
**AK and SK
(Christians: risk)
Pakistan CG [2014]
UKUT 569 (IAC):
Failures or Flaws?**

**The need to revisit a case for
group recognition status**



GLOBAL MINORITIES ALLIANCE

AK & SK PAKISTAN CHRISTIANS AT RISK 2014 FAILURES OR FLAWS?

THE NEED TO REVISIT A CASE FOR GROUP RECOGNITION STATUS

ABOUT GLOBAL MINORITIES ALLIANCE

Global Minorities Alliance (GMA) is a human rights organisation which campaigns for the rights of minority groups and communities across the world, regardless of sex, race, religion, belief, faith, gender, ethnicity or membership to a particular social group. GMA works for global peace, interfaith harmony, equality in law and society, empowerment of women, access to education and justice for all. This is achieved through working alongside other like-minded partner agencies, policy makers, NGOs, community/faith groups the world over to promote peace and affect change for the betterment of all humankind.

ABOUT THE AUTHOR

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Forward

Universal Declaration on Human Rights 1948 Art. 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The following recommendations' have been drafted in light of the recent decision in [AK and SK \(Christians: risk\) Pakistan CG \[2014\] UKUT 569 \(IAC\)](#) with reference to UNHRC guidelines on international protection [Religion-Based Refugee Claims under Article 1A \(2\) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees, The International Covenant on Civil and Political Rights \(ICCPR\) and The International Covenant on Economic, Social and Political Rights \(ICESCR\)](#).

Whilst GMA recognizes that Pakistan as with all signatories, have a general reservation to interpret the ICESCR Covenant within the framework of their own constitution ([ICESCR Art 2 para.1 of the covenant](#)) ([UN.24 of the Reservations- CESCR General comment 3. 1990](#)), GMA believes that any reservation held should not take precedence to the behest of human suffering or human life).

Furthermore, GMA recognizes that the Pakistani Government as with all Governments have to work within economic, social and political restraints. GMA appreciates that these can in part be contributing factors and GMA have taken them into consideration when drafting the following recommendations.

This is a shortened draft of recommendations put forward by GMA in light of the decision by the Upper Appeals Chamber (UIAC) to dismiss the appeal for a group status recognition in [AK and SK \(Christians: risk\) Pakistan CG \[2014\] UKUT 569 \(IAC\)](#).

This was an appeals case involving the appellants, a brother and sister (both of whom are Christian, and of Pakistani origin) they initially entered the UK on study visas but later applied for asylum on the basis of religious persecution. The case highlighted the question as to whether or not Pakistani Christians in general were at serious risk of persecution and as such deserved international protection and group status for the purpose of claiming asylum. In determining the case, consideration was given to the appellants' individual claims for asylum and for group recognition status

Both cases raised concerns as to the reliability of evidence with respect to:

- The credibility and lack of evidence in support of the applicants statements,
- The absence of statistics in relation to some of the evidence presented in support of the application for a Group Asylum Status ; and
- In instances where statistics were supplied, these were at times difficult to separate into definitive groups, conflicting and confusing.

In light of the numerous concerns and with reference to UNHRC Guidelines, (The International Covenant on Civil and Political Rights (ICCPR) and The International Covenant on Economic, Social and Political Rights (ICESCR). GMA reviewed the evidence and wish to make the following recommendations:

DISCRIMINATION OF PAKISTANI CHRISTIANS AND OTHER RELIGIOUS MINORITIES

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. (ICCPR Art. 26 and 27)

“Religious based discrimination may amount to persecution where it seriously restricts an individual's enjoyment of fundamental human rights with consequences of a substantially prejudicial nature for the person concerned “Article 1 (a) 2 1951 convention

With reference to the above, GMA suggests that there is an urgent need for a more detailed and comprehensive investigation into:

- The severity, nature and impact of the discrimination suffered; and
- The availability of redress and protection through the legal system; and
- Whether the discrimination suffered directly/indirectly impacts upon the ability of those affected to obtain and seek legal protection and/or redress. (*Article 16 states: Everyone shall have the right to recognition everywhere as a person before the law*):

and with reference to UNHRC Guidelines and ICCPR, a more detailed and comprehensive assessment and investigation is needed into :

- The implementation of the blasphemy laws and the failure to protect and compensate its citizens from false allegations *Article 17. (1). No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.*
- The Pakistani governments failure , unwillingness or inability (to implement and action religious freedom legislation into practice to the standards required under the United Nations Declaration of Human Rights (UDHR) and its covenants) due to restraints placed upon them through Sunni Muslim Islamic practices, custom and/or tradition or by other means.
- Discrimination in limiting social mobility through job opportunity, bonded labour (*Article 8 (1).states: No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. (2).No one shall be held in servitude. (3)(a) No one shall be required to perform forced or compulsory labour; (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court; (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include: (i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations. (ICCPR PART 111 Art 8) and the serious restrictions on the right to earn a livelihood, (The International Covenant on Economic, Social and Political Rights (ICESCR). Part II Art. 1-5 and Part III Art. 6-7) or to access normally available educational institutions and/or health services.*
- Discrimination on account of one's failure to adopt the dominant religion or to adhere to its practices. (*Article 18 states: 1.Everyone shall have the right to freedom of*

thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions). Such as the restrictions placed upon the Christian and other minority faith/belief groups socially, economically and religiously examples of which include but are not limited to, bonded labour, lack of job opportunity which in turn places limitations on social mobility and restrictions on religious freedoms with some forced conversions and crimes of apostasy.

Given the levels of discrimination and limits placed upon social mobility as a consequence of being forced to live below the poverty threshold, Christian and other minorities are unable to access the same services and levels of services that are otherwise readily accessible and available to the majority, there is a need to investigate the levels of risk further and whether together, these factors combined give rise to a serious risk of harm or whether there is a clear infringement or restriction of a fundamental right or freedom to warrant a group recognition status being given.

On observation, GMA believes:

- There is a need for a more detailed and separate assessment and monitoring of the severity of the discrimination suffered in terms of it placing restrictions on an individual's enjoyment of fundamental human right with consequences of a substantially prejudicial nature
- With reference to mixed marriages, there needs to be more detailed information provided with respect to the respective religions and cultural make up of both parties. It is not enough to say that a Muslim man married to a women of another religion or belief is evidence of religious tolerance, not least because such marriages are already established in Islam but also because it is not known how many of these marriages

are forced and/or a result of abduction and kidnappings.

- With reference to UNHRC guidelines on discrimination, even though there is evidence to suggest that minorities have a certain amount of religious freedom in Pakistan, the existence of legislation on religious freedom is not itself evidence that individuals are in practice being protected. In many cases, it appears that such legislation is either not acted upon or at times, Pakistani customs or tradition have taken precedence.

POVERTY

The majority of Pakistani Christians and other minority groups tend to live below the poverty line, be employed in low paid jobs, be bonded labourers, agricultural workers and domestic workers. Also due to an overall discrimination in employment and employment opportunities, minorities also tend to suffer from restrictive and limited social mobility.

GMA recommends in light of the levels of discrimination suffered by these groups and in line with ICESCR Part 3. Art. 9 – 15 that it would be only fair just and reasonable to petition the UNHRC and signatory countries to investigate, assess and monitor:

- The severity of the poverty suffered indirectly and directly as a result of discrimination and whether or not it seriously infringes, impacts or restricts a fundamental human right; and
- The impact poverty has on the ability of these groups to access legal, medical and state services, assistance and protection; and
- The effectiveness and level of the services provided in preventing levels of discrimination and poverty that seriously infringes, impacts or restricts a fundamental human right.

PERSECUTION

GMA noted where there were problems regarding the reliability of evidence produced in support of group recognition generally, this tended to be because the evidence or witness testimonies were either unclear, out of date, uncorroborated, unsupported, unsubstantiated or conflicting in nature and statistics.

- GMA believes where the evidence in this case was unclear, unsupported, not available, conflicting or unreliable, negatively impacted on the case for individual

and group recognition status.

- Further, GMA feels not enough account was taken of the difficulties faced in gathering documentary and statistical evidence from Pakistan and that statistics and supporting legal documents from Pakistan may not always be available, reasonably acquired or an up to date true reflective of the reality faced by thousands of religious minorities.
- Furthermore, GMA believes that where some evidence lacked credibility, not enough understanding was taken in relation to some of the reasons given when determining group and individual claims.

In light of the above, GMA believes there is a need for all 60 countries party to the recommendations to petition their governments to assess the Pakistani Government in more detail on its ability, resources and effectiveness in relation to:

- Taking of preventative measures to combat persecution;
- Their ability to roll out, administer and control effective preventative measures in its state provinces;
- Monitoring of its provision and operating of an effective legal system for the detection, prosecution and punishment of acts constituting serious harm within its provinces;
- Its ability to afford its minorities with access to such protection (taking into account the discriminatory elements suffered) ; and

To provide up to date detailed statistical evidence of crimes committed, actions taken, prosecutions and sentencing statistics, remedies awarded and compensation given.

BLASPHEMY LAWS AND ALLEGATIONS

Given the information available at this time, the laws were deemed to be applied generally and that whilst there were some cases of Christians falling foul to these laws, they were not

specifically targeted by them and whilst it placed evangelical Christians at a particular disadvantage, the percentage of Sunni Muslims prosecuted under these laws was seen to be substantially higher.

However, Christian Solidarity Worldwide (CSW) stated that “the accuracy of reporting statistics may be compromised by competing organisations striving to report the story first and may be higher due to an individual’s unwillingness to report them”. The Appeals Judge although acknowledging that the reliability of the figures were of concern, continued by saying that the reasoning was difficult to follow and failed to understand why a person making an allegation would not file a complaint. Adding further, that where a blasphemy charge had been filed, it would be on record.

In light of CSWs and the Appeal Judges comment, GMA are mindful of competing organisations need to be first in the line of reporting but also maintain where matters of human life and humanitarian concern are involved, there should be a moral civil responsibility and duty placed upon these organisations to :

- Actively share information so far as is reasonably practicable.
- Provide as up to date and accurate information as is reasonably practicable; and
- Where it is not reasonably practicable , to liaise, share and work alongside competing organisations to ensure that the information and statistics gathered are as reliable as possible; and
- In doing so GMA believes will not only promote consistency but alleviate any concerns when submitting information and statistics into evidence.

Further, GMA believes that where this can be achieved, it would not only fulfil the evidential burden but serve the common aim and interests of the competing organisations.

With reference to the Appeal Judges failure to understand why a person making an allegation would not make a complaint. The Appeals Judges reasoning was restricted to the evidence supplied and we believe to a certain degree, there was a failure to understand and appreciate fully the cultural climate within the appellants’ place of origin. GMA therefore believes the upper Tribunal failed on this particular point to reasonably take into account:

- The wide use of verbal allegations of blasphemy;

- The cultural and social nature of the environment the accuser and accused resides; and
- That verbal allegations can be equal in seriousness and severity,
- A Verbal allegation is by its very nature difficult to document, monitor and submit into reliable evidence, however, in light of the evidential failings highlighted in this case, GMA strongly recommends there is a need to do so.
- GMA Recommends that the use of verbal accusations warrant further investigation and monitoring by credible and reliable agencies. There is also a need to acknowledge and accept that verbal allegations may incite violence toward the accused from other communities and because the blasphemy laws attract harsh penalties, may result in those accused feeling unable or unwilling to seek protection from the authorities for fear of possible prosecution.
- Further, in instances where false allegations were made under these laws, it was held that these mainly arose out of land grabbing or local or personal grievances. *Article 17 States: 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation; and 2 Everyone has the right to the protection of the law against such interference or attacks.* GMA believes that where allegations are used for such purpose without redress infringes a fundamental human right. *Article 16 Everyone shall have the right to recognition everywhere as a person before the law; and Article 17 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation; and 2. Everyone has the right to the protection of the law against such interference or attacks. (ICCPR)*

Whilst being strongly and actively opposed to the blasphemy laws, GMA accepts and acknowledges every country has a right to administer and govern its own legal and penal system and whilst account must be taken of cultural factors, GMA believes that these cannot outweigh what is to be regarded as humane, fair just and reasonable by international standards. *Article 14. 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or*

part of a trial for reasons of morals, public order (order public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children 2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law. 3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt. 4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation. 5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. 6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him. 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at

the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby. 2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16 Everyone shall have the right to recognition everywhere as a person before the law). GMA is concerned on the wide use of blasphemy allegations and the risk posed by them in the absence of any deterrent. PART II *Article 2*. 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant. 3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3 The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant. In light of this need, GMA recommends:

- Signatory governments and NGOs petition the Pakistani government to introduce humane criminal and/or civil penalties in line with international standards to deter false accusations being made; and
- Where a false allegation has been made and the injured party has suffered loss or injury as a direct result, the introduction of a criminal compensation scheme, civil remedy or both.

On the basis of what was accepted as credible evidence presented to the UIAAT/IAC (Upper Immigration and Asylum appeals Tribunal of the UK) at this time, blasphemy laws were seen

to be of general application and the general risk to Christians was held to fall well below the levels necessary to show a real risk for the purpose of claiming group asylum status. However it was accepted that evangelical Christians were at serious risk of falling foul to the laws. On that basis the Upper Immigration and Asylum (UIAAT) Appeals Tribunal of Great Britain held that applications for asylum in this instance would remain to be dealt with on a case-by-case basis. GMA recommends given the rise in blasphemy allegations in Pakistan:

- Further investigation, careful continued monitoring and evidence gathering in order to determine whether Christians in general and other religious minorities are increasingly becoming at a more serious risk than the Sunni Muslim majority of being prosecuted under these laws; and
- That the reason for prosecution is directly related to their religious beliefs; and or
- Where a false blasphemy allegation has been made, there is evidence to support the assertion that the accuser/s targeted the victim for a reason directly related to religious practice or belief; and
- Where safe and practicable the collation of all available evidence of any fatwa, government and/or police documents issued in relation to that allegation.

RELIGION

It was stated that whilst there were very few reports of attacks on churches in Pakistan and unlike the Ahmadis, Christians were allowed to practice their faith freely. The Appeals Judge went on further to say that there are no provisions in the penal code which specifically pertain to Christians.

GMA recognises although on the basis of evidence available at this time, the blasphemy laws appear to be of general application. However GMA also noted that there is an increase in crimes toward minority religious and belief groups; and recommends any targeted attacks on registered and non-registered places of worship require further monitoring and detailed chronological evidence gathering.

SUFFICIENCY OF PROTECTION (see also: blasphemy above)

“A well-founded fear of persecution will not exist if there is a sufficiency of protection against serious harm” (Horvath [2000] UKHL 37). “Evidence showing ineffective protection can shed

light on whether a well-founded fear exists and vice versa.”

There was a general agreement that situation of Christians is such that, where an individual can establish a real risk of serious harm by virtue of a blasphemy charge being brought against him or her, it is generally unlikely that he or she will have available protection.

The Appeals court accepted that whilst the police and authorities have acted to assist minorities, overall there continues to be an insufficiency of state protection where serious allegations of blasphemy are made and pursued. However, this appears to be the case generally regardless of faith or belief.

However, predominantly, the evidence suggests that there is a failure to protect Christians from attacks in general and attacks arising from false allegations of blasphemy. Apart from the actions of the Pakistani high courts overturning unfair verdicts, no effective action is taken by the authorities to protect and defend Christians or to punish their attackers although it has to be said that the same applies to non-Christians accused of blasphemy. GMA also noted that whether this stemmed from an unwillingness or an inability to protect, was not the issue in this particular case.

In light of the above,

- It was accepted that whilst there is a general failure or inability to protect and defend Christians from attacks and serious harm, this appears to be the case generally regardless of faith or belief.
- GMA believes (and with reference to UNHRC Guidelines) that more consideration should have been given to the Pakistani governments failure, unwillingness and inability to protect its minorities not least because alongside other concerns mentioned gives rise to serious risk and “may amount to persecution where it seriously restricts an individual's enjoyment of fundamental human rights with consequences of a substantially prejudicial nature for the person concerned”
- GMA recommends given the insufficiency of protection available to these groups, the situation requires careful and continued monitoring.
- Where there are reports of increased allegations and attacks made on Christian and other minority groups, these need to be documented and where reasonably practicable, supported by both chronological, statistical and documentary

evidence in order to satisfy the evidential legal standard required when assessing Asylum applications under the 1951 UN Convention / 1967 Protocol alongside UNHR Guidelines.

INTERNAL RELOCATION

The approach used by the Appeals Court was whether or not....

“an individual can reasonably be expected to relocate or whether it would be unduly harsh to expect him to do so.” Januzi [2006] UKHL 5 (the test must not be equated with a well-founded fear of persecution or a risk of ill treatment)

It was generally agreed that internal relocation will not be an option in areas of FATA, Khyber Pakhtunkhwa and Baluchistan all of which are currently affected by security and military counter-insurgency operations and retaliatory attacks. In other areas, the availability of a viable relocation option needed to be assessed on an individual basis. It was further stated by UNHRC that individuals being pursued by these militant groups may also be unsafe elsewhere in Pakistan due to the wide geographical reach of these groups and that account needed to be taken of the nature of the threats received, the individuals personal circumstances and the availability of support from influential connections. UNHRC stated that where the victims were targeted by ordinary community members, internal relocation was generally an option.

However, there was general agreement that internal relocation will not generally be an option where:

1. an individual is subject to criminal prosecution under the blasphemy laws; and
2. In relation to FIR's. This will depend upon the individual's circumstances and the seriousness with which an FIR is lodged and pursued.
3. Internal relocation will also not be an option in areas of FATA, Khyber Pakhtunkhwa and Baluchistan which are all currently affected by security and military counter-insurgency operations and retaliatory attacks.

Otherwise it was held that relocation to urban centres will generally be possible where the factors identified above do not come into play.

- GMA whilst acknowledging that internal relocation may in some circumstances be an

option, relocation is not an absolute guarantee of safety in light of the government's failings to protect minorities from serious risk of harm in relation to all forms of discrimination, violent attacks government failings and consequences.

WOMEN, ABDUCTIONS, CONVERSIONS AND FORCED MARRIAGES

“Gender-based violence may amount to persecution where the state is unwilling or unable to provide protection”; and

“Forced conversion is a serious violation of the fundamental right to freedom of thought, conscience and religion and will, generally, amount to persecution.”

However, GMA whilst acknowledging that Pakistan law strictly forbids forced conversion there is (in the absence of information and statistics being available on forced conversion prosecutions) no way of assessing the operation and effectiveness of these laws.

- GMA recommends that a full and comprehensive assessment of these laws and prosecutions to date be carried out to determine the effectiveness of these laws in preventing forced conversions; also
- In many instances where forced conversions have taken place, these quite often tend to be linked to forced marriages and abductions and the victims may fear reporting them because of reprisals, honour killing and accusations of apostasy. Thus, even where statistical evidence is supplied, GMA recognises that it may not be a true reflective of the numbers involved.

Abductions and forced conversions:

The Appeals Court held that although there is some risk of abduction and forced conversion of young Christian girls, largely in rural areas and in Punjab, this did not amount to a serious risk in itself. *Article 18* 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to

the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 23. 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. 2. The right of men and women of marriageable age to marry and to found a family shall be recognized. 3. No marriage shall be entered into without the free and full consent of the intending spouses.

There was further difficulty in assessing the evidence as the evidence tended to combine abductions and forced conversions into one group and the figures varied widely. Further, the court stated that it was difficult to assess the frequency of abductions and rape of females from minorities without a comparison of figures for those involving Muslim women also. Additionally, because there was a significant variation in the numbers submitted into evidence by the various organisations, the numbers could not be relied upon.

- GMA recommends (where practicable) that evidence of forced conversions and abductions should be presented separately in order to provide clarity, eliminate ambiguity so as to satisfy the test applied when assessing the credibility of the evidence put forward.
- GMA also noted the need to supply alongside the evidence, the need for comparable evidence in order to present the situation faced by Christian women more accurately.
- Finally on this point, as with other evidence submitted, there is a need to ensure and determine that the evidence presented is not flawed by significant variations and where this is not possible, a reasonable explanation of why the variations exist.

Risk of honour killings:

The Court stated that of the 943 “honour” killings recorded for 2011, only seven were Christians and there were 11 in 2010 and although the UNHRC have in their guidelines listed Christian women at risk of honour killings, the evidence provided was sparse and it noted that honour killings tended to occur in rural areas and the perpetrators family members.

- In light of the above, GMA recommends there is a need for a more detailed investigation and assessment to be carried out in relation to the numbers of Christian and other women from minority faith and belief groups at risk of honour killings to be

carried out.

The situation of Christian Women generally

The Appeals Court stated that women living alone without a male relative/protector in rural areas may well be at risk of gender based persecution exacerbated by their position as a member of a minority group. Youth, illiteracy and poverty are aggravating features. However, it was taken that women of middle age and above, are less likely to draw interest.

- Having reviewed this case in conjunction with the guidance cited, GMA believes the situation concerning Christian and minority groups in Pakistan warrants a further detailed review in relation to UNHRC, ECHR and international Guidelines.

REFUGEE STATUS AND THE ASYLUM PROCESS IN THE UK

Since reviewing AK& SK Christians: risk) 2014 GMA feels there is a need for more detailed scrutiny of the UK Immigration and Asylum Appeals System and a need for a more general review from initial application for a grant of asylum and lack thereof ,through to grant and/or appeal.

GMA IS CURRENTLY WORKING ON, RESEARCHING AND COLLATING INFORMATION ON THE UK REFUGEE AND ASYLUM PROCESS, PRACTICE AND PROCEDURES. IT SHALL UPON COMPLETION BE FORWARDING FURTHER DETAILS OF ITS RECOMMENDATIONS

In concluding the list of recommendations, GMA believes that because some of the evidence was flawed as a result of the factors already mentioned, it failed to reach the legal standard of credibility applied by the Upper Immigration Appeals Chamber in this particular case and in failing to do so, highlighted the problems faced by appellants in presenting a credible case for refugee status and group asylum.

Finally, GMA would like to add that although there has been a generalised reference to the law GMA has referred to in these recommendations, this is by no means to be interpreted as a fishing expedition. The basis of the recommendations put forward are born out of the evidence cited in the case and the Appeal Chambers determination of it in line with the cases cited and guidance used. Any concerns or questions regarding its content should be referred back to GMA's Registered Office. GMA welcomes any feedback, comments or criticism that will promote, assist and enable GMA to improve its objective, aims, quality and standards of service.