**Written evidence to the UN Special Rapporteur on Freedom of Religion or Belief submitted by APPG for Pakistani Minorities**

Executive Summary

* The formation of an independent and autonomous National Commission for Minorities would have been an effective check against the state and societal persecution and discrimination, but the Government has recently foiled an attempt to create such a Commission.
* The lack of clarity of the blasphemy laws and the incitement by religious extremists after an accusation leads to physical attacks on minorities communities’ homes and lives. This constant threat leads to self-isolation and withdrawal from the civic space the minorities.
* The abductions, forcible conversions and forced marriages of the Christian and Hindu women and girls continue with impunity. It is one of the reasons for Hindus migrating to India.
* Bias against religious minorities is clearly visible in their treatment by the law enforcement and the judiciary.
* School textbooks continue to portray the non-Muslims in negative or derogatory terms, Hindus and Christians are depicted as enemies of Pakistan by virtues of being non-Muslims.
* Articles 31, 41 (2) and 91 (3) of the Constitution bar non-Muslims from becoming President or the Prime Minister of Pakistan.

In 1947, at the creation of Pakistan, the founder Mohammad Ali Jinnah recognised the importance of creating a diverse and plural society. He declared:

‘*You may belong to any* *religion caste or creed –that has nothing to do with the business of the State*….” 1.  Yet 73 years later the religious minorities face persecution and discrimination in every field of life.

**National Commission for Minorities Rights**

*Discrimination in law and practice*

1. The recently established National Commission for Minorities Rights (the Minorities Commission) is representative of State discrimination against religious minorities. The Supreme Court judgment of 19 June 2014 2 had recommended formation of a Minorities Rights Council, to tackle the issues pertaining to minorities. Dr Suddle was appointed to implement this decision in January 2019. His draft Bill, to be approved through the National Assembly; was circulated for comments in February 2020. Disregarding this, the government rushed with setting up it’s the Minorities Commission in April 2020.
2. Unlike the other existing commissions, the government decided to form the Minorities Commission without the Parliamentary approval, and so in violation of the *Paris Principle*, and in contradiction of its own election manifesto. It has been widely criticized by human rights activists and civil society organizations in the country 3.

The effects of discrimination

1. The establishment of the Minorities Commission was meant to be a positive step creating a state institute giving minorities confidence in the system, and among others, reviewing the legislation to ensure stronger protections for the rights of minorities. Also, the Minorities Commission was to provide access to justice and effective remedies for minorities; especially in cases of forced conversions and marriages, by having judicial powers and converting itself into a court. However, considering the recent development, it is very unlikely that these aims will be achieved with the mechanism as established.

**Blasphemy Laws**

*Discrimination in law and practice*

1. The blasphemy laws, in their current wording, are very vague and hence can be easily abused. Among others, the laws do not establish the requirement of intent (*mens rea*).
2. Such vague laws have a profound effect on whole societies. Even if a person is proven not guilty and released, the blasphemy accusations follow them and put them at risk of being subjected to mob violence. This is very clear from the recent case of Asia Bibi, who acquittal has sparked violent protests and mobs calling for her death. Furthermore, as the accuser does not face any legal consequences for false accusation, there is nothing to prevent them from making false accusations.

*The effects of discrimination*

1. Such acts of violence against religious minorities often go unpunished. For example, in May 2019 Ramesh Kumar Malhi, a Hindu veterinary surgeon from Mirpurkhas in 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 in the area 4.
2. Similarly, in June 2013, a 3,000 strong mob attacked the Joseph Colony, Lahore, looted all the homes and burnt them to ground. Not a single home was spared. The attack was a retaliation after two friends, a Muslim and a Christian, had a drunken fight, and the Christian man was accused of blasphemy. The accused has been sentenced to death 5.

*Good practices*

1. Strong stance taken by the government against the clerics and extremists threatening the state and judges, after Asia Bib’s release from prison in 2019, resulted in the protesters being quickly apprehended. Whereas previously the inaction by the government had led to a virtual lock down for many days. It proves the value of firm and quick action by the authorities.6 However, rather than relying on such responses, more needs to be done to address the issue of the vague blasphemy laws, for example, repealing the laws or ensuring that the laws are narrower, and strengthening the procedures.

**Forced marriages and conversions**

*Discrimination in law and practice*

1. Minority women and girls are abducted, forcibly converted to Islam, and forcibly married to their abductor or to another person, very quickly The latest example was a 14 years old Christian girl kidnapped in Faisalabad, and forcibly married to the already married abductor with two children. 7
2. As a result of such targeted criminal offences against religious minority women and girls, an increasing number of Hindus have been leaving Pakistan to go to India, 8 while the Ahmadis and Christians try to find a safe haven in the West.
3. Another indirect unfortunate consequence of this crime is the parents’ constant fear of their daughters being abducted and forcibly converted forces them to arrange early marriages for their daughters, sometimes in early teens, with then result in early pregnancies, increased child mortality and poverty.

*Good practices*

1. In November 2016, the Sindh Provincial Assembly had passed the Sindh Criminal Law (Protection of Minorities) Bill (the Bill), which makes forcibly converting a minor a criminal offence and recommends a five-year punishment for perpetrators and three years for facilitators. However, due to political opposition from a single religious party, the Bill did not enter the Statue books. A similar Bill in the National Assembly has been delayed for months.
2. The Sindh Government also passed the Child Marriage Restrain Act 2014, to outlaw marriage under 18. However, it has failed to stop forced marriages of minorities due to reluctance of police and judiciary to enforce the law.
3. These feeble attempts, although not yet implemented properly, need to be replicated by other Provincial and Federal Assemblies.

**Discrimination in Education**

*Discrimination in law and practice*

1. Islamic studies are compulsory for all Muslim students from class 3 to class 10. In addition, recently, there has been a call by the Punjab Governor to make it compulsory for the college and university students as well. 9 Non-Muslim students are offered “Ethics” classes instead, however, due to unavailability of teachers and books, many end up studying Islamic studies. This contravenes Article 25 of the Constitution.
2. Furthermore, the reciters of Quran are given extra marks with the matric exams, which gives them extra advantage over non-Muslims.

*The effects of discrimination*

1. Because of the challenges faced by religious minorities in education, the dropout rate from school among the communities is high. The national population census indicated that the Christian community was 11% behind the average national literacy rate while Hindus and scheduled castes were 20% behind. 10 This early dropout means inability to access further education, quality jobs, and as uneducated members of minorities, they remain unaware of their civil and political rights. Another consequence is early marriage, poverty and illiteracy.

*Good practices*

1. Recently, the Punjab government has taken a good initiative and reserved 2% quota in the higher education for non-Muslim students. 11 This will mean that thousands of minority students will be graduating from the professional and technical colleges each year and help to create a new middle class among minority population. This will also overcome the gap where many jobs vacancies reserved under the 5% quota for the minorities, are not filled due to lack of suitably qualified candidates among them.

**Biased school textbooks and teachers**

*Discrimination in law and practice*

1. The hatred against minorities is clearly visible and reinforced by textbooks, which portray non-Muslims in negative or derogatory terms. It has been estimated that 20-40% of the contents, including non-religious subjects like history and Urdu, are tainted towards Islam. Hindus and Christians are depicted as enemies of Pakistan by virtues of being non-Muslims.12
2. Teachers often instruct non-Muslims and especially Christian and Dalit students to eat, sit and play separately from other students.The case of Sharoon Masih highlights this – he was lynched by his fellow students on the second day of school for drinking water from a “Muslim” cup. It was reported that his class teacher had verbally abused him in front of all the other students and did not do anything to stop the students from beating him to death.13

**Discrimination in employment**

*Discrimination in law and practice*

1. In 2009, the Federal Government had introduced a 5% jobs quota reserved for religious minorities. However, in many cases, the relevant authorities get around the requirement by advertising lavatory cleaners’ jobs exclusively for religious minorities. While Christians make up only 1.6% of Pakistan’s population of some 200 million, according to a 1998 government census, research suggests that they fill about 80% of the sweeper jobs.14

**Bonded Labour**

*Discrimination in law and practice*

1. The 2018 Global Slavery Index estimates that there are over 3 million people in Pakistan living in modern day slavery. 15[[1]](#endnote-1) A high number of Hindus and Christians make up that figure, including a high number of children.
2. Child labour means that the affected children lose out on education and become next generation of unskilled labourers. Furthermore, Christian and Hindu women and children are subjected to sexual exploitation by the owners and managers of their places of work.
3. There have been some attempts by private charities to pay the debts and get the bonded labourers released from the slavery. This needs to be replicated by the government as well.15

**Humanitarian Aid**

*Discrimination in law and practice*

1. There have been reports of discrimination of food rations by some charitable organizations during the recent COVID-19 crisis.16 This needs to be investigated and addressed as a matter of urgency.
2. e Committee is concerned by the blasphemy laws, including sections 295 and 298
3. of Penal Code, that carry severe penalties, including the mandatory death
4. penalty (sect. 295(C)), and reportedly have a discriminatory effect, particularly on Ahmadi
5. persons (section 298 (B) and (C)); by the very high number of blasphemy cases based on
6. false accusations and by violence against those accused of blasphemy, as illustrated by the
7. case of Mashal Khan; and by repeated reports that judges who hear blasphemy cases are
8. frequently harassed and subjected to intimidation and threats. While noting the judgment of
9. the Supreme Court of 19 June 2014, the Committee regrets the absence of information on
10. the implementation of that judgment, and remains concerned by the continued reports of
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12. places of worship and by the religiously biased content of textbooks and curricula in public
13. schools and madrasas (arts. 2, 14, 18 and 19)
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**Recommendations**

1. The government should set up The National Commission for Minorities in accordance with the Paris Principles, through parliamentary legislation. It should be a fully independent body and must enjoy complete financial and political independence, making it accountable to Parliament rather than to the Government or any other State agency.
2. The legislature should amend the Pakistan Penal Code and the Code of Criminal Procedure to specifically incorporate the requirement of intent to commit blasphemy (*mens rea*).
3. The reform of the blasphemy laws must also incorporate significant punishments for false accusations of blasphemy.
4. Law enforcement agencies must investigate and prosecute all perpetrators of acts of violence based on religion or belief, including those perpetrating acts of violence against persons accused of blasphemy, or anyone speaking against blasphemy laws.
5. The legislature should pass all necessary laws to prevent forced conversions and forced marriages, and especially of children. The legislature should pass the Child Marriage Restrain (Amendment) Bill 2018, which raises the minimum age of marriage in Pakistan to 18.
6. The government must make sure that all discriminatory material is removed from school textbooks and college curricula across all of Pakistan.
7. All state-actors should be provided with human rights and religious literacy trainings.
8. The legislature should introduce laws against the use of child labourers; the laws outlawing bonded labourers should be enforced.
9. Any discrimination in aid distribution should be outlawed; and such discrimination to date should be duly investigate and addressed.
1. 1 <http://criterion-quarterly.com/jinnah%E2%80%99s-11-august-1947-speech/>

2 Supreme Court of Pakistan (original Jurisdiction) 19.06.2014 PLD 2014 SC 699.

3 <https://www.dawn.com/news/1557722/minority-meeting>

<https://e.thenews.com.pk/pindi/5-17-2020/nos_page7.asp>

4 <https://www.nytimes.com/2019/05/30/world/asia/pakistan-blasphemy-law.html>

5 <https://www.nytimes.com/2013/03/10/world/asia/explosion-rips-through-mosque-in-peshawar-pakistan.html>

6  <https://asiatimes.com/2018/12/khan-govt-hits-islamist-group-with-sedition-terrorism-charges/>

7 <https://www.forbes.com/sites/ewelinaochab/2020/05/08/yet-another-girl-in-pakistan-abducted-forcibly-converted-and-forcibly-married-to-her-abductor/#10d9c9d774da>

8 <http://www.ipsnews.net/2012/08/why-are-hindus-from-pakistan-crossing-over-to-india/>

 9 [https://www.claas.org.uk/2020/04/29/pakistani-governor-makes-quran-teaching-with-translation- compulsory-in-Punjab-universities/](https://www.claas.org.uk/2020/04/29/pakistani-governor-makes-quran-teaching-with-translation-%20%20compulsory-in-punjab-universities/)

10 Human Rights Monitor 2002-2003, p 44

11  <http://www.asianews.it/news-en/Punjab-to-implement-2-per-cent-quota-for-minority-students-50122.html>

12  [https://www.uscirf.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email(3).pdf](https://www.uscirf.gov/sites/default/files/resources/Pakistan-ConnectingTheDots-Email%283%29.pdf)

13 <https://www.independent.co.uk/news/world/asia/christian-teenager-beaten-to-death-pakistan-classmates-sharoon-masih-mc-moden-boys-government-school-a7936796.html>

14 <https://www.nytimes.com/2020/05/04/world/asia/pakistan-christians-sweepers.html>

15 <https://www.aljazeera.com/indepth/features/spiraling-debt-trapping-pakistan-brick-kiln-workers-190903135224452.html>

16 <https://starbiz.com/love-life/pakistan-discriminates-hindus-refuses-food-distribution-due-to-coronavirus-risks-13568>

Morris Johns [↑](#endnote-ref-1)