



# General Assembly

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## Human Rights Council

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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.

[1 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Apostasy and Anti-Conversion Laws**

Jubilee Campaign would like to raise to the Council's attention that more than ten countries include legislations criminalizing apostasy – the act of leaving or denouncing a religion – and religious conversion with punishments as severe as the death penalty. It is important to note that even in nations whose state actors do not enforce apostasy and anti-conversion laws, militant groups and radical individuals have taken matters into their own hands and waged violence against individuals who they accuse of committing these 'crimes'.

### **Apostasy Laws**

**Saudi Arabia** – In August 2021, Saudi Arabian authorities arrested Yemeni man Ali Abu Luhum on account of some social media posts he made that were allegedly “promoting apostasy, unbelief, and atheism”. While in pretrial detention, Luhum was permitted to receive very brief visits from his family members and after one month he was allowed to arrange for a legal defense attorney. In October Luhum had his first and second trials during which the defense witness was rejected by the court; Luhum received a multitude of apostasy and blasphemy charges including “denial of the existence of God; impersonating, doubting, and mocking God, Islam, the Prophet Muhammad, and the day of resurrection; and publishing and promoting that which prejudices public order, religious values, and public morals on social media.” The court originally sentenced Luhum to death for apostasy as is based on Islamic sharia law; however, because Luhum retracted his earlier confession, his new sentence is fifteen years' imprisonment.(1)

**Afghanistan** – While conversion from Islam to another faith is considered apostasy and therefore punishable by confiscation of property at least and death at most, there have in recent years been no known reports of sentences being meted out for apostasy, blasphemy or proselytization being carried out in the country, though authorities arbitrarily arrest and harass those accused of leaving Islam.(2) However, with the August 2021 takeover of Afghanistan by Islamist militant Taliban who has expressed intent to rule under sharia jurisprudence, there are rising concerns that apostasy will once again be treated with brutality. While the Taliban was in rule in the 1990s, they tracked down Christians and pressured them to return to Islam; those that refused faced punishments such as hangings, floggings, public executions, amputations, and more.(3) Already in the days and weeks following the Taliban's recapture of the country in 2021, Christians have been receiving letters from the group stating that they [the Taliban] “know where they are and what they are doing”(4); in fear, many have already fled Afghanistan and those that remain have confined themselves to their homes and have turned off their phones and electronics to avoid being tracked down.(5)

**Brunei Darussalam** – As recently as 2019, the nation formally implemented its 2013 Syariah Penal Code which stipulates a whole host of barbaric punishments (i.e., stoning, whipping, amputation, death) for non-violent 'crimes' including apostasy. 'Apostasy' is defined in the penal code as the following acts: “declaring oneself to be god or a prophet; showing contempt towards the prophet; deriding (through mocks, mimicking, ridicules, and insults) the Quran, [...] and renouncing Islam”.(6) In response to the backlash over the heinous punishments and absurd 'crimes' listed in the new penal code, Sultan Hassanal Bolkiah made public assurances that Brunei Darussalam has a “de facto moratorium” on the death penalty and that such a sentence will not be applied. However, Sultan Bolkiah's remarks do not address why the death penalty for apostasy is included in national legislation and how the possible issuing of death sentences by lower courts threatens the lives of accused individuals on the grounds of their religion of belief as they face greater risk of extrajudicial revenge killings by radical individuals which are justified using the penal code.(7)

### **Anti-Conversion Laws**

**India** – Over the past two years, numerous Indian states have adopted their own legislations aimed at combatting religious conversions. Uttar Pradesh's Prohibition of Unlawful Conversion of Religion Ordinance is modeled in response to the 'love jihad' baseless conspiracy theory running rampant in India that Muslim boys and men are marrying Hindu

women and girls for the purpose of forcing them to convert to Islam. Uttar Pradesh's law has been used by radical Hindu nationalists to falsely accuse faith minorities of engaging in fraudulent marriages and faith conversions; without evidence that such activities were taking place, and despite that the targeted marriages were legitimate, Indian authorities have detained the accused. While these laws claim to crack down on forced religious conversions via marriage, in reality they portray women as gullible and vulnerable to forced conversions when proof of such does not exist, and they present obstacles to any individual who sincerely wishes to convert their faith.(8) Another Indian state, Madhya Pradesh, has implemented a Freedom of Religion Bill which prohibits religious conversion by "marriage or by any other fraudulent means" and which requires individuals who wish to convert religious to notify district authorities of their intent and apply for faith conversion.(9) In response to Madhya Pradesh's new legislation, radical Hindu nationalists have ambushed peaceful Christian prayer meetings, physically assaulted attendees, and falsely accused Christian leaders of forcing individuals to convert.(10)

Nepal – In 2015, Nepal had implemented a new constitution that asserted the nation as a secular entity and highlighted the importance of religious freedom. But just three years later in 2018, the government adopted the Civil and Criminal Codes which includes provisions criminalizes all forms of religious conversions with a five year term of imprisonment and a hefty fine.(11) One of the most widely known cases involving these Nepalese ant-conversion laws is that of Pastor Keshav Acharya of Abundant Harvest Church in Pokhara, Nepal. In March 2020, Nepali authorities arrested Pastor Keshav in his home and charged him with 'purposefully' misleading the public about the COVID-19 pandemic. Pastor Keshav had been filmed during a church service calling upon his congregation to pray with him for an end to the COVID-19 pandemic.(12) Despite that Pastor Keshav in no way presented false information about the illness or encouraged his followers to ignore medical advice and medical intervention when necessary, he was charged with "outraging religious feelings" and "attempting to convert" others to Christianity. Pastor Keshav was detained and released multiple times during which he was forced to endure stress positions, being chained up, and being transported in an exhausting 72-hour journey to an isolated detention center in Dolpa where he was held for 99 days and was prevented from meeting with family or his lawyer. In November 2021, Pastor Keshav was found guilty of his charges and was sentenced to two years' imprisonment.(13)

## Recommendations

Jubilee Campaign urges members and observer states of the Human Rights Council to:

1. Encourage UN Member States who have apostasy and anti-conversion legislations – especially those who enforce the death penalty for such 'crimes' – to abolish such inhumane laws, as they are incompatible with international standards of human rights.
2. Encourage UN Member States to release all prisoners of conscience who are held under apostasy, blasphemy or similar laws which criminalize the act of voluntarily renouncing, converting, or choosing a faith.

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(1) Human Rights Watch, "Saudi Arabia: Yemeni Man Sentenced for Apostasy", 20 December 2021.

(2) United States Department of State, 2020 Report on International Religious Freedom: Afghanistan, 12 May 2021. ; Mai Sato & Christopher Alexander, "State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty", Monash University, 3 April 2021.

(3) David Treyster, "The Taliban May No Longer Control Afghanistan, but Their Persecution of Religious Minorities Will Forever Remain a Stain on Global History", New York Law School Journal of Human Rights, 2002. ; Dr. Martin Parsons, "I lived in Afghanistan when the Taliban were last in power. Here's what Christians can expect", Premier Christianity, 23 August 2021.

(4) Fionn Shiner, "For Afghan Christians, the Taliban takeover is a nightmare", The Spectator, 18 August 2021.

- (5) Kelsey Zorzi, “Afghanistan’s Christians are turning off phones and going into hiding”, The Hill, 23 August 2021.
- (6) Human Rights Watch, “Brunei’s Pernicious New Penal Code”, 22 May 2019.
- (7) Shibani Mahtani, “Brunei backs away from death penalty under Islamic law”, The Washington Post, 6 May 2019.
- (8) Abhinav Chandrachud, “UP’s ‘love jihad’ ordinance has chilling effect on freedom of conscience”, The Indian Express, 3 December 2020.
- (9) India TV, “10-year jail, Rs 1 lakh fine: Madhya Pradesh’s new law to prohibit religious conversion”, 8 March 2021.
- (10) Harshita Rathore, “Violence Follows New ‘Anti-Conversion’ Law in India’s Madhya Pradesh”, The Diplomat, 15 March 2021.
- (11) Pragati Shahi, “Nepal’s new law puts squeeze on Christians”, Union of Catholic Asian News, 28 August 2018.
- (12) Union of Catholic Asian News, “Nepal sentences pastor to two years for conversion”, 1 December 2021.
- (13) International Christian Concern, “Pastor in Nepal Sentenced to Two Years in Prison for Violating Anti-Conversion Law”, 30 November 2021.