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Policy Brief

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Prisoners of Belief Individuals Jailed under Blasphemy Laws

Many countries around the world have laws that punish expression deemed blasphemous, defamatory of religion, or contemptuous or insulting to religion or religious symbols, figures, or feelings. In addition, some states have added new blasphemy-type laws to their criminal codes or constitutions. The application of these laws has resulted in the jailing of individuals for merely expressing a different religious belief or under false accusations.

Blasphemy is defined as the act of express contempt or a lack of reverence for God or sacred things. Blasphemy laws inappropriately position governments as arbiters of truth or religious rightness, as they empower officials to enforce particular religious views against individuals, minorities, and dissenters. In practice, they have proven to be ripe for abuse and easily manipulated with false accusations. Though often justified as needed to promote religious harmony, these laws in fact have the opposite effect. They encourage extremists to enforce their notions of truth on others, often through force, thereby exacerbating religious intolerance, discrimination, and violence. In contexts where an authoritarian government supports an established religious creed, blasphemy accusations are frequently used to silence critics or democratic rivals under the guise of enforcing religious piety.

**THE U.S.
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**was created by the
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of 1998 to monitor the
status of freedom of
thought, conscience,
and religion or belief
abroad, as defined in
the Universal
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instruments, and to
give independent policy
recommendations to
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Blasphemy Laws Violate International Standards

Blasphemy laws are incompatible with international human rights standards, as they protect beliefs over individuals, and they often result in violations of the freedoms of religion and expression, especially when persons are jailed. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) protects the individual right to freedom of thought, conscience and religion, including the right to manifest this belief through various acts, such as worship, observance, practice and teaching. Limitations on this right are narrow, and are only permitted as necessary to protect “public safety, order, health, or morals or the fundamental rights and freedoms of others.” Article 19 of the ICCPR protects the individual right to freedom of expression, which may only be limited to protect the rights or reputations of others, national security, public order, or public health or morals. And in terms of the protection of morals, the UN Human Rights Committee has observed that limitations on this ground “must be based on principles not deriving exclusively from a single [social, philosophical, or religious] tradition.”¹

International law experts have repeatedly deemed blasphemy-type laws incompatible with human rights commitments. For example, the UN Human Rights Committee has stated that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”² In addition, an international group of experts convened by the Office of the UN High Commissioner for Human Rights recently recommended that “[s]tates that have blasphemy laws should repeal the[m] as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.”³ Furthermore, these laws run counter to consensus UN resolutions recognizing that religious intolerance is best fought through positive measures, such as education, outreach, and counter-speech, and that criminalization is only appropriate for incitement to imminent violence.⁴

¹ Human Rights Committee, “General comment no. 22, Article 18: Freedom of religion or belief,” UN Doc. CCPR/C/21/Rev.1/Add.4, para. 8 (1993).

² Human Rights Committee, “General comment no. 34, Article 19: Freedoms of opinion and expression,” UN Doc. CCPR/C/GC/34, para. 48 (2011).

³ “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR in 2011, and adopted by experts in Rabat, Morocco on 5 October 2012,” available at http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf.

⁴ Human Rights Council, “Resolution 16/18: Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/16/18 (2011); General Assembly, “Resolution 66/167: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/66/167 (2011); Human Rights Council, “Resolution 19/25 : Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against, persons based on religion or belief,” UN Doc. A/HRC/RES/19/25 (2012); General Assembly, “Resolution 67/178: Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,” UN Doc. A/RES/67/178 (2012).

Increasing Use and Application

Specific cases of blasphemy, religious defamation or insult regularly arise around the world, as an increasing number of countries enforce these types of laws. The most egregious example is Pakistan, where blasphemy charges are common and numerous individuals are in prison, with a high number sentenced to death or life terms. In both Egypt and Pakistan, their blasphemy laws have been used more against Muslims, although they have a disproportionate impact on their small Christian minorities. However, blasphemy laws exist in a variety of contexts, not always leading to jail sentences. For instance, countries as diverse as India, Ireland, Kuwait, Poland, and the Philippines all have blasphemy-like laws, though they are less frequently invoked. And new legislation is moving forward: Tunisia's new constitution had a blasphemy provision added at the 11th hour and Russia recently enacted a blasphemy law. The Kurdistan region of Iraq also has considered laws of this type. While the "defamation of religions" resolution at the United Nations, which sought to establish what would be in effect a global blasphemy law, has not been offered in recent years, the Arab League is reportedly developing a blasphemy law that could be applied regionally.

Specific country examples include:

- **Pakistan's** blasphemy law is used at a level incomparable to other countries. USCIRF has received reports of 14 individuals currently on death row on blasphemy convictions and 19 serving life sentences (see below). Countless other Pakistanis have been arrested for the "crime" and await sentencing. While the death penalty for blasphemy has never been carried out, individuals accused of blasphemy have been murdered in associated vigilante violence. Despite the law's rampant abuse and lack of procedural safeguards, Pakistan's Federal Shariat Court recently ruled that the death penalty should be the only penalty for blasphemy.
- In **Bangladesh**, the government arrested three self-professed atheists in early April 2013 for "offending religious sensitivities," after they blogged about Bangladesh's 1971 War Crimes Tribunals. They remain jailed pending trial. The opposition party Jamaat-e-Islami reportedly gave the government a list naming 84 other individuals they want to see investigated for blasphemy.
- **Egypt** has seen a significant increase in the use of blasphemy-type laws, both during and after the Morsi era. The Egyptian Initiative for Personal Rights (EIPR) found a total of 36 blasphemy cases involving 63 people occurring from January 2011 to December 2012. Their report documented a roughly 60/40 split in the religious affiliation of blasphemy cases taken to court, with 59% of cases being filed against Sunni Muslims and 41 percent against Christians. However, Christians only comprise 10 percent of Egypt's population. A particularly high profile case in 2013 involved a Christian teacher from Luxor convicted of insulting Islam. She is appealing the conviction and fine equaling approximately \$14,000. USCIRF is aware of four individuals sentenced to jail in Egypt (see below).

- In **Greece**, Philippos Loizos was arrested and charged in September 2012 with blasphemy for creating a Facebook page criticizing and mocking a deceased Greek Orthodox priest. The blasphemy charge was later dropped, but replaced with a charge of insulting religion. Under the Greek penal code, blasphemy or insulting religion is subject to imprisonment for up to two years. In January 2014, he was convicted and given a 10-month sentence. He is free while his case is on appeal.
- In **Indonesia**, since 2003 more than 120 individuals have been detained under blasphemy provisions in the criminal code. However, these generally have not led to prosecutions and jail time, and observers consider the detentions a tactic of intimidation. Two individuals are currently known to be serving jail sentences (see below).
- **Iran**'s blasphemy prohibitions are derived from the Twelver Jafaari school of Shi'a Islam. Blasphemers are charged under a range of offenses, such as "spreading corruption on earth," insulting religious sanctities, insulting Islam, criticizing the Islamic regime, or deviating from Islamic standards. The government targets religious minorities with such charges, particularly Bahai's, Christians, and Sunni and Sufi Muslims, as well as Shi'a Muslim dissidents and journalists.
- In **Kazakhstan**, atheist writer Aleksandr Kharlamov is under investigation by a government sponsored "experts committee" for his "views of the Christian religion." While currently free, he was subjected to five months of detention and one month of forcible psychiatric examination.
- **Malaysian** provincial police acting on the recommendation of the Ministry of Islamic Affairs detained Maznah Mohd Yusof. The Ministry requested the action because it found a video Ms. Yusof posted on YouTube was "insulting to Islam." She has been released on bail, pending an investigation.
- In **Saudi Arabia**, despite the country having no formal criminal code, the government uses charges of blasphemy to target those seeking to debate the role of religion in relation to the state, as well as promoters of political and human rights reforms. For instance, Saudi blogger Hamza Kashgari was held on blasphemy charges from February 2012 to October 2013 for comments he posted on Twitter. One individual is currently known to be serving a jail sentence (see below).
- **Sudan**'s criminal code prohibits blasphemy and those found guilty could be sentenced to one year imprisonment, up to 40 lashes, or a fine. Over the past few years, blasphemy accusations have been used to intimidate those opposing the government or expressing disfavored religious views.
- In **Turkey**, Fazil Say, a classical and jazz pianist, was charged in 2012 with "publicly insulting religious values that are adopted by a part of the [Turkish] nation" in Twitter messages. He was found guilty and given a 10-month suspended jail sentence in 2013.

Jailed for Belief

The following individuals reportedly have been sentenced for the “crime” of blasphemy and are serving prison terms. The list, based on information collected by USCIRF, is not comprehensive, but provides a human face to the application of these laws. USCIRF will update the list, as needed.

Egypt

Amr Abdalla	Five-year sentence
Bishoy Kameel	Six-year sentence
Ayman Yousef Mansour	Three-year sentence
Karam Saber	Five-year sentence

Indonesia

Andreas Guntur	Four-year sentence
Antonius Richmond Bawengan	Five-year sentence

Pakistan

Muhammad Asghar	Sentenced to death
Hazrat Ali Shah	Sentenced to death
Soofi Mohammad Ishaq	Sentenced to death
Abdul Sattar	Sentenced to death
Rafiq	Sentenced to death
Malik Muhammad Ashraf	Sentenced to death
Malik Ashraf	Sentenced to death
Ms. Aasia Noreen Bibi	Sentenced to death
Muhammad Shafeeq Latif	Sentenced to death
Liaqat	Sentenced to death
Muhammad Shafiq	Sentenced to death
Abdul Hameed	Sentenced to death
Anwar Kenneth	Sentenced to death
Wajihul Hassan aka Murshid Masih	Sentenced to death
Sajjad Masih	Sentenced to life in prison
Manzarul Haq Shah Jahan	Sentenced to life in prison
Muhammad Mushtaq alias Masta	Sentenced to life in prison
Imran Ghafoor	Sentenced to life in prison
Muhammad Ishaq	Sentenced to life in prison
Muhammad Safdar	Sentenced to life in prison
Muhammad Shafi	Sentenced to life in prison
Muhammad Aslam (son)	Sentenced to life in prison
Imran Masih	Sentenced to life in prison
Abdul Kareem	Sentenced to life in prison
Inayat Rasool	Sentenced to life in prison

Asif	Sentenced to life in prison
Arif Mahdi	Sentenced to life in prison
Imran	Sentenced to life in prison
Shamas ud Din	Sentenced to life in prison
Maqsood Ahmad	Sentenced to life in prison
Muhammad Shahzad	Sentenced to life in prison
Muhammad Yousaf	Sentenced to life in prison
Rehmat Ali	Sentenced to life in prison

Saudi Arabia

Raif Badawi	Five-year sentence
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