



PAKISTAN

SUBMISSION FOR THE 4th UNIVERSAL PERIODIC CYCLE 29TH SESSION OF THE UPR, 2023

Introduction

Minority Concern is a minority rights organisation that raises its voice for the equal rights of religious communities in Islamic Republic of Pakistan. Its main emphasis is for the repeal of blasphemy laws, protection of minority girls from forced conversion and forced marriages, and removal of hate material from school textbooks. It lobbies with parliamentarians, policy makers, civil society and intelligentsia locally and internationally for the rights of Christians, Hindus, Sikhs and Ahmadis under the provisions of Pakistan's Constitutional and international human rights law.

Since 2006, it has been publishing a digital magazine '*Minority Concern Pakistan*,' which covers the stories on minority issues in Pakistan. Moreover, it runs weekly webinars and issues press releases for awareness, lobbying and advocacy purposes. Minority Concern aims to work for a progressive Pakistan where non-Muslim citizens live peaceful life without discrimination and oppression from state institutions and non-state actors.

Minority Concern (MC) welcomes the opportunity to contribute to the Human Rights Council's (HRC) fourth Universal Periodic Review (UPR) of Pakistan. This report explains how the state has failed to protect minorities from discrimination and persecution, and why Pakistan must ensure religious freedom to its own citizens. In this submission, the MC raises concern about the following issues:

- a) Protection of Minorities;
- b) Discrimination;
- c) Blasphemy Laws;
- d) Forced Conversion and Formed Marriages;
- e) Hate Speech against Minorities;
- f) School Syllabus;
- g) Violence against Minorities;
- h) Women Rights;
- i) K. State v/s Minorities

a. Protection of Minorities

Pakistan is an Islamic country, which appeared on the world map on 14 August 1947. When British rulers left India, they divided the region into two independent states: India and Pakistan, which was created for the Muslims of the Indian subcontinent. Pakistan's constitution considers non-Muslims as minority, including Ahmadis, Christians, Hindus, Kalash, Sikhs, Zoroastrians, and so on. Pakistan's constitution also declares Ahmadis as non-Muslim while they consider themselves Muslim. According to 1998 census, non-Muslim minorities make up less than 4 percent of Muslim-majority Pakistan. Pakistan has four provinces, majority of minority communities live in Punjab and Sindh provinces.

b. Discrimination

Because of religious prejudice, minority communities are regularly discriminated against in education, employment, political, social and cultural life in the country. They feel insecure, and this is mainly the result of the discriminatory policies of the state and society towards them. Although Articles 20, 21, 22, 25, 26 and 36 of the Constitution ensure the equal rights of minorities without discrimination,¹ there are numerous examples of injustices that are committed against them on an almost daily basis across the country. For example, under Article 41 (2), only a Muslim can become president of the country. This constitutional provision has a trickle-down effect and causes institutional prejudice against minorities. As a result, Christians and low-caste Hindus are often forced into low-paying menial jobs. Many are trapped in the net of bonded labour. Such a situation leads to further social stigmatisation and reinforces their economic marginalisation. Gradually, their political representation has decreased. Since 2018, no federal minister has been appointed from the minority community.

Non-Muslim minorities, especially Christians and low caste Hindus are the poorest section of society in Pakistan. Generally, they work in non-formal sectors and do menial work such as sweepers, domestic workers and brick kiln workers, and agricultural workers with low wages. Many work as daily labourers. They have no social security or health facilities. Article 9 and 14 of the constitution declares security of life and dignity for all, but sanitary workers do their job without proper equipment, and many die in gutters when they clean sewers. They live in poor neighbourhoods without proper facilities. Their living and working conditions show that the state has failed to offer provide them their basic rights, which are also guaranteed under the international human rights treaties and mechanism.

Article 25 A ensures the rights to education. It says, "The State shall provide free and compulsory education to all children of the age of five to sixteen years."² But due to poor economic conditions, fewer children go to school. Their drop-out ratio is higher than other communities. For example, Christians' literacy rate is just 19% compared to Pakistan's overall literacy rate of 58%. The state has no appetite to work towards their development, even though this is one of their fundamental rights.

¹ <https://gprjournal.com/fulltext/constitutional-rights-of-religious-minorities-in-pakistan>

² <https://www.pakistani.org/pakistan/constitution/>

c. Blasphemy Laws

In addition to social intolerance, minorities face persecution of a more threatening kind: being accused of blasphemy. Blasphemy laws restrict any speech or action against Islam. Since their inception, these laws have been widely misused against minorities. Religious minorities, including Ahmadis, Christians, Hindus and Shia Muslims, are continuously under threat. However, many Muslims also the victims of alleged blasphemy. In 1980s, military dictator Muhammad General Zia-ul-Haq inserted 8 sections (Sections 295, 295 A, 295 B, 295 C, 298, 298 A, 298 B, and 298 C) into the Pakistan Penal Code under his Islamisation agenda. These sections are commonly known as blasphemy laws.

Anyone who insults Islam, Islamic personalities, Muslim's holy book or religious feelings of Muslims can be declared blasphemous. However, the laws are vague as there is no clear definition of an act of blasphemy. These laws carry fine, jail sentence, life imprisonment and death penalty. If a person is accused, majority of the times they will be persecuted, and have fewer chances of getting justice. In conservative society, judges, prosecutors, lawyers, and witnesses face pressure from fundamentalist groups.³ Anyone can accuse another individual of blasphemy, and he /she has no obligation to provide witness/proof in the court as repeating the 'allegation' itself is considered blasphemy.

These laws are often used and exploited as a weapon of revenge against both Muslims and non-Muslims to settle personal scores or to resolve disputes over money, property or business, etc. ⁴ In August 2020, at least 42 blasphemy cases against Shia Muslims were registered across Pakistan in a single month. Asia Bibi's case is a prime example of the misuse of these laws. A poor, illiterate Pakistani Christian woman and mother of five, was accused of blasphemy in 2009 during an argument with her Muslim fellow field workers, who refused to drink from a bucket of water which she had touched as they said she had defiled the water bucket as she was a Christian. She was convicted by a Pakistani court, received a death sentence, and was on death row for nine years. Both Punjab Governor, Salman Taseer, a progressive Muslim, and Federal Minister for Minority Affairs, Shahbaz Bhatti, a Christian, were assassinated for speaking up for her. Time has proven that the existing laws are clearly discriminatory in their nature.

Many accused of blasphemy have lost their lives by mob lynching. On 29 March 2022, three female Muslim teachers, Umra Aman, 24, Razia Hanif, 21, and Aisha Nomani, 17, of Jamia Islamia Falahul Binaat, a madrasa, slaughtered their colleague over alleged blasphemy allegations in Dera Ismail Khan in Khyber Pakhtunkhwa. The victim was a 21-year-old female teacher of the same seminary. The suspects claimed that their 13-year-old female relative saw a 'dream' a night before about a blasphemous act, which was committed by the victim.

⁵ On 19 March, the Federal Investigation Agency (FIA) beat and arrested a Christian man, Fansan Shahid, 54, in Lahore under blasphemy charges, allegedly insulted the Prophet

³ <https://freedomofbelief.net/articles/something-is-changing-in-pakistan>

⁴ <https://minorityconcern.wixsite.com/mcpakistan>

⁵ https://2806a464-2be0-4c29-aca9-583939938879.filesusr.com/ugd/bc0a55_79fddeb649e74361ae891a02bd88ecc1.pdf

Muhammad (PBUH). On 12 February, a mentally ill person, Muhammad Mushtaq, a middle-aged Muslim man, was accused of burning the pages of the Holy Quran. He was beaten to death in rural Talumba, Punjab province, by hundreds of people. Later, his tortured dead body was hanged on a tree for hours.⁶ On 3 December 2021, Priyantha Kumara Diyawadana, 49-year-old Sri Lankan man, was accused of blasphemy by Muslim labourers of a local factory in Sialkot, Punjab province, where he worked as a manager. He was lynched by the mob, and later his body was put on fire. Since the 1980s, about 70 people have been killed by individuals or mobs in different incidents. Minority Concern continuously has been demanding for the repeal of these laws.

d. Forced Conversion and Forced Marriages

Among minorities, Christian, Hindu and Kalash girls are victims of the worst forms of religious persecution. Apart from other forms of violence, the number of forced conversion cases of girls are rapidly mounting. These girls are kidnapped and subject to physical and emotional abuse involving threats of violence. It has been estimated by the *Movement for Solidarity and Peace in Pakistan* that every year about 1,000 Hindu and Christian girls, of which some are minors, are abducted, and forcefully converted to Islam. *Minority Concern* estimates that just in February and March 2022, seven Hindu and Christian minor girls were kidnapped and forced to convert to Islam under the disguise of marriage.⁷ Many of whom are sexually exploited and then abandoned. These 'converts' can never return home or re-join their original faith as apostasy is a crime punishable by death.⁸ So far, there are no law and procedure put in place against these crimes in the country that makes minority girls more vulnerable and constant targets of abuse. Marginalised girls are sexually abused but accusers never get punished. These incidents destroy the lives of many innocent underage non-Muslim girls. Unfortunately, the state institutions have failed to protect them. The previous government of Imran Khan rejected the proposed 'Prohibition of Forced Conversion Bill.' The bill proposed the age of conversion to Islam should be 18 years. It also criminalised the act of forced marriage.⁹

e. Hate Speech against Minorities

The minority community has always faced persecution in their homeland, and hate speech intensifies it. Misinformation and derogatory comments are often used through media, including social media, in religious and public settings. State institutions are silent on this trend. Hate speech is having a psychological and socioeconomic impact on religious (non-Muslim) and sectarian minorities.¹⁰ It creates an environment where minorities are forced to live under constant fear.

⁶ https://2806a464-2be0-4c29-aca9-583939938879.filesusr.com/ugd/bc0a55_79fddeb649e74361ae891a02bd88ecc1.pdf

⁷ https://2806a464-2be0-4c29-aca9-583939938879.filesusr.com/ugd/bc0a55_79fddeb649e74361ae891a02bd88ecc1.pdf

⁸ <https://www.thefridaytimes.com/2021/09/09/pakistans-majoritarian-mindset-responsible-for-violence-against-religious-minorities/>

⁹ <http://europe-solidaire.org/spip.php?article61227>

¹⁰ <https://www.indcatholicnews.com/news/44369>

f. School Syllabus

Public schools' syllabuses are also playing a critical role in intensifying intolerance against minorities. A study conducted by the *Sustainable Development Policy Institute Pakistan* has pointed out that textbooks contain a distorted presentation of national history. The views in these textbooks encourage prejudice and bigotry towards women and religious minorities, glorify war and incite violence.

g. Violence against Minorities

Media has been reporting violent incidents against minorities. Their religious places are attacked and vandalised, and their religious leaders and members of the community have been murdered. These attacks are representative of growing violence and intimidation against minorities.

On 17 May 2022, Abdul Salam, a 33-year-old man from the Ahmadi community was stabbed to death by a seminary student, Hafiz Ali Raza alias Mulazim Husain, in the Okara District of Punjab.¹¹ On 15 May, two Sikh traders (Kaljeet Singh, 42, and Ranjeet Singh, 38) were killed by unknown people in the day light in Peshawar, the capital of Khyber Pakhtunkhwa province, which is about 800 kilometres from the Afghanistan board. On 4 March 2022, in Kocha Risaldar, Peshawar, a suicide bomber attack on a Shia mosque when hundreds of worshippers were congregated for the Friday Prayer. At least 56 worshipers were killed, and more than 194 were injured. Some were in critical condition.¹² On 30 January 2022, after the Sunday morning service, two gunmen killed Church of England Minister, Rev. William Siraj, and injured another, Rev. Patrick Naeem, outside Shaheedan-e-all Saints' Church in Peshawar.¹³ On 3 January 2021, the Islamic State kidnaped and killed 11 coal miners of Hazara Muslims in Mach, not far from the Baluchistan provincial capital, Quetta.¹⁴ The Hazara community refused to bury the victims unless the prime minister visits them and ensures their safety, but Imran Khan rejected their demand and concerns. Instead, he blamed them for blackmailing him. It shows the attitude of conservative politicians towards minorities. In 2018, in two different incidents, two young Christian boys were killed in Punjab province, Pakistan's most populous region of the country.

h. Women Rights

Women face gender inequality, marginalisation, violence, harassment, and discrimination in Pakistan, especially Christian women who work as domestic workers. They are often a victim of physical abuse and rape. To raise the voice for their rights, women organise peaceful rallies on 8 March every year. Conservative forces oppose those gatherings and claim the celebration of International Women's Day is against Pakistan's cultural and religious values.

¹¹ <https://www.eurasiareview.com/24052022-pakistan-ahmadis-killed-tortured-hounded-analysis/>

¹² https://2806a464-2be0-4c29-aca9-583939938879.filesusr.com/ugd/bc0a55_79fddeb649e74361ae891a02bd88ecc1.pdf

¹³ https://2806a464-2be0-4c29-aca9-583939938879.filesusr.com/ugd/bc0a55_79fddeb649e74361ae891a02bd88ecc1.pdf

¹⁴ <https://www.bbc.co.uk/news/world-asia-55522830>

Therefore, the organisers of those marches face hostility from the fundamentalist groups and political parties, especially Imrak Khan's Tehreek-e-Insaf (PTI), Jamaat Ulema-e-Islam (JUI – F), and Jammat-e-Islami (JI). Last year, Federal Minister for Religious Affairs and Inter-faith Harmony, Noor-ul-Haq Qadri, declared those marches 'un-Islamic' and demanded them to be banned.¹⁵

i. State v/s Minorities

Pakistan's minority communities face danger not only from militants and terrorists, but often from their fellow citizens, who consider them inferior. The genesis of this attitude lies in the state's philosophy, which is based on one particular religion: Islam. Therefore, religion has taken a central stage. Since the birth of the country, the state has been directly and indirectly promoting an ideology which makes minorities second-class citizens in their own land. When hundreds of Muslims attack a Christian locality because of an alleged blasphemy accusation, this is not the act of just a handful of militants. It is a clear reflection of the mind-set of the Pakistani public and the general attitude of local society, which is increasingly becoming less tolerant of minorities. Their message is loud and clear that Pakistan was created only for Muslims. The ill-treatment of minorities is three-fold: state ideology, biased legislation and social intolerance. These forms of discrimination do not operate in isolation; rather, they work together and are mutually reinforcing each other. The discriminatory laws also contribute to these unfair practices.

Since the birth of Pakistan, religious minorities have been demanding safety and equal rights. They face hindrances in pursuing remedies against violation of their basic human rights and dignity. Though government officials promise time and again to take necessary measures to protect them, discrimination, social and political marginalization, injustices and persecution are ongoing. As a result, the majority of these communities live below the poverty line and keep struggling to survive. Consequently, many are forced to flee the country and take refuge in different parts of the world. So their number has been declining significantly. In 1947, at the time of partition, minorities constituted 20% of the total population. Today, however, they constitute less than 4% because of their continual emigration.

Pakistan's treatment of its minorities is a violation of its obligations under international law, especially Article 6, 12, 18, 20 and Article 25 (b) of the International Covenant on Civil and Political Rights (ICCPR). To address the minority issues, the state needs to align all its laws with international conventions, which would help promote tolerance and religious freedom in the country if it wishes to become an honourable member of the international community. Pakistan has ratified seven out of the nine international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of Racial

¹⁵ <http://europe-solidaire.org/spip.php?article61226>

Discrimination (CERD) and the Convention on the Elimination of Discrimination against Women (CEDAW).

Recommendations

1. Pakistan should take necessary measures for equal rights of minorities and religious freedom through laws, policies and practices in the country.
2. Prosecute and punish those who vandalise worship places of minority communities.
3. Blasphemy laws should be repealed, and until that the state should take strong measures against the misuse of those laws. Those who falsely accuse others should be punished.
4. Discrimination should be a punishable offence.
5. The UN Special Rapporteur on Freedom of Religion and Belief, and UN Special Rapporteur on Minorities Issues should be invited by the state to submit their independent reviews to the UN Human Rights Council.
6. The government should form a Minority Rights Commission through parliamentary legislation.
7. The government should come up with legislation for protection of domestic workers.
8. Legislation should be passed for the safe working environment of sanitary workers.
9. The parliament should pass a legislation for a minimum age of 18-year for marriage and change of religion.
10. A parliamentary report should be prepared about the issue of forced conversion and forced marriages, and the report should be presented to the parliament for further actions. a
11. The government should come up with a development plan for minorities.
12. All hate material should be deleted from the school syllabus.
13. Hate speech against minorities in any form should be a punishable offence.