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

### **Written statement\* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, 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.

[6 February 2023]

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

## **REQUESTING THE U.N. TO URGE PAKISTAN TO PROVIDE EQUAL RIGHTS TO ITS RELIGIOUS MINORITIES**

### **1. INTRODUCTION**

Pakistan has been ranked as the number seventh country in the world for persecution of Christians(1) due to persecution under blasphemy laws, mob attacks on Christian neighborhoods false allegations of blasphemy, assault and murder of innocent Christians, kidnapping and forced religious conversions of young Christian girls by Muslims, and discrimination in jobs and education. Through our affiliate office in Pakistan, the ECLJ has firsthand information in these matters and has provided the information to this council in numerous reports. Yet, Christians in Pakistan continue to be treated as second-class citizens, persecuted, and discriminated against. Instead of curbing the abuse of blasphemy laws, Pakistan has opened the door for more persecution by recently passing an amendment increasing punishments under these laws.(2) Further, young Christian girls continue to be kidnapped, forced to convert to Islam, and married to Muslim men.

### **2. BACKGROUND**

While Pakistan is a party to fundamental human rights treaties and its Constitution protects the rights to freedoms of religion, speech, due process, etc., its statutory laws are contrary to these protections and the government has failed to protect its minorities from violence at the hands of the Muslim majority. While, for decades, the country has seen much violence due to the abuse of its blasphemy laws, and many innocent people are arrested every year under these laws, the most recent amendment to the laws will only increase false blasphemy accusations and the resultant vigilante mob violence.

The British are often mistakenly blamed for introducing blasphemy laws during their colonial rule in the Indian sub-continent. However, the penal code at that time merely contained provisions regarding desecration of places of worship(3) and “[d]eliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.”(4) These laws were intended to protect followers of many religions that resided in the sub-continent from communal violence. The provisions were applicable to all religions, did not protect any one religion, and did not prescribe severe punishments.

However, after Pakistan gained independence and mostly in the 1980s, it added several provisions to its penal code that protected Islam. For example, in 1980, it added section 298-A, which punished derogatory remarks against the Prophet Muhammad’s wives, any member of his family, any caliphs, or the Prophet’s companions with a three-year imprisonment.(5) In 1982, Pakistan added section 295-B, punishing willful desecration of the Quran with life imprisonment.(6) And, in 1986, it added section 295-C, which prescribed life imprisonment or the death penalty for “directly or indirectly” defiling the name of the Prophet Muhammad by “[w]ords either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation.”(7) But in 1991, the Federal Shariat Court held that the death penalty was the only appropriate Islamic punishment for this crime, making it the mandatory punishment.

According to recent reports, on January 17, 2023, Pakistan’s National Assembly unanimously passed an amendment to section 298-A (mentioned above), increasing the punishment from three years to life in prison for a period not less than ten years for making derogatory remarks about the Prophet’s wives, family, caliphs, or companions.(8) Additionally, the amendment made the offense non-bailable.

### 3. VIOLATIONS

Given the above development in the law, which clearly shows Pakistan's sentiment to such issues, the ECLJ once again draws this Council's attention to the case of Shahzad Masih, a young Christian man who was sixteen-years-old when he was arrested in July 2017 over a false blasphemy accusation. After a five-year long trial, on November 22, 2022, Additional Sessions Judge Amir Mukhar Gondal convicted Shahzad to death by hanging. The ECLJ's affiliate has also brought this case to the attention of the Working Group on Arbitrary Detention because Shahzad's arrest, conviction, and continued detention violates the very principle for which the United Nations stands.

During police investigation and their in-court testimony, all the witnesses testified that Shahzad told a Muslim co-worker that his father's friend passes derogatory remarks against the Prophet Muhammad. The investigating officer testified that an eyewitness did not observe any insult against the Prophet in Shahzad's conversation. He further testified that he did not find that Shahzad had committed any crime. The trial court, however, disregarded this evidence (as they had disregarded the fact that he was a juvenile) and convicted Shahzad.

On the day the court announced the decision, several Islamic clerics, including the leader of Tehreek-e-Tahafuz-e-Islam Pakistan (TTIP) (a group whose member was involved in making the false accusation against Shahzad) were present in the court. Five years ago, when Shahzad was arrested, the group's leader, Qari Saqib Jalali, openly threatened on social media that if the court did not punish Shahzad, the TTIP members would kill him with their own hands.<sup>(9)</sup> The video is still available, yet the authorities have taken no action against the cleric. For five years, the group didn't relent. Its members frequently attended the court hearings. And, finally, their threats worked when the court punished Shahzad, disregarding evidence of his innocence. However, it should be concerning not only for the international community but also for the Pakistani government that Pakistan's courts dole out death sentences due to fundamentalist groups' threats.

In another case, the Lahore High Court upheld the death sentence of two Christian brothers, Qaiser and Amoon Ayub, over an allegation that they published blasphemous material on the internet. The ECLJ's affiliate in Pakistan is representing Amoon, the younger brother. The case began in June 2011 when a Muslim man "stumbled upon" a website that contained "sacrilegious" content against Islam and its Prophet Muhammad. The website also contained the name, phone number, and office address of the alleged author, Qaiser Ayub, older of the two brothers. Based on just that information and without inquiring as to who actually published the alleged material, the police registered a case against both brothers and arrested them.

In December 2018, they were convicted to death by hanging. The court erroneously reasoned that the presence of the Ayub brothers' contact details on the blasphemous website clearly led to the conclusion that they were responsible for creating the website.

On June 8, 2022, the Lahore High Court's two-judge bench, comprising of Mr. Abdul Aziz and Mr. Raja Shahid Mehmood Abbasi, upheld the death sentence. In the opinion, court erroneously stated that, according to the Cyber Crimes Report, the website in question was created using the landline phone number and email address listed on the website. However, the Cyber Crimes Report simply says that the contact information on the website was that of Qaiser and Amoon, a fact no one contested as it does not prove that the Ayub brothers posted their own contact information or the blasphemous material on the website. The case has been appealed to the Supreme Court of Pakistan. By the time the Court hears the appeal, the Ayub brothers will have spent about a decade in prison.

In a case that reflects the vulnerability of young Christian girls in Pakistan, the ECLJ's affiliate continues to fight for MJ's parents who continue to plead with the government to find their daughter who disappeared when she was fourteen. Over two years have passed and the authorities have done absolutely nothing to find MJ or investigate the prime

suspects who the family believes kidnapped her. Two days after MJ went missing, her family was able to obtain her phone records, which showed their Muslim neighbor inappropriately in continuous contact with MJ on the day of her disappearance and two days prior to that. Yet, the authorities are unwilling to do anything in this case. This case is part of the overall situation and a larger campaign in which young Christian and Hindu girls are often lured into inappropriate relationships by much older Muslim men, who then force the girls to convert to Islam and marry them.

#### 4. REQUEST

Disregarding over three decades of calls by the international community to repeal its blasphemy laws or to stop their abuse by improving procedural protections, Pakistan has taken an opposite step by making the laws even more egregious. This should be of utmost concern for the international community. Pakistan is clearly violating its commitments under the international human rights treaties it has ratified. It is pertinent that this Council urge Pakistan to stop strengthening the blasphemy laws, stop the laws' abuse, punish those who perpetrate violence in the name of Islam, stop its courts from handing out convictions, including death sentences, under mob pressure, and stop Muslim men who force young minority girls to convert to Islam and marry them.

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1. Pakistan, OPEN DOORS, world-watch-list (2022).
  2. Concern at Amendments to Criminal Laws, DAWN, (Jan. 21, 2023).
  3. Section 295, Pakistan Penal Code.
  4. Id. Section 295-A.
  5. Id. Section, 298-A.
  6. Id. Section 295-B.
  7. Id. Section 295-C.
  8. Concern at Amendments to Criminal Laws, supra note 2.
  9. Saqib Jalali of Tehreek e Tahafuz e Islam Threatens to Kill Man Accused of Blasphemy, YOUTUBE.