



**OPEN DIALOGUE**

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## **Supplementary Human Dimension Meeting (SHDM) III on Freedom of Religion or Belief**

9 November 2020, 16.00 – 18.00

SESSION I: The State of Freedom of Religion or Belief in the OSCE region: Challenges and Opportunities

### Statement of the Open Dialogue Foundation on using anti-blasphemy laws to police speech in Poland

Freedom of Religion or Belief is a fundamental right. One of the premises of fundamental rights is that they are universal and can be enjoyed by every person at the same time in any society. By extension, fundamental rights cannot conflict. Any claim of conflicting rights must represent a misinterpretation of fundamental rights.

Yet, alarmingly, more and more often, we observe a clash between Freedom of Religion or Belief, and another fundamental right, Freedom of Speech.

Last Wednesday, three Polish activists were to be tried in court, eventually postponed for January, for exercising their right to freedom of expression. They face charges of ‘offending religious beliefs’ punishable under the Polish Criminal Code by up to two years of imprisonment.

In 2018, activists created and distributed in public places posters depicting the Virgin Mary with a rainbow halo around her head, symbolic of the LGBT flag. The authorities allege the work is blasphemous. The police searched the home of Elżbieta Podleśna, seizing her laptop and cellphone. She was detained and questioned by police for several hours. The Interior Minister defended the arrest on Twitter, saying: “No fantasy about freedom and ‘tolerance’ gives ANYONE [original emphasis] the right to offend the feelings of believers.”

We could not disagree more. While it is legitimate to speak out against, protest, or embarrass blasphemy or offensive speech, we believe that laws against them are detrimental to religious freedom itself. They result in de facto censorship of debate, serving to insulate faiths, their leaders or followers, from even well-deserved scrutiny. In fact, the activists’ action was meant to bring attention to the Polish Catholic Church’s anti-LGBT crusade.

The case shows how the authorities can use anti-blasphemy laws to police speech or artistic content. This is hardly surprising given that such laws position authorities as arbiters of truth, deciding what is offensive to the sacred, an assessment with inherent subjectivity. Yet, although they can violate human rights principles, bans on blasphemy are surprisingly widespread, including in Europe.

We thus appeal to the OSCE: in order to ensure and defend freedom of belief, it is equally important to defend freedom of speech. Both are essential to everyone, and not mutually exclusive, but instead mutually necessary. We therefore ask you to pressure the Polish authorities to drop the charges against three activists, and join the fight to repeal anti-blasphemy laws in Poland, and many other OSCE countries, even if unused.