

Status of Human Rights in Pakistan for the 42nd Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations, particularly forced religious conversions and forced marriages of minority women, prosecutions under oppressive blasphemy laws, and pervasive forced labor in the Islamic Republic of Pakistan (Pakistan) for the 42nd Session of the Universal Periodic Review (UPR). Through our affiliate in Pakistan, we have firsthand information about persecution of Christians in the country.

Background

2. Pakistan is located in South Asia. It has an estimated population of 243 million people, with 96.5% of the population identifying as Muslim and 3.5% as other religions, including Christian and Hindu.¹ According to Open Doors, a watchdog organization that monitors religious persecution around the world, Pakistan is number eight for Christian persecution in the world.

3. Pakistan's previous review was held on November 13, 2017.² As a result of the review, Pakistan received 289 recommendations, 168 of which were supported by Pakistan.³ One of the recommendations, made by Argentina and supported by Pakistan, was that the government "[m]ake greater efforts to investigate complaints and prosecute those that commit crimes against ethnic and religious minorities."⁴ It was further recommended by Thailand and supported by Pakistan that the government "[e]nforce effectively both the existing and new laws to promote and protect the rights of women and children, as well as members of religious minorities, in order to promote tolerance and an inclusive society."⁵ Despite Pakistan's support of these recommendations, not much has changed.

Legal Framework

4. The Constitution of Pakistan states that Islam is the state religion.⁶ Under Article 227, "[a]ll existing laws shall be brought in conformity with the Injunctions of Islam . . . and no law shall be enacted which is repugnant to such Injunctions."⁷ Article 25 states: "(1) All citizens are equal before law and are entitled to equal protection of law."⁸ And, Article 10A provides for due process.⁹

5. Furthermore, Pakistan is a party to the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the UN Convention on the Rights of the Child (CRC).¹⁰ Pakistan also

has a responsibility to uphold the provisions of the first human rights instrument it signed after its independence in 1947, i.e., the Universal Declaration of Human Rights (UDHR).¹¹

Forced Conversions and Forced Marriages

6. While Pakistan has no law outlawing forced religious conversions and the Constitution provides “every citizen . . . the right to profess, practice and propagate his religion,” young minority women and underage girls are frequently forced to convert to Islam and marry Muslim men.

7. The Child Marriage Restraint Act of 1929 contains penalties for whoever enters into, contracts, or encourages a child marriage.¹² The Act defines “child” as “a person who, if a male, is under eighteen years of age, and if a female, is under sixteen years of age.”¹³ Nevertheless, the Act does not invalidate such marriages, and the penalties it provides for are anemic. Additionally, even though the Act defines a minor girl to be under the age of sixteen, courts in Pakistan apply Sharia law, under which girls can marry when they attain puberty. For instance, in *Mauj Ali v. Safdar Hussain*, the Supreme Court of Pakistan held that a girl who attained puberty under Muslim law had entered into a valid marriage, notwithstanding the Child Marriage Restraint Act.¹⁴ All lower courts follow the Supreme Court’s approach to child marriages.

Blasphemy Laws

8. Section 295-C of the Pakistan Penal Code states: “Whoever by words, either spoke 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.”¹⁵ However, in 1991, the Federal Shariat Court ruled that the punishment of life imprisonment for blasphemy was un-Islamic and the death penalty was the only appropriate punishment.¹⁶ Additionally, Section 295-B states: “Whoever willfully, defiles, damages or desecrates a copy of the Holy Qur’an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”¹⁷

Bonded Labor

9. The Constitution prohibits “[a]ll forms of forced labour.”¹⁸ In 1992, bonded labor was made illegal by Pakistan’s Bonded Labour System (Abolition) Act. Under the Act, anyone who compels bonded labor “shall be punish[ed] with imprisonment for a term which shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both.”¹⁹

Instances of Persecution

Forced Conversions and Forced Marriages

10. Each year, approximately 1,000 Christian and Hindu women are forced to convert to Islam and marry Muslim men.²⁰ This trend is growing, the federal and provincial governments

have failed to take action, and “[t]he police are usually reluctant or fail to investigate the cases properly.”²¹

11. The ECLJ’s affiliate is representing M.J., a Christian child who disappeared from her home in September 2020, two days after randomly and inappropriately receiving over 40 calls from a 45 year old Muslim neighbor. Since the lower courts refused to order the police to find M.J., our affiliate appealed before the Supreme Court to compel the police to properly investigate and begin searching for M.J. During the oral argument, the justices told our affiliate’s attorney they would only order the police to rescue M.J. if he could identify her location. The Court dismissed the appeal without ordering the police to find M.J. To date, this young girl is still missing and the prime suspects are not being investigated.

12. When it comes to providing justice to minorities, Pakistani authorities maintain a double standard. Law enforcement, media, and even the courts discriminate against Christians and other minorities. But in cases in which a Muslim is a victim, courts seem to be more efficient. For instance, the Pakistani government instituted a system called Zainab Alert, similar in theory to the Amber Alert in the United States, after a minor *Muslim* girl was kidnapped, raped, and murdered. A complaint concerning M.J.’s case has been filed with the department that runs Zainab Alert, but no efforts have been made to find M.J. or investigate her disappearance, and no alert has been sent out.

13. In another case, M.A., a Christian teenage girl went missing and the police have made no advancements on her investigation. After leaving her home to go to the store in January 2022, M.A. was kidnapped and forced to convert to Islam and get married.²² The girl’s father filed a police report against all the suspects but the family said the police have done little to help find M.A.²³

14. In March 2022, a Hindu teenager, P.K., was murdered during an attempted kidnapping. Before P.K.’s murder, Wahid Bux Lashari, a Muslim man threatened and harassed her to convert to Islam and marry him.²⁴ Her family asked the local police for help, but the police had no interest in helping the family. It was only after P.K.’s murder that the police arrested Lashari.²⁵

15. In contrast to these cases involving non-Muslim victims, D.Z. is a fourteen-year-old Muslim girl who was allegedly kidnapped on April 16, 2022 and forced to marry.²⁶ After she got married, D.Z. sent her marriage certificate to her father on an instant messaging application.²⁷ Even though her messages to her father showed that the marriage was consensual (to which she later testified as well), the police searched for her using the information from her marriage license and assigned this as a high profile case with multiple law enforcement agencies involved. D.Z. was found within days.²⁸

16. The discriminatory treatment against Christian and Hindu women is evident through the government’s response to kidnapping victims. The three cases involving non-Muslim girls have been waiting months and even years for support from the police and courts, whereas the case involving a Muslim girl was resolved in a matter of weeks.

Blasphemy Laws

17. During the previous review, at least thirteen countries explicitly recommended that Pakistan implement measures to prevent the abuse of the blasphemy laws.²⁹ Pakistan merely noted these recommendations,³⁰ and has not taken any action toward any reform. In 2021 alone, fifty blasphemy cases were registered with at least five people murdered.³¹ Many false accusations of blasphemy continue to surface, mobs threaten to harm the accused, the justice system is failing to provide due process of law, and the courts continue to make unjust decisions due to increasing social pressure to wrongfully convict minority citizens.

18. Our affiliate's client, Shahzad Masih, is a young Christian man who was 17 years old when he was arrested over a false blasphemy accusation. His trial has taken almost five years and the District and Sessions Court continues to postpone the hearing for closing statements. While in most blasphemy cases, there is at least a false allegation, in this case, the allegation does not even constitute blasphemy. All the witnesses have testified that Shahzad told a Muslim co-worker that his father's friend passes derogatory remarks against the Prophet Muhammad. The investigating officer stated that an eyewitness did not observe any insult against the Prophet in Shahzad's conversation. He further testified that he did not find that Shahzad had committed any crime. Nonetheless, the prosecutor's office brought charges and the trial court and the High Court did not accept motions to dismiss the charges.

19. After almost five years, the trial is still not concluded. Although the evidence was concluded over nine months ago, the court has rescheduled several hearings for the closing statements. It is widely known that Pakistani trial courts commonly convict those accused of blasphemy due to social pressure. If convicted, Shahzad would spend *another* four years in jail until the High Court hears his appeal.

20. In another case, the Lahore High Court, Rawalpindi Bench, recently upheld the death sentence of two Christian brothers, Qaiser and Amoon Ayub, over an allegation that they published blasphemous material on the internet. The ECLJ's affiliate is representing Amoon, the younger brother. The case began in June 2011 when a Muslim man "stumbled upon" a website that contained "sacrilegious" content against Islam and its Prophet Muhammad. Without reaching out to the website company to find out who actually published the material, the police registered a case against the brothers. Amoon was implicated solely because the phone number and office address provided on the website were registered under his name.

21. During trial, the prosecution did not present any evidence that the Ayub brothers *authored and uploaded* the blasphemous content on the website. Erroneously reasoning that the presence of the brothers' contact details on the blasphemous blog and the absence of any effort on their part to have it removed clearly meant they were responsible for creating the blog, the trial court sentenced them to death in December 2018. Last month, the High Court upheld their conviction. Now the Supreme Court will hear their appeal.

22. In April 2021, two Christians, Mariam Laal, a nurse, and Newish Arooj, a nursing student, were accused of blasphemy. They were simply following a supervisor's orders to remove stickers, when one of them was attacked by a Muslim employee with a knife for

removing a torn sticker with a verse from the Quran stuck to a cabinet. Remarkably, after succumbing to the pressure of an enraged Islamist mob, the police arrested the nurses and not the attacker.

23. In February 2021, another Christian nurse, Tabitha Nazir Gill, was falsely accused of blasphemy after an argument with a Muslim co-worker.³² Following the accusation, a mob of angry Muslim hospital workers struck Tabitha with objects and fists.³³ The real reason behind the allegation was that Tabitha told some Muslim nurses that they were violating the hospital policy by receiving money from patients. Her co-workers did not like it and accused her of committing blasphemy. A video circulated on social media of women brutally slapping her and demanding that she write an apology. The police took Tabitha into custody and later released her after finding no evidence against her in an investigation.³⁴ But later it was reported that the police filed a blasphemy case against her after an angry mob surrounded the police station.³⁵

Bonded Labor

24. Although bonded labor is prohibited, it is very much prevalent in Pakistan, with almost four million people, including children, working as bonded laborers across Pakistan.³⁶ Bonded laborers are forced to work for very low wages. Often the employers give small loans (unlawful under Pakistani law) to the laborers, which the employers deduct from already low wages. However, the loans are almost never paid off due to the corrupt bookkeeping practices by the employers. This problem is especially found in the Christian communities that are often poor and work for majority Muslim employers who take advantage of them. Additionally, bonded labor remains a method through which Christian women are abused and forced to convert to Islam and marry Muslim men.

25. In a recent case, our affiliate in Pakistan rescued Abbas Masih, his wife, Gulshan, and their six children, from bonded labor. Abbas' brother, Javed, worked on a cattle farm for a Muslim man named Riffat Ahmad. Javed fell ill and passed away leaving debt owed to Riffat. Riffat abducted Abbas and his family and forced them to work as substitutes for Javed in order to pay off the loan. The family was forced to work long, unpaid hours and were not allowed to leave the property. Finally, in March 2022, Gulshan fled with three of the children, but Abbas and the other three children remained there. Gulshan was put in touch with our affiliate in Pakistan. Our attorneys quickly filed a habeas corpus petition with the Lahore High Court. The court ordered the police to rescue the family. The police raided Riffat's property and rescued Abbas and the rest of the children.

26. In another case, a Christian couple, Nadeem Masih and his wife Rukhsana, began working for Muhammad Arshad and his brother Muhammad Amjad at their farm in a small village. Eventually, the employer stopped paying Nadeem his salary and refused to let him and his wife leave. In February 2022, Nadeem's wife was able to escape and contact our affiliate in Pakistan. The attorneys filed a petition of habeas corpus, and the judge ordered that Nadeem be set free. However, the court told him that the employer could file a suit for the recovery of the loan, but he was not allowed to force Nadeem to work.

27. Similarly, Hanif Masih and his wife, Maryam, had been working for a wealthy Muslim farm owner, Mian Faisal, in a small village. Both started their work in 2016. Faisal loaned Hanif 250,000 Pakistani rupees (about \$1,300), which he deducted from Hanif's salary every month. After about five years, Faisal stopped paying Hanif any salary, except for rations for

him and his wife. In June 2021, Hanif and his wife escaped, went to another city, and found work there. Faisal found out Hanif's whereabouts and abducted him with the help of five armed men. They took Hanif captive back to his farm. In August 2021, our affiliate attorneys filed a habeas corpus petition in the court and rescued Hanif.³⁷

Recommendations

28. Pakistan supported the adoption of the UDHR. Pakistan is also a party to the ICCPR, CEDAW, and CRC and is, thus, obligated to provide due process of law and protection of fundamental rights, including life and liberty, to all of its citizens, especially the vulnerable groups such as women and minorities. The Government of Pakistan must take steps to stop forced religious conversions and forced marriages of minority women. The government has the responsibility not only under its Constitution, but also pursuant to multiple treaties it has ratified, to protect minority women from abuse at the hands of majority Muslims. Further, the Government of Pakistan must take measures to stop the abuse of blasphemy laws. It must not succumb to the pressure from the extremist members of the society in doing the right thing, i.e., to abolish the blasphemy laws. At the very least, the government must amend the laws to stop their abuse. Further, it must punish those who perpetrate violence in the name of the Prophet Muhammad. Finally, the government must enforce the Bonded Labour Act to stop the scourge of bonded labor. The law exists on the books, but the government has no enforcement mechanisms in place. The first responsibility to protect Pakistani citizens is on the Pakistani government, not the international community.

¹ Pakistan, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/pakistan/#people-and-society> (last updated May 10, 2022).

² Universal Periodic Review – Pakistan, UNHRC, <https://www.ohchr.org/en/hr-bodies/upr/p-kindex>.

³ UPR of Pakistan – Thematic List of recommendations, UNHRC, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/PK/MatriceRecommendationsPakistan.docx>.

⁴ *Id.* at A/HRC/37/Add.1 – Para. 4.

⁵ *Id.*

⁶ PAKISTAN CONST. art. 2.

⁷ *Id.* art. 227, § 1.

⁸ *Id.* art. 25, § 1.

⁹ *Id.* art. 10A.

¹⁰ *Ratification Status for Pakistan*, OHCHR,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN (last visited May 27, 2022).

¹¹ Andrew Glass, *United Nations Adopts Universal Declaration of Human Rights, Dec. 10, 1948*, POLITICO (Dec. 12, 2015), <https://www.politico.com/story/2015/12/united-nations-adopts-universal-declaration-of-human-rights-dec-10-1948-216489>.

¹² Child Marriage Restraint Act, No. 19 of 1929.

¹³ *Id.* art 2(a).

¹⁴ *Mauj Ali v. Safdar Hussain*, (1970) 1970 SCMR (SC) 437 (Pak.).

¹⁵ PAK. PENAL CODE Ch. XV: 295-C.

¹⁶ See I.A. Rehman, *The Blasphemy Law*, DAWN (Nov. 25, 2010), <https://www.dawn.com/news/585332/theblasphemy-law-by-i-a-rehman>.

¹⁷ PAK. PENAL CODE XV: 295-B.

¹⁸ PAKISTAN CONST. art. 11 § 2.

¹⁹ Bonded Labour System (Abolition) Act, 1992, § 11.

²⁰ Ewelina Ochab, *Another Girl, Another Abduction, Another Forced Conversion, Another Child Marriage*, FORBES (Nov. 3, 2020), <https://www.forbes.com/sites/ewelinaochab/2020/11/03/another-girl-another-abduction-another-forced-conversion-another-child-marriage/?sh=3ade11286263>.

²¹ *APPG for the Pakistani Minorities: Abductions, Forced Conversions, and Forced Marriages of Religious Minority Women and Girls in Pakistan*, THE APPG FOR INTERNATIONAL FREEDOM OF RELIGION OR BELIEF (Nov. 26, 2021), <https://appgfreedomofreligionorbelief.org/appg-for-the-pakistani-minorities-abductions-forced-conversions-and-forced-marriages-of-religious-minority-women-and-girls-in-pakistan/>.

²² *Another Christian Girl Allegedly Forced to Convert/Marry in Pakistan*, EVANGELICAL FOCUS (Jan. 21, 2022), <https://evangelicalfocus.com/world/15132/another-christian-girl-allegedly-forced-to-convert-marry-in-pakistan>.

²³ Steve Warren, *Still Missing: 14-Year-Old Christian Girl Kidnapped, Forced to 'Convert' to Islam and Marry Her Neighbor*, CHRISTIAN BROADCASTING NETWORK (Jan. 18, 2022), <https://www1.cbn.com/cbnnews/2022/january/still-missing-14-year-old-christian-girl-kidnapped-forced-to-convert-to-islam-and-marry-her-neighbor>.

²⁴ Haroon Janjua, *Pakistan: Hindu Girl's Killing Reignites Forced Conversion Fears*, AL JAZEERA (Mar. 31, 2022), <https://www.aljazeera.com/news/2022/3/31/pakistan-hindu-girls-killing-reignites-forced-conversion-fears>.

²⁵ *Man Who Killed Hindu Girl in Pakistan Wanted to Marry Her After Conversion*. THE TRIBUNE (Mar. 22, 2022), <https://www.tribuneindia.com/news/nation/man-who-killed-hindu-girl-in-pakistan-wanted-to-marry-her-after-conversion-379739>.

²⁶ Arshad Dogar & Faraz Khan, *Two Missing Girls From Karachi Found 'Married' in Punjab*, THE NEWS INT'L (Apr. 26, 2022), <https://www.thenews.com.pk/print/953476-two-missing-girls-from-karachi-found-married-in-punjab>.

²⁷ *Dua Zehra Sent Nikahnama to Father on Whatsapp Soon After Marriage*, ARY NEWS (Apr. 30, 2022), <https://arynews.tv/dua-zehra-sent-nikahnama-to-father-on-whatsapp-soon-after-marriage/>.

²⁸ *Dua Zehra: Sindh Govt To Fight Legal Battle Now*, ARY NEWS (June 10, 2022), <https://arynews.tv/dua-zehra-sindh-govt-to-fight-legal-battle-now/>.

²⁹ UPR of Pakistan – Thematic List of recommendations, *supra* note 3 at A/HRC/37/Add.1 - Para. 4. (pp. 43-47).

³⁰ *Id.* at A/HRC/37/Add.1 - Para. 4.

³¹ *Blasphemy Cases in Pakistan: 1947 – 2021*, CENTER FOR RESEARCH AND SECURITY STUDIES, <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/> (last visited June 15, 2022).

³² Lydia Catling, *Christian Nurse is 'tied up and tortured by mob at Pakistan hospital after Muslim colleague falsely accused her of blasphemy.'* THE DAILY MAIL (Feb. 01, 2021), <https://www.dailymail.co.uk/news/article-9211481/Christian-nurse-tortured-mob-Pakistani-hospital-colleague-falsely-accused-blasphemy.html>

³³ *Id.*

³⁴ *ASIA/PAKISTAN – Christian Woman Accused of Blasphemy Released by Police After Investigation*, AGENZIA FIDES (Jan. 29, 2021), http://www.fides.org/en/news/69497-ASIA_PAKISTAN_Christian_woman_accused_of_blasphemy_released_by_police_after_investigation.

³⁵ Catling, *supra* note 32.

³⁶ *Bonded Labor*, ALJAZEERA (last visited June 15, 2022), <https://interactive.aljazeera.com/aje/2019/pakistan-bonded-labour/index.html>.

³⁷ *Child Labour. Still?*, DAILY TIMES, (June 15, 2022), <https://dailytimes.com.pk/952009/child-labour-still/>.