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Oral declaration presented by the European Centre for Law and Justice (ECLJ)

Mr Chairman,

The ECLJ has read the various reports concerning Pakistan, and more particularly the Report of the Working Group, and congratulates their authors.

The ECLJ is pleased to note the attention given during the interactive dialogue to the important matter of religious freedom and the rights of minority groups in Pakistan.

A number of situations, both in fact and at law, do indeed raise serious problems in respect of religious freedom. As stressed by many States, including Belgium, Canada, Chile, Denmark, Greece, Portugal and the Holy See, there are three main forms of infringement of religious freedom in Pakistan: firstly the ban on religious groups, secondly the existence of legislation punishing blasphemy against the Islamic faith, and thirdly the extent and frequency of physical violence inflicted on religious minorities.

The ECLJ wishes to draw attention to the issue of blasphemy and recall that, by its very nature, "legislation punishing blasphemy" is not compatible with the underlying logic of human rights.

According to Article 295 of Pakistan's Criminal Code, and I quote, all those who "by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the name of the Prophet [of Islam] (. . .) shall be punished with death, or imprisonment for life." Furthermore, all those who defile the Koran may be sentenced to life imprisonment.

It is true that, under Articles 298 and 295-A, the other religions also have the benefit of legal protection, but only in terms of a ban on insulting and offending religious feelings, protection that in no way matches that afforded to the Islamic faith.

In practice, the anti-blasphemy legislation is a weapon of oppression given to the State religion to use against the expression of political and religious minorities. Moreover, all too often the vagueness of its constitutive elements makes application of the legislation arbitrary. There are unfortunately many examples witness to this, including very recently.

To be significant, the efforts as presented by the Government of Pakistan to make this incrimination less arbitrary should take their inspiration from the universal principles on the freedom of expression, conscience and religion. Ratification of the International Pact on Civil and Political Rights is an essential stage in this process.

In conclusion, the ECLJ hopes that a general process of revising the judgments of people currently in prison for blasphemy will be undertaken at the earliest opportunity.

Thank you, Mr Chairman.