



# The Freedom of Thought Report 2023

## Key Countries Edition

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



**Humanists**  
INTERNATIONAL



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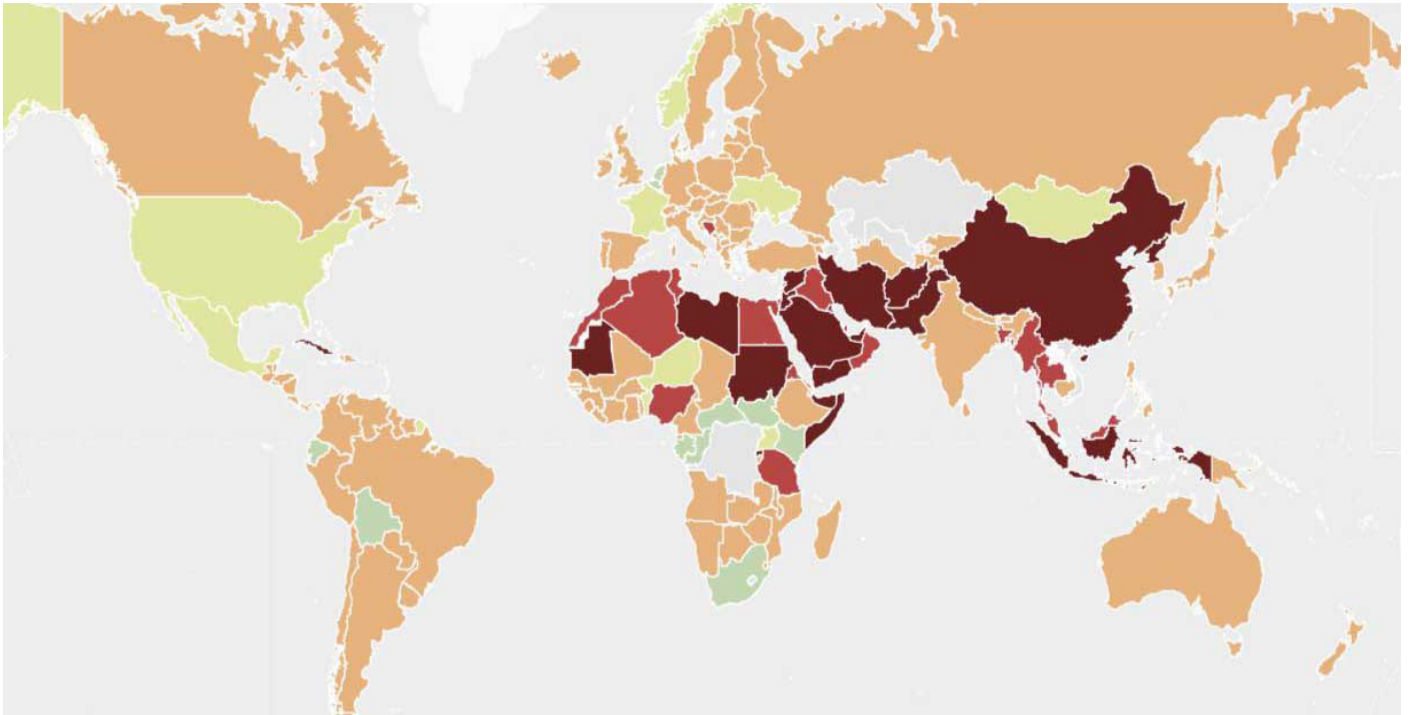
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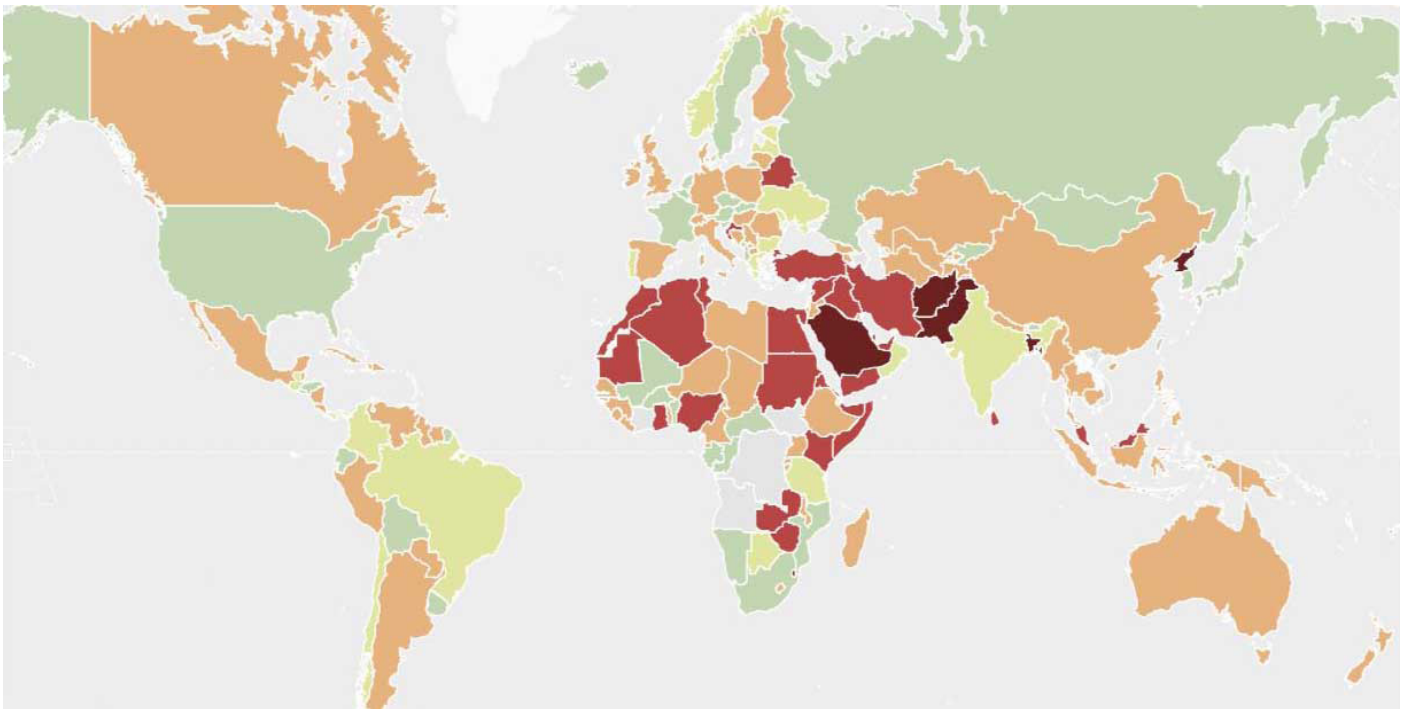
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## Constitution & Government



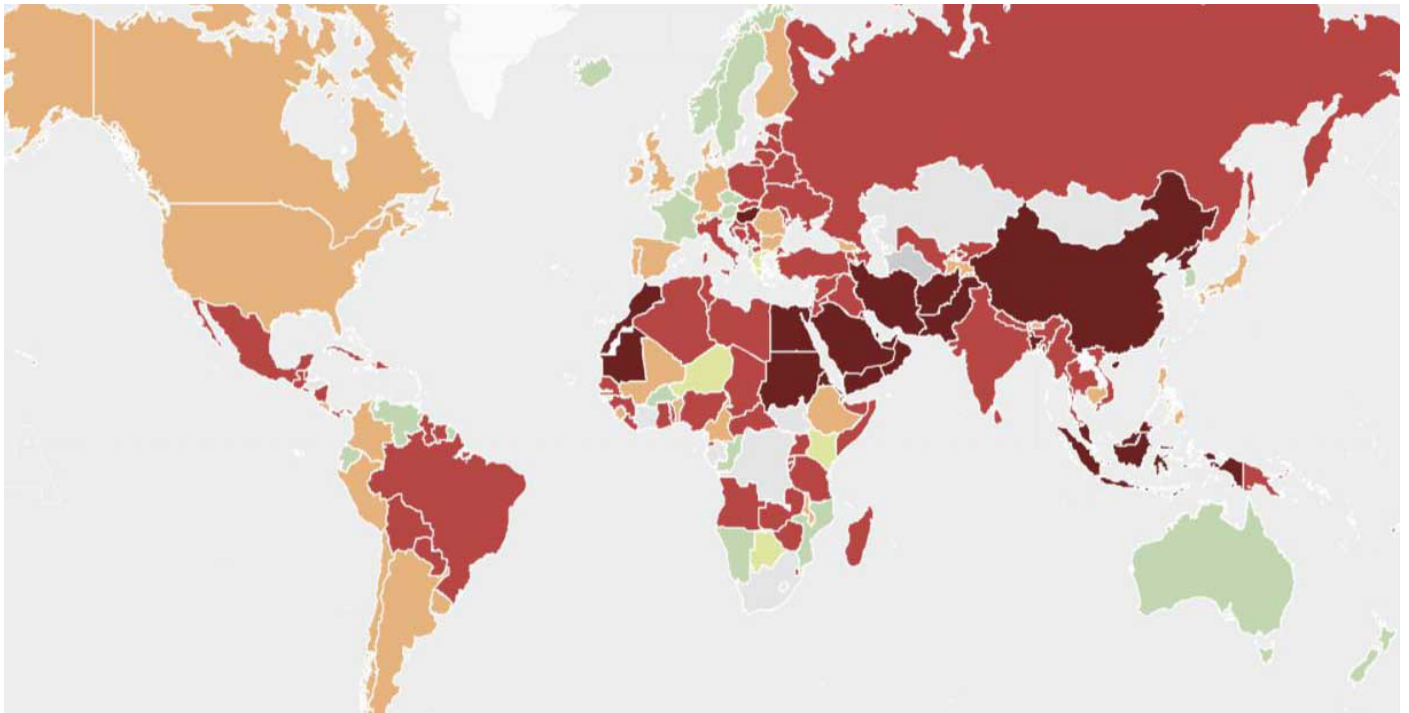
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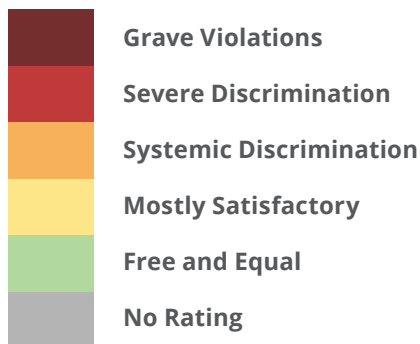
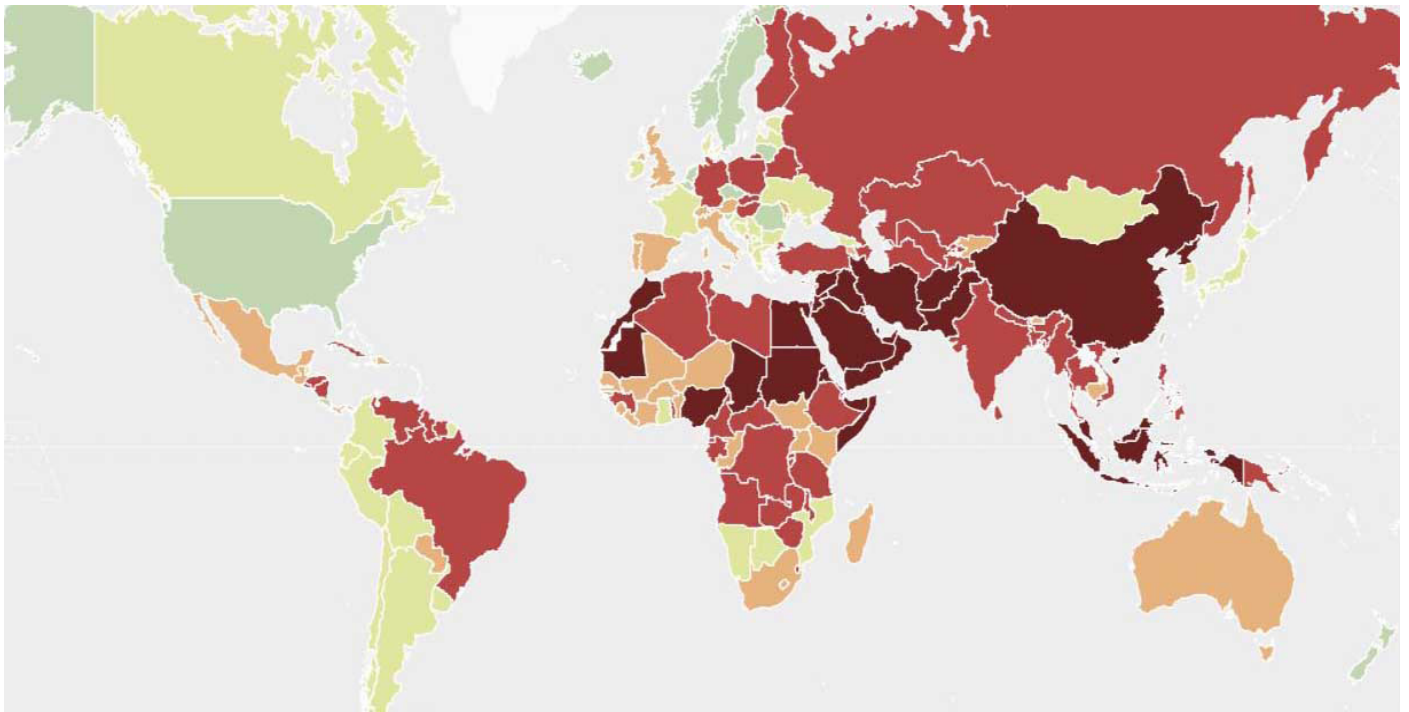
These maps depict the findings of the full Freedom of Thought Report which is available in a complete Online Edition at [fot.humanists.international](https://www.fot.humanists.international)

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

## Society & Community

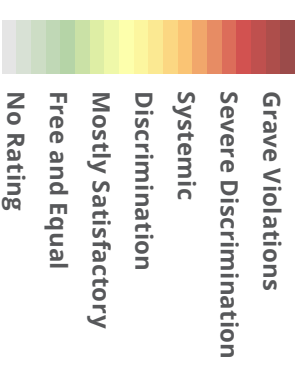


## Freedom of expression, humanist values



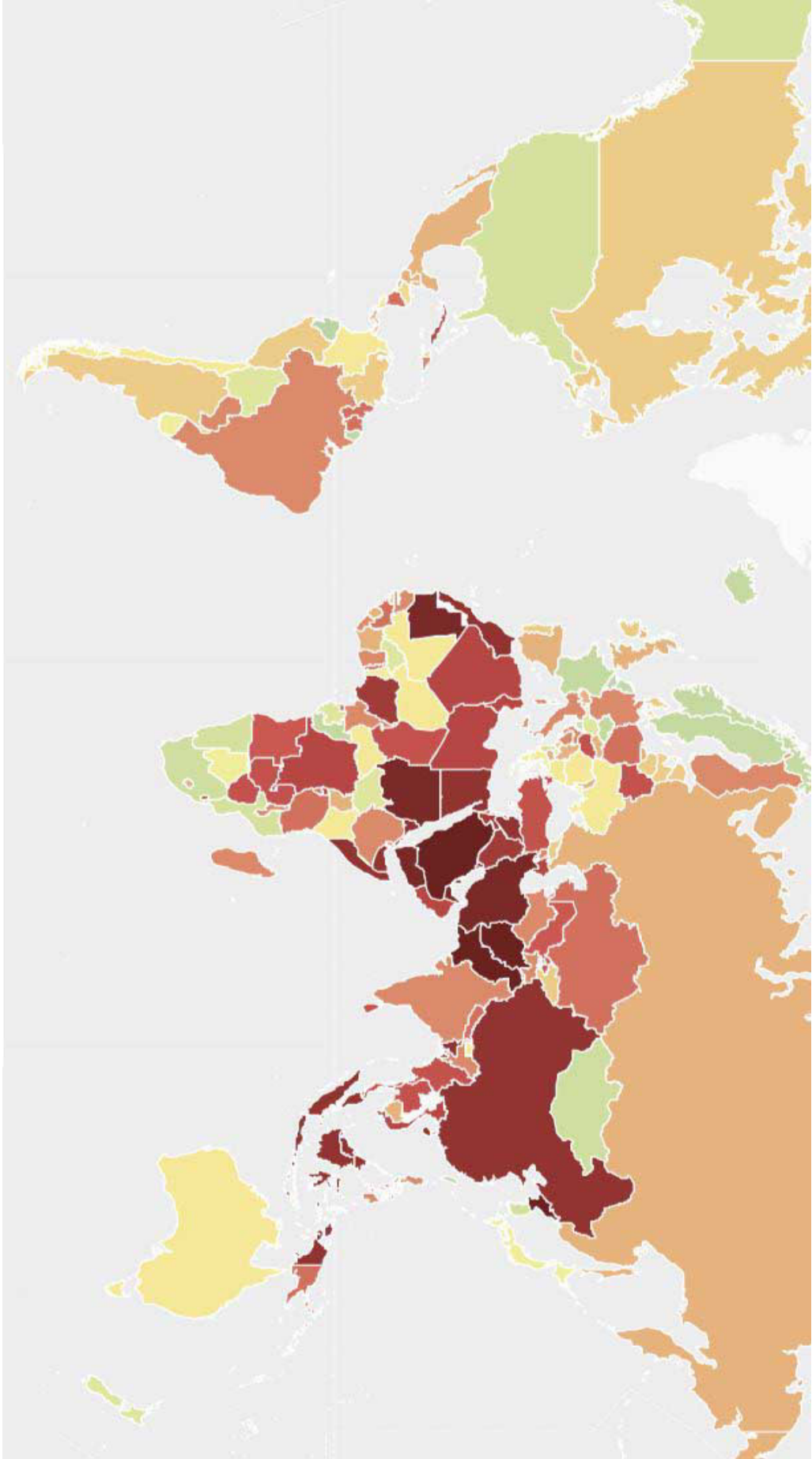
This map depicts the findings of the full Freedom of Thought Report which is available in a complete Online Edition at [fot.humanists.international](https://www.fot.humanists.international)

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





Summary Score



# Preface to the 2023 edition

By Andrew Copson

In a time when the very foundations of democracy are being challenged across our world, it is crucial to recognize the role humanists play in defending and revitalizing democratic institutions. Humanists are not mere observers; we are active participants in the democratic process, striving to ensure that the voices of reason and compassion are heard. Our commitment to evidence-based decision-making, equality, and the protection of human rights spurs us to contribute meaningfully to the fight against democratic backsliding and provide us with a strong ethical and intellectual platform from which to do so.

The landscape of this year's Report, themed on the defense of democracy, takes us on a journey through the many regions where humanists are engaged in activism to combat the erosion of democratic values. Across the globe, we witness the resilience of humanist activists who refuse to be silenced in their pursuit of justice and the preservation of democratic institutions.

***The Freedom of Thought Report reveals many inspiring examples of humanist activism around the world, demonstrating the breadth and depth of our commitment to defending democracy.***

Whether advocating for secularism, promoting human rights, supporting LGBTI+ rights, or fighting against discrimination and inequality, humanists are at the forefront of these critical battles. Through their work, they aim to create societies that celebrate diversity, respect individual autonomy, and uphold the principles of justice and fairness.



*Andrew Copson is President of Humanists International*

I am inspired by the humanist activists who refuse to be silenced in the face of adversity. Their courage and resilience are a testament to the power of humanism as a force for positive change. We are all called to amplify their voices and support their endeavors as we work together to defend and strengthen democracy worldwide.

I would like to express my sincere gratitude to the researchers, contributors, and all those involved in the production of the *Freedom of Thought Report*. Their dedication to shining a light on the state of freedom of thought, conscience, religion, and belief around the world is invaluable. This Report serves as a powerful tool for advocacy, raising awareness, and inspiring action. It is a testament to humanists' active pursuit of a better world - an endeavor in which we can all join.

# Foreword to the 2023 edition

By Panayote Dimitras

Thirty years ago I co-founded the Greek Helsinki Monitor and Minority Rights – Greece, and in 2010 the Humanist Union of Greece, a Member of Humanists International. Inspired by humanist values, all three NGOs aim at promoting human rights and combatting all forms of discrimination, especially against minorities. In fact, it was the defense of the rights of ethnic minorities that had forced me out of the state university where I was teaching; in a violation of my academic freedom they first banned my book, because of the reference to minorities, and then denied me the right to attend international conferences.



*Panayote Dimitras, co-founder of the Humanist Union of Greece*

***From the very first steps, I knew that my colleagues and I would face intense and quasi-continuous harassment from the authorities, as Greece has lacked a culture of human rights and in many aspects has been an illiberal democracy.***

In July 1993, along with activists from Human Rights Watch and the Danish Helsinki Committee we had a fact-finding mission to investigate the problems of the Macedonian minority, the existence of which all Greek governments have to this day refused to even acknowledge. A detailed report by the secret service including names and car licenses of all people interviewed by the mission was subsequently published by the most notorious extreme right neo-Nazi weekly “Stohos” on 15 September 1993. However, the three NGO reports published indelibly put the, until then, totally unknown, nationally and internationally, Macedonian minority on the map.

A full fifteen years later, in 2008, I was criminally investigated for “attempting by force or by threat of force to detach from the Greek State territory belonging to it” because of our NGO work on the very same Macedonian minority, following a complaint by Greece’s most notorious neo-Nazi author and politician. It took a whole year before the file was archived. Six years later, in July 2015, the European Court of Human Rights ruled that Greece had for the second time violated the freedom of association of a Macedonian minority association, following an application submitted to the Court by Greek Helsinki Monitor.

Since 2015, Greek Helsinki Monitor has systematically reported or filed complaints in hundreds of cases of hate speech or hate crimes and, since 2021, of violent and sometimes fatal push-backs of asylum seekers. Although more than 150 of them led to trials or pressing of criminal charges, the rotating Prosecutor for Racist Crimes in 2020 charged me with filing false complaints, charges dropped at the end of 2021.

A year later in late 2022, a prosecutor on Kos island charged me with “forming or

joining for profit and by profession a criminal organization with the purpose of facilitating the entry and stay of third country nationals into Greek territory” because I had reported to the local authorities the arrivals of asylum seekers on the island in July 2021; I did this to make sure that they would be registered and not pushed back, a common practice carried out in coordination with the UNHCR and the Greek Ombudsman. As a result of the charges, they imposed restrictive measures, such as a ban to work with GHM (lifted in May 2023) and to travel abroad, plus set a bail of 10,000 euros, required my fortnightly presence at the local police station, and, in May 2023, the freezing of one personal bank account! These measures are all designed to pressure me to stop my work to promote and defend human rights in Greece; a pattern of behavior on behalf of the Greek authorities that has been acknowledged by the UN Special Rapporteur on Human Rights Defenders and the Council of Europe’s Human Rights Commissioner.

I will however conclude with a positive development: following a series of Court judgments against Greece in 2010-2012, bearing the name Dimitras and others v. Greece, for violation of religious freedom when I and most GHM and Humanist Union of Greece colleagues had to state their non-religious/atheist beliefs in order not to take the mandatory religious oath in courts, the law was amended in 2012 to conform with the judgments and then again in 2019 to totally abolish religious oath in criminal proceedings. In a country notorious for the dominant role of the widely intolerant Orthodox Church, this was a notable success for my (our) humanist values, as was the 2015 extension of civil partnership to same-sex couples, in implementation of another ECtHR judgment after an application that I was privileged to have filed to the Court. Now, we are fighting for the right to be exempted from religious education without mentioning one’s religion in the request, which the authorities persist to refuse despite another ECtHR judgment against Greece.

# General Introduction

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

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

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

Our findings show that the overwhelming majority of countries fail to respect the rights of humanists, atheists, and the non-religious. For example, there are laws that: deny atheists their 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, deny the rights of atheists to exist, or seek total control over their beliefs and actions.

By limiting the scope of the report to the systemic,

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

This year’s Key Countries edition examines 10 countries across the globe that have been updated in 2023, including recent developments in Canada, Iran, and Russia, with all other country entries available online.

## A secularizing world

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

Far from thinking that a country with seemingly very few non-religious people is probably not contravening the rights of the non-religious, commentators should

recognize that the apparent absence of non-religious voices may well indicate that the non-religious are self-censoring their views in response to oppressive laws or social taboo, or that they are being actively silenced, as this report documents all too often.

## Freedom of thought under the human rights framework

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

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”*

— Article 18, Universal Declaration of Human Rights

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

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

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

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

— General Comment 22, UN Human Rights Committee

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

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

Article 18 protects atheists’ rights to be atheist and to manifest their atheist beliefs, and non-beliefs, in public and private, in teaching and 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 not only 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, Universal Declaration of Human Rights

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

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

## **Rights violations and discrimination against the non-religious**

### **Apostasy and blasphemy laws**

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

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

The “crime” of criticizing a religion is not always called

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

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

### **Other discriminatory laws**

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

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

of their birth because they will lose all the state privileges that come with belonging to that religion.

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

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

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

## References

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



# The Ratings System

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

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

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

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

<b>SYSTEMIC DISCRIMINATION</b>			
<p>There is systematic religious privilege</p> <p>Preferential treatment is given to a religion or religion in general</p> <p>There is an established church or state religion</p> <p>Legal or constitutional provisions exclude non-religious views from freedom of belief</p> <p>There is a religious tax or tithing which is compulsory, or which is state-administered and discriminates by precluding non-religious groups</p>	<p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p> <p>Religious or ideological instruction is mandatory in at least some public schools (without secular or humanist alternatives)</p> <p>Some concerns about children's right to specifically religious freedom</p>	<p>Use of Conscientious Objection clauses resulting in the denial of lawful services to women and LGBTI+ people</p> <p>There is significant social marginalization 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>Expression of core humanist principles on democracy, freedom, or human rights is somewhat restricted</p> <p>Criticism of religion is restricted in law or a de facto 'blasphemy' law is in effect</p>

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression, advocacy of humanist values
State-funding of religious institutions or salaries, or discriminatory tax exemptions		Religious groups control some public or social services	

**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 or ideological instruction with no secular or humanist alternative, but it is optional</p> <p>State-funded schools provide religious education which may be nominally comprehensive but is substantively biased or borderline confessional</p>	<p>Religious courts or tribunals rule directly on some family or 'moral' matters; it is legally an opt-in system, but the possibility of social coercion is very clear</p> <p>Localised or infrequent but recurring and widespread social marginalization or prejudice against the non-religious</p>	<p>Some concerns about political or media freedoms, not specific to the non-religious</p> <p>Concerns that secular or religious authorities interfere in specifically religious freedoms</p>
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**FREE AND EQUAL**

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
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**NO RATING**

Insufficient information or detail not included in this report	Insufficient information or detail not included in this report	Insufficient information or detail not included in this report	Insufficient information or detail not included in this report
No condition holds in this strand	No condition holds in this strand	No condition holds in this strand	No condition holds in this strand

Example ratings table for a single country

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

## How countries are rated

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

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

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

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

Const/Govt	Edu/Child	Society/Comm	Expression

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

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

## Another look at the full list of boundary conditions

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

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

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

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

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

## Cautions

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

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

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

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



# Watch List 2023

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Following a revision to our editorial policy in 2022, it has now been agreed that each year, one fifth of all countries across the globe are reviewed as part of a rolling cycle of updates. The following are countries that have not been updated in this year's cycle, but that Humanists International continues to monitor closely.

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# Afghanistan

Const/Govt	Edu/Child	Society/Comm	Expression

Historically, Afghanistan was religiously diverse, but the vast majority of non-Muslims fled after the Taliban consolidated control of the government in 1996. As a result, current estimates suggest that 99.7% of the country are Muslims—the majority of whom are Sunni. A small proportion, estimated to be less than 1%, are followers of other religions, such as Hindus, Sikhs, Bahá'ís, Christians, Buddhists, and Zoroastrians. There are no estimates available for the number of non-religious or humanist individuals; those living in the country live in secrecy for fear of direct persecution.

On 15 August 2021, the Taliban took over Afghanistan following the withdrawal of peacekeeping troops from the country. The *de facto* government quickly moved to re-establish the Islamic Emirate of Afghanistan and

re-assert the primacy—and strict application—of Sharia law in the country.

Since the takeover, the Taliban have reportedly summarily executed local government officials and state security personnel, as well as raided the homes of government officials, journalists and human rights defenders. In addition, women's rights have been significantly restricted with the Taliban banning women from participating in secondary as well as higher education, as well as certain workplaces and public spaces, such as parks. Punishments for transgressions include public flogging.

# Greece

Const/Govt	Edu/Child	Society/Comm	Expression

Greece is a unitary parliamentary republic often regarded as the birthplace of democracy in Europe and a catalyst to western civilization. In recent years however, there has existed an increasingly hostile environment for human rights defenders, undue pressure on journalists, and space for civil society has shrunk due to smear campaigns targeting civil society actors and bureaucratic obstacles to NGO registration.

This year saw the right wing party, New Democracy, winning a landslide election victory handing conservative leader Kyriakos Mitsotakis a second term as prime minister. Ahead of the elections, Adonis Georgiadis, who is Vice-President of New Democracy, and was Minister for Development and Investment at

the time, made derogatory social media statements about non-religious people, saying that they should be feared for having no limits.

The Greek Orthodox Church receives systematic privilege compared to other religion or belief groups, with religion still firmly woven into the fabric of major institutions. As a result, the non-religious face discrimination and social stigma. Humanists International has intervened on behalf of humanist human rights defenders in the country, including when they were subjected to criminal proceedings for having called out hate speech and antisemitism by a high-ranking Orthodox Bishop.

# India

Const/Govt	Edu/Child	Society/Comm	Expression

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

patriotism - or Hindu national identity in particular - discriminating against religion and belief minorities in the process. Along with a rise in Hindu nationalist rhetoric and state-sponsored religious fundamentalism, these developments have sparked deep concern for minorities and their right to freedom of religion or belief.

For many years, violence against minorities has been a



significant problem, particularly against Muslims and Dalits. More recently the number of violent incidents against Christians is reported to have risen sharply.

Threats against known rationalists and humanists in the country are not uncommon. Since 2013, at least three prominent Indian rationalists have been murdered in retaliation for their work challenging superstition. Others have been the subject of smear campaigns. Many critics of the government are often labeled as 'anti-national', 'unpatriotic', 'naxalites', 'maoist-sympathizers' or 'communists'. More recently, the President of the Federation of Indian Rationalist Associations, Narendra Nayak, has been identified as a target for assassination – his name appearing on numerous 'hit lists'. As a result, from 2016 until 2023 police protection was provided

for him. That protection was removed earlier this year without explanation.

There has also been an escalated crackdown on civil society and the media by the government. With authorities prosecuting critics such as journalists, campaigners and peaceful protesters, on fabricated counterterrorism and hate speech laws. This year India emerged as the most populous country in the world, surpassing China, and overtook the UK as the world's fifth-largest economy. It also held the G20 presidency and hosted the G20 summit in New Delhi. In June, Prime Minister Narendra Modi received a red carpet welcome by the President of the USA in Washington, DC.

## Nigeria

Const/Govt	Edu/Child	Society/Comm	Expression

In Nigeria, approximately half of the population are Muslim, some 40% are Christian, and roughly 10% are of traditional indigenous religions or no religion. While the Constitution guarantees religious freedom, the state endorses numerous anti-secular and theocratic policies. The country's parallel legal systems mean that, depending on one's religion, one can be subjected to significantly different penalties for crimes, such as "blasphemy".

In April 2022, President of the Humanist Association of Nigeria, Mubarak Bala, was sentenced to an unprecedented 24-years in prison after being convicted of "conducting himself in a manner likely to cause breach of public peace" in connection with a series of Facebook posts that some deemed "blasphemous". Bala's case has

been mired by successive violations of his fundamental rights. Humanists International continues to monitor the case closely and advocate for Bala's immediate and unconditional release.

On 6 September 2023, Nigeria's presidential election tribunal rejected challenges by opposition rivals to Bola Tinubu's win in February's disputed vote. European Union observers had said in June that the elections were marred by problems including a lack of transparency and operational failures that reduced public trust in the process. The former Governor of Lagos, Tinubu assumed the presidency on 29 May 2023. To date, the President has not responded to requests for a pardon for Mubarak Bala.

## Pakistan

Const/Govt	Edu/Child	Society/Comm	Expression

Pakistan has long suffered chronic sectarian violence and intolerance against religious and non-religious minorities, with Shia Muslims subjected to the majority of the violence, and many extremely serious incidents against Christian and Ahmadi minorities. For individual non-religious persons to speak out is uncommon, but those revealed or alleged to be non-religious tend to provoke swift condemnation, threats of violence, or criminal 'blasphemy' charges.

Pakistan's anti-blasphemy law was strengthened earlier this year, and as well as providing grounds for legal convictions, has provided cover for vigilante violence. Those who have been accused of blasphemy have been

burned to death, shot dead in courtrooms and hacked to death on the side of the road, among other forms of extrajudicial executions. Fear of reprisal as a result of "blasphemy" allegations leads many individuals to reach out to Humanists International for assistance each year.

Amendments to the Official Secrets Act proposed this year, would give the country's intelligence services a wide berth to detain, and raid the home of, any citizen without a warrant. They would bring electronic, unwritten communications under the law's ambit. When coupled with the anti-blasphemy laws, it leaves Pakistan's religious and belief minorities facing a

precarious situation, where government officials can expressly target them without checks and balances.

In July 2023, Pakistan introduced a last-minute resolution at the UN Human Rights Council on religious

hatred. The resolution equates all acts of “desecration of sacred books and religious symbols” with manifestations of religious hatred. It also threatens a longstanding consensus on how to tackle religious intolerance in line with international law.

## Saudi Arabia

Const/Govt	Edu/Child	Society/Comm	Expression

The Kingdom of Saudi Arabia is an Islamic state governed by an absolute monarchy in tandem with a powerful religious elite.

Under the rule of Crown Prince Mohammad bin Salman, the regime has claimed to be making improvements in terms of respecting civil liberties and human rights; however, most improvements have been minimal, and a highly restrictive regime persists. In 2017 the Crown Prince pledged reforms including to lift the ban on women driving, however many human rights campaigners and prisoners of conscience remain imprisoned years later, with sporadic fresh crackdowns on those considered dissidents or troublemakers, including peaceful protesters and activists for political reform and freedom of expression. Women still need permission from their “guardian” (usually father or husband) to obtain a passport.

The situation for humanists, the non-religious, progressives and other dissidents in the country is dire. Most forms of public religious expression must be consistent with the government’s fundamentalist brand of Sunni Islam. An anti-terror law continues to suppress many forms of criticism or dissent in extremely broad terms, and is actively intended to prosecute political dissent and religion or belief minorities. Prosecutions for apostasy or promoting atheism have been made in recent years, with individuals facing possible death sentences and serving long jail terms.

Humanists International closely monitors and advocates on behalf of several cases of individuals in prison.

## Sri Lanka

Const/Govt	Edu/Child	Society/Comm	Expression

Sri Lanka’s post independence history has been marked by ethnic violence and a 30-year civil war that ended in 2009. Reverberations of the conflict continue to be felt across the political, social and economic spheres and have had an impact on the enjoyment of the right to freedom of religion or belief.

Four religions are recognized by law: Buddhism, Islam, Hinduism and Christianity. However, Article 9 of the Constitution also accords Buddhism the “foremost place” and commits the government to protecting it, but does not recognize it as the state religion. Tensions between the Buddhist majority and the Christian minority—particularly evangelical Christian groups, which are accused of forced conversions—sporadically flare into attacks on churches and individuals by Buddhist extremists. Muslims have also faced harassment, particularly following the Easter Sunday bombings in 2019. Humanists also face persecution and very often cannot openly identify as non-religious for fear of reprisals.

In the name of calming ethnic and religious tensions, the Sri Lankan authorities utilize a range of overly-broad legislation to restrict freedom of expression. These include the Official Secrets Act 1955, the Prevention of Terrorism Act (PTA) 1979, additional anti-terrorism regulations issued in 2006, the ICCPR Act and laws on defamation and contempt of court. Several of these laws amount to de facto ‘blasphemy’ laws.

In May 2023, the government announced a dedicated task force established to crack down on persons or groups that disrupt religious harmony. Humanists International is closely monitoring the country in response to requests it receives from humanists at risk and concerns that efforts to calm religious disharmony may unduly restrict freedom of expression.

# Sudan

Const/Govt	Edu/Child	Society/Comm	Expression

Sudan, an Arab republic in which the predominant religion is Islam, has long suffered from severe ethnic strife and has been plagued by internal conflict. Sudan's long civil war has given the country a poor human rights record, and has led to large numbers of internal displacements within the country. Sudan continues to face political instability after a planned 3-year power-sharing transition to democratic rule that began in 2019 was interrupted by a military coup d'état in late October 2021. An escalating conflict between military and paramilitary forces has resulted in the deaths of thousands, and the forced displacement of more than three million civilians. Human rights monitors report that, since April 2023, at least six human rights defenders have been killed.

The coup was reportedly justified by saying that infighting between military and civilian parties within the transitional government threatened the country's

stability. However, the coup was perceived by some groups as an attempt to reimpose Islamic law. Indeed, by June 2022, several allies of former President Omar Al-Bashir - and Islamist figures - had been offered posts in government, likely as a result of the need for experienced administrators and the expediency for the military of establishing a tactical alliance with Islamist factions.

As fighting rages on across the country between the military and paramilitary forces, democratic progress is stalled. Progress made to secularize the country since 2019, including the repeal of 'apostasy,' has been suspended. Several individuals have reportedly been arrested and charged with 'apostasy,' while in Khartoum, a newly formed police unit in charge of "morals" is reportedly reinforcing public order laws that banned women from wearing trousers and the sale and consumption of alcohol.

# Uganda

Const/Govt	Edu/Child	Society/Comm	Expression

Uganda is a predominantly Christian country, with a significant Muslim minority (primarily Sunni), and a president, Yoweri Museveni, who has been in power since 1986.

The rights to freedom of expression and assembly, especially for government critics and political opposition are not respected, and there are restrictions on civil society organizations, media, and online communication, including harassment and intimidation by state agents.

Many atheists and humanists in Uganda are afraid to openly express their beliefs due to fear of persecution. There is a long history of humanists being targeted with hate and even violence, due to their beliefs and advocacy work. There is however, a growing attention to humanist-related celebrations within the country spearheaded by a group of humanists conducting humanist ceremonies within the country.

In May this year, President Yoweri Museveni signed into law a bill criminalizing same sex conduct. The Anti-Homosexuality Act of 2023 violates multiple

fundamental rights guaranteed under Uganda's Constitution and breaks commitments made by the government as a signatory to a number of international human rights agreements. August this year saw the first arrest made on the charge of "aggravated homosexuality," a crime that is punishable by death.

There is also concern about the role of Christian anti-rights actors in the country and their impact on non-discrimination on the grounds of sexual orientation and gender identity. Since 2021, Family Watch International and the Christian Council International have been looking to derail the economic agreement between European Union and African, Caribbean, and Pacific (ACP) countries claiming the deal is aimed at promoting an LGBTI+ and abortion agenda. Earlier this year, the Ugandan Pro-life Parliamentary Caucus hosted a breakfast meeting against the East African Community Reproductive Health Bill in partnership with Human Life International.

# Key Countries Edition

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This “Key Countries Edition” of the *Freedom of Thought Report* contains some of the entries which have been updated this year. These country chapters are a sample only. The full report is available in the Online Edition via the website at [fot.humanists.international](https://fot.humanists.international) where every country in the world is featured with its own webpage and interactive ratings table.

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# Australia

Const/Govt	Edu/Child	Society/Comm	Expression

A continent in itself, Australia is a federal, parliamentary democracy. With a population in excess of 25.9 million, and a total area of 7,692,024 km<sup>2</sup>, it is one of the most sparsely populated countries in the world.<sup>1</sup>

According to the 2021 Census,<sup>2</sup> 44% of those who responded were Christian, 39% were non-religious. Other religious groups included: Hindus, Buddhists, Jews and Muslims, who represented a further 10% of respondents to the question.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>Preferential treatment is given to a religion or religion in general</p> <p>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>Blasphemy or criticism of religion is restricted in law and is punishable by a fine</p>
<p>Official symbolic deference to religion</p>			
		<p>No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</p>	

## Constitution and government

The Australian Constitution<sup>3</sup> (Section 116) 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. The section only applies to legislation made by the Commonwealth and does not impose restrictions on the states of Australia. Only Tasmania has a similar provision in its Constitution.<sup>4</sup> The High Court has never ruled a legislative provision to be in contravention of Section 116.<sup>5</sup>

There is no charter of general rights at the national level. Freedom of thought, conscience and religion is protected under common law as well as in international instruments to which Australia is a State Party, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

## Favoring Christianity

Although the government is officially secular, it continues to favor Christianity for many public ceremonies. For example, each session of parliament begins with a joint recitation of the Lord's Prayer. Various groups campaign against that practice, and have had successes at a local government level, giving some cause for optimism in the State of Victoria.<sup>6</sup>

Religious institutions in general also enjoy long-standing privileges in being exempt 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.<sup>7</sup>

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,<sup>8</sup> the Human Rights Commission Act<sup>9</sup> and the Fair Work Act 2009.<sup>10</sup> Public service employees who believe they are denied a promotion on religious grounds can appeal to the public service merit protection commissioner.

In 2019, a 'religious discrimination' bill was proposed that would prohibit "discrimination in certain areas of public life on the ground of religious belief or activity". Many groups, including anti-discrimination commissions throughout the country, opposed it. While the coalition government set out to develop a second version, that too was strongly opposed and despite passing with amendments in the lower house, it was never brought to the Senate for debate before the 2022 election changed the government.<sup>11</sup> The new Australian Labor Party (ALP) government has said it will prepare a revised bill that removes some of the contentious areas where state-based anti-discrimination laws were overridden.<sup>12</sup>

## Education and children's rights

The state governments permit religious education in public schools, generally taught by volunteers using approved curricula, to varying degrees. Public schools in New South Wales provide secular ethics classes as an alternative for students who do not attend religious instruction classes.<sup>13</sup> In other states, there is no secular alternative to religious education, but non-religious students may opt out of the class.

In 2023, the Federal government expanded its former National School Chaplaincy Program, which provided financial support for government and non-government school communities to conduct chaplaincy services. The current incarnation of the program, renamed the National Student Wellbeing Program, no longer requires chaplains to be religious.<sup>14</sup> The program emphasizes that wellbeing officers and chaplains must not proselytize and must "respect, accept and be sensitive to other views, values and beliefs." Nevertheless, provision of chaplains is mostly managed through contracts with religiously-dominated organizations who appear to prefer religious candidates.

## Funding inequality between public and private schools

Both the Australian federal government and state and territory governments provide funding for private schools, the great majority of which are faith-based.<sup>15</sup> Catholic schools are reported to receive up to 75% of their funding from government funds.<sup>16</sup>

The federal government provides the largest part of the funding for private schools while the state or territory governments provide the largest part for the

government-owned public schools.<sup>17</sup>

Inequitable funding of private schools by the State results in better resourced private schools attracting families who can afford the fees away from public schools to private schools.<sup>18</sup>

## Family, community and society

An analysis of 2016 census data and other academic surveys suggests that religious belief is on the decline in Australia with 62% of the population reporting that they did not belong to a religious organization. 71% of Australians indicated that religion was not personally important. Further, 80% of marriages are now conducted in civil ceremonies.<sup>19</sup>

A December 2022 report released by the Rationalist Society of Australia indicates that there is little to no correlation between religious conservatism and conservative social values in Australia.<sup>20</sup> The majority of religious conservatives support abortion, assisted dying and LGBTI+ rights, according to the data. However, there is a correlation between religious conservatism and a denial of climate change.

## Abortion

Abortion has now been decriminalized across most of Australia. Most recently, it was decriminalized in Southern Australia in 2021.<sup>21</sup> In December 2022, the Human Rights Law Centre called on the government of Western Australia to fully decriminalize abortion.<sup>22</sup> It is the only State not to have fully decriminalized abortion.

In 2022, Western Australia's government announced that it planned to progress legislative amendments to repeal the criminal offense of abortion. However, it will still remain an offense for an unqualified person to perform or assist with an abortion.<sup>23</sup>

## Assisted dying

Assisted dying is permitted in all States of Australia. The December 2022 repeal of the Andrews Law (1997) paved the way for the territory governments to legislate on euthanasia after a 25-year ban.<sup>24</sup>

## Freedom of expression, advocacy of humanist values

Although the Constitution does not enshrine a bill of rights, the rights to freedom of expression and association are protected by virtue of Australia being a State Party to the International Covenant on Civil and Political Rights. In practice, there is a free press and

citizens enjoy a culture that generally respects freedom of expression.

As in many parts of the world, the polarization and claims of discrimination or being silenced have increased on both sides of several topics. For instance, there was strong debate about the right of a high profile sports person to publicly declare that “homosexuals (among others) are bound for hell”. The person’s contract was canceled and a court case ensued where they claimed religious discrimination as the statement was part of their religious belief. The case was settled before trial, avoiding the setting of a legal precedent.<sup>25</sup>

According to Human Rights Watch’s 2023 World Report:

“In April, the state of New South Wales introduced new laws and penalties specifically targeting climate protesters, punishing them with hefty fines and up to two years prison for protesting without permission. [...] New anti-protest laws passed in the states of Victoria and Tasmania also invoke severe penalties for non-violent protest.”

### ‘Blasphemy’ laws in the states

While there is no Commonwealth crime of ‘blasphemy’ or blasphemous libel, Tasmania has Criminal Code offenses for both, and similar crimes may yet exist in common law in other states.

The English common law offenses of ‘blasphemy’ and blasphemous libel with unlimited penalties were received into the law of the Australian colonies and territories at establishment, and became offenses in the states and territories of the Commonwealth of Australia when the federation was formed in 1901. They may yet exist wherever they have not been specifically abolished.

With the introduction of criminal codes, both offenses were definitively abolished and not replaced with code laws in Queensland in 1899, and in Western Australia in 1913. The Australian Capital Territory abolished blasphemous libel, but not ‘blasphemy’, in 1983. The Commonwealth of Australia abolished both offenses in 1995, but this abolition does not impact on state and territory law. Tasmania abolished both common law offenses in 1924 and replaced them with code offenses. New South Wales has not abolished the common law offenses and in the Crimes Act 1900 specifically recognize the existence of the common law offense of blasphemous libel.

Consequently, the common law offenses of ‘blasphemy’ and blasphemous libel may yet exist in New South Wales, Victoria, South Australia, and the Northern Territory, and the common law offense of ‘blasphemy’ in the Capital Territory. Code offenses of ‘blasphemy’ and blasphemous libel exist in Tasmania.

### Religious “vilification” laws

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 “religious vilification”.<sup>26</sup> There is debate about the extent to which these laws only proscribe incitement to hatred, or whether they may be used to suppress non-inciting speech about religious beliefs and practices.

The Racial and Religious Tolerance Act<sup>27</sup> passed by Victoria in 2001 (Section 8) 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.” “Ridicule”, even if “severe”, may set a low bar for “vilification”.

The Victorian Human Rights Commission asserts that “being critical of a religion” or “behaviour that offends people of a particular race or religion, but does not encourage others to hate, disrespect or abuse racial or religious groups” are examples of behaviour which are “not likely” to fall under the scope of racial or religious vilification.<sup>28</sup>

Racial and religious “vilification” laws have been used a number of times, sometimes in circumstances that have drawn mixed reactions, with opponents saying that with regard to the religious sections of these laws, they may restrict free expression about religious beliefs that should not be classed as “incitement to hatred.”<sup>29</sup>

## References

- <sup>1</sup> <https://www.abs.gov.au/>
- <sup>2</sup> <https://www.abs.gov.au/statistics/people/people-and-communities/cultural-diversity-census/2021>
- <sup>3</sup> <https://www.aph.gov.au/constitution>
- <sup>4</sup> <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-1934-094>
- <sup>5</sup> Clarke, Keyzer & Stellios, 2009, Hanks' Australian constitutional law: Materials and commentary, p. 1228
- <sup>6</sup> <https://www.theage.com.au/politics/victoria/lord-s-prayer-stays-in-state-parliament-but-may-not-be-there-for-ever-and-ever-20210804-p58ft9.html>;  
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- <sup>7</sup> The Purple Economy: supernatural charities, tax and the state, Max Wallace (Australian National Secular Association, 2007)
- <sup>8</sup> <https://www.legislation.gov.au/Details/C2016C00089>
- <sup>9</sup> <https://www.legislation.gov.au/Details/C2019C00030>
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# Brunei Darussalam

Const/Govt	Edu/Child	Society/Comm	Expression

The Sultanate of Brunei is a Malay Islamic Monarchy located on the north coast of the island of Borneo — an island shared with two other countries, namely Indonesia and Malaysia — in Southeast Asia. The country has a population of 484,991 the majority of whom are Muslim (82.1%). Other religious affiliations include Christian (6.7%), Buddhist (6.3%) and other (4.9%), according to the 2021 Census.<sup>1</sup> The non-religious are included among those listed in the ‘other’ category.

Individuals who selected ‘other’ were not required to specify any further.

An absolute monarchy, there have been no direct legislative elections held in Brunei since 1962. Aside from being a member of the Association of Southeast Asian Nations (ASEAN), Brunei is also a member of the Organization of Islamic Cooperation (OIC), the Commonwealth countries, and the United Nations (UN).

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>Quasi-divine veneration of a ruling elite is enforced, or a single-party regime holds uncontested power, subject to severe punishment</p> <p>The non-religious are barred from holding government office</p>	<p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</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>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>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p>	

		Prohibitive interreligious social control (including interreligious marriage bans)	
		Religious control over family law or legislation on moral matters	
There is an established church or state religion State-funding of religious institutions or salaries, or discriminatory tax exemptions	There is state funding of at least some religious schools	Discriminatory prominence is given to religious bodies, traditions or leaders	

### Constitution and government

The Constitution of Brunei<sup>2</sup> emphasizes that the ideological political principle underlying Brunei’s governance is “Melayu Islam Berjara” (translating to “Malay Islamic Monarchy”),<sup>3</sup> defined as “a system that encompasses strong Malay cultural influences, stressing the importance of Islam in daily life and governance, and respect for the monarchy as represented by His Majesty the Sultan.”<sup>4</sup> This political ideology implies significant constraints on freedom of religion or belief, and the freedoms of expression, assembly and association.

Islamic legal standards of the Sunni school of Islam are both State religion and the basis of legislation. 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.

As an absolute monarchy, Sultan Hassanal Bolkiah, who came to power on 5 October 1967, is also the Chief of State (sultan and yang di-pertuan), Head of Government (prime minister), Minister of Finance, Defense, and Foreign Affairs and Trade.<sup>5</sup> There is no parliament to balance the power of the Monarch of Brunei. Article 84B of the Brunei Constitution insists on the legal “immunity” of the Monarch.<sup>6</sup>

Sultan Hassanal Bolkiah is also the Head of the official religion of the country (Islam) as stated in Brunei Laws. For instance, Article 5 of Part I Preliminary of the Syariah Penal Code Order, 2013 states that:

“Nothing contained herein shall derogate from or affect the prerogative rights and powers of His Majesty the Sultan and Yang Di-Pertuan as the Head of the official religion of Brunei Darussalam.”<sup>7</sup>

According to Article 230(1) of the Syariah Penal Code Order, 2013 amended version (BLUV as of 7th August 2018):

“Any person who in any manner contempts, neglects, contravenes, opposes or insults any titah of His Majesty the Sultan and Yang Di-Pertuan with respect to religion in his capacity as the Head of the official religion of Brunei Darussalam is guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years.”<sup>8</sup>

The Constitution requires that all cabinet ministers be of Malay ethnicity and Muslim except as permitted by the sultan.<sup>9</sup>

### Parallel legal systems

The legal system is divided between secular law and sharia, which have parallel systems of both criminal and civil law. Both systems operate separate courts that sit under a single judiciary department of which the Sultan is ultimately in charge, as head of the judiciary. The civil courts are based on common law. The sharia courts follow the Shafi’i school of Islamic jurisprudence, in which there is no concept of legal precedent and judges are not bound by the decisions of a higher court. Sharia courts have jurisdiction over both criminal law and civil/family matters involving Muslims, and hear cases brought under longstanding sharia legislation, as well as under the newer Syariah Penal Code (SPC) introduced in stages since its passage in 2013.<sup>10</sup>

The SPC and secular common law operate in parallel<sup>11</sup> and apply to both Muslims and non-Muslims, including foreigners, with non-Muslims exempted from certain sections. Under the SPC, the Royal Brunei Police Force and Religious Enforcement Division officers, under the Ministry of Religious Affairs, cooperate on investigations of crimes covered by both secular law and sharia —

such as murder, rape, and theft — and an assessment committee determines whether a secular or sharia court should try the case.<sup>12</sup>

## Sharia penal code

Brunei adopted the SPC in 2013, which was implemented in stages over several years. Unlike in other countries, where the sharia penal code typically only applies to Muslims, the majority of the clauses apply to everyone equally, with a few exceptions that only apply to Muslims.

The code contains a range of provisions that restrict the right to freedom of thought, conscience and religion. The provisions include harsh penalties for not performing Friday prayers or observing Ramadan and expanded restrictions on the rights of individuals to hold or speak freely about certain beliefs (See “Apostasy and blasphemy” below.)

The final phase, introduced 3 April 2019, was met with international condemnation. It includes death penalties for *hudud* crimes including apostasy, blasphemy, adultery and homosexuality.

“General offences” listed in the act include:<sup>13</sup>

- 209. Propagation of religion other than religion of Islam.
- 210. Persuading etc. Muslims to change religion.
- 211. Persuading etc. person having no religion to become believer of etc. religion other than religion of Islam etc.
- 212. Exposing beliefs and practices of religion other than religion of Islam to Muslim child, or child whose parents have no religion, who is under 18 years.
- 229. Religious teaching without written approval.
- 230. Contempt etc. of religious authority.
- 235. Incitement to neglect religious duty.

## Religious minorities

Certain religious minority groups deemed to be “deviant” are banned, these include the Ahmadiyya Muslim Community, the Baha’i Faith, and Jehovah’s Witnesses.<sup>14</sup>

## Education and children’s rights

The government’s promotion of the Shafi’i school of Sunni Islam to the exclusion of other beliefs continues within the education system.

The law establishes two sets of schools: those offering the national or international curriculum administered by the Ministry of Education and those offering supplemental religious education (*ugama*) administered by the Ministry of Religious Affairs.<sup>15</sup>

Studies of the Sunni school of Islam are mandatory for a Muslim pupil according to Article 32 of the Laws of Brunei, Chapter 210, Education, S 59/03 amended by S 86/06, Revised Edition 2011.<sup>16</sup> Meanwhile, at the higher education level, Article 41(1) rules that students, regardless of their religious backgrounds, are required to take the subject of the philosophy of the Malay Islamic Monarchy. Article 58 insists that “Malay Islamic Monarchy” is a mandatory subject that must be taught at “every private academic educational institution at the post-secondary level.” Furthermore, Article 47 of that law also prohibits students from political organizing and union activism, especially that which is “undesirable and unsuitable to the philosophy of the Malay Islamic Monarchy.”

According to the US State Department, instruction in *ugama* schools under the administration of the Ministry of Religious Affairs is a seven-to-eight-year course that teaches the day-to-day practice of Sunni Islam according to the Shafi’i school. Under a 2012 government order, *ugama* instruction is mandatory for Muslim students aged 7-14 who hold citizenship or permanent residency; many students attend *ugama* schools in the afternoon after Ministry of Education schools have adjourned. Parents may be fined up to 5,000 Brunei dollars (approx. US\$3,700), be imprisoned for a term not exceeding one year, or both, for failure to comply with the order. The law does not make accommodations for Muslims who have non-Shafi’i beliefs.<sup>17</sup>

In accordance with the SPC, which prohibits the promotion of religions other than the Shafi’i school of Islam, public and private schools — including those run by other religious groups — are banned from providing religious instruction on any other belief system. Schools may be fined, or its officials imprisoned, if they are found to be teaching non-Islamic religious subjects.

## Female Genital Mutilation

According to the US State Department, the Ministry of Religious Affairs has declared circumcision of Muslim girls (*sunat*) a religious right obligatory under Islam. The government has stated that it does not consider the practice to constitute Female Genital Mutilation. The State Mufti — an Islamic jurist qualified to issue opinions on points of Islamic law — has declared through fatwa that both male and female circumcision are required under Islamic law.<sup>18</sup>

## Family, community and society

Brunei places heavy emphasis on the promotion of the national ideology of Brunei as a “Malay Islamic Monarchy”. According to the US State Department, non-Muslims and Muslims face societal pressure to conform to Islamic guidelines regarding behavior; those who

wish to convert to a different religion fear ostracism by friends, family, and their community.<sup>19</sup>

Since the passage of the SPC in 2013, many elements of sharia law apply to all persons in the country, regardless of their nationality or religion. Certain sections of the SPC apply only to Muslims.<sup>20</sup>

## Family law

According to the US State Department,

“All parental rights are awarded to the Muslim parent if a child is born to one Muslim and one non-Muslim parent. The non-Muslim parent is not recognized in any official document, including the child’s birth certificate, unless that parent has converted to Islam. The law bans any Muslim from surrendering custody of a minor or dependent in his or her guardianship to a non-Muslim.”<sup>21</sup>

Under the SPC, Muslims are not permitted to renounce or change their religion. Non-Muslims must be at least 14 years and seven months old to convert or renounce their religion. If either parent converts to Islam, their children younger than 14 years and seven months automatically become Muslim.<sup>22</sup>

## Inter-religious marriage

Despite the absence of a legal prohibition of Muslims marrying non-Muslims, all Islamic weddings require sharia court approval, and the non-Muslim party is required to convert prior to the marriage. The law permits civil marriage for non-Muslims.<sup>23</sup>

## Abortion

The Syariah Penal Code criminalizes having an abortion, or performing or “abetting” an abortion, providing punishment of up to 10 years in prison and fines under Articles 158-163.<sup>24</sup>

## LGBTI+ rights

Same-sex sexual activity is prohibited under the Penal Code 1951<sup>25</sup> and the Syariah Penal Code Order 2013, which criminalize acts of ‘carnal knowledge against the order of nature’, ‘*liwat*’ (anal sex), and ‘*musahaqah*’ (sexual intercourse between women). Same-sex intimacy between men is punishable with death by stoning or whipping with 100 strokes and imprisonment for one year. Same-sex intimacy between women is punishable with a fine not exceeding \$40,000, imprisonment for a term not exceeding 10 years, whipping not exceeding 40 strokes or a combination of any two of these.<sup>26</sup>

There is currently a moratorium on the use of the death penalty.

In addition to potentially being captured by laws that criminalize same-sex activity, transgender people may also face prosecution under a provision criminalizing ‘posing as the opposite sex’, with a maximum penalty of one year imprisonment and a fine.<sup>27</sup>

## Freedom of expression, advocacy of humanist values

The state of emergency declared by the Sultan of Brunei 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 Sedition Act strengthened prohibitions on criticizing the Sultan and the national “Malay Islamic Monarchy” ideology. Challenging the authority of the royal family, or the validity of the national philosophy is also punishable under the 1948 Sedition Act.<sup>28</sup>

## Media freedom

According to the BBC, “The private press is either owned or controlled by the royal family, or exercises self-censorship when covering politics and religion.”<sup>29</sup>

Brunei’s Internet Code of Practice limits online any content deemed subversive or encouraging of illegitimate reform efforts. Journalists commonly reported practicing self-censorship because of social pressure, reports of government interference and pressure, and legal and professional concerns. The government censors online content and has the capability to monitor private online communications.<sup>30</sup>

## ‘Apostasy’ and ‘blasphemy’

Articles 213, 214, and 215 of the revised Penal Code criminalize printing, disseminating, importing, broadcasting, and distributing of publications deemed contrary to sharia. Non-Muslims are forbidden to refer to ‘Allah’ as their God (some Bruneian Christians do use ‘Allah’ where English-speaking Christians say ‘God’).

In 2014, the State Mufti, Abdul Aziz Juned, declared ‘apostasy’ an offense punishable by death for any Muslims who choose to disassociate themselves from the faith. The State Mufti said that those who had made blasphemous statements or performed sacrilegious actions and had not repented would be liable for a death sentence.<sup>31</sup>

The Syariah Penal Code Order 2013 outlaws ‘apostasy’ for Muslims. Declaring oneself as non-Muslim is now considered as *Irtidad*. Persons who have committed “*Irtidad*” can, in the most drastic case, be sentenced

to death by stoning. Among the acts that may be considered *Irtidad* are declaring oneself to be god or a prophet; showing contempt towards the prophet; deriding (through mocks, mimicking, ridicules, and insults) the Quran, the *hadith* (narrative record of the sayings and customs of Muhammad), and obligatory matters in relations to *ijma* (usually referring to consensus and agreement in relation to Islamic laws); and renouncing Islam (Articles 108, 109, 110, 111, and 112).<sup>32</sup>

Articles 220 and 221 of the SPC criminalize ‘blasphemy’ by Muslims and non-Muslims. Non-Muslims found guilty of insulting or defaming the Prophet Muhammad may face the death penalty, while Muslims who bring Islam into contempt may face up to three years in prison. Under Article 222, a non-Muslim who “derides, mocks, mimics, ridicules or contempts, by word or deed, any verse of the Al-Qur’an or hadith” may face the death penalty. Those convicted of abetting a person in crimes laid out in 221-222 may be sentenced to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.<sup>33</sup>

Article 213 of the code criminalizes the act of issuing any publications contrary to *hukum syara* (laws of any sect that the court considers valid).<sup>34</sup>

In May 2019, the Sultan said that a moratorium on the death penalty would remain in force, but defended the legislation overall. Those convicted of death under moratorium conditions can usually expect to serve indefinite life sentences.<sup>35</sup>

Such limitations on freedom of expression render it impossible to express critical thought regarding religion.

## Artistic freedom

All public musical, cinematic, or theatrical performances require prior approval by a censorship board composed of officials from the Prime Minister’s Office, the Ministry of Home Affairs, and the Ministry of Religious Affairs.

In October 2022, the authorities reportedly banned *Talbis Iblis* as it failed to pass the state’s censorship requirements. The depiction of a ritual conducted to revive a dead baby was reportedly listed as one of the reasons for its failure to pass requirements for screening, as it was incompatible with Islamic teachings.<sup>36</sup>

According to the US State Department, local cinema goers, and commentators on social media, cinema owners practice self-censorship and choose not to attempt to show movies that might be considered objectionable.<sup>37</sup>

## Restrictions on freedom of association and assembly

Under the 2005 Societies Order,<sup>38</sup> no more than 10 people can associate for a purpose without registering. Neither domestic nor international human rights groups can operate freely due to government restrictions.

Long-standing emergency powers continue to be used to restrict the right to assembly. Under the Public Order Act,<sup>39</sup> police may disband an unofficial assembly of five or more people deemed likely to cause a “disturbance of the peace”. According to CIVICUS, the government has “occasionally used its authority to disrupt gatherings deemed politically or otherwise sensitive.”<sup>40</sup>

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# Burkina Faso

Const/Govt	Edu/Child	Society/Comm	Expression

Renamed in 1984 to Burkina Faso (“land of the upright/honest people”), the country gained independence from France in 1960. It is completely landlocked, surrounded by Mali and Niger to the North and Ghana and Cote d’Ivoire to the south. President Blaise Compaoré ruled the country from 1987 and was ousted in October 2014 by a popular youth protest movement.

In 2022, Burkina Faso experienced two military coups (in January and in September). Restrictions on civil society space, widespread impunity for human rights violations

and a severe humanitarian crisis have followed, and secular state schools have been made the target of terrorist violence.<sup>1</sup>

The population is predominantly Muslim with a large Christian minority. At the time of a 2006 census, around 60.5% of the population was Muslim, 23.2% Christian, 15.3% followed indigenous beliefs, and the remaining 1% reported having no religion.<sup>2</sup>

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
State-funding of religious institutions or salaries, or discriminatory tax exemptions			Expression of core humanist principles on democracy, freedom or human rights is somewhat restricted
	No formal discrimination in education	No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state	

## Constitution and government

Burkina Faso is a “unitary and secular state” (Article 31 of the Constitution)<sup>3</sup> and its constitution and other laws and policies protect freedom of thought, conscience and religion. There is no state religion.

Article 7 of the Constitution guarantees “freedom of belief” as well as the freedom “of non-belief,” of conscience, of religious opinion, [of] philosophy, of exercise of belief.” It states that freedom of belief is subject to respect for the law, public morals and the ‘human person.’

Political parties based on religion or ethnicity are banned (Article 13). However, the government does provide subsidies for the four main religious groups (Muslim, Catholic, Protestant, and traditional/animist), including subsidies for travel costs for Muslim Hajj pilgrims.<sup>4</sup> There is no indication that any non-religious

or humanist groups would be eligible to receive similar subsidies.

## Education and children’s rights

Article 27 of the Constitution states that “public education is secular,”<sup>5</sup> and there is no religious instruction in public schools.

However, there are a number of private schools operated by Muslim, Catholic, and Protestant groups, which include primary and secondary education institutions, as well as some schools of tertiary learning. These schools are inspected to ensure they teach the standard national curriculum, however they are also permitted to conduct extracurricular religious instruction. The majority of Quranic schools are not registered and thus their curricula are not reviewed according to national standards.<sup>6</sup>

The Government does not fund religious schools or require them to pay taxes unless they conduct for-profit activities. However, it does provide subsidies to a number of Catholic schools as part of an agreement allowing students from public schools to enroll in Catholic schools when public schools are at full capacity. The government also provides subsidies to registered Catholic, Protestant, and Muslim schools for teacher salaries.<sup>7</sup>

Since January 2016, Burkina Faso has experienced an increasing number of terrorist attacks by religious extremists allied with Al Qaeda or the Islamic State, who have specifically sought to target teachers, students, and schools. They justified their attacks by citing their opposition to “French” (i.e., secular) education, insisting that children should study only Arabic and the Quran, or not study at all.<sup>8</sup>

## Family, community and society

The Catholic Church reportedly retains an influential presence in social and political life. Catholic schools serve as Burkina Faso’s training and recruitment ground for the national administrative elite. Historically, in contrast, Muslims tend to be more marginalized in terms of access to the State and political institutions.<sup>9</sup>

In 2017, the government tried to pass a draft bill to enforce greater public secularism through regulating religious practices in public spaces. Amongst other provisions, the draft law sought to ensure that prayer services could only occur within buildings designated for prayer and with prior authorization by the state. It further included provisions banning the building of religious structures on public grounds, ostentatious displays of religious symbols in public, and public school officials from discussing their religious preferences.<sup>10</sup> The government withdrew the bill after representatives of the country’s Islamic community, the *Fédération des Associations Islamiques du Burkina* (FAIB), expressed opposition to the draft law.<sup>11</sup>

It is unclear how those expressing atheism socially are likely to be treated, but we have recorded no reports of direct abuse.

There is a civil law system in which Sharia codes play no part.<sup>12</sup>

There is no law against homosexuality or same-sex relations, and never has been.<sup>13</sup>

Belief in witchcraft is prevalent in the country, which also suffers from high levels of illiteracy. There have been reports of elderly women accused of being “soul

eaters” being targeted with acts of violence. There are several rehabilitation centers in the country to host victims of witchcraft accusations.<sup>14</sup>

## Freedom of expression, advocacy of humanist values

Prior to the military takeover, a strong and independent media operated in Burkina Faso. However, the recent political instability has resulted in restrictions on freedom of expression and civil society freedoms in general. The military government has used the excuse of combating terrorism to suspend media outlets and public protest. Activists have been arrested and charged with the crime of “insulting the head of state” for criticism of the military government.<sup>15</sup>



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# Canada

Const/Govt	Edu/Child	Society/Comm	Expression

Canada is a federal parliamentary democracy, extending north into the Arctic Ocean, and sharing the world’s longest land border with the United States. Despite what should be strong constitutional protections for freedom of thought and expression, significant religious privileges are in force, both nationally and in several of its ten provinces and three territories.

In 2019, over two-thirds (68%) of the population in Canada reported having a religious affiliation. The majority of the population are Christian (63.3%); representing 26.3% of the total population, the non-religious are the second largest group. Other groups

include Muslims (3.7%), Hindus (1.7%), Buddhists (1.4%), Sikh (1.4%), Jewish (1%), and other religious and spiritual traditions not specified represent a further 1.2% of the population. In its long-form census, completed every 10 years, Statistics Canada asks Canadians what is their religion “even if no longer practising.” This has likely had the effect of creating an inflated impression of religious adherence and practice in Canada as, when asked whether they practice a religion or faith, only 23% of Canadians said they participated in religious activities more than once per month.<sup>1</sup>

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>Preferential treatment is given to a religion or religion in general</p> <p>Legal or constitutional provisions exclude non-religious views from freedom of belief</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>	<p>There is state funding of at least some religious schools</p> <p>Religious schools have powers to discriminate in admissions or employment</p>	<p>Religious groups control some public or social services</p>	
<p>Official symbolic deference to religion</p>			<p>Some concerns about political or media freedoms, not specific to the non-religious</p>
		<p>No religious tribunals of concern, secular groups operate freely, individuals are not persecuted by the state</p>	

## Constitution and government

The Charter of Rights and Freedoms,<sup>2</sup> part of the Canadian Constitution, protects freedom of thought, conscience and religion, as well as the right to the freedoms of expression, association and assembly.

Rulings by the Supreme Court of Canada have

established that Canadian governments have a “duty of religious neutrality” and in context of the multicultural nature of the country should not use secularism to exclude religion from the public sphere.<sup>3</sup>

## The symbolic supremacy of God

The recognition of the supremacy of God is included in

the preamble of the Charter of Rights and Freedoms following the passage of the Constitution Act 1982<sup>4</sup> (“Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law”). The French version of the national anthem references carrying a sword or a cross. God is also present in the English version (“God keep our land glorious and free!”). In February 2018 the national anthem was amended in order to make it gender-neutral. Unfortunately the necessity of religious neutrality for an inclusive anthem escaped the legislators.

While these references to divinity are symbolic, and are not used to justify discrimination as such, the preamble to the Constitution was deployed as an argument from city lawyers in Saguenay (see below) for allowing governments to endorse prayer or religion as part of public office. In April 2015, the Supreme Court of Canada ruled against prayers at municipal councils. This was a significant victory for *Mouvement Laïque Québécois* (MLQ) and several Humanist groups which supported the MLQ. The judgment also represented the first jurisprudence which attempts to define the contours of religious neutrality in Canada. It specifically recognizes that the rights of the non-religious must be included when talking about religious rights.<sup>5</sup>

In 1985, the Supreme Court of Canada (*Crown v. Big M Drugs*) said that “freedom of religion” in section 2 of the Charter of Rights and Freedoms included the right to “freedom from religion.”<sup>6</sup> Despite this, freedom from religion is denied when the religious, official lyrics of ‘O Canada’ (National Anthem Act, 1980) are played over the P.A. system in schools and when teachers ask students to memorize the religious, official lyrics in French class.

## Provincial privileges

### Debatable use of the notwithstanding clause

The Canadian Charter of Rights and Freedoms also includes a “notwithstanding clause.” Any provincial government or the federal government can invoke this clause to overrule a court ruling for five years, at which point the clause can be renewed. The clause was used by the government of Alberta in 2000 to maintain an opposite-sex definition of marriage, a use that was later deemed *ultra vires* (beyond their legal power). The government of Saskatchewan used it in 2017 to permit non-Catholic students to attend publicly-funded Catholic schools (see “Education” below).<sup>7</sup>

### Unwarranted precedence of prelates

Also in Quebec, provincial and municipal government authorities offer direct subsidies to religious organizations. The typical reasoning provided being that it helps the local economy or that buildings are of patrimonial value.<sup>8</sup>

## Discriminatory regulation of charities

Charities in Canada are regulated by the Income Tax Act. The Act fails to provide a definition for what constitutes a charity. Instead, common law is used to determine what is deemed to be a charitable purpose. This includes “the advancement of religion.”<sup>9</sup> There is no equivalent for atheist or humanist groups. Courts and the Canada Revenue Agency have interpreted religion in this context to require “an element of theistic worship”, instead of enlarging the reference to include ‘religion or belief’ for example.<sup>10</sup> Most humanist organizations in Canada therefore register as educational or human rights charities. They report facing greater scrutiny on their activities than religious organizations.

According to the Centre for Enquiry Canada,<sup>11</sup>

“The boundary between religious charities and other charities is not always clear. Some charities organizing under “advancement of religion” have strayed from their religious origins (such as the YMCA). Other active religious orders offer social programs, such as foodbanks, that would fit under other categories of charities, in addition to their work advancing religion. Many charitable organizations in other categories are run by faith groups. While their programs are typically available to everyone, they may restrict services as a result of the tenets of their religion.”

Charitable status allows organizations to receive tax exemptions as well as government subsidies, and makes it possible for them to issue charitable tax receipts to encourage donations.<sup>12</sup> The Centre for Inquiry Canada estimates that Canadian governments – be they federal, provincial or municipal – provide approximately CAD\$1 billion (approx. US\$735.5 million) annually in subsidies to charities registered under the advancement of religion category.<sup>13</sup>

## Human rights protections

Every province and the federal government has a Human Rights Act that protects Canadians from discrimination in employment, housing, accommodation and services. Most of these acts include “religion” and this generally protects atheists from being coerced to practice a religion. However, in a Quebec case, the Human Rights Commission ruled that the protection did not extend to protect a humanist group as humanism is not a religion.<sup>14</sup>

Ontario’s Human Rights Act includes “creed”, which the Ontario Human Rights Commission has explicitly said does include the non-religious.<sup>15</sup>

## Quebec formally becomes a “secular state”

In June 2019, the Quebec government made Quebec a formally “secular” state through its much publicized Bill 21. Its institutions may no longer favour any religion or religion over non-belief. Simultaneously, it took the unprecedented step in Canada to restrict the dress codes of some civil servants; mostly teachers in primary and secondary schools and civil servants in positions of authority. During their hours of service they may no longer wear religious signs. This measure is applicable only to new hires after March 2019. This measure was widely supported in Quebec (more than 60% of the population, and the organization Humanists in Quebec), though many others in Canada and beyond considered it an unacceptable restriction of individual freedom of religion. The debate and differences in opinion may be said to reflect the split between Anglophone secularism and Francophone *laïcité*. In Quebec, the negative experience of mixing religion and politics is keenly felt, and any attempt by religious groups to use the power of the state, consciously or unconsciously, is met with immediate opposition.<sup>16</sup>

Following this move, the crucifix in the Quebec parliament and in the various Courts of Justice in Quebec were removed.<sup>17</sup>

## Education and children’s rights

Education is a provincial, rather than federal, responsibility in Canada and most provinces provide at least partial financial support for religious schools.<sup>18</sup>

## Colonization through education

Historically, the Government of Canada worked with four churches to establish residential schools across the country to “Christianize” indigenous peoples across the country. A Truth and Reconciliation Commission into residential schools declared this practice a form of “cultural genocide” in 2015.<sup>19</sup> The Government of Canada formally apologized for these schools in 2008 (and to those specifically in Newfoundland and Labrador in 2017) and all four churches have apologized.<sup>20</sup>

## Public funding of religious schools

According to the US State Department,<sup>21</sup>

“Catholic and Protestant schools in Ontario, Alberta, and Saskatchewan retain the federal constitutionally protected right to public funding they gained when those provinces joined the federation. Other provinces either had no legally recognized denominational schools that qualified for such protection at the time of federation or accession, or they subsequently secured a federal constitutional amendment allowing them to terminate

religious education funding rights and introduce an exclusively secular publicly funded education system. Federal statutory protection for Catholic and Protestant publicly funded minority education exists in the Yukon, Nunavut, and Northwest Territories, which do not have provincial status.”

Constitutional protection for funding of religious schools does not extend to schools run by other religious groups. However, British Columbia, Alberta, Saskatchewan, Manitoba, and Quebec offer partial funding to religious schools of any faith that meet provincial scholastic criteria.<sup>22</sup>

## Separate Catholic Schools

Certain provinces maintain separate Catholic school boards. Catholic schools are able to discriminate in hiring staff and in student admissions. Students or parents are typically asked to provide baptismal certificates prior to admission. Teachers are required to be “practicing Catholics” and must provide a “faith formation plan and baptism certificate.”<sup>23</sup>

Other Catholic schools routinely encourage students to take part in pro-life protests.<sup>24</sup>

Multiple initiatives are currently challenging the public funding of Catholic schools.<sup>25</sup> In November 2022, the Ontario Supreme Court dismissed a case arguing that public funding of Ontario Catholic schools violated section 15(1) of the Canadian Charter of Rights and Freedoms by granting religious privilege.<sup>26</sup>

In 2017, a Saskatchewan court ruled that the province’s practice of allowing non-Catholic students to attend Catholic schools was unconstitutional. In essence, the court ruled the constitution only permits the state to fund minority faith schools for members of that faith. To fund non-minority faith students violates the state’s duty of religious neutrality and equality rights under the Charter. The court ruled that all non-Catholics must be transferred to public schools by 30 June 2018. The provincial government plans to appeal the ruling and has invoked the notwithstanding clause to maintain the status quo.<sup>27</sup>

## Other religious programs in schools

In Alberta, the public school system operates a number of religious-based “alternative programs”. The number of these programs has ballooned in recent years and includes numerous Protestant Christian, Jewish and Islamic programs.<sup>28</sup>

Section 58 of the Alberta Education Act also permits “religious and patriotic instruction.” This permits school boards to “prescribe religious instruction” or “religious exercises” to public school students. Parents

must provide a signed, written request to exclude their children from this instruction, at which point the student will either “leave the classroom” or not take part in the instruction.<sup>29</sup>

Section 580.1 of the Alberta School Act requires that parents receive written notice for “subject matter that deals primarily and explicitly with religion or human sexuality.” This section was added as part of a compromise with evangelical parents in the province who wanted the option to pull their students from classes they objected to.

## Upholding secular education in British Columbia

Unique among the provinces until recently, British Columbia’s School Act<sup>30</sup> requires all public schools to be “strictly secular and non-sectarian” (Section 76). The Supreme Court of Canada ruled in 2002 that this section meant school board trustees could not impose religious values by refusing to allow pro-LGBTI+ materials in the classroom.<sup>31</sup>

## Family, community and society

According to the Centre for Inquiry Canada,<sup>32</sup>

“Canada has many hospitals, universities, private schools, and social service organizations which are run by religious organizations. Often the name of the institution indicates the religious order that directs it (such as Montreal’s Jewish General Hospital, British Columbia’s Trinity Western University, and Catholic Family Services). These charities do not fall under the advancement of religion category. They are usually publicly funded, charitable organizations and generally provide services to people from all faith groups; however, they may require their users to agree to edicts set out by their religion or they may limit the services they provide to align with their beliefs.”

## Faith-based hospitals, conscientious objections

The first hospitals and healthcare facilities in Canada were established by Catholic and Protestant missionaries. Following the spread of socialized medicine in the mid-twentieth century, many of these facilities are now funded by provincial governments, even though they retain religious leadership. These hospitals, care homes and other institutions provide healthcare services without discrimination on the basis of faith but many, notably Catholic-run facilities, may refuse to provide abortion (legal in Canada), tubal-ligations, vasectomies, and birth control medications and methods under certain circumstances.<sup>33</sup>

In respect of medical assistance in dying (legal in Canada), these facilities will not allow the end-of-life procedure nor will they allow applications to be completed on their property, or the involvement of their employees in any way. Their statutory requirement to provide effective referral to those who will consult on and provide medical assistance in dying services is being legally challenged.

Secular and non-religious people entering these quasi-faith-based hospitals are exposed to religious imagery, bibles and approaches by clergy. These may not be in the best interests of their treatment and recovery.<sup>34</sup>

Though it may be possible for those in major centers to choose to avoid these quasi-faith-based institutions, patients in much of Canada will face serious travel hardship to obtain standard health care that does not discriminate against them.<sup>35</sup>

Numerous religious groups are also arguing for the right for doctors, pharmacists and other healthcare providers to claim conscientious objections to providing services that violate their faith (generally abortions and medical assistance in dying). These rules vary by province and can create difficulties for patients in remote rural communities from accessing health care.<sup>36</sup>

## Addictions treatment

Many addictions treatment facilities in the country, including some paid for by provincial healthcare systems, rely on faith-based 12-Step programs. People are routinely required to attend these and follow up with Alcoholics Anonymous (AA) by employers, health insurers or as part of a court order. Unlike in the USA, there is no jurisprudence on the constitutionality of these requirements. In 2016, the BC Human Rights Tribunal agreed to consider a complaint by an atheist who lost his job after refusing to attend AA.<sup>37</sup> In 2017, the Toronto-area umbrella for AA settled a complaint over whether it had to admit agnostic AA groups.<sup>38</sup>

## Solemnization of marriage

Regulating who may perform a marriage is provincial jurisdiction in Canada. Every province permits religious clergy to solemnize a marriage but only Ontario has recognized Humanist officiants.<sup>39</sup> This inconsistency inherently constitutes a discriminatory practice that fails to recognize freedom of religion or belief as a fundamental human right for all. Most provinces offer a civil marriage option but those positions are generally tightly controlled by the government. Humanists Canada is currently working across all provinces to redress the issue.

When the *Association humaniste du Quebec* applied to their government to perform marriages in 2011, they

were denied. They subsequently launched a human rights complaint with the *Commission des droits de la personne* but were unsuccessful. The Commission ruled in 2016 that since Humanism is not a religion, the Association cannot claim protection from discrimination based on religion.

In British Columbia, the BC Humanist Association (BCHA) was denied an application to register as a religious organization to perform marriages in 2012. The BCHA filed a freedom of information request in 2016 and showed that Zen Buddhists, Wiccans and Scientologists have been registered by the government. The BCHA continues to petition the Government of BC and is considering a constitutional challenge.<sup>40</sup>

## Freedom of expression, advocacy of humanist values

Section 2(b) of the Charter of Rights and Freedoms protects the right to freedom of expression.<sup>41</sup> According to the Canadian Civil Liberties Association,<sup>42</sup>

“Restrictions on freedom of expression come in many forms including Criminal Code and Human Rights provisions limiting hate speech, municipal by-laws that regulate signage or where protests may take place, civil defamation (libel) actions, and restrictions placed on press freedoms. With more and more communication taking place online, government restrictions on access to the internet and the content and filtering policies of private companies also place limits on free expression.”

### “Blasphemy” repealed

In December 2018, Section 296 of the Criminal Code that criminalized “Blasphemous Libel” was repealed following years of campaigning led by Canadian humanists.

### “Religion” as an exemption to anti-hatred legislation

Section C319 of the Criminal Code<sup>43</sup> makes the public incitement of hatred of identifiable groups an offense punishable by an imprisonment for a term not exceeding two years. However, subsection (3)(b) of the same law exempts such hate speech from prosecution “if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text”. Other defenses include that the statement is true, or “if on reasonable grounds he believed them to be true” and in the public interest.<sup>44</sup>

In 2002-2004 an amendment proposed by the New Democratic Party MP, Svend Robinson, failed to pass (Bill C-250).<sup>45</sup> A 2017 Parliamentary e-Petition calling for the repeal of this exemption has received over 1,400 signatures.<sup>46</sup>

A petition to the Federal Parliament (e763) demanded the abrogation of exception C319(3)b. However it was rejected by the government on the basis that:<sup>47</sup>

*In R. v. Keegstra, [1990] 3 SCR 697, the Supreme Court of Canada examined these defences. The Court said that the three defences which include elements of good faith or honest belief—namely, paragraphs 319(3)(b), (c) and (d) – seemed to negate the mens rea or mental fault requirement for the offence, for only rarely would a person who intends to promote hatred be acting in good faith or upon honest belief. The Court also said that the defences found in subsection 319(3) reflect a commitment to the idea that an individual’s freedom of expression will not be curtailed in borderline cases.*

Humanist groups have expressed dissatisfaction with this answer which is now 29 years old and continue to request a change of this section of the C319 law.

## Highlighted cases

### Failure of religious schools to provide a proper education

In October 2014 a former Hassidic Jew, Yohanan Lowen, living in Quebec, sued the schools and authorities whom he claims deprived him of a proper education, and therefore the capacity to work in a professional job. He sued for \$1.2 million two Hasidic schools in Boisbriand, near Montreal (Yeshiva Beth Yuheda and the Rabbinical College Oir Hachaim D’Tash), the Quebec Government, the Seigneurie-des-Mille-Îles School Board and the Direction of the Youth Protection (DPJ), which, according to his suit, were negligent with regard to the dire situation in those religious schools while he was a pupil. The two named schools, according to the formal notice, failed to conform to the provincial mandatory curriculum, choosing to offer instead a program centered on the Torah. Thus, Mr Lowen “was not able to benefit from the free, mandatory, education expected from the laws ruling the Quebec province”. Mr Lowen’s complaint alleged he was not properly taught English or French because of this religious program, hence his difficulties to find a job as an adult.<sup>48</sup>

In February 2020, Lowen and his wife’s case went to court.<sup>49</sup> In December 2020, A Quebec Superior Court judge ruled against Lowen, opting not to issue a declaratory judgment against the province that would have forced the government to take additional steps to oversee children attending religious schools. The judge concluded that the problems outlined by the case had already been addressed by a 2017 law that provides the government with greater powers to monitor children in religious schools. The law was subsequently strengthened in 2019 to require that students attending religious schools learn the same subjects in the same

year as their peers in the public school system and that they take part in mandated provincial exams.<sup>50</sup>

## Failure of constitutional challenge regarding religious discrimination in school system

Efforts to counter religious discrimination in Canada have recently faltered due to the existing legal framework. In November 2022, the Ontario Superior Court rejected a case contending that state-funding of Ontario Catholic schools contravenes section 15(1) of the Canadian Charter of Rights and Freedoms by offering religious favoritism. Justice Meyers maintained the Canadian Supreme Court's past ruling: Ontario's Catholic minority has a historic right to separate school education with full, fair funding. This decision upholds systemic religious bias rooted in Canada's founding constitution.<sup>51</sup>

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# Czech Republic

Const/Govt	Edu/Child	Society/Comm	Expression

The Czech Republic, or Czechia, is a constitutionally secular state. Beneath the secular surface, however, there are a number of systemic privileges and special permissions granted to religious groups.

According to the 2021 Census,<sup>1</sup> 48% of the population are non-religious. 22% of the population identify as religious, of which 59% (representing 13% of the actual

population) belong to a church or religious society – the majority of whom are Roman Catholic. It should be noted that 30% of the population opted not to answer the question. A comparison with 2011 census data indicates that the percentage of those identifying as non-religious has increased in the intervening years.<sup>2</sup>

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<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>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>

## Constitution and government

The Constitution<sup>3</sup> of the Czech Republic protects the rights of the individual and guarantees that the State will be secular.

The Charter of Fundamental Rights and Freedoms,<sup>4</sup> a supplementary constitutional document, states in Chapter 1, Article 2(1) that “Democratic values constitute the foundation of the state, so that it may not be bound either to an exclusive ideology or to a particular religious faith.” Articles 15 and 16 protect freedom of thought, conscience and of religion or belief, explicitly mentioning the right to “have no religious conviction.” Freedom of religion or belief may be limited by law in the event of threats to “public safety and order, health and morals, or the rights and freedoms of others.”

Article 17 protects free speech and specifically prohibits censorship. Other articles in the Charter protect freedom of assembly and other fundamental rights. The

Charter also guarantees the independence of religious societies from the state, and stipulates conscientious objectors cannot be compelled to perform military service.

## Registration of religious groups

Act no. 3/2002, on freedom of religion and the status of churches and religious societies, outlines special conditions and privileges to religious groups and organizations.<sup>5</sup>

The Act establishes a two-tiered system of registration for religious groups, although churches can operate without registration. First tier registration confers limited tax benefits, but is relatively easy to meet the qualification requirements. Religious groups seeking second tier registration must meet stricter requirements to be registered; second tier groups are entitled to the tax benefits granted to first-tier groups and the exercise of special rights, including conducting weddings,

teaching religion in public schools, and conducting chaplaincy services in the army and prisons. At the introduction of this two-tier system, religious groups who had been registered before 2002 received second-tier status automatically regardless of whether they met the necessary requirements.<sup>6</sup>

Second tier religious groups who were registered prior to 2002 are also entitled to government subsidies, however the law phases out direct state subsidies over a 17-year period set to end in 2029. According to the US State Department, the government provided 17 groups subsidies totalling CZK 940 million (\$42.5 million) in 2022.<sup>7</sup>

In addition, the Ministry of Culture reportedly provided CZK 2.32 million (\$105,000) in grants for religiously-oriented cultural activities in response to applications from various religious groups, including: the annual Night of Churches held in several cities; the Red Wednesday project in support of victims of religious persecution; a liturgical festival of St. Cyril and Methodius in Velehrad; the annual Concert in Memory of Holocaust Victims; the annual 2022 Hussite Festival, a program of the Rabbi Feder Cultural and Educational Center; the Culture against Antisemitism Festival and march; and the 16th annual Festival of Religious Music.<sup>8</sup>

## Education and children's rights

The Charter of Fundamental Rights and Freedoms determines that religious education in state schools shall be set by law (Article 16(3)). Student attendance at religious classes is optional. If seven or more students register for a particular religion class at the beginning of the school year, the school must offer that class to those who registered.<sup>9</sup>

Eleven second tier religious groups have permission to teach religion classes. These groups provide the teachers, and the school pays their salaries. If a state school does not have the funds to pay for its religious education teachers, religious groups pay for them.<sup>10</sup> The government does not regulate religious instruction in private schools.<sup>11</sup>

## Sex education

According to a 2018 report, sexuality education is legally supported and is mandatory both at the primary and secondary level. However, schools have considerable autonomy in deciding what content to teach, and parents may communicate with the school regarding the topics that they prefer to teach their children themselves.<sup>12</sup> This results in uneven teaching.<sup>13</sup>

A 2020 survey conducted by the Czech Secondary School

Union indicates that almost 50% of students did not learn relevant information about sex and sexuality at school.<sup>14</sup>

Opposition to sexuality education is reported to come primarily from religious families and conservative opposition groups, such as the Committee for the Defence of Parental Rights.<sup>15</sup>

## Family, community and society

After the fall of communism many East-Central European nations experienced a backlash against atheism, which had been made the official state ideology. The Czech Republic has not seen a comparable return to religion however, with 48% of the population having stated that they are not religious in the 2021 census.

Reports indicate that religious minorities, particularly Muslims and Jews are victims of hate crimes.<sup>16</sup>

## LGBTI+ rights

Czech law bans discrimination based on sexual orientation and gender identity. However, legislation does not recognize hate crimes against LGBTI+ people, and therefore does not register attacks on them as such.<sup>17</sup>

Despite the fact that the Czech Republic has recognized registered partnership since 2006, full equality for same-sex couples is not legalized.<sup>18</sup> Legislation that would legalize same-sex marriage is under review by parliament.<sup>19</sup>

While gender reassignment is possible, surgery is required, along with sterilization. In March 2022, the Constitutional Court upheld the sterilization requirement, a decision condemned by progressive campaigners and the European Court of Human Rights who deem it to be a violation of human rights.<sup>20</sup>

Reports indicate that senior public officials are known to espouse anti-LGBTI+ views.<sup>21</sup> The President at the time of reporting, Petr Fiala, is a proponent of so-called traditional family values, and is opposed to the legalization of same-sex marriage on the basis that it "goes against my faith, my reason, against all that I know."<sup>22</sup>

## Freedom of expression, advocacy of humanist values

Article 17(4) of the Charter of Fundamental Rights and Freedoms guarantees the right to freedom of expression, and Article 355 of the Criminal Code<sup>23</sup>

limits this only in cases of defamation against “a group of people for” a range of traits including “religion” or, notably, “because they are actually or allegedly without religion, shall be punished by imprisonment of up to two years.”<sup>24</sup> Analysis suggests this does not constitute a “defamation of religion” or *de facto* ‘blasphemy’ law and could only be used to limit incitement against a group of people so defined.

Article 356 of the Criminal Code further outlaws incitement of hatred towards a religious group. Article 404 criminalizes sympathy for hate groups/movements and Article 405 protects against “public denial, questioning, endorsement or vindication of genocide.”

## Advocacy of humanist values

Articles 17-23 of the Charter of Fundamental Rights and Freedoms grant citizens political rights to expression, association, assembly, petition, and participation in the administration of public affairs. Specifically, Article 23 grants citizens the “right to resist anybody who would do away with the democratic order of human rights and fundamental freedoms established by the Charter, if the work of the constitutional organs and an effective use of legal means are frustrated.”

According to Freedom House, “the environment for civil society has grown increasingly antagonistic as the government and its allies have harshly criticized some outspoken NGOs.”<sup>25</sup>

As of the time of reporting, CIVICUS – a global civil society alliance that monitors civic space – scored the Czech Republic as “free” with a score of 86/100.<sup>26</sup>

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# Iran

Const/Govt	Edu/Child	Society/Comm	Expression

Iran is the second largest nation in the Middle East. It is bordered by Iraq and Turkey to the west, by Azerbaijan and Armenia to the northwest, by the Caspian Sea and Turkmenistan to the north, by Afghanistan and Pakistan to the east, and by the Gulf of Oman and the Persian Gulf to the south.

Iran is home to one of the oldest civilizations. The Islamization of Iran began in the seventh century; Shia Islam became the official religion in the 1500s. Following the revolution of 1979, Iran became an Islamic Republic, an authoritarian theocratic republic with a Shia Islamic political system. The Supreme Leader is the head of state and holds constitutional authority over the judiciary, government-run media, and other key institutions.

Iran has a population of more than 80 million, of which (on paper at least) 99% identify as Muslim. The Muslim majority includes a Shia majority (90%) and 9% Sunni Muslims (Turkmen, Arabs, Baluchis, and Kurds). The remaining 1% of the population identify as Baha'is, Christians, Jews, Sabean-Mandaeans, Zoroastrians, and Yarsanis. A considerable part of the Muslim population practice Sufism.<sup>1</sup> There is no record of the proportion of the population that is non-religious, which is an indication of the level of discrimination and persecution that they face.

Amendments made to the Penal Code in 2021 put religious minorities, including the non-religious, at even greater risk of persecution.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p>Religious authorities have supreme authority over the state</p> <p>State legislation is largely or entirely derived from religious law or by religious authorities</p> <p>The non-religious are barred from holding government office</p>	<p>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</p>	<p>Expression of non-religious views is severely persecuted, or is rendered almost impossible by severe social stigma, or is highly likely to be met with hatred or violence</p> <p>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</p> <p>It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities</p>	<p>Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed</p> <p>'Apostasy' or conversion from a specific religion is outlawed and punishable by death</p> <p>'Blasphemy' or criticism of religion is outlawed and punishable by death</p> <p>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</p> <p>It is illegal or unrecognised to identify as an atheist or as non-religious</p>
		<p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p>	

		<p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p> <p>Religious control over family law or legislation on moral matters</p>	
<p>There is an established church or state religion</p> <p>State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>		<p>Discriminatory prominence is given to religious bodies, traditions or leaders</p>	

## Constitution and government

### Formation of the Islamic Republic

Iran became an Islamic republic in 1979 after the overthrow of the Pahlavi dynasty by the Iranian Revolution. Conservative clerical forces led by Ayatollah Khomeini established a theocratic system of government with ultimate political authority vested in a learned religious scholar referred to commonly as the Supreme Leader who, according to the Constitution,<sup>2</sup> is accountable only to the Assembly of Experts — an elected 88-member body of clerics.

The current chief of state is Supreme Leader Ali Khamenei (since 4 June 1989). The Supreme Leader holds ultimate authority over all security agencies. Several bodies share responsibility for law enforcement and maintaining order. These are the Ministry of Intelligence and Security and law enforcement under the Interior Ministry, which report to the president, and the Islamic Revolutionary Guard Corps, which reports to the Supreme Leader. The *Basij*, a volunteer paramilitary group, sometimes acts as an auxiliary law enforcement unit subordinate to the Revolutionary Guard.<sup>3</sup>

### Constitution

The Constitution defines the country as an Islamic

republic and specifies Shia Islam as the official state religion.

From the outset of the text — its preamble — the Constitution emphasizes its basis in “Islamic principles and rules.” As such, almost all rights enshrined in law are subject to the limitation that they are subject to “conformity with Islamic criteria,” which in practice means that many groups — including religious minorities, women and children — face discrimination in law and its application.

This is despite Article 23 of the Constitution which forbids “the investigation of individuals’ beliefs”, stating that “no one may be molested or taken to task simply for holding a certain belief.” This guarantee is frequently ignored in practice. Similarly, Article 20 guarantees equality before the law, but qualifies that this equality is subject to “conformity with Islamic criteria.”

Article 177 of the Constitution specifically precludes amendments to the Constitution related to “the Islamic character of the political system; the basis of all the rules and regulations according to Islamic criteria; the religious footing; the objectives of the Islamic Republic of Iran; the democratic character of the government; the wilayat al-‘amr; the Imamate of Ummah; and the administration of the affairs of the country based on national referenda, official religion of Iran and the school [Twelver Ja’fari].”

The Penal Code<sup>4</sup> provides for *hudud* punishments (those mandated by sharia), including amputation, flogging, and stoning, and specifies the death sentence for proselytizing and attempts by non-Muslims to convert Muslims, as well as for *moharebeh* (“enmity against God”) and *sabb al-nabi* (“insulting the Prophet or Islam”). According to the Penal Code, the application of the death penalty varies depending on the religion of both the perpetrator and the victim.<sup>5</sup>

In reality, freedom of religion or belief, and the freedoms of expression, association and assembly in the Islamic Republic of Iran are all severely restricted. Iranian law bars any criticism of Islam or deviation from the ruling Islamic standards. The authorities sometimes use these laws to persecute religious minorities and government critics.

## Religious minorities

The Constitution declares that Islam (Ja’afari Shiism) is the state religion. Followers of other Islamic schools are free to act in accordance with their own jurisprudence in the performance of religious rites, religious education, affairs of personal status and related litigation in courts of law (Article 12). However, all religious minority groups, including Sunni Muslims, face harassment, restrictions, and discrimination in employment, education, and housing.

Articles 12 and 13 divide citizens of the Islamic Republic of Iran into four religious categories: Muslims, Zoroastrians, Jews, and Christians. Article 14 of the Constitution dictates that the government and all Muslims are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.” Such respect is only afforded to those who “refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.”

Zoroastrian, Jewish, and Christian Iranians are the only recognised religious minorities, according to Article 13 of the Constitution. Legally, they are permitted to perform their religious rites and ceremonies, and to follow their own religious law in matters of personal affairs and religious education. The government considers any citizen who is not a registered member of one of these three groups or who cannot prove his or her family was Christian prior to 1979 to be Muslim.<sup>6</sup>

Article 64 of the Constitution permits Zoroastrians and Jews to each elect one representative to the Islamic Consultative Assembly; Assyrian and Chaldean Christians jointly elect one representative; and Armenian Christians in the north and those in the south of the country each elect one representative. Members of the Assembly must take an oath of office swearing by their respective holy books.

As a result, the non-religious are effectively left out and precluded from certain legal rights or protections; Iranians 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 capacity to apply for the general examination to enter any university in Iran. By law, non-Muslims may not serve in the judiciary, the security services, or as public school principals.

The Baha’i faith is not recognized and is routinely described by authorities as a heretical variant on Islam, against the self-identification of the Baha’i community as a distinct religion which encompasses multiple traditions. Its members face immense discrimination. Members of the Baha’i community are generally prevented from burying their dead according to their traditions and many Baha’i cemeteries have been destroyed. Their community is prohibited from officially assembling. Authorities often prevent Baha’is from leaving the country and disregard their property rights. Some religious leaders state publicly that Baha’is are “unclean” and that conducting business with them is forbidden. The members of the Baha’i minority face substantial societal discrimination.<sup>7</sup>

Sufism is similarly denounced by Shia clerics in public statements. Security services harass and intimidate prominent Sufi leaders and the government restricts Sufi activities.<sup>8</sup>

## Religious powers

Article 110 of the Constitution lists all the powers granted to the Supreme Leader, appointed by his peers for an unlimited duration. Among others, the Supreme Leader exercises 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 Supreme 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 Supreme Leader).

The Guardian Council exercises 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 Supreme 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 Shia Muslim (Article 1156); Commanders in the Islamic Army (Article 1447); judges, at any level (Article 163 and the law of 1983 on the selection of judges).<sup>9</sup>

According to the US State Department:<sup>10</sup>

“Officials screen candidates for elected offices and applicants for public sector employment based on their adherence to and knowledge of Islam and loyalty to the Islamic Republic (‘gozinesh’ review requirements), although members of recognized religious minorities may serve in the lower ranks of government if they meet these loyalty requirements. Government workers who do not observe Islamic principles and rules are subject to penalties and may be fired or barred from work in a particular sector.”

As a result, employment in the public sector for members of unrecognized religious minorities such as the non-religious or Baha’is is impossible.

Although the Constitution states that the judiciary is an “independent power,” in practice the Supreme Leader appoints — and can dismiss — the Chief Justice, bringing the autonomy of the judiciary into question.<sup>11</sup> In addition, there are significant concerns regarding due process, including the use of torture to extract confessions.<sup>12</sup>

Iran operates a harsh form of sharia — Islamic law — under which a wide range of political, social and moral offenses may be punishable with flogging, amputation, or execution. Amendments to Iran’s Penal Code in 2013 eliminated execution by stoning. However, Iran still carries out executions by hanging every year.<sup>13</sup>

## Education and children’s rights

Article 3 of the Constitution makes clear that the object of education is to fulfill the objectives of Article 2, namely to ensure Iranian citizens live a life according to Islamic values.

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.<sup>14</sup>

According to the US State Department, all school curricula, public and private, must include a course on Shia Islamic teachings, and all pupils must pass this course to advance to the next educational level, through university.<sup>15</sup>

Christians and Jews are allowed to teach in Hebrew, but the distribution of Hebrew books is limited, making 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. By 2014, the government had eliminated almost all Persian-language church services, restricting them to Assyrian and Armenian languages.<sup>16</sup> The teaching of languages has therefore 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.<sup>17</sup> Baha’is are actively prevented from attending universities as they have to identify with a recognized religious minority group in order to enroll 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.<sup>18</sup> Further, the order states that “Baha’i children should be enrolled in Shia Islamic schools with a strong and imposing religious ideology”.

## Child Marriage

Article 1041 of the country’s civil code<sup>19</sup> allows for the marriage of girls under the age of 13 and boys under 15, with the “consent of the guardian” and the “expediency” of a judge. Children can also marry at younger ages if a judge authorizes the marriage.

Clerics, conservative lawmakers, and other state officials continue to block attempts to raise the minimum marriageable age in Iran. Each year, tens of thousands of girls under the age of 15 are married off by their families each year in Iran, according to state statistics.<sup>20</sup> Child marriages leave women, in particular, vulnerable to life-long consequences, including health problems associated with early childbearing, as well as at risk of domestic violence.

Article 302 of Iran’s Penal Code allows a man to kill a person who has committed a crime that is punishable by death under sharia law, such as extramarital sex. The law enables the perpetration of so-called “honor killings” with impunity. It is estimated that between 375 and 450 women and girls are killed in “honor” killings each year.<sup>21</sup> They include a 17-year-old girl who was decapitated by her husband in February 2022. The husband reportedly paraded her head in the street. Footage of the incident was aired by the state-owned Rokna News Agency

before it was later banned from distribution.

In August 2019, a video emerged of an 11-year-old girl marrying her 22-year-old cousin in a ceremony led by a mullah in rural Iran. The video sparked widespread outrage and led the public prosecutor, two days after the ceremony, to declare the wedding null and indict the mullah and the girl's parents for an illegal underage marriage.

## Violence against children perpetrated by security forces

School students have played a prominent role in the ongoing nationwide demonstrations. In response, authorities have increased repression of student activists by launching a series of raids on schools across the country;<sup>22</sup> several students have reportedly been handed down prison terms or threatened with being barred from continuing their education — a punishment the government is using for the first time to curtail and punish peaceful student activism.

In October 2022, a student died of her injuries after refusing to sing a pro-regime song during a school trip to a site linked to protests against the murder of Mahsa Amini (see 'Freedom of expression, advocacy of humanist values' below). She was one of several children of Shahed High School to be beaten by security forces as punishment for failure to sing.<sup>23</sup>

On 17 October 2022, the UN Committee on the Rights of the Child reported that at least 23 children, including an 11-year-old boy, were killed by Iranian security forces and hundreds more were injured, detained, and tortured during recent peaceful protests.<sup>24</sup> Many families reported that, despite grieving for the loss of a child, they were pressured to absolve security forces by declaring that their children had committed suicide and making false confessions.

In March 2023, Amnesty International reported that Iran's intelligence and security forces have been committing acts of torture – including beatings, floggings, the administration of electric shocks, rape, and other sexual violence — against child protesters as young as 12 in order to end their involvement in nationwide protests.<sup>25</sup>

## 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 is derived 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 against in law and practice.

### Discrimination against women

Women are considered to be under male guardianship. Article 1105 of the civil code<sup>26</sup> 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 against in inheritance law, and inherit less than their male relatives. Women can rarely 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 recognized as a distinct offence, but rather as adultery, and a rape victim must present four male eyewitnesses in order to prove the crime. The testimony of female witnesses is worth only half of male witnesses.<sup>27</sup> Spousal rape is not recognized.

Men have the right to sign a temporary marriage contract (*sigheh*) according to Shia interpretation of religious law. Adultery is considered a crime punishable with the death sentence. Polygyny is allowed, meaning that Muslim men can marry up to four wives. Married women need the written permission of their male guardian in order to obtain a passport and to travel abroad and they 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 cover their body in loose clothing. "Un-Islamic" dress is periodically punished by the authorities. Refusal to wear a hijab in public is a criminal act punishable by flogging, imprisonment, or a fine according to Article 638 of the Penal Code.

On 16 July 2022, writer and artist Sepideh Rashno was arrested for not complying with compulsory hijab laws.<sup>28</sup> She later appeared on state TV apologizing.<sup>29</sup> The Iranian Human Rights Activists News Agency, the media outlet for Human Rights Activists in Iran, alleged that Rashno may have been beaten before she confessed.<sup>30</sup> In December, Iranian Human Rights Activists News Agency (HRA) reported that Rashno had been handed down a five-year suspended prison sentence.<sup>31</sup>



According to Human Rights Watch, Iran’s parliament passed a population law that limits the realization of sexual and reproductive health rights, including by outlawing sterilization and the free distribution of contraceptives in the public healthcare system unless the pregnancy threatens the woman’s health, and further limited access to safe abortion in November 2021. The move was explained as a means to ensure population growth.<sup>32</sup>

## Discrimination against the LGBTI+ community

Same-sex relationships are illegal for women and men. Punishments include flogging and death, according to the country’s Penal Code. Men have been executed for alleged crimes of *lavāt* (“sodomy”).<sup>33</sup>

In September 2022, human rights defenders Zahra Sedighi-Hamadani and Elham Choubdar were convicted on charges of “spreading corruption on earth” and “trafficking” and sentenced to death by the Islamic Revolutionary Court of Urumieh. The charges were reportedly connected to their support of LGBTI+ individuals who face discrimination in Iran because of their sexual orientation and gender identity. The trafficking charge reportedly related to their efforts to assist individuals at risk to leave Iran.<sup>34</sup>

The State endorses the use of “conversion therapies”. In addition, gender non-conforming individuals risk criminalization unless they undergo legal gender change, which requires gender reassignment surgery and sterilization.<sup>35</sup>

All materials related to LGBTI+ issues are generally censored by the government. Authorities particularly block websites or content within sites that discuss LGBTI+ issues, including the censorship of Wikipedia pages defining LGBTI+ and other related topics.<sup>36</sup>

## Freedom of expression, advocacy of humanist values

The Iranian authorities severely restrict the freedoms of expression, and assembly, utilizing the legal framework in order to suppress criticism of the State.

## Freedom of association and assembly

The Constitution provides for the establishment of political parties, professional and political associations, and Islamic and recognized religious minority organizations, as long as such groups do not violate the principles of freedom, sovereignty, national unity, or Islamic criteria, or question Islam as the basis of the country’s system of government.

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 that 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.<sup>37</sup>

In a June 2022 report, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javid Rehman stated he was “gravely concerned at the unprecedented use of excessive force” against peaceful protesters in the country and noted a “trend... of suppressing the legitimate exercise of freedom of expression and assembly.”<sup>38</sup>

## Violent crackdown against civil society in Iran

Between September and December 2022, Iranian citizens in at least 160 cities nationwide took to the streets to protest the death of a 22-year-old Kurdish Iranian woman, Mahsa Amini, beaten to death in the custody of the “morality police” for wearing her hijab “improperly.” Amini’s death became symbolic of the repression of civil and political freedoms in Iran, galvanizing broad swathes of society to openly question the strict imposition of sharia law.<sup>39</sup>

The authorities responded with excessive use of force against protesters, including the use of live ammunition, the mass arbitrary arrest of citizens, lawyers, activists, human rights defenders, and journalists, sentencing many to death on charges of *moharebeh* (taking up arms to take lives or property or to create fear in the public), *efsad-e fil-arz* (spreading corruption on earth) and *baghy* (armed rebellion).<sup>40</sup> Public figures, including artists, singers, and athletes, who have publicly supported the protests have also been arrested, interrogated, and jailed, and their passports confiscated.<sup>41</sup>

The response is characteristic of the tactics of repression employed by the state to curb dissenting voices.<sup>42</sup>

## Harassment civil society organizations and human rights defenders

Civil society organizations operating in Iran and human rights activists often face accusations of espionage or collaboration with “hostile” regimes.<sup>43</sup>

On 26 May 2022, a Court of Appeal upheld a decision to dissolve the country’s largest NGO — the Imam Ali Popular Students Relief Society, which did extensive work on poverty alleviation — on the basis that the

organization had “deviated” from its original mission and “insulted religious beliefs”.<sup>44</sup>

The government restricts the work of domestic activists and often responds to their inquiries and reports with harassment, arrests, online hacking, and monitoring of individual activists and organization workplaces.<sup>45</sup>

Activists, journalists, and academics are often prevented from traveling abroad. The authorities are also known to harass the families of human rights defenders in order to secure their silence, particularly if the defender in question is living abroad.<sup>46</sup> For example, in July 2020 the authorities reportedly arrested the mother of then-imprisoned human rights defender Soheil Arabi (see ‘highlighted cases’ below); she was sentenced to 18 months in prison on charges of “meeting and plotting against national security” and spreading anti-government propaganda, presumably due to her advocacy to secure the release of her son.<sup>47</sup>

## Internet and protest

The government is known to disrupt mobile and internet connections in order to quash protest movements.<sup>48</sup> According to Human Rights Watch, in March 2022, the Iranian parliament moved to ratify the outlines of the “Regulatory System for Cyberspace Services Bill,” which has been criticized by human rights organizations as violating an array of human rights.<sup>49</sup>

## ‘Apostasy’

Conversion from Islam is generally considered ‘apostasy’ under sharia law, which is punishable by death, and sharia judgments are permitted and encouraged under the law. The only recognized form of conversion is from recognized minority religions to Islam.<sup>50</sup>

While the Iranian Constitution does not itself include any provision criminalizing ‘apostasy,’ there are several legal provisions that give judges the discretion to find defendants guilty of ‘apostasy.’ According to Article 167 of the Constitution:

“The judge is bound to endeavor to judge each case on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of authoritative Islamic sources and authentic fatwa. He, on the pretext of the silence of or deficiency of law in the matter, or its brevity or contradictory nature, cannot refrain from admitting and examining cases and delivering his judgment.”

Likewise, a child born to a Muslim father is automatically considered to be Muslim. Proselytizing to Muslims may also be a capital crime in some circumstances. In January 2021, the authorities amended the penal code to include the offense of committing “any deviant educational or proselytizing activity that contradicts or interferes with

the sacred law of Islam”.

Citizens who do not belong to a recognized religious minority are legally forbidden from engaging in public religious expression or wearing religious symbols.<sup>51</sup>

## “Enmity against God” and blasphemy

The government jails and periodically executes 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).

According to Iran’s Islamic Penal Code, insulting the prophet is punishable by death, although a clause states if the accused states the insults were the result of a mistake or were made in anger, the sentence can be reduced to 74 lashes. The usual method of execution in Iran is hanging.

In 2021, parliament amended the Penal Code to include an additional offense of insulting “divine religions or Islamic schools of thought”.

Alleged “blasphemers” are usually charged with “spreading corruption on earth” (*mofsed-e-filarz*), which can also be applied to political crimes. The law against ‘blasphemy’ complements laws against criticizing the Islamic regime, insulting Islam, and publishing materials that deviate from Islamic standards.

In 2016, Dr Ahmadreza Djalali — a Swedish-Iranian professor who worked for the Free University in Brussels — was arrested and charged while he was in Iran attending a series of academic workshops. During his imprisonment, he has been subjected to intense psychological torture and forced to sign statements under threats of execution. He has also repeatedly been denied access to his lawyer. In 2017, he was convicted on false charges of espionage and “spreading corruption on earth” and sentenced to death.<sup>52</sup>

In October 2016, Golrokh Ebrahimi Iraee — an Iranian writer, accountant and human rights defender — was sentenced to six years in prison for “insulting the sacred” and “propaganda against the state,” for an unpublished story she wrote in her private notebook, which critiqued the practice of stoning women accused of “adultery”, sanctioned under Iran’s Penal Code. She was briefly released in 2019 before being re-arrested and detained on politically motivated charges later in the year.<sup>53</sup> In April 2023, it was reported that Iraee had been sentenced to six years in prison for “assembly and collusion against the regime” and one year in prison for “propaganda against the regime.”<sup>54</sup>

In May 2023, the Iranian state executed two men convicted of “insulting Islamic sanctities” (Art. 513 IPC) and “insulting the Prophet” (Art. 262 IPC). The men — Yousef Merhdad and Seyyed Sadrullah Fazeli Zare — were reportedly arrested in May 2020 on suspicion of being members of a Telegram channel entitled “Critique of Superstition and Religion,” in which members were alleged to have insulted the Prophet.<sup>55</sup> Some media reports indicate that the men were also accused of having promoted atheism in the Telegram channel.<sup>56</sup>

## Policing morality

According to Article 24 of the Constitution, publications and the press have freedom of expression subject to the limitation that it should not be detrimental to the fundamental principles of Islam or the rights of others.

Under the Constitution, private broadcasting is illegal. 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.

Under the Constitution, the Supreme Leader appoints the head of the Audiovisual Policy Agency, a council composed of representatives of the president, judiciary, and parliament.

The Ministry of Culture and Islamic Guidance (MCIIG) reviews all potential publications, including foreign printed materials, prior to their domestic release and may deem books unpublishable, remove text, or require word substitutions for terms deemed inappropriate.<sup>57</sup> Music and film is also subject to censorship.<sup>58</sup>

The Press Court has extensive powers 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 Shia Islam.

## Highlighted cases

In 2014, blogger and photojournalist **Soheil Arabi** was sentenced to death for ‘blasphemy’ by allegedly “insulting the Prophet” in Facebook posts (this was commuted to 7.5 years imprisonment in 2015). In November 2021, he was released after the expiry of his sentence, but is now being required to spend an additional 2 years in internal exile. Humanists International is concerned by reports that Arabi was arbitrarily detained in January 2023 as part of a crackdown on protests.<sup>59</sup>

In January 2017, 21 year old **Sina Dehghan** was sentenced to death for insulting Islam. Dehghan had been sentenced to death by Iranian authorities for

‘insulting Islam’ through messages he had sent on an instant messaging app. Reports claim that he was ‘tricked into signing his own death warrant’ after he was forced to confess to a breach of Islamic law, with the promise of release if he did so. However, authorities dropped the agreement after his confession and sentenced him to death in January 2017. Human rights groups in Iran have since been fighting to save Dehghan from his hanging. The Centre for Human Rights in Iran reports that prosecutors asked Dehghan be sentenced to death for “insulting the prophet” as well as to 16 months in prison for “insulting the Supreme Leader”. It was also reported that co-defendants Sahar Eliasi and Mohammad Nouri were convicted of posting anti-Islamic material on social media. Nouri was issued a death sentence, and Eliasi had his seven-year prison sentence reduced to three on appeal. However it is unknown if the supreme court has given its final ruling.<sup>60</sup>

## 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 [“apostasy” may be a capital crime under sharia law]. 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

*“As a non-believer who has lived under the Islamic Republic regime, my family and – as most of the population are non-religious and non-believers – almost all people I see in the society have been affected by the consequences of the existence of the regime to some degree, everyone in a different way. I only briefly mention some of them in my case.*

*“When filling out forms for identity documents, there is always a question included which asks for your religion. As I remember, the options are typically Islam with 2 options Shia and Sunni, and sometimes another option which is “other”. Most of the time I left this question unanswered, however sometimes they would pressure me to answer it. In that case, I ticked the option Shia just to get identity documents.*

*“In informal and even sometimes in formal occasions, I didn’t conceal my opinions (except when I was not asked), if I was asked, I clearly expressed that I don’t believe in religion. Sometimes people used to say that I should not reveal that, but we (not only me but other peers as well) didn’t care about the warnings. I always tried to respect those religious ones and never criticized the religion or said something bad about it until I felt they were bullying me or wanted to harm me, or want to impose their sick ideas*

like covering my body in the way they want or forcing me to think and behave in their favor.

"In 2021, when I was jogging in our neighborhood, an old man with his wife with black "Chador" wanted to run me over with their car. I was about to fall down in an open hole (the sewage system in Iran) when I tried to change my direction to avoid the accident. Then I turned my face to them and I saw that they are very calm and they were looking at me. I asked 'what the hell are you doing?' The woman said: 'wear your headscarf,' and her husband called me names and then they left. I took their plate which was a red official plate (belong to the IRGC staff I think, not sure exactly) with a number from another city and I went after them to find them, I found their car empty at the end of the same street, I waited for 20 minutes, the woman came back from shopping. I asked her, 'how dare they do that?, what if they had killed me?' Then she said: "why are you complaining to me? I am not responsible because I was not driving, go tell my husband!" I did, when he came outside of the store, I asked him what his intention was, to kill me? He denied any answer and ignored me, then I started to loudly tell the story to people there, it was crowded and people were listening to me. He kept silent all the time and just smiled at me and that scary smile drove me even more crazy. Then they turned their faces back and ignored me. I was screaming and saying: "This couple is ISIS, they wanted to run me over with their car because my headscarf had fallen on my shoulder and now they are keeping silent and are hiding their evil intention. These 2 persons are dangerous and sick and should not be allowed to freely be in society because they may go after another girl soon."

"Both the man and woman had very calm faces and were silent. A young worker who perhaps worked in one of the stores there, approached me and told me that all my body is shaking and I better keep calm and he brought me a glass of water and said: "Don't take these monsters seriously!" People told me, to the couple's face, that people like this couple are worthless and I should not pay attention to them. The couple then left and I drank some water and then started walking again. I kept looking around me for the next few days whenever I wanted to leave home as I knew they were from one of the IRGC organizations and they may send someone to find me in that neighborhood for retaliation.

"Sometimes, I encountered young men (religious or just picked up the title of "religious" to implement the regime's ideologies and take a personal advantage of that, but of course with a very modern appearance), who literally felt they are superior and that I am open to accept any harm from their side just because they had somehow found out (either from my appearance/ behavior or I openly told them) that I don't believe in the religion or I don't pray/ fast (again I never tried to incite them, only when I had to assert myself to somehow protect myself, I have to openly express my thoughts. For example if someone religious was surprised that I don't pray or that I drink alcohol) and if they disrespected or threatened me afterward, I usually

became very straightforward about my personal thoughts and told them back that they must stop threatening and disgusting behaviors.

"In that case, they were mainly from religious cities or they were connected to officials and they mainly tried to be tolerant, but sometimes they used to threaten indirectly or they tried to get my personal info to secretly do something (surveillance for example or maybe depriving me from my citizen rights if I was a student for example, or depriving me from memberships of clubs or services, etc.) However, today I see not only there is no law to protect women from such people, but mullas have started to feed these people with extremist ideas and trigger their egos in a subtle way to harm women and remove them from the society.

"The first time that I felt my rights as a woman were being violated was the first day of first grade. I had to wear a hijab and a uniform which was uncomfortable. We asked questions of our teachers and parents: "What is this?" "Why should we wear head scarves when we don't wear them anywhere else other than school?" It looked strange and we felt uncomfortable. There were no reasonable answers and almost all kids used to take it off right after leaving school until we arrived at an age where we had to wear it in public too; however, there were no strict rules for teenagers.

"I was about 8 years old when we went to play badminton with my father in the park in our neighborhood when, suddenly, a member of the Basiji militia approached me with an angry face and started shouting at me and complaining why I'm wearing a skirt. My father who was some meters away behind a tree showed up quickly before the guy got closer to me. When the guy learned I'm not alone, he stepped back and started arguing with my father and my father argued back, telling him that his behavior is not human and that I'm only a kid and there is no rule to let that person harass a kid. The guy left.

"By the time we were taught that women must wear head scarves for their "safety", however, this safety was violated by nobody other than the regime forces. This violation included warning, arresting or physical attack, and in recent years in some religious cities, acid attacks against women.

"The morality police were there to commit the violations. The first time I got arrested by "police" – and not even morality police (I think there were no morality police at that time) – I was 13 years old. We met with my cousin to go gaming in a shopping center close to our home. As we met, a police car stopped and told me: "What is this scarf, it's so thin and doesn't cover your ears!" I didn't understand what he meant, then he pointed out to my cousin who had braided hair and said: "What is this weird hairstyle?" We were both silent and shocked, at that time we didn't know there was a police force that could arrest women because of their way of dressing. He told us to get in the car and we did. They refused to tell us where we were going; we didn't understand what was going on. When we arrived at the

police station, a young lady with IRGC uniform and Chador approached us with an anxious face and asked: "Who are you and what are you doing here?" When we told her we were there because the police arrested us for hijab, she told us to fill out a form and call our parents to come and take us home, she didn't want us to be there as we were children.

"The next time, I was 16 years old and I had just stepped out from language school. The police car stopped and this time there was a woman wearing a Chador with them. She pointed out my haircut (I always had a fringe when I was a child and teenager) and said: "This hairstyle is not appropriate," and told me to sit in the car and fill out a form. I sat in the back seat while I had my feet outside the car, she then pushed me and forced me to open space for her and she got in. The car started and the same story. This time they put me in a small waiting room for an hour; next to me was an adult woman who was telling them to speed up the process because she must go and pick up her daughter from school. When a door opened in that waiting room, I learned that behind the door were criminal prisoners, and not those who were arrested for Hijab or political reasons. Before my mom arrived, they told me to leave the waiting room and wait in the garden. When my mother arrived, she started arguing with them that they were acting illegally and inhumanely, and that I'm only a child. "How could you do this to girls? To arrest a child because of her hairstyle? Don't you have mothers, daughters and sisters?," my mother said to them. The guy threatened my mom and said, "if you want your daughter, keep silent." She kept silent, and after a few hours they let us go. This arrest for hijab repeated 3 or 4 more times over the next 6-7 years.

"Every time we were arrested we were kept in the police station for a few hours and were then released. One of our friends got arrested with her newborn in her arms while she was spending time with her friends in a cafe! A van of police had come and arrested all of the women in that cafe because of "improper hijab". The cafe was sealed for a while and only after paying a high price could it open again.

"Police also randomly visit cafes and restaurants, which are the only places for gathering or socializing for both girls and boys. From time to time, they arrest youths because of hijab or partying and drinking alcohol, or just thinking and dressing differently and in a way that looks "inappropriate" to police and clerics.

"Police have recently intensified surveillance on citizens, especially women; from time to time they randomly send text messages to citizens and threaten them for lack of improper or lack of hijab. They use cameras in the streets for that purpose. I received such messages 2 times while driving. Once our car went missing from the parking lot. After investigating and calling police to report a car thief, we learned that the car was taken away by police because of improper hijab; they took it away while in the parking

lot without prior notice! After a few days, they gave the car back.

"During my university days, we were intimidated by Basij forces in the university; they used to threaten girls simply because they were girls or didn't look weak and were knowledgeable. Also, from time to time, they canceled youth programs and groups of the university without giving a reason for it. In many cases hijab was not the reason at all, they themselves used to tell us: "because it's not allowed based on rules" and no more explanation. If someone wanted to go and research the rules and reasons, that person would be arrested or threatened or harassed for sure.

"Also I would like to mention that I was indirectly threatened with rape and torture several times after I criticized the regime forces for killing youth and children protesters on social media. The first threat happened when I posted an RIP message on social media to the family of "Navid Afkari" who was executed by the regime in 2019 right after protests in Shiraz, just to convey the message to youth and spread fear among them: "This is the response for those who are opposed to the regime and express their opinion"."

— Anonymous, 2023

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# North Macedonia

Const/Govt	Edu/Child	Society/Comm	Expression

Lying in the center of the Balkan Peninsula, the Republic of North Macedonia is a parliamentary democracy,<sup>1</sup> and an independent state since 1991 (previously part of Yugoslavia). The country has a multi-party democratic system, and is officially a secular state. Experiencing a name change after a parliamentary vote in 2019, the Republic of North Macedonia (formerly Macedonia) has maintained its candidacy for European Union membership since 2005, and is a signatory to the European Convention on Human Rights. In 2020, the country was also granted NATO membership, becoming the 30th Member State.<sup>2</sup>

According to the 2021 Census, 46% of the population are Orthodox Christian and 32% Muslim. Other religious groups recorded are of various Christian denominations.

Less than 1% of the population are non-religious.<sup>3</sup>

According to the US State Department,

“The majority of Orthodox Christians live in the central and southeastern regions. Most Muslims live in the northern and western parts of the country. There is a correlation between ethnicity and religious affiliation: the majority of Orthodox Christians are ethnic Macedonian, and most Muslims are ethnic Albanian. Most Roma and virtually all ethnic Turks and ethnic Bosniaks are Muslim, and most ethnic Serbs and Vlachs are Orthodox Christian. There is also a correlation between religious and political affiliation, as political parties are largely divided along ethnic lines.”<sup>4</sup>

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		<p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p>	
<p>Preferential treatment is given to a religion or religion in general State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>	<p>Some concerns about children's right to specifically religious freedom</p>		
			<p>Some concerns about political or media freedoms, not specific to the non-religious</p>
	<p>No formal discrimination in education</p>		



## Constitution and government

The Constitution<sup>5</sup> guarantees basic human rights to all Macedonian citizens and Macedonia is theoretically a secular state.

Article 8 lists “humanism, social justice and solidarity” among the “fundamental values of the constitutional order.” Article 16 enshrines the right to “personal conviction, conscience, thought and public expression of thought” as well as freedom of speech, and access to information.

Article 19 states:

“The freedom of religious confession is guaranteed. The right to express one’s faith freely and publicly, individually or with others is guaranteed. The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are separate from the state and equal before the law. The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law.”

According to the US State Department, the five religious groups listed in Article 19 are afforded tax exemptions and other benefits. The law allows other religious groups to obtain the same legal rights and status as these five groups by applying for government recognition and registration through the courts. Religious organizations may choose to register as a “church,” a “religious community,” or a “religious group.” The law treats these three categories equally, bestowing the same legal rights, benefits, and obligations on all of them.<sup>6</sup>

According to the International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB), smaller religious groups have faced challenges in registering as separate entities, with their applications the subject of domestic as well as European court cases.<sup>7</sup>

Citizens have the right to establish associations and political parties provided that their activities are not directed at “the violent destruction of the constitution order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance” (Article 20).

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

According to IPPFoRB’s research, the Macedonian Orthodox Church enjoys a favored status, where “[n]umerous interlocutors from different religious communities as well as none, observed that the Macedonian Orthodox Church enjoyed special privileges, compared to the other religious communities.”<sup>8</sup>

In recent years the government has made discounted land available to the Orthodox Christian Church for the construction of 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. This project was particularly controversial, not just because of the estimated cost of the project, which has now been priced over 2 million euros (2,169,070 USD),<sup>9</sup> but because the project failed to fully incorporate the contributions of the Muslim (primarily ethnic Albanian) community to the country’s history.<sup>10</sup>

Furthermore, religious symbolism continues to be used within the state’s currency with the 1,000 Macedonian denar bill featuring an image of the Virgin Mary and baby Jesus.<sup>11</sup>

## Education and children’s rights

The Constitution establishes public educational institutions as secular and based on the legal framework regulating education students are protected from discrimination based on sex, gender, race, national or social origin, political and religious beliefs and property and social status. The framework emphasizes the importance of inclusivity and the promotion of human rights.<sup>12</sup>

The legal framework forbids religious organizations from proselytizing within schools, and bans religious activities or the display of religious symbols in primary schools. However, sixth-grade students are required to take one of three elective courses, two of which have religious content: “Introduction to Religions” and “Ethics in Religions.” The content is intended to be non-devotional. However, there are reports that priests and imams hired to teach such courses tend to emphasize the practice of their own religions rather than presenting a neutral overview of different faiths. If children do not wish to take a course on religion, parents can sign them up to the third option: “Classical Culture in European Civilization.” The US State Department reports that

school children from secular or non-practicing families faced bullying for their “lack of religious education.” Reports indicate that the “Ethics in Religion” course may not be taught beyond 2023.<sup>13</sup>

Religious organizations are permitted by law to operate schools at a secondary level and above. Religious high schools may determine their own curricula that are not required to be certified by the Ministry of Education and Science, although some reportedly do seek certification. Students who graduate from non-certified religious schools are unable to take the exams required for them to enroll in secular universities.<sup>14</sup>

## Sex education

Access to sex education is limited in North Macedonia. The country has failed to expand sex education classes across the State following a 2021 pilot program.<sup>15</sup> Existing classes and proposals to improve access to family planning and sexual health education are heavily criticized by the Orthodox Church. However, local NGOs (such as HERA) are trying to address these gaps in learning by providing sex education to women who cannot access the existing basic programs, such as girls living in rural communities and marginalized women in the Roma community.<sup>16</sup>

## Family, community and society

### Religious identities, social and political

Reports suggest that, 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.<sup>17</sup>

Freedom House has reported that Islamophobia is ever present within political and societal discourse, exacerbating ethnic divides, particularly affecting minority groups such as the Roma community.<sup>18</sup>

According to the US State Department, “[s]ince 2021, the law allows for fines against religious groups promoting gender-based violence and further stipulates that media and religious communities should promote policies against gender-based violence.”<sup>19</sup>

### Sexual health and reproductive rights

In 2013, law mandated that requests for abortions after 10 weeks of pregnancy must be: submitted to the Health Ministry; were subject to counseling; required informing of the woman’s partner; and could only be approved where the woman’s life was in danger, in cases of rape,

or due to fetal deformity. In 2019, this law was amended to allow women to access legal abortion procedures up to 12 weeks of pregnancy, without requiring medical permission or counseling. In cases of danger to the mother’s health, social economic circumstances, rape or fetal deformity, abortions can be performed up to 22 weeks. This law has also permitted the use of abortion pills (up to 9 weeks) marking the first time such pills are legal in the country. The pills can be accessed by women at their local healthcare practitioners and pharmacies.<sup>20</sup>

North Macedonia has one of the lowest rates of contraception use in Europe. Women, in particular, face stigma and economic barriers to accessing modern contraception, such as the pill. Evidence suggests that, although there have been transformative changes in relation to women’s reproductive health care (such as access to abortion), conservative attitudes towards traditional family planning across religious denominations remain.<sup>21</sup>

## LGBTI+ rights

In 1996, same-sex relationships were legalized, with the first Pride March being held in 2013.<sup>22</sup> In 2014, Amendment XXXIII to the Constitution defined marriage restrictively as a union between a woman and a man. Subsequently, a ban on same-sex marriage was introduced, which remains in force as of 2023.<sup>23</sup>

Another obstacle facing the LGBTI+ community is that adoption is only permitted for single gay people and not same-sex couples. Furthermore, conversion therapy continues to be legal in North Macedonia and is practiced by medical professionals, religious practitioners and family members.<sup>24</sup> Similarly, members of the LGBTI+ community have also heavily criticized the Health Ministry’s decision to cut HIV and Aids funding by 40%.<sup>25</sup>

Nevertheless, there have been some positive developments for the LGBTI+ community. Lesbian and gay people can now join the army and are protected under the 2019 Anti-discrimination law in regards to employment.<sup>26</sup> Although there is still prejudice against the LGBTI+ community there has been growing political and societal support with the 10th Pride March being held in 2023. It was attended by government ministers and the Prime Minister expressed support for it.<sup>27</sup>

## Freedom of expression, advocacy of humanist values

Groups advocating for secular and progressive (often considered as “non-traditional”) values are often overlooked by the government. However, should they start gaining traction, they may face biased media coverage, and an increase in government inspections,

aimed at finding minor legal infractions to levy fines and disrupt their operations. Such responses have been notably observed following losses in local elections, where municipalities governed by the opposition have seen heightened scrutiny.<sup>28</sup>

Article 319 of the Criminal Code<sup>29</sup> (as amended in 2016) criminalizes various forms of attack on “national, ethnic, religious and other symbols”, including “mocking” such symbols. However, this appears to be limited to circumstances in which the attack “causes or excites hatred, discord or intolerance”. The term “discord” is notably vague. However, in the absence of evidence indicating that this law has been used to suppress legitimate criticism of religion, it appears to function as a law against incitement to hatred and not as a criminal ‘blasphemy’ law. This assessment would change if any evidence emerges of its overly broad application.

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# Russia

Const/Govt	Edu/Child	Society/Comm	Expression
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The Russian Federation is the world’s largest country by land area. After the collapse of the Soviet Union in 1991, Russia has struggled to maintain its commitments to human rights conventions and its Constitution. The Russian Federation is a multi-religious nation, with roughly 71% of the population identifying as Orthodox Christian and roughly 5% following Islam, mainly the Sufi sect. An estimated 15% of the population are non-religious.<sup>1</sup>

Numerous instances of human rights abuses have been documented, both prior to and in the aftermath of Russia’s invasion of Ukraine (in 2022). A noteworthy development is the increasing prevalence of clericalism as a mechanism for social control. Furthermore, over the course of the war, the relationship between the State and the Orthodox Church has deepened. In tandem, there has been an increase in pro-religious rhetoric and legislation.

Constitution and government	Education and children’s rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		<p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>Systemic religious privilege results in significant social discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p>	<p>Expression of core humanist principles on democracy, freedom or human rights is severely restricted</p> <p>‘Blasphemy’ is outlawed or criticism of religion (including de facto ‘blasphemy’ laws) is restricted and punishable with a prison sentence</p>
<p>There is systematic religious privilege State-funding of religious institutions or salaries, or discriminatory tax exemptions</p>			
<p>Official symbolic deference to religion</p>			
	<p>No formal discrimination in education</p>		

## Constitution and government

The Constitution of the Russian Federation<sup>2</sup> promotes the principle of state secularism (neutrality in terms of belief) (Article 14). However, amendments to the Constitution, passed into law through presidential

decree on 4 July 2020, describe a “belief in God” as a core national value.<sup>3</sup> According to a Constitutional Court ruling, the amendment’s reference to God does not contravene the secular nature of the government or undermine freedom of religion but serves to emphasize the significant socio-cultural role of religion in the

formation and development of the nation.<sup>4</sup>

The Constitution provides for the separation of powers between a legislative, an executive and a judicial branch, which is independent (Article 10). However, in practice, the power of the State is heavily centered on the role of the President. The constitutional amendment package passed in 2020 also enables President Vladimir Putin to reset his term-limit clock to zero, allowing him to seek re-election when his current six-year term expires in 2024, and again in 2030.

The law identifies Christianity, Islam, Judaism and Buddhism as the country's four "traditional" religions, and specifically recognizes the "special role" of the Russian Orthodox Church.<sup>5</sup>

The Russian government has demonstrated a clear preference towards the Russian Orthodox Church. After the collapse of the Soviet Union, there was a large upsurge in religious affiliation.<sup>6</sup>

## The President

According to Article 4 of the Constitution of the Russian Federation, the President is the Head of State, guarantor of the Constitution, human and civil rights and freedoms. They take measures in order to protect the sovereignty of the Russian Federation, ensure coordinated functioning of public authorities, and determine the main goals of domestic and foreign policy, while acting as Commander-in-Chief. The president addresses citizenship issues, gives national awards, and grants pardons. Numerous federal ministries, services and agencies work under direct supervision of the President of the Russian Federation.

In spring 2016, the National Guard of the Russian Federation was created and appointed a federal executive body. The members of the National Guard not only have the right to check documents, personal belongings and transport, but are authorized to use physical force and firearms against suspects without warning, in situations where a delay "threatens somebody's life and has staggering implications". The Guard reports to the President of the Russian Federation. The Guard has subsequently been used in the suppression of protest activities, alongside police forces.

The President has a predominant role across the State system, having the authority to dissolve the State Duma (the lower house of the Federal Assembly of Russia), and control of all government branches. Russia has a presidential government with a pronounced imbalance of power, coupled with authoritarian tendencies under the leadership of Vladimir Putin, who has held the presidency since 2000, except for the period from 2008 to 2012 when he served as Prime Minister.

## Legislative authorities violating secularism

At the federal level, the legislative branch consists of the State Duma and the Federation Council. The legislative branch provides the foundation for the executive and judicial branches, shaping the framework of both society and government.

The violation of the constitutionally guaranteed principle of secularism by legislative authorities, coupled with a low level of legal awareness, has given rise to flawed legislation and human rights abuses. Respect for the freedom of conscience, religion or belief has declined under Vladimir Putin's regime, often with the implicit approval or to the advantage of the Russian Orthodox Church (ROC). State-run religious organizations (called "traditional") are often used to legitimize unconstitutional initiatives. Relations between the legislative body of the secular state and religious organizations remain exceptionally close. Both parties engage in joint events, such as Christmas Parliamentary Meetings, held in the premises of the State Duma, and attended by the deputies and ROC representatives.

On 14 December 2016, at the plenary meeting of the State Duma, the deputies unanimously decided to create a new Committee on Development of Civil Society and Civic and Religious Associations, as well as to appoint Sergei Gavrilov as chairman of the Committee. In 2019, Gavrilov stated that faith and the traditional spiritual values are what unite Russian citizens.<sup>7</sup>

On 26 January 2017, in the course of Christmas Parliamentary Meetings, the above mentioned committee, in cooperation with the Synodal Department for Media and Public Relations of the Moscow Patriarchate, held a roundtable meeting on the topic "Religion. Society. State." While First Deputy Chairman of the Committee, Ivan Suharev, pointed out the necessity of regulating activities of "pseudo-religious" organizations and associations, the Chairman Sergei Gavrilov emphasized "joint constructive activities" between the government and "traditional" Russian churches.

Religious organizations are awarded additional benefits, including exemptions from VAT and from income tax on profits generated from economic activities. Exemptions from property tax are granted to religious organizations that use their property for religious activities.<sup>8</sup>

## Anti-extremism

Under Russian domestic law, provisions pertaining to the criminalization of "extremist" speech are contained in several legislative acts, including: the Law on Counteraction to Terrorism, the Law on Combating Extremist Activity, the Criminal Code and the Code of Administrative Offences.<sup>9</sup>

In 2016, President Putin adopted the ‘Yarovaya law’, ostensibly aimed at tightening measures in the fight against terrorism. The law fails to adequately define the term “extremism” thereby enabling the state to prosecute a vast range of nonviolent religious activity.<sup>10</sup> Religious groups are required to obtain official permits. Activities such as prayer meetings are prohibited from taking place anywhere except for officially recognized religious buildings.<sup>11</sup>

In 2019, the Russian government also continued to use its anti-extremism law to prosecute Muslims—particularly adherents of the Islamic missionary movement Tablighi Jamaat and readers of the Turkish theologian Said Nursi—and Scientologists for peaceful religious activity.<sup>12</sup>

In July 2020, Russian lawmakers proposed further changes to anti-extremism legislation with a view to suppressing opposition to the annexation of the Crimean Peninsula.<sup>13</sup> Various amendments to the legislation were made that month to tackle this in other areas.<sup>14</sup>

## Impunity

On 11 June 2022, President Putin signed into law two bills passed by parliament: the first, removing the country from the jurisdiction of the European Court of Human Rights, thereby revoking citizens’ entitlement to take cases of violations of FoRB, among other human rights, to the court in Strasbourg; and a second bill, retroactively set the date of applicability of the first bill to 15 March. Therefore, any rulings delivered by the Court after this date would not be implemented.<sup>15</sup>

## Education and children’s rights

The curriculum includes a mandatory course on the Fundamentals of Religious Culture and Secular Ethics, and is described as cultural rather than theological. Students are allowed to choose one of six core modules, which includes modules on the fundamentals of the culture of various religions and a module on secular ethics. The Fundamentals of Secular Ethics course is reported to be the most frequently selected module.<sup>16</sup> A federal law guarantees that religious educational establishments can receive accreditation.<sup>17</sup>

## Family, community and society

### LGBTI+

Constitutional amendments passed into law on 4 July 2020, reinforce the State’s anti-LGBTI+ stance by barring the possibility of same-sex marriage.<sup>18</sup> The amendments followed a homophobic advertising campaign launched

by Patriot Media Group to sway voters into voting in favor of the constitutional amendments. The advert, set in 2035, showed two gay men in the process of adopting a child. A concerned and upset looking boy asks where his mother is, and the orphanage workers also look on with concern. The new mother, an effeminate male actor wearing eyeliner, gets out of the car. A voice in the background then asks viewers “Is this the Russia you choose?”. The voice then says, “Decide the future of your country and vote for the constitutional amendments”.<sup>19</sup>

Additionally, Human Rights Watch has expressed concern over a draft bill that was considered by Parliament in 2020 that would have significantly negatively affected the rights of LGBTI+ people.<sup>20</sup> In October 2020, this draft was dismissed on the notion that the changes would overemphasize the rights of others such as LGBTI+ rights at the expense of children.<sup>21</sup>

Under Russia’s current laws, individuals do not have the right to change their legal gender.<sup>22</sup> Until changes in the law in 2023,<sup>23</sup> individuals had been able to change their legal gender by taking steps that include a psychiatric evaluation and medical procedures. The law outlaws trans healthcare, dissolves marriages of transgender people, places a ban on changing gender markers in official documents, and prevents trans people from adopting or taking guardianship of children.<sup>24</sup> Safeguarding the country’s “traditional family values” has been reported as the key impetus for changing the law, with some lawmakers reportedly describing gender transitioning as “pure satanism”.<sup>25</sup>

Members of the LGBTI+ community have long faced harassment and violence.<sup>26</sup> The adoption of the federal law “against the propaganda of non-traditional sexual relations among minors” led to a huge spread of homophobic violence. Violating the law is punishable by a range of fines. Homophobic crimes count a high number of murders, grave physical violence. Foreigners who violate the law are subject to fines, up to 15 days in detention and deportation. In Russia, gangs have been emboldened to target, harass, assault, and, in some instances, take the lives of individuals within the LGBTI+ community.<sup>27</sup>

Radical groups justify homophobic attacks by equating homosexuality with pedophilia. In January 2014, before the opening of the winter Olympic games in Sochi, President Putin said that, “gay people are welcome in Sochi but they should leave children in peace”. Human Rights Watch said: “Such a chilling and wrongheaded message about LGBT people from Russia’s head of state is irresponsible and extremely dangerous.”<sup>28</sup>

## Religious tension

Muslims are the second largest religious group in Russia

and profound tensions exist between Muslims and Russian Orthodox adherents. Ethnic Muslims account for approximately 25 million of Russia's population.<sup>29</sup>

Muslim leaders in Russia say that attempts to build more mosques in Moscow have been rejected or blocked by local officials who fear angering the ethnic Russians in the capital. For many ethnic Russians, the thought of becoming a minority in their home country is inconceivable, and nationalist sentiments are rising significantly. Attacks on mosques have been increasing.<sup>30</sup>

Since the annexation of Crimea in 2014, ethnic Tatar Muslims have faced considerable persecution, including being denied work, their language, their newspapers, and accused of extremism.<sup>31</sup> In 2019, the authorities conducted mass arrests of politically active Crimean Tatars, whom they accused of membership in the banned Islamic Party Hizb ut-Tahrir (HT). Many face lengthy prison sentences.<sup>32</sup>

Reports also indicate that the state has sought to impose its own interpretation of what constitutes "traditional" Islam, which is seen as an inherent part of Russian culture. Anything which is not considered "traditional" is reportedly considered "extremist".<sup>33</sup>

## Foreign enemies

In 2012, the Russian government adopted a law mandating that non-governmental organizations (NGOs) register as "foreign agents" with the Ministry of Justice if their activities can be classified as political and they receive foreign funding. Since the scope of the definition of "political activity" is broad, it can be extended to all advocacy activities and human rights work.<sup>34</sup>

## Ukraine conflict

In November 2013, a wave of demonstrations in neighboring Ukraine began. Protesters demanded closer European integration, following the suspension of the Ukraine-European Union Association Agreement, in order to seek closer economic relations with Russia. Pro-Russian counter-protests began and the political crisis escalated. Russia illegally annexed Crimea in March 2014.

On 28 June 2019, occupation authorities seized and closed the Cathedral of Vladimir and Olga in Simferopol, the main cathedral of the Orthodox Church of Ukraine (OCU) in Crimea. Members reported to USCIRF that, since the occupation, the OCU has faced systematic persecution for its perceived ties to Ukrainian nationalism, including the confiscation of church property and the harassment of clergy and congregants. On 6 November 2019, a court in the western Crimean city of Yevpatoriya ordered the destruction of an OCU

chapel.<sup>35</sup>

On 24 February 2022, Russia invaded Ukraine, in clear violation of international law. This has caused an escalating humanitarian crisis, gross and systematic human rights abuses on a massive scale.<sup>36</sup> The head of the Russian Orthodox Church, Patriarch Kirill, has offered moral backing to the Russian invasion of Ukraine.<sup>37</sup> He has incited religious propaganda to legitimize Russian aggression, and has claimed the war is necessary to defend Russian "traditional values" from "harmful gender and LGBTI+ ideology".<sup>38</sup>

## Freedom of expression advocacy of humanist values

The Russian authorities use a range of laws passed since Vladimir Putin's return to the presidency in May 2012 to exert control over the dissemination of information, both online and offline, stifling free expression in the country.<sup>39</sup> According to PEN International,

"From recently introduced legislation that criminalises legitimate criticism of the government, to state-run media which act as propaganda tools, to libraries targeted for holding 'extremist materials', the space for free expression, civil society and dissent is shrinking fast in Russia."

## Media freedom

With few exceptions, Russian authorities or their affiliates own most media outlets, rendering them as conduits for state messaging/propaganda. Independent journalists experience significant pressure – legal, physical and economic – discouraging them from contradicting the official line or providing coverage of critical viewpoints.

## 'Blasphemy'

In 2013, President Putin signed a law amending the Federal Penal Code and incorporating a 'blasphemy' clause in part as a response to the Pussy Riot case in 2012.<sup>40</sup> The President's Office stated that the law "introduces liability for public action that shows clear and obvious disrespect for society and intent to offend religious believers' feelings."<sup>41</sup>

If convicted of offending religious believers, one can be sentenced to fines, corrective work, or imprisonment for up to a year, and up to three years if the crime is committed in a place of worship.

Article 148 of the Penal Code<sup>42</sup> states (unofficial translation):

1. Public actions expressing clear disrespect for society



and committed in order to offend the religious feelings of believers shall be punishable by a fine in an amount of up to three hundred thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to two years, or by compulsory works for a term of up to two hundred and forty hours, or by compulsory labor for a term of up to one year, or by imprisonment for the same term.

2. The acts provided for in the first part of this article, committed in places specially designated for conducting divine services, other religious rites and ceremonies, shall be punishable by a fine in an amount of up to 500 thousand rubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to three years, or by compulsory works for a term of up to four hundred and eighty hours, or by compulsory labor for a term of up to three years, or by imprisonment for the same term with restriction of liberty for up to one year or without it.

Since the ‘blasphemy’ law was introduced seven years ago, there have been 19 prosecutions under Article 148, 12 of which resulted in a conviction.<sup>43</sup>

Research shows that since the ‘blasphemy’ law was introduced in 2013, media and journalists tend to self-censor as they zealously avoid writing about religion due to the clause’s imprecise and unclear wording.<sup>44</sup>

## Highlighted cases

In February 2019, Russian stand-up comedian **Aleksandr Dolgopolov** made jokes about Jesus, the Virgin Mary,<sup>45</sup> the Russian Orthodox Church<sup>46</sup> and President Vladimir Putin’s supporters. A video of his act was uploaded on YouTube. A year later, after watching the video, an individual filed a complaint with the authorities alleging that Dolgopolov had “offended the feelings of religious believers”.<sup>47</sup> In January 2020, the venue where Dolgopolov had performed was asked by the Ministry of Internal Affairs for information about the performance. Dolgopolov received news that the local police had opened an investigation into him under Article 148 of the Penal Code, the country’s ‘blasphemy’ provision. Fearing for his safety, Dolgopolov fled the country but has since returned to Russia.

On 17 August 2012, three members of **Pussy Riot**, **Nadezhda Tolokonnikova**, **Maria Alyokhina**, and **Yekaterina Samutsevich** were convicted of “hooliganism motivated by religious hatred” and sentenced to two years hard labor. Pussy riot is a feminist punk rock group with a freethinking message including being in favor of church-state separation. Their offense was to stage an impromptu protest performance (which was itself disrupted after only a few moments) called “Punk Prayer: Mother of God, Chase Putin Away!” at Moscow’s Cathedral of Christ the Saviour.

The Russian authorities were widely condemned by human rights organizations around the world for overzealous prosecution and harsh sentencing of the Pussy Riot singers. The judge cited what she regarded as Christianity’s dissent from the principles of women’s equality (contra the band’s explicit feminist values) to back the prosecution claim that the performance was motivated by “religious hatred”. After 21 months in prison, Tolokonnikova and Alyokhina were released on December 23, 2013 after the Duma approved an amnesty. On 6 March 2014, Nadezhda Tolokonnikova and Maria Alyokhina were assaulted and injured by youths in Nizhny Novgorod.

**Ruslan Sokolovsky**, an atheist blogger, faced a possible seven and a half year prison term for playing Pokémon Go in a church. He was convicted in May 2017 and handed a three and half year suspended sentence. The 22-year-old blogger had been held in pre-trial detention since October 2016, after he released a video of himself playing Pokémon Go in a church in Yekaterinburg, central Russia, that August. In the video he explains that a recent news report in Russia highlighted the apparent risks of playing the popular augmented reality video game in churches. However, in the video Sokolovsky discusses his disbelief that such actions would be prosecuted, and decides to test it by filming himself. He said of the threat of prosecution, “for me this is total bullshit, because who can ever be offended by you walking around a church with your smartphone?”<sup>48</sup>

## Testimonies

*“The public perception of atheism has been transformed in Russia, from the dominant ideology of the Soviet Union, into something that is considered indecent for intellectual people. The common perception is that humanism is wrong, dangerous or anti-spiritual.”*

— Anonymous Russian humanist

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# Slovakia

Const/Govt	Edu/Child	Society/Comm	Expression

Slovakia is a democratic republic with a multi-party parliamentary system. After the 1989 collapse of Communism, the dissolution of Czechoslovakia in 1993 meant that Slovakia became an independent state. It is

now a member of the EU and NATO. The population of around 5.4 million people is predominantly Catholic. Just under a quarter of the population are non-religious.<sup>1</sup>

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
		<p>The dominant influence of religion in public life undermines the right to equality and/or non-discrimination</p> <p>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</p>	<p>'Blasphemy' is outlawed or criticism of religion (including de facto 'blasphemy' laws) 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>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>Some concerns about political or media freedoms, not specific to the non-religious</p>
	<p>No formal discrimination in education</p>		

## Constitution and government

According to the Slovak Constitution<sup>2</sup> (Article 1), the state does not affiliate itself with any specific religion. The right to freedom of belief and religious (or non-religious) expression is outlined in the Constitution.

"The freedoms of thought, conscience, religion, and faith are guaranteed. This right also comprises the possibility to change one's religious belief or faith. Everyone has the right to be without religious belief. Everyone has the right to publicly express his opinion."

— Article 24(1), The Constitution of the Slovak Republic

The government has been criticized for policies that favor the Roman Catholic Church, and to a lesser extent other religious groups' sizeable followings in Slovakia, over newer or minority religions or beliefs. In particular, an extensive concordat between Slovakia and the Vatican, signed in 2000 and subsequently expanded in 2002 and 2004, increased Catholic influence in state schools and the armed forces, as well as increasing government funding to Catholic institutions.<sup>3</sup> The government avoided some criticism of this agreement by then extending similar, but lesser, benefits to eleven other religious groups.<sup>4</sup> Total government funding to religious groups was €52.8 million (c. US \$55.69million) in 2022.<sup>5</sup> While the traditional churches have been granted annual valorization of the state funding almost regardless of the decrease in their member base, new churches struggle to achieve official registration.

According to the US State Department,<sup>6</sup>

“Some members of religious groups continued to state their groups' reliance on direct government funding limited their independence and religious freedom, and they said religious groups self-censored potential criticism of the government on sensitive topics to avoid jeopardizing their relationship with the state and, consequently, their finances. There were no reports, however, that the government arbitrarily altered the amount of subsidies provided to individual religious groups.”

Since 2017, a law has been in effect in Slovakia that practically makes registering new churches impossible, thus creating a monopoly for already registered churches. Unregistered religious groups said the public tended to distrust them because of their lack of official government recognition. Unregistered groups are prohibited from carrying out activities related to practicing religion.<sup>7</sup>

## Religious privilege and concordats

The separation of Church and the Slovak Republic as outlined in the Constitution is undermined by state-funding of religious institutions and the guarantee of freedom of belief is also compromised by requirements that favor certain religions over others.

The connection between religion and politics has been widely disputed since Slovakia gained its independence in 1993, as state financing of religious institutions compromise the separation of Church and state as outlined in the Constitution.

The influence of the Catholic Church on politics in Slovakia has historical roots: the first Slovak state, a client state of the Third Reich that existed between 1939 and 1945, was led by Catholic priest Jozef Tiso. The clero-fascist regime, whose one-party government

issued a number of anti-Semitic laws prohibiting Jews from participating in public life and supported their deportation to concentration camps, had initially been recognized by the Vatican.

The Roman Catholic Church faced heavy persecution under the Communist regime in Slovakia, but all religious orders were allowed to resume their activities following the collapse of Communism in 1989. Property that had been seized was returned, and while the role of religious institutions may not be as influential as prior to Communism, due to the forced laicization of that period, the predominance of the Catholic Church above other religions remains visible in Slovak society.

In 2000, a concordat between the Slovak Republic and the Holy See caused controversy as it ensured that offertories are “not subject to taxation or to the requirement of public accountability”.

In 2006, a row concerning a controversial Vatican treaty that would have allocated new powers to the Catholic Church inadvertently caused the collapse of the Slovak government.<sup>8</sup> The EU were concerned that the proposed treaty constituted a violation of human rights; had the treaty been ratified, Catholic doctors would have been within their rights to refuse to perform abortions and Catholic employees also would have been able to refuse to perform any professional task in accordance with the “conscientious objection” principle. When Prime Minister Mikuláš Dzurinda did not include the treaty in the agenda of government business, the Christian Democrat Movement (KDH)—the main proponents of the concordat—withdraw from the ruling coalition, forcing the government to call an early election.

The connection between the Catholic Church and the State in Slovakia today is evident in the fact that churches receive funding from the State budget, which completely covers the salaries of the clergy, and the rest is disposable almost for any purpose.

In 2015, a proposition to normalize the current financial arrangement regarding State funding of churches was rejected in parliament. However, in 2019, it was modified to prevent the decrease in financing because of the reduction of the church member base.<sup>9</sup>

The Catholic Church also receives revenues from the rental of buildings, forests, agricultural land and building plots that were returned to it following the fall of Communism.<sup>10</sup>

## Education and children's rights

The right to religious education is guaranteed by Act no. 29/1984 Zb.<sup>11</sup>

Article 24 of the Slovak Constitution states that it is

churches and religious societies that “organise the teaching of religion.”

On 13 May 2004, the Concordat between the Slovak Republic and the Holy See on Catholic Education was signed. This treaty, along with the Agreement between the Slovak Republic and the Registered Societies on Religious Education, introduces religious education into the Slovak educational system as an elective mandatory subject with the option of attending a secular ethics class as an alternative. Religious studies classes are taught by a member of the clergy and with a focus on one specific religion.

## Family, community and society

Of the 18 registered churches in Slovakia, the Roman Catholic Church is the largest and 55.8% of the population identify as Roman Catholic. Other prominent religious institutions include the 5.3% Lutherans, 4.0% Greek Catholics, 1.6% Calvinists, and 0.9% Orthodox. 23.8% of the population is non-religious.<sup>12</sup>

Non-religious people have no governmental support analogous to Churches. They have no association and their rights are defended by two minor public societies (humanists and secularists).

According to a report commissioned by the EU parliament in 2020,<sup>13</sup>

“In Slovakia, a significant increase in opposition against gender equality can be noted since 2013. Most publicly active actors are predominantly Christian religion-affiliated NGOs and the Church itself. They organise numerous lectures, protests, marches, write articles, and publish videos and petition against the “gender ideology” in direct conflict with the traditional family values.”

## Abortion

Under current legislation, abortion is legal in the first 12 weeks of pregnancy if there is a threat to health or life of the mother, or risk of fetal impairment.<sup>14</sup>

According to a report commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs in 2020,<sup>15</sup>

“The legal status of abortions in the country is being constantly challenged despite the legally binding decision by the Constitutional Court back in 2007 which safeguarded woman’s rights to reproductive self-determination.”

In October 2021, Slovakia’s parliament narrowly rejected proposed legislation that would have tightened access to abortion.<sup>16</sup> New proposals to revise the law are drafted

regularly.<sup>17</sup>

The predominant role of the religious and conservative institutions and actors in the country, and their influence on policymakers across the political spectrum is reported to obstruct women’s access to abortion services. The EU cites lobbying by the Catholic Church as the reason that a pill to induce medical abortion (which was registered by the Slovak Drugs Agency in 2013) has not been authorized for use in practice by the Ministry of Health.<sup>18</sup>

Doctors are exempt from providing abortion services under a conscientious objection clause. According to the EU, the evidence indicates that,

“The number of healthcare providers who refuse to provide abortion or sterilization in Slovakia remains currently on a level where the access of women to abortion is not significantly restricted. However, in some regions where influence of the religious and conservative institutions and actors is incredibly strong, no abortion providers are accessible, and women need to travel to the bigger cities to find a facility willing to perform an abortion.”

In addition, in conservative regions health care providing institutions as a whole may misinterpret the rules to apply conscientious objection to the institution as a whole.<sup>19</sup>

## LGBTI+ rights

While homosexuality is not illegal in Slovakia, same-sex unions are not protected in law and some privileges available to heterosexual couples are denied to same-sex couples. In 2014 a constitutional amendment banned same-sex marriage. A referendum on the ban in 2015 sent a mixed message, with over 90% of those who voted agreeing that marriage should remain heterosexual-only. However, in an apparent victory for liberal and pro-LGBTI+ rights campaigners—who had called for a boycott of the referendum—only 21.4% of eligible voters turned out, voiding the poll (which required a 50% turnout to be valid).<sup>20</sup> More than half of the population rejected the introduction of registered partnerships in 2019,<sup>21</sup> and the latest investigations have brought promising results.<sup>22</sup>

The LGBTI+ community is facing attempts to ban their partnership and parenthood rights in Parliament, for which extremists and several mainstream Catholics are commonly voting. The proposal failed to get enough votes at first reading to proceed to a second reading on 17 March 2023.<sup>23</sup>

In 2022, a terrorist attack<sup>24</sup> on a gay bar in Bratislava was recorded, which claimed two lives. On this occasion,

Archbishop Orosch issued a circular for priests, in which he explained to them that the victims of this attack were not innocent. Christian members of Parliament protested against the statement of the European Parliament, which condemned this attack and described it as interference in Slovakia's internal affairs.<sup>25</sup> The coalition leader (Igor Matovič) and opposition leader (Róbert Fico) both made homophobic statements ahead of the elections in 2023.<sup>26</sup>

## Religious minorities

Theoretically all religions and belief systems should be equally protected under the Constitution, but the members of government are reported to regularly make anti-semitic and anti-Muslim statements.<sup>27</sup> The State criminalizes holocaust denial.

The Slovak government has become known for its tough stance on immigration from Muslim countries and reluctance to accept asylum seekers from the Islamic world.<sup>28</sup> Slovakia is among the four countries that refused to implement the EU settlement scheme and Prime Minister Robert Fico has made anti-Muslim statements in the past, promising to "protect Slovakia" and that he "will never allow a single Muslim immigrant under a quota system." In May 2016, Fico stated that "Islam has no place in Slovakia".

## Freedom of expression, advocacy of humanist values

Freedoms of speech and of the press are protected by the Constitution, and these rights are generally respected in practice. However, there have been concerns that some media outlets sometimes face political interference. Journalists continue to face verbal attacks and libel suits by public officials, though these have decreased in frequency in recent years. Criminal libel laws are reportedly used to silence criticism.<sup>29</sup>

According to Freedom House,<sup>30</sup>

"In 2021, the government "embarked on a major overhaul of media legislation," introducing new laws that would impose severe penalties for disseminating "false information." International media rights groups have criticized the proposed legislation, expressing fears that it could be used to restrict media independence and curtail press freedom. The legislation remained under consideration in parliament at year's end."

## Defamation of religion

According to the US State Department,

"The law prohibits the defamation of a person's or group's belief, treating a violation as a criminal offense

punishable by up to five years' imprisonment."<sup>31</sup>

According to Article 423 of the Criminal Code,<sup>32</sup> "Defamation of nation, race and belief":

"Who defames publicly

a) any nation, its language, any race or ethnic group, or  
b) a group of persons or an individual because of their real or supposed belonging to a certain race, nation, nationality, ethnic group, because of their real or supposed origin, skin color, religious belief or because they have no religion, shall be punished by imprisonment for one to three years.

(2) The offender shall be punished by imprisonment for two to five years if he commits the act referred to in paragraph 1

a) as a member of an extremist group,  
b) as a public official, or  
c) from a special motive."

In 2020, an opinion writer was accused of defaming Catholics in a 2018 article in which he mocked and sharply criticized a Catholic priest, who is reportedly known for his radically conservative social views and links to the far-right.<sup>33</sup> The charges were reportedly dropped later in the year.<sup>34</sup>

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# Zambia

Const/Govt	Edu/Child	Society/Comm	Expression

The Republic of Zambia, a landlocked state in south central Africa has a population of 19.6 million people, as of the 2022 Census.<sup>1</sup> According to 2010 census data,<sup>2</sup> more than 90% of the population is Christian — the majority of whom are Protestant — other religious groups together accounting for 2.7% of the population include Muslims, Buddhists, Hindus and Baha'is. 1.8% of the population are non-religious.

Zambia has a reputation for political stability and a relatively efficient, transparent government (marred only by President Frederick Chiluba's extensive corrupt tenure). It is Africa's biggest copper producer and subject to the volatility of the mineral's price. It has strong links with China.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
	Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative	The dominant influence of religion in public life undermines the right to equality and/or non-discrimination	Expression of core humanist principles on democracy, freedom or human rights is severely restricted  'Blasphemy' is outlawed or criticism of religion (including de facto 'blasphemy' laws) 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	
			Some concerns about political or media freedoms, not specific to the non-religious

## Constitution and government

Zambia is officially a Christian state, according to the 1996 Constitution.<sup>3</sup> There are constitutional provisions to protect freedom of religion or belief, as well as freedom of expression and assembly. However, there have been concerns about the government's commitment to these principles in recent years.

In September 2021, newly elected President Hakainde Hichilema abolished the Ministry of National Guidance and Religious Affairs, placing its functions under the Office of the Vice President. The Ministry had been

responsible for strengthening the identity of the country as a Christian nation, developing self-regulatory frameworks for church and religious umbrella groups, promoting church-state, interdenominational, and interfaith dialogue, preserving religious heritage sites, and coordinating public religious celebrations as well as ensuring Christian values were reflected in government, education, family, media, arts and entertainment, and business.

Following his election, President Hichilema attended a national prayer service held to celebrate the "peaceful, free and fair" elections. During the service, Hichilema

reportedly said that the country would remain a Christian nation in words and in deeds.<sup>4</sup>

## Education and children's rights

The majority of Zambian pupils attend government schools, which are nominally free for Grades 1-7, although parents may have to pay 'contributions' or buy uniforms from the school. With the exception of a few top private schools, Zambian schools are chronically under-resourced and educational standards are extremely low.

The current Constitution declares under Article 19 (2) that religious instruction cannot be compulsory; based on the wording a guardian may have to opt a child into religious instruction, though there is no stated ability for a child to opt themselves out in line with their developing capacities:

"Except with his own consent, or, if he is a minor, the consent of his guardian, 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 that instruction, ceremony or observance relates to a religion other than his own."<sup>5</sup>

However, despite the constitutional provision, according to the US Commission on International Religious Freedom Report for Zambia,

"The government requires religious instruction in all schools from grades one through nine. Students may request education in their religion and may opt out of religious instruction only if the school is not able to accommodate their request. Religious education after grade nine is optional and is not offered at all schools. The religious curriculum focuses on Christian teachings but also incorporates comparative studies of Islam, Hinduism, and traditional beliefs."<sup>6</sup>

The Constitution allows religious groups the right to establish and maintain private schools and provide religious instruction to members of their religious communities.

The use of children in the most dangerous forms of labor, such as mining and agriculture, is a problem in Zambia despite laws prohibiting it.<sup>7</sup>

## Family, community and society

Family, community and society are integral to Zambian culture and social norms, with religion and the Church playing a significant role in shaping values. While progressive values that contradict orthodox Christian teachings on family and relationships may

face opposition, the concept of *Ubuntu* — meaning "I am because we are" — underscores the importance of community and solidarity in Zambian society.

Those promoting progressive values (or any other-than-orthodox Christian teaching on family and relationship issues) can find themselves the victim of strong responses from both government and churches.

## LGBTI+ rights

A legacy of British colonization, the Penal Code<sup>8</sup> criminalizes acts of 'carnal knowledge of against the order of nature' and 'gross indecency' under Articles 155, 156, and 158. These provisions carry a maximum penalty of 14 years' imprisonment. Acts committed by both men and women are criminalized under the law.

According to the Human Dignity Trust,

"There is substantial evidence of the law being enforced in recent years, with LGBT people being frequently subject to arrest. [...] There have been consistent reports of discrimination and violence being committed against LGBT people in recent years, including assault, harassment, extortion, and the denial of basic rights and services."<sup>9</sup>

From September 2022, a series of government officials and public figures spoke out against LGBTI+ rights, calling for a crackdown on such so-called "immoral" behavior.<sup>10</sup> In September 2022, President Hichilema reiterated his opposition to LGBTI+ rights reportedly citing the nation's deep-seated conservative Christian values as the source of his opposition.<sup>11</sup> In November 2022, the archbishop of Lusaka, Archbishop Alick Banda, stated that LGBTI+ people are contrary to Zambian culture and Christian values.<sup>12</sup> The statement was later supported by the Zambia Conference of Catholic Bishops.<sup>13</sup>

On 7 March 2023, police reportedly arrested four women's rights activists at a rally, alleging they had used the rally to promote LGBTI+ rights.<sup>14</sup>

## Witchcraft-related persecution

Under the Witchcraft Act (1914),<sup>15</sup> naming or accusing a person of being a witch or wizard is a criminal offense punishable either by fine or imprisonment of up to one year, while those who profess knowledge of witchcraft may face up to two years' imprisonment. The law has an exception for those who report to police any person alleged to be professing knowledge of, or practicing, witchcraft.

Moreover, according to the US State Department's report on religious freedom in Zambia, attacks and killings of individuals suspected of practicing witchcraft

continue to take place across the country. The victims tend to be elderly people.<sup>16</sup>

According to Amnesty International, individuals with albinism face violent attacks and mutilation due to superstitious misconceptions about the condition.<sup>17</sup>

## Abortion

According to the International Planned Parenthood Foundation, despite the many barriers to access safe abortions, Zambia has among the most liberal abortion policies in Sub-Saharan Africa.<sup>18</sup>

According to Ipas,

“Although abortion is legal in Zambia, the barriers to accessing safe abortion care are formidable. Doctors are in short supply, and there is a strong and persistent social stigma surrounding abortion. Very few women know they have the right to a safe, legal abortion or know where to seek safe abortion services; as a result, unsafe abortion is a major problem in Zambia.”<sup>19</sup>

## Freedom of expression, advocacy of humanist values

The Constitution guarantees freedom of speech and the press, but the government has often restricted these rights in practice. The government has the authority to appoint the management boards of the state-owned Zambia National Broadcasting Corporation (ZNBC) and the Independent Broadcasting Authority (IBA). The government can also grant or revoke licenses of broadcasters.

In the run-up to the 2021 elections, the authorities sought to crack down on dissenting voices — be they political opponents or journalists — utilizing a range of laws from criminal defamation to sedition legislation. The authorities also brutally repressed pre-election protests – using live ammunition resulting in the death of at least one participant.<sup>20</sup>

The suppression of opposition voices has continued following the 2021 change in government, with several media outlets and journalists facing harassment and threats of violence.<sup>21</sup>

### ‘Blasphemy’ law

Article 8 of the Defamation Act states – while considering privileged material for use in a court of law – that: “nothing in this section shall authorise the publication of any blasphemous or indecent matter”.

Article 196 of the Penal Code effectively acts as a blasphemous libel provision, as it suggests that courts may prohibit “the publication of anything said or shown

before it, on the ground that it is seditious, immoral, or blasphemous”.<sup>22</sup>

Chapter XIV of the Penal Code pertains to “offences relating to religion”. Article 131 criminalizes “wounding religious feelings” in very broad terms:

“Any person who, with the deliberate intention of wounding the religious feelings of any person, utters any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanour and is liable to imprisonment for one year.”

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# The future of the Freedom of Thought Report

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The ***Freedom of Thought Report*** is a unique worldwide survey of discrimination and persecution against humanists, atheists and the non-religious published by Humanists International. The Report contains an entry for every country in the world.

The Report is updated on a rolling basis by the team at Humanists International, with the support of our Members and Associate Members around the world. Our aim is to update 40 countries each year on average and to continue to publish a “Key Countries” edition.

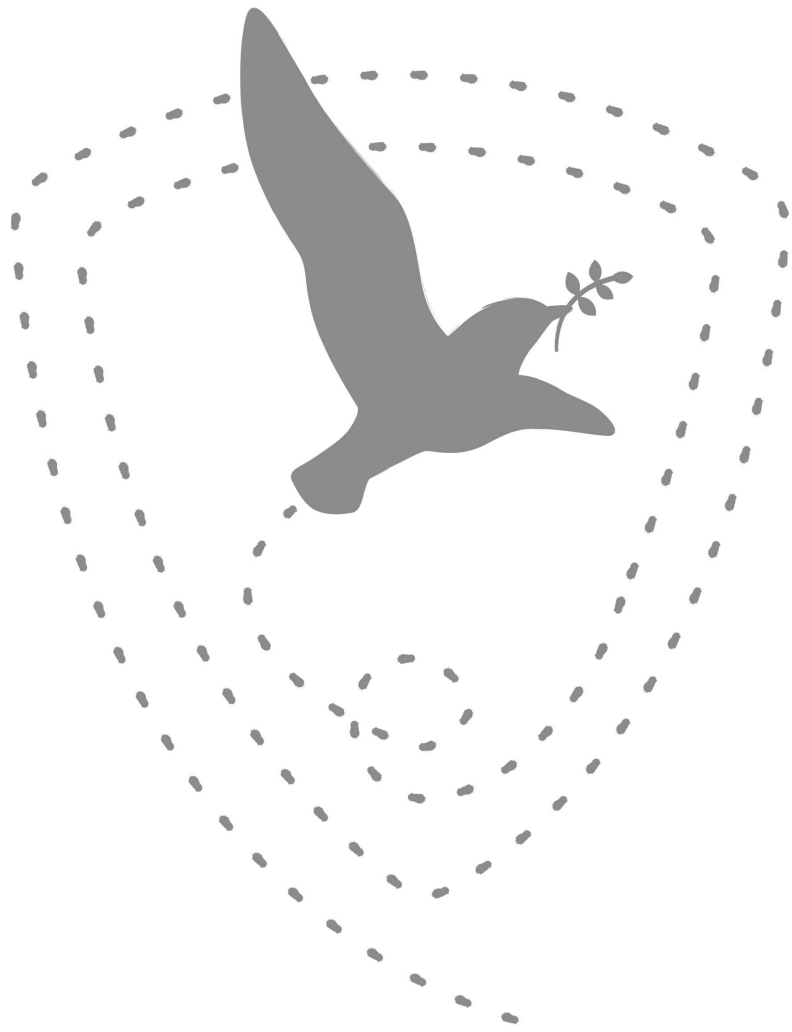
The Report serves as a vital tool for local and international activists to lobby governments for change, providing the evidence needed to make reliable and authoritative claims. Each year, the launch is widely covered internationally, providing coverage in the media that would rarely happen otherwise opening the door for conversation on a topic all too easily ignored.

In 2017 the *Freedom of Thought Report* was cited by the then UN Special Rapporteur on Freedom of Religion or Belief in his inaugural report. Our Report was the only civil society publication to be cited in this way: a measure of its uniqueness and importance. The Report is increasingly cited in discussion of non-religious rights under ‘freedom of religion or belief’.

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