



Pakistan - Researched and compiled by the Refugee Documentation Centre of Ireland on 12 October 2015

Information on blasphemy including: laws, treatment of accused by state and non-state actors and available state protection

The *Government of Pakistan* in 2012 notes the following:

“OF OFFENCES RELATING TO RELIGION

295. Injuring or defiling place of worship, with Intent to insult the religion of any class: 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 persons 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 with fine, or with both.

295-A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs:

Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

295-B. Defiling, etc., of Holy Qur'an:

Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

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 any 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.” (Government of Pakistan (2012) *Pakistan Penal Code*)

In September 2015 the *Austrian Federal Office for Immigration and Asylum* points out in a report that:

“Pakistani criminal law imposes penalties for blasphemy. § 295 C, entitled “Insulting the Prophet”, provides for the death sentence, although this has never been carried out for blasphemy. However, lengthy incarceration can be imposed as a penalty. For instance, a sentence of up to life imprisonment can be handed down for contravention of § 295 B, regulating desecration of the Koran, and a sentence of up to 10 years can be imposed for contravention of § 295 A, entitled “Injuring religious feelings.”” (Austrian Federal Office for Immigration and Asylum (September 2015) *Fact Finding Mission Report Pakistan*, p.58)

In October 2015 *BBC News* states that:

“Under Pakistan's harsh blasphemy laws, anyone accused of insulting Islam or the Prophet Muhammad can be sentenced to death. Since 1990, at least 65 people have been killed in cases linked to blasphemy...” (BBC News (7 October 2015) *Salman Taseer murder: Killer's appeal denied*)

The *Express Tribune* in October 2015 points out that:

“The blasphemy law was introduced during the regime of General Ziaul Haq in 1986. Around 1,194 people have been charged under the blasphemy laws since then.” (Express Tribune (8 October 2015) *'Blasphemy' killing: Top court upholds death sentence of Taseer's assassin*)

In October 2015 the *Wall Street Journal* notes that:

“In Pakistan, it is illegal to insult Muhammad or to “defile” the Quran and places of worship or “wound religious feelings.” Violators can face capital punishment. Many people have been imprisoned on such charges, though none has been executed in decades. In recent years, dozens have been killed by vigilantes and mobs after being accused of blasphemy.” (Wall Street Journal (7 October 2015) *Pakistani Supreme Court Backs Death Sentence in Blasphemy Slaying*)

The *Daily Times* in September 2015 states:

“Under the blasphemy laws, insulting Prophet (PBUH) carries death penalty, though Pakistan has never executed anyone for the crime. But anyone convicted, or even just accused, of insulting Islam, risks a violent and bloody death at the hands of vigilantes. Critics, including European governments, say Pakistan's blasphemy laws are often misused to settle personal scores.” (The Daily Times (6 September 2015) *Christian arrested for 'blasphemy' in Kasur*)

In September 2013 the *World Watch Monitor* points out that:

“It is widely acknowledged that Pakistani Christians suffer disproportionately from abuse of the implementation of the blasphemy laws...” (World Watch Monitor (29 September 2015) *Pakistan: 23 unreported 'blasphemy' cases in 2 years*)

A paper issued in August 2015 by the *European Asylum Support Office* included commentary on blasphemy which states that:

“For the accused persons, the consequences can be severe. The National Commission for Justice and Peace (NCJP) often prefers that the accused remain in custody during trial, since the danger of lynching by incited mobs exists (783). Additionally, a senator noted during a meeting of the Senate Standing Committee on National Harmony that it can take those accused of blasphemy eight to 10 years to prove their innocence in courts. Even in cases of acquittal, upon release the security fears are considerable, so that relocation is often the only real option...There are no systematic state measures for protection and no protective legislation or policies for such cases.” (European Asylum Support Office (August 2015) *Pakistan: Country Overview*, p.82)

A report issued in July 2015 by *Human Rights Watch* points out that:

“...section 295-C of the penal code, known as the “blasphemy law,” makes the death penalty effectively mandatory for transgressions that fall within its scope.” (Human Rights Watch (22 July 2015) *Dispatches: Re-Examining Pakistan’s Dangerous Blasphemy Laws*)

This document also states:

“Although no executions have yet been carried out, at least 19 people in the country are on death row for blasphemy. The law is largely used against members of religious minorities. The government rarely brings cases against those responsible for physical attacks on those charged with blasphemy, who are often victims of personal disputes.” (ibid)

In April 2015 the *United States Commission on International Religious Freedom* points out that:

“Pakistan’s legal environment is particularly repressive due to its religiously discriminatory constitutional provisions and legislation, including its blasphemy laws. The government failed to protect citizens, minority and majority alike, from sectarian and religiously- motivated violence, and Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal actors who incite violence.” (United States Commission on International Religious Freedom (30 April 2015) *Pakistan Chapter - 2015 Annual Report*, p.109)

This document also notes that:

“The country’s blasphemy laws, used predominantly in Punjab province but also nationwide, target members of religious minority communities and dissenting Muslims.” (ibid, p.111)

This report also notes that:

“Blasphemy laws are inherently problematic and conflict with fundamental human rights protections. In Pakistan, they are particularly pernicious. The punishments are severe: death or life imprisonment. There is no clear definition of blasphemy, which empowers the accuser to decide if a blasphemous act has occurred. No proof of intent is required, nor must evidence be presented after allegations are made.” (ibid)

In July 2015 *Dawn* notes:

“Police saved a Christian couple from a mob who were attempting to lynch them for allegedly committing blasphemy, and later arrested a cleric for inciting the violence, a senior officer said Thursday.” (Dawn (2 July 2015) *Police save Christian couple from 'blasphemy' mob near Lahore*)

A report issued in April 2015 by the *Human Rights Commission of Pakistan* points out that:

“As soon as someone in Pakistan is accused of committing blasphemy his or her life is endangered.” (Human Rights Commission of Pakistan (16 April 2015) *Annual report 2014*, p.133)

Dawn in January 2015 notes that:

“A blasphemy accused freed a few days ago was shot dead here on Wednesday. Police said it appeared to be a case of target killing.” (Dawn (8 January 2015) *Blasphemy accused killed after release*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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