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BLASPHEMY LAWS IN THE 21ST CENTURY: A VIOLATION OF HUMAN RIGHTS IN PAKISTAN

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BLASPHEMY LAWS IN THE 21ST CENTURY
A VIOLATION OF HUMAN RIGHTS IN PAKISTAN

by

Fanny Mazna

B.A., Kinnaird College for Women, 2014

A Research Paper

Submitted in Partial Fulfillment of the Requirements for the
Master of Science

Department of Mass Communication and Media Arts

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RESEARCH PAPER APPROVAL

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in the field of Mass Communication and Media Arts

Approved by:

William Babcock, Co-Chair

William Freivogel, Co-Chair

Graduate School

Southern Illinois University Carbondale

April, 6th 2017

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TITLE: BLASPHEMY LAWS IN THE 21ST CENTURY- A VIOLATION OF HUMAN RIGHTS IN PAKISTAN

MAJOR PROFESSOR: Dr. William Babcock and Prof. William Frievoegel

This research examines the victimization of minorities living under the blasphemy laws in Pakistan. The research focuses on the blasphemy cases, dating from 2000 until 2017. One hundred cases of blasphemy laws are analyzed. The cases were accessed from various sources, such as online newspapers, peer reviewed journal and articles. Coding sheet was developed to analyze the data. The data collected from those cases are used to demonstrate if the minority groups in Pakistan are affected by the blasphemy laws to a greater or lesser extent. Since blasphemy laws penalize people who defile worship places and disrespect religions, especially Islam, this research also addresses whether the blasphemy laws are being applied to the protection of minority religions' sentiments.

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CHAPTER 1

INTRODUCTION

Islam started to spread throughout India in the early 8th century. By the 12th century Muslims were in control of India. The British, by the 17th century, started to establish their rule in parts of the subcontinent. In 1849 the British finally rose as the sovereign rulers of the entire India (Talbot, 1998, p. 33). They left the subcontinent in 1947 and subsequently divided the subcontinent into two dominions, Pakistan and India. Throughout the entire Muslim rule in India, Islam was never made the state religion and Shariah, an Islamic law based on the teachings of Qur'an and the traditions of the Prophet Muhammad, never became the dominant law of the land. The application of Shariah law only became a part of the socio-religious discourse only after the formation of Pakistan (Shakir, 2015).

Pakistan, intended to be a homeland for British-India's Muslim population, was not, by its founding fathers, considered as an Islamic state based on Islamic law. From its beginning, the government of Pakistan desired to create a country of religious tolerance and freedom. In 1947, the founder of Pakistan, Muhammad Ali Jinnah, wanted to form a nation where all citizens would be free to practice their religion without fear of oppression (Dobras, 2008).

The first constitution, as well as succeeding ones, contained sections devoted to protecting the religious freedoms of minorities. The Objectives Resolution adopted by the Constituent Assembly in 1949 stated Pakistan "will be a state, wherein the Muslims of Pakistan shall be enabled to order their lives in the individual or collective spheres in accordance with the teachings and requirements of Islam," and it also stated "adequate provisions shall be made for the minorities freely to profess and practice their religions" (Objectives Resolution 1949). Later, Pakistan was declared to be an Islamic Republic and Islam to be the state religion by the

constitutions of 1956, 1962 and 1973 but these constitutions did guarantee freedom of religion to the country's minorities (Amnesty International, 1994).

However, this dedication to religious freedom and tolerance did not last long. Within the first decade of Pakistan's establishment, the government found itself succumbing to the goals of Muslim fundamentalists, especially on the issue of barring Ahmadis from Pakistan. Starting in the 1950s, as religious fundamentalists gained more influence and Islamization stifled secular movements, the rights of religious minorities deteriorated (Dobras, 2008).

Blasphemy Laws:

Blasphemy laws were first introduced in South Asia by the British government in the Indian Penal Code Act of XLV of 1860 and presented a section 295 which related to the destroying, damaging or defiling places of worship or any object that would mean an insult to religion. Violating these laws carried a sentence of two years of imprisonment, a fine or both. The amount of fine to which the offender was liable, under section 63, was unlimited but not excessive (Indian Penal Code 1860).

Section 295 reads: "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 ... for a term which may extend to two years, or with fine, or with both" (Indian Penal Code 1860).

Section 298 reads: "Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person or places any object in the sight of that person, shall

be punished with imprisonment ... for a term which may extend to one year or with fine, or with both" (Indian Penal Code 1860).

In 1923, a Hindu writer named Raj Pal published a book on the life of the Prophet Muhammad with a provocative title "Rangila Rasul" or "Rangeela Rasool," (Promiscuous Prophet) that angered the Muslim community and leading to his assassination by a Muslim zealot, Illam Din because according to him, the publisher committed blasphemy. Illam Din was praised by his brothers in faith for murdering a blasphemer. Later Illam Din was convicted by the court and was hanged for his crime in 1929 and as a result the British rulers incorporated another section in the Penal Code as Section 295-A which read: "Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects, by words, either spoken or written, by visible representations insults or attempts to insult religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both" (Indian Penal Code 1960).

The current blasphemy laws also known as anti-blasphemy laws, in the Pakistan Penal Code (PPC) Chapter XV with the title Of Offences Relating to Religion are as follows:

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

This section of the PPC, criminalizes destroying, damaging or defiling any place of worship, help sacred by any class of persons. It also criminalizes a person who has an intention to damage or defile a place of worship as an insult to a religion. The punishment for this crime is imprisonment 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:

The purpose of this section is to penalize a person (or persons), who intentionally insults religious feelings of any citizen of Pakistan by either spoken or written. The punishment is imprisonment of either for a term which extend to ten years, or with fine, or with both.

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

This section penalizes any willful action of defiling, damaging or desecrating a copy or even an extract of the Holy Qur'an or uses it in any derogatory manner or for any unlawful purpose. The punishment for this act is imprisonment for life.

295-C. Use of derogatory remarks, etc., in respect of the Holy Prophet:

The punishment for defiling the name of the Prophet Muhamad by spoken or written words, or by visible representation, is death, or imprisonment for life and shall be liable to fine.

296. Disturbing religious assembly:

Causing disturbance to any religious assembly carries the sentence of imprisonment of either description for a term which may be extended to one year, or with fine, or with both.

298. Uttering words, etc., with deliberate intent to wound religious feelings:

Uttering words or making sounds in the hearing of that person or making any gesture in order to intentionally hurt religious feelings of any person punishes with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298-A. Use of derogatory remarks, etc., in respect of holy personages:

Imprisonment of either description for a term which may extend to three years, or fine, or both; can be applied to a person who defiles the name of any wife or members of the family of the Prophet Muhammad or any of the Caliphs or companions.

298-B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places:

It is punishable for a person or persons belonging to Qadiani group, who call themselves Ahmadis or by any other name to address any person as a Caliph. It is punishable for them to call their worship place Masjid (mosque). It is punishable for them to give a call for prayer as the ‘Muslims’ do, known as Azan. The punishment is imprisonment of either description for a term which may extend to three years, and shall be liable to fine.

298-C. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith:

The charges against Ahmadis or Qadiani, for calling themselves Muslims or referring to their faith as Islam are imprisonment of either description of a term which may extend to three years and shall also be liable to fine. (Pakistan Penal Code)

According to the section 63 of the Penal Code of Pakistan, the amount of fine that an offender is liable to pay is unlimited but not excessive. Under these last two ordinances, Ahmadis may be sentenced to death for merely affirming their faith, such as by declaring that Muhammad is not the last prophet, since such a statement could be considered offensive to the Prophet. Though the laws restrict religious minorities from fully exercising their right to freedom of religion as guaranteed in the Pakistani constitution, the Supreme Court of Pakistan held that freedom of religion could be limited by Islamic law, despite what the constitution says. In addition to the persecution of Ahmadis, other groups such as Christians, Hindus, journalists, human rights advocates, attorneys who defend alleged blasphemers, and even Muslims with moderate beliefs, are all at risk of violating the blasphemy laws. Currently, the blasphemy laws and the religious intolerance remain a major problem in Pakistan (US Dept. of State 2007)

Islamization of Pakistan:

The Constitution of 1973 of Pakistan states that "all existing laws shall be brought in conformity with the Injunctions of Islam and no law shall be enacted which is repugnant to such Injunctions" (Constitution of Islamic Republic of Pakistan 1973)

In 1974, a constitutional amendment presented by the then Prime Minister Zulfikar Ali Bhutto, declared the Ahmadi community a non-Muslim minority. Legislation passed in 1984 directly addressed the Ahmadi community, stating that makes it a criminal offence for Ahmadis to profess, practice or spread their faith. Ahmadis are members of an Islamic sect founded in the nineteenth century, but orthodox Muslims regard them as heretical (Amnesty International 1994)

Historically, extensive steps towards Islamization were taken by the president, General Zia-ul Haq, who introduced several Islamic laws and set up a judicial body to review if all existing laws were in accordance to the Islamic laws or not. Laws and orders passed during the martial law years under President Zia-ul Haq, including those governing religious offences, were placed outside the scope of judicial review by the Eighth Constitutional Amendment of 1985. Zia-ul-Haq, a military dictator, came into power in 1978 and attempted to convert Pakistan into a theocracy, one in which all features of life would be governed by Islam. He authorized the courts to state the laws un-Islamic, restricted their ability to hear cases involving fundamental rights, and sought to purge the court of independent-minded judges. Much of Zia's influence remains in place today, including the presence of the Federal Shariat Court, which has the power to examine and determine whether Laws of the country are according to Islamic injunctions or not. The Federal Shariat Court consists of eight Muslim judges, and Chief Justice of this court is from those eight Judges (Dobras 2008).

In the 1980s several sections were inserted in the Pakistan Penal Code (PPC). Section 295-B was added in 1982, making defiling the Qur'an a criminal offence. In 1980, section 298-A was inserted in the PPC, by which the use of derogatory remarks in respect of persons revered

in Islam, was made a criminal offence punishable with up to three years' imprisonment. In 1986 the penal code was amended by Criminal Law Amendment Act, 1986, which added the blasphemy law under section 295-C to the Pakistan Penal Code. It provided the death penalty or life imprisonment for the criminal offence of defiling the name of the Prophet Mohammad (Amnesty International 1994).

From 1988 to 1990, during the first period of Benazir Bhutto's government, no further steps toward Islamization were undertaken. The following federal parliament, of Prime Minister Nawaz Sharif (1990 to 1993) in which the Islamic Democratic Alliance (IDA, a coalition of several Islamic parties under the leadership of the Muslim League) had a clear majority. In October 1990, the Federal Shariat Court, ruled that the punishment for disrespecting the Holy Prophet is death and nothing else. It also noted that only the Holy Prophet exercised or was authorized the right of reprieve or pardon. In May of 1991 the Enforcement of Shariah Act, 1991 was passed. It declared "the Injunctions of Islam shall be the supreme law of Pakistan" and provided for the Islamization of education and the economy (Shariah Act 1991).

In 1993, a new bill was reportedly presented in the parliament which required to broaden the scope of section 295-C to include the names of the Prophet's companions and family members. In April 1994, the Lahore High Court ruled that defiling the names of all the true prophets of Allah declared in the Qur'an including Abraham and Jesus, constitutes blasphemy. The Federal Shariat Court in its judgment of 1990 had already suggested that the words "any prophet" be replaced by "the Holy Prophet", meaning the prophet Mohammad, in section 295-C. However, no parliamentary legislation enacted to amend the section and it remains the same to this date (Siddique 2008).

Blasphemy laws violates (Universal Declaration of Human Rights):

In 2010, Pakistan agreed to abide by the International Covenant on Civil and Political Rights (ICCPR). At the time of agreement, Pakistan was hesitant to agree to several provisions of the ICCPR, including Articles 18 and 19 that provide vigorous protections to the freedoms of religion and expression. Later in 2011, due to the pressure from international community, particularly the European Union, Pakistan withdrew most its reservations, including those pertaining to Articles 18 and 19. Pakistan's agreement and its subsequent withdrawal of reservations toward the ICCPR are critical indicators of its intention to protect fundamental human rights within its borders. Following are the Articles 18 & 19 of the ICCPR, which concretize the fundamental freedoms of religion (Dobras 2008).

Article 18:

1. Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of

frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- a. For respect of the rights or reputations of others;
- b. For the protection of national security or of public order (ordre public), or of public health or morals.

Both Articles provide strong protections to freedom of religion and expression. These rights are non-derogable except if the interests of “public safety, order, health, or morals,” or the “fundamental rights and freedoms of others,” if agreed and allowed by law

These blasphemy laws, not only, go against the Article 18 and 19 of ICCPR but also go against spirit of the preamble of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief proclaimed by the General Assembly in November 1981. It clearly states that to promote understanding, tolerance and respect in matters relating to freedom of religion and belief is essential (United Nations Human Rights Committee).

Freedom of Speech and Religion in Pakistan as compared to the First Amendment of US Constitution:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances” (First Amendment- US Constitution).

This is the First Amendment to the Constitution of the United States, which prevents the government from setting up or establishing an official religion in the country. People living in the United States have the freedom of religion and to practice it for example, to attend a church, mosque, synagogue, temple etc. It also ensures freedom of speech, people have the right to share their opinions, expressions and thoughts with other people or even criticize the government. They can also pass out leaflets that state their opinions. They may also their own online web pages that have their opinions (First Amendment- US Constitution). Blasphemy laws are mainly a forgotten legal view in the United States. The U.S. Constitution explicitly forbids any restriction on persons' freedom of speech. Legislation that obstructs free speech is unconstitutional and void in the United States. As a result, blasphemy remains a protected form of communication for which no legal consequences exist (Holzaepfel)

The constitution of Pakistan establishes Islam as the state religion, and even the laws are required to be consistent with Islam. Although the constitution states that every citizen have the right to profess, practice, and propagate his religion, however, the government gives limited freedom to practice religion other than Islam. Article 19 of The Constitution of Pakistan ensures that every citizen regardless of their religion, cast or creed, have the right to freedom of speech, expression and freedom of press but it is also subjected "to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, [commission of] or incitement to an offence" (Constitution of Pakistan).

Freedom of speech is vital in any free society. It makes the free flow of knowledge and ideas possible, upon which opinions and actions needed for a society originate. Scientific progress, social growth, political change, and even religious development is made possible by the

freedom of speech. Though blasphemy laws protect the freedom of some individuals to practice religion without insult or unjust attack, blasphemy laws also inherently limit the freedom of speech for other individuals.

Cases of Abuse of Blasphemy Laws:

According to the reports of Human Rights Commission of Pakistan, 106 Ahmadis, between 1987 and 1992, were charged with religious offences on grounds of practicing, preaching and spreading their faith. In 1992 alone, ten cases were filed against Ahmadis. The charges in 18 of these cases included section 295-C and 298-C under which Ahmadis are prohibited from calling themselves Muslims. The charges of blasphemy were not limited to Ahmadis only; the Christian minority also had increasing number of charges against them. In April 1994, the Archbishop of Karachi Diocese said that some 25 Christians had been charged with blasphemy as of that date (Human Rights Commission of Pakistan).

The apparent motives for bringing the blasphemy charges are various. Charges against Christians or Ahmadis appeared to have been brought solely because they are members of the minority communities. Hostility against religious minorities was often aggravated by economic or professional rivalry. In the case of Chand Barkat, a Christian who was imprisoned on a charge of blasphemy in October 1991 and was released in January 1993. He was a small merchant selling bangles in a bazaar (market) in Karachi, Sindh province; a business rival provoked an argument and threatened Chand Barkat with dreadful consequences if he did not remove his stall from the market. When Chand Barkat did not respond, the rival accused him of having uttered blasphemous words. Similarly, the killing of the Christian teacher Naimat Ahmer in Faisalabad, Punjab province, appeared to have been caused by professional envy. Several teachers who resented him appeared to have instigated a student to take the law in his own hands and to murder Naimat Ahmer. The student believed that Naimat Ahmer had uttered

blasphemous words and considered himself as acting in accordance with religious injunctions. (Ahmadiyya Times 2010)

In a number of cases, personal grudges against Christian neighbors seem to have led people to settle their disputes by bringing blasphemy charges. Anwar Masih, a Christian in Sammundri in Faisalabad district, had a quarrel with the local Muslim shopkeeper over a small debt and was subsequently charged with blasphemy (Ahmed 2002). Salamat Masih, a 13-year-old Christian boy in Gujranwala, Punjab province, was reported that he had had a fight with the eight-year-old son of a Muslim neighbor. He was later accused of writing blasphemous words on the mosque. Salamat Masih, who has never learned to read or write, and two adult Christians were charged with blasphemy in May 1993 (Dawn 2010).

Behavior of Police and Lawyers towards alleged Blasphemers:

There have been instances in which police have maintained such prima facie untenable charges. The reasons can be because the local clergy exert pressure on them or because they are themselves agree to certain Islamist elements. Naimat Ahmer was killed by a student who believed that he had blasphemed and considered himself to be acting in accordance with Islam. The police officers arresting the student, reportedly embraced him and admired him for his commitment to Islam. The police investigation in this case seemed to have been very slow and geared to postponing trial and conviction. The student was later sentenced to 14 years of rigorous imprisonment in June 1994 (Human Rights Watch 1993)

Many lawyers and the lower judiciary show the same bias against persons charged with blasphemy. According to Amnesty International in almost all the cases related to blasphemy, no local lawyer was willing to take up the case of the defendant. For example, in the case of Sawar Masih, at least four lawyers turned down the defendant in Sanghar, Sindh province, because they were threatened by the complainants. The lawyer Tahir Iqbal, who finally took up Sawar's

defense, was threatened in open court by several clergy for having taking up the case; shortly after the presiding judge had reprimanded them for disturbing the proceedings and threatening the lawyer, he was transferred to another court. Numerous lawyers defending people charged with blasphemy have received death threats.

Trials of blasphemy cases are invariably accompanied with agitation by local clergy who interrupt proceedings, shout slogans demanding the death sentence and threaten the defendants with abuse. During the hearing of 13-year-old Salamat Masih and his two co-accused, religious groups paraded outside the court building in Gujranwala, carrying banners demanding that the accused be hanged. Public pressure and media campaigns against people charged with blasphemy seriously jeopardize the fairness of the trial as such activity may well be assumed to prejudice the court (Amnesty International 1994).

Unfair Trial:

Judges and police are also known to have on their own account, altered the charges against members of religious minorities and to have introduced the charge of blasphemy. In early 1994, five journalists of the Ahmadi community were charged with "posing as Muslims" and hurting the religious feelings of Muslims, which are offences under Section 298-C. A judge of the sessions court in Chiniot (Punjab province), who heard their bail request, added the charge of blasphemy and had them arrested on that charge in court, during the hearing relating to their pre-arrest bail application. Human Rights Commission of Pakistan for 1992 mentions that in Abbottabad, Punjab province, police added a charge of blasphemy, on their own accord, to a complaint in order to lend weight to the case. The blasphemy charge was withdrawn only when the plaintiffs swore in court that they had only complained about a minor dispute over a land issue and no religious offence had taken place. In 1992, Bantu Masih, a 65-year-old Christian, was stabbed eight times in a Lahore police station by the young Muslim who had accused him of

blasphemy. He was reportedly convinced by the police to enter a negotiation with his attacker to the effect that if he did not bring a case against the attacker then he would not be arrested for blasphemy. Bantu Masih died shortly afterwards (Human Rights Commission of Pakistan).

Ill-treatment of accused in jails:

In jail, several of the accused have been mistreated, leading in at least one case to the death of the accused. Christians appear to be kept in separate cells from Muslims as the latter refuse to share their eating utensils. In the case of Gul Masih; he was held in total isolation "because of the nature of the crime" as the Deputy Superintendent of the District Jail Sargodha said to an investigating human rights group. When the people accused of blasphemy in prison, are taken for hearings they are placed in bar fetters, long iron bars connected to chains around ankles and waist, though none of them have been known to have behaved violently. The most serious case of ill-treatment appears to have been perpetrated in the case of Tahir Iqbal, who died on 19 July 1992 in Kot Lakhpat jail, Lahore. Although partially paralyzed and confined to a wheelchair, he was for some time kept in solitary confinement, without toilet, electricity or water. Following protests by the Christian community he was transferred to a regular cell, where during the hot season, water and electricity were again turned off for over a month. Tahir Iqbal feared that he would be murdered in jail; he expressed this apprehension in letters to federal and provincial ministers but apparently, no measures were taken to protect him. In June, his jail warden repeatedly said to Tahir Iqbal that people like him deserved to be killed; during his last court hearing on 13 July 1992, Tahir Iqbal told his lawyer that he seriously feared for his life and safety. Tahir Iqbal died during the night of 19 July 1992 (Amnesty International 1994).

Aslam Masih, a Christian man accused of blasphemy by two members of the Islamic movement Tablighi Jamaat in 2010, died in prison after officials failed to provide proper care for

a curable disease. The case against Aslam Masih was at first dropped due to a lack of evidence but reinstated because of pressure exerted by extremists (Oleszczuk 2011).

Rationale

This research examines the victimization of minorities living under the blasphemy laws in Pakistan. This research will focus on the blasphemy cases, dating from 2000 until the present. Data collected will be used to demonstrate if the minority groups in Pakistan are affected, by the blasphemy laws to a greater or lesser extent. It will provide information on how the people charged with blasphemy are treated by the law. Since blasphemy laws penalize people who defile worship places and disrespect religions, especially Islam, this research addresses whether the blasphemy laws are being applied to the protection of minority religions' sentiments.

This research is significant because it will address the issue of violation of basic human rights in Pakistan. Human rights activists have repeatedly asserted that the blasphemy laws of Pakistan are discriminatory and they violate human rights guaranteed by both the Constitution of Pakistan and international treaties (Julius 2016).

Research Questions

1. Do blasphemy laws victimize religious minorities more than majority?
2. Do people of minority religions complain about blasphemy?
3. Are most blasphemers killed?

Hypotheses

H1: Blasphemy laws victimize people belonging to minority religions more than they do Muslims.

H2: People belonging to the minority religions or sects generally report less about blasphemy committed against their believes.

H3: A majority of people accused of blasphemy are killed by mob or by extra judicial killing.

CHAPTER 2

METHODOLOGY

The Content Analysis method was used to conduct this research. Babbie (2001) defined content analysis as "the study of recorded human communications" (p.304). It is "essentially a coding operation," with coding being "the process of transforming raw data into a standardized form" (Babbie 2001, p.309). One hundred cases of blasphemy laws that were reported, were taken from the year 2000 until 2017. The data collected to conduct this research were accessed through several reliable sources; Pakistan's online and International newspapers such as Dawn newspaper, peer reviewed journal articles and studies, which were accessed through the EBSCOHOST database and previous studies of blasphemy laws. The keywords used to search related articles were, blasphemy, blasphemy laws, violation of human rights, Pakistan's blasphemy laws, cases of blasphemy.

Research questions and hypotheses were developed to narrow the research paper. A coding sheet was developed to analyze the data of those 100 cases. All the demographics from the cases were given numerical codes such as 1 and 2, for example in case of gender male was given the code 01 and female was given the code 02.

The collected data were used to test the hypotheses. The data were processed through the SPSS software. Frequency tables and cross tabulation were used to draw the results and to prove the significance of the hypotheses.

Coding Sheet:**Gender:**

Male 01

Female 02

Age:

Early School Age (4 – 6) 03

Middle Childhood (7 – 12) 04

Early Adolescence (13 – 18) 05

Later Adolescence (19 – 24) 06

Early Adulthood (25 – 34) 07

Middle Adulthood (35 – 60) 08

Later Adulthood (61 – 75) 09

Very Old Age (75+) 10

Unknown 11

Religion:

Muslim (Sunni, Shia) 12

Christian 13

Hindu 14

Ahmadi 15

Other (minority) 16

Location:

Punjab 17

Sindh 18

Khyber Pakhtunkhwa 19

Baluchistan 20

Gilgit Baltistan 21

Sentence:

295 22

295 A 23

295 B 24

295 C 25

298 26

298 A 27

298 B 28

298 C 29

Relation with accuser:

Friend 30

Family member 31

Neighbor 32

Employer 33

Co-worker 34

No relation 35

Religion of Accuser

Muslim 36

Christian 37

Hindu 38

Ahmadi 29

Other (minority) 40

Trial:

No Trial	41
Complete Trial	42
Unknown	43

Allegations:

False	44
True	45
Unknown	46

Decision:

Imprisonment	47
Death Sentence	48
Not Guilty	49
No evidence	50
Unknown	51

Current Status of the Alleged/ Accused:

Awaiting Trial	52
In prison	53
Extra judicial killing	54
Mob/ Vigilante killing	55
Asylum in another country	56
Hiding	57
Died	58
Unknown	59
Acquitted of all charges	60

Accuser's Trial (if false allegations):

No Trial 61

Trial 62

Not Applicable 63

Accuser's status:

Death Sentence 64

Life imprisonment 65

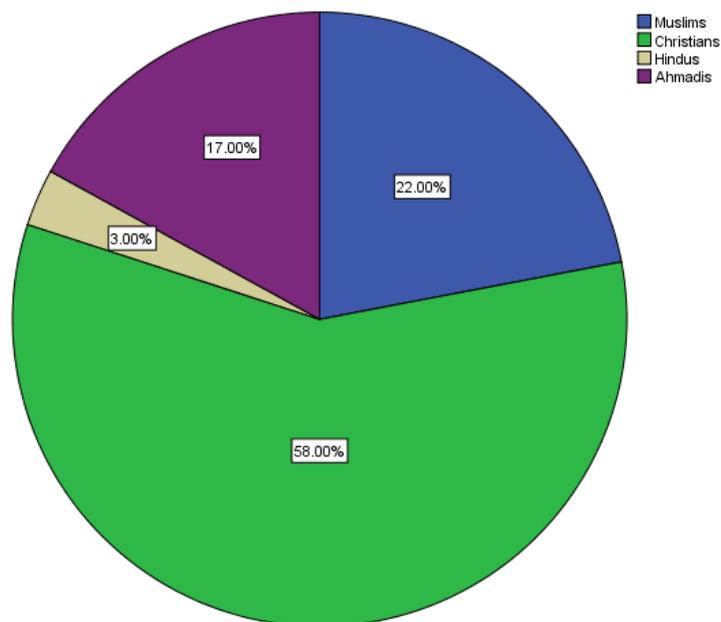
Free 66

Unknown 6

CHAPTER 3

RESULTS

A sample of 100 cases of blasphemy laws was selected through various sources. The sources were Pakistan's online newspapers such as Dawn, international newspapers and peer-reviewed articles and studies. Cases analyzed were chosen from 2000 till 2017 and the data collected from these cases were processed using SPSS software. Frequency distribution and cross tabulation were used to examine the data. The figures below show the results of the



processed data.

Figure 1: Religion of People Accused of Blasphemy

The frequency distribution of the religion of people accused of blasphemy is shown in the figure 1. Muslims make up 96.28% of Pakistan's population; Christians 1.59%, Ahmadi 0.22%, Hindus 1.60% and other minorities make up about 0.32% of Pakistan's population. From

the 100 cases analyzed; 58% were Christians, 22% Muslims, 17% Ahmadis and 3% Hindus. The result in the figure 1 shows that 78% people, belonging to minority religions were accused of blasphemy whereas only 22% Muslims were convicted of this crime.

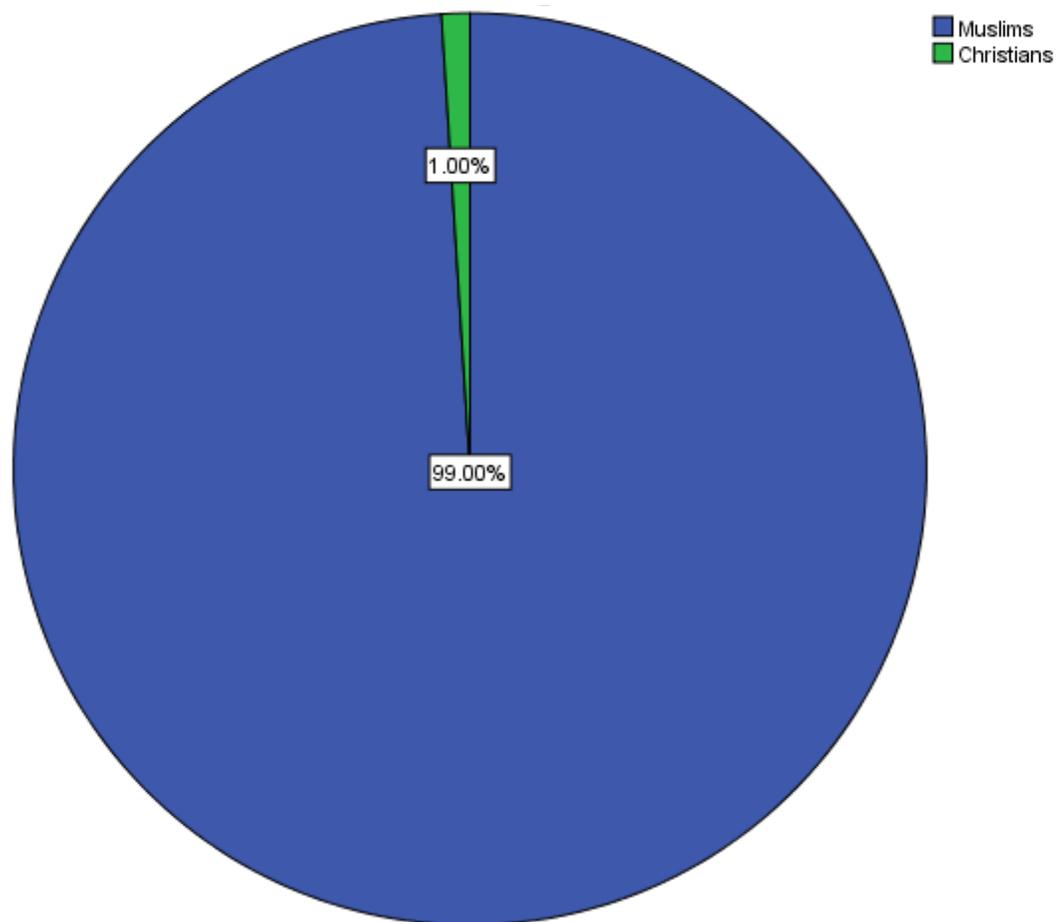


Figure 2: Religion of the Accuser

Frequency distribution was used to determine the religion of accuser. In figure 2, Muslims who reported about the people who committed blasphemy were 99%, whereas only 1% of the Christians reported on the crime.

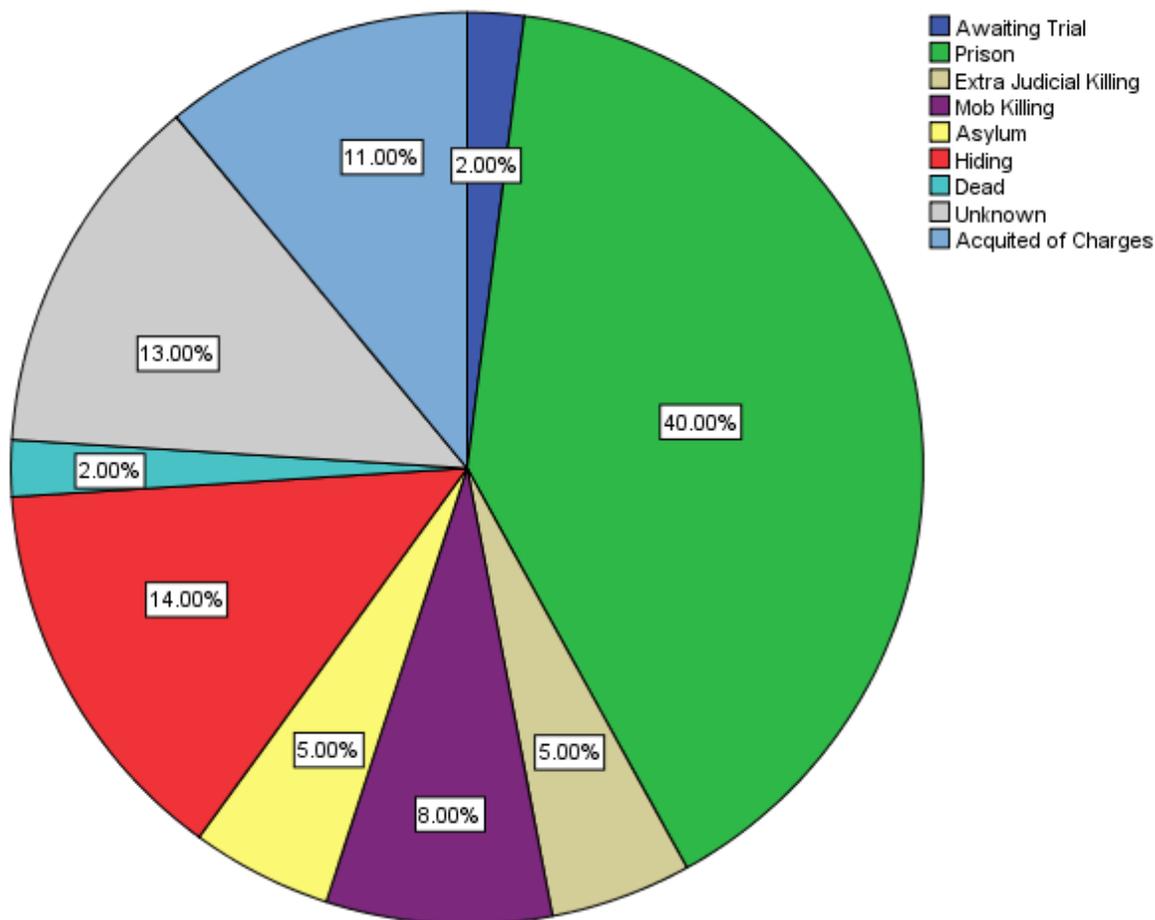


Figure 3: Current Status of People Accused of Committing Blasphemy

The chart in figure 3 shows the distribution of frequencies about the current status of the people accused of blasphemy. According to the figure above, 40% of people accused of blasphemy are still in prison. The percentage of people that are in hiding is 14% also 5% of the people have taken asylum in other countries to save their lives. People who were acquitted of all the charges were about 11%. The accused who became the victims of mob/ vigilante killing were about 8% and 5% were victims of extra judicial killing. The percentage of people in prison

who died of natural causes is 2%. The percentage of people who are still going through the trial and have not yet been sentenced is 2%.

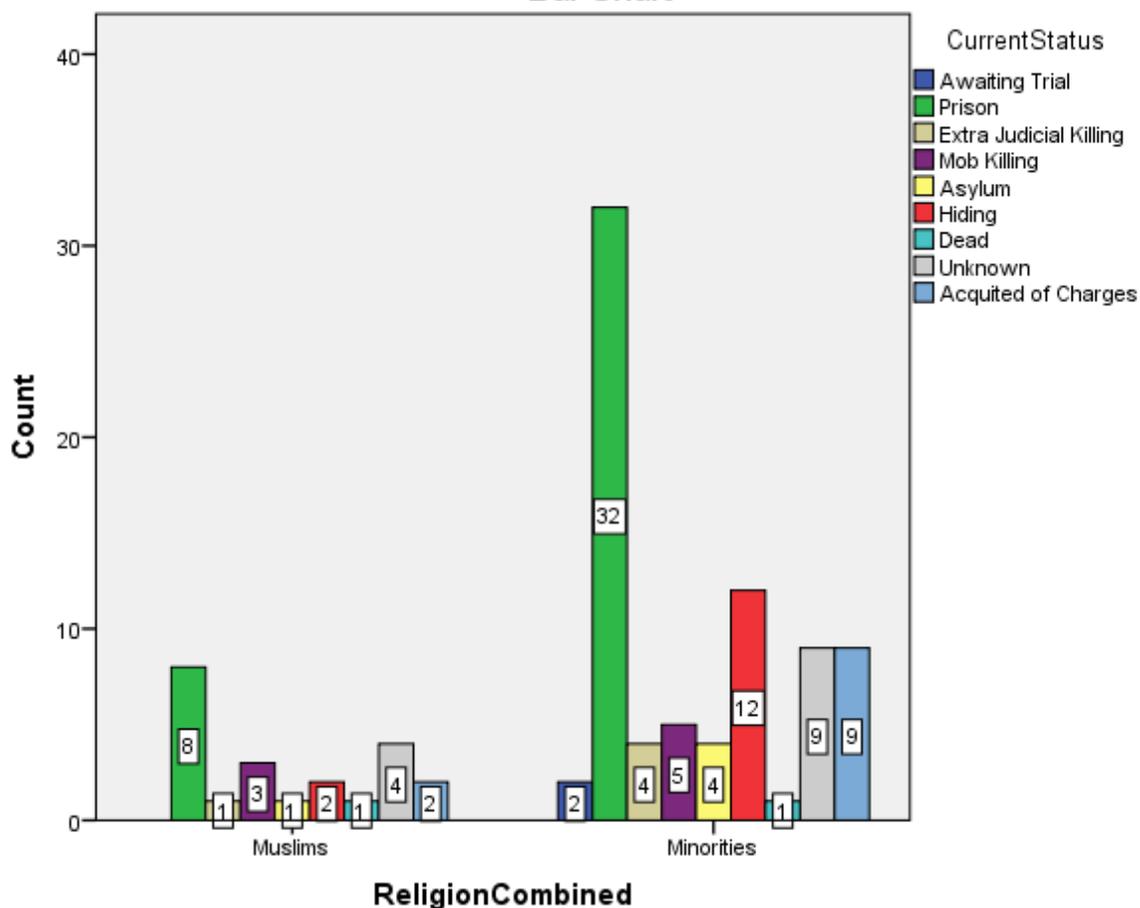


Figure 4: Distribution of Minorities' and Muslims' Current Status

Cross tabulation was used to analyze the status of the people accused of blasphemy laws. Figure 4 shows the current status of people after the court trial but it is distributed to show the religion of the accused. Of the 100 cases studied, the number of Muslims in prison for committing blasphemy is 8. Only 1 Muslim was the victim of extra judicial killing, 3 were the victims of mob/ vigilante killing. Two persons went into hiding whereas only 1 has taken asylum in another country to protect him/herself from harassment. One person died of natural causes while in prison and 2 were acquitted of charges. By contrast, 2 people belonging to the

minority communities are awaiting trial and 32 have been sentenced to life imprisonment. The number of people belonging to a minority who were victims of extra-judicial killing is 4. Five people were victims of mob killings. Four people took asylum in other countries and 12 went into hiding. One person died of natural cause while in prison and 9 people were acquitted of all charges.

CHAPTER 4

DISCUSSION

Muslims make up 96.28% of the population of Pakistan, and Christians, being the largest minority, make 1.59% of the country's population. Ahmadi or Qadiani make up about 0.22%, Hindus make up 1.60% and other minorities make up about 0.32% of Pakistan's population (Pakistan's Bureau of Statistics). According to the figure 1, 78% of minorities are victims of blasphemy laws out of which 58% of the cases are associated with the Christian minorities, followed by Ahmadis, 17%, and 3% by other minorities. Thus, the hypothesis, H1, "Blasphemy laws victimize people belonging to minority religions more than Muslims," is supported. It can be seen from the figure 2 that only 1% of Christians, out of 100 cases, reported about blasphemy. This particular case was an act of revenge and personal grudges. Sajid Masih admitted to sending blasphemous text messages to clerics and prayer leaders in the name of his fiancé to punish her for breaking their engagement. He was charged under Sections 295-C and 295-B of Pakistan's Penal Code. There have been cases of angry mobs destroying churches and no one being charged under the Section 295 of Pakistan's Penal Code, which penalizes persons defiling, damaging or destroying a place of worship. On June 30, 2009, a mob of an estimated 600 Muslims attacked Christians in the village of Bahmani in the Kasur district of Punjab. During the rampage, the crowd reportedly burned churches, destroyed homes, looted valuables and attacked fleeing civilians while police at the scene stood silently by (Pakistan Christian Post). H2, "People belonging to the minority religions or sects do not report about blasphemy committed against their believes," was developed to answer, if the people belonging to minority religions do not accuse anyone of committing blasphemy against their own belief. Results of this study show that out of these cases 99% Muslims reported, Muslims or other religious minority, of committing blasphemy against Islam, Quran or the Prophet Muhammad. Thus, H2, "People

belonging to the minority religions or sects generally report less about blasphemy committed against their believes” is supported.

H3, “A majority of people accused of blasphemy are killed by mob or by extra judicial killing”, was developed to investigate if the majority of people accused of blasphemy are killed by either mob or become a victim of extra judicial killing. The results in figure 3 show only 5% of people were killed by mob and 2% were the victims of extra judicial killing. Thus, H3 “Most people accused of blasphemy are killed by mob or by extra- judicial killing” is unsupported.

Blasphemy laws pose a variety of problems. They restrict freedom of expression by placing excessive limitations on content. The assassinations of the governor of Punjab province, Salmaan Taseer, on January 4, 2011, and Minority Affairs Minister Shahbaz Bhatti on March 2, 2011, show how deadly the debate over blasphemy laws has become. Both men were killed because they ‘spoke’ out in favor of reforming abusive blasphemy laws and specifically against the proposed death sentence of Aasia Bibi, a Christian woman, convicted of blasphemy following a disagreement with a Muslim coworker. The vague wording of blasphemy laws often widens the scope of the violations of such laws. Further, blasphemy laws violate the freedom of religion. In 2009, 37 Ahmadis were charged under the country’s blasphemy laws. The Supreme Court of Pakistan upheld a constitutional law forbidding Ahmadis from practicing their faith as Muslims and calling their faith Islam. The Court declared that self-identification of the Ahmadis as Muslims insults and outrages the religious feelings of Pakistan’s Sunni Muslims (Human Rights Watch 2010). As demonstrated in numerous reports by human rights groups, blasphemy laws are frequently enforced in a discriminatory manner that results in the suppression of religious minorities. These laws create a powerful tool to target vulnerable and marginalized populations (Aswad et al 2014).

The blasphemy laws of Pakistan, while claiming to protect all the religious minorities, are vaguely formulated and subjectively enforced by police and the judiciary. They allow and even invite abuse, harassment and oppression of minorities in Pakistan. Blasphemy laws go against the essence of the preamble of the United Nations declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief. The declaration was proclaimed by the General Assembly in November 1981 which states: " it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief" (United Nations 1981).

People charged with blasphemy are often denied a fair trial. Equality before the law and the right to a fair trial are essential rights laid down in the Universal Declaration of Human Rights (UDHR). Ill-treatment of people charged with blasphemy is another matter of concern. Torture, cruel, inhumane and degrading behavior or sentences are prohibited by the Universal Declaration of Human Rights (UDHR) and the Declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment. Even after the innocence of persons charged with blasphemy has been established, they may not be safe. Chand Barkat, in judicial custody in Karachi Central Jail since his arrest on a blasphemy charge in October 1991, was "acquitted with honor" on 24 January 1993. Nonetheless, he has been unable to resume a normal life as his Muslim neighbors continue to threaten him. He and his family had to leave Karachi and they are in hiding (Human Rights First 2011). Blasphemy laws have contributed to an environment of hostility toward religious minorities in Pakistan and some people have taken the law into their own hands

Another recommendation to the government of Pakistan is to adopt the relevant international standards relating to religious freedom. The government should agree to the International Covenant on Civil and Political Rights, and implement the United Nations

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief.

Future Research and Limitations:

Intolerance toward religious minorities does not only exist in Pakistan, but is a problem in several nations, especially in Asia. On February 5 of 2011, 5 people belonging to the Ahmadi sect in Indonesia were killed by a mob, who raided their house. Two days later of this attack, another mob vandalized several churches. As stated by Bayuni (2011), Indonesia and Pakistan support the resolution on “the defamation of religions” at the UN Human Rights Council. Each year, the Council votes on the resolution to address concerns about the rise of Islamophobia around the world. Looking at the events of intolerance toward religious minorities, Bayuni says that Indonesia and Pakistan have a far bigger problem at home than Islamophobia (Bayuni 2011).

India is considered one has many religious minorities. Hinduism is the majority religion of India. The leaders of Bharatiya Janata Party (BJP), a right wing political party, have preyed on Muslims attempting to stop consumption of beef. Hindus believe the cow is holy, and in its 2014 election campaigns, the Bharatiya Janata Party (BJP) vowed to increase “protection and promotion of cow and its progeny” (Ek Bharat Shreshtha Bharat: Election Manifesto 2014). Expanding a 1976 law that prohibited the slaughter of cows, a law passed in 2015 bans the slaughter and possession of bull and bullock meat in the western state of Maharashtra. Other states are following suit with similar laws (Seervai, 2015). In October 2015, a mob killed a 50-years-old laborer, Muhammad Akhlaq and his son, who are Muslim, on the suspicion him and his family, had eaten meat from a cow, an animal considered sacred by the 80% of the Indian population who follow the Hindu faith. Akhlaq and his son were dragged from their beds and beaten with bricks (Burke 2015). This study can be adapted to highlight the violation of Human Rights in India

Rohingya, a Muslim ethnic group living in the predominantly Buddhist country of Myanmar, have been described as among the most persecuted people in the world by the United Nations. It was reported by human right groups that the army has used helicopter gunships to fire on civilians. Rohingya also said soldiers have set fire to their homes. Multiple Rohingya women also reported, to Reuters, that soldiers raped or sexually assaulted dozens of villagers at gunpoint. One member of parliament, denying the military attacks on the ethnic community, told the BBC that Rohingya women were too “dirty” for soldiers to rape, and blamed the attacks on Rohingya militants. It is extremely difficult for journalists and rights groups to get reports on Rohingya issues because the army blocks media access into Rakhine state (Robins 2016).

This study can be applied to other countries whose minorities face persecution. It is hoped this paper will encourage future research in areas of Human Rights Violations, Blasphemy Laws and Intolerance toward minority religions and sects.

Unfortunately, there is no database in Pakistan regarding court trials, so accessing them from the US is difficult. Local libraries in Pakistan house legal case records, but they are in a form of hard copies and to access them is a challenge. Too, many cases are not reported. Even if they are, there is an issue of lack of information. If the media show an unreported case, it stays in the media for a day or two and after that there is no proper source or documents to access such cases.

In conclusion, this research highlights that Pakistan’s blasphemy laws are discriminatory and are being misused against minorities of that country. There is therefore a need to repeal or drastically change these laws in order to stop their misuse.

APPENDIX

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 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 extend to ten years, or with fine, or with both.

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

Whoever willfully 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 an 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 be liable to fine” (Pakistan Penal Code 295 1984).

296. Disturbing religious assembly:

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

297. Trespassing on burial places, etc.:

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sculpture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298. Uttering words, etc., with deliberate intent to wound religious feelings:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

298-A. Use of derogatory remarks, etc., in respect of holy personages:

Whoever by words, either spoken or written, or by visible representation, or by an imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (Peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (Peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

298-B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places:

(1) Any person of the Qadiani group or the Lahori group (who call themselves Ahmadis ‘or by any other name) who by words, either spoken or written, or by visible representation;

(a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (Peace be upon him), as —Ameer-ul-Mummineen, Khalifa-tul-Mummineen, Khalifatul-Muslimeen, —Sahaabi or —Razi Allah Anho;

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (Peace be upon him), as —Ummul-Mummineen;

(c) refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (Peace be upon him), as —Ahle-bait; or

(d) refers to, or names, or calls, his place of worship as —Masjid; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani group or Lahori group (who call themselves —Ahmadis or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as —Azan, or refers Azan, as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith:

Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invited others to accept his faith, by words, either

spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description of a term which may extend to three years and shall also be liable to fine” (Pakistan Penal Code).

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