

A statement by Peter Jacob,  
for the USCIRF Hearing on the issue of Blasphemy laws in Pakistan  
August 29, 2024

Thank you Chairperson and Commissioner of USCIRF, for hosting this hearing and thank you every one joining this important discussion, which I hope shall pave the way for serious, meaningful and long-due reforms in blasphemy laws, which primarily serve the interest of the people of Pakistan.

My testimony is based on my experience in data-collection, reporting cases, and doing legal and contextual analyses hence I have witnessed the suffering of hundreds of people facing prolonged long-legal trials, detentions, displacements, and even worse circumstances, when people faced charges of blasphemy. Hence, the issue has been my focus in research and advocacy over the past 32 years.

I am offering this testimony with deep remorse about how the blasphemy laws have transformed my country into a venue of reoccurring violence in the name of religion in the past four decades. I feel obliged to speak the truth to the best of my knowledge and intentions, for the younger generations of Pakistan who deserve a better future and environment to grow in and rise to the best levels of accomplishment. With this desire to change the undesirable, I would like to underline the following facts about the use and abuse of blasphemy laws as we stand in August 2024.

1. From 1980 to 1986<sup>1</sup>, General Zia Ul Haq gradually introduced four Sections 295 B, 298 A, B and C through presidential orders and Section 295 C<sup>2</sup> through a handpicked parliament to the Pakistan Penal Code's chapter on Offenses Related to Religion. These sections are commonly referred to as blasphemy laws due to their arbitrary nature which was practiced in the Dark Ages.
2. Besides the question of democratic legitimacy, the text and the application of these laws are problematic because of; 1) a lack of definition of the offense of religious insult, 2) there is an inbuilt presumption of guilt as these laws lack the

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<sup>1</sup> Section 298 A in 1980, Section 295 B in 1982, Section 298, B & C in 1984 and 295 C in 1986.

<sup>2</sup> Offenses in sequence of the year of promulgation: penalty for offering insult to Prophet Muhammad's Caliphs, Family, Wives, Companions (1980), Insult to Quran (1982), Calling or posing to be a Muslim by an Ahmadi, Preaching of an Ahmadi faith.

condition of “intent” as a necessary standard for the evidentiary process which is practiced in criminal laws throughout the world, hence the principle of *proof beyond doubt*, is compromised, 3) the penalties are disproportionate to the gravity of the presumed violation. Therefore, these laws, in the present form, defy the norms of criminal justice such as; a) assumption of innocence until proven otherwise, and, b) retribution to the measure of damage caused. Consequently, a misuse of law and linked human rights violations are inbuilt and the only possible outcome, as researchers like Arafat Mazhar<sup>3</sup> have proven.

3. The blasphemy law in Pakistan are not only unique in the world as far as content and extent, moreover, these laws produced a record abuse of human rights, in the past 32 years in particularly, when the Federal Shariat Court made the death penalty mandatory for the offense of insult against the Prophet of Islam in 1991.
4. The updated official data, about the scale of abuse is seldom issued. A partial official account for the years 2011-2015 was published in Amnesty International’s report, *As Good As Dead*<sup>4</sup> which evidenced a massive abuse<sup>5</sup>. However, the accounts collected by relatives of the accused, human rights activists and some of it published in media show an exponential increase in the abuse in the past few years.<sup>6</sup> My informed calculation places the number of active cases in August 2024 between 700-800 accused.
5. Over the years, the Centre for Social Justice<sup>7</sup> collected data of 2749 accused in reported cases since 1987, however, the actual number of people who faced the ordeal after the amendments to the Pakistan Penal Code in 1980s, could be three or four times higher if the government was to collect and presented the full data.
6. The law has become a source of incitement to violence rather than preventing it. Hence, public and private properties worth billions, including places of worship have been destroyed. Since 1994, at least 100 persons have been extra-legally put to death as a result of blasphemy unfounded allegations, including high-profile assassinations of Minister Shahbaz Bhatti and Governor Salman Taseer

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<sup>3</sup> [https://www.instagram.com/arafatmazhar/p/C85BRMwisZi/?\\_d=1%2F](https://www.instagram.com/arafatmazhar/p/C85BRMwisZi/?_d=1%2F)

<sup>4</sup> <https://www.amnesty.org/en/documents/asas33/5136/2016/en/>

<sup>5</sup> The government acknowledged 1296 cases registered in five years under different sections of Pakistan Penal Code.

<sup>6</sup> <https://www.youtube.com/watch?v=B8ndXsDAIbg>

<sup>7</sup> [www.csjpak.org](http://www.csjpak.org)

and a Sri Lankan factory manager, Priyantha Kumara. Nazir Masih of Sargodha was the 100<sup>th</sup> innocent person whose death instilled fear and eroded the inter-communal relations in the region where a Fact-Finding report of the Human Rights Commission of Pakistan had already found the Christian minority socially ostracized in 2023, as a result of repeated false allegation of blasphemy.<sup>8</sup>

7. The justice process was adopted in a few cases but in most cases, the government is constrained due to the mindset and politics developed around the blasphemy laws. The murderers and hate mongers assumed the status of heroes under the pretext of protecting religion. Dozens of banned but operational, and politically active organizations openly preach killing innocent people in the name of religion.

In a recent, example of Mubarak Sani case, the Supreme Court was forced to change its verdict twice<sup>9</sup> after the extremist groups were allowed to operate with impunity<sup>10</sup> and who even issued death threats to the Chief Justice of Pakistan.<sup>11</sup>

8. An Inquiry of the Punjab Special Branch of Punjab Police in January 2024 reportedly unveiled a massive abuse of blasphemy laws in connection with Cyber Crime laws, which the Police report termed as Blasphemy Business. However, neither the report nor the probe was made public.
9. While the abuse of blasphemy laws impacts religious minorities severely and disproportionately, the abuse includes a large number of Muslims. The situation is likely to persist as Muslims form 96% of the population. Therefore, in this hearing, I also speak for the Muslim population, facing the infringement of their religious and other freedoms but also form the largest group among the sufferers.
10. The successive governments have tried to introduce reforms in the past, halfheartedly. In the 1990s, the inquiry under the blasphemy charges was assigned to high-ranking police officer, while it was made a legal requirement in

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<sup>8</sup> <https://hrqp-web.org/hrqpweb/wp-content/uploads/2020/09/2023-Mob-violence-and-the-social-ostracisation-of-the-Christian-community-in-Sargodha.pdf>

<sup>9</sup> <https://thefridaytimes.com/23-Aug-2024/supreme-court-corrects-mistakes-in-mubarak-sani-case>

<sup>10</sup> <https://thepakistandaily.com/federal-govt-reaches-agreement-with-tlp/>

<sup>11</sup> <https://www.brecorder.com/news/40314983>

2005.<sup>12</sup> In 2017, the parliament enhanced the punishment for false accusations to seven years of imprisonment, or lesser term, depending on the gravity of the false allegations.<sup>13</sup> These safeguards have failed to check the abuse as they did not address the lacunae existing in the original content of the law and the assumptions thereof.

11. Reiterating my conviction for upholding human rights, love for my country and people, I call upon every one sympathizing with situation to use all strength to repair this situation through constructive dialogue and in the light of recommendations made by the local and human rights bodies, avoid the ineffective solutions. A denial of the facts has made the situation only worse, we need to face the facts of today, openly and squarely to find solutions.

Thank you.

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<sup>12</sup> Section 156-A, added in the Pakistan Penal Code, [www.senate.gov.pk/uploads/documents/1658379923\\_928.pdf](http://www.senate.gov.pk/uploads/documents/1658379923_928.pdf)

<sup>13</sup> Section 182 amended. [https://www.senate.gov.pk/uploads/documents/1487655305\\_586.pdf](https://www.senate.gov.pk/uploads/documents/1487655305_586.pdf)