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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (56-23) G/SO 214 (107-9)
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Excellency,

We have the honour to address you in our capacities 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 resolution 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 **alleged break-in at the office of the Centre for Human Rights Education-Pakistan and acts of harassment and intimidation against its staff.**

Centre for Human Rights Education (CHRE)-Pakistan is a non-governmental organization based in Lahore working for the advancement of human rights by providing capacity-building programmes to human rights defenders, including defenders from socially marginalized groups, and religious and ethnic minorities.

According to the information received:

On 25 October 2012, CHRE's office in Lahore was broken into, and three computers, one laptop and two desktop computers which contain sensitive information about the organization's activities, were stolen. Mr. Naeem Haroon, CHRE's program coordinator, subsequently lodged a complaint with the local police station.

On 29 October 2012, a call was placed to the CHRE office by an unknown individual who requested to speak with Mr. Haroon. The caller reportedly told Mr. Haroon that it was a bad idea to submit a complaint to the police. He went on to

say that those who had taken the organization's computers had planned to return them after a check-up, but since CHRE had complained to the police, they would not be returned.

Since the beginning of October 2012, unknown individuals have been observed outside the CHRE office and the homes of its staff, including CHRE's director, Mr. Samson Salamat, and its finance officer, Mr. Naveed Raphael. It is also reported that several staff members and their neighbours have been approached by individuals who have claimed to be public officials, notably from the tax authority, while failing to provide any official identification. These individuals have allegedly sought information about CHRE's staff and the organization's activities and ideological position.

According to the source, the alleged acts of harassment and intimidation have occurred following a number of public events organized by CHRE during September 2012. These include a public forum on "Social inclusion and democratic citizenship: understanding the context of exclusions" held at the premises of the Human Rights Commission of Pakistan on 20 September 2012 with approximately 300 participants; a public forum on "Religious extremism and its impact on inter- and intra-peace" organized on 26 September 2012; and the third participatory course on democracy and human rights, held annually by CHRE for 25 human rights defenders from all over Pakistan, which this year took place from 20 to 28 September.

It is also alleged that CHRE's website was blocked without any prior warning or notification in January 2012.

Concern is expressed that the acts of harassment and intimidation alleged herein, including the break-in at CHRE's office, are linked to the organization's work in defence of human rights, notably its advocacy and public awareness raising activities around religious extremism, social exclusion of religious and ethnic minorities and other marginalized groups.

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 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- 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 paras 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.

Furthermore, we would like to draw your Excellency's Government's attention to Commission on Human Rights resolution 2005/40 (paragraph 17) and General Assembly resolution 64/164 (paragraph 13) which state that "Welcomes and encourages the continuing efforts of non-governmental organizations and bodies and groups based on religion or belief to promote the implementation of the Declaration on the Elimination of All Forms of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution".

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 International Covenant on Civil and Political Rights (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.”

Furthermore, we would like to bring to the attention of your Excellency’s Government the principles enunciated in Human Rights Council Resolution 12/16. While noting that article 19, paragraph 3 of the ICCPR provides that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, Resolution 12/16 calls on States to refrain from imposing restrictions which are not consistent with paragraph 3 of article 19, including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would like to remind your Excellency’s Government of article 22 of the ICCPR, which provides that “[e]veryone 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 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 organization and its staff 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 this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

4. Please indicate what measures have been taken to ensure that the legitimate right to associate is respected and that the physical and psychological integrity of those exercising this right is guaranteed.

5. Please provide details of measures undertaken to ensure individuals, including human rights defenders, can express dissenting or minority views in public with a view to ensuring increased respect for human rights and how the physical and psychological integrity of those exercising this right is guaranteed.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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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freedom of opinion and expression

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