

**BLASPHEMY LAWS AND CENSORSHIP BY STATES AND
NON-STATE ACTORS: EXAMINING GLOBAL THREATS TO
FREEDOM OF EXPRESSION**

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND FOURTEENTH CONGRESS

SECOND SESSION

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THURSDAY, JULY 14, 2016

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, DC.

The commission met, pursuant to call, at 2:00 p.m., in Room 2322 Rayburn House Office Building, Hon. James P. McGovern and Hon. Joseph R. Pitts [co-chairmen of the commission] presiding.

Mr. McGOVERN. [presiding] I think we are going to begin, and Mr. Pitts will be here shortly. Unfortunately, the last couple of days of Congress is always crazy, and our schedules, we are all quadruple-booked here. But he should be here in a second. I will begin with my opening statement.

I want to wish everybody a good afternoon.

I join my distinguished colleague and co-chairman of the Tom Lantos Human Rights Commission, Representative Joe Pitts, in welcoming all of you to today's hearing on blasphemy laws and censorship and the threat they pose to freedom of expression around the world.

I add my thanks to our distinguished witnesses for their work and their presence today. I am especially pleased to welcome back Ambassador Saperstein and Dr. Courtney Radsch, both of whom have appeared before this commission on multiple occasions. And, Reverend Reese, it is great to see you as well, and everybody.

Article 19 of the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of opinion and expression. Yet, today this freedom is under threat all around the world by governments and non-state actors. Authoritarianism is on the rise, as seen in the crackdown on civil society that is spreading across the globe. In many countries today, voicing dissent puts you at risk for retaliation and harassment. It is possible to be imprisoned over tweets, as in the case of my friend Nabeel Rajab, a human rights activist in Bahrain, and now, once again, a prisoner of conscience.

Overly-broad anti-terrorism laws like the one that passed in Russia this week limit free speech rights under the guise of national security interests. China continues to lock up democracy activists and censor the internet.

As authoritarianism has risen, respect for press freedom around the globe has declined steeply. Turkish authorities physically took over their country's largest daily newspaper earlier this year and installed their own board.

Azerbaijan recently released famed journalist Khadija Ismayilova from prison due to international pressure, only to jail scores of other journalists when they thought our backs were turned.

Freedom House, with us here today, recently reported that in 2015 press freedom had declined to its lowest point in 12 years.

The violent actions of non-state actors are also eroding freedom of expression. Journalists are slain by criminal and terrorist organizations on which they report, and studies have found that nine out of ten of these murders go unpunished. Extremists in Bangladesh

are killing secular bloggers and writers, religious minorities, and academics. Around the world environmental activists are assassinated for their efforts. Honduras and Brazil are brazen examples. Global Witness reported 185 killings of land and environmental defenders in 2015, making it the worst year on record. If criminals and terrorists can silence just one voice with violence, they are able to chill the speech of countless others with fear.

Today's hearing includes a particular focus on an issue at the intersection of both government censorship and extremist violence, blasphemy laws. These laws which criminalize irreverence toward holy personages, religious artifacts, customs, or beliefs are found throughout the world not only in states governed by authoritarian regimes.

According to the Pew Research Center, in 2012, nearly a quarter of the world's countries and territories had blasphemy laws or policies. The punishment for violating these laws ranged from fines to corporal punishment.

The Middle East and North Africa is the most notorious region for laws restricting blasphemy, but these laws also exist in Europe, Asia, and the Americas. The U.S. actually still has blasphemy laws on the books in some states, including my own State of Massachusetts, though the First Amendment prohibits their enforcement.

In 1952, Justice Tom Clark, writing for the Supreme Court in *Burstyn v. Wilson*, argued that it is not the business of government and our nation to suppress real or imagined attacks upon a particular religious doctrine, and it should not be the business of government in any nation. Governments pass blasphemy laws believing that their citizens or even a religion itself should be protected from offense, but these laws curtail the right to freedom of expression and are ineffective at protecting the right to freedom of religion. In fact, research shows that these laws correlate to a rise in hostility and are unevenly enforced. Cases are brought disproportionately against religious and ethnic minorities, and the laws themselves may serve to legitimize violence against these minorities by religious extremists.

The Tom Lantos Commission on Human Rights is defending the Freedom Project. Both Congressman Pitts and I advocate for prisoners of conscience who are serving medieval-era punishments for violating blasphemy laws.

Raif Badawi, a secular blogger in Saudi Arabia, was sentenced to a thousand lashes and 10 years in prison for his writings which authorities claimed, quote, "insulted Islam". End quote. Asia Bibi, a Christian woman in Pakistan, is facing a death sentence for insulting Islam during an argument with her coworkers over a glass of water. These two cases perfectly illustrate the dangers of blasphemy laws, how they encroach on freedom of expression, are used to persecute religious minorities, and provide justification for violence by extremists.

Unfortunately, much of the world disagrees with us on blasphemy laws. It is no doubt a fraught and sensitive topic to address. But here in the U.S., strong protections for freedom of speech and freedom of religion coexist. We know it is possible for each right to be exercised without infringing upon the other. We must continue to lead by example.

In the face of all these threats to freedom of expression, governments need to do more. Government authorities must abandon their intolerance for dissent and cease their crackdown on civil society in the press. No country can achieve lasting stability with policies that violate the right to freedom of expression.

So, I look forward to hearing our panelists today. I want to apologize in advance. I mentioned Nabeel Rajab earlier. The State Department all of a sudden agreed to do a meeting with me in Bahrain at 2:45 today. So, if I leave, it is not because I am not very interested in this subject; it is because, if I say no to this, I will never get another meeting.

So, with that, I am happy to turn it over to my colleague who I have great respect for, Mr. Pitts.

[The statement of Mr. McGovern follows:]

**PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND COCHAIRMAN OF THE TOM
LANTOS HUMAN RIGHTS COMMISSION**

Good afternoon.

I join my distinguished colleague and Co-Chairman of the Tom Lantos Human Rights Commission, Rep. Joe Pitts, in welcoming all of you to today's hearing on blasphemy laws and censorship, and the threat they pose to freedom of expression around the world. I add my thanks to our distinguished witnesses for their work and their presence today. I am especially pleased to welcome back Ambassador Saperstein and Dr. Courtney Radsch, both of whom have appeared before this Commission on other occasions.

Article 19 of The Universal Declaration of Human Rights proclaims that "everyone has the right to freedom of opinion and expression." Yet today this freedom is under threat all around the world by governments and by non-state actors.

Authoritarianism is on the rise, as seen in the crackdown on civil society that is spreading across the globe. In many countries today, voicing dissent puts you at risk for government retaliation and harassment. It is possible to be imprisoned over tweets, as in the case of my friend Nabeel Rajab, a human rights activist in Bahrain, and now, once again, a prisoner of conscience. Overly broad anti-terrorism laws, like the one passed in Russia this week, limit free speech rights under the guise of national security interests. China continues to lock up democracy activists and censor the internet.

As authoritarianism has risen, respect for press freedom around the globe has declined steeply. Turkish authorities physically took over their country's largest daily newspaper earlier this year and installed their own board. Azerbaijan recently released famed journalist Khadija Ismayilova from prison due to international pressure, only to jail scores of other journalists when they thought our backs were turned. Freedom House, with us here today, recently reported that in 2015 press freedom had declined to its lowest point in 12 years.

The violent actions of non-state actors are also eroding freedom of expression. Journalists are slain by the criminal and terrorist organizations on which they report -- and studies have found that 9 out of 10 these murders go unpunished. Extremists in Bangladesh are killing secular bloggers and writers, religious minorities, and academics. Around the world, environmental activists are assassinated for their efforts -- Honduras and Brazil are brazen examples. Global Witness reported 185 killings of land and environmental defenders in 2015, making it the worst year on record. If criminals and terrorists can silence just one voice with violence, they are able to chill the speech of countless others with fear.

Today's hearing includes a particular focus on an issue at the intersection of both government censorship and extremist violence -- blasphemy laws. These laws, which criminalize irreverence toward holy personages, religious artifacts, customs, or beliefs, are found throughout the world, not only in states governed by authoritarian regimes. According to the Pew Research Center, in 2012, nearly a quarter of the world's countries and territories had blasphemy laws or policies. The punishment for violating these laws ranges from fines to corporal punishment.

The Middle East and North Africa is the most notorious region for laws restricting blasphemy. But these laws also exist in Europe, Asia, and the Americas. The U.S. actually still has blasphemy laws on the books in some states, including my own state, Massachusetts, though the First Amendment prohibits their enforcement. In 1952, Justice Tom Clarke, writing for the Supreme Court in *Burstyn v. Wilson*, argued that "it is not the

business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine.”

And it should not be the business of government in any nation. Governments pass blasphemy laws believing that their citizens, or even a religion itself, should be protected from offense. But these laws curtail the right to freedom of expression, and are ineffective at protecting the right to freedom of religion. In fact, research shows that these laws correlate to a rise in hostility, and are unevenly enforced. Cases are brought disproportionately against religious and ethnic minorities, and the laws themselves may serve to legitimize violence against these minorities by religious extremists.

Through the Tom Lantos Human Rights Commission’s Defending Freedoms Project, both Congressman Pitts and I advocate for prisoners of conscience who are serving medieval-era punishments for violating blasphemy laws. Raif Badawi, a secular blogger in Saudi Arabia, was sentenced to 1,000 lashes and 10 years in prison for his writings, which authorities claimed “insulted Islam.” Asia Bibi, a Christian woman in Pakistan, is facing a death sentence for insulting Islam during an argument with her co-workers over a glass of water. These two cases perfectly illustrate the dangers of blasphemy laws, how they encroach on freedom of expression, are used to persecute religious minorities, and provide justification for violence by extremists.

Unfortunately, much of the world disagrees with us on blasphemy laws. It is no doubt a fraught and sensitive topic to address. But here in the U.S., strong protections for freedom of speech and freedom of religion co-exist. We know it is possible for each right to be exercised without infringing upon the other. We must continue to lead by example on this issue.

In the face of all these threats to freedom of expression, governments need to do more. Government authorities must abandon their intolerance for dissent, and cease their crackdown on civil society and the press. No country can achieve lasting stability with policies that violate the right to freedom of expression.

So I look forward to hearing our panelists today on the challenges posed by worldwide threats to freedom of expression, and their recommendations for what more Congress can do to preserve this fundamental right, which is a cornerstone of all others.

Thank you.

Mr. PITTS. [presiding] Thank you, Mr. Chairman. It is a pleasure to be here. I apologize for being late. We are voting on the Floor.

But the hearing today is called blasphemy laws and censorship by states and non-state actors: examining global threats to freedom of expression. We will have three panels today.

Over 200 years, the United States and the American people have enjoyed the right to freedom of religion, freedom of speech, freedom of the press, enshrined in the First Amendment of our U.S. Constitution. Americans have become so accustomed to enjoying these freedoms that we have come to accept them as indispensable to our way of life. We also recognize that these same basic rights which are inextricably linked with the broader right to freedom of expression should belong not just to Americans, but to all peoples, regardless of creed or nationality.

And thus, our support for the incorporation of these rights into the international legal agreements, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Yet, despite our ardent support of such fundamental freedoms and the United States' prominent role in international affairs, a shockingly small proportion of the world's population today enjoys the ability to express themselves without fear of persecution.

In fact, the environment for freedom of expression globally appears to be growing significantly worse. According to Freedom House, press freedoms around the world declined to their lowest point in over a decade in 2015, thanks to, quote, "political, criminal, and terrorist forces" -- end quote -- seeking to co-opt or silence the media in their broader struggle for power.

The U.S. State Department echoed these concerns, stating in their 2015 Country Reports on Human Rights Practices that in many countries, quote, "governments cracked down on the fundamental freedoms of expression...by jailing reporters for writing critical stories or sharply restricting or closing non-governmental organizations for promoting supposedly 'foreign ideologies' such as universal human rights." End quote.

While the repression of freedom expression by governments is certainly worrying, it is the rise of non-state actors who, through violence and intimidation, seek to impose a fearful silence on their adversaries that has caught the world by surprise. The slaughter of 12 innocent men and women in the Paris offices of Charlie Hebdo magazine on January 7th, 2015, by Islamist gunmen woke some in the West to the horrors that can be imposed by fanatics seeking to silence or punish expression they perceive as blasphemous. Sadly, they are horrors that many in other parts of the globe have been acquainted with for decades.

According to Pew Research Center, as of 2012, 44 countries have blasphemy laws on their books. The majority, 14, are in the Middle East and North Africa. It is in this region and, also, in Pakistan where these laws are enforced most often and in a most severe way. To say that these laws hamper freedom of expression would be an understatement. Not only are they frequently used by government officials as justification for punishing a wide variety of offenses, they also embolden non-state actors to carry out extrajudicial violence, including murder.

November of 2014, a young Christian couple was surrounded by an angry mob of over 1,000 in Pakistan after allegations that they committed blasphemy. The couple were thrown into a brick kiln and burned alive.

It is stories like these as well as the targeting of journalists, writers, and activists that in large part has inspired us to gather here today to address these concerns. And it is my sincere hope that, from this hearing, we will leave with not just a better understanding of the challenges we face, but with new ideas, new tools, and newly-kindled passion to stand up for the right to freedom of expression.

With that, the other members' written opening statements will be made a part of the record.

Mr. PITTS. We will begin our panel, panel 1.

Welcome, Ambassador.

We have David Saperstein of the United States State Department, Ambassador-at-Large for International Religious Freedom. He was confirmed by the Senate on December 12th, 2014. He was sworn in and assumed his duties on January 6th, 2015.

The Ambassador-at-Large is by law a principal advisor to the President and the Secretary of State and serves as the United States chief diplomat on issues of religious freedom worldwide. He also heads the Office of International Religious Freedom in the Bureau of Democracy, Human Rights, and Labor. The President also has designated Ambassador Saperstein to carry out the duties in the Near East and South Central Asia Religious Freedom Act of 2014.

Welcome, Mr. Ambassador. You are recognized for your opening statement.

STATEMENT OF AMBASSADOR DAVID N. SAPERSTEIN, AMBASSADOR-AT-LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Ambassador SAPERSTEIN. It is always good to be with you. Chairman Pitts, Chairman McGovern, thank you for holding this hearing.

Mr. McGovern, I certainly understand going to work with the State Department on behalf of these issues. If there is any excuse, please feel free to take advantage of it; none I support more fully.

I am delighted to talk about the impact of blasphemy laws and similar legislation on religious freedom abroad. As you indicated, almost half of the world's countries have laws or policies that punish individuals for speaking their minds or asserting their faith identities. These may come in the form of laws criminalizing blasphemy, apostasy, conversion, so-called defamation of religion. Nearly a quarter of all nations have actual blasphemy laws. Sometimes these crimes are punishable by death, as is in the case in 12 countries throughout the world, or even life imprisonment. A wide range of countries have such laws.

By intent or effect, the impact of all these laws, which tend to be vague and poorly-defined and crafted, has frequently been to dramatically limit the exercise of freedom of religion and expression and too often to persecute members of minority groups. One need only to look at recent news stories to find the impact these laws can have on people across the globe.

In Indonesia recently a university lecture was the target of a police investigation after he was accused of blasphemy and inciting hatred against ethnicity, religion, race, and intergroup relations. The acts he was being investigated for? Posting a message on Facebook that read, "Allah is not an Arab. Allah will be happy if His verses are being recited in Minang, in Ambon, in Chinese, in hip hop or blues style."

In Egypt this year, where civil society groups report a noticeable increase in blasphemy cases, authorities charged individuals ranging from a prominent poet to four Coptic Christian teenagers on such charges.

Far too often, we observe the use of blasphemy accusations as a weapon impeding to personal disputes and individuals so accused languish in jail for years as a result, lives often destroyed or endangered. We know of cases where blasphemy allegations stem from disputes over livestock, grazing on our neighbor's land, loud music being played at a party, a variety of minor workplace conflicts, arguments over whether little statues should be sold at a shrine, resent being generated from romances of young people of differing faiths.

These laws have a cascading effect that goes far beyond simply infringing on an individual's life, of freedom, of conscience or expression. In numerous instances, mere accusations of blasphemy have sparked vigilante mob violence and killings. When governments fail to deter violence bred by blasphemy laws or fail to take steps to hold

perpetrators of violence accountable, whether it is a product of institutional weaknesses, negligence, or willful government inaction, it breeds an atmosphere of impunity that destabilizes communities and leaves minorities ever more vulnerable.

The existence of blasphemy laws creates the kind of environment that led to the death of a young Afghan woman named Farkhunda at the hands of an angry mob or the Pakistani Christian couple, Mr. Chairman, that you alluded to, burned alive in a brick kiln, or the dozens of targeted killings of Ahmadiyya Muslims in Pakistan that we have seen in recent years.

We should also note, however, the brave, the heroic efforts of those who show moral leadership, ready to stand up to those who would otherwise face persecution under blasphemy laws. For example, in July 2015, in Lahore, three Muslim leaders worked to quell a mob where a group of people accused a Christian man of blasphemy for allegedly burning pages of the Quran. The Imam of a nearby mosque heard about the rising tensions, went immediately to act to calm the crowd, and joined by two other prominent Muslim leaders, they physically stood between the angry mob and the Christian community until the crowd dispersed. Civil society resources have shared with us a number of such recent incidents in Pakistan.

Sadly, we have also seen many instances in which brave lawyers and human rights defenders who stand up on behalf of those accused of blasphemy themselves become targets. We saw this in Mauritania when the prominent human rights activist Aminetou Mint El-Moctar, who defended blogger Mohamed Cheikh Ould Mohamed, herself became the target of death threats, and in the case of Rashid Rehman, the lawyer murdered for daring to represent a college professor on trial for blasphemy in Pakistan. Similarly, Waleed Abu al-Khair was convicted of charges related to his work as a human rights lawyer, including the defense of his brother Raif Badawi on charges of blasphemy.

And, of course, we can never forget brave individuals like Pakistani Minister of Minority Affairs Shahbaz Bhatti and Governor of Punjab Province Salmaan Taseer, political leaders who all paid the ultimate price for their commitment to religious freedom and their outspoken criticism of blasphemy laws.

We are clear in our position to blasphemy laws globally. We consistently convey that opposition, underscoring new and negative effects of such laws and encouraging the repeal of blasphemy and apostasy laws. And for those countries that insist on maintaining such laws, we urge an end to severe punishments, strict enforcement of laws criminalizing false accusations of blasphemy, insurance that there will be due process, and training of police forces to intervene effectively in the face of vigilante violence among religious groups.

And we do this through diplomatic efforts and through our robust programmatic work to strengthen civil society and religious communities' efforts to curtail such laws and to offer support to those who have fallen victim to blasphemy allegations and charges. In addition to engaging bilaterally, we voice our opposition through a number of multilateral forums, the U.N. Human Rights Council and the newly-created International Contact Group for Freedom of Religion and Belief, a consortium of over 25 countries united in our support for the individual right of freedom of religion and belief.

Let me say just a few additional words about Pakistan, where nearly 30 people are currently awaiting execution or serving lifetime prison sentences for blasphemy. In early 2015, the U.S. joined with several other countries in pressing the Pakistani government to protect members of minority communities, including by curbing widespread abuse of blasphemy laws and offered to provide assistance in these areas. Both Special Advisor Knox Thames, our advisor on religious minorities in the Near East and South Central Asia, and I have traveled to Pakistan to demonstrate solidarity with the victims of such accusations, with religious minority groups in general, and to engage with key government officials and civil society leaders on our continued concerns, urging concrete steps to address the situation.

While we are pleased by the Pakistani Supreme Court's decision to suspend Christian blasphemy convict Asia Bibi's death's sentence, she is by no means guaranteed freedom. Far too many others languish in prison for either speaking their minds or simply being in the wrong place at the wrong time, or simply being a member of a wrong faith community.

While many federal and local political leaders in Pakistan generally want to improve the religious freedom situation, there remains significant work that needs to be done, and done urgently.

In conclusion, I want to thank you, and I want to thank the Lantos Human Rights Commission, for your continued efforts to call attention to the pernicious impacts of blasphemy laws and similar restrictions across the globe. Please be assured of our continued commitment to advancing the cause of religious freedom globally, and I look forward to future collaboration with the Lantos Commission in this critical endeavor

Mr. PITTS. The Chair thanks the gentleman for his opening statement.

I will begin the questioning. I recognize myself for that purpose.

On May 26, Mr. Ambassador, at the Senate Human Rights Caucus briefing co-hosted by this commission, the U.S. Special Envoy to the Organization of Islamic Cooperation, Arsalan Suleman, stated that the U.S. State Department, quote, "regularly engages countries with blasphemy laws, advising them on the negative effects of such laws and encouraging our counterparts to repeal them." End quote.

My question is, in your role as Ambassador-at-Large for International Religious Freedom, would you be able to describe specific instances where you or your staff have raised concerns regarding blasphemy laws with foreign governments? And how consistently are these concerns being raised and at what level?

Ambassador SAPERSTEIN. So, as your Co-Chair indicated, in the United States even states, his own State, have such laws on the books. We work with all kinds of countries, not just those that have serious human rights problems. So, we were encouraged to see that Iceland in 2015 ended its blasphemy law that had been on the books for 75 years. And we hope this will be a model for many other similarly-situated countries to do the same.

When we approach those countries who have blasphemy laws that are used, actively used against people, every single time that key leaders of the State Department, including those in the Human Rights Division and in the Religious Freedom Offices go to engage with the government leaders there, every time these issues are being raised. I know of no time when they are dealing with human rights issues at all that blasphemy laws are not the subject of conversation. Certainly, in every visit that I have had, that Knox Thames has had to these countries, it is a key issue that we raise.

So, from North Africa to Egypt, to Pakistan, and a range of other countries, we have raised such laws and, then, continue to do so in every single visit that I have. And we do it and we offer alternative ways to do it. Part of the achievement of what we did with Resolution 16/18 at the United Nations is to engage the OIC and its network of the countries that are members of the OIC, and to get past a non-criminalizing approach to dealing with hate speech against religion and defamation of religion; that there are much more constructive approaches that don't raise the human rights concerns and violation of international accords.

So, it is a two-prong, a three-prong approach, supporting those groups that are subject to this and helping individual victims, working with the government to change the laws or ease the impact of such laws, and then, offering training in many cases in other approaches that can be more effective without criminalizing speech that offends other groups, religious and civilities.

Mr. PITTS. In your engagements with the various entities or countries, what are some of the more positive responses to your efforts to address this issue? Or where have you had the greatest resistance?

Ambassador SAPERSTEIN. Any country that isn't going to end the laws is significant resistance or isn't going to end the implementation of the laws is in our accord seriously resistant to the kind of commitment to international accords that they often are signatories to and what protections those accords hold.

I indicated Iceland's ending its blasphemy law. We have seen an uptick in some countries, particularly enforcement about their own laws against false accusations of blasphemy being investigated and prosecuted more seriously as a way to deter false accusations of blasphemy. And we continue to work. As I said, in each and every country that has laws that are actively utilized, we are trying to offer alternative ways of doing it.

So, the training programs that we have done in Indonesia, in Spain, in Bosnia are examples of the way that we have tried to encourage countries to think of non-criminalized ways of doing it. And it has led to positive changes in those countries.

Mr. PITTS. Now you mentioned Pakistan and the systematic, ongoing, egregious violations of religious freedom that occur there. Do you have any suggestions or ideas why the State Department has never designated Pakistan as a CPC, despite, it seems, the legal obligation to do so under the International Religious Freedom Act of 1998?

Ambassador SAPERSTEIN. What appears in our reports is a fact-driven presentation. The determinate of CPC designation is a fact-driven determination. We do not qualify or leave things out of our reporting process because of any other political considerations involved. As you know, if a country is designated as a CPC, then a range of factors come in as to what kind of response the United States Government will have, whether or not there will be sanctions imposed or other tools used to pursue religious freedom.

We provide the facts to the Secretary. The Secretary makes that determination of whether or not there will be a designation of a country of particular concern. And in looking at all of the material that is put before him, the Secretary, who himself has raised these concerns, has not made the determination that it rose to the level of a country of particular concern.

Mr. PITTS. Okay. Well, in February of this year, three Coptic Christian teenagers in Egypt were sentenced to five years in prison for blasphemy after recording a private video mocking ISIS. Their teacher, who also appears in the video, received a three-year prison sentence. Their cases mark a rise in the number of prosecutions for blasphemy in Egypt over previous years or emblematic of a wearing trend of suppression of religious freedom, freedom of expression.

According to the Committee to Protect Journalists, Egypt is second only to China in the world for the imprisonment of journalists with 23 currently imprisoned, according to the most recent report. Are there any improvements being made in Egypt -- that is my question -- in areas of freedom of expression or religious freedom?

Ambassador SAPERSTEIN. The answer to that question is yes, and I will specify what they are in a moment. I am glad that you put that list on the table. If you read the Human Rights Report, if you read our 2014 Religious Report and soon our 2015 Religious Freedom Report in the testimony I just gave, I cited each one of those particular incidents as a shared concern with you, Mr. Chairman, of what it indicates. And I did indicate that the reports we get from the civil society groups with whom we work closely indicate a disturbing rise in the number of blasphemy cases that have happened there.

In the Human Rights Reports it shows our significant concern about the closing-down of civil society and expanding human rights problems that have risen. So, we share all of those points that you have made.

Where it comes to religious freedom, President el-Sisi has done actually some extraordinary things. In other words, he has eased a lot of the restrictions on the Coptic church. He has helped rebuild a number of the churches that were destroyed in the violence that took place a few years ago. And they are committed to complete the restoration of all of the other churches that were destroyed by 2017.

He has called for a revision of the curriculum, both of the government schools and the Al-Azhar school system, to change messages about what Islam has to say about the other and to convey a different approach to Islam. He has challenged major Islamic scholars throughout the system in Egypt to present a very clear, what he regards as normative presentation of mainstream Islam in contradistinction to the extremist interpretations of ISIL and Al-Qaeda and other interpretations of Islam here.

On all of these scores, this has been very encouraging. Some of those reforms have already begun and implemented. I would say wherever we are dealing with in Pakistan and Egypt and other countries, wherever we are dealing with curriculum reform, if you don't also train the teachers and just change the books and the curriculum, it is not going to be adequate. That is part of the programmatic work that we are focusing on right now.

So, there have been positive changes, but the rise in the blasphemy cases and the problems that many of the Coptic Christians face out in rural areas, not in the major cities, can still be severe with not just societal tensions, but the inability to fully exercise their rights, the continuation of enforced reconciliation sessions that is a nice word, but almost always ends up with the Christians on the losing end of how these issues get resolved.

So, we are not pretending in any way that there are not continuing serious problems there, but I do think that the President and the Egyptian government deserve real credit for the significant improvements that have been made.

Mr. PITTS. Finally, on Friday of last week, Russian President Vladimir Putin signed into law a package of legislation that, according to some sources, includes the most restrictive laws on religious freedom since the collapse of the Soviet Union. By some accounts, Russia's 143 million citizens may have just lost the right to share their faith, even in their own homes with members of other faith communities or non-believers unless they are in a state-sanctioned religious building.

While not directly related to Russia's existing blasphemy laws, is the State Department tracking this development? And do you intend to issue any kind of public response?

Ambassador SAPERSTEIN. We have been concerned for the last several years about Russia moving in a direction that has resulted in greater restrictions on religious freedom. I don't know whether or not we have issued a comment on that decree. Let me get back to you on that.

Certainly, as you described it, it would be something that we would speak on clearly, as you described it. But let me take a look and I will get back to you on it.

Mr. PITTS. Okay. Thank you very much, Mr. Ambassador. It is a pleasure to see you, and thank you for your responses. If we have follow-up questions, we will send them to you in writing.

Ambassador SAPERSTEIN. Please, and always an honor to be here and to be with such distinguished colleagues who are going to continue the testimony.

Mr. PITTS. Thank you, Mr. Ambassador.

We will now bring panel two, and I will introduce our next witness. Reverend Thomas J. Reese is the Chair of the U.S. Commission on International Religious Freedom. Father Reese is a senior analyst for the National Catholic Reporter, a position he has held since 2014.

Father Reese entered the Jesuits in 1962, was ordained in 1974. He received a B.A. and M.A. from St. Louis University, M.Div. from the Jesuit School of Theology at Berkeley, Ph.D. in political science from the University of California at Berkeley.

Father Reese was appointed to the Commission by President Obama on May 15th, 2014, reappointed on May 12th, 2016.

Welcome very much. Father Reese, you are recognized for your opening statement.

STATEMENT OF REV. THOMAS J. REESE, CHAIR OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Rev. REESE. Thank you, Congressman Pitts. And I want to thank both you and your Co-Chair, Congressman McGovern, Co-Chairs of the Thomas Lantos Human Rights Commission, and the commission members for holding this very important hearing today and inviting me to testify.

I am Father Thomas Reese, Chair of the U.S. Commission on International Religious Freedom, an independent, bipartisan, U.S. Federal Government commission.

I request that my written testimony be included in the record.

Mr. PITTS. Yes, it certainly will be made a part of the record.

Rev. REESE. Today's hearing could not be timelier. Blasphemy laws and laws against defamation of religion lie at the intersection of two crucially-important freedoms, the freedom of religion and the freedom of expression, both of which are severely challenged today.

Blasphemy laws often lead to instability and violence, negatively impacting individuals, communities, and nations. Punishment for blasphemy, the act of insulting or showing contempt or lack of reverence for God, include public censor, fines, imprisonment, and death, often at the hands of vigilantes acting with state impunity.

Instead of supporting blasphemy laws or turning a blind eye to violence, governments should support more speech, protect freedom of conscience for all, and promote tolerance and interfaith understanding. But that is not what is happening in many nations and, thus, today's hearing. My testimony focuses on blasphemy laws and highlights their problems, the global reach and consequences of these laws, and suggests recommendations for U.S. Government actions.

So, what is wrong with blasphemy laws? Proponents of these laws allege that the laws promote religious harmony and public order, but nothing could be further from the truth. In fact, I will point out six problems with these blasphemy laws.

First, blasphemy laws violate international human rights standards, including the universal declaration of human rights and the International Convention on Civil and Political Rights.

Second, blasphemy laws are inconsistent with the U.N. Resolution 16/18, which replaced the flawed U.N. Resolutions on defamation of religion that sought to internationalize blasphemy laws. Resolution 16/18, instead, deals with combating intolerance and incitement to violence, and supporting measures, including education, that address discrimination and violence based on religion or belief.

Three, blasphemy laws inappropriately make government officials the arbiters of ultimate truths, of religious doctrine, and religious orthodoxy enforcers. That is what these laws do.

Fourth, blasphemy laws disproportionately target religious minorities or dissenting majority community members and are ripe for abuse, as they often are based on false accusations with no proof required. And authoritarian governments use them to squash dissent.

Fifth, blasphemy laws often carry Draconian penalties with prison or death for crimes based on mere speech.

And sixth, blasphemy laws embolden religious extremists to commit violence. And when governments don't hold perpetrators accountable, the resulting impunity further destabilizes communities.

So, how extensive are these laws? According to a soon-to-be-released study by our commission, blasphemy laws are present in 71 countries. We heard earlier the number 44. We found 27 more countries with blasphemy laws.

Here are some of the study's initial findings:

Blasphemy laws exist worldwide with most in the Middle East, followed by Asia, Africa, Europe, and the Americas. The laws rarely are enforced in Europe and the Americas, suggesting the potential for reform or repeal.

Most of the laws are in penal codes with many containing disproportionate punishments, the most common being imprisonment. Blasphemy laws are vaguely-worded, and only one-third of them specify intent as required for a criminal act.

In countries that adhere more closely to international law principles, blasphemy laws do not discriminate among different belief groups, nor protect the state religion through punitive measures. However, laws that protect a state religion and discriminate among different belief groups are the most human rights non-compliant and indicate a higher risk of abuse.

Based on our commission's ongoing monitoring, Egypt, Pakistan, and Saudi Arabia are among those countries vigorously enforcing blasphemy laws. In Egypt, authorities use Article 98(f) of the penal code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife. They use this provision to detain, prosecute, and imprison people whose practices deviate from mainstream Islamic beliefs or activities that allegedly jeopardize communal harmony or insult Judaism, Christianity, or Islam.

Blasphemy cases have increased since 2011, with most charges levied against Sunni Muslims. But most sentenced to prison with sentences based on flawed trials are Christians, Shia Muslims, and atheists.

One such prisoner is Karim Al-Banna. In January of 2015, he was given a three-year sentence upheld on appeal. A court found his Facebook post to belittle the Divine.

In Pakistan, the blasphemy provisions in the penal code require no evidence, nor are there penalties for false accusations. Christians, Hindus, Ahmadiyya and Shia Muslims, as well as Sunni Muslims, have received punishments, including death or life imprisonment. Nearly 40 people currently are sentenced to death or serving life sentences for blasphemy.

The Catholic Commission on Justice and Peace, a Pakistani-based NGO, sent us a list of blasphemy prisoners that is included in my written testimony. Two prisoners, Asia Bibi and Abdul Shakoor, are especially to be recognized.

Asia Bibi, a farmhand and mother of five, argued with fellow laborers in June of 2009 about if the water she brought was unclean because she is a Christian. Coworkers' complaints to a clerk about her alleged derogatory comments about the Prophet Muhammad led to a police investigation and her arrest and prosecution for blasphemy. After being sentenced to death in 2010 and having her appeal dismissed and her death sentence upheld, the Pakistan Supreme Court finally in July of 2015 suspended her death sentence until her appeal could be heard. She remains imprisoned, and in October of 2015 was put into isolation due to safety concerns for her.

Abdul Shakoor was sentenced in January of 2016 to five years in prison on blasphemy charges and three years on terrorism charges for propagating the Ahmadiyya Muslim faith, which is banned in Pakistan. Shakoor sold copies of the Quran and Ahmadiyya publications.

Mob violence and vigilantism is another consequence of Pakistan's blasphemy laws. For example, in 2014, Christians Sajjad Maseeh and his wife Shama Bibi were beaten to death and thrown in a brick kiln after blasphemy allegations were made against them. Muslim human rights attorney Rashid Rehman was assassinated for defending someone accused of blasphemy.

In Saudi Arabia, the government uses criminal blasphemy charges to stifle debate and silence dissidents. While Saudi Sharia courts permit the criminalization of peaceful dissent, a 2014 counterterrorism law creates another legal framework that criminalizes as terrorism virtually all forms of peaceful dissent and free expression, including criticizing the government's interpretation of Islam or advocating atheism.

Currently imprisoned for blasphemy is Raif Badawi, the founder and editor of an online forum for diverse views. In June of 2015, the Saudi Supreme Court upheld his sentence of

10 years in prison, 1,000 lashes, 50 times weekly for 20 weeks, and a fine for, among other charges, insulting Islam and religious authorities. In January of 2015, Badawi received his first 50 lashes, which incited international condemnation, including from our commission. While Badawi has not received additional floggings, he remains in prison and has been there since June of 2012.

Blasphemy investigations and prosecutions recently have taken place in Burma, Greece, India, Indonesia, Iran, Kazakhstan, Malaysia, Nigeria, Russia, and Turkey. In Russia, Viktor Krasnov was charged in October of 2015 for publicly insulting orthodox believers in 2014 by supporting atheism in social media. His closed preliminary hearing began in January of this year. He underwent one month of psychiatric examinations in a local hospital and reportedly received death threats from orthodox Christian fundamentalists.

What should the U.S. Government do in the face of all of this that we have been looking at? First, we have to continue to urge countries to repeal blasphemy laws, especially countries in Europe and the Americas which don't implement the laws that are on books. How can we go to other countries and say, "Get rid of your blasphemy laws" if countries in the West have these kinds of laws on their books?

In countries where repeal is unlikely in the short-term, we need to urge reforms to help address the worst injustices. For instance, urge the Pakistani government to criminalize false blasphemy accusations in order to deter the kinds of ways this law is used to threaten people and even blackmail them, or to deal with your business competitors.

The U.S. Government should also continue to support U.N. Resolution 16/18, that approach. We need to support that at the United Nations and work with other international fora to raise concerns about blasphemy laws and advocate for the highest protections for freedoms of religion and expression.

We also need to work with civil society actors to promote the freedoms of religion and expression and repeal or reform blasphemy laws. And during delegation trips abroad, we need to raise the negative effects of blasphemy laws and urge governments to hold accountable those who commit acts of violence motivated by accusations of blasphemy, and unconditionally release people imprisoned on blasphemy charges. And once released, ensure their safety and that of their families.

Finally, Congress should work to repeal or reform blasphemy laws and advocate for the release of blasphemy prisoners. One such vehicle is House Resolution 290, which I would like to thank and congratulate Congressman Pitts now that this resolution, this bill, has been marked up in the subcommittee, I think just today. Congratulations and thank you for your work on behalf of that resolution, because it reflects many of the findings and recommendations of our commission.

Blasphemy laws are truly a global concern. Simply put, belief should not be policed. The U.S. Government must confront blasphemy laws and the horrific acts unleashed as a result of these laws by an assault on human rights and dignity and press offending nations to repeal them, release those in prison because of them, and protect those who have been accused.

Thank you, Mr. Chairman.

[The prepared statement of Thomas J. Reese follows:]

**Tom Lantos Human Rights Commission
On Blasphemy Laws and Censorship by States and Non-State Actors:
Examining Global Threats to Freedom of Expression**

July 14, 2016

I want to thank Representatives Joseph Pitts and James McGovern, Co-Chairs of the Tom Lantos Human Rights Commission, and members of the Commission for holding this hearing on “Blasphemy Laws and Censorship by States and Non-State Actors: Examining Global Threats to Freedom of Expression” and inviting me to testify today. I am Rev. Thomas J. Reese, S.J., Chair of the U.S. Commission on International Religious Freedom (USCIRF). USCIRF is an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). The Commission uses international standards to monitor the universal right to freedom of religion or belief abroad and makes policy recommendations to the President, the Secretary of State, and Congress.

Today’s hearing could not be timelier. Blasphemy laws lie at the intersection of two crucially important freedoms – the freedoms of religion and expression, both of which are being challenged today. In addition, blasphemy laws often lead to instability and violence in countries around the world, with negative consequences for individuals, communities, and nations.

Instead of promoting blasphemy laws or remaining silent in the face of vigilante violence, governments should support more speech, protect freedom of conscience for all, and promote tolerance and interfaith understanding. Such efforts include creating the space for believers to speak out against those who treat their religion with contempt and join others who condemn contemptuous and hateful speech directed at any religious or non-religious group.

I have been asked to focus my testimony on blasphemy laws and will highlight: the problems with these laws; their global reach and consequences; initial findings from a report on blasphemy that USCIRF will be issuing in the coming months; and recommendations for U.S. government actions.

What’s wrong with blasphemy laws?

Many countries today have blasphemy laws. Blasphemy is defined as “the act of insulting or showing contempt or lack of reverence for God.” These laws, which punish expression or acts deemed blasphemous, defamatory of religions, or contemptuous of religion or religious symbols, figures or, feelings, have punishments ranging from public censure and fines to imprisonment and death, often at the hands of vigilante groups who met out their own justice, often with state impunity. According to their proponents, blasphemy laws promote religious harmony and public order. Unfortunately, they do the opposite and are deeply problematic for the following reasons:

- Blasphemy laws violate international human rights standards: These standards include the Universal Declaration of Human Rights (UDHR) and Article 18 and 19 of the International

Covenant on Civil and Political Rights (ICCPR). The UDHR asserts a universal right to freedom of thought, conscience and religion, including the right to change one's religion or belief and "freedom, either alone or in community with others and in public or private, to manifest this religion or belief in teaching, practice, worship and observance."

Article 18 of the ICCPR protects the individual right to freedom of thought, conscience, and religion, including the right to manifest this belief through various acts, such as worship, observance, practice, and teaching. Limitations are permitted only to protect "public safety, order, health, or morals or the fundamental rights and freedoms of others." Article 19 of the ICCPR protects the individual right to freedom of expression, which may be limited only to protect the rights or reputations of others, national security, public order, or public health or morals. Speech never can justify individuals being jailed.

- Blasphemy laws are inconsistent with the approach agreed to in UN Human Rights Council Resolution 16/18: This consensus resolution, adopted in 2011 and repeated annually since then, replaced flawed UN resolutions on the defamation of religions that sought to internationalize blasphemy laws and protect religions from criticism. Resolution 16/18 offered another approach: protecting individuals from discrimination or violence. By "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief, Resolution 16/18 seeks to protect the adherents of all religions or beliefs, instead of focusing on one religion. Rather than calling for legal restrictions of peaceful expression, it calls for positive measures, such as education and awareness building, to address intolerance, discrimination, and violence based on religion or belief.
- Blasphemy laws inappropriately make governments the arbitrators of ultimate truths or religious doctrines: These laws turn officials into enforcers of religious orthodoxy and arbiters of truth or religious rightness, empowering the enforcement of particular views against individuals, minorities, and dissenters. In countries where an authoritarian government supports an established religious creed, blasphemy accusations often are used to silence critics or democratic rivals under the guise of enforcing piety.
- Blasphemy laws are used disproportionately against religious minorities or dissenting members of the majority community and are ripe for abuse: Minorities often are victims of blasphemy allegations and arrests in far higher number than their percentage of the population. Members of a majority group often bring charges based on false accusations with no proof required. Authoritarian governments also often use blasphemy laws to quash dissent. Even if not enforced, blasphemy laws chill the exercise of protected rights.
- Blasphemy laws often carry draconian penalties: Individuals accused of blasphemy can face life in prison or even death for "crimes" that are based on mere speech.
- Blasphemy laws embolden religious extremists to commit acts of violence: Instead of promoting religious harmony, blasphemy laws encourage extremists to impose their notions of truth on others, thereby exacerbating intolerance, discrimination and violence. Mere accusations of blasphemy have sparked vigilante violence and targeted killings in several

countries. And when governments fail to hold perpetrators accountable, the resulting atmosphere of impunity can further destabilize communities and make them even more vulnerable to extremists. The dangerous idea that blasphemy justifies violence was behind the January 2015 terrorist attacks on the Charlie Hebdo magazine in Paris.

Blasphemy Laws are a Global Concern

Given longstanding concerns about blasphemy laws, USCIRF commissioned and soon will release a major study measuring blasphemy laws' adherence to human rights principles. Prepared by human rights law expert Joelle Fiss and the Cardozo Law School Human Rights and Atrocity Prevention Clinic, the study's goal is to develop targeted advocacy for the reform of blasphemy laws to potentially lower the risk of abuse. The researchers conducted extensive comparative legal research, assembling a compendium of blasphemy laws – which they found in 71 countries globally as of July 2015. This is the largest collection of laws prohibiting blasphemy to date.

The study also analyzed relevant international law principles to develop a set of eight compliance indicators, with associated questions, and then coded each law's content to measure the level of adherence of each law to these indicators. For the coding, the laws were numbered in random order and de-identified so that any information that reasonably could be used to identify a country was removed and replaced with a generic term.

The study looked only at the letter of these laws, and not the political or judicial contexts of their implementation and enforcement. These contexts are important, and future research on these aspects will be important to include in future studies.

While the report will be released in the coming months, I want to provide some initial findings:

- Blasphemy laws exist all over the world, with the greatest number in the Middle East region, followed by, in this order, Asia, Africa, Europe, and the Americas. That blasphemy laws still remain on the books in regions where they are rarely enforced, like Europe and the Americas, suggests potential for reform or even repeal.
- An overwhelming majority of the laws were found in penal codes, with many containing moderately to grossly disproportionate criminal punishments. The most common punishment among blasphemy laws is imprisonment, with 86% of all states with these laws imposing a prison penalty. A few laws impose lashings, forced labor, and the death penalty.
- Blasphemy laws are vaguely worded, and few specify or limit the forum in which blasphemy can occur for purposes of punishment. Moreover, only one-third (34%) specify intent as an element of the crime.
- All of the laws analyzed were found to deviate from international free speech standards; have vague formulations that are difficult to interpret narrowly; and have limitations that are rarely narrowly defined.

- The indicator scores on the protection of a state religion and discrimination against religious groups were particularly significant. In the countries with the lowest scores – meaning that they adhere more closely to international law principles, blasphemy laws do not discriminate among different belief groups, nor do they protect the state religion through punitive measures. Conversely, laws that protect a state religion and discriminate among different belief groups have the highest scores, meaning they are most human rights non-compliant and indicate a higher risk for abuse.
- The five worst-scoring countries were Iran, Pakistan, Yemen, Somalia, and Qatar. The five “best”-scoring countries – although as previously mentioned, *all* the blasphemy laws were found to be problematic from a human rights perspective – were Ireland, Spain, the Philippines, Guyana, St. Lucia, and Grenada.

Based on USCIRF’s ongoing monitoring and reporting, the countries that vigorously enforce blasphemy laws include:

Egypt: Article 98(f) of the Egyptian Penal Code prohibits citizens from “ridiculing or insulting heavenly religions or inciting sectarian strife.” Authorities use this “contempt-of-religion,” or blasphemy, law to detain, prosecute, and imprison members of religious groups whose practices deviate from mainstream Islamic beliefs or whose activities are alleged to jeopardize “communal harmony” or insult Judaism, Christianity, or Islam. In January 2015, President al-Sisi issued a decree that permits the government to ban any foreign publications it deems offensive to religion. Blasphemy cases have increased since 2011.

While the majority of charges have been levied against Sunni Muslims, most of those a court has sentenced 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 early 2016, a sharp increase when compared to the previous year.

Egyptian atheists have experienced an increase in blasphemy charges in recent years, as well as growing societal harassment, and various Egyptian government-sponsored initiatives were launched to counter atheism. In December 2014, Dar al-Ifta published a survey claiming that Egypt was home to 866 atheists, supposedly the “highest number” of any country in the Middle East. Two officials from the office of the Grand Mufti publicly called this finding a “dangerous development.” Over the past two years, the Ministries of Religious Endowments and Sports and Youth co-sponsored a national campaign to combat the spread of atheism among Egyptian youth.

Those who have been convicted of blasphemy charges include:

- **Atheists:** In February 2016, online activist **Mustafa Abdel-Nabi** was convicted in absentia to three years in prison for blasphemy for postings about atheism on his Facebook page. In February 2015, a blogger from Ismailia, **Sherif Gaber**, was sentenced to one year in prison for discussing his atheist views on Facebook: he has gone into hiding. In January 2015, atheist student **Karim Al-Banna** was given a three-year prison term for blasphemy because a

court found his Facebook posts to “belittle the divine.” His sentence was upheld by an appeals court.

- **Members of the Coptic Community:** In April 2015, four Coptic Christian teenagers and their teacher were arrested and charged with blasphemy for making a short, private video mocking ISIL. In February 2016, three of the four teens were sentenced to five years in prison and the fourth was ordered to be placed in a juvenile facility. In December 2015, the teacher was sentenced to three years in prison in a separate trial and was expelled from his village. Appeals for both cases are ongoing. They reportedly have fled the country.
- **Other Prisoners:**

In January 2016, Egyptian writer and poet **Fatma Naoot** was sentenced to three years in prison for “defaming Islam” for a Facebook post criticizing the ritual slaughtering of animals during a Muslim holiday. She remains out of prison pending her appeal.

In May 2015, a well-known television show host, **Islam El-Beheiry**, was convicted of “defaming religious symbols” and sentenced to five years in prison for comments he made about Islam on his program. In December, his sentence was reduced on appeal to one year in prison.

Pakistan: Pakistan’s religious freedom environment long has been marred by religiously-discriminatory constitutional provisions and laws, including its blasphemy laws. Sections 295 and 298 of Pakistan’s Penal Code criminalize acts and speech that insult a religion or religious beliefs or defile the Qur’an, the Prophet Muhammad, a place of worship, or religious symbols. Accusers are not required to present any evidence that blasphemy occurred, which leads to abuse, including false accusations. There are no penalties for false allegations. Moreover, the law sets severe punishments, including death or life in prison, which have been levied against religious minorities including Christians, Hindus, and Ahmadiyya and Shi’a Muslims, as well as Sunni Muslims. USCIRF is aware of nearly 40 individuals currently sentenced to death or serving life sentences for blasphemy in Pakistan. The Catholic Commission for Justice and Peace, a Pakistan-based NGO, compiled and sent to USCIRF the list of blasphemy prisoners included in the Appendix.

An estimated two-thirds of all blasphemy cases in Pakistan occur in Punjab province, where the majority of Pakistan’s religious minorities reside. While Muslims represent the greatest number of individuals charged or sentenced, religious minority communities disproportionately are the victims of blasphemy allegations and arrests. The non-governmental National Commission for Justice and Peace has reported that in 2014, 105 people were charged with blasphemy: 11 Ahmadis, seven Christians, five Hindus, and 82 Muslims. In February 2015, the Punjab Prosecution Department and provincial judiciary announced that they had reviewed 262 blasphemy cases awaiting trial and recommended that 50 be reviewed for dismissal because the accused had been victimized by complainants. No religious minorities were included in the review. Prisoners of conscience include:

- **Aasia Bibi** is a Catholic mother of five and was a farmhand from the village of Ittan Wali in Sheikhpura District of Punjab province. In June 2009, an argument arose with her fellow labors over whether the water she brought was “unclean” because she is Christian and they are Muslim. Later coworkers complained to a cleric that Bibi made derogatory comments about the Prophet Muhammad. Police investigated her remarks, which resulted in her arrest and prosecution for blasphemy under Section 295 C of the Pakistan Penal Code. She spent more than a year in jail. On November 8, 2010, a district court in Nankana Sahib, Punjab, sentenced her to death for blasphemy, the first such sentence for blasphemy handed down against a woman. On October 16, 2014, the Lahore High Court dismissed her appeal and upheld her death sentence. She appealed, and in July 2015, Pakistan’s Supreme Court suspended her death sentence until her appeal could be heard. She remains imprisoned and in October 2015 was put into isolation due to concerns for her safety.

On February 29, 2016, Mumtaz Qadri was executed by hanging for the murder of Punjab governor Salman Taseer, who had spoken out in support of Mrs. Bibi. In the last year, there has been no progress in prosecuting individuals for the 2011 assassination of Minister of Minority Affairs Shahbaz Bhatti, a Christian who had called for blasphemy law reform.

- **Abdul Shakoore** was sentenced on January 2, 2016 to five years in prison on blasphemy charges and three years on terrorism charges for propagating the Ahmadiyya Muslim faith, which is banned in Pakistan, by selling copies of the Qur’an and Ahmadiyya publications. His Shi’a Muslim store manager, Mazhar Sipra, was sentenced to 5 years on terrorism charges. Ahmadis in Pakistan are subject to severe legal restrictions, both in the constitution and criminal code, and suffer from officially-sanctioned discrimination. Ahmadis also continue to be murdered in religiously-motivated attacks that take place with impunity. Pakistan’s constitution declares Ahmadis to be “non-Muslims,” and the penal code make it criminal for Ahmadis to refer to themselves as Muslims; preach, propagate, or disseminate materials on their faith; or refer to their houses of worship as mosques.

Pakistan sadly exemplifies another consequence of blasphemy laws: intercommunal and mob violence and vigilantism targeting individuals. For example, in November 2014, Christians **Sajjad Maseeh** and his wife **Shama Bibi** were beaten to death and thrown in a brick kiln after allegations of blasphemy were made against them. In May 2014 Muslim human rights attorney Rashid Rehman was assassinated for defending someone accused of blasphemy.

Saudi Arabia: The government of Saudi Arabia uses criminal blasphemy charges to stifle debate and silence dissent. Saudi Arabia’s 2014 counterterrorism law, the Penal Law for Crimes of Terrorism and its Financing, and a series of subsequent royal decrees create a legal framework that criminalizes as terrorism virtually all forms of peaceful dissent and free expression, including criticizing the government’s interpretation of Islam or advocating atheism. Under the new law, which went into effect in February 2014, a conviction could result in a prison term ranging from three to 20 years. The Interior Ministry’s March 2014 regulations state that, under the new law, terrorism includes “[c]alling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based.” While Saudi Shari’ah courts already permit judges to criminalize various forms of peaceful dissent, the new law provides an additional mechanism to classify as terrorism actions considered blasphemous or

advocating atheism. Since the law went into effect, some human rights defenders and atheists reportedly have been charged and convicted under the law. For example, in February 2016, a Saudi man reportedly was convicted of denying the existence of God and ridiculing religious beliefs on Twitter and sentenced to 10-years' imprisonment, 2,000 lashes, and a US\$5,300 fine. These prisoners join others, including:

- **Raif Badawi**, the founder and editor of the *Free Saudi Liberals* website that served as an online forum for diverse views to be expressed freely. In June 2015, the Saudi Supreme Court upheld Badawi's sentence of 10 years in prison, 1,000 lashes, and a fine of one million SR (US\$266,000) for, among other charges, insulting Islam and religious authorities. The sentence called for Badawi to be lashed 50 times a week for 20 consecutive weeks. On January 9, 2015, Badawi received his first set of 50 lashes. Immediately after the flogging was carried out, several governments, including the United States, USCIRF, and numerous international human rights groups and individuals condemned the implementation of the sentence. Badawi has not received additional floggings, due partly to international outrage and a medical doctor's finding that he could not physically endure more lashings. Badawi continues to languish in prison, where he has been held since June 2012.

Additional countries where there were blasphemy investigations or prosecutions in the past few years include Burma, Greece, India, Indonesia, Iran, Kazakhstan, Malaysia, Nigeria, Russia, and Turkey. Other blasphemy prisoners highlighted in USCIRF's 2016 Annual Report are:

- From Burma: **Htin Lin Oo**, a former National League for Democracy (NLD) official, was found guilty in June 2015 of insulting religion following an October 2014 speech in which he spoke out against the use of Buddhism for extremism purposes: He was released from prison in April 2016; **Philip Blackwood, Htut Ko Lwin, and Tun Thurein**, three nightclub managers, were sentenced in March 2015 to two-and-a-half years' hard labor for insulting religion after posting online a promotional advertisement depicting Buddha wearing headphones. During the January 2016 prisoner amnesty, Philip Blackwood was released while his two colleagues from Burma remained in prison."
- From Iran: The state holds expressions of unsanctioned religious views and political dissent to be acts of blasphemy. Those arrested for blasphemy generally are charged with "spreading corruption on earth," a broadly defined crime capable of encompassing anything deemed objectionable by the state, which also can result in a death sentence. In addition to Shi'a Muslim dissidents, this charge has been leveled against minority Sunni Muslims, Baha'is, Christians, and Sufis, among others. For example, in August 2015, a revolutionary court sentenced to death **Mohammad Ali Taheri**, a founder of a spiritual movement (*Erfan Halgheh* or Spiritual Circle), for "spreading corruption on earth." In December, the Iranian Supreme Court overturned the death sentence, although he and some of his followers reportedly remain in solitary confinement. In 2011, Taheri previously had been convicted and sentenced to five years in prison and 74 lashes for "insulting religious sanctities" for publishing several books on spirituality.
- From Nigeria: **Abdul Nyass**, a Tijaniyya Sufi Muslim cleric, was sentenced to death by a Kano Shari'ah Court in January for derogatory remarks against the Prophet Mohammed. Five

of his followers also were found guilty of blasphemy and sentenced to death: an additional four were acquitted. An appeals court overturned the convictions and sentences of Nyass and his followers in May. The Kano state government said it will appeal this most recent decision.

On June 2, also in Kano, a Christian woman was killed for alleged blasphemous statements against Islam. On June 10, five Muslim men were arrested for the murder.

- From Russia: **Victor Krasnov**, in October 2015, was charged in Stavropol under the 2013 blasphemy law for allegedly publicly insulting Orthodox believers in 2014 by supporting atheism in social media: his closed preliminary hearing began in January 2016. Krasnov underwent one month of psychiatric examinations in a local hospital and reportedly received death threats from “Orthodox Christian fundamentalists.”

Bangladesh: A Case Study

The Bangladeshi government has used its blasphemy laws, including Section 295A of the penal code and clauses 99 a-f in the Code of Criminal Procedure, to harass and imprison people. Some Bangladeshi political leaders used religiously-divisive language and took actions that have exacerbated religious and communal tensions. Extremist elements have been emboldened to target both religious communities and advocates of secularism with impunity. More than 100,000 Islamic clerics had signed a fatwa, or religious ruling in January 2016 condemning militancy.

Groups such as the Islamic State of Iraq and the Levant (ISIL), Al Qaeda in the Indian Subcontinent (AQIS), Ansar al Islam, and Ansarullah Bangla Team (ABT) have claimed responsibility for murdering bloggers, publishers, academics, and religious minorities in Bangladesh in 2015 and 2016 for advocating secularism, freedom of thought, religious and communal tolerance, and political transparency and accountability, and denouncing religious extremism.

ISIL took credit for the massacre of 22 people earlier this month at a restaurant in Dhaka, the deadliest attack since 2013. This attack preceded a bombing at Bangladesh’s largest gathering for the Eid-al-Fitr holiday which killed three people. Earlier attacks targeted atheist bloggers, but later foreigners, minorities, and gay activists. Five bloggers and publishers were assassinated in 2015: Bangladeshi-American Avijit Roy, Washiqur Rahman Babu, Ananta Bijoy Das, Niloy Chatterjee, and Faisal Arefin Dipan. And in the first half of 2016 five individuals were murdered: Nazimuddin Samad, Rezaul Karim Siddique, Xulhaz Mannan, Tanay Majumder and Nikhil Joarder. Lists of other bloggers and publishers marked for assassination, along with those associated with translating, or otherwise disseminating their work, are available widely on the Internet.

Recommendations

USCIRF recommends that the U.S. government should:

- Continue to urge countries to repeal blasphemy laws – especially U.S. allies including those in Europe and the Americas who continue to have such laws on their books but no longer implement them;
- In countries where repeal is unlikely in the short term, such as Pakistan, urge reforms that would help address some of the worst injustices. A step in the right direction would be for the Pakistani government to criminalize false accusations of blasphemy and review all cases of individuals charged with blasphemy and release those subject to abusive charges;
- Continue to support the “Resolution 16/18 approach” at the UN, the 2011 compromise which seeks to combat religious intolerance without restricting speech, and strongly oppose any return to an approach that seeks to create an international anti-blasphemy norm like the prior “defamation of religions” resolutions;
- Work in other international fora to raise concerns about blasphemy laws and advocate for the highest protections for the freedoms of religion and expression;
- Work with civil society actors to promote the freedoms of religion and expression and seek the repeal or reform of blasphemy laws;
- Discuss these laws and their negative effects during delegation trips abroad by Executive Branch officials and Members of Congress, urge governments to hold accountable those who commit acts of violence motivated by accusations of blasphemy; and
- Urge those governments that have imprisoned people on charges of blasphemy to release them unconditionally and, once released, ensure their safety and that of their families.

Finally, Congress should work to repeal or reform blasphemy laws and advocate for the release of blasphemy prisoners through the passage of legislation, including appropriation measures. One such vehicle is H. Res. 290, a bipartisan measure in the House which reflects many of USCIRF’s findings and recommendations.

Blasphemy laws truly are a global concern. Simply put, belief should not be policed. By holding this hearing, the Tom Lantos Human Rights Commission is underscoring the importance of the freedoms of religion and expression and its support for more speech, rather than the quashing of speech.

Both Congress and the Executive Branch must continue to confront blasphemy laws and the horrific acts they unleash as an assault on human rights and dignity, and press offending nations to repeal these laws, release people imprisoned because of them, and protect those who have been accused.

APPENDIX

Christians of blasphemy charges (in prison) 2010-2015

Sr.	Name	Gender	District	Section	Date	Allegation	Status
01	Imran Ghafur	Male	Faisalabad	295-A & 295-B		Accused of burning pages of the Quran	Sentenced to imprisonment and fined Rs.
02	Ms. Asia Bibi	Female	Nankana Sahib	295-C	08/11/10	Derogatory remarks	Death sentence, 100,000 fine. Applied for
03	Sajjad Masih	Male	Pakpattan	295-C PPC	23/12/11	Sent blasphemous mobile messages	life imprisonment, Rs. 200,000, LHC
04	Zafar Bhatti and Ghazala Khan	Male/Female	Rawalpindi	295-C PPC	27/07/12	Allegation of sending blasphemous SMS to a Muslim cleric	Arrested/in p
05	Sawan Masih	Male	Lahore	295-C	08/03/13	Used derogatory language about Prophet Muhammad (PBUH)	Sentenced to
06	Shafqat Emmanuel and Shagufta Kasur	A couple	Gojra/Faisalabad	295-B & C	21/07/13	Sent blasphemous text messages	Sentenced to
07	Asif Pervaiz	Male	Lahore	295-A, B & C 25-D telegraph Act	02/10/13	Sent blasphemous text messages	Applied for b
08	Adnan Masih, (a Pastor)	Male	Lahore	295-A, B & C	12/10/13	Blamed to write derogatory remarks on an Islamic Book named, "Why we became Muslims"	Applied for b
09	Qasir Ayub	Male	Talagang/C hakwal	295-C	15/11/14	Derogatory language against the Prophet (PBUH) on his website	Case registered due to hiding absconder b 2012, Then a November, 2 Lahore
10	Humayun Masih	Male	Lahore	295C	24/05/15	Burnt Holy Quran	Arrested
11	Yaqub Bashir Masih (mentally retarded)	Male	Mirpur Khas	Not known	04/06/15	Burnt a copy of the Holy Quran	Arrested/ un a hospital
12	Anjum Naz Sindhu	Male	Gujranwala	295-C and 153	19/5/2015	Committed blasphemy	Arrested/ ser
13	Javed Naz	Male	Gujranwala	295-C and 153	19/5/2015	Committed blasphemy	Arrested/ ser and prison fo
14	14 persons	Male	Gujrat	295-A	17/08/15	Used the word Rasool (Apostle) for late Pastor Fazal Masih over leaflet, the founder of the Biblical Church	3-Arrested

						of God	
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Ahmadis of blasphemy charges (in prison) 2015

Sr	Name	Gender	District	Section	Date	Allegation	Status
1	Qamar Ahmed Thir	Male	Jhelum	295-B	--	Burning of the Holy Quran	Jailed

Muslims of blasphemy charges (in prison) 2015

Sr.	Name	Gender	District	Section	Date	Allegation	Status
01	Liaqat Ali & Umar Draz	Male	Lahore	295-C	--	Blasphemous remarks against the Holy Prophet (PBUH)	Awa by tr 27/3 LHC sen
02	Irfan	Male	Gujrat/Sarai Alamgir, Punjab	295-C		Uttering of blasphemous remarks against the Holy Prophet (PBUH)	Awa on 3
03	Amjad bilal & Mukhtar Maroo		Hafizabad	295-C		Firing on a religious gathering	Awa by th 4/7/
04	Husnain Raza	Male	T.T. Singh			Posting of blasphemous caricature on Facebook	Bail mag
05	Arshad	Male	Hanjarwal, Lahore			Insulting of religious beliefs	arre
06	Maqsood Ahmad	Male	Daska, Sialkot	295-B		Burning pages of the Holy Quran in a mosque and later in a village chowk	Arre
07	Liaqat	Male	Lahore	295-C		Addition of their spiritual teachers' name in the Kalma	Awa
08	Zulfiqar Ali (mentally sick)	Male	Lahore	295-B		Burning of the Holy Quran	Life

Mr. PITTS. Thank you very much, Father Reese, for your testimony. I have a couple of questions for you.

You state in your testimony that blasphemy laws violate international human rights standards, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights. What safeguards against blasphemy accusations or charges are guaranteed under such international standards? Do you know?

Rev. REESE. Yes. Thank you, Congressman, for that question.

It is very clear. Blasphemy laws violate international human rights standards, including the Universal Declaration on Human Rights and Article 18 and 19 of the International Covenant on Civil and Political Rights.

For example, the Universal Declaration on Human Rights asserts a universal right to freedom of thought, conscience, and religion, including the right to change one's religion or belief, and the freedom, either alone or in community with others and in public or private, to manifest this religion or belief in teaching, practice, worship, and observance. This is clearly articulated in the Human Rights Declaration.

In addition, in the International Covenant on Civil and Political Rights, Article 18, this protects individual rights to freedom of thought, conscience, and religion, including the right to manifest this belief through various acts, such as worship, observance, practice, and teaching.

These are very clearly articulated in these international covenants and resolutions. And many of the countries that are violating these international standards are, in fact, signatories to some of these standards, which is, I think, why we can call them to account that they have to live up to the international commitments that they have made.

Mr. PITTS. In your opinion, what strategies would be most effective when engaging foreign countries, especially U.S. allies such as Saudi Arabia, which you mentioned, on this issue?

Rev. REESE. Well, I think there are a number of things we can do with these countries. I mean, I hate to say it, I am not expecting these laws to be changed tomorrow. But, in terms of one major thing that we really need to push for is the criminalization of false accusations. This is so important in countries like Pakistan where false accusations are made against people, and before the government can even step in, there can be a riot and these people can be attacked, physically assaulted, and killed because of these accusations. And then, no one is ever held accountable for this.

It seems to me that, if some people were arrested and prosecuted for false accusations, that would send a message to these radicals who are using these kinds of accusations to stir up communities.

In addition, I mean, some of these accusations come because, you know, I owe money to this person and I don't have the money to pay. So, accuse them of blasphemy. Then, you know, they get all beat up and I am safe. I don't have to pay. Or maybe they are a business competitor. Or maybe I want their land. Accusing them of blasphemy, especially if they are not a member of my religion, the majority of people are going to believe me when I say this because this person is already suspect. The government has to protect these people from false accusations which are very common, and that is an extremely important aspect of this.

The other is, I mean, the penalties on these crimes are just disproportionate. Death, life imprisonment, you know, lashes. Even if they are not going to repeal these laws entirely, kind of tone it down on some of these things. This is, I think, something that we can ask them to do, ask them to work on.

I think there are some countries where we can really move it forward. For example, Egypt was mentioned in my testimony and also in the testimony of the ambassador. You know, I agree with the ambassador; there have been some improvements in Egypt, even though we are very unhappy with the increase in the number of prosecutions under blasphemy laws, but there have been some improvements. So, there are forces, there are

people within Egypt that would like to move in the same direction we would like to see them move in.

For example, on blasphemy, there are 100 parliamentarians in the Egyptian Parliament who have cosponsored a bill to repeal the blasphemy laws. Now I think these people should be congratulated; these people should be supported. This is the direction, you know, I am pleased that they are -- we don't have 100 parliamentarians in Pakistan to try to do this, but we do in Egypt. And so, I think they should be encouraged in doing this and moving the ball forward there.

So, thank you for that excellent question.

Mr. PITTS. Yes. In your written testimony, Mr. Chairman, you state that the Bangladeshi government has used blasphemy laws to harass and imprison people. You go on to state that "extremist elements have been emboldened to target both religious communities and advocates of secularism with impunity." End quote. Would you please expand on these statements, elaborate on any recommendations you have to address those concerns?

Rev. REESE. Sure. The Bangladeshi government has used its blasphemy laws, including Section 295(a) of the penal code and Clauses 99 and (a) to (f) in the Code of Criminal Procedure to harass and imprison people. Some Bangladeshi political leaders use religiously-divisive language and took actions that exacerbated religious and communal tolerance. This is really not good. This is bad, because extremist elements then have been emboldened to target both religious communities and advocates of secularism with impunity.

Groups such as ISIL and Al-Qaeda have claimed responsibility for murdering bloggers, publishers, academics, and religious minorities in Bangladesh last year and this year, because they accuse them of advocating secularism, freedom of thought, religious and communal tolerance, and political transparency and accountability.

So, they are not helping the matter when they stir up with very divisive rhetoric this kind of emotion in their own communities. They should be the ones that are trying to cool things off. That is what political leaders should be doing in their communities.

So, these are the kinds of things that I think are problematic, and I think we have to continue to send the message to them to be concerned about the kind of language and rhetoric they are using and where this is leading some of the very extremist groups that they, themselves, are concerned about.

Mr. PITTS. Finally, Mr. Chairman, in your opinion, what would be the most helpful efforts from Members of Congress seeking to encourage revision or repeal of blasphemy laws globally?

Rev. REESE. Well, they should all cosponsor --

Mr. PITTS. Thank you.

Rev. REESE. -- and vote for your resolution, Mr. Chairman.

Mr. PITTS. Thank you.

[Laughter.]

Rev. REESE. I think that would be a big help. And certainly, we support you in that endeavor.

I think bringing attention to these people who have been convicted and listed as prisoners of conscience, we have a program where we encourage Members of Congress to adopt a prisoner of conscience. And I think if we could get more Congressmen to do that, it puts a face on these statistics. It puts a face on the people who are involved. I think all of these things can be done when, as part of delegations, you visit countries.

I guess I really should add one last point that is not in my testimony also. I think, despite the fact that we are very opposed to these blasphemy laws and these laws against defamation of religion, I think we also have to show the Muslim community and others, Hindus, you know, people who get upset when their religion is defamed, that we are upset by that also, just as we would be upset if people are defaming our religion.

I think all religious groups have to stand together in denouncing prejudice against religious groups while at the same time standing together against these kinds of blasphemy laws which, depending on the country you are in, can be used against your community. And that is something that is very important to remember also.

Mr. PITTS. Very good. Thank you very much, Mr. Chairman.

Rev. REESE. Thank you, Mr. Chairman.

Mr. PITTS. It is great to have you here, and thank you for your very informative testimony.

And now, we will go to panel No. 3. We have five witnesses. I will introduce them in the order of their presentations, and we will have the staff seat them from left to right.

First, Vanessa Tucker is the Vice President for Analysis at Freedom House. She previously served as the Project Director of Countries at the Crossroads, Freedom House's Annual Survey of Democratic Governance in 70 strategically-important countries around the world. In this capacity, she directed research, writing, and administrative operations for the project, and her area of focus is the Middle East. Prior to joining Freedom House, Vanessa managed the program of Intrastate Conflict, Harvard, Kennedy School.

And then, we have Nina Shea, Director of the Hudson Institute Center for Religious Freedom. Nina has worked as a lawyer specifically focusing on religious freedom in American foreign policy for 30 years, joining the Hudson Institute as a senior fellow in 2006. She has led the Center for Religious Freedom, which she founded in 1986. She served as Commissioner on USCIRF for 13 years, until 2012; has been appointed to represent the United States on the U.N. Human Rights Bodies, both by a Republican and Democratic administration, and currently leads the Campaign to Protect Religious Minorities Facing ISIS Genocide.

Then, Dr. Karin Karlekar is Director of Free Expression Programs at PEN America. She focuses on global press freedom, digital rights, broad freedom of expression issues. Prior to joining PEN, she served from 2001 to 2015 as Director of Freedom House's Freedom of the Press Project, coordinating the production of a flagship annual report that tracks trends in global media freedom, rates every country in the world, as well as acting as an expert spokesperson on press freedom issues. Dr. Karlekar has conducted research, assessment, advocacy missions to Nigeria, South Africa, Uganda, Zambia, Zimbabwe, Afghanistan, Indonesia, Pakistan, and Sri Lanka. She holds a Ph.D. in Indian history from Cambridge and a B.A. from Vassar College.

Dr. Courtney Radsch is the Advocacy Director at the Committee to Protect Journalists. As a veteran journalist/researcher for Expression Advocate, she writes and speaks frequently about the nexus of media, technology, and human rights. Dr. Radsch has participated in expert consultations on countering violent extremism, online violence against women, and journalist safety; has led advocacy missions to more than a dozen countries, U.N. bodies, and internet governance forums. She holds a Ph.D. in international relations from American University, a Master of Science in foreign service at Georgetown, a Bachelor's degree from the University of California at Berkeley.

Finally, Dr. Wael Aleji is a Syrian-born British doctor and psychologist with a special interest in political psychology and narrative analysis of political Islam movements. He is also a media researcher at Christian Solidarity Worldwide, co-founder/board member at Syrian Christians for Peace, and the spokesperson for the Syrian Network for Human Rights. Dr. Aleji is also a former member of the Syrian National Council, the first body to represent the Syrian opposition in exile.

Welcome, ladies and gentlemen. We look forward to hearing your testimony.

Unlike the other witnesses, we are going to ask if you would limit your summary to five minutes each, and your written testimony will be made a part of the record.

So, first, Vanessa Tucker, we will recognize you for five minutes for your summary. Welcome.

STATEMENT OF VANESSA TUCKER, VICE PRESIDENT FOR ANALYSIS, FREEDOM HOUSE

Ms. TUCKER. Thank you, Chairman Pitts, and, also, thanks to Chairman McGovern. It is an honor to testify before you today.

Freedom House's most recent Freedom of the Press Report, which measures political, legal, and economic threats to press freedom in every country in the world, paints a grim picture this year. It found that press freedom is currently at its lowest point in 12 years. Only one in seven people, or 13 percent of the world's population, enjoys a free press. Particularly in the era of the internet and digital media, which I think we all thought would be an incredible boon for freedom of expression, these are remarkable and deeply disturbing figures.

The declines that we documented over the past year are not confined to particular regions or economic levels in the world. There were troubling trends across the globe, including in Bangladesh and Turkey, Burundi, Serbia, Yemen, Egypt, Macedonia, and Zimbabwe.

But the erosion in media freedom is also evident in leading democracies such as France. The persistence, and in many cases the intensification of declines in media freedom in environments that are generally considered to be firmly in the free category, demonstrates that freedom of the press is not a right that is secure once it is achieved, but, rather, something that must be actively protected and defended even in the most hospitable settings.

Our recent analysis identified six topics that are frequently targeted by governments and non-state actors for censorship. These topics are wide-ranging. Together, they demonstrate that many, many subjects are completely off limits for public discussion around the world. They are dispatched by repressive governments and in many cases extremists groups down Orwell's memory hole.

Journalists are often the most vulnerable to violence, censorship, and intimidation, but ordinary people also suffer greatly when they do not have access to unfiltered news and commentary on the critical issues of the day.

First on the list of commonly-censored topics is organized crime. From Central America to South Asia, journalists take their lives in their hands when they investigate criminal networks. The risk is particularly high in areas with weak rule of law.

Second is corruption. Reporting on corruption in business and in government can earn journalists beatings, arrests, assassination, and threats to their families. This is a problem in virtually every single region in the world.

Third, land development and the environment. Investigating stories related to the environment, particularly when land acquisitions or extractive industries are involved, poses great danger to reporters. Environmental journalists in many countries are routinely subjected to harassment, threats, and sometimes worse, when they are carrying out their assignments.

Fourth on the list is areas of disputed sovereignty, regions where autonomy and self-determination are in question. These include places like Western Sahara, Crimea, and Tibet. These are completely off limits in many cases to independent journalists. So, people have no idea what is actually happening there.

Fifth, anything perceived as an insult to the head of state or to top officials is against the law in a wide range of countries.

Last on this list, and of particular importance in today's hearing, is religion. Reporters who cover sensitive religious issues are often persecuted by government authorities and attacked by extremist groups. Many governments use laws that ostensibly protect religious harmony to censor any kind of unapproved views. In fact, blasphemy laws limit religious

freedom by identifying and privileging a specific faith, often a particular strain or interpretation of a faith, and restricting the religious freedom of those who hold other beliefs. This, in turn, encourages violence against the affected individuals or groups.

Blasphemy laws are disingenuous in other ways. They are often invoked to smother criticism of any kind, even that which has little or absolutely nothing to do with religion. Because so many of these laws are vaguely written, they can be used to silence anyone with an unofficially welcomed perspective.

Some of the most repressive countries carry death sentences for these kinds of offenses. But, even in cases where offenders are not imprisoned, legal proceedings and fines can themselves be financially crippling. Blasphemy laws are inherently inimical to an open discussion and debate, and they have no place in a free society.

The 12-year low that Freedom House has documented in Press Freedom coincides with a similarly-troubling decline in a broader way of political rights and civil liberties that we track. Given this context, the press has an especially important role to play in the fight for greater rights and freedoms for people in democratic and authoritarian countries alike. We must accept the reality that the global deterioration in media independence which has persisted year after year is not a momentary blip that will self-correct, but a growing challenge that we must confront head-on.

Thank you.

[The prepared statement of Vanessa Tucker follows:]



Global Declines in Press Freedom

Written Testimony by Vanessa L. Tucker
Vice President for Analysis at Freedom House

Tom Lantos Human Rights Commission

“Blasphemy Laws and Censorship by States and Non-State Actors: Examining
Global Threats to Freedom of Expression”
July 14, 2016

Introduction

Chairman Pitts, Chairman McGovern and members of the commission, it is an honor to testify before you today.

Freedom House’s most recent *Freedom of the Press* report, which measures political, legal, and economic dimensions of press freedom in every country in the world, paints a grim picture. It found that press freedom is currently at its lowest point in 12 years. Only one in seven people in the world, just 13 percent of the world’s population, enjoys a Free press. Particularly in the era of the internet and digital media, these are remarkable and deeply disturbing figures.

The declines we documented are not confined to particular regions or economic levels. There were troubling trends around the world, including in Bangladesh, Turkey, Burundi, Serbia, Yemen, Egypt, Macedonia, and Zimbabwe. But the erosion of media freedom is also evident in leading democracies such as France. The persistence and in some cases intensification of declines in media environments that are generally considered to be firmly in the Free category demonstrates that freedom of the press is not a right that is secure once it is achieved, but rather is something that must be actively protected and defended even in the most hospitable settings.

Our recent analysis identified six topics that are frequently targeted by governments and nonstate actors for censorship. These topics are wide-ranging; together they demonstrate that many, many subjects are being ruled off-limits for public discussion—dispatched by repressive governments and in some cases extremist groups down Orwell’s memory hole.

Journalists are often the most vulnerable to violence, censorship, and intimidation, but ordinary people also suffer greatly when they do not have access to unfiltered news and commentary on the critical issues of the day.

First on the list of commonly censored topics is organized crime. From Central America to South Asia, journalists take their lives in their hands when they investigate criminal networks. The risk is particularly high in areas with weak rule of law.

Second is corruption. Reporting on corruption in business and in government can earn journalists beatings, arrests, assassination, and threats to their families. This is a problem in virtually every region of the world.

Third, land development and the environment: Investigating stories related to the environment, particularly when land acquisitions or extractive industries are involved, poses great danger to reporters. Environmental journalists in many countries are routinely subjected to harassment, threats, and sometimes worse when carrying out their assignments.

Fourth on the list is areas of disputed sovereignty. Regions where autonomy and self-determination are in question, such as Western Sahara, Crimea, or Tibet, are often completely off-limits to independent journalists.

Fifth, anything perceived as an insult to the head of state or top officials is against the law in a wide range of countries.

Last on the list of targeted topics is religion. Reporters who cover sensitive religious issues are often prosecuted by government authorities or attacked by extremist groups. Many governments use laws that ostensibly protect religious harmony to censor unapproved views. In fact, blasphemy laws limit religious freedom by identifying and privileging a specific faith—often a particular strain or interpretation of that faith—and restricting the religious expression of those who hold other beliefs. This in turn encourages violence against the affected individuals or groups.

Blasphemy laws are disingenuous in other ways. They are frequently invoked to smother criticism of any kind, even that which has little or nothing to do with religion. Because so many of these laws are vaguely written, they can be used to silence anyone with an officially unwelcome perspective. Some of the most repressive countries carry death sentences for

these kinds of offenses, but even in countries where offenders are not imprisoned, legal proceedings and fines can be financially crippling. Blasphemy laws are inherently inimical to open discussion and debate, and they have no place in a free society.

The 12-year low that we have documented in press freedom coincides with a similarly troubling period of decline in the broader array of political rights and civil liberties that Freedom House tracks. Given this context, the press has an especially important role to play in the fight for greater rights and freedoms for people in democratic and authoritarian countries alike. We must accept the reality that the global deterioration in media independence, which has persisted year after year, is not a momentary blip that will self-correct, but a growing challenge that we must confront head on.

Mr. PITTS. Thank you.

Ms. SHEA, you are recognized for five minutes for your summary.

STATEMENT OF NINA SHEA, DIRECTOR, HUDSON INSTITUTE CENTER FOR RELIGIOUS FREEDOM

Ms. SHEA. Thank you, Mr. Chairman. It is an honor for me to be here, and I thank you for holding these important hearings on blasphemy laws and censorship.

I am going to be addressing the global surge of convictions under Islamic blasphemy laws. For over years, the Organization of Islamic Cooperation has been the leading proponent for the international adoption and enforcement of criminal laws against blasphemy against Islam. The OIC doesn't define what it means by this, but its leading member states' practices are illustrative. Millions of Baha'is and Ahmadiyyas have been condemned as de facto insulters of Islam, frequently persecuted by OIC governments and attacked by vigilantes with impunity. Those seeking to leave Islam face similar fates. Religious minorities, including Christians, are disproportionately accused of blasphemy.

Muslim reformers are widely and specifically targeted for supposedly anti-Islamic speech. In Afghanistan, an editor of a women's rights magazine was imprisoned for criticizing stoning as a punishment for adultery. In Iran, Ayatollah Borujerdi is serving a lengthy prison term right now for arguing that, quote, "political leadership by clergy was contrary to Islam". Saudi Arabia has sentenced Raif Badawi to 10 years' imprisonment and 1,000 lashes for insulting Islam through Islamic channels and for "propagating liberal thought," quote/unquote, and other charges.

In Egypt, blasphemy convictions are also on the rise. Early this year, Muslim journalist Fatima Naoot was sentenced to three years in prison for contempt of Islam for criticizing ritual animal slaughter practices in a Facebook post. Four Christian teenaged boys were convicted of blasphemy for mocking ISIS in a 30-second video. Last month, the head of the government-funded Al-Azhar proclaimed on television that conversion from Islam is, quote, "treason" and should be punished with death.

I coauthored a book, *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide*, whose forward was written by Abdurrahman Wahid, who served as the President of Indonesia, the world's largest Muslim country, and head of Nhadlatul Ulama, the world's largest Muslim organization. Our research shows that such repression affects not only cartoonists, but also journalists, artists, filmmakers, human rights activists, women's rights advocates, teachers, dissidents, politicians, religious minorities, and the whole range of those who are perceived as challenging the prevailing order.

Blasphemy restrictions do not bring social peace and harmony as their governments who have them proclaim. In fact, it is just the opposite. They breed heightened sensitivities of insult and injury and raise expectations that the government will intervene to regulate speech on behalf of religion.

Societies stagnate as their authorities limit access to a shrinking universe of acceptable ideas and information. And the U.N. Human Development Report has addressed that, noting that more books were translated by Spain in one recent year than the entire Arabic-speaking world in the prior 1,000.

Such restrictions also enable extremists to dominate the discourse by crushing debate. Also, a characteristic of those blasphemy laws is that they become impossible to reform from within.

Take Pakistan, which is a prime case study of all of these phenomena. The Christian mother of five, Asia Bibi, was arrested in 2009 after fellow field hands accused her of something, of blasphemy. No evidence was produced because to repeat blasphemy is blasphemous. And similarly, anyone who defends an accused blasphemer risks being labeled a blasphemer himself or herself.

Two officials who made appeals on Bibi's behalf, Salman Taseer, the Governor of Punjab, and Shahbaz Bhatti, who was Federal Minister for Minority Affairs and a former friend of mine, were assassinated in 2011 for defending her. Bibi has one last recourse, an appeal to the Supreme Court. But, for now, few public officials dare to speak up for her or for any other blasphemy defendant. I recently had the honor of meeting with one of her daughters and was informed that Bibi's entire family is now in hiding.

But blasphemy complaints against both Christians and Muslims are on the rise. Against Christians, the flimsiest rumor of a Quran burning can spark hysteria, ending in riots against entire Christian communities. And Lahore's St. Joseph Colony was torched in such a program a few years ago.

Muslim journalists, Muslim educators and professors have been targeted and, then, of course, Ahmadiyyas are very hard-hit.

As a foreign policy priority for the sake of human rights development, peaceful coexistence, diversity, the rule of law, the United States should make an unapologetic defense of free speech in every appropriate forum.

And I am going to close with a quote from the late President Wahid who wrote in his foreword to *Silenced*, quote, "Blasphemy laws have narrowed the bounds of acceptable discourse...not only about religion, but also about vast spheres of life, literature, science, and culture in general....Rather than legally stifle criticism and debate -- which will only encourage Muslim fundamentalists in their efforts to impose a spiritually void, harsh, and monolithic understanding of Islam upon all the world -- Western authorities should instead firmly defend freedom of expression." That is from President Wahid's quote.

Thank you very much.

[The prepared statement of Nina Shea follows:]

Statement of Nina Shea, Director
Hudson Institute's Center for Religious Freedom
Before the Tom Lantos Human Rights Commission
July 14, 2016

"Blasphemy Laws and Censorship by States and Non-State Actors"

For more than 20 years, the Organization of Islamic Cooperation (OIC) has pressed Western governments to restrict speech about Islam. Its charter commits it "to combat defamation of Islam," and its current action plan calls for "deterrent punishments" by all states to counter "Islamophobia," which it does not define.

In 2009, the "International Islamic Fiqh [Jurisprudence] Academy," an official OIC organ, issued fatwas calling for free speech bans, including "international legislation" aimed at protecting "the interests and values of [Islamic] society," and for judicial punishment for public expression of apostasy from Islam.

The OIC does not define what speech should be outlawed, but its leading member states' practices are illustrative. Millions of Baha'is and Ahmadis are condemned as de facto "insulters" of Islam, frequently persecuted by OIC governments, and attacked by vigilantes. Those seeking to leave Islam face similar fates. Religious minorities, including Christians, are disproportionately accused of blasphemy.

Muslim reformers are widely and specifically targeted for supposedly anti-Islamic speech. In Afghanistan, Ali Mohaqeq Nasab, editor of "Haqooq-i-Zen" ("Women's Rights") magazine, was imprisoned by the Karzai government for publishing "un-Islamic" articles criticizing stoning as a punishment for adultery. In Iran, Ayatollah Boroujerdi is serving a lengthy prison term for arguing that "political leadership by clergy" was contrary to Islam. Saudi Arabia has sentenced Raif Badawi to 10 years' imprisonment and 1,000 lashes, for "insulting Islam through electronic channels," "propagating liberal thought," and other charges, after he wrote criticisms touching on religious figures in his country.

Egypt has been shown to ban books and imprison Muslims, and even Christian Copts, who express views contrary to the state-funded Sunni center, Al-Azhar. There, blasphemy convictions are on the rise. Earlier this year, Muslim journalist Fatima Naaot was sentenced to three years in prison for "contempt of Islam" for criticizing ritual animal slaughter practices in a Face Book post and four Christian teenage boys were convicted of blasphemy for mocking ISIS in a 30-second video. Last month, the Al-Azhar's Grand Imam Ahmed el-Tayyib, proclaimed on television that conversion from Islam is "treason" and should be punished with death.

Others are punished for deviating from locally dominant Islamic sects not only in repressive societies, but also in Indonesia, Malaysia, Algeria and other ostensibly moderate countries. Some 19 states criminalized apostasy, and in 12 of those, apostasy can carry the death penalty. Apostasy and blasphemy can overlap in some places: Ayatollah Boroujerdi and Raif Badawi were essentially accused of both.

I co-authored the book, *Silenced: How Apostasy & Blasphemy Codes Are Choking Freedom Worldwide*, whose Foreword was written by Abdurrahman Wahid, who served as president of Indonesia, the world's largest Muslim country, and head of Nahdlatul Ulama, the world's largest Muslim organization. Our research shows that such repression affects not only

scholars but also journalists, artists, filmmakers, human rights activists, women's rights advocates, teachers, dissidents, politicians, religious minorities and the whole range of those who are perceived as challenging the prevailing order.

Blasphemy restrictions do not bring social peace and harmony. In speaking about the Malaysian government's proposal to criminalize the Christian use of the word "Allah," on the basis that it gives offence to Muslims, Malaysia's former finance minister Tengku Razaleigh observed:

The elastic goo of "sensitivities" is the favoured resort of the gutter politician. With it he raises a mob, fans its resentment and helps it discover a growing list of other sensitivities. This is a road to ruin. A nation is made up of citizens bound by a shared conception of justice and not of mobs extracting satisfaction for politicised emotional states...."

Societies stagnant as their authorities limit access to a shrinking universe of "acceptable" ideas and information. The 2003 UN Arab Human Development Report, commenting on the fact that more foreign books had been translated by Spain in one recent year than in the entire Arabic speaking world in the last thousand, pointed to blasphemy restrictions: "*In Arab countries where the political exploitation of religion has intensified, tough punishment for original thinking, especially when it opposes the prevailing powers, intimidates and crushes scholars.*"

Such restrictions enable extremist to dominate the discourse by crushing debate. Take Pakistan's anti-blasphemy laws, which have grown only more virulent with age, and whose application underscores how broadly subversive their effect is.

A Christian mother of five, Asia Bibi was arrested in 2009 after fellow field hands complained that, during a dispute, she had insulted the prophet of Islam. No evidence was produced, because to repeat blasphemy is blasphemous. Similarly, anyone who defends an accused blasphemer risks being labeled a blasphemer; two officials who made appeals on Bibi's behalf—Salman Taseer, governor of Punjab, and Shahbaz Bhatti, federal minister for minorities affairs—were assassinated in 2011.

The murderer of Taseer, a member of his own security detail, though found guilty by the justice system, is treated as a hero in some quarters and was showered with rose petals by members of the lawyers' association as he entered the courtroom for his trial. Three hundred pro-bono lawyers signed his defense papers. After rendering a guilty verdict, the judge immediately went into hiding. Following the convicted murderer's execution this year, 25,000 fanatics rallied to demand the immediate execution of Asia Bibi. Bibi has one last legal recourse, an appeal to the federal Supreme Court, but now no public official dares speak up for her—or for any other blasphemy defendant. I recently met with one of her daughters and was informed that Bibi's entire family is now in hiding.

Accusations of blasphemy are brought disproportionately against Pakistan's small Christian minority and convictions with death sentences continue in recent months. Intent is not an element of the crime, and recent years have seen cases brought against illiterate, mentally disabled, and teenage Christians, as well as pastors. Each case seems to heighten the sensitivities of the extremists and further fracture society. The flimsiest rumor of a Koran burning can spark hysteria ending in riots against entire Christian communities. Lahore's St. Joseph Colony was torched in such a pogrom a few years ago.

But blasphemy complaints against Muslims are also on the rise. Muslims now make up the largest defendant class. Particularly hard hit are the Ahmadis, who pride themselves on reconciling Islamic beliefs with modern principles of pluralism, secularism, and peace. In 1974, the constitution was amended to declare the group heretical, and two of the five penal code sections devoted to blasphemy are specific to them. In a not atypical case, an Ahmadi doctor was charged with blasphemy after two Pakistanis posing as patients accused him of “posing as a Muslim” because, at their request, he read from a Koran.

Increasingly, liberal thinkers among Pakistan’s majority Hanafi Muslims are accused of blasphemy. The law’s vagueness—it bans irreverent words about Islam “either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly”—means it can be used against almost anyone, for almost anything. Extremists aggressively manipulate perceptions. Emboldened and even legitimized by the law, some are dispensing with the legal process altogether, acting, often with impunity, as judge and executioner.

The most famous victim of this parody of justice is Malala Yousafzai, a Nobel Peace laureate. The accusations have come not only from the Taliban, who shot but failed to kill her. She remains in exile, in the West.

Scholar Akbar Ahmed says that “perhaps dozens” of Pakistani reformist educators have faced blasphemy complaints lodged by their students. Professor Mohammed Younas Shaikh, who started “The Enlightenment” group in Islamabad as a forum for Muslims to discuss their faith in the contemporary context, was accused of blasphemy by a student and sentenced to death, though he managed later to emigrate.

Professor Shakeel Auj, dean of the Islamic Affairs Department at Karachi University and an acclaimed Koranic scholar, was shot to death. While well within the Sunni mainstream, Auj espoused a nuanced and sophisticated understanding of Islamic jurisprudence conducive to expanded rights for women. This brought death threats, including from some of his faculty colleagues. His pleas for protection were ignored, and the four professors arrested for threatening him were out on bail when he was killed.

In 2000, no less an authority than the Lahore High Court chief justice, Mian Nazir Akhtar, gave a public statement to the effect that “no one had authority to pardon blasphemy and that anyone accused of blasphemy should be killed on the spot, as a religious obligation.” British writer and human rights activist Benedict Rogers commented on the thuggery accompanying the law: “Regularly, mobs of Muslims, often led by Mullahs, crowd into the courtroom, shouting threats at the judge if he does not rule in their favour. Defense lawyers receive death threats for taking on blasphemy cases. Mobs gather outside the courtroom, and physically threaten the lawyers as they leave.”

As part of its changing cultural climate, Pakistan has become an “increasingly harsh environment for journalists, particularly those considered liberal,” the BBC reports. The Committee to Protect Journalists cites scores of reporters killed. Media personalities either shot and wounded or threatened with death for blasphemy in one recent year, alone, included: Shoaib Adil, a publisher in Lahore whose current affairs magazine is considered a rare liberal voice in the Urdu media; Pakistan’s most famous television journalist, Hamid Mir; the country’s most popular television host, Shaista Wahdi; and television anchor and journalist Raza Rumi. The BBC noted that Adil, whose transgression was to publish an Ahmadi judge’s book, is not a Taliban target but “the victim of an everyday witch hunt by Pakistan’s powerful religious groups—the kind of witch hunt that’s so common and yet so scary that it never makes headlines.”

After Governor Taseer was murdered for criticizing blasphemy laws, his daughter Sara observed: “*This is a message to every liberal to shut up or be shot.*” When laws and politics are intertwined with religion, blasphemy and religious insult laws put their discussion and debate out of bounds, and beyond reform.

OIC pressure on European countries to ban “negative stereotyping of Islam” increased after the 2004 murder of Theo Van Gogh for his film “Submission” and the Danish Muhammad cartoon imbroglio of 2005. Many countries (such as France, Germany, Austria, the Netherlands, Finland, Italy and Sweden), hoping to ensure social peace, now prosecute people for “vilifying” Islam or insulting Muslims’ religious feelings.

As a foreign policy priority, for the sake of human rights, development, peaceful coexistence, and diversity, the United States should make an unapologetic defense of free speech in every appropriate forum.

As the late President Wahid wrote in his foreword to *Silenced*:

[Blasphemy laws] narrow the bounds of acceptable discourse. . . not only about religion, but also about vast spheres of life, literature, science, and culture in general. . . . Rather than legally stifle criticism and debate—which will only encourage Muslim fundamentalists in their efforts to impose a spiritually void, harsh, and monolithic understanding of Islam upon all the world—Western authorities should instead firmly defend freedom of expression.

Mr. PITTS. Thank you, Ms. Shea. Thank you very much.
Dr. Karlekar, you are recognized for five minutes for your summary.

STATEMENT OF KARIN KARLEKAR, DIRECTOR, FREE EXPRESSION PROGRAMS, PEN AMERICA

Ms. Karlekar. Thank you very much, Co-Chairman Pitts, and I wanted to thank you for including me in this very important hearing today.

I will ask that my full testimony be submitted for the record, and at this hearing I will summarize current threats to freedom of expression around the world, highlighting trends with examples of the individual writers and artists whose cases PEN America has been engaged on.

The 2015 PEN International Case List which systematically tracks the persecution of writers details more than 1,000 cases of harassments, arrests, attacks, killings, and imprisonment of writers worldwide. In 2015, the total number of cases recorded increased by 17 percent from the year prior, and the number of writers on trial increased by 22 percent. The number of writers killed worldwide in 2015 was 40 percent higher than in 2014.

A toxic combination of repressive laws, the desire of authoritarian regimes to censor information and creative content and to restrict dissenting voices, and impunity for non-state actors who perpetrate acts of violence against writers and journalists have combined to compel this deterioration of the right to freedom of expression on a global scale.

In countries with a history of authoritarianism and censorship like China and Russia, the situation is steadily worsening. At the end of 2015, there were 58 writers in jail in China, the largest in any country worldwide, and the government continues to censor a range of expression from literary works to online expression, citing national security and state stability.

The charges leveled against writers in China are overwhelmingly anti-state charges and they disproportionately affect ethnic minority writers. Twenty-seven of the 58 writers currently in jail were convicted on anti-state charges, including the mainstay PEN cases of Liu Xiaobo and Ilham Tohti, serving 11 years and a life sentence in prison, respectively.

In Russia, the government has successfully pushed for legislative changes to establish stronger state control over all types of civic expression. A range of speech is prohibited and criminalized under the guise of combating terrorism, protecting children, and preserving Russian values.

These laws have instigated ongoing state-sponsored and self-induced censorship in the realms of literary publication, online expression, and other forms of the creative arts, as well as, obviously, the print and broadcast media.

The uptick of prosecutions against individuals on charges of blasphemy and/or immorality is a key concern in a number of Middle Eastern and Asian countries. According to the PEN Case List, in Saudi Arabia, five writers have been imprisoned on the basis of charges of religious insult and blasphemy. For example, the Palestinian poet, artist, and curator Ashraf Fayadh was sentenced to death by beheading in late 2015 by a Saudi court for apostasy for his collection of poetry entitled, "Instructions Within". In February 2016, Fayadh's sentence was reduced to eight years in prison and 800 lashes, but the disproportionate consequences for expressing a religious sentiment remain a serious concern in Saudi Arabia.

Similar charges are often brought against writers in Iran; for example, the case of poets Fatemeh Ekhtesari and Mehdi Mousavi, who were sentenced in October 2015 to 11-and-a-half and nine years in prison, respectively, for, in quotes, "insulting the holy sanctities, publishing unauthorized content, and spreading propaganda against the state" through their poetry. Ekhtesari and Mousavi were also sentenced to receive 99 lashes each for illicit

relations, for shaking hands with members of the opposite sex during international literary and poetry festivals.

We are looking at the influence of non-state actors. The growing negative influence of non-state actors as a force for restricting free expression is a global phenomenon and has also been documented by Freedom House and other groups. Today I will focus on Bangladesh where Islamic extremist groups have killed at least nine bloggers, academics, intellectuals, students, and writers for their views or beliefs since the beginning of 2015, including Avijit Roy, a secular Bangladeshi-American writer.

The non-state actors that carry out these murders are emboldened by law enforcement authorities and inability or unwillingness to identify and prosecute the killers. And an additional key concern is the Bangladeshi government's negative letter directed at the bloggers urging them to essentially self-censor and desist from writing, as well as the utilization of legislation that criminalizes any online speech seen as offensive to or critical of religion or the government.

Since 2013, more than 100 people have been arrested under Article 57 of the Information and Communication Technology Act. And at the end of 2015, five writers were on trial in relation to blasphemy and religious insult charges.

Despite this unprecedented ability to share news, information, and creative work on a global level, ongoing restrictions on expression and the repression of writers and artists who express dissident or diverse views shows no sign of abating.

We urge policymakers at all branches of the United States Government to speak out, both publicly and/or privately, with their governmental counterparts in defense of the right to free expression, to call for the reform of laws which are currently being used to restrict it, and to urge the release of those in prison for the peaceful expression of views.

We also urge heightened U.S. Government support for individuals under grave threat, including by expanding pools of emergency assistance funding and actively working with agencies such as the United Nations High Commissioner for Refugees, to assist with relocating those in grave danger.

Finally, I would like to add -- this is also not in my testimony -- but a consideration of possibly establishing a new category of visa to assist people who are facing grave threats, be they human rights defenders, activists, journalists, or writers. Currently, it is extremely difficult for many of these people to enter the United States. There is really no category of visa that applies to them. And we believe that the U.S. should be a safe haven for those at grave risk for their expression or activism, and we think that U.S. visa policy needs to be urgently reformed or changed to aid in this.

Thank you very much.

[The prepared statement of Karin Karlekar follows:]



The Freedom to Write

THE CRIMINALIZATION OF CREATIVITY: WRITERS AND ARTISTS UNDER FIRE FOR FREE EXPRESSION

Karin Deutsch Karlekar, Ph.D.
**Director, Free Expression at Risk Programs, PEN
America**

**Tom Lantos Human Rights Commission Hearing
“Blasphemy Laws and Censorship by States and Non-
State Actors: Examining Global Threats to Freedom of
Expression”**

July 14, 2016

Introduction

Congressman Pitts and Congressman McGovern, as Co-Chairmen of the Lantos Commission, I thank you for including me in this hearing. I ask that my full testimony be submitted for the record. At this hearing, I will briefly summarize PEN America’s work and the current landscape for freedom of expression around the world, highlighting trends with examples of individual writers and artists under threat whose cases PEN has been engaged on. We believe that U.S. policymakers in all branches of government need to actively persuade governments around the world to promote the right to freedom of expression, remove or reform blasphemy and religious insult laws, and strive to hold non-state actors accountable for the heinous acts they have committed against individuals exercising their right to freedom of expression.

PEN America’s Work

PEN America, founded in 1922 and with a current membership of 4,400 writers and advocates, stands at the intersection of literature and human rights to protect open expression at home and abroad. We champion the freedom to write, recognizing the power of the word to transform the world. Our mission is to unite writers and their allies to celebrate creative expression and defend the liberties that make it possible. One of the key ways we do this is by advocating on behalf of all types of individual writers under threat, including literary writers, journalists, and bloggers. The 2015 PEN International case list—which systematically tracks the persecution of writers and threats to free expression around the world—details more than 1000 cases of harassment, arrests, attacks, killings, and imprisonment of writers worldwide. In 2015, the total number of cases recorded increased by 17 per cent from 2014 and the number of writers on trial increased by 22 per cent. The number of writers killed worldwide in 2015 was 40 per cent higher than in 2014. A toxic combination of repressive laws, the desire of authoritarian regimes to censor information and creative content and restrict dissenting voices, and impunity for non-state actors who perpetrate acts of violence against writers and journalists has propelled this deterioration of the right to freedom of expression on a global scale.

State Censorship and Legal Restrictions

In countries with a history of authoritarianism and censorship like China and Russia, the situation is steadily worsening. At the end of 2015, there were 58 writers in jail in **China** and the government continues to censor a range of expression from literary works to online

expression, citing national security and state stability. The charges levelled against writers in China are overwhelmingly anti-state charges, such as subversion, ‘splittism,’ and disclosing state secrets; 27 of the 58 writers currently in jail were convicted on anti-state charges. Mainstay PEN cases and previous PEN Freedom to Write awardees Liu Xiaobo and Ilham Tohti, serving eleven years and a life sentence in prison respectively, illustrate the frequency and absurdity with which China uses anti-state charges against dissenting and democratizing voices. Ilham Tohti, an ethnic Uyghur academic and blogger, is in jail for his writings that advocate for Uyghur rights. The authorities’ overwhelming use of anti-state charges stems from a need to suppress valid political and cultural dissent among both Han Chinese and ethnic minority citizens.

In China, pervasive state-sanctioned censorship encompasses news and information as well as the realms of artistic and literary creation. This censorship includes books written outside China that are published in response to a heightened demand for foreign literature, feeding one of the largest book publishing markets in the world. PEN’s 2015 report *Censorship and Conscience: Foreign Authors and the Challenge of Chinese Censorship* analyzed an under-explored dimension of China’s massive censorship machine: the censorship of some of the thousands of international titles published annually in China ranging from discussions of taboo topics like Tiananmen Square and some portrayals of sexual relations to the statement of facts that the government disputes. Additionally, China’s censorship extends to its territories with distinctive legal structures, such as Hong Kong; in late 2015, 5 publishers and employees connected with Mighty Current/Causeway Books were forcibly disappeared, forced to confess to false crimes, and slapped with trumped-up charges. The whereabouts of one of the individuals, Gui Minhai, remain a mystery, though the consensus remains that he is being kept incommunicado in Chinese custody.

In **Russia**, as President Vladimir Putin further consolidates political power, the government has successfully pushed for legislative changes to establish stronger state control over all kinds of civic expression and introduced disproportionately harsh sanctions for violating such restrictions. A range of speech is prohibited and criminalized under the guise of combating terrorism, protecting children, and preserving Russian values. PEN’s 2016 report *Discourse in Danger: Attacks on Free Expression in Putin's Russia* documented and analyzed the numerous laws banning or restricting particular types of content, including information accessible to children, arbitrary information deemed to be related to terrorism or national security, LGBT-related information, and expression that offends religious feelings. These laws have instigated ongoing state sponsored and self-induced censorship in the realms of literary publications, online expression, and other forms of the creative arts.

Legal Punishment for Blasphemy, Religious Insult, and Immorality

The uptick of prosecutions against individuals on charges of blasphemy and/or immorality is a key concern in a number of Middle Eastern and Asian countries. According to the PEN case list, in **Saudi Arabia**, five writers have been imprisoned on the basis of charges of religious insult and blasphemy. For example, the Palestinian poet, artist, and curator Ashraf Fayadh was sentenced to death by beheading in late 2015 by a Saudi court for apostasy, for his collection of poetry titled *Instructions Within*. On February 2, 2016, Fayadh’s sentence was reduced to eight years in prison and 800 lashes, but the disproportionate consequences for expressing irreligious sentiments remain a serious concern.

Similar charges are also often brought against writers in **Iran**. On October 12, 2015, Fatemeh Ekhtesari and Mehdi Moosavi were sentenced to 11.5 and nine years in prison, respectively, for “insulting the holy sanctities,” “publishing unauthorized content,” and “spreading propaganda against the state” through their poetry. The fact that Ekhtesari and

Moosavi had previously published poetry books in Iran through the correct legal channels underscores the arbitrary nature of their arrest and conviction, particularly since the charge of “insulting the holy sanctities” is one of the most common charges used against journalists and artists, according to *IranWire*, a blog-forum run by Iranian journalists living outside of the country. Ekhtesari and Moosavi were also sentenced to receive 99 lashes each for “illicit relations,” for shaking hands with members of the opposite sex during international literary festivals.

Since Abdel Fattah el-Sisi assumed control in **Egypt** after Mohamed Morsi’s ouster in 2013, the crackdown on Egyptian civil society on the grounds of national and religious security has sharply intensified. The shutdown of cultural institutions and the imprisonment of writers illustrate the growing persecution of those deemed to pose a “threat” not only to the Egyptian state but also to Islam. Though the 2014 Egyptian Constitution explicitly guarantees freedom of artistic and literary creation, freedom of thought and opinion, and freedom of the press, authorities have begun using Article 98 (f) to criminalize actions broadly defined as “blasphemous” and therefore quash dissent. Two recent cases exemplify this dangerous trend. In October 2015, during the annual sacrifice of animals at Eid al-Adha, the prolific poet, columnist, and former Parliamentary candidate Fatima Naoot wrote a Facebook post criticizing the practice. Authorities charged her with “insulting Islam,” “making fun of the right to sacrifice,” “contempt of religion,” “spreading sectarian strife,” and “disturbing public peace.” The court found her guilty of “contempt of religion,” charged her with a fine of EGP 20,000 (US\$ 2,000), and sentenced her to three years in prison. She appealed, but the Cairo Court of Appeals upheld her sentence on March 31 of this year. In a similar vein, the novelist, journalist, and 2016 PEN/Barbey Freedom to Write awardee Ahmed Naji was sentenced on February 20, 2016 to a two-year prison sentence for “violating public modesty” in his novel, *The Use of Life*. Though the book had been approved by the Egyptian censorship board, a reader filed a complaint against him after reading an excerpt that included sex and drug use in the literary magazine, *Akhbar al-Adab*. The modesty charge in Naji’s case sets a worrying precedent that declares the protection of broadly-defined “public morals” as appropriate justification for the erosion of free expression in a country that increasingly equates the defense of the state with the defense of Islam.

Threats from Non-State Actors and Impunity

The growing negative influence of non-state actors as a force in restricting free expression is a global phenomenon. Today, I will focus on **Bangladesh**, where Islamist extremists have killed at least at least nine bloggers, academics, intellectuals, students, and writers for their views or beliefs since the end of 2015. Starting in 2013, a hit list of 84 "atheist bloggers" was anonymously sent to newspapers around Bangladesh. Secularist blogger and author Avijit Roy, a Bangladeshi-American, was the first of five individuals hacked to death by extremists in Bangladesh in a series of attacks during 2015. Of the six bloggers and publishers murdered between 2013 and 2015, four were on this hit list, including Roy’s publisher Faisal Arefin Deepan. Various extremist groups, including Ansarullah Bangla Team and Al-Qaeda in the Indian Subcontinent, have claimed responsibility for the deadly attacks. However, the murders have thus far resulted in impunity for the killers. For example, arrests have been made in relation to Roy’s killers, but the investigation and prosecution has not significantly progressed in the case. Though the attacks have principally targeted bloggers and publishers labeled as “atheists” for their writings, extremists have begun to broaden their focus to include anyone writing or expressing any sentiments deemed “blasphemous.”

The non-state actors that carry out these murders are emboldened by a coalescing of conditions in Bangladesh that have created a diminished respect for the right to freedom of expression. Law enforcement authorities' inability or unwillingness to identify or prosecute the killers plays a part, but perhaps more insidious is the government's negative rhetoric directed at the bloggers—urging them to essentially self-censor and desist from writing—as well as the utilization of legislation that criminalizes any speech seen as offensive to or critical of religion or the government. Since 2013, more than 100 bloggers, journalists, and others writing online have been arrested under Article 57 of the Information and Communication Technology (ICT) Act. At the end of 2015, five writers were on trial in relation to blasphemy and religious insult charges. Recent months have seen a sharp uptick in the number of ICT—related cases brought to court by authorities. On February 15, 2016, police arrested 73-year-old Shamsuzzoha Manik, owner of the Ba-Dwip Prakashan publishing house, in front of his stall at the annual Ekushey Boi Mela book fair for selling books deemed “insulting to Islam.” He remains in jail after being denied bail and faces a 14-year prison sentence. The zealous application of Article 57 by the authorities not only punishes diverse voices in Bangladesh, but also contributes to the dangerous culture of impunity surrounding the brutal murders of writers and publishers by religious extremists.

Conclusion

Despite an unprecedented ability to share news, information, and creative work on a global level, ongoing restrictions on expression and the repression of writers and artists who express dissident or diverse views shows no sign of abating. We urge policymakers at all branches of the United States Government to speak out—both publicly and privately—with their governmental counterparts in defense of the right to free expression, to call for the reform of laws which currently are used to restrict it, and to urge the release of those imprisoned for the peaceful expression of views. We also urge heightened support for individuals under grave threat, including by expanding pools of emergency assistance funding, and actively working with agencies such as the United Nations High Commissioner for Refugees to assist with relocating those in danger for expressing their beliefs or views.

Mr. PITTS. Thank you, Dr. Karlekar.

Now, Dr. Radsch, you are recognized for five minutes for your summary.

**STATEMENT OF COURTNEY C. RADSCH, ADVOCACY DIRECTOR,
COMMITTEE TO PROTECT JOURNALISTS**

Ms. RADSCH. Thank you to the commission and to you, Chairman Pitts, for holding this hearing.

I have been asked to discuss the threats to freedom of expression around the world emanating from both state and non-state actors, and I am going to focus on the censorship aspect because, as a nonprofit, non-governmental, independent organization, we systematically track the killing and arrest of journalists. And murder is the ultimate form of censorship.

This is one of the most dangerous times for journalists. Record numbers of journalists are being killed, imprisoned, and kidnapped. And requests for assistance from threatened journalists around the world have skyrocketed.

The technology that has facilitated the flow of information has also enabled governments and non-state actors to expand surveillance and censorship. This year at least 17 journalists have been killed in direct retaliation for their work, and CPJ is investigating a further 10 cases. Nearly half of the confirmed cases were killed in combat or crossfire, but seven were murdered in direct retaliation for their work.

Last year, of the 73 journalists killed, 68 percent of them were murdered. The militant group Islamic State or ISIL is responsible for a significant number of these killings. Since 2012, it has killed at least 27 journalists and media workers, with the greatest concentration of killings in Mosul. When the Iraqi city fell in June 2014, dozens of journalists vanished. Newspapers and radio stations were shuttered, and one of the biggest attacks on press freedom went by with scarcely any notice or follow-up.

IS has sought complete monopoly over information in the territories it controls in Syria and Iraq. It has been out most-wanted lists that include journalists, murdered anyone who appears to be engaging in journalistic activity, and has even hunted down members of Syrian citizen journalist groups in Turkey.

But ISIL is responsible for only a fraction of journalist murders and killings. Governments and political groups are also responsible. Last year they were the suspected source of fire in more than half the cases.

Yemen and Syria are currently the most deadly countries for journalists this year, with three journalists killed in each. And according to CPJ research, at least six journalists have been killed in airstrikes by the Saudi-led coalition since the military campaign against the Houthis began last year, including a freelance Yemeni journalist reporting for Voice of America who I believe is here at this hearing.

CPJ has called for an investigation into the killing in Yemen of journalists who are among the civilians killed in airstrikes by the Saudi-led coalition, but, to date, we have received no response from Saudi Arabia. The U.S., which is providing logistical and intelligence support to the Saudi-led campaign, must ensure that an independent investigation takes place and that it is not complicit in targeting journalists.

Syria is the world's most dangerous place for journalists with record numbers of abductions and attacks, with 96 journalists who have been killed since hostilities began in 2011. The vast majority of those, 88 percent, were local journalists, and 43 percent were freelancers. Sadly, it is unlikely that many of those behind these killings will be brought to justice, which is, in fact, the case around the world. Impunity remains a perennial threat to press freedom. With nine out of ten cases, the killers of journalists go free.

Now one of the problems we see is that impunity is due to two issues, either the lack of political will or the lack of institutional capacity, or both. Unfortunately, impunity is

rampant not only in the most repressive countries, but also in democratic ones, including those that are close allies of the United States, like Brazil and the Philippines.

One measure that the U.S. specifically could take to show that it is committed to combating impunity would be to reopen the investigations, based on new evidence, into the deaths of five Vietnamese-American journalists who were murdered in the United States between 1981 and 1990. This would send a strong signal to fellow democracies that the U.S. is committed to combating impunity and is willing to look in its own backyard.

Local journalists are, of course, by far the majority of journalists imprisoned for their work, and in the past five years, record numbers of journalists have been jailed. We already heard that Egypt was the second leading jailer of journalists, and they have taken further steps through anti-terrorism laws that make it illegal for journalists to contradict official accounts of terror attacks. And it looks like President Sisi is taking a note from Turkey's President Tayyip Erdogan.

The situation in Turkey is deteriorating so rapidly that our process can no longer keep up with documenting the attacks. So, we have created a new daily crackdown chronicle that details every single day the numerous things that are happening in Turkey. This is having an impact on the ability of Americans and U.S. policymakers to know what is happening in Turkey because there are restrictions on where journalists can report.

I would also like to talk about the dynamic of the countering violent extremism agenda and how both terrorists are attacking journalists, but also they are getting caught in attempts to combat violent extremism, which is leading to jailing, restrictions on reporting, et cetera.

But, since I am out of time, I would just like to conclude that the threats emanating from the CVE agenda are found in both repressive and democratic countries. I have submitted an appendix that shows two years of cases around the world where journalists have been imprisoned or otherwise harmed by governments because of accusations of extremism or affiliation with extremist groups. And it is the abuse of these anti-terror laws that puts these journalists at great risk. And therefore, the U.S. Government should proceed carefully and be careful about how it uses the CVE agenda to respond to real and perceived threats from extremist groups.

And I would like to echo Dr. Karlekar's call for visas. It is very important that there is attention paid to the need to expedite visas for journalists and bloggers who have secured temporary placement at U.S. institutions and have fellowships waiting. There have been cases -- for example, in Ethiopia -- where the State Department did not process visas and those fellowships were lost. We would very much like to see action taken on that.

Thank you so much.

[The prepared statement of Courtney C. Radsch follows:]



Testimony before the Tom Lantos Human Rights Commission

Submitted by Dr. Courtney C. Radsch

Advocacy Director

Committee to Protect Journalists

to the

United States House of Representatives Committee on Foreign Affairs

Thank you to the Tom Lantos Human Rights Commission and Co-Chairmen Joseph R. Pitts and James P. McGovern, for holding this hearing to bring attention to threats to freedom of expression globally. I ask that my full written testimony be admitted into the record. My name is Courtney Radsch, and I am the Advocacy Director of the Committee to Protect Journalists. CPJ is an independent, nonprofit organization dedicated to defending press freedom and the rights of journalists worldwide. It is an honor to speak to you today and I appreciate the opportunity to address this committee on behalf of CPJ.

I have been asked to discuss the threats to freedom of expression around the world emanating from both state and non-state actors, and to provide recommendations for how U.S. policy makers can effectively encourage the protection of freedom of expression around the globe. CPJ systematically tracks the killing and imprisonment of journalists, so I will start by explaining the current situation based on CPJ research, followed by an analysis of the role that state and non-state actors play. I would also like to focus on how terrorism and the fight against terrorism, particularly the countering violent extremism agenda, is impacting freedom of expression.

This is one of the dangerous times for journalists. Record numbers of journalists are being killed, imprisoned, and kidnapped. Requests for assistance from threatened journalists around the world have rocketed. The technology that has facilitated the flow of global information has also enabled governments and non-state actors to expand surveillance and censorship.

There are many reasons why this is such a dangerous time. Technology has transformed newsgathering, putting freelancers, local reporters, citizen journalists, activists, and witnesses on the front lines. It has upset the dynamic between journalists and those they cover, making journalists more vulnerable to kidnapping, arrest, and other abuses. Repressive governments and violent forces that are increasingly threatened by independent information have also entered the fray, seeking to manage their own image and shut down critical voices.

This year at least 17 journalists have been killed in direct relation to their work, and CPJ is investigating a further 10 cases. Nearly half of the confirmed cases were killed in combat or crossfire, but seven were murdered in direct retaliation for their work. Last year, of the 73 journalists killed, 68 percent were murdered.

The militant group [Islamic State](#) is responsible for a significant number of these killings. Since 2013 it has killed at least 27 journalists and media workers. The greatest concentration of killings was in Mosul. When the Iraqi city fell in June 2014, dozens of journalists [vanished](#), newspaper and radio stations were shuttered, and one of the biggest attacks on press freedom went by with scarcely any notice. The Islamic State group has sought complete monopoly over information in the territories it has seized, putting out most-wanted lists that include journalists, murdering anyone who appears to be engaging in journalistic activities, and even hunting down members of a Syrian citizen journalism network in Turkey.

But the Islamic State group is responsible for only a fraction of journalist murders and killings. Governments and political groups are also responsible. [Last year](#), they were the suspected source of fire in more than half the cases.

Yemen and Syria are currently the most deadly countries for journalists this year, with three journalists killed in each. According to [CPJ research](#), at least six journalists have been killed in airstrikes by the Saudi-led coalition since the military campaign against the Houthis began last year, including freelance Yemeni journalist [Almigdud Mojalli](#) who was reporting for Voice of America. CPJ has called for an investigation into the killing in Yemen of journalists who are among the civilians killed in airstrikes by the Saudi-led coalition, but to date has received no response from Saudi Arabia. The U.S., which is providing logistical and intelligence support to the Saudi-led campaign, must ensure that this independent investigation takes place and that it is not complicit in the targeting of journalists and media outlets.

At least 96 journalists have been killed in Syria since hostilities began in 2011. The majority, 88 percent, were local journalists, and 43 percent were freelancers, according to [CPJ research](#). Syria is the world's [most dangerous](#) place for journalists, with record numbers of abductions and attacks, not only by the Islamic State group, but other militant factions as well as forces loyal to the Assad regime.

Sadly, it is unlikely that many of those behind these killings will be brought to justice. Impunity remains a perennial threat to press freedom. Murder is the ultimate form of censorship, yet [in nine out of 10 cases](#) the killers of journalists go free. Although conflicts put journalists at risk of being killed or injured by crossfire or terrorist acts, murder remains the main cause of death. [Local reporters](#), typically those covering politics, corruption, war or crime, make up the majority of those targeted.

CPJ [research has shown](#) that the endemic problem of impunity is due to a lack of political will, lack of institutional capacity, or both. Unfortunately, impunity is rampant in democratic countries as well as repressive ones. They include close U.S. allies and members of the Community of Democracies. Killers go free in nine out of 10 cases, a stubborn statistic that we have been working with allies in the U.S., EU, and these alliances of so-called likeminded states to change. We need the U.S. to do more to pressure its allies to solve these murders. One measure the U.S. could take would be to [reopen the investigation](#), based on new evidence, into the deaths of five Vietnamese-American journalists murdered in the U.S. between 1981 and 1990. This would send a strong signal to fellow democracies that the U.S. is committed to reducing impunity.

Local reporters also comprise the majority of journalists imprisoned for their work. In the past five years, record numbers of journalists have been jailed. Although China led the list for the past two years, Egypt was the second leading jailer of journalists, with at least 23 in prison in CPJ's most recent census. This is deeply disturbing and indicative of a broader deterioration of press freedom in a country that is in transition and appears to be getting a free pass as an ally of the U.S. When I lived in Egypt prior to the 2011 uprisings, journalists were not routinely jailed and there was some space for independent and critical media. Since January 1, 2016 four journalists have been sentenced for "[publishing false news](#)," five others have been referred to trial, and two others [detained](#), in addition to suspected Muslim Brotherhood affiliated journalists who were rounded up en masse in 2013. Egypt has designated the Muslim Brotherhood a terrorist group and passed an [anti-terrorism](#) law that makes it illegal for journalists to contradict official accounts of terror attacks, imposing fines of up to \$64,000 for reporting information that differs from that of the Egyptian Defense Ministry.

President Abdel Fattah al-Sisi brooks no criticism and is in the process of eviscerating the press, perhaps taking note from Turkey's President Recep Tayyip Erdoğan, who exemplifies the increasingly belligerent and hostile attitudes of authorities toward the press, and the internet for that matter. In both countries, authorities have arrested or expelled critical journalists, banned other journalists from traveling or leaving the country, and adopted strict laws against publishing false news or related to terrorism and extremism.

The situation in Turkey is deteriorating so rapidly that CPJ has started to publish a daily Crackdown Chronicle detailing the attacks on press freedom and journalists. The influx of cases from Turkey include journalists put under travel bans and having passports confiscated, news outlets fined for insulting the president, and journalists and outlets charged with terrorism because of their reporting. Journalists reporting on the Kurdistan Workers' Party ([PKK](#)), or in [PKK-controlled areas](#), as well as those affiliated with [pro-Kurdish outlets](#), have been imprisoned in Turkey on terrorism charges and the state has used this as an excuse to take over editorial control. Authorities even arrested Erol Önderoğlu, the Turkey representative of the press freedom group Reporters Without Borders, and indicted him on terrorism charges—an all too common occurrence in Turkey.

Reporters who try to cover the activities of state-designated terrorist groups or interview their members are at risk of being charged with terrorism themselves, as officials try to limit information and coverage of opposition forces. Activities that journalists regularly engage in, such as on-the-ground reporting, interviewing, and communicating with sources, are being equated with terrorism.

More than half of the 199 imprisoned journalists CPJ [documented](#) in last year's census were jailed on anti-state charges, which include terrorism or support to terrorists. Reporters who try to cover the activities of state-designated terrorist groups or interview their members are at risk of being charged with terrorism themselves as officials try to limit information and coverage of opposition forces. Activities that journalists regularly engage in, such as on-the-ground reporting, interviewing, and communicating with sources, are being equated with terrorism.

This brings me to the next dynamic I'd like to present in this testimony. Terrorist groups and the governments who purport to fight them have made recent years extremely dangerous for journalists, according to [CPJ research](#). Some journalists are kidnapped or killed by militant groups, and others are surveilled, censored, or imprisoned by governments seeking to respond to that threat, real or perceived.

Non-state actors, including criminal organizations and violent political groups, pose a significant threat to journalists as well as a challenge to press freedom advocates and news organizations. Journalists have become props in propaganda films, reflecting a global trend in the documentation of violence by the perpetrators. The combination of threats poses an array of [safety concerns](#) for journalists. The conflicts in Syria, Iraq, and Libya have reshaped the rules for covering conflict. Freelancers make up an increasing percentage of journalists killed for their work, leading CPJ and a coalition of press freedom organizations and media outlets to [advocate](#) for better global [standards](#) for protecting them and the local journalists on whom they rely, through the formation of the Culture of Safety (ACOS) Alliance, and the promulgation of the Freelance Journalist Safety Principles.

Of equal concern is the way in which governments abuse anti-terror and national security laws to silence criticism. [Ethiopia](#), Turkey, and Iran are among the world's worst jailers of journalists, most of whom are charged with promoting terrorism or undermining national security. [Bahrain](#) and [Saudi Arabia](#) both charged critical journalists with terrorism, and the former stripped several journalists of their [citizenship](#) on charges related to terrorism. In December 2015, Russia's independent TV news station, Dozhd TV, was subjected to an audit to check for anti-terrorism violations, among other purported legal abuses, in what was seen as a [politically motivated](#) move. In Europe, journalists must contend with [limitations](#) in the name of [privacy](#), a rise in right-wing [extremism](#), and homegrown terrorists such as those who murdered eight journalists at the French satirical magazine *Charlie Hebdo* in 2015. As in the U.S., a focus on national security forces journalists to [think and act like spies](#) to protect their sources.

Threats emanating from the countering violent extremism agenda are found in repressive and democratic countries alike. The [attached appendix](#) details examples of when terrorism or extremism related charges have been used to unjustly detain and imprison journalists. Perhaps it is not surprising to hear that countries that lack basic protections for human rights, particularly freedom of expression, are using the countering violent extremism agenda as an excuse to crack down on legitimate expression. But we see democratic states reacting in similar ways.

In India, a freelance journalist who covered alleged human rights abuses by local authorities and the activities of Maoist rebels, was [charged with terrorism](#) in India in September 2015. Maoists are designated as terrorists in India. In the UK, police used anti-terrorism legislation to [demand communication](#) between a BBC journalist and a man in Syria who said he was an Islamic State member; to obtain information on [confidential sources](#); and to [require](#) Internet Service Providers to do more to track and take down extremist content. Such actions not only detract from media freedom but also undermine efforts to promote press freedom abroad.

The problem of criminalizing thought and speech rather than unlawful acts is that basic reporting, not to mention political commentary or critique, can almost certainly be interpreted as contravening anti-extremism or anti-terrorism laws. Journalists routinely report on the facts of terrorism and extremist activities, yet such vaguely worded laws can easily be manipulated or encourage self-censorship by journalists uncertain of where to draw the line. A [Brookings Institution study](#) found that journalists routinely show up in Islamic State social media networks. Just last month, Reporters Without Borders reported how Facebook [closed](#) the account of a French journalist because a flag from the Islamic State group appeared in a photo.

The basic role of the media is to provide information and context, and very often the events depicted in the content being disseminated by the Islamic State group or Boko Haram is

newsworthy, putting journalists in the difficult position of having to balance reporting the news without becoming propaganda mouthpieces.

The U.S. government should proceed carefully. Efforts to remove ill-defined “extremist” content without judicial oversight or due process amounts to censorship and can too easily be used by states interested in limiting independent reporting and staving off public policy debates. The risks posed by content removal outweigh the potential but unproven benefits thought to accrue, and should not be included by the U.S. Congress as a perceived remedy in the countering violent extremism toolbox.

As countries around the world have sought to respond to real and perceived threats from extremist groups, press freedom has been caught in the crosshairs. The current countering violent extremism agenda enables governments to use terrorism-related charges to jail journalists, while policy debates about countering violent extremism online threaten free expression and undermine the fabric of a free and independent internet, thereby threatening the fundamental human rights to free expression and to receive information.

In conclusion, I would like to reiterate that journalism plays a vital role in the balance of power between a government and its people. When a country's journalists are silenced, its people are silenced. CPJ believes that by protecting journalists, we protect freedom of expression and democracy.

As I have discussed, and as evidenced in the daily documentation that is at the core of CPJ’s work, too often journalists are attacked or harassed by those attempting to hold on to power, cover up corruption, and conduct their activities in secret. This is not only a violation of the rights of journalists as individuals, but also society’s broader right to inform and be informed. The role of journalists and media organizations as a voice for the poor and powerless, a provider of information and ideas, a forum for politics and culture, and an engine of change is acknowledged by economists and political scientists as vital to economic development and democracy. And, of course, a free press is vital to revealing human rights abuses, whether they are committed by governments or non-state actors, like the drug cartels in Central America or the Islamic State group. It is imperative that the U.S. leads the way in staving off efforts to rein in press freedom around the world, leading by example and refraining from giving into fear or myopic national security interests that may have longer-term detrimental impacts on global press freedom.

Thank you for providing CPJ with the opportunity to address this important matter.

Mr. PITTS. Thank you, Dr. Radsch.

Dr. Aleji, you are recognized for five minutes for your summary.

STATEMENT OF WAEL ALEJI, MEDIA RESEARCHER, CHRISTIAN SOLIDARITY WORLDWIDE; CO-FOUNDER/BOARD MEMBER, SYRIAN CHRISTIANS FOR PEACE, AND SPOKESPERSON, SYRIAN NETWORK FOR HUMAN RIGHTS

Mr. ALEJI. Sir, thank you very much for allowing me this opportunity to testify before your honorable commission. And for that, I feel enormously honored and privileged.

The legal framework implemented in the MENA region consists of rules and regulations that authorities can use to protect the social cohesion and national security, depending on how these terms are interpreted by the different governments and regimes. For example, those that restrict access to places of worship, family laws that restrict marriage options to within recognized religious groups which forced adherence of non-recognized groups, such as the Yazidis, Ahmadiyya, or Baha'is, to identify with one of the recognized ones. Rules criminalizing 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. Counterterrorism 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, indeed, exist and breed.

Anti-blasphemy laws are integrated in penal codes in many countries in the MENA region. These laws provide an ideal tool to extremists to use to justify terrorist attacks and verbal and physical violence, and intimidation in the name of protecting a certain religion against those who disagree with them. Such cases are more common in countries like Saudi Arabia, Sudan, 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. Those concepts 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. Studying anti-blasphemy laws in Pakistan, Nigeria, Indonesia showed that countries that criminalize blasphemy tend to foster an environment in which terrorism is more prevalent, legitimized, and insidious. It seems fair to say in that context that terrorism and blasphemy are inextricably intertwined, as Amjad Mahmood Khan said.

Statistically, social hostilities stemmed from religious issues are significantly higher in countries where blasphemy laws function. Anti-blasphemy laws are systematically used by extremists, not only to intimidate and target Muslims, but also to suppress freedom of expression and speech for Muslims who challenge the narrow interpretations of extremists. Therefore, anti-blasphemy laws provide a tool for extremists to terrorize their opponents with impunity. It is, therefore, crucial for any counterterrorism strategy to be effective to tackle this issue and encourage countries where such laws function to radically reform them or abolition them altogether.

Syrian Christians for Peace and the Syrian Network for Human Rights would like to recommend that the Congress would encourage governments of the MENA region to:

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

And to formulate and implement an effective policy to challenge and counter radicalization through extremist preaching while also ensuring freedom of expression and freedom of religion.

And to 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.

And to proactively combat the culture of impunity by ensuring that all crimes against any religious group are thoroughly investigated and perpetrators are brought to justice and held accountable.

And to end any state-sponsored initiative that promotes one religion or belief system over another, including programs raising the dangers of secularism.

Thank you very much, sir, for allowing me this time once again.

[The prepared statement of Wael Aleji follows:]

Blasphemy laws and their impact on freedom of speech in MENA region
Congress briefing
By: Dr. Wael Aleji, Syrian Christians for Peace

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

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.

Mr. PITTS. Thank you, Doctor. It is an honor to have you here, to have all of you here. Thank you for your testimony.

I will begin the questioning and we will start with Ms. Tucker. In your testimony you mentioned that press freedom is at the lowest point in 12 years, that only one in seven people in the world today enjoy a free press. In your opinion, is there any single phenomenon that can explain this alarming deterioration in press freedom or is it the result of a large variety of factors?

Ms. TUCKER. Thank you.

You know, unfortunately, there are a large number of factors that have led to this decline. As I mentioned, we look at political, legal, and economic threats, and there has been a rise in threats in each of those areas. So, in terms of the political side, propaganda is now becoming more innovative, it is easier to disseminate, and I think harder for people to spot, harder for people to realize that what they are consuming is actually government-sponsored propaganda in many cases.

On the legal side, we are seeing more and more laws that are usually ostensibly designed to protect national security, but, in fact, are really just about political control. We are seeing more and more laws that restrict what reporters are able to cover and restrict what people are able to talk about.

And then, on the economic side -- and I am sure it won't be a surprise to you -- really it is studying changes in the global media market over the past decade or more. With the advent of the internet and proliferation of free content, it has meant that a lot of media organizations don't have a sustainable model right now. And so, as they are facing this ever-increasing set of threats on the other side, they are also struggling financially, and a lot of the pretty obvious answers on the economic side, like sponsored content or working with advertisers, those issues have their own host of concerns related to independence of their coverage.

So, we see that there are threats on all of these sides, but, overall, as I mentioned, it is also coinciding with a fuller decline in political rights and civil liberties. And I think it really shows how much governments are doing using access to information to limit people's exercise of those rights.

Mr. PITTS. Several of you spoke about press freedom. Maybe you would like to respond to that question as well. What do you think the biggest single phenomenon is that explains this deterioration of press freedom? Dr. Radsch?

Ms. RADSCH. I think that we see that journalists no longer occupy a privileged position as they once did. So now, with the evolution of technology, with the ability to directly disseminate information to people, journalists are no longer in this position of power. And so, actually, they are in a very unpowerful position. So that those in power, whether we are talking about political, economic, or other forms of power, can now bypass those journalists. So, instead of offering some range of protection because they were needed there to get the story out, even when we are talking about Al-Qaeda, right, you could have a journalist go and interview those members. It is a different situation now.

And we see that across the board, not just with terrorist groups, but with increasingly hostile rhetoric across the political class in so many different countries, including countries here. When we have reporters who are actually going to cover the conventions and having to take the same level of safety gear that they would to cover a protest in Bahrain or Egypt, this is deeply disturbing. And so, it is a combination of the technological infrastructure that has changed and the shifting power relations between journalists and those they cover.

Mr. PITTS. All right. Anyone else?

[No response.]

All right. Ms. Tucker, in your written testimony you point out that ordinary people suffer greatly when they do not have access to unfiltered news and commentary. Would you please expand on this statement? What sort of implications are there for the population at large as a result of the negative trends that you have documented in press freedom?

Ms. TUCKER. Sure. So, I would argue that access to unbiased, unfiltered information is really the most vital tool that people have in terms of being active and engaged citizens. And when you look at the negative impact that restrictions on press freedom have on regular people, you can look at it, I think, from two angles.

First, there is a damage caused by that lack of information. So, whether it is the inability to hear more about a public health crisis, a product recall, or some other issue, a dangerous area, without access to information about things that have an impact on people's safety and their security, they are not able to make informed decisions. That, of course, doesn't even begin to address the side of making informed political decisions.

And then, another issue that has come up with the proliferation of social media is that there is now a very real and direct restriction on people's self-expression because we are seeing a lot of governments target comments, target updates on social media, such that as, whereas, before censorship was much more direct, we are seeing individuals who are not journalists, who are just everyday citizens, many of the cases discussed today, that say something, perhaps even offhand, and are, then, held liable in a legal court for that.

So, both in terms of really understanding the major issues that can shape a person's life and, also, just the basic ability to discuss and think about major questions in life are both at very high risk.

Mr. PITTS. Despite the global trends, are there any regions or nations where press freedoms are actually improving, despite global trends?

Ms. TUCKER. So, I always try to look for the silver lining to deliver to our audiences when we are talking about trends. There have been small improvements in some places, but I really think that the area for hope that we should focus on is the sort of dogged resilience of journalists, despite all the facts that we have talked about today. Despite the fact that there is such a high physical risk for doing the work that they do, we still continue to see people all over the world who continue to go to the frontlines, whatever those frontlines may be, and to still get the story out.

So, I think that, even despite the sort of decrease in prestige and protections that Dr. Radsch mentioned, that people continue to put their lives at risk in order to push for this, is a testament to how resilient the profession of journalism is. And I think that that demonstrates how much work we should do here in terms of protecting them.

I would echo Dr. Karlekar's recommendation about the visas. Any kinds of measures that we can take to provide emergency assistance to these journalists is a very direct way that we can demonstrate our support for them and our hope that these trends don't continue. Mr. PITTS. Thank you.

Ms. Shea, what strategies, if any, have you found effective in countering growing use of blasphemy laws that stifle freedom of religion expression? Do you have any specific recommendations for how these negative trends can be reversed in the long-term?

Ms. SHEA. Well, I think that exposing their details is extremely important because some of them are so ludicrous they are absolutely indefensible, and to emphasize the lack of justice in these cases. Justice is a universal value, and it is certainly betrayed in the prosecution of these cases, and how they feed radical ideology.

I do believe that we need to meet that rise in radical ideology not just with military means, but with an ideological response to that of defending free speech and opposing at every possible turn with the same innovation that the military uses in their strategies, in our diplomatic strategies, to oppose giving platforms through blasphemy laws to radicals within the society, because that creates a vicious circle. The government is pressured by radicals to have blasphemy laws. Then, that shuts the debate down for everybody else and gives them a platform.

We have to have this ideological campaign as a diplomatic strategy. We also have to make sure that we stop raising expectations that the United States Government can and will regulate speech on behalf of Islam, and that has been a problem. We saw that with the arrest of the American Coptic filmmaker in California after the Benghazi murders and riots. He

was in prison for, he was thrown in jail for a year under sort of Al-Capone-like pretext of violating parole. But he would not have been arrested if there hadn't been the film and the commitment by our government to put him away, to make it happen. So, I think those two, both our own language at home and also abroad in ideological campaign.

I also want to congratulate you for Resolution 290.

Mr. PITTS. Thank you. Thank you.

In your written testimony you mention that complaints against Muslims are on the rise, especially the minority sects of Islam. Are there any ways we can encourage more moderate elements, say a Pakistani society in their efforts to resist the violent extremism?

Ms. SHEA. You know, we are going to have to work with the government of Pakistan I think quietly to reform. I don't think we are going to be able to order an repeal right away of those laws. They are very pernicious. There are several laws that are just directed against the Ahmadiyya community.

We have heard a whole afternoon of testimony of how they are manipulated. There have been some suggestions that have been already discussed about maybe reducing -- I think Father Reese's USCIRF testimony had some great recommendations about the disproportionate degree of the punishments. I would think any punishment of false accusations and to stop the impunity of people who stoke these pogroms against minority communities, and I think there has to be greater vetting of these charges before they are actually lodged by the Pakistani legal and judicial system.

Mr. PITTS. Okay. Maybe some others would like to talk about more of some moderate steps to reform these laws that might be taken. Anyone have any suggestions?

Okay. Let's go to Dr. Karlekar. You, according to your written testimony, you say the 2015 PEN International Case List details more than 1,000 cases of harassment, arrests, attacks, killings, imprisonments of writers worldwide. And you go on to state that the total number of writers killed were 40 percent higher than in 2014. How do you explain this horrific increase in the number of writers killed globally? Is this primarily the result of actions of non-state actors or are there other factors in play?

Ms. KARLEKAR. I would say that there are some other factors, but, unlike journalists where I think there are more factors involved, with the cases of writers that we have seen, it is non-state actors in both, and particularly Islamist extremist groups, and particularly, I would say, Islamic state, but other groups as well.

If you look at the countries where there were big upticks in the number of writers killed, it includes Bangladesh, which I have talked about already; France, primarily the Charlie Hebdo murders by Islamic extremists against journalists, and Iraq and Syria. In all of those cases, you know, Islamic extremists are the perpetrators. So, that really is the main reason for the uptick in the violence against writers.

In other countries with less high numbers, there are instances of government repression, of journalists and writers being killed because of reporting on local-level corruption. But, in terms of the writers, there is this huge uptick because of Islamic extremist groups.

Mr. PITTS. Thank you.

Would you care to comment on the recent passage of the so-called Arabiyya law signed by President Putin last week? What implications does this law have for civil society?

Ms. KARLEKAR. Well, like other human rights groups, we are extremely concerned about the law. And I would describe it as another nail in the coffin for free expression and the rule of law and human rights in Russia. It raises broad concerns about religious freedom, freedom of expression, communications, and privacy concerns. I think it can potentially have broad implications for all types of dissenting speech and leading to greater self-censorship and restrictions on civil society to operate more fully. So, like other groups, we are extremely concerned that this is only going to further restrict the space for broad free expression in Russia, which affects not just the media, but all forms of activism, of expression, of online rights, and the creative community as well.

Mr. PITTS. Now I don't know if this is in your testimony, but you mentioned a new category of visa for those under threat.

Ms. KARLEKAR. Yes.

Mr. PITTS. Just expand a little bit more on that. It is not a refugee status. What are you suggesting?

Ms. KARLEKAR. No, it is not really explained too much in my testimony, but it sort of came up. I have had a meeting at the State Department this morning on a number of the cases from Bangladesh. What we have seen in Bangladesh, but this applies to many countries around the world, is that for writers, for journalists, for activists at risk, it is extremely hard if they are trying to flee the country to gain refuge in the United States. There are humanitarian parole visas, but this is an extremely small and difficult category of visa to get. In terms of other possible visas that they could get, in many countries it is impossible, let's say, for them to get a tourist visa or a business visa. Even trying to arrange fellowship visas under the terms of a fellowship is quite difficult. And it has been one of the biggest problems that we at PEN and other groups have been facing over the last year-and-a-half with regard to Bangladesh, but it is affecting many other countries as well.

So, I am recommending sort of a new category of visa that would apply to writers, journalists, activists at grave risk who are not able to gain refuge in any way to the United States. The United States I think should be a safe haven for people at these types of risk for expression or for their activism, which includes LGBT activism. It includes land-right activists. It includes human rights activists who are at grave threat all over the world. And it is unfortunate that we can't help them the way that we would like to be able to help people who are facing death threats and murder for their activism.

Mr. PITTS. And, Dr. Radsch, you mentioned this as well, and you mentioned the focus on censorship. Do you want to expand on this suggestion of a new category of visa? I am intrigued by this.

Ms. RADSCH. Sure. So, our recommendation, we haven't had a chance to discuss a given new category, but certainly we are interested in expedited visas for journalists. We, along with other groups, have been able to establish fellowships for journalists. So, this is a very small category already.

But what we have found is that, even though we may have these already set up in the United States, we have paid for them, in some cases we have even started paying for their apartments, they can't the visa to get here. In some cases, for example, in Ethiopia, with the Zone 9 bloggers, those bloggers were actually profiled by the United States, by the State Department. Reeyot Alemu was also a case that U.N. Ambassador Samantha Power highlighted. And yet, they all faced visa challenges. Some of them didn't even get their visas, and then, their fellowships fell through.

And one of the reasons this is so important is that CPJ found that over a five-year period of more than 400 cases that we assisted with, only 25 percent of journalists were able to keep doing journalism. And it is very important that we provide opportunities for activists, writers, journalists to maintain their role doing that because in some cases they are one of the few voices in their societies doing that.

So, whatever we can do to encourage the ability of them to continue doing journalism and, more importantly, to get out of harm's way urgently -- in many cases these people are facing death threats. We know that the majority of murder victims who are journalists were threatened beforehand. So, if they are risking imprisonment, if they are getting death threats, we need to get them out quickly. There is no time to sit around waiting for multiple visits here and to have the same category if you go to a U.S. embassy official in the consulate and they see you were arrested, they need to be able to take into context why that was. If you are a writer or a blogger or a journalist who was arrested, you know, it is important that we have people in the consulates who have the background information and are connected to the Human Rights Officer in a way to make more informed decisions that have, ultimately, a direct impact on U.S. foreign policy, where our support for freedom of

expression and press freedom will positively correlate with greater national security and improved foreign policy abroad.

Mr. PITTS. Now you mentioned the dozens of journalists who have vanished in Mosul, I guess in June of 2014, when ISIS forces went in. Could you elaborate on the fate of those journalists? Has anything been learned about their whereabouts?

Ms. RADSCH. We are still working on looking into that. It is incredibly difficult. I am happy to submit to testimony additional articles about those cases.

But what we found is that in many cases it has been difficult to establish whether those people were doing journalism. We have traveled to Iraq, but, obviously, many places it is extremely dangerous to go. So, we can't as CPJ go; other journalists go.

In Mosul, we understand in our last reporting mission there were only about 10 professional journalists left. So, we are in the process of investigating those cases, trying to see if we can confirm that they were journalists, that we can confirm whether or not they were killed. In some cases we have found that journalists we thought were missing or killed were, in fact, in hiding. So, it is a very complicated case.

The threats in Mosul, we have an interview with one journalist where he essentially stays inside all day because he is a known broadcast journalist. So, he can't even go out because ISIS has put out death threats against journalists.

So, it is incredibly difficult. We have spent more than a year investigating some cases. It is a huge effort for us.

I am also happy to submit a list of all of the journalists and the accompanying infographic which has biographical information on each of those.

Mr. PITTS. We appreciate that.

Mr. PITTS. Now you mentioned the situation in Turkey deteriorating and the impunity, staggering level of impunity in some countries. You mentioned the Philippines. Are there specific steps that you could recommend that the United States take or Members of Congress take to help counter this staggering level of impunity?

Ms. RADSCH. Yes. I think that it is important that in its bilateral relationships especially with democracies -- for example, through the Community of Democracies or another multilateral fora where there is some basic level of membership required -- that that be on the table as part of the bilateral relationship. There is no reason that Brazil and the Philippines should have these high levels of impunity. We might understand it in Iraq, where there is 100 percent impunity, but there is also not really a functioning government. But in countries where they have a functioning government, where we have good relationships with them, this should be front and center.

Secretary John Kerry held a conference last year with press freedom groups, and one of the commitments he had made there appeared to that impunity would be put higher on the agenda. And so, what we would like to see that on World Press Freedom Day, but also in all of the bilateral relationships that this issue is addressed. Because, of course, it ties not only to human rights and press freedom, which are fundamental, but, as my colleagues on this panel have mentioned, it ties to economic issues, to development issues, to health. There have been journalists killed because of their coverage of Ebola. So, this has profound implications for the world, for national security, and for U.S. security. So, it is important in those bilateral relationships to raise those. I think, also, when we talk about having champions of press freedom, this could be one of the issues that they focus on.

Mr. PITTS. Thank you.

Dr. Aleji, in your testimony you mentioned that blasphemy laws in the Middle East and North Africa are part of a larger legal framework that exists in order to protect social cohesion and national security. In addition to blasphemy, you say these laws also include restrictions on marriage for non-recognized religious groups and restricted access to places of worship. And my question is, what is the guiding philosophy behind this legal framework?

Mr. ALEJI. Yes, sure. Throughout history, religion and power have gone always hand-in-hand. There has been a strong relationship and bond between political power and religion. Once it becomes illegal for a free intellectual debate about religion, then all a particular authority has to do is to affiliate itself or associate itself with a religious establishment to receive the same level of protection and immunity.

This provides a tool to claim a Divine authority, and this gives an indisputable supremacy, indisputable authority. Inevitably, this would make any opposition blasphemous. So, I think that blasphemy laws are not only being used to protect religion, but also as a political tool to suppress any political opposition to the authorities in power in the region.

Blasphemy laws block any free exchange of knowledge in any society. Therefore, they suppress freedom of speech. Freedom of speech is a fundamental human right in any modern society, which is not the wish or desire of any dictatorship, not only in the region, but in the entire world, I guess.

Mr. PITTS. Based on your extensive experience working with Syrian communities and reporting on the Syrian conflict, do you currently see any avenues for a peaceful resolution to the conflict that would establish long-term protections for freedom of expression or religious freedom or other fundamental human rights?

Mr. ALEJI. The situation in Syria is very complex than it may appear on the surface. I think that for any political solution to be sustainable in Syria, components of justice, accountability, human rights, freedom of speech, and citizenship have to be included in any political solution, and, more importantly, genuine representation of all ethnic and religious groups within the Syrian society.

Now, in order to achieve this, I think that the international community has to take more responsibility to bring an end to this conflict in Syria. I can't see it happening soon, unfortunately. From my own perspective, I think that a U.N. stabilization mission and a U.N. peace enforcement mission sound the best way forward.

Mr. PITTS. Now, given the current political and cultural realities in nations like Saudi Arabia, Iran, and Pakistan, would you advocate for complete repeal of blasphemy laws in these countries or more moderate steps to reform the laws? And what would be some of those, if that is your position?

Mr. ALEJI. Yes, thank you very much for this question.

I think the region is moving slowly towards a greater state of tolerance due to the forces of globalization. It is not by choice. It is due to the forces of globalization. This movement is rather slow and forcing strong obstacles.

Abolishing blasphemy laws in the region would be great. It would be a great thing, but I can't see it happening soon. Therefore, a more realistic approach would be reforming these laws radically and restricting their use, as well as ensuring that any false accusations would be punished appropriately. So, false accusations do not disrupt social cohesion and national security, which are two of the main reasons that governments use to justify their enactment of blasphemy laws.

Mr. PITTS. Very good. You know, we will have some follow-up questions. We will send those to you in writing.

Mr. ALEJI. Yes.

Mr. PITTS. We hope that you will all respond.

Mr. PITTS. We have perhaps gone a little bit overtime. But, as we conclude this hearing, I would especially thank our panel of witnesses and Ambassador Saperstein, Commissioner Reese, for taking time out of your busy schedules to participate.

It is clear that the world faces a wide array of threats to freedom of expression. Many governments have used the threat of extremism as justification for curtailing civil liberties, including freedom of expression. And even outside of the major trends, journalists, writers, bloggers of all stripes face increasing difficulty as they attempt to report on everything from government corruption, as we have heard, to organized crime. The fact that so many have

been killed for their efforts and that so few have been brought to justice for the killings should be a clarion call to the world that more must be done to protect those who are shining a light in the darkest of places.

But we should not lose hope. We should be persistent. And I will work with my co-chairman and the members of this commission to continue to encourage our colleagues to raise concerns about freedom of expression and with their counterparts in foreign governments and in other ways. This commission will always be dedicated to promoting fundamental human rights, including freedom of expression.

So, I thank all the participants and ask that you continue to reach out to us with ideas like we have heard today on the new category of visa, suggestions, other suggestions how we can address these issues.

I want to thank everyone for joining us today.

With that, this hearing is adjourned.

[Whereupon, at 4:25 p.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission
Hearing Notice**

**Blasphemy Laws and Censorship by States and Non-State Actors: Examining Global
Threats to Freedom of Expression**

**Thursday, July 14th, 2016
2:00 PM
2322 Rayburn House Office Building**

Please join the Tom Lantos Human Rights Commission for a **hearing** that will examine blasphemy laws, state censorship, actions by non-state actors, and other threats to freedom of expression around the world.

The right to freedom of expression is a fundamental human right provided for in several international human rights declarations and treaties, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). According to Article 19 of the ICCPR, “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.”

Yet despite adherence to these agreements by most of the world’s nations, violations of the right to freedom of expression, including threats to the media, persist. According to Freedom House’s 2016 Freedom of the Press report, “press freedom declined [globally] to its lowest point in 12 years in 2015 as political, criminal, and terrorist forces sought to co-opt or silence the media in their broader struggle for power.” In the Country Reports on Human Rights Practices for 2015, the State Department observed that in many countries, “governments cracked down on the fundamental freedoms of expression and association by jailing reporters for writing critical stories, or sharply restricting or closing non-governmental organizations for promoting supposedly ‘foreign ideologies’ such as universal human rights.”

The role of non-state actors in curbing free speech continues to grow. In 2015, Islamist gunmen stormed the offices of French satirical magazine *Charlie Hebdo*, murdering twelve after the magazine published cartoons of Muhammad. In Bangladesh, more than 20 secular and atheist writers, members of religious minorities, and activists have been killed for expressing views considered contrary to extremists strains of Islamic theology since 2013, while in Mexico, 15 journalists are suspected to have been killed by criminal groups since 2010.

Finally, freedom of expression around the globe continues to be curtailed by the existence and enforcement of “anti-blasphemy” laws. These laws generally criminalize speech or expression considered offensive towards religious belief, and have been used to justify the intimidation, detention, or killing of religious minorities and others critical of a dominant religious belief system, by governments and non-state actors. According to the Pew Research Center, as of 2012 “22% of the world’s countries or territories had anti-blasphemy laws or policies.” These laws are most common in the Middle East and North Africa, and in some countries, like Pakistan or Saudi Arabia, violators may be sentenced to death. Serious efforts have also been made at the international level, most notably by the Organization for Islamic Cooperation, to ban the “defamation of religion” in international law. These efforts, which would effectively create a global anti-blasphemy law, have been heavily criticized by human rights groups and repeatedly blocked by Western governments at the United Nations.

This hearing will examine these issues, while seeking to provide concrete recommendations for how U.S. policy makers can most effectively encourage the protection of freedom of expression around the globe.

Panel I:

- **David N. Saperstein**, Ambassador-at-Large for International Religious Freedom, U.S. Department of State

Panel II:

- **Rev. Thomas J. Reese**, S.J., Chairman, U.S. Commission on International Religious Freedom

Panel III:

- **Ms. Vanessa Tucker**, Vice President for Analysis, Freedom House
- **Ms. Nina Shae**, Director, Hudson Institute Center for Religious Freedom
- **Dr. Karin Karlekar**, Director of Free Expression Programs, PEN America
- **Dr. Courtney C. Radsch**, Advocacy Director, Committee to Protect Journalists
- **Dr. Wael Aleji**, Spokesperson, Syrian Network for Human Rights

This hearing will be open to members of Congress, congressional staff, the interested public and the media. For any questions, please contact Isaac Six (for Rep. Pitts) at 202-225-2411 or Isaac.Six@mail.house.gov, or Stephanie Mellini (for Rep. McGovern) at 202-225-3599 or Stephanie.Mellini@mail.house.gov

Sincerely,

Joseph R. Pitts, M.C.
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James P. McGovern, M.C.
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