



WRITTEN OBSERVATIONS

*Submitted to the European Court of Human Rights
in the case*

M.A.M. v. Switzerland
(Application n° 29836/20)

Grégor Puppinck, Director

March 2021

Abstract:

This brief shows that Christians, especially converts from Islam to Christianity or other religions, are at a greater risk of persecution in Pakistan. People who are born into Christian families are generally persecuted by the majority, but the dangers for persons who leave Islam are even severe. Violent mobs and individuals often attack Christians and converts without provocation and frequently with impunity. Blasphemy charges, carrying harsh sentences, are levelled against Christians, other religious minorities, and even Muslims on questionable evidence. Forced conversion cases demonstrate a willingness to strong arm religious minorities into conforming to the official State religion that is surpassed by a majority's desire to ensure that Muslim adherents do not leave their religion. One can reasonably gather from the reprisals from the Muslim majority in blasphemy cases and the widespread forced conversions of Christians and other religious minorities that conversion from Islam is not tolerated. Cases of blasphemy, forced religious conversion, and harsh treatment of Muslims who leave Islam clearly show the heightened level of religious intolerance in Pakistan. Being forcibly returned to Pakistan as a convert from Islam to Christianity places the newly returned person in extreme danger to life and limb, including treatment contrary to Articles 2 and 3 of the European Convention on Human Rights. Other rights of the applicant, notably under Articles 9 and 10, may also be violated.

I. Introduction

1. In Pakistan, a majority Muslim country, Christians are often regarded as second-class citizens, comprising only about 1.6% of the population.¹ Despite a constitutional provision ensuring religious liberty,² Christians, particularly Christian converts from Islam, often face violence, threats, arrest, or legal action for practicing their religion. The major forms of persecution involve, *inter alia*, prosecutions under the blasphemy laws; mob violence, assault, arson, and murders due to blasphemy allegations³; and forced religious conversion to Islam of Christian

1

¹Pakistan, OPEN DOORS, [hereinafter OPEN DOORS], <https://www.opendoorsusa.org/christian-persecution/world-watch-list/pakistan/> (last visited Mar. 2, 2021); Pakistan, CIA WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/pakistan/#people-and-society> (last updated Feb. 24, 2021); Pakistan 2019 International Religious Freedom Report, U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, <https://www.state.gov/wp-content/uploads/2020/05/PAKISTAN-2019-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> (last visited Mar. 2, 2020).

²PAKISTAN CONST. art. 20, <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>.

³ OPEN DOORS, *op. cit.*; *Annual Report 2020: Pakistan*, U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, <https://www.uscirf.gov/sites/default/files/Pakistan.pdf> (last visited Mar. 1, 2021); *Pakistani Christians Still Awaiting Justice for Gojra Nine Years Later*, PERSECUTION.ORG: INT'L CHRISTIAN CONCERN (Aug. 6, 2018), <https://www.persecution.org/2018/08/06/pakistani-christians-still-awaiting-justice-gojra-nine-years-later/> (describing a mob attack on the Christian community in Gojra in which at least 100 homes were burned and eight Christians killed after a Christian allegedly desecrated the Quran and noting the failure of local authorities to arrest or try any of the attackers); Sonya Rehman, *Joseph Colony: Attacked and Unprotected*, DIPLOMAT (Apr. 5, 2013), <https://thediplomat.com/2013/04/joseph-colony-christian-community-in-lahore-attacked-and-unprotected/> (detailing another mob attack on the Christian neighborhood of Joseph Colony in which over 100 homes were vandalized and 25 burned as Christian families and children fled after a Christian man was falsely accused of blasphemy); Xari Jalil, *'They Have Burnt Mummy and Papa': What Happened to the Children of Shama and Shahzad Masih?*, DAWN (Jan. 11, 2019, 3:22 PM), <https://www.dawn.com/news/1456442> (describing the murders of a Christian husband and pregnant wife who

and Hindu minorities, especially young girls.⁴ While Muslims do leave or convert from Islam to other religions, such conversions primarily happen in secret due to serious threats to the converts' lives.⁵ In cases in which families or others find out that a person has left Islam, such converts face serious consequences, including social ostracization, violence, and even murder.⁶

II. The Constitution of Pakistan and Other Laws

2. The Constitution of Pakistan is centered around Islam. It provides that “Islam [is] the State religion of Pakistan.”⁷ Article 227 further provides that “[a]ll laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah . . . and no law shall be enacted which is repugnant to [Islamic] Injunctions.”⁸
3. The Constitution—at least facially—protects fundamental freedoms, including religion and speech, but these freedoms are restricted by constitutional exceptions, statutes, and societal discrimination and persecution. For instance, Article 19 guarantees the freedoms of speech and the press, “subject to any reasonable restrictions imposed by law in the interest of the glory of Islam.”⁹ Article 20 provides all Pakistani citizens the individual “right to profess, practice and propagate [their] religion”, including the right of religious groups “to establish, maintain and manage [their] religious institutions.”¹⁰
4. As an example of religious intolerance, a video posted to TikTok showed a Christian man being verbally threatened to convert to Islam.¹¹ The Christian in the video was pressured to recite an Islamic confession of faith. The man replied “that for nothing in the world would he recite the Muslim creed and reject the Christian faith.” After he refused, a group of people not seen in the video began to threaten him with “serious consequences.” The man maintained that he had a right to his religion and that he would not convert to Islam. The video prompted multiple

2

were accused of blasphemy, beaten, and burned in a brick kiln by a mob after they questioned the status of their payments on a loan).

⁴OPEN DOORS, *op. cit.*; *Court in Pakistan Orders Arzoo Raja to Stay in Shelter Home Until She Turns 18*, PERSECUTION.ORG: INT’L CHRISTIAN CONCERN (Nov. 25, 2020), <https://www.persecution.org/2020/11/25/court-pakistan-orders-arzoo-raja-stay-shelter-home-turns-18/>.

⁵Rasheeda Bagat, ‘Conversion in Pakistan is Very Rare’ – Fr. Anthony Lobo, Bishop, Islamabad-Rawalpindi Diocese, HINDU BUS. LINE (Mar. 3, 2004), <https://www.thehindubusinessline.com/todays-paper/tp-opinion/article28851834.ece>; AMNESTY INT’L, PAKISTAN: USE AND ABUSE OF THE BLASPHEMY LAWS, ASA 33/08/94 (1994), <https://www.amnesty.org/download/Documents/184000/asa330081994en.pdf> (relating the death of Tahir Iqbal, a disabled teacher who was arrested for blasphemy after converting to Christianity).

⁶Mark Sanawar, *In Pakistan, a Muslim Confronts Great Risks in Becoming a Christian*, AID TO THE CHURCH IN NEED: ACN UNITED STATES, <https://www.churchinneed.org/in-pakistan-a-muslim-convert-confronts-great-risks-in-becoming-a-christian/> (last visited Mar. 2, 2021); Stephen John, *A Pakistani Family Converted to Christianity is Hounded, Victim of Death Threats*, ASIANEWS.IT (Oct. 19, 2015, 12:00 AM), <http://www.asianews.it/news-en/A-Pakistani-family-converted-to-Christianity-is-hounded,-victim-of-death-threats-35623.html>.

⁷PAKISTAN CONST. art. 2, <http://www.pakistani.org/pakistan/constitution/part1.html>.

⁸*Id.* art. 227, <http://www.pakistani.org/pakistan/constitution/part9.html>.

⁹PAKISTAN CONST. art. 19, *op. cit.* (emphasis added).

¹⁰PAKISTAN CONST. art. 20.

¹¹Shafique Khokhar, *Christian Man Resists Forced Conversion, Threats from Young Muslims*, ASIANEWS.IT (Aug. 25, 2020, 2:05 PM), [http://www.asianews.it/news-en/Christian-man-resists-forced-conversion,-threats-from-young-Muslims-\(Video\)-50862.html](http://www.asianews.it/news-en/Christian-man-resists-forced-conversion,-threats-from-young-Muslims-(Video)-50862.html).

complaints from the Christian community and a human rights activist. The Pakistan Telecommunications Authority, after receiving an outpouring of complaints against TikTok and social media platform Bigo, blocked the latter. A Christian pastor used the video to point out the mistreatment of Christians by Pakistani authorities and under Pakistani law, commenting that “should a Christian do something similar, he [would be] immediately accused of blasphemy.”

III. Blasphemy Cases

5. Fundamental protections under both Articles 19 and 20 of the Pakistani Constitution are severely undercut by the blasphemy laws. Enacted during the 1980s, blasphemy laws provide punishments ranging from ten years’ imprisonment for intentionally hurting religious feelings¹² to life imprisonment for desecrating the Quran¹³ to the death penalty for defiling the name of the Prophet Muhammad.¹⁴ Blasphemy laws are abused to settle personal scores, filed against evangelical Christians for proselytizing¹⁵ and even against Muslims who are accused of leaving Islam.¹⁶ Blasphemy and apostasy are intertwined; blasphemy against Islam by a Muslim is considered a form of apostasy.¹⁷
6. Over 1,800 individuals, including Christians, Hindus, Ahmadis, Shia Muslims, and Sunni Muslims have been charged under blasphemy laws since 1987.¹⁸ In 2020 alone, around 200 cases were registered.¹⁹ Nearly 80 people are currently imprisoned for violation of Pakistan’s blasphemy laws, half of whom face either the death penalty or a life sentence.²⁰ While the

¹²PAK. PENAL CODE § 295-A (“Whoever, with deliberate and malicious intention of outraging the religious feelings, of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to [ten] years, or with fine, or with both.”) (brackets in original).

¹³PAK. PENAL CODE § 295-B (“Whoever willfully defiles, damages or desecrates a copy of the Holy Qur’an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”).

¹⁴PAK. PENAL CODE § 295-C (“Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”).

¹⁵See the case of Haroon Ayub Masih and Salamat Mansha Masih below. *Two Christian Men Charged with Committing Blasphemy in Pakistan*, PERSECUTION.ORG: INT’L CHRISTIAN CONCERN (Feb. 15, 2021), <https://www.persecution.org/2021/02/15/two-christian-evangelists-charged-committing-blasphemy-pakistan/>; *What are Pakistan’s Blasphemy Laws?*, BBC NEWS (May 8, 2019), <https://www.bbc.com/news/world-asia-48204815>.

¹⁶See, e.g., AMNESTY INT’L, PAKISTAN: INSUFFICIENT PROTECTION OF RELIGIOUS MINORITIES, ASA 33/008/2001, 8 (2001), <https://www.amnesty.org/download/Documents/128000/asa330082001en.pdf> (describing the arrest and imprisonment of Ashiq Masih, who was charged with blasphemy following an argument with his neighbor over Masih’s recent conversion to Christianity); AMNESTY INT’L, PAKISTAN: USE AND ABUSE OF THE BLASPHEMY LAWS, *op. cit.* (detailing the imprisonment and death in jail of Tahir Iqbal, a disabled teacher and former Pakistan Air Force engineer who was arrested for blasphemy and apostasy after converting to Christianity); John, *op. cit.* (relating the story of a couple who converted to Christianity and were subsequently threatened, attacked, and continually hunted by their Muslim family).

¹⁷David Forte, *Apostasy and Blasphemy in Pakistan*, 79 CONN. J. INT’L L. 1–2, 49–50 (1994), https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1078&context=fac_articles.

¹⁸*Blasphemy Cases Have Inflated in 2020, Says CSJ*, DAWN (Feb. 5, 2021), <https://www.dawn.com/news/1605527>.

¹⁹*Id.*

²⁰*Annual Report 2020: Pakistan*, *op. cit.*; Asad Hashim, *Explained: Pakistan’s Emotive Blasphemy Laws*, AL JAZEERA (Sept. 21, 2020), <https://www.aljazeera.com/news/2020/9/21/explained-pakistans-emotive-blasphemy-laws>.

government has never carried out the death penalty in blasphemy cases, according to one study conducted in Pakistan, “[a]t least 78 people had been killed extra-judicially after allegations related to blasphemy and apostasy, 42 of whom were Muslims, 23 Christians, nine Ahmadis, two Hindus, and two persons whose religious identity could not be ascertained.”²¹ People have been killed on court premises and in prisons over blasphemy allegations.²² Due to the scope of this brief, most of the cases cannot be discussed, but the following examples show the general atmosphere of religious intolerance.

7. In one recent case, Haroon Ayub Masih and Salamat Mansha Masih, both evangelical Christians, were charged with blasphemy arising from their conversation with a Muslim man, Haroon Ahmad.²³ The two Christians were preaching in a park in Lahore when they encountered Ahmad and several friends. The evangelists gave Ahmad a book named “Water of Life” and discussed Jesus and the prophets. However, after the conversation, “Ahmad accus[ed] the [two] of making derogatory statements against Islam.” The Christians have been charged with violations of the blasphemy laws that carry the death penalty.
8. On December 22, 2020, Pastor Raja Waris made a Facebook post that was perceived as blasphemous.²⁴ Although he immediately removed the post and apologized, tensions in the local community of Charar were heightened; a radical group advocated for Waris’ arrest and beheading, threatening to burn the houses of hundreds of Christians in the area. Waris was charged with blasphemy on December 27.²⁵
9. In another case, Sohail Masih, a Pakistani Christian, was arrested and charged with blasphemy over another Facebook post.²⁶ During the Muslim festival of Eid al-Adha (animal sacrifice ritual), Masih commented on Facebook that “[i]t is not possible that the blood of goats and

²¹*Blasphemy Cases Have Inflated in 2020, Says CSJ*, *op. cit.* (emphasis added); Asad Hashim, *Man Shot Dead for ‘Blasphemy’ in Pakistan Courtroom*, AL JAZEERA (July 29, 2020), <https://www.aljazeera.com/news/2020/7/29/man-shot-dead-for-blasphemy-in-pakistan-courtroom>.

²²Asad Hashim, *Man Shot Dead for ‘Blasphemy’ in Pakistan Courtroom*, *op. cit.* (describing the murder of Tahir Ahmad Naseem, who was shot six times in a courtroom during a blasphemy hearing); *Blasphemy Laws in Pakistan*, INT’L CHRISTIAN VOICE, <http://www.internationalchristianvoice.com/Blasphemy-laws.php> (last visited Mar. 3, 2021) (relating that Tahir Iqbal was poisoned to death while in prison on blasphemy charges); I.A. Rehman, *Blasphemy Law Revisited*, DAWN (July 29, 2010), <https://www.dawn.com/news/549787/blasphemy-law-revisited-by-i-a-rehman> (“Tahir Iqbal died in mysterious circumstances in prison. Manzur Masih was gunned down outside the Lahore High Court. Buntu Masih was fatally wounded while in police custody. . . . Mohammad Yusuf . . . was killed in prison. Zahid, accused of desecrating the Quran[,] was killed by a police constable. Mushtaq Zafar and Sanaullah, two blasphemy accused on bail, were shot dead. . . . [A] computer operator of Gujrat was killed by a policeman. And Anees Mallah was killed in a Sindh prison because he had rammed his motorbike into the gate of a pandal set up for a quasi-religious meeting”).

²³*Two Christian Men Charged with Committing Blasphemy in Pakistan*, *op. cit.*

²⁴Leah Nablo Yecla, *Hundreds of Christians Return to Their Homes After Escaping Threats of Violence*, CHRISTIANITY DAILY (Jan. 4, 2021, 12:33 PM), <http://www.christianitydaily.com/articles/10412/20210104/hundreds-of-pakistani-christians-return-to-their-homes-after-escaping-threats-of-violence.htm>.

²⁵*Pakistani Christian Charged with Blasphemy Over Social Media Post*, PERSECUTION.ORG: INT’L CHRISTIAN CONCERN (Jan. 7, 2021), <https://www.persecution.org/2021/01/07/pakistani-christian-charged-blasphemy-social-media-post/>.

²⁶*Pakistani Christian Man Charged with Blasphemy*, PAK. CHRISTIAN POST (Aug. 7, 2020), <https://www.pakistanchristianpost.com/head-line-news-details/7408>; *Sohail Masih*, UNITED STATES COMM’N ON INT’L RELIGIOUS FREEDOM, <https://www.uscirf.gov/sohail-masih> (last visited Mar. 1, 2021) (citing International Christian Concern).

bulls can wash away sins”.²⁷ A local mosque leader reported the post to police, who took Masih into custody on August 5, 2020. After an angry crowd gathered outside the police station demanding Masih be charged, police filed blasphemy charges against him.²⁸

IV. Forced Marriage and Conversion Cases

10. Christians, particularly young Christian girls, are also targeted for forced conversion by kidnapping and marriage to Muslim men.²⁹ Research by the Movement for Solidarity and Peace in Pakistan indicates that up to 1,000 Christian and Hindu women are forcibly converted to Islam and married to Muslim men every year.³⁰ The following are three recent cases that have been widely reported in the international media.
11. Arzoo Raja is a primary example of this type of forced conversion. When Arzoo was 13, she was abducted from her parents’ home, converted to Islam, and married to 44-year-old Ali Azhar.³¹ A Pakistani court originally upheld the marriage despite the existence of a law prohibiting child marriages, relenting only after pressure created by the international media and the Minister for Human Rights’ entrance into the case as an intervenor. Azhar was arrested and Arzoo taken to a shelter, where she remained until the High Court in Sindh found that she was a child and her marriage was therefore invalid.³² Upon her refusal to return to her parents, which the family’s lawyer blames on brainwashing by Azhar and others, the court ordered that she remain in the shelter until she is 18.³³ Azhar has been indicted on criminal charges, including statutory rape. Arzoo’s parents have been given permission to see her and to file for her custody in family court.³⁴ Out of over 1,000 cases each year, this is a rare case in which the court and the government took action and have charged Azhar. This is nearly unheard of. In most cases, the courts allow young girls to go with their abductors who threaten the girls to testify in courts that they converted to Islam and married by their own free will. The next case is just one example of the general situation.
12. Maira Shahbaz, another young Christian girl, was kidnapped at gunpoint from her hometown near Faisalabad by Mohamad Nakash, a 45-year-old Muslim neighbor.³⁵ Maira was drugged

²⁷*Sohail Masih, op. cit.*

²⁸*Id.*; *Pakistani Christian Man Charged with Blasphemy, op. cit.*

²⁹*1,000 Minority Girls Forced in Marriage Every Year: Report*, DAWN (Apr. 8, 2014), <https://www.dawn.com/news/1098452>.

³⁰*Id.*; *Court in Pakistan Orders Arzoo Raja to Stay in Shelter Home Until She Turns 18, op. cit.*

³¹*Court in Pakistan Orders Arzoo Raja to Stay in Shelter Home Until She Turns 18, op. cit.*

³²*Id.*; *Medical Reports in Pakistan Prove Arzoo Raja is a Minor*, PERSECUTION.ORG: INT’L CHRISTIAN CONCERN (Nov. 9, 2020), <https://www.persecution.org/2020/11/09/medical-report-pakistan-proves-arzoo-raja-minor/>.

³³*Court in Pakistan Orders Arzoo Raja to Stay in Shelter Home Until She Turns 18, op. cit.*

³⁴Irfan Ul-Haque, *Arzoo Raja Free to Meet With Whomever She Wants, Says Court*, SAMAA (Dec. 4, 2020), <https://www.samaa.tv/news/2020/12/forced-conversion-arzoo-raja-case-disposed-of/>.

³⁵*Pakistani Court Orders 14-Year-Old Christian Girl to Be Returned to Her Abductor*, PERSECUTION.ORG: INT’L CHRISTIAN CONCERN (Aug. 6, 2020), <https://www.persecution.org/2020/08/06/pakistani-court-orders-14-year-old-christian-girl-returned-abductor/>; Michael Powell, *Christian Girl, 14, Is Being Threatened by Islamist Death Squads in Pakistan for Fleeing Forced Marriage to Muslim Man, 45 - As Thousands Sign Petition to Give Her Asylum*, DAILYMAIL.COM (Nov. 21, 2020, 8:56 PM), <https://www.dailymail.co.uk/news/article-8973973/Christian-girl-threatened-Islamist-death-squads-Pakistan-fleeing-forced-marriage.html>.

and raped, which Nakash videoed and threatened to post online if Maira told anyone what had happened.³⁶ When Maira's parents sued in court to regain her custody, Nakash presented a marriage certificate showing that Maira was 19.³⁷ The court ordered that Maira be placed in a women's shelter pending a hearing of her case in a higher court.³⁸ Despite evidence that Maira was only 14, the Lahore High Court upheld the marriage and ordered that she return to Nakash based on her testimony in court that she was 18 and that she had voluntarily converted to Islam and married Nakash, statements her family's lawyer believes were coerced.³⁹ Less than a month later, Maira escaped from Nakash and was reunited with her mother and siblings, who are all currently in hiding after Nakash declared her an apostate for renouncing her forced conversion.⁴⁰

13. In 2019, Huma Younus, a 14-year-old Pakistani Christian girl, was kidnapped in Karachi and quickly taken several hours from her home to Dera Ghazi Khan, where she was forcibly married to Abdul Jabbar.⁴¹ Documents showing her marriage and conversion to Islam were presented to her parents, although her mother noted that the date of the marriage was the same day Huma was kidnapped despite the hours-long journey.⁴² Abdul's brother, Mukhtiar, is a member of a paramilitary security force, the Rangers, and sent Huma's parents pictures of weapons and made verbal threats over the phone to kill them if they came to take Huma from Abdul.⁴³ Huma's parents brought legal action against Abdul under the Child Marriage Restraint Act in the Sindh High Court; however, several judges supported the marriage under Sharia law if Huma had reached puberty.⁴⁴ The court ultimately postponed the hearing to establish Huma's age based on the national records database, despite her parents' presentation of two documents from her school and church showing her birthdate in 2005.⁴⁵ Her parents believed Abdul was

³⁶*Pakistan: Maira Shahbaz Escapes From Abductor*, CHURCH IN CHAINS (Aug. 31, 2020), <https://www.churchinchains.ie/news-by-country/south-asia/pakistan/pakistan-maria-shahbaz-escapes-from-abductor/>.

³⁷*Pakistani Court Orders 14-Year-Old Christian Girl to Be Returned to Her Abductor*, *op. cit.*

³⁸*Pakistan: Maira Shahbaz Escapes From Abductor*, *op. cit.*

³⁹*Id.*; *Verdict in Pakistan Portends More Forced Marriages and Conversions of Christian Girls*, EVANGELICAL FOCUS (Aug. 19, 2020, 11:34 CET), <https://evangelicalfocus.com/world/7650/verdict-in-pakistan-portends-more-forced-marriages-and-conversions-of-christian-girls>.

⁴⁰*Pakistan: Maira Shahbaz Escapes From Abductor*, *op. cit.*; *Asylum Petition Grows for 14-Year-Old Pakistani Christian Who Suffered Rape and Forced Conversion*, PREMIER CHRISTIAN NEWS (Nov. 18, 2020), <https://premierchristian.news/en/news/article/asylum-petition-grows-for-14-year-old-pakistani-christian-who-suffered-rape-and-forced-conversion>.

⁴¹*Pakistani Christian Girl Abducted and Forcibly Converted to Islam, Now Pregnant and Confined to One Room Due to Sexual Assault by Abductor Abdul*, OPINDIA (July 18, 2020), <https://www.opindia.com/2020/07/pakistan-christian-girl-huma-younus-abducted-raped-converted-to-islam-now-pregnant/>; Matias Perttula, *Abdul Jabbar's Arrest Warrant and What It Could Mean for Huma Younus*, PERSECUTION.ORG: INT'L CHRISTIAN CONCERN (Oct. 15, 2020), <https://www.persecution.org/2020/10/15/abdul-jabbars-arrest-warrant-mean-huma-younus/>.

⁴²*Pakistani Christian Girl Abducted and Forcibly Converted to Islam, Now Pregnant and Confined to One Room Due to Sexual Assault by Abductor Abdul*, *op. cit.*

⁴³*Id.*; Massimiliano Tubani & John Newton, *Pakistan: Kidnapped Christian Girl Now Pregnant From Rape*, AID TO THE CHURCH IN NEED: ACN UNITED KINGDOM (July 10, 2020), <https://acnuk.org/news/pakistan-kidnapped-christian-girl-now-pregnant-from-rape/>.

⁴⁴*Parents Angry After Delay to Pakistan Child Bride Case*, UNION OF CATHOLIC ASIAN NEWS (Mar. 18, 2020, 1:14 PM), <https://www.ucanews.com/news/parents-angry-after-delay-to-pakistan-child-bride-case/87377>.

⁴⁵*Id.*; *Pakistani Christian Girl Abducted and Forcibly Converted to Islam, Now Pregnant and Confined to One Room Due to Sexual Assault by Abductor Abdul*, *op. cit.*

trying to delay the legal proceedings until Huma turned 18, at which point the child marriage case would likely be extended indefinitely or dismissed.⁴⁶ Both Huma's marriage and conversion were ultimately upheld by the courts, despite one judge's issuance of an arrest warrant for Abdul that has been essentially ignored by local police.⁴⁷ Huma recently contacted her parents to inform them that she is pregnant from sexual violence and has been confined to one room of Abdul's house.⁴⁸

V. Apostasy: Conversion From Islam

14. Muslims in Pakistan do in fact leave Islam or convert to Christianity or other religions, but this happens primarily in secret due to the risk to their lives from the Muslim majority.⁴⁹ Information regarding Muslims who leave Islam is, thus, scarce. Although Sharia law prohibits and punishes apostasy with the death penalty, Pakistan has not enacted any statute regarding apostasy.⁵⁰ Nonetheless, the Pakistani society does not tolerate conversion from Islam, and such converts face significant threats from their families as well as from Muslim religious groups. Because most conversions happen in secret, there is not much information available in the public domain. The following are some cases that have been reported.
15. Yasaar Hameed, a religious scholar and political activist, has been charged with blasphemy multiple times.⁵¹ Hameed, who has a law degree from the University of Punjab and runs the Religious Research Institute in Pakistan, questioned Islam's validity and taught comparative religion. Hameed was arrested for blaspheming against the Prophet Muhammad in December 2002 and held for six months, during which time he was tortured and starved. When he was finally released, he and his family took refuge with local Christian leaders and converted to Christianity in 2004. Shortly after their conversion, one of Hameed's opponents was murdered, and Hameed was accused of both the murder and blasphemy. After nearly a year in hiding, Hameed was forced to flee the country and seek asylum in The Netherlands. His wife and two children remain in hiding in Pakistan, where his teenage son attends a Christian boarding school after classmates at a prior school harassed him upon learning of his conversion to Christianity. Hameed's wife also recounts an incident in which police identified her in an open market and attempted to seize her in order to ascertain Hameed's location; she was forced to hide in a church to escape.
16. One Christian who converted to Islam before returning to Christianity was charged under the blasphemy laws with offending the religious feelings of a neighbor.⁵² Ashiq Masih became involved in an argument with his neighbor over Masih's return to Christianity. Shortly after, the neighborhood where Ashiq lived was attacked by 200 men, and the neighbor filed

⁴⁶*Pakistani Christian Girl Abducted and Forcibly Converted to Islam, Now Pregnant and Confined to One Room Due to Sexual Assault by Abductor Abdul*, *op. cit.*; Tubani & Newton, *op. cit.*

⁴⁷Perttula, *op. cit.*

⁴⁸Tubani & Newton, *op. cit.*

⁴⁹Bagat, *op. cit.*

⁵⁰Forte, *op. cit.*, at 1–2, 43.

⁵¹Peter Lamprecht & Nancy Von Schimmelman, 'Blasphemy' Suspect Flees Pakistan, CHRISTIAN HEADLINES (July 4, 2006), <https://www.christianheadlines.com/news/blasphemy-suspect-flees-pakistan-1405712.html>.

⁵²AMNESTY INT'L, PAKISTAN: INSUFFICIENT PROTECTION OF RELIGIOUS MINORITIES, *op. cit.*

blasphemy charges against him. Ashiq was arrested over his protests that he had not blasphemed. Visitors to Ashiq in jail reported that he was treated badly by guards and other prisoners.

17. Tahir Iqbal, a Christian convert from Islam, died in jail after his arrest for blasphemy. Iqbal, a wheelchair-bound teacher and former Pakistani Air Force engineer, converted to Christianity from Islam in 1988. He was charged with blasphemy after a local Muslim religious leader called him an apostate and accused him of writing in and underlining a copy of the Quran. Iqbal was arrested but for months could not find a willing defense attorney. After being denied bail, Iqbal was kept in difficult conditions, including solitary confinement and a cell without electricity or water. Shortly after he confided in his lawyer that he feared being killed in prison, Iqbal was found dead and later confirmed to have been poisoned.⁵³
18. Kainut, a 20-year-old Pakistani Christian, recounts the struggles faced by her Christian mother among their Muslim extended family.⁵⁴ Kainut's mother, then a student, was kidnapped and forced to convert to Islam and to marry Kainut's father, with whom she had four children. Throughout Kainut's childhood, her mother read the Bible at home and attended church secretly, frequently taking Kainut with her. Kainut began to read the Bible for herself and became a Christian after church members explained that she must accept Christ as her savior to take Communion. Shortly after this, Kainut's father found out about their church attendance and forbade them to go. After his death, his parents forced Kainut's mother to marry a cousin. Kainut continued reading the Bible at home, despite her strict new stepfather's attempts to prevent her from doing so. Kainut's mother supported her practice of faith but was concerned that their Muslim family might kill them if Kainut officially converted to Christianity. When Kainut asked the priest of her church to baptize her, he refused, citing the same concerns that her family would kill her and create problems for other congregants. While away on vacation with her mother's family, Kainut studied Christian books and attended church every day, and during the three-month trip, Kainut and her three siblings were all baptized. When Kainut's stepfather learned of their conversion, he offered to divorce Kainut's mother, who accepted and set up her own home. However, one night Kainut's former stepfather and his Muslim family barged into their home and demanded that 18-year-old Kainut go with them and marry a 54-year-old Muslim man. Kainut's mother fought back and called their priest and the police, whose arrival convinced the Muslim family to leave. A church leader moved Kainut to a safe location and helped her prepare for medical school entrance exams. However, Kainut's family was not yet safe; a year later, her brother was shot by a Muslim relative and was hospitalized, fighting for his life.
19. Another Pakistani Christian family lives in fear and on the run because of their beliefs.⁵⁵ 29-year-old Amina, who was Muslim, married 34-year-old Salamat Masih, a Christian, in 2006 over her parents' objections and despite their arrangement for her to marry a Muslim man. When Amina's family filed false rape and kidnapping charges against Salamat, he converted to Islam so the couple could marry under Islamic law since no pastor would perform a Christian

⁵³*Id.*; *Blasphemy Laws in Pakistan, op. cit.*

⁵⁴Sanawar, *op. cit.*

⁵⁵John, *op. cit.* Names and locations have been changed to protect the family. *Id.*

wedding for fear of being killed. The two Muslim witnesses at their wedding supervised the early years of their marriage, including their move to a Muslim community and continual practice of the Muslim faith. However, Amina and Salamat wanted to return to Christianity, including living among Christians and having their marriage recognized by the local church. Their marriage was affirmed as Christian by a pastor, and the two were taken in by local Christians for protection from their Muslim family. The couple lived in peace for several years, during which time they had two daughters. However, soon their Muslim family, particularly the witnesses at their Muslim wedding, discovered their return to Christianity and began to threaten the family, causing such stress that Amina miscarried their third child. Tragically, the family's decision to give their child a Christian burial instead of a Muslim one only increased the hostility and resentment of their Muslim relatives. The family moved constantly to escape their relatives, only to be continually tracked down by the two witnesses. Finally, the threats culminated in an attack in which Salamat was shot in the leg, which was then run over by a motorcycle, although the presence of witnesses to the attack prevented further violence. Because neither Amina nor Salamat was able to find consistent work due to threats, their financial struggles meant Salamat did not receive proper medical care for his injuries and retains a permanent disability. Even the assistance of other Christians, friends, and coworkers has run out, given the continual threat presented by their Muslim relatives. Efforts to file charges with law enforcement have proven ineffective, as police have refused to address the situation.

VI. Conclusion

20. In addition to this sampling of cases of blasphemy, forced religious conversion, and harsh treatment of Muslims who leave Islam, there are numerous other cases that are reported in the media on a regular basis. Such cases clearly show the heightened level of religious intolerance in Pakistan. A person who leaves Islam is at a higher risk of persecution, which would include treatment contrary to Articles 2, 3, 9, and 10 of the Convention.