



UNIVERSAL PERIODIC REVIEW

Submission to the United Nations Human Rights Council:
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PAKISTAN

Submission by:

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Introduction

1. The British Pakistani Christian Association (BPCA) is an NGO based in London, focusing on human rights abuses in Pakistan against Christians – and also other religious minorities – as well as seeking to promote interfaith understanding in the UK, particularly between Christian and Muslim Pakistanis. A major focus has been the need for the reformation of the blasphemy laws.

We would like to voice our general support of the submission by the Alliance Defend Fund, and this submission is intended to complement it. We would also point readers to the Pakistan section of the 2012 report of the [US Commission on International Religious Freedom](#). Where we refer to Christians, take it as read that similar factors apply to other religious minority groups. Some scenarios given are actual cases, others are composite scenarios from many similar reports.

Background

2. Pakistan's population is predominately Islamic : official figures say approximately 97% of Pakistan's 178 million citizens are Muslim. Its constitution is very muddled concerning minority rights. Its official name is "Islamic Republic of Pakistan"; Article 2 names Islam as the official religion; Article 31 requires the state to facilitate "the Islamic way of life" and Article 41.2 limits the Presidency to Muslims only, but Article 25(1) of the Constitution states: "All citizens are equal before law and are entitled to equal protection of law." Article 36 adds: "The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services." We also note that on 23 June 2010, Pakistan ratified both the International Covenant on Civil and Political Rights [ICCPR] and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT], both of which have considerable bearing on the treatment of religious minorities in Pakistan.

3. Pakistan has brought annual resolutions before the United Nations to combat 'Defamation of Religions' (after the original title 'Defamation of Islam' proved rather divisive and discriminatory for some reason!), which calls for 'understanding, tolerance and respect in matters relating to freedom of religion or belief', despite severe problems in this matter in Pakistan, like the constitutional provisions essentially outlawing the Ahmadi faith.

Pakistan has undergone a prolonged period of intensifying Islam-ification, which is reflected in law and in society.

The Blasphemy Laws

4. a) Please read items 5-23 of the ADF submission as this provides a context for much of the material below. In summary, the blasphemy laws violate a number of elements of the Universal Declaration of Human Rights (UDHR) to which Pakistan is a signatory. Penal code articles 295-C, 298, 298-A, 298-B, 298-C elevate one religion (a version of Islam) over all others.

4. b) In this context, even 295 and 295-A which purport to cover insults to religion of 'any class' are routinely used discriminatorily. Christians report that blatant and deliberate acts against Church properties are ignored, even when Christians try and use these laws to defend themselves, whereas even the slightest perception of insult or offense against Islam typically results in draconian reactions, both legal and societal. When someone is rumoured to have committed blasphemy or

similar, usually mobs will surround the houses of the 'perpetrators', and sometimes whole Christian communities or villages have to flee. In cases proven to be Muslims planting evidence (burnt or torn Quran pages in the mud) outside Christian homes, businesses or institutions, still Christian communities are blamed, and the real perpetrators typically get treated leniently, or are not apprehended at all, due to the influence of certain Islamic clerics and their congregations.

4. c) Accusations of blasphemy are nearly invariably made in the context of property or personal relationship disputes. The accused are arrested on the flimsiest of (often fabricated) evidence, often denied bail and kept in prison for periods as long as years, depriving them and their families of income and stability. The fear of such charges is also a potent leverage point for a Muslim in any dispute with a non-Muslim, even if charges are never actually made. In addition, Christians accused of blasphemy are treated inhumanely in prison, with medical care frequently denied, and prolonged solitary confinement and beatings from guards and other prisoners are a regular occurrence. The laws are vague and open to wide interpretation by police and the Courts, who are frequently under extreme pressure from extremist Islamic clerics.

4. d) These combined factors constitute violations of a number of articles of the UDHR, namely 3 (right to life, liberty and security of person), 5 (No torture or cruel, inhuman or degrading treatment or punishment), 7 (equal protection under law without discrimination), article 9 (many of these arrests are essentially arbitrary), 8, 10 and 11 (tribunals are not fair, innocence is in practice not assumed before trial, it is highly doubtful that the courts are impartial or independent of influences that press for conviction on religious grounds, and the law requires a Muslim judge only), 12 (these cases are basically attacks on the victims reputation or honour, especially when evidence is fabricated) as well as 18 and 19 (freedom of religion and expression).

Further evidence that the legal system is not impartial comes from the fact that minorities constitute around 3% of the population, yet over an approximately 2 decade period from 1986 to 2007 they were subject to 50% of the blasphemy charges.

Public service

5. The Presidency and being a judge in blasphemy cases are reserved only for Muslims, constituting a direct violation of UDHR article 21 (1) and (2) – the right of equal access to public service.

6. On the other end of the scale, there are jobs that are reserved for non-Muslims or even specifically Christians only – namely street cleaners and sewerage workers, because Christians are 'Chuhras' or 'sweepers', deemed as dirty and low-born.

Work and welfare

7. Discrimination is widespread in the area of work and welfare. Street cleaners and sewer workers have the highest rates of death or illness, yet they are denied care they are entitled to. They work for municipal companies that function as arms of the state and whose permanent employees should get paid holidays, free treatment in hospitals for civil servants and other benefits, like pensions. They are denied these by a ruse – fired and re-hired every 90 days to be classed as temporary contractors. When they are too old or ill to be of use, they are just cast off. If they die in duty, their widows and children, often in great need, get at best a pittance in compensation. Street cleaners work very long days, partly because they prefer to get up early to avoid Muslim abuse – wise in view

of cases of 'dirty sweepers' being summarily murdered because they failed to immediately comply with the demands of Muslim business owners - but they are also paid very low wages, and so have no time for further part time jobs, and cannot afford education for their children, continuing the cycle of poverty and discrimination. Since these posts are usually advertised as being for non-Muslims only, this is a direct violation of UDHR articles 23 and 24, which concern free and equal access to all kinds of employment, the right to non-discriminatory payment and benefits, and the right to paid holidays and the like. In addition, attempts by Christian street-workers to organise themselves to campaign for better working conditions – in effect, to form a union - have been quashed by management concocting false charges of forgeries and assault against the workers leaders, specifically on the grounds that they 'know how to deal with low-born Christian chuhra's' – violating the right to form and join trade unions, also enshrined in these UDHR articles.

8. More generally, many Pakistani Christians report having to pay bribes to get jobs, discrimination over conditions, and often considerable pressure to convert to Islam.

10. In the aftermath of the 2010 and 2011 floods, Christian and minority victims were regularly and routinely denied aid, medicine, shelter and food by both government run and Islamic aid agencies and centres. Conversion to Islam was demanded, otherwise they were told to wait for the Christian agencies.

11. Many poor Christian families are kept in what amounts to bonded servitude or slavery because of debts to employers, frequently incurred to pay for medicines or other essentials for their families, in effect violating both article 4 outlawing slavery, and those on fair wages, social protection and so on mentioned in point 9 above.

12. Doctors tend to be Muslims, but many nurses are Christian, and sexual assaults against Christian women medical staff are not uncommon, with pressure to convert, murder and blackmail also occurring.

Police brutality and discrimination

13. Unfortunately, reports of police brutality against Christian victims of crime, and other acts of police criminality are not uncommon, including fabricating or colluding with false cases. Along with widespread petty corruption, this is one reason that victims of crime, particularly minority victims, are often reluctant to go to the police. In one recent case in August 2011 in Karachi, fundamentalist Muslims beat up and left a Christian for dead after he refused to convert to Islam. Their celebratory gun-fire as they left drew the attention of the police, who arrived and beat the unconscious victim again before dragging him to the police station and leaving him on the street.

Recent cases include:

a servant refused his employers demand to convert to Islam, the servant was set alight by religious and business leaders whilst police officers raped his wife, all in front of their children;

a maid entrusted her jewellery to her mistress, but when they and other valuables were stolen from the mistresses house, family members of the employer blamed the maid and her husband (not the Muslim employees). They suffered repeated arrest and prolonged torture to get a confession, leaving the heavily pregnant maid needing hospital treatment and, endangering the life of her baby;

a Christian family (including children) suffered 18 days of torture at the hands of the mothers' employer (an officer in the Air Force) and Air Force Police over the employers missing valuables. The 14 year old daughter and 12 year old son were tortured so badly that they were unable to walk.

Forced Marriage, conversion, kidnap and rape

14. Kidnap and rape of Christian and minority women and girls (sometimes aged as young as 10) is at epidemic levels. Because of various cultural sensitivities, intimidation and the fact that many of the crimes are committed in difficult to access rural areas, it is difficult to say precisely what the figures are, but best estimates are close to two a day for Christian victims alone. There seems to be something of a sex-slave trade going on, facilitated by prejudice against Christians. Criminals widely assume – usually correctly – that if they target Christians and other minorities they will get lenient sentences if caught. Typically minority women and young girls, both single and married, are kidnapped, and then raped, often gang-raped, sometimes for months. They are often forced to convert to Islam and married, either to one of their rapists, or to other Muslim men. Sometimes they manage to escape and return to their families. The families quite often go to the police, knowing full well who has kidnapped their women, but the police delay or refuse to allow reports to be filed, claiming the girls went of their own free will, that they have converted to Islam and so should be forgotten, and that if they want to see their daughter again they should convert to Islam. In some case, the victims of the families have continued to pressure the police and been beaten up. Police 'investigations' may say that the father beat their daughters, so that they ran away from the abuse, despite neighbour's unanimous contrary testimony.

15. The state is also complicit when courts endorse these forced marriages and conversions by ordering the victims to be returned to their attacker / 'husband' because there is a valid certificate of Muslim marriage witnessed by an Islamic cleric, making the state is complicit in rape, pedophilia and kidnap, and the violation of UDHR article 16 (Marriage shall be entered into only with the free and full consent of the intending spouses).

16. Poor Christian families often have to send their daughters to work as maids, and many rapes, tortures and so on happen in these situations. One of the most infamous recent examples involved a 12 year old tortured and raped to death by her employer, a senior lawyer. At an early hearing, Muslim lawyers rioted and obstructed the hearing, as well as intimidated Christian lawyers.

Education

17. Reports from Christians match up with the findings of the US Commission on International Religious Freedom report 'Connecting the Dots: Education and Religious Discrimination in Pakistan'. Text books denigrate and often tell flat out falsehoods about minority religions, and children and parents report many cases of teachers and students putting intense pressure on minority children to convert to Islam, as well as teachers otherwise singling out Christian students for adverse attention, particularly on religious grounds. Also, on some University courses, Muslim students can get extra credits for religious classes that non-Muslims can't. All this points to widespread violations of UDHR Article 26 (education to strengthen 'respect for human rights and fundamental freedoms..... promote understanding, tolerance and friendship among all nations, racial or religious groups....')

Incitement to violence and tools of discrimination

18. Christians frequently report widespread incitement to violence and discrimination, but especially from a significant portion of Islamic clerics. Christian properties are often the target of 'Muslim Mafia's' who take over Christian land and properties by force or fraud. Even Christian graveyards have been targeted, as well as functioning church-run hospitals. In one recent case, a village church saved to buy land for an orphanage, but an armed convoy sent by a local 'mafia' landowner shoot the unarmed villagers who tried to protect their property, with one fatality. Rich and influential business families feature repeatedly in both cases of rape and kidnap and property theft.

19. Another increasingly common tactic is when Islamic clerics stir up hatred against churches, often because they are deemed to be too loud or successful. Riots ensue, and then when the local police or authorities set up 'reconciliation' or 'peace and harmony' meetings, which the same influential clerics then use to enforce the changes they had incited the riots for – for example to force churches not to meet or worship with music at a time of Muslim prayers. In December 2011, some children were practicing Christmas carols in church using a PA system. This so incensed worshippers at a nearby mosque that they smashed the church and beat up the children. A number of churches report that girls are sexually harassed by Muslim youths gathered outside Christian prayer meetings.

20. Another universal tool of discrimination is the Pakistani passport and ID system. The religion of the citizen is recorded on these documents. They are required to move from one area to another, and this means that if Christians have to flee violence or death threats in one area and leave their home support network, they are intensely vulnerable wherever they go, because they are easily identified as Christians and can be treated accordingly by anyone who gets to see their ID. In addition, converts from Islam to Christianity have huge difficulties as their cards indicate their Muslim origins, meaning they are easily identified in a culture that often sees apostasy as a capital offense.

21. In 2011 Pakistan's Telecommunication Authority (PTA) announced a bizarre and extensive list of 'offensive' phrases that were to be banned from texts, and that mobile phone companies had to screen for. Included in the banned phrases was 'Jesus Christ', a direct attack on Christian expression.

Recommendations to the OHCHR:

- i. Urge the Government of Pakistan to repeal the blasphemy laws contained in Section XV of the Penal Code, entitled "Offences Relating to Religion", in particular, sections: 295-A, 295-B, 295-C, and 298, 298-A, 298-B, 298-C;
- ii. Urge the Government of Pakistan to uphold its obligations under the ICCPR and CAT;
- iii. Urge the Government of Pakistan to ratify the Optional Protocols to the ICCPR and the Optional Protocol to the CAT.
- iv. Urge the government of Pakistan to immediately remove all indications of religion from the ID and passport system.
- v. Urge the government of Pakistan to institute thorough reforms and appropriate retraining in the legal, law and order, education and employment spheres to ensure full rights for minority citizens.