

BLASPHEMY LAWS AND ALLEGATIONS IN THE COMMONWEALTH

Briefing from Humanists UK, September 2022



WHAT'S HAPPENING?

On 13 September 2022 at 9:30, Jim Shannon MP has secured a Westminster Hall debate on 'Use of Blasphemy Laws and Allegations in Commonwealth Countries'. Non-religious people are frequently the target of laws against blasphemy and apostasy,¹ and Commonwealth countries are among the worst offenders. In fact, Commonwealth countries are more likely to have blasphemy laws than elsewhere. In this briefing we outline the general shape of the problem, and provide some examples – such as Mubarak Bala, President of the Nigerian Humanist Association, currently serving a 24-year jail sentence for blasphemy. We also highlight the need to repeal Northern Ireland's blasphemy laws.

ABOUT HUMANISTS UK

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by 100,000 members and supporters and over 115 members of the All-Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

We work closely with Humanists International, founded in 1952 as the global representative body of the humanist movement, with over 170 member organisations in over 70 countries, and of which our Chief Executive is also the current President. We have good relations with the UK Foreign, Commonwealth, and Development Office (FCDO), meeting regularly with ministers and officials, and having been on the steering group of the Ministerial. Our Chief Executive spoke at the opening plenary, we hosted three fringes and had a stand inside the Conference zone, and co-hosted four more events in Parliament.

We are also on the steering group of the UK Freedom of Religion or Belief (FoRB) Forum and are an active member of the All-Party Parliamentary Group on FoRB. We are accredited at the UN Human Rights Council – the only national humanist group to hold such accreditation – and make interventions there every session. We contribute annually to Humanists International's *Freedom of Thought Report*,² and co-founded the End Blasphemy Laws campaign,³ which has successfully prompted ten countries to repeal their blasphemy laws since it was founded in 2015. We also provide asylum support to non-religious asylum seekers who would be at risk of persecution due to their non-religious beliefs.

SUMMARY

- **As Ahmed Shaheed, the outgoing UN Special Rapporteur on Freedom of Religion or Belief, said: 'In my observations, humanists, when they are attacked, are attacked far more viciously and brutally than in other cases.'**

¹ Apostasy is a form of blasphemy: it is generally considered by religious adherents to be a crime against God.

² *Freedom of Thought Report*, Humanists International: <https://fot.humanists.international/>

³ End Blasphemy Laws campaign: <https://end-blasphemy-laws.org/>

- In the Commonwealth, a higher share of countries has the death penalty for blasphemy than outside, a higher share has prison sentences, and a higher share has other legal restrictions.
- Five Commonwealth countries have the death penalty for blasphemy or apostasy; a number more have seen people murdered for the same. 33 of 56 have blasphemy laws on the books.
- The *Freedom of Thought Report* classifies seven Commonwealth countries as guilty of grave violations against the non-religious – the most serious rating; 30 more are classified as guilty of severe discrimination. This is, again, a higher share than for non-Commonwealth countries.
- Individual cases: Below we outline the persecution faced by several individuals due to being humanist or non-religious. A live example is the case of Mubarak Bala, President of the Humanist Association in Nigeria, who is currently in prison sentenced to 24 years for a Facebook post deemed blasphemous.

RECOMMENDATION:

- We call for the **FCDO and other key FoRB stakeholders to do more to support the repeal of blasphemy and apostasy laws around the world.**
- The UK should also stand up for individuals being persecuted – including **more supportive actions on behalf of persecuted non-religious people.**
- **Northern Ireland should repeal its blasphemy laws** – the last in the UK.

BLASPHEMY LAWS IN THE COMMONWEALTH – THE OVERALL PICTURE

Data from the *Freedom of Thought Report* and End Blasphemy Laws campaign gives the following overall picture for blasphemy and apostasy laws across the Commonwealth:

Punishment for blasphemy	No. Commonwealth	Commonwealth %	No. Non-Commonwealth	Non-Commonwealth %
Death	5	9%	8	6%
Prison	21	38%	32	23%
Other restrictions	7	13%	16	11%
No laws	23	41%	84	60%
Total	56		140	

As can be seen, a higher share of Commonwealth countries have the death penalty for blasphemy than non-Commonwealth countries (9% v 6%). A much higher share has prison sentences (38% v 23%), and a higher share has other forms of restriction (e.g. fines – 13% v 11%). A much lower share has no laws at all (41% v 60%).

The five countries with the death penalty for blasphemy are Brunei, Malaysia, the Maldives, Nigeria, and Pakistan. All see serious FoRB violations happening on a regular basis, including against the non-religious.⁴

⁴ Brunei introduced the death penalty for blasphemy in 2019, but a month later placed a moratorium on carrying out sentences, following international pressure. So the law exists but no-one has been executed.

Some of the Commonwealth countries have blasphemy laws that date back to the Victorian era, and/or longstanding common law offences. An example is South Africa, which has restrictions falling short of prison. These laws are therefore a legacy of the UK's colonisation of other parts of the world. Some other colonising powers, for example France, substantively repealed their blasphemy laws before the end of the colonial era. Among France and its former colonies, only one country – Mauritania – has the death penalty for blasphemy. 31% have prison sentences, 7% have other restrictions, and 59% have no restrictions.⁵ We do not say any of this to praise France's at times violently anti-clerical history. But it does seem very possible that the scale of the problem in the Commonwealth is a legacy of the British Empire, and the laws the UK itself had at the time.

PERSECUTION OF THE NON-RELIGIOUS AROUND THE GLOBE – IN GENERAL

The position of most non-religious people around the world is perilous. As Ahmed Shaheed, the UN Special Rapporteur on Freedom of Religion or Belief said:

'In my observations, humanists, when they are attacked, are attacked far more viciously and brutally than in other cases.'

In some countries – like Pakistan, Bangladesh, and northern Nigeria – the population willing to declare they are non-religious is essentially non-existent, and in many others it is very small indeed. There are, as far as we are aware, no members of the Humanist Society Pakistan who are based in Pakistan and are open about their beliefs. As one of their members has told us, 'There are many vigilante extremists eavesdropping and sniffing on social media for easy targets. Any sort of denial [of Islam] is considered and labelled as heresy in Pakistan. Once someone is accused of being rationalist, agnostic, or atheist in Pakistan, they can be easily murdered by an angry mob or undercover vigilante. Our apprehensions about repression by forces of obscurantism and Islamist terror are not just bombastic rhetoric. The violence and torture meted out to secular and humanist victims is not unsubstantiated.'

This is not an exaggeration. In 2017, Pakistani University student Mashal Khan was murdered by fellow students merely for referring to himself as a humanist on Facebook. He was shot in the head and then beaten to death by a large group of students (some 31 were eventually found culpable with 26 more also tried). Police stood by and watched the attack, saying there were too many people attacking Mashal for them to intervene.⁶

More generally, seven Commonwealth countries (13%) are classified by the *Freedom of Thought Report* as guilty of grave violations against the non-religious – the most serious rating. These are

⁵ 'Brunei Darussalam', *Freedom of Thought Report*, Humanists International:

<https://fot.humanists.international/countries/asia-south-eastern-asia/brunei-darussalam/>

⁶ Furthermore, these figures understate the scale of the disparity between former British and former French colonies, because former British colonies such as the UAE, Qatar, Somalia (via Somaliland), and Yemen (via Aden) are not Commonwealth members (perhaps in part because members have to be democracies) but all have the death penalty for blasphemy. and Egypt.

⁶ "Humanist" murdered by fellow university students for alleged "blasphemy", Humanists International, 13 April 2017: <https://humanists.international/2017/04/humanist-murdered-fellow-university-students-alleged-bla...>

Bangladesh, Brunei, Malaysia, the Maldives, Nigeria, Pakistan, and Rwanda. 30 more (56%) are classified as guilty of severe discrimination. The equivalent shares for non-Commonwealth countries are 19% and 45%.⁷

SPECIFIC CASES OF CONCERN

Below we outline some specific cases of people persecuted in Commonwealth countries, either by the state through blasphemy laws, or extrajudicially due to accusations of the same.

Mubarak Bala, Nigeria: The President of the Humanist Association of Nigeria, Mubarak Bala, has been sentenced to 24 years in prison for a Facebook post deemed blasphemous. He was first arrested in April 2020 and sentenced in April 2022. The arrest followed a pattern of online and physical harassment, culminating in a legal petition to the police accusing him of being ‘provocative and annoying to Muslims’ on Facebook. He has been denied access to medical care in breach of the UN Standard Minimum Rules for the Treatment of Prisoners and was also denied access to his legal team for more than five months in breach of his right to a fair trial.

Mubarak Bala’s case has been controversial since his arrest. The Kano State Police Commissioner repeatedly refused to comply with an order issued by the Magistrate requiring the police to grant him access to his legal team. Significantly, the Kano State authorities failed to comply with a ruling of the Abuja High Court that determined that Bala should be released on bail.⁸

Humanist bloggers, Bangladesh: In 2013 Islamists drew up a ‘hit list’ of 84 humanist bloggers, and began working through it, wantonly murdering people, often hacking them to death with machetes in the streets. Over subsequent years the Islamists killed everyone on the list, forced them to move abroad, or forced them into hiding. The Islamists then became less discriminate in their targets, moving on to murdering others, for example, the bloggers’ publishers, LGBT rights activists, and people like one man who had simply written ‘I have no religion’ on Facebook. For their part, the authorities have frequently jailed non-religious people for ‘contempt of religion’ or ‘offensive remarks about Islam’ – including one man who was jailed after having survived an Islamist attack, only to find himself in the same prison cell as one of his attackers. The result is that the humanist blogging community in Bangladesh has entirely collapsed, or fled abroad.

Mashal Khan, Pakistan: In 2017, Pakistani University student Mashal Khan was murdered by fellow students merely for referring to himself as a humanist on Facebook. He was shot in the head and then beaten to death by a large group of students (some 31 were eventually found culpable with 26 more also tried). Police stood by and watched the attack, saying there were too many people attacking Mashal for them to intervene.

Humanist bloggers, Pakistan: More generally, in 2017, several **humanist bloggers and activists** were accused of blasphemy, and forcibly disappeared by security services. Some were subsequently released and reported having been tortured.⁹

⁷ *Freedom of Thought Report*.

⁸ Humanists UK. ‘Abuja High Court orders release of Nigerian Humanist Association President’. December 2020. <https://humanists.uk/2020/12/21/abuja-high-court-orders-release-of-nigerian-humanist-association-president/>

⁹ Pakistan entry of the *Freedom of Thought Report*, Humanists International: https://fot.humanists.international/countries/asia-southern-asia/pakistan/#Highlighted_cases

Gulalai and Muhamad Ismail, Pakistan: Gulalai is the founder of women and girls' education charity Aware Girls and Global Ambassador for Humanists International. While she was in Pakistan she was repeatedly accused of blasphemy, even taking the unprecedented step of suing one of her accusers. She was subsequently arrested in 2018 after flying into Pakistan from speaking at a Humanists UK event at the Conservative Party Conference; although, this had more to do with her also being a Pashtun rights activist. Following a subsequent arrest in February 2019, the Islamabad High Court found in Ismail's favour and ordered the Interior Ministry to remove her name from Exit Control List (ECL) and to return her passport. However, she was ordered to be arrested that May, her name returned to the ECL, but retained her passport as she went into hiding before escaping Pakistan in September 2019. Ismail is currently an asylum seeker in the US.¹⁰ Pakistani authorities continue to target Ismail's family, including the arbitrary arrest and detainment of her father, Muhamad Ismail, himself a human rights defender. Judicial harassment of Muhamad Ismail has continued to today, with frequent adjournments of his trial and the failure of inquiry officers and state witnesses to present themselves in court.¹¹

Rishvin Ismath, Sri Lanka: The founding President of the Council of Ex-Muslims of Sri Lanka has been forced into hiding due to sustained threats since 2016. In 2019 his identity as an ex-Muslim was made public after he appeared before the Parliamentary Select Committee to highlight the dissemination of Islamist extremist messages in school textbooks. He was then forced to relocate for his own security. Despite this, he receives regular threats and remains in hiding.

Mohamed Rusthum Russo, Maldives: Human rights advocate Rusthum Russo (as he is known online) speaks out for freedom of religion or belief. He was arrested in 2019 for insulting Islam, and held in jail for six months, but no charges were filed. However after his release he was re-arrested and convicted of 'obstructing the course of justice', for which he served one year in jail. Then in late 2021 he was re-arrested for the original charge of blasphemy. He faced procedural irregularities, meaning he had to represent himself. In August 2022 he pled guilty to the charges.¹²

India: Various non-religious people have been murdered in India due to their beliefs, by both Muslims and Hindus. In 2017 the ex-Muslim H Farook was killed due to his atheist activities online. In 2015, the rationalist Govind Pansare and his wife Uma were murdered. Also that year, the rationalist MM Kalburgi was killed due to his criticism of idol worship.¹³ More recently, in July 2022, filmmaker Leena Manimekalai faced threats and a civil complaint resulting in a court summons, after being accused of 'hurting religious sentiments' in her new film depicting a Hindu goddess.¹⁴ The Indian

¹⁰ Gulalai Ismail: Activist in hiding flees Pakistan for the US, BBC News Online, 20 September 2019: <https://www.bbc.com/news/world-asia-49765178>

¹¹ Pakistan: Chronology of harassment against human rights defender Muhammad Ismail, Civicus, December 2021: <https://www.civicus.org/index.php/media-resources/news/5018-pakistan-chronology-of-harassment-against-human-rights-defender-muhammad-ismail>

¹² 'Maldives: Concerns for safety of social media activist following conviction', Humanists International, 15 August 2022: <https://humanists.international/2022/08/maldives-concerns-for-safety-of-activist-following-conviction/>

¹³ India entry of the *Freedom of Thought Report*, Humanists International: https://fot.humanists.international/countries/asia-southern-asia/india/#Highlighted_cases

¹⁴ Leena Manimekalai, Humanists International: <https://humanists.international/case-of-concern/leena-manimekalai>

rationalist Narendra Nayak has been living under police protection due to his work challenging superstition; in 2021, an audio recording was circulated inciting violence against him.¹⁵

NORTHERN IRELAND'S BLASPHEMY LAWS

Northern Ireland is the last part of the UK to have blasphemy laws. England and Wales abolished its blasphemy laws in 2008, and the common law offence that exists in Scotland is set to be repealed when the relevant section of its 2021 Act comes into force.

Blasphemy is a criminal offence in Northern Ireland under the common law, and is also underpinned in legislation by the Criminal Libel Act 1819, the Libel Act 1843, the Newspaper Libel and Registration Act 1881, and the Law of Libel Amendment Act 1888. For both the common law and statutory offences, judges have discretion over sentencing and can impose either a fine or imprisonment, or both. The common law offence applies just to Christianity, whereas the statutory offences, although devised with Christianity in mind, don't specify a particular religion, so could apply to other religions as well. A prosecution has not occurred in Northern Ireland since 1855, although it could be revived at any time, as it was in Denmark in 2017, with respect to Islam, and in the Republic of Ireland that same year, with respect to Stephen Fry. (Both countries have since repealed their blasphemy laws.) The relevant legislation also applied to England and Wales until it was repealed in 2008; there it was last used in 1977.

There is widespread political support in Northern Ireland for repealing the blasphemy laws. It is party policy of Sinn Fein, the Alliance Party, the SDLP, the Green Party, and People Before Profit. The UUP doesn't have a policy but most MLAs support repeal. The DUP was against repeal when Arlene Foster was leader, but it is unclear what the policy is now. Several MLAs have told us they support repeal.

Before the last Assembly election, both the relevant ministers wanted to repeal the blasphemy laws, but were unable to find a legislative vehicle in time to do it. It is certainly true that most MLAs now support repeal, and we therefore hope that this can be advanced soon after the Assembly and Executive resume.

This matters because countries like Pakistan justify their blasphemy laws by pointing to dead letter laws in the West. Indeed, Pakistan's various attempts to introduce a blasphemy resolution at the UN were based on the wording of the Republic of Ireland's law. For these reasons, various countries in the West have been repealing their laws in recent years. Since 2015, Scotland, Ireland, Canada, Denmark, Greece, Norway, Iceland, Malta, New Zealand, and France have abolished their blasphemy laws.

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¹⁵ Narendra Nayak, Humanists International:
<https://humanists.international/case-of-concern/narendra-nayak/>