

International Hearing on the MISUSE OF THE BLASPHEMY LAW IN PAKISTAN

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From 16th-19th September 2012 the United Nations Human Rights Council in conjunction with the World Council of Churches held an international hearing on the misuse of the blasphemy law in Pakistan. I attended the session on behalf of the Bar Human Rights Committee of England and Wales.

The hearing was attended by over 100 participants from Africa, Asia, Europe and North America. The participants included 23 representatives of Christian, Muslim and Hindu religious groups as well as human rights organisations from different parts of Pakistan. Among those leading discussions were Ms. Asiya Nasir (Member of the National Assembly of Pakistan), Mr. I.A. Rehman (Director of the Human Rights Commission of Pakistan), Mr. Abdul Baseer Naweed (Asian Human Rights Commission, Hong Kong) and H.E. Rev. Kjell M. Bondevik, former Prime Minister of Norway.

The hearing provided opportunities for participants to analyse and understand the rise of religious fundamentalism and the misuse of the blasphemy law in Pakistan. The session came on the back of mounting concern at the treatment of children facing charges under the blasphemy law. Earlier this year, the Bar Human Rights Committee of England and Wales issued a statement detailing its concerns about the age of criminal responsibility in Pakistan ([http://www.barhumanrights.org.uk/sites/default/files/documents/news/2012%20Pakistan%20Press%20Release%20final .pdf](http://www.barhumanrights.org.uk/sites/default/files/documents/news/2012%20Pakistan%20Press%20Release%20final.pdf)).

Furthermore, in a recent statement, the Bar Human Rights Committee expressed its concern about Rimsha Masih's detention and contemplated prosecution in Pakistan. Rimsha, reportedly between 11 and 14 years old, and her mother were arrested on 16 August after a neighbour accused Rimsha of burning pages of the Qur'an. Rimsha's family is Christian and lives in the largely Christian suburb of Mehrabadi outside Islamabad. In addition, it has been reported that Rimsha has learning difficulties, possibly Down's Syndrome. She has currently been released on bail and remains in a secret location.

Those attending the session at the UN Human Rights Council expressed deep concern that the judiciary in the country often face threats, intimidation and pressure, specifically while dealing with blasphemy cases. Consequently, the lower courts have been under pressure to convict people despite the lack of sufficient evidence. 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.

Concern was voiced at the mandatory death sentence for blasphemy cases brought under section 295C of the Pakistan Penal Code. Over the years, the misuse of the blasphemy law in Pakistan has led to physical violence, destruction of properties and loss of life among innocent people. It was noted that the number of victims has recently been increasing and many of those charged under the blasphemy law face displacement or are forced to live in hiding. Charges brought against individuals under the blasphemy law are often malicious, stemming from personal enmity, often with the motivation to have people imprisoned to gain advantage in business or land disputes.

On 2 March 2011 Pakistani Minorities Minister Shahbaz Bhatti was brutally shot dead by gunmen in daylight in the capital, Islamabad. He was assassinated for his strong opposition to Pakistan's blasphemy laws and the injustices they encouraged. Months earlier the Governor of Punjab Salman Taseer was also murdered because of his stance against the blasphemy law.

During three days of deliberations at the hearing and a panel discussion at the 21st session of the United Nation's Human Rights Council, the participants highlighted an alarming misuse of the blasphemy law in Pakistan. It was noted that the blasphemy law had been used in recent years to victimise minority religious communities in the country. The participants further regretted that a many Muslims had also suffered under this law. It was noted that Article 20 of the Constitution of Pakistan guarantees freedom of religion as a fundamental right: "every citizen shall have the right to profess, practise and propagate his religion". Moreover, Article 36 stipulates the protection of minorities in that "the State shall safeguard the legitimate rights and interests of minorities". Furthermore Pakistan has ratified the International Convention on Civil and Political Rights (ICCPR). In depositing an instrument of ratification, the State of Pakistan formally indicated its intent to be bound by the ICCPR. Article 27 of the ICCPR provides that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

In a final Communique at the end of the session, the participants of the international hearing urged the Government of Pakistan to take realistic and concrete steps to stop the abuse of the blasphemy law. The Communique urges the Government of Pakistan to constitute immediately a competent Inquiry Commission to examine the misuse of the blasphemy law and make recommendations for reform.

Following the hearing, one of the participants from Pakistan, Mr Saleem Khursheed Khokhar, Member of Parliament for Sindh, has received several death threats. This is most worrying, especially given the recent murder of Mr. Malik Muhammad Atta (former Member of Parliament for Sindh) on 22nd September 2012. Mr. Atta had been elected on separate elections on the reserved seats of minorities on the Qadiyani/Ahmedi Seat. His last public appearance had been at a seminar on the topic of "Forced Conversions & Forced Marriages" on 6th September 2012.

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. On 21 April 2011 the Bar Human Rights Committee in conjunction with the Commonwealth Lawyers Association issued a joint statement calling upon the Government of Pakistan to :

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

The Bar Human Rights Committee continues to express concerns about the blasphemy law in Pakistan.

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