

**Testimony before the U.S. Commission on International Religious Freedom (USCIRF)  
Hearing on Blasphemy Laws and the Violation of International Religious Freedom  
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- It is an immense honor to address you all today to present out findings for the report commissioned by the U.S. Commission on International Religious Freedom on the enforcement of blasphemy laws around the world.
- This research took two years to accomplish and was the result of a great collaboration between myself and the Human Rights Law Clinic at Cardozo Law School.
- We aimed to produce a “snapshot in time” to capture how states across the globe enforce their blasphemy laws during a 5-year period- between 2014-2018.
- We literally examined every state action across 84 countries where blasphemy allegations had occurred during 5 years—we inspected state agents actions, ranging from police officers, security agents, prison officials, prosecutors and judges—basically all state and judicial authorities.
- We found a treasure of findings- of which we will only highlight some of them in the next few minutes.

**Some general remarks**

- It’s important to know that **criminal blasphemy cases often occur in the context of broader religious freedom violations**, such as bombings and assaults on 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. You cannot isolate blasphemy-related abuses from other events in a country—notably other violations of freedom of religion or belief.
- States can criminalize blasphemous acts through the enforcement of **other criminal laws**, such as apostasy laws, anti-conversion laws, incitement to religious hatred laws, anti-extremism laws, and even anti-witchcraft laws. Allegations of blasphemy are therefore frequently conflated with other allegations.
- Mob activity, threats, or violence often concur when a religion is viewed as being “insulted”. It’s important to bear in mind that violence can **occur at times when the state enforces the law and also when the state does not act**. In this second case, mobs are stirred by non-state actor groups or individuals. The fact that mobs are tolerated, demonstrate that public officials tolerate this civil unrest.

- In both cases, *when states enforce or don't enforce the law*, mobs can provoke **violence, property destruction, injuries and death**.
- Since our last report, we have tracked down all the trends that have occurred since 2017 and we also caught up with information that we had not managed to find previously. **To our knowledge, this is the most updated and comprehensive list of blasphemy laws recorded in the world in 2020.**
- Frankly, **there have been some positive and some negative developments.**
- **On the negative side, we take note that new or amended blasphemy laws have entered into force in Kazakhstan (2014), Nepal (2017), Oman (2018), Mauritania (2018), Morocco (2018), and Brunei (2019).** In addition, **Germany's** blasphemy provision was referenced in a new German technology law (2018).
- **In the case of Kazakhstan, Morocco and Oman the maximum penalty has been substantially increased. In the case of Nepal, a new penal code was passed that adds the criminalization of blasphemy.**
- **In the case of Mauritania, it has joined Brunei, Iran, and Pakistan as the countries in the world with the death penalty as punishment for insult to religion.** Although admittedly, this does not exclude the possibility that the death penalty may be handed down by states such as **Saudi Arabia who implement Sharia laws without having a formal written penal code.**
- And finally in April 2019, **the final phase of Brunei's criminal code went into effect permitting the death penalty for several offences including insulting of defaming the prophet Muhammad.**
- This is all very bleak. **But on the positive side, a series of repeals have occurred since 2015.** The attack against the staffers of the satirical paper Charlie Hebdo and the Jewish supermarket the next day instigated a trend, particularly in liberal democratic states, to repeal blasphemy laws. Repeals occurred in **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).**
- In another piece of good news, **Italy's** criminal blasphemy provisions are different from what the authors previously reported. The penalty of insult to religion is now a fine, rather than imprisonment. One 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.

- I would also like to highlight progress in **Sudan** too. 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. It's important information so very much worth noting.
- Despite these numerous repeals we still managed to identify **13 extra blasphemy provisions that had not been included** in our previous report *Respecting Rights? Measuring the World's Blasphemy Laws*. That is not good news.
- That makes a total of **84 countries across the globe with criminal blasphemy laws** on the books as of 2020 – in comparison to 71 identified in 2017.
- But that is not the complete picture: 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. Today, **hybrid legal systems in some Islamic states made it difficult for researchers to find and analyze Shari'a criminal blasphemy law judgments**. So this is one limitation, among others, of our study.

I am now delighted to give the floor to my colleague Jocelyn Getgen who will share more information with you on our other findings.