

## Memorandum

**Presented to Federal Ministry of Minorities Affairs to address the issue of blasphemy laws in three areas namely;**

- a) Repeal of blasphemy laws
- b) Amendments to the blasphemy
- c) Stopping Social Prosecution / Religious Persecution

### **Repeal of blasphemy laws**

The unwarranted, illogical and ambiguous Sections of Pakistan Penal Code namely 295 B, 295 C and 298 A, B and C (Blasphemy Laws) should be repealed by the parliament. The Ministry of Minorities' Affairs should discuss it in Cabinet and sponsor a wide awareness campaign involving media and the right based organizations.

The government should engage itself in lobby with parties in the parliament and outside and table a bill in the national assembly without a fear of backlash from the extremists considering that Hudood laws was amended and the weekly holiday has been changed from Friday to Sunday without any problem.

### **Amendments or else**

No amendments whatsoever to the text of these laws or procedure for registration of the cases are likely to stop abuse of these laws due to inherent flaws not only in draft but the very approach of these laws, as manifested in the past. However the situation could be improved by a Parallel legislation that can provide punishments and special legal procedures to try the malafide complainants, instigators and attackers initially through a Presidential Ordinance and its ratification through parliament in shortest possible time.

### **Stopping Social Prosecution/ Religious Persecution**

- a) The government should form a Commission of Inquiry composed of at least Two Judges of High Courts, Two representatives of credible rights based civil society organization with and a joint secretary from Ministry of Minorities to assess the situation and prepare report on the ramifications of the blasphemy laws in Pakistan. This Commission should present its report to the Parliament along with recommendations for long term remedy to the situation within couple of months.

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- b) Considering the massive abuse of loud speakers, no place of worship (Mosque, Church, Imam Bargah, Temple) should be allowed to amplify any proceeding including religious ceremonies / prayers, except on special occasions and on express permission granted by a competent authority who must ensure that the misuse would be checked and punished.
- c) The Federal Ministry for Minorities Affairs must work with Federal Ministry of Education on education policy and curriculum reforms, to ensure that the religious lessons be only taught in subject of Islamiat which should be made an Elective rather than a compulsory subject. Moreover, the curriculum for school, colleges and universities should be cleansed of materials promoting religious and gender biases. The study and recommendations made by Sustainable Development Policy Institute – Islamabad in this regard be taken into consideration.
- d) The government should make a policy statement about removing all discriminations on the basis of religion that are part of the constitution, laws and policies. In practical terms, the parliament should pass a resolution upholding that any law or policy under use or practice on part of the government institutions which is contrary to Article 25 of the Constitution would be void and abolished except any affirmative action to promote social justice according to Article 37 of the Constitution.
- e) The provincial governments should; apprehend and prosecute those responsible for attacks on religious minorities, ban and forfeit printed material, books and audio – visual materials containing hate speech. A regulatory and monitoring body should be set up monitor the implementation of laws meant to stop hate speech.

Signed

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