

FLASH NEWS

TO WHAT EXTENT DOES LUXEMBOURG LAW ALLOW THE MOCKERY OF RELIGION?

The tragic attacks on French satirical newspaper Charlie Hebdo, the horrific killing of cartoonists, journalists and policemen in Paris and the recent similar events in Copenhagen have been widely described in the mainstream media as a "murderous attack on Western freedoms" and especially on freedom of expression. Such events reignited the debate about the boundaries of freedom of expression and satire and make more relevant than ever the classic question: "Can we laugh at everything?" and renew it to ask a substantially different question: "Can we make fun of each other's religion and beliefs?" Here are some Luxembourg law findings on this thorny question.

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Freedom of communication and expression as well as freedom of the press are fundamental rights guaranteed under Luxembourg and European laws, and especially by the Luxembourg Constitution (Article 24) and the European Convention on Human Rights (Article 10).

Although there is no blasphemy offence under Luxembourg law, this does not mean that anything goes when it concerns religious practice and opinions.

Luxembourg also protects as a fundamental right the freedom of religion and prohibits certain impediments to the freedom of worship.

For instance, according to the Luxembourg Criminal Code, anyone who insults an object of religion by means of actions, words, gestures or threats, either in a place of worship or a place ordinarily used for worship or during the public ceremonies of the religion in question, incurs 15 days to six months of imprisonment and a fine.

On the other hand, it is possible to criticize or mock religion or belief in general, provided this is not directed at an individual or a group of individuals in particular.

The offences of defamation or insult, which limit the freedom of speech, can fully apply to statements having an insulting character made with respect to a group of believers or infringing their honour or reputation. Such offences do not, however, apply when talking about religions as such.

Also, the penalties prescribed for defamation or insult increase when the charges relate to a form of discrimination based, among others, on religious affiliation.

Unlike in France, Luxembourg has no criminal offence of incitement to commit acts of terrorism or "glorify" an act of terrorism. However, the Grand Duchy of Luxembourg ratified the New York Convention of 1966 on the Elimination of All Forms of Racial Discrimination. Accordingly, a distinction on the grounds of origin, skin colour, political or philosophical opinion, religion or membership of an ethnic group or race are punishable.

Moreover, anyone who encourages discrimination, hatred or violence towards a person or group of persons on the basis of a prohibited distinction by means of any words spoken in public, written material, pictures or other, published, displayed or distributed is liable to imprisonment for between 8 days and 2 years and/or a fine.

In summary, Luxembourg law does indeed provide some protection against mockery of religious beliefs and limits total freedom of expression and speech when this is deemed to be contrary to the right to freedom of worship and religion.

