

June 11, 2007: Pakistan: USCIRF Decries Abuse of Blasphemy Laws, Apostasy Bill

FOR IMMEDIATE RELEASE

June 11, 2007

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WASHINGTON-The U.S. Commission on International Religious Freedom deplores the abuse of blasphemy laws in Pakistan, a severe violation of the universally guaranteed right to the freedom of thought, conscience, and religion or belief. It is also concerned over a draft bill on apostasy. "Pakistan's blasphemy laws are inherently arbitrary, and they de facto restrict freedom of speech and other freedoms guaranteed by international human rights norms," said Felice D. Gaer, Commission Chair. "These insidious laws lend themselves to misuse and abuse, resulting frequently in severe violations of freedom of religion or belief in Pakistan." The laws have been applied most recently against Younis Masih, a Christian, whom a court in Lahore recently sentenced to death. According to reports from a number of Pakistani and international non-governmental organizations, Masih angered a group of Muslims by expressing concern about the noise level of their gathering at a time when his nephew had died and his body was lying at home. They later accused him of making derogatory remarks about Islam, which, under Pakistani law, constitutes blasphemy. As a result, a mob reportedly attacked a number of homes in the area belonging to Christians; Masih and his wife were also beaten in the attack. In addition, the case against Masih was not investigated by a senior level police, in contravention of the blasphemy laws. He has been imprisoned for nearly two years. The sentence against Masih was followed quickly by another blasphemy allegation against a group of Christian nurses in a hospital in Islamabad. Even before charges were filed in that case, the women were threatened with violence. According to the State Department, at least five Ahmadis, members of a minority community of heterodox Muslims, are in prison on blasphemy charges. In the past year, even those attempting to defend persons accused of blasphemy have themselves been threatened. In January 2007, Martha Bibi was charged under the blasphemy laws, allegedly by people who made the accusation in order to avoid paying money they owed her. Bibi, a Christian, is currently free on bail, though the charge against her remains in force. Adding to concerns about the blasphemy laws is a draft bill currently before a standing committee of Pakistan's National Assembly that would impose the death penalty for apostasy, or converting from Islam to any other religion. The death sentence would be imposed on Muslim men; women would receive a life sentence. The bill, which provides that testimony by two or more adults would be sufficient grounds for conviction, was tabled by the Muttahida Majlis-e-Ammal, an alliance of six Islamist political parties. "This proposed bill would violate human rights standards because it would criminalize an internationally protected right," Gaer said. "Every effort should be made by the government of Pakistan to ensure that such repressive legislation is not passed." The government of Pakistan has also extended its blasphemy laws into the international arena. In March 2007, Pakistan again presented a resolution at the UN's new Human Rights Council in Geneva supporting measures to halt the "defamation of religions." The backers of the resolution claim that their aim is to promote religious tolerance, but in practice, such laws routinely criminalize and prosecute what is deemed-often capriciously by local officials in countries where such laws exist-to be "offensive" or "unacceptable" speech about a particular religion. Defamation of religion laws clearly violate principles outlined in international human rights instruments, which guarantee the right to freedom of expression, as well as freedom of thought, conscience, and religion. Moreover, they appear to grant rights to entire religions rather than to individuals. Regrettably, the resolution again passed the Council. In Pakistan, blasphemy allegations, which commonly are false, result in the lengthy detention of, and sometimes violence against, Ahmadis, Christians, Hindus, and members of other religious minorities as well as Muslims on account of their religious beliefs. Because the laws require no evidence to be presented after allegations are made and no proof of intent, and contain no penalty for leveling false allegations, they are easily used by extremists to intimidate members of religious minorities and others with whom they disagree. They are also often used by the unscrupulous simply to carry out a vendetta or gain an advantage over another. The negative impact of the blasphemy laws is further compounded by the lack of due process. Although these laws were amended in October 2004 with the aim of reducing the more maliciously applied charges by stipulating that only a senior police official can bring the indictment, the procedural changes have not had a significant effect on the way the blasphemy laws are exploited in Pakistan. "In fact, the case against Younis Masih demonstrates that the officially required new procedures are not even heeded," Gaer said. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Several of those accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody. Younis Masih himself has reportedly faced regular threats to his personal security while in prison. Those who escape official punishment or vigilante attack are sometimes forced to flee the country. There have been some acquittals of those accused of blasphemy in the past year; yet in virtually all cases, even those acquitted have been forced into hiding because of fears of vigilante violence. Among other recommendations, the Commission has asked the U.S. government to: urge the government of Pakistan to decriminalize blasphemy and until such time as that is possible, to implement procedural changes to the blasphemy laws that will reduce and ultimately eliminate their abuse; and ensure that those who are accused of blasphemy and people who defend them are given adequate protection, including by investigating death threats and other actions against them carried out by militants, and that full due process is followed; urge the government of Pakistan to seek withdrawal of the draft bill on apostasy; and urge the government of Pakistan to make much more serious efforts to combat Islamic extremism in the country, noting especially the current Pakistani government's political alliance with Islamist political parties, which affords an inordinate amount of influence to these groups, and which, in turn, has had a strong negative impact on freedom of

thought, conscience, religion or belief in Pakistan. The blasphemy laws are one of the many ways in which the government of Pakistan severely violates the internationally guaranteed right to religious freedom. Other abuses include the laws violating the rights of the Ahmadi community, the persistent sectarian violence targeting Shi'as, Christians, Ahmadis, and Hindus, and the Hudood ordinances, which violate the rights of women in Pakistan. "The Commission calls on the U.S. government forcefully to raise all of these serious religious freedom concerns promptly with the government of Pakistan," Gaer said. "These repressive measures exacerbate religious tensions rather than advance freedom of religion, and have no place in a country that claims to respect rights." Felice D. Gaer, Chair • Michael Cromartie, Vice Chair • Elizabeth H. Prodromou, Vice Chair • Nina Shea, Vice Chair • Don Argue • Preeta D. Bansal • Imam Talal Y. Eid • Richard D. Land • Leonard A. Leo • Ambassador John V. Hanford III, Ex-Officio • Joseph R. Crapa, Executive Director