

**FREEDOM
DECLARED**

**Freedom of Religion or Belief in Pakistan & UK
Government Policy: APPG for International
Freedom of Religion or Belief Parliamentary
Inquiry Abridged Report**



This is not an official publication of the House of Commons or the House of Lords. It has not been approved by either House or its committees. All-Party Groups are informal groups of Members of both Houses with a common interest in particular issues. The views expressed in this report are those of the Groups.

All Party Parliamentary
Group for International
Freedom of Religion or Belief



CONTENTS

(Contents of the abridged report only; see p.17 for the contents of the full report.)

Foreword	2
Introduction	5
Executive Summary	6
- The Right to Freedom of Religion or Belief & Pakistan’s Obligations	7
- Conclusions Regarding the Treatment of Ahmadis, Christians & Hindus in Pakistan	8
- Conclusions Regarding the Treatment of Sikhs, Jews & Shias in Pakistan	9
- UNHCR & UK Policy Regarding Pakistan’s Religious Minorities	10
- Implementing Muhammad Ali Jinnah’s Vision of a Multi-religious Pakistan	13
Key Recommendations.....	15
Full Report Roadmap & Contents.....	17

This is a report of the All-Party Parliamentary Group for International Freedom of Religion or Belief (hereafter APPG). It is not been produced by a Select Committee or any other Committee appointed by the House.

This report has been written and edited by: Katharine Thane (Operations Director of the APPG for International Freedom of Religion or Belief), Gurinder Jhans (Research and Events Co-ordinator for the APPG for International Freedom of Religion or Belief) and Prof. Javaid Rehman (Professor of Law, Brunel University London).

Evidence and commentary for the APPG inquiry and this subsequent report was directly submitted by the following individuals and organisations: Paul Nettleship (Solicitor Advocate at Sutovic & Hartigan); Sulema Jahangir (Solicitor, Dawson Cornwell & Advocate of the High Courts of Pakistan); Nilmini Roelens LLM, DEJF (Founder & Principal Solicitor, Roelens Solicitors); Revd Rana Khan (International Interreligious Dialogues Assistant to the Archbishop of Canterbury); Jean Lambert MEP; Human Rights Commission of Pakistan; Amnesty International; the International Human Rights Committee; Ahmadiyya Muslim Community UK; Christian Solidarity Worldwide; Release International; British Pakistani Christian Association; Justice Upheld; Global Minorities Alliance; Hindu Human Rights; International Imam Hussein Council; Harif; Pakistan Minorities Rights Organisation; the National Commission for Justice and Peace of Pakistan; Centre for Legal Aid, Assistance and Settlement.

The written submissions made by these individuals can be viewed on the APPG’s website at the web link provided in the additional document attached to this abridged report.

The conclusions made in this report, if not directly referenced as stemming from a specific individual or organisation, are those solely of the APPG. The APPG takes full responsibility for its conclusions made in this report.

The report has been made possible by financial support from the APPG’s Stakeholders, whose names can be found on the APPG’s website at the following web link:
<https://www.freedomdeclared.org/about/stakeholders>.

FOREWORD

I recently saw the portrait of Muhammad Ali Jinnah, the founder of Pakistan, hanging at Lincoln's Inn, where he was called to the Bar, and in the office of the Pakistan High Commissioner in London. The respect in which Jinnah continues to be held is a useful reminder of the shared history of our two countries; the presence of a significant Pakistan diaspora in the UK; and the ideals which influenced Jinnah and his hopes for the new nation created in 1947. As you read the report which follows, think carefully about Jinnah's beliefs and the struggle which will now determine Pakistan's future.

Jinnah did not believe in a theocratic or intolerant ideology: "Make no mistake: Pakistan is not a theocracy or anything like it" he said. It was to be a democracy: "Democracy is in the blood of the Muslims", a place where there would be "complete equality of mankind... fraternity, equality, and liberty". Women were to be treated as equals with men: "Our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live". And Pakistan was to be a place where people would be free to follow their religious beliefs in freedom and equality: "You are free; you are free to go to your temples. You are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion, caste or creed—that has nothing to do with the business of the State".

The importance of religious pluralism and freedom of religion or belief – which was about to be incorporated in Article 18 of the 1948 Universal Declaration of Human Rights – was anticipated in a hugely important speech which, in 1947, Muhammad Ali Jinnah gave to the New Delhi Press Club. In his address he set out the basis on which the new State of Pakistan was to be founded. In particular he forcefully defended the right of minorities to be protected and to have their beliefs respected:

"Minorities, to whichever community they may belong, will be safeguarded. Their religion, faith or belief will be secure. There will be no interference of any kind with their freedom of worship. They will have their protection with regard to their religion, faith, their life and their culture. They will be, in all respects, the citizens of Pakistan without any distinction of caste and creed".

It is not only that a society is enriched by difference, and judged by its ability to live and to let live; a society is also liable to become economically impoverished and castrated in its ability to develop when it crushes the human spirit by an insistence on uniformity of belief. Pursuing homogeneity has not led to stability in Pakistan. Grim's research shows that religious freedom is a key ingredient to peace and stability, as measured by the absence of violent religious persecution and conflict. This is 'particularly important for business and, in turn, economic prosperity because stability leads to more opportunity to invest and conduct normal and predictable business operations, especially in emerging and new markets.'¹

Sadly, Jinnah's noble aspirations have been trampled on by men who despise difference and who can find no place in their hearts for those who enliven and enrich communal life. This report catalogues how, in today's Pakistan, minorities, ranging from Ahmadis to Sikhs, from Christians to Hindus, Buddhists and Muslims from a Shia tradition, face relentless violence, profound discrimination, and in some cases, outright persecution. The report also highlights the story brought to us at the evidence-

¹ Grim, B., 'If Policy Makers Cared About Data, They'd Care About Freedom of Religion or Belief (FoRB)', (29

hearing sessions of the alleged last self-identifying Jew in Pakistan; a poignant indication of what years of systematic discrimination and alienation of individuals adhering to minority religious beliefs in Pakistan can lead to if such discriminatory or persecutory treatment is not brought to an end.

Jinnah rightly declared that the Government of Pakistan has a duty to protect all of its citizens, regardless of their beliefs or origins. The international community ought to be asking how the State today honours that pledge. The UK needs to ask how it treats those fleeing persecution and what contribution an aid programme, of over £1 billion in the last couple of years alone, has made to fostering a society where difference is respected.

Take the Ahmadis. They have suffered numerous attacks while attending Friday prayers. The vicious brutality of these attacks is magnified when considering the Ahmadis' belief: "love for all and hatred for none". Sadly, too few share the same passion for tolerance. While the Ahmadis consider themselves Muslim and follow all Islamic rituals, in 1974 the State declared them to be non-Muslim and, in 1984, they were legally barred from proselytising or identifying themselves as Muslims. Ali Dayan Hassan of Human Rights Watch believes that Ahmadis have thus become "easy targets" for militant Sunni groups, who behave with impunity believing they have the full authority of the State in declaring Ahmadis to be infidels. Despite repeated attacks on the Ahmadis how many prosecutions of perpetrators have there been?

There is a link here with security issues too. Terrorism Monitor warns that: "As the Pakistani Taliban are trying to spread their war on the Pakistani State, they are likely to continue to target minorities like the Ahmadis in their efforts to create instability".

That threat was brutally (and graphically) underlined by the murder of Pakistan's Minister for Minority Affairs, Mr Shahbaz Bhatti. An advocate of reform of the country's Blasphemy Law - the cause of many bogus prosecutions against non-Muslims and Muslims alike - he was gunned down by self-described Taliban assassins as he left his Islamabad home. His murderers scattered pamphlets, signed 'Taliban al-Qaida Punjab', describing him as a "Christian infidel". The then Foreign Secretary, William Hague, said that Bhatti's death was "a tragic loss for Pakistan and for all people who believe in human rights and freedom of speech". Minister Bhatti's death has not been an isolated incident.

Meanwhile, forced conversions to Islam, rape, and forced marriage remain commonplace. Such intolerance and such virulent attacks pose a grave threat not only to Pakistan, and the region, but also to the UK, where around 1.2 million British-born Pakistani people now reside.

Unlike the authorities who have such a lamentable record in protecting their citizens, Pakistan's own citizens clearly understand from where the threat to their security originates. In an independent 2012 survey, c.87% of those interviewed were dissatisfied with the country's direction and overwhelming majorities rated terrorism and corruption as a very big problems, which is why we have a duty to speak out for vulnerable and targeted minorities in Pakistan.²

William Hague's predecessor as Foreign Secretary, David Miliband, rightly insisted that: "It is when the international community has taken its eye off the ball in Pakistan that instability has

² Pew Research Center, 'Pakistani Public Opinion Ever More Critical of U.S.', (27 June 2012), available at: <<http://www.pewglobal.org/files/2012/06/Pew-Global-Attitudes-Project-Pakistan-Report-FINAL-Wednesday-June-27-2012.pdf>>, (accessed: 14/02/16)

increased... internally, Pakistan has a duty to protect minority groups and needs the support of its allies to do so”.

Since he and William Hague made those remarks, the situation has got no better – even within the last two months, reports have reached me of Churches being burnt,³ a 35-year old Christian man dying in prison⁴ and a young girl and boy, in separate incidents, being kidnapped and stripped and gang-raped and murdered respectively due to their perceived religious beliefs.⁵ As this report describes, such treatment of individuals based on their beliefs has led to some of those most persecuted fleeing the country. This fleeing, in turn, has led to some being incarcerated in detention centres or having to live below the radar in locations including Bangkok, constantly in fear of arrest. I have seen this situation first-hand and the lamentable failure of the United Nations High Commission for Refugees to resource the assessment and relocation of these persecuted and vulnerable people, which is a stain on the international community.

In commending this report to those who read it, I would like to pay tribute to Katharine Thane and Gurinder Jhans of the All-Party Group for Freedom of Religion or Belief for their tireless efforts in assembling evidence, organizing witness hearings at Westminster, and drafting this admirable report. Prof. I also pay tribute to Prof. Javaid Rehman who has gone out of his way to make time, in between travels to Pakistan, to ensure the accuracy of the legal and historic contexts within this report. Let me also commend the brave men and women who have been caught in the crossfire of this violence and who have been willing to speak out.

Jinnah would recognize in them the conscience and the best of the Pakistan he worked so hard to create. His 1947 Declaration, promising tolerance, respect and security for the new country’s minorities is a vision that needs to be re-inserted into the political mainstream. The grievous plight of Pakistan’s minorities is inextricably bound to its destiny as a nation, which is why this report is so timely and so important.

David Alton

(Professor the Lord Alton of Liverpool – Independent Crossbench Member of the House of Lords and Vice Chairman of the All-Party Group on Freedom of Religion or Belief)

³ Saeed, N., ‘New Year’s Horrific Beginning for Pakistani Christians’, (22 Jan. 2016), available at: <<https://www.the-newshub.com/international/new-years-horrific-beginning-for-pakistani-christians>>, (accessed: 01/02/16)

⁴ Christian Solidarity Worldwide, ‘Pakistan CSW Calls for Inquiry’, (28 Jan. 2016), available at: <<http://www.csw.org.uk/2016/01/28/news/2964/article.htm>>, (Accessed: 01/02/16)

⁵ Saeed, N., ‘New Year’s Horrific Beginning for Pakistani Christians’, (22 Jan. 2016), available at: <<https://www.the-newshub.com/international/new-years-horrific-beginning-for-pakistani-christians>>, (accessed: 01/02/16)



INTRODUCTION

Pakistan presents a particularly bleak environment for individuals wishing to manifest their right to freedom of religion or belief. Across the country there are individual and communal cases of discrimination and oppression towards those perceived as not adhering to the ‘orthodox’ religion, which, in some cases, amount to systematic discrimination and persecution. Besieged by allegedly religiously-inspired extremists and religiously-driven terrorism, religious minorities have been the focus of State-sanctioned persecution as well as violent acts perpetrated by non-State actors. Oppressive policies and laws imposed by Pakistani officials at the federal and provincial levels, in conjunction with systematic impunity for violent mob attacks on religious minorities and their properties, provides a dangerous environment for any adherent of a religious belief not deemed ‘orthodox’ by those around them to practise their right to manifest their beliefs.

According to unofficial figures available in 2016, the State has a population of c.191 million, being the world’s sixth most populous country.⁷ Of this population, 96% are Muslims. The remaining 4% are non-Muslims, which includes Christians, Hindus, Buddhists, Sikhs, Jains, Parsis and atheists. Hindus

⁶ Map sourced from: AK & SK (*Christians: risk*) Pakistan (CG), [2014], UKUT 569 (IAC) (15 December 2014), available at: <<http://www.baillii.org/uk/cases/UKUT/IAC/2014/569.html>>, (accessed: 12/12/15)

⁷ Worldometers, ‘Pakistan Population (live)’, available at: ><http://www.worldometers.info/world-population/pakistan-population/>>, (accessed: 12/12/15)

make up 1.85% of the population,⁸ whilst Christians represent 1.59%.⁹ Members of these religious minorities within Pakistan, regardless of education, wealth and location are discriminated against with some at real risk of serious harm or even acts amounting to persecution, the likelihood of which depends on factors such as their encounters with and actions amongst people of other/different faiths or beliefs. These factors are not exhaustive. With regard to those who have left Pakistan as asylum seekers on the grounds of their faith, UN Special Rapporteur on Minority Issues, Rita Izsák, advances that such individuals ‘from Pakistan belonging to religious minorities ... [have been] subjected to persecution, discrimination and violence in Pakistan’.¹⁰

While evidence submitted to the APPG for International Freedom of Religion or Belief at the evidence-hearing sessions suggests that members of the Ahmadiyya community in Pakistan (Ahmadis) are persecuted, not least brought about by the discriminatory laws declaring them to be non-Muslim, this does not inherently diminish the dangers – to the point at which one’s life is at risk – faced by other individuals due to their religious beliefs, including Christians. The APPG recommends that all cases in which an individual is seeking asylum outside Pakistan on the grounds of a well-founded fear of persecution for his or her religious beliefs, should be analysed and judged on a case-by-case basis with the knowledge that such fear, dependent on the case, could be well-founded. Information submitted to the APPG indicates a frequent failure on the part of law enforcers - lawyers, judges and police etc. acting on behalf of the federal or provincial State - to protect members of different religious communities from human rights’ violations perpetrated on the basis of the victim’s faith. This information immediately highlights the inability of such adherents to live safely and without fear of their being persecuted at some point.

EXECUTIVE SUMMARY

This extensive report from the All-Party Parliamentary Group for International Freedom of Religion or Belief (hereafter APPG) on the treatment of different religious groups in Pakistan has been compiled using the evidence of over 20 organisations, lawyers and academics working on the right to freedom of religion or belief in Pakistan. In two evidence sessions on 10-11 November 2015, the APPG heard from organisations and individuals working on the right of Pakistani Ahmadis, Christian, Hindu, Sikh and Jewish communities, constitutionally recognised as ‘non-Muslim’ religious minorities, as well as the Shia Muslim community, to have and practise their religion or belief.¹¹

⁸ Approximately 3.5 million. Statistic sourced from: AK & SK (*Christians: risk*) Pakistan (CG), [2014], UKUT 569 (IAC) (15 December 2014), para.20, available at: <<http://www.bailii.org/uk/cases/UKUT/IAC/2014/569.html>>, (accessed: 12/12/15)

⁹ Unofficial figures suggest the Christian population to be between 3–5 million. Statistic sourced from: AK & SK (*Christians: risk*) Pakistan (CG), [2014], UKUT 569 (IAC) (15 December 2014), para.216, available at: <<http://www.bailii.org/uk/cases/UKUT/IAC/2014/569.html>>, (accessed: 12/12/15)

¹⁰ Wn.com (2014), ‘UN rights experts urge halt to Sri Lanka’s deportations of Pakistani asylum seekers’, (14 August 2014), accessed at: <http://article.wn.com/view/2014/08/14/UN_rights_experts_urge_halt_to_Sri_Lankas_deportations_of_Pa/>, (accessed: 12/12/15).

¹¹ The 1973 Constitution makes a number of references to the term ‘minority’. No definition of this term ‘minority’ has been provided, although Pakistan’s official and constitutional practices have vigorously adopted the position that minorities within Pakistan are essentially religious minorities. (For substantiation on Pakistan’s position see ‘Chapter 5 – Interpretation’ (Art. 260 (3c)) of *The Constitution of the Islamic Republic of Pakistan 1973* (as amended) and the proceedings of Committee on Elimination of All Forms of Racial

The Right to Freedom of Religion or Belief & Pakistan's Obligations

Article 18 of the legally-binding International Covenant on Civil and Political Rights (ICCPR) 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.*

Pakistan is a party to the international bill of human rights (consisting of the Universal Declaration of Human Rights (UDHR),¹² International Covenant on Civil and Political Rights (ICCPR)¹³ and International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁴) as well as several international treaties with provisions relating to the right to religious freedom and religious non-discrimination. While Pakistan initially entered a reservation to ICCPR Article.18 upon ratifying this Covenant in 2010, stating that Article.18 'shall only be applied to the extent that it is not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws', Prime Minister, Syed Yousaf Raza Gilani, withdrew the reservation to this Article in September 2011.¹⁵ Although the withdrawal of reservations to Article 18 brings the incorporated international treaty in line with the fundamental rights' provisions in the Constitution of Pakistan 1973, which include upholding the right to equality and non-discrimination and the right to freedom of religion or belief, as subsequently examined in this report, there are considerable impediments in the practical implementation of this right within the domestic framework and in addressing rights-violating actions of non-State actors.

Discrimination which operates under the auspices of the Convention on the Elimination of All Forms of Racial Discrimination (1965): Pakistan's Fourth Periodic Report before the Committee (CERD/C/R.90/Add.22) (July 1976), para. 3; Pakistan's Fifth Periodic Report (CERD/C/20.Add.15) (March 1978), para. 1; Pakistan's Fourteenth (Consolidated) Report (CERD/C/299/Add.6) (June 1996), para. 12; S Ali, 'The Rights of Ethnic Minorities in Pakistan: A Legal Analysis', in S Tierney, (ed.), *Accommodating National Identity: New Approaches to International and Domestic Law*, Kluwer Law International, The Hague, 2000, pp. 189–210.)

¹² 10 December, 1948, UN GA Res. 217 A(III), UN Doc. A/810 at 71 (1948).

¹³ Adopted at New York, 16 December, 1966. Entered into force 23 March 1976. GA Res. 2200A (XXI) UN Doc. A/6316 (1966) 999 U.N.T.S. 171; 6 I.L.M. (1967) 368. (ratified 23 June 2010)

¹⁴ Adopted at New York, 16 December, 1966. 993 U.N.T.S. 3; 6 I.L.M. (1967) 360. (ratified 17 April 2008).

¹⁵ *Pakistan Decides to Withdraw Most of the Reservations on ICCPR, UNCAT, NATION (Pak.)* (June 23, 2011), available at: <<http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/national/23-Jun-2011/Pakistan-decides-to-withdraw-most-of-reservations-on-ICCPR-UNCAT>>, (accessed:12/12/5).

Conclusions Regarding the Treatment of Ahmadis, Christians & Hindus in Pakistan

The APPG concludes that through the substantial volume of information provided to it both orally and in writing, there is a real risk of persecution for members of the Ahmadiyya, Christian and Hindu communities in Pakistan, who are perceived as not adhering to the 'orthodox' ideology. Stating that members of these religious communities are at real risk of persecution is not to say that all these individuals inherently have been or will be persecuted during their lifetime; the likelihood of persecution depends on factors such as their encounters with and actions amongst people of other/different faiths or beliefs. These factors are not exhaustive.

As the full report details, members of Pakistani Ahmadiyya, Christian and Hindu communities face violations of fundamental human rights, including the right to life and the right to liberty and security. The real risk of persecution is evident from existing national and provincial laws in Pakistan, such as the blasphemy laws under Section 295-C of the Penal Code as well as from practices of law enforcement agencies and judicial officers. The over-arching threat of terrorist violence is particularly acute for the above-mentioned communities since they remain a primary target of non-State actors.

Under the United Kingdom law, that an individual has been persecuted can be established if an act is committed for reasons including the individual's religion and if it is:

- (a) sufficiently serious by its nature or repetition as to constitute a severe violation of a basic human right, in particular a right from which derogation cannot be made under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms(6); or*
- (b) an accumulation of various measures, including a violation of a human right which is sufficiently severe as to affect an individual in a similar manner as specified in (a).*

And if such an act takes, for example, the form of:

- (a) an act of physical or mental violence, including an act of sexual violence;*
- (b) a legal, administrative, police, or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner;*
- (c) prosecution or punishment, which is disproportionate or discriminatory;*
- (d) denial of judicial redress resulting in a disproportionate or discriminatory punishment...¹⁶*

The APPG submits that Pakistani Christian, Ahmadiyya and Hindu communities are subject to treatment that requires their protection as provided within the UK'S 2006 Qualification Regulations on Refugees of Persons in Need of International Protection. The APPG recommends that cases in which members of these communities seek asylum on the grounds of religious persecution should, in line with UNHCR guidelines, be analysed and judged on a case-by-case basis.¹⁷ The UNHCR has suggested that persecution can be established on 'cumulative grounds'; whereas a single act of

¹⁶ *The Refugee or Person in Need of International Protection (Qualification) Regulations 2006* [United Kingdom of Great Britain and Northern Ireland], Statutory Instrument 2006 No. 2525, (18 September 2006).

¹⁷ UN High Commissioner for Refugees (UNHCR), *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan*, (14 May 2012), HCR/EG/PAK/12/02

discrimination in itself may not be sufficient to establish persecution and claim refugee status, where this is combined with ‘other adverse factors (e.g. a general atmosphere of insecurity in the country of origin)’ or ‘where a person has been the victim of a number of discriminatory measures’, this may be enough to cross the threshold for and establish persecution.¹⁸ See Section 1 for the definition of ‘refugee’ and full analysis of what constitutes ‘persecution’ under international law.

Conclusions Regarding the Treatment of Sikhs, Jews & Shias in Pakistan

The APPG was also disturbed by the evidence it received from individuals and organisations that highlighted the discrimination, oppression and what was suggested, in some cases, to amount to persecution of Jewish and Sikh communities in Pakistan. Due to the very small size of the Jewish community in Pakistan, the APPG does not believe that it has been able to gather sufficient evidence to conclude whether members of this community are currently at real risk of persecution. Similarly for the Pakistani Sikh community, the APPG does not believe that it currently has sufficient up-to-date evidence to determine whether this community continues to be at real risk of persecution. The APPG recommends that further evidence be gathered on these communities and that all Jewish and Sikh asylum cases being claimed on the grounds of religious persecution be analysed on a case-by-case basis with the cumulative grounds for establishing persecution, as outlined above, being taken into account.¹⁹

The APPG was additionally troubled by the evidence submitted by the International Imam Hussein Council, which, according to their findings, suggests that Pakistani Shia Muslims face systematic persecution due to their beliefs. Notwithstanding that Shia Muslims in Pakistan are not, under Pakistan’s Constitution, viewed as a ‘religious minority’,²⁰ as well as in light of the different opinions amongst the Shia communities in Pakistan and around the world regarding their treatment, the APPG believes that it has insufficient evidence to make a considered judgement as to whether Shias in Pakistan are currently at a real risk of persecution. The APPG recommends that, not least in light of the conflict between Sunni and Shia Muslims in many countries across the world, an urgent inquiry be launched by the UK Government to assess the extent of the alleged persecution of Pakistani Shia Muslims and update the Home Office’s Country Information and Guidance (CIG) on Pakistani Shias accordingly. The APPG further submits that the current UK Home Office CIG on Pakistani Shias gives rise to a number of issues, including that its ‘Policy Summary’ makes statements that are sweeping in nature, not representative of the summary guidance and not supported by either the background evidence contained in the CIG or in the wider range of independent sources that report on conditions in Pakistan. See Section 7 in the full report for the APPG’s full analysis of this CIG. The International Imam Hussein Council’s full report, in conjunction with Khudi, can be found on the APPG website at the web link provided

¹⁸ UN High Commissioner for Refugees (UNHCR), *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, paras.52-3

¹⁹ *ibid*

²⁰ NB. That the use of the phrase ‘religious minority’ here refers to communities that have different religious identities from and that are numerically fewer than the Sunni Muslim population, which comprises c.96% of individuals in Pakistan.

While not being able to provide a conclusion regarding these faith communities, the APPG has nevertheless drawn on the evidence brought to it by organisations including Harif, Justice Upheld, and the International Imam Hussein Council, to inform Section 4 of the full report which outlines some of the thematic issues faced by different Pakistani religious groups and Section 5 which builds a picture of the particular difficulties experienced by Hindu, Sikh and Jewish communities in Pakistan.

UNHCR & UK Policy Regarding Pakistan's Religious Minorities

The second half of this APPG report analyses policy regarding members of Pakistan's religious minority groups' seeking asylum abroad on the grounds of persecution for their religion or belief. The APPG commends guidance in the UNHCR's and UK's guidance documents relating to different Pakistani religious communities, which suggest analysis of asylum cases on a case-by-case basis.²¹ The APPG remains concerned, however, with some of the UNHCR's unofficial policy in the Bangkok detention camp in which Pakistani Christian asylum seekers are detained as well as some of the guidance given in the UK Home Office Information and Country Guidance on Ahmadis, Shias²² and Pakistani Christians and Christian converts. Likewise, certain procedural aspects of the process that Pakistani asylum seekers must undergo in the UK give the APPG cause for concern. Regarding UK policy, the APPG is, in particular, concerned that the current policy, guidance and procedures, including that found in Home Office CIG reports on Pakistani religious groups, insufficiently reflects the situation faced by members of religious minority communities in Pakistan.

While the APPG commends the Home Office CIG on Pakistani Ahmadis for recognising the 'real risk of persecution' faced by Ahmadis in Pakistan (in line with the *MN and Others*²³ Country Guidance case), issues remain with this Home Office CIG. These issues include the assessment that, despite the advancement of communication technologies and the easy transfer of information on the whereabouts of targeted individuals, internal relocation in Pakistan is feasible and safe for members of the Pakistani Ahmadiyya community. The Home Office should take account of guidance provided by the UNHCR in its 'Eligibility Guidelines for Assessing The International Protection Needs of Members of Religious Minorities from Pakistan', by international NGOs as well as in the *MN and Others* Country Guidance case, which recognises that Rabwah, the city in which the Ahmadiyya Muslim community have their headquarters, does not provide any greater level of safety than anywhere else in Pakistan, and amend the CIG accordingly.²⁴ See Section 7 for further analysis and recommendations relating to the CIG on Pakistani Ahmadis.

The APPG has deep concerns about the Home Office CIG on Pakistani Christians and Christian converts, which has been used by the UNHCR in Bangkok detention camp to justify unduly delaying

²¹ See e.g. UNHCR, *supra* n.17; UK Home Office, Country Information and Guidance: Pakistan: Christians and Christian converts, (Feb. 2015), para.2.2.3., available at: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/402591/cig_pakistan_christian_s_and_christian_converters_v1_0_2015_02_10.pdf>.

²² Please refer to Section 7 of the full report for analysis of the UK Home Office Country Information and Guidance report on Pakistani Shia Muslims which can be accessed via the web link provided by the APPG on the document attached to this report.

²³ *MN and others (Ahmadis - country conditions - risk) Pakistan v. the Secretary of State for the Home Department*, CG [2012] UKUT 00389(IAC), United Kingdom: Upper Tribunal (Immigration and Asylum Chamber), 13 November 2012.

²⁴ *MN and others*, *supra* n.23, para. 7; UNHCR, *supra* n.17

the granting of asylum to Christians fleeing Pakistan.²⁵ This CIG's findings rest on the AK and SK country guidance case and the judgements contained within this case.²⁶ Unlike AK and SK's findings, and thus those outlined in the Home Office CIG on Christians and Christian Converts, the APPG submits that, like Pakistani Ahmadis, members of Pakistan's Christian communities are at 'real risk of persecution'. In light of the evidence heard at the 10-11 November 2015 evidence sessions in Parliament alongside additional research and legal guidance, the APPG adopts the position that following that the findings in the AK & SK case, which are reflected in the Home Office CIG on Pakistani Christians and Christian converts, need to be reviewed:

- *That 'Christians in Pakistan are a religious minority and, in general, suffer discrimination but this is not sufficient to amount to a real risk of persecution' (AK and SK, Summary, para.1; para.240)*

The APPG submits that the UK Upper Tribunal (Immigration and Asylum Chamber) has misconstrued the meaning of 'real risk of persecution' as provided in the guidelines and jurisprudence of the UNHCR. Christians in Pakistan face real threats of persecution in the form of physical violence and psychological torture at the hands of State- and non-State actors. The APPG further submits that in light of the UNHCR guidelines, persistent 'cumulative grounds' of discrimination such as those faced by Christians in Pakistan (and detailed in Section of the full online report), amount to 'persecution'. See Sections 1 and 5 of the full online report.

- *'Unlike the position of Ahmadis, Christians in general are permitted to practise the faith, can attend church, participate in religious activities and have their own schools and hospitals' (AK and SK, Summary para.2; para.241)*

Based on the evidence presented at the hearings, the APPG is of the opinion that the Upper Tribunal erred in its assessment of the prevailing circumstances in Pakistan. Christians are unable to practise their faith in public or to manifest their religion or belief in teaching, practice, worship and observance as guaranteed by the UDHR and ICCPR. See Section 5 of the full online report.

- *Evangelism by its very nature involves some obligation to proselytise. Someone who seeks to broadcast their faith to strangers so as to encourage them to convert may find themselves facing a charge of blasphemy. In that way, evangelical Christians face a greater risk than those Christians who are not publicly active. It will be for the judicial fact-finder to assess on a case-by-case basis whether, notwithstanding attendance at an evangelical church, it is important to the individual to behave in evangelical ways that may lead to a real risk of persecution (AK and SK, Summary para.3; para.242)*

The APPG believes that the Upper Tribunal focused too narrowly on the persecution of evangelical Christians in Pakistan whereas most cases relate to either Christian Catholics or various other denominations of Christians. Based on evidence received during the hearings, the APPG submits that the Upper Tribunal constructed an overly narrow paradigm of assessment of risk in its judgement. The Tribunal has done so, firstly, by focusing on limited aspects of religious practice - i.e. 'behav[ing] in evangelical ways' (para 242) - as encapsulating what it is to be an adherent of the Christian faith,

²⁵ See Section 6 of the full online report for full details regarding Lord Alton's findings with the unofficial policy used in Bangkok's Detention camp.

²⁶ AK and SK, *supra* n.9

rather than the wider concept of ‘being’ a Christian, i.e. faith as religious observance rather than as a core component of identity. Such a focus may be inconsistent with case law regarding, for example, the recognition of sexuality as a part of core identity and recognition of sexual identity as a protected characteristic. From such a starting point, any interference, or inability to realise such a characteristic is prohibited and potentially persecutory. It is submitted that this leads to a false dichotomy between those adherents who are ‘evangelical’ or ‘active’ and those who are considered not to be and fails to recognise that faith, as it informs identity, permeates and is exhibited in all aspects of individual and communal life. The APPG further submits on this point that the understanding of ‘proselytism’ has been misconstrued as an action that primarily involves aggressive conversion and not that it may also constitute part of individuals’ everyday expression of their beliefs. See Section 5 of the full online report.

- *The risk of interpreting the AK & SK case as only applying in blasphemy cases*

The APPG submits that it is far too narrow a reading of AK & SK to suggest that Christians are only at risk from extremist groups through blasphemy charges, although there is a probability that it will be taken as such. On its facts, AK & SK may appear to be almost exclusively concerned with the consequences to Christians of accusations of blasphemy brought by a militant Islamic group and is thus not concerned with persecution by the State (through persecutory laws enacted by the government). In addition, the Court did not address direct and violent persecution of Christians *outside* the sphere of Blasphemy; such violence and persecution by non-State actors/extremist groups carries a real and substantial threat to Christians and should have been considered on a factual basis by the Court. See Sections 4-5 of the full online report.

- *Along with Christians, Sunnis, Shias, Ahmadis, and Hindus may all potentially be charged with blasphemy. Those citizens who are more marginalised and occupy low standing social positions, may be less able to deal with the consequences of such proceedings (AK and SK, para.243)*

The APPG submits that AK and SK’s (para. 214, 243) statement regarding the differences in treatment of affluent and poor Christians is unfounded. While the higher wealth of the individual may allow some immediate protection, their apparent wealth may even draw attention to them and cause them to be charged with blasphemy, to which the rules after such a charge remain the same for all Christians. See Sections 4-5 of the full online report.

- *The apparent lack of understanding of the reality of practices within Pakistan (AK and SK, para.61)*

The APPG submits that AK and SK misconstrued the law and judicial practices of Pakistan. The fact that ‘Pakistani law strictly forbids forced conversions’ and the Pakistani Supreme Court has supported this might be sufficient to believe that forced conversions are not condoned in Pakistan, demonstrates a lack of reflection of the reality. This is especially evident for individuals involved in the vast majority of cases in lower courts relating to forced conversion, whose judges have and can be intimidated or manipulated. See Sections 4-5 of the full online report.

- *That relocation is normally a viable option unless an individual is accused of blasphemy which is being seriously pursued; in that situation there is, in general, no internal relocation alternative (AK and SK, Summary para.8; para.247)*

Based on the evidence presented, the APPG submits that the Home Office presenters have continued to erroneously suggest that relocation is the option that immigration judges should offer to asylum seekers when their appeals are rejected. Evidence received by the APPG establishes that internal relocation is an unsafe option, especially given new communication technologies developments, which allow information on those targeted by extremist groups to be passed on even if they move across the country. See Sections 7-8 of the full online report.

- *'Like other women in Pakistan, Christian women, in general, face discrimination and may be at a heightened risk but this falls short of a generalised risk. The need for a fact-sensitive analysis is critical in their case. Facts such as their age, place of residence and socio-economic milieu are all relevant factors when assessing the risk of abduction, conversion and forced marriages (AK and SK, para.246)*

The APPG submits that Christian women face persecution and discrimination because they are Christian. Christian women, alongside women of other religious minorities, face a real risk of abduction and are a target of conversion and forced marriage because of their faith. Radical sections of the society, often with impunity from State officials, view conversions of Christian women and their forced marriage to Muslim men as a positive and righteous action. The risk and dangers which women from non-Muslim faiths face are much more direct and substantial. See Sections 4-5 of the full online report.

In light of the above findings and given that the appellants in *AK and SK* have exhausted their right of appeal, the UK Home Office should initiate the process for bringing forward a new country guidance case that can be used to reassess the situation for all Christians and Christian converts in Pakistan. At the very least, the APPG urges the Home Office to limit the use of the *AK and SK* case's conclusions to providing guidance on its facts – i.e. only providing guidance for the consideration of asylum cases regarding Pakistani Evangelical Christians facing blasphemy charges lodged by non-State actors.

Implementing Muhammad Ali Jinnah's Vision of a Multi-religious Pakistan

Enabling Pakistan to flourish in the way that Muhammad Ali Jinnah desired requires the above findings, predicated on the research and evidence outlined in the full online report, to be noted and used to inform Home Office and other UK Government departments' policy and action. Change is also required within current national and provincial legislation in Pakistan as well as within the deeply-embedded cultural norms that have given rise to suspicion and hatred of those with different religious beliefs. Both State and non-State actors' pursuit of homogeneity in religious and ideological thought via the suppression of alternative beliefs in Pakistan have not only failed to realise Jinnah's vision for the country, but have enabled a persistent state of insecurity. Grim & Finke's research finds that religious freedom is a key ingredient to peace and stability, as measured by the absence of

violent religious persecution and conflict.²⁷ When religious freedom is denied through the regulation of religious profession or practice, Grim and Finke find that “violent religious persecution and conflict will increase.

Conversely, the lifting of restrictions on religious profession or practice should result in less persecution and conflict and consequently more peace and security” – which naturally leads to stability in a state.²⁸ As the Institute for Global Engagement’s Dr Chris Seiple finds, by “introducing religious freedom into a society, religious institutions, communities, and individuals are permitted to grow openly in a healthy and constructive manner, which reinforces engagement with governance and the legitimacy of the state. In other words, there is a link between religious freedom and the degree of broader political liberalization and stability within a nation.”²⁹

In their November 2015 New Aid Strategy - ‘UK Aid: Tackling Global Challenges in the National Interest’ - DfID and HM Treasury set four strategic objectives that include ‘Strengthening global peace, security and governance’ and ‘Promoting global prosperity’.³⁰ In light of the above research undertaken by Grim, Finke and Seiple, the APPG argues that promoting freedom of religion or belief, and thus religious plurality – in line with Pakistan’s international legal obligations - should be prioritised by DfID when engaging with Pakistan. Indeed, Pakistan is one of the main recipients of DfID’s financial aid, with the operational plan budget in Pakistan set at £324 million for 2015/16.³¹ In order to fill its strategic objectives, the APPG calls on DfID to ensure that where aid is provided or contracts awarded in Pakistan, it is channelled to civil-society organisations and government programmes that can demonstrate a sophisticated understanding of freedom of religion or belief, and can show how their work will have a positive rather than negative impact in this area.

The APPG further submits that, due to its role in enabling stability, advancing freedom of religion or belief is also necessary within a nation for achieving DfID’s strategic objective of ‘promoting global prosperity’ as well as Sustainable Development Goals 8 and 16.³² As Georgetown and Brigham Young Universities’ research finds, stability is particularly important for business and, in turn, economic prosperity because stability leads to more opportunity to invest and conduct normal and predictable business operations, especially in emerging and new markets.³³ The research, which looked at GDP growth for 173 countries in 2011 and controlled for two dozen different financial, social and regulatory influences, found a positive correlation between religious freedom and global

²⁷ Grim, B. & Finke, R., *The Price of Freedom Denied: Religious Persecution and Conflict in the 21st Century*, (Cambridge: CUP, 2011), p.217

²⁸ *ibid*, p.6

²⁹ Hertzke, A.D., *The Future of Religious Freedom: Global Challenges*, (Oxford: OUP, 2013), p.324

³⁰ HM Treasury, Department for International Development, *UK Aid: Tackling Global Challenges in the National Interest*, (Nov. 2015), p.3, available at: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/478834/ODA_strategy_final_web_0905.pdf>, (accessed: 12/12/15)

³¹ UK Aid, ‘Development Tracker: Pakistan’, available at: <<https://devtracker.dfid.gov.uk/countries/PK>>, (accessed: 12/12/15)

³² United Nations Development Programme, ‘Goal 8: Decent Work and Economic Growth – Promote Inclusive and Sustainable Economic Growth, employment and Decent Work for All’, available at: <<http://www.undp.org/content/undp/en/home/sdgooverview/post-2015-development-agenda/goal-8.html>>, (accessed: 02/02/16); United Nations Development Programme, ‘Goal 16: Peace, Justice and Strong Institutions - Promote Just, Peaceful and Inclusive Societies’, available at: <<http://www.undp.org/content/undp/en/home/sdgooverview/post-2015-development-agenda/goal-16.html>>, (accessed: 02/02/16)

³³ Grim, B., *supra* n.1

competitiveness, as measured by the World Economic Forum's Global Competitiveness Index. One mechanism for this, according to the study, is that entrepreneurs are pushed to take their talents elsewhere because limited religious freedom is also associated with more conflict, less stability, higher overall restrictions on intellectual property rights and other important freedoms. Religious hostilities and restrictions create climates that can drive away local and foreign investment, undermine sustainable development, and disrupt huge sectors of economies. Without pursuing and establishing freedom of religion or belief in Pakistan, which happily helps meet DfID's New Aid Strategy's strategic objectives, the APPG believes that Jinnah's vision of Pakistan will never be realised.

To access the full evidence and reasoning for the APPG's above conclusions and recommendations, please view the full report online via the web link provided by the APPG in the document attached to this report.

KEY RECOMMENDATIONS

- 1. In light of the shortcomings and narrow focus of the *AK and SK* Upper Tribunal (Asylum and Immigration Chamber) country guidance case, as outlined in the executive summary above, a new country guidance case regarding Pakistani Christians is urgently required to provide sufficient guidance for Pakistani Christian asylum cases, including for guidance contained in the Home Office Country Information and Guidance (CIG) report on Pakistani Christians and Christian converts. A new country guidance case requires looking closely at different Christian denominations and manifestations of being Christian, including the distinct experiences of Evangelical Christians, Catholic Christians and Christian women, not using findings in relation to one of these groups to provide guidance on the experiences of all Christians in Pakistan.**
- 2. Should the previous recommendation not be immediately viable, the APPG urges the Home Office to limit the use of the *AK and SK* case's conclusions to providing guidance on its facts– i.e. only providing guidance for the consideration of asylum cases regarding Pakistani Evangelical Christians facing blasphemy charges lodged by non-State actors.**
- 3. The UK Home Office should note and reflect in its Country Information and Guidance this report's conclusions that the members of Ahmadiyya, Christian and Hindu communities in Pakistan face very similar real risks of persecution, the likelihood of which depends on the individual's encounters with and actions amongst people of other/different faiths or beliefs. Just as the *MN and Others* country guidance case and the Home Office Country Information and Guidance Report on Ahmadis recognise that Ahmadis, dependent on their individual circumstances, do face a real risk of persecution, the same understanding should be applied in guidance on Pakistani Christians and Hindus. (See Sections 4-5 of the full report.)**
- 4. To avoid statements that are sweeping in nature, not representative of the summary guidance and not supported by either the background evidence contained in UK Home Office Country Information and Guidance reports (CIGs) or in the wider range of**

independent sources that report on conditions in Pakistan, policy summaries in CIGs should not be used.

5. The UK Home Office should take account of judicial findings and objective information on the safety of internal relocation of religious minorities, including Ahmadis, Christians and Hindus in Pakistan. Developments in communications technologies, enabling information to be quickly passed on about individuals targeted by extremist groups, even if they move across the country, as well as strong evidence outlining Pakistani authorities' failure to protect minority religious communities from attack, should be noted by the UK Home Office and its CIGs amended accordingly. (See Sections 7-8 of the full report.)
6. The UK Home Office should ensure that all Home Office staff involved in asylum cases, including interviewers, interpreters, case workers and presenting officers, are sufficiently sensitised to and trained in the different religious doctrines and terminologies of religious denominations in Pakistan, as well as the cultural contexts which have enabled and supported the persecution of members of Pakistan's minority religious communities. This depth of understanding is particularly needed so that the religious and cultural contextual meaning behind the asylum applicant's words can be clearly conveyed and understood.
7. In cases where individuals have been granted asylum on grounds of religious persecution, the UK Home Office should fast-track dependents' applications and visas for them to join the successful applicant. While it is of course welcome that dependents are permitted to settle outside Pakistan, the current 3 – 6 month processing period of dependents' applications is a time during which the applicants may also be at real risk of persecution.
8. As a party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT), the Pakistani Government should be supported in maintaining its international obligations that include protecting against violations of freedom of religion or belief and repealing punishments (including those for blasphemy convictions) that are inhuman and degrading or amount to torture. The APPG urges the UK Department for International Development, in line with its strategic objectives outlined in the last sub-section, to ensure that monetary aid is provided only to organisations and government departments in Pakistan that can demonstrably prove their understanding of and commitment to upholding Pakistan's international human rights' obligations.
9. The UK and Pakistan governments (in conjunction with the relevant national regulatory bodies) must ensure compliance with the provisions of Article 20 (2) of the International Covenant on Civil and Political Rights both in the UK and Pakistan. In particular, the full force of criminal sanctions need to be deployed in instances of advocacy or support religious hatred amounting to incitement to violence, hostility or discrimination against religious minorities of Pakistan. Such instances include advocacy or support of incitement to violence towards Pakistani religious minorities that is broadcast on Pakistani media channels in the UK.

(Please find additional recommendations at the end of each sub-section in the full report's Sections 4 – 8. The full report can be accessed via the web link provided by the APPG on the document attached to this report.)

FULL REPORT ROADMAP & CONTENTS LIST

The first section of this report analyses the definition of ‘refugee’ and conceptualises the meaning of ‘persecution’, setting the legal framework within which the evidence regarding the experiences of different Pakistani religious communities should be read. Having next outlined the religious demography and Pakistan’s legal obligations in relation to the right to freedom of religion or belief, the full report provides a brief historic overview and context of how this right has been upheld in Pakistan. Using the evidence submitted to the APPG, the report then explores the different thematic issues faced by different religious communities in Pakistan and goes on to analyse the distinct experiences of some members of Pakistan’s Ahmadi, Christian, Sikh and Jewish communities. Within the context of a case study, the report next outlines the situation faced specifically by Christians who have fled Pakistan to seek asylum in Thailand. Having provided evidence on the treatment of different religious groups in Pakistan, the final section turns to critically analyse the UK policy and legislation faced by Pakistani asylum seekers, seeking refugee status in the UK on grounds of religious persecution.

As it has not been possible to outline the full evidence and analysis in this abridged version of the full report, please refer to the full online report for such evidence and analysis. The full report can be accessed via the web link provided by the APPG on the document attached to this report.

Full Report Contents

- *Foreword*
- *Introduction*
- *Executive Summary*
- *Key Recommendations*
- *Full Report Roadmap & Contents*

- PART A – LEGAL, POLITICAL AND HISTORICAL CONTEXT
 - Section 1: Conceptualising the Meaning of ‘Persecution’ & The Definition of ‘Refugee’
 - Section 2: Religious Minorities of Pakistan: Demography and Legal Obligations in Relation to Freedom of Religion or Belief
 - Section 3: Historic Overview and Context of Right to Freedom of Religion or Belief in Pakistan

- PART B – WHAT DO MEMBERS OF DIFFERENT RELIGIOUS COMMUNITIES IN PAKISTAN CURRENTLY FACE?
 - Section 4: Thematic Issues
 - Lack of Political Representation
 - Blasphemy Laws
 - Protection of Religious Minorities and their Defenders
 - Women & Girls from Religious Minorities
 - The Future: Educating the Next Generation

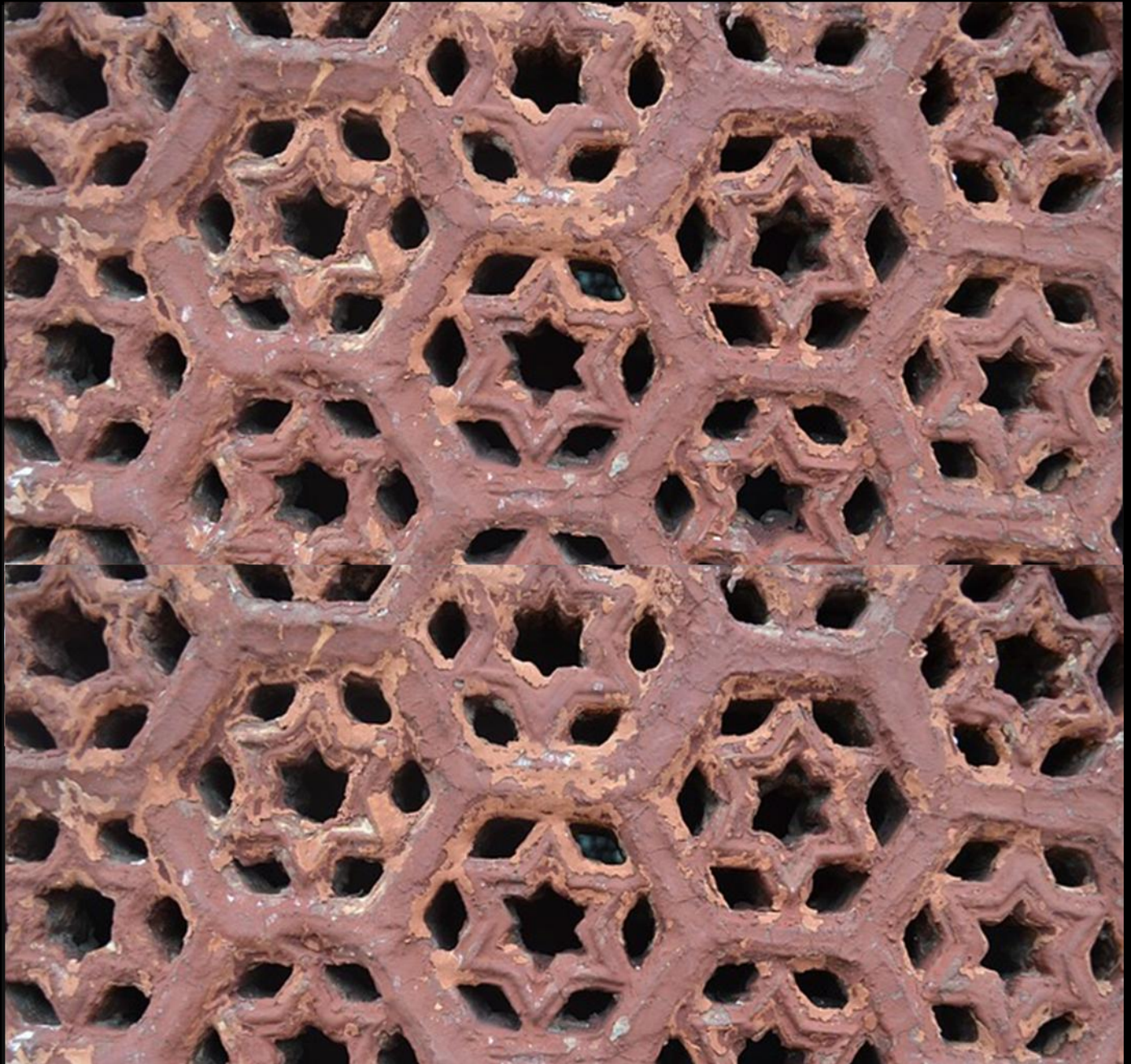
- Section 5: Analysing the Constitutionally-recognised Religious Minorities of Pakistan
 - Ahmadiyyas(sp)
 - Christians
 - Hindus
 - Sikhs
 - Jews

- PART C – WHAT DO MEMBERS OF PAKISTANI RELIGIOUS MINORITY GROUPS SEEKING ASYLUM CURRENTLY FACE?
 - Section 6: Outside the UK
 - Case Study: Christians in Thailand & UNHCR Bangkok Policy

 - Section 7: Inside the UK
 - Home Office Country Information & Guidance on Pakistani Religious Groups:
 - Home Office Country Information & Guidance Report on Ahmadis
 - Home Office Country Information & Guidance Report on Shi'as(check)
 - Home Office Country Information & Guidance Report on Christians & Christian converts

 - Section 8: Procedural Issues with the UK Asylum System

- Conclusions



FREEDOM DECLARED

All Party Parliamentary
Group for International
Freedom of Religion or Belief



appg