

Blasphemy Laws in Commonwealth Countries

Briefing note: this document accompanies additional briefings produced by APPG Stakeholders. This document acts as an overview of the topic, contains relevant policy recommendations and includes a summary of the other briefings at the end.

Overview

Blasphemy laws are one of the most common tools used to target religious or belief minorities around the world. They are often used as a pretext for land seizures, extrajudicial violence and discriminatory legislation. Globally, 40% of countries have blasphemy laws or similar legislation. Despite the Commonwealth values including the promotion of democracy, human rights, and individual liberty,¹ its members are some of the worst offenders. Out of fifty-four member states, 60% have blasphemy laws, which affect more than four in five Commonwealth citizens.² Despite this, some members are at the forefront of the effort to remove blasphemy legislation with Canada, Malta and New Zealand all repealing these laws since 2016.

In recent months there have been a number of high-profile blasphemy cases including the attempted murder of Salman Rushdie, blasphemy charges being filed against Pakistan's former Prime Minister Imran Khan, and the murder of Nigerian student Deborah Samuel. These cases illustrate how blasphemy laws are used to restrict freedom of speech, discredit political opponents and attack religious minorities. While the first two tend to be high profile the third is seldom reported.

Impact of Blasphemy Laws

Blasphemy laws can be wide-reaching. In some cases, legislation restricts criticism of a particular religion, while in other countries blasphemy laws may also include protections of places of worship.³ These laws are often poorly worded and do not include intent within their wording allowing for a wide-ranging interpretation of these laws. There is a need to decouple other legislation from blasphemy laws.

Aid to the Church in Need notes that these laws are "too often used as a means to silence debate, settle personal scores and side-line religious minorities."⁴ Additionally, there are frequent reports of false allegations of blasphemy being made as a tool for personal gain. An example from Pakistan was the arrest of Ghafur Masih after he was accused of burning a Qur'an and sentenced to life in prison in 2009. He

¹ <https://thecommonwealth.org/charter>

² <https://end-blasphemy-laws.org/countries>

³ https://mha.gov.in/sites/default/files/IPC1860_0

⁴ ACN Blasphemy Laws Briefing

was released in 2020. Masih's family maintained that his neighbour tricked him into burning the Qur'an to seize Masih's business and store location.⁵

There is a strong link between blasphemy laws and extrajudicial violence. The End Blasphemy Laws campaign states that where these laws are enforced this gives legitimacy to the "persecution of individuals and groups who are said to 'offend' mainstream religious sensibilities."⁶ Countries that actively punish blasphemy see higher levels of inter-communal violence and targeting of religious or belief minority communities.

A report by USCIRF on the use of blasphemy laws found that extrajudicial violence was particularly prevalent in Pakistan with more than half of recorded events happening in that country.⁷ The other significant contributor from the Commonwealth was Nigeria. The report noted that extrajudicial violence is more likely to happen when persons accused of blasphemy are acquitted through the legal system or police choose not to file charges. As such, many victims, and their families, receive death threats and must live in hiding for fear of their lives. In these cases, victims are unable to access asylum pathways as they are stuck in their country of origin and cannot make a claim until they leave.

Notable cases

Mubarak Bala: This year the President of the Humanist Association of Nigeria, Mubarak Bala, was sentenced to 24 years in prison for a Facebook post deemed blasphemous. The arrest followed a pattern of online and physical harassment, culminating in a legal petition to the police accusing him of being 'provocative and annoying to Muslims' on Facebook.⁸

Deborah Samuel: On 12th May Nigerian student Deborah Samuel was murdered after sitting a high school exam at the Shehu Shagari College of Education in Sokoto state. Allegations that she insulted the Prophet Muhammad on WhatsApp quickly spread resulting in her murder at the hands of a mob.⁹

Asia Bibi: probably the most high-profile blasphemy case in recent years, in 2010 Bibi was accused of blasphemy after a dispute with her neighbour and drinking water from a well that Christians weren't allowed to use. She was sentenced to death but her conviction was overturned eight years later due to a lack of evidence. Facing death threats in 2019 she claimed asylum in Canada.¹⁰

⁵ <https://www.churchinchains.ie/prisoner-profiles/imran-ghafur-masih>

⁶ <https://end-blasphemy-laws.org/whats-wrong-with-blasphemy-laws>

⁷ Violating Rights: Enforcing the World's Blasphemy Laws

⁸ <https://humanists.international/2022/07/nigeria-court-inefficiencies-delay-appeal-process-in-case-of-mubarak-bala>

⁹ <https://www.bbc.com/pidgin/tori-61454732>

¹⁰ <https://www.theguardian.com/world/2020/feb/25/asia-bibi-the-pakistani-christian-exiled-to-canada-still-dreams-of-going-home>

Policy recommendations

- The Foreign, Commonwealth & Development Office to raise blasphemy laws with Commonwealth countries and advise on paths to prevent the harmful use of blasphemy laws.
- Her Majesty's Government to raise the issue of blasphemy laws with the Commonwealth Secretariat and the Secretary-General to explore solutions to the misuse of blasphemy laws in member States.
- Champion the cases of individuals accused of blasphemy, ensure they get access to a fair trial, and send observers from the British High Commission.
- Ensure that a member of staff in each High Commission office has specific training on the impact of blasphemy laws in their stationed country and knowledge of what actions they can take to support the accused.

Summaries of additional briefings

Humanists UK

- Commonwealth countries are significantly more likely to have blasphemy laws than non-Commonwealth countries.
- Five Commonwealth countries have the death penalty for blasphemy. These are Brunei, Malaysia, the Maldives, Nigeria and Pakistan.
- Many Commonwealth countries have blasphemy laws that date back to the Victorian era which is likely to be linked to the legacy of the British Empire.
- While England, Wales and Scotland have abolished their blasphemy laws; blasphemy in Northern Ireland remains a criminal offence. Countries such as Pakistan justify their blasphemy laws by stating that European countries still have blasphemy laws in situ.

Aid to the Church in Need

- Blasphemy laws are too often used as a means to silence debate, settle personal scores and side-line religious minorities.
- Blasphemy laws are often poorly written and do not have an intent clause. This is potentially very dangerous and leads to these laws having a broad reach and easily co-opted to attack minority groups or restrict freedom of speech.
- There is a need to separate blasphemy laws from other legislation that protects groups from discrimination or violence (such as the targeting of places of worship).
- mob violence and extra-judicial attacks are closely linked to countries which have penal sentences for blasphemy. This is especially true when individuals accused of blasphemy are acquitted through the legal process.

Stop the Persecution

- This briefing focuses on Pakistan's Ahmadiyya Muslim community and highlights specific laws that are created to target Ahmadis. Examples include being denied the right to vote and a potential prison sentence for reading the Quran.
- Ahmadi Muslims are arbitrarily arrested on false charges of blasphemy and 274 have been murdered through extra-judicial killings. Simply identifying as Muslim is considered blasphemy.
- Pakistan has introduced de facto blasphemy legislation through multiple bills. One example is the Prevention of Electronic Crimes Act which has been used to remove Ahmadi websites. Additional legislation stops Ahmadi's having public gatherings having the effect that Ahmadi Muslims are no longer able to meet in person or online.