

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights defenders

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, 14/11, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged accusation of blasphemy against Ms. [REDACTED], Ms. [REDACTED] and Mr. [REDACTED] and Mr. [REDACTED].

Ms. [REDACTED], Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED] are staff members of Insan Dost Association (IDA), a human rights organization based in Punjab Province which works for the promotion and protection of the rights of bonded labourers and their families. IDA advocates for fairer wages for kiln workers, the education of child kiln workers and the elimination of advanced debt bondage.

According to the information received:

On 8 June 2012, a blasphemy accusation was reportedly filed against Ms. [REDACTED], Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED] by kiln owner Mr. [REDACTED], on behalf of another kiln owner, Mr. [REDACTED]. The complaint was reportedly submitted to the Commissioner of Sahiwal Division in Punjab Province, Mr. Qazi Ashfaq Ahmed. It is alleged that Mr. [REDACTED] has also accused IDA of being involved in anti-government activities and has called for the registration of IDA to be revoked.

On 30 June, Ms. [REDACTED], Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] were reportedly summoned to a hearing on 9 July, during which the complainant allegedly presented two witnesses who claimed that IDA staff members convert Muslims to Christianity. A second hearing reportedly took place on 26 July 2012, however no decision was taken by the judge as the complainant was unable to present the witnesses. A decision on whether to charge the accused with blasphemy is due to be announced on 27 August. Sources indicate that if the accused are charged and subsequently convicted, they face a sentence of life imprisonment or the death penalty.

Concern is expressed that the alleged accusation of blasphemy against the abovementioned individuals may be related to their peaceful and legitimate human rights activities, in particular their work to defend the rights of kiln workers. Concerns are also expressed at the possible violation of freedom of religion or belief and expression.

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights (UDHR) as well as of the International Covenant on Civil and Political Rights (ICCPR).

Article 1 of the 1981 Declaration and article 18, paragraph 1, of ICCPR explicitly provide for the right "in public or private, to manifest [one's] religion or belief in worship, observance, practice and teaching". Many human rights instruments stipulate and the Human Rights Committee hold that the right to manifest one's religion includes carrying out actions to persuade others to believe in a certain religion.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or

groups, and to communicate with non-governmental or intergovernmental organizations.

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- article 12 paragraphs 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this context, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that "[c]alls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law." In this regard, the Special Rapporteur on the rights to freedom of peaceful assembly and of association makes reference to paragraph 84 (c) of his thematic report A/HRC/20/27, in which he calls upon States "[t]o ensure that no one is criminalized for exercising the rights to freedom of peaceful assembly and of association, nor is subject to threats or use of violence, harassment, persecution, intimidation or reprisals".

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance

with fundamental principles as set forth in article 19 of the ICCPR, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the allegations against the abovementioned individuals. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the full details of the legal basis of blasphemy charges against Ms. [REDACTED], Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED] and how these measures are compatible with the rights to freedom of association, expression and religion or belief as stated in the International Covenant on Civil and Political Rights.

We undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
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opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
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Heiner Bielefeldt
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