

SHOCK RULING

## Femen sacrilege in church: for ECHR is freedom of expression

RELIGIOUS FREEDOM

16\_10\_2022



**Ermes  
Dovico**



After the ruling endorsing [euthanasia for depressed people](#), the European Court of Human Rights has produced another pearl of the legal and moral decadence by which Europe has ended up denying Christ. In a decision published on 13 October, the ECHR

ruled unanimously (7 out of 7 judges) that a bare-breasted activist who had simulated aborting Jesus on the church altar had exercised her "freedom of expression".

**The case dates back to 20 December 2013**, when Eloise Bouton, then a member of the Femen movement, wearing a blue veil and a simulated crown of thorns, mimicked an abortion and urinated in front of the tabernacle of the Parisian church of St Mary Magdalene (La Madeleine). A dozen journalists were present, having been informed in advance by the activist, so they could provide media coverage of the sacrilege. At the time, a choir rehearsal was taking place and, after the choirmaster's firm request, the Femen activist left the place of worship.

**In an interview that appeared three days later**, in the form of a letter addressed to the parish priest of La Madeleine, Bouton explained that she had held in her hands "two pieces of beef liver, symbolising the aborted Baby Jesus". On her belly she had tattooed a vulgar inscription, referring to the *Manifesto of the 343*, a 1971 declaration signed by French feminists who admitted to having had an abortion and called for the legalisation of abortion; another inscription on the Femen's back was: "Christmas is cancelled". Similar concepts were reiterated on the French Femen website, with another blasphemy - directed at Mary and Jesus - which we will spare you. This resulted in a court case, brought by the parish priest. The court had sentenced the Femen to one month in prison - with suspended sentence - and to pay the parish a total of €3,500 (2,000 for moral damages, the rest as a contribution to expenses). A trifle, compared to the facts. Both the second and third stage of proceedings had upheld the decision, which on a criminal level only concerned the sexual offence (*exhibition sexuelle*).

**But the ECHR overturned the sentence, with a ruling full of contradictions** clutching at straws. The Strasbourg Court argued that the action of the then Femen should be considered a "performance" and as such protected by Article 10 of the European Convention on Human Rights, which protects freedom of expression. But, Article 10 does not provide for unlimited freedom of expression, rather as it states, it may be subject to restrictions and sanctions for reasons related, among others, to the protection of morals and the rights of others. This had been one of the main arguments of the French courts, which had emphasised - especially in the Appeal - the seriousness of the offence against the Catholic faith.

**Moreover, the ECHR declared that it was "struck by the seriousness of the sanction"** imposed on the woman by the French courts, complaining that it is a blot on her criminal record and exposes her to imprisonment in the event of a new conviction. What's more, according to the Court, "a custodial sentence imposed in the context of a

debate of political or public interest is compatible with the freedom of expression guaranteed by Article 10 of the Convention only in exceptional circumstances, in particular when other fundamental rights have been seriously infringed, as in the case, for example, of hate speech or incitement to violence" (No 53). In other words, for the ECHR, an offence to Jesus and Mary on the altar, which is also an offence to millions/billions of believers, does not constitute hate speech. Indeed, the category of "hate speech" is mainly used to silence and punish voices opposed to the LGBT and abortionist ideology, voices that are categorised as "hateful" even if they are calm and reasoned.

**In fact, the ECHR unmask itself upholding the nobility of Femen's purpose,** which "had the sole aim of contributing, through a deliberately provocative performance, to the public debate on women's rights, in particular the right to abortion" (No 53). The child's right to be born is not even considered. But this is no longer news today. What is most alarming is the short circuit logic into which the ECHR falls in order to support the cause of abortion, given that a few lines earlier it had admitted that Femen's "freedom of expression" had been exercised "in such a way as to offend intimate personal convictions pertaining to morals or even religion" (No 49).

**Indeed, the attempt to justify the Femen's action** by invoking public debate and the use of bare breasts as a political "weapon" does not stand up. Not only has Bouton caused offence to the modesty of others. But she did so by deliberately desecrating a church, in front of the tabernacle, exactly where Our Lord is really present in body, blood, soul and divinity.

**To add insult to injury, the Strasbourg judges** reproach the French domestic courts for having "refused to take into consideration the meaning of the inscriptions" painted on the plaintiff's body and thus her ideas, to be spread through a well-known place of worship "chosen to promote media coverage of this action" (No 64). As if to say: the ECHR considers not God but abortion sacred, therefore all means to defend this so-called "right" are justified.

**In conclusion,** «the Court considers that the interference with the applicant's freedom of expression, constituted by the suspended prison sentence imposed on her, was not "necessary in a democratic society"». Hence, the ECHR concludes that there has been a violation of Article 10 of the Convention. And it condemned France to compensate the woman: €2,000 for moral damages and €7,800 for her expenses. Scripture has already warned against such reversals: "Woe to those who call evil good and good evil" (Is 5:20).

**A question also arises:** would the judges of the ECHR have had the same effrontery to speak of "freedom of expression" if Femen had performed her spectacle in a mosque? We suppose not, based on a precedent. In 2018, the ECHR had upheld the criminal conviction of an **Austrian speaker** accused of equating Muhammad's sexual intercourse with 9-year-old Aisha with "paedophilia". According to the judges, the woman's statements constituted "a malignant violation of the spirit of tolerance at the basis of democratic society" and "endangered religious peace".

**In contrast, the ECHR has previously legitimised attacks on churches** and Christians. In 2018, the Strasbourg Court had held that the blasphemous provocation of Pussy Riots feminists in the choir of Moscow's Orthodox cathedral was protected by the European Convention on Human Rights. **As the ECLJ** (European Centre for Law and Justice) explains, the Pussy Riots' lawyer - a former associate at George Soros' Foundation - later became a judge at the same ECHR. Also in 2018, Strasbourg judges had condemned Lithuania for punishing blasphemous advertisements depicting Jesus and Mary.

**Ultimately, one thing is clear.** At the ECHR there are a good number of judges who not only pretend not to see the fruits of the aversion to Christianity (desecrated and burnt churches, destroyed statues and crucifixes, general brutalisation), but who themselves support Christianophobia.