Considering the pressing manner at hand: a growing number of the religious population in our nation is becoming increasingly concerned with the nationwide anti-religious media campaign by the Atheist Future Foundation (hereinafter “the AFF”). As parliament is now discussing legislation banning the use of media and related outlets to attack religion and religious beliefs, and considering our nation’s commitments to the International Covenant on Civil and Political Rights (ICCPR), the following question has been posed—would this proposed legislation comply with the ICCPR?

Recognizing that all peoples have the right to self-determination, it is also important to consider the following when analyzing the ICCPR to ascertain the proposed legislation’s compliance with the Covenant.

I. What protections are extended to the AFF and their individual liberties under the ICCPR?

II. Are the rights of the religious population in our nation being violated by the AFF in the context of the ICCPR?

Foremost, Article 2, Section 1 of the ICCPR states that each state party is to ensure all individuals within its territory and jurisdiction are recognized the freedoms and rights in this Covenant and specifies that all individuals shall have no distinction of any kind, including distinction by religion or political opinion. With that provision in the ICCPR, it is clear that the AFF and all other anti-religious people in our nation shall be guaranteed all of the fundamental rights outlined in the ICCPR. However, does the AFF have a limit to their expression of freedom of speech if they are attempting to suppress the expression of the religious beliefs?
Section 1 of Article 18 declares that all “shall have the right to freedom of thought, conscience, and religion”, which also includes the freedom to adopt any religion or belief of choice. Section 2 reads that, “No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice.” These clauses clearly apply to both the religious and non-religious, reaffirming that groups of atheists/the non-religious population have the same rights of expression as the religious population in our nation. On the other hand, Section 3 of Article 18 provides a key defense for the proposed legislation: “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” According to Section 3, the proposed legislative action to limit the AFF’s expression of anti-religious beliefs via the media would be justified if it serves to protect the rights and freedoms of the religious population in our nation.

Despite this, Article 19 may provide an argument for those against this act of proposed legislation. Section 1 reads, “Everyone shall have the right to hold opinions without interference,” whereas Section 2 outlines the right of expression, which includes the “freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. However, our legal defense follows immediately in Section 3, stating the rights in Section 2 carry “special duties and responsibilities [and] may therefore be subject to certain restrictions, […] be such as are provided by law and are necessary.”

Upon analyzing Article 20, Section 2, I affirm that the rights of the religious population in our nation have been violated to an extent. This section of the ICCPR reads, “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.” The AFF has been advocating religious
hatred and it can be argued that these actions are very likely to lead to discrimination, hostility, and/or violence in the near future. Additionally, Article 2, Section 3(a) ensures “any person whose rights or freedoms as herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity”. From a legal standpoint, the phrase “acting in an official capacity” particularly stands out to me, as I believe that various mediums of media can be legally justified as an ‘official capacity’. With our national government describing the current situation as an attack on religion and religious beliefs, legal interference is not only justified, but expected, in accordance to the ICCPR.

It is important to note Section 1 of Article 5 outlines that nothing in the ICCPR may be interpreted as “any right to engage in any activity or perform any act aimed at the destruction of any of the rights or freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant”. After analyzing the ICCPR and the situation at hand, banning attacks on religion and the expression of anti-religious beliefs strictly through the media does not infringe upon this important provision in the Covenant.  

Due to Section 2 of Article 20 and Section 3(a) of Article 2, combined with the context of Articles 18 and 19, I have concluded that the proposed legislation to ban the use of the media to attack religion and religious beliefs is absolutely compliant with the ICCPR and should proceed in a very timely manner.