

Statement on Blasphemy Legislation in Islamic Republic of Pakistan

The Commonwealth Lawyers Association (CLA) and the **Bar Human Rights Committee (BHRC)** are deeply concerned about the current atmosphere of fear and intimidation surrounding the blasphemy laws in Pakistan.

We note that

- these laws prescribe the death sentence for anyone convicted of blasphemy against the Prophet Muhammad.
- at least 964 persons have been charged under the laws since 1986 and at least 30 of these individuals have been the victim of extra-judicial killings.
- although no one has yet been executed under the laws many of those accused of blasphemy remain in jail indefinitely.
- police officers investigating cases of blasphemy, lawyers acting for the accused and members of the judiciary presiding over their hearings are subjected to enormous pressure from certain sectors of the community and are frequently threatened and / or killed by vigilantes. Even those acquitted of blasphemy charges also often find themselves being threatened or killed in mob violence and are therefore forced into hiding or to seek asylum in other countries.
- in recent months the situation with respect to blasphemy in Pakistan has become even more worrying due to a series of recent credible threats to, and extra-judicial killings of, those perceived to be against the laws or those suspected of contravening the laws. These incidents include the case of Aasia Bibi and the recent assassinations of Punjab Governor Salman Taseer and the Federal Minister for Religious Minorities, Shahbaz Bhatti.

We recall

- the concern expressed by the United Nations Special Rapporteur on Freedom of Religion or Belief, the United Nations Committee on the Elimination of Racial Discrimination and the European Parliament regarding Pakistan's blasphemy laws.
- the statements by Amnesty International and Human Rights Watch condemning the recent killings and calling for the Pakistan Government to either amend or abolish the blasphemy laws in order to protect religious minorities and to curb rising levels of religious extremism.

We observe that the Government of Pakistan is under an obligation

- as a party to the International Covenant on the Elimination of all forms of Racial Discrimination (the "ICERD") to protect its subjects from racial hatred.



CLA

COMMONWEALTH LAWYERS ASSOCIATION



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- as a party to the International Covenant on Civil and Political Rights (the “ICCPR”), to uphold the right to life, the right to free expression, the right to freedom of religion and the right to be free from arbitrary detention. Although Pakistan has given a reservation to the ICCPR in respect of some of these rights, this reservation does not allow Pakistan to violate the object and purpose of the ICCPR.

By allowing blasphemy laws to be misused to persecute the rights of minorities and by failing to prevent the tide of extremism leading to vigilante killings of suspected blasphemers, Pakistan is failing to uphold its positive obligations under the ICCPR.

- By virtue of the United Nations Basic Principles on the Role of Lawyers (adopted in 1990) and the United Nations Basic Principles on the Independence of the judiciary (adopted in 1985) to ensure that lawyers and judges are able to perform all of their professional functions without intimidation, pressure, threats or interferences.
- By virtue of its membership of the Commonwealth, to adhere to the shared fundamental values and principles of the Commonwealth, at the core of which is a shared belief in, and adherence to, democracy, good governance, human rights and the rule of law.

The CLA and BHRC urge the Government of Pakistan

- to carefully scrutinise the operation of the blasphemy laws; and
- to undertake a detailed assessment of the need for their abolition or reform; and
- to take urgent steps to protect those at risk of vigilante violence due to blasphemy issues; and
- to fully investigate and fairly prosecute all persons involved in the recent spate of killings.

Commonwealth Lawyers Association

Bar Human Rights Committee

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NOTE TO EDITORS:

The **Commonwealth Lawyer's Association** is an international organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth.

www.commonwealthlawyers.com

The **Bar Human Rights Committee** is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

<http://www.barhumanrights.org.uk/index.php>