



Humanists
INTERNATIONAL



Humanists at Risk: Action Report 2020



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Humanists International is the global representative democratic body of the humanist movement, which unites a diversity of humanist (and other non-religious) organisations and individuals. We want everyone to live a life of dignity in a world where universal human rights are respected and protected, including adherence to political secularism by all states. We work to build, support, and represent the global humanist movement by defending human rights, particularly those of non-religious people, and promoting humanist values world-wide as exemplified in the *Amsterdam Declaration* (2002).² Humanists International is the trading name of the International Humanist and Ethical Union (IHEU), a not-for-profit organization registered in New York, USA (501(c)3) and operating as a foreign company in the United Kingdom (FC020642).

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¹ <https://creativecommons.org/licenses/by-sa/4.0/>

² <https://humanists.international/what-is-humanism/the-amsterdam-declaration/>

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Foreword

This short report seeks to highlight the human rights situation and treatment of humanists (and other non-religious people) in eight target countries: Colombia, India, Indonesia, Malaysia, Nigeria, Pakistan, Philippines and Sri Lanka.

Intended to act as an appendix to the 2019 Freedom of Thought Report³ this report adds a qualitative element to Humanists International's existing reportage on the legal treatment of humanists around the world. Therefore, it should be read as an accompaniment to previous editions of the *Freedom of Thought Report*, and other official policies and statements of the organisation.

This report is funded by the UK Foreign and Commonwealth Office (UKFCO), although the views and recommendations contained do not necessarily represent the views of the UK Government. Humanists International is grateful to the UKFCO for the opportunity to produce this report, and wishes to support all efforts to protect freedom of religion or belief around the world.

The testimony contained in this report was compiled with the assistance of several volunteer contributors and 76 survey respondents from around the world. All are involved in the humanist movement in various

capacities. This methodology means the level of detail and insight of the entries for the target countries varies a lot. This is a consequence of a lack of high-quality research on the humanist and non-religious communities around the world.

Here we seek to highlight the experiences of humanists in each of the target countries through the lens of this personal testimony. Together, those testimonies highlight the situation faced by humanists at risk around the world. Personal testimony humanizes the difficulties of humanists and other non-religious people on an international level and exemplifies the universal nature of the forms and extent of discrimination faced by members of this global community.

The major lack of understanding of humanist identity in these countries is highlighted, specifically with regard to state actors, development aid donors, and other international parties. This report makes some general recommendations about how to improve the situation for humanists in each of the target countries and how to help raise and spread awareness of the situation for humanists at risk more generally. The recommendations in this report are aimed at governments, international bodies and civil society organisations.



Gary McLelland

Chief Executive,
Humanists International

³ <https://fot.humanists.international/>

Introduction



Delegates from around the world vote at the annual General Assembly of Humanists International in Reykjavik, Iceland in June 2019

Since 2015 Humanists International has published an annual *Freedom of Thought Report*, which documents cases of discrimination against humanists and the non-religious globally. These reports have been very well received by politicians, researchers, and policy-makers throughout the world.

Humanists, and other non-religious people, have a positively held, coherent worldview. Humanist individuals and communities exist throughout the world, and have done so throughout recorded history. Humanism as a world view, and 'lifestance', can be understood as a naturalistic philosophy of life which places the wellbeing of humanity at its heart.

Humanism is democratic and anti-dogmatic. It values art, creativity, and science. In many countries, this positively held worldview is reduced, deliberately or otherwise, to a negative 'lack of' religious belief. An identity caricatured as such can, and does, create highly negative views amongst some who proclaim personal and collective religious beliefs and identities.

“Changes to the discriminatory laws and social campaigns are definitely useful, but just having our existence to be acknowledged is significant enough to start a change.”

Anonymous humanist,
Indonesia, 2019

At this point, we should also reflect on the complexity of labels and identity. In this report we will use the term ‘humanist’ as the globally understood word, in English, for the set of non-religious beliefs mentioned above. This word exists as a variant in many other languages. However, in different countries and cultures, and within different historical contexts, other terms have been used for the same communities and the same sets of beliefs. In India, for example, the humanist movement has a long and rich tradition. In that context, the terms ‘rationalist’, ‘freethinker’, and ‘atheist’ are sometimes more likely to be used than humanist. Regardless of labels, these individuals and communities share a common worldview and lifeforce, for which the word in English is humanism.

In addition to this label, a great many people within the humanist movement identify themselves with other important labels, too: feminist, liberal, progressive, secularist, etc. In many cases, around the world, we see a huge overlap between members and activists within the humanist community and other progressive, liberal social reformers.

Humanists International regularly receives requests for support from individual humanists at risk who are facing a range of social, legal or other serious threats as a result of their beliefs. Between October 2018 and October 2019, we received over 130 *bona fide* requests for support from verified individuals.

Of these 96 were given assistance, signposting, reassurance and guidance or other support. Of this group, 31 were given enhanced support, in the form of a letter of support, funding, or significant advocacy and legal coordination. This report will feature a handful of these cases, however in most cases of this nature we are restricted in the amount of information we can share, primarily because of a concern for the individual’s safety (and often at the request of legal advice) and otherwise due to the complex and sensitive nature of international diplomacy. Humanists International has plans to expand the support that it offers to humanist at risk, however securing funding for this important work is very difficult. It should be noted by readers of this report that the cases listed below are in no way exhaustive.

There is a small, but growing, body of evidence about the legal discrimination faced by humanists around the world. However, due to the relative invisibility of humanist individuals and groups, as well as the complex social questions of identity, the personal discrimination against humanists is not understood at all. Discrimination and persecution of humanists is oftentimes justified by states as a means to maintain social order and cohesion, or as a defence of ‘anti-nationalistic’ or ‘western’ influences. This is untrue, history shows that there have been humanists, or like-minded groups, in all human societies throughout history.



Humanists International present the Freedom of Thought Report to the European Parliament Vice-president, Mairead McGuinness MEP

“Blasphemy laws are in place which would legalize murdering me.”

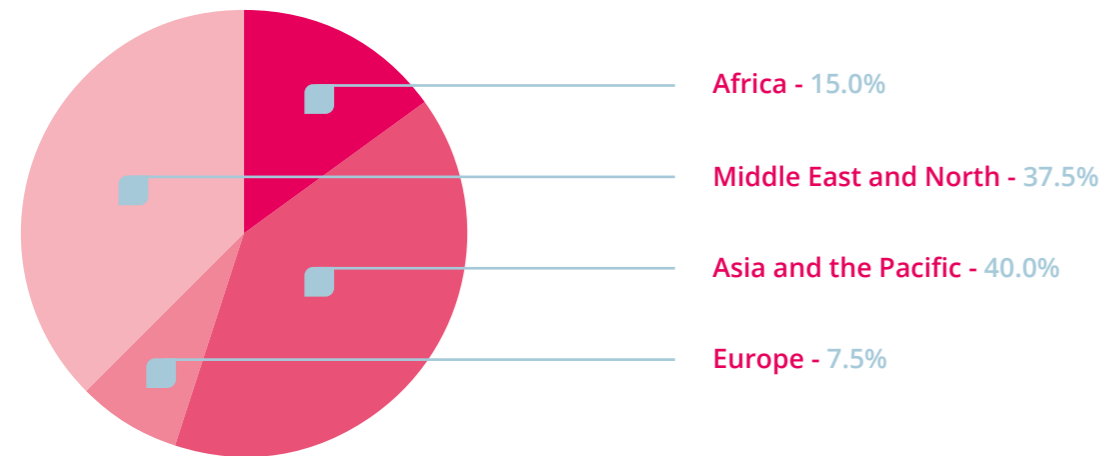
Anonymous, Pakistan, 2019

“Generally we can say that to be a humanist...[in Pakistan] you must have courage to lose everything.”

Anonymous, Pakistan, 2019

Patterns of Persecution

While the rate at which individuals self-reporting as 'at risk' contact us has fluctuated, the long-term trend has been that of an increase. In the first half of 2020 alone, Humanists International has received at least 45 requests for assistance from individuals across the globe.



Typically, humanists at risk across the globe report that they have rejected religion and all the associated traditional/conservative norms which have placed constraints on their personal lives, education, or career prospects; they feel trapped by circumstance owing in part to the conservative religious values that they reject. They report having received abuse or been threatened for their beliefs, many have faced ostracism or difficulty in securing employment.

Of the requests that we have received, over half originate from five countries: Pakistan (20.9%), Bangladesh (9.3%), Iran (7%), Iraq (7%) and Saudi Arabia (7%). This is no surprise given that each impose heavy penalties for perceived 'blasphemy'; indeed, in several of these countries we continue to monitor the cases of individuals imprisoned on such charges. Many of those who reach out to us report fearing prosecution under such legislation for their criticism of religion on social media. Such fears can often give rise to self-censorship.

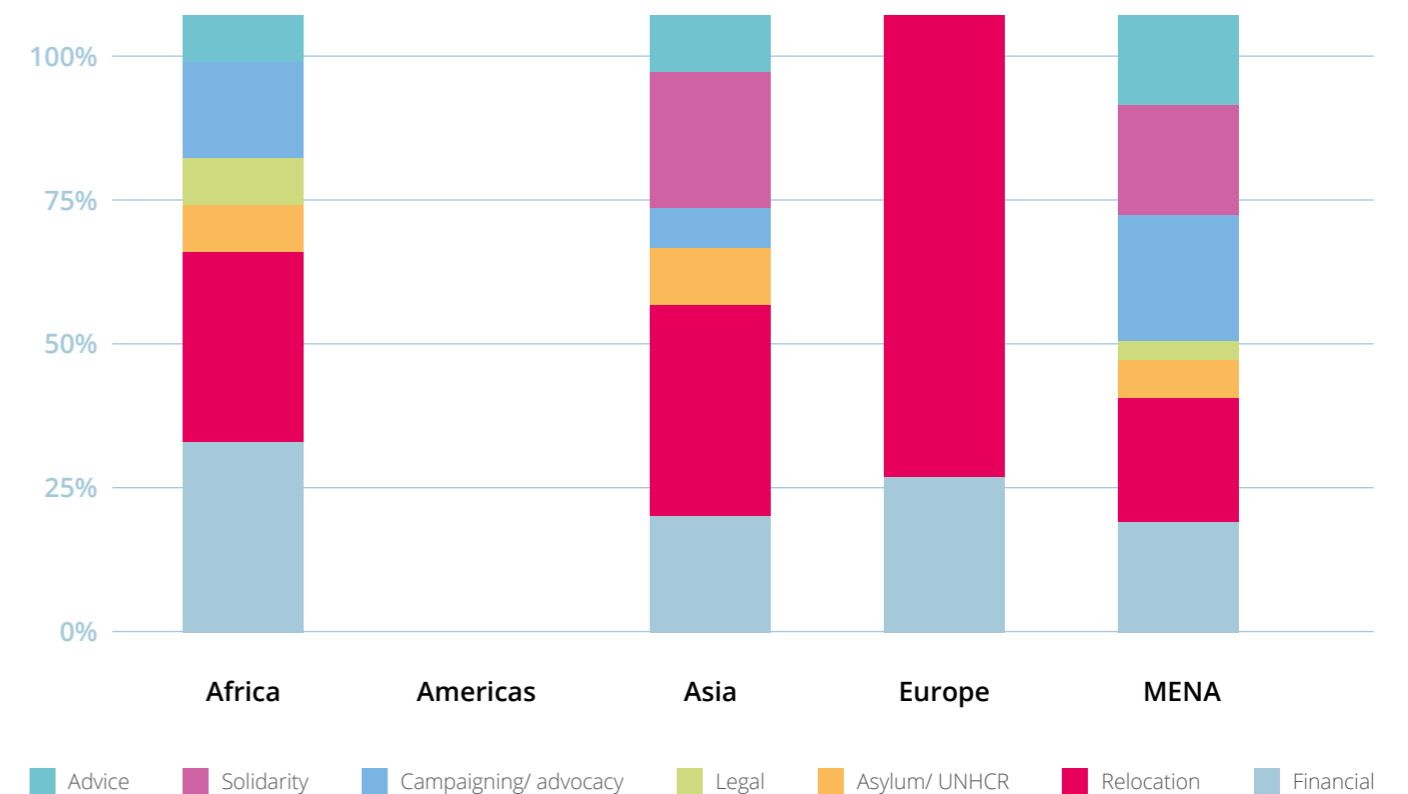
While only one in 10 of the requests for assistance that we have received so far this year are from women, several report being forced into marriages or facing familial pressure to conform. In cases where the individual identifies as female, they often have less access to outside support, or may have only intermittent access to a mobile, for example, making seeking assistance more difficult.

When Humanists International receives such requests, we assess each case based on the individual's level of risk and our capacity to assist them. While we are able to provide a range of support to individuals at risk, there are limits to what we can provide and how many cases we can support.

The majority of those seeking assistance from Humanists International seek help in relocating to a safer area, either internally or outside the country. In this regard, we are able to mobilise our networks to provide advice, invitations to events, or to identify appropriate relocation programmes dedicated to the relocation of human rights defenders, we also support asylum claims.

A large proportion of individuals reaching out to us, find themselves in financial difficulty requiring funds to meet even their most basic needs. In extreme cases, we are also able to help raising funds to cover the cost of legal assistance, such as is the case with Mubarak Bala (see Nigeria section for more information).

For many individuals, the pressure, fear and isolation can be emotionally draining and have a serious effect on their psychological well being. And so, many individuals reaching out to us are simply seeking a community that shares their values and is able to provide moral support and advice in hard times.



To provide any such assistance we must first work to verify each individual's story of persecution; a task that comes with many challenges, from communicating safely and securely, to language barriers, and even to documentation. Many who have fled their home in a hurry may not have to hand all the necessary documentation that would verify their claims. Others who report facing familial intimidation and threats may have no way to independently verify their experience.

At Humanists International, we remain committed to helping those at risk of persecution for the promotion of humanist values.

Methodology

Humanists International is a federation of national humanist organisations around the world. It is the global democratic body of the humanist movement. We have a diverse range of members in many parts of the world. We are, therefore, well placed to use our members on the ground to conduct an accurate assessment of the lived experience of humanists in those areas.

As of 29 April 2020, Humanists International has a total of 107 Members and Associates in 58 countries. Our members range from large national organisations, to small activist-run volunteer groups. All identify with the precepts of humanism.

This report was funded by the UKFCO's John Bunyan Fund, which was set-up after the publication of the Bishop of Truro's Independent Review of FCO Support for Persecuted Christians. As such, Humanists International sought to conduct a parallel study on the persecution of humanists in eight of the 23 countries highlighted in the Bishop of Truro's report⁴, which can serve to complement existing research conducted on the persecution of individuals for exercising their right to freedom of expression or belief. The eight target countries were selected on the basis of information available and the scope of our presence in order to conduct research.

Humanists International director of advocacy Dr Elizabeth O'Casey presents a copy of the 2018 Freedom of Thought Report to the UN Special Rapporteur on Freedom of Religion or Belief, Dr Ahmed Shaheed at the UN Headquarters in New York



⁴ Algeria, China, Colombia, Cuba, the Democratic People's Republic of Korea, Egypt, Eritrea, India, Indonesia, Iran, Iraq, Kyrgyzstan, Malaysia, Mexico, Nigeria, Pakistan, Philippines, Sri Lanka, Sudan, Syria, Tajikistan, Turkmenistan, and Vietnam

This report was compiled with reference to previous research and reporting completed by Humanists International, mainly through the *Freedom of Thought Report*. We also wrote directly to our members and individual contacts in each of the eight target countries. In addition to this, we requested support from other in-country activists and like-minded campaigners.

Where possible, reputable secondary references, such as local news organisations, have been sourced. This has been impossible in some instances with the ongoing discrimination and stigma faced by humanists in several countries where their activities are not reported on or reports are skewed against humanism.

Where possible, we have tried to identify individual respondents. However, for the reasons set out in the report, this has been difficult. In the cases where we have had to anonymize the responses from individuals, we have done our best to give as much information as possible, whilst respecting the privacy and security of the individual respondent.

Age range

| Country | No. of individual respondents | 18-24 | 25-30 | 31-40 | 41-50 | 51-60 | 60+ |
|--------------|-------------------------------|-----------|-----------|-----------|-----------|----------|----------|
| Colombia | 7 | 1 | 0 | 4 | 1 | 1 | 0 |
| India | 16 | 0 | 3 | 2 | 3 | 4 | 4 |
| Indonesia | 2 | 0 | 0 | 2 | 0 | 0 | 0 |
| Malaysia | 12 | 7 | 1 | 4 | 0 | 0 | 0 |
| Nigeria | 13 | 4 | 3 | 2 | 3 | 0 | 1 |
| Pakistan | 20 | 4 | 5 | 6 | 1 | 3 | 1 |
| Philippines | 1 | 0 | 0 | 0 | 1 | 0 | 0 |
| Sri Lanka | 5 | 0 | 1 | 2 | 1 | 1 | 0 |
| Total | 76 | 16 | 13 | 22 | 10 | 9 | 6 |

The main source of information for this report was personal testimony from a range of survey respondents. The survey was aimed at non-professional members of the humanist community. The aim was to keep the questions simple and accessible to people with English as a second language, and open to capture as much qualitative data as possible.

In addition to administrative and other questions, the main survey questions were as follows:

1. In what ways are humanist values or ideas threatened or undermined within the civil society in your country?
2. Are humanists targeted in your country?
3. Has there been any research into humanist persecution in your country?
4. Is there any other information or insights that you would like to share with us?
5. Is there censorship on free expression about religion in your country?
6. What kinds of things do people in your country say about atheists/non-religious people?
7. What is your personal view about religion as a whole?
8. What recommendations would you make to improve the situation?

Authors and contributors

Lead author:

Gary McLelland, Chief Executive, Humanists International

Emma Wadsworth-Jones, Humanists at Risk Coordinator,
Humanists International

Contributing authors:

Elizabeth O'Casey, Directory of Advocacy, Humanists International

Giovanni Geatani, Membership Engagement Manager,
Humanists International

Mahalet Tadesse, Intern, Humanists International

Contributions from:

Adriaan Alsema, Editor-in-Chief, *Colombia Reports*

Emeritus Professor Narendra Nayak, President,
Federation of Indian Rationalist Associations

Karl Karnadi, Founder, Indonesian Atheists

Ramesh Awasthi, Chairperson, Indian Renaissance Institute

Vidya Bhushan Rawat, Director, Social Development Foundation, India

Special thanks to:

Marianne Baker, Gaylene Middleton, Scott Jacobsen, Emma Crichton
and Keith Charters.

□ Scope and Purpose

This report is not intended to be a final or conclusive overview of the eight target countries discussed and analysed. This report is meant to be the beginning of a discussion about how much future research, and research funds, are made available to support further investigation.

As with any scientific inquiry into the nature of a large social phenomenon, the work will remain statistical, probabilistic, and uncertain in different ways.

This report focuses on the experiences and discrimination against humanists, and other non-religious people. This is not intended to minimise or make invisible the experiences of other religion and

belief minority groups, or to introduce a hierarchy of experience and discrimination. We, as the world's representative body of the humanist movement, are best placed to make an accurate investigation of the discrimination against our members and supporters. However, we fully support the rights of all individuals, regardless of their religion or belief.



Humanists International Board Member Gulalai Ismail speaks in the Scottish Parliament about blasphemy laws in May 2018



Colombia

□ Country Overview

The Republic of Colombia is predominantly Christian and majority Roman Catholic. It has suffered a low intensity conflict over decades, which has now significantly diminished. The relatively recent Constitution of 1991 established a presidential representative democratic republic.

The Constitution and other laws and policies protect freedom of thought, conscience, and religion, as well as the right to the freedoms of expression, association, and assembly. The constitution, specifically, prohibits religious discrimination. However, the Roman Catholic Church retains a privileged position within the Colombian state.⁵

The revision of the Concordat between Colombia and the Vatican (027/93) declared Catholic influence on education unconstitutional. The constitution establishes the right of parents to choose the type of education that their children receive, including religious instruction. However, it states that no student shall be forced to receive religious education in public schools.⁶

Intolerance of atheistic beliefs is reported to be common.

□ Survey Responses

Adriaan Alsema, Editor-in-Chief of *Colombia Reports*, suggests that non-religious people in Colombia face a high degree of social stigma: *“Socially, I have found that as an atheist I have been confused with satanists. I believe this has to do with the historic Catholic dogma that those who are not ‘in the light of God’ are effectively in control over the devil.”*

Andres Lopez, a law student in Bogotá, said, of humanists and atheists in Colombia: *“We are not actually persecuted, but the majority of people still see us as weirdos.”*

In keeping with the historical and ongoing status of the Catholic Church in Colombia, Alsema also reports, *“Politicians will almost never admit they are atheist because it will affect their career.”*

Three quarters of respondents to our survey said that whilst Colombia’s constitution is nominally secular; in reality, there is a huge social and political privilege given to religion in general and the Catholic Church, specifically.

All of the survey respondents mentioned Colombia’s legal restrictions on access to abortion services, where one respondent commented:

“Women’s rights, namely in regards to abortion, are still severely hindered by laws that are clearly based on religious belief rather than public health. Considering the dangers of illegal abortion, I believe this is an urgent issue.”

None of the respondents were aware of any research exploring the treatment and experiences of humanists and other non-religious groups and individuals in Colombia.

⁵ <https://2009-2017.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2015&dld=256343#wrapper>

⁶ <http://www.concordatwatch.eu/topic-38331.834>

Highlighted Cases

Jaime Augusto Sánchez

In May 2019, Professor of religion Jaime Augusto Sánchez was attacked because he publicly defined himself as “atheist” and because, during one of his lessons, he discussed with the students various religious worldviews, different from the dominant Roman Catholic one. During a session of the City Council of Lebrija, Santander department, a priest named Eleazar Muñoz stood up and said that Professor Sánchez was not fit to hold his position because “one cannot put in that position a person that does not believe in God, that defines himself an atheist, since one cannot talk about faith if he does

not have one, since he lost it. We already live in a difficult society, if we go to schools that teach us anti-values then we are lost”.⁷ Officers of the City Council of Lebrija opened an investigation against Professor Sánchez⁸ because he had shared with his students a Wikipedia entry on The Satanic Temple, a legally-recognised nontheistic religious group based in the United States of America. At the time of writing, the status of the council’s investigation remains unclear.

Alejandro Gaviria Uribe

In April 2017, the Minister of Health and Social Protection of Colombia, Alejandro Gaviria Uribe, released an interview where he publicly came out of the closet as an atheist. In particular, to the question, “Are you an atheist?” Gaviria Uribe replied, “I’m an atheist, but a respectful one”, also defining himself later in the same interview as a “a gentle atheist”.⁹ This statement generated a backlash against Gaviria Uribe. In particular, another politician, Alejandro Ordóñez, declared that Gaviria Uribe was unfit to cover that

position. Since, as a person who did not believe in God, he was “promoting the culture of death”. Thus, he should have resigned for this reason. He added the following rhetorical question, “Would you leave the health and the education of your family in the hands of an atheist?”¹⁰ Despite such opposition, Gaviria Uribe remained in post until 2018 and is credited with fighting for women’s reproductive rights and regulating the cost of medicine, among other achievements.¹¹

Miguel Lorenzo Trujillo

In 2016 a Professor of Philosophy, Religion and Ethics, Miguel Lorenzo Trujillo, was harassed by the parents of his students for “perverting the minds of their children”. According to media reports, the parents tried to physically assault the professor and launched

a petition to make him resign. The director of the school tried to modify Trujillo’s way of teaching. Finally, thanks to the mediatic and legal intervention of Bogotá Atea, the professor remained in post.¹²

7 <https://bogota.ateos.co/2019/05/discriminacion-contra-profesor-ateo-en-lebrija-santander-comunicado-de-prensa/>

8 <https://bogota.ateos.co/2019/05/discriminacion-contra-profesor-ateo-en-lebrija-santander-comunicado-de-prensa/>

9 <https://noticias.caracoltv.com/colombia/la-vida-sin-religion-vale-la-pena-minsalud-critica-profetas-politicos-y-redes-sociales>

10 <https://www.semana.com/nacion/articulo/alejandro-ordonez-y-alejandro-gaviria-polemica-por-atheismo/523614>

11 <https://uniandes.edu.co/en/news/in-the-campus/uncomfortable-truths>

12 <https://www.pulzo.com/nacion/profe-ateo-de-filosofia-alboroto-al-catolico-municipio-de-garzon-PP36971>

Bogotá Atea

In October 2015, six members of Bogotá Atea (“Atheist Bogotá”) were arrested by the police for protesting against a priest, Jesus Hernán Orjuela, who was celebrating Mass in public parks each Sunday and on the 14th of each month, without

any legal authorisation¹³. In Colombia, unfortunately, it is very common to celebrate Mass in public spaces like shopping malls and parks. The chief policeman who arrested the six members said that she was Catholic and that thus she was going to make them pay for it.

Atheists are “terrorists”

The same priest, Jesus Hernán Orjuela, is famous for having defined atheists as “terrorists” in his non-fiction book *Pregúntele al Padre Chucho* (“Ask Father Chucho”). On page 177, he writes: “If atheists don’t believe in love, they will have to assume that God does not exist

and whoever thinks this is a terrorist who destroys lives, since for them there is nothing of value [in the world]. Those who conceive of life without love are a danger to society, especially if they exercise any function in government.”¹⁴

Álvaro Ariza and Jaquelina Ardila

In 2015, parents (Álvaro Ariza and Jaquelina Ardila) enrolled their seven-year old daughter at Gabriel Betancourt Mejía College, a public school in Bogotá. The parents told the teacher they were atheists. For this reason they requested the daughter to be exempted from Religion classes and other religious tasks, such as kneeling before an image of the Virgin Mary, at the end

of classes, while waiting for the parents to come pick her up. Teachers started to harass the girl, shouting at her and forcing her to write in her diary that she had an interest in the Religion class. The parents filed a legal action called ‘*acción de tutela*’ (“guardianship action”). Although they won it, they decided to move their daughter to another institution.¹⁵

Sergio David Urrego Reyes

On 4 August 2014, Sergio David Urrego Reyes, a 16-year-old boy, committed suicide after being continuously harassed by the Directors of the Castillo Campestre School (a private Catholic school) because of his homosexuality and atheism. In particular, the director of the educational institution, Amanda Azucena Castillo, was bothered by Urrego Reyes’

atheism. In Urrego Reyes’ classmates report that, when Director Castillo came to know of Urrego Reyes’ suicide, she spoke to students not only without showing any grief for the suicide, but also publicly reproaching Urrego Reyes for being an “anarchist”, “homosexual” and “atheist”.¹⁶

13 <https://www.las2orillas.co/cronica-la-batalla-los-ateos-le-ganaron-al-padre-chucho/>; <https://bogota.ateos.co/2015/10/comunicado-planton-chucho/>

14 <https://www.buscalibre.us/libro-preguntele-al-padre-chucho/9789587571103/p/25992984>

15 <https://www.elespectador.com/noticias/judicial/el-calvario-de-una-familia-atea-articulo-543360>

16 <https://www.elespectador.com/noticias/bogota/pruebas-de-sergio-articulo-515085>

Centro Educativo Aures

In 2016, the teachers of a private school in Barranquilla, Atlántico Department, asked their students to make a prayer to celebrate the 203rd anniversary of the city. Students who refused to pray were told that they would be given a bad grade. William Triana Carvajal, a 17-year-old boy, stood up and said he disagreed because the school should guarantee the right to freedom of

religion. Weeks later the same student refused to take part in another religious celebration where students were asked to sing Catholic songs. William was forced to write an essay as punishment. In response to a legal complaint filed by Triana Carvajal, a judge defended Triana Carvajal's right not to be forced to participate in religious prayers and chants again.¹⁷

Jesús Sánchez, Diego Hernández & Pedro Luís García

In 2017, in Cucuta, Norte de Santander department, three openly atheist students (Jesús Sánchez, Diego Hernández & Pedro Luís García) refused to attend a mass during school time, instead suggesting that they stay in class and read a science book. The professor

refused the offer, exclaiming: "When not Protestants, they are atheists!" and adding that if they did not want to attend the mass they had to stay in class to read the Bible.¹⁸

□ Assessment and Recommendations

The situation for humanists in Colombia is relatively less severe than other countries in this report. They can meet openly in public without fear of violence or gross discrimination. Social stigma against humanists is acutely felt.

Like many countries throughout Latin America, Colombians' reported affiliation to the Catholic Church has been on the decline in recent decades¹⁹; although, it continues to dominate socially.

1. A review of the constitutional position of the Catholic Church to ensure secular provisions of Colombia's constitution are realized.
2. Colombia should resist political interference from the Catholic Church, and ensure safe and legal access to appropriate sexual and reproductive health and rights, including abortion.
3. Research is needed to understand the complexity of religion, religious belief, and religious identity in Colombia. Specifically, the social pressures and prejudice faced by humanists and atheists.
4. Projects to promote dialogue between different religions and beliefs should be supported to help aid social cohesion.

¹⁷ <https://www.elespectador.com/noticias/nacional/atlantico/el-estudiante-denuncia-ser-discriminado-su-colegio-ser-articulo-647193>

¹⁸ <https://bogota.ateos.co/2017/12/estado-laicidad-en-colombia-2010-2017/> (p. 72-73)

¹⁹ <https://www.pewforum.org/2014/11/13/religion-in-latin-america/>



India

□ Country Overview

India is the world's most populous democracy. It is religiously pluralistic and for many years has been proud, in the main, of its secular constitution. India is a secular republic. Its constitution and other laws and policies protect freedom of thought, conscience and religion, as well as freedom of expression, assembly and association. However, some state-level laws and policies restrict this freedom. There continues to be some violence between religious groups and organized communal attacks against religious minorities. Since the passage of the Citizenship (Amendment) Act, sweeping protests and counter protests have turned increasingly violent, with the vast majority of victims being Muslims. The Act, which establishes a new route to citizenship for irregular migrants of various religions originating from Pakistan, Bangladesh and Afghanistan, but does not offer the same path to Muslim or humanist migrants, has been widely interpreted as further evidence of Indian Prime Minister Narendra Modi's promotion of Hindu nationalism.

Rationalism as a belief has a long and proud history throughout Indian culture; since the 6th century BCE. According to the 2012 WIN-Gallup Global Index of Religion and Atheism report²⁰, 81% of Indians were religious, 13% were non-religious, 3% were convinced atheists and 3% were unsure or did not respond.

Despite the famously secular constitution of the world's largest democracy, concerns about Hindu nationalism and interreligious tension 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 politicised 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. 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 and belief.

The Indian penal code provides an array of vaguely-worded or overbroad laws, which enable complainants to stifle criticism of religion.²¹ Among them, “blasphemy” laws are being increasingly used and cited. Section 295 of the Indian Penal Code criminalises insult to religion; it allows up to three years imprisonment and fines for “whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of a class.”

India's “cow protection laws” that exist in many states in many ways represent *de facto* Blasphemy laws since people are prevented from eating beef, whatever their faith or lack thereof. There have been multiple reports of people being killed for having allegedly eaten beef.²²

²⁰ <https://www.jagranjosh.com/current-affairs/global-index-of-religion-and-atheism-report-number-of-atheists-increased-on-global-level-1369644886-1>
<https://sidmennt.is/wp-content/uploads/Gallup-International-um-tr%C3%BA-og-tr%C3%BAleysi-2012.pdf>

²¹ <https://pen-international.org/app/uploads/Imposing-Silence-FINAL.pdf>

²² <https://www.bloomberg.com/news/articles/2019-02-20/cow-vigilantes-in-india-killed-at-least-44-people-report-finds>
<https://www.bbc.com/news/world-asia-india-34634892>

“If the Indian Government is genuinely concerned about the protection of persecuted minorities outside of India, they should be prioritizing the protection of rationalists and humanists instead of adding to the tensions against Indian Muslims.”

Vidya Bhushan Rawat, Director, Social Development Foundation

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

Between 2013 and 2015 three prominent rationalists were assassinated apparently because of their work combating superstition or Hindu nationalism (see “Highlighted cases” below). The authorities were quick to promise action, but were also accused of prematurely ruling out links to Hindu nationalist extremist groups. Government officials refrained from forcefully condemning the killings. Whilst India’s Minister for Minorities, Mukhtar Abbas Naqvi, has said that “you cannot judge the government with isolated incidents of violence or isolated statements by some ministers,”²³ this violence has happened against a backdrop of a number of BJP politicians making deeply derogatory remarks about minorities — including, Niranjana Jyoti implying that non-Hindus were bastards by telling attendees at a rally that they would have to decide between a government led by ‘sons of Ram [a Hindu god] or by bastards’.²⁴

The existence of vigilante violence is not only indicative of the climate of fear and violence in which some people associated with non-belief are forced to live, but it also points to governmental responsibility in creating an atmosphere conducive to civil violence against non-believers.

There are a mixture of state and private schools, and some disparity between different states in this large and varied democracy. There has been debate for decades about whether India’s famous constitutional

secularity, in a socially very religious country, should mean the exclusion of religion from the classroom, or its inclusion either with instruction for all, or under a comparative framework, and there were even experiments with a secular moral education. Today, generally, the religious affiliation of children may be obvious from symbolic religious attire, and this is not discouraged or unlawful, but in this religiously diverse society the placing of undue influence on children through religious instruction is usually avoided in favour of inclusive secular norms, and parents who felt that their children were being wrongfully exposed to unwanted religious instruction would have legal recourse.

In 2002, the Supreme Court ruled that, “Students have to be made aware that the basic concept behind every religion is common, only the practices differ. Even if there are differences of opinion in certain areas, people have to learn to co-exist and carry no hatred against any religion.”²⁵ Dating back to the British Raj, some Christian and even some secular schools do offer Christian instruction, as an optional extra. The more religious nature of some private Islamic schools, and the taboo in some Muslim communities against educating girls, may be largely responsible for Muslims underperforming in literacy statistics.²⁶ Christian and Muslim schools are covered under the minority institutions. However, more recently in order to counter this, Hindu nationalists claim that the government schools are Hindu schools and must teach Hindu religious texts. This violates the constitution and its secular nature. Government schools cannot be termed or converted into Hindu schools simply because there are certain Christian or Muslim schools preaching their faiths to their pupils.

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

Despite the vibrant media landscape, journalists continue to face a number of constraints. The government has used security laws, criminal defamation legislation, hate speech laws, and contempt of court charges to curb critical voices.²⁷

In September 2017, journalist Gauri Lankesh was shot dead by at least two assailants outside her home in Bangalore.²⁸ She had been an ardent critic of Hindu nationalism and extremism. At the time of her death, Lankesh was in the process of appealing her 2016 conviction for defamation after publishing an article in 2008 in which she alleged that members of the BJP had committed theft. State police say it is widely suspected that the murder is linked to her work.

As a result of the investigations into Lankesh’s murder, the Karnataka Police Special Investigation team submitted a 9,235 page report to the Karnataka Court where a confession by accused Rajesh Bagera is recorded.²⁹ Bagera also admitted that his group of assassins had also conducted surveillance of the movements of Narendra Nayak, the current president of Federation of Indian Rationalist Associations (FIRA) (following the murder of his predecessor, Narendra

Dabholkar). Narendra Nayak is a highly respected and well-known leader of the Indian rationalist community, with an academic scientific background. For decades, he has been campaigning against superstition, exposing ‘godmen’ as fraudsters, and advocating for separation of state and religion.

In March 2017, he reported a suspected attack on his life.³⁰ As with many other rationalist and atheist leaders, he continues to receive death threats. Nayak is prominently featured on all known “hit-lists” against rationalists.

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

Internet shutdowns have become an easy way for those in power to curtail protest. Since December 2019, protests against the Citizenship Amendment Act have increased all over the country. The Act violates the constitution by granting citizenship to people on the basis of religion. Youths, students and minorities have revolted and spoken against this draconian act and have taken to the streets to do so. However, protests are being stopped through internet shutdowns, despite access to which being protected by Article 19 of the constitution and being declared as a fundamental right by the Supreme Court.³¹

23 <https://www.bbc.com/news/magazine-33241100>

24 <https://time.com/3619564/niranjana-jyoti-racist-india-bjp/>

25 Ms. Aruna Roy And Others vs Union Of India And Others on 12 September, 2002 <https://indiankanoon.org/doc/509065/>

26 <https://thewire.in/education/census-literacy-religion>

27 <https://pen-international.org/app/uploads/PEN-Int-India-Report-2018.pdf>

28 https://www.cjr.org/special_report/gauri-lankesh-killing.php

29 <https://scroll.in/latest/908884/gauri-lankesh-murder-sanatan-sanstha-also-tracked-rationalist-narendra-nayak-say-police>

30 <https://www.deccanchronicle.com/nation/in-other-news/170317/mangaluru-bid-on-rationalist-narendra-nayaks-life.html>

31 <https://www.indiatoday.in/news-analysis/story/internet-access-fundamental-right-supreme-court-makes-official-article-19-explained-1635662-2020-01-10>

□ Survey Responses

Many of the survey respondents highlighted the divergence between the principle of secularism that is enshrined and supposedly guaranteed by India's constitution, and the increasing privilege given to the Hindu faith and Hindu people by the Hindutva (Hindu nationalist) policies pursued and promoted by the BJP since it gained power in 2014.³²

Many respondents highlighted the need to support social development campaigns to raise awareness of the damaging effects of harmful traditional practices, such as the Caste system.

Several survey respondents raised serious concerns about the impact of the new Citizenship Amendment

Act³³, concerned about the effects on minority groups, particularly Muslims. Vidya Bhushan Rawat, Director of Social Development Foundation, commented: *"If the Indian Government is genuinely concerned about the protection of persecuted minorities outside of India, they should be prioritizing the protection of rationalists and humanists instead of adding to the tensions against Indian Muslims."* This view was echoed by Shridhar Pandey, a local social worker in India, who said: *"India has recently passed a citizenship amendment bill that has provision to depreciate the Muslim"*. Both of these respondents, and others, suggested that a study should be conducted to review the treatment, legally and socially, of religious and beliefs groups across India.

"This is the most anti intellectual government in independent India. It is targeting activists, civil society, human rights defenders, freethinkers and any one who challenges Indian 'mainstream' which is dominant Hindu vegetarian discourse. Dalit rights activists, Adivasis and the non-religious face the wrath of not only state apparatus but also its supporter extra constitutional lynch mob just because they challenge the values of the caste Hindus. Like Islamic Pakistan, Indians can critique other religion but not the brahmanical Hinduism. You will face tyranny of acts and intimidations by authorities as well as 'Hindutva goons'"

Said one respondent on the assurance of anonymity.

Many respondents stated that they felt increasingly isolated from the international community as an effect of the Government's restrictions on foreign funding for NGO activities³⁴. This has made international collaboration between human rights defenders from India and elsewhere very difficult.

All respondents felt that more international attention should be given to the social views and policies associated with the Hindutva movement and the organisations that develop and promote these ideologies³⁵.

□ Highlighted Cases

Narendra Dabholkar

On 20 August 2013, leading anti-superstition campaigner Narendra Dabholkar was shot and killed in Pune, Maharashtra state, by two men on a motorcycle. The murder came just days after the state government pledged to re-introduce an anti-superstition bill³⁶, aimed at making it an offence to exploit or defraud people with 'magical' rituals, charms and cures. This bill was closely associated with Dabholkar's work, and was opposed by many rightwing and Hindu nationalist groups who labelled it "anti-Hindu".³⁷ Dabholkar was a long-time activist in India's rationalist movement, founder-president of Maharashtra Andhashraddha Nirmoolan Samiti (MANS), an anti-superstition organization, and a leader of the Federation of Indian

Rationalist Associations, a member of Humanists International. The anti-superstition bill was passed into law soon after Dabholkar's assassination. In 2017 the state of Karnataka passed the 'Karnataka Prevention and Eradication of Inhuman Evil Practices and Black Magic Bill,' an anti-superstition bill, under pressure from civil society groups following the murders of Dr Dabholkar and Dr Kalburgi. Almost seven years since his murder, the trial of the accused has still not commenced.³⁸ In February 2020, the Bombay High Court expressed concern at the delay.³⁹



Humanists International chief executive Gary McLelland and director of advocacy Dr Elizabeth O'Casey unveil a series of portraits commemorating Indian rationalists and humanists who were murdered at a ceremony in Tamil Nadu, India in January 2018.

32 Humanists International's 2019 Freedom of Thought Report highlighted serious concerns about Hindutva <https://humanists.international/2019/11/freedom-of-thought-report-2019-warns-of-growing-divide-on-blasphemy-laws/>

33 <https://timesofindia.indiatimes.com/india/opposition-meet-on-CAA-all-you-need-to-know/articleshow/73221172.cms>

34 <https://www.theguardian.com/global-development/2016/nov/24/india-modi-government-accused-muzzling-ngos-by-blocking-foreign-funding>

35 Such as the ruling Bharatiya Janata Party in India, and Rashtriya Swayamsevak Sangh, the parent body of the BJP.

36 <https://timesofindia.indiatimes.com/city/pune/In-18-mths-150-cases-filed-under-anti-superstition-Act-most-victims-women/articleshow/48567491.cms>

37 <https://www.theguardian.com/world/2013/aug/20/anti-superstition-narendra-dabholkar-shot-dead>

38 <https://thewire.in/government/pistol-suspected-to-be-used-in-dabholkar-murder-recovered-from-arabian-sea-bed>

39 <https://www.newindianexpress.com/nation/2020/feb/13/hc-raps-cbi-cid-over-trial-delay-in-narendra-dabholkar-govind-pansare-murder-cases-2102937.html>

Govind Pansare

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

be killed like Dabholkar]". Kamble said that Pansare had received threats several times in the past but that he would "ignore such threats and continued with his work." Hamid Dabholkar (Narendra Dabholkar's son) criticised those dismissing similarities in the two cases, pointing out that both Dabholkar and Pansare were rationalists and opponents of right-wing extremism, and had been threatened several times.⁴⁰ To date, at least 12 individuals have been arrested⁴¹ in connection with the crime, including members of the right-wing Hindu nationalist group Sanatan Sanstha. In November 2019, Pansare's family reportedly filed an application seeking change of investigating officer due to their dissatisfaction with the manner in which he was handling the investigation.⁴²

M.M. Kalburgi

On 30 August, M.M. Kalburgi, a 77-year-old rationalist scholar and university professor, was shot dead at his home in the southern state of Karnataka. As in the cases of Dabholkar and Pansare, Kalburgi was attacked by two unidentified men riding a motorcycle. Kalburgi had received death threats following his criticism of idol worship during a seminar in 2014. In a statement to the *Hindustan Times* newspaper his

daughter Roopadarshi said that, "There was a threat to my father from groups that couldn't digest his views on caste and communalism. The role of these groups should be probed..."⁴³ On 18 August 2019, police filed charges against six individuals, including the man accused of killing journalist Gauri Lankesh.⁴⁴

H Farook

In March 2017, the *Times of India* reported that an atheist and ex-Muslim, H Farook (age 31), had been killed by four assailants in Tamil Nadu state. He was apparently targeted due to his participation in an atheistic WhatsApp group and his Facebook page, where he posted "rationalist" messages including views critical of religion. A realtor named as "Ansath" of Muslim background reportedly surrendered before the judicial magistrate court in connection with the murder. A police spokesperson said: "Farook's anti-Muslim sentiments had angered people, which could be the possible motive for murder." As of July 2019, six individuals had reportedly been identified to have links to the crime.⁴⁵



H Farook murdered in 2017 because of his beliefs

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

41 <https://www.ndtv.com/india-news/3-more-suspects-arrested-in-the-govind-pansare-murder-case-police-2096835>

42 <https://www.firstpost.com/india/govind-pansare-murder-case-unhappy-with-probe-slain-activists-family-demands-the-investigating-officer-be-changed-7688491.html>

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

44 <https://www.hindustantimes.com/india-news/sit-files-kalburgi-charge-sheet-finds-lankesh-link/story-pDOLmo59Yl6mBiYdPmFHnj.html>

45 <https://www.thehindu.com/news/national/tamil-nadu/duo-held-for-attempt-to-disturb-communal-harmony-had-role-in-sensational-cases-say-police-sadam-hussain-faizal-rahman-aka-auto-faizal-kichan-buhari-al-umma-dravidar-viduthalai-kazhagam-h-farook/article28494593.ece>

□ Assessment and Recommendations

Many humanists (primarily known as rationalists, freethinkers or atheists in India) are deeply involved in the campaigns to end the Caste system, and promote the rights of so-called Dalits or “untouchables”. This is a highly contentious issue responsible for considerable violence and social tension. Many humanist activists have been harassed, or worse, as a result of their advocacy in favour of Dalits.⁴⁶

In recent years there have been greater barriers created for international organisations wishing to work with grassroots partners in India, including, but not limited to, restrictions on funding from foreign sources.

Recommendations:

5. Section 295 of the Indian Penal Code, and any other policies and local laws that criminalise “blasphemy” or insult to religious sentiments, should be repealed.
6. The new Citizenship (Amendment) Act, 2019 should be amended to specifically include non-religious people, humanists and atheists.
7. The Indian government should not stifle criticism by placing undue restrictions on dissenter’s rights to freedom of expression, religion or belief, and association.
8. Government schools should provide secular education for all children.
9. Amend the Foreign Contribution (Regulation) Act, 2010 — which in its current form has been used to control and intimidate civil society — and protect human rights defenders against harassment and intimidation.
10. Ensure prompt, independent, impartial and effective investigations into the killings of rationalists to ensure the perpetrators are brought to justice, including those who commissioned said crimes.
11. The Indian Government should take steps to ensure that incitement to intolerance and hate by government officials is not condoned.

⁴⁶ The segregationist idea of “caste”, and in particular the dehumanizing practice of “untouchability” has deep roots in Hinduism, as detailed in the holy book of Manusmriti, which gives instruction on the upholding of the caste system. Even in modern India, many Hindu fundamentalists act to promote and enforce the caste system in accordance with Manusmriti. Despite the encompassing body of legislation that prohibits the caste system, discrimination, inhumane practices and a lack of enforcement remain.



Indonesia

Country Overview

Indonesia, the world's third-largest democracy, has in the past had a relatively good reputation for plural religious identity united under a monotheistic state ideology. However, this reputation went largely into decline during the term (2004-2014) of President Susilo Bambang Yudhoyono ("SBY"). Under President Joko Widodo ("Jokowi"), elected 2014, there was some hope for reform, but atheists and the non-religious remain socially marginalized and legally unrecognized, and 'blasphemy' prosecutions against religion or belief minorities have continued apace. Indonesia recognises only six official religions. Citizens must indicate to which religion they belong on national identification documents.⁴⁷

The Constitution theoretically protects freedom of "religion or belief," as well as freedom of expression, assembly and association. However, in practice these rights are often severely restricted and they are non-existent for non-religious citizens or anyone who does not believe in a god.⁴⁸ Article 29 awkwardly states both that: "(1) *The State shall be based upon the belief in the One and Only God.*" and: "(2) *The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.*"⁴⁹

Education in Indonesia is given a constitutional guarantee of being funded by a minimum 20% of the national budget and is a right for every child. However, education is under joint control of the Ministry of Education and Culture and the Ministry of Religious Affairs. The constitution defines education always in terms that are mixed up with distinctly religious aspirations: the aims of education (Article 31.3) are to "increase the level of spiritual belief, devoutness and moral character in the context of developing the life of the nation" and to do so (Article 31.5) "with the highest respect for religious values and national unity for the advancement of civilisation and prosperity of humankind"⁵⁰.

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

Most students attend state-run, non-sectarian (but not entirely secular) schools. Even outside Islamic schools, the national education system instructs children in the principles of participation in the modern nation-state along somewhat nationalist lines. The teaching of the state ideology, *Pancasila*, has diminished somewhat but remains, with its heavy emphasis on monotheism as the primary tenet of national identity⁵¹.

Freedom of expression is generally upheld, though censorship and self-censorship of books and films for allegedly obscene or blasphemous content is reportedly fairly common. Since 2011, authorities in Aceh - a semi-autonomous province located in northwest Indonesia - have cracked down on "punks" for supposedly insulting Islam. Those rounded up by the police are subjected to "re-education," which includes the forcible shaving of their punk-rock hairstyles and a traditional cleansing ceremony.⁵²

47 <https://www.reuters.com/article/us-indonesia-religion/indonesian-court-recognizes-native-religions-in-landmark-ruling-idUSKBN1D71J2>

48 https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf

49 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

50 https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf

51 <https://tile.loc.gov/storage-services/master/frd/frdcstdy/in/indonesiacountry00fred/indonesiacountry00fred.pdf>

52 <https://www.voanews.com/east-asia-pacific/sharia-police-arrest-punks-indonesias-aceh>

“Most of humanist, non-religious, and LGBT live in the shadow in Indonesia.”

Anonymous, Indonesia, 2019

□ Survey Responses

For humanists and atheists in Indonesia, the case of Alexander Aan is well known and holds great importance. Both of the survey respondents made it clear that they see the removal of Indonesia's “blasphemy” laws as fundamentally important to ensuring free expression and equal treatment⁵².

One of the respondents commented: “Changes to the discriminatory laws and social campaigns are definitely useful, but just having our existence (atheists’ existence in Indonesia) to be acknowledged is significant enough

to start a change. This was happening with the Alex Aan’s case back in 2012, for the first time it was publicly mentioned in the media that there are atheists in Indonesia.”

Humanists International does not have a large outreach within Indonesia. There are a number of brave and hard working activists, but no evidence of a lively movement within the country. One survey respondent said: “Most of humanist, non-religious, and LGBT live in the shadow in Indonesia.”

□ Highlighted Cases

Alexander Aan

Alexander Aan, an Indonesian civil servant in the province of West Sumatra, was arrested in January 2012 after being attacked by a mob of Muslim militants⁵³. The mob was reacting to statements Aan made on Facebook that criticized Islam and said he had left Islam and had become an atheist. The police charged Aan on three separate counts: insulting religion (which has a maximum sentence of five years in jail), the electronic transmission of defamatory comments (six years in jail), and false reporting on an official form (six years in jail). The charges of blasphemy and defamation related to

his criticism of Islam on Facebook. The final charge claimed that his application for his civil service job falsely stated he was Muslim when he was in fact an atheist. On 14 June 2012, a district court sentenced Aan to two years and six months in jail for “spreading information inciting religious hatred and animosity.” Aan was also reportedly fined 100 million rupiah (US \$10,600). He was released in February 2014. Aan later signed an open letter in 2018 urging the people of Ireland to vote in a referendum to repeal their blasphemy law⁵⁴.

□ Assessment and Recommendations

The humanist movement is not well established in Indonesia, in a large part due to the hostile environment for those who are perceived as critical of the majority Islamic belief. There has been no research which explores the treatment and experiences of humanists and other non-religious individuals and groups in Indonesia.

Recommendations:

12. Article 156(a) of the country's criminal code, and all other local laws and policies which criminalise “blasphemy”, should be repealed.
13. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Indonesia, as well as other religious and belief minority groups.
14. Projects to promote dialogue between different religions and beliefs should be supported to help aid social cohesion.

52 <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>

53 <https://humanists.international/2012/01/international-humanists-protest-indonesia-blasphemy-arrest/>

54 <https://humanists.international/2018/09/blasphemy-accused-tell-ireland-time-abolish-blasphemy-law/>



Malaysia

□ Country Overview

Malaysia is a federal, multi-territory constitutional monarchy, split across two land masses: Peninsular Malaysia and East Malaysia. There is a degree of freedom of religion or belief among the significant non-Muslim religious minorities including Christians, Buddhists and Hindus. However, rising attention on the small number (~1%) prepared to identify as non-religious has led government officials and police to threaten atheists and deny that there is a right to express atheism under the Malay Constitution.⁵⁵ Ethnic Malays are subjected to strict state controls over an enforced, homogenous religious identity, including mandatory Sharia laws, and in two states *hudud* enactments mandating death for “apostasy”. In August 2017 then-government ministers threatened to “hunt down” atheists photographed at an atheist meetup group in Kuala Lumpur.

The Constitution of Malaysia states that Islam is the religion of the country but that other religions may also be practiced in peace and harmony (Article 3). The Constitution also provides protections for freedom of expression, assembly and association (Article 10). However, these protections are not absolute and are subject to wide-ranging exemptions enumerated in several articles. For example, Article 10 includes a provision which allows Parliament to pass laws that restrict these freedoms in the interest of public order, morality and security. The freedoms are further restricted by several other articles, most notably Article 153, which grants the King of Malaysia powers to “safeguard the special position of the Malays”. Discussion of these articles, even by members of Parliament, is illegal⁵⁶.

Malaysia has a narrow concept of human rights, having signed only three of the eight legally enforceable human rights treaties, and even then the state asserts constitutional exemptions to these treaties and to the Universal Declaration itself, stating that only “those fundamental liberties provided for” in the Constitution will be upheld. These three treaties are: the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities (CRPD). In 2018, the government pledged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), but reversed the decision following backlash from groups who fear it could dilute privileges for majority ethnic Malays and threaten Islam’s position as the official religion⁵⁷.

“humanists and non-religious people are regularly attacked...”

Anonymous, Malaysia, 2019

⁵⁵ <https://www.malaymail.com/news/malaysia/2017/11/23/putrajaya-freedom-of-religion-does-not-equal-freedom-from-religion/1516855#week#WbkBqjoP8rQu7mPx.97>

⁵⁶ [http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf)

⁵⁷ <https://www.nst.com.my/news/nation/2018/11/434078/why-malaysia-backpedalled-icerd-ratification>

The government's ban on the use of the word "Allah" by non-Muslims in Malay-language Bibles and other Christian publications was upheld on 14 October 2014, the Court of Appeal overturning a 2009 decision that such a ban was unlawful.⁵⁸ The Appeals Court found that the freedom to practice a religion other than Islam is lawfully limited by Islam's status as the national religion, notwithstanding the constitution's guarantee that "other religions may be practiced in peace and harmony". The full scope of the "ban" on the use of "Allah" by non-Muslims remains unclear, with some officials saying it is limited to the *Catholic Herald*, which was the subject of the case; however, the precedent and basis of the judgment appears to have wider implications. The case has proved to be a high-profile ongoing source of tension between religious communities.

The Malaysian judiciary operates on a parallel system of civil and syariah law with the latter governing Muslims. Syariah laws fall under state jurisdiction. In cases of public outrage over child marriages and public canings under syariah laws, politicians have argued that "the federal government is in no position to influence or change" Islamic laws⁵⁹.

Survey Responses

Finding respondents willing to answer this survey was very difficult, given the open hostility and violence that many humanists and atheists have experienced in recent years. As one respondent said: "humanists and non-religious people are regularly attacked by zealous Muslims" the respondent continued: "there is a dearth of research into irreligiosity [sic] in the country and it would be good if there were resources such as funds, capacity building or experts to help conduct more research into the state of irreligiosity in Malaysia."

Islamic religious education is compulsory for Muslim children in public schools; students from non-Muslim backgrounds are required to take non-religious morals and ethics courses. Minority religion classes may in some cases also be held during the school day. At primary and secondary public schools, student assemblies frequently commence with recitation of an Islamic prayer. In October 2019, several Islamic groups expressed outrage at the reading of a Christian prayer during a student awards ceremony. A police investigation was conducted against the school's faculty, and action is pending from the prosecution office⁶⁰.

Grants are given selectively to private Islamic schools only, on agreement they allow government supervision and adopt a government-approved curriculum.⁶¹ Girls, particularly in peninsular Malaysia, may be required to wear the *tudung* (head covering).

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

One respondent commented "If we do express our lack in belief [sic], we will be shunned and frowned upon. Currently the government is taking action to hunt down the athiests in Malaysia due to us joining an athiest gathering dinner. The selfie was uploaded on Athiest Republic and ever since then it has gone viral amongst the Malay community. One led to another and eventually we have recieved warning from the police aswell." [sic]

Highlighted Cases

Eric Paulsen

Eric Paulsen, personally non-religious and a recurring, legitimate critic of the government – especially in connection with the imposition of Islamist extremism – has been repeatedly harassed by the authorities. In January 2015, he was arrested and subsequently charged with "sedition" for a 9 January tweet which read "Jakim [the Malaysian Islamic Development Department] is promoting extremism every Friday. Govt. needs to address that if serious about extremism in Malaysia." In March 2015, he was again arrested for tweeting about hypothetical problems in implementing Islamic *hudud* norms in Malaysia. His message read: "Do not simply believe that everything will be okay with hudud implementation – no basis that hudud will run smoothly in Malaysia". Critical

users tagged Inspector-General of Police Tan Sri Khalid Abu Bakar into their angry replies, leading Abu Bakar to announce that Paulsen should "watch his habit and mouth" when discussing sensitive topics such as religion, and asking, "Who is Eric Paulsen to question whether the hudud law is fair or not? ... I will review the tweets he sent out and the police will take action."⁶² Paulsen was arrested and detained but has not been charged in the *Hudud* tweet case, however several older "sedition" cases against others that were investigated in early 2015 have subsequently been brought to court^{63,64}. On 15 August 2018, the prosecution reportedly withdraw the case against Paulsen.⁶⁵



Atheist Republic

The Kuala Lumpur "consulate" of the online group Atheist Republic were targeted in an anti-atheist backlash, following publication in August 2017 of a photograph from a meetup event that went viral. The government said it would launch a "detailed investigation" into whether any "Muslims" had joined the "Atheist Club". A Deputy Minister in the Prime Minister's Department Dr Asyraf Wajdi Dusuki asked

that the Malaysian Communications and Multimedia Commission (SKMM) should be involved as it involved "the faith of Muslims in the country" and: "If it is proven that there are Muslims involved in atheist activities that could affect their faith, the state Islamic religious departments or Jawi could take action. I have asked for Jawi to look into this grave allegation."⁶⁶

58 <https://www.loc.gov/law/foreign-news/article/malaysia-highest-court-declines-to-overturn-ban-on-use-of-word-allah-by-non-muslims/>

59 <https://www.malaysiakini.com/news/441683>

60 <https://www.nst.com.my/news/nation/2019/10/527739/cops-record-6-statements-christian-school-prayer-fiasco>

61 <https://2009-2017.state.gov/documents/organization/171657.pdf>

62 <https://www.malaymail.com/news/malaysia/2015/03/22/activist-eric-paulsen-detained-again-for-sedition-lawyer-says/864435>

63 <http://www.themalaysianinsider.com/malaysia/article/jakim-can-sue-eric-paulsen-for-libel-says-lawyer-bernama>

64 <http://www.themalaysianinsider.com/malaysia/article/human-rights-lawyer-eric-paulsen-nabbed-for-sedition-in-kl>

65 <https://www.malaymail.com/news/malaysia/2018/08/15/prosecution-drops-sedition-cases-against-psms-arul-lawyer-eric-paulsen/1662642>

66 <http://www.themalaymailonline.com/malaysia/article/deputy-minister-probe-underway-on-muslims-joining-atheist-club>

□ Assessment and Recommendations

Malaysia is a country where humanists and atheists face outright violence and persecution, and as a result the movement is not well organised. Pressure should be brought to bear on Malaysia to encourage it to harmonise with international human rights standards, especially on freedom of religion or belief.

More research is needed to understand the situation faced by humanists and other non-religious people in Malaysia.

Recommendations:

- 15.** Articles 295–298A of the Malaysian Penal Code⁶⁷, and any other local laws or policies which criminalise “blasphemy”, should be repealed.
- 16.** In furtherance of the freedom of religion or belief, Malaysia should adjust its law and policies to allow those who wish to leave Islam and/or convert to another religion or belief to do so.
- 17.** Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Malaysia, as well as other religious and belief minority groups.
- 18.** Malaysia should sign and ratify: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

⁶⁷ Articles 298 and 298A prohibit “uttering words, etc., with deliberate intent to wound the religious feeling of any person,” and “causing, etc., disharmony, disunity, or feelings of enmity, hatred or ill-will, or prejudicing, etc., the maintenance of harmony or unity, on grounds of religion.”



□ Country Overview

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

The Nigerian Constitution protects freedom of religion and allows religious conversion. Section 10 of the Constitution states, "The Government of the Federation or a State shall not adopt any religion as State Religion." This provision has however occasionally been overlooked by national leaders, with Rivers State Governor Nyesom Wike pronouncing Rivers a Christian state during a speech in June 2019⁶⁸.

However, sections 275–279 of the Constitution give constituent states the power to establish their own Sharia courts. Abiding by Sharia law is required for Muslims in some states but optional in others and enforcement differs by state. Rulings and procedures are sometimes difficult to find. Christians are not obliged to abide by Sharia law in any of the 12 states.

Proselytizing in public is illegal in some states, on the grounds that it deters ethnic conflict. Religious groups are required to have permits to build places of worship and hold public gatherings. Christian and Islamic groups are required to register with the Corporate Affairs Commission (CAC) to do so. Religious discrimination is prohibited by law, but there are significant inter-religious social tensions.

In several instances, politicians have been reported to refer to religion when justifying their stance on legislative proposals and in other political contexts: in 2017, the MP Gudaji Kazaure declared to be against family planning as the latter is against Islamic doctrine, and cited Prophet Muhammad's words "Marry and have children so that I can be proud of you on the day of judgement". In 2019, a video began circulating on social media showing Senator Dino Melaye campaigning in his home state and reciting the first chapter of the Quran in its Arabic dialect to a roaring Muslim campaign mob^{69,70}.

"... many humanists in the northern region of Nigeria do not reveal their real identities on social media."

Anonymous, Nigeria, 2019

68 <https://www.pulse.ng/news/local/rivers-is-a-christian-state-says-wike/03wh1jh>

69 <https://www.youtube.com/watch?v=06xexylblmw>

70 <https://www.bellanaija.com/2017/10/muslim-family-planning-gudaji-kazaure/>

Under Article 38 Constitution of Nigeria, it is a requirement for all students in the public education system to receive instruction either about Christianity or Islam, though the constitution states that institutions cannot subject students to instruction in a religion other than that inherited from their family.⁷¹ In practice, Christian education classes are not offered in many Northern states and Muslim education classes are not always provided in Southern states.

Islam is often regarded, and is in effect, the *de facto* state religion of numerous northern states due to: the introduction of criminal law aspects of Sharia, the continued state use of resources to fund mosque construction, the education of *Kadis* (Muslim judges), pilgrimages to Mecca (Hajj), and religious instruction in schools.

Some states have also used government funds to pay for Christian pilgrimages to Jerusalem. In general, states with a Christian or Muslim majority favour and give privileges to the majority faith to the exclusion of religious or belief minorities.

Nigeria has “one of the most vibrant and varied media landscapes in Africa” according to Freedom House, with press that are usually willing and able to criticise for example, at least the most unpopular government policies. However, there is sometimes interference by officials and regulators in response to critical coverage of sensitive policies such as corruption and national security⁷².

□ Survey Responses

There is a lively and expanding humanist movement in Nigeria, mainly centred around the capital city, Lagos. Of the situation in Nigeria, one survey respondent said: “Humanist values are usually demonised in religious circles and with the rise of more young humanists especially on social media, there has been more vocal opposition from the religious circles.”

Another survey respondent, who wished to remain anonymous, said: “In the southern part of Nigeria where I reside, there is really no active persecution of humanists even though many religious people tend to discriminate individuals [sic] with non-religious worldviews or stance. But, in the Islamic-dominated northern region, there is

quite an active persecution of humanists who dare make themselves to be identified by extremists. For that reason, many humanists in the northern region of Nigeria do not reveal their real identities on social media.”

On recommendations to improve the situation, all of the survey respondents were in agreement that social campaigns were necessary, and that legal reforms would not help, one respondent said “Changes to law is not an issue because Nigeria is “theoretically” a so-called “Secular State” according to the Federal Constitution. However, the Government does not follow the laid down law, thus enacting or amending the law will not change anything since there is no rule of law.”

□ Highlighted Cases

Mubarak Bala

On 28 April 2020, Mubarak Bala, President of the Humanist Association of Nigeria, was arrested at his home in Kaduna, northern Nigeria. At the time of writing, Bala had not been formally charged, or granted access to his legal counsel, however, it is believed he was arrested in connection with a Facebook post, which individuals believed insulted the Prophet Muhammad and was liable to cause a public disturbance⁷³.

Bala has been the victim of death threats and harassment since he renounced Islam in 2014. In June that year he was assessed as needing psychiatric help because he was “an atheist” and was held against his will at a psychiatric ward in Kano, northern Nigeria. His father, formerly a senior member of the Islamic religious authorities, had orchestrated Mubarak’s detention, after Mubarak had refused to keep quiet about his atheistic views on religion.

Bala was freed after nearly three weeks due to a strike at the hospital. Mubarak said that the domestic and international pressure helped to convince his family that he must be free to be and express himself as an atheist^{74,75}.



Humanist Association of Nigeria

The Humanist Association of Nigeria was denied registration as an organization for many years. Antagonists linked the group to the promotion of gay rights, presuming this to stand against its merits (and in reality it may well contribute to authorities’ refusal to progress a registration)^{76,77}. In 2017, the Humanist

Association of Nigeria was eventually granted formal recognition after 17 years of campaigning, together with other humanist/atheist groups, including the Northern Nigeria Humanist Movement, the Atheist Society of Nigeria and Lagos Humanists⁷⁸.

71 <https://wipo.lex.wipo.int/en/text/179202>

72 <https://freedomhouse.org/report/freedom-press/2016/nigeria>

73 <https://humanists.international/2020/05/three-weeks-on-mubarak-bala-still-in-detention/>

74 <http://www.bbc.co.uk/news/world-africa-28158813>

75 <https://humanists.international/2014/07/mubarak-bala-is-free/>

76 <http://www.gamji.com/article9000/news9553.htm>

77 <http://dialogueseriesnew.blogspot.de/2011/10/usa-africa-dialogue-series-humanism-and.html>

78 <https://humanists.international/2017/12/humanist-association-nigeria-achieves-formal-recognition-17-year-campaign/>

□ Assessment and Recommendations

Nigeria benefits from many secular protections within its constitution, however this is not seen in practice. Humanists and other non-religious individuals face a variety of serious discrimination and are largely invisible within Nigerian society.

Recommendations:

19. Section 204 of the Criminal Code⁷⁹, and any other local laws or policies which criminalise “blasphemy” should be repealed.
20. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Nigeria, as well as other religion and belief minority groups.
21. Support should be given to social campaigns and initiatives to help spread understanding and awareness of other religion and belief groups, especially humanists and atheists. This could include support to grass-roots activists to create art and cultural projects to communicate the values of the humanist community, and others.

⁷⁹ Section 204, “Insult to religion”, states: “Any person who does an act which any class of persons consider as a public insult on their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanour, and is liable to imprisonment for two years.” States subject to Sharia courts can and do implement severe punishments for crimes such as “blasphemy”, including execution.

Pakistan

Country Overview

Pakistan is approximately 97% Muslim and the remaining 3% are Christian, Hindu, Buddhist or others. The country has suffered chronic sectarian violence against religious and non-religious minorities, with Shia Muslims subjected to the majority of the violence and many extremely serious incidents against the Christian minority. For individual non-religious persons to speak out is uncommon, but those revealed or alleged to be non-religious tend to provoke swift condemnation.

The legal environment in Pakistan is notably repressive; it has brutal blasphemy laws, systemic and legislative religious discrimination and often allows vigilante violence on religious grounds to occur with impunity.

There is institutional discrimination against religious and non-religious minorities in Pakistan. For instance: the government is strongly anti-secular;⁸⁰ government funding is available exclusively for the Islamic clergy and its institutions;⁸¹ it is constitutionally required that the president and prime minister must be Muslim;⁸² and senior officials, ranging from the president to members of parliament, must swear an oath to protect Pakistan as an Islamic country.⁸³

There are also issues in education. Many *madrasas*, which provide the only available education in some areas, teach revisionist history and foster religious intolerance and xenophobia.⁸⁴ Additionally, whilst in principle non-Muslims are not required to take Islamic courses, in practice there is usually no alternative available. Therefore, non-Muslims are compelled to take courses in Islamic studies.⁸⁵ In some places, schools, teachers and students – girls in particular – have frequently been subject to violence and terrorism by

the Taliban and other extremist groups.⁸⁶ Many children are unable to attend schools, many schools are run down, and the *madrasa*, which in some areas provide the only available education, are notorious for teaching revisionist history and hatred of non-Islamic religions and people.

Another issue of concern is the practice of forced conversions in Pakistan. Girls and women from minority belief groups are often forced to marry into Muslim families.⁸⁷ Moreover, minorities are pushed towards Islam, because of the many advantages offered to Muslims in society and legislation.

The government designates religious affiliation on identity documents, “No Religion” is not an accepted answer.⁸⁸ Some atheists in Pakistan use fake identities, fearing for their safety. Many have reported feeling threatened by their own government. Violence, threats and discrimination towards atheists is met with impunity by the government. Various testimonies illustrate the social pressure on the citizens of Pakistan to adopt a certain interpretation of Islam. In their view, the government is trying to enforce the notion that “a good citizen must be a good Muslim.”⁸⁹

⁸⁰ 2015 Report by the U.S. Commission on International Freedom
<https://www.uscirf.gov/sites/default/files/USCIRF%20Annual%20Report%202015%20%282%29.pdf>

⁸¹ *Freedom of Thought Report*

⁸² Article 41(2) and Article 91 (3) of the Pakistan Constitution http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

⁸³ Constitution of Pakistan, Third Schedule

⁸⁴ Education Reform in Pakistan, Report of the International Crisis Group, June 2014 <https://d2071andvip0wj.cloudfront.net/education-reform-in-pakistan.pdf>

⁸⁵ *Freedom of Thought Report*

⁸⁶ <https://www.hrw.org/news/2017/03/27/pakistan-attacks-schools-devastate-education>

⁸⁷ <https://www.forbes.com/sites/ewelinaochab/2020/05/08/yet-another-girl-in-pakistan-abducted-forcibly-converted-and-forcibly-married-to-her-abductor/#354b1e0174da>

⁸⁸ *Freedom of Thought Report*

“Blasphemy laws are in place which would legalize murdering me.”

Anonymous, Pakistan, 2019

The websites of several atheist communities and organizations have been blocked in the country. These include the website of Humanists International member Atheist Agnostic Alliance Pakistan (AAP) and that of Pakistani Freethinkers.

Amongst the most harmful devices for systemic discrimination against freethinkers – as well as Ahmadis and non-Muslims — are its blasphemy laws. Prime Minister Nawaz Sharif describes blasphemy as an “unpardonable offence.”⁹⁰ The High Court in Islamabad has issued orders to take immediate actions against social media blasphemers.⁹¹ Pakistan’s Interior Minister Chaudhry Nisar Ali Khan has pressured social media platforms like Facebook, WhatsApp and Viber to reveal names of individuals and groups engaging in practices of blasphemy.⁹²

Chapter XV of Pakistan’s Penal Code (PPC)⁹³ contains numerous articles concerning “offences relating to religion”. Article 295 stipulates that the defiling of a place of worship with the intention of thereby insulting the religion of any class of persons will be punished with imprisonment, fine, or both; Article 295-A bans “Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.” Perpetrators can be punished with imprisonment for a term which may extend to ten years, or with a fine. In Article 295-B defiling the Holy Qu’ran is outlawed. Anyone who “uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life”. Article 295-C states that the use of derogatory remarks in respect of the Holy prophet are punishable with death, imprisonment for life, perpetrators are also liable to fine.

Article 298 outlaws “the uttering of words with deliberate intent to wound religious feelings.” Article 298-A bans the use of derogatory remarks in respect of holy personages, perpetrators can be punished with imprisonment. Article 298-B and 298-C restrict the use of religious vocabulary for other groups in society. Ahmadi Muslims cannot call themselves Muslim, and certain titles and descriptions are reserved for holy personages or places only.

The laws are vaguely formulated and their enforcement by government agencies often violates the principle of presumption of innocence.⁹⁴

Pakistan’s blasphemy laws violate its international obligations under the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 2010, including its obligations to realise the rights to: freedom of opinion and expression, freedom of thought, conscience, and religion or belief, personal integrity, equality before the law and freedom from discrimination, fair trial, and the prohibition on arbitrary detention.

However, it is not only the mere existence of these blasphemy laws that is problematic. The majority of blasphemy cases are based on false accusations stemming from property disputes or other personal or family vendettas, which inevitably lead to mob violence, often against entire communities.⁹⁵ Once accusations of blasphemy against someone have been established, an individual’s life will very often be in serious danger.

The blasphemy laws are further bolstered by the Anti-Terrorism Act, which states that any action, including speech, intended to incite religious hatred is punishable by up to seven years’ imprisonment. Whilst applicable nationwide, the country’s blasphemy laws are used predominantly in the Punjab province.

90 <http://www.bbc.co.uk/news/technology-40246754>

91 <http://nation.com.pk/national/24-Mar-2017/blasphemy-crackdown-fia-arrests-2-suspects-from-karachi>

92 http://www.business-standard.com/article/news-ani/pak-may-block-facebook-by-2018-if-it-does-not-toe-line-on-blasphemers-117072900101_1.html

93 <https://www.oecd.org/site/adboecdanti-corruptioninitiative/46816797.pdf>

94 “As Good as dead”: The impact of the Blasphemy Laws in Pakistan, Amnesty International

95 The Supreme Court of Pakistan judgment, Malik Muhammad Mumtaz Qadri v. the State, Criminal Appeals No. 210 and 211 of 2015, p.26, available at www.supremecourt.gov.pk/web/user_files/File/CrI.A_210_2015.pdf

□ Survey Responses

The situation for humanists in Pakistan is grave. One respondent, who wishes to remain anonymous, commented, “Generally we can say that to be a humanist...[in Pakistan] you must have courage to lose everything.”

For the humanist community in Pakistan the murder of Mashal Khan has been a significant event that many report thinking about frequently. Most of the survey respondents show a clear awareness of the

consequences they face if they are exposed; one such respondent said: “Yes, humanists were, are and being targeted in our society. Some humanists were killed by mob and some by local authorities.”

Around half of the respondents to the survey clearly said that the removal of Pakistan’s blasphemy law is a priority for them. One respondent commented “Blasphemy laws are in place which would legalize murdering me.”

□ Highlighted Cases

Ayaz Nizami

Ayaz Nizami is the pseudonym of a humanist blogger currently detained in Pakistan under ‘blasphemy’ allegations. In January 2017, he was among several bloggers and activists accused of atheism or blasphemy that were forcibly disappeared, apparently by state security services.⁹⁶ When they were released, some reported having been tortured in detention. Nizami and another blogger Rana Noman were accused of

spreading ‘blasphemy’ online in March 2017. While there were protests to release the ‘disappeared’ activists and bloggers, many others protested against them. Nizami’s arrest was greeted by the trending hashtag ‘#HangAyazNizami’ on social media^{97,98}. The United States Commission on International Religious Freedom lists his case.⁹⁹

96 <https://www.hrw.org/news/2017/01/10/pakistan-bloggers-feared-abducted>

97 <https://www.ex-muslim.org.uk/2017/03/details-on-the-cases-of-ayaz-nizami-and-rana-noman/>

98 <http://nation.com.pk/24-Mar-2017/blasphemy-crackdown-fia-arrests-2-suspects-from-karachi>

99 <https://www.uscirf.gov/victims-list/prisoner/12848>

Mashal Khan

Mashal Khan, a student who referred to himself as a humanist on his Facebook page, was murdered by his fellow university students for alleged blasphemy.¹⁰⁰ According to Pakistani media, a large group of students were involved in the attack that occurred on 13 April 2017 after Khan was accused of posting “blasphemous” content online. Khan appears to have posted routinely against discrimination and in favour of human dignity. Khan was reportedly shot in the head and then beaten with sticks. Video footage circulated on social media showed his lifeless body being attacked. Police were reportedly present during the attack but claimed they were unable to intervene due to the large number of

attackers. The official police report into Mashal’s death says there is no evidence supporting any blasphemy allegation. 53 suspects went on trial in 2017. In February 2018, a Haripur Anti-Terrorism Court sentenced one individual to death and five others to life imprisonment for their involvement in the crime. 26 others were reportedly acquitted owing to insufficient evidence.¹⁰¹ Mashal Khan’s father, Iqbal Khan, is reported to have said he rejected any attempt at “reconciliation” by the families of those who killed his son, saying “If someone wants it [reconciliation] then he should watch the videos of the brutal killing of my son.”^{102,103}



Aslam alias Saeen Achhu

In October 2016, police reportedly registered a case under Section 295-A of the PPC against a man named only as Aslam alias Saeen Achhu. Aslam was accused of denying “Allah, all the prophets including Holy Prophet Hazrat Muhammad (PBUH), all the holy books, angels

and the prayers, fast, Zakat and Haj.” A petitioner is cited as providing recordings of “blasphemous” conversation with Aslam. At the time of writing, the status of the case remained unclear.¹⁰⁴

100 <https://www.dawn.com/news/1387707>

101 <https://www.aljazeera.com/news/2019/03/pakistan-convicts-mashal-khan-blasphemy-lynching-case-190321110355206.html>

102 <https://tribune.com.pk/story/1382848/journalism-student-killed-mardan-university-alleged-blasphemy/>

103 <https://www.samaa.tv/pakistan/2017/09/iqbal-khan-rules-reconciliation-mashal-khans-killers/>

104 <http://nation.com.pk/national/15-Oct-2016/gcci-scci-stress-joint-efforts-to-boost-exports>

Fauzia Ilyas

Fauzia Ilyas is the founder of the Atheist & Agnostic Alliance Pakistan (AAAP), which claims over 3,000 supporters. With strict “blasphemy” and apostasy laws, the very existence of the AAAP appears to have been taken as *prima facie* evidence of a crime. Custody of Fauzia’s daughter was granted to her ex-husband, a devout Muslim, apparently on the basis of Fauzia having left Islam. In 2015, a Lahore court initiated criminal proceedings against Fauzia and issued a warrant for her arrest. Fauzia fled to the Netherlands where she is currently seeking asylum, along with her colleague and husband, A. Gilani, a spokesperson for AAAP.



Gulalai Ismail

Gulalai Ismail is a Board member of Humanists International, and has long been involved in the international humanist youth movement in Asia. She is also a multiple award-winning human rights defender. She founded Aware Girls in 2002, an organization that works to empower and educate women and girls on rights and leadership in Pakistan. On 12 October 2018, after returning home from a humanist International Board meeting in London, Gulalai was arrested by the Pakistani

Federal Investigation Authority (FIA). For the next 11 months Gulalai and her family were harassed by police and security services, and forced to live ‘on the run’ to avoid detection¹⁰⁵. False charges of funding terrorist groups were leveled against her and her family. Eventually, in September 2019, Ismail was able to flee Pakistan and take refuge in the United States. From exile, the Pakistani authorities seek to leverage her father’s freedom for her silence.¹⁰⁶

105 <https://www.nytimes.com/2019/09/19/world/asia/gulalai-ismail-pakistan-activist.html>

106 <https://humanists.international/2020/05/elderly-father-of-gulalai-ismail-mohammed-ismail-in-danger-of-prolonged-arbitrary-detention/>

□ Assessment and Recommendations

Religious and non-religious minorities in Pakistan are directly and indirectly discriminated against by their own government. Directly by the institutional and legislative restraints, and indirectly by the government's discourse and the climate of impunity.

Almost all cases of discrimination against humanists in Pakistan fall under the broad umbrella of "blasphemy laws". The Constitution of Pakistan establishes Islam as the state religion and, although the constitution gives the premise of protection for minorities to practice their religious beliefs freely, many of the laws and policies of the Pakistani state unduly restrict freedom of religion or belief in a repressive way.

The existence of such harsh laws and punishments against humanists and the threats of targeted violence combined with impunity from the government leads to the 'invisibility' of humanists in Pakistan.

There is no doubt that humanists in Pakistan are at grave and immediate risk of targeted violence if their beliefs and identity are exposed.

Recommendations:

- 22.** Abolish blasphemy laws by repealing sections 295, 295-A, 295-B, 295-C, 298, 298-A, 298-B and 298-C of the Pakistan Penal Code, and ensure the immediate and unconditional release of all citizens that are imprisoned for the exercise of their rights to freedom of expression or belief.
- 23.** Ensure that its agencies do not use language which encourages hatred against minority groups.
- 24.** Ensure the protection of religious and non-religious minorities in Pakistan, especially humanist and non-religious groups and individuals.
- 25.** Develop a legislative framework against forced conversions.
- 26.** Protect the identity of anonymous activists, and end the climate of impunity towards killers of citizens solely exercising their freedom of expression or belief.
- 27.** Open the position of all public offices, including that of president and prime minister, to all religious and non-religious citizens.
- 28.** Establish a secular education alternative for religious and non-religious minority students.



Philippines

□ Country Overview

The Philippines is an archipelago of which seven islands host the majority of the 100 million population, the second largest population of countries in the ASEAN (Association of Southeast Asian Nations). Spanish and US influences remain strong, especially in terms of religion (mainly Roman Catholic) and government. Nominally Roman Catholics are a significant majority religion (80%), with Islam as a minority religion (10%). The Philippines has a number of active human rights and non-religious groups.

The Constitution and other laws and policies generally protect religious freedom. There is no state religion, as such, and the constitution provides for the separation of church and state. In practice, however, both Roman Catholic and Islamic religions have close associations with government.

The government permits religious instruction in public schools with written parental consent provided there is no cost to the government. Based on a traditional policy of promoting moral education, local public schools give religious groups the opportunity to teach moral values during school hours. Attendance is not mandatory and the various groups share classroom space. The government also allows groups to distribute religious literature in public schools. By law, public schools must ensure the religious rights of students are protected. Muslim students may wear the hijab¹⁰⁷.

The Roman Catholic Church in the Philippines has historically played a significant role in politics. A law against “offending religious feelings” has recently been activated against a critic of Catholic Church policies.¹⁰⁸

Section 4 of the revised penal code (largely unchanged since 1930) covers “Crimes against religious worship”, including a ban on “interruption of religious worship” (article 132) and more pertinently, “offending the religious feelings” (article 133): “Offending the religious feelings. – The penalty of arresto mayor [suspension of suffrage] in its maximum period to prision correctional in its minimum period [from 6 months 1 day, up to 2 years 4 months] shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.”

□ Survey Responses

Humanists and other minority groups are free to gather in public, not because of a lack of stigma towards them, but mostly because of the anti-discrimination measures set in place by local government units.

Edwin Bulaclac Jr. from the Humanist Alliance Philippines International underlines indeed that: “Business establishments cannot refuse service to paying customers for fear of their licenses getting revoked by the local government unit. Filipinos are very vocal when it comes to civil liberties, especially when money is involved. The LGBTQ+ community in the Philippines faces more

backlash than the secular humanists/atheists.” For this reason, Edwin adds, “We are allowed to gather in public spaces, even in private rented spaces. Humanism as an ethical stance/belief system is not yet that known in the Philippines. But atheists, on the other hand, might get the occasional eyebrow lift.”

A significant issue in the country seems to be the spreading of “fake news”, which corrupts a public debate already distorted by the presence of a blasphemy law. In this regard Edwin Bulaclac Jr recalls what happened to Carlos Celdran.

¹⁰⁷ <http://www.refworld.org/docid/53b2b8b1b.html>

¹⁰⁸ <https://fot.humanists.international/countries/asia-south-eastern-asia/philippines/>

☐ Highlighted Cases

Carlos Celdran

In 2012, the crime of “offending religious feelings” was used to convict Carlos Celdran for protesting the Catholic Church’s opposition to the Reproductive Health Law. Celdran was a performing artist and cultural activist promoting HIV/AIDS awareness and reproductive health. In 2010, Celdran entered Manila Cathedral during mass to stage a protest action against Church opposition to the reproductive health bill. Celdran dressed as Filipino national hero José Rizal

carrying a sign and shouting “Stop getting involved in politics!” He was escorted out by police and later sued by the Catholic Bishops Conference of the Philippines for “offending religious feelings”. Following an unsuccessful appeal against his conviction, Celdran went into exile in 2018¹⁰⁹, where he died of a heart attack, aged 46, on 8 October 2019.¹¹⁰

109 <https://www.scmp.com/news/asia/southeast-asia/article/3032782/filipino-artist-carlos-celdran-convicted-blasphemy-against>

110 <https://www.nytimes.com/2019/10/11/world/asia/carlos-celdran-dead.html>

☐ Assessment and Recommendations

The humanist movement in the Philippines is a young and dynamic movement. Run by a group of vocal activists, they are closely aligned with the LGBTI+ movement and other progressive social groups. The humanist community, along with other social groups, faces widespread social discrimination as well as legal discrimination.

Recommendations:

29. Section 4 of the Revised Penal Code of the Philippines and any other local laws or policies which criminalise “blasphemy” should be repealed⁸².
30. More support is needed to support the humanist community in the Philippines and enable them to continue their important social campaigns. This could include support to grass-roots activists to create art and cultural projects to communicate the values of the humanist community, and others.
31. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in the Philippines, as well as other religion and belief minority groups.

Sri Lanka

Country Overview

The Democratic Socialist Republic of Sri Lanka is a country of just over 20 million people occupying an island in the northern Indian Ocean. Formerly part of the British Empire, “Ceylon” attained independence in 1948, and became a republic in 1972. There are many ethnic groups on the island and Sri Lanka’s post independence history has been marked by ethnic violence.

According to the Constitution, every person is “entitled to freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief of his choice.”¹¹¹ The constitution gives a citizen “the right either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice, or teaching.” However, the constitution also accords Buddhism the “foremost place” and commits the government to protecting it, but does not recognize it as the state religion¹¹².

Religion is a mandatory subject in the state school curriculum. Parents may choose for their children to study Buddhism, Islam, Hinduism, or Christianity. Students belonging to other religious groups may pursue religious instruction outside the public school system.

Although freedom of expression is guaranteed in the constitution, a number of laws and regulations restrict this right. These include the Official Secrets Act 1955¹¹³, the Prevention of Terrorism Act (PTA) 1979¹¹⁴, additional anti terrorism regulations issued in 2006, and laws on defamation and contempt of court.

The Criminal Code under article 290 prohibits injury or “defilement” to places of worship, and under article 291 the “disturbance” of worship. 290A further criminalizes any act in a variety of circumstances within or near places of worship which is intended to “wound religious feelings” or may be considered an “insult” to religion.

Moreover, the law goes on to criminalize in very broad terms any act, including speech acts and written words, made with the intention of “wounding the religious feelings of any person” (article 291A) or “outraging the religious feelings of any class of persons” (291B), respectively.

These are all imprisonable offences.

Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, have encountered considerable levels of intimidation, which has led over the past several years to increased self-censorship. Past attacks on journalists and media outlets, such as the murder of Lasantha Wickrematunga in 2009 and the disappearance of Prageeth Eknaligoda in 2010, have not been adequately investigated, leading to a climate of complete impunity.

“Ex-Muslims have no way of gathering in public, whether small or large, their safety and privacy would be at high risk.”

Anonymous, Sri Lanka, 2019

111 (Chapter III) art. 10 <https://www.parliament.lk/files/pdf/constitution.pdf>

112 <https://www.parliament.lk/files/pdf/constitution.pdf>

113 <https://www.srilankalaw.lk/Volume-VI/official-secrets-act.html>

114 <https://www.lawnet.gov.lk/1948/12/31/prevention-of-terrorism/>

□ Survey Responses

One of the respondents, who prefers to remain anonymous, underlines that one of the most difficult things for non-religious people is to gather in public with like-minded people: *“Humanists can have gatherings and meetings only for a selected crowd at in-house auditoriums (subject to the permission of the management). Arranging a large public gathering or meeting is not possible as there could be troubles created by Buddhist monks. Particularly, ex-Muslims have no way of gathering in public, whether small or large, their safety and privacy would be at high risk. Ex-Muslim gatherings are always secret.”*

The same respondent confirms this point by adding: *“an NGO promoting humanism was attacked and dismantled by Buddhist monks a few years ago. A secular writer named Sharmila Seyyid and myself were in the hit list of the ISIS and they had tried to kill me twice.”*

Another respondent, Zayir Hameed, underlines the influence of Buddhist monks into the public sphere by recalling a recent controversial episode¹¹⁵ in the country in which a group of Buddhist monks

condemned a ministerial schoolbook on sex education claiming that its contents are promoting “vulgarity” and corrupting minds of children.

All respondents agree that the influence of religious groups on education is widespread; one of the respondents, Fatima, suggests that to improve the situation in the country, *“Government should stop segregation of public and private schools.”*

Two other common threads in all responses are both the lack of secularism, which prevents an open debate about religion and other delicate topics like LGBT rights and abortion and the widespread stigma against non-religious people.

In this regard, one of the respondents, Rishvin Ismath, says: *“Atheists and non-religious people are not welcomed by the people. General public thinks that atheists and non-religious people are the worst”* and that *“they would do any crimes.”*

□ Highlighted Cases



Rishvin Ismath

In June 2019, the identity of one of the members of the Council of Ex-Muslims of Sri Lanka, Rishvin Ismath, was made public against his will, jeopardizing his personal security. Ismath was summoned by a Parliamentary commission,

in front of which he denounced some Islamic textbooks, printed and distributed by the Government, which contained explicit incitements “to kill the apostates of Islam”. Since that day, Ismath received multiple death threats.¹¹⁶

Naomi Coleman

In April 2014, a British woman who said she held Buddhist beliefs was deported from Sri Lanka for having a tattoo of Buddha on her arm. Police said she was arrested and detained for “hurting religious feelings”.

Coleman was held in an Immigration Detention Centre before being deported. Other European tourists have faced similar accusations previously.¹¹⁷

115 http://www.colombopage.com/archive_19B/Dec31_1577732275CH.php

116 <https://www.youtube.com/watch?v=BsIXcDuTNkg&t=>

117 <http://www.bbc.co.uk/news/world-asia-27107857>

□ Assessment and Recommendations

Sri Lanka does not have a coordinated humanist movement. There is an active group of 'Ex-Muslims' in Sri Lanka who suffer from serious discrimination and social stigma. Humanists and atheists in Sri Lanka face significant social stigma and discrimination, but more information and research is needed in this area.

Recommendations:

- 32.** Articles 290, 290A and 291 of the Criminal Code of Sri Lanka, and any other local laws or policies which criminalise "blasphemy" should be repealed.
- 33.** In furtherance of the freedom of religion or belief, Sri Lanka should adjust its law and policies to allow those who wish to leave Islam and/or convert to another religion or belief to do so.
- 34.** Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Sri Lanka, as well as other religion and belief minority groups.

□ Conclusion

Extensive discrimination by governments against atheists, humanists and the non-religious occurs worldwide. The countries with the worst records on freedom of thought are the countries with the worst records on all human rights. This is no coincidence: when thought is a crime, no other freedom can long survive.

Discrimination and persecution against humanists and the non-religious in particular are often bound up with political suppression, with fears about progressive values, or with oppression in the name of religion. Humanists and non-religious people are often among the first to ask questions, and to raise the alarm when human rights are being trampled, when religion is misused or abused, or — even with the best intentions — if religion has become part of the problem. If you silence the non-religious, then you silence some of the leading voices of responsible concern in society.

Through the country cases analysed via our surveys, this study has found a number of common themes affecting humanists and non-religious individuals

across countries. These range from constitutional and legal barriers to restrictive and conservative societal norms and perceptions of humanists and the non-religious. They include: blasphemy and apostasy laws disproportionately targeting the humanist and non-religious where even an expression of atheism can be perceived as blasphemous to a devout believer; lack of separation between state and religion; privileging of one or some religions by the state leading to discrimination in terms of access to public services or positions; parallel religious-based and secular legal systems operating concurrently; and education systems with no secular alternative to religious

We, therefore, have some general recommendations to help improve the human rights situation for humanists and non-religious people across the world:

- 35.** Inclusive and accurate language is important, both for its descriptive and prescriptive roles. The right to freedom of religion or belief covers a whole host of religious and non-religious beliefs (as made clear in the UN Human Rights Committee's General Comment 22)¹¹⁸ and as such, should not be reduced in its description to less inclusive terms (such as 'religious freedom').
- 36.** Humanists, and other non-religious groups, should be clearly identified as a constituent group with a positive and coherent worldview for the purposes of funding and research for development aid, social research, and stakeholder engagement.
- 37.** When human rights monitors look at structural discrimination against religious minorities – for example, discrimination flowing from apostasy and blasphemy laws or from religious tests for citizenship, or from religious control of family law – they should also look at how this discrimination would impact humanists and non-religious people as well as those who identify with an organized religion.
- 38.** There needs to be convincing international condemnation and response to those country leaders who use 'hate speech' or incitement against any religious or belief minorities. It needs to be clear that this includes those with no religion.
- 39.** There needs to be more research into the specific needs of humanists and non-religious people, to inform on how to better protect these people in view of such needs.
- 40.** Political and legal separation of religion and state (secularism) is a prerequisite for the full enjoyment of human rights, democracy, and the rule of law. Despite this, there has been minimal attention at an international level. More research needs to be committed to the issue of secularism, and its importance and integral link to human rights, and how it should be understood or indeed how the principles of secularism might be applied in practice.



The Board and CEO of Humanists International

118 <https://www.equalrightstrust.org/ertdocumentbank/general%20comment%2022.pdf>

□ Complete list of recommendations

Colombia recommendations

1. A review of the constitutional position of the Catholic Church to ensure secular provisions of Colombia's constitution are realized.
2. Colombia should resist political interference from the Catholic Church, and ensure safe and legal access to appropriate sexual and reproductive health and rights, including abortion.
3. Research is needed to understand the complexity of religion, religious belief, and religious identity in Colombia. Specifically, the social pressures and prejudice faced by humanists and atheists.
4. Projects to promote dialogue between different religions and beliefs should be supported to help aid social cohesion.



Indonesia recommendations

12. Article 156(a) of the country's criminal code, and all other local laws and policies which criminalise "blasphemy", should be repealed.
13. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Indonesia, as well as other religious and belief minority groups.
14. Projects to promote dialogue between different religions and beliefs should be supported to help aid social cohesion.



India recommendations

5. Section 295 of the Indian Penal Code, and any other policies and local laws that criminalise "blasphemy" or insult to religious sentiments, should be repealed
6. The new Citizenship (Amendment) Act, 2019 should be amended to specifically include non-religious people, humanists and atheists.
7. The Indian government should not stifle criticism by placing undue restrictions on dissenter's rights to freedom of expression, religion or belief, and association
8. Government schools should provide secular education for all children
9. Amend the Foreign Contribution (Regulation) Act, 2010 — which in its current form has been used to control and intimidate civil society — and protect human rights defenders against harassment and intimidation.
10. Ensure prompt, independent, impartial and effective investigations into the killings of rationalists to ensure the perpetrators are brought to justice, including those who commissioned said crimes.
11. The Indian Government should take steps to ensure that incitement to intolerance and hate by government officials is not condoned



Malaysia recommendations

15. Articles 295–298A of the Malaysian Penal Code 67, and any other local laws or policies which criminalise "blasphemy", should be repealed.
16. In furtherance of the freedom of religion or belief, Malaysia should adjust its law and policies to allow those who wish to leave Islam and/or convert to another religion or belief to do so.
17. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Malaysia, as well as other religious and belief minority groups.
18. Malaysia should sign and ratify: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.





Nigeria recommendations

19. Section 204 of the Criminal Code⁷⁹, and any other local laws or policies which criminalise “blasphemy” should be repealed.
20. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Nigeria, as well as other religion and belief minority groups.
21. Support should be given to social campaigns and initiatives to help spread understanding and awareness of other religion and belief groups, especially humanists and atheists. This could include support to grass-roots activists to create art and cultural projects to communicate the values of the humanist community, and others.

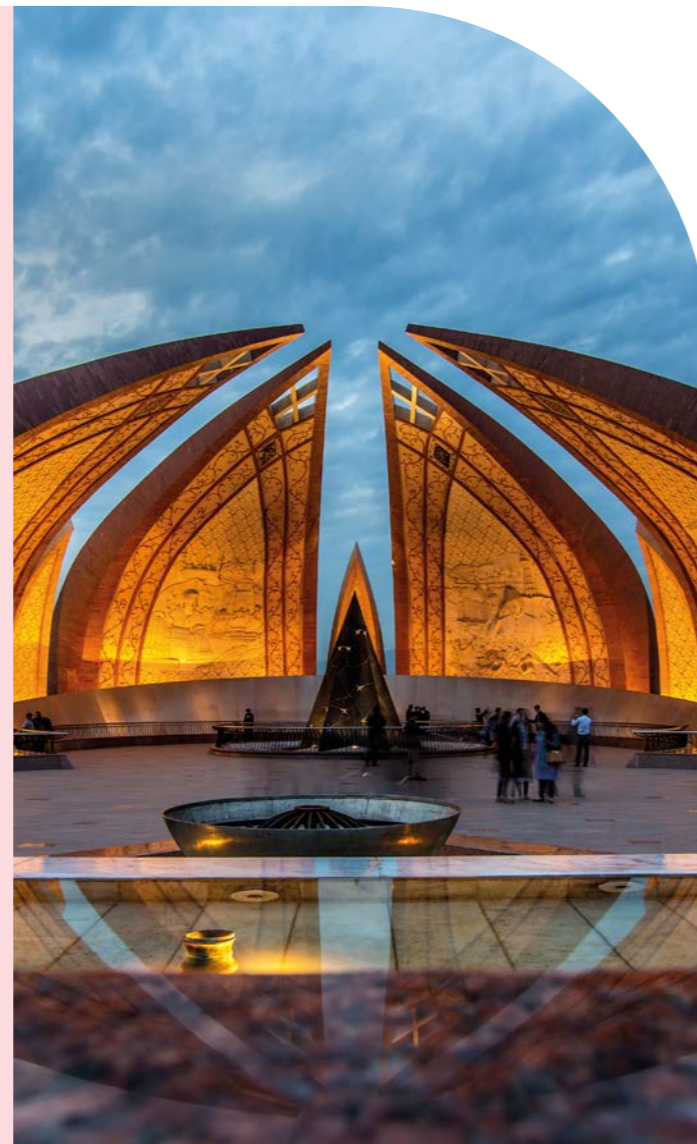


Philippines recommendations

29. Section 4 of the Revised Penal Code of the Philippines and any other local laws or policies which criminalise “blasphemy” should be repealed.
30. More support is needed to support the humanist community in the Philippines and enable them to continue their important social campaigns. This could include support to grass-roots activists to create art and cultural projects to communicate the values of the humanist community, and others.
31. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in the Philippines, as well as other religion and belief minority groups.

Pakistan recommendations

22. Abolish blasphemy laws by repealing sections 295, 295-A, 295-B, 295-C, 298, 298-A, 298-B and 298-C of the Pakistan Penal Code, and ensure the immediate and unconditional release of all citizens that are imprisoned for the exercise of their rights to freedom of expression or belief.
23. Ensure that its agencies do not use language which encourages hatred against minority groups.
24. Ensure the protection of religious and non-religious minorities in Pakistan, especially humanist and non-religious groups and individuals .
25. Develop a legislative framework against forced conversions.
26. Protect the identity of anonymous activists, and end the climate of impunity towards killers of citizens solely exercising their freedom of expression or belief.
27. Open the position of all public offices, including that of president and prime minister, to all religious and non-religious citizens.
28. Establish a secular education alternative for religious and non-religious minority students.



Sri Lanka recommendations

32. Articles 290, 290A and 291 of the Criminal Code of Sri Lanka, and any other local laws or policies which criminalise “blasphemy” should be repealed.
33. In furtherance of the freedom of religion or belief, Sri Lanka should adjust its law and policies to allow those who wish to leave Islam and/or convert to another religion or belief to do so.
34. Further research is needed to understand the treatment and experiences of humanists and other non-religious individuals and groups in Sri Lanka, as well as other religion and belief minority groups.



General recommendations

35. Inclusive and accurate language is important, both for its descriptive and prescriptive roles. The right to freedom of religion or belief covers a whole host of religious and non-religious beliefs (as made clear in the UN Human Rights Committee's General Comment 22)118 and as such, should not be reduced in its description to less inclusive terms (such as 'religious freedom').
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37. When human rights monitors look at structural discrimination against religious minorities – for example, discrimination flowing from apostasy and blasphemy laws or from religious tests for citizenship, or from religious control of family law – they should also look at how this discrimination would impact humanists and nonreligious people as well as those who identify with an organized religion.
38. There needs to be convincing international condemnation and response to those country leaders who use 'hate speech' or incitement against any religious or belief minorities. It needs to be clear that this includes those with no religion.
39. There needs to be more research into the specific needs of humanists and nonreligious people, to inform on how to better protect these people in view of such needs.
40. Political and legal separation of religion and state (secularism) is a prerequisite for the full enjoyment of human rights, democracy, and the rule of law. Despite this, there has been minimal attention at an international level. More research needs to be committed to the issue of secularism, and its importance and integral link to human rights, and how it should be understood or indeed how the principles of secularism might be applied in practice.



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