



General Assembly

Distr.: General
XX August 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Jubilee Campaign, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2021]

* Issued as received, in the language(s) of submission only.

Interactive Dialogue with the Working Group on Arbitrary Detention – The Use of Blasphemy and Anti-Conversion Laws to Arbitrarily Detain Religious Minorities

Jubilee Campaign would like to raise the Council's attention to the use of laws criminalizing blasphemy, apostasy, and religious conversion to arbitrarily detain religious minorities and converts in Nepal, Algeria, and Pakistan in contravention of Articles 18 and 19 of the International Covenant on Civil and Political Rights (ICCPR). It should be noted that unfortunately, the use of apostasy, blasphemy, and anti-conversion laws is not limited to these nations; there are 84 nations with blasphemy laws as of 2020, and that 81% of state enforcement of blasphemy laws occurs in ten nations: Pakistan, Iran, Russia, India, Egypt, Indonesia, Yemen, Bangladesh, Saudi Arabia, and Kuwait.¹ Meanwhile, over 20 countries criminalize apostasy, at least 10 of which stipulate the death penalty.² In this written submission, Jubilee Campaign is focusing on four specific individual cases which we have been active on domestically and internationally.

Nepal – Pastor Keshav Acharya

In March 2020, Kaski District Police arrested Pastor Keshav Acharya from his home with no arrest warrant and accused Pastor Keshav of spreading false propaganda about COVID-19 after a video was circulated of him praying for an end to the coronavirus pandemic.³ The police did not provide a memo with the reason for his arrest until four days after his detention, and they detained Pastor Keshav for a total of two weeks before releasing him on a bail set at 5,000 Nepalese Rupee (≈ USD \$42), only to promptly re-arrest him with new charges of “outraging religious feeling” and “attempting to convert” others to Christianity pursuant to Sections 156 and 158 of the Nepalese Penal Code of 2017.⁴ This time, the pastor's bail was set at an excessive 500,000 NR (≈ USD \$4,210) and he was transferred from his hometown Pokhara to Dolpa in a 72-hour trip during the coronavirus pandemic lockdown. International Christian Concern reported that prior to his transfer to Dolpa, Pastor Keshav was prohibited from receiving visits from his family and his legal counsel. Pastor Keshav was detained for 99 days before he was granted bail and released in June 2020; the charges against him, however, have yet to be dropped.

Nepali authorities failed to protect Pastor Keshav's legitimate expression of religious belief and breached his right to a fair trial through the multiple arrests and removal of Pastor Keshav to a remote prison, making access to legal representation difficult.⁵ While Nepal still upholds that its constitution is “in line with the ICCPR Article 18”⁶, its de facto application of the anti-conversion laws has been shown to breach such articles, disproportionately targeting religious minorities for Articles 18 and 19-protected speech.

Algeria – Hamid Soudad & Pastor Rachid Mohamed Seighir

In January 2021, Algerian authorities arrested Hamid Soudad for sharing a Facebook post in 2018 depicting a cartoon of Muhammad. Officers immediately interrogated Soudad and then permitted to briefly return home, however, he was re-summoned to the local prison where he slept overnight.⁷ The following day, having neither provided access to a lawyer nor a trial, a court in Arzew charged Soudad with “insulting the Prophet of Islam” and imposed upon him the maximum sentence of five years in prison under Penal Code article 144-2. On 22 March, Oran City Court denied Soudad's appeal and upheld his original sentencing. Soudad's attorney, Farid Khemisti, has expressed his belief authorities charged his client with the maximum sentence because he is a Christian, as the penalty deviates from previous practice in which authorities apply milder sentences for sharing alleged

blasphemous posts than sentences for authoring them.⁸ Khemisti's speculation that Soudad was harshly sentenced due to his Christian faith – rather than due to “the law's requirement of directness between the speech and the alleged harm” – is further supported by the fact that the charges were raised a whole two years after he originally shared the Facebook post.

On 6 June 2021, Algerian Christian pastor Rachid Mohamed Seighir received a suspended one-year prison sentence and a fine of 200,000 dinars (≈ USD \$1,476) in an appeal hearing on an earlier case; in September 2017, Seighir's bookstore was raided and in February 2021 he was originally charged with “distributing publications or any other propaganda undermining the faith of a Muslim” and sentenced to two years in prison and a 500,000 dinar (≈ USD \$3,691) fine. Algeria's Law 03/06 criminalizes the publication or dissemination of materials that may ‘shake the faith’ of a Muslim, which can be considered an anti-conversion law as it infringes upon the individual's right to engage in evangelism and the discretion of the receiving individual to change their religion.⁹ Algerian authorities have maintained the arbitrary closure and sealing of 16 churches.

Pakistan – Stephen Masih

In March 2019, Pakistani Christian convert Stephen Masih was arguing with his mother, sister, brother-in-law, when a Muslim neighbor got involved; Masih reportedly used abusive language toward the woman. Following the confrontation, another Muslim neighbor visited Masih and warned him that she would be filing a complaint with the police against him. Either later the same day or early the next day, an angry mob led by local Muslim cleric Hafiz Muhammad Mudassar visited Masih's home to physically attack him and accuse him of blasphemy.¹⁰ Local Punjab police, instead of arresting the assailants, filed a First Information Report against Masih and detained him. Masih's sister, Alia, confirmed that while Masih did use verbally abusive language towards the woman, he did not commit blasphemy. On 3 June 2019, Masih was officially charged with blasphemy under Section 295-C of Pakistan's Penal Code and was transferred to police custody.¹¹

In addition to the fact that Masih is being arbitrarily detained on false charges, his family has been advocating for his release due to his mental state, as 12 years ago Civil Hospital declared Masih mentally disabled.¹² In March 2020, after four months of pressure by Masih's family and lawyers, a medical examination board was convened to review Stephen's mental health. In July 2021, after a whole year of withholding information, the Punjab Institute of Mental Health officially released the results of Masih's medical evaluation. The board of medical professionals concluded that Masih suffers from Bipolar Affective Disorder and that he is “unfit to stand trial at the moment” because his disorder interferes with his “judgement, behaviour and ability to think clearly.” Masih's trial is reportedly being postponed while he is treated for his condition; however, it is unacceptable to try Masih on a ‘crime’ he committed while mentally unwell, especially considering the ‘crime’ is alleged blasphemy.

Recommendations

Jubilee Campaign urges members and observer states of the Human Rights Council to:

1. Call upon the governments of Nepal, Algeria, and Pakistan to cease the practice of arbitrary arrest and detention of religious minorities for prolonged periods of time.
2. Call upon the governments of Nepal, Algeria, and Pakistan to release immediately and unconditionally religious prisoner of conscience, including those whose cases are included in this submission.

3. Call upon the governments of Nepal, Algeria, and Pakistan to repeal their legislations criminalizing blasphemy and proselytism.

¹ United States Commission on International Religious Freedom [USCIRF], *Violating Rights: Enforcing the World's Blasphemy Laws*, 2020.

² Library of Congress, *Laws Criminalizing Apostasy in Selected Jurisdictions*, May 2014.

³ 21Wilberforce et. al, Submission for the Nepal 37th Session of the Universal Periodic Review Third Cycle, July 2020, para. 27,29.

⁴ International Christian Concern, "Authorities in Nepal Continue to Imprison Pastor Who Prayed Against COVID-19", 21 May 2020.

⁵ Christian Solidarity Worldwide, "CSW calls for unfounded charges against pastor to be dropped", 15 May 2020.

⁶ Universal Periodic Review Nepal.

⁷ International Institute for Religious Freedom [IIRF], "Christian sentenced to 5 years", 12 February 2021.

⁸ International Christian Concern, "Algerian Christian Prison Sentence Upheld", 26 March 2021.

⁹ Human Rights Without Frontiers, "Algeria: Pastor receives suspended sentence and heavy fine", 9 June 2021.

¹⁰ International Christian Concern, "Mentally Disabled Christian Accused of Blasphemy in Pakistan", 13 March 2019.

¹¹ United States Commission on International Religious Freedom [USCIRF], *Stephen Masih*.

¹² Pakistan Christian Post, "Prayer Request for Stephen Masih Blasphemy Case District Sialkot", 7 August 2020.