

A joint submission by CSOs in Pakistan

for Pakistan’s 4th cycle Universal Periodic Review in the
42nd session of the UPR Working Group, Jan-Feb 2023

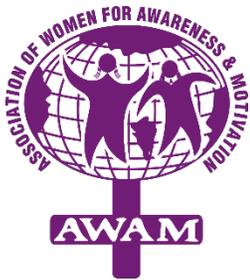
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Blasphemy



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پاکستان انسٹیٹیوٹ آف لیبر ایجوکیشن اینڈ ریسرچ، کراچی
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1. Introduction

This CSO’s joint submission under the 4th Universal Periodic Review (UPR) of Pakistan was produced through a consultative process held in Pakistan. It seeks the UPR Working Group’s attention on the following specific issues related to freedom of religion or belief (FoRB):

- a. Use of Blasphemy Laws;
- b. Forced Conversion;

- c. Forced teaching of majority religion: Single National Curriculum and;
- d. Ad-hoc National Commission for Minorities.

This submission includes consistent demands by the Pakistan’s CSOs placed under each of above-mentioned issue separately, alongside the pending implementation of recommendations made to Government of Pakistan (GoP) at the conclusions of previous UPRs, moreover recommendations of the Treaty Bodies, CERD and CCPR, on respective area of human rights.

The references are given in the footnotes and abbreviation explained in the text in the outset. However, any comprehension difficulties owing to complexity of the issues and available word space, is regretted and subject to clarification.

Editor, Peter Jacob

2. Use of Blasphemy Laws

Although Pakistan Penal Code 1860 uses the term “offences related to religion” five of its provisions are commonly referred to as “blasphemy laws” owing to the approach of exponential penalties,¹ de facto assumption of guilt², lack of use of exceptions³, etc. in these provisions. The first two of the five provisions (sections 295-B, 295-C) deal with offenses of desecration of Holy Quran and insult against Prophet Muhammad (PBUH) respectively. Section 298-A deals with an insult against companions, family members, caliphs, and wives of the Prophet Muhammad (PBUH). Sections 298 B and 298 C,⁴ specifically restrict the Ahmadis from religious practices who were excommunicated from Islam in 1974 through an act of parliament.⁵

2.1 Scale of Abuse

The abuse of blasphemy laws remained persistent and the number of blasphemy cases increased while the GoP failed to evaluate and report the number of the victims and types of sufferings borne by them.

According to an NGO’s data,⁶ at least 1949 persons had been accused under the blasphemy laws between 1987 and 2021 however 18 more cases were reported till 14 July 2022.⁷

¹ The awarding of severest punishments in violation of the maxim of “punishment according to the damage caused” in the criminal justice.

² A loose criteria for evidence and burden of proof of innocence placed on the accused in most cases, particularly a lack of definition of religious insult.

³ The persons exempted from the offense, such as mentally challenged, minors, etc.

⁴ Pakistan Penal Code (Act XLV of 1860) available at <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

⁵ 2nd Amendment to constitution of Pakistan.

⁶ Human Rights Observer 2022 http://csipak.org/pdf/HR_Observer_2022.pdf.

⁷ Data sources Centre for Social Justice

The victims included 47.62% Muslims, followed by 32.99% Ahmadis, 14.42% Christians, 2.15% Hindus, while the religion of 2.82% is not confirmed. In 2021, the highest number of victims (45) belonged to the Muslim faith identity, followed by Ahmadis (25), while seven were Hindu and Christian. However, the minorities were disproportionately affected by the abuse (over 52%), way more than their representation in the population (only 3.5%).⁸

The highest number of cases (75.78%) were reported in Punjab province, followed by 18.37% in Sindh, 2.72% in Khyber Pakhtunkhwa, 1.49% in Islamabad, 0.87% in Azad Jammu Kashmir, 0.46% in Balochistan, and 0.31 in Gilgit Baltistan.

In 2020, the highest number of reported cases was against Shia Muslims (140 out of 209) mostly in the two districts of Punjab (Chakwal and Chiniot). In 2021, the highest number was reported in Sheikhpura (13) followed by Lahore (11) and Kasur (10) districts. Over 80% incidence during 2021 surfaced in Punjab province.

2.2 Killing and Impunity

Section 295 C PPC carries death sentence as punishment against offering insult to the Prophet Muhammad while all convictions so far by trial courts have been overturned by the higher and superior judiciary which point to certain lacuna in the law and application. Nevertheless, at least 86 incidents of assassinations, mob killings and deaths in custody have been documented since 1994 which form a pattern of impunity in relation to blasphemy allegations:

- i. Amongst these 86 persons killed in relation to blasphemy, between 1987 to June 2022, 50 were Muslims, 25 Christians, 7 Ahmadis⁹, one Hindu, one Buddhist, and two other persons whose religious identity could not be ascertained.
- ii. In July 2020, Tahir Ahmad Naseem, an Ahmadi blasphemy accused, was shot dead in the courtroom during the hearing of his case.¹⁰ The alleged killer, a 17 years old youth, brought a pistol into the highly guarded Peshawar Judicial Complex was praised for this act.¹¹
- iii. In November 2020, Malik Imran Hanif, a bank manager was shot dead by his security guard in Khushab over frivolous blasphemy allegations.¹²

⁸ Supra 6, p. 17.

⁹ This data does not include other incidents of extreme violence such as targeted killings.

¹⁰ <https://www.aljazeera.com/news/2020/7/29/man-shot-dead-for-blasphemy-in-pakistan-courtroom>

¹¹ <https://www.bbc.com/news/world-asia-53582578>

¹² <https://www.dawn.com/news/1588614/bank-manager-shot-dead-by-security-guard-allegedly-over-blasphemy-in-punjab-khushab>

- iv. In March 2021, Taqi Shah, a Shi'a religious scholar facing blasphemy charges, was axed to death in Shorkot by a zealot. He was alleged to have committed blasphemy against the companions of the Prophet in 2019.¹³
- v. In December 2021 a Sri Lankan factory manager, Priyantha Kumara 48, was lynched to death by a mob in the city of Sialkot. He was accused of removing posters containing some religious content.¹⁴
- vi. In February 2022 a middle-aged man Mushtaq Ahmed, with history of chronic mental disorder¹⁵, was killed when a mob stoned him to death for alleged desecration of the Holy Quran, in Khanewal district.¹⁶
- vii. In March 2022, a 21 years old female Madrassa teacher in Dera Ismail Khan was stabbed to death by three women who accused her of committing blasphemy¹⁷. The police investigation found out that a 13 years old female relative of the murderers informed them that she had seen in her dream that the victim had committed blasphemy.¹⁸
- viii. In only 1.13% cases of extra judicial killings, the convictions against the culprits were made that includes the case of Mumtaz Qadri¹⁹, the assassin of Governor Salman Taseer. Usually,, the murderers are eulogized as heroes and can avoid serving punishments when passed against them. Particularly in the cases tried in Anti-Terrorism Courts, such as burning of six persons alive in Gojra in 2009 and three persons in Shama and Shahzad case in 2014, the culprits got free after a couple of years of jail.
- ix. In April 2022 the anti-terrorism court's verdict in the case of Priyantha Kumara's lynching on the false allegation of blasphemy that sentenced six culprits to death, nine to life imprisonment and 73 were given jail terms of two to five years.²⁰ Assessing on the above-mentioned precedents, it is not certain if the culprits will serve the full sentence.

2.3 False Accusations

Nearly all cases under charges of blasphemy are based on false accusations "stemming from property issues or other personal or family vendettas rather than genuine instances of

¹³ <https://www.dawn.com/news/1614755>

<https://www.thenews.com.pk/print/810495-man-axed-to-death-in-jhang-over-alleged-blasphemy>

¹⁴ <https://www.aljazeera.com/news/2022/4/18/pakistan-six-sentenced-to-death-for-lynching-sri-lankan-national>

¹⁵ <https://gandhara.rferl.org/a/pakistan-mob-lynching-blasphemy-laws/31710414.html>

¹⁶ <https://www.voanews.com/a/mob-kills-alleged-blasphemer-in-pakistan/6439871.html>

¹⁷ <https://tribune.com.pk/story/2349940/women-madrassa-teachers--colleagues-throat>

¹⁸ <https://www.aljazeera.com/news/2022/3/30/pakistan-school-teacher-killed-for-alleged-blasphemy-police>

¹⁹ <https://www.dawn.com/news/1242637>

²⁰ <https://www.dawn.com/news/1685606>

blasphemy and lead to mob violence against the entire community” in the eyes of Amnesty International.²¹

- i. In April 2021, two nurses from Faisalabad were charged under blasphemy laws by hospital staff for removing stickers bearing religious slogan from a cupboard in a ward.²²
- ii. A Christian couple Shafqat Emmanuel and Shagufta Kausar sentenced to death for sending blasphemous texts in 2014 were acquitted by the Lahore High Court²³ in June 2021, after seven years’ detention in the death cell.²⁴
- iii. In August 2021, an eight-year-old Hindu boy was charged with blasphemy on an unverified story. The case was dropped and the boy was released after the investigation but since the case was registered, the hate mongers were able to organize an attack on a Hindu temple in Bhong.²⁵
- iv. In January 2021 a Christian Gospel singer and nurse Tabita Nazir Gill was accused of blasphemy.²⁶ Tabita was severely beaten by fellow nurses. Later, a police enquiry proved the allegations to be baseless.²⁷
- v. In January 2022, a court sentenced Aneeqa Atiq to death after two years of trial under anti-cyber crime laws.²⁸ She was also sentenced to a 20-years in prison and fined 200,000 rupees²⁹ after being charged with posting “blasphemous content” on WhatsApp³⁰.

There are several incidents of unfair trials resulting in prolonged detentions and suffering of blasphemy accused such as;

²¹ <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA3351362016ENGLISH.pdf>

²² <https://www.dawn.com/news/1617348>

²³ <https://www.aljazeera.com/news/2020/10/7/pakistani-court-acquits-christian-man-on-death-row-for-blasphemy>

<https://www.hrw.org/news/2019/10/06/pakistan-end-ordeal-blasphemy-defendants>

²⁴ <https://www.theguardian.com/world/2021/jun/03/pakistani-court-acquits-christian-couple-sentenced-to-death-for-blasphemy>

²⁵ <https://www.theguardian.com/global-development/2021/aug/09/eight-year-old-becomes-youngest-person-charged-with-blasphemy-in-pakistan>

²⁶ http://www.fides.org/en/news/69497ASIA_PAKISTAN_Christian_woman_accused_of_blasphemy_released_by_police_after_investigation

²⁷ <https://www.aninews.in/news/world/asia/pakistan-human-rights-group-condemns-false-accusation-of-blasphemy-on-christian-nurse20210205133609/>

²⁸ <https://twitter.com/nailainayat/status/1483850901311873025?lang=en>

²⁹ <https://www.theguardian.com/world/2022/jan/19/pakistan-woman-aneeqa-ateeq-sentenced-to-death-blasphemous-whatsapp-messages>

³⁰ <https://www.thenews.com.pk/tns/detail/928859-on-the-whatsapp-blasphemy-case>

- vi.** In October 2018, the Supreme Court of Pakistan released Asia Bibi from committing blasphemy³¹ leading to protests across the country over her acquittal by a fast-growing extremist sectarian group³².
- vii.** In October 2020, the Lahore High Court acquitted Sawan Masih, a Christian youth who had spent seven years in death cell on blasphemy charges.³³

2.4 Recommendations from Pakistan's 3rd UPR

The GoP noted all 15 recommendations made during the 3rd UPR of Pakistan in 2017, about repealing or reviewing the blasphemy laws.³⁴

2.5 Pakistan's progress against the recommendations of 3rd UPR

During the period under review, Pakistan has failed to make any progress or comply with international human rights obligations. GoP failed to enact effective laws and take administrative measures to stop multiple violations in the use or abuse of Blasphemy laws.

2.6 Recommendations of CCPR and CERD

In 2017, the UN Human Rights Committee made a general and specific recommendations regarding blasphemy laws:

- a)** The State party should: "Repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression;"
- b)** Ensure that all those who incite or engage in violence against others based on allegations of blasphemy, as well as those who falsely accuse others of blasphemy, are brought to justice and duly punished;
- c)** Take all measures necessary to ensure adequate protection of all judges, prosecutors, lawyers, and witnesses involved in blasphemy cases;"³⁵

The UN Committee for Elimination of Racial Discrimination made the following recommendations in 2016:

³¹ <https://www.aljazeera.com/news/2019/5/8/aasia-bibi-christian-acquitted-of-blasphemy-leaves-pakistan>

³² <https://www.thenews.com.pk/latest/387925-protests-erupt-in-major-cities-as-sc-acquits-asia-bb-of-blasphemy-charges>

³³ <https://www.dawn.com/news/1583600>

³⁴ A/HRC/37/13- 152.148, 152.149, 152.150, 152.151, 152.152, 152.153, 152.154, 152.155, 152.156, 152.157, 152.158, 152.159, 152.160, 152.161, 152.162, 152.167

³⁵ CCPR/C/PAK/CO/1, Para. 34.

- d) “The Committee recommends that the State party consider repealing the blasphemy laws that go against freedom of expression and religion, as established in the Constitution. It also recommends that the State party take all measures necessary to **prosecute and punish those who have made false accusations** and to **provide effective remedies to the victims** of false accusations. The Committee urges the State party to take all measures necessary to protect the judges who hear blasphemy cases and those accused of blasphemy.”³⁶
- e) Review and repeal its blasphemy laws to avoid their misuse or misinterpretation and ensure that children under the age of 18 years are exempt from criminal responsibility for such crimes.³⁷

2.7 Recent Developments

The GoP failed to comply with recommendations of UN treaty bodies under ICCPR, ICRC and ICERD, regarding repealing or reforming the blasphemy laws while some regressive developments were afoot:

- i. While the blasphemy laws are widely misused to settle personal or political scores, blasphemy accusations put the lives of the accused persons at risk in the incident³⁸.³⁹ In June 2020, National Assembly adopted a resolution asking the authorities to confiscate and impose a ban on the import, sale, and production of any material containing blasphemous content in Pakistan, and to pass a law to make possible the printing and dissemination of any religious book only with the approval of the Council of Islamic Ideology.⁴⁰ This step seeks to place control of educational content in the hands of religious groups rather than experts in education, undermining the quality of education.

2.8 International concerns and GoP narrative in support of blasphemy laws

- i. In April 2021, the EU parliament passed a resolution calling on Pakistan to repeal sections 295-B and 295-C of the PPC to respect and uphold the freedom of religion and expression and amend the Anti-Terrorism Act 1997 to avoid trial of blasphemy cases in anti-terrorism courts, and grant bail to accused, and protect judges, defense counsel and defense witnesses.⁴¹

³⁶ CERD/C/PAK/CO/21-23, Paragraph 22

³⁷ CRC/C/PAK/CO/5, Paragraph 31 (b)

³⁸ <https://www.dawn.com/news/1687394>

³⁹ <https://www.dawn.com/news/1689294>

⁴⁰ National Assembly resolution on banning blasphemous content, available at: http://www.na.gov.pk/en/resolution_detail.php?id=372

⁴¹ https://www.europarl.europa.eu/doceo/document/RC-9-2021-0254_EN.html

- ii. Pakistan promoted a narrative of “Islamophobia”, on behalf of OIC at international forums. In line with its earlier prototype resolution “defamation of religions” had been passed 12 times by the UN bodies, Pakistan pressed the resolution and UN General Assembly passed it in March 2022⁴² which meant a diversion of attention from the abuse of blasphemy laws inside Pakistan.⁴³

Denial of fact and refusal to accept the aforementioned recommendations made by UN treaty bodies and UPR Working Group, has entailed grave costs in enormous suffering for the people at large and religious minorities in Pakistan specifically.⁴⁴

2.9 Recommendations by CSOs

The judicial inquiry was held in the Gojra incident in 2009⁴⁵ in Pakistan, and made 10 concrete recommendations, including a legislative review of the laws, and administrative and educational measures. Now 13 years down the line, GoP has ignored the implementation on the recommendations of an inquiry conducted by a High Court judge.

It is highly recommended that the government should constitute a high powered committee to implement these recommendations (Annex 2, and the following measures;

- i. Bring legislation to introduce effective safeguards, neutralize the sad consequence of blasphemy laws.
- ii. Prosecute and punish the perpetrators using the allegations of blasphemy and incitement to violence.
- iii. Compensate victims against their financial, social and emotional sufferings and provide security to the accused.
- iv. Ensure adequate protection of the accused, judges, prosecutors, lawyers, and witnesses involved in blasphemy cases.

⁴² <https://www.dawn.com/news/1680128>

⁴³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/288/70/PDF/N2228870.pdf?OpenElement>

⁴⁴ <https://tribune.com.pk/story/1282245/making-religious-intolerance-past/>

⁴⁵ https://www.punjab.gov.pk/system/files/Inquiry_Report_on_Gojra_Incident_2009_0.pdf

3. Forced Conversions/Marriage

The incidence of forced conversion of minority women and girls was consistently reported in the media and by the rights based groups.⁴⁶ A study by Birmingham University also observed that women and girls from minority communities are frequently abducted,⁴⁷ forcibly converted, and married off to their abductors.⁴⁸

The police and the administrative machinery usually side with the culprits who happen to be from the majority community and socially and economically influential. Their contact with families becomes impossible on account of their claimed conversion. Harassed by their abductors, these girls and women state before the judges that they have changed their religion out of free will.

Although there is no legal bar on the conversion, yet the right to convert in the context of Pakistan means conversion to Islam only, whereas conversion from Islam to any other religion is generally interpreted as apostasy, punishable with death.

3.1 Prevalence of issue of forced conversions

GoP failed to provide complete or authentic data on forced conversion at any platform. Though, the number of cases of forced conversions identified by CSJ are only the tip of the iceberg, yet;

- i. CSJ compiled at least 78 incidents of forced or questionable conversions in 2021 which were reported in the media. Hence, the data of reported cases in 2021 showed an upsurge of 80% as compared to 2020 and 50% as compared to 2019.⁴⁹
- ii. CSJ's data also revealed that the involuntary and forced conversions included 39 Hindu, 38 Christian, and one Sikh girl in 2021. 76% of the victims were clearly minors (below 18 years of age), furthermore, the age of 18% was not mentioned, therefore there is reason to suspect that these may be also minors. Notably, 33% of victims were 14 years of age or below. Hence only 6% were confirmed major or above 18 years of age.⁵⁰
- iii. The highest number of (40) cases were reported in Sindh, followed by 36 in Punjab, while one case each was reported in Khyber Pakhtunkhwa and Balochistan.⁵¹

⁴⁶ <https://www.thenews.com.pk/tns/detail/756977-the-mirror-of-forced-conversions>

⁴⁷ <https://www.vice.com/en/article/bvna9z/pooja-kumari-killed-abduction-forced-marriages-hindu-girls-pakistan>

⁴⁸ <https://www.birmingham.ac.uk/documents/college-artslaw/ptr/ciforb/forced-conversions-and-forced-marriages-in-sindh.pdf>

⁴⁹ Human Rights Observer 2022 http://csjpak.org/pdf/HR_Observer_2022.pdf

⁵⁰ ibid

⁵¹ ibid

- iv. 37 cases of forced conversion had been reported till 14th July 2022. Moreover, two Hindu girls, Pooja Oadh, 16, of Sukkur⁵² Naina Kohli, 12, of Tando Yousaf,⁵³ were murdered allegedly after they resisted their abduction and forced conversions.

3.2 Relevant Laws

Although a few laws that exist⁵⁴ can be used to prevent forced conversions, however, these laws are rarely implemented to protect the victims of forced, unethical, and involuntary conversions.

Sections 359-374 of the Pakistan Penal Code⁵⁵ 1860 dealing with offenses involving abduction, kidnapping and slavery, and Section 375 dealing with rape and several other penal laws can be employed to deter multi-faceted crimes that are part of the phenomenon of forced conversions. It is usually Section 360-365 that are used in the complaints.

In 2017 Section 498 B was added to the Pakistan Penal Code to address the forced marriage of minority girls that reads as “**Prohibition of forced marriage**: Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.⁵⁶”

2 [Provided that in case of a **female child**, as defined in the Child Marriage Restraint Act, 1929 (XIX of 1929)⁵⁷, or a **non-Muslim woman**, the accused shall be punished with imprisonment of either description for a term which may extend to ten years but shall not be less than five years and shall also be liable to fine which may extend to one million rupees.] “

Moreover, the government has progressively raised the age for marriage in provincial and federal laws for instance, The Sindh Child Marriage Restraint Act 2013 ⁵⁸and The Punjab Child

⁵² <https://www.thefridaytimes.com/2022/03/21/18-year-old-hindu-girl-reportedly-shot-dead-during-abduction-attempt-in-sukkur/>

⁵³ https://twitter.com/LALMALHI/status/1505494938829701125?s=20&t=aBYym8IKuA0hXMCm_YJv9g

⁵⁴ The Child Marriage Restraint Act 1929 (as amended), The Sindh Child Marriage Restraint Act 2013, Section 498 B: Pakistan Penal Code 1860.

⁵⁵ Pakistan Penal Code 1860. Available at: Page 127-130

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

⁵⁶ Pakistan Penal Code 1860. Available at: Page 170

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64050/88951/F1412088581/PAK64050%202017.pdf>

⁵⁷ <http://punjablaws.gov.pk/laws/147a.html>

⁵⁸ The Sindh Child Marriage Restraint Act 2013. Available at:

<http://sindhlaws.gov.pk/setup/publications/PUB-13-000734.pdf>

Marriage Restraint Act 1929 (amended in 2015)⁵⁹. If applied properly, these laws can be helpful in curtailing the forced conversions.

However, Section 498 B was never applied in the subsequent years to register and investigate the cases involving allegations of forced conversion and marriage of girls from the minority communities.⁶⁰ Instead, police officers apply the other provisions dealing with the offense of abduction which requires a separate set of evidences to prove.

3.3 Court Injunctions

- i. In August 2019, the Lahore High Court held⁶¹ that “Pumy Muskan is barely 14 years old. As she is not sui juris she lacks legal capacity to change religion on her own. However, the question of faith being a matter of heart and one’s conviction, no Court can declare her conversion invalid or void. It can only refuse to recognize or give effect to it for certain legal purposes. The Petitioner being the lawful guardian of Pumy Muskan is entitled to her custody. There is no reason to deprive her of that right.
- ii. In July 2020, the Sindh High Court in Mehik Kumari case held⁶² that there is no prohibition under the Islamic law or the law of the land for a converted Muslim woman to reside with her non-Muslim parents, which prevents the separation of children and parents after the faith conversions.⁶³
- iii. In November 2020, the Sindh High Court charged the abductor and purported husband Ali Azhar (aged 44 years) of 13-years old girl Arzoo Raja with offense of child marriage, and allowed Arzoo to stay at a shelter home to contemplate over her will until she turns 18, or rejoin her parents at any time. A year later, in December 2021, the court issued another order, reuniting Arzoo Raja with her parents rather than her purported husband one year after she has been staying in the Shelter Home, and directed her parents to let her practice Islam.⁶⁴
- iv. Though some Islamic scholars issued fatwas holding opposite opinion, the Federal Shariat Court issued a ruling in favor of setting a legal minimum marriageable age by a

⁵⁹ The Punjab Child Marriage Restrain Act (Amended in 2015). Available at:

<https://www.punjabpolice.gov.pk/system/files/PunjabMarriageRestraint%28amd%292015.pdf>

⁶⁰ Maliha Zia, Discussion Paper: Institutionalized Legal Discrimination Against Religious Minorities, Legal Aid Society, July 2015

⁶¹ Writ Petition No.45156 of 2019, Nasira v. Judicial Magistrate and 5 others

<https://sys.lhc.gov.pk/appjudgments/2019LHC4414.pdf>

⁶² <https://www.thenews.com.pk/print/684546-muslim-children-can-live-with-non-muslim-parents-says-shc>

⁶³ <https://www.thenews.com.pk/print/684546-muslim-children-can-live-with-non-muslim-parents-says-shc>

⁶⁴ <https://www.dawn.com/news/1665223>

government on 28 October 2021.⁶⁵

- v. In February 2022, the Islamabad High Court declared that the marriage of children under the age of 18 is unlawful, even if contracted with their own free will.⁶⁶ Yet the governments in three provinces were reluctant to raise the age for marriage to 18 years through amendment in the laws.

3.4 Recommendations from Pakistan's 3rd UPR

Two recommendations were made that urged GoP to enact and enforce laws to protect religious minorities against forced conversions. The GoP noted both recommendations.⁶⁷

3.5 Pakistan's progress against recommendations of 3rd UPR

CSOs observe with grave concern that the GoP has manifested a little will to pass the "Prohibition of Forced Conversion Bill 2021" to provide for the protection against forced conversion of minority women, considering the following series of incidents;

- i. In 2017, a provision to protect against forced marriages⁶⁸ (498 B, PPC) was enacted, however, never applied. The police was reluctant to register and investigate the cases that involve allegations of forced conversion and marriage of girls from the minority communities.⁶⁹
- ii. Three private member bills were tabled in the parliament during the current parliamentary tenure, minority legislators namely; Naveed Aamir Jeeva⁷⁰ and Ramesh Kumar Vankwani⁷¹ presented separate bills in the National Assembly, while Senator Muhammad Javed Abbasi⁷² presented a bill in the Senate. Unfortunately, the bills prohibiting forced conversions were disposed of after the Standing Committees of the

⁶⁵ <https://6/www.dawn.com/news/1654648>

⁶⁶ <https://tribune.com.pk/story/2345865/ihc-declares-marriages-under-18-unlawful>

⁶⁷ A/HRC/37/13-152.169, 152.275

⁶⁸ Pakistan Penal Code Section 498 B: Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

⁶⁹ Maliha Zia, Discussion Paper: Institutionalized Legal Discrimination Against Religious Minorities, Legal Aid Society, July 2015

⁷⁰ Private Member's Bill tabled in April 2019 available at http://na.gov.pk/uploads/documents/1556026200_943.pdf

⁷¹ Private Member's Bill tabled in May 2019 available at http://na.gov.pk/uploads/documents/1557315393_270.pdf

⁷² Private Member's Bill tabled in August 2020 available at http://senate.gov.pk/uploads/documents/1598276327_813.pdf

National Assembly and the Senate⁷³ had opposed them.

- iii. In November 2019, the government set up a “Parliamentary Committee to Protect Minorities from Forced Conversions.”⁷⁴ However, the government failed to cultivate any consensus on the legislation which resulted in the refusal by the Muslim members of the parliamentary committee to consider the “Prohibition of Forced Conversions Bill 2021” for vetting on 13 October 2021.⁷⁵ The Parliamentary Committee refused to listen to the arguments offered by minority parliamentarians in favour of the Bill.
- iv. In August 2021, two government entities, Ministry of Religious Affairs and Interfaith Harmony (MoRA) and the Council of Islamic Ideology (CII) raised objections to the limitation of the minimum age and the adoption of a legal procedure for faith conversion, proposed in the Bill, and resisted any development on the draft bill in the parliamentary committee.⁷⁶ They dubbed the bill against the principles of sharia, and termed it an attempt to limit Muslims’ right to religious freedom to convert Non-Muslims to Islam.
- v. The development mentioned above show that GoP has failed to use the court verdicts to create consensus for legislation, or to comply with its international obligations to protect minority women and girls from exploitation by influential groups and criminal elements.⁷⁷ Hence, the human rights violations linked to forced conversions are continuing unchecked.

3.6 Recommendations by CSOs

The UPR Working Group is urged to make the following recommendations to the GoP;

- i. Assess and present the data regarding forced conversions in the parliament on annual basis,
- ii. Introduce comprehensive law against forced conversions, apprehend and bring the perpetrators and abettors involved to justice,
- iii. Use existing protections in the law to prevent the miscarriage of justice,

⁷³ <https://tribune.com.pk/story/2265480/senate-panel-rejects-bill-for-minorities>

⁷⁴ https://senate.gov.pk/en/news_content.php?id=3969#:~:text=Meeting%20of%20the%20Parliamentary%20Committee,and%20Senator%20Rana%20Maqbool%20Ahmed.

⁷⁵ <https://www.dawn.com/news/1651813>

⁷⁶ <https://www.dawn.com/news/1642501>

⁷⁷ <https://www.dawn.com/news/1548550/>

- iv. Undertake educational measures aimed at protecting religious minorities from forced and involuntary conversions.

4. Forced teaching of majority religion: Single National Curriculum

The education system in Pakistan presents several preferences and exclusionary practices on the basis of religion, in violation of the domestic law as well as the international norms. To begin with, the textbooks for schools approved by all textbook boards of the GoP present a stark violation of Article 22 (1) of the Constitution of Pakistan which guarantees that:

“No person attending any educational 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.”

4.1 Recommendations from Pakistan’s 3rd UPR

In the previous UPR review, five countries (Kazakhstan, Bulgaria, Kyrgyzstan, Azerbaijan, and Holy See) made recommendations to the GoP to abrogate statutory provisions and administrative instructions and to suspend administrative practices which involve religious discrimination in education. Moreover, the recommending states urged Pakistan to incorporate international human rights standards into the national education system to ensure that all children, without discrimination, enjoy the right to education.⁷⁸

4.2 Recent Developments

Although symbolic steps are taken that acknowledge the presence of religious minorities, the curriculum policy introduced during 2020-22 (Single National Curriculum) has generally been a regressive move for national education system and it goes to strengthen the existing discriminatory elements in education, such as;

1. Although some religiously inclusive material was added to the textbooks, however, the textbooks and the overall educational approach has brought the public education closer to madrassah education. The teaching content is heavily loaded with lessons about the majority religion (Islam) which constitutes a monotony rather than celebration of religious diversity and understanding about other religions.
2. GoP has notified the curriculum for religious education solely for non-Muslim students for Grade I-V and VI-VIII, which will comprise content from seven religions including; Christianity, Hinduism, Sikhism, Baha’i, Kalash, Buddhism and Zoroastrianism, however, the textbooks for the subject of religious education are yet

⁷⁸ A/HRC/37/13-152.224 , 152.228, 152.225, 152.221 ,152.222

to be introduced in schools.

3. In May 2020, the provincial government of Punjab approved the reservation of 2% seats for minority students in public sector higher education institutes⁷⁹. The federal government and rest of the three provincial governments are yet to adopt this affirmative measure.
4. Conversely, in June 2020, the Governor of Punjab made the study of the Holy Quran compulsory for higher education, without providing any alternative to non-Muslim students. ⁸⁰(This course is already part of the middle and secondary education according to SNC/ The Punjab Compulsory Teaching of the Holy Quran Act, 2018). Hence the question is; should this be necessary both at school and university level education. Secondly, the scheme did not provide any alternative for student not belonging to Islam.
5. In June 2020, the National Assembly, Senate⁸¹ and provincial assemblies of Punjab and Sindh⁸² unanimously adopted a resolution, followed by notifications that directed the authorities to ensure that the finality of prophet-hood “Khatam-un-Nabiyeen” is mandatory written or spoken along with the name of Prophet Muhammad (PBUH) in public schools and textbooks, official meetings and documents, television, radio or otherwise.
6. In November 2021, Lahore High Court issued a verdict that assigned the district judges an extraordinary task of conducting inspections in schools to check the arrangement for teaching the Holy Quran in all schools across Punjab.⁸³ The initial visits were carried out in schools run by Churches and Shi’a administration. The judicial officials sealed a few schools for insufficient arrangements, violating the fundamental right of children to schooling. The verdict also visibly impinged upon the separation of functions of the executive and judiciary, yet the government failed to file a review of the verdict.

⁷⁹ <https://www.dawn.com/news/1553584>

⁸⁰ <https://www.dawn.com/news/1563606>

⁸¹ Resolution on finality of Prophethood <https://www.app.com.pk/senate-adopts-resolution-to-write-words-khatam-an-nabiyyin-after-the-name-of-holy-prophet/>

⁸² Sindh Assembly resolution on finality of Prophethood <https://www.dawn.com/news/1563759/sindh-assembly-adopts-unanimous-resolution-on-finality-of-prophethood>

⁸³ <https://www.thenews.com.pk/print/908077-punjab-sessions-judges-to-check-if-quran-being-taught-as-separate-subject>

7. In December 2021, the School Education Department Punjab notified the compulsory reciting of Darood Sharif⁸⁴ along with the recitation of the Holy Quran before the National Anthem during morning assemblies in all public and private schools attended by students belonging to different faiths.
8. Despite efforts made by CSOs, no concession is introduced for students belonging to minorities for learning their own religion, unlike Muslim students who are awarded 10-20 extra marks for learning the Quran by heart (Hifaz-e-Quran) for admission in professional colleges and for employment through the Public Service Commission at Federal, etc.
9. In March 2022, the government has returned four schools to the relevant Churches.⁸⁵
However, according to CSJ's study, at least 50 more Church-run schools and colleges, nationalized in 1972, are yet to be denationalized and returned to the Church administration.⁸⁶

Based on the above regressive measures, it is concluded that various stakeholders and offices in the Provincial and Federal governments made consistent policy interventions that are religion-specific, discriminatory against minorities, and therefore increase the risk of segregation on one hand and radicalization on the other. This mix of coercion and lack of an open choice for students restrict the freedom of religion severely for students belonging to minority religion particularly.

4.3 Recommendations by CSOs

The UPR Working Group is urged to recommend GoP the following substantial measures to stop the forced teaching of the majority religion and promote an inclusive education system.

- i. Avoid passing any arbitrary legislation, or policy measures and without due consultation with relevant stakeholders in the province including rights-based civil society.
- ii. Avoid introducing any policy measures in disregard to the constitutional protection of religious freedom and non-discrimination under articles 20, 22 (1), and 25 of the Constitution of Pakistan.

⁸⁴ Durood Sharif is an invocation or a conventionally complimentary phrase which Muslims make after the name of Prophet Muhammad (PBUH).

⁸⁵ <https://www.thefridaytimes.com/2022/03/30/punjab-government-returns-four-missionary-schools-to-church-authorities/>

⁸⁶ <http://www.csjpk.org/pdf/Lessons%20from%20the%20Nationalisation%20of%20Education.pdf>

- iii. Ensure that minority students are not reprimanded for not wanting to study Islamiyat. The government must ensure the provision of teachers to teach minority students their respective religions.

5. Ad-hoc National Commission for Minorities

GoP has claimed at international forums in past 30 years that a National Commission for Minorities (NCM) was in place. In pledges made before the elections for UN HRC in 2012, GoP claimed that a NCM had been established that is empowered to “hear the grievances, representation” which was contrary to facts.⁸⁷

Pakistan’s report submitted to ICCPR review in para 221 in 2016, further claimed that “To assess and monitor the state of minorities in Pakistan, the government has constituted a NCM. The members of this Commission belong to the religious minority communities themselves. The Commission is mandated to watch over the protection of the rights of the minorities. A sub-committee of the Commission comprising parliamentarians has reviewed and vetted the draft national policy on interfaith harmony.”⁸⁸

GoP reconstituted a toothless NCM through executive order in May 2020.⁸⁹ The NCM was neither constituted in line with the Supreme Court judgment of SMC No. 1/2014, therefore it was challenged by the Human Rights Commission of Pakistan in the Supreme Court.⁹⁰

5.1 Recommendations from Pakistan’s 3rd UPR

In the 3rd UPR, two recommendations were made by Saudi Arabia and the Kingdom of Great Britain to strengthen the protection of minorities by establishing an independent National Commission for Minorities from all faith communities, which should appoint its representatives. The GoP had supported the recommendations.⁹¹

5.2 Pakistan’s Progress against Recommendations of 3rd UPR

However, the GoP avoided establishing an autonomous NCM. The claim about the establishment of an autonomous body is contrary to the facts;

- i. Re-created NCM is the only commission established through an executive order. It lacks not only a sound legal basis, but a proper mandate to protect religious minorities’

⁸⁷ Para 11, of the pledges https://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/486

⁸⁸ CCPR/C/PAK/1

⁸⁹ <https://www.thenews.com.pk/tns/detail/792508-a-toothless-commission>

⁹⁰ <https://www.thenews.com.pk/tns/detail/659113-minorities-get-a-toothless-commission>

⁹¹ A/HRC/37/13-152.55, 152.184

rights.⁹²

- ii. The GoP has failed to establish a statutory commission for minorities, as well as ensure a neutral Chairperson and members, a non-partisan approach to oversight and accountability.
- iii. Practically, NCM is working under a Federal Ministry of Religious Affairs, and has included representatives of religious and political actors from Muslim, Christian, Hindu, and Sikh communities, but membership of Ahmadi and Baha'i communities is missing.
- iv. The provincial assembly of Punjab adopted a resolution after GoP's decision to exclude Ahmdis from the minorities commission to humiliate and alienate this community.⁹³

5.3 Recommendations by CSOs

The UPR Working Group is urged to recommend the GoP to legislate without further delay to establish;

- i. An independent, autonomous, and resourceful National Commission for Minorities' Rights through an act of parliament, and it must have a mandate and resources to contribute policy advice on matters that affect minorities.
- ii. The Ahmadi community should not be alienated or maligned, they should rather be given a mandatory representation in the NCM, leaving its utilization to their own discretion.

(Submission concluded).

⁹² <https://www.thenews.com.pk/tns/detail/792508-a-toothless-commission>

⁹³ <https://www.dawn.com/news/1556677/punjab-assembly-resolution-for-conditional-inclusion-of-ahmadis-in-minorities-commission>