

STATEMENT
UPR Pre-session on Pakistan
Geneva, 30th November 2022
Delivered by: Centre for Social Justice (CSJ)

Excellencies and participants,

This statement is delivered on behalf of the Centre for Social Justice, and the civil society of Pakistan which submitted a joint UPR report for the 4th cycle review. This statement addresses the issues relating to **religious freedom and minorities' rights** such as; **(a) forced faith conversion and forced marriage, (b) abuse of blasphemy laws, (c) right to unbiased education, and (d) national commission for minorities' rights**. This statement will focus on the challenges with regard to these issues as well as the ways forward.

Status of implementation of recommendations and Developments from the last review

Regarding the issue of **Forced Conversion/Marriage** of mostly minor Hindu and Christian girls, Pakistan had noted two recommendations in the previous review made by Australia and India, which called for enacting and enforcing laws to protect religious minorities. However, the recommendations have remained unimplemented.

In 2017, Section 498 B was added to Pakistan Penal Code through the Criminal Laws Amendment Act, 2017, which criminalized forced marriage with a minority woman, however, this provision is never applied while registering and investigating the complaints of forced and involuntary conversions and child marriage of girls from the minority communities.

Three private bills were tabled in the parliament by legislators in the parliamentary tenure which were not debated in the National Assembly. Rather a Parliamentary Committee was set up in 2019 to protect minorities from forced conversions which ended up opposing protective legislation on forced conversions in October 2021.

Recommendations: We, therefore, urge the Government of Pakistan to protect the religious freedom of religious minorities in particular by criminalizing forced faith conversions through effective legislation, regulation of conversions, and stopping child marriages.

Status of implementation of recommendations and Developments from the last review

Regarding the **abuse of blasphemy laws**, Pakistan had noted all 15 recommendations made by countries including United States of America, Canada, France, Austria, Italy, New Zealand, Netherlands, Poland, Denmark, Mexico, Czechia, Luxembourg, India, Lithuania, Greece and Holy See, which called for repealing or reviewing the blasphemy laws.

Sections 295-B, 295-C, 298-A, 298-B, and 298-C of the Pakistan Penal Code, commonly known as the blasphemy laws lack a definition of religious insult and proof of intent, and carry disproportionate penalties, therefore disregard the universally accepted principles of criminal justice.

The blasphemy laws have repeatedly caused unrest in the country through persistent abuse of law and religion. However, neither the laws are amended, nor have multiple violations in the use of blasphemy laws diminished. Gross violations of human rights such as; false accusations, hate speech, prolonged trials, and lynching, remain unchecked.

Recommendations: We, therefore, urge the Government of Pakistan to take legal, administrative, and educational measures to introduce effective safeguards to prevent the misuse of blasphemy laws and address religious intolerance as recommended in the light of the Judicial Inquiry of the incident of Gojra in 2009 and UNGA Resolution 16/18 of 2011.

Status of implementation of recommendations and Developments from the last review

Regarding the **right to unbiased education**, Pakistan had accepted five recommendations in the last UPR made by Kazakhstan, Bulgaria, Kyrgyzstan, Azerbaijan, and Holy See, which called for abrogating statutory provisions and administrative instructions and practices which involve religious discrimination in education, and incorporating international human rights standards into the national education system to ensure that all children, without discrimination, enjoy the right to education. Full implementation of these recommendations and the order of the Supreme Court of Pakistan regarding the development of tolerant curricula at the school and college level, is yet not achieved.

The education system in Pakistan restricts religious freedom of students belonging to minority religions through exclusionary practices based on the preferences of the majority religion. The national curriculum introduced in 2020, incorporated some religiously inclusive material in the textbooks, yet the teaching content is heavily loaded with lessons about the majority religion (Islam) in compulsory subjects.

In May 2020, the provincial government of Punjab approved the reservation of 2% seats for minority students in public sector higher education institutes. The federal government and the rest of the three provincial governments are yet to adopt this affirmative measure.

Despite Islamic education being a compulsory subject, the laws making the teaching of the Holy Quran for Grades I-XII of all educational institutions were passed without considering the alternative for millions of minority students.

As a substitute for Islamic studies, the government introduced a policy that minority religions like Christianity, Hinduism, Sikhism, Zoroastrianism, Baha'i, Kalasha, and Buddhism can be taught to students belonging to their respective religions. However, the textbooks for the subject of religious education are yet to be printed, hence the policy decision is yet unimplemented in schools in the country.

Recommendations: We, therefore, urge the Government of Pakistan to avoid introducing any legislation, or policy measures without due consultation with civil society, and in disregard to the constitutional protection of religious freedom and non-discrimination under articles 20, 22 (1), and 25 of the Constitution of Pakistan, and supreme court order regarding tolerant curricula vide judgment (SMC No. 1 of 2014). Secondly, ensure the provision of teachers to teach minority students their respective religions.

Status of implementation of recommendations and Developments from the last review

Regarding the **national commission for minorities rights**, Pakistan had accepted a recommendation made by Saudi Arabia, and noted a recommendation made by the Kingdom of Great Britain, which called for strengthening the protection of minorities by establishing an independent National Commission for Minorities, however, no legislation is adopted as yet.

Pakistan ignored draft bills for establishing a statutory minority rights body, and reconstituted a toothless National Commission for Minorities through an executive order in May 2020. It was constituted in utter disregard to orders issued by the Supreme Court of Pakistan vide judgment SMC No. 1 of 2014.

Recommendations: We, therefore, urge the Government of Pakistan to make serious efforts to constitute an empowered, autonomous, resourceful, and effective national commission for minorities' rights through an act of parliament, conforming to UN Paris Principles.

Thank you for your attention.