

116TH CONGRESS
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S. RES. 458

Calling for the global repeal of blasphemy, heresy, and apostasy laws.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2019

Mr. LANKFORD (for himself and Mr. COONS) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Calling for the global repeal of blasphemy, heresy, and apostasy laws.

Whereas Article 18 of the International Declaration of Human Rights states that “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”;

Whereas many countries continue to have criminal blasphemy laws and punish people who engage in expression deemed by the government to be blasphemous, heretical, apostate, defamatory of religion, or insulting to religion or to religious symbols, figures, or feelings, and such punishment can include fines, imprisonment, and capital punishment including by beheading;

Whereas blasphemy laws have affected Christians, Muslims, Hindus, Baha'i, secularists, and many other groups, are inconsistent with international human rights standards because they establish and promote official religious orthodoxy and dogma over individual liberty, and often result in violations of the freedoms of religion, thought, and expression that are protected under international instruments, including Articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR);

Whereas the United Nations Human Rights Committee stated in General Comment 34 that “[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”;

Whereas the United States Commission on International Religious Freedom (USCIRF) has found that blasphemy charges are often based on false accusations, are used for sectarian or political purposes, and foster religious intolerance, discrimination, and violence;

Whereas USCIRF has found that at least 70 countries had blasphemy laws as of 2018;

Whereas these laws were present in 18 Middle East and North African countries, 8 countries in the Americas, 18 Asia-Pacific countries, 14 European countries, and 12 Sub-Saharan African countries;

Whereas the Pew Research Center found that countries with laws against blasphemy, apostasy, or defamation of religion were more likely to have severe governmental restrictions on religion, and to experience social hostilities based on religion, than countries that did not have such laws;

Whereas restrictive laws beyond those penalizing blasphemy, heresy, and apostasy further limit religious freedom, such as extremism laws—

(1) in Russia that have been used to ban Jehovah’s Witnesses as an extremist organization and fueled persecution of this religious group;

(2) in China, to arbitrarily detain an estimated 800,000 to 2,000,000 Uighur Muslims in internment camps because they followed Islamic rituals and practices; and

(3) in North Korea, to detain an estimated 50,000 to 70,000 Christians in labor camps because they followed the tenets of Christianity;

Whereas an international group of experts convened by the Office of the United Nations High Commissioner for Human Rights recommended in 2012 that “[s]tates that have blasphemy laws should repeal the[m] as such laws have a stifling impact on the enjoyment of freedom of religion or belief and healthy dialogue and debate about religion.”;

Whereas blasphemy laws are inconsistent with United Nations resolutions adopted by consensus since 2011 recognizing that religious intolerance is best fought through positive measures, such as education, outreach, and counter-speech, and that criminalization of speech is warranted only for the prevention of imminent violence;

Whereas, according to the annual religious freedom report published by the Department of State in 2015, attackers in Bangladesh killed five allegedly anti-Islamic or secularist writers and publishers, and injured three others;

Whereas, in response to these killings, the Home Minister of Bangladesh, rather than condemning the murders, called on bloggers and others to refrain from writings that could hurt the religious feelings of others and added that violators of the warning would be subject to prosecution under the restrictive religious freedom laws of Bangladesh;

Whereas a 2016 report by USCIRF on Bangladesh found that religious and civil society groups fear that increasing religious extremism will result in more criminal attacks and threats;

Whereas restrictive religious freedom laws validate and promote social violence targeted at religious minorities and dissenters, whether Christian, Muslim, secularist, or other;

Whereas USCIRF has found that in Pakistan, blasphemy laws have been used to prosecute and persecute Muslims, Christians, secularists, and others;

Whereas, according to a Pew Center report on religion and public life, Pakistan stands out for having one of the highest levels of restrictions on religion when both government restrictions and social hostilities are taken into account;

Whereas USCIRF has found egregious examples of the enforcement of blasphemy laws and vigilante violence connected to blasphemy allegations in Pakistan, where blasphemy charges are common and numerous individuals are in prison, with a high percentage sentenced to death or to life in prison;

Whereas, as of May 2018, USCIRF was aware of approximately 40 individuals on death row for blasphemy in Pakistan or serving life sentences;

Whereas Asia Bibi was sentenced to death for blasphemy in 2010 and was held on death row for 8 years, until the Supreme Court of Pakistan overturned her conviction in 2018, and has since received asylum in Canada;

Whereas Pakistan selectively enforces the blasphemy law against minority religious groups, including specifically targeting the Ahmadis, such as Abdul Shakoor, an 82-year old bookseller who was recently released after serving four years in prison on blasphemy charges;

Whereas blasphemy laws in Pakistan have fostered a climate of impunity, as those who falsify evidence go unpunished and allegations often result in violent mob attacks or assassinations, with little to no police response;

Whereas, in 2017, the Christian Governor of Jakarta, Indonesia, was convicted for blasphemy of Islam and sentenced to two years in jail;

Whereas several countries that maintained blasphemy laws have recently taken steps towards removing these provisions, including Greece, Ireland, and Canada;

Whereas blasphemy laws in the United States were invalidated by the adoption of the First Amendment to the Constitution, which protects the freedoms of thought, conscience, expression, and religious exercise; and

Whereas the United States has become a beacon of religious freedom and tolerance around the world: Now, therefore, be it

1 *Resolved*, That the Senate—

1 (1) recognizes that blasphemy, heresy, and
2 apostasy laws inappropriately position governments
3 as arbiters of religious truth and empower officials
4 to impose religious dogma on individuals or minori-
5 ties through the power of the government or through
6 violence sanctioned by the government;

7 (2) calls on the President and the Secretary of
8 State to make the repeal of blasphemy, heresy, and
9 apostasy laws a priority in the bilateral relationships
10 of the United States with all countries that have
11 such laws, through direct interventions in bilateral
12 and multilateral fora;

13 (3) encourages the President and the Secretary
14 of State to oppose—

15 (A) any efforts, by the United Nations or
16 by other international or multilateral fora, to
17 create an international anti-blasphemy norm,
18 such as the “defamation of religions” resolu-
19 tions introduced in the United Nations between
20 1999 and 2010; and

21 (B) any attempts to expand the inter-
22 national norm on incitement to include blas-
23 phemy or defamation of religions;

24 (4) supports efforts by the United Nations to
25 combat intolerance, discrimination, or violence

1 against persons based on religion or belief without
2 restricting expression, including United Nations
3 Human Rights Council Resolution 16/18 (2011) and
4 the Istanbul Process meetings pursuant to such res-
5 olution, that are consistent with the First Amend-
6 ment to the Constitution;

7 (5) calls on the President and the Secretary of
8 State to designate countries that enforce blasphemy,
9 heresy, or apostasy laws as “countries of particular
10 concern for religious freedom” under section
11 402(b)(1)(A)(ii) of the International Religious Free-
12 dom Act of 1998 (22 U.S.C. 6442(b)(1)(A)(ii)) for
13 engaging in or tolerating severe violations of reli-
14 gious freedom, as a result of the abuses flowing from
15 the enforcement of such laws and from unpunished
16 vigilante violence often generated by blasphemy alle-
17 gations;

18 (6) urges the governments of countries that en-
19 force blasphemy, heresy, or apostasy laws to amend
20 or repeal such laws, as they provide pretext and im-
21 puny for vigilante violence against religious minori-
22 ties; and

23 (7) urges the governments of countries that
24 have prosecuted, imprisoned, and persecuted people
25 on charges of blasphemy, heresy, or apostasy to re-

- 1 lease such people unconditionally and, once released,
- 2 to ensure their safety and that of their families.

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