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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.

[25 May 2023]

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

REQUEST THAT THE U.N. URGE PAKISTAN TO STOP THE ABUSE OF BLASPHEMY LAWS

Pakistan has been ranked as the number seventh country in the world for persecution of Christians.(1) This ranking stems primarily from the misuse of the country's blasphemy laws, forced religious conversion of young Christian girls and women to Islam, violent attacks by angry mobs over false allegations of blasphemy, and violence against Christians due to minor disputes with the Muslim majority. Through our affiliate office in Pakistan, the European Centre for Law and Justice (ECLJ) has firsthand information of such discrimination and persecution.

2. BACKGROUND

Even though Pakistan's Constitution protects the rights to freedoms of religion, speech, due process, etc. of all its citizens, and the country is a party to several human rights treaties,(2) Christians' fundamental rights are often violated. They face severe persecution directly from the government in the form of long prison sentences due to false allegations of blasphemy. Such allegations also result in angry mobs' threatening and attacking Christians with impunity. Enacted during the 1980's, the blasphemy laws have resulted in numerous murders of innocent people and the unjust imprisonment of thousands of others, primarily due to false allegations leveled to settle personal scores. People often manufacture false evidence of blasphemy, thus creating blasphemous speech when none existed before.

Not too long ago, there were dozens of blasphemy cases registered every year. On average, about fifty cases of blasphemy were reported annually.(3) Over the last five years, however, the average number of recorded blasphemy cases per year rose to 112.(4) A total of 208 cases were recorded in 2020, followed by eighty-four in 2021, and 171 in 2022.(5) Since the 1980's, over two thousand cases have been registered under these laws, dozens of people have been murdered, Christian homes and even entire villages have been vandalized and burned down, and hundreds of people have been imprisoned.

The ECLJ has submitted numerous reports to the United Nations, detailing cases of false blasphemy and other instances of religious persecution. Two cases that the ECLJ has specifically asked this Council to intervene in are the case of Shahzad Masih and the case of two brothers, Amoon and Qaiser Ayub. All three individuals remain in prison awaiting appeals. A couple of recent cases, in addition to those two, are also noteworthy.

3. VIOLATIONS

On February 11, 2023, in the city of Nankana Sahib, Muhammad Waris was attacked by a mob because he allegedly desecrated the Quran.(6) Waris was being held in police custody when an angry mob attacked the young man, dragged him from the police station through the street by his legs, stripped him of all his clothes, beat him to death, and attempted to set his body on fire.(7) Following the news of his death, Prime Minister Shahbaz Sharif demanded an investigation be opened into the violent incident, but no update as to the findings or status of the investigation has come about.(8)

On November 29, 2022, Ishtiaq Saleem was arrested for blasphemy.(9) Saleem, a Christian and member of the Anglican Church of Pakistan, allegedly shared images of sacrilegious tattoos on WhatsApp and Facebook.(10) He was then charged with deliberately and maliciously intending to outrage religious feelings, defiling the Quran, disrespecting the Prophet Muhammad, and disrespecting the Prophet's family and companions under separate sections of the penal code, as well as hate speech under Section 11 of the Prevention of Electronic Crimes Act of 2016.(11) However, Saleem said he was not aware of the images he was accused of sharing until he was arrested.(12) His father stated that Saleem did not share those images and that they were inadvertently downloaded to his phone.(13) Furthermore, his family said Saleem is illiterate and would not be able to understand any of the Arabic words featured in the tattoos.(14) Following his arrest, Saleem

was held in police custody, where he was beaten by officials and forced to “confess.”(15) He was then moved to Adiyala Central Prison.(16)

As mentioned in our previous reports to this Council, the ECLJ’s affiliate office in Pakistan represents Shahzad Masih, a young Christian who was only sixteen years old when he was charged in July 2017 under section 295-C of the Pakistan Penal Code, and wrongfully tried as an adult. Unlike most blasphemy cases, even the false accusation leveled against Shahzad does not constitute blasphemy. During a religious conversation with his Muslim colleague, which the Muslim colleague initiated, Shahzad told him that his father’s Muslim friend, Ali, blasphemes when he hears anyone’s name that has Muhammad in it.

The colleague was offended, and he told other Muslims about the conversation. Shahzad was called to a mobile phone shop where dozens of Muslims from an Islamic fundamentalist group were present. They asked Shahzad what he had told his Muslim colleague. Shahzad told them that his father’s friend, Ali, blasphemes. Instead of accusing his father’s friend, the angry group handed Shahzad over to the police. A blasphemy case was registered against Shahzad and he was formally charged.

His trial took more than five years, after which the court sentenced Shahzad to death by hanging. The level of mob fear and the lack of due process that prevails in such cases can be seen from the fact that Shahzad was convicted without any evidence that he committed the crime. All the witnesses testified that Shahzad told a Muslim co-worker that his father’s friend passes derogatory remarks against the Prophet Muhammad. This did not constitute blasphemy on Shahzad’s part. Even the investigating officer stated that an eyewitness did not observe any insult against the Prophet in Shahzad’s conversation. He further testified that Shahzad was not guilty of any crime. Nonetheless, the trial court convicted him. This innocent young man spent more than five years in prison fearing a conviction and is now waiting for the Lahore High Court to hear his appeal.

In another case, the ECLJ’s affiliate represents one of the two defendants, Amoon Ayub, in a blasphemy case. In June 2011, Amoon and his brother, Qaiser Ayub, were accused of posting blasphemous content on the internet. Their accuser, a Muslim man, was surfing on the internet when he came across a website that contained blasphemous content. The website’s homepage had the Ayub brothers’ names, contact information, and address. Based on this information, and without inquiring who created the website and why would anyone post his own name and contact information on such a website in Pakistan, the police registered a case against the Ayub brothers. Both were arrested and faced trial.

In December 2018, the trial court convicted them to death by hanging. The court erroneously reasoned that the presence of the Ayub brothers’ contact information on the blasphemous website clearly led to the conclusion that they were responsible for creating the website. Based on a similar erroneous reasoning, on June 8, 2022, the Lahore High Court’s bench in Rawalpindi upheld their death sentence.

The Ayub brothers are waiting for the Supreme Court of Pakistan to hear their appeal. Like the well-known Christian mother, Asia Bibi, by the time the Court hears the Ayub brothers’ appeal, they will have spent about a decade in prison.

4. REQUEST

Pakistan’s blasphemy laws have clearly created an environment of fear, intolerance, and injustice. As is also noted by UN officials and UN reports, blasphemy laws are in contravention to the rights to the freedom of religion and speech provided under the ICCPR and UDHR. The Government of Pakistan must take measures to stop the abuse of blasphemy laws. Further, it must punish those who perpetrate violence in the name of the Prophet Muhammad. The government must also take measures to ensure that courts are

equipped to provide justice and not succumb to mob pressure in handing out erroneous convictions in blasphemy cases.

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- (1) World Watch List 2023, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited May 23, 2023).
 - (2) Ratification Status for Pakistan, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN (last visited May 23, 2023).
 - (3) See Blasphemy Cases in Pakistan: 1947 – 2021, CENTER FOR RESEARCH AND SECURITY STUDIES, <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/> (last visited May, 23, 2023).
 - (4) See CENTRE FOR SOCIAL JUSTICE, HUMAN RIGHTS OBSERVER, 12, (2023), available at https://csjpak.org/pdf/Human_Rights_Observer_2023.pdf.
 - (5) Id. at 11.
 - (6) Mubasher Bukhari, Mob Storms Pakistani Police Station, Lynches Man Accused of Blasphemy, REUTERS (Feb. 11, 2023, 7:39 AM), <https://www.reuters.com/world/asia-pacific/mob-storms-pakistani-police-station-lynches-man-accused-blasphemy-2023-02-11/>.
 - (7) Id.; Haroon Janjua, Mob Storms Pakistan Police Station and Lynches Man Accused of Blasphemy, THE GUARDIAN (Feb. 12, 2023, 4:02 PM), <https://www.theguardian.com/world/2023/feb/12/mob-storms-pakistan-police-station-and-lynches-man-accused-of-blasphemy>.
 - (8) Janjua, supra note 7.
 - (9) Christian Falsely Accused of Blasphemy, Father Says, MORNING STAR NEWS (Jan. 17, 2023), <https://morningstarnews.org/2023/01/christian-falsely-accused-of-blasphemy-father-says/>.
 - (10) Id.; Shafique Khokhar, Christian Man in Islamabad Accused of Blasphemy Over a Social Media Post, ASIANEWS (Jan. 14, 2023, 4:43 PM), <https://www.asianews.it/news-en/Christian-man-in-Islamabad-accused-of-blasphemy-over-a-social-media-post-57523.html>.
 - (11) Christian Falsely Accused of Blasphemy, Father Says, supra note 9.
 - (12) Id.
 - (13) Id.
 - (14) Khokhar, supra note 10.
 - (15) Id.
 - (16) Abdullah Zafar, Christian Sanitary Worker Charged with Blasphemy Over Alleged Social Media Posts, KROSS KONNECTION (Jan. 16, 2023), <https://krosskonnektion.pk/2023/01/christian-sanitary-worker-charged-with-blasphemy-over-alleged-social-media-posts/>.