

## AFGHANISTAN

**The Information Code of 1990 [Deals with the media and restricts blasphemy]**

**Article 26** forbids publications that are “contrary to Islamic morals, national values, human rights”

**Penal Code: Article 347(b)**<sup>1</sup>

a) A person who destroys or damages the permitted places of worship where religious rituals of one of the religions are conducted, or destroys or damages any other sign or symbols respectable to followers of any religion.

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<sup>1</sup> Penal Code, Sep. 22, 1976 (Afghanistan), available at <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4c58395a2> (last visited April 22, 2013).

## ALGERIA

### **The Information Code of 1990<sup>2</sup>**

The code deals with the media and restricts blasphemy under Articles 26 and Article 77:

·Article 26 forbids publications that are “contrary to Islamic morals, national values, human rights”

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<sup>2</sup> Freedom House, Policing Belief: The Impact of Blasphemy Laws on Human Rights (2010) at 13, available at [http://www.freedomhouse.org/sites/default/files/Policing\\_Belief\\_Full.pdf](http://www.freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf) (last visited April 18, 2013).

# ANDORRA

## Criminal Code<sup>3</sup>

### **Article 122**

Anyone who commits a profane, insulting or destructive act in a religious building or during a religious ceremony shall be subject to a maximum prison sentence of four years.

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<sup>3</sup> Blasphemy, insult and hatred: finding answers in a democratic society,” *Science and technique of democracy* No. 47, Venice Commission, available online at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD\(2010\)047-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e)

## AUSTRIA

### **Criminal Code: Section 189(b)<sup>4</sup>**

2. Whoever commits mischief at a place intended for a legally permitted practice of religion or on the occasion of a legally permitted public divine service or with an object directly destined for a legally permitted divine service of a church or religious society located in Austria in a manner capable of giving rise to justified annoyance is liable to imprisonment for a term not exceeding six months or to a fine.

### **Article 283**

The Austrian Criminal Code contains provisions aimed at combating racism and intolerance. These include Section 283 (para. 1) - which punishes incitement to hostile action against a church or religious community established in the country or a group determined by their affiliation to such a church or religious community, or to a race, nation, ethnic group or state - and Section 283 (para. 2) - which punishes publicly agitating against such a group or insulting or disparaging it in a manner violating human dignity.<sup>5</sup>

With effect from 1 January 2012, the scope of the offence of hate speech defined under section 283 of the Criminal Code had been expanded. Section 283, paragraph 1, characterized advocacy of or incitement to violence against a church, a religious society or any group defined in terms of race, skin colour, language, religion, belief, nationality, descent, national or ethnic origin, sex, disability, age or sexual orientation, or against a member of any such group, where the incitement was expressly motivated by membership of the group, as an offence punishable with imprisonment for up to 2 years.<sup>6</sup>

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<sup>4</sup> Strafgesetzbuch [StGB][Penal Code]BGBl. 1974/60 (Austria), available in “Blasphemy, Insult and Hatred Finding Answers in a Democratic Society,” Science and Technique of Democracy No. 47, European Commission for Democracy and Law, Mar. 31, 2010 at 156.

<sup>5</sup> [http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle\\_02/02\\_CbC\\_eng/02-cbc-austria-eng.pdf](http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-austria-eng.pdf)

<sup>6</sup> [www.bayefsky.com/summary/austria\\_cerd\\_c\\_sr2190\\_2012.doc](http://www.bayefsky.com/summary/austria_cerd_c_sr2190_2012.doc)

## **BAHRAIN**

### **Press Rules and Regulations: Article 1<sup>7</sup>**

Each and every human has the right to express his/her opinion and publish it through words or writing etc. according to the terms and conditions stipulated in this law, all of which notwithstanding the fundamentals of Islamic creed and the people's unity, and avoiding any divisionism or sectarianism.

### **Press Rules and Regulations: Article 19**

As per a decision by the minister, it is possible to prohibit circulation of publications instigating hatred of the political regime, encroaching on the state's official religion, breaching ethics, encroaching on religions and jeopardizing public peace or raising issues whose publication is prohibited by the provisions of this law.

Concerned parties can appeal the decision to prohibit circulation before the High Civil Court within 15 days of its issuance or notification. The court shall settle the case on an urgent basis.

### **Press Rules and Regulations: Article 24**

Within the Ministry is constituted a committee named, "The Committee for Monitoring Registered Films and Publications," headed by Director of the Department of Press and Publication, whose membership includes representatives from a number of relevant ministries nominated by the ministers concerned.

This committee shall monitor films, and the like intended for display in movie theaters, as well as publications in respect to politics, society, health, morals, and religion.

### **Press Rules and Regulations: Article 38**

A journalist must be committed to refraining from propagating racism; the denigration[CSL1] of religions; from advocating hatred or challenging the faith of others; or promoting discrimination or contempt towards the spectrum of community groups.

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<sup>7</sup> "Press Rules & Regulations-Information Affairs Authority Bahrain." *Press Rules & Regulations-Information Affairs Authority Bahrain*. N.p., n.d. Web. <http://www.iaa.bh/policiesPressrules.aspx> .

## **BANGLADESH**

### **Penal Code: Article 295 [Injuring or Defiling Place of Worship, with Intent to Insult the Religion of Any Class]<sup>8</sup>**

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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<sup>8</sup> Penal Code, 1860 (Bangladesh), available at Bangladesh Ministry of Law, [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=11](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=11) (last visited April 21, 2013).

# **BRUNEI DARUSSALAM**

## **Penal Code**<sup>9</sup>

### **Article 296 Disturbing religious assembly**

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment for a term which may extend to 3 years and with fine.

### **Article 297 Trespassing on burial places etc.**

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment for a term which may extend to one year, and with fine.

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<sup>9</sup> [https://www.unodc.org/tldb/pdf/Brunei\\_Penal\\_Code\\_1951\\_Full\\_text.pdf](https://www.unodc.org/tldb/pdf/Brunei_Penal_Code_1951_Full_text.pdf)

## EGYPT

### **Penal Code: Article 160<sup>10</sup>**

A penalty of detention and paying a fine of not less than one hundred pounds and not exceeding five hundred pounds or either penalty shall be inflicted on the following:

First: Whoever perturbs the holding of rituals of a creed or a related religious ceremony, or obstructs it with violence or threat.

Second: Whoever ravages, breaks, destroys, or violates the sanctity of buildings provided for holding religious ceremonies, symbols or other objects having their profound reverence and sanctity in relation to the members of a creed or a group of people.

Third: Whoever violates the sacredness or sanctity of graves or cemeteries. Imprisonment for a period not exceeding five years shall be the penalty if any of these crimes is committed in execution of a terrorist purpose.

### **Penal Code: Article 178**

Whoever makes or holds, for the purpose of trade, distribution, leasing, pasting or displaying printed matter, manuscripts, drawings, advertisements, carved or engraved pictures, manual or photographic drawings, symbolic signs, or other objects or pictures in general, if they are against public morals, shall be punished with detention for a period not exceeding two years and a fine of not less than five thousand pounds and not exceeding ten thousand pounds or either penalty.

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<sup>10</sup> Law No. 58 of 1937 (Criminal Code of 1937, reformed in 1952), *Al-Jarida Al-Rasmiyya* (Egypt), available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDgQFjAB&url=http%3A%2F%2Ftrack.unodc.org%2FlegalLibrary%2FlegalResources%2FEgypt%2FLaws%2FEgypt%2520The%2520Penal%2520Code%2520Law%25201937.pdf&ei=Y59vUcn4NrG84AOU-IDAaw&usg=AFQjCNHiRjzauUODRTHUkoDRc4nYY9iUXw&sig2=ARx51QLxrUdzOcUrDcuLWA&bvm=bv.45368065,d.dmg> (last visited April 18, 2013).

# ICELAND

## Constitution<sup>11</sup>

### **Article 63**

All persons have the right to form religious associations and to practice their religion in conformity with their individual convictions. Nothing may however be preached or practised which is prejudicial to good morals or public order.

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<sup>11</sup> Iceland's Constitution of 1944 with Amendments through 1999, Constitute Project, available online at [https://www.constituteproject.org/constitution/Iceland\\_1999.pdf](https://www.constituteproject.org/constitution/Iceland_1999.pdf)

## **INDONESIA**

### **Law No. 11/2008 Regarding Electronic Information and Transactions** <sup>12</sup>

#### **Article 27**

- (1) Any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents against propriety.
- (2) Any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents of gambling.
- (3) Any person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents of affronts and/or defamation.
- (4) Any person who knowingly and without authority distributes and or transmits and/or causes to be accessible Electronic information and/or Electronic Records with contents of extortion and/or threats.

#### **[Article 28]**

- (1) Any person who knowingly and without authority disseminates false and misleading information resulting in consumer loss in Electronic Transactions.
- (2) Any person who knowingly and without authority disseminates information aimed at inflicting hatred or dissension on individuals and/or certain groups of community based on ethnic groups, religions, races, and intergroups (SARA).

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<sup>12</sup> Law No. 11/2008 Regarding Electronic Information and Transactions, available at <http://www.docstoc.com/docs/22294620/Law-of-The-Republic-of-Indonesia-Number-11-of-2008-Concerning-Electronic-Information-and-Transactions> (last visited April 16, 2013).

## IRAN

### **Penal Code: Article 640(c)**<sup>13</sup>

c) anyone who publicizes any picture, text, photo, drawing, article, newsletter, newspaper, movie, or any other thing that violates public morals;

### **Press Law**<sup>14</sup>

#### **Article 28**

Publication of indecent pictures and materials that offend public decency is prohibited and is subject to Islamic punishment and insistence on publishing such pictures and materials would lead to tougher punishment and cancellation of the publication's license.

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<sup>13</sup> Islamic Penal Code, Nov. 28, 1991 (Iran), available at <http://www.refworld.org/docid/4d384ae32.html> (last visited April 27, 2013).

<sup>14</sup> Press Law, Jan. 31, 1987 (Iran), available at [http://www.parstimes.com/law/press\\_law.html](http://www.parstimes.com/law/press_law.html) (last visited April 29, 2013).

## IRAQ

### **Penal Code:**<sup>15</sup>

#### **Chapter 8 Section 3 [Immodest and shameful acts]**

Paragraph 403 – Any person who produces, imports, publishes, possesses, obtains or translates a book, printed or other written material, drawing, picture, film, symbol or other thing that violates the public integrity or decency with intent to exploit or distribute such material is punishable by a period of detention not exceeding 2 years plus a fine not exceeding 200 dinars or by one of those penalties. The same penalty applies to any person who advertises such material or displays it in public or sells, hires or offers it for sale or hire even though it is not in public or to any person who distributes or submits it for distribution by any means.

If the offence is committed with intent to deprave, it is considered to be an aggravating circumstances.

#### **Article 38 [Expression, Press, Media]**

The State shall guarantee in a way that does not violate public order and morality:

- A. Freedom of expression using all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.

#### **Draft Informatics Crimes Law (draft Internet Law)**

According to Human Rights Watch's report, "Iraq's Information Crimes Law," there are several articles in the proposed Internet Law that can be considered blasphemy laws.

Article 6 (1) states that any person who uses computer devices and an information network for the purpose of "inflaming sectarian tensions or strife; disturbing security and the public order; or defaming the country..." is punishable by life imprisonment and a large fine. HRW does not specify the amount of the fine.<sup>16</sup>

Article 21 states that "any person who encroaches on any religious, moral, family, social values or the sanctity of private life using an information network or computer devices in any shape or form" carries a minimum one-year prison term and a fine of between two and five million dinars.<sup>17</sup>

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<sup>15</sup> Iraq Penal-Code with Amendments Third Edition No (111), 1969, available [http://law.case.edu/saddamtrial/documents/Iraqi\\_Penal\\_Code\\_1969.pdf](http://law.case.edu/saddamtrial/documents/Iraqi_Penal_Code_1969.pdf) (last visited July 1, 2013).

<sup>16</sup> Human Rights Watch, "Iraq's Information Crimes Law: Badly Written Provisions and Draconian Punishments Violate Due Process and Free Speech," July 2012, available <http://www.hrw.org/sites/default/files/reports/iraq0712webwcover.pdf> (last visited July 1, 2013).

<sup>17</sup> Centre for Law and Democracy, "Freedoms in Iraq: An Increasingly Repressive Legal Net," December 2011, available <http://www.law-democracy.org/wp-content/uploads/2012/01/Report.Iraq-Freedoms.with-cover.pdf> (last visited July 1, 2013).

# ISRAEL

## Penal Code<sup>18</sup>

### **Article 171 Disturbing worship**

If a person maliciously disturbs a meeting of persons lawfully assembled for religious worship, or if he maliciously assaults a person who officiates at a said meeting or one of the participants, and if he is unable to prove a lawful justification or excuse, then he is liable to three years imprisonment.

### **Article 172 Unauthorized entry in place of worship or burial**

If a person without permission enters a place of worship or burial or any place set apart for funeral rites or as a repository for remains of the dead, or if he deals disrespectfully with a human corpse or causes a disturbance to persons assembled for a funeral, all with the intention of hurting a person's feelings or of reviling his religion or in the knowledge that a person's feelings are liable to be hurt or that his religion is liable to be insulted thereby, then he is liable to three years.

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<sup>18</sup> <http://www.oecd.org/investment/anti-bribery/anti-briberyconvention/43289694.pdf>

# LIBYA

## **Penal Code**

### Article 207

Imposes the death penalty on those who spread within the country “theories or principles that aim to change the basic principles of the constitutional laws or the fundamental structures of the social system or to overthrow the state’s political, social, or economic structures, or destroy any of the fundamental structures of the social system using violence, terrorism, or any other unlawful means”.

# MALAYSIA

## **The Printing Press and Publications Act 1984<sup>19</sup>**

### **Part II**

#### **LICENSING OF PRINTING PRESSES**

Printing press used for unlawful purpose

4. (1) Any person who prints or produces, or causes or permits to be printed or produced by his printing press or machine any publication or document—

1. (a) which is obscene or otherwise against public decency; or
2. (b) which contains an incitement to violence against persons or property, counsels disobedience to the law or to any lawful order or which is or is likely to lead to a breach of the peace or to promote feelings of ill-will, hostility, enmity, hatred, disharmony or disunity,

shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both.

### **PART IV**

#### **CONTROL OF UNDESIRABLE PUBLICATIONS**

##### **Undesirable publications**

7. (1) If the Minister is satisfied that any publication contains any article, caricature, photograph, report, notes, writing, sound, music, statement or any other thing which is in any manner prejudicial to or likely to be prejudicial to public order, morality, security, or which is likely to alarm public opinion, or which is or is likely to be contrary to any law or is otherwise prejudicial to or is likely to be prejudicial to public interest or national interest, he may in his absolute discretion by order published in the Gazette prohibit, either absolutely or subject to such conditions as may be prescribed, the printing, importation, production, reproduction, publishing, sale, issue, circulation, distribution or possession of that publication and future publications of the publisher concerned.

##### **Offences**

8. (1) Any person who without lawful excuse is found in possession of any prohibited publication shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

(2) Any person who prints, imports, produces, reproduces, publishes, sells, issues, circulates, offers for sale, distributes or has in his possession for such purpose any prohibited publication shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both.

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<sup>19</sup> Printing Press and Publications Act of 1984 (Malaysia), available at <http://www.agc.gov.my/Akta/Vol.%202/Act%2088.pdfsee> (last visited April 18, 2013).

# THE MALDIVES

## Constitution<sup>20</sup>

### **Article 10**

(a) The religion of the State of the Maldives is Islam. Islam shall be the one of the basis of all the laws of the Maldives

(b) No law contrary to any tenet of Islam shall be enacted in the Maldives

### **Article 19 [Freedom from Restraint]**

A citizen is free to engage in any conduct or activity that is not expressly prohibited by Islamic Shari'ah or by law. No control or restraint may be exercised against any person unless it is expressly authorized by law.

### **Article 27 [Freedom of Expression]**

Everyone has the right to freedom of thought and the freedom to communicate opinions and expression in a manner that is not contrary to any tenet of Islam.

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<sup>20</sup> <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf>

# MALTA

## Criminal Code<sup>21</sup>

### **Obstruction of religious services.**

**165.** (1) Whosoever impedes or disturbs the performance of any function, ceremony or religious service of the Roman Catholic Apostolic Religion or of any other religion tolerated by law, which is carried out with the assistance of a minister of religion or in any place of worship or in any public place or place open to the public shall, on conviction, be liable to imprisonment for a term not exceeding one year.

(2) If any act amounting to threat or violence against the person is committed, the punishment shall be imprisonment for a term from six months to two years.

### **Contraventions affecting public order.**

**338.** Every person is guilty of a contravention against public order, who –  
(*bb*) even though in a state of intoxication, publicly utters any obscene or indecent words, or makes obscene acts or gestures, or in any other manner not otherwise provided for in this Code, offends against public morality, propriety or decency;

### **Title II of the Punishments for Contraventions**

**342.** In respect of the contravention under article 338(*bb*), where the act consists in uttering blasphemous words or expressions, the minimum punishment to be awarded shall in no case be less than a fine (*ammenda*) of eleven euro and sixty-five cents (11.65) and the maximum punishment may be imprisonment for a term of three months – saving always the provisions of Title IV of Part II of Book First.

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<sup>21</sup> <http://legislationline.org/documents/section/criminal-codes>

# MAURITANIA

## Penal Code<sup>22</sup>

### **Article 306**

This Article states that anyone who has committed an outrage against public decency and Islamic morals or has desecrated sacred places will be punished by imprisonment for three months to two years and a fine of 5,000 to 60,000 UM. The Article also covers indecent assault, which is punishable by imprisonment for between one month and two years

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<sup>22</sup> <http://www.fosigrid.org/africa/mauritania>

# MOROCCO

## Penal Code<sup>23</sup>

### **Law 1-02-207, 25<sup>th</sup> of Rajab 1423 (October 3, 200):**

#### **Article 41**

Shall be punished with imprisonment from 3 to 5 years and a fine of 10,000 to 100,000 dirhams any offense by any of the means provided for in Article 38, to His Majesty the King, princes and princesses Royal. The same penalty applies if the publication of a newspaper or undermine the Islamic religion, the monarchy, or territorial integrity. If convicted under this section, the suspension of the day or journal writing may be decided by the same court for a period not to exceed three months. This suspension will not affect the contracts that bind the operator, which is required of all contractual and legal obligations arising. The court may, by the same court, the ban on newspaper or writing.

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<sup>23</sup> Morocco, la loi n° 77-00 modifiant et complétant le Dahir n° 1-58-378 du 3 Jomada I 1378 ( 15 novembre 1958) formant code de la Presse et de l'Édition -2003- ; promulguée par Dahir n° 1-02-207 du 25 Rejeb 1423 (3 octobre 2002), World Intellectual Property Organization, available online at [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=191181](http://www.wipo.int/wipolex/en/text.jsp?file_id=191181), with automatic translation tool

## NEW ZEALAND

### Crimes Act 1961 (As Amended 2011)<sup>24</sup>

#### **[Part 7: Crimes against religion, morality, and public welfare]**

#### **Article 123 [Blasphemous libel]**

(1) Everyone is liable to imprisonment for a term not exceeding 1 year who publishes any blasphemous libel.

(2) Whether any particular published matter is or is not a blasphemous libel is a question of fact.

(3) It is not an offence against this section to express in good faith and in decent language, or to attempt to establish by arguments used in good faith and conveyed in decent language, any opinion whatever on any religious subject.

(4) No one shall be prosecuted for an offence against this section without the leave of the Attorney-General, who before giving leave may make such inquiries as he thinks fit.

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<sup>24</sup> <http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html>

## PAKISTAN

### **Constitution<sup>25</sup>**

#### **Article 19 [Freedom of speech, etc.]**

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offense.

#### **Article 20 [Freedom of profess religion and to manage religious institutions]**

Subject to law, public order and morality,—

- (a) every citizen shall have the right to profess, practice and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

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<sup>25</sup> Pakistan Const., available at National Assembly of Pakistan, <http://www.na.gov.pk/publications/constitution.pdf> (last visited April 27, 2013).

## PALESTINIAN AUTHORITY

### **Palestinian Basic Law [Article 18]<sup>26</sup>**

Freedom of belief, worship and the performance of religious functions are guaranteed, provided public order or public morals are not violated.

### **1995 Press Law of the Palestinian National Authority<sup>27</sup>**

“Articles 18-21 establish a licensing regime for the printed press.”

“Article 7 prohibits the publication of material which may contradict the principles of freedom, national responsibility, human rights and the respect of truth.”

“Article 37 includes a number of broad content restrictions, such as material harmful to religious doctrines, that harms national unity, which shakes belief in the national currency or which is inconsistent with morals.”

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<sup>26</sup> <http://jurist.law.pitt.edu/world/palestbasic.htm>

<sup>27</sup> Israeli-Occupied Territories and Palestinian Authority 2011 World Report, Freedom House, <http://www.freedomhouse.org/report/freedom-press/2011/israeli-occupied-territories-and-palestinian-authority>

## **POLAND**

### **Broadcasting Act of December 29, 1992<sup>28</sup>**

#### **CHAPTER III Radio and Television Programme Services [Article 18]**

1. Programmes or other broadcasts may not encourage actions contrary to law and Poland's raison d'Etat or propagate attitudes and beliefs contrary to the moral values and social interest. In particular, they may not include contents inciting to hatred or discriminating on grounds of race, disability, sex, religion or nationality.

2. Programmes or other broadcasts shall respect the religious beliefs of the public and especially the Christian system of values.

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<sup>28</sup> Broadcasting Act, Dec. 29, 1992, available at [http://www.krrit.gov.pl/Data/Files/\\_public/pliki/office/broadcasting-act\\_10-08-2011.pdf](http://www.krrit.gov.pl/Data/Files/_public/pliki/office/broadcasting-act_10-08-2011.pdf) (last visited April 18, 2013).

## SAUDI ARABIA

### **Article 39 [Expression]**

Information, publication, and all other media shall employ courteous language and the state's regulations, and they shall contribute to the education of the nation and the bolstering of its unity. All acts that foster sedition or division or harm the state's security and its public relations or detract from man's dignity and rights shall be prohibited. The statutes shall define all that.

### **Anti-Cyber-Crime Law [Article 2]**

This Law aims at combating cyber crimes by identifying such crimes and determining their punishments to ensure the following:

1. Enhancement of information security.
2. Protection of rights pertaining to the legitimate use of computers and information networks.
  1. Protection of public interest, morals, and common values.
  2. Protection of national economy.

### **Media Laws**

#### **Law of Printing and Publication [2003] [Article 9]**

When permission is given to a printed matter the following shall be taken into consideration:

2. It shall not be conflicting with Sharia Rules.
3. It shall not lead to breach of **public security, public policy** or serving foreign interest that conflict with national interest.
4. It shall not be exciting to fanatical instincts or stir up discord among citizens.
5. It shall not prejudice the dignity and liberty of persons or lead to their blackmail or injure their reputation or commercial names.
6. It shall not lead to approval and incitation of criminal conduct.
7. It shall not injure the economic or health situation in the country.
8. It shall not disclose the secrets of investigations or trails except with the permission of the competent authority.
9. It shall observe objective and constructive criticism that aims at public interest and which is based on facts and evidence.

# SAN MARINO

## Criminal Code<sup>29</sup>

### **Article 262 – Interference with religious ceremonies**

Whoever hinders or interferes with religious rituals, ceremonies or processions which are being carried out with the assistance of a priest is liable to first-degree imprisonment. If the offence is committed by violence or threat, the penalty is increased by one degree.

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<sup>29</sup> Blasphemy, insult and hatred: finding answers in a democratic society,” *Science and technique of democracy* No. 47, Venice Commission, available online at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD\(2010\)047-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(2010)047-e)

## SINGAPORE

### **Penal Code [Offences Relating to Religion or Race]**<sup>30</sup>

#### **Article 298 [Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony]**

(a) Whoever — by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups;

or

(b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

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<sup>30</sup> [http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=3864d97d-2a0c-4e90-9edc-2d0760121cfb;page=0;query=CompId%3Ae40d5913-c2dc-4284-bf68-eb315c55c8fa;rec=0#P4XV\\_295-](http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=3864d97d-2a0c-4e90-9edc-2d0760121cfb;page=0;query=CompId%3Ae40d5913-c2dc-4284-bf68-eb315c55c8fa;rec=0#P4XV_295-)

# SOMALIA

## Constitution<sup>31</sup>

### **Article 2 State and Religion**

- (1) Islam is the religion of the State.
- (2) No religion other than Islam can be propagated in the country.
- (3) No law which is not compliant with the general principles of Shari'ah can be enacted

## Penal Code<sup>32</sup>

### **Part IV, Chapter 1**

#### **Article 313 [Bringing the Religion of the State into contempt]**

1. Whoever publicly brings the religion of Islam [1 Const.] into contempt shall be punished with imprisonment [96 P.C.] up to two years.
2. Whoever publicly insults the religion of Islam [1 Const.] by bringing into contempt persons professing it or places or objects dedicated to worship, shall be liable to the same punishment.

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<sup>31</sup> Somalia's Constitution of 2012, Constitute Project, available online at [https://www.constituteproject.org/constitution/Somalia\\_2012.pdf](https://www.constituteproject.org/constitution/Somalia_2012.pdf)

<sup>32</sup> <http://www.refworld.org/docid/4bc5906e2.html>

## SOUTH SUDAN

Penal Code<sup>33</sup>

### **CHAPTER XV—OFFENCES RELATING TO RELIGION**

#### **203. [Injuring or Defiling Place of Worship with Intent to Insult the Religion of any Class.]**

Whoever destroys, damages or defiles any place of worship or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, commits an offence, and upon conviction, shall be sentenced to imprisonment for a term not exceeding three years or with a fine or with both.

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<sup>33</sup> Penal Code of South Sudan. 2008, available at [http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies/mainColumnParagraphs/0/content\\_files/file12/15.pdf](http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies/mainColumnParagraphs/0/content_files/file12/15.pdf) (last visited April 28, 2013).

# SRI LANKA

## Constitution

### 15. [Restrictions on fundamental rights.]

(2) The exercise and operation of the fundamental right declared and recognized by Article 14(1)(a) shall be subject to such restrictions as may be prescribed by law in the interests of **racial and religious harmony** or in relation to parliamentary privilege, contempt of court, defamation or incitement to an offense.

## Penal Code<sup>34</sup>

### Chapter XV—Offences Relating to Religion

#### Article 290

Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby **insulting the religion** of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

#### Article 290A

Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object which is held sacred or in veneration by any class of persons, with the intention of wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such an act an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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<sup>34</sup> An Ordinance to Provide a General Penal Code for Ceylon [Penal Code], available at [http://www.commonlii.org/lk/legis/consol\\_act/pc25130.pdf](http://www.commonlii.org/lk/legis/consol_act/pc25130.pdf) (last visited April 29, 2013).

## TUNISIA

### **Penal Code<sup>35</sup>**

#### **Article 121 (3)**

It is an offense to “distribute, offer for sale, publicly display, or possess, with the intent to distribute, sell, display for the purpose of propaganda, tracts, bulletins, and fliers, whether of foreign origin or not, that are liable to cause harm to the public order or public morals.”

#### **Article 226 (2)**

A person found guilty of undermining public morals by “intentionally disturbing other persons in a way that offends the sense of public decency” can be sentenced to prison.

#### **Decree on the Press, Printing and Publication Code of Tunisia (DL. No. 215 of November 2, 2011) [Article 53]<sup>36</sup>**

A fine from 1000 to 2000 Dinars is applied to whoever, deliberately through any of the means mentioned in article 50 hereunder, uses worship places for partisan

#### **Article 121(3)**

“An offense to ‘distribute, offer for sale, publicly display, or possess, with the intent to distribute, sell, display for the purpose of propaganda, tracts, bulletins, and fliers, whether of foreign origin or not, that are liable to cause harm to the public order or public morals.’”

#### **Article 226(2)**

“A person found guilty of undermining public morals by ‘intentionally disturbing other persons in a way that offends the sense of public decency’ can be sentenced to prison.”

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<sup>35</sup> Tunisia’s penal code is available only in French. The following excerpts are taken from Human Rights Watch, “Tunisia’s Repressive Laws: The Reform Agenda,” November 2011, available <http://www.hrw.org/sites/default/files/reports/tunisia1111webwcover.pdf> (last accessed July 8, 2013). HRW refers to the original Penal Code can be found at <http://www.jurisitetunisie.com/tunisie/codes/cp/cp1005.htm>

<sup>36</sup> Article 19, “Tunisia: Press, Printing and Publication Code,” November 2011, available <http://www.article19.org/resources.php/resource/2944/en/tunisia:-press-regulation> (last visited July 8, 2013).

# TURKEY

## **Constitution**<sup>37</sup>

### **VIII. Freedom of Expression and Dissemination of Thought [Article 26 (As amended on October 17, 2001)]**

Everyone has the right to express and disseminate his thoughts and opinion by speech, in writing or in pictures or through other media, individually or collectively. This right includes the freedom to receive and impart information and ideas without interference from official authorities. This provision shall not preclude subjecting transmission by radio, television, cinema, and similar means to a system of licensing.

The exercise of these freedoms may be restricted for the purposes of protecting national security, public order and public safety, the basic characteristics of the Republic and safeguarding the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation and rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.

The regulating provisions regarding the use of dissemination means of news and thoughts shall not be regarded as restriction of freedom of expression and dissemination of thoughts, provided that such provisions do not hinder publications thereof.

The formalities, conditions and procedures to be applied in exercising the right to expression and dissemination of thought shall be prescribed by law.

### **Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting**<sup>38</sup>

#### **Article 6**<sup>39</sup>

- (1) The access providers shall be liable for
- a) Blocking the access to the unlawful content published by any of its users provided that they are notified pursuant to the provisions of this Law hereby and to the extent that they have the possibility of blocking such access in technical terms,
  - b) Saving the traffic information set forth in the regulation regarding the services they provide for a period of time to be no less than six months and no more than two years as to be determined by the regulation and ensuring the accuracy, integrity and confidentiality of such information,
  - c) for notifying the case to the Authority, content providers and their customers at least three months before the date of terminating their activities and submitting the records regarding the

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<sup>37</sup> The Constitution of the Republic of Turkey, Nov. 7, 1982, available at <http://www.byegm.gov.tr/Content.aspx?s=tcotrot> (last visited April 23, 2013).

<sup>38</sup> Information on the law is available at the World Intellectual Property Organization, <http://www.wipo.int/wipolex/en/details.jsp?id=11035>. Note that we have not yet found an English translation of this law, but a description of certain provisions of the law from a Freedom House report.

<sup>39</sup> Organization for Security and Co-operation in Europe, The Representative on Freedom of The Media. Report of the OSCE Representative on Freedom of the Media on Turkey and Internet Censorship available at [http://ec.europa.eu/enlargement/pdf/speak\\_up/osce\\_freedom\\_of\\_the\\_media\\_on\\_turkey\\_and\\_internet\\_censorship.pdf](http://ec.europa.eu/enlargement/pdf/speak_up/osce_freedom_of_the_media_on_turkey_and_internet_censorship.pdf)

traffic information to the Authority in line with the procedures and principles as provided for in the regulation.

(2) The access providers shall not be liable for controlling whether the content of the information accessed via them is unlawful or requires responsibility or not.

(3) An administrative fine from ten thousand New Turkish Liras up to fifty thousand New Turkish Liras shall be imposed by the Presidency to the access providers who do not fulfill the obligations provided for in the sub-paragraphs (b) and (c) of the first paragraph.

# UNITED ARAB EMIRATES

## Constitution<sup>40</sup>

### **Part Three [Freedoms, Rights and Public Duties]**

#### **Article 30**

Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of law.

#### **Article 31**

Freedom of communication by post, telegraph or other means of communication and the secrecy thereof shall be guaranteed in accordance with law.

#### **Article 32**

Freedom to exercise religious worship shall be guaranteed in accordance with established customs, provided that it does not conflict with public policy or violate public morals.

## Penal Code [Fed. Law 3 of 1987 as Amended]<sup>41</sup>

### **Book One [General Provisions]**

#### **Article 1**

The provisions of Islamic Sharia shall apply to crimes liable to the punishments provided for by the Divine Ordinance, or to the payment of compensation or blood money, while crimes liable to castigation and chastisement and the corresponding penalties shall be determined according to the provisions of this law and other penal codes

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<sup>40</sup> <http://www.refworld.org/docid/48eca8132.html>

<sup>41</sup> <http://www.scribd.com/doc/122309224/312/Article-312#page=124>