

STAKEHOLDER SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW, 28TH SESSION

INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief (FoRB). Working closely with civil society organisations, CSW monitors the right to freedom of religion or belief in Pakistan within the broader context of human rights protection, and advocates for the right to freedom of religion or belief for all people in Pakistan. CSW has undertaken regular fact-finding assignments to the country for almost 30 years. This submission will review the scope of Pakistan's international legal obligations and analyse the implementation of recommendations related to freedom of religion or belief (FoRB) from Pakistan's Universal Periodic Review (UPR) in 2012 and 2008.
8. The government is urged to issue an invitation to the UN Special Rapporteur on freedom of religion or belief to review Pakistan's FoRB situation and to provide constructive feedback.

BLASPHEMY LEGISLATION AND CASES

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

2. Pakistan is party to several international human rights treaties, notably the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). It acceded to the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Racial Discrimination (CERD) and the Convention on the Elimination of Discrimination against Women (CEDAW).
3. **Recommendation: Pakistan should seek to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and should ratify or accede to the Rome Statute of the International Criminal Court.**
4. During the country's second UPR in 2012, Pakistan accepted 133 recommendations, of which at least 13 recommendations concerned freedom of religion or belief. CSW welcomes efforts by the government to respond swiftly to FoRB violations with verbal condemnation and in some cases, financial compensation to victims since the second UPR. However, perpetrators of religiously-motivated violence continue to act with impunity and many escape prosecution. CSW notes with concern that recommendations to ensure compliance and implementation of domestic legislation, policy and practice to meet international standards have not been met.
5. CSW welcomes the establishment of the National Human Rights Commission (NHRC) in 2015, but notes with concern its limited mandate to investigate human rights violations involving the armed forces and security agencies.
6. **Recommendation: The State Party should ensure the independence of the NHRC and extend its mandate to investigate human rights violations allegedly committed by the military and security agencies.**
7. **Recommendation: The State Party must take more comprehensive action to implement FoRB-related commitments from the last UPR cycle, and ensure that national laws are consistent with international human rights obligations.**
9. Pakistan's blasphemy laws, specifically Sections 295(a), (b) and (c) of the Pakistan Penal Code (PPC), remain a key area of concern. These legal provisions (which criminalise insults against Islam) are problematic for a number of reasons. The wording is vague and lacks definition on what constitutes blasphemy, and the provisions ignore the question of intent to commit blasphemy. Furthermore, the law requires a low standard of evidence which leaves it open to abuse, fuelling false accusations made for personal, business or property rivalry against Muslims and religious minorities. CSW notes an increase in blasphemy cases since the last UPR, including the misuse of laws and the influence of religious clerics who spread hate speech and whose supporters take the law into their own hands - often with violent consequences for those accused of blasphemy.
10. The situation of Asia Noreen, a Christian woman falsely accused of blasphemy in 2009 was raised at the UPR in 2012 and remains of grave concern. Her final appeal in the Supreme Court on 13 October 2016 was adjourned after one of the three judges recused himself on the day of the hearing citing a conflict of interest, and she remains in prison.
11. Ahmadi Muslims continued to face false blasphemy accusations since the last UPR. On 20 November 2015 an arson attack against an Ahmadi factory in Jhelum resulted in substantial destruction to the factory and neighbouring homes. Head of security, Qamar Ahmed Tahir allegedly burnt the Qur'an.
12. On 24 July 2014, 18-year-old Aqib Saleem, was accused of uploading a blasphemous photo to Facebook, which sparked violence in Gujranwala. A mob forced entry into homes, set them alight and prevented women from escaping. An Ahmadi woman suffered a miscarriage and Bushra Bibi and her two granddaughters died. Aqib said, "Police were present but did not lend any support to the Ahmadis".
13. Incidents of violence triggered by false blasphemy accusations against religious minorities, particularly Christians and Ahmadis, continued intermittently. The impact on the accused and their family is an ongoing concern, especially where a mob is instigated. On 4 November 2014, Christian couple Shama and Shezad Masih, bonded labourers working at a brick kiln in Kot Radha Kishan, were lynched, thrown into the kiln and burned alive by a mob following announcements from



local clerics. Shama was falsely accused of burning pages of the Qur'an. On 23 November 2016, the Anti-terrorist court (ATC) sentenced 13 men involved in the murders.

14. On 9 March 2013 riots against the Christian neighbourhood of Joseph Colony, Lahore resulted when Sawan Masih (a Christian) was accused of insulting the Prophet Mohammed under Section 295 (c) of the PPC. A violent mob burned hundreds of homes and displaced around 150 families. The ATC acquitted all 115 people who were charged.

15. **Recommendation: The State Party should (i) review the blasphemy laws as a step towards full repeal (ii) ensure adequate protection of religious minorities who are disproportionately affected by blasphemy laws, prosecuting those responsible for reprisal attacks (ii) drop all charges against Asia Noreen with an assurance of safe relocation outside of Pakistan for her and her family.**

16. CSW urges the government of Pakistan to take effective action to tackle hate speech and incitement to violence, and afford better protection to religious minorities.

VIOLENT ATTACKS AGAINST RELIGIOUS MINORITIES

17. At the UPR reviews in 2012 and 2008, Pakistan accepted recommendations to protect religious minorities, take action to investigate attacks and bring perpetrators to justice. During the reporting period targeted violence by Islamist groups against religious minorities increased, adding to the climate of religious intolerance and impunity.

CHRISTIANS

18. Pakistan's Christian community suffered several large-scale attacks during the reporting period.

19. On 22 September 2013, a double suicide bombing at All Saints Church in Peshawar killed 127 people and injured 250. On 15 March 2015, two suicide bombers attacked Christ Church and St John's Catholic Church in Youhanabad resulting in 15 deaths and injuring over 70 people. On Easter Sunday, 27 March 2016, 75 people were killed and over 340 injured in a suicide bomb attack on the Gulshan-e-Iqbal Park in Lahore. Jamaat-ul-Ahrar claimed responsibility for the Lahore and Youhanabad attacks, warning that they would continue to target the Christian community.

SHI'A

20. During the reporting period, Pakistan's Shi'a community faced systematic persecution in the form of sectarian violence, attacks on religious processions during the festival of Ashura, attacks on pilgrims, targeted killings, harassment, and hate speech and incitement to violence promoted by privately-operated Madrassas. Extreme Sunni militant and Islamist organisations like Tehreek-e-Taliban (TTP); Sipah-e-Sahaba (SSP); Ahle Sunnat Wal Jamaat (ASWJ); Lashkar-e-Jhangvi (LEJ); Jundullah; Jaish-e-Islam and other extremist groups pursued a mandate to kill Shi'a Muslims and religious minorities. The Shi'a Hazara community in Quetta remain particularly vulnerable. There was a resurgence of violence against Shi'a Muslims in 2015 with approximately 37 incidents in which an estimated 226 were killed and 254 injured.

21. Several large-scale violent attacks against Shi'a Muslims include:

22. A twin bomb blast on 11 January 2013 in Quetta targeting Shia resulted in 107 deaths and over 120 injured. On 10 January 2013, the suicide bombing of a snooker club in Quetta frequented by Hazaras killed 96 people and injured at least 150. Many victims were caught in a second blast 10 minutes after the first, deliberately targeting those who went to assist the wounded. On 17 February 2013, a bomb exploded in a market in Quetta's Hazara Town, killing around 84 Hazara and injuring more than 160.

AHMADI MUSLIMS

23. Anti-Ahmadi legislation, including Ordinance XX and Section 298 (b) and (c) of the PPC directly contradicts Pakistan's constitutional guarantees and international human rights obligations. It defines the Ahmadi profession of faith as "anti-Islamic". The legislation has created an environment of impunity, fuelling and legitimising attacks and discrimination faced by Ahmadis. Since the last UPR the community experienced increased violence and intimidation by state and non-state actors.

24. CSW notes the worrying trend that the Anti-Terrorism Act (ATA), formulated to stop sectarian hatred against minorities, is increasingly used by the state to ban Ahmadiyya literature and by extremist clerics to target Ahmadis. Particularly concerning are the arrests of elderly bookshop owner Abdul Shakoor, sentenced to five years' imprisonment under Section 298(c) of the PPC and three years under Provision 8 of the ATA for possessing religious literature and Mazhar Ahmad, sentenced to five years under the ATA.

25. The Punjab Counter Terrorism Department carried out an unprecedented raid without warrant on 5 December 2016 on Ahmadiyya headquarters in Rabwah. Four people were arrested on charges of hate speech and five Ahmadis under anti-Ahmadi and anti-terrorism laws.

26. On 12 December 2016 in Chakwal district a violent mob attempted to seize control of an Ahmadi mosque setting fire to the building's contents. No additional security measures were provided, despite the community alerting police. Families abandoned homes and an Ahmadi man died of a heart attack.

27. The Election Commission uses the National Database and Registration Authority (NADRA) to create the voting list. Voters have to sign a declaration regarding belief about the finality of Prophethood. Ahmadis have to declare themselves as non-Muslims to vote because of their beliefs. If a voter refuses to sign the declaration they are added to a supplementary list.

28. **Recommendation: The State Party should (i) repeal anti-Ahmadiyya legislation to ensure Ahmadis enjoy rights of equal citizenship (ii) drop all charges and release Abdul Shakoor, Mazhar Ahmad and those arrested at Rabwah (iii) remove the separate list and the objection to vote on the basis of finality of Prophethood.**

29. **Recommendation: CSW notes ongoing biases and failures by the police to properly investigate and prosecute criminal acts including violence against religious minorities. The government must uphold (i) its commitment to safeguard minorities according to Article 36 of the constitution (ii) implement the Supreme Court's 19 June 2014 judgement which expands Article 20 in the constitution by including freedom of conscience, thought, expression, belief and faith as part the freedom of religion (iii) ensure police remain impartial, and undertake comprehensive training on FoRB and human rights.**

30. **Recommendation:** In addition to providing financial compensation to victims, the government should ensure they receive adequate long-term rehabilitation and support. Existing bans on militant sectarian organisations must be enforced.

FORCED CONVERSION OF HINDU AND CHRISTIAN GIRLS

31. Incidents of forced conversion and forced marriage continued especially in Sindh province. CSW is concerned about the systematic targeting of Hindu and Christian girls and women who are abducted by Muslim men, converted to Islam and married to the abductor or third party without their informed and voluntary consent. CSW recognises the efforts of provincial governments to enact legislation to protect religious minorities. CSW notes in particular the Hindu Marriage Bill 2016, passed by the Sindh Assembly on 15 February 2016, which allows Hindus, Sikhs and Jains to register their marriages, and may prevent women from being targeted for forced conversion and forced marriage.
32. Since the last UPR, the World Sindhi Congress notes a marked increase in cases of forced conversion and marriage. For instance, in March 2016, Kiran Meghwar a 13-year-old Hindu girl, was abducted near her home in Hyderabad. Despite attempts by her parents to get her back through all available legal channels, she was married off to one of her abductors.
33. In 2015 two Christian sisters in Lahore were abducted from college by their father, a recent convert to Islam, and the local cleric. Despite their protests, the sisters were forced to sign the Nikah (Islamic marriage ceremony) and married against their will to men they had never met. They remain in hiding whilst their father and the local cleric continue to look for them.
34. CSW is concerned about police bias demonstrated in registration and investigation of forced marriages and forced conversions and pressures on police to omit evidence in favour of the abductor. CSW consulted Hindu community leaders and lawyers in Sindh who reported the extent to which victim statements are given under duress and intimidation following threats to victims and their families. Furthermore, there is often widespread harassment inside and outside of court proceedings. CSW is concerned that once a woman or a girl is abducted, she always remains in the custody of the abductor during the investigation.
35. On 24 November 2016 the Sindh Assembly adopted a bill against forced religious conversions; but the Governor of Sindh did not ratify it due to pressure from religious political parties including Jamaat-i-Islami, Jamiat Ulema Islam-F and the Council of Islamic Ideology who termed the bill 'un-Islamic'. Amendments to the bill should not restrict people from changing their religion.
36. **Recommendation:** The Sindh Assembly needs to review the forced conversion bill to ensure that those who wish to change their religion of their own free will are not excluded. The government is urged to offer greater protection to women from religious minorities who are abducted and ensure police follow proper, unbiased investigative procedures and receive gender-sensitive training.

THREATS TO HUMAN RIGHTS DEFENDERS, LAWYERS AND JUDGES

37. During the last UPR cycles, the State Party accepted at least 12 recommendations regarding the safety and protection of human rights defenders (HRDs). Despite assurances to uphold and protect HRDs, as well as combat impunity for attacks and prosecute those responsible, targeted attacks and threats continued to take place.
38. CSW is concerned about increased risks to HRDs, lawyers and judges. Lawyers defending blasphemy-related, or other sensitive cases relating to minority issues frequently face intimidation and threats of violence, and in some cases extra-judicial killings. On 7 May 2014, Rashid Rehman, a lawyer from the Human Rights Commission of Pakistan, was shot dead for defending a university lecturer accused of blasphemy. Shahbaz Gormani, the lecturer's new defence counsel, was attacked at his residence by gunmen on 3 December 2014.
39. In 2013, lawyers filing a bail petition for Shagufta Kausar, a woman convicted of blasphemy together with her husband, were threatened in court in Lahore by extremists with weapons. The lawyers were warned to "leave the case or be ready to die". Although the lawyers reported the case to the judge no action was taken. The judge transferred the case as he was unwilling to hear it.
40. On 8 August 2016, Jamaat-ul-Ahraar carried out a suicide attack on the Quetta Civil Hospital. 70 people including 54 lawyers were killed. The lawyers gathered after Bilal Anwar Kasi, president of the Balochistan Bar Association, was shot on his way to court.
41. Judges have been physically attacked and threatened with torture, even during the court hearings. Many are afraid to hear prominent minority cases for fear of reprisal, making progress in these cases painfully slow.
42. An increasing number of human rights activists were murdered during recent years. Khurram Zaki was killed on 8 May 2016 in Karachi; Zafar Lund, an Ahmadi and rights activist, was murdered on 14 July 2016; Sabeen Mahmud, an activist who campaigned on issues including enforced disappearances, was shot by gunmen on 24 April 2015 in Karachi. Sabeen Mahmud's killer has been sentenced to death; no prosecutions have been made in the other murders.
43. **Recommendation:** The government of Pakistan is urged to implement and adhere to international obligations to afford HRDs greater protection, providing a safe environment for HRDs to work, and ensuring their physical and psychological safety.

RELIGIOUS IDENTITY

44. CSW is concerned that some members of religious minorities have been automatically registered as Muslims on the NADRA database, regardless of the person's beliefs. Two brothers from a Christian family were registered as Muslim and they had to swear under oath they had never been Muslim and that their father was a Christian. This example is indicative of wider challenges faced by religious communities.

45. Recommendation: The government must rectify existing errors in the registration system, to ensure the basic rights of religious minorities are not violated by being registered as Muslim by default, and facilitate a quick and easy way to change the religious status in the NADRA.

BIASED EDUCATION

46. During the reporting period, the government has failed to tackle biased education and hate material in school curricula. Biased material including derogatory ideas, hate speech about Shi'a, Hindus, Christians, Sikhs, and Ahmadis are still present in textbooks, as well as factual inaccuracies and omissions.

47. Recommendation: The government should implement educational reforms, revise textbooks to remove biased content discriminating against religious minorities and instead promote ideas of peace and diversity. Teachers should be trained in FoRB, human rights and religious literacy.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

Registered Charity No. 281836

PO Box 99, New Malden, Surrey, KT3 3YF, United Kingdom
T: +44 (0)845 456 5464 F: +44 (0)20 8942 8821
E: admin@csw.org.uk www.csw.org.uk