



Upper Tribunal
(Immigration and Asylum Chamber)

AK and SK (Christians: risk) Pakistan CG [2014] UKUT 00569 (IAC)

THE IMMIGRATION ACTS

Heard at Field House
On 16, 17, 19 and 20 June 2014
The Royal Courts of Justice
On 24 July 2014

Determination Promulgated

.....

Before

UPPER TRIBUNAL JUDGE PETER LANE
UPPER TRIBUNAL JUDGE KEKIĆ

Between

AK
SK

Appellants

and

SECRETARY OF STATE FOR
THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Ms S Jegarajah and Ms S Pinder, Counsel instructed
by Wimbledon Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting
Officer

1. *Christians in Pakistan are a religious minority who, in general, suffer discrimination but this is not sufficient to amount to a real risk of persecution.*
2. *Unlike the position of Ahmadis, Christians in general are permitted to practise their faith, can attend church, participate in religious activities and have their own schools and hospitals.*
3. *Evangelism by its very nature involves some obligation to proselytise. Someone who seeks to broadcast their faith to strangers so as to encourage them to convert, may find themselves facing a charge of blasphemy. In that way, evangelical Christians face a greater risk than those Christians who are not publicly active. It will be for the judicial fact-finder to assess on a case by case basis whether, notwithstanding attendance at an evangelical church, it is important to the individual to behave in evangelical ways that may lead to a real risk of persecution.*
4. *Along with Christians, Sunnis, Shi'as, Ahmadis and Hindus may all be potentially charged with blasphemy. Those citizens who are more marginalised and occupy low standing social positions, may be less able to deal with the consequences of such proceedings.*
5. *The risk of becoming a victim of a blasphemy allegation will depend upon a number of factors and must be assessed on a case by case basis. Relevant factors will include the place of residence, whether it is an urban or rural area, and the individual's level of education, financial and employment status and level of public religious activity such as preaching. These factors are not exhaustive.*
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. A blasphemy allegation, without more, will not generally be enough to make out a claim under the Refugee Convention. It has to be actively followed either by the authorities in the form of charges being brought or by those making the complaint. If it is, or will be, actively pursued, then an applicant may be able to establish a real risk of harm in the home area and an insufficiency of state protection.*
7. *Like other women in Pakistan, Christian women, in general, face discrimination and may be at a heightened risk but this falls short of a generalised real risk. The need for a fact sensitive analysis is crucial in their case. Factors such as their age, place of residence and socio-economic milieu are all relevant factors when assessing the risk of abduction, conversions and forced marriages.*
8. *Relocation is normally a viable option unless an individual is accused of blasphemy which is being seriously pursued; in that situation there is, in general, no internal relocation alternative.*

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Abbreviations

AHRC:	Asia Human Rights Cell
AI:	Amnesty International
ALAC:	AGHS Legal Aid Commission
APMA:	All Pakistan Minorities Alliance
APUC:	All Pakistan Ulema Council
BPCA:	British Pakistan Christian Association
CEDAW :	The Convention on the Elimination of all Forms of Discrimination against Women
CLAAS:	Centre for Legal Aid, Assistance and Settlement
CII:	Council of Islamic Ideology
COIR:	Country of Origin Information Report
CRC:	The Convention on the Rights of the Child
CRPD:	The Convention on the Rights of Persons with Disabilities
CRSS:	Centre for Research and Security
CSC:	Christian Study Centre
CSW:	Christian Solidarity Worldwide
EAC:	Evangelical Christian Church
FCO:	Foreign and Commonwealth Office
FIEC:	Fellowship of Independent Evangelical Churches
FIR:	First Information Report
FSC:	Federal Shariat Courts
HRW:	Human Rights Watch
ICC:	International Christian Concern
ICCPR:	The International Covenant on Civil and Political Rights
ICERD:	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR:	The International Covenant on Economic, Social and Cultural Rights
IRB:	Immigration and Refugee Board of Canada
JAC:	Joint Action Committee
Jl:	Jinnah Institute
LADS:	Legal Aid for Destitute and Settlement
NGO:	Non Governmental Organisation
NCJP:	National Commission on Justice and Peace
PATA:	Provincially Administered Tribal Areas
PAWLA:	Pakistan Women Lawyers' Association
PIL:	Pakistan Interfaith League
PILAP:	Pakistan Interfaith League Against Poverty
PML-N:	Pakistan Muslim League - Nawaz
PPC:	Pakistan Penal Code
UNCAT:	The UN Convention Against Torture
UPR:	Universal Periodic Review of the Human Rights Council
USCIRF:	United States Commission on International Religious Freedom
UNHCR:	United Nations High Commissioner for Refugees
WAF :	Women's Action Forum

DETERMINATION AND REASONS

INTRODUCTION

1. These appeals involve Christians in Pakistan. The appellants are a brother and sister who seek to establish that they would be at real risk from extremist groups if returned, whether to their home area or to other parts of the country. Their appeals were dismissed by a First-tier Tribunal Judge whose decision was set aside for re-making.
2. The respondent does not take issue with the appellants' claims that they are Christians by birth and that they practise their faith in the UK in evangelical churches.

Issues

3. The list of issues as agreed by the parties is:
 - (i) What is the risk of a false blasphemy allegation being levelled against the appellants as Christians?
 - (ii) What is the risk of forced conversion to Islam?
 - (iii) Is there serious discrimination faced by Christians in Pakistan which would amount to persecution?
 - (iv) What particular discrimination do Christian women face?
 - (v) Can Christian women expect a sufficiency of protection from the authorities against assault and rape?
 - (vi) Are Christians able to practise their faith?
 - (vii) What risk do Evangelical Christians face?

Format of determination

4. We begin by setting out the details of the appellants' claims and the procedural history that has brought them to this stage of the proceedings. Some basic facts and information on Pakistan and the legal framework are then set out so as to aid an understanding of the evidence and our conclusions. This is followed by a summary of the evidence by the experts and the other witnesses from churches here and in Pakistan and of the country material as it pertains to the various issues. We summarise the submissions of the parties and in the context of all the evidence make findings and give country guidance. We then apply it to the appellants. The determination concludes with appendices which set out details of the evidence and submissions and an Index of the materials.

Details of appellants' claims

5. The appellants are both Christians by birth. They are brother (AK) and sister (SK) born in Karachi in 1983 and 1987 respectively. AK is married to another Pakistani Christian; his wife and son remain in Pakistan with his in-laws. SK is single. The appellants' parents, an older brother and older sister continue to live in Pakistan. It is claimed that the parents live in a 'safe house' provided by the church.
6. The appellants arrived here on 26 March 2011 with entry clearance as Tier 4 students valid until 28 June 2012. On 20 May 2011 they contacted the Asylum Screening Unit and claimed asylum at their appointments on 10 June 2011. Their case was that they both taught at a school founded by their parents. According to the appellants, on 21 October 2010 when teaching Dickens' *A Christmas Carol* to his students, AK entered into a discussion with them about Jesus and Prophet Mohammed. This angered the students who reported him to their parents and that evening a group of them, including some extremists from the Sipah-i-Sahaba, visited the family home. AK was out but his parents and SK were present and were verbally and physically attacked. Threats were made against AK. Neighbours intervened to end the attack. AK was warned by his father on the telephone not to return home and he stayed at his grandmother's house.
7. Although the appellants claim to have been in hiding, they both ventured out. AK went out on 2 November 2010. He was accosted by a group of individuals including a local Sipah-i-Sahaba member. He was beaten and when he regained consciousness he found himself in a hospital. He sustained injuries to the upper part of an ear and has marks on his shoulder and side. He spent a night in hospital and then moved to his uncle's house. On 19 November 2010 he went out again but was spotted and chased by men on bikes. He managed to escape them. After this, he relocated to his in-laws' home in Quetta with his wife and son.
8. SK went shopping on 7 November 2010 but was attacked by the Sipah-i-Sahaba member and three others. SK's mother and sister intervened and managed to stop the attack. On 24 November SK decided to visit her cousin but was again attacked by three men on motorbikes, including the Sipah-i-Sahaba member. A group of Christian scouts who happened to be passing by intervened to end the attack. She was taken to hospital and thereafter, she stayed with either a local pastor or Christian social worker in a nearby village and then moved to Sialkot.

9. Both the appellants then returned to Karachi for some months and when they obtained their visas they left Pakistan. Upon arrival here, they lived with Reverend Isaac William, a Pakistani pastor. A week or two after their arrival, they were informed by their father that on 27 March 2011, First Information Reports (FIRs) had been lodged, accusing them of blasphemy, that on 28 March a Fatwa had been issued by militants calling for their deaths and, on 29 March, the police had raided their family home. These events led to their eventual decision to claim asylum.
10. Both appellants have continued to practise their faith in the UK. AK is a member of Stockton on Tees Baptist Church and SK has joined Golding's Church in Loughton.

Procedural background and findings of the First-tier Tribunal

11. The appellants were both interviewed with respect to their claims. Their applications were refused on 7 July 2011 and they were served notices informing them that they were illegal entrants by virtue of having gained entry by deception (i.e. having no intention to study or to leave the UK). Whilst the respondent accepted they were Christians, she did not believe their accounts of what had happened to them. It was not accepted that AK taught English Literature or that the incident of 21 October, and hence the following incidents, had occurred. The respondent noted that despite claiming to be in fear of their lives in Karachi, both returned there for several months and left Pakistan from Karachi airport. It was also noted that they delayed in making an asylum claim until 10 June 2011. The respondent noted that the FIRs had allegedly been issued some five months after the claimed incident in October even though it was maintained that the Sipah-i-Sahaba had been after them since that time. The respondent observed that the FIR and other documents had been submitted late and not with the asylum application. She considered that a sufficiency of protection was available and that the appellants could relocate if they so wished.
12. On 25 July the appellants lodged appeals against the decision and their appeals were jointly heard by First-tier Tribunal Judge Aziz at Hatton Cross on 22 August 2011. Both appellants gave oral evidence. The judge dismissed the appeal by way of a determination promulgated on 7 September. His decision was challenged on the basis that the judge should have also considered the risk to the appellants solely on the basis of religious hostility; that the background evidence demonstrated that Christians faced a risk of forced conversion or death, violence, expulsion and discrimination; that the judge did not consider whether this met the persecutory threshold; and that he failed to determine the

risk to the appellants as Christians who ran an English school¹. Permission to appeal was granted on 27 September 2011. On 12 October the respondent in her rule 24 response indicated that she did not oppose the appeal and invited the Tribunal to determine the appeal with a limited continuance hearing to consider whether the appellants would be at risk because of their religion. It was pointed out that the findings of the judge on specific matters had not been challenged and should stand. On 31 October 2011 the decision was set aside.

13. The following findings of fact were made by the First-tier Tribunal:
 1. Both appellants are from Pakistan and are Christians
 2. They may well have been exposed to some level of societal and governmental discrimination in Pakistan
 3. It was not credible that the appellants' family had founded an English grammar school or that AK was an English teacher
 4. No weight could be attached to the FIR or Fatwa documents
 5. The incident in October 2010 did not occur
 6. The alleged attack on AK in November 2010 did not occur
 7. SK's accounts of the two attacks on her lacked credibility
 8. None of the claimed incidents of assault and ill treatment by members of the Sipah-i-Sahaba occurred.
14. These findings of fact of the First-tier Tribunal Judge were not the subject of challenge to the Upper Tribunal and we consider that they should stand, notwithstanding the setting aside of the determination.
15. The same is not true of the judge's finding at paragraph 105 of his determination. This concerned the judge's views of the consequences to a Christian of accusations of blasphemy brought by 'a militant Islamic group' and the capacity for bringing false charges of blasphemy.
16. These findings were *obiter* once the judge concluded that the appellants did not face any such charges or accusations. Furthermore, the present appeals have been re-heard partly in order for the Upper Tribunal to give country guidance on the risk to Christians in Pakistan, by reference to substantially greater evidence and argument than was before the First-tier Tribunal Judge.
17. On the second day of the hearing before us, Mr Walker on behalf of the Secretary of State made an application pursuant to Rule 15(2a) of the Upper Tribunal Procedure Rules to introduce certain evidence which had come to light by way of an internet search following the previous day's proceedings and the oral evidence of the appellants. The material in question consisted of a newspaper article from December 2011 in

¹ The claim that the family had a school was rejected by the First-tier Tribunal Judge and its rejection is an unchallenged finding.

online form relating to criminal proceedings against Pastor William and his family. The application was opposed by Ms Jegarajah who argued that there had been an unreasonable delay in producing the evidence. Following submissions from the parties, we decided it would not be appropriate to admit the evidence and a written decision setting out our reasons was prepared and promulgated. It appears as Appendix 1.

Evangelism and Christianity

18. As the appellants have relied heavily on their position as evangelical Christians, it is helpful to consider what that means. Ms Jegarajah sets out the etymology of 'evangelical' in her skeleton argument. The word comes from the Middle English 'evangile' and, in turn, from the Greek 'euangelion'/'euangelos' meaning 'good news; bringing good news'. Evangelism should not solely be understood as attempted or actual conversion. According to Professor David W Bebbington, widely known for his definition of evangelicalism, referred to as the 'Bebbington quadrilateral'², that is just one of the four main qualities used to define its convictions and attitudes. The other three are biblicism (a particular regard for the Bible and the belief that all essential spiritual truth is to be found within it), crucicentrism (a focus on the atoning work of Christ on the cross) and activism (the belief that the gospel needs to be expressed in effort).

19. This view was confirmed by Pastors Sandy and Taylor-Black of Golding's and Stockton Churches respectively. Pastor Sandy's evidence was that Evangelism did not just concern church matters but encompassed one's entire life. He emphasised the importance of enhancing worship by good deeds and a lifestyle whereby a worshipper helped others in the community and embraced all cultures. If church members did not feel comfortable with sharing their faith with strangers, they were not berated for that; indeed there was no expectation on the Congregation to participate in the outdoor "table" work that the church engaged in. He explained that the aim of the church was to encourage personal independent evangelism where people were encouraged to lead a good life and share their faith as part of their lifestyle. Pastor Taylor-Black also emphasised the importance of support for the local community by way of practical help and service. He explained it was important to demonstrate genuine care and concern for others prior to any embarkation on a discussion of Jesus.

² It was first provided in his 1989 classic study *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s*.

PAKISTAN: GENERAL FACTS AND INFORMATION

20. With a population estimated at over 187 million in 2012³, Pakistan is the sixth most populous country in the world. Approximately, 95% of the population are Muslim (75% are Sunni and the rest are Shia). The remaining 5% includes 1.85% Hindus, 1.59% Christians and 0.22% Ahmadis, with 0.7% belonging to other religious minorities including Sikhs, Parsis, Jews, Baha'is and Jains⁴. Some sources, for eg, Writenet and the Ministry for National Harmony, put Christians first on the list of religious minorities with Hindus coming second. The US Commission for International Religious Freedom (USCIRF) report for 2006 reported that Christians were officially numbered at 2.09 million but, according to the COI report, Christian groups claim to have four million members. Writenet reports that the numbers range somewhere between three million and 20 million but for the purposes of its report, it accepts the figure of between three and five million.
21. Pakistan became an independent state in August 1947 following the partition of British India. It consists of four provinces: Sindh, Punjab, Baluchistan and Khyber Paktunkhwa (formerly the North West Frontier Province), the Federally Administered Tribal Areas (FATA) as well as the Capital Territory of Islamabad⁵. 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.
22. Pakistan's principal cities (with estimated population in brackets) are the capital, Islamabad (800,000), Rawalpindi (1,406,214), Karachi (11,624,219) Lahore (6,310,888), Faisalabad (1,977,246) and Hyderabad (1,151,274). Islamabad hosts a large number of foreign diplomats, politicians and government employees. It is a modern city located in the north eastern part of the country and was built during the 1960s to replace Karachi as Pakistan's capital. It is the most well developed city

³ The 1998 census results put the population at 132 million with 1.59% Christians and 1.60% Hindu.

⁴ These figures are provided by the national database and registration authority statistics for 2012 and some reports provide slightly different percentages. The Human Rights Commission of Pakistan in its 2013 report and the CIA World Factbook confirm that Hindus are the largest religious minority. There is no identification of the make-up the remaining small percentage. Information cited in the UNHCR Eligibility Guidelines and the COI report. The Pakistan Interfaith League reports that there are nine non Muslim religions in the country. The CIA World Factbook estimates the population at 193 million with 96% being Muslim. Mr Samuel puts the population at 177 million with 96% being Muslim and 1% Christian. According to Operation World, Christians make up 2.45% of the population.

⁵ See Map.

in the country, has attracted people from all over the country and has the highest literacy rate. The percentage of Muslims in urban areas is 93.83%. Christians form the second largest group at 4.07% of the population. Gojra, in the Punjab, and scene of the 2009 riots against Christians, is a stronghold of the Lashkar-e-Jhangvi and its political wing formerly known as the Sipah-i-Sahaba.



23. The main ethnic groups are comprised of Punjabis (44.68%), Pashtuns/Pathans (15.42%) and Sindhis (14.1%). Although the national language of Pakistan is Urdu, 48% speak Punjabi as their mother tongue and 12% speak Sindhi. English is the official language spoken by the Pakistani elite and used in most government ministries⁶.
24. In development terms, Pakistan is ranked 125 out of 169 countries placing it in the lowest 30% globally. The adult literacy rate was last recorded at around 55.2% (in 2010) and 22.6% of citizens live below the poverty line with the proportion said to be significantly higher among minorities⁷. Pakistan allocated just below 2% of its GDP to education and ranks at 180 in terms of literacy out of 221 countries with 5.5 million children out of school with only Nigeria having more. Pakistan has the third highest number of illiterate adults in the world. There is a housing unit backlog of nine million and 33% of people live in accommodation with no drainage. Over one million are displaced due to internal conflict and national disasters.
25. Civilian rule returned to Pakistan in February 2008 when a coalition government formed by the Pakistan People's Party (PPP) and Nawaz Sharif's Muslim League defeated General Musharraf in Parliamentary elections. In a move to relinquish some of the powers accumulated by Pakistan's presidency for decades of successive military rule, Parliament unanimously passed the 18th Amendment in April 2010. This was aimed at restoring the system of Parliamentary democracy and introduced several limits on presidential powers.
26. There is evidence that the PPP/PML coalition government took steps to improve the situation for religious minorities. Some of these are summarised in the Christian Solidarity Worldwide (CSW) report and by the UNHCR⁸. Both reports were prepared before the government's defeat in the elections last year and include:
 1. The declaration of a National Minorities Day to be celebrated on 11 August each year, the date of Jinnah's landmark speech to the constituent assembly of 1947. This was celebrated for the third time in 2013.
 2. The creation of a 5% quota for minority applicants in federal government jobs and the eventual extension of this principle to the provincial level

⁶ Information supplied in the COI report 2013.

⁷ CSW report.

⁸ UNHCR Eligibility Guidelines for assessing the International Protection Needs of Members of Religious Minorities from Pakistan, 14 May 2012.

3. The official celebration of festivals of ten religious minorities (including Christmas)
 4. A 50% increase in the state development fund for minorities
 5. The re-establishment of district level Interfaith Harmony committees
 6. The establishment of a National Interfaith Council to promote religious diversity and tolerance
 7. Remission during religious festivals of the sentences of prisoners from minority communities involved in minor crimes, a privilege already granted to Muslims
 8. The introduction of four reserved minority seats in the Senate and seats for representatives from religious minorities in the provincial assemblies
 9. The reservation of ten seats in the National Assembly (the lower House of Parliament)
 10. The allocation of property rights to the minority population living in Islamabad's slums, a majority of whom are Christians
 11. The construction of prayer rooms for non-Muslims in prisons across the country, previously only available in a handful of prisons
 12. The setting up of a 24 hour hotline to report acts of violence against religious groups
 13. A plan for a National Commission for Minorities to review laws and policies relating to minorities and to investigate allegations of discrimination and abuse (to consist of two representatives each from the Christian and Hindu communities, a representative from the Sikh and one from the Parsi communities and two Muslims).
27. Further steps to promote interfaith understanding were taken by the government after the 2 March 2011 assassination of Shahbaz Bhatti, the Minister of Minorities Affairs and an outspoken Catholic critic of the blasphemy laws. The Ministry of Minorities Affairs was renamed the Ministry of National Harmony and Bhatti's brother, Paul, was appointed in his place. On 24 March 2011 the UN Human Rights Council passed a newly worded resolution introduced by Pakistan. It affirmed traditional human rights and called for a "global dialogue for the promotion of a culture of tolerance and peace at all levels, based on a respect for human rights and diversity of religions and beliefs".
28. These examples are described as clear signs that the senior echelons within the government were responding to the interests of minorities. CSW state that the coalition government was vocal in its dedication to minority rights in both international and domestic settings. We were not told that the new government had reversed any of these actions. Although in June 2013, the Ministry of National Harmony was merged

with a larger ministry, the Ministry of Religious Affairs, there is nothing which would suggest that the new Ministry has not continued the tasks of its predecessor.

29. Pakistan's new government formed by the Pakistan Muslim League-N (PML-N) took office on 5 June 2013 following elections on 11th of May with Mamnoon Hussain as President and Nawaz Sharif as Prime Minister⁹. It was the first time in Pakistan's sixty six year history that power had transferred democratically between one civilian government and another after the completion of a full Parliamentary term. The elections are said to be among the most credible in Pakistan's history, representative of progress with an improved electoral register and the highest ever number of women and first-time voters. Voter turnout for women was an unprecedented 40% of all votes cast¹⁰.
30. Historians report that the ancestors of most Pakistani Christians were oppressed low caste Hindus who converted to Christianity in the 1800s when European evangelists spread the Christian gospel on the subcontinent under British colonial rule¹¹. The reports before us vary as to the distribution of the Christian population. Writenet reports that approximately 80% of Christians live in the Punjab, with around 14% in Sindh, 4% in Khyber Pakhtunkhwa and 2% in Baluchistan. Other reports, notably the USCIRF and the Austrian Fact Finding Mission report, put the percentage of Christian residents in the Punjab at ninety. There is consensus that they are based mainly in the central areas with almost half in Lahore and Gujranwala¹². There are 54 Christian villages in Punjab and four in Sindh. In Lahore there are 50 Catholic Church schools along with schools of other Christian confessions. Islamabad is also home to a large number of Christian communities.
31. There are approximately 15 Sikh Gurdwaras in Pakistan, 50 Hindu temples and 500 Christian churches, of which 100 are still from the days of British rule. Lahore, alone, has 65 churches. New places of worship must register with the district administrative authorities and must be proportionate to the religious breakdown of the local population but there are reports that churches continue to be built.
32. According to information supplied by the Austrian Fact-Finding Mission Report, Catholics constitute approximately half of the

⁹ For the third time.

¹⁰ Figures from the FCO.

¹¹ Reported by Radio Free Europe; September 2013 article.

¹² In fact, between eight and ten percent of the population in Lahore are said to be Christians, making it the largest concentration of Christians in Pakistan.

Christians in Pakistan¹³. There are 116 Catholic parishes in as many districts¹⁴ and about 350 Catholic priests and 2000 nuns. The Catholic diocese of Karachi estimated that 120,000 Catholics lived in Karachi, 40,000 in the rest of Sindh, and 5000 in Quetta, Baluchistan¹⁵. Protestants who make up the other half of Christians are divided into the Church of Pakistan, a member of the Anglican Communion, which unites the Anglican, Methodist, Presbyterian and Lutheran churches, the United Presbyterian Church and the Salvation Army. There are also evangelical churches such as the Baptists, the Seven-Day Adventists, the Full Gospel Assemblies Church and the Pentecostal Church. Many small and independent church communities prosper in the slum areas.

33. There are Christian schools, missions, cemeteries, hospitals and leaders, some of whom are described as being very vocal. Due to the high quality of these schools, many of the students are from the majority Muslim population and indeed, the former President Musharraf attended a Christian school. Foreign missionaries continue to operate in the country. The largest Christian Mission group has engaged in Bible translation for the Church of Pakistan. An Anglican missionary group fielded several missionaries to assist the Church of Pakistan in administrative and educational work. Catholic missionaries work with persons with disabilities. Some Hindus have voluntarily converted to Christianity.
34. According to Writenet, Christians, along with Jews and Zoroastrians are treated by the Muslims as 'people of the book'¹⁶. It is reported that Pakistani Christians do not wear distinct dress; however, some have Anglicised Christian names. Masih (meaning Messiah) is a common Christian surname in Pakistan. Passports set out the holder's faith. Identity cards do not. Some places also have their origins in Christianity. For example, the northern resort of Murree is a derivative of Mary.
35. Overall, it is reported that churches keep a low profile. For special occasions such as public worship assemblies and processions, police protection is provided. We did not see any reports suggesting that these have been targeted in any consistent way. Churches communicate with one another. A certain freedom of religion is present. Symbols such as the cross can be displayed. Marriages are

¹³ A report from the USCIRF for 2006 had however put the Protestants first at over half of the total Christian population.

¹⁴ Pakistan has 117 city districts which are third order administrative areas; i.e. following national and regional divisions but above sub-districts (or tehsils).

¹⁵ USCIRF figures.

¹⁶ 'People of the Book' (Arabic: 'Ahl al-Kitāb') is a term used to designate non-Muslim adherents to faiths which have a revealed scripture. The three types of adherents to faiths that the Quran mentions as *people of the book* are the Jews, Sabians and Christians.

governed by the Christian Marriage Act 1872 and the Christian Marriage and Divorce Act of 1869. Courts accept proof of Christian marriages from priests.

36. Christians are generally described as belonging to the poorest strata of society, largely uneducated and employed in menial jobs such as cleaning and domestic work. Bonded labour is also prevalent among Christians, mostly in the agricultural and in the brick, glass, carpet and fishing industries. According to reports, more than 1.8 million people are in bondage, mostly in Sindh and Punjab. However, the majority of such labourers are low caste Hindus.

THE LEGAL FRAMEWORK IN PAKISTAN

The Pakistan Penal Code and the Blasphemy Laws

37. Chapter XV of the Pakistan Penal Code (PPC) outlines 10 offences relating to religion. The provisions can be separated into two categories; those pertaining to Qadianis/Ahmadis (298B and C) and those covering all citizens. Sections 295B and C pertain to blasphemy. The blasphemy provisions were introduced by the former military leader, General Zia Ul Haq, in 1982 and 1986 through amendments to existing legislation which had been introduced in 1860 by the British in India as a response to Hindu-Muslim clashes and were designed to prevent religious violence¹⁷. Contrary to the previous blasphemy laws that addressed all religious beliefs, the changes were specific to particular religious beliefs (the Ahmadis/Qadianis) and prohibited them from indulging in any activity that might be construed as offending the feelings of Muslims (298B and C). General Zia introduced life imprisonment as the punishment under 295C (in 1982) but in 1986 this was amended to life imprisonment or the death sentence and on 20 April 1991, replaced by "death only" by court order of 30 October 1990.
38. Between 1947 and 1982, there were hardly any cases in which section 295A (offences concerning religion) was used. From 1947 to 1985, Muslims and non-Muslims in Pakistan lived largely in harmony with very few cases of religiously motivated killings. However, with the introduction of the new clauses, it is reported that there has been a marked deterioration in the treatment of religious minorities which is

¹⁷ During the British rule, four blasphemy laws were introduced in India, three of them (Indian Penal Code 295, 296, and 298) in 1860 and the fourth one (IPC295A) in 1927. The 1860 laws only dealt with physical offences like defiling of worship places, disturbance to a religious assembly, and the utterance of words. There was no law that specifically addressed a blasphemous offence in the form of written words as this was not a common occurrence until the mid 1920s.

in large part linked to the laws and the religious intolerance they encourage. There are no separate anti-Christian provisions, as there are for Ahmadis.

39. Article 295 prohibits "*injuring or defiling place of worship, with the intent to insult the religion of any class*" with imprisonment for up to 2 years or a fine or both.

This was enacted under British rule.

40. Article 295A states:

Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 10 years, or with fine, or with both.

This was enacted by General Zia.

41. Article 295B states:

Whoever wilfully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

This was enacted by General Zia.

42. Article 295C states:

Who ever 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 Mohammad (peace be upon him) shall be punished with death or imprisonment for life and shall also be liable to a fine.

This was enacted by General Zia.

43. Although there have been convictions where the death penalty has been handed down, to date the government has never carried out an execution for blasphemy.

44. The PPC also legislates in respect of religious gatherings and places of worship. The disturbance of lawful religious assembly is punishable with up to a year in prison and/or a fine. Trespassing on burial places or any place set apart for the performance of funeral rites is subject to punishment of up to one year in prison and/or a fine (Articles 296-7).

45. Article 298 states:

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

This was enacted by the British.

46. Article 298A prohibits the use of derogatory remarks in respect of holy personages. This can be '*either spoken or written or by visible representation or by any imputation, innuendo or insinuation*'. Holy personages include the names of any wife or members of the family of the Prophet or any of his Caliphs or companions. This offence carries up to 3 years' imprisonment and/or a fine.

This was enacted by General Zia.

47. The misuse of epithets, descriptions and titles reserved for certain holy personages or places is prohibited by Article 298B but this provision pertains to Quadianis/Ahmadis. Article 298C also pertains to Ahmadis. These two sections are also referred to as Ordinance XX.

48. Clauses 295B and 295C are described as the blasphemy laws. Section 295A can be distinguished because it carries a lighter sentence and also acknowledges intent.

49. The provisions conflict with the Constitution which provides for the equality of citizens. Not only do they undermine the religious freedom provisions contained within the constitution but they portray Islam in a way that leads to a perception of non-Muslims as second-class citizens; this is said to promote an atmosphere of religious intolerance and increase the potential for religiously motivated problems particularly against the Ahmadi community.

50. Although the blasphemy offences carry a mandatory capital punishment, there are no reports of any death sentence being carried out.

Relevant International Treaties

51. Pakistan has ratified the following international treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 22 September 1966, the Convention on the Rights of the Child (CRC) on 12 November 1990, the Convention on the

Elimination of all Forms of Discrimination against Women (CEDAW) on 12 March 1996, the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 17 April 2008, the UN Convention Against Torture (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR) (with two reservations regarding articles 3 and 25¹⁸) on 23 June 2010 and the Convention on the Rights of Persons with Disabilities (CRPD) on 5 July 2011.

The Constitution

52. The Constitution establishes Islam as the state religion and requires that laws be consistent with it. Nevertheless, the right to freedom of religion in Pakistan was contained in Jinnah's inaugural speech on the creation of Pakistan and is set out in Article 20 of the Fundamental Rights Chapter:

Freedom to profess religion and to manage religious institutions.

Subject to law, public order and morality:-

1) every citizen shall have the right to profess, practice and propagate his religion; and

2) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

53. This Chapter also includes safeguards against people being expected to make payments for religious purposes outside their own faith (Article 21), against religious compulsion or discrimination within the education system (Article 22) and against discrimination concerning access to public places (Article 26) and public services (Article 27).

54. Minority interests are referred to throughout the Constitution. The preamble includes the provision that:

... adequate provision shall be made for the minorities freely to profess and practice their religions and develop their cultures.

The word "freely" was removed from this text under Zia's regime but reintroduced in 2010 as part of the package of constitutional reforms known as the 18th Amendment.

55. Furthermore, on the protection of minorities, Article 36 states:

¹⁸ Article 3 relates to the equal right of men and women to the enjoyment of all civil and political rights in the Covenant. Article 25 gives every citizen the right: a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

The states shall safeguard the legitimate rights and interests of minorities, including their due representation in the federal and provincial services.

56. The Constitution also guarantees freedom of speech and expression in Article 19. The International Covenant on Civil and Political Rights (ICCPR) permits a number of specific restrictions on freedom of expression relating to the "*respect of the rights or reputations of others*" and "*the protection of national security or of public order... or of public health or morals*". In the Pakistani context this is taken further as the right is limited "*in the interest of the glory of Islam*". Non-Muslims are therefore said to be at an automatic disadvantage and interpretation of the provision varies according to the dominant Islamic theology at any given time.

The Judicial System

57. The legal system in Pakistan is based on a common law system with Islamic law influence. The judicial system comprises a Supreme Court, Provincial High Courts and Federal Islamic (or Shariat) Courts (FSC). The Supreme Court is Pakistan's highest court. Each province, as well as Islamabad, has a high court, the justices of which are appointed by the President after conferring with the Chief Justice of the Supreme Court and the Provincial Chief Justice. The judiciary is proscribed from issuing any order contrary to the decisions of the President. Federal Shariat courts hear cases that primarily involve Islamic law and tend to be limited to family law. Legislation enacted in 1991 gave legal status to Shari'a law but did not replace the existing legal code. Certain areas operate under separate judicial systems. For example, Azad Kashmir has its own judicial system as does Gilgit-Baltistan. There are also separate procedures for the Provincially Administered Tribal Areas (PATA).
58. The Supreme Court's decisions are binding in principle and in law on all other courts. At the district level, civil cases are dealt with by District Judges and Civil Judges whilst criminal matters are heard in Courts of Sessions and Courts of Magistrates. Courts of Sessions can hear cases which carry the death sentence. There are special courts and tribunals to deal with specific types of cases including banking, customs, traffic, drugs, labour, insurance and income tax. According to the US State Department, there are delays in civil and criminal cases due to antiquated procedural rules, weak case management systems and weak legal education. There are several court systems with overlapping and sometimes competing jurisdictions such as criminal, civil, terrorism, commercial, family, military and Shariat.

59. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in Hudood cases. The Shariat courts may overturn legislation they judge to be inconsistent with Islamic tenets but such cases are appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court. In cases relating to Hudood laws, the FSC deal with Muslims and non-Muslims. Non-Muslims are allowed to consult the FSC in other matters that affect them or violate their rights, if they so choose.
60. There are a number of Shari'a law provisions incorporated within the PPC. In 1991 the Federal Shariat Court declared Article 295C inconsistent with Shari'a law in that the court could not accept life imprisonment as an alternative to the death sentence, stating that the penalty for contempt of the Prophet had to be death and nothing else.
61. Pakistani law strictly forbids forced conversions, as does Islam. The Supreme Court has actively pursued cases related to forced conversion and discouraged it. In such cases, the courts have ensured that concerned individuals have an opportunity to express their wishes to convert or complain about any threat or pressure they may be facing in complete privacy and safety. The Supreme Court has also given them a period of reflection away from all sources that may influence their decision.
62. It is reported by the UNHCR that the lower courts remain plagued by endemic corruption and their judges are said to be prone to intimidation by local officials, powerful individuals and Islamic extremists. Heavy backlogs of cases can result in lengthy pre-trial detention. Corruption within the police forces is widely reported, ranging from the acceptance of bribes for registering false complaints or the bringing of charges to intimidate political opponents. Allegations of torture in police custody are commonplace, despite a prohibition of arbitrary arrest and detention in law. An 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. The filing of an FIR does not however necessarily lead to arrest. A police investigation is then required and according to recent amendments in the procedures, a senior officer must assess whether the charges have any substance. Once a report is prepared confirming the charges, trial proceedings ensue. If the police are unable to arrest the accused, they may apply to the courts for a warrant. Failure to respond to a warrant means the accused is classed as an absconder and is likely to be listed on the Exit Control List monitored by the Immigration Service at the airports.

The Police

63. The police have primary internal security responsibilities for most of the country. The local police fall within the jurisdiction of the Ministry of Interior. The Rangers, a paramilitary organization, are also under the authority of the Ministry of Interior, and have branches in Sindh and Punjab. The armed forces are responsible for external security. They may, however, be assigned domestic security responsibilities by the government. A different set of regulations provide the framework for law and order in FATA and they have been described as containing harsh provisions, albeit mitigated to some extent in August 2011
64. The US State Department, cited in the Country of Information Report, observes that police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some members of police were said to have committed human rights abuses or to be responsive to political interests. Other reports note that the police are perceived to be corrupt with corruption responsible for the weak prosecution of criminals, the failure of trial prisoners to appear in court within required time limits, flawed court processing, and lengthy pre-trial detentions. The UNHCR reports that there is institutionalised discrimination against religious minorities which reportedly contributes to a sense of insecurity. The Asian Human Rights Commission reported in March 2012 that the security law and order situation had become chaotic and that members of all faiths had become victims of human rights violations, although the Ahmadis were said to be the main focus of attacks. It is also reported that there is a general mistrust of the police amongst civilians.
65. Some improvements in police professionalism were, however, reported by the US State Department. As in previous years, the Punjab provincial government conducted regular training in technical skills and protection of human rights for police at all levels. During the past year police were active in thwarting attempts by protesters to reach foreign embassy property during protests against a film that protesters believed defamed the Prophet Muhammad and, unlike in previous years, the police did not indiscriminately fire lethal weapons into the crowd.
66. As at 2011, the police force's total strength was reported to be 354,000, up from 325,000 officers in 2008. The police themselves have come under attack from Taliban and other militant extremist groups in recent years.

Legal Aid Groups

67. A number of legal aid groups exist all over Pakistan and provide assistance to minorities as well as to citizens generally. Some are specifically set up to cater to women; others to children and some to minorities. Religious groups have also set up their own organisations; for example, the Catholic Bishops Conference of Pakistan runs the National Commission on Justice and Peace and, amongst other services, provides legal assistance to those accused of blasphemy. Assistance is provided to all, however most clients are Christians. There are eight regional offices.
68. The Ahmadi community possesses the necessary financial means and capacity to represent its own members.
69. The AGHS Legal Aid Cell in Lahore, where one of the witnesses, Ms Jahangir, works, is a human rights and legal aid organisation that commenced its operations in 1980. It focuses in the main on the rights of women, children and minorities in Pakistan but has, over the years, expanded its scope of concern to other sectors of society it sees as disadvantaged. AGHS is also an important partner in several human rights and NGO networks at the national, regional and international levels. Its experience, especially in the area of women's and children's rights, has enabled it to influence public opinion, policy initiatives and law making.
70. The organisation provides free legal aid, paralegal education, books and pamphlets on legal awareness, human rights advocacy and women's shelters. It also undertakes research on related issues and monitors human rights violations.
71. The Centre for Legal Aid, Assistance and Settlement (CLAAS) is an interdenominational organisation working for Christians and religious freedom. It has an office in Lahore and aims to raise awareness, disseminate information and highlight the plight of Christians on an international level. It also provides assistance via campaigns and advocacy. It provides free legal aid to victims of religious intolerance, well as shelter and financial support for the victims and their families.
72. Other organisations providing assistance include the Asia Human Rights Cell, World Vision, Pakistan Interfaith League, Pakistan Interfaith League Against Poverty and the Pakistan Lawyers' Foundation (in Karachi). APMA is a nationwide network of individuals and organisations representing minors and the JAC is an umbrella group of approximately thirty NGOs. There are organisations specifically to assist women such as the Legal Aid Women's Trust in

Islamabad, the Pakistan Women Lawyers' Association in Karachi (PAWLA) and the INP-INSAF network in Islamabad.

FREQUENCY OF BLASPHEMY ALLEGATIONS

73. It is reported by Christian Solidarity Worldwide in their report on religious freedom in Pakistan that in the absence of a clear definition of what constitutes a violation, no *mens rea* requirement, and the lack of procedural safeguards, the blasphemy laws are open to widespread abuse and have reportedly been used to harass and target religious minorities as well as to settle personal scores or carry out personal vendettas and have little or nothing to do with religion. The report records that two thirds of all blasphemy cases are filed in the province of Punjab where land grabbing is particularly problematic in rural areas.
74. There is agreement in the evidence that extremist religious groups present the largest obstacle to freedom of belief in Pakistan. The risk of blasphemy allegations emanate almost entirely from, or at the instigation of, extremist groups. Much of the violence carried out by militants does not distinguish between the faiths of the civilians targeted.
75. The HRCP, UNHCR and other sources report that since the amendment in 1986, cases have risen steadily. Ahmadis and other religious minorities initially felt the brunt of these accusations but Pakistanis of any faith are now potential victims with reportedly half of the blasphemy cases registered being against the majority Sunni Muslim population.
76. Attempts by successive governments to reform or repeal the blasphemy laws have failed under the pressure of hard-line religious groups. Two high profile public figures, Salman Taseer, the Governor of Punjab, and Shahbaz Bhatti, Pakistan's Minister for Minority Affairs, were killed on 4 January and 2 March 2011 respectively, purportedly due to their opposition to the blasphemy laws¹⁹.
77. In an attempt to curb the abuse of application of these provisions, a law was introduced requiring a senior police officer to investigate blasphemy complaints before registering them with the courts. Mr Samuel, one of the witnesses, reported that bail is generally not granted in blasphemy cases on the grounds that individuals facing the death penalty are likely to abscond however a refusal of bail is not always the case and one of Mr Samuel's own examples demonstrates this; in November 2013 an Ahmadi man accused of blasphemy was granted

¹⁹ According to CSW, HRCP, Ms Jahangir, Mr Samuel, newspaper articles and other sources.

bail. UNHCR reports that although some blasphemy convictions are overturned on appeal (indeed the evidence shows this happens on a regular basis), first instance courts are often subject to intimidation from religious extremists. Intimidation, harassment and acts of violence against lawyers defending such individuals are also reported. Some accused are reportedly tortured or killed whilst in police custody or detention. Those acquitted of blasphemy charges are reportedly subject to death threats by radical religious elements and often have to relocate or go into hiding following acquittal. The Centre for Research and Security Studies (CRSS), based in Islamabad, in an April 2013 report, lists a number of cases that resulted in acquittal by the courts between 1990 and July 2012 (B169).

78. Several reports including those by Amnesty International, Writenet, CSW, UNHCR and USCIRF²⁰, record that the Christian minority is subject to discrimination and harassment as well as acts of religiously motivated violence at the hands of militant groups and fundamentalist elements. Criminal provisions, particularly the blasphemy laws, are said to be used by militant organisations and members of some Muslim communities to intimidate and harass Christians as well as to exact revenge or settle personal or business disputes. Interfaith marriages may attract reprisals from the Muslim community but these are more likely where a Muslim woman marries a non Muslim man. Muslim men are permitted to marry women outside their faith²¹, the assumption being that the woman will convert to Islam. The Austrian FFM reports that mixed marriages are common.
79. There are varying reports about the frequency and numbers of blasphemy allegations. Listing the blasphemy cases filed in 2012, the Human Rights Commission of Pakistan report published in March 2013 noted that 23 cases against 27 Muslims, two of them women, were registered in 2012 for offences relating to religion. Eight were charged under the blasphemy provision and the rest under other sections. Fifteen of the cases were from Punjab and five from Sindh. The source added that during the same year seven cases on religious grounds were registered against members of the Christian community, three of them under section 295C. Six of these were registered in Punjab and one in Sindh (Karachi). Five new cases were registered against members of the Ahmadi community during 2012, all of them under section 298C except one under 295A and all of them in Punjab.
80. Different figures are provided by the National Commission for Justice and Peace (NCJP) which reported that 30 cases were registered under the blasphemy laws between January and November 2012. Of these, 11

²⁰ Summarised at paragraphs 96-170.

²¹ Assuming they are women 'of the Book'.

were against Christians, five against Ahmadis and 14 against Muslims. The CSW reports 30 or 35 cases registered for 2012 with either seven or eleven being Christians.

81. The Asian Human Rights Commission reported that 161 individuals were charged with blasphemy in 2011 and that there were four cases against Christians. The UNHCR reported a lower figure of 26 new cases with four being against Christians. For 2010 UNHCR report on 67 Ahmadis, 17 Christians, eight Muslims and six Hindus being charged whereas the HRCP and CSW put the total figure at 64.
82. The NCJP reported that the authorities registered a total of 1170 blasphemy cases between 1987 and 2012. The UNHCR cited a figure of 1060 charged with blasphemy between 1986 and 2010 with 450 of those being Muslims, 456 Ahmadis, 133 Christians and 21 Hindus. The CRSS reported a far lower figure of blasphemy cases; 434 between 1953 and July 2012, consisting of 258 Muslims, 114 Christians, 57 Ahmadis and four Hindus²². A Freedom House special report published in October 2010²³ stated that a total of 695 people were accused of blasphemy between 1986 and April 2006, a higher figure over a shorter time span than those provided by the CRSS. Of those, it is said that 362 were Muslims, 239 were Ahmadis, 86 were Christians and ten were Hindus. UNHCR reported that 1060 individuals were charged with blasphemy between 1986 and 2010 (450 Muslims, 456 Ahmadis, 133 Christians and 21 Hindus). The Pakistani daily newspaper, Dawn, cites the highest figures: 964 people charged with blasphemy between 1984 to 2004 and 5000 cases registered in total on religious charges.
83. According to Human Rights Watch “dozens” were charged with blasphemy in 2013. The figures provided by the expert witness, Ms Jahangir, are more specific with 17 Ahmadis, 13 Christians and nine Muslims being charged. Two Christians were acquitted; it is unclear whether these are two from the total of 13 or from a figure relating to a different year. Her figures contradict the HCRP report of March 2014 which report that 68 citizens were charged with penal offences relating to religion; of these nine were Christians but only four of those were for blasphemy charges.
84. According to a report dated April 2013 by the CRSS, 52 people had been extra judicially murdered between 1990 and 2012 for being implicated in blasphemy charges. Among these were 25 Muslims, 15 Christians, five Ahmadis, one Buddhist and a Hindu. The HRCP reported that 34 individuals accused of blasphemy were killed between

²² And 247 between 1987 and August 2012. Eight cases were registered during President Zia's term 1977-1988.

²³ Policing Belief: The Impact of Blasphemy Laws on Human Rights cited in the COI report.

1986 and the end of 2010 (of these half were Muslims). The CSW provides a figure of 33 between 1986 and October 2009 (with 45% being Christians). In 2013 HRW reported that 16 individuals were on death row for blasphemy and 20 were serving life sentences. That would suggest a large number of releases or acquittals given the far higher numbers reportedly charged.

85. As the above reports show, Shi'as are a particular target and attacks against them have increased. Between 2001 and 2002 the Christian community was the target of a series of terrorist attacks. The NCJP reports that the strategy and targets of the militants changed thereafter and that the Ahmadis and Shi'as became the main targets. The NCJP recorded 11 incidents involving Christians for 2012. The HRCP reported there were eight²⁴.
86. The Austrian Fact Finding Mission report (AFFM) concludes from interviews they carried out that in daily life communication between different faiths is relatively unproblematic. Mixed marriage is frequent and members of different religions largely live together peacefully. Peace is, however, unstable because an incident like a blasphemy accusation can incite people and lead to riots. Although there are scattered riots against Christian settlements, Ahmadis are targeted time and time again. The report suggests more tension amongst Muslims and Muslim related minorities (Ahmadis and Shi'as) than between Muslims and the other minorities. This was confirmed by Mr Samuel who, in his oral evidence, expressed the view that Ahmadis were in a far worse position than Christians.
87. Although it is easy to accuse an individual of blasphemy, and despite the claims that the situation is deteriorating year by year, the statistics tend to show modest numbers²⁵. The Austrian Fact Finding Mission reports that accusations, which soared during General Zia's term, are decreasing but can still result in wide-ranging consequences for victims. Although the majority of such cases result in acquittal, at least in the appeal court, the danger of prison sentences or, in extreme cases, 'lynch justice' against the accused by angry crowds exists. A few examples of the latter are reported and included in our summary at paragraphs 97-99.

THE EXPERTS AND OTHER WITNESSES

88. We heard evidence from two expert witnesses, Asma Jahangir and Zimran Samuel; two pastors in the UK, a Bishop in Pakistan and the two appellants. Additionally we have written reports from two priests.

²⁴ As opposed to 27 against Muslims.

²⁵ See paragraphs 79-85 and 212 for figures.

- (i) Zimran Samuel is a barrister at Bedford Row in London who predominantly practises in children's law and human rights. He has been elected to the Executive Committee of the Bar Human Rights Committee and prior to that he worked at the United Nations headquarters in New York. He has researched issues concerning the rights of minorities in Pakistan for many years and currently works alongside Paul Jacob Bhatti, the former Minister for National Harmony to offer pro bono legal support to victims of religious discrimination. He is in the process of writing a review of blasphemy laws across the Commonwealth, a project founded by the Commonwealth Lawyers Association. He is due to commence a part time position at the School of African and Oriental Studies later this year.
- (ii) Asma Jahangir is a leading Pakistani advocate, human rights activist, Director of the AGHS Legal Aid Cell (ALAC) in Lahore and former President of the Supreme Court Bar Association of Pakistan. On the international level, she has served as U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions for the U.N. Commission on Human Rights (1998-2004) and U.N. Special Rapporteur on Freedom of Religion or Belief for the U.N. Human Rights Council (2004-2010). She was the President of the Supreme Court Bar Association of Pakistan between 2010 and 2011 and is an executive member of the international crisis groups and founder member of the Women's Action Forum (WAF). Between 2005 and 2010 she was the chairperson of the HRCF. She gave expert evidence to the Upper Tribunal in the case of MN and others (Ahmadis - country conditions - risk) Pakistan CG [2012] UKUT 00389 (IAC).
- (iii) Pastor Jeremy Sandy of Golding's Church, attended by SK, has been a pastor for 15 years; prior to which he worked in the security industry.
- (iv) Pastor Taylor-Black is the Assistant Pastor at Stockton on Tees Baptist Tabernacle, attended by AK, and an accredited minister of the Baptist Union of Great Britain.
- (v) Dr Ijaz Inayat Masih was elected to the role of Bishop of Karachi within the Church of Pakistan in October 1997 but his consecration was blocked and since 2002 he shares the role with Sadiq Daniel. He is based at the Holy Trinity Cathedral in Karachi. Litigation to resolve the issue of the office of Bishop of Karachi is still pending in the civil courts.
- (vi) Rev. Stuart Rodney Windsor, who did not give oral evidence but provided a written statement, is the special ambassador for Christian Solidarity Worldwide (CSW), an NGO, specialising in religious freedom for all and exclusively undertaking advocacy work at the

UNHCR, the British Parliament, the EU, and the Congress and Senate in the USA. They also have international partners in Norway, Denmark, Hong Kong, Australia, New Zealand and India. They advised the UK government and the Foreign and Commonwealth Office as well as the USCIRF. CSW works in 26 countries where there are serious religious freedom issues including Pakistan. Between 1993 and 2011 Rev. Windsor was national director of CSW. He has acted as an expert witness in some 20 asylum hearings and has visited Pakistan on four occasions. He has had contact with members of the Minorities Party in Pakistan over the last 20 years and worked personally with the late Shahbaz Bhatti. He has personally been involved in a number of high-level blasphemy and apostasy cases where the converts have moved to the UK. He was involved in campaigning for Christians as well as others charged unjustly under the blasphemy laws. He is also a Minister of Religion in the Assemblies of God, one of the mainstream Pentecostal churches in the UK.

(vii) Pastor Andrew Waugh is the senior Minister of Stockton on Tees Baptist Tabernacle and an accredited Minister of the Baptist Union of Great Britain. We have an undated and unsigned written statement from him.

89. The evidence of the witnesses is recorded in the appendices to this determination but a brief summary appears below. Our conclusions on their evidence are set out below at paragraphs 186-206.

90. Mr Samuel's evidence (fully summarised at Appendix 4) was to the following effect:

(1) Pakistan has a colonial history with a missionary influence; many leading schools have Christian origins and founders yet are frequented by Muslims

(2) There are many denominations of Christians and evangelical Christians are not generally at greater risk than other Christian groups; evangelical churches have operated for decades and have never had an accusation of blasphemy but evangelical Christians are charismatic and their emphasis on preaching makes them more vulnerable to attacks and accusations from extremists

(3) Expressions of evangelism usually take place within the church but there have been some rallies

(4) Praying, singing and teaching are thriving within the Christian communities; there have been no clampdowns on such activities and new members are joining all the time

(5) Foreign churches organise rallies in Pakistan from time to time

(6) Preaching on the streets is unsafe

- (7) Information received from individuals who were interviewed indicate that Christians are allowed to express themselves although sometimes the situation could be uncomfortable
- (8) Outward symbols of Christianity such as crosses can be worn but in some circumstances and some places may cause some societal discomfort
- (9) The situation for Ahmadis is far worse than for Christians; the former have no leaders, schools or hospitals and are not permitted to express themselves
- (10) Attacks and accusations of blasphemy are sporadic and more often related to the political climate or a property/land/personal or business dispute than a particular form of worship
- (11) Blasphemy victims are often subjected to vigilante violence
- (12) For someone accused of blasphemy or attacked because of their faith, repeat violence is likely
- (13) The requirement that a senior police officer investigates blasphemy charges prior to the lodging of a complaint is not uniformly enforced
- (14) State agencies are unwilling or unable to offer protection
- (15) Judges hearing blasphemy cases and lawyers representing those accused can also be at risk
- (16) Bail is usually denied in blasphemy cases
- (17) Relocation is not always possible where cases are reported in the press (usually high profile cases)
- (18) There were some attempts under the PPP government to protect Christians through political means and the court process where they were falsely accused
- (19) During the PPP term of office, leading figures of the government who spoke out against the misuse of the blasphemy laws were threatened (one) or killed (two)
- (20) Forced conversions largely occur in the Punjab and Sindh and typically involve Christian and Hindu (but largely Hindu) girls aged between 12 and 25 from poor economic backgrounds who are targeted because of their lower status and for sexual gratification rather than for reasons of faith
- (21) Girls working in households as maid and cleaners are particularly vulnerable
- (22) There is no effective protection for females targeted for conversion or abduction
- (23) Although the National Assembly passed the Prevention of Anti-Women Practices (Criminal Law Amendment Act) in November 2011 which rendered forced marriage a criminal offence punishable by up to 10 years in prison, it has made little difference in practice
- (24) In some instances Christians are under pressure to convert because of strong outward expressions of faith or following accusations of blasphemy

- (25) Christians are routinely discriminated against in matters of land, property, employment, civil liberties, court proceedings, education and political representation at local and federal levels
- (26) Christians are generally poor, low class and employed in menial jobs
- (27) Islamabad is a tolerant city for those who want to speak out; many Christians live and work there in large organisations and in politics
- (28) Middle class, educated Christians have fewer problems than their poorer counterparts but no one is completely safe
- (29) Christians are less likely to speak out openly in rural areas when they are dependent upon Muslims for work
- (30) Christians are represented in politics
- (31) Christian literature is available
- (32) There is more systematic discrimination in conservative areas
- (33) The priority of the current government is to deal with terrorism rather than the protection of minorities
- (34) The Ministry of National Harmony was dissolved by the new government²⁶
- (35) Wearing of the veil by women is not the norm in Pakistan regardless of faith.

91. Ms Jahangir's evidence was as follows:

- (1) Violence by militant groups is on the rise and even the police and local administration can be intimidated by religious terrorism
- (2) The situation in the last few years had deteriorated for all citizens
- (3) There is no rationale behind the actions of extremists and those they target
- (4) Anyone can become a victim of a blasphemy accusation
- (5) Non-Muslims have been targeted because of the war in Iraq
- (6) The propagation of any religion other than Islam is dangerous and illegal
- (7) In 2010, 64 people were charged with blasphemy
- (8) Between 1986 and 2010, 34 of those accused were extra-judicially killed and half of these were Muslims
- (9) Thousands of FIRs have been registered which cover people from all faiths
- (10) The AGHS Legal Aid Cell had approximately 7000 clients a year; although their religious background was not documented, it was estimated that about 12 would be Christians
- (11) AHGS clients did not have to go into hiding as a result of seeking legal assistance
- (12) The Christian community amounted to 1.69% of the total population in 1998 and was 1.59% in 2011

²⁶ In fact it was merged with another department.

- (13) There is discrimination against all religious minorities by the state and society
- (14) Large numbers of religious minorities are bonded labourers; the Christians tend to be in Punjab with Hindus in Sindh
- (15) Christians largely undertake menial jobs
- (16) The educated middle class is not as vulnerable as the poor. Large numbers of Christians emigrated from Pakistan in 2002
- (17) Forced conversions of Christians are very rare unlike amongst Hindu women
- (18) Poorer women are more vulnerable to rape
- (19) Christian women are seen as less conservative and therefore as easy targets but there are no figures for rape victims based on their religion
- (20) There were no instances of forced conversion in Baluchistan
- (21) An outspoken Christian wanting to engage Muslims in discussions about Christianity was generally asking for trouble
- (22) Whilst Islamic studies are compulsory in schools, Christian students can take Moral Sciences²⁷ instead
- (23) There are a large number of English medium schools some of which are Christian and some are not; they are open to students of all faiths.
- (24) The viability of relocation depended on one's circumstances
- (25) Women do not generally wear veils, regardless of their faith.

92. Pastor Sandy said:

- (1) He had known SK for about three years
- (2) He saw her at church
- (3) She had developed from a timid young woman to someone who was more confident
- (4) Christianity was fundamental to her life
- (5) The church was involved with missionary work in Pakistan and was currently building a school near Lahore
- (6) The visiting missionaries had not had any problems on account of their faith and no visas had been refused.

93. Pastor Taylor-Black said:

- (1) He had known AK for about two years
- (2) Since attending church, AK's trust in Jesus had developed and his faith had strengthened
- (3) AK had been baptised
- (4) The church had missions in Africa.

94. Bishop Masih's evidence was essentially as follows:

²⁷ Referred to as Ethics by other sources.

- (1) He knows the parents of the appellants
- (2) They contacted him at the time of the October 2010 incident and he had tried to calm the situation by speaking to the Elders in the community
- (3) The parents left their home in March 2011 and are living off their pensions in a "safe house" provided by the church, although they are not in hiding
- (4) They cannot relocate as they would be recognised as they had spent much of their lives interacting with people
- (5) They used to be employed by the government
- (6) He withdrew cash from their accounts on their behalf with their bank cards at an ATM
- (7) Their school is still operational and they receive a share of the profits
- (8) Forced marriages are taking place
- (9) Christian and Hindu women are forced to convert to Islam
- (10) His diocese consists of many churches in Karachi and Baluchistan; these are made up of thirty parishes with thousands of members
- (11) Over the last year there has been an increase in blasphemy allegations
- (12) Evangelism was not relevant to the issue of risk
- (13) Christians were targeted equally, regardless of economic and social status or education
- (14) Islamabad is a comparatively safe city for Christians
- (15) The appellants' parents and siblings still attend church
- (16) The appellants speak to their parents on the telephone but only via a phone line not registered to them
- (17) AK's wife and son are back in Karachi having left Quetta after a few months. They attend church
- (18) World Vision dealt with approximately 80% of all blasphemy cases.

95. The evidence of Pastor Waugh, by way of his written statement, is as follows:

- (1) He has known AK for two years
- (2) They meet at church
- (3) AK is a devoted Christian
- (4) AK would not be able to practise his faith in Pakistan without falling foul of the blasphemy laws.

96. Rev. Windsor's statement was that:

- (1) He has met AK and has spoken to SK and is of the view that they are both devout Christians

- (2) People in Pakistan can be traced via their ID cards and so somebody accused of blasphemy cannot hide
- (3) Extremist groups and the intelligence services have the technical know-how to trace and locate anyone of interest to them
- (4) As an FIR has been issued in respect of the appellants, they would not have the ability to relocate.

COUNTRY INFORMATION

97. Much of the contents of the reports we have before us has been set out in our discussion of the general situation in Pakistan and the blasphemy laws. We now set out a compilation of the reported attacks on Christians and on those who have assisted them in the legal process and summarise other relevant matters which have not been covered.

Reports of incidents of harm to Christians and those assisting them

98. The following incidents covering the period between 2009 and 2014 are referred to in the documentary evidence before us. Some were also referred to in oral testimony. There are a few others are referred to in Ms Jahangir's report but as details are not provided and sources are not stated, they have not been included in this compilation. Incidents prior to 2009, though noted, are not set out here.

2009

(1) August: up to eight Christian people died in Gojra, Punjab, in a fire in the course of riots. Some reports state the riots took place after accusations of blasphemy; others report that they followed the elopement of a Christian youth with his Muslim girlfriend (RB 813). 70 people were named as suspects, 68 were granted bail and in the case of the other two, the verdicts are outstanding. The incidence was legally investigated by Justice Iqbal Hameeduddin who was at the time a judge at the High Court in Lahore. The conclusion was that the blasphemy laws must be amended in order to prevent abuse but these recommendations have not yet been taken up.

2010

(2) December: Gulfan, a 9 year old Christian girl was raped.

(3) November: Asia Noreen AKA Asia Bibi, a Christian mother of five, was convicted of blasphemy. She was the first female to receive a death sentence under the blasphemy laws and her case attracted a great deal of attention worldwide. She is in the process of appealing the verdict.

(4) November: Shazia, a 12 year old Christian girl, was raped and killed.

(5) October: Lubna, a 12 year old Christian girl, was raped and killed.

(6) 2 July: two brothers, Rashid and Sajjad Emmanuel, were arrested for having published a blasphemous pamphlet. They were shot dead when leaving court on 19 July.

(7) January: a 12-year-old Christian girl who worked as a maid in Lahore was killed by her employers.

(8) 2010: Three individuals were given life sentences for killing a Christian businessman

(9) 2010: Sherry Rahman of the PPP attempted to amend the blasphemy laws by introducing a private members bill seeking to abolish the death penalty and replace it with a 10 year prison term. She received death threats and withdrew the bill.

2011

(10) December: Amirah, a teenage girl, was killed during an attempted rape.

(11) October: Anna, a 12 year old, was raped and held captive for eight months before escaping.

(12) October: Saqib Masih, a 22 year old Christian man, was killed by a mob of around 60 extremists who came to the village of Mian Chiannu, Punjab to claim a plot of land 'sold' to two Muslims.

(13) September: a Muslim man was sentenced to jail for 25 years for the rape of a Christian girl.

(14) August: a group of Christians was attacked by extremists while watching a film about Jesus Christ in Abbotabad in northern Pakistan.

(15) May: bookshop owners Gulzar Masih and his son, Suleman, fled Sialkot, Punjab, after they were accused of burning a copy of the Koran. Problems began when Suleman discovered some burnt pages of the Quran under their shop's protective shutter when he opened up one morning. Employees of the rival bookseller, Mr Masih's former business partner, began to shout and accuse them of blasphemy. They fled. A mob tried to set fire to the shop but was stopped by the police.

It is reported that the burnt pages were planted by the rival bookseller to frame the businessman.

(16) May: a Christian street sweeper was reportedly stabbed in the chest and killed by a local shopkeeper for not immediately complying with a demand to clean in front of the shop.

(17) May: Farah Hatim a 24-year-old Christian woman, from southern Punjab was abducted, forced to convert and marry one of her kidnappers. Her family claim that she had been put under pressure but the Supreme Court ruled that she should stay with her new family.

(18) April: the Islamic group, Tahreek-e-Ghazi Bin Shaheed, ambushed a Protestant clergymen and his family in Lahore, seriously wounding the minister's 24-year-old son (who recovered). His father had earlier received demands for money but had refused to pay.

(19) April: Sehar Naz, a 24-year-old Christian woman in Lahore, was abducted and raped by a man claiming to be a police officer. The police opened a file against the man but no one with his identity could be traced.

(20) April: Babar Masih, a Christian man, was reported to have walked past a mosque in Chichawatni, Punjab, shouting criticisms about the Prophet. Muslim clerics surrounded his house and demanded that he be handed over to them but the police intervened and charged him in connection with the blasphemy law. He is said to be mentally unstable.

(21) March: a group of Muslims disrupted a church gathering in a Christian settlement in Hyderabad, which led to clashes in which two Christian men were shot dead. Three of the six perpetrators were arrested.

(22) 2 March: the Minister of Minority Affairs, Shahbaz Bhatti, was shot and killed in Islamabad. He was a Catholic who had long fought for religious freedom including changes to the blasphemy laws. The Tehreek-i-Taliban, a militant Islamic group, claimed responsibility for his death.

(23) 28 March: a Catholic Church was attacked. It followed the public burning of a Quran in the USA. Men hurled stones at the church and tried to set fire to it. No one was hurt.

(24) February: Imran Masih, a Christian man, who died in suspicious circumstances was, according to his family, killed by his employer for reasons connected with his faith. His death was being investigated at the time of reporting.

(25) 4 January: Salman Taseer, a Christian Governor of Punjab, was killed by his own bodyguard, Malik Mumtaz Qadri, near his home in Islamabad for criticising the blasphemy laws. It is reported that he was influenced by clerics who had pronounced a fatwa against Mr Taseer. Qadri was arrested and sentenced to death.

(26) 2011: a 12-year-old Christian girl from Punjab was kidnapped and raped. When she escaped the police reportedly advised her family to return her to her abductors because she had already been forced into marriage with one of them.

(27) 2011: three individuals were sentenced to life in prison for the murder of a Christian who refused to convert to Islam.

2012

(28) September: a group of people protesting against an American-made anti-Islamic film burnt down a church in Mardan, north-west Pakistan and looted surrounding areas. The police made 64 arrests.

(29) 16 August: Rimsha Masih, an illiterate girl with Down's syndrome living in the urban slums of Islamabad and described variously as being 11, 12, 14 and 16 years old, was accused of having burnt pages from the Quran. The case provoked national and international outrage. After some weeks in prison, she was acquitted and released and has since left for Canada with her family. It transpired that one Khalid Jadoon Chishti had planted pages of the Quran in a bag containing ash which was seized from the girl. Although he was then arrested, a district court found that there was no case to be heard against him.

(30) August: a 13 year old Christian girl from Punjab was gang raped and killed, reportedly by a group of Muslim men. The Pakistan Christian Post reported in November 2012 that the girl's father had been threatened with death if he did not withdraw the case against the accused perpetrators.

(31) August: a Christian boy from Faisalabad was killed and mutilated.

(32) June: a 13 year old Christian girl was gang raped.

(33) March: Shamim Bibi, a 42 year old Christian woman in Gojra, Punjab, was beaten and stripped. Two members of the family's landlord, have been accused of the attack.

2013

(34) 12 October: Adnan Masih, a Pastor in Lahore, was arrested on for allegedly writing derogatory remarks about an Islamic book.

(35) September: A double suicide bomb at a church in Peshawar, the capital of the Khyber Pakhtunkhwa province, along the Pakistan Afghan border, killed around 81 worshippers. Protests broke out across the country and Government officials joined clerics in demanding heavier security for minorities and expressed second thoughts about attempting dialogue with militant Islamists. The All Pakistan Ulema Council (APUC), an association of Muslim clerics and scholars, branded the attacks as shameful and expressed solidarity with "*our Christian brothers and sisters in this time of grief and sorrow*". The National Assembly Speaker, Deputy Speaker and the Prime Minister unanimously condemned the attacks and the militants and called for an increase in security at religious sites. World Watch Monitor reports that the Police Superintendent in Peshawar set up a committee to investigate the attacks and that a new plan to provide security to minorities had been created which included increased police patrols at religious sites. The Provincial Chief Minister promised \$6000 compensation for every bereaved family and \$2000 for every person injured in the attacks. Three days of national mourning were ordered. The Chairman of the Free Legal Aid Committee and Bar Council offered affected families free legal assistance to pursue their claims for compensation.

Responsibility for the attack has been claimed by Jandullah (Soldiers of God) which is part of the Tehrik-i-Taliban and closely linked with Al Qaeda. This is reported to have been the first suicide attack specifically targeted at Christians. Other suicide attacks have been primarily carried out on Shi'a places of worship, Sufi shrines or on security personnel and their facilities. Khadim Hussain, a Pakistani political analyst, considered the attacks to be linked to NATO's planned pullout from Afghanistan and an attempt by the Taliban to divide the population between Muslims and non-Muslims and cause instability which they could then use to re-capture Afghanistan after the US and NATO withdrawal.

Whilst three previous attacks on Christian churches are reported (in October 2001, in March 2002, and in August 2002,) it is maintained

that there has been no serious attack on a church in the intervening period. Ms Jahangir reports of six churches being attacked in Karachi during 2012 but details are not provided, there are no reports of casualties, they do not appear to be reported elsewhere and are not mentioned by Bishop Inayat who is based in Karachi. We assume, therefore, that these were minor attacks.

(36) 13 July: 29-year-old Sajjad Masih, a Christian from Gojra in the Punjab, was convicted of blasphemy. It is reported that some young Muslim men had plotted to punish him for being friends with a local Christian girl although it is not clear what interest they had in his relationship with a fellow Christian.

(37) June: in Punjab, three Christian women, the daughters-in-law of a Christian, Sadiq Masih, were beaten and paraded naked in the street by armed men employed by Mohammed Munir, who had earlier been involved in an altercation with Mr Masih whose goats had damaged his crops.

(38) April: Younis Masih, who had been sentenced to death in 2005, was acquitted by the Lahore High Court.

(39) 4 April: a Muslim mob attacked Francis Colony, a Christian neighbourhood in Gujranwala, injuring five Christians and damaging a church and dozens of shops and vehicles. The riots occurred following an argument between Muslim and Christian youths about playing music.

(40) March: Sawan Masih a Christian man living in Lahore became involved in an argument with a Muslim and was accused of blasphemy and arrested. Three days after the accusation, a mob attacked the poor Christian neighbourhood of Joseph Colony in Lahore. Reports suggest that the time lapse indicated that the riots were not an outburst of spontaneous anger but were planned and incited. According to the National Commission on Justice and Peace (NCJP), the mob did not consist of local people but of students from madrassas in other areas, as local religious groups are said to get on well. These circumstances and suspicions were echoed in the press. A large contingent of police was deployed into the area after the riots and up to 150 suspects were arrested; around 50 of them were charged under the Anti-Terrorism Law. Four police officers have been removed from their posts for negligence.

At a subsequent hearing, the police were strongly criticised for the failure to protect the rights and the homes of the Christians and the Court observed that Articles 9 and 14 of the Constitution had been

violated. The Chief Justice of the Supreme Court condemned the fact that only lower ranking superintendents were suspended. The government took immediate action after the riots. Representatives condemned the violence and visited the community in order to express solidarity and support. Each affected family was paid Rs. 500,000 in compensation within a few days and the government paid for the reconstruction of their homes. The reporting of the media was seen as accurate and was highly critical of the violence.

The Pakistan Interfaith League (PIL) and NCJP expressed suspicions that the violence was orchestrated as a means of delaying the forthcoming elections. They believed that the incident was not a random outbreak of violence but was planned and incited and had to be seen in combination with the recent increase in other attacks, particularly on Shi'as. In their view, the attacks were planned by certain actors who wanted to cause insecurity and destabilise the situation.

(41) February: a 56-year-old pastor, Karma Patras, was exonerated of blasphemy offences after his accuser said he was mistaken in filing the complaint.

2014

(42) 7 May: Rashid Rehman, a well known lawyer and regional coordinator of the Human Rights Commission of Pakistan, was shot dead in his office in Multan. It is suspected this was due to his recent defence of a blasphemy victim.

(43) 5 April: Shafqat Emanuel and Shagufta Kausar, a Christian couple from Gojra in the Punjab, were found guilty of sending a text message to the Imam at their local mosque insulting the Prophet. They are appealing.

(44) 28 March: Sawan Masih , a Christian man, was sentenced to death for blasphemy. His arrest, in March 2013, led to the riots in Lahore's Joseph Colony dealt with above (at section 40).

99. In his report, Mr Samuel refers to four new cases since the new government took power but two of these do not pertain to Christians. Nevertheless, for the sake of completeness, these are set out below before we proceed to our list of Christian cases:

(1) January 2014: Mohammed Asghar, a British Pakistani Muslim man, was sentenced to death for blasphemy. He was arrested in 2010 in Rawalpindi, near Pakistan's capital of Islamabad, for claiming to be the

Prophet Muhammad but his lawyer said the case was really a property dispute with a tenant and that Asghar suffers from paranoid schizophrenia. He is appealing.

(2) November 2013: Masood Ahmed, a British Pakistani, was imprisoned for reciting a passage from the Quran. He belongs to the Ahmadi community. He is now back in Britain.

UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan (14 May 2012)

100. These guidelines contain helpful background material and set out the following list of UNHCR's recommendations:

(1) That the asylum claims made by members of religious minorities require particularly careful examination of possible risks. Members of the Ahmadi, Christian, Hindu, Sikh, Baha'i, Shi'a and Sufi communities may, depending on the individual circumstances of the case, be in need of international protection

(2) That an internal flight or relocation alternative will generally not be available in FATA, Khyber Pakhtunkhwa and Baluchistan province which are currently affected by security and military counterinsurgency operations. Internal relocation will also generally not be available to individuals at risk of being targeted by some armed militant groups or to those who are liable to criminal prosecution under the country's blasphemy and/or anti-Ahmadi laws

(3) That exclusion considerations may arise in individual asylum claims made by members of religious minorities with the following profiles: current and former members of the military, police security and intelligence forces, current and former members of the Islamic militant groups or persons involved in sectarian violence, officials in the local and federal administrations and members of the judiciary

101. According to the UNHCR, members of religious minorities may be subject to religiously motivated harassment and violence at the hands or instigation of extremist elements. Failure to prosecute perpetrators of such violence, as well as institutionalised discrimination against religious minorities, reportedly contributes to a climate of impunity and the growing sense of insecurity amongst these communities. There have been reports of sectarian violence including militant attacks targeting religious processions and places of worship²⁸. Although these are more frequent in the areas bordering Afghanistan, in Khyber

²⁸ A closer look at the UNHCR report reveals that the attacks on religious processions involve Shi'as. There is no reference to any attack on a Christian procession.

Pakhtunkhwa and the FATA as well as Baluchistan, there have been attacks on civilian populations in urban centres in other parts of the country. The attacks during 2011 in Karachi were allegedly conducted as retaliation for the arrest of a senior Al Qaeda member in Quetta.

102. Christian women and girls are said to be at particular risk of sexual and gender-based violence, forced conversion to Islam and forced marriage by Muslim men as well as discrimination and violence, including honour killings at the hands of their own communities. Law enforcement authorities are reportedly unable or unwilling to protect victims of forced marriage and other forms of gender-based violence. In a positive development, on 15 November 2011, the National Assembly passed the prevention of anti-women practices (Criminal Law Amendment Act) 2011 which renders forced marriages a criminal offence punishable by imprisonment for up to 10 years.
103. There is reference to the inclusion of derogatory remarks against minority religious groups, particularly Hindus, in public school textbooks. It is reported that the government has made some effort to revise the public schools curriculum with a view to removing Islamic overtones from secular subjects and in some instances Ethics is offered as an alternative to Islamic studies classes.
104. The UNHCR considers that members of the Christian community, including those targeted by Islamic extremist elements 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 protection on account of their religion or membership of a particular social group.

Christian Solidarity Worldwide Briefing on Pakistan: religious freedom in the shadow of extremism (June 2011)

105. CSW reports that discrimination against religious minorities is visible at all levels of society and within the education and employment sectors. The poorest and least influential are most affected. Sixty four blasphemy accusations were registered in 2010 (but no break down of religious affiliation is provided). Between 1986 and October 2009, at least 966 people were accused under the blasphemy laws; half of these were Muslims. However the former coalition PPP/PML government is said to have been more disposed towards human rights than its predecessors and the appointment of the late Shahbaz Bhatti, a Christian, to a ministerial position, raised hopes for religious freedom prospects. Further encouragement came from the setting up of District Interfaith Harmony Committees and the Christian Study Centre in

- Rawalpindi. Reference is made to the liberal elite who are not representative of the majority of Pakistanis in ideology or status and to negative perceptions of the West and of the US in particular with Christians being viewed as representatives of the West.
106. Lawyers and human rights activists are also said to face death threats and harassment when defending people accused of blasphemy.
 107. It is reported that religiously motivated violence does not just affect religious minorities but also different sections of the Muslim community. The years 2009 and 2010 are singled out as representing an increase in violence against minorities. The majority of the attacks reported on Christians took place in the Punjab. This period also saw an increase in violence against minority sections of the Muslim community with the Shi'a, Sufi and Ahmadi communities all being targeted.
 108. It is reported that Ahmadis have frequently been the target of explicit discrimination in the education sector. School textbooks are reported to encourage a bias towards them while fuelling negative perceptions of minorities. Although Islamic studies are compulsory in schools, non-Muslims are not obliged to attend and can instead take an alternative course known as ethics. However, these courses are often under resourced.
 109. The report does not assess trends in employment discrimination except to say that there is evidence to suggest that religious discrimination in this form is a pervasive issue. CSW has been told that there is an unwritten rule that Hindus may not join the armed forces and that Christians are denied promotion to the top levels of public service. There are also frequent instances of discrimination against Ahmadis in employment and business.
 110. There are sections in the report on apostasy and the position of Ahmadis but these are not pertinent to this determination.
 111. The report concludes with a summary of the work of the Christian Study Centre (CSC). The majority of this work is carried out in the Punjab and in Khyber Pakhtunkhwa because of the high concentration of Christians and extremist groups there. The CSC has established 660 peace networks in these areas and minorities represent 44% of the participants (41% of these are Christian). CSC has a weekly radio program on a station broadcast within a 100 mile radius of Islamabad. It also has slots on Radio Pakistan, Lahore, which is broadcast to most of the Punjab.

Writenet Independent Analysis. Pakistan: The Situation of Religious Minorities (May 2009)

112. This is a paper commissioned by the UNHCR but with the caveat that it expresses the views of the authors. It is prepared mainly on the basis of publicly available information. It reports that Christians are the largest minority group. It acknowledges that some managed to achieve positions of wealth or power but reports that the vast majority are vulnerable to intimidation, oppression and assault at the hands of their neighbours, often with the collusion or indifference of law enforcement bodies or the legal profession. It is reported that religious minorities with the inferred ties to outside states are subject to particularly strong pressure; thus Christians suffer as proxies for 'the West' and Hindus as proxies for 'India'. Ahmadis are viewed as not being Muslims and are severely repressed. With Pakistan in a state of national peril and the rise of Taliban influence, religious minorities are described as being more vulnerable than ever.
113. It is reported that the experience of members of religious minorities in Pakistan is diverse. There are those who are members of Pakistan's political-military elite and urban middle class who may have relatively benign experiences with many having reached positions of political power, senior ranks in the military or success in other areas of life such as business or the law. However, the report focuses on the rural and urban poor and on whether their situation is any worse than that of their Muslim counterparts who also experience poverty, poor education, political corruption, insecurity, powerlessness, bondage, state repression, intimidation and sometimes violence. It notes that a minority status that makes people additionally vulnerable.
114. The report sets out a summary of the creation of Pakistan, the constitutional legal and political context which have already been dealt with. Like the other evidence, it criticises the educational curriculum for promoting prejudice and discrimination towards minorities but points out that the Education Sector Reform Plan introduced in 2002 was intended to modernise and secularise the curricula. Included within these reforms were measures to curtail the embedded prejudice against minorities but progress has said to have been slow partly because of the lack of state attention to these issues and partly due to insufficient resources in education. It is reported that, paradoxically, as a legacy of the colonial era, the higher reaches of private education are strongly populated by Christian schools and colleges many of which are attended by the upper strata of society. The former president General Musharraf, himself, attended a Christian school. The quality of these schools and colleges pays off in a degree of respect for Christians

amongst the Pakistani elite however this is not reflected elsewhere in the country.

115. Reference is made to a package of measures introduced by the administration in 2008 to improve the situation of religious minorities. In further liberalising moves in 2009, the government lifted restrictions on visas allowing Hindus from outside Pakistan to attend religious festivals. Religious tourism has also been encouraged for Buddhists wishing to visit many of the shrines and archaeological sites scattered throughout the country.
116. It is reported that there is no reliable data on the numbers of those members of religious minorities who have left the country to seek asylum elsewhere.
117. The report concludes that there are profoundly important economic, caste and class elements in the persecution of religious minorities and that members who tend to be relatively affluent, well educated and largely confined to urban areas find themselves left alone provided they do not challenge the Muslim majority. It appears that their status offers them much protection from problems suffered by others who are not so fortunate in their status. Prominent Christians provide important evidence for the Pakistani state of religious pluralism and tolerance and thus are useful to the state and are ceded privileges accordingly. Those who suffer the most and are the most acutely vulnerable to the vagaries of their Muslim neighbours and the oppression or indifference of local law enforcement and judiciary, are the rural and urban poor.

Amnesty International Annual report on Pakistan (2013)

118. This report covers the period between January to December 2012. It summarises violations by security forces, unlawful killings, enforced disappearances, abuse by armed groups, freedom of expression, discrimination against religious minorities, violence against women and girls and the death penalty. The relevant sections observed that armed groups targeted security forces and civilians including members of religious minorities, that the government occasionally blocked websites including YouTube, for content deemed offensive to religious sentiments. It reports that religious minorities remain at serious risk of violence and intimidation and that there were at least seventy nine attacks on Shi'a Muslims, the most for any religious group in the country. It reports that the death penalty has only been enforced once since 2008 when one Muhammad Hussain was executed for killing a superior officer.

UK Home Office Country of Origin Information Service, Pakistan report (August 2013)

119. This report is a compilation of information available in the public domain. Much of its content has been covered by other reports and is therefore not repeated.
120. The Human Rights Council Universal Periodic Review (UPR), undertaken in October 2012, noted some positive achievements including:
 1. The adoption of laws and steps taken to protect women and girls from violence and discrimination
 2. The ratification of a number of international and human rights instruments
 3. Efforts to uphold human rights
 4. The creation of an independent National Human Rights Commission
 5. Constitutional reform
 6. The application of a de-facto moratorium on the death penalty
 7. The adoption of measures to eliminate early and forced marriages
 8. Measures to promote and protect the rights of human right defenders
 9. Enhancing efforts to promote and protect the human rights of religious minorities, investigating attacks and violence against such minorities and holding accountable those responsible for such acts
 10. Providing adequate resources to the National Human Rights Commission.
121. Large extracts are cited from the US Commission International Religious Freedom report for 2012 published in May 2013 which reports that religious freedom is restricted by legislation, policies and in practice. The government's limited capacity and will to investigate or prosecute the perpetrators of increasing extremist attacks against minorities and on members of the Muslim majority promoting tolerance, allowed the climate of impunity to continue.
122. There were reports of societal abuses or discrimination based on religious affiliation with increasing attacks against members of the Shi'a Muslim community. Attacks against religious minorities and candidates deemed un-Islamic took place in the run-up to the elections in May 2013. The blasphemy laws were used predominantly in the Punjab province but there were accusations nationwide with religious minority members and dissenting Muslims also targeted.

123. It is reported that there are some 16 individuals on death row²⁹ and twenty more serving life sentences under these provisions. Hindus have suffered badly from the climate of violence. Religious freedom is increasingly under assault, particularly for women, members of religious minority communities and those in the majority Muslim community whose views are deemed un-Islamic. Religiously motivated violence is chronic, especially against Shi'a Muslims. The Asian Human Rights Commission, reporting in March 2012, maintained that the security and law and order situation had become chaotic and the authorities appeared to have no control over providing protection to minorities. Although members of all faiths had been victims of violations of human rights, the main focus of the brutality was the Ahmadi community.
124. Women from religious minorities were said to be the most vulnerable targets of violence. The Asian Human Rights Commission in its 2010 report maintained that members of religious minorities were regularly assaulted, tortured or murdered and their properties and places of worship ransacked and desecrated. It reported that women were disproportionately affected and that it was common in rural areas for Muslim fundamentalists to abduct, forcibly convert and marry women from minority communities.
125. The blasphemy laws are said to be misused. The UN General Assembly reported in 2012 on concerns about the misuse of these laws which are described as neutral in nature. It was said that there is a misunderstanding that this law is used to target minorities and that the fact is that it is generally invoked against people of all faiths, and mostly Muslims, to settle personal disputes and that mainly cases involving minorities get more media and public attention.
126. The USCIRF report of 2013 stated that blasphemy allegations, often false, resulted in the detention of and occasional violence against religious minorities and members of the Muslim majority community. Reportedly, more cases were brought under these provisions against Muslims than any other faith groups. Two thirds of all such cases are filed in Punjab. Because the law requires neither proof of intent nor evidence to be presented after allegations are made and includes no penalties for false allegations, blasphemy charges are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business or other conflicts. Most complaints under these laws are reported by the US State Department as being filed against the majority Sunni Muslim community by others Sunnis.

²⁹ We note that Amnesty International cites the much higher figure of 8300 death row prisoners in its 2013 report but this is contradicted by the USCIRF and HRW.

Among the minority communities, Ahmadis are the most affected, followed by Christians.

127. The Asian Human Rights Commission stated in its report of December 2012 that on average some 700 Christian and 300 Hindu girls are forcibly converted to Islam each year notably in Punjab, Khyber Pakhtunkhwa and Sindh provinces. The police refused to intervene in such cases and courts are said to be complicit in this, by nullifying women's previous non-Islamic marriages and recognising their forced marriages instead.
128. International Christian Concern (ICC) reported in April 2011 that forced conversions to Islam, rapes and forced marriages were on the rise. The victims are said to be mostly Hindu and Christian girls. Christian girls are described as the weakest and most vulnerable because their communities are poor and they are therefore easily exposed to harassment and threats. The USCIRF in 2012 reported on 20 to 25 women and girls from the Hindu community being abducted every month and being forced to convert to Islam. It further reported that poverty makes the Christian community vulnerable. Sexual assaults against underage Christian girls by Muslim men are reported. The USCIRF reported that in September 2011 a woman was allegedly gang raped and the police reportedly pressured her not to press charges. The same month it was reported that a court ruled in favour of a Christian girl sentencing her rapist to prison for 25 years. The report for 2012 cited one case of alleged abduction and forced conversion of a Christian woman. In 2013 it reported on two such cases.
129. Extracts from the Writenet report and the IRB of Canada are cited. These reports are dealt with separately in this determination.
130. The USCIRF report for 2012 noted that discrimination against Christians in employment was widespread and that they had difficulty finding jobs, other than those involving menial labour. The report added that there were no reports of discrimination against Christians when they applied for entry to universities and medical schools (B212). The Christian website, Asia News, reported in July 2012, however, that Christian students were victims of exclusion and discrimination because of their faith.
131. A report from May 2010 from Worldwatch Monitor reported that Muslim teachers at a government high school in Punjab derided Christian students, beat them, pressured them to convert and forced them to clean school bathrooms.

Human Rights Watch report on Pakistan (2014)

132. This report essentially repeats in brief what is covered above. It maintains that the blasphemy laws are often used to settle personal disputes. Dozens of people are said to have been charged with the offence in 2013. At least 16 remained on death row and twenty were serving life sentences³⁰ (no breakdown of their faith is provided). Members of the Ahmadi community are said to be a major target of blasphemy accusations.

Immigration and Refugee Board of Canada. Pakistan: Situation of Christians in Pakistan including social and government attitudes, treatment and rights 2010-2012 (14 January 2013).

133. The IRB reports that Christians generally had good relations with other religious minorities and more liberal Muslims.
134. According to the information in this report, as in others, the majority of Christians live in Punjab, mostly in the rural areas. Most incidents are reported to occur there. Christians are said to be amongst the poorest people in the country. This is confirmed by the USCIRF which in 2006 reported that many Christians belong to the poorest socio economic groups. They face societal discrimination and stigma based on stereotypes. Sources report that they are subject to employment restrictions and work mainly in menial jobs partially because of their illiteracy and partially because they are considered to be unclean. However the Jinnah Institute (JI) disagrees, stating that Christians are robustly represented in a variety of positions such as teaching, social work, the arts and institution building. Government sources indicate that 5% of government jobs are reserved for religious minorities.
135. There are reports from the BPCA that some Christians are pressured to convert to Islam. It also reports on the abductions of Christian women or girls (said to be two a day) who are often forcibly converted to Islam and married to Muslim man. The same source stated that in rural Punjab rich landlords and businessmen target Christian communities and institutions with the aim of taking ownership of their land. A large proportion of anti-Christian incidents in Punjab are associated with land grabbing.
136. According to the representative of the Evangelical Asian Church (EAC), Christians are denied equal opportunity in education. There is a suggestion that Christian students face religious discrimination when applying to university (although this is disputed in other reports). The

³⁰ These figures tally with the USCIRF and contradict the much larger figure of 8300 cited by Amnesty International.

BPCA stated that most Christian children must work instead of going to school, thus continuing the cycle of illiteracy and poverty. The same source complained that there were problems preventing Christians from practising their faith and that girls, attending prayer meetings, faced sexual harassment and abuse by Muslim youths gathering outside churches. It reported that Christians must self monitor because they risked being attacked if, for example, they played loud music during church services but according to the Evangelical Asian Church, Christians are generally allowed to practice their religion in Pakistan and are allowed to build churches.

137. There are reports that militant extremist groups such as Lashkar-e-Taliban and Sipah-i-Sahaba have orchestrated violent attacks against Christians including one in 2009. The Sipah-i-Sahaba are based in Punjab.
138. The report sets out examples of ill treatment to Christians which are covered earlier in this determination.

Inter Press Service News Agency (23 October 2013)

139. This article reports that there is a trend amongst young Christians to get an education and well-paid jobs. They are unwilling to take up cleaning work and many have graduated from colleges and universities. One interviewee is quoted as stating that many young Christians see a better future than their parents had known, they had Muslim friends and would sit together, eat together and discuss politics and other matters together. It is reported that most Christian girls join nursing because local Muslim girls do not and that they also obtain work as teachers in private and government run schools.

US Commission for International Religious Freedom report (2013)

140. It is reported that violence against Christians is usually perpetrated by banned militant groups or other societal actors. During the reporting period, the organisation received reports of 16 incidents of violent attacks against Christians. Punjab province is the locus for the majority of violence, blasphemy cases and discrimination against Christians. Poverty makes the Christian community vulnerable and sexual assaults against underage Christian girls continue to be reported. Catholic NGOs estimate at least 700 Christian girls are kidnapped and forced to convert to Islam every year. During the reporting period, two reports surfaced of Christian women being forcibly converted to Islam and married with the law enforcement agencies hesitant to act. Three kidnapping cases were also reported.

141. Schoolbooks are reported as fostering prejudice and intolerance of religious minorities. Hindu beliefs and practices are contrasted negatively with those of Islam. Bangladesh's struggle for independence from Pakistan is blamed in part on the influence of Hindus in the education sector of the former East Pakistan. Textbooks contain stories, bibliographies and poems regarding exclusively Muslim characters. Researchers visited 37 middle schools and high schools and 19 madrassas in 2011.

The Federal Republic of Austria, Federal Asylum Agency Fact Finding Mission report on Pakistan (June 2013)

142. This report covers the security situation, the position of religious minorities, land rights, medical and social provision and Afghan refugees. The researchers were in Lahore, Punjab, for the course of the mission. They had contact with the National Commission on Justice and Peace (NCJP), the Pakistan Interfaith League (PIL), the Pakistan Interfaith League Against Poverty (PILAP) and the National Ministry for Harmony. The NCJP is a legal assistance organisation established by the Catholic Bishops' conference of Pakistan. It offers legal assistance and rehabilitation, in particular in cases of accusations of blasphemy. A particularly important aspect is lobbying for the concerns of the Christian minority, nationally as well as internationally. It deals with approximately hundred cases per annum which include blasphemy, discrimination in the workplace or education as well as violence against women. The PIL is a social movement for inter-religious tolerance in Pakistan and co-operates with the United Council of Churches of Islamabad and the National Supreme Council of Bishops. It employs members of various religious groups including Sunnis, Shi'as, Christians and Hindus. The Christian leader of the PIL is the adviser to Imran Khan's Pakistan Tehreek-i-Insaf (Movement for Justice) Party on national minorities' affairs. The PILAP is an aid organisation for the reduction of poverty. It is linked to the PIL. The National Ministry for Harmony (now merged with the Ministry of Religious Affairs) is responsible for the implementation of the national policy on religious minorities.
143. The Ministry for National Harmony promoted inter religious tolerance. It ran a special programme for minorities which has a dedicated budget for social welfare and financial assistance for the support of poorer minorities. Alongside the special institutions for minorities, the Minister of the Interior and the Ministry of Human Rights are responsible for internal security and the human rights respectively for all citizens including minorities. Offices of the Ombudsman have been established in all provinces for complaints against human rights violations. Violations of the rights of minorities fall into their

responsibility. These offices have been expanded in recent years by virtue of the new law against sexual harassment of women in the workplace. The law allows licences to produce alcohol to be provided to non-Muslims. There are breweries operated by Christians.

144. In cases under sections 295A and B³¹, bail until the trial is normally granted. In case of charges under section 295C³², insulting the Prophet, it is regularly not granted³³. Convictions in such cases frequently follow but are usually overturned by the higher courts. In total, more cases result in acquittal or are dropped than result in conviction. Only a few end up in prison. Some of those who are acquitted need resettling on safety grounds. The NCJP organises and assists with the resettlement. However in prominent cases resettlement is not possible and the victims have to look for another country that will accept them.
145. In daily life there is no active conflict; however there is discrimination in the economic and social areas, in education and health and government and the minorities are not happy with this situation. The discrimination does not however reach the level of actual disassociation.
146. A five percent quota is stipulated for minorities in all state departments. There is said to be an open admission policy with no discrimination and many army officers are Christians or Sikhs. The late Shahbaz Bhatti's father, Jacob, served in the army. There are currently no Christians in the upper courts or the Supreme Court and only a few in the lower courts.
147. Employment in the labour market depends more on the fact of which family one belongs to and which connections one has, than on religious affiliation. Nevertheless it is reported that non-Muslims are not well treated and Christian girls often work as domestic servants. Poverty and illiteracy are seen as the causes of their vulnerability. Access to schools and hospitals is not discriminatory but poverty can be a problem if minorities cannot afford it. Christians do however have their own hospitals and schools and Christian women are said to have better access to these facilities than Muslim women. The media is independent and criticises problems and would immediately report if someone was turned away from a hospital because he or she belonged to a minority. There are, however, disadvantages in the education

³¹ See paragraphs 40-44 and 48 of this determination.

³² See paragraphs 42 and 48.

³³ This is not supported by other evidence which indicates that whilst not generally granted, it is possible. Indeed, the case of the British Pakistani accused of blasphemy in 2014 and described in our list of cases is an example of the grant of bail.

sector with school books containing derogatory statements and the idea that Muslims are superior still persists in textbooks.

148. Marriages between religious groups are common particularly where a Muslim marries a Christian woman; but the reverse situation can cause trouble.
149. Sindh is relatively liberal and Hindus and Muslims have lived together for centuries. In Islamabad too, just a few problems arise. In general, discrimination in the cities is less than in rural areas. Ahmadis suffer the most severe problems.
150. Women do not generally cover their heads in public and, if they do, they use the traditional, loosely wrapped lightweight cotton shawl called a *dupatta*.
151. The majority of Pakistanis endorse tolerance and are against extremists. There are various organisations which work for tolerance and cooperation between religions. The importance of education for the promotion of tolerance and the avoidance of violence is stressed by all those interviewed by the mission. Steps have been taken in teacher training and in the curricula to eliminate discrimination and promote tolerance. At the national level, school books and curricula have been changed but in some other schools derogatory points of view are still taught.
152. The PIL states that the police have a negative mindset in relation to the minorities. Often they are not taken seriously while many members of minority groups are fearful of going to the police. The PIL holds training sessions for the traffic police in order to sensitise them. Some programmes of the PIL aim to instruct minority citizens about their rights. The PIL stresses the great value of cooperation with Muslim scholars. It held a press conference together with the Pakistan Ulema Council following the attack against Christians in Lahore in March 2013. United, they demanded more compensation and public investigation, the criminal prosecution of the offenders as well as the punishment of the police officers who took no action. The government were strongly criticised and many protest marches were held in a number of cities.
153. Inter religious dialogue is promoted on the part of the government. The Ministry for National Harmony hosted the National conference on inter religious solidarity in February 2013 in Islamabad the city administration holds regular meetings with all religious leaders in order to build the foundation of mutual trust with the representatives of the minorities.

154. The Christian community is described as one which fights strongly. They do not remain silent, they are a vocal community and fight strongly for their rights and are politically active.

Foreign and Commonwealth Office: Christians in Pakistan (16 December 2013)

155. Officially there are around 2.8 million Christians in Pakistan but Christian communities believe the number is too low and that they constitute between five and 10 percent of the population rather than the official 1.5%. The vast majority are based in the Punjab where they form the largest religious minority. A significant number live in and around Lahore and Faisalabad, some 2 million in Lahore and half a million in the rest of the province. The other large centre of Christians in Pakistan is in Karachi. The majority of Christians belong to either the Roman Catholic Church or the Anglican church of Pakistan although increasing numbers belong to other Protestant or evangelical churches sometimes called charismatic churches.
156. While the majority of those charged under the blasphemy laws are Muslim, Christians do make a high proportion of those accused. The majority of blasphemy cases come from the Punjab.
157. Violent extremism against Christians in Pakistan is not as commonplace as against some minorities such as the Shi'as but it does exist. In 2013 there were two prominent incidents. In March, a Christian Colony in Lahore was attacked by a mob following unfounded allegations of blasphemy against a resident. In September there was a double suicide bombing at a church in Peshawar.
158. There are many Christian churches in Pakistan which are mostly safe. There are also Christian schools. Christian colleges were nationalised in the 1970s by the Bhutto government but some have recently been de-nationalised and returned to their former owners.
159. A citizen's religion is included in his/her passport. In the 1990s, the government attempted to include a religion column on ID cards but this was dropped after protests by non-Muslim groups.
160. A Christian woman marrying a Muslim man is permissible. A child's religion is held to be the same as that of the child's mother.
161. In church weddings, Christians are married under the Indian Christian Marriage Act of 1872 and, unlike Hindus, their marriages are recognised by the authorities.

Foreign & Commonwealth Office. Human Rights and Democracy report on Pakistan for 2012 (update: 31 December 2013)

162. Following the September 2013 Peshawar church bombing, civil society groups formed human shields outside churches in Lahore and Islamabad in mid-October. Groups expressed solidarity with the victims of the bombing, sending out the message that the majority of Pakistanis opposed militant attacks on the Christian community. The National Assembly unanimously condemned the suicide bombing and there was a public outcry across all sections of Pakistani society.
163. In October 2013 the Pakistan Hindu Council in Karachi reported that around 20 Hindu girls a month are kidnapped and forcibly converted to Islam. Shi'a Muslims were attacked in sectarian violence.

Human Rights Commission of Pakistan report for 2013

164. It is reported that 68 citizens were charged under the penal law offences relating to religion. However not all of these were under the blasphemy laws. Ms Jahangir cites this figure in her report. The breakdown according to the religion of the accused is: 17 Ahmadis, 13 Christian and nine Muslims although that equates to 39 and not 68. Also, rather confusingly, the report later states that there were nine cases against 14 Christians (not 13 as stated a few pages earlier). Executions remained suspended. There were two attacks against Christian communities during the year; one in Lahore (the Joseph Colony incident) and one in Peshawar (the suicide bombings at All Saints' Church). The Jundullah branch of the Tehreek-e-Taliban claimed responsibility for the suicide attacks saying that the assault was revenge for the killing of innocent people in US drone attacks. Following the Lahore incident, the government announced three days of mourning. Compensation of Rs. 500,000 was paid to each affected family and the government paid to reconstruct their houses.
165. Much of the faith-based violence in 2013 targeted members of the Shi'a community especially in Baluchistan.
166. There is reference to the old slaughterhouse Colony Lyari where hundreds of Hindu and Christian families reside in abject poverty. It is reported that the colony was in the news towards the end of 2013 due to fights between criminal gangs.
167. Three cases of alleged forced conversions were reported in 2013. The girls were aged 8, 13 and 15.

168. Two Christian men who had been arrested for blasphemy were acquitted during the year³⁴. It is however reported that for some of those acquitted of blasphemy, problems do not end with their release. Relocation is often the only real option for them.
169. Following the Joseph Colony attack in Lahore, there were some calls for reform of the blasphemy laws. In September, the Council of Islamic Ideology (CII), the constitutional body responsible for giving legal advice on Islamic issues to Parliament, considered the prevention of abuse of the blasphemy laws. One of the clerics on the council said the abuse of the law was earning a bad name for Pakistan and religious scholars were being maligned. He proposed that those making a false accusation also needed to face the death penalty because the words attributed to the accused were actually uttered by the accuser. This annoyed some members who maintained that section 194 of the PPC already envisaged punishment for lodging a false case and there was no need to amend the law. The following day parliamentarians from PTI (the third largest party in the National Assembly) called on lawmakers to review the blasphemy law in the wake of the recommendations from CII.

Australian Government Refugee Review Tribunal. Issues Paper: Pakistan Militant Groups (January 2013)

170. This report provides information about eight militant groups operating in Pakistan including the Sipah-i-Sahaba which is the group the appellants claimed had targeted them. The Sipah-i-Sahaba (Corp of the Prophet's Companions or Guardians of the Friends of the Prophet) is described as a Punjab-based Sunni sectarian group that has been involved in violence primarily targeted against the minority Shi'a community. It is one of the five groups that work proscribed by President Musharraf in January 2002. Although it sought to circumvent the proscription by renaming itself twice, the reinvented groups were also proscribed.

Radio Free Europe: Pakistan religious leaders declare attack on Christians un-Islamic (24 September 2013)

171. Following the attack on a church in Peshawar in September 2013, Islamic leaders issued an edict declaring the killing of religious minorities as un-Islamic. They stated that "*there is no concept in Islam*" to kill religious minorities or attack their places of worship. Islamic figures all over the country condemned the attack and called for the perpetrators to be punished.

³⁴ It is unclear whether they had been arrested during 2013 or previously.

172. The report states that fewer than 2% of the population are Christian and that whilst they face discrimination, attacks against them are rare.

BBC news report (13 May 2014)

173. This report covers the incident Mr Samuel referred to in his oral evidence of 68 lawyers being arrested and charged with blasphemy after the killing in Multan of a lawyer defending an individual of blasphemy. Contrary to Mr Samuel's claim that these lawyers were arrested for protesting about the killing of their colleague, the BBC reports that they protested about the detention of a colleague in the city of Jhang and had been campaigning for the arrest of five policemen they accused of illegally detaining him.

Other news articles

174. The contents of other news reports in the bundles cover the same ground as already summarised and set out various incidents which are listed above.

SUMMARY OF SUBMISSIONS

175. The details of the submissions are set out in Appendices 11 and 12.
176. In summary, Mr Walker submitted that whilst Christians as a minority faced discrimination, they were able to practise their religions, received some state protection and were not at a real risk of persecution. Generally, internal relocation was possible. The appellants would not be at risk because of their membership of an evangelical church.
177. The combined submissions of Ms Jegarajah and Ms Pinder were that Christians lived with discrimination which, whilst not meeting the threshold of persecution, was an important factor in risk assessment. The sporadic and ad hoc nature of attacks and blasphemy accusations was also important in this assessment. Pakistani Muslims did not distinguish between evangelical and non evangelical Christians. There was no internal flight option for those accused of blasphemy and no possibility of state protection. The appellants were both very different individuals and both proselytised in their own way.

OUR ASSESSMENT

The starting point

178. In assessing the country guidance issues in this case we undertake a holistic assessment consisting of a wide range of considerations. We are aware from the guidance of the Court of Appeal in Bagdanavicius

[2003] EWCA Civ 1605 (guidance unaffected by the subsequent decision of the House of Lords in the same case: [2005] UKHL 38) that in most cases, a risk of ill-treatment will be more readily established in state-agency cases than in non-state actor cases (at paragraph 11). We also bear in mind that an assessment of risk necessarily involves an assessment of the sufficiency of state protection (ibid; paragraph 12).

179. Our guidance is made in the context of the developments of the law as set out in the decision of HJ (Iran) UKSC 31.

180. We also have regard to the relevant provisions of The Refugee and Persons in Need of International Protection (Qualification) Regulations 2006 which implement EU Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (hereafter 'the Directive').

181. Reflecting Articles 9, 6 and 7 of the Directive, the Protection Regulations set out, *inter alia*, definitions of acts of persecution (at regulation 5), actors of persecution or serious harm (at regulation 3) and actors of protection (at regulation 4).

182. Regulation 5(1) states:

In deciding whether a person is a refugee an act of persecution must be:

(a) sufficiently serious by its nature or repetition as to constitute a severe violation of a basic human right, in particular a right from which derogation cannot be made under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) an accumulation of various measures, including a violation of a human right which is sufficiently severe as to affect an individual in a similar manner as specified in (a).

183. Regulation 4 provides:

1) In deciding whether a person is a refugee or a person eligible for humanitarian protection, protection from persecution or serious harm can be provided by:

(a) the State; or

(b) any party or organisation, including any international organisation, controlling the State or a substantial part of the territory of the State.

(2) Protection shall be regarded as generally provided when the actors mentioned in paragraph 1(a) and (b) take reasonable steps to prevent the persecution or suffering of serious harm by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the person mentioned in paragraph (1) has access to such protection.

184. We have had regard to the case law provided by the parties as contained in the bundles and in the appellant's schedule. There was reliance upon cases decided in Australia, New Zealand and Canada as well as in the UK. The last country guidance on Christians in Pakistan is AJ (Risk - Christian Convert) Pakistan CG [2003] UKIAT 00040. As the title indicates, this case addressed the risk to those who had converted from Islam to Christianity but certain elements, to which we shall refer, are nevertheless applicable here. Similarly there are relevant issues arising from MN and others (Ahmadis - country conditions - risk) Pakistan CG [2012] UKUT 00289 (IAC). A complete overview of the case law is contained in Appendix 13.
185. We take the view that asylum claims made by members of religious minorities in Pakistan require particularly careful examination.

Our conclusions on the evidence of the experts and witnesses

186. We were impressed by Mr Samuel's evidence, although there were a few difficulties with some parts of it. On the whole, we found his evidence to be measured, unexaggerated, informed and a fair reflection of the picture painted by other sources. We are satisfied that he has a considerable grasp of the history of the blasphemy laws and their development. His visits to Pakistan and interaction with members of different religious communities provide, in our view, valuable and informative first hand accounts of their experiences.
187. We note, however, that Mr Samuel's claim that blasphemy accusations are without logic appears to conflict with his evidence that they are triggered by personal vendettas, property or land disputes, business disagreements or by political events. These triggers do tend to show there is some purpose to the allegations, however unjust they might be and it may be that Mr Samuel intended to refer to their unpredictability.
188. Mr Samuel complained that the protection of minorities was not a priority of the current government however we cannot find any evidence to suggest that it was high on the list of priorities for the previous government either. We do not find, therefore, that it would be correct to conclude that the current government is less well disposed to minority rights on that basis alone. Mr Samuel criticised Nawaz Sharif

for having been Chief Minister of the Punjab when the blasphemy laws were amended under General Zia's office but there is no evidence as to whether Mr Sharif had any direct input into the legislative changes or what his views about them were. Mr Samuel also points out that under his premiership in 1997 a Christian village was burnt down and no one was prosecuted. However, there are no details of whether there was a police investigation and whether the perpetrators were identifiable. In reports before us, Mr Sharif has been reported as speaking positively about the importance of minority rights. Whilst this may be just rhetoric, it cannot be wholly disregarded.

189. Mr Samuel claimed that accusations against Christians had increased since the PML-N came to power but this is not supported by any statistics or hard evidence. Mr Samuel gave us only four examples to support his contention and we note that of those four cases, only two relate to Christians. In his oral evidence he added the case of a human rights lawyer (who appears to have been a Muslim) who defended a blasphemy victim and was shot in his Multan office. He then maintained that 68 legal colleagues who protested about this killing were themselves arrested on blasphemy charges. However the BBC news report on this incident³⁵, not provided by Mr Samuel but contained in the respondent's bundle, sets out completely different circumstances leading up to the arrests. The BBC reports that the lawyers protested about the detention of a colleague in the city of Jhang and had been campaigning for the arrest of five policemen they accused of illegally detaining him. We have concern about this factual error in Mr Samuel's evidence. We note Ms Jegarajah's submission that Mr Samuel was not certain of this part of his evidence and we do not suggest he intended to mislead the Tribunal or misrepresent the facts. However, it does mean that some caution must be applied when assessing any unsupported claims made in his evidence.
190. Mr Samuel stated that the prevention of terrorism was top on the present regime's agenda. Given the problems with terrorist attacks and suicide bombings in Pakistan over the last few years, we do not find this surprising; it cannot be seen as an indication of the government's approach to minority rights. He criticised the government for dissolving the Ministry of National Harmony but the Ministry has been merged into a larger department; the Ministry of Religious Affairs. There is nothing in the evidence to suggest that its functions would not be continued there.
191. Mr Samuel maintained that bail was denied in blasphemy cases. However, his own example of the British Pakistani accused of blasphemy contradicts that. The Ahmadi man was granted bail and

³⁵ Dated 13 May 2014

then made his way back to the UK. This appears to have been despite the fact that as an individual in the midst of court proceedings, his name would have been on the Exit Control List at the airport. There is no suggestion that the British government intervened in any way for his release and return.

192. We note that Mr Samuel appears to have prepared his report with the instruction that the First-tier Tribunal Judge had accepted that if an allegation of blasphemy, whether true or not, was levelled against a Christian then the appellants would have a well founded fear of persecution. We address this point at paragraphs 14-16 but would add here, that the judge made no such finding in respect of the appellants.
193. We also note some inconsistency or lack of clarity in Mr Samuel's written evidence that evangelical Christians do not face any greater risk than non-evangelicals and the opinion given later in the report that because of their emphasis on preaching, evangelical Christians are more vulnerable to attacks and accusations from extremists. The latter assertion does not accord with his claim that there are thriving evangelical churches and that he had not heard of any accusations levelled against them or their members.
194. We accept, however, Mr Samuel's evidence on the everyday matters pertaining to Christians. We note that he has made several visits to Pakistan and has spoken to members of Christian and other minorities. We consider that strengthens the reliability of his evidence in that respect.
195. Ms Jahangir is well known to this Tribunal for her laudable human rights work in Pakistan. She has undertaken advocacy work for minorities including Christians and has interaction with them as clients and co-workers. She does, of course, also live in Pakistan, being based in Lahore, and so has first hand knowledge of everyday life, although her privileged position must mean that her experience of the poorer and lower class strata of society is limited. We also note that she does not claim to have current experience in the lower courts. She does not suggest that she has experienced any problems as a result of her work, or that it has adversely affected her career advancement.
196. We find that there are aspects of her evidence which could have been better explained. Ms Jahangir notes that the Christian population has decreased from forming 1.69% of the population in 1998 to 1.59% in 2011. However, we are not given any information on the sizes of Christian and Muslim families. If Christian families were smaller, that could explain this decrease but without further information we cannot speculate on the reasons.

197. Ms Jahangir reports on a large scale exodus of Christians in 2002. We were not given any information on whether that was a particularly bad period for Christians but in any event no other large scale emigration is reported.
198. We did not find it helpful that most of the examples of attacks cited were out of date. Only one for 2013 was cited. The way in which the examples were spread all over the report made them difficult to compile; a chronological list would have been far more useful.
199. It would also have been helpful to have had an explanation for the difference between the figures cited in the report and those reported by the CCRS, a research centre based in Islamabad. Ms Jahangir's figures put the number of those accused of blasphemy at 64 in 2010 (with half of these being Muslims) but the CCRS reports that eight cases a year are registered.
200. Ms Jahangir reports that "thousands" of FIRs are registered, covering all faiths. We find it would have been helpful to have had a more specific figure and a time frame.
201. A copy of the First-tier Tribunal's determination was not made available to Ms Jahangir and so her views as regards the specifics of the case cannot be given any weight.
202. We did not have the advantage of hearing oral evidence from Rev Windsor whose report is before us. We note that his assessment of the case is premised on an acceptance of the appellants' accounts without any reference to the adverse findings of the First-tier Tribunal. For example, he relies on the appellants' inability to relocate due to the registration of an FIR, but this document was rejected by the First-tier Tribunal Judge. We also note a claim in the report of a 'Dr NA' being unsafe throughout Pakistan. There is no such individual in this case and this causes us concern because it suggests that the report has not been prepared from scratch for these appellants but involves some 'cutting and pasting'. Rev. Windsor also relies heavily on the situation for converts to Christianity and indeed the examples he cites are of converts. However, that issue is not pertinent to this case.
203. We accept that the appellants attend church in the UK in their respective residential areas. We also accept the evidence of the pastors that they are devoted to their faith and participate actively in church activities. We find this is similar to what they had been doing in Pakistan. We note that in her written evidence, SK described being brought up in a Christian family, having been taught Christian values

from a young age, attending church regularly with her family, going to Sunday School, being a member of a Christian youth group and a choir and participating in Christian dramas, debates and speeches. We find that this evidence clearly shows that the appellants were able to, and did, practise their faith in an active way in Karachi. We note that additionally, SK claimed to have helped out with religious classes.

204. We accept the written letters of support from members of the Congregation at Golding's and Stockton Churches. We have no reason to doubt that they mean what they say and that the appellants have made friends here.
205. We have also considered the letter of support from the Great Commission Outreach for Christ dated 9 June 2011 from Rev. Isaac William. Rev. William provided accommodation for the appellants upon arrival and some months thereafter. He was not, however, called to give oral evidence and there was no explanation for this. We give no weight to his letter which purports to confirm AK's *"story, tragedy, misery and all incidents he had been facing in Pakistan"* there being no indication whatsoever of how the Commission has been able to confirm these claims. We take a similar view of the letter from the Pakistan Christian Scouts of 20 June 2011 who report *"it is in our knowledge that SK is under accusation of blasphemy law and there is report against her police station"* and that her *"parents are on run and police is looking to arrest. Moreover a dangerous Muslim Militants extremist gang is searching to kill her"*. The letter does not provide any information about how the two writers of the letter possess such knowledge.
206. We are somewhat troubled by Bishop Masih's reliance on the appellants' account of the October 2010 incident and the subsequent flight of their parents given that those claims were rejected as untrue by the First-tier Tribunal. We note that he does not appear to have seen a copy of the determination. We also consider that the Bishop, who we accept, campaigns vociferously for Christian rights, has a tendency to emphasise and exaggerate, though perhaps not consciously, the difficulties faced by his community. We say this because parts of his evidence are not borne out by the reports before us. His insistence that all Christians are at risk, regardless of their socio-economic status, is against numerous reports which indicate that the poorer and less socially mobile Christians are more vulnerable to societal violence. We also note that despite his claim that attacks on Christians are common place, he does not cite examples of any attacks upon members of his diocese. Nor does he refer to Christians being targeted in other churches. We note that despite his active campaign for Christian rights over a number of years and his outspokenness in the press and electronic media, no blasphemy allegations have ever been levelled

against him. Though he refers to threats by extremists, no further details are provided and they do not appear to have manifested themselves. He claims his movements are limited but also maintains that he covers parishes in Karachi, Sindh, and in the neighbouring province of Baluchistan. We accept that he was imprisoned for a month on one occasion but note that was almost 20 years ago and followed the conversion of a Muslim to Christianity. Dr Masih disagreed with the Mr Samuel's view that Islamabad was a relatively safe place, maintaining that the expert did not know about the situation in Pakistan. Nor did he accept Mr Samuel's contention that the better off, educated Christians faced less of a risk than their poorer counterparts. However we prefer Mr Samuel's evidence because it accords more with the other material before us than with Dr Masih's views. Further, Dr Masih's claim that over the last year there has been an increase in blasphemy accusations is not supported by any available statistics or by specific examples.

The risk of false blasphemy allegations

207. The evidence is unanimous in its conclusion that the number of accusations of blasphemy increased dramatically following General Zia's legislative amendments. Despite the provisions of the Constitution, which provide for the equality of citizens, the blasphemy laws have increased the potential for religiously motivated violence. The vagueness of the definition of blasphemy has resulted in spurious accusations which, more often than not, have no link to religion at all. Whilst Ahmadis and other religious minorities initially bore the brunt of the increased accusations, the situation now appears to be that any citizen can become the victim of a blasphemy accusation. According to evidence from the BBC, Muslims constitute the majority of those prosecuted for blasphemy, followed by the Ahmadis. This is confirmed in the latest COI report which stated that most blasphemy complaints were filed against Sunni Muslims by other Sunnis although the law has a greater impact per capita on minority religious faiths. As far as physical attacks were concerned, Amnesty International reported in May 2013 that Shi'a Muslims experienced more during the reporting period than any other group. Barnabas Aid reported that around one in six attacks were against Christians although the time frame is unclear.
208. We do not doubt that where such an accusation is made, and where it proceeds to trial, the accused is at real risk of serious harm. Although the evidence indicates that large numbers of convictions are overturned by the higher courts, the accused will still have spent long periods in prison and faces the risk of societal violence after acquittal, although this appears to be more common in high profile cases. Persons accused of blasphemy often receive a prison sentence of at

least three years (according to the IRB) and the figures indicate that in 2012 there were 40 prisoners accused of blasphemy of which 19 were serving life sentences.

209. We note that the reports we have seen and summarised above repeatedly emphasise that accusations are made for a variety of reasons. They can be triggered by international events; for example, at the start of the war with Iraq, Christians were viewed as proxies of the West and became a target for extremist groups. When drone attacks by the US took place last year, Christians were again perceived as being associated with the West and therefore targeted. The suicide bombings at a church in Peshawar in September were an example of this. The arrest of a senior Al Qaeda member in Quetta in 2011 prompted attacks against the general population in Karachi and when Muslims in India face problems, Hindus in Pakistan suffer the repercussions. More routinely, however, accusations are motivated by factors that have nothing to do with an individual's faith and, for that reason, all citizens are potentially at risk of false blasphemy charges. Accusations are made for personal reasons, to exact revenge, to settle a score or where they have been business or other disputes. They are made where there have been disagreements over land or property. For these reasons we disagree with Mr Samuel and Ms Jahangir when they say accusations are random and without rationale. We find that there usually are reasons which act as triggers, albeit unjust, however it is difficult to foresee or to prevent them and, in that sense, they can be described as unpredictable.
210. That said, the numbers have to be considered against the large population of between 187-193 million and the Christian population of some 3-5 million. The location of the individual must also be borne in mind. A substantial majority, some two thirds of all cases, emanate in the Punjab, particularly in rural areas, as a means of 'land grabbing'. As Christians are poor and generally landless, they would not run the risk of falling into this category. Militant extremist groups, however, operate in the Punjab and the political climate is likely to dictate their behaviour. The proscribed Sipah-i-Sahaba is based there. Despite the presence and activities of these groups, the evidence demonstrates that the vast majority of Muslims are tolerant of the various religious minorities living in Pakistan and that it is a very small number who seek to target them. Attempts were made by the government to counter abuses of the law through the 2004 amendment to the penal code and through the high courts which invariably overturn cases of wrongful convictions.
211. We do not find that the evidence supports a conclusion that the making of an allegation in itself always or necessarily leads to further adverse

consequences. Accusations may be made for all kinds of reasons and the complainant may not always follow it through. We note that although Mr Samuel maintained that those accused of blasphemy or attacked because of their faith were at risk of violence, he did not offer examples or figures to support that and, as we see from the figures cited, the numbers of accusations made vary substantially from those which are actively pursued.

212. The reliability of figures is a concern. It is noted by CSW that accuracy of reporting can be compromised by competing organisations striving to report the 'story' first. CSW also suggests that blasphemy statistics might be higher due to an unwillingness to report them, however this reasoning is difficult to follow. If a blasphemy accusation was made, then the individual making it would file the complaint so it is difficult to see why unwillingness should come into it and, if a blasphemy charge were filed, it would be on record. In 2010 CSW and HRCP reported there were 64 blasphemy charges registered but no breakdown of figures is available. The UNHCR, however, cited a higher figure with blasphemy charges filed against 67 Ahmadis, 17 Christians, eight Muslims and six Hindus, a total of 98. In 2011 the UNHCR reported that 26 blasphemy cases were filed of which four were against Christians. It also reported that all convictions for blasphemy in that period related to Muslims. In 2012, the Austrian Fact Finding Mission, citing NCJP, reported charges against 11 Christians (of the 30 charges registered) and CSW for the same year gave internally contradictory figures of 30 or 35 charges with seven or 11 respectively against Christians. The HRCP reported a total of 16 charges for blasphemy in 2012 with three being against Christians. The NCP reported a total of 30 cases with 11 against Christians. For 2013, HRW reported "dozens" of cases. In 2013 the HRCP reported 35 cases religious offences with eight against Muslims for blasphemy, seven against Christians and five against Ahmadis. Elsewhere, the same organisation reported 68 blasphemy accusations in 2013 with 13 of these involving Christians. It also reported that between 1986 and October 2009 there were 966 blasphemy cases of which half were Muslims. UNHCR, citing Inter-press Service News Agency, reported 133 blasphemy charges brought against Christians between 1986 and 2010.
213. Even taking the higher figures, when set against the number of Christians, the number of those accused is low. It may be that in some individual cases the level of risk will be sufficiently enhanced on particular facts to engage the Refugee Convention but the general risk falls well below the level necessary to show a real risk of a blasphemy charge being brought against a Christian.

214. Members of the religious minorities who are relatively affluent, well educated and confined to urban areas are generally left alone. Their status offers them some protection. Prominent Christians also provide good examples to the state of religious pluralism and tolerance and are therefore viewed as useful. Those who suffer the most are the rural poor. Bishop Masih is wrong to say that all Christians face an equal risk of ill-treatment. The evidence does not support that. Nor is it the case that Christians are the most frequently targeted minority. Shi'as and Ahmadis also face a greater risk both in terms of general attacks and blasphemy allegations.
215. In 2012 the UN General Assembly maintained that it was a misunderstanding to claim that blasphemy laws were used to target minorities because it was invoked against individuals of all faiths and mostly Muslims.³⁶ The US State Department confirms that Sunni Muslims are targeted the most (no doubt because of their greater numbers) and that Ahmadis and Shias take second and third place with Hindus and Christians next in line. This represents a change in the situation from that examined in MJ and ZM (Ahmadis - risk) Pakistan CG [2008] UKAIT 00033 in 2007 where there were more problems for Christians and Hindus than for Ahmadis.

Religious practice

216. Varying figures have been given for the number of Christians in Pakistan and sources disagree over whether they form the largest minority group or come second to Hindus. We proceed on the basis that there are around 3-5 million Christians who represent about 1.5% of the population. The largest numbers of Christians live in Punjab with half of these in Lahore and Gujranwala. The proportion of Christians in Gojra is 6.58% of the population, more than twice the national average.
217. There are a number of registered Christian churches in Pakistan; reports suggest there are some hundreds but there are also churches, as described by Mr Samuel, formed in houses and basements. There are also some cathedrals. Unlike the position with Ahmadis, Christians are permitted to profess their faith, wear symbols of Christianity such as the cross, use Christian names, attend church and church related activities, celebrate religious events, marry in church, undergo baptisms and attend Sunday schools. They have a well established infrastructure with their own school and hospitals. There are very few reports of attacks on churches. The double suicide bombing of a church in Peshawar last September was the first time a church was targeted in this way. There are no provisions in the penal code which specifically

³⁶ Cited in the USCIRF report.

pertain to Christians. They have their own cemeteries and we have seen no reports of desecration. They have a flourishing media with their own radio channels, television programmes and newspapers. They are permitted to call their place of worship a church and the building of churches, albeit with some regulations, is allowed. Foreign missionaries are admitted and there are large numbers of Catholic priests and nuns. Whilst the UNHCR referred to attacks on religious processions, the clarifying footnote in the report disclosed that these were all against Shi'a processions. There is little evidence that Christian activists or organisations have been targeted.

218. There is reference in the UNHCR report to serious reprisals being attracted by interfaith marriages but marriage between a Muslim man and a Christian woman is permitted and other reports confirm that mixed marriages are not unusual. We have seen no reports of any problems arising in such cases. The one example cited in the UNHCR report involved the elopement of a Christian boy with a Muslim girl in 2010 where, we observe, the elopement itself may have been an exacerbating feature. We note there is no confirmation of any marriage between the two and no follow up by the authors of the report which was prepared two years later.

Discrimination

219. Religious based discrimination may amount to persecution where it seriously restricts an individual's enjoyment of fundamental human rights with consequences of a substantially prejudicial nature for the person concerned. The UNHCR Guidelines on International Protection give the examples of serious restrictions on the right to earn a livelihood or to access normally available educational facilities or health care. There is undoubtedly societal and state discrimination against Christians who are described as poor, illiterate and marginalised. The appellants and the experts referred to derogatory remarks in school text books which, they maintained, supported the view of teachers and Muslim students that Christians are inferior. The reports before us indicate that derogatory remarks in school books are aimed particularly against Hindus where Hindu beliefs and practices are contrasted negatively with those of Islam. The historical hostility between Muslims and Hindus that has existed ever since 1947 when India was partitioned is, no doubt, to blame and it is reported that Bangladesh's struggle for independence is blamed on the influence of the Hindus in what was then East Pakistan. Ahmadis are also singled out for criticism in school books. Apart from anecdotal evidence, however, from the experts and the evidence from the appellants, of non Muslim students being beaten by teachers, made to sit on the floor and generally ill treated, we were directed to only one

report which cited one school in the Punjab where Christian students were derided and made to clean bathrooms³⁷.

220. The government has made some effort to revise the curriculum in public schools by its Educational Sector Reform Plan. It aims to remove Islamic overtones from secular subjects and Ethics (or a similarly named subject) is offered to non Muslim students in place of Islamiyat (Islamic studies). The progress of reform has been slow due to insufficient resources and the lack of state attention to these issues but there is some will to improve the situation. Private schools already have the choice of disregarding offending textbooks altogether and as reported by CSW, some omit large sections of distorted text. The US State Department reports that there is no discrimination with respect to entry to universities and medical schools.
221. As a legacy of the colonial era, there are a number of Christian schools and colleges in Pakistan located throughout the country as well as many with Christian origins. Indeed, as pointed out in the evidence, many of these have excellent reputations and are frequented by non Christian students from the upper strata of society. General Musharraf himself attended a Christian school. The evidence of the appellants³⁸ was that their family school was very well received in their community due to its excellent standards. Christians who prefer to receive an education in a Christian school therefore have the opportunity to do so. It should be borne in mind, however, that only a small number of Christians are educated; most belong to a low socio-economic class.
222. In other areas of life, Christians also face discrimination. Due to their illiteracy and the perception of being unclean, they find it difficult to obtain anything other than menial work. Many work as domestic servants and there are large numbers in Punjab who are bonded labourers. Even so, there are Christians who are affluent and well educated. Many army officers are Christians and there is an open admissions policy in state departments Five percent of government jobs are reserved for Christians, a percentage much higher than their representation of the population. There are also reserved seats at the various levels of Parliament. They are, however, underrepresented in the judiciary. Christians also work in the fields of nursing and teaching. The large proportion of nurses may be due to the fact that Muslim women do not seek such work.

³⁷ Worldwatch monitor, 2012.

³⁸ Although this part of the account was rejected by the First-tier Tribunal Judge.

Evangelists

223. We have not drawn a distinction between evangelising and proselytising or preaching, following the approach in SZ and JM (Christians – FS confirmed) Iran CG [2008] UKAIT 00082. We consider that no useful purpose would be served and that in any event Muslims would not see any difference between these different activities. However, that is different to Ms Jegarajah's submission that Pakistani Muslims do not distinguish between Evangelical Christian and 'ordinary' Christians.
224. We find that a Christian who speaks out in non Christian public places about Christianity is more likely to draw adverse attention to himself than those who do not. Although Ms Jahangir suggested this may not cause any serious difficulties in certain areas and amongst certain people, generally she considered, and we agree, that this would be risky behaviour which would create problems. The evidence largely suggests that there is, on the whole, a tolerance of Christianity but where it is taken out into the public arena and flouted, there is a serious risk of a blasphemy allegation being made. Those Christians who genuinely believe that it is an essential element of their Christianity to preach in public and to try and convert others to their faith would, we find, be reasonably likely to encounter serious problems.

Sufficiency of protection

225. It is a well established principle that a well founded fear of persecution will not exist if there is a sufficiency of protection against serious harm (Horvath [2000] UKHL 37). This must be assessed holistically. Evidence showing ineffective protection can shed light on whether a well founded fear exists and vice versa. The situation of Christians is such that, in our opinion, where an individual can establish a real risk of serious harm by virtue of a blasphemy charge being brought against him or her, it is in general unlikely that he or she will have available protection.
226. This does not mean that the evidence establishes that the authorities never protect minorities. There is evidence that the police and authorities have on occasions acted to assist minorities and that Christians are able to asset effective legal remedies. For example, when in April 2011, a mob attacked the Christian community in Gujranwala in Punjab, the police intervened. They also increased protection for churches after threats made around Christmas in 2012 and after an attack on a Christian neighbourhood in Lahore in March 2013, compensation was offered to families and they were assisted with the

rebuilding of their homes. Large-scale demonstrations took place calling for more rights and protection for Christians and there are no reports that those resulted in any problems. However, predominantly, the evidence suggests that there is a failure to protect Christians from attacks and the consequences of abusive allegations of blasphemy. Apart from the actions of the high courts in overturning unfair verdicts, no effective action is taken by the authorities to protect and defend Christians or to punish their attackers although it has to be said that the same applies to non Christians accused of blasphemy. Whether this stems from an unwillingness or an inability to protect, is not the issue. Overall, there has been and there continues to be an insufficiency of state protection in cases where serious allegations of blasphemy are made and pursued, regardless of the religious faith of the accused.

Internal relocation

227. Figures of blasphemy charges, deaths and attacks on individuals, communities and churches are all of concern but they must be viewed against the size of the population and the fact that most take place in Punjab where radical Islamists have a strong presence. The option of internal relocation must be viewed against that background.
228. The correct approach as laid out by Lord Bingham in Januzi [2006] UKHL 5 is whether an individual can reasonably be expected to relocate or whether it would be unduly harsh to expect him to do so. The test must not be equated with a well founded fear of persecution or a real risk of ill treatment.
229. According to the UNHCR, internal relocation will generally not be an option in areas of FATA, Khyber Pakhtunkhwa and Baluchistan which are all currently affected by security and military counter-insurgency operations and retaliatory attacks. In other areas, the availability of a viable relocation option needs to be assessed on an individual basis.
230. Individuals who are being seriously pursued by armed militant groups such as the Lashkar-e-Jhangvi and Sipah-i-Sahaba will generally not be safe in Punjab where these groups are based. They may also be unsafe elsewhere due to the wide geographical reach of these groups. The nature of the threats received, the individual's personal circumstances and availability of support from influential connections are all relevant considerations. It is not likely that ordinary community members will have the resources or the inclination to pursue their victims outside the local area and so those facing harm from localised groups or individuals will generally be able to relocate to one of the many large cities. However, individuals subject to criminal prosecution under the blasphemy laws will not generally be able to relocate.

231. Those against whom an FIR has been issued may in certain circumstances be able to relocate. The seriousness with which an FIR is lodged and pursued will need to be assessed along with the individual's personal circumstances, the existence of traditional support mechanisms such as the presence of friends and relatives in the area of prospective relocation and whether the individual would be readily identifiable there. Relocation to urban centres will generally be possible where the factors identified above do not come into play.

Women, abductions, conversions and forced marriages

232. Gender-based violence may amount to persecution where the state is unwilling or unable to provide protection.
233. Forced conversion is a serious violation of the fundamental right to freedom of thought, conscience and religion and will, generally, amount to persecution.
234. Pakistan law strictly forbids forced conversion as does Islam. The Supreme Court has actively pursued cases related to forced conversion but notwithstanding that, there are reports of abductions and forced conversions. According to Amnesty International, the majority of victims are from the Punjab.
235. Christian females are reportedly at particular risk of sexual and gender based violence, forced conversion to Islam and forced marriage to Muslim men. According to the USCIRF report of 2013, victims tend to be underage. In a positive development on 15 November 2011, the National Assembly passed the Prevention of Anti-Women Practices (Criminal law Amendment Act) 2011 which renders forced marriage a criminal offence punishable by imprisonment for up to 10 years
236. Although the UNHCR Eligibility Guidelines also assert a risk of "honour" killings of Christian females at the hands of their own communities, the evidence on this is sparse. Of the 943 "honour" killings recorded for 2011, only seven were Christians and there were 11 in 2010. The killings are the most prevalent in rural areas and the perpetrators are usually family members of the victims.
237. The evidence tends to combine abductions and forced conversions into one group and the figures vary wildly. Hindu females of lower castes are said to be the most vulnerable and considered the most sexually available but the figures from some sources contradict that. The Jinnah Institute reported that in 2009, 18 Hindu females were forced to

convert to Islam. The NCJP reported that during 2009, 21 Hindus and 20 Christians were forced to convert to Islam. A news report of 2010 cited by Mr Samuel claimed five Hindu girls a month were forced to convert. IRIN reports that about 15-20 Hindus were abducted a month in 2012, although the US State Department puts the figure slightly higher at 20-25 a month. However, Catholic NGOs estimate that some 700 Christian girls are forcibly converted to Islam each year. The Asian Human Rights Commission stated in its report of December 2010 that 700 Christian girls and 300 Hindu girls were abducted. In 2011 this figure had risen to a total of 1800 for both groups. Few details are available and the source of the figures is unreported. However the US State Department IRF reported just one case of a Christian being abducted and forced to convert in 2012 and two in 2013. Some girls are recovered, others escape and some abductors are arrested. In some cases the girls are killed.

238. It is difficult to assess the frequency of abductions and rape of females from minorities without a comparison of figures for those involving Muslim women. Additionally, due to the significant fluctuation in the figures, they cannot be relied upon. We therefore conclude that although there is some risk of abduction and forced conversion of young Christian girls, largely in rural areas and in Punjab, it does not amount to a serious risk in itself.
239. We have also considered the situation for Christian women generally. Those living alone without a male relative/protector in rural areas may well be at risk of gender based persecution exacerbated by their position as a member of a minority group. Youth, illiteracy and poverty are aggravating features. Women of middle age and above, are less likely to draw interest.

Country guidance

240. Christians in Pakistan are a religious minority who, in general, suffer discrimination but this is not sufficient to amount to a real risk of persecution.
241. Unlike the position of Ahmadis, Christians in general are permitted to practise their faith, can attend church, participate in religious activities and have their own schools and hospitals.
242. Evangelism by its very nature involves some obligation to proselytise. Someone who seeks to broadcast their faith to strangers so as to encourage them to convert, may find themselves facing a charge of blasphemy. In that way, evangelical Christians face a greater risk than those Christians who are not publicly active. It will be for the judicial

fact-finder to assess on a case by case basis whether, notwithstanding attendance at an evangelical church, it is important to the individual to behave in evangelical ways that may lead to a real risk of persecution.

243. Along with Christians, Sunnis, Shi'as, Ahmadis and Hindus may all be potentially charged with blasphemy. Those citizens who are more marginalised and occupy low standing social positions, may be less able to deal with the consequences of such proceedings.
244. The risk of becoming a victim of a blasphemy allegation will depend upon a number of factors and must be assessed on a case by case basis. Relevant factors will include the place of residence, whether it is an urban or rural area, and the individual's level of education, financial and employment status and level of public religious activity such as preaching. These factors are not exhaustive.
245. 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. A blasphemy allegation, without more will not generally be enough to make out a claim for international protection under the Refugee Convention. It has to be actively followed either by the authorities in the form of charges being brought or by those making the complaint. If it is, or will be, actively pursued, then an applicant may be able to establish a real risk of harm in the home area and an insufficiency of state protection.
246. Like other women in Pakistan, Christian women, in general, face discrimination and may be at a heightened risk but this falls short of a generalised real risk. The need for a fact-sensitive analysis is crucial in their case. Factors such as their age, place of residence and socio-economic milieu are all relevant factors when assessing the risk of abduction, conversions and forced marriages.
247. Relocation is normally a viable option unless an individual is accused of blasphemy which is being seriously pursued; in that situation there is, in general, no internal relocation alternative.

The appellants

248. In considering the position of the appellants and taking account of all their circumstances in the round, we are not satisfied that they have demonstrated a real risk of persecution or serious harm contrary to article 3.

249. The appellants have been found to be lacking in credibility with regard to events in Pakistan. The judge's finding that the incident of October 2010 and hence all subsequent events had been fabricated, has not been challenged. Despite this, the appellants maintain their accounts and the claim that their parents and other family members are hiding out at unspecified locations because of the blasphemy allegations levelled at them (the appellants).
250. The First-tier Tribunal Judge was unhappy with the FIR and fatwa documents which were not produced until the hearing. He took issue with the poor, uncertified, incomplete translations. He noted that although the appellants had claimed to have been pursued by enraged members of the Sipah-i-Sahaba since 21 October 2010, the FIR was not registered until some six months later, just after they had left the country. He found that they gave inconsistent evidence as to who had issued the fatwa. He concluded that no weight could be placed on these documents.
251. The judge also noted that the only 'evidence' adduced in support of the claim to have taught English at the family school was a copy of Dickens' *A Christmas Carol*. Given the lack of evidence in this respect and the inconsistent evidence of the appellants, he did not accept that the family had a school at which the appellants taught. We also note that the appellants gave different names for the school with one claiming it was St John's and the other that it was St Thomas' (although this was later amended by the appellants' representatives).
252. The appellants also gave contradictory evidence about when they came to realise the Sipah-i-Sahaba was responsible for the October visit to their home and the following incidents. AK claimed they only came to know after they were in the UK but SK stated that they had known since 21 October 2010. The judge did not accept that this was credible. We also note that there are conflicting accounts as to where AK was at the time of the attack. It is said that he was at a wedding and that he was visiting a friend. Furthermore, SK also gave conflicting evidence as to whether she remained at home following the attack and then went to her aunt's house at a later stage or whether she left to go there immediately.
253. The judge noted that there was no documentary evidence of the hospital treatment AK claimed to have received after an attack on him in November 2010. There is, before us, a brief hospital certificate in respect of AK dated 2 November 2010. It gives the time of arrival as '0800 pm' (sic) and sets out the injuries sustained as being contusions to the forehead and left shoulder and a swelling on the right hand. There is no reference to the injury to the left ear which the appellant

maintains was ripped and had to be stitched. In his statement he explains this was omitted because the hospital staff members were biased against him. His explanation makes no sense to us as we do not understand why some injuries would be recorded and others would not. The certificate also states that he arrived with a police letter, yet AK maintains the police were not involved on this occasion.

254. We note that in the evidence provided in respect of the hearing before the First-tier Tribunal, are a number of photographs of injuries to a male individual. There is also a copy of a receipt from the Christian Cemetery in Karachi for a burial fee for Imran, a copy of a note from the Indus Hospital confirming the death of Imran by a gun shot on 9 June 2011 and a copy of a report from the Accident and Emergency Department of Jinnah Postgraduate Medical Centre of the same date confirming that the body of Imran was received and that he had sustained a gunshot. We are unclear as to its relevance of these documents. They were not referred to by the parties.
255. The judge found that the appellants would not have gone out had they genuinely been hiding out in fear. He also found it lacked credibility that on each occasion they went out (four times) they happened to be spotted by the very people who were after them despite the fact that they were not in their home area. Nor did he find it credible that when SK was seen and pursued, her attackers happened to have with them a bottle of acid to threaten her, scissors to cut her hair and a Muslim conversion statement. He noted the appellants' claim that the Sipah-i-Sahaba members were so dangerous and menacing that even the police were intimidated by them and in that context found it wholly unlikely that they would have been frightened off by the appellants' mother and sister on one occasion and by a group of Christian scouts on another. We note that SK's evidence over where she stayed thereafter (whether at a local pastor's house or with a Christian social worker) is inconsistent.
256. Both appellants returned to Karachi for some months to make their visa applications. There is no suggestion that they came to any harm during this period. Whilst they claimed not to be living at home, there is no suggestion that the individuals looking for them had returned at any time to the family home.
257. The appellants continue to maintain that their parents are hiding in a 'safe house' provided by the church but have provided inconsistent evidence as to whether they are in Karachi or in the Punjab. Rev. Masih was also evasive about their whereabouts but his evidence was that they were not in hiding. It transpired that a 'safe house' meant a residential property without any signage. His evidence was that they

were able to live comfortably off their government pensions which he drew out from the ATM for them using their bank cards. Given that we have been told that the extremist and intelligence agencies have the wherewithal to trace anyone they want, it does seem rather far-fetched to us to claim that the appellants' parents cannot freely use a telephone but appear to be able to use their bank cards without any risk of being located. Further, AK's son attends school. His details would have been required for registration but there is no suggestion that the appellant's wife has been traced through the child.

258. In their statements both appellants maintained that they had contacted Rev. William only after they arrived in the UK, that they told him of their problems and he offered them accommodation. At the hearing the appellants told us they had made contact with him and arranged accommodation prior to their arrival. Rev. William did not attend the hearing.
259. The appellants failed to inform the respondent that they were not attending college. Despite claiming to have been informed of the dangers to them within a week or two of their arrival in March 2011, they did not contact the respondent until May and did not make their asylum claim until June.
260. Applying the country guidance, set out in paragraphs 240-247, to the appellants' circumstances, we find that they would not be individuals who would go out and preach their religion to the public. Their activities here have been limited as far as evangelising is concerned with AK merely discussing his faith with his flatmates and SK occasionally helping out with 'table work' on the high street. The vast majority of their activities are confined to their respective churches and congregations. We have not been referred to any evidence to support a claim of persecution against evangelists *per se* in Pakistan and we are aware that there are many thriving evangelical churches.
261. The appellants come from an educated and well off family. Their parents were government employees and both appellants have university degrees and employment experience. They do not fall within the illiterate and vulnerable categories of Christians who are forced into menial labour through a lack of choice. They do not come from Punjab and or from a rural background. Before their arrival here they were able to practise their faith openly and freely and were involved in a wide range of religious activities.
262. SK would not be returning as a lone female without a male protector. She has a father and brothers. She is not of an age or from an environment or social strata which would make her vulnerable to

abduction/forced marriage or conversion. There is no suggestion that she has acted in any way to shame her family so as to put her at risk of an honour killing. The appellants have a home and family to return to. They are educated and will be able to put all their knowledge and skills to good use in order to find employment on their return.

Decision

263. The First-tier Tribunal judge was found to have made errors of law. Its determination is set aside and we re-make the decision.

264. The appeals of both appellants are dismissed on all grounds.

Signed:

A handwritten signature in black ink, appearing to read "R. Kekić", with a small dot at the end.

Upper Tribunal Judge Kekić

Appendix 1:

RULE 15(2A) APPLICATION

1. This is an application made pursuant to Rule 15(2a) of the Upper Tribunal Rules by Mr Walker on behalf of the Secretary of State to adduce certain evidence which Mr Walker informs us emerged from a Google Search of the internet after the close of proceedings yesterday, 16 June 2014.
2. Rule 15(2A) of the Upper Tribunal Rules provides that in an asylum case or an immigration case the party wishes the Upper Tribunal to consider evidence that was not before the First-tier Tribunal that party must send a notice to the Upper Tribunal and any other party indicating the nature of the evidence and explaining why it was not submitted to the First-tier Tribunal. When that is done the Upper Tribunal in considering whether to admit that evidence “must have regard to whether there has been unreasonable delay in producing that evidence”. The material in question concerns a newspaper article, namely a Mail. online article from December 2011 relating to Pastor Isaac William and members of his family.
3. The application was opposed by Miss Jegarajah on behalf of the appellants. Amongst other matters she submitted that there had been unreasonable delay in producing the evidence. It would have been possible for the Secretary of State to undertake the internet search indicated far earlier than yesterday. She also pointed out that certain aspects of the cross-examination by Mr Walker of the appellants on 16 June concerned their involvement with Pastor William. In the light of that the matters arising from the newspaper article could and should have been put into evidence earlier.
4. We have had regard to those submissions and to Mr Walker’s response. We have also had regard to the consequences that might have followed in admitting the evidence. That is relevant because the overriding objective in Rule 2 of the Upper Tribunal Rules requires a Tribunal deal with cases fairly and justly and in doing so the Tribunal must deal in ways that are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties. The overriding objective also makes express reference to avoiding delay so far as compatible with proper consideration of the issues.
5. The Tribunal considers that the consequences of admitting this evidence would be essentially as follows. First, the appellants would need to be

questioned by their legal advisors and further witness statements submitted indicating the extent if any of their knowledge of the matters to which the newspaper article refers.

6. Furthermore, Mr Walker told us that it would be his intention to ask the other witnesses to be called on behalf of the appellants about matters relating to the newspaper article. There are two experts to be heard today and further evidence is anticipated to be given by video link from Pakistan later this week. If the material was admitted, all of those witnesses would need to have the matter raised with them by the appellants' lawyers. The result of all that, Miss Jegarajah submitted would be that there would be no prospect of the appeals being able to continue and they would have to be put off necessarily to a later date.
7. All of that is relevant in the context of the overriding objective. In particular because this is earmarked as a country guidance case and as a result much time and effort has been expended in preparing for it, both by the appellants and by the Secretary of State.
8. In all the circumstances it appears to us that it would not be appropriate to admit this evidence pursuant to Rule 15(2A). In so saying we are acutely conscious of the consequence to which we have just made mention. We do not consider that so far as the appellants' cases themselves are concerned, failing to admit this evidence would inevitably have such consequences that justice could not be said to be done.
9. For all those reasons this application is refused.

Upper Tribunal Judge Peter Lane

Expert and Other evidence

Appendix 2:

AK

Written evidence

Statement of 17 May 2011

1. The appellant confirmed he was a practising Christian from a Christian family. His family ran St John's, a school in Korangi, Karachi. It had been founded in August 2003. His was the only Christian family on the street of 50 houses. His father was a retired government teacher and fully involved in the family business as was his mother, a retired nurse, his older brother who was the school principal and his older sister who was a school administrator.
2. He experienced discrimination in school, college, playgrounds, the neighbourhood, at work and on buses and trains. He was beaten up and verbally abused. He was mocked at school and not allowed to use the canteen. At High School he was called names and hit. He had to study Islamiyat - Islamic studies - which was anti-Christian in its teachings. His complaints against the teachers were ignored. His problems continued at college when he was provoked, insulted and beaten. On completing college, he worked as a part time teacher at the family school. The school was well known and respected amongst the local community. He simultaneously attended classes at the Pakistan Institute of Management Science and Technology for four years. When delivering his final year presentation, a student levelled a term of abuse at him and he was humiliated in front of the teachers and other students.
3. When teaching Dickens' *A Christmas Carol* at St John's in October 2010, his students quoted a section of the book to others at the mosques and Madrassas. The citation pertained to Jesus Christ being the saviour of the world and dying on a cross even though he was the only one never to have committed a sin. That evening a crowd gathered at the appellant's house and made threats against him. He was not present and his father called him and warned him not to come home. The appellant therefore went to his grandmother's house in another area of Karachi and his wife and son joined him there the following day. Almost two weeks later he went to a medical store but was stopped by a group of militants who accused him of insulting the Prophet Mohammed. He was hit with a stone, a belt and a metal rod and he lost consciousness. He regained

consciousness in hospital where he spent a night and received treatment. His family visited him at the hospital.

4. On leaving hospital the appellant, his wife and son went to stay with his uncle in another area of Karachi. Some two and a half weeks later he was returning there having visited a sick aunt in hospital when two militants followed him. He was however able to escape. His father then advised him to leave the city.

5. Two days later the appellant, his wife and son travelled by bus to Quetta to stay with his wife's family. He received news from his sister that SK had been attacked. His father then decided to make arrangements for him and SK to leave Pakistan for studies in the UK in the hope that the situation would calm down. Some two months later he returned to Karachi for the processing of his visa application. He met up with SK but she was angry with him. In March their visas were granted and they left the country.

6. Two or three weeks after their arrival in the UK, they managed to make contact with their father by telephone and were told that an FIR had been registered against them the day after their departure and that a further two days later the police had raided the house to arrest him on blasphemy charges. A Hindu neighbour had given him this information as he had been out at the time. His father also told him that the appellant's wife was still in Quetta with his older sister and that he had given control of his property and the school to a friend.

Statement dated 22 August 2011

7. The appellant confirmed he has three siblings and that he lived with two of them, his parents, his wife and son. His elder sister was married and lived away from them in her own household.

8. He stated that his family founded a private fee-paying school which was registered in 2003. All subjects were taught in English. Although there were other schools in the area, most parents chose to send their children to St John's as they provided a good education. He and SK were part of the teaching staff. They had control over 70% of the syllabus taught.

9. As a child he had been bullied by classmates and teachers because of his Christianity. One of the main reasons for establishing the school was to show that everyone should be treated as an equal.

10. During one lesson AK was teaching English to the students and citing passages from *A Christmas Carol* by Dickens. He describes the book as including passages from various types of text, such as novels, short stories

and informative texts. When a student asked why Jesus was regarded as the only saviour of the world, he replied this was because he had never sinned. This was queried by another student and AK explained that there was a significant difference between Jesus and the other prophets in that Jesus was created from God whereas the other prophets were sons of human beings and therefore fallible. That evening when he was out, fundamentalists and angry parents raided the family house looking for him. SK tried to protect their parents and was attacked herself. After some neighbours intervened, the perpetrators left the house. His father called and told him what had happened but he only found out the details after coming to the UK.

11. AK and his wife and son went to hide at his grandmother's house. On 2 November 2010 his son was ill so he went to the pharmacy. On his way home he was encountered by MAS whom he knew was the leader of the group that attacked his house. He was punched in the face, kicked on the legs, whipped, hit with a rod and a stone and sustained severe injuries to his left ear. He regained consciousness at a hospital but only the injuries on his forehead, shoulder and hand were recorded by the hospital staff. The injury to his ear was not mentioned because the staff was biased towards him. The next day he went to stay at his uncle's house.

12. On 19 November 2010 he went to visit his aunt who was seriously ill in hospital. On his way back he recognised members of the group who had attacked him. They were chasing him but he managed to get away from them on his bike. On 22 November 2010 he moved with his wife and son to Quetta to stay with his in-laws. His father then made arrangements for him and SK to go abroad for studies. AK remained in Quetta until the beginning of January 2011 and then returned to Karachi so he could apply for his visa. He and SK left the country on 26 March 2011

13. Upon their arrival here, the appellants made contact with Rev Isaac William whose wife they knew in Pakistan. After contacting him and telling him about their circumstances, he offered them free accommodation. He introduced them to the Yahweh Christian Fellowship.

14. Two weeks after their arrival, their parents contacted them and told them that the police had raided the house on 29 March 2011 and that MAS had lodged FIRs against them and that fatwas had also been announced. His father went to see Rev Razzaq from the Christian Community Council to ask for help. He suggested that they seek the protection of the UK and not returned to Pakistan.

15. AK stated that their school collapsed and they did not know where their parents and siblings were. He experienced problems with the

interpreter at the interview because she was a Muslim and she twisted some of the facts.

Interview on 21 June 2011

16. At his interview, the appellant said that his wife and son were in Quetta where they had been since October 2010. His parents were in the Punjab where they had been for some two and a half months. They had not been back to the family house since the raid by the police on 29 March 2011.

17. He said that a student in his class had registered an FIR against him for speaking against the prophet Mohammed. This news had been given to him by a pastor whom he had contacted for information. He described the incident in the classroom in October 2010 which led to the FIR and explained that he had entered into a discussion with his Christian, Hindu and Muslim students on the divinity of Christ and the fallibility of other prophets.

18. The appellant said that all Christians in Pakistan had disturbed social lives. He had experienced problems as a child at school. He had never had any previous problems with the authorities. He came from a Christian family. He was a Pentecostal Protestant.

19. After learning of the incident on 21 October, the appellant went to stay with his grandmother. No one knew where she lived. He stayed there for 18 days until the attack on 2 November when he was hospitalised and then moved to his uncle's. His uncle was also his brother's father-in-law. He stayed there for 2-3 weeks. He was then spotted by extremists and after he managed to escape them, he went to Quetta and stayed with his wife's relatives. He had to return to Karachi for his visa to the UK. However he could not remain in Pakistan as he would be found wherever he went. He could not live in a backward place and there was no institution in Quetta where he would be able to complete his PhD. He wanted his son to have a good education. His wife and son were safe because no one knew their faces however he would be known as he would have been seen around the school area.

20. St John's School had not been attacked because the militants were angry at him and not the school.

21. The FIR had been obtained by Rev. Razak (spelt as Razzaq elsewhere) who investigated the matter.

Undated Statement

22. This statement was prepared on an unspecified date for the present hearing.

23. The appellant states that he had strongly believed in his faith in Pakistan and had felt it was his duty to explain his religion when questioned. He came here to escape the persecution he had suffered because he was a Christian. He had not intended to claim asylum but on 29 March 2011 he was advised by his family that the family house had been raided, FIRs had been registered against him and SK and that a fatwa was also pronounced. They had stayed with Rev. Isaac William in the UK but left his house so as not to be a burden on him. The appellant was housed by NASS and dispersed to Stockton on Tees where he found his current church. It appealed to him because it focused on Evangelism and its beliefs were in line with Born Again Christians. He attended Sunday services and joined the TAB students group. He helped the church with the use of their projector and played cricket for them. He also participated in the Life Group and was taught how to evangelise. He decided he wanted to be baptised and his baptism took place after two weeks of counselling. Since his baptism he felt he received a spiritual gift.

24. In the UK he had been able to practise his faith and expand his knowledge. He had been unable to evangelise in Pakistan and so returning would not be an option for him. He had become a strong believer and tried to share his beliefs with non believers at college and at the asylum drop in community centre. He was no longer afraid to speak about his beliefs to others whereas in Pakistan he was always in fear and had to hide his beliefs. Returning would have a negative impact upon him.

Oral evidence

25. AK adopted his unsigned witness statement and confirmed the contents and his reliance on them. He described how he had formed friendships with other members of his church and spoke of a family who showed concern for him when he was ill. He said that they prayed for him, visited him, sent him Bible text messages and gave him books to show how the Spirit provided protection. They had advised him to not only pray for others but to pray for himself too. He stated that he felt unable to do that. He prayed to God for guidance but had not asked for anything for himself. He liked gospel music.

26. The appellant said that he attended Stockton on Tees Baptist Tabernacle. He went regularly for Sunday services and additionally attended Life Group meetings. Sermons were available on discs if one could not attend. He was asked why he could not worship in this way in Pakistan. He replied that there was no access to You Tube in Pakistan and

the internet was filtered. He heard about four individuals who had been arrested for having evangelical material.

27. He stated that he felt very low if he missed a church service. If he felt anxious he would speak to his Pastor and to other church goers and that always helped.

28. In cross examination the appellant stated that he thought there were around 400 members of the congregation in his church but newcomers were frequent. He had undergone a full immersion baptism there. He spoke of a Pentecost event at which two Iranians were baptised. They used to be Muslims. He did not speak to individuals from other churches but his pastor did; the aim of the church was to bring other churches together.

29. The appellant confirmed he had seen three or four mosques in Stockton on Tees but was not sure of how many there were. He said that there were ninety different cultural groups in Stockton on Tees. He did not think his pastor had a dialogue with imams in the mosques.

30. With regard to his baptism, the appellant said that he had not been baptised by full immersion in Pakistan. There, he had been blessed by holy water. He did not consider that as baptism because in the Bible Jesus had said to take full immersion baptism. He had, however, regarded himself as a Christian in Pakistan. He had attended St Andrews, a Protestant church, with his family. He was a member of the church as a child of his parents rather than as an individual member. He was advised by his parents to avoid all arguments about religion. He had never heard a sermon that gave encouragement to evangelising in public. He was aware of the Great Commission of Evangelical Churches but even they did not suggest one spoke about religion to Muslims. When asked whether he had preached to non Christians in the UK, the appellant said he had faced problems with Muslim members of his cricket team because of his Christianity and as a result no longer played with them. He had played two matches for the church. He had also played in Pakistan but did not like the fact that he had been dropped down in the order of play. After that, he formed a team with his brother, cousins and friends.

31. The appellant said that he had only visited other churches in Pakistan via his school. Visits would be made to participate in other programmes held at churches frequented by the students. That led to the formation of social relationships. He was unable to recall the denominations of the other churches. A family friend was a Roman Catholic but he had had arguments with Catholics. His brother had been christened into the Church of Pakistan like he had. His (the appellant's) wife was also a Christian. He appeared unsure as to which church she had attended but then said that as their wedding bans had been announced in St Andrews,

she and her parents must have attended the same church as he did. She was currently living in Karachi with her father and brother. He was in contact with her but they only spoke about the Bible and psalms and he did not ask whether she still attended church.

32. The appellant said that whilst in Pakistan he had never spoken to any pastors from Evangelical churches in the UK. He had not known of any visiting pastors from the UK. He spoke of the perception that Christians had the power to heal. He said that there had been a visit by a Kenyan pastor but he had not attended St Andrews. When referred to his statement in which he claimed to have met a pastor from a UK church, the appellant said that he had meant Pastor Isaac William. He had been a Pakistani national but was now British. He had not attended any of Pastor William's sermons and had not met him but he had met his wife. His in-laws knew him. He (the appellant) had attended meetings that the pastor had arranged. These were talks about Jesus.

33. The appellant described an incident where a neighbour who had taken a Masters degree in Islamic studies became disillusioned with Islam and had asked the appellant's family for a Bible. They had been afraid to give it to him but eventually did so after reassuring themselves that he would not divulge the information to anyone else.

34. The appellant said that his parents were in Karachi in the Bishop's house. He spoke to them. However he did not know where they were. He did not ask such questions as telephone calls may be censored. His parents had left home after the raid on their house. They owned the property which was still there.

35. The appellant confirmed that he had lived with Rev. William when he came to the UK. He confirmed that the Reverend had known he was coming here. His parents had made all the arrangements. He came with his sister as students. He had not considered whether the Reverend would support them. He said that the main aim was to get here and then the fatwa was announced so there was no time to think about education. He was not aware of all the details of the travel plans.

36. The appellant was shown a copy of a letter from Rev. William dated 9 June 2011 with the letterhead of the Great Commission Outreach for Christ. The appellant was asked why the letter confirmed that he was well known to the author. The appellant said the Reverend meant that he had heard about him from his in-laws whom he knew well. He and the appellant then met in the UK. When asked about his claim that the Reverend had helped him to claim asylum, the appellant stated that God had helped him. He said that they had decided to come here to study and had hoped that the situation would calm down after a while but it grew

worse after the issue of the FIR and the fatwa. The appellant was asked why the Reverend had not attended as a witness. He replied that he had had some problems with the Reverend's son and daughters who had considered him to be a burden and he no longer knew the Reverend's whereabouts.

37. The appellant said that when he arrived in Stockton on Tees, he looked for a place to study and then for a church. He compared the way he was treated in college here to the way in which he was treated in Pakistan where, he said, he had been beaten by his teacher in Class 9 when he was aged 14. He confirmed that he had attended University in Pakistan but when he suffered verbal abuse he took coaching lessons. He had a degree in computer programming.

38. In response to questions from the bench, the appellant said that the family school was now governed by others. He did not know if his parents owned it. He suggested that enquiries be made on its website. He had not looked himself. He said that he had left his wife and son in Quetta. However they had returned to Karachi as it was better there than in Quetta. His son was born in 2007 and attended school. The appellant was asked about his parents. He confirmed they had been living in Karachi in accommodation provided by the Bishop since they left home. When asked why he had claimed at his asylum interview that they were living in the Punjab, he was at first puzzled and could not recall having said that. He then said that his information was not correct and had been obtained from Reverend William who had been trying to calm them down. He also blamed his poor knowledge of English at the time of the interview.

39. With regard to his activities in Pakistan, he said that he had attended church with his family on Sundays and had read the Bible. He was asked to explain why a letter from his friend Nigel described him as an active Evangelical in Pakistan when he now claimed that he was unable to evangelise there. The appellant said that he did not speak out openly in Pakistan. Perhaps his friend had made this statement because of his activities here. When asked whether he had been interested in persuading others to follow his faith, the appellant replied that he did not want to tell others to do things his way. His interest was in following the path himself. When asked whether he had known anyone who was forced to convert to Islam, he referred, after some thought, to a cricketer whom he had heard had been pressured and to a friend who had converted but that might have been because of whom he wanted to marry.

40. The appellant was asked whether he had ever discussed his faith with his housemates in the UK. He replied that he always let others start the conversation. He talked about one Iraqi housemate who claimed to be Christian but the appellant did not believe him as he did not know his

Bible. At first this man was hostile and the appellant suspected he was putting something in the milk or flour but gradually through helping him and being good to him, he had changed for the better. He had started to pray and had hope for the future. He also assisted in the church kitchen. The appellant confirmed he had not made attempts to convert him but had shown him how to be a good person.

Appendix 3:

SK

Written evidence

Screening interview of 10 June 2011

1. The appellant stated she was unemployed and that she had left Pakistan "to relocate from the suffering and religious persecution from the villages". She said she "was being forced to convert to Islam and then marry". When asked whether she was wanted by any law enforcement authority in any country, she replied in the negative.

Statement of 17 June 2011

2. The statement is prepared in identical terms in some parts to that given by AK.

3. The appellant gave details of her parents and siblings; she was the youngest child. She gave details of her education and confirmed she had obtained a diploma in IT and a BSc in Optometry.

4. Her family owned a school founded in August 2003. it was in a Muslim community surrounded by mosques and Madrassas organised and sponsored by extremists. Children in the Madrassas were trained to fight against Christian minorities, schools, churches and missionary organisations. The situation was not so bad for Christians until September 2001 after which persecution against them had increased. Christians had, however, always faced discrimination in schools, colleges, playgrounds, neighbourhoods, work, trains and buses. The appellant became a full time teacher at St John's after her graduation and was well known in the local community.

5. She described the incident at the school during her brother's class in October 2010 when he had claimed that all humans and prophets except for Jesus had sinned and consequently upset his Muslim students. That evening when he was out, a group of men and women came to the house. They were parents of some of the students and also religious leaders from a local mosque. They verbally abused the family and demanded to know AK's whereabouts. They slapped SK's parents. SK tried to intervene. At that stage one man told her she should convert to Islam if she wanted to continue living in Pakistan. They were warned to stop teaching Christianity. Neighbours gathered round and said that they had known the appellant's parents for a long time and knew that

they would dishonour any religion. The group then left. AK was called and told not to come home. SK remained at home.

6. On 7 November SK went out shopping. On her way, she was stopped by four men from the Sipah-i-Sahaba. One of them, MAS, had a pair of scissors and cut a few inches off her hair. He showed her a bottle of acid and a razor and said that if she refused to marry him, he would shave her head and burn her face. They hit her, made her say she believed in God and his last Prophet and blew in her face. One man took off the cross she was wearing. Her mother and sister-in-law then appeared and the men ran away. She was taken to the hospital. That evening after she had left the hospital, the appellant went by taxi with her father to her aunt's house a half hour away.

7. On 24 November 2010 SK went to visit her cousin who lived near by. On her way five men approached her on three motor bikes. MAS was amongst them and tried to force her onto his bike by pulling her hair and arms. He told her he was going to marry her, he hit her and sprayed something in her face. He showed her a razor and bottle of acid. People gathered around. A group of Christian Scouts happened to be passing by, stopped and intervened. The men then "ran away". The appellant was taken to the hospital and her parents came to see her. She stayed there overnight and then returned to her aunt's house. She then took an overdose of pills but told her aunt and was made to throw up. Her parents then made arrangements through a priest to relocate her outside Karachi.

8. On 10 December SK went to live with a Christian social worker called Emmanuel Nawab. When he heard some people had visited the village, he grew afraid that his house would be attacked and made arrangements for her to go to a village in Sialkot. She stayed there from 30 December to 10 January and then returned to Karachi for her visa. She was told by her father that she and her brother were being searched for and that the situation at the school was bad as children were not attending.

9. Since her arrival SK has had contact with her parents on a number of occasions and has been told that the extremists are continually searching for them at the houses of their relatives and in churches. Her parents left the family house and were in hiding in various places. She was told that an FIR complaint was lodged on 27 March 2011 by MAS and that the police raided the family house on 29 March. On 3 April 2011, her father went to see Rev. Razzaq Innayat and asked him to investigate the matter at the police station. The Reverend then told SK's father that she and AK had been accused of blasphemy. The school had closed.

10. The attack on the family on 21 October 2010 had been reported to the police but the authorities were unhelpful.

Statement of 22 August 2011

11. In this statement the appellant maintained that education was a high priority within her family and they wanted to provide children of every faith with the good education. On that basis the family founded St John's grammar high school in 2001, with registration being completed in 2003. The whole family was involved in running the school and they lived next to it. She and AK were involved in the teaching, she was employed full time and her brother on a part-time basis.

12. In the evening of the 21 October 2010, a hostile group of people consisting of about twenty men and six women gathered outside their home. When her father opened the door, she recognised the majority as belonging to the local mosque who were members of the Sipah-i-Sahaba whilst the others were parents of some of their students. They were looking for AK and searched all the rooms. They slapped her parents and when she intervened to shield them, they started to hit her and punch her. They said that she would have to convert to Islam and the leader of the group, MAS, would marry her. They accused AK of blasphemy. Some of the neighbours then arrived and calmed the group down. They then left. Her father contacted AK on his mobile phone and warned him to stay away. He went to stay with their grandmother. She remained at home.

13. On 7 November 2011 she went out shopping. Having gone just a short way she was attacked by MAS and three of his men. They cut 4 inches off her hair and she was given a sheet of paper containing a conversion statement which they wanted her to read. They slapped and punched her. She was shown a bottle of acid. Suddenly her mother and sister in law came running down the street and the group ran away. She was taken to the hospital. From there she went to stay with her aunt.

14. A few weeks later she decided she needed to go out to get some fresh air and started walking to her cousin's house. But within minutes three motorbikes drove towards her. The driver of one of them was MAS. He tried to drag her on his bike by pulling her hair and arms. He said he was going to marry her. He sprayed something in her eyes and showed her a small bottle of acid as well as a sharp razor. She screamed and a group of Christian scouts who happened to be passing by came to her rescue. She was taken to hospital and the next day returned to her aunt's house.

15. On 10 December 2012 her parents, with the help of a local pastor called Justin Bhatti, made arrangements for her to go and live with Emmanuel Nawab, a Christian social worker. She spent most of her time indoors. On 30 December 2012 she went to stay in another village where she remained until 10th of January 2011. She then returned to Karachi to make arrangements for her visa and stayed with Elder Jawaid Samad Khan until 25th of March 2011. She was reunited with her brother at the airport when they left the country.

16. Two weeks after their arrival here their parents told them that their houses been raided on 29 March and that MAS had lodged an FIR against the two of them.

17. They had been provided with accommodation by Rev. Isaac William since their arrival here. They had met his wife a few times in Pakistan. They recalled he lived in the UK and after their arrival here they called him and asked for his help.

Asylum interview of 21 June 2011

18. SK confirmed her reliance on the above statement prepared by her solicitors. She said that her parents a sister and a brother remained there and were living in the Punjab. They spoke on the telephone but "*are usually crying about the situation*" so she did not know the details of their whereabouts. She and her brother were living in the UK with Rev. Isaac William whom she had known from Pakistan and who was with the Great Commission Evangelical Church. He had been told by Pastor Bhatti in Pakistan that they would be coming here. Her father had funded their trip. She was going to study for a diploma in Business and management at a college in Edgware. Her brother intended to study at the same college. They had no intention of claiming asylum at that stage but two weeks after their arrival they were informed by their father of the blasphemy accusations against them. The accusations were made by the Sipah-i-Sahaba.

19. SK said that AK had taught English at the family school, St Thomas Grammar High School. Her father owned the school which was registered in August 2003 but had been a primary school since 2001. Her brother had been teaching "*Chapter Christmas Carol*" on 21 October 2010. She did not know if he had been teaching from a particular book. There had never been any problems previously. That evening about twenty people including six women came to their house, grabbed her father by the collar, slapped her mother, tore their Christian calendar, broke a photograph of Jesus, broke a cross and pulled her hair. The incident lasted about 15-20 minutes. Only she and her parents were at home although normally both her brothers, their wives and sons also lived

there. An attempt was made to report the incident to the police the following morning but they did not register an FIR.

20. On 7 November 2010, SK went to the shops but on her way she was stopped by four boys on bikes. One of them was MAS who demanded that she marry him. They cut her hair, hit her, showed her razor blades and acid and threatened to shave off her eyebrows and hair. A Hindu neighbour saw the incident and called SK's mother and sister-in-law. As soon as they arrived, the boys fled. She was taken to the hospital where she stayed an hour. She then returned home.

21. SK then said that she had gone from the hospital to her aunt's house. Her father had sent her there in a taxi.

22. On 24 November she went to visit her cousin but was stopped by five men on motor bikes, including MAS. He had a paper with him which he wanted her to sign. He slapped and punched her and sprayed an irritant in her eyes. She screamed and a passing group of Christians came to her aid. The leader argued with the men and they left. He took her to the hospital where she spent the night. The next day her father took her back to her aunt's.

23. Whilst at her aunt's house, SK took 4 or 5 blood pressure tablets and felt drowsy. Her aunt found her and gave her something to drink. She stayed a month with her aunt. On 9 December her father took her to Sialkot. She stayed there with Emmanuel Nawab and then on 30 December she went to stay with Rev. Pervaiz in a village and on 12 January 2011, returned to Karachi where she remained with Elder Jawaid Samand Khan until her departure on 25 March.

24. Two weeks after her arrival here, her father told her an FIR had been registered. He had a copy.

25. Since her arrival she had been attending the Yahweh Christian Fellowship in Tooting. Her pastor was Rev. Noel and she attended every Sunday, Tuesday and Wednesday.

26. She feared she would be forced to marry and convert to Islam on return. Her mother had told her the family had scattered and that the school had closed down.

27. In a letter dated 29 June 2011, amending answers the appellant gave at her interview, her representatives stated that the name of the family school was St John's and not St Thomas, that her brother had been teaching Charles Dickens' novel *A Christmas Carol* to his class, that the people who came to her house on 21 October were parents of the

students, people from the local mosque and members of the Sipah-i-Sahaba, that she had not provided all the details of what had happened that night, that her father had gone to Korangi police station to report the incident and that pressure was put on her to sign a marriage certificate when she was attacked. It was also said that MAS was not the leader of the Sipah-i-Sahaba but of the group that attacked her. She had confused the dates she spent with her aunt; she had been with her from 9 November until 9 December. She had not been attacked in Sialkot or Buttar Village because she did not go out of the house.

Undated Statement

28. This statement, although undated, was prepared for the present appeal hearing.

29. SK confirms that she was brought up in a Christian family and learnt Christian values and education from a young age. The family were members of St Andrew's Church. She recalled attending Sunday School, participating in Christian dramas, debates and speeches, taking part in a youth group and being a member of a choir. She attended Bible class with her father and learnt the scriptures, psalms and proverbs. She also visited other churches.

30. Whilst studying optometry, SK helped out with religious classes for the Christian students at the family school. She also helped with English classes. She would tell them stories from the Old and the New Testament and from the Bible and they would perform the stories as a group.

31. SK and AK came to the UK due to the persecution they suffered because of their faith. They came here to study in the hope that the situation would calm down but on 29 March their father informed them of the raid on their house by the police and of the registration of an FIR against them on blasphemy charges and the pronouncement of a fatwa. Subsequently, they claimed asylum.

32. They stayed here with Rev. Isaac William and attended the Yahweh Christian Fellowship where they met Pastor Noel. He subsequently met their parents in Pakistan when he visited there on a mission.

33. SK had also been attending Norwood Church and in April 2011 gave testimony in Church about her past sufferings.

34. After AK left Rev. William's home, she too did not want to stay and be a burden on him. She was introduced to Golding's Church in Loughton by a Pakistani Christian missionary and Pastor Jeremy Sandy

offered to support her and provide her with accommodation. She became involved with that church, assisting Sunday school teachers with children, helping to clean the church, participating with house group meetings, prayer meetings, Bible classes, theological courses and Christian Women's Conferences. She also took part in street evangelism which she enjoyed the most. She would be unable to practise her faith in Pakistan. She no longer felt fearful of being attacked, imprisoned, forced to convert or to marry. She had discovered a talent of working with children. She would have been unable to develop in Pakistan due to the fatwa. She could not change her name as then she would be unable to use her qualification. She would always be at risk as a lone woman. If she was with her family, they would be at risk. She had strengthened her faith since arriving here and wished to share it with others.

Oral evidence

35. The second appellant adopted her witness statement and confirmed reliance on its contents. She said as a Christian woman, she would be tortured until she converted to Islam. She said she could pray here freely and peacefully; that was not possible in Pakistan. When asked whether she would cover her head in Pakistan, she questioned why, as a Christian, she should have to.

36. In re-examination she stated that she had never covered her head whilst in Pakistan. She had attended St Andrews Church on Sundays. She was in contact with her parents but not often as they were in hiding. She did not know where they were, not even which city they lived in, but the Bishop was taking care of them. She was infrequently in touch with her older brother as it was not safe. She did not know where he was. AK's wife was with her own parents but she did not know where. They did not speak although AK did have contact with her.

37. The appellant was asked whether she spoke to others outside her church about her faith. She replied that she did not as they were not born again Christians. She said there was no need to speak to those within the church. She then said she did speak to people outside the church as she wanted to share Jesus with them. She did this on Fridays when she went out to the High Street with the church and informally whenever prompted by the Holy Spirit. She confirmed that her pastor was involved in many ministries, including the prison service. He also spoke with individuals of other faiths. She was not linked to an Evangelical church in Pakistan and nor were her parents. The Commission for the Outreach of Christ had a link with Pakistan; they had gone there for a programme. She did not attend any Evangelical meetings. When asked whether she had attended any meetings held by Evangelical priests, she replied that Rev. William had held one but it

was attended by Christians only. She had personally met the Reverend in Pakistan and had stayed with him when she came here. He had helped by providing accommodation. She had stayed with him until October 2011; her brother left the house in August 2011. The Reverend was in Tooting, still living in the same house.

38. The appellant said that her first church in the UK was the Yahweh Fellowship after which she had been to Norwood. She could not recall the name of the church and said she had only been there once. She had never visited her brother's church. Her current church was Golding's. It was Evangelical. She had not discussed the religious backgrounds of other church goers. She did not like to preach in church as that was the job of her pastor. She thought all those at her church had always been Christians but they were Born Again. She confirmed there were such churches in Pakistan and she had met Born Again Christians there. There were some in the St Andrew's congregation. There were churches of all denominations in Karachi.

39. The appellant said she had attended a Muslim school where she matriculated at 15. She then went to a Muslim college after which she studied optometry at University and obtained a qualification. During her education, she had faced the problem of other students not wanting to drink from her glass.

40. She said that her father had been teaching at the family school prior to her birth. It was a Muslim school. When asked what she meant, she said that all schools were Muslim. Islamic studies were compulsory. When asked whether there were Catholic schools, she replied there were but students still had to study Islam. The Bishop had told her that he was taking care of their matters. They spoke very often and he provided news about her house and her parents.

41. The appellant said that she would be delighted to become a pastor if it was God's will. She would have to study theology. She had only undertaken a child care course. She had planned to study Business Management here. They had called Rev. William prior to their arrival and the plan had been to stay with him until they found work. They had not intended to claim asylum. She was living with a church family and was supported by Golding's Church. She could not return as the militants would torture her until she converted to Islam and married a Muslim man. However if she were able to safely return, then she would resume worshipping at St Andrew's.

42. She confirmed that she knew there were Born Again Christians at St Andrew's as she had spoken to them. Additionally, her father was a Born Again Christian. However she could not return because she

wanted to share her faith with Muslims rather than evangelising within the church. She did not know of any church members who evangelised outside the church; she was sure if they had, they would have been killed.

43. In reply to our questions, the appellant said that she had been 23 years old when she came here. She said she believed she would be forced to convert and to marry a Christian because she had been targeted and threatened with that before her departure. When asked whether there had ever been any previous such incidents, she replied that once a friend had asked her why she did not convert and gave her a "hard time". Her older sister had not experienced any such problems. However, they had all suffered discrimination.

44. The appellant said that it was unsafe to speak to her family because they were in hiding and she was afraid the militants would catch them through the telephone network. She was asked why she had never made any reference to problems in practising her faith in Pakistan until now; she said she had, in her first statement.

45. She had only attended the first week of her course here. She then received news of the raid on their home. Her father had called and told them of this on the telephone. He had to do that because of the risk to their lives. She was asked about the reference to "attending church" in Norwood in her statement. She said she had been just once. She had received the documents for her asylum application by Fed Ex. Her family spoke to Rev. Razzaq and he obtained them for her.

Appendix 4:

Zimran Samuel

Written evidence

Report dated 24 April 2014

1. Mr Samuel sets out an overview of the legal framework within Pakistan. This covers legislation, the Constitution, the penal code, relevant international treaties and Shari'a law. He sets out the seven questions that he has been asked to address:

1. How widespread are false allegations of blasphemy made against Evangelical Christians
2. How does the situation compare with previous years
3. If there has been a discernible increase, what are the factors that have led to this
4. How widespread is the risk of forced conversion to the appellants as Evangelical Christians
5. To what extent, if any, are societal prejudices or chauvinism reflected by state agencies or agents
6. To what extent do Christian women and evangelical Christian women and girls face gender specific attacks, mistreatment or hostility from society and state agencies or agents
7. To what extent can such women avail themselves of State protection.

2. Before addressing each question in turn, Mr Samuel observes that it is not unheard of for a book such as *A Christmas Carol* by Charles Dickens to be read in schools in Pakistan. He points out that Pakistan has a colonial history and the missionary influence and that many of Pakistan's schools including some of those which are the most well-known, have Christian origins and founders and that schools may use literature with references to Christianity.

3. Whilst making no comment on whether the claims of the appellants are true or not, Mr Samuel notes that for someone who has been accused of blasphemy, always perceived to have been accused, repeat violence is highly likely.

4. There are many denominations and traditions of Christianity within Pakistan and evangelical Christians are not taught to face a greater risk generally than other Christian groups such as the Church of England or the Catholic Church. Attacks and accusations tend to be sporadic and more often than not are related to the political climate or a property or land dispute than to a particular form of worship or tradition of Christianity. There are however cases where there has been an accusation because of a particular expression of

faith. Given that evangelical Christians are typically charismatic in their form of worship and have an emphasis on preaching, this would, on the face of it, make them more vulnerable to attacks and accusations from extremists. There is however no pattern or logic to the accusations and there are many thriving Evangelical churches which have been operating in Pakistan for decades and have never had an accusation of blasphemy against their members one of these is the Calvary charismatic church in Karachi which was established in the 1980s.

5. There have been times when accusations of blasphemy and the situation for Christians has been worse than usual. For example, during the initial invasion of Iraq by coalition forces in 2003 there were many attacks against Christian churches because of the perception of the war as a crusade by the West.

6. When the Pakistan People's party was in power, leading figures in the government spoke out openly against the misuse of the blasphemy law which led to those figures being threatened or killed. Examples are given of Sherry Rehman, Pakistan's ambassador to the US, who in 2010 attempted to amend the blasphemy law by lodging a Private members Bill seeking to abolish the death penalty and replace it with a 10 year prison term but was made to withdraw the bill from Parliament upon directions from the Prime Minister, and of the Governor of Punjab, Salman Taseer, who in January 2011 was assassinated by his bodyguard, Malik Qadri, due to his support for reform of the law. Qadri was treated as a hero by many members of the public and following his conviction of murder and terrorism, there have been rallies demanding his release and the judge who pronounced the death sentence has had to flee the country. In March 2011 the minorities minister, Shahbaz Bhatti, the cabinet's only Christian minister, was shot dead by gunmen in Islamabad. His death was strongly linked to his opposition to the blasphemy law and his campaign for its reform. The Tehrik-i-Taliban, an Islamist military group, claimed responsibility for his killing. In 2012 a young Christian girl called Rimsha Masih was arrested on blasphemy charges. After some weeks in prison, she was released and fled to Canada with her family.

7. Under the PPP government there were some attempts to protect Christians both through political means and through the court process where they had been subjected to false accusations. Following high-profile cases and assassinations, Pakistan has, in recent years, come under widespread condemnation from international human rights groups for its rigid implementation of the blasphemy laws and the manner in which these laws are regularly misused against members of minority groups. On 20 May 2010, the European Parliament passed a resolution on religious freedom in Pakistan raising concern as to the lack of change to the blasphemy laws and stating that they were misused by extremist groups and those wishing to settle personal scores and had led to an increase of violence against members of religious minorities. It urged the government to carry out a review of the laws and their

current application as well as of section 295C of the penal code which prescribed a mandatory death penalty for anyone found guilty of blasphemy. Concerns were also raised for the safety of lawyers and human rights activists who experienced death threats and harassment.

8. With the recent change of government to the Pakistan Muslim league (Nawaz), led by Prime Minister Nawaz Sharif, the misuse of the blasphemy laws has not been a priority. The government is more conservative than traditional than the PPP. However the Prime Minister has spoken of the importance of minority rights in Pakistan stating that the term minority should not be used as it gave a negative impression. Mr Samuel, however, expresses scepticism of the extent to which the Prime Minister would protect minorities or effect substantive change. When he was first elected prime minister in 1991 he refused to appeal the decision of the Federal Shariat court which had ruled that the penalty for blasphemy should be death rather than imprisonment. He was in government as the chief minister of Punjab when the blasphemy laws in their current form will put in place under the military rule of General Zia Ul Haq in the 1980s. Also under his premiership in 1997, a Christian village was burnt down and no one was prosecuted for the crime.

9. Over the last year that Nawaz Sharif has been in power, Mr Samuel is of the view that accusations of blasphemy against Christians have increased. He gives for examples of cases brought before the courts in the last few months; a British man jailed for posing as a Muslim in November 2013, a British man sentenced to death for blasphemy in January 2014, a Pakistani Christian man sentenced to death for blasphemy in March 2014 and a Pakistani Christian couple sentenced to death for blasphemy in April 2014.

10. With regard to force conversion, Mr Samuel reports that such cases predominantly emanate from the provinces of the Punjab and Sindh. They typically involve Christian and Hindu girls from poor social and economic backgrounds were targeted because of their lower status in society and for sexual violence rather than because of any particular expression of their faith. There have been instances where Christians are put under pressure to convert because of the strong outward expression of their faith or following an accusation of blasphemy. Abducted girls are usually between the ages of 12 and 25 and following conversion to Islam are married to the abductor or a third party. The numbers are not accurately known as not all cases are reported. Hindu women belonging to the lower castes are the most honourable and considered sexually available. In some areas of Sindh, Muslims are exhorted during Friday prayers to convert Hindu women to Islam by marriage. Parliamentarian Saleem Khokhar publicly spoke against forced conversions in his province of Sindh and subsequently received threats to his life.

11. Christians are routinely discriminated against by society and the state in matters such as ownership of land and property, employment, civil liberties, their treatment before the courts and their representation within politics at a local and federal level. Prejudice begins at school where there is evidence that school textbooks teach that members of religious minorities are enemies of Islam or are inferior. When looking at agencies involved in the administration of justice, in the vast majority of cases agencies are either unwilling or unable to offer adequate protection to minorities. The case of the Emanuel Brothers accused in July 2010 of publishing a blasphemous pamphlet critical of the Prophet Mohammed is cited. There were several breaches of procedure in how their case was addressed and when public protest escalated into riots, the police response was slow. Eventually when leaving the magistrates court in Faisalabad later that month the brothers were shot dead.

12. In August 2009 eight Christians were burnt alive and a church and many houses were set alight by a mob in the Punjab after rumours that a copy of the Quran had been desecrated. In a subsequent fact-finding mission report, the Independent human rights commission of Pakistan concluded that the attacks were premeditated and that local officials had been aware of the threat but had failed to prevent the violence.

13. In December 2008 two Christians were arrested and charged under the provisions of the penal code pertaining to contamination of the Quran. Following investigations, the case against them was dropped however they were rearrested under a different charge and it is rumoured that the police gave in to pressure from extremists to discover new evidence. Both were convicted and sentenced to prison.

14. Mr Samuel points out that where there is a dispute over land, religion can be easily brought into it and can result in an accusation of blasphemy. Such accusations were also used as a means of intimidation and harassment or to exact revenge or settle personal or business disputes.

15. As mentioned earlier, there were cases where Christian women and girls were abducted for sexual gratification rather than for the purposes of being converted, by men who saw them as easy targets and more sexually available than Muslim women. As they worked as cleaners and cooks in households, they were particularly vulnerable to abuse. Question women, like women of other minorities, were at risk of threats of sexual violence and hostility. They were often put under pressure to marry their accusers and convert to Islam.

16. The case of Asia Bibi, a Christian from the Punjab, who was convicted of blasphemy in Lahore in 2010, is cited. She was accused of making derogatory remarks against Muslims and the Prophet. There is also a report of nine Christian trainee nurses who fell ill in August 2012. It is reported that their tea was poisoned.

17. Mr Samuel reports that there is no systematic or proper mechanism for the protection of women targeted for conversion or abduction. There were few adequate safe houses or shelters for women to take refuge whilst accusations are resolved. Law enforcement authorities were generally reluctant to register or investigate allegations of forced conversions. In September 2012 panel constituted by the National Assembly recommended legislating on forced religious conversions in November 2011 the National Assembly passed the prevention of anti-women practices (criminal Law Amendment act) 2011 which rendered forced marriages a criminal offence punishable by imprisonment for up to 10 years. The change in law seems to have made little difference to the culture of discrimination against women. In cases involving forced conversions, there is evidence that courts came under public pressure in the form of courtrooms packed with slogan chanting crowds. Girls who are recovered from their captors are taken to court to verify that they have converted of their own free will but the courtrooms are packed full of people and judges and lawyers acting in such cases come under public pressure.

18. Many of those accused of blasphemy are often subjected to vigilante violence by their own communities. A 2010 report by the National commission for Justice and peace reports that many of the people alleged to have committed offences have been killed extra judicially. Judges presiding over blasphemy cases and lawyers defending those facing blasphemy charges are also at risk. There is a requirement that a senior police officer investigated blasphemy charge prior to the lodging of a complaint however this is not uniformly enforced and bail is usually denied.

19. Relocation often means that the threats and risk associated with the accusation travel with the accused. State authorities up more often than not unwilling or unable to offer adequate protection and there is little prospect of matters improving in the foreseeable future.

Oral evidence

20. Mr Samuel confirmed the truth of his report. He added that he had recently been given the position of a guest lecturer in the Department of Law and Religion at the School of Oriental and African Studies.

21. He confirmed that Islamic Studies is compulsory in Pakistani schools whether private or state but he did not know the exact make up of the syllabus. He was not aware whether non Muslims could opt out of such studies.

22. Speaking of the political climate between 2013 and the present time, he said that there had been changes since the elections and the appointment of the new government. Without wishing to generalise, he was of the view that

the current government led by Nawaz Sharif was more conservative and religious than the last. He referred to incidents where several people had spoken out against the blasphemy laws but they had been killed or had to flee. The current Prime Minister had been part of the government which had brought in the blasphemy laws. When he subsequently became Prime Minister for the first time in 1991, Christians had had a difficult time. There had been an increase in attacks and little had been done to help them. He said that since the incidents cited in his report there had been more high profile cases. He referred to an incident at the Supreme Court in Islamabad in May 2014 where Rashid Rehman, a lawyer defending someone accused of blasphemy, was shot dead in his office in Multan. When his legal colleagues protested, all sixty eight were arrested for blasphemy. He did not have any information on what happened since. Nor did he know whether the accused had been a Christian. He was not certain there was a link between the trial and his death but his colleagues suspected there was and they had been arrested on suspicion of blasphemy. This had been reported in the press.

23. Mr Samuel explained that the priority of the government was to deal with terrorism.

24. With regard to society's treatment of Christians, he said that children were taught in school that Christians were inferior. This could be by the teacher or in text books for Islamic studies. Hindus were also treated as inferior. A common insult was to call them sweepers. Generally, they were poor and of a lower caste. He agreed that there was no caste system in Pakistan and he was referring to Christians who undertook menial work. He said they were perceived as undertaking domestic or household work. Even if they were professional lawyers or teachers, the term of sweeper was used as a form of abuse. There was a reluctance on the part of the government to intervene. Christians had a difficult prior during the war with Iraq as that was described in terms of a crusade.

25. Mr Samuel was asked whether the increase in fundamentalism had impacted upon Christians. He replied that was outside his expertise. He was asked to comment on state interference with telephone and internet monitoring. He stated that too was outside his expertise however he was aware that You Tube was banned in Pakistan and in 2007 when there was an "Everyone Draw Mohammed Day", Facebook had been temporarily suspended.

26. Mr Samuel was asked whether it was possible for Evangelical Christians to express their faith in Pakistan. He replied that it was. He stated that Pakistan had many churches of different denominations and a colonial history. Churches existed from that period and were thriving. Church goers could express themselves within their churches especially within the Church of England which was also the Church of Pakistan. Evangelicals who liked to

express themselves in a more vibrant way were not stopped from doing so but generally that took place within the church. There had been rallies but they were rare and needed security. If by Evangelical action one meant praying, singing and teaching, that was thriving and there had been no clampdown. However if one meant trying to convert a Muslim, that was not done. Evangelists were free to express themselves within churches, such as the Calvary Charismatic Church, but not out on the streets. Preaching in public in that way would be unsafe; it would quickly lead to the formation of a mob or the gathering of a crowd and would be seen as an affront to Islam. Mr Samuel stated that the Calvary Church was in Karachi but it mirrored what he had seen in Lahore and Islamabad. Some were run by wealthy Christians or foreign Evangelists. They were given private buildings and new members were joining all the time. They could sing and pray as loudly as they wished. The Calvary Church had been started by a Korean pastor in the 1980s. More traditional churches also existed. There was a massive variation. There had been rallies organised by Evangelist churches in the US.

27. Mr Samuel was asked about less bold attempts to share the faith. He replied that he had been to Pakistan several times and had spoken to individuals of several denominations. He stated they were allowed to express themselves to some extent. Although it could lead to uncomfortable situations, such discussions did take place.

28. Mr Samuel was asked to comment on the discrimination the appellants said they had been subjected to. He said he could not comment on their personal experiences but he could say that people learned to live with discrimination from school age. They did not protest as they were afraid of being accused of blasphemy.

29. Mr Samuel was asked to expand on the level of difficulty that would be faced in Christians wishing to express their faith. He replied that Pakistan was an extremely large and highly populated country. He stated that Islamabad was a tolerant city with Christians working in large organisations, international organisations and in politics at the federal level. If Christians wanted to speak out, then Islamabad was a more tolerant place to do so and to live and work. In rural areas many Christians depended upon Muslims for their work so they would not raise complaints. In Karachi, the political climate was variable. It would not be so easy to express themselves as in Islamabad. The Christians and Ahmadis he had spoken to in Islamabad and Lahore allowed him to use their names in his reports but those elsewhere did not agree. Those that relocated following blasphemy accusations would find that the threats travelled with them. This was where the accusations had gone into the public domain, i.e. in the media or the news. If a picture appeared in the news then groups could pass on information as to where they believed the individual(s) had moved to. This usually applied to more high profile people but where those with a lower profile had fled their homes, they would not be

able to move their families and so those relatives may face problems. In some high profile cases, the security forces themselves carried out killings. Relocation would be possible if an accused could move their entire family. They might have to change their name.

30. Mr Samuel stated that there were seats reserved for minorities at central level. Christians had their own small political parties but normally tried to form alliances with larger parties. Christians were also represented at the local level and seats were reserved for them in the Provincial Assembly. The Member of the Provincial Assembly for Baluchistan, a Christian, was however recently killed. There had been a Ministry of National Harmony set up by the previous government to encourage inter faith dialogue but that had been dissolved by the current government. Nevertheless, there was dialogue in some areas. He was not aware of Christian television channels.

31. With regard to outward symbols of Christianity, Mr Samuel stated that crosses could be worn. This would cause no problem in Islamabad. It might cause some discomfort in Karachi depending on who and where one was.

32. Mr Samuel stated that the situation for Ahmadis was far worse than for Christians. Christians could openly call themselves Christians. Very few Ahmadis would speak to him and they would not disclose their names. They were not permitted to call themselves Muslims. They had no infrastructure such as Christians had, in the form of leaders, hospitals and schools. The Jews were also worse off due to ill feeling about Israel.

33. It was true to say that generally middle class, educated Christians experienced fewer problems than their poorer counterparts but no one was completely safe not even if they were well connected. Generally speaking however, they could escape the problems that other Christians might have. With regard to single Christian women, family support would not support them if they were accused of blasphemy. It all depended on who the accuser was. He gave an example of a widowed Christian who was put under pressure to convert to Islam after the death of her husband. She was a teacher and had family support.

34. Christian literature was available. The Bible could be obtained in Urdu and in English. There was also literature available with Christian themes. Some well known schools where children from wealthy families were educated had Christian origins. There was more systematic discrimination in the more conservative areas like Peshawar; not so in Lahore and other cities. It was difficult to generalise about Pakistan because it was such a varied country.

35. With regard to the wearing of the veil, Mr Samuel said that many Muslim women did not wear the veil. However if one visited a religious place, then it

was the norm to cover one's head as indeed Christians did in church. He had not seen many women who wore the full veil. There was more flexibility than say, in Afghanistan.

36. Mr Samuel gave examples of discrimination he had come across. These ranged from difficulties in obtaining work or promotion to having to sit on the floor rather than on seats in some schools.

Appendix 5:

Asma Jahangir

Written evidence

Legal Opinion

1. Ms Jahangir sets out the questions that she had been asked to address in her legal opinion. These are:

1. How widespread are false allegations of blasphemy made against evangelical Christians
2. How does this situation compare with previous years
3. If there has been a discernible increase what are the factors that have led to this
4. how widespread is the risk of forced conversion to Evangelical Christians
5. To what extent, if at all, is there discrimination faced by Christians and in which areas of civic life
6. To what extent, if any, are societal prejudices or chauvinism reflected by state agencies or agents
7. To what extent do Christian women and Evangelical Christian women and girls face gender specific attacks, mistreatment or hostility from society and state agents
8. To what extent can such women avail themselves of State protection.

2. The legal opinion is described as being based on information gathered from credible sources, news reports and legal facts. It addresses the actual conditions on the ground for Christians and the repercussions they face when accused of blasphemy.

3. The account given by the appellants is said to be one that follows the pattern presented to NGOs and reported in the press. It starts with a small rumour or misinterpreted words which are then reported to local militant extremist groups who gang together and pass information on to an efficient and effective countrywide network. The police are either sympathetic to, or fearful of, these groups.

3. Reports from all sources confirm that religious intolerance and violence perpetrated by militant groups is on the rise. The police, local administration and even elected representatives can be intimidated by religious terrorism.

4. Rimsha, a girl falsely accused of blasphemy, had to leave the country even though she had been acquitted by the courts.

5. A Governor of Punjab was killed by his bodyguard because he expressed sympathy with a Christian woman, Asia Bibi, who was convicted of blasphemy. Those who dare to call for reforms in the law are threatened. Former ambassador to the USA, Sherry Rehman, was accused of blasphemy for introducing a Private Members Bill for reform in the law. The Minorities Minister was killed for his criticism of the law.

6. The Christian community like other religious minorities in Pakistan has shrunk. It represented 1.69% of the total population in 1998 as opposed to 1.59% in 2011. According to the figures given by the electoral commission, there were 2 1/2 million Christian voters in 2005 and 2 million in 2008. In 2002 an increased number of Christians left the country. Large numbers of Hindus have migrated to India in the last few years.

7. Violence against minorities has escalated and militant groups perpetuate violence with impunity. The response of the government is weak.

8. There is discrimination by the state and society against all religious minorities including Christians. Divorce for Hindu and Christian couples is virtually impossible. Muslim women are not permitted to marry non-Muslim men and tensions occur where non-Muslim men are suspected of associating with Muslim women. There are reports of abductions of Christian women but unlike Hindu women, cases of forced conversions are very rare. There are reports of rape amongst Christian women and poorer women are more vulnerable. There is an impression that Christian women are less conservative in their approach to sex and therefore seen as easy targets. There are no figures for rape based on the religious background of the victim. Christian groups, however, report that Christian girls have been raped and targeted because of their faith.

9. Christians face widespread discrimination in social interaction. Pakistan has a large number of bonded labourers mostly from the religious minorities. In Sindh they are predominantly Hindu and in Punjab they are Christians.

10. Christians face social discrimination and bias in education and employment and are often forced into menial jobs. They are denied jobs in the private and public sectors because of their belief. Many take on Muslim names to conceal their religious identity. There were attempts by Christian groups to persuade the Prime Minister to remove discriminatory statements against Christians and other non-Muslims from school textbooks.

11. There is no statutory law in Pakistan against apostasy however leaving Islam has been interpreted as a blasphemous act. Conversions out of Islam are risky and accusations of blasphemy are easily levelled under section 295-C of the penal code. There is no formal registration for converting into Islam. Conversions are carried out at mosques and the process is often abused. There

have been some high profile cases where minority communities have alleged that female members of their families were forcibly converted and married off. This happens more frequently amongst Hindus as Muslim men can marry Muslim, Jewish and Christian women but not Hindus. There are reports that young Hindu girls have been forcibly converted to Islam. Examples are cited. The Human Rights Commission of Pakistan reported in 2003 that Ahmadis Hindus, Christians and Sikhs converted to Islam. There was a similar report in 2002. Sometimes the conversions took place under social pressure and in other cases they were merely cosmetic aimed at warding off harassment or to acquire employment. There is a report of a Christian worker in March 2006 being threatened with death if he did not convert.

12. The propagation of any religion other than Islam is dangerous and illegal; section 295-C could be applied to anyone expressing any form of reservation about Islam. Examples of attacks and intimidation in 2006, 2007 and 2008 are cited.

13. There were reports in 2010 which suggest that non-Muslims and particularly Christians were targeted because of the war in Iraq. An example of a young maid servant is cited.

14. In September 2013 a militant group claimed responsibility for a suicide bombing in the church in Peshawar. This was said to have been carried out to avenge the killings of comrades in drone attacks.

15. In 2012 six churches in Karachi were attacked and in 2009 Christian homes were destroyed and seven people were killed following an argument between a Christian and Muslim. In 2006 several churches and Christian homes were destroyed after reports that a local Christian had committed blasphemy. In March 2002 there was an attack on a church in Islamabad's diplomatic enclave when three foreign nationals and a Pakistani were among those killed. In August 2002 Christian school in Murree attended by children of missionaries and/or diplomats was attacked and six staff members were killed. It was then decided to close the school for a year and reassess the situation. Five other attacks from 2002 are cited. In March 2013 Christian neighbourhood in Lahore was attacked following an accusation of blasphemy made against a Christian worker. These examples are cited to show regular attacks on the Christian population.

16. In 2010 64 people were charged under section 295C. Between 1986 and the end of 2010 34 people accused of blasphemy had been extra judicially killed. Half of these were non-Muslims.

17. Official statistics show that thousands of First Information Reports (FIRs) were registered against people for blasphemy over the years. A large number of people of all faiths are accused.

18. Judges who acquit individuals accused of blasphemy can also come under threat.

19. The report concludes with several examples, in no chronological order, of individuals accused of blasphemy who have been killed. Some were Muslims who converted to Christianity.

Oral evidence by video link from Lahore.

20. Ms Jahangir confirmed the accuracy of her written legal opinion. She had no amendments to make to it. She confirmed that she was the former president of the Supreme Court Bar Association and currently the director of the AGHS Legal Aid Cell in Lahore. She was also a member of the Human Rights Commission of Pakistan. She interacted with members of the Christian community, worked with Christian NGOs and interacted with Christian labourers. She had undertaken some blasphemy cases mostly in Lahore but also in Islamabad. If the cases were heard at the Supreme Court in Islamabad, the defendants could come from all over the country.

21. Ms Jahangir stated that about 7000 people a year came to the office in Lahore for assistance. Their religions were not documented. A fraction of them would be Christians but she could not provide numbers. She might have a dozen Christian clients a year. She stated that the situation had deteriorated in the last few years, not just for Christians but for everyone. Religious minorities were seen as infidels.

22. It was put to her that Mr Samuel had suggested that the situation for Christians was better in Islamabad than in other parts of the country. She replied that she could not make such a sweeping statement. The case of Rimsha, the Christian girl accused of blasphemy, had been in Islamabad and the Governor of the Punjab had been killed in Islamabad. However, she knew of no cases of forced conversion taking place in Baluchistan.

23. Ms Jahangir confirmed that the cases that she had referred to in her report were all documented. Where data was taken from the press, it had been verified. Although there was an absence of references to cases in 2013, that did not mean that there had been no such incidents. There had been some attacks on churches and the government had announced an investigation into that.

24. With regard to her Christian clients, they did not have to go into hiding and many lived perfectly well in their neighbourhoods. However, if subjected to opportunist attacks, no one would come to their aid. There was no rationale behind the targeting of Christians by extremists. However, educated, middle-class Christians were not as vulnerable as poorer Christians who lived in

ghettos although this did not mean that they were all safe. Some of her Christian colleagues had been victims of violence.

25. She stated that it was not usual for Christians to preach by the roadside about Jesus where they could become the subject of the wrath of extremists or non-tolerant Muslims.

26. Anyone could be accused under the blasphemy laws because they were so loosely worded. People who converted to Christianity could be accused of blasphemy. Section 295C which previously carried the penalty of death or life imprisonment now prescribed only the death penalty.

27. Ms Jahangir was asked whether Christian clients faced added risks as a result of coming to seek help. She replied that they could become more vulnerable as information was easily passed on. It was also unsafe to give legal opinions as she had done.

28. If a Christian woman such as SK was outspoken about her faith and wanted to engage people in discussions about Christianity, she might be treated well by some but generally she would be asking for trouble.

29. With regard to relocation, it would depend on the circumstances as to whether the whole family had to move. It was not easy to relocate as the intelligence services could trace people and many had links with the extremist groups. Theoretically, relocation was possible but it depended upon the individual circumstances and on the receiving community.

30. Ms Jahangir was asked whether single women could go about their daily business without wearing headscarves. She replied that she did not wear a headscarf and that was not an issue. Women did not have to wear a headscarf at all not even in the villages.

31. Islamic studies were compulsory for all Muslims in schools. Christian students could take moral science but as they received lower marks in that subject many took up Islamiyat (Islamic studies) to improve their marks. This amounted to indirect discrimination.

32. There were a large number of English medium schools that were not Christian and also English schools run by Christians where anyone of any faith could study. They were also private schools run by Muslim clerics for Muslim students; these were the madrassas. A well-known grammar school in Lahore had been teaching comparative religions and had been reported but because of their connections they got away without any problems.

Appendix 6:

Pastor Jeremy Sandy

Written evidence

Undated Statement

1. Pastor Sandy confirmed that SK was a member of Golding's Church, having been introduced by Ernest Kamran, a Pakistani missionary, some two years ago. He saw her at church on Sundays and she also helped with cleaning and child care. For some months, she had been helping to hand out leaflets and free books on the street. He believed that Christianity was a fundamental part of her life and that she would continue with her faith wherever she lived. However, it would be easier here as she was not in danger. If she returned to Pakistan she would have to "go underground" and would find it hard to continue as a believer and worshipper.

Oral evidence

2. Pastor Sandy confirmed the truth and accuracy of the contents of his statement. He said he had known SK for three years. He had been a pastor for 15 years. Prior to that he had been in the security industry.

3. He said that SK had been timid when she joined the church but had progressed and developed as a Christian. She attended services on Wednesdays and Sundays. She helped out with jobs that others were not keen on, such as cleaning. She had shown a good grasp of the Bible and the Gospel and had a good understanding of Christian doctrine. As her knowledge grew, so had her confidence and ability to speak and communicate with others. She was able to welcome visitors and was confident speaking within and outside the church. When they had first met and he had taken her to arrange accommodation, she had been fearful of living alone. There were not many Asian people in Loughton.

4. Pastor Sandy was asked about the importance of collective worship. He explained that Golding's was an Evangelical church. However Evangelism was not confined to Sunday mornings; it encompassed one's whole life. There was encouragement to pray at home and to engage with the local community so as to enhance worship by one's actions, deeds and lifestyle. Work outside the church was very important. It was important to be community minded and embrace all cultures. Evangelism meant living life in such a way that others were blessed as well as being able to communicate teachings about Jesus. Pastor Sandy was not of the view that SK had been well equipped to evangelise previously as she had been timid and traumatised.

5. The congregation at Golding's was made up of a diverse mix of Pentecostals, Methodists and Baptists amongst others. Recently a Hindu had attended. There had been one conversion 5-6 years ago; an elderly man of 70-80 from Pakistan.

6. The church had evangelistic literature. Sometimes they would take a table out to the High Street and invite passers by to have a look and to enter into discussion, not necessarily about religion but in the hope that it would lead back to faith.

7. The church operated under the umbrella of the Fellowship of Independent Evangelical churches. Five hundred of those churches were in Australia. They were required to follow guidelines from the Charity Commission. FIEC was prescriptive about how the Bible should be interpreted but not about who was approached for evangelising purposes.

8. SK had been brought to the church by Ernest Kamran, a Pakistani missionary (who was present in court on Day 1 of the hearing). He went to Pakistan to evangelise. Golding's was also involved with ; it was helping to build a school in a village outside Lahore and they had contact with church leaders and pastors there. He did not have any information about St Andrew's Church nor had he heard of the Great Commission Outreach of Christ.

9. Pastor Sandy clarified that missionaries who went to Pakistan helped Christians there with their knowledge of the Bible rather than trying to convert non Christians. Those Christians were generally of low income and had difficulty in managing to travel to the cities for guidance and knowledge so the missionaries went there to help them. The missionary work had been ongoing for some four or five years. There was one incident where they had been on a bus and a gunman robbed all the passengers. No other problems had been encountered. They had to obtain visas to go and these were always granted. They disclosed the purpose of their visits to the authorities. Pastor Sandy had not been to Pakistan. He confirmed there were established Catholic churches in Pakistan.

10. Pastor Sandy confirmed that SK had worked at handing out church leaflets. He had not however been present at the time but there were people in charge of the tables and only those considered able to properly help were permitted to do so. SK helped out with the table on a regular basis. The Church did not expect members of the congregation to undertake this type of activity; its main aim was to encourage personal independent Evangelism where members shared their faith as part of their own lifestyles. People were not berated for not wanting to engage with strangers. They were encouraged to live a good life.

Appendix 7:

Pastor David Taylor-Black

Written evidence

Statement dated 17 June 2014

1. Pastor Taylor-Black confirmed he was the Assistant Pastor at Stockton on Tees Baptist Tabernacle and an accredited minister of the Baptist Union of Great Britain.
2. He had known AK since he started attending church two years ago. They met at church at least once a week and had become good friends. He was aware of the problems AK had encountered in Pakistan.

Oral evidence

3. Pastor Taylor-Black confirmed the contents of his statement and his position as a Baptist pastor at Stockton on Tees Baptist Tabernacle. He also confirmed the accuracy of Pastor Waugh's statement. He stated he had been an accountant but was then introduced to Jesus in his mid twenties. He obtained a degree in theology and had been at Stockton on Tees Tabernacle for seven years. He undertook work in the church and in the local mission in the town. The church also had missions in Kenya and Uganda and sent people there to serve.
4. Pastor Taylor-Black said he had known AK for two and a half years. He saw him weekly; he was a regular worshipper and part of the Life Group. He also served in the church's technical department. There were about 400-500 members in the congregation and there were three Sunday services. They made use of microphones, the internet and audio equipment. AK volunteered to assist with this equipment. He wanted to do more but was unable to work in the coffee house due to a lack of permission to work. He was given tracts to put through letterboxes in the locality. He helped to publicise a recent Pentecost event at the church. He enjoyed cricket and had played in some church matches.
5. Pastor Taylor-Black explained that faith was not about getting a seat in Heaven but in supporting the local community. One had to give practical help to the community; the gospel had to be spread not just by words but by deeds. When asked to give examples of how the appellant carried out that service, Pastor Taylor-Black said he had not walked along side him but he had heard that he had tried to discuss Jesus with his housemates. The appellant had been on a journey; at first there had been a fear of the unknown but now he had greater trust in Jesus and his faith had been strengthened.

6. Pastor Taylor-Black explained that Christians were less likely to be ridiculed by others where they were willing to give practical help. One could not always just open up discussions of faith. There had to be a demonstration of genuine care and concern for the well being of others prior to a discussion about Jesus.

7. The church had a good relationship with churches of other denominations in the area. Stockton welcomed asylum seekers of which there were many from Iran. When Pastor Taylor-Black first arrived in the area, it was 98% white middle class, but that was changing. There had been sixteen baptisms of Iranians in the last three years.

8. Baptisms were carried out after a validation process by a pastor. Those who professed a relationship with Jesus met up with a pastor who assessed if that claim was true. Pastor Taylor-Black had interviewed one candidate and two or three had been interviewed by others. These could be people who were already Christians but had accepted Jesus or those coming from another faith. The requirement was that someone should have changed their life. At the Pentecost event held recently, several public baptisms were performed and the church had to prevent photographs being taken of one baptism of a former Muslim so as to prevent the information from getting to the man's family. They had not come across any they had to turn away although they had heard of another church that had. AK had been on a baptismal course so he knew what he was agreeing to.

9. The church had charitable status and was an independent institution although it was associated with the Baptist Union. The Union assisted with resources and current affairs but each church was autonomous. There was no inter faith dialogue. However there was a soup kitchen attached to a church that was situated near a mosque and many Iranians came to the church through this route.

10. AK had told Pastor Taylor-Black of his fears in Pakistan. He could not recall the denomination of the church AK had attended in Pakistan.

11. Stockton on Tees Baptist Church did evangelise and the gospel was preached at the recent Pentecost event. The missions in Kenya and Uganda were there to serve the Christian community whether they be Anglican, Methodist or anything else. They built schools and hospitals and taught them about the love of Christ. The Christian faith could be described as a church without walls. They were there to serve the people around them and would not shut their doors to anyone. Catholics tended to keep themselves to themselves, perhaps due to theological differences.

Appendix 8:

Bishop Dr Ijaz Inayat Masih

Written evidence

Statement dated 6 March 2014

1. Rev. Masih confirmed he was a Bishop within the Church of Pakistan residing at Bishop House, Holy Trinity Cathedral in Karachi. He spoke of World Vision in Progress, an NGO working with those charged under the blasphemy law of section 295-C and other Christians who required assistance. They were assisted by Rescue Christians.
2. In February 1997 he was imprisoned for one month for baptising a Muslim in Lahore. He claimed not to have received a fair trial and to have been held in bad conditions in prison.
3. Reference was made to the case of Salamat Masih in 1997 when a Lahore High Court Judge was killed for releasing the "victims". Recently, the District Court in Islamabad was attacked and eleven people including a judge were killed.
4. In August 2012 Rev. Masih was interviewed by Channel 4 in the UK with regard to the incident of a teenage girl called Rimsha who was framed by the clergy over a land dispute.
5. He was on record for speaking out against the abuse suffered by Christians and had been threatened many times by extremists which limited his movement within the city.
6. He knew the appellants' parents who were members of one of his parishes. When the October 2010 incident occurred, he was contacted by them. He spoke to Elders in the community but was unable to calm things down. The parents left their home around March 2011 and were living off their pensions in a safe house provided by the church. They were afraid that they would be targeted because their children had been accused of defaming Islam. Currently there were some 20 Christian families living in safe houses, mainly in the Punjab. Many had left the country and were "in transit" in Thailand and elsewhere.
7. He was of the view that the appellants' parents could not relocate because they would be recognised. The church was providing them with protection.

8. AK was spotted when out on the road in the Defence View area of Karachi however had time to escape because the main road was higher than the side lanes.

9. Christians were generally treated badly and were looked down upon. Like Ahmadis, Hindus, Shias and other minorities, Christians were persecuted and a number of forced marriages were taking place. Television programmes glorified the killing of Christians and the situation was worse amongst the uneducated. Many Christians had moved to Sri Lanka and Thailand.

Statement dated 19 June 2014

10. Rev. Masih confirmed that he was sharing the role of the Bishop of Karachi with Sadiq Daniel.

11. He was elected as Bishop of Karachi in 1997 but a rival faction blocked his consecration ceremony and litigation was ongoing through the courts. In 2002, Rev. Sadiq Daniel declared himself the Bishop of Karachi but this was not done in accordance with constitutional procedure.

Oral evidence by video link from Karachi, Pakistan.

12. Rev. Masih confirmed he resided at the Holy Trinity Cathedral in Karachi and that his two statements were true and accurate. He currently preached to a congregation at St Michael's Church in Manzoor Colony, Karachi as well as in Baluchistan. The two formed one diocese which consisted of many churches, thirty parishes and thousands of members.

13. The appellants' parents contacted him when they had problems and he handed them over to trustworthy people who provided logistic help. Legal aid could also be made available to those that required it.

14. Rev. Masih said that a number of lawyers had to flee Pakistan for representing Christians in blasphemy cases. There had been an increase in the number of blasphemy accusations in the last year. The atmosphere was charged and people accused those they did not like of blasphemy as an easy way of getting rid of them. Christians were labelled as infidels.

15. He started assisting the appellants' parents in the last quarter of 2010. Their home was attacked in March 2011 but he had helped them before that by seeking to calm things down. They were not in hiding but were in a safe house. They used to be government servants and had enough to live off from their pensions.

16. With regard to the safety of the appellants as active Evangelical Christians, he said anyone could be at risk; it did not matter whether they were Ahmadis, Christians or Shias or whether they were Evangelical or not.

17. He was asked for his comments on Mr Samuel's observation of Islamabad as a relatively safe place. He replied it was comparatively safer but a Member of Parliament had recently been shot there so he would not call it a safe place. He suggested that Mr Samuel did not know about the situation in Pakistan. When asked if the appellants' parents would need to live in a safe house if they moved to Islamabad, he said that the situation would not change for them as they would be recognised wherever they went and if their pictures were on the net, they could easily be found. He explained that by a safe house, he meant one that could not be traced by extremists. He later explained this was a house with no name plate.

18. It was put to the Bishop that Mr Samuel had suggested that poorer Christians were more vulnerable. He replied they were equally targeted. The MP for Baluchistan had been killed by his own bodyguard. He said that his church assisted men, women and families.

19. When asked to comment on the situation for Christian women, he said that there were many reports of how Christian and Hindu women were abducted, made to convert to Islam and forced into marriage. Education and class made no difference at all.

20. It was pointed out that he was very outspoken and he was asked whether he feared for his own safety. He replied that he did not. He could have sought asylum somewhere but was committed to remaining with his own people.

21. The Bishop confirmed that he knew the appellants' brother. He was living apart from his parents at the present time. He could only disclose his whereabouts on Skype. He said that nothing had happened to him or to his parents; the incident had involved AK and as a result the whole family had suffered. The brother in Pakistan met up with his parents from time to time and they also attended church. The appellants were able to speak to their parents on the telephone but the lines were not registered to them so there was no risk of identification.

22. It was confirmed that AK's wife and son remained in Pakistan. They lived with the wife's family in Karachi. For a few months they had lived in Quetta but then returned home when "things were easier". They used to attend St Andrew's but now went to another church in another parish.

23. The Bishop said that they worked through societies that could not be identified such as the two identified by Mr Walker - The Pakistan United Church Society and the Great Commission of Evangelical Churches and,

additionally, World Vision in Progress, Rescue Christians and Christian Solidarity. World Vision took care of 80% of blasphemy cases. There were thousands of asylum seekers in Thailand, Sri Lanka and Iran.

24. The appellant's parents' school was still operational but someone else was looking after it and the parents received their share of the profits. It was a hidden partnership.

25. With regard to his own period of a month in prison in 1997, the Bishop said that his family bribed the complainants to withdraw their statement. He moved from Lahore to Karachi and it took a year to resolve the matter.

26. With regard to communication by Skype, he said they used someone else's ID to communicate.

27. When asked how the appellants' parents would be recognised if they relocated, he said that they had worked and had a lot of interaction with people throughout their lives and so would be recognisable. Those accused of blasphemy were not safe anywhere. He realised they had not been accused but maintained that people had been burnt alive in their own homes. He was asked how they obtained their pensions if they were in a safe house. He said that the pensions were paid into their accounts and he was able to go to the ATM with their cards and withdraw cash for them.

Appendix 9:

Pastor Waugh

Undated Statement

1. Although undated, this statement was prepared by Pastor Waugh for this appeal hearing.
2. Pastor Waugh confirms he is the senior minister of Stockton on Tees Baptist Tabernacle and an accredited minister of the Baptist Union of Great Britain. He confirms he has known AK for a little over two years. They have been members of the same small group for 18 months and meet at one of the church member's homes most Wednesday evenings where they pray together.
3. The Pastor confirms that AK attends the church every Sunday and serves as one of their audio-visual team members, operating the computer which projects the words of songs during worship. Recently he helped with outdoor outreach events at Christmas, singing and was ready to speak with people about the basics of the Christian faith. The Pastor confirms that he is aware that AK has conversations on religious matters with the men he shares his house with most of whom are from other faiths; these discussions are designed to encourage them to accept Jesus. Pastor Waugh confirms that the Christian faith is very important to AK and that he is a committed Christian. He expresses the belief that AK will remain devoted to Jesus Christ wherever he lives including Pakistan. Since the Christian faith was a missionary faith, the Pastor considers that AK would consider it a need and a duty to carry on sensitively encouraging others to have faith in Jesus. He concludes that AK would only be able to continue his activities as a free person for a short time before falling foul of the blasphemy laws.

Appendix 10:

Reverend Stuart Rodney Windsor

Report dated 5 March 2014

1. Rev. Windsor writes as a representative of Christian Solidarity Worldwide (CSW). He sets out his qualifications, expertise and experience as an expert witness in asylum hearings. He confirms his involvement in a number of high-level blasphemy and apostasy cases.

2. He details his friendship with Group Captain (retired) Cecil Chaudhry, now deceased, who received a posthumous President's award for Pride of Performance. He was a Christian and a famous Pakistan Air Force fighter pilot who, 20 years ago, was denied promotion by President Zia. He resigned, became the principal of St Antony's College in Lahore and devoted his spare time to fighting against human rights abuses; focusing on the blasphemy laws. He was a founder of the minority parties, made many trips abroad and gave expert witness statements at a number of asylum and immigration hearings. He campaigned for Christians and others who had been unjustly charged under sections 295-A, B and C of the penal code or had been accused of apostasy. Rev. Windsor was involved with him in this work and continues to do this.

3. He points out that although there is no law against conversion from Islam in Pakistan, the perception is those who leave Islam and convert to Christianity have blasphemed. In such an event the normal procedure is for a local Islamic cleric to be informed. He then sanctions a fatwa and the family will be honour bound to carry out the killing of their relative. Alternatively the convert knows that he must leave for his own safety and generally has no option but to seek refuge elsewhere.

4. Rev. Windsor is of the opinion that extremists and clerics have the capacity to trace people within the country. Once a blasphemy case comes to court, it becomes well-known and the blasphemer has no chance of a fair and free life in Pakistan and will always face the possibility of being killed. All Pakistani citizens carry identity cards which they have to produce to rent housing. The police carry their records on computers and they can be easily traced via their ID cards.

5. Rev. Windsor confirms that he has been asked to comment on the following questions:

1. Blasphemy in Pakistan and the treatment of blasphemers by society, the community and the authorities
2. The possibility of internal relocation
3. Sufficiency of State protection

4. Specific examples illustrating the above issues.

6. Rev. Windsor confirms that he has met AK in Stockton on Tees and describes him as a devout and committed Christian involved in the church ministry. He describes the case of AK and his sister as a typical case of discrimination, harassment and physical abuse which arises out of the way that Christians are viewed in Pakistan. He confirms that he has spoken with SK and confirms that she too is a devout Christian who regularly attends Golding's church.

7. He states that the blasphemy laws have been used over the last 20 years by Muslims to settle personal scores with Christians. The Pakistan Human Rights Commission reports about cases annually but there are also unreported cases.

8. He refers to an extremist group, the Jaish-e-Mohammed, which, although mainly interested in territorial claims over Kashmir, is suspected of wider involvement in terrorist and violent actions and may have been involved in the 2002 anti-Christian attacks in Islamabad, Murree and Taxila in which two Americans were killed.

9. He reports that Christian Solidarity Worldwide has seen from its involvement in blasphemy cases that Muslim extremists and the intelligence services have the technical know-how to be able to trace and locate anyone on their wanted lists. They have sophisticated telecommunication and computing networks.

10. There is a reference to Dr NA being unsafe anywhere in Pakistan. This reference is unexplained.

11. Rev. Windsor then discusses the situation for those Muslims who convert to Christianity.

12. He sets out some specific cases where internal relocation was insufficient to protect the individuals from those who were persecuting them. These are: a Christian journalist and human rights activist who was given leave to remain in the UK in 2010, a Muslim businessman who owned a cafe and bakery in Peshawar, who expressed an interest in Christianity and considered himself to have become a Christian and who was denounced by his former wife in 2009 during the course of a divorce and child custody case which led to an asylum claim in the UK, a case in 2010 of a Muslim man accused of apostasy who was granted asylum in the UK, a Muslim man from a wealthy and educated family who converted to Christianity and was granted asylum in 2010, a Muslim student who came to the UK having converted to Christianity in 2001 and against whom charges were brought following accusations made by his father, a case of a Muslim who became a Christian in 1998 who was granted asylum because of threats made by his family.

13. Rev. Windsor confirms that in 18 years of undertaking advocacy on behalf of mainly Christian minorities, he has never encountered adequate protection for Christians. He gives examples of difficulties faced by Christians in 1995, 1997, 2008, 2010, and 2011. Some of these, for example, the murder of the Governor of the Punjab, the killing of the Federal Minister of Minorities and the killing of two Christian brothers outside a court are referred to in other reports.

14. In summary the Reverend states that AK and SK have been accused via a First Information Report of committing crimes under the blasphemy laws and a fatwa was issued against them. Relocation to another part of the country would not be possible because of the ability of the extremists to trace them anywhere in the country. They would have to use identity cards to rent accommodation, rent or buy cars, mobile phones and use bank accounts. The police and the intelligence services share information about citizens and are able to locate mobile phone users. Once a blasphemy case became well known locally it would be known throughout the country and the blasphemers would have no chance of a safe life in Pakistan.

Appendix 11:

The respondent's submissions

1. In written submissions, Mr Walker summarised the evidence of the appellants and the witnesses. He set out the respondent's position as being that Christians and other minorities may suffer discrimination from a small population of extremist Muslims but that the majority of Muslims are moderate and tolerate minority religions, given the long established Christian presence in Pakistan. The state offers protection when it can and Christians attain positions within all spheres of life and can pursue their grievances through the courts. There is a viable internal relocation alternative for a Christian who has to move; the case of Bishop Inayat is cited as an example. Christian women are not in general at real risk of persecution; although, along with other women of minority religions, they can face difficulties with regard to abductions and forced conversions. The appellants are not at any greater risk now than they were when they left Pakistan, given their links to proselytising churches before their departure.

2. In his oral submissions, Mr Walker relied on his submissions. He placed reliance upon the Austrian Fact Finding Mission report and referred us to sections to support his claim that the police did provide some protection, that most Muslims were moderate, that there was interfaith communication and that the Christian community was very active and vocal. He pointed out that Bishop Inayat had been able to move safely to Karachi after his problems in Lahore and had not been forced to go into hiding. Accusations of blasphemy made against him for converting a Muslim had not followed him to Karachi. Relocation was therefore possible in large cities. The AFFM and the COI reports provided a comprehensive overview of the situation.

Appendix 12:

Submissions for the appellants

1. Ms Jegarajah pointed out that the First-tier Tribunal had found that those facing blasphemy accusations would be at risk and would find it difficult to obtain protection. She submitted that for those individuals, there was no internal relocation option.
2. Whilst she accepted that not all Christians were at risk, the issue was not a question of numbers but one of variability and this had to form part of the risk assessment. Ms Jegarajah argued that the patterns of accusations were variable and attacks were sporadic and it was difficult to protect oneself from the arbitrariness of accusations. She also submitted that non state agents did not draw a distinction between those who proselytised and those who did not. It would, therefore, be wrong to distinguish between these groups when giving country guidance.
3. Ms Jegarajah submitted that there was institutionalised discrimination via the state by way of the blasphemy laws. She pointed out that the Constitution was premised on Islamic values and that this went towards the issue of state protection.
4. With reference to the position of women, Ms Jegarajah argued that Christian women formed a particular social group and referred us to the judgement in Shah and Islam [1999] UKHL 20. She submitted that it had been found by the House of Lords that women were unprotected by the state and she submitted that Christian women faced even more acute problems.
5. Ms Jegarajah relied on the evidence that the appellant's parents were in hiding. Whilst appreciating that this was a matter rejected by the First-tier, she pointed out that the Bishop had given evidence in this respect which post dated the appeal hearing before the First-tier. She accepted that the Upper Tribunal would be circumspect in relation to evidence that had been rejected, but submitted that the Bishop had given evidence which was relevant to the risk faced by the appellants. He had also given evidence on the safe house system.
6. Ms Jegarajah submitted that it was difficult to cite figures because not all cases were reported. Christians had to behave sensibly and did not act in ways that would get them into trouble. They had to modify the way they lived their lives and they should not have to do that as per HJ Iran [2010] UKSC 31. Christians lived with systematic discrimination all their lives. Although that did not, in itself, meet the threshold of persecution, it could not be separated from the risk.

7. The experts had given measured evidence and what they said was supported by documentary evidence. Mr Samuel had provided an extensive overview of the law. He had referred to evangelical Christians as being very charismatic. She pointed to sections of his report on the deteriorating situation. She argued that as far as women were concerned, those who were middle class or professional had the means to obtain protection but that did not mean that they were not targets. Christian women were seen as more available. They were also at risk of forced marriage. With regard to the inconsistency between Mr Samuel's oral evidence on the arrest of sixty eight lawyers and the BBC News article, she submitted that he had not been very certain about that part of his evidence.

8. The activities of the appellants in the UK were not disputed. Both were very different people and approached their faith in different ways.

9. We were also referred to Ms Jahangir's report and to the sections on abductions and forced marriages, attacks on churches, blasphemy accusations and relocation.

10. Ms Jegarajah referred to the UNHCR guidelines and, in particular, to sections on Christians, the current climate, women, and internal flight. She referred to the report by CSW which, she submitted, was moderate and well drafted. It set out details of the historical development of the blasphemy laws and their abuse and indicated that accusations were very arbitrary. The Writenet report was commissioned by the UNHCR and, although it was written in 2009, was useful for evaluating risk. It is referred to ad hoc and spontaneous violence.

11. Ms Pinder also made submissions. She had prepared a schedule of the oral evidence and took us through this. She also replied to Mr Walker's submissions on the specifics of the evidence given by the appellants and their witnesses. She pointed out that the appellants did evangelise as was shown by their actions and that one needed to be cautious with these terms. Both of them liked to talk to other people about their faith. She took us through a schedule of relevant case law and in particular referred to AJ (Risk - Christian Convert) Pakistan CG [2003] UKIAT 00040, SM and JM (Christians - FS confirmed) Iran CG [2008] UKAIT 00082, MJ and ZM (Ahmadis, risk) Pakistan CG [2008] UKAIT 00033, Z and T v the United Kingdom 27034/05 [2006] ECHR 1177 and various cases from Canada, Australia and New Zealand to support the submission that individualised assessments were required.

Appendix 13:

Case Law

AJ (Risk – Christian Convert) Pakistan CG [2003] UKIAT 00040

MJ and ZM (Ahmadis, risk) Pakistan CG [2008] UKAIT 00033

SZ and JM (Christians – FS confirmed) Iran CG [2008] UKAIT 00082

MN and others (Ahmadis – country conditions – risk) Pakistan CG [2012] UKUT 00389 (IAC)

MS (Coptic Christians) CG 2013 UKUT 00611 (IAC)

Queen and Immigration Appeal Tribunal ex parte Bashir Lal [2000] EWHC Admin 420

A and Anor, R (on the application of) v Secretary of State for the Home Department [2008] EHC 1459 (Admin)

Z and T v the United Kingdom 27034/05 [2006] ECHR 1177

X v Canada (Immigration and Refugee Board) 2001 CanLII 26928

Refugee Review Tribunal of Australia 1207291 [2012] RRTA 870

Refugee Review Tribunal of Australia 1108986 [2012] RRTA 31

Refugee Review Tribunal of Australia 1000186 [2010] RRTA 194

Refugee Review Tribunal of Australia 1103822 [2011] RRTA 899

New Zealand Immigration and Protection Tribunal AG (Pakistan) [2012] NZIPT 800245

New Zealand Immigration and Protection Tribunal AR (Pakistan) [2013] NZIPT 800307

Overview of cases

AJ (Risk – Christian Convert) Pakistan CG [2003] UKIAT 00040

This case concerned a Muslim who claimed to have converted to Christianity shortly before his arrival here and to have faced persecution as a result. His wife and children remained Muslims and continued to live with him. The Tribunal rejected his claim of conversion and all the alleged problems he had

faced in Pakistan. It was, however, found that even if his claim had been true, he had failed to establish a real risk of persecution (paragraph 31). Reference was made to an estimated 4 million Christians in Pakistan, found in all main urban areas, but mainly concentrated in Punjab (paragraph 32). The court cited evidence from the Country Assessment on Pakistan which observed that the situation of Christians was less dramatic than that of Ahmadis. It noted that although there was no law against conversion from Islam to Christianity, those that converted may encounter problems from some elements of society who did not accept the practice (paragraph 33). There was also reference to evidence that suggested that although Christians generally may face difficulties from local Mullahs and blasphemy charges, the authorities were willing and usually able to protect them from harassment, violence and intimidation (paragraph *ibid*). There were however reports where Christians had encountered problems for reasons over and above merely going about the business of religious worship. In particular, those who sought to evangelise were believed to be at risk of encountering serious difficulties with the community (paragraph 35). The Tribunal assessed the instances of attacks against the background of there being some 4 million Christians in Pakistan and concluded that the evidence fell far short of showing that a convert faced a real risk of persecutory treatment (paragraph 36). It was found he could relocate to a major city with a significant Christian population (paragraph 37).

MJ and ZM (Ahmadis, risk) Pakistan CG [2008] UKAIT 00033

This is referred to for the observation that there was significantly more anecdotal evidence of difficulties for Christians and Hindus than for Ahmadis (head note 3 and paragraph 84).

SZ and JM (Christians - FS confirmed) Iran CG [2008] UKAIT 00082

The relevance of this determination is what it has to say about proselytising and evangelising. The Tribunal noted that the Iranians were unlikely to draw any distinction and found the more accurate description of the distinction was that between the ordinary convert and those who undertook 'active evangelising' (paragraph 139).

MN and others (Ahmadis - country conditions - risk) Pakistan CG [2012] UKUT 00389 (IAC)

This is referred to as Ms Jahangir gave evidence to the Tribunal in respect of religious minorities, albeit specifically Ahmadis.

MS (Coptic Christians) CG 2013 UKUT 00611 (IAC)

This is contained in the respondent's bundle and reports that despite the inadequacy of state protection of Coptic Christians in Egypt, they are not at a

general risk of persecution or ill-treatment contrary to Article 3 of the ECHR although there are some areas where they might be.

Queen and Immigration Appeal Tribunal ex parte Bashir Lal [2000] EWHC Admin 420

This was a judicial review application made by a "Born again Christian" of the Pentecostal faith who had carried out evangelical work. The court held that the Special Adjudicator's conclusion that Christians as a body were not persecuted in Pakistan was not assailable. His findings on the particular risks faced by the applicant were however criticised as was the fact that he had not focused on the relevant issues such as the nature of protection that would be available, the changes that had taken place in Pakistan during her lengthy absence and whether her previous profile would cause her problems. His decision was quashed.

A and Anor, R (on the application of) v Secretary of State for the Home Department [2008] EHC 1459 (Admin)

This judicial review application was made by two sisters who claimed asylum after having arrived here as visitors. They challenged the decision of the Secretary of State to refuse to accept their representations as fresh claims for asylum.

The court found that the material demonstrated that Christians and Christian congregations continued to be at risk of threats and violence from extremists in Pakistan but did not demonstrate that the applicants were personally at risk because of their respective backgrounds or that they were at risk by or on behalf of the state, or that there was an insufficiency of protection. The court concluded that the Secretary of State was not arguably wrong to reject the representation as fresh claims.

Z and T v the United Kingdom 27034/05 [2006] ECHR 1177

The court found that the applicants had failed to make out a case of persecution on religious grounds or to substantiate that they were at risk of a violation of Articles 2 or 3, noting that the applicants had not been subject to any physical attack or prevented from adhering to their faith. The general situation was considered but the court took the view that the evidence had failed to show that the authorities were incapable of taking, or were unwilling to take, appropriate action in respect of violence or threats of violence directed against Christian targets.

X v Canada (Immigration and Refugee Board) 2001 CanLII 26928

Although the claimant made a refugee claim based only on her Christian religion, she made mention, both orally and in her narrative, of being a woman alone in Pakistan. Therefore, the panel looked at both those aspects of her claim. It found that there were millions of Christians living in Pakistan. Not all were persecuted, nor did all fear persecution, and each claimant must be approached on a case-by-case basis. However, it found that for those who have come afoul of Muslim intolerance, there was documentary evidence to support a well-founded fear of persecution.

The claimant lost a member of her family to murder and her children had suffered harassment. She was a widow without male protection. Her expressed fear of persecution based on her Christian religion and as a lone woman was found to be objectively well founded.

Refugee Review Tribunal of Australia 1207291 [2012] RRTA 870

This case concerned a convert to Christianity. The Tribunal considered the country information and found that that whilst Pakistani Christians may not face a real chance of serious harm in the course of their day to day worship, activities such as public expressions of their faith by engaging in outreach to other Christians, would attract a greater level of adverse attention from members of conservative Muslim groups. The Tribunal found that any Christian who faced a significant risk of violence in those circumstances also faced the risk that the Pakistani security forces may be unwilling or unable to provide them with adequate protection. However, the risk of violence and availability of protection depended very much on the circumstances of the individual member of the religious minority in Pakistan.

In considering the documentary evidence the Tribunal noted that a 'mega' Catholic church had opened in Karachi in 2012 in an area which was home to over 500 Christian families and contained dozens of other churches. It noted there was a Bible College and also referred to an evangelical event in Karachi in 2012 organised by an American minister which had public support of high level government officials and was attended by over 200,000 people.

The Tribunal had concerns over the applicant's credibility but found that although he had not been a genuine convert previously, he now was and found that his conversion would place him at an increased risk of persecution. It also found he would seek to take part in proselytising, whether as part of a group or individually.

Refugee Review Tribunal of Australia 1108986 [2012] RRTA 31

This case concerned an applicant found to be credible in her claim that she had been accused of converting Muslims to Christianity in Punjab. The Tribunal accepted her claim that she attracted the adverse attention of the authorities in Pakistan, and the religious leaders in the community where she lived, because of her religious activities, that she was accused of proselytising by the authorities in Pakistan and she was consequently detained. The Tribunal noted that the state has been implicated in the targeting of Christians and it had failed to provide meaningful protection to members of the Christian community who were targeted for proselytising. It found in her favour.

Refugee Review Tribunal of Australia 1000186 [2010] RRTA 194

This applicant was found credible in his claim that he had been targeted by radical Muslims who harassed, intimidated, threatened, and kidnapped him; destroyed his business and effectively prevented him from earning a living; and told him that he and his family had to convert to Islam if they wanted to remain in Pakistan. It accepted the claim that the police were unwilling or unable to assist him and that police officers who were associated with the cleric contributed to the targeting he suffered.

The Tribunal was not satisfied that the information supported the claim that all Christians in Pakistan were at risk of harm and was satisfied that most Christians in Pakistan were able to practice their religion freely and safely without apparent interest from the Muslim majority. Nevertheless, the Tribunal formed the view that the applicant faced an increased risk of harm by radical Muslims because he had already attracted the adverse interest of extremists. His home area was not disclosed.

Refugee Review Tribunal of Australia 1103822 [2011] RRTA 899

Despite some reservations, the Tribunal was prepared to give the applicant the benefit of the doubt and accept his claim that he was detained and seriously mistreated and threatened with death if he returned.

New Zealand Immigration and Protection Tribunal AG (Pakistan) [2012]
NZIPT 800245

The Tribunal found that as a Christian pastor, the applicant's father and family members had been involved in the lives of the congregation beyond ministering work. It accepted that the applicant saw it as his role to give others information about religion, that he had preached to a Muslim man which had led to adverse interest in him and had written an article and given

talks in which he had been critical about Islam. It found that he would be at risk of the blasphemy laws being applied against him.

New Zealand Immigration and Protection Tribunal AR (Pakistan) [2013]
NZIPT 800307

The Tribunal accepted the credibility of this Muslim mother and daughters who were suspected of converting to Christianity because of their support for the Christian community and had been victims of physical attacks from Muslim community members and the police. The mother was illiterate and had never worked. She was estranged from her husband and had no male relatives and lived in a rural area. The court found that converts and perceived converts faced high levels of discrimination and were at risk of violent attacks.

Appendix 14:

Agreed index of materials (in chronological order)

ITEM	SOURCE DATE	DOCUMENT
1.	May 2009	Writenet Report - Pakistan: The Situation for Religious Minorities
2.	23 November 2010	The Express Tribune: Court acquits employer of child maid's murder
3.	June 2011	Christian Solidarity Worldwide - Pakistan: Religious freedom in the shadow of extremism
4.	14 May 2012	UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan
5.	15 May 2012	Aid to the Church in Need (UK), Christians and the Struggle for Religious Freedom with Persecuted and Forgotten? 2012 Update: Pakistan
6.	10 October 2012	Dawn: Teenage Christian boy booked for blasphemy
7.	January 2013	Pakistan: Information on marriage registration, including mixed marriages - Refworld
8.	January 2013	Australia: Immigration Review Tribunal, Pakistan Militant Groups
9.	10 January 2013	Immigration and Refugee Board of Canada: Pakistan: Blasphemy laws, including legislation, implementation, related violence, reform, and state response (2008-2012) [PAK104260.E], (available at ecoi.net)
10.	14 January 2013	Immigration and Refugee Board of Canada, Pakistan: Situation of Christians in Pakistan, including social and government attitudes, treatment and rights (2010-2012)
11.	March 2013	Human Rights Commission of Pakistan: Annual report - State of Human Rights in 2012, March 2013

12.	09 March 2013	RT (news network): 'Blasphemy' revenge: Over 100 Pakistani Christians homes set ablaze,
13.	10 March 2013	BBC: Pakistan arrests scores over Lahore anti-Christian riot
14.	10 March 2013	France 24: Pakistan's Christians protest against 'blasphemy' riots
15.	14 March 2013	Human Rights Commission of Pakistan: Joseph colony incident HRCP holds police, administration responsible
16.	16 March 2013	Assist News Service (ANS): Pakistani Christians told, 'Protest again and you will die'
17.	17 March 2013	Pakistan Christian Post: Pakistan Christian Congress have reservations on data of Christian voters
18.	April 2013	US Commission on International Religious Freedom (USCIRF) Annual Report
19.	April 2013	Gatestone Institute: Muslim Persecution of Christians Escalating in Pakistan
20.	04 April 2013	Dawn: Attack on Christian property: Police avoided engaging charged mob, SC told
21.	04 April 2013	Christian Today: Attack on Christian area in Pakistan
22.	04 April 2013	AFP: Pakistan court acquits Christian on death row
23.	08 April 2013	The Express Tribune: Christian vote appears drifting towards PPP
24.	30 April 2013	Pew Research Centre: The World's Muslims: Religion, politics and society (Chapter 6: Interfaith relations - Relationships with people of other faiths)
25.	May 2013	US Department of State, International Religious Freedom Report 2012 - Pakistan
26.	23 May 2013	Amnesty International, Annual Report 2013: Pakistan
27.	June 2013	Austrian Federal Asylum Agency, Report on Fact Finding Mission - Pakistan

28.	19 June 2013	Asian Human Rights Commission, Pakistan: Christian women were attacked and paraded naked by a mob with the support of the ruling party
29.	15 July 2013	Morning Star News (USA), Christian in Pakistan Sent to Prison for 'Blasphemy,' in Spite of Accuser's Retraction
30.	15 July 2013	Gatestone Institute (USA), Pakistan: Violations against Christians Soar
31.	23 July 2013	Barnabas Aid (UK), Christians targeted in rising violence against religious minorities in Pakistan
32.	09 August 2013	UK Home Office, Country of Origin Information Service, Pakistan Country of Origin Information (COI) Report August 2013 and Operational Guidance Note
33.	12 August 2013	Daily Times: Christians, Hindus observe Minorities' Day
34.	17 August 2013	BBC News, Pakistan drops charges in Rimsha 'blasphemy' cleric case
35.	02 September 2013	Christian Today: 40 Pakistani Christian families face hunger after Gojra elopement dispute
36.	04 September 2013	The Hindu: Christian families in Pakistan forced out of homes over marriage
37.	23 September 2013	Minority Rights Group International (UK), MRG condemns attack on Christians in Pakistan and calls for increased protection of minorities in the country
38.	23 September 2013	Radio Free Europe/Radio Liberty, Pakistan's Christian Minority Faces Life On Increasingly Dangerous Margins
39.	24 September 2013	World Watch Monitor (USA), Pakistan's Christian leaders demand security after bombings
40.	24 September 2013	Radio Free Europe/Radio Liberty, Pakistan religious leaders declare attack on Christians 'un-Islamic'
41.	23 October 2013	Inter Press Service News Agency (IPS), 'Dirty' Christians Now Afraid to Clean, 23/10/2013

42.	16 December 2013	Foreign and Commonwealth Office, Christians in Pakistan
43.	23 December 2013	World Watch Monitor (USA), Christmas excitement marred by insecurity for Pakistani Christians after deadly year of attacks
44.	31 December 2013	Foreign and Commonwealth Office, Human Rights and Democracy 2012, Countries of Concern updates: Pakistan
45.	21 January 2014	Human Rights Watch, World Report 2014: Pakistan
46.	24 January 2014	BBC: Blasphemy case: Briton in Pakistan sentenced to death
47.	11 February 2014	US House of Representatives Committee on Foreign Affairs, Subcommittee Hearing and Briefing: The Worldwide Persecution of Christians (Testimony of Elliott Abrams, US Commission on International Religious Freedom - Pakistan)
48.	24 February 2014	Country report of Asma Jahangir
49.	05 March 2014	Expert report from Reverend Stuart Rodney Windsor
50.	28 March 2014	BBC: Sawan Masih: Pakistani Christian gets death penalty for blasphemy
51.	05 April 2014	BBC: Pakistani couple get death sentences for blasphemy
52.	24 April 2014	Pakistan Report: "Blasphemy accusations against Christians and Forced Conversions" by Zimran Samuel
53.	08 April 2014	Statement of Bishop Dr Ijaz Inayat Masih
54.	Undated	Statement of Pastor Andrew Waugh
55.	13 May 2014	BBC: Pakistan police charge 68 Pakistani lawyers with blasphemy
56.	12/19/24 May 2014	Letters in support of AK

57.	29-30 May 2014	Letters in support of SK
58.	16 June 2014	Statement of Pastor Jeremy Sandy
59.	17 June 2014	Statement of Assistant Pastor David Taylor-Black
60.	19 June 2014	Additional Statement of Bishop Dr Ijaz Inayat Masih
61.	Undated	Centre for Legal Aid Assistance and Settlement (CLAAS) - index only
62.	Undated	HRCF: The Rimsha Case: Is Anyone Listening?
63.	Undated	International Christian Concern. Pakistan
64.	Undated	Pakistan: Religious conversion, including treatment of converts and forced conversions (2009-2012)