

THE FREEDOM OF THOUGHT REPORT 2015

Key Countries Edition

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



THE FREEDOM OF THOUGHT REPORT 2015

Key Countries Edition



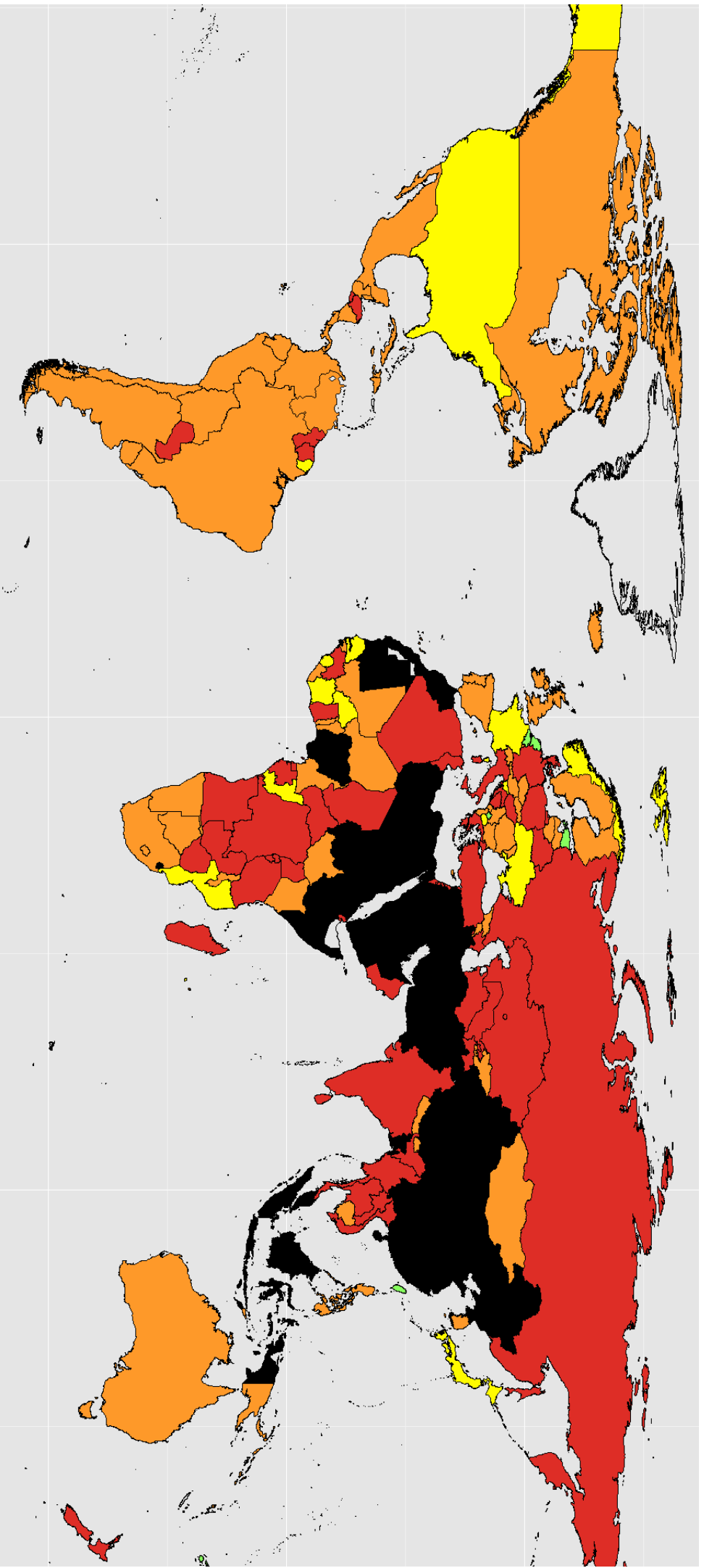
Freedom of Thought 2015: A Global Report on Discrimination Against Humanists, Atheists, and the Non-religious; Their Human Rights and Legal Status, was created by the International Humanist and Ethical Union (IHEU).

The International Humanist and Ethical Union is the worldwide democratic body for Humanist, atheist, rationalist, secular, ethical culture, and freethought organizations. Its mission is to represent and support the global Humanist movement, and to build a world in which human rights are respected and all can live a life of dignity.

If you have updates, additions or corrections for the report please email report@IHEU.org or visit the website at freethoughtreport.com.

To receive updates and news from IHEU, or join as a supporter, visit iheu.org.

The cover image features a detail from a map produced using the data from this report.



GRAVE VIOLATIONS

SEVERE DISCRIMINATION

Systemic Discrimination

Mostly Satisfactory

Free and Equal

This map shows countries by to their “Freedom of Thought” status, as determined in the Freedom of Thought Report 2015.

Ratings applied according to the *most severe* boundary condition met by a given country. For example if a person can go to prison under the penal code of a given country for a religiously-defined crime such as “blasphemy”, then this country would receive a “Serious Discrimination” rating (even if the country otherwise was relatively free and non-discriminatory). The full list of boundary conditions and country-by-country assessments are included in this Report.

“My late husband, Avijit Roy, was a science author, a blogger, a writer on topics including the origins of the whole Universe, homosexuality, the evolution of love and everything including literary criticism in between. Above all he was a humanist. He always wanted to explore the biggest questions in life. His interests were wide, but it was his books on liberal views, faith and disbelief for which he began receiving death threats. I was also a fellow blogger and writer with a published book on Evolution of Life. At the International Book Fair in Dhaka in February 2015 we were attacked by a group of men with machetes. Avijit was killed and I sustained 4 head stabs and a sliced off thumb.

A young blogger, Washiqur Raham Babu, was the next machete victim, in March. In one of his last posts he had decried the breadth of topics on which Islamists demanded silence, from women’s and minority rights to religion and free expression itself. Our good friend and a published author Ananta Bijoy Das, having spent the intervening months writing and protesting about the failures of justice on the part of the Bangladeshi authorities in the earlier cases, was himself cut down in May. In August, blogger Niladri Chatterjee was hacked to death in his own home, his partner forced to watch as the attackers invaded their apartment. And at the end of October, two publishers of Avijit’s books were hit on the same day; the publisher Faysal Arefin Dipon, who published the two of Avijit’s infamous books on Faith and Disbelief, was killed, the publisher Ahmed Rashid Tutul was shot and hacked and left in critical condition. Two other bloggers and writers were gravely injured.

These things we know: That all these men were brave, both intellectually, and because they knew that for some extremists even asking the wrong questions would be enough to rationalise their murder; That dozens more writers who dare to write critically about fundamentalism and advocate for a humanist worldview, are receiving death threats, and given the range of those killed so far any of them could be next; That instead of convicting even one suspect in these killings, the police and the government have been threatening to arrest bloggers themselves if they “hurt religious sentiments” by professing their own secular views.

These killings are one part of the problem of extremism in one part of the world, and our freedoms of thought and expression are under attack in many other ways and in many other places around the globe. If there are lessons the world must draw from Bangladesh in recent years, they are these: Allowing bigotry and extremism to fester unchallenged will have generational consequences; Demands for prison or death sentences or vigilantism against humanists as such must be met not with appeasement nor by arresting the very bloggers under threat, but with condemnation as the gross violations of freedom of thought and expression that such demands represent; And that once a country silences and intimidates its intellectuals and freethinkers, a vicious cycle of terror and extremism becomes inevitable, just as we saw in the earlier mass-killings of the Bengali intellectuals in the 1971 Liberation war, again at the hands of religious extremists, it creates an intellectual vacuum, from which it could take many, many years to revert.”

— Rafida Bonya Ahmed

Contents

This “Key Countries Edition” of the report contains entries on countries that are mentioned in the introductory material, or which have other significant updates, or regional impact, or which provide a variation in the application of the ratings schema. Countries included in this slimmed down edition are *not* exclusively the worst rated (it includes some of the best rated countries for example) and nor does exclusion of a country from this edition mean that there have not been significant developments or violations in that country. The full report is available via freethoughtreport.com.

THE FREEDOM OF THOUGHT REPORT 2015 ...	3		
Contents	8		
Foreword	9		
General Introduction	10		
Editorial Introduction	15		
How to Use this Report ...	18		
Credits	22		
AFRICA		AMERICAS	
Malawi	23	Guatemala	64
Algeria	26	Argentina	66
Egypt	30	ASIA	
Libya	38	Taiwan	69
Morocco	41	Brunei Darussalam	70
Sudan	48	Indonesia	73
Tunisia	50	Malaysia	78
Uganda	55	Myanmar (Burma)	83
Mauritania	58	Afghanistan	86
Nigeria	61	Bangladesh	91
		India	99
		Iran	103
		Maldives	109
		Nepal	114
		Pakistan	116
		Bahrain	122
		Iraq	126
		Saudi Arabia	130
		Turkey	136
		United Arab Emirates	141
		EUROPE	
		Poland	145
		Romania	152
		Iceland	156
		Norway	159
		United Kingdom	163
		Macedonia	168
		Malta	171
		Belgium	174
		France	176
		Germany	178
		Netherlands	185
		OCEANIA	
		Australia	187

Foreword

Welcome to the Freedom of Thought Report 2015, compiled and produced by the International Humanist and Ethical Union (IHEU) with the active support of our member organisations and humanist volunteers from across the world.

In the past twelve months, the world has witnessed numerous horrific attacks and legal penalties specifically aimed at people accused of “insulting religion”. From *Charlie Hebdo* in Paris and the shooting at a free speech seminar in Copenhagen that followed, to the humanist bloggers murdered in Bangladesh; from alleged “blasphemers” crucified under ISIS or jailed by sovereign states, to alleged “apostates” sentenced to death in Saudi Arabia and Mauritania.



There has too often been a disappointing response, questioning the motives of the victims or blaming the messages for which they were killed. (“I believe in free speech, but...” “Everyone has a right to their beliefs, but religion is a sensitive area...”). It is vital that the world resists the assumption that these targeted victims have in some sense provoked or deserved these grave violations of their rights to freedom of thought and expression.

Despite the overall trend toward more severe violence and legal penalties, we do record a few improvements this year. In May and July 2015 respectively, Norway and Iceland abolished their extant “blasphemy” laws (although in Norway there are fresh concerns about regressive education reforms, a reminder that countries can make progress in some areas while slipping in others).

This Freedom of Thought Report provides background, context, and some specific details on highlighted cases, and looks at the current situation facing the non-religious throughout the world. It is of vital importance and relevance to everyone concerned with human rights, and is an indispensable part of the broader topic of freedom of thought, conscience, religion or belief, and freedom of expression.

IHEU will continue to use its accreditation and presence at the United Nations and other international bodies to highlight and campaign for the rights of the non-religious, as well as other persecuted groups. I hope that you will join us in that campaign.

A handwritten signature in dark ink, reading "Andrew Copson". The signature is fluid and cursive, with the first name being more prominent.

Andrew Copson
President
International Humanist and Ethical Union (IHEU)

General Introduction

The Freedom of Thought report is the only annual survey looking at the rights and treatment of the non-religious in every country in the world. Specifically, it 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. And we try to consider national laws that compromise or violate any human rights.

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

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, are 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 Association¹ is in line with other recent global surveys. It shows that atheism and the non-religious population are growing rapidly—religion dropped by 9% and atheism rose by 3% 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.

¹ <wingia.com/web/files/news/14/file/14.pdf>

Freedom of thought and belief

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 of the right to freedom of religion or belief 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 and conscience.

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, and human rights, advocating secularism, speaking out in opposition to religious beliefs, practices and authorities, or in support of atheist beliefs. After all, as the United Nations says, “religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life” (UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief).

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 with each other, 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 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 against the non-religious

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 for apostasy (leaving the faith) is often death. In fact, 19 countries punish their citizens for apostasy, and in 12 of those countries it is 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 or religious figures and institutions. For example, Pakistan has prosecuted more than a thousand people for blasphemy since introducing its current anti-blasphemy laws in 1988. Dozens of those found guilty remain on death row, and there are repeated calls from Islamist leaders to lift the effective moratorium, enforce the death penalty, and make death the only sentence for “blasphemy” convictions.

The ‘crime’ of criticizing a religion is not always called “blasphemy”; sometimes it is categorized as hate speech (even when it falls well below any sensible standard of actually inciting hatred or violence) because it supposedly insults the followers of a religion. These ‘crimes’ of expressing ‘blasphemy’ or offending religious feelings are still a crime in 55 countries, can mean prison in 39 of those countries, and are punishable by death in 6 countries. In addition, most of the twelve countries which punish apostasy with death also sometimes treat ‘blasphemy’ as evidence of apostasy.

Other laws that severely affect those who reject religion include bans on atheists holding public office, and 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.

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.

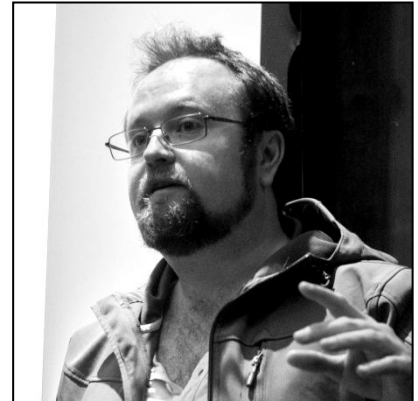
In compiling this evolving, annual report, we also found that religious privilege is not only a form of discrimination in and of itself, but it is also a signifier of more general societal discrimination against atheists. When a religion is singled out as special, then it generally follows that the members 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, we see it reinforcing societal prejudice and discrimination against the non-religious. Therefore, we also include religious discrimination, or religious privilege, in this report even when its supporters claim it is merely ceremonial or symbolic. We agree it is sometimes symbolic, but what it symbolizes is the state's preference for religion (or a particular religion) and the second class status of the non-religious (or of religion or belief minorities generally).

Editorial Introduction

If the past 12 months have a story to tell within the scope of this Report, it is that hateful words frequently prefigure hateful deeds.

Last December, this Report warned of an apparent increase in hate speech and overt political marginalization targeting humanists, atheists, and proponents of secularist principles, including persecutory rhetoric issuing from heads of state and government.

In the year that has followed, the trajectory from rhetoric, to callous violence and harsh injustice, is painfully clear. In several states there has been a slide into extrajudicial violence by non-state actors, and we record several states handing down an increasing number of more severe penalties, including imprisonment for crimes such as “insult to religion”, and death for “apostasy”.



Bob Churchill
Editor

From rhetoric to violations

For example, in May 2014 the prime minister of Malaysia, Najib Tun Razak, branded “humanism and secularism as well as liberalism” a threat to Islam and therefore the state and state security. In 2015, as Islamist rhetoric from the government has escalated, and in the midst of a corruption scandal, the government has initiated an unapologetic crackdown against human rights advocates, the media, satirical cartoonists, opposition activists, and critics of government policy in general. Voices that are critical of the Islamist trajectory under the current government are castigated by officials and may be prosecuted. One human rights lawyer (himself personally non-religious) was arrested for sending a tweet that merely questioned hypothetically whether Malaysia could properly implement *hudud* Islamic restrictions.

In Mauritania, last year we reported on the case of a blogger, Mohamed Cheikh Ould Mkheitir, whose criticism of the caste-based slavery in the country saw him maligned by clerics and government officials alike as a “blasphemer”. This year we report that, by the end of December 2014, Mohamed Cheikh had been sentenced to death for “apostasy”, in a trial that started and ended on a single day. He has been on death row throughout 2015. There appears to be a moratorium on carrying out death sentences in general; however, along with individuals convicted of other capital crimes, such as terrorism and homosexuality, Mkheitir remains on death row, with extremely limited prospect of a pardon.

The same pattern occurs in Saudi Arabia, progressing from the passing of new anti-atheism legislation last year, to new death-for-apostasy sentencing this year. The 2014 terrorism act, signed into law by the late King Abdullah, defined its first example of terrorism as “calling for atheist thought in any form”, effectively elevating non-religious views to a national security threat. The same manoeuvre has been made in relation to criticism of the authorities, or advocacy in favour of equal rights, and appears to be partly responsible for increasing suppression and execution rates throughout 2015. Among those unfairly and disproportionately punished is the blogger Raif Badawi, one of dozens of prisoners of conscience subjected to lashes, lengthy prison sentences, and travel bans; in Badawi’s case for “insulting Islam” and “setting up a website that undermines general security” (the website was a blogging platform for “liberals”, and Badawi had written in favour of secularism). Then, in November 2015, Saudi-born, Palestinian poet Ashraf Fayadh was sentenced to death for “apostasy”. Like Badawi, Fayadh has already endured years of trials and accusations, attacking his poems for promoting atheistic philosophy, attacking his morals on the dubious grounds

of standing next to women in photographs at art exhibitions, and finally — again despite taking up the opportunity to “repent” — he was found guilty of renouncing Islam and handed a death sentence.

The descent of Bangladesh

Perhaps the single worst example of this degradation of secular rights and the security of the non-religious in 2015 is the *annus horribilis* of Bangladeshi humanism: four humanist bloggers and one secular publisher hacked to death in machete assassinations.

Combining suppression by the state, as well as the trend toward escalating violence by non-state actors, in 2015 to date, four humanist writers, Avijit Roy, Washqiur Rahman, Ananta Bijoy Das, Niladri Chatterjee, were murdered in a series of separate, targeted machete attacks between February and August. One secular publisher, Faisal Arefin Dipan, was killed and others critically injured in coordinated machete and gun attacks on two publishing houses in October.

All those killed had been explicitly threatened, and in each case extremist Islamist groups claimed responsibility for the murders on that basis. The writers’ subjects included science and superstition, freedom of expression and belief, justice and political Islamism, the rights of minorities and women.

Police and security services have repeatedly made assurances that the murderers will be found, parading arrested suspects for the media after each incident. However, no suspect has yet come to trial and been found guilty, and the police seem equally keen to warn other writers that, should they blog any words expressing atheistic criticism of religion, they may themselves be arrested.

Government officials, including the prime minister, have repeatedly made this same threat, that potentially “insulting” bloggers would be prosecuted, without making reference to any specific blog post or person, and instead apparently taking it on the word of extremists that the blogs are criminally offensive.

This trajectory of increasing violence by extremists, and marginalization by the authorities, has not developed in a single year, of course. Nearly three years ago, IHEU warned that Bangladesh was “walking into a trap set by fundamentalists”² when the government responded positively to calls to arrest “atheist bloggers”; four were duly arrested and imprisoned under the ICT Act for “hurting religious sentiments”.

The government did not meet the further Islamist demand to implement a death sentence for “blasphemy”. However, the precedent for legitimizing such “offence” was now established and Islamist fundamentalists demanded retribution for their “hurt sentiments”, listing dozens of bloggers that they wanted to see prosecuted, and in the extreme felt empowered to commit murder over this complaint. Throughout the remainder of 2013 and 2014, further political demands for greater Islamification of the state followed, and in many cases were taken up by government. Secular bloggers, writers, and book publishers, began receiving death threats in apparently escalating numbers.

Rising Jihadist violence

ISIS (so-called Islamic State in Iraq and Syria, or Daesh) have regularly targeted sexual and religious minorities, supposed “informers” and detractors in their territories, and their propagandist executions have certainly included numerous men accused of “blasphemy” or “apostasy” (though it can be difficult to ascertain the exact circumstances, rationale or personal affiliations in many cases).

² <iheu.org/arrests-atheist-bloggers-shows-bangladesh-authorities-are-walking-trap-set-fundamentalists/>

We may never know the full stories of many of these crimes, though one recent estimate put the figure of those executed (i.e. not even including those killed in combat, or victims of terrorist attacks) at 10,000.

Whether those executed are alleged “adulterers” stoned to death, alleged homosexuals thrown to their deaths off buildings, alleged “blasphemers” who are beheaded, or alleged “apostates” ritualistically forced to kneel on explosives and blown up, it is clear that the victims of ISIS include many Muslims, as well as religion or belief minorities, and that the atrocities of ISIS contribute to a worldwide perception of increasing, and increasingly dehumanizing violence.

A recent report (covering 2014) put Boko Haram, an ISIS-affiliate, ahead of ISIS itself in terms of numbers of victims killed in terrorist attacks, a group for whom the majority of victims are Muslims living in northern Nigeria, and which, like ISIS, is not above kidnapping schoolgirls and schoolboys for use as sex slaves and soldiers.

Obviously the rise of extreme Jihadism is a broader topic than the remit of this Report. Nevertheless, these extreme militant groups reserve some of their deepest ire for “apostates”, expanding the notions of *takfir* and “apostasy” more broadly than even the architects of al-Qaeda are comfortable with. As a Muslim under ISIS, or indeed in many sovereign Islamic countries, to say even “I do not believe” is to invite the most serious social condemnation, or in some countries, legal sanction including execution.

There is also a risk that as coverage of the rising number of terror attacks, increasingly committed against civilian populations, becomes more commonplace, there will be a kind of drift to extremity by other state and non-state actors. Already, as this Report documents, in the era of ISIS many sovereign states are enacting restrictive new laws (Brunei, Egypt, Saudi Arabia, Turkey...) or implementing harsh sentences against social or political critics, often exacerbated merely by the secular advocacy or personal non-religiosity (real or imagined) of those who stand accused.

Conclusion

The rise of ISIS and their ilk may also serve to camouflage this very increase in other violations, their brutality drowning out the acts of intimidation and murder committed by less well known extremist groups, and drawing attention away from the sovereign states that malign their humanist citizens or criminalize their secular activists. That masking effect is a particularly vicious irony, for these freethinkers are the very people expressing humanist values and ideals; these secular writers and academics, activists and campaigners, are in most respects the allies of liberal religious moderates and of truly accountable nation states and of all those who condemn radical fundamentalism and violence. Agree with their underlying humanist worldview or not, some of the clearest, bravest, most innovative voices will continue to be humanists, atheists, the non-religious, or the religiously unaffiliated, and they are a necessary, often profoundly influential part of any real debate in any truly open society. The world must recognise that to identify and speak out as non-religious is a basic human right, and the fact there are increasing numbers of people demanding recognition of this right is not a signal of moral decay but of a functioning, free society.

How to Use this Report

This report documents major developments with respect to freedom of thought in every country. It focuses on current laws that discriminate against atheists, humanists and other non-religious people and groups. It also highlights some recent cases that show the impact of these laws on specific individuals.

The countries are grouped by region according to the United Nations geographical schema, and are listed alphabetically within their region.

The Rating System

Every country in this report is assigned a "Freedom of Thought" status. The status classifications follow an order of severity: "Free and Equal", "Mostly Satisfactory", "Systemic Discrimination", "Severe Discrimination", and "Grave Violations".

GRAVE VIOLATIONS	Based on the pertinent information we have, the country is checked against a table of 60 <i>boundary conditions</i> .
SEVERE DISCRIMINATION	Each boundary condition is attached to one of the five statuses. If a country meets one or more boundary conditions associated with a given status, then this status is "triggered".
Systemic Discrimination	The status finally assigned to the country is the most severe status that is triggered. The country is then listed in the report with its assigned status and the applied boundary conditions
Mostly Satisfactory	
Free and Equal	

For example, the boundary condition "Official symbolic deference to religion" is associated with the "Mostly Satisfactory" status. This condition might be triggered if government meetings are always opened with a prayer, or if the iconography of a particular religion is closely related with the state in such a way as to disenfranchise religion or belief minorities; if this condition is triggered then the associated status "Mostly Satisfactory" will apply. However, if the boundary condition "It is illegal or unrecognised to identify as an atheist or as non-religious" is also triggered, then the associated status "Grave violations" will apply, and the country will be classed with the latter, more severe status.

The full list of possible boundary conditions follows below. The green row corresponds to the "Free and Equal" status, the yellow to "Mostly Satisfactory", and so on.

The boundary conditions

The column headings give a general indication of the four “strands”, or areas of interest, that we are examining.

	Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression, advocacy of humanist values
Grave violations	<p>Complete tyranny precludes all freedoms of thought and expression, religion or belief</p> <p>Religious authorities have supreme authority over the state</p> <p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>Quasi-divine veneration of a ruling elite is enforced, 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 some 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 non-religious</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>
Severe Discrimination	<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 instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</p>	<p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Apostasy' is outlawed and punishable with a prison sentence</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>

Systemic Discrimination	<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>
Mostly Satisfactory	<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>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>
Free and Equal	<p>The state is secular, with separation of religious and political authorities, not discriminating against any religion or belief</p>	<p>No formal discrimination in education</p>	<p>No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</p>	<p>No fundamental restrictions on freedom of expression or advocacy of humanist values</p>
[No status applies]	<p>Insufficient information or detail not included in this report</p>	<p>Insufficient information or detail not included in this report</p>	<p>Insufficient information or detail not included in this report</p>	<p>Insufficient information or detail not included in this report</p>

Applying the boundary conditions

The grey row does not contribute toward any given status. Occasionally the text in the grey row may instead read “No condition holds in this strand”, meaning that no condition holds at all, not even “Insufficient information...” (That is to say, we may have enough information to say that *none* of the conditions in this column of the ratings table apply.)

It is common for a condition on the more free end of the spectrum (except for the “free and equal” conditions) to be implied by a condition on the more severe end of the spectrum. In this case, the less severe condition may be allowed to remain implicit, and not listed against the country in the

report. For example, if blasphemy is punishable by a maximum sentence of "death", then the less severe boundary condition for blasphemy that is punishable by "imprisonment" may be omitted in the ratings table.

The tabulated display introduced in 2014 and consolidated into four strands in 2015, is designed to break the boundary conditions into separate "strands" of concern, allowing for a clearer visualisation of what information is available or included. This means we are also doing a better job at identifying gaps in our own coverage. As we said in previous years, given the way the ratings are designed, as we add more information some ratings are likely to get worse 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 has been omitted from the report, or that information was not available, lower-level boundary conditions are omitted by design when more "serious" conditions apply.

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 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.

Credits

Editor

Bob Churchill

Contributors to the 2015 Edition —

Regional sub-editor (MENA region)

Niina Tanskanen

Volunteer researchers

John Bishop
Vicky Harrison
Attila Kincsei
Veronika Kuchta
Zainab Naeem
Arifur Rahman
Rachel Robertson
Joan Schmidt
Marion Wakeham
Siddiq Wali

Contributors to the 2014 Edition³ —

Senior volunteer researchers

John Bishop
Benjamin David
Imad Iddine Habib
John Hulks
Veronika Kuchta
Winsie Lee
Blakeley Nixon
Elizabeth O'Casey
Yannis Savathrakis
Benjamin Titze

Volunteer researchers

Matthew Bulger
Vicky Harrison
Matthew Haughton
Jemma Jones
Iyabo Ojo
Arif Rahman
Rachel Robertson
Leevan Shareef
Ioana-Noemy Toma
Levent Topakoğlu
Siddiq Wali
Josh Younespour
and two anonymous contributors

Special thanks to the following IHEU Member Organizations:

American Humanist Association
British Humanist Association
deMens.nu (Belgium)
Center for Civil Courage (Croatia)
Humanist Canada
Humanist Society of New Zealand
Humanist Society of Scotland
Humanist Association of Germany
(*Humanistischer Verband Deutschlands*)
Humanist Association of the Netherlands
(*Humanistisch Verbond*)
Icelandic Ethical Humanist Association
(*Siðmennt*)
Norwegian Humanist Association
(*Human-Etisk Forbund*)
Romanian Secular Humanist Association
(*Asociația Secular-Umanistă din România*)
Romanian Humanist Association
(*Asociația Umanistă Română*)
Union of Rationalist Atheists and Agnostics
(*Unione degli Atei e degli Agnostici Razionalisti*)

Thank you for contributions from:

Humanistic Association of Macedonia (HAM)
Turkish Atheism Association
(*Ateizm Derneği*)

Volunteer cartographer:

Emma Bell

Special thanks

to Matt Cherry who worked on the initial 2012 and 2013 editions of this report, and on whose work the General Introduction is largely based

³ As a rolling annual survey, information from the 2014 edition is incorporated into the updated 2015 text.

Malawi

Malawi is a landlocked state in southern central Africa, a former British colony, with an estimated population of 17.4 million people, from several ethnic groupings. Constitutionally it is a multi-party democracy. One of Africa's poorest countries, agriculture forms the backbone of the economy. The spread of HIV/Aids remains a particular concern. Malawi has experienced some growth and political stability, but this remain fragile.

Rating: Systematic Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
Preferential treatment is given to a religion or religion in general	There is state funding of at least some religious schools Religious schools have powers to discriminate in admissions or employment Religious instruction is mandatory in at least some public schools without secular or humanist alternatives	Discriminatory prominence is given to religious bodies, traditions or leaders Religious groups control some public or social services	Expression of core humanist principles (re: homosexuality) is somewhat restricted
Official symbolic deference to religion Anomalous discrimination by local or provincial authorities, or overseas territories			Some concerns about political or media freedoms, not specific to the non-religious; Concerns that secular or religious authorities interfere in specifically religious freedoms

Constitution and government

The Constitution includes a statement about the protection of human rights, including freedom of expression, freedom of thought, conscience, religion, or belief, and academic freedom (Chapter IV, Constitution of the Republic of Malawi). These rights are generally respected by the government.
<sdnp.org.mw/constitut/brfindx.html>

Article 68 of the constitution reserves 32 out of 80 seats in the Senate for various sectors of society including (1.c.iii) representatives of "religion, who shall include representatives of the major religious faiths in Malawi", apparently to the exclusion of representatives of secular worldviews and minority religious groups.
<sdnp.org.mw/constitut/chapter6.html>

According to the 2010 Demographic and Health Survey (DHS), 86 percent of the population identifies as Christian and 13 percent as Muslim. There are small numbers of active secularists.

Malawi Association for Secular Humanism (ASH) is a prominent secular group which has received funding, from the Norwegian Government, for its innovative and important work on witchcraft.

"This is a secular country where all philosophies of life are welcome and we are confident that government will continue upholding secular philosophies as provided for in the constitution."
— George Thindwa, Executive Director, ASH

<malawivoice.com/2014/07/22/georgethindwa-salutes-malawians-embracing-secular-humanism/>

Education and children's rights

Religious instruction is mandatory in public primary schools and is available as an elective in public secondary schools. According to the constitution, eliminating religious intolerance is a goal of education.

In some schools, the religious curriculum is a Christian-oriented "Bible knowledge" course, while in others it is an interfaith "moral and religious education" course drawing from the Christian, Islamic, Hindu, and Baha'i faiths. At grant-aided schools, a board appointed by the school's operators decides whether the "Bible knowledge" or the "moral and religious education" curriculum will be used.

Malawi has ratified most international conventions on child labour; however a recent report criticises the use of child labour in the tobacco industry and the trafficking of children to fish in Tanzania.

[<206.155.102.64/country,,,,MWI,,560e3e640,0.html>](http://206.155.102.64/country,,,,MWI,,560e3e640,0.html)

Family, community and society

Malawi ASH challenges witchcraft as an un-evidenced superstition often resulting in abuse and persecution for those accused of "witchcraft". The association secured funding to run a large project, protecting "witchcraft's" true victims: those accused of being "witches". Malawi ASH researches cases of witchcraft-based violence and in particular has worked to highlight the role of police in upholding or undermining the human rights of those accused of witchcraft:

[<nyasatimes.com/2013/08/15/anti-god-activist-thindwa-urges-police-to-enforcelaws-on-witchcraft/>](http://nyasatimes.com/2013/08/15/anti-god-activist-thindwa-urges-police-to-enforcelaws-on-witchcraft/)

Though Christianity is the largest religion many conventional rituals are still practiced. Some Christian men in Malawi practice polygamy, which has been linked to the prevalence of HIV. The Malawian justice system does not provide protections to women who were infected by their spouses.

[<thewip.net/2013/04/10/kheliwes-story-male-polygamy-and-hiv-infection-in-malawi/>](http://thewip.net/2013/04/10/kheliwes-story-male-polygamy-and-hiv-infection-in-malawi/)

Freedom of expression, advocacy of humanist values

The Malawi Penal Code (Ch.14, 127 & 130) contains clauses that punish acts insulting religion and writing or uttering words that intend to hurt religious feelings.

The Malawi Penal Code prohibits "carnal knowledge against the order of nature", attempts to commit "carnal knowledge against the order of nature", and acts of "gross indecency". Attempts to relax laws against homosexuality have been frustrated in large part by the response of Malawi churches. In April 2015 a new Marriage law banned same-sex marriage and unions.

There are examples of limited freedom of expression, and ASH's survival (and known opposition to the laws on homosexuality are an example). The advocacy of humanist views maybe best illustrated by the following example (albeit from 2012). During the country's debate on legalizing homosexuality, lawyer Wapona Kita criticized the national anthem, which makes deferential reference to God.

"Wapona Kita, of the law firm Ralph and Arnolds Associates, told a Young Politicians Union (YPU) radio programme on Trans World Radio on Friday [September, 2012] that by making reference to God in the opening stanza, atheists or person who do believe in God would be justified to challenge the anthem's constitutionality in a court of law. "The Malawi Constitution is the supreme law of the

land and it clearly is secular and provides for such freedoms as worship and conscience meaning persons who believe in God have exactly the same rights as those who don't," Kita explained in response to a question from listener.

<newstimeafrica.com/archives/28230>

Algeria

As declared in the constitution, Algeria is a Sunni Islamic State. The Constitution bans non-Muslims from holding high-level government positions. Non-religious groups meet in secret to avoid state persecution and social approbation. Those who “renounce” Islam may be imprisoned, fined, or coerced to re-convert. Algeria is a member of the UN Human Rights Council since 2014, yet most human rights experts and international NGOs are still denied access to the country. Algeria is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Rating: Serious Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
<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 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>Government authorities push a socially conservative, religiously inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive inter-religious social control (including inter-religious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>
<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>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p>	

Constitution and government

The current constitution was last modified in 2008. Islam is the state religion (Article 2), enjoying significant legal privileges. The constitution provides for the inviolable right to creed and opinion (Article 36), but freedom of religion or belief is not mentioned.

Ordinance 06-03 does prohibit discrimination on the basis of religion specifically (but not thought or belief more broadly) and guarantees state protection for non-Muslims, in theory. However, these

provisions are significantly weakened by a variety of other legal instruments and societal practices, in practice.

State institutions are prohibited from engaging in activity incompatible with Islamic morality. Non-Muslims are prohibited from standing for the presidency, but may hold other public office.

Mosques receive state funding and imams are trained by the state. Non-Muslim religious groups receive limited state funds in some instances.

Registration of non-religious groups is via the Ministry of Interior, and the government enjoys broad discretion in granting it. Law No. 12-06 forbids associations from receiving any foreign funding or cooperating with or seeking membership in foreign organizations without the government's approval. Further, activities that are contrary to the country's "values or public morals" are forbidden.

One political party advocating a secular state in Algeria is currently registered and active. A handful of humanist, atheist and secularist groups have online profiles, but there is no evidence that any have registered officially or could do so in practice. Advocates of secularism in Algeria describe the government as a "theocratic regime", and talk of having to hide their non-religious views to avoid being shunned by their families and communities.

Education and children's rights

Although the educational reform of 2006 eliminated "Islamic sciences" from the baccalaureate, Islamic studies are mandatory in public schools at primary level and followed by Sharia studies at secondary level. Concerns have been expressed that requests by non-Muslim religious students to opt out of these classes would result in discrimination.

Family, community and society

Family law is religiously controlled, drawing on Islamic law after the Maliki school, as well as some customary law and French law. As in most Muslim-majority countries, any reforms to family and personal status laws are generally very slowly introduced and hard-fought. Article 1 of the civil code stipulates that in the absence of any clear legal disposition, the judge must refer to the principles of Islamic law. It is mainly in the family code that such legal disposition is missing. The resulting legal pluralism mostly disfavours women and restricts individual freedoms.

The Algerian family code shares many aspects with the Moroccan code and is generally more conservative in character compared to the Tunisian code. Contrary to other countries, as for instance Egypt, there is no separate law for non-Muslims and the family code applies to all Algerians regardless of personal religion or belief.

Family law discrimination against "apostates" and women

Prior to the 2005 amendments, family law stated that if it is established that either spouse is an "apostate" from Islam, the marriage will be declared null and void (Article 32). The term "apostate" was removed with the amendments, however those determined as such still cannot receive any inheritance (Article 138).

Under the family code, Muslim women may not marry non-Muslim men (Article 30), while Muslim men may not marry women of non-monotheistic religious groups. Women have the right to inherit only half of what men are entitled to (Articles 142 and 144). Children born by a Muslim father are considered Muslim. Furthermore, it is prohibited to give a child a non-Muslim name.

In addition, the family code treats women as minors under the legal guardianship of a husband or male relative (“wali”) and authorizes polygamy, but only polygyny (men marrying multiple wives) not polyandry (women marrying multiple husbands) (Article 8). Men can also divorce for any reason, while women must generally cite one or more of ten specific reasons for divorce. A divorce for another reason is only possible with the option of “khula”, the traditional Islamic principle that permits a woman to divorce if she pays the husband a sum of money.

Domestic abuse is not specifically prohibited by law. The penal code has criminalized sexual harassment since 2004 (Article 341). Further, Islamic principles influence the punishments for rape in the penal code. A man can avoid punishment by marrying the victim, spousal rape is not outlawed, and discriminatory provisions exist for the witnessing testimony of women. In criminal cases the testimony of two women is considered to be equal to that of one male witness.

Freedom of expression, advocacy of humanist values

The “blasphemy” law is stringent and widely enforced. The non-religious are largely invisible in the public sphere, and although not specifically targeted through legislation, significant prejudice towards non-Muslim religions can be presumed to apply equally if not more so to non-believers.

“Blasphemy” is prohibited through several legal instruments. The penal code prohibits insults against Islam or the Prophet Muhammad, and this is reinforced in media legislation.

The crime of “blasphemy” carries a maximum of five years in prison and the laws are interpreted widely. For example, several arrests have been made under the blasphemy laws in the last few years for failure to fast during Ramadan, even though this is not a requirement under Algerian law. Non-fasting persons (“non-jeûneurs”) repeatedly face harassment by the police and civil society.

slateafrique.com/91533/algerie-ramadan-la-chasse-aux-non-jeuneurs-va-t-elle-recommencer/ (2012)

lemonde.fr/afrique/article/2013/08/04/en-algerie-un-dejeuner-provocateur-en-plein-ramadan_3457278_3212.html# (2013)

fdesouche.com/488871-ramadan-bejaia-algerie-des-non-jeuneurs-lynches-par-la-foule# (2014)

algeriefranceinfos.blogspot.ch/2015/06/france-ramadan-des-non-jeuneurs.html (2015)

algerie-focus.com/blog/2015/06/affaire-presumee-de-non-jeuneurs-a-oran-la-dgsn-dement-et-livre-sa-version/ (2015)

Public protests for freedom of conscience and the right to abstain from fasting (including many secular Amazigh movements) have triggered a public debate in which some leaders of the Islamist movement have demanded the death penalty for the failure to fast during Ramadan.

Beside Ramadan, alcohol consumption, which is prohibited by religious law, has been put under increased controls and has led to forced closure of several bars since 2012.

Since 2006, proselytizing by non-Muslims has been illegal and carries a fine of up to EUR 10,000 and a maximum of five years in prison and non-Muslim missionary groups are only allowed to conduct humanitarian activities. Distribution of materials which may “shake the faith” of a Muslim or “undermine the Islamic faith” is also prohibited.

Apostasy is not expressly penalized, but draws consequences partially in the family law.

Highlighted cases

In 2015, the celebrated Algerian poet, author and playwright **Rachid Boudjedra** (b. 1941) discussed his atheism on national television during an invited interview. Though he had previously ‘come out’ in 2006, and was well-known for condemning political Islamism, the 2015 TV interview sparked a media storm in response to his ‘outspoken’ declaration. There was some condemnation on social media, though some bloggers defended him. Boudjedra holds a degree in philosophy from the Sorbonne and is a multiply award-winning novelist.

In the interview on *Mahkama*, Boudjedra presented a humanized picture of Muhammad, saying he was not a divine Prophet, but a “revolutionary man”. Inverting the popular refrain of devout Muslims, Bou Jadra said that he in fact preferred his mother to Allah. And, “On behalf of my mother, I swear to tell the truth, the whole truth. I do not believe in God nor in the Muslim religion, I do not believe in Muhammad as a prophet. If had to choose a religion, it would be Buddhism, for his pacifism.” He also said that many Algerians had actually embraced atheism, but remain reluctant to say so publicly.

The *Ulema* authorities announced that a public declaration about his “Ilhad” (atheism or deviation) was a serious matter: “Boudjedra should be deprived of the privileges accorded to Muslims at their death. [...Thus excommunicated] it would be unlawful, upon his passing, to give him the ritual washing; no sermon should be given at his funeral, and in no way may he be buried in an Islamic cemetery.” The *Ulema* also called for is repentance saying he would be welcomed back.

geopolis.francetvinfo.fr/algerie-rachid-boudjedra-assume-son-atheisme-a-la-tele-et-enflamme-le-web-63397

[academia.edu/12889633/The Rise and Spread of Ilhad Atheism in the Arab World](http://academia.edu/12889633/The_Rise_and_Spread_of_Ilhad_Atheism_in_the_Arab_World)

Testimonies

“I personally live in Kabylia [mostly Amazigh region, east of Algier], the people here are more open-minded than in other regions of Algeria. I talk about my atheism with my friends and relatives sometimes. I do not run the streets shouting about my atheism, but with my family it's going pretty well. People are sometimes surprised, sometimes they want to debate, but it's still in a respectful frame (without insults etc.). But for other regions of Algeria it is much more difficult, I know people who claim to be pious Muslims to avoid violence and lynching...”

— Lamine

Egypt

During the Arab Spring protests in 2011, long-time President Hosni Mubarak resigned and was later replaced in an election by the Muslim Brotherhood-supported Mohammed Morsi. Morsi was himself overthrown in 2013 leaving the country to be ruled by the military under President Abdel Fattah el-Sisi. Egypt is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
It is illegal or unrecognised to identify as an atheist or as non-religious		<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>	
State legislation is partly derived from religious law or by religious authorities	Religious instruction is mandatory in all or most state-funded schools with no secular or humanist alternative	<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>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>
<p>There is systematic religious privilege</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>	There is state funding of at least some religious schools	<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>	

Constitution and government

The current 2014 constitution is an amended version of the 2012 constitution signed in to law by the Morsi administration. The new constitution was signed into law after a referendum in January 2014. It has been criticised by human rights groups for putting too much power in the hands of the military. The Muslim Brotherhood and various socialist groups boycotted the vote.

The Egyptian constitution is based on positive (mainly secular) law as well as Islamic *hanafi* law. It places Islam at its core whilst only recognising other “Abrahamic” religions (Islam, Judaism and Christianity) as legitimate forms of worship. Other religion or belief minorities, even those with a demonstrable presence such as Baha'is and the non-religious, are not recognised.

The constitution begins, “In the Name of Allah, Most Gracious, Most Merciful”, and part 1 of the document lays out the role of religion. Article 2 describes Islam as “the religion of the State. [...] The principles of Islamic Sharia are the main source of legislation.” Courts must refer to the principles of Islamic law, if the positive law is missing legal dispositions. While the Islamic law does not touch the penal code, it is mainly in family law that such legal dispositions are absent. Christians and Jews can refer to their own laws instead of the Islamic law. The constitution states that the religious al-Azhar university is the “main reference in theology and Islamic Affairs”.

Discrimination in practice

“Atheists are one of Egypt’s least-protected minorities” according to one human rights group, and a campaign to turn “youth” away from atheism, with several prominent atheists arrested and convicted, is ongoing (see “Anti-atheist campaign”, below).

According to the law, every citizen is theoretically equal and discrimination based on religion is criminalized in the penal code. In practice, however, there is significant discrimination, with disproportionate use of the law against religious minorities, and atheists have been repeatedly maligned by media and by government officials.

The constitution distinguishes between freedom of belief and freedom to practice religion. It states that the freedom of belief is absolute (Article 64), however, in the same time it limits the freedom to practice religion. Since 1913, the Egyptian penal code has not included an article on apostasy or conversion. However, a conversion from Islam has legal consequences in family law, regarding marriage, child custody and inheritance (see below).

Restrictions and tensions around belief identities

Egyptian State ID cards include a section on religion and only members of the three “divine religions” can be recognized. Many elderly members of Baha’i or other minority communities further lack birth and marriage certificates. In 2009 the situation was slightly but not sufficiently improved, when two Baha'is were given permission to have a dash (“-”) in the religion section. Muslim-born individuals who leave Islam are not allowed to change the religion field on their identity card. Since the Arab spring, the ID card issue has become a major campaigns issue for the Coptic Christian minority as sectarian tensions have increased.

The state tries to prevent sectarianism and religiously founded violence by monitoring imams and publishing weekly instructions for their sermon contents. Sectarian tension exists throughout the country. In Upper Egypt, however, Christians especially are targeted for kidnapping and extortion.

The ministries may ban or confiscate books and works of art, if they consider them as offensive to public morals or detrimental to religion. President al-Sissi issued a decree in January 2015 that

allows the ministries to ban any foreign publications that are deemed offensive to religion. The government further appoints imams and pays their salaries.

Education and children's rights

Muslim and Christian students are required to take Islamic and Christian courses respectively, in public schools, in all grades. Non-religious and religious minority students must choose one or the other course; they may not opt out or change from one to the other.

The Ministry of interior prohibits the wearing of hijab in primary schools. Upon a written request of a girl's parents the hijab can be allowed in secondary schools.

[<state.gov/documents/organization/222499.pdf>](http://state.gov/documents/organization/222499.pdf)

Family, community and society

In family law, the government recognizes Islam, Christianity, and Judaism as a basis for religious rulings. Cases involving individuals who are not Muslim, Christian or Jewish are adjudicated based on civil law, though in practice it is highly likely to be socially impossible for some individuals to opt out due to pressure to conform to religion.

Marriage

In marital affairs Jews and Christians can apply their own laws, if both spouses belong to the same denomination (ta'ifa). In mixed marriages and in matters of inheritance and adoption the court always refers to Islamic law.

A marriage between an "apostate" and a Muslim will be declared void. The involvement of religion in family law greatly restricts interreligious marriages, disadvantages women, and privileges Muslims over other religious and non-religious individuals. For example, non-Muslim men must convert to Islam to marry Muslim women, although non-Muslim (Jewish or Christian) women need not convert to marry Muslim men. A non-Muslim woman who converts to Islam, however, must divorce her husband if he is not Muslim and is unwilling to convert, and custody of children is then awarded to the mother.

Sharia prevents Coptic men and Muslim women from marrying each other and does not recognize a marriage outside the country between such individuals. Coptic Orthodox laws prohibit all mixed marriages; in situations where these laws conflict with sharia, sharia takes precedence.

Societal pressure relating to religious interpretations of law can represent a threat. For example, in November 2015 a Muslim woman in al-Fayoum was reportedly beheaded by her relatives for marrying a Christian man.

[<tahrirnews.com/posts/339531/>](http://tahrirnews.com/posts/339531/)

"Apostasy" surge

During the 1990s and the 2000s there was a surge in apostasy accusations between siblings and others, trying to obtain a judicial decree that a family member had "renounced" Islam in order to disinherit the "apostate" and accrue their share of an inheritance.

"Apostasy" accusations were also used as a weapon against intellectuals and politicians; there was no direct punishment, however it was a way to ridicule or marginalize them, and the consequences for their personal life regarding marriage for instance were far-reaching.

In recent years court trials do not focus on “apostasy” itself, but use the rationale of “public order” to persecute the non-religious, atheists and political critics (see “Blasphemy laws” below).

Women

Besides marriage, the religious family laws discriminate against women also in relation to divorce, child custody and inheritance. No law criminalizes domestic violence and sexual harassment of women is a major problem on the streets. Other forms of violence against women, as for instance female genital mutilation (FGM) and child “marriage” are prohibited by law, but continue in some areas.

The law provides for women filing for divorce the Islamic principle of “*khul*”, which allows a Muslim woman to obtain a divorce without her husband’s consent, but only provided that she is willing to forego all of her financial rights, including alimony, dowry, and other benefits. The minor children of Muslim converts to Christianity, and in some cases adult children who were minors when their parents converted, automatically remain classified as Muslims because the government does not recognize conversion from Islam, irrespective of the religion of the other parent.

Freedom of expression, advocacy of humanist values

“Blasphemy” law

The Egyptian Criminal Code explicitly outlaws blasphemy. Nestled among prohibitions on advocating “extremist thoughts”, “instigating sedition” or “prejudicing national security”, Article 98 (f) outlaws “disdaining and contempting any of the heavenly religions or the sects belonging thereto”.

Demeaning any of the Abrahamic religions or harming “national unity” carry jail terms from six months to five years and/or fines of up to LE1,000. In addition, the desecration of religious symbols is punishable by up to five years in prison and/or fines of up to LE500 (Article 160).

The propagation of atheism in words, writing, or other means, is punishable by sentences of up to five years imprisonment. The law has been used to limit the freedom of speech of religious and non-religious groups and individuals alike.

Blasphemy cases have been increasing since 2011. According to the Egyptian Initiative for Personal Rights (EIPR), from 2011 to 2013, courts convicted 27 of 42 defendants on charges of contempt for religion.

<http://umn.edu/humanrts/research/Egypt/criminal-code.pdf>

Anti-atheist campaign

What the New York Times described this year as “Egypt’s War on Atheism” has continued into 2015. The “blasphemy” arrests, guilty verdicts, and campaign of intimidation against atheists has been described by Human Rights Watch (HRW) as part of the ongoing “coordinated government crackdown on perceived atheists”. HRW also notes that “Atheists are one of Egypt’s least-protected minorities”.

<http://nytimes.com/2015/01/28/opinion/mona-el-tahawy-egypts-war-on-atheism.html>

<http://hrw.org/news/2015/01/13/egypt-3-year-sentence-atheist>

Beginning in June 2014, the Ministry of Youth, Ministry of Endowments began a media and re-education campaign to “eradicate” atheism. The initiative was linked to a wider campaign that also targeted “religious extremists”, most of whom were associated with the recently outlawed Muslim

Brotherhood, and there were overt attempt to explicitly associate atheism *per se* with threats to national security and extremism. The programme was aimed at “confronting and abolishing [atheism] through religious, educational and psychological means handled by experts in these fields.”

al-bab.com/blog/2014/may-june/egypt-to-eliminate-atheism.htm#sthash.E4Wp4e1S.dpbs

english.ahram.org.eg/NewsContent/1/151/120204/Egypt/Features/Egypt-war-on-atheism.aspx

The backlash against the apparent growth of atheism, increasingly associated with young people and expressed on social media, has come primarily from government leaders and Islamic clerics and scholars. However in November 2014 it was reported that Christian churches held a joint conference and were “joining forces” with Egypt’s Al-Azhar to fight the spread of atheism. The new Egyptian Council of Churches organized, in late October 2014, a workshop for young people discussing the “dangers” of atheism. <madamasr.com/news/govt-announces-campaign-save-youth-atheism>

<worldbulletin.net/africa/148163/egypts-muslim-christian-authorities-unite-against-atheism>

IHEU is deeply concerned that these organised, authoritarian programmes against the organic growth of non-religious thinking. while pretending to be a “scholarly” response to a social trend or a lawful process in favour of public order or national cultural identity, the authorities are in fact maligning atheists as dangerous and a threat to the state and society, in such a way that demonizes individual atheists and presents a clear threat to atheists’ freedom of thought and expression.

Highlighted cases

In February 2015 an Egyptian court sentenced a student of Suez Canal University, **Sherif Gaber Abdelazim Bakr**, to one year prison with hard labour for posting content on Facebook which “professed atheism” and “insulted” Islam, as well as “defending homosexuality”. He was initially arrested in 2013 in a dramatic raid, with armoured cars surrounding his house in the middle of the night. The arrest followed his science teacher, in April of that year, asserted that homosexuals should “be crucified in the middle of the streets” and Gaber challenged him, suggesting that he should stick to a scientific understanding. Following this incident, a lecturer from the university printed and distributed posts from Gaber’s Facebook page that questioned religion. In front of a class, the lecturer declared that he would submit them as evidence to the university’s president and the prosecutor general. Following an earlier guilty verdict in late 2013, for “contempt of religion” and “spreading immoral values and abnormal thoughts” Gaber paid fines in order to escape jail. But the case was ongoing, and after the 2015 verdict he fled into hiding. He resurfaced in summer 2015 making pro-science videos, though they have since disappeared from his Youtube channel.

<afteegypt.org/law_unit/2015/01/10/9084-afteegypt.html>

<huffingtonpost.com/2015/02/19/sherif-gaber-sentenced_n_6714770.html>

<al-bab.com/blog/2015/february/atheist-sentenced-in-egypt.htm#sthash.mlHHII9N.dpuf>

<patheos.com/blogs/friendlyatheist/2015/07/15/egyptian-atheist-sentenced-to-prison-but-hiding-from-police-is-now-releasing-pro-science-youtube-videos/>

In January 2015, atheist activist **Karim al-Banna** was sentenced to three years jail for “insulting the divine” after declaring his atheism online. The prosecution, led by a infamous Islamist lawyer, had tried to demand that Al-Banna be sent to prison without trial, and the defence complained that they were not given time to make a case; a campaigner described the trial as “highly politicised...the prosecution has tried to prove him guilty by whatever means possible.” Though the January sentence was initially suspended, the prosecution appealed and the suspension was overturned in March 2015. With the three-year sentence now due to be enforced, Al-Banna, who did not attend the retrial, went into hiding. Karim al-Banna had been arrested in November 2014 in a cafe in Cairo for announcing his atheism on Facebook and therefore “insulting Islam”. Karim al-Banna’s own

father testified against him and stated that he had found his son to be owning provocative books, and that his son “was embracing extremist ideas against Islam” (the ‘extremism’ here refers only to his atheist position, there has never been any suggestion of actual militantism or similar). Banna's name had earlier been included in a list of “known atheists” in a local daily newspaper, after which he was harassed by neighbours. Banna himself went to file a complaint against the neighbours, but police accused him of insulting Islam.

[<dailynewsegypt.com/2015/03/14/student-in-hiding-after-prison-sentence-for-atheism-confirmed/>](http://dailynewsegypt.com/2015/03/14/student-in-hiding-after-prison-sentence-for-atheism-confirmed/)

theguardian.com/media/greenslade/2015/jan/13/egyptian-student-jailed-for-proclaiming-that-he-is-an-atheist>

uk.news.yahoo.com/egypt-student-gets-3-jail-term-atheism-152045719.html>

In October 2014 **Ahmad** and **Sally Harqan** (Nada Mandour) were attacked in their home by a group of men. After fleeing the scene Ahmad and Sally (who was pregnant) arrived at a police station, only to be assaulted by the police and imprisoned overnight. Ahmad is an atheist and an activist. His friends and supporters told IHEU that the arrest was linked to a complaint filed against him by several academics, in connection with his appearances on Egyptian and international media during which he discussed atheism and the right to express atheism. They were released by the prosecutor.

onaeg.com/?p=1986213>

Describing himself as a humanist after dissenting from Christianity, **Ayman Ramzy Nakhla** was interviewed on al-Nahar TV in April 2014. The interviewer, Reham Said, noting Nakhla's occupation as a college librarian, explained his rejection of religion by suggesting he was "confused" by reading too many books.

youtube.com/watch?v=oESeyFgtpbE&list=PLx2EFu656F-ErXUFQaZ6ywgMFFm2zB_r>

In the weeks following the interview, the education minister announced that Nakhla was being suspended from his job and referred to the public prosecutor for spreading ideas that were “atheistic and abnormal for Egyptian society”. He was accused of “denying the existence of God and denying religions, prophets and holy books, directly by satellite and indirectly within the educational institution”.

al-bab.com/blog/2014/may-june/egypt-to-eliminate-atheism.htm#sthash.E4Wp4e1S.dpuf>

On September 14, 2012, during the riots over the “Innocence of Muslims”, **Alber Saber** was arrested after a mob formed outside his home and demanded his arrest for “insulting religion”. Saber was a prominent activist for secular democracy in Egypt. Raised in a Coptic Christian household, Saber is an atheist who operated the Egyptian Atheists page on Facebook and has been a vocal critic of fundamentalist Islam. Saber was reportedly beaten after a prison guard announced his charges to others in Saber's cell. On December 12, 2012, Saber was sentenced to three years in prison. Upon being released on bail, Saber was able to escape Egypt, and is now living abroad.

In late July 2012 a Coptic Christian teacher, **Bishoy Kamel**, 32, was arrested in the southern governorate of Sohag over an accusation that he posted images “insulting” to Islam on his Facebook page. Police were reported by al-Ahram newspaper as saying Kamel could be charged with blasphemy and would face up to five years in prison if convicted. The images he allegedly posted were cartoons depicting the Prophet Mohammed and Egypt's new President Mohamed Morsi. Mohamed Safwat, who filed the charges against Kamel, reportedly argued that that the teacher had also “insulted members of his own family.” Kamel admitted to managing the Facebook page under investigation but denied the charges, claiming his account had been hacked. In September 2012 Kamel was sentenced to six years in prison for blasphemy.

On 4 April 2012, An Egyptian court sentenced 17-year-old Christian boy, **Gamal Abdou Massoud** to three years in jail for publishing cartoons on his Facebook page that “mocked” Islam and the Prophet Mohammad. Massoud was also accused of distributing some of his cartoons to his school friends in a village in the southern city of Assiut, home to a large Christian population. The child's court in Assiut sentenced Gamal Abdou Massoud to three years in prison “after he insulted Islam and published and distributed pictures that insulted Islam and its Prophet.” The cartoons, published by Massoud in December, had already prompted some Muslims to attack Christians, with several Christian houses burned and several people injured in the violence.

In February 2012, a Christian school secretary named **Makram Diab** was sentenced to six years in prison for “insulting the Prophet Mohammed.” A mob of 2,500 Muslims rallied outside the courthouse and demanded Diab be sentenced to death. Diab was apparently convicted on the testimony of Muslim colleagues, who stated he had made offensive remarks.

On 12 October, 2011, a court gave **Ayman Yusef Mansur**, 24, a three-year prison sentence with hard labor because he allegedly insulted the dignity of the Islamic religion with criticism on Facebook. The court did not make available what exactly Mansur posted on Facebook to draw the sentence.

On February 22nd, 2007 An Egyptian court sentenced a blogger, **Abdel Kareem Soliman**, aka Kareem Amer, to four years' prison for insulting Islam and the president. Soliman's trial was the first time that a blogger had been prosecuted in Egypt. He had used his weblog to criticise the country's top Islamic institution, al-Azhar university and President Hosni Mubarak, whom he called a dictator. On 27 October, 2007, he was sentenced for Facebook posts deemed offensive to Islam, along with being seditious toward Hosni Mubarak. He was released on 17 November 2010, upon which he was re-detained by security forces and allegedly tortured.

Testimonies

“I come from a Muslim family and discovered my unbelief in my teenage years. To come out as an atheist to my family and close friends was not exactly acceptable, but it was not a danger. Some people didn't like to hear that and tried to ignore me. Others tried to talk to me friendly to convince me about my “fault”. Until today, my mother tries to bring me back to Islam every time I talk to her. It is the same with many family members and it is really annoying.

To break fasting in public or to criticize Islam or religion publicly would be hard. And Christians face more discrimination in Egypt, it is for instance hard for them to get a promotion at work. In general I would say that the normal society silently tolerates a person being atheist, although they don't really understand and accept it. They might think that you are crazy or stupid and you lose your credibility as an ethical and honest person. But being gay or an unveiled woman brings more problems than being atheist itself. Consequently, you can think and believe whatever you want, as long as you keep it to yourself, but any public manifestation of it raises anger.”

— Mahmoud

“I did not come out as an atheist in Egypt although only some of my friends knew that I am. The reason was that I already struggled with my family and at work just because I don't practice Islam. For my family part, I used to spend most of my time on my own in front of my computer,

almost everyone didn't speak to me, didn't want to share anything with me just because I had different ideas.

For work, most of companies in Egypt don't hire Christians just because they are Christians, so I didn't have other choice but stay Muslim in their eyes. Even then, everyone at work was wondering why I am not veiled, why I don't do Ramadan or why I don't pray. I actually once had a terrible problem with my boss back then... because she doesn't like my outfits and that everyone at work say that I am kind of a slut because I am not covered enough.

Since my life was hell as an atheist in Egypt, I had to leave. Only now I can say out loud to my family that I am an atheist, and only now they accept it."

— Yosra

Libya

Libya is a North African country of 6.2 million inhabitants, of which 97% are Sunni Muslims. The Amazigh ethnic minority counts some Ibadi Muslims and there are small Christian communities among sub-Saharan African and Egyptian migrants. Libya is the fourth largest African country by area and holds the world's tenth-largest proven oil reserves. The country has been through tumultuous years since the Libyan uprising in 2011 and the civil war that followed.

Rating: Grave Violations ↓↑

This country is found to be in flux. Continuing political strife between secular and Islamist blocs means the constitution remains suspended. The rating conditions below reflect the state of the law prior to further dispute in 2014. The rating reflects that the situation for the non-religious is not improved, and discrimination is maintained by social inertia during the political turmoil.

Constitution and government

Education and children's rights

Family, community, society,
religious courts and tribunals

Expression, advocacy of
humanist values

State legislation is largely or entirely derived from religious law or by religious authorities			
		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
There is systematic religious privilege There is an established church or state religion	There is state funding of at least some religious schools Religious instruction is mandatory in at least some public schools without secular or humanist alternatives	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

Constitution and government

After an interim government ("General National Congress") was in charge for a transition period after the revolution, a new parliament was elected in June 2014. In November 2014, the election was annulled by the Supreme Court. The parliament, at the moment based in the city of Tobruk near the Egyptian border, rejected the Supreme Court's ruling. A newly formed Islamist-dominated "New General National Congress" opposes the elected parliament and hold regular meetings in Tripoli, the capital. In December 2014, Libya was described as a "non-state" by U.N. special envoy to Libya Bernardino Leon.

The country is torn between Islamist and secular forces claiming leadership and in armed conflicts along political, regional and tribal lines. Beside the anti-Islamist Tobruk government and the Islamist Tripoli government the Islamic State of Iraq and the Levant (ISIL) Libya Province established itself as a third power. In February 2015 the IS-Islamists beheaded 21 Egyptian Coptic Christians. Hundreds of individuals were killed in politically motivated assassinations by Islamist armed groups. Further, Islamists carried out public executions and floggings and established an Islamic court and Islamic police (hisba unit). On all sides armed forces are holding civilians often as hostages, including torture, in both state and militia prisons.

In general, the access to lawyers and basic process rights is not granted by the government. Militia attacks on judges, lawyers, prosecutors, and witnesses caused the closure of courts, the breakdown of law and order, and a prevailing climate of impunity. The government has failed in protecting religious minorities or religious (Sufi) sites against violent extremist groups.

Interim Constitution

The constitutional declaration of 2011 functions as the interim constitution. It states that Islam is the state religion. Islamic law is the principal source of legislation and it provides limited protection of freedom religion or belief, as well as freedom of expression. Non-Muslims are accorded the freedom to practice their beliefs. Article 6 of the interim constitution states that “there shall be no discrimination among Libyans on the basis of religion or sect” with regard to legal, political, and civil rights. But other laws and policies restrict these rights. There is no law providing for an individual’s right to choose or change his or her religion or to study, discuss, or promulgate one’s religious beliefs. There is also no law prohibiting apostasy or proselytizing; however, in practice the government has been prohibiting proselytizing to Muslims. Further, Article 291 of the Penal Code of 1953 prohibits insulting Islam or the Prophet Muhammad and the maximum charge for blasphemy is death sentence.

Education and children’s rights

Religious instruction in Islam was required in public schools and in private schools that admit citizens, but there was no in-depth instruction on other religions available in the curricula. The government did not issue information on the religious affiliation of children in public schools, but there are no reports of children transferring to private schools for alternative religious instruction.

In April 2014 a militia group in Derna insisted that the sexes should be segregated at university and constructed a wall, limiting female students’ access to education.

Family, community and society

Sharia law governs family matters for Muslims, including inheritance, divorce, and the right to own property. Under this body of law, a non-Muslim woman who marries a Muslim man is not required to convert to Islam, although many do so; however, a non-Muslim man must convert to Islam to marry a Muslim woman. The Ministry for Awqaf and Islamic Affairs administers non-Muslim family law issues, although without a parallel legal framework and draws upon neighboring countries’ family law precedents for non-Muslims. The ministry provides imams with political and social messages for Friday sermons.

Women face discrimination and are inadequately protected. Sexual harassment is prevalent, male relatives are reported to have killed several women in “honour killings” and unveiled women may be stopped and threatened at checkpoints. Women travelling without a male guardian may be challenged.

Freedom of expression, advocacy of humanist values

There was a blossoming of free media, and open public debate after the overthrow of Gaddafi. In June 2012, Libya’s Supreme Court struck down a law that would have restricted any speech deemed insulting to the country’s people and institutions.

However, media freedom advocacy groups have reported an increase in restrictions on journalists since the early days of the revolution. On-going sectarian and political turbulence has seen rising violence, and murders of journalists and other public figures. While freedom of assembly has also increased since Gaddafi, the continuing street violence, and threats from more organized militias, often deter peaceful assemblies and the public expression of dissenting views.

Libyan atheists and agnostics are threatened and intimidated due to their writings on social media.

Testimonies

"I am a Libyan atheist woman in a deeply Islamic country and suffering is just a tiny word for all that what I have been through. Years ago I was an admin of a Facebook Page for Libyan female atheists and you can not imagine how many threat messages and insults I got every day in my inbox. A woman in Libya is suffering, especially if she is different! I am wearing the Hijab against my will since I was young. My phone has been taken away many times and I have been beaten. I am living as a ghost and hiding my ideas. I have accepted to be a slave rather than to lose my head.

I can not imagine what my parents would say about my atheism. Even if could avoid the criticism of my mother, I couldn't avoid it from the others. They would call me a prostitute. People would say you are an unbeliever and you don't deserve to live and Sharia law should be applied on you. As soon as you have a different point of view they think you do not deserve to live. Even the one that loves you the most becomes an enemy and would not hesitate to behead you."

— Aisha

Morocco

Morocco, officially the Kingdom of Morocco, is a country with over 33 million inhabitants, of which 99% are identified as Sunni Muslims, with a small number of Christians, Jews, Shiites, and Baha'is. Judaism is privileged over other religious minorities. Morocco is separated by only 14 km from its northern neighbour, Spain by the Strait of Gibraltar. There are a variety of languages used throughout the country by varying ethnic groups, including Amazigh dialects, Arabic, Moroccan Arabic (Darija), Hassani (Saharan dialect), French and Spanish. A referendum on constitutional reforms was held in Morocco on 1 July 2011, in response to pro-democracy protests, and was approved by 98.49% of voters. Morocco is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
It is illegal or unrecognised to identify as an atheist or as non-religious		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	
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 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 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
There is an established church or state religion Legal or constitutional provisions exclude non-religious views from freedom of belief	There is state funding of at least some religious schools Religious schools have powers to discriminate in admissions or employment	Discriminatory prominence is given to religious bodies, traditions or leaders	

Constitution and government

Following the public protests in 2011, King Mohammad VI introduced a number of legal reforms. The constitutional reforms included the recognition of Amazigh language (a standardized version of the three main languages Tachelhit, Tamazight and Tarifit) as an official language along with Arabic and

no longer referring to the king as “sacred”. The king’s integrity, however, remains “inviolable”. Women are guaranteed “civic and social” equality with men, while previously only political equality was guaranteed.

However, changes fell short of establishing real press freedom, democratic accountability, or an independent judiciary. Morocco detains at least 300 political prisoners. Opposing political and human rights associations’ right to assembly is regularly violated, their activities are censored. Artists and journalists, are investigated, harassed and jailed.

Although Morocco signed and ratified few UN treaties and resolutions on civil rights and freedom of religion, conscience and thought, such as the International Covenant on Civil and Political Rights (ICCPR), and very recently the resolution on the freedom of religion or belief (A/HRC/25/L.19) <un.org/en/ga/search/view_doc.asp?symbol=A/HRC/25/L.19>, their primacy over national laws is compromised: the preamble of the constitution stipulates that Morocco commits itself “To comply with the international conventions duly ratified by it” subject to their compatibility with the constitution but also “its immutable national identity”.

The constitution declares that “Islam is the religion of the State” (Article 3), and that Morocco “commits itself [...] to deepen the bonds of togetherness with the Arabo-Islamic Ummah” (Preamble). It also refers to Islam, as well as monarchy, as one of the “federative constants” of the Nation (Article 1). The King is considered as a direct descendant of the prophet of Islam, which gives the ruling Alaouite dynasty its legitimacy. The constitution (Article 41) designates the King as Commander of the Faithful, he is mandated to ensure the respect of Islam. He presides over the Superior Council of the “Ulemas” (religious scholars), which is the sole official instance entitled issue “religious consultations” (Fatwas).

While the new constitution guarantees for all “the free exercise of beliefs” (Article 3) and “The freedoms of thought, of opinion and of expression under all their forms” (Article 25), in practice there are significant limitations, such as persecution of the Baha'is since the 1960s, and more recently Christians, and Shiites, as well as the non-religious. Baha’ism is traditionally seen as a heretical deviation from Islam and its members are considered “apostates”. These minorities are subject to harassment, investigations and detentions by authorities, interrupting and arresting them during their private religious meetings and rituals. The government allows foreign Christian communities to attend worship in approved places, but there are no Shia or Baha’i places of worship. Religious groups not belonging to the Maliki Law school or Judaism are required to register before taking any financial transactions as private associations. But the government does not recognize Baha’i or Shiite communities as registered religious organizations.

“Apostasy” and non-religion under the law

There are no laws requiring the designation of religion on IDs or passports, and “apostasy” is not a crime under civil or criminal law

However, there are several “blasphemy” laws bearing the threat of punishment for apostates. Jews can convert legally to Sunnite Maliki Islam, but conversion from Islam is discouraged by the state.

In addition, contrary to positive law, the Ulema council issued a fatwa in 2013 ratifying the Shari’a ruling according to which any Muslim who abandons Islam should be executed, stipulating that the Islamic Law considers anyone born from Muslim parents, or a Muslim father, as a Muslim, and prohibits apostasy and disbelief, and upon refusal of return to Islam the Islamic sentence for “apostasy” must be applied.

Non-Muslims are prohibited by the Penal code to proselytize and to “shake the faith” of Muslims (Article 220). Proselytizing can be punished with a sentence of 3 to 6 months' imprisonment and a fine of 115 to 575 MAD. The distribution of non-Islamic religious materials is restricted by the government. Several individuals, for instance Christians, were arrested and accused of proselytizing. Some Christian converts reported that they were pressured by authorities to renounce their faith by informing their friends, relatives, and employers of the conversion.

Article 222 of the Penal Code states that “a person commonly known to be Muslim who violates the fast in a public place during Ramadan, without having one of the justifications allowed by Islam [such as travelling, sickness or menstruation], shall be punished by one to six months in prison,” as well as a fine. Several individuals are arrested and sentenced for eating, smoking or for consuming alcohol in Ramadan every year. Those laws remain, even if not strictly applied, a sword of Damocles on citizens and on civil rights, not least for the Moroccan non-religious community. The non-religious are in fact, shaping up to be a prominent and vocal — and also seriously persecuted — belief group in Morocco, since the campaign against fasting laws in 2009, and the publication of a fatwa calling for the murder or execution of apostates. Suffering from stigmatisation, activists reported many cases of violence by family members, investigation by authorities, and general difficulties in educational, professional and social life. They receive little support and mostly rejection from local human rights groups, usually refusing to grant assistance to legal cases of both non-religious and/or LGBTQ people, contrary to other religious minorities.

Education and children's rights

Adoption is only permitted for Muslims, the president of the National Council for Human Rights (CNDH) the Moroccan official instance dedicated for Human rights, approved this measure, and said that Moroccan authorities have the right to ensure that adoptive children are raised in the Islamic faith.

Religious instruction is compulsory in all national schools (Article 31), both public and private, according to the Sunnite Malikite Islam. All students pass an Islamic education test, among other subjects, to obtain *Baccalaureat*. There are quranic schools (*Msid*), where children since an early age (4-5 years old) learn Quran by heart, and are subject to corporal punishment, indoctrination, among other abuses. The government funds the teaching of Islam in all public schools and Judaism in some schools. Further, private Jewish schools are allowed to teach Judaism and Foreign-run schools can exclude religion from their school's curriculum. The government further funds the study of Jewish culture at some universities.

Human Rights Education Associates (HREA) issued a study in 2005 on Human rights and Gender equality in Moroccan schoolbooks, and concluded that many school books favour and endorse gender inequality and propagate ideas that violates Human rights.

Brother Rachid, a Moroccan Christian Convert dedicated an episode of his weekly show “Daring Questions” on the endorsement of Hate towards non-Muslims in school books, sitting an example of Islamic education's book for the 1st primary education (generally 6-year-old children) which stipulates: “I love those who love the prophet Muhammad (PBUH), and I am hostile to those who are hostile towards him”, and the *Baccalaureat* school book that states that the punishment for apostasy is execution.

[youtube.com/watch?v=UtxLJ5nAZ6Y](https://www.youtube.com/watch?v=UtxLJ5nAZ6Y)

Activist and researcher at Moroccan Amazigh Cultural Institute (IRCAM), Ahmed Assid, spoke on Islam and education in Morocco, at a seminar organized by the Moroccan Association of Human Rights, and said that religious education in Morocco "is now outdated, and teaches religious values

that contradict universal values of Human rights". He added that the message of Islam taught to young people in school textbooks is "terroristic". The religious education emphasizes values that go back to when Islam was "spread by the sword" during the time of prophet Mohamed. Assid said the education should emphasize that religious belief is a free choice of the individual and no one should be forced, intimidated or threatened to follow any belief: "How can you teach children with a message of 'either become a muslim or be killed'. And this is being listed as one of the supreme values of our religion, highlighting prophet Mohamed giving newly conquered people the choice of Islam or Death. These values are negative and they are currently present in our education curriculum." Assid said all the values taught at school should be compatible with today's world human rights principles. As expected, Ahmed Assid speech has sparked controversy and a shower of criticism. The Salafist preacher Hassan El Kattani called for not "letting these remarks pass without reaction" and filed a complaint against Assid for "undermining Islam".

moroccoboard.com/viewpoint-5/112-mostapha-saout/5852-morocco-extremist-values-in-religious-school-books

Family, community and society

There are two family codes in Morocco, following the *automatic* state designation for citizens as Sunnite Malikite Muslims (*Moudawana*, reformed in 2004), or Jews (*Hebraic Moroccan Family Law*). There is no legal mechanism recognizing Christian or other non-Muslim communities. In consequence, all Moroccans, even if they are non-religious or belong to other belief groups, are forced to abide by those codes, and required to marry, divorce, and inherit according to their *de facto* religious designation.

The Moudawana permits sets the age of marriage at 18, but judges routinely allow girls below this age to marry. Interreligious marriage is prohibited; "the marriage of a Muslim woman to a non-Muslim man, and the marriage of a Muslim man to a non-Muslim woman unless she is of the Christian or Jewish faith" (Article 39) and obviously the religious - non religious marriage. In 2014 the controversial law (Article 475 of the Penal Code) allowing rapists escaping punishment by marrying their victim was removed. Abortion is strictly prohibited, including anyone who somehow facilitates it (Articles from 449 to 458). Polygyny is forbidden if "there is the risk of inequity between the wives" or "when the wife stipulates in the marriage contract that her husband will not take another wife." (Article 40). Men have to petition the court to authorize it (Article 42). Women are discriminated in inheritance and divorce law. Marital rape remains legal.

The *Moudawana* includes Islamic concepts such as "kinship by breastfeeding" stating that "Impediments to marriage resulting from kinship by breastfeeding are the same as those prohibited through blood kinship and kinship by marriage. Only the breastfed child - not his or her brothers and sisters - is considered the child of the woman who breastfeeds him or her and of her husband" (Article 38).

According to Islamic law, women are not allowed to take the role of a preacher or imam, but the Ministry of Endowments and Islamic Affairs (MEIA) employs over 200 female Muslim spiritual guides (*murshidat*), who teach in religious topics, women's legal rights issues, and family planning. However, women are not allowed to lead group prayers or to deliver Friday sermons in mosques.

Article 490 prohibits premarital heterosexual activities, and also used against unmarried couples living together. "Adultery" is illegal and punished with a prison sentence of up to two years (Article 491). Article 483 mandates a prison sentence of one month to two years for any act of "public obscenity". In 2013, following a complaint from a "Human Rights" association, A 15-year-old boy and 14-year-old girl, along with a 15-year-old boy who took the picture, were arrested for posting a

picture of them kissing on Facebook (the case is known as #NadorKiss), charged under this article and detained for three days.

In 2015 a movie called “Much loved” caused a big public debate, showing the lives of Moroccan prostitutes and openly sexual scenes. Authorities first banned the movie from airing, later permitted it again and the feelings of the population were heated. Actress Loubna Abidar, who played a prostitute in the movie, was attacked by unknown knife-wielding assailants in Casablanca and stated that she was received with laughter at the police station. The actress and her director, Nabil Ayouch, were summoned to court in June on charges of “pornography, indecency and inciting minors to debauchery. Among the reactions on social media there was a Facebook page that called for the execution of the movie maker and the actress. Loubna Abidar left Morocco for security reasons.

theguardian.com/film/2015/nov/10/loubna-abidar-star-much-loved-morocco-sex-worker-film-flees-beating

In June 2015 two young women were harassed in a market in Inezgane for wearing skirts. Police arrested them and the girls were tried. However, the both were acquitted of indecency charges in the trial. bbc.com/news/world-africa-33410759

The Moroccan penal code prohibits homosexuality and refers to it as “lewd or unnatural acts with an individual of the same sex” (Article 489). Homosexuals face often charges of prostitution, drunkenness and obscenity as well and several persons are jailed every year. Ironically, in May 2014, a “Human rights” association demanded harsher punishment according to Islamic religion for 6 homosexuals.

There were reports of public Anti-Semitism, however, Jews and Muslims have a long history of peaceful coexistence in Morocco and Jews serve in high-level government positions. In February 2014 anti-Semitic literature (as Adolf Hitler’s “Mein Kampf” and others) were found at an annual book fair in Casablanca. Allegedly in response to the conflict in Gaza in 2014, a rabbi was attacked by a man, while walking to his synagogue. In October 2015, a public pro-Palestinian “Al Aqsa Intifada march” was organised in the streets of Casablanca, where some men dressed up as Orthodox Jews and were led at gunpoint by masked men wearing keffiyehs.

In general, there are no laws prohibiting religious clothing or the use of religious symbols in public or private sphere. However, some women stated, that some employers required them to remove their Hijab during working hours.

Freedom of expression, advocacy of humanist values

A 2002 law restricting media freedom prohibits expression deemed critical of “Islam, the institution of the monarchy, or territorial integrity.” Such expression may be punishable by imprisonment and includes members of the parliament. Further, any publication that criticises the monarchy, Islam and “sacred institutions” is prohibited under the article 179. This article is often used as a political weapon against journalists, activists and artists who criticise the government and its institutions.

Further, Moroccan television stations are required to dedicate 5 percent of their airtime to religious content and to broadcast the Islamic call to prayer five times daily.

Political parties are prohibited from criticising Islam, or monarchy (Article 7). On the other side, the constitution prohibits the foundation of political parties on religious, ethnic, linguistic, or regional bases. Some parties identified as “Islamically-oriented” rather than Islamist as the PJD (Party of Justice and Development) are permitted. MPs, while generally protected from prosecution in relation to their political activities, may “be prosecuted or investigated, arrested, detained or judged” if they express any opinion that “challenges the monarchic form of the State, the Muslim

religion, or constitutes an infringement of the due respect of the king" (Article 64). This is also made explicit in Article 175 stating that no revision of the constitution may challenge the status and provisions of Islam, or monarchy.

Article 29 of the constitution guarantees "freedoms of reunion, of assembly, of peaceful demonstration, of association", but states that the law establishes the conditions and modalities of its exercise. The law regulating associations prohibits associations to criticise Islam, or monarchy (Article 3). In practice, authorities often refuse to receive the legal files for the establishment of associations. On July 22, the Administrative Judiciary Court turned down the lawsuit filed by the members of "Freedom Now" Association, alleging that the association doesn't meet the "legal conditions" that grant it the right to litigation independently of its members.

The government monitors activities of mosques (including the content of preaching) and non-Muslim religious groups and places in some cases restrictions on members. For example, in February 2014 Salafi cleric Abu Naim was convicted of defamation and insulting a political figure for denouncing a prominent politician, secularists and the political left. He had pronounced takfir (accusing of apostasy) upon these persons.

Highlighted cases

In May 2013, 22-year-old **Imad Iddine Habib**, a well-known atheist and founder of the Council of Ex-Muslims of Morocco received a number of death threats for his apostasy, and was harassed by authorities. He is now living abroad.

<ex-muslim.org.uk/wp-content/uploads/2013/12/Apostasy_Report_Web1.pdf>

In 2012, **Khalid Gueddar**, an editorial cartoonist was detained by police after publishing a caricature on his website that they said insulted Islam, the sixth journalist detained in the country in a week. The prominent cartoonist, said he was interrogated for six hours on Monday in Casablanca. Gueddar was arrested in 2009 along with another journalist after publishing a caricature of the Moroccan king's cousin. Caricatures of Islam or the royal family are illegal in Morocco. He ultimately received a suspended sentence and a fine of €300,000.

The latest cartoon, which he said he drew in 2011 in response to the arrest that year of an imam accused of soliciting a prostitute in a mosque in Fez, shows someone tossing lingerie from a minaret. He said he published it again to illustrate a similar situation.

"The interrogation focused on what I think of Islam, on my drawings and on my website," Gueddar said. His lawyer said if charged and convicted, Gueddar could face a harsh sentence and he compared the questioning to an inquisition on religion. The justice minister, Mustapha Ramid, said he would not intervene in what he described as a normal judicial process.

In 2012, **Zakaria Zine Al-Abidine**, A 22-year-old atheist from Casablanca, was sentenced to 5 years in prison, as well as a fine, for publishing cartoons and comments on Muhammad, the prophet of Islam, in his Facebook account. <menara.ma/ar/2012/09/20/270659.html>

Kacem El Ghazzali was a Moroccan atheist still at high school when he started an anonymous secularist blog in 2010. Critics tracked him down revealing his identity and threatening his life for "apostasy" and "blasphemy". He then appeared the Arabic language version of the international news network France 24 to talk about his atheism. After the TV interview the principal of Gazzali's school accused him of violating the law against "shaking the faith" of a Muslim and physically assaulted him. Other students at the school threw rocks at him. The imam in his village of Bouderbala denounced him from the pulpit, and his extended family stopped talking to him. After a

period in hiding because of the threats to his life, Ghazzali was able to gain asylum in Switzerland. (Since living in Switzerland, Kacem El Ghazzali has since spoken as an invited delegate of the IHEU at the UN Human Rights Council in Geneva on a number of occasions.)

spiegel.de/international/world/moroccan-blogger-champions-freedom-in-swiss-exile-a-891561.html

iheu.org/why-must-i-be-killed-asks-moroccan-atheist/

In 2009, **M.A.L.I.** (Alternative Movement for Individual Liberties) held a picnic during the day of Ramadan to contest Article 222 of the penal code forbidding eating in public during Ramadan. The picnic was treated as a national emergency. The superior council of Ulemas said it was an insult to God. “King Mohammed VI's political adviser persuaded all parties, including ones that routinely denounce Islamists, to issue condemnations for the sake of national unity. The activists were held and interrogated for several days, though ultimately not fined or taken to court. Police said they had to be protected from popular anger.”

economist.com/node/16793362

Since the picnic, dozens of cases of people arrested every Ramadan for breaking fast in public are featured in local and International media, lawyers often refuse to defend such cases, which makes their status vulnerable in courts, as well as in prisons and society.

Testimonies

“I did come out as an atheist, my mother and sister know about it and they are understanding, my father on the other hand doesn't know, not that he will be violent or something, it's just I don't want to start a boring argument with him. Many of my friends know about my atheism and they understand, I even had Muslim girlfriends who had no problem with me being an atheist. The Ramadan before the last, I ate at school, many classmates were shocked and stopped talking to me after that, others didn't care.”

— Naoufel

Sudan

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).

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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
'Apostasy' is outlawed and punishable with a prison sentence	Religious 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 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.

“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 are 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

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 criminalised; it can be punished by six-months’ imprisonment, flogging or a fine, or both.

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

Tunisia

Tunisia has a population of 10.9 Million, of which approximately 99% are Sunni Muslims. Beside there are small Christian, Jewish, Shiite and Baha'i communities. Jewish and Christian faith (belonging to the ahl al-kitab) is in general more readily accepted by the Majority of Muslims. The Jewish community in Tunisia exists since more than 2,500 years and the synagogue on the island Djerba presents beside others an important religious site for the community. In October 2015 Tunisia was awarded the Nobel Peace Prize. Tunisia is a member of the League of Arab states (LAS), as well as the Organization of Islamic Cooperation (OIC).

Rating: Severe Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
<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 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>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>
<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>There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism</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

After the Tunisian uprising in 2011, Tunisia undertook to create a new constitution. Continuing disagreement between Islamists and secularists caused delays, but it was finally agreed in January 2014. Key demands of the Islamist lobby were met, while other proposals of them were dropped. In general the influence of religion on society became more prominent in the first years after the Tunisian uprising than it was under the regime of former president Ben Ali.

The 2014 constitution begins with "In the Name of God, the Merciful, the Compassionate" and ends with "And God is the guarantor of success." The constitution is considered an expression of "commitment to the teachings of Islam", recognizing an "Arabo-Islamic identity", "desirous of consolidating our cultural and civilizational affiliation to the Arab and Muslim nation". Clearly this

language is exclusory of other ethnic and faith groups and flatters pan-Arabic and Islamist ambitions. Article 5 considers Tunisia as “part of the Arab Maghreb”.

Article 1 of the constitution declares that Islam is the state’s religion, and that “This article cannot be amended”, precluding any future secular reforms. Article 6 “guarantees freedom of conscience and belief, [and] the free exercise of religious practices” but stipulates that “The state is the guardian of religion”, which would appear to be a justification for blasphemy laws and the current criminalisation of any criticism of Islam. The state undertakes to disseminate “the protection of the sacred, and the prohibition of all violations thereof. It undertakes equally to prohibit and fight against calls for *Takfir* (Muslim accusations of apostasy against other Muslims) and the incitement of violence and hatred.” Religious freedom can be restricted in the name of protecting the rights of third parties, national defense, public security, morality, and health.

Atheists and religious minorities are banned from the presidency, which is constitutionally restricted to those who hold “Tunisian nationality since birth” and “whose religion is Islam” (Article 74). In these terms there is little improvement over the 1959 constitution, which also stipulated that the official religion is Islam and that the state sought to “remain faithful to the teachings of Islam”. There were similar provisions stating that only a Muslim could serve as president.

The government subsidizes mosques and pays the salaries of imams. Local religious committees and imams must be approved by the religious affairs directorate. The president appoints the grand mufti of the state. The government allows the Jewish community to worship freely and pays the salary of the grand rabbi. It also provides some security for all synagogues and partially subsidizes some restoration and maintenance costs. The government recognizes all Christian and Jewish religious organizations established before independence in 1956. The government permits Christian churches to operate freely, and formally recognizes the Roman Catholic Church through a 1964 concordat with the Holy See.

Education and children’s rights

Islamic religious education is mandatory in public schools. The courses on Islam present roughly one hour per week and the religious curriculum for secondary school students also includes the history of Judaism and Christianity. The state allows other religious groups to educate in private schools.

Family, community and society

Codified civil law is based on the Napoleonic code, Islamic law (Maliki law school) and customary law. As in most Muslim-majority countries, Islamic law is mainly used in family and inheritance disputes. Tunisian family law is often seen as more progressive and liberal in women right’s, than other neighbouring countries. For instance, Polygyny was already banned in the first civil code under the first president Bourguiba in the 1950s and Tunisian women enjoyed in general a more liberal divorce law, whereas other Muslim-majority countries as for instance Morocco and Egypt introduced similar reforms only after the Millennium. Islamist party representatives tried to abolish Article 18 that bans men from having more than one wife at the time in the new constitution but failed. Tunisia is beside Turkey until today the only Muslim-majority country that prohibits Polygamy. In April 2014 the government lifted its reservations in the ratification of CEDAW, declaring however, not taking any decision that would conflict with “Islam as the state religion”. In November 2015 the parliament adopted a new law allowing women to leave the country with their minor children without the permission of their father.

First president Bourguiba banned women from wearing Niqab and Hijab in schools, referring to the veil as a “miserable rag”. Later under Ben Ali as well, the ban (Article 102 of 1986) became a cause for harassment by security forces on the streets, as well as other visible signs of faith as the man’s beard. As a result for instance, university students who did not want to show their hair in public used a hat to hide it instead of the Hijab. Since 2011, however, the number of women wearing Niqab and Hijab on the streets has increased. But Islamist attacks and the resulting tightened procedural controls by the security officers of the state for security reasons led to media debates over a Niqab ban in public. <tunisia-live.net/2015/08/26/hijab-essebsi-tunisia/>

Despite these facts Tunisian women still face discrimination in law and practice, as in inheritance law. Article 227 of the Penal code allows a male rapist to escape persecution if he marries the victim and the girl is under the age of 20. Further, a mother who remarried is prohibited, unlike a remarried father, from having her children reside with her. A Muslim woman is not allowed to marry a non-Muslim man, while a Muslim man can marry a Muslim, Christian or Jewish woman.

In 2012 a young woman was raped by two police officers. In the following trial she was herself accused of indecency after being alone with her fiancé at the time the police officers found her. At the end the both police officers convicted of rape were sentenced 2014 to 15 year prison terms.

Although many Tunisians are deeply religious, the anti-religious policies of the former presidents Bourguiba and Ben Ali have left traces in the Tunisian society and a quite big number of the people consider themselves as secular. These differences of opinion led in recent years during the month of Ramadan to many debates about fasting in public. In 2013 Adel Almi, a Tunisian preacher threatened to publish pictures in public of those who do not respect the fasting rules during the month of Ramadan. A big number of Tunisians reacted with a Facebook page posting pictures of themselves eating during the day. In the following years an online map was created, which marks all restaurants and coffee shops that stay open during the fasting period. Similar public uproar could be observed when controversial Egyptian cleric Wajdi Ghanim, an advocate of FGM, visited Tunisia in 2012.

The old “Mzali circular of July 1981” called for closing cafes and restaurants during Ramadan, but was that time canceled only two days after it was released by president Bourguiba. However, in the current years numerous cafe owners are harassed and intimidated by security forces for keeping their cafes open during fasting time. Former Tunisian minister of religious affairs Nouredine Khademi stated in July 2013 that opening cafes during fasting time in Ramadan was not permitted by religion and that “if a person doesn’t want to fast, he is free, but he doesn’t have the right to say it, much less do it, publicly.” <al-monitor.com/pulse/culture/2014/07/tunisia-ramadan-restaurants-opening-hours-vague.html#>

The sale of alcohol to Muslims is technically prohibited by the penal code, however, alcohol is sold freely, except on Fridays and the month of Ramadan.

Freedom of expression, advocacy of humanist values

The right to freedom of expression, including media freedom, was declared a foundational principle for the country at the dawn of the Arab Spring. In practice, this freedom remains contested, with more conservative and religious groups opposing expressions that criticize Islam or traditional social conventions. It remains to be seen whether the new constitution will provide the legal and institutional framework to better protect freedom of expression.

The constitution provides for freedom of conscience and free practice of religion (Article 31) when it “does not disturb public order.” It is illegal for non-Muslims to proselytize Muslims, as the

government views such efforts as “disturbing the public order.” The penal code restricts the freedom of speech by criminalizing speech that “causes harm to the public morals”. Another provision of the penal code criminalizes undermining public morals by “intentionally disturbing other persons in a way that offends the sense of public decency.” The telecommunications code criminalizes “harming others or disrupting their lives through public communication networks.” Speech that is deemed offensive to traditional religious values, including speech deemed blasphemous, is prosecuted under these provisions. Citizens have the right to sue the government for violations of religious freedom.

In August 2012, the ruling party, the Islamist party Ennahdha, filed an anti-blasphemy bill which would criminalise “curses, insults mockery, and desecration” of numerous religious concepts, including Allah, the Prophets, the three Abrahamic books, the Sunnah (the practices of the Prophet Muhammad), churches, synagogues and the Kaaba (the most sacred building in Islam). The idea and debate spread after the opening of an art exhibit in the capital of Tunis that was deemed offensive to Islam. The bill also banned pictorial representation of God and Prophet Muhammad. The stated reason for the proposal was to protect Tunisia’s Islamic identity. However, the blasphemy bill did not have enough support and was dropped.

Further, violence and Islamist attacks have plagued Tunisia’s transition since 2011. In 2013 two secular politicians were shot dead. Islamists have burned several religious (Sufi) shrines since 2011. The latest Islamist attacks in 2015 on the Bardo museum in Tunis and the shooting of western tourists in a beach hotel in Sousse have killed dozens and seriously harmed Tunisian tourism. Several deadly attacks on Tunisian security forces in the Western part of the country took place leading to the restriction of freedoms of expression and association on counterterrorism grounds.

Although religious conversion is legal, some converts express concerns about threats of violence and a lot of societal pressure against Muslims leaving their religion.

Highlighted cases

On 28 March, 2012, two atheist friends, **Jabeur Mejri** and **Ghazi Beji** were sentenced to seven and a half years in prison, and to a large fine, for posting images on Facebook deemed blasphemous. Mejri and Beji were put on trial following a complaint lodged by a group of residents in Mahdia. While Jabeur Mejri is in prison, his friend Ghazi Beji sought refuge in Europe. Mejri and Beji were convicted under Article 121 (3) of the Tunisian Penal Code, which states that: “The distribution, putting up for sale, public display, or possession, with the intent to distribute, sell, display for the purpose of propaganda, tracts, bulletins, and fliers, whether of foreign origin or not, that are liable to cause harm to the public order or public morals is prohibited.” After two years of international uproar and media attention, Jabeur Mejri received a presidential pardon in 2014.

On May 3, 2012, **Nabil Karoui** was convicted for disrupting public order and violating moral values by airing *Persepolis* an animated film that some religious leaders say insults Islam. Karoui, the head of Nessma TV a private television station, was ordered to pay a 2,400 dinar (US\$1,500) fine.

In 2012, when **Sofiene Chourabi**, a democracy activist and journalist, called for a protest against the explicit blasphemy law proposed by Ennahdha, he was arrested the next day for “drinking alcohol during Ramadan”, which is not a crime under Tunisian law.

Testimonies

"I will not shout from the rooftops that I am irreligious, but I don't hide it. I am not obliged to tell it to everybody, because I think it is a personal thing. What would it help to tell it to my university colleagues for instance? It would just cause more problems for me. Anyway, if there are discussion on science, politics, or religion, you can figure out very fast that I am agnostic. Honestly, I don't have a real problem due to my religious convictions. I have friends that are practising Muslims and female friends that wear the Hijab and they accept me as I am. At high school it was not always easy, but I think this was more linked to the fact that as a teenager we all tend to be a little bit mean."

— Sarah

"I don't talk a lot about my atheism. If I tell it to certain people, it is people with a certain intellectual level or very tolerant people, otherwise I would be marginalized and rejected by the most part of society. You shouldn't tell that you are an atheist if it concerns your work or professional life, because you would risk rejection. My family is very understanding and my mother is an atheist as well, however that is not the case for all atheists and the most of their parents don't know that their children are atheists. It is like in other developing countries, there is no tolerance and especially none for minorities."

— Ahmed

Uganda

Uganda, lying around the north and north-western shores of Lake Victoria, is a predominantly Christian country, with a significant Muslim minority, and a president, Yoweri Museveni, of some 28 years standing. Uganda is member state of the Organization of Islamic Cooperation (OIC).

Rating: Severe Discrimination

Constitution and government

Education and children's rights

Family, community, society,
religious courts and tribunals

Expression, advocacy of
humanist values

		Government authorities push a socially conservative, religiously inspired agenda, without regard to the rights of those with progressive views	
	Religious schools have powers to discriminate in admissions or employment Religious instruction is mandatory in at least some public schools without secular or humanist alternatives	There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism Discriminatory prominence is given to religious bodies, traditions or leaders	Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
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, in practice the government violates some of these rights, especially the freedom of the press.

There is no state religion, and freedom of worship is constitutionally protected and respected in practice. The law prohibits the creation of political parties based on religion.

Education and children's rights

The religious education curriculum is comparative in theory, but in practice aims at inculcation. There is considerable latitude for schools to offer what amounts to religious instruction (usually Christian or Islamic) with no practicable opt-outs.

There are a small number of Humanist schools operating without impediment (the International Humanist and Ethical Union and other humanist groups have supported these schools).

Family, community and society

There is little or no interreligious conflict between the Christian majority and the Muslim minority, though 2014 saw a surge in inter-tribal conflict in the western Rwenzori region, reportedly related to historical kingdom boundaries and militant secessionist movements.

crisis.acleddata.com/an-examination-of-recent-ethnic-violence-in-the-rwenzori-region-of-uganda/

Churches and businesses named for religious figures and concepts are predominant in the city streets of Kampala. Marriages are often celebrated with traditional “Introductions” followed by a more Western-style wedding ceremony. Several Humanist groups operate quite openly and lawfully, though they are not vocal about irreligious elements of Humanism and focus mainly on education, welfare, and broader human rights work.

An Anti-Pornography Act passed in early 2014, and was widely derided as “muddled”, being readable as outlawing not just representation but any sexual behaviours in any context. The law’s lead proponent, former Catholic Priest and government Minister for Ethics and Integrity, Simon Lokodo, championed the law on a puritanical religious basis, and said “if a woman is dressed in attire that irritates the mind and excites other people of the opposite sex, you are dressed in wrong attire, so please you should hurry up and go home and change.” Women should “dress decently” because “men are so weak that if they saw an indecently dressed woman, they would just jump on her”. Shortly after it was passed the Anti-Pornography Law was blamed for inciting a spate of attacks on women wearing miniskirts

indexonensorship.org/2014/03/porn-bill-uganda/

Anti-Homosexuality Act passed, ratified and thrown out

In recent years the government including Minister for Ethics Simon Lokodo lobbied to pass an Anti-Homosexuality Bill, citing religious and traditional “moral” grounds for increasing the penalties for gay sex (homosexuality is already illegal). The draft bill received international criticism in its initial stages for proposing a death sentence for what it termed “aggravated homosexuality” (a charge which could be brought in principle simply for multiple incidents of homosexual activity) and earned the nickname “the kill the gays bill”. It is not unusual for MPs to tout their religious (in particular Christian) beliefs and many MPs have backed the new anti-homosexuality legislation each time it has been brought before parliament. International human rights groups have condemned the bill at every stage.

The bill was passed by parliament on 20 December 2014. After years of pressure, President Museveni finally signed the bill into law early in February 2014, supposedly after misinterpreting a “scientific” report on the status of homosexuality.

iheu.org/museveni-set-to-sign-ugandas-anti-gay-bill-based-on-false-reading-of-science/

iheu.org/the-anti-gay-law-in-uganda-iheu-analysis/

However, the law was declared invalid on 1 August 2014 by the Constitutional Court after the speaker was found to have “passed” the bill without quorum in parliament. Supporters of the bill have pledged to bring it back to parliament.

Freedom of expression, advocacy of humanist values

The constitution provides for freedom of speech, but the media have faced substantial, escalating government restrictions and intimidation in recent years. Freedom of assembly is officially recognized but often restricted in practice.

Highlighted cases

Two leaders of the organization HALEA, **Humanist Association for Leadership Equality and Accountability**, were attacked in 2014 and their offices vandalized and robbed. The HALEA offices were robbed in July. Group member **Joseph Lukyamuzi** was attacked at his home in August 2014, and on 30 October 2014 the director of HALEA, **Kato Mukasa**, suffered an arson attack at his home,

all apparently in connection with the rising profile and human rights work of this Humanist organization.

[<iheu.org/humanist-group-needs-help-after-robbery/>](http://iheu.org/humanist-group-needs-help-after-robbery/)

[<iheu.org/after-attack-on-humanist-leader-take-a-stand/>](http://iheu.org/after-attack-on-humanist-leader-take-a-stand/)

Testimonies

“Being a non-religious organisation, what we do has unfortunately attracted hate from several people who now brand us as Satanic, or “un-African”. I have been attacked on Facebook, and during radio appearances I have been abused on air.

... At about 3 am [on 30 October 2014], unidentified persons came to my home, the maid says she heard people moving around the house and trying to open her window and in a few minutes, there was commotion and then there was a bang and the fire started. They set the car ablaze. It is a trying moment to me and my young family, my children are greatly traumatized. Thanks to my good neighbors who came to my rescue and my family was saved. The entire house could have burnt down! I have contacted the police and the ... arson has been reported. ... I will continue working for humanism, doing my job at HALEA more determined than ever. Regardless of the hate and persecutions, our struggle to empower the minds of our people should continue, whether I am around or not.”

— Kato Mukasa

Mauritania

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).

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
State legislation is largely or entirely derived from religious law or by religious authorities The non-religious are barred from holding government office		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 'Apostasy' or conversion from a specific religion is outlawed and punishable by death
The non-religious are barred from some government offices (including posts reserved for particular religions or sects)		Systemic religious privilege results in significant social discrimination 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	'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 There is an established church or state religion	Religious instruction is mandatory in at least some public schools without secular or humanist alternatives	Discriminatory prominence is given to religious bodies, traditions or leaders	
			Some concerns about political or media freedoms, not specific to the non-religious; Concerns that secular or religious authorities interfere in specifically religious freedoms

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; their 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

Press freedom is guaranteed by the constitution. 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/

Death for "apostasy"

Article 306 of the Mauritanian penal code, stipulates apostasy as a crime punishable by death. Anyone found guilty of converting from Islam is supposed to be given three days to repent and if the individual concerned does not do so, they will face confiscation of their property, or the death sentence.

However, in the case of Mohamed Cheikh Ould Mkheitir (see "Highlighted cases" below), he was found guilty of "apostasy" and sentenced to death — despite "repenting" — in a one-day trial in late December 2014.

Apostasy, "adultery", and homosexuality are among the capital crimes in Mauritania. There appears to have been a moratorium on the death sentence since 1987, but Mkheitir remains in jail, along with around 52 persons convicted on "terrorism" charges over the years.

opinion-internationale.com/dossier/pas-de-contrainte-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 \$14,000 to whoever killed the writer responsible for the article.

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)

Nigeria

In Nigeria, approximately half of the population are Muslims, about 40 percent are Christians, and roughly 10 percent are of traditional indigenous religions or no religion. While the constitution guarantees religious freedom, the state endorses numerous anti-secular and theocratic policies. The government and non-state militia such as Boko Haram constantly violate the rights to freedom of thought and expression.

Rating: Grave Violations

Constitution and government

Education and children's rights

Family, community, society,
religious courts and tribunals

Expression, advocacy of
humanist values

'Apostasy' or conversion from a specific religion is outlawed and punishable by death <i>[in some Islamist controlled areas]</i>			'Blasphemy' or criticism of religion is outlawed and punishable by death <i>[in some Islamist controlled areas]</i>
<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 instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</p>	<p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>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>Religious control over family law or legislation on moral matters <i>[in some Islamist controlled areas]</i></p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p>
<p>Preferential treatment is given to a religion or religion in general</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>	

Constitution and government

The Nigerian Constitution protects freedom of religion and allows religious conversion. Section 10 of the constitution states, 'The Government of the Federation of a State shall not adopt any religion as State Religion.' However, Nigeria is a member of the Organization of Islamic Countries, which makes it a Muslim state in effect. Sections 275–279 of the Constitution give states the power to establish their own Sharia courts of appeal for civil matters. Abiding by Sharia law is required for Muslims in some states but optional in others and enforcement differs by state. Christians are not obliged to abide by Sharia law in any of the 12 states. Proselytizing in public is illegal in some states so as to prevent ethnic conflict. Religious groups are required to have permits to build places for worship and hold public gatherings. Christian and Islamic groups are required to register with the Corporate Affairs Commission (CAC) to do so. Religious discrimination is prohibited by law.

Education and children's rights

It is a requirement for all students in the public education system to receive instruction about Christianity or Islam. However, Christian education classes are not offered in many Northern states and Muslim education classes are not always provided in Southern states.

The Constitution has laid out laws on religion and education as follows:

"Section 38:2 No person attending any place of education shall be required to receive religious instruction or to take part in, or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion not approved by his parent or guardian."

"Section 38:3 No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination."

nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm#Chapter_4

According to the constitution students are not obliged to receive education of a religion that is not their own. However, Islamic or Christian religious education is mandatory in public school students in many regions in the country. State authorities sometimes claim that students are allowed to not attend religious instruction or to request a teacher to offer alternative instruction. However, there has been a lack of teachers in 'Christian Religious Knowledge' in many schools in the north, and there has been reports that Muslim students could not access 'Islamic Religious Knowledge' in public schools in Enugu and Edo States. There seems to be an underlying assumption that people in the country are either Christian or Muslim, and must receive religious instruction in one or the other religion.

ncbuv.com/reference/country/humanrights.html?code=ni&sec=2c

Family, community and society

The introduction of criminal law aspects of Shari'a, the continued state use of resources to fund the mosque construction, education of Kadis (Muslim judges), pilgrimages to Mecca (Hajj), and religious instruction in schools, mean that Islam is often regarded, and is in effect, the de facto state religion of numerous northern states. Some states had also used government funds to pay for Christian pilgrimages to Jerusalem. In general, states with a Christian or Muslim majority favour and give privileges to the majority faith, to the exclusion of religion or belief minorities.

Sectarian divide

Muslims in some predominantly Christian states have complained about being denied permission to build mosques in predominantly Christian southern states. Christians in the predominantly Muslim northern states have claimed that local government officials used zoning laws to delay or prevent the establishment of new churches. Some have made claims that the enforcement of zoning laws was selective. Government officials have been commonly reported to have discriminated against people whose religious beliefs are different from their own, notably in hiring or contract awarding. Religious and ethnic discrimination also exist in private businesses' hiring practices and purchasing patterns.

The deep entanglement of religion and state perpetuates parallel legal systems for different religious and ethnic groups and Sharia judgments' arbitrary nature have raised questions concerning legislation. Whether politically, ethnically, and religiously fragmented Nigeria can survive official Sharia institutions' internal contradictions remains uncertain.

[<evangelicalfellowship.ca/page.aspx?pid=684>](http://evangelicalfellowship.ca/page.aspx?pid=684)

[<democracyweb.org/religion/nigeria.php>](http://democracyweb.org/religion/nigeria.php)

[<ncbuy.com/reference/country/humanrights.html?code=ni&sec=2c>](http://ncbuy.com/reference/country/humanrights.html?code=ni&sec=2c)

Boko Haram

The country has been afflicted in recent years by the terrorism of Boko Haram, with abductions, massacres and bomb blasts in Abuja. The abduction of around 200 school girls early in 2014 by Boko Haram prompted the sharing of the #BringBackOurGirls hashtag around the world, but most abductees from Chibok and other towns remain lost. The government and armed forces were accused of hesitation, inaction and incompetence in addressing the terrorist threat; and deaths and kidnappings number in the thousands. Sectarian tension has risen throughout 2014 and attacks have continued in 2015. Boko Haram caused more deaths in terror attacks in 2014 than ISIS.

Highlighted cases

In June 2014, **Mubarak Bala** was assessed as needing psychiatric help because he was “an atheist”, and held against his will at a psychiatric ward in Kano, northern Nigeria. His father, formerly a senior member of the Islamic religious authorities, had orchestrated Mubarak’s detention, after Mubarak had refused to keep quiet about his atheistic views on religion. Mubarak was – with some violence – bundled off to the psychiatric hospital by members of his own family. Told that he could not leave the hospital, Mubarak raised the alarm by social media, on a mobile he had managed to smuggle and keep hidden from the staff. He tweeted about his circumstances to friends and followers. IHEU worked with online activists and local humanists to verify the case, instruct a lawyer, and propel Mubarak’s cries for help into international media. His case then received media attention locally. Bala was freed after nearly three weeks, due to a strike at the hospital. Mubarak said that the domestic and international pressure helped to convince his family that he must be free to be, and express himself as, an atheist.

[<iheu.org/?s=mubarak+bala>](http://iheu.org/?s=mubarak+bala)

[<bbc.co.uk/news/world-africa-28158813>](http://bbc.co.uk/news/world-africa-28158813)

The **Nigerian Humanist Movement** has been denied registration as an organization for many years. Antagonists have linked the group to gay rights, presuming this to stand against its merits (and in reality it may well contribute to authorities’ refusal to progress a registration).

[<gamji.com/article9000/news9553.htm>](http://gamji.com/article9000/news9553.htm)

[<dialogueseriesnew.blogspot.de/2011/10/usa-africa-dialogue-series-humanism-and.html>](http://dialogueseriesnew.blogspot.de/2011/10/usa-africa-dialogue-series-humanism-and.html)

Guatemala

Guatemala, with Mexico on its Northern boundary, is in a pivotal position in Central America. It was the scene of a 36-year guerrilla war until 1996, a peace agreement was signed by the government that finally put an end to the internal conflict. The main religion in Guatemala is Christianity, primarily Roman Catholic. In the census of 2010 there was a significant increase in percentage of atheists or people with no religion.

Rating: Systemic Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
Preferential treatment is given to a religion or religion in general			Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
Official symbolic deference to religion	State-funded schools offer religious instruction with no secular or humanist alternative, but it is optional		
		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 generally protect religious freedom. There is no state religion; however, the constitution recognizes explicitly the distinct legal personality of the Catholic Church.

The government requires religious groups other than the Catholic Church to register as legal entities to conduct business, such as renting or purchasing premises and entering into contracts, and to receive tax-exempt status. Non-Catholic religious groups are subject to special regulation.

Education and children's rights

Though education should in principle be secular, there is no national framework for determining the nature or content of religious education, leaving it wide open to interpretation.

<206.155.102.64/country,,,,GTM,,53d90770b,0.html>

In 2015, a proposed new law would require religious teaching in all schools, public or private, to convey a “literal” Biblical interpretation of Christianity. At a public meeting addressing the bill in Congress, Carlos Mendoza, a representative Guatemalan Humanist Association, *Asociación Guatemalteca de Humanistas Seculares* (AGHS), was booed out of the room, having barely been able to put his case, namely that the bill violates the National Education Act and the Act on the Integrity of Children and Adolescents, which ensures that the education in the country should be secular. The meeting was stacked with religious representatives, with other human rights, secular and sexual equality groups “actively excluded and denied access to the event”, according to AGHS. (Mendoza only gained access to the meeting during a protest against the bill outside Congress organized by the Humanist association.) AGHS said in a statement, “Far from creating unity and positive staff and

general reforms, [the bill] could generate intolerance, division, disputes and conflicts between students, teachers, administrators and parents .”

humanistasguatemala.org/comunicado-sobre-la-propuesta-de-ensenanza-biblica-obligatoria/

Freedom of expression, advocacy of humanist values

Press freedom is enshrined in the constitution and newspapers freely criticise the government. Nonetheless, many journalists face intimidation because of their reporting. It was and continues to be dangerous for them to "take too much interest" in organised crime, corruption or human rights violations during the civil war, Reporters Without Borders have reported in recent years including 2014.

Argentina

Argentina is country on the southern cone of South America. The country obtained its independence from Spain in 1816. Argentina is a federal republic with an established constitution, an elected two chamber Congress and an elected president acting as head of state.

Rating: Systemic Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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>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>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p>	
Official symbolic deference to religion			Some concerns about political or media freedoms, not specific to the non-religious

Constitution and government

Argentina's constitution does recognise the right to freedom of religion and worship, but not in a broadly secular and inclusive way. The constitution explicitly states that the federal government "supports the Roman Catholic apostolic creed." The Catholic Church is afforded a preferential legal status, not only above other organizations with a religious or secular worldview, but any other organization of civil society. While it stops short of being the official state religion, Catholicism is the predominant religion in Argentina and does benefit enormously from tax subsidies, funding for Catholic schools, and other forms of economic and general support. For example, Bishops and other members of the Catholic Church Hierarchy received \$40m in wages and pensions in 2013.

Non-Catholic religions must register with the Secretariat of Worship, the government organization responsible for dealing with all other religions, in order to publically worship. They then receive tax-exempt status.

argentinaindependent.com/currentaffairs/church-state-argentina-long-road-secularism/

Belief Demographics

Data from 2008, shows 76.5% of Argentines are Catholic, followed by 11.3% who consider themselves 'indifferent,' including atheists and agnostics. 9% are evangelical and 3.3% are 'other.'

While freedom of religion is largely protected, the Catholic Church receives extensive support from the government through generous subsidies.

Education and children's rights

2015: the end of secular education

In August 2015, the National Congress of Argentina struck down Education Law 1420, which had previously guaranteed the secularity of education in the country. The General Common Education Law 1420 was integral to eradicating illiteracy in Argentina, establishing free, compulsory, universal, and secular education. Article 8 restricted religious education to extracurricular classes, by parental permission, to be taught by a credentialed representative. The Education Law had previously been altered or suspended, but always eventually reimplemented it in its original form.

<secularpolicyinstitute.net/wp-content/uploads/2015/08/Letter-to-Argentina-w-signatories-2015_08_23.pdf>

Catholic influence on religious and moral education

£4.5bn subsidies were given to Catholic schools in 2013. Public education is secular, although the federal system in Argentina means it can vary from province to province. For example, in the Salta province, a law was passed in 2008 making Catholic education compulsory for all students. It has since been modified by the province's Supreme Court, allowing children to opt-out and have alternative classes, but the lessons still take place.

Likewise, there are reports of the Church having significant leeway in its own religious schools, which it uses not only to push Catholicism, but to avoid teaching sex education or about contraception.

<buenosairesherald.com/article/136233/salta-ruling-sparks-debate-on-secular-education>

According to a report by the Argentine Coalition for a Secular State (CAEL), the Church:

"...carries out an arbitrary, explicit, and systematic obstruction of the implementation of the national plan for sex education for children and youths contemplated in law 26,150 ... in some provinces they have even confiscated textbooks in the name of Catholic morals."

<argentinaindependent.com/currentaffairs/church-state-argentina-long-road-secularism/>

In a country where 15% of babies are born to teenage mothers (up to 25% in some poorer provinces) the Church has lobbied strongly, and quite successfully, to have high school children not learn about contraception.

Freedom of expression, advocacy of humanist values

Freedom of speech is generally protected in Argentina, however there are some important caveats. There are also a number of different newspapers and media outlets, expressing a variety of different views, although there are isolated reports of police attacking and detaining journalists at protests, and in one case the governing ordering an interview with an ex-minister, critical of the president, to be suspended mid-broadcast.

<state.gov/j/drl/rls/hrrpt/humanrightsreport>

Highlighted cases

In 2005, abortion rights supporter and self confessed “militant atheist”, **Carmen Argibay**, was nominated to the Argentinian Supreme Court. The Catholic Church and anti-abortion groups opposed the appointment, with Pró-Vida (an anti abortion group) president Roberto Castellano stating that Argibay did not represent Argentinian women because she was single, childless and due to that fact that most women were not “abortionist or against God.” Argibay, responded: “I believe that saying up front who one is or what one thinks is an indication of honesty, which is the first step towards impartiality. My beliefs, or lack thereof, should not interfere in the judicial decisions I take.” (Argibay died of emphysema in May 2014.)

[<ipsnews.net/2004/01/argentina-single-woman-atheist-heads-to-seat-on-high-court/>](http://ipsnews.net/2004/01/argentina-single-woman-atheist-heads-to-seat-on-high-court/)

Taiwan

The independence and sovereign limits of Taiwan are disputed. Owing to the refusal of the mainland to recognise 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.

Rating: Free and Equal

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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

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.

Family, community and society

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

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.

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.

[<freedomhouse.org/report/freedom-press/2015/taiwan>](http://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."

[<cpi.org/2015/07/in-taiwan-three-journalists-arrested-at-student-pr.php>](http://cpi.org/2015/07/in-taiwan-three-journalists-arrested-at-student-pr.php)

Brunei Darussalam

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 ↓

This country is found to be declining with the implementation in stages of a new Sharia penal code, and the state Grand Mufti advocating death for apostasy.

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>'Apostasy' is outlawed and punishable with a prison sentence</p>	<p>Religious 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 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>'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.

Speaking freely about religious belief, and non-belief, is prohibited.

Articles 213, 214 and 215 of the revised penal code criminalize printing, disseminating, importing, broadcasting, and distributing of publications deemed contrary to Sharia by Muslims and non-Muslims. Non-Muslims cannot say 'Allah' (Bruneian Christians use 'Allah' where in English Christians say 'God').

Future phases of the law will 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.

"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

Death for apostasy and blasphemy?

Apostates are liable to lose all rights to the property they own and to custody of their children. In 2014, the State Mufti, Yang Berhormat Pehin Udana Khatib Datu Seri Maharaja Dato Seri Setia Ustaz Hj 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 to the punishment. Whether this will form a later stage of the implementation of the new Sharia penal code remains to be seen.

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.

Indonesia

Indonesia, the world's third-largest democracy, has in the past had a relatively good reputation for plural religious identity united under a monotheistic state ideology, however, this reputation was largely in decline under President Susilo Bambang Yudhoyono ("SBY"). Under newly elected president Joko Widodo ("Jokowi") there is some renewed hope for reform, but atheists and the non-religious remain socially marginalised and legally unrecognised.

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
The non-religious are barred from holding government office		It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities	It is illegal 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
State legislation is partly derived from religious law or by religious authorities		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 Prohibitive interreligious social control (including interreligious marriage bans) Religious control over family law or legislation on moral matters [in Aceh province]	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
Preferential treatment is given to a religion or religion in general There is an established church or state religion	Religious instruction is mandatory in at least some public schools without secular or humanist alternatives	Discriminatory prominence is given to religious bodies, traditions or leaders Religious groups control some public or social services	

Constitution and government

The constitution theoretically protects freedom of "religion or belief", as well as freedom of expression, assembly and association. However, in practice these rights are often severely restricted and they are non-existent for non-religious citizens or anyone who does not believe in a god. On "Religion", under article 29, awkwardly states both that:

"(1) The State shall be based upon the belief in the One and Only God."

and:

"(2) The State guarantees all persons the freedom of worship, each according to his/her own religion or belief."

To register an organization in Indonesia, the organizers must declare their allegiance to the Basic Ideology of the State (called Pancasila); the first principle of Pancasila is 'Belief in the one and only God'. That means no atheist group can legally register itself.

“A new hope”

Inaugurated in October 2014, new president Joko “Jokowi” Widodo was elected on the promise of democratic and social reforms, in Indonesia’s first peaceful transfer of power between two popularly elected leaders. *Time* magazine called him “a new hope” for the country, noting that he faces challenges including religious extremism and radical Islamist threats to the country’s largely syncretic, relatively moderate Islam.

time.com/3523168/indonesia-jokowi-inauguration-president/

As the candidate for the Indonesian Democratic Party of Struggle (PDI-P), the crucial final days of Jokowi’s election campaign featured both a rock concert, successfully aimed at more younger and more liberal voters, as well as a brief pilgrimage to Saudi Arabia, reportedly aimed at debunking “smears” that he is a Christian of Chinese descent (he is in fact a Javanese Muslim).

lowyinstitute.org/issues/indonesia-elections

There are positive reports that the new government plans to make “religious freedom and minority protection a priority”:

“As they fend off attacks from Muslim fundamentalists, President Jokowi and his team already embody a new message of hope in Indonesia after less than a month on the job.

Religious Affairs Minister Lukman Hakim has taken the first step towards genuine religious freedom. Last week, he announced a series of reforms that would remove barriers to the free practice of religion for non-Muslim communities.

A new law, meant to protect minority groups from extremist attacks and provocations, should be ready "within six months" and ensure that all citizens have the same "rights in matters of religion enshrined in the Constitution of 1945.

...At the same time, Interior Minister Tjahjo Kumolo has proposed changed [sic] to identity card Indonesians use, removing religious affiliation... a decision that has angered Muslim fundamentalists.”

asianews.it/index.php?art=32640&l=en

Though there is scant mention of extending these specifically “religious” freedoms to include secular worldviews, there may be some optimistic hope that a relatively liberal government fighting off Islamist demands could also, in the longer-term, ease restriction on non-religious identities.

Education and children’s rights

Education in Indonesia is given a constitutional guarantee of being funded to at minimum 20% of the national budget, and a right for every child.

However, education is under joint control of the Ministry of Education and Culture and the Ministry of Religious Affairs. The constitution defines education always in terms that are mixed up with distinctly religious aspiration: the aims of education (Article 31.3) are to “increase the level of spiritual belief, devoutness and moral character in the context of developing the life of the nation”

and to do so (Article 31.5) “with the highest respect for religious values and national unity for the advancement of civilisation and prosperity of humankind”.

ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

About 15% of students attend Islamic schools, many of which are *pesantren* (boarding schools). No single sect or approach dominates and this is generally an option arrived at by religious parents.

Most students attend state-run, non-sectarian (but not entirely *secular*) schools. Even outside of Islamic schools, the national education system instructs children in the principles of participation in the modern nation-state along somewhat nationalist lines. The teaching of the state ideology, Pancasila, has diminished somewhat but remains, with its heavy emphasis on monotheism as the primary tenet of national identity.

lcweb2.loc.gov/frd/cs/pdf/CS_Indonesia.pdf

Family, community and society

Six religions, no non-religion

For the time being it remains the case that Indonesia recognizes only six official religions—Islam, Catholicism, Protestantism, Confucianism, Buddhism, and Hinduism—and requires its citizens to adhere to one of these. Persons who do not identify with one of the six official religions, including people with no religion, continue to experience official discrimination. This discrimination occurs often in the context of civil registration of marriages and births and other situation involving family law.

Official ID cards must list one of the six official religions; therefore “atheism” or “Humanism” are not permitted options. However, since 2006, a minus sign (“-”) has been a permitted option under the category of religion. The minus category covers all other non-recognized religions, sects, and local traditional beliefs. It could, at least in theory, be used by atheists, although its actual use may depend on the attitude of the bureaucrat processing the application for an ID card.

In November 2014 the Interior Minister Tjahjo Kumolo proposed to remove religious identity from the cards altogether, but this remains a proposal and there is no timeline for its implementation.

Applicants for government jobs must also identify as belonging to one of the six official religions.

Oppression in the name of religious conformity

The 2014 USCIRF Report notes that:

“Indonesia’s tradition of religious tolerance and pluralism is increasingly threatened by the detentions of individuals considered religiously “deviant” and the ongoing intimidation, discrimination, and violence against religious minorities, including Ahmadis, Christians, Shi’a, Sufis, Hindus, Baha’is, and followers of indigenous religions. Government officials sometimes tolerate, and occasionally actively support, the efforts of extremist groups, such as the Islamic Defenders Front (FPI), to stop the perceived growth of religious minorities and police the orthodoxy of the Sunni majority”.

uscirf.gov/sites/default/files/Indonesia%202014.pdf

Violations against women

There are serious concerns about a declining standard in the upholding of women's rights. The social tendency to label women "good" or "bad", feeds into a wider misogyny. In 2014 a woman who allegedly was "caught" with a married man was made a victim of gang rape in a vigilante attack and then herself sentenced to caning for her alleged "adultery".

<rappler.com/world/regions/asia-pacific/indonesia/77088-indonesia-good-bad-women>

It was widely reported in December 2014 that the Indonesian police, which has been attempting a recruitment drive for female officers, subjects women candidates to a mandatory "two-fingered virginity" or "hymen" test. The police apparently do not believe this test does or should deter female applicant; a spokesperson for the police, Maj Gen Ronny Sompie, said the test was no reason to "respond negatively" to the recruitment drive, and that the purpose was to test for "sexually transmitted infection... in a professional manner." The obviously unnecessary test is in complete violation of fundamental human rights. Female officers are also expected to be single and not marry in the first few years of service.

<theguardian.com/world/2014/nov/18/female-indonesian-police-recruits-forced-virginity-test>

Religious law in society

The law allows implementation of Sharia law in Aceh province, with religious courts handed jurisdiction over economic transactions and criminal cases. Unmarried, unrelated members of the opposite sex are banned from close contact, alcohol consumption and gambling are prohibited. Non-Muslims are specifically exempted but given taboos against 'coming out' atheist this certainly means that some individuals will be pressured into the Sharia system.

Also in Aceh, an Islamic vice patrol known as *Wilayatul Hisbah* operates, enforcing Islamic dress codes, and bans on alcohol, gambling, and the acquaintance of unmarried, unrelated men and women without a "chaperon".

Freedom of expression, advocacy of humanist values

"Blasphemy" and atheism

The country's blasphemy law makes it illegal to promote other faiths, or atheism. Article 156(a) of the country's criminal code also punishes "disseminating information aimed at inciting religious hatred or hostility" with up to five years in prison.

Although the constitution guarantees freedom of expression, criticism of religion is severely restricted and support for atheism is effectively banned.

Freedom of expression is generally upheld, though censorship and self-censorship of books and films for allegedly obscene or blasphemous content is fairly common. Since 2011, authorities in Aceh have cracked down on "punks" for supposedly insulting Islam. Those rounded up by police are subjected to "re education," which includes the forcible shaving of their punk-rock hairstyles and a traditional cleansing ceremony.

Wider press freedoms

Indonesia has quite diverse media, but press freedom is hampered by a number of legal and regulatory restrictions. Strict but unevenly enforced licensing rules mean that thousands of television and radio stations operate illegally. Foreign journalists are not authorized to travel to the

restive provinces of Papua and West Papua without special permission. Reporters often practice self-censorship to avoid running afoul of civil and criminal libel laws.

In addition to legal obstacles, reporters sometimes face violence and intimidation, which in many cases goes unpunished.

The 2008 Law on Electronic Information and Transactions (ITE) extended libel and other restrictions to the internet and online media, criminalizing the distribution or accessibility of information or documents that are “contrary to the moral norms of Indonesia” or related to gambling, blackmail, or defamation.

Highlighted cases

In January 2012, **Alexander Aan**, an Indonesian civil servant in the province of West Sumatra, was arrested after being attacked by a mob of Muslim militants. The mob was reacting to statements Aan made on Facebook which criticized Islam and said he had left Islam and become an atheist. The police charged Aan on three separate counts: insulting religion (which has a maximum sentence of five years jail), the electronic transmission of defamatory comments (six years jail), and false reporting on an official form (six years jail). The charges of blasphemy and defamation related to his criticism of Islam on Facebook. The final charge claimed that his application for his civil service job falsely stated he was Muslim when he was in fact an atheist.

On June 14, 2012, a district court sentenced atheist Alexander Aan to two years and six months in prison for “spreading information inciting religious hatred and animosity.” Aan was also reportedly fined 100 million rupiah (US \$10,600). He was released in February 2014.

Malaysia

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, and the small number (~1%) prepared to identify as non-religious, however, Malaysia rates very badly for freedom of thought and expression, with ethnic Malays 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”.

Rating: Grave Violations ↓

This country is found to be declining, with human rights including freedom of thought and expression under serious assault.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
<p>'Apostasy' or conversion from a specific religion is outlawed and punishable by death [in some states]</p> <p>It is illegal or unrecognised to identify as an atheist or as non-religious [for ethnic Malays]</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 advocate secularism or church-state separation, or such advocacy is suppressed</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 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>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</p> <p>Government authorities push a socially conservative, religiously inspired agenda, without regard to the rights of those with progressive views</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <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>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 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>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>

State-funding of religious institutions or salaries, or discriminatory tax exemptions		Discriminatory prominence is given to religious bodies, traditions or leaders Religious groups control some public or social services	
Official symbolic deference to religion Anomalous discrimination by local or provincial authorities, or overseas territories			Concerns that secular or religious authorities interfere in specifically religious freedoms

Constitution and government

The constitution protects freedom of religion or belief, 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 conception 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).

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>

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/>

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>

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 offense 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 (ICCPT) 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

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.

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

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.

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

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

themalaysianinsider.com/malaysia/article/human-rights-lawyer-eric-paulsen-nabbed-for-sedition-in-kl

Myanmar (Burma)

Controversially renamed Myanmar by the military regime, the country otherwise known as Burma is emerging from decades of repressive military rule under emergency powers. Aung San Suu Kyi's National League for Democracy won a larger-than-expected, landslide majority in the 2015 elections, widely regarded as a representative (though not without electoral irregularities). Significant power still rests with the military, however, and Suu Kyi is currently prevented from taking the presidency by the constitution based on the foreign citizenship of her children.

Rating: Severe Discrimination  

This country is found to be in flux, with democratic reforms taking effect, but significant pressure from Buddhist extremists and discrimination still taking place.

Constitution and government	Education and children's rights	Family, community, religious courts and tribunals	Expression, advocacy of humanist values
The non-religious are barred from some government offices (including posts reserved for particular religions or sects) [by unwritten convention]		Systemic religious privilege results in significant social discrimination Prohibitive interreligious social control (including interreligious marriage bans)	
There is an established church or state religion State-funding of religious institutions or salaries, or discriminatory tax exemptions	Religious schools have powers to discriminate in admissions or employment Religious instruction is mandatory in at least some public schools without secular or humanist alternatives	Discriminatory prominence is given to religious bodies, traditions or leaders	Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
Official symbolic deference to religion			

Constitution and government

Myanmar's constitution grants limited rights to freedom of religion and freedom of expression; however, some articles in the constitution, as well as other laws and policies, restrict those rights, and the government continues to enforce those restrictions.

Although the country has no official state religion, Article 361 of the constitution notes that the government "recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the Union." The government favours Theravada Buddhism through official propaganda and state support, including donations to monasteries and pagodas, encouragement of education at Buddhist monastic schools, and support for Buddhist missionary activities.

Family law

This report last year noted, "Burma's liberalization continues apace, with new laws recognizing human rights coming before almost every month."

However, in 2014 new legislation gained presidential assent in December 2014. The controversial religion and family bill would place massive new restrictions on family life. The law is described as:

“the result if a campaign led by a radical and extremist Buddhist group called the Association for the Protection of Race and Religion which has put forward four proposals that regulate marriage, the practice of worship, polygamy and family planning.

Under the proposed norm, anyone wishing to convert to another religion will have to follow complicated bureaucratic procedures or face yet to be decided penalties. It also regulates the marriage of Buddhist women with men of other religions. These women will have to ask permission from the local authorities to celebrate the wedding, prior to it being publically registered. The spouses may marry "only if" there are no objections and, in case of violation of the law, could face up to several years in prison.”

asianews.it/news-en/Burmese-President-signs-the-shameful-law-regulating-religion,-marriages-and-family-life-32872.html>

The bill forms part of a pattern of efforts which marginalise non-Buddhists.

Religification of government and state

State-controlled media frequently depicts government officials and family members paying homage to Buddhist monks; offering donations at pagodas; officiating at ceremonies at new or restored pagodas; and organizing “people’s donations” of money, food, and uncompensated labor to build or refurbish Buddhist shrines nationwide. The government publishes books on Buddhist religious instruction.

The government discourages Muslims from enlisting in the military and Christian or Muslim military officers who aspired to promotion beyond the rank of major were encouraged by their superiors to convert to Buddhism. In effect, adherence or conversion to Buddhism is an unwritten prerequisite for promotion to most senior government and military ranks.

Whilst favouring Theravada Buddhism, the government also tightly controls it, forbidding political activity by Buddhist monks, and keeping Buddhist temples and monasteries under close surveillance.

Only some religions

Article 362 of the constitution “also recognizes Christianity, Islam, Hinduism, and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution.” Most adherents of government-recognized religious groups are allowed to worship as they choose; however, the government imposes restrictions on certain religious activities and frequently limits religious freedom. Anti-discrimination laws do not apply to ethnic groups not formally recognized under the 1982 Citizenship Law, such as the Muslim Rohingya in northern Rakhine State.

Article 34 of the constitution states, “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution.” Article 354 states that “every citizen shall be at liberty...if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality...to develop...[the] religion they profess and customs without prejudice to the relations between one national race and another or among national races and to other faiths.”

Citizens and permanent residents are required to carry government-issued National Registration Cards (NRCs), also known as Citizenship Scrutiny Cards, which permit holders to access services and prove citizenship. These identification cards often indicate religious affiliation and ethnicity, but there appears to be no consistent criteria governing whether a person’s religion is indicated on the

identity card. Citizens also are required to indicate their religion on certain official application forms for documents such as passports, although passports themselves do not indicate the bearer's religion. Members of many ethnic and religious minorities, particularly Muslims, face problems obtaining NRCs.

Education and children's rights

Buddhist doctrine remains part of the state-mandated curriculum in all government-run elementary schools. Students at these schools can opt out of instruction in Buddhism and sometimes do, but all are required to recite a Buddhist prayer daily. Some schools or teachers may allow Muslim students to leave the classroom during this recitation, but there does not appear to be a centrally mandated exemption for non-Buddhist students.

Family, community and society

Rohingya crisis continues

Longstanding social tensions between Rohingya Muslims and Rakhine Buddhists in the state erupted in communal violence in June and October 2012 that claimed hundreds of lives and resulted in more than 100,000 displaced persons and the segregation of the two groups. Villages of Kaman people, an officially recognized Muslim "national race" group distinct from the Rohingya, were burned to the ground during the second wave of violence in October 2012. An estimated 3,000 Kaman Muslims were attacked, indicating that some of the violence was aimed not only against the Rohingya, but against Muslims in general.

The government continues to deny citizenship status to Rohingya, claiming that they did not meet the requirements of the 1982 citizenship law, which required that their ancestors reside in the country before the start of British colonial rule in 1824. As a result, Rohingya are denied secondary and tertiary education, and employment as civil servants. Rohingya couples needed to obtain government permission to marry and faced restrictions on the number of children they could have legally. Authorities also restricted their access to healthcare.

Freedom of expression, advocacy of humanist values

A new media law was passed in 2013 that greatly liberalized the draconian censorship laws and granted new rights to journalists and citizens. The new law guarantees, for the first time, Burmese citizens' right to express opinions and convictions. However, the new law imposes some restrictions on journalists and the media which may prove problematic.

Freedoms of association and assembly have increased during the transition from the emergency rule of the military junta. However, a new legal system guaranteeing the right to peaceably assemble has yet to emerge. The government has relaxed some restrictions on the free operation of the media, gradually removing pre-publication censorship protocols. Restrictions on internet access have also been loosened.

In July 2013 President Thein Sein announced that all political prisoners would be released by the end of the year. In October 2014 the government announced the release of 3,000 prisoners, although the majority of these may be petty criminals according to Burma watchers. The US has extended sanctions on Myanmar, due to persisting rights abuses and army influence on the politics and economy of the country.

Afghanistan

Afghanistan has suffered from chronic instability and conflict in its modern history from the Cold War to civil wars between the Mujahedeen to the Taliban. It has been 14 years since the removal of the Taliban and 11 years since Afghanistan has had a democratically elected government. 2015 has been a period of uncertainty after disputed presidential elections that led to the creation of a national unity government. 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 other insurgent forces have led to a sharp rise in civilian deaths. The most gruesome and indiscriminate Taliban crime has been the beheading 7 civilians from ethnic minority Hazara that included women and a child. President Ashraf Ghani has made strong public commitments to protect citizens' rights, but implementation has been slow.

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
State legislation is largely or entirely derived from religious law or by religious authorities	Religious indoctrination is utterly pervasive in schools	<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>'Blasphemy' or criticism of religion is outlawed and punishable by death</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>
	Religious instruction is mandatory in all or most state-funded schools with no secular or humanist alternative	<p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously inspired agenda, without regard to the views of secular or progressive persons</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

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

The main emphasis 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 has the highest percentage than the general education and the new government promised more religious education. In non-government run *madrassahs*, the schooling is even more skewed, with the instruction being almost entirely religious.

Family, community and society

Violence against women

In 2015 Afghanistan witnessed the most shocking murders in recent years, when Farkhunda Malikzada, an Afghan woman, on 19th March was beaten to death and then her body lit on fire by a mob in Kabul following false accusations that she burnt a copy of the Qur'an. Police present at the scene did not act effectively to protect her and the brutality all captured on phone cameras. The case highlights many major issues in the society, from social stigma, intolerant of different views on religion, the inability and competency of the police and later the judicial process and trial of accused men which according to human rights organization and human rights activists was "both rushed and riddled with due process violations." <hrw.org/news/2015/07/07/dispatches-11th-hour-justiceforfarkhunda>

Although, it was a relief for human right activists when the death penalty was later reduced to 10 to 20 years' imprisonment, nonetheless, the appeal was held in such privacy that Farkhunda's family and her lawyer learned of it only after the court announced its decision.

Another case of stoning a 19 year old woman named Rukhshana highlights the ill treatment of women, forced marriage and incompetency of government. Rukhshana who was accused of adultery was forced into a dug pit and stoned by Taliban and local people. President Asharaf Ghani called for an investigation and sent a delegation to investigate the case, mainly due to public's outcry that watched the brutal scene in social media. However, the leading member of his delegates is Maulavi Baleegh, who is a prominent member of the National Ulema Council, the country's highest religious authority, and is an adviser to Mr. Ghani on religious affairs. He believes the stoning and flogging of adulterers and made it clear in interviews and on his sermon. So the investigation turned out to be about whether it was accordance to Sharia Law instead of being against stoning a 19 year old woman. "His theological support for the sort of stoning he is being sent to investigate is emblematic of the national conundrum over the role of Shariah law, particularly when it comes to punishment for so-called moral crimes. The Afghan Constitution recognizes Shariah as well as civil law, but a presidential decree known as the Elimination of Violence Against Women Act, issued in 2009 but never ratified by Parliament, outlawed the stoning and flogging of adulterers."

<nytimes.com/2015/11/08/world/asia/afghan-mullah-leading-stoning-inquiry-condones-practice.html?smid=tw-share&_r=1>

Freedom of expression, advocacy of humanist values

"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.

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.

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

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 are increasingly the targets of acts of violence and intimidation by government officials and local governors.

For example the Reporters Sans Frontiers, reports that Haji Asheghalah Vafa, a parliamentary representative for the northern province of Baghlan, threatened the head of local Tanvir TV, Shir Mohammad Jahesh, on 26 May, saying: “Your life will end on this Saturday, 30 May, when I arrive.” Jahesh told Reporters Without Borders he was terrified by the parliamentarian’s threat and had sought refuge in Kabul.

en.rsf.org/afghanistan-afghan-authorities-must-end-08-06-2015,47982.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

Bangladesh

Though in theory a secular democracy, the government has frequently given into pressure from Islamist parties, and continues to threaten atheists and others on charges of “hurting religious sentiments”.

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
	Religious instruction in some schools is of a coercive fundamentalist or extremist variety	There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious 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	
State legislation is partly derived from religious law or by religious authorities	Religious 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 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
There is an established church or state religion	There is state funding of at least some religious schools Religious schools have powers to discriminate in admissions or employment	There is significant social marginalisation of the non-religious or stigma associated with expressing atheism, humanism or secularism Some religious courts rule in civil or family matters on a coercive or discriminatory basis	

Constitution and government

The constitution and other laws and policies provide for freedom of thought, conscience and religion, as well as freedom of opinion and expression. However, some laws and policies restrict freedom of religion or belief, as well as freedom of expression and media freedom.

An amendment to the constitution passed in 2011 established Islam as the state religion yet reaffirmed the country is a “secular state” and guaranteed “freedom of religion”.

The tension between Islamism and secularism in Bangladesh has resulted in the legal persecution of freethinkers and minority belief groups, which occasionally erupts into violence.

In 2015 there has been a string of murders of humanist writers and a secular publishers (see “Atheist blogger murders” and “Highlighted cases”, below). Commenting on the assassination of secular writers, on what happened to be the day before the third such killing in 2015, Sajeeb Wazed, the son of prime minister, told Reuters in May 2015: “We are walking a fine line here... We don’t want to be seen as atheists. It doesn’t change our core beliefs. We believe in secularism. But given that our opposition party plays that religion card against us relentlessly, we can’t come out strongly for him [Avijit Roy]. It’s about perception, not about reality.”

reuters.com/article/2015/05/11/us-usa-bangladesh-assassination-exclusiv-idUSKBN0NW04S20150511>

Education and children’s rights

Religious studies are part of the curriculum in government schools. Students attend classes in which their assigned religious beliefs are taught. Schools with few students from minority religious groups often make arrangements with local churches or temples to hold religious studies classes outside school hours.

Outside this system, serious concerns remain that in many of the pervasive Islamic madrasa schools, the entire curriculum may be reduced to a narrowly Islamist programme, fostering extremism and bigotry.

Two of the killers of Washiqur Rahman Babu, captured at the scene of his murder, claimed to have been instructed to kill him as part of their “religious duty” by staff at their two distinct madrassas (see below).

Family, community and society

Religious involvement in state family law

Family law has separate provisions for Muslims, Hindus, and Christians.

The long out-dated and ambiguous “1872 Special Marriage Act III” allows a person of no religious faith to get married. However, both parties have to renounce their belief in front of the ‘Registrar’ as non-believers. Marriage is religiously restricted; marriage between Muslims and Hindus (or members of different religions generally) are not permitted. Couples married under this act are not allowed to adopt; succession, maintenance, custody and guardianship of children and inheritance is not clearly defined either, creating an unclear legal situation.

Social barriers, and potential outrage from religious bodies, make “secular” marriages under unsafe. In addition, the number of available ‘Registrars’ are so few that it’s almost impossible for interested parties to get married under this act.

archive.thedailystar.net/law/2012/06/03/advocate.htm>

[culaw.ac.bd/files/jurnal-2008/Vol.%20XIII,%202008%20\(p.117-%20139\).pdf](http://culaw.ac.bd/files/jurnal-2008/Vol.%20XIII,%202008%20(p.117-%20139).pdf)>

Islamic Sharia law plays some role in civil matters pertaining to the Muslim community. There is no formal implementation of Sharia, and it is theoretically not imposed on non-Muslims, however this is very high likelihood that some non-religious individuals would be presumed religious and socially pressured to conform to religious arbitration in family matters.

Family laws concerning marriage, divorce, and adoption differ significantly depending on the religious beliefs of the persons involved. Muslim and Hindu family laws are codified in the legal system. For example, a Muslim man may marry as many as four wives, although he must get his first wife's signed permission before marrying an additional woman. A Christian man may marry only one woman. Under Hindu law in the country there are limited provisions for divorce, such as impotency, torture, or madness. Hindu widows can legally remarry, and marriage registration for Hindus is optional.

The family law of the religion of the two parties concerned governs their marriage rituals and proceedings; however, marriages also are registered with the state.

There are no legal restrictions on marriage between members of different religious groups.

Under the Muslim family ordinance, women and girls inherit less than males, and wives have fewer divorce rights than husbands. Laws provide some protection for women against arbitrary divorce and polygamy without the consent of the first wife, but the protections generally apply only to registered marriages. In rural areas, couples occasionally do not register their marriages. Under the law, a Muslim husband is required to pay his former wife alimony for three months, but the authorities do not always enforce this requirement.

Religious tension

Communal violence and political dysfunction remain significant problems in Bangladesh.

Violence against Ahmadi Muslims and Buddhists has increased in recent years. The Buddhists mostly belong to indigenous hill tribes in south-eastern Bangladesh (Chittagong Hill Tracts). In September 2012, following the posting of a photograph of a burnt Quran on Facebook, more than 20 Buddhist temples, along with homes and shops, were attacked and set on fire by Muslim protesters.

The mass migration of Hindus that started in 1947 from Bengal to India, is gradually depriving Bangladesh of religious minorities, and those who remain are frequently subjected to vandalism and murder.

In 2014, allegations of "hurting religious sentiment" have risen. On 8 November 2014, in Lalpur village in Ashuganga district, a number of temples were destroyed by a Muslim mob following an allegation that a Hindu person had defamed Muhammad on Facebook. Abuse of the de facto "blasphemy" law to attack minority population is frequent, often in connection with content reportedly posted on social media. <bdnews24.com/bangladesh/2014/11/08/temples-vandalised-in-brahmanbaria>

Freedom of expression, advocacy of humanist values

Atheist blogger murders

In 2013, several atheist and freethought bloggers were the victims of physical assaults, as well as government prosecutions for crimes of "blasphemy" in all but name, with one critic of Islam murdered by machete.

In 2015, four more humanist writers were murdered in similar attacks by groups of young men using machetes, followed by twin coordinated attacks on secular publishing houses on 31 October 2015, in which one publisher was killed and others were shot and critically injured. (See "Highlighted cases" below.)

Responsibility for the attacks has been claimed by a variety of Jihadist militant groups, accusing the bloggers of “insulting Islam” or “defaming the Prophet”.

Though several groups of arrests have been made in 2015, including the arrest of two madrassa students caught at the scene of the murder of Washiqur Rahman, no suspect in this year’s killings has yet come to trial and been found guilty.

Rafida Ahmed, the widow of Avijit Roy – herself seriously injured in the attack which took his life, receiving blows to the head and losing a finger – said in the months after he was killed, “...no one from the Bangladesh government has reached out to me. It’s as if I don’t exist, and they are afraid of the extremists. Is Bangladesh going to be the next Pakistan or Afghanistan?”

reuters.com/article/2015/05/11/us-usa-bangladesh-assassination-exclusiv-idUSKBN0NW04S20150511

And in a lecture to the British Humanist Association in July 2015, she said:

“The ruling political party in Bangladesh is the Awami League. They are supposed to be the largest secular political party in the country. Yet in the name of political expediency, they have repeatedly bent their knee to religious fundamentalists, acceding to their demands and granting their wishes, in a manner that can only be described as bribery, in order to secure their votes...

...Sheikh Hasina could have slapped down the Islamists. She could have said that no, people have a right to demonstrate, to write, to question, to criticize. But instead, this is what she said: We do not need a new blasphemy law, because we already have a law against ‘hurting religious sentiments’ and we can prosecute the bloggers under that law! So the authorities received the list of suspect bloggers, officials promised to investigate, and then they arrested four of those bloggers from the list and pursued them through the courts. Avijit campaigned tirelessly to free these bloggers.

So, what happens when you give bullies what they want? What happens when you accede to crazy demands? Soon there were one-hundred thousand Islamists marching on the streets of Dhaka demanding not just ‘death to atheist bloggers’, but for the cancellation of planned new education reforms that would have helped girls into education, and yet the government again made concessions. Since 2013 Islamists have been granted demand after demand, while the attackers of those first victims – Ahmed [Rajib Haider] and Asif [Mohiuddin] – were never found.”

humanism.org.uk/fighting-machetes-with-pens-a-full-transcript-of-the-2015-voltaire-lecture/

In November 2015 the European Parliament condemned the government response to the killings. MEPs urged the Bangladesh authorities to act to end the impunity, to prevent any further killings, and to ensure the security of all its citizens, regardless their beliefs.

humanistfederation.eu/news-fhe.php?pages=eu-resolution-on-bangladesh

Freethought under threat

In addition to the killings themselves, and lack of security provided to any bloggers under threat, police and government officials have threatened to arrest the bloggers for writing about “atheism”. Freethinkers remain under clear threat and many bloggers have fled the country seeking asylum abroad. A toxic precedent has been set and freedom of thought and expression are under preeminent threat.

dw.com/en/atheist-bloggers-flee-bangladesh/a-18708933>
arif.eu/archives/424>

Earlier this year during the International Book Fair at Dhaka University, Islamists seized all printed copies of a book translation by Iranian writer Ali Dasti. Authorities took no action to defend the freedoms of the event, even in the face of death threats.

<https://globalvoices.org/2015/02/17/bangladeshi-publisher-faces-death-threats-over-translation-of-controversial-iranian-writers-book/>>

Several “hit lists” were circulated, including by mainstream Bangla media, further entrenching the atmosphere of fear. The government has been criticised repeatedly for apparent inability to response to the threats.

<http://uk.businessinsider.com/a-radical-islamist-group-has-put-out-a-hit-list-targeting-84-anti-extremism-writers-2015-9>>

De facto “blasphemy” laws

Section 295A of the penal code states that any person who has “deliberate” or malicious” intent to “hurt religious sentiments” can be imprisoned and this has been used in practice to prosecute and imprison atheist and secularist activists.

Similarly, the Code of Criminal Procedure includes several clauses (99a-f) that states “the government may confiscate all copies of a newspaper if it publishes anything subversive of the state or provoking an uprising or anything that creates enmity and hatred among the citizens or denigrates religious beliefs.”

In early 2013, after tensions of the predominantly secular Shahbag protests and the trial of Jamaat-e-Islami leaders for war crimes, an estimated 100,000 Islamists took to the streets of Dhaka calling for “death to the atheist bloggers”. Jamaat called for a new “blasphemy law” with a death penalty. The prime minister Sheikh Hasina said that no such law was necessary, but only because existing laws against “insult to religion” were “enough” to prosecute the bloggers.

The Islamist protesters demanded the arrests of 84 named bloggers, and four bloggers were arrested and charged (see “Highlighted cases”).

In August 2013, following the unrest by Hefazat Islami against “atheist bloggers”, the Bangladesh government amended the Information and Communication (ICT) Act, criminalizing defamation of religion, creating further the de facto “blasphemy” laws. Any statement published or transmitted by any person if found to cause to hurt or may hurt religious belief, then that person will be regarded as committed an offence. The troubling amendment was created by presidential decree, bypassing any discussion in parliament. The amendment gives police unchecked power against the offender allowing police to act as jury and judge, all at the same time.

voicebd.org/node/417>

fidh.org/International-Federation-for-Human-Rights/asia/bangladesh/bangladesh-information-and-communication-technology-amendment-act-likely-13875>

icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/11/ICT-Brief-Final-Draft-20-November-2013.pdf>

Media and online freedoms

The constitution guarantees freedom of expression, with some restrictions for “public order” concerns, and its media are vibrant and diverse. However, not only does the government show some intolerance of media criticism, but journalists continue to be threatened and attacked with impunity

by political and religious groups. This in turn leads to self-censorship on some religious and political topics.

In August 2015, Probir Sikdar, a veteran journalist, was arrested for “tarnishing the image” of a government minister, reportedly after he publicly said that he had been threatened.

<cpj.org/2015/08/journalist-arrested-in-bangladesh-under-countrys-i.php>

In December 2014 the Bangladesh Telecom regulatory authority proposed that Google and Facebook should implement a locally run “Admin Panel” to control the social media inside Bangladesh. This proposal followed a refusal by both internet companies to release information about certain user accounts.

<thefinancialexpress-bd.com/2014/12/01/68756>

However, in late 2015, Facebook proved amenable to meeting with government officials after the government blocked Facebook, Vibre and a few other social networking services, supposedly in order “to stop posts on the social network that incite religious sentiment and political instability.”

<en.prothom-alo.com/bangladesh/news/88253/Successful%E2%80%99govt-now-considering-broader-security>

Highlighted cases

Attacks on humanist or freethinking authors, bloggers and secular publishers in 2015 has gained worldwide media attention. **Avijit Roy**, an author of books on humanism and science, was killed in February 2015 outside the International Book Fair at Dhaka University, his wife Rafida Ahmed also seriously in the same attack; **Washiqur Rahman Babu**, a young blogger known as a “progressive freethinker”, was killed in March 2015; **Ananta Bijoy Das**, who blogged against fundamentalism, in favour of science, justice, and free expression, was struck down in May 2015; **Niladri Chatterjee** (penname: Niloy Neel), a humanist known as much for his blogging on minority and women’s rights as much as for his atheistic views, was killed in his own home in front of his partner in August 2015; and on 31 October 2015, coordinated gun and machete attacks on two publishing houses in Dhaka – both publishers of books by Avijit Roy and other secular authors – took the life of **Faysal Arefin Dipon** (Jagriti publishers), and seriously injured **Ahmed Rashid Tutul** (Shuddho-Shor publishers), author and blogger **Randipam Basu** and poet **Tareq Rahim**.

Secularist blogger **Mohon Kumar Mondal**, an environmental activist and human rights advocate, was jailed on 26 September 2015 for expressing grief and criticism regarding the death of Hajj pilgrims in the 2015 stampede at Mecca. Mondal had criticised the Saudi authorities for failing to avert the tragedy and for not respecting the bodies of the dead. He also questioned the rationality of the ritual in which stones are cast at the devil, and was accused of “insulting Islam”.

<ibtimes.co.uk/mohon-kumar-mondal-bangladesh-arrests-secularist-blogger-after-he-criticises-islam-1525243>

Atheist blogger **Julhas Uddin** was jailed for alleged “contempt of religion” on 1st August 2015.

<kalerkantho.com/print-edition/news/2015/08/01/251027>

A schoolboy named as ‘**Dipu Biswas**’ was arrested for making “offensive remarks about Islam” on Facebook, in September 2015. His family were forced to hide as “tension” rose in the area.

<thedailystar.net/backpage/schoolboy-arrested-magura-149506>

Former minister **Latif Siddiqui** was jailed in November 2014 after surrendering to police on a case filed by an opposition political party for “hurting religious sentiments”. He is facing 22 different cases on 18 different counts, all for the same offence of allegedly making anti-Hajj remarks at a discussion

in New York in September. He has been expelled from the ruling party and a writ has been filed to vacate his seat.

Ong Sing Marma, a student, and member of an indigenous population in Boroichhari, Kaptai upazila, was arrested on 9 October 2014 under section 57 for posts on Facebook deemed to be “hurting religious sentiment”, after supposedly posting images on Facebook that were “demeaning Islam and the Holy Quran”. A case was filed against him under ICT act. Local people staged a demonstration demanding the arrest of the youth, blocking Kaptai-Chittagong highway.

dhakatribune.com/bangladesh/2014/oct/09/1-held-rangamati-hurting-religious-sentiment>

On 31 March 2014, teenaged bloggers **Kazi Mahbubur Rahman Raihan** and **Ullash Das** were sent to jail for Facebook comments supposedly “insulting” to Islam and Prophet. This was only after they had been attacked and beaten by a mob. Fellow bloggers allege that an Islamist student organization distributed false propaganda material which rallied the mob against the two bloggers and led to their arrest.

advocacy.globalvoicesonline.org/2014/04/01/teenage-bloggers-in-bangladesh-arrested-for-blasphemous-facebook-posts/>

In February, 2013, the atheist blogger **Ahmed Rajib Haider** (pen name: Thaba Baba), was murdered in a machete attack at his home. His head was hacked open with a machete the day after he took part in the Shahbag movement, a major rally against leaders of the country's largest Islamic party. He was associated with secularist views in line with Shahbag.

google.com/hostednews/afp/article/ALeqM5gvgXRcLgESI9K6wFCyhmT32zJswg>

hindustantimes.com/world-news/Bangladesh/Militant-atheist-blogger-stabbed-in-Bangladesh/Article1-989966.aspx>

The month prior to the murder of Ahmed Rajib Haider, Islamist militants had attempted to murder another atheist blogger, **Asif Mohiuddin**. Mohiuddin survived that attack, thanks to emergency surgery, only to be arrested on April 3, 2013, and charged with “offending Islam and its Prophet”.

At the same time, three other secularist bloggers—**Subrata Adhikari Shuvo**, **Mashiur Rahman Biplob**, and **Rasel Parvez**—were arrested on similar charges. The arrests all came after Islamists gave the government a list of 84 bloggers they wanted charged and if possible sentenced to death (though the punishment does not exist). The blogs of all four secularists were shut down by the government. All four bloggers spent significant stretches in jail and on trial throughout 2013 and 2014.

iheu.org/story/arrests-atheist-bloggers-shows-bangladesh-authorities-are-walking-trap-set-fundamentalists>

On January 4, 2012, the principal of a technical college, **Yunus Ali**, was arrested for keeping a copy of Taslima Nasrin’s book *Shame* in the school library. The book tells the story of a Hindu family persecuted in Bangladesh. It was deemed blasphemous and banned by the Bangladeshi government in 1993.

Nikhil Naushad were sent to jail for poetry published in the magazine *Kheya*. Naushad served 127 days, the editor received 2 years jail under section 57 of ICT Act.

The feminist author and atheist activist **Taslima Nasrin** remains in exile from Bangladesh because of the threat of death or government persecution should she return to her homeland. Taslima’s application for a passport has never been answered. Bangladesh Embassies across the globe have taken a non-cooperation stance in relation to Nasrin. Her recent request to attain a Power of Attorney document by embassy officials were denied.

Testimonies

“[The new law banning “defamation of religion”] has now become almost a fear instigating tool inside Bangladesh against any Atheist or non-believer. This is the tool Pakistan used to rapidly turn into a fundamentalist, broken nation. That we see today, Bangladesh is not far.”

— Anonymous

India

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

Rating: Severe Discrimination ↓

This country is found to be declining. New concerns about freedoms of belief and expression have been raised under the presidency of Narendra Modi.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
		The non-religious are persecuted by non-state actors or there are prohibitive social taboos against atheism, humanism or secularism	'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			Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
Anomalous discrimination by local or provincial authorities, or overseas territories			Some concerns about political or media freedoms, not specific to the non-religious
	No formal discrimination in education		

Constitution and government

India is a secular republic and its constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association.

However, some state-level laws and policies restrict this freedom, and there continues to be some violence between religious groups and organized communal attacks against religious minorities.

Since the ascension of president Modi in particular, there are concerns of a rise in Hindu nationalism, both socially, and on the part of officials appearing to elevate and promote a politicised Hinduist agenda.

Between 2013 and 2015, three prominent rationalists have been assassinated, apparently because of their work combating superstition or Hindu nationalism (see "Highlighted cases" below). The authorities were quick to promise action, but were also accused of prematurely ruling out extremist Hindu nationalist parties.

Education and children's rights

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

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

In 2002 the Supreme Court ruled that, "Children must be made aware of [the] basics of all the religions of the people of India. They should know the commonalities and learn to respect differences wherever these exist."

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

The nature of some private Islamic schools, and the taboo in some Muslim communities against educating girls, may be largely responsible for Muslims underperforming in literacy statistics.

Family, community and society

Rise of violence against religious minorities

The presidency of Narendra Modi has been linked to a rise in Hindu nationalism, with reports of attacks on religious minorities still increasing. Statistics on inter-communal violence show a 30% increase in the first half of 2015 with a total of 330 attacks, of which 51 were fatal, compared with 252 attacks, 33 of which were fatal in the same period of 2014. However these statistics pale in comparison with the anti-Muslim riots in 2002 in Gujarat, with more than 1000 people killed in violent clashes after 60 Hindu pilgrims died in a fire on a train.

[<bbc.co.uk/news/magazine-33241100>](http://bbc.co.uk/news/magazine-33241100)

2013 saw a rise in violence in the lead up to the election of Modi with 60 people were left dead after violence flared up between Muslims and Hindus in Muzzafarnagar. Since then smaller incidents of violence have been reported. "Just like those riots, now Hindus in the villages are trying to drive Muslims out of the villages - repeated attacks have created an atmosphere of fear," says Mohammad Jamshed, whose brother-in-law, Deen Mohammad, was left paralysed after being shot at a demonstration demanding for police action to halt the violence against Muslims.

A number of BJP politicians have made derogatory remarks about minorities, including Giriraj Singh who is quoted as having said that "those opposing Modi will have to go to Pakistan" and Niranjan Jyoti who implied that non-Hindus were bastards by saying "should the country be led by sons of Ram [a Hindu god] or by sons of bastards?" Sakshi Maharaj also said that "each Hindu woman should mother four children in order to protect the predominance of Hindus".

Despite these remarks Mukhtar Abbas Naqvi, Minister for Minorities says that "you cannot judge the government with isolated incidents of violence or isolated statements by some ministers."

Freedom of expression, advocacy of humanist values

Freedom of expression is protected by the constitution and there is a vigorous and diverse range of media outlets. Independent television and print sectors have grown substantially over the past decade. However, radio remains dominated by the state and private radio stations are not allowed to air news content.

Despite the vibrant media landscape, journalists continue to face a number of constraints. The government has used security laws, criminal defamation legislation, hate-speech laws, and contempt-of-court charges to curb critical voices.

Internet access is largely unrestricted, although some states have passed legislation that requires internet cafés to register with the state government and maintain user registries. Under Indian internet crime law, the burden is on website operators to demonstrate their innocence. Potentially inflammatory books, films, and internet sites are occasionally banned or censored.

“Insult” and “blasphemy”

Section 295 of the Indian Penal Code criminalises “insulting religious beliefs”; it allows up to three years imprisonment and fines for “whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of a class.”

The Information Technology Act

In 2011 the Indian Ministry of Communications and Information Technology issued new rules requiring operators of social media networks to screen and remove blasphemous content within 36 hours of receiving a complaint.

However, after receiving several petitions from NGOs, civil rights groups and individuals citing the misuse of the Act by authorities to make illegitimate arrests, in March 2015 the Supreme Court struck down Section 66A of the Information Technology Act declaring it unconstitutional.

timesofindia.indiatimes.com/india/Supreme-Court-strikes-down-Section-66A-of-IT-Act-which-allowed-arrests-for-objectionable-content-online/articleshow/46672244.cms

“Political parties have often spoken in different voices about Section 66A. The Supreme Court’s historic decision is a crucial victory for free speech and expression, and a reminder to the government about the importance of respecting this right...”

- Shemeer Babu, Programmes Director at Amnesty International India.

amnesty.org/en/latest/news/2015/03/india-supreme-court-upholds-online-freedom-of-expression/

Freedom of assembly and association

There are some restrictions on freedoms of assembly and association. Section 144 of the criminal procedure code empowers the authorities to restrict free assembly and impose curfews whenever “immediate prevention or speedy remedy” is required. State laws based on this standard are often abused to limit the holding of meetings and assemblies. Nevertheless, protest events take place regularly in practice.

Highlighted cases

On 16th February 2015, **Govind Pansare** and his wife Uma were shot at by two men on motorcycles outside their house having returned from a morning walk, he later died of his injuries. He was a senior left-wing politician of the Communist Party of India (CPI), a writer and rationalist, having often spoken out against right-wing groups. Pansare was a member of the Kolhapur Anti-Toll Committee having taken a lead in the campaign. Comparisons have been drawn between this attack and the earlier murder of anti-superstition activist Narendra Dabholkar (below). Raghunath Kamble, general secretary of CPI’s Kolhapur unit has said that a few months before Pansare had received anonymous letters, saying “Tumcha Dabholkar Karu [you would also be killed like Dabholkar]”. Kamble said that

Pansare had received threats several times in the past but that he would “ignore such threats and continued with his work.” Hamid Dabholkar (Narendra Dabholkar’s son) criticised those dismissing similarities in the two cases, pointing out that both Dabholkar and Pansare were rationalists and opponents of right-wing extremism, and had been threatened several times.

indianexpress.com/article/india/politics/kolhapur-senior-cpi-leader-govind-pansare-wife-injured-in-firing/>

In August 2015, **M.M. Kalburgi**, a 77 year old rationalist scholar and college professor, was shot dead in his home in the southern state of Karnataka. As in the case of Govind Pansare, two unidentified male assailants on a motorbike were responsible. Kalburgi had received death threats following his criticism of idol worship during a seminar in 2014. In a statement to the Hindustan Times newspaper his daughter Roopadarshi said that “There was a threat to my father from groups that couldn’t digest his views on caste and communalism. The role of these groups should be probed...”

time.com/4016747/mm-kalburgi-india-murder-rationalist-idol-worship-hindu-nationalism/>

On August 20, 2013, leading anti-superstition campaigner **Narendra Dabholkar** was shot and killed by two men on a motorbike. The murder came just days after the state government pledged to re-introduce an anti-superstition bill, aimed at making it an offence to exploit or defraud people with 'magical' rituals, charms and cures. This bill was closely associated with Dabholkar's work, and was opposed by many rightwing and Hindu nationalist groups who labelled it "anti-Hindu". Dabholkar was a long-time activist in India’s rationalist movement, founder-president of Maharashtra Andhashraddha Nirmoolan Samiti (MANS), an anti-superstition organization, and a leader of the Federation of Indian Rationalist Association, a member organization of the International Humanist and Ethical Union. The anti-superstition bill was passed into law soon after Dabholkar’s assassination.

iheu.org/story/leading-indian-rationalist-assassinated-gunmen>

In April 2012, the Catholic Church filed a complaint under Section 295 of the country’s penal code against **Sanal Edamaruku**, president of the Indian Rationalist Association. Edamaruku had reportedly exposed a supposed “miracle” by revealing that a weeping Jesus on the cross was actually the result of a leaky drain. The local police requested Edamaruku turn himself in and face the charges. He now lives in exile in Finland.

Iran

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.

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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>'Apostasy' or conversion from a specific religion is outlawed and punishable by death</p> <p>The non-religious are barred from holding government office</p> <p>It is illegal or unrecognised to identify as an atheist or as non-religious</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>'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>Religious 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 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>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>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, Sabeen-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

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.

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 vigilantes, 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

Maldives

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 including youth groups, and attacks on perceived atheists and homosexuals in recent years.

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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>It is illegal or unrecognised to identify as an atheist or as non-religious</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 suppressed</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>The non-religious are barred from some government offices (including posts reserved for particular religions or sects)</p>		<p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>The non-religious are persecuted socially or there are prohibitive social taboos against atheism, humanism or secularism</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 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

The constitution and other laws do not permit freedom of religion or belief. While freedom of expression is guaranteed by the constitution, it is not respected in practice. The constitution designates Islam as the official state religion, and the government and many citizens at all levels interpret this provision to impose a requirement that all citizens must be Muslims.

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

The Ministry of Islamic Affairs mandates Islamic instruction in schools and funds salaries of religious instructors. It also 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, community and society

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.

<http://jihadwatch.org/2014/06/maldives-muslims-kidnap-atheists-force-them-to-accept-islam>

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.

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

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.

Several articles in the constitution make the practice of Islam mandatory. Article 36 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.” This appears to mean that parents must educate their children as Muslims, whether they are Muslim or not.

Highlighted cases

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>

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>

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

ifj.org/uploads/media/South Asia Press Freedom Report 2013.pdf

There were rumours that Rilwan was connected to the Maldivian Atheist Facebook Page, thought 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

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

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/standagaistdhivehiathieth/ 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/ 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

minivannewsarchive.com/politics/perceived-atheists-and-homosexuals-targetted-as-campaign-of-attacks-continues-86753

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. He chose death. 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

Nepal

Nepal is a parliamentary monarchy with the King as the head of state and a Prime Minister as the head of the government. Prior to the movement for democracy in early 2006, the country was officially a Hindu state, and the new constitution as of 2015 retains “secularism”, but places restrictions on freedom of religion or belief.

Rating: Systemic Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
Preferential treatment is given to a religion or religion in general			
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
	Insufficient information or detail not included in this report	Insufficient information or detail not included in this report	

Constitution and government

The 2007 interim constitution of Nepal, since the country became a parliamentary monarchy, held between the Comprehensive Peace Agreement signed in 2006 and the new constitution of 2015. The interim constitution established Nepal as a secular state, but there was significant social and political debate about what that should mean or whether Nepal should revert to a “Hindu state”. In October 2014, the Prime Minister, Sushil Koirala’s, made a commitment that the new constitution would guarantee freedom of religion or belief.

The new constitution finally came into force in September 2015, establishing that Nepal will remain a secular state, despite significant pressure from Hindu nationalists to revert to a Hindu state. However the 2015 constitution also increases restrictions on “evangelistic” religious conversion. There were mixed messages about whether religious minorities, in particular Christians, were happy with the move, on the one hand welcoming the retention of secularism in order to ensure state neutrality, but on the other hand objecting that the ban on encouraging “religious conversion” was a restriction on specifically religious freedoms.

<<http://www.reuters.com/article/us-nepal-protests-secularism-idUSKCN0QA1N620150805#CfidquOOR9ZvLFGP.97>>

<christianitytoday.com/gleanings/2015/november/why-church-attendance-plunged-nepal-secular-constitution.html>

<irishcatholic.ie/article/christians-welcome-nepal%E2%80%99s-secular-constitution>

Education and children's rights

Religious groups can establish and run their own schools. Apart from religious schools, the state does not make compulsory religious registration for religious organizations. The Department of Education prepares the curricula for registered religious schools. Some religious organizations have complained however, that registration is in practice required since it is necessary in order to gain land ownership.

Family, community and society

Just over 80% of the Nepalese population is identified as Hindu; the rest made up of Buddhists, Muslims, Kirant, Christians and non-religious. Those without any religious affiliation constitute just under 1% of the population.

Caste-based discrimination is criminalised in Nepal.

The killing of cows is banned throughout Nepal for all people, regardless of their beliefs. Those caught killing cows can be punished with 12-year prison sentence. In July 2013, six people were sentenced to six years imprisonment for eating cow meat.

[<state.gov/documents/organization/222549.pdf>](http://state.gov/documents/organization/222549.pdf)

Freedom of expression, advocacy of humanist values

Freedom of the press, opinion, and expression are guaranteed and direct censorship is explicitly outlawed. Nevertheless, in practice freedom of the press has not been consistently protected.

Pakistan

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 having been subjected to majority of the violence. 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. The right to freedom of expression, including media freedom, is also frequently violated. 2013 saw a first in Pakistan's history: A democratically elected government completing its full term and replaced by another through constitutionally mandated procedures.

Pakistan is a member state of the Organization of Islamic Cooperation (OIC).

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
The non-religious are barred from holding government office		There is a pattern of impunity or collusion in violence by non-state actors against the nonreligious	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
State legislation is partly derived from religious law or by religious authorities The non-religious are barred from some government offices (including posts reserved for particular religions or sects)	Religious instruction is mandatory in all or most state-funded schools with no secular or humanist alternative	Systemic religious privilege results in significant social discrimination 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	
There is an established church or state religion There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups State-funding of religious institutions or salaries, or discriminatory tax exemptions	There is state funding of at least some religious schools Religious instruction is mandatory in at least some public schools without secular or humanist alternatives		Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
			Some concerns about political or media freedoms, not specific to the non-religious

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.

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>

Education and children's rights

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.

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>

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

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 laws do 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.

Renewed threat of death for “blasphemy”

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 was looking to review this recommendation, but have taken no action as of November 2014.

The real victims of “blasphemy”: those who are accused

Mostly, blasphemy cases are either brought by those wishing to undermine minority groups or by those wishing to eliminate individuals against whom they have a feud or grudge. The mere accusation of blasphemy against someone can result in the accused’s life being endangered.

For example, in November 2014 a married Christian couple, Sajjad Maseeh, 27, and Shama Bibi, 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".

christianitytoday.com/gleanings/2014/november/into-fiery-furnace-christians-pakistan-burned-blasphemy.html

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, most 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 and facts.

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. In 2013, dozens of people were charged with blasphemy. At least 16 people remained on death row for blasphemy, while another 20 were serving life sentences at the end of 2013

A few recent examples:

- 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.
- Sajjad Masih, a member of the "Seventh Day Adventist" Christian community, was sentenced to life in prison on blasphemy charges after sending an SMS to a religious extremist group in 2011, which was said to have contained blasphemous content. It was reported in some places that the charges came about as a result of a grudge held by an acquaintance of his.
- 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.

“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/>](http://iheu.org/twittertheocracy-campaign-after-social-network-blocks-blasphemy-in-pakistan/)

“Blasphemy”: Hope for change?

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.

[<https://www.worldwatchmonitor.org/2014/11/article_3483230.html/>](https://www.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. The Supreme Court told the killer of Salman Tasser, Mumtaz Qadri, that it was not a legitimate defence of murder that he was enforcing Islamic norm against “blasphemy” by carrying out the assassination, and that criticising “blasphemy” laws could not itself be construed as “blasphemy”.

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>](http://loc.gov/law/help/apostasy/index.php#pakistan)

Wider issues on thought and expression and other human rights

Despite all the restrictions on free expression, Pakistan's media is diverse and varied in nature. 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.

According to International Federation of Journalists, 10 journalists were killed during in 2013. Impunity in cases concerning murdered journalists remains the norm. Intimidation by the security forces— including verbal threats, physical attacks, and arbitrary, incommunicado detention— continues to occur, as do harassment and attacks.

Highlighted cases

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 current 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.

Bahrain

Bahrain has a population of 1.3 million, of which only half are citizens. Citizens belong mostly to Islam (99%), the remaining 1% are Christians, Hindus, Baha'is and Jews. There are no statistics regarding Shia and Sunni representation, however, it can be assumed that Shiites represent a majority. The other half of the population constitutes a majority of migrant workers from South Asia and the Philippines (Muslims, Hindus, Buddhists, Christians, Baha'is and Sikhs). Bahrain has experienced prolonged unrests since 2011, when predominantly Shiite protestors demanded political reform and the end of Sunni minority hegemony.

Rating: Grave Violations ↓

This country is found to be declining as a long-term political crisis drags on and the government hardens into an authoritarian regime.

Constitution and government	Education and children's rights	Family, community, religious courts and tribunals	Expression, advocacy of humanist values
State legislation is largely or entirely derived from religious law or by religious authorities			Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed
'Apostasy' is outlawed and punishable with a prison sentence	Religious instruction is mandatory in all or most state-funded schools with no secular or humanist alternative	Religious control over family law or legislation on moral matters	'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence
There is systematic religious privilege There is an established church or state religion		Discriminatory prominence is given to religious bodies, traditions or leaders	

Constitution and government

The constitution does not explicitly protect freedom of religion or belief, but it does make some provision for the freedom of conscience, the inviolability of places of worship, and the freedom to perform religious rites and hold religious parades and meetings, in accordance with the customs observed in the country. The constitution stipulates that there shall be no discrimination in the rights and duties of citizens on grounds of religion. However, the constitution also states that Islam is the official religion and that the principles of Islamic law are a main source for legislation.

Every Muslim religious group must obtain a licence from the government and non-Muslim groups must register. There are currently 19 non-Muslim religious groups registered. The government monitors and censors religious sermons and activities, in order to prevent political activities. However, since the Bahraini political conflict closely links religious and political affiliation, it is difficult to determine many incidents as being solely based on religion.

The national ID cards and birth certificates do not designate the religious affiliation.

Bahraini authorities can strip a citizen of nationality. Further, the government have arrested and suspended several Shia clerics for opposing the government or for not renouncing violence.

The civil and criminal legal systems consist of a complex mix of courts based on diverse legal sources, including both Shiite (Jaafari) and Sunni (Maliki) schools of Islamic jurisprudence, tribal law, and other civil codes. Sharia governs personal status, and a person's rights can vary according to Shiite or Sunni interpretation, as determined by the individual's faith or by the courts.

The constitution prohibits discrimination in the rights and duties of citizens on the basis of religion or belief; however, there are no further laws to prevent discrimination, nor procedures to file a grievance.

Education and children's rights

Islamic studies are a part of the curriculum in government schools and mandatory for all public school students. Non-Muslim students are allowed to opt out. The public school curriculum includes only Sunni (Maliki) religious education and no Shia (Jaafari) traditions.

Family, community and society

In May 2009, the government adopted the country's first personal status law, which regulates family matters such as inheritance, child custody, marriage, and divorce. The law is only applicable to the Sunni population as Shiite clerics and lawmakers opposed legislation that would have applied to Shiite courts. Personal status matters for non-Muslims are governed by civil courts.

The constitution provides equal rights to women and men (Articles 1 and 5) and bans discrimination of gender, but only as long as it does not conflict with Islamic law, and in practice family law does discriminate against women. Since 2007, a minimum age of marriage has been defined for boys at the age of 18 and for girls at the age of 15. After a divorce fathers are favored in matters of child custody. A husband is legally recognized as the guardian of his wife and has authority to decide about marriage of their children. Women inherit less than male heirs. Muslim men are allowed to marry Jewish or Christian women, but Muslim women can only marry Muslim men. Shiite men can sign a temporary *Muta'a* marriage with non-Muslim women, women do not have this option. Widows of *Muta'a* marriages can not inherit from their deceased husbands. Women are not able to obtain a divorce unless a clause allowing her has been included in the marriages contract, men can initiate a divorce. For women the only option to obtain a divorce is the Islamic principle of "*khula*" divorce, if she forfeits all future financial support from her ex-husband and her dowry.

The penal code contains no laws against domestic violence and it is seldom reported to the police. The testimony of female witnesses counts the half of a male witness. In case of rape, the rapist can avoid punishment by marrying his victim. Spousal rape is not criminalized. Sexual harassment is outlawed in the penal code, although it is framed in terms of protecting "honour" rather than women's rights. Victims of sexual harassment lack societal support and many women do not report it, fearing shame and negative impact on their careers. Adultery is illegal for both sexes.

Women are legally free to travel abroad, however, some women still feel pressured to ask for the permission of the male head of the household.

genderindex.org/country/bahrain

Homosexuality is a criminal offence.

Shia community members stated that they face discrimination in a variety of sectors. They are believed to have a higher unemployment rate and Sunni Muslims seem to be favored in high positions. The government's naturalization and citizenship processes discriminates against Shiites.

Freedom of expression, advocacy of humanist values

“Apostasy”

By declaring Islam as the state religion and Islamic law as the source of legislation, the constitution implies that Muslims are forbidden to change their religion. The constitution imposes no explicit restrictions on non-Muslims' right to choose, change, or practice their religion or belief, including the study, discussion, and promulgation of those beliefs. However, societal pressure reinforces the Islamic principle, which forbids the conversion from Islam.

“Blasphemy”

Articles 309 and 310 of the penal code punish any person in Bahrain, who insults one of the recognized religious communities or ridicules their rituals with up to one year prison term or a fine not exceeding BD 100.

The press and publications law prohibits anti-Islamic media, and mandates imprisonment for “exposing the state’s official religion for offense and criticism.” The law states that “any publication that prejudices the ruling system of the country and its official religion, public morals or any faith in a manner likely to disturb the peace, can be banned from publication by a ministerial order.” The law allows the production and distribution of religious media and publications of minority groups, under condition that they do not criticize Islam.

Broader government oppression

Over the past several years the Bahraini authorities have arrested hundreds of Shiite activists and pro-democracy demonstrators. Many have been tortured and tried by military courts. Leaders including Hasan Mushaima, Abduljalil al-Singace, Ibrahim Sharif, and Abd al-Hadi al-Khawaja were sentenced to life in prison. The sectarian dimension of the political uprising resulted in substantial intra-Muslim conflict, including government attacks on Shiite religious buildings and the violent oppression of Shiite protestors. The government crackdown also extended to journalists and bloggers who reported on the reform movement and the brutal government response. The government also arrested medical personnel who treated injured protesters. Thousands of people were fired from their jobs for supporting the protests.

The government owns all television and radio broadcasters. The government-run TV station broadcasts Sunni Friday sermons, but no Shia sermons. The government also bans and blocks access to websites deemed critical of government policy. Following the 2011 Arab Spring protests, the authorities have done everything in their power to control the flow of information about the protests. Suppression of free expression and the media include: the interrogation and expulsion of foreign journalists; intimidation of those willing to be interviewed by the foreign media; harassment and prosecution of those who campaign for freedom of expression; and arrests of photographers, bloggers and netizens.

Highlighted cases

In August, 2012, a Bahraini court sentenced a man to two years in prison for making insulting comments about one of the Prophet Mohammad's wives. The man reportedly insulted Aisha in comments online.

reuters.com/article/2012/08/12/us-bahrain-insult-idUSBRE87BOC020120812

In October 2014 some reports stated that the government had started a campaign of arrests against **activists using Twitter** and accused them of defamation or insulting figures of Islam.

In March 2015 the Lebanese feminist poet and journalist **Joumana Haddad** was banned from taking part in a cultural event in Bahrain, due to accusations that she would promote atheism and target Islamic values.

Iraq

Iraq is surrounded by Saudi-Arabia, Jordan, Syria, Turkey, Iran and Kuwait, and has been at the centre and conflux of events not just in the region but worldwide for decades. Iraq is a member of the League of Arab States (LAS), as well as the Organization of Islamic Cooperation (OIC).

Rating: Grave Violations ↓

This country is found to be declining. A devastating series of progressive incursions by terror group ISIS has caused major human rights violations and loss of territorial integrity in the past few years. Targeting religious minorities, as well as Muslims and alleged ‘apostates’ or ‘blasphemers’, ISIS has degraded security across large parts of the country.

Constitution and government	Education and children's rights	Family, community, society, religious, courts and tribunals	Expression, advocacy of humanist values
<p>Complete tyranny precludes all freedoms of thought and expression, religion or belief</p> <p>Religious authorities have supreme authority over the state</p> <p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>The non-religious are barred from holding government office</p>	<p>Religious indoctrination is utterly pervasive in schools</p> <p>Religious instruction in some schools is of a coercive fundamentalist or extremist variety</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>
<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 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 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>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>'Apostasy' is outlawed and punishable with a prison sentence</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>

Constitution and government

The constitution establishes God's "right" over the people and government, and Article 2 emphasizes Islam as a "foundation source of legislation".

The constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of opinion and expression. However, these rights are frequently violated in practice by the government and also as a result of sectarian violence.

Religious persecutions

Followers of the Baha'i faith has been persecuted since many years. Since 1970, Baha'is have been denied citizenship or other travel documents, such that it has not been possible for them to leave the country.

The almost complete emigration of the Jewish minority has brought to an end 2600 years of Jewish history in Iraq. Since 2003 only 10 Jews live in Baghdad and few families in Kurdistan.

Under the Saddam Hussein regime some religious minorities were favoured in different ways. Christians and Yazidis were allowed to trade in alcohol, also the Sunni minority faced a flavoured treatment under Saddam Hussein, such that all these minorities became a target in the violent or strict developing Islamic society. Many of them have fled as exiles to Western Europe or United States, because they don't see a future for themselves in Iraq anymore. <dw.de/iraqs-religious-minorities-flee-north/a-16707733>

ISIS

In June 2014, Sunni Jihadists declared the "Islamic State of Iraq and Syria" (ISIS). The forerunner group arose in 1999 and was the predecessor of Al-Qaeda in Iraq and participated in military fights against US-led forces. The militants have carved out significant territory in Iraq, and in 2015 have drawn increasing numbers of followers internationally, however they are known for violent executions, sexual slavery, and the persecution of religious minorities, as well as "apostates" and "blasphemers", those they accuse of homosexuality, and anyone who offers any opposition to their hegemony.

Education and children's rights

The government requires Islamic religious instruction in public schools, but it doesn't demand the participation from non-Muslim students. However there are continued reports of educational discrimination from religious minorities (Christians, Yazidi).

The Ministry of Education includes an office for Kurdish and other language education. In Mosul, ISIS-occupied second-largest city in Iraq, ISIS terrorists discarded arts, music, history and courses about Christianity from curriculum of public schools. Many parents decided to take children's education in their own hands and to teach their children in homeschooling. The ISIS-made changes in Mosul were announced in posters and all those who don't follow them have been warned to face punishment. <news.artnet.com/art-world/isis-cuts-art-music-and-history-education-in-iraq-103714>

Family, community and society

2015 religious conversion law

In November 2015, a new law was enacted which directly discriminates against non-Muslim religion or belief minorities by obliging children to be registered as belonging to the religion of converting parents, but only if the parent converted to Islam, and also under marital laws which are already sexually and religiously discriminatory. The National Card Law law, Article 26, paragraph 2, says "children shall follow the religion of the converted parent to Islam", which would in effect force non-

Muslim children to become Muslims if the male parent converts to Islam or if the children's non-Muslim mother marries a Muslim man. Non-Muslim step-children of a Muslim father would be forced to become Muslims. The law was protested vehemently by religious minorities in and out of parliament.

"Even if parents basically ignore the law and raise their child in their faith, upon turning 18 these young adults will have to deal with the fact that their religion is officially listed as Islam. If they attempt to change that listing, they will be accused of apostasy and be subject to persecution or worse."

nationalreview.com/article/427176/religious-minorities-victimized-iraq-nadine-maenza

However, it was reported in December 2015 that the new law may be repealed, with some parliamentarians citing the need to restore "unity". Kadhim al-Shammari, MP from the National Coalition, struck a positive note, saying, "We hope it culminates with the amending the article once and for all, including giving full freedom for all groups in the selection of the religion that suits them according to the principle of no compulsion in religion."

freedomdeclared.org/news/iraqs-child-conversion-law-may-yet-be-repealed/

Everyday discrimination

Non-Muslims report systematic discrimination, which are especially related to employment opportunities. Iraqi women are often objects of sexual and social discrimination in workplaces. It took a long time for women in Iraq to obtain the rights to work, but a 2013 report made by the Central Bureau of Statistics indicated that a high number of high educated women didn't enter the labor market: al-monitor.com/pulse/originals/2013/08/iraq-women-workplace-challenges.html

Freedom of expression, advocacy of humanist values

Freedom of media is guaranteed by the Iraqi constitution but it is restricted in practice by the threat of violence. Many journalists received threats and a number of them were killed in 2013 and after proclamation of Islamic State.

Being atheist

Being openly atheist is risky and rare, making estimates of irreligiosity extremely hard to make. The now defunct Kurdish news agency, AKnews, released a poll in 2011 on Iraqi belief in God. The answers surprised many Iraqis, with 67% professing belief, 21% probably believing, 4% saying they probably didn't believe in God, and 7% who didn't.

yourmiddleeast.com/features/without-god-in-baghdad_21355

There are several Highlighted cases where atheists were persecuted or even killed by extremist religious groups. There are some websites or blogs for nonbelievers but the lists of members is kept secret for fear being persecuted or even murdered by terrorist religious groups.

Highlighted cases

A 15-year old atheist **Ahmad Sherwan** was imprisoned in solitary confinement, tortured by electric shock, and threatened with murder, after a discussion in which he told his father that he no longer believed in God, after undertaking "extracurricular" reading. His father then reported him to the police who held and tortured him. He was released after 13 days.

yourmiddleeast.com/culture/interview-with-persecuted-young-atheist-in-erbil_23918

ISIS terrorists publicly executed a leading female lawyer and human rights activist in September, 2014. **Samira Salih al-Nuaimi** lived in Mosul. She criticized ISIS online in Facebook posts and shortly afterwards she was seized from her home and tried by an ad hoc Sharia court for apostasy. She was finally sentenced to public execution.

<independent.co.uk/news/world/middle-east/isis-publicly-execute-leading-lawyer-and-human-rights-activist-in-iraq-9756197.html>

Saudi Arabia

The Kingdom of Saudi Arabia is an Islamic state governed by an absolute monarchy in tandem with a powerful religious elite. The Saudi government has sought to make improvements in terms of respecting civil liberties including freedom of religion or belief in recent years; however most improvements are minimal, and a highly restrictive regime persists, wherein 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).

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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 subject to severe punishment</p>	<p>Religious indoctrination is utterly pervasive in schools</p> <p>Religious instruction in some 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 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 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>There is an established church or state religion</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>			

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/UFOliF>](http://goo.gl/UFOliF) [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.

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, 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. The reshuffle appears to suggest no lessening intolerance against atheism or apostasy in general either, but rather an enhancement of the influence of the Wahhabi community.

[<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)

A major player on the world stage

Despite these human rights failings, 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 luke-warm, rocky or outright hostile relations with a number of other Middle Eastern countries, in particular with 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/>](http://atlas.media.mit.edu/en/profile/country/sau/)

Early 2015 The Kingdom of Saudi Arabia along with the GCC countries (except Oman) went to war with 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>](http://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/>](http://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 i.e. blocking supplies coming in from the Persian Gulf sending Yemen to the brink of famine. 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/>](http://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.uscifr.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>](http://www.uscifr.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. The incident left 15 girls dead in the flames.

[<hrw.org/news/2002/03/14/saudi-arabia-religious-police-role-school-fire-criticized>](http://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, vows not to allow sporting activities for girls in public schools.

Family, community and society

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.

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 especially intolerant of minority religions and disbelief. It is not subject to judicial review and reports directly to the King. Whilst over the past few years, the public presence of the CPVPV has diminished, its officials have been reported to have been acting beyond their remit and subjecting individuals to harassment, detainment, beatings and lashings.

Freedom of expression, advocacy of humanist values

Despite the huge predominance of religion over political and social affairs, 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

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, and 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". The death sentence (usually by beheading and crucifixion) is also used to address "crimes" of "witchcraft" and "sorcery".

Atheism and "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

Freedom of expression, advocacy of humanist values

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

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 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 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”.

In December 2013, **Raif Badawi**, a blogger and creator of a website intended to foster debate on religion and politics, was sentenced to 10 years in prison, 1,000 lashes and 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, including the IHEU and the USA, raising his plight at the UN Human Rights Council.

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 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/>

arablit.org/2015/01/13/imprisoned-poet-ashraf-fayadhs-frida-kahlos-mustache/>

esohr.org/en/?p=658>

Turkey

With its historical metropolis, Istanbul, the only city in the world said to be straddling Asia and Europe, Turkey has long been pulled ideologically in divergent directions. In recent years, the famous secularism of Atatürk has been under tremendous pressure from the Islamist-leaning government of President Recep Tayyip Erdoğan and the ruling Justice and Development Party (AKP). Turkey is a member state of the Organization of Islamic Cooperation (OIC).

Rating: Severe Discrimination ↓

This country is found to be declining due to a sustained assault in recent years on Turkey's long-held secularist principles, as well as freedom of expression and social liberties generally in decline. The party in government continues to push for the Islamization of society.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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 or 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

Constitution and government

The current constitution protects freedom of religion or belief, guaranteeing equal protection before the law, irrespective of 'philosophical belief, religion and sect'. It also lists secularism as one of the fundamental characteristics of the republic.

Following re-election in October 2015, the president Recep Tayyip Erdoğan of the ruling AKP has stated that constitutional reform is a "priority", aiming to greatly increase the president's own "executive" powers, a move widely seen as a further worrying signal of increasing autocracy.

theguardian.com/world/2015/nov/04/turkeys-president-erdogan-says-new-constitution-should-be-priority

There are already a few constitutional provisions and other laws and state practices that infringe on freedom of religion or belief and go against the principle of secularism.

The state allocates substantial funds to provide religious services for Sunni Muslims: to pay the salaries of imams, construct mosques and oversee pilgrimage.

The country is predominantly Muslim with as many as 99.8% of people identifying as such. However, a 2012 Gallup survey found that 73% described themselves as being “not a religious person” with 3% being described as “convinced atheists”.

[<redcresearch.ie/wp-content/uploads/2012/08/RED-C-press-release-Religion-and-Atheism-25-7-12.pdf>](http://redcresearch.ie/wp-content/uploads/2012/08/RED-C-press-release-Religion-and-Atheism-25-7-12.pdf)

Education and children’s rights

Religion classes at primary and secondary schools are compulsory. Article 42 requires this education to be conducted under the “supervision and control of the state”. While these classes cover basic information about other religions, they are predominantly about the theory and practice of Sunni Hanefi Islam.

Family, community and society

High-level government officials including president Erdoğan continue to promote a more socially conservative and Islamic-inspired rhetoric around individual rights and freedoms.

Government sexism

Women have repeatedly been painted by officials as ideally having a separate and more domestic role than men. Violence against women has been on the rise, and in November 2015 the Justice Ministry appeared to suggest responding to the rise by downgrading the sentences given to those found guilty of domestic and sexual abuse and violence, effectively reclassifying violence aimed primarily at women as a “petty crime”.

[<secularism.org.uk/news/2015/11/fears-for-womens-rights-in-turkey-as-justice-ministry-to-classify-violence-against-women-as-a-petty-crime>](http://secularism.org.uk/news/2015/11/fears-for-womens-rights-in-turkey-as-justice-ministry-to-classify-violence-against-women-as-a-petty-crime)

In a widely reported speech to mark Eid al-Fitr in July 2014, deputy prime minister Bülent Arınç said, “Chastity is so important. It's not just a word, it's an ornament [for women]... A woman should be chaste. She should know the difference between public and private. She should not laugh in public.” A social media backlash saw hundreds of women posting photographs of themselves smiling and laughing with the hashtags [#direnkakhaha](https://twitter.com/direnkakhaha) (“resist laughter”) and [#direnkadin](https://twitter.com/direnkadin) (“resist woman”). A year later during an emergency parliamentary debate on military action against Kurdish militants, he told Nursel Aydoğan, a pro-Kurdish Peoples' Democratic Party (HDP) member of parliament: “Madam be quiet! You as a woman, be quiet!” She later responded, “I don't take it personally. It is an insult against all women including their own (ruling party) lawmakers.”

[<theguardian.com/world/2014/jul/30/turkish-women-defy-deputy-pm-laughter>](http://theguardian.com/world/2014/jul/30/turkish-women-defy-deputy-pm-laughter)

[<telegraph.co.uk/news/worldnews/europe/turkey/11771966/Turkish-deputy-PM-embroiled-in-new-sexism-row-after-saying-As-a-woman-be-quiet.html>](http://telegraph.co.uk/news/worldnews/europe/turkey/11771966/Turkish-deputy-PM-embroiled-in-new-sexism-row-after-saying-As-a-woman-be-quiet.html)

Freedom of expression, advocacy of humanist values

Freedom of expression is theoretically protected by the current constitution, but is increasingly not respected in practice. Crackdowns on social media in 2014, including an enforced Twitter blackout, gained attention worldwide.

[<theguardian.com/world/2014/mar/21/turkey-blocks-twitter-prime-minister>](http://theguardian.com/world/2014/mar/21/turkey-blocks-twitter-prime-minister)

Freedom of religion or belief experts, as well as secular, humanist and human rights organizations, are generally concerned by the direction of travel under the AK party regime, and unimpressed by government gestures toward improving the situation for religion or belief minorities, and wider freedoms.

Identifying ‘atheist’ prompts insults, threats, discrimination

In 2015, members of the Turkish Atheism Association (*Ateizm Derneği*), spoke up about receiving death threats and hate mail, how ‘atheist’ is used as an insult or equated with Satanism or terrorism, and how the presumption of Islam at birth for most Turkish citizens and discrimination in the workplace act to keep the non-religious from identifying as such.

<dw.com/en/uneasy-neighbors-in-turkey-atheism-and-islam/a-18475178>

<voanews.com/content/turkeys-atheists-face-hostility-death-threats/2720367.html>

“Blasphemy” law

Article 216 of the penal code outlaws insulting religious belief, with Article 216.3 stating:

“Any person who openly disrespects the religious belief of a group is punished with imprisonment from six months to one year if such act causes potential risk for public peace.”

The famous prosecution of renowned Turkish pianist Fazıl Say in 2013 was only one of the most prominent legal actions against Turkish artists, writers and intellectuals who have made statements about religion or about Turkish national identity. However, in October 2015 Fazıl Say’s appeal case provisionally acquitted him of the earlier conviction (see “Highlighted cases” below). It remains to be seen whether the court of first instance will accept the reversal and whether this will set any new precedent as to the unconstitutionality of the “blasphemy” law.

Highlighted Cases

The **Turkish Atheism Association (*Ateizm Derneği*)** founded April 2014, and personnel soon received death threats. The Association had its website <ateizmdernegi.org> blocked in Turkey on 4 March 2015, in a decision the Association protested was “arbitrary”.

<hurriyetdailynews.com/turkey-blocks-website-of-its-first-atheist-association.aspx?pageID=238&nID=79163&NewsCatID=341>

The Association has further protested its unequal treatment as an organization in the country, saying in petition statement: “We want politicians to restrain themselves when tempted to make discriminatory statements starting with ‘even the atheists,’” and using terms like “nonbeliever” in a derogatory mode. “We want equal treatment before the law. We do not want to be treated as though we have ‘insulted religious values’ when we express our faithlessness.” The petition also challenges AKP (Justice and Development Party) rhetoric to the effect that Turkey is a country of a “single religion”, calls for the removal of religious affiliation from Turkish identity cards, and requests representation at government meetings with non-Muslim communities from which they are currently excluded.

<change.org/p/tbmm-atelistlerin-ve-dinsizlerin-yasal-stat%C3%BCs%C3%BC-tan%C4%B1ns%C4%B1n>

<hurriyetdailynews.com/turkeys-atheism-association-starts-petition-for-equal-treatment-before-law-and-in-society.aspx?pageID=517&nID=90788&NewsCatID=339>

In 2014, Armenian writer and atheist **Sevan Nişanyan** was given a lengthy prison sentence, ostensibly for building regulation violations, but the prosecution appears selective and is widely regarded as being linked to his writings on national identity, the Armenian genocide, and in particular his criticism of Islam. There is a campaign for his release.

<al-monitor.com/pulse/originals/2014/01/nisanyan-turkish-jail.html>

In May 2014, **Sedat Kapanoğlu**, founder of one of Turkey’s most popular online forums, Ekşi Sözlük (Sour Dictionary) was given a 10-month suspended sentence for blasphemy. A police complaint

alleging insults to the Prophet Muhammad were made on a discussion thread at the forum. Some 40 forum members were detained by police and charged with insulting religion. The court ruled that Kapanoğlu had committed the crime of “insulting the religious values shared by a group of society”. The 10-month sentence was suspended, based on the time elapsed since the crime was committed and the means used for it.

The court also gave suspect **Özgür Kuru** seven months and 15 days in jail on the same charges, but also suspended the sentence. The court acquitted a third suspect, **Altuğ Şahin**, on the grounds that it could not be detected whether he actually committed the crime of “insulting religious beliefs.” The court also decided to suspend the cases against other 37 suspects. However, all the suspects may be retried if they commit the same crime within three years.

hurriyetdailynews.com/court-sentences-founder-of-popular-online-forum-for-blasphemy.aspx?pageID=238&nID=66544&NewsCatID=339>

On June 1, 2012, Turkish authorities charged **Fazıl Say**, an atheist and world-renowned classical and jazz pianist, with insulting Islamic values in Twitter messages. The cited message echoed the words of famous 11th-century Persian poet, Omar Khayyam, poking fun at afterlife beliefs. Say denied the charge, but was handed a suspended 10-month jail term on 15 April 2013.

huffingtonpost.com/2013/04/15/fazil-say-jailed-turkish-pianist-receives-suspended-jail-term-for-twitter-comments_n_3083849.html>

In October 2015, the Supreme Court of Appeals overturned the verdict, citing Say’s own freedom of thought and expression against the prior conviction that he had “insulted” religious beliefs. The court of first instance will now consider the appeal verdict; if they dissent then the process of review will continue.

hurriyetdailynews.com/top-appeals-court-reverses-blasphemy-decision-against-turkish-pianist-say.aspx?pageID=238&nID=90336&NewsCatID=339>

In October 2014, a woman not widely named in media reports was arrested for tweeting a picture of her stilettoed feet standing on a Quran. The tweeter was arrested after a complaint from Ankara Mayor Melih Gokcek, who has sued as many as 3,000 people for insulting him.

huffingtonpost.com/2014/10/23/turkey-stilettos-quran-tweet_n_6035198.html>

In 2008, Islamic creationist writer **Adnan Oktar**, better known by his pen name Harun Yahya, successfully sued to block the website of evolutionary biologist Richard Dawkins due to “defamatory and blasphemous” content.

theguardian.com/world/2008/sep/18/turkey>

Testimonies

“It’s getting more and more difficult for a secular minded person to raise children unaffected from religious oppression. Some secular schools in my neighbourhood have been changed to religious curriculum. There is a mandatory “Morale and Religion” class, which teaches basics of Sunni Islam, and I’m afraid my child will be forced to take it. To avoid the class, the school management requires me to declare my religious beliefs. This is against the Constitution, and will make us exposed. Many people don’t bother and that’s how everyone’s signed up to that class. I hear from relatives that their children are compelled to select other “optional” religious courses, because science teachers are not available, but religious teachers always are. Yesterday [4 December 2014], the National Education Council suggested religion class for kindergarten, while protesters were accused of blasphemy. That idea was dismissed for kindergarten, but recommended for the

first class in primary school. See the mindset in charge? I am seriously concerned about how I am going to secure my child's getting a secular education, just as I did myself sixteen years ago. The situation has deteriorated and is much worse than how it was in the 90's."

—Levent Topakoglu

"Today I found myself deleting the anti-religion and anti-government posts in my timeline. Because I can be charged with 'causing imminent threat to public peace' with my posts of atheist humor, according to Turkish penal law 216/3. It could be elements of criticism to religious fanaticism, or just a piece of poetry from 800 years ago. It doesn't matter to the judges, thanks to an unnecessarily wide understanding of the law. My post doesn't need to provoke anyone, nor cause hurt. I can be tried anyway. The same is not applied when the head of government can easily call atheists "terrorists" or condemns atheism to be an unwanted result of 'bad' education. In a nation where an alarmingly high percentage of citizens deem atheists the least wanted neighbours, followed by homosexuals, I cannot afford to allow our politicians to promote this unfair, non-democratic, non-secular propaganda against non-Sunni Muslims living in Turkey. Are all citizens not deserving of the same protection and consideration under the law of the country in which they reside?"

— Onur Romano

United Arab Emirates

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.

Rating: Grave Violations

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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>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 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 inspired agenda, without regard to the rights of those with progressive views</p> <p>Prohibitive interreligious social control (including interreligious marriage bans)</p> <p>Religious control over family law or legislation on moral matters</p> <p>It is made difficult to register or operate an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization</p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>Apostasy' is outlawed and punishable with a prison sentence</p> <p>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</p>

Constitution and government

The preamble to the constitution establishes it as an announcement "to Allah, the Supreme and Almighty, and to all the people".

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, but only citizens, have limited rights under the constitution to participate in elections; only citizens can hold public office.

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

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>

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

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

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 some restrictions. Political organizations, political parties, and trade unions are illegal. 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

Poland

The Roman Catholic Church is the largest religious organization in Poland and maintains considerable influence in social and political life. In 1993, it was granted special recognition by the Polish state as per a Concordat with the Holy See.

Rating: Severe Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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 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		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 instruction with no secular or humanist alternative, but it is optional		Concerns that secular or religious authorities interfere in specifically religious freedoms
		No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state	

Constitution and government

The current provisions for official church-state relations were outlined in article 25.2 of the Polish Constitution of 1997, stating that interactions between Church and state are based on recognising "the mutual independence of each in its own sphere," but also a "principle of cooperation for the individual and the common good".

In practice this "cooperation" between Church and state is deeply ingrained. Throughout Polish history, the Roman Catholic Church has played not only the role of a provider of religious authority, but also a social and political force. Church-state relations in Poland have been shaped by decades of social and political oppression, during which the Church combined religious and political symbols to create a civil religion that symbolized national history and identity for many Poles.

Due to its significant position as a symbol of resistance throughout the socialist era, the Church emerged after the fall of Communism as a strong and respected institution in a position to impose traditional Christian values on Polish society, particularly in the early 1990s. The process of democratisation and the resulting debates that emerged during the transitional period of the 1990s saw a shift in attitudes towards the role of the Catholic Church in Poland, as many grew critical of the Church for its perceived reluctance to adapt to life in a pluralistic society and its interference in political affairs.

Today, however, loyalty to the Church appears to be in longer-term decline as more people are turning away from institutionalised religion. Recent research suggests that younger generations are becoming more selective in their interpretation of religious dictates (75% of regular churchgoers aged 18-24 accept premarital sex, 50% accept divorce, and 20% accept abortion).

<[tandfonline.com/doi/abs/10.1080/09637494.2014.936158](https://doi.org/10.1080/09637494.2014.936158)> [Góra, M. and Zielińska, K., “Defenders of faith? Victims of secularisation? Polish politicians and religion in the European Parliament”]

However, the 2015 election results might suggest a resurgence in traditional Catholic thinking, with the conservative, strongly pro-Catholic Law and Justice party (Prawo i Sprawiedliwość, or PiS) gaining 37.6% of the vote.

Discussions surrounding the debate on religion and individual rights in Poland focus particularly on social matters such as education, reproductive rights, LGBT rights and gender equality, and the Catholic Church appears to be increasingly alienating itself from young Poles through its uncompromising attitude towards such issues.

Education and children’s rights

General provisions regarding religious education are outlined in Article 53 of the Polish Constitution, which states that parents have the right to raise their children in accordance with their religious convictions. Religious education classes in Poland are centred on the rules and rituals of Roman Catholicism and generally do not include material on other religions or worldviews.

In 2015, activists promoting the project ‘Świecka szkoła’, or ‘secular school’, gathered more than 95,000 signatures in a campaign to reform state financing of religious education in public schools. The activists aim to ensure that catechism lessons, which are taught in Polish public schools and funded by the state, are instead paid for by religious organizations or parents.

<liberte.pl/swiecka-szkola-projekt-ustawy/>

Currently, religion classes are taught in 95.6 per cent of public schools. Parents can choose to enrol their child in religious education classes, or in the ethics course offered as a secular alternative, or in both. Both courses are financed by the state, and religious education classes are often taught by members of the clergy.

<wyborcza.pl/1,75478,18582441,nie-chca-by-panstwo-finansowalo-lekcje-religii-zebrali-juz.html>

However, despite this seeming equality, campaigners suggest that in practice, many students do not have access to ethics classes and often have to spend the period in isolation if they opt out of religious education. For example:

“Ethics classes are offered in just a few per cent of Polish schools [...] State schools also often pressure pupils into taking part in religious celebrations such as masses on Papal Days [...] Discrimination and indoctrination are imbedded in educational activities, and even in the design of the schools. For example, the dominance of religious content related to the Roman Catholic denomination can be seen inside the corridors and classrooms.”

— Dorota Wójcik, Chair of the Board, Warsaw-based Foundation for Freedom from Religion (Fundacja Wolność od Religii)

In 2015, a state-run elementary school in Lublin informed parents that children would not be able to participate in the tradition of fortune-telling on St Andrew’s Eve, the night of 29th – 30th November, because it was not in accordance with the teachings of the Roman Catholic Church.

Family, community and society

Reproductive rights

Poland is one of several countries in Europe in which access to abortion is extremely limited, and the United Nations recently criticised Poland – not for the first time – for its restrictive approach towards reproductive rights. In a recent document published by the UN Committee on the Rights of the Child, the UN called for Poland to “make the conditions for abortion less restrictive” and to “establish clear standards for a uniform and non-restrictive interpretation of the conditions for legal abortion and relevant procedures”.

tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/POL/CO/3-4&Lang=en

Women are only permitted to seek abortion if the foetus is severely malformed, the pregnancy puts her life at risk, or if the pregnancy is the result of a criminal act – and even under these criteria the right to terminate the pregnancy ultimately lies with the doctor that is treating her. There have been cases in which women have been denied an abortion despite facing serious health risks. In a well-known case in 2000, Alicja Tysi c, who suffered from myopia, was told independently by three ophthalmologists that the strain of giving birth could cause irreparable damage to her retinas; but her request to terminate the pregnancy in a Warsaw hospital was refused by the head of gynaecology. Following the delivery, her eyesight deteriorated to the extent that she was deemed unfit to care for her children. In 2007, Tysi c took her case to the European Court of Human Rights with the complaint that the pregnancy she had tried to terminate had resulted in the almost complete loss of her eyesight. The court awarded Tysi c damages and ruled that the Polish state had not respected her human rights by failing to grant her an abortion despite the fact that it should have been permitted in her case.

According to Poland’s “Conscience clause”, stated under article 39 of the Doctor and Dentist Professions Act, medical personnel may refuse to perform abortions on the grounds that it conflicts with their personal values or beliefs. The doctor is legally obliged to refer the patient to another clinic but, in doing so, the doctors themselves may risk social and professional discrimination, particularly in rural areas. In April 2014, a woman accused Professor Bogdan Chazan, director of the Holy Family Hospital in Warsaw, of deliberately delaying her referral to another doctor when she asked him for an abortion because her unborn child had severe health problems and was unlikely to survive. Chazan was within his rights to deny the abortion according to Polish law, but acted illegally by refusing to refer the patient to another physician and by reportedly ordering unnecessary tests that would carry her past the 24th week of pregnancy, without informing her of the deadline, meaning that she was unable to terminate the pregnancy. The child was born on 30th June 2014 with severe head and facial deformities, and died nine days later. Chazan, to whom the Catholic Church gave its full support, was subsequently dismissed, and the hospital was fined 70,000 zloty for failing to refer the patient to another clinic. Romuald D bski, a professor at the hospital where the child was born, made the following statement to the television station TVN24:

“If Professor Chazan saw the life that he saved, he would have a different attitude [...] This child does not have half of its head, has a hanging eyeball, its face is split, it has no brain inside, and will die in a month or two thanks to the professor.”

In May 2014, 3000 people, most of them medical professionals, signed a “Declaration of Faith” recognising ‘the primacy of God’s laws over human laws’ in medicine. According to the declaration,

the signatories decline to violate the Ten Commandments by performing abortions, in vitro fertilisation and euthanasia, or by administering birth control.

IVF remains a subject of intense debate in the Polish media, as it is regarded by the Catholic Church as a sin on the grounds that it separates sex from conception. Former president Bronisław Komorowski signed bill on IVF, long-awaited by progressives, in July 2015, which regulates state funding for IVF treatment. The bill was met with strong opposition from the Church, which considers embryos to be “conceived children”. In public debates, representatives of the Church have equated embryo storage to “freezing children” and embryo selection to “eugenics”, according to Warsaw University lecturer Magdalena Radkowska-Walkowicz.

Gender

The subject of gender became the subject of intense media focus in 2013, when a campaign was launched by the religious right in opposition to the perceived threat of “gender” as a concept. On 29th December 2013, the Bishop’s Conference of Poland published a pastoral letter to be read out in churches. The letter characterised the very concept of gender as a threat to traditional Catholic values and summoned parishioners to oppose “gender ideology”:

“According to this ideology, humans can freely determine whether they want to be men or women and freely choose their sexual orientation [...] We ask the Holy Spirit for continuous light to let us understand and see the truth in what amounts to a danger and a threat not only to the family, but also to our Homeland and humankind.”

LGBT Rights

Although religious conservatism persists in Polish society, Poland elected its first openly gay MP, Robert Biedroń, and a transgender MP, Anna Grodzka, in the parliamentary elections of 2011. However, LGBT rights remains a difficult topic in Poland and in January 2013, a government-backed bill to introduce civil partnerships for gay couples was narrowly defeated in parliament, despite former prime minister Donald Tusk urging lawmakers to support the reform.

In October 2015, Krzysztof Charamsa, a senior Vatican priest, made a public announcement on the eve a synod of Roman Catholic bishops on family issues; in an act of protest against the Church’s “backwards” attitude towards homosexuality, Monsignor Charamsa revealed that he was gay and in a long-term relationship. Within hours, his actions were deemed ‘irresponsible’ in a Vatican press release and Charamsa was promptly dismissed from the Congregation for the Doctrine of the Faith and the Pontifical universities, where he had taught theology. Charamsa criticised the Vatican’s hypocrisy in banning gay priests, stating that the Church makes life “hell” for gay people, persecuting them and causing their families “immeasurable suffering”. He strongly criticised the Church’s “inhuman” treatment of homosexual Catholics, and expressed concerns about the impact his actions may have on how his mother will be treated in Poland following his revelation. In the letter, Charamsa stated: “Be merciful — at least leave us in peace, let the civil states make our lives more humane.”

Freedom of expression, advocacy of humanist values

“Apostasy”

Many Poles are counted as members of their local parish congregation despite not being practicing Catholics because they have been baptised during infancy, and only the formal act of “apostasy” ensures that they will be excluded from official registers. However, officially leaving the Catholic

Church in Poland is itself an arduous process that requires a handwritten letter of resignation from the Catholic Church, provision of a baptism certificate with an appropriate annotation, which is the sole document that can confirm official defection from the Church, the presence of two witnesses and at least two visits to the rector of the relevant parish.

“Blasphemy” law

“Anyone found guilty of offending religious feelings through public defamation of an object or place of worship is liable to a fine, restriction of liberty or a maximum two-year prison sentence...”
— Article 196 of the Penal Code

The Polish Constitution guarantees freedom of expression but in recent years several individuals, in particular artists and musicians, have found themselves subject to charges of “blasphemy” brought under Article 196 of the penal code, and in the political realm the popular, secular, liberal and gay mayor of Slupsk has been investigated for “insulting an object of worship” by having a portrait of a former Pope removed from his mayoral office (see “Highlighted cases” below).

Although Article 196 is supposed to protect all religions from such “defamation”, in practice it is used mainly to investigate alleged violations against Christian religious symbols. It does not appear to have any further impact on the enjoyment of human rights in Poland, but clearly constitutes an impingement of freedom of thought and expression in principle, and may have a chilling effect in practice.

Religion and politics

In 2015 Poland has seen a clear political shift to the right, with the conservative party PiS now holding a ruling majority in parliament. The party was predicted to win following the presidential elections earlier this year, which saw PiS candidate Andrzej Duda replace Bronisław Komorowski, former president from the liberal, more secular-minded Civic Platform party, which had governed for eight years. The consequences of the PiS victory for freedom of religion or belief in Poland remain to be seen.

Though the Church’s direct engagement in politics is more limited in recent years, the PiS has strong links with the Church, and representatives of the Church have been known to support, and encourage parishioners to support, specific PiS candidates during electoral campaigns. Jarosław Kaczyński, who co-founded the PiS party (with the late president Lech Kaczyński, his identical twin brother) openly professes not only his own allegiance to the Roman Catholic Church, but moreover allies the state with the Church; on a recent pilgrimage to Jasna Góra (a sacred Catholic site and religious destination for Poles) Kaczyński declared that, “There is no Poland without the Church; Poland does not have a moral teaching other than that which the Church proclaims”.

The party is strongly opposed to IVF and some PiS ministers, including the new prime minister Beata Szydło, are in favour of a complete ban on abortion.

2015’s electoral campaign was dominated by the refugee crisis, which has been presented by Polish conservatives as an attack on Poland’s Christian character. Images displayed by the media during the crisis this summer have made it easier for PiS to present the influx of non-Christians as a threat to Polish society and, in a recent anti-immigration protest in Wrocław, an effigy of a Hasidic Jew was burned by anti-refugee protesters. The incident is currently being investigated by Polish authorities, but the fear of Muslim immigration has prompted a shift towards religious and social conservatism amongst many Poles. Following the Paris attacks on 13th November, PiS questioned the former government’s decision to accept 7,000 refugees in an EU-wide quota scheme. At present, it is not

certain whether Poland will back out of the deal, but the change of government will likely strengthen the Catholic Church's influence in the public sphere:

"In Poland, there is no value system that could realistically compete ... with the teachings of the Church"

— Jarosław Kaczyński in an interview with Catholic broadcaster TV Trwam (October 2015)

Highlighted cases

Robert Biedroń, a prominent politician, LGBT activist, and mayor of Słupsk as of December 2014, was being investigated as of June 2015 for removing a portrait of Pope John Paul II from his office in Słupsk. Described as the "Social Media Mayor" and commonly recognised as being "liberal, secular and gay", the charges filed against Biedroń him by activists affiliated with the conservative political party PiS accuse the mayor of "insulting an object of worship" by removing the picture, and "insulting religious feelings".

notesfrompoland.com/2015/07/07/liberal-secular-and-gay-polands-unlikeliest-and-most-interesting-rising-political-star/>

thenews.pl/1/9/Artykul/211335,Prosecutors-investigating-mayor-for-removing-papal-picture>

In April 2014, **The Krasnals**, an anti-establishment art collective in based in Poznan, were accused of "blasphemy" for depicting the late Pope John Paul II being breastfed by Father Tadeusz Rydzyk, head of the right-wing Catholic radio station, Radio Maryja. The Krasnals are reportedly being sued by Ryszard Nowak, who famously filed a case against Polish rock singer **Adam Darski** after he ripped up a copy of the Bible during a concert in 2007. In 2013, Darski was found guilty of offending religious feelings by "intentionally insulting the Holy Bible" but, on appeal, the charges were overturned.

Pop singer **Dorota Rabczewska** also found herself a target of blasphemy accusations after stating that she believed in dinosaurs more than the Bible because "it is hard to believe in something written by people who drank too much wine and smoked herbal cigarettes" during an interview in 2009. She was found guilty of 'offending the religious feelings of Christians and Jews' in 2012 and fined 5,000 zlotys (£1,026).

Testimonies

"[In Poland] a lack of faith is all too often synonymous with lack of values. Priests have a tendency to speak out on topics related to sex and reproduction, what's worse they even want to talk about sex education, but they are not looking for a discussion. They just want to impose their own values, the only legitimate and correct values. A raped woman should of course give birth. If pregnancy is a threat to a woman's life, it doesn't matter, because life should be protected (a clear paradox, because this only protects the life of the child, the woman ceases to be an important element), if a husband beats his wife, he should be re-educated, but she has to endure her lot for better or worse. As a result of that sex education the phenomenon of the "Polish Mother" was founded – a working woman who still has to raise the children, denying herself everything so as to give to the family, devoting herself entirely to her family while giving up her own well being for the well being of her loved ones."

— Dominika K.

"I really liked going to Church, but then I stopped because I was really annoyed that being religious is a part of the grade for religion classes. So for example if you go for communion [...] you also have to have some signatures from your teacher for religion. It was really weird because they were giving you grades based on for example how often you're going to church."

— Aleksandra B.

"They're very authoritative. They [the Church] assume that they come from a different place and that they have a certain right to impose their views on others. They think that they should be treated with a lot of respect, and that they should be looked up to, whereas they don't use the same principles with other people and people who perhaps disagree with them."

— Marcin W.

"This unwillingness [of the Church] to notice there are those different, more difficult, untypical members of the Church is something I cannot respect, because I attend masses, I have learned thousands of sermons in my life, so I can say that there are preachers who preach as if there wasn't a single gay, there wasn't a single feminist, there wasn't a single woman who used contraception, during masses. They treat their communities as homogenous, which is not the case, so they feel free to offend those groups as different, as enemies, not present here. They are not perceived as those who have a right even to be here let alone express themselves."

— Sylwia J.

"I don't feel discriminated against on a daily basis when it comes to religion, but that's also because I don't discuss religious matters. After years of getting into discussion over religion I decided it really doesn't matter. You feel the differences most of all during religious celebrations and holidays. My family, mainly the female element, tried to convince me that I should have a church wedding. They didn't want to understand that it would only be a long, tiring ritual that wouldn't mean any more than a civil ceremony."

— Agnieszka K.

Romania

Romania is a semi-presidential republic with a multi-party system, a member of the EU and NATO.

Rating: Systemic Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>	<p>There is state funding of at least some religious schools</p>	<p>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p>	
<p>Official symbolic deference to religion</p>	<p>State-funded schools offer religious instruction with no secular or humanist alternative, but it is optional</p>		
			<p>No fundamental restrictions on freedom of expression or advocacy of humanist values</p>

Constitution and government

The constitution and other laws and policies protect freedom of religion or belief, and freedom of expression and assembly. However, the government strongly favours the Romanian Orthodox Church and places some impediments on the freedom of minority religions and the non-religious to practice and promote their beliefs.

The government formally recognizes exactly eighteen religions. The eighteen, contained as an annex to Law 489/2006 “on religious freedom” begins with the Romanian Orthodox Church and consists mostly of Christian groups and one Unitarian church (numbers 1-15), followed by the Federation of Jewish Communities in Romania (16), “the Muslim religion” (17), and “the Jehovah's Witnesses religious organization” (18).

dreptonline.ro/legislatie/lege_libertate_religioasa_regimul_cultelor.php

In the 2011 census 86.5% of the population identified themselves as Eastern Orthodox Christians. The number of declared atheists and non-religious citizens increased since the last census, from 0.1% in 2002 to 0.2% in 2011.

recensamantromania.ro/wp-content/uploads/2012/08/TS8.pdf

Religious privilege

Each of the eighteen recognised religions is eligible for state funding, with no comparable or alternative funding available for secular, Humanist or other philosophical organizations.

Under the religion law, state funding is determined by the number of adherents of each recognized religious community reported in the most recent census and “the religion’s actual needs,” a vague

provision leaving room for interpretation. The Romanian Orthodox Church receives the large majority of these funds.

Since 2011, the Secular Humanist Association of Romania, *Asociația Secular-Umanistă din România* (ASUR) (an Member Organization of the IHEU) has run a popular campaign raising awareness about the opaque and politically biased funding of religion by the state, including the exaggerated state-spending on religious institutions. The campaign included billboards and social-media content remarking on the numbers of institutions of different types across the country: “18,300 churches; 4,700 schools; 425 hospitals”.

[<asur.ro/proiecte/in-plata-domnului/>](http://asur.ro/proiecte/in-plata-domnului/)

Education and children’s rights

The constitution and the law allow the establishment of state-subsidized educational institutions administered by recognized religions.

Public schools conduct religious instruction. The 18 recognized religions are entitled to hold religion classes in public schools. The law entitles students to attend religion classes in their faith irrespective of their number. The religious instruction is based on the religious affiliation of the students’ parents.

Intolerance in schools

In September 2012, the Romanian Secular Humanist Association, *Asociația Secular-Umanistă din România* (ASUR) (an IHEU member organization), urged the Education Ministry to immediately withdraw from schools all religion textbooks that promote intolerance and to take all necessary steps to prevent religious indoctrination. The association expressed concern about the persistent inclusion of such themes as sin, hell, and the devil in religious textbooks for primary schools. These concerns continue, not least in relation to alleged homophobic preaching.

[<asur.ro/nu-intoleranta-discriminarea-homofobia/>](http://asur.ro/nu-intoleranta-discriminarea-homofobia/)

Again in 2015, humanist groups complained that manuals used in religious classes promote intolerance and focus disproportionately on violence and death. The subject was reported in the press, but the Minister of Education took no action, saying only that the manuals (used in many schools around the country) are not directly authorized by the ministry.

[<adevarul.ro/educatie/scoala/exclusiv-manualele-religie-pilde-patologice-nu-avizul-ministerului-educatiei-controleaza-afacerea-1_5645e4b27d919ed50e2d391e/index.html>](http://adevarul.ro/educatie/scoala/exclusiv-manualele-religie-pilde-patologice-nu-avizul-ministerului-educatiei-controleaza-afacerea-1_5645e4b27d919ed50e2d391e/index.html)

Presumed consent for religious instruction

To be excused from religious instruction classes, students must submit a request in writing, an option that had not been widely publicised before the end of 2014, and which may be socially discouraged. Students were otherwise usually presumed to consent to religious instruction.

However, on 12 November 2014, after a legal case brought by a humanist, Emil Moise, the Constitutional Court ruled that the predominant practice of presumed consent for enrollment in religious instruction is unconstitutional, and given their nature the classes should be run on an opt-in basis.

[<asur.ro/asur-saluta-decizia-ccr/>](http://asur.ro/asur-saluta-decizia-ccr/)

In February 2015 several NGOs wrote an open letter urging parliament to accept and implement the ruling. In March 2015, the Ministry of Education asked parents to decide if they wanted to opt-in for religious classes. During decision period, the Orthodox Church and its affiliated NGOs conducted a

national campaign (including a TV ad run for free on the national television channels as a public interest announcement) in order to convince parents that they must choose religious classes for their children. Many parents reported that teachers and school principals applied pressure to opt in to the religious instruction classes; in some schools parents were told that they must justify any decision to opt out, or students were told that they would not be able to finish the school year if they were ungraded in the religious classes, both of which statements were false. Also, in some cases the school principals told parents that they could not enroll young children in school if they do not sign the request for religious classes. Eventually, the Minister of Education reported that 89.75% of students' parents opted for their children to take religious classes.

mediafax.ro/cultura-media/cna-recomanda-posturilor-tv-sa-difuzeze-spotul-in-care-dan-puric-si-connect-r-sustin-ora-de-religie-13924545>

hotnews.ro/stiri-esential-19534937-presiuni-scoli-pentru-ora-religie-sorin-cimpeanu-despre-directorii-care-cer-parintilor-isi-inscrie-copiii-daca-nu-vor-nu-putem-accepta-niciun-fel-presiuni-nu-poate-vorba-despre-obligativitatea-optiuni.htm>

Problems continued in September 2015, when again there were reports of parents and students pressurised into opting in to religion classes, including by the Minister of Education.

Family, community and society

The eighteen recognized religions have a privileged right to establish schools, teach religion classes in public schools, and receive government funds to build places of worship, partially pay the salaries of clergy, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, receive tax-exempt status, and own cemeteries.

These privileges have sometimes been abused or used discriminatorily by the Orthodox Church. In one instance, in Piatra Neamț, representatives of the Church sued the residents of one neighbourhood because they did not want a new church to be built. So far, the courts have found in favour of the residents, but the dispute is ongoing. In other cities and villages, priests have sometimes refused to allow the burial of people that were not Orthodox in the public cemetery.

Challenging church-state relations

In 2015, Remus Cernea, the only openly humanist member of Parliament (and Honorary President of the Romanian Humanist Association, *Asociația Umanistă Română*), initiated three propositions meant to reform State-Church relations.

The first concerns the public funding of the National Redemption Cathedral, a massive building that is now under construction in Bucharest. Since the beginning of this project, tens of millions of euros have been allocated for its construction, by the government and local mayors from all over the country, despite the majority of Romanians opposing the public funding of this project. The second initiative asks for the verification of all religious leaders that have ties with Securitatea, the secret police agency of the Communist regime. And the third initiative, is to reform the system through which religious denominations receive public funding. Remus Cernea proposes a system somewhat similar to the German model, where every taxpayer can decide to which belief group they want to redirect their taxes. This proposition also includes the end of tax exemptions specific to religions. As of December 2015, none of these propositions had been passed by the Parliament.

voxpublica.realitatea.net/politica-societate/trei-noi-initiative-legislative-pentru-modernizarea-romaniei-114909.html>

Freedom of expression, advocacy of humanist values

Despite the significant political bias toward the Romanian Orthodox Church and other religious privileges, there is no “blasphemy” law in force. Freedom of expression specifically for religious groups is only restricted to the extent that it “must not infringe upon [...] fundamental human rights and liberties” of others. While secularist politics and humanist views often meet vitriolic opposition, there are no formal restrictions on the free expression thereof.

There were concerns about a political push to recriminalise “insult” and “libel” in 2013, repeated again again in 2015, but as of December 2015 they have not been passed.

en.rsf.org/romania-in-an-attack-on-free-expression-20-12-2013,45657.html

digi24.ro/Stiri/Digi24/Actualitate/Politica/Proiect+Pedepse+cu+inchisoarea+pentru+insulta+si+calomnie

Iceland

Iceland has a multi-party parliamentary system. It is the most sparsely populated country in Europe.

Rating: Systemic Discrimination 

This country is found to be improving, with long-awaited education reforms introducing a more comprehensive religion, ethics and critical thinking course, and the repeal of “blasphemy” legislation in 2015. Iceland’s overall rating for 2015 has improved as the boundary condition “‘Blasphemy’ is outlawed or criticism of religion is restricted and punishable with a prison sentence” no longer applies.)

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
There is systematic religious privilege Preferential treatment is given to a religion or religion in general There is an established church or state religion			
	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 expression, assembly and association. However, the state financially supports and promotes Lutheranism as the country’s official religion.

The Evangelical Lutheran Church of Iceland (ELCI), is called the National Church and is a state church, which enjoys considerable legal, social, and financial advantages not available to other religions and life stance groups.

Since 1987 the State has allotted a certain monthly amount to all religious groups, and secular life stance groups from 2013, for each registered member 16 years old and older. This is irrespective of whether the individual pays income tax or not. The National Church gets an additional 32.8% income into special funds and pays the salaries of their priests, three bishops, and the bishop’s office staff. The National Church states that it is only getting paid for the large amount of land it leased to the State in 1907 and then sold to it in 1997, but secularists point out that this deal is highly abnormal since the State has to pay the wages indefinitely i.e. forever. In 2015 73.8% were registered in the National Church which means that 26.2% of the population who are not members are taking part in its cost.

The National Church also enjoys the privilege of having a Department of Theology at the University of Iceland where it educates and trains its students for 5 years to become clergy and the government pays the salaries of the teachers there. Additionally, the National Church has 6-8 paid chaplains working at the University Hospital of Iceland paid by the health care system. The National Church is

protected in the constitution and that is the only clause that requires a national referendum to be changed or abolished. It is thus deeply rooted with legal protection and a wide spectrum of privileges within the Icelandic fabric of governance.

People who are not registered in any religious or secular life stance organization cannot avoid paying the tax. Instead, their money goes directly into the state treasury.

A law passed on January 30, 2013 guarantees equal legal status and funding for secular lifestance organizations. The Icelandic Ethical Humanist Association, *Siðmennt*, (an IHEU member organization) – applied for and was granted such status on May 3, 2013. Of the 45 registered groups it is now the 8th largest.

iheu.org/sidmennt-becomes-first-registered-secular-life-stance-organization-iceland/

Education and children's rights

A new school curriculum took effect in 2013. Instead of a course focused entirely on Christianity (as it was under the previous 2008 law) the curriculum now provides a course which is labeled “religion” but includes ethics and critical thinking. It is particularly focused on human rights and democracy. The new curriculum states that Icelandic education should be shaped by “Christian heritage” but it also mentions the goals of equality, tolerance, love, and respect for human values.

In 2011 the Reykjavik City Council revised its regulations regarding the interaction of schools and churches. Religious groups are prohibited from conducting any activities, including the distribution of proselytizing material, in the city's public schools (grades one through ten) during school hours. Any student visits to houses of worship during school hours must be under the guidance of a teacher as part of a class on religion. Such instruction may not involve the active participation of students in a religious service. The Minister of Education urged other municipalities to adopt similar rules and some have done so.

Family, community and society

Icelandic society is increasingly secular and the recent changes to education, removing religious instruction/indoctrination, and the repeal of the “blasphemy” law, may be attributed in part to this general shift, and to the steady, principled pressure applied by *Siðmennt* and others to uphold secular rights and values.

Freedom of expression, advocacy of humanist values

The rights to freedom of association and peaceful assembly are guaranteed by the constitution and protected in practice. The constitution guarantees freedoms of speech and the press. In June 2010, parliament unanimously passed the Icelandic Modern Media Initiative, which mandates the establishment of stringent free speech and press freedom laws and focuses on the protection of investigative journalists and media outlets.

“Blasphemy” law abolished

Before 2015, the penal code established fines and imprisonment of up to three months for those who publicly deride or belittle religious doctrines or worship, with penalties of fines and up to two years in prison for assault — including “verbal” assault — on an individual or group based on religion.

Recognised as a de facto “blasphemy” law, the prohibition was scrapped in July 2015. The motion to abolish was brought to parliament by the Pirate Party earlier in the year in part as a response to the *Charlie Hebdo* massacre in Paris, and won popular and cross-party support. *Siðmennt* commented:

“Often, countries where there is a lack of democracy and freedom are criticized for punishing people for blasphemy even with death sentences. When those countries are criticized, their spokespeople frequently point out, correctly, that similar laws are in force in “Western” democracies. Therefore, it sends a vital message to the rest of the world if Iceland has repealed its blasphemy law. Nations which maintain blasphemy laws with serious consequences should not be able to point to Iceland and say that it has the same kind of law.”

[<end-blasphemy-laws.org/2015/07/blasphemy-law-abolished-in-iceland/>](http://end-blasphemy-laws.org/2015/07/blasphemy-law-abolished-in-iceland/)

Norway

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	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>

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/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

<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/>

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>

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>

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_koetra/>

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/ >

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

human.no/Livssynspolitik/blasfemi/

United Kingdom

The 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 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.

Rating: Systemic Discrimination

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 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 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>No fundamental restrictions on freedom of expression or advocacy of humanist values</p>

Constitution and government

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

The monarchy has long-established links with the Church of England. The monarch must 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 is Head of State, not Head of Government, however the government is "Her Majesty's Government"). The monarch approves the appointment of Bishops. 'Lords Spiritual' (consisting of the Archbishops of Canterbury and York, plus 24 diocesan bishops) 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 Church of Scotland is not *formally* established, however the Church of Scotland's role as the "national church" is enshrined in legislation, and may 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 (but not to other Scottish churches). In Wales and Northern Ireland there are

no constitutional links between churches and monarchy. Northern Ireland Protestants assert a loyalty to the monarch (often considered part of their case for remaining in the UK).

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.

Religious groups are increasingly being contracted by the state to run public services. Exemptions in equality and human rights legislation mean that in a number of ways such contracted organizations are able to discriminate in certain ways against employees and service users when providing such services - for example, the exemptions from employment equality legislation allow religious employers to discriminate against potential applicants for jobs on grounds of religion or belief and of sexual orientation, where a genuine occupational requirement can be shown, and to discriminate against current employees on those same grounds in ways such as barring the employee from opportunities for promotion or by dismissing them.

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% in Scotland, 15% in Wales and 94% in Northern Ireland are designated with a religious character, and in Great Britain their proportion is increasing.

These state-funded religious schools can discriminate against students in their admissions policies, and against 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 School Admissions Code among 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/>](http://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/>](http://fairadmissions.org.uk/groundbreaking-new-research-maps-the-segregating-impact-of-faith-school-admissions/)

The British Humanist Association (BHA) also has a long-running legal case against the UK Government at the European Commission, challenging the breadth of permissible discrimination.

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

Wales and Northern Ireland have both Catholic and Protestant schools; England additionally has Jewish, Muslim, Hindu, Sikh and other Christian schools. In Scotland, most faith schools are Roman Catholic in nature.

Religious education

The provision of religious education (RE) varies according to local authorities which must establish advisory bodies for an RE syllabus.

In England and Wales, all state schools are obliged to teach religious education, but outside of religious schools, legislation mandates that it is non-confessional in nature. 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” - which is generally taken to mean Islam, Hinduism, Sikhism, Judaism and Buddhism.

Increasingly, Humanism is included as well, however in February 2015 the Department for Education (DfE) excluded detailed study of Humanism from secondary school qualifications, 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/>

The exclusion of non-religious worldviews has been challenged, though, and in November 15, the High Court ruled – in a case brought by three humanist families with support from the British Humanist Association – that non-religious views such as Humanism must be given parity to religions and taught alongside the Religious Studies GCSE; the judge described the Government's official statements to the contrary as an “error of law”. The judgment potentially has significant implications; paragraph 39 establishes a duty on the state to treat non-religious worldviews and religious beliefs equally.

bbc.co.uk/news/education-34921857>

humanism.org.uk/2015/11/25/judge-rules-government-broke-the-law-in-excluding-humanism-from-school-curriculum/>

In England and Scotland, each of the local authorities is required by law to appoint two or three religious representatives to their education committees. Of these appointees, one must be Roman Catholic, in England one must be from the Church of England, and in Scotland one from the Church of Scotland and one from another religion; non-religious people are not allowed.

In Scotland, 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/>

No opt out in religious schools for students

Religious schools are free to make their own decisions in preparing their syllabuses; this means confessional teaching is funded by the state. Students cannot opt out of this religious instruction; the decision rests with parents. 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 the schools that are not designated with a religious character, this worship must nevertheless be wholly or mainly of a “broadly Christian character”, whereas in religious schools it must be in line with the faith of the school. Schools can apply to have this changed to another faith for some or all of their students, but they cannot have this changed to some secular equivalent. Students can be opted out of worship individually, however the opt-out is

rarely used because it singles out students from their peers and is likely to mean they miss out on school notices. In Scotland religious observance is required six times a year.

The BHA 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/>](http://humanism.org.uk/campaigns/schools-and-education/)

Family, community and society

There has been a marked decline in people's declared religious affiliation, particularly in Great Britain. The 2011 Census showed an 12% drop in people loosely culturally affiliating as Christian, since 2001; and a 10% rise in those with no religion. The Census found 59% ticking the Christian box, 26% ticking no religion, 7% not stating any religion, and 5% ticking Muslim. In contrast to the Census, the British Social Attitudes Survey measures religious belonging; in 2013 it found that 51% of the population don't belong to any religion, while 42% are Christian. A 2015 Scottish Household Survey found that 47% of people in Scotland are not religious.

There are a wide range of Humanist and other non-religious organizations; the British Humanist Association (BHA) is active across the country and campaigns on national issues; the Humanist Association of Northern Ireland and Humanist Society Scotland also operate in their respective countries and have close links with BHA. (Note: These groups are all Members of the 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 chose to have a wedding ceremony performed by a humanist celebrant but their weddings are not considered a legal marriage. In Scotland humanist marriages have increased rapidly since their legal recognition, now forming a quarter of 'belief' based marriages and 12% of all marriages. 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/>](http://humanism.org.uk/2014/12/18/labour-pledge-legalise-humanist-marriages-government-blocks-proposals-disappointing-thousands-couples/).

One law for all?

The existence of religious legal systems, has a long history in the UK, with Canon Law (Church of England) being state law. In most instances there is little conflict between the systems. The emergence of the use of religious Arbitration Tribunals (established under a generic law on arbitration) and of Sharia Councils has raised concerns in particular about some family matters being treated under what is effectively a parallel and discriminatory legal system. 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/>](http://onelawforall.org.uk/about/)

Officially about 4.5% of the UK population are Muslims. However, the number contained within this figure who in fact are secular or non-religious is difficult to establish. There is serious concern about the plight of some people who, having been raised in a Muslim household for example, are themselves non-religious, sometimes identifying as ex-Muslim, but who 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. Some similar problems are sometimes report within evangelical Christian 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

Freedom of expression, advocacy of humanist values

UK law, adopting 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.

The libel laws of England and Wales, which previously had been infamously over-reaching, were reformed in 2013 to make it more difficult to use them to suppress free speech.

There are mixed fortunes in the UK for advocacy of humanist values. Marriage equality has been improved with the recent legalisation of same-sex marriage, but the legalisation of Humanist weddings in England was “blocked” by central government in December 2014.

humanism.org.uk/2014/12/14/number-10-intervenes-block-humanist-marriages/

In 2014 same-sex marriage was legalised across the UK, except Northern Ireland. Legislation to legalise assisted dying has consistently been rejected by both UK and Scottish Parliaments, despite popular support. Abortion, while legal in most of the UK, remains significantly more restricted in Northern Ireland; it is not legal in Northern Ireland even in the case of rape, and any approved abortion must satisfy the purpose of “preserving the life of the mother”. This criterion can include adverse physical and mental health risks other than immediate life-or-death situations, however many women from Northern Ireland must travel to other parts of the UK (or elsewhere) to undergo the procedure and must then do so at their own expense.

Macedonia

Lying in the center of the Balkan Peninsula, Macedonia is a parliamentary democracy, and an independent state since 1991 (previously being part of Yugoslavia). The country has a multi-party democratic system, and is officially is a secular state. The Republic of Macedonia has been a candidate for European Union membership since 2005, and is a signatory to the European Convention on Human Rights.

Rating: Serious Discrimination

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 Religious control over family law or legislation on moral matters	
State-funding of religious institutions or salaries, or discriminatory tax exemptions	Religious schools have powers to discriminate in admissions or employment There is state funding of at least some religious schools	There is significant social marginalization of the non-religious or stigma associated with expressing atheism, humanism or secularism	Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect
	State-funded schools offer religious 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 guarantees basic human rights to all Macedonian citizens and Macedonia is theoretically a secular state.

However, since 2006 and the rise of the "Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity" (VMRO-DPMNE), self-described as "Christian democratic" and "nationalist" party, the government has increasingly been involved in promoting religion and/or religious beliefs and practices.

Government promotion of religion

In the past few years the government has made discounted land available to the church for building religious buildings. Under the auspices of its "Skopje 2014" project, with the stated goals of rejuvenating the capital city Skopje, there have been a significant number of statues installed across the city honoring persons with specifically religious historic significance. The 1,000 Macedonian denar bill features an image of the Virgin Mary and baby Jesus.

Ggovernment-funded commercials are often focused on promoting religious values or religious views on traditional families.

Education and children's rights

The constitution establishes public educational institutions as secular and based on the Law of Education the students are protected from discrimination based on sex, gender, race, national or social origin, political and religious beliefs and property and social status. The Education Law (article 7) forbids proselytising religious organizations within schools.

However, the law does permit religious instruction in public elementary schools with no secular, humanist or atheist option. These classes are taught mostly by theologians or people who are firm believers in the given religion, and may be considered of a clearly confessional nature. Parents choose on behalf of their children if they will follow the optional "Ethics of Religion" classes. In some schools the importance of these classes is exaggerated and the pupils attending these classes might take part in a variety of religious-based events and activities. Many of those events and activities are attended by the elementary school children without any parental permission.

tvorbis.com.mk/?p=21340

Family, community and society

Religious identities, social and political

There is a perception among secular Macedonians of widespread discrimination or intolerance towards those with progressive views, including humanist and atheist groups. Those identifying as religious are sometimes considered more trustworthy or in some cases enjoy educational, employment and health privileges. There is a social assumption of religiosity, to the point that one might be taken aback to learn that someone is an atheist.

In the most recent population census of 2002, officially 98.5% of the population is religious, with only 1.5% declared as "Other". (With a high correlation between religious and ethnic identities, the non-religious often declare themselves as Christian or Muslim, as a kind of proxy for stating Macedonian, Albanian, Serbian etc.)

In recent years, especially among young families, conservative religious values appear to be becoming more prominent. Until independence, the country was socialist and religion was somewhat suppressed. As a consequence of the ethnic conflict in 2001, religion has become a more nationalistic, more right-wing and more overt, with increasing religious influence on public policy. Both the ethnic Albanian and Macedonian populations, instead of overcoming differences and inhibitions related to religious identity, are strengthening their distinct religious convictions.

Often, during political protests, especially "counter-protests" (a response from governing parties, to demonstrate that they have a larger number of supporters than those protesting against them), there is a heavy use of religious symbols and religious rhetoric, aligned with patriotism, disparaging anti-government protesters as less religious and less patriotic.

time.mk/c/dfd503bb0e/foto-e-ova-e-narod.html

Often, anti-government protesters demanding reforms in favour of equality, justice, and other basic rights, might be labeled as Communists, apostates, or as threatening supposed religious cohesion.

Abortion restrictions

The government has provided funds at taxpayers' expense for anti-abortion adverts. The current anti-abortion law was passed in 2013 as an "urgent" measure subject to controversial restrictions on parliamentary debate. The law now mandates that requests for abortions after 10 weeks pregnancy must be filed with the health ministry, are subject to counseling, require the informing of the woman's partner, and can only be approved where the woman's life is in danger, in cases of rape, or foetal deformity.

Freedom of expression, advocacy of humanist values

Officially, freedom of expression and advocacy of humanist values should be guaranteed under the constitution. However, there are examples of media pressure on certain groups that do not conform to the government's agenda and broader religious views, such as LGBT groups, the "Sex workers rights group", and others.

Groups that advocate secular, progressive ("non-traditional") values, are largely ignored by the government. But, should they start gaining traction, they might experience media pressure, biased media coverage, and an increase in government inspections, searching for any legal reason, however small, to fine the organization and disrupt its normal operations. This has certainly been exhibited in government responses to losses in local elections, with increased inspections on municipalities governed by the opposition

<novatv.mk/index.php?navig=8&cat=2&vest=3545>

<sky.mk/republika/420022-inspekcii-ja-napadnaa-strumica>

Malta

Malta is a small, densely-populated island nation of 450 thousand inhabitants, located in the Mediterranean Sea, south of Sicily. It is a parliamentary republic and member state of the European Union.

Rating: Severe Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
			'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence
<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>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p>	<p>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</p>
Official symbolic deference to religion			Concerns that secular or religious authorities interfere in specifically religious freedoms

Constitution and government

Freedom of conscience, religion, and expression are protected in law (Articles 40 and 41, Constitution of Malta). However, strong preference is given to the Roman Catholic Church, the official state religion of Malta (Article 2). In addition, a "blasphemy" law is used routinely to prosecute people for mild and satirical comment on religion.

Education and children's rights

The constitution prescribes religious teaching of the Catholic faith as compulsory education in all State schools:

Article 2:

- (1) The religion of Malta is the Roman Catholic Apostolic Religion.*
- (2) The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong.*
- (3) Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education.*

However, this last point, Article 2 paragraph 3, is restricted by Article 40 of the Constitution, which provides exceptions:

Article 40:

[...] (2) No person shall be required to receive instruction in religion or to show knowledge or proficiency in religion if, in the case of a person who has not attained the age of sixteen years, objection to such requirement is made by the person who according to law has authority over him and, in any other case, if the person so required objects thereto: Provided that no such requirement shall be held to be inconsistent with or in contravention of this article to the extent that the knowledge of, or the proficiency or instruction in, religion is required for the teaching of such religion, or for admission to the priesthood or to a religious order, or for other religious purposes, and except so far as that requirement is shown not to be reasonably justifiable in a democratic society. [...]

About 30% of primary and secondary students in Malta attend private schools, which are predominantly run by the Catholic Church and funded to a large degree by the state.

Following the 1993 concordat between the Vatican and Malta, the state is responsible for all salaries of teaching staff in Catholic schools (with minor contributions from the church), while the church is responsible for the maintenance of the school buildings.

vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19930218_santa-sede-rep-malta-scuole_en.html>

Regarding State schools, Mary Darmanin (in *Religious Education in a Multicultural Europe: Children, Parents and Schools*, Palgrave Macmillan, 2013) notes: “Although not obliged to be denominational by the Education Act, State schools in Malta function as de facto Catholic schools in terms of their school ethos and formal RE [religious education] curriculum.” Crucifixes are displayed in classrooms of both Catholic and State schools.

In 2014, schools began to introduce Ethics as a new (non-religious) subject to provide an alternative for those students who opt-out of Religious Studies. The Malta Humanist Association was consulted for drawing up a syllabus for this new subject.)

independent.com.mt/articles/2014-01-24/news/ethics-to-be-offered-in-government-schools-instead-of-religion-as-from-september-3770875906/>

Family, community and society

Religious oaths

In courts, the default convention is for oaths to be taken on a crucifix. Although a secular oath may be requested, non-religious defendants and witnesses are likely to abstain from this option, for fear of a negative bias in the proceedings. The same is true for the default oath of service for elected parliamentarians that ends with “so help me God”, which is expected to be accompanied by kissing a crucifix.

Freedom of expression, advocacy of humanist values

“Blasphemy” law

In 2015 there has been renewed public and political debate about whether or not to scrap Malta’s “blasphemy” law. Justice Minister Owen Bonnici proposed striking the “blasphemy” provisions from the criminal code.

<maltatoday.com.mt/news/national/48576/thou_shalt_not_blaspheme_time_revise_laws>
<timesofmalta.com/articles/view/20150709/local/humanists-welcome-easing-of-blasphemy-obscenity-laws.575937>
<independent.com.mt/articles/2015-07-12/local-news/Blasphemy-and-obscenity-The-censorship-board-is-toothless-Adrian-Buckle-6736138712>

Dating back to 1933, Malta's criminal code contains a statute on "crimes against the religious sentiment", which avoids the word "blasphemy", but in effect describes actions in broad terms that encompass blasphemy:

"Article 163: Whosoever by words, gestures, written matter, whether printed or not, or pictures or by some other visible means, publicly vilifies the Roman Catholic Apostolic Religion which is the religion of Malta, or gives offence to the Roman Catholic Apostolic Religion by vilifying those who profess such religion or its ministers, or anything which forms the object of, or is consecrated to, or is necessarily destined for Roman Catholic worship, shall, on conviction, be liable to imprisonment for a term from one to six months.

Article 164: Whosoever commits any of the acts referred to in the last preceding article against any cult tolerated by law, shall, on conviction, be liable to imprisonment for a term from one to three months."

Article 163 is not dead letter, but invoked actively. In 2009, for example, a man received a suspended jail sentence for dressing up as Jesus for carnival.

<independent.com.mt/articles/2012-12-02/news/malta-among-dwindling-number-of-eu-states-still-with-blasphemy-laws-470450177/>

99 convictions for "blasphemy" were recorded between January 2012 and September 2012.

<maltatoday.com.mt/news/court_and_police/26215/99-convicted-for-public-blasphemy-in-2012-20130420>

Belgium

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.

Rating: Free and Equal

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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

The government provides subsidies (payment of salaries, maintenance and equipment for facilities and tax exemptions) for officially recognized religious or belief groups agreed with parliament. In determining which groups to recognize, the government examines organizational and reporting requirements. The religious or philosophical opinion group must have a structure or hierarchy, a "sufficient number" of members, and a "long period" of existence in the country. It must offer "social value" to the public, abide by the laws of the state, and respect public order.

The existing recognised groups include Catholicism, Protestantism-Evangelicalism, Judaism, Anglicanism (separately from other Protestant groups), Islam, Orthodox (Greek and Russian) Christianity and Secular Humanism. Unrecognised groups do not receive government subsidies, but may worship freely and openly.

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, either 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

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

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=fbklnkushpmg00000014>

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.

France

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.

Rating: Mostly Satisfactory

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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

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.

Germany

Germany, a federal parliamentary republic and a nation of 80.6 million, has a federal constitution and consists of 16 constituent states.

Rating: Severe Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
			'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence
<p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>	<p>There is state funding of at least some religious schools</p> <p>Religious schools have power 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>Discriminatory prominence is given to religious bodies, traditions or leaders</p> <p>Religious groups control some public or social services</p>	
Official symbolic deference to religion	State-funded schools offer religious instruction with no secular or humanist alternative, but is optional		Concerns that secular or religious authorities interfere specifically in religious freedoms

Constitution and government

The constitution (*Grundgesetz*, the Basic Law) and other laws and policies both protect and respect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association. A third of Germany's population does not belong to any religious community.

Although the *Grundgesetz* is supposed to ensure state neutrality towards religious institutions, in reality Christian religious institutions are privileged in the social and political spheres. The situation has changed slightly within the last two decades through the inclusion and participation of other religious communities, mainly the Islamic minority, but there have been no groundbreaking changes.

Relevant sections of the Basic Law for the Federal Republic of Germany (*Grundgesetz*, GG) include:

- "Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable." (Art. 4 I GG)
- "The undisturbed practice of religion shall be guaranteed." (Art. 4 II GG)
- "Every person shall have the right freely to express and disseminate his opinions in speech, writing and pictures, and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship." (Art. 5 I G)

- “Parents and guardians shall have the right to decide whether children shall receive religious instruction.” (Art. 7 II GG)
- “(1) There shall be no state church. (2) The freedom to form religious societies shall be guaranteed. The union of religious societies within the territory of the Reich shall be subject to no restrictions. ... (7) Associations whose purpose is to foster a philosophical creed shall have the same status as religious societies. (Art. 137 Weimar const. in conjunction with Art. 140 GG)

Systematic discrimination based on religious identity, affiliation, belief or practice has been reported.

[<glaeserne-waende.de>](mailto:glaeserne-waende.de)

General systemic issues

Although the German constitution says that there shall be no state church, some religious communities and especially the two official churches, the Roman Catholic Church and the Evangelical Church in Germany, benefit from a broad range of privileges and advantages.

The Basic Law does not establish a strict separation between state and religion but a model of “partnership” between the State and religious groups with “public law corporation” (PLC) status or groups which are recognized officially in another way, e.g. by special agreements (state treaties).

The German Basic Law and the constitutions of seven out of 16 states do have a preamble saying that these constitutions have been adopted “before god and man”. These words in preambles are usually used to justify religious privileges and to emphasize the role of religion in public life.

In regard to religion, Germany is a much divided society. Especially the population in the states of the former GDR is mostly secular, in a way that lets them be unaware of the presence of religious groups in politics and media and in consequence of the systemic discrimination of non-religious citizens or members of religious minorities through privileges for other religious groups. This unawareness is a result of a wide exclusion of religion and religious groups from public life, media and education during the decades of GDR government.

Establishment of religion

The government provides subsidies (payment of salaries, maintenance and equipment for facilities and tax exemptions) for certain religious or belief groups with PLC status. The funding for the Roman Catholic Church is partly based on concordats and compensation regulations for secularization acts (so-called “historische Staatsleistungen”) at the beginning of the 18th century.

Other religious groups and a few small humanist communities receive state funding based on state-treaties concluded on the principle of equal treatment. The amount of state funding for the different groups varies strongly. The amount of compensation entitled to the two official churches for secularization acts added up to about €480 million in 2013.

[<staatsleistungen.de/881/>](http://staatsleistungen.de/881/)

Church tax

The German authorities are responsible for collecting a church tax (membership fees) for the official churches. The church tax is drawn directly from the salary. To make the tax collection by the authorities possible, the denomination of citizens is officially registered, e.g. on the income tax card of an employee. In consequence, citizens have to reveal their religious identity to the authorities and employers.

To leave a church or an officially registered religious group, authorities in almost all states demand citizens to pay an administrative fee between €30 and €60. It is not possible to leave an officially registered religion (and to end the tax duty on the income) by just declaring the rejection of the belief to this religious group.

Education and children's rights

Religious education (RE) is mandatory in most states and there is no adequate substitute for unaffiliated children.

Though RE is a "mandatory" subject by law, parents can unsubscribe their children from it. Students can opt out themselves when they are 14 years or older. However, school headmasters and teachers often do not give adequate information on the right to unsubscribe from RE. Administrative regulations hinder the possibility to unsubscribe at any time in a school year. In many states there are just small time frames to formally unsubscribe from RE.

In some states there is a subject "ethics" for secondary schools, which often lacks equal equipment in resources and qualification standards. Non-religious life stance subjects as an alternative to religious education in public schools are not allowed in almost all states. Only in the states of Berlin and Brandenburg, where participation in religious education is not mandatory, a non-religious life stance subject ("Humanistische Lebenskunde") is allowed.

Free religious schools (almost fully state funded) are allowed to reject children and employees of other or without a religious affiliation (based on exemptions in labour and anti-discrimination laws).

In two states, North Rhine Westphalia and Lower-Saxony, there are (public) "denominational schools" run by the state, which are allowed to reject and discriminate employees (based on exemptions in labour and anti-discrimination laws).

Many public universities do have state funded faculties for Christian theology. Catholic bishops in the state of Bavaria have the power of veto in philosophical faculties to prevent an unwanted professor.

In Baden-Wurttemberg, Bavaria, North Rhine Westphalia, Rhineland Palatinate and the Saarland, 'Fear of God' is named as a top goal in education. These legal requirements are in clear contrast to the model of an ideologically neutral state. In some schools creationism is taught to this day, especially in religious education classes which are taught from the first class onwards. Despite the fact that the theory of evolution is scientifically uncontested, teaching of evolution is found only in higher level classes and fewer hours are dedicated to it in the timetable.

glaeserne-waende.de

Family, community and society

Demography

About 30 % of Germany's population has no religious affiliation or is a member of any unrecorded religious group. According to REMID, religious affiliation of the population in 2012 was: 29.2 % Protestant, 30.3 % Catholic, 5 % Muslim (including 500.000 Alevis), 0.1 % Jewish, 0.1 % Hindu, 0.3 % Buddhist, 1.8 % Orthodox.

remid.de/info_zahlen_grafik/

In a survey published in 2013, about 22 % said to be non-believers/agnostics or atheists.

bertelsmann-stiftung.de/cps/rde/xbcr/SID-DB530D8B-8661A01C/bst/RelMo_Befunde_Deutschland_final_130428.pdf

A majority of citizens with no religious affiliation and non-religious views live in the eastern and northern part of the country.

The recognised groups include the Roman Catholic Church, the Evangelical Church in Germany (*Evangelische Kirche in Deutschland*, EKD) and several other Protestant denominations, Anglicanism, Orthodox churches (Greek and Russian), the Jewish Community in Germany, several Muslim communities, smaller religious groups and, in a few states, secular humanism. Unrecognised groups may worship freely and openly.

Public services

Social and cultural services in Germany are built upon the *subsidiarity principle*. This means that these services are only run by the state if there is no other local organization which is able or willing to provide them, or if there are special reasons that they should only be run by the state. This is the fundament for the existence of a vast range of big and small charitable organizations which are providing the various services. The work of the institutions offering social services is largely state funded, organizations receive 80 - 100 % of the necessary expenditures from the state.

Both official churches are strongly engaged in this field. Their charitable organizations are the biggest employers in the labour market apart from the public service, with about 1.3 million employees. Diakonie, the social welfare organization of Germany's protestant Churches, and Caritas, the Catholic Church's welfare organization, employ some 1.05 million people, then there are also interns, apprentices and other employees to take into account. The Catholic and Protestant churches and their respective charitable organizations form the fourth largest employer in Germany after companies in the metal and electronics industries, the civil service and the retail sector. 60 per cent of all job positions in the social sector are with Church-affiliated charitable organizations and, in light of these statistics, it's clear that these organizations do not only dominate professions in social care, but also that the volume of employment in social welfare for the whole national economy is highly significant. Disadvantages in this sector therefore hit particularly hard. Church employers have a monopoly in the social care sector; this applies to both provision of services and job vacancies. They are most active in hospices and retirement homes, child care and social care.

glaeserne-waende.de

In some parts of Germany there is a strong presence of Church-affiliated agencies in the healthcare system, so they have built up quasi-monopolies in medical service. Here women in particular experience discrimination in the form of restrictions of their right to sexual self-determination, as they are unable to access services to end pregnancies in Catholic-run institutions. This also applies to emergency cases and rape victims.

glaeserne-waende.de

Different to the non-denominational organizations, the denominational organizations profit from several exemptions in the law allowing them to exclude the right to strike for their employees and to exclude employees with a different or without a religious affiliation. This results in systemic discrimination against employees of other beliefs and unaffiliated employees, but also non-heterosexual or remarried employees in Catholic institutions.

Public schools and kindergartens in states with higher religious affiliation of its population are holding masses, forcing sometimes even unaffiliated children to participate.

There are Catholic and Protestant chaplains in the German defence forces but no chaplains for unaffiliated soldiers.

Other religious privileges

There are different forms of tax exemptions for religious groups. Officially registered groups profit from the exclusion from administrative fees.

Religious broadcast programmes are fostered through laws and are partly state-funded. There is a broad presence of the official churches in the national public broadcasting programmes and representation on supervisory boards of public television and radio stations.

In some states, crucifixes and Christian crosses are used as official symbols in public schools and courts. In some states, events which include dancing and music are forbidden on certain Christian holidays.

Freedom of expression, advocacy of humanist values

Freedom of speech and the press is guaranteed by the constitution and generally respected by the government. Internet access is unrestricted. Germans 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.

“Blasphemy”

The law on “Defamation of religions” is potentially very broad in application and punishable with a prison sentence. 166 of the criminal code still contains a “blasphemy” law which shields particular religious as well as other philosophical views from criticism or defamation:

Defamation of religions, religious and ideological associations

(1) Whosoever publicly or through dissemination of written materials (section 11(3)) defames the religion or ideology of others in a manner that is capable of disturbing the public peace, shall be liable to imprisonment not exceeding three years or a fine.

(2) Whosoever publicly or through dissemination of written materials (section 11(3)) defames a church or other religious or ideological association within Germany, or their institutions or customs in a manner that is capable of disturbing the public peace, shall incur the same penalty.

Though all cast in terms of “disturbing the public peace”, this is much broader than, for example “incitement to hatred or violence” and is in tension with the EU Guidelines on Freedom of Religion or Belief, which delineate expressions that are intentionally inciting violence against persons, from expressions which may happen to lead to violence because someone hearing those expressions responds violently. The former is legitimately restricted, but the latter, which could fall under the broad description “capable of disturbing the public peace”, means that the law can be used to suppress merely critical or ridiculing speech acts.

end-blasphemy-laws.org/countries/europe/germany/

Humanists have been campaigning for the repeal of the “Defamation of religions” law.

epetitionen.bundestag.de/content/petitionen/2015/01/08/Petition_56759.html

Lack of representation

Public remembrance and memorials often include representatives of the official churches, representatives of non-religious people are almost always missing.

Public Holidays

Humanist holidays such as 21st June (World Humanist Day), 24th November (Evolution day) and 10th December (Human Rights Day) are not legally recognised in any of the federal states. Only schools in Berlin have acknowledged World Humanist Day as a holiday equal to All Saints' Day, Yom Kippur and Eid al-Fitr, therefore pupils in Berlin who ascribe to the Humanist belief system can apply for a day off to celebrate their beliefs in the same way Christians, Jews and Muslims celebrate religious holidays.

[<glaeserne-waende.de>](http://glaeserne-waende.de)

Highlighted cases

Anna Ignatius, Doctor of Philosophy and non-religious mother of three from the state of Baden-Württemberg, was denied the right to an ethical education for her sons in their schools. In 2007 she formally asked for the establishment of the school subject “ethics”. She did so on the legal grounds that non-affiliated parents and students (should) have the same right to get an ethical education as religiously affiliated people have the right to get their religious education. In 2014, the Federal Administrative Court of Germany ruled that she has no right to claim the establishment of the wanted school subject for non-religious children. The court explained that the basic law privileges religious education.

[<bverwg.de/presse/pressemitteilungen/pressemitteilung.php?jahr=2014&nr=28>](http://bverwg.de/presse/pressemitteilungen/pressemitteilung.php?jahr=2014&nr=28)

In 2013, an administrative court in Berlin ruled that a son of **Beate Turner** does not have the right to claim equal treatment to a law privileging religious holidays. A year ago, Beate Turner informed the teacher of a school class her son was visiting that he wouldn't attend school on 21st June, World Humanist Day. She referred to an administrative provision which allows children of several religious groups to be exempted from compulsory schooling on religious holidays. At the end of the year there was a day of unexcused absence marked in her son's school report.

[<spiegel.de/schulspiegel/urteil-in-berlin-schulpflicht-gilt-auch-am-welthumanistentag-a-894912.html>](http://spiegel.de/schulspiegel/urteil-in-berlin-schulpflicht-gilt-auch-am-welthumanistentag-a-894912.html)

The head of a nursery run by the Catholic Church, **Bernadette Knecht**, was dismissed in 2012 after a divorce and moving in with her new partner, although the nursery was 100 % funded by the state.

[<spiegel.de/karriere/berufsleben/katholische-kirche-kuendigt-kindergaertnerin-kommune-kuendigt-kirche-a-823317.html>](http://spiegel.de/karriere/berufsleben/katholische-kirche-kuendigt-kindergaertnerin-kommune-kuendigt-kirche-a-823317.html)

The nursery-school teacher **Isa K.** was dismissed after 13 years when it became known in 2012 that she was living in a lesbian relationship.

[<spiegel.de/panorama/justiz/katholische-kirche-schliesst-vergleich-mit-lesbischer-erzieherin-a-860106.html>](http://spiegel.de/panorama/justiz/katholische-kirche-schliesst-vergleich-mit-lesbischer-erzieherin-a-860106.html)

The practical philosopher **Ulla Wessels** (teaching at *Saarland University*) was excluded from candidatures for a professorship at the *University of Erlangen-Nürnberg* in 2010. Wessels is non-religious, graduated with a thesis on the abortion laws in Germany and is scientific advisor of an organization known for its critical attitude towards religion. Wessels' exclusion seems to have been a result of the veto right of the Catholic Church (“right to remember”) in Bavaria. A lawsuit filed against the exclusion has not brought a decision until today because the appointment process for the professorship was cancelled, thus the concrete subject matter of action became obsolete. At the

moment, Wessels is waiting for a decision on a constitutional complaint against the decision of the former instance which rejected the lawsuit after the appointment process was cancelled.

In 1994, a musical with the title *Das Maria Syndrom*, produced by the philosopher and artist **Michael Schmidt-Salomon**, was censored because it could have violated the criminal code against defamation of religious denominations, §166 StGB.

<spiegel.de/spiegel/print/d-13685791.html>

In 2012, a **25-year old woman** was turned away by two Church-run clinics when she sought help after waking up on a park bench in the city, having been drugged. She walked into the first centre on the morning of December 15th 2012 and stated she believed she had been sedated with a date rape drug and sexually assaulted. The doctor she spoke to called St Vincent's hospital, run by the Catholic Foundation of the Cellites, to arrange a gynaecological examination but doctors at the hospital refused the request. The doctor who treated the patient alleged that the hospital's ethics committee had decided not to carry out examinations of sexual assault victims following a consultation with the Archbishop of Cologne Joachim Meisner in order to avoid being pressured into issuing the morning-after pill, which is forbidden by the Catholic Church. Another hospital managed by the same organization refused to see the patient. The case was widely reported and caused outrage in Germany, having resulted in the discrimination of a traumatised and vulnerable individual on religious grounds. The organization responsible later labelled the incident as a 'misunderstanding'.

<glaeserne-waende.de>

Netherlands

Netherlands is a democratic, constitutional monarchy in Western Europe, generally recognised as a very liberal and progressive country.

Rating: Free and Equal

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	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.

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. Special schools are allowed by law to refuse pupils and teachers on the basis of their lifestyle or belief-system and have the rights to be secretive about their financial situation and funding, however this applies both to religious and to secular-pedagogical special schools, and in practice only a small number of very orthodox religious schools use this measure. Recently parliament changed the law that allowed schools to discriminate in the employment of teachers: it is not legal anymore.

In 2015, the Secretary of Education, Culture and Welfare further reformed the educational system, with the express 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, and permitting state-funded "humanist schools" with public funding on a par with religious and other secular schools.

Humanists are permitted to, and do, provide ethical education from a humanistic perspective in public primary schools. The funding of this education is in frequent danger, because of budget cuts.

Children in the Netherlands are among the happiest in the world, international surveys show. However, there are concerns that some children brought up in a strict orthodox religious environment, for example, can face social pressure and restrictions in their day-to-day life, or inside informal religious weekend schools.

Family, community and society

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

A growing proportion of non-religious identify explicitly with Humanism. Given this fact, government research initiatives are still failing to update social measures and classifications; for examples Christians are sometimes subdivided into Protestant and Catholic denominations, while the majority of non-religious citizens in the Netherlands are sometimes all identified as 'other'. The Dutch Humanist Association (Humanistisch Verbond) has requested an update of these research categories, in which the lifstance and worldviews of the non-religious are being taken more seriously.

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, but a small number of local governments did hire new civil servants who could refuse to conduct such ceremonies. This possibility ended in 2014 when a new law was accepted, that no longer allows for civil servants to refuse same-sex marriages.

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

Freedom of expression, advocacy of humanist values

Although the freedom of expression and the freedom of thought and religion is guaranteed by law in the Netherlands, there is serious doubt concerning the reality of this individual freedom within religious communities, mainly Muslim communities. The social and cultural pressure for those being raised in a religious family, not to change religion or become non-religious is sometimes very high, resulting in violence and exclusion. This lack of 'horizontal' freedom remains a concern. Among ex-Muslims there is a fear when being open about their Humanism or atheism they will be excluded in social structures, and because of that keep their views secret from family and friends. They feel social pressure to remain in 'name' a Muslim. The position of girls — seen as the carriers of the family honour — is often even more complicated.

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.

Australia

A continent in itself, Australia is a federal, parliamentary democracy. With a population in excess of 23.6 million, and a total area of 7,692,024 km², it is one of the most sparsely populated countries in the world.

Rating: Systemic Discrimination

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Expression, advocacy of humanist values
<p>Preferential treatment is given to a religion or religion in general</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 groups control some public or social services</p>	<p>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</p>
<p>Official symbolic deference to religion</p>			

Constitution and government

The Australian constitution bars the federal government from making any law that imposes a state religion or religious observance, prohibits the free exercise of religion or sets a religious test for a federal public office. There is no charter of general rights at the national level. Freedom of thought, conscience and religion is protected in various statute laws which follow UN conventions such as the Universal Declaration of Human Rights and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Favouring Christianity

Although the government is officially secular, it continues to favour Christianity for many public ceremonies. For example, each session of parliament begins with a joint recitation of the Lord's Prayer. Religions institutions enjoy long-standing privileges in being exempted from paying tax and from complying with laws, such as the Victorian Equal Opportunity Act against discrimination and Australian Charities & Not-for-profits Commission Act for transparent governance. Details of religious tax exemption are given in Max Wallace's polemic, *The Purple Economy: supernatural charities, tax and the state* (Aust. National Secular Association, 2007).

Individuals who suffer discrimination on the grounds of religion or belief have recourse under federal discrimination laws or through the court system and bodies such as the Human Rights and Equal Opportunity Commission. Federal laws that protect freedom of religion include the Racial Discrimination Act, the Human Rights Commission Act and the Workplace Relations Act. Public service employees who believe they are denied a promotion on religious grounds can appeal to the public service merit protection commissioner.

Education and children's rights

The government permits religious education in public schools, generally taught by volunteers using approved curricula. Public schools in New South Wales provide secular ethics classes as an alternative for students who do not attend religious instruction classes. In other states, there is no secular alternative to religious education, but non-religious students may opt out of the class.

The government's National School Chaplaincy Program, established in 2007, provides annual support of up to A\$20,000 (US\$20,800) per chaplain in urban areas and A\$24,000 (US\$24,960) in remote areas for government and nongovernment school communities to conduct chaplaincy services. In 2011 the government authorized A\$222 million (US\$230.9 million) to be disbursed between 2012 and 2014 to continue funding participating schools and extend funding to 1,000 more chaplains in remote and disadvantaged areas. In June 2012, following a challenge by a private individual, the High Court ruled that the program exceeded the Commonwealth's spending powers. Later that month, parliament passed legislation authorizing the program.

The federal government provides funding to private schools, the majority of which are faith-based.

Family, community and society

Social services

The privileged status of religion in society has allowed government to cede control of various social services to religious institutions. In January 2013 the federal government appointed a Royal Commission "to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters". The great majority of complaints have involved abusive clergy who were protected by their church, which was in turn accorded unwarranted deference by state authorities.

Freedom of expression, advocacy of humanist values

Unprotected free expression leads to "vilification" laws

There are no constitutional protections for freedoms of speech and the press, but in practice there is a free press and citizens have significant freedom of expression.

However, the federal government and several states have passed laws outlawing "racial vilification" and the states of Tasmania, Queensland and Victoria have extended those laws to also outlaw any "religious vilification". The Racial and Religious Tolerance Act passed by Victoria in 2001 has been used several times to prosecute people for religious criticism. Section 8 (1) of the law states: "A person must not, on the ground of the religious belief or activity of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons."



Key Countries Edition

The International Humanist and Ethical Union is the worldwide democratic body for Humanist, atheist, rationalist, secular, ethical culture, and freethought organizations. Its mission is to represent and support the global Humanist movement, and to build a world in which human rights are respected and all can live a dignity. iheu.org