

Pitfalls of Blasphemy Laws: The Perspective of Freedom of Religion or Belief

Professional training/ PhD course

Lectureres: Heiner Bielefeldt, Thiago Alves Pinto, Lena Larsen, Tore Lindholm, Gentian Zyberi

General outline

First day (30 March 2020)

09.00 – 10.30: Introductory session (Chair: Lena)

- Brief presentation of the Oslo Coalition.
- Short round of introductions of participants.
- Phenomenology of “blasphemy”.
- Examples of blasphemy laws from different parts of the world.

Coffee break

11.00 – 12.30: Systematic introduction to FoRB (Tore & Heiner)

- Typical misunderstandings of FoRB.
- The human rights logic underneath FoRB.

Lunch break

13.30 – 15.00: FoRB and FREEDEX (Thiago & Heiner)

- The “friendly neighborhood” of articles 18 and 19 ICCPR.
- FoRB and FREEDEX as distinct entitlements.
- Dichotomized (mis-)perceptions.

Coffee break

15.30 – 17.00: Student presentations on selected topics

Second day (31 March 2020)

09.00 – 10.30: Perspective of the UN Human Rights Committee (Heiner & Gentian)

- General Comments 22 and 34 (on articles 18 and 19 of the ICCPR).
- The issue of blasphemy law in the monitoring of state practices.
- Relevant case law.

Coffee break

11.00 – 12.30: Debates in the UN (Heiner)

- OIC resolutions on “combating defamation of religions.
- From combating “defamation” to tackling “incitement to hatred”.
- The “Rabat Plan of Action” on dealing with incitement to hatred.
- Tendencies to slide back to “combating defamation of religions”?

Lunch break

13.30 – 15.00: Group work the case E.S. v. Austria (ECtHR, 25 October 2018)

- One group searching for arguments supporting the complainant (E.S.).
- One group searching for arguments supporting the accused state (Austria).
- Debate in the plenary.

Coffee break

15.30 – 17.00: The European Court of Human Rights (Thiago)

- Short general introduction into the work of the Strasbourg Court.
- Otto-Preminger-Institut v. Austria and similar cases (overview).
- Overall critical assessment.

Third day (1 April 2020)

09.00 – 10.30: Comparing UN and regional jurisdiction

(Thiago)

- Common assumptions.
- Different assessments.
- How to avoid forum shopping?

11.00 – 12.30: Viable alternatives to blasphemy laws?

(Tore & Heiner)

- Making use of the Rabat Plan of Action.
- Good practice examples.
- Introduction of new initiatives ([Faith for Rights](#)).

End of professional training/ PhD course.

Course literature

UN sources

- UN Human Rights Committee, General Comment no. 22 (1993).
- UN Human Rights Committee, General Comment no. 34 (2011).
- UN Human Rights Council Resolution 10/22 on Combating Defamation of Religion (2010).
- UN Human Rights Council Resolution 16/18 on “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief” (2011).
- Rabat Plan of Action on the prohibition of advocacy of national, racial or religion hatred that constitute incitement to discrimination, hostility or violence (2013).
- UN Special Rapporteur on freedom of religion or belief, thematic report to the Human Rights Council “Two closely interrelated rights: freedom of religion or belief and freedom of opinion and expression” (2015).

Further reading

- UNGA 'Report of the Special Rapporteur on Freedom of Religion or Belief' (5 March 2019) A/HRC/40/58.
- *Ross v Canada* Comm No 736/1997 (Human Rights Committee, 26 October 2000).
- *Mohamed Rabbae v Netherlands* Comm No 2124/2011 (Human Rights Committee, decision of 14 July 2016) CCPR/C/117/D/2124/2011.
- UNGA 'Resolution 65/224' (11 April 2011) A/RES/65/224.
- OHCHR '18 Commitments on “Faith for Rights”' (29 March 2017).

Regional Human Rights Courts

- *Otto-Preminger-Institut v Austria* App no 13470/87 (ECtHR, 20 September 1994).
- *ES v Austria* App no 38450/12 (ECtHR, 25 October 2018).
- *Wingrove v UK* App no 17419/90 (ECtHR, 25 November 1996).
- *'The Last Temptation of Christ' (Olmedo-Bustos et al) v Chile* Series C No 73 (IACtHR, 5 February 2001) Series C No 73.
- *IA v Turkey* App no 42571/98 (ECtHR, judgment of 13 September 2005).

- *Alekseyev v Russia* Apps nos 4916/07 *et al* (ECtHR, 21 October 2010).
- *Karaahmed v Bulgaria* App no 30587/13 (ECtHR, judgment of 24 February 2015)

Academic Literature

- Heiner Bielefeldt/ Nazila Ghanea/ Michael Wiener, *Freedom of Religion or Belief. An International Law Commentary*, Oxford University Press 2016, pp. 481ff.
- Heiner Bielefeldt/ Michael Wiener, *Religious Freedom Under Scrutiny*, University of Pennsylvania Press 2019, chapter 5.
- Jeroen Temperman, *Blasphemy, Defamation or Religions and Human Rights Law*, in: *Netherlands Quarterly of Human Rights* 2008, pp. 517ff.
- Malcolm D. Evans, *The Freedom of Religion or Belief and the Freedom of Expression*, in: *Religion and Human Rights* 2009, 197ff.
- Toby Mendel, *Does International Law Provide for Consistent Rules on Hate Speech*, in: Michael E. Herz/ Peter Molnár, eds., *The Content and Context of Hate Speech: Rethinking Regulation and Responses*, Cambridge University Press 2012, pp. 426ff.

Further reading

- Heiner Bielefeldt, 'Freedom of Religion or Belief: A Human Right under Pressure' (2012) 1 *Oxford Journal of Law and Religion* 15.
- Heiner Bielefeldt, 'Misperceptions of Freedom of Religion or Belief' (2013) 35 *Human Rights Quarterly* 33.
- Jeroen Temperman, *The Prohibition of Religious Incitement in International Law*, Cambridge University Press 2016.
- Jeroen Temperman, and Andras Koltay, (eds), *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre* (Cambridge University Press 2017).
- Lorenz Langer, *Religious Offence and Human Rights: The Implications of Defamation of Religions* (Cambridge Studies in International and Comparative Law, Cambridge University Press 2014).
- Marshall, P, and Shea, N, *Silenced: How Apostasy and Blasphemy Codes Are Choking Freedom Worldwide* (OUP 2011).