

**Question for written answer E-009069/2012
to the Council**

Rule 117

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Subject: Blasphemy laws within the European Union

The recent wave of violence in the Muslim world following the on-line posting of a video depicting Mohammed has led numerous EU leaders to defend freedom of expression and opinion against accusations of blasphemy. At the same time, in the EU, some Member States still have and implement blasphemy laws, as demonstrated by the recent arrest of a 27-year-old man by the Greek authorities¹ and the prosecution of an artist by the Spanish authorities for a work he produced decades ago².

The Venice Commission, in its report of 23 October 2010, and the Parliamentary Assembly of the Council of Europe, in its Recommendation 1805 (2007) of 29 June 2007, pointed out that blasphemy laws are still in place in a minority of EU Member States (Austria, Denmark, Finland, Greece, Italy, Ireland and the Netherlands) and are rarely implemented, and that something similar to blasphemy – 'religious insult' – is still an offence in a large number of Member States (Cyprus, the Czech Republic, Denmark, Spain, Finland, Germany, Greece, Italy, Lithuania, the Netherlands, Poland, Portugal and Slovakia). Both the Venice Commission and the Parliamentary Assembly recommended abolishing the offences of blasphemy and of insult to religious feelings, in view of Articles 10 (freedom of expression) and 9 (freedom of thought, conscience and religion) of the ECHR³, which are also mirrored in Articles 11 and 10 of the EU Charter of Fundamental Rights. Article 20(2) of the ICCPR stipulates that 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law'.

1. Does the Council consider that laws against blasphemy and religious insult are contrary to freedom of expression?
2. Does the Council consider that the arrest and conviction of EU citizens on charges of blasphemy is compatible with the EU Treaties and the Charter of Fundamental Rights?
3. Does the Council call for the abolition of blasphemy laws in its external policies?
4. Will the Council advocate a worldwide ban on blasphemy laws within international organisations such as the UN?
5. How will the Council ensure that freedom of expression cannot be restricted by laws against blasphemy and religious insult both within and outside the EU?

¹ http://www.rtbf.be/info/societe/detail_grece-arrete-pour-blaspheme-pour-avoir-caricature-un-moine-sur-facebook?id=7844541

² <http://www.guardian.co.uk/film/2012/may/28/spanish-artist-cook-christ-film>

³ The PACE stated that 'in view of the greater diversity of religious beliefs in Europe and the democratic principle of the separation of state and religion, blasphemy laws should be reviewed by member states and parliaments' and that 'blasphemy, as an insult to a religion, should not be deemed a criminal offence'.