

Global Minorities Alliance
Report 2016-17



Are Christians in Pakistan Persecuted?

***A Case Study of
Pakistani Christian Asylum Seekers
in Bangkok, Thailand***

Dedication

To all Pakistani Christians who flee religious persecution for their lives, leaving their homes, friends, and families behind; to face an unimaginable future with all its uncertainties while yet being hopeful for a better and a safer future.

Acknowledgements

The authors of this report, Shahid Khan and Rebecca Gebauer, would like to thank everyone who has been involved in presenting this report throughout all stages.

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We are also thankful to the United Nations Human Rights Commissioner for Refugees Office in Bangkok, Thailand (UNHCR) and its related agencies for their time and cooperation.

Endorsements

I am very happy to welcome this excellent report which shines a light into a dark place. I have seen for myself the situation of Pakistani Christian asylum seekers who have been incarcerated in detention centres. It is shocking that they should have to endure this terrible treatment after experiencing shocking and sometimes lethal persecution in the country from which they have fled.

I hope this admirable Report is read by legislators, and others, around the world and that pressure will be exerted to tackle this crisis at source – with Pakistan honouring the fine principles on which the country was founded and a Constitution which promised to protect and honour all its citizens regardless of their religious faith.

David Alton

Professor the Lord Alton of Liverpool

Member of the House of Lords, United Kingdom

Global Minorities Alliance's report with the title "Pakistani Christian Asylum Seekers in Bangkok, Thailand" is a necessary report at a time of worldwide refugee crisis. It provides compelling evidence of the systematic and structural discrimination against Pakistani Christian in their home country and highlights the miserable conditions they are facing in Thailand, a country they flee to, only to be mistreated in a dehumanized manner.

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Message from GMA's Patron

Dear reader,

We unfortunately live in a world where what is different is often seen as dangerous. Whether it be the anti-immigrant groundswell in the UK that drove the Brexit vote, the nativism and divisiveness of Donald Trump's Presidential campaign in the US, or the ethnic and religious violence that is tearing apart Syria, tolerance and understanding seem to be in short supply.

Faced with these daunting and complex issues, there's a tendency to throw up your arms and say "what can I do to change things?" But while the resolution of the geo-political and economic issues driving prejudice and discrimination around the world are beyond any one individual, that does not make us powerless. One of the things that we can do is bear witness to what we see happening around us and try and draw the world's attention to issues of social justice and persecution that need to be addressed. In some cases, the world is already watching, and over the last couple of years our television screens have been filled with images of Syrian refugees coming ashore on Greek islands and then migrating across Europe in search of a better life. These images dominate the news cycle and the political debates because they are close to home. But the sad reality is that there are countless other situations of persecution, discrimination and injustice around the world that go unreported and unrecognized.

The opportunity to shine a light on some of these forgotten issues is why I am proud to be the Patron of Global Minorities Alliance and have the opportunity to introduce this report to you. The plight of Pakistani refugees and asylum seekers in Thailand who are fleeing religious persecution and violence in their home country is an issue that deserves our attention. In this report GMA documents the challenges faced by this community living thousands of miles from home who are trying to start a new life but who are struggling to simply survive.

With its loose tourist visa regime, Thailand is one of the few countries in South East Asia that those fleeing Pakistan can gain easy entry to, so there has been a rapid increase in the population hoping Thailand is a safe haven. These Pakistanis tend to be urban, educated people who have had no option but to flee a country that has become intolerant of anyone outside the strict Muslim orthodoxy. But instead of a safe haven what they have found in Thailand is a country that refuses to recognize their status as refugees from violence and affords them no official recognition. This is a community that finds itself in limbo – unable to go back to Pakistan but also unable to start a new life in Thailand. Daily life for these people has become one of economic hardship coupled with the fear of arrest, detention and deportation. They are forced to work illegally with no access to healthcare or other basic social services and because Thailand has no framework for recognizing and dealing with asylum seekers, it is hard for them to see a path forward towards a better life.

In this report GMA documents the challenges that forced these people to flee their homes in Pakistan and the hardships they face in Thailand. My hope is that by highlighting these issues and documenting the conditions under which this community is forced to live, that international pressure will be brought to bear on the Thai government to recognize their basic human rights and improve their living conditions. I also hope that by highlighting the legal limbo in which this community finds itself, that pressure will also increase on the Thai government to develop a national immigration and asylum framework that will address these issues going forward.

It is a privilege to support the ongoing work of Global Minorities Alliance as they seek to bear witness to the suffering and injustice of persecuted communities around the world. Thank you for taking the time to read this report. Better recognition and understanding of these issues is the first step on the path to resolving them.

Alan McIntyre
GMA Patron

Executive Summary

Christians make up 1.5% of the more than 180 million population of Pakistan. In a predominantly Muslim country (96% of the population) Christians and other minorities are routinely marginalised and are often condemned to a life of poverty, disadvantage and the fear of persecution. In his prologue, Sheraz Khan shows that, theoretically, the Pakistan constitution provides measures to protect and include minorities; e.g. they are reserved seats in regional assemblies and in the national parliament. Muhammad Ali Jinnah, the founding father of Pakistan is famously quoted in saying that he imagined Pakistan to be a country where everyone could worship peacefully in their temples, churches or mosques. Unfortunately, Jinnah's vision was never fulfilled and minorities are in practice deprived of citizens' rights and livelihood.

In recent years the Global Minorities Alliance (GMA) has observed an increase of attacks against minorities in Pakistan which has led to Christians heavily fleeing their country, if they get a chance to do so, many of them going to Thailand. GMA's delegates, Shahid Khan and Rebecca Gebauer visited the urban refugee community of Bangkok, Thailand in July 2016. They met close to 100 individuals and conducted 30 full interviews of Pakistani Christian families who fled religious persecution from Pakistan. Their stories not only highlighted issues in Pakistan but also their plight following their escape to Thailand. Additionally, the delegates visited agencies and service providers in Bangkok to hear their side of the struggle.

In chapter 1 Rebecca Gebauer focuses the situation of Pakistani Christians who have escaped persecution in their home country and fled to Thailand. Rather than finding refuge they have swapped one extreme for another as Thailand has not signed the 1951 UN Refugee Convention and consequently offers no framework for seeking asylum in Thailand but rather criminalises any 'illegal' immigrant. Based on interviews, she describes the plight of the refugees who get no support at all while not being allowed to work; and the struggle of the UNHCR to cope with a refugee crisis which hardly gets any international attention.

In chapter 2 Shahid Khan describes the situation of Christians in Pakistan and disputes the notion stipulated by the UK Home Office that Christians in Pakistan are 'only' discriminated against rather than being actively persecuted. He makes a strong case that Christians suffer deadly discrimination which is deeply engrained in society and that the failure of Pakistan's subsequent governments and their benign complicity against minorities amounts to persecution even if the state tries to claim that it is not immediately discriminating against them. Mr Khan supports his claim by assessing recent incidents as well as statements made during the interviews in Thailand.

In chapter 3 Miss Gebauer draws attention to the detention practices in Thailand which violate various international treaties. Citing scenarios described by GMA's interviewees she brings the horrors of detention to life. She then moves on to highlight the damaging effects of detention for children in particular.

In chapter 4 Mr Khan draws special attention to gender based violence against Christian women. Backed up by recent data, he presents a grim picture of the security of Christian women who are often subject to sexual harassment and even to forced conversions and marriages. His observations are again illustrated by passages from the interviews in Thailand.

Each chapter concludes with a set of recommendations to the Pakistan government, to the Thailand government and to the international community. These recommendations all point to the unavoidable conclusion that the plight of Pakistani Christians must no longer be ignored; and that immediate measures need to be taken by the respective stakeholders.

Prologue
The Christians of Pakistan
By Sheraz Khan

The Christians have maintained their presence in the subcontinent for over one and a half centuries. By 1830 Christian missionaries had set up a Mission Station at Ludhiana in Sutlej Punjab and by 1852 they had transferred their headquarters to Lahore. The missionaries first attempted to convert the well-heeled Hindus, Sikhs and Muslims to Christianity; however, they soon realised that this approach was not working and as a result they began evangelising low-caste people: leather workers, sweepers and cleaners. The people from low-castes began registering interest in this evangelism and eventually converted to Christianity. At the same time some missionaries thought they should set up educational and health institutions in the hope that the well-off non-Christians might show interest in Christianity after having come into contact with missionaries in these institutions. The missionary institutions soon earned recognition because of the quality services they provided to the local people and some of these institutions. The Forman Christian College and The Kinnaird College in Lahore live up to that reputation to this day. However, these institutions did not win any Christian converts for the mission.

Pakistan came into being in 1947 but the Christians of Pakistan continued to face discrimination because of their humble origins. They are often spurned and denied jobs in both government and private sectors because of their Christian faith. In December 2009 the Pakistani government approved a 5% quota of those employed to be taken from all religious minorities but critics say that the quota was either poorly implemented or not implemented at all. Despite the passage of several decades since the creation of Pakistan the Christians continue to be blighted by poverty. They are seen as social outcasts by the vast majority of Pakistani Muslims.

At the time of partition, the then Christian and other minority leaders voted to make Pakistan their home. They thought that the newly founded Islamic state would safeguard the rights of minorities in accordance with the teachings of Islam. It is argued that Pakistani Christians have never been given their rightful place in the Pakistani polity. Muhammad Ali Jinnah, the founder of Pakistan had envisaged Pakistan as a state where Muslims and the religious minorities including Christians would be treated on the basis of equality. In his speech to the first constituent assembly of Pakistan Jinnah stated: "You may belong to any religion, caste or creed. That has nothing to do with the business of the state. We are starting with this fundamental principle that we are all citizens and equal citizens of the state. We should keep that in front of us as our ideal and you will find that in the course of time Hindus will cease to be Hindus and Muslims will cease to be Muslims, not in the religious sense because that is the personal faith of each individual, but in the political sense, as citizens of the State". In 1948 Jinnah died of tuberculosis and the subsequent rulers did not realise Jinnah's commitment to ethno-religious pluralism.

As well as facing discrimination on a routine basis the Christians of Pakistan are also vulnerable to persecution and there is a wealth of evidence that suggests that the Christians have in the past faced some of the most horrendous and dehumanising forms of persecution.

Attacks on Christians and their places of worship surged following the decision of President Gen. Pervez Musharraf to back the U.S. war on terror. In the wake of this decision which did not go down well with the religious right in Pakistan, outraged Muslim demonstrators expressed their anti-US hatred by attacking churches. The church attacks made Pakistani Christians feel increasingly unsafe and insecure.

The Christians of Pakistan had never faced persecution on the unprecedented scale they began experiencing it after the late military dictator Gen. Zia-ul-Haq introduced Pakistan's draconian blasphemy laws in the late 80s. The laws have since been widely misused against Christians to settle personal scores. Christian rights groups at home and abroad have long been campaigning for the repeal of these unjust laws. However, no Pakistani government has ever made a serious commitment to repeal the controversial laws. As a result of no change in the status quo, Christians, Muslims and other religious minorities continue to be falsely accused under the blasphemy laws. It is very difficult to imagine living in Pakistan after an accusation of committing blasphemy, particularly when the blasphemy-accused has no choice and runs the risk of being tracked down by several militant organisations in the country.

No place in Pakistan could be deemed safe for someone who has been accused of having committed blasphemy. In this grim backdrop it is not hard to imagine why people flee Pakistan to seek asylum abroad. The number of the Pakistani Christian diaspora in the UK as well as in the other western countries is scant which means that those persecuted Christians who make it to the UK or to other western countries are unable to get moral and financial support from their people while their asylum claims are being processed by the authorities.

The report cites excerpts from the interviews of several Pakistani Christian asylum seekers who are stranded in Thailand. The heart-rending stories of the unfortunate Pakistani Christians underline the sad fact that most of them do not receive justice on foreign shores despite them having managed to flee persecution at home.

This report argues that the Christians of Pakistan do face persecution. If the attacks on Christian homes, properties, churches, missionary schools, the rape of Christian women, the forced conversion of Christian men, women and girls to Islam, cowardly acts of burning Christians alive over blasphemy rumours and the cold-blooded assassination of Shahbaz Bhatti, the Christian Federal Minister for minorities is not persecution then what is?

In 2009, Aasia Bibi, a farm-hand proclaimed the divinity of Jesus and because of this she was accused of having committed blasphemy by her colleagues and has since been behind bars.

It is about time that the UK and the rest of the world's western democracies recognised that the Christians of Pakistan do face persecution - a level of persecution which can at times be very extreme, inhumane and cruel.



Mr Shahid Khan with one of the interviewed families in Bangkok, Thailand

Chapter 1
Trapped in the 'Golden Land':
Urban Refugees in Bangkok living in limbo

By Rebecca Gebauer

Thailand is one of the world's most popular tourist destinations, famous for its beaches, its warm climate, its rich nature, and last but not least its delicious street food. Its economy is growing and Thailand ranks 25th in the world in terms of Purchasing Power Parity.¹ It is also known for its Buddhist culture, with Buddhism being perceived by many people in the world as a particular kind and peaceful religion. Thai society is comparatively homogeneous with 90.7% of the population being ethnic Thais and 93.6% subscribing to Buddhism (the official state religion).²

All in all, on the surface, Thailand seems to be a good place to turn to if one is forced to emigrate from one's home country. Many who do so, arrive at Suvarnabhumi Airport just outside Thailand's capital city Bangkok. The airport's name was chosen by the late King Bhumidol Adulyadej and means "Golden Land", the traditional name for the Thailand-Cambodia-Laos-Burma region.³ But does Thailand live up to the name chosen by its king?

With tourism being one of the key parts of the Thai economy, it is quite easy to secure a tourist visa for the country. This includes citizens of countries who otherwise often struggle to secure visas elsewhere due to the political landscape of their country, such as Pakistan. This has led to Thailand becoming one of the prime destinations for minority members such as Ahmadi Muslims and Christians, who have fled persecution and increased sectarian violence in Pakistan.⁴

Open Doors has ranked Pakistan 6th in its World Watch List for persecution.⁵ Since 2002 the United States Commission on International Religious Freedom (USCIRF) continually list Pakistan as a "country of particular concern" with a government that routinely perpetrates and tolerates "systematic, ongoing, and egregious religious freedom violations."⁶ The USCIRF noted that constitutionalised provisions and legislations, particularly Pakistan's blasphemy laws, routinely put non-Islamic minorities at the risk of persecution.⁷

Since 2012, the United Nations High Commission for Refugees (UNHCR) recorded a threefold increase of asylum seekers in Thailand and in Bangkok in particular.⁸ While the general trend shows a decrease in the number registered with the UNHCR as "people of concern" and, in Thailand, the number of urban refugees continues to grow with some 150 new asylum seekers arriving each month.⁹ UNHCR expects the number of registered asylum seekers in urban areas of Thailand to reach 11,800 in 2016¹⁰ with close to 60% of them being from Pakistan.¹¹ This reflects the fear and anxiety within the Pakistani minority communities in Pakistan, which has been growing due to repeated attacks since 2013. The Internationale Gesellschaft für Menschenrechte (IFGM) estimates that in the immediate aftermath of a suicide attack on

¹ Central Intelligence Agency, *The World Factbook* (2016)

² *ibid*

³ *Suvarnabhumi Airport Quick Facts*

⁴ *URBAN REFUGEES, Bangkok Case Study*

⁵ *Open Doors, World Watch List 2016*

⁶ *USCIRF, Pakistan* (2016)

⁷ *ibid*

⁸ *UNHCR, Thailand | Global Focus* (2016)

⁹ *ibid*

¹⁰ *ibid*

¹¹ *UNHCR, Global Appeal 2015 update*

a church in Peshawar in September 2013, 7000 Christians fled Pakistan in fear by the end of December 2013 alone.¹² This coincides with a spike in urban refugees in Thailand since 2013.¹³

The majority of these Pakistani urban refugees come from a middle class background. They were teachers, in health care, owned small businesses, worked with churches or were skilled workers in other areas. All of them share an experience of their life being turned upside down when they encountered conflicts with the Muslim neighbours in a country where minorities do not have a voice.¹⁴¹⁵

Kiran K., a mother of four, told Global Minorities Alliance (GMA):

*"My husband owned an electrical shop in one of Pakistan's major cities. His business was successful and so we had a good life. We had a house, a car and we sent our children to school. But then one of the local Muslims started making our life difficult. He threatened our lives and rallied people against us. We tried to peacefully resolve the issues but we did not get any support from the authorities. We got so scared that we sold our belongings and fled to Thailand"*¹⁶

Aisha S., a 25-year-old mother of a 4-months old baby, said:

*"I was a health worker and so was my mother. We provided health care in different areas of Pakistan on behalf of a government agency. My mother gave advice on family planning while I provided polio vaccines. One day, we were attacked by unidentified men who took our medicines and vaccines. They accused us of being foreign agents who destroy Muslim families and social structures in Pakistan. We asked for help from our employer and tried to report the incident to the police, but we did not get any support anywhere. We did not feel secure anymore. Four months later we were again attacked - we then, with heavy heart, decided to leave Pakistan."*¹⁷

Reverend Tim Eady of Christ Church in Bangkok observed:

*"My perception is that the ones who come [to Thailand] are quite well educated and have some money. They are kind of middle-class refugees. But their money runs out within the first few months."*¹⁸

Legal trap

Kiran K. and Aisha S., as well as the many other people who come to Thailand, hoped to find security. They sold all their possessions, gave up their limited livelihood and left everything they knew and loved behind when the fear of dying at the hands of radical Muslims became too real. However, hope soon turned into new horrors, as being recognised as a refugee is a lengthy ordeal.

Thailand is not a signatory to the 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention) or its 1967 protocol and subsequently does not make any provision for refugees.¹⁹ The Refugee Convention applies the term "refugee" to anyone who has a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country

¹² Internationale Gesellschaft für Menschenrechte (IGFM), *Pakistan: Christen fliehen vor Gewalt* (2013)

¹³ URBAN REFUGEES,

¹⁴ Lenz, Michael, *Fluchtpunkt Bangkok* (2016)

¹⁵ Global Minorities Alliance, *Interview series with Pakistani Christian Refugees in Bangkok, Thailand*

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ Bangkok Post, *Trading danger for despair* (2016)

¹⁹ UNHCR, *Global Appeal 2015 update*

of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”²⁰

The trouble with this and many other definitions is that it does not provide any definitive guidance or definition on what persecution is or what constitutes a “well-founded” fear. Also, in order to enjoy protection as defined by the Refugee Convention, a person has to be recognised as a refugee first. Most people who flee their country are classed asylum seekers in their first country of arrival and have to apply for refugee status. The process of becoming a refugee can be extremely lengthy and recognition as a refugee depends on the willingness of the host state to accept that a person has a “well-founded fear”. Erica Feller, former UN Assistant High Commissioner for Refugees, repeatedly suggested that a distinction should be made between unregistered and registered refugees rather than between asylum seekers and refugees.²¹ What appears like a minor difference in terminology in fact serves the very important purpose of making clear that being a refugee is not defined by recognition but rather by the act of leaving one’s home in fear. It also means that everyone in this position is entitled to support and protection, regardless of whether they are in the process of being registered or if their attempt to register (i.e. claim asylum) has failed.

Thailand avoids the term refugee and rather refers to them as “displaced person fleeing fighting”.²² This strategy is not unique to Thailand and has been used in many states since World War Two. Hannah Arendt alleged shortly after the war that the term “displaced person” had been invented simply to make it easier to ignore the needs of refugees altogether.²³ However, although the Thai government does not distinguish between asylum seekers, refugees or other migrants (except those from Burma) it does criminalise almost every person who stays in the country illegally²⁴ and, instead of providing protection to refugees, Thailand fines overstaying a visa (for whatever reason) with up to two years of imprisonment and a fine not exceeding 20,000 Baht.²⁵

Gerhardt Hoffstaedter generalises the situation in countries like Thailand as follows:

“The immediate issue for most refugees is status, especially given that many host countries today have not ratified the 1951 convention relating to the Status of Refugees or its 1967 Protocol. Many of the places where urban refugees seek (temporary) protection are non-signatory states that usually view refugees as illegal immigrants or grant them unofficial, temporary or conditional protection. This complicates the legal space asylum seekers inhabit and demands more resourcefulness on their part, whilst creating problems for those willing and able to help them. As such, many refugee service providers may themselves be deemed illegal under domestic regimes, or operate in a legal grey area helping unregistered, unwelcome or otherwise disadvantaged populations.”²⁷

Since Thailand did not sign the Refugee Convention, it did not find it necessary to establish a national legal framework to recognise refugees. It has, however, signed other international treaties which do provide every person in Thailand, including unrecognised refugees, certain rights and protection. Thailand is a signatory to the 1976 International Covenant on Civil and Political Rights (ICCPR) and the

²⁰ United Nations, *Convention and Protocol relating to the Status of Refugees* (2010), p. 14

²¹ Hoffstaedter, Gerhard ‘*Between a rock and a hard place: urban refugees in a global context*’, p. 3

²² Singh, Amit K. ‘*Insecure Legal Status of Refugee: Right to Freedom from Arbitrary Detention and Freedom of Movement: A Case Study of Pakistani Ahmadi Refugees in Thailand*’ (2013), p. 22

²³ Arendt, Hannah, ‘*Es gibt nur ein einziges Menschenrecht*’, *Die Wandlung.4* (1949), p. 755

²⁴ Thailand Immigration Bureau, *Immigration Act, B.E. 2522*, p. 12

²⁵ URBAN REFUGEES

²⁶ Thailand Immigration Bureau, p. 14

²⁷ Hoffstaedter, p. 2

1989 Convention on the Rights of the Child (CRC) both of which emerged to define in more detail the rights set out in the Universal Declaration of Human Rights.²⁸ However, in relation to refugees, Thailand constantly chooses to ignore the provisions set out in the treaties. A network of organisations who aid refugees in Bangkok has identified eight areas of human rights violations:²⁹

- (1) denial of the right to be recognized before the law,
- (2) arbitrary detention,
- (3) refoulment,
- (4) denial of the right to a fair trial,
- (5) human trafficking,
- (6) denial of the right to the highest attainable standard of health,
- (7) denial of the right to education, and
- (8) denial of the right to work.

In effect, refugees have no status at all in Thailand. They are practically “outlawed” since they have no rights and are prey to exploitation and state oppression. Arendt goes as far as to say that this situation of being excluded from any rights and from access to society is equal to losing one’s character as a human being, as people can only be human if they are part of a community which recognises them as part of their own.³⁰ This idea maybe strongly contested as it goes against the idea that there are “natural” human rights everyone carries, but in any case it means that refugees in Bangkok and elsewhere are forced to live in a legal and emotional limbo.

Everyday life in poverty and fear

The everyday life of refugees in Bangkok is characterised by constant anxiety and worry as the denial of the right to work and the threat of arbitrary detention, forces urban refugees into a life of permanent fear and hiding.³¹ Due to the increasing number of urban refugees, financial assistance for asylum seekers and refugees has been stretched and is often only available to recognised refugees who are classed as extremely vulnerable.³² That means that most refugees in Bangkok have insufficient means to support themselves or their families. Some refugees take up work illegally which exposes them to the risk of being exploited by their employer. Illegal migrants usually earn less than half of what Thai nationals earn and are forced to work longer hours.³³ Additionally, going out to work or to look for work increases the risk of being arrested by police.³⁴

Life thus becomes a story of struggle to meet even the most basic needs. Most refugees arranged housing while they still had a valid visa as most landlords would not give a lease to illegal migrants. Many lived off their savings at the beginning; however, their money soon ran out.³⁵ After that they struggle to keep up with their rent and are always under threat of homelessness. Families live in tiny one-room apartments with a small en-suite bathroom and no kitchen (cooking is done on a gas cooker on the balcony) which cost between 2000 and 4000 Baht per month.³⁶ For many families this means even if they do get any financial support or work, it more often than not is just barely enough to cover their rent.

²⁸ Singh, p. 37

²⁹ Asylum Access et al, ‘Kingdom of Thailand Universal Periodic Review – 2nd Cycle’ (2015) (p. 1)

³⁰ Arendt, p. 765

³¹ Asylum Access and others, p. 1

³² URBAN REFUGEES

³³ Pittaway, Eileen ‘Life in limbo: unregistered refugees on the Thai-Burma border’, p. 173

³⁴ Singh, p. 50

³⁵ Lenz

³⁶ Global Minorities Alliance, *Interview series with Pakistani Christian Refugees in Bangkok, Thailand.*

Some women try to help their family finances by crafting small items, such as cloth toys which sell at 4 Baht a piece.³⁷

Naseem Y. described her life in Bangkok to GMA:

*"My husband, my son and I live in a one-room apartment and we stay indoors most of the time. We often go to sleep without food. We never know if we will be able to pay our rent as there is no support system and we are not allowed to work. We are afraid of homelessness and of being arrested by police."*³⁸

Arif M., father of three, explained to GMA:

*"Back home [Pakistan] I was a Rikshaw driver. I worked hard and I could provide for my family. Here we are treated as less than humans. We are living like animals. My children have skin rashes and I cannot buy medicines for them. I do not even know how to feed them! We do not allow them to go out as we are afraid that they might get arrested. My kids are fearful day in and day out."*³⁹

Refugees in Thailand have no access to free health care prior to being recognised under the UNHCR⁴⁰ and even though the Thai health care system is advanced, health care beyond emergency care is often only available if a patient is able to pay upfront. There is the opportunity to see a doctor in the Bangkok Refugee Centre (BRC) run by the Catholic Office for Emergency Relief and Refugees (COERR) on behalf of the UNHCR; however, for many refugees this involves travelling across the city, which again involves costs.⁴¹

Aisha S. approached the BRC when she was pregnant with her first son. She did not receive midwifery care but was told to go to a hospital once labour would start. She delivered her baby in hospital and stayed three days. Then, even though she was still in pain, she was discharged from hospital because she could not pay for it. With her husband being held at the Immigration Detention Centre (IDC), Aisha struggles to provide for her son. During her interview she told GMA:

*"My son is four months old. During pregnancy, I did not have enough food to feed myself and my child, so my son was born malnourished. When I went into labour, I went to the hospital. I was in hospital for three days and I was in severe pain but I could not afford to live in hospital for more days. I was so helpless and neither I nor my baby have had health checks since. Because I do not eat regularly, I had very little milk and soon none at all. I struggle to feed my son. I often do not know how to buy milk and nappies for him. I get some help from a local church but I always worry how long I will be able to carry on."*⁴²

Nighat I. told GMA about her sister who had been admitted to hospital. Doctors discovered a life threatening heart condition which required open heart surgery. Nighat applied for support through the UNHCR but was turned down as the medical panel at the UNHCR did not recognise it as an emergency. Eventually, the amount needed was raised by themselves with the help of a private donor.⁴³

³⁷ ibid.

³⁸ ibid.

³⁹ ibid.

⁴⁰ URBAN REFUGEES

⁴¹ Human Rights Watch, *Ad Hoc and Inadequate*, p. 97

⁴² Global Minorities Alliance, *Interview series with Pakistani Christian Refugees in Bangkok, Thailand*.

⁴³ ibid

When GMA went to see some Pakistani Christian refugees in their homes, most of them reported on-going health issues. Bushra S. told us her daughter suffered from tuberculosis.⁴⁴ Abid J. worried about his daughter's heart condition which normally would require regular monitoring.⁴⁵ Similarly, Shahbaz M.'s daughter who suffered from epilepsy had not been seen by a doctor ever since they arrived in Thailand.⁴⁶ Many other interviewees reported suffering from diabetes and/or hyper-tension without having adequate access to medicines. Additionally, the living conditions and uncertainties in Bangkok caused people to suffer from skin diseases and depression.⁴⁷



Mr Shahid Khan with a Pakistani Christian family in Bangkok, Thailand

Parveen B., mother of five, shared with GMA how her own health was deteriorating but also that she was much more concerned about the well-being of her children:

"When I look at our situation here, I feel hopeless. Sometimes I cannot breathe and I feel dizzy. My children are often sick and there is nothing I can do to help them. Since we arrived in Bangkok (in March 2014) my children have not been able to attend school. I am very worried for their future."⁴⁸

Children make up around 11% of Thailand's migrant population.⁴⁹ Though Thai law allows for every child to enter a government school, reality is often very different. Admission heavily depends on the language skills of the child and the willingness of the local school to admit them.⁵⁰ Additionally, even if admission to a public school would be possible, parents often refrain from it in fear that police might arrest their

⁴⁴ ibid.

⁴⁵ ibid.

⁴⁶ ibid.

⁴⁷ ibid

⁴⁸ ibid

⁴⁹ Human Rights Watch, *Two Years With No Moon*, p. 10

⁵⁰ URBAN REFUGEES

children on their way to or from school. The BRC offers limited classes, however. Again the travel there poses an obstacle and the classes are far from meeting educational needs. Similarly, classes offered by NGOs and churches are nowhere close to a formal education.⁵¹

Naleem M., a young teenage girl, told GMA:

"I have done my Intermediate in Pakistan and was planning to apply for college. I am stuck here and I cannot apply to go to a college or university here because we do not have any legal status. My brothers and sisters cannot go to school either, instead we spend our days locked in our room."⁵²

The lack of access to education causes additional anxiety for children who already live in dire conditions. A study in Australia found that children felt a sense of shame over educational delays and that eighty percent of the younger children (less than 6 years old) showed symptoms of developmental delays and/or emotional disturbances.⁵³

Saleem G. described their situation as desperate:

"Our children stay home all the time, they do not go out because we fear that if we go out, police will catch us. I taught them to work hard and that education is important for their future - now they keep on asking me when they will be back in school but I have no answers. I feel hopeless when I see the sadness in their eyes"⁵⁴

Faith Based Organisations

Some Faith Based Organisations (FBOs) try to fill the gaps which are not covered by the UNHCR or NGOs but their capacities are limited and cannot accommodate the many thousand refugees living in the Bangkok area. But not only do FBOs lack the resources to help on a broad scale, they also are put into the role of a service provider rather than being able to carry out their mission and pastoral care.⁵⁵

Reverend Tim Eady, Anglican Vicar of Bangkok told GMA:

"I think the last thing that I expected when I came to be a Christian minister here in Bangkok was that I would be working with refugees from Pakistan. And yet I find that I am in a city with roundabout 10,000 Pakistani refugees. And they represent quite a significant proportion of my congregation. Their needs are immense, they have escaped persecution in Pakistan, they come with horrendous stories about what they have been through in Pakistan and what they have escaped from. They are looking for new lives; they are looking for new hope. But they have come to Thailand which has a 1% Christian population. They are not allowed by Thai law to work here. Their plight is desperate. We are doing what we can to help them, we can love them, we can welcome them, we can give them a free lunch on Sundays. But we simply lack the resources and finances to be of any significant assistance to them."⁵⁶

This situation does not only cause frustration within the FBOs but also puts especially Christian refugees in a rather awkward position. On the one hand, they attend church as Christians expressing their faith but then are often met with suspicion. On the other hand, they also come to church as people in need and are then often forced to recount their story over and over again to justify their need. They are forced to

⁵¹ URBAN REFUGEES

⁵² Global Minorities Alliance, *Interview series with Pakistani Christian Refugees in Bangkok, Thailand*

⁵³ Human Rights Watch, *Two Years With No Moon*, p. 29

⁵⁴ Global Minorities Alliance, *Interview series with Pakistani Christian Refugees in Bangkok, Thailand*.

⁵⁵ Larribeau, Sabine and Broadhead, Sharonne, *'The costs of giving and receiving: dilemmas in Bangkok'*, p. 52

⁵⁶ Global Minorities Alliance, *Interview with Reverend Tim Eady*

re-live their trauma and to present themselves in the most vulnerable way in order to obtain as much assistance as possible.⁵⁷

Some faith based organisations carry out services on behalf of the UNHCR. The BRC is a day care facility under the care of COERR of Caritas Thailand. It provides services to refugees registered by the UNHCR, such as access to monthly support payments and health, educational and legal services. As the BRC falls under the policies of the UNHCR, it cannot extend its services to unregistered refugees unless their situation has been assessed as extremely vulnerable.⁵⁸ Father John Murray of Caritas Thailand described COERR's as well as any operations in the area of refugee aid as severely underfunded due to the global refugee crisis. The fact that refugees are not allowed to work, even after they have been given refugee status by the UNHCR, adds to the pressure on funds.⁵⁹

The Role of the UNHCR

Unfortunately, the situations described above are not of a temporary nature. As Thailand does not have any legal framework for an asylum process, it falls on the UNHCR to manage refugee's applications.⁶⁰ The UNHCR advocates three solutions when handling refugees: voluntary repatriation, local integration, and resettlement.⁶¹ Voluntary repatriation may be suggested if the claim of "well-founded fear of persecution" is not recognised or if it appears to be of a temporary nature (i.e. if people flee war). If a return to the home country is deemed impossible, local integration (i.e. permanent settlement in the country of first asylum) is suggested wherever possible. Local integration may be impossible if the country of first asylum refuses to recognise refugees, as is the case in Thailand. Hence, resettlement (i.e. moving to a second country of asylum) is the only solution for refugees in Thailand. That means the UNHCR does not only have to carry out the refugee status determination process (i.e. investigate and decide if a refugee status can be given), it also has to arrange for transition into a third country once a person is recognised as a refugee. This is a challenging task as only a small number take part in the UNHCR's resettlement program (The United States being the world's top resettlement country followed by Australia, Canada and some Nordic Countries)⁶² In 2015 the UNHCR referred 134,000 cases for consideration, and 81,000 departures⁶³ took place globally, 6,716 refugees departed from Thailand. Given the limited number of spaces available, resettlement turns out to be a very slow process; in 2011 the average time period from referral to departure was 918 days.⁶⁴

Limited spaces in the resettlement programme are not the only reason for delay in the RDS process. Due to the global refugee crisis, all operations of the UNHCR are underfunded and struggle to carry out their task. In Thailand, the UNHCR currently predicts a 93% funding gap of 28.6 million USD.⁶⁵ For refugees that means that they are stuck in desperate conditions for years, as the following example of Lubna F demonstrates:

"We have been in Thailand since December 2013. We registered as asylum seekers with the UNHCR right after we arrived. Life here is very hard, we have no money and we are not allowed to work. We do not get any support from the UNHCR and they keep us waiting. Our interview for

⁵⁷ Larribeau and Broadhead, p. 53

⁵⁸ Global Minorities Alliance, *Interview with John Murray of Caritas Thailand*

⁵⁹ *ibid*

⁶⁰ Singh, p. 4

⁶¹ UNHCR *Policy on Refugee Protection and Solutions in Urban Areas: September 2009*

⁶² UNHCR, *Resettlement*

⁶³ *ibid*.

⁶⁴ URBAN REFUGEES

⁶⁵ UNHCR, *Funding Update*

*refugee status determination has been scheduled for November 2016 but we have heard from many others that interviews are often rescheduled. For almost three years we have been left in the lurch and no one is helping us."*⁶⁶

16 of the refugee families interviewed by GMA had arrived between December 2013 and April 2014. None of them had been interviewed by the UNHCR yet, and only two thirds of them had received a date for their RDS interview. The interview dates ranged from late 2017 to early 2018. Refugees who arrived prior to December 2013 expected to have their RDS interview by the end of 2016.⁶⁷ One interviewee who arrived in August 2015 was given an RDS interview date in 2019 upon his registration with the UNHCR.⁶⁸

But even being interviewed does not end the refugees' ordeal since processing the interview outcome again can take months.⁶⁹ Should the outcome of the RDS interview be negative (i.e. no refugee status given), the appeals process is equally lengthy.⁷⁰ Though the UNHCR is aware of its own shortcomings and has set targets of 120 days from registration to RDS interview, 60 days for decision making and 150 days for appeals, its action plan to address the long waiting times heavily depends on finding additional resources.⁷¹

Even a positive decision after the interview (i.e. being given a refugee status) only marginally improves the situation of an urban refugee in the short term. As mentioned above, the next step from being given a status is resettlement which again takes years. During the waiting time for resettlement refugees continue to be prohibited to work. They are entitled to a small amount of financial support and medical care provided by the UNHCR, but as funds are limited the level of support only manages to maintain their basic and most fundamental of living conditions rather than improve them.

The biggest worry for those awaiting interview or resettlement, (besides economic hardship), is the fear of being detained. When an asylum seeker is first registered with the UNHCR, they are issued with an identification document which identifies them as a "person of concern" to the UNHCR. In theory, these documents should provide refugee protection. However, they are not effective in preventing arbitrary arrests.⁷² Since the most recent military coup in Thailand, the UNHCR observed increased security and immigration enforcement⁷³ which lead to about 200 people of concern being held in IDCs in 2015.⁷⁴ There is no mechanism for independent or periodic review of detention practices and there is no way to appeal against detention.⁷⁵ There are limited options to get out of detention and none of them can be achieved without help from outside agencies. Recognised refugees who are likely to be resettled have a chance to be granted bail (50,000 Baht and a Thai national guarantor). It is at the discretion of the Thai authorities to grant bail with some exceptions, and such exceptions from the resettlement prospect norm have been heard of. Also, if resettlement arrangements have been finalised, detainees can be released

⁶⁶ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

⁶⁷ *ibid*

⁶⁸ *ibid*.

⁶⁹ *ibid*.

⁷⁰ *ibid*.

⁷¹ Office of Internal Oversight Services, *Report 2015/168: Audit of the operations in Thailand for the Office of the United Nations High Commissioner for Refugees* (2015), p. 6

⁷² Singh, p. 4

⁷³ UNHCR, *Thailand | Global Focus*

⁷⁴ UNHCR, *Global Appeal 2015 update*

⁷⁵ Human Rights Watch, *Two Years With No Moon*, p. 2

after any fines incurred have been settled. The third option is 'voluntary' self-deportation. However, Thailand does not bear the costs of this process unless a detainee comes from a neighbouring country and it is up to the detainee to arrange for flights to his country of origin.⁷⁶ For many, this means that detention can be indefinite.

The UNHCR acts upon the invitation of the host government and carries a non-political mandate.⁷⁷ Hence, the UNHCR's work depends on finding a compromise with governments which do not allow for rigorous demands.⁷⁸ This makes it difficult to intervene when refugees are harassed by authorities. Human Rights Watch notes that the UNHCR's role in Thailand has been marginalised and the Bangkok office seems to have very limited influence over local authorities.⁷⁹



Miss Gebauer with a Pakistani Christian family in Thailand

Conclusion

Being a refugee in Bangkok is a life of hardship and fear. Pakistani Christians flee persecution in their home country in good faith that things must be better elsewhere but they quickly learn that this is not the case. Coming to Thailand as a refuge only slows down the threat to their lives. In Pakistan they feared to die a violent death by their neighbours' hands or in a bomb blast, they now fear dying a slow but almost equally certain death out of hunger and sickness. Thailand's refusal to recognise refugees' costs lives and puts shame on a country which otherwise claims to be a modern day paradise. The situation appears even more absurd when considering that Thailand is a newly industrialized nation, (NIS) a "Tiger cub", which urgently needs to grow its workforce. While there is plenty of work, refugees are left hungry as they cannot obtain a work permit. While GMA acknowledges that Thailand has a right to protect its own borders and demonstrate its sovereignty by regulating migration, it should also live up to the responsibilities of a modern state and immediately improve its migration policies. If it does not, then the "golden land" is nothing but a legend.

⁷⁶ URBAN REFUGEES

⁷⁷ Singh, p. 25

⁷⁸ *ibid*, p. 25

⁷⁹ Human Rights Watch, *Ad Hoc and Inadequate*, p. 87

Recommendations Chapter 1

- The international community should enhance efforts to persuade Thailand to sign and ratify the 1951 Refugee Convention and its 1967 Protocol.
- Thailand should be reminded to adhere to the commitments made in the signing of the 1976 International Covenant on Civil and Political Rights (ICCPR). Arbitrary detention must therefore end.
- Thailand must act on the 1989 Convention on the Rights of the Child (CRC). The International Community needs to highlight repeatedly the innocence of each child and the subsequent right to protection.
- Thailand should ensure that education is accessible to every child and that refugee children get additional support to learn the Thai language. Schools who discriminate against refugee children should face penalties.
- Thailand should introduce a national framework for migration which goes beyond criminalizing illegal migration and regulates detention practices. Detention should be clearly defined as a last resort option to manage migration.
- Thailand should issue temporary work permits to refugees who have been recognised by the UNHCR and those who are in the process of being assessed (people of concern). This would allow people who are waiting for resettlement or for a refugee status to maintain a livelihood.
- The International Community should call on Thailand to take responsibility for refugees and to support the UNHCR in its tasks financially.



Mr Shahid Khan with a family in Bangkok, Thailand

Chapter 2

Are Christians in Pakistan at real risk of Persecution?

By Shahid Khan

'If Christians are not persecuted in Pakistan then no one in the world is persecuted'

Shamaun P., a Pakistani Christian asylum seeker in Bangkok, Thailand

Pakistan and its beleaguered religious minorities

According to *CIA Factbook*, in Pakistan, Muslims are estimated as 96.4% while religious minorities include, Christians, Hindus, Shias, Sikh, Ahmadis. Christians are the largest minority in Pakistan. The figures for all religious minority groups are estimated at 3.6%⁸⁰. In post 9/11 Pakistan, religious minorities have *been* the target of violence and attack. According to the Jinnah Institute report 2016, during the period 2012-2015 at least 351 incidents of violence were executed against religious minorities⁸¹. In the western world, Pakistan is often regarded as a breeding ground for religious extremism and militancy – one of the most urgent problems of 21st century Pakistan.

Theodore Gabriel points out that the divorce between religious minorities and mainstream Muslims took a nasty turn soon after the creation of Pakistan. He notes: 'The liberal stance of Jinnah and Liaquat Ali Khan was gradually compromised in the years that followed the independence.' He further suggests that a shift from the foundational vision of the founding fathers is in contravention of the principle of equal rights for non-Muslims citizens enshrined in the Objective Resolution of 1949⁸².

Global Minorities Alliance (GMA), in its submission in November, 2015 to the *United Kingdom All Party Parliamentary Group on Freedom of Religion or Belief (APPG)*, noted: 'The beginnings of the process of the Islamisation of Pakistan had unfortunately commenced soon after the independence of Pakistan, which betrayed the trust of the religious minorities of Pakistan, whose leaders at the time had given their explicit consent to accede to a newly created Pakistan'⁸³.

As cited above, the vision of a pluralistic Pakistan by its founding fathers soon blurred into what Stephan Cohen in his book *'The idea of Pakistan'* termed as 'Islamic Rhetoric'⁸⁴. Successive governments, precipitated an unrivalled and horror-riddled future with decades long state-sanctioned persecution, through the introduction of its draconian blasphemy laws, which demonised its religious minorities, and pandered to religious demagoguery. This fuelled religious militancy, widespread and systematic violence against minority women, and further deflated any confidence members of religious minorities had in the state and its capacity to protect them. The utter disregard of the existence of its religious minorities, their unmet grievances at all levels, and the government's half-hearted policies to ensure any protection to its religious minorities, further created a sense of alienation, inferiority and hopelessness among members of religious minorities. In today's Pakistan, religious minorities live in shadows on the fringes of society due to its highly toxic religious climate and the growing culture of impunity where murderers are lauded as national heroes⁸⁵ and members of minorities are literally hounded to their deaths.

⁸⁰ Central Intelligence Agency, *The World Factbook* (2016)

⁸¹ Jinnah Institute Report 2016: State of Religious Freedom in Pakistan (2016), p. 5

⁸² Gabriel, Theodore, *Christian citizens in an Islamic state* (England: Ashgate Publishing Ltd, 2007), p. 24

⁸³ Global Minorities Alliance Submission to All Party Parliamentary Group on International Freedom of Religion and Belief (Glasgow, 2015)

⁸⁴ Stephan Cohen, *The Idea of Pakistan* (Brooking Institution Press, 2004), p. 170

⁸⁵ Boon, Jon, *Salmaan Taseer murder case harks back to 1929 killing of Hindu publisher* (2015)

The *All Party Parliamentary Group on Religious Freedom or Belief* argue in their final report, which was presented to the UK Border Agency, that the Agency should review its Country Guidance report on Pakistan on minorities. They state:

'Besieged by allegedly religiously-inspired extremists and religiously-driven terrorism, religious minorities have been the focus of State-sanctioned persecution as well as violent acts perpetrated by non-State actors. Oppressive policies and laws imposed by Pakistani officials at the federal and provincial levels, in conjunction with systematic impunity for violent mob attacks on religious minorities and their properties, provide a dangerous environment for any adherent of a religious belief not deemed 'orthodox' by those around them to practise their right to manifest their beliefs⁸⁶'.

Farhanaz Isphani, a famous Pakistani writer based in Washington DC, argues in her most recent book *Purifying the Land of the Pure: Pakistan's Religious Minorities* that Christians Hindu and Shia Muslims are under attack every day and the state has reduced minorities to outcasts in Pakistan today⁸⁷.

Given the harsh treatment of its religious minorities in Pakistan, the only viable option for some persecuted members is to flee religious persecution in Pakistan. The exodus of religious minorities in Pakistan can be traced back to the years following its Independence Day in August, 1947, which unfortunately continues to this day. At the time of independence, the religious minorities in Pakistan are counted for 23% of the population; today the number of all its religious minorities has shrunk to a meagre 3%⁸⁸.

Religiously biased Curricula

The education system in Pakistan is comprised of more than 260,000 institutions and provides educational opportunities for well over 41 million students with a full-time teaching staff of more than 1.5 million teachers. The system includes 180,846 public institutions and 80,057 private institutions. Thus, 31 percent of educational institutions are run by the private sector while 69 percent are run by the state⁸⁹

Public school textbooks are the true representation and reflection of the social, political and national ideologies of the state. The curricula used in such books shape the national character of the country. The *US Commission on International Religious Freedom's* (USCIRF) recent report '*Teaching Intolerance in Pakistan*' depicts the biased attitude aimed towards its religious minorities on the basis of the public text books. The content of Pakistani public school text book related to non-Islamic faith and non-Muslims continue to teach bias, distrust and inferiority. It further notes: '... textbooks portray non-Muslim citizens of Pakistan as sympathetic towards its perceived enemies: Pakistani Christians as Westerners or equal to British colonial oppressors, and Pakistani Hindus as Indians, the arch enemy of Pakistan'⁹⁰.

Secondly, the inclusion of disputed textbook material presents minorities in a negative perspective as enemies of the state who have no role in the making of Pakistan. Stephen Cohen argues that, in 1981, a University Grant Commission issued a directive to textbook authors to demonstrate that the basis of Pakistan is not to be founded on racial, linguistic or geographical factors but on a shared experience of a common religion, hence minimizing the existence of minorities altogether⁹¹. The USCIRF report

⁸⁶ Pakistan Report: All Party Parliamentary Group on Religious Freedom or belief (2016) ,p. 5

⁸⁷ Isphani, Farahnaz, *Purifying the land of the pure: Pakistan's religious minorities* (2015)

⁸⁸ Isphani, Farahnaz, '*Cleansing Pakistan of minorities*'

⁸⁹ Hussain, Aftab "Education System of Pakistan: Issues, Problems and Solutions", 2 March 2015, Islamabad Policy Research Institute (IPR),

⁹⁰ USCIRF Report 2016 'Teaching Intolerance in Pakistan' p. 11

⁹¹ Cohen, Stephen, *The Idea of Pakistan* (Brooking Institution Press, 2004) p. 170

mentioned the text book material taught in Pakistan, public schools which further stokes intolerance, bigotry and prejudiced against non-Muslims in Pakistan.

USCIRF notes the tenth grade Urdu textbook's page 23 which states:

*"Because the Muslim religion, culture and social system are different from non-Muslims, it is impossible to cooperate with Hindus."*⁹²

Another quote from the Sindh province seventh grade Urdu textbook mixes facts and conspiracies, portraying Hindus and Christians as partners to destroy Muslims. "There were two enemies of Muslims, the Englishmen and Hindus. Both of these were against the formation of Pakistan. On one hand, the Englishmen renounced the division plan of Hindustan, while on the other hand, Hindus were planning to occupy the entire Hindustan and enslave Muslims..." Urdu Textbook, Grade 7, Sindh Textbook Board.⁹³

In 2010–2011, the International Centre for Religion and Diplomacy (ICRD) conducted a review of Pakistan's primary and secondary education systems to assess the level of prejudice and intolerance against religious minorities, particularly Hindus and Christians, in both the curriculum and attitudes of teachers and classmates. The group reviewed 100 text books from grade 1-10 from all four provinces in Pakistan. The study found Public school textbooks have a strong Islamic orientation, while its religious minorities are either referred to derogatively or omitted altogether. The study titled 'Connecting the dots' published under the aegis of USCIRF also found that 'Madrasa textbooks generally portrayed non-Muslims in one of three ways: (1) kafirs (infidels) or mushrakeen (pagans), (2) dhimmis (non-Muslims www.uscirf.gov | U.S. Commission on International Religious Freedom 11 Preface | Education and Religious Discrimination in Pakistan living under Islamic rule), or (3) murtids (apostates, i.e. people who have turned away from Islam). Non-Muslims were never described as citizens with the constitutionally protected rights which accompany citizenship. Tolerant references were found in both systems, often intermixed with neutral and intolerant references, leaving some room — albeit complicated — for improvement'⁹⁴.

As a result of this state-sanctioned support or exploitation of the traditional institution of education the number of religiously-led teachers, clerics, students exceeds what Pakistan requires. It has created a class of what Stephan Cohen calls 'lumpen proletariat, ill-equipped, ill-adapted and ill-placed, who are unemployed and practically uneducated young men who see religious education as a vehicle for social mobility, and who find traditional avenues clogged and modern ones blocked'⁹⁵.

Given this negative portrayal of religious minorities in school textbooks, the treatment of pedagogical methods to create intolerance and indifference among its citizens is the classic example of state-complicity aimed at religious minorities. Successive governments have done little or nothing to tackle this religious militancy through educational reforms to promote the pluralistic values of interfaith harmony and understanding between faiths. This is one of the lasting issues of modern Pakistan.

Post 9/11 Pakistan and policy of annihilation

Razia Musarrat and Sumaira Khan's study in post 9/11 Pakistan reveals the trends of terrorism which escalated the antagonistic climate towards religious minorities in Pakistan.

The study revealed that, 'there were 1503 terrorist attacks in 2007, including target killings, assassination and suicide attacks in which 3448 casualties and 5353 injuries were reported. There were 60 suicide

⁹² Cohen, Stephen *The Idea of Pakistan* (Brooking Institution Press, 2004) p. 11

⁹³ *ibid.*,

⁹⁴ USCIRF Report 'Connecting the dots'

⁹⁵ Cohen, Stephen, *The Idea of Pakistan* (2004),p. 170

attacks, mostly on security forces, in which at least 770 died and 1574 were injured. It was reported that after the Lal Masjid operation violence increased in Pakistan. Pakistan faced 2148 terrorist attacks in the year 2008. These attacks caused 2267 casualties and 4558 injuries. The Human Rights Commission of Pakistan reported that there were 67 suicide attacks in which 973 people were killed and 2318 were injured. It was revealed that there were 140 suicide blasts in 2008 and 56 blasts in 2007⁹⁶.

The post 9/11 of guerrilla war tactics in Pakistan sent tremors through its beleaguered minorities. There was a tangible sense of exclusion, inferiority, insecurity, violence and the fear of murder.

Global Minorities Alliance argues that all religious minorities (including, Christians, Hindus, Sikhs, Ahamdis, Shias) are at high of risk of persecution with no or no protection by the state. Our case study in this report are Christians – the largest religious minority in Pakistan.

Definition of a Minority

According to Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, a minority is: 'A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language'.⁹⁷

Christians in Pakistan

Christians constitute the biggest religious minority in Pakistan. The multi-layered discrimination, both by the society at large and at the hands of state, has plunged a besieged community to the bottom of the social ladder. Access to employment and justice, unstoppable attacks on Churches and Christian neighbourhoods, are now norms in today's Pakistan. In its most recent report *Open doors* has listed Pakistan as the 6th most dangerous country for Christians.⁹⁸

The never-ending catalogue of persecution against Christians include Gojra and Korian in 2009 where eight Christians were burnt alive on the false allegation of blasphemy; no one was ever prosecuted, while more than 70 houses were torched. The author of this report visited the village and met Christian families living in constant fear at the time. The most recent religiously motivated attacks on Christians include Joseph colony⁹⁹, a poor Christian neighbourhood, which was attacked in 2013, where more than 150 Christian houses were torched and two Churches were bombed. They also include the tragedy of All Saints Church in Peshawar¹⁰⁰, where more than 80 Christians died, which triggered an even greater sense of insecurity among the community. In 2014, a Christian couple was burnt alive on the allegation of blasphemy. The most recent Easter bombing on 28 March, 2016 is yet another attack on a beleaguered community. In spite of the consistent pattern of persecution and attacks on the Christian community, the *UK Border Agency (UKBA)* argues that Christians are not persecuted. This chapter will discuss this later.

The *UK Border Agency* in its Pakistan country and guidance report 2016, argues that 'both evangelical and non-evangelical Christians face increased discrimination and targeted attacks because of their faith. However, there are a large number of Christians in Pakistan and, whilst some individuals may be at

⁹⁶ Musarrat, Razia and Khan, Sumaira, 'Terrorism and Politico-Religious Extremism in Pakistan Post 9/11', (2014), p. 5

⁹⁷ Office of the High Commissioner of the Human Rights

⁹⁸ Open Doors UK & Ireland, *Country Profiles* (2016)

⁹⁹ New York Times 'Attack on Christians follow claim of Blasphemy in Pakistan' (2013)

¹⁰⁰ Dawn (Pakistan English Newspaper) *Twin Church blast claim 80 lives in Peshawar* (2013)

greater risk, taken as a whole the evidence does not indicate that Christians are, in general, subject to a real risk of persecution or inhuman or degrading treatment'.¹⁰¹

The UKBA subsequent review report in large part ignores the systematic marginalisation of Christians, state failure to enforce laws equally for all citizens, state approved religiously-biased curricula, religiously-motivated attacks on Christian neighbourhoods, target killings, and forced conversions; the sexual assault on Christian women and girls; the utter disregard of the taking of many lives with state complicity. All this amounts to a serious threat to the lives of Christians in Pakistan.

In the light of our interviews with Christian refugees in Bangkok, who fled persecution in Pakistan, it submits that, given the absence of state protection, the biased approach of security and law enforcement agencies when dealing with Christian cases, police torture and brutality, a fragile judiciary which easily caves in to religious and political pressure, Christians suffer a high risk of persecution. This state failure puts Christians in a vulnerable position and hence we therefore advocate that Christians in general should be given group recognition under United Nations and International Law for the purpose of claiming and granting asylum (as previously advocated by GMA in its submission regarding AK & SK (Christians: risk) Pakistan case).¹⁰²

Discrimination versus Persecution

The temptation to treat people unfairly because of their 'otherness' may be an inherent characteristic of human nature. It is sad but true that in all cultures people have at some point been socially ostracised, banished, victimised and persecuted on the basis of their religion, race, ethnic origin, sex or some other background.

In the case AK & SK (Christians: risk) Pakistan (CG) [2014] UKUT 569 (IAC) (15 December 2014) It was noted that: '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' (paragraph 240).¹⁰³

The non-discrimination rule protects the individual who on account of their membership of a particular group (i.e. race, religious and ethnic group) is subject to exclusion, prejudice or hatred and treated as a second class citizen. The UN Charter 1 (3) enshrines 'promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex language or religion'.

UNHCR Report on minorities in Pakistan 2012 recognised that the "Christian minority in Pakistan is subject to recurrent discrimination and harassment as well as acts of religiously motivated violence at the hands of militant groups and fundamentalist elements."¹⁰⁴

In light of the above the question raised by GMA is: does this repetitive harsh treatment of the Christians in Pakistan by state and non-state actors amount to discrimination or persecution? In answering this question, GMA conducted a series of interviews with Christian refugees in Bangkok. Let us explore more in detail in the light of our interviews.

Direct Discrimination

The academic research of Kälin and Künzli shows that discrimination uses adverse distinctions on the grounds of race, sex, birth, ethnic origin, religion, political opinion or other similar reasons, which are based on characteristics which constitute an individual's identity. So the dignity of the 'human person' and the identity that person inhabits is relevant a factor for all forms of discrimination. They argue that,

¹⁰¹ UKBA Country Guidance Report 2016

¹⁰² Global Minorities Alliance submission for a Christian Group Recognition Status

¹⁰³ Home Office, *Country Information and Guidance Pakistan: Christians and Christian converts* (UK), p. 6

¹⁰⁴ UNHCR Report of Pakistan Minorities 2012

'What we are depends to a large extent on our gender, religion, ethnic origin, or language. These characteristics define each individual.' They point out that it is an assault on human dignity if we are unfavourably treated not on account of our behaviour, but on account of the characteristics we possess as human beings.¹⁰⁵

The following four conditions must be met to constitute direct discrimination in a legal sense.

1. Unequal treatment:

The principle of discrimination implies the blatant existence of unequal treatment in the sense of distinctions, preferences, exclusions, and limitations. In a bid to examine the disparate treatment exists one must examine how individuals have been treated in a comparable situation. Classic examples of unequal treatment may be restricted access to education or unemployment of minority members:

"When I was promoted as a head nurse, a Muslim nurse was jealous of my promotion. Later, she implicated me in a false blasphemy law case due to professional jealousy. I sought help from my supervisor but she did not help me and rather I was accused of being an 'infidel' and was told to convert to Islam. I had to leave my job and relocate within Pakistan, and later I came to Thailand to save my life."¹⁰⁶

Farhat S., Cardiac

Nurse

2. Unfavourable Treatment:

The principle of discrimination also implies that individuals or members of a particular group experience disadvantage as compared to those in similar conditions. The manner in which this unfavourable treatment occurs is irrelevant; for example, whether it includes exclusion, limitation, degrading treatment, punishment, preferential treatment of the other group, or any other element. The sole criterion should be the unfavourable treatment or the effect of that distinction.

One of our interviewees, Sarfaz W. told GMA about the unfavourable treatment she was given at her workplace because of being a Christian nurse in a private cardiac hospital in Multan. She worked day and night and performed her duties with immense care and compassion. Due to her diligence and hard work, she was promoted to lead the entire ward, which met with harsh treatment and criticism from her Muslim colleagues. They concocted a false case of blasphemy, saying that she had disgraced a copy of the Quran. She received death threats and as a consequence she had to leave her job. The years of hard work and dedication which led her to promotion ironically also placed her in a dangerous, unprotected and untenable situation which left her with no other choice but to flee Pakistan.

3. Based on a suspect classification:

Discrimination is in general based on adverse distinctions on the basis of a characteristic which is not intrinsically negative but forms the identity of the person. The prohibitive discrimination list is not exhaustive but the core factors include race, colour, religion ethnic or national origin, language, social origin or birth; and political conviction.

4. Without Justification:

Direct discrimination occurs when unequal and unfair treatment is directly linked to a protected characteristic and which cannot be justified on legitimate grounds. Hence, the lack of justified grounds demonstrate that the debasement was the purpose or the effect:

¹⁰⁵ Kälin, Walter and Künzli, Jörg, *The Law of International Human Rights Protection*, pp. 344–45

¹⁰⁶ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

Saleem G., a private cafeteria owner, who had good sales income, was prosperous enough to employ Muslims in the area, owned a house, car and lived with his wife and three children. An Islamic teacher knew that a Christian man provided food to the college students and began to reprimand him and threatened him, saying that he should convert to Islam. The situation went from bad to worse, and ultimately he was forced to leave his home and business. Saleem was forced to go into hiding, eventually fleeing to Thailand to save his life.¹⁰⁷

Indirect Discrimination

Laws or their application may result in the distinction that, although unrelated to any prohibited grounds in practice, have a detrimental effect that exclusively or at least disproportionately affect more people with such characteristics, than those who do not hold such characteristics.

Global Minorities Alliance has long campaigned at the international level for the repeal or reform of Pakistan blasphemy laws which indiscriminately hurt and have historically been used as tool of persecution against all religious minorities including Christians in Pakistan. Aasia Bibi,¹⁰⁸ a Christian mother of five, for whose release Global Minorities Alliance has been campaigning is one of scores of examples where Christians have been falsely implicated and languish in Pakistan prisons with no access to a fair trial provided by the state.

Our interviewee George N. said:

'Blasphemy laws are lethal weapons to silence anyone who raises a voice for the rights of minorities'.¹⁰⁹

Religion-blind laws

Blackford argues that the 'state should not impose its preferred religion or persecute religions that it dislikes' He also adds that services required or provided by the state should remain autonomous of religious belief in furtherance of promoting and protecting civil interests such as protection of life, liberty and property.¹¹⁰

Blackford argues that religious freedom requires that the state abstain from deciding which religion, if any, is correct. The might of the state should not be used to impose, suppress, endorse, promote or disparage any religious views, private actors or to advocate for religious views.¹¹¹

He further maintains that 'Freedom of religion is freedom from the state's efforts to persecute certain religions or to impose others. It is not about requiring individuals, citizens, or the groups that they voluntarily form, to become religion-blind.¹¹²

The United States Commission on International Religious Freedom says of Pakistan blasphemy laws: 'They inappropriately position governments as arbiters of truth or religious rightness, empowering officials to enforce particular views'.¹¹³

Furthermore, the extent to which mainstream religion resonates throughout the Pakistani government policy (unwritten or otherwise) can only be seen by the limits placed upon other religious denominations

¹⁰⁷ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁰⁸ GMA campaign to release a blasphemy accused Pakistani mother <http://www.globalminorities.co.uk/gma-campaigns/freeaasia> Accessed on 12/08/2016

¹⁰⁹ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹¹⁰ Blackford, Russell, *Freedom of religion & the secular state* (Oxford: Wiley-Blackwell, 2012), 11: Blackwell public philosophy p. 112

¹¹¹ *ibid.*, p. 118

¹¹² *ibid.*,

¹¹³ United States Commission on International Religious Freedom Policy Brief on Blasphemy 2014

being allowed to hold public office. Pakistani Constitution does not allow Christians to hold any senior public office. They cannot be the President, Prime Minister or even the Speaker of the Parliament. This exclusion of Christians contributes to indirect discrimination.¹¹⁴

Equality before Law and Equal Protection of the Law

International law conceptualises a principle of equality of all people before the law, which in general terms constitutes the principle of non-discrimination. It is true that human beings should not be treated unfairly and unfavourably because of their race, religion, ethnic origin, sex, social, political and religious background, but rather they should be treated as equal irrespective of any such background.

This principle of equal treatment is enshrined in the first sentence of ICCPR (International Covenant on Civil and Political Rights) Article 26 and in ACHR (American Convention on Human Rights) Article 24, ACHPR (African Charter on Human and Peoples Rights) Article 3 and ACHR (Arab Charter on Human Rights) 2004 Article 11: 'All persons are equal before the law and are entitledto the equal protection of the law'.

Equality before the law means the right to the same interpretation and application of the law as all others and the equal protection of the law and the right to be treated equally by the law.

Our interviewee George N. highlighted the applicational and operational failures of this principle of equality before the law within Pakistan:

*'Extremists burn my Cross, they burn my Bible, they covert Christian women forcibly, but despite these issues, not even a single culprit is arrested or punished.'*¹¹⁵

Protection of Minorities

Article 27 of the ICCPR points out that where states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

State parties therefore, have an obligation to ensure that the exercise of these rights is fully protected and they should indicate in their reports the measures they have adopted in this regard.¹¹⁶ The actual reality of the state's failure to guarantee the protection of this right and hence its minority citizens is highlighted in the following statement by Zahid Y., a Pakistani Christian refugee now living in Bangkok:

*"I lived in Lahore with my family and four sons. One day the Muslim neighbours asked me if I can provide my house for a Muslim gathering to which I conceded and later I was asked to convert to Islam. I resisted but I was delivered death threats. I was out with my wife who was pregnant at the time when religious zealots attacked me and my wife. We were attacked with clubs and during this my wife lost the child and they left us unconscious in the middle of a busy road"*¹¹⁷

He further told GMA:

*"Extremism is inherent in Pakistan. The fundamentalists can do whatever they want if you do not accept Islam as your religion"*¹¹⁸

¹¹⁴ The Express Tribune Pakistan Non-Muslims ought to be eligible to become President, PM (2011) <http://tribune.com.pk/story/228680/non-muslims-ought-to-be-eligible-to-become-president-pm-kamran-michael/> Accessed 13/08/2016

¹¹⁵ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹¹⁶ United Nations Human Rights Committee: Minorities Article 27 General Comment No 23 (1994), para. 9

¹¹⁷ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹¹⁸ *ibid.*

Protection of Private Life

The protection of private life is one of the most taken for granted fundamental principles of life in the western world. The foundation and general prerequisite to the founding of all western liberal democracies is in their operation of principles of equality and the protection of life, liberty and pursuit of happiness.

Private life is where individuals decide about matters we do not want to share with others. It is the place where we decide our way of life, attitudes, values, tastes, relationships, family and friends. It is about the place where we keep we keep the public and state out. It is out most intimate and ideally a 'safe space'.

The right to private life ranks high in civil liberties. Freedom of autonomy (private) and Freedom to participate (public) represent freedom in the western world. Article 8 of the European Convention of Human Rights protects private life.¹¹⁹

Christians in Pakistan deem that their private and public lives and properties are unsafe. George N. our interviewee, told GMA:

"Our Churches, our crosses and our homes are under attack everyday'. Islam teaches tolerance. Are we tolerated in Pakistan?"¹²⁰

Given the evidence provided there is not an iota of doubt that Christians in Pakistan, being a members of a particular group, are subject to widespread and systematic discrimination where their access to justice, right to life, property and liberty is at stake and hence they cannot in reality access or even have limited access to the rights and freedoms enjoyed by the mainstream religious group and as articulated in the UN International Covenant on Civil and Political Rights.

What is Persecution?

According to the Rome Statute of the International Criminal Court Article 7 "Crimes against humanity" means any actions committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: It is well established that identifying these crimes against humanity is primarily intended to protect certain fundamental human rights." (p.740)

Para 2 (g) further defines persecution. It states: 'Persecution means the intentional and severe deprivation of fundamental rights contrary to International law by reason of the identity of the group or collectivity.¹²¹

Professor Rehman, a leading academic on International Human Rights, argues that 'Crimes against humanity represent a serious attack on human dignity and humanity and result in the degradation and humiliation of one or more human beings'. Crimes against humanity are part of the systematic **policy of violence** against a civilian population. Such systematic policy is initiated or at least tolerated by the government, although non-state actors may also engage in crimes against humanity¹²²

He further explains that crimes of humanity are not only limited to times of war. 'It is well established that 'crimes against humanity' can be committed, under customary International law both in war and times of peace against the civilian or armed forces¹²³

¹¹⁹ Kälin, Walter and Künli, Jörg, pp. 344–45

¹²⁰ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹²¹ Rehman, Javid *International Human Rights Law*, 2nd ed. (2010)

¹²² *ibid.*, p. 740

¹²³ *ibid.*,

'Crimes against humanity include, murder, torture, extermination, rape, political and religious persecution and other inhuman acts if they are part of a routine or systematic practice'. Article 7 of the Rome Statute defines crimes against humanity through a number of limitations. One of the requirements is '**widespread and systematic attack**'. Attack is further defined as a 'course of conduct' (*Article 7 (2) (a)*). Furthermore, the attack has to be carried out against a civilian population and not against combatants or armed forces. The attack is carried out 'pursuant to or in furtherance of a State or organisational policy to commit such an attack'.¹²⁴

“Persecution of minorities in Pakistan is born with the birth of a child since they are taught by their parents to hate the ‘other’ and keep distance from all religious minorities which are considered as ‘Kafirs’, infidels. This hatred against the ‘other’ grows, as a child grows in flesh and blood.”¹²⁵

Zahid Y., Pakistani Christian, Bangkok

UKBA in its review report completely ignores the state-sanctioned persecution of Christians by stating that Minority Day is celebrated and observed, along with Christmas Day at state level. However, it disregards the decades long failure of the state to protect the minorities; the most recent example being the Easter Bombing in March 2016. This is yet another episode of a long list of state failures to protect its minority citizens.

During the UK Parliamentary debate on Pakistan’s religious minorities Gareth Thomas, former Shadow Minister (Foreign and Commonwealth Affairs) argued that Christians are persecuted in Pakistan:

“Christians, Hindus and other Islamic groups [also] face persecution, which is clearly tolerated at the federal state level, where the Pakistani authorities [also] need to take action.”¹²⁶

Furthermore, and in furtherance of our proposition, Jim Shannon MP of the Strangford, Democratic Unionist Party (with whom GMA delegation met at the Parliamentary inquiry in London on November, 2015) argued during the debate (in relation to state complicity against its minority members) that:

“In Pakistan, regardless of which minority faith an individual belongs to, all are subject to similar practices of discrimination or persecution. That is a fact in Pakistan today. The much maligned blasphemy laws have been used as a vehicle for egregious violations of religious freedom against all minorities”.

He further added: ‘The Government in Pakistan clearly use that for their own ends. The laws also embolden extremists to commit violent acts against perceived blasphemers. We have seen illustrations in films of people in high positions in some religions violently and aggressively speaking out against other religions. That cannot be allowed to continue. False accusations of blasphemy have served as a pretext to incite violence and permit lynch mobs’.

Mr Shannon further maintained that 'In 2015, the Pakistani government continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations'.¹²⁷

¹²⁴ Rehman, Javaid, International Human Rights Law, 2nd ed. (2010), p. 743

¹²⁵ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹²⁶ Hansard UK Parliament, *Persecution of Religious Minorities - Pakistan* (2016)

¹²⁷ *ibid*

“If Christians are not persecuted in Pakistan than no one in the world is persecuted. Are Christians in Pakistan not human beings? They are treated worse than animals.”¹²⁸

Shauman P., Pakistani Christian, Bangkok

Ms Tasmina Ahmed-Sheikh, Member of UK Parliament for Ochil and South Perthshire, Scotland also held that the Pakistan government should be held responsible for the failure to protect its citizens.¹²⁹

'The Scottish National party is opposed to religious persecution. Religious freedoms are a fundamental human right, and we are disappointed that the Pakistan Government continue to condone and conduct religiously motivated attacks. We call upon the Foreign Secretary to press the Government of Pakistan to take action against all religious persecution. Pakistan should (this point was raised when we there with the British Council) reform its blasphemy laws, which are incompatible with the international covenant on civil and political rights, which it has signed.¹³⁰

In an article published in Foreign Policy about the state of religious minorities in Pakistan 'Persecution without prosecution'¹³¹ authors Farahnaz Isphahani and Issac Six argued that tragedy of Joseph Colony, a Christian neighbourhood in Lahore where in 2013 more than 100 Christian houses were torched on the allegation that a Christian man, Sawan Masih had desecrated the Quran. The authors argue that there is a decades long pattern of state failure and an unwillingness to prosecute those who perpetrate human suffering, violence, targeted attack on innocent civilians; but on the opposite side, those who are attacked and pillaged are put on death row. Sawan Masih was arrested and sentenced to death by the order of Federal Shariah Court.

Six and Isphahani argue that, 'this example is consistent with a long-running pattern of the prosecution of religious minorities, while allowing those who persecute them to escape justice.'

This view was reflected in one of our interviews in Bangkok, where GMA were told how police show discriminating and biased attitudes when it comes to Christians in Pakistan.

Given failure to implement any systemic changes to protect religious minorities in Pakistan including Christians, USCIRF recommended Pakistan to be designated a 'country of particular concern', CPC, under the International Religious Freedom Act (IRFA), as it has recommended since 2002.¹³²

'The actions of non-state actors, including U.S.-designated Foreign Terrorist Organizations such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), continue to threaten all Pakistanis and the country's overall security. Religious minority communities, including Shi'a and Ahmadiyya Muslims, Christians, and Hindus, experience chronic sectarian and religiously-motivated violence from both terrorist organizations and individuals within society. The government's failure to provide adequate protection for likely targets of such violence or to prosecute perpetrators has created a deep-rooted climate of impunity'.

Treatment by the state

The UKBA Country Guidance report, following the Parliamentary inquiry published in May, 2016 by the UKBA quotes the AK & SK case to assume a general stance on the situation of the Christian minority in

¹²⁸ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹²⁹ Hansard UK Parliament, *Persecution of Religious Minorities - Pakistan* (2016)

¹³⁰ *ibid*

¹³¹ Isphahani, Farahnaz and Siz, *Isaac Persecution Without Prosecution: The Fate of Minorities in Pakistan* (2015),

¹³² US State Commission on International Religious Freedom (USCIRF), *Pakistan - Annual Report* (2016)

Pakistan, which was determined in the case law: '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' (paragraph 241).¹³³

It is true that Christians are permitted to profess their faith; however, the introduction of Pakistan's blasphemy law in 1980s has marginalised them to the extent that they are forced to live their lives under constant fear of reprisals, intimidation, and threats from Muslim communities. The Pakistani government has failed to protect its religious communities and, since then, never made any amendments in blasphemy laws, which pose a constant threat to members of religious minorities. It is equally true that the Pakistani constitution promotes the letter of religious freedom; however, its implementation is far from being a reality. Members of religious minorities cannot serve in high profile jobs. They are barred from standing for being the President or the Prime Minister. The so called cabinet roles given to the members of religious minorities are merely symbolic.

Several blasphemy-accused individuals like Aasia Bibi, a Christian mother of five, imprisoned since June 2009 are still awaiting justice. Fears regarding Aasia Bibi's life loom large as her health further deteriorates in solitary confinement in a Pakistan jail. GMA has long been advocating freedom for Aasia Bibi.¹³⁴

The state attitude towards Christians in Pakistan is highly critical. During the Youhanabad Tragedy in 2015 where 19 people were killed during a twin bombing in which Asia News reports that following the attack 200 Christians were arrested when police conducted a raid in the Christian neighbourhood following the Taliban attack. The local priest told Asia News that "The police conducted a raid in the district and indiscriminately arrested people without identifying them based on names in the FIR. We are not opposed to the arrest of those who have done something wrong, but the arrest of innocent people is unacceptable".¹³⁵

The complicity of the state in this is also reflected when a commission or a joint investigation committee is formed following a religious based large scale tragedy; however, the findings and recommendations of those commissions never made public. Subsequently, the government fails to arrest the culprits. The attackers continue to inflict violence as and when they find the opportunity. Following the Youhanabad tragedy, the BBC, in its report, mentioned that Christian minority feels abandoned by the government.

***"Whenever a Christian neighbourhood is attacked by extremists, instead of police protection, Christians are instead arrested in droves and tortured while in police custody. Some Christians languish in prisons and die there in anonymity"*¹³⁶**

Zahid Y., Pakistani Christian, Bangkok

The 2015 Jinnah Institute report argues that during the Youhanabad tragedy, when two Churches were bombed, the biased approach of the police towards Christians was noticeable. It stated: 'The situation led to communal rioting when a Christian mob allegedly lynched two Muslim men in the aftermath of the church attacks. In contrast to responses to attacks by Muslim extremist groups targeting religious minorities, the Punjab police displayed a noticeably higher level of commitment in investigating alleged

¹³³ Home Office Country and Guidance Report 2016 Pakistan, p. 5

¹³⁴ Global Minorities Alliance campaign to release Aasia Bibi: <http://www.globalminorities.co.uk/gma-campaigns/freeaasia>

¹³⁵ BBC News, *Pakistan Christians hold funerals for church blast victims* (2015)

¹³⁶ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

acts of aggression by members of minority groups. Protection of minority groups remained a low priority.¹³⁷

During the Joseph Colony tragedy, the Jinnah Institute report notes that while ‘explaining the negligent behaviour of the provincial police in stopping the rioter, the Punjab government representative opined that the police had avoided action to halt the large scale riot because doing so, “might have blown the issue out of proportion and (it would have) spread all across the country”.¹³⁸

During our interviews in Bangkok, one of our interviewees was Gulsher M., who had been subject to police torture and brutality. He recalled the inhuman and degrading treatment he received while in police custody. Gulsher told GMA that police tried to elicit information through torture. He was provided with no food for days and he was prevented from sleeping. He told us that he was beaten with clubs and rods on his head, legs and ankles. His whole body was bleeding and swollen. The excruciating experience of Gulsher at the hands of Pakistani police is evidence of the widespread feeling across the Police Department against the Christian community. Gulsher subsequently fled from Pakistan and applied for asylum in Thailand.

“I was beaten day and night with rods by police officials to elicit information. I was told by the police officials that I will die here and they will not let me go. I would bleed from my nose, head. I was sore and could not wear shoes because my feet were swollen.”¹³⁹

Gulsher M., Pakistani Christian, Bangkok

In the general comment on the ICCPR's torture prohibition it states:

“It is the duty of the State Party to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by Article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity.”¹⁴⁰

Pakistan has failed to honour its international commitments. A country factsheet titled ‘Torture in Pakistan’, compiled by International Rehabilitation Council for Torture Victims, notes that, ‘minorities who are frequently falsely implicated under the blasphemy laws are detained and tortured.’ The report highlights that those who perpetrate such torture tactics include prison and detention staff, police, military personnel and rangers.¹⁴¹

Treatment by the non-state actors

** The term non-state actor is used here in accordance with the UN resolution 1373 (2001) which was adopted in response to the attacks of 11 September, 2001 in the United States and applies to the 'entities or persons involved in terrorist acts.'¹⁴²*

Josselin and Wallace say that 'non-state actors are largely or entirely autonomous from central government funding and control: emanating from civil society, or from the market economy, or from political impulses beyond state control and direction'.¹⁴³

¹³⁷ Jinnah Institute Report 2016: State of Religious Freedom in Pakistan

¹³⁸ *ibid.*, p. 54

¹³⁹ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁴⁰ Reinisch, August, *Non-State Actors and Human Rights*, pp. 79–80

¹⁴¹ Country Factsheet Report 2014 ‘Torture in Pakistan’

¹⁴² UN Security Council Resolution 1371 (2001) p. 17

¹⁴³ UN Security Council Resolution 1373 (2001), para. 2(a)¹⁴³

The UKBA report notes in para 2.2.5 that Discrimination against Christians exists in many aspects of employment and education. There are reports of harassment, threats and violence, including targeted attacks by non-state actors – sometimes resulting in death – against Christian, as well as lawyers, judges, human rights defenders and journalists representing or defending Christians.¹⁴⁴

It is worth noting that violence aimed at civil society and violence against a particular group on the basis of their religion are two different strands. In the post 9/11 polarised world, the venomous ideology of ‘us and them’ has had lethal effects on everyone in Pakistan regardless of their particular background. Attacks on civil society, judges, human rights defenders and journalists are part of the terror agenda employed by many terrorist groups around the world. However, extremist groups consider Christians in Pakistan as allies of the west. The US led war on Afghanistan is considered as an attack from one western country against a Muslim country. The religious leaders whip up hatred to divide individuals on religious grounds, mostly for their personal gain. Christians are the most accessible, vulnerable and the softest target for these militant groups.

In 2.2.8 para, the report notes the case of AK & SK para 245 that in ‘Blasphemy cases which are actively pursued by the authorities, or by those making the complaint in a bid to have a claim for international protection under the refugee convention, ‘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’.¹⁴⁵

In a predominately Muslim country like Pakistan, where religion is enshrined in the constitution and it has strong social, political, and cultural roots, blasphemy laws are seriously pursued for all reasons, whether for personal, political, social or financial gain. In para 244 of the AK & SK case, cited in the UKBA report, which states; ‘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 setting, treatment by the non-state actors, the individual’s level of education, financial and employment status and level of public religious activity such as preaching. These factors are not exhaustive.’¹⁴⁶

It is submitted that, in Pakistan, blasphemy allegations do not depend on factors such as place of residence, education, private or public employment. They might be a good pointer in a general scheme of things, but a blasphemy allegation in Pakistan does not respect UKBA criteria. The residence of the blasphemy accused, and social or employment status, become immaterial and hence almost every blasphemy case is actively pursued by the persecutors.

The UKBA report argues that, whilst discrimination exists against all religious minorities including Christians, ‘taken as a whole the evidence does not indicate that Christians are, in general, subject to a real risk of persecution or inhuman or degrading treatment’.(para 2.2.3)¹⁴⁷

The report further cites the case AK & SK in which it was held that ‘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’ (paragraph 243)¹⁴⁸

¹⁴⁴ Home Office Report May 2016: Pakistan, Country Information and Guidance

¹⁴⁵ ibid

¹⁴⁶ ibid.

¹⁴⁷ ibid.

¹⁴⁸ ibid.

During GMA's fact finding mission, and while speaking with Pakistani Christian families who were seeking asylum in Bangkok, we found out that these individuals and families who fled persecution from Pakistan came from the lower middle class, had their own businesses and were relatively well off. Access to justice and a fair trial should not be the sole prerogative of the rich and the able, but justice should be available regardless of one's social standing and background. It should also be noted, that a society where justice is delivered on an individual's social, economic and religious background often targets vulnerable communities just as it does minority segments of the society.

The persecuted Christians families who spoke to GMA expressed their discontent, disenfranchisement, and disenchantment at the law enforcement agencies despite their social position in the society. Some of our interviewees served as religious leaders in the community, owned small businesses and led a peaceful life until the consequence of their alleged actions turned against them. One of our interviewee is a blasphemy accused, who told us about his government work in his local city in Punjab, where he worked in a responsible position. Being a religious leader in the local community, our interviewee stood up against the on-going targeted attacks on churches, communities which had ripped families apart. Our interviewee told us how the actions of demanding equality and justice were termed as 'blasphemous' by a local religious organisation who broadcast that the interviewee was doomed to death. The consequences of a blasphemy related case have nothing to do one's social status.

Reinisch points out that the liability of states for non-state activities can be deduced from various human rights instruments, which demand that states not only 'respect' human rights but also 'ensure' 'protect', or 'secure' them.

The failure to protect 'all individuals by the state from non-state parties means that the state has failed in the traditional 'due diligence requirement under customary International law'.

It is also submitted that under general human rights law and specific human rights covenants, states are also held responsible for private acts if they fail to act with due diligence to prevent violations of rights, or to investigate and punish acts of vigilantism, or to provide compensation.

One of our Interviewees, Maqsood S., spoke of his horror at his treatment at the hands of non-state actors, which became the reason for him fleeing Pakistan. He worked as a supervisor in a factory and got a promotion. He later received an unknown caller. He told GMA:

"I got an unidentified caller which said that I should pay 15 lac Pakistani Rupees. I replied back that I cannot pay this huge sum of money. The caller said if you cannot pay then convert to Islam or else face the consequences'. I told it is impossible for me to pay and the unidentified caller said then be ready to face death. A few days later we were attacked. My 5-year-old girl was shot at. The bullet hit at her back but she narrowly survived."¹⁴⁹

Conclusion

Global Minorities Alliance submits that, whilst the constitution of Pakistan has religious freedom in its statutes, in practice the freedom for religious minorities is a distant dream, especially in the current climate where religiously inspired extremism and religiously motivated attacks feature in the headlines almost every day. The fate of millions of members of all religious minorities, including Christians, who live under the threat of Pakistan's blasphemy law pose a ceaseless danger to the lives of millions of minority

¹⁴⁹ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

members. The decades-long state-sanctioned persecution, the fragile judiciary, extra-judicial killings, and hate propaganda against the 'other' is commonplace.

The voiceless and the leaderless Christian community in Pakistan suffers enormous persecution which is often played down at the international level. Churches and Christian neighbourhoods have been attacked and torched for decades; some observers call it 'religious cleansing'. The Government on almost all occasions has both failed to protect the community and has prevented any amendments in controversial blasphemy laws. On top of this, it has also never prosecuted or penalised the culprits who perpetrate these heinous crimes against the Christian community.

Global Minorities Alliance submits that given the bleak climate for Christians in Pakistan, together with the state attitude towards Christians and the evidence of state persecution provided, this all amounts to 'crimes against humanity' according to Article 7 of the Rome Statute. With reference to Art. 7, what we see is '**a course of conduct**' evidenced through a '**routine ... practice**' which is '**widespread and systematic**', '**carried out against a civilian population**' '**pursuant to or in furtherance of a State or organisational policy**' carried out '**on national, political, ethnic, racial or religious grounds**'. The role of the international community is to put pressure on the Pakistani government a) to honour its international commitments and treaties; b) to implement laws and policies which protect and safeguard the rights of all its citizens. The Pakistan government must seriously implement and follow its own constitution in letter and spirit, formulate policies to empower and educate its law enforcement agencies, root out religious demagogues who spout hatred against minorities. It should be actively involved with civil society to promote religious pluralism, interfaith harmony and understanding among people of different faiths. Until these aims are achieved, the violence against minorities, including against Christians, will only get worse.

Recommendations Chapter 2

- Pakistan government should implement laws and policies to make sure that justice is served for all its citizens and in all cases without 'caving in' to any religious or political pressure.
- To ensure that universal access to education and employment be made a reality, and reform the currently biased curriculum; and add in the role of minorities to promote values of peace, interfaith and harmony among all faiths.
- Blasphemy laws should be either repealed or reformed to ensure the safety of minority citizens.
- Blasphemy related cases should be lodged only by high-ranking police officers.
- Police and law enforcement agencies should be educated and trained to deal with religiously motivated attacks.
- Those who commit violence against minorities should be prosecuted.

To the Donor Agencies

- All the stakeholders should have a periodic evaluation of the efforts made by the Government of Pakistan to improve its human rights violation in regard to its treatment to minorities.
- If human rights violations and state complicity in these are found in minority-related cases, funding should be cut immediately until the issue is resolved.

Chapter 3
'They treat us like animals':
Conditions in the Bangkok Immigration Detention Centre

By Rebecca Gebauer

The danger of being arrested hangs like the sword of Damocles over each 'illegal' migrant in Thailand; arrests can happen any time. When refugees are arrested in an on-spot control in the streets or during a raid in their home their worst nightmare comes true, as the fact that Thai law does not give them any rights, but rather criminalizes them for being in the country at all, hits them with full effect.

The UNHCR defines detention as "the deprivation of liberty or confinement in a closed place which an asylum-seeker is not permitted to leave at will, including, though not limited to, prisons or purpose-built detention, closed reception or holding centres or facilities."¹⁵⁰ In Thailand, detainees have no right to appeal against their arrest and there are no set procedures or mechanisms to control detention practices.¹⁵¹ This clearly violates international law which prohibits detention without legitimate reason and grants every person under arrest the right to a fair trial.

Most asylum seekers in Bangkok carry ID issued by the UNHCR which identify them as "people of concern" who (in theory) should not be arrested, but they get arrested nevertheless.

In an email to GMA the UNHCR stated:

*As the Royal Thai Government (RTG) has no specific process or legal framework for addressing the protection needs of any urban refugees or asylum seekers (and has not acceded to the 1951 Convention or the 1967 Protocol), the responsibility for individual refugee status determination (RSD) falls to UNHCR pursuant to its General Assembly mandate. UNHCR documentation by way of a Refugee or Asylum Seeker Certificate is not officially recognized by the Royal Thai Government and provides no official protection for them. This means in practice and in principle that all urban refugees and asylum seekers, irrespective of nationality, may be treated as "illegal aliens" in Thailand notwithstanding their status with UNHCR, and are subject to arrest and detention at any point in time for illegal entry and illegal stay if they do not have a valid visa issued by the RTG pursuant to Thailand's Immigration Act. The situation with respect to the lack of a legal framework is, unfortunately, not unique to Thailand.*¹⁵²

One of the biggest grievances expressed by refugees during interviews with GMA was that not only would the UNHCR documents not provide any protection, additionally the UNHCR would not extend help once arrests take place.¹⁵³

However, the UNHCR claims that:

*"[...] in terms of legal interventions, UNHCR provides legal counselling in person and through our hotline. We intervene to prevent and resolve arrest and detention cases. We also help with the issuance of birth registration and other civil documentation for people of concern."*¹⁵⁴

¹⁵⁰ UNHCR, *Detention Guidelines* (2012)

¹⁵¹ Human Rights Watch, *Two Years With No Moon*, p. 2

¹⁵² Bose, Jennifer, *Questions on situation of Pakistani Christian Refugees in Thailand*, Global Minorities Alliance (2016)

¹⁵³ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁵⁴ Bose

Vivian Tan, regional press officer of the UNHCR told the Bangkok Post in April 2016 that in the past six months UNHCR intervention lead to 400 people of concern not being detained.¹⁵⁵ These statements by the UNHCR are in contrast to the experiences described by GMA's interviewees. Similarly, in 2011 Human Rights Watch reported that the hotline would not always be staffed and the help provided would not always be efficient.¹⁵⁶ This also seems to be confirmed by the fact that as of April 2016, there are an estimated 200-250 Pakistani Christians held in Bangkok's Immigration Detention Centre in Suan Phlu Road.¹⁵⁷

While there is no right to appeal against detention, there are limited options to get out of it. Recognised refugees who are likely to be resettled have a chance of being granted bail (50.000 Baht and a Thai national guarantor). It is at the discretion of the Thai authorities to grant bail and some exceptions from the resettlement prospect norm have been heard of. Also, if resettlement arrangements have been finalised, detainees can be released after any fines incurred have been settled. The third option is 'voluntary' self-deportation, however, Thailand does not bear the costs of this process unless a detainee comes from a neighbouring country and it is up to the detainee to arrange flights to his country of origin.¹⁵⁸ In practice this means that for many detention can be indefinite, especially if they do not have help from outside the IDC and/or have no good prospect of getting a recognised status through the UNHCR.¹⁵⁹

Though Thailand has not signed the Refugee Convention, its practice of making arbitrary arrest or detention an essential part of their immigration management practices¹⁶⁰ violates international laws and treaties. For example, the International Covenant on Civil and Political Rights (ICCPR), of which Thailand is a signatory, states: "No one shall be subjected to arbitrary arrest or detention."¹⁶¹ Equally, the Convention on the Right of the Child (CRC), which Thailand has also ratified, explicitly demands that detention shall be a measure of last resort and kept as short as possible if it cannot be avoided. Thailand chooses continually to ignore these treaties and the reality of detention is that there is no distinction between adults and minors. Between 2008 and 2012 the average detention period was 298 days; however, the Jesuit Refugee Service reports that some detainees were under arrest for more than four years.¹⁶²

Among the families GMA interviewed, 33% had experienced detention themselves or had a family member in detention still. On average detention lasted for 4.9 months, but about 10% of the interviewees reported family members who were detained for 12 months and more.

The Dehumanizing effects of immigration detention

Hannah Arendt, a Jew who fled Nazi-Germany, made an observation which rings true still today. She argues that if a person is forced to leave their country and hence becomes 'stateless', that person not only loses their home but also all rights which define that person as human. Being human includes interacting with other humans within organised structures and hierarchies. People are equal not by nature, but through mutual agreement (which is expressed in most civilised nations) and/or by legislation. She is highly sceptical of the idea of chartered 'natural' human rights, which in her view are nothing but citizens' rights, and reduces the human rights idea to just one essential: the right to be part

¹⁵⁵ Bangkok Post, *Trading danger for despair* (2016)

¹⁵⁶ Human Rights Watch, *Ad Hoc and Inadequate*

¹⁵⁷ Bangkok Post

¹⁵⁸ URBAN REFUGEES, *Bangkok Case Study*

¹⁵⁹ Human Rights Watch, *Ad Hoc and Inadequate*, p. 108

¹⁶⁰ Singh, p. 5

¹⁶¹ Human Rights Watch, *Two Years With No Moon*, p. 27

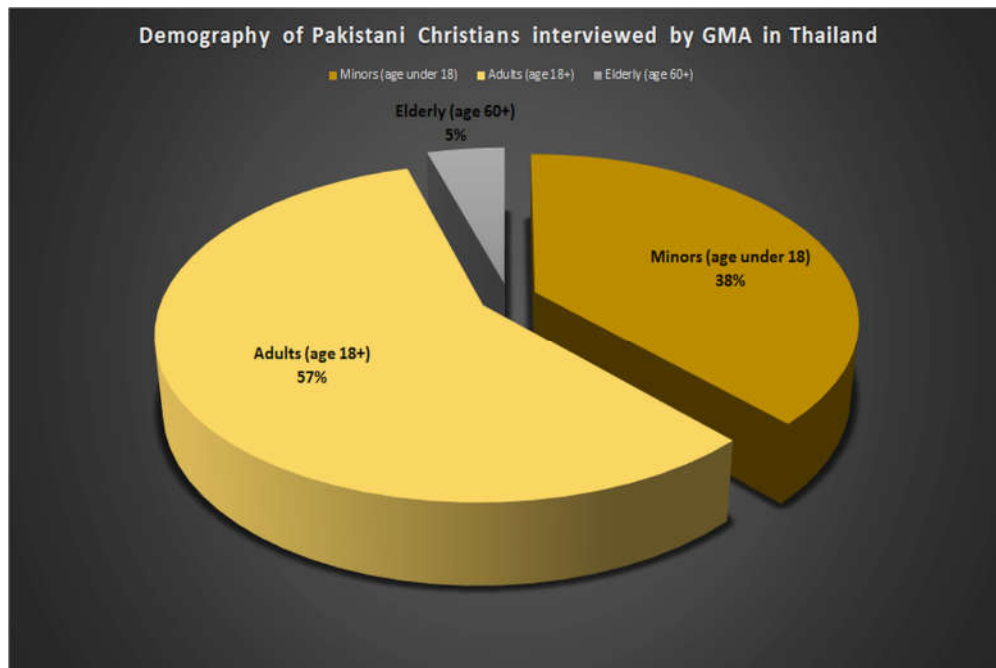
¹⁶² *ibid*, p. 21

of a polity. If someone is not part of a polity, then this person is merely a human being and that appears not enough to be given any rights.¹⁶³ This seems to be exactly what happens to asylum seekers today; they do not have any rights because they do not belong anywhere, subsequently no one takes responsibility for their livelihood. They are practically ‘outlawed’ and deprived of being human.

Arendt’s view might be extreme; however, the conditions of detention in most countries and in Thailand in particular seem to confirm her view. Immigration Detention manifests the most severe failure of the human rights concept. Not only are asylum seekers stripped of their citizens’ rights but in detention they also lose the last bit of sense of self-control and being human.¹⁶⁴ People are dehumanised because they are reduced to what they are, migrants out with the legal frame work, rather than being recognised as for who they are, fellow human beings.¹⁶⁵ This reduction is actively expressed in completely inhumane and degrading treatment¹⁶⁶ as detainees live in overcrowded, dirty conditions and are deprived of the most basic life essentials such as nutritious food and access to personal hygiene. When GMA interviewed refugees who had been detained, the degrading nature of detention was repeatedly expressed:

Honey S. was detained during a raid in March 2015 for 2.5 months. When he was arrested, he was stripped of his clothes by police and there was nothing he could do about it. In detention he experienced violence from guards and other detainees, including being scalded with hot water. All of his suffering went unnoticed. He said:

“There is no humanity in Detention Centres in Thailand and neither are people treated as humans there. They are counted just as numbers. They do not even matter to the world”¹⁶⁷



Jamila M., a mother of two, was also briefly detained during the raid in March 2015. Like Honey S. she experienced psychological and physical battery. She shivered while she shared her experience with GMA:

¹⁶³ Arendt, Hannah, ‘Es gibt nur ein einziges Menschenrecht’, Die Wandlung.4 (1949), 754–70

¹⁶⁴ Fiske, Lucy, ‘Human Rights and Refugee Protest against Immigration Detention: Refugees’ Struggles for Recognition as Human’, p.20

¹⁶⁵ ibid, p. 20

¹⁶⁶ Collewet, Louise, ‘Inhuman Detention Conditions in Bangkok?’ (2012), p. 5

¹⁶⁷ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

*"I was detained from my home, during a massive immigration raid in 2015 which ripped apart my family. During my detention in jail, police wanted to shave my head and I was totally terrified. I felt humiliated as if my femininity was snatched from me. I felt treated like a dog. I do not feel secure anywhere now."*¹⁶⁸

Ranni B., who had been detained along with her husband and son, described detention as the worst thing that ever happened to her. She said:

"Detention centres are the worst place in the world, they choke life out of you, bit by bit, day by day"¹⁶⁹

Conditions in the IDC Bangkok

In addition to the dehumanizing effects of detention, Immigration Detention centres in Thailand fail to meet any of the UN Standard Minimum Rules for the Treatment of Prisoners.¹⁷⁰ Bangkok's IDC in Suan Phlu Road is designed for short term stays. Most cells are designed for about 80 people; however, the largest cells which are 50 metres by 50 metres, often hold up to 400 people.¹⁷¹ In 2013, a WHO study on tuberculosis found that about 880 to 1000 people were held in the IDC Bangkok, meaning that there were about 3 sqm for each detainee¹⁷², which equals the minimum space the UK government recommends for cattle.¹⁷³ In 2012, Louise Collwet reported that her interviewees indicated that 300-400 women had to stay in a room built for 40 to 50 persons.¹⁷⁴ Most detainees are not even provided blankets or mattresses to sleep and lack of space forces some to sleep in a sitting position.¹⁷⁵

There are no official numbers on how many persons are currently held in the IDC but GMA's interviews indicate that conditions continue to worsen, one detainee said:

*"It was so overcrowded that we were packed like sardines; I developed skin disease and there were no medical facilities provided."*¹⁷⁶

Overcrowding also means that recreation space is scarce. Detainees can usually leave their cells only once a week for less than two hours for recreational purposes.¹⁷⁷ The cells, some of which have no windows or daylight access are covered in large cages with an opening at the bottom (Just like animals in a zoo) and detainees receive their food slid through the opening three times a day.¹⁷⁸ The food mainly consists of rice and soup and served in insufficient amounts leaving detainees constantly hungry.¹⁷⁹

¹⁶⁸ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁶⁹ *ibid.*

¹⁷⁰ Human Rights Watch, *Two Years With No Moon*, p. 42

¹⁷¹ *ibid.*, p. 45

¹⁷² *ibid.*, p. 45

¹⁷³ defra, *Code of Recommendations for the Welfare of Livestock: Cattle*

¹⁷⁴ Collewet, Louise, 'Inhuman Detention Conditions in Bangkok?' (2012), p. 3

¹⁷⁵ Human Rights Watch, *Two Years With No Moon*, p. 46

¹⁷⁶ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁷⁷ Human Rights Watch, *Two Years With No Moon*, p. 32

¹⁷⁸ *ibid.*, p. 48

¹⁷⁹ *ibid.*, p. 33

Honey S. remembered:

*"The food provided in detention centre is appalling. Boiled cucumber water with rice and you are reduced to a skeleton within weeks."*¹⁸⁰

Jamila M., who was detained with her children, described her plight:

*"We were without food for many days and I felt so weak. My children wanted food and I could not provide food for them, I instead rebuked my children not to demand for food which I could not provide. It was the most difficult time of my life"*¹⁸¹

Lack of drinking water and despicable hygiene conditions have also been reported. Detainees are forced to wash their dishes in the toilet area if and when the water is turned on.¹⁸² Each cell is inhabited by hundreds of people, has a maximum of three toilets, sometimes fewer.¹⁸³ Male detainees reported that ten persons had to take a bath at the same time.

Female detainees reported an absolute lack of privacy:

*"Toilets are the worst part of the detention centres and showers without any doors add to your frustrations. There is no such thing as privacy or personal hygiene."*¹⁸⁴

Life in the IDC is a life in squalor and inevitably the lack of hygiene leads to physical and psychological health issues. Detainees reported skin allergies, itching, asthma, and fever and linked these conditions back to living in a completely dirty and insect infested space.¹⁸⁵ Chronic non-communicable diseases such as heart diseases or diabetes often remain ignored as there is no regular access to doctors. If a detainee is sick, he very likely will only be seen by a nurse and will not be provided with any medicine unless it is paid for from outside.

Ranni B. shared her worry about her son and husband:

*"I was detained with my family, I was bailed out but my husband and son are still in the detention centre; My husband suffers from heart-related disease and there are no medical facilities. I fear for his life every day."*¹⁸⁶

Honey S. told GMA:

*"During detention, someone spilled boiling water on my back and I had severe burns. I did not get any medical attention and I was unable to rest for weeks. I still have the scars."*¹⁸⁷

The physical suffering, plus the stress and uncertainties detainees experience, lead to most detainees showing signs of extreme anxiety, depression or PTSD. Studies in the United Kingdom and Australia linked decline in mental health directly with immigration detention. After only 30 days of detention, 76% of asylum seekers detained in the UK and Australia showed signs of depression – compared with 26% among asylum seekers who were never detained.¹⁸⁸

¹⁸⁰ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁸¹ *ibid.*

¹⁸² Human Rights Watch, *Two Years With No Moon*, p. 34

¹⁸³ Human Rights Watch, *Ad Hoc and Inadequate*, p. 114

¹⁸⁴ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁸⁵ Human Rights Watch, *Two Years With No Moon*, p. 48

¹⁸⁶ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

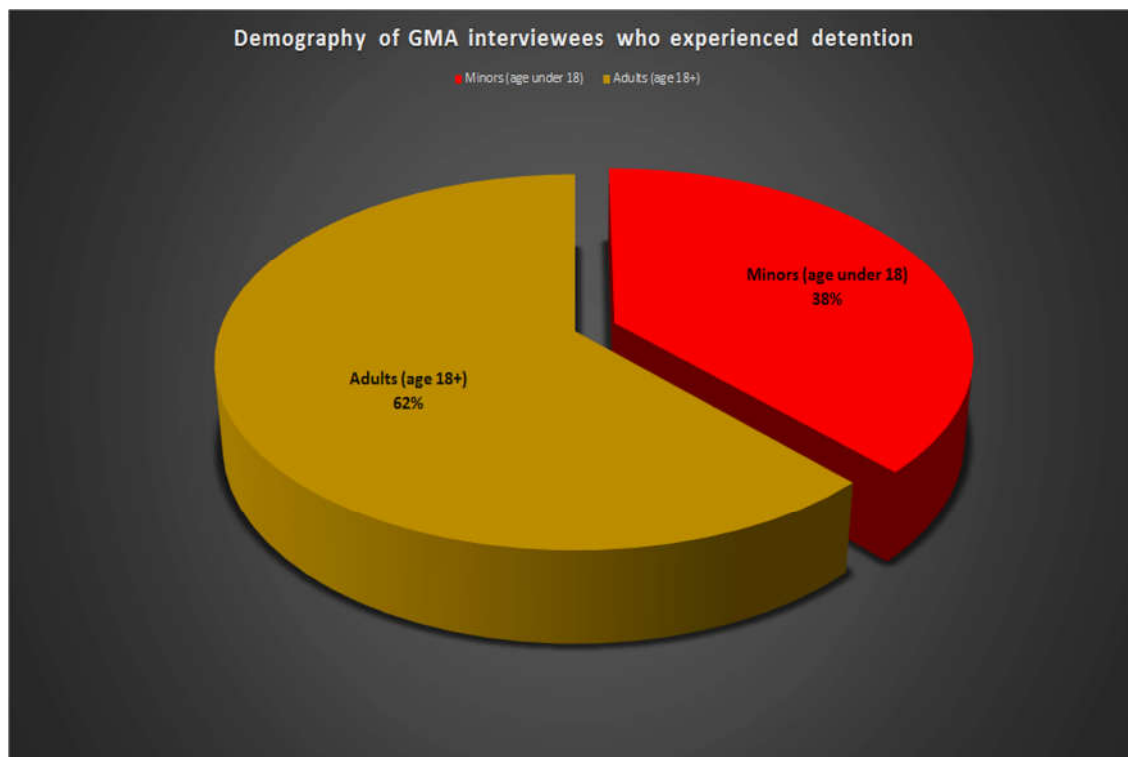
¹⁸⁷ *ibid.*

¹⁸⁸ Human Rights Watch, *Two Years With No Moon*, p. 29

Ranni B. was one of many who told GMA:

*"I have nightmares about my time in detention centre, when my 'being' was reduced to an existence, deprived of anything a human being should possess. I had no dignity and honour. I've lost my sense of being human in the detention centre."*¹⁸⁹

Child detention



Thailand treats people in their IDCs more as cattle than as human. Detainees are separated by gender but there is no consideration for particular vulnerable groups such as pregnant women, infants and children. Though the Convention on the Rights of the Child clearly condemns the detention of children and demands that, if detention is not avoidable, detainees of minor age need special attention and protection.¹⁹⁰ Thailand routinely detains children, separates them from their parents, and houses them with adult strangers.¹⁹¹ Considering that children make around 11% of the migrant population in Thailand it is fair to assume that there may be hundreds of children detained in Bangkok's IDC alone. Among the families GMA had interviewed, 33% of all interviewees and 31% of the children had experienced detention and/or separation from their parents.¹⁹²

While every detainee in the IDC suffers, children are particularly exposed to potential long-term damage in their well-being and development.¹⁹³ Malnutrition, lack of exercise, and repeated sickness due to the filthy and overcrowded conditions in the IDC prevent children from growing and thriving physically.¹⁹⁴

¹⁸⁹ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁹⁰ Human Rights Watch, *Two Years With No Moon*, p. 25

¹⁹¹ *ibid*, p. 3

¹⁹² Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

¹⁹³ Human Rights Watch, *Two Years With No Moon*, p. 1

¹⁹⁴ *ibid*, p. 1

Again, the Thai authorities take not even the slightest responsibility in providing bare essentials such as baby nappies¹⁹⁵ and healthcare for pregnant women, newborns, and children.¹⁹⁶

While physical suffering becomes a daily routine for children, the mental impact is even more damaging. Children show the same symptoms of anxiety, depression and PTSD as adults and likewise display sleep disturbance and impaired cognitive development.¹⁹⁷ Squalor and violence in the IDC plus the indefinite character of detention adds to the trauma of children who had to flee their home and leave their friends to escape violence.¹⁹⁸

Children do pick up on the general atmosphere of anxiety they notice around them and they suffer additional anxieties of their own. When families are detained, children are usually separated from at least one parent, sometimes they are held in an entirely different cell than both their parents. Often they are not given any visitation opportunities unless visitors arrange for it. Children who were taken away from their parent(s) showed strong signs of separation anxiety even after being released from the IDC.¹⁹⁹



Family in Bangkok who shared their experience of detention²⁰¹

A teenage boy from Lahore shared his IDC experience with GMA:

*"I am 16-year-old and I was detained in the central Jail in Bangkok. My father, mother and my sister were also detained. It was horrible to be kept apart from my parents. I did not know why we were in prison. I was so terrified, with police and those around me. I still cannot sleep and I hear noises all the time."*²⁰⁰

Sometimes, children are not sent to the IDC with their parents but are taken to orphanages. While this prevents the children from sharing sleeping arrangements with adult strangers in overcrowded conditions, they are still faced with the separation trauma.

Bushra S., a mother of three, told GMA:

"My young daughters and my teenage son were taken from me while I was detained for 6.5 months along with my husband. I did not know how my children were treated and where they were kept. My daughter has developed severe tuberculosis during the time I was in detention centre. She is just 12 and I do not have the means to provide any medical help. My son is still kept

¹⁹⁵ Human Rights Watch, *Two Years With No Moon*, p. 37

¹⁹⁶ *ibid*, p. 35

¹⁹⁷ *ibid*, p. 29

¹⁹⁸ *ibid*, p. 28

¹⁹⁹ *ibid*, p. 38

²⁰⁰ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

²⁰¹ *ibid*

away from me and I still do not have his custody. I got my daughters back from the orphanage but I worry for my son all the time."²⁰²

The crowded conditions in the IDC also routinely lead to outbreaks of violence between detainees or between detainees and guards. Children of all ages are witness to episodes of violence on a regular basis and are hence deprived from any sense of true safety. Similarly the separation anxieties, stress of violence and fear of attack tends to trouble children long after they leave the IDC behind them.²⁰³

Another anxiety which affects children (and parents) is the fear of falling behind in education. The Bangkok IDC does not provide any formal education to children, and even though there is a daycare center run by IOM which can be attended by some longer staying children²⁰⁴, children generally tend to fall way behind other children of their age. Children also feel a sense of shame when upon release they have to attend classes with much younger children.²⁰⁵

Interviewee Aslam M. summed up the situation as:

"We are losing our present and our children are losing their future"²⁰⁶

Visiting the IDC

For families who have been separated into different cells in the IDC, visitation from outside is almost the only option to see each other. If a family is separated by one part being detained while the other part is not, visitation for the family members outside is impossible as that would mean risking detention too. Visitors need to carry ID and can request to see a particular detainee if their detention center registration number is known. Church volunteers or community service groups often coordinate their visits in a way which enables families to reunite for a very short period of time.²⁰⁷ Visitors can bring small gifts such as food or other essentials as long as they are not in sealed packing.

However, just like everything else in the IDC, visitation is anything but a dignified moment. Visits happen in two rooms separated by fences and a corridor. Visitors are brought to one room, detainees to the other. The atmosphere is loud and chaotic with no chance for any privacy.²⁰⁸ The BBC showed such a visit in their documentary *"Thailand's Asylum Crackdown"* where a camera team lead by Chris Rogers filmed a visit undercover.²⁰⁹ After the release of the BBC documentary Thai authorities put stronger restrictions on IDC visits and temporarily suspended all visitors from supplying the detainees with essentials such as food or hygiene products. Another backlash to the documentary was that visitors temporarily needed to be affiliated with a church or NGO to gain access.

Reverend Tim Eady, whose church runs a group who regularly visits the IDC, described the IDC as a place *"which is simply dreadful beyond imagination."*²¹⁰

²⁰² Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

²⁰³ Human Rights Watch, *Two Years With No Moon*, p. 48

²⁰⁴ *ibid*, p. 40

²⁰⁵ *ibid*, p. 29

²⁰⁶ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

²⁰⁷ Human Rights Watch, *Two Years With No Moon*, p. 39

²⁰⁸ *ibid*, p. 39

²⁰⁹ BBC News Channel, *Thailand's Asylum Crackdown, Our World* (2016)

²¹⁰ Global Minorities Alliance, *Interview with Reverend Tim Eady*

Conclusion

For Pakistani Christian refugees, being detained is like a jump from the frying pan into the fire. After suffering immense hardship with close to no livelihood in the shantytowns of Bangkok, detention strips the last thing they are in control of, their freedom of movement and a sense of dignity. If they did not feel left high and dry already, they most certainly feel nothing but despair as soon as they are locked up within the walls of the IDC. The conditions in the IDC violate international law in many ways, as do the procedures which bring detainees into the IDC. But this treatment goes beyond legal aspects – it is a crime against humanity! Even if a state does not sign international agreements, this does not bail them out from a general, moral and humane responsibility for citizen and non-citizen within their borders. Thailand fails its migrants as does the international community. Hannah Arendt observed in 1949 that the people of the world tend to flee from the burdens of mutual responsibility in a new violent nationalism.²¹¹ Today, millions of refugees bear the consequences of this trend and immigration detention has become a common practice throughout the world. Detention is a gruesome tool, but it is unlikely to vanish any time soon. The fact that it is common practice prevents any open criticism of the Thailand government to their practice. Hence, a first step has to be that the international community calls upon Thailand to follow the standards set out for detention, a second step should be to avoid detention altogether by recognizing refugees and their need for protection.

Recommendations Chapter 3

- The international community should enhance efforts to persuade Thailand to sign and ratify the 1951 Refugee Convention and its 1967 Protocol.
- Thailand should introduce a national framework for migration which goes beyond criminalizing illegal migration and regulates detention practices. Detention should be clearly defined as a last resort option to manage migration.
- Thailand should be reminded to adhere to the commitments made by signing the 1976 International Covenant on Civil and Political Rights (ICCPR). Arbitrary detention must end.
- Thailand must act on the 1989 Convention on the Rights of the Child (CRC). The International Community needs to highlight repeatedly the innocence of each child and the subsequent right to protection. Child detention and separation from parents should be avoided wherever possible.
- Where detention is inevitable, Thai authorities should adhere to the UNHCR Detention Guidelines guide lines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention.

²¹¹ Arendt, Hannah, 'Es gibt nur ein einziges Menschenrecht', Die Wandlung.4 (1949), p. 767

Chapter 4

Gender based violence against Christian women

By Shahid Khan

Gender based violence is a systemic issue which affects all socioeconomic groups in a given polity. It has far-reaching effects both for the society and for its individuals. Violence against women is also regarded as one of the crucial social mechanisms through which women are forced into a subordinate position as compared to men.

A survey conducted by the Thomas Reuters Foundation shows Pakistan as one of the five most dangerous countries in the world for women.²¹² Pakistan has ubiquitous determinants of violence which include social and cultural norms and patriarchal structures which reinstate the unequal and long-standing power relations between man and women. In general, women are subject to all forms of violence, including sexual abuse, harassment, honour killing, forced marriages, acid attacks, and forced conversions. However, the risk of such violence increases where a woman comes from a minority background. Her vulnerability to attack increases as does her susceptibility to such abuses deeply rooted in Pakistan's male dominated society.

According to the latest Human Development Index, (HDI) Pakistan ranks 147 out of 188 countries and territories.²¹³ Unfortunately, it has failed to improve its position in past five years. Access to education, gender equality, health and empowerment have improved at all.

In 2014, the Gender Inequality Index (GII) ranked Pakistan 121 out of 155 countries. In Pakistan, 19.7 percent of parliamentary seats are held by women, and 19.3 percent of adult women have reached at least a secondary level of education compared to 46.1 percent of their male counterparts. For every 100,000 live births, 170 women die from pregnancy related causes; and the adolescent birth rate is 27.3 births per 1,000 women of ages 15-19. Female participation in the labour market is 24.6 percent compared to 82.9 for men.²¹⁴

The gender based inequalities are determined in three dimensions; a) reproductive health, b) empowerment and c) economic activity. Reproductive health is measured by maternal mortality and adolescent birth rates; empowerment is measured by the share of parliamentary seats held by women and attainment in secondary and higher education by each gender; and economic activity is measured by the labour market participation rate for women and men.²¹⁵

It means that women being a disadvantaged group in the social fabric of the society lag behind due to the inherent inequalities prevalent in the cultural, religious, social and economic structures of the society while the situation further compounds the plight of minority women. The UN Human Development report 2015 argues that women's empowerment requires the autonomy of women in all facets of life, be that financial, social, political, and even at familial levels.²¹⁶

²¹² Thomas Reuters Foundation *Most dangerous countries for women* (2011)

²¹³ UNDP Report 2015, p.2

²¹⁴ UN Human Development Report 2015, p. 6

²¹⁵ *ibid.*, p. 5

²¹⁶ *ibid.*,

Violence against Women

In the UKBA report published in February, 2016 on “Country Information and Guidance on Pakistan: Women fearing gender based harm/ violence” quotes an average of four women were raped each day in 2014; 1,000 “honour” killings were said to be committed each year; up to 232 incidents of acid throwing occurred in 2014; 9 out of 10 women experience domestic violence. Other forms of violence against women (VAW) include dowry disputes, kidnappings, child marriage, acid and burn attacks, and forced marriages.²¹⁷

The case of Shah and Islam HL [1999] ImmAR283 the House of Lords held that ‘women in Pakistan constituted a particular social group (PSG) because they share the common immutable characteristic of gender, they were discriminated against as a group in matters of fundamental human rights and the State gave them no adequate protection because they were perceived as not being entitled to the same human rights as men.’²¹⁸

The report observes: ‘The law in Pakistan prohibits discrimination on the basis of sex but in practice the authorities did not enforce it: women face legal and economic discrimination. Women faced discrimination in family law, property law, and the judicial system.’²¹⁹

The UKBA report argues that ‘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’ AK & SK Case (paragraph 246).²²⁰

Our findings in Bangkok dispute UKBA’s argument that Christian women ‘fall short of a generalised real risk’. Most of the women we interviewed expressed their concerns regarding the failure of government to protect their fundamental right to life, liberty and happiness which is often snatched, attacked or even looted because of their Christian faith. The utter disregard of government policies, flawed institutional structures, and societal values further contribute to the marginalisation of minority women. The personal testimonials below reveal that regardless of the age, residence, and social status, minority women are open to the risk involved and a highly susceptible religiously infused climate in Pakistan, which will be the theme throughout this chapter.

“I was a Cardiac Nurse in a private Hospital in Multan, Punjab Pakistan. I was promoted and made senior among my many Muslim colleagues. One colleague held a professional jealousy and she alleged that I desecrated the copy of Quran in Hospital. It changed my life forever, I had to resign from my employment and I was delivered death threats. My family and I went into hiding. I lost everything. I worked so hard.”²²¹

Farhat S., Pakistani Christian, Bangkok

This susceptibility of minority women is also mentioned by the US State Department’s recent report in June 2016 which notes that religious minorities are inherently subject to exploitation regardless of their

²¹⁷ Home Office Report 2016: Pakistan Country Information and Guidance: Women fearing gender-based harm violence p. 6

²¹⁸ *ibid.*,

²¹⁹ *ibid.*,

²²⁰ *ibid.*,

²²¹ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

social status. The report entitled 'Trafficking in Persons' articulates the vulnerability of women from religious minorities who are subject to exploitation, domestic or sexual servitude. The report further highlights the fact that 'In certain countries where members of the religious majority control political power, government agencies, law enforcement entities, judicial systems may be complicit in discriminating against religious minorities.'²²²

The report elaborates the plight of women from a religious background that 'victims from religious minorities, forced into marriage or prostitution or subjected to domestic servitude, may also face barriers or outright resistance when bringing forward allegations of human trafficking. Once in court, those who do not prevail may be returned to their traffickers'.²²³

Right to marriage is often regarded as one of the most basic fundamental human rights. However, in Pakistan, Christian marriages among other minority group marriages are not recognised by the state. It robs people of their identity.²²⁴ Under Pakistan's Muslim Family Laws Ordinance 1961, only Muslim marriages are solemnised where marriages from minority communities including Christians and Ahmadis are rejected. The minority communities have their own private marriage database held at their religious institutions.²²⁵

Human Rights groups argue that registration of marriage is the fundamental right of any citizens regardless of its background but minority communities are being robbed of this basic right. Peter Jacob, Director from the Centre for Social Justice told local English Newspaper *The Tribune* that 'It is injustice that a government body had refused to acknowledge Christian marriages'.²²⁶

UKBA in its report quotes that Police in Pakistan are sometimes unwilling to provide protection for women fearing sexual or gender based violence. It is worth noting that the role of the police is not to adjudicate matters between parties but to press charges against the given crimes. However, research shows that police repeatedly try to bury the hatchet and return victims to their abusers. Sometimes these women are raped by police and security officers. A culture of impunity reigns in law enforcement agencies in Pakistan.²²⁷

Given the bleak treatment and lack of protection provided by the police, the dilemma for minority women, subject to gender based violence is not hard to imagine. The case study mentioned above expressed similar concerns.

In Pakistan, a women rights organisation 'Aurat' (which means women in Urdu language) has dedicated their Annual Report 2014²²⁸ to Shama Bibi, a pregnant Christian woman who was burnt alive on the blasphemy allegations in 2014.

The report argues that violence against women (VAM) is generally under-reported and biased and, in particular, when it comes to ethnic and religious minority communities is due to the myriad of societal and structural issues inherent in the patriarchal mind-set of the society at large which contributes to the marginalisation of women.

The general societal attitude against women does not help those that are victims of gender based violence. Instead of protecting these vulnerable women, they sadly become the embodiment of

²²² US State Department Report June 2016, *Trafficking in Persons* p. 20

²²³ *ibid.*, p 20-21

²²⁴ Ashgar, Nauman, *Marriage Registration for Minorities in Pakistan* (2015)

²²⁵ Express Tribune News, *Ahmadi, Christian marriages not being registered* (2016)]

²²⁶ *ibid.*,

²²⁷ Home Office Report 2016: *Pakistan Country Information and Guidance: Women fearing gender-based harm violence*

²²⁸ Aurat Foundation Report, *Violence against women in Pakistan* (2014) p.18

exploitation at the hands of those who are supposed to protect them. Rape victims are often deemed by security officials as immoral in character and many times the survivors of the rape are pressurised both by the police and by their family and the society at large to withdraw their complaints due to the long judicial process and the stigmatisation by the society. Such victims many times give to these pressures and this further cements male dominance.

Forced Conversion

Article 16 of the Convention on the Elimination of All forms of Discrimination against Women (CEDW) protects women in all matters related to marriage and ensures the equality of men and women.²²⁹ Pakistan is a party to this convention, yet the abuse of women under its nose is a grave concern.

Forced conversion is a violation of women's right to marry. However, this right is often used as a footnote within the mainstream research of Pakistan on gender-based studies. The questionability of the research conducted by government funded studies is therefore a further concern in assessing the untainted reliability of the research.

Forced conversion can be described as a marriage under duress without the consent of the parties concerned. Forced conversions are endemic in Pakistan where women from minority backgrounds are often harassed, coerced, assaulted, kidnapped and forcibly converted to Islam. Hindu girls in Sindh have reportedly suffered such forced conversions.

Forced conversion has its emotional, psychological, physical, sexual and social repercussions, when a minority girl is either forced into or sold for marriage without her consent. Sometimes a girl is physically attacked, abused, beaten, or tortured. The different types and forms of conversions include exploitation, fraud, force, abduction, greed and slavery.

In a religiously controlled society such as Pakistan, conversions to Islam are hardly contested. It is often argued that the conversion rather gathers respect among the community and the society at large while on the contrary conversion from Islam to another faith (apostasy) is punishable by death.²³⁰

Zurich based Islamic scholar and Associate Professor of Political Science at Zurich University, Elham Manea, told GMA that:

'In a context of impunity, domination of one religious group of the state (Sunni Muslims), and spread of Islamism, the forced conversion of Christian and Hindu young women in Pakistan has become possible. The police and local officials systematically deny citizens of minority groups equal rights, and very often decline to protect these young women, and hence shield the perpetrators from the rule of law. Citizens from minority groups are not considered citizens with equal rights. They are considered 'protected groups' and not equal before the law, not in reality. Christian and Hindu women are in double jeopardy. They are females and members of religious minorities, both categories are discriminated in the Pakistani system, forcing these women to convert seems to be a 'fair target' (SIC) from the perspective of the perpetrators, especially as some are actually rewarded with money for doing this. It is domination and extremism combined in an institutional context that produced the impunity of these forced conversion'.²³¹

²²⁹ UN Convention on Elimination of Discrimination Against Women

²³⁰ Independent News: Countries where Apostasy is punishable by death

²³¹ Global Minorities Alliance *Interview with Professor Dr. Elham Manea*

An Islamabad based policy and public advocacy think tank, which promotes entitlement to fundamental rights highlights sexual assault and forced conversion in its most recent report. It states: 'Between 2012 and 2014, 20 cases of sexual assault and forced conversion were reported by this community'.²³²

According to a Pakistan English Newspaper, Dawn, which reported the findings of an Independent group 'Movement for Solidarity and Peace (MSP)' in Pakistan estimate that around 700 Christian women and 300 are from Hindu backgrounds are forced into Muslim marriage. It further states: 'MSP's investigations find that cases of forced marriages/conversions follow a distinctive pattern: Christian girls — usually between the ages of 12 and 25 — are abducted, converted to Islam, and married to the abductor or third party'.²³³

Education institutions which are supposed to provide a safe space for learning and knowledge are often a place of discrimination, bigotry and hatred as experienced by minority women. A report by the National Commission of Justice and Peace (NCJP) 2012 argues 'Minority students often complain of being asked to convert to Islam and the survey too reflects that 22% of these women were asked to convert to Islam'.²³⁴ The report highlights when teachers 'germinate' a sense of indifference between students and incite majority students to act/ behave in strange ways towards minority students. Teacher selection is supposed to be bias free on part of school authorities and proper checks and balances should be in place to ensure that no student is insecure in their classes.

Christian Post highlights the ways in which Christian girls are often sexually harassed at their places of education, employment, work. They are considered as spoils of war to be plundered, looted and exploited at a whim. Rights group argue that Christian girls are often subject to forced conversion, abduction which often goes unreported.²³⁵

The most recent forcible conversion to Islam was noted in August 2016 by the Centre for Legal Aid and Assistance (CLAAS) UK chapter. CLAAS reported news about a deaf and dumb girl, Asma from Sialkot, Punjab, where she was kidnapped by a local influential Muslim neighbour. After five months of captivity the girl escaped from the captors. The family are currently still receiving threats by Muslims within the community, telling them to send their daughter back to her captors. The father of the victim contacted a police officer but the police are reluctant and no attempt has been made to protect the family. The kidnappers have submitted forged documents of conversion with the wrong name of the girl's father.²³⁶

Professor Rehman quotes the UN General Recommendation No. 19, violence against women, that 'family violence such as forced marriage, dowry deaths, acid attacks and female circumcision remains one of the most insidious forms of violence against women that is prevalent in all societies'.²³⁷

It is also very difficult to ascertain the exact cases of forced conversion in a given year because of the sensitivity involved in such cases due to the social, cultural and religious norms. NCJP monitoring of media reports noted 1,791 conversions in total between 2000 and 2012, 624 of which were those in which the converting person was of Christian faith. Further research inquiring into the incidence and demographics of conversion, however, is required for a closer analysis of conversions in Pakistan.

²³² Jinnah Institute Report 2016: State of Religious Freedom in Pakistan (2016) p. 17)

²³³ Dawn, *1,000 minority girls forced in marriage every year: (2014)*

²³⁴ National Commission for Justice and Peace Report 2012, *Life on the Margins: A case study for minority women in Pakistan*

²³⁵ Christian Post News, *Christian Girls Kidnapped in Pakistan, Forced to Convert to Islam and Marry Captors* (2016)

²³⁶ Pakistan based organisation CLAAS News Report: Deaf and Dumb Christian girl forcibly converted to Islam escapes from abductor

²³⁷ Rehman, Javid , *International Human Rights Law*, p. 534

Forced Conversion of Minority Women

The constitution of Pakistan enshrines the protection of marriage through article 35. However, the institution of marriage is barraged by plenty of legislative and societal problems. The case of forced conversion in Pakistan is an aching problem for minorities where women and girls are targeted. Hindus and Christian girls are often reported to be forcibly converted and married to Muslim men, among other human rights violations. The growing religious militancy has punctuated the plight of minority women.

According to the South Asian Partnership Pakistan which estimate that in 2015 alone, some 265 cases of forced conversion have been reported. Such cases of forced conversion are also approved by state bodies including police and judges while no provision or protection is provided for the victim.²³⁸

Senior advocate Kalpana Devi, quoted in the article, says that ‘from discrimination in the implementation of the law, there were other factors including eroding social values, poverty, illiteracy, increasing media and individual’s freedom that contribute to increasing incidents of forced conversion’.²³⁹

Pakistan’s upper legislative chamber of Parliament the Senate’s Standing Committee on Religious Affairs notes that forced conversion is an un-Islamic act and urged the government of Pakistan to formulate a comprehensive mechanism to protect minority girls and women. The Chairman of the Committee Hafiz Hamdullah Saboor said: ‘Forced conversion of girls to Islam is against the teaching of Islam and also the violation of the law in the country’.



Mother and daughter describe life for Christian women in Pakistan²⁴⁰

²³⁸ Dawn, *1,000 minority girls forced in marriage every year* (2014)

²³⁹ *ibid.*,

²⁴⁰ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

The Movement for Solidarity and Peace, an NGO based in Pakistan explains the system of forced marriages and how minority girls are implicated in this growing problem. 'Cases for forced marriages and conversions can be distinguished by a specific pattern or process: Christian girls — usually between the ages of 12 and 25 — are abducted, converted to Islam, and married to the abductor or a third party. The victim's family usually files a First Information Report (FIR) for abduction or rape with the local police station. The abductor, on behalf of the victim girl, files a counter FIR, accusing the Christian family of harassing the wilfully converted and married girl, and for conspiring to convert the girl back to Christianity. Upon production in the courts or before the magistrate, the victim girl is asked to testify whether she converted and married of her own free will or if she was abducted. In most cases, the girl remains in custody of the abductor while judicial proceedings are carried out. Upon the girl's pronouncement that she wilfully converted and consented to the marriage, the case is settled without relief for the family. Once in the custody of the abductor, the victim girl may be subjected to sexual violence, rape, forced prostitution, human trafficking and sale, or other domestic abuse.'²⁴¹

Case studies of forced conversion of Christian women

GMA met with a Christian woman who fled Pakistan after her ex-husband converted to Islam from Christianity and the death threats which ensued with his conversion.

Jamila Masih was married to a Christian man, Sharafat Masih. They had a 7-month old daughter (Maryam) however, their marriage was rocked by a Muslim girl who developed relationship with Sharafat and later converted him to Islam and married him. After his conversion to Islam he put pressure on Jamila to convert to Islam and also took away the custody of her daughter in a bid convert her to Islam as well. He would harass Jamila and continue to make her life difficult with death threats; if she and her daughter Maryam did not convert to Islam he would take extreme steps. Later on, he also kidnapped his daughter from Jamila and took her into his possession, converted her to Islam and gave her a new name (Khadija). Jamila sought legal help to get the custody of her then 7- month old girl.

Jamila's appeal in the High Court was successful and she got her daughter back. However, death threats continued. She ultimately decided to leave for Thailand.

Jamila M.'s statement on Forced Conversion:

"Hundreds of Christian women are trapped into forced marriages in Pakistan every year. There is no protection in the society and neither in the law to help Christian women in such circumstances. We should have the free will to live our lives like other women around the world and should not be forced upon to live at someone's else dream."²⁴²

Another of many forced conversions include the life history of Nadia Naira, a Christian resident of Khanka Doggran, Tehsil Safdarabad, Sheikhpura District, was 15 years old when she was kidnapped on 11 February, 2001. She was later converted to Islam by her captor, a Muslim money lender named Sheikh Maqsood. Nadia was tortured, abused, and converted to Islam at gunpoint. Nadia's parents were able to register an FIR against the accused but the police refused to arrest. The parents later filed an habeas corpus petition against the illegal detention of their daughter in Lahore High Court. Nadia recorded a

²⁴¹ Movement for Solidarity and Peace report 2014 'Forced Marriages and Forced Conversions'

²⁴² *ibid.*

statement against her parents and the marriage was considered as lawful. However, Nadia's statement quoted in Movement for Solidarity and Peace report reveals her ordeal.²⁴³

"(Maqsood) warned me that if I recorded any statements against him, my parents would be killed. It was difficult for me to understand at the time (I was just 15 years old and a student of class 8) the safety of my parents was my main concern. I was frightened and complied as he asked me to do for him. When I appeared before the High Court, I saw my parents and wanted to talk to them but was prohibited from interacting with them in court. Maqsood threatened me again in court and I was forced to record my statement in his favour. So I told the judge that I was never kidnapped, that I embraced Islam because of my aspirations, and that I contracted the marriage with Maqsood out of my own free will. I recorded that I wanted to live with my husband, and that I no longer had connection with my Christian parents. It was very painful to say this in court while my parents were present. But their safety was in my hands and I didn't know how to handle the matter."²⁴⁴

Nadia escaped from her husband in November 2011 but her family was threatened and harassed. She also applied for dissolution of the marriage under Muslim law but later succumbed to pressures by her Muslim husband to go back and thereafter withdrew her application.

Such systematic and organised abductions are done by militant groups in Pakistan who particularly target women from minorities and sell them in remote areas in the country. The Asian Human Rights Commission²⁴⁵ has urged successive Pakistan governments to ensure the reported cases of forced conversion are investigated properly by the police authorities so that those who perpetrate these heinous crimes can be brought to Justice.

Sexual attacks and harassment

In a deeply conservative society such as Pakistan, the 'gender card' is often used as a licence to harass and harangue women. In an excellent article *Rafia Zakaria*, an attorney teaching constitutional law and political philosophy argues that 'In matters of sexual harassment too many men in Pakistan are complicit, quiet, eager to embrace or enforce their right to harass'.²⁴⁶

Unfortunately, these sexual attacks and harassment are often used against minority women. Some of our interviewees in Thailand consisted of young girls and young mothers from diverse social backgrounds across Pakistan. Some of them have lived all their lives in Pakistan and were employed before their lives were rocked by extremists. Some of them were students pursuing their dreams before they were sexually harassed in a Christian-Muslim conflict. Their dreams for a better life, and of supporting their families were dashed as they struggled to cope with the ensuing circumstances. The sensitivity involved with sexual harassment in general in a patriarchal conservative society, and being a member of a minority group further compounded their situations.

The survey conducted by the National Commission for Justice and Peace notes that, among those interviewed, 30% of women said they have been sexually harassed at their workplace, 27% responded 'No' and 43% decided not to respond.²⁴⁷

²⁴³ Movement for solidarity and Peace report 2014

²⁴⁴ *ibid*

²⁴⁵ Asian Human Rights Commission on Pakistan's forced marriages (2011)

²⁴⁶ Zakaria, Rafia, *The Hell of Harassment* (2011)

²⁴⁷ National Commission for Justice and Peace Report 2012 'Life on the Margins: A case study for minority women in Pakistan'

The report states that 3% felt they were subject to sexual harassment because of their religion. Around 92% did not respond to the question.²⁴⁸ It is argued that girls find a sense of security in silence since disclosing it might bring shame on themselves or their families. The social repercussions of such harassment further stigmatise the victims rather than a society providing any support structure.

Lubna F. is a professional Nurse and lived in Karachi with her four children and husband. One day she was approached by a local Muslim who sexually assaulted her. She first ignored the incident but this became a regular occurrence. The man further made advances, proposed marriage and offered to convert her to Islam. This triggered a fear in her mind for the safety of her children. She had to leave her job and house and went into hiding because of the fear of this Muslim man who had threatened them with death if she would not give in. She subsequently fled to Thailand, along with her family, to save their lives.²⁴⁹

NCJP report states that in most cases of religiously based violence the greatest proportion of respondents remain silent and 7% describe how they do not trust that they will receive justice from the authorities.

Neelam A, a young Christian girl, was a student nurse in Karachi. She told GMA that she was an excellent student with 98% results and one of the best students in the class. She was approached by a Muslim classmate who wanted to marry her. Neelam refused the proposal stating Christians girls do not marry Muslim boys, which further hurt his ego. He started stalking Neelam both at the campus and at her home. He also delivered a death threat, saying that she should marry him or be killed. Given the situation, the family relocated within Pakistan and later went to Thailand.

“For some Muslim men, Christian girls are easy prey. We are treated like an object for Muslim men to be exploited at their whims. They think Christian girls are easily trapped and since we do not have any social and political support they can do whatever they want. There are scores of Christian women who are sexually harassed in schools, colleges and universities by Muslim men and we suffer in silence due to our social, and political structures that reinstate male dominance over women and, on top of that, being a Christian is a most vulnerable thing, which can expose you to all exploitation at all levels.”²⁵⁰

Neelam M.’s statement on sexual harassment

In many of the religiously based acts of violence against women, GMA asked the respondent if they had contacted the police, state officials and reported their abuse. Most of our respondents said they do not trust the officials in Pakistan and do not believe they are willing to protect them.

²⁴⁸ National Commission for Justice and Peace Report 2012 ‘Life on the Margins: A case study for minority women in Pakistan, p.19

²⁴⁹ Global Minorities Alliance, Interview series with Pakistani Christian Refugees in Bangkok, Thailand

²⁵⁰ *ibid.*

Neelam's Father Aslam M. told GMA:

*"Police are biased as soon as they realise the sensitivity involved in a Christian-Muslim case. They will always support the oppressor and not the 'victim'."*²⁵¹

State failure and complicity is also evidenced by a Human Rights Watch Report on Pakistan 2015/2016 which notes that the government of Pakistan has failed to take adequate steps to protect women and girls from a range of abuses like rape, murder, and the forced conversions of Hindu and Christian women.²⁵²

Conclusion

In general, women in Pakistan are subject to all kinds of violence including in their own homes, on the streets and society at large. The patriarchal mind-set has often reacted against the freedom of women which has claimed many lives under one pretext or another. In this grim scenario the plight of Christian women can easily be understood once it is accepted and recognised that Christian women are more at risk and open to all kinds of violence and discrimination. Christian women suffer a double jeopardy; being a woman, in a male conservative society and a woman from a minority background.

The social and religious structures in Pakistan further complicate the plight of Christian women in Pakistan. The larger than life societal mind-set against Christian women and girls, subjecting them to abduction, kidnap, trafficking, forced conversion, and forcing them to marry Muslim men, needs to change before any woman from a minority group can find some protection in life. The role of state actors such as police and the law enforcement agencies, in many and most instances, contribute and compound the plight of Christian women in Pakistan. Their pandering to the culprits not only creates a culture of impunity but is one of the biggest hurdles which Christians in general have to overcome but also a culture of impunity that targets the Christian women as an 'easy prey'.

It is true that progression in a country involves active citizenship and the inclusion of marginalised groups such as women who are restricted both in their reach, opportunities and goals, goals which are often and generally set by their male counterparts. Unless these social structures are changed, reformed, and made inclusive, the pool of talent that includes women in general and more specifically Christian women will not be utilised for the progression of the country at large.

Global Minorities Alliance urges the government of Pakistan which has taken a welcome stance to pass a member's bill in Parliament to protect the rights of women (albeit opposed by the several religious groups who disagree with the autonomy, protection and the freedom the bill proposes) not only to honour its pledges within the Bill but to go further in actively protecting the rights of women in general and women from minority groups. GMA pledges to continue to push for the right actions to be taken so as to give some relief, support and protection to millions of women across Pakistan who are exploited almost every day without redress.

²⁵¹ *ibid.*

²⁵² Human Rights Watch Report 2016 on Pakistan

Recommendations Chapter 4

- Government of Pakistan must ensure the active prosecution of perpetrators of violence aimed at women by creating a violence free atmosphere through a women’s protection bill.
- Global Minorities Alliance welcomes the establishment of police stations for women but women police should also be well trained, and access to these police stations should be countrywide including both urban and rural areas.
- Pakistan government must actively review their discriminatory laws which puts women in a vulnerable position.
- Government must actively participate, support, liaise, update and upgrade state organs and work with NGOs that provide services to the victims and survivors of gender based violence.
- The role of civil society, media, law enforcement and health professionals should be enhanced, to create a system of perspective and prescription for countering gender based violence.
- Men must be actively educated and engaged in any gender based programme at all levels.
- Cases of forced conversions should be thoroughly investigated and courts should not base their verdicts solely on the face value of a case but gather evidence beyond the documents provided by the claimants.
- Any and all abuses at shelter homes against vulnerable women should be actively logged and investigated and the culprits involved should be prosecuted and punished according to the law.



Mr Shahid Khan with one of the interviewed Pakistan Christian families in Bangkok, Thailand

Conclusion

The report highlights the very real threat faced by many Pakistani Christians, who flee their country of origin hoping to find a secure and safe country abroad, a country better than the one they leave behind. These persecuted families put everything at stake: their possessions or properties and, in extreme cases, their lives. The traumatised children and the women we met in Bangkok, demanded of us action to help and support them in any way we can. We promised them that we would highlight, and be the voice of, their plight to the international community through our advocacy and humanitarian work.

Since our findings on the ground in Bangkok in July 2016, the status quo for most of the families has remained the same, while some of the families have been refused help by the UNHCR. These individuals are clinging on to hope and help from the aid agencies for a future that is safe a secure for them and for their children. Will they be finally able to find one in Thailand? Or will they be sent back to their country, the country where cycles of violence and persecution first became the reason for their flight to Thailand?

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