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Follow-up and implementation of the Vienna Declaration and Programme of Action

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.

[24 January 2024]

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



Call on the United Nations to Urge Pakistan to Stop the Misuse of Blasphemy Laws to Fulfil Its Obligation to Protect the Fundamental Freedoms of All Its Citizens

I. Introduction

In 1993, the World Conference on Human Rights in Vienna reaffirmed the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the UN Charter and other international instruments relating to human rights.(1) The World Conference specifically noted the rights of minorities to practice and profess their faith without discrimination.(2) The Conference further reiterated the States' responsibility to counter intolerance and related violence based on religion or belief or the right to freedom of expression.(3) Despite such commitments, blasphemy laws continue to violate not only the freedoms of religion and expression, but also the right to life and due process in Pakistan. In fact, Pakistan is ranked as the seventh worst country in the world for persecution of Christians(4) due to false allegations and prosecution under blasphemy laws, violent mob attacks on the Christian community over false allegations of blasphemy, forced religious conversion of young Christian girls and women to Islam, 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.

II. Instances of Persecution

Despite calls to abolish or amend the blasphemy laws, false accusations of blasphemy still persist in Pakistan. As we highlighted in our previous report to this Council during the last session, in August 2023, a Christian community in Jaranwala was attacked by a Muslim mob after an allegation was made against two Christian brothers of desecrating the Quran. The evidence in that case was allegedly a page from the Quran with some handwritten words on it. That page was allegedly found by some Muslims in Jaranwala, Pakistan, on August 16, 2023, and was handed over to the police the same day.

The men who found the page made announcements from the mosques and invited people to gather and attack the Christian neighborhood where the two Christian brothers who were accused of the blasphemy lived. The police arrested the two brothers who were alleged to have desecrated the page of the Quran, and the mob did indeed follow the call to attack the Christian community. The attacks were devastating.

The same day, a photo of the alleged blasphemous page appeared on social media along with photos and videos of violence perpetrated on the Christian community. Thousands of people received those photos and videos and forwarded them to others or reposted them on social media.

Three days after that incident, about 100 kilometers away from Jaranwala, police arrested a young Christian man for allegedly reposting the photo of the desecrated page (mentioned above, i.e., evidence in the Jaranwala blasphemy case) on TikTok. Without bothering to investigate or arrest the thousands of people who sent, forwarded, posted, and reposted the picture of that page on the internet, the police arrested only one person. Ahsan Masih, the Christian man arrested, is facing trial not only for blasphemy but for terrorism. His crime, even if proven, was that he reposted the picture of the evidence of another case. This was the very picture that was already widely available on the internet, was initially sent to others and/or posted on the internet by someone else, received and forwarded by thousands of people, and was already available on social media.

In Ahsan's case, however, a police officer took offense from the alleged post and filed a complaint against the Christian man. The absurdity of the charge is clear, especially because no evidence showing that the Christian man actually reposted the picture has been presented.

In another case that was registered just a few months ago, a Christian man was arrested for joining a WhatsApp chat group that discussed religious issues. Some members of the group made sacrilegious comments in the chat group. Several persons have been arrested, including a Christian.

In addition to these two new cases, the ECLJ continues to highlight the cases of Sh. M. and Amoon Ayub, both of whom are facing execution by hanging over false accusations of blasphemy. The ECLJ has brought up these two cases before this Council numerous times, but no action has been taken to help these men.

Sh. M. was just 16 years old when he was arrested in July 2017 over a false allegation of blasphemy. He was wrongfully tried as an adult and was sentenced to death in November 2022 even though the accusation leveled against him did not constitute blasphemy. During a religious conversation with his Muslim colleague, which the Muslim colleague initiated, Sh. M. told the colleague 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. Sh. M. was summoned to a mobile phone shop where dozens of Muslims from an Islamic fundamentalist group were present. They asked Sh. M. what he had told his Muslim colleague. Sh. M. told them that his father's friend, Ali, blasphemes. Instead of accusing his father's friend, the angry mob handed Sh. M. over to the police. A blasphemy case was registered against Sh. M., and he was formally charged.

Sh. M.'s trial took more than five years, after which the court sentenced him to death by hanging. In a video available on Youtube, a local Muslim cleric stated that men from his religious group, Tehreek-e-Tahafuz-e-Islam (TTIP) would kill Sh. M. if the court did not punish him. Indeed, Sh. M. was wrongly tried as an adult and convicted without any evidence that he committed the crime. All the witnesses testified that Sh. M. told a Muslim co-worker that his father's friend passes derogatory remarks against the Prophet Muhammad. This did not constitute blasphemy on Sh. M.'s part. Even the investigating officer stated that an eyewitness did not observe any insult against the Prophet Muhammad in Sh. M.'s conversation. The officer further testified that Sh. M. was not guilty of any crime. Nonetheless, the trial court convicted him and sentenced him to death by hanging. This innocent young man has spent more than six years in prison and is waiting for the Lahore High Court to hear his appeal. Such is the level of false accusations that instigate Muslim mobs who attack innocent Christians, kill them, and destroy their homes and places of worship.

In another blasphemy case, the ECLJ's affiliate represents Amoon Ayub, one of the two Christian brothers on death row. 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 anyone would 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 similar erroneous reasoning, on June 8, 2022, the Lahore High Court's bench in Rawalpindi upheld their death sentence. The Ayub brothers are now waiting for the Supreme Court of Pakistan to hear their appeal.

III. Request

Consistent with its commitment under the Vienna Declaration and Programme of Action, we request that Pakistan abolish its blasphemy laws. If such abolition is not feasible at this point due to fears of public unrest, the government should at least amend the laws to provide protections against false charges, incompetent investigations, and baseless convictions.

At the very least, we request that the Pakistani authorities create a judicial body composed of judges, lawyers, and religious scholars to review all blasphemy cases, especially the cases mentioned above. The judicial body should be tasked with determining the truthfulness of blasphemy accusations. Once determination is made in each case, the judicial body should make recommendations to the prosecutor's office and the relevant courts to expedite the cases and release innocent individuals who are falsely implicated in such cases. We further request that Pakistan punish perpetrators who take the law into their own hands and attack innocent minorities over blasphemy allegations. Finally, we request that all religious places and religious texts be protected in Pakistan.

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- (1) Vienna Declaration and Programme of Action, June 25, 1993, OHCHR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>.
(2) Id.
(3) Id.
(4) World Watch List 2024, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Jan. 23, 2024).