



TEXTS ADOPTED

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Blasphemy laws in Pakistan, in particular the case of Shagufta Kausar and Shafqat Emmanuel

European Parliament resolution of 29 April 2021 on the blasphemy laws in Pakistan, in particular the case of Shagufta Kausar and Shafqat Emmanuel (2021/2647(RSP))

The European Parliament,

- having regard to its previous resolutions on Pakistan, in particular those of 20 May 2010 on religious freedom in Pakistan¹, of 10 October 2013 on recent cases of violence and persecution against Christians, notably in Maaloula (Syria) and Peshawar (Pakistan) and the case of Pastor Saeed Abedini (Iran)², of 17 April 2014 on Pakistan: recent cases of persecution³, of 27 November 2014 on Pakistan: blasphemy laws⁴, and of 15 June 2017 on Pakistan, notably the situation of human rights defenders and the death penalty⁵,
- having regard to the Universal Declaration of Human Rights,
- having regard to the International Covenant on Civil and Political Rights of 1966, in particular Articles 6, 18 and 19 thereof,
- having regard to the International Convention on the Elimination of All Forms of Racial Discrimination,
- having regard to the observations of the spokesperson for the UN High Commissioner for Human Rights, Rupert Colville, in particular his press briefing notes on Pakistan of 8 September 2020,
- having regard to the statements by the High Representative of the Union for Foreign Affairs and Security Policy on Pakistan,
- having regard to the EU-Pakistan Strategic Engagement Plan of 2019, which establishes an agreed basis for mutual cooperation on priorities such as democracy, the rule of law, good governance and human rights,

¹ OJ C 161 E, 31.5.2011, p. 147.

² OJ C 181, 19.5.2016, p. 82.

³ OJ C 443, 22.12.2017, p. 75

⁴ OJ C 289, 9.8.2016, p. 40.

⁵ OJ C 331, 18.9.2018, p. 109.

- having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
 - having regard to the joint report by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 10 February 2020 on the Generalised Scheme of Preferences covering the period 2018-2019 (JOIN(2020)0003) and, in particular, to the corresponding assessment of Pakistan in relation to the EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) (SWD(2020)0022),
 - having regard to the EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief of 2013,
 - having regard to the EU Guidelines on the Death Penalty of 2013,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas Pakistan’s controversial blasphemy laws have been in place in their present form since 1986, punishing blasphemy against the Prophet Muhammad with death or life imprisonment;
 - B. whereas Pakistan’s blasphemy laws, despite never having led to official executions, incite harassment, violence and murder against those being accused; whereas people who are accused of blasphemy have to fear for their lives regardless of the outcome of judicial procedures; whereas it is widely known that Pakistan’s blasphemy laws are often abused by making false accusations that serve the personal interests of the accuser;
 - C. whereas Pakistan’s blasphemy laws make it dangerous for religious minorities to express themselves freely or engage openly in religious activities; whereas instead of protecting religious communities they have cast a pall of fear over Pakistani society; whereas any attempts to reform the laws or their application have been stifled by threats and assassinations; whereas attempts to discuss these issues in the media, online or offline, are often met with threats and harassment, including from the government;
 - D. whereas several dozen people, including Muslims, Hindus, Christians and others, are currently in prison on blasphemy charges; whereas several people who have been accused have been killed by mob violence; whereas there is tremendous pressure on the Pakistani court system; whereas judicial proceedings often take many years and have a devastating effect on innocent Pakistani citizens and their families and communities;
 - E. whereas there has been an alarming increase in accusations of ‘blasphemy’ online and offline in Pakistan over the past year; whereas many of these accusations target human rights defenders, journalists, artists and the most marginalised people in society; whereas Pakistan’s blasphemy laws are increasingly used for personal or political score-settling in violation of the rights to freedom of religion and belief and of opinion and expression;
 - F. whereas the judicial procedures in blasphemy cases in Pakistan are highly flawed; whereas low standards of evidence are required for a conviction and judicial authorities often uncritically accept allegations; whereas the accused are often presumed guilty and have to prove their innocence rather than *vice versa*;

- G. whereas freedom of thought, conscience and religion applies to the adherents of religions, but also to atheists, agnostics and people without beliefs;
- H. whereas Pakistan is a party to relevant international human rights agreements, including the International Covenant on Civil and Political Rights and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which contain provisions on the right to life, the right to a fair trial, equality before the law and non-discrimination;
- I. whereas the postponement of trials has been a common factor in several 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;
- J. whereas the situation in Pakistan continued to deteriorate in 2020 as the government systematically enforced blasphemy laws and failed to protect religious minorities from abuses by non-state actors, with a sharp rise in targeted killings, blasphemy cases, forced conversions, and hate speech against religious minorities including Ahmadis, Shi’a Muslims, Hindus, Christians and Sikhs; whereas abduction, forced conversion to Islam, rape and forced marriage remained an imminent threat for religious minority women and children in 2020, particularly those from the Hindu and Christian faiths;
- K. whereas 2 March 2021 marked 10 years since the former Pakistani Minister for Minorities Affairs Shahbaz Bhatti was assassinated following threats made against him after publicly speaking out against the blasphemy laws;
- L. whereas the Pakistani couple Shagufta Kausar and Shafqat Emmanuel were sentenced to death on blasphemy charges in 2014; whereas these charges were based on the alleged sending of text messages insulting the Prophet Muhammad from a phone number registered to Shagufta Kausar to the person accusing the couple of blasphemy;
- M. whereas the evidence on which the couple were convicted can be considered deeply flawed; whereas their illiteracy debunks the assumption that they could have sent the text messages; whereas the phone which was allegedly used to send the messages has not been recovered for investigation; whereas the couple had allegedly been in an argument with the accuser not long before the accusations were made; whereas there is reason to believe that the couple were tortured;
- N. whereas the couple have been detained in jail pending a court ruling on their appeal against their death sentence; whereas their appeal was due to be heard in April 2020, six years after they were sentenced, but has been postponed multiple times, most recently on 15 February 2021;
- O. whereas the couple have been separated from their four children since their conviction;
- P. whereas Shafqat Emmanuel is suffering from the result of damage to his spinal cord following an accident in 2004 and is not offered appropriate medical attention in prison; whereas Shagufta Kausar is isolated in a women’s prison and is suffering from

depression as a result of her situation;

- Q. whereas the High Court of Lahore has postponed the case several times and whereas the couple's lawyer, Saiful Malook, has been working very hard to ensure that Shagufta Kausar and Shafqat Emmanuel can finally hear their case in court and their judicial right to a fair and just trial is finally upheld;
- R. whereas according to the Centre for Social Justice in Pakistan, at least 1 855 people have been charged under the blasphemy laws between 1987 and February 2021, with the highest number of accusations taking place in 2020;
- S. whereas Mashal Khan, a Muslim student, was killed by an angry mob in April 2017 following allegations surrounding the posting of blasphemous content online, no evidence of which was found; whereas Junaid Hafeez, a university lecturer at Bahauddin Zakariya University in Multan, was arrested in March 2013 for allegedly making blasphemous remarks, held in solitary confinement for the five years of his trial, found guilty of blasphemy and given a death sentence by the Pakistani courts in December 2019; whereas UN human rights experts condemned the sentence as a 'travesty of justice' which contravenes international law;
- T. whereas there are an increasing number of online and offline attacks on journalists and civil society organisations, in particular against women and the most marginalised in society, including members of religious minorities, poorer people and people with disabilities; whereas such attacks often include false accusations of blasphemy, which can lead to physical attacks, killings, arbitrary arrest and detention;
- U. whereas Pakistan has benefited from trade preferences under the GSP+ programme since 2014; whereas the economic benefits from this unilateral trade agreement for the country are considerable; whereas GSP+ status comes with the obligation to ratify and implement 27 international conventions including commitments to guarantee human rights and religious freedom;
- V. whereas in its latest GSP+ assessment of Pakistan of 10 February 2020, the Commission expressed a variety of serious concerns on the human rights situation in the country, notably the lack of progress in limiting the scope and implementation of the death penalty;
- W. whereas the continued use of the blasphemy law in Pakistan is taking place amid a global rise in restrictions 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 as one of the 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;
- X. whereas the repeated and deceptive attacks against the French authorities by radical Pakistani groups and recent statements by the Government of Pakistan on the grounds of blasphemy have escalated since the response of the French authorities to the terrorist attack against a French school teacher for defending freedom of expression, prompting the French authorities to recommend on 15 April 2021 that their nationals temporarily leave Pakistan; whereas on 20 April 2021, a ruling party member tabled a resolution in the National Assembly of Pakistan demanding a debate on the expulsion of the French

ambassador;

1. Expresses its concern for the health and wellbeing of Shagufta Kausar and Shafqat Emmanuel and urges the Pakistan authorities to ensure that adequate medical care is immediately provided; calls on the Pakistani authorities to release Shafqat Emmanuel and Shagufta Kausar immediately and unconditionally and to overturn their death sentence;
2. Regrets the fact that the appeal of Shagufta Kausar and Shafqat Emmanuel keeps being postponed; calls on the High Court of Lahore to deliver its ruling as soon as possible and to give a reasonable explanation for any further postponement;
3. Notes that Shafqat Emmanuel is being kept in a hospital in prison because of the seriousness of his condition and was twice treated outside Faisalabad prison; regrets the fact that the couple have been held captive for seven years, isolated from each other and their families; calls, therefore, on the Government of Pakistan to ensure that its prisons offer decent and humane conditions;
4. Is concerned at the continued abuse of blasphemy laws in Pakistan, which is exacerbating existing religious divides and thus fomenting a climate of religious intolerance, violence and discrimination; stresses that Pakistan's blasphemy laws are incompatible with international human rights laws and are increasingly used to target vulnerable minority groups in the country, including Shias, Ahmadis, Hindus and Christians; calls, therefore, on the Government of Pakistan to review and ultimately abolish these laws and their application; calls for judges, defence counsel and defence witnesses to be protected in all so-called blasphemy cases;
5. 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 of Pakistan to amend the 1997 Anti-Terrorism Act to ensure that blasphemy cases are not tried in anti-terrorism courts, and to provide opportunities for bail to be granted in alleged blasphemy cases;
6. Stresses that freedom of religion or belief, freedom of speech and expression, and minority rights are human rights enshrined in Pakistan's constitution;
7. Calls on the Government of Pakistan to unequivocally condemn incitement to violence and discrimination against religious minorities in the country; calls on the Government of Pakistan to put in place effective, procedural and institutional safeguards at the investigative, prosecutorial and judicial levels to prevent the abuse of the blasphemy laws pending their abolition; deplores the continuing discrimination against and violence towards religious minorities in Pakistan, including Christians, Ahmadiyya Muslims, Shias and Hindus; recalls the 2014 mob attack on the Ahmadi community in Gujranwala following allegations of blasphemy against its member Aqib Saleem, who was acquitted in court, that resulted in the deaths of three members of the community, including two children; notes that it has been made a requirement that no police officer below the level of police superintendent may investigate charges before registering a case;
8. Is concerned by the fact that blasphemy laws in Pakistan are often abused to make false

accusations serving various incentives, including settling personal disputes or seeking economic gain; calls on the Government of Pakistan, therefore, to take due heed of this and to repeal the blasphemy laws accordingly; strongly rejects the reported statement by Pakistan's Minister of State for Parliamentary Affairs, Ali Khan, calling for people who commit blasphemy to be beheaded;

9. Urges all EU and European diplomatic personnel to do everything they can to provide protection and support for Shagufta Kausar and Shafqat Emmanuel, including by attending trials, requesting prison visits and continuously and resolutely reaching out to the authorities involved in this case;
10. Calls on the Member States to facilitate the issuance of emergency visas and to offer international protection for Shagufta Kausar, Shafqat Emmanuel, their lawyer Saiful Malook and others that stand accused for peacefully exercising their rights, including human rights defenders, should they need to leave Pakistan;
11. Is extremely concerned at the increasing online and offline attacks on journalists, academics and civil society organisations, particularly those against women and minorities; urges the Government of Pakistan to take immediate steps to ensure the safety of journalists, human rights defenders and faith-based organisations and to carry out prompt and effective investigations in order to uphold the rule of law and bring the perpetrators to justice;
12. Calls on the Commission and the European External Action Service (EEAS) to immediately review Pakistan's eligibility for GSP+ status in the light of current events and whether there is sufficient reason to initiate a procedure for the temporary withdrawal of this status and the benefits that come with it, and to report to the European Parliament on this matter as soon as possible;
13. Calls on the EEAS and the Commission to use all the tools at their disposal, including those provided for by the EU Guidelines for the Promotion and Protection of Freedom of Religion or Belief, to assist religious communities and pressurise the Pakistani Government to do more to protect religious minorities;
14. Urges the EEAS and the Member States to continue to support Pakistan with judicial reform and capacity-building to ensure that lower courts are equipped to promptly hold trials for those detained and to dismiss blasphemy cases that are not supported by sufficient reliable evidence;
15. Welcomes the interreligious dialogues taking place in Pakistan and urges the EEAS and the EU Delegation to continue to support the Pakistan National Peace Council for Interfaith Harmony in organising such regular initiatives with religious leaders, including from religious minorities, supported by faith-based organisations, civil society organisations, human rights and legal professionals and academics; further calls on the EU Delegation and Member States' representations to keep supporting NGOs in Pakistan engaged in human rights monitoring and in providing support for the victims of faith and gender-based violence;
16. Urges Pakistan to intensify its cooperation with international human rights bodies, including the UN Human Rights Committee, in order to implement all relevant recommendations and improve the monitoring and reporting of progress towards

achieving international benchmarks;

17. Considers the violent demonstrations and attacks against France unacceptable; is deeply concerned by the anti-French sentiment in Pakistan, which has led French nationals and companies to have to leave the country temporarily;
18. Welcomes the recent judgment of the Supreme Court of Pakistan to ban the execution of prisoners with mental health conditions; 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; calls on the Pakistani authorities to commute the sentences of all individuals who are facing the death penalty to ensure that their right to a fair trial, which is internationally recognised and safeguarded in the constitution, is respected;
19. 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 governments and parliaments of the Member States, and the Government and Parliament of Pakistan.