



## RESOLUTION ON BLASPHEMY AND THE SUPPRESSION OF FREEDOM OF EXPRESSION

In recent years, there has been a wave of violent attacks in several states with differing majority religions on secular bloggers, writers, publishers, LGBTQI activists and minority groups by religious extremist groups as well a trend of their persecution by state authorities. For publicly expressing their views on religious extremism, criticising government or state authorities, or standing up for minority rights and social justice, many secular independent voices face intimidation, violence, torture, enforced or involuntary disappearance, murder, or prison sentences. States penalise alleged blasphemers under anti-terrorism, or other criminal laws for 'offences' such as hurting 'religious sentiments'.

PEN International fears that powerful interest groups at times manipulate peoples' sincere religious sensibilities to incite violence to reap material or political gains. The violence that can often follow accusations of blasphemy, if left unchecked and unpunished, can lead to a culture of impunity, and undermine the rule of law, tolerance and respect.

PEN International brings to attention the following examples where allegations of 'blasphemy' have resulted in severe violations of human rights, in particular the right to life and to freedom of expression:

- **In Bangladesh**, secular bloggers, writers and activists have come under attack from Islamic extremists since 2013, resulting in the deaths of at least nine people. Though the Bangladeshi authorities took steps to prosecute several killers and to ban several extremist groups, it also arrested **Shamsuzzoha Manik**, a writer and the publisher of Ba-Dwip Prakashan in February 2016. Manik was put on trial under section 57 of the country's Information and Communication Technology (ICT) Act, and may face up to 14 years in prison for 'hurting religious sentiments'.
- **In Pakistan**, the penalty for 'blasphemy' ranges from a fine to execution. Allegations of 'blasphemy' are used against religious minorities to settle petty quarrels, to occupy properties, and for political advantage through vigilante attacks and killings of alleged 'blasphemers'. An anti-terrorism court in Pakistan sentenced 30-year-old **Taimoor Raza** to death on 11 June 2017 for allegedly committing 'blasphemy' on Facebook. Even those calling for legal reform are targeted: **Salman Taseer**, a liberal politician and the Governor of Punjab, was killed in 2011 by his own bodyguard for his call for the review of the 'blasphemy' law.
- **In Indonesia**, a largely multi-ethnic and multi-religious society but also with the world's largest Muslim population, there are increasing threats to religious tolerance. In September 2016, Basuki "**Ahok**" Tjahaja Purnama, the popular Christian and ethnic Chinese Governor of Jakarta, criticised his political opponents' interpretation of a Koranic verse urging Muslims not to vote for a non-Muslim. On 9 May 2017, an Indonesian Court found him guilty of blasphemy and handed down a

two-year imprisonment. In May 2017, the UN special rapporteurs called on the government of Indonesia to review and repeal its criminalisation of blasphemy.<sup>1</sup>

- **In Myanmar**, a draft law under discussion in 2016 disappointingly included a criminal prohibition of ‘blasphemy’.<sup>2</sup> In December 2014, **Htin Lin Oo** was arrested and charged with ‘insulting religion’. Convicted and sentenced to two years’ imprisonment with hard labour, he was pardoned and released in April 2016.
- **In India**, Section 295A of the Indian Penal Code is used to criminalise expression “intended to outrage religious feelings of any class by insulting its religion or religious beliefs.”<sup>3</sup> Such laws have been invoked to prevent or delay the publication of books deemed to be offensive, such as **Wendy Doniger’s** *The Hindus: An Alternative History* (2009).<sup>4</sup> Although the book eventually found a new publisher, publishers and proponents of free speech have indicated that the case has led publishers to be more cautious regarding what they publish in order to avoid confrontations.<sup>5</sup>
- **In Ireland**, actor and writer Stephen Fry was investigated in May 2017 for alleged ‘blasphemy’ in connection with a TV interview he gave in 2015.
- **In Saudi Arabia**, the main charges affecting freedom of expression are implemented in the name of religion including blasphemy. **Ashraf Fayadh**, a Palestinian poet and artist, is in prison in Saudi Arabia, on charges of ‘insulting the divine self’ due to the atheist content of his work. Originally sentenced to death, in February 2016 his sentence was commuted to eight years in prison and 800 lashes.

PEN International is particularly disturbed by the rising trend of the use of ‘blasphemy’ laws to stifle freedom of expression, open dialogue, and public discourse, which are key constituent elements of a transparent and equitable society, and are enshrined in international law, which protects all forms of opinion ‘including opinions of a political, scientific, historic, moral or religious nature’.<sup>6</sup> While freedom of expression may be limited for reasons of respect of the rights or reputations of others or for the protection of national security or of public order or of public health or morals,<sup>7</sup> PEN believes that these limitations cannot legitimately be imposed on the expression of ideas about religion. A society’s values and morals are not harmed by public debate, rather they are enhanced by it.

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<sup>1</sup> UN High Commissioner of Human Rights, ‘Blasphemy law has no place in a tolerant nation like Indonesia.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21646&LangID=E>

<sup>2</sup> Article 19, ‘Myanmar : Interfaith Harmonious Coexistence Law’. (December, 2016).

<http://reliefweb.int/sites/reliefweb.int/files/resources/16-11-01-hate-speech-LA.pdf>

<sup>3</sup> Indian Penal Code, s. 295A, online: <http://indiankanoon.org/doc/1803184/>

<sup>4</sup> Soutik Biswas, ‘Why did Penguin recall a book on Hindus?’ *BBC News* (February 2014).

<http://www.bbc.com/news/world-asia-india-26148875>

<sup>5</sup> PEN International Submission to the India Universal Period Review, September 2016.

<http://www.pen-international.org/wp-content/uploads/2013/05/2016.09.19-Submission-to-the-WG-of-the-UPR-on-India-FINAL-PDF.pdf>

<sup>6</sup> Human Rights Committee General Comment 34,

<http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

<sup>7</sup> International Covenant on Civil and Political Rights, Article 19

Furthermore, capital punishment as a penalty for alleged 'blasphemy' is incompatible with international standards which limit the imposition of the death penalty to the 'most serious crimes', interpreted as being limited to crimes involving intentional killing.<sup>8</sup> Expressing a minority opinion can never reach this threshold.

The failure of governments to protect freedom of expression of liberal voices from violent religious extremists and states' attempts to prosecute secular and minority voices under 'blasphemy' laws both raise serious concerns about the state of religious tolerance, human rights, and the rule of law in those countries, especially those with religious minorities.

**The Assembly of Delegates of PEN International calls on governments of all countries that still have blasphemy laws:**

- To repeal all laws criminalising 'blasphemy';
- To drop all existing charges of 'blasphemy' brought against secular bloggers, writers, publishers, and persons belonging to minorities;
- To release and protect all bloggers, writers, publishers, and persons belonging to minorities who are currently detained or imprisoned on 'blasphemy' or other related charges;
- To initiate open and robust public debate and dialogue on the role of religion in public life, to fight religious bigotry and to increase community cohesion;
- To reform educational curricula of non-state and state schools to end the glorification of war, and to stop the fomenting of hatred, intolerance and violence against dissenting voices, including of religious minorities.

***The Assembly further calls on all states:***

- To do all within their power to encourage far-reaching educational reform in countries affected by sectarianism, religious intolerance, and violence to promote critical thinking, and citizenship as the foundation for an equitable and tolerant society;
- States that have signed Article 19 of the ICCPR must be held accountable to implement their commitment to ensure freedom of expression especially in the context of laws relating to religion and traditional values.

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<sup>8</sup> International Covenant on Civil and Political Rights, Article 6