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| SUBMISSION FROM BRITISH PAKISTANI CHRISTIAN ASSOCIATIONTO UNITED NATIONS HUMAN RIGHTS COMMITTEE (HRCtte) |
| **For the 118th session (17 October – 4 November 2016)** |
| At Geneva |

The British Pakistani Christian Association (BPCA) has read with interest the submission by the government of Pakistan in the International Covenant on Civil and Political Rights process (dated 19 October 2015). It is evident that some considerable effort has gone in to setting up the apparatus within government to monitor matters relating to Covenant.

However, we assert that the submission materially misrepresents the situation on the ground in Pakistan. In saying this, we recognize the considerable and multi-level challenges faced by any government in Pakistan, and we are not necessarily casting aspersions on the efforts made by the government of Pakistan in the area of human rights. However, due consideration shows problems almost from the first paragraph.

Specifically, Paragraph 2 mentions reservations entered at the time of the Ratification, citing reservations against Articles 3 and 25 specifically ‘in the context and extent of upholding the supremacy of the Constitution’ and that the articles ‘shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan.’ On the fact of it, that would seem reasonable, but examination of the responses of many governments at the time, we find that there were many more reservations, and expressed rather differently, as detailed online at places such as <http://www.bayefsky.com/html/pakistan_t2_ccpr.php> and <https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&lang=en#EndDec>, reservations which were later only partially withdrawn, in response to those governments concerns. These reservations made the application of the covenant subject not only to the constitution of Pakistan but specifically Sharia laws. Right here is a major conflict, since the core of the spirit of the Covenant is that the principles are of universal and supreme application. Given that, for instance, Article 3 of the covenant states men and women should have equal rights in the ‘enjoyment of all civil and political rights’ of the covenant, but that many applications of Sharia law are widely known to specifically give different rights to the different genders, and discriminate against women in many ways. In short, there is a fundamental conflict and it is arguably impossible to reconcile the two without violating one or the other, and it is highly difficult to see how implementation of the Covenant would not be watered down in practice.

An example would be cases of rape, where a woman in Sharia law is not allowed to testify against her attackers, and in general, a woman’s testimony is held to be worth half that of a man, and a non-Muslim half that of a Muslim. This means that in the very common circumstance of a Christian woman being raped by a Muslim man, her testimony is worth a quarter of the perpetrator(s). More generally, acts of rape to be proved need to be witnessed by four (normally) Muslim men who are deemed not to be engaged in major sin, a situation that must happen very rarely indeed (you can see the Pakistani law that states this on the government website <http://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-cZ2U-sg-jjjjjjjjjjjjj>). Without this, victims of rape are vulnerable to being accused and convicted of adultery. This leads to a wider issue. Regardless of what the actual law of Pakistan says (and it is very substantially based on Sharia law), it would be implemented in a culture and society infused with the values of Sharia.

It is against this situation that we consider the assertions in paragraphs 4-6 that state that most of the Covenant rights were already in place in the constitution of Pakistan, and that may well be true (although certain highest offices are reserved only for Muslims), but time and again, in reality the noble equalities of the constitution are not reflected on the ground. This reality should be borne in mind when considering paragraph 6 in particular, where it says:

Pakistan considers that the general approach of the state parties towards their respective obligations in the implementation of the Covenant should be to strive for giving effect to the various rights and duties embodied in the Covenant within the context of their national, socio-economic, and cultural circumstances in the best possible manner.

This seems reasonable, as every nation has its own unique history and culture, but it raises the question of what happens when the religious / cultural context is one that militates very strongly against the proper implementation of many characteristics of the Covenant rights.

We recognise that in many ways the first duty of a state is the protection of its citizens, and we recognize the challenges detailed in paragraphs 8-13.

However, Paragraph 14, pointing out that any law that is against the Fundament Rights as found in the Constitution is void, rather skates over not only the wider issues that in practice these are breached, but also that even in the constitution, at least one of these rights in the Constitution offers significant caveats, over and above security and diplomatic-relations based restrictions, namely the right to Freedom of Speech and of press. In paragraph 19 the various caveats are made as follows (see <http://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Fvbpw%3D-sg-jjjjjjjjjjjjj>):

…. subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence.

Aside from the general issue of what can be considered ‘reasonable restrictions’ (one faced by many states), the problem is that Freedom of Speech and Press are specifically potentially restricted ‘in the interest of the glory of Islam’ which makes it entirely possible for these fundamental and foundational rights to be unjustly undermined. Consider the following: the Islamic and Christian faiths have fundamentally opposed creeds on many points (the same could be said of Islam and Hinduism for example, but we focus on Christianity since, like Islam, it is a missionary or ‘evangelising’ faith, and has many points of similarity with Islam, despite the fundamental conflicts at key points). This means that a Christian preacher could make points arguing for his or her own faith around issues of integrity and preservation of the Christian holy texts, around the nature of God, of Jesus Christ, and his death and resurrection that have the potential to be deemed against the ‘glory of Islam’ which believes very differently on (arguably) all of these core subjects. Similarly, if at any point, upholding aspects of the Christian faith are held to be ‘incitement to an offence’, the core values of the Covenant could be violated.

Paragraph 17 lists rights that are included in the Fundamental Rights of the Constitution, and they all sound well and good, but our deep and abiding concern is that they are not being honoured, not in isolated instances, but in a widespread fashion, not in any technical sense, but in spirit, and not in a diminishing amount, but to an increasing measure. It is the repeated assertion by older Christians in Pakistan that by and large the situation was much better decades ago, that the constitutional rights were much more honoured for them and other minorities than they are now. This is not mere sentimental memories, but an assertion that can be backed up by much objective evidence. The ‘Islamification’ process of the last few decades has been made possible by – or at least been greatly facilitated by – the fact that the constitution of Pakistan introduces such caveats on Freedom of Speech as the ‘interest of the glory of Islam’.

Paragraph 18 states that the 2nd Chapter of the constitution provides more detail, stating for example:

For instance, the State shall discourage parochial, racial, tribal sectarian and provincial prejudices among its citizens.

The BPCA applauds that intention, but is not alone in forcefully pointing out that there are areas where the State is manifestly not fulfilling this obligation, and specifically the context of a great many text books in the education system which suppress material about the contribution of minorities to Pakistani history and society, and / or contain inaccurate and derogatory material about religious minorities in particular. This issue has been widely commented on, so we will only note that although some improving amendments have been made in the last 5 years, these have been significantly outweighed by changes for the worse. The title of the latest report on the subject form the US Commission on International Religious Freedom (CIRF) aptly sums up the situation ‘Teaching Intolerance in Pakistan’ (<http://www.uscirf.gov/sites/default/files/USCIRF_Pakistan_FINALonline_0.pdf>). This of course, necessitates that the agents of the state, teachers, engage in activity that cuts directly against the meaning of the constitution that the Pakistani Government is pointing to here. Whilst are other factors involved, this text-book material has to be contributing to the repeated and widespread reports of acts of discrimination and persecution and even on occasion violence by teachers and school officials against Christian and other minority pupils and even staff, even, in one recent case, a Christian headteacher being beaten up and abused. For a useful, if dated, summary of key issues here, as well as some ways in which it links in with general societal attitudes please see the following newspaper article: <http://tribune.com.pk/story/289063/pakistans-educational-system-fuels-religious-discrimination-report/>. For a more up to date summary, we agree with the press release that accompanied the latest US CIRF report, which can be found here: <http://www.uscirf.gov/news-room/press-releases/pakistan-public-school-textbooks-continue-teach-intolerance>.

It is against the background of a significant religiously conservative society and culture, one that in at least part could be said to be tending toward ‘radical’ that comments about Pakistan being ‘a democratic and progressive country’ should be viewed. The government of Pakistan may wish to present the country in such a light, and indeed may wish and strive for it genuinely be such, but the reality is rather different, as evidenced in the bitter experiences of all its religious minorities, not least Christians.

We note that the government submission references various court cases which are held as examples of the spirit of the Covenant being upheld and enforced. All we would say is that, whilst welcome, there can be a disconnect between such judgements, or government pronouncements, and what actually happens on the ground. There are fairly frequent reports of such judgements being watered down or breached after media / international interest is past (for instance, government promises to rebuild homes of Christians destroyed in riots). Thus the fact that upper courts can take ‘suo moto’ notice of issues and take action is welcome, but must be viewed against the wider societal constraints or influences.

The actions and institutions and results detailed in paragraphs 23 onwards are very interesting. It is certainly true that trust in the courts needed to be much higher. However, it is still our experience that at a lower level with police widespread discrimination and abuse happens, and that the police, along with lower courts have not ‘won over the hearts’ certainly of the Christian community in Pakistan. We would welcome more detail on the religious affiliation of the cases resolved. We note with interest the various initiatives being taken with regard to familiarising the judiciary with the covenant, and hope that it produces good fruit soon, but also note that it is highly likely, to say the least, that issues concerning conflict with Sharia will loom large in regards to implementation on the ground.

Regarding paragraph 33, whilst we welcome such affirmative actions in principle, we note that the reserved minority seats are controversial within the minority communities, because they are selected by mainstream Muslim-centred political parties, not elected by the minority communities directly, which is why there has been a long-standing campaign under the slogan ‘Election not selection’. This campaign appears to be bearing some fruit, as reported in the following article: <http://www.christianitytoday.com/gleanings/2015/november/why-pakistans-christians-want-muslims-to-stop-calling-them-.html> so we will watch the outcome with interest.

In addition, reserved quotas are open to abuse, with repeated reports of minority graduates applying for government jobs only to be assigned to the traditional menial ‘sweeper’ jobs despite their high level of education. There are well documented cases of menial government jobs being explicitly reserved for minorities only in media published job adverts.

Paragraph 39 exemplifies the problem of the contribution of minorities being ignored in the formation of Pakistan when it talks of Pakistan coming into being from the struggle of Muslims for self-determination. This is, of course, true, but it is not the whole truth as in fact Christians in Punjab and Sindh, for example, were active in supporting calls for a separate state in the aftermath of World War 2. Similarly, the listing of various constitutional articles in Paragraph 51 regarding minority rights look good, but the reality most often is very different.

Regarding, for instance, paragraph 55 about article 3 and equal rights of women, aside from the already mentioned reservations made by Pakistan about that article, whilst we welcome laws against sexual harassment, we note that it doesn’t seem to have reduced the amount of sexual harassment and worse against minority women; indeed the trend appears to be quite the opposite (although of course, we do not attribute this to the law – other societal factors against which such a law was necessary are at play).

Regarding paragraph 60, we will note here that the widespread kidnap, forced marriage and conversion of minority women and girls is an area that needs to be addressed strongly, and does not appear to be. Again, this is an area where there is a fundamental clash between the core values of the Covenant and Sharia law as actually practiced in Pakistan. It is very common in these cases for any attempt by parents or family to rescue their kidnapped women to be thwarted in the courts and legal processes, usually by means of religious declarations of conversion and Islamic marriage, **in at least some cases even when the girl is manifestly underage** and so should be, indeed is, illegal. Yet lower courts still have been known in recent years to enforce such illegal marriages. This is even apart from the fact that frequently such aggrieved parents are obstructed, rebuked and sometimes beaten by police for seeking to gain their women back. There are numerous reports of such parents being told ‘Your daughter is Muslim now, you can never see her again’, perhaps with the caveat ‘unless you convert to Islam’. This is also apart from the threats of violence and other coercion often used against such parents. Such a widespread pattern of manifestly forced marriage is also violation of the Covenants article 23, clause 3 of which states:

 No marriage shall be entered into without the free and full consent of the intending spouses.

We also have strong reservations about paragraph 70, which talks of the investigative process when deaths occur in state custody. Over the years of BPCA’s existence (since 2009), we have repeatedly received or noted reports of Christians dying in custody where such processes where emphatically not followed, or were only followed partially or fully after active protest and strike action by the Christian community. This raises the question of how many cases, at least for Christian deaths, are prevented from following the process that is stated here. Typically, police will call such deaths suicide or heart attacks, and perhaps a very few of them are, but unfortunately it is far more common to hear of cases where the police refuse to allow or conduct post-mortems, where eyewitness testimony or other prima facie evidence such as wounds and damage to bodies that could not be self-inflicted and other inconsistencies indicate that there has been police brutality and torture. Such reports come from across Pakistan, and include both rural and urban police stations. A significant number of Christians who have been taken into custody and have lived tell of extreme brutality and torture, as well as other unjust practices, such as seizing and torturing family members of a suspect to induce the suspects to give themselves up. Minorities such as Christians are particularly susceptible to police brutality and abuse (‘high-handedness, seeking bribes, threats and other behaviour) precisely because of widespread societal and cultural hatred, prejudice and the like, usually religious based.

We also would challenge the Pakistan’s government’s narrative regarding the death penalty, particularly paragraphs 73 and 75. In the latter paragraph, the Pakistani state refers to their lifting of a general moratorium on the death penalty which was lifted in response to the late 2014 terrorist attacks on a government school. At the time statements were made that it was to deter terrorism, but in reality the opportunity was taken to execute people whose crimes were not at all terrorist related. Of particular concern, and widely condemned by many groups, was the execution after 22 years on death row of Aftab Bahadur, a Christian. His case was of concern because he had been convicted at the age of 15, and in the meantime the law had changed so that if his crime had been committed later, he would not have been liable for execution. Of even greater importance was the extremely unsafe nature of his conviction, with several eyewitnesses withdrawing their testimony against him since it had been extracted by police torture – including one on death row for the same crime. His confession to the crime was also extracted by torture, and he was tried under a widely abused ‘Speedy Trials’ process which was meant solely for terrorists. The impoverished Christian could not afford to pay the bribe the police demanded of him. His execution was expedited, with even a few days needed for his lawyers to provide evidence of his innocence being denied. See <https://www.theguardian.com/world/2015/jun/10/pakistan-executes-aftab-bahadur-sentenced-to-death> for a good press article summarising the situation. He went to his death pleading his innocence, and just before dying he wrote an article which is worth quoting at several points:

I am a Christian, and sometimes that is difficult here. Unfortunately, there is one prisoner in particular who has tried to make our lives more difficult. I don’t know why he does it. I got very upset over the Christian bombings that took place in Peshawar. This hurt me deeply, and I wish that Pakistani people could possess a sense of nationality that overrode their sectarianism….

While the death penalty moratorium was ended on the pretext of killing terrorists, most of the people here… are charged with regular crimes. Quite how killing them is going to stop the sectarian violence in this country, I cannot say.

<https://www.theguardian.com/commentisfree/2015/jun/09/22-years-pakistan-death-row-what-purpose-execution>

Paragraphs 76-89 deal with Article 7, against torture and cruel, inhuman or degrading treatment. In particular we take issue with paragraph 79:

Thus, the Criminal Justice System in Pakistan effectively deals with all constituent acts amounting to torture or to cruel, inhuman or degrading treatment.

As we have already noted, the Christian experience is generally different. The Pakistani government in this submission lists a number of cases, decisions and so on on this issue, and whilst we don’t doubt that in these cases action of some sort, quite possibly effective action, was taken, we still all too often see cases where no such action is taken against those officials of the state who torture Christians. Sometimes some sort of action is taken after direct action protest, and occasionally without, but sometimes this only seems to be relatively small punishments, suspension on leave or the like. Of course, in any system there must be due process and proof, and cases where criminal actions can’t be properly prosecuted due to lack of sufficient evidence, but in the light of widespread animosity against Christians and other minorities in Pakistani society, this natural differential between wrong-doing and punishment seems unlikely to account for much of the manifest disconnect here. For Christians, the criminal justice system generally does **not** effectively deal with all acts amounting to torture and so on. We welcome the actions described by the Pakistani government to try and end this widespread problem, but would urge them that more is possible and necessary. We feel it is too soon to say whether this is having a beneficial effects, certainly for Christians, and have not gained the impression that it is having much effect in reducing numbers of such violations against Christians, although of course, with no control group to compare with, we cannot state this with any degree of certainty (after all, it is possible that the situation would be far worse now if such measures were not being taken). Again, we would welcome a breakdown of religious affiliation of the victims in such cases, but even then, we would need to have an accurate baseline of such violations to get a good idea of any effect.

Similar issues apply to paragraphs 90-95, which refer to Covenant article 8, about slavery and forced labour. The constitution of Pakistan is clear, and clearly some action is being taken to enforce it – we notice that the particular court case mentioned involved someone ‘Masih’, evidently a Christian. However, we still often receive reports of bonded labour of Christians in the brick kiln field, as well as effective bonded labour in feudal type situations in agriculture, and also forced labour and other highly questionable practices in the area of domestic cleaning (not to mention widespread reports of sexual abuse and violation of Christian women and girls in such employment, and occasionally torture and murder). In short, actions such as that detailed in paragraph 94 are welcome, but the task ahead remains massive. As well as economic reasons that make bonded labour attractive to the ‘owners’, prevailing religious prejudice means religious minorities appear to be significantly more likely to be victims of such situations (and arguably, religious prejudice contributes to the poverty of the victims and makes them more vulnerable to such exploitation).

Paragraphs 96-102 concern Article 9, about proper lawful detention. As would be expected from some of the concerns we have already raised, we acknowledge the provisions of Constitution and law, but suggest that from what we have seen, the practice is still somewhat lacking. However, there is certainly an evident awareness that this is an area that needs to be improved, and we will look with cautious hope to see ongoing improvements as fruit of such measures being taken as described, for example, in paragraph 102. A similar sentiment applies to paragraphs 10-3 to 106 regarding Article 10 on the treatment of prisoners.

Paragraphs 124 to 137 concern article 14, the right to fair trial, presumption of innocence and the like. Here too, as is to be expected, the Pakistani governments report details lots of actions taken, but in the same period we have repeated reports of Christians suffering violation of Article 14 in one way or another. We have already touched on them, such as victims of police violence, tortured confessions and the police treatment of minority parents whose women or girls have been kidnapped and forced into marriage / sex slavery. Paragraph 125 talks about efforts made to remove bias amongst judges, and this is welcome, but needs to be seen in the light of prevailing conditions where intense pressure can be placed on judges by effective intimidation from well-organized groups of religious extremists, often using radicalized young students.

We acknowledge, as is widely recognized, that the upper courts are much better than the lower courts in this regard, a fact which can ultimately mean respite for victims of unfair trials, but by no means all cases of injustice get to the higher courts, and those that do typically take a long time to be resolved.

Examples where there is evidence extreme pressure has been supplied include the case of Rimsha Masih, the minor who was accused of blasphemy because she allegedly had papers with quotes from the Quran in a rubbish bag, ready for burning. Huge pressure was applied from parties associated with the prosecution side who pressed strongly for her to be declared an adult liable to the death penalty, claiming she was 21. Reportedly, strong pressure was put on medical board convened to establish the issue of her age. In this case, almost certainly because there was sustained international media interest in the case, such pressures were resisted and eventually Rimsha and her family were able to leave the country for safety, but the sentiment and pressure from large parts of Pakistani society who were calling for her death. In cases where anyone, but especially minorities such as Christians, are accused of blasphemy, it is very common for mobs to form demanding the alleged perpetrators be handed over to be burned alive, and frequently there are threats to burn out the homes of the whole Christian community. Indeed there have been one or two cases (involving non-Christians) were such mobs have actually stormed police stations to seize the accused and kill them. Much more common is that the local Christian community flees, the police arrest the alleged ‘blasphemer’ for their own protection, but then charge them with blasphemy. It is appropriate here to quote France’s comment on this case, as it directly ties in to the Covenant, and a major disconnect between the spirit of the Covenant and the situation in Pakistani law now:

"…the very existence of the crime of blasphemy infringes upon fundamental freedoms, namely the freedom of religion or belief, as well as the freedom of expression. It urges Pakistan to comply with its international commitments in this area, notably the International Covenant on Civil and Political Rights….’

(Source Wikipedia, <https://en.wikipedia.org/wiki/Rimsha_Masih_blasphemy_case> - original quote footnoted, but originating official Government page no longer present due to passing of time)

A current case also demonstrates the appalling reality on the ground. It concerns the case of Aqueel Masih, a Christian in the city of Lahore who was taken to hospital having had his arms chopped off. He said three men had chopped them off with axes because he had refused to follow his father in converting to Islam. They had approached him at his work at a garage, then asked him to go with them to help repair a vehicle, which was where he was attacked. Although he did go to the police with a Christian elder to report the incident earlier this month, the police refused to report the reasons why his arms had been chopped off (he was also beaten badly, with bruising all over his body and head wounds). The victims went ahead without including the reasons why out of fear that if they did not drop this part of the truth, they would not be able to register a case at all against the attackers. In this glaring hole, much of Pakistani media have pushed the line that Mr Masih lied about the reason and that his arms were cut off as part of a dispute with a drugs dealer. (Christians are often held to be drug dealers, and there is indeed a drug problem amongst the impoverished Christian community. However, prejudice often means, for instance, that Christian menial labourers who has some money on them are accused by police of being drug dealers and have their money stolen from them, as happened with some labourers just paid their weekly wages recently. Bribery and extortion appears to be widespread amongst Pakistani police forces, unfortunately, despite the efforts of the state to improve police standards.) Police have been less than supportive to Mr Masih, and indeed released a press release claiming without any evidence that his arms had been severed by a train, possibly believing him to be a heavy drug addict (yet he showed no signs of cold turkey in hospital). Although three men have been arrested, the strong fear is that justice will be difficult to get, in large part due to the persistent belief amongst large parts of the Pakistani population that Christians make up stories of their persecution and are all unreliable drug addicts or drunkards. For a bit more detail, see our article <http://www.britishpakistanichristians.org/blog/christian-man-alleges-arms-chopped-off-for-not-converting-to-Islam> The case is controversial, even within the Christian community, as can be seen in the following press article - <http://www.pakistantoday.com.pk/2016/07/15/news/persecution-unlikely-in-case-of-christian-man-whose-arms-were-chopped-off/>. It also shows why police could make claims about train accidents, as the incident happened by railway tracks. Some Christian officials suspected foul play because of contradictory statements, but Mr Masih says this was due to pressure from police. This official named one group as, in his opinion, falsely making this a Christian-Muslim issue (and interestingly, someone claiming to be from that group has commented on our article, claiming it is fake news).

I deal with this case as it stands not just because it is current, but because it also demonstrates the complex and competing pressures; things could easily change with more revelations, or the triumphing of some pressures over others, pressures to which facts and evidence can become servants. There can be intense pressures on Christian politicians who are nearly always members of Muslim-dominated parties to quash stories and portray Pakistan in a good light, and since cases are not always clear cut, there can be some grounds you can cite to do so, as in this case. However, as this is getting further away from specific state issues, we will leave it there and briefly cover some remaining issues.

Covenant article 26 is in many ways related to Article 14, concerning the requirement for equal and effective protection against discrimination. It is worth quoting in full:

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

We recognize that some efforts have been made by the Pakistani government towards realizing this goal in a multi-faceted situation. However, naturally, our concern is primarily with Christians’ situation, and we find scant evidence that this goal is being realized. In many ways, it is getting further and further away. Discrimination is rife – Christians are frequently required to pay bribes before gaining even quite menial employment. We receive reports of Christians in successful employment in sales, for example, for a year, and then being told they will only be promoted if they convert to Islam, and then fired when they refuse. Images of water reserved for Muslims only indicate something akin to segregation, and occasions where Christians are beaten or rebuked for drinking from water that someone has deemed contaminated by their touch are far from rare. This does not just happen in rural areas, or at mosque water fountains; it has also been known to happen in urban offices too. In addition, tales of discrimination within the education system are quite frequent, with Christians often reporting intense pressure to convert to Islam, something not surprising given the content of the textbooks we touched on above. In addition very often during the annual floods we here reports of discrimination in emergency relief by some agencies, including Christians being told they will only be given emergency food and medicine if they convert to Islam, else they will just have to ‘wait until your own people arrive’, meaning Western agencies (which are deemed Christian by default). We have already touched on discrimination in government job adverts, and there is also discrimination in recent moves to clear Christian slums in Islamabad, with the responsible government agency actually saying such ‘religious cleansing’ should be done to ‘protect the beauty of Islam’. This is clear and direct discrimination, completely contrary to the letter and spirit of the Covenant.

We have already touched on issues around article 18 and Freedom of Thought and Speech. The caveats mentioned in the Pakistani Constitution, particularly those concerning the ‘glory of Islam’ (also already touched on) in effect open the door for those who use religiously motivated violence to have a whip hand, and even caveats that many other nations also have, such as restrictions due to ‘law and order’ are wide open for abuse by people whose motivating values are completely antithetical to those of the Covenant. A practical and quite common example on the ground would be occasions whereby quite radical Mosque leaders stir up violence against a church over the timing of a prayer-meeting, say, and then, as often happens, the police are not willing or able to press charges but prefer to go down the informal ‘community reconciliation route’. At such meetings it is normal for the initial instigator of the violence or pressure, who are there as prominent community leaders, to use the veiled or not so veiled threat of restarting the violence to force their original goal. The police, as well as often sharing the religious prejudice of the perpetrators, also have limited resources and naturally can be reluctant to go against majority-society sentiment, even if they did not share it – hence they will go for the informal ‘reconciliation’ route, which inevitably undermines and discriminates against the religious minority community involved. Pakistan is far from alone in this – Egypt has a very similar dynamic operating, for example. Such general concerns would, we believe, apply to paragraphs such as 156 in the Pakistani government’s submission.

We have similar concerns regarding paragraph 151, and notoriously vague and open to abuse in a society such as Pakistan. Firstly, it concerns ‘deliberate intention’ of ‘wounding the religious feelings’ of any other person. Aside from the issue of how to determine ‘deliberate intention’, it is wide open for anyone seeking to pressure religious minorities to say that their ‘religious feelings’ have been wounded. The ‘religious feelings’ of Christians are regularly wounded, yet they feel – with good reason – that they won’t get any justice. There are numerous cases where Christian religious symbols have been violated or denigrated, but it is vanishingly rare to find effective action taken by the state against the perpetrators, except in a few cases where massive issues of disorder have reached media / international attention’. On the other hand, if it is against them, it is not uncommon for charges to be pressed, or pressure brought to bear in other ways. For instance, a few years ago, a visiting Christian preacher answered a church members question from the bible. Muslims listening in deemed the answer ‘religiously offensive’ against Islam and caused a ruckus, resulting in the local pastor being forced to make public abject apologies to spare his church and parishioners from violence. Making statements with the ‘knowledge’ that a person’s religious feelings likely to be wounded is also prohibited, making it all the more likely that any statement in areas where the core tenets of the Christian and Islamic faith are diametrically opposed by a Christian religious person would be an occasion for abuse and coercion via this law to try and enforce notions of Islamic dominance. Thus, for instance, anyone teaching the core Christian doctrine of Jesus as the crucified and resurrected Son of God could run afoul of people who see this as hurting the Muslim feelings around the Islamic doctrines stating Jesus was not crucified and ‘Allah has no son’. We note that there has been efforts in the past to get parts of the Bible banned in Pakistan on the grounds that it records faults and bad behaviour on the parts of some prophets shared by both faiths.

We would more generally note that independent monitors have most recently ranked Pakistan as the 6th worst in the world to be a Christian, ranking ahead of countries such as Iran, Sudan and Somalia, just behind ISIS affected Syria, and behind Iraq, Eritrea, Afghanistan and North Korea. The level of persecution of Christians in Pakistan is ranked as Extreme, the worst category of persecution (<https://www.worldwatchmonitor.org/research/4227917>). Pakistan has been continually rising through the ranks for the level of treatment of Christians, even at the same time as Boko Haram in Africa and ISIS in the Middle East have been committing massive atrocities, which gives a good idea of the rapidly worsening situation for Christians in Pakistan. Specifically, Pakistan got ‘maximum points’ for violence against Christians and crimes regarding Christian property, on a par with Nigeria and Boko Haram - <https://www.worldwatchmonitor.org/news/4195287/4195294/4223821>.

We would argue that there is in effect a kind of slow-broiling genocide going on in Pakistan against Christians. There are considerable social and other forces at play that contribute to a situation that arguably largely hovering just below a threshold where it would clearly meet all the criteria. Sometimes government agencies are party to these factors, such as authorities stating a reason to clear Christian slums is to protect the beauty of Islam. There are generally held to be 8 stages of genocide, most or all of which can be happening at the same time. We see most, if not all, of them operating to some degree within Pakistan, in relation to Christians (and other minorities). These 8 stages are: Classification, Symbolization, Dehumanization, Organisation, Polarization, Preparation, Extermination and Denial (see <http://www.genocidewatch.org/genocide/8stagesofgenocide.html> for more detail). We would argue that repeated downplaying of incidents of Christian persecution by state authorities is in effect a form of denial. Whilst the government is definitely not involved in ‘Extermination’ and has acted on occasion, and may well be acting repeatedly behind the scenes to stop those who wish to carry out such activities, it is an unfortunate reality that there are significant forces at work in Pakistani society who wish to exterminate Christians and have publicly said so. Placement in slums means that often Christians and other minorities are already separated out, making attacks on them so much easier (safety in numbers will only go so far in countering this). Polarisation is a definite danger in Pakistan, and sometimes even the state participates in this and dehumanization. Here we are thinking in particular of the events last year after a double attack on churches in Lahore, were shamefully a few of the Christian protestors seized arrested terrorist gunmen from the police and burned them alive. Much of the media and official government sources stated at least one of them was just an innocent Muslim passerby, something contradicted by eyewitness testimony. In any case, hatred against Christians was whipped up and outrage (perhaps understandable except for the fact that similar burning alive of totally innocent Christians accused of blasphemy did not raise such outrage generally) against Christians led to arrests and torture of many Christians for rioting, when the real perpetrators were offered up to the police by community leaders, plus the arrest of innocent Christian activists. The language coming from media and official sources for a while lead to very real fears of a real genocide.

In short, whilst we welcome the efforts of the Pakistani government to implement the Covenant, with activities such as those in paragraph 220, we remain deeply concerned about the conflict between the spirit and content of the Covenant and the Sharia-based content and spirit of much of Pakistani law, culture and society. We recognize that dealing with this clash properly will be immensely challenging, but it must be done if the spirit of the Covenant is actually going to benefit all people, including minorities such as Christians, who are supposed to be its beneficiaries.

(It should be noted that in the latter part of this report, access to the Pakistani government report was not possible due to online maintenance taking down the website, and we apologize for the resulting less specific nature of these sections.)