

Blasphemy Laws

The issue of blasphemy laws remains a FoR-related issue that receives recurring international attention. However, the fact that the majority of those who are charged under blasphemy laws are Muslims indicates that the use and affects of these laws goes beyond FoRB, with laws primarily being used to settle scores between communities and individuals.

The laws

The laws dealing with blasphemy usually criminalise disturbing a religious assembly, trespassing on burial grounds, insulting religious beliefs or intentionally destroying or defiling a place or an object of worship. The punishment for infringement of these laws is usually imprisonment. In Pakistan for example, such laws initially carried a penalty of up to ten years imprisonment. During the 1980s, the blasphemy laws in Pakistan were expanded to include making derogatory remarks against Islamic personages an offence, and the 'wilful' desecration of the Quran, both punishable by life imprisonment. Moreover, the death penalty was instituted for anyone found guilty of defaming the Prophet.

Blasphemy laws were first introduced by the British in the middle of the Nineteenth Century, when South Asia was a complicated political landscape comprising British India and hundreds of independent princely states. To maintain this intra-Indian balance and prevent intra-religious conflict, the British Administration introduced laws to control print media and public gatherings. It was a criminal offence to commit 'deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religious belief.' This law did not discriminate between religions. These laws that were inherited by Pakistan, and would later be turned into strict blasphemy rules by late military ruler General Zia ul Haq from 1979 onwards. General Zia ul Haq increased the offences against religion from five to ten, and introduced more severe penalties, such as the death penalty and life imprisonment.

Affect on minorities

Naturally, the focus of laws on 'protecting' Islam specifically means that it is non-Muslims, and therefore minorities, that are targeted through blasphemy laws. This makes such laws a FoRB issue. One infamous case in this regard is that of Asia Bibi, a Christian mother of five who was sentenced to death in Pakistan in 2010 (but remains in prison) after being convicted of defiling the name of the Prophet Mohammed, having been accused by her Muslim neighbours.

Accusations of blasphemy can also have a widespread social impact on minorities. Shahzad Masih and Shama Bibi who, after being falsely accused of tossing out pages on the Quran, were lynched and burned by a mob of hundreds in Punjab in 2014. Their deaths caused other Christians in the area to flee. In another recent incident in Pakistan in May 2017, a ten-year-old boy was killed and five others were wounded when a mob attacked a police station in an attempt to lynch a Hindu man charged with blasphemy for allegedly posting an incendiary image on social media.

Affect on Muslims too and issues beyond FoRB

Muslims constitute the majority of those charged under blasphemy laws. There was a dramatic rise in cases in Pakistan when the harsher penalties were introduced under General Zia Ul Haq. Ten blasphemy cases were reportedly heard by courts in the 58 years between 1927 and 1985. However, since then more than 4,000 cases have been heard, which is indicative of how these laws have begun to be used strategically. Statistics by the National Commission for Justice and Peace in 2014 shows a total of 633 Muslims, 494 Ahmedis, 187 Christians and 21 Hindus have been accused under various clauses of the blasphemy laws in Pakistan since 1987.

It has become advantageous to use blasphemy laws, and the sensitivity surrounding the topic of blasphemy, to settle scores between communities and individuals. For example, the killing of Mashal Khan, a journalism student, in April 2017, was widely linked to certain (false) accusations that he insulted Islam. However, his killing was in fact motivated by student rivalry within the university. Thus the majority of blasphemy cases involve accusations by Muslims against Muslims, rather than against minorities. While this does not discount the disproportionate number of minorities affected by the laws, this phenomenon provides a fuller picture of the issues surrounding blasphemy laws.

Resources:

<https://www.independent.co.uk/news/world/asia/pakistan-death-sentence-christian-couple-shahzad-masih-shama-bibi-kill-lynch-a7435156.html>

<https://www.bbc.co.uk/news/world-south-asia-12621225>

<https://www.theguardian.com/world/2018/feb/07/mashal-khan-death-sentence-for-pakistan-blasphemy-murder>