

**Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues**

Ref.: AL PAK 3/2023  
(Please use this reference in your reply)

14 April 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 49/5, 44/5, 43/4 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the proposed amendments to harshen the punishment for blasphemy laws under the Penal Code and the Code of Criminal Procedure of Pakistan, against the backdrop of an increasing pattern of vigilante violence following accusations of blasphemy against religious minorities in Pakistan.**

Concerns about the continued existence and frequent use of blasphemy law in Pakistan has been the subject of previous communications from the Special Procedures since 2010, including PAK 15/2010, PAK 10/2012, PAK 3/2012, PAK 3/2013, PAK 13/2014, PAK 5/2014, PAK 7/2014, PAK 8/2014, PAK 1/2015, PAK 2/2017, PAK 7/2019, PAK 10/2021, PAK 2/2022, PAK 3/2022. We thank your Excellency's Government for the responses provided for PAK 10/2012, PAK 3/2012, PAK 5/2014, PAK 7/2014, PAK 8/2014, PAK 1/2015 and PAK 2/2017, but we remain concerned in light of the recent developments.

According to the information received:

On 17 January 2023, the National Assembly of Pakistan's Parliament passed a Criminal Law (Amendment) Act 2023 to amend the Penal Code (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898). This amendment seeks to increase the punishment for section 298A, the legal provision that criminalises the use of derogatory remarks, etc., in respect of personages considered holy. The proposal aims to increase the term of imprisonment from 'three years, or with fine, or with both' to 'imprisonment for life which shall not be less than ten years' along with a fine. Should it be adopted, the bill also aims to amend the corresponding procedural provision in the Code of Criminal Procedure to make an offence committed under section 298A (non-bailable).

As per the Constitution of Pakistan, for this proposed amendment to become a law, both the Senate and the National Assembly need to approve it, following which the Presidential assent is granted. This bill is currently pending Senate approval.

The legal framework on blasphemy under Pakistan's Penal Code currently provides for severe penalties, including life imprisonment and the death sentence. For instance, sections 295A, B and C of the Pakistan Penal Code, carry a maximum punishment of life imprisonment, or even the death penalty. These legal provisions are frequently used in Pakistan. According to the Human Rights Commission of Pakistan in 2021, the police data noted that 585 complaints, including First Information Reports (FIR), were recorded under provisions criminalising blasphemy. At least 16 complaints were filed against members of the Ahmadiyya community. The majority of these cases were reported from Punjab. The data collected by civil society organisations (CSO), in 2021, indicates at least 84 persons were charged under the provisions criminalising blasphemy. Further, in 2021, at least three persons were extrajudicially killed following blasphemy accusations. Out of this, one individual was lynched, based on general accusations by the mob before lodging complaints with the police. In 2020, 113 cases relating to general or formal blasphemy accusations were recorded by civil society organisations. Overall, according to collated data, over the past three decades 1,730 individuals (based on formal complaints and FIRs) have been victims of blasphemy related accusations in Pakistan.

In recent years, a concerning number of incidents of vigilante violence through mob attacks and killings often citing accusations of blasphemy has also been recorded. For instance, in early 2023, an individual, who was in police custody over blasphemy charges, was killed by a mob in the province of Punjab. The victim was taken out of the police station and dragged through the streets by his legs by a mob of hundreds of people. He was stripped of his clothes and pummelled by sticks and metal rods in the vicinity. This attack is one of many reported incidents of vigilante violence following accusations of blasphemy generally targeting members and institutions of minority religions in Pakistan. For instance, according to data from 2010-2021 we received, 26 mob attacks on places of worship belonging to Hindu, Christian and Ahmadi communities were noted, while 25 mob attacks on religious minorities such as destruction of houses, settlements and graves were reported.

The following are a few examples of incidents of mob attacks:

- In November 2015, a factory belonging to the Ahmadi community in Jhelum was burned following blasphemy accusations.
- In May 2017, a police station and officials in Baluchistan was attacked for their refusal to hand over an individual (a practising Hindu) accused of blasphemy.
- In May 2019, a Hindu veterinary doctor was accused of blasphemy in Mirpurkhas. This resulted in a mob attacking and torching Hindu shops in the area.
- In January 2021, a nurse who was a practicing Christian was beaten and detained in a room by a violent mob in Karachi.
- In July 2021, a Hindu temple was attacked by a violent mob in Rahim Yar Kahn in response to the grant of bail of a child who was accused of

blasphemy.

Without prejudice to the accuracy of these allegations, we wish to reiterate our serious concern at the proposed measures intended to harshen the existing legal punishment for blasphemy laws as the implementation of this law in Pakistan, in its present iteration, has consistently targeted persons lawfully exercising their right to freedom of thought, conscience, religion, and expression enshrined in articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR). We are deeply concerned about the rising pattern of violence relating to accusations of blasphemy targeting religious minorities and other minority groups by mob attacks and killings. Should they be confirmed, these allegations would contravene articles 3 (non-discrimination), 6 (right to life), 7 (prohibition of torture and ill-treatment), 26 (equality before the law) and 27 (rights of minorities) of the ICCPR.

Blasphemy laws have repeatedly shown to violate freedom of religion and belief as well as have a stifling effect on open dialogue between religious beliefs and public discourse (A/HRC/25/58). We would like to reiterate observations made by previous Special Procedures mandate holders who have stated that blasphemy laws are “counterproductive and may have adverse consequences for members of religious minorities, dissenting believers, atheists, artists, and academics” (A/62/280, paras. 70-71 and 76-77) and have stated that “blasphemy laws do not contribute to a climate of religious openness, tolerance, non-discrimination and respect. To the contrary, they often fuel stereotyping, stigmatization, discrimination and incitement to violence” (A/HRC/31/18). We would like to remind your Excellency’s Government that repeal of these blasphemy laws has been continuously called for by the Special Rapporteurs on freedom of religion or belief and freedom of opinion and expression and is a recommendation of the Rabat Plan of Action (A/HRC/22/17/Add.4) and Human Rights Committee General Comment No. 34.

Moreover, we are concerned that the existence of blasphemy laws may encourage vigilante violence. As blasphemy accusations are often used to legitimise attacks through social mobilization by non-state actors to settle personal or political disputes. These attacks generally target religious minorities and other minority groups (PAK 2/2022). We recall that similar episodes of violence have been brought to the attention of the Government in previous communications sent by Special Procedures’ mandate holders, such as the killing of a journalism student at a University in Mardan, at the hands of a mob numbering in the hundreds, after having been accused of “blasphemy” following criticism expressed by the student towards the University’s administration (PAK 2/2017). In this communication, concern surrounding the “negative social attitudes that may be formed by the criminalization of blasphemy, which in turn may encourage and lead to vigilante attacks and killings” was highlighted. Moreover, the communication also conveyed grave concern upon the “prevailing impunity of the vigilante violence in the name of religion, targeting religious minorities, as well as increasing religious intolerance and incitement to hatred.”

More generally, according to section 295C of the Pakistan Penal Code, the death sentence is mandatory. This prevents mitigating factors concerning the defendant’s personal circumstances or the circumstances of the offence from being considered. We reiterate our stance previously communicated your Excellency’s Government that although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life.

Article 6(2) ICCPR provides that countries which have not abolished it may only impose it for the “most serious crimes”. It appears that, as the offences listed under the blasphemy law do not qualify as most serious crimes, the imposition of the death penalty on the basis of this law will violate international law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We are issuing this appeal in order to safeguard the rights of the individuals concerned from irreparable harm and without prejudicing any eventual legal determination.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned issues.
2. Please provide information on the current stage the bill is at within the legislative process of Pakistan.
3. Please provide information on measures your Excellency’s Government has taken, or is planning to take, to ensure the compliance of the bill with Pakistan’s obligations under international human rights law.
4. Please provide information on the steps taken to prevent, investigate and prosecute acts of vigilante violence perpetrated against persons belonging to religious and belief minorities in Pakistan, especially in the context of allegations of “blasphemy”, including the number of persons prosecuted and convicted.
5. Please provide specific measures taken to prevent violence including against religious and belief minorities especially in the context of blasphemy.
6. Please provide information on procedural and administrative safeguards taken to reduce possibilities of the current blasphemy law being used to serve personal or political interests.
7. Please provide information on the number of arrests under section 211 of Pakistan Penal Code for those who had intentionally initiated a false criminal case through a false accusation of blasphemy.
8. Please provide information on how sections 295A, B and C together with 298A and B of the Pakistan Penal Code comply with international legal standards and obligations.

9. As a lead State behind Resolution 16/18 and the Istanbul Process, could you please elaborate on the steps taken by Pakistan to promote tolerance and combat incitement to violence, and violence against persons based on religion or belief? Could you also please elaborate on the steps taken to repeal the blasphemy law and to impose, as a first step, a moratorium on the use of death sentences in such cases?
10. Please provide information (disaggregated by religious affiliation) on the number of blasphemy complaints, trials, convictions, and related sentencing rulings.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Fernand de Varennes  
Special Rapporteur on minority issues

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to its legal obligations under the international treaties it has ratified and to broader international human rights standards.

The right to life is guaranteed under article 6 the the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan on 23 June 2010. Article 6(1) states that "every human being has the inherent right to life [which] shall be protected by law. No one shall be arbitrarily deprived of his life." Article 9 of the Constitution of Pakistan provides that "No person shall be deprived of life or liberty, save in accordance with law" echoing the right guaranteed in article 6 (1) of the ICCPR.

In this regard, within the context of continued existence of the mandatory death penalty for alleged blasphemous activities, we refer to General Comment No. 36, which stresses on the prohibition on the discriminatory application of the death penalty. In para. 44, it notes that given the "Data suggesting that members of religious, racial or ethnic minorities, indigent persons or foreign nationals are disproportionately likely to face the death penalty may indicate an unequal application of the death penalty, which raises concerns under article 2 (1) read in conjunction with article 6, as well as under article 26" (CCPR/C/GC/36, para. 44).

Further, the State also has a responsibility to take "all appropriate measures to deter, prevent and punish the perpetrators as well as to address any attitudes or conditions within society which encourage or facilitate such crimes violence or killings committed by non-State actors" (E/CN.4/2005/7, para. 71). As criminalization of blasphemy fosters social stigmatization of the accused which in turns creates the perception that the killing of the accused is legitimate. This responsibility is particularly heightened if the criminalization of the act in question violates international human rights principles, as the criminalization of blasphemy does (PAK 2/2022).

Article 19 of the ICCPR guarantee the right to freedom of opinion. It protects the right to hold opinions of any kind, including religious opinions. The Human Rights Committee has affirmed that "no person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual, perceived or supposed opinions. All forms of opinion are protected, including opinions of a ...religious nature. It is incompatible with paragraph 1 to criminalize the holding of an opinion" (General Comment no. 34 para. 9). Furthermore, this obligation also requires the State "to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities" (Human Rights Committee General Comment No. 34, para. 7).

In this respect, we wish to remind your Excellency's Government that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the ICCPR is arbitrary, including the rights guaranteed in articles 17, 18,19,21 and 22 (CCPR/C/GC/35, para. 17).

We further recall that in General Comment No. 34 (on freedom of opinion and expression) has stated that “prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26 of the ICCPR. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.”

We also refer to article 20 of the ICCPR, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 18 of the ICCPR states that that “Everyone shall have the right to freedom of thought, conscience and religion. These rights shall include freedom [...] either individual or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

The Human Rights Committee has noted in General Comment No. 22 paragraph 3 that article 18 of the ICCPR “does not permit any limitations whatsoever on the freedom of thought and conscience [...]”. Thus, the expression of one’s thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity.

We also recall Human Rights Council resolution 6/37, in which the Council urges States “to take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities”. Further we recall that the General Assembly, in its resolution 64/164, has urged States “to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated”. In this resolution, the General Assembly urges States “to ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief [...] and to bring to justice all perpetrators of violations of these rights”.

We also refer to General Assembly resolution 76/157 and Human Rights Council Resolution 49/31 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief, urging States to foster a domestic environment of religious tolerance, peace and respect.

We also recall article 2 (1) of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) which states that “[n]o one shall be subject to discrimination by

any State, institution, group of persons, or person on grounds of religion or other belief." In article 4 (1), the General Assembly further states that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" Furthermore, we would like to refer your Government to article 4 (2) according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

We also recall that the "Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (A/HRC/22/17/Add.4) contain a call upon States that still have anti-blasphemy or anti-apostasy laws in force to repeal them, stressing that such laws stifle the freedom of thought, conscience, and religion or belief, as well as a healthy dialogue and debate about religious issues.

Article 26 of the ICCPR stresses that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion or other status [...].

We would further like to bring to Your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to religious minorities, in particular to article 27 of the ICCPR that guarantees minorities, inter alia, the right to profess and practice their own religion. Moreover, article 1 of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end, while article 2 recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination and article 4 requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law.