



International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under the Optional Protocol, concerning communication No. 2342/2014*, **

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| <i>Communication submitted by:</i> | B.R. and M.G. (represented by counsel, Niels-Erik Hansen and Helle Holm Thomsen) |
| <i>Alleged victims:</i> | The authors |
| <i>State party:</i> | Denmark |
| <i>Date of communication:</i> | 5 February 2014 (initial submission) |
| <i>Document references:</i> | Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State party on 5 February 2014 (not issued in document form) |
| <i>Date of adoption of decision:</i> | 19 July 2023 |
| <i>Subject matter:</i> | Deportation to country of origin (non-refoulement) |
| <i>Procedural issue:</i> | Admissibility – insufficient substantiation of claims |
| <i>Substantive issues:</i> | Right to life; torture and other cruel, inhuman or degrading treatment or punishment; right to a fair trial; freedom of religion |
| <i>Articles of the Covenant:</i> | 6, 7, 14, 18 and 26 |
| <i>Articles of the Optional Protocol:</i> | 2, 3 and 5 (2) (b) |

1.1 The authors of the communication are B.R. and M.G.,¹ wife and husband, both nationals of Pakistan, born on 3 May 1970 and 1 January 1967 respectively. They are submitting the communication on their own behalf and on behalf of their three minor children. The authors' asylum applications were rejected, and they were ordered by the Refugee Appeals Board, in its decision of 17 January 2014, to leave Denmark. The authors submit that the State party, if it removed them to Pakistan, would violate their rights under articles 6,

* Reissued for technical reasons on 18 September 2023.

** Adopted by the Committee at its 138th session (26 June–26 July 2023).

*** The following members of the Committee participated in the examination of the communication:
Tania María Abdo Rocholl, Farid Ahmadov, Wafaa Ashraf Moharram Bassim, Rodrigo A. Carazo,
Yvonne Donders, Mahjoub El Haiba, Carlos Gómez Martínez, Laurence R. Helfer, Marcia V.J. Kran,
Bacre Waly Ndiaye, Hernán Quezada Cabrera, José Manuel Santos Pais, Soh Changrok, Tijana
Šurlan, Kobayyah Tchamdja Kpatcha, Teraya Koji, Hélène Tigroudja and Imeru Tamerat Yigezu.

¹ The authors requested anonymity.



7, 14 and 18 of the Covenant. The Optional Protocol entered into force for the State party on 23 March 1976. The authors are represented by counsel.²

1.2 On 5 February 2014, pursuant to rule 94 of its rules of procedure, the Committee, acting through its Special Rapporteurs on new communications and interim measures, decided to register the communication and request interim measures concerning the authors and their children. On 5 August 2014, the State party requested that the Committee review its decision to request interim measures. The authors, on 5 September 2016, requested that the Committee reject the State party's request. On 23 September 2016, the Committee decided to maintain its decision to request interim measures. On 3 April 2017, the State party requested again that the Committee review its decision. On 9 October 2017, the Committee reiterated its decision to maintain its request for interim measures.

1.3 On 20 March 2018, the Committee, acting through its Special Rapporteurs on new communications and interim measures, decided to suspend its consideration of the communication until further notice, owing to the reopening of domestic proceedings. On 18 January 2022, the State party requested that the case before the Committee be reopened with regard to the claims by M.G. The Committee accepted that request on 3 June 2022. On 5 April 2022, B.R. withdrew the part of the communication before the Committee that she had submitted on her own behalf and on behalf of her three children, requesting its discontinuance as they had been granted residence permits in Denmark on 12 May 2021.

Facts as submitted by the authors

2.1 The authors are Christians. M.G. has been politically active and was a member of the All Pakistan Minorities Alliance, founded by Shahbaz Bhatti in Pakistan, until Mr. Bhatti was killed.³ M.G. was also president of the Holy Christ Ministries of Pakistan.

2.2 On 20 February 2012, A.D., an imam, approached M.G. during a convention in Lahore of the All Pakistan Minorities Alliance and advised him to stop proselytizing. Since the author refused, A.D. reported him to the police for missionary work. The author was also accused of speaking disparagingly of the Prophet Muhammad. The authorities brought charges against him in accordance with section 295C of the Pakistan Penal Code. He received a summons to appear in court on 28 March 2012. On 23 March 2012, the police searched the authors' home. On 25 March 2012, the imam and his supporters attempted to shoot M.G. in a grocery store in Rawalpindi, but did not hit him. After the shooting incident, the authors decided to flee Pakistan with their three children (born in 2003, 2006 and 2009 respectively). They arrived in Denmark on 24 April 2012.

2.3 On 25 October 2013, the Danish Immigration Service refused to grant residence permits to the authors and their children. On 17 January 2014, the Refugee Appeals Board refused the authors' claim for refugee status owing to a perceived lack of their credibility about the key accounts, including about their escape from home, the shooting in Rawalpindi and the way in which they became aware of the first information report and the arrest warrant issued by the Pakistani police. Consequently, the Board could not assume that the police report and arrest warrant were authentic. The authors' explanations were considered not to have been substantiated. The Board also did not believe that the general situation of

² On 23 March 2015, the counsel informed the Committee that he could no longer represent the two authors as they were no longer living together because of domestic violence. Consequently, on that date, a criminal investigation in Denmark was pending. The counsel indicated that another counsel would take over the case of one of the two authors. On 5 September 2016, the counsel revoked his earlier submission as the two authors were living together as couple again, and he continued to represent both of them. On 3 December 2021, Helle Holm Thomsen informed the Committee that she had replaced Niels-Erik Hansen as legal counsel to M.G.

³ According to the Internet sources, Mr. Bhatti was killed on 2 March 2011.

Christians in Pakistan could justify the granting of asylum.⁴ No appeal is possible against the decision of the Board, which ordered the authors to leave Denmark within 15 days.⁵

2.4 The authors submit that they have exhausted all available and effective domestic remedies.

Complaint

3.1 The authors claim that the fact that they are Christians and have previously been persecuted and accused of a crime that is subject to the death penalty in Pakistan (speaking disparagingly of the Prophet Muhammad), and the fact that M.G. had had a conflict with A.D., an imam, who had reported him to the police, mean that they would be put at risk of persecution, in violation of articles 6 and 7 of the Covenant, if returned to Pakistan.

3.2 The authors also submit that the fact they were unable to appeal the decision by the Refugee Appeals Board of 17 January 2014 to the ordinary Danish courts amounts to a violation of their rights under article 14 of the Covenant. The Danish authorities justified the lack of further appeal by citing the nature of the Board, which was a court-like body.

3.3 The authors further submit that their return to Pakistan would violate their rights under article 18 of the Covenant, since they would have to hide their religious beliefs.

State party's observations on admissibility and the merits

4.1 On 5 August 2014, the State party submitted observations on the admissibility and the merits, informing the Committee that the time limit for the authors' departure had been suspended until further notice.

4.2 The State party recalls that the authors, who are nationals of Pakistan and not of Afghanistan,⁶ entered Denmark on 24 April 2012 without valid travel documents and applied for asylum. The State party refers to the decisions of the Danish Immigration Service of 25 October 2013 and of the Refugee Appeals Board of 17 January 2014, refusing the authors' application for asylum.

4.3 As regards admissibility, the State party submits that it is the responsibility of the authors to establish a prima facie case for the purposes of admissibility of the communication under articles 6, 7, 14 and 18 of the Covenant.

4.4 The State party's obligations under articles 6 and 7 of the Covenant are reflected in section 7 (2) of the Aliens Act, under which a residence permit will be issued to an alien upon application if the alien risks being subjected to the death penalty or to torture or inhuman or degrading treatment or punishment in case of return to the country of origin. Concerning the claims under articles 6 and 7 of the Covenant, the authors have failed to establish a prima facie case for the purposes of admissibility, because it has not been established that there are substantial grounds to believe that the authors will be in danger of being deprived of their lives or subjected to torture or to cruel, inhuman or degrading treatment or punishment if returned to Pakistan. This part of the communication is not sufficiently substantiated and should be declared inadmissible.

4.5 As regards the claims under article 14, including the right of access to the courts, the State party submits that the proceedings relating to the expulsion of an alien do not fall within the ambit of determination of "rights and obligations in a suit at law" within the meaning of article 14 (1), but are governed by article 13 of the Covenant.⁷ Since the asylum proceedings

⁴ When making the assessment, the Refugee Appeals Board considered the Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan, issued by the Office of the United Nations High Commissioner for Refugees (UNHCR). In that context, the authors' counsel objected that their situation had not been properly taken into consideration, even though the UNHCR Eligibility Guidelines cited as risk factors a lack of protection of Christians, reprisals due to interfaith marriages and the targeting of Christians by religious extremists.

⁵ By 1 February 2014.

⁶ As mistakenly stated by the authors' counsel in the communication to the Committee.

⁷ *X v. Denmark* (CCPR/C/110/D/2007/2010), para. 8.5.

fall outside the scope of article 14 of the Covenant, this part of the communication should be considered inadmissible *ratione materiae*, pursuant to article 3 of the Optional Protocol.

4.6 As to the claims under article 18 of the Covenant, the State party contends that the authors' submissions do not state how this provision is considered relevant in the present case. Nothing indicates that the authors' rights to freedom of thought, conscience or religion has been violated in the present case. Since there are no substantial grounds to believe that the authors' rights in this regard have been violated, this part of the communication should also be considered inadmissible.

4.7 On the merits, the State party reiterates that the authors have not sufficiently established that their return to Pakistan would constitute a violation of articles 6, 7, 14 and 18 of the Covenant.

4.8 The Refugee Appeals Board, in its decision of 17 January 2014, rejected the authors' statements about their grounds for asylum in their entirety, and found that the authors would not be at a specific and individual risk of persecution if returned to Pakistan. The Board considered that the authors had made mutually and individually inconsistent statements during the two interviews conducted by the Danish Immigration Service and at the Board hearing, concerning, inter alia, M.G.'s conflict with the imam on 20 February 2012, their flight from their home, the shooting incident in Rawalpindi and the way in which they had learned about the first information report and the arrest warrant issued by the Pakistani police.

4.9 The State party recalls that according to the Ministry of Foreign Affairs, and its consultation report of 2 September 2013, the first information report and the arrest warrant, submitted by the authors to the Danish Immigration Service, were considered not to be authentic. In the light of the above, the Refugee Appeals Board found that it could not accept the authors' statements as facts. The Board did not consider that the general conditions for Christians in Pakistan justified asylum. Accordingly, the Board found that the authors had failed to substantiate their claim that they would be at a real risk of being subjected to persecution, or to abuse falling within section 7 (1) and (2) of the Aliens Act, in case of their return to Pakistan. The high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists has not been met.⁸ The authors had been interviewed in their native language through an interpreter at the following: the asylum registration interview on 23 May 2012, the interviews conducted by the Danish Immigration Service on 15 November 2012 and 17 September 2013, and the Board hearing on 17 January 2014. In connection with the asylum registration interview and the interviews conducted by the Danish Immigration Service, the authors have had the contents of the relevant reports translated and they have signed the documents, commenting only that the events had taken place in February 2012, and not in March 2012.

4.10 In that context, the State party refers to the fact that both authors stated among their grounds for asylum at the asylum registration interview on 23 May 2012 that M.G. had been persecuted by the authorities in his country of origin, which claimed that he had defamed the Prophet Muhammad. Neither of the authors stated at the asylum registration interview that he had had a conflict with the imam in February 2012 or that he had been shot at when shopping in Rawalpindi the same month. Had these facts been true, the authors would presumably have had a clear recollection of them, as these events had allegedly happened approximately three months before the authors came to Denmark. Both authors mentioned this conflict with the imam only during subsequent interviews conducted by the Danish Immigration Service, on 15 November 2012 and 17 September 2013, and later at the hearing before the Refugee Appeals Board, on 17 January 2014. The authors' statements about the conflict with M.G. at the convention in Lahore on 20 February 2012 and the shooting incident in Rawalpindi therefore appeared to have been fabricated for the occasion. The State party is thus relying entirely on the decision made by the Board on 17 January 2014, in which the Board considered itself unable to rely on the authors' assertions as facts.

4.11 As regards the convention in Lahore, the authors have given inconsistent statements about the number of participants at the convention, the duration of the convention, whether the imam turned up alone or with his supporters, and whether the imam and M.G. had had a

⁸ Ibid., para. 9.2.

fight or had merely had a discussion. At no time during the asylum proceedings, whether at the interviews conducted by the Danish Immigration Service or at the hearing before the Refugee Appeals Board, did M.G. state that his clothes had been torn or that he had been given a fresh set of clothes by his spouse when he returned from the convention. As mentioned by the Board on 17 January 2014, the authors' statements are mutually and individually inconsistent.

4.12 Concerning the shooting in Rawalpindi, the State party is relying entirely on the decision by the Refugee Appeals Board of 17 January 2014. Having taken into account the relevant background reports, including the Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan, issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Board found that the general situation for Christians in Pakistan was not in itself of such a nature that the authors should be considered at risk of persecution in their country of origin. The State party observes that, unlike in *Choudhary et al. v. Canada*,⁹ the Board, according to its decision of 17 January 2014, had to reject the authors' statements about M.G.'s activities for a Christian religious group in their entirety. Additionally, the Board was unable to accept that he had been reported to the police with reference to section 295C of the Pakistan Penal Code or that a warrant for his arrest had subsequently been issued, because the documents produced were deemed not to be authentic based on an assessment of their origin. In that light, the State party considers that there are essential and crucial differences between *Choudhary et al. v. Canada* and the present case.¹⁰ The Board has taken into account M.G.'s alleged activities for a Christian religious group in Pakistan. However, the Board, which is a collegial body of quasi-judicial nature, was not precluded from considering that the arrest warrant produced by M.G. was not authentic and therefore could not constitute a basis for granting asylum. The authors were assisted by legal counsel during the asylum proceedings.

4.13 The State party recalls that, in the light of the Committee's jurisprudence, it is for the courts of States parties to evaluate facts and evidence in a particular case, and that the Committee will not review these facts unless it is found that the evaluation was clearly arbitrary or amounted to a denial of justice. The Refugee Appeals Board conducted a comprehensive and thorough examination of evidence in the case. It included all relevant information in its decisions. The authors' communication to the Committee has not brought to light any new information substantiating the claim that the authors would be at risk of irreparable harm from persecution or abuse upon return to Pakistan.

4.14 As regards article 18, the State party refers to the judgment of the European Court of Justice in *Federal Republic of Germany v. Y (C-71/11) and Z (C-99/11)* on the justification of asylum on grounds of a real risk of persecution or inhuman or degrading treatment or punishment owing to religious belief.¹¹ The State party observes that even though the authors cannot be required to hide or keep secret their religious beliefs, it is crucial for granting asylum to the authors that they have a well-founded fear of persecution by the authorities or private individuals in Pakistan as a consequence of their religious beliefs. The Refugee Appeals Board could not accept the authors' statements as facts, and the Board also found that the general situation for Christians in Pakistan was not of such a nature that the authors should consequently be considered at risk of persecution in their country of origin. Deporting the authors to Pakistan would therefore not constitute a violation of article 18.

⁹ CCPR/C/109/D/1898/2009.

¹⁰ In *Choudhary et al. v. Canada*, the Committee took into account that the author, a Shia Muslim, had been accused under the blasphemy provisions of Pakistani law and that a warrant had been issued for his arrest. Given those facts, and given that the author of that communication was of a different faith to the authors of the present communication, the Committee's finding of a violation of articles 6 and 7 of the Covenant was justified in that case, the facts of which are different to those of the present case.

¹¹ European Court of Justice, *Federal Republic of Germany v. Y (C-71/11) and Z (C-99/11)*, Cases No. C-71/11 and No. C-99/11, Judgment, 5 September 2012. The Court established that the competent authorities must ascertain, in the light of the personal circumstances of the person concerned, whether that person ran a genuine risk of being persecuted in the country of origin as a result of exercising the right to freedom of religion.

Authors' comments on the State party's observations on admissibility and the merits

5.1 On 5 September 2016, the authors submitted their comments on the State party's observations on admissibility and the merits. They welcome the fact that the Committee's request for interim measures had not been withdrawn, as it appears that the situation in Pakistan has worsened. In a recent survey, Pakistan was ranked among the five most violent and insecure countries in the world.¹² The authors and their children are still in need of international protection, as the risk of their persecution as Christians, if returned to Pakistan, persists. They invited the Committee to maintain its decision to request interim measures.

5.2 With regard to the admissibility of their claims under articles 6 and 7 of the Covenant, the authors reiterate that as Christians, they would be subjected to ethnic cleansing in Pakistan. All sources, including those provided by the State party, are clear regarding the fact that Christians are discriminated against.¹³ The authors contend that in view of this information, the Refugee Appeals Board has not correctly assessed the risk for them if returned to Pakistan, contrary to the State party's claims. The communication should hence be declared admissible under articles 6 and 7 of the Covenant.

5.3 As to their claim under article 14 of the Covenant, the authors have modified their initial assertions to base them on article 13. The authors therefore request that the Committee declare their claim admissible under article 13.¹⁴

5.4 With regard to their claim under article 18 of the Covenant, the authors provided information regarding forced conversions in Pakistan in their initial submission. If the authors were deported to Pakistan, they would be bound to convert to Islam to avoid being subjected to inhuman or degrading treatment or punishment.¹⁵ Since such forced conversion would constitute a violation of article 18 of the Covenant, also this part of the authors' claim should be declared admissible.

5.5 In the light of *Q v. Denmark*,¹⁶ the authors would like to add to their initial submission an additional claim of a violation of their rights under article 26 of the Covenant.¹⁷

5.6 On the merits of the case, the authors reiterate that they fear the Pakistani authorities because of the legal provisions concerning blasphemy in Pakistan, and the accusations that are still pending against them in their country of origin.¹⁸

5.7 The authors stress that in *A.B. v. Denmark*,¹⁹ a the Refugee Appeals Board decided to reopen the asylum case of the Christian author, leading the Committee to suspend its consideration of that communication.²⁰ Consequently, the Board ought also reopen the case of the authors of the present communication as soon as possible.²¹

¹² The authors do not provide any reference to this survey.

¹³ The authors refer to the UNHCR Eligibility Guidelines, as cited by the State party.

¹⁴ The authors recognize that the Committee has established that the Refugee Appeals Board is covered not by article 14, but by article 13, of the Covenant.

¹⁵ The authors make this point mostly with regard to B.R., who as a "single mother will be forced to marry a Muslim man and thus become Muslim as well as her children". It is not clear why she is referred to as a "single mother", as the counsel had previously specified that the couple was "back together".

¹⁶ *Q v. Denmark* (CCPR/C/113/D/2001/2010).

¹⁷ The authors do not indicate why they consider that they have been victims of discrimination in the present case.

¹⁸ The authors do not address the State party's allegation that the first information report and the arrest warrant provided by the authors to the State party's authorities are not authentic. The authors provide two blog articles relating to the situation of Christians in Pakistan, one of which refers specifically to M.G., stating that he was "forced to flee when he was accused of blasphemy". The article continues: "According to the sources [not specified], first information report [No.] 96/12 was registered against him because he has been supporting the Shahbaz Bhatti case."

¹⁹ [CCPR/C/137/D/2748/2016](#).

²⁰ The Committee suspend its consideration of the communication on 28 October 2016, and lifted the suspension on 4 April 2017.

²¹ No further details are provided as to whether the counsel has initiated proceedings for such reopening of the case.

5.8 The authors also refer to *Choudhary et al. v. Canada*, in which the Committee considered that deportation from Canada to Pakistan would amount to a violation of articles 6 and 7 of the Covenant.²² The authors consider themselves to be in a similar position, as they also belong to a religious minority, like the author of that communication, who was a Shia Muslim. Accusations of blasphemy may not lead to death sentences under Pakistani law, but there are many examples of Christians being killed by mobs, even when they are in the custody of the police.²³ The authors thus fear not only unfair trials, but also violence by “agents of persecution” in the form of private persons who are fundamentalists, and from whom there would be no possibility of protection by the local authorities.

5.9 In conclusion, the authors consider that they have established a prima facie case under the Covenant. As no other objections against admissibility have been raised by the State party, the Committee should consider the merits of their case. Since the authorities of Pakistan are not able or willing to protect religious minorities in Pakistan, the situation can be compared to ethnic or religious cleansing. The authors have a well-founded fear of persecution or harm on return, and the Refugee Appeals Board did not take the serious situation in Pakistan into consideration while making its decision. Regardless of whether the Danish authorities can consider the authors’ statements as facts, the authors and their children would be in danger if returned, in violation of their Covenant rights.

State party’s additional observations

6.1 On 3 April 2017, the State party submitted additional observations, reiterating its initial observations of 5 August 2014.

6.2 As regards admissibility, the State party recalls its previous arguments. It recalls that the authors’ claims under articles 6 and 7 of the Covenant have not been sufficiently substantiated and should be considered inadmissible. In relation to the claims under article 13, the State party adds that the authors have failed to give an account of how article 13 has been violated.

6.3 In the context of the claims under article 18 of the Covenant, the State party asserts that since the authors are cohabitant spouses, that B.R. would not be forced to marry a Muslim man, as stated in the authors’ comments. Since the authors have not established that their rights in this regard have been violated, this part of the communication should be considered inadmissible as manifestly ill-founded. The State party further observes that the authors are seeking to apply the obligations under article 18 in an extraterritorial manner. The State party cannot be held responsible for violations of article 18 expected to be committed by another State party outside the territory and jurisdiction of Denmark.²⁴ The Committee has never considered a complaint on its merits regarding the removal of a person who feared violation of provisions other than articles 6 and 7 of the Covenant in the receiving State.²⁵ The State party has argued that those claims are incompatible *ratione materiae* with the provisions of the Covenant, and should be considered inadmissible pursuant to articles 2 and 3 of the Optional Protocol.

6.4 The State party notes that in their comments of 5 September 2016, the authors submitted new information about a violation of their rights under article 26 of the Covenant, relying on the Committee’s decision in *Q v. Denmark*. The State party considers that the authors’ submission does not state how article 26 is considered relevant in the present case, or how the case referred to is comparable to the present case. As the authors have failed to establish a prima facie case for their claims under article 26 of the Covenant, this part of their communication should be considered inadmissible as manifestly ill-founded.

6.5 On the merits of the authors’ claims under articles 6 and 7, the State party submits that the authors attached to their comments two articles about blasphemy charges against

²² *Choudhary et al. v. Canada* (CCPR/C/109/D/1898/2009), paras. 9.7 and 9.8.

²³ The authors refer to a specific example of a man “burned alive” in Sindh Province in December 2012, who had been arrested on charges of blasphemy, and note that, “however, 200 citizens ... attacked the police station and kidnapped the now deceased person”.

²⁴ *A.S.M. et al. v. Denmark* (CCPR/C/117/D/2378/2014), para. 7.5.

²⁵ General comment No. 31 (2004), para. 12.

Christians in Pakistan,²⁶ from which it appears, inter alia, that, as a Christian in Pakistan, M.G. has been reported to the police for blasphemy, that a warrant for his arrest has been issued and that he has had to flee to Denmark to avoid prosecution.

6.6 The authors also noted that in *A.B. v. Denmark*, the Refugee Appeals Board had decided to reopen the asylum case. In relation to *Choudhary et al. v. Canada*, which concerned deportation from Canada to Pakistan, the authors submitted that they were in a similar situation as the Shia minority group and that the Pakistani authorities were neither able nor willing to protect religious minorities in Pakistan. The authors therefore feared having to face an unfair trial and being sentenced by the authorities as a result of the blasphemy charge and being subjected to violence by fundamentalists.

6.7 The Committee has, in its jurisprudence in relation to articles 6 and 7, indicated that the risk must be personal and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.²⁷ As regards the standard of judicial review, and the assessments of facts and evidence by the national authorities, the State party refers to the Committee's decision in *A.S.M. et al. v. Denmark* and *P.T. v. Denmark*.²⁸ The State party considers that the authors have failed to establish that the assessment by the Refugee Appeals Board was arbitrary or amounted to a manifest error or denial of justice. The authors have also failed to identify any irregularity in the decision-making process or any risk factors that the Board did not take properly into account. No new information has been provided in support of the authors' submissions as compared with the information available when the Board made its decision on 17 January 2014. The authors merely disagree with the assessment of their specific circumstances and the background information by the Board in this case. The State party considers that the authors' comments of 5 September 2016 and the two attached articles cannot lead to a different assessment of the case, including the credibility of the authors.

6.8 In its decision of 17 January 2014, the Refugee Appeals Board took into consideration the outcome of the verification by the Ministry of Foreign Affairs of the authenticity of two Pakistani documents produced by the authors in support of their grounds for asylum, namely first information report No. 96/12 and an arrest warrant, from which it appeared that M.G. had been charged with blasphemy in violation of section 295C of the Pakistan Penal Code and that a warrant for his arrest had been issued. The Ministry of Foreign Affairs presented the documents to its usual legal source, whose assessment was that neither the first information report nor the arrest warrant could be assumed to be authentic.²⁹ In its decision of 17 January 2014, the Board also noted that the authors had made mutually and individually inconsistent statements during the two interviews conducted by the Danish Immigration Service and at the Board hearing.

6.9 Furthermore, the State party finds that the attached articles cannot lead to a different assessment of the credibility of the authors' statements on their grounds for asylum. One of the articles, which deals with the overriding political issue of the blasphemy legislation and which refers to M.G., appears to have been fabricated for the occasion. The author of the article provides only one specific example: a detailed description of M.G.'s alleged conflict, stating, inter alia, that he was probably applying for asylum in Denmark and referring to the case number of the first information report (No. 96/12). Considering that the authors left Pakistan three years prior to the publication of the article, in March 2015, and that far more

²⁶ Mohshin Habib, "Muslim persecution of Christians escalating in Pakistan", Gatestone Institute, 9 April 2013; and Shamim Masih, "Racist will remain alive and well groom [sic] in Pakistan", Pakistan Christian Post, 15 March 2015.

²⁷ *A.A.I. et al. v. Denmark* (CCPR/C/116/D/2402/2014), para. 6.5; and *X v. Denmark*, para. 9.2.

²⁸ *A.S.M. et al. v. Denmark*, paras. 8.3 and 8.6, and *P.T. v. Denmark* (CCPR/C/113/D/2272/2013), para. 7.3. See also *N v. Denmark* (CCPR/C/114/D/2426/2014), para. 6.6; *K v. Denmark* (CCPR/C/114/D/2393/2014), paras. 7.4 and 7.5; *Mr. X and Ms. X v. Denmark* (CCPR/C/112/D/2186/2012), para. 7.5; and *Z v. Denmark* (CCPR/C/114/D/2329/2014), para. 7.4.

²⁹ The legal source visited the police station concerned in Lahore and compared the first information report produced by the authors with the corresponding original first information report. The contents were not identical, as the original report referred to section 379 of the Pakistan Penal Code and concerned the theft of power cables. In addition, the source visited the district courts and was informed that no case based on first information report No. 96/12 had been registered.

serious examples of blasphemy charges have been raised since then, that article appears to have been fabricated for the occasion, given both its content and the reference to the authors' case. Accordingly, the article cannot be seen as evidence that M.G. has been charged with having preached Christianity. The article thus supports the assessment made by the Refugee Appeals Board that M.G. lacks credibility. The State party cannot accept as facts the authors' claims that they have had conflicts in Pakistan, including their claims that they were allegedly accused of blasphemy in Pakistan.

6.10 In the present case, it is only relevant to assess whether the authors' affiliation with Christianity can in itself be assumed to entail a risk of persecution or abuse in case of return to their country of origin. The State party reiterates that the general situation for Christians in Pakistan is not of such a nature that the authors, merely because of their affiliation with Christianity, are believed to be at risk of persecution or abuse in case of their return to Pakistan. The State party refers in this connection to its observations of 5 August 2014 and to the background information provided. It appears from more recent background information that estimates of the number of Christians in Pakistan vary widely, ranging from 2.5 million to 5 million people, up to 5 to 10 per cent of the Pakistani population.³⁰ Also according to this background information, some Christians in Pakistan face discrimination and attacks targeted against them by non-State actors and there are reports of a general failure by the police to investigate, arrest or prosecute those responsible for societal abuses against religious minorities; Christian women may be at risk of forced conversion and marriage; and there is some evidence of measures taken by the authorities to protect Christians against incidents of violence.³¹ The State party further refers to the Committee's decision in *R.G. et al. v. Denmark*,³² whose authors were Christians from Pakistan.

6.11 The State party finds that the authors' reference to *Choudhary et al. v. Canada* and *A.B. v. Denmark* cannot lead to a different assessment of the authors' case. No similarities between *A.B. v. Denmark* and the authors' case were identified in the present communication, nor were any errors or omissions identified in the examination of the case or in the assessment of evidence made by the Refugee Appeals Board. The State party emphasizes that the attached articles support the assessment by the Board that M.G. lacks credibility. Since the claims have not been substantiated, the return of the authors to Pakistan would therefore not constitute a violation of articles 6 and 7 of the Covenant.

6.12 As concerns the authors' claims under article 18, due to their fear of being forced to convert to Islam if returned to Pakistan, the State party argues that the crucial issue is whether the authors have a well-founded fear of persecution by authorities or private individuals in Pakistan as a consequence of their religious beliefs. The Refugee Appeals Board found that this was not the case. The State party reiterates that Denmark cannot be held responsible for violations of article 18 that may eventually be committed by another State party outside the territory and jurisdiction of Denmark. The State party maintains that there are no grounds to believe that the return of the authors to Pakistan would constitute a violation of article 18 of the Covenant.

6.13 In conclusion, if the Committee decides to consider the communication admissible, the State party maintains that it has not been established that the authors would be in danger of being deprived of their lives or subjected to torture or to cruel, inhuman or degrading treatment or punishment if returned to Pakistan. The return of the authors to Pakistan would therefore not constitute a violation of articles 6, 7 or 18 of the Covenant. The State party reiterates its request that the Committee review its request for interim measures.

³⁰ The State party cites the following: United Kingdom of Great Britain and Northern Ireland, Home Office, "Country information and guidance: Pakistan – Christians and Christian converts", May 2016, para. 5.1.1; and European Asylum Support Office, *EASO Country of Origin Information Report: Pakistan – Country Overview*, sect. 3.4.3.

³¹ The State party cites the following: United Kingdom, Home Office, "Country information", para. 3.1.3.

³² [CCPR/C/115/D/2351/2014](#). See also *A and B v. Denmark* ([CCPR/C/117/D/2291/2013](#)), concerning an Ahamadi Muslim couple from Pakistan.

Additional comments from the authors

7.1 In their additional comments, submitted on 11 September 2017, the authors submit that M.G. suffers from kidney failure and has been receiving dialysis for a long period. As M.G. is very weak and no longer represents a threat to his former wife, B.R., and their children, as he did before, B.R. agreed to live with him again during weekends in the best interests of the children.³³ The authors explain that nothing has changed with regard to M.G.'s family back in Pakistan, who want to kill B.R. because she separated from her husband and allegedly violated the family's honour.³⁴

7.2 The authors explain that the fears initially expressed in the communication to the Committee have been exacerbated by the additional fear by B.R. of persecution by her husband's family if she is deported to Pakistan. She claims that her children will be taken away and that she will be killed. She also fears that, if she is not killed by her husband's Christian family, she will be targeted by fundamentalist Muslims as a single Christian woman without any protection. She fears forced marriage and forced conversion for her and her children, and that she and even her daughter will be subjected to rape.

7.3 B.R. submits that, contrary to the State party's assertions, she should be treated as a single mother if returned to Pakistan since either she would be separated or divorced from M.G.,³⁵ or he would be dead.³⁶ The authors add that, as a Christian woman, B.R. will not be able to obtain protection from the Pakistani authorities.³⁷

7.4 As mentioned in their communication, M.G. fears the Pakistani authorities because of the blasphemy laws and his false accusation for having violated those laws, a case which is still pending in Pakistan. Furthermore, he fears persecution from individuals or State agents who will attack him on return, and from whom he would have no possibility, as a Christian, of seeking protection by the Pakistani authorities. The authors conclude that their deportation and that of their children to Pakistan would constitute a violation of articles 6 and 7 of the Covenant.

Further observations and comments

Observations by the State party

8.1 On 14 March 2018, the State party informed the Committee that the authors had applied for a residence permit on humanitarian grounds and that, on 8 March 2018, the Ministry of Immigration and Integration had decided to reopen their case. Accordingly, the State party requested that the Committee suspend its consideration of the communication until further notice.

8.2 On 4 February 2020, the State party informed the Committee that the authors' application for a residence permit on humanitarian grounds had been rejected. However, the Refugee Appeals Board had reopened their asylum case on 18 December 2019. The State party requested that the Committee maintain the suspension of its consideration of the communication.

Comments by the authors

9.1 On 3 December 2021, Helle Holm Thomsen informed the Committee that she had been appointed as new legal counsel to M.G. in his reopened asylum case, as he and his wife had divorced.³⁸

³³ No further explanations were provided by the author.

³⁴ No further clarifications were offered by the author.

³⁵ However, the authors claim that they live together during weekends.

³⁶ The authors do not explain why they believe that M.G. could die.

³⁷ The authors refer, without further explanation, to the following: Committee on the Elimination of Discrimination against Women, *A v. Denmark* (CEDAW/C/62/D/53/2013).

³⁸ On 18 January 2022, the power of attorney from M.G. with respect to the new counsel, dated 11 January 2022, was submitted.

9.2 The Refugee Appeals Board decided to reopen the former couple's case owing to the new information on the risk of ill-treatment by M.G.'s family of B.R. as a result of the divorce. Before the oral hearing, the counsel submitted two written briefings.³⁹ First, the counsel argued that M.G. had suffered from a medical condition since his arrival to Denmark that could influence his ability to provide coherent explanations. Second, the counsel argued that M.G. would be at risk of being discriminated against and of being unable to obtain sufficient medical treatment if removed to Pakistan, because he belongs to a religious minority.

9.3 On 12 May 2021, the Refugee Appeals Board upheld the original negative asylum decision. However, B.R., now divorced, and the three children were granted residence permits owing to the risk of ill-treatment by M.G.'s family. The Board also indicated that it would inform the Committee of the decision, including a request to reopen the suspended case,⁴⁰ since no domestic proceedings were pending.

Observations by the State party

10.1 On 18 January 2022, the State party submitted that the Ministry of Immigration and Integration had refused M.G.'s application for a residence permit on humanitarian grounds on 24 October 2019. According to this decision, the authors had terminated their cohabitation.

10.2 On 12 May 2021, the Refugee Appeals Board upheld the Danish Immigration Service's decision of 25 October 2013 concerning M.G.⁴¹ The State party therefore requests that the Committee resume its consideration of the communication. On 12 May 2021, the Board also decided to grant residence permits to B.R., the authors' two minor children and S.G., their son who had attained the age of 18 years.⁴² The State party therefore requests that Committee discontinue its consideration of the communication as it concerns B.R. and the authors' three children.

10.3 On 30 September 2022, the State party submitted observations concerning M.G.'s claims only. The State party notes that the latest observations by M.G., submitted on 3 December 2021, and his written statements before the Refugee Appeals Board in his most recent asylum case, which was decided on 12 May 2021, concerned only the alleged violation of articles 6 and 7 of the Covenant if he was returned to Pakistan. M.G. has provided no new essential information in relation to his claims already considered by the Board.

10.4 As new grounds for asylum, M.G. has stated before the Refugee Appeals Board that he suffers from a "serious physical disease" and that, as a Christian, he belongs to a religious minority that is discriminated against. He claims that he would therefore be unable to receive treatment for his disease in Pakistan.

10.5 The Refugee Appeals Board acknowledged that the author needed life-saving treatment, which was available and accessible in Pakistan, as the relevant medications were available in Islamabad and three hospitals in Islamabad offered free treatment with haemodialysis. The Board further found that M.G. had failed to establish that it was probable that he would be cut off from receiving the necessary treatment in Pakistan owing to discrimination. The State party considers that the author failed to substantiate his claims under articles 6 and 7 of the Covenant, which should be considered inadmissible. As argued

³⁹ The briefings were attached to her comments.

⁴⁰ For M.G. only.

⁴¹ According to the decision of the Refugee Appeals Board, M.G. was sentenced on 15 August 2018 by the District Court of Kolding to four months' imprisonment for violation of sections 119 (1) and 245 (1), read with section 21, of the Danish Criminal Code (offence against public authority and attempted bodily assault against another person). He was also expelled from Denmark and banned from re-entry for six years. The judgment was upheld by the High Court of Western Denmark on 26 April 2019. Subsequently, on 23 January 2020, the District Court of Esbjerg sentenced M.G. to four months' imprisonment for violation of section 119 (1), read with section 21, and section 232 of the Criminal Code (attempted offence against public authority and obscene behaviour in violation of public decency). He was also expelled from Denmark and banned from re-entry for six years. The judgment was upheld by the High Court of Western Denmark on 13 May 2020.

⁴² Pursuant to section 7 (2) of the Aliens Act.

previously, the State party also maintains that the author has failed to substantiate his claims under articles 13, 18 and 26 of the Covenant.

10.6 On the merits, the State party maintains that it has not been established that there are substantial grounds to believe that M.G. would be in danger of being deprived of his life, subjected to torture or cruel, inhuman or degrading treatment or punishment, or hindered in the exercise of his freedom of religion if returned to Pakistan.⁴³

Comments by the author

11.1 On 20 February 2023, M.G. submitted that the Refugee Appeals Board has not reviewed his claim for asylum as carefully as it should have done.

11.2 The author contends that, on the basis of the information on his medical situation that he has suffered a serious brain haemorrhage and is “mentally or emotionally disturbed”, the Refugee Appeals Board should have ordered a medical assessment to check the veracity of his accounts. The Board refused to order such a medical assessment and found that the author’s asylum claim was not credible, without being proactive in gathering evidence. The Board should therefore have undertaken a more thorough examination and conducted additional investigations on the basis of the medical documents that he had provided. The Board’s failure to do so constitutes a serious flaw in its decision-making process.

11.3 The author argues that the Refugee Appeals Board did not sufficiently consider whether it was possible for him to gain access to and receive adequate medical treatment in Pakistan, nor did it sufficiently consider his status as a Christian and the ensuing risks of persecution if he were deported.

11.4 The author concludes that by failing to properly consider his claims, the Refugee Appeals Board violated his rights under articles 6, 7 and 18 of the Covenant.

Issues and proceedings before the Committee

Consideration of admissibility

12.1 Before considering any claims contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether it is admissible under the Optional Protocol.

12.2 Since B.R. withdrew her complaint and requested discontinuance of the part of the communication in relation to her and the authors’ children, as they were granted asylum in Denmark on 12 May 2021, the Committee will consider the claims of M.G. only.

12.3 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement. It also notes that the author has exhausted all available domestic remedies, as required under article 5 (2) (b) of the Optional Protocol.

12.4 The Committee notes the author’s allegations under articles 6 and 7 of the Covenant that, if returned to Pakistan, his life would be at risk, he would be at risk of serious harm and persecution, and he would be forced to hide his religious beliefs, in violation of article 18 of the Covenant. In particular, the Committee notes that the author is a Christian, that he has been a member of the All Pakistan Minorities Alliance, founded by Shahbaz Bhatti in Pakistan, and that he was president of the Holy Christ Ministries of Pakistan. The Committee also notes the author’s statements that he had a conflict on 20 February 2012 with A.D., an imam, who approached the author and advised him to stop proselytizing, and that A.D. reported the author to the police, accusing him of speaking disparagingly of the Prophet Muhammad. The Committee further notes the author’s statements that the authorities brought charges against him in accordance with section 295C of the Pakistan Penal Code, that the author received a summons to appear in court on 28 March 2012, that the police searched the author’s home on 23 March 2012, and that the imam and his supporters attempted to shoot

⁴³ The State party notes that M.G. has not commented further on the State party’s observations of 5 August 2014 or 3 April 2017.

the author in a grocery store in Rawalpindi on 25 March 2012, but did not hit him. After the shooting incident, the author decided to flee Pakistan, and arrived in Denmark on 24 April 2012, without valid travel documents.

12.5 The Committee notes, however, the State party's argument that the author's claims with respect to articles 6 and 7 of the Covenant should be declared inadmissible as he has failed to establish a prima facie case for the purposes of admissibility, because he did not show that there are substantial grounds to believe that he would be at real risk of irreparable harm if removed to Pakistan. The Committee notes that the Refugee Appeals Board, in its decision of 17 January 2014, rejected the author's statements about his grounds for asylum in their entirety, and found that the author would not be at a specific and individual risk of being deprived of his life, subjected to torture or ill-treatment or persecuted if returned to Pakistan. The Board considered that the author had made inconsistent statements during the two interviews conducted by the Danish Immigration Service and at the Board hearing, concerning, inter alia, his conflict with the imam on 20 February 2012, his flight from his home, the shooting incident in Rawalpindi and the way in which he had learned about the first information report and the arrest warrant issued by the Pakistani police. The Committee observes that the Board could not accept the author's statements as facts, and that it found that the general situation for Christians in Pakistan was not of such a nature as to justify asylum. The Committee also notes the State party's argument that the author has not submitted any new information to the Committee, and that he has tried to use the Committee as an appellate body to re-evaluate the facts and circumstances of the asylum claim that was adjudicated by national authorities.

12.6 The Committee recalls its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant.⁴⁴ The Committee has also indicated that the risk must be personal and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.⁴⁵ In making this assessment, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.⁴⁶ The Committee further recalls its jurisprudence that considerable weight should be given to the assessment conducted by the State party, unless it is found that the evaluation was clearly arbitrary or amounted to a denial of justice,⁴⁷ and that it is generally for organs of States parties to the Covenant to review or evaluate facts and evidence in order to determine whether a risk of irreparable harm exists.⁴⁸

12.7 The Committee notes, in particular, the author's claims that the fact that he is a Christian and has previously been persecuted and accused of a crime that is subject to the death penalty in Pakistan (speaking disparagingly of the Prophet Muhammad), and the fact that, during the convention in Lahore of the All Pakistan Minorities Alliance, the author had had a conflict with the imam, who had reported him to the police, mean that he would be put at risk of persecution, in violation of articles 6 and 7 of the Covenant, if returned to Pakistan. In this connection, the Committee notes that the author points to the subsequent shooting incident against him, while he was shopping in Rawalpindi on 25 March 2012. The Committee observes, however, the Refugee Appeals Board's findings that the author's statements about, inter alia, the timing of events and the incident when shots were fired at him were inherently inconsistent. Moreover, the Board considered that the author had not provided a sufficiently convincing explanation as to why the imam, who had reported him to the police, wanted him killed, or as to how the imam had been able to find him in Rawalpindi. Thus, the alleged details could not be established as facts. In its assessment, the Board considered the fact that the author is illiterate, which could explain some of the inaccuracies

⁴⁴ General comment No. 31 (2004), para. 12.

⁴⁵ For example, *X. v. Denmark*, para. 9.2, and *X v. Sweden* (CCPR/C/103/D/1833/2008), para. 5.18.

⁴⁶ *Ibid.*

⁴⁷ *X v. Denmark*, para. 9.3, and *X v. Sweden*, para. 5.18. See also *Simms v. Jamaica* (CCPR/C/53/D/541/1993), para. 6.2.

⁴⁸ *Pillai et al. v. Canada* (CCPR/C/101/D/1763/2008), para. 11.4, and *Z.H. v. Australia* (CCPR/C/107/D/1957/2010), para. 9.3.

as to the dates. The Board was also aware of the information regarding the author's health, including that, in 2012, before the first interview conducted by the Danish Immigration Service, he had suffered a brain haemorrhage. However, based on an overall assessment of the information provided, the Board found no basis for initiating a neurological evaluation of the author for the purposes of assessing his statement. Owing to the circumstances described, the Board did not interpret the minor inaccuracies to the detriment of the author. Nonetheless, the Board found that the abundance of significant inconsistencies in the statements made by the author weakened his credibility, and that the author was unable to provide a convincing explanation of those inconsistencies. The Committee observes that the Board's assessment of the author's credibility did not solely rest on those inconsistencies, but was also supported by the first information report concerning the incident and the arrest warrant presented by the author in support of his applications for asylum, both of which were assumed not to be genuine following verification of authenticity.

12.8 The Committee further observes that the Refugee Appeals Board took into account the updated background information, which indicates that conditions for Christians in Pakistan are generally difficult. However, the Board found that the conditions for Christians in Pakistan cannot in themselves justify asylum in Denmark. The Board's assessment was supported by the fact that – except in the context of the circumstances that allegedly led to the author's departure, which the Board could not consider as facts – the author did not mention being exposed to persecution or abuse motivated by religion in his statements to the Danish Immigration Service and the Board in 2014, which would have been natural considering his grounds for asylum.

12.9 As regards the Refugee Appeals Board's negative decision of 12 May 2021, the Committee notes the State party's argument that, following the reopening of the author's asylum case, he had submitted that he suffered from a "serious physical disease" and that, as a Christian, he belonged to a religious minority that was discriminated against. The author alleged that he would therefore be unable to receive treatment for his disease in Pakistan. The Board observed in this respect that the author had applied several times for a residence permit on humanitarian grounds, and that, most recently on 24 October 2019, the Ministry of Immigration and Integration had refused his application.⁴⁹ The Board nonetheless acknowledged that the author needed life-saving treatment. From the decision of 24 October 2019, it appeared that the Ministry had obtained information about the treatment options in Islamabad, where the author had lived prior to his departure. According to that information, the relevant medications were available in Islamabad and three hospitals in Islamabad offered free treatment with haemodialysis. The question before the Board was therefore whether the author would be cut off from receiving the necessary treatment owing to discrimination against him as a Christian. As the author did not mention to the asylum authorities in 2014 that he had been exposed to persecution or abuse motivated by religion, the author's subsequent statement to the contrary could not lead to a different assessment. The Board hence found that the author had failed to establish that it was probable that he would be cut off from receiving the necessary treatment in Pakistan owing to discrimination. The State party therefore maintains that the author has failed to substantiate that, if returned to Pakistan, he would be at risk of persecution or abuse as a result of his religious beliefs.

12.10 The Committee considers that the Refugee Appeals Board conducted a comprehensive and thorough examination of the evidence in the case and concluded that the author had had no conflict with the Pakistani authorities, and that the isolated incidents related to the author's disagreement or conflict with the imam could not lead to the author being granted protection status under section 7 of the Aliens Act. Although the author challenged the Board's status and the lack of possibility to appeal its decisions in court, his claims in that regard are of a general nature and do not establish that the evaluation of his asylum application by the Danish authorities was clearly arbitrary or amounted to a denial of justice. The Committee observes that the author primarily disagrees with the factual conclusions of the State party's authorities. Consequently, the Committee considers that the

⁴⁹ According to the Ministry's decision, the author suffers from insulin-dependent type 2 diabetes with multiple complications, including neuropathy, owing to terminal renal failure requiring chronic haemodialysis; he uses a wheelchair; and he takes medication as treatment for high blood pressure and depression. On 14 January 2021, the author requested the Ministry to reopen his case.

author has not sufficiently substantiated his claims that the State party's authorities failed to duly assess the risk that he would face if he returned to Pakistan. The Committee also considers that the information before it does not prima facie reveal the existence of a personal risk to the author of being deprived of his life, subjected to torture or ill-treatment, or hindered in the free exercise of his religion following his return to Pakistan. The Committee therefore finds that the claims that the State party would violate its obligations under articles 6 and 7 of the Covenant by removing the author to Pakistan have not been sufficiently substantiated for the purposes of admissibility, and concludes that this part of the author's claims is inadmissible under article 2 of the Optional Protocol.

12.11 As regards the author's claim under article 13 of the Covenant, the Committee notes the State party's argument that this claim has replaced the author's initial assertions under article 14, which would otherwise be inadmissible as incompatible *ratione materiae* with the provisions of the Covenant since the asylum proceedings fall outside the scope of article 14. In that context, the State party has argued that the author's claims under article 13 have not been substantiated in any way as he had benefited from applicable legal safeguards. The Committee finds the author's claims under article 13 of the Covenant to be inadmissible, owing to the lack of sufficient substantiation, pursuant to article 2 of the Optional Protocol.

12.12 Regarding the claims under article 18 of the Covenant, the State party has argued that the risk of a violation of article 18 would not amount to irreparable harm, and that, since such a violation would take place outside the territory and jurisdiction of Denmark, this part of the communication should be considered inadmissible as incompatible *ratione materiae* with the provisions of the Covenant. The Committee considers that the author has not demonstrated a well-founded fear of persecution by authorities or private individuals in Pakistan as a consequence of his religious beliefs. The author has also failed to establish that he has been or would be deprived of his rights under article 18 in Denmark. This part of the communication is therefore inadmissible owing to the lack of sufficient substantiation of the claim that a real and personal risk exists for the author, and owing to incompatibility *ratione materiae* with the Covenant as it falls outside jurisdiction of the State party, pursuant to articles 2 and 3 of the Optional Protocol.

12.13 As regards claims under article 26 of the Covenant, the State party has held that they have not been substantiated in any way and are hence inadmissible. In the light of the above, the Committee considers the author's claims under article 26 of the Covenant to be inadmissible, owing to the lack of sufficient substantiation, pursuant to article 2 of the Optional Protocol.

13. The Committee therefore decides:

- (a) That the communication is inadmissible under articles 2 and 3 of the Optional Protocol;
- (b) That the part of the communication submitted by B.R. in relation to her and her children is discontinued, as it has been withdrawn by her because they have been granted residence permits in Denmark;
- (c) That the decision shall be transmitted to the State party and to the authors.