

INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief (FoRB). Working closely with other 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 FoRB 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 FoRB from Pakistan's Universal Periodic Review (UPR) in 2012 and 2008.

RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES

2. Pakistan is party to several international human rights treaties, most notably the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and 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 ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), and ratify or accede to the Rome Statute of the International Criminal Court (ICC).**
4. During the country's second UPR in 2012, Pakistan accepted 133 recommendations, of which at least 13 recommendations concerned FoRB. 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 last UPR. However, perpetrators of religiously-motivated violence continue to act with impunity and many escape prosecution. CSW is concerned 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 government 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 government must take comprehensive steps to improve implementation of FoRB-related commitments from the last UPR cycle, and ensure that national laws are consistent with international human rights obligations.**

- 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

9. Pakistan’s blasphemy laws, specifically Sections 295 (A), (B) and (C) of the Pakistan Penal Code (PPC), remain a key area of challenge. 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. Since the last UPR, CSW notes an increase in blasphemy cases, where the laws are misused and religious clerics who spread hate speech wield considerable influence over supporters who take the law into their own hands - often resulting in violent consequences for those accused of blasphemy and their families.
10. The plight of Asia Noreen, a Christian woman falsely accused of blasphemy in 2009 is disturbing. Her case was raised at the last UPR. 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. On 20 November 2015, an arson attack against an Ahmadi factory in Jhelum resulted in substantial destruction to the factory and neighbouring homes after the head of security, Qamar Ahmed Tahir was alleged to have burnt copies of the Qur’an. On 24 July 2014, 18-year-old Aqib Saleem, was accused of uploading a blasphemous photo to Facebook, sparking violence in Gujranwala. A mob forcibly entered homes, set them alight and armed men prevented women from escaping. An Ahmadi woman suffered a miscarriage and Bushra Bibi and her two granddaughters died. According to Aqib, “Police were present but did not lend any support to the Ahmadis”.
12. 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 particularly worrying, especially where a mob is instigated to violence. 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 a kiln and burned alive by a mob. The mob was instigated after clerics from the local mosques made announcements that Shama had burned pages of the Qur’an. On 23 November 2016, the Anti-terrorist court (ATC) sentenced 5 men to death and another 8 men to two years imprisonment for their involvement in the murders.
13. On 9 March 2013, riots against the Christian neighbourhood of Joseph Colony, Lahore erupted after 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.

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

16. During the UPR reviews in 2012 and 2008, Pakistan accepted recommendations on protecting religious minorities, taking action to investigate attacks and bringing perpetrators to justice. During the reporting period targeted violence by Islamist groups against religious minorities increased, further fuelling religious intolerance and impunity.

CHRISTIANS

17. Pakistan's Christian community suffered several large-scale attacks since the last UPR. 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 they would continue to target the Christian community.

SHI'A

18. 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 with incitement to violence promoted by privately-operated Madrassas. Extreme Sunni militant and Islamist organisations such as 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 remains 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.
19. Several large-scale violent attacks were perpetrated against Shi'a Muslims. A twin bomb blast on 11 January 2013 in Quetta targeting Shi'a, 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

20. 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, reflected by increased violence and intimidation by state and non-state actors.
21. CSW notes a 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 disturbing 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.
22. On 5 December 2016, in an unprecedented step, the Punjab Counter Terrorism Department carried out a raid without warrant on Ahmadiyya headquarters in Rabwah. Four people were arrested on charges of hate speech and five Ahmadis were detained under anti-Ahmadi and anti-terrorism laws.
23. 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.
24. The Election Commission uses the National Database and Registration Authority (NADRA) to create the voting list. Voters must 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.
25. **Recommendation: The government should repeal anti-Ahmadiyya legislation to ensure Ahmadis enjoy rights of equal citizenship; drop all charges and release Abdul Shakoor, Mazhar Ahmad and those arrested at Rabwah and remove the separate list and the voting requirement regarding the finality of Prophethood.**
26. **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 its commitment to safeguard minorities according to Article 36 of the constitution; enforce existing bans on militant sectarian organisations; implement the Supreme Court’s 19 June 2014 judgement which expands Article 20 of the constitution by including freedom of conscience, thought, expression, belief and faith as part of freedom of religion and ensure police remain impartial and undertake comprehensive training on FoRB and human rights.**
27. **Recommendation: In addition to providing financial compensation to victims, the government should ensure they receive adequate long-term rehabilitation and support.**

FORCED CONVERSION OF HINDU AND CHRISTIAN GIRLS

28. Incidents of forced conversion and forced marriage were prevalent in Sindh province. Hindu and Christian girls and women systematically targeted by Muslim men, were kidnapped, converted to Islam and married to the abductor or third party without their informed and voluntary consent. CSW welcomes the efforts of provincial governments to enact legislation to protect religious minorities. On 15 February 2016, the Sindh Assembly passed the Hindu Marriage Bill 2016, which allows Hindus, Sikhs and Jains to register their marriages and may prevent women from being targeted by forced conversion and forced marriage.
29. Since the last UPR, the World Sindhi Congress recorded an 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 her parents' attempts to get her back through available legal channels, she was married to one of her abductors and called "Fatima".
30. In 2015, two Christian sisters in Lahore were abducted from college by their father, a recent convert to Islam and a local cleric. They were taken to the mosque and forced to perform the Nikah (Islamic marriage ceremony). Despite their protests, they were married against their will to men they had never met. They remain in hiding whilst their father and the local cleric continue to search for them.
31. CSW is concerned by police bias demonstrated in registration and investigation of forced marriages and forced conversions cases and pressures on police to omit evidence in favour of the abductor. CSW consulted Hindu community leaders and lawyers in Sindh who reported how 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. A key concern is once a woman or a girl is abducted, she remains in the custody of the abductor during the investigation.
32. On 24 November 2016, the Sindh Assembly adopted a bill against forced religious conversions; however the Governor of Sindh did not ratify it due to pressure from religious political parties including Jamaat-i-Islami, Jamiat Ulama-e-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.
- 33. Recommendation: The Sindh Assembly should 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 must provide better safeguards to women from religious minorities who are abducted, prosecute those involved and ensure police follow proper, unbiased investigative procedures and receive gender-sensitive training.**

THREATS TO HUMAN RIGHTS DEFENDERS, LAWYERS AND JUDGES

34. During the last UPR cycles, the government accepted at least 12 recommendations regarding the safety and protection of human rights defenders (HRDs). Despite commitments to protect HRDs; combat impunity for attacks and prosecute those responsible, targeted attacks and threats continued.

35. 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.
36. In 2013, lawyers filing a bail petition for Shagufta Kausar, a woman convicted of blasphemy 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.
37. On 8 August 2016, Jamaat-ul-Ahrar carried out a suicide attack on the Quetta Civil Hospital. Seventy people were killed including 54 lawyers who had gathered after Bilal Anwar Kasi, president of the Balochistan Bar Association, was shot on his way to court.
38. Judges have been physically attacked and threatened, even during court hearings. Many are afraid to hear blasphemy cases for fear of reprisals, making progress in these cases painfully slow.
39. An increasing number of human rights activists were murdered since the last UPR. 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. While Sabeen Mahmud's killer has been sentenced to death no prosecutions have been made in the other murders.
- 40. 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

41. CSW notes that some members of religious minorities have been automatically registered as Muslim on the NADRA database, regardless of the person's beliefs. Two brothers from a Christian family were registered as Muslim and 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.
- 42. 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

43. During the reporting period, the government failed to adequately tackle biased education and hate material in school curricula. Biased material including derogatory ideas, hate speech about Shi'a and all religious minorities, plus factual inaccuracies and omissions are still present in textbooks.
- 44. Recommendation: The government should implement educational reforms, revise textbooks to remove discriminatory content against religious minorities and promote ideas of peace and diversity. Teachers should be trained in FoRB, human rights and religious literacy.**