



UNIVERSAL PERIODIC REVIEW

**Submission to the United Nations Human Rights Council:
14th Session of the UPR Working Group**

PAKISTAN

Submission by:

Alliance Defense Fund
Landesgerichtsstraße 18/10
1010, Wien,
Austria

Web: www.telladf.org
Email: pcoleman@telladf.org

Introduction

1. The Alliance Defense Fund [ADF] is an international not-for-profit legal association of more than 2000 allied lawyers, dedicated to the protection of religious liberty globally. As well as consultative status with the United Nations, ADF has accreditation with the European Commission and Parliament, the Fundamental Rights Agency of the European Union and the Organization for Security and Co-operation in Europe. This submission will focus on the human rights violations currently taking place in Pakistan in regard to the fundamental right to freedom of religion. In particular, this submission will draw to the attention of the OHCHR the use of Pakistan's blasphemy laws to unlawfully limit freedom of religion and freedom of expression.

Background

2. Pakistan has a predominately Islamic population: approximately 97% of Pakistan's 178 million citizens are Muslim, with the remaining 3% either Christian, Hindu or of another religion. Article 1 of Pakistan's Constitution states that the official name is the "Islamic Republic of Pakistan"; Article 2 states that Islam is the official religion; Article 31 stipulates that the state has a duty to facilitate "the Islamic way of life" and Article 41.2 states that a citizen cannot be elected President "unless he is a Muslim."
3. Regarding Pakistan's minorities, Article 25(1) of the Constitution states that: "All citizens are equal before law and are entitled to equal protection of law." Article 36 states that: "The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services." Furthermore, on 23 June 2010, Pakistan ratified both the International Covenant on Civil and Political Rights [ICCPR] and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT].
4. Despite the problems with Pakistan's blasphemy laws, the state has nevertheless brought annual resolutions before the United Nations Commission on Human Rights aimed to combat "Defamation of Religions" (the original resolution was entitled "Defamation of Islam"). Supported by the Organization of the Islamic Conference, the resolutions condemn the defamation of religion as a human rights violation and call for "understanding, tolerance and respect in matters relating to freedom of religion or belief". Following the most recent resolution, the UN Human Rights Committee released General Comment 34, concerning "freedoms of opinion and expression". Paragraph 48 states:

"Prohibitions of displays of lack of respect for a religion or other belief system, including **blasphemy laws, are incompatible with the Covenant**, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26. Thus, for instance, **it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems**, or their adherents over another, or religious believers over non-believers. **Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.**"

[Emphasis added].

The Blasphemy Laws

5. Pakistan inherited a number of general blasphemy laws after the partition of India in 1947. However, between 1980 to 1986, several clauses were added to the Penal Code by the military dictator, General Zia-ul Haq, who created specific offences against the religion of Islam and drastically increased the severity of the punishments.

6. In 1980, a clause was added to the Penal Code, which states:

“Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.” § 298-A, Pakistan Penal Code.

7. In 1982, a further clause was added to the Penal Code, which states:

“Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.” § 295-B Pakistan Penal Code.

8. In 1986, yet another clause was added to the Penal Code, which states:

“Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.” § 295-C Pakistan Penal Code.

Abuse of the Blasphemy Laws¹

9. On March 2 2011, Navi Pillay, United Nations High Commissioner for Human Rights, commented: “Experience around the world has shown that blasphemy laws often become a double-edged sword. While aimed at protecting certain values, they are open to abuse and lead to violations of freedom of expression, freedom of religion and ultimately the right to life.” This is certainly the case in Pakistan, where members of minority groups such as Christians are often convicted of the offence of “blasphemy” on very little evidence, including hearsay. Moreover, the laws are often used as a tool by citizens seeking personal revenge or by those looking to settle local rivalries or unrelated disputes, such as squabbles over property ownership. Although convictions for blasphemy are common, the death sentence has never actually been carried out. However, many who have been accused of blasphemy—even if found innocent—have later been murdered by vigilantes, as will be detailed below.

¹ ADF is grateful to the [British Pakistani Christian Association](#) for providing much of the background information used for this submission. All of the cases listed have been widely reported in numerous international news outlets.

Christians attacked after accusations of “blasphemy”

10. On 1 August 2009, in the small town of Gojra, near Faisalabad, a Christian community was attacked for a purported desecration of the Qu’ran at a wedding: it was said that torn shreds of the Qu’ran were used as confetti. The local police registered a case against **Mukhtar Maseeh, Talib Maseeh** and **Imran Maseeh** under section 295-B of the Pakistan Penal Code. However, it was confirmed after investigation that the allegations were false and the accused “blasphemers” were not arrested. Nevertheless, as a result of the false accusations, an angry mob launched attacks against the Christian community and 60 homes and a church were destroyed. Eight people were burnt alive, with many more injured. As a result of the riots, Prime Minister, Yousuf Raza Gilani, confirmed that: “A committee will discuss the laws detrimental to religious harmony to sort out how they could be improved.” However, none of the blasphemy laws have been amended.
11. In April 2011, a similar situation occurred in Gujranwala, when **Farrukh Mushtaq Gill** and his father **Mushtaq Gill**—both Christians—were arrested following false accusations of blasphemy. Farrukh Gill was accused of desecrating the Qu’ran after a Muslim neighbour, hostile towards the two Christians and the Christian community in general, fabricated a case against him by burning a Qu’ran himself and attempting to implicate Farrukh. Although the perpetrator, Mr Irfan Qadri, was later arrested by the police, the false accusation against Farrukh Gill led to the gathering of angry mobs, and several hundred Christian families were forced to flee the city fearing a repeat of the extremist violence that took place in the Gojra attacks of 2009. On this occasion a full-scale riot was avoided and nobody was killed.
12. On 11 September 2009, a young Pakistani Christian man, **Robert Danish**, was arrested after he allegedly bumped into a Muslim girl, causing a Qu’ran to fall out of the girl’s hand and onto the floor. The Qu’ran fell near a drain, where it was soaked and irreparably damaged. The Christian man was accused of blasphemy under section 295-B of the Pakistan Penal code for desecrating the Qu’ran. On 15 September 2009, before a trial could even take place, he was found dead in prison. No-one was brought to justice for and despite clear evidence to the contrary, the authorities labeled the death a suicide.
13. On 22 September 2011, a 10-year-old Christian schoolgirl, **Faryal Bhatti**, was beaten and later expelled from her school and forced into hiding for misspelling a word on her Islamic Studies test. Faryal Bhatti misspelled a word in the Urdu language by wrongly placing a dot in a poem written in praise of the Prophet Mohammed. When the teacher learned of the mistake, she beat the child and reported the incident to the principal. As the situation began to spiral out of control, Muslim clerics took to the streets to demand a blasphemy case be launched against the child and her mother. The child was condemned in several mosques the next day during Friday prayers, and following unsuccessful meetings with the school, the child and her mother were forced to leave the area.
14. Notably, in none of the cases listed above were the people found guilty of the offence of “blasphemy”. However, the mere accusation of blasphemy – whether simply ill-founded or done with malicious intent – is enough to destroy or end the lives of those accused.

Christians murdered after being found innocent of “blasphemy”

15. On 2 July 2010, brothers **Sajid and Rashid Masih**, were arrested in Waris Pura (near Faisalabad) for an alleged “blasphemy”. The Christian brothers had been accused of producing a hand written leaflet containing offensive writings about Islam and about the Prophet Mohammed. The leaflet brought an angry reaction from Muslims and several hundred gathered together to demand the death penalty. On 19 July 2010, the Court acquitted the brothers of blasphemy as no evidence was produced in court and no witnesses were present. As the brothers walked free from the courthouse, they were shot dead by masked gunmen. To date, no-one has been brought to justice for their deaths.
16. Immediately following the murders of the brothers, Christians in Waris Pura faced a night long siege as gunshot rang out around them. Christians were chased from their houses and businesses and many were beaten in the streets. On returning to their homes and places of work, the victims discovered that they had been looted and subjected to vandalism. According to a report by local organization, Minorities Concern of Pakistan, the crowd was chanting “we will teach the Christian community a lesson” and “we will take justice into own hands.”

Christian sentenced to death for alleged “blasphemy”

17. On 7 November 2010, **Asia Bibi**, a 45-year-old mother of five from Ittanwali in Punjab province, was sentenced to death by hanging for allegedly defaming the Prophet Mohammed. In June 2009, Ms. Bibi had an argument with other women from her village who were working with her in a field near Lahore. The Muslim women had refused to drink the water that Ms. Bibi had gathered because she was a Christian and they considered her as “unclean”.
18. The refusal led to an argument about religion, during which the relative merits of Christianity and Islam were discussed. However, the Muslim women became very angry and began to beat Ms. Bibi. She was locked in a room and her children were attacked by an angry mob. Some Christians informed the local police and had her put in protective custody. However, rather than protect Ms. Bibi, the police launched a blasphemy case against her under section 295-C of the Pakistan Penal Code.
19. Ms. Bibi was later tried by the Sessions Court in Sheikupura and sentenced to death by hanging for insulting the Prophet Mohammed. The court also fined her the equivalent of two-and-a half years’ salary. Although the decision to execute Ms. Bibi has since been stayed, she remains in prison; over two years after the alleged incident and more than one year after the stay of execution.

Attempts to ban “blasphemous” Bible

20. In May 2011, Maulana Abdul Rauf Farooqi, leader of the political party Jamiat Ulema-e-Islam, and many other Muslim clerics, announced intentions to have the Bible banned in Pakistan due to its “blasphemous” contents. Addressing a press conference at the Masjid-e-Khizra, Maulana Abdul Rauf Farooqi appealed to the Supreme Court of Pakistan to take *suo moto* notice of the “blasphemous” materials

and ban the Bible on account of the numerous passages which were offensive to Muslims.

Critics of the blasphemy laws are murdered

21. When public figures have criticized the existing blasphemy laws, there have been devastating repercussions. On 4 January 2011, Punjab Governor, **Salman Taseer**, was assassinated in Islamabad by a member of his security team because of his opposition to the blasphemy laws. The security guard, Malik Mumtaz Hussein Qadri, repeatedly shot Mr Taseer at close range near his home in the busy Kohsar Market of Islamabad. Mr Taseer had previously spoken out against the blasphemy laws and had appealed for the pardon of Asia Bibi. In comments broadcast on Dunya television, Mr Qadri, said: “Salman Taseer is a blasphemer and this is the punishment for a blasphemer.” When charged by the police, lawyers for Mr Qadri reportedly argued that the murder was not unlawful because “he killed an apostate who insulted the Prophet”. Before his court hearing, Mr Qadri was greeted with dozens of Valentine’s Day cards and flowers by Muslim supporters who saw him as a hero.
22. Just two months after the assassination of Mr Taseer, Pakistan’s Minority Affairs Minister, **Shahbaz Bhatti**, was ambushed by four gunmen and murdered just a short distance from his home. The group, Tehrik-i-Taliban, reportedly carried out the attack because Mr Bhatti was a “known blasphemer of the Prophet Mohammed.” Mr Bhatti was the only Christian member of the Pakistani cabinet and had repeatedly spoken out against the blasphemy laws. Like Mr Taseer, he had also called for the release of Asia Bibi.
23. The murders of Salman Taseer and Shahbaz Bhatti were condemned around the world. The UN High Commissioner for Human Rights, Navi Pillay, called on the Pakistani government to declare a moratorium on the application of the blasphemy laws until a comprehensive review is carried out. In a statement released on 2 March 2011, the same day as Mr Bhatti’s murder, Navi Pillay said: “I urge the Government of Pakistan to honour the courageous stand of Mr. Bhatti and Mr. Taseer by supporting their position on the blasphemy laws. To do otherwise will simply encourage similar acts of violence and lawlessness as a means of scaring governments off from making much needed human rights reforms.” However, the government of Pakistan has not made any attempts to suspend, repeal or amend the blasphemy laws.

Recommendations to the OHCHR

- i. Urge the Government of Pakistan to repeal the blasphemy laws contained in Section XV of the Penal Code, entitled “Offences Relating to Religion”, in particular, sections: 295-A, 295-B, 295-C, 298, 298-A, 298-B, 298-C;
- ii. Urge the Government of Pakistan to uphold its obligations under the ICCPR and CAT;
- iii. Urge the Government of Pakistan to ratify the Optional Protocols to the ICCPR and the Optional Protocol to the CAT.