

**Mandates of the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on minority issues**

Ref.: AL THA 2/2022

(Please use this reference in your reply)

22 July 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the human rights of migrants and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 49/5, 42/22, 43/4, 43/6 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the imminent threat to the life and security of Mr. Faraz Pervaiz**, a Pakistani national belonging to the Christian religious minority, who left Pakistan to seek protection from religious persecution and who faces a risk of refoulement to his country of origin.

According to the information received:

Mr. Faraz Pervaiz has resided in Thailand since April 2014 when he fled Pakistan due to the alleged religious persecution suffered by him and his family as members of a religious minority in Pakistan. A communication (not yet in the public domain) was sent on 3 June 2022 to the Government of Pakistan, illustrating the patterns of alleged persecution that Mr. Faraz Pervaiz and his father, Pastor Roshan Pervaiz, had suffered in their country of origin from individuals and Pakistani authorities, including continuous death threats, several instances of physical assaults as well as the judicial persecution on religious grounds.

Since April 2014, Mr. Faraz Pervaiz continues to be threatened and persecuted by individuals inside and outside Thailand; the risk to the life of Mr. Faraz Pervaiz has seriously increased in recent years, as demonstrated by the repeated death threats and physical assaults faced by Mr. Faraz Pervaiz.

In 2018, supporters of Jama'at-ud-Da'wah affixed posters with the picture of Faraz Pervaiz in different streets and cities of Pakistan, offering a bounty of 10 million PKR (around 50,000 USD) "for a Muslim who will kill Mr. Pervaiz". The posters identified Faraz Pervaiz as a "new emerging blasphemer who appeared on social media, whose anti-Islam and anti-Pakistan activities were

spreading rapidly”; and stated that “there is only one punishment for insulting the Prophet. Sever the head from the body! Sever the head from the body”.

Other messages went viral on social media in February 2019 and January 2020, where individuals publicly requested to kill Mr. Pervaiz in Thailand due to his blasphemous activity on the internet, announcing bounties of 50,000 USD to 100,000 USD.

On 12 July 2019, a prominent Pakistani youth leader and media activist, with thousands of followers on Twitter, posted a video in which he called for loyal Muslims to find Faraz Pervaiz, whom he accused of blasphemy and terrorism, and to bring him to Thai authorities. In the same video, he posted the address where Faraz Pervaiz and his family members were living in Thailand. Reportedly, in 2019, videos were also disseminated on social media by the President of the State Youth Parliament of Pakistan and the President of Pakistan Nazriati Party where he disclosed the address of Faraz Pervaiz in Thailand and requested Pakistanis living abroad to kill him. Similarly, in July 2019 a Muslim neighbour of Faraz Pervaiz in Thailand disseminated through Facebook and WhatsApp a message where the whereabouts of Mr. Pervaiz was disclosed, calling Muslims to capture him and “deliver him to hell”. Faraz Pervaiz started to receive an increased number of death threats by phone from unknown people.

On 23 December 2019, in a local Indian shop in Bangkok, during a visit to the capital, Faraz Pervaiz was verbally and physically attacked by individuals, who called him a blasphemer and stated that he needed to die. Mr. Pervaiz was able to escape thanks to the intervention of the shopkeeper. Mr. Pervaiz was treated in a hospital and diagnosed with an abrasion wound and contusion due to the assault.

On 1 July 2020, Faraz Pervaiz, while riding a motorbike with his wife in Bangkok, was allegedly attacked by a group of individuals driving a van, who deliberately tried to run into them. Mr. Pervaiz and his wife were taken to a hospital while the bike was seized by the Police. Later on, Mr. Pervaiz was allegedly called by phone by a police officer, who accused him of speaking against Islam and wanted to know where he was living. The international digital press informed on different occasions about these attacks and the overall situation of Mr. Pervaiz.

Mr. Faraz Pervaiz is currently being prosecuted in Pakistan for blasphemy-related charges. On 8 January 2021, an Anti-Terrorism Court in Islamabad issued a perpetual non-bailable arrest warrant against Faraz Pervaiz as an absconder. The Court also condemned to death three other individuals involved in the same case, for disseminating blasphemous material on social media and internet websites (according to art. 295 C of the Pakistani Penal Code and Section 7g of ATA).

After having arrived in Thailand in April 2014, Faraz Pervaiz requested UNHCR the recognition of refugee status, which has not been granted to date, which puts him at constant risk of deportation to his country of origin.

Thailand is not a party to the 1951 Refugee Convention and has no specific domestic legal framework for the protection of refugees and asylum-seekers. As such, refugees and asylum-seekers may be treated as illegal aliens unless they have a valid visa issued by immigration authorities. Absent a valid visa, they may be subject to arrest, prosecution and detention on immigration charges, irrespective of their status with UNHCR. In the past, authorities in Thailand have arrested and immediately deported persons recognised by UNHCR as refugees under international law. Moreover, we previously expressed concern about cases of arbitrary detention of refugees and asylum seekers who were subsequently deported, including following a period of enforced disappearance, in violation of the principle of non-refoulement and without providing information about the deportation to persons associated with them (see. UA THA 5/2019).

In connection with the above-mentioned alleged facts, we would like to express concerns over the recent physical attacks in Thailand against Mr. Faraz, which appeared to be instigated by online hate speech and incitement to religious hatred or violence. This appears to be in contravention of the obligation of States to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Moreover, we are concerned that, due to his migratory status, Mr Faraz Pervaiz could be at risk of deportation to Pakistan. We have reasonable grounds to believe that the forcible return of Mr. Pervaiz would expose his personal safety, his liberty, his integrity and his life in danger and expose him to the serious risk of arbitrary arrest, detention, and unfair fair trial, in contravention with articles 6,7,9,14, and 18 of the ICCPR ratified by Thailand on 29 October 1996. Mr. Faraz Pervaiz is being prosecuted in Pakistan on the ground of allegations that he expressed views deemed to be critical or derogatory towards Islam, which would amount to the judicial persecution of individuals on religious grounds. Special Procedures mandate-holders have, over time, outlined a growing trend to misuse legal provisions relating to blasphemy for personal or political reasons to target members of religious minorities in Pakistan. We are afraid that the death penalty could be imposed against Mr. Faraz Pervaiz, should he be forcibly returned to Pakistan, in contravention of international human rights law, which provides that capital punishment may be considered for the “most serious crimes” only. Moreover, the bounty announced by religious and political leaders calling for the killing of Mr. Faraz Pervaiz demonstrates that he faces a high risk for his personal safety, including his life, in Pakistan and Thailand, and to be further exposed to persecution by individuals due to negative social attitudes towards members of minority religions.

In connection with the above-alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the steps undertaken by your Excellency's Government to prevent and investigate hate speech based on religious intolerance disseminated by social media and to prevent, investigate and prosecute acts of violence perpetrated by individuals against persons belonging to religious minorities in Thailand.
3. Please provide information on the steps that your Excellency's Government has undertaken or intends to undertake to protect the rights to life, liberty, personal security and freedom of religion or belief of Mr. Pervaiz.
4. Please provide detailed information on the current status of the deportation process against Mr. Faraz Pervaiz.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to protect the right to life and personal security as well as the right to freedom of thought, conscience and religion of Mr. Pervaiz in compliance with articles 6 and 9 and 18 of the ICCPR. We also call your Excellency's Government to uphold the cardinal principle of international human rights, humanitarian and refugee law of non-*refoulement* and refrain from deporting Mr. Faraz Pervaiz to Pakistan, where he may be subject to serious human rights violations because of his religious beliefs as a member of a Christian minority.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed  
Special Rapporteur on freedom of religion or belief

Mumba Malila  
Vice-Chair of the Working Group on Arbitrary Detention

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Felipe González Morales  
Special Rapporteur on the human rights of migrants

Fernand de Varennes  
Special Rapporteur on minority issues

## Annex

### Reference to international human rights law

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party since 29 October 1996, and in particular articles 6 and 9, which provide for the right to life and personal security.

We would like to remind that the duty to respect and ensure the right to life requires States parties to refrain from deporting, extraditing or otherwise transferring individuals to countries in which there are substantial grounds for believing that a real risk exists that their right to life under article 6 of the ICCPR would be violated (CCPR/C/GC/36, para. 30). Additionally, State parties to the ICCPR must adopt special measures and respond urgently and effectively in order to protect individuals who find themselves under a specific threat (CCPR/C/GC/36, para 23).

Non-refoulement prohibits all forms of removal and transfer of any individual, regardless of their status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance or other serious human rights violations, in the place to which they are to be transferred or removed. In this regard, we would like to draw the attention of your Excellency's Government to General Comment No. 31 of the Human Rights Committee, which specifies that State obligations under article 2 of the International Covenant on Civil and Political Rights entail "an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm" (para. 12). The principle of non-refoulement under international human rights law is characterized by its absolute nature without any exception, applying to all persons, including all migrants, at all times, irrespective of their citizenship, nationality, statelessness or migration status.

Article 18 (1) of the ICCPR stresses that "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." In this regard, the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), states in its article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief". Furthermore, we would like to refer your Government to article 4 (2) of the abovementioned Declaration, according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs".

The Special Rapporteur on freedom of religion or belief stressed that, in order to realize the right to freedom of religion or belief, States must “[g]uarantee equal protection under the law [...] as specifically mandated by article 26 [...]” of ICCPR.

Furthermore, we wish to refer to Human Rights Council Resolution 49/31 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, which calls on States to adopt measures to criminalize incitement to imminent violence on the basis of religion or belief (art. 7f) and to foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society (art. 8b). States carry a responsibility to address “attitudes or conditions within society which encourage or facilitate” violence or killings committed by non-State actors (see E/CN.4/2005/7, para. 71).

We would also like to draw your Excellency Government’s attention to article 27 of the ICCPR, which establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, refers to the obligation of States to protect the existence and the identity of religious or belief minorities within their territories and to adopt measures to that end (article 1), to ensure that they enjoy their own culture and profess and practice their own religion (article 2), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

Recognizing that Mr. Faraz Pervaiz is a person belonging to religious minorities in both Pakistan and Thailand, we would like to bring to your Excellency’s Government’s attention the provisions of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration requires States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories and to “adopt appropriate legislative and other measures to achieve those ends”. Additionally, article 4.1 notes the obligation of States to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law. The Human Rights Committee in its General Comment 22, para. 2, raised concern about any tendency to discriminate against any religion or belief for any reason, including the fact that they represent religious minorities that may be the subject of hostility on the part of a predominant religious community.