, on behalf of the Islamic states at the United Nations, has used the language of Ireland's law in its proposals to the Ad Hoc Committee on the Elaboration of Complementary Standards in its call for an international instrument preventing the defamation of religion.

In 2013 a Constitutional Convention took submissions in favour of removing the blasphemy section from secular organisations Atheist Ireland and the Humanist Association of Ireland. The Council of Irish Churches also favoured repeal, describing the blasphemy clause as "obsolete". The Knights of Saint Columbanus and the Islamic Cultural Centre of Ireland argued in favour of retention. Professor Heiner Bielefeldt, United Nations Special Rapporteur on Freedom of Religion, advised Atheist Ireland as it prepared its submission:

*"Of course you are right that the major damage done by this legislation is the international one. I wouldn't expect any harsh verdicts being handed down in Ireland, but those countries that continue to have an intimidating anti-blasphemy practice like to quote European countries to unmask Western hypocrisy. So I hope things will be moving in the right direction."*

› [atheist.ie/2013/07/atheist-ireland-asks-constitutional-convention-to-remove-blasphemy-offence/](https://atheist.ie/2013/07/atheist-ireland-asks-constitutional-convention-to-remove-blasphemy-offence/)

The Constitutional Convention voted in favour of deletion of the clause, but also recommended it be replaced with a prohibition against "incitement to religious hatred". However, successive governments have failed to act on the recommendation. In 2017 the current Government committed to holding a referendum on blasphemy during 2018, but it has not decided what wording will be put before the people.

› [blasphemy.ie/2017/09/27/referendum-on-blasphemy/](https://blasphemy.ie/2017/09/27/referendum-on-blasphemy/)

### Testimonies

*"In Ireland the non-religious are now the second largest group in Society after Roman Catholics, but still face religious discrimination. The Irish Constitution begins with "In the name of the Most Holy Trinity" and Catholic social policy is reflected in many of our laws. The Catholic Church in Ireland controls the vast majority of publicly funded schools, which have exemptions from equality laws. A religious oath is required to take up the office of President,*

*or to become a Judge, or to be Taoiseach (Prime Minister), or to hold a number of other high public offices. In 2010 Ireland introduced a new blasphemy law. In recent years, ten different UN and Council of Europe reports have told Ireland that it is infringing on the human rights of atheists, agnostics and minority faith members. It is time for Ireland to realise that it must comply with its human rights obligations and ensure that all citizens have equal rights regardless of their religious or philosophical convictions.”*  
— Jane Donnelly, Human Rights Officer, Atheist Ireland

# United Kingdom

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 133

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 3 nations. There are specific

legislative differences in the 4 nations, exercised by their own 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>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>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 a 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.

The UK state provides preferential treatment in the finance of church buildings. 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. 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 postholder to be of a particular religion or belief.

## Education and children’s rights

### 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 2017 there were 370 state-funded denominational schools in Scotland, of which 51 were secondary schools. Most denominational schools in Scotland are Roman Catholic Schools.

› [ippr.org/read/autonomy-in-the-right-place#school-governance-in-38-160-scotland](https://www.ippr.org/read/autonomy-in-the-right-place#school-governance-in-38-160-scotland)

A high proportion of these state-funded religious schools (the legislation is complex) can discriminate against students in their admissions policies, and against 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.

› [fairadmissions.org.uk/an-unholy-mess-new-report-reveals-near-universal-noncompliance-with-school-admissions-code-among-state-faith-schools-in-england/](https://fairadmissions.org.uk/an-unholy-mess-new-report-reveals-near-universal-noncompliance-with-school-admissions-code-among-state-faith-schools-in-england/)

This added to earlier findings that showed that religious selection causes extensive socio-economic and ethnic segregation.

› [fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/](https://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/)

However, in late 2016 the Government proposed lifting a 50% limit on religious selection in admissions that has applied to all new state-funded schools in England and Wales since 2007.

› [humanism.org.uk/2016/09/13/government-publishes-plans-to-allow-full-religious-discrimination-in-school-admissions/](https://humanism.org.uk/2016/09/13/government-publishes-plans-to-allow-full-religious-discrimination-in-school-admissions/)

Separately, Humanists UK (formerly the British Humanist Association) also had a long-running legal complaint against the UK Government at the European Commission, challenging the breadth of permissible employment discrimination. It believes that religious schools in Great Britain are allowed to discriminate more broadly than EU law permits.

› [humanism.org.uk/2015/02/20/european-commission-re-opens-investigation-whether-uk-faith-school-laws-break-european-employment-laws-uk-government-shifts-position/](https://humanism.org.uk/2015/02/20/european-commission-re-opens-investigation-whether-uk-faith-school-laws-break-european-employment-laws-uk-government-shifts-position/)

In a report published in late December 2016, The Equality and Human Right Commission for the UK stated that they consider the existing exceptions permitting a religious requirement for 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.

› [equalityhumanrights.com/sites/default/files/religion-or-belief-report-december-2016.pdf](https://equalityhumanrights.com/sites/default/files/religion-or-belief-report-december-2016.pdf)

### Religious education

In England and Wales, all state schools are obliged to teach religious education (RE). Most religious schools can give confessional education (meaning that confessional teaching 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). Detailed syllabuses for RE are prepared for individual local authorities by advisory bodies they are required to set up on which local religious interests sit with teachers and local councillors.

Increasingly, Humanism is included in RE. However the Department for Education (DfE) recently excluded Humanism from age 16+ examination syllabuses, in spite of majority public support (including almost 90% of consultation respondents) for its inclusion.

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

The DfE's claim that this narrow examination syllabus would meet the statutory requirement for RE was challenged on the basis of human rights law in a case brought by three humanist families with support from the 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.

› [bbc.co.uk/news/education-34921857](https://www.bbc.co.uk/news/education-34921857)

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

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 Bishop's Conference in Scotland retains the right to set the religious education curriculum (RERC) and sex and relationships 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. [humanism.scot/what-we-do/education/](https://humanism.scot/what-we-do/education/)

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

› [education.gov.scot/Documents/rme-pp.pdf](https://education.gov.scot/Documents/rme-pp.pdf)

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.

› [education-ni.gov.uk/sites/default/files/publications/de/religious-education-core-syllabus-english-version.pdf](https://education-ni.gov.uk/sites/default/files/publications/de/religious-education-core-syllabus-english-version.pdf)

### **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. This likely breaks children's human rights, with case law 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.

› [humanism.org.uk/campaigns/schools-and-education/](https://humanism.org.uk/campaigns/schools-and-education/)

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.

› [gov.scot/Resource/0051/00516155.pdf](https://gov.scot/Resource/0051/00516155.pdf)

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 were 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.

› [humanism.scot/what-we-do/news/humanists-to-challenge-scottish-government-in-courts/](https://humanism.scot/what-we-do/news/humanists-to-challenge-scottish-government-in-courts/)

## **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 2016 it found 53% 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.

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

There is a wide range of Humanist and other non-religious organisations. Humanists UK operates principally in England, Wales and Northern Ireland and collaborates with the Humanist Society Scotland, and there are other groups including the Humanist Association of Northern Ireland: all these are full Members of the IHEU. The National Secular Society, which works for the separation of religion and state and equal respect for everyone's human rights has members across the United Kingdom and is a member of IHEU.

### 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, non-religious people have no option other than the civil registrar. Each year many hundreds of people in England, Wales, and Northern Ireland choose to have a wedding ceremony performed by a humanist celebrant but their weddings are not legally recognised.

In Scotland, however, humanist marriages have been legally recognised since 2005. In 2015, the total number of Humanist weddings in Scotland exceeded Church of Scotland marriages for the first time. By the middle of 2017, Humanist Society Scotland registered celebrants had legally married 50,000 people.

› [humanism.scot/what-we-do/news/more-than-4200-humanist-weddings-took-place-in-scotland-last-year/](https://humanism.scot/what-we-do/news/more-than-4200-humanist-weddings-took-place-in-scotland-last-year/)

Evidence suggests something similar could be expected in England and Wales. Despite indications that legal recognition of humanist marriages would be popular, fair and easy to introduce, in December 2014 the Government chose to ignore over 90% of respondents to a consultation and reject legalisation. Consultations are ongoing.

› [humanism.org.uk/2014/12/18/labour-pledge-legalise-humanist-marriages-government-blocks-proposals-disappointing-thousands-couples/](https://humanism.org.uk/2014/12/18/labour-pledge-legalise-humanist-marriages-government-blocks-proposals-disappointing-thousands-couples/)

### One law for all?

In history the Church of England's canon law and its courts were deeply entangled with the secular law and courts but by now, 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 behaviour 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 focusses 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."

› [onelawforall.org.uk/about/](https://onelawforall.org.uk/about/)

The Census shows 4.8% of the UK population as Muslims. The number contained within this figure who in fact are secular or non-religious is difficult to establish as the position of those who, having been raised as Muslim, are non-religious, sometimes identifying as ex-Muslim, is difficult: they may be forced to hide their non-religious views, either by 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.

› [bbc.co.uk/news/magazine-34357047](https://bbc.co.uk/news/magazine-34357047)

## 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."

› [unhcr.org/uk/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html](https://unhcr.org/uk/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html)

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.

› [libelreform.org/latest-news/libel-reform-northern-ireland](http://libelreform.org/latest-news/libel-reform-northern-ireland)

### **“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 statute. The last successful prosecution for “blasphemy” in Scotland was in 1843, when a bookseller Thomas Paterson was handed a fifteen-month prison term.

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.

› [humanism.scot/what-we-do/news/scottish-government-will-not-scrap-blasphemy-laws-new-letter-reveals/](http://humanism.scot/what-we-do/news/scottish-government-will-not-scrap-blasphemy-laws-new-letter-reveals/)

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, prior to 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.

In December 2016 the Humanist Society Scotland repeated its call for the Scottish government to abolish the “blasphemy” law and in September 2017 the Scottish Parliament considered a petition on the matter. Citing the Freedom of Thought Report, they noted the existence of numerous “blasphemy” laws around the world which remain in use, and “the cruelty with which those who are accused of violating these laws are often punished, by state agents or by non-state actors, including neighbours and relatives.” To have such laws on statute “should be a badge of shame for any progressive nation.”

› [heraldscotland.com/news/14947934.Humanists\\_urge\\_Holyrood\\_to\\_repeal\\_Scotland\\_s\\_blasphemy\\_law/](http://heraldscotland.com/news/14947934.Humanists_urge_Holyrood_to_repeal_Scotland_s_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/)

### **Social and ethical issues**

There are mixed fortunes in the UK for advocacy of humanist values. In 2014 same-sex marriage was legalised

across the UK, except in Northern Ireland, but humanist marriage in England and Wales has been blocked whilst flourishing in Scotland (see above). Legislation to legalise assisted dying has consistently been rejected by both UK and Scottish Parliaments, despite popular support.

Abortion, while generally legal in most of the UK, remains significantly more restricted in Northern Ireland where it is illegal even in the case of rape and any approved abortion must satisfy the purpose of “preserving the life of the mother”. This can cover adverse physical and mental health risks other than immediate life-or-death situations, but many women from Northern Ireland still need to travel to other parts of the UK (or elsewhere) to obtain the procedure, always at their own expense. From 2017 women from Northern Ireland can now obtain an abortion legally on the National Health Service elsewhere in the UK.

› [theguardian.com/world/2017/oct/23/northern-irish-women-offered-free-abortion-services-in-england](http://theguardian.com/world/2017/oct/23/northern-irish-women-offered-free-abortion-services-in-england)

› [bbc.co.uk/news/uk-scotland-41879520](http://bbc.co.uk/news/uk-scotland-41879520)

Abortion also remains in criminal law across the UK, meaning women can be sent to jail for not following the correct procedures around abortion, even if the abortion would otherwise have been performed in circumstances that are allowed. In 2015 the campaign We Trust Women was launched to decriminalise abortion.

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

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

› [gov.scot/Publications/2016/09/2860/6](http://gov.scot/Publications/2016/09/2860/6)

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.

› [bbc.co.uk/news/uk-scotland-41760959](http://bbc.co.uk/news/uk-scotland-41760959)

### **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 criticised 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.

- › [theguardian.com/world/2016/nov/19/extreme-surveillance-becomes-uk-law-with-barely-a-whimper](https://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](https://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](https://openrightsgroup.org/press/releases/2016/ipb-will-reach-beyond-the-uk)

Another new law, the Digital Economy Act, came into force in April 2017. It requires 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 criticised the bill prior to 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.”

- › [theguardian.com/technology/2016/nov/23/censor-non-conventional-sex-acts-online-internet-pornography](https://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](https://openrightsgroup.org/campaigns/digital-economy-bill-hub/stop-uk-censorship-of-legal-content)

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 created new offenses aimed at tackling sectarianism at and associated with ‘regulated’ football games in Scotland. However the act has received significant opposition among some football fan groups and civil liberty groups. On one level opposition is held to the idea that acts or behaviour can be illegal during a “regulated football match” but not at any other time. Other opposition comes the fact that the act contains provisions specifically against: “other behaviour that a reasonable person would be likely to consider offensive” with no definition on how this is established. The campaign group Liberty stated they believe: “the Act poses a threat to human rights.” The Scottish Parliament is currently considering a private member’s bill to scrap the act alongside a wider independent review of hate crime laws instigated by the Scottish Government.

- › [liberty-human-rights.org.uk/sites/default/files/Liberty%27s%20briefing%20on%20the%20Proposed%20Football%20Act%20%28Repeal%29%20%28Scotland%29%20Bill.pdf](https://liberty-human-rights.org.uk/sites/default/files/Liberty%27s%20briefing%20on%20the%20Proposed%20Football%20Act%20%28Repeal%29%20%28Scotland%29%20Bill.pdf)
- › [gov.scot/About/Review/Hate-Crime-Legislation](https://gov.scot/About/Review/Hate-Crime-Legislation)

# Brunei Darussalam

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 187

Brunei, a Malay state located on the north coast of the island of Borneo in Southeast Asia, has a population of under half a million and one of the highest standards of living in the world, thanks to its large reserves of oil and gas. The country is governed by the constitution and the national tradition of the Malay Islamic Monarchy, and there have been no direct legislative elections held in Brunei since 1962. Brunei is a member state of the Organization of Islamic Cooperation (OIC).

Rating: Grave Violations

*The implementation of the first phase of a new Sharia penal code, and the state Grand Mufti advocating death for apostasy, represent a serious degradation in freedom of thought and expression. As of 2018 the second phase of the Sharia implementation, which would introduce death penalties for crimes such as "apostasy", is apparently on hold. However, the country remains at risk of further degradation in an already seriously imperiled human rights situation.*

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>The non-religious are barred from holding government office</p>		<p>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</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>
	<p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</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>'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>
<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>Discriminatory prominence is given to religious bodies, traditions or leaders</p>	

## Constitution and government

Whilst Brunei's constitution states that "all [...] religions may be practised in peace and harmony", it also establishes "the Muslim religion according to the Shafi'i sect of that religion" as the official religion of Brunei.

Anyone who teaches or promotes any "deviant" beliefs or practices in public may be charged under the Islamic Religious Council Act and punished with three months incarceration and a fine of BND 2,000 (US\$1,550).

All government meetings and ceremonies commence with a Muslim prayer.

### New Sharia law

Brunei adopted a new Sharia penal code in 2013. The new penal code has been deeply damaging toward the right to freedom of thought in the country and contains a range of provisions that restrict the right to freedom of thought, conscience and religion. They include harsh penalties for not performing Friday prayers or observing Ramadan and expanded restrictions on the rights of individuals hold or speak freely about certain beliefs. (See "Apostasy and blasphemy" below.)

Future phases of the law were planned to include more severe penalties, including the death penalty for blasphemy, mocking the Prophet Muhammad or verses of the Quran and Hadith, or declaring oneself a prophet or a non-Muslim. Apostates would be liable to lose all rights to the property they own and to custody of their children. However, as of 2018, the implementation of more severe Sharia penalties appears to have been "delayed".

› [atimes.com/article/islamic-brunei-want/](https://atimes.com/article/islamic-brunei-want/)

There had been international condemnation of the planned second stage of the Sharia implementation.

*"Application of the death penalty for such a broad range of offenses contravenes international law."*

— Rupert Colville, spokesperson for the Office of the UN High Commissioner for Human Rights (OHCHR)

› [un.org/apps/news/story.asp?NewsID=47552#.VGiH01esUi4](https://un.org/apps/news/story.asp?NewsID=47552#.VGiH01esUi4)

## Education and children's rights

The government's promotion of the Shafi'i school of Sunni Islam to the exclusion of other beliefs has continued within the education system. The Compulsory Religious Education Order of 2012 mandates compulsory Islamic religious education registration of all Muslim children aged seven to fifteen. The Islamic Religious Council Act stipulates the banning of public teaching or promotion of any "deviant" beliefs. Punishment can include three months imprisonment and a fine of BND 2,000.

## Family, community and society

National dress, including head coverings for men and women, is obligatory for all regardless of belief when attending citizenship ceremonies. Women not wearing the hijab in public face up to 6 months in prison or a \$1600 fine, or both.

Since Muslims and non-Muslims are not allowed to marry, non-Muslims must convert to

Islam if they wish to marry a Muslim.

## Freedom of expression, advocacy of humanist values

The state of emergency declared by the Sultan of Brunei declared in 1962 continues, and allows for severe restrictions on freedom of expression, freedom of the press and the right to free assembly and freedom of association.

Independent media in Brunei is extremely limited and journalism is restricted. A 2005 amendment to the national sedition law strengthened prohibitions on criticizing the sultan and the national "Malay Muslim Monarchy" ideology. Brunei's Internet Code of Practice limits online any content deemed subversive or encouraging of illegitimate reform efforts.

### Apostasy and blasphemy

The provisions of the 2013 Sharia code include harsh penalties for not performing Friday prayers or observing Ramadan and expanded restrictions on the rights of individuals hold or speak freely about certain beliefs.

Articles 213, 214 and 215 of the revised penal code criminalize printing, disseminating, importing, broadcasting, and distributing of publications deemed contrary to Sharia. Non-Muslims are forbidden to refer to 'Allah' as their God (some Bruneian Christians do use 'Allah' where in English Christians say 'God').

In 2014, the State Mufti, Abdul Aziz Juned, declared apostasy an offence punishable by death for any Muslims who choose to disassociate themselves from the faith. The State Mufti said that those who had made blasphemous statements or performed sacrilegious actions and had not repented would be liable for a death sentence. This declaration does not appear to have made it into law.

# Sudan

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 188

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. The country has a poor human rights record, with particular issues over ethnic

cleansing and slavery. Sudan is member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

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 'Apostasy' or conversion from a specific religion is outlawed and punishable by death 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

2014 saw a continuation in egregious and systematic violations of freedom of thought by the Sudanese government, with religious discrimination remaining prevalent, apostasy and blasphemy still criminalized, continued restrictive application of Sharia-based provisions, and the application of public order laws allowing floggings for undefined acts of "indecentcy" and "immorality".

The Interim National Constitution, adopted in 2005, remains in force as the constitution of Sudan. For the past 20 years, the ruling National Congress Party (NCP) has grounded many of the provisions of the 1991 Personal Status Law, the 1991 Criminal Code, and state-level public order laws on its interpretations of Sharia. All Sudanese citizens, including all non-Muslims, are subject to these laws.

The 1991 Criminal Code allows for floggings for undefined honour-based offences, reputation and public morality issues. Public order laws further implement the 1991

Criminal Code's prohibitions, where religiously-grounded morality laws and corporal punishments are imposed through the Public Order Regime with violations being subject to lashes or a fine, or both. Laws relating to public morality and order prohibit indecent dress and the brewing or selling of alcohol. They are vague and subject to the interpretation of local law enforcement agents.

### **Discriminatory implementation of the law**

Religious discrimination is prevalent in Sudan. Whilst 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 involved. 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.

### **Education and children's rights**

All schools are required to teach Islamic education classes, but some public schools excuse non-Muslims from these classes.

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

There have been numerous reports of print runs being confiscated. Journalists also face intimidation and violence. In July 2014, Osman Mirghani, Editor in Chief of al-Tayyar, was hospitalised after his offices were stormed by gunmen. Concerns from civil society have been expressed about the lack of a fair trial in cases where arrested civilians are being subjected to military trials.

› [gov.uk/government/publications/sudan-country-of-concern/sudan-country-of-concern-latest-update-30-september-2014](http://gov.uk/government/publications/sudan-country-of-concern/sudan-country-of-concern-latest-update-30-september-2014)

#### **"Apostasy" and "blasphemy"**

Apostasy or conversion to a religion other than Islam is outlawed and may be punishable with the death penalty. By law, a person convicted of conversion has an opportunity to recant.

There were reports that in November 2015, up to 27 Muslim men were arrested for "apostasy", on the accusation that they were Quranists (deny the authority of the Hadith), and were facing trial.

› [bloomberg.com/news/articles/2015-12-03/sudan-tries-27-on-apostasy-charge-that-may-bring-death-sentences](http://bloomberg.com/news/articles/2015-12-03/sudan-tries-27-on-apostasy-charge-that-may-bring-death-sentences)

The "apostasy" death sentence handed to a Christian woman, Meriam Yahya Ibrahim, provided the most well-publicised case of apostasy in 2014. Ibrahim self-identified as a Christian and maintained she was never Muslim having

been raised by her Christian mother, but Sudan insisted that since her father was a Muslim, so was she, and she should not have converted. She was released after international outcry on the issue. She was subsequently allowed to leave Sudan.

Whilst the law does not explicitly ban proselytizing, the vaguely worded apostasy law criminalizes both apostasy and acts that encourage apostasy, which could be understood to include proselytization.

"Blasphemy" is also criminalized; it can be punished by six-months' imprisonment, flogging or a fine, or both.

### **Highlighted cases**

In May 2017 Mohamed Salih (or in some source Mohamed al-Dosogy) was arrested for "apostasy" after writing to a Sudanese court that he wanted to change the religion listed on his national identification card from 'Islam' to 'atheist' or 'non-religious'. It was widely reported that under Sudan's "apostasy" law he faced a possible death sentence. Within days, however, the case was dismissed following a psychiatric and al-Dosogy was released by the court. The test purported to find that Mohamed was not mentally competent to stand trial. Mr al-Dosogy's defence reportedly rejected the court's decision, saying the defendant never asked the court to submit him to a psychiatric test.

# Malaysia

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 189

Malaysia is a federal, multi-territory constitutional monarchy, split across two land masses: Peninsular Malaysia and East Malaysia. There is a degree of freedom of religion or belief among the significant non-Muslim religious minorities including Christians, Buddhists and Hindus. However, rising attention on the small number (~1%) prepared to identify as non-religious has lead government officials and police to threaten atheists and deny that there is a right to express atheism under the Malay constitution. Ethnic Malays are subjected to strict

state controls over an enforced, homogenous religious identity, including mandatory Sharia laws, and in two states hudud enactments mandating death for "apostasy".

*This country is found to be declining, with human rights including freedom of thought and expression under serious assault. In August 2017 government ministers threatened to "hunt down" atheists photographed at an atheist meetup in Kuala Lumpur.*

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious	'Apostasy' or conversion from a specific religion is outlawed and punishable by death It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed It is illegal or unrecognised to identify as an atheist or as non-religious
The non-religious are barred from some government offices (including posts reserved for particular religions or sects) 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	The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism 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 Religious control over family law or legislation on moral matters 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 '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
<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>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>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>
<p>Official symbolic deference to religion</p> <p>Anomalous discrimination by local or provincial authorities, or overseas territories</p>			<p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p>

## Constitution and government

The constitution protects freedom of religion, as well as freedom of expression. However, portions of the constitution as well as other laws and policies restrict these freedoms in practice.

Malaysia has a narrow concept of human rights, having signed only two of the eight legally enforceable human rights treaties derived from the Universal Declaration of Human Rights, and even then the state asserts constitutional exemptions to these treaties and to the Universal Declaration itself, asserting that only "those fundamental liberties provided for" in the Constitution will be upheld, rendering its signature to the UDHR essentially an empty gesture.

The government's ban on the use of the word "Allah" by non-Muslims in Malay-language Bibles and other Christian publications was upheld on 14 October 2014, the court of appeal overturning a 2009 decision that such a ban was unlawful. The appeals court found that the freedom to practice a religion other than Islam is lawfully limited by Islam's status as the national religion, notwithstanding the constitution's guarantee that "other religions may be practiced in peace and harmony" which is intended to protect the sanctity of Islam! The full scope of the "ban" on the use of "Allah" by non-Muslims remains unclear, with some officials saying it is limited to the Catholic Herald, which was the subject of the case; however the precedent and basis of the judgment appear to have wider implications. The case has proved a high-profile, ongoing source of tension between religious communities.

## Education and children's rights

Islamic religious instruction is compulsory for children from Muslim background in public schools; students from non-Muslim backgrounds are required to take non-religious morals and ethics courses. Minority religion classes may in some cases also be held during the school day. At primary and secondary public schools, student assemblies frequently commence with recitation of an Islamic prayer. Grants are given selectively to private Islamic schools only, on and on agreement they allow government supervision and adopt a government-approved curriculum. Girls, particularly in peninsular Malaysia, may be required wear the tudung (head covering).

It was reported in April 2017 that a 11-year-old school boy suffered abuse at an Islamic religious school in the state of Johor. The boy along with fellow school children had been whipped on the legs with a water hose by an assistant warden. This case has led to closer scrutiny of 'Tahfiz' schools where students learn to memorize the Koran. These schools are privately run and registered with the state religious department rather than the state educational department."To this day, we do not know who are actually in charge of regulating tahfiz schools," Noor Azimah Abdul Rahim, chairman of the Parent Action Group for Education, told Reuters. The case follows controversy over a proposed bill that would have introduced stricter forms of the Islamic penal code, including punishments such as whipping.

› [independent.co.uk/news/world/asia/malaysia-religious-islamic-school-boy-11-beaten-dies-legs-amputated-a7703096.html](http://independent.co.uk/news/world/asia/malaysia-religious-islamic-school-boy-11-beaten-dies-legs-amputated-a7703096.html)

## Family, community and society

### The “threat” of atheism, humanism and liberalism

In May 2014, Prime Minister Najib Razak labelled “humanism and secularism as well as liberalism” a dangerous threat to Islam and the state. Speaking at the opening the 57th national Quran Recital Assembly, he characterised secular worldviews as dangerous ideologies, saying:

“They call it human rightism, where the core beliefs are based on humanism and secularism as well as liberalism. It’s deviationist in that it glorifies the desires of man alone and rejects any value system that encompasses religious norms and etiquettes. They do this on the premise of championing human rights.”

› [themalaymailonline.com/malaysia/article/pm-says-human-rightism-humanism-secularism-new-religion-threatening-islam](http://themalaymailonline.com/malaysia/article/pm-says-human-rightism-humanism-secularism-new-religion-threatening-islam)

The idea that even divergent opinions within Islam are “deviant” and a dire threat to national security is a frequent accusation made by members of the Malaysian government. IHEU commented at the time:

*“This is a sad reflection on Najib’s personal understanding of human rights, in particular his total failure to grasp the scope and necessity of freedom of thought, religion and belief.*

*“On the one hand he asserts that under Maqasid Shariah he will uphold the welfare of every citizen regardless of religion or other status, and yet in fact he denies the very essence of Article 18 rights: that every citizen must have freedom of thought, freedom of belief, freedom of religion. To rule out what he calls “apostasy” as Najib does, is to completely deny this long-established human right. It is not a matter of interpretation; he simply denies this basic human right to which his country is a signatory. ... These freedoms [of thought and expression] are not an alien agenda, they are a minimum standard for people to be able to live a fulfilled life and are the only way to achieve the progressive country which Najib says he wants to develop.”*

— Sonja Eggerickx, then-president of the IHEU

› [iheu.org/humanism-and-secularism-are-threat-to-islam-and-the-state-says-malaysian-prime-minister/](http://iheu.org/humanism-and-secularism-are-threat-to-islam-and-the-state-says-malaysian-prime-minister/)

In 2015, the president repeated similar slurs, but with reference to sexual minorities, drawing a direct moral equation between terrorist groups “like the Islamic State” with “lesbians, gay, bisexuals, and transgenders” who call for equality.

› [hrw.org/news/2015/08/25/love-not-terrorism-najib](http://hrw.org/news/2015/08/25/love-not-terrorism-najib)

### Government threat to “hunt down” atheists

In August 2017 members of an atheist meetup group affiliated with the Atheist Republic Facebook page posed for a photograph at a social event in Kuala Lumpur. Those

in attendance were smiling and making ‘peace’ signs towards the camera. The photograph was circulated widely online, leading to death threats and a government-led witch hunt against members of the group. See Highlighted Cases below.

The government said it would launch a “detailed investigation” into whether any Muslims had joined the group. A Deputy Minister in the Prime Minister’s Department Dr Asyraf Wajdi Dusuki asked that the Malaysian Communications and Multimedia Commission (SKMM) should intervene as the group involved “the faith of Muslims in the country”. “If it is proven that there are Muslims involved in atheist activities that could affect their faith, the state Islamic religious departments or Jawi could take action. I have asked for Jawi to look into this grave allegation,” he told reporters.

› [themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club](http://themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club)

A Minister in the Prime Minister’s Department Datuk Seri Shahidan Kassim said the public should aid authorities in locating groups like the Kuala Lumpur affiliate of Atheist Republic so that action could be taken.

*“The (Federal Constitution) does not mention atheists. It goes against the Constitution and human rights... I suggest that we hunt them down vehemently and we ask for help to identify these groups.”*

— Datuk Seri Shahidan Kassim

› [themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says](http://themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says)

Inspector General of Police Khalid Abu Bakar warned Muslims or Malays against attending such events, saying that it was not their ‘right to attend’ such events as they were against the Malaysian constitution. The Inspector General went on to say that “the police would scrutinise the existing laws to enable appropriate action to be taken should the atheist group cause anxiety for Muslims.”

› [thestar.com.my/news/nation/2017/08/17/muslims-attending-atheist-events-may-face-syariah-charges-igp/](http://thestar.com.my/news/nation/2017/08/17/muslims-attending-atheist-events-may-face-syariah-charges-igp/)  
› [thediplomat.com/2017/08/beware-the-war-against-aseans-atheists/](http://thediplomat.com/2017/08/beware-the-war-against-aseans-atheists/)

In a statement, International Humanist and Ethical Union president Andrew Copson said that criminalising apostasy contradicts the right to freedom of thought and belief. IHEU also condemned the comments made by Dr Kassim, ‘non-religious people have freedom of thought, freedom of expression and freedom of association, just like the religious and it is his talk of “hunting” human beings... which represents a grave human rights violation.’

› [iheu.org/iheu-deplores-backlash-hunt-atheists-malaysia/](http://iheu.org/iheu-deplores-backlash-hunt-atheists-malaysia/)

### Claim that atheism is “unconstitutional”

Following the verbal attacks on the Atheist Republic meetup, the liberty to hold or to express atheist views has

been targeted by government ministers, claiming atheism is “unconstitutional” and punishable under Sharia and sedition laws. There is no clause prohibiting atheism in the constitution.

› [themalaymailonline.com/malaysia/article/putrajaya-freedom-of-religion-does-not-equal-freedom-from-religion](http://themalaymailonline.com/malaysia/article/putrajaya-freedom-of-religion-does-not-equal-freedom-from-religion)

## Homophobia

In Malaysia, sexual contact between two people of the same gender is illegal. LGBT rights are largely unrecognised in the country, with social attitudes being strongly influenced by Islam, the official religion. Human Rights Watch has stated that “discrimination against lesbian, gay, bisexual and transgender (LGBT) people is pervasive in Malaysia”.

A teenager identified as Navheen was killed on the 17 June, 2017 in a violent attack where he was beaten, burnt and raped for hours allegedly by his classmates. Navheen was out celebrating with a friend, when he ran into six or more of his classmates that began to beat the two using helmets, according to reports. It is believed that his classmates had consistently bullied Navheen in the past for being “effeminate” and “gay”. The attack came shortly after the Malaysian Health Ministry had announced a competition encouraging contestants to make anti-gay videos which demonstrated how to prevent homosexuality and deter people from identifying as transgender.

› [pinknews.co.uk/2017/06/17/teen-killed-in-vicious-homophobic-attack-where-he-was-beaten-burnt-and-raped-for-hours/](http://pinknews.co.uk/2017/06/17/teen-killed-in-vicious-homophobic-attack-where-he-was-beaten-burnt-and-raped-for-hours/)

In March 2017, Malaysian religious police raided the private residence of a lesbian couple, arresting them along with another occupant.

› [thestar.com.my/news/in-other-media/2017/03/01/foreigner-caught-for-khalwat-with-two-lesbians/](http://thestar.com.my/news/in-other-media/2017/03/01/foreigner-caught-for-khalwat-with-two-lesbians/)

Enforcers regularly conduct raids on hotels and make arrests for ‘close proximity’ between unmarried persons.

› [themalaymailonline.com/malaysia/article/married-couple-sues-jawi-after-traumatic-khalwat-raid](http://themalaymailonline.com/malaysia/article/married-couple-sues-jawi-after-traumatic-khalwat-raid)  
› [https://www.youtube.com/watch?v=K-XfBxPI\\_Jo](https://www.youtube.com/watch?v=K-XfBxPI_Jo)

## Freedom of expression, advocacy of humanist values

### Death for “apostasy”

Despite contradicting federal law, the state governments of Kelantan and Terengganu passed hudud enactments in 1993 and 2002, respectively, making apostasy an offence punishable by death. Despite their long-standing nature, no one has been convicted under these Sharia laws and, according to a 1993 statement by the Attorney General, the rulings could not be enforced without a constitutional amendment. (Amending the penal code is the exclusive prerogative of the federal government.)

## Enforced religious identity

The constitution defines all ethnic Malays as Muslim and severely restricts what kind of Islam may be practiced in the country.

Every Malaysian citizen over the age of 12 must carry an identification card, a ‘MyKad’, which must state the bearer’s religion. This requirement alone appears to breach the International Covenant on Civil and Political Rights (ICCPR) under which States have no right to demand to know the religion of any of their citizens; a point reinforced by Section 3 of General Comment 22 of the Human Rights Committee: “In accordance with articles 18.2 and 17, no one can be compelled to reveal his thoughts or adherence to a religion or belief.” In addition, the government has a history of limiting how citizens can identify their religion.

The Prime Minister reiterated in May 2014 that:

*“We [the nation] will not tolerate any demands or right to apostasy by Muslims, or deny Muslims their right to be governed by Shariah Courts and neither will we allow Muslims to engage in LGBT activities”.*

– Prime Minister Najib Razak

The state sanctioned brand of Sunni Islam is defined and enforced via a central federal authority, as well as a constellation of state authorities, including the parallel Sharia-court systems. Practice of any non-Sunni variant of Islam is prohibited, with Shia Muslims notably targeted by religious enforcement, resulting in arrests of both local and foreign adherents. <http://www.freemalaysiatoday.com/category/nation/2016/10/12/jais-arrests-50-pakistani-shia-muslims/>

Nationally, Muslims who seek to convert to another religion must first obtain approval from a Sharia court to declare themselves “apostates.” This effectively prohibits the conversion of Muslims, since Sharia courts seldom grant such requests and can impose penalties (such as enforced “rehabilitation”) on “apostates”.

## Pervasive Sharia and “blasphemy”

Articles 295-298A of the Malaysian Penal Code provide penalties for those who commit offenses against religion. The penalties include up to three years in prison or a large fine. Prosecutions for blasphemy usually target those who offend Islam, but an insult to any religion can give rise to prosecution.

Authorities at the state level administer Sharia laws through Islamic courts and have jurisdiction over all Muslims.

The degree of their enforcement vary by state. State governments impose Sharia law on Muslims in some cultural and social matters but generally do not interfere with the religious practices of non-Muslim communities; however, debates continue regarding incorporating elements of Sharia law, such as khalwat (being in

close physical proximity with an unrelated member of the opposite sex), into secular civil and criminal law. Although specific punishments for violation of *khalwat* vary from state to state, it is typically punishable by some combination of imprisonment up to two years, a fine of RM 3,000 (\$940), or several strokes of the cane.

In July 2017 a state in Malaysia introduced public caning for people who break Sharia law, despite strong criticism from politicians and rights campaigners. The Islamist PAS party approved the law in the Kelantan state assembly, where they are the ruling party. Islamic law is followed throughout the country but it is usually restricted to personal and family issues, and unlike the majority of Malaysia the northern province already has strict Sharia laws in place including a ban on night clubs and cinemas. The majority of the people in Kelantan are Muslims, but there are also Christians, Buddhists and Hindus. Caning was introduced as part of an effort to streamline sentencing under Islamic criminal law, it “can now be carried out inside or outside of prison,” said Kelantan deputy chief minister Mohd Amar Nik Abdullah. “This is in line with the religion, which requires that sentencing must be done in public.”

› <http://www.independent.co.uk/news/world/asia/malaysian-state-public-caning-sharia-law-break-islamic-muslim-a7838941.html>

### Media and political freedoms

Freedom of expression is constitutionally guaranteed but severely restricted in practice. The declining situation in recent years has been described as risking a “political meltdown”.

› [theguardian.com/global/2015/oct/30/malaysia-risks-a-political-meltdown-with-its-attack-on-free-speech](http://theguardian.com/global/2015/oct/30/malaysia-risks-a-political-meltdown-with-its-attack-on-free-speech)

Parliament reformed the restrictive Printing Presses and Publications Act in April 2012. However, the revised law retained the home minister’s authority to suspend or revoke publishing licenses but allowed such decisions to be appealed to judicial review. The amendments also eliminated the requirement that publications and printers obtain annual operating permits. Another legal change in 2012, made owners and editors of websites, providers of web-hosting services, and owners of computers or mobile devices used to publish content online accountable for information published on their sites or through their services.

State broadcasters and publishers reflect government views. Most private publishers and broadcasters are controlled by parties or business groups allied with the government, and they generally censor programming according to government guidelines. Books and films are directly censored or banned for profanity, violence, and political and religious material.

The internet has emerged as a primary outlet for free discussion and for exposing cases of political corruption. The government has responded in recent years by engaging

in legal harassment of critical bloggers. The Malaysian Communication and Multimedia Commission (MCMC), an agency responsible in part for regulating the internet, has been known to monitor online content and order outlets or bloggers to remove material it views as provocative or subversive.

Recent years (2016-2017) have seen an increase in arrests in response to social media posts deemed as ‘insulting’ or defamatory towards senior government officials or members of the monarchy.

› <http://www.freemalaysiatoday.com/category/nation/2017/03/20/superman-arrested-over-beauty-and-the-beast-fb-posting/>

› <http://www.themalaymailonline.com/malaysia/article/student-arrested-over-facebook-posting-about-adenan>

› <http://www.thestar.com.my/news/nation/2017/07/05/man-nabbed-facebook-post-insulting-king/>

› <http://www.straitstimes.com/asia/se-asia/malaysia-police-arrest-man-for-posting-remarks-insulting-johor-princess-on-instagram>

Freedoms of assembly and association are limited on the grounds of maintaining security and public order. The Peaceful Assembly Act, passed in late 2011, lifted a rule requiring police permits for nearly all public gatherings. However, other provisions were seen as a bid to restrict rather than safeguard freedom of assembly, including a prohibition on street protests and the levying of excessive fines for noncompliance with this rule. For example, in early 2015 the Peaceful Assembly Act was used to bring charges against peaceful protesters including opposition activists.

› [hrw.org/news/2015/09/10/malaysia-drop-criminal-cases-against-peaceful-protesters](http://hrw.org/news/2015/09/10/malaysia-drop-criminal-cases-against-peaceful-protesters)

### Highlighted Cases

Eric Paulsen, personally non-religious and a recurring, legitimate critic of the government – especially in connection with the imposition of Islamist extremism – has been repeatedly harassed by the authorities. In January 2015 he was arrested and then in February charged with “sedition” for a 9 January tweet which read “Jakim [the Malaysian Islamic Development Department] is promoting extremism every Friday. Govt. needs to address that if serious about extremism in Malaysia.” In March 2015 he was again arrested, for tweeting about merely hypothetical problems in implementing Islamic hudud norms in Malaysia. His message read: “Do not simply believe that everything will be okay with hudud implementation – no basis that hudud will run smoothly in Malaysia”. Critical users tagged Inspector-General of Police Tan Sri Khalid Abu Bakar into their angry replies, leading Abu Bakar to announce that Paulsen should “watch his habit and mouth” when discussing sensitive topics such as religion, and asking, “Who is Eric Paulsen to question whether the hudud law is fair or not? ... I will review the tweets he sent out and the police will take action.” The Jakim tweet case

is ongoing as of December 2015. Paulsen was arrested and detained but has not been charged in the Hudud tweet case, however several older “sedition” cases against others that were investigated in early 2015 have subsequently been brought to court.

› [themalaysianinsider.com/malaysia/article/jakim-can-sue-eric-paulsen-for-libel-says-lawyer-bernama](https://themalaysianinsider.com/malaysia/article/jakim-can-sue-eric-paulsen-for-libel-says-lawyer-bernama)

› [themalaysianinsider.com/malaysia/article/human-rights-lawyer-eric-paulsen-nabbed-for-sedition-in-kl](https://themalaysianinsider.com/malaysia/article/human-rights-lawyer-eric-paulsen-nabbed-for-sedition-in-kl)

The Kuala Lumpur “consulate” of the online group Atheist Republic were targeted in an anti-atheist backlash, following publication in August 2017 of a photograph from a meetup event which went viral. The government said it would launch a “detailed investigation” into whether any “Muslims” had joined the Atheist Club(!). A Deputy Minister in the Prime Minister’s Department Dr Asyraf Wajdi Dusuki asked that the Malaysian Communications and Multimedia Commission (SKMM) should be involved as it involved “the faith of Muslims in the country” and: “If it is proven that there are Muslims involved in atheist activities that could affect their faith, the state Islamic religious departments or Jawi could take action. I have asked for Jawi to look into this grave allegation.”

› [themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club](https://themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club)

Another government minister said the public should aid authorities in a “hunt” for atheists so that action could be taken:

*“The (Federal Constitution) does not mention atheists. It goes against the Constitution and human rights... I suggest that we hunt them down vehemently and we ask for help to identify these groups.”*

— Datuk Seri Shahidan Kassim

› [themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says](https://themalaymailonline.com/malaysia/article/atheists-in-malaysia-should-be-hunted-down-minister-says)

# Mauritania

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 190

Mauritania bridges the Arab Maghreb and western sub-Saharan Africa; its Arab-Berber population tend to live in the north and black Africans in the south. It is one of the world's poorest countries, with about one fifth of the population living on less than \$1.25 per day. Slavery has

been described as a major human rights issue, with the world's highest proportion of slaves, mostly the black Africans, in indenture that is socially justified with reference to Islam. Mauritania is a member of the League of Arab States and the Organization of Islamic Cooperation (OIC).

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>The non-religious are barred from holding government office</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>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>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p>		<p>Systemic religious privilege results in significant social discrimination</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>Preferential treatment is given to a religion or religion in general</p> <p>There is an established church or state religion</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>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 Constitutional Council and the High Council of Magistrates are required, when taking an oath of office, to make a promise to God to uphold the law of the land in conformity with Islamic precepts.

The preamble of Mauritania's 1991 constitution declares a "right to equality" and the "fundamental freedoms and rights of human beings"; Article 1 of the constitution notes that, "the Republic guarantees equality before the law to all of its citizens without distinction as to origin, race, sex, or social condition". However, the constitution and other laws and policies restrict freedom of religion or belief. The Constitution defines the country as Islamic, recognising Islam as the only religion of its citizens, with Islam as "the religion of the people and the state".

The law and legal procedures of Mauritania are based on Sharia. Sharia crimes such as heresy, apostasy, atheism, refusal to pray, adultery and alcoholism are all contained in Mauritania's Penal Code. The Code includes punishments of lapidation, amputation and lashings. Sharia norms are also reflected in Mauritania's 2001 Personal Status Code (a legal code which regulates all matters related to marriage, divorce, family and inheritance issues). Its Article 311 states that for difficulties of interpretation as well as in cases where the Code is silent, reference should be made to Sharia.

## Education and children's rights

Classes on Islam are compulsory in the curricula of both public and private Islamic schools; attendance is mandatory.

## Family, community and society

Non-Muslims are restricted from having citizenship status. Muslims who convert from Islam lose their citizenship and property rights. Article 11 of the Press Act is used to ban proselytizing by non-Muslims; the Act prohibits the publication of any material that contradicts or threatens Islam. Non-Muslims are only allowed private worship after they are granted permission to do so from the state.

## Freedom of expression, advocacy of humanist values

Freedom of expression both for individuals and for the press are severely compromised in Mauritania.

Apostasy, blasphemy, "adultery", and homosexuality are among the capital crimes in Mauritania, as well as terrorism.

## Mandatory death for "apostasy" and "blasphemy"

Article 306 of the Mauritanian penal code, stipulates apostasy as a crime punishable by death.

Until 2018, anyone found guilty of converting from Islam was supposed to be given three days to repent and so receive a lesser sentence or be released without conviction. If they did not repent, an individual might face confiscation of their property, or the death sentence. However, despite "repenting", Mohamed Cheikh Ould Mkheitir (see "Highlighted cases" below) was found guilty of "apostasy" and sentenced to death, in a one-day trial in late December 2014. His case has been a major focus of Islamist demands and debate within Mauritania since 2014.

The case also appears to have brought about a change in the law – for the worse.

In 2018, Mauritania enacted a law which makes the death sentence for apostasy compulsory, as well as upgrading blasphemy to a capital offence and making that compulsory as well.

An amendment to penal code Article 306 will see the death penalty applied to "every Muslim, man or woman, who ridicules or insults Allah", his messenger, his teachings, or any of his prophets, "even if [the accused] repents".

› [aljazeera.com/news/2017/11/mauritania-strengthens-blasphemy-law-blogger-case-171122163349451.html](https://www.aljazeera.com/news/2017/11/mauritania-strengthens-blasphemy-law-blogger-case-171122163349451.html)

The law also provides for a sentence of up to two years in prison and a fine of up to 600,000 Ouguiyas (approximately EUR 13,804) for "offending public decency and Islamic values", or "breaching Allah's prohibitions" or assisting in their breach.

Civil society groups including Amnesty International, Committee to Protect Journalists, PEN International, and the International Humanist and Ethical Union condemned the new law, calling for it to be reversed and for the release of Mohamed Cheikh Ould Mkheitir.

› [ihcu.org/ngos-protest-mauritania-creates-mandatory-death-sentence-apostasy-blasphemy/](https://www.ihcu.org/ngos-protest-mauritania-creates-mandatory-death-sentence-apostasy-blasphemy/)

There appears to have been a moratorium on the death sentence since 1987. However, Mkheitir remains in jail, along with around 52 persons convicted on "terrorism" charges over the years.

› [opinion-internationale.com/dossier/pas-de-conainte-en-islam-il-faut-liberer-mohamed-cheikh-condamne-a-mort-pour-ses-idees-en-mauritanie/la-condamnation-a-mort-de-mohamed-cheikh-ould-mohamed-ould-mkhaitir-un-cas-de-dysfonctionnement-de-la-justice](https://www.opinion-internationale.com/dossier/pas-de-conainte-en-islam-il-faut-liberer-mohamed-cheikh-condamne-a-mort-pour-ses-idees-en-mauritanie/la-condamnation-a-mort-de-mohamed-cheikh-ould-mohamed-ould-mkhaitir-un-cas-de-dysfonctionnement-de-la-justice)

## "Spreading atheism"

It has been observed that the charge of "spreading atheism" has been used not only to silence writers and activists but for political means also. A number of left-wing activists

and writers have highlighted what they see as a systematic campaign which accuses them of spreading atheism. They have attributed this to the Muslim Brotherhood seeking to undermine the leftist movement and to make people fearful of it. Left-wing activists have been called upon to repent to God and integrate themselves into Muslim society, fatwas signed by a group of Mauritanian religious scholars have been issued accusing some activists of apostasy, and the Supreme Council for Fatwa and Grievances has issued a statement calling on activists on social media to “stop offending Islam and the Prophet and spreading atheism”.

There were calls for the left-affiliated Aqlam Horra (free pens) website to be shut down after it published an article, entitled “Religion, Religiousness and Masters,” (which was subsequently deleted and apologised for). A Mauritanian businessman had said he would pay just under \$14,00 to whoever killed the writer responsible for the article.

### Press freedom

Press freedom is guaranteed by the constitution. However, in reality, privately run newspapers face closure for publishing material considered offensive to Islam or threatening to the state. Self-censorship is also practiced by journalists to some degree, when they cover issues relating to Sharia or slavery, for example, and activists against slavery have been frequently harassed and persecuted.

› [iheu.org/iheu-calls-on-un-to-do-more-to-protect-mauritanian-anti-slavery-campaigners/](http://iheu.org/iheu-calls-on-un-to-do-more-to-protect-mauritanian-anti-slavery-campaigners/)

### Highlighted cases

In late December 2014, Mohamed Cheikh Ould Mkheitir was sentenced to death for “apostasy”. As a 28-year-old blogger, he had been arrested in January 2014, for allegedly publishing an article seen by some as insulting Muhammad and constituting an act of apostasy. His writing in fact sought to highlight the indentured servitude in Mauritanian society, often socially justified with reference to national cultural identity and in particular to Islamic tradition.

› [iheu.org/iheu-condemns-death-sentence-for-apostasy-handed-to-writer-in-mauritania/](http://iheu.org/iheu-condemns-death-sentence-for-apostasy-handed-to-writer-in-mauritania/)

Following Mkheitir’s initial arrest, there were a number of protests condemning his writing (though with a low level of internet penetration, and at around 50% one of the lowest remaining levels of literacy in the world, there is good reason to think that the content of his blogs was not really a direct motivator for many of the protesters). There were numerous calls, including by imams, scholars and professors, for his execution. One preacher, Abi Ould Ali, offered EUR 4,000 to anyone who killed Mkheitir. The Mauritanian government and opposition parties supported the protests. President Mohamed Ould Abdel Aziz said, “We will apply God’s law on whoever insults the prophet, and whoever publishes such an insult.”

After his death sentence was handed down in December 2014, there were again popular celebrations. Jemil Ould Mansour, leader of Mauritanian Islamist party Tawassoul, welcomed the conviction, saying that Mkheitir had got “the fate he deserves”.

› [bvoltaire.fr/philippe-franceschi/peut-sauver-mohamed-cheikh-ould-mkheitir,149711](http://bvoltaire.fr/philippe-franceschi/peut-sauver-mohamed-cheikh-ould-mkheitir,149711)

Ensaf Haidar, the wife of Saudi blogger Raif Badawi (see Saudi Arabia > Highlighted Cases), protested Mkheitir’s sentence in August 2015, writing: “Millions of people around the world rallied to the support of Raif Badawi; who will care for a poor young man in Mauritania? He will be executed for blasphemy – by those who insist that Isis does not represent Islam.”

› [independent.co.uk/voices/comment/millions-of-people-rallied-to-the-support-of-raif-badawi-who-will-care-for-a-poor-young-man-in-10466040.html](http://independent.co.uk/voices/comment/millions-of-people-rallied-to-the-support-of-raif-badawi-who-will-care-for-a-poor-young-man-in-10466040.html)

In early November 2017, Mkheitir’s sentence was reduced by an appeals court in Nouadhibou, down to two years imprisonment. Having already served four years he is due to be released. The re-sentencing was followed once again by riotous demonstrations calling for Mkheitir’s execution. The IHEU has called for his safety to be ensured.

› [washingtonpost.com/world/africa/mauritania-blogger-sentenced-to-death-is-released-on-appeal/2017/11/09/00573942-c565-11e7-9922-4151f5ca6168\\_story.html?utm\\_term=.5d2f6adbd727](http://washingtonpost.com/world/africa/mauritania-blogger-sentenced-to-death-is-released-on-appeal/2017/11/09/00573942-c565-11e7-9922-4151f5ca6168_story.html?utm_term=.5d2f6adbd727)

› [aa.com.tr/en/africa/security-disperse-protests-in-mauritanian-capital/962148](http://aa.com.tr/en/africa/security-disperse-protests-in-mauritanian-capital/962148)

› [iheu.org/mauritanian-blogger-accused-apostasy-released-immediate-safety-paramount/](http://iheu.org/mauritanian-blogger-accused-apostasy-released-immediate-safety-paramount/)

As of September 2018 Mkheitir is still being detained, despite the earlier ruling.

# United Arab Emirates

Const/Govt

Edu/Child

Society/Comm

Expression

Ranking Index: 191

UAE is a federation of seven states formed in 1971. It is governed by a Supreme Council of Rulers made up of the seven emirs, who appoint the prime minister and the cabinet. Islam is the country's official religion. UAE is a member of the League of Arab States (LAS), as well as the

Organization of Islamic Cooperation (OIC). An estimated 89 percent of residents are noncitizens, largely from the Indian subcontinent. Of the citizens, more than 85 percent are Sunni Muslims and an estimated 15 percent or fewer are Shia Muslims.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>The non-religious are barred from holding government office</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>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>
<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>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>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>

## Constitution and government

The preamble to the constitution establishes that the document is as an announcement “to Allah, the Supreme and Almighty, and to all the people”. The constitution designates Islam as the official religion.

The constitution establishes that: “Freedom to exercise religious worship is guaranteed”, but not non-religious views, and only “in accordance with the generally-accepted traditions provided that such freedom is consistent with the public policy or does not violate the public morals” — broad qualifications.

Citizens have limited rights under the constitution to participate in elections.

## Education and children’s rights

The government does not permit instruction in any religion other than Islam in public schools; however, religious groups may conduct religious instruction for their members at their dedicated religious facilities. Private schools found to be teaching subjects that offend Islam, defame any religion, or contravene the country’s morals and beliefs face potential penalties including closure.

Islamic studies are mandatory in public schools and in private schools serving Muslim children.

## Family, community and society

The government regulates activities and messaging of most Sunni mosques with the stated purpose of combating violent extremism, and requires all religious groups to adhere to general restrictions on freedom of assembly and association, including for religious purposes.

Otherwise, a good degree of tolerance within society is reported for non-Muslim religious groups.

However, the law and social attitudes deter conversion from Islam.

### Presumption of Islam and death for Apostasy

All citizens of the UAE are deemed to be Muslims. Conversion to other religions (and by implication, advocacy of atheism) is forbidden and the legal punishment for conversion from Islam is death, although there have been no known prosecutions or legal punishments for apostasy in court.

*“The United Arab Emirates criminalizes apostasy through the incorporation of the concept of hudud crimes under Islamic Sharia’a into its Penal Code. Those crimes include adultery, apostasy, murder, theft, highway robbery that involves killing, and a false accusation of committing adultery. Article 1 of the Penal Code provides that Islamic*

*law applies to hudud crimes, the acceptance of blood money, and homicide. In addition, article 66 states that among the “original punishments” under the law are the punishments of hudud crimes, including by imposing the death penalty. However, “there have been no known prosecutions or legal punishments for apostasy in court.”*

› [loc.gov/law/help/apostasy/index.php#uae](http://loc.gov/law/help/apostasy/index.php#uae)

### Sharia for everyone

In practice the UAE tolerates the practice of other religions by non-citizens (who are foreign workers), provided they do not proselytise. Non-citizens have few rights under the constitution and are subject to the Islamic Shari’a which is a main source of legislation in the UAE.

The judicial system applies two types of law, depending on the case. Courts apply sharia (Islamic law) for most family law matters, e.g., marriage, divorce, and inheritance, and on rare occasions for criminal matters. Courts apply civil law, based on the French and Egyptian legal systems, for all other matters. Shia Muslims in Dubai may pursue Shia family law cases through a special Shia council rather than the regular judicial system. When Islamic law courts try non-Muslims for criminal offenses, crimes are generally not punishable by Islamic law penalties. In cases punishable by an Islamic law penalty, non-Muslims generally receive civil penalties at the discretion of the judge. Higher courts may overturn or modify Islamic law penalties imposed on non-Muslims.

› [refworld.org/docid/53d906f53.html](http://refworld.org/docid/53d906f53.html)

Under Islamic law, Muslim men may marry non-Muslim women who are “people of the book,” generally meaning those who are either Christian or Jewish. Muslim women are not permitted to marry non-Muslim men, however. Because Islam does not consider marriage between a non-Muslim man and a Muslim woman valid, both parties to such a union are subject to arrest, trial, and imprisonment on grounds such as fornication outside of marriage, which carries a minimum of one year in jail. The law grants custody of children of non-Muslim women who do not convert to Islam to the Muslim father in the event of a divorce. By law, a non-Muslim woman who fails to convert is also ineligible for naturalization as a citizen and cannot inherit her husband’s property unless named as a beneficiary in his will.

### Broader human rights issues

*“The three most significant human rights problems were citizens’ inability to change their government; limitations on citizens’ civil liberties (including the freedoms of speech, press, assembly, association, and internet use); and arbitrary arrests, incommunicado detentions, and lengthy pretrial detentions.”*

— 2013 Country Reports on Human Rights Practices – United Arab Emirates, US Dept.of State

## Freedom of expression, advocacy of humanist values

The law provides limited freedom of assembly, on which the government has imposed some restrictions. The law requires a government-issued permit for organized public gatherings. In 2014 the authorities dispersed impromptu gatherings or protests and, at times, arrested participants. The law provides limited freedom of association but has, again, imposed restrictions. Political organizations, political parties, and trade unions are illegal.

› [refworld.org/docid/53284a5310.html](http://refworld.org/docid/53284a5310.html)

### Highlighted cases

In January 2012, Mahmoud Khaled, an Egyptian citizen residing and working as a Graphic Designer in Abu Dhabi, was arrested at his working place for defaming religion on his personal Facebook page (under the name Tony Marc). Mahmoud Khaled had there openly declared his atheism and posted comments and pictures critical of society, patriarchy and religious dogma. The prosecutor accused him of insulting religion and Mahmoud Khaled was jailed in the Wathba prison in the desert of Abu Dhabi. The court however aimed to check the mental health of Mahmoud Khaled and sent him a few months later to the psychiatric clinic of the prison, where he was attested with schizophrenia and medically treated, although Mahmoud Khaled was mentally healthy. Mahmoud Khaled, seeing the opportunity to escape a long prison term of maximum seven years, started to pretend being ill in the clinic and feeling better after medication. After one month of treatment and a few months back in prison, the court released him in June 2012 on insanity defense due to schizophrenia. Mahmoud Khaled was advised to undergo a mental health treatment and authorities kept his passport, keeping him unable to leave the country. Mahmoud Khaled returned to work. The following year, in February 2013, authorities called him in order to come to take his passport, but arrested him again once he arrived. He spent several weeks in the same prison again, before being deported, in hand and feet cuffs, to Egypt.

### Testimonies

*"The believers around me never allowed themselves to think about their God's negative points and deficiencies... they quietly believe they are going to Paradise and the rest are infidels. This is widespread, among every group. The society where all blindly say we are believers of the only God, whom they fear, and make efforts to bless the younger generations by entrapping them in the same belief, is idiotic to me.*

*"Now I have released myself from the bonds of this belief, it seems to me like I was an object not human, the reason why I became an unbeliever was that if I knew there is a God, he doesn't need what the clergymen are recommending us to*

*do for him, the holy books and prophets coming one by one with new rules all supposedly from the same God yet with a distinctly human slant on them! We see most rules in a religious society do not have any relation to God.*

*"Yet I can't express my view freely because it contradicts their faith and they will not permit damage to their beliefs, or to tell them that in my view their thoughts are false. I tried to express my free thought and I was abused, I was treated as inhuman, and some others said I was neurotic and stricken with mental disorder...*

*"The first time, I was with some other guys, we were talking about a religious matter, upon saying the name of Mohammad I was cursed, because I had said only "Mohammad", they were saying to say "Mohammad" you must include "Peace Be Upon him", and moreover you must send salute while saying his name, and for a long time they did not talk to me.*

*"Another time I was watching a clip of satire, in this clip a person was complaining from God about some unpleasant thing in this world, upon reaching this point all who were hearing the voice rushed to me and broke the laptop and even told me not to be seen here again. Most who knew me were disconnecting the relationship with me, calling me an Atheist, saying that Jew is better than you, you are not human, you will be in hell forever...*

*"After that I feel this world is only for religious people and every time I was humiliated because I was not accepting what you are telling, that was my sin. The issue is, if I keep soundless it really hurts me, and there remains all this wrong in world. It is everyone's right to live a life free of any pious, ethnic and color prejudice. I want to see the world with love, passion, fraternity and affection only, and instead of fighting assist each other to have a future without any abomination and condemnation."*

— Anonymous

# Pakistan

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 192

Pakistan is approximately 97% Muslim and the remaining 3% are Christian, Hindu, Buddhists or others. 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
The non-religious are barred from holding government office	Religious or ideological instruction in a significant number of schools is of a coercive fundamentalist or extremist variety	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 There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious	Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed 'Blasphemy' or criticism of religion is outlawed and punishable by death It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed
State legislation is partly derived from religious law or by religious authorities		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 It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization	

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

The constitution establishes Islam as the state religion. 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. 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.

### Islam and a confused legal system

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, including those for rape, extramarital sex, alcohol, and gambling, the Sharia 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 Hudood 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% tithe 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. 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.

› [aeon.co/essays/pakistan-s-political-islamists-tried-to-kill-me](https://aeon.co/essays/pakistan-s-political-islamists-tried-to-kill-me)

## Education and children's rights

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. Many children are unable to attend schools, many schools are run down, and the madrasa, which in some areas provide the only available education, are notorious for teaching revisionist history and hatred of non-Islamic religions and people.

### Hate on the curriculum

In state-run schools, Islamic studies are compulsory for all Muslim students. 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.

A report by International Crisis Group (ICG) in 2014 found that Pakistan's education system is in crisis. Among various problems including millions of children out of school, the report found that education tended to promote a nationalist worldview excluding minority views and beliefs, and that the madrasa sector flourishes, often as a direct response to poor state provision. Madrasa schools are only nominally regulated, and many of these seminary-type schools propagate "religious extremism and sectarian violence". The report found that: "the state will have to do far more than just increase the numbers of schools and teachers. Curriculum reform is essential and overdue. Provincial governments must ensure that textbooks and teachers no longer convey an intolerant religious discourse

and a distorted narrative, based on hatred of imagined enemies, local and foreign.”

› [crisisgroup.org/asia/south-asia/pakistan/education-reform-pakistan](https://crisisgroup.org/asia/south-asia/pakistan/education-reform-pakistan)

Both the National Commission for Justice and Peace, and the United States Commission on International Religious Freedom, have reported the existence of textbooks, educational content and teaching that sought to devalue religious minorities in “an alarming number of schools”. In August 2013, the Khyber Pakhtunkhwa education minister said they would return Quranic passages about jihad to the curriculum.

› [uscirf.gov/sites/default/files/Pakistan%202014.pdf](https://uscirf.gov/sites/default/files/Pakistan%202014.pdf)

### 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.

› [bbc.co.uk/news/world-asia-29008267](https://bbc.co.uk/news/world-asia-29008267)

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.

› [pakistanchristianpost.com/detail.php?hnewsid=6198](https://pakistanchristianpost.com/detail.php?hnewsid=6198)

## Family, community and society

### 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.

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 of expression, advocacy of humanist values

The right to freedom of expression, including media freedom, is frequently violated in Pakistan.

### 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.

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 up to seven years’ imprisonment. Whilst applicable nationwide, the country’s blasphemy laws are used predominantly in the Punjab province.

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 at least 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 and there are no penalties for making false allegations.

### 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.

Those accused of blasphemy, and who have been acquitted by the courts, often either flee Pakistan or are assassinated on their release from jail. Clerics and radicals have been found to have brought forward cases of blasphemy after fabricating evidence.

Prosecuting those who commit murder in the name 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.

› [dawn.com/news/1366186](http://dawn.com/news/1366186)

Blasphemy laws are also used specifically against the minority Ahmadi community. Pakistan's Penal Code 298 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 Koran at his surgery. In May 2014, A Pakistani mob killed an Ahmadi woman member two of her granddaughters after an Ahmadi was accused of posting blasphemous material on Facebook.

According to the National Commission for Justice and Peace, the authorities prosecuted a total of 1,170 blasphemy cases between 1987 and 2012, with scores of new cases being brought every year.

### **"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 4 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.

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.

In June, 2017 Taimoor Raza was accused of making a post that made "derogatory" remarks about the Prophet Mohammad and his family in a way that was interpreted as "sectarian". According to reports, he was initially arrested after allegedly playing "blasphemous" material on his phone at a bus stop in Bahawalpur. The counter terrorism board found him guilty and has sentenced him to death. Taimoor Raza's attorney complains that his client is sentenced under two irrelevant and contradictory articles. Rana Amjad Sattar, chief executive of the Humanist Society Pakistan (an IHEU Member Organization), said: "'Blasphemy' is just a powerful religious taboo and no government should

be enforcing this taboo, still less punishing so-called 'blasphemers' with imprisonment or death! Taimoor Raza must be released."

› [iheu.org/anti-terrorism-court-hands-death-sentence-blasphemous-facebook-post/](http://iheu.org/anti-terrorism-court-hands-death-sentence-blasphemous-facebook-post/)

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 when he was accused of burning a copy of Islam's holy book.

› [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/)

In September 2016, Nabeel Chohan, a 16-year-old Christian boy in Pakistan 'Liked' an "inappropriate" photograph on Facebook of the Kaaba in Mecca, one of the holiest sites in Islam. He was arrested on blasphemy charges and is awaiting trial. A police official, told the AFP news agency the informant had lodged a complaint over "hurting religious sentiments of Muslims and desecrating the religious place".

› [al-monitor.com/pulse/afp/2016/09/pakistan-religion-blasphemy.html](http://al-monitor.com/pulse/afp/2016/09/pakistan-religion-blasphemy.html)

In July 2016 a Hindu named Amar Lal was arrested on "blasphemy" charges, accused of "desecrating" the Quran. Police claims Amar is suffering from psychotic disorder.

› [christiansinpakistan.com/ghotki-a-hindu-booked-over-blasphemy-accusations-local-hindu-community-fearful-of-reprisal/](http://christiansinpakistan.com/ghotki-a-hindu-booked-over-blasphemy-accusations-local-hindu-community-fearful-of-reprisal/)

On 12 July 2016, police said they were searching for a Christian man, Nadeem Masihm, facing blasphemy charges after a Muslim friend accused him of insulting Islam in a poem. Masihm is alleged to have sent his friend the controversial poem on WhatsApp. The incident occurred in the town of Sara-e-Alamghir in Punjab province. Police said they were having to guard a local church to avoid any violence following the incident.

› [ndtv.com/world-news/pakistani-police-on-the-hunt-for-christian-charged-over-poem-1430510](http://ndtv.com/world-news/pakistani-police-on-the-hunt-for-christian-charged-over-poem-1430510)

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.

› [blogs.wsj.com/indiarealtime/2016/06/21/pakistan-tv-hosts-banned-after-blasphemy-discussion/](https://blogs.wsj.com/indiarealtime/2016/06/21/pakistan-tv-hosts-banned-after-blasphemy-discussion/)

In January 2016, a 15-year-old boy, Mohammad Anwar, cut off his own hand after being told he was a blasphemer by a local cleric. The boy had raised his hand when the imam asked if anyone did not believe in the prophet, which reportedly the boy misheard. The imam accused him of “blasphemy” in front of the whole congregation, to which the boy responded by going home and cutting off his own hand, before delivering it to the imam on a plate, presumably as a sign of his own contrition for the “blasphemy”. The boy’s self-mutilation was welcomed locally and praised by his own parents.

› [independent.co.uk/news/world/asia/pakistani-teenage-boy-cuts-off-own-hand-after-imam-accused-him-of-blasphemy-a6820846.html](https://independent.co.uk/news/world/asia/pakistani-teenage-boy-cuts-off-own-hand-after-imam-accused-him-of-blasphemy-a6820846.html)

Shafqat Emmanuel and Shagufta Kausar, from Gojra, Pakistan, were found guilty in January 2016 of allegedly sending a text message which ‘blasphemed’ against the Prophet Mohammed to their local imam, in 2013. The Christian couple sentenced to death over the ‘blasphemous’ texts, despite being illiterate. Their lawyer said the imam was motivated by a personal grudge, and that the SIM card presented in court was bogus. The couple claim they were tortured into confessing to the crime.

› [telegraph.co.uk/news/worldnews/asia/pakistan/10751110/Christians-in-Pakistan-sentenced-to-death-over-a-text.html](https://telegraph.co.uk/news/worldnews/asia/pakistan/10751110/Christians-in-Pakistan-sentenced-to-death-over-a-text.html)

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.”

› [christianitytoday.com/gleanings/2014/november/into-fiery-furnace-christians-pakistan-burned-blasphemy.html](https://christianitytoday.com/gleanings/2014/november/into-fiery-furnace-christians-pakistan-burned-blasphemy.html)  
› [nation.com.pk/editorials/25-Nov-2016/a-measure-of-atonement](https://nation.com.pk/editorials/25-Nov-2016/a-measure-of-atonement)

In March 2014, a Christian man from Lahore, Sawan Masih, was convicted of making derogatory remarks against the Prophet Muhammad in a row with a Muslim friend. After

the allegations surfaced, hundreds of Muslims attacked the Lahore’s Christian Joseph colony, torching homes. His trial was held in jail due to fears for his safety. Masih was sentenced to death. He argues that the real reason for the blasphemy allegation was a property dispute between him and his friend.

In 2013, a girl from a Christian family, Rimsha Masih, spent several weeks in an adult jail (her family said she was 11 years old) after being accused of ‘blasphemy’ by a local Muslim cleric. Following significant national condemnation by Pakistan’s standards, and international concern, the charges were dropped. Rimsha and members of her family were eventually given refuge in Canada. The cleric, Hafiz Mohammed Khalid Chishti, who had first given police the burned papers as evidence against her, was arrested 1 September 2013, accused by members of his own congregation of desecrating these pages of the Quran himself in order to provoke violence against the local Christian population, a motivation which was in line with some of his previous rhetoric. However, the charges against Khalid Chishti were dropped when witnesses withdrew their accusations against him.

› [telegraph.co.uk/news/worldnews/asia/pakistan/9530596/Rimsha-Masih-Christian-girl-arrested-for-blasphemy-released-from-Pakistan-prison.html](https://telegraph.co.uk/news/worldnews/asia/pakistan/9530596/Rimsha-Masih-Christian-girl-arrested-for-blasphemy-released-from-Pakistan-prison.html)

› [theguardian.com/world/2013/jul/01/pakistan-girl-accused-blasphemy-canada](https://theguardian.com/world/2013/jul/01/pakistan-girl-accused-blasphemy-canada)

› [bbc.co.uk/news/world-asia-23739778](https://bbc.co.uk/news/world-asia-23739778)

Muhammad Asghar, a British businessman who returned to live in Pakistan in 2010 was arrested for blasphemy and sentenced to death after he wrote letters claiming he was a prophet. Asghar has a history of mental illness, including a diagnosis of paranoid schizophrenia. In September 2014, he was shot in the back by a prison guard. There are fears for his personal safety in prison.

### “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, as well as complicit in the censoring of material on its platform. 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 the IHEU, in June Twitter restored access to tweets and the accounts it had blocked.

› [iheu.org/twittertheocracy-campaign-after-social-network-blocks-blasphemy-in-pakistan/](https://iheu.org/twittertheocracy-campaign-after-social-network-blocks-blasphemy-in-pakistan/)

## 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 a rare call for reform by senior authorities, in November 2014 the Lahore High Court released comments on the Asia Bibi case, saying that in their judgement on the case (16th October) they had had no choice but to uphold the earlier death sentence, but called on the government to change the law to implement higher standards of evidence in such cases.

› [worldwatchmonitor.org/2014/11/article\\_3483230.html/](http://worldwatchmonitor.org/2014/11/article_3483230.html/)

In addition a spate of high-profile blasphemy prosecutions (including Asia Bibi and Muhammad Asghar) as well as extrajudicial killings (including Sajjad Maseeh and Shama Bibi) in the second half of 2014, may have spurred some clerics and political leaders to relatively outspoken criticism of the “misuse” of such laws.

› [samaa.tv/pakistan/22-Nov-2014/asma-hopes-fall-in-blasphemy-laws-abuse](http://samaa.tv/pakistan/22-Nov-2014/asma-hopes-fall-in-blasphemy-laws-abuse)

In 2015 some “blasphemy” accused were granted pre-trial bail, and there was political discussion of reviewing the sentences of some long-standing “blasphemy” cases, with individuals in prison facing years-long waits for hearings.

In October 2015, the Supreme Court told the killer of Salman Taseer, his own security guard Mumtaz Qadri, that it was not a legitimate defence of murder that he was enforcing the Islamic norm against “blasphemy” by carrying out the assassination, and that criticising “blasphemy” laws could not itself be construed as “blasphemy”. While a previous judgement had overturned Mumtaz Qadri’s death sentence, the Supreme Court restored the conviction for terrorism on 7 October 2015. The IHEU commented that when the death sentence had earlier been quashed, “We were therefore able to give a qualified welcome for what was a “muddled, but realistic best imitation of justice” available. Today, however, the Supreme Court has upheld the earlier terrorism conviction and thus restored the death sentence. As we said in March [2015], not only are we against capital punishment on principle, the risk here

is also that this killer — already regarded as a hero by anti-“blasphemy” zealots — will be elevated to full martyr status.” When Mumtaz Qadri was hanged to death on 29 February 2016 the execution sparked street protests and the police were put on high alert; media was instructed not to dwell on the hanging, presumably for fear of fueling disorder among those who regard Mumtaz Qadri as a hero.

› [iheu.org/statement-on-terrorism-conviction-against-mumtaz-qadri/](http://iheu.org/statement-on-terrorism-conviction-against-mumtaz-qadri/)

› [dawn.com/news/1242637](http://dawn.com/news/1242637)

› [theguardian.com/world/2016/feb/29/pakistan-hangs-mumtaz-qadri-who-killed-blasphemy-law-governor](http://theguardian.com/world/2016/feb/29/pakistan-hangs-mumtaz-qadri-who-killed-blasphemy-law-governor)

In September 2016, all 46 people accused of attacking a church and the house of Christians in a neighborhood near Lahore’s Sanda police station were cleared. Reports suggest that the mob had attacked the Christian neighborhood after accusing one of the residents of blasphemy. The judge said that as well as police procedural failings, members of the Christian community had not come to court to complain; but advocate Nadim Anthony, a council member of the Human Rights Commission of Pakistan, said: “How a Christian can appear before Court when he has no protection? Christians and Ahmadis are the most vulnerable segments in our society and avoid recording statements against Muslims because they fear backlash.”

› [deccanchronicle.com/world/neighbours/030916/pakistan-court-clears-all-accused-in-church-attack-case.html](http://deccanchronicle.com/world/neighbours/030916/pakistan-court-clears-all-accused-in-church-attack-case.html)

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 and after a number of similar unsuccessful attempts, there is little optimism for this latest recommendation.

› [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)

In 2017 a proposal to allow Ahmadiyya to vote without having to declare themselves “non-Muslims” was quickly withdrawn after Islamists vociferously objected. Despite the withdrawal of the plan Tehreek-e-Labaik Pakistan (TLP) (an Islamist political party strongly supportive of the “blasphemy” laws and which appears to be gaining strength following the execution of Mumtaz Qadri) staged a disruptive protest and forced the government to back down. Not only was the proposal to extend Ahmadiyya voting rights withdrawn, but several wider concessions were made by the government as well. These concessions include a national council to counter any “deviant teaching” that Mohammad was not the final prophet and an investigation into whether there was a “conspiracy” to extend voting

rights of Ahmadiyya. The agreement makes the continue imprisoned in Pakistan of Christian “blasphemer” Asia Bibi a pivotal issue, with new guarantees that she will not be sent abroad.

› [ucanews.com/news/hopes-for-blasphemy-reforms-fade-as-radicals-gain-ground-in-pakistan/80850](https://ucanews.com/news/hopes-for-blasphemy-reforms-fade-as-radicals-gain-ground-in-pakistan/80850)

### 2017 crackdown on “blasphemy” and “atheists”

“Blasphemy” accusations in Pakistan are almost always linked to violence and injustice. In 2017 in particular, there were a series of “blasphemy” related incidents that include: enforced disappearances in January, a crackdown on social media including the arrest of several users and the blocking of various websites through the first few months of the year, and the murder of university student Mashal Khan in April (see Highlighted Cases below). On the murder of Mashal Khan, a spokesperson for Atheist and Agnostic Alliance Pakistan (an IHEU Member Organization) said:

*“...in a country like Pakistan, when the police stand by as mobs of students who are supposed to be interested in ‘higher learning’ commit this atrocity, it is lawless... There will be no justice while ‘blasphemy’ is a crime and people feel they can get away with murder.”*

› [iheu.org/humanist-murdered-fellow-university-students-alleged-blasphemy/](https://iheu.org/humanist-murdered-fellow-university-students-alleged-blasphemy/)

Two men accused of “atheism” were arrested in March: Abdul Waheed (who has been linked to the pen name Ayaz Nizami) and blogger Rana Noman. The exact accusations remain unclear, but comments by officials and the public suggest that both will be tried as “blasphemy” cases and that they also therefore face possible death sentences.

### Apostasy

Pakistan has no specific statutory law that criminalizes apostasy. A 2007 proposed parliamentary bill, which sought to punish male apostates with the death penalty and female apostates with life imprisonment, failed to pass. Nevertheless, some have suggested that the principle that “a lacuna in the statute law was to be filled with reference to Islamic law” could potentially apply to the crime of apostasy.

› [loc.gov/law/help/apostasy/index.php#pakistan](https://loc.gov/law/help/apostasy/index.php#pakistan)

### 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. Pakistan is also one of the world’s most dangerous places for journalists. They are targeted by non-state actors such as terrorists and criminals, as well as by political, military, and intelligence operatives. In 2016, the International Federation of Journalists reports in 2016 that 102 journalists have been killed in the country since 2005. Impunity in cases concerning murdered journalists remains the norm.

› [ifj.org/campaigns/end-impunity-2016/end-impunity-2016-pakistan/](https://ifj.org/campaigns/end-impunity-2016/end-impunity-2016-pakistan/)

## 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. According to Pakistani media, a large group of students were involved in the attack that occurred on the 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. 53 suspects went on trial in 2017. 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.”

› [tribune.com.pk/story/1382848/journalism-student-killed-mardan-university-alleged-blasphemy/](https://tribune.com.pk/story/1382848/journalism-student-killed-mardan-university-alleged-blasphemy/)

› [samaa.tv/pakistan/2017/09/iqbal-khan-rules-reconciliation-mashal-khans-killers/](https://samaa.tv/pakistan/2017/09/iqbal-khan-rules-reconciliation-mashal-khans-killers/)

In January 2017, several bloggers and activists accused of atheism or blasphemy were forcibly disappeared apparently by state security services. When they were released, some reported having been tortured in detention. As part of the same ‘crackdown’, in March 2017 Abdul Waheed was accused of being behind the pen name “Ayaz Nizami”, and another blogger Rana Noman were arrested and accused of publishing “blasphemy” online. While there were protests to release the ‘disappeared’ activists and bloggers, many others protested against them. Abdul Waheed’s arrest in March was greeted by the trending hashtag “#HangAyazNizami” on social media.

› [iheu.org/pakistan-harassing-persecuting-non-religious-guise-blasphemy/](https://iheu.org/pakistan-harassing-persecuting-non-religious-guise-blasphemy/)

› [ex-muslim.org.uk/2017/03/details-on-the-cases-of-ayaz-nizami-and-rana-noman/](https://ex-muslim.org.uk/2017/03/details-on-the-cases-of-ayaz-nizami-and-rana-noman/)

› [nation.com.pk/24-Mar-2017/blasphemy-crackdown-fia-arrests-2-suspects-from-karachi](https://nation.com.pk/24-Mar-2017/blasphemy-crackdown-fia-arrests-2-suspects-from-karachi)

In October 2016, police reportedly registered a case under Section 295-A PPC against a man named only as Aslam alias Saeen Achhu. Aslam is 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. (As of November 2016 there is very limited information available on this case.)

› [nation.com.pk/national/15-Oct-2016/gcc-scci-stress-joint-efforts-to-boost-exports](https://nation.com.pk/national/15-Oct-2016/gcc-scci-stress-joint-efforts-to-boost-exports)

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 Netherlands where she is currently seeking asylum, along with her colleague and husband, A. Gilani, a spokesperson for AAP.

In 2013, Junaid Hafeez, a visiting lecturer of English in Bahauddin Zakaria University (in Multan, the Punjab province), was arrested and jailed on blasphemy charges after a student affiliated with Islami Jamiat Talaba, accused Hafeez of insulting the Prophet Muhammad on Facebook. There was no evidence for this allegation. Hafeez remains in jail.

Rashid Rehman, a lawyer who agreed to defend Junaid Hafeez, has since been murdered. Rehman was special coordinator for the Human Rights Commission of Pakistan in Multan. The Hafeez trial had been conducted in jail because of the threat to his life, and Rehman himself received death threats for representing Hafeez and he reported them to the Multan Bar Association, however no measures were taken to provide him with security. His colleagues at the human rights commission also urged the government to provide him with security. In May 2014, two men walked into Rehman’s offices and shot him dead. They have not been caught and activists complain of the government seeking to bury the case.

# Maldives

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 193

Though most famous internationally as a popular tourist destination, Maldives has been described as undergoing a battle between liberal and literal interpretations of

Islam, with serious human rights violations linked to fundamentalists, and attacks on perceived atheists and homosexuals in recent years.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<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>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>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>
<p>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</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>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p>	<p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</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>	

## Constitution and government

There is not even formal freedom of religion or belief in the constitution of the Maldives. The constitution designates Islam as the official state religion, and other articles in the constitution appear to make the practice of Islam mandatory. The government and many citizens at all levels interpret the constitution as imposing a requirement that all citizens must be Muslims. While freedom of expression is guaranteed by the constitution, it is not respected in practice.

The government follows civil law based on Islamic law, and this civil law is subordinate to Islamic law. In a situation not covered by civil law, and in certain cases such as divorce and adultery, Islamic law is applied.

Mosques are required to register with the government. The government maintains and funds most mosques.

The constitution stipulates that the president must be Sunni. The constitutional language on the fundamental rights and duties of citizens does not provide for the right to freedom of religion or belief. Furthermore, the constitution precludes non-Muslims from voting and holding public positions.

The constitution does not prohibit discrimination based on religious preference; religion is excluded from a list of attributes for which people should not be discriminated against.

## Education and children's rights

Article 36 of the constitution states that it is imperative for parents and the state to provide children with primary and secondary education and section (c) of that article states schools are required to "inculcate obedience to Islam" and "instill love for Islam."

The Ministry of Islamic Affairs mandates Islamic instruction in schools and funds salaries of religious instructors.

Older schools in particular are traditional Islamic or Quranic schools.

› [classbase.com/countries/Maldives/Education-System](http://classbase.com/countries/Maldives/Education-System)

## Family, community and society

The government certifies imams, who are responsible for presenting government-approved sermons. By law, no one may publicly discuss Islam unless invited to do so by the government, and imams may not prepare sermons without government authorization.

## Family law

By law, a Maldivian woman cannot marry a non-Muslim foreigner unless he converts to Islam first. A Maldivian man, however, can marry a non-Muslim foreigner, if the foreigner is from a religion that is allowed under Islamic Shariah, i.e., Christianity and Judaism. A Maldivian man cannot marry a non-Muslim foreigner from a religion not allowed under Islamic Sharia unless that person converts to Islam prior to marriage.

## Freedom of expression, advocacy of humanist values

The constitution guarantees freedoms of expression and the press. However, journalists and media outlets routinely face legal harassment and physical assault for reporting anything critical of the government.

## Atheism and criticism of Islam

While many religious 'crimes' are not individually spelled out under the penal code, wide berth is given for the prosecution of 'hudud' crimes under Sharia law. The penal code grants judges discretion to impose Sharia penalties, including apostasy and blasphemy

› [state.gov/documents/organization/281272.pdf](http://state.gov/documents/organization/281272.pdf)

The law prohibits public statements that are contrary to Islam and violators face penalties ranging from two to five years in prison or house arrest.

In 2014 police officials confirmed that they were investigating atheist social media for non-compliance with this prohibition (see "Highlighted cases", below).

## Kidnap and intimidation of atheist Facebook users

In June 2014, around 40 men, including known religious extremists and local gang members, abducted several young men who had advocated for secularism and/or gay rights, in a spate of kidnappings in Malé City, with the apparent aim of intimidating online secular activists and taking over "blasphemous" pages. (See "Highlighted cases" below).

Analysts have raised concerns over the growing threat of extremism in the Maldives. A recent report by the US State Department expressed concern over radicalization of youth groups and said funds are being raised in the Maldives to support terrorism abroad. Maldivian media have also said they feel threatened by religious extremists and gangs.

› [jihadwatch.org/2014/06/maldives-muslims-kidnap-atheists-force-them-to-accept-islam](http://jihadwatch.org/2014/06/maldives-muslims-kidnap-atheists-force-them-to-accept-islam)

## Highlighted cases

Human rights defender and blogger Yameen Rasheed, who work as an IT professional, was found stabbed to death in the stairwell of his apartment in April 2017. He had been an

ardent campaigner for justice in the case of the apparent 'enforced disappearance' of his friend Ahmed Rilwan (see below). Yameen had also made a series of satirical posts about the spread of radical Islam and the Maldivian government through his blog The Daily Panic. And he was previously arrested along with others in 2015 after taking part in an anti-government rally in the capital. Mr Rasheed had in the past reported receiving regular death threats to police, but had failed to get a response and often his complaints were dropped without investigation. Four men on trial for the murder denied the charges in November 2017.

› [nytimes.com/2017/04/23/world/asia/yameen-rasheed-dead-maldives-blogger-dead.html](https://www.nytimes.com/2017/04/23/world/asia/yameen-rasheed-dead-maldives-blogger-dead.html)

› [theguardian.com/world/2017/apr/23/maldives-blogger-yameen-rasheed-stabbed-to-death-in-capital](https://www.theguardian.com/world/2017/apr/23/maldives-blogger-yameen-rasheed-stabbed-to-death-in-capital)

› [raajje.mv/en/news/21058](https://raajje.mv/en/news/21058)

In a series of kidnappings in June 2014, several perceived atheists and homosexuals in Malé city were detained and intimidated by large gangs of approximately 40 men. The abductees were interrogated on their beliefs, tested on passages from the Quran, and asked to recite the Shahadha (Islamic creed). The men were accused of atheism and homosexuality, and threatened with death. They were forced to hand over their Facebook account passwords and pressured to identify the administrators of the 'Secular Democratic Maldives Movement' and 'Maldivian Atheists' on Facebook. The Maldivian Democratic Party made a statement on the kidnappings, saying, "The extremists blindfolded the young people, took them to remote locations against their will, threatened them with sharp weapons, threatened them with death, issued sentences in a vigilante trial and are now implementing these sentences..." Sources suggest all individuals were later released, but were locked out of their social media accounts and warnings about "blasphemy" appeared on the commandeered pages. Minivan News reported that members of the vigilante group had been photographed in a meeting with Islamic Minister Sheikh Mohamed Shaheem Ali and youth groups who were protesting against homosexuality and the "harassment" of Islam, along with a meeting with the Home Minister Umar Naseer.

› [minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753](https://minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753)

During the period of the kidnappings, a group of men including a man referred to in Minivan News by the pseudonym Adam Ghafoor were attacked by a mob of eight at a café. The attackers accused them of atheism and homosexuality. (The group had met for breakfast after having been at a gym, and so were dressed in shorts and t-shirts, which attire seems to have sparked the accusation of homosexuality.) One of the attackers is reported as having said, "You homosexual atheists are destroying our country – we will not stand back and watch you do it." He asked Ghafoor to recite the Shahada. Members of the group then attacked Ghafoor and threatened him with further

violence or death if they saw him again.

› [minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753](https://minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753)

One of the Facebook Pages hijacked on 8 June 2014 was named 'Colourless'. It had been run by liberal activists, and had 4,865 members, with the aim of bringing a "divided nation to a common ground as a platform to advocate peace, love and harmonic co-existence." Having stolen passwords, the new administrators changed the group's banner to the black Shahadha flag, and the whole page was later deleted. One of the administrators, Jennifer Latheef, said that she and the other administrators had received death threats along with warnings from Facebook users over the preceding months to remove comments they found offensive. The group decided to allow free speech but asked members not to attack or insult the religious beliefs of others. Another Facebook group called 'Shariah4Maldives' then posted pictures of the administrators.

Having covered the kidnappings, a Minivan News journalist Ahmed Rilwan who had himself been linked to the Maldivian Atheists Page, then disappeared in August 2014. Reports suggest that he was abducted at knife point from outside his apartment building. Minivan News, an independent online publication, subsequently received a death threat in the form of a machete through their premises door and an SMS text reading: "You will be killed next". Minivan News and Raajje TV were then issued with arson threats and evacuated by police. A report commissioned by the Maldivian Democracy Network NGO, linked radicalised gangs to the disappearance. The Maldives Police Service subsequently announced the arrest of three suspects in connection with Rilwan's disappearance, but also criticised marches protesting their slow handling of the case. Journalists for a number of news publications that covered the story have received anonymous threats warning of further violence if they don't drop their coverage. Meanwhile, Rilwan's family, friends and colleagues have continued to raise concerns about the speed and current conclusions of police investigations.

<[independent.co.uk/voices/comment/voices-in-danger-in-the-maldives-its-not-just-knives-that-journalists-are-being-threatened-with-9791754.html](https://independent.co.uk/voices/comment/voices-in-danger-in-the-maldives-its-not-just-knives-that-journalists-are-being-threatened-with-9791754.html)>

› [ifj.org/uploads/media/South\\_Asia\\_Press\\_Freedom\\_Report\\_2013.pdf](https://ifj.org/uploads/media/South_Asia_Press_Freedom_Report_2013.pdf)

There were rumours that Rilwan was connected to the Maldivian Atheist Facebook Page, though prominent fellow blogger Hilath Rasheed (see also Rasheed's own case below) said in September 2014 that he knew the admins at least by nickname, and that Rilwan was not one of them. The accusation was a "cheap trick", he said, to turn the public against Rilwan so they would move on and forget that the authorities had failed to bring anyone to justice in connection with his disappearance.

› [vnews.mv/25749](https://vnews.mv/25749)

Officials confirmed in March 2013 that they were investigating “anti-Islamic” social media activity. Though the “investigation” had a broader purview, the Facebook Page “Dhivehi Atheists/Maldivian Atheists” appears to have been at the forefront. The Page had been accused of “insulting God” and posting “offensive” cartoons, by the religious conservative Adhaalath party. Liked by 300 users, the majority of the posts were in local Dhivehi language, and the page encouraged Maldivians to leave Islam and “choose the path of science and reason”. Several posts made by visitors accused various people of being behind the Page and threatened to kill them. Many visitors have stated that the administrator had been identified as a woman.

› [sun.mv/39714](http://sun.mv/39714)

› [minivannewsarchive.com/politics/police-investigating-anti-islamic-activity-on-social-media-80245](http://minivannewsarchive.com/politics/police-investigating-anti-islamic-activity-on-social-media-80245)

A closed (i.e. private) group called “Against Dhivehi Atheists / Maldivia” [facebook.com/groups/standagaistdhivehiathiest/](https://facebook.com/groups/standagaistdhivehiathiest/) says of itself: “The main purpose of this group is to report to facebook about the page [Dhivehi-Atheists-Maldivian-Atheists] Please add as much friends as you can, and spread the message”. This tactic may have worked, since as of December 2015 the original page [facebook.com/pages/Dhivehi-Atheists-Maldivian-Atheists/](https://facebook.com/pages/Dhivehi-Atheists-Maldivian-Atheists/) is not accessible.

On June 2 2012, Ismail Khilath ‘Hilath’ Rasheed was attacked with a knife outside his house, narrowly escaping a fatal injury. Rasheed, an openly gay blogger and journalist who advocates for freedom of religion and a fierce critic of Islamic fundamentalism, had previously been threatened online in an article published on Muraasil.com. Rasheed was also the main victim in an attack by Islamist extremists on a silent protest in 2011. Rasheed has since left the Maldives.

› [minivannewsarchive.com/news-in-brief/democracy-suffers-in-maldives-in-the-face-of-rising-fundamentalism-asia-sentinel-39978](http://minivannewsarchive.com/news-in-brief/democracy-suffers-in-maldives-in-the-face-of-rising-fundamentalism-asia-sentinel-39978)

› [minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753](http://minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753)

› [minivannewsarchive.com/society/maldivian-journalist-threatened-with-beheading-4438](http://minivannewsarchive.com/society/maldivian-journalist-threatened-with-beheading-4438)

In June 2010, Mohammed Nazim asked a Muslim preacher, at a large public event, how Islam viewed people such as himself who had tried to believe in Islam but could not. The preacher replied that Islam requires the death penalty for those who leave Islam. Several members of the enraged crowd attempted to attack Nazim and he was hustled away by the police. The Islamic Ministry arranged for Nazim to receive “religious counseling” before determining if he should be executed for apostasy. During this prison counseling, Mohammed saved his life by assenting to embrace Islam.

One month later, Ismail Mohamed Didi faced the same choice as Mohammed Nazim: believe or die. On July 13 2010, the 25 year-old air traffic controller was found hanged from the control tower of the Maldives international airport, after killing himself to escape persecution for his rejection of religion. Shortly before his death, Ismail Mohamed Didi wrote that he had “foolishly admitted my stance on religion” to work colleagues and the news had “spread like wildfire.” He added that “A lot of my close friends and girlfriend have been prohibited from seeing me by their parents. I have even received a couple of anonymous phone calls threatening violence if I do not repent and start practicing Islam... Maldivians are proud of their religious homogeneity and I am learning the hard way that there is no place for non-Muslim Maldivians in this society.”

› [examiner.com/article/atheist-asylum-seeker-commits-suicide-maldives](http://examiner.com/article/atheist-asylum-seeker-commits-suicide-maldives)

# Afghanistan

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 194

Afghanistan has suffered from chronic instability and conflict in its modern history from the Cold War to the civil wars between the Mujahedeen and the Taliban. The Taliban was removed from power in 2001 (but still exists) and Afghanistan has had a democratically elected government since 2004. 2016 was marked by a period of rapid ISIS brutality that adds another front to the already existing

mix of Islamist militant groups. Human rights abuses, including the torture of detainees, violence against women and children, and attacks on journalists remain a serious problem. Security forces continue to operate largely with impunity. Indiscriminate attacks by the Taliban and ISIS have led to a sharp rise in civilian deaths particularly amongst minority sects including Shiites.

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	Religious or ideological indoctrination is utterly pervasive in schools	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 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 'Apostasy' or conversion from a specific religion is outlawed and punishable by death 'Blasphemy' or criticism of religion is outlawed and punishable by death 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	

## Constitution and government

State legislation is largely derived from religious law, which is not only contradictory to some articles of the constitution but also to its international commitments to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. For example, despite constitutional guarantees of freedom of religion, apostasy is still punishable by death. Although the constitution protects certain basic rights such as freedom of religion and belief, or freedom of press, nonetheless, the government, regional leaders and local chiefs frequently violate individuals' basic rights. Thus, effective enforcement of the constitution is a continuing challenge due to its contradictory commitments, inexperienced judges and the lack of a tradition of judicial review.

Article 2 of the constitution explicitly states that followers of religions other than Islam are "free to exercise their faith and perform their religious rites within the limits of the provisions of the law" implying that Islam is privileged in some way – even implying a trump on the law.

Article 7 specifically obligates the state to abide by the Universal Declaration of Human Rights, which includes commitments to religious freedom and the right to change one's religion, as well as the right to freedoms of expression and assembly. However, Article 3 of the constitution also declares that Islam is the official "religion of the state," that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam," and that "the provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended."

Although the constitution expressly protects free exercise of faith for non-Muslims, in situations where the constitution and penal code are silent, such as apostasy and blasphemy, the constitution also instructs courts to rely on the Hanafi School of Sunni Islamic jurisprudence.

The Office of Fatwa and Accounts within the Supreme Court interprets Hanafi jurisprudence when a judge needs assistance in understanding its application. Courts continue to rely on Hanafi interpretations of Islamic law, even in cases which conflict with the country's international commitments to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The constitution also grants that Shia law may be applied in cases dealing with personal matters where all parties are Shiite. But there is also no separate law applying to non-Muslims.

According to the constitution, the president and vice president must be Muslim. This requirement is not explicitly applied to government ministers or members of Parliament, but each of their oaths includes swearing allegiance and obedience to the principles of Islam.

The criminal code makes no specific references to religious conversion. However, in the absence of a provision in the constitution or other laws, Article 130 of the constitution instructs that court decisions should be in accordance with constitutional limits and Hanafi religious jurisprudence to achieve justice.

Under some interpretations of Islamic law, active in practice under Article 130, converting from Islam to another religion is deemed apostasy and considered an egregious crime. Those found guilty may be given three days to recant, or face death.

## Education and children's rights

### Children affected by conflict

In 2016, the latest update from the United Nations Assistance Mission to Afghanistan (UNAMA) released figures for the first nine months of the year, which documented 639 conflict-related deaths of children and 1,822 injuries; this is 15 percent higher than the same period in 2015 and much higher than the years 2013 and 2014.

› [unama.unmissions.org/unama-releases-civilian-casualty-data-third-quarter-2016](http://unama.unmissions.org/unama-releases-civilian-casualty-data-third-quarter-2016)

### Religion in schools

The primary focus of all schooling is instruction in Islam. According to the constitution, the "state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam, national culture, and in accordance with academic principles, and develop the curriculum of religious subjects on the basis of the Islamic sects existing in Afghanistan."

In government-controlled schools, religious education is taught more than general education, and the new government has promised more religious education. In privately run madrassas, the schooling is even more skewed, with the instruction almost entirely religious.

## Family, community and society

### Violence against women

"Violence against women is largely ignored by Afghanistan's judicial sector," said Veeda Saghari, a woman attending a small rally in Western Kabul. "That is why all kinds of violence against women such as acid throwing, beating, stoning, informal community tribunal verdicts, burning, forced divorces, forced marriages, forced pregnancies, forced abortions have reached a peak."

› [rawa.org/temp/runews/2016/08/26/more-than-5000-cases-of-violence-against-afghan-women-recorded-in-six-months.html#ixzz4Rpb1m8Gg](http://rawa.org/temp/runews/2016/08/26/more-than-5000-cases-of-violence-against-afghan-women-recorded-in-six-months.html#ixzz4Rpb1m8Gg)

These words reflect many cases of violence against women recorded recently.

In late October 2015, a 19-year-old woman named Rukhshana was stoned to death, having been accused of adultery. She was forced into a dug pit and stoned by Taliban and local people. Again the murder was filmed. President Ashraf Ghani called for an investigation and sent a delegation to investigate the case, following a public outcry after the footage went viral on social media. Maulavi Baleegh, who is a prominent member of the National Ulama Council, the country's highest religious authority, and an adviser to Mr. Ghani on religious affairs, made it clear in interviews and sermons that he believes in the stoning to death of adulterers; and the investigation revolved around the question of whether stoning a woman to death over an allegation of adultery was in accordance to Sharia Law, instead of being about the murder of Rukhshana. A presidential decree known as the Elimination of Violence Against Women Act, which should have outlawed the stoning and flogging of adulterers, was issued in 2009, but never ratified by Parliament.

› [nytimes.com/2015/11/08/world/asia/afghan-mullah-leading-stoning-inquiry-condones-practice.html](https://www.nytimes.com/2015/11/08/world/asia/afghan-mullah-leading-stoning-inquiry-condones-practice.html)

Following a donor conference in Brussels, October 2016, Human Rights Watch complained that international donors "have backpedaled from holding the Afghan government to account for rampant human rights violations... The benchmarks set at the conference – the product of months of negotiations between donors and the Afghan government – make it perfectly clear that rights have slipped off the table." Women's participation in peace negotiations was a hot topic amongst activists, some of whom managed to get visas and attend the Brussels Conference. Yet their fear was realized: "Afghanistan's roadmap for involving women in the peace process has only been described in broad principles and lacks any detail about specific tasks, timelines, and benchmarks."

› [hrw.org/news/2016/10/06/afghanistan-donors-splash-cash-bury-rights](https://www.hrw.org/news/2016/10/06/afghanistan-donors-splash-cash-bury-rights)

Parwiz Kambakhsh, a student and independent journalist, was sentenced to death in 2007 by a local court for printing and circulating an article critical about the rights of women in Islam. This was reported as a violation of the Afghan Media Law. Kambakhsh was immediately arrested. Intensive diplomatic negotiations between the international community and Afghan government surrounded his case. Kambakhsh was secretly conveyed from jail to a secure place and was kept there for some days under great security until he left the country.

› [facebook.com/engQutbuddin.helal/posts/315434655303808:0](https://www.facebook.com/engQutbuddin.helal/posts/315434655303808:0)

## Freedom of expression, advocacy of humanist values

Freedom of expression in Afghanistan has rigid margins and limitations, in particular when it runs up against religion. A popular slogan exemplifies the reactionary suppression of ideas: "One is free to express, but not after expressing it".

Article 3 of the constitution ("no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan") is often invoked both by clerics and government officials to contest the application of any secular regulation, including the two human rights conventions that Afghanistan is a party to, and particularly with respect to non-believers, apostates and women rights.

The penal code addresses "Crimes against Religions" and states that a person who physically attacks a follower of any religion shall receive a short-term prison sentence of not less than three months and a fine of between 3,000 and 12,000 Afghanis (US\$60 to \$240); physical attacks on non-religious people are, by exclusion from this law, not technically as serious.

### "Apostasy"

According to the Article 1 of the Penal Code, crimes of Hudud and Qisas including apostasy are inflicted in accordance with the Hanafi Jurisprudence of Sharia law, which includes death punishment for non-believer and apostates.

With regard to non-believers and apostates, very few incidents are recorded, though this probably means that many converts and dissenters from Islam generally are simply too afraid to speak out. Assuming or defending any right to criticize, abandon or renounce Islam is considered a taboo even by many people who adhere to broadly democratic values.

In 2006, a Muslim man, Abdul Rahman, who converted to Christianity faced prosecution for his apostasy. All pleas to throw the case out were rejected at once; the judge vowed to resist international pressure and threatened to sentence Abdul Rahman to death unless he reverted back to Islam. His death was prevented when President Karzai, under the strong advocacy and pressure of international community, requested the Supreme Court to spare him of his charges. The charges were dropped because of lack of evidence and ostensibly his mental instability. He left Afghanistan shortly thereafter.

› [answering-islam.org/authors/clarke/apostasy\\_freedom.html](https://www.answering-islam.org/authors/clarke/apostasy_freedom.html)

### "Blasphemy"

The criminal code makes no specific references to blasphemy; courts therefore rely on Islamic law to address this issue. Blasphemy – which can include anti-Islamic writings or speech – is a capital crime under some interpretations of Islamic law. As a result atheists and freethinkers are forced to hide their beliefs and the only way they can express their thoughts are anonymously

through social media. For males over age 18 and females over age 16 of sound mind, an Islamic judge may impose a death sentence for blasphemy. Similar to apostates, those accused of blasphemy are given three days to recant or face death.

When accusations of blasphemy or defamation of religion are made people can be violently targeted.

### **Farkhunda Malikzada “blasphemy” murder**

In March 2015 Afghanistan witnessed the most shocking murders in recent years, when Farkhunda Malikzada was beaten to death and then her body lit on fire by a mob in Kabul. The violence followed false accusations that she burnt a copy of the Qur’an. Farkhunda had reportedly questioned elderly local men about their habit of selling superstitious talismans to vulnerable women. The attack was captured on phone cameras, with many men seen looking on as she was killed. The trial of men accused of her murder was, according to human rights groups, “both rushed and riddled with due process violations.”

› [hrw.org/news/2015/07/07/dispatches-11th-hour-justiceforfarkhunda](http://hrw.org/news/2015/07/07/dispatches-11th-hour-justiceforfarkhunda)

Her brutal death triggered different reactions from human rights activists and clerics of both high and low levels. Among others, Ayaz Niazi, the prominent imam of Wazir Akbar Khan Mosque (attended by many high government officials and most favored by the Presidential Palace) warned against taking any action against the attackers. Ayaz Niazi said in his Friday’s sermon: “My appeal to the judicial and legal institutions is to act with caution ... When the people’s most important element of belief is insulted, they are not responsible to see if this [alleged blasphemer’s] mind is working or not working. You have to be careful. This is a huge mistake. If you start arresting people, they will probably revolt. It will be difficult to rein them in”.

› [theguardian.com/world/2014/oct/24/afghanistan-express-article-isis-taliban-islam-blasphemy](http://theguardian.com/world/2014/oct/24/afghanistan-express-article-isis-taliban-islam-blasphemy)

### **Afghanistan Express “blasphemy” events**

Another blasphemy case appeared in 2014 after Qutbuddin Hilal, ex-Deputy Prime Minister of the Islamic Republic of Afghanistan, and the son-in-law of Gulbuddin Hekmatyar (leader of Hizb e Islami) noticed a “blasphemous” piece in the Afghanistan Express newspaper. Some lines of the article were underlined by him and were posted on his Facebook page. The image was shared by his followers which are predominantly male Pashtuns.

› [rferl.org/a/afghan-blasphemy-case-an-early-test-for-new-government/26654627.html](http://rferl.org/a/afghan-blasphemy-case-an-early-test-for-new-government/26654627.html)

His post went viral on the internet and was reported by leading international news agencies from the Middle East to the USA and Europe. Ultimately, another warlord, Abdurrah Rasul Sayyaf, condemned the blasphemous piece and called for the arrest of the author and the news agency. It transpired that the article had been copied from

the personal website of the author, Ahmad Javeed Ahwar, a writer and a social media activist, and was published without his permission. A demonstration was held in Kabul where the crowd demanded punishment of the author. The newspaper office was shut down and the owners were arrested. President Ashraf Ghani and Chief Executive Abdullah Abdullah, assured people of Afghanistan of taking all the required measures regarding the arrest and trial of Ahmad Javeed Ahwar. <[rferl.org/a/afghan-blasphemy-case-an-early-test-for-new-government/26654627.html](http://rferl.org/a/afghan-blasphemy-case-an-early-test-for-new-government/26654627.html)>

Reportedly, most of the coworkers of the newspaper are said to have sought asylum in European countries.

› [theguardian.com/world/2014/oct/24/afghanistan-express-article-isis-taliban-islam-blasphemy](http://theguardian.com/world/2014/oct/24/afghanistan-express-article-isis-taliban-islam-blasphemy)

NAI, which appears to be the only local Afghan NGO that campaigns of support of open media in Afghanistan, condemned Ahmad Javeed Ahwar for violating Afghan Constitution.

### **Broader freedom of expression issues**

The constitution protects freedom of expression and of the press; however, the media law includes articles detrimental to freedom of religion and expression. Among other prohibited categories, Article 45 prohibits production, reproduction, printing, and publishing of works and materials contrary to the principles of Islam, works and materials offensive to other religions and denominations, publicizing and promoting religions other than Islam.

Many authorities and most of society view proselytizing by adherents of other faiths as contrary to the beliefs of Islam.

The ambiguity surrounding what constitutes offensive and un-Islamic material offers the potential for restrictions on and abuse of press freedom and intimidation of journalists. These rules also apply to non-Muslims and foreign-owned media outlets. An amendment to the media law instructs National Radio and Television Afghanistan (RTA), the state-run media outlet, to provide balanced broadcasting that reflects the culture, language, and religious beliefs of all ethnic groups in the country. The law, however, also obligates RTA to adjust its programs in light of Islamic principles and national and spiritual values.

The annual World Press Freedom Index that was published by Reporters without Borders, ranked Afghanistan 122nd out of 180 countries on the degree of freedom that journalists, news media, and internet citizens are afforded. There are 63 incidents of threats, beatings and kidnappings of journalists has been documented so far by, Nai, an Afghan NGO that promotes freedom of expression, including 3 deaths reported. Five attacks are directly linked to government. 12 by police, 8 by other government bodies such as traffic officers and provincial council members governors etc. The rest attacks are committed by Taliban and some are still unknown.

› [data.nai.org.af](http://data.nai.org.af)

In spite of the fact that Afghanistan's national unity government has taken measures designed to improve freedom of information, including dissolving the commission for the verification of press offences and adopting the Law on Access to Information, journalists remain the targets of acts of violence and intimidation by government officials and local governors.

In 2016, according to the local organization Nai, "supporting Open Media in Afghanistan", hundreds of journalists have been threatened or intimidated, with many leaving their jobs or relocating.

› [nai.org.af/blog/two-recent-months-witness-sever-violations-against-journalists](http://nai.org.af/blog/two-recent-months-witness-sever-violations-against-journalists)

## Highlighted Cases

In 2003, Sayeed Mahdawi and Ali Reza Payam, both accused of blasphemy were arrested in Kabul for writing a column entitled "Holy Fascism", in which they described Islamic laws as outdated, and questioned the hypocrisy of Muslim leaders and social corruption under the banner of religion. The order of their arrest was issued by President Karzai himself to "protect the constitution and the beliefs of the majority of the people." The two were eventually offered asylum in the West by the assistance of UN High Commissioner for Refugees

› [refworld.org/docid/46e690f223.html](http://refworld.org/docid/46e690f223.html)

A similar case took the attention of international media in 2005 when a journalist and the editor of a women's rights magazine, Ali Mohaqiq Nasab, was prosecuted for blasphemy charges. He criticized Islam for its brutal punishment for crimes such as adultery and stealing. Nasab was initially sentenced to two years imprisonment. Meanwhile, another warrant was issued to arrest those who publicly defended him and justified his act. A diplomatic dedication that included representatives from European Commission and the US Embassy requested his release claiming that his trial was against Article 34 of the Afghan Constitution.

› [wikileaks.org/plusd/cables/05KABUL5076\\_a.html](http://wikileaks.org/plusd/cables/05KABUL5076_a.html)

› [cpj.org/2005/12/cpj-calls-on-karzai-to-free-journalist-ali-mohaqiq.php](http://cpj.org/2005/12/cpj-calls-on-karzai-to-free-journalist-ali-mohaqiq.php)

In 2007, Ghaws Zalmai—a well known journalist and spiritual figure was arrested and tried for attempting "unofficial [unauthorized] translation of the Qur'an in Dari". He was accused of misinterpreting some verses of Quran in his translations. The Afghan Parliament prohibited him from leaving the country. The clerics who had approved the translation was also arrested a year later and later sentenced to 20 years imprisonment. He was later reported to have been released in secret and in hiding.

› [refworld.org/docid/48d5cbf4c.html](http://refworld.org/docid/48d5cbf4c.html)

› [independent.co.uk/news/world/asia/free-at-last-student-in-hiding-after-karzais-intervention-1782909.html](http://independent.co.uk/news/world/asia/free-at-last-student-in-hiding-after-karzais-intervention-1782909.html)

## Testimonies

*"My curious mind has led me to exploring questions about science and Humanist philosophy. Becoming an atheist as a result of my curiosity, and on some occasions, openly discussing scientific issues and evolution even with my closest friends has put me in trouble. In Afghanistan nothing ends without a reference to God. That reference to god always stopped me from further exploring things openly with people. So I had to explore and talk to likeminded people on social media and Facebook, with, of course, a pseudonym, and openly challenging them and openly asking questions to satisfy my curiosity. The problems I will be facing if my atheistic views become apparent will be too grave, not only from authorities but also from my work colleagues and even my family. When my colleagues go to mosque for praying I have to go with them, to avoid suspicion or I may be brutally murdered."*

— Khalid

*"As an atheist I'm facing constant problems with family, friends, and even in dealing with people at the university campus and the community at large. Having any beliefs outside of Islam or that of which is not compatible with Islam and its teachings are considered an unforgivable crime. Such a view is prevalent throughout society, family, friends and even at the university, which supposed to be a place to question and doubt; Not to mention that such beliefs are systematically reinforced by the constitution and the state's laws. Thus, I am closet atheist, and my Secular Humanist views are limited to social media and to myself alone. The environment in Afghanistan is suffocating for freethinkers and Humanists. There are two ways available to me and others like me: Either stay quiet for your entire life which in turn is an imposed punishment for a social being like humans, or voice your concern for equality, freedom of thought and expression publicly. But to what cost?"*

— Arash Kargar (pseudonym)

# Iran

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 195

Iran, the second largest nation in the Middle East, has a population of more than 80 million, of which (on paper at least) 99% are identified as Muslim. The Muslim majority includes a Shia majority (90%) and 9% Sunni Muslims (Turkmen, Arabs, Baluchis and Kurds). The remaining 1% of non-Muslim population are identified as Baha'is, Christians,

Jews, Sabeen-Mandaeans, Zoroastrians, and Yarsanis. A considerable part of the Muslim population practice Sufism. Iran experienced a far-reaching Islamization of law and society after the Islamic revolution in 1979. Hassan Rouhani is the state's president since 2013.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<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>The non-religious are barred from holding government office</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>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>
	<p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</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>There is an established church or state religion</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>		<p>Discriminatory prominence is given to religious bodies, traditions or leaders</p>	

## Constitution and government

There is no freedom of religion or belief in the Islamic Republic of Iran, and the freedoms of expression, association and assembly are severely restricted by the theocratic regime. Iranian law bars any criticism of Islam or deviation from the ruling Islamic standards. Government leaders use these laws to persecute religious minorities and dissidents.

### Religious minorities

The constitution declares that Islam (Ja'afari Shiism) is the state religion. Articles 12 and 13 divide citizens of the Islamic Republic of Iran into four religious categories: Muslims, Zoroastrians, Jews and Christians. Nonbelievers are effectively left out and aren't afforded any rights or protections. They must declare their faith in one of the four officially recognized religions in order to be able to claim a number of legal rights, such as the possibility to apply for the general examination to enter any university in Iran. The authorities classify Yarsanis as Shia Muslims practicing Sufism, although Yarsanis identify Yarsan as a distinct faith. Similarly, Sabean-Mandaeans do not consider themselves as Christians, but the government classifies them among the Christian groups.

According to the constitution, the main Sunni schools of Islam have to be "accorded full respect". However, all religious minority groups, including Sunni Muslims, face harassment, restrictions and discrimination in employment, education and housing.

The Baha'i faith is not recognized and its members face immense discrimination. The members of the Baha'i community are generally prevented from burying their dead according to their traditions and many cemeteries have been destroyed. Their community is prohibited from officially assembling. Authorities often prevent Baha'is from leaving the country and generally disregards their property rights. According to the law, Baha'i blood can be spilled with impunity and there is no restitution to their families. Some religious leaders state publicly that Baha'is are "unclean" and that conducting business with them is forbidden. Several Baha'i leaders remain in detention. The members of the Baha'i minority face substantial societal discrimination.

Sufism is similarly denounced by Shia clerics in public statements. Security services harass and intimidate prominent Sufi leaders and the government restricts Sufi activities.

### Religious powers

Article 110 of the Constitution lists all the powers granted to the Spiritual Leader (a Muslim religious and political leader), appointed by his peers for an unlimited duration. Among others, the Spiritual Leader exercises his control over the judiciary, the army, the police, the radio, the television, but also over the President and the Parliament,

institutions elected by the people. Article 91 of the Constitution establishes a body known as the "Guardian Council" whose function is to examine the compatibility of all legislation enacted by the Islamic Consultative Assembly with "the criteria of Islam and the Constitution" and who can therefore veto any and all legislation. Half of the members of the Guardian Council are appointed by the Spiritual Leader and the other half are elected by the Islamic Consultative Assembly from among the Muslim jurists nominated by the Head of the Judicial Power (who is, himself, appointed by the Spiritual Leader).

The Guardian Council exercise a double control of any draft legislation, with two different procedures: conformity with the Constitution (all 12 elected members vote, a simple majority recognizes the constitutionality) and conformity with Islam (only the six religious leaders elected personally by the Spiritual leader vote, and a simple majority is required to declare the compatibility of a draft legislation with Islam). Consequently, four religious leaders may block all draft legislation enacted by the Parliament. The Guardian Council and the Supreme Leader thus centralize all powers in Iran.

Only Muslims are able to take part in the Government of the Islamic Republic of Iran and to conduct public affairs at a high level. According to the Constitution, non-Muslims cannot hold the following key decision-making positions: President of the Islamic Republic of Iran, who must be a Shi'a Muslim (Article 1156); Commanders in the Islamic Army (Article 1447); Judges, at any level (Article 163 and law of 1983 on the selection of judges 8).

Non-Muslims are not eligible to become members of the Parliament (the Islamic Consultative Assembly) through the general elections and non-Muslims cannot become members of the Guardian Council—the most powerful governing body in Iran.

Iran operates harsh form of Sharia—Islamic law—that punishes a wide range of political, social and moral offenses with flogging, amputation, and execution. Amendments to Iran's penal code in 2013 eliminated execution by stoning. However, Iran still carries out hundreds of executions by hanging every year. Many executions are for the crime of "enmity against God" (moharebeh).

### Discrimination in application of the law

A study of the Penal Code of the Islamic Republic of Iran reveals that, for a number of offences, the punishment differs in function of the religion of the victim and/or the religion of the offender. The fate of Muslim victims and offenders is systematically more favourable than that of non-Muslims, showing that the life and physical integrity of Muslims is given a much higher value than that of non-Muslims. This institutionalized discrimination is particularly blatant for the following crimes:

- **Adultery:** The sanctions for adultery vary widely according to the religion of both members of the couple. A Muslim man who commits adultery with a Muslim woman is punished by 100 lashes (Article 88). However, a non-Muslim man who commits adultery with a Muslim woman is subject to the death penalty (Article 82-c). If a Muslim man commits adultery with a non-Muslim woman, the Penal Code does not specify any penalty.
- **Homosexuality:** Likewise, homosexuality “without consummation” between two Muslim men is punished by 100 lashes (Article 121) but if the “active party” is non-Muslim and the other Muslim, the non-Muslim is subject to the death penalty...
- **Crimes against the Deceased:** Article 494 stipulates penalties for crimes against a deceased Muslim but the Penal Code does not edict any penalties for the violation of the corpse of a non-Muslim. [fidh.org/IMG/pdf/ir0108a.pdf](http://fidh.org/IMG/pdf/ir0108a.pdf)

## Education and children's rights

Religious instruction is mandatory in public schools. All recognized religious minority groups are allowed to open private schools. However, the directors of the schools must be, with a few exceptions, Muslims, and the content of school books and curricula must be approved by the government. Christians and Jews are allowed to teach in Hebrew, but the distribution of Hebrew books is limited, what makes it difficult to teach the language. All languages have to be translated into Persian, in order to be approved by the authorities and impose significant translation fees on the religious minority groups. The government eliminated in the recent years almost all Persian-language church services, restricting them to Assyrian and Armenian languages. The teaching of languages has thereby become important for religious minority groups.

Sunni Muslims are not allowed to build new schools and report bans on teachings in public schools and on religious literature, even in predominantly Sunni Muslim areas. Jewish students are not required to attend school on Saturdays. However, Jewish schools have to remain open on Saturdays, violating the Jewish religious law.

Baha'is are actively prevented from attending universities. They have to identify with a recognized religious minority group in order to inscribe at a university. A government order requires that Baha'is must be expelled from universities if their religious affiliation becomes known and Baha'is are sometimes required to sign a statement at university, which states that they will not attend any Baha'i religious activity. Further, the order states that “Baha'i children should be enrolled in Shia Islamic schools with a strong and imposing religious ideology”. The Baha'i community reports that their children in public schools face attempts by their teachers and administrators to convert them to Islam. Teachers generally ask Baha'i and other non-Shia children about their families' religious practices, as for

instance if their parents fulfill their duties of the religious prayers at home, etc.

## Family, community and society

### No civil or secular family law

The legal interpretation of Islam forces all citizens, with no regard to their faith, to follow strict rules based on religion.

Family law derives exclusively from religious law, for Shia Muslims it is the Sharia based on Shia interpretation and for other recognized religious groups, Jews, Christians and Zoroastrians, they can relate to their own norms. Sunni Muslims can apply their laws in marriage, divorce and inheritance matters. Baha'i marriages and divorces are officially not recognised, but the government allows a civil attestation of marriage to serve as a marriage certificate. The legal age of marriage is 13 years for girls and 15 for boys and is the same for all sectarian groups. Generally both spouses have to agree to a marriage. However women are discriminated in law and practice.

Same-sex relationships are illegal in Iran for women and men.

### Discrimination against women

Women are considered to be under male guardianship. Article 1105 of the civil code states that men are the exclusive head of the family and women do not have the same rights as men regarding child custody. Further, women are discriminated in inheritance law and inherit less than their male relatives. Women can hardly obtain a divorce, even with the Islamic principle of “khula”, where a woman obtains a divorce and forfeits all future financial support from her husband, she still needs the consent of her husband. There is no specific law criminalizing domestic violence. Rape is not recognised as a distinct offence, but rather as adultery and a rape victim must present four male eyewitnesses in order to prove the crime. Female witnesses count only the half of male witnesses. Spousal rape is not recognised. Men have the right to sign a temporary marriage contract (sigheh) according to Shia interpretation of religious law. Adultery is considered a crime and be punished with the death sentence. Polygyny is allowed, meaning that Muslim men can marry up to four wives. Women need the permission of their male guardian in order to obtain a passport and to travel abroad. Married women need their husband's permission to work outside the home.

Gender segregation is enforced throughout the country. Women are required to cover their hair and fully covering their body in loose clothing. “Un-Islamic” dress is periodically punished by the authorities. In 2014 women in Isfahan protested against at least acid attacks against women. The women were targeted because their clothing was considered not to conform to Islamic norms.

## Freedom of expression, advocacy of humanist values

### “Apostasy”

The law does not provide religious freedom to Muslims and conversion from Islam is considered apostasy, which is punishable by death. A child born to a Muslim father is automatically considered to be Muslim. Proselytizing to Muslims can be punished with the capital sentence as well.

### “Enmity against God”

The government jails and executes periodically dozens of individuals on charges of “enmity against God” (moharebeh). Although this crime is framed as a religious offense, and may be used against atheists and other religious dissenters, it is most often used as a punishment for political acts that challenge the regime (on the basis that to oppose the theocratic regime is to oppose Allah).

Furthermore, the penal code criminalizes the insulting or cursing of Islamic prophets with a death sentence.

### Media and “morals”

The Press Court has extensive power to prosecute journalists and control print media. It uses this power to prevent publication of anything that could be seen as critical of the regime or contrary to its strict interpretation of Shi’a Islam. Numerous periodicals are closed for morality or security offenses every year. In 2012, even the head of the state news agency, Ali Akbar Javanfek, was jailed for six months for publishing content “contrary to Islamic standards.”

Freedom of expression is severely restricted by the regime. The government directly controls all television and radio broadcasting, and outlaws the reception of independent media, for example by making it illegal to own a satellite dish. Cooperation with Persian-language satellite news channels based abroad is banned; for example, a leading economist, Fariborz Raisdana, was arrested in December 2010 for criticizing Iranian economic policies on the Persian service of the British Broadcasting Corporation (BBC). Professor Raisdana began serving a one-year prison term in May 2012. In addition, Iranian journalists living abroad have been intimidated by the Iranian government, for example by the harassment of family members who still live in Iran. Iran ranks second in the world for the number of jailed journalists, according to the Committee to Protect Journalists. In July 2013, following the election of the new president of Iran, widely seen as more moderate than his predecessor, Iranian authorities jailed seven more journalists (see individual case below) and arrested several others in a renewed media crackdown.

Iranian filmmakers are subject to tight restrictions. In January 2012, the government ordered the closure of the House of Cinema, an independent association that supported around 5,000 Iranian filmmakers and artists.

On July 13, 2013, seven members of the Dervish religious minority were sentenced to a total of 56 years for running a news website.

› [cpj.org/2013/07/iran-jails-at-least-10-journalists-in-two-week-spa.php](http://cpj.org/2013/07/iran-jails-at-least-10-journalists-in-two-week-spa.php)

### Internet and protest

Access to the Internet has soared over the last five years in Iran. As with the “Arab Spring” uprisings, in 2009 many Iranians used mobile phones and social media to organize and publicize widespread protests—the “Green Movement” against the regime. In fact the use of social networking technology was so central to the popular protests that the democratic uprising became known as “The Twitter Revolution.” The government responded by creating draconian new laws to restrict access to communication tools, persecute dissidents for their online activity, and strengthen the government’s already powerful censorship system. The major social-media sites—such as Facebook, Twitter, and YouTube—were blocked after the 2009 election. In 2012, the authorities unveiled new regulations that require cybercafés to record the personal information and browsing histories of every customer. The first phase of a national intranet, aimed at disconnecting the population from the WorldWideWeb, was launched in September 2012.

Sattar Beheshti, an Iranian blogger and activist, died during torture and interrogation in Evin Prison in early November 2012, several days after being arrested by the Iranian Cyber Police unit for criticizing the government of the Islamic Republic. In 2016, a 16-year prison sentence was upheld against human rights defender Narges Mohammadi by Iran’s Appeals Court for her peaceful human rights work. Among other things, she had been calling for the prosecution and fair trial of Sattar Beheshti’s interrogator.

› <https://www.iranhumanrights.org/2016/05/narges-mohammadi-13/>

### Freedom of association and assembly

Freedom of association and assembly are severely limited in Iran. The constitutional prohibition against public demonstrations that “are detrimental to the fundamental principles of Islam” is used to ban any demonstration the authorities may not like. The government condones violent groups of vigilante, and extra-legal paramilitary groups—such as the Basij and Ansar-i Hezbollah—that are used to break up demonstrations by assaulting the protestors, often resulting in serious, permanent injuries and even death. Even peaceful, non-political protests are put down with brutal force.

### Highlighted cases

In November 2014, the Supreme court upheld the death sentence of blogger Soheil Arabi for the charge of “insulting the Prophet Muhammad” on Facebook.

In February 2014, the Supreme court upheld the death

sentence of Ruhollah Tavana for insulting the Prophet Muhammad.

On Jan. 17, 2012, the country's Supreme Court confirmed the previously handed down death sentence for 35-year-old web designer and Canadian resident Saeed Malekpour. He had returned to Iran in 2008 to visit his dying father and was arrested for "insulting and desecrating Islam" for allegedly creating a computer program used by others to download pornography.

## Testimonies

*"I only came out as an atheist with my closest friends. Being an atheist and saying this in public is considered as big crime and is being sentenced to death. Nobody says that he or she is an atheist so easily in Iran, although the majority of the population is in fact. That's the reason I never had to fear bad consequences in my family and with my friends. They all think like me. It would even be more disturbing to them if I say I am a believer."*

— Sepideh

# Saudi Arabia

Const/Govt	Edu/Child	Society/Comm	Expression

Ranking Index: 196

The Kingdom of Saudi Arabia is an Islamic state governed by an absolute monarchy in tandem with a powerful religious elite. Since 2014 Saudi law defines “the promotion of atheism” as an act of “terrorism”. Accusations of apostasy or promoting atheism have been made in recent years, with individuals facing possible death sentences and serving long jail terms.

The Saudi government has claimed to be making improvements in terms of respecting civil liberties and human rights; however most improvements have been

minimal, and a highly restrictive regime persists. In 2017 the Crown Prince pledged reforms including to lift the ban on women driving, however many human rights campaigners and prisoners of conscience remain behind bars. Most forms of public religious expression must be consistent with the government’s particular brand of Sunni Islam.

Saudi Arabia is a member of the League of Arab States (LAS), the Organization of Islamic Cooperation (OIC), and the Gulf Cooperation Council (GCC).

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<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>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>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>
<p>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p>	<p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</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>	

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
There is an established church or state religion State-funding of religious institutions or salaries, or discriminatory tax exemptions			

## Constitution and government

The monarchy of the house of Al Saud holds supreme political authority, existing by formal arrangement in tandem with a highly influential clerical bloc (the Ulema) lead by the house of Al ash-Sheikh.

This monarchical-religious symbiosis was forged under an oath sworn by both families dating back to 1744, to this day considered the founding basis of the “pact” between both houses. The pact commits the house of Al Saud to “perform jihad against the unbelievers”, while “in return” Muhammad ibn Abd al-Wahhab (the founder of Wahhabism) would be “leader in religious matters” in perpetuity.

› [goo.gl/UF0liF](http://goo.gl/UF0liF) [A History of Saudi Arabia, Madawi al-Rasheed]

There is no freedom of religion or belief in Saudi Arabia. Wahhabism – commonly described as an “ultra conservative” or “fundamentalist” branch of Sunni Islam – is functionally recognized as the state religion. According to Article 1 of the Basic Law of Saudi Arabia (its equivalent to a constitution), “The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God’s Book and the Sunnah of His Prophet (God’s prayers and peace be upon him) are its constitution.”

The country’s laws are based on Sharia law.

### Human rights violations

With a population of 29 million, the Kingdom is one of 12 countries given “the worst-possible rating of 7 for both political rights and civil liberties” by Freedom House (2015).

› [freedomhouse.org/report/freedom-world/2015/saudi-arabia](http://freedomhouse.org/report/freedom-world/2015/saudi-arabia)

Saudi Arabia is routinely and severely criticised by many human rights organizations internationally, including for the poor treatment of migrant workers, massive religious and political suppression of freedom of thought, expression, and association, and especially women’s rights (including a ban on women driving and a semi-formalized “guardianship” system which robs women of privacy and freedom of movement), as well as maintaining an unfair and unpredictable justice system that is often utilized to punitively suppress human rights advocacy and to crush any sign of political dissent.

In a government reshuffle under new King Salman in 2015, the head of the Mutaween (religious police), Sheikh Abdul Latif al-Sheikh, considered to be somewhat sympathetic to women’s rights, was replaced by Abdulrahman al-Sanad, who was previously sacked by King Abdullah on grounds of his criticism of intermingling young men and women in co-ed universities. King Salman also appointed as his personal adviser the controversial cleric Saad al-Shethri, known as a hardliner against Christians, Jews, and Shiites. The female Deputy Minister for Education was also removed (see “Education and children’s rights”, below) with no new women being appointed. These moves were widely seen as entrenching or setting back the reform agenda.

› [middleeasteye.net/news/new-saudi-king-orders-cabinet-reshuffle-280880866](http://middleeasteye.net/news/new-saudi-king-orders-cabinet-reshuffle-280880866)

› [ansamed.info/ansamed/en/news/sections/politics/2015/03/03/saudi-arabia-education-minister-says-no-to-sports-for-girls\\_1dcbf24c-8f27-4270-9e8f-01c56c158cae.html](http://ansamed.info/ansamed/en/news/sections/politics/2015/03/03/saudi-arabia-education-minister-says-no-to-sports-for-girls_1dcbf24c-8f27-4270-9e8f-01c56c158cae.html)

Since then, Crown Prince Mohammad bin Salman, designated in June 2017 as the successor to King Salman, has apparently orchestrated a series of arrests in what has been described by the House of Saud as an anti-corruption purge, though many commentators regard it as a crackdown on the Crown Prince’s likely opponents and detractors. In 2017 the Crown Prince pledged some liberalizing reforms, including an end to the ban on women driving, though they will take some time to implement. It remains unclear how deep or serious the push for reform is and whether it heralds an approach more accepting of human rights.

### Geopolitical power

Despite its severe deficit on civil liberties and human rights, Saudi Arabia nevertheless retains a high Human Development Index, largely thanks to its massive oil export industry, and a sizeable population of expatriate workers. The population includes 2.5 million Bangladeshis who migrated in the main after the war for independence, in which Saudi provided significant support against the Bengali nationalist call for independence.

Saudi Arabia has lukewarm, rocky or outright hostile relations with a number of other Middle Eastern countries, in particular Iran.

Outside the region, its close political allies and major trading partners (often themselves highly dependent on Saudi oil exports) include: China, India, Indonesia, Japan, Pakistan, Singapore, South Korea (with Asia importing 66% of total Saudi oil exports); Canada and the United States (with North America importing 17% of total Saudi oil exports); Belgium, France, Italy, Netherlands, Spain, and United Kingdom (with Europe importing 12% of total Saudi oil exports) (as of 2013 figures).

› [atlas.media.mit.edu/en/profile/country/sau/](https://atlas.media.mit.edu/en/profile/country/sau/)

Early in 2015 the Kingdom of Saudi Arabia along with the GCC countries (except Oman) went to war in Yemen. The air campaign has been widely accused of indiscriminate bombing with significant civilian casualties. In September 2015, the Saudi coalition struck a wedding party killing 135 people and many more incidents of bombing in densely populated areas causing numerous casualties are widely regarded as probable war crimes.

› [aljazeera.com/news/2015/10/yemen-151007015252750.html](https://www.aljazeera.com/news/2015/10/yemen-151007015252750.html)

› [foreignpolicy.com/2015/10/15/u-s-support-for-saudi-strikes-in-yemen-raises-war-crime-concerns/](https://www.foreignpolicy.com/2015/10/15/u-s-support-for-saudi-strikes-in-yemen-raises-war-crime-concerns/)

The Saudi coalition is accused of obstructing humanitarian aid, blocking supplies coming in from the Persian Gulf and creating famine and disease. Amnesty International testifies to the use of cluster bombs. The conflict falls along sectarian lines, testing the regional balance of power between Sunnis and Shiites.

› [amnesty.org/en/press-releases/2015/10/yemen-call-for-suspension-of-arms-transfers-to-coalition-and-accountability-for-war-crimes/](https://www.amnesty.org/en/press-releases/2015/10/yemen-call-for-suspension-of-arms-transfers-to-coalition-and-accountability-for-war-crimes/)

## Education and children's rights

The problem of propagation of religious hatred in the classroom remains significant in Saudi Arabia. According to the United States Commission on International Religious Freedom, the textbooks used in secondary schools from 2013 to 2014 “continued to teach hatred toward members of other religions and, in some cases, promote violence. For example, some justified violence against apostates and polytheists and labelled Jews and Christians ‘enemies.’

› <http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>

Since the first girls' schools were founded in the 1960s, until 2002, girls' education was controlled under the auspices of the Directorate of Girls' Education managed by the religious Ulama. Girls' education has been closely linked to the state religion administered by the Wahhabi religious hierarchy:

*“The purpose of educating a girl is to bring her up in a proper Islamic way so as to perform her duty in life, be an ideal and successful housewife and a good mother, ready to do things which suit her nature such as teaching, nursing*

*and medical treatment.”*

– Helen Chapin Metz, ed. *Saudi Arabia: A Country Study*. Washington: GPO for the Library of Congress, 1992

In 2002, in an incident known as the Meccas girls' school fire, the Saudi religious police prevented girls from evacuating their school during a fire, insisting that they must obey the religious dress code. 15 girls were killed in the blaze.

› [hrw.org/news/2002/03/14/saudi-arabia-religious-police-role-school-fire-criticized](https://www.hrw.org/news/2002/03/14/saudi-arabia-religious-police-role-school-fire-criticized)

As a response, King Abdullah removed Saudi girls' schools from the religious authorities. Since 2002 girls' education has been the responsibility of the Ministry of Education also responsible for boys' education.

In 2009 King Abdullah appointed a female Deputy Minister in charge of girls' schooling, namely Norah Al-Faiz. She was the first woman to chair at ministerial level. However, in 2015 in a government reshuffle, King Salman dismissed Norah Al-Faiz, after her work on the cause of girls' sports programmes in state-run schools prompted opposition by religious conservatives. No women were appointed in the new government setting. The newly appointed Minister of Education Ministry, Azzam Al-Dakhil, vowed not to allow sporting activities for girls in public schools.

## Family, community and society

Despite the huge predominance of religion over political and social affairs, and the threat of prosecution for “blasphemy” or “apostasy” (see below) a widely-cited 2012 poll found that nearly 25% of Saudi Arabians interviewed identified as “non-religious”, including 5% prepared to described themselves as “A convinced atheist”.

› [redcresearch.ie/wp-content/uploads/2012/08/RED-C-press-release-Religion-and-Atheism-25-7-12.pdf](https://www.redcresearch.ie/wp-content/uploads/2012/08/RED-C-press-release-Religion-and-Atheism-25-7-12.pdf)

Public non-Muslim places of worship are not allowed, and the right of non-Muslims to practice their religion in private is not fully protected. The intractable connection between state identity, the ruling royal family and the religious establishment results in significant pressure on all citizens to adhere to the official government interpretation of Islam. Rejection of that interpretation is conceived of as rejection of the instruments of the state or sedition.

### Religious police

The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), which enforces public morality and restrictions on public religious manifestations and practice, is known for being especially intolerant of minority religions and disbelief. It is not subject to judicial review and reports directly to the King.

In 2016 following public outcry at incidents of the ‘police’ acting beyond their remit and subjecting individuals to

harassment, detainment, beatings and lashings, their powers were curbed and their presence on the streets was greatly diminished.

A year later, many celebrated the anniversary of their fading. However others reportedly welcomed their gradual return later in 2017, albeit with diminished powers.

› [arabnews.com/node/1076321/saudi-arabia](http://arabnews.com/node/1076321/saudi-arabia)

› [bloomberg.com/news/articles/2017-06-26/saudi-religious-police-return-just-with-a-little-less-vengeance](http://bloomberg.com/news/articles/2017-06-26/saudi-religious-police-return-just-with-a-little-less-vengeance)

## Freedom of expression, advocacy of humanist values

### Blasphemy and apostasy

“Blasphemy” is conceived as a deviation from Sunni Islam and thus may also be treated as “apostasy”. Apostasy is criminalized and mandates a death penalty. The criminal accusation of “apostasy” is sometimes deployed against people (including writers, activists, artists, or lawyers) who show any serious sign of pushing at the outer boundaries of freedom of expression, or who are critical of the religious authorities, and whose views (rightly or wrongly) are termed “atheist” or as “insulting to religion”. These laws are actively utilized (see Highlighted cases, below).

In 2017 the Ideological Warfare Center, an anti terror unit in Saudi Arabia, cited various Islamic and Quranic scholars who argued that there was no death penalty for those who were deemed apostates under Islamic law. This led to a number of social media users to interpret the IWC’s statement as a sign that the Kingdom was moving towards abolishing the death penalty for apostates. However, an official source from the Saudi Press Agency responded that such rumours are incorrect and threatened to sue anyone propagating them.

› [alaraby.co.uk/english/blog/2017/12/9/saudi-anti-terror-authority-argues-no-death-penalty-for-apostates](http://alaraby.co.uk/english/blog/2017/12/9/saudi-anti-terror-authority-argues-no-death-penalty-for-apostates)  
› [spa.gov.sa/viewstory.php?lang=en&newsid=1693825](http://spa.gov.sa/viewstory.php?lang=en&newsid=1693825)

### Atheism as “terrorism”

In March 2014, the Government brought into law new anti-terrorism legislation, which defines atheism as terrorism. Article 1 of the new law defines one form of terrorism as: “Calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based.” Since the government system is grounded in Wahhabi interpretations of Islam, non-believers are assumed to be enemies of the Saudi state.

This legislation not only frames non-believers as terrorists but, along with related royal decrees, creates a legal framework that outlaws as terrorism nearly all thought or expression critical of the government and its understanding of Islam.

*“Saudi authorities have never tolerated criticism of their policies, but these recent laws and regulations turn almost*

*any critical expression or independent association into crimes of terrorism...”*

– Joe Stork, deputy Middle East and North Africa Director, Human Rights Watch

› [hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights](http://hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights)

### Social and political suppression

The punishment for any perceived criticism of the ruling family or the state’s interpretation of Islam is harsh and often secret or obscure in nature. Accordingly, many cases and convictions for free thought and expression are not made public which makes it very difficult to accurately report on the full extent of Saudi repression.

Following a 2011 amendment to the country’s press law by a royal decree, the press is prohibited from criticizing the government or related officials, with violations potentially resulting in fines or forced closures of the press concerned. Articles deemed offensive to the religious establishment or the ruling authorities are prohibited. Domestic media are controlled by the state. The royal family owns major stakes in news outlets in multiple countries, providing them with a dominant regional influence.

The government has also sought to control online media, blocking access to hundreds of thousands of websites, which it considers immoral or politically sensitive. All websites, blogs and anyone posting news or commentary online are required by law to have a license from the Ministry of Information. Failure to do so, can result in a fine or possible closure of the website concerned.

There have been numerous arrests and convictions for social media comments, postings, and activism by human rights defenders, many falling under a vague “state security” classification precluding them from royal pardons.

› [amnestyusa.org/news/news-item/saudi-arabia-must-release-all-prisoners-of-conscience-immediately-and-unconditionally-irrespective-o](http://amnestyusa.org/news/news-item/saudi-arabia-must-release-all-prisoners-of-conscience-immediately-and-unconditionally-irrespective-o)

### Other Human Rights Issues

Saudi Arabia has not ratified the ‘International Covenant on Economic, Social and Cultural Rights’ nor the ‘International Covenant on Civil and Political Rights’, however, it is a party to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

Excessive police powers without judicial oversight and increasing lack of free expression have been worsened by the Penal Law for Crimes of Terrorism and its Financing (the “terrorism law”), with its vague and overly broad provisions.

The death sentence (usually by beheading and crucifixion) applies not only for the crime of “apostasy” (see above) but also crimes of “witchcraft” and “sorcery”.

The rights to freedom of assembly and association are denied in practice. The government frequently detains political activists who stage demonstrations or engage in other civic advocacy.

LGBT people are denied the right to sexual autonomy. Married men are prohibited from engaging in homosexual acts and can be stoned to death for such acts. As can non-Muslims who commit “sodomy” with a Muslim. Other punishments handed out to those found guilty of homosexuality include chemical castrations, imprisonment and execution. In 2014, a Saudi Arabian man was sentenced to three years in jail and 450 lashes after he was caught using Twitter to arrange dates with other men. A court in Medina, convicted him on the charge of “promoting the vice and practice of homosexuality.” The newspaper Al-Watan reported that the man was arrested following an entrapment ploy by the CPVPV.

Some women continue to protest for the right to drive and move in public without a chaperone. But despite the Kingdom sometimes saying it has made progress on women’s rights, those protesting have sometimes been met with punitive treatment. In December 2014, Loujain Hathloul and Maysaa Alamoudi were arrested at the border with the United Arab Emirates for driving. Their case was referred to the Specialized Criminal Court, which deals primarily with cases related to state security and terrorism.

## Highlighted cases

In 2017 a death sentence for “atheism” was upheld against Ahmad Al Shamri. He was convicted of apostasy in February 2015, having been arrested on charges of ‘atheism and blasphemy’ for allegedly uploading a series of videos on social media in 2014. Shamri, in his 20s, from the town of Hafar al-Batin, made an insanity plea deal. His defence added that Shamri was under the influence of drugs and alcohol at the time of making the videos. However, he lost the appeals court case and the supreme court ruled against him in April 2017.

› [iheu.org/man-sentenced-death-atheism-saudi-arabia/](http://iheu.org/man-sentenced-death-atheism-saudi-arabia/)  
› [independent.co.uk/news/world/middle-east/saudi-arabia-man-sentenced-death-atheism-ahmad-al-shamri-hafar-al-batin-appeal-denied-a7703161.html](http://independent.co.uk/news/world/middle-east/saudi-arabia-man-sentenced-death-atheism-ahmad-al-shamri-hafar-al-batin-appeal-denied-a7703161.html)

In November 2015, Palestinian poet and artist Ashraf Fayadh was sentenced to death for “apostasy”, a sentence to be carried out by beheading by sword. Fayadh, a member of the British-Saudi art organization Edge of Arabia, was first arrested in August 2013, in connection with his poetry. In a series of trials he has been accused of “spreading atheism”, insulting “the divine self”, insulting the Prophet Muhammad, discrediting the Quran and Hadith, and objecting to concepts of fate as acts of God. Even “having long hair” has been cited against him, as well as supposedly “having relationships” with women and having photographs of them on his mobile phone (the photographs

appear to be simple side-by-side photographs with friends and colleagues). Despite having no access to a lawyer and thus violating the right to a fair trial, at the conclusion of the retrial, on 24 November 2015, Fayadh was sentenced to death. He has said he will appeal.

› [pen-international.org/11/2015/saudi-arabia-sentences-poet-to-death/](http://pen-international.org/11/2015/saudi-arabia-sentences-poet-to-death/)  
› [arablit.org/2015/01/13/imprisoned-poet-ashraf-fayadhs-frida-kahlos-mustache/](http://arablit.org/2015/01/13/imprisoned-poet-ashraf-fayadhs-frida-kahlos-mustache/)  
› [esohr.org/en/?p=658](http://esohr.org/en/?p=658)

In December 2013, Raif Badawi, a blogger and creator of a “Liberal Saudi” blogging platform, intended to foster debate on religion and politics, was accused of “apostasy” and eventually sentenced to 10 years in prison, 1,000 lashes with a fine of 1 million Saudi riyals for “insulting Islam”. Badawi was first jailed in 2012 for violating Saudi Arabia’s IT law and insulting religious authorities through his online writings and hosting those of others on his website. His sentence at that time was 7 years in prison and 600 lashes. There has been an international outcry over Badawi’s case, with many civil rights groups including IHEU and many states including Canada and the USA, raising his plight at the UN Human Rights Council.

› [iheu.org/un-iheu-calls-immediate-release-saudi-prisoners-badawi-fayadh-al-shamri/](http://iheu.org/un-iheu-calls-immediate-release-saudi-prisoners-badawi-fayadh-al-shamri/)

Raif Badawi’s lawyer, Waleed Abu al-Khair, was imprisoned for “breaking allegiance with the king,” “making international organizations hostile to the kingdom,” and “setting up an unlicensed organization.”

In 2012, a Saudi journalist and poet, Hamza Kashghari, was extradited from Malaysia and imprisoned without trial for twenty months due to a series of tweets considered by the authorities to be insulting toward the Prophet Mohammed. Another poet, Ashraf Fayadh, was jailed without charge in January 2014 after someone suggested that his poems contained “atheist ideas”.



