



General Assembly

Distr.: General
XX February 2021

English only

Human Rights Council

Forty-six session

22 February–19 March 2021

Agenda item 4

Human rights situations that require the Council's attention

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.

[01 February 2021]

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

REQUESTING THAT THE U.N. PROTECT CHRISTIANS AND OTHER MINORITIES IN PAKISTAN FROM VIOLENCE AND BLASPHEMY LAWS

1. INTRODUCTION AND BACKGROUND

The Islamic Republic of Pakistan, in which approximately 96% of the population identifies as Muslim, was ranked as the 5th worst place for Christians to live by a human rights watch group[1]. Constituting only about 1.6% of Pakistan's population,[2] Christians are frequently subjected to religiously-motivated discrimination and violence by the Muslim majority.

The common forms of persecution that Christian communities face include arrests and convictions under blasphemy laws, attacks related to the false blasphemy charges, and both forced marriage and religious conversion which go hand in hand. Young Christian girls are particularly vulnerable to forced conversion and marriage. This report provides examples of these forms of persecution based on first-hand knowledge obtained from the ECLJ's affiliate office in Pakistan.

2. INSTANCES OF HUMAN RIGHTS ABUSES

As we have informed this Council in previous reports, one of the worst forms of persecution that Christians, as well as other religious minorities, face is being falsely accused of blasphemy against Islam. Enacted over three decades ago, blasphemy laws continue to be abused as most blasphemy cases are filed to settle personal vendettas or against people who are simply expressing their faith.

The blasphemy laws provide ten years' imprisonment for hurting religious feelings, life imprisonment for desecrating the Quran, and a mandatory death penalty for defiling the name of the Prophet Muhammad. While no one has officially been executed under these laws, violent rioting mobs often gather and threaten to kill the alleged blasphemer. Several of such mobs have destroyed and set fire to entire Christian neighborhoods and have killed many.

Most recently, in December 2020, violence over a Christian Facebook post forced hundreds of Pakistani Christians to flee the neighborhood of Charrar, Lahore, as they feared retribution and destruction of their homes. Pastor Raja Waris, who had shared the post, was arrested on blasphemy charges and taken into custody after violent mobs threatened arson to the Christian community. This incident is a symptom of a long history of violence that has taken place against Christians in Pakistan.

According to our findings, around December 22, 2020, Pastor Raja Waris shared a post on Facebook, which some Muslims characterized as blasphemous. The exact content of the post is unknown, as the post was removed after threats of violence. Although Pastor Waris apologized and removed the post, he and his family had to go into hiding to flee more violent threats against their lives. Hundreds of Muslims demanded Waris' beheading. When the mobs grew even more violent and threatened arson, the Christians fled the neighborhood and sought shelter. Police were deployed to the area, and they took Pastor Waris into custody.

Months before this incident, in August 2020, Sohail Masih, was arrested and charged under blasphemy laws after a local Imam alleged that Sohail criticised the Muslim holiday of Miraj and the celebration and ritual of animal sacrifice in his social media post.[3] Violent mobs threatened Masih's family and other Christians living nearby.

Data indicates that more than 1,500 people have been charged under the blasphemy laws between 1987 and 2017, many of them Christian, and at least 75 people have been

killed.[4] The data also indicates that religious minorities, especially Christians, are disproportionately affected and targeted by the blasphemy laws.[5] Additionally, lower courts often fail to adhere to basic evidentiary standards. In one blasphemy case UN human rights experts noted that “some documentary evidence submitted to the court was never subjected to independent forensic review despite allegations that it was fabricated”.[6]

Another growing area of persecution involves forced marriages, which include forced religious conversion of young Christian girls.

On October 13, 2020, Raja Masih, a Christian man from Karachi, reported to the local police that his 13-year-old daughter, Arzoo Raja, had been kidnapped from their house by their Muslim neighbor, Ali Azhar.[7] About two days later, the police informed Raja that his daughter had converted to Islam and married Azhar, a 44-year-old Muslim neighbor.

Arzoo’s parents brought a legal challenge to the validity of her marriage under the Sindh Child Marriage Restraint Act, which defines “child” to be a person “under eighteen years of age”.[8] In response, Azhar presented a certificate of Arzoo’s conversion to Islam, marriage certificate, and free-will affidavit.[9] After recording Arzoo’s statement that she had gone by her own free will, on October 27, the Sindh High Court ruled in favor of the marriage and allowed Arzoo to go with Azhar.[10]

Following intervention by the Pakistan’s Minister for Human Rights, the court later reversed its decision and ordered that Azhar be arrested and Arzoo placed in a women’s shelter. Arzoo was again summoned to court where she testified that she was 18 and freely chose to leave home, marry Azhar, and convert to Islam. The court subsequently ordered a medical report, which concluded that Arzoo is no more than 14. Based on the conclusion of the medical board and the birth certificate provided by Arzoo’s parents, on November 9, the High Court found that Arzoo’s marriage violated the Sindh Child Marriage Restraint Act because she was a minor and ordered her to remain at the shelter despite her request to return to Azhar, a desire her lawyer attributes to Azhar’s “brainwashing”. The court extended this order to require that Arzoo live at the shelter home until she is 18. The court later clarified that its order did not bar Arzoo’s parents from seeking custody of her through the family court system but also removing a prior restriction against Azhar seeing her.

Although it is encouraging that the High Court’s order placing Arzoo in the shelter until she turns 18 also included a refusal to dismiss criminal rape charges against Azhar, and left the charges against the cleric and witnesses who facilitated the marriage with violations of the Sindh Child Marriage Restraint Act on December 9[11] in place, it remains to be seen if the 14 year old girl and her parents, from whom she has been removed, will see justice

3. REQUEST

Prosecutions under Pakistan’s blasphemy laws and mob attacks due to blasphemy allegations are inhibiting Christians in Pakistan from living safely. It is imperative that this Council take swift action and work with the government of Pakistan to ensure that Christians are protected from mob attacks and false blasphemy charges.

While laws related to child marriages exist and define who is a child,[12] the courts do not follow the age limits prescribed in those laws. Instead, the courts follow the Islamic rule that a girl is no longer a minor after attaining puberty.[13] Further, the laws do not invalidate child marriages. They only provide minor punishments for contracting a marriage with a child.[14] We respectfully request this Council to urge Pakistan to enact and enforce laws that protect Christian girls from forced religious conversion and forced marriages.

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11. Naeem Sahoutara, Underage Marriage: Court Orders Arzoo’s Purported Husband Be Tried for Rape, DAWN (9 Dec. 2020), <https://www.dawn.com/news/1594881/underage-marriage-court-orders-arzoos-purported-husband-be-tried-for-rape>.
12. The Child Marriage Restraint Act XIX of 1929, § 2(a) (stating that “‘child’” means a person who, if a male, is under eighteen years of age, and if a female, is under sixteen years of age”).
13. Bakshi v. Bashir Ahmad, 1970 PLD (SC) 323 (Pak.).
14. The Child Marriage Restraint Act XIX of 1929, § 4.