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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 Europeen 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.

[21 August 2021]

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



Guaranteeing Religious Freedom in Pakistan

1. Introduction and background

The ECLJ has previously highlighted concerns regarding religious freedom in Pakistan in various reports to this Council. Particularly, we have highlighted cases of blasphemy, of forced religious conversion and marriages to Muslim men of young Christian girls, and of bonded labour. In this submission, we draw this Council's attention to three cases that require immediate intervention as Pakistani authorities have failed to provide justice.

2. Instances of persecution

State v. Shahzad Masih, FIR No. 273/2017, is a case where our affiliate office in Pakistan is representing a young Christian man who was falsely accused of blasphemy. Shahzad's case is particularly concerning because, unlike many blasphemy cases, even the accusations made by the prosecution's version of the facts do not constitute blasphemy.

In July 2017, while Shahzad was at work, a Muslim coworker started a religious conversation, telling Shahzad about Muslim Prophets, and asking him questions about the Christian Prophets. Shahzad responded that he did not know much about religion. He also told his Muslim coworker that a friend of his father swears whenever he hears that someone has Muhammad in his name. Although this does not constitute blasphemy, the police registered a blasphemy case against Shahzad.

It is extremely important to point out that the Superintendent of the Police (SP) investigated the charge and concluded that Shahzad's statement did not constitute blasphemy. The SP also testified in court that he did not find Shahzad guilty in his investigation, and that an eye-witness did not hear any insult against the Prophet Muhammad in Shahzad's conversation.

Despite the fact that there was no evidence against Shahzad, his trial has gone on for over four years. During these four years, our affiliate office has petitioned the court to try Shahzad as a juvenile, because he was seventeen when the charges were filed. The court denied the petition. Our affiliate also filed a petition for acquittal because, even if all the prosecution's alleged facts were taken as true, Shahzad committed no crime. The trial court denied the petition. Our affiliate appealed that decision in the Lahore High Court, but the Court denied that appeal.

An innocent young man has spent more than four years in prison and is now facing the risk of being convicted and sentenced to death by a trial court for something that is not a crime, even under the prosecution's version of the facts. It is widely known that Pakistani trial courts commonly convict those accused of blasphemy due to social pressure. If convicted, Shahzad would spend another three to four years in jail until the High Court hears his appeal.

Furthermore, this Council is well aware of false blasphemy cases in Pakistan. The current Pakistani government has pledged to punish people who truly blaspheme the Prophet Muhammad's name.¹ At the same time, the government claims to not punish those who are falsely implicated.² Shahzad should, therefore, not be punished since he was falsely implicated.

In the second case, James Masih v. Adnan, our affiliate is representing a Christian couple, James Masih and his wife, whose fourteen-year-old daughter, M. J., disappeared from her home in September 2020. Two days after her disappearance, James obtained M. J.'s cell phone record and discovered that his forty-five-year-old Muslim neighbor, Muhammad

¹ Memphis Barker, Imran Khan Criticised for Defence of Pakistan Blasphemy Laws, THE GUARDIAN (9 Jul. 2018), <https://www.theguardian.com/world/2018/jul/09/imran-kahn-accused-over-defence-of-pakistan-blasphemy-laws>.

² Allama Tahir Ashrafi, Special Representative to the Prime Minister on Religious Harmony, Allama Tahir Ashrafi talks to media regarding blasphemy, <https://m.youtube.com/watch?v=KW2t0gvMmPs>. See also, We Will Make Sure No One Misuses the Blasphemy Law Again: Imran Khan, DAWN (18 Apr. 2017), <https://www.dawn.com/news/1327745>.

Adnan, had been in contact with M. J. two days prior to her disappearance. There were about forty-two calls and several SMS messages on M. J.'s phone from Adnan, mostly on the day of her disappearance.

James lodged a criminal complaint with the local police against Adnan. The police arrested Adnan, but the investigating officer later forced James to sign an affidavit stating that he did not have any objection if Adnan were granted bail. When James refused, the officer threatened to close the case against Adnan. He further promised that if James provided the affidavit, the police would find his daughter. James, an uneducated and poor labourer, agreed to provide the affidavit without any counsel present, believing it would help him get his daughter back. Adnan was granted bail, but the officer refused to do anything to find M. J.

Our affiliate filed a petition in the court to recover M. J. Referring to James' affidavit, the court denied the petition. Our affiliate then filed an application to cancel Adnan's bail, informing the court of how the affidavit was obtained under duress. The court dismissed that application as well. Our affiliate then filed an application with the Inspector General of the Punjab (IG), who directed the lower officials to appoint a new investigating officer. However, despite the directive from the IG, the new investigating officer has refused to investigate Adnan, saying that the court granted him bail, so he cannot be investigated.

Ten months have passed, and young M. J. is still missing. The Masihis do not know if their daughter is still alive, sold into prostitution, or has been forced to convert to Islam and marry a Muslim man, which often happens in Pakistan. Meanwhile, the man who was inappropriately in repeated contact with M. J. on the day of her disappearance is free with impunity, and no investigation is being done.

Kidnappings, forced religious conversions, and forced marriages of young Christian and Hindu girls to Muslim men are growing. According to one estimate, about 1,000 Christian and Hindu girls are forced to accept Islam and forcibly married to Muslim men every year.³ This is another area in which the Pakistani government has pledged to investigate and provide justice.⁴ However, no action has been taken to protect this vulnerable class of women.

The third case, *Zahida Bibi v. Asghar Ali*, involves Sharif Masih, a Christian man from Sheikhpura, who is being forced to perform manual labour by his Muslim employer, Asghar Ali. Sharif began working for Ali in 2010 as a caretaker of Asghar's cattle in Shahkot, for nominal pay and residence on the farm. After ten years of working there, Sharif wanted to leave, however, Asghar would not allow it, so Sharif ran away to his sister's house. On 22 June 2021, Asghar and some policemen came to Sharif's sister's house and took Sharif and his nephew. A week later, Sharif's sister was informed that her son and brother had been detained at Shahkot City Police Station.

Sharif's sister went to the police station and the police released her son, but told her that Sharif's employer had filed a criminal case for breach of trust against Sharif. The employer had alleged that he gave Sharif about four hundred thousand rupees to hold in trust for a day or so and when he asked for the money, Sharif did not return the money.

After having Sharif arrested under false charges, Asghar filed for Sharif's bail. When the court granted Sharif bail, Asghar took him from the court to an unknown place. Our affiliate filed a habeas corpus petition to recover Sharif. On 7 July 2021, the court authorized a raid at Asghar's farm, but Sharif was not found there.

Our affiliate then filed an application with the police to register kidnapping charges against Asghar, but the police did not take any action. Finally, our affiliate filed a petition with the court requesting that a criminal case be registered against Asghar. A hearing is yet to be set.

Though bonded labour is illegal in Pakistan, many people are forced to work as bonded laborers. Sharif's case has gone far beyond bonded labour. This case involves false criminal

³ Anwar Iqbal, 1,000 minority girls forced in marriage every year: report (8 April 2014), <https://www.dawn.com/news/1098452>.

⁴ Kamran Chaudry, Pakistani PM Orders Probe into Forced Conversions, UCA NEWS (2 Dec. 2020), <https://www.ucanews.com/news/pakistani-pm-orders-probe-into-forced-conversions/90522#>.

charges against, and kidnapping of, a poor Christian man who was forced to perform bonded labour for years.

3. Request

One of the first human rights documents Pakistan supported after its independence was the Universal Declaration of Human Rights (UDHR). Pakistan is also a party to the International Covenant on Civil and Political Rights (ICCPR) and is, thus, obligated to provide due process of law, protection of fundamental rights, including life and liberty, to all of its citizens. Pakistan is often the first to condemn human rights violations of Muslims wherever they allegedly occur. And, most important of all, Prime Minister Imran Khan has often publicly stated that he wants Pakistan to follow the model of the State of Medina that the Prophet Muhammad created, in which the Prime Minister says religious minorities were protected and rule of law prevailed. We request that this Council remind the Government of Pakistan of its national and international obligations, and to follow through on its commitment to protect all its citizens, including its minorities.
