



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-15598(E)



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## **Dangerous situation for Freethinkers and Humanists in Pakistan\***

The International Humanist and Ethical Union (IHEU) is extremely concerned about the human rights situation for humanists, freethinkers and the non-religiously affiliated in Pakistan; a country in which there exists both direct and indirect discrimination against non-religious and religious minorities, as well as many instances of extreme violence against them.

### **Institutional Discrimination and the status of free-thinkers in Pakistan**

There is institutional discrimination against religious and non-religious minorities in Pakistan. For instance: the government is strongly anti-secular;<sup>1</sup> government funding is exclusively available for the Islamic clergy and its institutions;<sup>2</sup> it is constitutionally required that the president and prime minister must be Muslim;<sup>3</sup> and senior officials, ranging from the president to members of parliament, must swear an oath to protect Pakistan as an Islamic country.<sup>4</sup> There are issues in education also. Many madrasas, which provide the only available education in some areas, teach revisionist history and foster religious intolerance and xenophobia.<sup>5</sup> Additionally, whilst in principle non-Muslims are not required to take Islamic courses, in practice there is usually no alternative available. Therefore, non-Muslims are compelled to take courses in Islamic studies.<sup>6</sup>

Another issue of concern is the practice of forced conversions in Pakistan. Girls and women from minority belief groups are often forced to marry into Muslim families.<sup>7</sup> Moreover, minorities are pushed towards Islam, because of the many advantages offered to Muslims society and legislation.

The government designates religious affiliation on identity documents, “No Religion” is not an accepted answer.<sup>8</sup> Some atheists in Pakistan use fake identities, fearing for their safety. Many have reported feeling threatened by their own government. Violence, threats and discrimination towards atheists is met with impunity by the government. Various testimonies illustrate the social pressure on the citizens of Pakistan to adopt a certain interpretation of Islam. In their view, the government is trying to enforce the notion that “a good citizen must be a good Muslim.”<sup>9</sup>

The websites of several atheist communities and organizations have been blocked in the country. These include the website of IHEU member Atheist Agnostic Alliance Pakistan (AAAP) and that of Pakistani Freethinkers.

### **Anti-Blasphemy Laws**

Amongst the most harmful devices for systemic discrimination against freethinkers – as well as Ahmadis and non-Muslims - are its blasphemy laws. Prime Minister Nawaz Sharif describes blasphemy as an “unpardonable offence.”<sup>10</sup> The High Court in Islamabad has issued orders to take immediate actions against social media blasphemers.<sup>11</sup> Pakistan’s

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<sup>1</sup> 2015 Report by the U.S. Commission on International Freedom

<sup>2</sup> Freedom of Thought Report

<sup>3</sup> Article 41(2) and Article 91 (3) of the Pakistan constitution

<sup>4</sup> Constitution of Pakistan, Third Schedule

<sup>5</sup> Education Reform in Pakistan, report of the International Crisis Group

<sup>6</sup> Freedom of Thought Report

<sup>7</sup> <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>

<sup>8</sup> Freedom of Thought Report

<sup>9</sup> <http://www.bbc.co.uk/news/magazine-40580196>

<sup>10</sup> <http://www.bbc.co.uk/news/technology-40246754>

<sup>11</sup> <http://nation.com.pk/national/24-Mar-2017/blasphemy-crackdown-fia-arrests-2-suspects-from-karachi>

Interior Minister Chaudhry Nisar Ali Khan has pressured social media platforms like Facebook, WhatsApp and Viber to reveal names of individuals and groups engaging in practices of blasphemy.<sup>12</sup>

Chapter XV of Pakistan's penal code contains numerous articles concerning "the offences relating to religion". Article 295 stipulates that the defiling of a place of worship with the intention of thereby insulting the religion of any class of persons will be punished with imprisonment, fine, or both; Article 295-A bans "Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs." Perpetrators can be punished with imprisonment for a term which may extend to ten years, or with a fine. In Article 295-B defiling the Holy Qu'ran is outlawed. Anyone who "uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life". Article 295-C states that the use of derogatory remarks in respect of the Holy prophet are punishable with death, imprisonment for life, perpetrators are also liable to fine.

Article 298 outlaws "the uttering of words with deliberate intent to wound religious feelings." Article 298-A bans the use of derogatory remarks in respect of holy personages, perpetrators can be punished with imprisonment. Article 298-B and 298-C restrict the use of religious vocabulary for other groups in society. Ahmadi Muslims cannot call themselves Muslim, and certain titles and descriptions are reserved for holy personages or places only.

The laws are vaguely formulated and their enforcement by government agencies often violates the principle of presumption of innocence.<sup>13</sup>

Pakistan's blasphemy laws violate its international obligations under the International Covenant on Civil and Political Rights (ICCPR) - which it ratified in 2010 – including its obligations to realise the rights to: freedom of opinion and expression, freedom of thought, conscience, and religion or belief, personal integrity, equality before the law and freedom from discrimination, fair trial, and the prohibition on arbitrary detention.

However, it is not only the mere existence of these blasphemy laws that is problematic. The majority of blasphemy cases are based on false accusations stemming from property disputes or other personal or family vendettas which inevitably lead to mob violence, often against entire communities.<sup>14</sup> Once accusations of blasphemy against someone have been established that individual's life will very often be in serious danger. One recent case which illustrates this is that of Mashal Khan.

### Individual Cases

Mashal Khan, was a 23-year-old journalism student at Abdul Wali Khan university who was lynched by a mob on 13 April on the grounds of blasphemy accusations against him. Khan routinely posted against discrimination and in favour of human dignity on his facebook page, he called himself a humanist.<sup>15</sup> Following his murder the university launched an investigation into Khan's alleged blasphemy, rather than the murder itself.<sup>16</sup> Recently, the Khan murder case has been transferred from Mardan to Haripur after his father requested the move, fearing "influential adversaries."<sup>17</sup>

This mob violence mentality can be fuelled by authorities also. For example, in the cases of Abdul Waheed (penname: Ayaz Nizami) and Rana Noman.

<sup>12</sup> [http://www.business-standard.com/article/news-ani/pak-may-block-facebook-by-2018-if-it-does-not-toe-line-on-blasphemers-117072900101\\_1.html](http://www.business-standard.com/article/news-ani/pak-may-block-facebook-by-2018-if-it-does-not-toe-line-on-blasphemers-117072900101_1.html)

<sup>13</sup> "As Good as dead": The impact of the Blasphemy Laws in Pakistan, Amnesty International

<sup>14</sup> The Supreme Court of Pakistan judgment, Malik Muhammad Mumtaz Qadri v. the State, Criminal Appeals No. 210 and 211 of 2015, p.

<sup>15</sup> <https://www.facebook.com/mashal.khan.1675275>

<sup>16</sup> <https://www.theguardian.com/world/2017/apr/26/lynching-of-a-student-sparks-uproar-in-pakistan-against-blasphemy-laws>

<sup>17</sup> <http://dunyanews.tv/en/Pakistan/398860-Mashal-Khan-murder-case-transferred-from-Mardan-to>

On 22 March 2017, Waheed – a blogger and theological scholar (who had published his views that Abrahamic faiths are not divine, but “a mere creation of the human brain and a bi-product of culture and civilisation in the world.”<sup>18</sup>) - was kidnapped by Pakistan security services.<sup>19</sup> Around the same time, another blogger Rana Noman was also arrested. National media reported that two had been arrested for “uploading offensive content on social media,” linking them to sites including “realisticapproach.com, The Free Thnkrz, AAAP, truth.com, CEMB,” and describing them as “admins of the social media pages on which they were both uploading blasphemous content.”

The IHEU understands that the Federal Investigation Agency (FIA) may have verified the pen name and attempted to gain access to his accounts by pressuring Abdul Waheed during “interrogation”. The link to his pen name (which was previously anonymous) has now been widely circulated in traditional media and online. This ensures a risk to Abdul Waheed’s life from extremists prepared to kill to settle “blasphemy” accusations. The hashtag “#HangAyazNizami” trended on Twitter for some days after his arrest, and continues to date.<sup>20</sup> Ayaz Nizami’s page on the AAAPakistan website is not currently available.<sup>21</sup>

The FIA claims to be investigating dozens of people in connection with “blasphemous” content.

At least one atheist activist overseas has been threatened with “extradition” by Pakistani authorities. The FIA and also in the newspaper Ummat there are accusations of atheists abroad receiving funding to “spread blasphemy” from the International Humanist and Ethical Union (IHEU). We should like to put on record that such accusations are entirely false.

### **Conclusion and recommendations**

Religious and non-religious minorities in Pakistan are directly and indirectly discriminated against by their own government. Directly by the institutional and legislative restraints, and indirectly by the government’s discourse and the climate of impunity.

Pakistan’s blasphemy laws are a harmful limitation on the rights to freedom of opinion and expression. General comment 34 of the Human Rights Committee on the ICCPR explicitly states that, “Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant.”<sup>22</sup>

Unfortunately, the government has done little to tackle the issues mentioned above.

*We urge the Human Rights Council to press the government of Pakistan to:*

- Safeguard the rights to freedom of expression and freedom of religion, guaranteed in Articles 18 and 19 of the ICCPR.
- Abolish the constitutional discrimination against religious and non-religious minorities.
- Stop the incitement of hatred in government agencies’ discourse, and take action to facilitate inter-religious dialogue and debate in line with the Rabat Plan of Action.
- Ensure the protection of religious and non-religious minorities in Pakistan.
- Expand a legislative framework against forced conversions.
- Protect the identity of anonymous activists, and end the climate of impunity towards killers of citizens solely exercising their freedom of expression or belief.
- Ensure the immediate and unconditional release of all citizens that are imprisoned for the exercise of their rights to freedom of expression or belief.

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<sup>18</sup> <https://conatusnews.com/free-ayaz-nizami/>

<sup>19</sup> [92newshd.tv/two-arrested-disseminating-blasphemous-content-objectionable-literature-seized/](http://92newshd.tv/two-arrested-disseminating-blasphemous-content-objectionable-literature-seized/)

<sup>20</sup> [twitter.com/hashtag/hangayaznizami](https://twitter.com/hashtag/hangayaznizami), [secularism.org.uk/news/2017/03/pakistani-twitter-users-call-for-hanging-of-blasphemer](http://secularism.org.uk/news/2017/03/pakistani-twitter-users-call-for-hanging-of-blasphemer)

<sup>21</sup> <http://aaapakistan.org/ayaz-nizami/>

<sup>22</sup> UN Human Rights Committee. General Comment 34, Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, (2011), para. 48, available at [www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf)

- Open the position of all public offices, including that of president and prime-, to all religious and non-religious citizens.
- Abolish Pakistan's blasphemy laws by repealing sections 295, 295-A, 295-B, 295-C, 298, 298-A, 298-B and 298-C of the Pakistan Penal Code.
- Establish a secular alternative for religious and non-religious minority students.
- Issue an invitation to the Special Rapporteur on Freedom of Religion or Belief.

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\*Atheist & Agnostic Alliance Pakistan, NGO without consultative status, also shares the views expressed in this statement.