

Misuse of the Blasphemy Law and Religious Minorities in Pakistan

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and Religious Minorities
in Pakistan***

Report of the International Hearing

**Commission of the Churches
on International Affairs
World Council of Churches**



**World Council
of Churches
Publications**

MISUSE OF THE BLASPHEMY LAW
AND RELIGIOUS MINORITIES IN PAKISTAN
Report of the International Hearing

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Preface

The Commission of the Churches on International Affairs (CCIA) of the World Council of Churches (WCC) organized an international hearing on the Misuse of the Blasphemy Law and Religious Minorities in Pakistan, which was held 17-19 September 2012 at the Ecumenical Centre, Geneva, Switzerland. The international hearing was organized in conjunction with the 21st session of the United Nation's Human Rights Council and attended by about 100 participants representing church and ecumenical leaders from Pakistan; representatives from Muslim and Hindu religions in Pakistan; representatives of WCC member churches in Africa, Asia, Europe and North America; representatives of the Roman Catholic Church and related organizations; the World Evangelical Association, mission agencies and specialized ministries, civil society representatives, international NGOs accredited to the United Nations, etc.

The programme of the three-day event included analyses of the misuse of the Blasphemy Law in Pakistan and its negative impacts; human rights violations and persecutions of religious minorities; politicisation of religion; a side-event highlighting the "Misuse of the Blasphemy Law in Pakistan" at the UN Human Rights Council; advocacy and lobbying during the 21st Session of the UN Human Rights Council; and meetings with the representatives of diplomatic missions and UN permanent missions of various countries in Geneva.

The international hearing was an opportunity to further emphasize the need for global advocacy on the deteriorating human rights situation in Pakistan, especially the plight of the religious minorities, who are increasingly becoming the targets of harassment and persecution. The summary of the discussions during the hearing as well as the excerpts of various presentations are included in this booklet along with certain background information. It is our hope that this will be of some use to understand the problems of the misuse of the blasphemy law in Pakistan and its impact.

Mathews George Chunakara

Director

International Affairs/ WCC

Opening Address

Our Common Solidarity with the Persecuted Minorities in Pakistan

Rev. Dr Olav Fykse Tveit

It is a great honour and privilege to greet and welcome you to the headquarters of the World Council of Churches (WCC) to participate in this international hearing on the "Misuse of the Blasphemy Law and Rights of Religious Minorities in Pakistan" being organized by the WCC. While I am very pleased to welcome you here, I have to admit that I am not so happy about the *reason* why you – our fellow human beings created in the image of God – have come to Geneva: the need to discuss how to address this major concern for our sisters and brothers in Pakistan. However, as responsible citizens of the international community, we are called to be in solidarity with all minority religious communities who are facing a vulnerable situation similar to your own due to the misuse of laws like the Blasphemy Law as well as to the politicization of religion.

As English poet John Donne wrote:

*No man is an island,
Entire of itself.
Each is a piece of the continent...
For I am involved in mankind.
Therefore, send not to know for whom the bell tolls,
It tolls for thee.*

This signifies that the bell tolls for all of us to listen now to the cries of the people in Pakistan who are persecuted, tortured, imprisoned and deprived of their rights; to the cries of those who live in situations in which their very existence in their own ancestral land – where they were born, brought up and have lived together for ages with neighbours and communities – is threatened.

But we gather here also as people of faith in the God of life, the merciful and gracious God who has shown us the grace and mercy to live and to hope that we all can live in justice and peace. More and more, I am bothered and comforted by the question of St Paul in his letter to the church in Rome: “If God is for us, who is then against us?” This is not a word of triumphalism, but of grace. How can we make others our enemy if God loves me and them?

While people are tortured, imprisoned and killed in Pakistan in the name of the Blasphemy Law the rulers, whether democratically elected or military, have not been able to find a permanent solution. I had the opportunity to visit Pakistan in October 2011. My numerous meetings and encounters with people from both Christian as well as Muslim religious communities gave me opportunities to understand the magnitude of the problem, especially the plight of religious minorities who are increasingly becoming the victims of religious intolerance, discrimination and persecution, whatever their faith.

What we witness today in Pakistan’s context is not the implementation of any religious laws or doctrines, either Christian or Muslim. It is widely understood that there is no

Blasphemy Law in Islam. This law has no support from the adherents of true Islamic teachings, but successive governments in Pakistan have used it to appease Islamist fundamentalists or extremists for their political gain. They have proved reluctant to repeal this controversial law. The fact is that the Blasphemy Law has little to do with religion and everything to do with the changing socio-political climate in Pakistan.

I heard from many quarters that one of the tactics of military rulers and political leaders has ultimately led to the politicization of religion, and that the growth of religious extremism over the years has gotten out of control today for several reasons. Religious intolerance and persecution against religious minorities are reaching new heights in the country.

It is a known fact that many charges brought against individuals are founded on their minority religious status or on unfounded and malicious accusations stemming from personal enmity, often motivated by the intention to have people imprisoned to gain advantages in business or land disputes. False accusations have been extensively made against religious minorities including Muslim individuals, and we know that innocent people have become targets of harassment, humiliation, attacks, persecution, torture and killings.

Daily reports from Pakistan give us the impression that repression, intolerance and fear have become the order of the day in many parts of the country. The different minority communities in Pakistan continue to suffer because of the misuse of the Blasphemy Law, which is used to target them.

The recent case of Rishma Masih, a mentally impaired young girl accused of burning pages of the Quran, is yet another example of the misuse of the controversial Blasphemy Law. The allegation against Rishma forced her family to go into hiding. She has been released on bail due to widespread publicity, but granting bail is not the same as acquitting her. The charges still stand and her lawyers have to keep fighting to have them dropped altogether. At the same time, numerous other Pakistanis still languish in prison without their appeals or cries for justice being heard.

It was shared during my meetings in Pakistan that the common experience of abusing and misusing the Blasphemy Law in Pakistan has led to physical violence, damage, destruction of property and loss of life among innocent minority groups over the years. Many of those accused or suspected of blasphemy have been assaulted or tortured. Some were detained in prison on blasphemy charges and were killed by fellow inmates or prison wardens. Others, who were suspected of blasphemy but were not under arrest have been unlawfully killed without the police taking any action to protect them.

Since I have come to the post of WCC general secretary, I have written several letters to authorities in Pakistan expressing concern on wanton killings of Christian minorities. The WCC has issued statements condemning the misuse of the Blasphemy Law and urging the Pakistan government to repeal this law. We thus continue to follow with concern the misuse of the Blasphemy Law against members of religious minorities in Pakistan and consider that it is high time that the international community address

this issue with urgency. The United Nations High Commissioner for Human Rights Dr Navi Pillay stated last Monday at the opening session of the current session of the UN Human Rights Council that “the proper and full implementation of the prohibition of incitement to hatred as per human rights treaties would be a better alternative to blasphemy laws.”

We have been expressing our concern regarding the ongoing persecution against the minority communities in Pakistan, not only about the persecution of Christians but also on behalf of all those who have been victimized as religious minorities. The recent report about members of Hindu religious communities fleeing Pakistan is a matter of serious concern. It was reported that several Hindu families fled to India last week due to severe persecution, including the kidnapping of young women, forced conversion to Islam and forced marriages. The religious minorities in Pakistan live in the midst of growing insecurity in addition to their increased social vulnerability. Inconsistent state protection, lack of the rule of law and controversial legislation have added to their social exclusion and vulnerability.

The need to address this situation is therefore both a national and an international responsibility for churches and the ecumenical movement. When our fellow human beings are vulnerable and defenceless, it is our ethical and moral responsibility to be in solidarity with them. Recognition of the vulnerability of others and understanding their helplessness motivates us to be engaged in demonstrating our concern, sympathy and God’s love for all His creation. We believe in a God of life who desires all creation to enjoy life in all its fullness. Therefore, destruction of life is against

God's will and a blasphemy before God. We believe in a God who dismantles the walls of division between individuals and communities (Eph. 2:14).

We affirm that the God we believe in is the God of all people, created in God's own image. All other religions and their teachings also affirm the fullness of life, compassion and comfort, love of their neighbours, peace, reconciliation and harmony. It is in this spirit that we are gathering here to affirm our common humanity and belief that we are all God's people, irrespective of our ethnicity, nationality or religious affiliations.

This international hearing is part of our common commitment and solidarity to support the persecuted minorities in Pakistan. The main objective of the hearing is to provide a space for constructive and open dialogue between representatives of different religions, WCC member constituencies, ecumenical partners, specialized ministries, UN officials and representatives of civil society organizations on the situation of minority religious communities in Pakistan, particularly in the context of misuse of the Blasphemy Law. It is also expected that this international hearing, with the participation of a wide range of people from different parts of the world who are concerned about the alarming situation in Pakistan, will evolve plans and strategies for advocacy at various levels.

We believe that the outcome of this hearing will help us in journeying together as well as developing common strategic advocacy priorities into action in dialogue with all those who are concerned with the situation of the plight of the religious minorities in Pakistan. It is also expected that our efforts will

strengthen our mutual cooperation and advocacy work at the UN and with civil society. We hope that these efforts will bear fruit and that the authorities in Pakistan will take adequate actions to protect the constitutional rights and guarantees of religious minorities in Pakistan.

Proceedings of the International Hearing

Opening Session

Welcome and Opening Address by WCC General Secretary

Rev. Dr Olav Fykse Tveit, WCC General Secretary, welcomed participants to the WCC headquarters and to the international hearing. In his opening address, he made references to the WCC's long engagement in raising the hearing's issues, both in Geneva and in Pakistan. He emphasized that this is done in partnership, and stressed the importance of addressing the issue together: the present partners, member churches and other organizations involved in this area of work.

Gathering as fellow human beings, people of faith and international citizens, he stressed the need to work together on this vital issue because whatever happens to any of us happens to all of us. The situation not only causes problems for individuals; neighbourhoods, communities, society and nations are also affected; we should not think that it's only the other's problem; it's everyone's problem.

In a sermon he had preached a week before in Sarajevo, Tveit had mentioned St Paul's letter to the Romans chapter 8:31, "*If God is for us, who can be against us?*" as a question and reflection on God's grace and mercy. It is not triumphalism but humility to humbly understand that God is gracious to us and shows mercy to us. In this context, he challenged the concept of enemy from a faith perspective.

He had visited Pakistan in October 2011 and had encountered Christian and Muslim communities in which he was made aware of the problems that potentially affect all citizens: religious intolerance and persecution for all faiths. It had been a tremendous learning experience.

The Blasphemy Law is not a religious law. It has no support from Islamic teachers, but it has been used by the government to appease fundamentalists for their advantage. There are different reasons and causes for the situation as it is today. Various rulers – military and political – have supported the use of this law, but have lost control of how it is used. This is also a problem for them. It is a known fact that charges are founded on minority beliefs or unfounded with ulterior motives, e.g., business, land, false accusations to destroy relationships among friends, family, neighbours.

Reports give the impression of what we can call intolerance. The Rishma case gives bad feelings; it is being done in a malicious way and has not much to do with facts. It leads to the destruction of property and loss of life of innocent people; this is not new but has been happening for several years.

The WCC General Secretary explained that he had written several letters to the authorities expressing concern, and is involved in discussions. The WCC has made statements and listens to voices. Bishop Azariah also brings matters to the WCC's attention. It is a national and international responsibility for churches and the ecumenical movement to deal with this. When fellow human beings suffer, it is our responsibility to be in solidarity with them. He asked the hearing participants to "Help us to find ways to strengthen

your witness and the way forward. We believe in the dismantling of division to bring justice and peace. Thus we can bring your voice to the international community in Geneva to plead for human rights. Meeting together in events like this is not only our duty but our sign of hope; we do this in the hope that something can change and make it better for all. This hope is an action of support and accompaniment where you have asked for it, and we see that we are responsible to be with you and walk with you. The outcome will help us to journey together and bring action on this plight. Our efforts will strengthen UN and civil society links. We also hope that the Pakistan authorities will take adequate action to ensure the rights of all. May God bless this time together.”

Greetings from Pakistan

Bishop Samuel R. Azariah brought greetings and peace in the name of God, creator and sustainer of all, on behalf of the delegation from Pakistan. He welcomed all the guests from outside Pakistan – from Asia, Europe, the US and Africa – to this very important event for peace, justice, harmony and equality. He explained that the hearing was the outcome of several actions taken by the WCC including two high-profile visits to Pakistan: one by the WCC General Secretary Rev. Dr Olav Fykse Tveit and the Director of CCIA Dr Mathews George, and another by the former Prime Minister of Norway/moderator of CCIA Rev. Kjell M. Bondevik, who met with the diplomatic corps, parliamentarians, members of the judiciary and the Prime Minister of Pakistan to raise the issue of the misuse of the Blasphemy Law and the rights of religious minorities in Pakistan.

He noted that this is the first time in the history of the WCC that Pakistan is a specific focus for its public advocacy, highlighting a religious law which affects core relationships between faith communities. For some, the law is not only a question of human rights but one of existence; that needs to be kept in mind. The present stance is to control the misuse, but just giving statements and comments does not solve people's misery; the time has come for Pakistan and the world to help each other to bring this and other laws under control. Delay tactics will not solve the crisis; they will make it worse.

Efforts are being made by religious leaders from both communities. There are, however, some elements in the Christian community that are as fanatic as some Muslims and there are some leaders who want this constant tension to prevail. Others are, of course, condemning it. The recent Rimsha case amply demonstrates misuse of the law.

It is not only a Pakistani issue, but an international one. Certain things happening in Western countries at a national level have international consequences. Often, Pakistan's minorities become a target in the name of certain developments in the Western countries normally perceived as Christian. In this context, it is a matter of concern that freedom of speech and writing in Western countries also needs to be addressed as this does not always help the situation where minority Christians live. He concluded his remarks by thanking the WCC for sponsoring the event on behalf of the churches in Pakistan.

Dr Kali B. Rokaya, President of the Christian Conference of Asia (CCA), brought greetings on behalf of the CCA and expressed thanks to the WCC for having made it possible for all to gather in Geneva to address an important issue related to the rights of religious minorities in Pakistan. Citing the example of Nepal, a Hindu-majority country ruled by a monarchy for centuries but which became a secular nation in 2006, he noted that the problem of religious intolerance is not only a Pakistani or Islamic problem but a worldwide phenomenon. He made reference to the protest by Buddhists in Nepal and worldwide against an American company for having the image of Buddha on the shoes it produces. He also cited the example of a Hindu Leader in Nepal announcing a *fatwa* against an artist who had painted Hindu gods in Western fashion. He further said that these and many other examples raise the question of how secular a nation can be and how secular nations should relate to the whole question of religion and faith. In conclusion, he expressed CCA's appreciation for the WCC taking the lead in organizing the international hearing to address issues that are of serious concern to the member constituency of the CCA.

Keynote Address

Mr Mohammad Tahseen, Director of South Asia Partnerships, gave the keynote address. He opened by stating that it was an honour to speak about the issue, but also a sad occasion to have to talk about a law that has reduced intellectual growth and survival in his country. Such a civilized society should not have laws that are belittling, but it is the hard reality.

He explained that the history of the Blasphemy Law is rooted in the Indian Penal Code of 1860, established during the time of British colonisation. In 1889, a light penal clause was added pertaining to defiling or insulting any religion. It was only in 1927 that the British colonisers made it a criminal offence to commit “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religious beliefs”. The motive was to maintain harmony among different religions. The situation remained like this until the early 1980s, after which time various regressive laws were brought into the Constitution under the leadership of General Zia ul Haq. The laws were discriminatory against women and non-Muslims and contrary to the vision of Pakistan as a “moderate and democratic” country as envisaged by the founder of Pakistan, Mr Mohammad Ali Jinnah.

While the laws were largely opposed by women and various human rights organizations, the minority leadership did not play any prominent role in opposing these laws. It is unfortunate to note that even some Christian political leaders sometimes came to defend these laws publicly.

Some factors that paved the way for the acceptance of the Blasphemy Laws are rooted in the evolution of the state of Pakistan and its constitutional development and include:

- In 1947 after partition, despite opposition, the Objective Resolution (OR) was passed
- The 1973 Constitution had discriminatory elements and the OR became a substantive part rather than preamble

- In the 1980s, *deeni madaria* (religious seminaries) trained students in militancy to fight against the Soviet army in the name of Islamic education
- Extremists were brought to Pakistan during this period and many stayed in tribal areas where clerics preached the Salafist interpretation of Islam which was alien to the thinking of most Pakistanis
- The seminaries also preached hatred against minorities, which enhanced polarization and radicalised the society
- The school curriculum has been used to further the state ideology.

Succeeding General Zia, General Musharraf was supported by the US and its allies and not only failed to bring any change in the Blasphemy Laws, but also allowed extremist outfits to continue to work under new names. These were outfits which attacked and harassed Christians, Hindus, Shiites and Ahmadis throughout his rule. At the same time, the West and the US openly support Pakistan but pay scant attention to the menace of draconian laws and the poor state of the judiciary.

The law has been mostly abused by religious extremist organizations as well as banned terrorist outfits, resulting in the persecution of minorities. It is important to point out that this includes a large percentage of Muslim minorities such as Shiites and Ahmadis.

The Pakistan People's Party (PPP) was considered to be a liberal political party and many expected that it would radically modify, if not repeal, the various laws being used against the minorities, but this has failed to happen. The

PPP maintains that it is a minority government and cannot make the required changes on its own.

Between 1927 and 1986, only seven cases of blasphemy were reported, but there have been as many as 4,000 cases since then. This shows the indiscriminate use or abuse of the laws. Between 1998 and 2005, 647 persons were charged with such offences, of which 50 percent were non-Muslims. More than 20 have been murdered for alleged blasphemy. Calls are made from mosques that there is a blasphemer in the town and this incites people to come out to kill.

It is also important to note that two-thirds of the cases are in Punjab, where 80 percent of Pakistani Christians live, so it is the worst affected state. Most cases are based on allegations, not hard facts, and a large amount of cases are against mentally ill people. Most tried cases are acquitted, but once a person has been labelled a blasphemer, they are almost as good as dead, despite the acquittal.

Analysis of 361 cases registered between 1986 and 2007 showed that 49 percent were against non-Muslims, which is far from being in line with the population ratio, which counts approximately 4 percent minority religions. These statistics, however, do not display the full agony of the real situation. In fact, the majority of the population has been taken hostage by a small group who have created a situation of fear. The larger part of the population does not believe in this law or this way to practise their religion. This cycle has to be broken, particularly through supporting and strengthening democracy in Pakistan. Total repeal of the law is essential, as making small changes will not help. It is a bad law and has nothing to do with religion. It is the duty of

everyone to play a more active role to mobilize public opinion. Some persons inside Pakistan are trying their best, but the West should be consistent. Supporting military dictators and keeping silent about abuses is criminal. Finally, it is important that the WCC play a more active role by saying that democracy is the only solution, that all human beings are equal and that the fundamental human rights of all citizens should be respected.

Session 2

Misuse of the Blasphemy Law in Pakistan and Human Rights Violations

The session was moderated by the Very Rev. Dr Andrew McLellan of the Church of Scotland, who described his recent visit to Pakistan as a transforming event. He stressed the importance of western thought and opinion and urged those who had not done so to visit Pakistan. Four presentations were given on the session topic.

Asiya Nasir, Jamiat Ulma-e-Islam from Baluchistan, a member of the national assembly, gave greetings in the name of Jesus, and quoted from Psalm 94, vs 17 and 18 as a prayer to tell the truth

“If the Lord had not been my help, my soul would soon have lived in the land of silence. When I thought, ‘My foot slips’, your steadfast love, O Lord, held me up”

Her role in the national assembly is not to represent the Christian minority but to represent women in general; she is, however, the only Christian woman in the government.

When Pakistan was created, it was stated that all citizens should have equal rights; Christians went to Pakistan at the time of partition expecting equality, but this has been subverted. The political party she represents, *Jamiat Ulma-e-Islam* (JUI), believes in democracy and condemns extremism and terrorism.

The greatest proportion of Blasphemy Law problems occur in Punjab, where most Christians live in conditions of low status and poor rights. In many instances, misuses occur because of what is happening in the West. There has been an attempt to Islamize all aspects of life in Pakistan. With the amendments to law 295 to include 295-A, 295-B and 295-C, the misuse has spread as a large-scale phenomenon.

In the last ten years, JUI have been raising their voices for equal rights for minorities, but only ten out of 342 seats are allocated for minority representatives. There need to be more. A standing committee was established to examine the Blasphemy Law and invite input from the different parties, but this happened at the same time as the assassination of Mr Shahbaz Bhatti, who was critical of the Blasphemy Law, and the committee ended under pressure. Liberal and moderate parties have not done anything to help either, so it is not possible to say that it is essentially a religious problem.

The Blasphemy Law affects not only individuals but whole communities where the supposed blasphemer lives. Article 18 of the Universal Declaration of Human Rights must be

implemented. This is what we need to plead for – freedom of religious minorities. Her concluding remark was that we are competing with a mindset, and this has to be dealt with through education.

Muhammad Hanif Jalandhari, Chairman of the World Council of Religions (WCR) Pakistan (*interpreted from Urdu*) addressed the meeting in the name of Allah on this issue of utmost importance, to express his views as Muslim. Of the two-fold aspect of the meeting – Misuse of the Blasphemy Law and minorities living in Pakistan – he would concentrate on the former.

He began by affirming that Muslims do not differ from other faiths in their opinion regarding the issue. Indeed, they agree that civilized societies must respect each other. We live in a world where every nation has such laws to protect self-respect, so having the law is not the issue; it is the way in which it is being misused.

No one should have to fear or suffer from the Blasphemy Law, and those acting at the international level must condemn the ignorance and misuse related to it. The Muslim world itself condemns these acts; such condemnation is also present in the Quran and the Bible. Unfortunate incidents cannot be denied, there is much regret in its use, but this has to be stopped. Most of the misuse is in fact against Muslims, so it is of common interest for us all, but needs to be seen in the context of other laws and the general need for social reform.

The World Council for Religions (WCR) Pakistan was formed in 2004, with Mr Jalandhari as Chairman and Bishop Azariah as Vice-chairman. It has met many times and worked on proposals to reform the law. All wisdom is needed but, while appreciating greatly the support of the international community, the issue has to be resolved by Pakistanis in Pakistan.

Qazi Abdul Qadir Khamosh, Chairman of the Muslim Christian Federation, began by stating that he comes from a country where the murderer of a governor is considered to be a hero and is not sorry for his act and where religious leaders support this. The murderers of Benazir Bhutto and Shahbaz Bhatti have not been taken to task; there are constant and regular drone attacks and no one speaks out against these. But he also comes to Geneva with hope and faith that the hearing will generate some good news for the people of Pakistan and for the relationships in that country.

He made reference to the creation of Pakistan and the vision of its founder for a democratic liberal state where all persons live in justice and peace. He supported this vision by appointing an outcast Hindu as the first minister of law. This was a vision of an open Pakistan. After his death, this vision was lost, and the same law minister had to migrate for his own safety because he was no longer safe in Pakistan. Doors which were opened have been closed and continue to close on Pakistan's open stance in its relation with other people.

Mr Khamosh is from a religious school, and he recognized that a lot of individuals from terrorist and extremist groups were also products of these schools. *Madrasahs* were created for a good purpose, but nevertheless, some of the extremists

have come out of them. His concluding remark was that one of the most significant events in the decline of the situation began when Ahmadis were declared as non-Muslims of Pakistan.

Marvin Parvez, Church World Service, Pakistan, gave a powerpoint presentation entitled “Blasphemy Laws of Pakistan – the Situation, the Background and the Issues.”

Describing the situation, he highlighted that:

- Pakistan has at least four major distinct cultures and languages.
- It is located at the confluence of three regions.
- It is the sixth most populous country of the world.
- It ranks 128th on the human development index (UNDP 2010).
- School enrolment is 68 percent, adult literacy 49.9 percent.
- 3.7 percent of the population (6.4 million) are religious minorities.

Regarding religion and the state, at the time of independence, Islam was seen as the binding force and declared the state religion and the main theoretical framework for formulation of the Constitution of the new country. It was also considered to be a counterforce to the socialism that was a popular dream of labour and student unions of the 1960s. But it has also been used as a legitimizer, for example when General Zia used Islam to legitimize his coup against the democratic government and to distort the 1973 Constitution beyond recognition.

Islam was also employed as a Cold War strategy. It was used as the main force to motivate Afghan and other militants that fought Soviet forces in Afghanistan. It synched perfectly well with General Zia's Islamization campaign at home. Soviet forces entered Afghanistan in December 1979. The US and the Western powers launched a massive covert operation against the Cold War foe with Islamist militants at the fore and Zia's Pakistan serving as a jump pad. Armed to the teeth and with billions of dollars in their pockets, Islamist forces grew at a phenomenal rate, fought furiously against the "infidel" Soviets in Afghanistan and later held hostage the entire nation of Pakistan.

He went on to relate the genesis and transformation of the Blasphemy Laws beginning in 1862 with the enforcement of provisions 295 and 298 through various stages to their most recent and draconian amendments introduced in the 1980s (see Appendix 1).

Only nine cases were registered between 1927 and 1984, but this has increased dramatically to hundreds or possibly thousands since the enactment of the new laws. Statistics for the period 1986 to 2007 illustrate a hugely disproportionate number of cases and accusations by faith compared to the relative population. Of the cases registered, it is sections 295-B and C carrying the death penalty that are most often applied.

While it is difficult to ascertain the motivation of the accusers, a study of a number of cases has identified that:

- the accusers have some grudge against the other party and find it best to settle scores by filing a blasphemy case;

- the accusers consider it their religious duty to go and get “the infidel”; in most of such cases the accusers are backed by a local seminary or a sectarian outfit;
- the accused are often mentally unstable.

There have been no death penalties carried out, but between 1986 and 2007, at least 23 people were murdered after they were accused of committing blasphemy. Now the figure is around 30 and includes people who objected to the law.

The salient issues that need to be addressed are:

- The laws do not give a definition of blasphemy. They define it in a manner that leaves a lot of room for very subjective judgments; it is an open invitation to anyone who wants to accuse any other person of the offense.
- 295-B and C carry the death penalty and are non-bailable offenses.
- Mere filing of a case against someone is projected (and believed in) as an evidence of the offense. Between 1986 and 2007, at least 23 people were murdered after they were accused of committing blasphemy; some were killed before a case could be registered against them, some in police custody and others when they were serving prison sentences.
- The far right takes the existence of the law as an expression of its political supremacy and guards it with great jealousy.
- The laws against Ahmadis are highly discriminatory in their essence and against all human rights benchmarks.

In conclusion, he stressed that it is not only extremists who are misusing the law. All Pakistanis are using this law against each other in some way.

The ensuing discussion lifted up the following points:

- There is a need to change the mindset regarding education.
- As regards mentally deranged persons, there is not only no law related to blasphemy but no law related to anything else that may concern this sector of society.
- The teachings of the prophet Mohammed are an example for Muslims and Islam. But this law is in contradiction to the life of Mohammed.
- The law was made to protect citizens and this one does not; it is the result of a dictatorship, and all such laws should they be brought under review.
- Implementation in punishment for a wrong complaint is why there is misuse.
- Political use of the religious Blasphemy Law is a sore point, where religion and politics merge together.
- Any transition of the law needs to address the role that it plays in creating inequality in society and politics.
- The content of the law does not include basic safeguards and goes against the purpose of the law.

CCIA Director Dr Mathews George concluded the session by stating that the purpose of such gatherings is to bring understanding, to listen even if we disagree; he thanked all for their patience and contributions.

Session 3

Politicization of Religion in Pakistan and Growing Religious Intolerance and Extremism

The session was moderated by Dr Isabel A. Phiri, WCC Associate General Secretary for Public Witness and Diakonia.

The session began with a presentation from Mr Wahahat Latif, a journalist and writer from Islamabad, in which he illustrated how poor governance was the main contributing factor that allowed intolerance and extremism to exist and be perpetuated.

This was followed by a presentation from Mr Haroon Sarab Diyal, Chairman of the All Pakistan Hindu Rights Movement and a founding member of the Pakistan Council of World Religions (WCR). He began by highlighting the overall reduction of the Hindu population in Pakistan from 20percent of the total population in 1947 to only 1.7 percent today. This is the result of the poor and unfair treatment – insecurity, aggressions, failure to respect them as citizens – that has compelled many Hindus to migrate to other countries.

For those remaining, the examples of intolerance and extremism are manifold, including forced conversion and marriage that affect especially women and children. Freedom to practice their religious rights is denied, notably the Hindu ritual of burning the dead. With no Hindu marriage and/or divorce registration acts, inheritance act or adaptation act, there are serious problems of constitutional protection.

Lastly, Hindus are only nominally included in educational and political leadership because of the absence of Hindu educational institutions.

Sarab Diyal deplored a lack of interaction with the UN or other international bodies that is largely due to ignorance of the existence of a Hindu minority and of the related problems it faces in Pakistan. He appealed for help and support to provide platforms to enable the Hindu minority to raise their voices for their rights and to let the world know about the misery in which they live.

The session was concluded by some words from Peter Jacob on the work of the National Commission for Justice and Peace (NCJP) formed in 1985 by the Catholic Bishops' Conference of Pakistan and which provides services in the field of human rights advocacy.

He expounded on the difficult situation in which the NCJP is forced to operate and the many challenges they face in an effort to carry out their core functions: to provide legal aid and human rights education. Under the legal aid programme, the NCJP provides legal counselling and financial assistance. It also reacts to discriminatory laws and state policies, particularly those that adversely affect Pakistan's minority communities.

Session 4

Human Rights Situation

The session was moderated by Rev. Dr Hielke Wolters, WCC Associate General Secretary for Unity and Mission. A small group was appointed to work on a communiqué to be issued at the end of the hearing. This was followed by three presentations.

Situation of Human Rights Defenders in Pakistan

I.A. Rehman, Director of the Human Rights Commission of Pakistan, started by specifying that there is no clear description of human rights defenders but rather it a group of individuals in various institutions trying to carry out this function. He noted three categories.

1. Lawyers who take on cases

When persecution starts, the accused has difficulty in finding a lawyer to defend him/her due to fear of what happened in previous cases such as when the high court was surrounded and judges threatened or even shot; so the accused have to fend for themselves. In some cases, this means fleeing Pakistan as security cannot be guaranteed.

2. NGOs

Some NGOs have developed a very small group of lawyers who have agreed to take cases. Other defenders are NGO activists, but they are very vulnerable and have been subject to threats, stoning, shooting and disappearances.

3. Journalists who speak out

Pakistan has twice been declared the most dangerous place in the world to be a journalist. Sixteen were killed in 2010 alone. They are under pressure from two sides: security agencies and militant forces. Threats have also emanated from government.

On the whole, the environment for defenders at this time is weak despite the UN Secretary General having appointed a Pakistani as one of his special advisors. Pakistan has a strong aversion to inviting representatives from UN human rights defenders, as violations take place every day. The key issue is that mechanisms for defence not only in court but outside are weak, and major investment and support is needed to improve the situation.

Independence of the Judiciary

Wahahat Latif, a journalist/writer from Islamabad, said that Pakistan is a complex country with many stakeholders: politicians, army, military, judiciary and the people. We can also add to this the establishment and the various bureaucratic bodies who wield a lot of influence and power. Of all these, the people themselves have always been the weakest stakeholders.

Growing up in Pakistan, we did not hear much about the judiciary. It was not mentioned in everyday life; there were other problems, but you didn't see judges in public life. In 1958 when the first martial law was imposed, the army intervened and took over. This is when the question of the independence of the judiciary first arose. The military takeover of power in Pakistan was legitimized and

independence of the judiciary and the restoration of democracy became constant aims that many worked for, including some judges.

From 2007 onwards, a judge who had been in the military regime rose up against Musharaff (who wanted to remove him) and started a popular movement led by lawyers and supported by politicians to ensure an independent supreme court; but at the working level, the movement has to deal with very difficult cases such as corruption on a grand scale and due to the intricacies of the issues, they have dragged their feet rather than taking clear-cut decisions.

So it can be said that Pakistan has an independent judiciary and a democratically elected government, but there is still the battle between the two significant stakeholders of power. Meanwhile, problems faced when growing up in Pakistan continue to be the same, if anything, worse. Illiteracy, poverty, unemployment, prejudice, etc. still remain or are in a more aggravated state. People are still the weakest stakeholders; they are illiterate, victims of poor health care, food inflation, economic downturn in addition to the confrontation of institutions of the state which demoralizes the entire nation.

Religious minorities, children, the mentally unstable, women and old persons all remain vulnerable. Add terrorism and lawlessness to this and there are not many reasons to be optimistic about the situation. This very negative picture does not allow us to have an optimistic view. The next general election will take place in March 2013; the level of awareness is very high and it will be a disaster if anyone tries to tinker with or corrupt the elections

Freedom of Expression and Media

In his presentation, Mr Abdul Baseer Naweed of the, Asian Human Rights Commission in Hong Kong outlined how freedom of expression has been restricted as far back as the creation of the country in 1947, at which time the secular sections of the inaugural speech of Mr Jinnah were censored.

Two years after the creation of Pakistan, the so-called legislators passed a resolution entitled the Objective Resolution, which declared that sovereignty lay with Allah. This later became part of the Constitution and denied the people the right to democracy, thereby creating the guidelines on restrictions on the freedom of expression and the freedom to practise one's religion of choice.

The country was declared a theocratic society where only Islam could prevail and no one else had any rights. The citizens were divided into Muslims and non-Muslims. A clear demarcation was made between the majority and the minority, so all rights were recognized for Muslims while those who were not Muslims had no rights. In 1973, the state took the responsibility to decide who is Muslim and who is not through the fourth amendment in the Constitution. It was at this point that Ahmadis were declared as non-Muslims. In this way, the rights of minorities at inauguration were deleted and denied, and this related to freedom of expression.

It has resulted in self-censorship of the media about the fact that the rules around the Blasphemy Law are not being adhered to. Only the police are authorized to investigate

claims, but supposed blasphemers are arrested by extra-judiciary mobs.

The media are extremely careful regarding what they say about religious extremists because they get no protection from the authorities or judiciary. Perpetuators of violence are being protected or viewed as heroes. This has a direct effect on freedom of expression.

In fact, freedom of expression is limited by the same Constitution. In the Constitution, Ahmadis were declared non-Muslim. This is in effect a contradiction, as the Constitution on the one hand declares the freedom to practice the religion of your choice, but on the other places the Ahmadis in a position that leaves them open to attack by fundamentalists. Any media house coming out in support or criticising the fundamentalists are liable to be subjected to the same degree of violence as the Ahmadis themselves.

Another area that is strictly forbidden to journalists is reporting on the corruption of the politicians, the military and the judiciary. These institutions have become sacred cows, untouchable by anyone other than their own hierarchy. Any journalists brave enough to highlight this corruption are liable to face the same fate as those mentioned earlier.

Often freedom of expression is restricted in the name of preventing vulgarity, immorality and obscenity, but these terms have never been clearly defined. The Pakistan Electronic Media Authority called for a consultative conference to discuss them. However, no one turned up, so they have arranged another conference for later this month.

It is hoped that by mutual consent, they will be able to put forward proposals to the highest court of the land.

Baseer Naweed's concluded with the remark that contempt of court is another method of restricting the freedom of expression. The government says there is no law against contempt of court, but the Supreme Court uses the contempt of court ordinance of 2004 to minimize freedom of expression, particularly on the decisions of the court.

Hielke Wolters thanked the presenters for their contributions and opened the floor for reactions to the speakers and any other discussion. The following points were raised:

Pakistan does not have a single judiciary or court system, but instead has parallel and religious ones which do not correspond to UN directives. There are biases in some courts where the judge has to be a Muslim. Non-Muslims can appear in court, but cannot have a non-Muslim lawyer. There are also biases against women and other minorities. So there is inbuilt discrimination in the whole system.

In addition to the political problem, there is a psychological problem with persons affected by the law wanting to commit suicide. There were no such instances before the tightening of the law, but now they are proliferating.

There is a need to talk about the negative role that media can play; some assassinations and murders have taken place because of the media.

Hope for the future must be placed in the people, not the judiciary, or government or the military; in this there is a touch of optimism.

While there is a democratically elected government, this does not automatically mean that there is democracy in Pakistan.

There is a need to talk about the collapse or non-existence of the rule of law and the flaws in the justice system, e.g., the need for a proper criminal justice system. There is no witness protection system and torture is the main system used to get confessions; they are not based on evidence. Prosecution always remains subject to pressure from fundamentalists and doesn't work properly.

Deleting the word Islamic (which was added in 1973) from the Republic of Pakistan could help.

It is important that people get a stronger role in their own future; there is the need for an institutional framework to allow this to be possible.

Heilke Wolters summed up the discussion as touching on focal and interrelated points that will need a variety of approaches.

The discussion then moved to what issues could be brought to the diplomatic missions that participants would meet with in the afternoon. These included:

- The Objective Resolution is contrary to the inauguration speech of the Constitution of Pakistan

- Need help to undo the malfunctioning of lawyers, NGOs and journalists
- Religious leaders need to adopt strategies to make change for the people
- Education – either secular or linked with religion – can transform
- Need to make sure that the stories of women are not told by somebody else, that they can tell them themselves
- Need to know how to cooperate with the UN, regarding Pakistan in the second round of the Universal Periodic Review (UPR). Is it possible to know the response of the government to recommendations made four years ago?

Finally, regarding the Hearing communiqué, it was proposed to state that the Objective Resolution must be withdrawn from the Constitution, and that clauses 295-B and C should be withdrawn from the Blasphemy Law as this gives too much power to extremists and limits freedom of expression.

Session 5

Side Event at the 21st Session of the UN Human Rights Council

Participants attended a side-event that took place at the Geneva UN headquarters in the context of the 21st session of the Human Rights Commission. On the hearing topic – Misuse of the Blasphemy Law and Rights of religious Minorities in Pakistan – the event was also attended by other participants of the UN Human Rights Council including

official government representatives to the UN Human Rights Council.

The session was moderated by Rev. Kjell M. Bondevik, former Prime Minister of Norway and Moderator of CCIA/WCC.

The speakers were I.A. Rehman, Director, Human Rights Commission, Pakistan; Dr Maulana Uzair Albazi, Religious Scholar, Multan, and Peter Jacob, Justice and Peace Commission, Roman Catholic Church.

Following the side-event, Pakistani delegates had the opportunity to meet with staff from the UN Diplomatic Missions of Austria, Canada, Germany, Norway, Sweden and the UK to evoke the issues raised at the hearing and identify possible ways for mutual cooperation. In each instance, the Pakistani delegation was accompanied by at least one hearing participant who was a national of the respective mission's country.

Session 6

Toward Global Advocacy

on the Human Rights Situation in Pakistan

Participants split into four working groups to reflect on the following two points:

- 1) Make concrete proposals in order to address effectively the negative side-effects of the Blasphemy Law; Identify short-term and long-term strategies/measures that can be developed on both national and international level;

- 2) What role can churches and religious leaders, inside and outside Pakistan, play in this process?

Session 7

Presentation of Reports from Groups

Group 1

- Whistle-blowers should be protected, e.g., in Rimsha's case.
- Hate speech and hate literature should be banned.
- Order of arrest should be by court instead of police.
- Media should be engaged and encouraged to educate people on blasphemy issues.
- All revisions in the Blasphemy Laws shall not be called Blasphemy Laws.
- All previous judgements should be published.
- The Minority Rights Commission should be given a wider mandate to investigate blasphemy cases, etc. It should only be responsible to parliament. It should be an autonomous and independent body.
- The ISSPR should be respected by the Pakistani government – jobs are a fundamental right of all citizens, so Ahmadis can't be told that they can't apply for certain jobs.
- Mosques and *madrassas* should also be encouraged for intra-faith dialogue among Muslims for a consensus on how best to stop the misuse of the Blasphemy Laws.

Group 2

- Contact and collaborate with barristers in Britain
- Giving oaths – push for procedures in court on other holy books
- Push for first information report when accusation made
- False complainants should be punished
- School curriculum: anything that instigates hatred should be removed.
- Religious leaders and politicians in close contact with the people should make efforts to prevent hatred and encourage understanding
- Publish good stories of harmony
- Organize side-events on how the misuse of the Blasphemy Law impacts minorities and women through the UN Commission on the Status of Women.
- Create network of participants of this Hearing
- Lobby to stop children and persons with mental illness being charged under the Blasphemy Law.
- All church leaders present at this Hearing should make contact with imams in their neighbourhood
- WCC to follow-up on this Hearing
- Representatives from Pakistan to hold a joint press conference and prepare a written report when they are back home.
- World Council of Religions (WCR) and other human rights organizations should gather all recommendations and send them to government.
- All representatives to organize press releases and conferences on Pakistan in their respective countries.

Group 3

- Carry message back to Pakistan so all can be informed
- Legislative steps, education
- Situation leads to vulnerability
- Focus on peace and non-violence, this message should go back to Pakistan
- Inclusion of minority views and bodies at governmental level, e.g., Council of Islamic Ideology
- At level of south Asia interfaith communities, a body should be formed to work at level of the South Asian Association for Regional Cooperation (SAARC).
- Various embassies of Pakistan to hear message of this meeting
- WCC and other parties to follow-up
- *Fatwas*, etc., come from unauthentic sources and cause abuse of the Blasphemy Law
- Law enforcement needs improvement
- Procedural changes should be based on analysis
- Interfaith activity
- Start a fully-fledged campaign upon return to Pakistan, establish respect for all religions; condemn blasphemy but protest at abuse of law
- Education system should be reviewed and a subject on respect for all religions introduced
- Registration of a case should not be immediate
- Stop misuse of loudspeakers to call for revenge
- False accusations to be punished
- All discriminatory laws to be revised
- Bring leadership to the table to remind of responsibility without media attention
- Balanced representation in such gatherings to be assured.

Group 4

On the first point

Short term:

- A person who reports against an alleged blasphemer should also be detained while the case is investigated
- Engage with like-minded *Maulanas*, NGOs, civil society
- Conscientize church leaders on the harm that has been caused by the Blasphemy Law and petition the government for change
- Police are under pressure. Even before they arrive, there is a huge crowd in front of the house. The government should introduce procedural changes with regard to the registration of FIRs
- Work on building relations with neighbours so they can be safe
- Have national level dialogues between Muslims and Christians and ask *Maulanas* to make public statement
- Pressure political clerics to denounce the Blasphemy Laws
- Get friends in other countries to have their governments apply pressure on Pakistan to improve its human rights record with regard to Blasphemy Law.

Long term:

- Encourage people of other faiths to join the police force
- People need to be educated on the Blasphemy Law. Use the media, print and electronic media
- Prosecute those who announce Blasphemy Law cases publicly even before there have been investigations.

On the second point

Local:

- There should be regular meetings between church leaders, and they should also dialogue with religious political leaders so they can make a combined stand on issues. Create an office for this
- Churches need to pray for peace and prosperity in Pakistan. Spread the Gospel of love and peace
- Churches need to keep up the dialogue with Muslims
- Christians in Pakistan must be united so they can make a united stand to the government.

International:

- Ask churches to help with the relocation overseas of those in danger
- Get the word out there that this is an issue not just for Christians but for the Hindus, Sikhs, *Shias* and people of other faiths in Pakistan
- Prepare a fact sheet to lobby international missions and ask for specific action
- Raise awareness in countries with a Christian majority that their actions create violence in countries like Pakistan where Christians are the minority, for example the recent film controversy and the Danish cartoons.

Brief additional comments from participants:

- One participant noted that peace committees are already working to create awareness among people and about how they can come and live together, so they should be spread and given more help.

- Another participant had been a member of peace committees at district level, but as membership is politically based, it is not so effective; the composition needs to be reviewed
- The courts are not safe and can convict too easily
- Minorities are scared of the police who should be protecting them.

It was agreed that staff would synthesize these recommendations.

Closing Session

The main work of the Closing Session focused on discussion of a draft communiqué prepared by a small group of drafters appointed earlier. The closing session was co-moderated by Bishop Samuel Azaraiah and Dr Mathews George.

The draft communiqué was presented for discussion. Its general substance was well appreciated by participants, who made the following comments/recommendations for consideration for the final version:

- Add flavour to recognize that some religious groups work well but bear in mind that peace committees are largely nonexistent
- Several suggestions were made regarding the order of the different paragraphs
- It is imbalanced, as minority religions are over-emphasized whereas Muslims are also affected; only one sentence addresses this but no statement
- Add statistics to show that more Muslims are victims

- Remind the government about its commitment to the international community by its signing of several human rights instruments
- A Pakistani delaying practice is to form an inquiry commission. It is fine to suggest this but alongside, participants should take initiatives at non-governmental level
- Add something to give a more positive message to Muslims who have their own issues and concerns.
- Request other countries and the UN to act but not commit acts that make life worse for people in Pakistan
- Make it relevant for all without diminishing the reality
- Emphasize concern for the whole population: Muslims are the largest group affected; minorities are disproportionately affected.
- A competent enquiry committee in Pakistan will take a long time to yield results. An alternative could be to involve religious leaders from different countries to make their own independent committees or demand a special report on religious affairs.

The General Secretary expressed gratitude to the drafting committee, stressing that there were many from the international community who were interested in what we were doing. He cautioned that the communiqué wouldn't get attention if it was too long; not everything could be included. We must speak out of the Pakistan context telling the reality, this was its added value. It was important to say that the communiqué was a reflection of Christians, Muslims and Hindus together, but it didn't need to expand on all aspects; emphasizing this togetherness would strengthen it. Several voices had said that you couldn't just ask authorities

to act, but also needed to mobilize people. Religious leaders have a great potential to make this happen, and this should be given more prominence. We expressed our concern for the whole people of Pakistan; this should come through clearly.

Bishop Azariah assured participants that the communiqué rapporteurs would look into all these elements, and asked for understanding and trust that the drafting committee would meet again and finalize the communiqué in a manner that truly reflected the discussions; a final reading would not be possible due to visits to missions in the afternoon.

The General Secretary of WCC thanked participants for all the work they had been doing and the wisdom shared to make a difference. While some were suffering more than others, it was a problem for all of us. He also thanked the organizers – staff and Bishop Samuel – for the good dynamics. He asked those going back to Pakistan to try to bring the spirit of the event with them and to help the others to continue to support them to have a positive effect. Finally, he gave “Thanks to God who has called us to be in fellowship with one another and to share concerns, friendship and love. May God bless us all as we go back to our different work and tasks.”

Dr Mathews George, Director of CCIA, conveyed profound thanks to all for their acceptance of the invitation and participation and hard work. He acknowledged the contributions of the WCC General Secretary, who had been very supportive of the issue and had taken a keen interest in organizing this event. He also expressed thanks to colleagues in the CCIA team who carried the main responsibility for

bringing the hearing to fruition. He mentioned that the original event was planned for only 30 persons including six from Pakistan. In the end, there were many more Pakistanis from Pakistan, but also from the Diaspora in the US, UK, Canada, Sweden, Egypt and Sudan.

The WCC had been following this issue of misuse of the Blasphemy Law in Pakistan for almost 20 years now. In recent years, the situation had been more alarming due to the increasing number of attacks against Christians, especially in Pakistan. The WCC General Secretary had written several letters to Pakistan government officials over the past three years expressing concerns. The WCC Central and Executive Committees had also issued statements on this issue. The WCC had always had a consistent policy on the misuse of the Blasphemy Law in Pakistan, and the WCC had urged repeal of this law. His concluding thanks were extended to all participants – especially noting Bishop Azariah, Victor Azariah, General Secretary of NCC Pakistan, participants from Muslim and Hindu religions in Pakistan, the speakers and the moderators of various sessions.

The closing remarks were made by Bishop Azariah, who again thanked the WCC, its Executive Committee and the staff of the International Affairs team. It was of great importance that Muslim leaders had met with a large group of Christians. Participants would go back with expectation and encouragement in the hope that they would be taken seriously and could move forwards.

Appendices

1. Communiqué

1. We believe that the role of religion is to create a climate of peace, stability, tolerance, reconciliation and respect for human dignity and the human rights of all people and not to promote conditions that create intolerance and hatred. The core values of all religions teach values of justice, peace, reconciliation, equality and human dignity. The adherents and leaders of all religions have the moral responsibility to promote and protect peace with justice and human dignity.

2. The international hearing on the “Misuse of the Blasphemy Law and Rights of Religious Minorities in Pakistan”, organized by the Commission of the Churches on International Affairs (CCIA) of the World Council of Churches (WCC) from 17 to 19 September 2012, was attended by about 100 participants from Africa, Asia, Europe and North America, including 23 representatives of Christian, Muslim and Hindu religious groups and civil society and human rights organizations from different parts of Pakistan. The hearing provided opportunities for participants to listen, analyse and understand the complex situation of the rise of religious fundamentalism and extremism and the misuse of the Blasphemy Law in Pakistan which leads to blatant violations of human rights.

3. Recalling the assurances given to the religious minorities by Mohammed Ali Jinnah, the father of the nation, that “all citizens are equal regardless of belief”, and Article 18 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

“Everyone shall have the right to freedom of thought, conscience and religion”, we, the participants of the international hearing, express great concern and regret that the minority religious communities in Pakistan today have become a target of discrimination and attacks and are facing violations of fundamental human rights. While we recognize that in many communities Muslims and minority religions live in harmony, the Blasphemy Law nevertheless has become a source of victimization and persecution of religious minorities in Pakistan.

4. During our three days of deliberations at the hearing – plenary presentations, panel discussion at a side event during the 21st session of the United Nation’s Human Rights Council, open hearing and workshop sessions - we heard examples of the alarming trend of misuse of the Blasphemy Law and its impacts. Article 20 of the Constitution of Pakistan guarantees freedom of religion as a fundamental right stating that “every citizen shall have the right to profess, practise and propagate his religion” and article 36 stipulates the protection of minorities in that “the State shall safeguard the legitimate rights and interests of minorities”.

However, these Constitutional guarantees are being negated. Pakistan society has been experiencing militarization and politicization of religion, which has led to abuse of religion for political gains, which in turn results in violations of fundamental human rights of minority religions in Pakistan. Religious minorities in the country have been living in a state of fear and terror as the Blasphemy Law has been used to register false cases against religious minorities. The increasing trend of the misuse of the Blasphemy Law intensifies communal hatred, religious intolerance and

persecution against religious minorities in Pakistan. The law is often being used as a tool to settle personal scores through attacks on religious minorities. These incidents have fostered a climate of religiously motivated violence and persecution in several parts of the country.

5. General Zia Ul Haq introduced a number of amendments to the Pakistan Penal Code in the 1980s. Its Chapter XV deals with offences relating to religion, including sections 295 to 298. The Blasphemy Law, vaguely formulated and arbitrarily enforced by the police and judiciary, has become one of the most stringent laws in the country. The law itself provides only a vague definition of blasphemy, yet blasphemy carries a mandatory death sentence in some cases, specifically Section 295C. The Blasphemy Law has been used in recent years to victimize minority religious communities in the country. The participants further regretted the fact that a large number of Muslims have also suffered under and been vulnerable to this law.

6. There are also serious flaws in the presumptions, intent and the content of the Blasphemy Law. Since the mandatory death sentence was introduced, as a result of a Federal *Shariat* Court interpretation to Section 295C in 1990, many innocent people have lost their lives. The common experience of abusing and misusing the Blasphemy Law in Pakistan has led to physical violence, damage, destruction of properties and loss of life among innocent people over the years. In recent times, the number of victims has been increasing. Many victims of the Blasphemy Law have faced displacement or been forced to live in hiding. Charges brought against individuals under the Blasphemy Law were malicious, stemming from personal enmity, often with the

motivation to have people imprisoned to gain advantage in business or land disputes.

7. We express deep concern that the judiciary in the country also faces threats, intimidation and pressure, specifically while dealing with blasphemy cases. As a result of this, the lower courts have often been constrained to convict persons without proper evidence placed before them. It is becoming increasingly difficult to obtain a fair hearing for those charged under the Blasphemy Law. On the testimony of a complainant, a person charged with blasphemy is immediately placed in detention. Under the provisions of the present law, the element of intent is not a consideration.

8. In this context, we the participants of the international hearing urge the Government of Pakistan to take realistic and solid steps to stop abuse of the Blasphemy Law that are causing massive human rights violations. Tinkering with procedural amendments has not delivered; it has failed to mitigate extremely sad consequences of a law that is inherently susceptible to abuse. Therefore, we urge the Government to constitute a competent Inquiry Commission immediately to look into the tragic consequences of the Blasphemy Law and suggest a way out of this difficult and embarrassing situation. The participants affirmed the need for the civil society to help the Commission in its deliberations, monitor its progress and keep the communities informed.

2. Misuse of the Blasphemy Law and the Plight of Religious Minorities in Pakistan

Mohammad Tahseen

In Pakistan, the history of the Blasphemy Law is rooted in the Indian Penal Code of 1860. In 1898, a light penal clause pertaining to the offence of defiling or insulting any religion was added to the Indian Penal Code. In 1927, the British colonizers made it a criminal offence to commit "deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religious beliefs". The law did not discriminate between religions, and the motive for introducing it was to maintain harmony amongst the people of different religions, especially between the Muslims and Hindus of the sub-continent.

The law remained unchanged after the creation of Pakistan and until the early 1980s. In 1997, General Zia ul Haq imposed martial law by overthrowing the popularly elected government of Zulfikar Ali Bhutto and brought various regressive laws into the Constitution. Zia sought legitimacy for military rule by posing as the "defender of Islam". The type of Islam that he propagated was not the type of moderate Islam that most Pakistanis believe in. He introduced primitive laws like chopping off the hands of thieves and stoning adulterers to death. Later, some of these laws targeted minorities like the Ahmadis. The death penalty for anyone found guilty of defaming Islam under the Blasphemy Law was introduced in 1986 during his period. He also enforced various other regressive laws such as the *Hudood* ordinances and special laws targeting the Ahmadis.

Zia in fact tried but failed to introduce the Law of Evidence, which practically meant that two women are equal to one man!

These laws were contrary to the vision of Pakistan as a "moderate and democratic" country as envisaged by Pakistan's founder. Mr Mohammad Ali Jinnah, in his historic address to the Constituent Assembly of Pakistan on August 11, 1947 stated: "You are free; you are free to go to your temples, you are free to go your mosques or to any other places of worship in this state of Pakistan. You may belong to any religion or caste or creed. That is nothing to do with the business of the state." Jinnah represented the modern version of Islam practiced by the common citizen of the country.

It is important to note that the laws introduced by Zia, which discriminated against women and non-Muslims, were largely opposed by women and human rights organizations. The minority leadership did not play any prominent role in opposing these laws. Zia also introduced separate electorates for religious minorities, a move that was opposed by various human rights and non-Muslim organizations. However, the minority elite availed itself of the opportunity and ignored the plea for an alliance by Christian organizations for revival of a joint electorate. It is unfortunate that some Christian political leaders continued to adjust their positions and sometimes came to defend these laws publicly. The people responsible for the plight of non-Muslims are not only mainstream secular politicians who, in order to appease the right wing, fail to advocate an

end to religious discrimination, but are also the elite minority leaders who are as class-conscious and expedient as their Muslim counterparts.

Factors that paved the way for the acceptance of the Blasphemy Laws and their endorsement (by a particular segment of the society) are rooted in the evolution of the state of Pakistan and to constitutional development in a certain manner. Some of the factors are:

In 1949, Mr Liaquat Ali Khan, the-then Prime Minister of Pakistan, despite the opposition of minority members and progressive Muslim legislatures, passed the Objectives Resolution.

The Constitution of 1973 had discriminatory elements when Islam was established as the state religion. Later, General Zia-ul-Haq amended the Constitution to make the Objectives Resolution a substantive part instead of a mere preamble, as was the case with the earlier constitutions of 1956 and 1962.

The issue of separate electorates de-politicized the Christians in the same manner as the 1985 non-party polls had done for the Muslim electorate. It is also a reality that M. A. Jinnah's secular instances were made debatable by the Islamists.

In the decade of the 80's and as a result of state policies and a proxy war between the US and the USSR on Pakistani soil, the role of *deeni madaris* (religious seminaries) was transformed. Instead of education, they were furnishing militancy. Students of these *madaris* were simultaneously being trained to fight against the Soviet army.

It was during this period that extremists from all over the world were brought to Pakistan to fight the Soviet army. Hundreds of them settled in Pakistan's tribal areas, where clerics funded by the US and Saudi Arabia preached the salafist interpretation of Islam alien to the thinking of most Pakistanis. Numerous seminaries which preached *jihad* and sectarian militant thinking against anyone who did not believe in their interpretation of Islam were opened with Saudi petrodollars.

The tribal areas continued to be indoctrinated for nearly two decades, until 9/11. These seminaries also preached hatred against minorities. This enhanced the polarization and further radicalized society.

The school curriculum has been used to further the state ideology, resulting in the construction of an “us” and “them” syndrome by posing Muslims as superior beings in comparison to other religions.

Islami Jamhoori Ittehad was formed by the military intelligence agencies to spread Zia's brand of Islam in electoral politics by assembling almost all religious parties against the Pakistan People's Party (PPP). They were pitched against the PPP and as a result, the party lost its strength in the province of Punjab. The whole exercise by the military and its agencies helped create an environment in which striking down Zia's laws was very difficult.

USA and Western Support of Zia ul Haq

General Musharraf, another military dictator who paraded himself as a secular person, also failed to bring any changes to the laws introduced by Zia. This was because of his peculiar political needs. Like Zia, Musharraf, after having put restrictions on mainstream parties, also depended on religious parties. As he did not want the PPP and PMLN to win the elections, he put limits on their political activities in 2002. However, he encouraged *Jamaat e Islami*, *Jamiat Ulemae Islam (Fazal)* and extremist outfits to undertake full-fledged political activities. This led to the formation of governments of religious parties in NWFP (presently Khyber PukhtunKhwa) and Baluchistan. Both the provinces are adjacent to Federally Administered Tribal Areas (FATA). During four years of rule in these two provinces, the religious parties spread extremist ideas that contributed to the growth of intolerance and militancy in the country.

The US and its allies supported Musharraf as they had supported Zia before him. As a result of an understanding with religious parties, Musharraf did not change any of the so-called religious laws including the Blasphemy Laws. He also allowed the banned extremist groups to continue to work under new names. These outfits attacked and harassed Christians, Hindus, Shiites and Ahmadis throughout Musharraf's rule.

The PPP was considered to be a liberal political party. Many had expected that the party would radically modify if not repeal the various laws being used against the minorities, particularly the Blasphemy Law. This has failed to happen. The PPP maintains that it is a minority government in

Pakistan and cannot make the required changes on its own. It also maintains that the Pakistan Muslim League Nawaz (PMLN) which is the major opposition party, is not willing to support it to reform the anti-minority laws.

The law has been abused mostly by religious extremist organizations as well as by banned terrorist outfits. In major incidents, such as Gojra and or the murder of Salman Taseer, the Governor of Punjab, we see these banned organizations behind these incidents. It is very clear that the extremists are taking advantage of these laws and as a result, minorities in Pakistan are persecuted. It is important to share that not only religious minorities but also Muslim minorities such as Shiites and Ahmadis are also major victims of these laws. As far as the persecution of minorities is concerned, Shiite and Ahmadis have suffered the most in numbers.

Some facts I would like to share: Between 1927 and 1986, there had been only seven reported cases of blasphemy. However, from 1986 onwards, as many as 4,000 cases have been reported. This shows the indiscriminate abuse of the law. Between 1988 and 2005, Pakistani authorities charged 647 people with offences under the Blasphemy Laws. Fifty percent of the people charged were non-Muslims. More than 20 people have been murdered for alleged blasphemy. Two-thirds of all the cases are in Pakistan's Punjab province. Most of these cases are lodged to settle petty scores, based on mere allegations and on expressing one's belief. A large number of cases have been lodged against mentally deranged people.

Not a single case has been awarded maximum punishment, and in 11 out of 12 cases that involved a decision on the merit of the case, the accused were acquitted because of the

weaknesses and inconsistencies in the prosecution's case. In eight of the 11 acquittals, the court noted *mala fide* intention in the implications of the accused. *But let us not forget those cases where alleged blasphemers were hounded by militant mobs and killed in the presence of police, and that there is no guarantee of security in prison or even after the acquittal of a "blasphemer"*.

More than 80 percent of Pakistani Christians live in the province of Punjab. More than half of them live in seven districts – Lahore, Faisalabad, Kasur, Sheikhpura, Sialkot, Gujranwala and Toba Tek Singh – of central Punjab. And most of the blasphemy cases are reported in these districts.

In addition to the promulgation of the controversial *Hadood* Ordinances, a number of sections were added to chapter XV of the Pakistan Penal Code. These included section 298A (use of derogatory remarks in respect of Holy Persons), section 295B (defiling a copy of the Holy Quran) and section 298C (misuse of epithets, descriptions and title etc., reserved for certain Holy Persons or places). The newly introduced sections aimed to protect holy people of only religion, i.e., Islam, which is the state religion. Section 295C, which was added by an act of Parliament in 1986, made it a criminal offence to make derogatory remarks in respect of the Holy Prophet Mohammad (P.B.U.H). Under section 295C, the offence was punished with life imprisonment or death.

According to the 1998 census, the population of religious minorities is about 6 million or 3.7 percent of the total population of Pakistan. Hindus and Christians constitute 83 percent of the religious minorities, with Hindus outnumbering Christians by a small margin, while 93 percent of Hindus live in the province of Sindh.

An analysis of 361 cases of blasphemy offences registered by the police between 1986 and 2007 shows that as many as 49 percent of cases were registered against non-Muslims. The cases against non-Muslims should be contrasted with the population of the minorities, which is less than 4 percent of Pakistan's population. Moreover, 26 percent cases against Ahmadis and 21 percent of cases against Christians are not in line with their ratio in the total population, which is 0.22 percent and 1.58 percent respectively.

I know that these numbers and facts are important, but they cannot portray the real picture. The reality is that the majority of the population has been taken hostage by a small group of militants who have guns and power in their hands and are supported largely by state agencies and international players. As a result, they have successfully created a situation of fear. We need to break this. The minorities in Pakistan are being persecuted and the solution lies in supporting and strengthening democracy in the country. The total repeal of the Blasphemy Law is essential. It is a bad law brought by a dictator (in our book) and has nothing to do with religion, as is wrongly propagated by the religious right in Pakistan. Therefore, it is the duty of progressive political parties and religious scholars to play their role. Civil society organizations along with print and electronic media need to play a much more active role in engaging and mobilizing larger society at the grassroots.

Let me end by saying that we in Pakistan are fighting against the Blasphemy Law and its abuse. However, it is high time that the West be consistent in supporting democracy in Pakistan. In my opinion, supporting military dictators and keeping silence when extremist laws are promulgated by

dictators is criminal. It is also not very fair to speak out only when there is an elected government. It is equally important that the international community and organizations, such as yours, play a more active role in helping us by strengthening democracy and secular values in Pakistan.

3. Freedom of Expression and the Media in Pakistan

Baseer Naweed

Restrictions on freedom of expression in Pakistan may be dated back to the very creation of the country. Pakistan was created on 14 August 1947, and the father of the nation gave his inaugural speech three days earlier on 11 August. It is interesting to note that the speech of the Governor General-to-be, Mr Muhammadali Jinnah, was itself censored. The interesting point was that only those portions were censored which were purely secular in their nature where Mr Jinnah had stated: “You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State”. He further said: “Now I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State”.

Two years after the creation of Pakistan, the so-called legislators passed a resolution entitled the Objective Resolution of Pakistan. In this resolution, it was declared that sovereignty lay with *Allah*. This later became part of the Constitution and denied the people the right to democracy, thereby creating guidelines on the restrictions on the freedom of expression and the freedom to practice the

religion of one's choice. The country was declared a theocratic society where only Islam can prevail and no one else has any rights. The citizens were divided into Muslims and non-Muslims. A clear demarcation was made between the majority and the minority, so all rights were recognized for Muslims, while those who were not Muslims had no rights. The concept of equality for various sections of the society was to be determined on the basis of being Muslim or non-Muslim.

Again through the 1973 Constitution, which was first time anything was passed unanimously, the state took the responsibility to decide who was Muslim and who was not by making the fourth amendment in the Constitution where the 'Ahmadis' were declared as non-Muslims. Through this amendment, the state had the power to declare who was Muslim and strengthened pressure groups, the Muslim fundamentalists, to take the responsibility of declaring people as Muslim and non-Muslim.

The Objective Resolution was made part of the preamble of the Constitution. But during the military regime of General Zia ul Haq, the Objective Resolution was integrated into the Constitution. Those rights of minorities which were given in the original Objective Resolution were also deleted. General Zia made three famous laws: the Blasphemy Laws (by inserting clauses B and C); *Qisas* and *Diyat*, through which evidence from women is denied; and the *Had* ordinance. So the rights of women and religious minority groups were denied.

This has resulted in self-censorship of the media, even apart from the fact that rules and regulations concerning the

Blasphemy Laws are not being adhered to. The rules state that an arresting and investigating officer must hold the rank of Superintendent of Police. However, people are being arrested by the mob and, if they are lucky, handed over alive to any police officer who happens to be present.

The media are extremely careful about what they say regarding religious extremists as they can expect no protection or support from the authorities or judiciary. This was evident in the cases of the assassinations of the Governor of Punjab, Taseer and the Federal Minister on Religious Minorities, Mr Shabaz Bhatti; the perpetrators have either gone unpunished or are being treated as heroes. The lawyers themselves, who are supposed to protect the law, came out in support of the assassins, blaming the victims as blasphemers.

The Blasphemy Law in Pakistan is the subject of this particular hearing. I mention these incidents in this context, as they have a direct impact on freedom of expression. While the Constitution of Pakistan guarantees freedom of religion, the actual situation in the country is very different and any media person or media company speaking out in support of minorities quickly faces attacks ranging from hate speeches to physical violence and even death.

The Blasphemy Law in any case has been turned into an instrument to kill others. If anyone is accused of blasphemy, particularly on charges of defiling the name of the last prophet (PBUH), he or she must face the death penalty. And if not, then the fundamentalists will murder that person. In one case, two Christians were sentenced on section 295 B and released in a High Court verdict by Mr Justice Arif

Bhatti on the grounds that they were ex-scavengers and completely illiterate. After the court acquitted the two accused, they left Pakistan, but the justice was murdered for releasing the blasphemers.

One judge of a Session Court had to leave the country after he had pronounced a death sentence against the killer of the former Governor of Punjab. The Governor was murdered because he used his right of freedom of expression in support of someone, Asia Bibi, who was sentenced on the charges of blasphemy. The fundamentalists announced that the judge was liable to be killed because he had punished a hero of Islam.

In fact, freedom of expression is limited by the same Constitution. In the Constitution, Ahmadis were declared non-Muslims. This is in effect a contradiction. Although the Constitution declares the freedom to practice any religion according to the choice of a citizen, in reality the Ahmadis face attacks by fundamentalists. Any media house taking a position of supporting the discriminated Ahmadis or criticizing the fundamentalists is liable to be subjected to the same degree of violence as the Ahmadis themselves.

The media are also suppressed by the military when they attempt to report on the nexus between the armed forces and militant *jihadists*. One report noted that during 2006, about ten journalists were kidnapped while performing their professional duties by security forces apparently belonging to military secret services. The report also revealed that the very few journalists based in the tribal areas in Baluchistan are caught in the crossfire between security forces, *jihadist*

militants and tribal chiefs fighting each other to control the area.

Another area which is strictly forbidden to journalists is reporting on the corruption of politicians, the military and the judiciary. These institutions have become sacred cows, untouchable by anyone other than their own hierarchy. Any journalists brave enough to highlight this corruption are liable to face the same fate as those mentioned earlier.

Often, freedom of expression is restricted in the name of preventing vulgarity, immorality and obscenity. These three items have never been clearly defined in the law or by any court. However, this does not deter the authorities, those with vested interests and media houses which are quick to make use of these accusations to enforce self-censorship.

In an attempt to define these issues, the Pakistan Electronic Media Authority called for a consultative conference to discuss them. However, no one turned up so they have arranged another conference for later this month. It is hoped that by mutual consent they will be able to put forward proposals to the highest court of the land.

Through the Constitution and laws, there are many restrictions on the freedom of expression and freedom of media. The “Official Secret Act of 1923” introduced by the British rulers during colonialism in India is still operative. Anything that the state thinks is prejudicial to the interest of the state or against the state can be tried under this act. Those matters which are considered classified cannot be published or even be spoken of.

The Safety act and the Telegraph act are also used to curb the right of freedom of expression. No material can be published or spoken of which is against the interest of the state.

The Newspapers, Periodicals and News Agencies Ordinance 2002 is still in force. Through this, until it receives permission for publication, no periodical or newspaper can be printed. This is a clear-cut violation of Article 19 of the ICCPR and the Constitution of Pakistan.

PEMRA is a regulatory body which distributes licenses for the production of any type of electronic channel. Permission must be requested from government. It is not like Europe or the USA where any person or organization can establish their own channel on FM radio and TV. After 1985 and the end of the period of military rule, pressure groups and fundamentalists took over the role of the state and tactics of coercion and intimidation to implement their own rules. Here, the role of the government or state has been reduced to the minimum.

Contempt of court is yet another method of restricting the freedom of expression. The government says there is no law against contempt of court, but the Supreme Court relies on use of the contempt of court ordinance of 2004 to minimize freedom of expression, particularly relating to its own decisions.

4. Finding Constructive Ways of Preventing the Misuse of Blasphemy Law

Muhammad Hanif Jalandhari

*IN THE NAME OF ALLAH ALMIGHTY, THE MOST
BENEFICENT, THE MOST MERCIFUL*

It is my privilege to address this International Hearing organized by the World Council of Churches in conjunction with the United Nation's Human Rights Council session where dignitaries and intellectuals of the world are present to address an issue of utmost importance. Here, as a humble representative of the Muslim *Ummah*, I would like to express my views to this auspicious forum about the referenced issue. I would also like to thank the organizers of the conference, especially the World Council of Churches, with the hope that Almighty Allah will bless the Council members and help them in doing what is required for the benefit of mankind.

The scope of the WCC proceedings is limited to two problems. One is related to the misuse of the Blasphemy Law in Pakistan. The second problem is related to the situation of the minorities living in Pakistan. In this session, we will concentrate on the misuse of the Blasphemy Law. Please allow me to share my views on this matter. As far as the matter of punishment with respect to the law of blasphemy is concerned, we as Muslims undoubtedly have no difference of opinion [from other faiths].

We all, as human beings, must agree that civilized societies should always respect each other's religious norms and

provide full protection and ensure the rights of the individual follower. We live in a world where every civilized citizen has a right to sue and be sued if any person or entity uses abusive language or becomes a helpful instrument in creating situations of disrespect in one way or the other. In other words, every nation has such laws available and in practice to protect their citizens' right to self-respect. So it should not be a surprise for anybody that there are also laws, put in place by wise people, to protect what we hold as the absolute holy in our lives.

However, as secular laws are being misused, we are gathered here to consult on how to prevent the laws that are meant to protect our religion and what we hold as holy from being misused. No citizen or child should fear and suffer from the misuse of the Blasphemy Law.

At the same time, we as a civilized world must condemn to our fullest ability acts of ignorance and irresponsible attitudes, of which we have seen examples during the last few days and which play with the sentiments of millions of people around the world. The Muslim world condemns these acts that create problems for the societies of civilized nations.

The condemnation of such acts is present not only in the Holy Quran and *Sunnah*, but in the Holy Bible. There such acts are considered as serious violations against Christian and religious values. That is why we should not ignore such irresponsible attitudes. For these reasons, the Blasphemy Law in Pakistan should not only safeguard the sentiments of the Muslim *Ummah*, but should also protect the accused.

As far as the misuse of this law is concerned, some unfortunate incidents that cannot be denied have definitely

occurred. As a Muslim representing the majority religion in Pakistan, I am the first to regret misuse of the Blasphemy Law against religious minorities. This has to be stopped and it is one of the issues we will consult on today. I would also like to call your attention today to the fact that the majority of cases where the Blasphemy Law has been misused are actually against Muslims. So finding constructive ways of preventing the misuse of the Blasphemy Law is of common interest for all of us.

However, as said earlier, the misuse of law is also seen in regard to other laws, e.g., those relating to intentional murder cases. As per ACT-302 of Pakistan's Constitution there is a death sentence, but complaints of its misuse are being heard throughout the country. The wrong use of a law does not justify its repeal in any society, but a social reform is needed to stop its misuse. That is why there is a need to establish reforms that can check the misuse of such laws without damaging their actual form and purpose. Therefore, I recommend that we should be ready to accept any proposal that can help prevent the misuse of the laws, on the condition that the actual spirit and aim of the laws should not be affected. I guess that this will be the matter we will be consulting on these days.

The World Council of Religions (WCR) came into existence in Pakistan in 2004; I and Bishop Samuel Azariah are present at this conference as the WCR chairman and vice chairman, respectively.

The WCR has discussed this issue many times in its meetings and negotiated with many renowned religious and political figures in Pakistan. In the light of these meetings, a

coordination committee of Muslims and Christians has been formed which by mutual dialogue has been working on some proposals to stop the misuse of this law. We think that the actual work on improving the situation in Pakistan must be done in Pakistan and that the WCR and this coordination committee are valuable tools in that regard. When finalized, the said joint proposal will first be presented to the WCR Supreme Council for approval, then to the leaders of political and religious parties for approval and finally to the Government of Pakistan in order for it to be taken into the Pakistan Constitution.

With this, I greet you again, look forward to consult with you all and to listen to your reflections and recommendations on this matter. We pray that we will have fruitful days here together where we can manage to jointly move on matters of joint concern.

In conclusion, I would like to present my opinion on this forum. If we are to solve the issue of the Blasphemy Law, we need to use all our wisdom. I think the issue has to be solved in Pakistan by Pakistanis, but we appreciate international support in this regard. However, I feel that when others wish to raise matters with us, it would be better to do that via the platform of the people and the *Ulema*. The media often bring unnecessary complications, making it more difficult for us to talk to people in a balanced way.

5. The Plight of Hindu Minorities in Pakistan

Haroon Sarab Diyal

Yes! I am Hindu from Pakistan, and Hindus as a minority in Pakistan make up to 4.2 million. Sounds like a big number! But the fact of the matter is that in 1947, Hindus in Pakistan were 20 percent of the total population while today this has shrunk down to 1.7 percent, only. And it's a matter of serious concern as it is creating a sense of insecurity among us.

We are not refugees or internally displaced persons, but we feel as though we were refugees in our own country, Pakistan. But as they have access to international donors, friends and partners whereas we are a totally forgotten community, refugees have an edge over us. No interaction with the UN and/or other humanitarian international bodies exists for the Hindus of Pakistan. The reason is simple: they simply do not know about our existence as we never had a platform to make our voice heard.

Similarly, a number of international organizations are actively working in Pakistan for the youth and women's development, especially in KPK province. But there is no programme for Hindu youth and women in general.

Ladies and Gentleman, today from this platform I appeal to all the International Human Rights organizations to help and support us by providing us with such platforms that could enable us to raise our voice for our rights and to let the world know about the misery in which we live.

Migration is a serious, painful but strong reaction to those emotions that are the source of survival. Our life in Pakistan is becoming more insecure day by day, and we have become victims of aggressions of all sorts. We receive no respect as citizens of the state and religious terrorism has become the order of the day.

But no other country in the world has opened its doors to Pakistani Hindus.

Now, as far as India's openness towards Pakistani Hindus is concerned, it has become a political issue in Pakistan. "Why India?" the government cries. As if they would raise no objection if somebody else would take us in. And in this political slogan, they forget that Hindus are patriotic Pakistanis but, because of unfair treatment, we have been compelled to migrate to other countries.

Pakistan came into existence on the basis of the two-nation theory, which basically meant that Hindus and Muslims were two different nations and could not live together any more. Although the fact of the matter is that they had been living together for centuries and still co-exist in India. There are more Muslims living in India than Pakistan! However, in those days, it was a political slogan (forgive me if I am wrong) to obtain land. And it was decided in Congress that Muslim majority areas would become Pakistan and Hindu majority areas would remain India. Today, this 40's theory is still used as a reason for hate, which is part of the rhetoric of hate literature against Hindus.

And this rhetoric is the main hindrance to the brotherhood of Hindus and Muslims.

As far as educational development is concerned, we have failed to groom leadership because we do not have educational institutions of our own like other minorities, especially Christians.

Worship places (temples) and educational institutions (*Pat Shalas*) have been turned into public schools, but have not been handed over to Hindus. In KPK and southern Punjab province, Hindus are semi-literate or illiterate and as a consequence, are the poorest among the poor. There is not a single Hindu school in Pakistan. Similarly, no Hindu old-age home or orphanage exists in Pakistan.

As far as religious liberation is concerned, there are 428 Hindu worship places, but only 20 are functional. The rest of them are used as hotels or are utilized for other commercial activities. All 428 Hindu worship places are the property of Hindus and need to be returned to us.

Today we stand as a landless community in Pakistan.

A 135,000-acre area of Hindu evacuee property has been allotted as a gift to non-concerned people. If 50 percent is given back to us, we can develop our own institutions, income-generating projects and so on.

The Muslim majority seeks medical help, funds and facilities through state-run welfare organizations (*Zakat* fund and *Bait-ul-Maal* fund). Similarly, Christians have their own hospitals. But Hindus have none. *We have nobody to turn to as far as health matters are concerned.*

Hindus in Pakistan have another serious problem in relation to their religious rights, especially the rituals of burning the dead (which means graveyards). It is not necessary to mention that Hindus burn their dead. But due to lack of *Shamshan Ghats* we have to bury our dead, which is against Hindu ideology and religion.

We also have serious problems of constitutional protection. There is no Hindu marriage registration act, divorce act, inheritance act or adaptation act. Therefore, our women are forcefully converted to Islam and there is no law to protect the Hindu marriage act.

Educational and political leadership shapes the future of nations, but unfortunately for Hindus, their political representation in Pakistan is nominal. Usually, our political leaders are handpicked as there is selection system for minorities instead of elections. Therefore, such Hindu leaders are not in any way accountable; their only use in assemblies is to play the role of a rubber stamp.

Forced conversion is one of the major causes of the migration of Hindus from Pakistan. They are forcefully converted, especially the womenfolk, and even married women are not spared; girls between the ages of 9-13 years are forcefully converted and taken into marriage by the influential people of the Muslim majority, mostly in Sindh Province. Talking about religious issues for Hindus in Pakistan is totally taboo and forbidden. As a consequence, one can lose one's life. It's like committing suicide.

No minority in Pakistan is against the Blasphemy Law. But they are against the misuse of the law. Although nowadays, talking about the Blasphemy Law has become a blasphemy in itself.

The life and quality of life of the Hindu community in Pakistan cannot improve until their needs are fulfilled. We need:

- an international platform to take our voice to the International community;
- a law for religious rites and protection of our religious places and rituals;
- freedom to worship and return of worship places from government institutions and the land mafia;
- Hindus' evacuee property to be returned and handed over to the Hindu community;
- programmes/projects for the social, educational, economic and political uplift of the Hindu community;
- equal rights as citizens of Pakistan;
- legislative amendments in the Constitution to protect Hindus and to eliminate negative attitudes towards the Hindus of Pakistan.

6. Background Paper

Blasphemy Law in Pakistan:

Historical Perspectives and Disastrous Effects

Naeem Shakir

The state of Pakistan was formed on August 14, 1947 as a division of India on democratic lines, recognizing the religious and ethnic diversity of the federating units. Mr Mohammad Ali Jinnah, the founder of this new country, made it clear in his presidential address on 11 August 1947 to the Constituent Assembly that all citizens should have equal status irrespective of caste, colour or creed, and that religion should have nothing to do with the business of the state. However, after the founding of this state, the religious elements in different forms who had earlier opposed the formation of Pakistan rallied together for their objective of making Pakistan an Islamic state. Soon after the unfortunate demise of the leader in September 1948, the religious elements managed in March 1949 to pass the Objectives Resolution through the Constituent Assembly, which provided the base for a religious state. This resolution provided guidelines for framing the Constitution of the State of Pakistan, saying that: “wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed; wherein the Muslims shall be enabled to order their lives in the individual and collective sphere in accordance with the teaching and requirements of Islam as set out in the Holy Quran and the

Sunnah.” This religious base was later vigorously used by the religious lobby to make a point for an Islamic *Shariah*-based state.

Over the last five decades, the dominant socio-political discourse in Pakistan has been around the principles based on Islamic injunctions, which gradually grew stronger at the state level as reflected through its three constitutions of 1956, 1962 and 1973. The philosophical heritage in the form of a pluralistic social order, as spelt out by its founders, soon started fading. The Council of Islamic Ideology was constitutionally constituted, empowering it “to make recommendations to the parliament as to ways and means of enabling and encouraging the Muslims of Pakistan to order lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in Quran and *Sunnah*, to advise as to whether a proposed law is or is not repugnant to the Injunctions of Islam, and to make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam”.

There have been a number of military interventions in this fragile nation state, but the martial law imposed by military general Zia ul Haq in July 1977 changed the whole complexion of the society. He took it upon himself to islamize the society and introduced *Shariah* law in the form of *Hudood* Ordinances, supposedly based on Islamic *Shariah*. These Ordinances made changes in the Pakistan Penal Code whereby Islamic punishments were imposed that included lashes, cutting of hands and feet and stoning to death. Different legislative and administrative measures were adopted by the state to build an Islamic society. He brought the religious bogey into the corridors of power that, until

then, had had no electoral constituency worthy of the name. These developments at state level encouraged religious extremism and pressure for a theocratic state. This situation thus encouraged socio-religious intolerance and violence in the name of religion which, if examined, had tacit patronization at state level through state actors including feudal and tribal lords promoting socio-economic status quo, and the military establishment for recognition of its hegemony in state affairs.

The 1973 constitution was further institutionalized, especially by making Islam the state religion of Pakistan, by the formation of the Federal *Shariat* Court and the incorporation of the Objectives Resolution of 1949 (which had earlier been placed as a preamble to these basic state documents) as a substantive part of the Constitution with an Islamic religious base. The Federal *Shariat* Court has been empowered, amongst other things, to strike down any statute law that might be considered repugnant to Quran and *Sunnah*. Through constitutional amendment, an apartheid mode of Separate Electorates was imposed by the military regime on religious minorities that threw them out of the national mainstream in order to appease the *Jamate Islami*, built on the Islamic thought of *Maulana Maudoodi*.

The security paradigm narrative was strengthened by rewriting history from a skewed angle to eulogize even the invaders from central Asia on Indian soil as warriors of Islam. The history of the liberation movement from British rule was reframed with an Islamic mindset. The syllabi for education were prepared with a militant religious ideology, in which a sentiment of hate against non-Muslims was nursed. Almost three generations are now the product of this

divisive religious mindset. The pulpit of the mosque is being used every Friday to spread conspiracy theories against Islam, and hate material is widely and publically circulated.

It would not be out of place to mention here that the military establishment has ruled the state for more than 32 of the 66 years of its national life, and in the remaining period, ruled indirectly during civil governments. Therefore, the democratic institutions were not allowed to develop and function. Foreign and interior policies were designed and run by the military establishment. The sentiment of *jihad* was developed and nourished to fight against 'Hindu India'. The paradigm of the security state was formulated by the military establishment, and it took the role of safeguarding the 'ideological frontiers of the Islamic state' against the perils of supposed invasion by 'others'. The sentiment of *jihad* was also encouraged by western world powers headed by US during the cold war era. In order to contain the Soviet Union, the US and its allies fought a proxy war through Pakistan in Afghanistan that proved to be the last garrison of the cold war period. The religious extremists were encouraged to launch *jihad* (holy war) against the infidel (Soviet Union), and were used in that war for which they were militarily trained, armed and funded. This war provided a lease to Gen. Zia's military rule that lasted for almost eleven years until he died in an air crash along with the American Ambassador to Pakistan in August 1988. In order to provide fighters for this "religious war" against the "infidels", the Pakistan establishment, spearheaded by its armed forces, encouraged and trained religious militias. As a result, different shades of Islamic thought formed their own militant groups who received military training, arms and

dollars as well. The young were indoctrinated for the holy war (*jihad*). Therefore, in this kind of pursuit, religious groups emerged like mushrooms.

After the closure of the war in Afghanistan, the US-led military forces withdrew from that arena and abandoned the ‘*mujahadins*’ (warriors for holy war) who had by then become stakeholders in the affairs of the state. By now, these religious groups had become lethal in their power as they were equipped with arms and military training and, of course dollar wealth. They gained a vested interest as non-state actors in the affairs of the state that had patronized them for a decade. They formed their own terror centres with large numbers of young men devoted to the idea of *jihad*. The military establishment treated them as strategic assets in their paradigm of the security state.

When they demonstrated their own armed strength and imposed their writ against the state, these militant religious outfits finally posed a threat to the state. They are now completely out of control and refuse to recognize and obey the basic state organs. They are operating under different names including Pakistani Taliban. In order to demonstrate their power and impose their writ, they have used very young intellectuals for suicide bombings and being strapped to blasts in public places including mosques, churches and temples, killing innocent people. They have played havoc with society, killing thousands over the last two decades. Now, these extremist elements are calling upon Pakistan to form a state based on Islamic *Shariah*. However, it is difficult to determine the parameters of a *Shariah* state as there are various shades of Islamic schools of thought.

It was in this situation filled with religious fervor and militancy that a bill to legislate punishment under *Sharia'h* for blasphemy against the Quran, the Holy Book of Islam, was passed in 1982. No debate took place either in the unelected parliament (whose members had been handpicked by the military general Zia) or outside the parliament in any public forum. It took the form of an amendment in Chapter XV of the Pakistan Penal Code relating to “Offences Relating to Religion”, incorporating an additional Section as 295-B. The text of this section runs as follows:

“295-B. Defiling, etc. of copy of Holy Quran: Whoever wilfully defiles, damages or desecrates a copy of the Holy Quran or of an extract there from or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”

Before moving on to another amendment that proved more disastrous still, it would be pertinent to mention how the British acted when confronted by sectarian crises between various religious communities during their rule over India. It may be recalled that British colonial rule framed and enforced codified law in different fields of life. The Indian Penal Code was promulgated as Act XLV of 1860, and the British Governor General gave assent to this penal code on October 6, 1860. Before providing Chapter XV “Of Offences Relating to Religion”, they observed that: “The principle on which this chapter has been framed is a principle on which it would be desirable that all governments should act, but from which the British Government in India cannot depart without risking the dissolution of society: it is this, that every man should be

suffered to profess his own religion, and that no man should be suffered to insult the religion of another”. The first section in this chapter, Section 295, states:

“Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of person is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years or fine or both.”

The British authors insisted upon the incorporation of the word ‘intention’ of the accused for commission of an offence under this section.

After some time, a Hindu writer/publisher Raj Pal published a book on the life of the Prophet Mohammad with a provocative title that outraged the Muslim community. Their religious sentiments were enflamed against the writer/publisher, leading to sectarian strife and a law and order situation. Raj Pal was later assassinated for committing blasphemy by a Muslim zealot, Illam Din, who is eulogized for killing a blasphemer by the brothers in faith. As a result, the British rulers were obliged to incorporate an additional section in the penal code as Section 295-A which read as follows:

“Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty’s subjects, by words, either spoken or written, by visible representations insults or attempts to insult religion or

religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.”

The British were conscious of the implications of these new provisions. They were thus very careful to use the words, “with deliberate and malicious intention” for commission of the offence. However, the sentence provided only for imprisonment of up to two years with a fine. The Select Committee assigned to draft these lines took six months of serious deliberations and stated: “We think that to penalize even an intentional outrage or attempted outrage upon religious feeling of any class would be casting the net too wide for the cases with particular reference to which the Bill has been introduced.”

In Pakistan, this highly sensitive issue was handled in a most non-serious manner, as the authors were swayed by the intense heat of the prevalent religious fervour and zeal. There were no deliberations inside the parliament as the amendment was presented and passed in haste by unelected members.

After introduction of Section 295-B in the Pakistan Penal Code, more pressure was created by the Islamic religious lobby to introduce yet another section for blasphemy against the Prophet. And Act III of 1986 was consequently passed by the unelected parliament by the addition of Section 295-C which reads as follows:

“295-C. Use of derogatory remarks etc. in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation, or by 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.”

The matter did not stop there, as after incorporation of this provision of blasphemy, a petition was presented before the Federal *Shariat* Court by a zealous member of *Jamait Islami*. The petitioner contended that the provision of an alternative punishment of life imprisonment was repugnant to the Injunctions of Islam as laid down in the Holy Quran and *Sunnah* of the Holy Prophet. The petition argued that any disrespect or use of derogatory remarks in respect of the Holy Prophet came within the purview of ‘*hadd*’, and that the punishment of death provided for in the Holy Quran and *Sunnah* could not be altered. Reliance in this regard was placed on various Quranic verses. Some traditions of the Holy Prophet in support of the plea were also extended to plead that the sentence of death is the only punishment, and that no court should be given the authority to pronounce the lesser sentence of life imprisonment. The *Shariat* Court, constituted of five members, in its reported judgment in PLD 1991 Federal *Shariat* Court 10, accepted the petition in the following terms:

“In view of the above discussion we are of the view that the alternate punishment of life imprisonment as provided in Section 295-C, P.P.C. is repugnant to the Injunctions of Islam as given in the Holy Quran and *Sunnah* and therefore, the said words [must] be deleted there from. A clause may further be added to this section so as to make the same acts or things when said about other Prophets, also an offence with the same punishment as suggested above. A copy of

this order shall be sent to the President of Pakistan under Article 203-D (3) of the Constitution to take steps to amend the law so as to bring the same in conformity with the Injunctions of Islam. In case this is not done by 30 April, 1991, the words “or imprisonment of life” in section 295-C, P.P.C. shall cease to have effect on that date.”

The government of Pakistan did not bring any amendment to the Pakistan Penal Code. Thus, by virtue of the verdict passed by the Federal *Shariat* Court, the sole punishment for blasphemy against Prophet is death. Ever since this judgment of the Federal *Shariat* Court, the courts of the country have been exercising their jurisdiction according to this judgment. This brief history should clearly reflect how the law on blasphemy in Pakistan developed. It also shows how these legislative steps are cemented with a religiously charged mindset.

During British rule over India, there were only seven cases including the one mentioned earlier. But after the promulgation of the 1986 amendment in the Penal Code of Pakistan, there has been a spate of cases of blasphemy, especially after the verdict of the Federal *Shariat* Court. Since 1986, there have been more than 4000 reported cases with the allegation of blasphemy either against the Quran or the Prophet. And out of these 4000 cases under Blasphemy Laws, 49 percent are against Muslims, 26 percent against Ahmadis, 21 percent against Christians, while a lesser percentage of Hindus were involved. But in ratio to the total population, the blasphemy cases against non-Muslims are almost fifty percent, which creates a very alarming situation. Since 1990, 52 persons on blasphemy charges were killed in an extra-judicial manner. And out of them, 25 were Muslims,

15 Christians, 5 Ahmadis, 1 Hindu and 1 Buddhist. The non-Muslims are the most vulnerable section of society and are under constant threat of being roped in under false accusation of blasphemy. The evidence shows that, with the exception of a few, false allegations of blasphemy were being levelled to settle personal scores, for religious persecution, for land-grabbing or for professional rivalry. And it has been observed that amongst non-Muslims, the most marginalized were made victims of the rigors of the law. Once the victim is roped in, he is demonized by the religious clerics, law enforcing agencies, the court and state actors as they remain silent over this inhuman situation. The courts and lawyers are under constant threat of being harmed at the hands of religious zealots. The right of bail is refused by the courts and their presiding officers either under extremist threats or because of the officer's own religious mindset. The judgments by trial courts demonstrate that the administration of justice is subjected to sectarian affiliations and the judge is often swayed by his zeal in the Muslim faith.

Since I have been involved as a defence counsel for the victims under the Blasphemy Law, I have painfully experienced the tyrannical nature of this law. I will narrate a few examples taken from the cases I have conducted in the courts as a lawyer for Christian victims.

Tahir Iqbal, an engine mechanic in the Pakistan Air Force, was a Christian convert from Islam who had suffered paralysis of his lower body rendering him an invalid. He used a wheelchair as he could not stand or walk. His conversion to Christianity had annoyed the Muslims. The Muslim cleric in charge of the mosque close to his house in the southern part of Lahore finally decided to avenge his

conversion and lodged a criminal case under section 295- B and C, of P.P.C. The allegation leveled against Iqbal was that “when he recites ‘*Azāan*’ (call for prayer) early morning, Tahir Iqbal starts abusing the Prophet Mohammad at the top of his voice, imparts anti-Islam education to children who come to him for tuition and has defiled the Holy Quran by writing over it and underlining with green marker and thus had seriously injured Muslims’ religious feelings. He was arrested by the police. And he was doomed. He was deprived of his wheelchair and sentenced to jail as a blasphemer. As earlier stated, justice is especially subjected to sectarian affiliations in such cases. His bail application was argued on the basis of the falsity of the charge and his physical disability. While dismissing the prayer for bail, the Sessions Judge wrote the following order, which smacks strongly of religious prejudice: “Learned counsel for the petitioner has conceded before me that the petitioner has converted to Christianity. With this admission on the part of petitioner’s counsel, there is no need to probe further into the allegation as contained in the FIR because learned DDA has disclosed that charge has been framed and the accused is facing trial. Since conversion from Islam to Christianity is in itself a cognizable offence involving serious implications, I do not consider the petitioner entitled to the concession of bail.”

It may be stated that there is no such law on the statute book so far that declares conversion as a cognizable offence. The order reflects the mindset of the judicial officer. The case was fixed for prosecution evidence on 21 July 1992. The accused was not produced in court by the police; the court was informed by state counsel that Tahir Iqbal had died the previous night in jail. Tahir Iqbal was poisoned to

death as a result of a conspiracy about which he had informed all the concerned authorities, but none had cared about him. He was killed because he had embraced Christianity.

Gul Masih, 41, of Faisalabad was charged under section 295-C for using sacrilegious language about the Prophet and his wives on December 10, 1991. The allegation was that he kept on hurling abuses for about one and half hours. The complainant, Sajjad Husain, had quarreled with Masih over repair of street tap water. Gul Masih shouted at Husain as the tap had not been properly repaired. This infuriated the complainant, who decided to teach him a lesson, and out of this unpleasantness emerged a case under the Blasphemy Law. Masih was sentenced to death by the trial court on November 2, 1992. The judgment was based on no evidence. This death sentence sent a frightening message to the civil society, especially Masih Christians of Pakistan. We appealed against this judgment. The Division Bench of the Lahore High Court which heard the appeal acquitted Gul Masih on 27th November 1994, declaring that it was a case of no evidence. It took more than two years for a hearing of the appeal. It became difficult for Gul Masih to leave the jail as religious fundamentalists had warned that they would kill him after his release. He had to be kept in tight security to save his life, and was quietly flown to Germany for asylum by the embassy officials.

Naimat Ahmar 43, a Christian teacher in a government school, was a progressive poet and short story writer as well. He refused a mutual transfer with another teacher who wanted to take his place. A conspiracy was hatched against him to remove him from his government post. Copies of

handwritten blasphemous material in the form of small posters were pasted near school walls and circulated. These were neither written by him nor carried his name. The next day, there was a commotion in the area, and Naimet Ahmer was alleged to have committed a sacrilegious act; an angry mob demanded the execution of the blasphemer. He immediately approached the education department with the help of Faisalabad Bishop John Joseph, pleading that in the situation, it would be appropriate that he be transferred to the directorate office or some other school. He was transferred to the office of education directorate. But the fundamentalists' propaganda preceded him to the education office. On 6 May 1992 at 10 a.m., 22-year-old Farooq Ahmed, a member of a notorious religious group named Sapahe Sahaba, reached Naimat Ahmer's office. He called him out of his office and into the courtyard with the excuse that he wished to talk to him privately. Farooq Ahmed took out his dagger and attacked Naimat Ahmar like a butcher, causing seventeen injuries on his chest, neck and face. It was a cold-blooded murder which was witnessed by many people, but none came to the rescue. Naimet died on the spot. The killer shouted again and again '*Allah ho Akbar*' (God is great), and proclaimed that he had killed a '*kafir*' (infidel). The killer was garlanded at the police station by the zealots of *Sapabe Sahaba*, and rejoiced that by killing a '*kafir*', he had won his entry to heaven as he had been brainwashed by his organization. There was no case registered against Naimat Ahmer, and there was no court verdict against him, but he was killed on false charges of blasphemy. The motive was a personal grudge. Farooq Ahmed was tried under law for murder and was sentenced to fourteen years by the Sessions Court. After more than seven years in jail, he was

released on appeal before the High Court as the time spent in prison was declared sufficient.

Salamat Masih 13, Manzoor Masih 37 and Rehmat Masih 42 of Gujranwala were charged with writing derogatory remarks against the Prophet Mohammad on the wall of a mosque and throwing paper chits with blasphemous material into the mosque bathroom. All three accused were illiterate and did not know how to read or write. The case of Salamat Masih received a high profile in the world media because he was a minor. We had to go to Gujranwala, about 70 kilometers from Lahore, to attend the court. At each hearing, religious extremists would stand in front of the courtroom carrying banners and cards demanding death to the blasphemer. They threatened lawyers who used to come from Lahore. We thus got the case transferred to Lahore by moving the High Court. The case was later heard by a Sessions Judge in Lahore. Clerics in dozens thronged the courtroom on each hearing date. On observing their nefarious moves, an application was moved to provide a police escort to the accused and his lawyer. The application was accepted, and at each hearing, a police van with police force carried us from my law chamber to court and then back to my office. On June 5 1994, the police dropped us back at the office. After some time, the three accused left with their bodyguards for their place of custody. They had hardly crossed about 500 yards when they were attacked by religious militants spraying a volley of bullets on them. Manzoor Masih died on the spot, while the other two along with their escort were grievously injured. The murder of Manzoor Masih increased the sense of insecurity amongst the Christians as the wave of terror spread across the country. There was country-wide agitation by the Christians and by civil society, demanding

the repeal of the Blasphemy Law and provision of security for their lives. The Sessions Judge passed the death sentence against both the accused. The two convicts were later acquitted by the Division Bench of the High Court. It became difficult to bring them out of the jail because of threats being posed by the militants. They were also flown to Germany through the embassy in Islamabad to save their lives. But the matter did not end here. After retirement as High Court Judge, Justice Arif Iqbal Bhatti, one of the Division Bench Judges who freed the two accused, started a law practice. He was killed in his office behind the High Court building as a revenge for passing judgment in favor of two Christians. This sent a wrong message to judicial officers hearing cases under the Blasphemy Law.

Ayub Masih was arrested on 14 October 1996 on an alleged commission of an offence under section 295-C of Pakistan Penal Code for blasphemous remarks against the Prophet. The complainant was Mohammad Akram, who wanted to grab his family's land. Masih was sentenced to death by Sessions Judge Sahiwal. His death sentence was upheld by the High Court on 24th July 2000. On his appeal before the Supreme Court of Pakistan, the judgments of the lower courts were set aside and Ayub Masih was set free on October 15, 2002. This case has been reported in PLD 2002Supreme Court. This is the case for which Bishop John Joseph, a senior Catholic Bishop of Pakistan, lost his life. The Bishop had been keenly pursuing the case of Ayub Masih and had assured the family and community that he would soon be free. But when the death sentence was passed against Ayub Masih, Bishop John Joseph felt so frustrated that he lost hope for justice. In a state of total frustration and protest, the Bishop shot himself in front of the

convicting court on 6 May 1998. We got Ayub Masih freed from the apex court of Pakistan, but it was too late.

Ruqia Bibi and Munir Masih, a married couple with children, were booked under offences of blasphemy under section 295- B and C, P.P.C on 8 December 2008. The allegation against them was that both the accused were Christian by faith, but used the Holy Quran in their house and Quranic verses written inside their house wall to pretend that Ruqia Bibi was some kind of a saint; had attained some mystic status through black magic; was thus in a position to help the needy; and as such, the couple were looting and fleecing people by desecrating the Holy Quran. This case was registered in Kasur about forty kilometers away from Lahore by the complainant Muhammad Nawaz. The children of the accused quarrelled with the children of Mohammad Yousaf and Mohammad Illays and, as a result, the family womenfolk also had a fight. When news of this reached the men, they gave a beating to the accused couple. Ruqia Bibi lodged a criminal case with the police against them. This infuriated them, and they abused the complainant, who was their employee. The Sessions Judge sentenced the couple to life imprisonment on 2 February 2010. On a criminal appeal before High Court, both were released for lack of sufficient evidence on 17 May 2012. Munir Masih was granted bail when the appeal was filed in the High Court, but Ruqia Bibi had to spend these years in jail.

Younis Masih's case appeal is still pending in the High Court. He was sentenced to death with a fine of 100,000 Pakistani rupees by the Sessions Judge in Lahore. He was arrested on 11 September 2005 for commission of an offence under section 295-C for blasphemy against the

Prophet of Islam. Since then, he has been behind bars, and it has been more than seven years. The allegation is that he made abusive remarks against the Prophet. He has been trapped by this false case because the young complainant and his friends used to come to the Christian colony to tease Christian girls and were forbidden entry by the accused and other local elders. The second motive was rather unique. An elderly Christian, Baba Chhaba, respected by Christians and Muslims equally, used to hold an annual common service of Muslims and Christians together in which '*Qawali*' music was played for '*Naat*' (singing in praise of Prophet Mohammad). Younis Masih (26) was one of the organizers of this event in cooperation with Baba Chhaba. The complainant and all the prosecution witnesses who did not belong to this locality objected seriously to the organization of this annual event by Christians. This is certainly is an ideal locality in Lahore where socio-religious harmony prevails, but perhaps the clerics of adjoining localities are unable to digest it. It is pertinent to mention here that no one was prepared to support the prosecution's version from this locality. The accused stated in court and through his affidavit on oath that, being a Christian, he was not permitted to make indecent or sacrilegious remarks against any prophet. He further stated that he had not uttered the alleged remarks, and that he held the Prophet of Islam in high esteem. The convicting judge wrote in his judgment that the statement of the accused was unbelievable, and ridiculed him, asking why, if he had so much reverence for the Prophet, he had not embraced Islam so far.

This write-up would not be complete unless reference is made to another Christian young lady, Asiya Bibi, who was sentenced to death by Sessions Judge Nankana Sahib, a

newly-made district in Punjab, the birthplace of Baba Guru Nanak, the founder of Sikhism. Young Asiya was accused in this false case by her fellow farm-workers on June 19, 2009 because she touched the water pitcher. Her Muslim co-workers felt that as a non-Muslim, she had polluted their water. Asiya tried to argue on the proposition of pollution as a Christian, but that offended them, and thus a false case was made against her under the Blasphemy Law for allegedly uttering derogating remarks against the Prophet. The actual issue relates to “untouchability”. This is a sentiment propagated from the mosque pulpit by the illiterate conservative “*mullabs*”. She is suffering in jail since then. It is pertinent to record here that the ruling party governor of Punjab, Salman Taseer, known for having humanistic values, was assassinated by his own bodyguard on 4 January 2010, because he stood with Asiya for justice and for revisiting the Blasphemy Law that is being so ruthlessly abused. The assassin, Mumtaz Qadri, was garlanded by religious zealots for killing a ‘*kafir*’, and is still being eulogized by the religious fundamentalist lobby who are demanding his release. After the Governor, the Christian Minister for Minorities Affairs, Shahbaz Bhatti, was assassinated by religious extremists for putting forth a demand to revisit the Blasphemy Law. After these cold-blooded faith-based murders, it becomes imperative to revisit not only the Blasphemy Law but the alarming situation created by fundamentalists in which state actors feel hesitant to take stern action against them. This policy of appeasement adopted by the rulers is opportunistic and aims at gaining a political constituency and at preserving the security paradigm for which such elements are still considered as strategic assets.

The release of Rimsha, a minor Christian girl with Downs syndrome, by the High court and her acquittal of charges of blasphemy against the Quran is yet another success for those who think that this law is a weapon in the hands of the religious elements who use it to settle personal scores, for religious persecution, land-grabbing and professional rivalry. The case against Rimsha was maliciously designed to create a scare amongst the Christian community so that they would all leave their land in a suburb of Islamabad. They actually left their houses to save their lives because religious militants had threatened them. This incident refreshed their tragic memories of the Christians of Gojra, Korian, Sanglahill and Shanti Nagar, who were attacked by mobs of Islamic militants which burned people alive and destroyed their houses and worship places. Since the state failed to protect them, the Islamabad people had no trust that it would offer them any help.

The Blasphemy Law is a flawed faith-based legislation that was passed without any debate in an unelected parliament. Therefore, this piece of legislation does not fulfill the required and acknowledged standards of legislation. Its construction is too vague, which offers many opportunities to use it for settling personal scores, for religious persecution, for land-grabbing and for professional rivalry. The mandatory punishment of death for commission of blasphemy is based on Islamic *Shariah*. Islamic *Shariah* belongs to the religion of Islam and is applicable to Muslims. It should not be applicable to non-Muslims who do not adhere to Islamic beliefs. The general belief amongst people in Pakistan that the Blasphemy Law is a divine law must be dispelled. This is a man-made law, framed and enforced by a military dictator who abused religion to prolong his rule. The

radicalization and militarization of the society is the real threat to the federation of Pakistan. The public educational syllabi must be brought into conformity with modern scientific and technological development. State affairs must be separated from religious beliefs or thoughts. Hate speech and material on sectarian lines must no longer be published and circulated. Loudspeakers and the mosque pulpit must not be used for hate speech and for sectarian objectives.

The argument that in the absence of the Blasphemy Law, people would take the law into their own hands and would kill blasphemers without trial is adopted by Islamic scholars and some members of the superior judiciary. It is flawed and fallacious in nature as extremists are already taking the law into their own hands by punishing the alleged blasphemers. Progressive Islamic scholars who challenge that no such punishment has been prescribed in the holy book of Quran should be encouraged. The state must be run under the rule of law, as its absence is resulting in anarchy, and a sense of insecurity is increasing alarmingly amongst the citizenry. The Blasphemy Law is not a balanced legislation as, *prima facie*, it trespasses the domain of other creeds and faiths and refuses to recognize these as sacred. It infringes the right of others to profess and practice their own faith. The law inflicts the domination of the majority. Independent and democratic forces are of the opinion that its repeal would serve Islam, humanity and the cause of justice.

The radicalization and militarization of society is the real threat to the federation of Pakistan. This dangerously divisive phenomenon has to be brought to an end to safeguard people's lives. There has to be a paradigm shift in our socio-religious and security state discourse, otherwise

this society is very close to disintegration. Society disintegrates where rulers do not have the political will to bring an end to injustice and oppression. Progressive and democratic forces along with media must come forward to launch a strong movement against all discriminatory laws, including the Blasphemy Law. The presence of the Blasphemy Law on the statute book perpetuates injustice.

7. Pakistan Penal Code

295

Injuring or defiling a place of worship of any religion punishable by 2 years imprisonment (1860)

295 A

Deliberate and malicious acts intended to outrage the religious feelings of any class punishable by 2 years (1927)

295 B

Willful defiling, damaging or desecrating a copy of the Holy Quran or of an extract therefrom punishable by life imprisonment (1982)

Replaced by death penalty in 1990

295 C

Defiling the sacred name of the Prophet punishable with death, or imprisonment for life (1986 Act)

Life imprisonment dropped in 1990

298

Wounding the religious feelings of any person punishable by one year imprisonment (1860)

298 A

Defiling the sacred name of any wife or family member of the Prophet, the righteous Caliphs or his companions (Sahaba) punishable by three years (1980)

298 B

Qadianis barred from reciting Azan (as Muslims do) or naming their call for prayers as Azan or employing nomenclature and appellations associated with Islam punishable by three years imprisonment (1984)

298 C

Qadianis posing as Muslims and preaching their faith declared equivalent to outraging the feelings of the Muslims punishable by three years imprisonment (1984)

Background documents

WCC Central Committee Statement on the Crisis in Pakistan, 13 to 20 February 2008

1. The people of Pakistan are clamouring for political and social change. In spite of the fact that harassment and repression against people's movements have been intensified, we pray and hope that the people of Pakistan will be able to live in peace and harmony soon so that "they shall all sit under their own vines and under their own fig trees, and no one shall make them afraid" (Micah 4:4).
2. Pakistan is once again passing through an ordeal in its sixty years of independent history. The current crisis in Pakistan revolves around an array of serious problems: mounting violence; suicide attacks; bomb blasts; political repression; blatant violations of human rights; suppression of civil liberties; and the arrest and detention of lawyers, political activists, human rights activists, journalists, and trade unionists who stand for democracy and human rights. Resurgence of religious fundamentalism, the spreading of terror by extremists and cross-border terrorism are intensifying the unrest and ongoing turmoil in Pakistan.
3. Pakistan has been under the military dictatorship of President Pervez Musharraf since the then Prime Minister Nawas Sharief was ousted in October 1999. The current wave of political turmoil in the country started with the declaration of a state of emergency in November 2007 by President Musharraf. The situation is alarming as the nation faces an increase in suicide

bombings and kidnappings affecting hundreds of civilians every week. The assassination of Benazir Bhutto on 27 December 2007, a leader who was committed to keeping the Federation of Pakistan together and stood against the military dictatorship, extremism and terrorism, deepened the crisis facing the country.

4. Rule of law is absent in the country. The legal justice system is paralyzed due to the lack of independence of the judiciary and dismissal of the chief justice and other judges. The country-wide judicial crisis has caused a major setback and paralysis of governance, which has in turn affected all areas of life. Arbitrary arrests, detentions and ill-treatment of lawyers; keeping judges and lawyers in continuous detention; and the use of force against protesting lawyers exemplify the fact that the present government has not been committed to resolving the judicial crisis. People's movements calling for reforms, especially the courageous movement of Pakistani lawyers and people, were able to overthrow the decision of the military ruler and restore the chief justice (who had been fired by the military ruler), achieving the upholding of constitutional values for a brief stint. However, the judiciary continues to remain vulnerable and powerless.
5. Even though President Musharraf opted out of his military position, his government continues to lose public support and legitimacy to remain in power. Despite his declining credibility and legitimacy to rule, the United States' administration continues its support of President Musharraf. Since 11 September 2001, the US military aid to Pakistan and the deepening US involvement in the country have been justified as part of the US "war on terror".

6. The Pakistani military has played an influential role in mainstream politics in Pakistan's history, with army generals ruling from 1958–1971, 1977–1988, and from 1999 onwards. The democratic process in Pakistan has been in peril while the army remains a central player in the politics. The outcome to date of the results of the elections held on 18 February is encouraging, and we very much hope this shows a return to democratic governance in Pakistan.

7. It is heartening that the churches and faith communities in Pakistan have come forward to respond to the deteriorating situation in the country and to condemn the violence, terrorism and all other forms of dehumanizing measures. We believe that human life is a gift of God and any action which threatens life is contrary to the noble values to promote peace, love and forgiveness. All faith communities and civil society groups in Pakistan have a responsibility to their people to respond to the challenge posed by any forces that destroy God's gift of life.

The central committee of the World Council of Churches, meeting in Geneva from 13-20 February 2008, therefore:

- A. ***Reiterates*** the commitments of the churches to defend human rights, seek justice and promote peace;

- B. ***Expresses its solidarity*** with the suffering people of Pakistan, especially all those who are bereaved on the loss of their family members;

- C. ***Expresses its deep concern*** at the deteriorating situation which destroys peace and security and increases conflicts and violence in Pakistani society;

- D. ***Expresses its condolences*** to the Bhutto family and the people of Pakistan on the assassination of Mrs. Benazir Bhutto;
- E. ***Welcomes*** the election recently concluded in Pakistan and encourages the strengthening and developing of democratic processes in the country;
- F. ***Urges*** the government of Pakistan to order an independent and impartial inquiry into the circumstances of Mrs. Bhutto's death and to bring to justice all those responsible for the heinous crime;
- G. ***Calls*** for restoration of democracy, civil rights and rule of law in Pakistan, and urges the government of Pakistan to release all political prisoners and human rights activists;
- H. ***Calls*** on the incoming elected government of Pakistan to ensure the safety and security of all political leaders, human rights activists and minority religious communities in Pakistan;
- I. ***Calls*** on churches around the world to continue to pray for peace and reconciliation in Pakistan;
- J. ***Affirms strongly*** the interfaith initiatives by the Church of Pakistan to mobilize non-violent responses to acts of terrorism by building a culture of peace and interfaith harmony in the country;
- K. ***Assures*** the solidarity of the WCC to its member constituencies in Pakistan in their efforts to work on peace, reconciliation and communal harmony in the country.

WCC Central Committee Statement on the misuse of the Blasphemy Law and the security of religious minorities in Pakistan, 26 August – 2 September 2009

1. Conscious of the way that Christians and Muslims have lived in harmony in many times and places, it is with regret that it now seems that the Blasphemy Law in Pakistan has become a major source of victimization and persecution of minorities. Since the penal code of the country was amended in 1986, religious minorities in the country have been living in a state of fear and terror. Under the Blasphemy Law false cases have been brought against religious minorities and Christians in particular have become targets of harassments and persecutions. Due to an increasing trend of the use of the Blasphemy Law, which is often being used as a tool to settle personal scores, attacks on religious minorities have been exacerbated. These incidents have fostered a climate of religiously motivated violence and persecution in several parts of Pakistan. The Blasphemy Law has become a source of friction between the country's majority and minority religious communities.

2. The subject law is part of the penal code of Pakistan. Its Chapter XV deals with offences relating to religion, which contains sections 295 to 298. The Blasphemy Law was originally introduced during the British rule in undivided India in 1860. In 1927, section 295 was added to the penal code to deal with "deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious belief".

Under this provision, protection was given to all religious groups on an equal basis. Conviction depended on proof that the accused deliberately or intentionally acted to injure or insult a person's religious feelings. Since the founding of Pakistan in 1947, for forty years the then existing Blasphemy Law was considered adequate and no government during that period felt the need for any changes until General Zia Ul Haq introduced a number of amendments to the Pakistan penal code at the behest of the Islamic parties in the country. The change in the orientation of the state's policies introduced by General Zia Ul Haq provided an opening to foster intolerance under the label of blasphemy. Since then, the minority Christians in Pakistan have increasingly become victims of humiliation and persecutions through false allegations made under the Blasphemy Law.

3. The Blasphemy Law, while purporting to protect Islam and religious sensitivities of the Muslim majority, are vaguely formulated and arbitrarily enforced by the police and judiciary in a way which amounts to harassment and persecution. It has become one of the most stringent laws in the country. As the law itself provides only a vague definition of blasphemy, yet blasphemy carries a mandatory death sentence in some cases. There are also serious flaws in the mechanisms to implement the law. Since the mandatory death sentence was introduced as a result of Amendment Act No. III (1986) to section 295C, many innocent people have lost their lives. In several cases, accused persons have not been brought to trial. Many victims of the Blasphemy Law have had to seek asylum in countries abroad for their security and others are forced to live in hiding.

4. The major flaw in the practice and implementation of the Blasphemy Law today is that on the testimony of a complainant, a person charged with blasphemy is immediately placed in detention. The penalty includes a mandatory death sentence for defaming the Prophet Mohammad and life imprisonment for desecrating the Holy Quran. Under the provisions of the present law, conviction is made possible without proof of deliberate attempt on the part of the accused. This is a violation of the fundamental rights guaranteed by the constitution of Pakistan. The common experience of abusing and misusing of the Blasphemy Law in Pakistan has led to physical violence, damage, destruction of properties and loss of life within the innocent Christian minority over the years. It has been reported, for instance, that between 1988 and 2005, the authorities in Pakistan charged 647 people under the Blasphemy Law. In recent times, the number has been increasing. Human rights groups observed that charges brought against individuals under the Blasphemy Law are founded solely on the individual's minority religious beliefs or unfounded malicious accusations stemming from personal enmity, often with the motivation to have people imprisoned to gain advantage in business or land disputes. It has been reported that the judiciary also faces threats, intimidation and pressure. As a result of this, the lower courts have often been constrained to convict persons without proper study of the evidence placed before them. It is increasingly becoming difficult to obtain a fair hearing in Pakistan for those charged under the Blasphemy Law.

5. The World Council of Churches (WCC) has followed with concern the killings of Christians in Gojra and other places in

the state of Punjab in the past weeks. Recalling the assurances given to the religious minorities by Mohammed Ali Jinnah, the founder of Pakistan, that “minorities are a sacred trust of Pakistan”, the WCC believes that the discrimination and attacks targeted against religious minorities in Pakistan are in violation of Article 36 of the Constitution of Pakistan that guarantees the legitimate rights of minorities. As the increasing trend of the misuse of Blasphemy Law intensifies communal hatred, religious intolerance and persecution against religious minorities, in this context the WCC expresses its serious concern on section 295C of the Pakistan penal code which carries a mandatory death penalty for anyone found guilty of blasphemy.

The central committee of the WCC, meeting in Geneva, 26 August - 2 September 2009, therefore:

- A. ***Urges*** the government of Pakistan to repeal the section 295C of the Pakistan penal code which carries a mandatory death penalty for anyone found guilty of blasphemy.
- B. ***Calls*** upon the government of Pakistan to guarantee the rights of all religious minorities in the country.
- C. ***Expresses*** solidarity with the Christians and all other religious minorities in Pakistan.
- D. ***Encourages*** WCC member churches to request their respective governments to write to the government of Pakistan and express their concerns on the security of religious minorities in Pakistan and also to request that misuse of the Blasphemy Law be stopped.

E. ***Calls*** upon WCC member churches to pray for the people of Pakistan and that peace and security will prevail throughout Pakistan.

WCC Executive Committee Minute on the current situation in Pakistan, 14-17 September 2010

1. Pakistan currently faces a serious human crisis as the result of heavy floods. More than 17 million people have been uprooted and rendered homeless. More than twenty percent of Pakistan's agricultural land has been flooded, damaging all crops in an amount greater than the damage of the 2004 tsunami and 2005 earthquake in Pakistan.
2. The United Nations and Government of Pakistan have estimated the loss to be equivalent to \$15 Billion. It has been reported that the support received as of 16 September was no more than one billion US dollars.
3. The WCC encourages its member churches to actively participate in supporting the humanitarian need of the people through their work with the respective churches or the development agencies.
4. It is noted that religious discrimination due to the abuse and misuse of the Blasphemy Laws continue to remain a reality, resulting in the recent murder of two Christian pastors. The WCC General Secretary has already brought this to the attention to the President and Prime Minister of Pakistan.
5. The recent plan by a US pastor to burn the Quran was denounced by the WCC and churches worldwide. We consider even the threat of this act contrary to the principles and teaching of the Christian faith. It has resulted in Christians in Pakistan being threatened with attack and damage being done to churches.

6. The WCC regrets the recent destruction of three churches by explosions in the province of Pukhtunkhawa on 11 and 12 September 2010.

Therefore, the executive committee of the World Council of Churches, meeting in Musselburgh/Edinburgh, Scotland, 14-17 September 2010:

- A. *Reiterates* its expression of solidarity and support to the humanitarian needs of the displaced people of Pakistan due to the floods;
- B. *Reminds* WCC member churches and related agencies to continue to respond to the urgent humanitarian situation;
- C. *Urges* political and religious leaders of Pakistan to continue making efforts to prevent the abuse and misuse of the Blasphemy Laws, promoting an environment of peace, trust and justice;
- D. *Requests* churches in Europe and the United States to impress upon their members and societies to avoid hurtful religious sentiments of other faith communities, and in this particular case that of Islam.

WCC Central Committee Statement on abductions, forced conversions and forced marriages in Pakistan, 28 August – 5 September 2012

Despite the fact that Pakistan was created 67 years ago with a pledge of equal rights for all its religious minorities, today the minority religious communities in the country are facing serious threats to their existence. Pakistan's Father of the Nation, Mohammed Ali Jinnah, laid down the "foundations of a modern, tolerant and progressive Pakistan". He had promised to create a secular and liberal country where all religions could co-exist without any discrimination. The preamble to the constitution of Pakistan guarantees that adequate provision shall be made for minorities to freely profess and practice their religions and develop their culture. Article 25 (1) of the Constitution of Pakistan 1973 states that "All citizens are equal before law and are entitled to equal protection of law". But a gradual Islamisation has been taking place in the country since the martial law regime of General Ziaul Haq who introduced enforcement of the controversial blasphemy law in the 1980s.

Persecution and discrimination against religious minorities has forced more and more Hindus and Christians to abandon their religions and convert to Islam. Today, a significant number of young women of religious minorities, especially Hindus and Christians who live in Punjab, Sindh and Baluchistan provinces, face violence, including sexual assault, including rape, threats, and persecution. These minority communities are living in a state of fear and terror due to the rising incidence of abduction of young girls and their forced conversion to Islam. The victims

of these forced conversions are often girls from poor backgrounds and are unable to defend themselves against extremists because their community is deprived, defenceless and marginalised.

When young Christian and Hindu women are abducted, kept in confinement, converted to Islam and forced to marry Muslim men, the political authorities seem to be powerless to stop the Islamist fundamentalist forces that are responsible for these heinous acts and that are freely operating in the country. Although Christian and Hindu leaders and members of their religious communities have constantly challenged the government of Pakistan about the continued abduction and forceful conversions of young women, their voices have been ignored. This lack of protection of religious minorities by the government of Pakistan is unacceptable.

Expressing deep concern on the plight of religious minorities in Pakistan, the central committee of the World Council of Churches, meeting in Kolympari, Crete, Greece, from 28 August to 5 September 2012:

A. *Calls* on the government of Pakistan to ensure adequate protection mechanisms for all religious minorities in the country;

B. *Urges* the government of Pakistan to take immediate action to prevent the abduction, forced conversion to Islam and forced marriage of young women from minority religious communities and to bring to justice all those who engage or have engaged in these heinous crimes;

C. Requests the governments and other international civil society organisations, interfaith groups, and Churches to exert continued pressure on the government of Pakistan to prevent the abductions, forced conversion to Islam and forced marriages of young women from religious minorities.