

Blasphemy laws and their impact on freedom of speech in MENA region

Congress briefing

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Blasphemy laws criminalise offenses against intangible figures. The offenses often take the form of speech, writing, or art and harm no one, except perhaps "hurting the feelings of adherents of a certain religion". Offenses against religious sensitivities are not the only offenses that are usually criminalised by blasphemy laws, but also actions such as disrupting religious services and desecration of religious sites.

The legal frame work implemented in MENA region consists of laws and regulations that can be used to protect "social cohesion" and "national security" depending on how these terms are interpreted by the different governments and regimes:

- Laws that restricts access to places of worship
- Family laws that restrict marriage options to within recognised religious groups which force adherents of non-recognised groups to identify with one of the recognised ones
- Laws criminalising proselytising, apostasy and blasphemy

Literature review shows that little research has been done to explore the relationship between anti-blasphemy laws and extremism.

Many experts argue that the phenomena of global Jihad is currently the main threat to international security. Counter-terrorism strategies and research focusing on global Jihad identified several root causes to this phenomena, but little has been said about the role of anti-blasphemy laws in creating suitable environments in which extremism can exist and breed.

Anti-blasphemy laws are integrated in penal codes in many countries in MENA region, these laws provide an ideal tool to extremists to use to justify terrorist attacks, verbal and physical violence, and intimidation in the name of "protecting the religion of God" against those who

disagree with them. Such cases are more common in countries like Saudi Arabia, Sudan, Egypt and Iran.

Anti-blasphemy laws are usually "loose", they do not provide a clear and strict definition to what could be considered blasphemous. Therefore, they leave a large margin to individual interpretations and discretion.

Anti-blasphemy laws contradict our contemporary understanding of concepts of human rights and freedom of speech that are widely accepted; concepts that are shared by all human beings and enshrined in the International Declaration of Human Rights.

It is very important that these laws are totally removed from the penal codes, or at least reformed as they are not only threatening global security, but also threatening the unity and integrity of societies in the countries where they function. Amjad Mahmood Khan argued that studying anti-blasphemy laws in Pakistan, Nigeria, and Indonesia showed that countries that criminalise blasphemy tend to foster an environment in which terrorism is more prevalent, legitimised and insidious. He also concluded that in Pakistan, Indonesia, and Nigeria – as may be true of other countries with anti-blasphemy laws – terrorism and blasphemy are inextricably intertwined (Amjad Mahmood Khan, *How Anti-Blasphemy Laws Engender Terrorism*, *Harvard International Law Journal Online / Vol. 56*, Online, May 2015).

The anti-blasphemy laws are systematically used by extremists not only to intimidate and target non-Muslims, but also to suppress freedom of expression and speech for Muslims who challenge the narrow interpretations of extremists; anti-blasphemy laws provide a tool for extremists to terrorise their opponents with impunity.

It is therefore crucial for any counter-extremism strategy to be effective, to tackle this issue and encourage countries where such laws function to radically reform them or abolish them altogether.

Recommendations:

We recommend that the Congress would encourage governments of MENA region to:

Amend the penal code to ensure that those of all beliefs and none enjoy the freedoms enshrined in the International Declaration of Human Rights.

Formulate and implement an effective policy to stamp out radicalisation through extremist preaching, while also ensuring freedom of expression and freedom of religion or belief.

Review all cases where prisoners are facing charges relating to blasphemy or 'insulting religion', including a review of court practices and judges where these charges have been brought.

Proactively combat the culture of impunity by ensuring all crimes against any religious group, and especially against religious minorities, are thoroughly investigated and perpetrators are brought to justice swiftly.

Cease any state sponsored initiative that promotes one religion or belief system over another, including programmes raising the dangers of atheism.