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Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan

**United Nations High Commissioner for Refugees (UNHCR)
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NOTE

UNHCR Eligibility Guidelines are issued by the Office to assist decision-makers, including UNHCR staff, Governments and private practitioners, in assessing the international protection needs of asylum-seekers. They are legal interpretations of the refugee criteria in respect of specific profiles on the basis of social, economic, security, human rights and humanitarian conditions in the country/territory of origin concerned. The pertinent international protection needs are analysed in detail, and recommendations made as to how the applications in question relate to the relevant principles and criteria of international refugee law as per, notably, the UNHCR Statute, the 1951 Refugee Convention and its 1967 Protocol, and relevant regional instruments such as the Cartagena Declaration, the 1969 OAU Convention and the EU Qualification Directive. The recommendations may also touch upon, as relevant, complementary or subsidiary protection regimes.

UNHCR issues Eligibility Guidelines to promote the accurate interpretation and application of the abovementioned refugee criteria in line with its supervisory responsibility as contained in paragraph 8 of its Statute in conjunction with Article 35 of the 1951 Convention and Article II of its 1967 Protocol and based on the expertise it has developed over the years in matters related to eligibility and refugee status determination. It is hoped that the guidance and information contained in the Guidelines will be considered carefully by the authorities and the judiciary in reaching decisions on asylum applications. The Guidelines are based on in-depth research, information provided by UNHCR's global network of field offices and material from independent country specialists, researchers and other sources, rigorously reviewed for reliability. The Guidelines are posted on UNHCR's Refworld website at <http://www.refworld.org>.

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Abbreviations

ACLED	Armed Conflict Location and Event Data Project
AHRC	Asian Human Rights Commission
ASWJ	Ahl-e Sunnat Wal Jama'at
ATA	Anti-Terrorism Act
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CII	Pakistan's Council of Islamic Ideology
CRC	Committee on the Rights of the Child (monitoring the implementation of the Convention on the Rights of the Child)
CERD	Committee on the Elimination of Racial Discrimination (monitoring the International Convention on the Elimination of All Forms of Racial Discrimination)
CNIC	Computerized National Identity Cards
CRSS	Center for Research and Security Studies
EASO	European Asylum Support Office
FATA	Federally Administered Tribal Areas
FSC	Federal Shariat Court
FIR	First Information Report
GHRD	Global Human Rights Defence
ICCPR	International Covenant on Civil and Political Rights
ICG	International Crisis Group
ICJ	International Commission of Jurists
IDSN	International Dalit Solidarity Network
IFHR	International Federation for Human Rights
HRCP	Human Rights Commission of Pakistan (NB: The HRCP is an NGO, separate from the National Human Rights Commission)
HRW	Human Rights Watch
IHRC	International Human Rights Committee (NB: The IHRC is an NGO, separate from the UN Human Rights Committee)
LeJ	<i>Lashkar-e-Jhangvi</i>
MRG	Minority Rights Group International
NACTA	National Counter Terrorism Authority Pakistan
NADRA	National Database and Registration Authority
NAP	National Action Plan

NCM	National Commission for Minorities
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PATA	Provincially Administered Tribal Areas
PDSN	Pakistan Dalit Solidarity Network
PIPS	Pakistan Institute for Peace Studies
PPA	Protection of Pakistan Act
PPP	Pakistan Peoples Party
SSP	<i>Sipah-e-Sahaba</i>
TTP	<i>Tehrik-e-Taliban Pakistan</i>
UNHCR	United Nations High Commissioner for Refugees
USCIRF	United States Commission on International Religious Freedom

I. Summary

These Guidelines are issued against a backdrop of continuing concerns about freedom of religion and belief, as well as sectarian and religiously-motivated violence in the Islamic Republic of Pakistan (hereafter: Pakistan). They contain information on the particular profiles of religious minorities for which international protection needs may arise in the current context in Pakistan.¹

These Guidelines supersede UNHCR's 2012 *Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan*.² UNHCR's recommendations, as set out in detail in the current Guidelines, may be summarized as follows.

All asylum claims based on the refugee criteria contained in the 1951 Convention relating to the Status of Refugees³ (1951 Convention) and/or its 1967 Protocol⁴ need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information.

UNHCR considers that asylum claims made by Pakistani nationals who are members of religious minorities require particularly careful examination of possible risks. UNHCR considers that members of religious minorities may, depending on the individual circumstances of the case, be in need of international refugee protection. A non-exhaustive list of such minorities includes (i) Baha'is; (ii) Christians; (iii) Hindus; (iv) Shi'ites; (v) Sikhs; (vi) Sufis / Barelvis; and (vii) Zikris. In addition, UNHCR considers that members of the Ahmadi religious minority are likely to be in need of international protection.

UNHCR does not generally consider an internal flight or relocation alternative (IFA/IRA) to be relevant in cases where an individual is liable to criminal prosecution under the country's blasphemy and/or anti-Ahmadi laws. Given the widespread and institutionalized forms of discrimination against Ahmadi individuals by the State, as well as the lack of State protection against equally widespread forms of ill-treatment against Ahmadi individuals at the hands of members of society, UNHCR considers that there is no viable IFA/IRA for Ahmadi individuals with a well-founded fear of persecution based on religious grounds in their home area. UNHCR considers furthermore that an IFA/IRA will generally not be available to individuals who are members of other religious minorities and who are at risk of being targeted by armed militant groups, given the sustained religiously-motivated sectarian violence and the wide geographic reach of such groups. For all other applicants for international protection, UNHCR considers that an IFA/IRA is not available in parts of the country that are affected by sustained security and military counter-insurgency operations and retaliatory militant attacks. In cases where an IFA/IRA is deemed relevant, the reasonableness of the proposed IFA/IRA needs to be assessed based on the individual circumstances of the case.

In light of the long history of sectarian violence and militant activities in Pakistan, including reports of serious human rights violations committed by some members of religious minorities, exclusion considerations under Article 1F of the 1951 Convention may arise in individual asylum claims by members of religious minorities in Pakistan. Careful attention to possible exclusion considerations needs to be given in particular to claims made by individuals belonging to religious minorities with the following profiles: (i) members of militant groups, or persons otherwise involved in sectarian violence; (ii) members of military, police, security and intelligence forces, particularly those involved in counter-terrorism campaigns; (iii) officials in the local and federal administrations; and (iv) members of the judiciary.

¹ These Guidelines are based on information available to UNHCR as of November 2016, unless otherwise stated.

² 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, <http://www.refworld.org/docid/4fb0ec662.html>.

³ Convention relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series Vol. 189, p. 137, <http://www.refworld.org/docid/3be01b964.html>.

⁴ Protocol relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series Vol. 606, p. 267, <http://www.refworld.org/docid/3ae6b3ae4.html>.

These Guidelines do not include information regarding the security situation in Pakistan or the militant groups and other armed actors operating in various regions of Pakistan. Such information may, however, be relevant for assessing claims from individual asylum-seekers and should be also considered in addition to these eligibility guidelines where appropriate. In particular, such information would likely be relevant for cases where an individual's claim pertains to persecution by non-state actors or considerations regarding a proposed internal flight or relocation alternative.

II. Background

Pakistan became an independent State in 1947, following the partition of British India and nine months of civil war. In 1971, East Pakistan separated and became the People's Republic of Bangladesh. Pakistan today consists of four provinces (i.e. Sindh, Punjab, Balochistan and Khyber Pakhtunkhwa, formerly known as the North-West Frontier Province),⁵ the Federally Administered Tribal Areas (FATA),⁶ as well as the capital territory, Islamabad.⁷ Approximately 96 percent of Pakistan's population is reported to be Muslim; however, there are no definitive figures available for the relative size of religious minority communities in Pakistan.⁸

The Pakistani legal system is based on English common law and Islamic law and comprises civil and criminal courts.⁹ Several areas of Pakistan have separate judicial systems and do not fall within the jurisdiction of the Supreme Court and Pakistan's five High Courts.¹⁰ These regions include Azad Jammu and Kashmir, which has its own elected president, prime minister, legislature and court system; as well as Gilgit Baltistan, which has a separate judicial system.¹¹ Pursuant to the 2009 Nizam-e-Adl Regulation, Sharia law is imposed in designated parts of the Provincially Administered

⁵ The name of the North-West Frontier Province was changed in April 2010 by the 18th Amendment to the Constitution. See Pakistan, *Constitution (Eighteenth Amendment) Act 2010*, <http://www.pakistan.gov.pk/constitution/amendments/18amendment.html>, Article 3.

⁶ FATA includes seven agencies (administrative districts): Bajaur, Orakzai, Mohmand, Khyber, Kurram, North Waziristan and South Waziristan; as well as the Tribal Areas adjoining Bannu, Peshawar, Kohat and Dera Ismail Khan districts. See, Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015) <http://www.refworld.org/docid/47558c422.html>, Article 246(c).

⁷ The Pakistani-administered area of the disputed Jammu and Kashmir region consists of Azad Kashmir and the Northern Areas, which have their own political and administrative structures. See, for example, US Central Intelligence Agency, *The World Factbook: Pakistan*, 6 January 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>.

⁸ The most recent census of the Pakistani population dates back to 1998. According to the 1998 census, 95 per cent of the population identified as Muslim. Of these 95 per cent, 75 per cent identified as Sunni (divided among numerous Sunni sects and denominations), while 25 per cent identified as Shi'ite. United States Commission on International Religious Freedom (USCIRF), *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. According to the 1998 census, 1.85 per cent of the country's population were Hindus (including "scheduled castes"/lower castes representing 0.25 per cent); 1.59 per cent Christians; 0.22 per cent Ahmadis; and 0.7 per cent belonged to other religious minorities; see Population Census Organisation, Government of Pakistan, *1998 Census: Population by Religion* (accessed 26 January 2016), <http://www.pbs.gov.pk/content/population-religion>. According to a 2010 estimate by the CIA World Factbook, 96.4 per cent of the population are Muslim (and of this 85-90 per cent are Sunni, while 10-15 per cent are Shi'ites); other religions, including Christians and Hindus, constitute 3.6 per cent. US Central Intelligence Agency, *The World Factbook: Pakistan*, last updated 7 March 2016, <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/pk.html>. Minority representatives reportedly dispute the numbers for the size of religious minority communities in Pakistan; however, in the absence of a recent census it is unclear whether the size of the different minority groups has increased or decreased. International Federation for Human Rights (IFHR) and the Human Rights Commission of Pakistan (HRCPP), *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>, p. 16. "Unofficial estimates vary widely with regard to the size of minority religious groups. According to 2014 media accounts, although there are 2.9 million non-Muslims registered with the National Database and Registration Authority; estimates of the actual number exceed 3.5 million. Religious community representatives estimate minorities constitute 3-5 percent of the population, approximately six to nine million citizens. According to the 2014 government registration documents cited by the press, there are approximately 1.4 million Hindus, 1.3 million Christians, 126,000 Ahmadis, 34,000 Bahais, 6,000 Sikhs, and 4,000 Parsis. Taking account of the Ahmadi boycott of the official census, however, community sources put the number of Ahmadi Muslims at approximately 500,000." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

⁹ See, for example, Federal Judicial Academy, *The Judicial System of Pakistan*, May 2015, http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf, pp. 4-6; Transparency International, *Pakistan: National Integrity System, Country Report 2014*, 25 April 2014, https://www.transparency.org/whatwedo/nisarticle/pakistan_2014, pp. 58-59.

¹⁰ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Federal Judicial Academy, *The Judicial System of Pakistan*, May 2015, http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf, pp. 9 - 13.

¹¹ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

Tribal Areas (PATA)¹² in Khyber Pakhtunkhwa, where judges are assisted by Islamic scholars.¹³ The justice system in FATA is governed by the Frontier Crimes Regulation (FCR), which allows, *inter alia*, tribal leaders to administer justice according to Sharia law and tribal custom.¹⁴

The Federal Shariat Court (FSC), established by Presidential Order in 1980,¹⁵ was given exclusive jurisdiction to examine and determine whether a law is repugnant to the injunctions of Islam.¹⁶ Decisions of the FSC are subject to review by the Supreme Court, but are binding on the High Courts and lower courts.¹⁷ FSC decisions are also binding on the Government and automatically take effect in law, unless the Government appeals the decision to the Shariat Bench of the Supreme Court by the deadline set by the FSC.¹⁸

Despite efforts made by the Government to ensure the protection of human rights, including the ratification of the International Covenant on Civil and Political Rights (ICCPR)¹⁹ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), independent observers continue to express concerns, notably regarding the independence of the judiciary, legislative provisions associated with diminished religious freedom and misconduct at the level of law enforcement.²⁰

¹² The areas included in the Provincially Administered Tribal Areas (PATA) are listed in Article 246(b) of the Constitution: Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 246(b). See also Article 247 of the Constitution for further details on the administration of Tribal Areas.

¹³ The Nizam-e-Adl Regulation was passed on 13 April 2009, and establishes five categories of competent courts within the designated area of jurisdiction within PATA and mandates the appointment of an Illawa Qazi, defined as “a person who is a duly appointed judicial officer in the North West Frontier Province and preference shall be given to those judicial officers who have completed Shariah course from a recognized institution”. The Regulation allows the Government of Khyber Pakhtunkhwa to also appoint an Executive Magistrate in each district or protected area. The “District Magistrate and all other Executive Magistrates shall discharge their functions, responsibilities and exercise their powers according to the established principles of Shariah and other laws for the time being in force in the said area”. The Executive Magistrate may “take action against an individual under the established principles of Shariah” for the purposes of “keeping peace, maintaining order, [and] enforcing the executive authority of the Government and ‘Sadd-e-Zara-e-Jinayat’”; the “expression ‘Sadd-e-Zara-e-Jinayat’ means and includes all actions and steps taken under the Shariah laws and any other law in force for the time being for the control of crimes.” The Nizam-e-Adl Regulation 2009 extends to the PATA of the North-West Frontier Province, except the Tribal Area adjoining Mansehra district and the former State of Amb. The full text of the 2009 Nizam-e-Adl Regulation is available on the website of the South Asia Terrorism Portal at: <http://www.satp.org/satporgtp/countries/pakistan/document/papers/Nizam-e-AdlRegulation2009.htm>. See also, ICG, *Pakistan: Countering Militancy in PATA*, 15 January 2013, <http://www.refworld.org/docid/50f544262.html>, pp. 1, 4, 30-31; United States Department of State, *2010 International Religious Freedom Report – Pakistan [covering the period July-December 2010]*, 13 September 2011, <http://www.refworld.org/docid/4e734c75b.html>. In April 2015, the Peshawar High Court reportedly found the operation of Executive Magistrates pursuant to this Regulation in the PATA to be unconstitutional and ordered the district Government to make appropriate amendments to the Nizam-e-Adl Regulation 2009. See, for example, Dawn, *View From the Courtroom: PHC Verdict About Magistracy in Pata Generates Debate*, 4 May 2015, <http://www.dawn.com/news/1179895>; The Express Tribune, *Governing Pata: PHC Directs Govt to Retract Judicial Powers from Malakand District Admin*, 30 April 2015, <http://tribune.com.pk/story/878263/governing-pata-phc-directs-govt-to-retract-judicial-powers-from-malakand-district-admin/>.

¹⁴ For a detailed analysis of the FCR, see HRCF, *FCR - A Bad Law Nobody Can Defend*, 2004, <http://hrcf-web.org/hrcfweb/wp-content/pdf/ff/23.pdf>. In August 2011, President Zardari signed the Amendments to the Frontier Crimes Regulation (2011) Order, setting in motion administrative, judicial and political reforms in FATA. Jamestown Foundation, ‘Pakistan Seeks Administrative Solution to Terrorism on the Northwest Frontier’, *Terrorism Monitor*, Volume 9, Issue 35, 15 September 2011, <http://www.refworld.org/docid/4e7855f92.html>. See also, United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

¹⁵ Pakistan, *Constitution (Amendment) Order 1980*, http://www.pakistan.org/pakistan/constitution/orders/po1_1980.html, Section 3. According to Article 203C(2) of the Constitution, the FSC shall consist of not more than eight Muslim judges; of these, not more than four shall be persons who are qualified to be a judge of a High Court, while not more than three shall be Islamic law scholars (*ulema*). Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>.

¹⁶ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 203D.

¹⁷ “Subject to Articles 203D and 203F, any decision of the Court in the exercise of its jurisdiction under this Chapter shall be binding on a High Court and on all courts subordinate to a High Court.” Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 203GG. “Appeal against [the FSC’s] decision lies to the Shariat Appellate Bench of the Supreme Court, consisting of 3 Muslim judges of the Supreme Court and not more than 2 Ulema (Islamic scholars), appointed by the President. If a certain provision of law is declared to be repugnant to the injunctions of Islam, the Government is required to take necessary steps to amend the law, so as to bring it in conformity with the injunctions of Islam. The Court also exercises appellate and revisional jurisdiction over the criminal courts, deciding Hudood cases.” Federal Judicial Academy, *The Judicial System of Pakistan*, May 2015, http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf, pp. 13-14.

¹⁸ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 203D(3).

¹⁹ Pakistan ratified the ICCPR on 23 June 2010, but made several key reservations, including to Articles 3, 6, 7, 12, 18, 19 and 25. Pursuant to its reservations, Pakistan is not bound by these provisions insofar as they conflict with the Pakistan Constitution and Sharia law. For further details see http://www.bayefsky.com/html/pakistan_t2_ccpr.php.

²⁰ See, for example, Human Rights Watch (HRW), *Pakistan: Events of 2015*, January 2016, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>; ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015,

Many lower courts are reportedly affected by corruption and their judges are said to be subjected to intimidation by local officials, powerful individuals and extremists.²¹ Furthermore, substantial backlogs of cases in both lower and superior courts can reportedly result in lengthy pre-trial detention.²² Corruption within the police forces is reportedly widespread, ranging from accepting bribes for registering false complaints or avoiding charges, to intimidation of political opponents.²³ Allegations of torture in police custody are commonplace.²⁴ Despite a legal prohibition of arbitrary arrest and detention,²⁵ the police reportedly use their powers of arrest and detention arbitrarily on a regular basis.²⁶ A First Information Report (FIR), the legal basis for all arrests, can be issued by the police at the request of a complainant upon reasonable proof that a crime has been committed and allows detention of a suspect for 24 hours. Although in principle only a magistrate can extend such detention for an additional 14 days, it is reported that police routinely hold suspects without charge until detention is challenged before the courts, sometimes on false charges in order to extort payment for release.²⁷ Trials reportedly routinely start six months after the filing of charges, despite the fact that by law a person must appear before a court within 30 days from the arrest. It is also reported that some accused persons remain in pre-trial detention for longer periods than the maximum imprisonment sentence for the crime with which they have been charged. Some suspects who are accused of links with terrorist organizations are allegedly held indefinitely in preventive detention,

<http://www.refworld.org/docid/565da4824.html>; HRCP, *State of Human Rights in 2015*, March 2016, <http://hrcp-web.org/hrcpweb/hrcp-annual-report-2015/>; UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>.

²¹ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

²² In January 2015, it was reported to the National Assembly that the total number of cases pending in Supreme Court, High Courts and subordinate judiciary had reached 1.7 million in 2013. The Nation, *1.7 Million Cases Pending With SC, Lower Courts, NA told*, 15 January 2015, <http://nation.com.pk/national/15-Jan-2015/1-7m-cases-pending-with-sc-lower-courts-na-told>. See also, Freedom House, *Freedom in the World 2016 - Pakistan*, 25 July 2016, <http://www.refworld.org/docid/579f48bc15.html>; United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Dawn, *SC Judges Respond to PM's 'Unflattering' Remarks About Judiciary*, 16 January 2015, <http://www.dawn.com/news/1157341>; Transparency International, *Pakistan: National Integrity System, Country Report 2014*, 25 April 2014, https://www.transparency.org/whatwedo/nisarticle/pakistan_2014, p. 57.

²³ "Public surveys and reports of government accountability and redress institutions show that the police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan, lacking a clear system of accountability and plagued by corruption at the highest levels. District-level police are often under the control of powerful politicians, wealthy landowners, and other influential members of society." HRW, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 1. See also, United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Geo TV, *Report Cites 842 Officials of Sindh Police Involved in Corruption*, 15 October 2015, <http://www.geo.tv/latest/6786-report-cites-842-officials-of-sindh-police-involved-in-corruption>; The Express Tribune, *Sindh Police's Graft: Corruption has Trebled in IG Jamali's Tenure, Observes SC*, 1 August 2015, <http://tribune.com.pk/story/930032/sindh-polices-graft-corruption-has-trebled-in-ig-jamalis-tenure-observes-sc/>; Dawn, *SC Rejects Fresh Report on Police Investigation Funds*, 1 August 2015, <http://www.dawn.com/news/1197652>.

²⁴ "Police frequently torture suspects to obtain confessions or other information, to coerce bribes, or because of pressure from local politicians or landowners." HRW, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 4. Referring to a telephone interview with a professor with the Department of Sociology and Criminal Justice at the State University of New York from December 2015, the Immigration and Refugee Board of Canada (IRB) reports that "Punjab is the 'worst' region for police corruption, especially 'custodial killings,' which are incidents whereby individuals are killed in police custody, but the death is blamed on an outside 'encounter' such as resisting arrest". Canada: Immigration and Refugee Board of Canada, *Pakistan: Police Corruption; Authorities Responsible for Receiving Complaints against the Police, Including Effectiveness; Procedures to Submit a Complaint Against the Police (2012-January 2016)*, 14 January 2016, PAK105368.E, <http://www.refworld.org/docid/56af1a9f4.html>. See also United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRW, *Pakistan: Events of 2015*, January 2016, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>; ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 49, 53; UN News Service, *Independent UN Rights Experts Renew Appeal to Pakistan to End Death Penalty*, 2 October 2015, <http://www.refworld.org/docid/5612264140a.html>.

²⁵ See Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 10.

²⁶ "Pakistani police also use their extensive powers of registration of cases, arrest, and detention at the behest of powerful societal elites (the wealthy, politicians, landowners, and civil and military bureaucracy) to bring false charges against perceived opponents as a form of intimidation or punishment. Many are arbitrarily arrested. [...] Some family members said that police threatened to lodge false cases against them if they continued to pursue complaints of police abuse." Human Rights Watch, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 3.

²⁷ "There were reports police detained individuals arbitrarily to extort bribes for their release or detained relatives of wanted individuals to compel suspects to surrender. [...] Authorities reportedly filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe." United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

despite the maximum period of 90 days (or 180 days with the approval of a court) prescribed by law.²⁸ Prisons are reportedly overcrowded with prison conditions generally poor.²⁹

One week after an attack in Peshawar in December 2014 that left 145 people dead,³⁰ the Government announced a new counter-terrorism strategy in the form of a twenty point National Action Plan (NAP). The NAP reportedly includes a commitment by the Government to put an end to religious extremism and ensure the protection of religious minorities.³¹ In the wake of the December 2014 Peshawar attack the government also lifted the moratorium on the death penalty for terrorism-related offences. In March 2015 the Government lifted the moratorium for all 28 offences which carry the death penalty, including non-lethal crimes; the moratorium had been in place since 2008.³² It is reported that the death penalty was subsequently carried out at least 296 times in 2015 and 85 times between January and mid-August 2016.³³

²⁸ The non-governmental organization (NGO) Society for Human Rights and Prisoners' Aid "estimated that more than 70 percent of the prison population was awaiting trial. Authorities seldom informed detainees promptly of charges against them." United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

²⁹ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 53.

³⁰ On 16 December 2014, the Pakistani Taliban splinter group, Tehreek-e-Taliban (TTP), attacked a school in Peshawar in northwestern Pakistan that left at least 145 dead, almost all of them children. HRW, *Dispatches: Uniting against the Pakistan School Massacre*, 16 December 2014, <https://www.hrw.org/news/2014/12/16/dispatches-uniting-against-pakistan-school-massacre>.

³¹ See, NACTA, *20 Points of National Action Plan*, undated, <http://nacta.gov.pk/NAPPoints20.htm>. "[T]he NAP is a mixture of judicial, law enforcement, military, and administrative goals that seek to punish established terrorists, eliminate support for terrorism, and promote the non-violent coexistence of the country's various religious sects, all to prevent future terrorist attacks on Pakistani soil. The NAP is not, in and of itself, legally binding; each component depends on existing, revised, or new legislation. The government did not formally articulate the metrics by which it measured the NAP's overall success. Most official assessments of its implementation reached the public via the media. These media reports most often followed closed door meetings of senior federal or provincial civilian and military leadership. [...] Throughout 2015, the media frequently reported parliamentary criticism of the government's NAP implementation progress, as well as accusations of blame from within the federal government and the Pakistani military for implementation shortcomings." See United States Department of State, *Country Reports on Terrorism 2015 - Pakistan*, 2 June 2016, <http://www.refworld.org/docid/57518d9713.html>. Additional NAP action points included: "Decision has been made to take strict action against the literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance [...] Arrangements are being made for registration and regulation of religious seminars [...] Decisive action is being taken against the elements spreading sectarianism". Embassy of The Islamic Republic of Pakistan in Washington D.C., *Prime Ministers Address to Nation*, 24 December 2014, http://www.embassyofpakistanusa.org/news700_12242014_PM.php. According to the USCIRF, Interior Minister Chaudry Nisar Ali Khan announced on 7 September 2015 that the government would prosecute individuals for referring to others as "infidels". United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; The Washington Post, *Pakistan Announces a National Plan to Fight Terrorism, Says Terrorists Days Are Numbered*, 24 December 2014, <https://www.washingtonpost.com/news/worldviews/wp/2014/12/24/pakistan-announces-a-national-plan-to-fight-terrorism-says-terrorists-days-are-numbered/>. In late December 2014, the Prime Minister reportedly established a Committee and 15 sub-working groups related to the implementation of the NAP, including a sub-working group on hate speech and extremist material, as well as a sub-working group on religious persecution and one on the regulation of madrassas. Provincial Apex Committees were also reportedly established in all provinces to oversee the implementation of the NAP, comprised of military and political leadership. Pakistan Institute for Peace Studies (PIPS), *Fighting Terror: Institutional Structure in the Context of NAP*, 8 December 2015, <http://pakpips.com/art.php?art=168>; Inter Services Public Relations, *Press Release*, 3 January 2015, https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2015/1/3; The Express Tribune, *PM Finalizes Panel for Ensuring Implementation of National Action Plan*, 27 December 2014, <http://tribune.com.pk/story/813054/pm-finalises-16-committees-on-national-action-plan-implementation/>.

³² Point one of the 20 point National Action Plan (NAP) against terrorism foresees the "[i]mplementation of death sentence of those convicted in cases of terrorism" National Counter Terrorism Authority Pakistan (NACTA), *20 Points of National Action Plan*, undated, <http://nacta.gov.pk/NAPPoints20.htm>. See, World Organisation Against Torture, *Economic, Social and Cultural Causes of the Death Penalty and Torture in Pakistan*, September 2016, <http://www.refworld.org/docid/57e1399f4.html>; Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>; ICG, *Revisiting Counter-Terrorism Strategies in Pakistan: Opportunities and Pitfalls*, 22 July 2015, <http://www.refworld.org/pdfid/55af7b434.pdf>, pp. 5-6; The Guardian, *Justice in Pakistan: 'The Government is Hanging People Left, Right and Centre'*, 5 June 2015, <https://www.theguardian.com/global-development-professionals-network/2015/jun/05/justice-pakistan-terror-shafqat-hussain>; Amnesty International, *Pakistan: Resuming Executions 'Not The Answer' to Peshawar School Tragedy*, 17 December 2014, <http://www.refworld.org/docid/5493f05c4.html>.

³³ Different sources give slightly different numbers: according to HRW the death penalty was carried out 296 times in 2015, while the NGO Human Rights Commission of Pakistan (HRCP) reports that in 2015 the death penalty was carried out 324 times. HRCP, *State of Human Rights in 2015: Administration of Justice*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Admin-of-Justice-final.pdf>, p. 2; HRW, *Pakistan: Events of 2015*, January 2016, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>. According to Amnesty International, "More than 300 executions were recorded during [2015], most for murder and others for rape, attempted assassination, kidnapping, and terrorism-related charges." Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>. See also HRCP, *Executions in Year 2016*, updated as at 16 August 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/09/Final-Executions-2016.xlsx-5.pdf>. HRW reports that there have been 416 executions between late 2014 and June 2016. HRW, *Dispatches: Pakistan's Death Penalty Hypocrisy*, 27 July 2016, <https://www.hrw.org/news/2016/07/27/dispatches-pakistans-death-penalty-hypocrisy>.

A new National Human Rights Commission was established in May 2015, three years after the National Commission for Human Rights Act was passed in June 2012; however, it was reportedly not provided with a budget.³⁴ The Commission's mandate includes, *inter alia*, the investigation of human rights violations or negligence by public servants in the prevention of such violations, reviewing and suggesting amendments to Pakistan's constitutional and legal framework on human rights, and developing a national plan of action. However, "the functions of the Commission do not include inquiring into the act or practice of the intelligence agencies".³⁵ In November 2015, the Ministry of Human Rights was restored as a separate ministry; it had previously been merged with the Ministry of Law and Justice in 2013.³⁶

III. Legislative Framework with Respect to Religious Minorities

The components of Pakistan's legislative framework which concern religious minorities primarily include: the Constitution, the Penal Code ("blasphemy laws" and "anti-Ahmadi laws"), the Hudood Ordinances, as well as domestic family laws and counter-terrorism laws.

A. Constitution

Article 20 of the Constitution of Pakistan provides: "Subject to law, public order and morality, (a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions."³⁷ Amendments made to the Constitution in 2010 provide for seats to be reserved for non-Muslims in the National Assembly and in the Senate.³⁸ Moreover, according to Article 36 of the Constitution, "The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services."³⁹ The Constitution also protects other fundamental rights, such as gender equality, freedom of expression and press, freedom of association and assembly.⁴⁰ However, the Constitution also effectively segregates the country's citizens on the basis of religion into categories of Muslims and non-Muslims, and confers various rights and privileges exclusively on Muslims.⁴¹

³⁴ USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>.

³⁵ Pakistan, *National Commission for Human Rights Act 2012*, http://www.na.gov.pk/uploads/documents/1342437418_845.pdf, Chapter III, Article 9(a)–(l); ICJ, *Pakistan: New National Human Rights Commission Welcome But May be 'Toothless' at Birth*, 8 June 2015, <http://www.icj.org/pakistan-new-national-human-rights-commission-welcome-but-may-be-toothless-at-birth/>.

³⁶ When the Government announced the creation of the Ministry of Human Rights, it reportedly did not specify its authority or responsibility for religious minorities. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. The mandate of the Ministry of Law and Justice reportedly includes defending the State against human rights complaints, which could conflict with the mandate of the Ministry of Human Rights which is to redress human rights violations, including those perpetrated by the State. USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>; Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>; Weekly Insight and Analysis in Asia, *Signs of Hope for Pakistan's Religious Minorities*, 9 December 2015, <http://asiafoundation.org/in-asia/2015/12/09/signs-of-hope-for-pakistans-religious-minorities/>.

³⁷ The freedom to profess religion and manage religious institutions is enshrined under Article 20, and the Preamble also states that "adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures". Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>.

³⁸ The 18th Amendment to the Constitution of 2010 established, *inter alia*, 10 seats in the National Assembly (the lower house of the Parliament) and four seats in the Senate for non-Muslims, as well as seats for representatives from non-Muslim minorities in the provincial assemblies. Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.unhcr.org/refworld/docid/47558c422.html>, Articles 51 and 59; Pakistan, *Constitution of the Islamic Republic of Pakistan (Eighteenth Amendment) Act 2010*, <http://www.pakistani.org/pakistan/constitution/amendments/18amendment.html>, Articles 16 and 18.

³⁹ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 36.

⁴⁰ See Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Articles 25, 19, 17 and 16.

⁴¹ Article 260(3)(b) of the Constitution identifies Christians, Hindus, Sikhs, Buddhists, Parsis, Baha'is and Ahmadis (whether of the Qadiani or Lahori group) as "non-Muslims". See, Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>. See summary of these various privileges by the Supreme Court of Pakistan in 2014 decision. Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, para. 11(a)–(e).

In 1973 Islam was proclaimed to be the State religion,⁴² and constitutional amendments were introduced that bound the legal system to Islamic law by stipulating that no law should be repugnant to the injunctions of Islam as laid down in the Holy Quran and Sunnah, and that all existing laws should be brought in conformity.⁴³ For instance, fundamental freedoms, such as the freedom of expression and press, were made subject to “any reasonable restriction imposed by law in the interest of the glory of Islam”.⁴⁴ In 1974, amid waves of anti-Ahmadi disturbances and in a reported effort to appease the Islamist movement,⁴⁵ the Bhutto government declared Ahmadis a non-Muslim minority by means of a constitutional amendment.⁴⁶

In a landmark 2014 decision, the Supreme Court held that Article 20 of the Constitution recognizes the individual and communal nature of the right to freedom of religion for every citizen, without distinguishing between Muslims and non-Muslims.⁴⁷ The Court emphasized that Article 20 “does not merely confer a private right to profess but confers a right to practice both privately and publically his or her religion”, and also encompasses the “right to propagate his or her religion to others”.⁴⁸ It noted that “the right to religious conscience is a right equally granted to all citizens, religious denominations and sects”.⁴⁹

B. Penal Code: Blasphemy Laws

Inherited from the British legal system, Pakistan’s so-called blasphemy laws – sections 295, 295A and 298 of the Pakistan Penal Code – were designed to prevent and limit religious violence.⁵⁰ In the thirty years from independence in 1947 until 1977, there were reportedly only ten reported judgments that related to offences against religion under these laws, and not one complaint was registered by a

⁴² Pakistan, *Constitution of the Islamic Republic of Pakistan*, (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 2.

⁴³ Pakistan, *Constitution of the Islamic Republic of Pakistan*, (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 227. Adopted by Parliament in 1991, the Enforcement of Shari’ah Act effectively made Sharia the supreme law in Pakistan and required all laws to be interpreted in accordance with it. Pakistan, *The Enforcement of Shari’ah Act 1991*, <http://www.pakistani.org/pakistan/legislation/1991/actXof1991.html>.

⁴⁴ Pakistan, *Constitution of the Islamic Republic of Pakistan*, (as amended as at January 2015), <http://www.unhcr.org/refworld/docid/47558c422.html>, Article 19. Freedom of speech is also subject to limitations under other legislation, such as the Official Secrets Act: Pakistan, *The Official Secrets Act*, Act No. XIX of 1923, <http://pakistancode.gov.pk/english/pdf-file-pdffiles/administrator46c9a3c62acc16428e73999e7d30ba2a.pdf-apaUY2Fqa-ap2W>.

⁴⁵ See, for example, Jinnah Institute, *A Question of Faith: A Report on the Status of Religious Minorities in Pakistan*, 7 June 2011, http://www.jinnah-institute.org/images/stories/jinnah_minority_report.pdf, p. 25.

⁴⁶ Adopted on 17 September 1974, the Constitution (Second Amendment) Act 1974 amended the Constitution by incorporating in Article 260 a new clause 260(3): “A person who does not believe in the absolute and unqualified finality of The Prophethood of MUHAMMAD (Peace be upon him), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after MUHAMMAD (Peace be upon him), or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.” The full text of the Second Amendment 1974 is available at: <http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html>. Articles 260(3)(a) and (b) were introduced in 1985 by the *Constitution (Third Amendment) Order 1985* (President’s Order 24 of 1985), http://www.pakistani.org/pakistan/constitution/orders/po24_1985.html: “In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the Subject or context, (a) ‘Muslim’ means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophet-hood of MUHAMMAD (Peace Be upon Him), the last of the Prophets, and does not believe in, or recognize as a prophet of religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after MUHAMMAD (Peace Be upon Him); and (b) ‘non-Muslim’ means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name), or a Bahai, and a person belonging to any of the Scheduled Casts.”

⁴⁷ The Court further interpreted the ultimate objective of Article 20 to be the eradication of religious intolerance in society (para. 16). The Court defined freedom of religion and belief as “the right of a person to follow a doctrine or belief system which, in the view of those who profess it, provides spiritual satisfaction”, and held that it “must then be construed liberally to include freedom of conscience, thought, expression, belief and faith” (para. 13). The Court’s definition of this concept effectively brings the rights of freedom of belief and conscience, which are only explicitly stated within the preamble of the Constitution, within the protections of Article 20 of the Constitution. The Court defined the right of religious conscience as conferring three distinct rights on every citizen, these being: the right to profess, the right to practise and the right to propagate one’s religion (para. 15(e)). Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>.

⁴⁸ *Ibid.*, para. 15(e).

⁴⁹ *Ibid.*, para. 11(f).

⁵⁰ The Pakistan Penal Code is based on colonial India’s Penal Code of 1860 and has been amended several times since independence in 1947. Other provisions aimed at the protection of religious freedom include Section 296, which bans voluntary disturbances of religious assemblies, and Section 297, which deals with trespassing on burial grounds. Pakistan, *Penal Code*, 1860, <http://www.refworld.org/docid/485231942.html>.

Muslim against a non-Muslim for committing an act of blasphemy against the Prophet Muhammad or for defiling the Holy Quran.⁵¹

Significant changes were, however, introduced between 1980 and 1986 by the Zia-ul-Haq Government, with provisions relating to blasphemy and other offences against religion introduced into the Penal Code.⁵² In the early 1980s, for instance, the insertion of Section 298A into the Penal Code made the use of derogatory remarks “by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation directly or indirectly” in respect of certain “holy personages” a criminal offence punishable with up to three years’ imprisonment and/or a fine.⁵³ In 1982, the introduction of Section 295B rendered defiling the Quran a criminal offence punishable with imprisonment for life. Finally in 1986 Section 295C was introduced, pursuant to which anyone who “by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad” is liable to the death penalty or life imprisonment and is also liable to a fine.

The introduction of the blasphemy laws in the Penal Code has reportedly fostered an atmosphere of religious intolerance and has contributed to the institutionalization of discrimination against religious minorities.⁵⁴ The blasphemy laws have also come under strong criticism for fuelling extremist violence and targeted attacks against individuals from religious minority groups.⁵⁵ Although Pakistan’s blasphemy laws apply to all its citizens, irrespective of religious belief or affiliation, it is reported that such laws disproportionately affect religious minorities.⁵⁶

In 1990, the FSC ruled that Section 295C offences should always attract the death penalty, and ordered the Government to amend Section 295C accordingly.⁵⁷ While the Government failed to act by the deadline of 30 April 1991 to do so, the Supreme Court subsequently ruled that blasphemy cases carry a mandatory capital punishment, pursuant to the FSC’s 1990 ruling and Article 203D(3) of the Constitution.⁵⁸ As noted above, in March 2015 the government lifted the moratorium for all 28 offences which carry a death penalty; the moratorium on the death penalty had been in place since 2008.⁵⁹ Applying the death penalty for blasphemy has been deemed disproportionate by successive

⁵¹ It should be noted that reported judgments only include judgments of the superior judiciary e.g. the Supreme Court, the high courts, and the Federal Shariat Court (FSC). These ten judgments include three under Section 295, five under Section 295A, and two under Section 297. Data on the number of cases registered under these provisions and findings of trial courts was not available to the ICJ. ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 9.

⁵² See Sections 295B, 295C, 298A, 298B, 298C, Pakistan, *Penal Code*, 1860, <http://www.refworld.org/docid/485231942.html>. See also, ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 9.

⁵³ Section 298A includes a list of these holy personages: “any wife (*Ummul-Mumineen*), or members of the family (*Ahle-bait*), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (*Khulafa-e-Raashideen*) or companions (*Sahaaba*) of the Holy Prophet (peace be upon him).” Pakistan, *Penal Code*, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298A.

⁵⁴ ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 11, 57.

⁵⁵ See, Freedom House, *Freedom in the World 2015 - Pakistan*, 5 May 2015, <http://www.refworld.org/docid/55506fa758.html>; OHCHR, “*Stop Faith-Based Killings*” – UN Rights Experts Urge Pakistan to Protect Ahmadiyya Muslim Minorities, 2 June 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&LangID=E>. See also, ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 57.

⁵⁶ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 11. “An estimated two-thirds of all blasphemy cases in Pakistan occur in Punjab province, where the majority of Pakistan’s religious minorities reside. While Muslims represent the greatest number of individuals charged or sentenced, religious minority communities are disproportionately the victims of blasphemy allegations and arrests, as compared to their percentage of the country’s population.” USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. According to the data collected by an NGO network in Pakistan “Awaz-e-Haq Itehad” (AHI) and sent to Agenzia Fides, 1,438 people were accused of blasphemy between 1987 and October 2014. This data shows that religious minorities, which form less than 4 per cent of the total population, represent about 50 per cent of those accused of blasphemy (Ahmadis 501, Christians 182, Hindus 26 – the religion of 10 victims could not be ascertained). “Among the 60 people who were killed in connection with blasphemy allegations since 1990: 32 were religious minorities and 28 Muslims.” Agenzia Fides, *ASIA/PAKISTAN - Blasphemy in Pakistan, Data on Victims: Who Will Pay Off All The Suffering?*, 14 November 2014, <http://www.fides.org/en/news/36763>.

⁵⁷ Pakistan, Federal Shariat Court, PLD 1991 FSC-10, <http://federalshariatcourt.gov.pk/5.html>.

⁵⁸ See, for example, ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 14, 31. Pakistan, *Constitution of the Islamic Republic of Pakistan*, (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 203D(3).

⁵⁹ A list of 27 offences resulting in the death penalty and the respective legal provisions is available at: HRCP, *Death Penalty Offences*, undated, <http://hrcp-web.org/hrcpweb/death-penalty-offences/> (accessed 13 October 2016). Regarding the 28th offence: “In November [2015], a parliamentary panel approved the punishment of life imprisonment or the death penalty for the rape of girls aged 13 or under.” Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016,

UN Special Rapporteurs on freedom of religion or belief.⁶⁰ Disproportionate punishments imposed for breaches of the blasphemy laws and/or the *Hudood* Ordinances (see Section III.D), such as imprisonment or death, may amount to persecution.⁶¹

Attempts in late 2010 and 2011 by the then-ruling Pakistan People's Party (PPP) to reform or repeal the blasphemy laws failed, reportedly due to pressure of hard-line religious groups.⁶² In November 2010, with the Government's expression of support, the former Information Minister and member of the PPP, Sherry Rehman, introduced a private bill aimed at reforming the blasphemy laws.⁶³ The proposed amendments sought, *inter alia*, to remove the death penalty for such offences, criminalize incitement to religious discrimination or violence, as well as to penalize false or frivolous accusations.⁶⁴ In December 2010, at the request of the Government, the Council of Islamic Ideology (CII)⁶⁵ reviewed the blasphemy laws and recommended certain procedural changes with a view to preventing their misuse.⁶⁶ However, in December 2010 and January 2011, reportedly under the pressure of large rallies organized by hard-line Islamic groups and protest by religious political parties against the bill,⁶⁷ the Government reneged on its commitment to review the blasphemy laws.⁶⁸ On 4 January and 2 March 2011, respectively, two high profile public figures were killed, purportedly due to their overt opposition to the blasphemy laws: Salman Taseer, the Governor of Punjab,⁶⁹ and

<http://www.refworld.org/docid/56d05b2715.html>. "At the end of [2015], an estimated 8,300 prisoners remained on death row, one of the world's largest populations of prisoners facing execution. Pakistani law mandates capital punishment for 28 offenses, including murder, rape, treason, and blasphemy. Those on death row are often from the most marginalized sections of society." HRW, *World Report 2016 - Pakistan*, 27 January 2016, <http://www.refworld.org/docid/56bd99299.html>. See also footnote 32.

⁶⁰ See, for example, UN General Assembly, *Report of the Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt - Addendum - Summary of Cases Transmitted to Governments and Replies Received*, A/HRC/16/53/Add.1, 14 February 2011, <http://www.refworld.org/docid/4d74d7162.html>, paras 330-335.

⁶¹ See UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.refworld.org/docid/4090f9794.html>, para. 22.

⁶² See, for example, HRCP, *State of Human Rights in 2011*, March 2012, <http://hrnp-web.org/hrnpweb/wp-content/pdf/AR2011-A.pdf>, p. 82, 89-90; Jinnah Institute, *A Question of Faith: A Report on the Status of Religious Minorities in Pakistan*, 7 June 2011, http://www.jinnah-institute.org/images/stories/jinnah_minority_report.pdf, pp. 27-29.

⁶³ BBC, *What are Pakistan's Blasphemy Laws?*, 4 November 2014, <http://www.bbc.com/news/world-south-asia-12621225>.

⁶⁴ The Express Tribune, *Bill to Amend Blasphemy Laws Submitted in NA Secretariat*, 26 November 2010, <http://tribune.com.pk/story/82002/bill-to-amend-blasphemy-laws-submitted-in-na-secretariat/>.

⁶⁵ The Council of Islamic Ideology (CII) is a constitutional advisory body on Islamic injunctions. Government of Pakistan, Council of Islamic Ideology, *About CII*, undated, <http://cii.gov.pk/aboutcii.aspx> (accessed 13 October 2016). See also, Jinnah Institute, *A Question of Faith: A Report on the Status of Religious Minorities in Pakistan*, 7 June 2011, http://www.jinnah-institute.org/images/stories/jinnah_minority_report.pdf, p. 38.

⁶⁶ The Council, however, opposed their repeal and recommended that capital punishment be retained for offenders. The Express Tribune, *Top Islamic Body Proposes Changes in Blasphemy Law*, 19 December 2010, <http://tribune.com.pk/story/91838/council-of-islamic-ideology-top-islamic-body-proposes-changes-in-blasphemy-law/>.

⁶⁷ A rally organized by Tahaffuz-e-Namoo-e-Risalat, a conglomerate of religious parties, and held in Karachi on 9 January 2011 reportedly numbered over 40,000 persons. The Express Tribune, *Blasphemy Laws: Thousands Rally in Support*, 10 January 2011, <http://tribune.com.pk/story/101294/20000-protest-blasphemy-law-change-in-pakistan-police/>; Inter Press Service News Agency, *Pakistan: Blasphemy Law Carries over into New Year*, 1 January 2011, <http://www.ipsnews.net/2011/01/pakistan-blasphemy-law-carries-over-into-new-year/>. A 24-hour nationwide strike was also organized by Muslim clerics to protest against changes to the laws. BBC News, *Pakistan on Strike Against Bill to Amend Blasphemy Law*, 31 December 2010, <http://www.bbc.co.uk/news/world-south-asia-12097687>.

⁶⁸ See, for example, HRW, *World Report 2012 - Pakistan*, 22 January 2012, <http://www.unhcr.org/refworld/docid/4f2007cac.html>; Jinnah Institute, *A Question of Faith: A Report on the Status of Religious Minorities in Pakistan*, 7 June 2011, http://www.jinnah-institute.org/images/stories/jinnah_minority_report.pdf, pp. 4-5.

⁶⁹ The Economist, *Pakistan's Barelvis Used to be Trusted as Anti-Militants. Perhaps no Longer*, 16 April 2016, <http://www.economist.com/news/asia/21697033-pakistans-barelvis-used-be-trusted-anti-militants-perhaps-no-longer-bad-moon-rising>. The killer, Mumtaz Qadri, was apparently influenced by clerics who issued a decree of death against Mr Taseer for opposing the blasphemy laws and sympathising with Aasia Bibi, a Christian woman convicted under it. See, for example, The Guardian, *Salmaan Taseer: Murder in an Extremist Climate*, 5 January 2011, <http://www.guardian.co.uk/commentisfree/belief/2011/jan/05/salman-taseer-murder-pakistan>. "While Taseer's murder was condemned by political leaders, 500 Muslim clerics from the Jamaat-e-Ahl-e-Sunnat, a prominent organization for Barelvis, praised Qadri's actions and warned people against mourning Taseer." See USCIRF, *Annual Report 2011 - Countries of Particular Concern: Pakistan*, 28 April 2011, <http://www.refworld.org/docid/4dbe90c1c.html>. In October 2011, Qadri was sentenced to death for the killing of Governor Taseer. See Radio Free Europe/Radio Liberty, *Pakistan Court Orders Death for Assassin of Blasphemy Reform Governor*, 1 October 2011, <http://www.refworld.org/docid/4e9ea77027.html>. However, the presiding judge reportedly fled the country amid fears for his safety. In August 2011, Salman Taseer's son was reportedly kidnapped in Lahore. See, for example, Amnesty International, *Pakistan: Blasphemy Law Reform More Urgent One Year After Governor Killing*, 4 January 2012, <http://www.refworld.org/docid/4f06ad372.html>. In October 2015, the Supreme Court of Pakistan upheld the death sentence of Mumtaz Qadri; he was hanged on 29 February 2016. See Dawn, *Taseer's Killer Mumtaz Qadri Hanged*, 1 March 2016, <http://www.dawn.com/news/1242637>; BBC News, *Salman Taseer Murder: Pakistan Hangs Mumtaz Qadri*, 29 February 2016, <http://www.bbc.com/news/world-asia-35684452>; Pakistan Supreme Court, *Criminal Appeals No. 210 and 211 of 2015*, 7 October 2015, <http://www.refworld.org/docid/563891794.html>. To avenge Mumtaz Qadri's death, a militant group carried out a suicide attack at the entrance to a court in the north-western town of Shabqadar, killing at least 14 people and wounding 30. BBC News, *Pakistan Bomb: Twelve*

Shahbaz Bhatti, Pakistan's Minister for Minority Affairs.⁷⁰ The Office of the United Nations High Commissioner for Human Rights (OHCHR) condemned these assassinations as “*symptomatic of pervasive violence against religious minorities in Pakistan and a lack of protection for their places of worship*”.⁷¹ Following the murders of Governor Taseer and Minister Bhatti, Rehman withdrew her proposed legislation.⁷² On 3 May 2013, the Federal Investigation Agency's Chief Prosecutor in the Shahbaz Bhatti murder case was reportedly killed in Islamabad by armed men.⁷³ In the wake of these events, there reportedly remains a widespread climate of fear and unwillingness by officials to voice any public criticism of the blasphemy laws.⁷⁴ In a positive development, in October 2015 the Supreme Court of Pakistan ruled that it is not blasphemous to call for reform of the blasphemy laws. The Court also stated that the State is responsible for ensuring that innocent persons are protected from false allegations of blasphemy.⁷⁵

Actors in the judicial system, including police, lawyers and judges, reportedly frequently demonstrate bias against those accused of blasphemy, thus infringing on these individuals' right to a fair trial.⁷⁶

Killed in Qadri 'Revenge' Attack, 7 March 2016, <http://www.bbc.com/news/world-asia-35743295>. Demonstrators reportedly blocked the road connecting Islamabad and Rawalpindi, and held demonstrations in various smaller cities. On 29 February 2016, religious parties reportedly urged all “lovers of the prophet” to attend Mr. Qadri's funeral, and people reportedly gathered near his home chanting “Long live the martyr Mumtaz Qadri”. New York Times, *Pakistan Braces for Violence after Execution of Governor's Killer*, 29 February 2016, <http://www.nytimes.com/2016/03/01/world/asia/salmaan-taseer-killer-mumtaz-qadri-executed.html>. On 8 March 2015, almost five years after he was abducted by militants in August 2011 and a few days after Mumtaz Qadri was hanged, Shahbaz Taseer, the son of Governor Taseer, was reportedly rescued by security and intelligence forces in Balochistan. The Independent, *Shahbaz Taseer: Abducted Son of Slain Punjab Governor Salmaan Taseer Rescued in Pakistan*, 8 March 2016, <http://www.independent.co.uk/news/world/asia/shahbaz-taseer-abducted-son-of-slain-punjab-governor-salmaan-taseer-rescued-in-pakistan-a6919106.html>. See also, OHCHR, *UN Experts Condemn Killing of Minorities Minister and Urge Protection of Minorities in Law and in Practice*, 2 March 2011, <http://newsarchive.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10786&LangID=E>; The Economist, *Pakistan's Barelvis Used to Be Trusted as Anti-Militants. Perhaps No Longer*, 16 April 2016, <http://www.economist.com/news/asia/21697033-pakistans-barelvis-used-be-trusted-anti-militants-perhaps-no-longer-bad-moon-rising>.

⁷⁰ Minister Bhatti was reportedly killed by a group of gunmen on 2 March 2011. Prior to his assassination, he is said to have received several death threats, including from militant groups such as the Pakistani Taliban, and predicted his own deaths months before it happened. Reuters, *Militants Say Killed Pakistani Minister for Blasphemy*, 2 March 2011, <http://in.reuters.com/article/idINIndia-55258720110302>.

⁷¹ OHCHR, *UN Human Rights Chief Condemns Pakistan Assassination, Urges Reform of Blasphemy Laws*, 2 March 2011, <http://newsarchive.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10784&LangID=E>. In his yearly address at the opening of Parliament on 22 March 2011, President Zardari publicly condemned the murders of the two high-level officials and vowed to fight militancy and extremism. New York Times, *Pakistan's President Vows, Again, to Fight Extremism*, 22 March 2011, <http://www.nytimes.com/2011/03/23/world/asia/23pakistan.html>.

⁷² Ms. Rehman's decision reportedly came after the Government had publicly ruled out amending the blasphemy laws. Guardian, *Sherry Rehman Next on Pakistan Militants' Hitlist, Friends Fear*, 2 March 2011, <http://www.guardian.co.uk/world/2011/mar/02/sherry-rehman-pakistan-blasphemy-laws-hitlist>; Minority Rights Group International (MRG), *Pakistan Blasphemy Law Targets Minorities and Should be Repealed – MRG*, 4 February 2011, <http://www.refworld.org/docid/4dfb654128.html>. She has also reportedly received several death threats for her opposition to the blasphemy laws and a cleric from a Karachi mosque reportedly publicly states that she deserved to die for introducing the bill. No action was taken against the cleric. HRCP, *State of Human Rights in 2011*, 18 March 2012, <http://hrp-web.org/hrcpweb/wp-content/pdf/AR2011-A.pdf>, pp. 90, 99-100; BBC News, *Pakistan MP Drops Effort to Repeal Blasphemy Laws*, 3 February 2011, <http://www.bbc.co.uk/news/world-south-asia-12355001>.

⁷³ Shahbaz Bhatti's brother, Paul Bhatti, has reportedly been forced to flee the country after receiving death threats. The International News, *Shahbaz Bhatti Murder Case Moving at a Snail's Pace*, 23 January 2015, <http://www.thenews.com.pk/print/20078-shahbaz-bhatti-murder-case-moving-at-a-snails-pace>. “In the last year, there has been no progress in prosecuting individuals for the 2011 assassination of Minister of Minority Affairs Shahbaz Bhatti, a Christian who had called for blasphemy law reform.” USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>.

⁷⁴ “During [2015], individuals continued to accuse government officials and media figures of blasphemy, and courts continued to hear criminal cases based on these accusations. On [7 May 2016], several prominent religious leaders accused Federal Minister of Information Pervez Rashid of making blasphemous statements and called for his arrest. Authorities did not open a legal case against him.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, Freedom House, *Freedom in the World 2016 - Pakistan*, 25 July 2016, <http://www.refworld.org/docid/579f48bc15.html>. While the National Assembly's Standing Committee reportedly summoned the police inspector in Punjab for failing to protect the lives and properties of Christians from attack and arson by a large mob in Lahore in March 2013, the Committee made no mention of a need to reform the blasphemy laws or to strengthen procedural safeguards. ICG, *Parliament's Role in Pakistan's Democratic Transition*, 18 September 2013, Asia Report N°249, <http://www.refworld.org/docid/523a9fba4.html>, p. 32. In January 2016, Muhammad Khan Sherani, the Chairman of the Council of Islamic Ideology reportedly indicated that there is a difference of opinion among the clergy on the issue of blasphemy and expressed a willingness to reopen the debate to consider whether the blasphemy law needs to be ‘hardened’ or ‘softened’. Reuters, *Pakistani Cleric Says Willing to Review Blasphemy Law*, 28 January 2016, <http://uk.reuters.com/article/uk-pakistan-islam-idUKKCN0V61BK>.

⁷⁵ The Supreme Court of Pakistan ruled that: “any call for reform of the law regarding the offence of blasphemy ought not to be mistaken as a call for doing away with that law and it ought to be understood as a call for introducing adequate safeguards against malicious application or use of that law by motivated persons”. Pakistan Supreme Court, *Criminal Appeals No.210 and 211 of 2015*, 7 October 2015, <http://www.refworld.org/docid/563891794.html>, para. 17.

⁷⁶ HRCP, *State of Human Rights 2015: Administration of Justice*, March 2016, <http://hrp-web.org/hrcpweb/wp-content/uploads/2016/04/Admin-of-Justice-final.pdf>, pp. 6-8; ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 7, 26-27, 33-34.

The Code of Criminal Procedure requires that only a Muslim judge shall preside over first instance hearings registered under Section 295C of the Penal Code.⁷⁷ The vague and subjective language of Section 295C reportedly allows individual judges to interpret, based on their own Islamic beliefs, whether an act has defiled the sacred name of the Holy Prophet; consequently, judicial decisions relating to this provision are reported to be “disturbingly contradictory and arbitrary”.⁷⁸ In particular, independent observers have noted that the provisions in the Penal Code relating to blasphemy are open to abuse due to the lack of a clear definition of blasphemy, the absence of a requirement to prove intent for Section 295C offences, and a lack of procedural safeguards.⁷⁹ According to legal observers, lower courts often failed to adhere to basic evidentiary standards in blasphemy cases.⁸⁰ In 1990, the FSC ruled that blasphemy under Section 295C was an “intentional or reckless wrong” which required the *mens rea* of “intention, purpose, design, or at least foresight”. However, while courts routinely impose the death penalty for Section 295C, they reportedly do often not require proof of intent for a conviction.⁸¹ The vague wording in Section 295C has reportedly allowed for a broad array of acts to be prosecuted under this section, including posting “objectionable pictures” or “blasphemous caricatures” on Facebook, or using “Quranic pages in making firecrackers”.⁸² Even calls for reform or critiques of provisions relating to offences against religion in the Pakistan Penal Code have been prosecuted under Section 295C.⁸³ Many blasphemy convictions are reportedly overturned on appeal.⁸⁴

Judges and lawyers involved in the prosecution of religiously-motivated crimes are reportedly prevented from operating effectively due to the absence of or the inadequateness of protection of their

⁷⁷ Pakistan, *Code of Criminal Procedure 1898*, <http://www.refworld.org/docid/48511ea62.html>, Schedule II, Offences relating to religion: Section 295C.

⁷⁸ The ICJ notes that the legal framework allows for personal religious beliefs and prejudices to impact judicial decision making and impartiality and is inconsistent with the right to fair proceedings by an independent and impartial court. “A lawyer told the ICJ that judges treat blasphemy trials ‘[...] as exercises in theological interpretation’, and that ‘the religious identity of the judge often dominates the proceedings’, and in many cases, also the judgment. In one case, for example, the Lahore High Court appeared to base its reasoning more on the ‘faith of the court’ than the law.” ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 34. For example, in a 2005 judgement, the Lahore High Court reportedly stated: “It is the absolute faith of the court that none in this world can undermine the respect, honour, sanctity, inviolability and piety of the Holy Prophet [...] whosever [...] has any doubt regarding His supremacy as the last Prophet [...] is none but an infidel.” *ibid.*, p. 34 citing Lahore High Court, *Manzar-ul-Haq Shah Jahan v. the State*, (unreported), 2005, para 12; see also, *ibid.*, pp. 7, 14, 26-27, 29-30. In one illustrative example, Younis Masih, a Pakistani Christian allegedly made derogatory remarks about the Prophet Muhammad at a religious service held at a house near his own on 9 September 2005, in Lahore. During the first instance hearing one judge reportedly remarked to a Christian defendant that if he “had so much love and respect for the Prophet Muhammad, why did he not convert to Islam?” The court reportedly repeated this observation in its judgment and handed down a death sentence. *The State vs. Younis Masih*, 2007, pp. 83-84, as reported in ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 36; see also Amnesty International UK, *Pakistan: Christian Man One Among Many Facing Execution Under Blasphemy Laws*, 25 July 2007, <https://www.amnesty.org.uk/press-releases/pakistan-christian-man-one-among-many-facing-execution-under-blasphemy-laws>. Younis Masih was in detention from 2005 until he was released after his blasphemy conviction was overturned by the Lahore High Court in April 2013. USCIRF, *Annual Report 2014 - Countries of Particular Concern: Pakistan*, 30 April 2014, <http://www.refworld.org/docid/5369e5bc12.html>; The Express Tribune, *Court Acquits Christian on Death Row for Blasphemy*, 4 April 2013, <http://tribune.com.pk/story/531069/court-acquits-christian-on-death-row-for-blasphemy/>.

⁷⁹ ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 28-31; USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>, paras 57, 60.

⁸⁰ “Legal observers continued to report lower courts often failed to adhere to basic evidentiary standards in blasphemy cases, which led to some convicted persons spending years in jail before higher courts overturned their convictions and ordered them freed for lack of evidence.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

⁸¹ ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 14, 31.

⁸² HRCP, *State of Human Rights 2015: Administration of Justice*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Admin-of-Justice-final.pdf>, pp. 10-11.

⁸³ HRCP, *State of Human Rights 2015: Administration of Justice*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Admin-of-Justice-final.pdf>, pp. 9-11; ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 28-30.

⁸⁴ “[Religious organizations and human rights NGOs] also said the police continued not to file charges against many persons who made false blasphemy accusations and if charges were filed, courts most often acquitted those accused.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. The International Commission of Jurists reports that “[i]n more than 80 per cent of reported cases, those accused of blasphemy are eventually acquitted on appeal, with judges expressly stating in a large majority of such cases that the complaint was fabricated and spurred on by personal vendettas.” ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 7; see also *ibid.*, p. 48.

individual safety.⁸⁵ Members of extremist groups are reported to frequently use threats and intimidation against judges and other court officials involved in first instance court proceedings in blasphemy cases, resulting in trials being delayed and drawn-out, with the accused often subjected to long periods in pre-trial detention.⁸⁶ Bail is reportedly often not granted in blasphemy cases, even in situations where the defendant would qualify for statutory bail.⁸⁷

Individuals accused of blasphemy can reportedly have significant difficulty finding a lawyer, because many lawyers reportedly support the blasphemy laws,⁸⁸ while others fear intimidation and attacks by complainants and other members of the community.⁸⁹ Moreover, lawyers are reported to charge high fees to provide legal services in blasphemy cases.⁹⁰ Lawyers who represent persons accused of blasphemy are reported to fear being accused of blasphemy themselves, as a result of which they reportedly often refrain from arguing that the alleged conduct did not in fact amount to blasphemy.⁹¹

⁸⁵ “Judges who hear blasphemy cases have reported being harassed, intimidated, and threatened to convict individuals accused of committing blasphemy. Some judges have reported receiving letters and phone calls warning them of attacks against themselves and their families if defendants in blasphemy cases are acquitted.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 33; see also, *ibid.*, pp. 7, 34. In April 2013, the UN Special Rapporteur on the independence of judges and lawyers reported that the climate of fear in which the judiciary operates in Pakistan negatively affects the delivery of justice because judges are reluctant to condemn suspected religious extremists for fear of reprisals. UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>, paras 52-54, 58. See also, Christian Solidarity Worldwide, *UN Statement on Pakistan*, 7 September 2015, <http://www.csw.org.uk/2015/09/07/report/2757/article.htm>; IFHR and HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 18.

⁸⁶ “The trial proceedings in blasphemy cases themselves, particularly at first instance, are also frequently fundamentally unfair. Members of extremist religious groups often pack courtrooms, especially at the trial court level, creating an intimidating atmosphere for the accused and their lawyers as well as for judges. As a result, authorities often hold blasphemy-related trials in jails or *in camera*, impeding on the right to a public hearing and the accused’s right to an effective defense”. ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 7. The average time between arrest and trial in blasphemy cases is reported to be between two to three years, but in some cases is substantially longer: for example, Wajih-ul-Hassan was first arrested in 1999 and in late 2015 was still waiting for the Supreme Court to hear his case. He has spent the intervening 16 years in prison. *Ibid.*, pp. 47-48. See also, United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Christian Solidarity Worldwide, *UN Statement on Pakistan: CSW's Written Statement on the Situation of Human Rights, Judges and Human Rights Defenders in Pakistan*, 7 September 2015, <http://www.csw.org.uk/2015/09/07/report/2757/article.htm>. The Special Rapporteur for the Independence of Judges and Lawyers expressed particular concern with regards to blasphemy cases, reporting that “judges have been coerced or pressured to decide against the accused, even without supporting evidence, and that lawyers, in addition to their reluctance to take up such cases because they are afraid for their security, are targeted and forced not to represent their clients properly.” UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>, para 56. The Special Rapporteur received reports of threats, attacks and killings of judges and lawyers, including some cases of judges being shot in their own courtroom, and consequently, particularly, first instance judges who are in direct contact with the communities, are reluctant to condemn suspected religious extremists, affecting the delivery of justice. *Ibid.*, paras 52, 53.

⁸⁷ Pakistan, *Code of Criminal Procedure 1898*, <http://www.refworld.org/docid/48511ea62.html>, Section 497. Bail is not available for persons accused of crimes under Sections 295A, 295B and 295C of the Penal Code. Bail may still be granted at the discretion of the court; however, Section 497 of the Code of Criminal Procedure precludes those accused of blasphemy under Sections 295A, 295B and Section 295C from the benefit of bail if the court finds that there are reasonable grounds to establish guilt. In addition, Pakistani law also provides that statutory bail may be granted to accused persons who, due to no fault of their own or their counsel’s, have been in detention pending trial: (1) Where the offence carries a penalty that is less than death, for over one year and their trial has not concluded (six months for women) (2) Where the offence carries the death penalty, for over one year and their trial has not concluded (one year for women). However, the ICJ reports that “[e]ven where accused persons are entitled to statutory bail, judges often reject bail in blasphemy-related cases, particularly where the accused is charged under section 295-C of the Penal Code. In many instances, judges consider the accused persons and their counsel responsible for the delay in proceedings, and are unsympathetic towards the security risks or other hardships faced by the accused or his/her counsel that may have contributed partly to the delay.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 45; see also *ibid.*, pp. 12-14, 44-48. Observers are reported to have stated that lower courts generally refuse to free defendants on bail for fear of reprisal and vigilantism. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

⁸⁸ ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 37.

⁸⁹ On 7 May 2014, an unidentified gunman killed a human rights lawyer who worked with the Human Rights Commission of Pakistan for over 20 years in apparent retaliation for representing people accused of blasphemy. He had reportedly received numerous death threats for working to defend a university instructor charged under Pakistan’s blasphemy laws. OHCHR, *Press Briefing: Pakistan*, 9 May 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14583&LangID=E>; HRW, *World Report 2015 - Pakistan*, 29 January 2015, <http://www.refworld.org/docid/54cf838c15.html>.

⁹⁰ During an interview with the ICJ in September 2015, a senior lawyer reportedly stated: “[S]ome notable exceptions aside, quite a few lawyers and NGOs see the suffering of blasphemy accused as an opportunity to extort money from their families, or at times, international charities and organizations, with fees going up to 50,000 US Dollars in high-profile cases.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 39. Lawyers interviewed by the ICJ reported that State-appointed council in blasphemy cases have frequently failed to meet even their minimum responsibilities, for instance, sometimes failing to turn up in court for hearings, thereby causing lengthy delays in the proceedings. *Ibid.*, p. 40.

⁹¹ ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 37-43.

Judges presiding over blasphemy cases and witnesses for the defence are also reported to be subjected to intimidation, harassment and acts of violence.⁹²

Accusations of blasphemy may carry serious risks for the person accused as well as their families, irrespective of whether the person concerned is subsequently charged with an offence against the blasphemy laws. Individuals accused of blasphemy have reportedly been subject to death threats, assaults, including mob attacks,⁹³ and assassinations by community members or members of the security forces, either before they are arrested and tried in court, or even after they have been acquitted,⁹⁴ forcing some to go into hiding or to flee in fear of their lives.⁹⁵ Some persons accused of blasphemy are reportedly tortured or killed while in police custody or detention.⁹⁶ Prison officials have reportedly stated that detainees accused of or convicted of blasphemy are at high risk of attacks

⁹² United Nations Committee on the Elimination of Racial Discrimination (CERD), *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 21. “Legal observers reported judges and magistrates often delayed and continued trials indefinitely in an effort to avoid confrontation with, or violence from, groups labeled by the government as extremist.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 56; HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 12; ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 7, 33-34, 42.

⁹³ HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, pp. 11-12. “Once allegations of blasphemy are made, persecution of those who have been accused of it often begins even before formal action in the legal system kicks in. On many occasions since the 1980s, people accused of blasphemy, their families, as well as their neighborhoods have been targeted by mobs and organized extremist groups following mere allegations of blasphemy, particularly where the individual belongs to a religious minority community. Such targeting has also involved attacks on homes and places of worship, which in some cases has resulted in forced evictions, and at times, has even pushed families into exile. Despite having prior knowledge of threats of violence, the police reportedly frequently fail to take necessary preventive measures to stop such attacks or respond swiftly and in adequate numbers to protect the blasphemy accused and their communities.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 6-7. “A societal problem of blasphemy accusations is that mobs of people in some instances take the law into their own hands and attack the accused, the possibility of such accusations is, therefore, especially intimidating for religious minority groups.” Austria: Federal Ministry of the Interior, *Pakistan: Challenges & Perspectives*, October 2014, <http://www.refworld.org/docid/54520d204.html>, p. 79. See also, Amnesty International, *Amnesty International Report 2014/15 - Pakistan*, 25 February 2015, <http://www.refworld.org/docid/54f07db215.html>; HRW, *World Report 2015 - Pakistan*, 29 January 2015, <http://www.refworld.org/docid/54cf838c15.html>. In one incident in March 2013, a mob of approximately 3,000 people burned down around 200 Christian homes, after a Christian individual was accused by a friend of making blasphemous remarks during an argument. Amnesty International, *Pakistan: Christian Man Sentenced to Death under Blasphemy Law*, 27 March 2014, <http://www.refworld.org/docid/533ab4114.html>; see also footnotes 264 and 292.

⁹⁴ “In a recent judgment, the Supreme Court noted data collected by the Legal Aid Society, Karachi, indicating that at least 53 people have been unlawfully killed since 1990 in relation to blasphemy allegations, including not only those accused of committing blasphemy, members of their communities, and their lawyers, as well as politicians who had called for amendments to the law” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 26-27. According to HRW, since 1990 at least 60 people have reportedly been murdered after being accused of blasphemy. HRW, *World Report 2015 - Pakistan*, 29 January 2015, <http://www.refworld.org/docid/54cf838c15.html>. See also, for example, USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>.

⁹⁵ “Even if they are acquitted, the people who have once been accused of blasphemy are seldom able to go back to their homes. Seeking asylum in another country becomes the only way out for many.” HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 12. “[C]ountless families have been threatened, attacked and forced to leave their homes” as a result of allegations of blasphemy. ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 11. “Even when acquittals for blasphemy charges are pronounced, the person acquitted most often has to leave the country because of threats to his or her life by non-State groups. In some cases, acquitted persons have been killed by vigilante mobs.” UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>, p. 56. See also Radio Free Europe/Radio Liberty, *Pakistani Girl Accused of Blasphemy Flees to Canada*, 30 June 2013, <http://www.refworld.org/docid/51e79b7811.html>.

⁹⁶ “Individuals accused of blasphemy continue to be vulnerable even after formally coming within the ambit of the criminal justice system. In many cases, blasphemy accused awaiting trial or serving sentences following convictions have been assaulted while held in custody and authorities have failed to protect them. Some have even been killed. In a few cases, police officials have reportedly been the perpetrators.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 7. In November 2014, a policeman reportedly killed a Shi'ite Muslim with an axe while in custody for allegedly having made blasphemous statements. USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; Radio Free Europe/Radio Liberty, *Pakistani Police Officer Kills Blasphemy Suspect with Axe*, 6 November 2014, <http://www.refworld.org/docid/548ea84215.html>. A 71-year-old prisoner sentenced to death for blasphemy was reportedly attacked and critically wounded when a police man shot him twice in Adiala Jail, Rawalpindi. Asia Human Rights Commission (AHR), *Pakistan: Of Glorifying Religious Extremism and Intolerance*, 5 October 2014, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-178-2014/?searchterm>.

by other detainees or even prison staff. In many cases, individuals are reportedly kept in solitary confinement or isolation as a form of protection, sometimes for many years at a time.⁹⁷

The blasphemy laws are reportedly frequently used by members of society to threaten and harass members of religious minorities, with many allegations made to settle personal scores or carry out personal vendettas, within a climate of impunity.⁹⁸ In addition to the vague framing of charges⁹⁹ and the low threshold for establishing a Section 295C offence,¹⁰⁰ the Penal Code does not require evidence to be presented after allegations of blasphemy are made, and in practice there are reportedly no penalties or punishments implemented against those who make false accusations.¹⁰¹ Police can reportedly be bribed into registering false charges of blasphemy against members of religious minorities.¹⁰² In an attempt to curb the abusive application of the blasphemy provisions, in 2004 Parliament amended the Code of Criminal Procedure, requiring a senior police officer to investigate blasphemy complaints before registering them with the courts. To date, the requirement has reportedly rarely been implemented.¹⁰³ In October 2016, the Committee on the Elimination of Racial Discrimination (CERD) said that it was “concerned at reports about the large number of blasphemy

⁹⁷ ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 53-56.

⁹⁸ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 6. “Non state agents who use blasphemy laws against Christians, are often motivated by spite, personal or business disputes, arguments over land and property. Certain political events may also trigger such accusations.” United Kingdom: Upper Tribunal (Immigration and Asylum Chamber), *AK and SK (Christians: risk) Pakistan CG v. Secretary of State for the Home Department*, [2014] UKUT 00569 (IAC), 15 December 2014, <http://www.refworld.org/docid/549962d94.html>, p. 2, para. 6. In October 2014, the Lahore High Court upheld the death sentence of Asia Bibi, a Christian woman convicted of blasphemy after a dispute with co-workers led to allegations of blasphemy being made against her. See, USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; Amnesty International, *Pakistan: Woman Sentenced to Death for Blasphemy: Asia Bibi*, 27 October 2014, <http://www.refworld.org/docid/544f8b9c4.html>.

⁹⁹ “In blasphemy cases, criminal charges are often framed in vague language. Accused persons, for example, are charged with uttering ‘derogatory remarks against the Prophet Muhammad’ or ‘defiling the Quran’, but the exact words or conduct are not expressly included in the charge.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 28. See also, CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 21; Committee on the Rights of the Child (CRC), *Concluding Observations on the Fifth Periodic Report of Pakistan*, 11 July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En, para. 30; HRCP, *State of Human Rights 2015: Administration of Justice*, March 2016, <http://hrpweb.org/hrpweb/wp-content/uploads/2016/04/Admin-of-Justice-final.pdf>, pp. 6-7.

¹⁰⁰ The threshold set by the Pakistani courts to establish a Section 295C offence is reportedly not that the alleged blasphemous conduct was insulting to the Prophet Mohammad using an objective “reasonable person” standard, but that the accused was involved in the alleged conduct. ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, pp. 29, 40.

¹⁰¹ “In the 25 cases reviewed by the ICJ where high courts have heard appeals challenging conviction by trials courts for section 295-C, in 15 cases (60 per cent) they have acquitted the appellants on the grounds that the complaints against them had been either fabricated, or made maliciously for personal or political reasons. It is interesting to note that though laws exist that criminalize perjury, the ICJ is unaware of any charges having been filed against persons responsible even after courts have expressly ruled that the complainants and witnesses gave false evidence.” ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 6. “Lower courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed.” United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. On 18 September 2013, the Council of Islamic Ideology reportedly recommended that those making false accusations of blasphemy should face the death penalty; this proposal was opposed and struck down the following day. United States Department of State, *2013 Country Reports on Human Rights Practices - Pakistan*, 27 February 2014, <http://www.refworld.org/docid/53284a8e21.html>.

¹⁰² United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. A High Court advocate in Islamabad reportedly stated that it is “easy” to file a false first information report (FIR) by bribing a police officer, and that the motives for such filings include “personal enmity”, a desire to harass others, or to harm an innocent person from a rival tribe. Advocate cited in Canada: Immigration and Refugee Board of Canada, *Pakistan: Fraudulent Documents (2012-December 2014)*, 14 January 2015, PAK105021.E, <http://www.refworld.org/docid/54ca270f4.html>. For additional information on FIRs in Pakistan see also: Canada: Immigration and Refugee Board of Canada, *Pakistan: First Information Reports (FIRs) (2010-December 2013)*, 10 January 2014, PAK104714.E, <http://www.refworld.org/docid/52eba0d84.html>.

¹⁰³ See Pakistan, *Code of Criminal Procedure 1898*, <http://www.refworld.org/docid/48511ea62.html>, Section 156A, which provides that for complaints under Section 295C no officer below the rank of a Superintendent of Police shall investigate the complaint. Lawyers interviewed by the ICJ between December 2014 and October 2015 reported that this provision is rarely implemented. ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 14. See also United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

cases based on false accusation and the absence of investigation and prosecutions”.¹⁰⁴ In May 2015 police reportedly colluded with a religious group, encouraging them to file a First Information Report (FIR) against 68 lawyers, accusing these lawyers of committing blasphemy, allegedly in retaliation for the lawyers’ complaints against the illegal detention of one of their colleagues by the police.¹⁰⁵

C. Penal Code: Anti-Ahmadi Laws

As noted above (see Section III.A), since 1974 Ahmadis have been categorized as non-Muslim by the Constitution, even though they consider themselves to be Muslim.¹⁰⁶ In 1984, then President Zia ul-Haq further institutionalized anti-Ahmadi sentiment in Pakistan through amendments to the Penal Code which introduced Sections 298B and 298C into the Penal Code through Ordinance No. XX.¹⁰⁷ Commonly referred to as the “anti-Ahmadi laws”, these amendments render certain Ahmadi religious practices illegal and have been widely criticized for violating the Ahmadis’ fundamental right to freedom of religion and other rights.¹⁰⁸

(For a detailed analysis of the anti-Ahmadi laws, see Section V.1.a, Risk Profiles: Ahmadis, Legislative Framework Concerning Ahmadi Individuals.)

D. Hudood Ordinances

Introduced in 1979 by Zia-ul-Haq’s military regime and sanctioned by the Eighth Amendment to the Constitution,¹⁰⁹ the *Hudood* ordinances impose punishments according to orthodox interpretations of Islamic law and are enforced alongside the country’s secular legal system.¹¹⁰ They apply both to Muslims and non-Muslims.¹¹¹ Discriminatory evidentiary requirements apply under the *Hudood* Ordinances. For instance, the testimony of non-Muslims is not accepted in *Hadd* cases unless the accused is also non-Muslim.¹¹²

E. Family Law

Pakistan’s legal framework does not provide for civil or common law marriage. Instead, marriages are conducted by religious authorities.¹¹³ This means that there is no national legal mechanism for the

¹⁰⁴ CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 21.

¹⁰⁵ AHRC, *Pakistan: In a Mockery of the Blasphemy Law 68 Lawyers Were Charged for Challenging The Authority of The Police*, 15 May 2014, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-089-2014/?searchterm>; BBC, *Pakistan Police Charged 68 Pakistani Lawyers with Blasphemy*, 13 May 2014, <http://www.bbc.com/news/world-asia-27391334>. “The Jhang police chief, Mr. Asghar, said the lawyers’ protests had stirred up wider tensions in the community and at one point led to an altercation between Sunni and Shiite lawyers. He had been forced to bring the blasphemy case, he said, to restore public order. ‘Armed clashes could have erupted in the city otherwise,’ he said. The police hope to end the standoff by persuading Mr. Ludhianvi to withdraw his complaint.” The New York Times, *68 Pakistani Lawyers are Charged with Blasphemy After Protesting the Police*, 13 May 2014, <http://www.nytimes.com/2014/05/14/world/asia/68-pakistani-lawyers-are-charged-with-blasphemy-after-protesting-the-police.html>.

¹⁰⁶ See Section III.A and in particular footnotes 45 and 46.

¹⁰⁷ Pakistan, *Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance 1984*, <http://www.refworld.org/docid/5485673d4.html>.

¹⁰⁸ USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>.

¹⁰⁹ Pakistan, *Constitution (Eight Amendment) Act 1985*, <http://www.pakistani.org/pakistan/constitution/amendments/8amendment.html>, Section 19. The amended Article 270A brought all Ordinances into force immediately and deemed them to continue to remain in force until altered, repealed or amended by a competent authority; the amended Article 270A also brought the Ordinances outside the scope of judicial review.

¹¹⁰ See, for example, ICG, *Reforming the Judiciary in Pakistan*, 16 October 2008, <http://www.unhcr.org/refworld/docid/48f83e932.html>, pp. 3, 10-11, 14; Martin Lau, *Twenty-Five Years of Hudood Ordinances – A Review*, 64 Wash. & Lee L. Rev. 1291-1314 (2007), <http://law.wlu.edu/deptimages/Law%20Review/64-4Lau.pdf>; Dr Faqir Hussain, *The Judicial System of Pakistan*, undated (accessed 17 October 2016), <http://www.scribd.com/doc/54195655/Judicial-System-of-Pakistan-faqir-Hussain>.

¹¹¹ See, for example, USCIRF, *Annual Report 2012 – Countries of Particular Concern: Pakistan*, 20 March 2012, <http://www.unhcr.org/refworld/docid/4f71a674c.html>.

¹¹² ICG, *Women, Violence and Conflict in Pakistan*, 8 April 2015, <http://www.refworld.org/docid/55277ceb4.html>; MRG, *World Directory of Minorities and Indigenous Peoples - Pakistan: Overview*, September 2010, <http://www.unhcr.org/refworld/docid/4954ce652.html>; ICG, *Reforming the Judiciary in Pakistan*, 16 October 2008, <http://www.unhcr.org/refworld/docid/48f83e932.html>, p. 10; and Martin Lau, *Twenty-Five Years of Hudood Ordinances – A Review*, 64 Wash. & Lee L. Rev. 1291-1314 (2007), <http://law.wlu.edu/deptimages/Law%20Review/64-4Lau.pdf>.

¹¹³ Pakistan, *Muslim Family Laws Ordinance 1961*, <http://www.refworld.org/docid/4c3f1e1c2.html>. The Muslim Family Laws Ordinance 1961 “extends to the whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be” and covers marriage registration, succession, polygamy, *talaq*, dissolution of marriage other than *talaq*, maintenance and dower. Some sections of this Act were supplemented by the Dissolution of Muslim Marriages Act 1939 (<http://www.refworld.org/docid/4c3f1c632.html>) and the Protection of Women Act 2006

marriages of Hindus to be registered. However, on 26 September 2016 the National Assembly passed the Hindu Marriage Bill 2016,¹¹⁴ which extends to Islamabad Capital Territory and the Provinces of Balochistan, Khyber Pakhtunkhwa and Punjab.¹¹⁵ On 15 February 2016 the Sindh Assembly passed the Sindh Hindus Marriage Act 2016, which reportedly also applies to Sikhs.¹¹⁶ (See also Section V.4(c), Legislative Framework Concerning Hindu Individuals.) Christian marriages are recognized through the Marriage Act of 1872.¹¹⁷ Women of non-Muslim religious groups who cannot have their marriages registered are reported to face difficulties related to inheritance, accessing health services, voting, obtaining a passport, and buying or selling property.¹¹⁸

(http://www.na.gov.pk/uploads/documents/1321341579_812.pdf). “In the absence of specific language in the law authorizing civil or common law marriage, marriage certificates are signed by religious authorities and registered with the local marriage registrar. [...] Personal status laws remained uncoded and continued to be enforced by community tradition or religious authorities without recourse to civil courts. [...] Personal laws regulating marriage, divorce, and inheritance for minority communities date from prepartition British legislation. United States Department of State, 2015 *Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. “The marriages of non-Muslim men remain legal upon conversion to Islam. If a non-Muslim woman converts to Islam and her marriage was performed according to her previous religious beliefs, the government considers the marriage dissolved. Children born to non-Muslim women who convert to Islam after marriage to a non-Muslim man are considered illegitimate, and ineligible for inheritance. The only way to legitimize the marriage, and the children, is for the husband also to convert to Islam. The children of a Muslim man and a Muslim woman who both convert to another religious group are considered illegitimate, and by law the government may take custody of the children.” United States Department of State, 2015 *Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

Hindus, Section V.4).¹²⁰ The Child Marriage Restraint Act defines a child as a person who is under 18 years for a boy, and under 16 years for a girl. The Act stipulates that men above 18 years of age will be punished for marrying a girl under 16 years of age with a fine of up to 1,000 Rupees, or imprisonment of up to one month. A parent or guardian will also face the same punishment for acting to promote or permit, or for failing to prevent such a marriage or its solemnization.¹²¹ The Act does not, however, nullify a marriage involving a child.¹²² Consequently, once a girl has been forcibly married, there is no available legal recourse. On 14 January 2016, a proposal by a member of Pakistan's parliament to reform this national law, by bringing the minimum age of marriage to 18 for women and by including more rigorous punishments for offenders, was reportedly withdrawn by the Council of Islamic Ideology who denounced the proposed amendments as "anti-Islamic" and "blasphemous".¹²³

In a positive development, in April 2014 the Sindh Assembly passed a law prohibiting marriage of any person below the age of 18 years of age.¹²⁴ This law reportedly states that whoever contracts a child marriage or facilitates it shall be punished with imprisonment between two and three years.¹²⁵ However, this law does not include a mechanism to nullify a marriage which has already taken place.¹²⁶ In January 2015, the Punjab Assembly passed a resolution to "end under-age marriage". In March 2015, Punjab enacted the Punjab Marriage Restraint (Amendment) Act, 2015. The law reportedly enhances the penalties for contracting child marriages to imprisonment for a period of six months and a fine of 50,000 Rupees. However, the law does not increase the minimum lawful age for marriage for girls to 18, and similarly does not nullify a forced marriage.¹²⁷

F. Counter-Terrorism Laws

The legal framework for the government's approach to combating terrorism through law enforcement, include the Anti-Terrorism Act 1997 (ATA).¹²⁸ Members of religious minorities have reportedly been arrested and charged under the ATA, in some cases in addition to charges under the blasphemy or Anti-Ahmadi laws.¹²⁹

¹²⁰ USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>.

¹²¹ Pakistan, *Child Marriage Restraint Act 1929*, <http://www.refworld.org/docid/4c3f19a02.html>. See also, Pakistan, *Muslim Family Laws Ordinance 1961*, <http://www.refworld.org/docid/4c3f1e1c2.html>.

¹²² The Act also reportedly "makes child marriage a bailable offence which makes it easy for the guilty party to escape punishment. The law does not speak of rehabilitation of the child subjected to early marriage." HRCP, *State of Human Rights in 2015: Children*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/Children.pdf>, p. 19; HRCP, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, p. 44.

¹²³ HRW, *Dispatches: Protecting Pakistan's Girls Isn't 'Blasphemy'*, 18 January 2016, <https://www.hrw.org/news/2016/01/18/dispatches-protecting-pakistans-girls-isnt-blasphemy>. "The council stated that Islam does not prohibit underage marriage since it allows the consummation of marriage after both partners reach puberty." United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. See also HRCP, *State of Human Rights in 2015: Children*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/Children.pdf>, p. 19; Al Arabiya News, *Pakistani Clerics Block 'Un-Islamic' Marriage Bill*, 15 January 2016, <http://english.alarabiya.net/en/News/asia/2016/01/15/Pakistani-clerics-block-un-islamic-child-marriage-bill.html>.

¹²⁴ The Express Tribune, *Child Rights: Sindh Makes Marriage Under 18 Punishable by Law*, 29 April 2014, <http://tribune.com.pk/story/701468/child-rights-sindh-makes-marriage-under-18-punishable-by-law/>. The full text of the law, called the Sindh Child Marriage Restraint Act, is available at <http://sindhlaws.gov.pk/setup/publications/PUB-14-000238.pdf>. See also, The Guardian, *Pakistan's Slow But Steady Progress on Ending Child Marriage*, 2 June 2014, <http://www.theguardian.com/global-development/2014/jun/02/pakistan-progress-ending-child-marriage>.

¹²⁵ HRCP, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, p. 24.

¹²⁶ *Ibid.*, p. 44.

¹²⁷ Reuters, *Second Pakistan Province Cracks Down on Child Marriage*, 10 March 2015, <http://www.reuters.com/article/us-pakistan-law-child-marriage-idUSKBN0M619F20150310>; HRCP, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, p. 44.

¹²⁸ Pakistan, *The Anti-Terrorism Act 1997*, <http://www.punjabcode.punjab.gov.pk/public/dr/THE%20ANTI-TERRORISM%20ACT,%201997.doc.pdf>; Pakistan, *Anti-Terrorism (Second Amendment) Act 2014*, <http://www.refworld.org/docid/54f8376a4.html>. See also HRW, *Pakistan: Revise Repressive Anti-Terrorism Law*, 11 April 2014, <http://www.refworld.org/docid/534797594.html>.

¹²⁹ In June 2016 police in Pakistan's southern district, Badin, reportedly registered a FIR against five Ahmadiis under Sections 6 and 7 of the ATA and under the Explosives Act. According to an article from a local media source, a 12-year old Ahmadi and four members of his family were arrested after a pipe bomb was thrown at their house; the boy was reportedly injured in the attack. See Dawn, *Five Ahmadi Family Members Arrested over Terrorism Charges in Badin*, 30 June 2016, <http://www.dawn.com/news/1268212/five-ahmadi-family>.

Observers report that Pakistan's efforts to address extremist activity and sectarian violence have become increasingly militarized.¹³⁰ In 1998, the Supreme Court reportedly held that an amendment to the ATA, pursuant to Ordinance No. XII of 1998, to allow the establishment of military courts for trial of civilians charged with certain offences was unconstitutional; the court ordered that cases relating to terrorism should be entrusted to the special anti-terrorist courts already established or which may be established under the ATA.¹³¹ However, in January 2015, one month after the Peshawar attack on 16 December 2014 which reportedly killed 148 people, two thirds of the members of the Lower House of Parliament reportedly voted in favour of a constitutional amendment empowering military courts to try all terrorism suspects, including civilians.¹³² In August 2015, the Supreme Court reportedly approved this constitutional amendment.¹³³ Since these amendments in January 2015, 11 military courts have reportedly been constituted to hear 'terrorism' cases.¹³⁴

The Prevention of Electronic Crimes Act 2016 came into force in August 2016;¹³⁵ observers have expressed concerns that the Act will limit freedom of expression and speech in Pakistan, as well as further limit religious expression of already vulnerable religious minority groups.¹³⁶

[members-arrested-over-terrorism-charges-in-badin](http://www.rabwah.net/pakistan-police-arrest-12-year-old-terror-victim-for-terrorism/); Rabwah Times, *Pakistan Police Arrest 12 Year Old Terror Victim for Terrorism*, 3 July 2016, <http://www.rabwah.net/pakistan-police-arrest-12-year-old-terror-victim-for-terrorism/>. In December 2015 the owner and manager of an Ahmadi bookstore in Rabwah were reportedly arrested and charged under Section 298C of the Penal Code, as well as under Section 8 of the ATA. Rabwah Times, *Ahmadi Bookstore Owner and Manager Arrested for Blasphemy*, 12 December 2015, <http://www.rabwah.net/ahmadi-bookstore-owner-and-manager-arrested-under-blasphemy-law/>. In April 2013, a FIR was reportedly lodged against the manager, publisher, printer and three others under Sections 295B, 295C of the Penal Code and Section 11(W) of the ATA for printing and circulating the *Al-Fazl*, an Ahmadi publication. The Express Tribune, *Bail Dismissed: Al-Fazl Manager Sent Behind Bars*, 10 April 2015, <http://tribune.com.pk/story/867351/bail-dismissed-al-fazl-manager-sent-behind-bars/>.

¹³⁰ Armed Conflict Location & Event Data Project (ACLED), *Targeting Religious Minorities in Pakistan*, 19 October 2016, <http://www.crisis.acledata.com/targeting-religious-minorities-in-pakistan/>; ICJ, *Military Injustice in Pakistan*, June 2016, <https://www.icj.org/wp-content/uploads/2016/06/Pakistan-Military-court-Advocacy-Analysis-brief-2016-ENG.pdf>, p. 3; ICG, *Revisiting Counter-Terrorism Strategies in Pakistan: Opportunities and Pitfalls*, 22 July 2015, <http://www.refworld.org/pdfid/55af7b434.pdf>, pp. i, 1. See also, United States Congress, Library of Congress, *Legal Provisions on Fighting Extremism: Pakistan*, last updated 25 November 2015, <https://www.loc.gov/law/help/fighting-extremism/pakistan.php>. In December 2009, the Pakistan Government established NACTA which was mandated to coordinate national counterterrorism efforts and strategy. In 2013 the body was given formal status through the National Counter Terrorism Authority Act (NACTA Act) 2013. In December 2014, the federal government announced that it would activate and strengthen NACTA as part of the NAP, although the body remains underfunded and reportedly lacks capacity. See also sources quoted in *ibid*.

¹³¹ The Supreme Court ordered that the cases be transferred to the Anti-Terrorist Courts already in existence or which may be established. The Supreme Court in its order set out guidelines which Special Courts established under the Anti-Terrorism Act 1997 must follow. Supreme Court of Pakistan, *Constitutional Petition Nos 37, 38, 42 & 43 of 1998 and No. 4 of 1999 Along with Civil Review Petitions Nos 1 of 5 of 1999*, 17 February 1999, <http://www.mqum.org/English-News/Feb-1999/sc-judgment-mtc.htm>. See also, HRCP, *State of Human Rights 2015: Administration of Justice*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Admin-of-Justice-final.pdf>, pp. 2-3.

¹³² "In March [2015] the moratorium on the death penalty was lifted for all 28 offences for which the death penalty is provided, including non-lethal crimes." Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>. The International Crisis Group reports that the military courts were intended to overcome challenges experienced within the anti-terrorism courts, which were established in 1997. However, in light of the long list of offences under the Protection of Pakistan Act (PPA) and the vague definition of terrorism, the IGC notes that military courts are likely to face similar problems. ICG, *Revisiting Counter-Terrorism Strategies in Pakistan: Opportunities and Pitfalls*, 22 July 2015, <http://www.refworld.org/pdfid/55af7b434.pdf>, p. 23. See also, The Guardian, *Pakistani Politicians Vote for Military Courts to Try Civilians*, 6 January 2015, <http://www.theguardian.com/world/2015/jan/06/pakistan-lawmakers-vote-military-courts-insurgents>; The Guardian, *Pakistan School Attack: Political Rivals Agree Anti-Terrorism Plan*, 17 December 2014, <http://www.theguardian.com/world/live/2014/dec/17/pakistan-school-attack-reprisals-against-taliban-after-132-children-killed-in-peshawar-rolling-report>.

¹³³ Al Jazeera, *Pakistan Judges Uphold Creation of Military Courts*, 5 August 2015, <http://www.aljazeera.com/news/2015/08/pakistan-judges-uphold-creation-military-courts-150805100022055.html>; Dawn, *Military Courts Get Supreme Nod*, 5 August 2015, <http://www.dawn.com/news/1198533>; The Guardian, *Pakistan Empowers Military Courts to Pass Death Sentences on Civilians*, 5 August 2015, <http://www.theguardian.com/world/2015/aug/05/pakistan-empowers-military-courts-to-pass-death-sentences-on-civilians>. See also, United States Institute of Peace, *Special Report, An Appraisal of Pakistan's Anti-Terrorism Act*, August 2015, <http://www.usip.org/sites/default/files/SR377-An-Appraisal-of-Pakistan%E2%80%99s-Anti-Terrorism-Act.pdf>.

¹³⁴ ICJ, *Military Injustice in Pakistan*, June 2016, <https://www.icj.org/wp-content/uploads/2016/06/Pakistan-Military-court-Advocacy-Analysis-brief-2016-ENG.pdf>, pp. 4-5.

¹³⁵ Sections 10 and 11 of the Act address cyber terrorism and hate speech: Pakistan, *Prevention of Electronic Crimes Act, 2016*, 18 August 2016, http://www.na.gov.pk/uploads/documents/1471848732_895.pdf.

¹³⁶ International Federation of Journalists, *Pakistan Cybercrime Law a Setback for Freedom of Expression*, 12 August 2016, <http://www.ifj.org/nc/news-single-view/backpid/1/article/pakistan-cybercrime-law-a-setback-for-freedom-of-expression/>. "Online criticism of religion, the country, its courts, and the armed forces are among subjects which could invoke official intervention under the bill." Dawn, *Controversial Cyber Crime Bill Approved by NA*, 13 April 2016, <http://www.dawn.com/news/1251853>. See also, Article 19, *The Prevention of Electronic Crimes Bill 2015 - An Analysis* June 2016, 20 June 2016, <http://www.refworld.org/docid/576ce5ba4.html>.

IV. Situation of Religious Minorities in Pakistan

As noted above (Section III.B), treatment of members of religious minorities in detention and police custody is reportedly significantly worse than that of other citizens, particularly in the case of detainees accused of blasphemy, who often suffer from violence not only from fellow inmates but also from members of the security forces.¹³⁷ Killings of members of religious minorities by police officers were reported by media and NGOs in 2014.¹³⁸ Police reportedly only conduct poor investigations into the desecration, vandalism and destruction of places of worship of religious minorities and reportedly fail to act to prevent such attacks.¹³⁹

In its 2014 judgment the Supreme Court stated that inadequate protection of minority religious groups was due to an “absence of effective State action”.¹⁴⁰ The Supreme Court noted that State authorities and law enforcement officials are not aware of, or are inadequately sensitized with regards to minority rights and issues, which hinders the protection of the rights of religious minorities.¹⁴¹ The Court directed the government to take a number of remedial steps to address this.¹⁴² In November 2014 the National Commission for Minorities (NCM) was established, with Christian, Hindu, Muslim and Sikh representatives, with the aim of reviewing existing laws and preparing an inter-faith harmony policy. In its November 2015 report to the Committee on the Elimination of Racial Discrimination, the government reported that the NCM had been strengthened.¹⁴³ In May 2015, according to the Minister of State for Religious Affairs the final draft of a policy on inter-faith harmony had been prepared and all provincial governments were tasked with establishing inter-faith harmony committees at the district level.¹⁴⁴ Nevertheless, the government has continued to be criticized for failing to provide adequate protection to members of religious minorities against violence by members of society and for tolerating or condoning discrimination and violence against members of religious minorities.¹⁴⁵

¹³⁷ “Police in Pakistan frequently use torture and other ill-treatment against persons in custody, particularly during criminal investigations. Those from marginalized groups are at particular risk of violent forms of police abuse.” Human Rights Watch, *“This Crooked System” - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 35. See also, for example, United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRCP, *State of Human Rights in 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, pp. 11-12. See also footnote 96.

¹³⁸ United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>; HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp. 133-134. “Among the 60 people who were killed in connection with blasphemy allegations since 1990: 32 were religious minorities and 28 Muslims. 20 of the total were either attacked in police custody or killed by policemen while 19 were killed in mob attacks.” Agenzia Fides, *ASIA/PAKISTAN - Blasphemy in Pakistan, Data on Victims: Who Will Pay Off All The Suffering?*, 14 November 2014, <http://www.fides.org/en/news/36763>.

¹³⁹ In June 2014, the Supreme Court found that incidents of desecration of places of worship of religious minorities could have been warded off if the authorities concerned had taken preventive measures at the appropriate time. Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, para. 8. See also, United Kingdom Home Office, *Country Information and Guidance - Pakistan: Ahmadis*, February 2015, <http://www.refworld.org/docid/54ef2a7e4.html>, para. 1.3.1, citing Austrian Federal Asylum Agency, *Report on Fact Finding Mission – Pakistan, Religious Minorities* (in German), June 2013, p. 36, http://www.ecoi.net/file_upload/1729_1374674206_ffm-bericht-pakistan-2013-06.pdf. (An English translation of the Austrian FFM report can be provided by the UK Home Office on request.)

¹⁴⁰ Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, para. 19.

¹⁴¹ *Ibid.*, para. 9.

¹⁴² In order to guarantee adequate protection for members of religious minorities, the Supreme Court directed the Federal Government to (1) constitute a taskforce tasked with developing a strategy of religious tolerance; (2) develop appropriate curricula at school and college levels to promote a culture of religious and social tolerance; (3) take appropriate steps to ensure that hate speech in social media is discouraged and that perpetrators of hate speech are brought to justice; (4) constitute a National Council for minorities’ rights; (5) establish a Special Police Force with professional training to protect the places of worship of religious minorities; (6) ensure the enforcement of the relevant policy directives regarding the reservation of quotas for minorities in all services. The Court also directed that in all cases of violation of any of the rights guaranteed under the law or desecration of the places of worship of minorities, the concerned Law Enforcing Agencies should promptly take action including the registration of criminal cases. Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, para. 37.

¹⁴³ Government of Pakistan, *Consideration of Reports Submitted by States Parties under Article 9 of the Convention; Twenty-One to Twenty-Three Periodic Reports of States Parties Due in 2014*, 26 November 2015, http://www.ecoi.net/file_upload/1930_1465471824_g1527079.pdf, p. 10, para. 19.

¹⁴⁴ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 54. See, however, The Express Tribune, *The Myth of the Minorities’ Commission*, 25 May 2016, <http://tribune.com.pk/story/1110485/myth-minorities-commission/>.

¹⁴⁵ “Members of religious minority communities stated the government was inconsistent in safeguarding minority rights, and official discrimination against religious minorities persisted.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. “In 2015, the Pakistani government continued to perpetrate and

However, in 2015, there were reportedly some improvements in police professionalism and instances of local authorities protecting minorities from discrimination and communal violence.¹⁴⁶ In March 2016, following an attack in Lahore on Easter Sunday which was claimed by a splinter group of the Pakistani Taliban and reportedly directed against Christians, the federal government reportedly deployed federal paramilitary forces (the Rangers); according to media reports, 5,000 people were questioned as part of the investigation into the attack and more than 200 people were detained.¹⁴⁷

Different organs of the State have been criticized for appearing unwilling to hold perpetrators of religious or sectarian violence to account, thus perpetuating a climate of impunity.¹⁴⁸ While the government has banned several religious groups which it has deemed to be “extremist” or “terrorist”¹⁴⁹ and which are reported to be behind some of the violence against members of religious minorities, observers report that some of these groups reportedly remain active by changing their name after being banned under their previous name.¹⁵⁰ Despite a regulatory framework that prohibits

tolerate systematic, ongoing, and egregious religious freedom violations.” USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. See also, for example, HRW, *World Report 2016 - Pakistan*, 27 January 2016, <http://www.refworld.org/docid/56bd99299.html>; Freedom House, *Freedom in the World 2014 - Pakistan*, June 2015, <https://freedomhouse.org/report/freedom-world/2014/pakistan>; HRW, *Pakistan: Arrest, Prosecute Sectarian Killings*, 13 May 2015, <https://www.hrw.org/news/2015/05/13/pakistan-arrest-prosecute-sectarian-killers>; IFHR and the HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>.

¹⁴⁶ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. However, in September 2016 Human Rights Watch reported that, “Many victims of crime, particularly those that are poor or belong to vulnerable groups such as women and ethnic or religious minorities, are reluctant to approach police stations because of police harassment or financial constraints. [...] Human rights activists say police are less likely to register complaints brought by those from marginalized groups, and also those alleging that a crime was committed by a powerful person.” Human Rights Watch, *“This Crooked System” - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 21.

¹⁴⁷ According to ACLED, “Taking such measures following an attack on a minority group was a strong step to take by the state to show its commitment to protecting these groups.” ACLED, *Targeting Religious Minorities in Pakistan*, 19 October 2016, <http://www.crisis.acleddata.com/targeting-religious-minorities-in-pakistan/>. See also BBC, *Lahore Attack: Pakistan ‘Detains 200’ After Easter Blast*, 29 March 2016, <http://www.bbc.com/news/world-asia-35916578>; Radio Free Europe/Radio Liberty, *Pakistan Detains More Than 5,000 Suspected Militants After Easter Bombing*, 29 March 2016, <http://www.refworld.org/docid/5768ffb815.html>; MRG, *Lahore Easter Attack: the Aftermath for the Christians*, October 2016, <http://stories.minorityrights.org/pakistan-religious-minorities/chapter/chapter-4/>.

¹⁴⁸ “Religious organizations and human rights NGOs continued to express concern over the failure to punish persons who made false blasphemy allegations.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. “[R]eligious minority communities view the Pakistani government as unwilling to stem the violent attacks against them by terrorist organizations like the Pakistani Taliban or bring the attackers to justice, and believe that some government officials and local police may be sympathetic to the violent acts.” USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. “Religious and sectarian minorities were targeted by militants across Pakistan in 2015. In most cases, the perpetrators enjoyed impunity.” HRCP, *State of Human Rights in 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 2. According to the ICJ, “All institutions of the Pakistani State – the executive, the parliament, and members of the judiciary – have effectively abdicated their responsibilities under human rights law when people are accused of committing blasphemy, knowingly leaving them either at the mercy of mobs and organized religious groups or facing trials that are fundamentally unfair.” ICJ, *On Trial: The Implementation of Pakistan’s Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 6. “The government’s general failure to investigate, arrest, or prosecute those responsible for societal abuses promoted an environment of impunity that fostered intolerance and acts of violence, according to domestic and international human rights organizations. In numerous cases during the year, authorities failed to protect victims of religiously motivated mob violence.” United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. “The Pakistani government’s response to this violence [against religious minorities] suggests incompetence, indifference or possible complicity by security forces and other state personnel with the extremists.” HRW, *Pakistan: Arrest, Prosecute Sectarian Killings*, 13 May 2015, <https://www.hrw.org/news/2015/05/13/pakistan-arrest-prosecute-sectarian-killers>. See also, HRW, *World Report 2016 - Pakistan*, 27 January 2016, <http://www.refworld.org/docid/56bd99299.html>; IFHR and the HRCP, *Minorities under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>.

¹⁴⁹ Pursuant to Section 11B of the ATA, the Federal Government may list an organization “if there are reasonable grounds to believe that it is (a) concerned in terrorism; or (b) owned or controlled, directly or indirectly, by an individual or organization proscribed under this Act; or (c) acting on behalf of, or at the direction of, any individual or organization proscribed under this Act.” Section 11A defines “concerned in terrorism”. Section 11E lists the measures that may be taken against a proscribed organization, which include, sealing any offices, seizing all literature or other material, prohibiting publication, printing or dissemination of any press or media, prohibiting the issuance of a passport or travel of members of the organization, and more. Pakistan, *The Anti-Terrorism Act 1997*, <http://www.punjabcode.punjab.gov.pk/public/dr/THE%20ANTI-TERRORISM%20ACT,%201997.doc.pdf>, Sections 11A, 11B, 11E.

¹⁵⁰ In December 2015, the Minister of State for Interior reportedly stated that under the new NAP the ministry and provincial governments had taken appropriate measures to stop banned outfits from re-emerging with new names. Dawn, *61 Banned Outfits Named by Senate, JuD Under Observation*, 18 December 2015, <http://www.dawn.com/news/1227187>; PIPS, *Stopping the Banned Groups*, 7 December 2015, <http://pakpips.com/art.php?art=174>. However, the US State Department noted that, “Many banned groups remain active, and some avoid the law by changing their names once banned.” United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. For example, the Carnegie Endowment for International Peace reported in April 2014 that the Tehreek-e-Jaferia Pakistan “has been banned twice but continues to operate under different names.” Carnegie

inciting violence in the name of Islam,¹⁵¹ hate speech against religious minorities is reportedly prevalent, with mainstream media outlets reportedly allowing hate speech and incitement to violence against religious minorities without censure.¹⁵² According to a survey from June 2014, 91 per cent of respondents had come across hate speech online directed against religious minorities.¹⁵³ Following the adoption of the National Action Plan in December 2014, the police have reportedly made arrests of individuals, including religious leaders and clerics, for hate speech and misuse of loudspeakers;¹⁵⁴ while book shops have been closed for allegedly selling hate literature, and religious material has been confiscated from some mosques and seminaries.¹⁵⁵ 21 individuals were reportedly convicted for hate speech between January and May 2015.¹⁵⁶ In early October 2015, the federal and provincial governments reportedly announced bans on the movement of hundreds of religious clerics accused of spreading sectarian hatred.¹⁵⁷ There have been allegations that police, under pressure to implement the

Endowment for International Peace, *Situation Report: Pakistan*, 9 April 2014, <http://carnegieendowment.org/2014/04/09/situation-report-pakistan>. According to the 2015 report on International Religious Freedom, “[t]he government continued to enforce its previous bans on the activities of, and membership in, religiously oriented groups it judged to be “extremist” or “terrorist.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, The Express Tribune, *Not in the Short Term: Govt Quietly Dilutes its Counter-Terrorism Plan*, 8 March 2015, <http://tribune.com.pk/story/849724/not-in-the-short-term-govt-quietly-dilutes-its-counter-terrorism-plan/>. The Human Rights Commission of Pakistan noted that, “Protests and rallies by banned religious outfits occurred regularly in the country, and while the environment was challenged by civil society groups, the government took little action against the groups it itself had proscribed.” HRCP, *State of Human Rights in 2015: Freedom of Assembly*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-Assembly.pdf>, p. 6.

¹⁵¹ Acts of hate speech are criminalized pursuant to Section 153A of the Penal Code. Pakistan, *Penal Code*, 1860, <http://www.refworld.org/docid/485231942.html>.

¹⁵² CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 15. The Pakistan Electronic Media Regulatory Authority reportedly allows several religious television channels to operate with little oversight. ICG, *Revisiting Counter-Terrorism Strategies in Pakistan: Opportunities and Pitfalls*, 22 July 2015, <http://www.refworld.org/docid/55af7b434.html>, p. 15. “Some newspapers and media, particularly the vernacular press, frequently published articles containing derogatory references to religious minorities, especially Ahmadis and Hindus. Some fundamentalist Sunni groups even published literature calling for violence against Ahmadis, Shias, other Sunnis, and Hindus. However, major Pakistani media take up issues of religious minorities and criticize problems independently.” Austria: Federal Ministry of the Interior, *Pakistan: Challenges & Perspectives*, October 2014, <http://www.refworld.org/docid/54520d204.html>, p. 83.

¹⁵³ Analysis of Facebook and Twitter pages and accounts reportedly showed that user comments commonly include hate speech, with frequently targeted groups including Shias, Ahmadis, and Hindus, as well as atheists. Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, paras 19-22; see also MRG, *State of the World's Minorities and Indigenous Peoples 2014 - Pakistan*, 3 July 2014, <http://www.refworld.org/docid/53ba8dda5.html>.

¹⁵⁴ Most of the arrests for misusing loudspeakers or sound amplifiers have reportedly been made under a law regulating their usage in Punjab province. PIPS, *Hate Speech and Restricted Speech: Striking a Balance*, 7 December 2015, <http://pakpips.com/art.php?art=172>. See, Pakistan, *The [Punjab] Regulation and Control of Loudspeakers and Sound Amplifiers Ordinance 1965*, <http://punjablaws.gov.pk/laws/182.html>. In May 2016, the National Assembly passed the Criminal Laws (Amendment) Bill, which would strengthen the wording of section 298 of the Penal Code. At the time of writing the bill had yet to be passed by the Senate. See, Pakistan, *The Criminal Laws (Amendment) Bill 2016*, 24 May 2016, http://www.senate.gov.pk/uploads/documents/1464075926_695.pdf, Section 2(2). See also, ICJ, *Military Injustice in Pakistan*, June 2016, <https://www.icj.org/wp-content/uploads/2016/06/Pakistan-Military-court-Advocacy-Analysis-brief-2016-ENG.pdf>, p. 8. See also, “The government announced the National Action Plan (NAP) to combat terrorism, which included an explicit goal of countering sectarian hate speech, and said it would prosecute individuals for labeling others as ‘infidels.’ The authorities subsequently prosecuted cases involving sectarian hate speech and restricted the movement of clerics accused of spreading sectarian hatred.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

¹⁵⁵ The Nation, *National Action Plan*, 29 June 2016, <http://nation.com.pk/columns/29-Jun-2016/national-action-plan>; The Express Tribune, *Stringent Measures: NAP Hovers Like a Dark Cloud Over Terrorism*, 23 June 2016, <http://tribune.com.pk/story/1128401/stringent-measures-nap-hovers-like-dark-cloud-terrorism/>; The Indian Express, *Pakistan Shuts Down 254 Religions Seminaries Involved in Extremism*, 25 February 2016, <http://indianexpress.com/article/world/world-news/pakistan-shuts-down-254-religions-seminaries-involved-in-extremism/>; PIPS, *Executive Summary of Comprehensive Package of NAP*, 14 December 2015, <http://pakpips.com/art.php?art=166>; The Express Tribune, *Hate Speech: ASWJ Leader Sentenced to Six Months in Prison*, 6 October 2015, <http://tribune.com.pk/story/967870/hate-speech-aswj-leader-sentenced-to-six-months-in-prison/>; Pakistan Today, *With Army Chief on Table, PM Brings Clergy on Board*, 8 September 2015, <http://www.pakistantoday.com.pk/2015/09/08/national-with-army-chief-on-table-pm-brings-clergy-on-board/>; International Crisis Group, *Revisiting Counter-Terrorism Strategies in Pakistan: Opportunities and Pitfalls*, 22 July 2015, <http://www.refworld.org/docid/55af7b434.html>, pp.8-19; The Express Tribune, *Hate Speech: Prayer Leader Sentenced to 10 Years in Prison*, 4 July 2015, <http://tribune.com.pk/story/914409/hate-speech-prayer-leader-sentenced-to-10-years-in-prison/>; The Express Tribune, *Pakistani Imam Jailed for Five Years for Anti-Shia Sermons*, 20 May 2015, <http://tribune.com.pk/story/889374/pakistani-imam-jailed-for-five-years-for-hate-speech/>.

¹⁵⁶ Dawn, *Silencing Hate Speech*, 21 May 2015, <http://www.dawn.com/news/1183172/silencing-hate-speech>.

¹⁵⁷ “The authorities subsequently [after announcing the NAP] prosecuted cases involving sectarian hate speech and restricted the movement of clerics accused of spreading sectarian hatred.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

National Action Plan, have made unfair arrests of members of religious minority groups.¹⁵⁸ In its 2016 review of Pakistan, the Committee on the Elimination of Racial Discrimination acknowledged the government's efforts to address hate speech and hate crimes, including through arrests. However, the Committee stated that it remained "deeply concerned" at the high incidence of hate crimes such as harassment, mob violence and killings of individuals from religious minorities, particularly Hazaras, Christian Dalits, Hindu Dalits and Ahmadis, and the absence of investigation and prosecution. It also expressed its concern "reports of a rise in hate speech targeting religious minorities, including by public officials and political parties, in the media, on social networks, and at religious gatherings".¹⁵⁹

State authorities have also reportedly failed to provide adequate protection to members of the judiciary, lawyers, human rights defenders and others who defend the rights of members of religious minority groups and who themselves are reportedly threatened, intimidated, harassed and physically attacked.¹⁶⁰

State authorities have reportedly taken inadequate action to protect Hindu and Christian women and girls from forced conversion to Islam and forced marriages.¹⁶¹ (See also Section III.E.) A 2014 study across six districts of Pakistan by the Aurat Foundation on the implementation of the Prevention of Anti-Women Practices (Criminal Law Amendment Act) 2011¹⁶² which criminalized forced marriage found that "there is no awareness regarding the law, or even clarity regarding its applicability amongst officers of the law and other state representatives tasked with its implementation, including public prosecutors".¹⁶³ Moreover, procedural safeguards to provide protection to victims are reported to be inadequate.¹⁶⁴

Educational institutions reportedly require students to declare their religious affiliation on application forms. Non-Muslims must provide verification of their religious affiliation by the head of their local religious communities; Muslims must declare that they believe the Prophet Muhammad is the final prophet, which excludes Ahmadis.¹⁶⁵ Non-Muslim students are reportedly not officially required to take Islamic studies, however, often there is reportedly no alternative provided within school systems.¹⁶⁶ Furthermore, it is reported that religious intolerance in the education system is widespread

¹⁵⁸ "By October [2015], up to 9,400 people had been arrested according to government figures on allegations of inflaming sectarian hate; some booksellers and publishers claimed they were unfairly targeted by police who were under pressure to make arrests." Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>. See also, PIPS, *Hate Speech and Restricted Speech: Striking a Balance*, 7 December 2015, <http://pakpips.com/art.php?art=172>.

¹⁵⁹ CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 15.

¹⁶⁰ "The Committee is concerned at the high number of cases of intimidation, abduction and killing of human rights defenders, lawyers and journalists working for the rights of minorities, and at the limited action taken by the State party to investigate such cases and to bring the perpetrators to justice." CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 39. See also OHCHR, *Press Briefing*, 9 May 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14583&LangID=E>; UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>, para. 52.

¹⁶¹ HRW, *World Report 2016 - Pakistan*, 27 January 2016, <http://www.refworld.org/docid/56bd99299.html>; United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. In late November 2015, the Senate Functional Committee on Human Rights reportedly endorsed a proposal to criminalize forced conversions and to prevent misuse of the Blasphemy law; however, the Council of Islamic Ideology was reportedly strongly opposed to any such legislation. HRCP, *State of Human Rights in 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 2.

¹⁶² Pakistan, *Prevention of Anti-Women Practices: Criminal Law (Third Amendment) Act 2011*, <http://www.refworld.org/docid/544f70494.html>.

¹⁶³ Aurat Foundation and Information Service Foundation, *Forced Marriages and Inheritance Deprivation in Pakistan, A Research Study Exploring Substantive and Structural Gaps in the Implementation of Prevention of Anti-Women Practices [Criminal Law Amendment] Act, 2011*, October 2014, http://www.af.org.pk/pub_files/1416847483.pdf, page 119.

¹⁶⁴ For example, victims of forced marriage are usually still are a member of the household of the alleged perpetrator while being asked for statements by the courts, such as whether they consented to the marriage. Movement for Solidarity and Peace, Pakistan, *Forced Marriages and Forced Conversions in the Christian Community of Pakistan*, April 2014, https://d3n8a8pro7vnmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf, pp. 23-25.

¹⁶⁵ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

¹⁶⁶ MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 20. However, in July 2016 the MRG reported that, "in a positive move, in January 2016 it was announced that, from 1 April 2016, a book called Ikhlaiyat ('Ethics') will be included in all Sindh public school curriculums, allowing

and that public school textbooks include derogatory remarks against minority religious groups.¹⁶⁷ A 2016 review of textbooks used in public schools across the country reportedly indicated that “the trend toward a more biased curriculum towards religious minorities is accelerating.”¹⁶⁸ Private schools run by Muslim clerics, *madrassas*, are prohibited by law from teaching or encouraging sectarian or religious hatred or violence; however, several observers have expressed concerns about the use of *madrassas* for spreading extremist views, military training and recruitment.¹⁶⁹ According to Human Rights Watch, in 2015 the government reportedly “acknowledged the need to regulate *madrassas* (Islamic schools) and disband armed militias operating in the country, but took few steps to do so”.¹⁷⁰

Despite a constitutional obligation to ensure due representation in the federal and provincial services,¹⁷¹ minority religious groups reported that government employers at both the federal and provincial levels do not enforce a five per cent hiring quota for religious minorities;¹⁷² and that a

minority students to study teachings of religions such as Christianity, Hinduism and Sikhism, instead of requiring solely Islamic studies.” MRG, *State of the World's Minorities and Indigenous Peoples 2016 - Pakistan*, 12 July 2016, <http://www.refworld.org/docid/5796082215.html>.

¹⁶⁷ CRC, *Concluding Observations on the Fifth Periodic Report of Pakistan*, 11 July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En, para. 30; United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. In April 2016, USCIRF reported that, “The major findings of this report are that the content of Pakistani public school textbooks related to non-Islamic faiths and non-Muslims continue to teach bias, distrust, and inferiority. Moreover, the textbooks portray non-Muslim citizens of Pakistan as sympathetic towards its perceived enemies: Pakistani Christians as Westerners or equal to British colonial oppressors, and Pakistani Hindus as Indians, the arch enemy of Pakistan. These perceptions predispose students early on that the non-Muslim population of Pakistan are outsiders and unpatriotic. These grossly generalized and stereotypical portrayals of religious minority communities signal that they are untrustworthy, religiously inferior, and ideologically scheming and intolerant. These messages are reinforced by the absence of deeper content addressing the complexity of religions, the rights of religious minorities, and the positive contributions of religious minorities in the development and protection of Pakistan.” USCIRF, *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, April 2016, http://www.uscifr.gov/sites/default/files/USCIRF_Pakistan_FINALonline.pdf, p. 1. See also, MRG, *State of the World's Minorities and Indigenous Peoples 2014 - Case Study: Pakistan: Countering Hate Content in Textbooks*, 3 July 2014, <http://www.refworld.org/docid/53ba8dbe5.html>.

¹⁶⁸ USCIRF, *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, April 2016, http://www.uscifr.gov/sites/default/files/USCIRF_Pakistan_FINALonline.pdf, p. 9. The report noted furthermore, “A review of the curriculum demonstrates that public school students are being taught that religious minorities, especially Christians and Hindus, are nefarious, violent and tyrannical by nature.” *Ibid*.

¹⁶⁹ CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 17. “[T]he Committee is concerned that private madrasas are often used for child recruitment and military training by non-State armed groups.” CRC, *Concluding Observations on the Fifth Periodic Report of Pakistan*, 11 July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En, para. 63. “Today in Pakistan, there are close to 20,000 madrasas, according to a recent World Bank Study, with a student enrolment that exceeds one million. [...] During the past two decades, many madrasas have been accused of becoming nurseries of extremists and safe haven for terrorists.” HRCF, *State of Human Rights in 2015: Education*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/Education.pdf>, p. 18. See also United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; PIPS, *Pakistan Security Report 2015: Internal Security Matrix 2015*, January 2016, <http://pakpips.com/downloads/282.pdf>, p. 45. A government report entitled “National Internal Security Policy”, a copy of which was reportedly shared with a news organization (AFP), reportedly found that some of Pakistan’s 22,000 madrasas are responsible for spreading extremism. Dawn, *Pakistan’s New Security Policy Aims to Reform Madrassas*, 2 March 2014, <http://www.dawn.com/news/1090547>. See also, United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>; Pakistan Today, *Reports Says over 35,000 Madrassas Operating in Pakistan*, 31 July 2015, <http://www.pakistantoday.com.pk/2015/07/31/national/report-says-over-35000-madrassas-operating-in-pakistan/>.

¹⁷⁰ HRW, *World Report 2016 - Pakistan*, 27 January 2016, <http://www.refworld.org/docid/56bd99299.html>.

¹⁷¹ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.unhcr.org/refworld/docid/47558c422.html>, Article 36.

¹⁷² United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. In a State’s Party report submitted to the Committee on Economic, Social and Cultural Rights (CESCR) in February 2016, the government of Pakistan noted that it “has taken several steps for the development and welfare of minorities. In this regard, 5% job quota is allocated for the minorities in all government jobs, including the Central Superior Services (CSS), besides on open merit.” Government of Pakistan, *Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; Initial Reports of States Parties Due in 2010*, 4 February 2016, http://www.ecoi.net/file_upload/1930_1455269511_g1601817.pdf, para. 30. However, in October 2016 the Committee on the Elimination of Racial Discrimination noted that it was “concerned that the limited recognition of minorities coupled with the absence of data on the situation of various minority groups has reduced the effectiveness of the measures taken to address the challenges faced by persons belonging to minority groups, including the quota systems currently in place to enable those groups to be equitably represented in the political domain and in employment.” CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 29.

“glass ceiling” acts to prevent the promotion of members of religious minorities to senior government positions.¹⁷³

Although the Constitution provides for seats to be reserved in the National Assembly and in the Senate, religious minorities are not able to run directly for seats reserved for religious minorities in provincial assemblies or the National Assembly; instead, the winners of the general seats select individuals to fill these reserved seats, which does not allow minority groups to select their own representatives. In practice this system is reported also to preclude the election of women from religious minorities.¹⁷⁴

V. Eligibility for International Protection

All claims by asylum-seekers originating from Pakistan, whether on the basis of the refugee criteria in the 1951 Convention or broader international protection criteria, including complementary forms of protection, need to be considered on their merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information.¹⁷⁵ UNHCR considers that claims of members of religious minorities and their family members require particularly careful examination, as do other religion-based claims such as those made by human rights defenders, activists and lawyers who defend the human rights of members of religious minorities in Pakistan. UNHCR considers that persons of the profiles described below may, depending on the individual circumstances of the case, be in need of international refugee protection. This listing is not necessarily exhaustive and is based on information available to UNHCR at the time of writing. Hence, an asylum claim based on religious grounds should not automatically be considered without merit simply because the person concerned does not fall within any of the profiles identified below.¹⁷⁶

Individuals who convert from Islam to another religion may be at risk both because they are now members of a religious minority and because they may be perceived as having committed apostasy.¹⁷⁷

Finally, while these guidelines do not include a specific risk profile on atheists/agnostics, UNHCR considers that atheists/agnostics may be subject to similar risks as members of religious minorities

¹⁷³ Moreover, even though there are reportedly no official limitations on individuals from religious minorities being promoted within the military service, community representatives reported that in practice very rarely would non-Muslims be promoted above the rank of colonel, and were not assigned to senior positions. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

¹⁷⁴ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; Freedom House, *Freedom in the World 2016 - Pakistan*, 25 July 2016, <http://www.refworld.org/docid/579f48bc15.html>. “[The Senate] seats are filled through indirect elections held in provincial assemblies. Ten National Assembly seats are reserved for members of religious minorities. The authorities apportioned seats to parties based on the percentage of seats each won in the assembly. Minorities held 23 reserved seats in the provincial assemblies: eight in Punjab, nine in Sindh, three in KP and three in Basochistan. Women and minorities may contest unreserved seats.” United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. See also, International Foundation for Electoral Systems, *Pakistan Factsheet: Senate of Pakistan*, 24 June 2015, http://www.ifes.org/sites/default/files/the_senate_of_pakistan.pdf; International Foundation for Electoral Systems, *Pakistan Factsheet: National Assembly*, 24 June 2015, http://www.ifes.org/sites/default/files/the_national_assembly_of_pakistan.pdf. See also, Section III.A, footnote 38.

¹⁷⁵ Pakistani nationals and habitual residents of Pakistan may be eligible for refugee status for reason of a well-founded fear of persecution on the basis of a 1951 Convention ground other than religion. Guidance on such claims is outside the scope of these Guidelines, as is guidance on eligibility under broader international protection criteria, including complementary forms of protection.

¹⁷⁶ Members of other religious minorities not addressed in these Guidelines, including, but not limited to, Ismailis, Jews, Parsi/Zoroastrians, Buddhists and members of the Mehdi Foundation, may also be in need of international protection.

¹⁷⁷ See sources cited in United Kingdom: Home Office, *Country Information and Guidance - Pakistan: Christians and Christian Converts*, May 2016, Version 2.0, <http://www.refworld.org/docid/5732cd444.html>, pp. 23-25, paras 8.1.1 – 8.1.6; Christian Solidarity Worldwide, *Submission to the APPG*, 10-11 November 2015, <https://freedomdeclared.org/media/CSW-submission-Parliamentary-Inquiry-Pakistan-031115.pdf>; Asia News, *A Pakistani Family Converted to Christianity is Hounded, Victim of Death Threats*, 19 October 2015, <http://www.asianews.it/news-en/A-Pakistani-family-converted-to-Christianity-is-hounded,-victim-of-death-threats-35623.html>; Canada: Immigration and Refugee Board of Canada, *Pakistan: Religious Conversion, Including Treatment of Converts and Forced Conversions (2009-2012)*, 14 January 2013, PAK104258.E, <http://www.refworld.org/docid/510f8b832.html>; Jubilee Campaign, *Written statement* Submitted by the Jubilee Campaign, a Non-Governmental Organization in Special Consultative Status to the UN Human Rights Council*, 7 June 2012, http://www.ecoi.net/file_upload/1930_1340630327_g1213858.pdf.

and may be in need of international protection for reasons similar to members of religious minorities.¹⁷⁸

Discriminatory laws and/or practices¹⁷⁹ against members of religious minorities may amount, in themselves or on a cumulative basis, to persecution within the meaning of the 1951 Convention and its 1967 Protocol, depending on the individual circumstances of the case.¹⁸⁰ As set out in detail in these Guidelines, members of religious minorities continue to be targets of extremist and religiously motivated harassment, violence and ill-treatment at the hands of members of the community. They are experiencing a growing sense of insecurity and fear against the background of a general climate of religious intolerance and impunity.¹⁸¹ Violations of the right to religious freedom and other fundamental human rights, by State actors as well as non-State actors, are reported to be common and rarely punished.¹⁸²

Individuals should not be expected to hide, change, suppress or renounce their religious belief, identity or way of life in order to avoid persecution.¹⁸³

Certain asylum claims by members of religious minorities from Pakistan may also require examination for possible exclusion from refugee status.

Potential Risk Profiles

1. Ahmadis

The Ahmadiyya Jama'at (or Ahmadi movement) was established in 1889 in India as a reformist movement within Islam. Estimates for the size of the Ahmadi population in Pakistan vary from 126,000 to several million.¹⁸⁴ The headquarters of the Ahmadi community in Pakistan are in Rabwah, Punjab province, where Ahmadis are reported to constitute over 97 per cent of the population.¹⁸⁵

¹⁷⁸ See also UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 28 April 2004, HCR/GIP/04/06, <http://www.refworld.org/docid/4090f9794.html>, para. 4.

¹⁷⁹ For detailed information on discriminatory practices against members of specific religious minorities in Pakistan, see the risk profiles outlined in the sections below.

¹⁸⁰ Religious-based discrimination may amount to persecution where it seriously restricts the applicant's enjoyment of fundamental human rights. Examples of discrimination amounting to persecution include, but are not limited to, discrimination with consequences of a substantially prejudicial nature for the person concerned, such as serious restrictions on the right to earn a livelihood, or to access normally available educational facilities and/or health services. See, UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.refworld.org/docid/4090f9794.html>, paras 17-19. Where discriminatory measures do not, in themselves, rise to the level of persecution, they may nevertheless give rise to a well-founded fear of persecution on cumulative grounds. See, UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, January 1992, <http://www.refworld.org/docid/3ae6b3314.html>, paras 53-55.

¹⁸¹ See, for example, USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>; United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 2. "Faith-based mob violence and terrorist attacks against members of religious minorities have been a recurring trend in Pakistan over the last several years. The number and frequency of such incidents may have varied from one year to another, but the sad fact remains that the authorities have been unable to root out violence directed against non-Muslims because they were non-Muslims." PIPS, *Pakistan Security Report 2015: Internal Security Matrix 2015*, January 2016, <http://pakpips.com/downloads/282.pdf>, pp. 35-36. "The Committee is concerned at violence against minorities, particularly Ahmadis, Hazaras and Dalits, and their de facto segregation in isolated areas without fair access to employment, health care, education and other basic services, which is exacerbated by growing violence against them." CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para 19.

¹⁸² See Section IV.

¹⁸³ UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims Under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, 28 April 2004, HCR/GIP/04/06, <http://www.refworld.org/docid/4090f9794.html>, para.13; UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html>, para. 19. In *Bundesrepublik Deutschland v. Y*, the Court of Justice of the European Union held that where a person will follow a religious practice which will expose him to a real risk of persecution, the fact that he could avoid that risk by abstaining from certain religious practices is irrelevant. Court of Justice of the European Union, *Bundesrepublik Deutschland v. Y* (C-71/11), Z (C-99/11), C-71/11 and C-99/11, 5 September 2012, <http://www.refworld.org/docid/505ace862.html>, para. 79.

¹⁸⁴ Both USCIRF in May 2016 and the US Department of State in October 2015 estimated that there are between two and four million Ahmadis. USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>; United States Department of State, *2014 Report on International Religious Freedom* -

Ahmadis self-identify as Muslims. However, they hold beliefs that differ from mainstream Sunni interpretations of fundamental Islamic concepts, which are viewed by some Muslims as un-Islamic and blasphemous. Opposition to Ahmadis from the mainstream Muslim community in Pakistan reportedly mainly stems from differences in belief with respect to the Prophet Muhammad, in particular the belief that Prophet Muhammad is the final Prophet.¹⁸⁶ According to research conducted by the Pew Research Center in 2011, 66 per cent of Muslims in Pakistan responded that Ahmadis are not Muslims, while only seven per cent accepted Ahmadis as Muslims.¹⁸⁷ In December 2015, at a meeting of Pakistan's Council of Islamic Ideology, the chairman reportedly called on the gathering to consider whether Ahmadis should be considered *murtads* that have rejected Islam.¹⁸⁸

a) Legislative Framework Concerning Ahmadi Individuals

Pursuant to a constitutional amendment in 1974, Ahmadis were declared a 'non-Muslim' minority, and consequently are prohibited from belonging to the Muslim religious community in Pakistan.¹⁸⁹ In 1984, former President Zia ul-Haq introduced Sections 298B and 298C into the Penal Code through

Pakistan, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. In contrast, in August 2016 the US Department of State reported that according to 2014 government registration documents cited by the media there are 126,000 Ahmadis, but that community sources estimate that there are 500,000 Ahmadis in Pakistan, "[t]aking account of the Ahmadi boycott of the official census". United States Department of State, 2015 Report on International Religious Freedom - Pakistan, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, Al Islam (the Official Website of the Ahmadiyya Muslim Community), A Brief History of Ahmadiyya Muslim Community, <http://www.alislam.org/library/history/ahmadiyya/index.html>.

¹⁸⁵ The population of Rabwah is estimated at 70,000. See UrbanPK, Rabwah, 28 November 2007, <http://www.urbanpk.com/forums/index.php?showtopic=10832>. The name of the town was changed to Chenab Nagar in 1998 by the Punjab Assembly through a unanimous resolution, but against the wishes of the Ahmadi community. See, for example sources cited in Immigration and Refugee Board of Canada, Pakistan: The Faith of the Ahmadiyya Movement in Islam, Including its Origin, Beliefs and Rituals (August 2005), 31 August 2005, <http://www.refworld.org/docid/440ed73d20.html>. For ease of reference, the name "Rabwah" will be used throughout these Guidelines. See also, Bajwa. L.S., and Khan. S.E., "Exploring Rabwah as an Identity Marker for the Ahmadiyya Community: A Baseline Qualitative Study", Sci. Int. (Lahore), Vol. 27(2), March/April 2015, <http://www.sci-int.com/pdf/4923940929%20Special%20Issue%20%20L.S.%20Bajwa%20Exploring%20Rabwah%20as%20an%20Identity%20marker%20for%20the%20Ahmadiyya%20community.pdf>, pp. 1615-1618.

¹⁸⁶ One of the tenets of mainstream Islam is the finality of Prophethood, i.e. the idea that Muhammad is the "seal", the greatest and last prophet. This concept is reportedly given the Quranic expression, *Khaatam al-Nabiyeen*. Ahmadis, however, believe that Mirza Ghulam Ahmad, the 19th-century Indian who founded their tradition, was a latter-day prophet. While Ahmadis subscribe to *Khaatam al-Nabiyeen*, their beliefs further distinguish between law-giving and non-law giving Prophets (*Nabi* and *Rasool*). Ahmadis believe their founder to be a messenger and Prophet of God (a *Nabi*), but not a *Rasool*, thereby reportedly adhering to the strict Islamic belief of the finality of the Prophet Muhammad, as the final *Rasool*. For an overview of the various doctrinal differences between the Ahmadi movement and mainstream Islam see, for example, Imam B. A. Rafiq, *Truth About Ahmadiyyat, Finality of Prophethood*, undated (accessed 19 July 2016), <http://www.alislam.org/books/truth/index.html>; Mas'ud Ahmed Khan, *Decisive Proofs of the Finality of Prophethood: an Answer to the Kafir Qadiani Cult*, undated (accessed 19 July 2016), http://www.masud.co.uk/ISLAM/misc/finality_mas.htm; Idara Dawat-o-Irshad Organisation, *Islamic Belief of Finality of Prophethood*, undated (accessed 19 July 2016), <http://www.irshad.org/brochures/finality.php>; The Lahore Ahmadiyya Movement in Islam, *A Comparative Study of the Beliefs of the Two Sections of the Ahmadiyya Movement (Lahore vs. Qadiani Groups)*, undated (accessed 19 July 2016), <http://aaail.org/text/qadi/intro/cmprsn.shtml>; Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 22; Canada: Immigration and Refugee Board of Canada, *Pakistan: Situation of Ahmadis, Including Treatment by Society and Authorities; Legal Status and Rights with Regards to Political Participation, Education, and Employment* (2013-January 2016), 13 January 2016, PAK105369.E, <http://www.refworld.org/docid/56af1b384.html>; WRITENET, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.unhcr.org/refworld/docid/4b01856e2.html>, pp. 24-30; A. Abdul Aziz, *Ahmadis Are True Muslims*, 4 May 2008, <http://www.alislam.org/library/ahmadis-are-true-muslims.html>; K. Zirvi, *Welcome to Ahmadiyyat: The True Islam, Ahmadiyya Movement in Islam*, Silver Springs: Islamic Publications Ltd, 2002; A.A. Chaudhry, *The Promised Messiah and Mahdi*, Islamabad: Islam International Publications, 1995, p. 5; W. Ahmad, *A Book of Religious Knowledge for Ahmadi Muslims*, Athens: Fazl-i-Umar Press, 1988; S. Lavan, *The Ahmadiyya Movement: A History and Perspective*, Delhi: Manohar Book Service, 1974.

¹⁸⁷ According to the survey results 66 per cent of Muslims said that Ahmadis are not Muslims, while another 26 per cent either responded that they did not know or did not respond to the question. Pew Research Center, *Chapter 5: Boundaries of Religious Identity*, 9 August 2012, <http://www.pewforum.org/2012/08/09/the-worlds-muslims-unity-and-diversity-5-religious-identity/>. See also, Pew Research Center, *In Pakistan, Most Say Ahmadis Are Not Muslim*, 10 September 2013, <http://www.pewresearch.org/fact-tank/2013/09/10/in-pakistan-most-say-ahmadis-are-not-muslim/>.

¹⁸⁸ *Murtads* are apostates who have wilfully rejected Islam. One member of the Council, Mr Tahir Ashrafi, strongly opposed the discussion; he reportedly stated to media that "even if five members of the council agree they are murtads it will be a big problem, it will create violence across the country". The Guardian, *Two Pakistani Clerics Fight at Meeting Over Status of Ahmadi Sect*, 20 December 2015, <http://www.theguardian.com/world/2015/dec/29/pakistan-council-of-islamic-ideology-clerics-fight-over-ahmadi-sect>. See also, HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 7.

¹⁸⁹ Pakistan, *Constitution (Second Amendment) Act 1974*, <http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html>. Articles 260(3)(a) and (b) of the Constitution, which define the terms "Muslim" and "non-Muslim" (i.e. "a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name), or a Bahai, and a person belonging to any of the Scheduled Casts"), were introduced in 1985. See Pakistan, *Constitution (Third Amendment) Order 1985*, http://www.pakistani.org/pakistan/constitution/orders/po24_1985.html, Article 6.

Ordinance No. XX.¹⁹⁰ (See also Section III.C.) Pursuant to Section 298B, Ahmadis' use of epithets, descriptions and titles reserved for certain holy personages and places constitutes an offence punishable with imprisonment for up to three years and a fine.¹⁹¹ Section 298C prohibits an Ahmadi from "directly or indirectly" "pos[ing]" as a Muslim, from "call[ing], or refer[ing] to, his faith as Islam", and from "preach[ing] or propagat[ing] his faith".¹⁹² These sections impose discriminatory measures: Ahmadis are prohibited from practising their religion, from worshiping in private or in public, from any form of religious instruction and from publishing or disseminating their religious materials.¹⁹³ These criminal provisions also make it illegal for Ahmadis to refer to their founder as a Prophet or to refer to their holy personages by their religious salutations; to refer to their places of worship as mosques; to use the traditional Islamic form of greeting; to use the Islamic call to prayer, known as the Azan (or Adhan), or to refer to their own call to prayer as Azan.¹⁹⁴

Moreover, the language used in Sections 298B and 298C allows for a broad range of interpretations, reportedly creating scope for abuse. For instance, Section 298C stipulates that any person of the Ahmadi group who "by words, either spoken or written, or by visible representation, or in any manner whatsoever outrages the feelings of Muslims shall be punished".¹⁹⁵ Ahmadis who are convicted under Section 298C may be sentenced to up to three years imprisonment and/or a fine.¹⁹⁶

Through these anti-Ahmadi laws, the State has imposed severe restrictions on the non-derogable right to freedom of religion of Ahmadi individuals in Pakistan.¹⁹⁷ The anti-Ahmadi and blasphemy laws are reportedly often used by State authorities as well as by members of society to target and harass followers of, and converts to, the Ahmadi faith.¹⁹⁸ The vague wording of Section 295C has reportedly

¹⁹⁰ Pakistan, *Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance 1984*, <http://www.refworld.org/docid/5485673d4.html>.

¹⁹¹ Section 298B of the Penal Code provides:

"Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.—

(1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written or by visible representation, -

(a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as 'Ameer-ul-Mumineen', 'Khalifa-tul-Mumineen', 'Khalifa-tul-Muslimeen', 'Sahaabi' or 'Razi Allah Anho':

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as Ummul-Mumineen:

(c) refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (peace be upon him), as Ahle-bait:

(d) or refers to, or names, or calls, his place of worship as 'Masjid' [mosque]:

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to [a] fine.

(2) Any person of the Qadiani group or Lahori group, (who call themselves 'Ahmadis' or by any other names), who by words, either spoken or written, or by visible representations, refers to the mode or form of call to prayers followed by his faith as 'Azan' [call to prayer] or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may be extended to three years and shall also be liable to [a] fine." Pakistan, Penal Code, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298B.

¹⁹² Section 298C of the Penal Code provides:

"Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith. Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name). Who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine." Pakistan, Penal Code, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298C.

¹⁹³ Pakistan, Penal Code, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298B and 298C.

¹⁹⁴ Pakistan, Penal Code, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298B and 298C. Calling the Azan is a necessary part of the prayer ritual for Muslims, including for Ahmadis.

¹⁹⁵ Pakistan, Penal Code, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298C.

¹⁹⁶ Pakistan, Penal Code, 1860, <http://www.refworld.org/docid/485231942.html>, Section 298C.

¹⁹⁷ "In 2015, the Pakistani government continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously-discriminatory constitutional provisions and legislation, such as the country's blasphemy law and anti-Ahmadiyya laws, intrinsically violate international standards of freedom of religion or belief and result in prosecutions and imprisonments." USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. "We earlier concluded that the legislation restricting Ahmadis is a disproportionate measure that furthermore undermines the fundamental right to religious expression." *MN and others (Ahmadis - Country Conditions - Risk) Pakistan 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, <http://www.refworld.org/docid/50a3ccd72.html>, para. 115.

¹⁹⁸ "The Ahmadiyya leaders said the vague wording of the legal provision forbidding Ahmadis from directly or indirectly identifying themselves as Muslims enabled officials to bring charges against members of the community for using the standard Islamic greeting or for naming their children Muhammad." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. The Jinnah Institute reports that between 2012 and June 2015 "there have been over 1070 faith-based cases against Ahmadis since promulgation of anti-Ahmadi laws in 1984, and 303 cases under the blasphemy laws." Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp->

particularly affected Ahmadi individuals, as in some cases, judges have reportedly interpreted the expression of Ahmadi religious beliefs by Ahmadis as a form of blasphemy.¹⁹⁹ In 2015, according to Ahmadi groups, authorities charged 11 Ahmadis with offences in religion-related cases during the year, of whom six were taken into custody.²⁰⁰ According to reports, members of the Ahmadi community are often accused of religious offences on false grounds or to settle personal or business disputes.²⁰¹

b) Situation of Ahmadi Individuals in Pakistan

Ahmadi individuals face discrimination as a result of State-sanctioned measures which impose limitations on the civil and political rights of Ahmadi individuals. Pakistani passports reportedly include information about the bearer's religious affiliation.²⁰² Muslims who apply for a passport are required to make a declaration to the effect that they denounce the Ahmadiyya movement's founder as a false prophet and his followers as non-Muslims, and must declare that they believe the Prophet Muhammad is the final prophet.²⁰³ This declaration effectively means that Ahmadis must either deny their faith or forego the possibility of obtaining a passport. It also means that Ahmadis cannot rely on government programmes to fund and facilitate *haji* travel.²⁰⁴ While national identity cards do not display information about the bearer's religion, the National Database and Registration Authority (NADRA) collects information about the applicant's religion, and Muslim applicants must make a similar declaration as for passport applications.²⁰⁵ Ahmadis who register as Muslims and who sign the

[content/uploads/2016/01/Minority-Report-2016.pdf](#), p. 26. "Members of the Ahmadi community claim that thousands of Ahmadis have been persecuted for violations of this Ordinance [XX], for perceived offences such as having a Muslim name, sporting a beard or claiming to be Muslim. An estimated 2000 cases have been brought against Ahmadis under the Blasphemy Laws since their adoption; more generally, approximately 4000 Ahmadis have been prosecuted under various laws because of their faith." IFHR and the HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>, p. 11. "There is clear evidence that this legislation is used by non-state actors to threaten and harass Ahmadis." United Kingdom: Upper Tribunal (Immigration and Asylum Chamber), *MN and others (Ahmadis - Country Conditions - Risk) Pakistan Pakistan v. the Secretary of State for the Home Department*, CG [2012] UKUT 00389(IAC), 13 November 2012, <http://www.refworld.org/docid/50a3ccd72.html>, para. 119.

¹⁹⁹ See for specific examples, ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>, p. 29.

²⁰⁰ "One of the individuals reportedly was arrested for selling Ahmadi religious books. There were no reports on the disposition of their cases as of the end of the year." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. The NGO Human Rights Commission of Pakistan reports that in 2015, three Ahmadis were charged with blasphemy under Section 295C. HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 12. In 2014, according to Ahmadi leaders, police charged 24 Ahmadis in eight separate cases, largely in connection with the anti-Ahmadi laws, while police charged 13 Ahmadis for allegedly defiling the Quran in separate instances. United States Department of State, *2014 Report on International Religious Freedom Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. "During 2013, 34 new cases were registered under the blasphemy law, and 18 Ahmadis were arrested in matters related to their faith, although at least one death sentence for blasphemy was overturned." United States Department of State, *2013 Report on International Religious Freedom - Pakistan*, 28 July 2014, <http://www.refworld.org/docid/53d90733b.html>.

²⁰¹ See for example, "The mission was informed by members of the Ahmadi community that death threats can arise for simply being identified as an Ahmadi [...] False allegations of blasphemy are easily made by way of settling scores for personal vendettas". AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleagured Community*, 26 March 2015, <http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, p. 37. See also Section III.B.

²⁰² United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. The introduction of information in the passport about the bearer's faith is reported to date back to 1984. Dawn, *History of the Pakistani Passport*, 16 September 2016, <http://www.dawn.com/news/1283918>. A government initiative to abolish the religious identification column in Pakistani passports was abandoned in March 2005, allegedly in response to pressure from Islamist religious parties. See, for example, USCIRF, *Annual Report 2012 – Countries of Particular Concern: Pakistan*, 20 March 2012, <http://www.unhcr.org/refworld/docid/4f71a674c.html>.

²⁰³ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleagured Community*, 26 March 2015, <http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, ANNEX 7: Passport form; Official declarations (declaration required of a muslim for a national identity card, declaration required of a Muslim for a passport, affidavit required of a muslim for registration in voters' list), pp. 106-107. See also Dawn, *The Day I Declared My Best Friend Kafir Just So I Could Get a Passport*, 1 June 2016, <http://www.dawn.com/news/1261622/the-day-i-declared-my-best-friend-kafir-just-so-i-could-get-a-passport>.

²⁰⁴ "The government continued to fund and facilitate Hajj travel for Muslims, but continued not to offer a similar program for pilgrimages by religious minorities. Ahmadis were unable to participate in the Hajj, community leaders said, because of passport application requirements to list religious affiliation and denounce the Ahmadiyya prophet". United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²⁰⁵ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleagured Community*, 26 March 2015,

declaration may be at risk of being prosecuted for “posing” as Muslims under Section 298C of the Penal Code.²⁰⁶

Between 1985 and 2002, the electoral system required non-Muslims to register on a separate voting list from Muslims. In 2002, the Electoral Commission of Pakistan implemented reforms and abolished this discriminatory requirement and segregation between Muslims and non-Muslims. However, despite these changes, Ahmadis are reportedly still forbidden to register on the general voters’ list, and must still register on a separate list maintained solely for Ahmadis.²⁰⁷ In October 2015, Ahmadis in Lahore and other districts of Punjab province reportedly boycotted the local polls and elections in protest of being registered on a separate voting list.²⁰⁸

There are also reports that some Cantonment Boards refuse to register the marriages of Ahmadi individuals.²⁰⁹

Despite the Constitution prohibiting discrimination on religious grounds with regard to admission to any State-funded educational institutions,²¹⁰ prospective students must reportedly declare their religious affiliation on their application forms for both State-funded and private educational institutions.²¹¹ Those who identify themselves as Muslim must declare in writing that they believe in the finality of the Prophethood, a requirement that excludes Ahmadis. Those who identify as Ahmadis are reported to face discrimination in access to higher education.²¹²

Although pursuant to section 298B(1) of the Penal Code Ahmadis are forbidden from calling their places of worship mosques, there are reportedly no formal restrictions on establishing places of worship.²¹³ In practice, however, local authorities reportedly often refuse Ahmadis permission to build places of worship, and existing ones are at times closed, destroyed, desecrated or illegally expropriated, with the authorities reportedly often supporting such acts or being complicit in them.²¹⁴

<http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, ANNEX 7: Passport form; Official declarations (declaration required of a muslim for a national identity card, declaration required of a Muslim for a passport, affidavit required of a muslim for registration in voters’ list), pp. 106-107.

²⁰⁶ An associate professor of Anthropology at Harvard University “explained that if an Ahmadi does not declare their religious affiliation as Ahmadi and instead identifies as Muslim, they could be liable to prosecution for ‘posing’ or ‘passing’ ... as Muslims.” Canada: Immigration and Refugee Board of Canada, *Pakistan: Situation of Ahmadis, Including Treatment by Society and Authorities; Legal Status and Rights with Regards to Political Participation, Education, and Employment (2013-January 2016)*, 13 January 2016, PAK105369.E, <http://www.refworld.org/docid/56af1b384.html>.

²⁰⁷ “Representatives of the Ahmadi community reported voters who registered as Ahmadis were kept on a separate voter list and were physically intimidated while trying to vote.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleaguered Community*, 26 March 2015, <http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, ANNEX 7: Passport form; Official declarations (declaration required of a muslim for a national identity card, declaration required of a Muslim for a passport, affidavit required of a muslim for registration in voters’ list), pp. 106-107; Ibid., ANNEX 8: Ads showing separate electoral list for Ahmadis, p. 108; Ibid., ANNEX 9: Letter from Election Commission of Pakistan Regarding Separate Electoral List, p. 109.

²⁰⁸ HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrweb.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 6; The Economic Times, *Pakistan Ahmadis to Boycott Local Body Polls in Punjab*, 29 October 2015, <http://economictimes.indiatimes.com/news/international/world-news/pakistan-ahmadis-to-boycott-local-body-polls-in-punjab/articleshow/49581909.cms>.

²⁰⁹ “The Walton Cantonment Board and the Lahore Cantonment Board do not register marriages of Christians and Ahmadis, stating that they only register marriages solemnised under Muslim Family Laws Ordinance 1961”. The Express Tribune, *Ahmadi, Christian Marriages Not Being Registered*, 28 July 2016, <http://tribune.com.pk/story/1150717/basic-right-ahmadi-christian-marriages-not-registered/>.

²¹⁰ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.unhcr.org/refworld/docid/47558c422.html>, Article 25A.

²¹¹ The requirement to declare one’s religious affiliation also applies to private educational institutions, including universities. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²¹² “Ahmadi representatives said the wording of the declaration students needed to sign on their applications for admission to university prevented Ahmadis from declaring themselves as Muslims. Their refusal to sign the statement meant they were automatically disqualified from fulfilling the admissions requirements. The government maintained Ahmadis could qualify for admission as long as they did not claim to be Muslims.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²¹³ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²¹⁴ “According to Ahmadiyya community members, authorities continued to seal or demolish Ahmadiyya mosques, barred construction of new mosques, and took no action to prevent or punish assailants who demolished, damaged, forcibly occupied or set Ahmadiyya mosques on fire. Community members stated government authorities partially demolished two places of worship during the year at the request of local religious leaders.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. “According to Ahmadiyya community members, between 1984 (when the “antiAhmadi

Non-Muslim missionary activity is reported to be permitted provided that there is no preaching against Islam and that the missionaries acknowledge that they are not Muslim, which excludes Ahmadis.²¹⁵

Ahmadis have also reportedly been prohibited by State authorities from holding conferences or gatherings since 1983.²¹⁶ The sale of Ahmadi religious publications is reportedly banned.²¹⁷ In January 2016, a store owner in Rabwah was reportedly sentenced to five years in prison on blasphemy charges and three years on terrorism charges, for propagating the Ahmadi faith by selling copies of the Quran and Ahmadi publications.²¹⁸ There are reports that in the wake of the adoption of the NAP, measures that were announced with the objective of furthering the protection of religious minorities, such as steps against hate speech, have in practice been used to prohibit Ahmadi publications.²¹⁹ On 5 December 2016, the headquarters of Pakistan's Ahmadi community in Rabwah were reportedly raided by Punjab's Counter Terrorism Department (CTD): four Ahmadi individuals were reportedly arrested

laws" were promulgated) and 2014, authorities sealed 33 Ahmadiyya mosques and barred construction of 52 mosques, while assailants demolished or damaged 31 Ahmadiyya mosques, set 14 mosques on fire, and forcibly occupied 19 mosques." United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. In December 2014, Ahmadis were reportedly forced by police to remove Quranic scripture from mosques and minarets. USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>. In 2013, on various occasions, Ahmadis were reportedly barred from using their mosques in Lahore, and graveyards in various areas across Punjab province were vandalized. Human Rights Watch, *World Report 2014 - Pakistan*, 21 January 2014, <http://www.refworld.org/docid/52dfddc23.html>. In September 2013, police reportedly demolished minarets of an Ahmadi place of worship in Sialkot, allegedly bowing to pressure from a local cleric. MRG, *State of the World's Minorities and Indigenous Peoples 2014 - Pakistan*, 3 July 2014, <http://www.refworld.org/docid/53ba8dda5.html>. See also, HRCF, *State of Human Rights in 2014*, March 2015, <http://hrfp-web.org/hrcpweb/data/HRCF%20Annual%20Report%202014%20-%20English.pdf>, p. 133. In December 2012, over 100 Ahmadi gravestones were reportedly destroyed in Lahore, and a similar incident reportedly occurred in Faizalabad earlier in the year. Police reportedly did not take any action against these attacks. MRG, *State of the World's Minorities and Indigenous Peoples 2013 - Pakistan*, 24 September 2013, <http://www.refworld.org/docid/526fb73714.html>.

²¹⁵ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>.

²¹⁶ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; United States Department of State, July-December, *2010 International Religious Freedom Report - Pakistan*, 13 September 2011, <http://www.refworld.org/docid/4e734c75b.html>.

²¹⁷ "NGOs reported the government continued to allow the publication of religious texts and the importation of sacred books for religious minorities, except for Ahmadis." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. "The government does not restrict religious publishing in general; however, the sale of Ahmadiyya religious literature is banned. The law prohibits publishing any criticism of Islam or its prophets and insults to others' religious beliefs. [...] Generally, sacred books for religious minorities, except Ahmadis, were imported freely." United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. The IHRC reports that in September 2015 action was taken against three Ahmadi publications by the Punjab government on the recommendation of the Mutahiddah Ulama Board. IHRC, *Action Initiated Against Yet More Ahmadiyya Publications*, 22 September 2015, <http://hrcommittee.org/News/18>. Ahmadi groups reported that in May 2015, the Punjab government officially banned all Ahmadi publications, including books, CDs, periodicals and newspapers, including a collection of over 80 books by the founder of the Ahmadi religion. See, IHRC, *Government of Punjab Bans Religious Publications of Ahmadis*, 1 May 2015, <http://hrcommittee.org/News/18>; The Persecution of Ahmadis, *Urgent Report: The Government of Punjab's Latest Act of Outrageous Persecution Against the Beleaguered Ahmadiyya Community*, 10 May 2015, <https://www.persecutionofahmadis.org/urgent-report-the-government-of-punjab-latest-act-of-outrageous-persecution-against-the-beleaguered-ahmadiyya-community/>. The official Ahmadi newspaper, which is reportedly only allowed to circulate among paid subscribers, is not allowed to promote the Ahmadi faith, be it directly or indirectly. IFHR and the HRCF, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>, p. 17. The IHRC reports that in response to complaints about Ahmadi publications being sold at Shakoor Bhai's Shop in Rabwah in January 2015, police confiscated a range of publications. IHRC, *Hassan Muwiah Targets Rabwah*, 5 January 2015, <http://hrcommittee.org/News/18>. "The Punjab Government banned the publication of the Ahmadiyya monthly 'Tehrik Jadid' through an official notification" Persecution of Ahmadis in Pakistan, *News Report*, January 2015, <https://www.persecutionofahmadis.org/wp-content/uploads/2010/03/News-Report-January-2015.pdf>.

²¹⁸ The man's Shi'ite store manager was also reportedly sentenced to five years imprisonment on terrorism charges. Both have reportedly appealed these charges and sentences. USCIRF, *Annual Report 2016 - Tier 1 CPCs recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>.

²¹⁹ Ahmadi communities reportedly claim that the government of Punjab in particular has used the commitment under the NAP to ban all hate speech as a pretext to ban most Ahmadi religious literature, as well as websites which had referred to this literature. VOA News, *Pakistani Minority Victimized in Name of Fighting Extremism*, 7 September 2016, <http://www.voanews.com/a/pakistan-religious-minority-suffers-discrimination-for-fighting-extremism/3496946.html>. "In 2015, after the government announced that strict action would be taken against hate material, most steps taken with the help of an Islamic scholar's council board, declared Ahmadi religious literature published by the community for their own consumption as 'hate material'." Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 29. From the publicly available sources it is not clear on which legal basis such steps are taken. Ahmadi organizations have reported to UNHCR that provisions such as Section 99A of the Code of Criminal Procedure are used on a discriminatory basis against Ahmadis. Pakistan, *Code of Criminal Procedure*, Act No. V, 1 July 1898, <http://www.refworld.org/docid/48511ea62.html>.

and First Information Reports against nine individuals in total were registered under Sections 298B and 298C of the Penal Code for allegedly publishing banned literature.²²⁰

State authorities are reported to frequently fail to provide adequate protection to Ahmadi individuals (see also Section IV, Situation of Religious Minorities in Pakistan).²²¹ Crimes and acts of violence against Ahmadis are reportedly not consistently investigated and perpetrators of such crimes are reportedly rarely brought to justice.²²² Intimidation tactics and pressure on authorities from Islamic fundamentalist groups reportedly contribute to the unwillingness of the State to intervene in, investigate, or to prosecute religious violence or crimes. For example, State authorities have reportedly failed to bring to justice those responsible for the attacks against members of the Ahmadi community which resulted in the deaths of a grandmother and her two grandchildren in July 2014.²²³ On 28 August 2015, the Punjab Provincial Assembly was reported to have passed a resolution criticizing the former Pakistani High Commissioner to the United Kingdom, for publically questioning the anti-Ahmadi law.²²⁴

Furthermore, there are reports of the police perpetrating violence against Ahmadi individuals, or failing to act to prevent violence against Ahmadi individuals in their care.²²⁵

Anti-Ahmadi sentiments are reportedly tolerated and condoned by the authorities. The government has been criticized for “looking the other way” and for failing to stop extremists who engage in hate speech and incite violence against Ahmadi communities.²²⁶ Anti-Ahmadi hate speech and incitement

²²⁰ Dawn, *Ahmadi Community Linked Literature Seized, Printing Press Sealed*, 6 December 2016, <http://www.dawn.com/news/1300860/ahmedi-community-linked-literature-seized-printing-press-sealed>; The Express Tribune, *CTD Raids Headquarters of Ahmadis in Rabwa*, 7 December 2016, <http://tribune.com.pk/story/1255832/ctd-raids-headquarters-ahmadis-rabwa/>; Asian Human Rights Commission, *Urgent Appeal Case: AHRC-UAC-151-2016*, 8 December 2016, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-151-2016>.

²²¹ See, for example, sources quoted in, Canada: Immigration and Refugee Board of Canada, *Pakistan: Situation of Ahmadis, Including Treatment by Society and Authorities; Legal Status and Rights with Regards to Political Participation, Education, and Employment* (2013-January 2016), 13 January 2016, PAK105369.E, <http://www.refworld.org/docid/56af1b384.html>; MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 7. The chairperson of the Human Rights Commission of Pakistan, Ms Zohra Yusuf, reportedly stated that the police are “deeply entrenched” in the persecution of Ahmadis. “There is a reticence to file [cases] or to pursue killers by the police. [...] There really is a total absence of justice when it comes to the Ahmadi community”. Al Jazeera, *Pakistan's Ahmadiyya: An 'Absence of Justice'*, 7 August 2014, <http://www.aljazeera.com/indepth/features/2014/08/pakistan-ahmadiyya-an-absence-justice-20148616414279536.html>. See also for example The Express Tribune, *Perilous Pursuit: Interest in Ahmadiyya Tenets Makes Citizen Fear for Life*, 13 January 2016, <http://tribune.com.pk/story/1026456/perilous-pursuit-interest-in-ahmadiyya-tenets-makes-citizen-fear-for-life/>.

²²² CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 15. “In January [2015], two men who were in custody on the charge of murdering dozens of Ahmadis at a place of worship in Lahore in May 2010 were convicted by an anti-terrorism court for their part in the massacre. One of the attackers was sentenced to death and the other imprisoned for life. This was one of the rare occasions where the perpetrators of violence against religious and sectarian minorities were apprehended and sentenced.” HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrctp-web.org/hrctpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 7. “Banned religious groups continue to operate freely. Banned religious groups under the supervision of Punjab provincial government launched a public hate campaign calling for citizens to kill members of the Ahmadiyya community and attack their businesses. The authorities took no action against the group. The law enforcing agencies, the local court system and above all the government institutions are failing to protect the lives and properties of religious minorities all around the country.” United Kingdom: Home Office, *Country Information and Guidance - Pakistan: Ahmadis*, February 2015, <http://www.refworld.org/docid/54ef2a7e4.html>, citing Al Jazeera, *Pakistan's Ahmadiyya: An 'Absence of Justice'*, 7 August 2014, <http://www.aljazeera.com/indepth/features/2014/08/pakistan-ahmadiyya-an-absence-justice-20148616414279536.html>.

²²³ Jinnah Institute, *Persecution of Ahmadis in Pakistan 2012-2015*, <http://jinnah-institute.org/persecution-of-ahmadis-in-pakistan-2012-2015-data/>; AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleaguered Community*, 26 March 2015, <http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, pp. 32-33. See also footnote 245.

²²⁴ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²²⁵ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 28. In February 2014, an Ahmadi schoolteacher, Abdul Quddoes, was reportedly tortured in police custody in Chenab Nagar, Punjab. He reportedly later died in hospital due to injuries suffered. Asian Legal Resource Centre, *Pakistan: Government Must Guarantee Fundamental Right of Freedom of Religion to All*, 16 February 2015, <http://alrc.asia/pakistan-government-must-guarantee-fundamental-right-of-freedom-of-religion-to-all/>. “On 13 May 2014, four Ahmadiyya Muslims were arrested by police on blasphemy charges in Sharaqpur, Pakistan. While three were released on bail, Khalil Ahmad was kept in detention, where he was shot dead by a visiting fifteen year-old teenager, who brought a gun, concealed in his lunch box, into the station.” OHCHR, “*Stop Faith-Based Killings*” – UN Rights Experts Urge Pakistan to Protect Ahmadiyya Muslim Minorities, 2 June 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&LangID=E>.

²²⁶ “The police, often motivated by ingrained religious biases, are often bystanders when a case of violence against the Ahmadi community comes to light.” Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 28; Human Rights Watch, *World Report 2014 - Pakistan*, 21 January 2014,

of violence against Ahmadis, including by Islamic scholars, reportedly remains largely unchecked and/or unpunished by the authorities.²²⁷

State authorities reportedly also themselves discriminate against the Ahmadi community. For example, in March 2016 an advertisement for the auction of residential and commercial land in Chiniot district by the Punjab and Town Planning Agency (PHTPA) reportedly stated that “anyone related to the Qadiani/Ahmadi/Lahori/Mirzai sects cannot participate in the Area Development Scheme Muslim Colony, Chenab Nagar”, which is where the Ahmadi headquarters are situated.²²⁸

c) Treatment of Ahmadi Individuals by Non-State Actors

Repressive and discriminatory legislation coupled with State-sanctioned discriminatory practices have reportedly fostered a culture of religious intolerance and impunity.²²⁹ Consequently, members of the Ahmadi community are reportedly left vulnerable to abuse, violence including killings, harassment and intimidation at the hands of members of the community. Since the attack in 2010 on two Ahmadi mosques in Lahore where an estimated 94 people were killed,²³⁰ religiously motivated violence and targeted killings of Ahmadis have reportedly continued.²³¹ For example, in June 2016, an Ahmadi man was reportedly shot and killed by armed men outside his house in Attock;²³² in May 2016, an Ahmadi man was killed in Karachi by armed men;²³³ in March 2016 an Ahmadi man was reportedly stabbed and killed as he came out of his house in Sheikhpura district in Punjab;²³⁴ and in January 2016, an Ahmadi man was shot in Rabwah by armed men and died later in hospital.²³⁵ According to

<http://www.refworld.org/docid/52dfddc23.html>. In 2014, UN Human rights experts called for the government to stop faith-based killings, following renewed violent attacks against Ahmadiyya Muslims in which two members of the community were killed, as well as a number of arrests on blasphemy charges. OHCHR, “Stop Faith-Based Killings” – UN Rights Experts Urge Pakistan to Protect Ahmadiyya Muslim Minorities, 2 June 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&LangID=E>.

²²⁷ “Discrimination through the media is particularly acute against the Ahmadi community. Hate campaigns against Ahmadis have been carried out in an organized manner, through stickers placed on buses, wall chalking, and distribution of pamphlets. In Khatam e Nabuwat conferences taking place across Pakistan, clerics openly incite their followers to kill Ahmadis. This hate speech is often covered by the media, but the legitimacy of such statements is rarely questioned, nor is the perspective of the Ahmadis represented.” IFHR and the HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/562cd9bd24.html>, p. 13. See also, MRG, *State of the World's Minorities and Indigenous Peoples 2014 - Pakistan*, 3 July 2014, <http://www.refworld.org/docid/53ba8dda5.html>. In December 2014, five days after Ahmadis were called “enemies of Pakistan” by a Muslim leader on a popular television show, an Ahmadi man was reportedly killed near Gujranwala. United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>; USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>.

²²⁸ The Express Tribune, *Enshrined Discrimination: No Ahmadis for Chenab Nagar Plots*, 18 March 2016, <http://tribune.com.pk/story/1067763/enshrined-discrimination-no-ahmadis-for-chenab-nagar-plots/>.

²²⁹ USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>; Canada: Immigration and Refugee Board of Canada, *Pakistan: Situation of Ahmadis, Including Treatment by Society and Authorities; Legal Status and Rights with Regards to Political Participation, Education, and Employment (2013-January 2016)*, 13 January 2016, PAK105369.E, <http://www.refworld.org/docid/56af1b384.html>.

²³⁰ On 28 May 2010, Taliban militants reportedly carried out coordinated attacks during Friday prayers on two Ahmadi congregations in Lahore, killing 94 people and injuring well over a hundred. See, HRW, *Pakistan: Massacre of Minority Ahmadis*, 1 June 2010, <http://www.unhcr.org/refworld/docid/4c0cb5fec.html>. Three days after the attacks, unidentified gunmen reportedly attacked Lahore’s Jinnah Hospital where victims and one of the alleged attackers were being treated. A Taliban statement “congratulated” Pakistanis for the attacks, calling people from the Ahmadi and Shi’ite communities “the enemies of Islam and common people”. HRW, *World Report 2011 - Pakistan*, 24 January 2011, <http://www.unhcr.org/refworld/docid/4d3e8022d.html>.

²³¹ See, for example, MRG, *State of the World's Minorities and Indigenous Peoples 2016 - Pakistan*, 12 July 2016, <http://www.refworld.org/docid/5796082215.html>; HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrp-web.org/hrpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 6; USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; OHCHR, “Stop Faith-Based Killings” – UN Rights Experts Urge Pakistan to Protect Ahmadiyya Muslim Minorities, 2 June 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&LangID=E>. See also, *The Persecution of Ahmadis, A Report on Persecution of Ahmadis in Pakistan During the Year 2015 (Summary)*, April 2016, <https://www.persecutionofahmadis.org/wp-content/uploads/2010/03/Persecution-of-Ahmadis-in-Pakistan-2015.pdf>.

²³² The Express Tribune, *Ahmadi Man Killed in Attock in Suspected Hate Crime*, 5 June 2016, <http://tribune.com.pk/story/1116459/hate-crime-ahmadi-man-killed-attock/>; Dawn, *Man from Ahmadi Community Shot Dead in Attock*, 4 June 2016, <http://www.dawn.com/news/1262748>.

²³³ Dawn, *Ahmadi Man Gunned Down in Karachi*, 29 May 2016, <http://www.dawn.com/news/1260729>; The Express Tribune, *Ahmadi Man Shot Dead in Targeted Attack in Karachi*, 26 May 2016, <http://tribune.com.pk/story/1110466/tragic-incident-ahmadi-man-shot-dead-targeted-attack/>; The International News, *Ahmadiyya Community Member Shot Dead*, 26 May 2016, <https://www.thenews.com.pk/print/122725-Ahmadiyya-community-member-shot-dead>.

²³⁴ The Express Tribune, *Ahmadi Man Stabbed to Death Near Sheikhpura*, 1 March 2016, <http://tribune.com.pk/story/1057227/ahmadi-man-stabbed-to-death-near-sheikhpura/>.

²³⁵ The Express Tribune, *Motives Unknown: Ahmadi Man Shot Dead in Rabwa*, 13 January 2016, <http://tribune.com.pk/story/1026590/motives-unknown-ahmadi-man-shot-dead-in-rabwa/>.

the Jinnah Institute, collecting data on crimes against Ahmadis remains a challenge, with one of the largest hurdles being self-censorship by local and national media in reporting instances of hate crime and violence against Ahmadis.²³⁶ According to available data, in 2014-2015, 39 Ahmadis were killed in religiously inspired attacks.²³⁷ The majority of incidents against Ahmadis reportedly occur in Punjab and Sindh, with some incidents reported in Balochistan.²³⁸ There are also continued reports of the destruction and desecration of Ahmadi mosques.²³⁹ In December 2016 hundreds of people were reported to have attacked an Ahmadi place of worship in the Chakwal district of Punjab.²⁴⁰ Members of Ahmadi communities report living in constant fear of harm.²⁴¹ The traditional style of clothing worn by Ahmadi women reportedly increases their visibility and thus their vulnerability. According to Ahmadi groups, Ahmadi women no longer feel safe to attend Ahmadi mosques for prayers or other ceremonies, even their own marriage ceremonies.²⁴²

Allegations of blasphemy against Ahmadi individuals are reported to have led to mob violence and killings. For example, on 20 November 2015 a mob reportedly torched a factory in Jhelum owned by an Ahmadi man, after it was reported to a local cleric that pages of the Quran had been thrown in a furnace in the factory.²⁴³ The following day a mob reportedly broke through a police cordon and set

²³⁶ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 18.

²³⁷ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 6. “On [19 August 2015], four unidentified gunmen on motorcycles shot and killed 37-year-old Ahmadi pharmacy owner Ikram Ullah in Taunsa Shareef in Dera Ghazi Khan District, Punjab province, in an attack the police stated was religiously motivated.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, The Express Tribune, *Man From Ahmadi Community Killed Near Lahore: Police*, 20 August 2015, <http://tribune.com.pk/story/941707/man-from-ahmadi-community-killed-near-lahore-police/>. “Several indicents of faith-based violence targeting the Ahmadis were reported during [2015]. [...] In October [2015], in Karachi, unidentified gunmen shot and injured an Ahmadi and his two nephews when they were returning home from a worship place.” HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 6. See also, IHRC, *Three Ahmadis Attacked in Karachi*, 11 October 2015, <http://hrcommittee.org/News/18>. In March 2015, an Ahmadi shopkeeper was reportedly killed in Karachi. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also, International Human Rights Committee (IHRC), *30-Year old Ahmadi Shot Dead in Karachi*, 21 March 2015, <http://hrcommittee.org/News/18>. “On 26 May 2014, Mehdi Ali Qamar, a US citizen and a member of the Ahmadiyya Muslim community, a doctor on a humanitarian mission to Pakistan, was murdered in Rabwah, Pakistan. He was killed by two unknown men on motorbikes, while taking an opportunity to visit the graves of his relatives at a local cemetery.” OHCHR, “*Stop Faith-Based Killings*” – UN Rights Experts Urge Pakistan to Protect Ahmadiyya Muslim Minorities, 2 June 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14658&LangID=E>; see also, Radio Free Europe/Radio Liberty, *Cardiologist From Minority Killed in Pakistan*, 27 May 2014, <http://www.refworld.org/docid/53a13a71f.html>. Between 2012 and 2014, the Jinnah institute reports that there were 43 targeted attacks against Ahmadis, four incidents of harassment, four incidents of kidnapping, five incidents of damage to worship areas and seven incidents of damage to graveyards, as well as 13 Ahmadis accused of blasphemy. Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 18-19. See also, Jinnah Institute, *Persecution of Ahmadis in Pakistan 2012-2015*, undated, <http://jinnah-institute.org/persecution-of-ahmadis-in-pakistan-2012-2015-data/> (accessed 30 November 2016).

²³⁸ “In Punjab, a steady rise in faith-based targeted attacks and crimes increased from nine in 2012 to 18 in 2014. However, a steady decline in incidents of violence in Sindh was witnessed as reported cases decreased from 19 in 2012 to 10 in 2014. In Punjab, the most number of incidents were reported in Lahore, Sialkot, Sargodha, Chiniot, Faisalabad, Haizabad, and Toba Tek Singh districts. In Sindh, Karachi, Hyderabad, and Nawabshah remained the districts most affected by violence against the Ahmadi community.” Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 19.

²³⁹ Deutsche Welle, *Why Pakistan Persecutes the Minority Ahmadi Group*, 23 November 2015, <http://www.dw.com/en/why-pakistan-persecutes-the-minority-ahmadi-group/a-18868784>; The World Post, *Ahmadi Mosque Attacked in Pakistan After Blasphemy Rumor*, 21 November 2015, http://www.huffingtonpost.com/entry/ahmadi-mosque-attacked-in-pakistan-after-blasphemy-rumor_us_5650a369e4b0879a5b0b4242; Dawn, *Ahmadi Place of Worship Set Ablaze in Jhelum, Riots Erupt After Blasphemy Allegations*, 21 November 2015, <http://www.dawn.com/news/1221273>. In July 2015, two gunmen reportedly opened fire on an Ahmadi mosque in Tonsa Sharif, Pakistan. IHRC, *Gunmen Attack Ahmadi Mosque in Pakistan*, 13 July 2015, <http://hrcommittee.org/News/18>.

²⁴⁰ Dawn, *Mob 'Besieging' Ahmadi Place of Worship in Chakwal Dispersed by Police*, 12 December 2016, <http://www.dawn.com/news/1302057/mob-besieging-ahmadi-place-of-worship-in-chakwal-dispersed-by-police>; The Express Tribune, *Army, Police Disperse Mob Besieging Ahmadi Place of Worship in Chakwal*, 12 December 2016, <http://tribune.com.pk/story/1261227/protesters-wrest-control-ahmadi-worship-place-chakwal/>; Samaa, *Ahmadi Worship Place Attacked in Chakwal*, 12 December 2016, <https://www.samaa.tv/pakistan/2016/12/ahmadi-worship-place-attacked-in-chakwal/>.

²⁴¹ “It became gradually clear to the mission that the Ahmadi community in Pakistan is one living in a climate of constant fear at all times looking over its shoulder. It is a community isolated with nowhere to turn but to itself for support. It was as though it was a community under siege”. AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleaguered Community*, 26 March 2015, <http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, p. 31.

²⁴² Tanqueed, *Being Female & Ahmadi*, Voices, January 2016, <http://www.tanqueed.org/2016/01/being-female-ahmadi-voices/>. AHRC and IHRC, *Report of the Fact Finding Mission to Pakistan, On the Rising Persecution of the Ahmadiyya Muslim Community, A Beleaguered Community*, 26 March 2015, <http://hrcommittee.org/External/FactFindingReportOnPersecutionOfAhmadiMuslims.pdf>, pp. 69-72.

²⁴³ “Without any effort to substantiate the claim, announcements were made from the mosque loudspeakers that the holy book had been desecrated at the Ahmadi owned factory. A violent mob quickly formed, which surrounded the factory, before setting it on fire.” HRCP,

fire to an Ahmadi place of worship in Jhelum.²⁴⁴ In July 2014, in response to allegations of an Ahmadi man posting blasphemous content on his Facebook page, a large mob reportedly attacked the man's house, and set fire to other houses in the area, resulting in the death of a grandmother and her two grandchildren.²⁴⁵

Rallies and hate campaigns promoting intolerance and discrimination against Ahmadis, whether through traditional media, or the distribution of pamphlets, use of stickers and wall graffiti, are reported across the country.²⁴⁶ In September 2016, the Council of Complaints of the Pakistan Electronic Media Regularity Authority reportedly dismissed complaints from members of the Ahmadi community against “provocative” remarks about Ahmadis by two hosts of Neo TV station; the meeting held by the Council was reportedly interrupted by a group of lawyers led by the Lahore High Court Bar Association who demanded the Ahmadis' complaint be quashed.²⁴⁷ In April 2016 during a speech at a political rally, former Prime Minister (2012 – 2013) and PPP leader Raja Parvez Ashraf reportedly referred to “the Problem of [Ahmadis]” and claimed that his party “shut them up, broke their neck and buried the [Ahmadi] problem”.²⁴⁸ In December 2015, a shopkeeper at a large shopping centre in Lahore reportedly put up a poster containing derogatory remarks and barring Ahmadis from entering the shop. After social media spread the news that police had arrested the shopkeeper, hundreds of people reportedly gathered outside the shopping centre to protest.²⁴⁹ Anti-Ahmadi groups, including the Khatm-e-nabuwat (meaning the Finality of Prophethood) reportedly organize regular rallies and conferences against the Ahmadi community; according to media reports, some anti-Ahmadi groups, including the Khatm-e-nabuwat “call upon followers to consider killing Ahmadis a religious obligation”.²⁵⁰

State of Human Rights 2015: Freedom of Thought, Conscience and Religion, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 7; see also, The Express Tribune, *Blasphemy Allegations: Mob Torches Factory in Jhelum*, 21 November 2015, <http://tribune.com.pk/story/995654/blasphemy-allegations-mob-torches-factory-in-jhelum/>.

²⁴⁴ “Following the incident, the mob blocked the main highway passing through Jhelum and clashed with police personnel. The army had to be called in to restore order. There were no casualties.” HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 7; see also, PIPS, *Pakistan Security Report 2015: Internal Security Matrix 2015*, January 2016, <http://pakpips.com/downloads/282.pdf>, p. 35. See also footnote 239.

²⁴⁵ Amnesty International, *Pakistan: Ahmadiyya Community Attacked, Three Killed*, 30 July 2014, ASA 33/011/2014, <http://www.refworld.org/docid/53df8d434.html>; Radio Free Europe/Radio Liberty, *Three Killed Over 'Blasphemous' Facebook Post in Pakistan*, 28 July 2014, <http://www.refworld.org/docid/54003e53f.html>; Wall Street Journal, *Mob Kills Three Ahmadis in Pakistan*, 28 July 2014, <http://www.wsj.com/articles/mob-kills-three-members-of-ahmadiyya-religious-community-in-pakistan-1406559233>. See also footnote 223.

²⁴⁶ In a September 2015 article, the Public Broadcasting Service reported that the “Lahore community obtained a document distributed by a local mullah that listed hundreds of names of Ahmadis, along with their addresses and phone numbers. The document declared that killing them ‘is a pious act’.” PBS, *Can Pakistan Declare Ahmadis Non-Muslim*, 14 September 2015, <http://www.pbs.org/wnet/religionandethics/blog/can-pakistan-declare-ahmadis-non-muslim/>. On 11 January 2015, a retired Superintendent of Police, Zubair Sara, reportedly held a religious get-together (*Milad*) at his house, where persons allegedly used a loudspeaker to call for participants to pull Ahmadis out of their homes and to kill them. Persecution of Ahmadis in Pakistan, *News Report*, January 2015, <https://www.persecutionofahmadis.org/wp-content/uploads/2010/03/News-Report-January-2015.pdf>. Qamar Suleman, a spokesman for the Ahmadi community in the town of Rabwah in the Punjab, was quoted as saying, “Naturally there is fear. Pamphlets are distributed, saying Ahmadis should be killed as infidels.” Integrated Regional Information Networks (IRIN), *Minorities Under Pressure in Pakistan*, 17 October 2013, <http://www.refworld.org/docid/5261065b4.html>. See also, HRW, *World Report 2014 - Pakistan*, 21 January 2014, <http://www.refworld.org/docid/52dfddc23.html>; IFHR and the HRCF, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>, p. 13.

²⁴⁷ The Express Tribune, *When Custodians of Law Turn into an Unruly Mob*, 3 October 2016, <http://tribune.com.pk/story/1192471/custodians-law-turn-unruly-mob/>; Dawn, *Pemra Dismisses Complaints Against Two TV Channels*, 30 September 2016, <http://www.dawn.com/news/1286996/pemra-dismisses-complaints-against-two-tv-channels>; Dawn, *Banning a Programme Is Against Freedom of Expression*, 18 June 2016, <http://www.dawn.com/news/1265608/banning-a-programme-is-against-freedom-of-expression>.

²⁴⁸ Rabwah Times, *Former Pakistani PM Takes Credit for “Breaking Neck” of Persecuted Muslim Community*, 1 May 2016, <https://www.rabwah.net/former-pakistani-pm-takes-credit-for-breaking-neck-of-persecuted-muslim-community/>.

²⁴⁹ HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 7; The Express Tribune, *Hate Crime: Man Held for Degrading Ahmadis Gets Bail*, 15 December 2015, <http://tribune.com.pk/story/1010125/hate-crime-man-held-for-degrading-ahmadis-gets-bail/>; The Express Tribune, *Police Remove Anti-Ahmadi Posters from Lahore's Largest IT Market*, 11 December 2015, <http://tribune.com.pk/story/1008068/police-remove-anti-ahmadi-posters-from-lahores-largest-it-market/>.

²⁵⁰ On 7 September 2016, Khatm-e-Nabuwat reportedly held a conference in Rabwah in celebration of the 42nd anniversary of Ahmadis being declared non-Muslim in the constitution. Rabwah Times, *Extremist Group Khatm-e-Nabuwat Hosts Conference Against Ahmadis in Rabwah*, 11 September 2016, <https://www.rabwah.net/extremist-group-khatm-e-nabuwat-hosts-conference-against-ahmadis-in-rabwah/>; The Express Tribune, *Various Groups Call for More Sanctions Against Ahmadis*, 9 September 2016, <http://tribune.com.pk/story/1178905/faith-based-various-groups-call-sanctions-ahmadis/>; Rabwah Times, *Pakistan's Top Cleric Calls for Execution of Ahmadis*, 27 September 2016, <https://www.rabwah.net/pakistan-top-cleric-calls-for-execution-of-ahmadis/>; Al Jazeera, *Pakistan's Ahmadiyya: An 'Absence of Justice'*, 7 August 2014, <http://www.aljazeera.com/indepth/features/2014/08/pakistan-ahmadiyya-an-absence-justice-20148616414279536.html>. An

Hate speech against Ahmadis has been reported within educational institutions;²⁵¹ allegations of blasphemy have in some cases reportedly led to Ahmadi teachers being fired.²⁵² Ahmadi groups report that Ahmadi employees in other sectors have also been harassed and in some cases forced to leave their job by co-workers once their identity as an Ahmadi was revealed.²⁵³ Ahmadi professionals and small business owners have reportedly been subjected to what they described as “economic exclusion campaigns” or “economic boycotts” primarily by “local religious groups from all sects of majoritarian Islam”; as a result many Ahmadi business owners have reportedly had to relocate to other areas.²⁵⁴

In light of the foregoing, UNHCR considers that members of the Ahmadi community, including those targeted by militant groups or charged with criminal offences under the blasphemy or anti-Ahmadi provisions, are likely to be in need of international refugee protection on account of religion, ethnicity, (imputed) political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

2. *Baha'is*

Officially considered a non-Muslim religious minority,²⁵⁵ the number of followers of the Baha'i faith in Pakistan is estimated at about 34,000.²⁵⁶

Although the Constitution provides that, subject to law, public order and morality, every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions,²⁵⁷ observers have noted that Baha'is have consistently been refused permission to build places of worship by district level authorities, who have reportedly claimed that such

associate professor of anthropology at Harvard University reportedly stated in December 2015 that “[s]ome cleric assert that killing Ahmadis earns a Muslim a place in heaven.” Canada: Immigration and Refugee Board of Canada, *Pakistan: Situation of Ahmadis, Including Treatment by Society and Authorities; Legal Status and Rights with Regards to Political Participation, Education, and Employment* (2013-January 2016), 13 January 2016, PAK105369.E, <http://www.refworld.org/docid/56af1b384.html>. See also, for example, a short video of hate speech by Khatm-e-Nabuwat against Ahmadis in Pakistan. Rabwah TV, *Khatm-e-Nabuwat Threatens Violence if Free Movement of Ahmadiyya Is Not Restricted*, 24 June 2016, available on Vimeo at <https://vimeo.com/172069135>. In September 2013, Sunni clerics reportedly held a conference to mark the passage of a 1974 constitutional amendment which declared the Ahmadi community as non-Muslims. Conference participants were reportedly told that they had a duty to wage a holy war against Ahmadis and that Ahmadis had “polluted the city” and that their mosques were “centers of conspiracies”. MRG, *State of the World's Minorities and Indigenous Peoples 2014 - Pakistan*, 3 July 2014, <http://www.refworld.org/docid/53ba8dda5.html>.

²⁵¹ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 28. “In several academic institutions, teachers have allegedly been engaging in hate speech and inciting people to kill Ahmadis. When Ahmadis have complained they have reportedly been expelled from the institutions.” IFHR and the HRCF, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>, p. 15.

²⁵² In December 2014, in response to allegations that a teacher, who was reportedly wrongly identified as an Ahmadi, made blasphemous comments in an Islamic studies class, a pamphlet was distributed around the city of Attock, stating that “the punishment for the blasphemer of Prophet is decapitation”. An anti-Ahmadi demonstration was held in Attock, and as a result the school administration discharged two Ahmadi teachers. Persecution of Ahmadis in Pakistan, *News Report*, January 2015, <https://www.persecutionofahmadis.org/wp-content/uploads/2010/03/News-Report-January-2015.pdf>, pp. 4-5; see also, IHRC, *Two Ahmadi Teachers Sacked in Attock*, 22 December 2014, <http://hrcommittee.org/News/18>.

²⁵³ “Ahmadis faced faith-based discrimination and harassment at educational institutions and in the workplace.” HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 6. See also, Persecution of Ahmadis in Pakistan, *News Report*, January 2016, <https://www.persecutionofahmadis.org/wp-content/uploads/2010/03/News-Report-January-2016.pdf>.

²⁵⁴ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 29-30. In Rabwah, some Muslim clerics reportedly pressured the district administration to relocate a market which had been set up on Ahmadi land. The Express Tribune, *Anti-Ahmadi Campaigners Demand Ramadan Bazaar's Relocation*, 8 June 2016, <http://tribune.com.pk/story/1118427/can-benefit-ramazan-subsidies/>.

²⁵⁵ Baha'is are defined as “non-Muslim” pursuant to Article 260(3)(b) of the Constitution of the Islamic Republic of Pakistan (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>. Baha'is believe that their founder is the most recent in the line of Messengers of God, contrary to mainstream Muslims who believe Muhammad to be the last and the greatest of the prophets. WRITENET, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.refworld.org/docid/4b01856e2.html>, pp. 32-33.

²⁵⁶ Statistics released by NADRA showed that on application forms for a CNIC, 33,734 Pakistani nationals had declared their religious association as Baha'i. The Express Tribune, *Over 35,000 Buddhists, Baha'is Call Pakistan Home*, 2 September 2012, <http://tribune.com.pk/story/430059/over-35000-buddhists-bahais-call-pakistan-home/>. See also, United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; WRITENET, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.refworld.org/docid/4b01856e2.html>, p. 32.

²⁵⁷ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 20.

measures are necessary to maintain public order.²⁵⁸ Baha'is are also affected by the Pakistani Government not recognizing Israel and consequently not permitting citizens to travel there, as the community's spiritual and administrative centre, the Baha'i World Centre, is located in Israel.²⁵⁹

Baha'is reportedly do not have a means to officially register their marriages,²⁶⁰ which can have serious repercussions on the ability of Baha'i women to obtain passports, to exercise other civil rights, or to have access to legal remedies in matrimonial disputes.²⁶¹ (See also, Section III.E and Section IV, Situation of Religious Minorities in Pakistan.)

In light of the foregoing, UNHCR considers that members of the Baha'i community may, depending on the individual circumstances of the case, be in need of international refugee protection on account of religion, ethnicity, (imputed) political opinion, and/or other relevant grounds.²⁶²

3. Christians

There are reported to be between 2.05 million and 2.09 million Christians in Pakistan, with between 82.5 and 90 per cent of Christians living in Punjab province.²⁶³

a) Situation of Christian Individuals in Pakistan

State authorities, including the police, have been criticized for having failed to intervene to protect Christian individuals from violent attacks and for failing to adequately investigate incidents of discrimination or violence,²⁶⁴ although in some cases the police are reported to have intervened and protected Christians from attacks by members of the community.²⁶⁵ In December 2014 the Supreme

²⁵⁸ United States Department of State, 2013 Report on International Religious Freedom - Pakistan, 28 July 2014, <http://www.refworld.org/docid/53d90733b.html>.

²⁵⁹ United States Department of State, 2015 Report on International Religious Freedom - Pakistan, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²⁶⁰ According to the Constitution of Pakistan, all communities are entitled to follow their personal law. Given the lack of codification of personal laws of some religious minorities, family matters, such as marriage, divorce, inheritance, are in reality governed by customary law. See Section III.E.

²⁶¹ MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 15. It is reported that a Baha'i marriage can however be registered upon an individual petition before the courts. See HRCP, *State of Human Rights in 2010*, April 2011, <http://hrnp-web.org/hrnpweb/wp-content/pdf/ar/ar10e.pdf>, p. 136.

²⁶² For further guidance on religion-based asylum claims, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.refworld.org/docid/4090f9794.html>, paras 17-19.

²⁶³ Movement for Solidarity and Peace, *Forced Marriages and Forced Conversions in the Christian Community of Pakistan*, April 2014, http://www.wunm.org/news/2014/06_02/06_16/061614_pakistan.htm, pp. 3-4. According to the 1998 census, 1.59 per cent of the country's population are Christians; see Population Census Organisation, Government of Pakistan, *1998 Census: Population by Religion*, undated, <http://www.pbs.gov.pk/content/population-religion>.

²⁶⁴ USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; HRW, *Sri Lanka: Don't Summarily Deport Pakistani Minorities*, 2 July 2014, <http://www.refworld.org/docid/53b67fd94.html>. For example, in March 2013, despite advance warning, police reportedly failed to adequately respond to threats of an impending attack, and a rioting mob of some 3,000 people ended up burning down between 100 – 200 homes of Christian families in Lahore. ICG, *Parliament's Role in Pakistan's Democratic Transition*, 18 September 2013, <http://www.refworld.org/docid/523a9fba4.html>, p. 32; HRCP, *Joseph Colony Incident HRCP Holds Police, Administration Responsible*, 13 March 2013, <http://hrnp-web.org/hrnpweb/joseph-colony-incident-hrcp-holds-police-administration-responsible/>; see also footnote 292.

²⁶⁵ In September 2016, police reportedly intervened after four armed men attacked a Christian residential area in Peshawar, known as Christian Colony. Dawn, *Attack on Peshawar's Christian Colony: Civilian killed, All Terrorists Dead*, 2 September 2016, <http://www.dawn.com/news/1281557>; The Express Tribune, *Five Killed in Peshawar Christian Colony Attack*, 2 September 2016, <http://tribune.com.pk/story/1174628/gunmen-attack-christian-colony-peshawar/>. On 19 August 2015, civil society organizations reported that police intervened to stop the burning of a Christian pastor and three other people from Gujrat, Punjab. United States Department of State, 2015 Report on International Religious Freedom - Pakistan, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. In May 2015, police reportedly managed to stop a large number of people setting fire to a Christian man and a church in Lahore. On 30 June 2015, police in Punjab province reportedly were able to intervene and to protect a Christian couple accused of blasphemy from being killed by a group of Muslims in Lahore. See for example: United States Department of State, 2015 Country Reports on Human Rights Practices - Pakistan, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 10; Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 45-46; Dawn, *Police Save Christian Couple From 'Blasphemy' Mob Near Lahore*, 2 July 2015,

Court held that the police had been negligent in their response to an incident in November 2014, when a mob of around 1,500 people reportedly killed a Christian couple who had been accused of blasphemy.²⁶⁶ In November 2016, the Anti-Terrorism Court of Kashur district sentenced five Muslim men to death for their role in the killing of the Christian couple.²⁶⁷

The police and the judiciary reportedly provide inadequate protection for Christian victims of forced conversion and forced marriage,²⁶⁸ as well as for those accused of blasphemy (see also Section IV, Situation of Religious Minorities in Pakistan).²⁶⁹

Members of minority religious communities, including Christians, are reported to be more likely to be abused while in detention and to be allocated poorer facilities than Muslim inmates.²⁷⁰

The government has also reportedly failed to protect minorities from bonded labour in the brick-making and agricultural sectors.²⁷¹ The unlawful practice of bonded labour reportedly disproportionately affects Christian individuals.²⁷² Although Pakistani law prohibits slavery and all

<http://www.dawn.com/news/1191891>; Radio Free Europe/Radio Liberty, *Police Stop Lynching of Christians Accused of Blasphemy in Pakistan*, 3 July 2015, <http://www.refworld.org/docid/55b5f44f77.html>. For general information on police conduct in Pakistan, see also, Human Rights Watch, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>.

²⁶⁶ "On 4 November 2014, a mob of approximately 1,500 persons in Kasur attacked a Christian couple and then threw them into a brick kiln for allegedly committing blasphemy. The media, government, and civil society organizations claimed the brick kiln owner accused the couple of desecrating a Quran after they failed to repay a loan." United States Department of State, *2014 Country Reports on Human Rights Practices - Pakistan*, 25 June 2015, <http://www.refworld.org/docid/559bd54a28.html>. On 16 December 2014, the Supreme Court reportedly rejected the police report on this incident as incomplete and ordered action against the police officers involved for negligence. United States Department of State, *2014 Country Reports on Human Rights Practices - Pakistan*, 25 June 2015, <http://www.refworld.org/docid/559bd54a28.html>. In November 2014, the prime minister and the head of Pakistan's Ulema Council (a group of Islamic clerics and legal scholars) reportedly condemned the killing of the two Christians: Radio Free Europe/Radio Liberty, *Pakistani Islamic Leader Condemns Killing of Christian Couple*, 7 November 2014, <http://www.refworld.org/docid/548ea85a6.html>. HRCP, *State of Human Rights in 2014*, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, p. 82. A fact finding report into the incident reportedly found that a police chief had known that tensions around a blasphemy allegation were brewing the day before this incident, however, he did not inform his senior officers. The Express Tribune, *ATC Indicts 106 Accused in Kot Radha Kishan Case*, 21 May 2015, <http://tribune.com.pk/story/890015/atc-frames-charges-against-106-accused-in-kot-radha-kishan-case/>; Dawn, *59 in Custody over Kot Radha Kishan Lynching*, 16 December 2014, <http://www.dawn.com/news/1151169>; Dawn, *50 Villagers Held over Burning of Christian Couple to Death*, 6 November 2014, <http://www.dawn.com/news/1142612>.

²⁶⁷ The five persons sentenced to death were also ordered to pay 100,000 Rupee in compensation to the heirs of the victims; 8 other suspects were sentenced to two years of imprisonment for their role in the killings. The decision by the Anti-Terrorism Court could be appealed to a higher court. The Express Tribune, *May ATC's Kot Radha Kishan Verdict Set Precedent*, 27 November 2016, <http://tribune.com.pk/story/1246301/may-atcs-kot-radha-kishan-verdict-set-precedent/>; Pakistan Christian Post, *Five Sentenced to Death on Lynching Christian Couple on Blasphemy Allegations*, 23 November 2016, <http://www.pakistanchristianpost.com/detail.php?newsid=6192>.

²⁶⁸ Christian Solidarity Worldwide, *UN Statement on Pakistan: CSW's Written Statement on the Situation of Human Rights, Judges and Human Rights Defenders in Pakistan*, 7 September 2015, p. 6, <http://www.csw.org.uk/2015/09/07/report/2757/article.htm>; UN General Assembly, Human Rights Council, 29th Session, *Written Statement Submitted by the Asian Legal Resource Centre, a Non-Governmental Organization in General Consultative Status*, 5 June 2015, A/HRC/29/NGO/54, https://www.ecoi.net/file_upload/1930_1434538648_g1511505.pdf, paras 12, 16; Movement for Solidarity and Peace, *Forced Marriages and Forced Conversions in the Christian Community of Pakistan*, April 2014, http://www.wunrn.org/news/2014/06_02/06_16/061614_pakistan.htm, pp. 23-25.

²⁶⁹ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRW, *World Report 2015 - Pakistan*, 29 January 2015, <http://www.refworld.org/docid/54cf838c15.html>; HRW, *Pakistan: Investigate Killing of Rights Lawyer*, 14 May 2014, <http://www.refworld.org/docid/5379feb94.html>. On 4 April 2014, a court in Punjab province reportedly sentenced a Christian couple to death for committing blasphemy by allegedly texting blasphemous messages, reportedly in the absence of substantive evidence; the trial judge reportedly stated that he had been under "great pressure". Radio Free Europe/Radio Liberty, *Pakistani Christian Couple Given Death Sentence for Blasphemy*, 5 April 2014, <http://www.refworld.org/docid/534d30cc14.html>.

²⁷⁰ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. See also, Agencia Fides, *ASIAPAKISTAN - Christian Dies in Prison: An Urgent Investigation*, 29 January 2016, <http://www.fides.org/en/news/59292>; British Pakistani Christian Association, *Fourth Christian Man Dies While in Custody of Pakistan's Christianophobic Police*, 15 January 2016, <http://www.britishpakistanichristians.org/blog/5th-christian-man-dies-while-in-custody-of-pakistans-christianophobic-police>. In January 2014, police reportedly isolated and beat a number of Christian prisoners for complaining of ill-treatment to their families, after an incident resulting from tensions with Muslim prisoners. HRCP, *State of Human Rights in 2014*, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, p. 91.

²⁷¹ "Bonded laborers, or *haris*, are an especially vulnerable population in Pakistan. [...] Human Rights Watch research found that *zamindars* (landowners who lease their land to tenant farmers) frequently use the police to violently repress *haris*." Human Rights Watch, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 28. "The use of forced and bonded labor was widespread and common in many industries across the country. NGOs estimated nearly two million persons were in bondage, primarily in Sindh and Punjab, but also in Balochistan and KP. A large proportion of bonded laborers were low-caste Hindus, as well as Christians and Muslims with lower socioeconomic backgrounds. Bonded labor was common in the agricultural sector, including the cotton, sugarcane, and wheat industries, and in the brick, coal, glass, and carpet industries." United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

²⁷² United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; United States Department of State, *2015 Country Reports on Human Rights Practices -*

forms of forced labour,²⁷³ it is reported that in practice the authorities fail to enforce these provisions.²⁷⁴

Christian individuals are also reportedly subject to discrimination at education institutions (see also Section IV, Situation of Religious Minorities in Pakistan).²⁷⁵ Public school text books reportedly teach religious intolerance, and include derogatory statements about Christians.²⁷⁶

In 2015, four Christians were reportedly charged with blasphemy.²⁷⁷ In 2014 there were reportedly five blasphemy cases against Christians, and at least three Christians were sentenced to death following a conviction for blasphemy.²⁷⁸ On 16 October 2014, the Lahore High Court upheld the death sentence of Asia Bibi, a Christian woman convicted of blasphemy in 2010. In July 2015, the Supreme Court suspended her execution pending the outcome of her appeal.²⁷⁹ (See also Section III.B, Blasphemy Laws.)

b) Treatment of Christian Individuals by Non-State Actors

Attacks and incidents of mob violence targeting Christians reportedly continue to occur throughout the country; analysts attribute the violence in part to the growing influence of Sunni extremist ideology.²⁸⁰ Militant groups have conducted attacks in particular during church services or religious

Pakistan, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Movement for Solidarity and Peace, *Forced Marriages and Forced Conversions in the Christian Community of Pakistan*, April 2014, http://www.wunrn.org/news/2014/06_02/06_16/061614_pakistan.htm, p. 4.

²⁷³ Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.refworld.org/docid/47558c422.html>, Article 11. The Bonded Labor System (Abolition) Act of 1992 prohibits bonded labour, with prescribed penalties ranging from two to five years imprisonment, a fine, or both, and cancels *inter alia* all existing debts, forbidding lawsuits for the recovery of such debts. See, Pakistan, *Bonded Labour System (Abolition) Act 1992*, <http://www.refworld.org/docid/4e2d81c02.html>; Pakistan, *Bonded Labour System (Abolition) Rules 1995*, <http://www.refworld.org/docid/4e2d82252.html>.

²⁷⁴ “Despite bonded labor being the largest trafficking problem in Pakistan the government only reported seven convictions for bonded labor in 2015.” United States Department of State, *2016 Trafficking in Persons Report - Pakistan*, 30 June 2016, <http://www.refworld.org/docid/577f95c015.html>. United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.

²⁷⁵ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 44. “The underlying issue for the community remains access to education. The capture and nationalization of Christian educational institutions under Martial Law Orders 167 and 168 in 1972 removed the safeguard that had allowed minorities to compete in key sectors with Muslim students. Though a protracted legal challenge brought by the community to retrieve ownership of key institutions was partially successful, nationalization had lasting consequences. Colleges that had once catered to Christians now only do so marginally, and quotas for Christians remain unfilled. [...] Inclusion of Islamic-centric syllabi has further marginalized Christian communities from access to education in public schools.” Movement for Solidarity and Peace, *Forced Marriages and Forced Conversions in the Christian Community of Pakistan*, April 2014, http://www.wunrn.org/news/2014/06_02/06_16/061614_pakistan.htm, p. 4; see also *ibid.*, p. 5.

²⁷⁶ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. “Christians also are portrayed as untrustworthy missionaries, and as aligned with British oppressors who were colonizers and continue to conspire against Muslims. [...] A review of the curriculum demonstrates that public school students are being taught that religious minorities, especially Christians and Hindus, are nefarious, violent and tyrannical by nature.” USCIRF, *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, April 2016, http://www.uscifr.gov/sites/default/files/USCIRF_Pakistan_FINALonline.pdf, pp. 8-9.

²⁷⁷ According to the Human Rights Commission of Pakistan, of the 22 individuals charged under Section 295C of the Penal Code in 2015, four were Christians. HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 12. According to the Jinnah Institute, during the period between January 2012 and June 2015, a total of 14 Christians were charged with blasphemy. Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 6.

²⁷⁸ HRCF, *State of Human Rights in 2014*, <http://hrfp-web.org/hrfpweb/data/HRCF%20Annual%20Report%202014%20-%20English.pdf>, pp. 48-49; HRW, *Sri Lanka: Don't Summarily Deport Pakistani Minorities*, 2 July 2014, <http://www.refworld.org/docid/53b67fd94.html>. On 3 April 2014, a trial court in Punjab sentenced to death a Christian couple who had been accused of texting blasphemous messages to local Muslims. On 28 March 2014, a court sentenced a Christian, Sawan Masih, to death for allegedly committing blasphemy in a conversation with a Muslim friend in 2013. United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>; see also footnote 292.

²⁷⁹ Asia Bibi was found guilty in November 2010 by a district court for allegedly making derogatory remarks about the Prophet Muhammad during an argument with a Muslim woman. She was sentenced to death under Section 295C of the Penal Code. She has reportedly been held in almost total isolation since her arrest in 2009, during which period her mental and physical health have reportedly deteriorated. Her lawyers submitted an appeal to the Supreme Court on 24 November 2014. Her husband and children have reportedly been in hiding since the allegation was first made. See, for example, HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 12; United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Amnesty International, *Death Sentences and Executions in 2014*, 31 March 2015, ACT 50/0001/2015, <http://www.refworld.org/docid/552245c74.html>, p. 37; Amnesty International, *Pakistan: Woman Sentenced to Death for Blasphemy: Asia Bibi*, 27 October 2014, <http://www.refworld.org/docid/544f8b9c4.html>.

²⁸⁰ For a timeline with summaries of incidents against Christians between August 2015 and May 2016, see MRG, *Timeline: Violations Against Christians*, October 2016, <http://stories.minorityrights.org/pakistan-religious-minorities/timeline/violations-against-christians/>. See also,

processions.²⁸¹ In September 2016, four armed men reportedly attacked a Christian residential area in Peshawar, known as Christian Colony, leaving one man dead; police reportedly intervened, killing the four militants.²⁸² In March 2016, a suspected suicide bomber killed at least 72 people in a local park in Lahore on Easter Sunday; a splinter group of the Pakistani Taliban reportedly claimed responsibility and announced that the attack had targeted Christians, although there were many Muslims among the victims.²⁸³ On 15 March 2015, a militant group reportedly bombed two Christian churches in Lahore while the churches were full of worshippers participating in a Sunday service, killing an estimated 14 to 17 people and wounding at least 70.²⁸⁴ In response to the attack, Christians protested on 16 March 2015; the protest reportedly became violent and the Christian protestors reportedly killed two Muslims; civil society groups estimated that the police arrested more than 500 Christians alleged to have participated in the killings.²⁸⁵ Residents of the Christian neighbourhood Youhanabad in Lahore reported fearing retaliation and further violence.²⁸⁶

MRG, *Violations Against Christians in Pakistan*, October 2016, <http://stories.minorityrights.org/pakistan-religious-minorities/chapter/chapter-3/>; South Asia Terrorism Portal, *South Asia Intelligence Review*, Weekly Assessments & Briefings, Volume 14, No. 39, 28 March 2016, http://www.satp.org/satporgtp/sair/Archives/sair14/14_39.htm. “Christians faced some of the most serious faith-based attacks during [2015]. In addition to facing violence provoked by accusations of blasphemy, the community’s worship places were also targeted by terrorists.” HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 9. “Pakistani Christians faced intense and persistent threats, harassment and acts of violence during the reporting period from January 2012 to June 2015. Over 40 attacks of varying intensity targeted the Christian community, seven churches were damaged and 14 Christians were charged with blasphemy.” Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 6. See also The Economist, *Why Sectarianism Is Gaining in Pakistan*, 10 August 2015, <http://www.economist.com/blogs/economist-explains/2015/08/economist-explains-3>; The Heritage Foundation, *Pakistan Must Release Asia Bibi to Demonstrate Protection for Its Religious Minorities*, 28 July 2015, <http://www.heritage.org/research/reports/2015/07/pakistan-must-release-asia-bibi-to-demonstrate-protection-for-its-religious-minorities>. The Jinnah Institute reported on incidents of violence in each province between 2012 and 2014. “Almost all incidents were reported in Punjab. In Sindh and Balochistan, all incidents of violence were reported in Karachi and Quetta. In Punjab, the most affected districts were Lahore, Faisalabad, Rawalpindi, Okara and Gujranwala.” Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 18; see also *ibid.*, pp. 5–6, 41–43.

²⁸¹ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 17. For example, in September 2013, a suicide bomber attacked a church in Peshawar as worshippers were leaving after a Sunday service, which reportedly killed between 78–85 Christians and injured more than 100 people. The attack was claimed by the Jundullah branch of the Tehreek-e-Taliban Pakistan (TTP), a group that has conducted similar attacks against Shias. The Guardian, *Pakistan Church Bomb: Christians Mourn 85 Killed in Peshawar Suicide Attack*, 25 September 2013, <http://www.theguardian.com/world/2013/sep/23/pakistan-church-bombings-christian-minority>; BBC, *Pakistan Blasts: Burials Amid Anger After Peshawar Church Attack*, 23 September 2013, <http://www.bbc.com/news/world-asia-24201240>; The New York Times, *Scores Are Killed By Suicide Bomb Attack at Historic Church in Pakistan*, 22 September 2013, <http://www.nytimes.com/2013/09/23/world/asia/pakistan-church-bombing.html>. On 23 September 2013, some members of the Christian community in Michael Town, Korangi, Karachi, reportedly protested against the suicide bombing on the Peshawar church earlier that month. Some Muslims in the same neighbourhood reported that Christians threw stones at a mosque. This reportedly resulted in a mob ‘ransacking’ and burning of homes of Christians; an estimated 300 Christian families reportedly fled the town in fear. The Commissioner of Karachi’s East District reportedly negotiated the terms of the families’ return, including that the Christians remove external loudspeakers from their church. Reportedly, while several Muslims who were injured in the incident received compensation, none of the Christians who were injured received any compensation. HRCF, *State of Human Rights in 2014*, <http://hrcp-web.org/hrcpweb/data/HRCF%20Annual%20Report%202014%20-%20English.pdf>, p. 130.

²⁸² The Pakistani Taliban faction Jamaat-ur-Ahrar reportedly claimed responsibility for the attack. Dawn, *Attack on Peshawar’s Christian Colony: Civilian killed, All Terrorists Dead*, 2 September 2016, <http://www.dawn.com/news/1281557>; The Express Tribune, *Five Killed in Peshawar Christian Colony Attack*, 2 September 2016, <http://tribune.com.pk/story/1174628/gunmen-attack-christian-colony-peshawar/>.

²⁸³ The incident in Lahore occurred close to a children’s park on a Sunday evening on an Easter holiday. Between 280 and 362 people were reportedly injured. The Taliban faction Jamaat-ul-Ahrar reportedly claimed responsibility for the suicide bomb attack in Lahore. The Punjab Government reportedly denied the claims that the bombing was aimed exclusively at Christians, as those in the park were from all backgrounds. CNN, *Young Lives Lost in Lahore Blast*, 31 March 2016, <http://edition.cnn.com/2016/03/29/world/pakistan-blasts-victims/>; The Guardian, *Pakistan Hunts Those Behind Attack that Killed More Than 70 in Lahore*, 28 March 2016, <https://www.theguardian.com/world/2016/mar/27/dozens-killed-in-blast-outside-lahore-pakistan>. State authorities reportedly detained more than 200 people in the course of their search for the perpetrators of the bombing. BBC, *Lahore Attack: Pakistan ‘Detains 200’ After Easter Blast*, 29 March 2016, <http://www.bbc.com/news/world-asia-35916578>; The International News, *Taliban Faction Claims Credit for ‘Easter Bomb’ in Lahore*, 28 March 2016, <https://www.thenews.com.pk/latest/108389-Taliban-faction-claims-credit-for-Easter-bomb-in-Lahore>.

²⁸⁴ Radio Free Europe/Radio Liberty, *Pakistani Interior Minister Deplores Lahore Church Attacks*, 17 March 2015, <http://www.refworld.org/docid/552f9d754d.html>; Radio Free Europe/Radio Liberty, *At Least 14 Dead in Bomb Attacks at Pakistani Churches*, 15 March 2015, <http://www.refworld.org/docid/552f9d6d46.html>. See also, USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>; CNN, *Pakistan Attack: How the Christian Minority Lives*, 4 April 2016, <http://edition.cnn.com/2016/04/04/asia/pakistan-attack-religious-intolerance/>.

²⁸⁵ “Human rights organizations reported the authorities held many of those arrested without access to legal representation and subjected some to torture. According to a legal advocacy group representing 26 of the defendants, police registered formal charges against 84 Christians, 13 of whom obtained bail for the first time on October 21. Members of the Christian community stated some of the accused were not even in Youhanabad at the time of the killings, yet remained in police custody. As of the end of the year [2015], the authorities had released some of

Christians have also reportedly been subject to targeted attacks and killings by members of society.²⁸⁷

Christians reportedly continue to face illegal occupation and desecration of their places of worship and graveyards, and in some cases their stores and businesses.²⁸⁸ For example, in January 2016, two churches on the outskirts of Lahore were reportedly subject to arson attacks.²⁸⁹ In November 2015, Gawahi Television, a Christian Web TV station in Karachi was reportedly the target of an arson attack, and its studios and equipment completely destroyed in the fire; the station had reportedly informed the authorities that it had received threats prior to the attack.²⁹⁰ In May 2015, an armed group reportedly vandalized a Christian church in Punjab, and injured six people, including the pastor.²⁹¹

Criminal provisions, particularly the blasphemy laws, are reportedly used by militant organizations and members of some Muslim communities to intimidate and harass Christians, and also reportedly to exact revenge or to settle personal or business disputes.²⁹² For example, in September 2016 a Christian youth was reportedly accused of blasphemy by one of his friends for “liking” a post on Facebook about a religious icon that his friends felt had been disrespected; many Christian families in the region reportedly fled their homes for fear of the blasphemy accusation triggering violence.²⁹³ In

the individuals, but 42 Christians reportedly remained in custody.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. “Immediately after these attacks, an enraged Christian mob grabbed hold of two men they thought were somehow connected to the attacks, lynched them and set them on fire. It later turned out that neither was in any way involved in the targeting of churches.” HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 9; see also Radio Free Europe/Radio Liberty, *Christians in Pakistan Protest After Deadly Church Attacks*, 16 March 2015, <http://www.refworld.org/docid/552f9d7432.html>.

²⁸⁶ IRIN, *What Terrorism Does: Fear and Anger for Christians After Pakistan Bombs*, 19 March 2015, <http://www.refworld.org/docid/550c292e4.html>.

²⁸⁷ Christian Broadcasting Network News, *Pakistani Christian Father Tortured for Refusing to Deny Christ*, 8 February 2016, <http://www1.cbn.com/cbnnews/world/2016/February/Pakistani-Christian-Father-Tortured-for-Refusing-to-Deny-Christ>; Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 17-18.

²⁸⁸ Global Human Rights Defence (GHRD), *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 16.

²⁸⁹ World Watch Monitor, *Three Attacks on Pakistani Christians Mark New Year*, 15 January 2016, <https://www.worldwatchmonitor.org/2016/01/4241296/>.

²⁹⁰ HRCF, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrfp-web.org/hrfpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 10; Reporters Without Borders, *RSF Decries Government Inaction in Face of Attacks on Media*, 9 December 2015, <http://www.refworld.org/docid/566930f040b.html>.

²⁹¹ Daily News and Analysis, *Vandals Attack Another Church in Pakistan, 2 Arrested*, 27 May 2015, <http://www.dnaindia.com/world/report-vandals-attack-another-church-in-pakistan-2-arrested-2089724>. A similar attack took place in March 2014. GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 16. See also, *The Express Tribune*, *Okara Residents Allegedly Vandalise Under-Construction Church*, 4 March 2014, <http://tribune.com.pk/story/678809/okara-residents-allegedly-vandalise-under-construction-church/>.

²⁹² *The Diplomat*, *In Pakistan, Blasphemy Accusation Endangers Christian Lives*, 15 May 2016, <http://thediplomat.com/2016/05/in-pakistan-blasphemy-accusation-endangers-christian-lives/>; Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 41-43; GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 10. See also, *AK and SK (Christians: Risk) Pakistan CG v. Secretary of State for the Home Department*, [2014] UKUT 00569 (IAC), United Kingdom: Upper Tribunal (Immigration and Asylum Chamber), 15 December 2014, <http://www.refworld.org/docid/549962d94.html>, p. 2, para. 6. In March 2013, Sawan Masih was arrested after a friend reportedly accused him of making blasphemous remarks; the allegations sparked a two-day riot in which a mob of an estimated 3,000 people burned down around 200 Christian homes in Lahore. Masih reportedly told a court in February 2014 that the allegations against him were motivated by the desire of local businessmen at a market nearby to drive out Christian families from the area and to take over their land. In March 2014 a Lahore court reportedly sentenced him to death for blasphemy. Amnesty International, *Amnesty International Report 2014/15 - Pakistan*, 25 February 2015, <http://www.refworld.org/docid/54f07db215.html>; Amnesty International, *Pakistan: Christian Man Sentenced to Death Under Blasphemy Law*, 27 March 2014, <http://www.refworld.org/docid/533ab4114.html>; *The Express Tribune*, *Dirty Business: ‘Blasphemy Chant Was a Land-Grab Ruse’*, 22 February 2014, <http://tribune.com.pk/story/674731/dirty-business-blasphemy-chant-was-a-land-grab-ruse/>; United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. By early 2016 the appeal against Sawan Masih’s conviction and death sentence for blasphemy remained pending at the Lahore High Court. Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>.

²⁹³ The 16 year old Christian boy, Nabeel Masih, was reportedly arrested and charged under Sections 295 and 295A of the Penal Code. The boy’s family has reportedly gone into hiding. *The Nation*, *Blasphemy Law: Nabeel Masih, a Christian teenager, Has Been Arrested for Liking the Kaaba’s Picture on Facebook*, 20 September 2016, <http://nation.com.pk/blogs/20-Sep-2016/blasphemy-law-nabeel-masih-a-christian-teenager-has-been-arrested-for-liking-the-kaaba-s-picture>; *Friday Times*, *Christians Flee Homes After Teen Factory Worker Accused over FB Post*, 23 September 2016, <http://www.thefridaytimes.com/tft/click-bait/>. See also, *The Nation*, *Save Nabeel: The Christian Teenager’s Life in Danger over False Blasphemy Allegation*, 24 September 2016, <http://nation.com.pk/blogs/24-Sep-2016/savenabeel-the-christian-teenager-s-life-is-in-danger-over-false-blasphemy-allegation>.

July 2016 a Christian man was reportedly charged with blasphemy after a Muslim friend alleged that he had sent a poem on Whatsapp that insulted Islam.²⁹⁴ In June 2016 a Christian man was reportedly convicted of blasphemy and sentenced to death by an anti-terrorism court in Gujranwala. The man had reportedly filed a complaint for blackmail/extortion and was later charged with blasphemy when the men he had accused of extortion claimed that he had in fact committed blasphemy.²⁹⁵ In September 2015 a Christian man was reported to have been arrested by police after a Muslim business rival accused him of blasphemy allegedly in retaliation for a commercial dispute.²⁹⁶ Allegations of blasphemy by members of society have in some cases escalated into killings and mob attacks.²⁹⁷ For example, in July 2015 in the Sheikhpura district of Punjab province, a cleric reportedly led a mob to assault a Christian couple after accusing them of blasphemy.²⁹⁸ In May 2015, a mob reportedly tried to set a Christian man on fire after allegations of blasphemy; the mob reportedly attacked a mainly Christian locality where the accused lived and ransacked homes there.²⁹⁹ Even those who have been acquitted of blasphemy charges by the courts have reportedly continued to receive threats, prompting some recipients of such threats to flee the country in fear of their lives.³⁰⁰

Christians are reportedly subject to widespread discrimination in relation to employment. Many Christians reportedly have difficulty finding jobs other than those involving menial labour.³⁰¹

Amongst the most marginalized sections of society, Christian women and girls are reportedly particularly at risk of sexual and gender-based violence, forced conversion to Islam and forced marriage to Muslim men, as well as other forms of discrimination and violence.³⁰² It is reportedly

²⁹⁴ The Indian Express, *Pakistani Christian Charged with Blasphemy Over Whatsapp Poem*, 11 July 2016, <http://indianexpress.com/article/world/world-news/pakistani-christian-charged-with-blasphemy-over-whatsapp-poem-2907792/>.

²⁹⁵ Pakistan Today, *Christian Man, His Accusers, Sentenced to Death for Blasphemy*, 30 June 2016, <http://www.pakistantoday.com.pk/2016/06/30/national/two-christians-muslim-sentenced-to-death-for-blasphemy/>; World Watch Monitor, *Pakistani Christian Who Sought Police Help Instead Faces Death for 'Blasphemy'*, 1 July 2016, <https://www.worldwatchmonitor.org/2016/07/4538482/>.

²⁹⁶ The Christian man arrested on 2 September 2015, Perviaz Masih, was reportedly granted bail on 10 October 2015; as at December 2015 there had been no further reports on the case. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

²⁹⁷ HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 10; GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, pp. 10-11. See also footnote 292.

²⁹⁸ "Before police rescued them, the crowd beat up the couple, painted their faces black and garlanded them with wreaths made of shoes and paraded them in the village. The police refused to register a case against the couple and arrested the cleric and another man for inciting violence." HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 10.

²⁹⁹ "In May [2015], a Christian man named Humayon, who according to a resident of the area was mentally unstable, was accused of desecrating pages of the Holy Quran in Dhoop Sari area of Lahore [...] police took him into custody and registered a case against him under Section 295-B of the Pakistan Penal Code. [...] [The mob] attempted to set a church on fire but police managed to stop them. Many of the Christian residents fled the area. Even after the mob dispersed and police deployed, the residents were afraid to return to their homes fearing a repeat of the March 2013 Joseph Colony incident." HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, p. 10; see also, Pakistan Today, *Violent Clashes as 'Mentally ill' Christian 'Desecrates' Quran in Lahore*, 25 May 2015, <http://www.pakistantoday.com.pk/2015/05/25/national/violent-clashes-as-mentally-ill-christian-man-burns-quran-in-lahore/>.

³⁰⁰ Radio Free Europe/Radio Liberty, *Pakistani Girl Accused of Blasphemy Flees to Canada*, 30 June 2013, <http://www.refworld.org/docid/51e79b7811.html>.

³⁰¹ "Christian activists continued to report widespread discrimination against Christians in private employment. They said Christians had difficulty finding jobs other than those involving menial labor, although the situation had improved somewhat in recent years." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; The Express Tribune, *Voices of Pakistani Christians: Call for Equal Citizenship for Non-Muslim Pakistanis*, 6 August 2015, <http://tribune.com.pk/story/933032/voices-of-pakistani-christians-call-for-equal-citizenship-for-non-muslim-pakistanis/>. "In Lahore, the Christian population accounts for the bulk of the city's sanitation workers and street-sweepers – a fact that reinforces their stigmatization – while most of their supervisors are Muslim." MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>. See also HRCP, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, p. 70; The Friday Times, *Christians Required Only as Sweepers*, 23 October 2015, <http://www.thefridaytimes.com/tft/christians-required-only-as-sweepers/>.

³⁰² Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 45; USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. "Women from religious minority groups, particularly from the Hindu and Christian communities are especially subject to sexual violence. Girls from these communities suffer disproportionate acts of abduction and rape. When the perpetrators are caught, they claim that the girl had converted to Islam. In this way they are afforded impunity through the Courts in the name of spreading Islam." UN General Assembly, Human Rights Council, 29th Session, *Written Statement Submitted by the Asian Legal Resource Centre, a Non-Governmental Organization in General Consultative Status*, 5 June 2015, A/HRC/29/NGO/54,

difficult to estimate the prevalence of forced conversions and forced marriage due to a lack of reporting and monitoring of these cases; estimates range from 100 to 700 Christian girls being subjected to forced conversion and/or marriage each year in Pakistan;³⁰³ while Christian men may reportedly also be victims of forced conversion.³⁰⁴

In light of the foregoing, UNHCR considers that members of the Christian community, including in particular those targeted by militant groups or charged with criminal offences under the blasphemy provisions, victims of bonded labour, severe discrimination, forced conversion and forced marriage, as well as Christians perceived as contravening social mores, may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion,³⁰⁵ ethnicity, (imputed) political opinion, and/or other relevant grounds.³⁰⁶

https://www.ecoi.net/file_upload/1930_1434538648_g1511505.pdf, para. 16. See also, Vatican Insider, *World News, Pakistan: Christian and Hindu Girls are Kidnapped and Forced to Convert to Islam*, 23 January 2016, <http://www.lastampa.it/2016/01/23/vaticaninsider/eng/world-news/pakistan-christian-and-hindu-girls-are-kidnapped-and-forced-to-convert-to-islam-1YUveB0SkB0ZMGjp5fmLL/pagina.html>; GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 20; MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, pp. 15-16; BBC News, *Stories of Forced Conversion to Islam in Pakistan*, 1 September 2014, <http://www.bbc.com/news/world-asia-29008267>.

³⁰³ Minority groups have reportedly attempted to estimate the number of victims from registered conversion cases and media reports. However, such methods are known to lead to an underestimate of the actual number of cases, including because victims and their families are known to desist from reporting cases of forced conversion and forced marriage to the authorities. "In some cases, families of victims are reportedly too scared to register cases against prominent or powerful perpetrators for fear of violent retribution." Movement for Solidarity and Peace, *Forced Marriages and Forced Conversions in the Christian Community of Pakistan*, April 2014, http://www.wunrm.org/news/2014/06_02/06_16/061614_pakistan.htm, p. 23; see also *ibid.*, pp. 2 (and sources quoted there), 14. See also, "Forced conversion, an issue largely thought to be associated with the Hindu community, is also being witnessed against Christians. Between 2012 and 2014, 20 cases of sexual assault and forced conversion were reported by this community. [...] Faith-based discrimination and violence against non-Muslim and Muslim minorities remains under reported. Many cases of attacks against religious properties, forced conversion, kidnapping, and sexual assault are often not registered with local police stations for fear of reprisals. This is particularly true for Ahmadis, Hindus and Christians." Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 17, 59. See also, The Christian Post, *Pakistani Christian Girl Kidnapped, Raped after Family Refused to Convert to Islam*, 4 October 2016, <http://www.christianpost.com/news/pakistani-christian-girl-kidnapped-raped-after-family-refused-convert-islam-170458/>. In November 2015, a 13-year old girl was reportedly abducted, raped, and forced into Islamic marriage by a Muslim man. British Pakistani Christian Association, *Adolescent Christian Girl Forcibly Converted and Married to Muslim Man*, 16 November 2015, <http://www.britishpakistanichristians.org/blog/adolescent-christian-girl-forcibly-converted-and-married-to-muslim-man>; Pakistan Christian News, *A Minor Pakistani Christian Girl; Victim of Abduction, Conversion and Forced Marriage*, 17 November 2015, <http://www.pakistanchristiannews.com/a-minor-pakistani-christian-girl-victim-of-abduction-conversion-and-forced-marriage/>. In July 2015, a Christian wife and mother was reportedly kidnapped and forcibly converted to Islam in Punjab province. Open Doors, *Pakistani Christian Mother Kidnapped, Forced to Convert to Islam, Marry Muslim Man*, 6 August 2015, <https://www.opendoorsusa.org/take-action/pray/tag-prayer-updates-post/pakistani-christian-mother-kidnapped-forced-to-convert-to-islam-marry-muslim-man/>. In December 2013, a 14 year old girl was reportedly abducted, forcibly converted to Islam and married. Pakistan Gender News, *14 Year Old Christian Girl Abducted, Forcibly Converted, Married*, 10 January 2014, <http://www.pakistangendernews.org/14-year-old-christian-girl-abducted-forcibly-converted-married/>.

³⁰⁴ In April 2014, a Christian man was reportedly killed by his co-worker after refusing to convert to Islam. Morning Star News, *Family of Christian Short Dead in Pakistan Doubts Suicide Claim*, 17 April 2014, <http://us6.campaign-archive2.com/?u=7ec6d7eb2533a90581f839110&id=ea5e77376d&e=ccdede1e61>; USCIRF, *Factsheet Pakistan, Violence Towards Religious Communities in Pakistan*, August 2014, <http://www.uscifr.gov/sites/default/files/Pakistan%20Factsheet.pdf>, pp. 16-17; Christian Today, *Young Christian Man Killed in Pakistan for Not Converting to Islam*, 21 April 2014, http://www.christiantoday.com/article/young_christian_man_killed_in_pakistan_for_not_converting_to_islam/36917.htm.

³⁰⁵ Forced conversion is a serious violation of the fundamental right to freedom of thought, conscience and religion, and will generally amount to persecution. The applicant will, however, still need to demonstrate a subjective fear that the conversion is persecutory to him or her. This element will generally be satisfied where the applicant already holds different religious beliefs or has chosen to dissociate himself or herself from any religious denomination or community; see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.refworld.org/docid/4090f9794.html>, para. 20.

³⁰⁶ Sexual and gender based violence may amount to persecution, particularly where the State is unwilling or unable to provide protection. For further guidance see UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/02/01, 7 May 2002, <http://www.refworld.org/docid/3d36f1c64.html>; and UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/02/02, 7 May 2002, <http://www.refworld.org/docid/3d36f23f4.html>. According to the UN Committee against Torture, the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of gender-based violence, such as rape, domestic violence and trafficking, facilitates and enables non-State actors to commit such acts with impunity. The State's indifference or inaction provides a form of encouragement and/or de facto permission. See UN Committee Against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, CAT/C/GC/2, 24 January 2008, <http://www.refworld.org/docid/47ac78ce2.html>.

4. Hindus

Hindus are the largest non-Muslim religious minority in Pakistan.³⁰⁷ They may belong to higher castes (referred to as *jati* in the 1998 census³⁰⁸) or lower castes (referred to as “scheduled castes” in the 1998 census; they refer more commonly to themselves as *dalits*).³⁰⁹ As with other religious minorities in Pakistan, precise figures for the size of the Hindu population are not available, and estimates vary widely. According to the 1998 census, 1.6 per cent of the population were higher caste Hindus, and 0.25 per cent belonged to “scheduled casts”.³¹⁰ Analysts have noted that these figures are contested by community organizations, who maintain that the current size of Pakistan’s Hindu population is larger in both absolute and relative terms than suggested by the 1998 census data.³¹¹ The majority of the Hindu population is reportedly concentrated in the southern province of Sindh.³¹²

a) Legislative Framework Concerning Hindu Individuals

On 26 September 2016 the National Assembly passed the Hindu Marriage Bill 2016, which extends to Islamabad Capital Territory and the Provinces of Balochistan, Khyber Pakhtunkhwa and Punjab.³¹³

³⁰⁷ HRCP, *Life At Risk: Report of HRCP Working Group on Communities Vulnerable Because of Their Beliefs*, April 2011, <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/5.pdf>, pp. 12-13.

³⁰⁸ IDSN, *Long Behind Schedule: A Study on the Plight of Scheduled Caste Hindus in Pakistan*, 2008, http://idsn.org/wp-content/uploads/user_folder/pdf/Old_files/asia/pdf/RR_Pakistan.pdf, p. VII. See also, Population Census Organisation, Government of Pakistan, *1998 Census: Population by Religion*, undated (accessed 3 August 2016), <http://www.pbs.gov.pk/content/population-religion>.

³⁰⁹ Encyclopaedia Britannica, *Untouchable, Hindu Social Class*, undated (accessed 28 October 2016), <https://www.britannica.com/topic/untouchable>; Dawn, *The Miserable Scheduled Castes*, 18 June 2015, <http://www.dawn.com/news/1188782>; MRG, *World Directory of Minorities and Indigenous Peoples: Pakistan – Hindus Profile*, undated (accessed 28 October 2016), <http://minorityrights.org/minorities/hindus-2/>; IDSN, *Briefing Note Presented to UN Special Procedures Mandate Holders: Religious Minorities in Pakistan: Scheduled Caste Hindus*, September 2014, <http://www.dalits.nl/pdf/PDSNnote-sep2014.pdf>.

³¹⁰ See Population Census Organisation, Government of Pakistan, *1998 Census: Population by Religion*, undated (accessed 3 August 2016), <http://www.pbs.gov.pk/content/population-religion>.

³¹¹ “[In] Pakistan, where most Dalits belong to the Hindu minority, the figures are also contested. [...] In Pakistan, the most recent official data, from 1998, estimate the Dalit population to be 330,000, but researchers calculate that the actual number could be at least two million.” UN General Assembly, Report of the Special Rapporteur on Minority Issues, 28 January 2016, A/HRC/31/56, <http://www.refworld.org/docid/56dfde5d4.html>, para. 34, citing IDSN, *Caste-Based Discrimination in Pakistan, Briefing Note*, May 2014, http://idsn.org/wp-content/uploads/user_folder/pdf/New_files/Pakistan/Pakistan_briefing_note.pdf, p. 2. “However, as with other minority groups, these figures are regarded by community organizations as unreliable and out of date. The Pakistan Hindu Council, for instance, has estimated that the total Hindu population now exceeds 7 million. Of this group, approximately 94 per cent inhabit the province of Sindh, with more than half of Sindhi Hindus concentrated in the south-east district of Tharparkar, bordering India. The remainder of Pakistan’s Hindu population reside in small pockets of Punjab, as well as Baluchistan and Khyber Pakhtunkhwa provinces.” MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 7. The International Dalit Solidarity Network (IDSN) also considers that the 1998 census figures are outdated, and states that “[t]he figures on the ground indicate a greater number of scheduled caste Hindus who suffer discrimination from the Muslim majority and from upper caste Hindus as well”. IDSN, *Briefing Note Presented to UN Special Procedures Mandate Holders – Religious Minorities in Pakistan: Scheduled Caste Hindus*, September 2014, <http://www.dalits.nl/pdf/PDSNnote-sep2014.pdf>, p. 1. Scheduled castes reportedly consider that they constitute 80 per cent of Sindh’s Hindu population and claim that they have never been correctly counted in the public census. Dawn, *The Miserable Scheduled Castes*, 18 June 2015, <http://www.dawn.com/news/1188782>. According to figures from the Ministry of Minorities as at March 2011, there were over 2.4 million Hindus in Pakistan. However, the HRCP working group noted that the overall Ministry of Minorities figure of non-Muslims in Pakistan was lower than in the 1998 census, even though the figures were more recent; the HRCP working group questioned why these figures did not have a ratio of growth similar to the Muslim population. HRCP, *Life At Risk: Report of HRCP Working Group on Communities Vulnerable Because of Their Beliefs*, April 2011, <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/5.pdf>, pp. 12-14. In a 2009 report to the UN Committee on the Elimination of Racial Discrimination the population of scheduled castes Hindus was estimated by their representatives at about two million. Thardeep Rural Development Programme and others, *The Choice of Reforms: The Human Rights Situation of Ethnic, Linguistic, Religious Minorities, Scheduled Castes Hindus and Indigenous People in Pakistan*, 2009, http://www.2ohchr.org/english/bodies/cerd/docs/ngo/Alternative_report_TRDP_NCJP_PILER_IDSN_Justice_and_Peace_Netherlands.pdf, p. 9. Some observers contend that the official figures for Hindus who belong to scheduled castes have been deliberately underestimated in an attempt to downplay the scale of the societal discrimination faced by this population. See Thardeep Rural Development Programme and others, *ibid.*

³¹² According to figures from the Ministry of Minorities as at March 2011, 2.28 million out of a total of 2.4 million Hindus in Pakistan reside in Sindh province. HRCP, *Life At Risk: Report of HRCP Working Group on Communities Vulnerable Because of Their Beliefs*, April 2011, <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/5.pdf>, p. 3. Scheduled caste Hindus are reportedly concentrated in rural areas of Sindh, mostly in semi-arid zones or in the districts where there is a lack of infrastructure. Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN), *Scheduled Caste Children in Pakistan, Joint Report for Committee on the Rights of the Child (CRC) 72nd PSWG 5-9 October 2015–Pakistan*, 1 July 2015, <http://idsn.org/wp-content/uploads/2015/07/IDSN-and-PDSN-alternative-report-on-Scheduled-Caste-Children-in-Pakistan-July-2015-CRC-Pakistan.pdf>, pp. 2-3.

³¹³ Pakistan, *Hindu Marriage Act 2016*, http://www.na.gov.pk/uploads/documents/1474902799_197.pdf; Dawn, *NA Finally Passes Hindu Marriage Bill*, 27 September 2016, <http://www.dawn.com/news/1286344>. The assemblies of each of the three provinces passed resolutions to endorse the proposed national Hindu Marriage Bill 2016. Dawn, *National Assembly Takes up Hindu Marriage Bill*, 18 August 2016, <http://www.dawn.com/news/1278328>. Article 142(c) of the Constitution provides that a provincial assembly has exclusive power to make

The law would come into force after passing of the bill by the Senate, which it was reportedly expected to do without significant delay.³¹⁴ The Hindu Marriage Bill 2016 requires both parties to a marriage to be 18 years or older.³¹⁵ Under the bill, either party to a marriage can petition for the marriage to be terminated if the other party “has ceased to be Hindu by conversion to another religion”.³¹⁶

On 15 February 2016, the Provincial Assembly of Sindh approved the Sindh Hindus Marriage Bill 2016, which applies retroactively to existing marriages; it was assented to by the Governor of Sindh on 7 April 2016 as an Act of the Legislature of Sindh.³¹⁷ The Sindh Hindus Marriage Act provides for the formal registration of Hindu marriages, provided that both parties are 18 years of age or above.³¹⁸ Previously, and in recognition of the fact that Hindu girls were reported to be particularly vulnerable to being abducted and forced into marriage,³¹⁹ in April 2014 the Sindh Assembly had already passed a law rendering marriage below the age of 18 for both boys and girls unlawful.³²⁰ (See also, Section III.E, Family Law.)

Prior to the adoption of the Sindh Hindus Marriage Bill 2014 and the Hindu Marriage Bill 2016, there was no legal framework for registering Hindu marriages. As a result, family matters such as marriage, divorce and inheritance, were reportedly governed solely by customary law.³²¹ As married Hindu women were thus unable to produce a marriage certificate, they were reportedly particularly vulnerable to kidnapping, forced conversion and forced marriage despite the fact that they were already married.³²² Other difficulties caused by the lack of legal documentation for married Hindu

laws with respect to all matters which are not listed in the ‘Federal Legislative List’ in the Fourth Schedule of the Constitution; personal laws are not included in this list and are therefore matters for provinces. Article 144 of the Constitution enables provinces to grant the federal government power to enact legislation with respect to a provincial matter. See Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.unhcr.org/refworld/docid/47558c422.html>, Articles 142, 144, Fourth Schedule. See also footnote 114.

³¹⁴ Reuters, *Pakistan Assembly Passes Marriage Bill Protecting Hindu Women’s Rights*, 27 September 2016, <http://in.reuters.com/article/pakistan-hinduism-idINKCN11X0NB>. The Senate received the approved bill from the National Assembly on the 28 September 2016. Pakistan, *Hindu Marriage Bill 2016*, 28 September 2016, <http://www.senate.gov.pk/en/billsDetails.php?type=1&id=-1&catid=186&subcatid=276&cattitle=Bills>.

³¹⁵ Pakistan, *Hindu Marriage Act 2016*, http://www.na.gov.pk/uploads/documents/1474902799_197.pdf, Article 4(b).

³¹⁶ Pakistan, *Hindu Marriage Act 2016*, http://www.na.gov.pk/uploads/documents/1474902799_197.pdf, Article 12(1)(iii).

³¹⁷ Pakistan, *Sindh Hindus Marriage Act 2016*, <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.IX%20of%202016.pdf>; Reuters, *Province in Muslim Pakistan Passes Landmark Hindu Marriage Bill*, 16 February 2016, <http://blogs.reuters.com/faithworld/2016/02/16/province-in-muslim-pakistan-passes-landmark-hindu-marriage-bill/>; BBC News, *Pakistan’s Sindh Province Allowed Hindu Marriages to Be Registered*, 16 February 2016, <http://www.bbc.com/news/world-asia-35585015>.

³¹⁸ Pakistan, *Sindh Hindus Marriage Act 2016*, <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.IX%20of%202016.pdf>, Section 4(1)(a). Dawn, *Sindh Assembly Approves Hindu Marriage Bill*, 15 February 2016, <http://www.dawn.com/news/1239719>; The Express Tribune, *Sindh Assembly Becomes First in Pakistan to Pass Hindu Marriage Bill*, 15 February 2016, <http://tribune.com.pk/story/1047279/sindh-assembly-becomes-first-in-pakistan-to-pass-hindu-marriage-bill/>.

³¹⁹ In 2014, there were reportedly 150 cases of forced marriages of underage Hindu girls in Sindh. HRCP, *Pakistan’s Universal Periodic Review: A Look Back at Our Promises* (Civil Society Mid-Term Assessment Report), June 2015, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, p. 44.

³²⁰ The Express Tribune, *Child Rights: Sindh Makes Marriage Under 18 Punishable by Law*, 29 April 2014, <http://tribune.com.pk/story/701468/child-rights-sindh-makes-marriage-under-18-punishable-by-law/>. The full text of the law, called the Sindh Child Marriage Restraint Act, 2013, is available at <http://sindhlaws.gov.pk/setup/publications/PUB-14-000238.pdf>. See also Section III.E, Family Law.

³²¹ “There is no specific legal framework for the government to register the marriages of Hindus and Sikhs, although a married couple’s local religious council may provide a civil marriage certificate based on Hindu marriage documentation.” United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. Pursuant to the Constitution of Pakistan, all communities are entitled to follow their “personal laws”. See, Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), <http://www.unhcr.org/refworld/docid/47558c422.html>, Article 227.

³²² “Forced conversion of Christian and Hindu girls and young women into Islam and forced marriage remains a systemic problem.” USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. See also The Express Tribune, *Seeking Their Rights: Forced Conversions Still an Issue for Hindus in Sindh*, 15 July 2015, <http://tribune.com.pk/story/921649/seeking-their-rights-forced-conversions-still-an-issue-for-hindus-in-sindh/>; GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, pp. 6, 20; The International News, *In Pakistan, Only Wedding Photos Can Prove Hindus’ Marriages*, 26 January 2016, <https://www.thenews.com.pk/print/20453-in-pakistan-only-wedding-photos-can-prove-hindus-marriages>. Article 11(1)(c) of the Hindu Marriage Bill 2016 makes a marriage voidable if, inter alia, “consent of the petitioner was obtained by force, coercion or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent”. However, Article 11(2) states: “Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage (A) on the ground specified in clause (c) of sub-section (1) shall be entertained, if (i) the petition is presented more than one year after the force or coercion had ceased to operate or, as the case may be, the fraud had been discovered; or (ii) the petitioner has, with his or her full consent, continued to live with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud has been discovered”. Pakistan, *Hindu Marriage Act 2016*, http://www.na.gov.pk/uploads/documents/1474902799_197.pdf, Article 11(1)(c).

women included difficulties relating to matrimonial or inheritance matters, property transactions, voting, accessing health care services, as well as limitations on freedom of movement.³²³

b) Situation of Hindu Individuals in Pakistan

Anti-Hindu sentiment reportedly dates back to the time of the partition of India in 1947.³²⁴ Hindus are reportedly subjected to discrimination and violence within a climate of increasing religious intolerance and impunity.³²⁵ The Government has reportedly failed to protect Hindu places of worship and burial grounds.³²⁶ By 2014, only 20 out of 428 Hindu places of worship entrusted to the Evacuee Trust Property Board³²⁷ were reported to be operational.³²⁸ On 17 April 2015, the Supreme Court

³²³ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; GHRD, *60 Years on Hindus in Pakistan Still Do Not Have a Marriage Bill*, 16 July 2015, <http://www.ghrd.org/news/article/news/detail/News/60-years-on-hindus-in-pakistan-still-do-not-have-a-marriage-bill/>; UN Human Rights Council, *Written Statement Submitted by the Asian Legal Resource Centre, a Non-Governmental Organization in General Consultative Status*, 23 February 2015, A/HRC/28/NGO/86, http://www.ecoi.net/file_upload/1930_1425485343_g1503349.pdf, p. 3. The inability to prove that they were married reportedly also left Hindu women vulnerable to extortion by the police, who threatened them with accusations of adultery. MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 7. Married Hindu women were also reported to face difficulties in obtaining computerized national identity cards (CNICs). However, in 2012 the Supreme Court reportedly ordered the National Database and Registration Authority (NADRA) to amend its regulations on issuing CNICs. Reportedly, NADRA has subsequently only required a married Hindu woman to provide an affidavit as proof of marriage in order to apply for a CNIC. Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 54; Dawn, *New Column for Hindu Women in CNIC Form*, 23 May 2012, <http://www.dawn.com/news/720791/new-column-for-hindu-women-in-cnic-form>; see also The International News, *In Pakistan, Only Wedding Photos Can Prove Hindus' Marriages*, 26 January 2016, <https://www.thenews.com.pk/print/20453-in-pakistan-only-wedding-photos-can-prove-hindus-marriages>. In 2014, the Supreme Court ruled that “the issue of non-registration of Hindu marriages was resolved by NADRA”. Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, para. 4.

³²⁴ Reuters, *Pakistan's Hindus, Other Minorities Face Surge of Violence*, 6 May 2014, <http://uk.reuters.com/article/2014/05/06/uk-pakistan-minorities-idUKKBN0DL1AS20140506>.

³²⁵ “Sindh has also seen growing religious polarization, fuelling discrimination and violence towards Sindh’s Hindu population.” MRG, *Reports From Pakistan: Tracing the Challenges Facing Religious Minorities*, 24 October 2016, <http://minorityrights.org/publications/reports-pakistan-tracing-challenges-facing-religious-minorities/>, see chapter entitled: *Hindu Emigration From Pakistan*, <http://stories.minorityrights.org/pakistan-religious-minorities/chapter/pakistani-hindus-migrating-to-india/>; see also MRG, *State of the World's Minorities and Indigenous Peoples 2016 - Pakistan*, 12 July 2016, <http://www.refworld.org/docid/5796082215.html>; Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, p. viii. In June 2015 Lal Malhi, an elected member of the National Assembly on a minority seat from Pakistan Tehreek-e-Insaf, voiced his concern at his colleagues’ negative comments about Hindus. Dawn, *Where Should a Pakistani Hindu Go?*, 23 June 2015, <http://www.dawn.com/news/1189939>; The Express Tribune, *Lessons in Tolerance: MP Ask Colleagues Not to Denigrate Hindus in Speeches*, 22 June 2015, <http://tribune.com.pk/story/907578/lessons-in-tolerance-mp-ask-colleagues-not-to-denigrate-hindus-in-speeches/>. The media reportedly depicts Hindus as “agents of India” and Hindu characters in television programmes and films as “opportunists”, “usurers” and “unpatriotic”. IFHR and HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 13. See also, Dawn, *The Miserable Scheduled Castes*, 18 June 2015, <http://www.dawn.com/news/1188782>; International Dalit Solidarity Network, *Briefing Note Presented to UN Special Procedures Mandate Holders – Religious Minorities in Pakistan: Scheduled Caste Hindus*, September 2014, <http://www.dalits.nl/pdf/PDSNnote-sep2014.pdf>, p. 1; MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, pp. 3, 7-8.

³²⁶ “In Sindh, most of the burial places that belonged to the Shudras and the untouchables have been taken over by Muslims, and Hindus belonging to lower castes were not allowed to bury their dead there.” IFHR and HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 9. In August 2012, the Supreme Court of Pakistan reportedly ordered the government of Punjab to organize land to be vacated from ‘land mafia’, and to construct a graveyard for the Hindu community by 25 December 2013. The construction was finished in May 2014, but more than a year later the graveyard had still not been inaugurated and was in fact reportedly sealed off by the authorities, allegedly as a result of the desecration of a grave of a Muslim saint which angered Muslims in the area. Daily Pakistan, *Sealing of Cemetery Frustrates Hindus in Lahore*, 22 August 2015, <http://en.dailypakistan.com.pk/pakistan/sealing-of-cemetery-frustrates-hindus-in-lahore/>. “In May (2014) there were further attacks on Hindu temples in Sindh. The Pakistan Hindu Council demanded protective measures for Hindus and claimed around 25,000 Hindus had migrated to India in the last five years.” United Kingdom: Foreign and Commonwealth Office, *Pakistan: Country of Concern*, latest update 30 June 2014, 21 January 2015, <https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern-latest-update-30-june-2014>. See also, Dawn, *Hindu Burial in 'Muslim Graveyard' Sparks Protests in Badin*, 27 December 2013, <http://www.dawn.com/news/1076542>.

³²⁷ When Pakistan became independent, many non-Muslims left for India. Soon after independence a trust was established under federal law, the Evacuee Trust Property Board (ETPB), to manage the properties, notably places of worship, that were left behind by non-Muslim communities. Although this Board is entrusted with the upkeep and protection of such properties and does not have the right to sell these, much of the land under the Board’s control has reportedly been left uncared for, or has been occupied, or has been sold. The HRCP and IFHR report that, “This is notably the case for properties belonging to the Hindu community.” In Hyderabad in Sindh province, by early 2015 of the 350 temples and gurdawaras, only one was reportedly still maintained by the ETPB, five to ten were privately managed, and the rest were either occupied or sold. The previous Chair of the Board was reportedly accused of having illegally sold property. There are reportedly very few Board members from religious minority groups. According to the HRCP and IFHR, “This is especially problematic for members of the Hindu faith, whose religion dictates that Hindu temples may only be managed by Hindus”. IFHR and HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 9.

reportedly ordered the Khyber Pakhtunkhwa government to restore and reconstruct a Hindu temple in Karak.³²⁹ In February 2015, the Sindh police chief was reportedly summoned by the Supreme Court following complaints that the Sindh government failed to provide adequate protection to Hindu places of worship.³³⁰

Like members of other non-Muslim religious minorities, Hindus are reportedly subject to discrimination in admission to higher education institutions and access to employment. Hindus of scheduled castes in particular are reportedly usually limited to underpaid and low status employment, such as jobs as fishermen, cobblers, brick makers, sweepers and other sanitation jobs.³³¹ Some scheduled caste families reportedly avoid sending their daughters to school due to fear for their safety and personal security.³³² Furthermore, it is reported that public school textbooks include derogatory remarks and hate speech against Hindus.³³³ Scheduled caste Hindus are reportedly faced with restrictions on access to public spaces and public services.³³⁴ Hindus have also reportedly faced some difficulty in importing religious literature from India.³³⁵ (See also Section IV, Situation of Religious Minorities in Pakistan.)

There are reports of the police being reluctant to register, investigate or to intervene in cases of abduction, forced conversion and forced marriage, to which Hindu women and girls are particularly

³²⁸ The Express Tribune, *95% of Worship Places Put to Commercial Use: Survey*, 25 March 2014, <http://tribune.com.pk/story/686952/95-of-worship-places-put-to-commercial-use-survey/>.

³²⁹ Local religious leaders had resisted the reconstruction of this temple which was damaged in 1997. Dawn, *SC Asks KP Govt to Get Hindu Temple Rebuilt*, 17 April 2015, <http://www.dawn.com/news/1176474>; Odisha Sun Times, *Rebuild Hindu Temple, Says Pakistan Court*, August 26 2015, <http://odishasuntimes.com/2015/08/26/rebuild-hindu-temple-says-pakistan-court/>.

³³⁰ United Kingdom Foreign and Commonwealth Office, *Corporate Report Pakistan - In-Year Update July 2015*, 15 July 2015, <https://www.gov.uk/government/publications/pakistan-in-year-update-july-2015/pakistan-in-year-update-july-2015>.

³³¹ Dawn, *For Lower-Caste Hindus, A Soneri Cup Symbolises Deep-Rooted Bigotry*, 12 May 2016, <http://www.dawn.com/news/1235729>; Dawn, *Dalits' Dream of Pakistan*, 9 May 2016, <http://www.dawn.com/news/1257165>; HRCF, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrcf-web.org/hrcfweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, pp. 70-71; Pakistan Hindu Post, *Minority within a Minority: Scheduled Caste Hindus Seek Equal Rights in Pakistan*, 12 April 2012, <http://pakistanhindupost.blogspot.ch/2012/04/minority-within-minority-scheduled.html>.

³³² MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 16; Independent, *A Hindu Hell on Earth: Families Are Being Torn Apart by Their Desperation to Flee Persecution in Pakistan*, 7 May 2013, <http://www.independent.co.uk/news/world/asia/a-hindu-hell-on-earth-families-are-being-torn-apart-by-their-desperation-to-flee-persecution-in-8606774.html>. For example, a Hindu businessman in Sindh reported paying extortion money every month to ensure the safety of his wife and daughter. News on Sunday, *I Love Pakistan, But I Can't Live Here*, 25 May 2014, <http://tns.thenews.com.pk/hindus-say-love-pakistan-cant-live/>.

³³³ "There are frequent examples of bias and intolerance against the beliefs and traditions of religious minority students throughout the curriculum. Much of this rhetoric is aimed specifically at Hindus and their traditions, including Hindus' perceived ill treatment of widows and the less fortunate, which are contrasted unfavourably against the practices of Pakistani Muslims." USCIRF, *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, April 2016, http://www.uscifr.gov/sites/default/files/USCIRF_Pakistan_FINALonline.pdf, p. 8. For example, a Grade 10 Punjab textbook states (translation from Urdu): "The Islamic religion, culture and social system are different from non-Muslims; therefore, it is impossible for them to cooperate with Hindus." *Ibid.*, p. 7. While a Grade 8 Sindh Textbook states: "Hindu racists wanted to eliminate not only Muslims but all non-Hindus." *Ibid.*, p. 8. See following report for further detailed examples: USCIRF, *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, April 2016, http://www.uscifr.gov/sites/default/files/USCIRF_Pakistan_FINALonline.pdf. "In 2009, Pakistan had adopted a new education policy that included a provision to remove 'controversial material against any sect or religious/ethnic minorities' from teaching materials. However, evidence suggests that in practice the problem persists." MRG, *State of the World's Minorities and Indigenous Peoples 2014 - Case Study: Pakistan: Countering Hate Content in Textbooks*, 3 July 2014, <http://www.refworld.org/docid/53ba8dbe5.html>.

³³⁴ In October 2016, the Committee on the Elimination of Racial Discrimination stated that it "remain[ed] concerned that persons belonging to ethnic and religious minorities, refugees and the scheduled castes (Dalits) have limited access to justice owing to high legal fees and the lack of clarity on the criteria and procedure for the application of the free legal assistance programmes." CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 23. The Committee also expressed its concern "at violence against minorities, particularly Ahmadis, Hazaras and Dalits, and their de facto segregation in isolated areas without fair access to employment, health care, education and other basic services, which is exacerbated by growing violence against them." *Ibid.*, para. 19. Finally, the Committee stated that it was "concerned at the de facto existence of the scheduled castes (Dalits) and the continuing discrimination against them, particularly in employment and education." *Ibid.*, para. 31. See also Pakistan Dalit Solidarity Network (PDSN) and the International Dalit Solidarity Network (IDSN), *Scheduled Caste Children in Pakistan, Joint Report for Committee on the Rights of the Child (CRC) 72nd PSWG 5-9 October 2015-Pakistan*, 1 July 2015, <http://idsn.org/wp-content/uploads/2015/07/IDSN-and-PDSN-alternative-report-on-Scheduled-Caste-Children-in-Pakistan-July-2015-CRC-Pakistan.pdf>, pp. 2-3.

³³⁵ United States Department of State, *2013 Report on International Religious Freedom - Pakistan*, 28 July 2014, <http://www.refworld.org/docid/53d90733b.html>.

vulnerable (see Section V.4.a).³³⁶ Moreover, victims' families have reportedly been harassed or received death threats from the perpetrators after reporting such incidents to the police.³³⁷ In June 2014 the Supreme Court held that "so far as the allegation of forcible conversion of Hindu girls is concerned, although criminal cases were registered in Punjab, Sindh and Balochistan yet generally it was found that most of the girls had eloped with persons of their choice and married at their own free will."³³⁸ However, Hindu representatives state that Hindu victims of forced marriage and conversions are pressured and threatened into saying publicly they had entered into the marriage of their own free will.³³⁹

In August 2014, Sindh province's top police official reportedly told Al Jazeera that the lower tier police are not sensitized to discrimination faced by Hindus.³⁴⁰ In June 2016, an elderly Hindu man was reportedly attacked by an off-duty police officer allegedly for eating (or selling food) during the fasting month of Ramadan.³⁴¹ In April 2015, Hindu community members reported that police at the Sindh-Balochistan border demanded bribes from Hindus performing their annual pilgrimage to a Hindu temple in Balochistan.³⁴²

Police have reportedly felt unable to investigate effectively cases of bonded labour, an issue which affects Hindus disproportionately, due to the social influence of the alleged perpetrators, despite the

³³⁶ Dawn, *Woman Speaks of Forced Conversion, Denial to Lodge FIR of Rape, Trafficking*, 1 August 2015, <http://www.dawn.com/news/1197650>; Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, pp. 71-73; HRCF, *Report of HRCF Expert Group on Communities Vulnerable Because of their Belief: Belief and Relief, Access to Justice for Religious Minorities*, 2014, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2015/09/Access-to-justice-for-religious-minorities-Expert-Group-Report.pdf>, p. 31. For general information on police reluctance to register FIRs and investigate cases generally, including in particular cases where the victims are members of vulnerable groups such as women and other marginalized groups, see also, Human Rights Watch, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>, p. 22.

³³⁷ MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaaf24.html>, p. 16. For example, on 2 October 2014 an 11-year old Hindu girl who was reportedly abducted, forcibly converted and married to one of her abductors was returned to her parents. However, the abductors were reportedly not punished, and continued to harass and threaten the family. Similarly, "12-year-old Anjali Meghwar [a Hindu girl] was abducted October 29, 2014 from her home by five armed men in Sindh province and was forcefully converted and married to a Muslim man. Although Anjali's abductor was subsequently arrested, a civil court judge ordered her stay in a shelter house in Karachi until she turns 18. Under Sindh law, however, the judge should have returned her to her family as she is a minor and unable to legally marry. Moreover, the shelter house where she was sent has refused to allow Anjali's parents to visit her in the shelter house. Her family is now in hiding and has dropped the case after receiving death threats." Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, pp. 71-73 citing GHRD, *The Culture of Impunity and Forced Marriages in Pakistan*, 1 April 2015, <http://www.ghrd.org/news/article/news/detail/News/the-culture-of-impunity-and-forced-marriages-in-pakistan/>.

³³⁸ Pakistan Supreme Court, *S.M.C. No.1 of 2014 and C.M.A. Nos. 217-K/2014 IN S.M.C. No.1/2014 et al.*, 19 June 2014, <http://www.refworld.org/docid/559e57644.html>, para. 4.

³³⁹ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

³⁴⁰ Al Jazeera, *Forced Conversions Torment Pakistan's Hindus*, 18 August 2014, <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>.

³⁴¹ ACLED, *Targeting Religious Minorities in Pakistan*, 19 October 2016, <http://www.crisis.acleddata.com/targeting-religious-minorities-in-pakistan/>. The police officer was reportedly arrested on charges of assault. Dawn, *Policeman Arrested for Allegedly Torturing Elderly Hindu Man in Ghotki*, 12 June 2016, <http://www.dawn.com/news/1264243>; The Express Tribune, *Hindu Man Beaten for Eating in Ramazan*, 12 June 2016, <http://tribune.com.pk/story/1121012/hindu-man-beaten-eating-ramazan/>.

³⁴² United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

fact that bonded labour is criminalized under Pakistan's labour laws.³⁴³ In some cases, police have reportedly returned bonded labourers who had escaped and sought protection to their traffickers.³⁴⁴

c) Treatment of Hindu Individuals by Non-State Actors

Hindus from scheduled castes are reportedly subjected to caste-based discrimination, social exclusion and marginalization, and also to practices of untouchability.³⁴⁵

Tensions between Muslims and Hindus are reported to be high, with allegations of blasphemy against Hindu individuals reportedly triggering violent reactions from large crowds.³⁴⁶ Large mobs have reportedly threatened Hindus who were celebrating Hindu festivals, and have pressured police to act on charges of blasphemy.³⁴⁷ Hindu property and temples have reportedly been attacked by local Muslim communities. In January 2016, armed men reportedly desecrated a religious monument in a Hindu temple in Karachi.³⁴⁸ In February 2015 three temples in Sindh were reportedly attacked, while in March 2014 five Hindu temples were reportedly attacked in Larkana, Sindh and surrounding

³⁴³ Pakistan: Bonded Labour System (Abolition) Rules 1995, 20 July 1995, <http://www.refworld.org/docid/4e2d82252.html>. In October 2016 the Committee on the Elimination of Racial Discrimination reported that "[i]t appears that the [Bonded Labour System (Abolition) Act of 1992] has not been effectively implemented owing to the lack of awareness about it among people working under debt-bondage and among law enforcement and judicial officials." CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 27. See also, for example, Human Rights Watch, "This Crooked System" - Police Abuse and Reform in Pakistan, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.htm>, pp. 28-29; United States Department of State, 2015 Report on International Religious Freedom - Pakistan, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; HRCP, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, pp. 70-71; HRCP, *Report of HRCP Expert Group on Communities Vulnerable Because of Their Belief: Belief and Relief, Access to Justice for Religious Minorities*, 2014, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/Access-to-justice-for-religious-minorities-Expert-Group-Report.pdf>, pp. 29-30. See also footnote 271.

³⁴⁴ United States Department of State, 2014 Trafficking in Persons Report - Pakistan, 20 June 2014, <http://www.refworld.org/docid/53aab9bc7.html>.

³⁴⁵ "Untouchability practices: a set of collective behaviours and norms stemming from the belief that contact with individuals from lower castes is 'polluting'". UN General Assembly, *Report of the Special Rapporteur on Minority Issues*, 28 January 2016, A/HRC/31/56, <http://www.refworld.org/docid/56dfde5d4.html>, para. 28(c). See also, *ibid.*, paras 28, 32, 34. In October 2016 the Committee on the Elimination of Racial Discrimination reported that it was "concerned at the de facto existence of the scheduled castes (Dalits) and the continuing discrimination against them, particularly in employment and education." CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 31. See also, Pakistan Dalit Solidarity Network (PDSN), in association with the International Dalit Solidarity Network (IDSN), *Alternative Report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) for the Examination of the 4th Periodic Report of Pakistan at the 54th CEDAW Session*, February 2013, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsSubmissionPakistan_ForTheSession54.pdf, pp. 2, 3, 6, and 10; IDSN, *Drought in Pakistan Kills Over 100 Children - Many Are Dalits*, 10 March 2014, <http://idsn.org/drought-in-pakistan-kills-over-100-children-most-are-dalits/>.

³⁴⁶ For example, in July 2016 a man who was reportedly mentally ill and who had recently converted from Hinduism to Islam was accused of torching copies of the Quran in Ghotki, Sindh. As news of the accusation spread, the next day large crowds of Muslims blocked the National Highway and reportedly demanded to "deal" with the alleged blasphemer themselves. The following day, two Hindu men were reportedly shot by armed men; one of the victims died of his injuries. ABC News, *Hindus Flee Muslim Extremists After Koran Burned in Pakistan*, 24 August 2016, <http://www.abc.net.au/news/2016-08-25/hindus-flee-muslim-extremists-after-koran-burned-in-pakistan/7782800>; The Express Tribune, *Blasphemy Allegations: Ghotki on Edge as Mob Demands 'Justice'*, 27 July 2016, <http://tribune.com.pk/story/1149943/blasphemy-allegations-ghotki-edge-mob-demands-justice/>; The Nation, *Hindu Youth Killed as Blasphemy Allegation Fuels Tension in Ghotki*, 27 July 2016, <http://nation.com.pk/national/27-Jul-2016/hindu-youth-killed-as-communal-tensions-rock-ghotki-over-blasphemy-allegation>; Dawn, *Hindu Youth Killed as Communal Tensions Rock Ghotki After 'Sacrilege' Incident*, 27 July 2016, <http://www.dawn.com/news/1273509>.

³⁴⁷ "3 Hindu boys have been accused of blasphemy in Badin (Sindh) as they had spray painted some signs on the occasion of Holi (Hindu festival of colour) and are currently under arrest." European Union: European Parliament, *European Parliament Resolution on Pakistan: Recent Cases of Persecution (2014/2694(RSP))*, 15 April 2014, B7 0403/2014, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B7-2014-0403+0+DOC+WORD+V0/EN>, p. 3. "In the last few incidents in Sindh, large mobs had gathered to threaten the religious minorities and to force the police to act on charges, however baseless, made against religious minorities. In one incident in Badin on the day of Holi, when children were throwing Holi colours on each other, around 1,500 members from the majority community had turned up to claim that Hindus had committed blasphemy because someone had written something on a road with Holi colours." HRCP, *Report of HRCP Expert Group on Communities Vulnerable Because of Their Belief: Belief and Relief, Access to Justice for Religious Minorities*, 2014, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/Access-to-justice-for-religious-minorities-Expert-Group-Report.pdf>, p. 17.

³⁴⁸ Dawn, *Disquiet Over Karachi Temple Desecration*, 2 February 2016, <http://www.dawn.com/news/1236839>; The Indian Express, *Hindu Temple in Pakistan Desecrated, Panic Grips Community*, 2 February 2016, <http://www.newindianexpress.com/world/Hindu-Temple-in-Pakistan-Desecrated-Panic-Grips-Community/2016/02/02/article3257788.ece>.

areas.³⁴⁹ The mob attack on temples in Larkana in March 2014 was reportedly triggered by allegations of blasphemy.³⁵⁰ Hindu gravesites have reportedly also been desecrated.³⁵¹

As noted above, human rights and community groups report that women and girls from religious minorities, including in particular Hindus — especially those from scheduled castes (dalits) — and Christians, are at disproportionate risk of abduction and sexual violence; such attacks may result in the forced marriage of the victims to their abductors, with the perpetrators claiming that their victims had converted to Islam.³⁵² Conservative estimates suggest that at least 300 Hindu women or girls become victims of forced conversion and marriage each year, but this is likely to be an underestimate.³⁵³ Some *madrassas*, particularly in Sindh, reportedly conduct “organized conversions”, where they abduct Hindu girls to forcibly convert them to Islam.³⁵⁴ In May 2014, a Hindu lawmaker from the Pakistan Muslim League-Nawaz stated in Parliament that about 5,000 Hindus emigrate from Pakistan each year to escape discrimination and forced conversions.³⁵⁵ (See also Section IV, Situation of Religious Minorities in Pakistan.)

³⁴⁹ Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, pp. 67-68; USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>.

³⁵⁰ United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>; GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p.16; USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; Reuters, *Hindu Temple Set on Fire in Pakistan over Blasphemy*, 16 March 2014, <http://www.reuters.com/article/us-pakistan-hindu-idUSBREA2F0GT20140316>.

³⁵¹ In 2013, nine Hindu temples were reportedly attacked in the city of Larkana, Sindh. HRCF, *Pakistan's Universal Periodic Review – A Look Back at Our Promises*, *Civil Society Mid-Term Report*, June 2015, <http://hrcf-web.org/hrcfweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, p. 75. In October and December 2013, burial sites were reportedly desecrated and Hindu bodies were dug up by angry mobs of Muslims. MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, pp. 7-8; Dawn, *Herald Exclusive: Grave Concerns*, 6 March 2014, <http://www.dawn.com/news/1091396>; The Express Tribune, *Final 'Unrest': Badin Mob Digs Out Hindu Man's Grave*, 8 October 2013, <http://tribune.com.pk/story/615028/final-unrest-badin-mob-digs-out-hindu-mans-grave/>. See also, Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, pp. 67-68.

³⁵² In October 2016 the Committee on the Elimination of Racial Discrimination reported that it was “deeply concerned at persistent reports of abduction of Dalit women and girls for the purpose of forced conversion to Islam and forced marriage.” CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 31. See also USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>; HRCF, *State of Human Rights in 2015: Women*, March 2016, http://hrcf-web.org/hrcfweb/wp-content/uploads/2016/04/Women_12.pdf, p. 17; Amnesty International, *Amnesty International Report 2015/16 - Pakistan*, 24 February 2016, <http://www.refworld.org/docid/56d05b2715.html>; The Express Tribune, *Seeking Their Rights: Forced Conversions Still an Issue for Hindus in Sindh*, 15 July 2015, <http://tribune.com.pk/story/921649/seeking-their-rights-forced-conversions-still-an-issue-for-hindus-in-sindh/>. Minority Rights Group International reported in 2015 that “relocating to cities has also not always ensured greater security for Pakistan's minorities. Hindus who have migrated to Karachi, for example, have continued to fall victim to incidents of forced conversion and marriage.” MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>. “Women from religious minority groups, particularly from the Hindu and Christian communities are especially subject to sexual violence. Girls from these communities suffer disproportionate acts of abduction and rape. When the perpetrators are caught, they claim that the girl had converted to Islam. In this way they are afforded impunity through the Courts in the name of spreading Islam.” UN General Assembly, Human Rights Council, 29th Session, *Written Statement Submitted by the Asian Legal Resource Centre, a Non-Governmental Organization in General Consultative Status*, 5 June 2015, A/HRC/29/NGO/54, https://www.ecoi.net/file_upload/1930_1434538648_g1511505.pdf, para. 16. In June 2015, a 15-year-old Hindu boy was reportedly abducted and forced to convert to Islam. In February 2015, two Hindu sisters were reportedly kidnapped from their family home in Sindh, taken to the local madrasa and forcibly converted to Islam and married. Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, pp. 69, 71-73.

³⁵³ MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, pp. 15-16. “The true scale of the problem is, therefore, likely to be considerably higher. The lack of minority groups’ representation in the provinces is yet another reason for the improper representation of the issue and the lack of reliable information on the scale of the problem. [...] Cases of abductions, forced conversions and marriages have a specific pattern: most of the victims are Christian and Hindu (often between the ages of 12 and 25) and belong to poor families. The majority of the cases in the rural and marginalised areas, that tend to go unreported due to the difficulties associated with access to information, involve girls between 12-14 years. The lack of law enforcement cooperation and inadequate case registration and processing complicate the situation even further.” GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 18.

³⁵⁴ IFHR and HRCF, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 13.

³⁵⁵ Freedom House, *Freedom in the World 2015 - Pakistan*, 5 May 2015, <http://www.refworld.org/docid/55506fa758.html>; The News on Sunday, *I love Pakistan, But I Can't Live Here*, 25 May 2014, <http://tns.thenews.com.pk/hindus-say-love-pakistan-cant-live/>. See also ABC

Hindus have also reportedly been targets of kidnappings and abductions for ransom, in particular in Balochistan province.³⁵⁶ There have also been cases of religiously motivated targeted killings,³⁵⁷ as well as reports of hate speech calling for Hindus to convert to Islam or face death.³⁵⁸

There are reportedly between three to eight million bonded labourers in Pakistan, with the majority in Sindh and Punjab provinces.³⁵⁹ Hindus, particularly from lower castes and those in lower socio-economic circumstances, are reported to be disproportionately vulnerable to bonded labour, which is reportedly often accompanied by physical abuse and limitations on the victims' freedom of movement.³⁶⁰ Bonded labour is reportedly common within agriculture, brick kilns, mining, and domestic households.³⁶¹ There have also reportedly been cases where Hindu children have been bought, sold, rented, or kidnapped to work in illegal begging rings, domestic servitude, or agriculture as bonded labourers.³⁶²

In light of the foregoing, UNHCR considers that Hindus, including in particular victims of bonded labour, forced conversion and forced marriage, as well as those perceived as contravening social

News, *Hindus Flee Muslim Extremists After Koran Burned in Pakistan*, 24 August 2016, <http://www.abc.net.au/news/2016-08-25/hindus-flee-muslim-extremists-after-koran-burned-in-pakistan/7782800>.

- ³⁵⁶ There were a number of reported kidnappings of Hindu individuals in 2015. "On [2 February 2015], Hindu doctor Manoj Kumar was released in Quetta after the payment of 14 million rupees (\$133,710) in ransom. On [9 July 2015], a Hindu trader was kidnapped in Balochistan." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. On 2 December 2014, a Hindu doctor was reportedly abducted in Quetta and held captive for around two months until his family paid a ransom of 15 million rupee. The Times of India, *Pakistani Hindu Doctor Released After 2 Months in Captivity*, 2 February 2015, <http://timesofindia.indiatimes.com/world/pakistan/Pakistani-Hindu-doctor-released-after-2-months-in-captivity/articleshow/46098897.cms>. "Leaders of Hindu community claim that abductions of Hindus are commonplace and abductors have been given free hand [...] The routine kidnapping of Hindu traders for ransom has caused anxiety among the already disadvantaged Hindus." Mediterranean Journal of Social Sciences, *Injustice and Persecution: Forced Migration of Sindhi Hindus in Pakistan*, April 2015, http://www.researchgate.net/publication/276535777_Injustice_and_Persecution_Forced_Migration_of_Sindhi_Hindus_in_Pakistan.
- ³⁵⁷ In August 2016, a Hindu doctor was reportedly shot and killed outside his clinic in Karachi in August 2016. The Express Tribune, *Hindu Doctor Shot Dead in Karachi*, 6 August 2016, <http://tribune.com.pk/story/1156628/hindu-doctor-shot-dead-pak-colony/>. In 2015 a Hindu man was reportedly killed by two Muslim brothers, allegedly for falling in love with their sister. Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, p. 69. On 1 July 2014, the president of the local Hindu association in Balochistan was reportedly killed by unidentified gunman while opening his shop. United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>.
- ³⁵⁸ In August 2014, there was graffiti in a town in Balochistan calling on Zikris and Hindus to convert to Islam or face death. This was a week before six people were shot and killed near a shrine in Awaran District, Balochistan. MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>. See also, CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 15.
- ³⁵⁹ Bonded labour is also reported in Balochistan and Khyber Pakhtunkhwa. United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRCP, *State of Human Rights in 2015: Labour*, March 2016, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2016/04/Labour-2016.pdf>, p. 3.
- ³⁶⁰ CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 27; CRC, *Concluding Observations on the Fifth Periodic Report of Pakistan*, 11 July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En, para. 71; United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. Scheduled caste Hindus reportedly account for a large proportion of bonded labourers who are coerced into lives of servitude as a result of unpaid debts, including those of previous generations. HRCP, *Pakistan's Universal Periodic Review: A Look Back at Our Promises (Civil Society Mid-Term Assessment Report)*, June 2015, <http://hrnp-web.org/hrnpweb/wp-content/uploads/2015/09/A-look-back-at-our-promises.pdf>, pp. 70-71.
- ³⁶¹ Hindu American Foundation, *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015*, 31 July 2015, http://www.hafsite.org/sites/default/files/HHR_Report_2014_Final.pdf, p. 74. See also United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>.
- ³⁶² "In some cases landowners restricted laborers' movements with armed guards or sold labourers to other employers for the price of the laborers' debts." United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. See also, CRC, *Concluding Observations on the Fifth Periodic Report of Pakistan*, 11 July 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/PAK/CO/5&Lang=En, paras 71, 75. "As with the general scenario, children are even more vulnerable than their adult counterparts. Children in brick kilns report of being beaten with sticks and whipped to the point of injury. They do not receive compensation for their work, and are also sometimes kept as insurance to prevent the escape of adult family members." PDSN and the IDS, *Scheduled Caste Children in Pakistan, Joint Report for Committee on the Rights of the Child (CRC) 72nd PSWG 5-9 October 2015-Pakistan*, 1 July 2015, <http://idsn.org/wp-content/uploads/2015/07/IDSN-and-PDSN-alternative-report-on-Scheduled-Caste-Children-in-Pakistan-July-2015-CRC-Pakistan.pdf>, p. 6. For general information on children in Pakistan working as bonded labourers, see, United States Department of Labor, *2015 Findings on the Worst Forms of Child Labor - Pakistan*, 30 September 2016, <http://www.refworld.org/docid/57f4e8980.html>.

mores, may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion,³⁶³ ethnicity, (imputed) political opinion, and/or other relevant grounds.³⁶⁴

5. Shi'ites

Shi'ites are reported to be the largest Muslim minority group in Pakistan: they comprise between approximately 15 to 25 per cent of Pakistan's population and include a number of different ethnic groups.³⁶⁵ There are reportedly an estimated 650,000 to 900,000 Hazara Shi'ites in Pakistan, of whom approximately 500,000 are based in Quetta in Balochistan.³⁶⁶ While Shi'ite individuals are not subject to many of the provisions of the formal legal discriminatory framework which affects the non-Muslim religious groups, such as Ahmadis, they are reportedly the main target of sectarian attacks.³⁶⁷ The number of blasphemy allegations made against Shi'ites has also reportedly "increased exponentially" during the period from 2012 to 2015 (see also Section III.B, Blasphemy Laws).³⁶⁸ Extremist Sunni

³⁶³ Forced conversion is a serious violation of the fundamental right to freedom of thought, conscience and religion, and will generally amount to persecution. The claimant will, however, still need to demonstrate a subjective fear that the conversion is persecutory to him or her. This element will generally be satisfied where the claimant already holds different religious beliefs or has chosen to dissociate himself or herself from any religious denomination or community. See UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, para. 20, <http://www.unhcr.org/refworld/docid/4090f9794.html>.

³⁶⁴ Sexual and gender-based violence may amount to persecution, particularly where the State is unwilling or unable to provide protection. For further guidance see UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/02/01, 7 May 2002, <http://www.unhcr.org/refworld/docid/3d36f1c64.html>; UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/02/02, 7 May 2002, <http://www.unhcr.org/refworld/docid/3d36f23f4.html>. According to the UN Committee against Torture, the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of gender-based violence, such as rape, domestic violence and trafficking, facilitates and enables non-State actors to commit such acts with impunity. The State's indifference or inaction provides a form of encouragement and/or de facto permission. See UN Committee Against Torture, *General Comment No. 2: Implementation of Article 2 by States Parties*, CAT/C/GC/2, 24 January 2008, <http://www.unhcr.org/refworld/docid/47ac78ce2.html>.

³⁶⁵ The Central Intelligence Agency World Factbook estimates that 96.4% of the population identify as Muslim, of which 85-90% are Sunnis and 10-15% are Shi'ite. Central Intelligence Agency, *The World Factbook – Pakistan: People and Society*, last update: 27 October 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>. The 1998 Census of Pakistan found that 95 per cent of the population identified as Muslim. Of these, 75 per cent identified as Sunni and 25 per cent identified as Shi'ite. USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>. "Pakistan has the 2nd largest Shia community in the world, preceded only by Iran. Even so, Shias comprise only about 15% of Pakistan's population. Most of them reside in Punjab, with smaller communities living in Hyderabad, Karachi and Peshawar, with the dominant majority residing in the tribal areas." GHRD, *Pakistan: Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 8. See also, *ibid.*, p. 14.

³⁶⁶ MRG, 'Everything Has Shattered' – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p.1; HRW, "We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 9, citing The Express Tribune, *Who are the Hazara?*, 5 October 2011, <http://tribune.com.pk/story/267225/who-are-the-hazara/>. The division between the Shi'ite and Sunni sects of Islam date back to the death of the Prophet Muhammad and the question who was to lead the Muslim community. About.com, *What's the Difference between Shia and Sunni Muslims?*, 1 December 2015, http://islam.about.com/cs/divisions/f/shia_sunni.htm; MRG, 'Everything Has Shattered' – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 1; Canada: Immigration and Refugee Board of Canada, *Pakistan: How Shia Muslims Differ from Sunnis; Treatment of Shias, Particularly in Lahore and Multan; Government Response to Violence Against Shia Muslims (2010-December 2013)*, 9 January 2014, PAK104713.E, <http://www.refworld.org/docid/52eba0284.html>.

³⁶⁷ The proportion of sectarian attacks which targeted Shi'ites reportedly nearly doubled to 62 per cent in 2012-2015 compared to 33 per cent in 2008-2011. South Asia Terrorism Portal and Institute for Conflict Management, *Shia Killed in Pakistan Since 2001*, 7 August 2016, http://www.satp.org/satporgtp/countries/pakistan/database/Shias_killed_Pakistan.htm; South Asia Terrorism Portal and Institute for Conflict Management, *Sectarian Violence in Pakistan: 1989 – 2015*, 7 August 2016, <http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm>. See also, "Sectarian violent extremist groups targeted Shia houses of worship, religious gatherings, and religious leaders in attacks resulting in hundreds of deaths during [2015]. A public database of attacks on Shia reported 251 people killed and 316 injured in 38 separate attacks throughout the country." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 47-48; PIPS, *Pakistan Security Report 2015: Internal Security Matrix 2015*, January 2016, <http://pakpips.com/downloads/282.pdf>, pp. 7, 20-21, 28; The Global Centre for the Responsibility to Protect, *Pakistan: Ongoing Sectarian Attacks in Pakistan Leave Civilians at Risk of Potential Mass Atrocity Crimes*, 15 August 2015, <http://www.globalr2p.org/regions/pakistan>; GHRD, *Pakistan: Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 14; Global Voices, *With their Government Silent on Rising Shia Killings, These Pakistanis Are Speaking Up*, 2 March 2015, <https://globalvoices.org/2015/03/02/with-the-government-silent-on-shia-killings-pakistani-activists-raise-their-voice/>; MRG, *Searching for Security: The Rising Marginalization of Religious Communities in Pakistan*, 9 December 2014, <http://www.refworld.org/docid/556eaf24.html>, p. 19.

³⁶⁸ Jinnah Institute, *Violence Against the Shia Community in Pakistan 2012-2015*, June 2015, <http://jinnah-institute.org/violence-against-the-shia-community-in-pakistan-2012-2015/>.

militant groups³⁶⁹ reportedly view the Shi'ites as "heretics", "infidels" and "apostates" who should be punished with death.³⁷⁰ Shi'ites are reported to be subject to violent sectarian attacks by such militant groups, which are reportedly able to act with impunity.³⁷¹ Hazara Shi'ites are reported to be disproportionately vulnerable due to their visibility; this vulnerability is reflected in the percentage of Hazaras among Shi'ite victims of sectarian violence and attacks.³⁷² As a consequence, Hazara Shi'ites in particular report living in constant fear;³⁷³ threats and risk of attacks reportedly impose severe restrictions on their freedom of movement and consequently their access to livelihoods and education.³⁷⁴

a) Situation of Shi'ite Individuals in Pakistan

The government has been criticized for failing to protect Shi'ite Muslims from attacks, and for allowing militant organizations to operate with impunity by failing to investigate and punish those responsible for violent attacks against Shi'ites in Pakistan.³⁷⁵ Despite efforts by regional authorities to

³⁶⁹ The militant groups which are responsible for most of the attacks against Shi'ites in Pakistan are reported to be the Sipah-e-Sahaba (SSP), the Lashkar-e-Jhangvi (LeJ), the Tehrik-e-Taliban Pakistan (TTP), and the Jundallah, a group closely affiliated with the TTP. See also Section V.3.b on "Treatment of Shia Individuals by Non-State Groups".

³⁷⁰ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 49-50; HRW, *Dispatches: Pakistan's Shia Hazara under Siege*, 6 October 2014, <https://www.hrw.org/news/2014/10/06/dispatches-pakistans-shia-hazara-under-siege>; HRW, "We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, pp. 11, 14-15; MRG, 'Everything Has Shattered' – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 1.

³⁷¹ United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; The Global Centre for the Responsibility to Protect, *Pakistan: Ongoing Sectarian Attacks in Pakistan Leave Civilians at Risk of Potential Mass Atrocity Crimes*, 15 August 2015, <http://www.globalr2p.org/regions/pakistan>; HRW, "We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, pp. 4-5, 9-18.

³⁷² MRG, *Film: Pakistan's Hazara Shia*, October 2016, <http://stories.minorityrights.org/pakistan-religious-minorities/chapter/212/>. "Particularly vulnerable to attack and with limited government protection are Pakistan's Shi'a Hazara, who suffer intersectional discrimination as a visible ethnic minority as well as for their faith. Living mostly in Quetta, Baluchistan, in recent years Hazara have increasingly been targeted by Sunni militant groups such as the LeJ and TTP." MRG, *State of the World's Minorities and Indigenous Peoples 2016 - Pakistan*, 12 July 2016, <http://www.refworld.org/docid/5796082215.html>. The Hazara are an ethnic group who are distinguishable due to their language and facial features. Human Rights Watch reports that in 2013, nearly half of Shi'ite killed in 2013 were Hazaras. HRW, "We Are the Walking Dead": Killings of Shia Hazara in Balochistan, Pakistan, 29 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 2. See also, Foreign Policy Journal, *Stemming Shia Hazara Killings in the Islamic State Era*, 9 January 2015, <http://www.foreignpolicyjournal.com/2015/01/09/stemming-shia-hazara-killings-in-the-islamic-state-era/>; Al Jazeera, *Pakistan's Hazara: "It's Like Living in Jail"*, 14 December 2014, <http://www.aljazeera.com/humanrights/2014/12/pakistan-hazara-it-like-living-jail-2014123114655754509.html>.

³⁷³ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 48–50. "That culture of impunity has traumatized Quetta's Hazara community, and safety concerns have effectively ghettoized them. Since 2012, Quetta's Hazara have been compelled to limit their activities to the Hazara dominated neighbourhoods of Marriabad and Hazara Town. As a result, they face increasing economic hardship, little safe access to education, and severe limits on their freedom of movement." HRW, *Pakistan's Shia Under Attack*, 7 July 2014, <https://www.hrw.org/news/2014/07/07/pakistans-shia-under-attack>. One Hazara Shi'ite individual told HRW, "It is very unsafe for us to move out of our area now. If we do so it is at great risk to our lives. In the past many of us who had to go out of Quetta for business used to travel by bus. However, now we avoid buses, as it is very risky. We have been forced to travel by air, which is very expensive. Due to these reasons we have suffered tremendously." Another Hazara Shi'ite individual stated "It is virtually impossible for us to go out of Hazara Town and if we do so, it is at great cost to our lives." HRW, "We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 42. See also, Foreign Policy Journal, *Stemming Shia Hazara Killings in the Islamic State Era*, 9 January 2015, <http://www.foreignpolicyjournal.com/2015/01/09/stemming-shia-hazara-killings-in-the-islamic-state-era/>; MRG, 'Everything Has Shattered' – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 1.

³⁷⁴ "Members of the Hazara ethnic minority, who are Shi'a, continued to face discrimination and threats of violence in Quetta, Balochistan. According to press reports and other sources, they were unable to move freely outside of Quetta's two Hazara populated enclaves. Consumer goods in those enclaves were available only at inflated prices, and Hazaras reported an inability to find employment or pursue higher education. They also alleged government agencies discriminated against Hazaras in issuing identification cards and passports. To avoid sparking violent incidents, authorities confined Shi'a religious processions to the Hazara enclaves." United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>. See also Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 48–50. In respect to Hazara Shi'ites in Pakistan, Human Rights Watch reports that "There is no travel route, no shopping trip, no school run, no work commute that is safe". "We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 5.

³⁷⁵ CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 15. The Nation, *Shia Persecution Continues to Spiral in Pakistan as the State Acquiesces to Genocidal Violence*, 22 February 2016, <http://nation.com.pk/blogs/22-Feb-2016/shia-persecution-continues-to-spiral-in-pakistan-as-the-state-acquiesces-to-genocidal-violence>; HRW, *World Report 2016 - Pakistan*, 27 January 2016, <http://www.refworld.org/docid/56bd99299.html>; Amnesty International, *Pakistan: Attack on Ismaili Shi'a Muslims in Karachi is Product of "Climate of Impunity"*, 13 May 2015,

provide additional security measures for Shi'ites in some situations, the security situation for Shi'ites has reportedly not improved.³⁷⁶ Balochistan's civilian law enforcement authorities reportedly expressed a "helplessness and inability to deal with the issue of extremist attacks and sectarian militancy".³⁷⁷ Even where the police have been present they have reportedly been unable to stop attacks; analysts have described the authorities as indifferent, incompetent or even complicit in the violence and discrimination against Shi'ites.³⁷⁸ Shi'ite individuals have held large protests to demand better protection and security from the authorities.³⁷⁹

After a February 2013 attack in Quetta which targeted the Hazara community and which reportedly killed at least 84 people, the Supreme Court initiated proceedings summoning the Attorney General

<http://www.refworld.org/docid/5555c2bb4.html>; IFHR and the HRCP, *Minorities under Attack: Faith-Based Discrimination and Violence in Pakistan*, 10 March 2015, <http://www.refworld.org/docid/552cd9bd24.html>. Human rights defender Ali Raza explained that "the cities in which Shias are targeted the most include Karachi, Quetta and Peshawar. These are the places where the attackers easily manage to attack the besieged community without any fear of law enforcement agencies." Pakistan Today, *Hazara Shia Genocide and the Evils We Don't See*, 6 June 2015, <http://www.pakistantoday.com.pk/2015/06/06/national/hazara-shia-genocide-and-the-evils-we-dont-see/>. See also, GHRD, *Pakistan: Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/report/news/detail/News/2014-human-rights-report-pakistan/>, pp. 14-15. "Although the systematic killing of Shia Hazaras bears all the hallmarks of genocide, successive Pakistani governments have failed to address it as such." Foreign Policy Journal, *Stemming Shia Hazara Killings in the Islamic State Era*, 9 January 2015, <http://www.foreignpolicyjournal.com/2015/01/09/stepping-shia-hazara-killings-in-the-islamic-state-era/>. "An attack on a Shia pilgrim bus convoy travelling to Taftan, in southwestern Balochistan province, from Iran on [21 January 2014] killed at least 22 pilgrims and injured dozens of others. The government has not arrested any suspects in that incident." The Diplomat, *Pakistan's Shia Under Attack, The Government Is Failing to Act to Prevent the Slaughter of Balochistan Shia*, 5 July 2014, <http://thediplomat.com/2014/07/pakistans-shia-under-attack/>. "While Pakistan and Balochistan authorities claim to have arrested dozens of suspects linked to attacks against Shi'ites since 2008, only a handful are reported to have been charged with any crimes." HRW, *Pakistan's Shia Under Attack*, 7 July 2014, <http://www.hrw.org/news/2014/07/07/pakistans-shia-under-attack>. Allegations of impunity extend to the cases of leaders of extremist militant organizations. "Since 2002, the operational chief of the LeJ has been Malik Ishaq. He has been accused of involvement in some 44 attacks that resulted in the killing of some 70 people, mostly Shia, but has never been convicted and has been acquitted on all charges in 40 of these cases, amid allegations of violence, threats against witnesses, and fear among judges. The failure to bring Ishaq to justice underscores seriously failings in Pakistan's criminal justice system and the impunity that thrives as a result of this failure." HRW, *"We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 4. The Head of the police department in Quetta reportedly conceded to Human Rights Watch that the police had not had "any significant successes in combatting extremist violence and attacks by the LeJ". *Ibid.*, p. 48. Shi'ites told HRW that the media and the police are unwilling to identify members of militant groups as alleged perpetrators, instead often reporting "unknown" or "identified" in case reports. *Ibid.*, p. 49. See also, *ibid.*, pp. 4, 13-16, 47. Maliq Ishaq and his two sons were reportedly killed on 29 July 2015 by police after gunmen attacked the police convoy that was transporting Ishaq and his sons, following their arrest on charges of multiple murders. The Global Centre for the Responsibility to Protect, *Pakistan: Ongoing Sectarian Attacks in Pakistan Leave Civilians at Risk of Potential Mass Atrocity Crimes*, 15 August 2015, <http://www.globalr2p.org/regions/pakistan>.

³⁷⁶ Since the establishment of a new government in Balochistan in June 2013, security forces have reportedly provided some increased security for Hazara Shi'ites in Quetta, as well as to Shi'ite pilgrims travelling to Iran. However, following an attack on a bus in January 2014 carrying pilgrims from Iran killing 28 Hazara individuals, the government reportedly responded by suspending the bus service. Similarly, in response to an incident where at least 24 Shi'ite pilgrims were killed in June 2014, the government reportedly responded by suggesting that they should find alternative modes of travel, including by air or ferry, as it was impossible to secure the route by road. HRW, *"We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, pp. 4, 41. See also, HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, p. 112.

³⁷⁷ HRW, *"We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 47. See also *ibid.*, pp. 48-49. Asma Jahangir, chairperson of the Human Rights Commission of Pakistan, reportedly told Al Jazeera: "The Hazaras are under severe threat. The government seems to be helpless, as sectarian hardliner outfits have taken root in Balochistan. They are obviously being supported by external and internal entities. There is no real proof but strong indications." Al Jazeera, *Pakistan's Hazara: "It's Like Living in Jail"*, 14 December 2014, <http://www.aljazeera.com/humanrights/2014/12/pakistan-hazara-it-like-living-jail-2014123114655754509.html>.

³⁷⁸ "Whether through complicity or a lack of unified strategy, the government and security forces in Baluchistan offer little hope the situation will improve. Police and Frontier corps operations throughout the city have been ad-hoc at best have largely failed to stymie the influence of Sunni extremism." Foreign Policy Journal, *Stemming Shia Hazara Killings in the Islamic State Era*, 9 January 2015, <http://www.foreignpolicyjournal.com/2015/01/09/stepping-shia-hazara-killings-in-the-islamic-state-era/>. "The Pakistani government's response to this violence suggests incompetence, indifference or possible complicity by security forces and other state personnel with the extremists. [...] Pakistani media reported that the government had ignored intelligence warnings of an impending attack ahead of the 9 June [2014] massacre." Interior Minister Chaudhry Nisar Ali Khan reportedly responded to the attack by banning Shi'ite pilgrims from travelling by road between Quetta and the Iranian border, saying it was impossible to "fully secure" the route. HRW, *Pakistan's Shia Under Attack*, 7 July 2014, <http://www.hrw.org/news/2014/07/07/pakistans-shia-under-attack>. "The kindest explanation [of government inability to curb such attacks] [...] is that the state and its security agencies are criminally incompetent and incapable of providing basic security to their own citizens. [...] the more cynical explanation is that the state – meaning the security establishment, intelligence agencies and paramilitaries – is complicit." Al Jazeera, *Pakistan's Hazara Shias Living under Siege*, 18 Jan 2013, <http://www.aljazeera.com/indepth/features/2013/01/2013117124512947691.html>. In November 2014, a policeman reportedly killed a Shi'ite Muslim with an axe while in custody for allegedly having made blasphemous statements. USCIRF, *Annual Report 2015 - Tier 1 CPCs Recommended by USCIRF: Pakistan*, 1 May 2015, <http://www.refworld.org/docid/554b356077.html>; Radio Free Europe/Radio Liberty, *Pakistani Police Officer Kills Blasphemy Suspect with Axe*, 6 November 2014, <http://www.refworld.org/docid/548ea84215.html>.

³⁷⁹ Dawn, *Protests Erupt in Quetta over Hazara Killings*, 8 June 2015, <http://www.dawn.com/news/1186757>; BBC, *Quetta: Shia Hazaras Refuse to Bury Pakistan Bomb Dead*, 18 February 2013, <http://www.bbc.com/news/world-asia-21495975>.

and Advocate General of Balochistan, amongst others, to explain the situation and the response of the authorities to this attack.³⁸⁰ The Chief Justice, Iftikhar Chaudhry, in his written order reportedly concluded that there was a “dismal failure of the government to protect people and their property”; the Court reportedly ordered immediate compensation to the victims and ordered the government to produce a plan to restore law and order.³⁸¹

b) Treatment of Shi'ite Individuals by Non-State Actors

The militant groups which are reportedly responsible for most of the attacks against Shi'ites in Pakistan are the Ahl-e Sunnat Wal Jama'at (ASWJ) (formerly named Sipah-e-Sahaba (SSP)),³⁸² the Lashkar-e-Jhangvi (LeJ),³⁸³ Tehrik-e-Taliban Pakistan (TTP) and the Jundullah, a group closely affiliated with the TTP.³⁸⁴ Analysts have emphasized that sectarian attacks against civilians are a growing threat, particularly for the Shi'ite community.³⁸⁵ There has reportedly been an increase in sectarian violence targeting Shi'ite groups at least since 2012,³⁸⁶ with attacks primarily targeting ordinary Shi'ite individuals.³⁸⁷ Militant groups are reported to have used suicide bombers and grenade

³⁸⁰ The Supreme Court of Pakistan has original authority (*suo moto* action) to pass enforceable orders on “a question of public importance with reference to the enforcement of any of the Fundamental Rights” pursuant to the Constitution. Pakistan, *Constitution of the Islamic Republic of Pakistan* (as amended as at January 2015), 10 April 1973, <http://www.refworld.org/docid/47558c422.html>, Article 184.

³⁸¹ In response to a subsequent report submitted by the Balochistan authorities on “greater measures to protect members of the Hazara community”, the Supreme Court reportedly stated that “this report is not only dissatisfactory but frightening”. The Court also reportedly held that “prima facie, either the intelligence agencies are negligent in performing their duties or they do not share intelligence with police and law enforcement agencies”. HRW, “*We are the Walking Dead*: Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 51. Human Rights Watch reported in June 2014 that there has been no follow up of these orders since Chief Justice Iftikhar Chaudhry retired in December 2013. See *ibid.*, p. 51.

³⁸² The Sipah-e-Sahaba (SSP) was formed in 1985 and was reported to aggressively promote Sunni Islam. The SSP was banned in Pakistan in 2002, but was then re-established as the Ahl-e Sunnat Wal Jama'at (ASWJ), which was subsequently banned in 2012. MRG, “*Everything Has Shattered*” – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 2; HRW, “*We are the Walking Dead*: Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 10.

³⁸³ The Lashkar-e-Jhangvi (LeJ) was reportedly established as a breakaway group from the SSP movement, reportedly with the aim of transforming Pakistan into a Sunni state. In 2001, the LeJ was banned in Pakistan for provoking sectarian violence. MRG, “*Everything Has Shattered*” – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 2. The LeJ rhetoric is reportedly anti-Shia and anti-Iran. “As the TTP has intensified attacks on Pakistan, the LeJ has emerged as its principal militant partner in Balochistan and, more crucially, in Pakistan's powerful and prosperous Punjab province, where it is deeply entrenched and has its origins.” HRW, “*We are the Walking Dead*: Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, pp. 3-4.

³⁸⁴ The Tehrik-e-Taliban Pakistan (TTP) is associated with targeted killings of Shi'ite muslims, most notably since late 2013 when it claimed responsibility for two bombings in Karachi. MRG, “*Everything Has Shattered*” – Rising Levels of Violence against Shi'a in Pakistan, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 2; HRW, “*We are the Walking Dead*: Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, pp. 11-12. The Jundullah, which are closely affiliated with the TTP, also reportedly carry out attacks against Shi'ites, and have claimed several attacks against Shi'ites in 2015. The Jundullah reportedly pledged to support Islamic State in November 2014. Jamestown Foundation, *Growing Islamic State Influence in Pakistan Fuels Sectarian Violence*, 26 June 2015, <http://www.refworld.org/docid/559d00ea4.html>.

³⁸⁵ Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 47-51; The Global Centre for the Responsibility to Protect, *Pakistan: Ongoing Sectarian Attacks in Pakistan Leave Civilians at Risk of Potential Mass Atrocity Crimes*, 15 August 2015, <http://www.globalr2p.org/regions/pakistan>; CRSS, *Annual Security Report, January – December 2015*, <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>, p. 53. Some observers state that in recent years there has been a noticeable increase in the number of attacks against Shi'ites at least in part due to the fact that Islamic State has established a presence in Pakistan: “Previously the anti-Shi'ite armed campaign was spearheaded by banned Sunni militant groups like Sipah-e-Sahaba, Lashkar-e Jhangvi (LeJ) and Jundallah, which all are closely affiliated with Taliban conglomerate the Tehrik-e-Taliban Pakistan (TTP - the Pakistani Taliban). However, with the arrival of Islamic State in Pakistan's jihadist landscape, there has been a spike in the volume of anti-Shi'a violence, partly as a result of taffiki jihadi groups like LeJ or Jundallah entering into alliance with the strongly anti-Shi'a Islamic State.” Jamestown Foundation, *Growing Islamic State Influence in Pakistan Fuels Sectarian Violence*, 26 June 2015, <http://www.refworld.org/docid/559d00ea4.html>. See also, Foreign Policy Journal, *Stemming Shia Hazara Killings in the Islamic State Era*, 9 January 2015, <http://www.foreignpolicyjournal.com/2015/01/09/stemming-shia-hazara-killings-in-the-islamic-state-era/>.

³⁸⁶ Figures reported by the Center for Research and Security Studies (CRSS) show that between 2013 and 2015 there were a total of 530 incidents of sectarian violence against Shi'ites, including 257 against Hazara Shi'ites. However, the CRSS noted that the vast majority of the reported incidents against Hazara Shi'ites (206 out of 257) occurred in 2013. Centre for Research and Security Studies, *Annual Security Report, January – December 2015*, <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>, p. 53.

³⁸⁷ Foreign Policy Journal, *Stemming Shia Hazara Killings in the Islamic State Era*, 9 January 2015, <http://www.foreignpolicyjournal.com/2015/01/09/stemming-shia-hazara-killings-in-the-islamic-state-era/>; HRW, “*We are the Walking Dead*: Killings of Shia Hazaras in Balochistan, Pakistan, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 1. Ali Dayan Hassan, the Karachi-based Pakistan director for Human Rights Watch told Al Jazeera, “This violence is one-sided. It is essentially Sunni militant groups, chiefly the Sipah-e-Sahaba (SSP) and the Lashkar-e-Jhangvi, targeting Shias, and they are targeting ordinary Shias going about their daily lives. These are not members of militant groups [...] it's regular people who are being targeted.” Al Jazeera, *Pakistan's Hazara Shias Living Under Siege*, 18 January 2013, <http://www.aljazeera.com/indepth/features/2013/01/2013117124512947691.html>.

attacks in crowded Shi'ite areas such as schools, shopping areas and markets, as well as buses and other vehicles. They have reportedly attacked Shi'ite pilgrims travelling to and from Iran, and are reported to have targeted mosques, particularly during prayer times, as well as religious festivals, in particular the Ashura processions during the Shi'ite holy month of Muharram.³⁸⁸ There have also reportedly been targeted killings of Shi'ite professionals and officials, including, doctors, lawyers, politicians, prominent business people and local traders.³⁸⁹

During the period 2012-2015, the number of Shi'ites who died in sectarian attacks reportedly rose to 1,270 compared to 714 deaths in 2008-2011.³⁹⁰ Between January and late November 2016, 24 Shi'ites

³⁸⁸ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; The Global Centre for the Responsibility to Protect, *Pakistan: Ongoing Sectarian Attacks in Pakistan Leave Civilians at Risk of Potential Mass Atrocity Crimes*, 15 August 2015, <http://www.globalr2p.org/regions/pakistan>; HRCP, *State of Human Rights in 2014*, March 2015, <http://hrpweb.org/hrpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp. 111-112, 135-136; The Express Tribune, *300,000 People Have Left Balochistan: HCRP*, 15 October 2014, <http://tribune.com.pk/story/775747/300000-people-have-left-balochistan-hrcp/>; The Diplomat, *Pakistan's Shia Under Attack, The Government is Failing to Act to Prevent the Slaughter of Balochistan Shia*, 5 July 2014, <http://thediplomat.com/2014/07/pakistans-shia-under-attack/>; HRW, *"We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, pp. 38-40; MRG, *'Everything Has Shattered' – Rising Levels of Violence against Shi'ite in Pakistan*, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 2; PIPS, *Pakistan Security Report 2014*, http://pakpips.com/annual_report.php.

³⁸⁹ "On [21 March 2015], unidentified assailants in Gujranwala killed Shia religious scholar Syed Mazahir Ali Bukhari. On [27 February 2015], unidentified assailants shot and killed two Shia hospital employees in Orangi Town, Karachi. On [9 May 2015], unknown gunmen shot Shia homeopathic doctor Anwar Ali Abidi in the North Nazimabad neighborhood of Karachi. On [28 August 2015], assailants killed Shia attorney Syed Ameer Hyder Shah in his car in the Gulshan-e-Iqbal neighborhood of Karachi." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. See also Pakistan Today, *Hazara Shia Genocide and the Evils We Don't See*, 6 June 2015, <http://www.pakistantoday.com.pk/2015/06/06/national/hazara-shia-genocide-and-the-evils-we-dont-see/>; HRCP, *State of Human Rights in 2014*, March 2015, <http://hrpweb.org/hrpweb/data/HRCP%20Annual%20Report%202014%20-%20-%20English.pdf>, pp. 48, 58; Let Us Build Pakistan, *Shia Doctors' Genocide Database: 18 Shia Doctors Target Killed in Pakistan From 1 Jan 2014 to 10 Jan 2015*, 10 January 2015, <https://lubpak.com/archives/330424>; MRG, *'Everything Has Shattered' – Rising Levels of Violence against Shi'a in Pakistan*, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 3; The Washington Post, *Sectarian Killings Soar in Pakistan, Raising Fears of Regional Spillover*, 15 January 2014, https://www.washingtonpost.com/world/sectarian-killings-soar-in-pakistan-raising-fears-of-regional-spillover/2014/01/15/14467cbc-7a1c-11e3-8963-b4b654bcc9b2_story.html.

³⁹⁰ The breakdown per year of reported deaths is 399 in 2012; 504 in 2013; 116 in 2014; and 251 in 2015. South Asia Terrorism Portal and Institute for Conflict Management, *Shia Killed in Pakistan Since 2001*, 7 August 2016, http://www.satp.org/satporgtp/countries/pakistan/database/Shias_killed_Pakistan.htm; South Asia Terrorism Portal and Institute for Conflict Management, *Sectarian Violence in Pakistan: 1989 – 2015*, 7 August 2016, <http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm>. Incidents from this source between 2013 and October 2015 have been cross-checked with other public sources by UNHCR. The Jinnah Institute reports that between January 2012 and June 2015 "the overall number of bomb blasts and targeted attacks have reached unprecedented levels with 1,304 people [Shi'ites] killed from explosions and another 601 people falling victim to targeted killings". Jinnah Institute, *Violence Against the Shia Community in Pakistan 2012-2015*, June 2015, <http://jinnah-institute.org/violence-against-the-shia-community-in-pakistan-2012-2015/>. Human Rights Watch recorded at least 450 killings of Shi'ites in 2012, and at least 400 killings in 2013. HRW, *"We are the Walking Dead": Killings of Shia Hazaras in Balochistan, Pakistan*, 30 June 2014, <http://www.refworld.org/docid/53b2748e4.html>, p. 1. MRG reports that records of attacks against Shi'ites by networks of civil society organizations are higher than the numbers reported by other actors, mainly due to the fact that these civil society organizations document incidents that are not reported in local media. For example the International Imam Hussain Council reported a total of 675 Shi'ites killed in targeted attacks and bombings in 2013, with 1,061 injured. MRG, *'Everything Has Shattered' – Rising Levels of Violence against Shi'a in Pakistan*, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 2. Some of the larger attacks against Shi'ites in 2015 include:

- On 13 December 2015, at least 23 persons were killed and at least 30 injured when a bomb exploded in a market in a mainly Shi'ite area in Parachinar, Kurram Agency in FATA. The Express Tribune, *At Least 23 Killed, 30 Injured in Parachinar Blast*, 13 December 2015, <http://tribune.com.pk/story/1009233/four-dead-several-wounded-in-parachinar-blast/>.
- On 23 October 2015, at least 22 Shi'ites were killed and 30 injured by suicide bombers who targeted a religious procession during the Shi'ite Ashura festival in Jacobabad, Sindh. Al Jazeera, *Deaths as Suicide Bomber Targets Shias in Pakistan*, 23 October 2015, <http://www.aljazeera.com/news/2015/10/deadly-blast-hits-shia-ashura-procession-pakistan-151023155325944.html>; BBC News, *Pakistan Unrest: Suicide Bomber Kills Shia Marchers in Jacobabad*, 23 October 2015, <http://www.bbc.com/news/world-asia-34622989>.
- On 13 May 2015, militants attacked a bus of Ismaili Shi'ites in Karachi as they travelled to worship, killing at least 43 people and injuring 13. BBC, *Pakistan Gunmen Kill 45 on Karachi Ismaili Shia Bus*, 13 May 2015, <http://www.bbc.com/news/world-asia-32717321>; The Telegraph, *Gunmen Kill 43 Shia Muslims on Pakistan Bus*, 13 May 2015, <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/11601832/Gunmen-kill-43-Shia-Muslims-on-Pakistan-bus.html>.
- On 13 February 2015, a Shi'ite mosque in Peshawar was attacked by militants wearing suicide bombs, leaving an estimated 19 people dead and 40 injured. The Guardian, *Explosions and Gunfire at Pakistan Prayer Hall*, 13 February, 2015, <http://www.theguardian.com/world/2015/feb/13/deadly-fighting-breaks-out-pakistan-mosque-peshawar>.
- On 30 January 2015, a Shi'ite mosque was bombed in Sindh while people were gathered for prayer killing at least 40 people and injuring 50. BBC, *Pakistan Shia Mosque Blast in Shikarpur Kills Dozens*, 30 Jan 2015, <http://www.bbc.com/news/world-asia-31056086>; UN Ad Hoc Committee on Refugees and Stateless Persons, *UN Chief Condemns Deadly Bomb Attack on Shia Mosque in Southern Pakistan*, 30 January 2015, <http://www.refworld.org/docid/54d21e994.html>.

are reported to have been killed and three injured in sectarian attacks.³⁹¹ Attacks against Shi'ites have been reported in all parts of the country.³⁹² Anti-Shi'ite hate speech reportedly permeates all sectors of society.³⁹³ Extremist groups are reported to have publically called for the killing of Shi'ite individuals,³⁹⁴ and have used methods to instil fear and force them to flee.³⁹⁵ For example, in April 2014 a pamphlet attributed to Lashkar-i-Islam was reportedly distributed in Khyber Pakhtunkhwa, demanding that Shi'ites vacate the area within ten days and threatening serious consequences for failing to adhere to the warning.³⁹⁶

In light of the foregoing, UNHCR considers that members of the Shi'ite community may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion, ethnicity, (imputed) political opinion, and/or other relevant grounds.³⁹⁷

³⁹¹ Figures are from January until 27 November 2016. South Asia Terrorism Portal and Institute for Conflict Management, *Shia Killed in Pakistan Since 2001*, updated as at 27 November 2016, http://www.satp.org/satporgtp/countries/pakistan/database/Shias_killed_Pakistan.htm; South Asia Terrorism Portal and Institute for Conflict Management, *Sectarian Violence in Pakistan: 1989 – 2015*, updated as at 23 October 2016, <http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm>.

³⁹² “Anti-Shia violence in Pakistan is now rife across the country. However, major geographical hotspots of violence continue to be Quetta, Karachi, Khurram Agency, Gilgit-Baltistan and Dera Ismail Khan.” Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, p. 48; PIPS, *Pakistan Security Report 2015: Internal Security Matrix 2015*, January 2016, <http://pakpijs.com/downloads/282.pdf>, pp. 21-22, 28. For the period between 2013 and October 2015, the South Asia Terrorism Portal (SATP) website lists attacks in Bolan, Quetta, Changhai, and Mastung (Balochistan); in Rawalpindi, Lahore, Gujranwala, Bhakkar, and Multan (Punjab); in Peshawar, Hangu, and Gilgit (Khyber Pakhtunkhwa); in Karachi, Jacobabad, and Shikarpur (Sindh); and in Orazaki and Parachinar (FATA). Incidents from the SATP between 2013 and October 2015 have been cross-checked with other public sources by UNHCR. See, South Asia Terrorism Portal and Institute for Conflict Management, *Shia Killed in Pakistan Since 2001*, 25 October 2015, http://www.satp.org/satporgtp/countries/pakistan/database/Shias_killed_Pakistan.htm; South Asia Terrorism Portal and Institute for Conflict Management, *Sectarian Violence in Pakistan: 1989 – 2015*, 25 October 2015, <http://www.satp.org/satporgtp/countries/pakistan/database/sect-killing.htm>. See also, “The geographic location of these attacks is also significant, showing that anti-Shi'ite attacks in Pakistan have spread in recent months beyond traditional sectarian flashpoint locations in Karachi (Sindh) and Quetta (Balochistan) to a range of areas such as Khyber Pakhtunkhwa (e.g., Peshawar, Hangu), Punjab (e.g., Islamabad and Rawalpindi) and FATA (e.g., Kurram Agency) where sectarian violence was previously less common.” Jamestown Foundation, *Growing Islamic State Influence in Pakistan Fuels Sectarian Violence*, 26 June 2015, <http://www.refworld.org/docid/559d00ea4.html>.

³⁹³ CERD, *Concluding Observations on the Combined Twenty-First to Twenty-Third Periodic Reports of Pakistan*, 3 October 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/PAK/CO/21-23&Lang=En, para. 15. “Anti-Shia graffiti was common in Quetta.” United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; Jinnah Institute, *State of Religious Freedom in Pakistan*, January 2016, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, pp. 51-52. “Hatred against the Shia community, just like the Ahmadi community, is also further spread and reinforced through the distribution of printed materials and public hate campaigns, triggering attacks against these communities.” GHRD, *Pakistan: Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/human-rights-reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 14. Anti-Shi'ite campaigns have reportedly been held in mosques, schools, public spaces and increasingly on social media. Social media, such as Facebook, has also reportedly become a platform for dissemination of hate speech and incitement of violence; some extremist groups reportedly have their own sites and profile pages featuring violent campaigns against Shi'ites. MRG, *Everything Has Shattered – Rising Levels of Violence against Shi'a in Pakistan*, 11 June 2014, <http://www.refworld.org/docid/53c63d930.html>, p. 3.

³⁹⁴ “A sustained hate campaign against Shias continued throughout the year, including wall chalking and clerics’ diatribes, branding them infidels and calling for their murder.” HRCP, *State of Human Rights in 2013*, March 2014, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>, p. 87. An open letter released in 2011 by the LeJ and reportedly distributed in Quetta stated: “All Shiites are worthy of killing. We will rid Pakistan of unclean people. Pakistan means land of the pure and the Shi'ites have no right to live in this country. We have the edict and signatures of revered scholars, declaring the Shi'ites infidels. Just as our fighters have waged a successful jihad against the Shi'ite Hazaras in Afghanistan, our mission in Pakistan is the abolition of this impure sect and its followers from every city, every village, and every nook and corner of Pakistan. Like in the past, our successful jihad against the Hazaras in Pakistan and, in particular, in Quetta, is ongoing and will continue in the future. We will make Pakistan the graveyard of the Shi'ite Hazaras and their houses will be destroyed by bombs and suicide bombers. We will only rest when we will be able to fly the flag of true Islam on this land of the pure. Jihad against the Shi'ite Hazaras has now become our duty.” Asia Times, *Blood Flows Freely In Pakistan*, 5 October 2011, http://www.atimes.com/atimes/South_Asia/MJ05DF01.html.

³⁹⁵ “Media reports indicated that some families belonging to sectarian minorities, especially the Hazara community in Balochistan, continued to shift to Pakistan’s major cities, which they considered more secure.” HRCP, *State of Human Rights 2015: Freedom of Thought, Conscience and Religion*, March 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/freedom-of-thought.pdf>, pp. 12-13. See also, The Diplomat, *Early Warning Signs of Shia Genocide in Pakistan*, 2 May 2014, <http://thediplomat.com/2014/05/early-warning-signs-of-shia-genocide-in-pakistan/>.

³⁹⁶ MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>; GHRD, *Pakistan: Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 14.

³⁹⁷ For further guidance on religion-based asylum claims, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.unhcr.org/refworld/docid/4090f9794.html>.

6. Sikhs

Estimates for the number of Sikhs living in Pakistan vary from 6,000 to 20,000.³⁹⁸ Sikhism's founder, Guru Nanak, was born in what is now modern-day Pakistan and the country is home to Sikhism's most sacred religious sites.³⁹⁹ Sikh communities reportedly mostly reside in Khyber Pakhtunkhwa and several agencies (tribal districts) of the Federally Administered Tribal Areas (FATA), as well as in Punjab, where the highest concentration of Sikhs is reported to be in Lahore.⁴⁰⁰

a) Legislative Framework Concerning Sikh Individuals

There is reportedly no national legal mechanism for the marriages of Sikhs to be registered.⁴⁰¹ However, in February 2016 the Sindh Assembly passed the Sindh Hindus Marriage Act 2016, which also applies to Sikhs.⁴⁰² The Hindu Marriage Bill 2016 was passed by the National Assembly on 26 September 2016; however, unlike the Sindh Hindus Marriage Act 2016, this scope of this law does not extend to 'Sikhs'.⁴⁰³ (For further details, see Section V.4(c), Legislative Framework Concerning Hindu Individuals, and also Section III.E.)

b) Situation of Sikh Individuals in Pakistan

Sikhs are reportedly subjected to targeted attacks and killings by militant groups; the Sikh headdress increases Sikhs' visibility and thus their vulnerability to targeted attacks.⁴⁰⁴ Members of the Sikh community are reported to have held protests against such targeted attacks and against the alleged failure of law enforcement agencies to provide adequate protection and to investigate and prosecute those responsible (see also Section IV, Situation of Religious Minorities in Pakistan).⁴⁰⁵ In some cases

³⁹⁸ According to an August 2016 report by the United States Commission on International Religious Freedom, government registration documents cited by the media in 2014 estimate that there are 6,000 Sikhs in Pakistan. United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. The higher estimate is provided in EASO, *Country of Origin Information Report. Pakistan Country Overview*, August 2015, <http://www.refworld.org/docid/55e061f24.html>, p. 94, citing Secretary of the National Ministry of Harmony, *FFM Interview Conducted by BFA Staatendokumentation*, 15 March 2013; see also Express Tribune, *Mutual Respect: Appreciation of Cultural Diversity, Inter-Faith Harmony Urged*, 8 August 2014, <http://tribune.com.pk/story/745760/mutual-respect-appreciation-of-cultural-diversity-inter-faith-harmony-urged/>.

³⁹⁹ HRCF, *State of Human Rights in 2014*, March 2015, <http://hrcf-web.org/hrcfweb/data/HRCF%20Annual%20Report%202014%20-%20English.pdf>, pp. 124-125.

⁴⁰⁰ EASO, *Country of Origin Information Report. Pakistan Country Overview*, August 2015, <http://www.refworld.org/docid/55e061f24.html>, p. 94, citing Secretary of the National Ministry of Harmony, *FFM Interview Conducted by BFA Staatendokumentation*, 15 March 2013.

⁴⁰¹ In August 2016, the USCIRF reported that "There is no specific legal framework for the government to register the marriages of Hindus and Sikhs, although a married couple's local religious council may provide a civil marriage certificate based on Hindu marriage documentation." United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. Note this statement was made prior to the adoption of the Sindh Hindu Marriage Act 2016. In January 2008 then President Musharraf reportedly approved the Sikh Marriage Act 2008. However, the Sikh community appears to have called for amendments to the Act shortly after it was passed, and no marriages appear to have been registered under the Act. Thaindian News, *Pakistani Sikhs Refuse to Register Marriages under Act Approved by Musharraf*, 15 April 2008, http://www.thaindian.com/newsportal/business/pakistani-sikhs-refuse-to-register-marriages-under-act-approved-by-musharraf_10038029.html.

⁴⁰² Pakistan, *Sindh Hindus Marriage Act 2016*, 15 February 2016, <http://www.pas.gov.pk/index.php/acts/details/en/31/310>. In the Sindh Hindu Marriage Act 2016, Hindu is defined in the Act as "any person who practices the Hindu, Jain or Sikh religions in any of the forms or developments." See *ibid.*, Section 2(f). The Pakistan Sikh Council reportedly objected to the fact that the Act also applies to Sikhs, stating that it would have been more appropriate for a separate Act for Sikhs to have been adopted. Daily Times, *Marriage Registration Law Brings Dispute within Minorities in Sindh*, 17 June 2016, <http://dailytimes.com.pk/sindh/17-Jun-16/marriage-registration-law-brings-dispute-within-minorities-in-sindh>; The Express Tribune, *Hindu Community Hails New Bill, Sikhs Call it Discriminatory*, 16 February 2016, <http://tribune.com.pk/story/1047480/hindu-community-hails-new-bill-sikhs-call-it-discriminatory/>. The Sindh Hindu Marriage Act 2016 reportedly applies retroactively allowing previously married couples to register. USCIRF, *Annual Report 2016 - Tier 1 CPCs Recommended by USCIRF - Pakistan*, 2 May 2016, <http://www.refworld.org/docid/57307ced15.html>.

⁴⁰³ Pakistan, *Hindu Marriage Act 2016*, http://www.na.gov.pk/uploads/documents/1474902799_197.pdf, Section 1(3).

⁴⁰⁴ Muslim Times, *Pakistani Sikhs Open Temple after 73 Years, Risking Attacks*, 28 April 2016, <https://themuslimtimes.info/2016/04/28/pakistani-sikhs-open-temple-after-73-years-risking-attacks/>; Dawn, *Pakistan's Dwindling Sikh Community Wants Improved Security*, 17 April 2015, <http://www.dawn.com/news/1176521>; HRCF, *State of Human Rights in 2014*, March 2015, <http://hrcf-web.org/hrcfweb/data/HRCF%20Annual%20Report%202014%20-%20English.pdf>, p. 124; The Diplomat, *The Killing of the Sikhs*, 30 September 2014, <http://thediplomat.com/2014/09/the-killing-of-the-sikhs/>; The Express Tribune, *In Cold Blood: Yet Another Sikh Targeted in Provincial Capital*, 7 September 2014, <http://tribune.com.pk/story/758915/in-cold-blood-yet-another-sikh-targeted-in-provincial-capital/>.

⁴⁰⁵ Amnesty International, *Amnesty International Report 2014/15 - Pakistan*, 25 February 2015, <http://www.refworld.org/docid/54f07db215.html>. In response to a targeted killing in August 2014 in Peshawar, members of the Sikh community reportedly protested against the government's alleged failure to provide protection, and demanded the arrest of the perpetrators of the killing. Dawn, *Gunmen Shoot at Sikh Men in Peshawar Market, One Dead*, 6 August 2014, <http://www.dawn.com/news/1123648>.

the police are reportedly reluctant to register violent crimes against Sikhs, due to the alleged involvement of militant groups.⁴⁰⁶ Sikhs' inability to rely on adequate protection by the State is reported to affect members of the Sikh community in different aspects of their daily lives, with some Sikhs for example reportedly choosing not to send their children to school due to a fear of attacks.⁴⁰⁷

Sikh women who do not have access to a legal mechanism to register their marriage can reportedly suffer negative consequences: in the absence of proof of valid marriage, Sikh women cannot obtain passports and are likely to face difficulties in matrimonial or inheritance matters, property transactions, voting, and accessing health care services.⁴⁰⁸

Members of the Sikh community reportedly also continue to be subject to State-sanctioned discrimination, for example in the context of admission to higher education.⁴⁰⁹ In September 2015, the Sikh community were reported to have boycotted the local government elections in Sindh in protest of inequalities in the electoral system, including the fact that the election of minority women is effectively precluded.⁴¹⁰

c) Treatment of Sikh Individuals by Non-State Actors

Sikhs have reportedly been subject to targeted attacks, kidnappings, abductions for ransom and killings by militant and armed groups.⁴¹¹ In April 2016, a Sikh leader and provincial lawmaker was

⁴⁰⁶ Inter Press Service News Agency, *Pakistani Sikhs Back in the 'Dark Ages' of Religious Persecution*, 20 November 2014, <http://www.ipsnews.net/2014/11/pakistani-sikhs-back-in-the-dark-ages-of-religious-persecution/>; The Express Tribune, *The Insecurity of Life as a Pakistani Non-Muslim*, 30 August 2014, <http://tribune.com.pk/story/755479/the-insecurity-of-life-as-a-pakistani-non-muslim/>. See also footnote 146.

⁴⁰⁷ Dawn, *Pakistan's Dwindling Sikh Community Wants Improved Security*, 17 April 2015, <http://www.dawn.com/news/1176521>; HRCP, *State of Human Rights in 2014*, March 2015, <http://hrnp-web.org/hrnpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp. 124-125; Reuters, *In Historic Homeland, Pakistan's Sikhs Live under Constant Threat*, 3 October 2014, <http://in.reuters.com/article/2014/10/03/pakistan-sikh-idINKCN0HS0Z520141003>; The Diplomat, *The Killing of the Sikhs*, 30 September 2014, <http://thediplomat.com/2014/09/the-killing-of-the-sikhs/>; The Express Tribune, *In Cold Blood: Yet Another Sikh Targeted in Provincial Capital*, 7 September 2014, <http://tribune.com.pk/story/758915/in-cold-blood-yet-another-sikh-targeted-in-provincial-capital/>.

⁴⁰⁸ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

⁴⁰⁹ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>. "Sikh leaders said that in some instances, Sikh students were required to obtain a certificate of permission from the Evacuee Trust Property Board, which they said was a lengthy process that discouraged Sikhs from pursuing higher education." United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>.

⁴¹⁰ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>.

⁴¹¹ "Throughout the year [2014], gunmen targeted and killed a number of Sikhs." United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>. According to the NGO Global Human Rights Defence, "Violations against the Sikh community are generally underreported. The predominant method of abuse relating to Sikhs include abductions, physical violence, and murder by unknown perpetrators. Abduction cases involve unreasonable ransom demands, and threats of killing the victims should the families refuse to pay. A large number of Sikhs were killed in 2014 as a result of abductions in KPK." GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/report/news/detail/News/2014-human-rights-report-pakistan/>, pp. 15-16. See also HRCP, *State of Human Rights in 2014*, March 2015, <http://hrnp-web.org/hrnpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp. 124-125. On 6 September 2014, unidentified assailants reportedly shot and killed Harjeet Singh inside his shop in Peshawar. Newsweek Pakistan, *Sikh Shopkeeper Killed in Peshawar*, 6 September 2014, <http://newsweekpakistan.com/sikh-shopkeeper-killed-in-peshawar/>. On 5 August 2014, unidentified men reportedly opened fire on Sikh individuals while they were at a marketplace in Peshawar, killing one and injuring another. Dawn, *Gunmen Shoot at Sikh Men in Peshawar Market, One Dead*, 6 August 2014, <http://www.dawn.com/news/1123648>. On 23 January 2014, two gunmen killed Bhagwan Singh, a Sikh shopkeeper as he walked home in Balochistan. The Express Tribune, *In Broad Daylight: Cleric, Sikh, Gunned Down in Separate Attacks*, 23 January 2014, <http://tribune.com.pk/story/662202/in-broad-daylight-cleric-sikh-gunned-down-in-separate-attacks/>. See also, Inter Press Service News Agency, *Pakistani Sikhs Back in the 'Dark Ages' of Religious Persecution*, 20 November 2014, <http://www.ipsnews.net/2014/11/pakistani-sikhs-back-in-the-dark-ages-of-religious-persecution/>; Reuters, *In Historic Homeland, Pakistan's Sikhs Live under Constant Threat*, 3 October 2014, <http://in.reuters.com/article/2014/10/03/pakistan-sikh-idINKCN0HS0Z520141003>; The Diplomat, *The Killing of the Sikhs*, 30 September 2014, <http://thediplomat.com/2014/09/the-killing-of-the-sikhs/>; The Express Tribune, *In Cold Blood: Yet Another Sikh Targeted in Provincial Capital*, 7 September 2014, <http://tribune.com.pk/story/758915/in-cold-blood-yet-another-sikh-targeted-in-provincial-capital/>; The Express Tribune, *The Insecurity of Life as a Pakistani non-Muslim*, 30 August 2014, <http://tribune.com.pk/story/755479/the-insecurity-of-life-as-a-pakistani-non-muslim/>; Express Tribune, *Targeted Killing: Sikh Teenager Shot Dead*, 7 August 2014, <http://tribune.com.pk/story/745434/targeted-killing-sikh-teenager-shot-dead/>. MRG reported that, "The year 2014 also saw violent attacks against religious minorities who have typically been less affected by such harsh discrimination in Pakistan, such as Zikris and Sikhs." MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>. The CRSS reports that there were no Sikhs killed as a result of sectarian violence in 2015, three Sikhs killed in 2014, and one in 2013. CRSS, *Annual Security Report, January - December 2015*, <http://crss.pk/wp-content/uploads/2010/07/CRSS-Annual-Security-Report-2015.pdf>, p. 53.

reportedly killed outside his home in a remote area in Khyber Pakhtunkhwa.⁴¹² Sikhs have also reportedly been forced to pay *jizya* – a tax historically levied by Islamic rulers on non-Muslim subjects – in areas controlled by militant groups.⁴¹³ Those who cannot pay the *jizya* reportedly risk being killed.⁴¹⁴

Sikhs' places of worship and graveyards are reported to be subjected to illegal occupation and desecration by militant groups.⁴¹⁵ In some cases, Sikhs' places of worship and shops have reportedly had to be closed due to deteriorating security situations.⁴¹⁶ On a number of occasions the Sikhs' holy book, *the Guru Granth Sahib*, has reportedly been desecrated; the Sikh community has organized protests against the fact that the perpetrators have allegedly been able to act with impunity.⁴¹⁷

In light of the foregoing, UNHCR considers that Sikh individuals, particularly from areas where militant and armed groups are active, may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion, ethnicity, (imputed) political opinion, and/or other relevant grounds.⁴¹⁸

7. Sufis / Barelvis

The Barelvi movement is a major sect of Sunni Islam in Pakistan;⁴¹⁹ it is also reportedly the main form of Islam among the non-Pashtun population in the country.⁴²⁰ Barelvis follow many Sufi⁴²¹ rites

⁴¹² Muslim Times, *Pakistani Sikhs Open Temple after 73 Years, Risking Attacks*, 28 April 2016, <https://themuslimtimes.info/2016/04/28/pakistani-sikhs-open-temple-after-73-years-risking-attacks/>; Hindu Post, *Sikh Leader Shot Dead in Pakistan*, 27 April 2016, <http://www.hindupost.in/news/sikh-leader-shot-dead-in-pakistan/>; Reuters, *Prominent Figure in Pakistan's Sikh Minority Killed by Taliban Gunmen*, 23 April 2016, <http://blogs.reuters.com/faithworld/2016/04/23/prominent-figure-in-pakistans-sikh-minority-killed-by-taliban-gunmen/>.

⁴¹³ HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, p. 124. There are reports that only the Sikh community must pay this *jizya* “in exchange for being able to practice one’s faith, enjoy communal autonomy, and to be entitled to Muslim protection from outside aggression. Only Sikhs, not other minorities, need to pay this fee to non-state actors [militants]. Several reports have been received of Sikhs being killed in public places for not paying this protection fee. According to representatives from the Sikh community, there are several groups that demand to be paid this tax. If Sikhs need to travel to Peshawar, they have to pay a tax to Mangal Bagh; if travelling to Malakand district, then a tax must be paid to the Fazlullah group; and so on. The amount of the tax is usually about Rs 25, 000 (18.88 Euros) per person. Community representatives said that when they raised the issue with government ministers, they are told helplessly that ministers too are paying some sort of fee to buy protection from the Taliban.” IFHR and HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 17.

⁴¹⁴ IFHR and HRCP, *Minorities Under Attack: Faith-Based Discrimination and Violence in Pakistan*, February 2015, <http://www.refworld.org/docid/57fb91e54.html>, p. 17; The Express Tribune, *The Shoes I Walk in: Minorities Blame Growing Discrimination for the Loss of a Feeling of Fellowship*, 26 January 2014, <http://tribune.com.pk/story/663510/the-shoes-i-walk-in-minorities-blame-growing-discrimination-for-the-loss-of-a-feeling-of-fellowship/>.

⁴¹⁵ GHRD, *Pakistan Annual Human Rights Report 2014*, 12 May 2015, <http://www.ghrd.org/what-we-do/reports/report/news/detail/News/2014-human-rights-report-pakistan/>, p. 16; Inter Press Service News Agency, *Pakistani Sikhs Back in the ‘Dark Ages’ of Religious Persecution*, 20 November 2014, <http://www.ipsnews.net/2014/11/pakistani-sikhs-back-in-the-dark-ages-of-religious-persecution/>.

⁴¹⁶ HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp. 124-125; Reuters, *In Historic Homeland, Pakistan's Sikhs Live under Constant Threat*, 3 October 2014, <http://in.reuters.com/article/2014/10/03/pakistan-sikh-idINKCN0HS0Z520141003>; The Hindu, *Pakistani Sikhs Threaten Agitation Against ‘Targeted Killings’*, 9 September 2014, <http://www.thehindu.com/news/international/south-asia/pakistani-sikhs-threaten-agitation-against-targeted-killings/article6391952.ece>.

⁴¹⁷ HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp.125-126; World Bulletin, *Pakistan's Sikh Community Tense Over Holy Book Burning*, 23 May 2014, <http://www.worldbulletin.net/haber/137155/pakistans-sikh-community-tense-over-holy-book-burning>. In May 2014, the Pakistan Sikh Council reportedly warned the Government that they would launch a countrywide protest if those responsible for a string of incidents in which the Sikhs' holy book was burnt were not arrested by 31 May 2014. Pakistan Sikh Council, *Sikh Council Gives Five-Day Deadline to Government for Arrest of Desecration Suspects*, 27 May 2014, <http://pakistansikhcouncil.org/news/sikh-council-gives-five-day-deadline-to-govt-for-arrest-of-desecration-suspects/>; Dawn, *Sikhs Protest Attacks on Religious Sites, Desecration of Holy Book*, 23 May 2014, <http://www.dawn.com/news/1108159>.

⁴¹⁸ For further guidance on religion-based asylum claims, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.refworld.org/docid/4090f9794.html>, paras 17-19.

⁴¹⁹ “The Barelvi sect is the major Sunni sub-sect within Pakistan. Ahmed Raza Khan of Bareilly founded this sub-sect of Sunni Islam in 1906 in reaction to the austerity and conservatism of the Deobandi.” Global Security, *Islam in Pakistan*, last updated, 11 August 2014, <http://www.globalsecurity.org/military/world/pakistan/islam.htm>. The Deobandis and Barelvis are the two major groups of Sunni Muslims in the Indian Subcontinent. See Global Security, *Barelvi Islam*, last updated 5 July 2011, <http://www.globalsecurity.org/military/intro/islam-barelvi.htm>.

and practices, including veneration of saints / shrine-worshipping, and devotional singing and dancing.⁴²² The Deobandi school of Islam, to which the Taliban and other Sunni fundamentalist groups subscribe, reportedly consider Sufi practices and rituals as un-Islamic and against the tenets of the religion.⁴²³

Since the late 2000s, Sufi followers and their religious sites are reported to have increasingly come under attack by militant groups.⁴²⁴ For example, in July 2016 three Sufi singers were reportedly attacked by armed assailants, and in June 2016 a Sufi singer was reportedly shot while in a car on the way to work.⁴²⁵ According to senior Barelvi clerics, Barelvi mosques have been targeted for take-overs by hardline groups, either by non-violent means (such as infiltrating the mosque's community and getting their imam appointed; or by offering to pay the mullah's salary and then taking over the mosque), or by violent means.⁴²⁶

In May 2014, clerics across Pakistan reportedly alleged that a popular TV station, Geo News, had committed blasphemy by broadcasting a Sufi song. Despite an official apology by the media station in its newspapers and the suspension of all the staff involved in the programme, there were reported demonstrations around the country, as well as a lawyers' strike called by bar associations.⁴²⁷ In November 2014, a court in Gilgit-Baltistan reportedly sentenced the actress on this show and her husband, as well as the owner of the Geo media network, to 26 years in prison for committing blasphemy on air. On 10 December 2014, the Supreme Court reportedly issued an interim order suspending the implementation of this judgment.⁴²⁸ (See also Section III.B., Blasphemy Laws.)

⁴²⁰ Punjab is the stronghold of the Barelvi movement in Pakistan. See Time, *Taliban Targets, Pakistan's Sufi Muslims Fight Back*, 10 November 2010, <http://www.time.com/time/world/article/0,8599,2030741,00.html>; and Global Security, *Barelvi Islam*, last updated 7 May 2011, <http://www.globalsecurity.org/military/intro/islam-barelvi.htm>.

⁴²¹ Sufism is a mystical Islamic movement encompassing Sunni, Shia and other Islamic groups. It aims at nurturing the spirituality of its followers and others and spreads its message through music, poetry and dancing. See Jamestown Foundation, *Pakistani Taliban Continue Their Campaign Against Sufi Shrines*, 22 April 2011, <http://www.refworld.org/docid/4db6bf722.html>; Radio Free Europe/Radio Liberty, *Lahore on High Alert After Shrine Attack Kills More Than 40*, 2 July 2010, <http://www.refworld.org/docid/4c56d29328.html>; BBC, *Sufism*, last updated 8 September 2009, http://www.bbc.co.uk/religion/religions/islam/subdivisions/sufism_1.shtml.

⁴²² See, for example, USCIRF, *Annual Report 2012 – Countries of Particular Concern: Pakistan*, 20 March 2012, <http://www.refworld.org/docid/4f71a674c.html>; Time, *Taliban Targets, Pakistan's Sufi Muslims Fight Back*, 10 November 2010, <http://www.time.com/time/world/article/0,8599,2030741,00.html>; and Global Security, *Barelvi Islam*, last updated 7 May 2011, <http://www.globalsecurity.org/military/intro/islam-barelvi.htm>.

⁴²³ See, for example, Guardian, *The Saints Go Marching Out as the Face of Islam Hardens in Pakistan*, 15 January 2014, <http://www.theguardian.com/world/2014/jan/15/islam-pakistan-barelvi-saudi-wahhabi>; USCIRF, *Annual Report 2012 – Countries of Particular Concern: Pakistan*, 20 March 2012, <http://www.refworld.org/docid/4f71a674c.html>; Jamestown Foundation, *Pakistani Taliban Continue Their Campaign against Sufi Shrines*, 22 April 2011, <http://www.refworld.org/docid/4db6bf722.html>.

⁴²⁴ On 26 August 2014, militants reportedly blew up a Sufi shrine in the Mastung district, Balochistan province, killing one woman. The Nation, *Mastung: Blast Destroys Sheikh Taqi's Shrine*, 26 August 2014, <http://nation.com.pk/national/26-Aug-2014/mastung-blast-destroys-sheikh-taqi-s-shrine>. In February 2014, armed gun men reportedly attacked a Sufi religious gathering in Karachi, opening fire on people gathered for prayers, killing eight people and injuring eight others. New York Times, *8 Killed in Attack on Sufi Gathering*, 9 February 2014, <http://www.nytimes.com/2014/02/10/world/asia/8-killed-in-attack-on-sufi-gathering.html>. In January 2014 six people were reportedly killed and left near a Sufi shrine in Karachi. Police reported that the attackers left a note stating that the people had been killed for visiting the shrine. The Tehreek-e-Taliban Fazullah group was reportedly responsible for this note. South Asia Terrorism Portal, *Pakistan Timeline – 2014* (see 7 January 2014 incident), <http://www.satp.org/satporgtp/countries/pakistan/timeline/2014.htm>; Reuters, *Six Pakistanis Killed Over Visit to Sufi Muslim Shrine*, 7 January 2014, <http://www.reuters.com/article/2014/01/07/us-pakistan-shrine-beheadings-idUSBREA060FB20140107>. In February 2014 the shrine of a popular Sufi poet of Balochistan in Khyber Pakhtunkhwa was reportedly set on fire by militants. South Asia Terrorism Portal, *Pakistan Timeline – 2014*, <http://www.satp.org/satporgtp/countries/pakistan/timeline/2014.htm>. On 10 January 2014, gunmen reportedly killed two workers at a Sufi shrine in Mardan, Khyber Pakhtunkhwa province. Dawn, *Gunmen Kill Two Workers at Sufi Shrine in Peshawar*, 10 January 2014, <http://www.dawn.com/news/1079605/gunmen-kill-two-workers-at-sufi-shrine-in-peshawar>. See also, Guardian, *The Saints Go Marching Out as the Face of Islam Hardens in Pakistan*, 15 January 2014, <http://www.theguardian.com/world/2014/jan/15/islam-pakistan-barelvi-saudi-wahhabi>.

⁴²⁵ For example, on 17 July 2016, three Sufi singers were reportedly attacked by armed assailants. The Daily Star, *3 Bauls Hacked in Chuadanga*, 17 July 2016, <http://www.thedailystar.net/country/3-bauls-hacked-chuadanga-1255072>. On 22 June 2016, a Sufi singer was reportedly shot while in a car on the way to work. The Taliban reportedly claimed responsibility for the attack of the Sufi singer who they declared to be a blasphemer. The Economist, *Hate and Love*, 2 July 2016, <http://www.economist.com/news/obituary/21701453-amjad-sabri-pakistans-favourite-qawwali-singer-was-killed-june-22nd-aged-45-hate-and-love>.

⁴²⁶ Guardian, *The Saints Go Marching Out as the Face of Islam Hardens in Pakistan*, 15 January 2014, <http://www.theguardian.com/world/2014/jan/15/islam-pakistan-barelvi-saudi-wahhabi>.

⁴²⁷ Guardian, *Pakistan's Geo News Becomes Latest Target in Blasphemy Accusation Trend*, 22 May 2014, <http://www.theguardian.com/world/2014/may/22/pakistan-geo-news-blasphemy-pakistan-sufi-song-wedding>; BBC, *The Battle for Pakistan's Geo TV*, 21 May 2014, <http://www.bbc.com/news/world-asia-27508088>.

⁴²⁸ United States Department of State, *2014 Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>.

In March 2015, the administration of the International Islamic University reportedly shut down the Barelvi mosque on its campus, which a large number of students used for prayers, citing security concerns as the reason for the closure. Students reportedly continued to conduct their prayers outside the mosque in protest for several weeks after the closure.⁴²⁹

In light of the foregoing, UNHCR considers that followers of Sufi practices and rituals, including Barelvis, particularly those in areas where Taliban-affiliated groups are active, may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion, ethnicity, (imputed) political opinion, and/or other relevant grounds.⁴³⁰

8. Zikris

Zikri Muslims' beliefs and practices differ from mainstream Sunni Islam.⁴³¹ Zikris are reportedly viewed as deviants by other Muslims and have been referred to as *bhangee* (dirty people) and *jahalat* (backward); some ultra-orthodox Sunni Muslims have reportedly called for Zikris to be declared non-Muslims.⁴³² Estimates for the size of the Zikri community range from 500,000 to 800,000; as Zikris are reportedly recorded as Sunni Muslims when voting, precise estimates for the number of Zikris in Pakistan are lacking.⁴³³ The majority of the Zikri population reportedly live in more rural areas of Pakistan, particularly in Balochistan province; most Zikris are ethnic Balochs.⁴³⁴ However, targeted attacks in Balochistan province have reportedly caused Zikri families to flee to other areas in Pakistan.⁴³⁵

⁴²⁹ Pakistan Today, *International Islamic University Shuts Down Barelvi Mosque*, 22 March 2015, <http://www.pakistantoday.com.pk/2015/03/22/national/international-islamic-university-shuts-down-barelvi-mosque/>.

⁴³⁰ For further guidance on religion-based asylum claims, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, <http://www.refworld.org/docid/4090f9794.html>.

⁴³¹ "Just as the Ahmadi regard Mirza Ghulam Ahmad as a prophet, albeit a lesser prophet, so the Zikris believe that Nur Pak, an Indian Sufi who established the sect, was a prophet as well as the promised Mahdi. [...] The method of praying practised by Zikris differs from that of mainstream Muslims. When praying, Zikris, heavily influenced by Sufism, instead of performing the traditional method of *namaz*, recite incantations and sacred verses. There is also no compulsion to face towards Mecca when performing prayer. Zikris do not go on *hajj*, pilgrimage to Mecca, which, according to Islam generally, is a basic religious duty. [...] Another practice which offends mainstream Muslims is the manner in which Zikris meet for prayer, not in a mosque, but usually in the open air on mats and stones. Even when Zikris meet in a *khanas*, a special building, there is usually no *minbar*, pulpit, and there is never the *qibla*, the niche in the wall directing the worshippers towards Mecca." Writenet, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.refworld.org/pdfid/4b01856e2.pdf>, pp. 23-24. See also, Dawn, *In the Crosshairs*, 16 September 2014, <http://www.dawn.com/news/1132189>.

⁴³² ICG, *Policing Urban Violence in Pakistan*, 23 January 2014, Asia Report N°255, <http://www.refworld.org/docid/52e117608.html>, p. 18; Writenet, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.refworld.org/pdfid/4b01856e2.pdf>, p. 24. See also, "Zikris are a minority group of approximately 200,000 concentrated in the Gwadar District of Balochistan. While Zikris consider themselves Muslims, Sunni religious leaders reject this claim because the Zikris have religious ceremonies that differ significantly from those practiced by other Muslim groups, including a ceremony that is conducted in Turbat, Baluchistan which is similar to the Hajj. While Mullahs have called for Zikris to be declared non-Muslims, no steps have been taken to do so, and Zikris are generally free to practice their religion. Violence against Zikris is reportedly rare; however, societal discrimination and harassment is more common." United States Department of State, *International Religious Freedom for 2004 - Pakistan*, 15 September 2004, <http://www.refworld.org/docid/416ce9e52ba.html>.

⁴³³ United States Department of State, *2015 Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; Writenet, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.refworld.org/pdfid/4b01856e2.pdf>, pp. 23-24. The Writenet report notes that some sources have put forward figures as high as several million. *Ibid.*, p. 23.

⁴³⁴ Radio Free Europe/Radio Liberty, *Pakistani Security Forces Accused of Attack on Minority Group*, 2 September 2014, <http://gandhara.rferl.org/content/balochistan-zikri/26562816.html>; Al Jazeera, *Gunmen Target Minority Sect in Pakistan*, 29 August 2014, <http://www.aljazeera.com/news/asia/2014/08/gunmen-target-minority-sect-pakistan-20148299211109311.html>; Writenet, *Pakistan: The Situation of Religious Minorities*, May 2009, <http://www.refworld.org/pdfid/4b01856e2.pdf>, pp. 23-24.

⁴³⁵ "For Pakistan's small Zikri population, rising extremism – including the appearance of pro-ISIS graffiti in south-west Pakistan – has fuelled fear in the community. Following violent attacks in 2014, and the murder of six Zikris by Lashkar-e-Khurasan militants in August 2015, many Zikris have been forced to conceal their identity and flee their historic homes to other parts of the country." MRG, *State of the World's Minorities and Indigenous Peoples 2016 - Pakistan*, 12 July 2016, <http://www.refworld.org/docid/5796082215.html>; Office of the Commissioner General for Refugees and Stateless Persons (CGVS/CGRA), *Pakistan: Security Situation*, 16 June 2015, <http://www.refworld.org/docid/55b7592f4.html>, p. 20; HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, pp. 122, 135. Since the targeted attack in Awaran, Balochistan province, in August 2015, when six Zikris were killed, around 400 people are reported to have fled to other parts of Pakistan, while only those who cannot afford to move have remained in this area. Dawn, *Zikris under Attack in Balochistan*, 2 January 2015, <http://www.dawn.com/news/1154575>. "Hundreds of people belonging to the Hazara community in Quetta and Zikri in Balochistan's coastal belt have fled the southern cities of Gwadar, Pasini, Turbat and Mashkey and moved thousands of kilometers away, leaving behind their

Observers note that starting in 2014, members of the Zikri community have been subjected to targeted attacks and killings by extremist groups.⁴³⁶ On 26 July 2015, the spiritual leader of the Zikri community, Syed Zafar Noori, was reportedly kidnapped by armed men in Pasni, Balochistan province.⁴³⁷ On 28 August 2014, armed men reportedly attacked a Zikri house of worship, killing six and injuring seven people in Awaran district, Balochistan province. An extremist Islamist faction called Lashkar-e Khurasan reportedly claimed responsibility for the attack, having previously publicly threatened to kill Zikris if they did not abandon their Zikri beliefs and convert to mainstream Sunni Islam.⁴³⁸ On 29 July 2014, seven people were reportedly injured when a remotely detonated bomb destroyed a bus carrying Zikri pilgrims in Balochistan's Khuzdar district.⁴³⁹

Members of the Zikri community reportedly feel constrained to conceal their religious identity, due to security risks related to targeted attacks as well as forms of discrimination against Zikris.⁴⁴⁰

In light of the foregoing, UNHCR considers that members of the Zikri community may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion, ethnicity, (imputed) political opinion, and/or other relevant grounds.⁴⁴¹

VI. Internal Flight or Relocation Alternative

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA) is contained in the UNHCR *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*.⁴⁴²

In order for an IFA/IRA to be a relevant consideration in any given case, the area must be determined to be practically, safely and legally accessible and without factors that would expose the asylum-

homes and businesses." The Diplomat, *Who Is Responsible for Persecuting Pakistan's Minorities?*, 12 November 2014, <http://thediplomat.com/2014/11/who-is-responsible-for-persecuting-pakistans-minorities/>.

⁴³⁶ United States Department of State, 2014 *Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>; HRCP, *State of Human Rights in 2014*, March 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>, p. 135; Dawn, *In the Crosshairs*, 16 September 2014, <http://www.dawn.com/news/1132189>.

⁴³⁷ United States Department of State, 2015 *Report on International Religious Freedom - Pakistan*, 10 August 2016, <http://www.refworld.org/docid/57add84315.html>; Dawn, *Zikri Spiritual Leader Kidnapped*, 27 July 2015, <http://www.dawn.com/news/1196645>.

⁴³⁸ MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>; Dawn, *War on Minorities*, 24 September 2014, <http://www.dawn.com/news/1133908>; Al Jazeera, *Gunmen Target Minority Sect in Pakistan*, 29 August 2014, <http://www.aljazeera.com/news/asia/2014/08/gunmen-target-minority-sect-pakistan-20148299211109311.html>. Separatists in Balochistan accused the Pakistani security forces of being behind the attack in Awaran: Radio Free Europe/Radio Liberty, *Pakistani Security Forces Accused Of Attack On Minority Group*, 2 September 2014, <http://gandhara.rferl.org/content/balochistan-zikri/26562816.html>. A week before the attack in Awaran District, graffiti appeared in a town in Balochistan calling on Zikris and Hindus to convert to Islam or face death. MRG, *State of the World's Minorities and Indigenous Peoples 2015 - Pakistan*, 2 July 2015, <http://www.refworld.org/docid/55a4fa494.html>.

⁴³⁹ United States Department of State, 2014 *Report on International Religious Freedom - Pakistan*, 14 October 2015, <http://www.refworld.org/docid/5621056615.html>.

⁴⁴⁰ United Press International, *Pakistani Muslim Sect Fears Attack from Hard-line Militants*, 18 June 2015, http://www.upi.com/Top_News/World-News/2015/06/18/Pakistani-Muslim-sect-fears-attack-from-hard-line-militants/21424259832246/.

⁴⁴¹ For further guidance on religion-based asylum claims, see UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, paras 17-19, <http://www.refworld.org/docid/4090f9794.html>.

⁴⁴² The assessment of the availability of an IFA/IRA requires two main sets of analysis, namely its (i) **relevance** and its (ii) **reasonableness**. In cases where a well-founded fear of persecution has been established in some localized part of the country of origin, the determination of whether the proposed internal flight or relocation area is an appropriate alternative for the individual concerned requires an assessment over time, taking into account not only the circumstances that gave rise to the risk feared, and that prompted flight from the area of origin, but also whether the proposed area provides a safe and meaningful alternative in the future. The personal circumstances of the individual applicant and the conditions in the area of relocation need to be considered. See UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html>.

seeker to a new risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination.⁴⁴³

In the context of Pakistan, an IFA/IRA will generally not be available in areas which are affected by sustained security and military counter-insurgency operations and retaliatory militant attacks. The availability of an IFA/IRA outside such areas needs to be assessed individually. Areas considered relatively stable may, nevertheless, be inaccessible in instances where access roads to and from such areas are considered insecure.

Given the wide geographic reach of some armed militant groups (as evidenced by high-profile attacks, particularly in urban centres), a viable IFA/IRA will generally not be available to individuals at risk of being targeted by such groups.⁴⁴⁴ Furthermore, some non-State agents of persecution, such as local powerbrokers, organized criminal elements, as well as armed militant groups, reportedly have links to or are closely associated with influential actors in the local and central administration, law enforcement and/or judiciary.⁴⁴⁵ As a result, they often operate with impunity and their reach may extend beyond the area(s) under their immediate control.

An IFA/IRA will generally not be relevant where there is a reasonable likelihood that the individual concerned would be subject to criminal prosecution under Pakistan's blasphemy and/or anti-Ahmadi laws.

For Ahmadiis who are found to have a well-founded fear of persecution in their home area for reason of their religion, UNHCR considers that there is no viable IFA/IRA given the widespread and institutionalized forms of discrimination against Ahmadi individuals by the State, as well as the lack of State protection against equally widespread forms of ill-treatment against Ahmadi individuals at the hands of members of society.⁴⁴⁶

For individuals who fear harm as a result of religious norms of a persecutory nature or harmful traditional practices – such as victims of or individuals at risk of forced marriage, forced conversion or honour crimes – and for whom an internal relocation to another part of the country may be relevant, the endorsement of such norms by large segments of society and powerful conservative elements in the local administration needs to be taken into account.

Whether an IFA/IRA is reasonable must be determined on a case-by-case basis, taking fully into account the security, human rights and humanitarian environment in the prospective area of relocation at the time of the decision. To this effect, the following elements need to be taken into account: (i) the availability of basic infrastructure, access to essential services, such as sanitation, health care and education, as well as food security in the prospective area of relocation; (ii) the availability of traditional support mechanisms, such as relatives and friends, in the area of prospective relocation; (iii) the scale of displacement in the area of prospective relocation and the ability of displaced individuals to sustain themselves, including livelihood opportunities; (iv) the presence of landmines

⁴⁴³ See UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, paras 7, 18-21, <http://www.refworld.org/docid/3f2791a44.html>.

⁴⁴⁴ For further information regarding the structure, organization, operational capacity and geographical reach of such groups, see South Asia Terrorism Portal, *Terrorist and Extremist Groups of Pakistan*, undated (accessed 1 November 2016) http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/group_List.htm. See also, ICG, *Pakistan's Jihadist Heartland: Southern Punjab*, 30 May 2016, <http://www.refworld.org/docid/574d2dbb4.html>. For information on incidents of violence in Pakistan see: ACLED, *Targeting Religious Minorities in Pakistan*, 19 October 2016, <http://www.crisis.acleddata.com/targeting-religious-minorities-in-pakistan/>; ACLED, *Violent Trends in Pakistan 2015*, <http://www.crisis.acleddata.com/violent-trends-in-pakistan-2015/>. For examples of a number of violent incidents in urban areas in 2016, see: Jamestown Foundation, *Pakistan: Rivals Lay Claim to Quetta Hospital Attack*, 19 August 2016, Terrorism Monitor, Volume 14, Issue 17, <http://www.refworld.org/docid/57bacb804.html>; Radio Free Europe/Radio Liberty, *Pakistan Detains More Than 5,000 Suspected Militants After Easter Bombing*, 29 March 2016, <http://www.refworld.org/docid/5768ffb815.html>.

⁴⁴⁵ See, for example, HRW, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>; ICG, *Policing Urban Violence in Pakistan*, 23 January 2014, Asia Report N°255, <http://www.refworld.org/docid/52e117608.html>; ICG, *Reforming Pakistan's Broken Judiciary*, 6 December 2010, <http://www.unhcr.org/refworld/docid/4d00dee42.html>.

⁴⁴⁶ See: UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html>, paras 13-14.

and unexploded ordnance;⁴⁴⁷ and (v) the criminality rate and resultant insecurity, particularly in urban areas. In urban centres, the growing pace of rural-urban migration is reportedly placing increased pressure on basic facilities and services, including access to education, employment, housing, clean drinking water and sanitation. This is reportedly accompanied by increasing crime rates.⁴⁴⁸

VII. Exclusion from International Refugee Protection

In light of Pakistan's long history of sectarian violence, militancy, armed conflicts⁴⁴⁹ and record of serious human rights violations, exclusion considerations under Article 1F of the 1951 Convention may arise in individual asylum claims by members of religious minorities from Pakistan. Exclusion considerations will be triggered if there are elements in the applicant's claim that suggest that he or she may have been associated with the commission of crimes within the scope of Article 1F. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied with caution. A full assessment of the circumstances of the individual case is required in all cases.⁴⁵⁰ When considering claims of individuals who were involved in the above-listed events and armed conflicts, Article 1F(a) is of particular relevance. Where an applicant may have been associated with acts committed in connection and associated with an armed conflict, the starting point for the exclusion analysis will be to examine whether or not these acts were in violation of the applicable rules of international humanitarian law and corresponding provisions of international criminal law and may thus constitute war crimes as referred to in Article 1F(a).⁴⁵¹ Acts reportedly committed by the parties to the various armed conflicts

⁴⁴⁷ See for example, *Landmine Monitor 2015*, 26 November 2015, <http://www.the-monitor.org/en-gb/reports/2015/landmine-monitor-2015.aspx>; Landmine and Cluster Munition Monitor, *Country Profile: Pakistan, 1994 – 2014*, http://archives.the-monitor.org/index.php/cp/display/region_profiles/find_profile/PK/2014; Sustainable Peace and Development Organization, *Addressing the Impacts of Landmines and Explosive Remnants of War in Pakistan*, November 2012, <http://spado.org.pk/publications/addressing-the-impacts-of-landmines-and-explosive-remnants-of-war-in-pakistan/>.

⁴⁴⁸ See, for example, sources quoted in Austrian Centre for Country of Origin and Asylum Research and Documentation, *Pakistan: COI Compilation*, 31 August 2016, <http://www.refworld.org/docid/57c6e9ee4.html>; sources quoted in European Asylum Support Office, *Country of Origin Information Report: Pakistan Security Situation*, July 2016, <http://www.refworld.org/docid/5798b74f4.html>. See also, OCHA, *Pakistan: KP and FATA - Areas of Displacement, Hosting and Returns (as of 31 August 2016)*, 19 September 2016, <http://www.refworld.org/docid/57ea66f14.html>; OCHA, *Humanitarian Bulletin Pakistan Issue 37 (December 2015 – January 2016)*, 4 April 2016, <https://www.humanitarianresponse.info/en/operations/pakistan/document/humanitarian-bulletin-pakistan-issue-37-december-2015-january-2016>. For reports related to the humanitarian situation in Pakistan see for example: Pakistan Humanitarian Forum, <http://pakhumanitarianforum.org/new-reports-publications/>; Norwegian Refugee Council/Internal Displacement Monitoring Centre, *Pakistan: Solutions to Displacement Elusive for Both New and Protracted IDPs*, 24 August 2015, <http://www.refworld.org/docid/55ffb7514.html>; IRIN, *Education Still on Hold After Year of War in Pakistan*, 18 June 2015, <http://www.refworld.org/docid/558a995f4.html>. See also sources quoted in Asylum Research Consultancy, *Pakistan Country Report*, June 2015, <http://www.refworld.org/docid/558909364.html>; ICG, *Policing Urban Violence in Pakistan*, 23 January 2014, <http://www.refworld.org/docid/52e117608.html>; Pakistan Bureau of Statistics, *Crimes Reported by Type (2003 – 2012)*, <http://www.pbs.gov.pk/content/crimes-reported-type-2003-2012>.

⁴⁴⁹ Since independence, Pakistan has fought three wars against India, several border disputes with Afghanistan, and an extended border skirmish with India in 1999; it is also conducting military operations against armed groups along the border areas of Afghanistan. In the past few years, Pakistan has reportedly been engaged in three armed conflicts of a non-international character, i.e. between the military and rebels seeking autonomy in the province of Balochistan; between the military and Islamic militants along the porous Afghan border; and between the military and suspected Taliban militants in the SWAT valley region; see, for example, ACLED, *Violent Trends in Pakistan 2015*, <http://www.crisis.acledata.com/violent-trends-in-pakistan-2015/>; United States Institute of Peace, *Mapping Conflict Trends in Pakistan*, 7 February 2014, http://www.usip.org/sites/default/files/PW93-Mapping_Conflict_Trends_in_Pakistan.pdf; Geneva Academy of International Humanitarian Law and Human Rights, *Rule of Law in Armed Conflict, Pakistan: Current Conflicts*, last updated 13 April 2012, http://www.adh-geneva.ch/RULAC/current_conflict.php?id_state=166.

⁴⁵⁰ Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, HCR/GIP/03/05, 4 September 2003, <http://www.refworld.org/docid/3f5857684.html>; *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, <http://www.refworld.org/docid/3f5857d24.html>.

⁴⁵¹ War crimes are serious violations of IHL which entail individual responsibility directly under international law. The applicable rules of IHL and corresponding provisions of international criminal law differ, depending on whether the armed conflict is international (including situations of occupation) or non-international in character. For more detailed guidance, see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, <http://www.refworld.org/docid/3f5857d24.html>, paras 30-32. In the context of a non-international armed conflict, the notion of "war crimes" may be applied to serious violations of the relevant rules of IHL (i.e. Common Article 3 of the 1949 Geneva Conventions, certain provisions of Additional Protocol II and rules of customary international law) from the early 1990s onwards. The International Criminal Tribunal for the former Yugoslavia (ICTY) held that by that time, violations of IHL applicable to non-international armed conflicts could be considered to entail criminal responsibility under customary international law; see *Prosecutor v. Dusko Tadic aka "Dule"*, *Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, IT-94-1, 2 October 1995, <http://www.refworld.org/docid/47fd520.html>, para. 134.

in Pakistan which may give rise to exclusion pursuant to Article 1F(a) include, *inter alia*, abductions and enforced disappearances, indiscriminate attacks on civilians, forced displacement, torture and other cruel, inhuman and degrading treatment, political assassinations, mass killings, extrajudicial and summary executions and forced recruitment for military service and/or labour, including recruitment of children.

Some members of the military, police, security/intelligence services, as well as officials, especially if they have occupied positions of authority, may have been involved in various acts which could give rise to the application of Article 1F of the 1951 Convention. These acts include, but are not limited to, arbitrary arrest, *incommunicado* detention and detention without charge, torture and other cruel, inhuman or degrading treatment, disappearances, politically motivated killings and extrajudicial executions.

Exclusion considerations may also arise with regard to individuals who may have been associated with acts considered to be of a “terrorist” nature. In UNHCR’s view, such crimes may fall within any of the exclusion grounds provided for in Article 1F, if the relevant criteria are met. In many such cases, Article 1F(b) will be applicable, as violent acts of terrorism are likely to meet the seriousness threshold for the application of this provision, and to fail the predominance test used to determine whether the crime is political.⁴⁵² In certain circumstances, such acts may fall within Article 1F(a) as a crime against humanity or as a war crime, if the act in question was committed during an armed conflict, and if it constitutes a serious violation of relevant provisions of international humanitarian law and international criminal law.⁴⁵³ Under certain circumstances, acts considered to be of a terrorist nature may give rise to exclusion based on Article 1F(c). This would apply where the acts in question constitute war crimes and/or crimes against humanity within the meaning of Article 1F(a),⁴⁵⁴ but also with regard to crimes prohibited under international Conventions and Protocols pertaining to terrorism, if they are characterized by the above-mentioned larger characteristics in terms of their impact on the international plane.⁴⁵⁵

For exclusion to be justified, individual responsibility must be established in relation to a crime within the scope of Article 1F. Such responsibility flows from a person having committed a crime or participated in its commission in a manner that gives rise to criminal liability, for example through ordering, instigating, aiding and abetting, or by contributing to the commission of a crime by a group of persons acting with a common purpose. For persons in positions of authority within a military or civilian hierarchy, individual responsibility may also arise on the basis of command/superior

Serious violations of the aforementioned rules of IHL that occurred earlier could not be considered “war crimes”, but they may fall within the scope of “serious non-political crimes” (Article 1F(b)) or, depending on the circumstances, “crimes against humanity” (Article 1F(a)).

⁴⁵² For exclusion based on Article 1F(b) to apply, the geographic (‘outside the country of refuge’) and temporal (‘prior to admission to that country as a refugee’) criteria under this provision must also be met; see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, <http://www.refworld.org/docid/3f5857d24.html>, paras 41 and 81.

⁴⁵³ IHL does not provide a definition of terrorism. However, it prohibits, during armed conflict, most acts that would commonly be considered terrorist if they were committed in peacetime. The decisive question is whether a particular conduct satisfies the material and mental elements required to establish a war crime under IHL. Those acts or threats of violence, the primary purpose of which is to spread terror among the civilian population, are specifically prohibited in Article 51(2) of Additional Protocol I and Article 13(2) of Additional Protocol II to the 1949 Geneva Conventions. In its Commentary to Article 13 of Additional Protocol II, the ICRC notes that “attacks aimed at terrorizing are just one type of attack, but they are particularly reprehensible.” See ICRC, *Commentary to Article 13 of Additional Protocol No. II of 1977*, <http://www.icrc.org/ihl.nsf/COM/475-760019?OpenDocument>, para. 4785. More detailed information on terrorism and the law of armed conflict can be found on the website of the ICRC, at <http://www.icrc.org/eng/resources/documents/faq/terrorism-faq-050504.htm>. See also ICTY, *Prosecutor v. Galic*, Case No. IT-98-29A, Appeal Chamber judgment of 30 November 2006, <http://www.refworld.org/docid/47fdb565.html>, paras 98 and 102-104.

⁴⁵⁴ There is an overlap between these two exclusion grounds, as acts which fall within Article 1F(a) are also “contrary to the purposes and principles of the United Nations”; see 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, <http://www.refworld.org/docid/4f33c8d92.html>, para. 162.

⁴⁵⁵ Rather than focus on the “terrorism” label, a more reliable guide to the correct application of Article 1F(c) in cases involving a terrorist act is the extent to which the act impinges on the international plane – in terms of its gravity, international impact, and implications for international peace and security. In UNHCR’s view, only terrorist acts that are distinguished by these larger characteristics may qualify for exclusion under this provision. For more detailed guidance, see UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, <http://www.refworld.org/docid/3f5857d24.html>, paras 46-49. See also UNHCR, *Yasser al-Sirri (Appellant) v. Secretary of State for the Home Department (Respondent) and DD (Afghanistan) (Appellant) v. Secretary of State for the Home Department (Respondent): UNHCR’S Composite Case in the Two Linked Appeals*, 23 March 2012, <http://www.refworld.org/docid/4f6c92b12.html>.

responsibility. Defences to criminal responsibility, if any, as well as considerations related to proportionality apply. Evidence about practices of forced recruitment, including in particular of children, needs to be taken into consideration in this regard. Membership in government armed forces, police, intelligence or security apparatus, or in an armed group or militia, is not in itself a sufficient basis to exclude an individual from refugee status. The same applies to government officials and civil servants. In all such cases, it is necessary to consider whether the individual concerned was personally involved in excludable acts, or participated in the commission of such acts in a manner that gives rise to individual responsibility under the relevant criteria of international law. A careful assessment of the circumstances pertaining to each individual case is required.

In the context of Pakistan, exclusion considerations may be raised in the cases of members of religious minorities with certain backgrounds and profiles. Careful consideration needs to be given in particular to the following profiles:

- (i) members of militant groups,⁴⁵⁶ or persons otherwise involved in sectarian violence;
- (ii) members of military, police, security and intelligence forces, particularly those involved in counter-terrorism campaigns;⁴⁵⁷
- (iii) officials in the local and federal administrations; and members of the judiciary.⁴⁵⁸

⁴⁵⁶ For further information on the main Islamic militant groups in Pakistan and their activities, see South Asia Terrorism Portal, *Terrorist and Extremist Groups of Pakistan*, (accessed 23 August 2016), http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/group_list.htm; Austrian Centre for Country of Origin and Asylum Research and Documentation, *Pakistan: COI Compilation*, 31 August 2016, <http://www.refworld.org/docid/57c6e9ee4.html>; see sources quoted in European Asylum Support Office, *Country of Origin Information Report. Pakistan Security Situation*, July 2016, <http://www.refworld.org/docid/5798b74f4.html>; ICG, *Pakistan's Jihadist Heartland: Southern Punjab*, 30 May 2016, Asia Report N°279, <http://www.refworld.org/docid/574d2dbb4.html>; see sources quoted in Asylum Research Consultancy, *Pakistan Country Report*, June 2015, <http://www.refworld.org/docid/558909364.html>.

⁴⁵⁷ For example, HRW, *"This Crooked System" - Police Abuse and Reform in Pakistan*, 25 September 2016, <http://www.refworld.org/docid/57e8d0f64.html>; United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; see sections on law enforcement (law and order, as well as jails, prisoners and disappearances) in HRC, *State of Human Rights in 2015*, March 2016, <http://hrcp-web.org/hrcpweb/hrcp-annual-report-2015/>; see sources quoted in Canada: Immigration and Refugee Board of Canada, *Pakistan: Police Corruption; Authorities Responsible for Receiving Complaints Against the Police, Including Effectiveness; Procedures to Submit a Complaint Against the Police (2012-January 2016)*, 14 January 2016, PAK105368.E, <http://www.refworld.org/docid/56af1a9f4.html>; see sources quoted in Asylum Research Consultancy, *Pakistan Country Report*, June 2015, <http://www.refworld.org/docid/558909364.html>. See also, for example sources in footnote 24.

⁴⁵⁸ For more information on the lack of independence of the judiciary, see, for example, United States Department of State, *2015 Country Reports on Human Rights Practices - Pakistan*, 13 April 2016, <http://www.refworld.org/docid/57161227c.html>; HRW, *Pakistan: Events of 2015*, January 2016, <https://www.hrw.org/world-report/2016/country-chapters/pakistan>; ICJ, *On Trial: The Implementation of Pakistan's Blasphemy Laws*, November 2015, <http://www.refworld.org/docid/565da4824.html>; see sections on rule of law in HRC, *State of Human Rights in 2015*, March 2016, <http://hrcp-web.org/hrcpweb/hrcp-annual-report-2015/>; see sources quoted in Asylum Research Consultancy, *Pakistan Country Report*, June 2015, <http://www.refworld.org/docid/558909364.html>; UN Human Rights Council, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Addendum: Mission to Pakistan*, 4 April 2013, A/HRC/23/43/Add.2, <http://www.refworld.org/docid/51b9a0794.html>.