



ADF INTERNATIONAL

*ECOSOC Special Consultative Status (2010)*

UNIVERSAL PERIODIC REVIEW

**Submission to the 42<sup>nd</sup> Session of the Human Rights  
Council's Universal Periodic Review Working Group**

**July 2022**

**Geneva, Switzerland**

**PAKISTAN**

**Submission by:**

ADF International  
Rue Pré-de-la-Bichette 1  
1202 Geneva, Switzerland

Web: [www.ADFinternational.org](http://www.ADFinternational.org)  
Email: [UN@ADFinternational.org](mailto:UN@ADFinternational.org)

## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report highlights the ongoing violations of freedom of religion and expression in Pakistan resulting, inter alia, from laws criminalizing blasphemy and defamation as well as from the increasing social hostility and mob violence directed against persons belonging to religious minorities. It also draws attention to a worrying trend in abductions with the purpose of forced conversion of women and children, often in connection with a forced marriage.

### (a) Freedom of Religion and Expression

3. According to the latest available census, the population of Pakistan is 96.4% Muslim, with 1.7% Hindu and 1.3% Christian respectively. Ahmadiyyas are estimated to comprise roughly 0.1% of the population, totaling just over 190,000 individuals, down from 286,000 in 1998.<sup>1</sup> These numbers likely underestimate the proportion of persons belonging to religious minorities living in the country, who may hide their religious identity out of fear of violence, discrimination or harassment within their communities.<sup>2</sup>
4. The Preamble of the Constitution of Pakistan recognizes that 'adequate provision shall be made for the minorities freely to profess and practice their religions and develop their cultures.'<sup>3</sup> Its Article 20 states that: 'Subject to law, public order and morality, (a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.'<sup>4</sup>
5. In violation of these basic guarantees, however, Pakistan's legal restrictions on religious practice and expression deemed to incite religious disharmony or offend religious values continue to unjustifiably curtail the free and full enjoyment of the fundamental freedoms of religion and expression within the country.
6. The Penal Code of Pakistan outlines a wide range of 'offenses relating to religion'.<sup>5</sup> These include the criminalization of defiling places of worship, insulting a religion, defiling the Qur'an or the Prophet Muhammad, disturbing a religious assembly and 'wounding religious feelings'.<sup>6</sup> Punishments range from fines to life imprisonment and, with regard to the offence of insulting the Prophet, the death penalty.
7. Certain provisions explicitly target religious minority groups. For example, articles 298-B and 298-C of the Penal Code specifically prohibit members of the Ahmadiyya minority community from referring to themselves as Muslim or participating in Muslim

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<sup>1</sup> Pakistan Bureau of Statistics 'Population Census 2017' (April 2021) <https://www.pbs.gov.pk/content/final-results-census-2017-0>.

<sup>2</sup> N. Hoodbhoy 'Pakistan's Religious Minorities Say They Were Undercounted in Census' (1 July 2021) VOA News, [https://www.voanews.com/a/extremism-watch\\_pakistans-religious-minorities-say-they-were-undercounted-census/6207724.html](https://www.voanews.com/a/extremism-watch_pakistans-religious-minorities-say-they-were-undercounted-census/6207724.html).

<sup>3</sup> Id., preamble.

<sup>4</sup> 1973 Constitution of the Islamic Republic of Pakistan (2012), art. 20.

<sup>5</sup> 1860 Pakistan Penal Code (2012), ch. XV.

<sup>6</sup> Id., arts. 295, 295-A, 295-B, 295-C, 296, 298 respectively.

practices, as well as engaging in preaching or propagation of their faith or acting in any other manner that ‘outrages the religious feelings of Muslims’.<sup>7</sup>

8. Article 153-A of the Penal Code criminalizes the conduct of ‘Promoting enmity between different groups’, including using words to promote or incite ‘disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities’, as well as committing or inciting others to commit ‘any act which is prejudicial to the maintenance of harmony [...] and which disturbs or is likely to disturb public tranquility.’ Penalties include up to five years’ imprisonment.<sup>8</sup>

9. Obstacles to the exercise of the freedoms of religion and expression are also contained in Pakistan’s 1997 Anti-Terrorism Act, whose Section 11X provides that:

‘A person commits an offence if he addresses a meeting or gathering or delivers a sermon to a religious gathering by any means whether verbal, written, electronic, digital or otherwise to incite religious, sectarian or ethnic hatred and contempt, and shall, on conviction, be punishable with imprisonment not less than five years and not more than ten years or fine or with both.’<sup>9</sup>

10. Pakistan has experienced a steady rise in blasphemy accusations over the reporting period, with over 200 accusations and almost 140 registered cases in 2020 alone.<sup>10</sup>

11. In June 2021, Christian couple Shagufta Kausar and Shafqat Emmanuel were acquitted after having spent seven years on death row for blasphemy. In 2014, the couple was convicted of blasphemy for allegedly sending text messages to Islamic clerics insulting the Prophet Muhammad. The couple and their four children were subsequently granted asylum in Europe after facing numerous threats to their lives.<sup>11</sup>

12. In August 2021, an 8-year-old Hindu boy became the youngest person ever charged with blasphemy in Pakistan. He was accused of intentionally urinating on a carpet in a library containing religious books. The boy spent one week in jail before the charges were dropped. His eventual release was met with severe backlash from local Muslim extremists, forcing the child and his family to be put in protective custody for fear of reprisal.<sup>12</sup>

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<sup>7</sup> 1860 Pakistan Penal Code (2012), <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, art. 298-C.

<sup>8</sup> Id., art. 153-A.

<sup>9</sup> The Anti-Terrorism Act 1997 (1997) <https://nacta.gov.pk/wp-content/uploads/2017/08/Anti-Terrorism-Act-1997.pdf>, sect. 11X.

<sup>10</sup> M. Nafees ‘Blasphemy Cases in Pakistan: 1947 – 2021’ (2021) Center for Research & Security Studies, <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/>.

<sup>11</sup> ADF International ‘Pakistani Couple Cleared of Blasphemy Charges Escapes Death Sentence’ (2022) <https://adfinternational.org/shagufta-and-shafqat-pakistan>.

<sup>12</sup> End Blasphemy Laws ‘Pakistan: charges against 8-year old dropped’ (12 August 2021) <https://end-blasphemy-laws.org/2021/08/pakistan-charges-against-8-year-old-dropped/>.

13. In January 2022, a 26-year-old Muslim woman was sentenced to death for having allegedly shared 'blasphemous material' on social media. She was found guilty by a city court after her defense lawyer, provided by the State, refused to plead her case.<sup>13</sup>
14. Pakistan's blasphemy laws have been widely condemned at the international level, including by the international human rights community. During the previous UPR cycle, Pakistan received no fewer than 15 recommendations to amend, repeal or prevent the abuse of such laws. Regrettably, none of them was accepted.<sup>14</sup>
15. In October 2021, several UN experts, including the Special Rapporteurs on freedom of religion and belief, freedom of expression, and minority issues respectively, publicly voiced their concern at 'the continued persecution and acts of violence perpetrated by State and non-state actors in Pakistan, fueled by claims of apostasy and blasphemy, often targeting religious or belief minorities.'<sup>15</sup>
16. In April 2021, the European Parliament adopted a resolution on Pakistan's blasphemy laws, citing the case of Shagufta Kausar and Shafqat Emmanuel among others. The resolution urges the government to uphold the rights to freedom of thought, conscience, religion and expression, to repeal sections 295-B and C of the Penal Code, and to amend its 1997 Anti-Terrorism Act.<sup>16</sup>
17. Pakistan's laws criminalizing blasphemy and religious offenses violate international human rights law and standards on freedom of religion and expression by prohibiting expression that is deemed incompatible with 'religious harmony' or the state religion. Within the limits set forth in relevant international instruments, restrictions on these freedoms must serve the interest of protecting persons and their human rights, not religions as such.
18. Furthermore, the subjective language of these provisions opens the door to arbitrary and unjustified application of the law, contributing to further discrimination against those belonging to religious and other minorities. Neither blasphemy laws nor any other law discriminating on the basis on religion can be considered permissible under human rights law and standards.

## **(b) Targeted Violence and Hostility against Religious Minorities**

19. In addition to disproportionately suffering the impact of Pakistan's legal restrictions on freedom of religion and freedom of expression, persons belonging to religious minorities face continued violence, discrimination, and persecution at the hands of

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<sup>13</sup> H. Janjua 'Pakistan: 'WhatsApp blasphemy' death sentence reinforces dangerous trend' (21 January 2022) Deutsche Welle, <https://www.dw.com/en/pakistan-whatsapp-blasphemy-death-sentence-reinforces-dangerous-trend/a-60511046>.

<sup>14</sup> Human Rights Council 'Report of the Working Group on the Universal Periodic Review – Pakistan' UN Docs A/HRC/37/13, rec. 152.122, .150-.162, .167.

<sup>15</sup> OHCHR 'Pakistan: Christian on blasphemy charges must be freed – experts' (21 October 2021) <https://www.ohchr.org/en/press-releases/2021/10/pakistan-christian-blasphemy-charges-must-be-freed-experts>.

<sup>16</sup> European Parliament 'Resolution on the blasphemy laws in Pakistan, in particular the case of Shagufta Kausar and Shafqat Emmanuel' (29 August 2021) 2021/2647(RSP), [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0157\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0157_EN.html), 5.

extremists, with authorities failing to provide adequate protection or hold perpetrators to account.<sup>17</sup>

20. The continued presence of blasphemy and other related laws exacerbates social hostility and promotes vigilantism among extremists. In July 2020, a man was shot inside a court room during his blasphemy trial. Similarly, in July 2021, a man accused of blasphemy was attacked and shot multiple times on his way to a court hearing. The attackers allegedly included the brother of the complainant.<sup>18</sup>
21. In January 2022, two Christian pastors were shot outside their church in Peshawar. One was killed while the other had to be taken to the hospital. The perpetrators have yet to be found.<sup>19</sup>
22. In February 2022 in Central Pakistan, a man was attacked, tortured and killed by a mob for having allegedly burned pages of the Qur'an in a mosque. Police officers purportedly watched these events unfold without intervening.<sup>20</sup>
23. In April 2022, the European Court of Human Rights upheld the right to asylum of M.A.M., a Pakistani Christian convert from Islam. The Court ruled that, based on reports of social hostility and violence against persons belonging to religious minorities in Pakistan, the Swiss authorities which had initially rejected the request for asylum had failed to properly assess 'the overall situation of Christian converts in Pakistan', neglecting the serious risks to the applicant's right to life and to freedom from torture and inhuman or degrading treatment.<sup>21</sup>
24. During the previous UPR cycle, Pakistan received 11 recommendations calling for increased efforts to tackle discrimination and violence against persons belonging to religious minorities, of which it accepted 8.<sup>22</sup> Furthermore, Pakistan supported 3 recommendations on continuing to promote interfaith harmony and tolerance.<sup>23</sup> Despite these commitments, and as reported above, the government has failed to adequately tackle rising extremism and social hostility against religious minority groups from violence and harassment.
25. In November 2021, the country's former minister for information and broadcasting stated that 'neither the government nor the state is completely ready' to fight the rising

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<sup>17</sup> Z. ur-Rehman; S. Masood 'Religion-Fueled Mobs on the Rise Again in Pakistan' (20 March 2022) The New York Times, <https://www.nytimes.com/2022/03/20/world/asia/pakistan-blasphemy-religious-violence.html>.

<sup>18</sup> End Blasphemy Laws 'Pakistan: Man accused of 'blasphemy' attacked and severely injured on his way to court' (19 July 2021) <https://end-blasphemy-laws.org/2021/07/pakistan-man-accused-of-blasphemy-attacked-and-severely-injured-on-his-way-to-court/>.

<sup>19</sup> World Watch Monitor 'Pakistan: 'Attack on pastors illustrative of increasing pressure', say Christians' (1 February 2022) <https://www.worldwatchmonitor.org/2022/02/pakistan-attack-on-pastors-illustrative-of-increasing-pressure-say-christians/>.

<sup>20</sup> Z. ur-Rehman; S. Masood 'Religion-Fueled Mobs on the Rise Again in Pakistan' (20 March 2022) The New York Times, <https://www.nytimes.com/2022/03/20/world/asia/pakistan-blasphemy-religious-violence.html>.

<sup>21</sup> European Court of Human Rights 'Press Release: Expelling to Pakistan a national of that country who had converted to Christianity in Switzerland was liable to infringe his Convention rights' (26 April 2022) ECHR 138 (2022) <https://adfinternational.org/pr-on-judgment-in-mam-vs-switzerland/>.

<sup>22</sup> Human Rights Council 'Report of the Working Group on the Universal Periodic Review – Pakistan' UN Docs A/HRC/37/13, rec. 152.77, 81, .83, .84, .85, .148, .149, .165, .166, .168, .248.

<sup>23</sup> Id., rec. 152.147, .163, .164.

extremism in the country, reflecting the authorities' ongoing failure to curb violent religious extremism within the country.<sup>24</sup> This notwithstanding, in order to comply with its obligation to ensure that people belonging to religious minorities receive equal and effective protection from violence and discrimination, whether at the hands of state or non-state actors, the government of Pakistan must ensure that all cases of violence, harassment and intimidation are duly investigated and perpetrators prosecuted.

### (c) Forced Marriage and Conversion

26. Of notable concern are the reports of widespread child abductions followed by forced conversion and marriage, particularly of girls, in Pakistan.<sup>25</sup>
27. In 2020, 119 cases of child marriage were officially reported in Pakistan.<sup>26</sup> However, unofficial sources estimate that as many as 1000 girls belonging to religious minorities per year have been victims of forced conversion in connection with a forced marriage.<sup>27</sup>
28. In August 2019, the National Assembly rejected the Child Marriage Restraint Bill, which would have amended the law to define 'child' as any person under 18 years of age, thereby prohibiting all underage marriages.<sup>28</sup> Under existing laws, girls qualify as 'child' only under the age of 16.<sup>29</sup> However, even in areas of the country where laws do prohibit marriage of girls up to the age of 18 years old, such as the Sindh province, these laws are not enforced consistently, and often bypassed as a result of the application of Sharia.<sup>30</sup>
29. In August 2021, the Ministry of Religious Affairs vetoed a proposed law criminalizing forced conversion following pressures from Muslim religious leaders, reflecting a denial of the reality of forced conversions in Pakistan and an unacceptable resistance to attempts to tackle this serious human rights issue. It must be noted, however, that

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<sup>24</sup> U. Jamal 'Pakistan's Surging Religious Extremism' (2 December 2021) The Diplomat, <https://thediplomat.com/2021/12/pakistans-surging-religious-extremism/>.

<sup>25</sup> ADF International 'Bishops of Pakistan on Int'l Day of the Girl Child: Govt must end forced marriage and conversion of minor girls' (11 October 2021) <https://adfinternational.org/bishops-of-pakistan-on-intl-day-of-the-girl-child-end-forced-marriage-and-conversion-of-minor-girls/>.

<sup>26</sup> N. Bhatti 'Pakistan's Child Brides' (20 February 2022) Dawn, <https://www.dawn.com/news/1675775#>.

<sup>27</sup> M. Johns; E. Ochab; J. Rehman; N. Preston 'Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan' (September 2021) APPG Pakistan, <https://appgfreedomofreligionorbelief.org/media/APPG-Pakistan-Minorities-Report.pdf>.

Q. Rafiq 'Pakistan's dilemma of forced conversions and marriages put minority women at risk' (20 January 2022) London School of Economics, <https://blogs.lse.ac.uk/religionglobalsociety/2022/01/pakistans-dilemma-of-forced-conversions-and-marriages-put-minority-women-at-risk/>.

<sup>28</sup> M. Anis 'NA body on Law rejects Child Marriage Restraint Bill' (22 August 2019) The News, <https://www.thenews.com.pk/print/515514-na-body-on-law-rejects-child-marriage-restraint-bill>.

<sup>29</sup> Child Marriage Restraint Act 1929, <http://punjablaws.gov.pk/laws/147a.html>.

<sup>30</sup> M. Johns; E. Ochab; J. Rehman; N. Preston 'Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan' (September 2021) APPG Pakistan, <https://appgfreedomofreligionorbelief.org/media/APPG-Pakistan-Minorities-Report.pdf>.

the law would have prohibited any conversion of persons under 18 years of age and required non-Muslim adults to apply for conversion certificates.<sup>31</sup>

30. In 2020, a 14-year-old Christian girl from Faisalabad was abducted, forcibly converted to Islam and married to a Muslim man. After managing to escape her captor and seeking to annul her marriage and conversion, the Lahore High Court ruled that she return to her captor, despite evidence that she was a minor at the time of her abduction. An appeal has since been filed, and the girl and her family have been forced into hiding due to death threats.<sup>32</sup> As of July 2022, the case is still pending.
31. In July 2021, Chashman, a 14-year-old Catholic girl was abducted from her school. The following day, her parents received images of a conversion letter and marriage certificate, indicating that she had been converted to Islam and married to a Muslim man.<sup>33</sup>
32. Also in July 2021, the Lahore High Court upheld a ruling granting custody of a 13-year Christian girl, Nayab Gill, to a man accused of kidnapping and forcibly marrying her and converting her to Islam.<sup>34</sup> One of the justices dealing with the case rejected the girl's official birth documents showing she was 13. Instead, the Court accepted her claim, considered to be made under serious threats of harm to her and her family, that she was 19 years old and voluntarily married the 30-year-old after converting to Islam of her own free will.<sup>35</sup>
33. Forced conversion and forced marriage constitute serious human rights violations or abuses. As noted by the former Special Rapporteur on Freedom of Religion or Belief in his 2012 report,

'[States] have the responsibility to ensure that forced conversions do not occur in the context of marriage or marriage negotiations. The obligation to guarantee effective protection, especially for women and sometimes minors, in this sensitive field follows from the right to freedom of religion or belief as well as from the duty of States to combat all forms of violence and discrimination against women.'<sup>36</sup>
34. During the previous cycle of the UPR, Pakistan received two recommendations on ending forced conversions and marriages, particularly of persons belonging to

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<sup>31</sup> A. Mehmood 'Pakistan: Bill to Outlaw Forced Conversion Blocked After Fierce Opposition' (27 September 2021) The Medialine, <https://themedialine.org/by-region/pakistan-bill-to-outlaw-forced-conversion-blocked-after-fierce-opposition/>.

<sup>32</sup> T. Arora '14-year-old fights for her freedom in Pakistan' (2021) ADF International, <https://adfinternational.org/maira/>.

<sup>33</sup> Morning Star News 'Missing Catholic Girl in Pakistan Depicted as Married Muslim' (6 August 2021) <https://morningstarnews.org/2021/08/missing-catholic-girl-in-pakistan-depicted-as-married-muslim/>.

<sup>34</sup> Geeta Mohan '13-year-old Hindu girl forcibly converted and married to abductor in Pakistan's Sindh' (11 March 2021) India Today, <https://www.indiatoday.in/world/story/13-year-old-hindu-girl-forcibly-converted-and-married-to-abductor-in-pakistan-s-sindh-1777947-2021-03-11>.

<sup>35</sup> Morning Star News 'High Court in Pakistan Upholds Girl's Forced Marriage, Conversion' (8 July 2021) Christian Headlines, <https://www.christianheadlines.com/blog/high-court-in-pakistan-upholds-girls-forced-marriage-conversion.html>.

<sup>36</sup> H. Bielefeldt 'Elimination of all forms of religious intolerance' (13 August 2012) A/67/303, 25.

religious minorities, both of which it noted.<sup>37</sup> Pakistan must fulfill its international obligations to uphold the right to freedom of religion or belief in the context of forced conversion, particularly for children.

## Recommendations

35. In light of the aforementioned, ADF International suggests the following recommendations be made to Pakistan:

- a. Ensure full respect for freedom of religion or belief and freedom of expression, in accordance with its human rights obligations;
- b. Review Section XV of the Penal Code criminalizing offenses against religion to ensure its full compatibility with international human rights obligations and standards on freedom of religion or belief and expression;
- c. Repeal Penal Code articles 295A, B, C, 296, and 298 A,B and C.
- d. Repeal laws unjustly targeting or discriminating against the Ahmadiyya and other religious minority communities;
- e. Amend Penal Code Article 153-A to align it with international law and standards governing freedom of expression;
- f. Amend the 1997 Anti-Terrorism Act to ensure it does not unduly restrict the exercise of human rights and fundamental freedoms, including freedom of religion or belief;
- g. Increase efforts to protect Christians and other religious minorities from all forms of violence and discrimination, including through the enforcement of religious freedom laws, increased police protection, and the prosecution and punishment of perpetrators;
- h. Investigate and prosecute all reported incidents of violence or harassment of persons belonging to religious minorities, including those committed by police or other state officials;
- i. Promote interfaith dialogue and religious tolerance in order to counter social hostility against religious minorities and prevent radicalization;
- j. Urgently enact and implement laws outlawing forced conversion and forced marriage, and protecting women and girls who have been subject to, or are at risk of suffering these human rights violations;
- k. Establish a Commission for Minorities at the provincial level, composed primarily of minority representatives, rights workers, and retired judges, with clarified procedures, adequate provision of security, and with the relevant authority to propose reforms on minority rights.

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<sup>37</sup> Human Rights Council 'Report of the Working Group on the Universal Periodic Review – Pakistan' UN Docs A/HRC/37/13, rec. 152.169, .275.

- i. Allocate funds for rehabilitation efforts, including compensation for victim families, provision of protective services for at-risk individuals, counseling services for newly converted women, maintenance of victims under protection, and vocational support for reintegration of victims into society.
- m. Undertake reform efforts to raise awareness about the rights of women and of persons belonging to religious minorities among magistrates, judicial officers, and judges;
- n. Ensure the protection of children by mandating that the custody of an abducted and converted child be immediately returned to the parents or legal guardians;
- o. Outline specific procedures for cases in which forced conversions or forced marriages can be inferred to have taken place, such as ordering additional investigation by prosecutors to gather further evidence and avoid obstruction of justice.



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