

New study of blasphemy law around the world

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According to a [Pew Forum study](#) released last week, eight out of 45 European countries have blasphemy laws on their books while 35 of them have laws against the defamation of religion in general or hate speech against members of a faith.

The eight countries with blasphemy laws are Denmark, Germany, Greece, Ireland, Italy, Malta, the Netherlands and Poland. A blasphemy law in England and Wales was scrapped in 2008.

The Netherlands and Ireland are actively considering abolition of their blasphemy laws, while Denmark's fifty year old law has never been used.

In Malta, the Constitutional Court last week upheld a censorship board decision to ban a play called *Stitching* for blasphemy. Ironically, the censorship board was abolished after the case was brought, but before the court decision was reached. This led to the bizarre situation that while 'Stitching' can no longer be banned outright, its producers could be arrested for blasphemy if they went ahead and staged the play.

In Greece blasphemy cases are being actively pursued. It seems the economic crisis in which the country finds itself has led to a resurgence of power for the Greek Orthodox Church and a desire to pursue blasphemy cases.

The Pew study said blasphemy laws were more common in the Muslim world, where 13 of 20 countries in the Middle East and North Africa had them as well as nine Asian states that are mostly Muslim or, in the case of India, have a large Muslim minority.

Some 20 countries, all majority Muslim states in the Middle East, Africa and Asia, also outlaw apostasy or conversion to another religion, the Pew study said.

The shift in Ireland also resulted from an election last year won by a coalition of the Fine Gael and Labour parties that favoured a reform of the 1937 constitution which explicitly states blasphemy is a crime. Changing that will require a referendum, which can only be held after the constitutional convention completes its work, which should take at least a year if not more.

Ireland passed a new blasphemy law in 2009 after its previous one, a remnant of pre-independence English law there, was ruled illegal because it violated the constitutional guarantee of religious equality.

Muslim countries seeking a United Nations ban on blasphemy subsequently cited that law as an example of western support for the concept. Western states have consistently rejected the Muslim proposal as a violation of free speech.

Pakistan, whose strict blasphemy law has reaped world-wide criticism for cases of misuse against religious minorities, threw out a case against a Christian girl last week after a wave of international condemnation.

Rimsha Masih, believed to be no older than 14, was charged with burning pages of the Koran in August but was granted bail in September after a Muslim cleric was detained on suspicion of planting evidence to stir up resentment against Christians.

Since then, a 22-year-old Christian Pakistani youth, who was accused of burning a copy of the Koran, died while in police custody last Sunday.

A police spokesman said the youth, named only as Nadeem, had "fallen seriously ill while in custody and subsequently died". He also said that the allegations had not been substantiated, but that the youth — who was described as mentally ill — had been tortured by a neighbour who allegedly caught him burning the Koran.

A Christian woman, Asia Bibi, who was sentenced to death in 2010 on blasphemy charges, awaits developments on death row.

In the United States, a 1952 Supreme Court decision effectively killed state blasphemy laws when it ruled that a movie titled *The Miracle* could not be censored on grounds that it is sacrilegious.

"From the standpoint of freedom of speech and the press, a state has no legitimate interest in protecting any or all religions from views distasteful to them which is sufficient to justify prior restraints upon the expression of those views," the Court ruled.

See also: [*Malta among dwindling number of EU states still with blasphemy laws*](#)

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