

Using data to combat religious persecution

The *Freedom of Thought Report*

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Abstract

Since 2012, the non-governmental organization Humanists International (HI) has published annually the *Freedom of Thought Report*, which looks at how non-religious individuals – not to be confused with the non-affiliated – are treated within any given state. It focuses on legal discrimination and restrictions on freedom of thought, belief and expression. This report, which has been presented at the United Nations General Assembly and at the European Parliament, ranks almost 200 countries by assessing them in four categories, which encompass the realms of government, education, society and freedom of expression. In the present paper, we evaluate the report's usefulness in impacting policy initiatives promoting the freedom of religion or belief (FoRB). Examples of its use in policy-making initiatives are provided. As this dataset examines the criminalization of apostasy and blasphemy, subsequent human rights activism by HI and other organizations benefits not just the non-religious but also minority religious groups. The report's impact on other human rights organizations and their campaigns suggests that research on FoRB can increase the resilience of religious or non-religious groups facing persecution.

Keywords humanism, freedom of religion or belief, religious persecution, prosecution, freedom of thought.

1. The Freedom of Thought Report as a tool

The Freedom of Thought Report (FOTR) is published annually as an annotated qualitative dataset. The data contained in the FOTR can provide valuable support to research on policy making and the position of vulnerable religious groups. For the purposes of this article, our conception of religious freedom refers to freedom of religion or belief (FoRB). This is done for typological reasons (see, for instance, Galen 2020), as the term “freedom of religion” does not necessarily include the freedom not to

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belong to any religion. Furthermore, FoRB is more universally used as part of human rights terminology and as such might be more suited for this discussion.

The impact of the FOTR has not yet been thoroughly researched. However, by contacting some of the policy makers who use this report, we have been able to identify some of the ways in which it is employed. The fact that some policy makers use data from the FOTR does not, of course, prove a linkage between the FOTR and any newly implemented policies. The dynamic interactions of policy processes are not so straightforward. James Anderson's (1975) model, which has been refined over time since then (Weible et al 2012), illustrated the cyclical interaction between agenda setting, implementation and evaluation of policy measures. Finding causal links, let alone causation, is not the purpose of our paper and would require a more nuanced approach and more in-depth research.

The custodial entity responsible for the FOTR, Humanists International (HI), is an umbrella organization that collaborates closely with its national and local partners. It does not operate as an external agency or organization, and it belongs to what it claims to be a global community of organized humanism. The scope of the FOTR itself is wider, involving the examination of mechanisms at the state or society level that may potentially promote one life stance or religion whilst disadvantaging or actively discriminating against others. The authors of the report have a clear stake in ensuring that their dataset reaches the appropriate policy-making bodies. The FOTR relies heavily on contributions from national organizations, many of which do more than just examining their own state structures. These national entities also try to push local policy bodies towards accepting legislation that ensures free and equal treatment of all life stances.

The contributing organizations are not all of the same scale, either in the size of their operation or in the extent of the networks they have built. Some are fledgling associations, whilst others date back as far as the mid-nineteenth century. They interact with each other through multinational foreign policy activities and international institutions such as the United Nations and the European Union.

One key aspect of the FOTR is that the collaboration of a variety of national humanist organizations serves as a powerful agenda-setting tool, in the sense of the definition provided by McCombs and Shaw (1972). By leaning on these various organizations' expertise and connections, and by providing others with a tool that places their own situation within an international context, the FOTR can be helpful on both the national and the international level. The cooperation between national member organizations and HI means that the report relies not only on its own public affairs apparatus, but also on that of all its members.² In addition, the press releases

² As such, it provides its members with press kits that contain all the building blocks for press releases.

of national organizations are more likely to draw media and public attention, as the international scaling up of the endeavour increases the newsworthiness of national developments. Thus, the report provides policy makers with a versatile tool that provides high-quality content, whilst also creating opportunities for issue attention via alternative channels such as social media (Gupta and Jenkins-Smith 2015; Neuman, et al 2014).

2. The history and context of the FOTR

The FOTR is published by HI, the global umbrella organization for humanists, which brings together participants from roughly 170 organizations in over 80 countries. Established in 1952 as the International Humanist and Ethical Union (IHEU), HI arose from the post-war initiatives of a small network of internationally connected humanists. The seven original charter members were American, Austrian, Belgian, British, Dutch and Indian (Gasenbeek and Gogineni 2002:20-21, 26). Although humanism was their common denominator, they initially hardly agreed on terminology. The participants spanned not only newly formed post-war humanist initiatives but also older organizations of rationalist, ethical and universalist persuasions. Nevertheless, the Amsterdam Declaration of 1952, which was updated with a few adjustments in 2002, did contain a minimal statement of the nature of their common humanism (McGowan 2012:261-263):

1. It [Humanism] is democratic. It aims at the fullest possible development of every human being. It holds that this is a matter of right. ...
2. It seeks to use science creatively, not destructively. ...
3. Humanism is ethical. It affirms the dignity of man and the right of the individual to the greatest possible freedom of development compatible with the rights of others. There is a danger that in seeking to utilize scientific knowledge in a complex society individual freedom may be threatened by the very impersonal machine that has been created to save it. Ethical Humanism, therefore, rejects totalitarian attempts to perfect the machine in order to obtain immediate gains at the cost of human values.
4. It insists that personal liberty is an end that must be combined with social responsibility in order that it shall not be sacrificed to the improvement of material conditions. ...
5. It is a way of life, aiming at the maximum possible fulfilment, through the cultivation of ethical and creative living. It can be a way of life for everyone everywhere, if the individual is capable of the responses required by the changing

Through this practice it provides professional support to its smaller member organizations, whilst encouraging a certain degree of unity in tone and content among its partners.

social order. The primary task of humanism today is to make men aware in the simplest terms of what it [humanism] can mean to them and what it commits them to. By utilizing in this context and for purposes of peace the new power which science has given us, humanists have confidence that the present crisis can be surmounted. Liberated from fear the energies of man will be available for self-realization to which it is impossible to foresee the limit.

Although the peculiarities of national humanist groups can differ widely (Schröder 2020; Tyssens and De Nutte 2019), for our purposes it is sufficient to describe humanism as a non-religious life stance and HI as a group that safeguards the interests of the non-religious and non-affiliated in pluralist supranational institutions.

The FOTR arguably represents one of the more durable projects led by HI. As a large portion of the organization's power is based in the Anglophone world, it is not surprising that the report was initially a project led by the IHEU, together with the American Humanist Association, the Center for Inquiry (CFI), the Richard Dawkins Foundation for Reason and Science, and the Secular Coalition for America (International Humanist and Ethical Union 2012:2). The overrepresentation of US organizations can likely be traced to the original project lead within HI, Matt Cherry, a former executive director of the American Institute for Humanist Studies. The educational and research-oriented nature of most of these bodies further helps to explain the format of the FOTR as both a set of data and a policy instrument. Due to the specific nature of US church-state relationships, the so-called 'Wall of Separation', legal procedures are frequently applied as an instrument for change. The Secular Coalition for America, founded in 2002, is a prime example of this, being both the cause and effect of a policy advocacy group (Blankholm 2014).

3. The FOTR and policy

With respect to the FOTR's potential influence on religious freedom policy initiatives it is clear that the constellation of its initial backing organizations was quite favorable in this regard, since its American partners, although not necessarily massive in size, were the most prominent humanist and freethinking organizations in the US at that time. Moreover, the endorsement on the cover and the introduction, respectively, came from two men of great prominence: Heiner Bielefeldt,³ then the United Nations Special Rapporteur for Freedom of Religion or Belief, and Matt Cherry,⁴ the international representative for the IHEU and president of the NGO Committee on Freedom of Religion or Belief at the United Nations.

³ Prof. Dr. Heiner Bielefeldt was the United Nations Special Rapporteur on Freedom of Religion or Belief, a specialist in human rights and a Catholic theologian. He had no direct ties to the creation of this report.

⁴ Matt Cherry was executive director for the Institute for Humanist Studies in Albany, New York (USA) and

Although no actual research on the FOTR's influence as a policy-making tool has been conducted, we know that the report is circulated to a variety of interested parties. It also became available online in 2018. Through contacting a few key figures, we can offer some tentative conclusions related to the FOTR's efficacy as a policy-making tool. At the 2018 launch of the report, Ahmed Shaheed,⁵ the current UN Special Rapporteur on Freedom of Religion or Belief, stated that it "has become an invaluable source of well-researched and important information for policymakers." He later added, "The FOT report and its findings have also offered a strong basis for international advocacy on the subject and have increased the attention paid to this dimension of Freedom of Religion or Belief" (personal communication, 20 March 2020). A fortiori, the inclusive approach of the report – we will return to this point later – has increased the attention given to the dimensions of FoRB in other issues. As such, the international advocacy director for HI, Dr. Elizabeth O'Casey,⁶ has been included in recent years on the advisory committee to the UN Office for Genocide Prevention and in the Steering Group on Faith for Rights initiative run by the UN Office of the High Commissioner for Human Rights.

O'Casey (personal communication, 27 February 2020) added to Shaheed's findings by describing some of the FOTR's users. These have regularly included the staff of the European Union External Service, which decides what issues related to FoRB it will raise with non-member countries. The report is further consulted by the office of the High Commissioner for Human Rights (UN Human Rights) staff and by UN Special Rapporteurs, including not only Shaheed but also Karima Bennoune and Agnes Callamard.⁷ Another group of users is the European special envoys of member states concerning FoRB, who are at least familiar with its contents. Lastly, the report has been presented at a European level in the FoRB intergroup, the "Dialogue with Religious and Non-confessional Organizations" (Article 17 Treaty on the Functioning of the European Union) and the European Parliament Platform for Secularism in Politics (EPPSP).

Our research, which in all fairness should be considered a first inventory, leads to two distinct conclusions. First, the report clearly helps to establish the validity of HI personnel as experts in regard to FoRB, as is evident in the case of its advocacy director. Secondly, the report does find its way to a variety of policy makers. The

is currently development director for John Burton Advocates for Youth.

⁵ Dr Ahmed Shaheed is a Maldivian human rights campaigner who served as a diplomat on behalf of the Maldivian Ministry of Foreign Affairs before taking on his current position at the UN.

⁶ Among other aspects of HI's recent changes, the FOTR's success has led to an influx of dedicated resources towards campaigning for freedom of thought. In addition to its existing staff, HI has recruited an advocacy officer to support its Director of Advocacy, along with a risk coordinator who focuses on the plight of humanists in life-threatening circumstances.

⁷ Karima Bennoune is the UN Special Rapporteur in the Field of Cultural Rights, whilst Agnes Callamard is the Director of Columbia University Project on Freedom of Expression-Globally.

degree of engagement with its contents, however, varies significantly. Further research would be needed to determine the FOTR's actual impact on different stakeholders and on the reasoning behind its usage. Researchers might look at mentions in minutes, policy papers and reports, or they could conduct additional interviews.

Since 2012, the FOTR has been published annually. It analyses almost all countries worldwide on a range of different parameters related to FoRB. Primarily, this includes the tools a state may employ to either facilitate or block FoRB in favour of one specific ideology, life stance or religion. In the eight years since its conception, methods of data collection have evolved, which allow the report to provide an increasingly nuanced image of any given country. Data collection is qualitative in nature, although the report's format allows for the incorporation of quantitative analysis at a national level. Each country is rated from the most favourable status ("free and equal") to the least favourable ("grave violations") in four categories: (1) constitution and government; (2) education and children's rights; (3) family, community, society, religious courts and tribunals; and (4) freedom of expression, advocacy of humanist values.

In each of the four categories, a variety of so-called "boundary conditions" are identified and linked to a certain severity rating. Under education and children's rights, for example, the statement "Religious or ideological indoctrination is utterly pervasive in schools" counts as a grave violation, whereas state funding of at least some religious schools is classified as systematic discrimination, a less severe category. When more than a single statement within a category applies, the one with the highest level of severity is chosen to designate that category for the given country.

The report's methodology could be prone to some possible biases. For instance, the research underlying the FOTR cannot claim to be exhaustive. Lack of access to legal texts, the vagueness of said texts, state control over media and reporting, and the secrecy of courts in some countries are obvious obstacles to information gathering. Furthermore, though vetted by HI, the report is prepared mostly in collaboration with volunteer researchers, who are likely to be sympathetic to humanist sentiments and advocacy initiatives. Not all countries have a dedicated contributor, which might complicate matters further. Finally, the report is only as powerful as its boundary conditions. The statements included can never be fully comprehensive. As such, bias might arise if a statement that could prove vital in assessing a certain category is omitted.

4. The FOTR and the resilience of religious and non-religious groups

One of the questions proposed for consideration in this special issue of *IJRF* is how religious freedom research can increase the resilience of religious groups facing persecution. The FOTR can contribute to the resilience of both religious and non-religious groups in two ways.

First, the comparative nature of this report helps researchers in the field of FoRB to carry out a comparative assessment of how religious and non-religious minorities are treated in any given country. The added value of this dataset lies in its global scale. No particular country or religious group is targeted. Even some countries generally considered ‘Western’ score rather poorly, as evidenced by the color-coded world map on HI’s website.

Second, the report is highly useful for campaigns on issues encountered by non-religious and minority religious groups alike. Two prime examples here are charges of blasphemy and apostasy. The importance of tackling these subjects is self-evident, considering, for instance, that the Pew Research Center found in 2016 that about one-quarter of all countries still had anti-blasphemy laws and one in ten had laws or policies condemning apostasy (Pew Research Center 2016). It is precisely in advocating the abolition of existing blasphemy laws that the global scale of the report has its merits. Highlighting the fact that some Western countries still have blasphemy laws on their books is of vital importance. Whether these laws are still in use themselves is beside the point, because such laws could become a means of justifying the existence or establishment of similar laws in other countries. The Organization of Islamic Cooperation, for example, has been known to cite Ireland’s law as a “best practice” (McChrystal 2016). In Ireland, the word “blasphemy” was removed from the constitution only in 2018 (Pearl Goldman 2018). The removal happened only after famous comedian and humanist Stephen Fry was investigated by Irish police for allegedly breaking the blasphemy law.⁸

Laws against apostasy, meanwhile, could affect all people who do not belong to the dominant religious group in any given country. An example of this in the Muslim world can be found in a contribution to this journal by Christine Schirrmacher, a professor of Islamic studies, in 2013. She shows that charges of apostasy are not only used as a tool in power politics, but are also supported by what she calls a “moderate majority of theologians.” Amongst traditionally trained theologians, a broad majority subscribed to the opinion that whoever publicly confesses or propagates deviating notions deserves the death penalty (Schirrmacher 2013:190). Further, she explains, “for that reason the charges of unbelief, apostasy from Islam, and blasphemy in countries characterized by Islam count are the most serious charges there are.” One such example is the Saudi writer Raif bin Muhammad Badawi, who faced criminal apostasy charges in 2012 (Smith 2016:82). According to the prosecuting authorities in Saudi Arabia, Badawi had insulted Islam. In 2014,

⁸ Individual cases, such as this one and the additional cases cited in the next paragraph, are essential to the FoTR’s success as they help to humanize larger systemic problems. Humanization of issues has a marked, positive effect on the sense of urgency required to address these issues on a political level (Power 2019).

he was convicted and faced 10 years in prison and 1,000 lashes. In another case, from 2013 onwards, Islamic extremists in Bangladesh threatened, attacked and killed various secularist and atheist bloggers. Attacks on people within the LGBTQ+ communities as well as other religious minorities happened during the same time period. Another blogger, Ruslan Sokolovsky, was charged with blasphemy and convicted by Russian courts for playing the popular phone app Pokémon Go in a church. He faced more than three years in prison (Skladanowski 2020).

The FOTR is a valuable research tool for those who seek to increase the resilience of non-religious and religious groups alike. Its comparative dimension exposes countries' strengths and weaknesses in relation to FoRB issues. Moreover, its global scope benefits national humanist and freethinking organizations by helping them contextualize their own situation. Organizations on each continent might experience different issues and clearly operate in legal situations that treat humanist groups differently. Some themes are, of course, shared by all countries, such as equal treatment, LGBTQ rights, and the depenalization of bio-ethical issues such as abortion and euthanasia, but advocacy on these issues is served by leaning on foreign expertise and at least the semblance of a humanist community. Being an annually published dataset, the report provides hints and clues as to changes in FoRB policy in any given country, which might in turn have an impact on other countries.

The FOTR has continually emphasized this by reiterating that FoRB protects the right of any individual to follow a religion and equally protects the right to reject any religion or belief. In this regard, the 2012 and 2019 forewords differ rather significantly in style. The original report was introduced by a text that more explicitly resembles an atheist manifesto, whereas the 2019 edition starts with a distinctly pluralist introduction. This difference is most likely the result of the character of the organizations that originated the report, as they may have been part of a political constellation that calls for a more militant tone. However, any particular reactions to the tone should not distract the attentive reader from the report's content, which is committed to a fully inclusive approach to the concept of FoRB.

5. Concluding remarks

Throughout this article, we have provided the background underlying the publication of the Freedom of Thought Report. We have shown that this report, although essentially a dataset with a corresponding ranking system and an analysis of each country's treatment of humanists, atheists and non-believers, has the potential to do much more than to simply provide a status report.

First, being a product of contributions made by many of HI's member organizations, the report amplifies the involvement of those members with their country's situation regarding FoRB.

Second, by collaborating on this report, such organizations are placed in contact with like-minded individuals around the globe. This provides an insight into each other's situation, structure and campaigns and strengthens the sense of community amongst humanist organizations.

Third, the nature of the report, aimed at increasing the level of FoRB in any given country, presents the humanist organizations as positive contributors to issues that concern other life stances and religions, as opposed to presenting itself as aiming only to protect the rights of the non-religious.

Fourth, as stated by Shaheed, the FOTR shows that FoRB is related to other societal issues as well.

Although HI is not a research institution, we feel that the potential of this collaborative dataset – constantly being improved and available as an open-source online tool – for policy making cannot be overestimated amongst those researchers and policy makers who wish to guarantee FoRB worldwide. For example, the FOTR is considered by the European Union External Service when it determines what FoRB-related issues it will protect or champion in its work with non-member countries. As further evidence, the report is considered required reading for the EU's Special Envoys.

Although the FOTR is useful as a policy-making tool, its readers must be sufficiently cautious when handling the quantitative data presented. When dealing with matters of religion, and especially when the data concern whether an individual is affiliated with a particular religion or life stance, the data tend to suffer from questionnaire bias. Gauging the religious landscape in any given situation remains very difficult. This is also the case for the non-religious landscape (Cotter 2011).

Moreover, the effective prohibition against assessing the life-stance affiliation of a given country's citizens must also be taken into account. In Belgium, where both authors of this article live, any and all censuses of that kind are prohibited by privacy laws.⁹

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⁹ The Belgian application of the GDPR specifies that only data vital to the operations of the data collector may be gathered, and its non-discrimination legislation prohibits any differentiation on the basis of life stance identification. See the Law of 10 May 2007 to Combat Certain Forms of Discrimination, *Moniteur Belge*, 30 May 2007.

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