



---

*Plenary sitting*

---

**B9-0256/2021**

27.4.2021

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Blasphemy laws in Pakistan, in particular the case Shagufta Kausar and Shafqat  
(2021/2647(RSP))

**Marek Belka, Isabel Santos, Evin Incir**  
on behalf of the S&D Group

**B9-0256/2021**

**European Parliament resolution on Blasphemy laws in Pakistan, in particular the case Shagufta Kausar and Shafqat (2021/2647(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Pakistan,
  - having regard to the Council conclusions on Pakistan of 19 November 2018,
  - having regard to the statements by the High Representative of the Union for Foreign Affairs and Security Policy on Pakistan,
  - having regard to the reports of the UN Special Rapporteur on freedom of religion or belief of 22 March 2019,
  - having regard to the Rabat Plan of Action on the prohibition of incitement to national, racial or religious hatred, adopted on 4-5 October 2012,
  - having regards to the Beirut Declaration on Faith for Rights, adopted 28-29 March 2017,
  - having regard to the EU Annual Report on Human Rights and Democracy in the World,
  - having regard to the EU Guidelines on the promotion and protection of freedom of religion or belief,
  - having regard to the EU Guidelines on the death penalty,
  - having regard to the International Covenant on Economic, Social and Cultural Rights,
  - having regard to the Universal Declaration of Human Rights,
  - having regard to Rule 144 of its Rules of Procedure.
- A. Whereas Shagufta Kausar and Shafqat Emmanuel, a Christian couple, have been in prison since 2013 and were convicted and sentenced to death in April 2014 by a Trial Court in Toba Tek Singh; whereas the couple face execution for allegedly sending ‘blasphemous’ texts to a mosque cleric insulting the Prophet Mohammad; whereas both deny the allegations, citing evidence that they are illiterate and were not in possession of the phone when the messages were sent;
- B. Whereas their appeal was due to be heard in April 2020, six years after they were sentenced, but was postponed due to the COVID-19 outbreak; whereas since then, a concerning pattern of delaying tactics in Shafqat and Shagufta’s trial appears to be emerging; whereas their last two hearings scheduled in February 2021 were both delayed after the judges excused themselves; whereas the couple’s lawyer has been struggling to get an appeal date set ever since;

- C. Whereas the postponement of trials has been a common factor in several other cases of people accused of “blasphemy”, with judges often suspected of employing these tactics out of reluctance to pass judgments exonerating the accused; whereas those working in Pakistan’s criminal justice system, including lawyers, police, prosecutors and judges are often prevented from carrying out their jobs effectively, impartially, and free of fear; whereas witnesses and the families of victims have had to go into hiding, fearing retaliatory action;
- D. Whereas the health of Shafqat Emmanuel is rapidly deteriorating; whereas in March 2021 his family alleges he was in a coma for three days but was not hospitalised; whereas he has been denied access to adequate healthcare; whereas the International Covenant on Economic, Social and Cultural Rights ratified by Pakistan in 2008, stipulates the obligation under Article 12 “to respect, protect and fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including those who are imprisoned or detained;
- E. whereas Junaid Hafeez, a university lecturer at Bahauddin Zakariya University, was arrested in March 2013 for allegedly making blasphemous remarks; whereas he was held in solitary confinement during the 5 years of his trial; whereas he was found guilty of blasphemy and given a death sentence from the Pakistani courts in December 2019; whereas UN human rights experts condemned the sentence as a “travesty of justice” which contravenes international law;
- F. whereas Asia Bibi was sentenced to death in Pakistan for blasphemy in 2010; whereas in 2018 the Pakistani Supreme Court overturned the verdict and ruled that blasphemy cases must be proved beyond reasonable doubt;
- G. Whereas the broad, vague and coercive nature of blasphemy laws violate Pakistan’s international legal obligations to respect human rights, including freedom of religion or belief and of opinion and expression; whereas Pakistan’s Supreme Court has acknowledged that “the majority of blasphemy cases are based on false accusations” and are driven by ulterior motives;
- H. whereas online and offline attacks on journalists and civil society organisations are increasing, in particular against women and the most marginalized in society, including members of religious minorities, poorer people and people with disabilities; whereas such attacks often include false accusations of blasphemy and which can lead to physical attacks, killings, arbitrary arrest, and detention;
- I. whereas the continued use of the blasphemy law in Pakistan is occurring amid a global increase in limits on freedom of religion and freedom of expression related to religion and belief; whereas in March 2019 the UN Special Rapporteur on freedom of religion or belief cited the case of Asia Bibi amongst examples of a revival of anti-blasphemy and anti-apostasy laws and the use of public order laws to limit expression deemed offensive to religious communities;
1. Expresses its concern for the health and wellbeing of Shagufta Kausar and Shafqat Emmanuel and urges the Pakistan authorities to ensure adequate medical care is immediately provided;

2. Deeply regrets the continued detention of the couple and of other individuals accused of ‘blasphemy’; strongly criticises the multiple delays and postponements to trials which is undermining due process and the rule of law, and urges the authorities to urgently address these cases;
3. Reiterates its strong concern at the continued application of the so-called ‘blasphemy law’ in Pakistan which exacerbates existing religious divides; further expresses its deep concern at the misuse of the provisions towards religious minorities and the absence of adequate safeguards contained in the law against such misapplication;
4. Urges Pakistan to repeal sections 295-B and -C of the national Penal Code, and to respect and uphold the rights to freedom of thought, conscience, religion and expression throughout the country, effectively banishing the use of blasphemy laws; further calls on the government to amend the 1997 Anti-Terrorism Act to ensure blasphemy cases are not tried in anti-terrorism courts, and to provide opportunities for bail to be granted in alleged blasphemy cases;
5. Reiterates the European Union’s strong opposition to the death penalty, in all cases and without exception; calls for the universal abolition of capital punishment; welcomes the recent decision by the Supreme Court of Pakistan to ban the execution of defendants with mental health conditions; calls on authorities in Pakistan to review all cases of individuals facing the death penalty to ensure internationally recognised and constitutionally safeguarded rights of fair trial are respected;
6. Deplores the continuing discrimination against and violence towards religious minorities in Pakistan, including Christians, Ahmadiyya Muslims, Shias and Hindus; calls on the Government of Pakistan to unequivocally condemn incitement to violence and discrimination against religious minorities in the country, and to ensure non-discrimination in access to basic services including healthcare and education including on the grounds of religious affiliation;
7. Is extremely concerned at increasing online and offline attacks on journalists, academics and civil society organisations, in particular against women and minorities; urges the Government to take immediate steps to ensure the safety of journalists, human rights defenders and faith-based organisations, and to undertake prompt and effective investigations in order to uphold the rule of law and bring perpetrators to justice;
8. Is deeply concerned at violent anti-French protests taking place under the pretext of France’s defence of freedom of speech; underlines the unacceptable nature of Pakistani officials’ statements attacking France in response to Charlie Hebdo’s cartoons; reiterates its unwavering support for freedom of expression;
9. Underlines that under no circumstances can blasphemy laws be allowed to be used as an excuse to prosecute religious minorities, oppositional groups, or human and environmental rights defenders;
10. Welcomes interreligious dialogues taking place in Pakistan and urges the EEAS and EU Delegation to continue to support the Pakistan Interfaith and Peace Council in organising such regular initiatives with religious leaders including from religious minorities and supported by faith-based organisation, civil society organisations, human

rights and legal professionals and academics; further calls on the EU Delegation to continue support for NGOs in Pakistan engaging in human rights monitoring and support to victims of faith-based violence;

11. Urges Pakistan to intensify its cooperation with international human rights bodies including the UN Human Rights Committee to implement all relevant recommendations and to improve monitoring and reporting of progress towards achieving international benchmarks;
12. Urges the EEAS and Member States to continue support to Pakistan in judicial reform and capacity-building to ensure lower courts are equipped to promptly hold trials for those detained and to dismiss blasphemy cases which are not supported by sufficient reliable evidence;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, and the Government and Parliament of Pakistan.