



42nd Session of the Universal Periodic Review

Pakistan

A submission by CSW (Christian Solidarity Worldwide)

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all through research and advocacy.
2. This submission seeks to draw attention to concerns regarding the right to FoRB in Pakistan ahead of the state's fourth Universal Periodic Review (UPR).

UPR commitments to freedom of religion or belief

3. During the third UPR cycle in 2017, Pakistan supported 169 recommendations out of 302. Of the 32 recommendations which focused on the right to FoRB, Pakistan accepted 11 and noted 21.
4. Thirteen recommendations called on Pakistan to either reform, repeal, or take steps to prevent the misuse of the country's blasphemy laws, however none of these recommendations were accepted. An additional recommendation from Denmark urged Pakistan to amend chapter XV of the Penal Code, in which blasphemy is criminalised. This was also not accepted.
5. Pakistan also chose not to accept recommendations to end forced conversions and marriages of religious minority women; to guarantee religious minorities freedom to manifest their religion in teaching, practice, worship and observance; to amend discriminatory laws against religious minorities and other marginalised groups; nor to "adopt and implement legal and practical measures to ensure the protection of religious minorities ... in line with paragraph 34 of the concluding observations of the Human Rights Committee."¹
6. Among the recommendations relating to FoRB that Pakistan accepted were calls to take effective measures to protect persons belonging to minorities; to investigate reports of violence against religious minorities and bring those responsible to justice; to strengthen measures to eliminate violence and discrimination against religious minorities; and to continue active work to ensure inter-faith harmony.

Constitutional and international legal obligations

7. Pakistan is an Islamic republic, but the constitution guarantees FoRB for all and protection for religious minorities under Article 20, and provides further safeguards for religious communities in Articles 21 and 22.

¹ Recommendation 152.148(Netherlands). United Nations, 'Report of the Working Group on the Universal Periodic Review: Pakistan', Addendum views on conclusions and recommendations, 16 February 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/043/40/PDF/G1804340.pdf?OpenElement>

8. Pakistan has also signed and ratified the International Covenant on Civil and Political Rights (ICCPR), which guarantees FoRB for all under Article 18.

Blasphemy laws

9. Despite its national and international legal commitments and obligations, Pakistan continues to enforce controversial blasphemy laws which criminalise anyone who insults Islam, including by outraging religious feeling (Section 295(A)), defiling the Qur'an (295(B)), and defiling the name of the Prophet Mohammed (295(C)), which carries the death penalty or life imprisonment.
10. These laws are incompatible with Pakistan's commitments to FoRB, and have served to undermine the country's progress towards the full implementation of accepted recommendations to protect religious minorities from violence and promote inter-faith harmony during the reporting period.
11. Blasphemy accusations often trigger mass violence against minority communities. For example, in May 2019 Ramesh Kumar Malhi, a Hindu veterinary surgeon from Mirpurkhas, Sindh, was accused of blasphemy for wrapping medicines in pages containing verses from the Qur'an. Protestors burned down the veterinary clinic and other shops belonging to the Hindu community.
12. On 4 August 2021 an eight-year-old Hindu boy from Bhong town, Punjab who relieved himself in a local Islamic seminary was granted bail after being charged with blasphemy. A mob of hundreds attacked and vandalised a local Hindu temple on the same day.
13. On 3 December 2021 Priyantha Diyawadana, a Sri Lankan national who was later identified as a Buddhist, was killed by a mob after he was accused of desecrating posters bearing the name of Prophet Mohammed by colleagues at the factory where he worked. It later emerged that Mr Diyawadana had been accused as a means of settling a personal score between him and his colleagues.
14. On 12 February 2022 Mushtaq Ahmed, a Muslim man said to be suffering from mental illness, was beaten and stoned to death by a mob of hundreds who tied him to a tree in Khanewal, Punjab Province after he was accused of burning pages of the Quran.
15. On 29 March 2022 Safoora Bibi, a 21-year-old teacher at a madrassa in Dera Ismail Khan city in Khyber Pakhtunkhwa province, was murdered by three of her colleagues after one of the assailants' younger relatives, believed to be a 13-year-old girl, had a dream that Ms Bibi had committed blasphemy.
16. Many others have remained imprisoned or on death row during the reporting period, and the National Commission for Justice and Peace (NCJP) reports that 84 individuals were charged with blasphemy in 2021.
17. Among those currently imprisoned is Asif Pervaiz, a Christian father of four who was sentenced to death in September 2020, almost seven years after he was first imprisoned for being accused of sending a blasphemous text message on 25 September 2013. It is worth noting that Pakistan chose not to accept any of the 35 recommendations it received relating to the abolition or establishment of a moratorium on the death penalty during its previous UPR.

18. Also imprisoned is Notan Lal, a Hindu school principal who was sentenced to 25 years in prison on blasphemy charges by a sessions court in Sukkur, Sindh Province on 7 February 2022. Mr Lal was arrested in 2019 after he was accused by a student of defiling the name of the Prophet Mohammed. The accusations led to an outbreak of communal violence in the Ghotki district, during which shops owned by the Hindu community were looted, the school run by Mr Lal was ransacked, and a Hindu temple was attacked.

Recommendations

19. Review Sections 295(A), (B) and (C) of the blasphemy laws and ensure procedural amendments are implemented to minimise the abuse of these laws in the short term, moving towards full repeal in the long term.

20. Conduct full investigations into all incidents of violence against individuals accused of blasphemy, and into other outbreaks of violence and vandalism arising from blasphemy accusations, holding all those responsible to account.

21. Release all those currently imprisoned on blasphemy charges immediately and without condition.

Education

22. Also undermining Pakistan's progress towards implementing the recommendations accepted during its previous UPR is the country's biased educational system and curriculum. It is also noteworthy that Pakistan chose not to accept a recommendation to "ensure that minority groups, including scheduled castes, are not discriminated against in education."²

23. In July 2020 the then-government announced the creation of a Single National Curriculum (SNC) to replace the 2006 school curriculum. As is already the case for many subjects in higher grades, SNC textbooks in English, Geography and Urdu all feature extensive Islamic religious content, and the government has also promised to introduce Qur'an classes and significantly increase the proportion of Islamic studies in the curriculum.

24. The SNC violates Article 22(1) of the Pakistani constitution, which asserts: "No person attending any education institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own."

25. While non-Muslim students are not forced to participate in Islamic studies in theory, many are often reluctant to opt out of these classes because doing so identifies them as a religious minority and leads to increased discrimination.

26. In addition, the presence of Islamic content in subjects outside of Islamic studies presents further challenges, as while children are again in theory permitted not to participate in these classes, there is a risk that they could miss out on up to half their education in some classes without alternative provisions, jeopardising their academic attainment and chances for further study. Despite commitments from the government that religious minorities can study their own religion in lieu of Islamic studies, books of religious studies for minority groups have yet to be published and introduced to schools.

² Recommendation 152.87(Sierra Leone), *ibid*

27. Official textbooks are insensitive to Pakistan's religious diversity and promote intolerance between majority and minority faiths. Many contain factual and historical inaccuracies and omissions and exclude the contributions of religious minority heroes. Some also include biased and derogatory language towards religious minorities.
28. In some cases, religious minority students endure physical and psychological abuse from teachers and classmates, including beatings and bullying, while Muslim students who memorise the Qur'an get 20 extra marks towards admission applications for higher education, employment and professional studies.³
29. Collectively, these issues demonstrate a failure on behalf of the Pakistani government to implement the recommendation it accepted to "increase its efforts to improve the education system, as a tool to enhance peaceful coexistence in the country."⁴

Recommendations

- 30. Review the Single National Curriculum and ensure that it respects and recognises the rights and contributions of religious minority communities in Pakistan.**
- 31. Rewrite textbooks so that they are based on scientific and empirical principles of thought and inquiry, and incorporate lessons on peace, tolerance, diversity and respect for human rights.**
- 32. Remove religious content from non-religious subjects, as per instructions from the Supreme Court's One-Man Commission, which is mandatory for all to study, including religious minorities.**
- 33. Provide human rights training to teachers, including on FoRB.**

Abduction, forced conversion and forced marriage of religious minority women and girls

34. In 2021 following opposition from the Ministry of Religious Affairs the anti-forced conversion bill, reviewed by the Parliamentary Committee to Protect Minorities from Forced Conversions, was rejected despite strong protest by minority lawyer makers. Those who rejected the bill claimed it would cause further oppression of minorities. It is also claimed that Former Prime Minister Imran Khan assured the Muslim Clerics (Ulema) that no law would be passed that went against the teachings of Islam.⁵
35. In addition, given Pakistan's refusal to accept two recommendations to prevent forced marriage and forced conversion,⁶ it is regretful but unsurprising that the issue remained prevalent during the reporting period.
36. Cases involving the abduction, forced conversion and forced marriage of Christian and Hindu girls have increased in recent years, particularly in Punjab and Sindh provinces. The Aurat

³ The 20 marks are awarded across the country to students seeking admission for higher or professional studies in colleges and universities, however for public sector employment, the marks vary from 10 to 20 marks among the different provinces.

⁴ Recommendation 152.222(Holy See), *ibid*

⁵ The News International, 'No new law against Islamic guidelines in my rule: PM Imran Khan', 29September2021, <https://www.thenews.com.pk/print/896172-no-new-law-against-islamic-guidelines-in-my-rule-pm>

⁶ Recommendations 152.169(India); 152.275(Australia), *ibid*

Foundation reportedly estimates that 1,000 Christian and Hindu girls are abducted and forced to marry and convert annually⁷, however verifying cases numbers remains a challenge as many go unreported or complaints are withdrawn due to pressure from the abductor or the abductor's family.

37. On 28 April 2020, 14-year-old Christian girl Maira Shahbaz was abducted at gun point while she was on her way home. She was then forcibly converted and married to Mohamad Nakash, an influential businessman, who was already married.
38. While a court of first instance ruled that Ms Shahbaz should be removed from the home of Mr Nakash and instead be placed in a women's shelter home, on 4 August 2020 the Lahore High Court overturned the decision and ruled in favour of her abductor. Ms Shahbaz was ordered to be returned to her abductor and "be a good wife." She escaped in September 2020.
39. On 13 October 2020 13-year-old Christian girl Arzoo Raja was kidnapped from the street outside her home in Karachi Railway Colony, Sindh Province. On 15 October, her parents were asked to present themselves at the police station where a marriage certificate was produced falsely stating that Ms Raja was 18 years old, had willingly converted to Islam and consented to marry her abductor, Ali Azhar. On 27 October a sessions court in Karachi ruled that Ms Raja had contracted the marriage of "her own free will and accord without duress and fear," and neglected to return her to her parents.
40. Ms Raja was finally returned to her parents on 22 December 2021 after testifying that she wished to leave the refuge where she had spent a year. Her abductor has been released on bail.
41. On 21 March 2022 Pooja Kumari, an 18-year-old Hindu woman, was shot and killed in Sindh Province after she resisted an attempted abduction. Ms Kumari had reportedly refused her murderer's request to marry him, upon which he and two others broke into her home, attempting to abduct her before shooting her when she would not go with them.
42. Cases such as these demonstrate Pakistan's failure to implement previously accepted recommendations to "protect women and children against domestic violence and all forms of ill-treatment"⁸ and to "combat violence and discrimination against women and girls by ensuring that perpetrators are prosecuted and punished",⁹ among other accepted calls for the protection of the rights of women and children.

Recommendations

- 43. End forced conversions and marriages of religious minority women and girls, and ensure that all those responsible for such crimes are held to account.**
- 44. Take steps to sensitise police and members of the judiciary to issues relating to the abduction, forced conversion and forced marriage of religious minority girls, ensuring that justice is served in such cases and that minor girls are not wrongfully returned to their abductors.**

⁷ The News International, '1,000 girls forcibly converted to Islam in Pakistan every year', 15 June 2015, <https://www.thenews.com.pk/print/51401-1000-girls-forcibly-converted-to-islam-in-pakistan-every-year>

⁸ Recommendation 152.265(Luxembourg), *idib*

⁹ Recommendation 152.257(Djibouti), *idib*

45. Amend outdated laws related to Christian marriage and divorce to provide further safeguards to the Christian community.

46. Ensure implementation of the Hindu Marriage Bill and Punjab Sikh Anand Marriage Act 2018.

Hate speech

47. The situation of FoRB in Pakistan is under greater threat as a result of the proliferation of hate speech, often either from government officials themselves, or from extremist elements who have been afforded legitimacy and impunity by officials who have pledged to appease or work with such groups.

48. The Ahmadi community is often particularly targeted with hate speech, with incidents in which Islamic teachers, known as *mullahs*, have announced over mosque loudspeakers that anyone who kills an Ahmadi will go to paradise, and anyone who loots their houses will be blessed with money.

49. Such rhetoric has likely encouraged the murder of several prominent Ahmadis in recent years, including that of Professor Naeemuddin Khattak, who was shot dead by two unidentified men on a motorcycle in Peshawar on 5 October 2020, and Dr Tahir Mahmood, who was killed in front of his family at his home in Murch Balochan, Nankana Sahib District, Punjab on 20 November 2020.

50. Abdus Salam, an Ahmadi man, was fatally stabbed in the chest and abdomen several times by Hafiz Ali Raza (also known as Mulazim Hussain) on his way home from the fields on 17 May 2022 in Okara, Punjab. The victim's uncle tried to stop the suspect, but he escaped. An FIR has been registered with the police and Raza is reported to be in custody.

51. The victim's uncle has accused Muhammad Amin, Chief Cleric of the seminary, of provoking the attack by inciting violence against Ahmadis in his speeches, where the attacker was a student. He also believes the attacker was a member of the Tehreek-i-Labbaik Pakistan (TLP).

52. CSW is also concerned by instances of hate and violence against Christians. For example, Christian homeowner, Nadeem Joseph, died after he and his mother-in-law were shot several times in their new home by a neighbour on 4 June 2020. The family had moved into TV Colony, Peshawar, just days before. Mr Joseph succumbed to his injuries on 29 June despite undergoing five surgeries. According to a local source, the attackers were unhappy that the Christian family had moved into the neighbourhood and began a campaign of daily harassment and threats against the family.

53. Pastor William Siraj, a retired schoolteacher and Christian priest, was shot dead in Peshawar when the vehicle he was travelling in was attacked by unidentified assailants on 30 January 2022. Another priest, Rev. Naeem, was injured during the attack. In the aftermath, Peshawar police chief Abbas Ahsan linked the incident to terrorist elements, reporting that the investigation was being carried out by officials from the Counter Terrorism Department (CTD) as well as local police.

54. Such rhetoric and actions only serve to embolden extremist elements in the country, and in turn impedes Pakistan's progress towards the implementation of accepted recommendations to promote interfaith harmony and protect religious minorities.

Recommendations

55. Take steps to counter hate speech, including legislating to curb hate speech and hate based violence whilst ensuring that safeguards for the right to freedom of expression remain in place.

56. Implement agenda item five of the National Action Plan 2014 to take 'strict action against the literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance.'

57. Ensure that government officials who promote or ally with extremist elements are held to account.