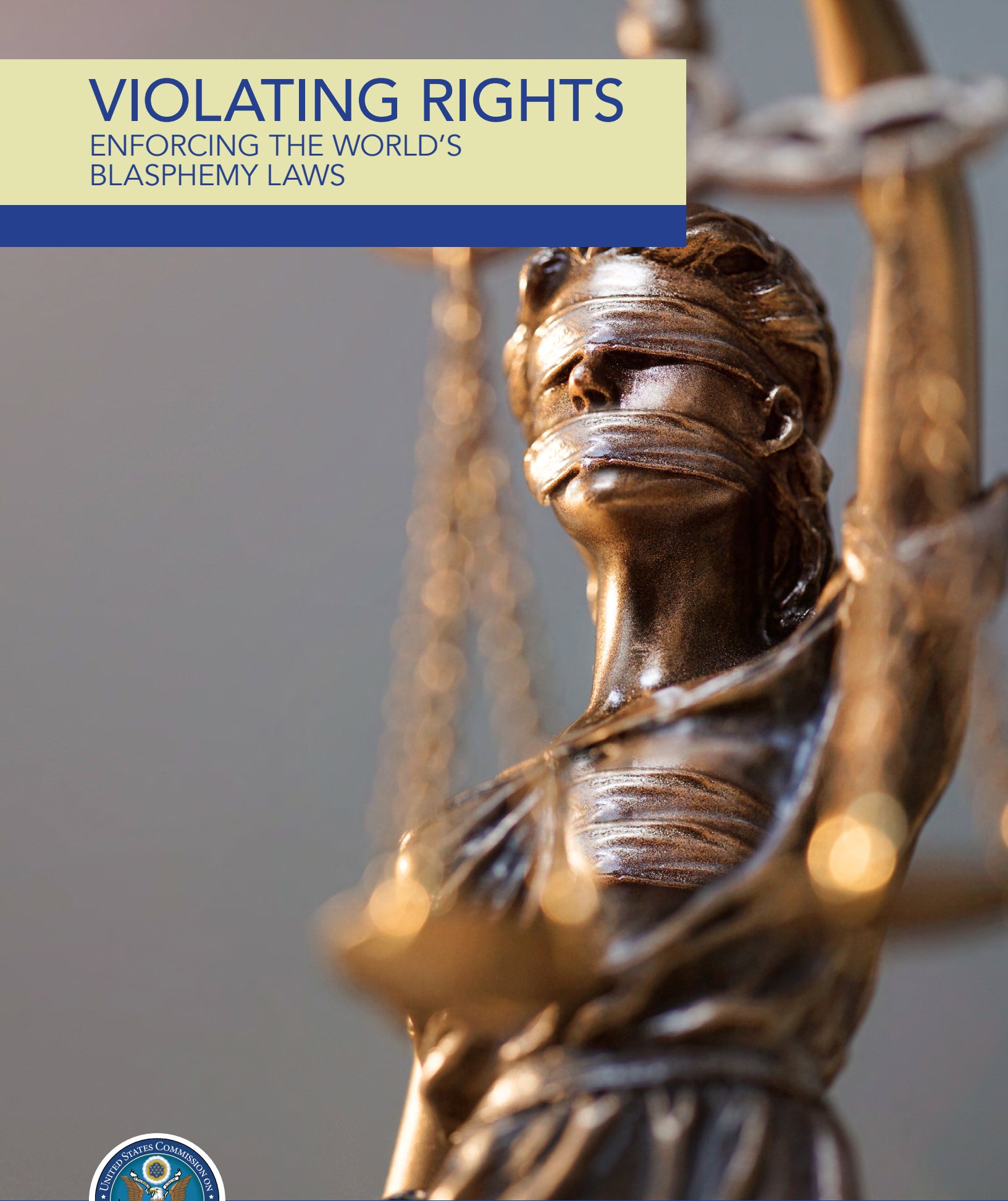
VIOLATING RIGHTS

ENFORCING THE WORLD'S BLASPHEMY LAWS



UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

USCIRF'S MISSION

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

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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ABOUT THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). USCIRF uses international standards to monitor violations of religious freedom or belief abroad and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF Commissioners are appointed by the President and Congressional leaders of both political parties. The Commission's work is supported by a professional, nonpartisan staff of regional subject matter experts. USCIRF is separate from the State Department, although the Department's Ambassador-at-Large for International Religious Freedom is a non-voting, ex officio Commissioner.

WHAT RELIGIOUS FREEDOM IS

Inherent in religious freedom is the right to believe or not believe as one's conscience leads, and to live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is America's first freedom, it also is a core human right that international law and treaty recognize; a necessary component of U.S. foreign policy and America's commitment to defending democracy and freedom globally; and a vital element of national security, critical to ensuring a more peaceful, prosperous, and stable world.

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OVERVIEW

In this report, the authors examine and compare state implementation and enforcement of criminal laws prohibiting blasphemy ("blasphemy laws") worldwide over the five-year period between January 2014 and December 2018. The criminal cases this study analyzes represent states' enforcement of laws that sanction the expression of opinions or actions deemed "blasphemous," or counter to majority views or religious belief systems. Many such laws impose serious penalties, including prison, forced labor, or death, upon those convicted.

Countries throughout the world have and continue to enforce criminal blasphemy laws, often justifying them as necessary to promote intergroup religious harmony.[1] In some states, however, civilians enforce blasphemy prohibitions extrajudicially, committing acts of violence in the name of protecting God, religion, and "the sacred."[2] Analyzing the ways in which states and private, non-state actors enforce these laws may assist the public policy community in developing clear, tailored recommendations for areas of criminal legal reform, especially in states with vague laws, harsh penalties, and high levels of enforcement. An analysis of criminal blasphemy cases reported in the news and adjudicated in courts identifies the contexts in which blasphemy laws may increase the risk of human rights abuses, through state acts or omissions, indicating the places and ways in which targeted law reform could lower that risk.

Part I is an introduction, defining blasphemy and criminal blasphemy law enforcement for the purposes of this study. It also explores the risks of potential abuse in the implementation and enforcement of these laws.

Part II describes the study's methodology, including the systematic collection of cases. It also explains the creation of indicators and questions to measure blasphemy law enforcement, the coding and decision-making process, and the data analysis.

Part III examines the study results and highlights select findings within the political, cultural, and legal contexts that shape how criminal blasphemy laws are implemented and enforced globally.

Part IV concludes the study, noting some of the study's limitations, while also providing a template for future studies of blasphemy laws and enforcement.

The report also includes three annexes. Annex 1 reviews recent legislative changes to criminal blasphemy provisions, including reforms and repeals in countries globally since 2014. Annex 2 compiles the blasphemy laws with criminal sanctions in force as of 2020. Finally, Annex 3 includes the study tool with the questions/indicators developed to measure enforcement across country contexts.

1 Joelle Fiss & Jocelyn Getgen Kestenbaum, U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 2 (2017).

2 For example, in Pakistan individuals often take justice into their own hands and murder alleged blasphemers. *See* Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/ (last visited Sept. 21, 2020).

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SUMMARY OF FINDINGS

GENERAL

- **Criminal blasphemy cases often occur in the context of broader religious freedom violations**, such as bombings and assaults on places of worship,[1] desecration of religious sites or symbols,[2] hate crimes against individuals of a minority belief group,[3] and other types of physical assaults, verbal attacks, or harassment.[4]
- **States also criminalize blasphemous acts through the enforcement of other criminal laws**, such as apostasy laws, anti-conversion laws, incitement to religious hatred laws (also often referred to as "hate speech" laws), anti-extremism laws, and even anti-witchcraft laws.
- **Mob activity, threats, and/or violence around blasphemy allegations occur both at times when the state enforces the law as well as when the state does not act.** In some cases, mobs are stirred by non-state actor groups or individuals. In other cases, public officials tolerate civil unrest. In both cases, mobs can provoke **violence, property destruction, injuries and death**, either through intentional targeting or against bystanders.

BLASPHEMY LAWS

- **New or amended blasphemy laws have entered into force** in Kazakhstan (2014), Nepal (2017), Oman (2018), Mauritania (2018), Morocco (2018), and Brunei (2019).[5] In addition, Germany's blasphemy provision was referenced in a new German technology law (2018).
- **A series of repeals have occurred** in Iceland (2015),[6] Norway (2015),[7] a province of France (Alsace-Moselle) (2016),[8] Malta (2016),[9] Denmark (2017),[10] Ireland (2018),[11] Canada (2018),[12] New Zealand (2019),[13] Greece (2019),[14] and Scotland (2020).[15]
- Despite numerous blasphemy law repeals since 2017, researchers identified 13 additional criminal blasphemy law provisions that had not been included in *Respecting Rights? Measuring the World's Blasphemy Laws*. Not counting repealed laws, researchers identified 84 countries across the globe with criminal blasphemy laws on the books as of 2020.[16] (See the following map and Annex 2.)

84 Countries with Criminal Blasphemy Laws on the Books

Gray: Countries without criminal blasphemy laws

Green: Countries with criminal blasphemy laws, but with no reported cases

Blue: Countries with criminal blasphemy laws and reported cases

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Austria, Bahrain, Bangladesh, Botswana, Brazil, Brunei Darussalam, Burma, Cameroon, Cape Verde, Comoros, Cyprus, Egypt, Eritrea, Ethiopia, Finland, Gambia, Germany, Grenada, Guyana, India, Indonesia, Iran, Iraq, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libya, Liechtenstein, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Moldova, Montenegro, Morocco, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Poland, Qatar, Rwanda, Russia, San Marino, Saudi Arabia, Seychelles, Singapore, Somalia, South Sudan, Spain, Sri Lanka, St. Lucia, St. Vincent and Grenadines, Sudan, Suriname, Syria, Switzerland, Tajikistan, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, Uzbekistan, Vanuatu, Yemen, Zambia, Zimbabwe

- **Mauritania** has joined **Brunei, Iran, and Pakistan** as the countries in the world with the **death penalty as punishment for insult to religion**.[17]

CRIMINAL BLASPHEMY LAW STATE ENFORCEMENT

- **In nearly half (41, or 49%) of the 84 countries with criminal blasphemy laws on the books, researchers found cases of state enforcement** against alleged blasphemers during the five-year period reviewed (2014–2018). Researchers identified **674** cases of state criminal blasphemy law enforcement across those 41 countries.
- **In 43, or 51%, of these 84 countries, researchers did not find a single case of enforcement of criminal blasphemy laws** or enforcement against blasphemous conduct, suggesting that enforcement is extremely low—if it exists at all—in these contexts.
- **Ten (10) countries account for more than four-fifths (81%) of all reported cases of state criminal blasphemy enforcement**. From January 2014 through December 2018, the top 10 countries that have enforced blasphemy (or other) laws against alleged blasphemers most frequently are: **Pakistan** (184), **Iran** (96), **Russia** (58), **India** (51), **Egypt** (44), **Indonesia** (39), **Yemen** (24), **Bangladesh** (19), **Saudi Arabia** (16), and **Kuwait** (15). Of these states, **70% declare Islam the official state religion**.[18]
- The three (3) countries without an official state religion that have the highest state enforcement of blasphemy laws are **Russia, India,** and **Indonesia.** In these states, the governments favor certain religions (Christianity for Russia, Hinduism for India, and six recognized faiths for Indonesia).[19]
- Together, the **Asia-Pacific and Middle East regions accounted for 84%** of the world's enforcement of blasphemy (or other) laws from January 2014 through December 2018.
- Although Latin American and Caribbean countries have criminal blasphemy laws on the books, researchers found **no reported cases of state enforcement of criminal blasphemy (or other) laws in Latin America and the Caribbean** from January 2014 through December 2018.
- In 66% of cases of enforcement, reports identified the law that state officials applied to enforce against blasphemous acts. Where information was available, 81% of those cases identified a blasphemy law. **Nineteen percent (19%) of those cases used another criminal law to enforce against blasphemous conduct.**
- Where reported, **states enforced criminal blasphemy laws against men more frequently than against women.** Of the 674 reported cases found, 482 (71%) indicated the gender of the accused blasphemers. In an overwhelming majority—406 of those 482 cases, or 84%—the state accused men of criminal blasphemy, while in only 76 cases, or 16%, the state accused women.
- In just over half (51%) of cases found, news reports identified the religion or belief of the accused. Of those cases, **Muslims accounted for more than half (56%) of the persons arrested, prosecuted, and/or punished** for alleged blasphemy crimes. Of accused Muslims, **Shia** were the largest Muslim group identified (51%), followed by **Sunni** (8%), **Gafatar** (6%), **Tijaniyya** (5%), **Ahmadi** (5%), and **Salafists** (2%). Christians accounted for 25% of accused persons. Other groups frequently targeted for criminal blasphemy law enforcement, where identified, included: **Atheists** (7%), **Baha'is** (7%), and **Hindus** (3%).
- Professions accused of blasphemy most frequently reported are **lawyers; academics; media professionals; religious figures; artists; political actors, including government officials; and human rights activists or political dissidents.**
- Although not enough data exist to show trends, of the 674 cases of criminal blasphemy enforcement around the globe during the study period, 11 accused persons were reported to have had **physical or mental disabilities**, 10 were **illiterate**, and 18 were reported to have **converted**. The 18 conversion cases were charged with blasphemy crimes in **Yemen**, **Egypt**, **Iran**, **Saudi Arabia**, **Algeria,** and **Sri Lanka**.

STATE-SPONSORED VIOLENCE

- Researchers noted incidents in which state officials allegedly committed acts of violence, including torture or cruel, inhuman, and degrading treatment or punishment, against accused blasphemers in **Pakistan**, **Iran**, **Algeria,** and **Egypt**.
- In addition to torture, state officials reportedly subjected accused individuals to cruel, inhuman, and degrading treatment while in custody in **Iran**, **Kazakhstan**, **Kuwait**, **Oman**, **Pakistan**, **Russia**, **Saudi Arabia,** and **Sri Lanka**.

HUMAN RIGHTS DUE PROCESS VIOLATIONS

- In addition to state-sponsored violence against alleged blasphemers, researchers found several criminal blasphemy law enforcement cases with **reported state due process violations**. At least one due process violation was reported in each of the following countries: **Bangladesh**, **Egypt**, **India**, **Iran**, **Mauritania**, **Oman**, **Pakistan**, **Russia**, **Saudi Arabia**, **Spain**, **Sri Lanka**, **Sudan,** and **Yemen**.

MOB VIOLENCE OR THREATS OF MOB VIOLENCE

- Of the 674 cases of state enforcement, researchers found **78 cases in which mob activity, threats, and/or violence around blasphemy allegations coincided with state enforcement of blasphemy laws**. Such cases occurred in Pakistan, Egypt, Nigeria, Bangladesh, Indonesia, Jordan, Russia, Algeria, Malaysia, Kuwait, Mauritania, Saudi Arabia, and Sudan.
- Researchers also identified **58 incidents when mob activity, mob violence, and/or threats of violence occurred around rumors or allegations of blasphemy, without state enforcement of the criminal blasphemy law**. These incidences were reported in Pakistan, Bangladesh, Nigeria, Egypt, Russia, Afghanistan, India, Lebanon, and Maldives.
- **Four (4) countries—Pakistan, Bangladesh, Nigeria and Egypt—account for nearly 80% of all reported incidents** of mob activity, mob violence, and/or threats of violence, with or without state blasphemy or other law enforcement.

SOCIAL MEDIA

- More than **one-quarter (27%) of reported cases** implicated alleged blasphemous speech posted on **social media** platforms.
- The ten (10) countries with the highest number of reported cases implicating social media during the study period were: **Russia**, **Iran**, **Egypt**, **India**, **Pakistan**, **Indonesia**, **Bangladesh**, **Saudi Arabia**, **Turkey,** and **Bahrain.**
- Of social media-related cases, the platforms most implicated are **Facebook** (47%), followed by **Twitter**, **Vkontakte**, **YouTube**, **Instagram**, **WhatsApp,** and **Telegram**.

NOTES

1 Kirsten Lavery, U.S. Commission on International Religious Freedom, *Factsheet: Protecting Places of Worship and Holy Sites* 1 (2019), https://www.uscirf.gov/sites/default/files/2019%20Protecting%20Places%20of%20Worship%20and%20Holy%20Sites%20Factsheet.pdf (last visited Sept. 20, 2020).

2 *See, e.g.*, Ayaz Gul, *Mob Vandalizes Hindu Temples in Pakistan over Blasphemy Charges*, Voice of America (Sept. 15, 2019), https://www.voanews.com/south-central-asia/mob-vandalizes-hindu-temples-pakistan-over-blasphemy-charges (last visited Sept. 20, 2020). *See also* U.N. Office of the High Commissioner for Human Rights, *The Destruction of Cultural and Religious Sites: A Violation of Human Rights*, Sept. 24, 2012, https://www.ohchr.org/EN/NewsEvents/Pages/DestructionShrines.aspx (last visited Sept. 20, 2020).

3 In 2015 in Egypt, there were attacks on Coptic property after individuals in the community were accused of blasphemy. *See EIPR Condemns Five-Year Prison Sentence for Children on Blasphemy Charges: 12 Defendants Convicted in 9 Cases Since January 2015; 11 Cases Pending before Courts and More Cases Pending before Disciplinary Bodies*, Egyptian Initiative for Personal Rights (Feb. 25, 2016), https://eipr.org/en/press/2016/02/eipr-condemns-five-year-prison-sentence-children-blasphemy-charges-12-defendants (last visited Sept. 20, 2020).

4 In Egypt, for example, atheists Ahmed Harqan and his wife Nada Mandour were chased by a mob for their atheism. They were arrested, and following their release, they continued to face threats. *See, e.g.*, Heather Murdock, *Defying Taboo, Middle East Atheists Launch TV Channel*, Voice of America (April 30, 2015), https://www.voanews.com/middle-east/defying-taboo-middle-east-atheists-launch-tv-channel (last visited Sept. 20, 2020).

5 The authors also updated the blasphemy laws mentioned in *Respecting Rights? Measuring the World's Blasphemy Laws* to their most recent versions. Though some criminal blasphemy laws had been amended prior to 2017, their more recent versions had not been included in *Respecting Rights*. That is the case for Andorra, Brunei, Iran, Italy, Kazakhstan, Nepal, and the United Arab Emirates. The researchers included these updated laws in Annex 2.

6 *Iceland Makes Blasphemy Legal*, BBC News (July 3, 2015), https://www.bbc.com/news/world-europe-33378778.

7 Eugene Volokh, *Norway Repeals Blasphemy Law, In Response to Charlie Hebdo Murders*, Washington Post (May 9, 2015), https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/08/norway-repeals-blasphemy-law-in-response-to-charlie-hebdo-murders/.

8 *Blasphemy Law Abolished in Alsace-Moselle Region of France*, End Blasphemy Laws (Oct. 31, 2016), https://end-blasphemy-laws.org/2016/10/blasphemy-law-abolished-in-alsace-moselle-region-of-france/.

9 *Repealing Blasphemy Law a Victory for Freedom of Speech, Says Humanist Association*, Times of Malta (Jul. 14, 2016), https://timesofmalta.com/articles/view/repealing-blasphemy-law-a-victory-for-freedom-of-speech-says-humanist.618859.

10 *Denmark Scraps 334-year-old Blasphemy Laws*, Guardian (June 2, 2017), https://www.theguardian.com/world/2017/jun/02/denmark-scraps-334-year-old-blasphemy-law.

11 Emma Graham-Harrison, *Ireland Votes to Oust 'Medieval' Blasphemy Law*, Guardian (Oct. 27, 2018), https://www.theguardian.com/world/2018/oct/27/ireland-votes-to-oust-blasphemy-ban-from-constitution.

12 *Canada Repeals Blasphemy Law*, British Columbia Humanist Association (Dec. 11, 2018), https://www.bchumanist.ca/canada_repeals_blasphemy_law.

13 *Blasphemous Libel Law Repealed*, Beehive.govt.nz (Mar. 5, 2019), https://www.beehive.govt.nz/release/blasphemous-libel-law-repealed.

14 *Blasphemy Law to Be Abolished in Greece under New Criminal Code*, Humanists U.K. (June 17, 2019), https://humanism.org.uk/2019/06/17/blasphemy-to-be-abolished-in-greece-under-new-criminal-code/.

15 Fraser Sutherland. *Humanist Society Campaign Success as Government Confirm the Scrapping of Blasphemy Law*, Humanist Society of Scotland (Apr. 2020), https://www.humanism.scot/what-we-do/news/humanist-society-campaign-success-as-government-confirm-the-scrapping-of-blasphemy-law/.

16 Annex 2 includes countries and laws originally identified by the U.S. Commission on International Religious Freedom in their 2017 report entitled *Respecting Rights? Measuring the World's Blasphemy Laws*, plus additional countries identified since 2017 as having blasphemy laws. If, however, a previously identified blasphemy law has been repealed, researchers did not evaluate enforcement of that law or include it in Annex 2.

17 *See* Annex 2, *Brunei Syariah Penal Code,* Articles 110-111*; Iran Penal Code,* Article 262*; Pakistan Penal Code,* Article 295 C. In addition, Saudi Arabia enforces unwritten Shari'a laws, and punishments may include the death. *See* Annex 2, *Saudi Arabia*.

18 These states are Pakistan, Iran, Yemen, Egypt, Bangladesh, Saudi Arabia, and Kuwait.

19 This research is based on the categorization of the Pew Research Center. *See Appendix A: Relationships between Religion and Government by Country*, PEW Research Center (2015), https://assets.pewresearch.org/wp-content/uploads/sites/11/2017/09/29162845/Appendix-A.pdf. As of 2015, the Pew Research Center classified relationships between religion and government into several categories by country: 1. Official state religion (43 states); 2. Preferred or favored state religions (40 states); 3. No official or preferred religion (106 states); 4. Hostile relationship with religious institutions (10 states). *Id.* Indonesia recognizes *Islam*, *Christianity* (*Protestantism*, under the label of "Kristen," and *Roman Catholicism* are treated separately), *Hinduism*, *Buddhism,* and *Confucianism*. *See, e.g.*, Paul Marshall, *The Ambiguities of Religious Freedom in Indonesia*, 16 Rev. Faith & Int'l Affairs 85–96 (2018).

INTRODUCTION

Blasphemy is the "act of expressing contempt or a lack of reverence for God or sacred things."[1] For the purposes of this study, laws prohibiting blasphemy ("blasphemy laws") include provisions of country laws that criminally sanction defamation of religion and seek to punish individuals for allegedly offending, insulting, or denigrating religious doctrines, deities, symbols, or "the sacred," and for wounding or insulting religious feelings.[2] Blasphemy laws are located throughout states' legal texts, including *inter alia* constitutions, criminal codes, and media laws.[3]

Blasphemy laws generally are deemed to be inconsistent with international human rights standards, violating international standards of the rights to freedom of expression (FoE) and freedom of religion or belief (FoRB). The authors' previous study for the U.S. Commission on International Religious Freedom (USCIRF), the 2017 report *Respecting Rights? Measuring the World's Blasphemy Laws,* found that blasphemy laws existed in at least 71 countries globally[4] and analyzed these laws' texts against international human rights principles.[5] That report's coding and evaluation tool confirmed that all blasphemy laws analyzed deviated from one or more internationally recognized human rights principles.[6] Most laws, even those with criminal sanctions, were vaguely worded, did not specify intent, and carried unduly harsh penalties for violators.[7] That innovative project contributed to advocacy efforts to confront the risks of abuse of such laws. Indeed, it has served as an important tool for human rights defenders, governments, civil society, academics, social media providers, and legal experts.[8]

The severity of a blasphemy law on paper, however, tells only half of the story. Whether and how states implement and enforce such laws are of equal importance to assessing the impact of blasphemy laws on FoE and FoRB rights. This question was not answered in the 2017 report.

In order to capture the full extent of the human rights abuses related to blasphemy laws and identify patterns connected with their implementation, this study builds upon the previous report by mapping publicly reported criminal blasphemy cases over the five-year period from January 2014 through December 2018. Of the 84 countries we identified in the world with criminal blasphemy laws, researchers found 674 cases of state criminal blasphemy law enforcement and 58 additional incidents of mob violence or threats of mob violence for a total of 732 cases in 41 countries. We also developed key indicators to understand the context surrounding their implementation and enforcement. This report identifies factors and trends in enforcement of criminal blasphemy laws to support future advocacy and policy analysis related to blasphemy law reform.

The authors chose a conservative approach to define, identify, and examine cases of blasphemy enforcement, focusing on publicly reported legal cases. The authors also included, but analyzed separately, incidents of mob violence and threats of mob violence to understand the way in which enforcement happens through private action or state omission. Aside from these issues, blasphemy is also implicated in political protests, individual complaints, public condemnations of allegedly blasphemous speech, censoring publications of personalities (*e.g.*, authors, artists, journalists) accused of blasphemy, and the least traceable element of self-censorship, but these were not the focus of this study.

DEFINITION OF STATE ENFORCEMENT

For the purposes of this study, state enforcement of criminal blasphemy laws is defined as any affirmative action initiated by government officials, including, but not limited to, law enforcement officers (*e.g.*, police, security agents, prison officials) or judicial authorities (*e.g.*, prosecutors, judges) seeking to compel compliance with laws and regulations targeting blasphemous speech or conduct. The study defines "affirmative action" as any reported action by officials that could have resulted in criminal sanctions regardless of whether it led to an investigation, arrest, prosecution, and/or punishment of the alleged blasphemer. Preliminary investigations and/or dropped charges also are considered affirmative state actions. Thus, a "case" of blasphemy law enforcement corresponds to government officials' efforts directed against an individual alleged to have engaged in blasphemous speech or conduct and may or may not include a state-led legal criminal action against a defendant in a court of law.

For the data collection phase of this study, the researchers identified three categories that constituted a "case" of state criminal blasphemy law enforcement. Incidents that fell into one of these three categories were recorded as "cases of criminal blasphemy law enforcement." The following box describes these three categories:

Categories of State Enforcement Cases Explained

Category 1: Government officials act to enforce one or more of the criminal blasphemy laws identified (and included in Annex 2). Government officials include, but are not limited to, law enforcement officers (*e.g.*, police, security agents, prison officials) or judicial authorities (*e.g.*, prosecutors, judges).

Category 2: Government officials act to enforce what is deemed blasphemous speech or conduct using other penal code provisions not identified as traditional blasphemy laws by the researchers (and therefore not included in Annex 2). Examples of laws that can be used to target allegedly blasphemous conduct include, but are not limited to: telecommunications[9] and press laws,[10] anti-extremism laws,[11] incitement to hatred laws,[12] anti-conversion laws,[13] and apostasy laws.[14] In order to document these incidents as Category 2 "cases of enforcement," researchers examined the nature of the underlying act(s) to determine whether the act was blasphemous according to the study's definition of blasphemy.[15]

Category 3: Government officials or other state employees retaliate against an individual accused of engaging in blasphemous conduct through perpetrating illegal, extrajudicial punitive measures (*e.g.*, extrajudicial killings,[16] enforced disappearances,[17] acts of torture) against the alleged blasphemer. This category of state enforcement is usually accompanied by physical violence that results in the death or serious injury of the accused. These cases are less frequent but are common enough to justify their inclusion as a separate category.

NOTES

1 U.S. Commission on International Religious Freedom, *Policy Brief, Prisoners of Belief: Individuals Jailed Under Blasphemy Laws* 1 (2014).

2 This definition is the same definition the authors used in the first study looking at the content of the laws. U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 5 (2017).

3 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 5 (2017).

4 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 3 (2017).

5 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 8 (2017).

6 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 1 (2017). The indicators developed included the following: freedom of opinion and expression, freedom of religion or belief, vagueness of the law, severity of the penalty, discrimination against groups, state religion protections, speech and forum limitations, and hierarchy of the law.

7 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 1 (2017).

8 Unique in scope, size, and ambition, the compilation and evaluation of anti-blasphemy laws worldwide was made possible through the authors' partnership with USCIRF and built on their previous research in partnership with Human Rights First.

9 *See, e.g.*, UAE Federal Law, Law No 2 of 2015 on Preventing Discrimination and Hatred (the "Law").

10 *See, e.g.*, Article 45 Law on Mass Media, 2009 (Afghanistan), https://www.refworld.org/docid/5ddce5604.html (last visited Sept. 1, 2020); Iran Press Law, http://www.parstimes.com/law/press_law.html (last visited Oct. 29, 2020); Douglas Griffin, *Introduction to News Media Law and Policy in Jordan at 35*, http://global.asc.upenn.edu/fileLibrary/PDFs/JMSPprimer_english.pdf (last visited April 22, 2013).

11 *See* Annex 2, *Russia*, Article 282 of Criminal Code.

12 *See* Annex 2, *Uzbekistan,* Article 156 of Criminal Code.

13 *See* Annex 2, Section 158 of Nepal's Criminal Code, http://www.moljpa.gov.np/en/wp-content/uploads/2018/12/Penal-Code-English-Revised-1.pdf.

14 *See* Annex 2, *Mauritania,* Article 306 of Criminal Code.

15 *See* Introduction, *supra*. In some situations, it proved difficult to determine the law being used because secondary sources did not include that information. In such cases, the researcher assessed the nature of the underlying act and made an independent determination as to whether it was blasphemous conduct or not. If the researcher determined the nature of the act to be blasphemous, the incident was recorded as a case of state enforcement of a blasphemy prohibition. *See* Part V. Limitations, *infra*.

16 For example, *Pakistani Policeman Kills Blasphemy Suspect with Axe*, Bangkok Post (Nov. 6, 2014), https://www.bangkokpost.com/world/441830/pakistani-policeman-kills-blasphemy-suspect-with-axe.

17 For example, *Iran: Arrest Followed by an Enforced Disappearance of Poet*, PEN America (Mar. 29, 2018), https://pen.org/rapid-action/iran-arrest-followed-enforced-disappearance-poet/.

STUDY DESIGN & METHODOLOGY

STUDY DESIGN

Blasphemy Laws Included

Researchers identified criminal blasphemy law provisions in force from January 2014 through December 2018 in 84 countries across the globe.[1] (See Annex 2.) This number does not include the nine (9) countries that have repealed their national blasphemy prohibitions since 2015. The collection of laws focuses on provisions that impose criminal sanctions, such as fines or imprisonment, including administrative offenses when such laws carry criminal sanctions.[2] Laws, such as media laws containing language that sanctions blasphemy, were excluded when these laws did not include criminal penalties.[3]

As just discussed, blasphemy laws were distinguished from other criminal prohibitions (*e.g.*, anti-conversion, apostasy, incitement to hatred, anti-extremism, destruction of religious symbols, and witchcraft laws).[4] To determine whether the law was a "blasphemy law" according to this study's definition of blasphemy, researchers engaged in textual analysis. While researchers distinguished between blasphemy laws and other criminal prohibitions, in some of the cases found during the research process reports suggested that other criminal laws were also used to prosecute blasphemy allegations. Given this overlap, the study team decided to include cases that involved blasphemy but were not charged under a state's blasphemy law. This required the researchers to make judgment calls based on contextual and fact-based analyses.

Moreover, researchers met to discuss the cases, endeavoring to disentangle state criminal blasphemy enforcement from broader violations of freedom of religion or belief, which were not included as cases of enforcement. For example, in 2016 in Turkey, researchers did not find reports of threats of violence against Jews, Alevi and Sunni Muslims, as well as vandalism to Protestant, Catholic, and Alevi places of worship to be linked to blasphemy allegations or enforcement.[5] Furthermore, while state prohibitions of religious minorities, such as a 2017 ban on Jehovah's Witnesses in Russia, are problematic, such state enforcement is not based in blasphemy allegations.[6] Finally, incidents of violence linked to religious discrimination, such as suicide bombings in three churches in Surabaya, Indonesia in 2018, did not occur as a result of blasphemy allegations.[7]

Regional Distribution

The researchers grouped countries and territories by regions based upon the Pew Research Center's global classification.[8] Furthermore, autonomous regions and local governments within states were assessed as an integral part of the state. Thus, the study includes regional and local governments' enforcement of criminal blasphemy laws in addition to national criminal law enforcement.[9]

Study Period

The research undertaken in this study represents a "snapshot in time" to capture and understand national, regional, and global trends, recording cases of state criminal blasphemy law enforcement globally. Researchers recorded all official government actions reported to compel compliance with or enforce criminal blasphemy laws in each country from January 1, 2014 through December 31, 2018. When the researchers did not have the exact date of the inciting incident, they used the date as reported in the media or another reliable information source.

If the initial incident or state action occurred prior to January 1, 2014, an instance of enforcement was still recorded if the state continued to enforce the criminal blasphemy law against the individual during the study period. For example, an individual who was arrested, prosecuted, and sentenced to prison on blasphemy charges in 2013, but was still in prison on January 1, 2014, would be logged as a case of state enforcement in the mapping database. An individual who was arrested, prosecuted, and sentenced to prison on blasphemy charges in 2018 but released on January 1, 2019 also would be logged as a case of state enforcement in the mapping database. If no reliable source reported that the individual was released, or the case closed, researchers recorded the case as "ongoing."

In some instances, news sources reported conflicting dates of state enforcement acts. In these cases, researchers chose the year from the source or sources deemed most reliable. State enforcement may have extended beyond the study period, but at least one act of enforcement *(i.e.*, arrest, trial, conviction, sentencing, etc.) occurred between January 2014 and December 2018.

Cases of State Enforcement

Researchers recorded incidents as cases of state enforcement when incidents fell into one of three categories, explained *supra*, in Part I: (1) actions by government officials[10] to enforce a state's criminal blasphemy laws; (2) actions by government officials to enforce other laws against allegedly blasphemous conduct; and (3) retaliation by government officials against alleged blasphemers by perpetrating extrajudicial, punitive measures against them.

Mob Violence or Threats of Violence

Blasphemy allegations and enforcement often are coupled with extrajudicial violence, imminent threats to violence or even intimidation tactics, including mob presence. In addition to recording state criminal blasphemy law enforcement, researchers recorded incidents in which perpetrators committed acts of violence and/or threatened violence: (1) against the alleged blasphemer;[11] (2) against individuals associated with the alleged blasphemer (*i.e.*, lawyers, family members, or members of the same religious or belief community);[12] or (3) in a generalized manner in contexts arising from rumors or threats linked to the blasphemy allegations. Researchers excluded blasphemy-related political protests.[13]

Imminent threats, mob activity, and violence at the hands of private, non-state actors was a recurring phenomenon, even when states did not enforce their criminal blasphemy laws. Like state enforcement, extrajudicial violence aimed at upholding blasphemy laws legitimizes the laws. Consequently, private, non-state actor violence, and state acquiescence to such violence, is integral to understanding the consequences of criminal blasphemy laws in country-specific contexts.

Researchers struggled to be consistent in tracking mob intimidation and violence. For the sake of clarity and reliability, the following decisions were made. To capture the sense of insecurity caused by mobs and threats of mob violence, researchers recorded "mob presence" in the mapping database's category of mob violence. Researchers also recorded the types of mob violence linked to blasphemy allegations when possible. If there was mob violence or the threat of mob violence, the researchers sought to determine whether people were injured and/or killed or if any property (*e.g.*, private homes, places of worship) was destroyed. If the type of mob activity was not coded in the database, that could signify that either the type of mob activity was not recorded in reliable sources or there was no mob activity but merely mob presence.

In contrast to the methodology employed in tracking incidents of state enforcement, which recorded each individual accused of blasphemy as a separate case, researchers did not code individual victims of mob violence as separate cases, given the difficulty of determining the precise number killed or injured by violent crowds. Depending on press reports covering an event, numbers could vary significantly. Similarly, researchers did not record the number of individuals killed or injured in protests,[14] including those organized by Islamist groups or political parties, against blasphemy, even if they attracted mobilized crowds.[15] While such crowds and protests frequently triggered threats of violence or actual mob violence against an alleged blasphemer or associated individuals or groups, it was often difficult to discern the number of casualties or deaths during these events. Therefore, researchers recorded deaths and casualties where they were reported to the best of their abilities. Nevertheless, in instances of mob violence, their tracking of casualties may not always fully capture the destruction that occurred.

Mapping Database

Researchers developed a set of indicators and methodology for systematic data collection and analysis. For each country identified as having a criminal blasphemy law in force during the study period, researchers gathered information on the country's legal system using databases such as Globalex[16] and World LII.[17] Next, in order to understand general contexts, trends, and high-profile cases of criminal blasphemy law enforcement in each country, researchers examined academic scholarship and civil society reports related to blasphemy in that state.

To identify specific cases of criminal blasphemy law enforcement, researchers engaged in several steps. First, researchers conducted an initial "Google sweep," searching multiple key terms through phrase searching,[18] Boolean searching,[19] and, where available, truncation searching[20] on Google. Researchers examined the names of statutes and penal code provisions criminalizing blasphemy, as well as specific phrases within the blasphemy laws themselves that indicate language states use to define blasphemy.[21] After the initial search, researchers conducted a more targeted search, examining reports from reputable organizations and databases of national and local news sources to identify incidents of blasphemy and criminal blasphemy law enforcement. The goal was to locate primary law sources (court cases). Where primary documents were found or provided, they were analyzed and downloaded. However, access to primary sources was difficult in nearly every country context.[22] Thus, collecting and analyzing secondary sources (*i.e.*, newspaper, journal, and other media reports) became a critical source of information.[23] Secondary sources were downloaded and Permalinked[24] to ensure continued access to the data.

Researchers identified and examined indicators that cover a range of information relevant to state criminal blasphemy law enforcement across several categories: (1) general information; (2) identity information of the person accused of blasphemy; (3) religious or belief identity information of the person accused of blasphemy; (4) the state and religions; (5) inciting incident facts; (6) mob presence, mob activity, mob violence, and/or threats of violence; (7) use of social media; (8) executive enforcement actions; (9) judicial enforcement actions; (10) penalties; and (11) identity information of the person who accused an individual of blasphemous speech. In addition, notes were included on specifics of each case to ensure that all relevant information was captured for the sake of data analysis and interpretation. For details on the questions examined, see Annex 3.

Notes and Fact-Checking

Finally, researchers included extensive notes for any and all information about a case of state enforcement that did not fit into a precise question. These notes were used to fact-check the data entered multiple times, in order to ensure data consistency.

Multiple Individuals Affected by a Single Inciting Incident of Enforcement

Researchers entered each case of state enforcement as a separate row in an excel file database ("mapping database"). If one case implied legal consequences for several individuals, each person was recorded in a separate row as a separate case of enforcement. The researchers made every attempt to verify the accuracy of the information related to a case via at least two independent secondary sources (or primary source, if available). Countries with governments that repealed their blasphemy laws either before or during the relevant period of study were not included in the mapping database or in Annex 2, even if they had active cases of state enforcement during the study period.

Data Analysis

The researchers developed and populated a database using Google Sheets. To permit constant updating and evolving data, researchers worked with a data analyst who chose the Microsoft Power BI software tool for data analysis. Microsoft Power BI allows automatic data processing, groups of values, and recalculated columns.

The columns containing descriptive information were transformed into calculable values. An example of this work was the treatment of dates which can be presented in different national formats, in full form, or simply one month and one year, or one year only. Some uncertain dates were presented as a range of dates. A reference date had to be redefined with the participation of the researchers. All dates were translated into a reference year. The number of different dates attributed to a case sometimes made it difficult to define a clear reference year.

Columns intended to receive binary data (*e.g.*, yes/no) were completed with remarks intended for research purposes. Here again, in collaboration with the researchers it was necessary to decide on binary values: yes/no/unknown. In the binary values, researchers chose to treat the "no," "no answer," or empty rows differently from each other. The gaps are treated as "unknown" and separated so that the error rate on positive responses and the overall validity of the expressed data can be calculated. Many categories were manually defined so that sub-categories (*e.g.*, regions, professions) could be included for the sake of identifying trends.

NOTES

1 Annex 2 includes countries and laws originally identified by the U.S. Commission on International Religious Freedom in their 2017 report titled *Respecting Rights? Measuring the World's Blasphemy Laws* and additional countries that have since been identified as having blasphemy laws. If, however, the law has been repealed, researchers did not evaluate enforcement of that law or include it in Annex 2.

2 *See* Annex 2, *Turkmenistan Code on Administrative Offenses*, Article 75: Violation of the right to freedom of religious confession and association in religious organizations (including punishment for a violation as monetary fine or "administrative arrest for a period of up to 15 days").

3 When researchers could not confirm whether the law included criminal sanctions, the law was excluded from the study. In five countries—Jamaica, Moldova, Tajikistan, Russia, and Turkmenistan—however, researchers were uncertain whether the laws included criminal sanctions. The researchers included them in Annex 2 because they were previously defined as blasphemy laws of concern by the U.S. Commission on International Religious Freedom. Kirsten Lavery, U.S. Commission on International Religious Freedom, *Legislation Factsheet: Blasphemy* (2020), https://www.uscirf.gov/sites/default/files/2020%20Legislation%20Factsheet%20-%20Blasphemy%20April%202020.pdf.

4 *See* Part II, *supra* for a detailed description of the ways in which these laws interact with the enforcement against acts of blasphemy.

5 U.S. Department of State, *2016 Report on International Religious Freedom: Turkey* (2016), https://www.refworld.org/docid/59b7d82a13.html (last visited Oct. 7, 2020).

6 *Russia Detains Jehovah's Witness 'Elders,'* Moscow Times (July 10, 2020), https://www.themoscowtimes.com/2020/07/10/russia-detains-jehovahs-witness-elders-a70840.

7 Kate Lamb, *Indonesia Church Bombings: Police Say One Family and Their Children behind Attacks*, Guardian (May 13, 2018), https://www.theguardian.com/world/2018/may/13/deaths-bomb-attacks-churches-indonesia-surabaya.

8 These world regional groupings are derived from the regional groupings of the Pew Research Center's report entitled *Number of Foreign College Students Staying and Working in U.S. After Graduation Surges*; *see* Neil G. Ruiz and Abby Budiman, *Appendix E: Countries and Territories by Regional Classification*, *Number of Foreign College Students Staying and Working in U.S. after Graduation Surges*, Pew Research Center (May 10, 2018), https://www.pewresearch.org/global/2018/05/10/appendix-e-countries-and-territories-by-regional-classification-foreign-graduate-workers/.

9 For example, the researchers included laws from the province of Aceh in the category of Indonesia, Kurdish laws in the category of Iraq, Shari'a laws and cases as part of the country's laws (e.g., Nigeria, Malaysia), Zanzibar laws and cases as part of Tanzania, Punjabi laws from the Indian side as part of India, etc. Regional laws were part of the national package and were included as state enforcement cases.

10 As previously mentioned, but crucial to recall, government officials include, but are not limited to, law enforcement officers (e.g., police, security agents, prison officials) or judicial authorities (e.g., prosecutors, judges).

11 In May 2016, in Nigeria, Methodus Chimaije Emmanuel and three others were killed by a mob after Methodus posted "blasphemous" comments on Facebook. In addition to these murders, the mob violence led to the burning of a church and looting of stores. *See Four Killed in Riots in Niger over Alleged Blasphemy*, Guardian (May 31, 2016), http://guardian.ng/news/four-killed-in-riots-in-niger-over-alleged-blasphemy.

12 *Four Killed in Riots in Niger over Alleged Blasphemy*, Guardian (May 31, 2016), http://guardian.ng/news/four-killed-in-riots-in-niger-over-alleged-blasphemy.

13 Notably, in multiple political gatherings and/or protests across some Muslim-majority states (for example, in Indonesia and Pakistan), allegations of blasphemy remain a key driving force among political parties and politicians that encourages mob violence or riots. While deaths, as well as multiple injuries within the crowds, are reported in the press, it proved impossible through desk research to quantify these casualties as well as the impact that "anti-blasphemy" motives had on driving the mob violence or threats of violence.

14 In 2017, for instance, protestors accused minister Zahid Hamid of blasphemy, causing a three-week demonstration in Islamabad in which at least six people were killed and 200 injured when protests turned violent and police tried to intervene. *Pakistan Islamists Call Off Protests After Minister Resigns*, BBC News (Nov. 27, 2017), https://www.bbc.com/news/world-asia-42133413; Sana Jamal, *Law Minister Zahid Hamid Resigns After Three-Week Protest by Religious Parties*, Gulf News (Nov. 27, 2017), https://gulfnews.com/world/asia/pakistan/law-minister-zahid-hamid-resigns-after-three-week-protest-by-religious-parties-1.2131494. The army then facilitated an agreement between the Islamist demonstrators and the government, resulting in Hamid's resignation. Salman Masood, *Pakistan Strikes Deal with Islamist Protestors in Islamabad*, New York Times (Nov. 27, 2017), https://www.nytimes.com/2017/11/27/world/asia/islamabad-protesters-blasphemy-deal.html.

15 Euan McKirdy, *Indonesian President Cancels Australia Trip after Violent Protests*, CNN (Nov. 5, 2016), https://edition.cnn.com/2016/11/03/asia/jakarta-islamist-governor-protest/index.html.

16 GlobaLex, Hauser Global Law School Program, https://www.nyulawglobal.org/globalex/.

17 WorldLII, World Legal Information Institute, http://www.worldlii.org.

18 The typical method of searching, for example, included "blasphemy enforcement in [X Country]."

19 Combining keywords with modifiers to produce more relevant results. For instance: (Enforcement OR Arrest OR Charge) AND (Blasphemy OR Contempt of Religion)

20 Truncation: identifying the use of multiple endings to expand the scope of your search, *e.g.*: instead of having to search "blasphemy or blaspheme or blasphemer," you can search "blasphem*." If the engine reads truncation, it will search for all the words that begin with "blasphem" regardless of the tense / ending of the word.

21 Often, blasphemy laws do not use the term "blasphemy" even when the criminalized conduct is blasphemous. For example, see Annex 2: Egypt's Penal Code 98(f) uses language such as *contempt of religion*; disdain of religion; "instigating sedition" through religion; exploitation of religion.

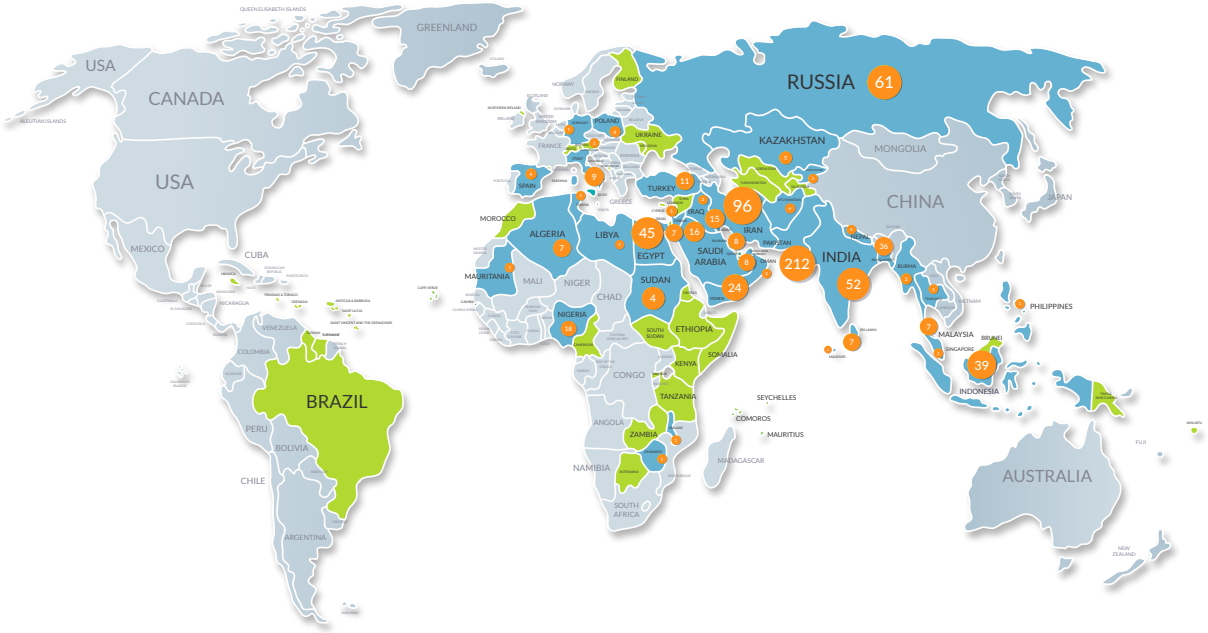
22 Researchers examined legal research databases, court websites, prosecutors' websites, or any websites that may provide primary sources. In addition, where available, researchers contacted and interviewed local experts to locate primary sources or legal cases of criminal blasphemy law enforcement.

23 Databases for secondary sources included *InfoTrac*, *ProQuest*, *Lexis*.

24 "When a user creates a *Perma.cc* link, *Perma.cc* archives the referenced content and generates a link to an archived record of the page. Regardless of what may happen to the original source, the archived record will always be available through the *Perma.cc* link." *Perma.cc*, https://perma.cc/about.

BLASPHEMY CRIMES ENFORCEMENT: GLOBAL TRENDS

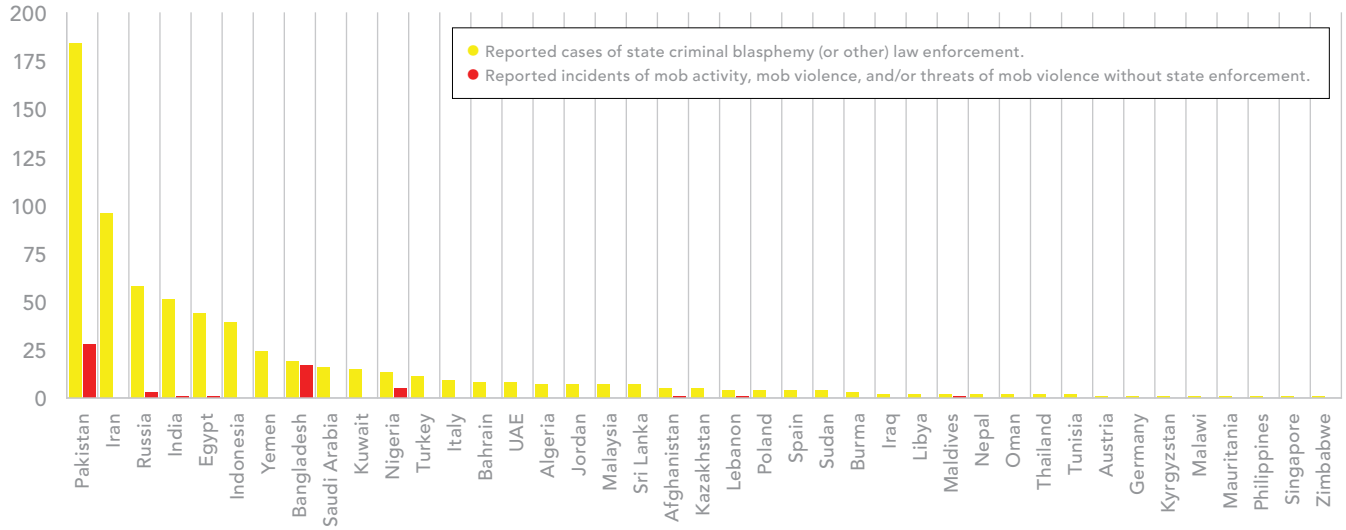
Figure 1. Total Number of Incidents of Mob Activity, Mob Violence, and/or Threats of Mob Violence and State Enforced Criminal Blasphemy Cases, by Country, 2014–2018



Orange circles represent the total number of incidents, including cases of state enforcement and incidents of mob activity, mob violence, and/or threats of mob violence.

From January 1, 2014 through December 31, 2018, researchers found 732 reported blasphemy-related incidents across 41 countries with criminal blasphemy laws on the books.[1] Of those 732 incidents, 674 were reported cases of state criminal blasphemy law enforcement and 58 were incidents of mob violence or threats of mob violence.

Figure 2. Reported Incidents of Mob Activity, Mob Violence, and/or Threats of Mob Violence Related to State Law Enforcement of Criminal Blasphemy Cases, 2014–2018



Reported cases likely are an underestimate of the true number of cases of state criminal blasphemy law enforcement given that many blasphemy cases go unreported in the media or are publicly reported in local news sources in languages other than those of the research team, which included English, French, Persian/Dari, Russian, and Spanish.

The number of cases across each country with criminal blasphemy laws on the books varied greatly, ranging from zero reported cases to 184 cases, during the study period. In 43, or 51%, of these 84 countries, researchers did not find a single case of enforcement of criminal blasphemy laws or enforcement against blasphemous conduct, suggesting that it is extremely low—if it exists at all—in these contexts.[2] During the study period, no reported cases of state enforcement were found in Latin America and the Caribbean. In the 41 countries across Asia-Pacific, the Middle East, Europe, and Africa, researchers found that enforcement exists to varying degrees, from 1 reported case in 8 different countries[3] to 184 reported cases in Pakistan during the study period.

Figure 3. Criminal Blasphemy Enforcement Cases by State, 2014–2018

Table 1. Reported Criminal Blasphemy Law Enforcement Cases by State and Region, 2014–2018

Regions	States with Reported Criminal Blasphemy Law Enforcement Cases
Asia-Pacific	Pakistan, India, Indonesia, Bangladesh, Malaysia, Sri Lanka, Kazakhstan, Burma, Maldives, Nepal, Thailand, Philippines, Singapore, Kyrgyzstan
Middle East	Iran, Egypt, Yemen, Saudi Arabia, Kuwait, Bahrain, United Arab Emirates (UAE), Algeria, Jordan, Afghanistan, Lebanon, Iraq, Libya, Oman
Europe	Russia, Turkey, Italy, Poland, Spain, Austria, Germany
Africa	Nigeria, Sudan, Tunisia, Malawi, Mauritania, Zimbabwe
Latin America & the Caribbean	None

Figure 4. Reported Cases of Criminal Blasphemy Enforcement by Region, 2014–2018

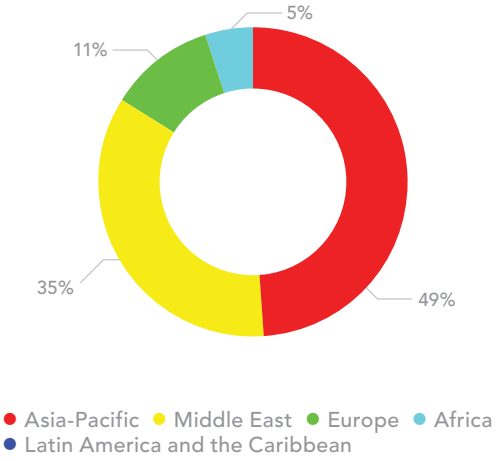
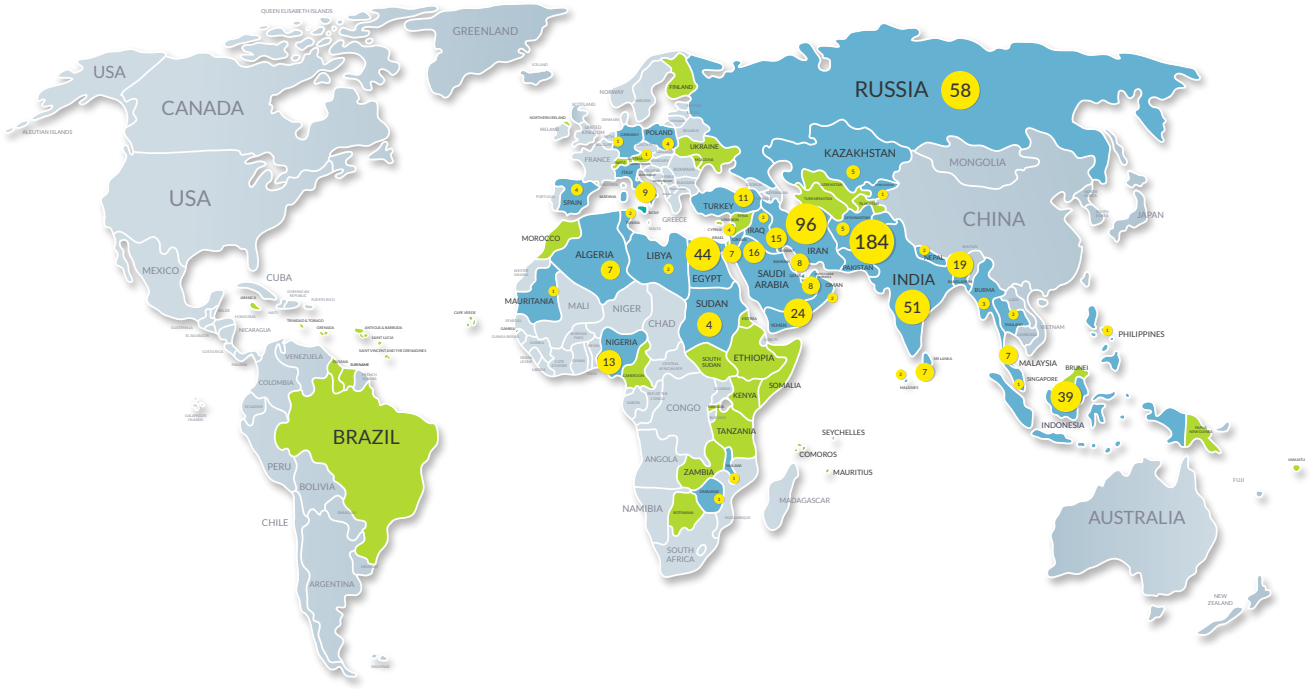


Figure 5. Reported Cases of Criminal Blasphemy Enforcement by State, 2014–2018



Yellow circles correspond to the number of reported state criminal blasphemy (or other) law enforcement cases found in each country.

COUNTRIES WITH THE HIGHEST REPORTED CRIMINAL BLASPHEMY ENFORCEMENT

Based upon the cases researchers identified, 10 countries account for 81% of all reported cases of state criminal blasphemy enforcement from 2014 through 2018. More than one quarter (27%, or 184) of those 674 reported cases were enforced by Pakistan, followed by 96 (14%) cases enforced by Iran, 58 (9%) by Russia, 51 (8%) by India, 44 (6.5%) by Egypt, 39 (6%) by Indonesia, 24 (3.5%) by Yemen, 19 (3%) by Bangladesh, 16 (2%) by Saudi Arabia, and 15 (2%) by Kuwait.

Four countries account for nearly 80% of all reported incidents of mob activity, mob violence, and/or threats of mob violence as a result of alleged blasphemous acts in countries with criminal blasphemy laws. Nearly half of those incidents (52) occurred in Pakistan, while significant numbers also occurred in Bangladesh (26), Nigeria (16), and Egypt (13).

Case Study: Pakistan

Threats and Violence from Accusations to Detentions to Post-Acquittals

Pakistan's laws are vague, impose severe punishments, including the death penalty, and are frequently applied through both state and private enforcement. Although the state has not yet executed a convicted blasphemer, violence against alleged blasphemers may occur at any point—from a rumor of blasphemy, to the accused's arrest, trial, conviction, or even acquittal. Violence is not solely directed against the accused, but is often exacted against lawyers, family, and faith-based community members as well. When allegations are made, violent mobs frequently form and demand punishment.[4]

In 2014, for instance, gunmen murdered Pakistani lawyer Rachid Rehman in his office in Multan for defending Junaid Hafeez, an academic charged with blaspheming and making derogatory comments against the Prophet. Hafeez had been in prison without being able to find a lawyer until Rehman agreed to take up his case.[5]

In 2015, Christians Rhuksana, Awais, and Rehana were accused of blasphemy, dragged from their homes, and beaten by a mob. Members of the mob shaved Awais' head, painted each of the victims' faces black, and then paraded them through the streets of their village on donkeys.[6]

In 2018, Patras Masih shared an allegedly blasphemous image—a person stepping on a mosque—on his Facebook messenger account. Mobs accusing him of blasphemy demanded he be hanged for his crimes and threatened to burn down his village. When cans of petrol were thrown into the village, 800 Christians fled their homes.[7]

Alleged blasphemers have been attacked in jail and even assassinated while in state custody by prison guards and other inmates.[8] Accused persons, their families, and larger faith or belief communities face constant risks associated with a blasphemy allegation.[9] By the time convicted blasphemers appeal, they often have spent years in jail—sometimes in isolation—due to the slow administration of justice in Pakistani courts.[10]

In recent years, Pakistan enforced possibly the most infamous blasphemy crime case globally: the case of Asia Bibi. The Lahore High Court convicted and sentenced Bibi to death for drinking water from the same cup as her Muslim co-workers.[11] The judgment was eventually overturned on appeal by the Pakistani Supreme Court.[12] The case was so controversial within Pakistan that public declarations of support for Asia Bibi led to two high-profile murders. Shahbaz Bhatti, a cabinet member, and Salman Taseer, the then Governor of Punjab, were murdered in 2011 for speaking in defense of Bibi.[13] Following her acquittal, Bibi remained in custody until she could secure a path to exile, as she would have been murdered had she set foot outside of state custody. Her lawyer also fled the country, and the Supreme Court justices who overturned her death sentence faced death threats.[14]

Social Pressure and Self-Imposed Punishment

In another illustrative—yet extreme—case, a 15-year-old boy cut off his right hand to atone for his blasphemous act, after he accidentally raised his hand when a cleric asked a group at a celebration: "Who among you doesn't believe in the teaching of the Holy Prophet?"[15]

Following the incident, the boy said:

> *When I raised my right hand unwittingly, I realised I had committed blasphemy and needed to atone for this. I came back home and went to the grass-cutting machine, but found the place dark so I took my uncle's phone to point some light at my hand. I placed it under the machine and chopped it off in a single swirl.*[16]

According to reports, villagers and the teenage boy himself revere his actions of self-mutilation as righteous.[17] His self-punishment may have prevented his murder at the hands of the mob.[18]

OTHER LAWS EMPLOYED TO ENFORCE BLASPHEMY CRIMES

In 443 (66%) of the 674 cases of state criminal blasphemy enforcement, reports identified the law that state officials applied to enforce against blasphemous acts. Where information was available, 81%, or 361, of those cases, identified a blasphemy law. Nineteen percent (19%), or 82, of those cases used another criminal law to enforce against blasphemous conduct. Thus, while most individuals accused of blasphemy were charged under states' criminal blasphemy laws, a significant number of alleged blasphemers were charged under related criminal laws.

Case Study: Iran

Charging Individuals for Multiple Crimes, including Blasphemy

Based upon the enforcement cases examined, Iran frequently charges blasphemous conduct as crimes under Article 262, the criminal blasphemy law, in addition to charges for other crimes. For instance, in 2018, intelligence agents arrested a Kurdish poet in Malakhashi, Ilam on several charges, including "acting against national security" and "insulting the sanctity of the regime."[19]

Apostasy Laws

Apostasy is the act of abandoning one's faith, including by conversion to another religion. Punishments for apostasy violate Article 18 of the International Covenant on Civil and Political Rights (ICCPR).[20] For the purpose of this study, the researchers did not include cases of apostasy. However, in many incidents in which blasphemy was alleged, the facts constituted the offense of apostasy.[21] Additionally, in several cases in which apostasy was alleged, the facts resembled blasphemous acts.[22] Generally, these acts are interrelated: persons accused of leaving their faith and deemed apostates have often acted in a way perceived as blasphemous due to their questioning of religion.[23] Thus, these concepts may be conflated and erroneously confused in laws and their enforcement. Whereas blasphemy laws aim to protect the integrity/image of a religion, apostasy laws intend to retain the membership of a religious group and punish those who renounce it.[24]

For example, Sudan recently repealed a criminal apostasy law that had been amended in 2015[25] to include blasphemy as apostasy.[26] This illustrates the ways in which states conflate apostasy and blasphemy prohibitions. In Sudan's now repealed law (art. 126), "whoever questions the credibility of, or insults, Mohammed the Messenger of God, peace be upon him, publicly by any conclusive act" was deemed an apostate.[27] While Sudan did not repeal its blasphemy law (art. 125), it did amend it to remove the penalty of flogging.[28]

Anti-Conversion Laws

Conversion, or the act of changing one's religion, is sometimes regulated by anti-conversion laws, which "penalize changing one's religion or seeking to persuade someone else to do so."[29] This regulation is a fundamental violation of FoRB, which includes the rights to question and to change one's beliefs and to seek to peacefully persuade someone else to change their beliefs voluntarily. In states with anti-conversion laws, the mere act of questioning religious tenets and debating religion or beliefs can be equated with insulting religion.[30] While these laws go beyond the scope of this study, it must be noted that there is a risk that those charged with conversion may be subject to allegations of "hurting religious sentiment" insofar as changing religion may be perceived as an insult to a state religion.[31]

The researchers took a conservative approach, excluding cases of state enforcement based on violations of anti-conversion or destruction of property laws even when the laws themselves can conflate these crimes with insult to religion or blasphemy. For example, in the wake of Nepal's new anti-conversion law, individuals have been accused of both attempting to convert other individuals and "destroying Hindu idols" or "encouraging the destruction of Hindu idols."[32] This enforcement may be in response to the destruction of property *per se*, or may imply an act of blasphemy. Given that many states sanction the destruction of property separately from blasphemy, researchers generally excluded these laws due to lack of information on enforcement in such contexts.[33]

Incitement to Religious Hatred ("Hate Speech") Laws

As the authors reported in *Respecting Rights? Measuring the World's Blasphemy Laws*, many criminal blasphemy law supporters argue that those laws deter incitement to discrimination and violence as enumerated in the ICCPR under article 20(2) and that they protect freedom of religion or belief under article 18.[34] These arguments lead to the conflation of blasphemy and incitement to religious hatred. As an example of such conflation, the United Arab Emirates' Law No. 2 of 2015 on Combating Discrimination and Hatred criminalizes blasphemy through prohibiting *inter alia* acts of insulting religion and religious figures.[35] Article 3 of the law states that "no words or action which may incite to commit the crime of blasphemy or defamation of religions contrary to

the provisions of the present Decree Law may be debated on the right of freedom and expression."[36]

Blasphemy ("insult to religion") and incitement to religious hatred (discrimination and violence against human beings based on their religion or belief) should not be confused or conflated in legal texts or their enforcement. Questioning the validity of ideas—even religious ideas—does not constitute incitement to religious hatred.[37] The international human rights system protects *individuals*, not religions, religious ideas,[38] or "the sacred." Human rights protections, including the rights to freedom of religion or belief and freedom of expression and opinion, ensure the free flow of ideas and discussions around faith.[39]

Often, however, acts deemed blasphemous—such as questioning religious ideas— are conflated with and punished as acts of incitement to religious hatred contrary to international law. Thus, to uphold international human rights standards, violations must not extend to "insults to religion," generally understood as blasphemy. Protecting *individuals* from violence or other acts of hatred based on religious discrimination is a separate issue and should be upheld through narrowly defined state enforcement of incitement to religious hatred laws that meet the strict requirements of ICCPR Article 20(2) rather than through criminal blasphemy law enforcement.

Anti-Extremism Laws

Like incitement to religious hatred laws,[40] anti-extremism laws are criminal code provisions that states have marshaled against alleged blasphemers. Notably, in Russia and other post-Soviet Union country contexts, acts of blasphemy are enforced through, or in conjunction with, these criminal laws, often carrying more severe punishments than the blasphemy law itself.[41]

Case Study: Russia

Criminalizing Alleged Blasphemers as Extremists

Researchers identified 58 reported criminal blasphemy cases in Russia during the study period. While the majority of cases were charged under Russia's blasphemy law (Art. 148)—enacted in 2013 after the "Pussy Riot" case[42]—11 blasphemy enforcement cases, or 19%, also referenced another law that uses "incitement to hatred" language, which is also commonly known as Russia's anti-extremism law (Art. 282). Furthermore, five blasphemous acts that researchers counted as enforcement cases were charged exclusively under Art. 282.[43] In several cases, citizens' reports led to state enforcement under these laws.[44] Many of the cases included did not proceed beyond the investigation phase, but even in this preliminary phase, the accused were often subject to searches and confiscations of personal belongings such as cell phones and computers.[45]

Under the use of Art. 282, the state subjects alleged blasphemers to harsher enforcement and penalties than they would receive under the blasphemy law alone.[46] The state freezes the accused's bank accounts and automatically adds them to a list of extremists after the initiation of a case, but prior to trial.[47] Additionally, the content at issue, be it a Facebook post, an article or image, can be added to a list of extremist material if a court determines the material to be "extremist."[48] Thus, anyone who continues to circulate the material risks prosecution under Art. 20.29 (Production and Dissemination of Extremist Materials) of Russia's Administrative Code.[49]

Blasphemy cases involving Art. 148 and Art. 282 can be reported to "centers against extremism." In small provinces, these centers maintain connections with local religious figures, who may report the person or content to the centers or act as witnesses in cases.[50] Though Russia is formally a secular state,[51] authorities consult religious leaders in some blasphemy cases to analyze the content of the material at issue to determine whether the material is blasphemous.[52] Further, the state may send blasphemous content to "linguistic centers" for analysis during an investigation; these decisions carry significant weight in enforcement cases, and lawyers have difficulty obtaining independent analyses of content for clients.[53]

In late 2018, Russia amended Art. 282 to decriminalize some aspects, in part due to its over-enforcement, which is commendable and a recognition of the law's abuse.[54]

Witchcraft Laws

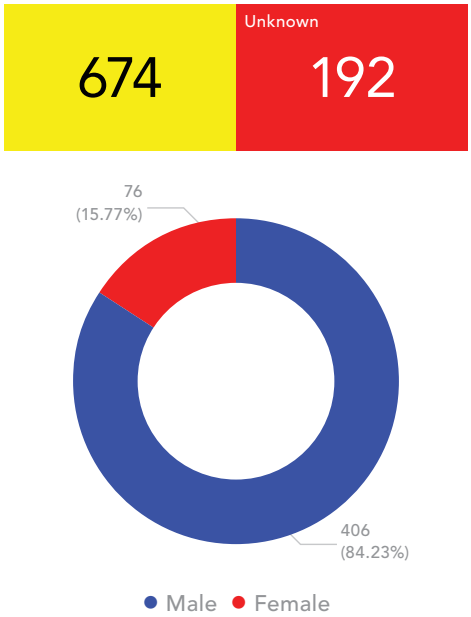
Researchers analyzed cases of attacks and extrajudicial killings of individuals suspected of practicing witchcraft in Saudi Arabia,[55] Trinidad,[56] and Zambia.[57] Within the context of Saudi Arabia, allegations of blasphemy and witchcraft may be interlinked at times for those who view magic as "a serious affront to the pure and exclusive relationship one is supposed to share with Allah."[58] The researchers concluded, however, in the cases they encountered that rather than being linked to the "insult of religion" or blasphemy, these restrictions more broadly limited the right to manifest one's freedom of religion or belief—and, in some cases, the right to practice witchcraft. Consequently, these cases were excluded from the study findings.

ACCUSED PERSONS

Gender

In reported cases, states enforced criminal blasphemy laws against men more frequently than against women. Of the 674 reported cases found, 482 (71%) indicated the gender of the accused blasphemers. In an overwhelming majority—406 of those 482 cases, or 84%—the state accused men of criminal blasphemy, while in only 76 cases, or 16%, the state accused women.

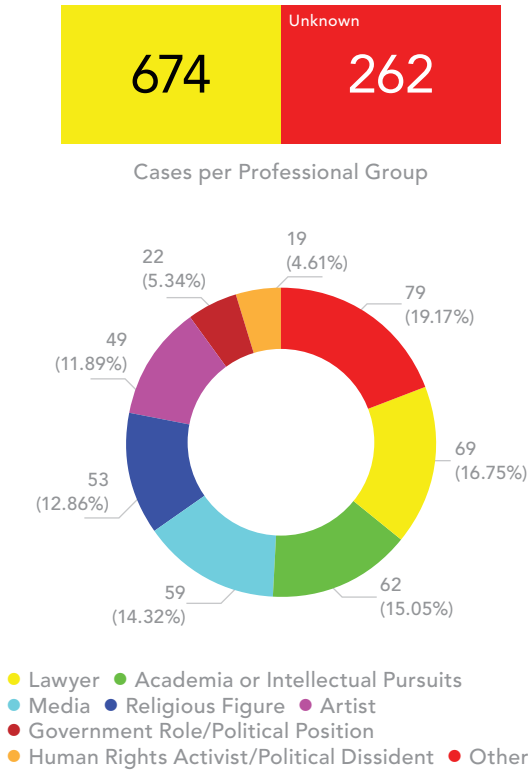
Figure 6. Percentage of Reported Cases of Criminal Blasphemy Enforcement, by Gender, 2014–2018



Professions

In 412 (61%) of the 674 cases of state criminal blasphemy law enforcement identified, reporters determined the accused person's profession. While accused blasphemers' professions varied widely, from academics to artists, business owners to construction workers, and farmers to housewives, certain professions seemed to be targeted for state enforcement of blasphemy crimes more frequently. The most commonly reported professions of accused blasphemers were: lawyers; academics or intellectuals, and students; religious figures; media professionals, including journalists and bloggers; artists, including musicians, actors, directors, and poets; politicians and government officials; and human rights activists. These accused persons' professions accounted for nearly half (49%) of all reported cases of blasphemy enforcement. Professions where no pattern emerged were categorized as "other".

Figure 7. Percentage of Reported Cases of Criminal Blasphemy Enforcement, by Profession, 2014–2018



Furthermore, although not enough data exist to show trends, of the 674 cases of criminal blasphemy enforcement around the globe during the study period, 11 persons were reported to have had physical or mental disabilities, 10 were illiterate, and 18 were reported to have converted. The 18 conversion cases were charged with blasphemy crimes in Yemen, Egypt, Iran, Saudi Arabia, Algeria, and Sri Lanka.

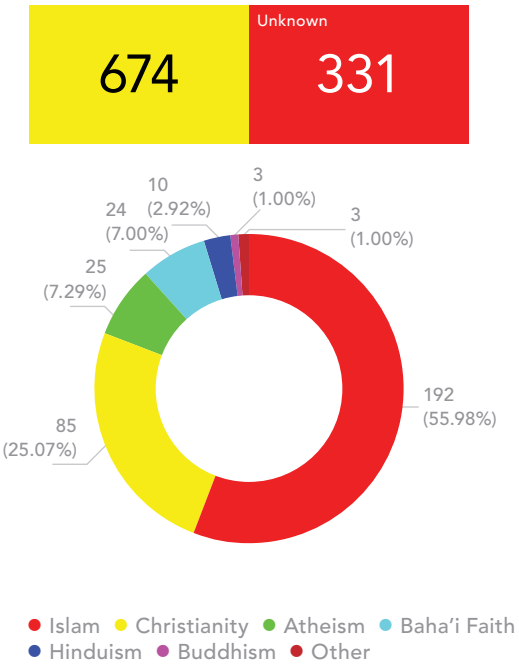
Religious or Belief Identities

In identifying the religious or belief identities of the accused, the researchers' goal was to document as many details on the accused's and the majority's religions to identify possible trends of interreligious vs. intra-religious conflict. In half of the reported cases, researchers could not identify the religion or belief of the person accused of blasphemy crimes. When that information was available, however, most accused persons were Muslim, representing 56% (192 of 343) of

those reported cases. Researchers identified this trend despite the likelihood that news sources underreport blasphemy cases against Muslims.

Of accused Muslims, Shia are the largest Muslim group identified (51%), followed by Sunni (8%), Gafatar (6%), Tijaniyya (5%), Ahmadi (5%), and Salafists (2%). Christians accounted for 25% of accused persons, and, where specific denominations were reported, included Copts (14%), Catholics (6%), Protestants (5%), Adventists (2%), Jehovah's Witnesses (2%), Pentecostals (2%), and Evangelicals (1%). Other groups frequently targeted for enforcement, where identified, included Atheists (7%), Baha'is (7%), and Hindus (3%).

Figure 8. Percentage of Reported Cases of Criminal Blasphemy Enforcement, by Belief Identity, 2014–2018



Note: The three "other" religions and belief systems accused of blasphemy are inter-universal Mysticism (known in Persian as Erfan-e-Halgheh), neo-Paganism, and Voodooism.

Figure 9. Percentage of Reported Cases of Criminal Blasphemy Enforcement, by Muslim Sect, 2014–2018

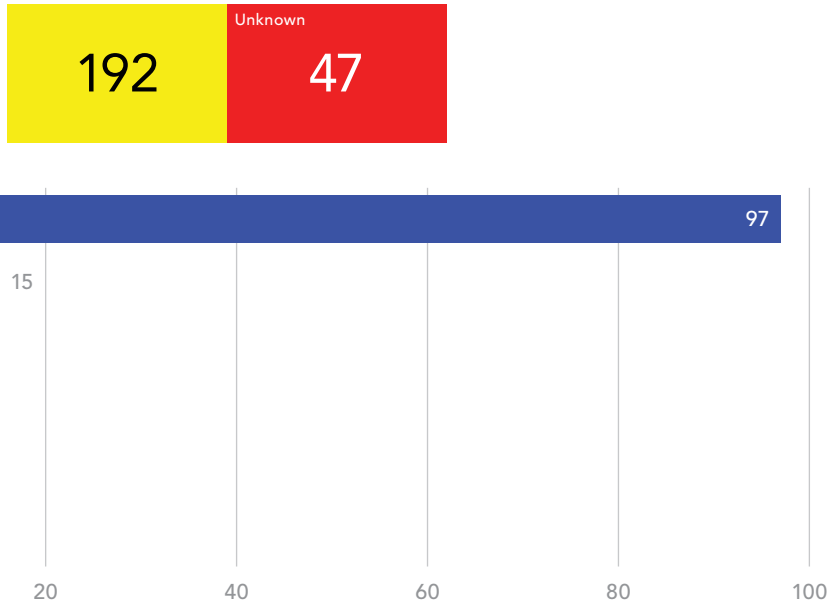
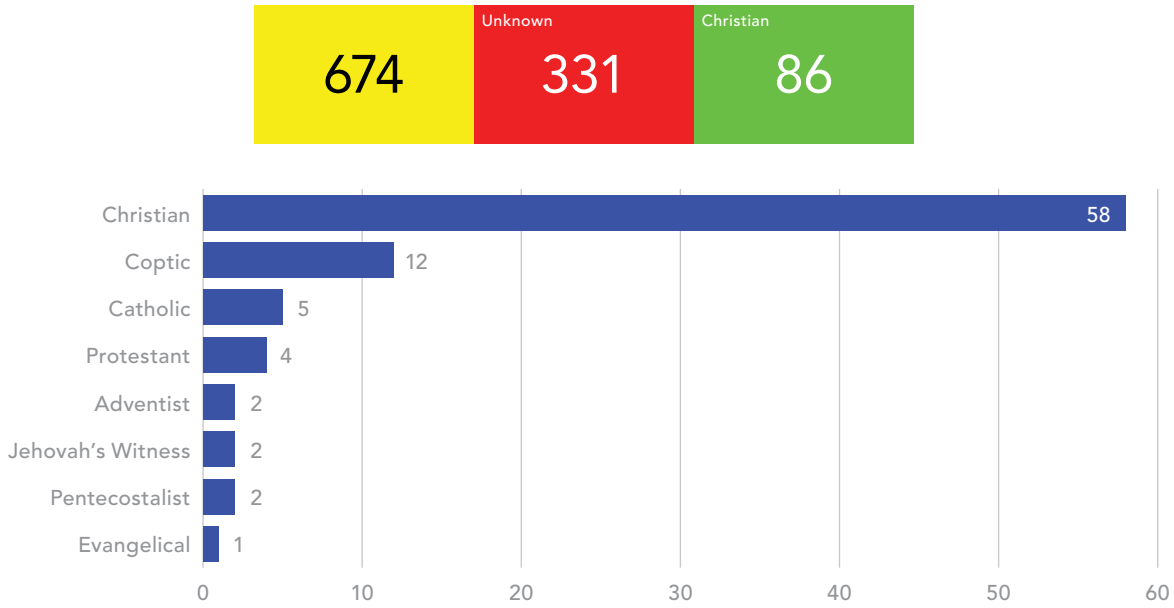


Figure 10. Percentage of Reported Cases of Criminal Blasphemy Enforcement, by Christian Sect, 2014–2018



Accusers

Although the researchers did not find enough data to distinguish trends, secondary sources most often reported that private citizens, state actors, political figures, non-governmental organizations (NGOs) or associations, and religious leaders accused individuals of blasphemy crimes during the study period.

EXTRAJUDICIAL STATE VIOLENCE AGAINST ACCUSED BLASPHEMERS

Researchers noted incidents in which state officials allegedly committed acts of violence, including torture or cruel, inhuman, and degrading treatment or punishment, against accused blasphemers in Pakistan,[59] Iran,[60] Algeria,[61] and Egypt.[62]

In addition to torture, state officials reportedly subjected accused individuals to cruel, inhuman and degrading treatment while in custody in Iran,[63] Kazakhstan,[64] Kuwait,[65] Oman, Pakistan,[66] Russia,[67] Saudi Arabia[68] and Sri Lanka.[69] Alleged blasphemers were subjected to threats or actual forced psychiatric evaluations;[70] forced confessions;[71] and bribes, threats, and sexual harassment.[72] In other cases, the state detained accused persons in harsh conditions, including prolonged solitary confinement[73] and confinement past the completion of a prison sentence.[74] State officials also reportedly denied medical care, such as first aid,[75] to persons accused of blasphemy crimes.

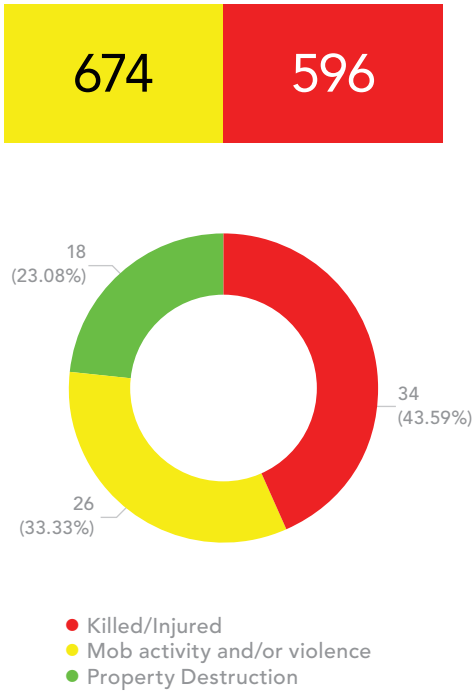
Human Rights Due Process Violations

In addition to state-sponsored violence against alleged blasphemers, researchers found several criminal blasphemy law enforcement cases with reported state due process violations, such as no access to counsel,[76] illegal detentions,[77] including detentions without charges or trial,[78] and unfair trials.[79] At least one due process violation was reported in Bangladesh,[80] Egypt,[81] India,[82] Iran,[83] Mauritania,[84] Oman, Pakistan, Russia,[85] Saudi Arabia,[86] Spain, Sri Lanka, Sudan,[87] and Yemen.[88]

State Enforcement and Mob Violence

When states enforce their laws, situations of mob activity, threats, and violence can also occur. Mob violence accompanied state enforcement in 78 cases against alleged blasphemers. Such incidents took place in Pakistan (24), Egypt (12), Nigeria (11), Bangladesh (9), Indonesia (7), Jordan (5), Russia (2), Algeria (2), Malaysia (2), and one incident in Kuwait (1), Mauritania (1), Saudi Arabia (1), and Sudan (1).

Figure 11. Reported Incidents of Mob Activity, Mob Violence and/or Threats of Mob Violence with State Law Enforcement of Criminal Blasphemy Cases, by Percentage, 2014–2018



In a significant number of cases, news sources reported that additional harms—including deaths, injuries, destruction of property (*e.g.*, homes or places of worship)—accompanied reported cases of criminal blasphemy enforcement.

Figure 12. Reported Incidents of Mob Activity, Mob Violence and/or Threats of Mob Violence, by Country, 2014–2018

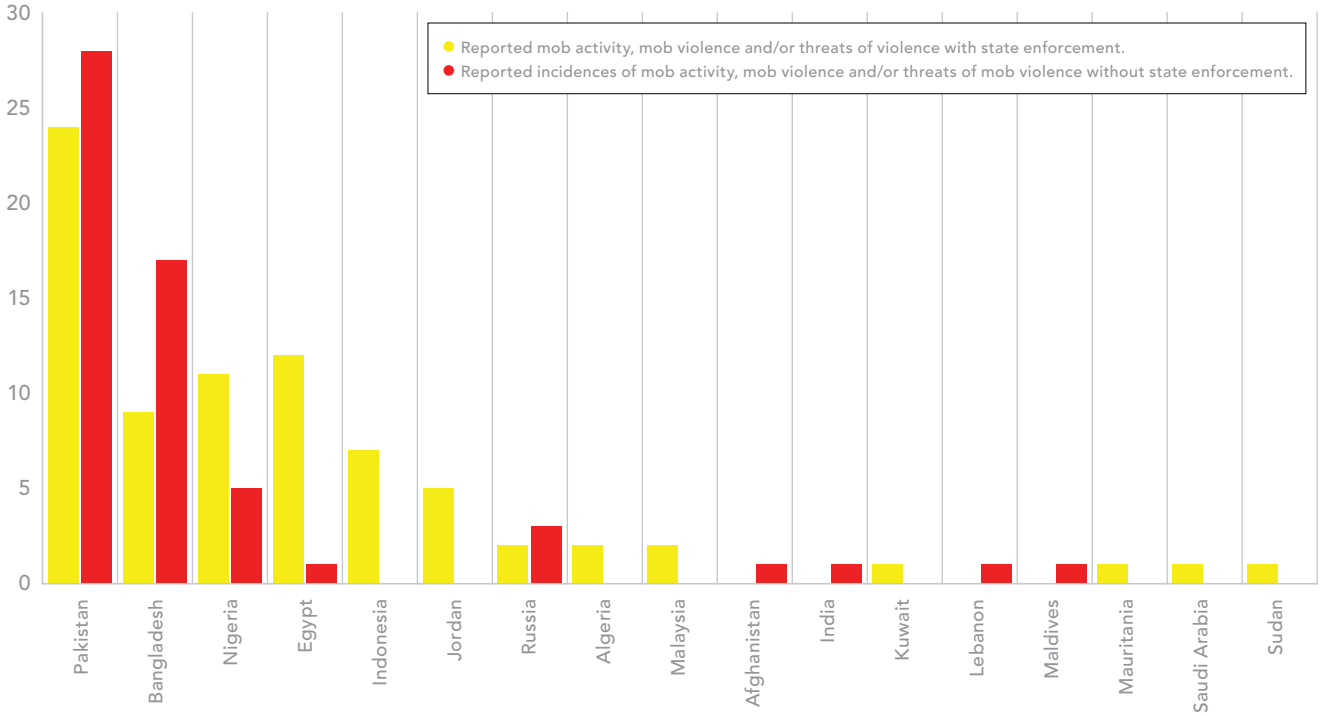


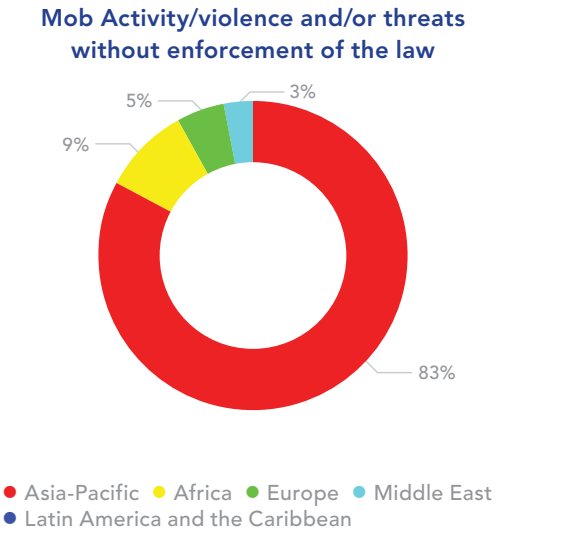
Table 2. Incidents with Mob Activity, Mob Violence, and/or Threats of Violence, by Country

State	Mob activity, mob violence, and/or threats of violence when state enforced the law	Mob activity, mob violence, and/or threats of violence when state did not enforce the law	Total
Pakistan	24	28	52
Bangladesh	9	17	26
Nigeria	11	5	16
Egypt	12	1	13
Indonesia	7	0	7
Jordan	5	0	5
Russia	2	3	5
Algeria	2	0	2
Malaysia	2	0	2
Afghanistan	0	1	1
India	0	1	1
Kuwait	1	0	1
Lebanon	0	1	1
Maldives	0	1	1
Mauritania	1	0	1
Saudi Arabia	1	0	1
Sudan	1	0	1
Total Incidents	**78**	**58**	**136**

In 136 reported incidents found from 2014 through 2018, mob violence or the threat of mob violence accompanied criminal blasphemy accusations. In 78 (or 12%) of total reported cases of state enforcement, mob activity, mob violence, and/or the threat of mob violence accompanied enforcement against the alleged blasphemers. The remaining 58 reported incidents—involving one or more victims—were not technically cases of state enforcement of criminal laws against alleged blasphemers. Rather, these incidents were acts of private, non-state actor enforcement through mob violence or imminent threats of mob violence without state intervention.

Figure 13. Reported Incidents of Mob Activity, Mob Violence and/or Threats of Mob Violence without State Criminal Blasphemy Law Enforcement, by Country, 2014–2018

Pink circles represent mob activity, mob violence, and/or threats of mob violence without state enforcement.



Recognizing that such threats were a recurring pattern in some states during blasphemy-related incidents, researchers included such cases in the study to demonstrate the extrajudicial forms of enforcement commonly used against alleged blasphemers, even if not technically state enforcement. These cases support the idea that state enforcement of a criminal blasphemy law on the books can embolden individuals or communities to take the law into their own hands against alleged blasphemers. Often, the state acquiesced to acts or threats of mob violence, reinforcing and legitimizing extrajudicial violence against alleged blasphemers.

Case Study: Mauritania

States Detaining to "Protect" Alleged Blasphemers

States sometimes exploit mob violence, or the threat of it, as an argument to defend robust criminal blasphemy law enforcement. For example, Mauritanian President Mohamed Ould Abdel Aziz claimed to detain blogger Mohamed Ould Cheikh Mkhaitir for "security purposes" to protect him from mob violence.[89] The President argued that imprisonment was necessary to ensure citizen safety and public order. In June 2019, just before Mkhaitir's release,[90] President Abdel Aziz declared: "We know that from the point of the view of the law, he should be freed, but ... millions of Mauritanians took to the streets to demand his execution. His release would mean that chaos would be allowed to take root in the country."[91] Here, the individual accused of blasphemy bears the consequences of the state's failure both to protect individual rights and to ensure public order against private (mob) violence.

The very existence of criminal blasphemy laws may empower individuals and groups to feel justified in acting themselves to enforce them. Especially if the criminal justice system suffers from a credibility deficit, society may sympathize with those who take "justice" into their own hands.[92] If the state is deemed ineffective, enacting justice according to one's moral or religious belief is perceived as acceptable, even if done through illegal violence—and the state's monopoly over the use of force is weakened. Such circumstances can undermine a coherent message from the state.

State passivity during mob violence incidents can be explained in several ways. First, some state officials may well fear violent retaliation from mobs if they attempt to defuse tensions within crowds.[93] Weakened, the state bodies can find themselves ill-equipped to handle these situations. Second, some state actors sympathize with mob protests and imminent threats of violence.[94]

Finally, in some tense contexts, state officials and lawyers can be wary of getting involved, as discussing the problem of blasphemy can lead to an accusation.[95] Judges face intimidation, political pressures, and threats.[96] High level state officials even have been executed. For example, in January 2011, Punjab Governor Salman Taseer was shot dead by one of his bodyguards.[97] Two months later, Pakistani Minorities Minister Shahbaz Bhatti also was assassinated.[98] Both men had called for reform of Pakistan's blasphemy laws and spoke out in defense of accused blasphemer Asia Bibi.[99]

Additionally, lawyers have been targets of threats and violence. In Pakistan, lawyers take great personal risks for defending individuals suspected of blasphemy and have been murdered for representing alleged blasphemers.[100] For example, Bibi's lawyer Saiful Malook received numerous death threats.[101] In 2014, Junaid Hafeez, the lawyer of accused blasphemer Rashid Rehman was murdered in his office.[102] Furthermore, opposing the state prosecution of blasphemy cases may be perceived as opposing state interests.[103]

First Information Reports

Related to private threats or acts of violence against alleged blasphemers, in some countries private citizens can file complaints called "First Information Reports," or "FIRs," that can initiate criminal blasphemy law enforcement. Once an individual lodges an FIR, the police determine whether or not to initiate an investigation into an alleged blasphemous act. This process exists in several countries, including Bangladesh,[104] Burma,[105] India,[106] Pakistan,[107] and Singapore,[108] but FIR cases involving blasphemy allegations were predominantly found in India.

Given that any citizen can make such a complaint, blasphemy FIRs also can be used as a pretext to harass or threaten individuals, as well as to damage the reputations of celebrities and/or prominent media-personalities.[109]

Researchers found many FIRs alleging blasphemy in India but did not register these complaints as cases when the FIR did not lead to affirmative state action. Thus, cases in India are likely an undercount of instances where individuals in India were alleged to have committed blasphemy.

Case Study: Russia

Chilling Free Expression and State Intimidation in the Name of Christian Orthodoxy

Threats of blasphemy allegations and "Orthodox activist'" movements chill artistic and cultural expression in Russia.[110] Not only do blasphemy laws curtail the free exchange of ideas among citizens in forums such as Vkontakte, Facebook, and Instagram, but larger media outlets and well-known purveyors of culture such as film directors and museum curators can find themselves facing the consequences of blasphemy law enforcement.

In 2015, Dmitry Enteo and other "Orthodox activists" raided an art exhibit in Central Moscow. Citing Article 148, the activists smashed statues that they claimed offended religious feelings.[111] The government reviewed the artwork to determine whether or not it violated the law.[112] This vigilante act and the state's subsequent review of the art—rather than prosecution of the destruction of the art—threaten the right to free expression in the country.

Further, in 2017, "Orthodox activists" protested the release of a movie, "Matilda," about Tsar Nikolai II's affair with a ballerina. Because the Tsar is canonized, some Russians perceived the movie's content as offensive to religious feelings. In one instance, a man drove a car into a movie theater that was set to show the film.[113] In another incident, "Orthodox activists" threw Molotov cocktails into the film director Aleksei Uchitel's studio and later set cars in front of his lawyer's office on fire.[114] Natalya Poklonskaya, a Duma member, actively supported calls to ban the film, but other members of the Russian government actively spoke out against her and ensured the film's release. President Vladimir Putin said that no one was trying to ban "Matilda" and "urge[d] everyone to have a dialogue within the framework of decency and, most importantly, within the law."[115]

These violent incidents reveal that state enforcement and violence over blasphemy allegations can occur also in Christian majority states.

OFFICIAL STATE RELIGIONS AND CRIMINAL BLASPHEMY ENFORCEMENT

The researchers explored whether the existence of an official state religion led to increased criminal blasphemy enforcement. Notably, not all states with official state religions have laws criminalizing blasphemous conduct.

States with State Religions[116] without Criminal Blasphemy Laws
Armenia, Bhutan, Cambodia, Costa Rica, Denmark (repealed), Djibouti, Dominican Republic, Greece (repealed), Iceland (repealed), Malta (repealed), Monaco, Norway (repealed), Tuvalu, United Kingdom, Western Sahara.

Of the 41 states in which researchers found reported cases of criminal blasphemy law enforcement, nearly half of those states (20 of 41) have official state religions. When it comes to enforcement, however, two-thirds, or 67%, of cases of enforcement are in states with official state religions, while only one-third, or 33%, are in states that do not have official state religions. Thus, states with official state religions and criminal blasphemy law enforcement tended, on average, to enforce against alleged blasphemers more than states that do not have official state religions during the study period.

There were more reported cases of state enforcement and incidents of violence in states with criminal blasphemy laws and official state religions (503) as opposed to those with criminal blasphemy laws without official state religions (227). All countries with reported blasphemy law enforcement and incidents of violence are states with Islam as their official state religions. In other words, 503 of 674, or 75%, of all reported cases and incidents found were in countries where Islam is the official state religion.

Figure 14. Countries with Official State Religion, 2014–2018

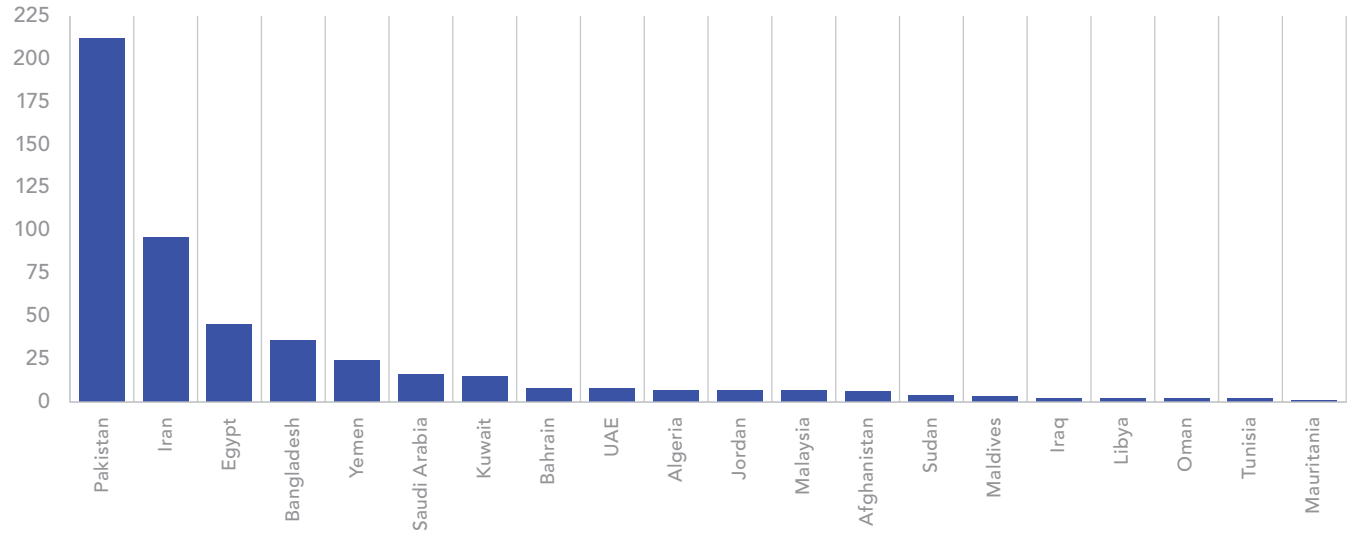
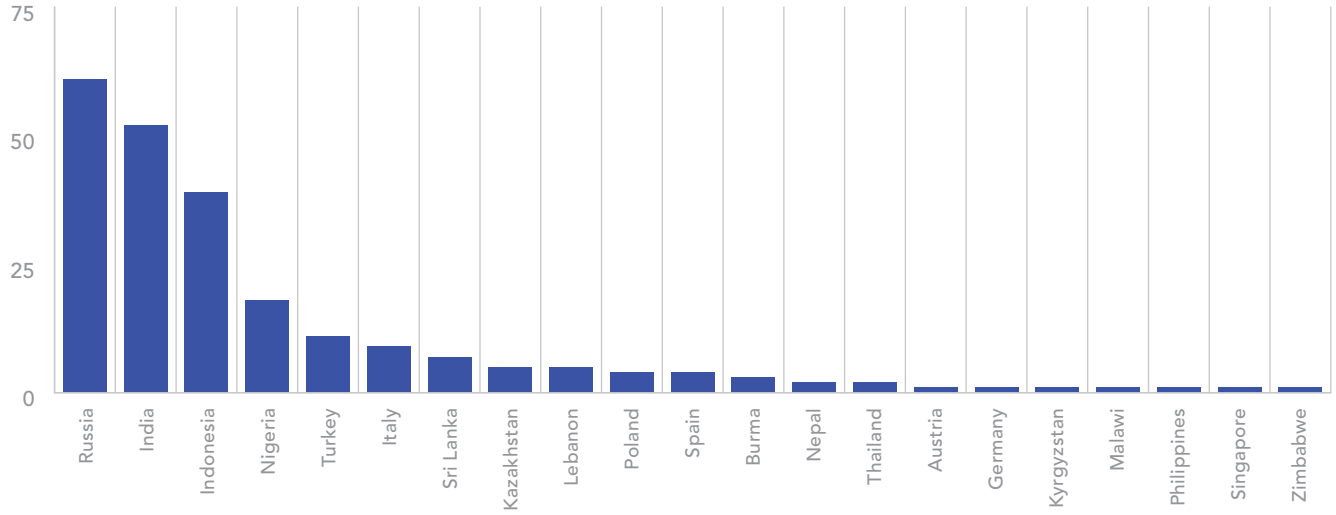


Figure 15. Countries without Official State Religion, 2014–2018



The top three (3) countries in which blasphemy laws are enforced, but where there is no official state religion, are Russia, India, and Indonesia.[117]

BLASPHEMY AND SOCIAL MEDIA

When examining the facts in social media-implicated cases, a few findings are notable. Social media platforms are widely accessible communications mechanisms that facilitate the dissemination and receipt of information. Thus, social media increases the possibility that an individual might have access to a "blasphemous" image to share, providing a platform for individuals to engage in conduct that may be deemed blasphemous. Due to functions on social media platforms such as "liking,"[118] "sharing,"[119] or "saving"[120] images, a single "blasphemous" act, such as the posting of an image, can quickly multiply and implicate others who engage with the post.

Social media's amplification of alleged blasphemous acts facilitates the ability of state authorities—and in some cases private actors, such as religious leaders or community members—to identify, investigate, and otherwise enforce against blasphemous conduct. For private actors, these platforms also offer communication methods and amplification tools to organize, incite, and threaten mob violence against alleged blasphemers. Finally, social media blurs the distinction between the public and private spheres, permitting the state to enforce against conduct that may never have been intended for public consumption or widespread dissemination.

Of the criminal blasphemy law enforcement cases identified, 184 (27%) reported that social media played a role in the case.[121]

Figure 16. Criminal Blasphemy Enforcement Cases Related to Social Media, by Percentage, 2014–2018

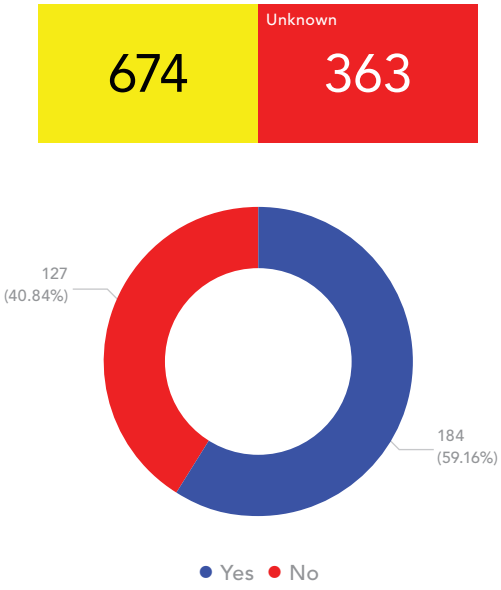
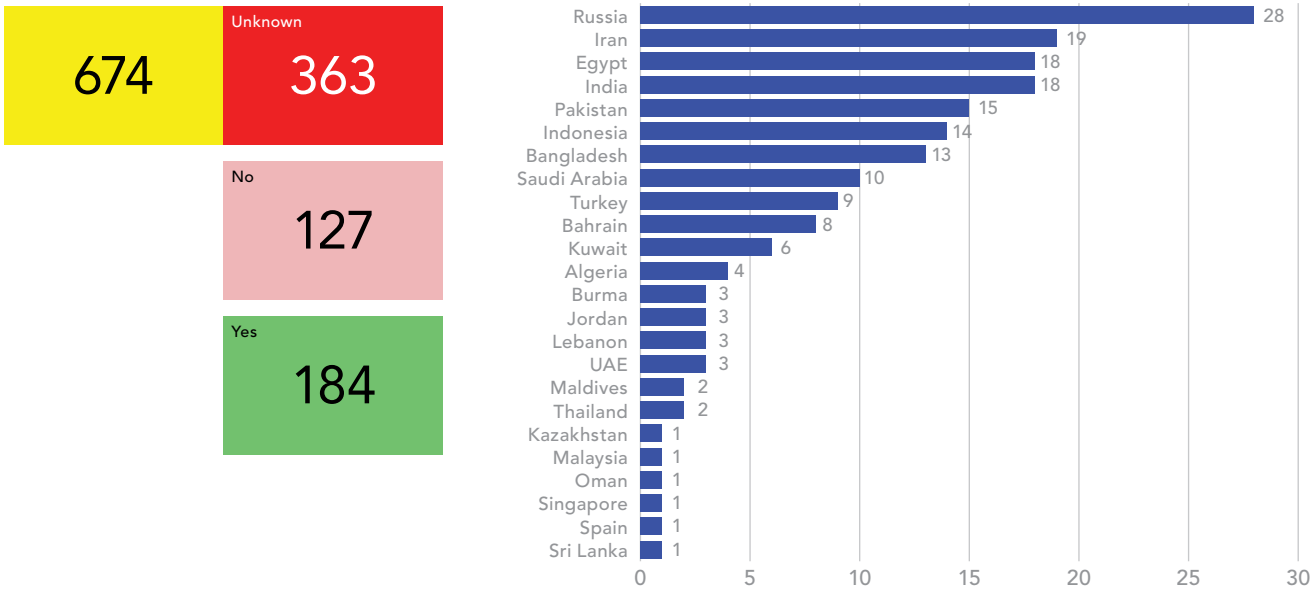
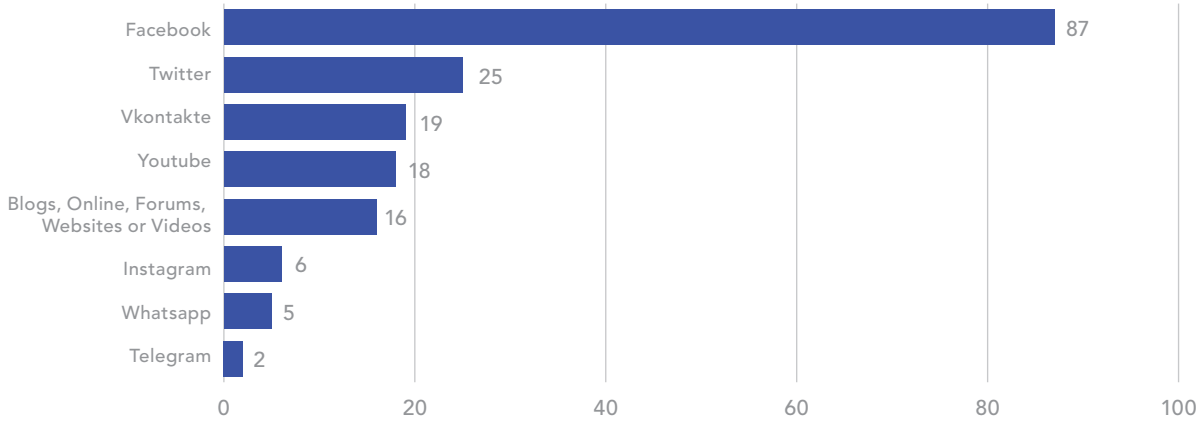


Figure 17. Criminal Blasphemy Enforcement Cases Related to Social Media, by Country, 2014–2018



Of the enforcement cases and incidents in which social media was implicated, Facebook was involved in nearly half (87, or 47%) of the cases. Less frequently, but also implicated, were Twitter, Vkontakte, YouTube, Instagram, WhatsApp and Telegram.

Figure 18. Criminal Blasphemy Enforcement Cases Related to Social Media, by Platform, 2014–2018



Smart Pakem, a new Google Smartphone Application to Report Alleged Blasphemous Conduct in Indonesia:[122]

In Indonesia, recent trends indicate that blasphemy enforcement is often politically motivated against opponents.[123] Enforcement along ethnic identity lines is frequent. In addition to Ahmadis, ethnic Chinese Indonesians have been targeted for allegedly committing blasphemy crimes.[124]

In 2018, the Indonesian government launched *Smart Pakem*, a smartphone app allowing individuals to report cases of "religious heresy," which include acts deemed blasphemous, to the authorities.[125] Google approved the app and permitted free downloads on Google Play.[126] Public outcries ensued and the initiative was short lived. At the time of writing of this report, the application was no longer accessible for download in Indonesia.

Indonesia recognizes and protects six official sects and religions, including Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. The *Smart Pakem* app described other religious groups such as Ahmadiyah, Shia, and Gafatar as having "deviant teachings."[127] This smartphone app, although short lived, was problematic because: (1) the Indonesian government facilitated private sector surveillance against its citizenry; and (2) private companies like Google facilitated state criminal law enforcement that leads to human rights violations.

NOTES

1 Researchers excluded from the study cases in countries that have repealed their criminal blasphemy laws during the study period, even if there was enforcement: Iceland (2015), Norway (2015), a province of France (Alsace-Moselle) (2016), Malta (2016), Denmark (2017), Ireland (2018), Canada (2018), New Zealand (2019), Greece (2019), and Scotland (2020).Thus, these numbers likely underestimate the actual reported cases of criminal blasphemy law enforcement globally.

2 Researchers searched primary and secondary sources, but did not find any cases of criminal blasphemy law enforcement in: Andorra, Antigua & Barbuda, Botswana, Brazil, Brunei, Cameroon, Cape Verde, Comoros, Cyprus, Eritrea, Ethiopia, Finland, Gambia, Grenada, Guyana, Israel, Jamaica, Kenya, Liechtenstein, Mauritius, Moldova, Montenegro, Morocco, Northern Ireland, Papua New Guinea, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Scotland, Seychelles, Somalia, South Sudan, Suriname, Switzerland, Syria, Tajikistan, Tanzania, Trinidad & Tobago, Turkmenistan, Ukraine, Uzbekistan, Vanuatu, and Zambia.

3 One case was found in the following countries: Austria, Germany, Kyrgyzstan, Malawi, Mauritania, Philippines, Singapore, and Zimbabwe. *See* Figure 3.

4 In 2017, Mashal Khan, a student at Abdul Wali Khan University Mardan was beaten to death by an angry mob of students and staff who accused him of posting blasphemous content online. The incident was recorded by onlookers who posted the content on Facebook. *See* Shamil Shams, *Pakistan Journalism Student Latest Victim of Blasphemy Vigilantes*, Deutsche Welle (Apr. 15, 2017), https://www.dw.com/en/pakistan-journalism-student-latest-victim-of-blasphemy-vigilantes/a-38433834.

5 Reuters Staff, *Gunmen Kill Pakistani Lawyer Defending Blasphemy Case*, Reuters (May 8, 2014), https://www.reuters.com/article/us-pakistan-blasphemy-idUSBREA4709N20140508.

6 Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/.

7 Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/.

8 Muhammed Asghar was shot in his jail cell by a guard in 2014. *See* Waqar Gillani, *Pakistani Guard Shoots Prisoner Convicted of Blasphemy*, New York Times (Sept. 25, 2014), https://www.nytimes.com/2014/09/26/world/asia/pakistan-blasphemy-laws-prison-shooting-rawalpindi.html. In 2020, Tahir Ahmad Naseem was murdered in the courtroom during his trial. *See* Secunder Kermani, *Pakistan Blasphemy: Gunman Shoots Accused Dead in Court*, BBC (July 29, 2020), https://www.bbc.com/news/world-asia-53582578.

9 In 2018, Patras Masih was accused of sharing a blasphemous image in a Facebook messenger group. A large mob came to his village and threatened to lynch Masih, causing more than 800 Christian residents to flee the village. The police arrested Masih and interrogated his cousin, Sajid. The police reportedly beat Sajid while in custody and attempted to force him to perform oral sex on Masih, but Sajid instead jumped out of a fourth-floor window, attempting suicide in response to the police threats of sexual violence. *See* Asif Aqeel, *Pakistan Blasphemy Suspect Says He Jumped from Fourth Floor to Escape Forced Sex Act*, World Watch Monitor (Feb. 26, 2018), https://www.worldwatchmonitor.org/2018/02/pakistan-blasphemy-suspect-says-he-jumped-from-fourth-floor-to-escape-forced-sex-act/.

10 *Asia Bibi: Still A 'Prisoner' in Pakistan?*, DW (April 5, 2019), https://www.dw.com/en/asia-bibi-still-a-prisoner-in-pakistan/a-48228427.

11 Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/.

12 *Asia Bibi: Pakistani Court Upholds Acquittal Decision*, DW (Jan. 29, 2019), https://www.dw.com/en/asia-bibi-pakistani-court-upholds-acquittal-decision/a-47272482.

13 Helen Haft, *Shahbaz Bhatti's Murder Cannot Remain Uninvestigated*, The Nation (Mar. 4, 2020), https://www.thenation.com/article/world/shahbaz-bhattis-murder-anniversary/.

14 Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/.

15 *The Boy Accused of Blasphemy Who Cut off His Hand*, BBC News (Jan. 19, 2016), https://www.bbc.com/news/world-asia-35341256.

16 Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/.

17 *The Boy Accused of Blasphemy Who Cut off His Hand*, BBC (Jan. 19, 2016), https://www.bbc.com/news/world-asia-35341256.

18 Helen Haft & Joelle Fiss, *How Pakistan's Blasphemy Laws Trigger Violence*, Free Speech Debate (Dec. 10, 2019), https://freespeechdebate.com/2019/12/how-pakistans-blasphemy-laws-trigger-violence/.

19 *See* Kurdistan Human Rights, *Zhakan Baran Was Released on Bail*, Kurdpa (Apr. 10, 2019); *see also* Saeed Kamali Dehghan, *Briton among Eight Jailed in Iran for Web Insults*, Guardian (May 27, 2014), https://www.theguardian.com/world/2014/may/27/briton-eight-jailed-iran-web-insults-facebook?CMP=twt_gu:.

20 G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966) https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf; https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf Article 18 of the ICCPR: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

21 *See*, e.g., In the Maldives in 2018, Aishath Velezinee was arrested upon her return to the Maldives for "causing disregard for Islam." The charges were based off of videos she posted. The Islamic Ministry declared her an apostate and her statements blasphemous. She was arrested under Article 617 of the penal code, which punishes blasphemy rather than apostasy. *See Whistleblower Declared an Apostate Arrested on Return to Maldives*, Maldives Independent (Nov. 14, 2018), https://maldivesindependent.com/society/whistleblower-declared-an-apostate-arrested-on-return-to-maldives-142644.

22 *Man "sentenced to death for atheism" in Saudi Arabia*, Independent (Apr. 26, 2017), *available at* https://www.independent.co.uk/news/world/middle-east/saudi-arabia-man-sentenced-death-atheism-ahmad-al-shamri-hafar-al-batin-appeal-denied-a7703161.html (last visited Oct. 29, 2020).

23 Ferdaouis Bagga & Kirsten Lavery, U.S. Commission on International Religious Freedom, *Apostasy, Blasphemy, and Hate Speech Laws in Africa* 16 (2019), https://www.uscirf.gov/reports-briefs/special-reports/apostasy-blasphemy-and-hate-speech-laws-in-africa.

24 *See* Ferdaouis Bagga & Kirsten Lavery, U.S. Commission on International Religious Freedom, *Apostasy, Blasphemy, and Hate Speech Laws in Africa* 7 (2019), https://www.uscirf.gov/reports-briefs/special-reports/apostasy-blasphemy-and-hate-speech-laws-in-africa. *See also*, that in recent years, some very high-profile cases of apostasy were difficult to ignore for the researchers, even if such cases go beyond the subject of this report. The Library of Congress "surveys the apostasy laws of twenty-three countries in Africa, the Middle East, South Asia, and Southeast Asia and primarily focuses on jurisdictions that make apostasy, or renouncing one's religion, a capital offense." *Laws Criminalizing Apostasy*, Library of Congress, https://www.loc.gov/law/help/apostasy/index.php#summary.

25 In July 2020, Sudan's transitional government repealed its apostasy law by adopting the Fundamental Rights and Freedoms Act and ending flogging, which was a punishment previously included in its blasphemy law. See *USCIRF Applauds Sudan's Repeal of Apostasy Law through Passage of New Fundamental Rights and Freedoms Act*, U.S. Commission International Religious Freedom (July 15, 2020), https://www.uscirf.gov/news-room/press-releases-statements/uscirf-applauds-sudan-s-repeal-apostasy-law-through-passage-new.

26 *See* Ferdaouis Bagga & Kirsten Lavery, U.S. Commission on International Religious Freedom, *Apostasy, Blasphemy, and Hate Speech Laws in Africa* 7 (2019), https://www.uscirf.gov/reports-briefs/special-reports/apostasy-blasphemy-and-hate-speech-laws-in-africa; *see also USCIRF Applauds Sudan's Repeal of Apostasy Law through Passage of New Fundamental Rights and Freedoms Act,* U.S. Commission on International Religious Freedom (Jul. 15, 2020), https://www.uscirf.gov/news-room/press-releases-statements/uscirf-applauds-sudan-s-repeal-apostasy-law-through-passage-new.

27 *See* Ferdaouis Bagga & Kirsten Lavery, U.S. Commission on International Religious Freedom, *Apostasy, Blasphemy, and Hate Speech Laws in Africa* 31 (2019), https://www.uscirf.gov/reports-briefs/special-reports/apostasy-blasphemy-and-hate-speech-laws-in-africa.

28 *See* Annex 2, Sudan Criminal Code, The Criminal Act of 1991 Part XIII [Offenses Relating to Religions] Art. 125 [Insulting Religious Creeds].

29 Kirsten Lavery, U.S. Commission on International Religious Freedom, *Legislation Factsheet: Conversion Laws* 1 (Dec. 2018), https://www.uscirf.gov/sites/default/files/Legislation%20Factsheet%20-%20Conversion%20Laws_0.pdf.

30 *See* Annex 2, *Nepal Penal Code*, Article 158.

31 *See* Annex 2, *Nepal Penal Code*, Art. 158.

32 *Nepal 2018 International Religious Freedom Report*, Office of International Religious Freedom, Department of State 6 (2018), https://www.state.gov/reports/2018-report-on-international-religious-freedom/nepal/.

33 This could be a further area of study. For example, Nepal's new anti-conversion laws are worded and enforced in such a way as to suggest that they may also be applied as anti-blasphemy enforcement measures. See Annex 2, *Nepal Penal Code*, Article 158. *See also* Bhim Bahadur Pradhan and Nabin Kumar Mandal, who were arrested for preaching and thus "offending" religious feelings. *Pressure on Christians Heats up in Nepal*, Evangelical Focus (Jul. 16, 2018), https://evangelicalfocus.com/world/3670/Pressure-on-Christians-heats-up-in-Nepal.

34 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 6 (2017). *See* Article 18 of the ICCPR: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions." *See also* Article 20 (2) of the ICCPR: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966) https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf.

35 *See* Annex 2, *United Arab Emirates*, Federal Decree Law No. 2 of 2015, Article 4: "Any person who commits any of the following acts shall be sentenced for the crime of blasphemy: 1- Offending, showing contempt or irreverence toward the Divine Entity. 2- Offending, insulting, challenging, defaming or disrespecting any religion or any of its rituals or sacred things, or disrupting or preventing licensed religious observances or ceremonies by violence or threat. 3- Distorting, destroying, desecrating or insulting, in any way, any of the holy books. 4- Insulting, disrespecting, offending or defaming one of the messengers or their spouses, family or companions. 5- Destroying, damaging or desecrating the sanctity of places of worship, cemeteries or graves, appurtenances or any of their contents."

36 UAE Law No. 2 of 2015, Article 3, http://ejustice.gov.ae/downloads/latest_laws2015/FDL_2_2015_discrimination_hate_en.pdf.

37 Human Rights Council Res. 34/18, U.N. Doc. A/74/486, ¶ 10 (Oct. 9, 2019), https://www.ohchr.org/Documents/Issues/Opinion/A_74_486.pdf.

38 Human Rights Council Res. 34/18, U.N. Doc. A/74/486, ¶ 21 (Oct. 9, 2019), https://www.ohchr.org/Documents/Issues/Opinion/A_74_486.pdf.

39 *See Freedom of Religion or Belief*, Art. 19, https://www.article19.org/issue/freedom-of-religion-or-belief/, "The rights to freedom of expression and freedom of religion or belief are very closely related, both being "neighbours" in Articles 19 and 18 of the Universal Declaration of Human Rights, respectively. Despite a common misperception that these rights stand in opposition to one another, both rights are essential ingredients to free and democratic societies." *See* also John Locke, Letter Concerning Toleration (1689), http://www.let.rug.nl/usa/documents/1651-1700/john-locke-letter-concerning-toleration-1689.php. "Every man has commission to admonish, exhort, convince another of error, and, by reasoning, to draw him into truth; but to give laws, receive obedience, and compel with the sword, belongs to none but the magistrate. And, upon this ground, I affirm that the magistrate's power extends not to the establishing of any articles of faith, or forms of worship, by the force of his laws. For laws are of no force at all without penalties, and penalties in this case are absolutely impertinent, because they are not proper to convince the mind. Neither the profession of any articles of faith, nor the conformity to any outward form of worship (as has been already said), can be available to the salvation of souls, unless the truth of the one and the acceptableness of the other unto God be thoroughly believed by those that so profess and practice. But penalties are no way capable of producing such belief. It is only light and evidence that can work a change in men's opinions, which light can in no manner proceed from corporal sufferings, or any other outward penalties."

40 Commonly known in the United States as "hate speech laws," even if this formulation is vague from a legal point of view.

41 In 2018, Putin partially decriminalized Article 282 of Russia's Criminal Code on the Incitement of Hatred or Enmity, relaxing the rules for first-time offenders. *See Putin Softens Jail Terms for 'Extremist' Memes*, Moscow Times (Dec. 28, 2018), https://www.themoscowtimes.com/2018/12/28/putin-softens-jail-terms-for-posting-extremist-memes-a63989. However, prior to its decriminalization, many Russians were charged under the law for "blasphemous" activities and the possible sentence exceeds the sentence under Russia's traditional blasphemy law Article 148. See Article 282 Criminal Code of the Russian Federation, No. 63-FZ of June 13, 1996, https://www.legislationline.org/documents/id/4028: "Article 282. Incitement of Hatred or Enmity, as Well as Abasement of Human Dignity, 1. Actions aimed at the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group, if these acts have been committed in public or with the use of mass media, shall be punishable by a fine in the amount of 100 to 300 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of 1 to 2 years, or by deprivation of the right to hold specified offices or to engage in specified activities for a term of up to 3 years, or by compulsory works for a term of up to 180 hours, or by corrective works for a term of up to 1 year, or by deprivation of liberty for a term of up to 2 years. 2. The same deeds committed: a) with the use of violence or with the threat of its use; b) by a person through his official position; c) by an organized group, shall be punishable by a fine in the amount of 100,000 to 500,000 rubles or in the amount of the wage or salary, or any other income of the convicted person for a period of 1 to 3 years, or by deprivation of the right to hold specified offices or to engage in specified activities for a term of up to 5 years, or by compulsory works for a term of 120 to 240 hours, or by corrective works for a term of 1 to 2 years, or by deprivation of liberty for a term of up to 5 years."

42 *See* Annex 2, *Russia*, Federal Law No. 136-FZ dated 29 June 2013 of the Russian Federation Moscow, Article 148; *Russia*, End Blasphemy Laws (Sept. 2, 2020), https://end-blasphemy-laws.org/countries/europe/russia/.

43 Eleven cases were charged under Art. 5.26 of Russia's administrative code. *See* Annex 2, Russia Art. 5.26 Administrative Code.

44 For example, Danil Markin and Maria Motuznaya were charged under Article 148 and Article 282 for posting religious memes after being reported on by two students, Daria Isaenko and Anastasya Bitner. *See Voskreshenie Dzhona Snoa kak Oskorbleniya Chuvstv*, Meduza (Jul. 30, 2018), https://meduza.io/feature/2018/07/30/dvuh-zhiteley-barnaula-obvinyayut-v-ekstremizme-iz-za-memov-vo-vkontakte-zayavleniya-na-nih-podali-odni-i-te-zhe-studentki-yurfaka.

45 *See* Yulia Gorbunova and Anastasia Ovsyannikova, *In Russia, Thou Shalt Not Disagree with the Orthodox Church*, Human Rights Watch (Nov. 18, 2016), https://www.hrw.org/news/2016/11/18/russia-thou-shalt-not-disagree-orthodox-church.

46 The law from 2016 to 2018, allowed for between 2 and 5 years in prison as punishment. *See* Peter Roudik, *Russia: Strengthening of Punishment for Extremism*, Library of Congress (Jul. 18, 2016), https://www.loc.gov/law/foreign-news/article/russia-strengthening-of-punishment-for-extremism/.

47 Anastasia Gnedinskaya, *Laiknul - v Tyurmu - shto stoit za ugolovnymy delamy po state 282*, RIA Novosti (Aug. 20, 2018), https://ria.ru/20180820/1526668130.html.

48 *Ekstremistskie Materialy*, Ministerstvo Iustitsii Rossiskoi Federatsii, https://minjust.gov.ru/ru/extremist-materials/?page=47&.

49 Article 20.29 of Russia's Administrative Code, http://www.kodap.ru/razdel-2/glava-20/st-20-29-koap-rf.

50 An Article 148 case against Victor Nochevnov, who posted religious caricatures on social media, was initiated by the head of a monastery, Lev Gryzun, who reported the incident to the investigative committee. The Center against Extremism then opened a case. Gryzun also served as a witness: *See* Dima Schvetz, *Shakh i Dogmat, Ateisty! Opredelenie Vtorogo Nikeiskogo Sobora v Dele Inzhenera iz Sochi, Osuzhdennogo za Repost*, Mediazona (Oct. 4, 2017), https://zona.media/article/2017/10/04/nochevnov.

In 2019, a priest, Alexander Novopashin, who was against the showing of the opera Tangeizer due to offense of religious feelings, was awarded a medal for his work against extremism by the center against extremism. *See Svyashennika, Vystupavshego protiv "Tangeizera," Nagradili "za Protivodeistvie Ekstrimizmu,"* ZNAK (June 3, 2019), https://www.znak.com/2019-06-03/svyachennika_vystupavshego_protiv_tangeyzera_nagradili_za_protivodeystvie_ekstremizmu.

51 It should be noted that in 2020 as a result of constitutional reforms, the word "God" was added to the Russian Constitution. *See Putin Strongly Backed in Controversial Russian Reform Vote*, BBC (July 2, 2020), https://www.bbc.com/news/world-europe-53255964.

52 *See Delo Viktora Nochevnova o Reposte vo Vkontakte Karikatur na Khrista*, Agora, (2017, *updated in* 2018), https://agora.legal/cases/Internet/Delo-Viktora-Nochevnova-o-reposte-vo-VKontakte-karikatur-na-Hrista/189.

53 Anastasia Gnedinskaya, *Laiknul - v Tyurmu - shto stoit za ugolovnymy delamy po state 282*, RIA Novosti (Aug. 20, 2018), https://ria.ru/20180820/1526668130.html.

54 Aleksei Sivashenkov, *K Chem Privedyot Dekriminalizatsia 282-i Stati*, Forbes (Nov. 15, 2018), https://www.forbes.ru/biznes/369241-k-chemu-privedet-dekriminalizaciya-282-y-stati.

55 Ryan Jacobs, *Saudi Arabia's War on Witchcraft*, Atlantic (Aug. 19, 2013), https://www.theatlantic.com/international/archive/2013/08/saudi-arabias-war-on-witchcraft/278701/.

56 Azard Ali, *Woman, 56, in Court over Obeah Claims*, Trinidad & Tobago Newsday (Feb. 9, 2019), https://newsday.co.tt/2019/02/09/woman-56-in-court-over-obeah-claims/.

57 Nick Schager, *Inside Zambia's Horrifying Prosecution of Witches,* Daily Beast (Sept. 9, 2018), https://www.thedailybeast.com/inside-zambias-horrifying-persecution-of-witches.

58 Ryan Jacobs, *Saudi Arabia's War on Witchcraft*, Atlantic (Aug. 19, 2013), https://www.theatlantic.com/international/archive/2013/08/saudi-arabias-war-on-witchcraft/278701/.

59 The researchers noted several instances of reported state violence against alleged blasphemers in Pakistan. In 2014, for instance, police officer Faraz Naveed reportedly struck and killed Tufail Naqvi (also referred to as Syed Tufail Hyder) with an axe after Naqvi allegedly "blasphemed against companions of the Prophet Muhammad while in the police station." *Pakistan Police Officer Kills 'Blasphemer' with Axe*, BBC (Nov. 6, 2014), https://www.bbc.com/news/world-asia-29933125; In 2015, a prison guard shot 70-year-old diagnosed paranoid schizophrenic Muhammad Asghar in the back and attempted to kill him while Asghar was in prison serving a death sentence for allegedly writing letters in which he stated he was "the prophet." *British Grandfather Mohammad Asghar Awaits Execution for Blasphemy in Pakistan*, Amnesty International U.K. (Mar. 31, 2015), https://www.amnesty.org.uk/mohammad-asghar-pakistan-blasphemy-death-row.

In January 2017, Aasim Saeed was reported to be among five social media activists who went missing in Pakistan. Aasim asserts he was kidnapped and tortured by a state intelligence agency. It was only after he was allowed to go home that he found out that he had been accused of blasphemy. *Pakistan Blogger Aasim Saeed Says He Was Tortured*, BBC (Oct. 25, 2017), https://www.bbc.com/news/world-asia-41662595. In 2017, Mukhtar Masih was accused of writing a blasphemous letter or letters. *69 Year Old Mukhtar Masih's Bail for Blasphemy Charges Approved!*, British Pakistani Christian Assoc. (May 22, 2017), https://www.britishpakistanichristians.org/blog/69-year-old-mukhtar-masih-given-bail-from-blasphemy-charges; Morning Star/Pakistan Correspondent, *Christian Charged with Blasphemy, 106 Muslims Acquitted*, Baptist Press (Feb. 7, 2017), https://www.baptistpress.com/resource-library/news/christian-charged-with-blasphemy-106-muslims-acquitted/. During his arrest, police allegedly broke into his home and slapped him. They also tortured his son in front of him, *see Blasphemy Case Closed after Death of Accused Christian Mukhtar Masih*, Pakistan Christian Post (Nov. 22, 2017), http://www.pakistanchristianpost.com/head-line-news-details/6690.

60 On November 5, 2013, for instance, the Iranian police arrested music distributors Mehdi Rajabian, Yousef Emadi, and Hossein Rajabian and sentenced them for "insulting the sacred." While in jail they were allegedly beaten and subjected to electric shocks. *See* Saeed Kamali Dehghan, *Three Jailed in Iran for Distributing Underground Music*, Guardian (June 6, 2017), https://www.theguardian.com/world/2016/jun/06/iran-mehdi-hossein-rajabian-yousef-emadi-jailed-distributing-underground-music; *Iranian Music Distributors Sentenced to Three Years in Prison*, Center for Human Rights in Iran (Mar. 1, 2016), https://www.iranhumanrights.org/2016/03/iranian-music-distributors-sentenced/.

61 In 2016, in Algeria, Slimane Bouhafs was sentenced to five years in prison for "insulting the prophet Mohammed." The charge came after he posted on Facebook about being Christian. Reports indicate that "he suffered attacks within the prison system as a result of standing up for his Christian faith." Alex Anhalt, *Algerian Believer Faces Blasphemy Charges*, Mission Network News (June 5, 2017), https://www.mnnonline.org/news/algerian-believer-faces-blasphemy-charges/; *Blasphemy and Related Laws*, Library of Congress, https://www.loc.gov/law/help/blasphemy/index.php.

62 In 2015, in Egypt, a mob attacked husband and wife, Ahmed and Saly Harqan (also referred to as Nada Mandour), days after Ahmed explained why he left Islam on TV. The couple ran to the police station to report the mob, but instead of helping, the police beat Mandour. The couple tried to escape the mob by going to a nearby police station. Instead of taking action to help the couple, the police officers assaulted and detained them. *Atheist Egyptian Couple Escape a Lynch Mob, Only to be Beaten by the Police*, YouTube (Dec. 8, 2014), https://www.youtube.com/watch?v=siHKC0tQNKI; Heather Murdock, *Defying Taboo, Middle East Atheists Launch TV Channel*, Voice of America (Apr. 30, 2015), https://www.voanews.com/middle-east/defying-taboo-middle-east-atheists-launch-tv-channel.

63 In Iran, metal musicians Nikan Siyanor Khosravi and Khosravi Arash Ilkhani, were held in solitary confinement after being accused of blasphemy. *See Metal Band Confess Reportedly Jailed and Facing Execution for Blasphemy in Iran*, Independent (Feb. 17, 2016, 4:41PM), https://www.independent.co.uk/news/world/middle-east/metal-band-confess-reportedly-jailed-and-facing-execution-blasphemy-iran-a6879466.html.

64 In 2012 in Kazakhstan, the human rights activist Alexander Kharlamov was charged with Article 164(1) due to publications which expressed doubts about God. These publications were equated with inciting religious hatred. While the charges were eventually dropped in 2018, during the ordeal, Kharlamov was forced to spend a month under forced psychiatric evaluation. Kazis Toguzbaev, *Prekrashenoe pervoe delo pravozashitnika iz Riddera Kharlamova*, Radio Azatyk (May 5, 2018), https://rus.azattyq.org/a/29209799.html; *Kazakhstanskogo pravozashitnika sudyat za ateisticheskie vzglyadi,* DW (Jul. 29, 2013), https://www.dw.com/ru/казахстанского-правозащитника-судят-за-атеистические-взгляды/a-16985389; *Kazakhstan,* End Blasphemy Laws, https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/kazakhstan/. In Russia, in 2016, Ruslan Sokolovsky was charged with Articles 148 and 282 after posting a video on Youtube of himself playing *Pokemon Go* in a cathedral. While in custody, he was threatened by a psychiatrist that he would be sent for psychiatric evaluations where he would not have access to a lawyer. *Ruslan Sokolovsky pozhalovalsya na ugrozy psychiatra SIZO i otkazalsya kayatsa pered RPTS,* ZNAK (Sept. 7, 2016), https://www.znak.com/2016-09-07/ruslan_sokolovskiy_pozhalovalsya_na_ugrozy_psihiatra_sizo_i_otkazalsya_kayatsya_pered_rpc; Maria Kravchenko, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016*, SOVA Ctr. Info. & Analysis (Apr. 21, 2017), https://www.sova-center.ru/en/misuse/reports-analyses/2017/04/d36857/.

65 Campaign for Free Expression, *Hamad Al-Naqi*, https://centerforinquiry.org/cfe/hamad-al-naqi/ (reporting that the accused was placed in solitary confinement in prison for his own safety after being attacked, suggesting that it was not an appropriate punishment for behavior of the person convicted of blasphemy crimes).

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LIMITATIONS

STUDY AND RESEARCH CHALLENGES

The research team encountered challenges related to the identification, collection, documentation, and analysis of cases of state criminal blasphemy law enforcement. Many of these challenges relate to the nature of the study, which consisted exclusively of desk research. While researchers used primary sources where they were found (*e.g.*, police reports, charging documents, court decisions), the analysis was mainly based on secondary source information (*e.g.*, news reports).

Scarcity of Primary Source Information

While researchers aimed to include transcripts of court proceedings and judgments related to prosecutions of alleged blasphemers, very few countries with criminal blasphemy laws make available transparent and reliable access to online legal sources. Consequently, most of the information identified, collected, and recorded during the study came from secondary source information such as legal databases, online media sources and information from international, local human rights and specialized NGOs. Judicial cases of enforcement were not sufficiently available to fill out the detailed questionnaire that researchers created to populate the mapping database. In a few instances, researchers contacted individuals with first- or second-hand knowledge of cases of blasphemy enforcement, including lawyers, family members of the accused, and human rights activists.

Access to—and Reliability of—Secondary Source Information

Secondary source information, including media and press reports, was largely dependent upon the level of transparency—especially online transparency—of each country studied. Countries with vibrant civil societies, independent media, higher levels of press freedom, and greater accessibility to technology and online platforms, enabled researchers to access and analyze more information—as well as to verify accuracy. In countries where this was not the case, research was more difficult.[1] Furthermore, the study relies on secondary source reporting, which is by its nature uneven in the factual details presented.

Language Limitations

Most desk research consisted of combing through secondary sources in English and French. Researchers also had access to Russian, Persian/Dari, and Spanish speakers to assist in gathering primary and secondary sources. Language limitations may have undercounted and/or distorted the picture of blasphemy enforcement in some countries. For example, in Russia, researchers were able to identify a significant number of cases because the team included Russian language speakers, whereas researchers were unable to engage in the same level of research in countries in which no team member spoke or read the language (*e.g.*, Bahasi or Arabic). In countries such as Indonesia and Saudi Arabia, the research team relied more heavily on English-language news sources.

Underrepresentation of Some Accused Faith Groups

Christian non-governmental organizations and Christian online journals are well organized and operative throughout the world. Thus, incidents of blasphemy against Christians, particularly in Muslim-majority countries, may receive more domestic and international media attention than incidents of blasphemy against Muslims. The greater availability of reported information on cases of blasphemy against Christians may present a skewed picture that fails to capture actual number of Muslims who are charged with blasphemy in Muslim-majority countries.

Difficulty in Identifying the Date of State Enforcement

In most cases (93%), researchers identified the year of the inciting incident and/or the year of the initial state enforcement action against the accused during the study period. In 48 cases, secondary source information did not include this information, but the date of the news source itself indicated that the case date fell between January 1, 2014 and December 31, 2018. Further, a significant number of cases are ongoing, and thus, the fate of the accused is unknown. In the absence of any updated information on an arrest, for instance, researchers presumed the accused to continue to be detained. Researchers found it challenging to pinpoint the exact year that best embodied state enforcement for such cases. This was because different state actions may have occurred during the course of several years, from 2014 through 2018, as well as before and after the period of study.

Difficulty in Identifying the Criminal Law Employed

In some cases of state criminal enforcement, it proved difficult to determine the legal basis of charges against the accused because the laws employed were not included in secondary

source reports. In these cases, news articles reported that authorities arrested individuals for blasphemous conduct, but the press provided no information regarding the relevant law or laws invoked. In such cases, researchers assessed the nature of the underlying act and made an independent determination as to whether the conduct was "blasphemous" or not. Once the researchers determined that the nature of the act was blasphemous, they recorded blasphemous incidents as cases of state enforcement of blasphemy.

First Information Reports

These complaint systems exist in several South and Southeast Asian countries. Given that any private individual can initiate a complaint, FIRs are not always filed in good faith and can be used to further personal vendettas, tarnish reputations, or attract negative attention.[2] Researchers counted only those FIRs reported to be registered and, thus, acted upon in some way by the police. The research team, however, found it challenging to confirm when the police registered an FIR, and therefore, some incidents of state enforcement may have been missed.

Vague Laws and Criminal, Civil, and Administrative Sanctions in Former Soviet Union States

The researchers noted the hybrid nature of numerous former Soviet Union states' laws, which conflate the language of incitement to hatred with blasphemy allegations. The language of "offending religious feelings" is also widespread. Blurring the line between incitement to religious hatred and blasphemy is a trend within post-Soviet space generally—as is the application of laws punishing blasphemy and hate speech in conjunction with other offenses. For instance, in the case of Azerbaijan, ambiguous statutory language prohibits the "*excitation of national, racial or religious hostility.*"[3] In some instances, it was difficult to identify whether a law was an "incitement" law or a "blasphemy" law. The researchers decided not to include certain laws that seemed closer to incitement (i.e., Azerbaijan, and Belarus), but decided to include other laws where the language errs on the side of prosecution of blasphemy (i.e., Kyrgyzstan,[4] Moldova,[5] Tajikistan,[6] Turkmenistan,[7] and Uzbekistan).[8]

This challenge proved even more significant as only states with a law recognized as a blasphemy law were examined for the purposes of mapping cases. Among these laws, some of the maximum penalties were stricter than previously reported in *Respecting Rights? Measuring the World's Blasphemy Laws* (i.e., Kazakhstan).[9] Additionally, some of these laws specified administrative fines (Tajikistan) or were in the code of administrative offenses (Turkmenistan). Given that these laws either have been or have the potential to be applied jointly, we included them in our list of criminal blasphemy laws in Annex 2.

Limited Data to Assess Specific Trends

While very few cases reported additional characteristics of an accused individual, in a select number of cases, researchers looked for and found other identity markers, such as sexual orientation and gender identity (SOGI), disability, and literacy. For instance, 7 cases reported that the accused was LGBTQI+, 11 cases reported that the accused had a disability, and 10 cases reported that the accused was illiterate. Given the small number of cases reporting such information relative to the total number of cases, quantitative assessment of these trends would be unreliable.

Shari'a Law Enforcement of Blasphemy Crimes

Many countries in which Islam is the official state religion have inherited criminal blasphemy laws from British colonial rule and adapted them to domestic contexts.[10] Hybrid legal systems in some Islamic states made it difficult for researchers to find and analyze Shari'a criminal blasphemy law judgments. Given that no single interpretation of Shari'a exists, even within the same schools of thought, the scope of Shari'a laws can vary from country to country.

Depending on the country, criminal blasphemy laws may be applied nationally or selectively in only some regions. Shari'a-based law plays a significant role in state criminal blasphemy law enforcement in some countries where Islam is the official state religion. In some countries, Shari'a is applied exclusively with respect to Muslims, whereas in other countries, the laws are applied to all citizens regardless of faith. For example, during the study period, Shari'a was applied to all citizens in Sudan,[11] but Shari'a laws are applied only to Muslims in northern Nigeria.[12] In countries where there are several religions, and Shari'a law applies either only to Muslims or only in Muslim regions or provinces, Muslims tend to face more stringent laws and harsher penalties for blasphemy than do their non-Muslim neighbors. In some states, such as Egypt, otherwise secular criminal codes include Shari'a.[13] In other states, such as Malaysia, both systems operate in parallel.[14] Additionally, as detailed below, the hybrid nature of these legal systems complicated the research as researchers could not locate Shari'a judgments unless they were reported in secondary sources.[15] The following examples demonstrate a variety of models of Shari'a and its relation to criminal blasphemy enforcement:

Afghanistan's penal code prohibits "Crimes Against Religions,"[16] and Shari'a generally governs blasphemy crimes.[17] Thus, courts interpret Islamic law to enforce against alleged blasphemy crimes and give accused persons three days to recant their blasphemous acts or else they are sentenced to death.[18]

While **Egypt's** criminal code reflects European influence,[19] a 1980 amendment instituted Shari'a principles "as the primary legal source for all Egyptian legislation."[20] Egypt's blasphemy law, rooted in a largely secular criminal code,[21] constitutes the basis of state criminal blasphemy law enforcement.[22]

Indonesia enforces against blasphemy using article 156(a) of its criminal code. The semi-autonomous Aceh province, however, implements Shari'a law.[23]

Shari'a law is fully incorporated into **Iran's** criminal code.[24]

Malaysia's secular and Islamic laws prohibit blasphemy. The penal code criminalizes blasphemy at the national level while Shari'a law covers state offenses, with enforcement varying across states.[25] Experts note that "Malaysia's highest court is beginning to show itself willing to reassert judicial power, including over the Shari'a courts. But for decades the civil courts' trend toward jurisdictional deference and judicial Islamization have fueled the shift away from the Malaysian constitution's originally secular basis."[26]

Similarly, **Nigeria's** legal system combines English common and statutory law, customary law, and Shari'a law.[27] Both the secular and Shari'a systems punish blasphemy, and enforcement varies state to state.[28] Only Muslims, however, are subject to Shari'a law in the state criminal context.[29]

Pakistan's penal code criminalizes blasphemy, punishing blasphemy with criminal fines, long prison sentences, and even death.[30] While the state's Islamic courts can strike down laws deemed contrary to Islam, the Supreme Court can serve as a remedial check on the state's criminal blasphemy law enforcement,[31] as in the case of Asia Bibi.

As explained *infra*, Saudi Arabia's Shari'a law, which governs blasphemy, is not codified in writing.[32]

COUNTRY-SPECIFIC CHALLENGES

When it came to coding cases, each state had its own set of challenges given the specificity of each domestic legal enforcement framework. Some countries merit special attention:

Afghanistan

Afghanistan's judicial system includes formal and informal dispute resolution; thus, it is likely that unreported cases of criminal blasphemy law enforcement exist at an informal level. Widespread corruption leads many Afghans to distrust the formal judicial system, turning to Taliban courts and traditional *jirgas*.[33]

Brunei

Though Brunei's revised penal code entered fully into force in 2019, outside of the study period, elements of the Shari'a code went into effect in May 2014. Given the limited information on enforcement, however, researchers could not determine which parts of the law were applied from 2014 through 2018.

Russia

In accordance with the study methodology, the researchers included cases that involved state action or mob activity that resulted in violence against persons or destruction of property. Many incidents did not qualify under our methodology for a "case" but nonetheless reflected an important Russia-specific dynamic with respect to blasphemy law enforcement. There were several cases of "Orthodox activists" filing or threatening to file complaints (that to our knowledge were not acted upon) as a way of intimidating the subject of the case into deleting content or engaging in self-censorship. While not reflected in our recorded cases, these cases are worth mentioning as they illustrate the ways in which the threat of a charge can be enough to chill speech.

Saudi Arabia

As noted *supra*, Saudi Arabia proved challenging to research and compare with other countries' criminal blasphemy law enforcement because the state does not have a formal written penal code.[34] The criminal law system is based on Shari'a law and judicial interpretations are grounded in restrictive interpretations of Hanbali Sunni Islam.[35] Additionally, the government exerts tight control over the media, resulting in low levels of press freedom and high rates of human rights abuses against journalists.[36] As a result, this study likely underestimates criminal blasphemy law enforcement in Saudi Arabia.

Thailand

Thailand's laws, and specifically Section 112 of the Criminal Code punish "Whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent," with imprisonment.[37] The researchers determined, however, that defaming the King did not amount to defaming Buddhism and excluded cases of defamation against the King.

NOTES

1 For example, Eritrea is an extremely closed country with low levels of press freedom; thus, researchers found it difficult to locate secondary sources at all, let alone secondary sources discussing blasphemy law enforcement.

2 For example, tarnishing the reputation of a celebrity and accusing him/her of blasphemy.

3 For example, in the case of Azerbaijan, Article 283 of the criminal code appeared to be more of an incitement law than a blasphemy law: *See* Article 283 of the Criminal Code of the Azerbaijan Republic https://www.wipo.int/edocs/lexdocs/laws/en/az/az017en.pdf. However, Article 283 was used in 2006 against Rafiq Tagi and Samir Sadagatoglu, who criticized the Prophet Mohammed. They were sentenced to three years in prison. In 2011, Tagi was assassinated. *See Journalist Critical of Islam Dies Four Days after Being Stabbed by Attacker*, Reporters Without Borders (Nov. 23, 2011), https://rsf.org/en/news/journalist-critical-islam-dies-four-days-after-being-stabbed-attacker; *Article 19 Protests Against Sentencing of Azerbaijani Journalists Rafiq Tagi and Samir Sadagatoglu*, Article 19 (May 9, 2007), https://www.refworld.org/pdfid/4756cf8dd.pdf. While researchers identified this example of blasphemy enforcement under Article 283, because no such cases were identified during the timeframe of 2014–2018 and the language of the law did not correspond to the researchers' criteria, it was not included as a blasphemy law.

4 *See* Annex 2, *Kyrgyzstan*, Law on Freedom of Conscience and Religious Organizations (2008), Article 4.

5 *See* Annex 2, *Moldova*, Code on Misdemeanors, Article 54(5).

6 *See* Annex 2, *Tajikistan*, Code on Administrative Offenses, Article 86.

7 *See* Annex 2, *Turkmenistan*, Code on Administrative Offenses, Article 75.

8 *See* Annex 2, *Uzbekistan*, Criminal Code, Article 156. [Incitement of Ethnic, Racial or Religious Hatred].

9 Researchers reached out to a Kazakh human-rights lawyer regarding Article 174. The consensus is that the unspecific nature of some of the terms such as "hatred," "enmity," and "agitation" make it easy for the law to be manipulated and applied to almost anyone who is propagating or criticizing a religion. Most applications of the law apply to people exercising freedom of religion, with blasphemy accusations making up a small percentage of cases. In the blasphemy cases researchers discovered, blasphemy allegations were used as one element in the charges to discredit individuals who were proselytizing (usually Christians who organized lectures in apartments). *See, e.g.*, Madi Bekmaganbetov, *Protestant na Svobode*, Radio Azatyk (Nov. 9, 2015), https://rus.azattyq.org/a/kabduakasov-protestant-adventisty-sedmogo-dnja-prigovor/27353933.html.

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13 *Study of the Present Egyptian Constitution and the Law Articles that Conflict with Minority Rights*, https://www.ohchr.org/Documents/Issues/Minorities/WG/11/Al-Kalema-3A.pdf.

14 *Policing Belief: The Impact of Blasphemy Laws on Human Rights - Malaysia*, Freedom House (Oct. 21, 2010), https://www.refworld.org/docid/4d5a700a2.html.

15 For example, a high-profile case appeared in news sources in which death by hanging was imposed on alleged blasphemer Yahaya Sharif-Aminu by an Islamic Court in northern Nigeria. *See* Eoin McSweeney & Stephanie Busari, *The WhatsApp Voice Note that Led to a Death Sentence*, CNN (Sept. 29, 2020), https://edition.cnn.com/2020/09/29/africa/blasphemy-trial-nigeria/index.html.

16 *Afghanistan*, End Blasphemy Laws (June 18, 2020), https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/afghanistan/; https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/afghanistan/.

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CONCLUSION

Blasphemy laws are found in criminal codes in every region of the world. Often blasphemy laws are vaguely worded, do not specify intent, and carry unduly harsh penalties for violators.[1] Such laws on the books, however, tell only half the story. In nearly half of those countries, governments to varying extents actively enforce criminal blasphemy laws against alleged blasphemers, violating fundamental human rights—including rights to freedom of expression, freedom of religion or belief, freedom from torture or cruel, inhuman, and degrading treatment or punishment, and fair trial rights—of the accused.

Alleged blasphemers are mostly men, but also include women. Often, they are lawyers, politicians, government officials, academics, media personalities, and human rights defenders. The accused represent a variety of religions and beliefs, and most reported cases indicate that Muslims are most frequently targeted for enforcement. In several states, mob activity, mob violence, and/or threats of mob violence accompany accusations of blasphemy; many times, injuries, death, and property destruction follow in the wake of such violence.

States mete out harsh sentences, including life imprisonment and even death for blasphemy crimes, and some states subject alleged blasphemers to human rights abuses as they navigate the criminal justice system. Understanding the contexts surrounding criminal blasphemy laws' implementation and enforcement supports future advocacy and policy analysis related to blasphemy law reform, especially where repeal is not practicable or feasible. This report's findings highlight concrete contexts and pinpoints problems to address through constructive dialogue toward much needed legal reform. It is time for states to protect fundamental human rights and prevent future harm against individuals, rather than protecting religious ideas at the expense of individual rights.

This report was sponsored by the U.S. Commission on International Religious Freedom (USCIRF) and directed and co-authored by Joelle Fiss and Jocelyn Getgen Kestenbaum. Research assistance and coding analysis was provided by students and staff of the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic at the Benjamin N. Cardozo School of Law.

1 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 1 (2017).

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The Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic at the Benjamin N. Cardozo School of Law provides students the opportunity to engage in human rights litigation and advocacy toward preventing atrocity crimes—including war crimes, crimes against humanity, and genocide—protecting populations and rebuilding societies in the aftermath of atrocity. For more information, please contact Jocelyn Getgen Kestenbaum at *jocelyn.getgen@yu.edu*.

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ACKNOWLEDGMENTS

The authors would like to thank **Elizabeth Cassidy (Director of Research and Policy)** and **Kirsten Lavery (Supervisory Policy Analyst)** of the **U.S. Commission on International Religious Freedom** (USCIRF) for their constant guidance through the research process, as well as their insights, practical assistance, and multiple document reviews.

The authors would also like to thank **Faraz Sanei**, who, as the Visiting Instructor of Clinical Law at the Benjamin N. Cardozo School of Law, provided many insightful comments and analysis, particularly on the methodology of the report and management of the researchers' data collection. Thank you to **Casey Pearlman**, **Claudia Diaz**, **Nazli Kalfazade**, **Gursimran Kaur,** and **Helen Haft** who, as legal interns, fellows, and students of the Law Clinic, went beyond their assigned research duties and generously shared their acquired skills and expertise with the authors throughout the process. A special note of thanks to **Helen Haft** who contributed countless hours and expertise to fact-checking, editing, and finalizing the report. Finally, a thank you to **Ali Cain** for her editing and proofreading assistance in the final stages of the report.

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Throughout the entire project, researchers, and students used the resources of, and directly consulted with, **international non-governmental human rights organizations (INGOs), regional and local NGOs, faith-based organizations, lawyers, human rights defenders, legal experts, diplomatic representatives and victims of blasphemy allegations.** They benefited from the great variety of resources and reporting on cases available, which made this report possible. The authors would like to express their deepest gratitude to the broader NGO community and experts working on human rights issues relating to blasphemy allegations.

The researchers would like to extend their very special thanks to **Humanists International**, who extensively shared their expertise on specific cases in many countries. Their input was invaluable.

Deepest thanks to **Human Rights Activists in Iran** and **Iran Prison Atlas**, who provided key access to important Persian-language databases to the researchers, which greatly helped identify or confirm blasphemy cases in the country.

Finally, many thanks to **Eric Ecoffey** from Cybériade for his statistical data analysis (and interpretation), and for creating the visual representations of findings throughout the report.

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ANNEX 1: CHANGES IN BLASPHEMY LAWS SINCE 2014

NEGATIVE LEGAL DEVELOPMENTS

Since 2014, some countries have adopted or amended existing criminal laws that prohibit blasphemy to further curb individuals' rights to freedom of religion or belief and freedom of expression, or to increase criminal sanctions against blasphemers. New laws or amended laws referencing insults to religion entered into force in Kazakhstan (2014), Nepal (2017), Oman (2018), Mauritania (2018), Morocco (2018), and Brunei (2019).[1] In addition, Germany's blasphemy provision was referenced in a new German technology law (2018).

Kazakhstan (2014)[2]

In 2014, Kazakhstan amended its anti-blasphemy law (Article 164), adding penalties associated with the crime of insult of the "religious feelings of citizens."[3] Prior to 2014, the maximum penalty for this offense was "correctional labour for a period up to two years or deprivation of freedom for period up to five years."[4] The revisions now provide for a maximum penalty of "restriction of liberty for the term of two to seven years or imprisonment for the same term."[5]

Nepal (2017)[6]

In August 2017, Nepal passed a new penal code criminalizing the "hurting of religious sentiment" (Article 156) and "proselytizing" (Article 158).[7] Those who "hurt religious sentiments" can receive fines and up to two years in prison.[8] Since the adoption of this code, the state has enforced the measure in relation to conversion.[9] The language of Articles 156 and 158, which criminalize the "obstruction of others' religious rites" and "conduct which undermines the religion, opinion or faith of any caste," is ambiguous and has the potential to encompass acts deemed blasphemous.

Germany (2018)[10]

Whereas many European states have repealed their blasphemy laws since 2015, Germany referenced its blasphemy law in a 2018 piece of legislation entitled the Network Enforcement Act.[11] This law requires social media networks with over 2 million users to remove illegal content flagged by individuals.[12] Tech companies are subject to robust fines if "manifestly unlawful" content is not taken down within 24 hours.[13] No new offenses were created, but the law references specific provisions of the German criminal code, including the controversial and rarely enforced "defamation of religions" law.[14] This is the first time that a European state has enacted a legal requirement that social media platforms remove content related to an "insult to religion" following an individual complaint.[15]

Oman (2018)[16]

In January 2018, Oman replaced its previous criminal blasphemy law (Article 209[17]) with Article 269.[18] The inclusion of language prohibiting "blaspheming against or insulting the Divinity," "insulting, perverting or desecrating the Holy Qur'an," or "insulting the Islamic religion or any of its rites"[19] significantly expands the acts criminalized by the law.[20] Additionally, the penalty increased from a previous range of 10 days to 3 years imprisonment or a fine, to a stricter penalty of 3 to 10 years imprisonment.[21]

Mauritania (2018)[22]

On April 27, 2018, Mauritania's National Assembly reformed Article 306 of the criminal code to mandate the death penalty for all individuals convicted of "blasphemous" speech or acts.[23] The law removes previous leniency measures, such as prison terms in place of death sentences, when convicted apostates repent.[24] Fines and prison terms are provided for "Anyone who commits an act that violates modesty or Islamic values or who violates any of the sanctities of God, or who helps to do so."[25]

Morocco (2018)[26]

In 2018, Morocco reformed its criminal code, considerably changing the wording of its blasphemy law.[27] First, the law's reach was expanded to include not only publishers, but all individuals who allegedly blaspheme.[28] Second, the law increased the punishment for blasphemy, doubling fines and prison sentences.[29] It also increased the punishment for blasphemous acts in public and online forums.[30]

Brunei (2019)[31]

Although this change occurred beyond the period covered in the research for this report, in April 2019, the final phase of Brunei's 2013 criminal code went into effect,[32] permitting the death penalty for several offenses, including for insulting or defaming the Prophet Muhammad.[33] In the past, implementation stages of the new laws had been considerably delayed for several years due to international outcry.[34]

POSITIVE LEGAL DEVELOPMENTS

In other country contexts, blasphemy laws have been reformed to include lesser punishments.

Italy

Italy's criminal blasphemy provisions are different from what the authors reported in 2017 in the *Respecting Rights?* report. Although it proved challenging to confirm the information,[35] certain provisions have been declared invalid[36] and, thus, are not enforceable. Furthermore, Articles 403, 404, and 724 of the penal code have been substantially modified.[37] Article 403 was changed to account for the abolition of state religion. The penalty of insult to religion is now a fine, rather than imprisonment. Article 404 used to provide for a double penalty for insulting the state religion (Catholicism), but now it no longer "discriminates" against other faiths and the penalty is the same for insulting all religions.

Sudan (2020)

Although also after the period covered by the research for this report, in July 2020 Sudan amended its criminal blasphemy law under Article 125 of its penal code to remove the penalty of flogging for blasphemy crimes.[38]

LEGISLATIVE REPEALS

The attack against staffers of the satirical paper *Charlie Hebdo* in Paris in January 2015[39] instigated a trend, particularly in liberal democratic states, to repeal blasphemy laws. Since that time, such laws have been repealed in Iceland (2015),[40] Norway (2015),[41] a province of France (Alsace-Moselle) (2016),[42] Malta (2016),[43] Denmark (2017),[44] Ireland (2018),[45] Canada (2018),[46] New Zealand (2019),[47]Greece (2019),[48] and Scotland (2020).[49]

ADDITIONAL BLASPHEMY LAWS

USCIRF, the U.S. Law Library of Congress, and the researchers of this study identified criminal laws prohibiting blasphemy that existed prior to 2017 but which were not included in *Respecting Rights? Measuring the World's Blasphemy Laws*.[50] This resulted in the inclusion in Annex 2 of blasphemy provisions from the following states: Andorra,[51] Bangladesh,[52] Botswana,[53] Burma,[54] Cameroon,[55] Cape Verde,[56] Gambia,[57] Indonesia,[58] Iran,[59] Jamaica,[60] Kenya,[61] Kyrgyzstan,[62] Malawi,[63] Maldives,[64] Mauritania,[65] Moldova,[66] Nepal,[67] Seychelles,[68] Tajikistan,[69] Trinidad and Tobago,[70] Turkmenistan,[71] Ukraine,[72] United Arab Emirates,[73] and Uzbekistan.[74]

NOTES

1 In addition, the authors updated information on the blasphemy laws mentioned in *Respecting Rights? Measuring the World's Blasphemy Laws*, to their most recent versions. Though some criminal blasphemy laws had been amended prior to 2017, their more recent versions since *Respecting Rights* have been included in Annex 2.

2 *See* Annex 2, *Kazakhstan Penal Code Article 174.*

3 *See* Annex 2, *Kazakhstan Penal Code Article 174.*

4 U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 62 (2017).

5 *See* Annex 2, *Kazakhstan Penal Code Article 174.*

6 *See* Annex 2, *Nepal Penal Code Articles 156 and 158.*

7 *See* Annex 2, *Nepal Penal Code Articles 156 and 158*, https://www.state.gov/reports/2018-report-on-international-religious-freedom/nepal/. There is legal ambiguity in para. 2 of Article 158:

"(2) No person shall do any act or conduct *which undermines the religion, opinion or faith of any caste, race, community or convert any one into another religion*, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion."

8 *See* Annex 2, *Nepal Penal Code Article 156.*

9 *See Recent Persecution of the Church in Nepal*, ENGAGE International (Oct. 3, 2018), https://engageinternational.org/recent-persecution-of-the-church-in-nepal/. For example, Sonia Chanda Thakuri and her baby were arrested after Thakuri was accused of trying to convert and "destroying Hindu idols."

10 Network Enforcement Act (Netzdurchsetzunggesetz, NetzDG), Art. 1, § 3, P. 2., https://germanlawarchive.iuscomp.org/?p=1245.

11 Network Enforcement Act (Netzdurchsetzunggesetz, NetzDG), https://germanlawarchive.iuscomp.org/?p=1245.

For more information: https://www.article19.org/wp-content/uploads/2017/09/170901-Legal-Analysis-German-NetzDG-Act.pdf; and, http://justitia-int.org/the-digital-berlin-wall-how-germany-created-a-prototype-for-global-online-censorship/.

12 Network Enforcement Act (Netzdurchsetzunggesetz, NetzDG), Art. 1, § 1, ¶ 2., https://germanlawarchive.iuscomp.org/?p=1245.

13 Network Enforcement Act (Netzdurchsetzunggesetz, NetzDG), Art. 1, § 3, ¶ 2., https://germanlawarchive.iuscomp.org/?p=1245.

14 Jacob Mchangama & Joelle Fiss, Justitia, *The Digital Berlin Wall: How Germany (Accidentally) Created a Prototype for Global Online Censorship* 3 (Nov. 2019), http://justitia-int.org/wp-content/uploads/2019/11/Analyse_The-Digital-Berlin-Wall-How-Germany-Accidentally-Created-a-Prototype-for-Global-Online-Censorship.pdf. *See also* Germany ¶ 166 of Criminal Code.

15 In the past, social media networks have taken down content deemed "offensive to religion" upon the request of Muslim-majority states, leading for example to the blocking of Google's YouTube by Pakistani authorities after the video "Innocence of Muslims," was deemed offensive to Islam. *See* Joelle Fiss, The Brookings Project on U.S. Relations with the Islamic World, *Anti-Blasphemy Offensives in the Digital Age: When Hardliners Take Over* 24 (2016), https://www.brookings.edu/research/anti-blasphemy-in-the-digital-age-when-hardliners-take-over (last visited Sept. 18, 2020).

16 *See* Annex 2, *Oman*, Penal Code Article 269.

17 *See* Annex 2, *Oman*, Penal Code Article 209 [Crimes Relating to Religion] (prior law).

1. Concerning violation of the sanctity of religion

Article 209: Anyone who does the following shall be punished by imprisonment from 10 days to 3 years or by a fine of 5 rials to 500 rials:

1. Blasphemes against the divine glory or against the great prophets
2. Publicly or in a publication insults divine religions and religious beliefs with the intent to disparage them
3. Commits an act that disturbs the peace required by law for a gathering to perform religious ceremonies

U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 74 (2017).

18 *See* Annex 2, *Oman*, Penal Code Article 269.

Article 269: "The punishment shall be imprisonment for a term of not less than 3 years and not more than 10 years for anyone who commits one of the following acts:

(a) blaspheming against or insulting the Divinity in speech or by means of writing, drawing, gestures or by any other means;

(b) insulting, perverting or desecrating the Holy Qur'an;

(c) insulting the Islamic religion or any of its rites, or any of the divine religions;

(d) blaspheming against or insulting any of the prophets verbally or by means of writing, drawing, gestures or by any other means; or

(e) destroying or desecrating a building or any part of its contents intended for use in religious rites of the Islamic religion or any of the other divine religions" *Oman's New Penal Code: A Human Right's Bonfire*, The Omani Center for Human Rights (Mar. 19, 2018), https://ochroman.org/eng/2018/03/penalcode.

19 *See* Annex 2, *Oman,* Penal Code Article 269, https://ochroman.org/eng/2018/03/penalcode/: "The punishment shall be imprisonment for a term of not less than 3 years and not more than 10 years for anyone who commits one of the following acts:

(a) blaspheming against or insulting the Divinity in speech or by means of writing, drawing, gestures or by any other means;

(b) insulting, perverting or desecrating the Holy Qur'an;

(c) insulting the Islamic religion or any of its rites, or any of the divine religions;

(d) blaspheming against or insulting any of the prophets in speech or by means of writing, drawing, gestures or by any other means; or

(e) destroying or desecrating a building or any part of its contents intended for use in religious rites of the Islamic religion or any of the other divine religions." *Oman's New Penal Code: A Human Right's Bonfire*, The Omani Center for Human Rights (Mar. 19, 2018), https://ochroman.org/eng/2018/03/penalcode.

20 *See* Annex 2, *Oman*, Penal Code Article 209 [Crimes Relating to Religion] (prior law). 1. Concerning violation of the sanctity of religion

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1. Blasphemes against the divine glory or against the great prophets
2. Publicly or in a publication insults divine religions and religious beliefs with the intent to disparage them
3. Commits an act that disturbs the peace required by law for a gathering to perform religious ceremonies

U.S. Commission on International Religious Freedom, *Respecting Rights? Measuring the World's Blasphemy Laws* 74 (2017).

21 Penal Code, Article 269, https://ochroman.org/eng/2018/03/penalcode/: "The punishment shall be imprisonment for a term of not less than 3 years and not more than 10 years for anyone who commits one of the following acts...."

22 Mauritania Draft bill to cancel and replace the provisions of Article 306 of Legal Order No. 162-83 issued on July 9, 1983, including the criminal law; http://www.droit-afrique.com/upload/doc/mauritanie/Mauritanie-Code-1983-penal.pdf; http://www.elbadil.info/2013/media/images/555(6).jpg.

23 *Mauritania: Mandatory Death Penalty for Blasphemy*, Human Rights Watch (May 4, 2018), https://www.hrw.org/news/2018/05/04/mauritania-mandatory-death-penalty-blasphemy. *See also* Annex 2 - Mauritania Draft bill to cancel and replace the provisions of Article 306 of Legal Order No. 162-83 issued on July 9, 1983, including the criminal law.

24 *Mauritania: Mandatory Death Penalty for Blasphemy*, Human Rights Watch (May 4, 2018), https://www.hrw.org/news/2018/05/04/mauritania-mandatory-death-penalty-blasphemy.

25 *See* Annex 2. Mauritania Draft bill was to cancel and replace the provisions of Article 306 of Legal Order No. 162-83 issued on July 9, 1983, including the criminal law.

26 *See* Annex 2, *Morocco*, Penal Code Article 267-5.

27 *See* Morocco Law 1-02-207, 25th of Rajab 1423 (October 3, 2002): Article 41 Penal Code & Updated version in Annex 2: Article 267-5.

28 *See* Annex 2, *Morocco*, Penal Code Article 267-5.

29 *See* Annex 2, *Morocco*, Penal Code Article 267-5.

30 *See* Annex 2, *Morocco*, Penal Code Article 267-5.

31 *See* Annex 2, *Brunei*, Syariah Penal Code Articles 110-111.

"110. Contempt of Nabi ["Contempt of the Prophet"]; 111. Deriding etc. verses of the Al-Qur'an, hadith or obligatory matters with ijma'; 213. Publication contrary to Hukum Syara' ["laws of any sect the court considers valid"]; 214. Delivering or giving publications relating to religion other than religion of Islam to Muslims or persons having no religion; 215. Giving in public places publications relating to religion other than religion of Islam to Muslims or persons having no religion; 217. Offenses in relation to use of certain words in respect of religion of Islam; 220. Contempt or brings into contempt etc. religion of Islam; 221. Contempt of Nabi by non-Muslim; 222. Deriding etc. verses of Al-Qur'an or hadith by non-Muslim; 230. Contempt etc. of religious authority."

32 Ain Bandial, *Full Implementation of Pakistan Syariah Penal Code to Begin April 3*, Scoop (Mar. 30, 2019), https://thescoop.co/2019/03/30/full-implementation-of-syariah-penal-code-to-begin-april-3/. Elements of the Sharia penal code took effect in May 2014, constituting "phase one" of the law's implementation. *See Brunei Introduces Tough Islamic Penal Code*, BBC News (Apr. 30, 2014), https://www.bbc.com/news/world-asia-27216798.

33 *See* Annex 2, *Brunei*, Syariah Penal Code Articles 110-111. Brunei first introduced these criminal reforms in 2013. *Brunei: New Penal Code Imposes Maiming, Stoning*, Human Rights Watch (Apr. 3, 2019), https://www.hrw.org/news/2019/04/03/brunei-new-penal-code-imposes-maiming-stoning.

34 Human Dignity Trust, *Brunei: Briefing on Brunei's Implementation of the Syariah Penal Code Order* 2013 2 (2019), https://www.humandignitytrust.org/wp-content/uploads/resources/2019.04.08-Briefing-on-Bruneis-implementation-of-the-Syariah-Penal-Code-Order-2013-WS.pdf (last visited Sept. 20, 2020).

35 The researchers would like to thank the Italian section of Humanists International who dedicated much time to explaining the legal changes as well as identifying and discussing cases of state enforcement.

36 *See* Annex 2, *Italy*, Criminal Code. In cooperation with the Italian government and non-governmental organization Humanists International, the researchers tried to better understand the complex situation described in *Respecting Rights? Measuring the World's Blasphemy Laws*. In *Respecting Rights?*, articles 402 (*Insulting the State religion*), 403 (*Insulting the State religion by insulting individuals*), 404 (*Insulting the State religion by offending against property*), 406 (*Offenses against religions recognized by the State),* and 724 (*Blasphemy and insulting the dead*) were quoted from the Italian criminal code. After much research and consultation with the Italian foreign ministry, we confirm that the legislative landscape has been modified, both through a Constitutional Court decision and Law n.85/2006. First, articles 402 (*Insulting the State religion*) and 406 (*Offenses against religions recognized by the state*) have been declared invalid. Article 402 was declared invalid by the Constitutional Court in its judgment No. 508 of 20 November 2000. This article is impossible to enforce and is no longer applicable because in 1984, Italy abolished its state religion. Secondly, article 406 was declared invalid by article No.10 of the Law of 24 February 2006, n. 85. Similarly, it is also not possible to reference this article in any court proceedings and is no longer applicable.

37 Article 403 (*Offenses to a religious confession by offending people*): Anyone who publicly offends a religious confession, by disrespecting those who profess it, is punished with a fine from 1,000 to 5,000 euros. The fine from 2,000 to 6,000 euros is applied to those who offend a religious confession, by offending a minister of religion. Article 404 (*Offenses to a religious confession by insulting or damaging things*): Anyone who, in a place destined for worship, or in a public place or open to the public, offending a religious confession, reviles with insulting expressions things that form the object of worship, or are consecrated to worship, or are necessarily intended for the exercise of worship, or commits the act on the occasion of religious services, performed in a private place by a minister of the cult, is punished with a fine from 1,000 to 5,000 euros. Article 724 (*Blasphemy and outrageous manifestations towards the dead*) remains a blasphemy law, but has also been substantially modified, like in the case of 403. Anyone who publicly blasphemes, with invectives or outrageous words against a deity, is punished with a pecuniary administrative sanction from 51 to 309 euros. The same sanction applies to those who carry out any public outrageous demonstration against the dead.

38 *See* Annex 2, *Sudan*, Criminal Act of 1991, Article 125.

Article 125 (blasphemy) *as amended* (source sent directly to researchers by USCIRF) and Arabic version is also available.

39 Twelve (12) people were killed in the Charlie Hebdo attack and 11 others were injured. The gunmen identified themselves as belonging to Al-Qaeda branch in Yemen. The attack was coordinated with the attack against the kosher supermarket Hyper Cacher, where a terrorist held hostages, of whom he murdered 4 Jews. Claire Williams, *Charlie Hebdo Attack: The Three Days That Shook France,* France 24, https://webdoc.france24.com/france-paris-charlie-kosher-terrorism/; Dan Bilefsky and Maïa de la Baume, *Terrorists Strike Charlie Hebdo Newspaper in Paris, Leaving 12 Dead*, N.Y. Times (Jan. 7, 2015), https://www.nytimes.com/2015/01/08/world/europe/charlie-hebdo-paris-shooting.html; Conor Fortune, *Gagging in the Wake of Charlie Hebdo*, Amnesty Int'l (Jan. 8, 2015), https://www.amnesty.org/en/latest/news/2015/01/gagging-in-the-wake-of-charlie-hebdo/; *One Year On, France Remembers Victims of Kosher Store Massacre*, Times of Israel (Jan. 9, 2016), https://www.timesofisrael.com/one-year-on-france-remembers-victims-of-kosher-store-massacre/

40 *Iceland Makes Blasphemy Legal*, BBC News (July 3, 2015), https://www.bbc.com/news/world-europe-33378778.

41 Eugene Volokh, *Norway Repeals Blasphemy Law, In Response to Charlie Hebdo Murders*, Wash. Post (May 9, 2015), https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/08/norway-repeals-blasphemy-law-in-response-to-charlie-hebdo-murders/.

42 Loup Besmond de Senneville, *Le délit de blasphème « ne peut plus être appliqué » en Alsace*, La Croix (Jan. 4, 2016), https://www.la-croix.com/Religion/Actualite/Le-delit-de-blaspheme-ne-peut-plus-etre-applique-en-Alsace-2016-01-04-1399624; *Blasphemy Law Abolished in Alsace-Moselle Region of France*, End Blasphemy Laws (Oct. 31, 2016), https://end-blasphemy-laws.org/2016/10/blasphemy-law-abolished-in-alsace-moselle-region-of-france/.

43 *Repealing Blasphemy Law A Victory for Freedom of Speech, Says Humanist Association*, Times of Malta (Jul. 14, 2016), https://timesofmalta.com/articles/view/repealing-blasphemy-law-a-victory-for-freedom-of-speech-says-humanist.618859.

44 *Denmark Scraps 334-year-old Blasphemy Laws*, Guardian (June 2, 2017), https://www.theguardian.com/world/2017/jun/02/denmark-scraps-334-year-old-blasphemy-law.

45 Emma Graham-Harrison, *Ireland Votes to Oust 'Medieval' Blasphemy Law*, Guardian (Oct. 27, 2018), https://www.theguardian.com/world/2018/oct/27/ireland-votes-to-oust-blasphemy-ban-from-constitution.

46 *Canada Repeals Blasphemy Law*, B.C. Humanist Assoc. (Dec. 11, 2018), https://www.bchumanist.ca/canada_repeals_blasphemy_law.

47 *Blasphemous Libel Law Repealed*, Beehive.gov.nz (Mar. 5, 2019), https://www.beehive.govt.nz/release/blasphemous-libel-law-repealed.

48 *Blasphemy Law to be Abolished in Greece Under New Criminal Code*, Humanists U.K. (June 17, 2019), https://humanism.org.uk/2019/06/17/blasphemy-to-be-abolished-in-greece-under-new-criminal-code/.

49 Fraser Sutherland, *Humanist Society Campaign Success as Government Confirm the Scrapping of Blasphemy Law*, Humanist Society of Scotland (April 2020), https://www.humanism.scot/what-we-do/news/humanist-society-campaign-success-as-government-confirm-the-scrapping-of-blasphemy-law/.

50 These laws were identified by the authors and students, the staff at the U.S Commission on International Religious Freedom and the Library of Congress.

51 In *Respecting Rights? Measuring the World's Blasphemy Laws*, Andorra's old criminal code was quoted (Article 301 of the Penal Code of 11 July 1990). However, the new Criminal Code which came into force on 23 September 2005 has a new redrafted article. Article 339 of the Criminal Code which provides that "anyone who, with intent to insult and in public, commits acts or utters statements which are seriously offensive for members of a religious, national or ethnic […] group shall be punished by a term of imprisonment". (*https://rm.coe.int/09000016808b5510*)

This is the original version in French (not found in English). *https://sherloc.unodc.org/res/cld/document/and/2005/penal_code_of_andorra_html/Andorra_Code_Penal_Fr.pdf*

"Article 339 Délit d'offense à un groupe: Celui qui, dans l'intention d'injurier et avec publicité, effectue des actes ou profère des expressions sérieusement offensives pour les membres d'un groupe religieux, national, ethnique, syndical, politique, ou de personnes professant une croyance ou idéologie déterminées, doit être puni avec une peine d'arrêt." (*A person, with the intent to insult and with publicity, who commits acts or utters seriously offensive statements against the members of a religious, national, ethnic, union or political group or against people professing a particular belief or ideology shall be punished with imprisonment.*) [author translation].

52 *See* Annex 2, *Bangladesh Information and Communication Technology (ICT) Act* 57. Punishment for publishing fake, obscene or defaming information in electronic form.

53 *See* Annex 2, *Botswana*, Penal Code Article 136 [Insult to religion of any class]; Article 138 [Trespassing on burial places]; Article 140 [Writing or uttering words with intent to wound religious feelings].

54 *See* Annex 2, *Burma*, Penal Code 295A, 298.

55 *See* Annex 2, *Cameroon*, Penal Code § 241 [Contempt of Race or Religion].

56 *See* Annex 2, *Cape Verde*, Constitution Article 49 (Freedom of conscience, religion and worship).

57 *See* Annex 2, *Gambia*, Criminal Code Chapter XIV— Offenses Related to Religion, Articles 117, 119, 120.

58 *See* Annex 2, *Indonesia*, Amendment to Law No. 11 of 2008 on Electronic Information and Transactions Article 45 (par. 3).

59 *See* Annex 2, *Iran*, Penal Code Articles 262, 263, and 513.

60 *See* Annex 2, *Jamaica*, Libel and Slander Act (Article 15).

61 *See* Annex 2, *Kenya*, Penal Code Chapter XIV: Offenses Relating to Religion, §§ 134, 136 & 138.

62 *See* Annex 2, *Kyrgyzstan*, Law on Freedom of Conscience and Religious Organizations (2008), Article 4.

63 *See* Annex 2, *Malawi*, Penal Code Chapter XIV - Offenses Relating to Religion, §§ 127, 129 & 130.

64 *See* Annex 2, *Maldives*, Penal Code § 617 Criticizing Islam.

65 *See* Annex 2, *Mauritania*, Draft bill to cancel and replace the provisions of Article 306 of Legal Order No. 162-83 issued on July 9, 1983, including the criminal law, Articles 1 and 2.

66 *See* Annex 2, *Moldova*, Code on Misdemeanors, Article 54(5).

67 *See* Annex 2, *Nepal*, Penal Code Articles 156; 158.

68 *See* Annex 2, *Seychelles*, Penal Code Articles 35, 125, 127, 128.

69 *See* Annex 2, *Tajikistan*, Code on Administrative Offenses Article 86 (§ 2).

70 *See* Annex 2, *Trinidad and Tobago*, Criminal Offenses Act Article 5.

71 *See* Annex 2, *Turkmenistan*, Code on Administrative Offenses Article 75, Violation of the right to freedom of religious confession and association in religious organizations.

72 *See* Annex 2, *Ukraine*, Criminal Code Article 161, Violation of citizens' equality based on their race, nationality or religious preferences.

73 *See* Annex 2, *United Arab Emirates*. Federal Decree Law No. 2 of 2015, Articles 4; 5; Penal Code [Fed. Law 3 of 1987 as Amended], Article 319.

74 *See* Annex 2, *Uzbekistan*, Penal Code Article 156, Incitement of Ethnic, Racial or Religious Hatred.

ANNEX 2: CRIMINAL BLASPHEMY LAWS AS OF 2020

AFGHANISTAN

The religious framework of the state: Constitution[1]

Article 1: Islamic Republic

Afghanistan is an Islamic Republic, independent, unitary, and indivisible state.

Article 2: Religions

(1) The religion of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam.

(2) Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law.

Article 3: Law and Religion

In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam.

Article 35: Organizations, Parties

(1) Formation and functioning of a party based on ethnicity, language, Islamic school of thought (mazhab-i fiqhi), and region is not permissible.

Article 149: Islam, Fundamental Rights

(1) The provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Mass Media Law[2]
Article 45:

Production, reproduction, print, and publishing of the following reports and material in mass media, and agencies mentioned in article (27) of this law are not permissible:

(1) Works and materials [that] are contrary to the principles and provisions of the holy religion of Islam.

(2) Works and materials [that] are offensive to other religions and sects.

(3) Works and materials [that] are defamatory, insulting, and offensive to the real or legal persons.

(4) Works and materials that are considered libelous/defamatory to real and legal persons, and cause damage to their personality and credibility.

(5) Works and materials that are contrary to the Constitution and are considered crimes by the Penal Code.

ALGERIA

The religious framework of the state: Constitution[3]

Article 2: State Religion

Islam is the religion of the state.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code of 1979[4]
Article 144:

Allows for up to 5 years' imprisonment and a fine of 50,000 to 100,000 dinars for "insulting the prophet and any of the messengers of God, or denigrating the creed and precepts of Islam, whether by writing, drawing, declaration, or any other means."[5]

ANDORRA

The religious framework of the state: Constitution[6]

Article 11(3): State Religion

The Constitution guarantees the Roman Catholic Church free and public exercise of its activities and the preservation of the relations of special cooperation with the state in accordance with the Andorran tradition.

The Constitution recognizes the full legal capacity of the bodies of the Roman Catholic Church which have legal status in accordance with their own rules.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[7]
Article 339:[8]

Anyone who, with intent to insult and in public, commits acts or utters statements [that] are seriously offensive for members of a religious, national, ethnic, union, or political group or people professing a particular belief or ideology shall be punished by a term of imprisonment.[9]

ANTIGUA AND BARBUDA

The religious framework of the state: Constitution[10]

Preamble:

WHEREAS the People of Antigua and Barbuda–

(1a) proclaim that they are a sovereign nation founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person, the entitlement of all persons to the fundamental rights and freedoms of the individual, the position of the family in a society of free men and women and free institutions.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Small Charges Act[11]
Part II Article 9:

Anyone who makes use of any abusive, blasphemous, indecent, insulting, profane, or threatening language–

(a) in any public place; or

(b) in any place to the annoyance of the public; or

(c) tending to a breach of the peace;

shall be liable to a fine not exceeding 500 East Caribbean dollars or to imprisonment for a term not exceeding one month.

AUSTRIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[12]
Section 188: Disparaging of religious precepts

Whoever publicly disparages or mocks a person or a thing, respectively, being an object of worship or a dogma, a legally permitted rite, or a legally permitted institution of a church or religious society located in Austria, in a manner capable of giving rise to justified annoyance, is liable to imprisonment for a term not exceeding six months or to a fine.

BAHRAIN

The religious framework of the state: Constitution

Article 2:

The religion of the state is Islam. The Islamic Shari'a is the primary source of law. The official language is Arabic.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[13]
Article 309:

A punishment for a period not exceeding one year or a fine not exceeding 100 Bahraini dinar shall be inflicted upon any person who commits an offense by any method of expression against one of the recognized religious communities or ridicules the rituals thereof.

Article 310:

The punishment provided for in the preceding Article shall be inflicted upon any person who commits in public an insult against a symbol or a person that is glorified or considered sacred to members of a particular sect; (or) upon any person who imitates in public a religious ritual or ceremony with the intention of ridiculing it.

BANGLADESH

The religious framework of the state: Constitution[14]

Article 2A: The state religion

The state religion of the Republic is Islam, but other religions may be practiced in peace and harmony in the Republic.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[15]
Article 295: Injuring or Defiling Place of Worship, with Intent to Insult the Religion of Any Class

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with a fine, or with both.

Article 295A: Deliberate and Malicious Acts Intended to Outrage Religious Feelings of Any Class by Insulting its Religion or Religious Beliefs

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh, by words, either spoken or written, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.

Article 298: Uttering Words, etc., with Deliberate Intent to Wound Religious Feelings

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with a fine, or with both.

Information and Communication Technology (ICT) Act[16]
57: Punishment for publishing fake, obscene or defaming information in electronic form

(1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material that is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the state or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offense.

(2) Whoever commits an offense under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to 10 years and with a fine which may extend to Taka one crore.

BOTSWANA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[17]
Article 136: Insult to religion of any class

Any person who destroys, damages or defiles any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, is guilty of an offense.

Article 138: Trespassing on burial places

Every person who, with the intention of wounding the feelings of any person or of insulting the religion of any person or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of an offense.

Article 140: Writing or uttering words with intent to wound religious feelings

Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, is guilty of an offense and is liable to imprisonment for a term not exceeding one year.

BRAZIL

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[18]
Article 208:

Publicly mock someone for reasons of belief or religious function, prevent or disrupt the ceremony or practice of religious worship, publicly vilify, act or object of worship:

Penalty – imprisonment of one month to one year or a fine.

Sole Paragraph – If there is use of violence, the penalty is increased by a third, without prejudice to the corresponding violence.

BRUNEI DARUSSALAM

The religious framework of the state: Constitution[19]

Article 3: Religion of Brunei Darussalam and religious observances

(1) The religion of Brunei Darussalam shall be the Muslim Religion according to the Shafeite sect of that religion. Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Syariah Penal Code[20]
110: Contempt of Nabi: "Contempt of the Prophet"

(1) Any Muslim who contempts or brings into contempt Nabi Muhammad Sallallahu 'Alaihi Wa Sallam or any Nabi Allah and it is proved either by ikrar of the accused, or by syahadah of at least two syahid according to Hukum Syara' after the Court is satisfied having regard to the requirements of tazkiyah al syuhud, is guilty of the offense

of irtidad [apostasy] and shall be liable on conviction to death as hadd.

(2) Any Muslim who contempts or brings into contempt Nabi Muhammad Sallallahu 'Alaihi Wa Sallam or any Nabi Allah and it is proved by evidence other than those provided under subsection (1) is guilty of the offense of irtidad and shall be liable on conviction to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.

111: Deriding etc. verses of the Al-Qur'an, hadith or obligatory matters with ijma'

(1) Any Muslim who–

(a) derides, mocks, mimics, ridicules or insults any verse of the Al-Qur'an or hadith of Nabi Muhammad Sallallahu 'Alaihi Wa Sallam;

(b) denies the hadith of Nabi Muhammad Sallallahu 'Alaihi Wa Sallam as a source or authority (hujjiyyah) of the teachings of the religion of Islam; or

(c) denies obligatory matters with ijma',

and it is proved either by ikrar of the accused, or by syahadah of at least two syahid according to Hukum Syara' after the Court is satisfied having regard to the requirements of tazkiyah al syuhud, is guilty of the offense of irtidad and shall be liable on conviction to death as hadd.

(2) Any Muslim who–

(a) derides, mocks, mimics, ridicules or insults any verse of the Al-Qur'an or hadith of Nabi Muhammad Sallallahu 'Alaihi Wa Sallam;

(b) denies the hadith of Nabi Muhammad Sallallahu 'Alaihi Wa Sallam as a source or authority (hujjiyyah) of the teachings of the religion of Islam; or

(c) denies obligatory matters with ijma',

and it is proved by evidence other than those provided under subsection (1) is guilty of the offense of irtidad and shall be liable on conviction to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.

213: Publication contrary to Hukum Syara'["laws of any sect the court considers valid"]

(1) Any person who–

(a) prints, publishes, imports, broadcasts or distributes for purposes of sale or otherwise or in any other manner; or

(b) has in his possession,
any publication that gives or purports to give instruction on any matter relating to the teachings of Islam, containing any matter that is contrary to Hukum Syara' is guilty of an offense and shall be liable on conviction to a fine not exceeding 8,000 Brunei dollars, imprisonment for a term not exceeding 2 years or both.

(2) The Court may order for any documents or thing, among others, used in the commission of or related to the offense referred to in subsection (1) to be forfeited and destroyed notwithstanding that no person may have been convicted for the offense.

214: Delivering or giving publications relating to religion other than religion of Islam to Muslims or persons having no religion

(1) Any person who sends or delivers or causes to be sent or delivered to a Muslim or person having no religion, any publication relating to religion other than the religion of Islam, or any advertising material for such publication that the other person did not request for, is guilty of an offense and shall be liable on conviction to a fine of not exceeding 2,000 Brunei dollars, imprisonment for a term not exceeding 6 months, or both.

(2) For the purpose of subsection (1), any publication sent or delivered to the address of any person shall be deemed to be sent or delivered to that person.

(3) It shall not be a defense against a charge under subsection (1) that the person to whom the publication was sent or delivered has requested for it if that request has been persuaded by the accused person or any person acting on his behalf.

(4) Subsection (1) does not apply to the delivery of any publication by the Post Office and any similar services.

215: Giving in public places publications relating to religion other than religion of Islam to Muslims or persons having no religion

Any person who gives any publication relating to religion other than the religion of Islam to a Muslim or person having no religion in public places is guilty of an offense and shall be liable on conviction to a fine not exceeding $1,000, imprisonment for a term not exceeding 3 months, or both.

217: Offenses in relation to use of certain words in respect of religion of Islam

(1) Any person who, in any–

(a) publication;

(b) speech or public statement;

(c) speech or statement addressed to any assembly; or

(d) published or broadcasted speech or statement and at the time of the speech or statement was made he knows, or reasonably should have known, that it will be published or broadcasted,

uses any word listed in Part I of the Fifth Schedule, or any derivatives or its variation, to state or express any fact, belief, idea, concept, act, activity, matter or instances of or relating to a religion other than the religion of Islam is guilty of an offense and shall be liable on conviction to a fine not exceeding 12,000 Brunei dollars, imprisonment for a term not exceeding 3 years or both.

(2) Any non-Muslim who, in instances mentioned in subsection (1), uses any expression listed in Part II of the Fifth Schedule, except as a citation or reference, is guilty of an offense and shall be liable on conviction to a fine not exceeding 12,000 Brunei dollars, imprisonment for a term not exceeding 3 years, or both.

(3) The Court may order for any publication or thing, among others, used in the commission of or related to the offense referred to in subsections (1) and (2) to be forfeited and destroyed notwithstanding that no person may have been convicted for the offense.

220: Contempt or brings into contempt etc. religion of Islam

Any person who, orally, in writing, by visible representation or in any other manner contempts or brings into contempt, insults, makes fun of, mocks, mimics or ridicules–

(a) the teaching of the religion of Islam;

(b) the practice or ceremony related to the religion of Islam;

(c) words that are regarded as holy by Muslims;

(d) any law in force related to the religion of Islam;

(e) any sahabat;

(f) the tenets of any recognised sect; or

(g) any fatwa published in the Gazette,

is guilty of an offense and shall be liable on conviction to a fine not exceeding 12,000 Brunei dollars, imprisonment for a term not exceeding 3 years, or both.

221: Contempt of Nabi by non-Muslim

(1) Any non-Muslim who, orally, in writing, by visible representation or in any other manner contempts or brings into contempt Nabi Muhammad Sallallahu 'Alaihi Wa Sallam or any Nabi Allah and it is proved either by ikrar of the accused, or by syahadah of at least two syahid according to Hukum Syara' after the Court is satisfied having regard to the requirements of tazkiyah al syuhud, is guilty of an offense and shall be liable on conviction to death penalty.

(2) Any non-Muslim who, orally, in writing, by visible representation or in any other manner contempts or brings into contempt Nabi Muhammad Sallallahu 'Alaihi Wa Sallam or any Nabi Allah and it is proved by evidence other than those provided under subsection (1) is guilty of an offense and shall be liable on conviction to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.

222: Deriding etc. verses of Al-Qur'an or hadith by non-Muslim

(1) Any non-Muslim who derides, mocks, mimics, ridicules or contempts, by word or deed, any verse of the Al-Qur'an or hadith of Nabi Muhammad Sallallahu 'Alaihi Wa Sallam and it is proved either by ikrar of the accused, or by syahadah of at least two syahid according to Hukum Syara' after the Court is satisfied having regard to the requirements of tazkiyah al syuhud, is guilty of an offense and shall be liable on conviction to death penalty.

(2) Any non-Muslim who derides, mocks, mimics, ridicules, or insults, by words or deed, any verse of the Al-Qur'an or hadith of Nabi Muhammad Sallallahu 'Alaihi Wa Sallam and it is proved by evidence other than those provided under subsection (1) is guilty of an offense and shall be liable on conviction to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.

230: Contempt etc. of religious authority

(1) Any person who in any manner contempts, neglects, contravenes, opposes or insults any titah of His Majesty the Sultan and Yang Di-Pertuan with respect to religion in his capacity as the Head of the official religion of Brunei Darussalam is guilty of an offense and shall be liable on conviction to imprisonment for a term not exceeding 5 years.

(2) Any person who in any manner contempts–

(a) the Majlis or Members of the Majlis;

(b) any committee of the Majlis or its members;

(c) Court; or

(d) the administration of the Syariah justice,

is guilty of an offense and shall be liable on conviction to a fine not exceeding $8,000, imprisonment for a term not exceeding 2 years, or both.

BURMA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[21]

295A: Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [persons resident in the Union] by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.

298: Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with a fine, or with both.

CAMEROON

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[22]

Section 241: Contempt of Race or Religion

(1) Whoever commits a contempt, within the meaning of section 152 of this Code, of the race or religion of a number of citizens or residents shall be punished with imprisonment for from 6 days to 6 months and with a fine of from CFAF 5,000 (five thousand) to 500,000 CFA francs.

(2) Where the offense is committed by means of the press or wireless the fine may extend to 20,000,000 CFA francs.

(3) Where the offense is committed with intent to arouse hatred or contempt between citizens, the penalties provided by the foregoing subsections should be doubled.

CAPE VERDE

The religious framework of the state: Constitution

Article 49: Freedom of conscience, religion, and worship[23]

(1) Freedom of conscience, religion, and worship is inviolable, everyone having the right, individually or collectively, to profess a religion or not, to have a religious conviction of their choice, to participate in acts of worship and to freely express their faith and spread their doctrine or conviction, as long as they do not undermine the rights of others and the common good.

(2) No one can be discriminated against, persecuted, harmed, deprived of rights, benefited, or exempted from duties because of their religious faith, convictions, or practice.

(3) Churches and other religious communities are separated from the state and are independent and free in their organization and exercise of their own activities, considered partners in promoting the social and spiritual development of the Cape Verdean people.

(4) Freedom of religious education is guaranteed.

(5) Freedom of religious assistance is guaranteed in hospital, care, and prison establishments, as well as within the armed forces, under terms of the law.

(6) Churches are recognized the right to use social media to carry out their activities and purposes, under terms of the law.

(7) Protection of places of worship is guaranteed, as well as religious symbols, ensigns, and rites, and mocking or ridicule is prohibited.

(8) The right to conscientious objection is guaranteed, under terms of the law.

COMOROS

The religious framework of the state: Constitution[24]

Preamble:

The Comorian people solemnly affirm their will to draw from Islam, the religion of the state, the permanent inspiration of the principles and rules that govern the Union;

This Preamble shall be considered an integral part of the Constitution.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[25]

Article 230:

Any person who in any way profanes:

(1) Places for or currently used for the performance of a cult;

(2) The objects of worship in the places listed above shall be punished by a fine of 15,000 to 100,000 Comoro francs and imprisonment from 3 months to 1 year.

Article 231:

Anyone who has insulted the minister of religion, in the exercise of his functions, is liable to a fine of 15,000 to 45,000 Swiss francs and an imprisonment of 6 months to 2 years.

He who struck the minister of religion in the exercise of his duties, shall be punished with imprisonment from 2 to 5 years.

CYPRUS

The religious framework of the state: Constitution[26]

Article 2:

For the purposes of this Constitution

(1) the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek, or who share the Greek cultural traditions, or who are members of the Greek-Orthodox Church;

(2) the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish, or who share the Turkish cultural traditions, or who are Muslims;

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[27]
Article 138:

Any person who destroys, damages, or defiles any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult of their religion, is guilty of a misdemeanor.

Article 141:

Any person who with the deliberate intention of wounding the religious feelings of any person utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of the person, or places any object in the sight of that person, is guilty of a misdemeanor and is liable to imprisonment for 1 year.

Article 142:

(1) Any person who publishes a book or pamphlet or any article or letter in a newspaper or periodical [that] any class of persons considers as a public insult to their religion, with intent to vilify such religion or to shock or insult believers in such religion, is guilty of misdemeanor.

(2) A prosecution for an offense under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney-General of the Republic.

EGYPT

The religious framework of the state: Constitution[28]

Article 1: Nature of the Republic

The Arab Republic of Egypt is a sovereign state, united and indivisible, where nothing is dispensable, and its system is a democratic republic based on citizenship and the rule of law.

Egypt is part of the Arab nation and enhances its integration and unity. It is part of the Muslim world, belongs to the African continent, is proud of its Asian dimension, and contributes to building human civilization.

Article 2: Islam, Principles of Islamic Shari'a

Islam is the religion of the state and Arabic is its official language. The principles of Islamic Shari'a are the principle source of legislation.

Article 3: Christian and Jewish religious affairs

The principles of the laws of Egyptian Christians and Jews are the main source of laws regulating their personal status, religious affairs, and selection of spiritual leaders.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[29]
Article 98(f):

Detention for a period of not less than 6 months and not exceeding 5 years, or paying a fine of not less than 500 Egyptian pounds and not exceeding 1,000 Egyptian pounds shall be the penalty inflicted on whoever exploits and uses the religion in advocating and propagating by talk or in writing, or by any other method, extremist thoughts with the aim of instigating sedition and division or disdaining and disrespecting any of the heavenly religions or the sects belonging thereto, or prejudicing national unity or social peace.

Article 161:

These penalties shall be imposed on any encroachment that takes place by one of the methods prescribed in Article 171, on a religion whose rituals are publicly held.

The following shall fall under the provisions of this Article:

First: Printing and publishing a book which is viewed as holy by members of a religion whose rituals are publicly held, if a text of this book is perverted in a way that changes its meaning.

Second: Imitating a religious celebration in a public place or public community, with the aim of ridicule, or for the attendants to watch.

Article 171:

Whoever induces one or more persons to commit a felony or misdemeanor, by talks, shouting in public, a deed, or a hint insinuated in public, by writing, drawing, pictures/photographs, marks and symbols, or any other method of representation made in public, or in any other means of publicness, shall be considered an accomplice in doing it, and shall be punished with the penalty prescribed therefor, if such inducement results in actual occurrence of the felony or misdemeanor.

However, if the inducement results in just an attempt of murder, the judge shall apply the legal provisions on attempt penalty. Talk or shouting shall be considered publicly made if it is declared openly or reiterated via any mechanical method at a general meeting, on a public road or any other frequented place, or if it is declared openly or reiterated, such that anyone found on that road or in that place can hear it, or if it is diffused by wireless or any other method. The deed or hint shall be considered publicly made if it takes place at a general meeting, on a public road, or at any other frequented place, or if it takes place such that whoever is found on that road or at that place can see it. Writing, drawings, pictures, photographs, signs, symbols, and other representation methods shall be considered as publicly displayed, if they are distributed without differentiation to a number of people, or if they are displayed such that whoever is found on the public road or at any frequented place can see them, or if they are sold or offered for sale at any place.

Note on Law No. 263 of 1960[30]

"[P]racticing the Baha'i faith is considered blasphemy. The religion is criminalized under Law No. 263 of 1960, which bans Baha'i institutions and community activities and strips Baha'is of any legal recognition."

ERITREA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[31]
Article 196: Disturbance of Religious or Ethnic Feelings

A person who intentionally and publicly disparages a ceremony or rite of any lawful religious group, or profanes a place, image, or object used for such religious ceremonies or ceremonies relating to any ethnic group, is guilty of disturbance of religious or ethnic feelings, a Class 1 petty offense, punishable with a definite term of imprisonment of not less than 6 months and not more than 12 months, or a fine of 20,001 – 50,000 nakfas, to be set in intervals of 2,500 nakfas.

ETHIOPIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[32]
Article 816: Blasphemous or Scandalous Utterances or Attitudes

Whoever, apart from the cases punishable under the Criminal Code (Arts 492 and 493), in a public place or in a place open to the public or that can be viewed by the public, by gestures or words scoffs at religion or expresses himself in a manner which is blasphemous, scandalous, or grossly offensive to the feelings or convictions of others or towards the Divine Being or the religious symbols, rites, or religious personages, is punishable by fine or arrest not exceeding 1 month.

Article 492: Outrage on Religious Peace and Feeling

Whoever publicly:

(a) prevents the solemnization of, or disturbs or scoffs at, an authorized religious ceremony or office; or

(b) profanes a place, image, or object used for religious ceremonies,

is punishable with a fine not exceeding 1,000 birr, or with simple imprisonment not exceeding 2 years.

FINLAND

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[33]
Chapter 17 [Offenses against public order (563/1998)]
Section 10: Breach of the sanctity of religion (563/1998)

A person who

(1) publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise held to be sacred by a church or religious community, as referred to in the Act on the Freedom of Religion (267/1998), or

(2) by making noise, acting threateningly or otherwise, disturbs worship, ecclesiastical proceedings, other similar religious proceedings or a funeral,

shall be sentenced for a breach of the sanctity of religion to a fine or to imprisonment for at most 6 months.

GAMBIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[34]
Chapter XIV: Offenses Related to Religion

117: Any person who destroys, damages, or defiles any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to, consider such destruction, damage, or defilement as an insult to their religion, is guilty of a misdemeanor.

119: Every person who, with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanor.

120: Any person who, with the deliberate intention of wounding the religious feelings of any person, utters or writes any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person; is guilty of a misdemeanor, and is liable to imprisonment for 1 year.

GERMANY

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code (1998)[35]
Section 166: Insulting of faiths, religious societies, and organizations dedicated to a philosophy of life

(1) Whoever publicly or through dissemination of writings (Section 11 sub-section 3) insults the content of others' religious faith or faith related to a philosophy of life in a manner that is capable of disturbing the public peace, shall be punished with imprisonment for not more than 3 years or a fine.

(2) Whoever publicly or through dissemination of writings (Section 11 sub-section 3) insults a church, other religious society, or organization dedicated to a philosophy of life located in Germany, or their institutions or customs in a manner that is capable of disturbing the public peace, shall be similarly punished.

Network Enforcement Act (2017)[36]
Section 1:

(1) This Act shall apply to telemedia service providers which, for profit-making purposes, operate internet platforms which are designed to enable users to share any content with other users or to make such content available to the public (social networks). Platforms offering journalistic or editorial content, the responsibility for which lies with the service provider itself, shall not constitute social networks within the meaning of this Act. The same shall apply to platforms which are designed to enable individual communication or the dissemination of specific content.

(2) Unlawful content shall be content within the meaning of subsection (1) which fulfills the requirements of the offenses described in sections 86, 86a, 89a, 91, 100a, 111, 126, 129 to 129b, 130, 131, 140, 166, 184b in connection with 184d, 185 to 187, 241 or 269 of the Criminal Code and which is not justified.[37]

GRENADA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[38]
Section 429: Publication or Sale of Blasphemous or Obscene Matter

Whoever publishes, sells, or offers for sale any blasphemous or obscene book, writing, or representation, shall be liable to imprisonment for 2 years.

GUYANA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[39]
Part V: Offenses against Religion, Morality, and Public Inconvenience
Title 24: Offenses against Religion
Article 348:

(1) Everyone who publishes any blasphemous libel shall be guilty of a misdemeanor and liable to imprisonment for 1 year.

(2) It shall be a question of fact whether any particular published matter is or is not a blasphemous libel:

Provided that no person shall be liable to be convicted on any indictment for a blasphemous libel only for expressing in good faith and in decent language, or attempting to establish any arguments used in good faith and conveyed in decent language, any opinion whatever upon any religious subject.

INDIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[40]

Article 295: Injuring or defiling place of worship, with intent to insult the religion of any class

Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with a fine, or with both.

Article 295A: Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [citizens of India], [by words, either spoken or written, or by signs or by visible representations, or otherwise] insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to [3 years], or with a fine, or with both.]

Article 296: Disturbing religious assembly

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to 1 year, or with a fine, or with both.

Article 297: Trespassing on burial places, etc.

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to 1 year, or with a fine, or with both.

Article 298: Uttering words, etc., with deliberate intent to wound religious feelings

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to 1 year, or with a fine, or with both.

INDONESIA

The religious framework of the state: Constitution[41]

Article 29:

(1) The state shall be based upon the belief in the One and Only God.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[42]

Article 156(a):

By a maximum imprisonment of 5 years shall be punished any person who deliberately in public gives expression to feelings or commits an act,

(a) which principally has the character of being at enmity with, abusing, or staining a religion, adhered to in Indonesia;

(b) with the intention to prevent a person to adhere to any religion based on the belief of the almighty God.

Amendment to Law No. 11 of 2008 on Electronic Information and Transactions[43]

Article 45:[44]

(3) Any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents of affronts and/or defamation as referred to in Article 27 paragraph (3) shall be sentenced to imprisonment not exceeding 4 years and/or a fine not exceeding 750,000,000.00 rupiah.

IRAN

The religious framework of the state: Constitution[45]

Article 1: Form of Government

The form of government of Iran is that of an Islamic Republic, endorsed by the people of Iran on the basis of their longstanding belief in the sovereignty of truth and Koranic justice, in the referendum of 29 and 30 March 1979, through the affirmative vote of a majority of 98.2% of

eligible voters, held after the victorious Islamic Revolution led by Imam Khumayni.

Article 12: Official Religion

The official religion of Iran is Islam and the Twelver Ja'fari school, and this principle will remain eternally immutable. Other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. In regions of the country where Muslims following any one of these schools constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school, without infringing upon the rights of the followers of other schools.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[46]
Article 262:

Anyone who swears at or commits qazf against the Great Prophet [of Islam] (peace be upon him) or any of the Great Prophets, shall be considered as Sāb ul-nabi [a person who swears at the Prophet], and shall be sentenced to the death penalty.

Note: Commission of qazf against, or swearing at, the [12] Shi'ite Imams (peace be upon them) or the Holy Fatima (peace be upon her) shall be regarded as Sab-e nabi.

Article 263:

When the accused of a sabb-e nabi (swearing at the Prophet) claims that his/her statements have been under coercion or mistake, or in a state of drunkenness, or anger or slip of the tongue, or without paying attention to the meaning of the words, or quoting someone else, then s/he shall not be considered as Sāb ul-nabi [a person who swears at the Prophet].

Note: When a sabb-e nabi (swearing at the Prophet) is committed in the state of drunkenness, or anger, or quoting someone else, if it is considered to be an insult, the offender shall be sentenced to a ta'zir punishment of up to 74 lashes.

Article 513: [47]

Anyone who insults the Islamic sanctities or any of the imams or her excellency Sadigheh Tahereh shall be executed if his insult equals to speaking disparagingly of Prophet Muhamad; otherwise, they shall be imprisoned from 1 to 5 years.

IRAQ

The religious framework of the state: Constitution[48]

Article 2: Official State Religion

(1) Islam is the official religion of the state and is a foundational source of legislation:

(a) No law may be enacted that contradicts the established provisions of Islam.

(b) No law may be enacted that contradicts the principles of democracy.

(c) No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.

(2) This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandean Sabeans.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[49]
Chapter 8 Section 2: Offenses that violate religious sensibilities
Paragraph 372:

The following persons are punishable by a period of detention not exceeding 3 years or by a fine not exceeding 100 dinars:

(1) Any person who attacks the creed of a religious minority or pours scorn on its religious practices.

(4) Any person who prints or publishes a book sacred to a religious minority and deliberately misspells the texts so that the meaning of the text is altered or who makes light of its tenets or teachings.

(5) Any person who publicly insults a symbol or a person who constitutes an object of sanctification, worship, or reverence to a religious minority.

(6) Any person who publicly imitates a religious ceremony or celebration with intent to deceive.

ISRAEL

The religious framework of the state: Basic Law for Human Dignity and Liberty (1992)[50]

1a. Purpose (Amendment No. 1):

The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law, the values of the State of Israel as a Jewish and democratic state.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[51]
Article 170: Insult to religion

If a person destroys, damages, or desecrates a place of worship or any object [that] is held sacred by a group of persons, with the intention of reviling their religion, or in the knowledge that they are liable to deem that act an insult to their religion, then he is liable to 3 years' imprisonment.

Article 173: Injury to religious sentiment

If a person does any of the following, then he is liable to 1-year imprisonment:

(1) he publishes a publication that is liable crudely to offend the religious faith or sentiment of others;

(2) he voices in a public place and in the hearing of another person any word or sound that is liable crudely to offend the religious faith or sentiment of others.

ITALY

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[52]

Article 402: Insulting the State religion[53]

Anyone who insults the state religion shall be subject to a prison sentence of up to 1 year.

Article 403: Offenses to a religious confession by offending people

Anyone who publicly offends a religious confession, by disrespecting those who profess it, is punished with a fine from 1,000 to 5,000 euros. The fine from 2,000 to 6,000 euros is applied to those who offend a religious confession, by offending a minister of religion.

Article 404: Offenses to a religious confession by insulting or damaging things

Anyone who, in a place destined for worship, or in a public place or open to the public, offending a religious confession, reviles with insulting expressions things that form the object of worship, or are consecrated to worship, or are necessarily intended for the exercise of worship, or commits the act on the occasion of religious services, performed in a private place by a minister of the cult, is punished with a fine from 1,000 to 5,000 euros. Insulting the state religion by offending against property.

Article 406: Offenses against religions recognized by the State[54]

Anyone who commits one of the offenses established under Articles 403, 404, and 405 [not included] against a religion recognized by the state shall be punished in accordance with the aforementioned articles, but the sentence shall be reduced.

Article 724: Blasphemy and outrageous manifestations towards the dead

Anyone who publicly blasphemes, with invectives or outrageous words against a deity, is punished with a pecuniary administrative sanction from 51 to 309 euros. The same sanction applies to those who carry out any public outrageous demonstration against the dead.

JAMAICA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Libel and Slander Act[55]

15: A fair and accurate report in any newspaper of proceedings publicly heard before any court exercising judicial authority shall, if published contemporaneously with such proceedings, be privileged:

Provided that nothing in this section shall authorize the publication of any seditious, blasphemous, or indecent matter.[56]

JORDAN

The religious framework of the state: Constitution[57]

Article 2:

Islam is the religion of the state and Arabic is its official language.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[58]
Article 273:

Anyone proven to have publicly offended any prophet shall be sentenced to imprisonment for a period between 1 to 3 years.

Article 278:

Anyone found guilty of any of the following shall be sentenced to imprisonment for a period not exceeding 3 months or a fine not exceeding 20 dinars:

(1) Publishing any material that is offensive to other people's religious feelings or beliefs.

(2) Publicly, with another person listening thereto, making a speech or sound that is offensive to said other person's religious feelings or beliefs.

Should the public prosecutor decide to prosecute journalists under Article 38 of the Press and Publications Law rather than the Penal Code, a fine of 10,000 to 20,000 dinars would be imposed.

KAZAKHSTAN

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[59]

Article 174. Incitement of Social, National, Clan, Racial, Class or Religious Antagonism

(1) Deliberate actions aimed at the incitement of social, national, clan, racial, class or religious antagonism, or at offense to the national honor and dignity, or religious feelings of citizens, as well as propaganda of exclusiveness, superiority, or inferiority of citizens based on their attitude towards religion, social class, national, clan or racial belonging, if these acts are committed publicly or with the use of the mass information media or networks of telecommunication and also by way of the production or spreading of literature or other transmissions of information, that propagate social, national, clan, racial, class or religious antagonism – shall be punished by a fine from 2000 to 7000 monthly base values, or restrictions on freedom from two to seven years, or deprivation of freedom for the same period.

(2) The same acts committed by a group of persons, or a group of people in accordance with a preliminary agreement, or committed repeatedly, or combined with violence or a threat to apply it, as well as committed by a person with the use of his official position, or by the leader of a public association, including the use of means received from foreign sources – shall be punished with deprivation of liberty for a period from 5 to 10 years, with a deprivation of the right to hold certain position and engage in certain activities for a period of up to 3 years, or without such.

(3) The acts stipulated by the first and second parts of this Article committed by a criminal group which entailed serious consequences – shall be punished by deprivation of freedom for a length of time from 12 to 20 years, with a deprivation of the right to hold certain positions or engage in certain activities, for a period of up to 3 years, or without such.

KENYA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[60]

Section 134: Insult to religion

Any person who destroys, damages, or defiles any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, is guilty of a misdemeanor.

Section 136: Trespassing on burial places

Every person who, with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanor.

Section 138: Writing or uttering words with intent to wound religious feelings

Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, is guilty of a misdemeanor and is liable to imprisonment for 1 year.

KUWAIT

The religious framework of the state: Constitution[61]

Article 2: State Religion

The religion of the state is Islam, and the Islamic Shari'a shall be a main source of legislation.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Law No. 19 of 2012 on the Protection of National Unity (19/2012)[62]

Article 1:

It is prohibited to engage in, call for, or incite, by any means of expression specified in Article 29 of Law No. 31 of 1970 (through the amendment of certain provisions of the Penal Code), hatred of or showing contempt for any segment of society, inciting sectarian or tribal

strife, publishing ideas claiming the superiority of any race, group, color, origin, religious persuasion, sex, or descent, or encouraging acts of violence for such purpose, or broadcasting, publishing, printing, disseminating, rebroadcasting, producing, or discussing any content or publication of visual or audio material, or disseminating false rumors that contain anything that by its nature would lead to the foregoing. The provisions of the preceding paragraph apply to anyone who commits an act outside the State of Kuwait that makes him a principal or a partner in a crime that occurs in whole or in part in the State of Kuwait. Information networks and the blogs that are published on them and other modern means of communications are included in the means of expression.

Article 2:

Without prejudice to any more stringent penalty provided by another law, anyone who commits an act that violates the prohibition specified in Article 1 of this law shall be punished by imprisonment for a period of not more than 7 years and a fine of not less than 10,000 dinars and not more than 100,000 dinars, or by either one of these penalties, and a judgment will be made to confiscate the facilities, money, devices, newspapers, and publications used in the commission of the crime. The punishment will be doubled if the violation is repeated.

Article 3:

In cases in which a crime specified in this law is committed by a legal entity, without prejudice to the criminal liability of the natural person, the legal entity shall be punished by a fine of not less than 10,000 dinars and not more than 100,000 dinars if the crime was committed in its name or on its behalf. A judgment to revoke the business license can be issued and, at the request of the prosecutor's office, the head of the competent felonies department or the summary matters judge can issue a decision to suspend the license temporarily for a period of 1 month, subject to renewal.

Article 4:

Any of the perpetrators who reports to the competent authorities the existence of a criminal agreement to commit a crime before the start of its implementation shall be exempt from the punishment, and the court can also exempt from punishment if the informing was done after the completion of the crime but prior to the investigation. It can also do so if the criminal enabled the authorities to arrest the remaining criminals.

Article 5:

The Prime Minister and the ministers, all those concerned, shall implement this statutory decree and act in accordance with it as of the date of its publication in the official gazette and its presentation to the National Assembly.

Penal Code[63]

Article 25:

Anyone who publicly or in a public place or in a place in which he can be heard or seen by anyone in a public place, by speaking or shouting or writing or with drawings or pictures or any other means of expressing an idea, defames the rights and authority of the Amir, or dishonors the Amir, or displays arrogant behavior towards the underpinnings of this emirate shall be punished by imprisonment for a period of not more than 5 years.

Article 111:

Anyone who disseminates, in one of the public ways stated in Article 101,[64] views that include ridicule or contempt or belittling of a religion or a religious sect, whether by defaming its doctrines, its rituals, its ceremonies, or its tenets, shall be punished by imprisonment for a period of not more than 1 year and a fine of not more than 1,000 dinars, or by either one of these two penalties.

Article 112:

There is no crime if research on a religion or a religious sect is disseminated in a lecture, an essay, or a scholarly book in a calm and balanced way that is free of statements that incite, and the good intentions of the researcher have been proved by his propensity for pure scholarly criticism.

Article 204:

Anyone who, in a public place, publicly instigates the practice of immorality or indecency shall be punished by imprisonment for a period of not more than 3 years and a fine of not more than 3,000 dinars, or by either one of these two penalties. (This paragraph was replaced pursuant to Law No. 106 of 1994 Article 1). The aforementioned penalties shall be imposed on anyone who prints or sells or distributes or displays photographs or drawings or models or anything else that is indecent. There is no crime if the statements are made or the writing, drawings, or photographs are published in a way recognized by science or art as part of the participation in scientific or artistic progress.

KYRGYZSTAN

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Law on Freedom of Conscience and Religious Organizations (2008)[65]
Article 4:

(4) The limitation of rights or establishment of any privileges of citizens dependent upon their attitude toward religion, as well as the incitement of enmity and hatred, or the intentional offense of the feelings of citizens in connection with their attitude towards religion, the desecration of sacred or other religious cult objects, entails liabilities in accordance with the legislation of the Kyrgyz Republic.

LEBANON

The religious framework of the state: Constitution[66]

Article 9:

Freedom of conscience is absolute. In assuming the obligations of glorifying God, the Most High, the state respects all religions and creeds, and safeguards the freedom of exercising the religious rites under its protection, without disturbing the public order. It also guarantees the respect of the system of personal status and religious interests of the people, regardless of their different creeds.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[67]
Article 473: Profaning the name of God

Anyone who profanes the name of God publicly shall be punished by imprisonment from 1 month to 1 year.

Article 474: Disparaging religious ceremonies

The text of Article 474 was abrogated pursuant to Law 1/12/1954 and was replaced by the following text:

Anyone who, by means of the ways specified in Article 209,[68] dares to publicly disparage religious ceremonies that are practiced or foments disdain for any of those religious ceremonies shall be punished by imprisonment from 6 months to 3 years.

LIBYA

The religious framework of the state: The Constitutional Declaration[69]

Article 1:

Libya is an independent democratic state wherein the people are the source of powers. The city of Tripoli shall be the capital of the state. Islam is the religion of the state and the principal source of legislation is Islamic Jurisprudence (Shari'a). The state shall guarantee for non-Muslims the freedom of practicing religious rituals. Arabic is its official language. The state shall guarantee the cultural rights for all components of the Libyan society and its languages shall be deemed national ones.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[70]
Article 291:

Whoever publicly attacks the Mohammedan religion, which is the official religion of the state in accordance with the Constitution of the United Kingdom of Libya, or who blasphemes against God, Mohammed, or the prophets shall be punished by a penalty of detention for a period not exceeding 1 year or of a fine not exceeding 50 Libyan dinar.

LIECHTENSTEIN

The religious framework of the state: Constitution[71]

Article 37:

(4) The Roman Catholic Church is the state church and as such enjoys the full protection of the state; other confessions shall be entitled to practice their creeds and to hold religious services to the extent consistent with morality and public order.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[72]
Section 188: Disparaging of religious precepts

Whoever publicly disparages or mocks a person or a thing, respectively, being an object of worship or a dogma, a legally permitted rite, or a legally permitted institution of a church or religious society located on the territory, in a manner capable of giving rise to justified annoyance is liable to imprisonment for a term not exceeding 6 months or to a fine of up to 360 days' pay.

MALAWI

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[73]
Chapter XIV: Offenses Relating to Religion
127: Insult to religion of any class

Any person who destroys, damages, or defiles any place of worship or any object that is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or

defilement as an insult to their religion, shall be guilty of a misdemeanor.

129: Trespassing on burial places

Every person who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, shall be guilty of a misdemeanor.

130: Writing or uttering, words with intent to wound religious feelings

Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, shall be guilty of a misdemeanor and shall be liable to imprisonment for 1 year.

MALAYSIA

The religious framework of the state: Constitution[74]

Article 3: Religion of the Federation

Islam is the religion of the Federation, but other religions may be practiced in peace and harmony in any part of the Federation.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[75]
Chapter XV: Offenses Relating to Religion
295: Injuring or defiling place of worship, with intent to insult the religion of any class

Whoever destroys, damages, or defiles any place of worship or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with a fine, or with both.

297: Trespassing on burial places, etc.

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any person assembled for the performance of funeral ceremonies, shall be punished with imprisonment for a term which may extend to 1 year, or with a fine, or with both.

298: Uttering words, etc., with deliberate intent to wound the religious feelings of any person

Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to 1 year, or with a fine, or with both.

298A: Causing, etc., disharmony, disunity, or feelings of enmity, hatred or ill-will, or prejudicing etc., the maintenance of harmony or unity, on grounds of religion

(1) Whoever by words, either spoken or written, or by signs, or by visible representations, or by any act, activity or conduct, or by organising, promoting or arranging, or assisting in organising, promoting or arranging, any activity, or otherwise in any other manner–

(a) causes, or attempts to cause, or is likely to cause disharmony, disunity, or feelings of enmity, hatred, or ill-will; or

(b) prejudices, or attempts to prejudice, or is likely to prejudice, the maintenance of harmony or unity, on grounds of religion, between persons or groups of persons professing the same or different religions, shall be punished with imprisonment for a term of not less than 2 years and not more than 5 years.

MALDIVES

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[76]
Section 617: Criticizing Islam

(a) Offense Defined. A person commits an offense if

(1) engages in religious oration and criticism of Islam in public or in a public medium with the intention to cause disregard for Islam; or

(2) produces, sells, distributes, or offers material criticizing Islam with the intention to cause disregard [for] Islam;

(3) The production, possession, sale, distribution, dissemination of pornography in the Maldives or importation thereof.

(4) The production, possession, sale, distribution, dissemination, and importation of idols of worship in the Maldives or importation thereof.

(5) Attempting to disrupt the religious unity of the citizens of Maldives, and conversing and acting in a manner likely to cause religious segregation amongst people.

(c) Grading. The offense is a Class 1 misdemeanor.

Section 92: Authorized Terms of Imprisonment[77]

Except as otherwise provided, the maximum authorized term of imprisonment for a:

(f) Class 1 misdemeanor is imprisonment for not more than 1 year;

Section 93: Authorized Fines

Except as otherwise provided, the maximum authorized fine for an offense is:

(a) twice the harm caused or the gain derived, or

(b) (6) MVR (Rufiyaa) [50,000] for a Class 1 misdemeanor.

MAURITANIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Draft bill to cancel and replace the provisions of Article 306 of Legal Order No. 162-83 issued on July 9, 1983, including the criminal law[78]
Article 1:[79]

The provisions of Article 306 of Legal Order No. 162-83 issued on July 9, 1983, including the criminal law, are abrogated and replaced by the following provisions:

Article 306 (new): Anyone who commits an act that violates modesty or Islamic values or who violates any of the sanctities of God, or who helps to do so, and this act is not a crime of hudud [refers to crimes whose punishment is mandated by God], qisas [refers to a crime of revenge], or diyah [refers to a crime requiring compensation paid to the victim], shall be punished through tazir [i.e., at the discretion of the judge] by imprisonment of 3 months to 2 years and by a fine of 50,000 ouguiyas to 600,000 ouguiyas.

Any Muslim, male or female, who ridicules or insults God or His messenger (may God bless him and grant him salvation), or His angels, or His books, or one of His prophets, shall be put to death, and he will not be called on to repent. Even if he repents, the death penalty will not be removed.

Any Muslim who explicitly apostatizes from Islam, or who says or does something that would require or include that, or who renounces what he knows to be required by the religion, shall be imprisoned for 3 days, during which time he will be asked to repent. If he does not repent, he will be sentenced to death for blasphemy, and his property will be transferred to the treasury of the Muslims.

Any person who professes Islam outwardly but is secretly an infidel is considered a disbeliever and he will be punished by death when he is discovered, without being asked to repent. His repentance will not be accepted unless it is declared before his apostasy has been discovered.

Any legally competent Muslim who fails to perform his prayers despite acknowledging that they are required will be ordered to do so and he will be expected to do the last required rak'ah [a series of bending and prostrations in Islamic prayer]. If he persists in failing to perform the prayers, he will be put to death in the end. If he denies that prayer is required, he will be put to death for apostasy. His body will not be prepared or buried in the way Muslims are. His property will be transferred to the treasury of the Muslims. This crime will be proved only by admission.

Article 2:

All prior provisions that are contrary to this law are abrogated.

MAURITIUS

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[80]
Article 185:

Any person who, by word or gesture, commits an outrage on the objects used for religious worship in the place devoted to or actually used for such religious worship, or upon any minister of such religion whilst officiating as such, shall be punished by a fine not exceeding 10,000 rupees, and imprisonment for a term not exceeding 1 year.

MOLDOVA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Code on Misdemeanors[81]
Article 54(5):

Offense of people's religious feelings, violations of sacred objects, spaces, monuments, and conceptual symbols is subject to a fine of between 12 to 24 monetary units or punishment in the form of 40 to 60 hours of unpaid labor for the benefit of society.[82]

MONTENEGRO

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[83]
Article 370:

Anyone who causes and spreads national, religious, or race hatred, divisions or intolerance among people, national minorities, or ethnic groups living in Montenegro, shall be punished by imprisonment for a term of 6 months to 5 years.

If an act under Paragraph 1 is done by coercion, maltreatment, endangering of safety, exposure to mockery of national, ethnic, or religious symbols, by damaging another person's goods, or by desecration of monuments, memorial-tablets or tombs, the offender shall be punished by imprisonment for a term of 1 to 8 years.

Anyone who commits an act referred to in paragraphs 1 and 2 of this article by abusing his/her position or authority, or if, as a result of these acts, riot or violence occurs, or other severe consequences for the communal life of people, national minorities, or ethnic groups living in Montenegro, shall be punished for an act under paragraph 1 of this article by imprisonment of 1 to 8 years, and for an act under paragraph 2 by imprisonment of 2 to 10 years.

MOROCCO

The religious framework of the state: Constitution[84]

Article 3:

Islam is the religion of the state, which guarantees to all the free exercise of beliefs [cultes].

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[85]
Article 267-5:

Anyone who undermines the Islamic religion, the monarchic regime or incites to undermine the territorial integrity of the Kingdom shall be condemned to an imprisonment of 6 months up to 2 years and a fine of 20,000 up to 200,000 dirhams, or one of those two sentences only.

The incurred sentence can be increased from 2 to 5 years of prison and a fine of 50,000 up to 500,000 dirhams or one of those two sentences only if the acts referred to in the first paragraph are committed either by speech, scream, or threat made in public places or public meetings, or by poster publicly exhibited by sale, distribution, or any other means used for publicity included by online form, paper, and audiovisual form.

NEPAL

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[86]
156: Prohibition of outraging religious feelings

(1) No person shall outrage the religious feelings of any caste, race, community, or class by words, either spoken or written, by visible representation or signs or otherwise.

(2) A person who commits, or causes to be committed, the offense referred to in sub-section (1) shall be liable to a sentence of imprisonment for a term not exceeding 2 years and a fine not exceeding 20,000 rupees.

158: Prohibition of proselytizing

(1) No person shall convert anyone from one religion to another or make attempt to or abet such conversion.

(2) No person shall do any act or conduct that undermines the religion, opinion, or faith of any caste, race, or community or convert anyone into another religion, whether by inducement or not, in a manner to so undermine or propagate such religion or opinion with the intention of making such conversion.

(3) A person who commits, or causes to be committed, the offense referred to in sub-section (1) or (2) shall be liable to a sentence of imprisonment for a term not exceeding 5 years and a fine not exceeding 50,000 rupees.

(4) If a foreigner commits, or causes to be committed, the offense referred to in sub-section (1) or (2), he or she shall be deported from Nepal within 7 days after the date of completion of the service of imprisonment imposed under this Section.

NIGERIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[87]
Chapter 19, Offenses relating to Religious Worship
Section 204:

Any person who does an act [that] any class of persons considers as a public insult on their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

OMAN

The religious framework of the state: Constitution[88]

Article 1:

The Sultanate of Oman is an Arab, Islamic, independent state with full sovereignty and Muscat is its capital.

Article 2:

The religion of the state is Islam and Islamic Shari'a is the basis for legislation.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[89]
Article 269:

The punishment shall be imprisonment for a term of not less than 3 years and not more than 10 years for anyone who commits one of the following acts:

(a) blaspheming against or insulting the Divinity verbally or by means of writing, drawing, gestures, or by any other means;

(b) insulting, perverting or desecrating the Holy Qur'an;

(c) insulting the Islamic religion or any of its rites, or any of the divine religions;

(d) blaspheming against or insulting any of the prophets verbally or by means of writing, drawing, gestures, or by any other means; or

(e) destroying or desecrating a building or any part of its contents intended for use in religious rites of the Islamic religion or any of the other divine religions.

PAKISTAN

The religious framework of the state: Constitution[90]

Article 1: The Republic and its territories

Pakistan shall be [a] Federal Republic to be known as the Islamic Republic of Pakistan, hereinafter referred to as Pakistan.

Article 2: Islam to be State religion

Islam shall be the state religion of Pakistan.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[91]
Chapter XV: Of Offenses Relating to Religion
295: Injuring or defiling place of worship, with Intent to insult the religion of any class

Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.

295-A: Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs

Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 10 years, or with fine, or with both.

295-B: Defiling, etc., of Holy Qur'an

Whoever willfully defiles, damages, or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

295-C: Use of derogatory remarks, etc., in respect of of the Holy Prophet

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall

be punished with death, or imprisonment for life, and shall also be liable to fine.

298: Uttering words, etc., with deliberate intent to wound religious feelings

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to 1 year or with a fine, or with both.

298-A: Use of derogatory remarks, etc., in respect of holy personages

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen) or members of the family (Ahle-bait) of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafae-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to 3 years, or with a fine, or with both.

298-B: Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places

(1) Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis,' or by any other name, who by words, either spoken or written, or by visible representation–

(a) refers to or addresses any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as "Ameer-ulMumineen," "Khalifatul-Mumineen," Khalifa-tul-Muslimeen," "Sahaabi," or "Razi Allah Anho";

(b) refers to or addresses any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as "Ummul-Mumineen";

(c) refers to or addresses any person, other than a member of the family "Ahle-bait" of the Holy Prophet Muhammad (peace be upon him), as "Ahle-bait"; or

(d) refers to, or names, or calls his place of worship a "Masjid";

shall be punished with imprisonment of either description for a term which may extend to 3 years, and shall also be liable to a fine.

(2) Any person of the Qaudiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as "Azan", or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to 3 years, and shall also be liable to fine.

298-C: Person of Quadiani group, etc., calling himself a Muslim or preaching or propagating his faith

Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly poses himself as a Muslim, or calls or refers to his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to 3 years and shall also be liable to fine.

PAPUA NEW GUINEA

The religious framework of the state: Constitution[92]

Preamble:

WE, THE PEOPLE OF PAPUA NEW GUINEA

- united in one nation
- pay homage to the memory of our ancestors—the source of our strength and origin of our combined heritage
- acknowledge the worthy customs and traditional wisdoms of our people—which have come down to us from generation to generation
- pledge ourselves to guard and pass on to those who come after us our noble traditions and the Christian principles that are ours now. By authority of our inherent right as ancient, free and independent peoples

WE, THE PEOPLE, do now establish this sovereign nation and declare ourselves, under the guiding hand of God, to be the Independent State of Papua New Guinea.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Customs Act
Article 97:[93]

Goods (other than films) which, whether of their own nature or having regard to any literary or other work or matter that is embodied, recorded, or reproduced in, or can be reproduced from, them –

(a) are blasphemous, indecent or obscene; or

(b) unduly emphasize matters of sex, horror, violence or crime; or

(c) are likely to encourage depravity,

And advertising matters relating to such goods. Subject to compliance with the provisions of the Classification of Publication (Censorship) Act 1989.

Classification of Publication (Censorship) Act 1989[94]
2: Interpretation

(1) In this Act, unless the contrary intention appears—
"objectionable publication" means a publication that—

(a) describes, depicts, expresses, or otherwise deals with matters of sex, drug misuse, or addiction, crime, cruelty, blasphemy, immorality, violence or revolting or abhorrent phenomena in a manner that is likely to be offensive to a reasonable adult person and is undesirable in the interest of the public; or

(b) depicts a child (whether engaged in sexual activity or otherwise) who is, or who is apparently, under the age of 18 years, in a manner that is likely to cause offense to a reasonable adult person and is undesirable in the interest of the public; or

(c) promotes, incites, or encourages terrorism;

70: Publishing of objectionable publications

(1) A person who publishes an objectionable publication, other than a prescribed publication, is guilty of an offense punishable:

(a) in the case of a body corporate–by a fine not exceeding K5,000.00; and

(b) in the case of an individual–by a fine not exceeding K1,000.00 or by imprisonment for a term not exceeding six months, or both.

(2) A person who publishes a prescribed publication is guilty of an offense, punishable–

(a) in the case of a body corporate–by a fine not exceeding K10,000.00; and

(b) in the case of an individual–by a fine not exceeding K1,000.00 or by imprisonment for a term not exceeding six months, or both.

71: Possession of objectionable publications

(1) A person who has in his possession an objectionable publication, other than a prescribed publication, is guilty of an offense punishable:

(a) in the case of a body corporate–by a fine not exceeding 5,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

(2) A person who has in his possession a prescribed publication is guilty of an offense punishable:

(a) in the case of a body corporate–by a fine not exceeding 10,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

72: Keeping objectionable publications at a premises

(1) The occupier of premises who keeps or permits to be kept at or in the premises an objectionable publication, other than a prescribed publication, is guilty of an offense punishable–

(a) in the case of a body corporate–by a fine not exceeding 5,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

(2) The occupier of premises who keeps or permits to be kept at or in those premises a prescribed publication is guilty of an offense punishable–

(a) in the case of a body corporate–by a fine not exceeding 10,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

73: Publishing objectionable publications in a public place

(1) A person who exhibits or displays an objectionable publication, other than a prescribed publication, in a public place or in such a manner that it is visible to persons in or on a public place is guilty of an offense punishable–

(a) in the case of a body corporate–by a fine not exceeding 5,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

(2) A person who exhibits or displays a prescribed publication in a public place, or in such a manner that it is visible to persons in or on a public place, is guilty of an offense punishable–

(a) in the case of a body corporate–by a fine not exceeding 10,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

74: Making objectionable publications

(1) A person who involves himself in the printing or otherwise in the making of or producing an objectionable publication is guilty of an offense punishable–

(a) in the case of a body corporate–by a fine not exceeding 5,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

(2) A person who involves himself in the printing or otherwise in the making of or producing a prescribed publication is guilty of an offense punishable–

(a) in the case of a body corporate–by a fine not exceeding 10,000.00 kina; and

(b) in the case of an individual–by a fine not exceeding 1,000.00 kina or by imprisonment for a term not exceeding 6 months, or both.

Summary Offenses Act 1977[95]
25A: Possession, etc., of indecent etc., article[96]

(1) A person who–

(a) has in his possession; or

(b) makes; or

(c) produces; or

(d) performs in the making or production of; or

(e) exhibits; or

(f) sells,

an article or articles that–

(a) is or are blasphemous or indecent; or

(b) grossly offends or grossly offend against accepted standards of decency, is guilty of an offense.

Penalty: A fine not exceeding 2,000.00 kina or imprisonment for a term not exceeding 1 year, or both.

(2) It is a defense to a charge of an offense against Subsection (1)(d) that the person charged was not aware that he was performing in the making or production of an article or articles.

(3) For the purposes of this section–

"article" means any description of article containing or embodying matter to be read or looked at or both, any sound record and any film or other record or a picture or pictures;

"film" means–

(a) a cinematograph film, and includes a positive or negative of a cinematograph film; or

(b) a video tape or video disc.

PHILIPPINES

The religious framework of the state: Constitution[97]

Preamble:

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution.

Penal Code[98]
Article 133: Offending the religious feelings

The penalty of arrest to mayor in its maximum period to prison correctional in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony, shall perform acts notoriously offensive to the feelings of the faithful.

POLAND

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[99]
Offenses against Freedom of Conscience and Religion
Article 196:

Anyone found guilty of offending religious feelings through public calumny of an object or place of worship is liable to a fine, restriction of liberty, or a maximum 2-year prison sentence.

QATAR

The religious framework of the state: Constitution[100]

Article 1:

Qatar is an independent sovereign Arab state. Its religion is Islam, and Shari'a law shall be a main source of its legislations. Its political system is democratic. The Arabic

language shall be its official language. The people of Qatar are a part of the Arab nation.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[101]

Article 1: Introductory Provisions

Islamic Shari'a provisions concerning the following crimes are applicable if the suspect or the victim is a Muslim:

(1) The crimes such as theft, adultery, defamation, drinking alcohol, and apostasy.

(2) The crimes of retaliation and blood money.

Otherwise, the crimes and the punishments are determined due to this law and any other law.

Article 256: Crimes related to religions and the violability of the dead

One is convicted to no more than 7 years in prison in case of committing any of the following deeds:

(1) Insulting the Supreme Being in letter and spirit, in writing, drawing, gesturing, or in any other way.

(2) Offending, misinterpreting, or violating the Holy Qur'an.

(3) Offending the Islamic religion or one of its rites.

(4) Cursing any of the divine religions according to the regulations of the Islamic law.

(5) Insulting any of the prophets in letter and spirit, in writing, drawing, gesturing, or in any other way.

(6) Sabotaging, breaking, damaging, or violating places or their contents if they are made to perform religious rites for one of the divine religions according to the regulations of the Islamic law.

Article 263:

One is convicted to no more than a year and to a fine of no more than 1,000 riyals or to one of these two penalties in case of producing, selling, exposing for sale or circulation, or possessing products, merchandise, prints, or tapes including drawings, slogans, words, symbols, signals, or anything else that might offend the Islamic religion or other divine religions according to the regulations of the Islamic law.

The same penalty is imposed on everyone who uses disks, computer programs, or magnetized tapes to offend Islam or other divine religions according to the regulations of the Islamic law.

RWANDA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[102]

Article 278: Publicly humiliating a religious worship

Any person who, by acts, speeches, gestures, writing or threats, publicly humiliates rites, symbols, or objects of religion, either in place intended for or generally used for practice of religion shall be liable to a term of imprisonment of at least 15 days but less than 6 months and a fine of 50,000 to 500,000 Rwandan francs, or one of these penalties.

Article 279: Insults, battery, or injury upon a religious leader

Any person who, by acts, speeches, gestures, or threats, humiliates a religious leader shall be liable to a term of imprisonment of 6 months to 2 years.

If that religious leader is beaten in the exercise of his/her ministry, the offender will be liable to a term of imprisonment of 2 to 5 years and a fine of 100,000 to 500,000 Rwandan francs.

If the battery results in bleeding, bodily injuries, or illness, the offender shall be liable to a term of imprisonment of 2 to 5 years and fine of 100,000 to 1,000,000 Rwandan francs.

RUSSIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Federal Law No. 136-FZ dated 29 June 2013 of the Russian Federation Moscow[103]

"On amendments to article 148 of the Criminal Code of the Russian Federation and some legislative instruments of the Russian Federation to counter offence [sic] against the religious beliefs and feelings of citizens."

Article 1:

Article 148 of the Criminal Code of the Russian Federation (Collected Legislation of the Russian Federation, 1996, No. 25, art. 2954; 2003, No. 50, art. 4848; 2010, No. 19, art. 2289; 2011, No. 50, art. 7362) shall be hereby revised to read as follows:

"Article 148. Infringement of the right to freedom of conscience and religion

(1) Public actions expressing overt disrespect for society and committed for the purpose of offending the religious feelings of believers
–shall be punishable by a fine of up to 300,000 rubles or the amount of the earned or other income of the convicted

offender for a period of up to 2 years, or mandatory community service of up to 240 hours, or compulsory labor for up to 1 year, or incarceration for the same period of time.

(2) Criminal acts covered by part one hereof which are committed in places specially designated for worship and other religious observances and ceremonies,
–shall be punishable by a fine of up to 500,000 rubles or the amount of the earned or other income of the convicted offender for a period of up to 3 years, or mandatory community service of up to 480 hours, or compulsory labor for up to 3 years, or incarceration for the same period with or without restriction of freedom for up to 1 year.

(3) Unlawful obstruction of the activity of religious organizations or the conduct of worship or other religious observances and ceremonies
–shall be punishable by a fine of up to 300,000 rubles or the amount of earned or other income of the convicted offender for a period of up to 2 years, or mandatory community service of up to 360 hours, or remedial labor for up to 1 year, or confinement for up to 3 months.

(4) Criminal acts covered by part three hereof committed:

(a) by a person using their official position;

(b) with the use or threat of force–
shall be punishable by a fine of up to 200,000 rubles or the amount of the earned or other income of the convicted offender for a period of up to 1 year, or mandatory community service for up to 480 hours, or remedial labor for up to 2 years, or compulsory labor for up to 1 year, or incarceration for the same period with disqualification from holding certain positions or engaging in certain activities for up to two 2 years."

Article 5.26:[104]

Violation of the law on freedom of conscience and freedom of religion and on religious associations

(1) Obstruction of the exercise of the right to freedom of conscience and freedom of religion, including acceptance or rejection of religious or other convictions, or of entry into or withdrawal from a religious association, shall incur an administrative fine on citizens of 10,000 to 30,000 rubles; and on officials from 15,000 to 100,000 rubles.

(2) Intentional public desecration, damage, or destruction of religious or liturgical literature, items of religious worship, signs or emblems of belief symbolism and attributes shall incur an administrative fine on citizens of 30,000 to 50,000 rubles or mandatory community service of up to 120 hours; and on officials from 100,000 to 200,000 rubles."

SAN MARINO

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[105]
Article 260: Religious insult

Whoever desecrates the symbols or the objects of cult or worship of a religion [that] is not contrary to morals, or publicly mocks the acts of a cult, is liable to first-degree imprisonment.

The same penalty is applicable to attacks on the honor or prestige of a priest in or due to the exercise of his functions. Whoever desecrates the sacred relics of San Marino is liable to second-term imprisonment.

SAUDI ARABIA

The religious framework of the state:

"Saudi Arabia does not have a written penal code, but relies on judges' interpretations of the Shari'a for determination of which actions constitute crimes and what the attendant punishment should be. The definitions of crimes and nature and severity of punishments may vary from case to case."[106]

"Saudi law divides punishments for criminal acts into three broad categories: (1) offenses against God carrying inalterable punishments prescribed by the Qur'an (hadd); (2) private rights to retribution connected with a criminal act (qisas); and (3) discretionary punishments (ta'zir) for all other criminal offenses."[107]

Apostasy (*riddah*) is a hadd crime and is punishable by death. Blasphemy against Salafism or the Saudi monarchy is also punishable by death, but the more common penalties are prison sentences, fines, and lashing.[108] "There have been no confirmed reports of executions for either apostasy or blasphemy in recent years."[109] The Commission to Promote Virtue and Prevent Vice (CPVPV), or *Mutaween*, is the Saudi government's religious police, tasked with enforcing public morality based on the Saudi government's interpretation of Islamic law. The CPVPV consists of approximately 5,000 field officers, approximately 2,000 administrative workers, and more than 3,500 offices throughout the country. In more recent years, the Saudi government has curtailed the powers of the CPVPV; for example, they are no longer allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, and carry out any kind of punishment.[110]

Basic Law of Government Chapter 1 General Principles
Article 1: Official state religion

The Kingdom of Saudi Arabia is a sovereign Arab Islamic state with Islam as its religion; God's Book and the Sunnah of His Prophet, God's prayers and peace be upon him, are its constitution; Arabic is its language and Riyadh is its capital.

Article 11:

Saudi society will be based on the principle of adherence to God's command, on mutual cooperation in good deeds and piety and mutual support and inseparability.

Article 48:

The courts will apply the rules of the Islamic Shari'a in the cases that are brought before them, in accordance with what is indicated in the Book and the Sunnah, and statutes decreed by the Ruler which do not contradict the Book or the Sunnah.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

External Printed Matter
Article 18:

External printed matter shall be approved if free from anything insulting to Islam or the system of Government or injurious to high interests of the state or scarify public morality and conflict with ethical standards.

SEYCHELLES

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[111]

Section 35: When in this code no punishment is especially provided for any misdemeanor, it shall be punishable with imprisonment for a term not exceeding 2 years or with a fine, or with both.[112]

Section 125: Any person who destroys, damages, or defiles any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, is guilty of a misdemeanor.

Section 127: Every person who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanor.

Section 128: Any person who, with the deliberate intention of wounding the religious feelings of any other person, any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person is guilty of misdemeanor and is liable to imprisonment for 1 year.

SINGAPORE

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code: Offenses Relating to Religion or Race[113]
Article 298: Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person

Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

SOMALIA

The religious framework of the state: Constitution[114]

Article 2: State and Religion

(1) Islam is the religion of the state.

(2) No religion other than Islam can be propagated in the country.

(3) No law which is not compliant with the general principles of Shari'a can be enacted.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[115]
Part IV, Chapter 1
Article 313: Bringing the Religion of the State into contempt

(1) Whoever publicly brings the religion of Islam [1 Const.] into contempt shall be punished with imprisonment [96 P.C.] up to 2 years.

(2) Whoever publicly insults the religion of Islam [1 Const.] by bringing into contempt persons professing it or places

or objects dedicated to worship shall be liable to the same punishment.

SOUTH SUDAN

The religious framework of the state: Constitution[116]

Preamble:

We, the People of South Sudan, Grateful to the Almighty God for giving the people of South Sudan the wisdom and courage to determine their destiny and future through a free, transparent, and peaceful referendum in accordance with the provisions of the Comprehensive Peace Agreement, 2005;

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[117]
Chapter XV: Offenses Relating to Religion
Section 201: Insulting or Inciting Contempt of Religious Creed

Whoever by any means publicly insults or seeks to incite contempt of any religion in such a manner as to be likely to lead to a breach of the peace, commits an offense, and upon conviction, shall be sentenced to imprisonment for a term exceeding 3 years or with a fine, or with both.

Section 203: Injuring or Defiling Place of Worship with Intent to Insult the Religion of any Class

Whoever destroys, damages, or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons likely to consider such destruction, damage, or defilement as an insult to their religion, commits an offense, and upon conviction, shall be sentenced to imprisonment for a term not exceeding 3 years or with a fine, or with both.

SPAIN

The religious framework of the state: Constitution[118]

No religion shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[119]
Article 525:

(1) Whoever, in order to offend the feelings of the members of a religious confession, publicly disparages their dogmas, beliefs, rites, or ceremonies in public, verbally or in writing, or insult, also publicly, those who profess or practice these, shall incur the punishment of a fine from 8 to 12 months.

(2) The same penalties shall be incurred by those who publicly disparage, verbally or in writing, those who do not profess any religion or belief whatsoever.

SRI LANKA

The religious framework of the state: Constitution[120]

9: Buddhism

The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the state to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e).

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[121]
Chapter XV: Offenses Relating to Religion
Article 290:

Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with a fine, or with both.

Article 290A:

Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object [that] is held sacred or in veneration by any class of persons, with the intention of wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such an act an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to 1 year, or with [a] fine, or with both.

Article 291A:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to 1 year, or with [a] fine, or with both.

Article 291B:

Whoever, with the deliberate and malicious intention of outraging the religious feelings of any class of persons, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 2 years, or with [a] fine, or with both.

ST. LUCIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[122]

Article 318: Conditional privilege on publication in good faith

A publication of defamatory matter is privileged, on condition that it is published in good faith, and in any of the following cases—

(g) if the matter published is in fact a fair report of anything said, done, or shown in a civil or criminal inquiry or proceeding before any Court, unless the Court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral, or blasphemous;

Article 326: Plea of justification of libel

(1) Where a person accused of publishing defamatory matter pleads that the defamatory matter published by him or her was true, and that it was for the public benefit that the matter should be published in the manner in which and at the time when it was published, such plea may justify the defamatory matter in the sense specified, if any, in the count, or in the sense which the defamatory matter bears without any such specific justification, or separate pleas justifying the defamatory matter in each sense may be pleaded separately, as if two libels had been charged in separate counts.

(6) No plea of justification shall be pleaded to any indictment or count of a charge of seditious, blasphemous, or obscene libel.

Article 327: Penalty for intentional libel

Any person who is convicted of intentional libel is liable on conviction on indictment to imprisonment for 5 years.

Article 328: Penalty for negligent libel

Any person who is convicted of negligent libel is liable on conviction on indictment to imprisonment for 2 years.

ST. VINCENT AND GRENADINES

The religious framework of the state: Constitution[123]

Preamble:

WHEREAS the Peoples of the Island of Saint Vincent, who are known as Vincentians–

(a) have affirmed that the Nation is founded on the belief in the supremacy of God and the freedom and dignity of man;

(b) desire that their society be so ordered as to express their recognition of the principles of democracy, free institutions, social justice, and equality before the law;

(c) realize that the maintenance of human dignity presupposes safeguarding the rights of privacy of family life, of property, and the fostering of the pursuit of just economic rewards for labor;

(d) desire that their Constitution should enshrine the above-mentioned freedoms, principles, and ideals;

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[124]

Article 117:

Any person who destroys, damages, or defiles any place of worship, or any object [that] is held sacred by any group or class of persons, with the intention thereby of insulting the religion of those persons, or with the knowledge that any group or class of person is likely to consider such destruction, damage, or defilement as an insult to their religion, is guilty of an offense and liable to imprisonment for 5 years.

Article 119:

Any person who with the intention of wounding the religious feeling of any other person, writes any word, or utters any word or makes any gesture or sound in the sight or hearing of any other person, or places any object in the sight of any other person, is guilty of an offense and liable to imprisonment for 2 years.

SUDAN

The religious framework of the state: Constitution[125]

Article 5: Sources of Legislation

(1) Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of legislation Islamic Shari'a and the consensus of the people.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

The Criminal Act of 1991[126]
Article 125: Insulting Religious Beliefs[127] [128]

(1) Whoever degrades or publicly insults, in any way, any beliefs, religions, and/or their rituals or beliefs, or works to stir up a feeling of contempt about religions, is punished with imprisonment for a period not exceeding 6 months, or a fine;

(2) Whoever (non-Muslims) publicly degrades or insults our prophet Muhammad shall be punished with imprisonment for a period not exceeding 5 years;

(3) Whoever curses or insults, in any way, any of the companions of prophet Muhammad, or any of his wives, or his lineage, shall be punished with imprisonment for a period not exceeding 5 years;

(4) Whoever is convicted of the crime mentioned in clauses (2) and (3) and continues to repeat these crimes for the third time, their penalty should be doubled.

SURINAME

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[129]
Article 196:

A prison sentence not exceeding 1 year and a fine of the third category, or either one of these punishments, shall apply to:

(1) the person who publicly in speech or in writing or through image or data from automated works utters mocking blasphemy that is offensive to one's religious feelings;

(2) the person who mocks a religious minister in the lawful performance of his service;

(3) the person who taunts objects devoted to a worship service, where and when the practice of that service is lawful.

Article 197:

(1) The person who distributes, openly exhibits, or affixes writings or images or data from automated works containing expressions that, as mocking blasphemy, may be offensive to one's religious feelings, or has these in his possession for the distribution, open exhibition, or initiation thereof, if he knows or has serious reason to suspect that these writings or images contain such an expression, he shall be punished with a prison sentence not exceeding 6 months and a fine of the third category, or either one of these punishments.

(2) The same punishment shall apply to the person who, with equal knowledge or equal reason to suspect, publicly renders the content of such writings or data from automated works.

(3) In passing sentence on one of the crimes described in this Article, the deprivation of the rights mentioned in Article 46, paragraph 1, sections (1) and (2) may be pronounced.

SWITZERLAND

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[130]
Title Twelve: Felonies and Misdemeanors against Public Order
Article 261:

Any person who publicly and maliciously insults or mocks the religious conventions of others, and in particular their belief in God, or maliciously desecrates objects of religious veneration, is liable to a monetary penalty not exceeding 180 daily penalty units.

SYRIA

The religious framework of the state: Constitution[131]

Article 3:

The religion of the President of the Republic is Islam; Islamic jurisprudence shall be a major source of legislation. The state shall respect all religions, and ensure the freedom to perform all the rituals that do not prejudice public order. The personal status of religious communities shall be protected and respected.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[132]
Article 208:

Public venues are considered:

(1) Activities and movements if they occur in a public place or in an area available to the public, or an exhibition for viewing, or which are seen because a person who had nothing to do with them saw them by mistake.

(2) Talking or shouting, whether publicly or transmitted mechanically, so that in both cases they are actually heard by those who have nothing to do with them.

(3) Writing, drawings, paintings, photographs, films, symbols, and illustrations of various kinds if they are

exhibited in a public place or in an area available to the public, or an exhibit for viewing, or if they are sold or displayed for sale or are distributed to one or more people.

Article 462:

Anyone who engages in one of the ways specified in Article 208 to disparage the religious rituals that are practiced publicly or who incites to showing contempt for these rituals shall be punished by imprisonment from 2 months to 2 years.

Article 463:

The following shall be punished by imprisonment of 1 month to 1 year:

(1) Anyone who causes a disturbance during the performance of a religious ritual, celebration, or ceremony, or who obstructs them by violence or threats.

(2) Anyone who destroys, smashes, defaces, desecrates, or defiles a building dedicated to worship, a slogan, or anything else that is venerated by the members of a religion or a group of people.

(3) Violation of the sanctity of the dead or crimes that violate the orderliness of their burial.

Article 464:

Anyone who creates a disturbance at funeral ceremonies or celebrations of the dead or who obstructs them with violence or threats shall be punished by imprisonment of 2 months to 1 year.

TAJIKISTAN

Code on Administrative Offenses[133]

Article 86:[134]

2: The offense of religious feelings of citizens, or the desecration of objects and also signs and emblems of symbols of a worldview, which in accordance with their beliefs, are objects for worship, in the absence of signs of a crime lead to a fine on individuals in the sum of from 10 to 20, and on officials, from 40 to 50 base values.[135]

TANZANIA

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[136]
Chapter XIV: Offenses Relating to Religion

125: Any person who destroys, damages, or defiles any place of insult to worship or any object which is held sacred by any class of persons with the intention of thereby insulting the religion of any class of any class persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, is guilty of a misdemeanor.

127: Every person who with the intention of wounding or trespassing on the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanor.

129: Any person who, with the deliberate intention of wounding the religious feelings of any person, utters any word, or makes any sound in hearing of that person, or makes any gesture in the wound right of that person, or places any object in the sight of that person, is guilty of a misdemeanor, and is liable to imprisonment for 1 year.

THAILAND

The religious framework of the state: Constitution[137]

Section 79:

The state shall patronize and protect Buddhism, which is the religion the majority of Thai people have practiced for a long time, and other religions, promote good understanding and harmony among followers of all religions, as well as encourage the application of religious principles to create virtue and develop the quality of life.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[138]
Section 206:

Whoever to do, by any means whatever, to the object or place of religious worship of any group of persons in the manner likely to insult such religion, shall be imprisoned as from 2 years to 7 years or fined as from 2,000 two baht to 14,000 baht, or both.

THE SANGHA ACT[139]
B.E. 2505 [1962]
BHUMIBOL ADULYADEJ REX.;

CHAPTER 7
PENAL PROVISIONS[140]
Section 44:

Any person who has been relieved from monkhood because he has committed a grave offense which resulted in expulsion

from monkhood, regardless of a judgment pursuant to Section 25, and comes back to be ordained by giving a false statement or conceals facts from the preceptor shall be liable to imprisonment for a term not exceeding 1 year.

Section 44 bis:

Any person who defames, insults, or threatens the Supreme Patriarch shall be liable for imprisonment for a term not exceeding 1 year, or fine not exceeding 20,000 baht, or both.

Section 44 ter:

Any person who imputes the Sangha or other Sangha, which may be injurious to the reputation or create disharmony, shall be liable for imprisonment for a term not exceeding 1 year, or fine not exceeding 20,000 baht, or both.

TRINIDAD AND TOBAGO

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Offenses Act[141]

Section 5: Any person who is convicted of any of the following offenses, that is to say, any attempt to commit a common law offense or an offense made indictable by any statute or Order in Council of the United Kingdom or any Act in force in Trinidad and Tobago at the time of such attempt being made; blasphemy, writing and publishing, or printing and publishing, any blasphemous libel; bribery, conspiracy, escape, or aiding or assisting in, or voluntarily or negligently permitting any escape; breaking out of any prison in which such person shall be lawfully detained on any civil process, or under sentence for any indictable offense, or to which such person has been committed on any charge of an indictable offense; any rescue of, or attempt to rescue, any person, when such offense is not punishable as an arrestable offense; keeping a common gaming-house, or common bawdy-house, or a common ill-governed and disorderly house; sending any challenge with intent to provoke, or otherwise endeavouring to provoke, any person to commit a breach of the peace; sedition; writing and publishing or printing and publishing, any seditious libel, or publishing any obscene print, writing, or picture; every such offender is liable to a fine and to imprisonment for 2 years.

TUNISIA

The religious framework of the state: Constitution[142]

Article 1: Sovereignty, Religion, Language, Government system

Tunisia is a free, independent, sovereign state; its religion is Islam, its language Arabic, and its system is republican.

This article might not be amended.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[143]
Article 121a:

Any person provoking rebellion, either by speeches in public meetings or public spaces or by advertisement or poster or printed publication, shall be punished as having taken part in the rebellion. Should the rebellion not take place, the agitator shall be punished by imprisonment for 1 year.

Article 121b:

This article has been moved from the press code in virtue of Article 2 of the law No. 2001-43 of May 3, 2001 – Ex. Article 61 – When performed deliberately, the sale, distribution, or reproduction of banned works, or the publication or the defamation under a different title of a banned work, shall be punishable by imprisonment for 16 days to 1 year and a fine of 60 to 600 dinars.

The Ministry of the Interior shall proceed with an attachment order for the copies and reproductions of the banned works.

Article 121c:

This article has been moved from the press code in virtue of Article 2 of the law No. 2001-43 of May 3, 2001 – Ex Article 62 – Distribution, sale, public exhibition, and possession with the intent to distribute, sell, exhibit in the form of propaganda, leaflets, bulletins or flyers, whether or not of foreign origin and having the effect of a breach of the peace or public morals are prohibited. Any violation of the prohibition decreed in the previous paragraph may lead to imprisonment from 6 months to 5 years and a fine of 120 to 1,200 dinars in addition to immediate seizure.

Article 226a:

Any act of public indecency committed by any person shall be subject to 6 months of imprisonment and a fine of 48 dinars.

Article 226b:

Any act or speech considered lewd or injurious to public morals or an intentional assault on the decency of another person or which causes another person's embarrassment shall be punishable by 6 months imprisonment and a fine of 1,000 dinars.

The same punishment as set forth in the preceding paragraph shall apply to any person who draws public attention to a commission of debauchery through

publications, recordings, or audio, visual, electronic or optical means.

Article 226c:

Any person committing an act of sexual harassment shall be subject to 1 year of imprisonment and a fine of 3,000 dinars.

Sexual harassment includes persistent embarrassment of another person by a repetition of acts or speech or gestures [that] may harm that person's dignity or decency with the intent of causing the person to submit to his or her own sexual desires or to those of another person or to exercise pressure on that person to weaken their wish to resist such desires.

The punishment is doubled when the violation is committed with a minor or other person particularly susceptible to the harasser due to mental or physical disability.

Article 226d:

The punishments provided in the preceding two articles do not prejudice the application of more severe punishments provided for other violations.

Legal proceedings may only take place upon request by the public prosecutor in reaction to a complaint filed by the victim.

Should the case be dismissed or the accused be acquitted in a court of law, the accused may request, as appropriate, compensation for damages suffered without prejudice to legal action against the accuser for making false allegations.

TURKEY

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[144]
Article 216:

(3) A person who openly denigrates the religious values of a section of the population shall be sentenced to imprisonment for a term of 6 months to 1 year in case the act is likely to distort public peace.

TURKMENISTAN

Code on Administrative Offenses[145]

Article 75: Violation of the right to freedom of religious confession and association in religious organizations[146]

(1) The violation of the right of citizens to confess any religion or none at all, to express and spread their convictions, in connection with religion, to participate in the carrying out of religious cults, rituals, and rites, to associate into religious organizations, and also the offense of religious feelings carries with it a warning or a fine in the amount of from 2 to 5 of the base value.

(2) Drawing citizens into religious organizations, and also into movements and sects, and into their activities, through the use of material incentive, psychological pressure, deception, and other illegal acts leads to the imposition of a fine in the amount of from 5 to 10 of the base value.

(3) The obstruction of citizens' exercise of their right to freedom of conscience and religious confession against their will leads to a fine in the amount of between 5 to 10 of the base value or administrative arrest for a period of up to 15 days.[147]

UKRAINE

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[148]
Article 161: Violation of citizens' equality based on their race, nationality, or religious preferences

(1) Willful actions inciting national, racial, or religious enmity and hatred, humiliation of national honor and dignity, or the insult of citizens' feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, color of skin, political, religious, and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics–
shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term up to 5 years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to 3 years.

(2) The same actions accompanied with violence, deception, or threats, and also committed by an official–
shall be punishable by a fine of 500 to 1,000 tax-free minimum incomes, or restraint of liberty for a term of 2 to 5 years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to 3 years.

(3) Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by an organized group of persons, or where they caused grave consequences–
shall be punishable by imprisonment for a term of 5 to 8 years.

UNITED ARAB EMIRATES

The religious framework of the state: Constitution[149]

Part One: The Union, its Fundamental Constituents and Aims
Article 7:

Islam is the official religion of the Union. The Islamic Shari'a shall be a main source of legislation in the Union. The official language of the Union is Arabic.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code: Fed. Law 3 of 1987 as Amended[150]
Book Two: Crimes and their Punishments
Article 312: Crimes against Religious Faith and Rights

Shall be punishable by confinement and by fine, or by one of these two penalties, any individual who commits any of the following offenses:

(1) Offense against any of the Islamic sacred things or rites;

(2) To insult and revile any of the recognized divine religions;

Where any of the above offenses is committed in public, the punishment shall be either confinement for a minimum period of 1 year or a fine.

Article 319:[151]

Whoever opposes or vilifies the foundations or teachings on which the Muslim religion is based, or whatever he essentially knows of, offends this religion, preaches another religion, advocates for a doctrine or ideology that embraces any of the matters mentioned above, or commends or propagates any of these, shall be sentenced to imprisonment for a term not exceeding 5 years.

Federal Decree Law No. 2 of 2015[152]
Article 4:

Any person who commits any of the following acts shall be sentenced for the crime of blasphemy:

(1) Offending, showing contempt or irreverence toward the Divine Entity.

(2) Offending, insulting, challenging, defaming, or disrespecting any religion or any of its rituals or sacred things, or disrupting or preventing licensed religious observances or ceremonies by violence or threat.

(3) Distorting, destroying, desecrating, or insulting, in any way, any of the holy books.

(4) Insulting, disrespecting, offending, or defaming one of the messengers or their spouses, family, or companions.

(5) Destroying, damaging, or desecrating the sanctity of places of worship, cemeteries or graves, appurtenances or any of their contents.

Article 5:

(a) Any person who commits any of the acts set forth in Clauses (2, 3, 5) of Article (4) of the present Decree Law by any means of expression, or by any other form or means, shall be sentenced to imprisonment for a period not less than 5 years and to a fine not less than 250,000 dirhams and not exceeding 1,000,000 dirhams, or either one of these two penalties.

(b) Any person who commits any of the acts set forth in Clauses (1, 4) of Article (4) of this Decree Law by any means of expression, or by any other form or means, shall be sentenced to imprisonment for a period not less than 5 years and to a fine not less than 250,000 dirhams and not exceeding 2,000,000 dirhams.

UZBEKISTAN

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Criminal Code[153]
Article 156: Incitement of Ethnic, Racial or Religious Hatred

Intentional acts, humiliating ethnic honor and dignity and insulting religious or atheistic feelings of individuals, carried out with the purpose of incitement of hatred, intolerance, or division on national, ethnic, racial, or religious basis, as well as the direct or indirect restriction of rights or the establishment of direct or indirect privileges on the basis of national, racial, or ethnic origin, or religious beliefs – shall be punished with imprisonment up to 5 years.

The same actions committed:

(a) in a way dangerous to lives of other persons;

(b) with infliction of serious bodily injuries;

(c) with forced eviction of individuals from the places of their permanent residence;

(d) by an authorized official;

(e) by previous concert or by a group of individuals –

shall be punished with imprisonment from 5 to 10 years.

VANUATU

The religious framework of the state: Constitution[154]

Preamble:

WE the people of Vanuatu, PROUD of our struggle for freedom, DETERMINED to safeguard the achievements of this struggle, CHERISHING our ethnic, linguistic,

and cultural diversity, MINDFUL at the same time of our common destiny, HEREBY proclaim the establishment of the united and free Republic of Vanuatu founded on traditional Melanesian values, faith in God, and Christian principles, AND for this purpose give ourselves this Constitution.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[155]
Article 88: Insult to religion of any class

No person shall destroy, damage, or defile any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion.

Penalty: Imprisonment for 2 years.

YEMEN

The religious framework of the state: Constitution[156]

Chapter I: The Political Foundations
Article 1:

The Republic of Yemen is an Arab, Islamic, and independent sovereign state whose integrity is inviolable, and no part of which may be ceded. The people of Yemen are part of the Arab and Islamic nation.

Article 2:

Islam is the religion of the state, and Arabic is its official language.

Article 3:

Islamic Shari'a is the source of all legislation.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[157]
Article 194: Ridiculing Religion and Instigation that Disturbs Public Peace

To be sentenced to imprisonment for a period not exceeding 3 years or to a fine:

First: Whoever disseminates in public ideas containing ridicule or contempt of religion in its beliefs or rituals or teachings.

Second: Whoever instigates in public or ridicules a faction of people or empowers a faction to dominate for the purpose of disturbing public peace.

Article 195: Ridicule of the Islamic Religion or any of its Sects

The sentence shall be imprisonment for a period not exceeding 5 years or a fine if the religion or the sect which is affected by ridicule or contempt or inferiority is the Islamic religion.

Chapter Three
Apostasy
Article 259: Crimes Related to Religion and the Sanctity of The Dead

Anyone who turns back from or denounces the religion of Islam is punished by the death penalty after being questioned for repentance three times and after giving him a respite of 30 days. The apostasy in public by speech or acts is considered contradictory to the principles of Islam and its pillars in intention and determination. If the intention or determination is not established and the guilty shows repentance, there will be no punishment.

Desecration
Article 260: Distortion of The Holy Qu'ran

Punishment with imprisonment for a period not exceeding 5 years or a fine is to anyone who distorts willfully the Holy Qur'an in a manner [that] changes its meaning with the purpose of harming the natural religion.

Article 261: Assault on the Sanctity of The Faith

Punishment with imprisonment for a period not exceeding 1 year or a fine not more than 2,000 ryals will be imposed on:

(1) Whoever destroys or misrepresents or profanes a mosque or any other place set up by a license from the state to perform religious rituals or a symbol or other objects having religious sanctity.

(2) Whoever distorts deliberately the establishment of recognized rituals of a sect or a celebration or religious meeting or disrupts something out of that or forbids it by force or threat.

ZAMBIA

The religious framework of the state: Constitution[158]

Preamble:

WE, THE PEOPLE OF ZAMBIA by our representatives, assembled in our Parliament, having solemnly resolved to maintain Zambia as a Sovereign Democratic Republic;

DECLARE the Republic a Christian nation while upholding the right of every person to enjoy that person's freedom of conscience or religion;

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[159]

128: Insult to religion of any class

Any person who destroys, damages, or defiles any place of worship or any object [that] is held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, is guilty of a misdemeanor.

130: Trespassing on burial places

Every person who, with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, is guilty of a misdemeanor.

131: Uttering words with the intent to wound religious feelings

Any person who, with the deliberate intention of wounding the religious feelings of any person, utters any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanour and is liable to imprisonment for 1 year.

ZIMBABWE

The religious framework of the state: Constitution[160]

Preamble:

Acknowledging the supremacy of Almighty God, in whose hands our future lies,

And, imploring the guidance and support of Almighty God, hereby make this Constitution and commit ourselves to it as the fundamental law of our beloved land.

Laws that make a specific reference to sanctioning insult, blasphemy, or defamation of religion:

Penal Code[161]

Section 42: Causing offense to persons of a particular race, religion, etc.

(1) In this section–
"creed or religion" means any system of belief associated with practices of worship that is adhered to by any significant body of persons in Zimbabwe or any other country;
"film," "picture," "publication," "record," and "statue" have the meanings assigned to those terms by section 2 of the Censorship and Entertainments Control Act….
"publicly," in relation to making a statement, means–

(a) making the statement in a public space or any place to which the public or any section of the public have access;

(b) publishing it in any printed or electronic medium for reception by the public;

"statement" includes any act, gesture, or form of expression, whether verbal, written, or visual, but does not include any film, picture, publication, statue, or record that is of a *bona fide* literary or artistic character.

(2) Any person who publicly makes any insulting or otherwise grossly provocative statement that causes offense to persons of a particular race, tribe, place of origin, color, creed, or religion, intending to cause such offense or realizing there is a real risk or possibility of doing so, shall be guilty of causing offense to persons of a particular race, tribe, place of origin, color, creed, or religion, as the case may be, and liable to a fine not exceeding level six or imprisonment for a period not exceeding 1 year, or both.

NOTES

1 Constitution of the Islamic Republic of Afghanistan, International Constitutional Law Project (Jan. 4, 2004), http://www.servat.unibe.ch/icl/af00000_.html (last visited Apr. 28, 2013).

2 Afghanistan: Mass Media Law of 2009 [Afghanistan], Refworld, 2009, https://www.refworld.org/docid/5ddce5604.html (last visited Sept. 14, 2020).

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3. Writings, drawings, pictures made by hand, photographs, films, symbols, and all kinds of illustrations, if displayed in public places, or open places, or sold, or offered to be sold, or distributed to one person or more." Source: "Law and Population in Lebanon," by George M. Dib, *Law and Population Monograph Series Number 29* (1975), Law and Population Programme, The Fletcher School of Law and Diplomacy, Administered with the Cooperation of Harvard University, http://pdf. usaid.gov/pdf_docs/PNAAF173.pdf.

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ANNEX 3: RESEARCH QUESTIONS

GENERAL INFORMATION

Researchers identified and recorded general information about cases of criminal blasphemy law enforcement, including:

- What is the country in which the criminal blasphemy law was enforced?
- What is the name of the accused blasphemer (including any additional spellings or aliases)?[1]
- What is the name of the accuser(s) (name of the individual and/or group that reported the accused)?[2]
- Are there any primary sources available (including any case law or official police reports filed)?
- What credible secondary sources report on this case (including news articles, reports, etc. that discuss cases of enforcement)?[3]

WHO IS THE INDIVIDUAL ACCUSED OF BLASPHEMY?

Researchers gathered data, where available, on identities that indicate targeting for criminal blasphemy law enforcement.[4]

- What is the accused's profession?[5]
- What is the accused's racial or ethnic identity?
- What is the accused's sexual orientation and/or gender identity minority status (if applicable)?
- Does the accused have any reported mental or physical disability?
- Is the accused illiterate?

Where reported, researchers recorded each accused's profession. At the end of the coding process, a pattern appeared in which certain professions were more prominent. The researchers then categorized those professions into the following groups:

- Media[6]
- Government Official or Politician[7]
- Lawyer
- Human Rights Activist and/or Political Dissident[8]
- Religious Figure[9]
- Academic and/or Intellectual[10]
- Artist[11]

When professions were reported in news sources, in certain instances, the blasphemy allegation was linked in some way to the professional practice of the accused. Given that some professions overlapped (*e.g.*, a blogger could also be categorized as a social media activist), researchers determined the accused's main profession and prioritized the profession reported to be related to the blasphemy allegation. All professions for which no pattern emerged were placed into a category labeled "other."[12]

RELIGIOUS OR BELIEF IDENTITY OF THE ACCUSED

In identifying the religious or belief identity of the accused, the goal was to document as many details on the accused's religion to identify possible trends of interreligious vs. intra-religious conflict.

- What is the religion or belief of the accused? (e.g., Christianity)
- What is the religious denomination of the accused? (e.g., Protestantism)
- Has the accused converted?

STATE AND MAJORITY RELIGIONS

Researchers collected information on the official state religion[13] and majority religion (if any) of the enforcing country to explore potential correlations between the existence of an official state religion and state enforcement of blasphemy laws.

- Does the state have an official state religion?[14]
- If so, which religion?
- What is the majority religion of this state's population? (e.g., Christianity)
- What is the majority religious denomination of the state's population? (e.g., Protestantism)

INCITING INCIDENT FACTS

Researchers compiled specific facts legally relevant to each case of criminal blasphemy law enforcement. Every effort was made to find the exact date of the inciting incident. However, in some cases, the only date found was the date that a report was filed, or the date when the media published an article regarding the incident.

- What is the date of the inciting incident that was allegedly blasphemous?

MOB PRESENCE, MOB ACTIVITY, MOB VIOLENCE, AND/OR THREATS OF VIOLENCE

- Was there any mob activity (presence or mob violence) used against the accused prior to the arrest? (Yes/No)
- If yes, what was the type of mob activity? (e.g., mob violence, police violence, or violence used by private individuals/non-state actors)
- During these incidents, were there any threats, injuries, or deaths?
- Was any property destroyed?

USE OF SOCIAL MEDIA

- Was there any use of social media in the speech pronounced by the accused?
- If yes, which platform? (e.g., Facebook, Twitter, YouTube, WhatsApp) Was there any incitement to imminent violence used on social media by the accusers?

EXECUTIVE ENFORCEMENT ACTIONS

Researchers documented any and all actions that state officials took to enforce the criminal blasphemy or other laws against alleged blasphemers.

- What is the date of arrest of the accused?
- What is the criminal law provision used to arrest the accused?
- Is the provision a blasphemy law (as defined by the study)?
- Is proof of intent/purpose required under the criminal law provision employed?[15]

JUDICIAL ENFORCEMENT ACTIONS

Researchers noted any and all state actions of the judiciary against the accused.

- Was the accused detained before trial?
- If the accused was detained, what was the length of detention before a hearing or trial?
- Did the accused receive a pre-trial hearing and, if yes, what type of hearing (e.g., bail, arraignment, etc.)?
- Was the accused afforded a trial before a neutral arbiter (i.e., judge)?
- Was the accused convicted at trial? If yes, when?
- Was the convicted person granted an appeal? If yes, when?
- Was the conviction upheld on appeal?
- Which court heard the case and what is its level within the judiciary (e.g., court of first instance, appellate court, court of cassation)?
- What is the official case name (if available)?

PENALTIES

Researchers recorded any penalties imposed on individuals convicted of blasphemy. Specifically, data was collected on the following:

- Was any penalty imposed at trial or on appeal? (e.g., fine, community service, jail, exile, labor, lashes, and/or death)
- Did the penalty include a fine? If so, what amount?
- Did the penalty include lashes? If so, how many?
- Did the penalty include a prison sentence? What is the number of months convicted individuals were sentenced to serve?
- What is the maximum penalty under the law (to compare the penalties received)?
- Were any due process violations identified, as protected under international human rights law?[16] Due process violations may include:
  - Arbitrary arrest or detention.[17]
  - Violations of fair (criminal) trial rights.[18]
- Was there any torture or ill treatment identified as protected under international law?[19]

THE ACCUSERS

Additionally, the researchers recorded the identity of the accuser, when reported, to explore whether any trends emerged in that regard and whether there is a typology of people who accuse others of blasphemy. They then categorized the accusers into the following groups:

- State actors[20]
- Private individuals/Non-state actors[21]
- Religious leaders[22]
- Academics and students[23]
- Engaged civil society (politicians, NGOs, or associations)[24]

NOTES

1 Multiple names spelled differently were frequent. Where possible, researchers used the spelling found in the primary source. Otherwise, the most common spelling from secondary sources was used.

2 If the accused was arrested in response to mob violence, researchers enumerated in the column entitled "response to public outcry."

3 Where there were many secondary sources for one case, researchers did not include all sources; rather, researchers included multiple sources that (1) provided additional information, and/or (2) verified already recorded information given source credibility.

4 The most commonly identifiable information available was the accused's profession. Other identity markers were more difficult to find, and therefore, the profession of the accused is the most analytically useful identity marker in our database.

5 Common professions targeted for blasphemy law enforcement include journalist; teacher; artist; author; human rights activist; politician; religious figure as previously elaborated. If the accused's profession is, for example, not a blogger, but the accused is arrested due to a blog post or social media activity, only the *primary* profession was enumerated [researchers did *not* identify the individual as a blogger unless that was the only enumerated profession].

6 All professions included in the "media" category: journalist, staff of newspaper, writer, editor of poetry publication, blogger, publisher, newspaper editor, TV host, magazine and/or newspaper and/or TV owner, radio station, cartoonist; website, non-profit publisher, owner of a print shop, columnist, manager or assistant of a bookshop, television technician.

7 All professions included in the "government official or politician" category: politician, opposition leader, councilor, civil servant, lawmaker, diplomat, advisor, police officer, and soldier.

8 All professions included in the "human rights and/or political dissident" category are human rights activists, social media activists, and non-governmental organizations.

9 All professions included in the "religious leader" category: cleric, person associated to a faith or belief movement, theology student, preacher, religious figure, owner of an Islamic school, person associated with a place of worship, pastor, faith healer, Voodoo practitioner.

10 All professions included in the "academic and/or intellectual" category: student, current or former professor/teacher, principal/director of school, intellectual, academic staffer, researcher, author.

11 All professions included in the "artist" category: music teacher, comedian, director, actor/actress, musician, producer, singer performer, filmmaker, photographer, photograph shop owner, art collector, playwright, poet, art scene leader.

12 "Other" included the following professions (or identity descriptors): bar manager, computer science graduate, researcher, shoemaker, athlete, model, business owner, real estate executive, chef, entrepreneur, sailor, baker, athletic coach, engineer, dentist, mobile phone repairman, housewife, trader in plastic wares, sanitation worker, shopkeeper, kiln worker, head of internal security of a factory, small hotel runner, worker, tailor, bike shop owner, cleaner/ janitor, street-sweeper, harvester, bus owner, bus service employee, blacksmith, construction worker, restaurant owner, nurse, voice technician, welder, businessman, and fugitive.

13 As of 2015, the Pew Research Center classified relationships between religion and government into several categories by country: 1. Official state religion (43 states); 2. Preferred or favored state religions (40 states); 3. No official or preferred religion (106 states); 4. Hostile relationship with religious institutions (10 states), *https://assets.pewresearch.org/wp-content/uploads/sites/11/2017/09/29162845/Appendix-A.pdf*

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16 Researchers examined due process violations in light of the rights guaranteed under the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR), as elaborated on by the Human Rights Committee (HRC) in its General Comments 32 and 35. *See* G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948) *https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf*; G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966) *https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf*; UN Human Rights Comm. on Its Ninetieth Session, U.N. Doc. CCPR/C/GC/32 (2007), *https://digitallibrary.un.org/record/606075?ln=en;* UN Human Rights Comm. on Its One-Hundred and Twelfth Session, U.N. Doc. CCPR/C/GC/35 (2014) *https://digitallibrary.un.org/record/786613?ln=en*.

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19 Researchers examined violations of the right to be free from torture and ill treatment as defined under the UDHR & ICCPR, and as elaborated by HRC's GC 20. *See* G.A. Res. 39/46, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Dec. 10, 1984), *https://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf*; UN Human Rights Comm. on Its Forty-Fourth Session, U.N. Doc. CCPR/C/GC/20 (1992) *https://www.refworld.org/docid/453883fb0.html*.

20 All professions included in the "state actor" category: police, public prosecutor, gendarmerie, the ministry of education (or other types of governmental departments, such as the ministry of the cybercrimes department, governorate, mayor of a city.)

21 All professions included in the "private individual" category are public complaint/ outcry, parents, local resident, lawyer, blogger, landlord, friends, onlookers, journalist, and advocate.

22 All personalities included in "religious leaders" are cleric, imam, sheikh, priest, and monk.

23 All professions included in the "academia" category are principal, student, and student union.

24 All professions included in the "political actor/NGOs/associations" category are opposition party, congress leader or member, religious association, political party or association, non-governmental organization, and activist.

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