



General Assembly

Distr.: General
XX August 2023

English only

Human Rights Council

Fifty-fourth session

11 September–13 October 2023

Agenda item 4

Human rights situations that require the Council's attention

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.

[23 August 2023]

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

The Worsening Climate of Human Rights, Religious Freedom, and Child Rights in Pakistan

Item 4: Human rights situations that require the Council's attention

Jubilee Campaign, in special consultative status with ECOSOC, submits this report on religious freedom and human rights in the Islamic Republic of Pakistan. This written submission is created as a commentary on the December 2022 State Party report to the Human Rights Committee.¹

Expansion of Blasphemy Laws

In January 2023, the Parliament of Pakistan voted to expand the nation's anti-blasphemy laws to include a term of imprisonment between ten years to life for any individual convicted for allegedly insulting any person connected to the Prophet: his companions, wives, or relatives. The sentence additionally imposes a fine of one million Pakistani Rupees and makes the charge of blasphemy a non-bailable offense.²

In addition, the death sentence was imposed multiple times for blasphemy in 2023, despite the statement made by the UN Secretary General, "the death penalty should never be imposed as a sanction for non-violent conduct such as apostasy, blasphemy, witchcraft, adultery and same-sex relations".³

In June 2023 a court in Bahawalpur sentenced 22-year-old Christian man Noman Masih to death for blasphemy for allegedly storing blasphemous images of the Prophet on his cell phone which he shared to other WhatsApp users.⁴

Anti-terrorism Law

In addition to the expansion of the anti-blasphemy laws, the Federal Interior Minister and Economic Affairs Minister on 17 June 2023 signed an agreement with leaders of the Tehreek-e-Labbaik Pakistan (TLP), that would allow blasphemy cases to be tried under the country's anti-terrorism law. The agreement stipulates that punishment under Section 7 of the Anti-Terrorism Act (ATA) of 1997 would apply to suspects charged with committing blasphemy under the Pakistan Penal Code's Section 295-C against making derogatory remarks about Muhammad, the prophet of Islam.⁵

By associating blasphemy with terrorism, the accused may face limited legal protections and an increased risk of violence or vigilante attacks against them. Accusations of blasphemy already carry a high risk of violence and vigilantism in Pakistan. Trying blasphemy cases under anti-terrorism laws could further escalate this risk, as it would be seen as a matter of national security. Additionally, bail could be denied further, prolonging their detention and exacerbating the emotional and physical toll on the victims.

Pre-trial Detention

Pakistan claims that "pre-trial detention in Pakistan is used solely as an exceptional measure, mostly in terrorism cases". However, authorities kept Seventh-Day Adventist Sajjad Masih Gill in prison for a decade before acquitting him on the grounds of insufficient evidence in November 2021.⁶ Authorities kept Christian man Zafar Bhatti in pretrial detention for 5 years without any formal charges until he was sentenced to life imprisonment for alleged blasphemy in 2017. Bhatti's appeal hearing was adjourned no

¹ [Pakistan] *Second periodic report submitted by Pakistan under article 40 of the Covenant, due in 2020*, CCPR/C/PAK/2, UN Human Rights Committee, 7 December 2022.

² Salman Masood, "Pakistan Strengthens Already Harsh Laws Against Blasphemy", *The New York Times*, 22 January 2023.

³ UN General Assembly, *Moratorium on the use of the death penalty - Report of the Secretary General*, A/75/309, 13 August 2020.

⁴ Massimo Introvigne, "Pakistan, Young Christian Sentenced to Death for Blasphemy", *Bitter Winter*, 7 June 2023.

⁵ Morning Star News, "Pakistan Aims to Try Blasphemy Cases under Anti-Terror Law", 28 June 2023.

⁶ Jubilee Campaign, *Sajjad Masih Gill*.

fewer than 25 times before taking place in 2022 during which his sentence was extended to the death penalty.⁷

Torture

Despite Pakistan's "zero tolerance policy against torture" numerous cases indicate failure and/or unwillingness to follow through with these promises. Zafar Bhatti had reported being physically assaulted by prison officials in order to extract confessions⁸, a tactic which was also applied against Shafqat Emmanuel.⁹

Medical Treatment

Pakistan claims that "all prisoners especially those on death row are provided proper medical treatment". Authorities denied Mr. Emmanuel medical care for his pre-existing paralysis while in detention.¹⁰ Religious prisoner of conscience Zafar Bhatti developed diabetes and suffered three heart attacks.¹¹ Nadeem Samson was never provided care for his deteriorating mental health and his kidney stones.¹²

Juvenile Girls

Many cases are reported in Pakistan in which predominantly juvenile girls from religious minority communities are kidnapped, forcibly converted to Islam, and married off to Muslim men, usually the very same perpetrators of their abductions.¹³ While "forced conversion" is not an offense in Pakistan, abduction and forced marriage are both criminal offenses.

According to law, it is a criminal offense to solemnize the marriage of children, for adults to marry children, for parents or guardians to facilitate such marriages, and for officials to formalize child marriages; however, the law fails to expressly state that child marriages are considered null and void.

The perpetrators mostly manipulate the law and justice system to get away with their crimes due to the absence of legislation which deals with forced faith conversions, and the lack of enforcement of existing domestic law especially towards the minorities; this remains a key impediment in preventing such harmful and inhumane practices. Forced conversions and child marriages of minority girls are validated by the courts as well as facilitated by religious clerics and police.

In December 2022, Muslim shop owner Muhammad Usman abducted 13-year-old Christian girl Hoorab Maish when she visited the store. Usman raped her, converted her to Islam, and forcibly married her. In February, the perpetrator was apprehended and Hoorab was rescued.

In June 2023 Three armed men - Akhtar Gabol, Faizan Jat, and Sarang Khaskheli - kidnapped and held 14-year-old Hindu girl Suhana Kumar at gunpoint by forcibly marrying her and converting her to Islam.

⁷ Church in Chains, *Zafar Bhatti*, 11 March 2022. ; Release International, *Prisoner Profile: Zafar Bhatti – Pakistan*. ; Voice of the Martyrs, "PAKISTAN: Zafar Bhatti Recovers from Heart Attack in Prison", 24 September 2020. ; British Asian Christian Association, "Pakistan's longest serving blasphemy convict has been given death sentence", 4 January 2022.

⁸ UN Human Rights Committee, *Concluding observations on the initial report of Pakistan*, CCPR/C/PAK/CO/1, 23 August 2017.

⁹ BBC, "Pakistan 'blasphemy' death row couple's plea for freedom", 3 June 2020.

¹⁰ Jubilee Campaign, *Shagufta and Shafqat*. ; Church in Chains, *Shagufta & Shafqat*.

¹¹ *Supra note 7*.

¹² Jubilee Campaign, *Nadeem Samson*.

¹³ Jubilee Campaign, *Abduction, Conversion, & Child Marriage of Religious Minority Girls in Pakistan: 2022 Update*, January 2022. ; Jubilee Campaign, *Conversion Without Consent*, November 2022.

In its December 2022 State party report to the Human Rights Committee¹⁴, Pakistan asserts that “its criminal justice system is vigilant in respect of forced conversions and marriages and if any individual case is reported by media or through aggrieved parties, institutional mechanisms and courts take the matter very seriously and conduct proper administrative and judicial enquiries to ensure justice.” However, in reality cases of abductions, coerced faith conversions, and child marriages of Hindu and Christian girls in Pakistan are negligibly investigated and prosecuted.

Whilst all citizens in Pakistan face obstacles in access to justice, minority religious groups face even greater difficulties. The police often turn a blind eye to reports of abduction and forced conversions, allowing greater impunity for perpetrators. The police forces, which are overwhelmingly Muslim, generally sympathize with the goal of converting religious minorities to Islam. In limited instances of police intervention, local leaders exert considerable pressure to prevent any action.¹⁵

Conclusion & Recommendations

Jubilee Campaign recommends the Government of Pakistan to:

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 set forth in Article 18 and 19(2) of the ICCPR.
2. Issue an immediate moratorium on the death penalty and remove the sanction for blasphemy.
3. Ensure that defendants’ right to due process of law are upheld, including the right to seek legal counsel and to contact family. Additionally, ensure that all instances of torture, denial of medical treatment, and prolonged pre-trial detention are investigated and eradicated.
4. Ensure that cases involving allegations of kidnapping, coerced religious conversions, and forced child marriages of faith minority girls are independently and impartially investigated with a view to end 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.
5. Take concrete measures to reconcile discrepancies between national legislation and international human rights obligations by incorporating the rights and freedoms outlined in superseding UN conventions into domestic laws and practices.

¹⁴ *Supra note 1.*

¹⁵ Reuben Ackerman, *Forced Conversions & Forced Marriages in Sindh, Pakistan*, Commonwealth Initiative for FoRB, The University of Birmingham, 2018.