RESPECTING RIGHTS?

Measuring the World's Blasphemy Laws

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

A gavel is seen in a hearing room in Panama City April 7, 2016. REUTERS/Carlos Jasso

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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By Joelle Fiss and Jocelyn Getgen Kestenbaum

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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) that monitors the universal right to freedom of religion or belief abroad. 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 IS RELIGIOUS FREEDOM

Inherent in religious freedom is the right to believe or not believe as one's conscience leads, and 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 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.

INTRODUCTION BY USCIRF

Across the globe, billions of people view blasphemy, defined as "the act of insulting or showing contempt or lack of reverence for God," as deeply offensive to their belief in a deity or deities.

Based on this view, a number of nations continue to maintain and enforce laws against blasphemy. These laws, which penalize expression or acts deemed blasphemous, defamatory of religions, or contemptuous of religion or religious symbols, figures, or feelings, include punishments ranging from public censure and fines to imprisonment and death.

As members of the U.S. Commission on International Religious Freedom (USCIRF) who believe that all human beings should be accorded dignity and respect no matter their convictions, we understand the opposition to blasphemy. However, while it is legitimate to speak out against blasphemy, we believe that laws against blasphemy are detrimental to religious freedom.

Freedom of religion or belief implies that people have the right to embrace a full range of thoughts and beliefs, including those that others might deem blasphemous; freedom of expression implies that they have the right to speak or write about them publicly. People also have a right to speak out against what they consider blasphemy as long as they do not incite others to violence. These rights are guaranteed in international documents to which most countries have agreed, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

We have seen in our monitoring of religious freedom worldwide how blasphemy laws, in both theory and practice, harm individuals and societies. In commissioning the study found in the following pages, USCIRF sought to ascertain the prevalence of blasphemy laws worldwide and measure how the content of these laws adheres to basic principles of international law.

The findings are sobering indeed. According to the study:

- Blasphemy laws are astonishingly widespread. Seventy-one countries, spread out across many regions, maintain such statutes.
- Every one of these blasphemy statutes deviates from at least one internationally recognized human rights principle. Most of these laws fail to respect fully the human right of freedom of expression.
- All five nations with blasphemy laws that deviate the most from international human rights principles maintain an official state religion.
- Most blasphemy laws studied were vaguely worded, as many failed to specify intent as part of the violation. The vast majority carried unduly harsh penalties for violators.
- Most blasphemy laws were embedded in the criminal codes and 86 percent of states with blasphemy laws prescribed imprisonment for convicted offenders. Some blasphemy statutes even imposed the death penalty.

Clearly, blasphemy laws, in both conception and scope, remain problematic. We trust that this report will draw greater attention to the problem, provoke further discussion about the challenges and encourage constructive attempts to reform or repeal blasphemy measures.

OVERVIEW

This report examines and compares the content of laws prohibiting blasphemy ("blasphemy laws") worldwide through the lens of international and human rights law principles. The laws examined in this study prohibit or criminalize the expression of opinions deemed "blasphemous," or counter to majority views or religious belief systems, and many impose serious, often criminal, penalties. Blasphemy laws are actively enforced in many states throughout the world. Many governments deem repeal not feasible or desirable and justify the prohibition and criminalization of blasphemy as necessary to promote religious harmony.

This study seeks to evaluate the language and content of blasphemy laws to understand what aspects of these laws adhere to—or deviate from—international and human rights law principles. A better understanding of the laws' compliance with these principles may assist in the public policy community in developing clear, specifically-tailored recommendations for areas for reform. By analyzing and quantifying the adherence to or deviation from international and human rights law principles, examined systematically through a point-system assessment tool, this study identifies specific language that may increase blasphemy laws' risk for abuse, indicating areas where targeted advocacy for reform potentially could lower that risk.

Part I defines blasphemy for the purposes of this study and explains the risks for potential abuse in the implementation of these laws.

Part II introduces the study methodology, including the collection of laws, the creation of indicators to measure adherence or non-adherence to international and human rights principles, the coding process, and the analysis.

Part III explains the underlying international and human rights law principles on which the indicators are based. Additionally, it outlines the questions developed to measure each indicator and the points assigned to each question to evaluate the extent to which each law respects the core principles of international and human rights law implicated by prohibiting blasphemy.

Part IV discusses the numerical composite scores attributed to each country, and examines findings and patterns within and among the eight indicators.

Part V highlights the study results and situates select findings within the political, cultural, and legal contexts that shape how blasphemy laws may be implemented.

Part VI concludes the study, noting some of its limitations and provides a template for future studies of blasphemy law.

REPORT FINDINGS

1. Blasphemy laws were found in 71 countries from all regions of the world. Regionally, 25.4 percent of the laws found are from countries in the Middle East and North Africa, 25.4 percent from Asia-Pacific, 22.5 percent from Europe, 15.5 percent from Sub-Saharan Africa, and 11.2 percent from the Americas.
2. A majority—62 percent—of these laws received scores between 29 and 40 points out of 80 total points, indicating that all blasphemy laws studied deviate from some—and most deviate from a significant number—of the international and human rights law principles examined.
3. The data indicate that a majority of laws do not fully respect international standards of freedom of opinion and expression. In fact, every state received at least some points on the indicator measuring **Freedom of Expression**.
4. Most laws received the lowest scores, on average, for the indicator measuring the language of the laws' adherence to the principle of **Freedom of Religion or Belief**. This finding of relative adherence may be unexpected, or even counter-intuitive, because, in many countries, individuals belonging to religious or belief minorities are disproportionately accused of—and punished for—blasphemy. One reason for this apparent contradiction is that only a detailed, precisely worded law explicitly reflecting its coercive capacity with regard to religion or belief will receive a high score on this indicator.
5. An overwhelming majority of the laws analyzed were found in national penal codes, with many of these laws containing moderately to grossly disproportionate criminal punishments ranging from prison sentences to the death penalty.
6. The most common punishment among blasphemy laws is imprisonment, with 86 percent of all states imposing a prison penalty (and a few laws imposing lashings, forced labor, and the death penalty).
7. Blasphemy laws are vaguely worded, and few specify or limit the forum in which blasphemy can occur for purposes of punishment. Only one-third (33 percent) of criminal laws studied specify intent, or *mens rea*, as an element of the crime.
8. Each of the top five countries with the highest scoring laws has an official state religion. Although state religions can exist without necessarily resulting in discrimination against other belief groups, the coders did note a pattern where higher scoring (less adherent) laws are found in states where a state religion exists.
9. The countries with the lowest scores, and thereby adhering more closely to international law principles, have blasphemy laws that neither discriminate among different belief groups nor protect a state religion through punitive measures. The five countries with the

lowest scoring laws received 0 points under **Discrimination Against Groups** and **State Religion Protections**, with agreement among all three coders.[i]

10. Conversely, the laws that discriminate among different belief groups have the highest scores, are the most human rights noncompliant, and, thus, are at higher risk for abuse. The countries with the five highest scoring laws received 10 out of 10 possible points on the indicators measuring **Discrimination Against Groups** and **State Religion Protections**.
11. The indicators receiving the highest average number of points are: **Freedom of Expression, Vagueness of the Law**, and **Speech and Forum Limitations**. This indicates that all blasphemy and related laws analyzed: (1) deviate from international free speech standards in some way; (2) have vague formulations and are difficult to interpret narrowly; and (3) have limitations that are seldom narrowly defined.
12. Given that blasphemy laws are vague and therefore difficult to measure, we recognize that the indicators tend to underestimate the laws' deviations from international law principles and therefore also underestimate the risk of abuse of these laws in practice.
13. **Speech and Forum Limitations**, the indicator concerned with the degree to which a blasphemy law limits the forum, either public or private, in which a person can express or display his/her opinions or beliefs and control written or spoken words, was a high-scoring indicator across almost all countries. Of the 71 countries, 64 countries, or 90 percent, had laws that received an average of 5.5 points or higher out of 10 points for this indicator, suggesting that the laws have few forum and types of speech limitations.
14. Although they are often enforced in abusive ways, blasphemy laws are also on the books in regions with low levels of enforcement, such as the Caribbean and Europe, which signals potential for reform or even repeal.

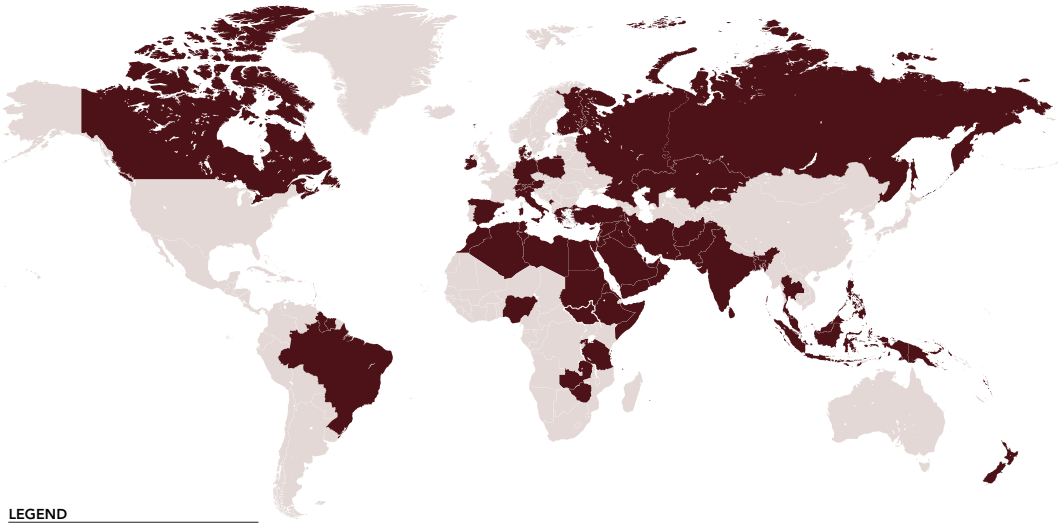
[i] This research was a team effort over several years with more than a dozen participants. Three of the researchers were trained to code and analyze the compendium of blasphemy and related laws.

PART I. BACKGROUND: LAWS PROHIBITING BLASPHEMY

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

This study compiles and examines blasphemy laws[4] currently on the books in 71 countries from each region of the world. Most of the blasphemy laws examined in this study criminalize in national penal codes the expression of opinions deemed "blasphemous" or counter to majority views or religious belief systems.

71 COUNTRIES THAT HAVE BLASPHEMY LAWS ON THE BOOKS



LEGEND
- Countries without blasphemy laws
- Countries with blasphemy laws

Afghanistan
Algeria
Andorra
Antigua and Barbuda
Austria
Bahrain
Bangladesh
Barbuda
Brazil
Brunei
Canada
Comoros
Cyprus
Denmark*
Egypt
Eritrea
Ethiopia
Finland
Germany
Greece
Grenada
Guyana
India
Indonesia
Iran
Iraq
Ireland
Israel
Italy
Jordan
Kazakhstan
Kuwait
Lebanon
Libya
Liechtenstein
Malaysia
Malta*
Mauritius
Montenegro
Morocco
New Zealand
Nigeria
Oman
Pakistan
Papua New Guinea
Philippines
Poland
Qatar
Russia
Rwanda
San Marino
Saudi Arabia
Singapore
Somalia
South Sudan
Spain
Sri Lanka
St Lucia
St. Vincent and Grenadines
Sudan
Suriname
Switzerland
Syria
Tanzania
Thailand
Tunisia
Turkey
United Arab Emirates
Vanuatu
Yemen
Zambia
Zimbabwe

*Blasphemy laws for Malta and Denmark were repealed after the data for this report was coded and analyzed.

Blasphemy laws are generally deemed inconsistent with universal human rights standards and violate international standards of freedom of expression and freedom of religion or belief. Despite the fact that some UN member states publicly support blasphemy laws, several UN reports and authoritative documents contest their legality. For example, the Human Rights Committee has found that:

> [p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [International Covenant on Civil and Political Rights], except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. . . . [I]t would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.[5]

Furthermore, the UN Special Rapporteur on freedom of religion or belief has called for repeal of criminal blasphemy laws, finding that:

> [a]t the national level, blasphemy laws are counter-productive, since they may result in de facto censure of all inter-religious or belief and intra-religious or belief dialogue, debate and criticism, most of which could be constructive, healthy and needed. In addition, many blasphemy laws afford different levels of protection to different religions and have often proved to be applied in a discriminatory manner."[6]

When examined through a human rights lens, blasphemy laws, as a category of laws, run serious risk of inviting abuse on several vectors. They position states as arbiters of truth and ultimate deciders of what is or is not offensive to the sacred, an assessment with inherent subjectivity. In addition, these laws protect religions, not human beings.[7] The enforcement of blasphemy laws is particularly problematic, leading in some cases to human rights abuses and violence.[8] In some contexts, individuals have been subjected to severe state sanctions and both non-state and state-sponsored violence for expressing their beliefs that, to the listener, are offensive to the sacred.[9]

Blasphemy laws empower authorities to sanction citizens who articulate what are often minority positions. Those who support and enforce the laws argue that such prohibitions are necessary to: (1) fight incitement to discrimination, hostility, and violence pursuant to the International Covenant on Civil and Political Rights' (ICCPR) article 20(2); and (2) protect freedom of religion under article 18 of the ICCPR.[10] Unfortunately, however, the evidence tells a very different story. Accusations of blasphemy have resulted in arrests and arbitrary detentions and have sparked assaults, murders, and mob attacks. Allegations of blasphemy can serve as a pretext for religious extremists to polarize society and to foment hate and riots, as was the case when the posting of the Innocence of Muslims video on YouTube led to violent protests and attacks on U.S. embassies. They have also led to individuals committing extra-judicial killings to punish alleged blasphemers.[11]

Thus, blasphemy laws can promote intolerance through governmental restrictions on the freedoms of expression, thought, and religion. Such intolerance can result in devastating consequences for society and, in particular, for religious minorities and political dissidents, including the weakening of religious pluralism.

WHY DOES THE WORDING OF THE LAWS MATTER?

Examining the language of blasphemy laws and measuring their adherence to international law principles is important because each law is central to the state's reasoning for sanctioning expression concerning religion. The laws' content can provide insight as to how governments view speech related to religion and the state's role in regulating such speech. This regulation of expression can be a valuable indicator to measure a state's tolerance for pluralistic discourse and the respect for human rights. In addition, pinpointing problematic language can assist policymakers in reform or repeal efforts in order to protect individual rights and freedoms.

PART II. INTERNATIONAL LAW PRINCIPLES IMPLICATED BY BLASPHEMY LAWS AND INDICATORS TO MEASURE ADHERENCE

To evaluate blasphemy laws, the research team developed eight indicators and questions within each indicator that reflect the international law principles implicated by blasphemy laws. The research team based these eight indicators on international law principles or norms found in the core human rights instruments—such as the ICCPR and the Universal Declaration of Human Rights (UDHR)—international jurisprudence, and general principles of international law.[12] The standards within these instruments and principles generally apply to all countries irrespective of geography, culture, ethnicity, or religious affilitation.[13] The coding questions reflect both the fundamental nature of the rights and interpretations of their legitimate limits.

Principle 1: Freedom of Opinion and Expression (Indicator 1: Freedom of Expression)

The first international law principle examined is the right of all persons to freedom of opinion and expression.[14] Article 19 of the ICCPR mandates that:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Although a fundamental human right, the right to freedom of expression has limitations enumerated in both the UDHR[15] and ICCPR.[16] These limitations generally allow states to protect other important social goods, including the rights and freedoms of others, morality, public order, and the general welfare.

Given these limitations, international human rights law permits laws, such as those prohibiting blasphemy, to limit the right to freedom of opinion and expression if they: (1) are provided by

law, and not based on traditional, religious, or other customary laws;[17] (2) do not confer unfettered discretion to authorities;[18] (3) are necessary, proportional, and narrowly tailored;[19] (4) are based on principles not deriving from any single tradition;[20] and (5) are based on the universality of human rights and the principle of nondiscrimination.[21]

Based on this international human rights law principle, the research team developed the following list of questions. The coders then were required to answer each question and attribute a score to each blasphemy law.

IS THE LAW IN COMPLIANCE WITH THE PRINCIPLES OF FREEDOM OF EXPRESSION UNDER INTERNATIONAL LAW, AS SPECIFIED UNDER ARTICLE 19 OF THE UDHR AND ARTICLE 19 OF THE ICCPR?

(1.1) Does the language of the law specify its purpose to be:
(1) To respect the rights or reputations of others?
(2) For the protection of national security or of public order (ordre public)?
(3) For the protection of public morals?
(4) For the general welfare in a democratic society?
(A lower score is attributed when purpose as allowed under international law is written in the law (0 – 2.5 points))
(1.2) Is the law criminalizing the expression of opinions that may run counter to a religion or belief? *(Y=2.5 points, N=0 points)*
(1.3) Is the law providing for a blanket prohibition on the seeking, receiving, and imparting of information and ideas? *(Y=2.5 points, N=0 points)*
(1.4) Could the law impede on expression over religious discourse? *(Y=2.5 points, N=0 points)*

Principle 2: Freedom of Thought, Conscience, and Religion (Indicator 2: Freedom of Religion or Belief)

International human rights law also protects the freedom of thought, conscience, and religion.[22] Article 18(1) of the ICCPR obligates that:

> 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.[23]

Article 18(3) enumerates exceptions to the freedom of religion. Specifically, states can limit the freedom of thought, conscience, and religion if:

> . . . 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.[24]

For freedom of religion, the exceptions are narrower than those found in the human rights principles of freedom of expression.[25] To evaluate whether blasphemy laws were drafted in such a way as to permit only narrow limitations on freedom of thought, conscience, and religion, questions that researchers asked focused on, inter alia, whether the language of the law infringed upon rights

to adopt a religion or belief, imposed a particular religion or belief, or otherwise curbed religious belief or practice in any way that was beyond the permissible scope of human rights norms.

Based on this principle, the research team devised the following list of questions.[26] The coders were then required to answer each question and attribute a score to each blasphemy law.

IS THE LAW IN COMPLIANCE WITH THE PRINCIPLES OF FREEDOM OF RELIGION UNDER INTERNATIONAL LAW, AS SPECIFIED UNDER ARTICLE 18 OF THE UDHR AND ARTICLE 18 OF THE ICCPR?

(2.1) Does the language of the law infringe upon the freedom to have or to adopt a religion or belief of one's choice? *(Y=1 point, N=0 points)*
(2.2) Does the language of the law specify its purpose to be necessary in order to respect the freedom of another person to practice a religion? *(Y=1 point, N=0 points)*
(2.3) Does the language of the law actually impose the respect of one religion or belief? *(Y=1 point, N=0 points)*
(2.4) Does the law subject one to coercion that would impair one's freedom to have or adopt a religion or belief of one's choice? *(Y=1 point, N=0 points)*
(2.5) Does the language of the law infringe upon the freedom, either individually or in community with others, in public or in private, to manifest one's religion or belief in worship, observance, practice, and teaching? *(Y=1 point, N=0 points)*
(2.6) Does the language of the law infringe upon the freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places of worship for these purposes? *(Y=1 point, N=0 points)*
(2.7) Does the language of the law infringe upon the right to display religious symbols? *(Y=1 point, N=0 points)*
(2.8) Does the law infringe upon the freedom to write, issue, and disseminate religious publications to express one's religious beliefs? *(Y=1 point, N=0 points)*
(2.9) Does the law infringe upon the freedom to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels? *(Y=1 point, N=0 points)*
(2.10) Does the law infringe upon the freedom of religion in time of public emergency? (Note: public emergency is not a valid derogation.) *(Y=1 point, N=0 points)*

Principle 3: Legality (Indicator 3: Vagueness of the Law)

Found in various human rights instruments as well as core general principles of international law,[27] the principle of legality requires that the applicable law define offenses clearly and narrowly[28] so that "the individual can know from the wording of the relevant provision and, if need be, with the assistance of the court's interpretation of it, what acts and omissions will make him liable."[29] Moreover the principle of legality in criminal law requires that crimes be enumerated in "precise and unambiguous language that narrowly defines the punishable offense."[30] Thus, vague laws are generally found to be void when people in typical situations may not understand the meaning of the prohibition and would not be able to comport themselves in a manner consistent with the law.[31]

The Human Rights Committee's General Comment No. 34 on Freedom of Opinion and Expression stresses the importance of precision in law drafting to ensure that individuals are: (1) given notice of what a law prohibits and how to adhere to the law accordingly; and (2) protected from executing authorities' abuse of discretion.[32] Thus, researchers evaluated blasphemy laws' language to assess whether states drafted their provisions with the precision required under international law.[33]

Based on this principle, the research team devised the following questions. The coders were required to answer each question and to attribute a score to each blasphemy law:

IS THE LAW IMPERMISSIBLY VAGUE UNDER PRINCIPLES OF INTERNATIONAL LAW?

(3.1) Is the prohibited conduct clearly and narrowly defined? *(Y=0 points, N=2 points)*
(3.2) Are there any limitations on authorities to decide for themselves what constitutes blasphemy? *(Y=0 points, N=2 points)*
(3.3) Does the law demonstrate in specific and individualized fashion the precise nature of the threat to "public order, public health, safety, morals, reputation of others"? *(Y=0 points, N=1 point)*
(3.4) Does the law specify the intent, or mens rea, of the accused to commit the crime? *(Y=0 points, N=3 points)*
(3.5) Does the law distinguish expression that constitutes a criminal offense and expression that justifies a civil lawsuit or administrative sanctions? *(Y=0 points, N=2 points)*

Principle 4: Proportionality of Punishment (Indicator 4: Severity of Penalty)

A general principle of law, proportionality is a criterion of fairness and justice that ensures balance between the restriction or punishment imposed by a corrective measure and the severity of the prohibited act. The concept evolved from a prohibition of disproportionality (the state must not act too broadly or harshly); consequently, the state should clearly define crimes and use proportional means to the legitimate end of punishing crimes.[34] In criminal law, proportionality conveys the idea that the punishment should fit the crime.

The European Court of Human Rights (ECtHR) has outlined four stages to a proportionality test.[35] A measure must: (1) have a legitimate aim and be (2) suitable, (3) necessary, and (4) reasonable to achieve that aim.[36] Thus, the proportionality principle requires a relationship between means and ends and, in particular, that the state chooses a means that is suitable or appropriate, and no more restrictive than necessary to achieve a lawful end.[37]

International law strictly prohibits certain penalties, such as forced or compulsory labor,[38] or torture and other cruel, inhuman, and degrading treatment or punishment.[39] At present, international law requires that the principle of proportionality reserve the use of the death penalty and hard labor only for the most serious crimes.[40]

Based on this principle, the research team devised the following questions. The coders were required to answer each question and to attribute a score to each country's blasphemy laws.

IS THE PENALTY PERMISSIBLE UNDER PRINCIPLES OF PROPORTIONALITY IN INTERNATIONAL LAW?

(4.1) Is the measure the death penalty? *(Y=10 points, N=0 points)*
(4.2) Is the measure torture or other cruel, inhuman, or degrading treatment or punishment? (i.e., lashings) *(Y=10 points, N=0 points)*
(4.3) Is the measure penal or forced labor? *(Y=10 points, N=0 points)*
(4.4) Is the measure detention or incarceration? *(Y=5 points, N=0 points)*
(4.5) Is the measure depriving a person of his property? (i.e., fine, taking of goods, etc.) *(Y=1 point, N=0 points)*
(Score the highest penalty only.)

Principle 5: Nondiscrimination and Equality (Indicator 5: Discrimination Against Groups)

Indicator 5 (discrimination against groups) is rooted in the principles of nondiscrimination and equality, which apply to all rights implicated by blasphemy laws. The ICCPR's Articles 2(1)[41] and 26[42] guarantee respectively the rights to equality and nondiscrimination with regard to all rights under the Covenant, including the rights to freedom of religion[43] and expression.[44]

The UN Special Rapporteur on the Freedom of Religion or Belief has found that:

> . . . [A]ggravated discrimination tends to intensify or become more likely to occur when the State itself officially adopts the religion of the majority or of the ethnically dominant minority, or subscribes to a particular ideology.[45]

Based on this principle, the research team devised the following questions. The coders were required to answer each question and to attribute a score to each blasphemy law.

DOES THE LAW DISCRIMINATE AGAINST DIFFERENT RELIGIOUS OR BELIEF GROUPS OR VALUES?

(Y=10 points, N=0 points)
Factors to consider:
Does the law express preference for specific religious or belief groups?
Does the law exclude certain religious or belief groups?
Does the law restrict the activities of some religious or belief groups but not others?

Principle 5: Nondiscrimination and Equality (Indicator 6: State Religion Protections)

Also related to the principles of nondiscrimination and equality is the protection or preference of state religions. Although international human rights law does not prohibit the establishment of an official or state religion, states must not privilege a state religion or discriminate against other religions or beliefs.[46] In particular, Article 27 of the ICCPR prohibits states from denying ethnic, religious, or linguistic minorities their "right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."[47]

Based on this principle, the research team devised the following questions. The coders were required to answer the questions and to attribute a score to each blasphemy law.

ARE THE PROTECTIONS AFFORDED TO STATE RELIGION CONSISTENT WITH PRINCIPLES OF INTERNATIONAL LAW?

(6.1) Does the law recognize certain religions or groups of believers and not others, or institute a different status among certain categories of religions?
(Y=5 points, N=0 points)
(6.2) Does the law protect the official state religion through sanctions/punishment? *(Y=5 points, N=0 points)*

Principle 7: Protection of Privacy (Indicator 7: Speech and Forum Limitations)

International law protects individuals' rights to privacy.[48] Moreover, the right to freedom of opinion and expression includes the "freedom to seek, receive and impart information and ideas of all kinds . . . orally, in writing or in print, in the form of art, or through any other media . . ."[49] with specific restrictions.[50]

To varying degrees, blasphemy laws: (1) prohibit acts, writings, or other forms of speech; and (2) place limitations on the forum in which individuals could be manifesting or expressing beliefs or opinions. Thus, Indicator 7 is concerned with the degree to which a particular blasphemy law limits the forum, both public or private, in which a person can express or display his/her opinions or beliefs and controls written and/or spoken words.

Based on this principle, the research team devised the following questions. The coders were required to answer the questions and to attribute a score to each blasphemy law.

DOES THE BLASPHEMY LAW REFER TO THE SPEECH (SPOKEN V. WRITTEN WORDS) OR FORUM (PUBLIC V. PRIVATE PLACE)?

(7.1) Are the forum limitations clearly and narrowly defined? *(Y=0 points, N=4 points)*
(7.2) Does the law seek to punish individuals who disseminate the idea/speech with both spoken and written words? *(Y=2 points, N=0 points)*
(7.3) Does the law distinguish speech that is spoken in the public versus the private sphere? *(Y=2 points, N=0 points)*
(7.4) Does the law seek to punish individuals who disseminate the idea/speech in public? *(Y=1.5 points, N=0 points)* In private? *(Y=2 points, N=0 points)* Both? *(Y=2 points, N=0 points)*

Principle 8: Hierarchy of the Law (Indicator 8: Hierarchy of the Law)

As an attempt to express the notion of statutory interpretation that all laws are not created equal—for example, provisions of a country's constitution carry more weight than a local ordinance—Indicator 8 measures the blasphemy law's position in the hierarchy of laws of that state.[51] In addition, rooted in this hierarchy, the research team assumed: (1) it is the most difficult to pass or repeal constitutional provisions; (2) national laws are also difficult to repeal, given the broader consensus inherent in the legislative process in most countries; and (3) national penal laws and constitutional provisions are more visible and carry with them more legitimacy or, at least, greater reverence in most societies. Thus, the research team concluded that blasphemy laws enshrined in constitutions and national laws, including national penal codes, are more entrenched and more widely accepted than those found in state or local laws.[52]

Based on this principle, the research team devised the following questions. The coders were required to answer each question and to attribute a score to each blasphemy law.

CONSIDERING THE FOLLOWING GENERAL HIERARCHY AS AN INDICATION, WHERE DOES THE BLASPHEMY LAW FALL?

A. Country Constitution *(Y=10 points, N=0 points)*
B. Country Statutory Laws (i.e. national civil and criminal codes) *(Y=5 points, N=0 points)*
C. All other laws *(Y=1 point, N=0 points)*

PART III. METHODOLOGY

This study is a comparative law analysis based on: (a) extensive desk research from multiple sources to assemble a compendium of blasphemy laws from 71 countries; (b) legal analysis of relevant international and human rights law principles to develop a set of indicators to measure the laws' compliance with those principles; (c) qualitative coding of each law's content against those indicators; and (d) analysis of the results of the coding process, and situating the findings within the relevant political, cultural, and legal contexts.

A. Compendium Compilation

The original compendium of laws from 52 states was compiled by Human Rights First and the Cardozo Law Human Rights and Atrocity Prevention Clinic (the "research team") and published in May 2014.[53] The research team in this 2014 study collected laws that refer to sanctioning insult, blasphemy or defamation of religion, in accordance with the concept of blasphemy as defined by Human Rights First.[54] This definition, and therefore the compendium, did not include laws against hate speech aimed at members of religious groups.

Since its original publication, the authors have updated and expanded the compendium to include a total of 71 laws. Through extensive desk research, the laws no longer applicable were removed, and additional laws were identified and added. Many sources were used for cross checking and verification, including those from the Pew Research Center, the International Humanist and Ethical Union,[55] the Library of Congress,[56] and the Venice Commission.[57] When the language of a law was identical in all sources, the research team added that linguistic version to the compendium. When the language of a law differed across different versions, the authors selected the linguistic version found in the majority of sources consulted.

In determining whether a law was a "blasphemy law" for inclusion in the compendium and in going beyond the original compendium, the authors defined blasphemy laws narrowly as laws that pay a specific reference to sanctioning insult, blasphemy, or defamation of religion and "seek to punish individuals for offending, insulting, or denigrating religious doctrines, deities, symbols or the sacred, and . . . for wounding or outraging religious feelings."[58] Laws included in the compendium specifically reference such prohibitions. The authors also included provisions to assist researchers in determining whether a country had a state religion and whether that state religion received protections under the law.

All research was conducted in English. When the authors could only find laws in the original language, every attempt was made to locate translations or translate laws as closely as possible to

the original wording, with the assistance of USCIRF's translation services. Where exact wording of the laws was not available in English, researchers included detailed summaries of the laws.

Excluded from the compendium and study are: (1) laws that restrict criticizing religion but do not prohibit blasphemy *per se*;[59] (2) laws prohibiting apostasy,[60] which can sometimes be used to convey blasphemy; (3) "hate speech" laws and/or "hate crime" laws (for example, desecration of places of worship or graves);[61] and (4) the laws of countries where complete information was lacking. This study focuses solely on the parts of laws that prohibit and/or criminalize "blasphemy" or insult to religion or "the sacred." It takes into account the broader legal landscape of the country, only as indicated *supra*.

B. Indicators Development

Next, the research team studied the compendium of laws and conducted an in-depth legal analysis to determine the international and human rights legal principles relevant to—or implicated by—the existence and implementation of blasphemy laws.[62] This phase of the work was undertaken in order to create a set of indicators to measure the laws' adherence to—or deviation from—such principles. This process identified, defined, and delineated the following international and human rights law principles—as well as the indicators to measure such principles, explained *infra*—implicated by blasphemy laws:

1. Freedom of Opinion and Expression (Indicator 1: Freedom of Expression)
2. Freedom of Thought, Conscience, and Religion (Indicator 2: Freedom of Religion or Belief)
3. Legality (Indicator 3: Vagueness of the Law)
4. Proportionality (Indicator 4: Severity of Penalty)
5. Non-Discrimination and Equality (Indicator 5: Discrimination Against Groups)
6. Non-Discrimination and Equality (Indicator 6: State Religion Protections)
7. Protection of Privacy (Indicator 7: Speech and Forum Limitations)
8. Hierarchy of the Law (Indicator 8: Hierarchy of the Law)

Next, the research team developed a method for legal analysis—an indicator assessment tool, or codebook—composed of indicators with numerical ratings reflecting the weight, or importance, attached to each question. (See Annex B, Codebook.) The indicators and the questions to score each indicator weigh the adherence of each country's law or laws to the enumerated international law principles. In developing these questions, the research team considered interpretations of the language of the international and human rights law norms, as interpreted by international monitoring institutions and international courts and defined in a codebook. The assessment tool measures—based on the text of the law and without regard to the specific context in which it operates—the extent to which a blasphemy law, at least on its face, adheres to international and human rights law principles. Thus, this study is limited to examining the content of the laws.[63]

The research team trained three law student coders to undertake a qualitative analytical coding study based on this set of eight indicators. A 13-page codebook was prepared for the coders' use. (See Annex B, Codebook.) Each indicator was valued equally, although certain legal principles, such as the principles of nondiscrimination and equality, are reflected across more than one indicator,[64] giving such principles additional weight. Each indicator theoretically could receive a minimum score of 0 points (complete adherence to the relevant legal principle) and a maximum score of 10 points (complete deviation from the principle). Coding questions were assigned points to weight certain aspects of certain norms more heavily than others depending on the importance of particular aspects of the norms.[65] Where necessary, guidance notes were provided in the codebook to assist the coders in understanding the international norms and the rationale behind their relevance to blasphemy laws.

C. Qualitative Coding and Analysis

Countries were randomized and de-identified[66] in order to reduce internal bias, or, in other words, to ensure that context did not influence coders' scores.[67] Using randomizer.org, the authors entered the 71 countries in alphabetical order, and the online program generated a list in random order. At that stage, each country was assigned a random number. The authors then replaced each country's name with the corresponding number and removed any mention of specific religions, religious deities or leaders, religious sites, religious objects, and religious texts. The research team replaced these words with generic terminology in brackets (e.g., [RELIGION OR RELIGIOUS FOLLOWERS]).

TABLE 1
Example of a de-identified law: Somalia

SOMALIA	COUNTRY 71
Religious framework of the state	**Religious framework of the state**
CONSTITUTION 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	**CONSTITUTION** Article 2 State and Religion (1) [RELIGION OR RELIGIOUS FOLLOWERS] is the religion of the State. (2) No religion other than [RELIGION OR RELIGIOUS FOLLOWERS] can be propagated in the country. (3) No law which is not compliant with the general principles of [RELIGIOUS HOLY TEXTS] can be enacted
2. Laws that pay a specific reference to sanctioning insult, blasphemy, or defamation of religion:	2. Laws that pay a specific reference to sanctioning insult, blasphemy, or defamation of religion:

TABLE 1	
Example of a de-identified law: Somalia	
SOMALIA	COUNTRY 71
Religious framework of the state	Religious framework of the state
PENAL CODE 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 two 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.	**PENAL CODE** Part IV, Chapter 1 Article 313 [Bringing the Religion of the State into contempt] 1. Whoever publicly brings the religion of [RELIGION OR RELIGIOUS FOLLOWERS; RELATED TO STATE RELIGION] [1 Const.] into contempt shall be punished with imprisonment [96 P.C.] up to two years. 2. Whoever publicly insults the religion of [RELIGION OR RELIGIOUS FOLLOWERS; RELATED TO STATE RELIGION] [1 Const.] by bringing into contempt persons professing it or places or objects dedicated to worship, shall be liable to the same punishment.

After de-identifying all countries and laws, the coders used the codebook to guide their assessment and record their scores on an Excel spreadsheet for each question, tallying up all scores for each indicator and coming up with a composite score for each country. Each of the three coders independently analyzed each of the 71 countries' laws. The coders were prohibited from discussing their findings with each other before entering their final scores. According to the coding design and process, coders could assign a score between 0 and 10 points for each indicator, which meant that countries could receive a total composite score between 0 and 80 points for all indicators.

The coders sent their coding scores separately to the research team for comparison and analysis. The research team next compared the coder's scores for each country. In instances in which a variance of more than 5 points existed among the coders' findings regarding a particular indicator, the research team met with the coders to discuss the reasoning behind their scoring to improve inter-coder reliability in the process.[68] In addition, in order to ensure a continually shared understanding of indicators and codes, the research team met weekly with the coders to resolve misunderstandings in order to ensure that similar laws or provisions of laws would be treated consistently moving forward. If necessary, the research team made minor adjustments to the codebook to reflect any new insights or fine tuning of the indicators.

Through this process of coding followed by discussions and recoding laws if necessary, the authors reduced potential errors that are introduced when multiple coders code the laws, and resolved discrepancies in the definition of indicators and accuracy in applying codes to laws. Similar to previous studies, the steps taken here have ensured a high level of consistency across the coding team (with a Pearson's Correlation Coefficient 0.60 – 0.65, indicating a moderate-strong linear relationship between and among coders)[69] and assisted in maximizing the inter-coder reliability in the study.[70] In the few instances in which the coders, under the supervision of the

researchers, identified or modified questions for specific indicators that were not in the original codebook, these notes to clarify questions were added to the codebook. In these instances, previously analyzed laws were re-coded to ensure consistency across the coding process.[71]

PART IV. STUDY FINDINGS

This research compiles the largest collection of laws prohibiting blasphemy to date. Although the world's legal landscape is constantly shifting, the research team has tried to collect the most accurate, up-to-date information as of June 2016.

We have compiled laws that fit our definition from 71 countries, which means that at least one-third (37 percent) of the world's countries have blasphemy laws.[72] The laws are found in all regions of the world as follows:

TABLE 2
Regional Distribution of the Laws

Regions of the World (%)[73]	Countries in Region with Blasphemy Laws
Middle East and North Africa (25.4%)	Algeria, Bahrain, Egypt, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, Yemen
Asia–Pacific (25.4%)	Afghanistan, Bangladesh, Brunei, Cyprus, India, Indonesia, Iran, Kazakhstan, Malaysia, New Zealand, Pakistan, Papua New Guinea, Philippines, Singapore, Sri Lanka, Thailand, Turkey, Vanuatu
Europe (22.5%)	Andorra, Austria, Denmark, Finland, Germany, Greece, Ireland, Italy, Liechtenstein, Malta, Montenegro, Poland, Russia, San Marino, Spain, Switzerland
Sub-Saharan Africa (15.5%)	Comoros, Eritrea, Ethiopia, Mauritius, Nigeria, Rwanda, Somalia, South Sudan, Tanzania, Zambia, Zimbabwe
Americas (11.2%)	Antigua and Barbuda, Brazil, Canada, Grenada, Guyana, Saint Lucia, Saint Vincent and the Grenadines, Suriname

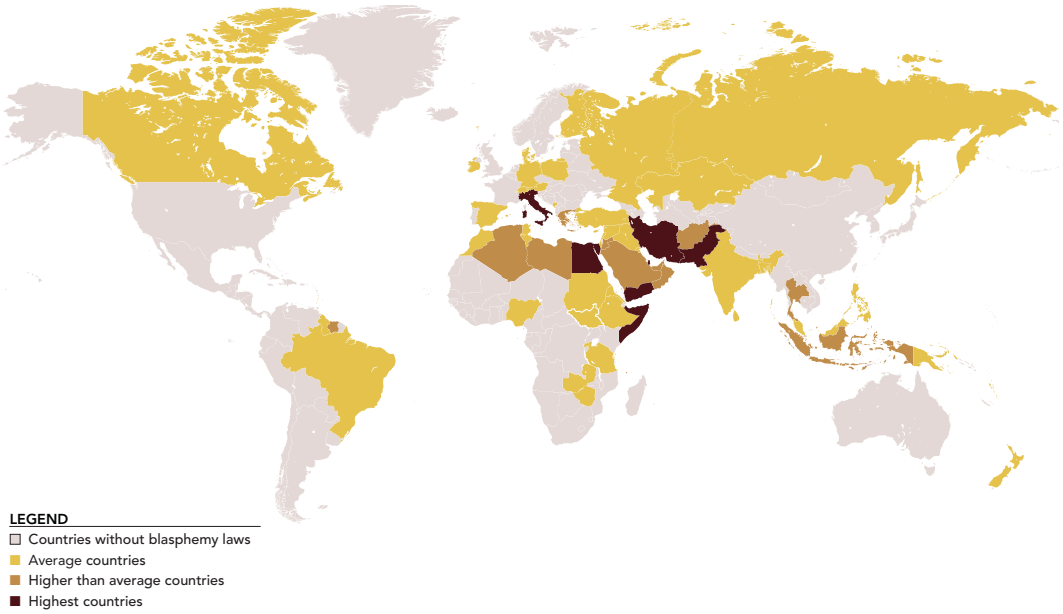
Total composite scores (0 to 80 possible points) vary from a low average score of 25.7 points to a high average score of 66.7 total points, with most countries (59 percent) scoring between an average of 29 and 40 points. The discrepancies among the countries are not wide despite the broad margin between the lowest scoring country (Ireland) and the highest scoring country (Iran).

One finding that was quickly noted was that *all* blasphemy laws analyzed:

- Deviate from international free speech standards in some manner;
- Have vague formulations and are difficult to interpret narrowly; and
- Have limitations that are rarely narrowly defined.

For example, many blasphemy laws tend to deviate from international human rights law standards for freedom of expression in some respect. Therefore, when laws were analyzed according to **Freedom of Expression**, coders assigned points to every country with a blasphemy law. The research team concluded that the very existence of a blasphemy law could compromise

TABLE 3
Total Scores and Trends



full compliance with free speech standards (if legal exemptions are not fulfilled). All countries obtaining higher scores have a "higher than average" or the "highest" deviation from international and human rights law principles.

In addition to **Freedom of Expression**, other indicators receiving the highest number of points were: **Vagueness of the Law** and **Speech and Forum Limitations**. On these three indicators, all laws received some points.

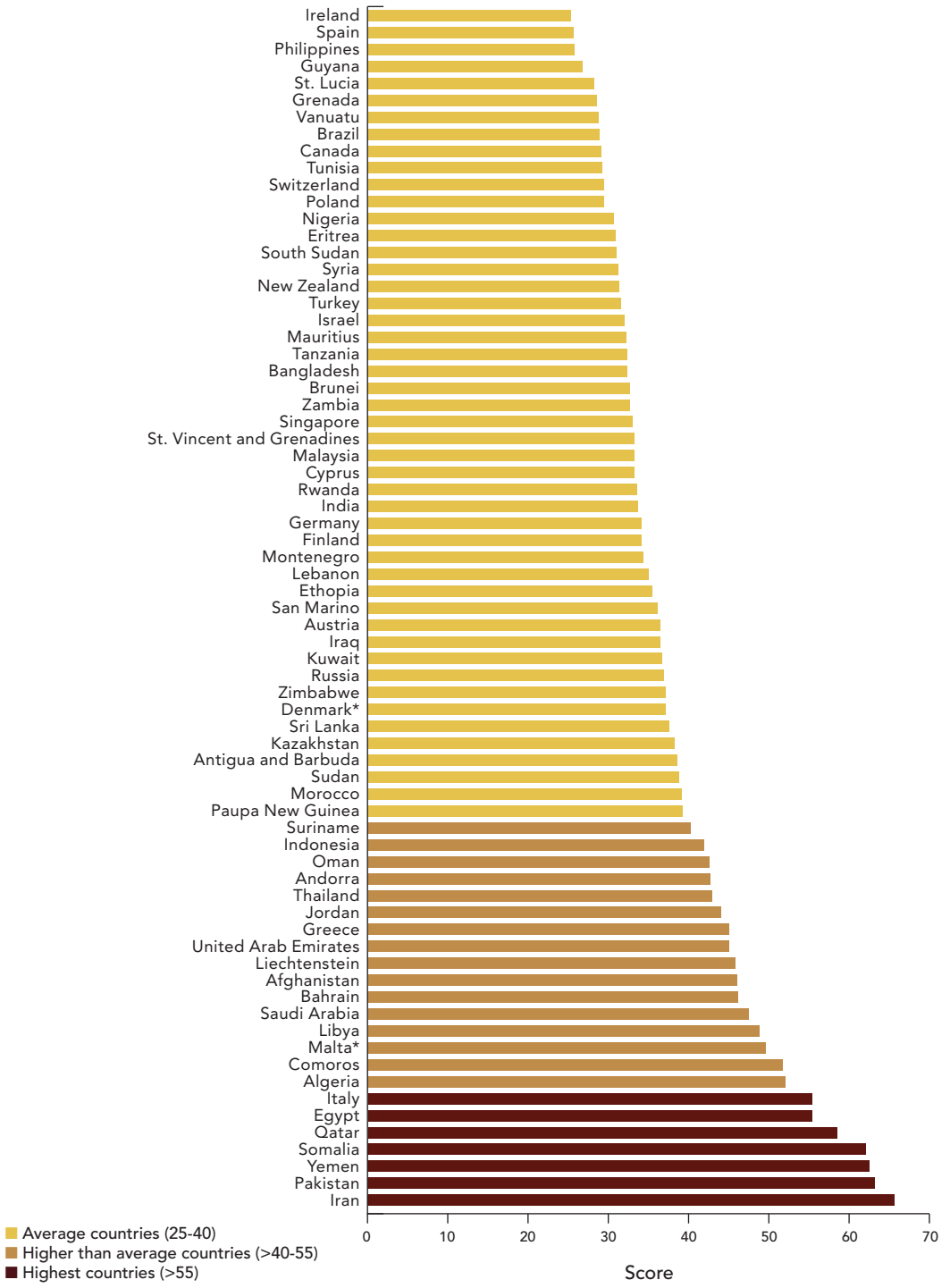
The research team observed that the scores of some states' blasphemy laws place that state in the "highest deviation" category (meaning lowest adherence to international and human rights law principles). Generally, higher than average scores mean that blasphemy laws of these states deviate from principles of nondiscrimination and equality in that they **Discriminate against Groups** and include **State Religion Protections**.

The **10 highest scores** (indicating that these states' prohibitions on blasphemy most run counter to international law principles) were:

1. Iran (66.7)
2. Pakistan (64.2)
3. Yemen (63.5)
4. Somalia (63.0)
5. Qatar (59.3)
6. Egypt (56.2)

TABLE 3A

Total Scores and Trends



*Since the data for this report was collected, coded, and analyzed, both Malta and Denmark repealed their blasphemy laws.

7. Italy (56.2)
8. Algeria (52.8)
9. Comoros (52.5)
10. Malta (50.3)
11. Libya (49.5)

NOTE ON COMOROS

Comoros proved to be one of the hardest countries to code. It has a high score but with low/weak inter-coder reliability.[74] It posed great difficulties to the coders because in its de-identified form, it was not clear if the law was singling out one religion or not.

MALTA'S AND DENMARK'S BLASPHEMY LAWS REPEALED

After all of the data was coded and analyzed for this report, the researchers noted that the Maltese Parliament repealed its blasphemy law. The researchers kept Malta's law in the report, but it is no longer valid as of July 2016.[75] As the report was being finalized in June 2017, Denmark's Parliament repealed its blasphemy law.

Some indicators proved to be "game-changers" when it comes to obtaining a high number of points. The three indicators that steeply increase the scores are: **Severity of the Penalty, Discrimination against Groups**, and **State Religion Protections**. In the case of the states with the highest scoring laws—Iran and Pakistan—both countries' laws enforce the death penalty against individuals for insulting the Prophet Mohamed, which raises each of their scores by an additional 10 points for **Severity of Penalty**.

Similarly, all of the countries with the top five highest scoring laws received 10 out of 10 possible points on both **Discrimination against Groups** and **State Religion Protections**. Official state religions can exist without necessarily discriminating against the followers of other belief systems; however, the coders noted a pattern in which **State Religion Protections** led to more points, indicating less adherence to relevant international human rights law norms. The five highest scoring countries have a state religion. Although permissible, state religions can indicate a preference for the state religion or **Discrimination Against Groups**–that is, direct or indirect discrimination against a minority religion or belief to the detriment of individuals' freedom of religion or belief. For example, Somalia's identification of its state religion is in the constitutional language of "Islam is the religion of the State," with the following restriction: "No religion other than Islam can be propagated in the country."[76] This language constitutes direct discrimination of non-Muslims.

As noted earlier, as to **Freedom of Expression**, the majority of blasphemy laws (42 out of 71, or 59 percent) received 7.5 out of 10 points indicating their violations of the right to freedom of expression. However, all of the top five countries obtain scores above that average: Yemen (9.2), Pakistan (9.2), Somalia (9.2), Iran (8.3), and Qatar (8.3). This trend also applies to risks of violations of **Freedom of Religion or Belief**, where the top five countries also acquire higher scores

than the average (which lies between 1 and 3): Somalia (6.7), Yemen (6.3), Iran (4.0), Pakistan (3.7) and Qatar (3.0).

To summarize, all of the top-scoring five countries:

- Received 10 out of 10 total points on **Discrimination Against Groups** and **State Religion Protections;**
- Received higher scores than average in diverging from the requirements of **Freedom of Expression**;
- Received higher scores than average in diverging from the requirements of **Freedom of Religion or Belief**;
- Received average or higher than average scores on **Severity of the Penalty**, and the top two countries impose the death penalty;
- Have official **state religions** and protect or prefer them; and
- Include **Italy** as the highest scoring law in Europe.

FACT: In July 2015, following the terrorist attacks on *Charlie Hebdo* (and *Hyper Cacher*) in France, Iceland repealed its 75-year-old blasphemy law.[77]

The **10 lowest scores** (indicating that these states' prohibitions on blasphemy are most adherent to international law principles) were:

1. Ireland (25.7)
2. Spain (26.0)
3. The Philippines (26.2)
4. Guyana (27.2)
5. St. Lucia (28.7)
6. Grenada (29.0)
7. Vanuatu (29.2)
8. Brazil (29.3)
9. Canada (29.5)
10. Tunisia (29.7)

The lowest-scoring states obtain fewer points for exactly the same reasons as the highest scoring states obtain more points. The three indicators most impacting the lower scores are: **Severity of the Penalty, Discrimination Against Groups**, and **State Religion Protections**. For example, the two lowest scoring countries (Ireland and Spain) are two out of three countries catalogued in the compendium with a low **Severity of the Penalty** since their laws sanction blasphemy through a monetary fine only (in addition to Switzerland). The remaining three

of the five lowest scoring countries (Philippines, Guyana, and St. Lucia) sanction blasphemy through a prison penalty—which was by far the most common penalty among all the countries (83.0 percent).

In addition, the five countries with the lowest scores received 0 points for **Discrimination Against Groups** and **State Religion Protections**—with agreement among all coders. This is notable, as the indicators **Discrimination Against Groups** and **State Religion Protections** were the most difficult to code. For example, in terms of state religion, Spain specifies in its constitution that "No religion shall have a state character," but the state will "maintain appropriate cooperation relations with the Catholic Church and other confessions."[78] The preamble of the Constitution of the Philippines, for example, states: "We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society,"[79] thereby referring to monotheistic religion, but without explicit discrimination among faiths.

Regarding **Freedom of Expression**, as noted previously, the majority (59.0 percent) of blasphemy laws received 7.5 out of 10 points. However, Guyana (6.7), Philippines (4.2), and Ireland (5.8) have lower than average scores. With regard to **Freedom of Religion or Belief**, none of the lowest five countries have a score above 2 points, which is on the lower side of the average range (between 1 and 3 points).

To summarize, all of the ten countries with the lowest scores and, thus, the highest level of adherence to international law principles:

- Received 0 points on **Discrimination Against Groups** and **State Religion Protections**;
- Received lower than average scores on **Freedom of Expression** and F**reedom of Religion or Belief**;
- Received average or lower than average scores on **Severity of the Penalty** and include two of the three countries that impose the least severe penalties in the form of **monetary fines** for committing blasphemy;
- Include **Tunisia**, which has the lowest score of the all states in which the official state religion is Islam;
- Include four **Caribbean states**, which means that 40 percent of the lowest scoring states in the world are from the Caribbean region.

DISCUSSION OF FINDINGS

Indicator 1: Freedom of Expression

High scores pertaining to **Freedom of Expression** for all states is not surprising, as laws prohibiting blasphemy, by definition, are placing limits on speech and expression. Many of the blasphemy laws analyzed contained language that criminalizes the expression of opinions that may be counter to a religion or belief, and, consequently, impedes free expression over open discourse concerning religion.

To illustrate, Yemen (along with Pakistan and Somalia) scored the highest number of points on this indicator (9.2 out of 10 points), making the laws of these states the least adherent to principles of **Freedom of Expression**. In answering the assessment tool questions, the coders found the language of Yemen's blasphemy laws to: (1) not specify a purpose for the infringement on expression; (2) criminalize expression of opinions that may run counter to religions; (3) serve as a blanket prohibition on expressing ideas; and (4) potentially impede expression over religious discourse.

In looking at particular questions, coders answered "yes" for 94 percent of states[80] on the question *Is the law criminalizing the expression of opinions that may be counter to a religion or belief?* (Question 1.2 of the codebook), which means that nearly all laws may impede expressions of opinions pertaining to freedom of religion or belief. Regarding the question, *Could the law impede on religious discourse?* (Question 1.4 of the codebook), all of the coders answered "yes" for 92 percent of states evaluated.

On the question evaluating whether the language of the law specifies a legitimate purpose—in other words, whether the law complies with acceptable limits on freedom of expression under international law—only two states' laws were found to specify a legitimate purpose according to unanimous agreement of the coders: Germany and Israel. Finally, the coders found it very difficult to answer in the affirmative the question: *Is the law providing for a blanket prohibition on the seeking, receiving, and imparting of information and ideas?* Indeed, for no state did the coders unanimously agree that such a prohibition is clearly articulated.

Indicator 2: Freedom of Religion or Belief

Most laws received the lowest scores, on average, for the indicator that measures adherence to the principle of **Freedom of Religion or Belief**. Reasons for this relative adherence may include that: (1) most laws were found to have been drafted with vague language, which does not explicitly target the freedom of religion; and (2) the legal framework on freedom of religion or belief is relatively robust and, thus, questions to measure this indicator are more detailed than other indicators (compared to x, y, or z indicators or all others?).

The questions selected to measure the level of compliance to international standards were taken from precise criteria outlined by the UN Special Rapporteur on freedom of religion or belief.[81] Among the questions coders asked were: *Does the language of the law infringe upon the freedom to have or to adopt a religion or belief of one's choice? Does the law impose the respect of one belief? Does it subject one to coercion that would impair one's freedom to have or adopt a religion or belief of one's choice?*

This finding of relative adherence may be unexpected, or even counter-intuitive, because in many country contexts, individuals belonging to religious or belief minorities are disproportionately accused of—and punished for—blasphemy. When examined further, however, this finding signals a weakness in evaluating laws' adherence to the principle of freedom of religion or belief through an examination of the language of the law alone, without a fuller examination

of the particular country context. Only a detailed, precisely worded law that explicitly reflects its coercive capacity with regard to religion or belief would receive a high score on this indicator. Blasphemy laws, in contrast, are often promulgated for the purpose of protecting religion, albeit a particular (usually majority or state-sponsored) religion. As a result, the language in many of these laws is seemingly neutral with regard to religious belief and practice.

The countries obtaining the highest scores for **Freedom of Religion or Belief** have laws that are more specific in their non-adherence to freedom of religion principles. Somalia received the highest score (6.7 out of 10), followed by Yemen (6.3 out of 10), Egypt (4.0 out of 10), Iran (4.0 out of 10), Pakistan (3.7 out of 10) and Comoros (3.7 out of 10).

CONTEXT MATTERS: ABUSES OF BLASPHEMY LAWS AGAINST RELIGIOUS MINORITIES

In states where there are unresolved conflicts between two or more religious groups, accusations of blasphemy can be used as a tool to strengthen one group's power over another.[82] In particular, members of a majority religion can accuse members of religious minorities of blasphemy, who then face harsh consequences.[83] Many state-sponsored human rights abuses were found in the highest-scoring states, for example, in Pakistan and Egypt.[84] Religious minorities and non-conventional thinkers continue to be victims of blasphemy allegations. Still, some states where there is violence did not receive very high scores for this indicator. For example, there have been numerous extra-judicial killings of atheists in Bangladesh (2.0) or instances of violence in Indonesia (2.3).[85]

Indicator 3: Vagueness of the Law

Results for this indicator demonstrate that many of the blasphemy laws were not drafted with adequate precision to satisfy international law standards. In particular, laws were found to contain ambiguous or indefinite language and often failed to specify intent, enumerate the acts prohibited, or place limits on the forum for prohibited acts. (See Table 4.) The top scoring states for **Vagueness of the Law**, with scores of 9.4 out of 10 points, are Algeria and Iran. The five states that follow in second place, with scores of 8.7 out of 10 points, are Antigua and Barbuda, Germany, Jordan, Papua New Guinea, and Saudi Arabia.

In examining whether blasphemy laws are impermissibly vague under international law standards, the coders asked questions such as: (1) *Is the prohibited conduct clearly and narrowly defined?* and (2) *Are there any limitations on authorities to decide for themselves what constitutes blasphemy?* In only one case—Canada—did all coders find adequate the statutory language limiting the governmental authority's ability to interpret the meaning of the word "blasphemy." Indeed, the Canadian criminal code specifies that "no person shall be convicted of an offence under this section for expressing *in good faith and in decent language*, or attempting to establish by argument used *in good faith and conveyed in decent language*, an opinion on a religious subject."[86]

Another related aspect measured in this study was whether the language of the law contains a requirement of specific intent, or *mens rea*, for an accused to be found guilty of the crime of blasphemy. One third (34 percent) of countries with criminal blasphemy laws include *mens rea* explicitly in the law's language,[87] which rendered these laws more precise (less vague) and, thus, more adherent to the principle of legality.

TABLE 4
States whose blasphemy laws specify the intent *(mens rea)* of the accused

Mens rea language	Countries whose laws specified *mens rea*
"Intention" or "intending"	Brunei, Bangladesh, Cyprus, India, Malaysia, Nigeria, South Sudan, Sri Lanka, St. Vincent and the Grenadines, Tanzania, Zambia, Zimbabwe
"Good faith"	Canada, Guyana, St. Lucia
"Maliciously"	Greece, Switzerland
"Purpose of offending," "in order to offend"	Finland, Russia, Spain
"Deliberate," "deliberately," or "deliberate intention"	Indonesia, Kazakhstan, Singapore

Indicator 4: Severity of Penalty

Of the 71 states studied, 59 or 83 percent sanction blasphemy with imprisonment. Iran and Pakistan, the two countries with the highest-scoring laws for **Severity of the Penalty**, include the death penalty as punishment for "insulting the Prophet."[88] Sudan's blasphemy law specifies corporal punishment that includes "whipping, which may not exceed forty lashes."[89] Russia's blasphemy law includes compulsory labor as punishment,[90] and Kazakhstan punishes blasphemy with correctional labor.[91]

Harsh penalties could implicate the states' level of political and judicial commitment to enforce its ideology or theological vision.

TABLE 5
Countries' Maximum Sanctions for Blasphemy

Death penalty	Iran, Pakistan
Corporal punishment (whipping)	Sudan
Compulsory labor	Russia
Correctional labor	Kazakhstan
Imprisonment	Algeria, Andorra, Austria, Antigua and Barbuda, Bangladesh, Bahrain, Brazil, Brunei, Canada, Comoros, Cyprus, Denmark, Egypt, Ethiopia, Finland, Germany, Greece, Grenada, Guyana, India, Indonesia, Iraq, Israel, Italy,[92] Jordan, Kuwait, Lebanon, Libya, Lichtenstein, Malaysia, Malta, Mauritius, Montenegro, Morocco, Nigeria, New Zealand, Oman, Papua New Guinea, Philippines, Poland, Qatar, Rwanda, San Marino, Singapore, Somalia, South Sudan, Sri Lanka, St. Lucia, St. Vincent and the Grenadines, Suriname, Syria, Tanzania, Thailand, Tunisia, Turkey, United Arab Emirates, Vanuatu, Yemen, Zambia, Zimbabwe
Fines	Ireland, Spain, Switzerland
No sanction specified in written law	Afghanistan, Eritrea, Saudi Arabia

In several countries—Afghanistan, Eritrea, and Saudi Arabia—the laws do not specify the sanction in writing; thus, the laws received 0 points for this indicator. When the law does not specify a sanction in writing, the penalty may be contained within another law, or it may rely on judges' interpretations of Shari'a law.

CONTEXT MATTERS: SAUDI ARABIA

Saudi Arabia's blasphemy law received 0 points for **Severity of the Penalty** because the punishment is not ascribed in the blasphemy law itself. Despite this low score, its penalties are very severe. Saudi Arabia's law allows for great discretion in designating penalties and, therefore, the penalties imposed are among the harshest in practice. The resulting penalty depends upon judicial interpretations of Shari'a law.[93] The vague wording of the law empowers prosecutors to be rigorous in charging and prosecuting alleged blasphemers. In addition, the lack of specified penalties allows judges to impose harsh sentences, such as long prison terms and repeated public lashings. In several recent high-profile cases, courts have sentenced individuals convicted of "blasphemy" to imprisonment and public floggings, despite international campaigns to pressure the government into releasing them. For example, blogger Raif Badawi was convicted of blasphemy when he created a website dedicated to fostering debate on religion and politics. Originally sentenced to seven years in prison and 600 lashes, he was later resentenced to the harsher terms of "10 years in prison, separated from his wife and children; 1000 lashes, given in installments of 50 lashes every week, in public; a 10-year travel ban after his prison sentence; and a massive fine."[94]

Indicator 5: Discrimination Against Groups

If a law expresses a preference for specific religious or belief groups, it may indicate an officially-endorsed hierarchy of faiths, which could pave the way to state-sanctioned discrimination against excluded faiths. Some countries do express preferences for religious groups and exclude others. The countries obtaining the highest scores for this indicator generally received the highest overall scores. All three coders gave points on this indicator to: Afghanistan, Egypt, Italy, Iran, Pakistan, Qatar, Somalia, and Yemen.

The coders were provided with key constitutional provisions to enable them to respond to the questions indicating discrimination against groups. In taking a closer look at the high-scoring countries, Afghanistan's constitution specifies that followers of other religions (aside from Islam) are free to exercise their faith and perform their religious rites "within the limits of the provisions of the law."[95] Egypt's constitution declares Islam as the religion of the state and formally acknowledges Christian and Jewish religious affairs, and its blasphemy law refers to "heavenly religions or the sects that belong thereto;" other denominations or religions are therefore disregarded.[96] The Italian criminal code includes the offence of insulting the state religion or a minister of the Catholic Church, thereby separating Catholicism from other faiths.[97] Qatar affirms that Shari'a provisions are applicable only to Muslims, while criminalizing offenses against Islam.[98]

CONTEXT MATTERS. HOW DO STATES DISCRIMINATE AGAINST BELIEF GROUPS?

Countries with formal state religions can discriminate, at least in some cases, not by recognition but by omission. One revealing example is Indonesia, a state that terms itself secular but formally recognizes six official religions through its state philosophy Pancasila (Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism).[99] In addition to favoring these faiths through formal recognition, Indonesia's constitution reiterates that the state shall be based upon the belief of "[o]ne and only God," which effectively places atheists or members of other religions outside of the contemplation of the law and, thus, poses risks to these groups.[100]

Indicator 6: State Religion Protections

This indicator touches upon similar questions as the previous indicator, examining the level of adherence to the principle of equality of treatment. To evaluate **State Religion Protections**, coders assessed whether states with an official religion actively protected that religion or its followers. The coders unanimously gave 10 points out of 10 to Afghanistan, Algeria, Iran, Italy, Pakistan, Qatar, Somalia, and Yemen for this indicator. In these states, the laws recognize certain religions and not others, and protect the official religions through sanctions.

Qatar's blasphemy law, for example, includes a provision specifically prohibiting "offending, misinterpreting or violating the Holy Koran."[101] In addition, it bans the cursing of any of the "divine religions," setting up a clear hierarchy of beliefs within the confines of the state religion.[102] Article 12 of Yemen's penal code has a specific provision criminalizing "ridicule of the Islamic Religion or any of its Sects."[103] Italy's criminal code has a series of provisions which criminalize "insulting the State religion"[104] (Catholicism), "insulting the State religion by insulting individuals,"[105] "insulting the State religion by offending against property"[106] and "offences against religions recognized by the State"[107] and "blasphemy and insulting the dead."[108]

For **State Religion Protections** question (1), *Does the law recognize certain religions or groups of believers and not others, or institute a different status among certain categories of religions?*, all coders gave points to Afghanistan, Algeria, Andorra, Bahrain, Comoros, Egypt, Iran, Italy, Pakistan, Qatar, Somalia, and Yemen. For example, Bahrain refers to "recognized religious communities" in its penal code,[109] thereby creating a different status among categories of religious groups.

For question (2), *Does the law protect the official state religion through sanctions/punishment?*, all coders gave points to: Afghanistan, Algeria, Greece, Iran, Italy, Jordan, Libya, Malta, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Thailand, and Yemen. For example, Article 199 of Greece's penal code states: "anyone who publicly and maliciously and by any means blasphemes the Greek Orthodox Church or any religion tolerable in Greece shall be punished by imprisonment for not more than two years."[110] The wording presumes that some religions are not "tolerable" in Greece. The constitution of Thailand calls on the state to "protect Buddhism" and in its penal code declares that those who insult "such religion, shall be imprisoned as from two years to seven years or fined . . . ."[111]

Indicator 7: Speech and Forum Limitations

Indicator 7: Speech and Forum Limitations—measuring the level of adherence to the principle of right to privacy—was a high-scoring indicator nearly across the board. Of the 71 countries, 64 or 90 percent had laws that received an average of 5.5 points or more out of 10 total points on this indicator. The research team determined that if a law included the word "public" alone (i.e., whosoever "publicly mocks"), the law was still not defining forum

limitations clearly or narrowly enough. As a result, nearly all laws were still found to be impermissibly broad in their reach into private speech or actions. As written, few laws specify a forum, which means that public or private speech and writing, among other actions, are criminalized under most laws.

There are exceptions to the broad, sweeping laws that do not delineate permissible types of speech or forums. For example, St. Lucia (2.8), Grenada (2.8), Zimbabwe (3.5), the Philippines (4.3), and Guyana (4.5) all received lower scores on this indicator.

WHAT ARE SPEECH AND FORUM LIMITATIONS? A LOOK AT GRENADA

A good example of relevant language to this indicator is Grenada's law:

> 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 two years.

This law is very specific on what type of speech (books, writings, or representations) is illegal and in which forum the blasphemous material is prohibited (publishing, selling, or offering to sell). Thus, the adherence to the principle of privacy is higher and risk of impermissible reach into an individual's private life is lower for this particular law.

Indicator 8: Hierarchy of the Law

Indicator 8: Hierarchy of the Law was the most objective indicator to code since the coders were examining the location of the blasphemy law in the hierarchy of the laws in that country. If the blasphemy law was located within a country's constitution, then coders assigned a score of 10 points. If the blasphemy law was located within the country's statutory laws, then the law received 5 points. Finally, if the blasphemy law was not located in either the constitution or national statutory laws, then coders assigned 1 point.

Coders found that most countries' blasphemy laws were found in the national penal code. A few laws, such as in Eritrea,[112] Ireland,[113] and Papua New Guinea,[114] were found at the national level in civil codes.[115] In rare cases, such as the Philippines,[116] prohibitions of blasphemy are included directly in the constitution. Additional laws were also found in lower order laws, such as media laws.[117] The main limitation of this indicator is that, although local level ordinances may exist, these lower level laws are difficult to find online or in English. As a result, the compendium itself may be skewed toward national level laws.[118]

Additional Findings:

The research team noted that extensively worded laws were easier to evaluate for attribution of points under some of the indicators. For instance, the highest scoring states are Iran and Pakistan, and their blasphemy laws are extensively worded, with detailed descriptions of the constituent offenses. Article 513 of Iran's Penal Code states: "Anyone who insults the Islamic sanctities of any of the imams or her excellency Sadigeh Tahereh should be executed if his insult equals to speaking disparagingly of Prophet Muhammad. Otherwise [sic] should be imprisoned from one to five years."

Pakistan's penal code has no less than eight provisions sanctioning blasphemy. Article 295-C states: "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 a fine." Laws with long, extensively worded provisions facilitate answering the questions, especially those associated with the indicators **Freedom of Expression** and **Freedom of Religion or Belief** and, therefore, may affect the laws' overall evaluations and scores.

Nonetheless, the presence of low scores does not necessarily mean high levels of adherence to human rights and international law principles. Saudi Arabia, for example, does not have a written penal code. Judges rely solely on interpretations of the Shari'a for crimes and punishments. Therefore, with no formal criminal code, the application of the country's blasphemy law relies on jurisprudence. As a result, the overall score for Saudi Arabia is low because the wording of its laws does not indicate deviations from international law principles in the way that the wording of Pakistan's or Iran's laws do. As indicated in Part V *supra*, Saudi Arabia's score may be disproportionately low in comparison to the way its legislation, granting broad discretion to adjudicators, is enforced in practice.

PART V. BEYOND THE STUDY OF THE LAWS: THE IMPORTANCE OF NATIONAL CONTEXT AND IMPLEMENTATION

Laws do not operate in a vacuum devoid of political, judicial, and social contexts. In the case of blasphemy laws, implementation can vary significantly, depending on a range of considerations that include a state's political landscape, governing structures, law-enforcement capabilities, judicial culture, socio-historical relationship to religion(s), and pattern of responses to violence, as well as public attitudes about blasphemy and blasphemy laws.

In some cases, states proactively prosecute individuals for transgressing blasphemy laws. In other cases, the laws are rarely enforced, if at all. Evaluating the wording of each law helps to assess the risk of abuses and identify which aspects of the laws adhere to—or deviate from—international and human rights law principles and may be amenable to targeted reform. However, evaluating the plain language of the law cannot quantify the scope or intensity of the abuses that may occur in practice.

In addition to assessing each state law's score on content, therefore, the following questions can be asked to evaluate the context within which blasphemy laws are implemented:

CONTEXTUAL FACTORS	
State structures	
✔	Does the state rely on a specific religion to form the basis of its political legitimacy?
✔	Does the government explicitly support a particular interpretation of religion or belief?
✔	What is the relationship between the government and religious fundamentalist groups? Are religious fundamentalists groups battling for power against the government?
✔	Is there Internet censorship by the government concerning questions relating to religion or belief?
✔	Is there a clear delineation of power between different branches of government?
✔	Are prosecutors, judges, lawyers, police, or other state officials threatened or intimidated by religious fundamentalists or other groups that the government is unable or unwilling to control?
Judicial proceedings	
✔	Have there been recent convictions for blasphemy, apostasy, or similar charges?
✔	Do courts frequently apply the maximum penalties?
✔	Is there a right to appeal?
✔	Do appeals courts frequently uphold the convictions?
✔	Do higher courts/supreme courts overturn harsh sentences upon appeal?
✔	Can the accused be released on bail?
✔	Do some courts deny bail after an accused is arrested on blasphemy charges?
✔	Is there pre-trial detention?
✔	Do accused individuals wait for long periods in pre-trial detention?
✔	Do courts take into consideration the physical and mental conditions of the accused?
✔	Is the burden of proof placed on the accused?
✔	Have lawyers defending accused individuals been threatened in the past?
✔	What role does the intent of the accused play in order to convict?
✔	Do citizens often abuse blasphemy laws to settle personal disputes?
Law enforcement and state responses to violence	
✔	Do the police enforce laws for all groups equally on the basis of nondiscrimination?
✔	Are arrests for blasphemy frequent?
✔	Do police protect those who face death threats?
✔	Are police sanctioned for inaction or misconduct?
✔	Is there a history in the country of angry mobs reacting to allegations of blasphemy and threatening to use or using violence?
✔	Do police protect the accused in instances of mob violence?
✔	Do police actively assist victims who are caught in the violence?
✔	Are perpetrators of violence properly sanctioned and brought to justice?
✔	Are prisons safe for the accused?
✔	Is there a religious police force responsible for enforcing religious norms or morals in the country?
✔	Are there fundamentalist or violent groups that the government is unable or unwilling to control?
✔	Is there any unresolved conflict between two or more religious or belief groups?

CONTEXT MATTERS: EGYPT AND ITALY

Blasphemy laws from Egypt and Italy score the same number of points and put these states in the top ten scoring countries. Both ranked sixth out of 71 countries and received an average composite score of 56.2 points. The coders determined that both laws were equally vague, receiving 8 points out of 10 possible points for **Vagueness of the Law**. Both states also received 5 points out of 10 possible points on **Severity of the Penalty**, with the highest sanction being imprisonment. All of the coders awarded the maximum of 10 points to both states on Indicator 5, evaluating **Discrimination against Groups**.

Despite receiving identical scores, the contextual realities in Egypt and Italy are starkly different. The most recent known blasphemy indictments in Italy occurred in 2009, but the accused was acquitted three years later.[119] In Egypt, however, the situation is deteriorating, and prosecutions are on the rise. Despite the overthrow of Muslim Brotherhood President Mohamed Morsi in 2013 and the subsequent more "secular" leadership of President Abdel Fattah al-Sisi, blasphemy arrests and prosecutions remain frequent.[120] Press reports have noted that crackdowns under President al-Sisi are part of the regime's effort to win public support and "cast itself as a guardian of religion"[121] after the fall of the Muslim Brotherhood from power.

USCIRF's 2016 annual report notes in its chapter on Egypt that "[b]lasphemy cases have increased since 2011, and this trend continued during the reporting period. While the majority of charges are leveled against Sunni Muslims, most of those sentenced by a court to prison terms for blasphemy have been Christians, Shi'a Muslims, and atheists, largely based on flawed trials. According to Egyptian human rights groups, there were at least 21 new blasphemy cases between the beginning of 2015 and the end of the reporting period [on February 29, 2016], a sharp increase when compared to the previous year."[122]

The Italian legal framework was challenging for the coding process. Italy received a high score because Articles 402 to 406 of the penal code prohibit "offence to religion," subject to a penalty of imprisonment. Articles 403, 404, and 405 have been amended by the Constitutional Court so as to provide equal protection to all believers and religions. Whereas legal experts continue to discuss the status of Articles 402–406, these provisions still endure formally in Italian law. Most importantly, Italy reformed its blasphemy law under Article 724 of the penal code, and changed it to a public administrative offense, with the penalty of fines instead of imprisonment.[123] Additionally, in 1995, the Constitutional Court declared article 724's reference to "state religion" discriminatory and unconstitutional.[124] As such, the law, in effect, was modified to apply to insults to all religions.[125] Italy received the same score as Egypt on **Severity of the Penalty** and **Discrimination against Groups**. As for **State Religion Protections**, Italy received an even higher score than Egypt. Egypt received an average of 6.7 points out of 10 possible points, while Italy received 10 out of 10 possible points. In Italy the Catholic Church still receives a number of privileges, benefits, and subsidies from the government, although the Church is independent.[126]

Although the content of the blasphemy laws in Egypt and Italy both significantly deviate from international and human rights principles, the enforcement of their laws operates in very distinct contexts. As a result, the consequences for alleged blasphemers are very different.

CONTEXT MATTERS: VIOLENCE IN BANGLADESH HAS INCREASED

Although Bangladesh's law received an "average" score of 32.8 (and scored lower than several other countries, such as Brunei or Cyprus), violence against alleged blasphemers has substantially increased in 2015 and 2016 in Bangladesh. The law obtains an average number of points for indicators of **Freedom of Expression**, **Vagueness of the Law**, and **Severity of Penalty**. Furthermore, the wording of Bangladesh's law does not discriminate against groups. On **State Religion Protections**, Bangladesh receives 0 points because according to its constitution: "the state religion of the republic is Islam, but other religions may be practiced in peace and harmony in the Republic."[127]

In reality, those accused of blasphemy face very serious consequences, indicating that the situation is far more volatile than is reflected in the law's wording. For instance, in 2015, four Bangladeshis were assassinated for their writings on secularism and freedom of thought.[128] Groups such as Al Qaeda in the Indian Subcontinent (AQIS), Ansar al Islam, and Ansarullah Bangla Team (ABT) claimed responsibility.[129] A "Hit List," which appeared in 2013, named 84 "atheist bloggers" targeted for assassination.[130] Critics then urged the government of Bangladesh to better protect secular bloggers and arrest perpetrators. According to press reports, in June 2016, police arrested more than 3,000 people in a series of raids intended to quell these attacks.[131]

CONTEXT MATTERS: SAUDI ARABIA AND IRAN

When governments rely on a faith as a basis of their political legitimacy, laws prohibiting blasphemy can increase risks for human rights abuses.[132] Blasphemy laws can be manipulated to uphold religious doctrines, enforce rigid theological interpretations, or otherwise to defend the political legitimacy of the state and its official religion.[133] In some situations, states can equate alleged blasphemers with political dissidents. Saudi Arabia and Iran are two examples. Iran's law resulted in coding scores of 10 points out of a possible 10 points for State Religion Protections, whereas Saudi Arabia scored 8.33 points out of 10 total points on the same indicator. Both regimes, however, have used their blasphemy laws as a tool to persecute political dissidents and opponents as blasphemers.[134] The Saudi Kingdom's promotion of Wahhabism as the state-sponsored religion plays a role in the enforcement of its blasphemy law, as does the promotion of Shi'ism by the Islamic Republic.[135]

PART VI. STUDY LIMITATIONS

Vagueness of Laws

In this study, researchers found that a significant majority of the blasphemy laws examined are vague. The two indicators that consistently received the highest number of points were **Vagueness of the Law** and **Forum and Speech Limitations**. In assessing these two indicators, high scores resulted when a law's language was ambiguous, indefinite, or non-existent regarding the prohibited actions, the resulting sanctions, or the location or form of the prohibited conduct or speech.

The laws' vagueness has implications for the findings on other indicators. Vague language makes it difficult to evaluate whether or not the laws adhere to certain international law principles—especially **Freedom of Religion or Belief** and **Nondiscrimination and Equality**—that are contingent on an evaluation of language. As a consequence, the low scores consistently received on these indicators may overestimate the laws' adherence to international and human rights principles. Given that laws are more open to interpretation when written with indefinite language, vagueness also makes the context in which the laws are implemented more important.

Notably, laws can be vague with regard to international legal principles even when they are extensively worded, as is the case of Iran's blasphemy law. For example, while the law details prohibited acts, it omits important language that would adequately adhere to principles of legality or limit the forum in which blasphemy can be punished. (See Annex A.) Thus, ultimately, the linguistic analysis undertaken here must be complemented with an in-depth contextual analysis of the country conditions, legal landscape, and particularly the implementation and enforcement of blasphemy laws, to understand more completely these laws' inconsistencies with international norms and the resulting human rights violations.

SUDAN

Sudan's blasphemy law illustrates the difficulty in evaluating vaguely written laws for adherence to international and human rights law principles. Article 125 of Sudan's Criminal Act of 1991 penalizes insulting religious creeds and received an overall score of 39.3 out of a possible 80 points. The law received 8 out of 10 total points for non-adherence to the principle of legality (**Vagueness of the Law**). In other words, the researchers found the law to be extremely vague. The law uses such imprecise terms as "by any means," "abuses," or "insults" to define prohibited behavior, leaving the law open to wide interpretation as to which acts would qualify as "abusive" or "insulting." At the same time, the vague language led researchers to assign low scores to the Sudanese law on the indicators for **Freedom of Religion or Belief, Discrimination against Groups, and State Religion Protections** (1.3, 0, and 0 points out of 10 total points, respectively).

What these scores mean is that the Sudanese law generally does not discriminate on its face; this study, however, cannot capture the potential or actual discrimination that a vaguely written law can achieve in its implementation.

Coding and Dataset

There also are inherent limitations in a study employing coding as a basis for analyzing laws. For example, biases inherent in the dataset—in the laws compiled and in the de-identification process—may impact the authors' ability to draw full conclusions about a country's blasphemy law's adherence to international legal principles. Laws not available in English have been translated or summarized from their original languages into English, and the authors relied on these unofficial translations to analyze the provisions. In addition, the dataset may constitute an oversampling of states whose laws are available in English, accessible online, or found in related reports. The dataset may also have oversampled laws from countries that prohibit blasphemy at the national (rather than local) level, as the collection was based on searches for provisions in national constitutions and penal codes, which sometimes led researchers to additional related national laws, such as media laws.

Moreover, the analysis looked solely at countries' laws related to blasphemy, whereas states could theoretically use other legal provisions to charge or sanction alleged blasphemers. Although this method was deliberate, it may have omitted other laws that should be read in conjunction with the actual laws explicitly prohibiting blasphemy in particular countries. For example, general sentencing laws or guidelines were not included in our analysis, even though they could be relevant to the adherence to the principle of proportionality.

Despite the best efforts of the study team, the researchers may not have captured successfully all repeals and modifications of all of the blasphemy laws included in the compendium. (See for example the discussion of the legal changes in Italy in Part V *supra*.[136]) This constantly shifting reality of states' legal frameworks applies to *all* states examined.

Study Tool: Human Rights Indicators

Researchers carefully selected the main principles of international law implicated by laws prohibiting blasphemy. The decision was made not to weight indicators; rather, the tool itself became a reflection of the various issues raised. In other words, given the inter-related nature of the principles and indicators, the researchers felt that the tool itself naturally "weighed" particular

principles more heavily than others. For example, two indicators attempt to measure different aspects of the principles of nondiscrimination and equality: one indicator examines the explicit discrimination against groups, while another investigates whether countries with official or state religions give preference to that religion to the detriment of other religions or groups of believers. In this way, these two separate indicators place more weight on the principle of nondiscrimination as a fundamental principle of international law. As a consequence, the study tool may be biased with regard to certain international legal principles over others.

Notwithstanding these limitations, this innovative study provides important findings on blasphemy laws' relative adherence to principles of international law. It also provides hypotheses for future studies on blasphemy through an international and human rights law lens. And from a policy perspective, it indicates areas where targeted law reform may be feasible based on a rights-based approach, which recognizes that specific revisions to the laws themselves could improve overall adherence to international and human rights principles and could lower the risk of abuses in the implementation of blasphemy laws.

ANNEXES

A. Compendium of laws

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]

(3) 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 pay 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 those are contrary to the principles and provisions of the holy religion of Islam.

2. Works and materials which are offensive to other religions and sects.

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[1] Constitution of the Islamic Republic of Afghanistan, Jan. 4, 2004, available at the International Constitutional Law Project, http://www.servat.unibe.ch/icl/af00000_.html (last visited April 28, 2013).

[2] Law on Mass Media, 2009 (Afghanistan), available at: http://gfmd.info/images/uploads/English-Media_Law_2009.pdf (last visited April 18, 2013).

3. Works and materials which are defamatory, insulting and offensive to the real or legal persons.

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

5. Works and materials which are contrary to the Constitution and are considered crime 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 pay 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 ($680-$1,360) 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]

The Information Code of 1990[6] [Deals with the media and restricts blasphemy]

Article 77 bans insults against Islam and the other "heavenly religions" (Christianity and Judaism)

[3] The Constitution of the People's Democratic Republic of Algeria, Nov. 19, 1976, as amended, Nov. 28, 1996, available at the International Constitutional Law Project, http://www.servat.unibe.ch/icl/ag00000_.html (last visited April 18, 2013).

[4] Order No. 66-156 [Penal Code], June 8, 1966 (Alg.), available at

http://www.premier-ministre.gov.dz/images/stories/dossier/Codes/code_p%E9nal.pdf (last visited April 18, 2013).

[5] Freedom House, Policing Belief: The Impact of Blasphemy Laws on Human Rights (2010) at 15, available at

http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf (last visited April 18, 2013).

[6] *Id.* at 13.

ANDORRA

The religious framework of the state:

Constitution[7]

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 co-operation 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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Criminal Code[8]

Article 301

Anyone who insults religious beliefs in public or impedes or disrupts a religious act or ceremony shall be subject to a maximum prison sentence of six months.

ANTIGUA AND BARBUDA

The religious framework of the state:

Constitution[9]

Preamble

WHEREAS the People of Antigua and Barbuda-

1. **a.** 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;

[7] Andorra's Constitution of 1993, Constitute Project, available online at https://www.constituteproject.org/constitution/Andorra_1993.pdf

[8] Blasphemy, insult and hatred: finding answers in a democratic society," *Science and technique of democracy* No. 47, Venice Commission, available online at http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e

[9] https://www.constituteproject.org/constitution/Antigua_and_Barbuda_1981?lang=en

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

Small Charges Act[10]

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 five hundred dollars or to imprisonment for a term not exceeding one month.

AUSTRIA

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

Criminal Code[11]

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.

[10] http://www.laws.gov.ag/acts/chapters/cap-405.pdf

[11] Strafgesetzbuch [StGB][Penal Code]BGBI. 1974/60 (Austria), available in "Blasphemy, Insult and Hatred Finding Answers in a Democratic Society," Science and Technique of Democracy No. 47, European Commission for Democracy and Law, Mar. 31, 2010 at 156.

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[12]

Article 309

A punishment for a period not exceeding one year or a fine not exceeding BD 100 shall be inflicted upon any person who commits an offence 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.

[12] "Bahrain Penal Code." N.p., n.d. Web. http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&sqi=2&ved=0CDQQFjAB&url=http%3A%2F%2Fwww.track.unodc.org%2FLegalLibrary%2FLegalResources%2FBahrain%2FLaws%2FBahrain%2520Penal%2520Code%25201976.pdf&ei=JhvbUaTWH5G44APC1oHYDg&usg=AFQjCNETA5d9uPzGfaf4Lk0o9DQBuQcKjQ&sig2=5FhUlcyjx8ijRdCgRSErNQ&bvm=bv.48705608,d.dmg .

BANGLADESH

The religious framework of the state:

Constitution [13]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[14]

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 two years, or with 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 two 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 fine, or with both.

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[13] Bangladesher Shongbidhan [Constitution] Dec. 16, 1972 (Bangladesh), available at http://www1.umn.edu/humanrts/research/bangladesh-constitution.pdf (last visited April 28, 2013).

[14] Penal Code, 1860 (Bangladesh), available at Bangladesh Ministry of Law, http://bdlaws.minlaw.gov.bd/pdf_part.php?id=11 (last visited April 21, 2013).

BRAZIL

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

Penal Code[15]

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.

[15] Brazilian Penal Code, available at World Intellectual Property Organization, http://www.wipo.int/wipolex/en/text.jsp?file_id=226393#LinkTarget_5222. Accessed Oct 5, 2013,

BRUNEI DARUSSALAM

The religious framework of the state:

Constitution[16]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[17]

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 knowledge that any class of person is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment for a term which may extend to 5 years and with fine.

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 for a term which may extend to one year, and with fine.

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

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.

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[16] Brunei's Constitution of 1959 with Amendments through 1984, Constitute Project, available online at https://www.constituteproject.org/constitution/Brunei_1984.pdf

[17] https://www.unodc.org/tldb/pdf/Brunei_Penal_Code_1951_Full_text.pdf

CANADA

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

Criminal Code[18]

Article 296. (1) Every one who publishes a blasphemous libel is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

- Marginal note: Question of fact

  (2) It is a question of fact whether or not any matter that is published is a blasphemous libel.

- Marginal note: Saving

  (3) No person shall be convicted of an offence under this section for expressing in good faith and in decent language, or attempting to establish by argument used in good faith and conveyed in decent language, an opinion on a religious subject.

- R.S., c. C-34, s. 260.

[18] Canadian Penal Code, Justice Laws Website, Government of Canada, http://laws-lois.justice.gc.ca/eng/acts/C-46/page-150.html#h-89. Accessed October 5, 2013.

COMOROS

The religious framework of the state:

Constitution[19]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[20]

ART.230. - Any person who in any way profane:

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 1 00 000 francs and imprisonment from three months to one year.

ART.231.- Anyone who has insulted the minister of religion, in the exercise of his functions, be liable to a fine of 15 000 to 45 000 Swiss francs and an imprisonment of six months to two years.

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

[19] Constitution 2001 (rev 2009), https://www.constituteproject.org/constitution/Comoros_2009?lang=en Oxford University Press, Inc; translated by Max Planck Institute

[20] Republique Federale Islamique des Comores, Assemblee Federale, Loi N° -082 P/A.F. – Loi 95-012/AF portant Code penal (Crimes et délits), http://www.wipo.int/wipolex/en/text.jsp?file_id=208475. Automatic translation to English via Google translate. Original French: https://www.unodc.org/tldb/pdf/Comores%20Code%20Penal.pdf

CYPRUS

The religious framework of the state:

Constitution[21]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Criminal Code[22]

Article 138

Any person who destroys, damages or defiles any place of 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 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 misdemeanor and is liable to imprisonment for one year.

[21] Cyprus's Constitution of 1960 with Amendments through 2013, Constitute Project, available online at https://www.constituteproject.org/constitution/Cyprus_2013.pdf

[22] 2011 Expert workshop on the prohibition of incitement to national, racial or religious hatreds, available online at http://www.ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/Annexes/Cyprus.pdf. See also "Blasphemy, insult and hatred: finding answers in a democratic society," *Science and technique of democracy* No. 47, Venice Commission, available online at http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e

Article 142

(1) Any person who publishes a book or pamphlet or any article or letter in a newspaper or periodical which any class of persons consider 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 offence under the provisions of this section shall not be commenced except by, or with the consent of, the Attorney-General of the Republic.

DENMARK*

***Note:** In June 2017, the Danish Parliament repealed its blasphemy law. The researchers kept Denmark's law on the report, but it is no longer valid as of June 2017.

Penal code[23]

Section 140[24]

Any person who, in public, ridicules or insults the dogmas or worship of any lawfully existing religious community in this country shall be liable to imprisonment for any term not exceeding four months or, in mitigating circumstances, to a fine.

EGYPT

The religious framework of the state:

Constitution[25]

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 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 Sharia

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

Article 3. Christian and Jewish religious affairs

[23] Due to government shutdown, the Office of Justice Program was closed. Directly quoted from Søren Sandfeld Jakobsen,"The Case Regarding the Danish Muhammad Drawings," in The Database on Legal Information Relevant to the Audiovisual Sector in Europe published 2006, accessed October 5, 2013. Available online at http://merlin.obs.coe.int/iris/2006/8/article105.en.html

[24] http://en.wikipedia.org/wiki/Freedom_of_speech_and_freedom_of_the_press_in_Denmark

[25] https://www.constituteproject.org/constitution/Egypt_2014

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[26]

Article 98(f)

Detention for a period of not less than six months and not exceeding five years, or paying a fine of not less than five hundred pounds and not exceeding one thousand 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 contempting 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 [Crimes occurring by Means of Newspapers and Others]

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 public ness, 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 felon 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

[26] Law No. 58 of 1937 (Criminal Code of 1937, reformed in 1952), *Al-Jarida Al-Rasmiyya* (Egypt), available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDgQFjAB&url=http%3A%2F%2Ftrack.unodc.org%2FLegalLibrary%2FLegalResources%2FEgypt%2FLaws%2FEgypt%2520The%2520Penal%2520Code%2520Law%25201937.pdf&ei=Y59vUcn4NrG84AOU-IDAAw&usg=AFQjCNHiRjzauUODRTHUkoDRc4nYY9iUXw&sig2=ARx51QLxrUdzOcUrDcuLWA&bvm=bv.45368065,d.dmg (last visited April 18, 2013).

frequented place, or if it is declared openly or reiterated, such that any one 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 [27]

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

ERITREA

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

Proclamation No. 90/1996 "The Press Proclamation"[28]

Part V Article 12

12. Matters not to be disseminated

All those participating in public or private press in general, and heads of press in particular, [illegible] chief editors and journalists, are prohibited from publishing and disseminating the following matters.

(1) any matter which vilifies or belittles humanitarian and religious beliefs;

(2) any document or secret information on the supreme interest of the nation and people, as well as national security and defense secrets;

(3) any matter which incites religious and sub-national differences, promotes the spirit of division and dissension among the people, vilifies the Eritrean peoples tradition of struggle and incites violence and terrorism;

(4) any matter which undermines the territorial integrity and sovereignty and independence of the nation;

[27] Freedom House, Policing Belief: The Impact of Blasphemy Laws on Human Rights (2010) at 29, available at http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf (last visited April 18, 2013).

[28] http://erigazette.org/?p=5419

(5) any matter which contravenes general morality, encroaches upon the dignity of minors or the personal liberties and private lives of the citizens;

(6) any defamation or blackmail;

(7) the in-camera meeting of high officials and organs of the state;

(8) cases which has been suspended from publication or dissemination by courts, prosecutors and investigation organs or cases at the investigation or trial stages which may be prejudicial to the process of justice;

(9) inaccurate information and news intentionally disseminated to influence economic conditions, create commotion and confusion and disturb general peace; and

(10) shapes, pictures and maps of Eritrean territory without first obtaining permissions from the concerned governmental agency.

ETHIOPIA

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

Criminal Code[29]

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 with fine or arrest not exceeding one 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 fine not exceeding one thousand Birr, or with simple imprisonment not exceeding two years.

[29] Criminal Code of the Federal Democratic Republic of Ethiopia Proclamation No. 414 of 2004, May 9, 2005, available at http://www.refworld.org/docid/49216b572.html (last visited July 8, 2013).

FINLAND

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

Penal code[30]

Chapter 17 [Offences 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 six months.

GERMANY

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

Criminal Code (1998)[31]

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 three years or a fine.

2. Whoever publicly or through dissemination of writings (Section 11 sub-section 3) insults a church, other religious society, or organisation 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.

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[30] http://www.hsph.harvard.edu/population/trafficking/finland.penal.pdf

[31] "Blasphemy, insult and hatred: finding answers in a democratic society" *Science and Technique of democracy*, No. 47. Available online at: http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD%282010%29047-e

GREECE

The religious framework of the state:

Constitution[32]

Article 3, Section 1

1. The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and synodal canons and sacred traditions. It is autocephalous and is administered by the Holy Synod of serving Bishops and the Permanent Holy Synod originating thereof and assembled as specified by the Statutory Charter of the Church in compliance with the provisions of the Patriarchal Tome of June 29, 1850 and the Synodal Act of September 4, 1928.

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

Penal Code[33]

Section 7

Article 198

1. One who publicly and maliciously and by any means blasphemes God shall be punished by imprisonment for not more than two years.

2. Except for cases under paragraph 1, one who by blasphemy publicly manifests a lack of respect for the divinity shall be punished by imprisonment for not more than three months.

Article 199

One who publicly and maliciously and by any means blasphemes the Greek Orthodox Church or any other religion tolerable in Greece shall be punished by imprisonment for not more than two years.

[32] https://www.constituteproject.org/ontology/Greece?lang=en

[33] Freedom House, *Policing Belief: The Impact of Blasphemy Laws on Human Rights - Greece*, 21 October 2010, available at: http://www.refworld.org/docid/4d5a700bc.html [accessed 29 August 2015]

GRENADA

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

Criminal Code[34]

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 two years.

GUYANA

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

Criminal code[35]

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 one 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.

[34] http://www.wipo.int/wipolex/en/text.jsp?file_id=253233

[35] http://www.oas.org/juridico/mla/en/guy/en_guy-int-text-cl_act.pdf

INDIA

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

Penal Code[36]

Penal Code: 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 two years, or with 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 [three years], or with 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 one year, or with 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 anyindignity 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 one year, 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

[36] Pen. Code, No. 45 of 1860 (India), available at Government of India Ministry of Home Affairs, http://mha.nic.in/pdfs/IPC1860.pdf (last visited April 25, 2013).

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 fine, or with both.

INDONESIA

The religious framework of the state:

Constitution[37]

Article 29

1. The State shall be based upon the belief in the One and Only God.

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

Penal Code Provisions[38]

Article 156(a)

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

a) which principally have 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.

[37] https://www.constituteproject.org/constitution/Indonesia_2002

[38] *Indonesia: Penal Code* [Indonesia], 27 February 1982, available at: http://www.refworld.org/docid/3ffc09ae2.html [accessed 29 August 2015]; Official English translation. The Indonesian Penal Code is based on the code published in the State Gazette number 732 of 1915, known as *Wetboek van Strafrecht voor Indonesia*, with subsequent revisions and amendments dating up to 1976. The Code was last amended by Law 27 of 19 May 1999. Also referenced in *Freedom House Report*, pg. 46: https://freedomhouse.org/sites/default/files/PolicingBelief_Indonesia.pdf

IRAN

The religious framework of the state:

Constitution [39]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[40]

Article 513

Anyone who insults the Islamic sanctities or any of the imams or her excellency Sadigheh Tahereh should be executed if his insult equals to speaking disparagingly of Prophet Muhammad. Otherwise, should be imprisoned from one to five years.

Press Law [41]

Article 6

The print media are permitted to publish news items except in cases when they violate Islamic principles and codes and public rights as outlined in this chapter:

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[39] Qanuni Assassi Jumhutii Islamai Iran [The Constitution of the Islamic Republic of Iran] 1358 [1980], available at the International Constitutional Law Project, http://www.servat.unibe.ch/icl/ir00000_.html (last visited April 26, 2013).

[40] Islamic Penal Code, Nov. 28, 1991 (Iran), available at http://www.refworld.org/docid/4d384ae32.html (last visited April 27, 2013).

[41] Press Law, Jan. 31, 1987 (Iran), available at http://www.parstimes.com/law/press_law.html (last visited April 29, 2013).

1. Publishing atheistic articles or issues which are prejudicial to Islamic codes, or, promoting subjects which might damage the foundation of the Islamic Republic;
2. Propagating obscene and religiously forbidden acts and publishing indecent pictures and issues which violate public decency;
3. Propagating luxury and extravagance;
4. Creating discord between and among social walks of life specially by raising ethnic and racial issues;
5. Encouraging and instigating individuals and groups to act against the security, dignity and interests of the Islamic Republic of Iran within or outside the country;
6. Disclosing and publishing classified documents, orders and issues, or, disclosing the secrets of the Armed Forces of the Islamic Republic, military maps and fortifications, publishing closed-door deliberations of the Islamic Consultative Assembly or private proceedings of courts of justice and investigations conducted by judicial authorities without legal permit;
7. Insulting Islam and its sanctities, or, offending the Leader of the Revolution and recognized religious authorities (senior Islamic jurisprudents);
8. Publishing libel against officials, institutions, organizations and individuals in the country or insulting legal or real persons who are lawfully respected, even by means of pictures or caricatures; and
9. Committing plagiarism or quoting articles from the deviant press, parties and groups which oppose Islam (inside and outside the country) in such a manner as to propagate such ideas (the limits of such offenses shall be defined by the executive by-law).

Article 26

Whoever insults Islam and its sanctities through the press and his/her guilt amounts to apostasy, shall be sentenced as an apostate and should his/her offense fall short of apostasy he/she shall be subject to the Islamic penal code.

IRAQ

The religious framework of the state:

Constitution[42]

Article 2 [Official State Religion]

First: Islam is the official religion of the State and is a foundation 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.

Second: 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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code [43]

Chapter 8 Section 2 [Offences 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.

[42] UN/US/UK agreed Final English Translation of The Constitution of Iraq, Jan. 25, 2004, available at the Global Justice Project: Iraq at S.J. Quinney College of Law, http://gjpi.org/library/primary/iraqi-constitution/ (last visited July 1, 2013).

[43] Iraq Penal-Code with Amendments Third Edition No (111), 1969, available http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf (last visited July 1, 2013).

IRELAND

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

Constitution[44]

Article 40 [Personal Rights]

6. 1. The State guarantees liberty for the exercise of the following rights, subject to public order and morality:

i. The right of the citizens to express freely their convictions and opinions.

The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.

The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law.

Defamation Act of 2009[45]

Article 36

(1) A person who publishes or utters blasphemous matter shall be guilty of an offence and shall be liable upon conviction on indictment to a fine not exceeding €25,000.

(2) For the purposes of this section, a person publishes or utters blasphemous matter if—

(*a*) he or she publishes or utters matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion, and

(*b*) he or she intends, by the publication or utterance of the matter concerned, to cause such outrage.

(3) It shall be a defence to proceedings for an offence during this section for the defendant to prove that a reasonable person would find genuine literary, artistic, political, scientific or academic value in the matter to which the offence relates.

(4) In this section "religion" does not include an organization or cult—

(a) the principal object of which is the making of profit, or

[44] http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2010/March%202010%20Version%20-%20Constitution%20of%20Ireland.pdf

[45] Defamation Act of 2009, Irish Statute Book, published by the Office of the Attorney General. Available online at http://www.irishstatutebook.ie/pdf/2009/en.act.2009.0031.pdf

(b) that employs oppressive psychological manipulation—

(i) of its followers, or

(ii) for the purpose of gaining new followers.

ISRAEL

The religious framework of the state:

Basic Law for Human Dignity and Liberty (1992)[46]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[47]

Article 170 Insult to religion

If a person destroys, damages or desecrates a place of worship or any object which is held sacred by a group of persons, with the intention of to 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 three years imprisonment.

Article 173 Injury to religious sentiment

If a person does any of the following, then he is liable to one 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.

[46] Israel's Constitution of 1958 with Amendements through 2007, Constitute Project, available online at https://www.constituteproject.org/constitution/Israel_2007.pdf

[47] http://www.oecd.org/investment/anti-bribery/anti-briberyconvention/43289694.pdf

ITALY

Criminal code[48]

Article 402 – Insulting the State religion[49]

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

Article 403 – Insulting the State religion by insulting individuals[50]

Anyone who insults the State religion in public by offending those who profess it shall be subject to a prison sentence of up to two years. Anyone who insults the State religion by insulting a minister of the Catholic Church shall be subject to a prison sentence of one to three years.

Article 404 – Insulting the State religion by offending against property[51]

Anyone who, in a place of worship, a public place or a place open to the public, insults the State religion by offending against religious property, an object of religion or an object clearly associated with religious practice, shall be subject to a prison sentence of one to three years. Anyone who commits such an offence during a religious service celebrated in a private place by a minister of the Catholic Church shall be subject to the same penalty.

Article 406 – Offences against religions recognized by the State

Anyone who commits one of the offences 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 insulting the dead

Anyone who blasphemes against the Divinity in public, by means of invective or insults, shall be subject to an administrative fine of 100 000 to 600 000 lira. The same penalty shall apply to anyone who publicly insults the dead.

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[48] "Blasphemy, insult and hatred: finding answers in a democratic society" *Science and Technique of democracy*, No. 47. Available online at: http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD%282010%29047-e

[49] Declared invalid by the Constitutional Court in its judgment No. 508 of 20 November 2000.

[50] Declared invalid by the Constitutional Court in its judgment No. 168 of 18 April 2005, "insofar as it provides for a prison sentence of up to two years or of one to three years, respectively, for insulting the Catholic religion either by insulting those who profess it or by insulting a minister of religion, rather than a lesser sentence in accordance with Article 406 of the same Code."

[51] Declared the first paragraph invalid by the Constitutional Court in its judgment No. 329 of 1997, "insofar as it provides for a prison sentence of one to three years, rather than a lesser sentence in accordance with Article 406 of the same Code."

JORDAN

The religious framework of the state:

Constitution[52]

Article 2

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

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

Penal Code[53]

Article 273

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

Article 278

Anyone found guilty of any of the following shall be sentenced to imprisonment for a period not exceeding three 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 10,000-20,000 dinars would be imposed." [54]

Press and Publications Law[55]

Article 38

Publication of any of the following shall be prohibited:

a) Any material containing slander, libel or defamation directed at, or offensive to, any religion, freedom of which is enshrined in the Constitution

b) Any material offensive to or implying vilification of founders of religions or prophets, whether by means of writing, drawing, symbols, pictures, or any other means

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[52] The Constitution of the Hashemite Kingdom of Jordan, Jan. 1, 1952, available at: http://www.refworld.org/docid/3ae6b53310.html (last visited April 28, 2013).

[53] http://www.loc.gov/law/help/apostasy/#jordan See also: Douglas Griffin and Libby Morgan, Introduction to News Media Law and Policy in Jordan, Jordan Media Strengthening Program, USAID, at 42-43, available at http://global.asc.upenn.edu/fileLibrary/PDFs/JMSPprimer_english.pdf (last visited April 20, 2013).

[54] *Id.*

[55] Douglas Griffin, Introduction to News Media Law and Policy in Jordan at 35, available at http://global.asc.upenn.edu/fileLibrary/PDFs/JMSPprimer_english.pdf (last visited April 22, 2013).

c) Any material offending religious feelings or beliefs or inciting sectarian or racial hatred

d) Any material undermining the dignity and personal freedoms of individuals, or containing false information or rumors about them

Article 46 states that anyone in violation of (a), (b), or (c) above shall be sentenced to a fine of no less than 10,000 dinars and not exceeding 20,000 dinars.

KAZAKHSTAN

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

Criminal code[56]

Article 164. Incitement of Social, National, Tribal, Racial, or Religious Enmity

1. Deliberate actions aimed at the incitement of social, national, tribal, racial, or religious enmity or antagonism, or at offense to the national honour and dignity, or religious feelings of citizens, as well as propaganda of exclusiveness, superiority, or inferiority of citizens based on their attitude towards religion, or their genetic or racial belonging, if these acts are committed publicly or with the use of the mass information media, -

shall be punished by a fine in an amount up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to ten months , or by detention under arrest for a period up to six months, or by correctional labour for a period up to two years or deprivation of freedom for period up to five years.

2. The same acts committed by a group of persons 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 head of a public association, -

shall be punished by a fine in an amount from five hundred to three thousand [monthly assessment indices, or in an amount of wages or other income of a given convict for a period from, five months up to one year or by restriction of freedom for a period up to four years, or by imprisonment for a period from two to six years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. The acts stipulated by the first and second parts of this Article which entailed serious consequences, shall be punished by imprisonment for a period from three to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

[56] http://www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe-8de6554a3.htm/preview

KUWAIT

The religious framework of the state:

Constitution[57]

Article 2 [State Religion]:

The religion of the State is Islam, and the Islamic Sharia shall be a main source of legislation.

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

Law No. 19 of 2012 on the Protection of National Unity (19/2012)[58]

Paragraph: Text of the law – Text of the law (1-5)

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 seven 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

[57] "The Diwan of His Highness the Prime Minister of the State of Kuwait: Kuwait Constitution." *The Diwan of His Highness the Prime Minister of the State of Kuwait: Kuwait Constitution*. N.p., n.d. Web. http://www.pm.gov.kw/en/state_Of_Kuwait/kuwaitConstitution.jsp .

[58] Translation provided by USCIRF and LOC

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 one 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[59]

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 five years.

Article 111

Anyone who disseminates, in one of the public ways stated in Article 101[60], 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 one 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.

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[59] Translation provided by USCIRF and LOC

[60] Article 101 specifies "speech, shouting, writing, drawing, pictures, or any other means of the means of expressing an idea." From https://www.hrw.org/reports/2000/kuwait/kuwait-06.htm

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 three 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.

LEBANON

The religious framework of the state:

Constitution[61]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal code[62]

Article 473 Profaning the name of God

Anyone who profanes the name of God publicly shall be punished by imprisonment from one month to one 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:

[61] https://www.constituteproject.org/constitution/Lebanon_2004?lang=en

[62] Official USCIRF and LOC translations

Anyone who, by means of the ways specified in Article 209[63], dares to publicly disparage religious ceremonies that are practiced or foments disdain for any of those religious ceremonies shall be punished by imprisonment from six months to three years.

LIBYA

The Constitutional Declaration[64]

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.

Penal Code

Article 291[65]

Whoever publically 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 LD 50

[63] "Article 209 – The following are considered means of publicity:

1. …

2. talking or shouting whether made by people or transformed through mechanical machines in such a way as to be heard, in both cases, by those who have nothing to do with the act.

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. Available online at: http://pdf.usaid.gov/pdf_docs/PNAAF173.pdf

[64] The Constitutional Declaration, available at: http://corpus.learningpartnership.org/constitution-of-libya-1-general-provisions (last visited October 9, 2013).

[65] The Penal Code, available at: http://ia600704.us.archive.org/25/items/LibyanPenalCodeenglish/LibyanPenalCode.pdf (last visited October 9, 2013).

LIECHTENSTEIN

The religious framework of the state:

Constitution[66]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Criminal Code[67]

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 six months or to a fine of up to 360 days' pay.

MALAYSIA

The religious framework of the state

Constitution[68]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[69]

Chapter XV - Offences Relating to Religion

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[66] Liechtenstein's Constitution of 1921 with Amendments through 2003, Constitute Project, available online at https://www.constituteproject.org/constitution/Liechtenstein_2003.pdf

[67] Blasphemy, insult and hatred: finding answers in a democratic society," *Science and technique of democracy* No. 47, Venice Commission, available online at http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e

[68] Federal Constitution of Malaysia, Aug. 27, 1957, available at http://www.agc.gov.my/images/Personalisation/Buss/pdf/Federal%20Consti%20%28BI%20text%29.pdf (last visited April 18, 2013)

[69] http://www.agc.gov.my/Akta/Vol.%2012/Act%20574.pdf

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 two years, or with fine, or with both.

296 [Disturbing a 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 for a term which may extend to one year 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 one year, or with 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 one year, or with 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 two years and not more than five years.

MALTA*

***Note:** In July 2016, the Maltese Parliament repealed its blasphemy law. Its Parliament approved, in third reading stage, amendments to the Criminal Act that repeal the legislation.[70] The researchers kept Malta's law in the report, but it is no longer valid as of July 2016.

The religious framework of the state:

Constitution[71]

Article 2

(1) The religion of Malta is the Roman Catholic Apostolic Religion.

(2) The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach whichprinciples are right and which are wrong.

(3) Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education.

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

Criminal Code[72]

Title IV

OF CRIMES AGAINST THE RELIGIOUS SENTIMENT

Vilification of the Roman Catholic Apostolic Religion.

163. Whosoever by words, gestures, written matter, whether printed or not, or pictures or by some other visible means, publicly vilifies the Roman Catholic Apostolic Religion which is the religion of Malta, or gives offence to the Roman Catholic Apostolic Religion by vilifying those who profess such religion or its ministers, or anything which forms the object of, or is consecrated to, or is necessarily destined for Roman Catholic worship, shall, on conviction, be liable to imprisonment for a term from one to six months.

Vilification of other cults tolerated by law.

164. Whosoever commits any of the acts referred to in the last preceding article against any cult tolerated by law, shall, on conviction, be liable to imprisonment for a term from one to three months.

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[70] http://www.maltatoday.com.mt/news/national/67475/parliament_approves_bill_decriminalising_porn_and_repealing_religious_vilification#.V8bWcmWO6u4

[71] Malta's Constitution of 1964 with Amendments through 2011, Constitute Project, available online at https://www.constituteproject.org/constitution/Malta_2011.pdf

[72] http://legislationline.org/documents/section/criminal-codes

Title II of the Punishments for Contraventions

342. In respect of the contravention under article 338(bb), where the act consists in uttering blasphemous words or expressions, the minimum punishment to be awarded shall in no case be less than a fine (ammenda) of eleven euro and sixty-five cents (11.65) and the maximum punishment may be imprisonment for a term of three months – saving always the provisions of Title IV of Part II of Book First.

MAURITIUS

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

Criminal code[73]

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 one year.

[73] http://www.wipo.int/edocs/lexdocs/laws/en/mu/mu008en.pdf

MONTENEGRO

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

Criminal code[74]

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 six months to five 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 one to eight 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 one to eight years, and for an act under paragraph 2 by imprisonment of two to ten years.

[74] "Blasphemy, insult and hatred: finding answers in a democratic society" *Science and Technique of democracy*, No. 47. Available online at: http://www.venice.coe.int/webforms/documents/?pdf=C-DL-STD%282010%29047-e

MOROCCO

The religious framework of the state:

Constitution[75]

Article 3

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

Penal Code[76]

Law 1-02-207, 25th of Rajab 1423 (October 3, 200):

Article 41:[77]

Any offense committed against His Majesty the King, the royal princes and princesses by one of the means specified in Article 38 shall be punishable by imprisonment and a fine of 10,000 to 100,000 dirhams. The same punishment applies when a newspaper or other publication publishes a story that harms the Islamic religion, the monarchic regime or the country's territorial sovereignty. Should there be a conviction under the present article, the journal or publication may be suspended by the same judicial decision for a term not to exceed three months. This suspension shall not affect the labor contracts that bind the employer, the latter remaining bound by all the resulting contractual or legal obligations. In the same decision, the court may pronounce the ban of the journal or publication.

[75] Morroco's Constitution of 2011, Constitute Project, available online at https://www.constituteproject.org/constitution/Morocco_2011.pdf

[76] Morocco, la loi n° 77-00 modifiant et complétant le Dahir n° 1-58-378 du 3 Joumada I 1378 (15 novembre 1958) formant code de la Presse et de l'Édition -2003- ; promulguée par Dahir n° 1-02-207 du 25 Rejeb 1423 (3 octobre 2002), World Intellectual Property Organization, available online at http://www.wipo.int/wipolex/en/text.jsp?file_id=191181, with automatic translation tool

[77] Official translation from USCIRF and LOC

NIGERIA

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

Criminal Code [78]

Chapter 19, Offences relating to Religious Worship

Section 204

Any person who does an act which any class of persons consider 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 two years.

NEW ZEALAND

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

Crimes Act 1961 (As Amended 2011)[79]

[Part 7: Crimes against religion, morality, and public welfare]

Article 123 [Blasphemous libel]

(1) Everyone is liable to imprisonment for a term not exceeding 1 year who publishes any blasphemous libel.

(2) Whether any particular published matter is or is not a blasphemous libel is a question of fact.

(3) It is not an offence against this section to express in good faith and in decent language, or to attempt to establish by arguments used in good faith and conveyed in decent language, any opinion whatever on any religious subject.

(4) No one shall be prosecuted for an offence against this section without theleave of the Attorney-General, who before giving leave may make such inquiries as he thinks fit.

[78] Criminal Code Act (1990) Cap. (77), available at World Intellectual Property Organization, http://www.wipo.int/wipolex/en/text.jsp?file_id=179687 (last visited April 18, 2013).

[79] http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html

OMAN

The religious framework of the state:

Constitution[80]

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 Sharia is the basis for legislation.

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

Penal Code[81]

Article 209 [Crimes relating to religion]

1. Concerning violation of the sanctity of religion

Article 209: Anyone who does the following shall be punished by imprisonment from ten days to three years or by a fine of five 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

[80] https://www.constituteproject.org/constitution/Oman_2011?lang=en

[81] Official translation from USCIRF and LOC

PAKISTAN

The religious framework of the state:

Constitution[82]

Article 1 [The Republic and its territories]

(1) 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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[83]

Chapter XV – Of Offences 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 two 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 ten years, or with fine, or with both.

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

Whoever wilfully 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.

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[82] Pakistan Const., available at National Assembly of Pakistan, http://www.na.gov.pk/publications/constitution.pdf (last visited April 27, 2013).

[83] Act XLV of 1860 [Penal Code], Oct. 6, 1860 (Pak.), available at http://www.refworld.org/docid/485231942.html (last visited April 17, 2013).

295-C [Use of derogatory remarks, etc., in respect 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 one year or with 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 three years, or with 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 three years, and shall also be liable to 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 three 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 three years and shall also be liable to fine.

PAPUA NEW GUINEA

The religious framework of the state:

Constitution[84]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Customs Act

Article 97[85]

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

[84] http://www.wipo.int/wipolex/en/text.jsp?file_id=199188#LinkTarget_1808

[85] faolex.fao.org/docs/texts/png51771.doc

(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[86]

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 offence 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 offence 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 offence, 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 offence 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.

[86] http://www.paclii.org/pg/legis/consol_act/copa1989393/

(2) A person who has in his possession a prescribed publication is guilty of an offence 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.

72. KEEPING OBJECTIONABLE PUBLICATIONS AT 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 offence 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) The occupier of premises who keeps or permits to be kept at or in those premises a prescribed publication is guilty of an offence 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.

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 offence 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 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 offence 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.

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 offence 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 involves himself in the printing or otherwise in the making of or producing a prescribed publication is guilty of an offence 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.

Summary Offences Act 1977[87]

25A. Possession, etc., of indecent etc., article.[88]

(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–

(*g*) is or are blasphemous or indecent; or

(*h*) grossly offends or grossly offend against accepted standards of decency,

is guilty of an offence.

Penalty: A fine not exceeding K2,000.00 or imprisonment for a term not exceeding one year, or both.

(2) It is a defence to a charge of an offence 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 purpose**s 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.

[87] http://www.paclii.org/pg/legis/consol_act/soa1977189/

[88] Section 25A was added by the *Summary Offences (Amendment) Act* 1986 (No. 36 of 1986), s3.

PHILIPPINES

Constitution[89]

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.

Art. 133. ***Offending the religious feelings. —***

The penalty of arrest mayor in its maximum period to prision correccional 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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Criminal Code [90]

Criminal Code—Offences 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 two-year prison sentence.

[89] http://www.gov.ph/constitutions/1987-constitution/

[90] European Commission for Democracy Through Law (Venice Commission), Annexe II: Analysis of the Domestic Law Concerning Blasphemy, Religious Insults and Inciting Religious Hatred in Albania, Austria, Belgium, Denmark, France, Greece, Ireland, the Netherlands, Poland, Romania, Turkey, United Kingdom, on the basis of replies to a questionnaire (October 2008), pp72- 81, available at http://www.strasbourgconsortium.org/common/document.view.php?DocumentID=4493 (last visited April 18, 2013).

QATAR

The religious framework of the state:

Constitution[91]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[92]

Article 1 [Introductory Provisions]

Islamic Sharia 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 the 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 seven 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 Koran.

(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.

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[91] Constitution of Qatar found at: http://portal.www.gov.qa/wps/wcm/connect/5a5512804665e3afa54fb5fd2b4ab27a/Constitution+of+Qatar+EN.pdf?MOD=AJPERES

[92] Law No. (II) of 2004 Penal Code found at: http://www.qfiu.gov.qa/files/Law%2011%20for%20the%20year2004-E.pdf

Article 263

One is convicted to no more than a year and to a fine of no more than a thousand 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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[93]

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 fifteen (15) days but less than six (6) months and a fine of fifty thousand (50,000) to five hundred thousand (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 six (6) months to two (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 two (2) years to five (5) years and a fine of one hundred thousand (100,000) to five hundred thousand (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 two (2) years to five (5) years and fine of one hundred thousand (100,000) to one million (1,000,000) Rwandan francs.

[93] http://www.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf

RUSSIA

Federal Law on freedom of conscience and religious associations

26 September 1997, as amended in 2002[94]

Article 3

6. Prevention of exercise of rights to freedom of conscience and faith, including that associated with violence against the person, the intentional hurting of feelings of citizens in connection with their attitude to religion, propaganda of religious supremacy, the destruction of or damage to property or a threat of committing such actions shall be prohibited and prosecuted in accordance with the Federal Law. Conducting public events or putting up texts and images that may hurt the religious feelings of citizens close to projects of religious worship shall be prohibited.

Article 148

Illegal obstruction of the activity of religious organisations or of the performance of religious rites –

Shall be punishable with a fine in an amount of up to 80 thousand [AMOUNT], or in the amount of the wage or salary, or any other income of the convicted person for the period of up to six months, or by compulsory works for a term of up to 360 hours, compulsory works for a term of up to one year, or arrest for a term of up to three months.

Federal Law No. 136-FZ dated 29 June 2013 of the Russian Federation Moscow[95]

"On amendments to article 148 of the Criminal Code of the Russian Federation and some legislative instruments of the Russian Federation to counter offence against the religious beliefs and feelings of citizens"

Adopted by the State Duma on June 11, 2013

Approved by the Council of the Federation on June 26, 2013

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 three hundred thousand rubles or the amount of the earned or other income of the convicted offender for a period of up to two years, or mandatory community

[94] "Blasphemy, insult and hatred: finding answers in a democratic society," *Science and technique of democracy*, No. 47, Venice Commission (Council of Europe Publishing, March 2010): pp. 206-208. Available online at: http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e

[95] Official translation by USCIRF and LOC

service of up to two hundred and forty hours, or compulsory labor for up to one 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 five hundred thousand rubles or the amount of the earned or other income of the convicted offender for a period of up to three years, or mandatory community service of up to four hundred and eighty hours, or compulsory labor for up to three years, or incarceration for the same period of time with or without restriction of freedom for up to one 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 three hundred thousand rubles or the amount of earned or other income of the convicted offender for a period of up to two years, or mandatory community service of up to three hundred and sixty hours, or remedial labor for up to one year, or confinement for up to three 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 two hundred thousand rubles or the amount of the earned or other income of the convicted offender for a period of up to one year, or mandatory community service for up to four hundred and eighty hours, or remedial labor for up to two years, or compulsory labor for up to one year, or incarceration for the same period of time with disqualification from holding certain positions or engaging in certain activities for up to two years.".

Article 2

Make the following amendments to the Code of Administrative Offences of the Russian Federation (Collected Legislation of the Russian Federation, 2002, No. 1, art. 1; No. 44, art. 4295; 2003, No. 46, art. 4434; N 50, art. 4847; 2004, No. 34, art. 3533; No. 44, art. 4266; 2005, No. 1, art. 13,40; No. 30, art. 3131; No. 52, art. 5574; 2006, No. 1, art. 4; No. 2, art. 172; No. 6, art. 636; No. 19, art. 2066; No. 45, art. 4641; No. 50, art. 5281; No. 52, art. 5498; 2007, No. 16, art. 1825; No. 26, art. 3089; 2008, No. 20, art. 2259; No. 52, art. 6235, 6236; 2009, No. 29, art. 3597; 2010, No. 19, art. 2291; No. 31, art. 4193; 2011, No. 1, art. 23; No. 19, art. 2714; No. 47, art. 6602; No. 50, art. 7362; 2012, No. 24, art. 3082; No. 31, art. 4320; No. 47, art. 6403, 6404, 6405; No. 53, art. 7602; 2013, .No. 14, art. 1666; No. 19, art. 2323):

1) in paragraph one of part 1 of article 3.5, replace the words "article 14.12" with the words "articles 5.26 and 14.12"; replace the words "covered by part 2 of article 6.21" with the words "covered by article 5 .26 and part 2 of article 6.21";

2) revise article 5.26 to read as follows:

"Article 5.26. 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 ten thousand to thirty thousand rubles; and on officials from fifteen thousand to one hundred thousand 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 thirty thousand to fifty thousand rubles or mandatory community service of up to one hundred and twenty hours; and on officials from one hundred thousand to two hundred thousand rubles.".

Article 3

In paragraph two of item 1 of article 1 of Federal Law No. 96-FZ dated 7 May 2013 "On Amendments to the Code of Administrative Offences of the Russian Federation" (Collected Legislation of the Russian Federation, 2013, No. 19, art. 2323), replace the words "article 14.12" with the words "articles 5.26 and 14.12", and replace the words "covered by part 2 of article 6.21" with the words "covered by article 5.26 and part 2 of article 6.21".

Article 4

This Federal Law shall enter into force on 1 July 2013.

President of the Russian Federation V. Putin

SAN MARINO

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

Criminal Code[96]

Article 260 – Religious insult

Whoever desecrates the symbols or the objects of cult or worship of a religion which 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 honour 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.

[96] Blasphemy, insult and hatred: finding answers in a democratic society," *Science and technique of democracy* No. 47, Venice Commission, available online at http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e

SAUDI ARABIA

"Saudi Arabia does not have a written penal code, but relies on judges' interpretations of the Sharia 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."[97]

"Saudi law divides punishments for criminal acts into three broad categories: (1) offenses against God carrying inalterable punishments prescribed by the Quran (hadd); (2) private rights to retribution connected with a criminal act (qisas); and (3) discretionary punishments (ta'zir) for all other criminal offenses."[98]

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.[99] "There have been no confirmed reports of executions for either apostasy or blasphemy in recent years."[100]

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 have 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.[101]

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.

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[97] http://www.hrw.org/sites/default/files/reports/saudijustice0308_1.pdf

[98] *Id.*

[99] http://berkleycenter.georgetown.edu/resources/essays/national-laws-on-blasphemy-saudi-arabia

[100] 2011 Report on International Religious Freedom, http://www.state.gov/j/drl/rls/irf/2011/nea/192905.htm

[101] USCIRF 2013 Report on Saudi Arabia, pp. 141-142. Accessed September 25, 2013. Available online at http://www.uscirf.gov/images/2013%20USCIRF%20Annual%20Report%20(2).pdf

Article 48

The courts will apply the rules of the Islamic Shari'ah 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.

External Printed Matters

Article 18

External printed matters 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.

SINGAPORE

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

Penal Code [Offences Relating to Religion or Race][102]

Article 298 [Uttering words, et c., 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.

[102] http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=3864d97d-2a0c-4e90-9edc-2d0760121cfb;page=0;query=CompId%3Ae40d5913-c2dc-4284-bf68-eb315c55c8fa;rec=0#P4XV_295-.

SOMALIA

The religious framework of the state:

Constitution[103]

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'ah can be enacted

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

Penal Code[104]

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 two 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.

[103] Somalia's Constitution of 2012, Constitute Project, available online at https://www.constitute-project.org/constitution/Somalia_2012.pdf

[104] http://www.refworld.org/docid/4bc5906e2.html

SOUTH SUDAN

The religious framework of the state:

Constitution[105]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Penal Code[106]

CHAPTER XV—OFFENCES RELATING TO RELIGION

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 offence, and upon conviction, shall be sentenced to imprisonment for a term exceeding three years or with a fine or with both.

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 is likely to consider such destruction, damage or defilement as an insult to their religion, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding three years or with a fine or with both.

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[105] https://www.constituteproject.org/constitution/South_Sudan_2013?lang=en

[106] Penal Code of South Sudan. 2008, available at http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies/mainColumnParagraphs/0/content_files/file12/15.pdf (last visited April 28, 2013).

SPAIN

The religious framework of the state:

Constitution[107]

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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Criminal Code[108]

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 eight to twelve 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[109]

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 Article 10 and 14(1)(e).

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[107] https://www.constituteproject.org/constitution/Spain_2011.pdf

[108] Spanish Criminal Code, official government translation by Ministerio de Justicia – Secretaria General Técnica, published 2013. Text available for download as PDF file: http://www.mjusticia.gob.es/cs/Satellite/MJusticia/1292417756327?blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadervalue1=attachment%3B+filename%3DCriminal_Code_(C%C3%B3digo_Penal).PDF

[109] Commonwealth Legal Information Institute, Sri Lankan Constitution, available at http://www.commonlii.org/lk/legis/const/2000/3.html (last visited September 30, 2013).

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

Penal Code[110]

Chapter XV [Offences 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 two years, or with 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 which 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 one year, or with 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 one year, or with 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 two years, or with fine, or with both.

[110] An Ordinance to Provide a General Penal Code for Ceylon [Penal Code], available at http://www.commonlii.org/lk/legis/consol_act/pc25130.pdf (last visited April 29, 2013).

ST. LUCIA

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

Criminal code[111]

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.

[111] http://www.rslpf.com/site/criminal%20code%202004.pdf

ST. VINCENT AND GRENADINES

The religious framework of the state:

Constitution[112]

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;
4. desire that their Constitution should enshrine the above mentioned freedoms, principles and ideals;

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

Criminal code[113]

Article 117

Any person who destroys, damages or defiles any place of worship, or any object which 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 offence and liable to imprisonment for five 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 offence and liable to imprisonment for two years.

[112] https://www.constituteproject.org/constitution/St_Vincent_and_the_Grenadines_1979

[113] http://www.oas.org/juridico/english/mesicic3_svg_criminal.pdf

SUDAN

The religious framework of the state:

Constitution[114]

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 Sharia and the consensus of the people.

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

Criminal Code[115]

The Criminal Act of 1991

PART XIII [Offenses Relating to Religions]

Article 125 [Insulting Religious Creeds]

Whoever by any means publicly abuses or insults any religion, their rights or beliefs or sanctifications or seeks to excite feelings of contempt and disrespect against the believers thereof, shall be punished with imprisonment for a term not exceeding one year or with a fine or with whipping which may not exceed 40 lashes.

SURINAME

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

Criminal code[116]

Article 196

A prison sentence not exceeding one 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.

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[114] https://www.constituteproject.org/constitution/Sudan_2005?lang=en

[115] Sudan: The Criminal Act 1991, Arab Law Quarterly, Vol 9, No. 1 (1994), pp. 32-80, http://www.jstor.org/stable/3381514 (last visited April 18, 2013).

[116] https://www.unodc.org/tldb/pdf/Suriname/SUR_Bill_Crim_CodeII_EN.pdf

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 six 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.

SYRIA

Constitution[117]

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.

Penal Code[118]

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.

[117] https://www.constituteproject.org/constitution/Syria_2012

[118] USCIRF and LOC translations

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 two months to two years.

Article 463

The following shall be punished by imprisonment of one month to one year:

A. Anyone who causes a disturbance during the performance of a religious ritual, celebration, or ceremony, or who obstructs them by violence or threats.

B. 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.

C. 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 two months to one year.

SWITZERLAND

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

Criminal Code[119]

Title Twelve [Felonies and Misdemeanours against Public Order]

Article 261

Any person who publically and maliciously insults or mocks the religious conventions of others, and in particularly their belief in God, or maliciously desecrates objects of religious veneration, is liable to a monetary penalty not exceeding 180 daily penalty units.

[119] http://www.admin.ch/ch/e/rs/3/311.0.en.pdf

TANZANIA

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

Penal Code[120]

CHAPTER XIV: OFFENCES RELATING TO RELIGION

Penal Code [CHAPTER XIV: OFFENCES RELATING TO RELIGION][121]

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 the Trespassing 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 wound- uttering 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 i0 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 one year.

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[120] "Tanzania Penal Code." Http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDF-FILES/TZA_penal_code.pdf . N.p., n.d. Web.

[121] "Tanzania Penal Code." Http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDF-FILES/TZA_penal_code.pdf . N.p., n.d. Web.

THAILAND

Constitution[122]

Section 79

The State shall patronize and protect Buddhism, which is the religion the majority of Thai people have practiced for 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.

Criminal code[123]

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 two years to seven years or fined as from two thousand Baht to fourteen thousand Baht, or both.

THE SANGHA ACT[124]

B.E. 2505 [1962]

BHUMIBOL ADULYADEJ REX.;

Given on the 25th Day of December B.E. 2505;

Being the 17th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to amend the Sangha Act;

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly, acting in the capacity of the Parliament, as follows:

Section 1. This Act shall be called the "Sangha Act, B.E. 2505 [1962]".

Section 2[i]. This Act shall come into force on and from the day following the date of its publication in the Government Gazette.

Section 3. The Sangha Act, B.E. 2484 [1941] shall be repealed.

Section 4. Within one year from the date in which this Act comes into force; Ministerial Regulations, Ecclesiastical Commands, Ecclesiastical Decrees, organizational regulations, the commands of the Supreme Patriarch, and Sangha regulations and procedures that are enforced as of the date of this Act's publication in the Government Gazette shall continue to be enforced as

[122] https://www.constituteproject.org/constitution/Thailand_2007.pdf

[123] https://www.unodc.org/tldb/pdf/Thailand/THA_Pena_CodeEN.pdf

[124] Official translation from USCIRF and LOC

long as they are not contradictory to or inconsistent with this Act until they are repealed, stated the same or contradictorily, or otherwise, by any Ministerial Regulations, rules of the Sangha Supreme Council, the commands of the Supreme Patriarch, and the Sangha Supreme Council regulations and procedures.

Section 5. For the purpose of Section 4, the authorities prescribed in Ecclesiastical Commands, Ecclesiastical Decrees, organizational regulations, the commands of the Supreme Patriarch, and Sangha regulations and procedures shall belong to a Buddhist monk of any rank or any Sangha committees that are not stated in this Act. The Sangha Supreme Council shall have the power through its decree to designate authorities to a Buddhist monk of any rank, whether one or several monks as a group, according to the Sangha Supreme Council's discretion.

Section 5 bis[ii]. In this Act:

"Sangha" means a community of Buddhist monks who have been ordained by Preceptors in accordance with this Act or the Laws that were in effect prior to this Act, and carry out religious activities in or outside of the Kingdom.

"other Sangha" means a community of Chinese Nikaya or Anam Nikaya monks.

"Phra Rajagana" means a monk who has been appointed and established through the lines of ecclesiastical honorific rank, from higher ecclesiastical Rajagana title in ordinary to Somdet Phra Rajagana.

"Somdet Phra Rajagana who has the highest seniority within the ecclesiastical honorific rank" means Somdet Phra Rajagana who has been bestowed before other Somdet Phra Rajaganas. If several appointments are made on the same day, it shall mean Somdet Phra Rajagana who is bestowed in a prior order.

Section 5 ter[iii]. His Majesty the King has the absolute right to appoint or dismiss the ecclesiastical honorific rank of monks in the Sangha.

Section 6. The Prime Minister* shall be in charge of this Act and shall be authorized to issue the Ministerial Regulations so as to implement this Act.

The Ministerial Regulations which have been proclaimed in the Government Gazette shall be enforceable.

CHAPTER 1

THE SUPREME PATRIARCH

Section 7[iv]. His Majesty the King shall appoint one Supreme Patriarch.

In the event that the position of Supreme Patriarch is vacant, the Prime minister, with the approval of the Sangha Supreme Council, shall nominate Somdet Phra Rajagana who has the highest seniority within the ecclesiastical honorific rank as the Supreme Patriarch's successor to His Majesty the King.

In the event that Somdet Phra Rajagana who has the highest seniority within the ecclesiastical honorific rank is unable to fulfill such duties, the Prime minister, with the approval of the Sangha Supreme Council, shall nominate other Somdet Phra Rajagana who has the next highest seniority within the ecclesiastical honorific rank, and is able to fulfill such duties, as the Supreme Patriarch's successor to His Majesty the King.

Section 8. The Supreme Patriarch shall take the position of Sakonlamahasangkhaparinayok [Head of all members of the Sangha], command the Sangha, and issue the Supreme Patriarch's commands that are not contradictory to or inconsistent with the law, the Doctrine and Discipline, and rules of the Sangha Supreme Council.

Section 9[v]. In the event of the Supreme Patriarch's resignation, or His Majesty the King officially endorses the Supreme Patriarch's termination, His Majesty may appoint him advisor to the Supreme Patriarch or any other position at His Majesty's royal command.

Section 10[vi]. When there is no Supreme Patriarch, Somdet Phra Rajagana who has the highest seniority within the ecclesiastical honorific rank shall act as the Supreme Patriarch.

If Somdet Phra Rajagana who has the highest seniority within the ecclesiastical honorific rank is unable to fulfill such duties, the remaining Sangha Supreme Council committee shall select Somdet Phra Rajagana who has the next highest seniority within the ecclesiastical honorific rank, and is able to fulfill such duties, to act as the Supreme Patriarch.

When the Supreme Patriarch is not in the Kingdom or is unable to fulfill his duties, the Supreme Patriarch shall appoint any Somdet Phra Rajagana to act on his behalf.

In the event that the Supreme Patriarch does not appoint anyone to act on his behalf according to the third paragraph, or if Somdet Phra Rajagana who is appointed to act on behalf of the Supreme Patriarch is unable to fulfill the Supreme Patriarch's duties, the first and second paragraphs shall be enforced mutatus mutandis.

In regard to the appointment of the person acting as Supreme Patriarch pursuant to this Section: If the Supreme Patriarch deems it appropriate when the event in the third paragraph occurs, or if the remaining Sangha Supreme Council committee deems it appropriate when the events in the first, second or fourth paragraph occur, several Somdet Phra Rajaganas who are able to fulfill such duties may be chosen as the committee for the Supreme Patriarch in lieu of the

acting person in the first paragraph, or in lieu of the actions under the second, third or fourth paragraphs, as the case may be. An assistant or advisor for the performance of said duties are allowed. The course of action of the committee for the Supreme Patriarch shall be determined by the committee for the Supreme Patriarch.[vii]

After a person or a committee for the Supreme Patriarch has been appointed or chosen according to this Section, the Prime Minister shall respectfully inform His Majesty the King.[viii]

Section 11. The Supreme Patriarch shall be relieved from the position for the following reasons:

Death;

Dismissed from monkhood;

Resignation; and

Terminated by His Majesty the King.

CHAPTER 2

THE SANGHA SUPREME COUNCIL

Section 12[ix]. The Sangha Supreme Council consists of the Supreme Patriarch who serves as head ex officio of the Sangha Supreme Council, all Somdet Phra Rajaganas who serve as the committee ex officio of the Sangha Supreme Council, and up to twelve Phra Rajaganas who are appointed committee by the Supreme Patriarch.

Section 13. Director of the National Office of Buddhism* shall serve as secretary ex officio of the Sangha Supreme Council, and the National Office of Buddhism* shall serve as the Office of the Secretary of the Sangha Supreme Council.

Section 14. The committee of the Sangha Supreme Council who is appointed by the Supreme Patriarch shall have a two-year term, and can be reappointed.

Section 15. Along with staying through the end of his term according to Section 14, a committee member of the Sangha Supreme Council who is appointed by the Supreme Patriarch shall be relieved from the position for the following reasons:

Death;

Dismissed from monkhood;

Resignation; and

Terminated by the Supreme Patriarch.

In the event that a committee member of the Sangha Supreme Council is relieved from the position before the end of his term, the Supreme Patriarch may appoint any Phra Rajaganas as a committee member replacement.

The committee member who is appointed in accordance with the previous paragraph shall

assume the tenure of the person being replaced.

Section 15 bis[x]. The Prime Minister* shall endorse the command of the Supreme Patriarch regarding the appointment of the committee of the Sangha Supreme Council pursuant to Section 12, and the dismissal of the committee of the Sangha Supreme Council pursuant to Section 15.

Section 15 ter[xi]. The Sangha Supreme Council has the following authorities and duties:

(1) To orderly govern the Sangha;

(2) To govern and set up novice ordination;

(3) To control and encourage religious education, welfare education, propagation, public assistance and public welfare for the Sangha;

(4) To conduct the principle of the Doctrine and Discipline of Buddhism; and

(5) To perform other duties as prescribed in this Act or other laws.

For this purpose, the Sangha Supreme Council shall have the authorities to enact rules of the Sangha Supreme Council, issue regulations, set procedures, issue orders, come to resolutions or issue notifications that are not contradictory to or inconsistent with the law or the Doctrine and Discipline for enforcement, or may allow any monks or committees or sub-committees in accordance with Section 19 to exercise the authorities and duties as prescribed in the first paragraph.

Section 15 quarter[xii]. In order to maintain the principle of the Doctrine and Discipline as well as the order of the Sangha, the Sangha Supreme Council may enact the rule of the Sangha Supreme Council in order to stipulate the penalty or the way of administrative punishment for monks and novices whose behavior causes the detriment to Buddhism and the monastic order administration.

Monks and novices who have been punished in accordance with Section 1 to leave their monkhood must leave the monkhood within three days from the date they have acknowledged their punishment.

Section 16[xiii]. In the event that the head of the Sangha Supreme Council is unable to attend or is absent at a Sangha Supreme Council meeting and has not appointed any Somdet Phra Rajaganas to act on his behalf, Somdet Phra Rajagana who has the highest seniority within the ecclesiastical honorific rank who is present at the meeting shall act on behalf of the head of the Sangha Supreme Council.

Section 17. A quorum in a Sangha Supreme Council meeting must comprise of no less than half of both ex officio and appointed committee members.

The Sangha Supreme Council meeting agenda shall be in accordance with the Sangha Supreme Council's rules.

Section 18[xiv]. In the event that a committee member of the Sangha Supreme Council has not been appointed to fill the vacancy as a result of Section 15, second paragraph, the remaining

committee members are deemed to be the total amount of Sangha Supreme Council committee members at the time.

Section 19[xv]. The Supreme Patriarch shall appoint committees or sub-committees for different affairs according to resolutions of the Sangha Supreme Council, which consists of monks or a group of people, whose duty is to filter issues that will be presented to the Sangha Supreme Council, and to perform other duties as assigned by the Sangha Supreme Council. They are to report directly to the Sangha Supreme Council.

The arrangement of committees or sub-committees for different affairs, the appointments of committee or sub-committee members, the dismissal of committee or sub-committee members, and meeting agendas shall be in accordance with the Sangha Supreme Council procedures.

CHAPTER 3

THE SANGHA ADMINISTRATION

Section 20[xvi]. The Sangha must be under the administration of the Sangha Supreme Council.

The Sangha administrative organization shall be as specified in the Sangha Supreme Council's rules.

Section 20 bis[xvii]. For the benefits of the central and regional administration of the Sangha, a Chief Superintendent of the Ecclesiastries shall be appointed to be in charge of a Sangha ecclesiastical jurisdiction.

The appointment and designation of authorities of Chief Superintendents of the Ecclesiastries shall be in accordance with principles and methods prescribed in the Sangha Supreme Council's rules.

Section 21. The regional administration of the Sangha shall be divided into the following ecclesiastical jurisdictions:

Region;

Province;

District; and

Sub-district.

Said ecclesiastical jurisdictions and the total number of jurisdictions shall be set by the Sangha Supreme Council's rules.

Section 22. The regional administration of the Sangha shall be governed by monks in the following hierarchy:

The Ecclesiastical Regional Governor;

The Ecclesiastical Provincial Governor;

The Ecclesiastical District Officer; and

The Ecclesiastical Sub-district Officer.

The Sangha Supreme Council may deem it appropriate to provide the Ecclesiastical Regional Deputy Governor, the Ecclesiastical Provincial Deputy Governor, the Ecclesiastical District Deputy Officer and the Ecclesiastical Sub-district Deputy to assist the corresponding officials.

Section 23. The appointment or dismissal of preceptors, abbots, deputy abbots, assistant abbots, monks who engage in other Sangha administrative positions, and layperson temple affairs managers shall be in accordance with principles and methods prescribed in the Sangha Supreme Council's rules.

CHAPTER 4

PUNISHMENT AND RETIREMENT FROM THE MONKHOOD

Section 24. A monk must be punished if he violates the Doctrine and Discipline, and the punishment that will be inflicted to a monk shall be punishments in accordance with the Doctrine and Discipline.

Section 25. Under Section 24, the Sangha Supreme Council has the right to issue the Sangha Supreme Council's rules to prescribe principles and methods of actions in order for the punishment to be accurate, convenient, timely and fair. It is also deemed lawful for the Sangha Supreme Council to specify in the Sangha Supreme Council's rules that the Sangha Supreme Council or a chief monk of any ranks shall have the power to inflict punishments on perverse monks who violate the Doctrine and Discipline, and to stipulate that any judgments regarding punishments shall be final at that particular level.

Section 26. Any perverse monks who violate the Doctrine and Discipline and receive a final judgment to be punished by unfrocking, must leave the monkhood within twenty-four hours from the time he receives said judgment.

Section 27[xviii]. When a monk falls into any one of the following categories:

Receiving judgment according to Section 25 with the punishment of lesser than unfrocking, but not accepting said punishment;

Regularly violating the Doctrine and Discipline;

Not belonging to any monastery; and

Having no monastery as a dwelling,

said monk must leave his monkhood according to principles and methods prescribed in the Sangha Supreme Council's rules.

The monk who receives judgment to leave his monkhood as in the second paragraph, must leave his monkhood within three days from the day he receives said judgment.

Section 28. A monk who is declared bankruptcy by a final court order must leave his monkhood within three days from the day the case becomes final.

Section 29. For a monk who has been arrested for committing a crime; if an inquiry official deems it inappropriate for a temporarily release and the abbot of the monastery to which said monk belongs does not take him in custody, or if an inquiry official deems it inappropriate for the abbot to take said monk in custody, or if said monk does not belong to any monastery, the inquiry official shall have the power to unfrock said monk.

Section 30. If a monk is to be imprisoned, detained or confined according to a judgment or a court order, the official who has the authorities to carry out the judgment or court order shall have the power to unfrock said monk, and shall report the unfrocking to the court.

CHAPTER 5

MONASTERIES

Section 31[xix]. There are two types of monasteries as follows:

Monasteries that have received royal consecrated boundaries; and

Monastic residence.

A monastery shall have a status of a juristic person.

An abbot is a monastery's representative for general affairs.

Section 32. The construction, establishment, merger, move or dissolution of monasteries, and a request for royal consecrated boundaries, shall be in accordance with the methods prescribed in Ministerial Regulations.

In the event of the dissolution of a monastery, properties of the dissolved monastery shall become Buddhist ecclesiastical properties.

Section 32 bis[xx]. During the time when a deserted monastery without any monk residing has not been dissolved, the National Office of Buddhism* shall be in charge of the administration and maintenance of said monastery, including monastery compounds, monastery estates, and properties of said monastery.

The process of bringing a deserted monastery to a monastery where monks reside and stay in during the three months of the rainy season shall be in accordance with principles and methods prescribed in Ministerial Regulations.

Section 33. The definitions of the monastery compound and properties that belongs to the monastery are as follows:

(1) "monastery compound" means the land where the monastery is located, including its boundaries;

(2) "monastery estate" means the estate that is the property of the monastery.

(3) "monastic revenue estate" means the estate given by a donor who dedicates it for the benefit of a monastery or the Buddhist religion.

Section 34[xxi]. The transfer of ownership of monastery compounds, monastery estates or Buddhist ecclesiastical properties can only be done by an Act, unless the second paragraph applies.

The transfer of ownership of a monastery compound, monastery estate or Buddhist ecclesiastical property to a government agency, government enterprise or other government entity, if the Sangha Supreme Council does not object and receives payment for expropriation from said government agency, government enterprise or government entity, shall be done according to the Royal Decree.

No person shall bring a Statute of Limitations as an argument against a monastery or the National Office of Buddhism*, as the case may be, in regard to properties that are monastery compounds, monastery estates or Buddhist ecclesiastical properties.

Section 35[xxii]. Monastery compounds, monastery estates or Buddhist ecclesiastical properties are exempt from the enforcement of judgment.

Section 36. A monastery shall have one abbot. If appropriate, a deputy abbot or an assistant abbot is allowed.

Section 37. An abbot shall have the following duties:

(1) Maintain the monastery and manage monastery affairs and ecclesiastical properties to be in good order;

(2) Govern and supervise the ordained and layman who are present or reside at the monastery to follow the Doctrine and Discipline, the Sangha Supreme Council's rules, including regulations, procedures and orders of the Sangha Supreme Council;

(3) Take charge of the learning and teaching of the Doctrine and Discipline to the ordained and layman; and

(4) Provide proper facilitation for the making of merits.

Section 38. An abbot shall have the following authorities:

(1) Prohibit unauthorized ordained and layman by the abbot to reside at the monastery;

(2) Order the ordained and layman who are disobedient to the abbot to leave the monastery; and

(3) Order the ordained and layman who are present or reside at the monastery to work around the monastery. Place the ordained and layman in the monastery on probation or make them apologize when they violate the abbot's orders, provided the orders are issued according to the Doctrine and Discipline, the Sangha Supreme Council, regulations, procedures and orders of the Sangha Supreme Council.

Section 39. In the event that there is no abbot or the abbot is unable to fulfill his duties, an acting abbot shall be appointed. The acting abbot shall have the same authorities and duties as the abbot.

The appointment of the acting abbot shall be according to principles and methods prescribed in the Sangha Supreme Council's rules.

CHAPTER 6

ECCLESIASTICAL PROPERTIES

Section 40. There are two types of ecclesiastical properties:

(1) Buddhist ecclesiastical properties mean properties that belong to the Buddhist religion and not any particular monastery.

(2) Monastic ecclesiastical properties mean properties that belong to a particular monastery.

The maintenance and management of Buddhist ecclesiastical properties shall be under the authorities of the National Office of Buddhism*. For this purpose, it is deemed that the National Office of Buddhism* owns such Buddhist ecclesiastical properties.

The maintenance and management of Monastic ecclesiastical properties shall be according to the methods prescribed in Ministerial Regulations.

Section 41. The National Office of Buddhism* shall prepare an annual budget for Buddhist ecclesiastical properties with the approval of the Sangha Supreme Council. The annual budget shall be executed once it is published in the Government Gazette.

CHAPTER 7

PENAL PROVISIONS

Section 42[xxiii]. Any person who has not been appointed as a preceptor, or has been relieved of duty as a preceptor pursuant to Section 23, performs ordination of other people, shall be liable for imprisonment for a term not exceeding one year.

Section 43[xxiv]. Any person who contravenes the second paragraph of Section 15 quarter, Section 26, the third paragraph of Section 27, or Section 28 shall be liable for imprisonment for a term not exceeding one year.

Section 44[xxv]. Any person who has been relieved from monkhood because he has committed a grave offence 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 for imprisonment for a term not exceeding one year.

Section 44 bis[xxvi]. Any person who defames, insults or threatens the Supreme Patriarch shall be liable for imprisonment for a term not exceeding one year, or fine not exceeding twenty thousand baht, or both.

Section 44 ter[xxvii.] 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 one year, or fine not exceeding twenty thousand baht, or both.

CHAPTER 8

MISCELLANEOUS

Section 45. Monks who have been appointed positions in the Sangha administration and lay-person temple affairs managers shall be public officers as defined under the Thai Penal Code.

Section 46[xxviii]. The administration of other Sangha shall be according to principles and methods prescribed in Ministerial Regulations.

Countersigned.

Field Marshal Sarit Thanarat

Prime Minister

Note :- The reasons for promulgation of this Act are as follows: Whereas the Sangha administration is not an activity that divides the administration authorities for the purpose of balancing of power as it exists in the present law, and whereas said system undermines the efficiency of the operation, it is therefore appropriate to amend said law so that Somdet Phra Sangkharat Sakonlamahasangkhaparinayok [the Supreme Patriarch, Head of all members of the Sangha] can command the Sangha through the Sangha Supreme Council according to the legal authority and the Doctrine and Discipline for the prosperity of the Buddhist religion.

The Sangha Act (No. 2), B.E. 2535 [1992][xxix]:

Section 18: Ministerial Regulations, the Sangha Supreme Counci's rules, regulations, procedures or orders of the Sangha Supreme Council that are issued according to the Sangha Act, B.E. 2505 [1962] shall continue to be in effect as long as they are not contradictory to or inconsistent with this Act.

Section 19. A monastery that has a status of a juristic person according to the Civil and Commercial Code shall have the status of a juristic person according to the Sangha Act, B.E. 2505 [1962], which has been amended by this Act.

Section 20. Any Monk who has been appointed and established an ecclesiastical honorific rank prior to the date this Act comes into force shall continue to maintain said ecclesiastical honorific rank.

Any person who has been appointed a Sangha Supreme Council committee member, a Chief Superintendent of the Ecclesiastries, a member of any committee or sub-committee according to the Sangha Act, B.E. 2505 [1962], Ministerial Regulations, the Sangha Supreme Counci's rules, regulations, procedures or orders of the Sangha Supreme Council that are issued according to the Sangha Act, B.E. 2505 [1962] shall continue to keep the position or fulfill his duties through the end of his term or until the Sangha Supreme Council issues a resolution otherwise.

Section 21. The Prime Minister* shall be in charge of this Act.

Note :- The reasons for promulgation of this Act are as follows: Whereas the Sangha Act, B.E. 2505 [1962] has been in effect for a long time, it is therefore appropriate to amend provisions regarding the appointment of the Supreme Patriarch and the appointment of the acting Supreme Patriarch, the appointment and dismissal of an ecclesiastical honorific rank of a monk, the authorities and the operation of the Sangha Supreme Council, the administration, the retirement from monkhood of the Sangha and other Sangha, monasteries, the maintenance of a monastery, properties of a monastery, and Buddhist ecclesiastical properties; together with the amendment of the penal provisions to correspond with situations in the present day. This Act so be enacted.

Section 42. In the Sangha Act, B.E. 2505 [1962], the "Ministry of Education" and "Department of Religious Affairs" shall be changed to the "National Office of Buddhism". The "Minister of Education" shall be changed to "Prime Minister," and the "Director-General of the Department of Religious Affairs" shall be changed to the "Director-General of the National Office of Buddhism".

Note :- The reasons for promulgation of this Royal Decree are as follows: Whereas the Reorganization of Ministry, Bureau and Department Act, B.E. 2545 [2002] has a provision to establish a new government agency which its new missions, with an enactment of a Royal Decree that transfers the administration and authorities of said government agency to be in accordance with the Reorganization of Ministry, Bureau and Department Act; and whereas said Act has a provision to transfer the authorities of the government agency, the minister who is in the office and workers who work in the old government agency to the new government agency, with amended provisions to correspond with the transferred authorities; therefore, in order to implement the principles that appear in said Act and Royal Decree, it is appropriate to amend the provisions of the law to correspond with the transfer of the government agency so people who are involved have a clear understanding when implementing the law and do not have to research the meaning in the law regarding the transfer of authorities to find out which law states the transfer of missions of which government agency or the person who is in charge of that law to which department or anyone. The provisions in the law have been amended to change the name of the government agency, the minister who is in the office and workers who work in the government agency to correspond with the transfer of authorities; add the government agency's representatives in the committee to correspond with missions that have been cut or transferred from the old government agency to the new government agency; and cut the old government agency that has already been dissolved, which are amendments that correspond with said Act and Royal Decree. This Royal Decree so be enacted.

The Emergency Decree for Amendment of the Sangha Act, B.E. 2505 [1962], B.E. 2547 [2004] [xxxi].

Note :- The reasons for promulgation of this Emergency Decree are as follows: Regarding the appointment of the acting Supreme Patriarch in the event that there is no Supreme Patriarch, or when the Supreme Patriarch is not in the Kingdom or is unable to fulfill his duties, that Sangha law prescribes that only one Somdet Phra Rajagana shall be appointed or chosen, which has created difficulties that resulted in disorder in the Sangha administration and the Buddhist laymen circle that may jeopardize the public safety as a result of the dissension among the monks. It is therefore appropriate to appoint the committee for the Supreme Patriarch, which consists of several Somdet Phra Rajaganas to exercise the power together in the administration of the Sangha, as another way which is more peaceful and harmonized. Additionally, whereas the current Supreme Patriarch is of a very old age and is nurturing his health, his team of doctors agrees that he should take care of his health and be under the care of the doctors; it is therefore necessary to urgently appoint an acting Supreme Patriarch or the committee for the Supreme Patriarch. The difficulties, therefore, should be urgently resolved to return peace to the country. This is an emergency and an urgent matter that is unavoidable. This Emergency Decree so be enacted.

Panotpon / Preparer
5th March 2013
Kulachart / Reviewer
5th March 2013

*The Royal Decree that amends provisions to correspond with the transfer of authorities of government agencies shall be in accordance with the Reorganization of Ministry, Bureau and Department Act, B.E. 2545 [2002], B.E. 2545 [2002][xxx].

THAILAND ENDNOTES

[i] The Government Gazette, Volume 79 / Part 115 / Special Edition Page 29 / 31st December B.E. 2505 [1962].

[ii] Section 5 bis is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[iii] Section 5 ter is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[iv] Section 7 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[v] Section 9 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[vi] Section 10 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[vii] Section 10, fifth paragraph, is amended by the Emergency Decree for Amendment of the Sangha Act, B.E. 2505 [1962], B.E. 2547 [2004].

[viii] Section 10, sixth paragraph, is added by the Emergency Decree for Amendment of the Sangha Act, B.E. 2505 [1962], B.E. 2547 [2004].

[ix] Section 12 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[x] Section 15 bis is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xi] Section 15 ter is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xii] Section 15 is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xiii] Section 16 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xiv] Section 18 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xv] Section 19 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xvi] Section 20 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xvii] Section 20 bis is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xviii] Section 27 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xix] Section 31 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xx] Section 32 bis is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxi] Section 34 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxii] Section 35 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxiii] Section 42 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxiv] Section 43 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xv] Section 44 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxvi] Section 44 bis is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxvii] Section 44 ter is added by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxviii] Section 46 is amended by the Sangha Act (No. 2), B.E. 2535 [1992].

[xxix] The Government Gazette, Volume 109 / Part 16 / Page 5 / 5th March B.E. 2535 [1992].

[xxx] The Government Gazette, Volume 119 / Part 102 G / Page 66 / 8th October B.E. 2545 [2002].

[xxxi] The Government Gazette, Volume 121 / Special Part 34 G / Page 1 / 17th July B.E. 2547 [2004].

TUNISIA

Constitution[125]

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.

Penal Code[126]

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 one 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 sixteen days to one 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 six months of imprisonment and a fine forty eight dinars.

[125] https://www.constituteproject.org/constitution/Tunisia_2014.pdf

[126] Official translation from USCIRF and LOC

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 six months imprisonment and a fine of one thousand 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 one year of imprisonment and a fine of three thousand dinars.

Sexual harassment includes persistent embarrassment of another person by a repetition of acts or speech or gestures which 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 pay a specific reference to sanctioning insult, blasphemy or defamation of religion:

Criminal Code[127]

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 six months to one year in case the act is likely to distort public peace.

UNITED ARAB EMIRATES

The religious framework of the state:

Constitution[128]

Part One [The Union, its Fundamental Constituents and Aims]

Article 7

Islam is the official religion of the Union. The Islamic Shari'ah shall be a main source of legislation in the Union. The official language of the Union is Arabic.

Penal Code [Fed. Law 3 of 1987 as Amended][129]

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 offences:

1. Offence 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 offences is committed in public, the punishment shall be either confinement for a minimum period of one year or a fine

[127] Law Nr. 5237 [Criminal Code], available at http://www.legislationline.org/documents/action/popup/id/6872/preview (last visited April 28, 2013); See also European Commission for Democracy Through Law (Venice Commission), Annexe II: Analysis of the Domestic Law Concerning Blasphemy, Religious Insults and Inciting Religious Hatred in Albania, Austria, Belgium, Denmark, France, Greece, Ireland, the Netherlands, Poland, Romania, Turkey, United Kingdom, on the basis of replies to a questionnaire (October 2008), pp 82-84.

[128] http://www.refworld.org/docid/48eca8132.html

[129] http://www.scribd.com/doc/122309224/312/Article-312#page=124

VANUATU

Constitution[130]

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.

Penal Code[131]

Article 88. Insult to religion of any class

No person shall destroy, damage or defile any place of 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 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

Constitution [Chapter I: The Political Foundations][132]

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'ah is the source of all legislation.

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130 https://www.constituteproject.org/constitution/Vanuatu_1983

131 http://www.wipo.int/wipolex/en/text.jsp?file_id=198052#LinkTarget_408

132 http://www.al-bab.com/yemen/gov/con94.htm

Penal code[133]

Article 194 [Ridiculing Religion and Instigation that Disturbs Public Peace]
To be sentenced to imprisonment for a period not exceeding three 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 five 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 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 thirty 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 Koran]
Punishment with imprisonment for a period not exceeding five years or a fine is to anyone who distorts willfully the Holy Quran in a manner which 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 one year or a fine not more than two thousand 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.

[133] http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&category=LEGAL&publisher=&-type=LEGISLATION&coi=YEM&rid=4562d8cf2&docid=3fec62f17&skip=0

ZAMBIA

Constitution[134]

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;

Penal code[135]

128. Insult to religion of any class

Any person who destroys, damages or defiles any place of 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 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 misdemeanour.

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 misdemeanour.

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 one year

[134] https://www.constituteproject.org/constitution/Zambia_2009

[135] http://www.unodc.org/res/cld/document/zmb/1931/the_penal_code_act_html/Zambia_Penal_Code_Act_1930_as_amended_2005.pdf

ZIMBABWE

Constitution[136]

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.

Penal code[137]

Section 42 Causing offence 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 offence to persons of a particular race, tribe, place of origin, colour, creed or religion, intending to cause such offence or realizing there is a real risk or possibility of doing so, shall be guilty of causing offence to persons of a particular race, tribe, place of origin, colour, creed or religion, as the case may be, and liable to a fine not exceeding level six or imprisonment for a period not exceeding one year or both.

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[136] https://www.constituteproject.org/constitution/Zimbabwe_2013

[137] http://www.unodc.org/res/cld/document/zwe/2006/criminal_law_codification_and_reform_act_html/criminal_law_codification_and_reform_act.pdf

B. Codebook

BLASPHEMY LAWS:

MEASURING IMPACT & ASSESSING RISKS FOR TARGETED LAW REFORM ADVOCACY

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GENERAL NOTES

The total composite score for each country will range between zero (0) and eighty (80) possible points. The scores of each indicator will vary from zero (0) to ten (10) points. A score of zero (0) signifies that the laws do not run counter to the particular international law principle evaluated and a score of ten (10) indicates that the particular language of the laws run completely counter to the international law principle measured.

For each indicator, there is a list of sub-questions for each coder to score. These questions represent the various aspects of each international law principle measured to provide guidance to coders regarding what issues to consider in evaluating each indicator. Each question is derived from interpretations of these principles (i.e. case law, treaty body general comments, special rapporteur reports, etc.).

Where necessary, notes provide guidance to coders to assist in the evaluation of legal texts

INDICATOR 1: FREEDOM OF EXPRESSION		
Is the law in compliance with the principles of Freedom of Expression under International Law, as specified under Art. 19 of both the UDHR and the ICCPR? (0-10)		
Questions to Consider		
1.1	Does the language of the law specify its purpose to be:	
	A lower score is attributed when purpose (as allowed under international law) is written in the law:	
	To respect of the rights or reputations of others (defamation)?	0 - 2.5
	For the protection of national security or of public order (ordre public)?	
	For the protection of public health or morals?	
	For the general welfare in a democratic society?	
1.2	Is the law criminalizing the expression of opinions that may be counter to a religion or belief?	Y: 2.5 N: 0
1.3	Is the law providing for a blanket prohibition on the seeking, receiving, and imparting of information and ideas?	Y: 2.5 N: 0
1.4	Could the law impede on expression over religious discourse?	Y: 2.5 N: 0

Guidance Notes:

- For the first set of questions on purpose of the law, if ANY purpose is explicitly mentioned (i.e. you answer "yes" to one or more of the sub-questions), then it is in compliance with Article 19 and receives a score of 0. The title of the law, or the title of the section where the law is found, should be taken into consideration.

- If you answer "no" to all of the first set of questions regarding purpose of the law, then there is no explicit purpose and the law receives a score of 2.5.
- For Question 1.4, blaspheming is discourse that is contesting religious thoughts, feelings, or belief systems by definition.

INDICATOR 2: FREEDOM OF RELIGION OR BELIEF		
Is the law in compliance with the principles of Freedom of Religion under International Law, as specified under Art. 18 of both the UDHR and the ICCPR? (0-10)		
Questions to Consider		
2.1	Does the language of the law infringe upon the freedom to have or to adopt a religion or belief of one's choice?	Y: 1 N: 0
2.2	Does the language of the law specify its purpose to be necessary in order to respect the freedom of another person to practice a religion?	Y: 0 N: 1
2.3	Does the language of the law actually impose the respect of one religion or belief?	Y: 1 N: 0
2.4	Does the law subject one to coercion that would impair one's freedom to have or adopt a religion or belief of one's choice?	Y: 1 N: 0
2.5	Does the language of the law infringe upon the freedom, either individually or in community with others, in public or private, to manifest one's religion or belief in worship, observance, practice and teaching?	Y: 1 N: 0
2.6	Does the language of the law infringe upon the freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places of worship for these purposes?	Y: 1 N: 0
2.7	Does the language of the law infringe upon the right to display religious symbols?	Y: 1 N: 0
2.8	Does the law infringe upon the freedom to write, issue and disseminate religious publications to express one's religious beliefs?	Y: 1 N: 0
2.9	Does the law infringe upon the freedom to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels?	Y: 1 N: 0
2.10	Does the law infringe upon the freedom of religion in time of public emergency? Note: Public Emergency is not valid derogation of the Freedom of Religion	Y: 1 N: 0

Guidance Notes:

- Please note that "language of the law" refers to the actual written laws, not what could be or what would be possible under the law.
- For Question 2.8, there must be some mention of writing or publication in the law itself.
- For Question 2.9, this idea is related to communications such as radio, social media, etc.

INDICATOR 3: PRINCIPLE OF LEGALITY		
Is the law impermissibly vague under principles of International Law? (0-10)		
Questions to Consider		
3.1	Is the prohibited conduct clearly and narrowly defined?	Y: 0 N: 2
3.2	Are there any limitations on authorities to decide for themselves what constitutes blasphemy?	Y: 0 N: 2
3.3	Does the law demonstrate in specific and individualized fashion the precise nature of the threat to "public order, public health, safety, morals, reputation of others"?	Y: 0 N: 1
3.4	Does the law specify the intent, or mens rea, of the accused to commit the crime?	Y: 0 N: 3
3.5	Does the law distinguish expression that constitutes a criminal offense and expression that justifies a civil suit of administrative sanctions?	Y: 0 N: 2

Guidance Notes:

- For Question 3.1, you must consider both "clearly" and "narrowly." Also, please note that "insulting," "mocking," or "humiliating" are subjective acts.
- For Question 3.2, "intent" is not enough of a limitation on the authorities.
- For Question 3.5, is it clear where the blasphemy laws are located (i.e., is it in the criminal or penal code or in a press law)? It should be clear whether criminal or civil penalties apply.

INDICATOR 4: SEVERITY OF THE PENALTY		
Is the penalty permissible under principles of international law? (0-10)		
Questions to Consider		
4.1	Is the measure the death penalty?	Y: 10 N: 0
4.2	Is the measure torture or other cruel, inhuman, or degrading treatment or punishment? (i.e. lashings)	Y: 10 N: 0
4.3	Is the measure penal or forced labor?	Y: 10 N: 0
4.4	Is the measure detention or incarceration?	Y: 5 N: 0
4.5	Is the measure depriving a person of his property? (i.e. fine, taking of goods, etc.)	Y: 1 N: 0

Guidance Notes:

- If the legal text includes both a fine and incarceration, for example, as possible punishment, in that instance, use the higher available penalty, and score accordingly.
- For this particular indicator, the total scores should be either 1 or 5 or 10, signifying low, medium, and high.

INDICATOR 5: DISCRIMINATION AGAINST GROUPS		
Does the law discriminate between different religious or belief groups or values? (0-10)		
Questions to Consider		
5	Does the law express preference for specific religious or belief groups? Does the law exclude certain religious or belief groups? Does the law restrict the activities of some religious or belief groups but not others? Note: "Or belief" group qualification is intended to account for non-religious beliefs (i.e. atheism, agnosticism, etc.).	Y: 10 N: 0

Guidance Notes:

- Please read the Constitution or the Preamble to the Constitution in conjunction with the laws.
- Recognizing some religion or belief systems means not recognizing others. If you answer "yes" to any of these questions, the score will be 10.
- Keep in mind non-religious believers (i.e., atheists, agnostics, etc.).
- If the law is general and it does not preference a specific religious or belief group, please answer "no."

INDICATOR 6: STATE RELIGION PROTECTIONS		
Are the protections afforded to State Religion consistent with principles of International Law? (0-10)		
Questions to Consider		
6.1	Does the law recognize certain religions or groups of believers and not others, or institute a different status among certain categories of religions?	Y: 5 N: 0
6.2	Does the law protect the official State Religion through sanctions/punishment?	Y: 5 N: 0

Guidance Note:

- There has to be a state religion mentioned in the Preamble of the Constitution or the Constitution of the country in order to assess this indicator.

INDICATOR 7: FORUM LIMITATIONS		
Does the blasphemy law refer to the forum (public place; spoken v. written words)? (0-10)		
Questions to Consider		
7.1	Are the forum limitations clearly and narrowly defined? -Broad terminology would be unacceptable.	Y: 0 N: 4
7.2	Does the law seek to punish individuals who disseminate the idea/speech with both spoken and written words?	Y: 2 N: 0
7.3	Does the law distinguish speech that's spoken in the public versus the private sphere?	Y: 0 N: 2
7.4	Does the law seek to punish individuals who disseminate the idea/speech in public? In private? Both? Note: "Public sphere" = idea/speech disseminated while you are on government property or in a community space/forum (i.e. includes public squares, commercial businesses, public internet forums, public mode of transportation); "Private sphere" = personal property (i.e. includes personal residence, home of a friend, personal mode of transportation)	Public: 1.5 Private: 2 Both: 2

Guidance Notes:

- For Question 7.1, "publicly" or "openly" without additional language is not clear or narrow enough.
- For Question 7.2, if the law does not mention speech or written words, but can encompass both, then please answer "Yes."

INDICATOR 8: HIERARCHY OF THE LAW		
Where does the blasphemy law fall in the hierarchy of the laws of that country? (0-10)		
Questions to Consider		
8	Considering the following general hierarchy as an indication, where does the blasphemy law fall? A high score of 10 should be attributed where the law is written in the Constitution, and lower scores should be given based on where they fall in the hierarchy below:	
	Country Constitution Country Statutory Laws (i.e. national civil and criminal codes) All other laws	10 5 1

Guidance Note:

- Do not include official state religion laws within this indicator. Only include blasphemy laws in this assessment.

ENDNOTES

[1] This research was a team effort over several years with more than a dozen participants. Three of the researchers were trained to code and analyze the compendium of blasphemy and related laws.

[2] The U.S. Commission on International Religious Freedom, Policy Brief, Prisoners of Belief: Individuals Jailed under Blasphemy Laws (2014) [hereinafter USCIRF Prisoners of Belief].

[3] Press Release, Human Rights First, Compendium Details Blasphemy Laws Challenging Human Rights Worldwide (May 22, 2014), http://www.humanrightsfirst.org/resource/compendium-blasphemy-laws [hereinafter HRF Press Release].

[4] For the purposes of this study, researchers examined laws in addition to the blasphemy law in a particular country in order to understand the blasphemy laws' meaning with regard to specific indicators. For example, with regard to state religion protections, researchers needed to look at constitutions or other laws declaring an official state religion to know whether or not a country protected an official state religion.

[5] Human Rights Committee, General comment no. 34, Article 19: Freedoms of opinion and expression, U.N. Doc. CCPR/C/GC/34, ¶ 48 (Sept. 12, 2011) [hereinafter HRC General Comment No. 34].

[6] Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, U.N. Doc. A/HRC/25/58, ¶ 59 (Dec. 26, 2013). Additionally, in his report presented to the UN General Assembly (2012), the UN Special Rapporteur on the promotion and protection to the right to freedom of opinion and expression, Frank La Rue, states: "Anti-blasphemy laws, for example, which are inherently vague and leave the entire concept open to abuse, are often used as a means of quashing the right to freedom of expression," calling upon states to repeal anti-blasphemy laws and to initiate legislative and other reforms that protect the rights of individuals in accordance with international human rights standards.

[7] The U.S. Commission on International Religious Freedom, USCIRF Welcomes Move Away from "Defamation of Religions" Concept (2011).

[8] USCIRF Prisoners of Belief, *supra* note 2, at 3.

[9] Id.

[10] Joelle Fiss, *Anti-blasphemy offensives in the digital age: When hardliners take over*, 25, The Brookings Project on U.S. Relations with the Islamic World, 6 (Sept. 2016), https://www.brookings.edu/wp-content/uploads/2016/09/brookings-analysis-paper_joelle-fiss_web.pdf [hereinafter Brookings Report].

[11] The U.S. Commission on International Religious Freedom, Annual Report: Pakistan (2015), http://www.uscirf.gov/sites/default/files/Pakistan%202015.pdf.

[12] Vienna Convention on the Law of Treaties, art. 38, *opened for signature* May 23, 1969, 1155 U.N.T.S. 331.

[13] Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, 25 Ga. J. Int'l & Comp. L. 287, 291 (1995).

[14] Article 19 of the Universal Declaration of Human Rights (UDHR) declares that:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Universal Declaration of Human Rights, art. 19, G.A. Res. 217A (III), U.N. Doc. A/810, (1948) [hereinafter UDHR].

[15] Article 29(2) of the UDHR outlines the restrictions as:

> . . . subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Id., at art. 29(2).

[16] Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR) states that:

> 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b)For the protection of national security or of public order (ordre public), or of public health or morals.

International Covenant on Civil and Political Rights, art 19(3), Dec. 16, 1966, S. Exec. Rep. 102–23, 999 U.N.T.S. 171, [hereinafter ICCPR].

[17] Human Rights Committee, General comment no. 22, Article 18: Freedoms of Thought, Conscience or Religion, U.N. Doc. CCPR/C/21/Rev.1/Add.4, ¶ 2 (Sept. 27, 1993) [hereinafter HRC General Comment No. 22].

[18] HRC General Comment No. 34, *supra* note 5, at ¶ 25.

[19] HRC General Comment No. 22, *supra* note 17, at ¶ 8.

[20] *Id*.

[21] HRC General Comment No. 34, *supra* note 5, at ¶ 32.

[22] UDHR, *supra* note 14, at art. 18.

[23] Article 18 of the UDHR stipulates the following:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
>
> UDHR, *supra* note 14, at art. 18.

[24] The UDHR's Article 29(2) on the other hand stipulates the conditions whereupon a restriction on the enumerated rights can be imposed:

> In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
>
> UDHR, *supra* note 14, at art. 29(2).

[25] Elizabeth K. Cassidy, *Restricting Rights? The Public Order and Public Morality Limitations on Free Speech and Religious Liberty in UN Human Rights Institutions*, 13 Rev. Faith & Int'l Aff. 5 (2015) (explaining that, unlike for freedom of expression, there is no derogation allowed for freedom of religion under the ICCPR); *see* ICCPR, *supra* note 16, at art. 4; *see also* Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief, U.N. Doc. A/HRC/31/18, ¶ 59 (Dec. 23, 2015).

[26] Many of these questions were adapted from the UN Special Rapporteur's Digest on Freedom of Religion or Belief. Human Rights Council, Rapporteur's Digest on Freedom of Religion or Belief (2011), *available at* http://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf [hereinafter HRC Rapporteur's Digest].

[27] *See*, e.g., ICCPR, *supra* note 16, at art. 15(1); Convention on the Rights of the Child, art. 40(2), Nov. 20, 1989, 1577 U.N.T.S. 3, 28 I.L.M. 1448, entered into force Sept. 2, 1990; European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 9, Nov. 4, 1950, 312 E.T.S. 5, *as amended by* Protocol No. 3, E.T.S. 45, Protocol No. 5, E.T.S. 55, Protocol No. 8, E.T.S. 118, and Protocol No. 11, E.T.S. 155, *entered into force* Sept. 3, 1953 (Protocol No. 3 on Sept. 21, 1970, Protocol No. 5 on Dec. 20, 1971, Protocol No. 8 on Jan. 1, 1990, Protocol 11 on Jan. 11, 1998); American Convention on Human Rights, art. 9, Nov. 22, 1969, 9 I.L.M. 673 (1970), *entered into force* July 18, 1978; African Charter on Human and Peoples' Rights [Banjul Charter], art. 7(2), June 27, 1981, 21 I.L.M. 59, *entered into force* Oct. 21, 1986; UDHR, *supra* note 14, at art. 11(2).

[28] In order for individuals to be able to adhere to a law, the law's proscriptions must be clearly and narrowly defined. A law that meets the standard of "clearly and narrowly defined" uses precise language without room for interpretation. *See* HRC Rapporteur's Digest, *supra* note 26, at 58, 101. For this purpose, the research team concluded that subjective terms in a blasphemy law, such as "insulting," "mocking," or "humiliating," were not sufficient to meet the clearly and narrowly defined standard. The terms in the law had to be concrete and unambiguous in order to be compliant with Indicator 3 and the principle of legality.

[29] Kokkinakis v. Greece, Judgment of May 25, 1993, Eur. Ct. H.R., (ser. A), No. 260-A, ¶ 52 (1993).

[30] Castillo Petruzzi et al. v. Peru, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 52, ¶ 121 (May 30, 1999).

[31] *See* Connally v. General Construction Company, 269 U.S. 385, 391 (1926); Champlin Ref. Co. v. Corporation Comm'n, 286 U.S. 210 (1932); United States v. Evans, 333 U.S. 483 (1948).

[32] HRC General Comment No. 34, *supra* note 5, at ¶ 25. Each of the treaty bodies publishes its interpretation of the provisions of its respective human rights treaty in the form of "general comments" or "general recommendations." U.N. Human Rights Office of the High Commissioner, Human Rights Treaty Bodies—General Comments, http://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx.

[33] A valid penal law with adequate precision is one that specifies the intent, or *mens rea*, in the statute. *See* Mohamed Elewa Badar, Iryna Marchuk, & Sara Porro, *Mes Rea, International Crimes*, Oxford Bibliographies in International Law (2015), http://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0122.xml.

[34] Eric Engle, *The History of the General Principle of Proportionality: An Overview*, 10 Dartmouth L.J. 1, 6 (2012).

[35] Jeroen Schokkenbroek, *The Basis, Nature and Application of the Margin of Appreciation Doctrine in the Case-Law of the European Court of Human Rights*, 19 Hum. Rts. L. J. 30, 31 (1998); Paul Craig & Gráinne de Búrca, EU Law 526 (5th ed. OUP 2011); Eric Engle, *The History of the General Principle of Proportionality: An Overview*, 10 Dartmouth L. J. 1, 8 (2012).

[36] Schokkenbroek, *supra* note 35, at 31.

[37] Eric Engle, *The History of the General Principle of Proportionality: An Overview*, 10 Dartmouth L. J. 1, 8 (2012); Ralph G. Steinhardt, *Book Review, European Administrative Law*, 28 Geo. Wash. J. Int'l L. & Econ. 225, 231–32 (1994).

[38] UDHR, *supra* note 14, at art. 4; ICCPR, supra note 16, at art. 8.

[39] UDHR, *supra* note 14, at art. 5; ICCPR, supra note 16, at art. 7. These rights are jus cogens norms and, therefore, nonderogable. See, e.g., Erika de Wet, *The Prohibition of Torture as an International Norm of jus cogens and Its Implications for National and Customary Law*, 15 Eur. J. Int'l L. 97, 98 (2004).

[40] ICCPR, *supra* note 16, at art. 6. Article 6(1) states that:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 6(2) mandates that:

> In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

Since the ICCPR's adoption, steps have been taken to develop a legally binding instrument that requires the abolition of the death penalty. Accordingly, the U.N. has adopted the Second Optional Protocol to the ICCPR, which abolishes the death penalty during peacetime. *See* Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, *adopted* Dec. 15, 1989, G.A. Res. 44/128, U.N. GAOR Supp. No. 49, U.N. Doc. A/RES/44/128 (1989).

[41] ICCPR, *supra* note 16, at 2(1), which reads:

> Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[42] ICCPR, *supra* note 16, at art. 26, which declares that:

> All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[43] *Id*. at art. 18(3).

[44] *Id*. at art. 19.

[45] See Human Rights Committee, *Waldman v. Canada*, Communication No. 694/1996, U.N. Doc. CCPR/C/67/D/694/1996 (Nov. 5, 1999).

[46] *See, e.g.*, Commission on Human Rights, Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, U.N. Doc. E/CN.4/1996/95/ADD.1, ¶ 81 (Feb. 9, 1996); Commission on Human Rights, Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, UN Doc. E/CN.4/1996/95/ADD.2, ¶ 88 (Feb. 9, 1996); General Assembly, Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Note by the Secretary-General, UN Doc. A/51/542/ADD.1, ¶ 132 (Nov. 7, 1996).

[47] ICCPR, *supra* note 16, at art. 27.

[48] Id. at art. 17. Article 17 reads as follows:

> 1.No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
>
> 2. Everyone has the right to the protection of the law against such interference or attacks.

[49] *Id*. at art. 19(2).

[50] *Id.* at art. 19(3). Article 19(3) reads as follows:

> 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
>
> (a) For respect of the rights or reputations of others;
>
> (b)For the protection of national security or of public order (ordre public), or of public health or morals.

[51] *See, e.g.*, Dinah Shelton, *Normative Hierarchy in International Law*, 100 Am. J. Int'l L. 291, 291 (2006) ("Systems of law usually establish a hierarchy of norms based on the particular source from which the norms derive. In national legal systems, it is commonplace for the fundamental values of society to be given constitutional status and afforded precedence in the event of a conflict with norms enacted by legislation or adopted by administrative regulation; administrative rules themselves must conform to legislative mandates, while written law usually takes precedence over unwritten law and legal norms prevail over nonlegal (political or moral) rules.").

[52] Our study may have an inbuilt bias as laws enshrined in national constitutions and national codes are more likely to be found online and in English, even where English is not the primary language of the particular state. This limitation is discussed further in Section VI, *infra*.

[53] Human Rights First, *Compendium of Blasphemy Laws* (May 20, 2014), http://www.humanrightsfirst.org/sites/default/files/Compendium-Blasphemy-Laws.pdf [hereinafter HRF Compendium].

[54] See definition of "blasphemy," *supra* note 2.

[55] International Humanist and Ethical Union, Freedom of Thought 2014: A Global Report on the Rights, Legal Status, and Discrimination Against Humanists, Atheists and the Non-Religious (2014), *available* at http://freethoughtreport.com/download-the-report/.

[56] The Law Library of Congress, Laws Criminalizing Apostasy in Selected Jurisdictions (2014), *available* at https://www.loc.gov/law/help/apostasy/apostasy.pdf.

[57] Venice Commission, Blasphemy, insult and hatred: finding answers in a democratic society, Science and technique of democracy, No. 47 (2010), *available at* http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e.

[58] HRF Press Release, *supra* note 3.

[59] *See, e.g., Jamaica*, End Blasphemy Laws, http://end-blasphemy-laws.org/countries/americas/jamaica/.

[60] This report does not map out the existing apostasy laws. "Apostasy laws" criminalize the act of abandoning one's religion and changing to another. The freedom to change one's religion or belief is enshrined in international law. *See, e.g.,* UDHR, *supra* note 14, at art. 18. Although different laws sanction apostasy and blasphemy, a conflation of human rights abuses can sometimes occur. For example, insulting a religion or committing "blasphemy" may be considered in some contexts as abandoning one's faith. Prosecutions of apostasy often appear in very similar contexts to those of blasphemy. However, for purposes of this study, apostasy laws were not systematically compiled. Research and examination of apostasy laws and their interactions with blasphemy laws merit additional study.

[61] Blasphemy laws, at times, sanction hate speech or hate crimes in the same legislation. Hate speech laws were not included in the blasphemy laws compendium. HRF Compendium, *supra* note 53.

[62] These international and human rights principles are explained in detail in Section II, *supra*.

[63] This study does not purport to analyze state compliance with these international law principles in its enforcement or implementation practices.

[64] Indicators 5 (Discrimination against Groups) and 6 (State Religion Protections) are both measuring different aspects of the adherence to principles of nondiscrimination and equality. See Section II, *supra*.

[65] Given that each indicator had different numbers of questions that determined adherence to the norm, the authors weighed each question as equal to other questions within that particular indicator. Where indicators and questions overlapped, these questions naturally weighed more heavily in the results.

[66] The researchers removed any information that could reasonably be used to identify a country and replaced such information with generic terms.

[67] *See* Donald T. Campbell & Julian C. Stanley, Experimental and Quasi-Experimental Designs for Research (1963) (describing the importance of internal validity, or how well a study is designed and conducted, and the need to avoid biases in selection).

[68] *See* Kathleen M. MacQueen et al., *Codebook Development for Team-Based Qualitative Analysis*, 10(2) Cultural Anthropology Methods 31, 35 (1998) [hereinafter MacQueen et al.] (explaining inter-coder reliability. "[T]wo or more coders are then given the task of independently coding the same sample of text. The results of their coding are then compared for consistency of text segmentation and code application. If the results are acceptable and consistent, the coding continues with periodic checks for continued inter-coder agreement. If the results are unacceptable and inconsistent, the inconsistencies are reviewed by the coders and team leader(s).").

[69] Correlation between data sets is a measure of how well they are related. The most common measure of correlation in statistics is the Pearson's Correlation Coefficient, which shows the linear relationship between two sets of data. The Pearson's Correlation Coefficient r can be calculated using the following formulae:

$$r = \frac{\sum_{i=1}^{n}(x_i - \bar{x})(y_i - \bar{y})}{\sqrt{\sum_{i=1}^{n}(x_i - \bar{x})^2}\sqrt{\sum_{i=1}^{n}(y_i - \bar{y})^2}}$$

Where: x= one dataset {x1,...,xn} containing n values Y and another dataset {y1,...,yn} containing n values x ¯ : the sample mean; and analogously for y ¯. The strength of the correlation using the following guide that Evans (1996) suggest for the absolute value of r can be verbally described as follows:

.00–.19 "very weak"
.20–.39 "weak"
.40–.59 "moderate"
.60–.79 "strong"
.80–1.0 "very strong"

James D. Evans, Straightforward Statistics for the Behavioral Sciences (1996).

[70] See Benjamin Mason Meier & Yuna Kim, *Human Rights Accountability through Treaty Bodies: Examining Human Rights Treaty Monitoring for Water and Sanitation* 26 Duke J. of Comp. & Int'l L. 141 (2015) (examining the content of state human rights law reporting to the United Nations Committee on Economic, Social and Cultural Rights with regard to water and sanitation rights). Consistency refers to each coder identifying and applying the same code to a given law or provision of a law. In other words, consistency "examines the extent to which different interviewers, observers, or coders using the same instrument or measure get equivalent results." Royce A. Singleton, Jr. & Bruce C. Straits, Approaches to Social Research 136 (5th ed. 2010). In applying "consistency" to the coding process, the "[i]ntercoder reliability assesses the degree to which codings of text by multiple coders are similar." Daniel J. Hruschka et al., *Reliability in Coding Open-Ended Data: Lessons Learned from HIV Behavioral Research*, 16 Field Methods 307, 310 (2004).

[71] *See* MacQueen et al., *supra* note 68, at 35 (explaining that problems identified in the codebook may be revised and, as a result, all previously coded text is reviewed and recoded to ensure consistency with the revisions).

[72] Number is based on the fact that there are 193 member states of the United Nations.

[73] These world regional groupings are derived from the regional groupings used in Pew Research Center's *Trends in Global Restrictions on Religion*, *available* at http://www.pewforum.org/2016/06/23/trends-in-global-restrictions-on-religion/.

[74] See MacQueen et al., *supra* note 68.

[75] *Repealing blasphemy law a victory for freedom of speech, says Humanist Association*, Times of Malta (July 14, 2016), http://www.timesofmalta.com/articles/view/20160714/local/repealing-blasphemy-law-a-victory-for-freedom-of-speech-says-humanist.618859; Paul Cocks, *Religious vilification removed from Maltese law, Archbishop*: '*Lord forgive them . . .*', Times of Malta (July 12, 2016), http://www.maltatoday.com.mt/news/national/67475/parliament_approves_bill_decriminalising_porn_and_repealing_religious_vilification#.V9awiDuO7q0.

[76] Som. Const. Art. 2, 2012, *available at* https://www.constituteproject.org/constitution/Somalia_2012.pdf.

[77] Kevin Rawlinson, *Iceland repeals blasphemy ban after Pirate party campaign*, the Guardian (July 3, 2015), https://www.theguardian.com/world/2015/jul/03/iceland-repeals-blasphemy-law-pirate-party-campaign.

[78] Constitución Espanola, Boletín Oficial del Estado, Dec. 29, 1978.

[79] Const. (1987), preamble (Phil.).

[80] This percentage reflects 67 states out of the 71 states evaluated.

[81] HRC Rapporteur's Digest, *supra* note 26.

[82] Brookings Report, *supra* note 10, at 8.

[83] *Id.* at 7.

[84] The U.S. Commission on International Religious Freedom, Annual Report, 91, 113 (2016) [hereinafter USCIRF 2016 Report].

[85] *Id*. at 167, 209.

[86] Canada Criminal Code, R.S.C. 1985, c. C-46 (emphasis added).

[87] A total of 23 out of 67 criminal blasphemy laws examined included *mens rea*.

[88] Ta'azirat [Islamic Penal Code of the Islamic Republic of Iran], art. 513 (1996); Pak. Penal Code, Ch. XV, art. 295-C (1860).

[89] Sudan, Crim. Act, art. 125 (1991).

[90] Закон О свободе совести и о религиозных объединениях [Law on Freedom of Conscience and Religious Associations] art. 148 (1997).

[91] Kazakhstan, Penal Code, art. 164 (2014). Correctional labor is a form of forced labor in prison, either used as a form of punishment or as a secured labor force.

[92] Strictly speaking, Italy's blasphemy law (Article 724) triggers an administrative fine, but insulting the state religion (Article 402) is subject to a prison sentence. Committee on Culture, Science and Education, Blasphemy, religious insults and hate speech against persons on grounds of their religion, Doc. 11296 (June 8, 2007), http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=11521&Lang=EN.

[93] USCIRF 2016 Report, *supra* note 83, at 57–61.

[94] Raif Badawi, *Appeal Denied, Will Soon Face Brutal Punishment for Blasphemy*, Center for Inquiry (Sept. 4, 2014, updated Sept. 17, 2014), http://www.centerforinquiry.net/blogs/entry/saudi_court_denies_raif_badawis_appeal/.

[95] Const. of the Islamic Republic of Afghanistan (2004).

[96] Constitution of the Arab Republic of Egypt (Dustur Juinhuriyat Misr al-Arabiyah) [Egypt const.] of September 11, 1971; Law 58 of 1937 (Criminal Code of 1937), art. 98(f), *available at* http://www.moha-moon-montada.com/Default. aspx?action=ArabicLaw&ID=20 (in Arabic).

[97] Penal Code (Italy), arts. 402–06 [hereinafter Italy Penal Code].

[98] Qatar Penal Code 11/2004, part 1, art. 1.

[99] USCIRF 2016 Report, *supra* note 83, at 167.

[100] Const. of the Rep. of Indonesia, art. 29 (1945).

[101] HRF Compendium, *supra* note 53, at 48–9.

[102] *Id.*

[103] Yemen Penal Code art. 12 (1994), as *amended by* Law 24 (2006).

[104] Italy Penal Code, *supra* note 96, at art. 402.

[105] *Id*. at art. 403.

[106] *Id*. at art. 404.

[107] *Id*. at art. 405.

[108] *Id*. at art. 724.

[109] *Id*. at art. 309.

[110] Ar. 199 PK.

[111] Radthathammanoon (B.E. 2534) – 1997; Crim. Code, 206 (Thailand), *available at* http://library.siam-legal.com/thai-law/criminal-code-religion-sections-206-208/.

[112] Proclamation No. 90/1996 The Press Proclamation Gazette of Eritrean Laws Published by the Government of Eritrea PART I, Erigazette, http://erigazette.org/?p=5419.

[113] Defamation Act, No. 31 Office of the Attorney General (2009), http://www.irishstatutebook.ie/pdf/2009/en.act.2009.0031.pdf.

[114] Customs (Prohibited Imports) Regulation, Independent State of Papua New Guinea (1974), faolex.fao.org/docs/texts/png51771.doc.

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[116] Const. (1987), art. 133 (Phil.).

[117] *See, e.g.*, Iran, Jordan.

[118] *See* Limitations, Section VI, *infra*.

[119] Lautsi and Others v. Italy, App. no. 30814/06 Eur.Ct.H.R. (2011).

[120] Hazel Haddon, *In Sisi's Egypt, Blasphemy Is Still a Crime,* Foreign Policy (Apr. 21, 2015), http://foreignpolicy.com/2015/04/21/in-sisis-egypt-blasphemy-is-still-a-crime/.

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[122] The U.S. Commission on International Religious Freedom, Annual Report: Egypt, 94 (2016).

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[124] U.S. Dept. of State, Italy: International Religious Freedom Report (2008), http://www.state.gov/j/drl/rls/irf/2008/108453.htm.

[125] *Id.*

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[127] HRF Compendium, *supra* note 53, at 7.

[128] The U.S. Commission on International Religious Freedom, Bangladesh, http://www.uscirf.gov/sites/default/files/USCIRF_Monitored_Bangladesh.pdf.

[129] *Id.*

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The Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic at Cardozo 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 Carolyn Patty Blum, pblum@yu.edu, or Jocelyn Getgen Kestenbaum, jocelyn.getgen@yu.edu.

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DEDICATION

This Project originated under the leadership and vision of Professor Sheri P. Rosenberg, and this Report is dedicated to her. A leader in the field of atrocity prevention and human rights, Sheri dedicated her life's work to genocide prevention, including through addressing issues of discrimination, citizenship and statelessness. Her commitment and compassion live on through the lives of all of those she touched.

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