



These issue summaries provide an overview of the law as of the date they were written and are for educational purposes only. These summaries may become outdated and may not represent the current state of the law. Reading this material DOES NOT create an attorney-client relationship between you and the American Center for Law and Justice, and this material should NOT be taken as legal advice. You should not take any action based on the educational materials provided on this site, but should consult with an attorney if you have a legal question.

What is Pakistan’s Shariah blasphemy law?

Pakistan’s blasphemy laws are currently used to persecute, imprison, and even kill Christians because of their faith. They are one of the worst forms of persecution inflicted on Christians worldwide.

Pakistan’s blasphemy laws are some of the strictest when compared with other Muslim-majority countries. The blasphemy laws are broadly written, even covering offences that are merely *perceived* as insults to the Islamic religion, with harsh penalties for speech that is protected in other parts of the world. Additionally, the flaws in Pakistan’s blasphemy laws have created extensive abuse. Fanatics in support of the laws create an ever-increasing, hostile environment, and Pakistanis, especially those of religious minorities, are becoming more afraid of being charged with false blasphemy accusations.

Pakistan’s first blasphemy laws, Sections 295, 296, 297, and 298, were enacted in the 1860s when Pakistan was under British rule. These laws were narrow in their scope and were intended to protect individuals instead of a particular religion (i.e. Islam). Chapter XV of the Pakistan Penal Code, “Offenses Relating to Religion,” contains the text of these laws. Section 295 prohibits, *inter alia*, “destroying, damaging or defiling” a place of worship with the “intention of insulting the religion” of a person, or knowing that the person is likely to consider it “an insult to [his] religion.” Section 296 prohibits a person from causing a disturbance to “any assembly lawfully engaged in the performance of religious worship.” Section 297 prohibits a person from trespassing on a burial place with the “intention of wounding the feelings” or “insulting the religion” of another person. Lastly, Section 298 prohibits a person from intentionally and deliberately “wounding the religious feelings” of another by uttering “any word or sound” within earshot of that person. Punishment for these offenses ranges from one to two years imprisonment.

[Continued on next page.]

In 1927, Section 295-A was added to the penal code, which punishes a person for deliberately or maliciously intending to “outrage the religious feelings” of others by “either spoken or written” speech. Originally this section prescribed two years imprisonment, but in 1991, the term length was increased to ten years. Interestingly, these laws were enacted to protect the religious sentiments of the Muslim minorities in the Indian sub-continent, but, in application, the laws applied equally to peoples of all religions.

In 1947, Pakistan gained its independence, and in the 1980s, under the dictatorship of General Zia-ul-Haq, Sections 295-B, 295-C, 298-A, 298-B, and 298-C were added to the penal code. The new laws increased in severity and added means to directly protect Islam, while barring specific religious people from certain acts. For example, Section 298-A prohibits any defamation of Islamic holy personages, such as the wives of the Prophet Muhammad or his companions. Sections 298-B, and 298-C specifically target the allegedly-heretical Ahmadiyya community, forbidding them from certain conduct.

The most notorious laws enacted in the 1980s were Sections 295-B and C. Section 295-B prohibits desecration or derogatory use of the Quran. A violation of this section is punishable with mandatory life imprisonment. Section 295-C prohibits defamatory speech against the Prophet Muhammad. The statute specifically states, “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 . . . shall be punished with death, or imprisonment for life.” In 1991, the Federal Shariat Court, a court created to ensure that Pakistani laws are consistent with Islam, declared the death penalty the mandatory sentence, which in turn, made the punishment of life imprisonment irrelevant.

One major problem is that the code does not define blasphemy. The definition of blasphemy is left open to the interpretation of the listener and the courts. For this reason, the result has been widespread misuse of the law.

Furthermore, the law is extremely overbroad. It permits any person to accuse another of blasphemy if the accuser subjectively believes that the Prophet Muhammad’s name was used improperly. As a result, the law is often used to further personal vendettas. Despite the obvious and significant flaws in these blasphemy laws, the Pakistani government has yet to introduce any amendments to provide substantive and procedural safeguards against misuse.

Before the 1980s, blasphemy allegations were rare. Religious discussions rarely led to blasphemy charges. Since then—when the two new sections were introduced—more than 1,300 blasphemy cases have been registered, most of which have involved false accusations. The investigating officers in these cases often make no inquiries into the mental state of the accused, (i.e., whether or not the accused in fact intended to make a blasphemous statement), nor do they adequately investigate the veracity of the allegations brought. The trial courts are quick to overlook these requirements when sentencing a person accused of blasphemy.

Hundreds of Christians, Ahmadis, Hindus, and even Muslims, have been imprisoned, sentenced to death, or even extra-judicially killed based on false accusations. At least 40 people currently have been sentenced to death or are serving life sentences for blasphemy.

[Continued on next page.]

During trials and even after acquittals, those accused face repercussions outside of the court. The blasphemy laws have resulted in bloodshed, loss of life and freedom, destruction of private and public property, discrimination, and persecution. Judges and defense attorneys face the intimidating fanatics as well. Ultimately, the consequences have been widespread and continue to grow as the laws go unchanged and are enforced inappropriately.

In recent years, hostility has increased, and mob violence has become a trend. Over 60 people have been extra-judicially killed because of blasphemy allegations. There have been at least 6 mob attacks in which the police have failed to intervene. In 2009, a mob of angry Muslims burned over fifty Christian homes after a false accusation regarding desecration of the Quran. Seven Christians were also burned to death in this attack. None of the perpetrators of the attack have been convicted. In 2013, a similar attack occurred: every house in Joseph Colony (a Christian neighborhood) was looted and torched. The residents fled out of fear for their safety. Such brutality has steadily continued to increase.

People, especially those of religious minorities, accused of blasphemy stand little chance against their accusers. The overbroad text of the law allows accusers to easily make false allegations. Further, the provisions in the penal code to protect against false evidence are never used in blasphemy cases.

The increasing persecution has attracted serious attention from the international community. Minorities are pleading for their safety, while extremist Muslims are robustly advocating for maintenance of the laws. However, the blasphemy laws are not serving their intended purpose (i.e., protecting the sanctity of Islam). The allegations create false evidence by producing blasphemous words or desecrated Quranic text, which increases the likelihood of actual blasphemy occurring, not by the accused but at the hands of the accuser. All the while, the false accusers and manufacturers of blasphemous evidence go unpunished.

Ideally, Pakistan should repeal the blasphemy laws altogether and conform to the international legal standards of free speech and religious freedom it committed to by ratifying the International Covenant on Civil and Political Rights. However, given the level of Islamic extremism in Pakistan and the Pakistani Government's unwillingness or inability to confront such extremism, repeal is unlikely but, at a minimum, the laws need to be amended. The people of Pakistan should have protection from false allegations, and consequences should follow for those who make false charges.