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# **PAKISTAN: Former EU FoRB Special Envoy Jan Figel's views on religious freedom (Part II)**

**Former EU FoRB Special Envoy Jan Figel's views on religious freedom**

## **Part II**

*About laws to be amended; Christians, Hindus, Ahmadis and Muslims in prison or on the death row on blasphemy charges;*

***the EU monitoring of the implementation of the GSP+; the controversial Single National Curriculum; the planned mission to Pakistan of EU's Special Representative for Human Rights  
Eamon Gilmore***

See Part I **here**

By Willy Fautré, Human Rights Without Frontiers (HRWF)

HRWF (21.02.2022) – On 10 February 2021, three Members of the European Parliament Intergroup on FoRB – Peter van Dalen (EPP), Bert-Jan Ruissen (ECR), Joachim Kuhs (ID) – filed a written parliamentary question addressed to Josep Borrell, High Representative/ Vice President of the Commission, in which they raised the controversial issue of the privileged GSP+ status granted to Pakistan as follows: *“Given the blasphemy laws in Pakistan and the unjustified treatment of religious minorities in Pakistan that they lead to, is the VP/HR considering ending the Generalised Scheme of Preferences Plus preferences for Pakistan? If not, why not?”*

On 15 April 2021, the weak answer of the Vice-president of the Commission was not giving much hope to human rights defenders in Pakistan and in Europe:

*“The 2018-2019 Report on the Generalised Scheme of Preferences (GSP) shows that Pakistan is making progress over time in areas such as the elimination of honour killings, the protection of transgender persons, and the protection of women's and children's rights.*

*However, a number of shortcomings still remain. The report includes reducing the scope for the death penalty as one of the priority areas for action. The EU will continue to closely*

*monitor, address and encourage further progress on these issues.”*

On 29 April 2021, the European Parliament adopted a Resolution on Blasphemy Laws in Pakistan, in which it

*“Calls on the Commission and the European External Action Service (EEAS) to immediately review Pakistan’s eligibility for GSP+ status in the light of current events and whether there is sufficient reason to initiate a procedure for the temporary withdrawal of this status and the benefits that come with it, and to report to the European Parliament on this matter as soon as possible.”*

681 members of the European Parliament voted in favor of the resolution: only three MEPs opposed it.

*Human Rights Without Frontiers* interviewed former EU Special Envoy Jan Figel to share his views about the concerns of the European Parliament related to the continuation of the GSP+ status despite the persistent violations of religious freedom, the abuse of the blasphemy laws and the repeated sentences to the death penalty, the non-prosecution of perpetrators of violence, forced marriages and conversion of non-Muslim girls to Islam, and various other breaches of international law.

***HRWF: Which laws in Pakistan are contrary to international agreements and should be urgently amended?***

**Jan Figel:** Blasphemy laws are the single most draconian laws that undermine freedom of thought, religion or expression. It literally suffocates the religious minorities, instills deadly fear of mob violence and forces religious minorities into submission to the whims and authority of the majority.

Government efforts towards Islamization of Pakistan's civil and criminal law, which began in the early 1980s, have dangerously undermined fundamental right to freedom of religion and expression, and have led to serious abuses against the country's religious minorities. The broad and vague provisions of a series of laws known collectively as the "blasphemy" laws, which strengthen criminal penalties for offenses against Islam, have been used to bring politically motivated charges of blasphemy or other religious offenses against members of religious minorities as well as some Muslims.

The blasphemy laws have also contributed to a climate of religious bigotry which has led to discrimination, harassment and violent attacks on minorities – abuses which are apparently tolerated, if not condoned, by some political leaders and government officials.

***HRWF: Our organization has a database of dozens of documented cases of Christian, Hindu, Ahmadi and even Muslim Pakistanis who are on the death row or have been sentenced to heavy prison terms or have been in pretrial detention for years on blasphemy charges. Does the judicial system work in conformity with international standards in this regard?***

**Jan Figel:** In theory and on paper the judicial system may appear to work in conformity with international standards but

in practice and reality on the ground it does not. The state influences action or inaction on any judicial process on matters of religious content in courts, keeping the political expediency at the forefront. This forces guilty verdicts or delayed verdicts in sensitive religious cases.

The most prominent example is the case of Asia Bibi. This woman from humble background was mercilessly beaten and charged with blasphemy for drinking water from a container used by her Muslim co-workers. She was sentenced to death by a lower court and subsequently by higher courts on appeal. However, when her case became known in international media, Pakistan found a way to release her after nine years of incarceration. The Supreme Court of Pakistan squashed the case on technical grounds but still did not declare her innocent. Asia Bibi had to flee from Pakistan to Canada under a hush deal between the two countries.

Quite often, the police also fail to protect vulnerable groups and individuals. This was the case on February 14, in Lahore, when 25-year old Pervez Masih was killed by a violent mob although the police had been informed and called for protection.

In Pakistan, the rule of law is weak and justice is delayed or not carried out because of the religious indoctrination of masses and street power. Quite often semi-illiterate religious clerics force the judicial system to bow down to their influences. The state security and law enforcing authorities are weak and also subject to some religious considerations. Due to this weakness, several courageous judges have been killed or had to flee the country.

The criminal justice system in Pakistan needs overhauling and courage in this context. It is flawed. There is a tacit support to the complainant's side at all levels: police, prisons and courts. Amid fears, pressures and like-mindedness the judges try to shift the decision to higher and superior courts. Sometimes, their partiality is obvious, even in their judgments.

In a recent court ruling, the judge in Rawalpindi sentenced to the death penalty a Muslim woman accused of blasphemy, saying she was not only a blasphemer but also an apostate, for which she deserved the capital punishment.

So, there are few examples when the judicial system works in conformity with international standards. If it happens that is only at Supreme Court level, which is the highest level.

***HRWF: To what extent does or doesn't Pakistan promote religious tolerance in its school education system?***

**Jan Figel:** The education system should do much more for interreligious and interethnic tolerance and coexistence. On the contrary, one can see instillation of hate against Hindus, in particular by misrepresenting and concocting the struggle for India's independence from British colonial rule. The word Hindu for some groups represents an enemy of Pakistan and Islam.

There are positive efforts but a traditional mindset prevails in society. Discrimination and intolerance exist in the administration, and also among educators and teachers. Noteworthy is that the recent compulsory Single National

Curriculum (SNC) also has a religious perspective; even in the English and science classes, religion has been introduced. The State has been defined as a religious one, the Islamic Republic of Pakistan, since the times of the military regime... There are fears that this SNC will increase intolerance and biases, and will have an adverse impact.

Good literacy for all and relevant education is needed for peace, coexistence and more promising development in Pakistan. But the content of education is a decisive factor! The state must take more of that and do its duty properly.

***HRWF: The GSP+ has been the best attempt of the EU at being concrete and objective about the importance of international treaties in its relationships with third countries. Soon, DG Trade, the EEAS and several services within the Commission will evaluate to what extent Pakistan has been complying with the 27 international agreements that are conditions to receive and keep the "GSP+" status that is worth billions of Euro, greatly benefitting the economy of Pakistan. What is your view on this process?***

**Jan Figel:** I agree that the GSP+ is a great EU instrument to bring important rules, values and sustainable development into beneficiary countries, including the largest one among them – Pakistan. Here it cannot be “business as usual”. The EEAS runs a big EU Delegation of diplomats and has some detailed knowledge of the reality on the ground. It is important for the Commission to have a fair assessment and recommendations in line with the agreed objectives of this Agreement, and for the European Parliament and the Council to adopt responsible positions. Only a Europe caring about justice can be a strong, constructive and respected global actor.

Twenty-seven international treaties that are the conditions to receive and keep the “GSP+” status should be not only signed

and ratified by the Government and the Parliament of Pakistan. They must be implemented (!) in practice for the benefit of people. Those treaties cover human rights, the rule of law, environmental protection, labor law, the fight against corruption, etc.

To this end, Pakistan has created the TIC – Treaties Implementation Cell. Therefore, the EU should focus on the monitoring of the implementation. A lot of European taxpayers' money is donated to Pakistan in support of these commitments. It is time for a fair and credible assessment. This would be the only effective tool of the EU to force Pakistan to review its symptomatic, visible injustice towards its religious minorities.

***HRWF: Do you think that by ignoring the non-compliance with a number of international treaties the EU would really be helping Pakistan and that other unsuccessful candidates for the GSP+ status would not feel discriminated against by perceived EU's double standards ?***

**Jan Figel:** By unconditionally condoning Pakistan, the EU is sending an inconsistent, wrong message to the other candidate countries. The Union must have one credible face and refuse double standards. Pakistani authorities speak a lot about democracy and protection of minorities. They have a ministry for human rights but there are many fresh blood stains on the white strip of Pakistan's flag. The inspirational founding father of Pakistan, Ali Jinnah, needs followers in deeds, not in words.

***HRWF: Considering Pakistan's neighborhood and Europe's interests, do you think it is justified to let Pakistan off***



***the hook on human rights issues, because of the situation in Afghanistan and its influence in Pakistan?***

**Jan Figel:** Pakistan is an important EU partner and a nuclear power but which country is not important in this region? If for this reason we let Pakistan continue to implement the same policies, it will only encourage it to play its geopolitical and geostrategic card. Status quo is not enough for the betterment of lives and relations within the country. Pakistan must be held accountable for its actions and its commitments. This is the best service the EU can provide to people of good will in Pakistan.

***HRWF: What should Eamon Gilmore, the EU's Special Representative for Human Rights, tell the Pakistani authorities when visiting Pakistan later this month?***

**Jan Figel:** The EU Special Representative should ask the Government of Imran Khan to address the issue of the draconian blasphemy laws. I would recommend him to talk about the fairness of the administrative, legal and judicial systems dealing with, investigating and taking decisions about blasphemy cases. There must be a fair and impartial way of treating such cases. The Government also should think of a consensual mechanism to deal with the growing number of blasphemy cases, especially under the cybercrime legislation.

Eamon Gilmore was supportive of FoRB promotion and we had some very constructive cooperation during my mandate as EU FoRB Special Envoy. He may encourage the authorities of Pakistan to adopt effective and transparent laws, programs and actions to improve the situation of economically and socially marginalized religious minorities. The members of these communities are frequently relegated to the lowest and

unhygienic waste cleaning jobs while they should given equal employment opportunities to show their talents.

As a former EU Commissioner for Education, Culture and Youth I would strongly recommend to the EU Commission to offer active cooperation and creative professional review of Pakistan's new "One Curriculum" schoolbooks for the promotion of religious tolerance.

Without a necessary and credible review, the Single National Curriculum may increase hatred, discrimination and prejudices and may also lead to the misuse of blasphemy cases. Good and accessible education unites people and builds bridges among nations as well. Education is important for future of Pakistan both internally and externally.

*Photo: Ján Figel' -Web: [janfigel.eu](http://janfigel.eu) – Twitter: @janfigel*

**Further reading about FORB in Pakistan on HRWF website**

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