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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 Stichting Global Human Rights Defence, 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.



Blasphemy Laws in Pakistan - Wanton Disregard for Human Rights

On May 2019, A Pakistani Christian woman named Asiya Noreen alias Asiya Bibi was able to leave Pakistan and arrive in Canada where she had been granted asylum. This was the culmination of a decade of incarceration for her. In 2009, she had been charged with blasphemy following an argument with her co-workers and was subsequently convicted and sentenced to death in 2010. Of the many blasphemy cases in Pakistan, hers was the one that garnered the most media attention and public sympathy abroad.

In Pakistan too, her cause was supported by the Minorities minister Shahbaz Bhatti and by Punjab Governor Salman Taseer. Both men supported the abolition of blasphemy laws in Pakistan. Both men were assassinated, the latter was one of his own bodyguards. Salman Taseer's assassin, a commando of the Punjab Elite force was lionized by many. There were enormous protests all over Pakistan when he was sentenced to death, and after his execution, over 100,000 people attended his funeral. These incidents and their aftermath clarified the truth in chilling terms. The strength and breadth of feeling in Pakistan on the issue of blasphemy is overwhelming and the prospect of their repeal is a political impossibility.

Globally speaking, Pakistan is an outlier when it comes to blasphemy laws. The prevalent international trend has been overwhelmingly in favour of eliminating blasphemy as an offence from penal codes. Several European nations have done this over the last two decades and presently less than 30 countries have such laws on their books. The majority of these countries are Muslim-majority nations where there is particularly strong public sentiment about this issue. However, Pakistan stands out on several counts. In the first place, the number of people charged with blasphemy is staggering. Since 1987, more than 1,800 people have been charged with blasphemy in Pakistan and chillingly over 100 of these people have been killed by mobs, not including others who have been targeted for defending accused, being related to them, or advocating for the reform of blasphemy laws.

From a human rights perspective, the problem with Pakistan's blasphemy laws isn't their mere existence, since similar laws remain on the statute books in several other countries. Rather, the combination of religious extremism and a dysfunctional judicial system creates an environment where accusation and guilt are one and the same. There have been a number of cases where the higher Courts have acquitted those accused of blasphemy, but these have often come years after the accused have been incarcerated. Asiya Bibi's case is one such case, but it is hardly an aberration. Pakistan's judicial system takes years to hear such appeals, while the accused languish in prison.

Some examples include a Christian couple, Shagufta Kausar and Shafqat Emmanuel who were accused of blasphemy after some allegedly blasphemous texts were sent from the latter's phone; M. Younus Shaikh, a physician and human rights activist who was falsely accused of making blasphemous remarks in a lecture; Ayub Masih, a Christian bricklayer who was falsely accused of blasphemy by a Muslim neighbor who intended to (and succeeded in) acquiring his property; and Imran Ghafoor Masih a Catholic who was falsely accused of burning the Quran by a neighbor, Haji Liaquat Ali. Most, recently, in a gruesome incident in Sialkot in December 2021, a Sri Lankan factory manager, Priyanka Kumara, was lynched to death by a mob, and his body set afire- after he had been accused of blasphemy.

The factor common to all these cases were that the accused were found guilty in the lower Courts, even though the evidence was flimsy and, in many cases, the police has initiated criminal proceedings only out of fear of vigilante mobs that inevitably accompany blasphemy accusations. Thus, even when clearly innocent, the accused had to suffer many years in jail, often their entire families and communities were terrorized afterwards and needless to say, their acquittals did not result in any compensation being granted to them. Pakistan's blasphemy laws do not prescribe any punishment for making false accusations of blasphemy and hence making false accusations, even under an oath sworn on the Quran, face no consequences or deterrence when making these accusations.

This confluence of deep religious sentiment, extremist hardline elements and a weak law and order situation have combined to create a situation where accusations of blasphemy, no matter how far-fetched or flimsy, will be treated as the absolute truth for the vast majority of

the investigative process and legal proceeding. Naturally then, blasphemy charges have been a vehicle for resolving personal grudges and vendettas.

It should go without saying that the mere existence of blasphemy law is a violation of certain core human rights, most notably the freedom of speech, but in the way these laws are applied in Pakistan, they also amount to absurdly disproportional punishments, along with the violation of the right to a fair trial and due process.

Having said this, it ought to be emphasized that the majority of harm in Pakistan's blasphemy laws does not come from the violation of the theoretical freedom of expression. The atmosphere in Pakistan is such that very few would commit actual acts of blasphemy, knowing full well about the consequences. While the blasphemy laws as they exist in Pakistan's legal system constitute a violation of international human rights norms, a more ominous facet exists in their misuse and the pliancy of the legal system.

This state of affairs has long continued in the garb of piety. Deeply religious and orthodox Muslims too would be outraged at the manner in which these laws are applied in Pakistan. It is one thing to believe, as many in Pakistan do, that blasphemy is a crime deserving of the death penalty. However, very few would truly believe that in cases with such grave consequences, every accusation should be treated as gospel truth, no matter what the evidence. In reality, the situation on the ground is such that any verdict of acquittal is likely to trigger violent protests from mobs, and anyone defending a blasphemy accused in Court risks their own life in the process. This has extreme consequences for Pakistan's minority communities who are the easiest targets for accusations of blasphemy.

The inability to uphold the rule of law is an issue that reflects the weakness of the state apparatus. The atmosphere of fear of immediate retaliation leaves the Court in no doubt that the State would not be in danger as a result of carrying out their jobs impartially.

This chronic failure to impose the rule of law and ensure that emotive issues can be tried on merits is a matter of national shame. It is requested to the Council to correct this unjust state of affairs which leads to violations of the right to life, the right to judicial remedy, the right to a fair trial and due process and the right to religious freedom.
