

Intervention on behalf of the Gustav Stresemann Stiftung e.V.

Freedom of Expression must be protected from blasphemy laws and other restrictions

In June, 2013, the European Parliament passed a resolution on freedom of the press and media in the world. It stated clearly:

“The European Parliament, [...] is aware of the use of defamation, blasphemy and libel laws, as well as legislation referring to ‘the degrading of the country’s image abroad’ [...] in order to imprison or censor journalists and block free expression”.¹

On the same day, the European Parliament recommended to the council for drafting guidelines to encourage and protect freedom of religion and ideology:

“The EU should [...] firmly oppose any attempt to criminalise freedom of speech in relation to religious issues, such as blasphemy laws.”²

Freedom of expression is absolutely one of the most important basic and human rights. Freedom to inform oneself without state interference and to express an opinion forms the basis for many other freedoms. There can therefore be no question of achieving any kind of balance between religious freedom and freedom of expression. No person of faith is deprived by criticism of his religion or philosophy of his right to his faith or his religious practices.

¹ European Parliament (2013b): European Parliament resolution of 13 June 2013 on the freedom of press and media in the world (2011/2081(INI)), available online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0274+0+DOC+XML+V0//EN>, last reviewed on September 25, 2013.

² European Parliament (2013a): European Parliament recommendation to the Council of 13 June 2013 on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief (2013/2082(INI)), available online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0279+0+DOC+XML+V0//EN>, last reviewed on September 25, 2013.

Recommendations

Therefore the STRESEMANN FOUNDATION recommends the OSCE and the participating states to take into account for upcoming commitments and legal restrictions:

Without the freedom of expression:

1. freedom of the press wouldn't exist, since every publication critical of the government or predominant ideology would be forbidden or burdened by sanctions;
2. there would be no community of religion or creed other than the predominant or state religion, as wherever possible, a general belief ban would exist in order to prevent unwanted expressions of opinion on the state of the world;
3. freedom of assembly or association wouldn't exist, since individuals or groups who think differently could neither assemble nor would they have the right to receive corresponding information if this information contradicted the "official line";
4. there would be no free research and science, since the execution and publication of undesirable research projects and results would not be allowed;
5. there would be no artistic freedom, since, for example, cartoon critiques would be forbidden or works would be classified as "degenerate" or "blasphemy."

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You will find the detailed discussion online:

- *Felix Strüning (2013): Menschenrecht Meinungsfreiheit. Wie islamische Akteure unsere Grundrechte bedrohen.*
- *Felix Strüning (2013): Freedom of Speech is a Human Right. How Islamic Organizations Are Threatening Our Basic Rights.*