

Religious Minorities in Pakistan

Civil Society Submission by Media Matters for Democracy, Pakistan

Submitted to United Nations Special Rapporteur on Freedom of Religion or Belief

1. This submission from Media Matters for Democracy aims to broadly cover the experiences and struggles of religious minorities in Pakistan, particularly in regards to the institutional responses that set them back. It mentions the framework governing the rights of religious minorities in Pakistan, as well as the discrimination they experience on a whole.

A. About Media Matters for Democracy

2. Media Matters for Democracy (MMfD) is a Pakistani non-profit organisation that works on media policy research and advocacy. MMfD's focus areas are freedom of expression, internet governance, and media literacy, and our work includes research, advocacy, capacity building, and provision of legal support for journalists. MMfD works closely with journalists on issues related to press freedom, journalists' safety, and professional development. We have previously conducted safety training workshops and produced research studies on the impact of online abuse and digital hate campaigns on the expression of religious minorities in Pakistan.

B. Background

3. The Constitution of Pakistan guarantees fundamental rights to all citizens of Pakistan. These rights include equality of status and opportunity, social, economic and political freedoms, and freedom of expression, belief, faith, worship and association. Muslims form the majority of Pakistan, but Pakistan is also home to several religious minorities, such as Christians, Hindus, Parsis, Sikhs, Bahais, Buddhists and Kalasha.¹ Having said that, the situation for many religious communities in Pakistan has worsened over the past few decades. Pakistani religious minorities remain disenfranchised in society and are not fully included in the political life of the country; in fact, the situation for minorities continues to worsen.
4. Pakistan adheres to the Universal Declaration of Human Rights, and is signatory to several international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR). As per international law, Pakistan should be enforcing the right to freedom of religious expression more dedicatedly, to ensure that minorities remain equal citizens

¹ Minority Rights Group. 2020. Pakistan - Minority Rights Group. [online] Available at: <<https://minorityrights.org/country/pakistan/>>

with equal rights and protections compared to citizens who hold majoritarian views. Unfortunately, the environment in which Pakistani religious minorities find themselves is marred by hate speech, violence and repeated invocation of blasphemy laws. These oppressions have made it increasingly difficult for people of religious minorities to live safely and fully exercise their rights to freedom of expression and belief.

C. Discrimination in Law and Practice

5. The Objectives Resolution of 1949 attempted to establish Pakistani nationhood through religious conformity; laws would now be framed in accordance with Islam. From here on, the appeasement of Islamist right-wing factions began, which slowly led to open discrimination of religious minorities in Pakistan. The Objectives Resolution eventually became the Preamble of the Constitution of Pakistan 1973 that was introduced by Zulfikar Ali Bhutto, who declared Pakistan as an Islamic state. The offices of Prime Minister and President of Pakistan were subsequently restricted to Muslims only, and the Ahmadiyya community was officially declared as a non-Muslim minority as per Article 260 of the Constitution of Pakistan. Then came General Zia-ul-Haq's insidious Islamization regime, after which hatred towards religious minorities increased significantly.
6. Following this history, members of the Ahmadiyya community found themselves at the receiving end of most discriminatory practices. For instance, they are unable to exercise the right to vote because, in order to do so, they must declare themselves non-Muslims. They also face stringent restrictions on how they practice their faith in the country in the present day. For instance, under Section 298-B of the Pakistan Penal Code, Ahmadis are prevented from using any Islamic epithets that might result in them being mistaken as Muslims. In addition to this, Section 298-B(2) criminalises the use of the word "Azan" for the call to prayers by Ahmadis.
7. While this law was added in the Penal Code as a result of Zia's Islamisation, the present-day judiciary continues to take a discriminatory and regressive approach when dealing with the fundamental rights of minorities. In 2019, the Islamabad High Court while interpreting Section 298-B, observed that 'Qadianis'² should not be allowed to conceal their identity by having similar names to those of Muslims. In addition to this, Parliament was advised to make requisite amendments in the existing laws so as to ensure that all terms that were specifically used for Islam and Muslims were not used by the persons belonging to any of the minorities for hiding their real identity or for any other purpose.³
8. The Ahmadiyya community is also subjected to immense and transparent discrimination in the field of employment. An example of this is the case of Atif Mian, an Ahmadi economist appointed by the newly elected PTI government to its Economic Advisory Council (EAC) in

² A derogatory slur used to describe Ahmadi Muslims.

³ MAULANA ALLAH WASAYA V FEDERATION OF PAKISTAN THROUGH SECRETARY MINISTRY OF LAWS AND JUSTICE 2019 PLD 62 Islamabad

2018. Dr. Mian's appointment lasted only a few days after he was subjected to a vigorous smear campaign by religious extremists, calling for him to step down.⁴

9. Recently, the state's decision to exclude the persecuted Ahmadis from the National Commission for Minorities (NCM) has come as a huge blow to the community that has been working tirelessly to ensure that Ahmadis are represented fairly in the society.⁵ However, inclusion of Ahmadis is not the only problem with this Commission. Prominent minority rights groups, including the Centre for Social Justice (CSJ), the Peoples' Commission for Minorities Rights (PCMR), the Cecil and Iris Chaudhry Foundation, and the Catholic Commission for Justice and Peace, in a joint statement criticised the constitution of the Commission by highlighting that it failed to take into account the recommendations laid down by the Supreme Court in 2014⁶ and in the Paris Principles.⁷ Moreover, for years, Pakistan has struggled to maintain the NCM as an effective Commission, failing to properly define its duties and functions and ensuring that it performs its mandated tasks which reflects the Government's failure to prioritize the issue of minorities.
10. Another one of Pakistan's most misused laws is Section 295-C of the Pakistan Penal Code, 1860 that deals with blasphemy. This section has been weaponized against Pakistan's religious minorities frequently in the past few decades, particularly Ahmadis, Hindus and Christians. The law itself is extremely problematic owing to its vague wording and death penalty stipulation, and continues to face heavy criticism from international human rights organizations. One of the most prominent examples of the misuse of Section 295-C is the death sentence awarded by the Lahore High Court to Asia Bibi, a Christian woman, in a trial that was deemed by many human rights activists as a massive miscarriage of justice until the Supreme Court quashed her conviction in 2018.⁸ While Asia Bibi was lucky to find herself exonerated, many do not manage to escape and remain on death row for years. For instance, the case of a poor Christian couple Shagufta Kausar and her husband Shafqat Emmanuel remains undecided in the Lahore High Court while the two enter their sixth year on the death row.⁹ Moreover, the judges in lower courts are also often faced with extreme pressures to convict when faced with blasphemy cases due to the looming fear of mobs that are known to take the law into their own hands.

⁴ Chaudhry, D., 2020. *Under Pressure Govt Backtracks On Atif Mian's Appointment; Removes Economist From Advisory Council*. [online] DAWN.COM. Available at: <<https://www.dawn.com/news/1431495>>

⁵ U.S. 2020. *Pakistan Excludes Religious Sect From Minority Commission*. [online] Available at: <<https://www.reuters.com/article/us-pakistan-minorities/pakistan-excludes-religious-sect-from-minority-commission-idUSKBN22J1PU>>

⁶ The News 2020. *A Judgment On Minorities | Encore | TheNews.Com.Pk*. [online] Available at: <<https://www.thenews.com.pk/tns/detail/556611-judgment-by-supreme-court-on-minorities>>

⁷ OHCHR 2020. *OHCHR | Principles Relating To The Status Of National Institutions*. [online] Available at: <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>> [Accessed 2 June 2020].

⁸ BBC News. 2020. *Pakistan's 'Historic' Asia Bibi Ruling*. [online] Available at: <<https://www.bbc.com/news/world-asia-46048134>>

⁹ Fahey, R., 2020. *Couple Sentenced To Death For Blasphemy In Pakistan Plead For Freedom*. [online] Mail Online. Available at: <<https://www.dailymail.co.uk/news/article-8380245/Christian-couple-sentenced-death-blasphemy-Pakistan-plead-freedom.html>>

11. For the women belonging to religious and sectarian minorities, the situation is even worse. Pakistan is currently scrambling to deal with a surging issue of forced conversions of Hindu girls, mostly in rural Sindh. In late 2019, the Provincial Assembly of Sindh Province rejected a bill criminalizing forced religious conversions. This was the second attempt at enacting an anti-conversion law in the province.¹⁰ Political and religious leaders play a vital role in many cases of forced conversions of underage Hindu girls in Sindh and in the opposition of these bills. They claim that the Hindu women fall in love with Muslim men and convert out of free will. In a recent case of forcible conversion of two sisters from Ghotki, Sindh, the Islamabad High Court ruled the girls had willingly converted and married the men and were sent to live with their husbands.¹¹ The family of the girls protested and rejected the claim that the girls had used free will,¹² but their cries fell on deaf ears and more women were subjected to the same fate in the months following the incident. Activists have argued that while many girls have been forcibly converted, many have been coerced by powerful men who take advantage of their young age and naivety which must be taken into account by the state.
12. Pakistani Christians have raised concerns about the colonial Christian Divorce Act 1869 and the Christian Marriage Act 1872 as being outdated and violating a number of fundamental rights guaranteed under the constitution of Pakistan. For instance, a Christian can only marry another Christian as per 1872 Act.¹³ In addition to this, a man can only divorce his wife if she is guilty of committing adultery.¹⁴

D. Examples of Religious Discrimination and Violence

13. As can be seen by the laws, policies and institutional responses outlined above, the lives of Pakistan's religious minorities are marked by precarity and marginality. Muslims who are not from the Sunni sect are susceptible to discrimination and violence because of the kind of exclusionary majoritarian nationalism that exists in Pakistan. Non-Muslims also share a common experience of discrimination, alienation, and sometimes even violence.
14. The Christian community has experienced a lot of discrimination in Pakistan in the past decade. The Gojra riots were particularly harrowing in that several Christians, including

¹⁰ Loc.gov. 2020. *Pakistan: Sindh Province Rejects Bill Against Forced Conversions* | *Global Legal Monitor*.

[online] Available

at:<<https://www.loc.gov/law/foreign-news/article/pakistan-sindh-province-rejects-bill-against-forced-conversions/>>

¹¹ Asad, M., 2020. *Ghotki Sisters Not Forcibly Converted, Allowed To Live With Husbands: IHC*. [online]

DAWN.COM. Available at: <<https://www.dawn.com/news/1475372>>

¹² The News. 2020. *Activists Protest Against Hindu Woman'S 'Abduction, Forced Conversion'*. [online] Available at:<<https://www.thenews.com.pk/print/585265-activists-protest-against-hindu-woman-s-abduction-forced-conversion>>

¹³ Cbawah.gov.pk. 2020. [online] Available at:

<<http://cbwah.gov.pk/assets/media/christian-marriage-act-1872.pdf>>

¹⁴ Daily Times. 2020. *Christian Marriage And Divorce Act 2019 — A Long Awaited Legislation - Daily Times*.

[online] Available at:

<<https://dailytimes.com.pk/459454/christian-marriage-and-divorce-act-2019-a-long-awaited-legislation/>>

women, were killed.¹⁵ Moreover, Joseph Colony, a Christian community in Lahore, was set ablaze by religious extremists. Such examples explain the context that leads to false cases of blasphemy being registered and pursued against members of the community.

15. While there has been no execution of a person charged with blasphemy so far, there are numerous accounts of individuals such as Rimsha Masih who have been persecuted on charges of blasphemy. Moreover, since 1990, dozens of Pakistanis hailing from religious minorities in Pakistan have been killed over claims of blasphemy.
16. The Minorities' Minister, Shahbaz Bhatti, was assassinated in 2011 for speaking against the blasphemy laws. Asia Bibi, languished in jail for many years. After calling the blasphemy law a 'black' law, Salman Taseer, the governor of Punjab, was shot dead by Mumtaz Qadri, his bodyguard, in 2011. Later on, the bodyguard was showered with flowers and celebrated by religious parties and conservatives. Qadri was executed in 2016.¹⁶
17. Last year, Asia Bibi finally left the country after spending over a decade in jail over false blasphemy accusations.¹⁷ She received asylum from the Canadian authorities after the Supreme Court of Pakistan acquitted her based on insufficient evidence in 2018, and left the country soon after the verdict. However, her brother-in-law was recently killed in Sheikhpura.¹⁸
18. The marginalization and persecution of Ahmadi Muslims has reached extreme levels in recent years, and Ahmadis are now the target of a concerted hate campaign.¹⁹ Violent attacks against the Ahmadi community include the 2010 Ahmadi mosques massacre, a subsequent attack on a hospital,²⁰ the mob attack over alleged blasphemy in Gujranwala,²¹ and many other heinous and senselessly violent attacks. Ahmadis live in constant fear of harassment or assault either to themselves or their homes, workplaces and places of worship.
19. Online hate speech also plays a key role in exacerbating religious discrimination in Pakistan. Internet rights are often violated, and religious minorities are often attacked in Pakistan's online spaces. Retaliation is often construed as a challenge to Islam.²² Moreover, religious

¹⁵ The Express Tribune. 2020. *A Daily Compromise Of Life Over Death In Gojra* | *The Express Tribune*. [online] Available at:

<<https://tribune.com.pk/story/201462/a-daily-compromise-of-life-over-death-in-gojra/?amp=1>>

¹⁶ Boone, J., 2020. Thousands At Funeral Of Pakistani Executed For Murdering Governor. [online] the Guardian. Available at:

<<https://www.theguardian.com/world/2016/mar/01/funeral-pakistani-mumtaz-qadri-executed-salmaan-taseer>>

¹⁷ BBC News. 2020. *Blasphemy Death Row Couple's Plea For Freedom*. [online] Available at:

<<https://www.bbc.com/news/world-asia-52889974>>

¹⁸ Asianews.it. 2020. *Younas Masih, Asia Bibi's Brother-In-Law, Killed In Sheikhpura*. [online] Available at:<<http://www.asianews.it/news-en/Younas-Masih,-Asia-Bibi%E2%80%99s-brother-in-law,-killed-in-Sheikhpura-50195.html>>

¹⁹ Chaudhary, A., 2020. *Surviving As An Ahmadi In Pakistan*. [online] Pulitzer Center. Available at:

<<https://pulitzercenter.org/reporting/surviving-ahmadi-pakistan>>

²⁰ Human Rights Watch. 2020. [online] Available at: <<https://www.hrw.org/news/2010/06/01/pakistan>>

²¹ Mirza, A., 2020. *Mob Attack Over Alleged Blasphemy: Three Ahmadis Killed In Gujranwala*. [online]

DAWN.COM. Available at: <<https://www.dawn.com/news/1122143>>

²² Ahmed, R., 2020. *Turning On The Hate*. [online] Digital Rights Monitor. Available at:

<<http://digitalrightsmonitor.pk/turning-on-the-hate/>>

minorities are actively silenced due to online censorship; for example, key websites pertaining to Ahmadi Muslims have been blocked in Pakistan.²³ Even during the global coronavirus pandemic, religious discrimination continues unabated in Pakistan as online hate trends against the Ahmadi community are on the rise, and COVID-19 has been called a “Shia virus” by religiously intolerant people, to ridicule members of the Hazara Shia community who returned from Iran and tested positive for the virus.²⁴

20. While there are several organizations doing work in relation to minority rights and blasphemy laws in Pakistan, they have to tread very carefully. They do not promote their work as openly as civil society organizations working on other issues due to the dangers that their work entails, especially considering that there are life threatening repercussions attached to their work.

E. Recommendations

21. The Constitution of Pakistan should not be religiously biased, and instead should be based on principles of equality, non-discrimination, democratic governance and the rule of law. The insertion of the Objectives Resolution in Article 2A is particularly problematic, and has added a strain on the Pakistani judiciary in regards to the interpretation of cases, primarily because it affects other Articles in the Constitution. Hence, Article 2A should be removed.
22. The Government of Pakistan should make an increased effort towards eradicating religious discrimination in schools and academic spaces across Pakistan.
23. Some changes need to be made on the political front as well. Firstly, religion should not be a key determinant for holding a public or judicial office. Moreover, the constitutional provisions that make it mandatory for only a Muslim to be the president or prime minister of Pakistan need to be revisited. Furthermore, the number of reserved seats for religious minorities in the National Assembly should be raised significantly; so far, there are only 10 seats out of 207 that are reserved for minorities.
24. The expression, “glory of Islam”, that is set out as a restriction to Article 19 of the Constitution of Pakistan needs to be revised as it restricts freedom of expression and is an open-ended term that is often construed arbitrarily and conservatively by courts.
25. There should be laws enacted specifically to criminalize incitement to violence, both online and off, on the basis of religion. The government also needs to take active measures to prevent online hate speech against Pakistan’s religious minorities.
26. Criminal offenses related to religion should ideally be repealed. In any case, they should be significantly amended so as to carry the requirement of malicious intent, and they should also be made non-cognizant and compoundable. Moreover, people who make false accusations should be equally punished.

²³ Shahid, K., 2020. *Amidst Digital Crackdown, Religious Minorities Strive To Create Safe Spaces Online*. [online] Digital Rights Monitor. Available at: <<http://digitalrightsmonitor.pk/amidst-digital-crackdown-religious-minorities-strive-to-create-safe-spaces-online/>>

²⁴ Diplomat, T., 2020. *COVID-19 Fans Religious Discrimination In Pakistan*. [online] Thediplomat.com. Available at: <<https://thediplomat.com/2020/04/covid-19-fans-religious-discrimination-in-pakistan/>>

27. Non-Muslims should not be ineligible for being witnesses under the Pakistani law of evidence.
28. Law enforcement agencies, particularly the police and judiciary, should be provided adequate training in regards to minority rights and religious discrimination, so they can improve their responses to the violence experienced by Pakistan's religious minorities.

F. Conclusion

29. The Government of Pakistan needs to provide institutional guarantees for the fundamental rights of religious minorities, including their inalienable right to enjoy freedom of religious expression. It is evident that there has been a significant decline in the realisation of the fundamental rights of Pakistani religious minorities over the past few decades.
30. There needs to be a significant overhaul in terms of the manner in which religious minorities are treated in Pakistan. Personal laws governing religious minorities do not respond to the needs of minorities in a comprehensive and adequate manner. Moreover, laws should be passed to promote more meaningful participation of religious minorities. Any laws used against religious minorities should either be repealed or amended drastically so as to include repercussions for false accusers.
31. Ultimately, the state needs to work directly with Pakistanis from religious minorities to address the discrimination they experience. The Government of Pakistan should actively engage with minority activists and civil society organizations working on issues related to freedom of religious expression to promote interfaith harmony and dialogue, as well as increased meaningful participation of religious minorities in Pakistan.