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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Congress for Bangladesh Minorities (HRCBM), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Incarceration of persons with mental disability in Pakistan under blasphemy laws

In February 2022, a mentally disabled man was stoned to death by a mob in the Punjab Province of Pakistan. The lynching came in the wake of dubious allegations that the victim had desecrated the Holy Koran. This latest incident of gruesome vigilante justice follows a long line of blasphemy-related violence in Pakistan.

Pakistan's blasphemy laws are draconian, and frequently abused. Considering that blasphemy is punishable with death, lynch mobs often take matters into their own hands. It is also not uncommon in the State to disproportionately employ these laws against minorities, like the Ahmadiyyas, Hindus, Sikhs, and Christians. Minors too are not protected by the State when allegations of blasphemy surface, as was witnessed in the heart wrenching case in August 2021 in Rahim Yar Khan, of an eight year old boy belonging to the minority Hindu community, who was accused of blasphemy and arrested. In the aftermath, a mob vandalized a Hindu temple and attacked members of the minority community, while the State apparatus remained a bystander.

A disturbing trend that is coming to light is the atrocities committed against persons with mental disabilities in the context of allegations of blasphemy. The recent February lynching appears to be a microcosm of a larger phenomenon that brings to the fore the ill-treatment of minorities, the wanton disregard for the rights of persons with mental disabilities, and on a broader plane, the utter disregard for the rule of law in Pakistan.

Historically, persons with mental disabilities have been tried/convicted in Pakistan under the blasphemy laws. In March 2019, owing to a local dispute, a Christian man with mental disability was targeted by local majoritarian groups for having insulted the Prophet. Consequently, if convicted the man faces the death penalty.

In September 2018, a court sentenced a person with mental disability below the age of thirty to life in prison for allegedly burning a booklet containing verses from the Holy Book. The accused in this case belonged to the minority Christian community. Notably, only "willful acts" of the desecration of the Holy Book are punishable under the Pakistan Penal Code. However, the accommodation that the act may not have been willful on the part of the person with the mental disability, appears to not have been extended by the courts or the prosecuting State. In 2015, a failed attempt at lynching a Christian man had in turn led to the large-scale violence in Lahore, in the State resulting in the burning of a church.

These incidents have caused greater tension between the majority Muslim community and the various minority communities in Pakistan. While no measures have been taken to address the abuse of the blasphemy laws by the State, mob lynching evokes nothing but routine and half-baked condemnations from officials, with little to no follow-up action.

Pakistan is a signatory to both the International Convention on Civil and Political Rights as well as the Convention on the Rights of Persons with Disabilities. Article 13 of the Convention on the Rights of Persons with Disabilities enshrines an explicit right to effective access to justice for persons with disabilities on an equal basis with others. The apathy of the State towards such targeted lynching/incarceration of persons with mental disabilities is a clear violation of both these conventions.

It is well-known that the persons with mental disabilities who also face systemic discrimination as minorities suffer prejudice at an intersectional level. As such, the indiscriminate use of blasphemy laws which may lead to a death penalty, or death by extra-judicial means, constitutes a gross violation of human rights.

My organization calls upon this Council to take immediate cognizance of this disturbing trend of employment of blasphemy laws against persons with disabilities belonging to minority communities in Pakistan. This Council is urged to requisition from the State relevant data regarding the status of under-trials who fall in this category to provide a route-map for the emancipation of their dire situation.

South Asian Minorities Collective, NGO(s) without consultative status, also share the views expressed in this statement.

‘Mob stones mentally ill man to death for ‘desecrating Qur’an’, The Guardian, 13 February, 2022, <https://www.theguardian.com/world/2022/feb/13/man-stoned-to-death-in-pakistan-after-desecrating-quran> (last accessed on 18.05.2022).

‘Religion-Fueled Mobs on the Rise Again in Pakistan’, The New York Times, 20 March, 2022 ‘<https://www.nytimes.com/2022/03/20/world/asia/pakistan-blasphemy-religious-violence.html>. (last accessed on 18.05.2022).

Yaqoob Bashir Masih Profile, United States Commission on International Religions Freedom, <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/yaqoob-bashir-masih> (last accessed on 18.05.2022).

Pakistan Penal Code, § 295-B.

‘Vigilantes’, Editorial, The Daily Times, Pakistan (26 May, 2015) <https://dailytimes.com.pk/100586/vigilantes/> (last accessed on 18.05.2022).