



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

USCIRF HEARING SUMMARY:

January 2021

BLASPHEMY LAWS & VIOLATIONS OF RELIGIOUS FREEDOM

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Blasphemy Laws and the Violation of International Religious Freedom

On December 9, 2020, the U.S. Commission on International Religious Freedom (USCIRF) held a virtual hearing entitled [*Blasphemy Laws and the Violation of International Religious Freedom*](#), highlighting findings from USCIRF's new [*report*](#) on the enforcement of global blasphemy laws and the multiple ways they mobilize violence against religious communities. The hearing also resulted in proposed policy recommendations to the U.S. government.



USCIRF Chair [*Gayle Manchin*](#) led the hearing, convening [*five witnesses*](#) with various perspectives on the effects blasphemy laws have on religious groups and on those who exercise their right not to believe.

USCIRF defines blasphemy as “the act of expressing contempt or a lack of reverence for God or sacred things.” Laws prohibiting blasphemy seek to punish individuals for allegedly defaming one’s religion. In her opening statement, Chair Manchin affirmed that human rights laws must protect individual believers, not religion. “Laws criminalizing blasphemy violate the freedom of religion or belief,” she said. “Laws prohibiting blasphemy, by definition, place limits on speech and impede free expression over open discourse concerning religion.”

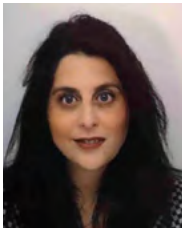
[*Senator James Lankford*](#), lead sponsor of [*S.Res.458*](#) calling for the global repeal of blasphemy, heresy, and apostasy laws, stressed that the United States cannot claim ignorance to the existence and consequences of blasphemy laws. Legislators have the responsibility to share and protect core values such as “the right to believe, the right to not believe, the right to change or choose your faith, or to have no faith at all.”



Vice Chair [*Tony Perkins*](#) discussed the enforcement of blasphemy laws through state action and vigilante violence. In some states, “civilians enforce blasphemy prohibition extrajudicially, committing acts of violence in the name of protecting God or religion,” he stated. “Oftentimes, these acts of mob violence or threats coincide with state enforcement of blasphemy laws.”



Vice Chair [Anurima Bhargava](#) emphasized the need for states to repeal blasphemy laws, including those that do not enforce them. “The abolishment of dormant blasphemy laws serves to acknowledge that such provisions violate international human rights law,” she stated. “Repealing inactive blasphemy laws can also help build momentum towards reform and repeal in countries where blasphemy laws are rigorously enforced, both by the state and society.”



[Joelle Fiss](#), Human Rights Researcher and Analyst and co-author of USCIRF’s [Violating Rights: Enforcing the World’s Blasphemy Laws Report](#), summarized the new report’s key findings on blasphemy laws around the world:

- Criminal blasphemy cases often occur within the context of broader religious freedom violations and cannot be isolated from such events, including assaults on places of worship, desecration of religious sites or symbols, or hate crimes against individuals of a minority belief group.
- Blasphemy laws are often criminalized through the enforcement of apostasy, anti-conversion, incitement to religious hatred, anti-extremism, and even anti-witchcraft laws. Allegations of blasphemy are often conflated with other allegations.
- Mob violence and threats of mob violence can occur with or without state enforcement of blasphemy laws.
- New or amended laws have entered into force in Kazakhstan, Nepal, Oman, Mauritania, Morocco, and Brunei. In addition, Germany’s blasphemy provision was referenced in a new German technology law.
- Since 2015, blasphemy laws have been repealed in Iceland, Norway, Malta, Denmark, Ireland, Canada, New Zealand, Greece, and Scotland.



[Jocelyn Getgen Kestenbaum](#), Associate Professor of Clinical Law at Benjamin N. Cardozo School Law and co-author of the [Violating Rights: Enforcing the World’s Blasphemy Laws Report](#), shared findings on the enforcement of criminal blasphemy laws:

- Eighty-four countries across the globe have criminal blasphemy laws as of 2020.
- Between 2014 and 2018, nearly half of the countries (41 out of 84) had cases of state criminal blasphemy law enforcement.
- Across those 41 countries, there were 674 reported cases of state enforcement.
- Ten countries accounted for 81 percent of all of the reported cases of enforcement.
- There were 136 reported incidents of mob violence. Fifty-eight of these incidents of mob activity occurred in situations where there was no state enforcement of the blasphemy law.
- When information about religious identity was available, Muslims accounted for 56 percent of accused persons and Christians accounted for 25 percent. Other targeted groups included atheists, Baha’is, and Hindus.



[Amjad Mahmood Khan](#), Lecturer in Law at the University of California, Los Angeles (UCLA) School of Law, discussed the correlation between blasphemy laws and the proliferation of terrorism. “Nations that criminalize blasphemy tend to foster an

environment where terrorism is more prevalent, legitimized, and insidious,” he stated.

- Global counterterrorism strategies must evaluate how terrorists use blasphemy laws to legitimize their objectives.
- In Pakistan, Section 295-C of that state’s Criminal Code carries capital punishment for anyone who directly and indirectly defiles the Prophet Muhammad. The Tehrik-e-Taliban Pakistan (TTP), the Pakistani Taliban, claimed responsibility for the massacre of 86 Ahmadi Muslims in 2010 and 127 Christians in Peshawar in 2013. The TTP claimed these groups insulted Islam.



[Shaan Taseer](#), the co-founder of Pakistan for All, and son of Salman Taseer, the former governor of Punjab province killed for alleged blasphemy, described the personal devastation of being accused of blasphemy in Pakistan.

- Salman Taseer publicly supported Asia Bibi, a Christian woman accused of blasphemy. He was killed by his bodyguard after religious parties campaigned for someone to take his life. Increasingly, people are killed over a mere accusation of blasphemy.
- Those accused of blasphemy overwhelmingly come from minority communities and economically disadvantaged sections of Pakistani society. Prisoners include the elderly, the infirm, underage children, and the mentally and physically handicapped.
- Pakistan's prisoners accused of blasphemy rarely, if ever, get due process. Judges continually rotate, hearings adjourn for no reason, and in the case of Junaid Hafeez, his lawyer was murdered in broad daylight.

“I work closely with those imprisoned under Pakistan’s blasphemy law, and I can testify that I have never seen a case of blasphemy that is not preceded by a pre-existing argument,” he said, or “where it would not have been in the economic or political interest of the accuser to level this charge.”



[Elizabeth O'Casey](#), Director of Advocacy at Humanists International, offered the following recommendations to the U.S. government to repeal and reform blasphemy laws in-line with international human rights standards:

- Provide human rights literacy and training programs, specifically on the right to freedom of expression and the right to freedom of religion or belief (FoRB).
- Create policies that tackle hate speech and intolerance, alongside the calls to abolish blasphemy laws. This could include (a) creating legitimate measures against incitement to hate; (b) developing policies that address the causes of inequality and discrimination; and (c) utilizing positive counter-speech.
- Direct the State Department to designate countries that enforce blasphemy, heresy, or apostasy laws as Countries of Particular Concern under the International Religious Freedom Act.

Chair Manchin concluded the event by encouraging U.S. policymakers to lead by example and proactively support the repeal and reform of global blasphemy laws.

The Commissioners listed below were present at the hearing.



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[Commissioner James W. Carr](#)



[Commissioner Nadine Maenza](#)



[Commissioner Nury Turkel](#)



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.