European Conservatives and Reformists Group

PAKISTAN'S BLASPHEMY LAWS

ECR Policy Group on Religious Freedom

Pakistan's blasphemy laws prescribe harsh sentences for 'defiling' the Quran and insulting the prophet Muhammed. The laws also forbid Ahmadis from calling themselves Muslim. The laws discriminate and stifle religious minorities but threaten majority Muslims as well due to widespread misuse. In this paper Peter van Dalen and Tomasz Poręba offer their proposals for reform of the blasphemy laws.



Peter van Dalen



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The **ECR Policy Group on Religious Freedom** is co-chaired by **Peter van Dalen MEP** and **Tomasz Poręba MEP**. The Policy Group considers ideas to reform the EU's foreign policy so that is better able to defend and promote the human right to religious freedom across the world for people of all convictions.

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1860-1927
Colonial Britain introduces laws against "deliberate or malicious acts to outrage religious feelings"

1982
Introduction of **life imprisonment** for defiling the Qu'ran

1984
Ahmadis face 3 years imprisonment if they "pose as Muslims"

1986
Introduction of **death penalty** for "derogatory remarks etc., in respect of the Holy Prophet"

2010
Asia Bibi death sentence

November 2015
ECR delegation to Pakistan

THE KEY ISSUES

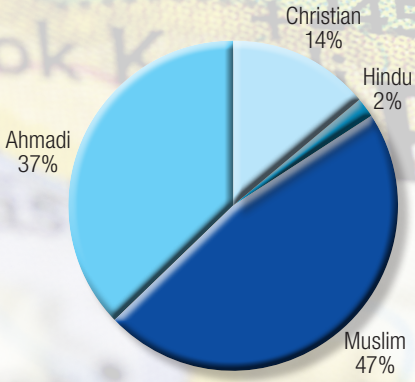
Discrimination: Victims are majority Muslim, but laws disproportionately discriminate against minorities: Ahmadis suffer 37% of cases, and Christians 14%, despite making up only 2% of the population, respectively. Claims are also often made falsely, to settle personal disputes.

Violates International Law: According to UN General Comment 34, Blasphemy laws are incompatible with International Law (ICCPR).

Procedural problems: Long appeals with weak protections for the accused.

Mob violence: incited and emboldened.

VICTIMS
(accused since 1987)



Case Study: Ms. Asia Bibi

In June 2009, a dispute arose when Asia Bibi, a Christian mother of 5, washed her hands in the same water as her farmhand Muslim co-workers, who considered her unclean. Ms. Bibi was then accused of insulting the Prophet Mohammed.

- On November 9th 2010, a lower court sentenced her to death by hanging.
- In 2011, Shahbaz Bhatti MP and Salmaan Taseer MP were assassinated for their call for reform of blasphemy laws, and for defending Ms. Bibi.
- In October 2014, the Lahore High Court dismissed Asia Bibi's appeal and upheld her sentence.
- On November 24th, she appealed to the Supreme Court.
- In June 2015, the Supreme Court suspended Ms. Bibi's execution, and gave her leave to appeal. Ms. Bibi was the first woman to be sentenced to death under Pakistan's blasphemy laws.



In November 2015 Peter van Dalen together with ECR Members Arne Gericke and Marek Jurek led a delegation to Pakistan, for discussions on this topic. The recommendations below are the product of their first hand investigations.





Policy Recommendations

For EU

1. The EU should ensure that blasphemy laws are taken into account within the human rights dimension to all trade agreements. Reform of Pakistan's blasphemy laws should as consequence be a condition for continuation of **GSP+** trade benefits;
2. The EU's human rights instrument **EIDHR** should be used in part to fund religious dialogue and reconciliation programmes in Pakistan and elsewhere;
3. The EU should offer to provide appropriate **training** support to the Pakistani judiciary on how to deal with blasphemy cases.

For Pakistan

1. Blasphemy cases should not be dealt with by lower courts, but immediately be referred to **higher courts**;
2. Appeals procedures for blasphemy cases should be made to move **faster**;
3. Blasphemy accused should only be placed in separate wards in high **security** prisons;
4. Severe penalties must be issued for **frivolous claims**, i.e. false accusations;
5. Special **protection** programmes must be put in place for the family of the accused.

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