

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

HEARING ON BLASPHEMY LAWS AND THE
VIOLATION OF INTERNATIONAL RELIGIOUS FREEDOM

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Virtual Hearing

P A R T I C I P A N T S

COMMISSIONERS PRESENT:

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Tony Perkins, Vice Chair
Anurima Bhargava, Vice Chair
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P R O C E E D I N G S

CHAIR MANCHIN: Good morning and thank you for attending the U.S. Commission on International Religious Freedom's hearing today on Blasphemy Laws and the Violation of International Religious Freedom. I want to thank, on behalf of USCIRF, our commissioners and the staff, our distinguished witnesses for joining us today to offer their expertise and their recommendations.

The U.S. Commission on International Religious Freedom, or USCIRF, is an independent, bipartisan government commission created in 1998 by the International Religious Freedom Act, or IRFA.

The Commission monitors the universal right of freedom of religious belief, freedom of religion or belief abroad, using international standards to do so, and making policy recommendations to Congress, the President and the Secretary of State.

Today, USCIRF exercises its statutory authority under IRFA to convene this virtual

hearing.

Blasphemy is defined as "the act of expressing contempt or a lack of reverence for God or sacred things." Laws prohibiting blasphemy criminally sanction defamation of religion and seek to punish individuals for allegedly offending, insulting, or denigrating religious doctrines, deities, or symbols, or for wounding or insulting religious feelings.

Across the globe, 84 countries maintain blasphemy laws. In 2017, USCIRF issued a report entitled "Respecting Rights? Measuring the World's Blasphemy Laws," authored by two of our witnesses here today: Joelle Fiss and Jocelyn Getgem Kestenbaum.

In addition to identifying and compiling many of the world's blasphemy laws, this report analyzed the laws' texts pursuant to international human rights standards.

Every identified blasphemy law deviated from one or more internationally recognized human

rights principles. Most blasphemy laws, even those with criminal sanctions, were vaguely worded, did not require intent as an element of the crime, and carried unduly harsh penalties for violators.

Laws criminalizing blasphemy violate the freedom of religion or belief. Religious freedom includes the right to express a full range of thoughts and beliefs, including those that others might find blasphemous. Laws prohibiting blasphemy, by definition, place limits on speech and impede free expression over open discourse concerning religion.

Further, these laws aim to protect religion, but human rights laws protect individual believers, not beliefs. Blasphemy laws often empower authorities to sanction citizens who articulate minority views and signal to society that those views are disfavored.

In some countries, such as Pakistan, blasphemy laws aim to support the majority religion in a way that impermissibly discriminates against

other groups.

The severity of a blasphemy law on the books, however, is only the beginning of the story. To appreciate the full impact of the criminalization of blasphemy on human rights, we must also understand how states enforce these laws. For this reason, USCIRF commissioned a follow-on report to map and analyze publicly reported criminal blasphemy cases from 2014 to 2018.

This report, entitled "Violating Rights: Enforcing the World's Blasphemy Laws," identifies global trends in the enforcement of blasphemy laws.

On behalf of USCIRF's commissioners and staff, I would like to express our gratitude to Joelle and Jocelyn for their work on this groundbreaking report, along with the students and staff at the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic at Cardozo School of Law who contributed to this report.

The comprehensive data that you have compiled and analyzed will be an essential resource

for policymakers, advocates, and religious communities to better understand the impact of blasphemy laws and identify opportunities to call for their reform and repeal. I look forward to learning more about the report's findings today in our discussion.

But now, we are most grateful to have Senator James Lankford joining us today. Senator Lankford has taken time from his duties because he is a strong advocate for international human rights and religious freedom.

He has been leading a resolution in the Senate calling for the global repeal of blasphemy, heresy, and apostasy laws, Senate Resolution 458.

The resolution requests the President and Department of State to make the repeal of blasphemy, heresy, and apostasy laws a priority in bilateral relationships between the United States and countries that have such laws.

Senator, thank you so much for your very important work and for taking time out of your

schedule to be with us today. The floor is yours.

SENATOR LANKFORD: I appreciate the introduction, and I appreciate even more the work that this body is doing, the research that has happened to be able to pull the report together and the ongoing work every single day for people around the world to be able to live out this most basic human right.

It is interesting to note that on December 10, 1948--that would be 72 years ago tomorrow--the United Nations in Paris did the Universal Declaration of Human Rights. In that Universal Declaration of Human Rights, it recognized the inherent right of freedom of religion and conscience and declared that protection, which America has recognized from the beginning as a human right, but it's still being spread around the world.

72 years later, the words that they put together that day, on December 10, 1948, still ring true today, where they said everyone has the right

to freedom of thought, conscience and religion. This right includes the freedom to change his religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Despite representatives from different legal and cultural backgrounds, from all regions of the world working together to draft this declaration 72 years ago, there are still 84 countries in the world that enforce or uphold blasphemy and apostasy laws--84 countries.

Some of those choose not to enforce those laws, but they also choose not to take those laws off the books either so that they're still available to them.

Depending on the country, punishment for individuals who engage in expressions deemed by the government to be blasphemous, radical, apostate, defamatory of religion or insulting to religion can range from fines to imprisonment, even death

sentences. This affects Muslims, Christians, Hindus, Baha'i, secularists and many other groups.

Although there are people all over the world who are punished because of these laws every year, there are cases that do stand out and there are cases that are more chilling than others.

We had an American who was killed in Pakistan while on trial for blasphemy earlier this year. Tahir Ahmad Naseem was arrested two years ago and charged with blasphemy. He was shot and killed in the courtroom on July 29th of 2020 by a suspect who had spoken and said that he was guilty of blasphemy, and he wanted to carry it out himself.

This is not just a problem in Pakistan. More than one-third of the world's countries have these blasphemy laws on the books. Saudi Arabia has issued death sentences for insulting Islam and the prophet Muhammad on social media. Likewise, Russia has convicted individuals of blasphemy for social media related offenses.

It shouldn't take the death of a U.S. citizen or numerous other death sentences or criminal convictions to provoke us to work to repeal blasphemy laws all around the world to be able to protect the basic human rights and dignities that the world has recognized for 72 years but has yet to implement.

Earlier this week, the House of Representatives passed its resolution to condemn global blasphemy laws 386 to three. That is an overwhelming vote in the House of Representatives-- 386 to three. It is long past time for the Senate to be able to do the same.

A year ago, I led a bipartisan resolution to call for the global repeal of blasphemy and heresy and apostate laws. That resolution is currently being blocked in the Senate from even being voted on.

The resolution urges foreign countries to repeal such laws, release individuals who have been prosecuted or imprisoned on charges of blasphemy

and ensure the safety of those individuals and their families.

We need to be able to get that finished. In the Senate, we have days to be able to get it done in this session, and it is our hope to be able to get that passed so the Senate can make as clear of a statement on blasphemy and apostasy as the House has already done even this week.

While there's clearly more work that needs to be done, all of us are very, very grateful for USCIRF and the work that's happening and the research that's been provided. I really do want to thank all the commissioners and the staff for the tireless work that you do to be able to draw attention to this and to be able to make sure that people don't lose track of it.

As you know, it's hard to fix a problem that you cannot see, and many countries don't want to discuss blasphemy and apostate laws, and they choose to be able to hide these things.

You have brought things in the darkness

into the light, and that is a great gift. Reports like this as they exist no longer give Americans or the United States government the opportunity to claim that they don't know that this is happening. You bringing it into the light, every legislator in the United States Congress can see clearly what is happening around the world, and they can choose to be able to act or not act based on that knowledge.

We cannot turn a blind eye to this because it has been exposed. We have the right and the responsibility to be able to share this core value that we have, as Americans have, the right to believe, the right to not believe, the right to be able to change your faith or choose any faith of your choice or have no faith at all.

That is a great gift that we pass on, but it's a human right that we respect on this. Blasphemy laws are antithetical to that right, and it is entirely appropriate that you are speaking out on it today and the report that you carried out is then being distributed today.

So thank you for the work on that. In fact, I would say to you God bless you for the work that you continue to be able to do for the entire world to be able to speak out for those who cannot speak for themselves.

CHAIR MANCHIN: Thank you so much, Senator Lankford, again, for your time to be here with us today and share your passion and your feelings and your expertise on this subject. And we certainly are with you in our hopes that the Senate will pass that resolution sooner rather than later.

Thank you so much.

And I now will turn to my colleague, Vice Chair Tony Perkins, to further discuss the enforcement of blasphemy laws through state action and vigilante violence.

VICE CHAIR PERKINS: Well, thank you very much, Chair Manchin, and I would also like to join you in thanking Senator Lankford for joining us today, and for all that are joining us for today's hearing, thank you so much for taking time to join

us in discussing what I think, as has already been pointed out, a very, very important issue.

Despite the grave human rights concerns outlined by Chair Manchin, countries continue to enforce these blasphemy laws, often justifying enforcement as necessary to promote intergroup religious harmony. It seems like a little ironic. But USCIRF's new report found 674 cases of state enforcement against alleged blasphemers in nearly half of the 84 countries with criminal blasphemy laws.

The six countries with the highest number of cases--some come with no surprise--but it's Pakistan, Iran, Russia, India, Egypt and Indonesia. All are countries that USCIRF identifies as among the world's worst violators of religious freedom.

While the research focused on identifying cases between the years of 2014 and 2018, blasphemy laws continue to be vigorously enforced. Now in some contexts, we have seen an unfortunate uptick in the enforcement of these laws during the 2020

year.

Just last month, in Egypt, security forces arrested at least five individuals on blasphemy-related charges. In one related case, public prosecutors held in pre-trial detention two Coptic Christians who are accused of appearing in a video in which they discussed prayer in Islam.

They are expected to face charges of "insulting religion," which falls under Article 98(f) of Egypt's Penal Code. Now that provision bans "ridiculing or insulting a heavenly religion or a sect following it," and while there are--there are a few exceptions, but it primarily has been used to prosecute individuals accused of insulting Islam.

Crucially, such accusations often carry serious legal and societal consequences in Egypt, as in other countries as has already been pointed out today. For example, in November, a mob in the village of Barsha in Minya province ransacked and burned Christian homes and businesses, stole

livestock, and sent at least one elderly Coptic woman to the hospital with severe burns.

This violation or this violence rather occurred because a rumor spread in the village that a local Coptic man had posted a comment on Facebook deemed offensive to Muslims. Following the mob attack, the young man--and none of those who incited or carried out the violence--are expected to face charges of insulting religion.

In Turkey, government authorities have detained individuals under politically-motivated charges of blasphemy, increasingly in connection with social media posts. In some cases, individuals are briefly detained and investigated, though ultimately released. But in other cases, those investigations result in prosecutions.

Earlier this year, the Turkish government even investigated the Ankara Bar Association for "insulting religious values" when it criticized the government-run Religious Affairs Directorate for anti-LGBT statements that the Bar Association

characterized as hate speech.

Now in some states, civilians enforce blasphemy prohibitions extrajudicially, committing acts of violence in the name of protecting God or religion. Oftentimes, these acts of mob violence or threats coincide with state enforcement of blasphemy laws such as the horrific act of mob violence in Egypt just mentioned.

Now our witnesses will also discuss the grave situation in Pakistan, one of four countries where blasphemy is punishable by death. There violence is not solely directed against those accused of blasphemy, but often targets anyone seen as empathetic or showing support to an alleged blasphemer, including their lawyers, family and faith-based community members.

I now turn to Vice Chair Bhargava to further discuss the need to repeal blasphemy laws and highlight opportunities for U.S. policy action.

Vice Chair Bhargava, the chair is yours.

VICE CHAIR BHARGAVA: Thank you very much,

Vice Chair Perkins, and thank Senator Lankford for this and also for making sure that the resolution that was passed in the House has a path to success in the Senate as well, and to all those who are joining us for this hearing, both as panelists and to hear about what has been happening with regards to blasphemy laws around the world.

And, thanks, always, to Chair Manchin for starting us off and for her leadership on many of these issues.

In recent years, some progress has been made towards the abolishment of blasphemy laws. Since 2015, nine countries, including Iceland, Norway, Malta, and Canada repealed their blasphemy provisions. We commend these countries for taking this action to better promote human rights, especially on the eve of Human Rights Day tomorrow.

However, at the same time, new or amended blasphemy laws have entered into force in countries, including Oman, Mauritania, Morocco, and Brunei.

As Vice Chair Perkins mentioned, the researchers on the Violating Rights study found cases of enforcement against individuals exercising their rights to freedom of religion and expression in almost half of the countries with blasphemy laws.

This means the other half of countries maintain these laws without active enforcement. USCIRF calls on all countries to repeal blasphemy laws, but we particularly implore states where there is no active enforcement to take immediate steps to get these laws that are not in use off the books.

The abolishment of dormant blasphemy laws serves to acknowledge that such provisions violate international human rights law. 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.

Beyond continuing to pressure governments

to abolish blasphemy laws, the U.S. government can also advocate for religious prisoners of conscience that are imprisoned under blasphemy provisions. As part of USCIRF's Religious Prisoners of Conscience Project, our colleague Commissioner Fred Davie, advocates for the release of Mubarak Bala, president of the Humanist Association of Nigeria, who has been detained without charge since April, allegedly for the peaceful expression of his humanist beliefs on social media.

He also advocates for the release of Yahaya Sharif-Aminu, a Muslim gospel musician from a minority Muslim sect, who was sentenced to death in July by a state-sanctioned Sharia court in Kano state, Nigeria, for committing blasphemy in a private WhatsApp recording.

Commissioner Nadine Maenza advocates for the release of Raif Badawi, a peaceful blogger in Saudi Arabia, sentenced to a decade in prison and a thousand whiplashes for blasphemy.

And Chair Manchin advocates for Iranian

activist Golrokh Iraee, who was charged with blasphemy after writing an unpublished short story criticizing the practice of stoning adulterous women.

USCIRF also highlights religious prisoners of conscience on its Freedom of Religion or Belief Victims List, including several individuals that are imprisoned for blasphemy. This includes Shagufta Kausar and Shafqat Emanuel, a Christian Pakistani couple sentenced to death in 2014 for allegedly texting blasphemous texts despite being unable to read.

And Ramzan Bibi, a 55-year old Ahmadi woman, who was accused of blasphemy after making a donation to a local mosque.

Junaid Hafeez, a former lecturer at the University of Multan, was accused of making derogatory statements on Facebook about the Prophet Muhammad in 2013. His lawyer Rashid Rehman was murdered in 2014 while Hafeez remained in solitary confinement. Last year, Hafeez was sentenced to

death for blasphemy after languishing in jail for six years.

These individuals represent the many individuals around the world jailed for exercising their freedom of religion and expression. We must continue to shine a light on these victims of blasphemy laws and call for their release.

Thank you. I look forward to hearing our witnesses' views on these topics and the perspectives to how we can address blasphemy laws around the world. I will now turn the floor back to Chair Manchin.

CHAIR MANCHIN: Thank you so much, Vice Chair Bhargava and also Vice Chair Tony Perkins, for their remarks.

And now we are so pleased to introduce our five witnesses today, and I am literally just going to introduce them to give them more time, but their biographies, bio information, is on the chat page. So you can go there and get more detail about these very outstanding individuals.

The first two, Joelle Fiss, is one of the co-authors of our blasphemy report--so we are so thrilled to have her--and her co-partner, Jocelyn Kestenbaum, will both be speaking about their report and their findings.

And then we are so pleased to have Amjad Mahmood Khan, a founding partner at a law firm where he represents plaintiffs. And so we will be hearing the legal perspective of blasphemy laws.

And then we welcome Shaan Taseer, a Pakistani, who actually is a witness that will be sharing with us the very personal aspects of how blasphemy affects people's lives.

And then Elizabeth O'Casey will be rounding out our perspective today with her report, and so we just thank you all so much for joining us and for bringing with you your personal experiences and expertise on this subject.

So Joelle, we'll start with you.

MS. FISS: Thank you so much, Chairwoman Manchin. Thank you very much for your kind words.

Vice Chair Perkins, Vice Chair Bhargava, Senator Lankford, ladies and gentlemen, commissioners, it's really an honor to address you today to present our findings. This, as, you know, was mentioned, was commissioned by the U.S. Commission on International Religious Freedom. I'd like to take this opportunity to thank Elizabeth Cassidy and Kirsten Lavery who participated in our hard work, and, of course, as you know, this research took two years, together with the collaboration of the Human Rights Law Clinic at Cardozo Law School, Jocelyn Getgem Kestenbaum, and so that's what we've been doing for the past two years.

So we really tried to--we aimed to produce a snapshot in time, if you wish. So it's really just, you know, it's just a snapshot. It's just to capture how states have enforced their blasphemy laws around the world in the past five years between 2014 and 2018, and, you know, we were quite conservative in the way that we did this. We

really just tried to capture a few, you know, five years, and we literally examined every single state action across 84 countries where blasphemy allegations occurred during that five-year period.

And so we inspected the actions of state agents, ranging from police officers, security agents, prison officials, and also the judicial authorities in addition to the law enforcement authorities. We inspected the actions of prosecutors and judges, basically, you know, all the state actors that were there that could somehow have an action to enforce these blasphemy laws.

We found a treasure of findings. You're only going to hear a bit. We encourage you to read the whole report, of course, and we're just going to highlight a few findings. I'll try and go quickly so that we can really have as much time as possible for questions afterwards.

But just some general remarks. I think it's very important that everybody realizes that criminal blasphemy cases often occur against the

backdrop of a context of much broader religious freedom violations.

And so, you know, there are bombings; there are assaults on places of worship; there are desecration of religious sites and symbols; there are hate crimes against individuals. Some types of minority belief groups are persecuted. There are physical assaults, verbal attacks, harassment. Basically you can't isolate blasphemy-related abuses from other events in a country, and notably from other violations of freedom of religion or belief. And so I think that's a really important point to stress.

The other important point and interesting finding is, and we weren't necessarily attuned to receive this finding frankly when we embarked on this research, was that blasphemous acts and blasphemy laws are often criminalized through the enforcement of other laws as well, through the enforcement of apostasy laws, anti-conversion laws, incitement to religious hatred laws, anti-extremism

laws, and even anti-witchcraft laws.

And so what's interesting is that allegations of blasphemy are therefore frequently conflated with other allegations, and so I think that's an important point as well.

Finally, just for the general statements on the question and the reality of mob violence and the threats of mob violence and presence, these often occur when religion is being viewed as insulted, and it can occur at times when the state enforces the laws, as we recorded, but it can also occur when the state doesn't enforce the law. And, you know, it's the subject of popular outcry where mobs are stirred and where, you know, basically non-state actors or groups or individuals, they go to the streets and they try and take justice in their own hands as well.

So this kind of, you know, violence, it erupts both when the state enforces the law and when the state doesn't enforce the law. That's very important to realize that this, you know, form

of property destruction, injuries, even deaths can occur in both cases.

And, of course, you know, we think about the situation in France where France doesn't have a blasphemy law, but a man was still decapitated recently in France because he was accused of explaining to his school class about the cartoons of the prophet Muhammad. And so, you know, violence can occur even in situations where there are no laws and where there is no state enforcement.

Now, to our knowledge, we're very proud to say that we think that this is the most updated and comprehensive list of blasphemy laws recorded in the world in 2020, and so we're very happy to share with you the positive and the negative developments that occurred basically since we last wrote our report in 2017.

Now, on the negative side, unfortunately, as it was mentioned by the commissioner before, we do take note that there was some, you know, new

laws, new blasphemy laws, that entered into force.

So we're thinking about Kazakhstan in 2014, but also Nepal, Oman, Mauritania, Morocco and Brunei. And in addition to that, Germany's blasphemy provision, which exists already, was referenced in its new German technology law as well, which is unfortunate.

Now, in the case of Kazakhstan and Morocco and Oman, the maximal penalty has been substantially increased, which means, you know, this is very concerning because it means that the penalty is increasing and there is the political will to enforce the law.

In the case of Nepal, a new penal code was passed and a blasphemy law was added to that, you know, penal code.

Now, in the case of Mauritania, it's extremely, you know, problematic because Mauritania has joined Brunei, Iran and Pakistan as the countries in the world with the death penalty specifically as a punishment to insult religion.

Now, admittedly, this does not also exclude the possibility of the death penalty maybe handed down by other states as well. As the Vice Chair mentioned before, Saudi Arabia, for example, who does impose the death penalty, Saudi Arabia implements Sharia laws without having a formal written penal code. So it's something that we can track down, but it's not written.

What is written is the death penalty for blasphemy in Mauritania, Brunei, Iran and Pakistan. That is, you know, on black and white paper. You cannot miss it. And then there are also other situations which the Sharia law does prevail.

And finally, the final phase of Brunei's criminal code went into effect permitting the death penalty 2019 for several offenses including the defamation of the prophet.

Now this is all very bleak, but on the positive side of things, I would like to mention, as was mentioned before, but there have been a series of repeals that have occurred since 2015. I

would say that the attack against the satirical paper Charlie Hebdo in France did sort of create an impetus where some liberal democracies thought that it would be good to repeal their blasphemy laws, and that did occur in Iceland, first of all, in 2015, in Norway, in Malta, in Denmark, in Ireland, in Canada, in New Zealand, in Greece, and also in Scotland in 2020.

Now, another good piece of news is that Italy's criminal blasphemy provisions are different from what we previously reported. We did a lot of work in trying to, you know, trying to understand Italy's provisions, and we saw that finally the penalty of insult to religion is now a fine rather than an imprisonment. So that's very good. And we welcome that.

We welcome that, and also we welcome the fact that its provisions no longer discriminate against other faiths as it was the case before when Italy's state religion was Catholicism, and now the penalty is the same for all belief groups for

insulting all religions. Even if, you know, it's still a penalty, there's less of a discriminatory aspect to it.

Now I'd also like to just highlight the progress made in Sudan as well. I noted that this occurred very recently, only in July 2020, but I think it's very important. So it's worth mentioning that Sudan amended its criminal blasphemy law of its penal code to remove the penalty of flogging for blasphemy crimes. And so it's certainly worth noting.

Now, as the commissioners stressed before, you know, we have found more laws than before. So despite 13 extra blasphemy provisions, despite all the repeals, you know, that we have calculated, we still have 13 more blasphemy provisions, and so this is not good news because it makes it a total of 84 countries across the globe with criminal blasphemy provisions in comparison to 71, which were identified in 2017 despite all those repeals that I just mentioned.

So we have to watch out, and I look forward to stopping there so that I can answer all of your questions afterwards. Now, I'm delighted to give the floor, I think, to my colleague Jocelyn, or to Chairwoman Manchin for her reports, and I look forward to answering any of your questions afterwards.

Thank you.

MS. GETGEM KESTENBAUM: Thank you, Joelle, and many thanks to the USCIRF commissioners, a special thanks to Senator Lankford for his work, to Chair Manchin and Vice Chairs Perkins and Bhargava, for the invitation to participate in this important discussion today.

The commissioners have asked me to speak to the findings as well of the two-year study on the enforcement of criminal blasphemy laws that is being released today.

The previous study that you've heard about, "Respecting Rights," examined the content of laws and the way in which criminal blasphemy laws

do deviate from international human rights law.

But whether and how countries do implement and enforce the law is of equal importance, if not even more important, to assess the impact of blasphemy on the right to freedom of religion or belief and the right to freedom of expression.

So we defined criminal blasphemy law enforcement and looked at cases of enforcement. So I wanted just to quickly let you know exactly what we considered to be a case of criminal blasphemy of law enforcement before discussing the important findings of the report.

So for the purposes of this study, "state enforcement" of criminal blasphemy laws was defined as any affirmative action initiated by government officials including, but not necessarily limited to, law enforcement officers. So often it was police, security agents, and prison officials, or judicial authorities, as Joelle mentioned, prosecutors and judges mainly, seeking to compel compliance with these laws that target blasphemous

speech or conduct.

The study then defines "affirmative action" by those officials as any reported act that could have resulted in criminal sanctions regardless of whether it actually led to an investigation, arrest, prosecution, or criminal punishment of the alleged blasphemer.

So preliminary investigations and even charges that may have later been dropped, those were considered to be affirmative state actions for the purpose of this report because what we were trying to look at is when the state acts, when it starts to use this law to counter this type of exercise of the right to expression or freedom of religion or belief.

So what did we find? As was mentioned, we found in nearly half of countries--41 of the 84 countries--with criminal blasphemy laws that are on the books and in force, we found cases of state enforcement. But that also does mean that in 43 of those 84 countries, we did not find a single

reported case of enforcement. That doesn't mean that it isn't being enforced, but likely is not being enforced because we relied on reporting in news sources and secondary sources generally.

But it is something to note, as Commissioner Bhargava said, that these laws that are on the books that are not being enforced are ripe for reform or repeal in these countries.

Across the 41 countries where there were cases, we found 674 reported cases of state criminal blasphemy law enforcement between 2014 and 2018. And the number of cases varied greatly from country to country. There were eight countries that reported only one single case of enforcement while Pakistan, the country with the highest number of cases, reported 184 cases during that five-year period.

And based upon the cases that we identified, the highest number of cases occurred in the Asia/Pacific region, followed by Middle East, then Europe, and then Africa.

We didn't find any cases, although there are laws on the books, in the Latin America and Caribbean region.

And during the study period, ten countries accounted for 81 percent of all of these reported cases of enforcement. So more than one-quarter of the cases we found, 27 percent of those cases came from Pakistan, followed by 96 in Iran, 58 in Russia, 51 in India, 44 in Egypt, 39 in Indonesia, 24 in Yemen, 19 in Bangladesh, 16 in Saudi Arabia, and 15 in Kuwait.

Who are those who are accused of blasphemy? The most important and commonly reported professions that are targeted for blasphemy were lawyers, academics, including intellectuals and students, religious figures, media professionals, including musicians, actors, directors, poets, politicians, government officials, and human rights activists.

And when information about religious identity was available, and that was in about half

of the reported cases that we found, most accused persons were Muslim, and this is true despite the likelihood that news sources tend to underreport blasphemy cases against Muslims.

Christians accounted for 25 percent of accused persons. Other groups targeted frequently included atheists, Baha'is and Hindus.

Reports also indicated that state officials perpetrated acts of violence, including torture and cruel, inhuman or degrading treatment and punishment against accused blasphemers in Pakistan, Iran, Algeria, Egypt, Kazakhstan, Kuwait, Oman, Russia, Saudi Arabia and Sri Lanka. Such violence including forced psychiatric evaluations, forced confessions, sexual harassment, prolonged solitary confinement, and denial of medical care.

And other due process violations, especially those against fair trial rights, were also reported in Bangladesh, Egypt, India, Iran, Mauritania, Oman, Pakistan, Russia, Saudi Arabia, Spain, Sri Lanka, Sudan and Yemen.

And finally, but not least, and we should probably discuss this more if there is time, social media was implicated in at least 27 percent of all reported cases, again, likely an underestimate because that 27 percent was only when the case that was reported indicated whether or not social media was implicated.

So it is likely underestimating the number of cases where social media is implicated, and Facebook and Twitter are the social media platforms implicated the most in these reported cases.

In addition to direct state action, as was mentioned, there is an issue of mob-driven violence at the hands of private non-state actors that is a recurring phenomenon that accompanies allegations of blasphemy.

And that is whether or not the state enforces the criminal blasphemy laws, and these numbers, again, that we found are likely an underestimate of the true scope of mob-driven violence because we excluded things like political

protests and other mob-driven violence not exactly and directly a result of a blasphemy accusation, but, as Joelle mentioned, these cases often are conflated and often accompany other religious rights violations.

So, in total, what we found was 136 reported incidents of mob violence from 2014 to 2018, and these incidents may include several victims, even thousands of individuals injured and even many victims killed.

And four countries accounted for 80 percent of all reported incidents of mob violence as a result of blasphemy. Nearly half, 52, of those incidents occurred in Pakistan, while significant numbers also occurred in Bangladesh, Nigeria, Egypt, Indonesia, Jordan and Russia.

These are just some of the many findings that you can read more about in the report "Violating Rights" that we are launching today with USCIRF. We hope this report along with the 2017 report provides important evidence in support of

critical law reform to stop the human rights abuses in the name of religion against individuals exercising their rights to freedom of expression and freedom of religion or belief.

Thank you for your kind attention, and I look forward to questions and discussion.

CHAIR MANCHIN: Jocelyn, thank you, and Joelle for overview of this excellent report.

And so now I'd like to turn to Amjad on the legal, more of the legal aspect and ramifications.

MR. KHAN: Chair Manchin, to Senator Lankford, to members of the Commission, I'm really delighted to be here. Thank you for inviting me.

The Commission has tasked me to focus my testimony on the violent impact blasphemy laws have on religious communities, and in a moment, I'll explain what I think is a correlation, a relationship, between blasphemy laws and the proliferation of terrorism.

I teach and practice law here in Los

Angeles and have studied this issue for a few decades. I've also had occasion to represent prisoners of conscience in active blasphemy proceedings, including currently, and so I've gotten familiar with the criminal codes in a variety of countries.

The tragic events of years past that all of us are familiar with and have heard about, including the Taliban's murder of 132 school children in Peshawar, Pakistan, or Boko Haram's mass slaughter of civilians in Nigeria, have led many to talk about the roots of terrorism and its prevention, and, you know, the refrain generally there is foreign governments should focus on counterterrorism measures, they should go after terrorist groups, they should defeat their weaponry, they should defeat their propaganda, but little actually has been written about what I think is arguably the most potent instrument fueling the perpetrators' terrorism, and that's anti-blasphemy laws.

In several countries with large Muslim populations, criminal codes have provided legal cover for terrorists to commit atrocities in the name of protecting Islam's integrity based on their perverse view of that faith.

Protecting these codes and the larger cause of preventing blasphemy drives some of the world's most dangerous terrorists to commit mass atrocities. So preventing these atrocities requires countries with large Muslim populations and other countries to repeal or reform these codes. It's not simply a human rights matter. It's a matter for the collective security of nations.

USCIRF has just reported today, and it's well understood with the Pew studies, that 84 countries across the globe have criminal anti-blasphemy laws. And yet despite ample data on the proliferation of the laws, including today's report, there hasn't been enough I think written about the interconnectedness of the laws with acts

of terrorism.

In 2015, I penned an article for the Harvard International Law Journal entitled "How Anti-Blasphemy Laws Engender Terrorism," in which I examined the anti-blasphemy laws of Pakistan, Indonesia and Nigeria to help illustrate what I think is a significant correlation: nations that criminalize blasphemy tend to foster an environment where terrorism is more prevalent, legitimized and insidious.

And there's been some recent empirical research supporting this correlation. For example, Dr. Nilay Saiya, who is a legal scholar, conducted a detailed analysis of every terrorist attack in the world, from 1990 to 2014, and he made several key findings. Most notably, Dr. Saiya found that nation states that enforce blasphemy laws are indeed statistically more likely to experience terrorist attacks than countries where such laws don't exist. And this is critical--nation states that enforce blasphemy laws experience almost six

times as many terrorist attacks as states where laws don't exist.

So this is an area that needs to be focused on because these laws aren't simply pernicious for the victims as a matter of reducing the number of cases. It's also about securing the collective--to ensure the collective security of these nations by preventing future terrorist attacks.

I discuss in my written submission, which you can catch online after this, the three case studies in exhaustive detail. I want to comment in just a few minutes a little bit about each.

In Pakistan, we know that the criminal code is used to punish and prohibit blasphemy. It broadly refers to any spoken or written representation that "directly or indirectly" outrages the religious sentiments of Muslims, and five of those laws are currently on the books. Several thousand cases have been filed.

There's a 50-word Penal Code provision,

Section 295-C, that carries capital punishment for whoever by words, either written or spoken, or by visible representation, or any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Prophet Muhammad.

And it's a remarkably, I would say in my study of constitutional laws in various countries, the most broad language you'll ever find in a criminal statute. Virtually anyone can register a blasphemy case against anyone else in Pakistan, and they face capital punishment, but it's particularly pernicious for the Ahmadi Muslim community. This is a community that professes to be Muslim, but the constitution declares to be non-Muslim.

So two of the laws actually target Ahmadi activities for posing as a Muslim. So virtually any public act of worship, devotion or propagation by an Ahmadi Muslim can be treated as a criminal offense. Punishment is fine, imprisonment or death. Just being an Ahmadi, manifesting your faith is blasphemous.

Now the correlation that I want to focus on here is about what these laws do to embolden terrorist groups, and I'll just give a few examples.

Tehrik-e-Taliban Pakistan, the Pakistan Taliban, the TTP, they were responsible for various atrocities, and they have affiliate networks, and they have been designated as a U.S. terrorist group. In 2010, they claimed responsibility for the massacre of 86 Ahmadi Muslims in Lahore. In 2013, their affiliates were linked to the massacre of 127 Christians in Peshawar.

And when they massacred the Christians and Ahmadi Muslims, they claimed they were doing so because these groups were infidels who insult Islam. One spokesperson rallied all the Muslim youth of Pakistan and said "Zionist and crusader enemies of Islam are insulting the signs of Islam everywhere."

In 2014, TTP sympathizers in Gujranwala burned down many homes in an Ahmadi-inhabited

village over an allegedly blasphemous Facebook posting, killing four, including an elderly woman and her two young granddaughters.

Even when the TTP massacred 132 school children at an Army base in Peshawar in 2014, it claimed that it was doing so to signal their opposition to U.S.-backed drone strikes. And here, too, the justification was apparent: silence those who threaten, however indirectly, Pakistan's status as an Islamic state.

And most recently, we've seen the very same extreme groups with longstanding ties to terrorist groups, using Pakistan's cyber crime statutes to initiate anti-blasphemy laws. For example, a case that we're monitoring very closely now, there have been six First Information Reports that have been launched against 13 Ahmadi Muslim students, teachers, scholars and leaders on the basis of dissemination of religious literature over WhatsApp--the legal theory, the possession of any Islamic literature of an Ahmadi is, per se, an

insult.

And the cause of protecting these laws fuels a mob-for-hire criminal syndicate mentality, which exploits mob rule to implement legal and political change. And this mob-for-hire mentality is obviously what's fueled by these laws, which in turn lead to these terrorist attacks.

And briefly here at the end, I want to talk a little bit about Indonesia and Nigeria. There's a lot to be said here, and we can talk in the discussion portion, but there is a blasphemy law in Indonesia. It took effect in 1969. It basically protects six approved religions, but doesn't have any room for the deviant sects, and it's been weaponized through Article 156(a) of the Criminal Code, and what's key, what's important is the spike in violence against religious communities there led by the Islamic Defenders Front, the FPI, which basically is using their defense of that blasphemy law as their main primary motivation.

They've attacked people in court hearings

who are--lawyers who are defending those who had called into question the constitutionality of those laws. It's quite remarkable to see that the FPI perpetrators claiming responsibility for these crimes based on their protecting the blasphemy law in Indonesia.

The same is true in Nigeria. Section 204 of the Criminal Code prohibits blasphemy. There the blasphemy is adjudicated by Sharia courts in 12 northern states. But again Boko Haram is using the cover of the laws to commit mass atrocities, and they've done so for years, and they're doing so because they don't want that static interpretation of Islam to be assaulted, and they're using the cover of the law.

So here at the end I'll say that in Pakistan, Indonesia, Nigeria, as is true of other countries with anti-blasphemy laws, terrorism and blasphemy are inextricably intertwined. Global counterterrorism must not neglect the vital significance of anti-blasphemy laws in the Islamic

world which give oxygen--oxygen--to terrorist groups such as the TTP, FPI, and others.

The blasphemy criminal apparatus emboldens terrorists to commit crimes against humanity with impunity. So any multi-party international strategy to curb extremism must evaluate how terrorists use the cause and cover of blasphemy laws to legitimize their ambitions and objectives, and then efforts to repeal such laws can be a critical step in delegitimizing the most dangerous organizations in the world.

Thank you.

CHAIR MANCHIN: Thank you so much, Amjad. And what a perfect segue into our next witness, Shaan Taseer. We welcome you and certainly look forward to your personal experiences.

Thank you.

MR. TASEER: Senators and members of the Commission, thank you for this opportunity.

Now the purpose of the law, any law, should be to promote justice in society. And a law

that promotes injustice should lose its moral legitimacy and hence its rationale for existence.

In 2011, my father, the then Governor of Punjab, publicly supported a poor Christian woman who was accused of blasphemy. In order to silence him, religious parties accused him of blasphemy, and he was gunned down by his bodyguard after a systematic campaign by religious parties, calling for someone to take his life.

Being accused of blasphemy in Pakistan is in itself a death sentence, with no judge, no jury, but straight to the executioner. We have heard much talk today about defects in the law of blasphemy, but those who are tried under this law are, in fact, the luckier ones.

Increasingly, people are beaten to death, shot, gunned down on the spot over a mere accusation, in marketplaces, in universities, wherever people have a score to settle, or an advantage to be gained.

In the case of my father, it was not a

trial by the law that took his life. Indeed, the courts found him posthumously innocent of the accusation of blasphemy. What took his life was the mere accusation followed by public calls for vigilante murder. The law has left the courtroom and has entered the public domain to be adjudicated on and punishment to be executed by the mob, a mob that is a state within a state, and that the state itself bends its knee to.

It comprises usually political parties that galvanize their support base through blasphemy accusations and the blasphemy law.

I too have been accused of blasphemy for showing solidarity with the victims of this law and carry a fatwa, i.e., a death proclamation on my head. It was no court that convicted me. Again, it was a mob, a mob that guarantees a ticket to heaven for anyone who takes my life.

The very existence of this law in our statute books has itself radicalized society. It has signaled to a religious majority that the

sanctity of their religion is under catastrophic threat and that they must take extreme measures to defend it. And quick on the heels of any blasphemy accusation are public calls for murder to avenge the perceived slight.

Now any law that seeks to inflame religious passion cannot, cannot ever be used in the service of justice. It is, in fact, redundant to speak about the abuse or the misuse of the blasphemy law. Such a law can only be used for the miscarriage of justice as an instrument of persecution.

Of Pakistan's prisoners under the blasphemy law, roughly half are from minority communities, despite the fact that such communities make up less than five percent of the population. All are from the most economically disadvantaged sections of Pakistani society.

These include the elderly, the infirm, underaged children, the mentally and physically handicapped. Most of them illiterate. All of them

poor. Farmworkers, petty shopkeepers, peasants, sweepers, laborers, sewerage and gutter cleaners. It's a law that preys on the weakest.

I work closely with Pakistan's prisoners under the blasphemy law, and I can testify that I have never seen a single case of blasphemy that is not preceded by a preexisting argument, where it would not have been in the economic or political interest of the accuser to level this charge.

I can also testify that I have never seen an instance where the accused gets due process, whether it's my father, who was accused of blasphemy and gunned down simply for proposing a change to the law, or Juniad Hafeez, a promising young professor, a Fulbright scholar. He spent the last eight years in jail without the presumption of innocence, without the right to a fair trial, without the right to an impartial tribunal, without the right to a legal defense, without the right to bail, without the right to humane treatment under detention, and without the right to a trial in a

reasonable time, charges continually rotated, hearings adjourned for no reason. And in the case of Junaid Hafeez, his lawyer murdered in broad daylight.

How can we expect justice under a law that plays on religious sentiments and signals for mob violence? How can there ever be justice when judges, lawyers and the police all become potential targets of an enraged mob if they so much as give the accused a fair hearing?

All of you must have heard of Asia Bibi, and thanks to my father's sacrifice, she was Pakistan's most famous prisoner under the blasphemy law--perhaps the world's most famous prisoner under the blasphemy law.

She is a free woman today, but there are 200 more Asia Bibis in jail in Pakistan today, without their right to due process. These are Pakistan's prisoners of conscience, prisoners without trial, and there is no Governor Salmaan Taseer to speak for them. It is in their name that

I speak to you today, not as members of the United States Congress, but as human beings.

This is our fight and we will fight it. But be our friends in this fight. Help us consign these pernicious laws to the dustbin of history where they belong.

Always remember Asia Bibi, but do not forget Junaid Hafeez and the 200 others who suffer under the blasphemy law today. We owe them justice, and this I believe is what my father's legacy asks of us.

Thank you.

CHAIR MANCHIN: And quite a legacy that is, Shaan. Thank you so much.

And our final witness, Elizabeth O'Casey. Your advocacy work we're looking forward to hearing about.

Thank you.

DR. O'CASEY: Thank you, Chair Manchin, senators, commissioners, colleagues.

You've heard about the incompatibility of

blasphemy laws and international human rights law. You've also heard about the horrific and often lethal implications of such laws and what makes them such unjust and cruel laws.

So for the time I have for my oral testimony, I want to focus on offering a few recommendations on actions to take in order to help repeal and reform blasphemy laws within the international human rights framework.

Number one, need for better literacy on human rights and beliefs.

Supporters of, and governments defending, blasphemy laws often intentionally present the right to free expression and the right to freedom of religion or belief, FoRB for short, if I may, in conflict with each other in order to polarize the debate, to inflame religious sentiment, and to make reform more difficult, to make out that blasphemy laws somehow protect FoRB, and they must be balanced against free expression.

This is false, and it's a narrative which

needs to be combatted. To help do so, basic things like training and education in human rights are key, but also better understanding of what the right to FoRB for everyone actually entails and means.

Thinking about non-traditional religions and beliefs can be helpful here. Just to give an example from the humanist perspective, if I may, the expression and manifestation of humanist beliefs is protected by the International Right to FoRB. The UN General Comment 22 is very clear on this.

However, the expression or manifestation of one's genuinely held humanist belief, for example, the denial of the existence of God, might be interpreted as blasphemous by someone else. In other words, blasphemous content can be the expression of freedom of religion or belief itself.

To have genuine freedom of religion or belief for all, you have to accept blasphemy.

Accordingly, I recommend that along with

encouraging freedom of religion or belief and human rights literacy, programs--sorry--human rights literacy programs at home and abroad so as to prevent FoRB and religion from being intentionally misconstrued or instrumentalized.

Actions need to be absolutely inclusive, highlighting the variety of beliefs and non-beliefs covered by the right, including the nontraditional and nonreligious beliefs.

Recommendation two: concurrently tackle hate and intolerance.

So blasphemy laws are often presented by their defenders as a mechanism to deal with hate and intolerance. Whilst they are consistently the wrong tools for doing so, the role of hate speech and incitement of hate in many societies is a severe and genuine problem and a threat to peace.

Over the past two decades, hate speech incidents, motivated on various grounds, including religion or belief, have increased and are often accompanied by an increase in the number of hate

crimes being recorded.

This should be taken seriously when seeking to persuade governments to repeal their blasphemy laws. Of course blasphemy laws which protect ideas or feelings are very different to legitimate anti-incitement laws and policies which protect individuals.

The latter need to be carefully designed to promote equality and protect against discrimination and should meet the three-part test set out in Article 19 of the International Covenant on Civil and Political Rights.

So whilst the repeal of blasphemy laws is essential to respecting and realizing human rights of all, in concurrence, I recommend that if the U.S. wants to convince countries to abolish their blasphemy laws, this call needs to be made in tandem with a recognition of the need for policies and initiatives that tackle hate.

So these could include: (a) legitimate measures against incitement to hate; (b) policies

and actions to tackle the causes of inequality and discrimination; and (c) positive counter-speech. On this last point, I am talking about recognizing the positive duty to speak out when we hear hateful or insulting comments against people or groups. This is a very different thing to making such comments illegal.

Recommendation three: engage in multilateralism and diplomacy.

As with most reform, there needs to be dialogue and persuasion, both to convince relevant governments of the arguments and to create common momentum for change in public opinion across borders.

So my third recommendation is the need to engage in diplomacy within the multilateral fora since this is one of the best places to foster this sort of momentum.

Indeed, the U.S. has an admirable legacy in this area. In 2011, it was part of a core group of states using diplomacy and multilateralism in

order to finally rid the UN Human Rights Council of a ten-year-old resolution on "defamation of religion." It was sponsored by the Organization of Islamic Cooperation, OIC for short.

The U.S. worked effectively and closely with the OIC to draft an alternative resolution adopted by consensus that committed states to tackling religious intolerance through promoting the rights to freedom of expression, freedom of religion or belief, and nondiscrimination, and not through blasphemy laws.

This resolution gave rise to the important Istanbul process, which joins a number of other multilateral processes working to eliminate blasphemy laws and the context in which they thrive.

For example, to name a few, the UN Rabat Plan of Act, the UN Faith for Rights Initiative, the Fez Process, the UN Secretary General's Action Plan on Hate, and references in more detail to these initiatives can be found in my written

testimony.

In other words, there's no need to reinvent the wheel here, but rather to support and engage and improve the processes that already exist in line with the U.S. aim to repeal blasphemy laws globally.

I'll end my testimony with a final recommendation, if I may, and that is to lead by example.

One simple way to do this may be for the Senate to follow the lead of the House and pass Senator Lankford's resolution.

Another might be for the State Department to designate countries that enforce blasphemy, heresy or apostasy laws as "countries of particular concern" for religious freedom under the International Religious Freedom Act.

More generally, there needs to be an even-handed approach to different religions and beliefs. There is tendency by some countries to prioritize Christian minorities abroad while other countries

prioritize Muslim minorities. This is deeply unhelpful and shows a political rather than a real commitment to change.

Blasphemy laws affect people of all religions and none. And it's worth remembering we are all a minority somewhere in the world. To lead by example, the U.S. must show equal concern for all affected by blasphemy laws, whatever their beliefs.

I thank you very much.

CHAIR MANCHIN: Elizabeth, thank you so much for those recommendations, and now we're going to open it up for questions, and I'm going to just start with the first question to Amjad.

So much has been said by each of our panelists about or witnesses about the connection between violence and blasphemy laws.

Do you see from a legal perspective some positive ways in which we truly can acknowledge this connection and how do we go about countering?

MR. KHAN: Yes, thank you, Chair Manchin,

for that question.

What I will say is, as I mentioned in my testimony, the linkage I think needs to be studied more. You know I certainly have, I've seen some empirical research that's headed in the right direction, but there needs to be a more collation and summary of trying to understand how these cases embolden terrorists, and if you really examine some of these case studies, you'll see a lot of, a lot of the, even the funding and the drive of some of these groups stems from protecting these codes.

So I think, as a first preliminary step, there needs to be more academic research on this to really drive home the point although some has been done.

I think beyond that it's very important for religious freedom advocates, like all of us here, the Commission and the U.S. government, to not relegate the issue of the repeal of blasphemy laws as merely a human rights issue. I've made this point elsewhere: that religious freedom is a

national security imperative.

Religious freedom, I think, should be reimagined and reformulated as a national security imperative because I think that, for example, in a case like Pakistan where religious freedom is perversely and ironically suppressed in the name of preserving public order and morality, that's the legal limitation in the constitution to the blasphemy laws. The U.S. risks endangering itself by failing to view the protection of religious freedom abroad as a counter-security measure.

So the NSC currently has folks who are working in the religious freedom space. That's a very positive sign. And I think when we have policy discussions, we should focus in on that particularly.

CHAIR MANCHIN: Thank you so much.

Vice Chair Tony, do you have a question you would like to ask?

VICE CHAIR PERKINS: Actually I would just like to follow up with what you just asked. In

this relationship between the terrorist activity and these blasphemy laws, what percentage would you say of the terrorist groups engaging in this terrorist activity to, quote-unquote, "enforce these blasphemy laws" are religiously tied themselves?

MR. KHAN: I think the vast majority. I mean I think that there are many motivators for these extreme groups, known terrorist groups, to commit these atrocities. But when they vocalize that motivation as being protecting the integrity of a faith or protecting the laws themselves as they've done in Indonesia, Pakistan and Nigeria, what they're signaling is the law has given us the ability to have this oxygen and funding to preserve the static monolithic view of their faith with no idea of a robust dialogue intra-faith, and for those who are deviant sects, they get relegated.

You mentioned about Egypt, I think, Chairman Perkins, Chairperson Perkins, in your testimony. That's very true there. I had actually

represented a group of Coptic Christians in Egypt on those blasphemy cases, and it's very true that the heavenly faiths are acknowledged, but the robust, the sects that exist within Islam--there are 72 different kinds of Muslims, for example--you know, where is the room for them?

And so I think the vast majority of those who are committing these atrocities and the claiming they're doing so to protect the faith is very high. They themselves are very religious, and I think that needs to be--I think that has been studied. And they claim responsibility by invoking religious materials to do so. It's very, very tragic.

VICE CHAIR PERKINS: And that would be predominantly in the Islamic faith?

MR. KHAN: I think it's, I think it's prevalent mostly in Muslim-majority countries. But it exists in other places as well, but I think that those who are claiming the mantle of a particular faith and then committing atrocities for those who

are dissidents, I think you see that more in these countries that I had mentioned.

VICE CHAIR PERKINS: Okay. I think you're absolutely right. I think religious freedom is a national security issue, and I thank you for bringing forth that testimony. It's very powerful.

Thank you.

MR. KHAN: Thank you.

VICE CHAIR PERKINS: That's all I have, Chair Manchin.

CHAIR MANCHIN: Thank you.

Vice Chair Bhargava, would you like to carry on?

VICE CHAIR BHARGAVA: Thank you, Chair. I do.

I have a question just about where we see the tectonic plates shifting and what's the ways in which we can, we can try and move them in one direction or the other.

So I'll ask this in two ways. One is to get your sense--across the panelists--of why it is

that in the last, let's say, five to seven years, we've seen additional blasphemy laws on the books?

And separately, I think, Shaan and others, I would love to hear this, particularly with regards to Pakistan and other places where we don't expect that there's going to be a repeal of blasphemy laws soon--we certainly will continue to push for those--but what are the ways in which we can actually circumscribe the use and enforcement of those laws, again, whether it be through the kind of national security framework that you've talked about, through the human rights framework?

What are the ways in which you would recommend trying to move these plates in one way or the other?

CHAIR MANCHIN: Are you directing that to anyone?

VICE CHAIR BHARGAVA: I'm opening it to the panelists generally on both the like why are we seeing the move towards greater blasphemy laws in certain contexts, and also what are the kinds of

steps we can take to try and circumscribe enforcement and level of enforcement in the places that those laws are currently on the books?

MS. FISS: If I may, I can answer, but go ahead, Shaan.

MR. TASEER: Yeah. If I may, I think one good starting point would be if we recognize the forces at play in many of these theaters, of course, we know about the forces of radicalization, but these forces are also being countered by a lot of, a lot of good work that is being done.

For example, there are organizations in Pakistan that legally defend and fight the blasphemy cases, defend people who have been falsely accused of blasphemy and are in jail without trial.

A good starting point would be to identify what these forces are, what good work they are doing, because these are, these are the sort of people who are at the front, front line actually, you know, actually fighting these fights. So I

think that would be one starting point.

And somewhere down the line among the many things you could do, there are many, many public figures that defend the blasphemy laws, that ally and have shown their public sympathy with Mumtaz Qadri who is the man who murdered by father. He's glorified as a soldier of Islam.

There are many mainstream politicians who ally with them. To simply deny them a U.S. visa, it sends a very strong message, and it's something that hurts a lot of people politically.

So these are just some of the steps I'm sort of mentioning, but primarily it would be to understand what the counterbalancing forces are within that theater itself.

MS. FISS: If I may add a few thoughts because, you know, I think this is fascinating, what Mr. Taseer has said and what Amjad has said as well?

What can we do? You know, you know, Mr. Taseer speaks about radicalization, about the

glorification of the Mumtaz Qadri, who assassinated his own father. I think that what we absolutely have to do, and nothing can change before this is done, is that we need to tackle the question of popular perceptions because the politicians, and, you know, frankly, may he rest in peace, Salmaan Taseer, you know, he was not supported. He was, he had the political courage to speak out, but he wasn't supported by his populations, and he wasn't given the strength to continue.

And so what we have to absolutely do--and this is, you know, this also touches upon what Amjad has said, is that we need to tackle the popular perceptions because otherwise the mob violence will never stop because even if a strong statesman, such as Salmaan Taseer, tries to do something, if he doesn't feel supported by the masses, he can't do it by himself. And so that's what I would like to say to the East.

Now I have a very blasphemous remark to make to the West. And I apologize in advance for

this. But I would like to add something, which doesn't help the situation, and I'm speaking specifically about the U.S. media, when there are situations of blasphemy that occur, and where the U.S. media doesn't necessarily take the right steps.

I'm thinking specifically about the recent beheading in France, where I will not name the press, but there were some prominent American newspapers that in reading some of the U.S., when this professor was speaking about the caricatures, and he was beheaded, one would almost think that he was inciting anger against Muslims and he was almost responsible for his own beheading, you know, and we were speaking more about his responsibility in having to, you know, having to tame people's sensitivities rather than the Islamic fundamentalism.

And I think this is extremely dangerous, and I think that we have to have a unique message, not only within the West, we have to stay strong

and, you know, this is--what happened in France is not about the bad integrations of Muslims in France. It's about blasphemy, and it's about terrorism, and it's about violence, and it's exactly what Mr. Amjad was saying, and this message in the West could empower the late father of Shaan Teseer, and Salmaan Taseer, because they need the unity of the western press in this sense, and so I think that we need to remain united for this, and everybody has to do their own part.

Thank you.

CHAIR MANCHIN: Did anyone else want to respond to that question? If not--oh, Jocelyn.

MS. GETGEM KESTENBAUM: I would just take the opportunity to add that Commissioner Bhargava was asking about potential opportunities, and I do see a window of opportunity now with some of the larger social media platforms, which are starting to really consider their impact and their role to also ensure that some of these mechanisms for communication do not end up in extreme situations

of violence.

And so I think that if we are going to be talking about blasphemy and its relationship to violence and terrorism, we also need to engage some of the private sector that can really impact in a positive way the turning around these issues of where a blasphemous act can turn into a mob-driven situation of violence and death.

CHAIR MANCHIN: Thank you, Jocelyn.

I know that Commissioner Carr had said he had question, and then also Commissioner Bauer and Commissioner Maenza, I know you have questions as well. So we will get through those.

So Commissioner Carr.

COMMISSIONER CARR: Thank you very much. Thanks to each of you for your incredible work, and Shaan, the murder of your dad is absolutely horrible.

Let me just piggyback on Elizabeth's comments at the end and see if the other panelists have some thoughts on this. What can the U.S.

government do to help counter blasphemy provisions?
That's to anybody.

MS. FISS: Yeah, I mean I would say, I would say what I said before, which is, first of all, to research more on trying to change the hearts and minds in Muslim-majority states where there are serious problems of violence. I would also say that you could--now you have this tremendous tool of advocacy, but you can go and use within your bilateral discussions and I think that you should use them.

And now we have examples, and as it was mentioned before, no one can remain, you know, blind about the situation. I ahink that within your bilateral discussions, and I also think you should go to social media companies, and you should you go to Facebook, you should go to Twitter, and you should say this is on your watch, you know.

You are allowing some governments to survey people who are just expressing their freedom of speech and expressing their thoughts to be

persecuted. And this is in your name.

So I would suggest these directions, and as was said before, and as Elizabeth had said, you know, very wisely, to place blasphemy on the agenda every time you go to a country.

MR. TASEER: Can I just add that repealing the blasphemy law would be I think a wonderful thing, but just to temper our ambitions, if we don't, even if you don't repeal the law, if you just weaken the law and just have provisions around the law to make it less effective?

And the best way to make it less effective is to have consequences for those who are sort of violating the law, violating other laws in executing the blasphemy law, hate mongers, hate clerics, not only on social media, but even on Pakistani media, they've got a free rein. And just a little bit of pointing that out should have consequences because these are the people that sort of take the issue of blasphemy and run with it. They should have consequences for what they do.

MR. KHAN: Shaan is right. If you look at Pakistan, Commissioner Carr, you know, there's got to be a consistency in positioning for a country, a nation state like Pakistan; right?

When they, when the prime minister is globally telling the world about atrocities in Kashmir, or talking about how the West should do more to combat Islamophobia, you can't really take that seriously if you see what's happening to religious communities in Pakistan. So there has to be a calling out of consistency.

Second also is social media has become the means, the new digital terrain, you can say the new battlefield in blasphemy cases. I've seen that with numerous litigants. Most of the litigants we're seeing in cases, active cases, are based on unbelievably frivolous and thin allegations about sharing messages on WhatsApp, et cetera, and some of these companies, like I know, for example, in Apple, at Google, they actually agree with court orders in Pakistan to ban publications of these

communities, even though they don't have to, but they do, and that sends the bad signal as well.

So I think a lot can be done on the U.S. side and, indeed, much has been done to try to tackle the root causes of this issue. It's not just simply a human rights issue. It has a lot of spillover effects as well that affect people in America.

I would say that blasphemy abroad can hurt people in the streets of the UK. An Ahmadi was killed in the United Kingdom by a hate preacher who was emboldened by what he had been saying in Pakistan; right? So this has some dramatic effects.

CHAIR MANCHIN: Thank you.

Commissioner Bauer, I want to be sure we get these questions out. You're on mute, Gary.

COMMISSIONER BAUER: What a rookie mistake. Forgive me.

Let me just say what an incredible panel. I mean I just can't tell you, if blasphemy laws are

an example of the depravity the human heart is capable of engaging in, this panel is an example of what the human heart is capable of when it devotes itself to speaking out for the rights of the powerless.

So, Joelle, as I listened to your little tirade, and I say that in a nice way, I was ready to tender my resignation from the Commission if I thought I could get you nominated to take my place. That was wonderful. And I could say the same thing about all of what you said.

We've touched on my question a little bit about, in talking about the social media companies. There are a lot of multinational corporations headquartered in the United States who are constantly looking to the undeveloped world as a source of cheap labor.

And I wonder if any of you would want to jump in on this? I mean can the human rights community do more to change some of these corporations? Shouldn't they be taking into

consideration before they go into a country with, you know, whether--because all these countries we're talking about--Pakistan, Egypt, India--they all want desperately western investment to raise their populations.

We all hope that they will get that investment, but it seems to me that if you're engaged in this kind of deprivation of basic human liberties and rights, that western companies ought to think twice before they empower that by making huge investments in countries engaged in this sort of activity.

I don't know if anybody wants to jump in on that or not?

MS. GETGEM KESTENBAUM: Well, I would just say that in addition to ensuring that there is whistleblowing and, you know, small NGOs in various countries speaking out on these issues and speaking to corporate actors, we also do need states, and powerful states, like the United States, to be engaging with corporate actors and thinking also

about investors and linking investors' material facts to these countries' dealings with blasphemy on the ground. That should be, and that also links to Amjad's talking about, you know, national security, that this is a national security issue.

Companies should be wary of investing in countries where we do have national security issues and maybe engaging in that way could also, you know, help to make some kind of impact against the deadly impact of blasphemy.

COMMISSIONER BAUER: Thank you.

MR. KHAN: And I would say, Commissioner Bauer, that's such a good question, and there's been a lot of discussion about this in the context of the persecution of the Uighur community in China, and there has been some effective legislation that's pending in some companies that have had to answer to forced labor.

So that needs to be discussed, but I really do believe that the positioning of this issue in the next administration as we move, as we

transition here, that there needs to be a focus on not relegating these issues merely as an issue about prisoners of conscience.

It is, and that's true, and you and many others are shining a spotlight on prisoners of conscience, but we need to prioritize this issue in policy circles as a matter that really connects to a wide range of national security issues, and I hope that that will happen in the years to come.

MR. TASEER: I just want to say that senior ministers of the present government in Pakistan and people, including the direct family of the previous prime minister, his son-in-law, have openly supported blasphemy laws and people who have publicly murdered in the name of--they glorified them. And then those same people, we see them sort of accompanying state visits coming out of Washington and meeting with dignitaries up here in Washington. I just think that such people, as a starter, should be denied entry into the United States for life to send a very, very strong

message.

This did happen in the case of one hate preacher. There's a hate preacher in Pakistan, and he got on a plane and was told, you know, get off because his visa was denied, and it really made the news.

But that's never happened with a major political figure, and I think that's one step that the U.S. should take because I can assure you they all want their U.S. visas. They don't take that lightly.

COMMISSIONER BAUER: Thank you.

CHAIR MANCHIN: Commissioner Maenza.

COMMISSIONER MAENZA: Thank you so much, and I want to just echo what Commissioner Bauer said in thanking all of you for joining us. This should be required watching for anyone involved in human rights because this is an issue that most people aren't aware of how the impact and the relationship it has with mass atrocities, with terrorism.

In a follow-up to Joelle's comments about educating the masses, so many use blasphemy laws for nefarious motives as we've been talking about. But how about those who are simply misguided?

When I was on an official delegation to Indonesia, I was astounded to talk with well-meaning, highly respected political and religious leaders who honestly believed that more blasphemy laws would help to bring peace as they believed that it would stop people from insulting one another's religions.

So is there a way the U.S. government, the international community, can take on this erroneous belief at the local level because we know that those higher up are using that belief for their own nefarious purposes? But sometimes the lower-level folks aren't buying into that, but there really is no one else telling them a different story. Thanks, Joelle.

MS. FISS: Thank you.

I would love to answer your question

because I think it's so true what you say. Some people sincerely believe that anti-blasphemy laws can create more social harmony, especially in Indonesia.

I would say that the answer to that is to explain to people the conceptual difference between incitement to religious hatred, which is not authorized in international law, and insult to religion. And so if you explain to people, listen, we need to really protect people who may be persecuted on grounds of their religious identity, but it does not involve having a vibrant intellectual debate around religion, I think this is the way forward.

So that you can calm people's legitimate anguish about, for example, anti-Muslim hatred or, you know, religious hatred in general, but at the same time you can tackle things in a way where you're creating a more resilient society and where people can talk about ideas.

MR. KHAN: I'll just add there what a

great question, Commissioner Maenza.

I would just add here the way that you counter that provincial local-level mentality--29 provinces in Indonesia ban Ahmadi, the Ahmadi community, and very well-meaning people, as you say, believe this is legitimized--is to say there is no precedent theologically within Islam itself for the idea to criminalize and kill apostates and blasphemers. There isn't.

And this has been well-documented, and there needs to be that theological debate among those who are within the faith itself to relegate that view as a marginal view. I mean Pakistan has the only constitution in the Islamic world that defines who is or is not a Muslim, who is a Muslim, who isn't a Muslim. These are things that you can't legally legislate; you can't criminalize these matters.

You may be offended by insults to the prophet, but you can't weaponize that view in a way for especially those who are non-Muslim and then

criminalize their existence. That debate has to happen. And the United States can contribute to that by enabling people who are within that debate--scholars--legal scholars--who are working many--I know many--there's a few here at UCLA law school--who are really focused on that aspect of it, even almost a counter-fatwa against the view that you can criminalize blasphemy.

That type of work may take a generation, but it will eventually change that mind-set, and that's very important.

CHAIR MANCHIN: Yes. Commissioner Turkel, you have a question?

MR. TURKEL: Yes, thank you. Thank you very much.

I have a quick question on the government's role. We have hypocrisy, especially in the countries like Pakistan and Saudi Arabia. There are--they're concerned about blasphemy. At the same time, they cooperate with a country that has blasphemous policies, namely China.

Pakistan is so into this blasphemy. They don't seem to be repealing the blasphemy law, but at the same time they're in concert with countries like China to allow the society and government to have very clear blasphemous messages and policies in the society, quietly promote it.

So can you comment on that? What can we do about it? I mean this hypocrisy is mind-boggling, to say the least.

MS. FISS: Sorry. Could I ask you--do you refer to blasphemy or do you refer to the persecution of Uighurs in China, for example?

MR. TURKEL: No, blasphemy by the government. People's Republic of China has blasphemous policies. And Pakistan is strictly enforcing blasphemy laws. So what do we do about this kind of hypocrisy?

MS. FISS: Well, you know, ironically, I mean ironically, I think that China is persecuting people in the name of blasphemy but in the name of their secularism, as well, you know.

MR. TURKEL: Yeah.

MS. FISS: So it's just so, you know, it's, that secularism has become a religion within itself somehow, and so we're dealing with two countries that have very orthodox states' points of views. One is the former--one has Islam as a formal state religion. And China is, you know, formally secular in that sense.

MR. TURKEL: Yes.

MS. FISS: And so we're just dealing with a clash of, you know, clash of state positions where everything can be justified in the name of the state's interests.

MR. TURKEL: Yeah.

MS. FISS: And this is often the case. You know, blasphemers, or alleged blasphemers, are often perceived as being a threat to security, a threat to national identity, and so this is how any belief or religion is instrumentalized by the government.

MR. TURKEL: The Chinese authorities call

Muslims mentally ill people. I mean Islam is a mental illness. So, yeah, that in itself explains the governmental policies. And yet the countries like Saudi Arabia, Pakistan, even Palestine, supports China's religious persecution, specifically with that kind of clear blasphemous public statements/positions.

CHAIR MANCHIN: Jocelyn.

MS. GETGEM KESTENBAUM: There is a recent report, is now a couple of years old, by the UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, which discusses, and I think Joelle was a main contributor to that report, discusses the relationship between religion and the state and how that relationship can lead to human rights abuses.

And what it found was that at the extremes where there is absolutely zero entanglement or where there is absolute entanglement, that is where you see more abuses on freedom of religion or belief.

So I think that particular UN Special Rapporteur report could be really useful in thinking through those particular issues regarding China and Pakistan.

MR. TURKEL: Thank you.

DR. O'CASEY: If I could just make a quick comment as well? Thank you so much for that point, Commissioner Turkel.

I think it's really important, and in highlighting, as you said, the hypocrisy, the double standard. These countries talk about they're trying to protect the tolerance in terms of Muslim majority in their country, but then they say nothing. They're silent and mute when it comes to Muslims in China who are going through torture because of their faith.

And this--I guess it takes me back, if you wouldn't mind, to what I was saying at the beginning of my recommendations. We need countries to be consistent. We need countries to stand up for those of all beliefs, whether they share those

beliefs or not.

Otherwise, it's a completely disingenuous message, and we will never see change. And this also goes back to economics. You were talking about, you know, the role of trade that you were having this discussion.

And again, human rights aren't a discrete issue to pull out when you want to fish in another country or when you want to have a diplomatic triumph.

Human rights have to be thread through all conversations so whether that's you want to criticize China or elsewhere, your trade has--your trade deals have to incorporate and have a sensitivity to human rights. So long as we have countries who are doing trade and economic deals, and arms deals, in separation their considerations of human rights, we're never going to see change.

So, of course, changing hearts and minds comes down to training and literacy and, Commissioner Maenza, you made a really interesting

point, and it reminded me of this one time I had a training session with parliamentarians around the world, and there was a couple of parliamentarians from Pakistan, and one of them started out with very much in favor of the blasphemy law, but I taught a little bit about religion and belief, but I also taught somewhat about humanism and the ethical values of members of ours around the world, including in Pakistan.

And by the end of the day, he came up to me, and he said I want to create--I want to help establish a law against intolerance and hate of those with non-religion. And that says something to me. I know it's a very simplistic example, but it is about communication and understanding, and tolerance comes from talking to each other and standing up for each other.

So this is a secular point, but we must--we have a positive duty to speak out when we hear hate. We have a positive duty to speak out when we hear injustice, when we hear oppression of those

who are speaking in terms that others might not like.

So I think all these points are interesting because they all interlink, and they all go back to the same thing: no double standards; lead by example; talk to each other; and ensure that there is equality in non-discrimination. And blasphemy will then be a more difficult tool to be instrumentalized by governments and powers seeking to ensure their state and their majority religion is immune from criticism.

MR. TURKEL: Thank you. Thank you very much.

CHAIR MANCHIN: There can be no better way to bring this blasphemy hearing to a close than your closing statements about leading by example and the recommendations that you have presented through your presentation. Thank you.

There aren't words to express our appreciation to all of our witnesses that were here today, to our commissioners that participated in

this hearing, and to Joelle and Jocelyn on their excellent, excellent report, with the help of the USCIRF professional staff, working hard. We have certainly delivered a document that should be a paper for all, for our Congress, for our President, for our State Department, to read, and so, Elizabeth, so we can lead by example in what we do within our country and globally.

Thank you all. For those of you out there that joined us today, we hope that this has been enlightening and informative for you. You can always go to www.uscirf.gov to see more information, more of our literature and certainly this document on blasphemy.

Thank you all for joining us today. We look forward to seeing you to continue our work with all of you, and we will hopefully reconnect at a future hearing or a briefing. Thank you all.

Bye-bye.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]