

HOUSE OF LORDS HEARINGS – PAKISTAN
10th and 11th November 2015
CHRISTIAN SOLIDARITY WORLDWIDE (CSW) SUBMISSION

Introduction

CSW is a Christian organisation specialising in advocacy and Freedom of Religion or Belief (FoRB) for all and works on behalf of those who suffer discrimination, persecution, imprisonment and even martyrdom for practising their faith and beliefs. In Pakistan CSW has been defending FoRB and speaking out for minorities for the last 25 years. We have worked closely with several prominent human rights activists including Group Captain Cecil Chaudhry, Shahbaz Bhatti Minister for Minorities, Cecil and Iris Chaudhry Foundation and National Commission for Justice and Peace among other trusted partners. Rev. Stuart Windsor has worked for CSW for 22 years as National Director (14 years) and since then as Special Ambassador and has been intimately involved in advocacy work for minorities and Christians in Pakistan. Our staff conducted a fact-finding mission between July and August 2015.

Issues facing Minorities

Pakistan's Constitution discriminates against minorities; the Ahmadis in 1974 were declared non-Muslim in a constitutional amendment which laid the foundation of division as Ahmadis and are therefore not recognised as Islamic by other Muslim groups. The process of Islamization initiated by General Zia Al Huq in the late 1980s continues to have an increasingly destructive and pervasive effect on minorities especially Christians. The amendments to the blasphemy laws in the Pakistan Penal Code – 295 B, defiling the Holy Qur'an and later 295C, the use of derogatory words in respect of the Holy Prophet, makes the offence punishable by death. The blasphemy laws have been indiscriminately misused to lodge false cases, settle personal scores and resolve disputes over money, property and business rivalry. Our partners confirm that the society in Pakistan has become more polarised due to the theological divides within Islam and combined with the rise of extremist Islamic ideology the overall situation in Pakistan has worsened. In addition the Gulf war, the Iraq war and Afghan wars, have contributed to Pakistan becoming increasingly 'Talibinised'. The North West Frontier Province, which borders Afghanistan, has been increasingly affected through Saudi influence and money - a host for Wahabi Islam with moderate Islamic influence in decline. Christians in Pakistan are seen as pro-Western and pro-Israeli and are now considered a target for the Taliban and ISIL.

Attacks on Minorities

There have been a number of major incidents against Christians in Pakistan: the burning down of Shanti Nagar (1997); the Gojra incident in the Punjab (1 August 2009); the church bombings in Peshawar (22 September 2013); the burning down of the Christian Joseph Colony in Lahore (9 March 2013) and the church bombings in Youhanabad, Lahore (15 March 2015). Following on from the Youhanabad tragedy CSW partners informed us that due to social bias against Christians the police were excessive and misapplied the law to randomly arrest young men and detain them in jail where they were beaten and tortured. Furthermore, other religious minorities remain vulnerable to violence as well and for instance, the Ahmadis have endured attacks including the 2010 attack by Islamist militants on 2 Ahmadiyya mosques in Lahore killing 94 people. This year alone has seen numerous attacks on Shias – 13 May, assault on a bus carrying Shias in Karachi killed 43 Ismaili Shias; 13 February, 21 people killed when a suicide bomber attacked a mosque in Peshawar; 30 January, 61 people killed by a bomb explosion in Shikarpur and 9 January when a Shia mosque in Rawalpindi is bombed. There were also attacks on Hindu temples in March and November 2014. These have all had a contributing influence in undermining the very fundamental human rights of religious minorities in Pakistan and making them feel unsafe and without protection in their own country.

Widespread human rights violations have resulted in an exodus of Christians and members of other religious minorities as they seek safe refuge and protection outside their country in places like Sri Lanka, Thailand and Malaysia. In addition to this, several individual Christians have been murdered due to their religious beliefs. For

instance, two Christian brothers were murdered by the police whilst they were in police custody, even though they were later found to be innocent of the charges against them.

Attacks on individuals include the Christian couple, Shama Bibi and Shazad Masih who were brutally attacked by a mob and burnt alive in a brick kiln in the Punjab on 14 November 2014; Shahbaz Bhatti was shot dead in March 2011 by the Taliban. Salman Taseer, the Governor of Punjab, was shot dead by his body guard because he spoke out against the blasphemy laws and had visited Asia Bibi in prison, a Christian woman, facing the death penalty for an alleged blasphemy against Mohammed. In Pakistan speaking out against blasphemy is deemed blasphemy itself.

CSW partners, women's organisations and lawyers described the discriminatory experiences of minority women. District Minority Committees have failed to review matters for minority women's rights such as personal laws and rules. Hindu girls in Sindh and Christian girls in Punjab are abducted, raped and forced to convert to Islam, they face extreme pressure including threats to themselves and their families from the abductor and his family. Police in cases are at times complicit fulfilling wishes of the local elite. Women and girls face discrimination and marginalization and are targeted because they are minorities with many cases of hostility, abduction, extortion, hijacking and ransom.

Police Response to Minorities

Police have often failed to protect members of religious minorities, including Christians, Ahmadis, and Shia Muslims from attacks see cases: David Saul¹, 2008; Daniel Thomas² HO ref J1187177/2, appeal ref AA/00918/2010. Partners have confirmed that police in all provinces are gender blind in cases of forced conversion and marriage affecting Hindu and Christian girls. In cases of sexual assault, rape and sexual violence they do not conduct proper investigation and minority women are 're-victimised' because police take bribes and do not adequately protect minority women. Our cases indicate that Christians do not feel safe going to police stations when they have problems related to unjust blasphemy charges. The main alleged charges related to (PPC) 295A, saying something derogatory against Islam, with numerous incidences occurring against Christians. The police in Pakistan will often treat members of religious minorities with disrespect calling them 'sweepers'. Furthermore, the police officers may also feel threatened by extremists, especially Mullahs and agitators, who usually initiate these charges. However, the police fail to provide protection to religious minorities and often turn them away.

Asylum Cases

Asylum and immigration are not officially work that CSW does in the UK but because of its unique FoRB expertise it has been able, over the last 20 years, to provide assistance to over 30 Christian individuals and 1 Muslim refugee, fleeing Pakistan to seek asylum because of its extremely harsh blasphemy laws. Between 1993 to 1998, CSW were able to move to the UK, through the help of the then Home Secretary Michael Howard and his Junior Minister Anne Widdecombe, four Pakistani Christian families (8 adults and 16 children) who were either accused of apostasy or the blasphemy law. They are all living safely in the UK now. In regards to the Home Office guideline case of AK and SK [2014] this is not a typical case because it focused on persecution of evangelicals in Pakistan whereas most of the cases we have dealt have focused on Pakistani Catholics and related to blasphemy charges. CSW is concerned about the lack of in depth cultural understanding that the Home Office Presenting Officers (HOPOs) possess. According to several reports received by CSW, the HOPOs have frequently failed to acknowledge the widespread challenges regarding access to justice to religious minorities in Pakistan.

Apostates or Converts to Christianity

Our sources have noted that once a Muslim makes a decision to become a Christian and if their conversion becomes public knowledge, their life is at risk. They are deemed an apostate and to have blasphemed the prophet Mohamed, which carries a death sentence. Our sources have informed us that usually a Mullah will be informed and he will issue a

¹ Pseudonym used.

² Pseudonym used.

'Fatwah' and a male cousin or family member will attempt to kill or will kill the apostate see Adam Elijah³ HO ref Q20603; Asad Khan⁴ 2010 HO ref R1170530; Noreen Malik HO ref AA09659/2011; Aftab Mughal HO ref M1289543; Naseem Ahmed HO ref A1823474. The only option open to an apostate is to flee the country. In CSW's view genuine converts should never be deported back to Pakistan. That was also the view of Judge Peart, Upper Tribunal Judge in the case of Noreen Malik, (1999) who said that "*apostates are at risk and should not be deported*" (see his attached determination in which Rev. Stuart Windsor, was an expert witness).

Situation of Lawyers and judges and religious minorities

Activists, lawyers and district level judiciary taking on cases for religious minorities have been threatened and killed throughout Pakistan, and those responsible for these violations continue to enjoy widespread impunity. Threats are made by state and non-state actors; religious and political groups, and in some cases the local community, district administration and police. In 2012, Gabriela Knaul, Special Rapporteur on the Independence of Judges and Lawyers, expressed concerns that judges have been coerced to decide against the accused even without supporting evidence, and to convict people accused of blasphemy. For instance judge Pervez Ali Shah who convicted Mumtaz Qadri for the murder of Salman Taseer was forced to flee Pakistan in October 2011 after receiving death threats.

Lawyers defending blasphemy or other sensitive cases relating to minority issues, frequently face threats of violence, sometimes leading to death. On 7 May 2014 a lawyer from the Human Rights Commission of Pakistan, Rashid Rehman, was shot dead by gunmen, for defending a university lecturer accused of blasphemy. On 12 February 2014, while returning from the Lahore High Court after defending Arif Masih, a Christian Pakistani accused of blasphemy, the same lawyers were stopped by two motorcyclists with guns who threatened to kill them if the case was not abandoned.

Current Issues, Pakistan – National Identity Cards and Mobile Sim Cards

In all the cases (over 30) where Rev. Stuart Windsor has been an expert witness, Home Office presenters continue to suggest that re-location is the option that immigration judges should offer to asylum seekers when their appeals are rejected. However, in our experience in working with partners in Pakistan this is an unsafe option. Every Pakistan citizen is required to carry a national identity (NADRA) card which contains an electronic chip with date of birth, home address, fingerprints and religion and has to be used in the purchase and renting of housing; hiring and leasing cars; purchase and leasing mobile phones and is shown on demand by the police. There are at least ten different police and security agencies in Pakistan that share information with each other, but are also infiltrated by Muslim extremists. Internal relocation is not possible in such circumstances. In addition, from May 2015 onwards, the Pakistan authorities began to block all unregistered mobile phones and nationally required all mobile to phones to be registered to a named person with an address with their fingerprints on their data files. This was an anti-terrorism measure but means that anyone can be traced via their mobile phone and because of the infiltration into the police and security services that information is available to the extremist organisations. In the case of Aftab Mughal who was given asylum to the UK in 2010 he and his family were traced by extremists from Peshawar to Multan and then to Lahore. Relocation is not a viable option.

We would recommend the following:

- 1) The Home Office staff involved in asylum should be properly sensitised and trained, especially when addressing the issue on internal relocation, given that national identity cards and mobile phone registration are used as means to track a person;
- 2) Apostates should not be deported to Pakistan;
- 3) Urge Pakistan to train police and judicial officers on human rights including freedom of religion, expression and speech and gender sensitisation.

³ Pseudonym used.

⁴ Pseudonym used.