

Pakistan

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HUMAN RIGHTS

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Second Edition



Protecting  
human rights  
for over  
10 years



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## Global Human Rights Defence

GHRD is an international human rights organisation dedicated to promoting and protecting the rights of minorities. GHRD aims to specifically address those areas and populations in the South Asia where severe and extensive human rights violations of certain indigenous people, sexual and religious minorities have taken place for long periods, and where structural help and global attention of the international media have proven to be absent or insufficient.

Our activities are focused on human rights monitoring, advocacy, education and empowerment.

GHRD operates in several South Asian countries, namely: Bangladesh, India, Nepal and Pakistan, as well as in Europe, including the Netherlands.

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# Executive Summary

GHRD collects information from various (local and international) human rights organisations and media sources to monitor the human rights of religious minorities in Pakistan. This report is the result of ongoing field research and media monitoring activities undertaken by the head office in The Hague in 2014, during which time there have been many reports of human rights violations against religious minorities.

In this report we provide an overview of the current situation as it affects religious minorities in Pakistan and highlight the most significant violations committed against the religious minority groups in 2014.

GHRD is deeply concerned about the prevailing situation of religious minority groups, particularly women and children in the country. The concern for the situation of these groups is shared with different national and international authorities, who have also expressed their concerns regarding the situation for religious minorities in Pakistan.

A lack of political will and the failure of the Government to implement legislative measures to protect these marginalised groups makes the state a contributor to the existing problem. Religious extremism and repressive traditions and customs further exacerbates the marginalisation of religious minorities. Religious minority groups in Pakistan continue to live in an environment of constant fear amid growing terrorism concerns.

## Country Profile

### Basic Facts

Official name	: Islamic Republic of Pakistan
Form of government	: Republic
Total area	: 796,095 km <sup>2</sup>
Capital	: Islamabad
Largest cities	: Karachi, Lahore, Faisalabad, Rawalpindi, Multan
GDP	: \$232.3 billion/year (ranked 45th in the world)
Official languages	: Urdu, English
Population	: 196 million people (2014 Estimates)
Population density	: 242 people/km <sup>2</sup>
Population growth rate	: 1.49%
Urban population	: 36.2%
Living standards	: 0.464 (world rank 161st)
Life expectancy	: 67.05 years (ranked 167th in the world)
Literacy rate	: 54.9% (male: 68.6%, female: 40.3%)
UN Human Development Index	: 0.537 (ranked 146th in the world)
Gender Inequality Index	: 0.563

Source: CIA World Factbook & UN data

# Map



# Political Developments in 2014

Since Pakistan's establishment in 1947, this ethnically diverse state has been ruled by military dictatorships. The first successful democratic election in the history of Pakistan was held in May 2013. Regardless of the positive development, no significant signs of improvement of the human rights situation in the country have been made. Similar to previous years, 2014 was a considerably violent year, marked by political instability, human rights violations and a fragile security situation.

## GSP+ and the lifting of the moratorium on the death penalty

Beginning in 2014, the European Union (EU) granted the Generalised System of Preferences Plus (GSP+) status to Pakistan. GSP+ status is an extension of the EU GSP scheme of tariff concessions (European Commission), which allows “developing country exporters to pay less or no duties on their exports to the EU” (European Commission, 2015). This status allows Pakistan to generate additional export revenue to support the implementation of their sustainable development and poverty reduction policies within the country. The preferential scheme comes with the condition of immediate ratification and implementation of the 27 international conventions relating to environment, good governance, narcotics control, death penalty, gender equality, labour and human rights (Government of Pakistan, 2014). As such, the GSP+ status is not only an important trade mechanism for Pakistan's economic development, but also a significant incentive for Pakistan to illustrate its commitment to improving the human rights situation in the country by adhering to the international standards in the 27 conventions.<sup>1</sup> Pakistan has ratified all of the 27 conventions.

Despite the GSP+ status obligations, Pakistan's six-year long informal moratorium<sup>2</sup> on the death penalty was lifted after a deadly attack that resulted in the deaths of 132 students and nine teachers at Peshawar's Army Public School in December 2014. The Prime Minister had earlier lifted the moratorium for a short period of time in August 2013, but reversed Pakistan's position once it became clear that executions could result in the loss of preferential trade terms with the EU. However, since the massacre at Peshawar, the moratorium has been lifted, with the death penalty being carried out for those convicted on charges of terrorism. Although the sentence of the death penalty has only been applied in the cases of terrorism, the situation poses a great threat and re-opens the door to the death penalty being a possible penalty in non-terrorism cases as well.

## Prevalence and effects of terrorism

Terrorist attacks remain a prominent threat in Pakistan's society. In 2013, the casualties of terrorism amounted to 5,379 (SATP), with the number increasing to 5,496 (SATP) in 2014. The regions across Pakistan are disproportionately affected, with Khyber Pakhtunkhwa (KPK), Federally Administered Tribal

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<sup>1</sup> For more information see Annex 1 “International obligations”.

<sup>2</sup> The formal moratorium began in 2008 and lapsed in 2013. However, the Government unofficially continued the moratorium from 2013 until it was lifted in 2014.



Areas, (FATA) and Baluchistan bearing the greatest burden of casualties. Over the last decade, the war on terror has had a detrimental effect on many facets of life, particularly education. Radical militants target schools due to their supposed affiliation with an “infidel” education system. Education is the cornerstone of creating a tolerant and informed society, which in turn is vital for sustaining a vibrant economy and eradicating poverty. Widespread illiteracy and poverty prove to be underlying causes for extremism, radicalisation and, consequently, terrorism. Targeting schools has instilled fear in those seeking and providing education and acts as a deterrent for children who attempt to pursue education.

The United Nations (UN) received reports of 78 attacks on schools, teachers and students in Pakistan in 2014 alone (United Nations News Center, March 2015). The Taliban and its local allies in KPK have taken responsibility for most of these attacks. KPK is one of the poorest and most troubled regions in Pakistan. More than 1,000 schools have been closed or destroyed in the area since 2009, with numerous students regularly targeted by militant groups. In October 2012, Malala Yousafzai, a 17-year-old Pakistani activist was shot by militants for raising her voice in support of education for women and children in KPK. Extremist groups are predominantly targeting schools for girls and justifying their attacks as removing establishments that promote Western-style education and values (Khyber Pakhtunkhwa Public Service Coordinators, 2015).

### Status of women and children

In 2014, Pakistan’s position in the UN’s Gender Inequality Index dropped further from 123 to 126 (out of 149) (Government of the UK, Foreign and Commonwealth Office, 2015). The index reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity. As such, gender equality is not only a basic human right, but also has considerable ramifications for the socio-economic development of a country. Empowering women fosters development of national economies and facilitates productivity and growth. One of the cornerstone aspects of women’s empowerment in Pakistan is legal empowerment, which in turn has a significant positive effect on the protection of social, economic and cultural rights. Legal empowerment gives women (of vulnerable groups) opportunities to use legal and administrative processes. In February 2014, the Punjab Assembly passed the Punjab Commission on the Status of Women Act. According to the Act, the Commission aims at empowering women, expanding opportunities for their socio-economic development and eliminating all forms of discrimination against them (Punjab Commission on the Status of Women Act 2014, Chapter 3).

On 8 March 2014, International Women’s Day, the Punjab Assembly unanimously passed the Punjab Fair Representation of Women Act 2014, which aims to ensure women’s participation in the decision-making processes in public life. For instance, the Act ensures women are represented in university staff membership (Punjab Fair Representation of Women Act 2014, Schedule). However, similar legislation discussed in 2012, which aimed at providing safeguards against domestic violence, has never been enacted. Women in Pakistan face issues of gender inequality on a daily basis. Women, belonging to minority groups, are especially vulnerable to discrimination and suffer from it more frequently, all the while facing serious limitations in their access to justice. Enacting legislation aimed at strengthening the position of women is crucial, however, implementing and giving practical effect to such legislation is equally as important.

While the Constitution of Pakistan recognises Hindus as equal citizens, Hindu families lack mechanisms that recognise and register Hindu marriages as marriages under Pakistani law. The lack of legal marriage status constitutes a violation of fundamental rights – and is a facet of institutionalised discrimination. It violates article 23 of the International Covenant on Civil and Political Rights (ICCPR): the right to marry and to found a family, the right to enter into a marriage without force and with the free and full consent of the intending spouses, and the right to protection of the family by both society and state. It effectively denies Hindu married couples their marriages on the basis of their religion. The absence of recognition and registration also leads to administrative difficulties for Hindu women, including relating to applying for national ID cards and visas, pursuing inheritance procedures, and in separation/divorce and adoption situations.

For the Muslim and Christian community there are such mechanisms in place. The Muslim Family Laws Ordinance 1961 details the family laws for Muslims. The Christian Marriage Act 1872 recognises the marriage of Christians. Since 2009 the Hindu community in Pakistan have demanded legislation to be able to register Hindu marriages. The latest version of the Hindu Marriage Bill 2015 was laid before the National Assembly in March 2015. If enacted, the Bill will institutionalise (solemnise and register <sup>3</sup>) Hindu marriages and afford Hindu women legal rights relating to marriage

#### Article 23 ICCPR

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

One of the positive developments when it comes to the status of women was the Sindh Assembly passing the Sindh Child Marriage Restraint Act 2013, in April 2014. The Act constitutes Pakistan's first provincial legislation that prohibits child marriage and covers punishment for child marriages. However, without any provisions for withdrawing marriage certificates and annulling underage marriages, the Act provides insufficient mechanisms to prevent child marriages. The numerous cases of abductions, forced conversions and marriages that were reported in 2014 demonstrate the Act's ineffectiveness. Clear instructions for the implementation of the legislation are, therefore, imperative to achieve the Act's goals of preventing child marriages.

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<sup>3</sup> Hindu Marriage Bill 2015, cls 4-6.



“All are equal before the law and are entitled without any discrimination to equal protection of the law.”

- Universal Declaration of Human rights, Art. 6

## Background

The Islamic Republic of Pakistan is a sovereign country with a population of 194 million people (Kaneda, 2014). The country was formed as a Muslim homeland by Mohammad Ali Jinnah in 1947, following the end of British colonial rule in the Indian subcontinent.

Pakistan is the second largest Muslim nation in the world and the first state established in the name of Islam. It is a democratic parliamentary federal republic where Islam is the state religion.

The country is a federation of four provinces: Punjab, Sindh, KPK and Baluchistan. In addition there are two territories: the Islamabad Capital Territory and the FATA in the northwest, which include the Frontier Regions. The Government of Pakistan exercises de facto jurisdiction over the western parts of the disputed Kashmir region, which is organised into two separate political entities: Pakistan Administrated Kashmir (PAK) and Gilgit-Baltistan (formerly Northern Areas). The former princely state of Kashmir has been partitioned between India and Pakistan since 1947 and it is currently a disputed area. When India and Pakistan gained independence from the British rule in 1947, the various princely rulers were able to choose which state to join. Both of the countries failed to agree on the status of the border territory, Kashmir. This failure to agree resulted in war between Pakistan and India on a number of occasions, and tensions continue to date. Nowadays, PAK has a government of its own that is regarded by Pakistan as “independent,” even though it is economically and administratively linked to Pakistan.

## PAKISTAN’S MINORITIES

This report focuses on the religious minorities in Pakistan. The Constitution of Pakistan does not define what constitutes a minority. While article 36 of the Constitution guarantees the protection of minorities, the term “minority” is not defined. However, the preamble makes reference to adequate provision for minorities to

freely profess and practice their religions and develop their cultures.

The official state religion in Pakistan is Islam, which is practiced by nearly 96% (Pakistan Bureau of Statistic, 1998) of the population. The religious minorities constitute around 4% of the total population. Apart from the minority groups within the Muslim community, Pakistan's diverse society contains several non-Muslim groups, such as Hindus, Christians, Sikhs, Bahais, Buddhists, Ismailis and Parsis.

The Muslim community is divided into different sects: around 85-90% are Sunnis, around 10-15% are Shias, while less than 1% are Ahmadiyya Muslims<sup>4</sup>.

Pakistan has the second largest Shia community in the world, preceded only by Iran. Even so, Shias comprise only about 15% of Pakistan's population. Most of them reside in Punjab, with smaller communities living in Hyderabad, Karachi and Peshawar, with the dominant majority residing in the tribal areas.

Ahmadis identify themselves as Muslims. However, their recognition of the founder of the movement as their messiah and prophet prevents the larger Pakistani Muslim community from recognising Ahmadis as Muslims. Ahmadis do not consider that Mohammed was the final prophet sent to guide mankind. They believe that the long awaited messiah, Mirza Ghulam Ahmed (who lived between 1835-1908), was the last prophet, a fact which offends both Shia and Sunni interpretations of Islam. The 1985 amendment<sup>5</sup> to the Constitution also inserted a provision declaring Ahmadis as non-Muslim (Constitution of Pakistan, article 260(3)(b)), leaving the community open to legal discrimination and vulnerable to the threats of blasphemy laws.

Hindus are the largest minority group in Pakistan and represent around 1.9% (Pakistan Bureau of Statistic, 1998) of Pakistan's population. Most of the Hindu community is concentrated in Sindh, Sanghar and Tharpakar districts, bordering India. There are also smaller groups of Hindus in Baluchistan and Punjab.

Christians are the second largest minority group in Pakistan and represent around 1.6% (Pakistan Bureau of Statistics, 1998) of the population. Most of them reside in Punjab, with some smaller groups living in Baluchistan and Sindh.

Bahais, Parsis and Ismais constitute a much less visible minority than Shias, Ahmadis, Hindus and Christians, mainly due to the sheer volume and scattered places of residence. Unlike Bahais, Parsis and Ismais, Sikhs, also representing a small minority community in Pakistan, frequently become more likely targets of discriminatory practices. Most Sikhs reside in Punjab and KPK.

The last census conducted by the Government of Pakistan was held in 1998. The figures used in this report rely on the figures of the 1998 census, as there has not been any additional national headcount held since. GHRD and its local partners believe that the current percentage of minority population in Pakistan is significantly higher than indicated in the census.

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<sup>4</sup> The adherents of the Ahmadiyya movement are referred to as Ahmadiyya Muslim or simply Ahmadis.

<sup>5</sup> Constitution (Third Amendment) Order 1985.

“Everyone has the right to freedom of thought, conscience and religion;

– Universal Declaration of Human rights, Art. 18

## Freedom of Religion or Belief

Article 18 ICCPR describes the right to freedom of thought, conscience and religion. Freedom of religion or belief is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance, without fear of intimidation, discrimination, violence or attack.

### Article 18 ICCPR

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own.

Pakistan has committed to protect the rights of its citizens to freely practice the religion of their choosing. However, religious minorities in Pakistan often face explicit bans or targeted harassment based on their religious affiliation. They face discrimination, often violent, and governmental restrictions in various aspects of their everyday lives.

## BLASPHEMY LAWS

**Pakistan Penal Code, section 295C** “Use of derogatory remarks, etc., in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad shall be punished with death, or imprisonment for life, and shall also be liable to fine.”

The blasphemy laws in Pakistan date back to India’s British rule and are currently codified in the Pakistan Penal Code 1860 (sections 295-298). The military government of General Zia-ul Haq aimed to strategically Islamise the legal system and deny the Ahmaddiyya minority their Muslim affiliation. In 1986, the Pakistan Penal Code was amended<sup>6</sup> to insert section 295C: a provision that punished blasphemy against the Prophet Muhammad with death penalty or imprisonment for life, and a fine. In 1990, the Federal Shariat Court of Pakistan made the death penalty the mandatory sentence for individuals convicted of making derogatory remarks about the prophet.

The blasphemy laws have played a significant role in the environment of religious intolerance that exists in Pakistan. Blasphemy laws are used to persecute religious minorities, as can be seen in the disproportionate numbers of non-Muslims, particularly Ahmadis and Christians, who are the defendants in blasphemy cases. The blasphemy laws do not provide clear guidance on what constitutes a violation. The judgement is, therefore, left to the police and judicial officers, who rely predominantly on their personal beliefs and interpretation of Islam. Blasphemy trials often lack essential safeguards to ensure a defendant receives a fair hearing. Further, Muslim extremists are known to attend these trials and harass and intimidate both judges and defendants (United States Commission on International Religious Freedom, 2008). While the death penalty has, to date, not been carried out in any blasphemy cases, numerous convicted persons remain on death row (Freedom House, 2014).

The blasphemy laws also create a volatile society. Accusations of blasphemy can easily trigger mob violence, with the police and government officials often turning a blind eye on the situation. Blasphemy accusations are also used for ulterior purposes, including land grabbing situations and to settle personal feuds. Most dangerously, the threat of being accused of blasphemy is used as a tool to silence dissent and prevent discourse over the grave situation created by legitimised religious intolerance.

**In 2011**, the governor of the Punjab province, Salman Taseer, spoke out and called for mercy for a Christian woman, Asia Bibi, who was subjected to the blasphemy accusations. Salman Taseer was killed by one of his own bodyguards, over his calls for the blasphemy laws to be reformed.

**In May 2014**, Pakistan’s leading TV Channel was temporarily taken off air following a blasphemy allegation. The blasphemy charges relate to a programme aired by Geo TV when actress Veena Malik and her husband Asad Bashir repeated their wedding ceremony with devotional music about the wedding of Prophet Muhammad’s daughter.

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<sup>6</sup> Criminal law (Amendment) Act III of 1986, s. 2

**On July 27, 2014,** Three female members of the Ahmadiyya community, including two minors, were killed and eight others were severely injured when an angry mob attacked and burnt houses, buildings and several vehicles over alleged blasphemy.

**On November 4, 2014,** a Christian couple, Shama Bibi and Shahzad, and their unborn child were burnt to death because of a false accusation of burning pages of the Quran. They were beaten by a mob and their legs were broken. They were then held over an open kiln and burned alive.

Ahmadis and other religious minorities in Pakistan live in constant fear of being accused of desecrating the Prophet Muhammad and being killed for such accusations by a mob or punished by the Pakistani legal system (Habib, 2014). The blasphemy laws are disproportionately and excessively severely applied to non-Muslims, and often strategically as a method of intimidating religious minorities.

The blasphemy laws are selective in their application and impose excessive restrictions in contradiction of a number of universal human rights, including freedom of expression and freedom of religion or belief (Annex 2).<sup>7</sup>

## RELIGIOUS PERSECUTION

Religious persecution is the systematic and targeted discrimination of a person or a group because of religious practices or beliefs. Violations that an individual or a group face include harassment, insults, abuse, verbal assaults and, in extreme cases, violence, torture and murder.

Amongst the numerous religious minorities in Pakistan, the Ahmadiyya community is one of the most severely persecuted. Ahmadis are often targets of discrimination, assassination and blasphemy charges. Their claim of belonging to the larger Muslim community is offensive to the Muslim majority (both Sunni and Shia) in Pakistan, thus causing severe discrimination on religious grounds. Violence against Ahmadis has been consistently occurring since the Constitution was amended in 1974 and Ahmadis were formally disenfranchised from Pakistani society. Many Ahmadis are forced to live in exile, with a large diaspora community around the world, as a result of such severe legal and violent discrimination.

The legal persecution of Ahmadis began with an amendment to the Constitution in 1974<sup>8</sup> which, by implication, excluded Ahmadis as being considered Muslim. In 1985, this exclusion was formalised with an explicit declaration that Ahmadis were non-Muslim (Constitution of Pakistan, article 260(3)(b)). Ever since, the Government of Pakistan has been utilising certain provisions of the Penal Code to prevent Ahmadis from practicing their religion.

<sup>7</sup> For more information see Annex 2 “Blasphemy laws and their violations”.

<sup>8</sup> Constitution (Second Amendment) Act, 1974.

**Constitution of Pakistan, article 260, paragraph 3 B** “Non-Muslim” means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves Ahmadis or by any other name), or a Bahai, and a person belonging to any of the scheduled castes.”

Such a declaration violates Pakistan’s own constitutional provisions, specifically articles 8-27 on fundamental rights. The Constitution states that “every citizen shall have the right to profess, practice and propagate his religion; and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions” (Constitution of Pakistan, article 20). The most obvious example of discriminatory law towards Ahmadis can be found in the Pakistan Penal Code. It is an offence for Ahmadis to call themselves Muslims and use Islamic words and phrases (Pakistan Penal Code, sections 298B and 298C). Blasphemy accusations against Ahmadis are carried out by using section 295C of the Penal Code in conjunction with sections 298B and 298C.<sup>9</sup>

**Pakistan Penal Code, section 295C** “Use of derogatory remarks, etc., in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.”

**Pakistan Penal Code, section 298B – Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places:**

1. Any person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name who by words, either spoken or written, or by visible representation:

(a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as “Ameer-ul-Mumineen”, “Khalifatul- Mumineen”, Khalifa-tul Muslimeen”, “Sahaabi” or “Razi Allah Anho”;

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as “Ummul-Mumineen”;

(c) refers to, or addresses, any person, other than a member of the family “Ahle-bait” of the Holy Prophet Muhammad (peace be upon him), as “Ahle-bait”; or

(d) refers to, or names, or calls, his place of worship a “Masjid”; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

<sup>9</sup> The Pakistan Penal Codes contains other offences relating to religion. For more information see Annex 2 “Blasphemy Laws and its violations”.



2. Any person of the Qaudiani group or Lahori group (who call themselves “Ahmadis” or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as “Azan”, or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**Pakistan Penal Code, section 298C** “Person of Qaudiani group, etc., calling himself a Muslim or preaching or propagating his faith: Any person of the Qaudiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.”

The laws persecute Ahmadis for simply professing their faith. As a result, many Ahmadis avoid publicly professing their religious affiliation out of fear of becoming targets of discriminatory practices. They are punished for alleged words and beliefs, meanwhile violent acts against them predominantly remain unpunished. The hatred against the Ahmadiyya community is further spread and reinforced through the distribution of printed materials and public hate campaigns. The target audience of such campaigns is urged to violate this community to the largest degree possible, triggering attacks against Ahmadis.

**On May 13, 2014**, four Ahmadiyya Muslims were arrested by the police on blasphemy charges in Sharaqpur, Pakistan. While three were released on bail, Khalil Ahmad was kept in detention, where he was shot dead by a visiting fifteen year-old teenager, who brought a gun, concealed in his lunch box, into the station.

**On May 26, 2014**, Mehdi Ali Qamar, a US citizen and a member of the Ahmadiyya Muslim community, who was a doctor on a humanitarian mission to Pakistan, was murdered in Rabwah, Pakistan. He was killed by two unknown men on motorbikes, while visiting the graves of his relatives at a local cemetery.

**On July 27, 2014**, a Ahmadi family of more than five people was attacked by an angry mob in Gujranwala, Punjab. Three people were killed and many others were injured during the attack, including a pregnant woman who lost her unborn child.

Due to the numerous attacks on Ahmadis, in June 2014 the UN Special Rapporteur on Freedom of Religion or Belief urged Pakistan to adopt measures to stop faith-based killings and ensure the security of the Ahmadiyya community.<sup>10</sup> The lifting of the informal moratorium on the death penalty in December 2014 has significantly increased the already widespread fear of persecution felt by the Ahmadiyya community. Although currently applied exclusively to those convicted of terrorism offences, the renewed practice has the potential to severely worsen the situation of the Ahmadiyya community in Pakistan.

### Key concerns – Religious persecution

1. Ahmadis are persecuted by the Government.
2. Ahmadis are also victims of mob attacks.
3. Materials are distributed to generated hatred against Ahmadis.
4. Attacks carried out by local fundamentalists.
5. Police fails to protect.
6. Perpetrators enjoy impunity.

<sup>10</sup> Office of the Hight Commissioner for Human Rights, “Stop faith-based killings” – UN rights experts urge Pakistan to protect Ahmadiyya Muslim minorites, 2 June 2014.

The particular danger for the Ahmadiyya community comes from the fact that the persecution is systematic, codified, and committed by mobs, while the police neglect to take action. The blasphemy laws violate not only the right of freedom of religion or belief, but also the freedom of expression, and the right to life and security of a person. Basic law enforcement, along with the reform or repeal of the abusive blasphemy and anti-Ahmadi laws, are the necessary steps towards ending such injustice and ensuring the safety of the Ahmadiyya community.

## SECTARIAN VIOLENCE

Sectarian violence is conflict between different sects of the same religion. Conflicts result in violence when groups take action against perceived threats to their communities or pursue revenge. The ambivalent character of sectarianism is such that, despite belonging to the same religion, certain factions of the group are isolated from the larger body. For instance, the Ahmadiyya community are excluded from being considered as Muslim from the wider Muslim community.

Pakistan is experiencing a sharp resurgence in sectarian violence. Such violence involves clashes between members of the two main sects of Islam: Sunnis and Shias. Sectarian violence between the two sects is based on their different views and interpretations of Islam. Pakistan has the second largest Shia community of the world, after that of Iran, but comprise only 15% of Pakistan's population. Most Shias reside in Punjab but also in Hyderabad, Karachi and Peshawar and comprise the dominant majority in tribal areas. Shias played an important role in the country's independence, its history and nation building and have been fully integrated into all segments of the society. Historically, the Shia-Sunni divide has not been an issue in mainstream politics in Pakistan; the founder of the state of Pakistan, Muhammad Ali Jinnah was of Shia origin.

However now, the Shia-Sunni conflict is increasingly deteriorating due to the failure of successive Governments to combat Sunni extremism. Even though Shias are much less affected by discriminatory practices than the non-Muslim minorities, they are very much involved in sectarian clashes/violence around Pakistan. Hatred against the Shia community, just like the Ahmadi community, is also further spread and reinforced through the distribution of printed materials and public hate campaigns, triggering attacks against these communities.

**On January 1, 2014**, a bus of Shia pilgrims was attacked by a suicide bomber on the way to Quetta, Baluchistan. three people were killed and 31 others were injured.

**On January 21, 2014**, at least 22 Pakistani Shia pilgrims returning from Iraq were killed in a bomb attack on a bus in Baluchistan. Lashkar-e-Jhangvi, an anti-Shia group of Sunni militants, claimed responsibility.

**In April 2014**, a pamphlet (attributed to Lashkar-i-Islam) was distributed in KPK, threatening Shias to vacate the area in ten days. The residents of Pahari Pura, Menzoor colony were warned of serious consequences failing to follow the warning.

**On June 9, 2014**, a group of around 30 Shia Hazara pilgrims who had been visiting religious shrines in neighbouring Iran were gunned down in Taftan. Jais-ul-Islam a Sunni Islamist militant group claimed the responsibility.

Since 2001, there have been a record 406 incidents of attacks against Shias, with 2,396 killed and 4,333 injured (SATP). Attacks by suicide bombers on pilgrims and in mosques, roadside massacres and attacks on professionals, doctors and business owners and individuals have been reported on a monthly basis in 2014. Most of these incidents were carried out by local fundamentalists belonging to Sunni networks, however, the sectarian phenomenon also has important ties to regional security dynamics and transnational terrorist networks. Although there are militant groups who have claimed responsibility for the attacks, successive Pakistani Governments have failed to arrest or prosecute members of these militant groups. Most of these attacks took place in Karachi, Sindh.

### **Key concerns – Sectarian violence**

1. Victims are from the Shia community around the country.
2. Roadside massacres and attacks by suicide bombers on pilgrims and in mosques.
3. Target killings on Shia professionals, doctors and business owners.
4. Turmoil created by the spread of hate speech and sectarian propaganda.
5. Attacks carried out by local fundamentalist.
6. Victims reculant to share their stores, due to fear and intimidation.
7. Perpetrators enjoy impunity.

Due to fear and intimidation, victims tend not to share their stories. Conducting fact-finding in these areas also creates safety issues for human rights defenders. The lack of attention by the media and human rights organisations leads to these cases largely going unnoticed.

## **FAITH-BASED VIOLENCE**

Faith-based violence in Pakistan involves non-Muslim religious groups, including Christians, Hindus and Sikhs, being attacked by individuals or mobs due to their non-Muslim religious beliefs. Faith-based violence, coupled with impunity, has been a growing form of violence and contributes to the security instability in the country. Political, religious and ethnic affiliations are known to motivate the attacks which have become common in the provinces of Sindh, Punjab, KPK and Baluchistan. Such attacks breed intolerance in the wider society towards the minority groups and creates a dangerous environment for them.

In 2014, religious minorities have been the targets of numerous attacks by militants or extremist groups, including attacks on temples, churches and graveyards, and killings and abductions of doctors, lawyers, and community leaders. The patterns of attacks vary across the religious groups.

Violations against the Sikh community are generally underreported. The predominant method of abuse relating to Sikhs include abductions, physical violence, and murder by unknown perpetrators. Abduction cases involve unreasonable ransom demands, and threats of killing the victims should the families refuse

to pay. A large number of Sikhs were killed in 2014 as a result of abductions in KPK.

Christians, Hindus and Sikhs largely face attacks on their places of worship by militants and terrorist organisations. Throughout 2014, Christian, as well the Hindu and Sikh minorities, continued to face illegal occupation and desecration of their places of worship and graveyards. Such attacks go hand in hand with threats to the victims, their families, and the entire community in the area. Blasphemy laws are frequently used against the minority communities as a means to settle illegal occupation and land grabbing disputes.

**On March 4, 2014**, a mob equipped with a tractor and fire arms attacked a foundation construction of a Church in village Chack Number 3/4L, in Okara district of Punjab province. The mob pulled down the Church board on which verses of the Holy Bible were written and were shouting slogans such as “No construction of Church in our village”, “No worship places of infidel Christians” which spread fear amongst the Christian community in the village. When the Christians of the village came out of homes to save the Church foundation, the attackers pulled guns on them and injured them with sticks.

**On March 15, 2014**, hundreds of angry Pakistanis attacked a Hindu temple and set it on fire in Larkana, due to a rumour that a member of the Hindu community had desecrated the Koran.

**On September 6, 2014**, Harjeet Singh was sitting in his herbal medicine store in the Nothia Bazaar area of Peshawar when two armed men entered the shop and opened fire.

Minorities are particularly vulnerable to these kinds of abuses due to their inability to seek redress through the judicial system. Case hearings on illegal occupation and land grabbing can last for years without any clear decisions/rulings. The entire community is refused access to their places of worship during these unnecessarily lengthy processes.

The length of the legal procedures, as well as the failure of investigating and prosecuting authorities to hold perpetrators accountable, are barriers to victims receiving justice and significantly reduces victims’ trust in the Pakistani legal system. This lack of trust, in turn, creates a sense of fear and insecurity in the society and encourages a culture of impunity.

Religiously motivated attacks have become too common a practice in Pakistan. The right to profess and practice religion or belief is guaranteed by article 20 Constitution of Pakistan and article 18 ICCPR, to which the Pakistani Government is a signatory.

## **Constitution of Pakistan, article 20 - Freedom to profess religion and to manage religious institutions**

Freedom to profess religion and to manage religious institutions – subject to law, public order and morality.

(a) every citizen shall have the right to profess, practise and propagate his religion; and

(b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Pakistan has the obligation, as stated in article 18 ICCPR, to protect the right to freedom of thought and religion. This principle captured by the freedom of religion is the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance, without fear of intimidation, discrimination, violence or attack.

The Pakistani Government, as the state, has a legal and moral obligation to protect its citizens and ensure citizens are able to exercise their fundamental rights, including the freedom of religion. Despite some actions directed at protecting religious minorities, the Government largely fails to take effective measures that could prevent social intolerance and violence against religious minorities. Further, the lack of prosecution of those responsible for attacks on religious minorities hinders any governmental attempts to address the issue: only by holding perpetrators to account can future violence against religious minorities be prevented.

## **ABDUCTIONS, FORCED CONVERSIONS AND MARRIAGES**

In 2014, the rate of abductions, forced conversions and marriages of underage girls in Pakistan has seen an alarming increase. According to the report of the Office of the United Nations High Commissioner for Human Rights on preventing and eliminating child, early and forced marriage, there are different factors that contribute to the vulnerability of these girls to such practices. The first, and one of the most significant contributing factors, is poverty. Poverty decreases the options available for a family to seek legal help in securing the return of the girl. The second factor is poor education. Many of the victims do not have other prospects of attaining financial security (UN, 2014) due to the lack of access to education of any kind. In addition, the current school curriculum institutionalises discrimination by referring to the superiority of Muslims over other religious groups. Instilling negative attitudes towards minority groups early in life creates a dangerous gap, whereby minority groups are diminished and viewed as inferior beings. This fact paves the way for abductions, forced conversions and forced marriages to take place. Culture is another contributing factor. Marriages with young girls are often considered honourable in the region. Such honour is attached to the image of purity and innocence, which are more likely to be found in a younger girl and linked to notions of virginity (UN, 2014). In other cases, such marriages are reportedly based on the idea of converting the non-believers into one's own religion through marriage. The process is often referred to as 'islamisation'.

Minority girls are particularly targeted for these kinds of abuses due to the financial insecurity and

general vulnerability of minority groups. GHRD has monitored numerous cases of forced conversions and marriages from the Christian and Hindu communities over the last couple of years. According to a report from the Movement for Solidarity and Peace (2014), about 1000 non-Muslim girls are converted to Islam each year in Pakistan. Most cases remain unreported due to safety fears of the victims and their families of the consequences of reporting. The true scale of the problem is, therefore, likely to be considerably higher. The lack of minority groups' representation in the provinces is yet another reason for the improper representation of the issue and the lack of reliable information on the scale of the problem.

The Child Marriage Restraint Act 1929 is national legislation that defines a "child" as a male who is under 18 years of age and a female who is under 16 years of age (section 2 (a)). Despite this age restriction child marriages are prevalent in Pakistan. Cases of abductions, forced conversions and marriages have a specific pattern: most of the victims are Christian and Hindu (often between the ages of 12 and 25) and belong to poor families. The majority of the cases in the rural and marginalised areas, that tend to go unreported due to the difficulties associated with access to information, involve girls between 12-14 years. The lack of law enforcement cooperation and inadequate case registration and processing complicate the situation even further. In many cases the police officers refuse to register a First Information Report (FIR)<sup>11</sup> or delays registering a FIR without a proper reason or explanation. The period between the abduction and police intervention is crucial: the faster the investigation starts the more chances there are to return the victim back to her family. In addition, the police officers often do not prioritise or even neglect to follow judicial orders to take actions, which further delays the process and complicates the families' ability to have the victim returned. In some cases the abductor registers a counter claim on behalf of the victim, accusing the victim's family of harassing the woman to whom he is married. The usual justification in such cases is the claim of a voluntary nature of the marriage, where girls are presumed to have run away and married of their own free will, a fact often contradicted by the victims' claims.

**On October 21, 2014,** Kajal Bheel (12 years old) was abducted from her home in Sindh, Pakistan. Later that day she was forcefully converted to Islam and married to one of her abductors, Mr. Muneer Dars (24 years old). Since then Kajal has been staying with her perpetrator, while the legal procedure has been postponed time and again.

Tensions in the religiously mixed communities where abductions take place are yet another obstacle for justice. Judges, fearing the escalation of tensions, refuse to make decisions that, although fair, could result in violent outbreaks or personal harm to the judges, the victims and their families.

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<sup>11</sup> FIR is an official document prepared by the police upon receiving a complaint lodged by the victim or someone on the victims behalf.

**On October 23, 2014**, Anjali Meghwar (12 years old) was abducted from her home in Sindh, Pakistan. Later she was forcefully converted to Islam and married to one of her abductors, Mr. Riza Siyal (approximately 29 years old). During Anjali's first appearance before the judge on November 21st, the judge officially recognised Anjali as a minor under Pakistani law. As a minor, she is allowed to return home. Nevertheless, Anjali was ordered to stay in the shelter home until she reaches the age of 18 and can legally make the decision as to where she wants to be and with whom.

During the hearing the lawyer also brought it to the judge's attention that both the victim and her parents were being threatened Anjali's family was forced to move to undisclosed locations. Anjali also mentioned that she was under immense pressure in the shelter home, where she was constantly told to lie about her age and the fact that she was forcefully married and converted. The judge ignored such claims.

The primary issues addressed in court proceedings involving forced conversions and marriages relate to the age of the victim and whether the religious conversion and marriage took place with consent. Birth certificates, and other documents produced in support of a victim being underage, are generally disregarded as proof of age by judges. Instead, there appears to be a preference given to ordering a medical examination to determine the age of the victim. Despite evidence of the victim being a minor, judges alarmingly place emphasis on the verbal consent to the marriage given by the minor victim in court. Even though this consent occurs in a hostile environment with compounding pressure, including from the perpetrator and his family, extremists from the community who attend court and the wider society condoning these type of marriages. Where birth certificates are available but ignored, the medical examination process delays the ability of the family to have the victim returned and further subjects the victim to abuse. The victim is usually sent to a shelter home until the medical examination has been completed.

Whilst the girl is in the shelter home or with her abductor, she can suffer from heavy psychological and physical abuse, intimidation and threats. Once the victim is in the custody of the abductor, she may be subjected to sexual violence, rape, forced prostitution, human trafficking and sale, or other domestic abuses (Movement for Solidarity and Peace, 2014). The victim's family almost always face intimidation and threats themselves. Dangerous environments like these force the victims' families to constantly move to new undisclosed locations, while the underage girls give false statements under pressure.

Although there are legal mechanisms in place to protect underage girls, in reality there are often numerous obstacles preventing the mechanisms from being used. Legal proceedings can be exceptionally prolonged without clear justification for the delays. In addition, there are reported cases where certain shelter homes are complicit in the forced conversion situation, by subjecting the victim to threats as well as forcing the victim to perform Muslim religious rituals (regardless of their religious affiliation).

Adult Hindu women, even when married, have often been subjected to abductions, forced conversions and marriages, as well as harassment by the law enforcement personnel, in part due to the lack of such recognition. Hindu women are unable to produce a marriage certificate in evidence of their existing relationship status, leaving them vulnerable to subsequent forced marriages. Hence most of these women live in a constant state of fear. The Hindu Marriage Bill 2015 will provide a crucial mechanism to combat forced conversion and marriage of already-married adult Hindu women. The Bill provides for a shaadi parat (Hindu marriage certificate) to be issued and maintained by a marriage registrar.<sup>12</sup> Married adult Hindu women will, therefore, be able to provide evidence of their marriages in court and to other authorities. Proof of legal marriage will also prevent the registration of subsequent forced marriages, or if fraudulently registered, provide the means to deem all subsequent marriages null and void.

### **Key concerns – Abductions, forced conversions and marriages**

1. Most victims belong to poor families.
2. Most victims are from Christian and Hindu community.
3. Most victims are minors, below the age of 18.
4. Most families of victims face obstacles in lodging an FIR.
5. Official government documents handed over by the parents of the victims as evidence are not recognised and accepted by judges.
6. Statements of victims are made under pressure.
7. Court hearings are constantly prolonged without justification.
8. Most perpetrators enjoy impunity.
9. Government does not recognise civil or common-law marriages.
10. Marriages of Hindus are not recognised and registered.

Abductions, forced conversions and marriages constitute a violation of fundamental human rights. It violates not only the freedom of religion and the right to life and security of the person, but also the freedom from discrimination and freedom of expression.

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<sup>12</sup> Hindu Marriage Bill 2015, cls 2, 6, and 7.



“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration..”

– UN Declaration on Human Rights Defenders, Art. 12(2)



## Safety and Security of Human Rights Defenders

The level of safety and security of human rights defenders in Pakistan is deeply worrisome. Human rights defenders face frequent threats, intimidation and deadly violent attacks for their activism. The Government has failed to take urgent measures to ensure their safety. Fighting impunity for violations committed against human rights defenders is crucial in order to enable them to work in a safe and conducive environment, as is stated by the UN Special Rapporteur on human rights defender, Margaret Sakaggya (2014).

In 2014, GHRD's fact-finding missions covered Baluchistan, Gilgit Baltistan and PAK. During one such mission, Baluchistan was described as “a land of severe dangers”, as illustrated by the assassination of minority group leader, Handery Masih, a member of the Baluchistan Provincial Assembly and director of the Human Rights Commission Pakistan. Handery Masih was killed by his own guard. Reported cases of attacks on human rights defenders are rare, while unreported cases are estimated at being in the hundreds in Baluchistan alone. A significant reason why cases of human rights defenders being attacked are unreported is the threat of blasphemy accusations, used as a tool to prevent attacks from being reported. Besides threats from militants or local extremist groups, human rights defenders are also threatened by security agencies, or through threatening the safety of their family members.

In Gilgit Baltistan and PAK, human right defenders, including our local partners, also face threats during their fact-finding missions. Upon learning about fact-finding missions and scheduled interviews with victims and witnesses, the local community puts immense pressure not only on the human rights defenders themselves, but also on the victims and their families not to share any information. Our local partners' mobile phones and cameras have been repeatedly taken away, with police standing by without taking appropriate action. The situation in Baluchistan, including Turbat, is similar. According to one of GHRD's partners, violations against the human rights defenders are significantly higher than in previous years. The incidents involve attacks committed by militants, terrorists and other religious groups.

**On May 7, 2014**, Rashid Rehman Khan, an activist, Supreme Court advocate and coordinator of the Human Rights Commission Pakistan in Multan, Punjab was shot dead after defending a lecturer accused of blasphemy. The lecturer had had no legal representation for a year due to fundamentalist groups. Mr. Rehman received death threats and had been attacked five times before filing a complaint against the fundamentalists. For example, Mr. Rehman was threatened inside a courtroom by two lawyers and two other perpetrators against appearing for the next hearing. Subsequently, gunman shot him dead in his office while his two subordinates suffered severe injuries.

**On June 14, 2014**, Handery Masih Baloch, human rights defender, a Christian MPA and director of HRCP of the Baluchistan province was brutally assassinated in front of his home. His security guard opened fire and murdered him while Mr. Mashi was working and listening to issues raised by the local community.

The UN Declaration on Human Rights Defenders, although not legally binding, was adopted by the UN General Assembly and outlines specific duties of States and responsibilities of everyone in defending human rights and protecting human rights defenders. The human rights defence work undertaken by journalists is particularly important in drawing attention to violations that occur on the ground. The World Press Freedom Index 2015 (Reporters without Borders for Freedom of Information, 2015) ranks Pakistan 159 (out of 180) as the most dangerous country for journalists. The risk of terrorism-related activities, political influence and uncertain security conditions are just a few major reasons for the lack of media freedom in Pakistan. As a country, Pakistan continues to fail to protect the rights of human rights defenders, which consequently jeopardises the crucial work they do.

“All human beings are born free and equal in dignity and rights.”

– Universal Declaration of Human rights, Art. 1

## Concluding Remarks

The situation of religious minorities in Pakistan is complex and worrisome. Violations of the universal right to freedom of religion or belief are systematic and widespread. Religious minorities face economic, political and social marginalisation and are the targets of atrocities that affect every aspect of their lives. Poverty and an unstable security situation are often the root causes of such violations, as well as being obstacles to improving the situation. In addition to the societal persecution, religious minorities are being targeted by the Government through discriminatory legislation. Human rights defenders face tremendous violations, including intimidation, threats, and assassination on a daily basis.

Despite Pakistan's constitutional guarantee of the freedom of religion, the religious minorities live in constant fear of having the discriminatory provisions of the blasphemy laws used against them. Shias, Ahmadis, Christians, Hindus and Sikhs are primary targets of violence in Pakistan. While Ahmadis and Christians are likely to be charged with blasphemy, the Shias and Sikhs face intentional, premeditated and deliberate attacks, often with lethal outcomes. Attacks, desecration of religious places and land grabbing continued unabated, with little apparent prospects of improvement. The Pakistani Hindu and Christian communities are the main targets of abductions, forced conversions and marriages. The occurrence of this phenomenon has been increasing in the last year, above all in the Sindh Province.

Attacks based on religious persecution, sectarian violence and faith-based violence not only violate the freedom of religion or belief and the right to life and security of the person, but they also infringe upon the freedom from discrimination and freedom of expression. A culture of impunity creates a climate of insecurity and a lack of respect for justice.

Even though Pakistan may claim to have ratified all major international human rights treaties and conventions, the reality tells a different story. The Pakistani Government consistently fails to protect the

rights of its citizens, particularly religious minorities. With respect to religious minorities, Pakistan has not only failed to fulfill its obligations, but it has also actively contributed to several systematic abuses of minority rights. The lack of accountability and transparency of the Government makes the situation of minorities worse.

The unwillingness of the Pakistan Government to protect all citizens, not only violates Pakistan's constitutional guarantees and international commitments, but also encourages a climate of impunity for the perpetrators as they continue to go unpunished.

## Recommendations

GHRD urges the Government of Pakistan to consider the recommendations below and take appropriate actions to improve the current situation of its minorities so that they are able to enjoy their full rights as citizens of Pakistan.

We further urge international authorities, policy makers and foreign governments to engage in dialogues with Pakistan to give due consideration to these recommendations and actively persuade and encourage the Pakistani Government to implement these and other measures to effect a positive change for the situation of minorities in the country.

### RECOMMENDATIONS TO THE GOVERNMENT OF PAKISTAN

#### Legislation

- Adhere to the commitments of the 27 international conventions that Pakistan has ratified;
- Repeal the discriminatory 'blasphemy laws';
- Implement article 20 Constitution of Pakistan; freedom to profess religion and to manage religious institutions;
- Immediately pass the Hindu Marriage Bill, hereby officially recognising Hindu marriages and providing full legal rights to Hindu women;
- Implement the Child Marriage Restraint Act at the federal and provincial levels:
  - "Ensure that punishment should be made applicable to all the parties involved in child marriage including the parents of both the groom and the bridegroom, and the person who solemnizes such a marriage (the Nikah Khwan/marriage registrar)" (Institute for Social Justice Pakistan, 2012);
- Ensure adequate law enforcement to protect minorities from abductions, forced conversions and marriage:
  - Initiate a formal inquiry into the issue of abductions, forced conversions and marriages of minorities;

- Ensure official procedures and a monitoring system to verify the validity of religious conversions and marriages that take place. In particular, around religious institutions (including madrassas) and officials involved in registering religious conversions and marriages.

### Promotion, Security and Protection

- Actively promote the respect for freedom of religion or belief by giving effect to the guarantees in the Constitution;
- Actively use all necessary means to stop violence against religious minorities;
  - Impose bans on hate speech and sectarian propaganda;
- Actively use all necessary means to stop abductions, forced conversions and marriages;
- Actively use all necessary means to protect religious minorities to practice their religion by providing safety at places of worship;
- Actively use all necessary means to guarantee and protect the rights of human rights defenders.

### Education

- End religious discrimination in schools:
  - Remove all discriminatory references from the educational curriculum;
- Actively promote religious tolerance, interfaith harmony and coexistence in school/ Madrassas.

## RECOMMENDATIONS TO THE LAW MINISTRY AND JUDICIARY

- Ensure the protection of children by assigning custody of an abducted and allegedly converted child to the family or legal guardian;
- Acknowledge birth certificates and other official documents as a legal proof of the age of the victims;
- Provide safety for the victim and the victim's family outside of the community, should they be threatened.

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# Annex 1: International Obligations

## PAKISTAN'S INTERNATIONAL OBLIGATIONS

GSP+ status was conditional on Pakistan ratifying and/or removing reservations relating to the following 27 conventions.

Conventions	Reservations
1. International Covenant on Civil and Political Rights, 1966	<b>Ratified with the following reservation:</b> - Art. 3 Equal rights of men and women
2. International Covenant on Economic Social and Cultural Rights, 1966	<b>Ratified without reservations</b>
3. International Convention on the Elimination of All Forms of Racial Discrimination, 1965	<b>Ratified without reservations</b>
4. Convention on the Elimination of All Forms of Discrimination Against Women, 1979	<b>Ratified with the following reservation:</b> - Art. 29 Submission of dispute regarding interpretation and application
5. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	<b>Ratified with the following reservations:</b> - Art. 8 Extradition of alleged torturers - Art. 28 Inquiries into systematic practices of torture - Art. 30 Submission of dispute regarding interpretation and application
6. Convention on the Rights of the Child, 1989	<b>Ratified without reservations</b>
7. Convention on the Prevention and Punishment of the Crime of Genocide, 1948	<b>Ratified without reservations</b>
8. Convention concerning Minimum Age for Admission to Employment (N° 138), 1973	<b>Ratified without reservations</b>
9. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (N° 182), 1999	<b>Ratified without reservations</b>
10. Convention concerning the Abolition of Forced Labour Convention (N° 105), 1957	<b>Ratified without reservations</b>
11. Convention concerning Forced or Compulsory Labour (N° 29), 1930	<b>Ratified without reservations</b>
12. Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value (N° 100), 1951	<b>Ratified without reservations</b>

13. Convention concerning Discrimination in Respect of Employment and Occupation (N° 111), 1958	<b>Ratified without reservations</b>
14. Convention concerning Freedom of Association and Protection of the Right to Organise (N° 87), 1948	<b>Ratified without reservations</b>
15. Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (N° 98), 1949	<b>Ratified without reservations</b>
16. Montreal Protocol on Substances that deplete the Ozone Layer, 1987	<b>Ratified without reservations</b>
17. Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and Their Disposal, 1989	<b>Ratified without reservations</b>
18. Stockholm Convention on persistent Organic Pollutants, 2001	<b>Ratified without reservations</b>
19. Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973	<b>Ratified without reservations</b>
20. Convention on Biological Diversity, 1992	<b>Ratified without reservations</b>
21. Cartagena Protocol on Biosafety, 2000	<b>Ratified without reservations</b>
22. Kyoto Protocol to the UN Framework Convention on Climate Change, 1998	<b>Ratified without reservations</b>
23. UN Single Convention on Narcotic Drugs, 1961	<b>Ratified and reservation is:</b> - “The Government of the Islamic Republic of Pakistan will permit temporarily in any of its territories: (i) The quasi-medical use of opium; (ii) The use of cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes, and (iii) The production and manufacture of and trade in the drugs referred to under (i) and (ii) above.”
24. UN Convention on Psychotropic Substances, 1971	<b>Ratified without reservations</b>
25. UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	<b>Ratified without reservations</b>
26. UN Convention Against Corruption, 2003	<b>Ratified and reservation is:</b> - Article 66 Settlement of disputes
27. UN Framework Convention on Climate Change, 1992	<b>Ratified without reservations</b>

# Annex 2: Blasphemy laws and its violations

## PAKISTAN PENAL CODE: OFFENCES RELATING TO RELIGION

**Section 295 PPC | *Injuring or defiling place of worship, with Intent to insult the religion of any class:***

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion. shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Section 295A PPC | *Deliberate and malicious acts intended to outrage religious feelings of any class by insulting Its religion or religious beliefs:***

Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

**Section 295B PPC | *Defiling, etc., of Holy Qur'an:***

Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

**Section 295C PPC | *Use of derogatory remarks, etc., in respect of the Holy Prophet:***

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

**Section 296 PPC | *Disturbing religious assembly:***

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Section 297 PPC | *Trespassing on burial places, etc.:***

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**Section 298 PPC | *Uttering words, etc., with deliberate intent to wound religious feelings:***

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any

sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

**Section 298A PPC | Use of derogatory remarks, etc., in respect of holy personages:** Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**Section 298B PPC | Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places:**

1. Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name who by words, either spoken or written, or by visible representation:

(a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as "Ameer-ul-Mumineen", "Khalifatul- Mumineen", Khalifa-tul Muslimeen", "Sahaabi" or "Razi Allah Anho";

(b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as "Ummul-Mumineen";

(c) refers to, or addresses, any person, other than a member of the family "Ahle-bait" of the Holy Prophet Muhammad (peace be upon him), as "Ahle-bait"; or

(d) refers to, or names, or calls, his place of worship a "Masjid"; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

2. Any person of the Qadiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as "Azan", or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**Section 298C PPC | Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith:** Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

# PAKISTAN'S BLASPHEMY LAWS LEADS TO THE FOLLOWING HUMAN RIGHTS VIOLATIONS

## Violation of the right to Freedom of Religion or Belief

### Universal Declaration of Human Rights

**Article 18.** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

### International Covenant on Civil and Political Rights

**Preamble.** The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms, (...)

**Article 18-1.** Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

**Article 18-2.** No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

**Article 18-3.** Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

**Article 18-4.** The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

**Article 20-2.** Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

**Article 27.** In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

### **Constitution of the Islamic Republic of Pakistan**

**Article 20.** Freedom to profess religion and to manage religious institutions – subject to law, public order and morality. (a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

### **Violation of the right to Freedom of Opinion and Expression**

#### **Universal Declaration of Human Rights**

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### **International Covenant on Civil and Political Rights**

Article 19-1. Everyone shall have the right to hold opinions without interference.

Article 19-2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Article 19-3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

### **Constitution of the Islamic Republic of Pakistan**

Article 19. Freedom of speech, etc.- Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof,

friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, 1[commission of] or incitement to an offence

## Violation of the right to Freedom from Discrimination

### Universal Declaration of Human Rights

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

### International Covenant on Civil and Political Rights

**Article 2-1.** Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 6-2.** In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

**Article 20-2.** Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

**Article 26.** All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 27.** In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

### Constitution of the Islamic Republic of Pakistan

**Article 25-1.** Equality of citizens. All citizens are equal before law and are entitled to equal protection of law.

## Violations of the right to Life and Security of the Person

### **Universal Declaration of Human Rights**

Article 3. Everyone has the right to life, liberty and security of person.

### **International Covenant on Civil and Political Rights**

Article 6-1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 6-2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.



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