

## **Table of Contents**

- ***[About Päivi Räsänen case and Ghent criminal court decision against Jehovah's Witnesses in Belgium](#)***
  - ***[Päivi Räsänen case in Finland leads to heated freedom of speech debate both in media and churches](#)***
  - ***[Päivi Räsänen: "I am ready to defend freedom of speech and of religion"](#)***
  - ***[Christian MP faces two years in prison for tweeting Bible verses on marriage, sexuality](#)***
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## **About Päivi Räsänen case and Ghent criminal court decision against Jehovah's Witnesses in Belgium**

By Willy Fautré, Human Rights Without Frontiers

HRWF (09.05.2021) - In the last few years, we have seen attempts by private and public actors in Europe to interfere in the internal life of religious communities and sometimes to criminalize some long-standing practices in the name of some human rights.

[The case of Päivi Räsänen](#) in Finland is a good example of the clash between freedom of conscience, thought, opinion and expression about religious beliefs on the one hand and hate speech on the other hand.

In another case, the association of [Jehovah's Witnesses in Belgium](#) has been recently sentenced to a very heavy fine by the Criminal Court of Ghent on charges of discrimination and incitement to hatred for teaching their members to practice social distancing (shunning, as it is known in their theology) with excluded and disassociated members. They are now told to renounce this teaching and this habit. The verdict is being appealed.

Courts and the judiciary are increasingly used by various private and public actors to try to forcibly modify the teachings of religious organizations, whether they are historical or not. These institutions are taking over a practice that is forbidden to states by international and European standards on freedom of religion or belief: interference in internal matters of religions. (See below)

We can expect that this trend will continue and accelerate in Europe. This will be a challenge not only for the European Court of Human Rights in Strasbourg (ECtHR) but also for the Court of Justice of the European Union (CJEU) in Luxemburg where religious freedom case law has grown exponentially, spanning [labour law issues, tax exemptions, religious divorces, refugees, privacy, proselytism, and ritual slaughtering.](#)

### ***Some Jurisprudence of the European Court***

#### **Manoussakis and Others v. Greece (1996)**

"47. The right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate."

#### **Hasan and Chaush v. Bulgaria (2000)**

"78. Nevertheless, the Court considers, like the Commission, that facts demonstrating a failure by the authorities to remain neutral in the exercise of their powers in this domain must lead to the conclusion that the State interfered with the believers' freedom to manifest their religion within the meaning of Article 9 of the Convention."

#### **Metropolitan Church of Bessarabia and Others v. Moldova (2001)**

"123. (...) the Court observes that the State's duty of neutrality and impartiality, as defined in its case-law, is incompatible with any power on the State's part to assess the legitimacy of religious beliefs and requires the State to ensure that conflicting groups tolerate each other, even where they originated in the same group."

#### **The Moscow Branch of The Salvation Army v. Russia (2007)**

"92. The Court points out that, according to its constant case-law, freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate."

#### **Church of Scientology of Moscow v. Russia (2007)**

"72. The State's neutrality and impartiality, as defined in its case-law, is incompatible with any power on the State's part to assess the legitimacy of religious beliefs."

#### **Jehovah's Witnesses of Moscow v. Russia (2010)**

"99. The State's duty of neutrality and impartiality, as defined in the Court's case-law, is incompatible with any power on the State's part to assess the legitimacy of religious beliefs."

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## **Päivi Räsänen case in Finland leads to heated freedom of speech debate both in media and churches**

***"Teachings based on the Bible must be free to discuss in public", says the Finnish Evangelical Alliance.***

By Joel Forster

**Evangelical Focus (05.05.2021) - <https://bit.ly/3nYyIeb> - Christians in Finland are in the midst of a "huge discussion" about the Päivi Räsänen case, sources in the country have told *Evangelical Focus*.**



**Member of the Finnish Parliament for the Christian Democratic Party, Päivi Räsänen. / Photo: [Facebook Päivi Räsänen](#).**

Last week, the member of the national parliament and former government minister was formally charged with **hate speech against homosexuals** for her opinions voiced on three platforms. Räsänen will be tried for [quoting the Bible on homosexuality on social media](#) in 2019, for authoring a [booklet about marriage](#) published in 2004, and for her [views in a talk show](#) about Christian faith and homosexuality.

The two-year **pre-trial investigations of the Finnish General Prosecutor** against Räsänen, a [medical doctor with strong Christian convictions](#), are seen by theologically conservative Christians in Finland as a clear study case of the erosion of the ability of citizens to express their deeply held beliefs.

### ***Evangelical Alliance: Faith is not competence of the judiciary***

One of the Christian organisations to react to the news has been the **Finnish Evangelical Alliance** (*Suomen Evankelinen Allianssi*, SEA), which took a stand on 4 May, days after it was known that Räsänen could face a prison sentence of up to two years. "Teachings based on the Bible must be free to discuss in public", it said in a [statement](#).

"The definition of what is sin in religious terms or the resolution of theological differences is **not an issue for the judiciary to assess**", but a matter concerning "the scope of religious freedom", the SEA wrote. "It is the task of the state and the judiciary to uphold the widest possible freedom of expression, opinion and religion".

The Alliance brings together churches, organisations and denominations that identify with an evangelical worldview.

"The sexual ethical position represented by Räsänen and Juhana Pohjola [[a Lutheran publisher also charged in one of the cases](#)] in public is the **prevailing view of Christian churches worldwide**. If the presentation of this view and the treatment of the Bible interpretation concerning it were to be considered as an offense, it would have a strong restrictive effect on religious freedom", they warned. "Churches would then be prevented from teaching their own doctrine freely, and the **dissemination of the Bible could also be prohibited**. This would be a gross violation of fundamental and human rights".

## **Do Christian views clash with human dignity?**

In her first documents, the General Prosecutor has made the case that Räsänen broke the law by inciting hatred against a minority group. But Päivi Räsänen has repeatedly said she defends the **“human rights and dignity” of LGBT people**, since this understanding of the value of all people is a central aspect of her Christian faith.

The SEA also referred to this point, underlining that “according to the Bible, God created man in His own image, male and female. This view, based on the theology of creation, provides the basis for the equal dignity and rights of all human beings”.

Christians in Finland could be **tempted to fall into self-censorship**, but this is why the SEA “urges **Christians in all denominations to continue to boldly present the truth of the Bible** in a loving and respectful manner”. The statement calls with an invitation to “pray” for the Christians involved in the court process “as well as for the General Prosecutor and the entire judiciary”.

## **Repercussions beyond Finland**

*Evangelical Focus* learned that other Evangelical Alliances in Europe would be ready to raise awareness about this case, as they see the limitation of freedom of speech on LGBT issues as a potential **threat to religious freedom in other countries**.

Also the **International Lutheran Council** has expressed its **concern** with a case that has clear links to the **difficult theological debates** happening in the Finnish Lutheran Church. Two Finnish bishops have spoken to the media about the debate around Päivi Räsänen (who is herself a member of the Lutheran Church) defended her right to speak out although failed to defend her position on Bible and sexuality, sources said.

## **The case in the media**

In the media context, the debate around the upcoming trial has also led to different approaches.

**Helsingin Sanomat**, the largest newspaper in Finland, published an editorial titled “Päivi Räsänen hurts not only homosexuals but also many Christians” on 30 April, **saying** the case “is not a question of an individual personal opinion, but society’s long lasting cruel position against sexual minorities”. The daily went further to state that “the most striking is not Räsänen’s thinking but the fact that just a little time ago such opinions represented the mainline view in society. A human being is on judge, although there should be the history”.

In contrast, other influential media people have defended every citizen to express their ideas freely. **Tapani Ruokanen**, a respected journalist, **tweeted**: “I defend freedom of speech and religion, especially if I disagree with the speaker. Quoting the Bible belongs to both freedom of religion and freedom of speech. Päivi Räsänen's accusations take the judiciary towards the Middle Ages. **Uncivilized, shameful and meaningless ineptitude**”.

Some prominent **atheists** have also voiced their support for Räsänen's right to speak, including Ivan Puopolo, Tuomas Enbuske and Jiri Keronen.

Several international online media outlets have echoed the informations around the Päivi Räsänen case in the last months. *Evangelical Focus* is following the case since the prosecutor first opened an investigation in **September 2019**.

## **Päivi Räsänen: "I am ready to defend freedom of speech and of religion"**

***The Finnish Member of Parliament: "It did not even come to mind that my tweet or my opinions based on Christianity could be defamatory or insulting in any aspect". "I will not step back from my conviction nor from my writings. I do not apologize for the writings of the Apostle Paul either".***

Evangelical Focus Europe ( 03.05.2021) - <https://bit.ly/3vAYN5w> - The Finnish politician Päivi Räsänen is "shocked" that formal charges have been filed against her for what the law describes as criminal agitation against minority groups.

"I do not see I would have in any way defamed homosexuals **whose human dignity and human rights I have constantly said to respect and defend**", she expressed as she learnt that the Finnish Prosecutor General, Raija Toiviainen, had filed charges against her after closing a pre-trial investigation opened in 2019.

"In all these three cases" opened against her, "the question is about the Bible's teaching about marriage and sexuality", said the former Interior Minister (2011-2015). They all have to do "with whether it is allowed in Finland to **express your conviction that is based on the traditional teaching of the Bible** and Christian churches".

The problem, the medical doctor and politician said, is "far greater than a sentence of a fine or an imprisonment". The underlying issue, she said, is "**a demand for censorship**: an order to remove my social media postings or a ban on the publication of the pamphlet (...) This sort of judgement would open up an avenue leading to modern book burnings".

### **The doubts of the police**

In the last two years, Räsänen was interrogated by the Helsinki police in three occasions. The Christian politician says that these summons have shown that the case against her has weak foundations.

"It is noteworthy that with regard to the booklet case and the tv episode with Stiller, the police stated that there was no reason to suspect a crime", she stressed.

"**The pre-trial investigation should not have even been commenced according to their decision.** The police stated in their decision: 'If some of the views in the Bible were to be regarded as per se fulfilling the criteria of an agitation offense, the dissemination of or making the Bible available would in principle be punishable as an offense of agitation'. This has deeply to do with free speech and freedom of religion".

The lawmaker goes further to say that "the offence of agitation requires intentionality. In our Criminal Code the concept of intentionality is placed as criteria regarding **the purpose of the author** and the fact that the author perceives the nature of the act as a culpable legal infringement".

"In evaluating guilt, one must strive to genuinely understand the background and purpose of the author. As a Member of Parliament, I have been involved in the enactment of this precise amendment to our legislation. It **did not even come to mind**

**that my tweet or my opinions based on Christianity could be defamatory or insulting in any aspect”.**

### **The teaching of the Bible**

But for Räsänen, a committed Christian married to a Lutheran pastor, “the **Bible’s teaching is very clear** in the teaching that marriage is a union between man and wife and that practicing homosexuality is against God’s will”.

“The Apostle Paul’s teaching is not only about defending marriage between man and woman, but about how a human being is saved into eternal life. **If the teachings of God’s word about sin are rejected, also the whole core of Christian faith is made empty**; the precious sacrifice of Jesus on the cross for the sake of everyone’s sins and the way He opened into eternity”.

### **‘I trust Finland respects freedom of speech and of religion’**

Following the line of previous words (such as this [interview with Evangelical Focus in 2019](#)), the politicians has said she is not worried about where the case could lead.

“I will **go to the court with a peaceful and brave mind**, trusting that Finland is a constitutional state where the freedoms of speech and religion, both of which are guaranteed in international agreements and in our constitution, are respected”.

“A conviction based on the Christian faith is more than a surficial opinion. The **early Christians did not renounce their faith** in lions’ caves, why should I then renounce my faith in a court room?”, she added.

“**I will not step back from my conviction nor from my writings**. I do not apologize for the writings of the Apostle Paul either. I am ready to defend freedom speech and religion as far as is necessary”.

### **Speaking up as a way of defending fundamental freedoms**

Päivi Räsänen concluded by “[encouraging others to use their freedom of speech and religion](#). This indictment shows that right now is the time to defend these foundational freedoms and rights”.

And she called everyone to remain peaceful: “The Prosecutor General has previously publicly told that she has, because of my cases, received inappropriate messages. I hope that no insulting messages are targeted against her”.

Photo : Photo: Press P. Räsänen

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## **Christian MP faces two years in prison for tweeting Bible verses on marriage, sexuality**

By Anugrah Kumar

The Christian Post ( 01.05.2021) - <https://bit.ly/3edkT8b> - A Christian member of the Finnish Parliament is facing six years imprisonment for allegedly committing three crimes, including "hate speech," for sharing her opinion on marriage and human sexuality on social media, on television and in a pamphlet.

The country's chief prosecutor has brought three criminal charges against Finnish Member of Parliament and former Minister of the Interior, Päivi Räsänen, according to the Austria-based Christian legal group ADF International.

The politician, who is a member of the Evangelical Lutheran Church of Finland and former chair of the Christian Democrats, has been under police investigation since June 2019 for publicly voicing her opinion on marriage and human sexuality in a 2004 pamphlet, for comments made on a 2018 TV show, and a tweet directed at her church leadership. A medical doctor, mother of five and grandmother of six, Räsänen now faces two years in prison for each alleged crime, the group said.

"I cannot accept that voicing my religious beliefs could mean imprisonment," said Räsänen in a [statement](#) issued by ADF International, which is representing her. "I do not consider myself guilty of threatening, slandering or insulting anyone. My statements were all based on the Bible's teachings on marriage and sexuality."

A Member of Parliament since 1995, Räsänen said she will "defend my right to confess my faith so that no one else would be deprived of their right to freedom of religion and speech."

She said she holds on to "the view that my expressions are legal and they should not be censored."

"I will not back down from my views. I will not be intimidated into hiding my faith. The more Christians keep silent on controversial themes, the narrower the space for freedom of speech gets," she said.

ADF International Executive Director Paul Coleman added, "Freedom of speech is one of the cornerstones of democracy."

"The Finnish Prosecutor General's decision to bring these charges against Dr. Räsänen creates a culture of fear and censorship," Coleman continued. "It is sobering that such cases are becoming all too common throughout Europe. If committed civil servants like Päivi Räsänen are criminally charged for voicing their deeply held beliefs, it creates a chilling effect for everyone's right to speak freely."

In 2019, Räsänen wrote a tweet questioning the leadership of her church for sponsoring the LGBT event "Pride 2019," it was accompanied by an image of a Bible verse. As a result, she was accused of hate speech and interrogated by the police.

About the pamphlet, ADF International explained that Räsänen wrote it more than 16 years earlier to outline the official teaching of her own church on human sexuality. "Despite the police previously concluding that no crime had been committed, the Prosecutor General re-opened the file," ADF International said.

The [investigations](#) include her comments on a TV show in 2018 in which the presenter came to her home and stayed overnight. In the program, they discussed religious matters, including Räsänen's personal beliefs.

In a radio interview in 2019, Räsänen commented on the show's topic of discussion, "What would Jesus think about homosexuals?"

In her [2019 tweet](#), she cited Romans 24-27 and posted a picture of the passage from the Bible.

The passage reads: “Therefore God gave them over in the sinful desires of their hearts to sexual impurity for the degrading of their bodies with one another. They exchanged the truth about God for a lie, and worshiped and served created things rather than the Creator—who is forever praised.

“Because of this, God gave them over to shameful lusts. Even their women exchanged natural sexual relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error.”

Räsänen is no stranger to controversy as she has become known as a prominent Finnish defender of traditional Christian views on marriage, euthanasia and abortion.

As Evangelical Focus noted earlier, Räsänen’s views are often more conservative than those in the ECLF leadership.

Photo : Finnish Member of Parliament, Päivi Räsänen. | ADF International

#### **HRWF Comment**

The original article was saying she could face a prison term of six years. It was corrected a few days later : two years instead of six years.

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