

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

Ref.: AL PAK 1/2023  
(Please use this reference in your reply)

6 February 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 50/17, 43/4, 43/16, 43/8 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations that **the Centre for Social Justice (CSJ)**, a civil society organization advocating for human rights in Pakistan, is facing intimidation and harassment in reprisal for its engagement in the fourth cycle of the Universal Periodic Review (UPR) of Pakistan.

According to the information received:

The Centre for Social Justice (CSJ) is a non-governmental organization based in Lahore since 2014. It engages in fact-based research, public policy advocacy, and capacity building activities concerning human rights, democratic development and social justice for marginalized groups in Pakistan in particular. It engages actively in policy dialogue with government departments and ministries, educational institutions, national human rights institutions and civil society at large.

In July 2022, the CSJ submitted a report to the United Nations Human Rights Council for the 42<sup>nd</sup> session of the UPR, which was endorsed by nine Pakistani human rights organizations. The 42<sup>nd</sup> session of the UPR took place from 22 January to 3 February 2023 and Pakistan underwent its fourth cycle of the UPR on 30 January 2023. During the cycle of review, the UPR process provides for the participation of all relevant stakeholders, including NGOs. Among the different ways of engagement, civil society actors can submit written information for the summary report, which is considered during the review as per the resolution which established the UPR mechanism.

By submitting its report, the CSJ provided written information on several issues that had been discussed during Pakistan's previous cycle of UPR and on which several recommendations had been made to, noted by, and supported by the Government. More specifically, the CSJ's report to the UPR raised concerns about the treatment of minority groups and religious groups in Pakistan. The report also provided recommendations that CSJ believed could help resolve the human rights issues it raised in the report.

On 21 August 2022, after the CSJ had submitted their written contribution to the UPR and while their submission had not been publicized, a news item appeared in the *Daily Jang*, a widely circulated Urdu-language national newspaper. The item reportedly claimed that the CSJ's report was not based in reality, was against the interests of Pakistan, and that it defamed the country on the issue of blasphemy laws and forced conversions.

On 22 August 2022, the Joint Action Committee for People's Rights (JAC), a platform of human rights organizations and defenders working across Pakistan, published a press statement in which they denied the allegations made by the *Daily Jang* press release against the report submitted by the CSJ to the Human Rights Council.

The press statement noted that the CSJ's report was based on facts, that the issues covered have been widely discussed in the courts, parliamentary bodies, and media in the country, and that it provided concrete and workable recommendations for the Government under each of the issues. Mr. Peter Jacob, a human rights defender and the head of CSJ, also refuted the allegations and said that the report reflected the ground reality about freedom of religion or belief in Pakistan.

A few days later, the Federal Ministry of Interior allegedly sent a communication to the Punjab provincial government asking it to take action against the CSJ.

On 12 September 2022, a news item appeared in the *Daily Jang* demanding the Ministry of Interior to take action against the CSJ for its involvement in "negative propaganda against Pakistan, on the basis of blasphemy and other issues". Following the second news item, the CSJ closed its office in fear of reprisals by State and non-State actors. One of CSJ's staff members resigned due to safety concerns.

On 27 September 2022, the Office of the Registrar, Joint Stock Companies, based in Lahore, sent a notice to the CSJ requesting its Executive Director to appear for a personal hearing on 5 October 2022, with a written statement and concrete evidence in support of CSJ's case for their periodic renewal of registration. This notice to the CSJ reportedly referred to the group's reporting to the UPR and the United Nations. On 5 October 2022, the CSJ answered to the Office of the Registrar and provided an explanation about the report they submitted to the UPR in July. The Office of the Registrar answered the CSJ, informing the organization that the report they submitted to the UPR went beyond CSJ's mandate. On 8 October 2022, the CSJ received a second notification from Office of the Registrar requiring it to limit the scope of their work. On 21 November 2022, the Office of the Registrar sent the CSJ a third notice for a personal hearing to appear before the Lahore District office on 26 November 2022 with a written statement and evidence of their claim that the CSJ was operating within the limits of the law. The Registrar's office noted that it had again been appraised that the management of the CSJ is working beyond the permitted range and scope of its activities, as set out in the Societies Registration Act (1860).

On 30 November 2022, Mr. Suneel Nasir (Malik), a representative of the CSJ, participated in the UPR Pre-session for Pakistan, which took place in UN premises in Geneva. UPR pre-sessions are NGO-led events meant to provide national human rights institutions and civil society organisations with an international platform through which they can provide human rights information on the State under review. These sessions offer an opportunity for permanent missions in Geneva to gather first-hand information on the human rights situation in the countries under review.

On 16 December 2022, the Lahore High Court issued an order for interim relief until a new hearing scheduled to take place on 19 January 2023, restraining the Office of the Registrar from taking coercive actions against the CSJ. The order followed a petition made by the CSJ to the court arguing that the notices sent to them by the Office of the Registrar were unjustified, ambiguous and vague and had prevented the organization from knowing the allegations to which it had to respond. The petition also argued that the Office of the Registrar did not have the authority to de-register a registered society. The hearing did not take place on 19 January and has been postponed indefinitely until the case is relisted.

Without prejudging the accuracy of the above allegations, we would like to express our grave concerns regarding the reported acts of intimidation and harassment against the civil society organization Centre for Social Justice allegedly in reprisal of its participation in the UPR process. We also wish to express our concern that the restrictions imposed on the CSJ's scope of activity not only violate international standards related to freedom of association, but also risk deterring other civil society actors to engage in human rights advocacy, including with United Nations bodies and mechanisms. We are also deeply concerned about the safety of CSJ staff members who are reportedly at risk of physical harm. Overall, we are seriously concerned that these allegations constitute a violation of the rights to freedom of association and expression, affecting most particularly human rights defenders, religious groups and minorities.

Regarding allegations indicating that the violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28 and 48/17 which reaffirmed the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urged States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on how the actions of the Office of the Registrar against CSJ, including the request to justify its continued registration and in limiting its activities, are consistent with Pakistan's international human rights obligations, including the rights to freedom of association and expression.
3. Please indicate what measures your Excellency's Government has taken, or is considering taking, to ensure that human rights defenders in Pakistan, including those covering the situation of minority and religious groups, can exercise their rights to freedom of expression and association, and can carry out their legitimate work in a safe and enabling environment free from any form of intimidation and harassment against them or their family members.
4. Regarding reported acts of intimidation and reprisals for cooperation with the United Nations human rights bodies and mechanisms, please indicate what measures have been taken to ensure that the CSJ and other human rights defenders and associations are able to carry out their legitimate work, including documenting and reporting on minority rights and issues to the UN human rights bodies and mechanisms, in a safe and enabling environment without fear of intimidation or reprisals of any kind.
5. Please provide information about the measures in place, legally and institutionally, promoting and protecting the communication of individuals or groups in Pakistan with the United Nations entities to provide information, including to file complaints about alleged violations of human rights.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

In light of the allegations of reprisals for cooperation with the United Nations on human rights in relation to minority rights and concerns, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary-General to lead the efforts within the United Nations system to address this issue.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to

indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Fernand de Varennes  
Special Rapporteur on minority issues

Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation. We would like to particularly bring your Excellency's attention to the human rights obligations under international human rights instruments and under customary international law binding on the Islamic Republic of Pakistan.

In this respect, we would like to refer your Excellency's Government's attention to articles 18, 19, 21, 22, 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Pakistan on 23 June 2010, that guarantee the inherent right to freedom of thought, religion or belief, peaceful assembly and association, and the right of minorities to enjoy their own culture, language, and religion.

We wish to remind your Excellency's Government that article 18 of the ICCPR guarantees the right of everyone to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching.

We would also like to recall that article 21 of the ICCPR guarantees the right of peaceful assembly, while article 22 protects the right to freedom of association with others. As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards [A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1]. This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the International Covenant on Civil and Political Rights) [see also ICCPR, art. 26].

We would like to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the legitimate aim. As the Human Rights Committee observed in General Comment No. 27 (CCPR/C/GC/27), restrictive measures must "be appropriate to achieve their protective function" and "be the least intrusive instrument amongst those which might achieve the desired result" (paragraph 14), while "the principle of proportionality has to be respected not only in the law that frames the restrictions but also by the administrative and judicial authorities in applying the law" (paragraph 15).

We would also like to remind your Excellency's Government of its obligation under article 19 of the ICCPR to respect and protect the enjoyment of the right to freedom of opinion and expression, which is one of the essential foundations of a

democratic society. We stress that the scope of the right to freedom of expression includes expression on human rights, CCPR/C/GC/34 para. 11. While certain restrictions may be placed on freedom of expression, for the protection of national security or of public order (ordre public), or of public health or morals, they may not be arbitrarily imposed on those sharing human rights concerns, observations or opinions or Government policy. Only restrictions that are provided by law, pursue a legitimate aim, and be necessary and proportionate, comply with international human rights law.

Furthermore, we bring to your attention 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Finally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- Article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights, and;
- Article 8.2 which provides that all persons, individually or in association with others, have the right to submit to government authorities criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.
- Article 12, par. 2 and 3, which provide that the State shall take all necessary measures to ensure the protection of everyone 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.

Regarding allegations of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28 and 48/17 reaffirming the right of everyone, individually or in association with other, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or

reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies as well as the issuance of appropriate guidance to national authorities to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

Reference is also made to General Assembly resolution 76/174 (2021), para. 6, which condemns all acts of intimidation and reprisal, both online and offline, by State and non-State actors against individuals, groups and organs of society, including against human rights defenders and their legal representatives, associates and family members, who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations, its representatives and mechanisms, in the field of human rights, and strongly calls upon all States to give effect to the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, including the United Nations, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms.