



General Assembly

Distr.: General
XX May 2023

English only

Human Rights Council
Fifty-third session
19 June–14 July 2023
Agenda item 6
Universal periodic review

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.

[30 May 2023]

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

An Overview of Continuing Human Rights Violations in the Islamic Republic of Pakistan

Item 6: Universal Periodic Review outcome of Pakistan

Jubilee Campaign, Voice for Justice, and Set My People Free would like to raise to the Council's attention the persisting challenges to the rights of thought, conscience, and religion in Pakistan, the unjust application of blasphemy laws, as well as the vulnerability of faith minority girls and women to religious-gender based violence.

Blasphemy Laws as a Tool to Oppress and Imprison Faith and Belief Minorities

The Pakistan Penal Code of 1860 includes an entire chapter regarding "offences relating to religion." Of particular concern are Articles 295 through 298 which criminalize acts including "injuring or defiling a place of worship, with intent to insult the religion of any class"; "deliberate and malicious acts intended to outrage religious feelings of any class"; "defiling, etc., of copy of Holy Quran"; "use of derogatory remarks, etc., in respect of the Holy Prophet"; "disturbing religious assembly"; "trespassing on burial places"; and "uttering words, etc., with deliberate intent to wound religious feelings".¹ In 1991, the Federal Sharia Court ruled that the punishment for these offenses should be harsher, and Article 295-C was amended to make the death penalty mandatory for individuals convicted of insulting Mohammad in grave violation of international law. Pakistan is one of the only seven nations which stipulate a capital punishment for blasphemy and one of 13 nations which stipulate the death penalty for apostasy and/or blasphemy. While the state officially rarely, if ever, execute someone, the penalty still carries dangerous implications and presents obstacles to the free manifestation of faith afforded to all citizens of Pakistan as per Article 20 of the national constitution.²

Only in June 2021, after spending nearly eight years on death row, was Christian couple Shafqat Emmanuel and Shagufta Kausar acquitted of their dubious blasphemy charges and released from prison by the Lahore High Court. Originally detained in 2013, a local Muslim cleric baselessly accused Shafqat and Shagufta of sending him blasphemous text messages in English. Despite the numerous implausible details of the case - such as that the couple was illiterate in Urdu and therefore could not conceivably be able to send English. Only after strong pressure from stakeholders outside Pakistan, including a European Parliament resolution, were Shafqat and Shagufta released and have been forced to flee Pakistan and relocate to a safe third country.³

Shagufta and Shafqat's case is just one of tens that are ongoing in Pakistan. Some of the citizens currently facing the death penalty include: Christian man Anwar Kenneth who authorities have been detaining since 2002 on death row, university professor Junaid Hafiz who was accused by his students of sharing derogatory remarks about the Prophet on social media (sentenced December 2019)⁴; Christian man Asif Pervaiz who was accused by his Muslim employer of sending blasphemous messages after Asif rejected his multiple demands to convert to Islam (sentenced September 2020)⁵; Rana Nouman Razaqat, Abdul Waheed, and Nasir Ahmad who were sentenced to death in January 2021 for allegedly posting blasphemous video content on YouTube⁶; private school headmaster Salma Tanveer who was accused by a Muslim cleric of expressing her belief that Muhammad was not the final prophet of Islam (sentenced September 2021)⁷; Christian evangelist Zafar Bhatti who was arrested in connection to a local Muslim cleric's complaint of receiving blasphemous

¹ *Pakistan: Penal Code [Pakistan], Act No. XLV*, 6 October 1860.

² National Assembly of Pakistan, *The Constitution of the Islamic Republic of Pakistan*, amended 28 February 2012.

³ Church in Chains, *Shagufta & Shafqat*, 2 September 2021.

⁴ BBC News, "Junaid Hafeez: Academic sentenced to death for blasphemy in Pakistan", 21 December 2019.

⁵ Asad Hashim, "Pakistani Christian sentenced for death for 'blasphemous texts'", *Al Jazeera*, 8 September 2020. ; Church in Chains, *Asif Pervaiz*, 10 February 2022.

⁶ The Tribune, "3 men sentenced to death for blasphemy in Pakistan", 8 January 2021; United States Commission on International Religious Freedom (USCIRF) FoRB Victims Database, *Rana Nouman Razaqat, Abdul Waheed, Nasir Ahmad*.

⁷ Agenzia Fides, "ASIA/PAKISTAN - Muslim woman sentenced to death for blasphemy", 29 September 2021.

texts, (sentenced January 2022)⁸; Muslim woman Aneeqa Ateeq who was accused of posting blasphemous material on social media by a man from which she rejected sexual advances (sentenced January 2022)⁹; and Christian brothers Qaiser and Amoon Ayub who were accused of posting blasphemous remarks on social media (sentenced June 2022).¹⁰

The existence of the death penalty for crimes of blasphemy emboldens non-state actors to engage in mob violence and extrajudicial killings of individuals accused of blasphemy. In July 2020, a Muslim teenager shot and killed Ahmadi Muslim man Tahir Ahmad Naseem who was on trial for blasphemy.¹¹ In July 2021, Muhammad Waqas was killed by a police constable who accused Waqas of blasphemy.¹² In December 2021 in Sialkot, Muslim extremists physically attacked and subsequently set fire to Sri Lankan national and factory manager Priyantha Diyawadana for alleged blasphemy after he reportedly removed an Islamic poster from the walls of his workplace.¹³ In February 2022, mentally ill man Mushtaq Ahmed was killed by an angry Muslim mob after he was accused of desecrating a copy of the Quran.¹⁴ In March 2022, Safoora Bibi was killed by one of her students who claimed she received a dream from the Prophet ordering her to kill Safoora for blasphemy.¹⁵

Abductions, Coercive Faith Conversions, and Child Marriage of Faith Minority Girls and Women

Another concerning prevalent human rights violation in Pakistan is that Muslim men - largely middle-aged and married - kidnap young Christian and Hindu girls, force them to convert to Islam, and marry them despite their status as minors. Reprehensibly, despite the existence of national legislation prohibiting the solemnization of child marriages. Jubilee Campaign with Voice for Justice investigated¹⁶ the 100 recent cases between January 2019 and October 2022. The majority of cases took place in 2021, and were perpetrated by men in their 30s and 40s against girls under the age of 18 years. Additional observations we recorded include:

- that child brides in Pakistan are at a higher risk of school dropout and therefore lower lifetime earnings; they are also more likely to develop health complications should they be impregnated while in captivity of their kidnappers
- that girl victims experience additional violence in captivity, including sexual violence and rape, forced domestic and strenuous labor, physical beatings, forced ingestion of drugs, and forced alcohol consumption
- that girl survivors exhibit higher rates of mental instability and disorder as a result of their circumstances in captivity. These health issues include post traumatic stress disorder, anxiety, depression, and detachment disorders
- that state and non-state actors alike have impeded the justice process; that Islamic clerics and associations have fabricated ‘evidence’ that the marriages and faith conversions are both legal and consensual; that courts and judges have rejected valid proof of the girl victims’ ages; that police are reluctant to or otherwise refuse to investigate cases, rescue

⁸ Church in Chains, *Zafar Bhatti*, 11 March 2022. ; Release International, *Prisoner Profile: Zafar Bhatti – Pakistan*. ; The Voice of the Martyrs Canada, “PAKISTAN: Zafar Bhatti Recovers from Heart Attack in Prison”, 17 September 2020.

⁹ Haroon Janjua, “Pakistan: ‘WhatsApp blasphemy’ death sentence reinforces dangerous trend”, *DW*, 21 January 2022.

¹⁰ The Hindu, “Pakistani court upholds death sentence of Christian brothers in blasphemy case”, 10 June 2022.

¹¹ Umar Farooq & Jibrán Ahmad, “‘Holy warrior’ selfies: Pakistan teen feted for killing U.S. blasphemy suspect”, *Reuters*, 9 August 2020.

¹² David Averre, “Man cleared of committing blasphemy in Pakistan is hacked to death ‘by policeman who refused to believe he was innocent’”, *Daily Mail*, 3 July 2021.

¹³ Shah Meer Baloch & Hannah Ellis-Petersen, “Man tortured and killed in Pakistan over ‘blasphemy’”, *The Guardian*, 3 December 2021.

¹⁴ Ayaz Gul, “Mob Kills Alleged Blasphemer in Pakistan”, *Voice of America*, 13 February 2022.

¹⁵ Al Jazeera, “Pakistani teacher killed for alleged blasphemy: Police”, 30 March 2022.

¹⁶ Voice for Justice & Jubilee Campaign, *Conversion without Consent: A report on the abductions, forced conversions and forced marriages of Christian girls and women in Pakistan*, November 2022.

victims, and apprehend suspected perpetrators; and that victims are not placed in protective custody during trial proceedings

- that forced conversions to Islam are largely ignored or accepted due to the widespread belief that they are a just act of expanding Pakistan's majority faith
- that many victims' families face obstacles to achieving justice including the lack the financial capabilities to engage with the expensive court system, and that they are subjected to intimidation and harassment by Muslims
- that numerous attempts to ratify legislation prohibiting forced religious conversions and underaged marriages have been rejected

Conclusion and Recommendations

Jubilee Campaign, Voice for Justice, and Set My Pople Free make the following recommendations to the Islamic Republic of Pakistan:

1. Amend national legislation's non-compliance with obligations pursuant to international conventions and covenants which protect the individual's right to freedom of thought, conscience, and religion. Penal Code Article 295 through 298 which criminalize blasphemy are in clear contravention of rights are set forth in Article 18 and 19(2) of the International Covenant on Civil and Political Rights¹⁷, to which the Islamic Republic of Pakistan is a party.
2. Issue an immediate moratorium on the death penalty and remove the sanction for blasphemy.
3. Prioritise the expedited appeal of cases of blasphemy to the higher courts, including the Supreme Court, to cease the practice of arbitrary and prolonged detention of innocent people.
4. Take concrete measures to reconcile discrepancies between national legislation and international human rights obligations by incorporating the rights and freedoms outlined in superseding United Nations conventions into domestic laws and practices.
5. Release unconditionally and with immediate effect all individuals detained and imprisoned for manifesting their religious beliefs or lack thereof.
6. Ensure that cases involving allegations of kidnapping, forced religious conversions, and forced child marriages of faith minority girls are independently and impartially investigated with a view to all conditions of coercion, threat, or violence under which such marriages and conversions are achieved, and that perpetrators are prosecuted to the full extent of the law.

Voice for Justice and **Set My People Free**, NGO(s) without consultative status, also share the views expressed in this statement.

¹⁷ UN General Assembly, *International Covenant on Civil and Political Rights*. 16 December 1966.