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Hindu American Foundation (HAF)
Written Statement for the Record

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Virtual Hearing



The Hindu American Foundation (HAF) is a 501(c)(3) educational and advocacy organization established in 2003.

HAF focuses on educating the public about Hindus and Hinduism and advocating for policies and practices that ensure the well-being of all people and the planet. The Hindu American Foundation is not affiliated with any religious or political organizations or entities. HAF seeks to serve Hindu Americans across all sampradayas (Hindu religious traditions) regardless of race, color, national origin, citizenship, community, gender, sexual orientation, age and/or disability. HAF promotes dignity, mutual respect, and pluralism.

Since its inception, HAF has made human rights advocacy one of its main priorities and is the only Hindu American organization to publish an annual human rights report comprehensively detailing human rights violations against Hindu and other minorities globally. The Foundation regularly hosts Congressional briefings on South Asia, actively engages with religious freedom advocates on the International Religious Freedom (IRF) Roundtable, participates in domestic and international fora on human rights, and conducts on the ground fact-finding missions.

Accordingly, HAF respectfully submits the following written statement for the record to provide an overview on the importance of freedom of speech, the impact of blasphemy laws, and international religious freedom violations in countries with some of the most restrictive laws in Asia, and specific recommendations.

I. Islamic Republic of Pakistan

Human rights and religious freedom conditions continue to deteriorate at an unprecedented rate in the Islamic Republic of Pakistan. Pakistan's widespread violation of human rights and its tolerance of human rights violations by non-state actors demonstrate a blatant disregard for international human rights norms and its obligations under human rights treaties and conventions.

On December 7, 2020, Pakistan was labeled as a Country of Particular Concern by the U.S. State Department for the third straight year for its "systematic, ongoing, [and] egregious violations of religious freedom"¹ against its religious minorities including Hindus, Sikhs, Christians, Ahmadiyya Muslims, and Shia Muslims.

¹ <https://www.state.gov/united-states-takes-action-against-violators-of-religious-freedom-2/>



Discriminatory laws and constitutional injunctions in Pakistan have reduced religious minorities to second-class citizens, leading to gross human rights violations by both the state and non-state actors.

Constitutional and Legal Preference for Islam

Although the Constitution purportedly guarantees religious freedom to its citizens under Articles 20-22,² minorities have been unable to freely practice their faith without fear of attacks or persecution. Furthermore, many of the rights theoretically provided for in the Constitution are subordinated to government regulations and constitutional injunctions shaped by Islamic law first introduced in 1977, thereby denying equal protection and religious freedom to non-Muslims.

Islam has been institutionalized in the Constitution and pervades all aspects of the legal system. Article 2 of the Constitution proclaims that Islam is “the State religion of Pakistan” and recognizes the Koran and Sunnah as the highest sources of law, not to be contradicted by secular laws, while Article 31 protects and promotes the Islamic way of life and moral standards, among many other provisions.³ In July 2020, the Punjab Provincial Assembly went even further by passing the Protection of Islam Foundation Bill, which made Sunni Islam as the only viable form of Islam for Pakistanis.⁴

Additionally, Article 203A - J establishes the power and jurisdiction of the Federal Shariat Courts, while Articles 227 - 231 provide that all laws must be in conformity with Islamic injunctions and create an Islamic Council to advise Parliament and Provincial Assemblies on whether laws contradict Islamic injunctions.⁵ The Islamicization of laws has also impacted women’s rights in Pakistan across religions by increasing the bar against rape, punishments for adultery, and reducing the relative weight of women as witnesses.⁶

The Pakistani Constitution lays out explicit restrictions on non-Muslims, such as Article 41(2), which provides that an individual must be Muslim in order to hold the office of President of Pakistan.⁷ Similarly, it requires that high office holders must take the oath of office by invoking an Islamic prayer, regardless of whether they are Muslim. The oath starts with, “In the name of Allah, the most Beneficent, the most Merciful,” and ends with “May Allah Almighty help and guide

² http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

³ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

⁴ <https://thedi diplomat.com/2020/09/what-role-does-the-state-play-in-pakistans-anti-shia-hysteria/>

⁵ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

⁶ <https://www.hrw.org/reports/1999/pakistan/Pakhtml-03.htm>

⁷ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf



me, (A'meen).”⁸

Legal Injunctions on Speech and Blasphemy

Freedom of religion is severely limited and “subject to law, public order and morality.”⁹ Consequently, actions or speech deemed derogatory to Islam or the Prophet Mohammed are not protected. Moreover, the Constitution requires that laws be consistent with Islam and imposes elements of Koranic law on both Muslims and non-Muslims alike.¹⁰ In that light, according to Article 19 of the Constitution, freedom of speech is “subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan.”¹¹ This constitutional clause provides in part the justification for criminalizing blasphemy under the penal code while it promotes a culture of censored and criminalized expression or speech to the wider society.

The blasphemy laws codified by Pakistan's Penal Code (Sections 295B and C, and 298A-C), impose severe punishments for perceived insults to the Prophet Mohammed or desecration of the Koran, and prohibit Ahmadiyyas from using Islamic terminology and symbols and from “preaching their faith or pos[ing] as Muslims.”¹² Punishments range from imprisonment for three years and a fine to life imprisonment and the death penalty.¹³

The blasphemy laws, which enjoy widespread support in Pakistan, have had a disproportionate impact on religious minorities.¹⁴ Over 1,500 people have been charged and imprisoned under the blasphemy laws since 1987.¹⁵ In August 2020, there were a string of 42 blasphemy cases targeting the Shia Muslim community, including a three year old child.¹⁶

According to the U.S. Department of State, in 2019 “at least 84 individuals were imprisoned on blasphemy charges, at least 29 of whom had received death sentences...”¹⁷ For instance, Shagufta Kausar, a Christian woman is on death row for allegedly sending out so-called

⁸ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

⁹ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

¹⁰ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

¹¹ http://www.na.gov.pk/uploads/documents/1333523681_951.pdf

¹² <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

¹³ <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

¹⁴ <https://www.bbc.com/news/world-asia-48204815>

¹⁵ <https://www.bbc.com/news/world-asia-48204815>

¹⁶ <https://thediplomat.com/2020/09/what-role-does-the-state-play-in-pakistans-anti-shia-hysteria/>

¹⁷ <https://www.state.gov/wp-content/uploads/2020/05/PAKISTAN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>



blasphemous text messages.¹⁸ On a rare positive note, in response to international pressure, on January 29, 2019, the Supreme Court upheld its decision overturning the conviction of Asia Bibi, a Christian woman who was on death row for alleged blasphemy. Bibi, however, was forced to leave Pakistan on May 7, 2019, after death threats made it unsafe for her to remain.¹⁹

Pakistan's blasphemy laws have emboldened Islamists and other Muslim extremists, and the mere allegation of blasphemy is used as a pretext to attack and kill minorities.²⁰ On September 16, 2019, for instance, a mob in the town of Ghotki, in the province of Sindh, attacked three Hindu temples, several shops, and a school after a Muslim pupil accused the Hindu principal of making blasphemous comments about Prophet Mohammad. The Principal was taken into protective custody by the local police.²¹ And on May 30, 2019, a Hindu veterinarian was accused of blasphemy against Islam after a cleric accused him of delivering medicine wrapped in verses of the Koran. Riots broke out in the veterinarian's neighborhood, shops owned by Hindus were burnt by protestors, and the accused was taken into judicial custody.²² (Masood, 2019)

In Pakistan, blasphemy laws and those criminalizing expression on religious grounds are well entrenched in government institutions and the wider bureaucracy, leaving little room for genuine expression and free thought. In fact, the decay of secularism and dominance of strict religious application of the law in Pakistan's low level government bodies such as the police and judiciary has seeped into the general population where, unsurprisingly, individual actors fear no reprisal in taking matters into their own hands.

II. People's Republic of Bangladesh

Given Bangladesh's strategic location and importance as a trade partner, its internal security and stability are essential to U.S. national interests in South Asia. Once celebrated for its religious tolerance, Bangladesh has now become a battleground of ideas between an increasingly vocal and powerful collection of Islamist groups, and the vast majority of Bangladeshi citizens who still cherish the ideals of secularism, pluralism, and democracy. While numerically smaller, the Islamists, who espouse a narrow sectarian agenda and seek to create a theocratic state with limited rights for minorities and women, are rapidly gaining ground.

¹⁸<https://www.christianitytoday.com/news/2019/may/asia-bibi-lawyer-malook-shagufta-shafqat-blasphemy-pakistan.html>

¹⁹<https://www.theguardian.com/world/2019/may/08/asia-bibi-begins-new-life-in-canada-but-her-ordeal-may-not-be-over>

²⁰ <http://www.religionnews.com/2014/02/19/pakistan-faces-criticism-harsh-blasphemy-law/>

²¹ <https://www.bbc.com/news/world-asia-49714196>;

<https://thediplomat.com/2019/09/after-ghotki-pakistan-should-abandon-its-glorification-of-temple-vandalizers/#:~:text=After%20Ghotki%2C%20Pakistan%20Should%20Abandon%20its%20Glorification%20of%20Temple%20Vandalizers,-September%2023%2C%202019&text=Last%20we>

²² <https://www.nytimes.com/2019/05/30/world/asia/pakistan-blasphemy-law.html>



Accordingly, the plight of religious minorities and atheists has become increasingly precarious as there has been a marked increase in religiously motivated violence coinciding with the rise of domestic and international Islamist terror groups.

While Islamists have been responsible for the majority of the violence, the ruling Awami League (AL) has also contributed to deteriorating conditions in the country by suppressing political dissent and basic civil liberties, and refusing to acknowledge and adequately confront the presence of ISIS and other foreign terror groups. It has further imposed restrictions on the freedom of speech and bloggers, harassed journalists, and arrested political opponents. As a result of the widespread violence and growing intolerance in the country, many Hindus and Buddhists have fled and sought refuge in India.

Islamist groups in Bangladesh, most notably Jamaat-e-Islami (Jel), wield tremendous power through its extensive grassroots networks and exert disproportionate influence over the country's political, social, legal, and religious affairs. Jel, along with its student wing, Islami Chhatra Shibir (ICS), strive to create an Islamic state in Bangladesh, as explicitly laid out in its charter. Jel and ICS were responsible for committing genocide against the country's Hindu population in the 1971 War of Independence and since then have consistently utilized violent tactics to achieve their religio-political goals, including bombings, political assassinations and targeted killings, attacks on security personnel, and mass violence against minorities and atheists.²³

And with the rise of social media over the past decade, outspoken bloggers critical of growing extremism came into the limelight and drew the ire of Islamist groups, such as Jel and Hefazat-e-Islam, who accuse them of blasphemy and threaten to kill them. Countless bloggers have gone into hiding, fearing for their lives and curtailing their rights to freely express their views against religious extremism.

The murders of two atheist bloggers in 2015: Avijit Roy, a US National of Bangladeshi origin, and Washikar Rahman, a Bangladeshi citizen, are prime examples of this growing trend. Both Roy and Rahman espoused views directly challenging the radical ideology of Islamist groups in Bangladesh and were murdered in broad daylight by machete wielding assailants. According to onlookers in both cases, police officers present nearby failed to intervene in a timely fashion to prevent the murders.²⁴

²³ <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/ics.htm>

²⁴ <http://www.latimes.com/world/asia/la-fg-bangladesh-killing-20150315-story.html>



In fact, one of Rahman’s murderers was a student at a madrassa run by Hefazat-e-Islam,²⁵ an organization that gained notoriety in 2013 after calling for the execution of “atheist bloggers” as one of their 13 point demands of a broader Islamist agenda also including: removal of sculptures from the public sphere, declaration of the Ahmadi Muslim sect as heretical, and implementation of Shariah law and harsher blasphemy laws. Some 500,000 Hefazat members and supporters demonstrated in the streets of Dhaka demanding full implementation of their agenda, or threatening further violence.

This example at the societal level where freedom of speech, and freedom of religion itself, is threatened, can be argued as a direct result of the Bangladesh government’s practice of institutionalizing the criminalization of free expression through blasphemy and apostasy laws.

Hefazat was in the headlines again recently when it’s new leader demanded that all statutes be torn down in the country, as they were against Islam. He also demanded that all ISKCON (a Hindu religious group) activities in the country are stopped and that Ahmadiyya Muslims are officially declared “non-Muslims,” amongst other demands.²⁶

Constitutional and Legal Preference for Islam

Despite initially adopting a secular Constitution following independence, Bangladesh subsequently added a new clause to “consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.”²⁷ On June 9, 1988, the Constitution was amended again, making Islam the state religion and prescribing that the principle of absolute trust and faith in Allah would be the basis of all action.²⁸

The Constitution was further amended through the 15th amendment, which retains Islam as the state religion and makes explicit reference to the Koranic invocation, *Bismillah-Ar-Rahman-Ar-Rahim*, or “In the name of Allah (God), Most Merciful, Most Gracious.”²⁹

Moreover, the Constitution includes other sections promoting Islam at the expense of other religions. Article 8(1A) states that the fundamental principles of state policy and all actions are

²⁵ <http://www.dhakatribune.com/crime/2015/mar/30/blogger-washikur-hacked-death>;
<https://www.dhakatribune.com/uncategorized/2016/03/25/radical-group-hefazat-warns-of-armed-resistance>;
<https://www.bbc.com/news/world-asia-22424708>.

²⁶<https://swarajyamag.com/insta/bangladesh-radical-islamist-leader-warns-to-tear-down-all-statues-puts-up-four-controversial-demands>

²⁷ <http://query.nytimes.com/gst/fullpage.html?res=940DE5D71530F93BA35755C0A96E94826>;
<http://www.commonlii.org/bd/legis/const/2004/part1.html#1>

²⁸ <http://query.nytimes.com/gst/fullpage.html?res=940DE5D71530F93BA35755C0A96E948260>.

²⁹ http://www.thedailystar.net/newDesign/latest_news.php?nid=30610



rooted in, among other things, faith in Almighty Allah.³⁰ Such provisions create an environment where free expression and free speech are contradictory and therefore non acceptable.

Section 2 further provides that the principles rooted in Almighty Allah should be “fundamental to the governance of Bangladesh, shall be applied by the State in the making of laws, shall be a guide to the interpretation of the Constitution and of the other laws of Bangladesh, and shall form the basis of the work of the State and of its citizens.”³¹ While language was added to the Constitution promoting Islam, Article 12 which provided “mechanisms for implementation of the principle of secularism”³² was deleted.

The preeminence given to Islam in the Constitution conflict with and weaken other provisions protecting religious freedom and equal protection in Articles 28, 31, and 41 and render them ineffective in guaranteeing the rights of minorities.³³ It has also institutionalized second-class citizen status of non-Muslims and empowered radical groups to violate the rights of minorities with impunity. The aforementioned structural changes to Bangladesh's Constitution over the years and deepening intersection of religion in and above government leads to societal effects of division, can lead to intolerance, and manifest in communal ethnic/religious violence.

Legal Injunctions on Speech and Blasphemy

The legal criminalization of criticism or defamation of Islam, the Prophet Muhammed, and the Koran, real or perceived, has further marginalized minorities and has frequently been used as a justification to attack minorities and atheists. Sections 295A and 298 of the Penal Code, for example, criminalize hurting the religious feelings of any community with imprisonment and have primarily been invoked by Muslims.³⁴

In April 2016, two Hindu high school teachers at the Higlja High School in Bagerhat district were attacked by a mob of villagers, parents, and students after allegedly making defamatory comments about Islam and the Prophet Mohammed. One of the teachers, an assistant, reportedly told a science class that there was no heaven and that the Koran was not the word of Allah. When the high school's lead teacher supported the assistant, the two of them were attacked by villagers, parents, and students from a nearby Islamic school armed with sticks. Instead of helping them, a judicial magistrate sentenced them to six months of prison for hurting the sentiments of

³⁰ <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>

³¹ <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>

³² http://www.idsa.in/system/files/book_BangFightTerrorism.pdf.

³³ <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>.

³⁴ <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/bangladesh/>



Muslims.³⁵

And at the end of October and beginning of November 2016, large scale religious riots occurred in several parts of Bangladesh after an alleged Facebook post reportedly showed an image of the Hindu God Shiva at a holy Islamic pilgrimage site in Mecca, Saudi Arabia. In Brahmanbaria, in the eastern part of Bangladesh, more than 15 temples and scores of homes were ransacked by a rioting mob of hundreds of men, injuring at least 150 people on the day of Kali Puja, the Bengali traditional observance during the Hindu festival of Diwali. Bangladesh police authorities named several Islamist groups operating in Bangladesh as the main culprits for instigating the violence, including Jamaat-e-Islami and Hafezat-i-Islam. Local police also said they have apprehended Rasraj Das, who allegedly created the Facebook post in question and whose death was demanded by Islamists in the region.³⁶

The Digital Security Act of 2018 further expands provisions against blasphemous content. Article 28, for instance, criminalizes the publication or broadcast of “anything by means of any website or any electronic format which hurts religious sentiment or values.”³⁷ Last month, a Muslim mob of approximately 3,000 people targeted about 20 Hindu families and destroyed over a dozen homes and four temples. These Hindu homes and houses of worship were looted, vandalized, and set on fire in Comilla district, in some instances with people still inside. The violence was instigated after a Facebook post welcoming French President Macron’s stand against extremism was circulated. Two Hindus, including a kindergarten school principal who allegedly put up the post, were arrested by police under the Digital Security Act for hurting the sentiments of the Muslim community.

Such behavior of law enforcement and judicial authorities are a blow to freedom of expression and speech that foster a toxic environment where violent acts become commonplace and more frequent overtime. Studies have shown that a continued pattern of impunity and violent acts that increase in number and scope over time are a precursor to mass atrocity and wide-spread religious/ethnic violence. These are troubling signs, particularly for a country that has witnessed such crimes against humanity.

³⁵

<http://www.hindustantimes.com/world/bangladesh-jails-2-hindu-schoolteachers-for-abusing-islam/story-JvvcicqObXaJcyYq3diPriN.html>

³⁶ <https://www.hafsite.org/hindu-americans-shocked-tragic-riots-bangladesh-diwali>.

³⁷ <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/bangladesh/>



III. Malaysia

Under the current reign of the National Alliance and Prime Minister Muhyiddin Yasin, ethnic and religious divides have increased, while the government has expanded restrictions on religious freedom, speech, and civil liberties. Islam also increasingly pervades government policy and Malaysian society, including a rapid expansion of the regulation and criminalization of speech deemed to be offensive to Islam. The Islamic religious department, for instance, has increased its budget to \$300 million with thousands of employees regulating economic activity and tracking social behavior. Religious education in public schools has similarly increased, causing challenges for both Muslim and non-Muslim students, while Islamic religious schools have proliferated.³⁸

In addition, high ranking government officials and religious leaders recently made several statements and promoted policies reflective of a climate of escalating religious intolerance.

Simultaneously, cumbersome restrictions on the religious rights of non-Muslims and members of minority-Muslims sects remained in place. Non-Muslim places of worship were subjected to inequitable treatment, marked by the ongoing demolition and forced relocation of Hindu temples, often sanctioned by the government. Similarly, the conflict between the jurisdiction of the Shariat (Islamic law) courts and the civil courts in family law matters continued unresolved. In the past, non-Muslims have been forced to adjudicate family law and “moral” matters in the Shariat courts, where they faced severe disadvantages. And ethnic Indians continued to face economic and social marginalization due to the persistence of *Bumiputra* (sons of the soil) policies favoring the majority Malaysian Muslim community.

Constitutional and Legal Preference for Islam

Malaysia’s Federal Constitution gives explicit preference to Muslims and establishes Islam as the official state religion. Article 3(1), for instance, recognizes that Islam is the official religion of Malaysia, thereby subjecting non-Muslims to an inferior status in the country.³⁹ Furthermore, although Article 11 guarantees the right to practice and profess one’s religion and that every religious group may manage its own religious affairs, the Constitution simultaneously places limitations on those rights.⁴⁰ Non-Muslims are prohibited from propagating their religion amongst Muslims, and a non-Muslim must convert to Islam to in order to marry a Muslim and have their marriage officially recognized by the state.⁴¹

³⁸ <https://carnegieendowment.org/2020/08/18/malaysia-s-political-polarization-race-religion-and-reform-pub-82436>

³⁹ [http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf)

⁴⁰ [http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf)

⁴¹ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/malaysia/>



The Constitution further establishes a parallel court system with secular civil and criminal courts as well as Shariat courts. The Shariat courts have authority over Muslims in issues such as religion, marriage, divorce, inheritance, apostasy, and religious conversion, where the Federal courts have no jurisdiction. The Shariat courts, however, have exercised jurisdiction over non-Muslims, subjecting them to outright discrimination in intra-family disputes.⁴²

Legal Injunctions on Speech and Blasphemy

The Malaysian Penal Code criminalizes with imprisonment “Uttering words, etc., with deliberate intent to wound the religious feelings of any person. It further prohibits “causing, etc., disharmony, or feelings of enmity, hatred or ill will, or prejudicing, etc., the maintenance of harmony or unity, on grounds of religion.”⁴³

A complex set of repressive laws under the Sedition Act further restrict speech and assembly, and give security forces broad detention powers.⁴⁴ Sedition laws have been utilized as a political tool to silence criticism of the government and have also been used to punish perceived insults to Islam.⁴⁵ Penalties include imprisonment up to seven years for religious insults.⁴⁶

Sedition laws criminalizing speech that “promotes ill will, hostility, or hatred on the grounds of religion,” have disproportionately been used to target those allegedly making statements about Islam, while action was rarely taken when statements were made about non-Muslim religions. For instance, in March 2019, a man was sentenced to six years in prison and fined \$12,200 for allegedly making a post “offensive to Islam” on Facebook.⁴⁷ On the other hand, the head of an Islamic information center was arrested in April 2019 for insulting Hinduism during a religious seminar broadcast on social media, but the Attorney General decided not to pursue any charges against him.⁴⁸

The regulation of blasphemy was significantly expanded in 2019 when the federal religious affairs

⁴² <https://www.state.gov/reports/2019-report-on-international-religious-freedom/malaysia/>

⁴³ <https://www.loc.gov/law/help/blasphemy/index.php#:~:text=Chapter%20XV%20of%20the%20Malaysian,assembly%E2%80%9D%20>

⁴⁴ <http://www.hrw.org/reports/2005/malaysia0905/index.htm>;
<http://www.thestar.com.my/news/story.asp?file=/2008/10/15/nation/20081015184431&sec=nation>;
<http://www.hrw.org/world-report/2014/country-chapters/malaysia?page=3>.

⁴⁵ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

⁴⁶ <https://www.loc.gov/law/help/blasphemy/index.php#:~:text=Chapter%20XV%20of%20the%20Malaysian,assembly%E2%80%9D%20>

⁴⁷ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/malaysia/>

⁴⁸ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/malaysia/>



minister created a new task force to monitor “any writing or provocation deemed insulting to the Prophet and Islam across all media platforms, including social media.”⁴⁹ The task force has received thousands of complaints of blasphemy and for a period of time received nearly 10,000 complaints per day.⁵⁰

IV. Conclusion and Recommendations

Blasphemy laws, enshrined in the constitutions and penal codes of countries throughout the world, pose a significant obstacle to religious freedom. When these provisions are coupled with constitutional preference for one religion, as they are in Pakistan, Bangladesh, and Malaysia, these laws are often used to target religious minorities. They also provide justification to non-state actors to enforce blasphemy injunctions through mob violence. Until these archaic laws are abolished or reformed, minorities in these countries cannot enjoy basic civil rights and religious freedom. Accordingly, we offer the following recommendations.

Pakistan

- The United States should impose targeted sanctions on Pakistan and Pakistani officials under the International Religious Freedom Act as a Country of Particular Concern as well as the Global Magnitsky Human Rights Accountability Act for its “systematic, ongoing, [and] egregious violations of religious freedom” against religious minorities, which includes systematic persecution and violence against minorities through the enforcement of blasphemy laws.
- Civilian assistance should be focused on meaningful constitutional and legal reform to provide equality and religious freedom for minorities, including through the repeal of blasphemy laws. And a portion of humanitarian and economic assistance should be earmarked for the benefit of the country’s marginalized minorities.
- Invest in law enforcement training programs in Pakistan to better deal with vigilante justice and mob attacks on individuals accused of committing blasphemy.

Bangladesh

- The U.S. should work constructively with the Government of Bangladesh to undertake legal and constitutional reforms by removing provisions privileging Islam from the Constitution and institute greater safeguards for religious freedom, including through the repeal of blasphemy laws and the Digital Security Act.

⁴⁹ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/malaysia/>

⁵⁰ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/malaysia/>

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- The U.S. should similarly work with Bangladeshi authorities to ensure that attacks on Hindus and other minorities under the pretext of blasphemy cease, past victims of violence are fully rehabilitated, and those responsible for attacks are swiftly brought to justice.
- Jel and ICS, which are often responsible for instigating violence and false accusations of blasphemy in order to target minorities and atheists, should be designated as Foreign Terrorist Organizations (FTOs) by the U.S. State Department under Section 219 of the Immigration and Nationality Act and as Specially Designated Global Terrorists under section 1(b) of Executive Order 13224.⁵¹

Malaysia

- The U.S. and the international community must exert economic and diplomatic pressure on the Malaysian government to provide religious freedom and equal rights to non-Muslims through constitutional and legal reform and to allow freedom of speech and assembly by amending repressive laws.
- The Government of Malaysia should shut down or curtail the task force within the federal religious affairs ministry that monitors complaints of blasphemy.
- The Government of Malaysia should create a Minority Affairs Ministry to examine and address religious freedom violations, including those involving blasphemy related violence.

⁵¹ <http://www.state.gov/r/pa/prs/ps/2014/01/219520.htm>.