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UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

ISSUE UPDATE: ASEAN STATES' BLASPHEMY LAWS

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freedom of religion or
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assessing and unflinchingly
confronting threats to this
fundamental right.*

Blasphemy and Related Laws in ASEAN Member Countries

By Patrick Greenwalt, Policy Analyst

Introduction

The United States Commission on International Religious Freedom (USCIRF) has long advocated for the repeal of [blasphemy laws](#) as a central component of U.S. foreign policy engagement with foreign governments on matters of international religious freedom. Such laws [are inconsistent](#) with international human rights law and are commonly [used](#) by governments to target religious minorities or to enforce a specific version or interpretation of religion or belief. USCIRF has also explored the related topics of [apostasy](#) and [hate speech](#) laws both within the region and globally. Apostasy, blasphemy, and hate speech laws limiting peaceful expression related to religion all contradict international standards of freedom of religion or belief and freedom of expression and often result in severe abuses of these rights.

This report examines the current state of blasphemy laws and their enforcement within the region of the Association of Southeast Asian Nations (ASEAN), five years after the publication of [A Right For All: Freedom of Religion or Belief in ASEAN](#) which examined the seven ASEAN member states that maintain blasphemy laws: Burma, Brunei, Indonesia, Malaysia, Philippines, Singapore, and Thailand. The report provides background on the applicable international legal standards, freedom of religion or belief implications of blasphemy and related laws, and a detailed overview of each country's laws, citing recent examples or trends of implementation and enforcement of these laws.

Key findings of this report conclude that for some ASEAN members, blasphemy laws are a relatively unused legal tool, as in the cases of Singapore and the Philippines. On the opposite end, blasphemy allegations and convictions are a serious, ongoing religious freedom abuse in Indonesia and Malaysia. There is no religious freedom in Brunei, and its Syariah Penal Code Order 2013 enshrined restrictive and punitive blasphemy laws. The Buddhist-majority countries of Burma and Thailand maintain blasphemy laws that are part of the arsenal of authoritarian regimes.

Background

Laws and incidences of enforcement of blasphemy laws within Southeast Asia originate from three different sources—the European colonial legacy, the laws’ subsequent enforcement since independence, and particular interpretations of [Southeast Asian Buddhism](#) and Islam that are propagated and protected by authorities and those aligned with the authorities. USCIRF [defines](#) blasphemy as “the act of insulting or showing contempt or lack of reverence for God or sacred things.” In 2020, USCIRF released a report on the global enforcement of blasphemy laws, [Violating Rights: Enforcing the World’s Blasphemy Laws](#). At that time, 84 countries around the globe maintained laws that criminalize expression which insults or offends religious doctrines. The report examined and compared the implementation of blasphemy laws between 2014 and 2018, identifying 732 total cases in 41 countries. From the ASEAN region, those countries included Burma, Indonesia, Malaysia, the Philippines, Singapore, and Thailand, with Indonesia having the sixth highest number of blasphemy cases of the 41 countries.

Blasphemy laws [violate](#) Article 18 on freedom of religion or belief and Article 19 on freedom of expression of the International Covenant on Civil and Political Rights ([ICCPR](#)). Blasphemy laws can legitimize vigilantism, mob violence, and the persecution of minority faith communities. They often criminalize any form of expression that allegedly insults or offends religious doctrines, making it essentially illegal to express religious views that differ from the government or majority interpretation. Blasphemy laws are often paired with apostasy or hate speech laws to coerce and limit conversion from state-sponsored faiths, or with hate speech laws to curb freedom of expression and preserve the dominance of the state-sponsored faith. Authorities and partisan groups also exploit the enforcement of blasphemy laws as a political tool along religious and ethnic lines. As noted in USCIRF’s [2020 report](#), criminal blasphemy cases often occur in the context of broader religious freedom violations, such as violence against places of worship, desecration of religious sites or symbols, hate crimes against individuals of a minority belief group, and other types of physical assaults, verbal attacks, or harassment.

Religious freedom faces a myriad of varied and growing challenges across the ASEAN region. Blasphemy laws represent one such tool for anti-democratic forces to retrench their power, as in the case of [Indonesia](#).



Four member states—Brunei, Burma, Malaysia, and Singapore—have neither signed nor are party to the ICCPR. Regional and local efforts to foster human rights face a broad array of old and new challenges as both democratic and undemocratic countries [continue](#) the trend of the last decade to limit spaces for civil society and the press to function.

In 2012, ASEAN members adopted unanimously the [ASEAN Human Rights Declaration](#) (AHRD), a regional document that includes an understanding of religious freedom that is not entirely in line with international standards, including those outlined in the [ICCPR](#). Article 22 of the AHRD states that “Every person has the right to freedom of thought, conscience and religion.” While it directly calls out “all forms of intolerance, [and] discrimination,” it lumps these concepts together with “incitement of hatred based on religion and beliefs” as targets for elimination by member countries. Without clear parameters of what constitutes incitement of hatred based on religion and beliefs, ASEAN’s principal human rights declaration does not safeguard individuals’ rights to freedom of religion or belief.

Countries

This section reviews the laws and current conditions of each of the seven member countries of ASEAN that maintain blasphemy, apostasy, or religious hate speech laws at the national level. This report does not focus on sub-national levels even though some countries, such as Malaysia, devolve the regulation of religious affairs to the state-level, below the federal government.

Brunei

As reported in USCIRF's 2020 Factsheet on [Brunei's Syariah Penal Code Order 2013](#), Brunei's authoritarian government began overhauling its dual legal system with the implementation of Syariah Penal Code Order 2013, which came into full effect on April 3, 2019. This strict interpretation of Islamic Law, imposed on all residents of the country, blurs the line between civil and syariah law, leaving little to no room for individual freedom of religion or belief outside of the state's narrow interpretation of Islam. There are numerous sections on blasphemy and offending religious sentiments in the Syariah Code, some of which are outlined in Table 1. As Brunei's government strictly controls the flow of information, USCIRF has not found any instances in which these blasphemy and related laws have been enforced.

Table 1: BRUNEI | Blasphemy and Related Laws

Penal Code

Section 110

- (1) Any Muslim who contempts or brings into contempt *Nabi* [Prophet]¹ *Muhammad Sallallahu 'Alaihi Wa Sallam* [Peace be upon him] or any *Nabi Allah* and it is proved either by *ikrar* [confession] of the accused, or by *syahadah* [profession of faith] of at least two *syahid* [witnesses] according to *Hukum Syara'* [rulings of Shari'a] after the Court is satisfied having regard to the requirements of *tazkiyah al syuhud* [certification of witness] is guilty of the offence of *irtidad* [apostasy] and shall be liable on conviction to death as *hadd* [corporal punishment].
- (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 offence of *irtidad* and shall be liable on conviction to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.

Section 112:

- (1) Any Muslim who declares himself as a non-Muslim 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 offence of *irtidad* and shall be liable on conviction to death as *hadd*.
- (2) Any Muslim who declares himself as a non-Muslim and it is proved by evidence other than those provided under subsection (1) is guilty of the offence of *irtidad* and shall be liable on conviction to imprisonment for a term not exceeding 30 years and whipping not exceeding 40 strokes.

Section 111:

- (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*) [authenticity] of the teachings of the religion of Islam; or
 - C. denies obligatory matters with *ijma'* [consensus], 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 offence of *irtidad* and shall be liable on conviction to death as *hadd*.
- (2) Any Muslim who—
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 - C. denies obligatory matters with *ijma'*

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

Section 113:

- (1) Any Muslim who attempts to commit or attempts to cause the commission of *irtidad* is guilty of the offence of *irtidad* and shall be liable on conviction to the same punishment as provided for such offence.

¹ Bracketed information represents the translation of religious and/or legal terms that Brunei's official English language version expressed in their original form.

Burma

The Burmese penal code [dates](#) from the British colonial system and grants the state the right to detain and arrest individuals for “insulting religious feelings.” Since a February 2021 coup, there have been no known new instances of enforcement of blasphemy laws. In the past, enforcement by Burmese authorities, who often came under pressure from the Buddhist nationalist Ma Ba Tha movement, [led](#) to the arrest and imprisonment of individuals for blasphemy including during the period of quasi-democracy from 2011 to 2021. The lack of judicial independence or impartiality of Burma’s pre-coup judicial system meant enforcement of blasphemy laws was [haphazard](#) and did not target statements perceived as offensive to minority religions. The authorities did not [prosecute](#) attacks by Buddhist mobs on houses of worship as well as private homes of minority faith groups, especially the Rohingya.

Ma Ba Tha or “The Organization for the Protection of Race and Religion”

Emerging in 2013, this ultra-nationalist organization formed with the stated aim of “defending” Buddhist Myanmar against alleged Islamization and has been a prominent civil society force agitating for violence against Burma’s minorities.

The National Unity Government (NUG) has not addressed whether it would consider repealing or replacing these laws. The NUG has [stressed](#) its intent on recognizing and protecting ethnic and religious minorities, including the predominantly-Muslim Rohingya and predominantly-Christian Chin.

Table 2: BURMA | Blasphemy Laws

Penal Code

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.

Indonesia

As noted in USCIRF’s 2019 policy update, [Blasphemy Allegations in a Polarized Indonesia](#), the frequency of blasphemy prosecutions and convictions have significantly increased since the country’s transition to democracy in 1998. Since 2010, the Constitutional court has [reaffirmed](#) the constitutionality of blasphemy three times. The court argued that abuses against religious minorities derive from the implementation of regulations and improper enforcement of blasphemy laws, but that the criminalization of blasphemy was a constitutionally appropriate means of combating interreligious tension. This position is echoed in the rhetoric of officials in current President Joko Widodo’s (Jokowi) administration. For example, in August 2021, Minister of Religious Affairs Cholil Qoumas—who has been praised for his support of pluralism and the rights of religious minorities in Indonesia—[asked](#) the police “to equally” crack down on people from different religions who commit blasphemy.

Since 2019, Indonesia has been in the process to replace the existing Criminal Code, which dates to the Dutch colonial era. In 2019, the Indonesian parliament introduced a draft Criminal Code, which would [infringe](#) on Indonesians’ right to freedom of religion or belief. The draft code would expand the criminalization of blasphemy to include insulting a religious leader during a religious service or persuading someone to become an atheist. There do not appear to have been any modifications to the relevant sections of the 2019 draft criminal code, including those that would expand blasphemy. The draft criminal code was still under review at the time of publication.

Blasphemy cases continue to be a persistent issue throughout Indonesia. Most allegations of blasphemy cite Law No. 11/2008 on Electronic Information and Transaction (known as the ITE Law) Article 28(2). The ITE Law regulates the distribution of electronic information, including social media. In March, police [announced](#) an investigation into Pastor Saifuddin Ibrahim over a video he had posted on YouTube calling for the deletion of Quranic verses from religious material. In May, authorities in Sukabumi city in West Java [arrested](#) Cepdika Eka Rismana and his wife for desecrating a Quran and posting it on social media. In June, Roy Suryo, a former government minister, posted an image of Borobudur, a historic Buddhist temple in Java, photoshopped to resemble President Jokowi. On August 5, Suryo was [arrested](#) on blasphemy charges.

Allegations of blasphemy are not only an issue for social media content. In February, community leader Azlaini Agus [reported](#) Minister Quomas to the authorities for his public comments over the volume of the call to prayer from local mosques. In June, authorities [arrested](#) six employees of a Jakarta-based bar chain over allegations of blasphemy for a promotion that offered free drinks to people named Mohammad or Maria.

Table 3: INDONESIA Blasphemy Laws	
<i>Criminal Code Article 156(a)</i>	<i>Presidential Decree No. 1/PNPS/1965</i>
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.	Article 1: Every individual is prohibited in public from intentionally conveying, endorsing or attempting to gain public support in the interpretation of a certain religion embraced by the people of Indonesia or undertaking religious based activities that resemble the religious activities of the religion in question, where such interpretation and activities are in deviation of the basic teachings of the religion. Article 2: By a maximum imprisonment of five years shall be punished for whosoever in public deliberately expresses their feelings or engages in actions that: a. in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia; b. has the intention that a person should not practice any religion at all that is based on belief in Almighty God.

Malaysia

Malaysia's secular and Islamic laws prohibit blasphemy. The federal penal code criminalizes blasphemy at the national level. Shari'a law codes are developed and implemented at the state level, with assistance in enforcement from the federal Department of Islamic Development (JAKIM). As noted in USCIRF's 2022 Annual Report chapter on [Malaysia](#), apostasy for Muslims is criminalized in at least five states in state-level Shari'a regulatory systems. Historically, Malaysia's civil courts have [practiced](#) jurisdictional deference to these Shari'a courts, causing a process of judicial Islamization that has fueled a shift away from the Malaysian constitution's secular basis. Although certain recent court cases have made limited reversals to this trend in recent years, as noted in USCIRF's 2021 [Country Update: Malaysia](#), blasphemy against Islam is regarded as a serious offense and can incite domestic religious tensions.

As political instability has increased in recent years, the use of ethno-religious nationalist sentiment by dominant Malay-Muslim parties has led to the increasing assertiveness of the regulatory Islamic system. Regardless of the coalition in power, Malaysia has increased its regulation and protection of its state-sponsored interpretation of Islam, including by [increasing](#) levels of funding for JAKIM, which oversees the national government's regulation of Islamic affairs. Ethnic Malays are constitutionally mandated to identify as Muslims, and the civil courts have generally deferred to Shari'a courts on their ability to self-identify beyond Islam. Despite Malaysia's pluralist composition, the federal and state governments offer economic incentives for conversion to Islam, but do not permit, or at least actively hinder, the ability of individuals to convert outside of Islam or identify as atheist. Blasphemy and apostasy laws insulate this restriction on conversion.

Malaysia has [used](#) these laws to prosecute blasphemy and perceived insults to the state-sponsored interpretation of Islam. In March 2019, JAKIM [established](#) a new unit to monitor complaints about media content that insulted the Prophet Muhammad or Islam so it could refer these incidents to the Royal Malaysia Police. In January 2022, Deputy Minister in the Prime Minister's Department of Religious Affairs, Ahmad Marzuk Shaary, [confirmed](#) JAKIM's intent to continue monitoring online posts for blasphemy. In April 2022, authorities [arrested](#) Uthaya Sankar under Section 29A of the Penal Code and Section 233 of the Communications and Multimedia Act of 1998 for remarks made in a Facebook post that allegedly insulted the Prophet Muhammad. Section 233(1)(a) of the Communication and Multimedia Act, which deals with improper use of network facilities or network services, contains broad restrictions on freedom of expression that have also been deployed against those allegedly insulting Islam or the Prophet Muhammad. In May, the mufti of Penang [urged](#) authorities to investigate what he described as a trend for insulting Islam following a TikTok trend of showing Muslim users pretending to pray. Malaysian authorities have also utilized blasphemy laws to target members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community for deviating from the state's interpretation of Islam. For example, in 2021, authorities charged Nur Sajat, an ethnic Malay transwoman, with blasphemy for identifying as a gender not assigned at birth and subsequently showing up at a mosque in clothes that matched her gender identity. She was ultimately [granted](#) asylum in Australia.

Table 4: MALAYSIA | Blasphemy Laws

Penal Code

Section 298 [on 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 one year or with fine or with both.

Section 298A (1) [on 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]: Whoever by words, either spoken or written, or by signs, or by visible representations, or by any act, activity or conduct, or by organizing, promoting or arranging, or assisting in organizing, 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 two years and not more than five years.

Philippines

The Philippines inherited its Penal Code from the Spanish colonial period, maintaining Article 133. This article has been interpreted as the Philippines' blasphemy law.

The only recorded instance of enforcement of this rule occurred in 2010. To date, the Philippines has made no progress in repealing Article 133. However, there has been some [discussion](#) from public officials about its repeal.

Table 5: PHILIPPINES | Blasphemy Laws

Penal Code

Article 133 provides: The penalty of [imprisonment for from one month and a day to six months] 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.

Singapore

Singapore has four laws in its Penal Code regulating religion. It maintains a highly restrictive environment in terms of [freedom of expression](#), and it heavily regulates religious discourse within the city-state. The last known incident of enforcement was in 2015. Since then, Singapore has not utilized blasphemy law.

Table 6: SINGAPORE | Blasphemy Laws

Penal Code

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

298. 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 one year, or with fine, or with both.

Thailand

Article 67 of the 2017 constitution mandates that the state “support and protect Buddhism and other religions. The 1962 Sangha Act, which has subsequently been amended several times, prohibits the defamation or insult of Buddhism and the Buddhist clergy. Thailand's Penal Code also insulates religion from insult. In 2012, the Knowing Buddha Organization (KBO), a civil society group, was formed to combat disrespect toward Buddhist imagery. The KBO has [advocated](#) for blasphemy laws to be strengthened and enforced, and for Buddhism to be declared the state religion of Thailand. Crucially, the military-dominated government that came into power following the 2014 coup has [provided](#) funding for the KBO, which in turn [advocates](#) imprisonment for Thai Buddhists who are convicted of blasphemy, including up to six months.

In addition to the measures just mentioned, Thailand maintains and enforces a strict lèse-majesté law. Penal Code Section 112 maintains some similarities with blasphemy laws. Some observers of Thai legal developments have made the case that this law is [influenced](#) by Buddhist religious sentiment. Section 6 of the Thai [constitution](#) declares “The King shall be enthroned in a position of revered worship and shall not be violated.” Section 7 mandates the King as “a Buddhist and Upholder of religions.” Section 67 mandates the state to “support and protect Buddhism and other religions.” The frequency of lèse-majesté cases has [increased](#) over the decades since the 1950s, from a few dozen in the first decade of 2000, to hundreds per year in the 2010s. Following its 2014 overthrow of democracy, the Thai military junta has been directly responsible for the [acceleration](#) of cases witnessed in the last decade. Between the period of November 2020 and June 2021, over 100 individuals were [charged](#) under Section 112. In 2012, in a case involving Section 112, the Constitutional Court of Thailand determined “the king is sacred,” that his position as such necessitated worship by the Thai people, and that this worship of the king is an integral part of Thai identity. In this and subsequent cases, the court has argued that insulting the institution of royalty is tantamount to offending the beliefs of Thai people. While most cases in Thailand involving lèse-majesté are brought based on political motivations, the Constitutional Court's interpretation, at a minimum, sets the stage for lèse-majesté enforcement to cross the line into blasphemy enforcement.

Table 7: THAILAND | Blasphemy Laws

Penal Code

Section 206: Insulting or Defaming Religion: 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 two years to seven years or fined as from two thousand Baht to fourteen thousand Baht, or both.

1962 Sangha Act

Section 44: Whoever defames, insults, or threatens the Patriarch shall be punished by imprisonment for a period of not more than one year, or fine not more than twenty thousand baht, or both.

Section 44: Whoever imputes the Sangha or Other Sangha which may cause detriment or disharmony, shall be punished with imprisonment for a period of not more than one year, or fine not more than twenty thousand baht, or both.



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Conclusion

The criminalization of speech perceived to insult religion under apostasy, blasphemy, and religious hate speech laws remains a persistent religious freedom issue throughout ASEAN. Besides the 2012 AHRD, ASEAN has made little progress in developing a regional approach to fostering religious freedom and related human rights. The vague wording of blasphemy laws often hampers the rights of individuals to interpret their religion or belief for themselves and determine their own religious identity.

USCIRF consistently advocates for the U.S. government to partner with the international community and work with friends and allies to repeal blasphemy laws. With the exception of Burma and its ongoing coup, the United States enjoys positive relationships with each of the countries included in this report and has engaged with ASEAN since the association's inception. The United States hosted a joint summit, May 12–13, 2022, with ASEAN leaders to discuss renewed engagement. However, this meeting was a missed opportunity to raise the need for the repeal of blasphemy laws and to deepen U.S. engagement with ASEAN and members on religious freedom and related human rights.

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