

FORUM:	Advisory Panel
ISSUE:	Measures to Address Religious Intolerance and Protect Minority Rights in Pakistan
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Introduction

Pakistan, a multiethnic country located in South Asia, is predominantly a Muslim populated nation. Muslims make up 96.4% of Pakistan's population, Christians make up 1.4% of the population, and Hindus make up 1.6%. The gradual demographic decline of non-Muslim religions to 1.70% comprised of Christians and 2.20% comprised of Hindus in 2000 (Pakistan digital census, 2023). Historically, in the early years of Pakistan, particularly the first Constitution years, it maintained a degree of religious tolerance toward non-Muslim minorities. However, in recent decades, issues surrounding religious tolerance and minority rights have become increasingly complex and contentious, challenging the protection of fundamental human rights within the country

Background

The British colonial rule in India brought a violent partition to Pakistan and India in 1949, resulting in the forced migration of 20 million people. Pakistan provided a new homeland to migrants by welcoming all religious groups, Muslims and non-Muslims. Pakistan's independence had begun with non-Muslims comprising 23 percent of its population and a quarter of the Muslim population as non-Sunni Muslims (Wilson Center, 2017).

The religious intolerance movement grew after the death of the first leader of independent Pakistan, Muhammad Ali Jinnah. Zulfikar Ali Bhutto, the founder of the Pakistan People's Party (PPP), was appointed president in 1971. By that time,

anti-Ahmadi ideologies had grown in the country through confrontations between students and the Ahmadi community in Punjab. The situation worsened with Ali passing the Second Amendment to declare Ahmadis as a non-Muslim minority legally.

The act of legalizing the creation of a



Anti-Ahmadi movement



religious minority, the anti-PPP party, named Pakistan National Alliance (PNA), supported by the military, led street protests. As a result, PNA allowed General Zia to impose martial law.

Under Zia's rule, 'Islamization', with strict beliefs of Sunni doctrine, was performed to continue further anti-Ahmadi movements and make amendments of adding sections 298-B and 298-C towards Pakistan's Penal Code (PPC) blasphemy laws from the colonial era, prohibiting Ahmadis from performing religious movements. Zia had also undermined religious minorities and women by introducing the Qanoon-i-Shahadah Order in 1984; one Muslim man is equivalent to two women or two non-Muslim. Zia's Islamization had significantly affected the social landscape by dividing religious groups and provoking religious intolerance by establishing minority rights.

Problems Raised

Abduction, Forced Conversion, and Marriage

According to human rights organizations, there are approximately 1,000 Christian, Hindu, and Sikh girls abducted each year for forced marriage and religious conversions, conducted by poverty and social norms (Thomson, 2021). Additionally, these abductions are targeted towards women below the age of 16 years, which the Child Marriage Restraint Act of 1929 in Pakistan states that the minimum legal age of marriage is 16 years for women. Information collected by CLAAS-Pakistan reveals that there is a network that facilitates the abduction by complicit perpetrators of relatives or men looking for brides, seeking forced conversion of religion, and marriage of women or girls. Whenever the victims refuse forced conversions and marriages, they are drugged, tortured, and raped.



Protest over abduction and forced conversion

A series of legislative reforms were made corresponding to this ongoing issue: Punjab Assembly adoption of the Punjab Marriage Act and Amendment to Penal code in Section 498B reinforced the punishment to adults that marries child below their minimum legal age of marriage with longer imprisonment years more fines, responding to CEFM (Child, Early, and Forced Marriage). However, there are still no laws against forced conversion, except for the proposed bill in 2019 that had addressed the issue in Sindh but was dismissed.

Misuse of Blasphemy Law



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Misuse of the Blasphemy Law in Pakistan has led to severe consequences through legitimizing vigilantism, mob violence, and persecution of minorities. As Article 18 of the UDHR and ICCPR regards freedom of expression, the blasphemy law has violated freedom of expression in criticizing Islam, the Prophet Muhammad, the Quran, and Islamic symbols. The abuse of blasphemy law contains in its neglecting views of its subjective address; in section 295-C, the key term "defiling" leads to subjective interpretation, providing police officers, FIA's cybercrime unit, collaboration with the lawyers' organization, their subjective judgement without a warrant from a judicial magistrate to effect an unjust arrest. Due to such allegations of blasphemy, accusers have utilized it for their extortion, blackmail, and land grabs targeting the religious minorities. 2005 criminal law amendment, federal task in June 2014, and The Criminal Law (Amendment) Act of 2017, were all reform attempts made, however, failed due to religious politicians.

Discrimination and Migration

Ongoing discrimination towards religious minorities in employment, education, basic services, political participation, and political criticism has led to a significant number of migrations. Due to legal approaches to minority rights, the social norms have been significantly affected. Many religious minorities had faced discrimination in private employment other than in menial labor. There are also many cases of public hatred shown in printed hate speeches along with school textbooks, such as the Urdu Textbook for Grade 7, from the Sindh Textbook Board, describing Englishmen and Hindus as Muslims' enemies. Due to the lack of protection and unfair societal role of the religious minorities, many populations from the province of Sindh are prompting many to emigrate to India.

International Actions

Establishment of the Nation Commission for Human Rights (NCHR) in Pakistan



Logo of NCHR of Pakistan

The Nation Commission for Human Rights (NCHR) was established in May 2015 as the first Pakistan National Human Rights Institution. According to Article 16 of the NCHR Act, the institution operates independently from the government. NCHR monitors the general human rights situation in Pakistan through making investigations and submitting independent reports to the human rights

government in Pakistan, reviewing laws and making efforts for reforming legislation, and developing plans for ensuring improvement of human rights in the nation. Significant contributions were made



through their special reports on forced conversions and violence from religious intolerance that UN agencies later submitted to the press for legal reforms.

Amendment to Section 498-B

Before the 2017 Amendment to Section 498-B, there was the Criminal Law (Third Amendment) Act in 2011, which only reinforced women's rights through punishment against forced marriages. The Amendment had made more substantial penalties against perpetrators by increasing the duration of imprisonment up to five to ten years and a fine of 1 million PKR if the victim is a minor or non-Muslim. The 2017 Amendment was the first legal reform that recognized religious minority women as a vulnerable group that needed additional protection. Although the Amendment did not address the forced conversion of religions, it was the initial step for the government to address its consideration towards human rights for religious minorities.

Key Players

Tehreek-e-Labbaik Pakistan (TLP)

The TLP is an Islamist political party that obtains massive street power, playing a significant role in creating pressure against legal reforms and causing mob violence through presentment. The TLP slogan of "Man Sabba Nabbiyan Faq Tulu", translated as kill the blasphemers of the Prophet, reveals their ideological influence from the blasphemy law, inspiring them to severe mob violence and lynching towards the minority



Street Protest of TLP

groups. The Amendment and legal reforms submitted against the blasphemy law were rejected due to the TLP's pressure, as they believe it is disrespecting Islam. TLP has posed challenges to Pakistan's democracy, as they are a significant obstacle to the reforms of religious intolerance and minority rights.

United States Commission on International Religious Freedom (USCIRF)

The USCIRF had consistently recommended Pakistan be designated for CPC, country of particular concern, CPC) under the International Religious Freedom Act (IRFA) since 2002. USCIRF has shown its contribution through obligating \$150 million for programs in Pakistan in 2023, monitoring and providing data against religious minorities of Christians, Hindus, Ahmadis, and Shia Muslims that need



exceptional support and protection, and recommending sanctions against violations (United Nations High Commissioner for Refugees, 2016). They had specifically cited the blasphemy law, pressing for its reforms.

Possible Solutions

Legal Reforms for Pakistan Penal Code 295–298

The act of religious intolerance of minority rights has been resisted since the blasphemy law from the colonial era. Especially the subjective wording of the key term "defiling" in section 295-C needs to be revised with more objective criteria to prevent the misuse of the religious minorities. As several amendments have already been rejected, strategic approaches such as international cooperation through diplomatic pressure and judicial contribution should be made. Since there are already several amendments passed from the past, such as The Criminal Law Act in 2016 and The Protection of Women Act in 2006, shows that it would be still possible to make amendments to the Penal Code through more negotiations and less intervention of misleading political forces.



Logo of Pakistan
Penal Code

Raising Awareness through Educational Initiatives

As there are bias stereotyped opinion publicly announced through local textbooks in Pakistan, educational revisal is a critical part that requires conversion currently. The school textbooks should eliminate contents of expressing hatred towards a specific religion. Additionally, through training and monitoring teachers with workshops would enhance attitudes of students to tolerances towards different beliefs. Interfaith dialogue modules in different studying centers would foster mutual respect and accept religious diversity. Different establishments of workshops and projects from both Pakistan and international community can also spread awareness to gain more support and attention to the issue. Various approaches should be made to gain international awareness for the support they can contribute in further actions.

Glossary

Religious intolerance

The action of being unwilling to allow or accept a belief from another religion

Minority Rights



Ensuring that groups with less power or smaller numbers are treated equally without discrimination

Pakistan's Penal Code (PPC)

The current criminal code of Pakistan defines all offenses along with their punishments

Blasphemy Law

A law that prohibits negative wording or disrespectful comments towards religion

Centre for Legal Aid, Assistance and Settlement (CLAAS)-Pakistan

An organization in Pakistan that gives legal support and protection to minority groups

CEFM (Child, Early, and Forced Marriage)

Marriage committed under the minimum legal age without full consent

International Covenant on Civil and Political Rights (ICCPR)

An international human rights treaty that protects political rights

International Religious Freedom Act (IRFA)

A federal law from the U.S for protecting religious freedom in foreign countries

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