

## **WHERE IS MY FREEDOM OF CONSCIENCE?**

**A PRESENTATION BY PROFESSOR PAUL C ANANABA, SENIOR ADVOCATE OF NIGERIA AND PARL DIRECTOR, WEST NIGERIA UNION CONFERENCE, AT THE WAD INTERNATIONAL RELIGIOUS LIBERTY CONFERENCE, SATURDAY JANUARY 22, 2022.**

### **INTRODUCTION**

The question posed by the title to this presentation is fundamental. My approach is to simplify the phrase, 'freedom of conscience.' First, what is freedom? The Black's Law Dictionary defines freedom as, 'the state of being free or liberated.' It also defines conscience as, 'the moral sense of right or wrong.' The topic of this discourse then is, what happened to my capacity to exercise moral sense of right or wrong? Where is my right to follow my beliefs in matters of religion and morality? Freedom of conscience is tied to its kindred freedoms, namely thought and religion. Article 10 of the UN Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights and Section 38 of the Constitution of the Federal Republic of Nigeria 1999, describes freedom of conscience along with thought and religion. It is in this regard that this presentation is made.

### **NATURE OF FREEDOM OF CONSCIENCE, THOUGHT AND RELIGION.**

Freedom of thought, conscience and religion is a fundamental right. It is the freedom of an individual to hold an opinion, view, perspective, or thought independent of the position of another person. It is the right to hold a belief and to change same. It is a right derived from God the creator and it is inherent in a man or woman as a human being. The Apostle Paul stated clearly that it is for freedom that Christ has set us free. (Galatian 5:1). God gave Adam and Eve choice at the garden of Eden, and they exercised this choice and we know the consequences. It is neither a creation of the Constitution nor the state. It is inalienable, imprescriptible and cannot be denied by any state or ruler. It is the lifeblood of every human being. It therefore calls for respect and guarantee against abuse, violation and denial. Religious freedom allows the dignity of difference while finding intersections of values to improve the condition of coexistence

between human beings in peace and equitable sharing of earth environment and resources.

The position has been summed up by Dowrick as follows:

***Our liberty is not Ceazars'. It is a blessing we have received from God himself. It is what we are born to; to lay this down at Caeser's feet which we are not Beholden to him for were an unworthy action, a degrading of our very nature.***

A religious liberty expert Ganoune Diop put it succinctly as follows, '***Religious freedom allows the dignity of difference while finding intersections of values to improve the condition of coexistence between human beings in peace and equitable sharing of earth environment and resources***'.

Freedom of conscience is the core of thought and religion. It is where this freedom that gives life, meaning and impetus to freedom of thought and religion. It is the human conscience that informs our decisions, choices, ethics, values and thinking. It is the critical factor that seperates and distinguishes human beings from other beings created by God. It is a reflection of the image of God in man. The ability to decipher and choose. Lions, elephants and other creatures that may be bigger and stronger than human beings do not have conscience as found in man.

Freedom of conscience is often hard to be completely described. It has been described as the centrality of individual conscience and the inappropriateness of governmental intervention ... to constrain its manifestation. Thus, an emphasis on individual conscience and individual judgment lies at the heart of our democratic political tradition. The ability of each citizen to make free and informed decisions is the absolute prerequisite for the legitimacy, acceptability, and efficacy of our system of self-government. ( Canadian Supreme Court in R v Big M Drug Mart, (1985) 1SCR 295 at 346, 18 DLR (4<sup>th</sup>) 321 (Big M Drug Mart).

## **BELIEF AND PRACTICE**

Freedom of thought, conscience and religion encompasses the right to believe and to practice your belief. Thus, a person can preach, evangelize and win converts to that belief. A person is also entitled to practice his or her belief. It is important to state that whilst the freedom to believe is absolute, the freedom to practice is not. If everyone is allowed to practice what the person's conscience dictates, the society will be thrown into confusion and lawlessness in certain cases. Several examples abound. If your conscience or religion dictates that you burn children's fingers in the name of removing witchcraft or pure harmful chemicals in public places or exhibit violence on those who reject your belief, the state will intervene.

Freedom of conscience in practice often conflicts with the fundamental rights of other citizens, making the intervention of the state necessary. Some of these conflicts include rights to family, life and property. This makes it necessary for international instruments and constitutions of many countries placing some restrictions on this freedom. Article 18 of the International Convention on Civil and Political Rights provides a guide as follows:

Freedom to manifest one's religion 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.

## **COVID-19 VACCINE AND FREEDOM OF CONSCIENCE**

COVID-19 is an infectious disease caused by the SARS-CoV-2 virus. It was first discovered in 3 persons in Wuhan China in 2019. These persons presented severe novel acute respiratory syndrome coronavirus. The World Health Organisation declared COVID-19 a pandemic on March 11, 2020. The World Health Organisation directed every country to take urgent steps to detect, treat and reduce the transmission of COVID-19.

COVID-19 has been enmeshed in controversy globally. Several myths, tales and conspiracy theories have trailed the pandemic, perhaps one of the highest in the history of humanity. Some of them includes that it a fraud or a religious attack or a biological war fare or an artificial creation by drug giants, it is connected with 5G network, etc. The picture created by this pandemic was so gloomy that virtually all countries of the world panicked. The situation worsened because there

were neither vaccines nor a known scientific cure. Deaths across the world has exceeded one million persons and counting.

A ray of hope showed up in December 2020 when the Pfizer/BioNtech Comirnaty vaccine was listed by the WHO Emergency Use Listing on December 31, 2020. Several other vaccines have been certified since then, amongst whom are:

- a. The SII/Covishield and AstraZeneca/AZD1222 vaccines (developed by AstraZeneca/Oxford and manufactured by the Serum Institute of India and SK Bio respectively) were given EUL on 16 February. The Janssen/Ad26.COV 2.S developed by Johnson & Johnson, was listed for EUL on 12 March 2021.
- b. The Moderna COVID-19 vaccine (mRNA 1273) was listed for EUL on 30 April 2021.
- c. The Sinopharm COVID-19 vaccine was listed for EUL on 7 May 2021. The Sinopharm vaccine is produced by Beijing Bio-Institute of Biological Products Co Ltd, subsidiary of China National Biotec Group (CNBG).

## **VACCINE CONTROVERSY**

Several criticisms and attacks have been unleashed against COVID-19 vaccines. The joy and enthusiasm of a vaccine being found in the first place was short lived. From the religious flank it was described by some as the mark of the beast. Social media was awash with clips of the vaccines containing some chips. Some claimed that the vaccines have been produced as weapons of death to certain races. The list goes on. Multiple claims of discovery of vaccines also erupted. Several countries, companies, institutions and individuals claimed to have found cures and many turned out to be false.

These state of affairs created doubts and fears in the minds of many persons. More difficulty arose from the fact that vaccination could not guarantee immunity from infection. Worse still, fully vaccinated persons get infected and die. Discouragement and confusion took over several persons leading to rejections of vaccinations. Governments in many countries in response have taken to laws, policies, regulations and directives either making COVID-19 vaccinations mandatory or making certain facilities, institutions and privileges accessible only to persons who are vaccinated. Other COVID-19 Protocols includes social and physical distancing, wearing of face masks and mandatory tests.

## **FREEDOM OF CONSCIENCE AND MANDATORY COVID-19 VACCINATION**

The question that arises then is, whether a mandatory COVID-19 vaccination is an infraction, violation or affront on freedom of conscience? Can a person validly reject mandatory vaccination on the basis of freedom of thought, conscience and religion? The US Secretary of State for Health and Social Care Sajid Javid told BBC on December 10, 2021 that he thought that mandatory vaccination was ‘unethical.’ In August 2021, about 240,000 protesters gathered across France against mandatory vaccination. Many law suits have been filed against mandatory vaccination. Human rights activist Monday Ubani has sued the Federal Republic of Nigeria over mandatory vaccination alleging that it is unconstitutional and a violation of right to dignity, privacy and freedom of conscience. This was sequel to a Federal Government directive that from December 1<sup>st</sup>, 2021 all workers must show proof of COVID-19 vaccination or present a negative COVID-19 PCR test result done within 72 hours to gain entry to their offices in all locations within Nigeria and its missions. Many other persons are of the view that it is a contravention of fundamental rights of citizens.

On January 20, 2022 Austria’s parliament voted 133 to 33 in favour of a COVID-19 vaccine mandate for adults 18 years and above, from February 1, the first of its kind in Europe, with maximum potential fines of up to 3,600 euros (\$4,000). Exemptions are made for pregnant women, people who for medical reasons can’t be vaccinated, or who have recovered from the coronavirus in the previous six months. The legislation became necessary because of low rate of vaccination which may lead to surge in infections and huge pressure on medical facilities. Similarly, Greece has also imposed a fine on persons 60 years and above who refuse to take the COVID-19 vaccine.

The point has been made that the freedom to believe is absolute. Thus, no one can question what you have believed about COVID-19 and its vaccines. However, where a person progresses beyond that belief as not only to endanger himself, but also others, the state has a duty to intervene. No one has a right to commit suicide. So if your belief leads you to reject COVID-19 vaccination (irrespective of the basis of the belief, whether religious or not), and the state reasonably comes to a determination that the consequence is that you will unduly put your life at risk, the state has a duty to intervene and stop you.

In the case of COVID-19 vaccination and other accompanying Protocols, the state acts not only to protect the individual, but also other persons that may get in contact with you. The individual's freedom of conscience in this instance constitutes a threat and ultimately an infringement of the fundamental rights of other persons. Governments by social contract exist to protect the lives and properties of citizens and to ensure that there is law and order in society.

Our freedom is not to be taken for a licence for obduracy, rebellion, disrespect and disobedience. The Bible in Romans 13:1-8 says that:

*‘Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. [2] Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation. [3] For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: [4] For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. [5] Wherefore ye must needs be subject, not only for wrath, but also for conscience sake. [6] For for this cause pay ye tribute also: for they are God's ministers, attending continually upon this very thing. [7] Render therefore to all their dues: tribute to whom tribute is due ; custom to whom custom; fear to whom fear; honour to whom honour. [8] Owe no man any thing, but to love one another: for he that loveth another hath fulfilled the law.’*

## **CONCLUSION**

The teachings of the Seventh day Adventist church on the mark of the beast is clear and unequivocal. It is founded on express Biblical provisions in Revelation chapters 13 and 14. COVID-19 is not mark of the beast. The vaccines are simply what they are.... VACCINES! We should in these last days of earth's history shun propaganda, conspiracy and deceit. The mark of the beast is SUNDAY WORSHIP! The Bible counsels us to buy the truth and not sell it. These are the Three Angels Messages of **Revelation 14:6-14**.

The state will neither be contravening the laws of God nor man when it directs persons within its control to get vaccinated in their interest and the life and safety of other. Whether the vaccine should be mandatory is debatable. Let me put a simple question. Should the government make it mandatory for motorists to put on seat belts? Should the government make speed limits for vehicles mandatory?

It is in this regard that Paul said that we were called to be free. We should not use our freedom to indulge the flesh (Galatia 5:13).

Mandatory vaccination must satisfy the legal principle of proportionality by being based on sound and reasonable health advice and not on the whims and caprice or extraneous wish of governments. It must also be for the legitimate best interest of the citizen. Fines and penalties for non-compliance must be reasonable and less onerous so as to achieve the corrective goal. The Austrian example just made yesterday is commendable. The penalty was spelt out by an Act of Parliament rather than by Executive Orders and Regulations.

To the question, where is my freedom of conscience? Our freedom of conscience is safe in God.

**THANK YOU**

**HAPPY SABBATH**