

## **Introduction**

1. Scholars at Risk (SAR) is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide. SAR has Special Consultative Status with ECOSOC (2013), and welcomes the opportunity, provided by the Office of the High Commissioner on Human Rights, to comment on conditions relating to academic freedom and attacks on higher education communities in Pakistan.
2. As part of its advocacy work, SAR monitors and analyzes attacks on higher education around the world, including within Pakistan. During this UPR period, SAR has regularly received reports from colleagues within Pakistan, as well as from media, describing overall pressures and attacks on higher education throughout the country.
3. Scholars, students and higher education institutions in Pakistan face significant pressures, both from government and private actors, which threaten individual academic freedom and the ability of the higher education space to function in a free and open manner. Most important among these pressures is targeted violence against professors and higher education institutions, which government actors have frequently been unable to prevent, despite the efforts of law enforcement. Over the long term, such violence erodes academic freedom, and does substantial harm not only to the individual victims, but to the university community nationwide, by communicating a message that certain ideas will not be tolerated.
4. Adding to these challenges are legal pressures, especially including the country's blasphemy law, under which even a statement perceived by a listener to insinuate a blasphemous message can lead to a prosecution, and even a death sentence. These standards are particularly chilling for university life, where the expression of diverse, sometimes controversial ideas is a necessary and inevitable occurrence.

## **Applicable Legal Standards**

5. Pakistan is bound by several applicable international human rights instruments, including Article 19 of the International Covenant on Civil and Political Rights, which guarantees “the 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 [one’s] choice.”
6. Under Article 13 of the International Covenant on Economic, Social and Cultural Rights, to which Pakistan also is a party, States “recognize the right of everyone to education” and “agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights

and fundamental freedoms,” and that education “enable[s] all persons to participate effectively in a free society.” Relatedly, ICESCR Article 15 of the provides that “States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.” As the Committee on Economic, Social and Cultural Rights has noted, “the right to education can only be enjoyed if accompanied by the academic freedom of staff and students” and “staff and students throughout the education sector are entitled to academic freedom” (CESCR Gen. Comment, 1999: para. 38).

7. Institutional autonomy for higher education institutions is likewise crucial for the realization of academic freedom and related rights. As described by the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), “Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions. . . Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.” (*see* paras. 18-19).
8. Academic freedom is grounded in each of the above rights (among others). Violations of academic freedom – including attacks on scholars, students and institutions, as well as limitations on university autonomy and the ability of the higher education space to function – are generally cognizable as violations as one or more of these rights.<sup>1</sup> Such attacks not only harm the rights of individuals and institutions, but also the ability of universities to function in a safe, free, and open manner.

### **Background and Context**

9. Despite the country’s strong university tradition, scholars, students and universities in Pakistan are under increasing threat of deadly violence, often in retaliation for the content of academic work, or the very fact that they are part of the higher education community. These threats do not merely impact direct victims of violence. They are intended to – and do – silence entire higher education communities, narrowing the scope of acceptable discourse and chilling academic speech nationwide. This in turn impacts democracy more generally.
10. Scholars at Risk has verified at least fifteen significant attacks on higher education since Pakistan’s last reporting cycle, including three mass attacks, eleven attacks targeting individual scholars, and one attack on a lawyer in apparent retaliation for his defense of a

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<sup>1</sup> R. Quinn and J. Levine, *Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law*, Int’l J. of Hum. Rts., Dec. 2014, Vol. 18, Issue 7-8, ISBN: 1364-2987 (<http://www.tandfonline.com/doi/full/10.1080/13642987.2014.976203>).

scholar charged with violating Pakistan's Blasphemy Law. These attacks have resulted in at least 110 deaths, and at least 143 injuries. This list is not necessarily exhaustive, however, and does not account for the large number of scholars and other members of higher education communities who are intimidated into exile or self-censorship, to avoid violent repercussions for their work or other nonviolent, expressive activity.

### Mass Attacks

11. ***Sardar Bahadur Khan Women's University:*** On June 15, 2013, a suicide bomber boarded a university bus on the campus of the Sardar Bahadur Khan Women's University in Quetta, and detonated explosives, killing fourteen students and teachers. This was the largest of a series of attacks that day in Quetta, including an attack on the hospital where the victims of the bus attack were being treated. The attacks killed a total of 26 people. Lashkar-e-Jhangvi, an extremist group that opposes women's education, claimed responsibility for the attack. Security forces eventually arrested several suspected perpetrators.<sup>2</sup>
12. ***Bacha Khan University:*** On January 20, 2016, four men carrying guns and wearing suicide vests entered Bacha Khan University in northwestern Pakistan. They scaled a wall near the rear of campus and proceeded onto university grounds, where they killed at least 22 people and injured another 19, including students, faculty and security guards. They were killed by security forces before they could detonate their suicide belts. Following the attack, a Taliban official reportedly called local journalists and claimed responsibility for the attack on his group's behalf.<sup>3</sup>
13. ***Balochistan Police College:*** On October 24, 2016, three gunmen wearing suicide vests entered the Balochistan Police College campus – two through the front gate, killing two guards in the process, the third by scaling a rear wall. The group then proceeded to student residence halls, where they opened fire and threw grenades. Police, army soldiers, and special services commandos arrived on the scene shortly thereafter and, over several hours, exchanged gunfire with the militants before clearing the campus. Two attackers detonated their vests; the third was shot by security forces before he could do so. The attack resulted in a total of 62 deaths and 120 injuries. Islamic State (ISIS) and Lashkar-e-Jhangvi claimed joint responsibility for the attack a few hours after it occurred.<sup>4</sup>

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<sup>2</sup> <http://monitoring.academicfreedom.info/reports/2013-06-15-sardar-bahadur-khan-womens-university>

<sup>3</sup> <http://monitoring.academicfreedom.info/reports/2016-01-20-bacha-khan-university>

<sup>4</sup> <http://monitoring.academicfreedom.info/reports/2016-10-24-balochistan-police-college>

## Individual Violent Attacks

14. **Professor Syed Sibte Jafar Zaidi:** On March 18, 2013, Professor Zaidi, a poet and principal of the Government Degree Science College in Liaqatabad, was shot and killed while en route home, just outside his university. He had reportedly received death threats in the past, and was known for his academic and poetic excellence and was the founder of *Idaara-e-Tarveej-e-Sozkhwani*, an educational and cultural institution aimed at reviving classical Shia poetic traditions. Members of *Lashkar-e-Jhangvi* claimed responsibility for the attack.<sup>5</sup>
15. **Professor Syed Azfar Rizvi:** Professor Rizvi, a literary scholar and Chair of the Association of Advancement of the Urdu Language and of the Dhaka Coaching Centers, was killed in Karachi on May 31, 2013, when a man on a motorcycle opened fire on his car. The driver of his car was also killed.<sup>6</sup>
16. **Professor Abdul Razzaq:** On July 12, 2013, Abdul Razzaq, a professor at the Khuzdar Degree College in Balochistan, was shot and killed by unknown attackers while en route home from campus. A colleague who was traveling with him was also reportedly shot. Professor Razzaq was well known for supporting girls' education.<sup>7</sup>
17. **Professor Syed Shabbir Hussain Shah:** On November 19, 2013, as Professor Shah traveled to the University of Gujrat, where he served as the director of student services, gunmen on motorcycles opened fire on his car, killing him and his driver. Professor Shah, a member of the Shia minority, had a reputation as a progressive, and had received death threats in the past. A note reportedly found at the scene, and signed in the name of *Lashkar-e-Jhangvi*, said the attack was "retaliation for Rawalpindi" – a reference to a city where violent, sectarian clashes had recently occurred.<sup>8</sup>
18. **Professor Syed Nazeer Hussain Umrani:** On the morning of January 7, 2014, Professor Umrani, a teacher at Hashmat Ali College in Rawalpindi, and the Imam of a local Shia Mosque, was shot and killed by unidentified gunmen on motorcycles, while en route to campus. Despite the presence of several eyewitnesses, no information was available regarding the identity or motive of the attackers.<sup>9</sup>

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<sup>5</sup> <http://monitoring.academicfreedom.info/reports/2013-03-18-government-degree-science-college>

<sup>6</sup> <http://monitoring.academicfreedom.info/reports/2013-06-01-dhaka-coaching-centres>

<sup>7</sup> <http://monitoring.academicfreedom.info/reports/2013-07-12-khuzdar-degree-college>

<sup>8</sup> <http://monitoring.academicfreedom.info/reports/2013-11-19-university-gujrat>

<sup>9</sup> <http://monitoring.academicfreedom.info/reports/2014-01-07-hashmat-ali-college-rawalpindi>

19. **Professor Jawed Iqbal Kazi:** On February 17, 2014, Professor Kazi, head of the Department of Pathology at Karachi Dental and Medical College, was targeted, shot and killed by unidentified gunmen on motorcycles while leaving campus in his car.<sup>10</sup>
20. **Professor Muhammad Shakil Auj:** On September 18, 2014, Professor Auj, the dean of Islamic studies at the University of Karachi, was en route to a dinner to be given in his honor, when he was shot and killed by unidentified gunmen. Professor Auj, a progressive scholar, regularly and publicly expressed his views about religious issues. He had begun receiving death threats and being accused of blasphemy after giving a speech in the United States in 2012. Among these threats were text messages sent by four of his fellow University of Karachi professors, which police were investigating at the time of his death. In addition, a local seminary reportedly issued a fatwa declaring Professor Auj “worthy of murder.”<sup>11</sup>
21. **Professor Deborah Lobo:** On April 16, 2015, Professor Lobo, an associate professor of community health science and vice principal of Jinnah Medical and Dental College in Karachi, was shot by four gunmen on motorcycles, who had surrounded her car and fired at her as she traveled between her home and the college. Professor Lobo survived, but reportedly suffered bullet wounds to her face and one of her hands. Pamphlets found near the scene suggested that the attack was inspired by ISIS and that Professor Lobo was targeted because she is a United States citizen, and threatened future attacks against Americans. An individual named Saad Aziz, who was wanted in connection with other terrorist acts, was later charged with the attack.<sup>12</sup>
22. **Professor Waheedur Rehman:** On April 29, 2015, Waheedur Rehman, a professor in the Department of Mass Communications at the University of Karachi, was killed when four gunmen surrounded his car and opened fire. Professor Rehman, who also worked as a journalist and wrote under the pen name Yasir Rizvi, had been a student of Dr. Muhammad Auj (*see* para. 20).<sup>13</sup>
23. **Professor Amanullah Achakzai:** On June 8, 2016, unidentified gunmen killed Amanullah Achakzai, principal of the University Law College Quetta. Professor Achakzai was driving to campus when an unknown number of assailants on motorbikes opened fire on his car. He was pronounced dead before he could be taken to a local hospital. As of this report, no one has claimed responsibility for the attack, nor have the authorities identified a suspect.<sup>14</sup>

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<sup>10</sup> <http://monitoring.academicfreedom.info/reports/2014-02-17-university-karachi>

<sup>11</sup> <http://monitoring.academicfreedom.info/reports/2014-09-18-university-karachi>

<sup>12</sup> <http://monitoring.academicfreedom.info/reports/2015-04-16-jinnah-medical-and-dental-college>

<sup>13</sup> <http://monitoring.academicfreedom.info/reports/2015-04-29-university-karachi-0>

<sup>14</sup> <http://monitoring.academicfreedom.info/reports/2016-06-08-university-law-college-quetta>

24. **Professor Salman Haider:** On January 6, 2017, Salman Haider, a scholar of psychology from Fatima Jinnah Women University (FJWU) and an activist, was reportedly abducted, along with three other activists also reportedly went missing on January 4 and 6. Dr. Haider is a poet, writer, human rights advocate, and lecturer at FJWU in Rawalpindi, and is active in social media groups promoting left-wing, secularist views. He was released and reunited with his family on January 27, 2017.<sup>15</sup>

### **Blasphemy – Prosecution, Accusations, and Violence**

25. Pakistan’s blasphemy law, Section 295-C, which in relevant part imposes a potential death sentence for a wide range of types of expression, raises particular concerns for the university space, where the expression of diverse, sometimes controversial ideas is both inevitable and necessary.

The statute provides:

295-C Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

26. The nonviolent exercise of the rights to free expression and academic freedom are generally protected by international human rights norms (*see* para. 5), derogations from which are permitted only in narrow circumstances. However, the breadth and harshness of Section 295-C raise particular concerns.
27. Chief among these concerns is the fact that the law contains no intent element, and involves a wide range of types of expression, including innuendo and indirect communications. Thus, a verbal statement, made in the classroom, which a listener claims suggests a blasphemous message, could be – and has been<sup>16</sup> – the basis for a potential death sentence. Even a showing that he/she did not intend to express a blasphemous idea would not protect the speaker. And, as demonstrated below (*see* para. 28), simply being charged with blasphemy can trigger violent, targeted attacks.

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<sup>15</sup> <http://monitoring.academicfreedom.info/reports/2017-01-06-fatima-jinnah-women-university>

<sup>16</sup> *See* Freedom House, *Policing Belief: The Impact of Blasphemy Laws on Human Rights – Pakistan*, 21 October 2010, available at: <http://www.refworld.org/docid/4d5a7009c.html> [accessed 31 October 2016], describing the case of Dr. Younus Shaikh. There, a student claimed to a cleric that his professor had committed blasphemy in his presence, and the cleric brought the allegation to police. A court initially found that the charge was uncorroborated hearsay, but found Dr. Shaikh guilty after two other students accused him of separate acts of blasphemy -- acts which Dr. Shaikh said were alleged to have occurred on days when he had not even given lectures. The court sentenced him to death under Section 295-C. After three years in jail, he appealed, was retried and acquitted in November 2003. He then went into exile abroad.

28. **Junaid Hafeez:** Professor Hafeez, a poet, was a graduate student and adjunct lecturer in the English Department of Bahauddin Zakariya University in Multan, where he had a reputation for holding liberal views. In March 2013, a student in his department, who was affiliated with the Jamaat-e-Islamiya party, allegedly circulated a leaflet accusing him of making blasphemous statements on Facebook – reportedly without evidence. After the accusation was made, a large crowd of students gathered on campus and demanded Hafeez’s execution. He fled to Lahore, but later returned to Multan and was arrested and imprisoned. His teaching contract and admission as a graduate student were later terminated.<sup>17</sup> Hafeez’s first two defense lawyers eventually resigned from his case, and were placed under police protection, after receiving death threats for representing him. A third lawyer, human rights attorney and advocate Rashid Rehman, then took the case. He was assassinated on May 7, 2014, when two assailants entered his office, where he was meeting with colleagues, and shot him at least three times; he died at the scene.<sup>18</sup>

Hafeez hired a new attorney later in 2014, who now represents him anonymously. This lawyer has reported numerous adjournments, delays, and instances in which officials have obstructed his ability to confer with his client. As of this report, more than three-and-a-half years after being charged, Professor Hafeez remains in detention with his case pending. It has been suggested that judges have an incentive not to decide blasphemy cases, because a decision exonerating a defendant may trigger protests or violence against the deciding judge.

## **Conclusion**

Without adequate state protection, higher education communities can be easy targets for those intent on limiting freedom of thought, inquiry and expression. Campuses are targeted because of the volume, and highly public character, of expression within them. And they are targeted because the free exchange of ideas that is crucial to university life must sometimes challenge closely held norms. When attacks do occur, they not only harm the individual victims, but intimidate entire academic communities by communicating that certain ideas must not be expressed. This harm is compounded when scholars and students fear that voicing a controversial opinion, or even a miscommunication, may result in a blasphemy charge and a possible death sentence.

Nevertheless, there are measures that law enforcement, legislators, national and international institutions can take to address these challenges.

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<sup>17</sup> <http://monitoring.academicfreedom.info/reports/2014-04-17-bahauddin-zakariya-university-multan-pakistan>

<sup>18</sup> <http://monitoring.academicfreedom.info/reports/2014-05-07-bahauddin-zakariya-university-multan-pakistan>

## Recommendations to Pakistani Authorities

### *National authorities should:*

29. Reaffirm Pakistan's commitment to the protection of higher education communities, institutional autonomy and academic freedom, as recognized by the HRC in Resolution 29/7 of 2015, including by publicly endorsing the Principles of State Responsibility to Protect Higher Education from Attack.<sup>19</sup>
30. With university authorities and NHRIs, work to build recognition of the importance of academic freedom, freedom of expression and freedom of association on university campuses, including ensuring space for respectful, non-sectarian discussions of religion.
31. Introduce strong legislation prohibiting attacks against scholars, students and higher education institutions, and effectively investigate such acts and prosecute the perpetrators.
32. Extend a standing invitation to special procedures – particularly the Special Rapporteurs on the Right to Freedom of Opinion and Expression and the Right to Education to investigate threats to higher education within Pakistan.
33. Revise Section 295-C to include an intent requirement, and update the blasphemy law more generally to impose strict evidentiary and due-process requirements on all blasphemy prosecutions.

End.

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<sup>19</sup> The Principles provide that States should:

- Abstain from direct or complicit involvement in attacks on higher education
- Protect higher education against present and future attacks
- Assist victims of attacks; and
- Deter future attacks, including by investigating attacks and holding perpetrators accountable

For more information, please see:

[https://www.scholarsatrisk.org/wp-content/uploads/2016/04/Principles\\_of\\_State\\_Responsibility.pdf](https://www.scholarsatrisk.org/wp-content/uploads/2016/04/Principles_of_State_Responsibility.pdf)