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UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

POLICY UPDATE: PAKISTAN'S BLASPHEMY LAW

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*To advance international
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confronting threats to this
fundamental right.*

By Harrison Akins, Policy Analyst

Overview

Pakistan's blasphemy law, inherited from British colonial rule and expanded during the 1980s, has long been a point of criticism against successive Pakistani governments. The October 2018 acquittal of Asia Bibi, a Christian Pakistani woman imprisoned for nearly a decade on blasphemy charges, and her subsequent immigration to [Canada](#) in May 2019 renewed a spotlight on this pressing issue.

Although the U.S. Commission on International Religious Freedom ([USCIRF](#)) welcomed the decision by the Pakistani Supreme Court to overturn Asia Bibi's death sentence and was relieved she was able to safely depart Pakistan for Canada, the Commission also notes that Pakistan's blasphemy law remains a key challenge to ensuring religious freedom for the country's religious minorities. This policy update provides an overview of the blasphemy law and how its provisions are used to target individuals from religious minority communities; highlights selected examples of ongoing blasphemy cases; and concludes with policy recommendations.

Background

Declared an Islamic Republic in 1956, Pakistan has institutionalized the relationship between the state and the Islamic faith and accordingly sought to protect the beliefs and practices of its majority religion against any actions "intended to outrage religious feelings." Under sections 295 and 298 of Pakistan's Penal Code, individuals are prohibited from verbal and nonverbal actions deemed insulting to religious belief and practice. These provisions extend to protect physical documents such as copies of the Qur'an and other religious texts, places of worship, the reputation of the Prophet Muhammad, and other religious symbols. The burden of proof required in these cases is minimal. Unsubstantiated, wildly implausible, or outright false accusations stemming from personal or domestic disputes are fairly common, especially against religious minorities. This fact was recognized by the Supreme Court in its [decision](#) to acquit Asia Bibi. As noted in USCIRF's December 2018 report, [Limitations on Minorities' Religious Freedom in South Asia](#), blasphemy laws have also been used in Pakistan to limit and criminalize religious conversions and proselytization.



Pakistanis, including children and the mentally ill, have been formally charged with blasphemy for a myriad of alleged reasons, including:

- inflicting physical damage on the Qur'an or other Islamic religious text, even if unintentional;
- sending and receiving text messages, sometimes unsolicited, which are later deemed insulting to the Prophet Muhammad or the Islamic faith;
- translating and uploading content to personal blogs and non-Muslim websites or writing Facebook posts deemed to be insulting to the Islamic faith; and
- making comments in personal conversations that witnesses attest to be blasphemous in nature.

USCIRF is aware of nearly 80 individuals in Pakistan who remain imprisoned on blasphemy charges. Many of these individuals face a death sentence, though none have yet been legally executed by the government for blasphemy. Pakistan is one of only three countries in the world—the others being Iran and Mauritania—that enforce the death penalty against individuals for insulting the Prophet Muhammad and the Islamic faith. (For further information about blasphemy laws around the world, see USCIRF's [Legislation Factsheet: Blasphemy](#) and the USCIRF-commissioned report, [Respecting Rights? Measuring the World's Blasphemy Laws](#).)

The mere accusation of blasphemy is often all that is needed to spark disruptive public reactions, including rioting and mob violence, with the UN Committee against Torture [reporting](#) that Pakistani authorities have made “inadequate efforts” to protect vulnerable individuals. For example, [in April 2017](#), an angry mob killed a university student at Abdul Wali Khan University in Mardan, Pakistan following accusations that he posted blasphemous content online. Individuals remain in danger even in police custody. Those incarcerated as alleged blasphemers often [report](#) torture and coercion during their interrogation, death threats, or [attacks](#) by guards and other inmates while they are incarcerated.

The accused's family, friends, and legal counsel often fall victim to intimidation from extreme religious groups as well. In the past, such groups have threatened and even murdered judges, lawyers, and politicians for their involvement in blasphemy cases or for expressing their opposition to blasphemy laws. In January 2011, Punjabi governor Salman Taseer was killed by his bodyguard following his public opposition to the blasphemy law and public defense of Asia Bibi. A number of extremist groups hailed Taseer's murderer, who was executed in February 2016, as a hero with thousands [protesting](#) to express support for him.

Select Blasphemy Cases

Sunny Mushtaq and Noman Asghar: On June 29, 2019, authorities [arrested](#) Sunny Mushtaq and Noman Asghar, both Christian teenagers from Punjab, for allegedly receiving blasphemous images depicting the Prophet Muhammad via the social media platform WhatsApp. Local authorities have not taken any action against the sender, Bilal Ahmad, who is Muslim.

Ramesh Kumar: On May 27, 2019, authorities in Sindh Province [arrested](#) Ramesh Kumar, a Hindu veterinarian, and charged him with blasphemy. A local cleric claimed that Kumar sold medication packaged in paper bearing Islamic religious text. Riots broke out after news of his arrest spread throughout the neighborhood, and a local mob reportedly damaged at least three Hindu-owned shops in the area. He remains in government custody awaiting trial, in which he faces life in prison if convicted.

Taimoor Raza: In June 2017, an anti-terrorism court in Bahawalpur, Punjab [sentenced](#) Taimoor Raza, a Shi'a Muslim, to death for blasphemy after he allegedly insulted the Prophet Muhammad on Facebook; he was the first person to receive the death sentence for comments made on social media. The alleged comments were made during a debate about Islam on the social media site. The debate involved an individual who was revealed as a counterterrorism official. Raza was initially charged under section 298(a) of Pakistan's Penal Code for using derogatory remarks in reference to holy figures, which carries a prison term of up to two years. However, this charge was later amended to insulting the Prophet to ensure the maximum penalty. He remains in prison.

Ayaz Nizami and Rana Noman: On March 24, 2017, authorities in Karachi [arrested](#) Ayaz Nizami, vice president of the Atheist & Agnostic Alliance Pakistan, along with blogger Rana Noman, for allegedly translating literature critical of Islam into Urdu and posting it online. The case is ongoing, but the bloggers face the death penalty if convicted. The hashtag #HangAyazNizami was trending on social media within Pakistan following their arrest.

Qamar Ahmed Tahir: In November 2015, police in Jhelum [arrested](#) Qamar Ahmed Tahir, the head of security for a local factory and an Ahmadiyya Muslim, on blasphemy charges after he was accused of burning a bag of scrap paper that contained pages from the Qur'an. Following the accusation, a mob formed outside the factory in response to an announcement at a local mosque and burned down the factory and workers' housing. Tahir was the only person arrested from the incident. In July 2017, he was [sentenced](#) to life imprisonment.

Sawin Masih: In March 2013, authorities [arrested](#) Sawin Masih, a Christian street sweeper in Lahore, for allegedly insulting Islam in a private conversation with a Muslim friend. A local mosque broadcast the allegation over its loudspeakers in the days leading up to his arrest. A mob of more than 3,000 attacked Masih's home, then looted and vandalized numerous Christian homes, shops, and churches in the immediate vicinity. Hundreds of Christian families were reportedly displaced. Masih was sentenced to death in March 2014. He remains in prison following his most recent appeal [hearing](#) on September 17, 2019, with the judge referring his case to an Anti-Terrorism Court for further review.

Abdul Shakoor: In addition to Asia Bibi's high-profile acquittal, USCIRF similarly [welcomed](#) the March 2019 release of Abdul Shakoor, an Ahmadiyya Muslim who had been unjustly imprisoned since December 2015. Until his release, Shakoor was serving a prison sentence after being charged under section 298(c) of Pakistan's Penal Code, which prevents Ahmadis from preaching and calling themselves Muslims; he was also charged under the Anti-Terrorism Act for allegedly selling religiously divisive materials. USCIRF advocated for Mr. Shakoor as part of its [Religious Prisoners of Conscience Project](#).

Conclusions and Recommendations

While the Supreme Court and other Pakistani officials have [recognized](#) the growing problem of false blasphemy accusations being used to target religious minorities, political leaders—under pressure from certain religious groups—have made no serious steps to repeal the blasphemy law. Prime Minister Imran Khan has even publicly defended it. In a July 2018 campaign speech to Muslim leaders in Islamabad, he [stated](#), “We are standing with Article 295c and will defend it,” referencing the constitutional clause mandating the death penalty for blasphemy.

In its [2019 Annual Report](#), USCIRF provided a number of recommendations for improving the situation of Pakistan's religious minorities. The recommendations related to the blasphemy law included urging the Pakistani government to take the following actions:

- Release blasphemy prisoners and other individuals imprisoned for their religion or belief; and



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- Repeal its blasphemy and anti-Ahmadiyya laws; until repeal can be accomplished, enact reforms to make blasphemy a bailable offense, require evidence by accusers, and allow authorities to dismiss unfounded accusations, and also urge the enforcement of existing Penal Code articles that criminalize perjury and false accusations.

While USCIRF welcomes efforts in Pakistan to highlight the problems associated with false blasphemy accusations, it remains concerned with the lack of concrete action toward the repeal of this problematic law. USCIRF [praised](#) the U.S. Department of State's designation of Pakistan as a "country of particular concern" in 2018 but recommends that the U.S. government negotiate a binding agreement, as [authorized](#) under the International Religious Freedom Act, with the Pakistani government to improve religious freedom conditions in the country. This approach should focus on nullifying Pakistan's blasphemy law and immediately acquitting all individuals imprisoned on blasphemy charges.

This policy update was completed with the assistance of former USCIRF researcher Alex Iverson.

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