

USCIRF NEW REPORT: RANKING COUNTRIES BY BLASPHEMY LAWS

All-Party Parliamentary Group on International for International Freedom of Religion or Belief (APPG)

APPG (15.08.2017) – <http://bit.ly/2u00DF2> – 71 of the world's 195 countries have blasphemy laws. Penalties for violating blasphemy laws in these countries can range from fines to imprisonment and death. USCIRF's latest report examines and compares the content of laws prohibiting blasphemy worldwide.

Blasphemy is defined as "the act of insulting or showing contempt or lack of reverence for God."

According to the study:

- Blasphemy laws are astonishingly widespread. Seventy-one countries, spread out across many regions, maintain such statutes.
- Every one of these blasphemy statutes deviates from at least one internationally recognized human rights principle. Most of these laws fail to respect fully the human right of freedom of expression.
- All five nations with blasphemy laws that deviate the most from international human rights principles maintain an official state religion.
- Most blasphemy laws studied were vaguely worded, as many failed to specify intent as part of the violation. The vast majority carried unduly harsh penalties for violators.
- Most blasphemy laws were embedded in the criminal codes and 86 percent of states with blasphemy laws prescribed imprisonment for convicted offenders. Some blasphemy statutes even imposed the death penalty.

71 countries have blasphemy laws on the books

Afghanistan – Algeria – Andorra – Antigua and Barbuda – Austria – Bahrain – Bangladesh – Barbuda – Brazil – Brunei – Canada – Comoros – Cyprus – Denmark* – Egypt – Eritrea – Ethiopia – Finland – Germany – Greece – Grenada – Guyana – India – Indonesia – Iran – Iraq – Ireland – Israel – Italy – Jordan – Kazakhstan – Kuwait – Lebanon – Libya – Liechtenstein – Malaysia – Malta* – Mauritius – Montenegro – Morocco – New Zealand – Nigeria – Oman – Pakistan – Papua – New Guinea – Philippines – Poland – Qatar – Russia – Rwanda – San Marino – Saudi Arabia – Singapore – Somalia – South Sudan – Spain – Sri Lanka – St Lucia St. Vincent and Grenadines – Sudan – Suriname – Switzerland – Syria – Tanzania – Thailand – Tunisia – Turkey – United Arab Emirates – Vanuatu – Yemen – Zambia – Zimbabwe

****Blasphemy laws for Malta and Denmark were repealed after the data for this report was coded and analyzed.***

Top 10 countries as of July 2017

1. *Iran*
2. *Pakistan*
3. *Yemen*
4. *Somalia*
5. *Qatar*
6. *Egypt*
7. *Italy*
8. *Algeria*
9. *Comoros*
10. *Libya*

The Economist

The Economist (13.08.2017) – <https://www.economist.com/blogs/erasmus/2017/08/anti-religious-speech> – BLASPHEMY laws, in the sense of laws that penalise

speech or acts that disrespect God or the sacred, are “astonishingly widespread”. From the harshest laws to the mildest, all of them deviate in some degree from the international norms that uphold freedom of belief and expression.

Those were the main conclusions of a report issued this week by the United States Commission on International Religious Freedom (USCIRF), reflecting several years of work by a panel of researchers. It identified 71 countries that punished blasphemy—two of which, Denmark and Malta, repealed their laws very recently—and ranked them according to severity. The countries were assessed on the basis of the harshness of their penalties, the vagueness or precision of the offence, and the degree to which the blasphemy laws underpinned discrimination against some religious groups. Pakistan and Egypt were among the countries found to be using blasphemy laws as a form of anti-minority oppression.

The five countries deemed to practise the grossest violations of international standards were all Muslim-majority lands. Top came Iran and Pakistan, both countries where “blasphemers” can face death. At the other extreme came Ireland, which introduced a new blasphemy law in 2009 on the grounds that the constitution required such legislation. There have been no convictions under the law and initial moves to prosecute Stephen Fry, a British actor, for stridently anti-theistic remarks were dropped amid general embarrassment.

Many European states have blasphemy laws on the statute book, designed to protect established or privileged churches, but they are hardly ever invoked. Russia, Kazakhstan, Poland and Montenegro are on the list, but most other ex-communist countries seem to have retained a relatively secular ethos in their constitutions and therefore have no blasphemy law.

Although Canada appears on the list, with the ninth-mildest regime, the authors commend the fact that Canadian law

explicitly upholds the right to robust religious debate, as long as it is conducted in “good faith and decent language”. New Zealand’s legislation affirms something quite similar.

The research delivers a surprisingly harsh verdict on Italy, deemed to be seventh worst infringer of international norms. In truth, that country is hardly in the same league as those that execute, lash or lynch blasphemers. But the terms of an Italian court decision in 2015 were rather troubling to free-expression campaigners. It upheld a fine imposed on an artist who, in a public place in Milan, had depicted a sexual act involving the former Pope Benedict and one of his clerical advisers. The judgment said criticism of religion was legitimate if it was carried out by qualified people with relevant experience—a category into which the artist clearly did not fall.

Joelle Fiss, one of the report’s authors, said their research raised questions about established or state religion. Although having a state religion was permitted in international law, the research showed a correlation between such regimes and harshly enforced blasphemy laws. That, in turn, posed a question about whether it was possible, even hypothetically, to have a state religion which does not imply some disadvantage to religious minorities.

One of the most thoughtful recent comments on the subject has come from Mairead McGuinness, an Irish politician whose job as vice-president of the European Parliament includes dialogue with religions. The fact that her country maintained a blasphemy law, however soft and little-used, weakened Europe’s hand in dialogue with other parts of the world. “The problem [arises] when Europeans criticise the abusive blasphemy or apostasy laws in countries such as Indonesia, Pakistan, Sudan or a host of others,” she said. “The local authorities frequently accuse us of hypocrisy.”

Her conclusion is that Ireland should have a referendum on

abolishing the line in Article 40 of the constitution which says that blasphemy should be punished by law: a change that all the country's political parties and churches would support. In other words, civil liberty begins at home.

Press comment: Secularism

Secularism (17.08.2017) – <http://www.secularism.org> – Dozens of countries from all corners of the globe retain laws which punish blasphemy and most of them punish the 'crime' severely, according a report from the US government.

The paper, from the US Commission on International Religious Freedom, was entitled Respecting Rights? Measuring the World's Blasphemy Laws. Its authors said blasphemy laws were "astonishingly widespread". They found laws restricting freedom of expression on religious issues in 71 countries.

Two of those featured – Denmark and Malta – have recently repealed their laws. But elsewhere the report appeared to have underestimated the scale of the problem, as it did not include Northern Ireland or Scotland. The National Secular Society played a vital part in their repeal in England and Wales in 2008.

Every country featured was criticised for "deviating from some international human rights law principles". Most of the laws deviated from "a significant number" of those principles.

Around a quarter of the laws found were in the Middle East and North Africa; another quarter were from Asia and the Pacific. More than a fifth were in Europe, with 15.5% coming from sub-Saharan Africa and 11.2% from the Americas.

An overwhelming majority of the laws were found in national penal codes. The report said punishments ranged from "moderately to grossly disproportionate". Fifty-nine states sanctioned a prison sentence for 'blasphemers'; some imposed other sentences such as lashings and forced labour.

The laws were ranked according to a series of indicators, including how far their language threatened freedom of expression; how severe the penalty was; and how far they were used to discriminate against minority groups. These showed how far they deviated from international human rights principles.

The authors said the laws often put particular strain on “the forum, either public or private, in which a person can express or display his/her opinions or beliefs and control written or spoken words”. They also said the legislation was often vaguely worded, with only one-third of the criminal laws specifying that intent must be part of the ‘crime’.

The six countries with the most severe blasphemy laws were all Muslim-majority countries. Iran and Pakistan were given the worst rankings, mainly because both countries’ laws explicitly allow the death penalty for insulting Muhammad. They were followed by Yemen, Somalia, Qatar and Egypt.

In some cases, the rankings underestimated the reality of the impact of a country’s blasphemy laws. For example, in Afghanistan, Saudi Arabia and Eritrea, there was no sanction specified in written law. This meant none of those countries were given points on the indicator for the severity of the punishment. But their laws mean the punishment can be prescribed in other laws or open to judicial interpretation.

This has particularly harsh consequences in Saudi Arabia, where judges often impose long prison terms or public floggings for ‘blasphemers’. In April a man arrested on a blasphemy charge was sentenced to death for apostasy.

The report also said: “In states where there are unresolved conflicts between two or more religious groups, accusations of blasphemy can be used as a tool to strengthen one group’s power over another”. And in countries such as Pakistan and Bangladesh, ‘blasphemers’ are often punished through extrajudicial actions and mob ‘justice’.

Italy, which came seventh on the list, had the most severe blasphemy laws in Europe.

In 2015 an Italian court upheld a fine imposed on an artist who had publicly depicted a sexual act involving the former Pope Benedict and one of his clerical advisers. The judgment said religion could be legitimately criticised by qualified people with relevant experience.

Most European states which have blasphemy laws on the books rarely invoke them. Ireland, which introduced a blasphemy law in 2009 and has not convicted anyone for the offence since, was the lowest-ranked country.

But Mairead McGuinness, an Irish politician who works as vice-president of the European Parliament, has said blasphemy laws weaken European politicians' ability to protect 'blasphemers' abroad. "The local authorities frequently accuse us of hypocrisy," she said.

The authors also said the report raised criticisms of established state religions. The five worst-ranked countries all had state religions, and countries with official state religions tended to get higher scores than those without them.

Responding to the report Chris Sloggett, the NSS's communications officer, said: "Blasphemy should never be illegal. Religious ideas should be as open to challenge, insult or ridicule as any other.

"This report – which, in places, understates the damage done by blasphemy laws – is an important reminder of the pointless punishment which many face for speaking their minds. It highlights the work that needs to be done around the world to protect free expression.

"And it should nudge countries that retain these laws to realise they are not harmless, as they undermine international standards on free expression and solidarity with free

thinkers.”