



# Pakistan Report

March 2021

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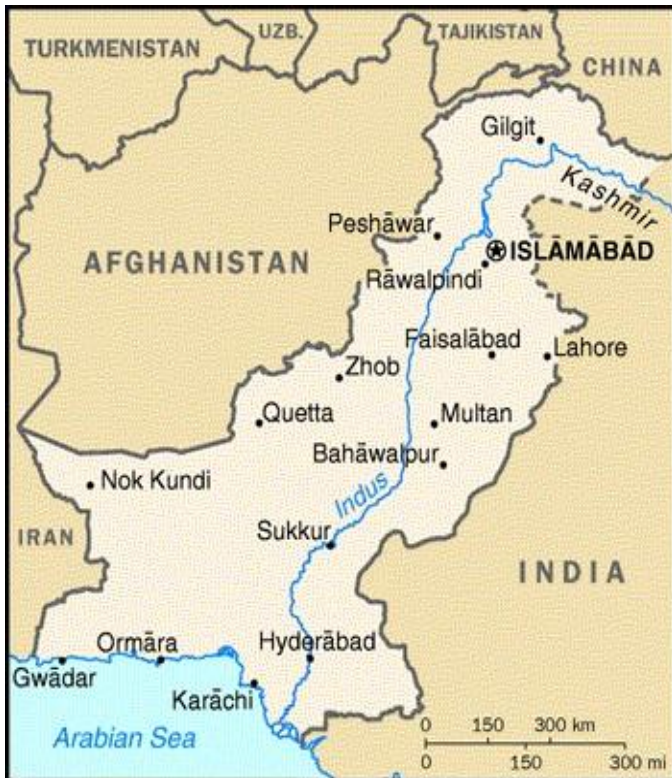
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## Aim

To advance towards higher human rights standards in Pakistan, the voices of these minority 'groups' must be addressed and discussed. This report aims to raise awareness on the ongoing human rights violations suffered by minorities and marginalised groups in Pakistan. Accordingly, it describes a few notable events that occurred in March 2021.

# Pakistan



Source: Worldrover.com

Region:	Pakistan
Population:	223 million (Worldometers, 2021)
Capital:	Islamabad
Largest city:	Karachi
Official languages:	English and Urdu (Nag, 2019)
Other major languages:	Punjabi, Pashto, Sindhi, and Balochi (Nag, 2019)
Religion:	Islam (majority), followed by Hinduism, Christianity and Ahmadiyya (Minority Rights Group International [MRGI], 2019).
Ethnic minorities:	Punjabis, Sindhis, Pashtuns, Mohajirs and Baluchis (MRGI,2019).

# Human Rights violation against minorities in Pakistan

Currently, Pakistan exists in a climate of fear provoked by media restriction, political oppression, and discrimination towards ethnic and religious minorities (Human Rights Watch [HRW], 2021). Journalists, human rights activists, and members of opposing political parties often face governments' harassment and censorship, and in some cases, imprisonment (Amnesty International, 2019a). By the same token, human rights activists are repeatedly threatened by terrorist groups and military groups, who are often neither investigated nor prosecuted (Colville, 2020).

Particularly concerning are the 'blasphemy laws': section 295 of the Pakistan Penal Code<sup>1</sup> that punishes any behaviour intended to insult the religion of any class. According to a spokesperson for the UN High Commissioner for Human Rights (Colville, 2020) and End Blasphemy Laws Coalition (2020), the blasphemy laws often allow violence to arise against religious minorities for personal or political score-settling. These blasphemy laws provoke constant threats, arbitrary arrests on insubstantial and uncorroborated evidence, social exclusion, and extrajudicial killings (Amnesty International, 2016). In other words, the risk of violence induced by these laws inevitably leads to indirect oppression towards members of opposing political parties, human rights activists, journalists, and religious minorities. Consequently, it is not surprising that several international human rights advocates, such as Amnesty International (2016) or the UN Office of the High Commissioner for Human Rights (2018), have constantly expressed the urge to repeal these laws.

Enforced disappearance is another concern in Pakistan. According to the Commission of Inquiry on Enforced Disappearances' most recent report (2021), as of January 31, 2021, the number of cases of alleged enforced disappearances is 2122. The groups and individuals targeted are usually people from Sindhi, Baluch, and Pashtun ethnicities; the Shia community; political activists; human rights defenders; and members and supporters of religious and nationalist groups (Amnesty International, 2019b). In addition to the risk of torture and death during the captivity of those forcibly disappeared, their families also suffer psychological harm because they live with continuous uncertainty about the whereabouts of their relatives (Amnesty International, 2019b). Despite the pledges of successive governments to criminalise such practices, Pakistani people continue to protest against impunity for these sorts of acts (Amnesty International, 2019b).

<sup>1</sup> Pakistan Penal Code is accessible at: <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

## Religion

Religion has historically played a crucial role in Pakistani culture and politics. The very establishment of Pakistan resulted from the demands for a homeland from an Islamic political party, the All-India Muslim League. The vast majority of the population (96%) (MRGI, 2019) professes Islam as their faith, with followers of both the Shia<sup>2</sup> and Sunni<sup>3</sup> sects.

Article 2 of the Pakistani Constitution of 1973 officially recognises Islam as the State religion (Pakistan Constitution, article 2). Nonetheless, freedom to profess any religion is protected in article 20(a): “every citizen shall have the right to profess, practice and propagate his religion.” Additionally, formal recognition and respect for religious minorities are enshrined in article 36: “The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.”. Moreover, the requirement to establish a provision within the Pakistani Constitution that protects both ethnic and religious minorities is stated in the Preamble: “Adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures.”

Furthermore, Pakistan has ratified many international treaties and conventions with regards to religious and cultural self-determination, such as the Universal Declaration of Human Rights (UDHR)<sup>4</sup>, the International Covenant on Civil and Political Rights (ICCPR)<sup>5</sup>, and the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>6</sup>. For instance, the UDHR protects the freedom of every person to manifest their religion (UDHR, article 18) and prohibits any kind of discrimination based on religion (UDHR, article 2).

Despite these ratifications, religious minorities remain targets of threats, social exclusion, arbitrary arrests, and even extrajudicial killings due to the blasphemy laws mentioned above. These laws are a set of rules, the centerpiece of which is section 295 of the Pakistan Penal Code which provides penalties for blasphemy and other offences against religion, especially against Islam (Human Rights Commission of Pakistan [HRC], 2015).

<sup>2</sup> Shia is the smaller of the two major sects of Islam, distinguished from the majority Sunnis. Shias believe that Muslim leadership belonged to Muhammad's son-in-law Ali and his descendants alone. Shias have thus regarded the leadership of Islam as being determined by divine order (The Editors of Encyclopaedia Britannica [TEEB], 2019)

<sup>3</sup> Sunni is the branch of the Islam that has the largest number of adherents. They regard themselves as the mainstream and traditionalist branch of Islam. The main characteristic that distinguishes this branch from the Shia is the recognition of the first four caliphs as the Prophet Muhammad's rightful successors. They also regard the leadership of Islam as being determined by the prevailing political realities of the Muslim world (TEEB, 2019)

<sup>4</sup> The text of the Universal Declaration of Human Rights is available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>5</sup> The text of the International Covenant on Civil and Political Rights is available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>6</sup> The text of the International Covenant on Economic, Social and Cultural Rights is available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Likewise, the persecution and targeting of the Islamic Ahmadiyya<sup>7</sup> minority portrayed by explicitly discriminatory provisions are clearly at odds with the Pakistani commitment to the international treaties mentioned above (Amnesty International, 2021). These discriminatory provisions include Article 260 of the Pakistani Constitution which expressly considers the Ahmadis non-Muslim, even though they identify themselves as Muslims, and Section 298 of the Pakistani Penal Code prohibits the Ahmadi to call themselves Muslims and even criminalizes any propagation of their faith. Human Rights Watch reports that these measures contribute to acts of violence against the Ahmadi, such as the destruction of their places of worship, death sentences, and extrajudicial killings (2018).



A member of the Ahmadiyya community crying after burying an Ahmadi man killed in a targeted attack in northwest Pakistan. Photo credits: <https://www.aljazeera.com/>

Lastly, the Christian and Hindu communities have also been affected by these blasphemy laws. Some of their members were arbitrarily arrested and even sent to death row under blasphemy accusations (Amnesty International, 2021). Equally worrying are the abductions of Christian and Hindu women to forcibly convert them to Islam and their consequent forced marriage.

<sup>7</sup> The Ahmadiyya community is a minority in Pakistan that, even though they identify as Muslims, Pakistan's laws regard them as non-Muslims. The main difference between the Ahmadiyya beliefs and the beliefs of the majority of Muslims is that Ahmadiyya's believe that the Promised Messiah has arrived, whereas other Muslims are still waiting for the Prophet to arrive.

## Freedom of expression

Regarding the rights to freedom of speech, freedom of association, and media pluralism the situation remains considerably alarming. The media's ability to report on violations by both government security forces, and terrorist groups has been hampered by an atmosphere of fear (HRW, 2021). Journalists facing threats and attacks have resorted to self-censorship, and human rights activists continue suffering enforced disappearances (Dawn, 2020).

In Article 19, the Pakistani Constitution recognises the right to freedom of speech and free press. However, this is subject to “any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan” (Pakistan Constitution, article 19). As for the right to freedom of association, it is enshrined in Article 17 of the Pakistani Constitution and is also “subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.” In contrast, according to the international standards of human rights, in terms of Article 19 of UDHR, freedom of speech is: “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”. Moreover, the ICCPR, as it has a legally binding character, protects the right to freedom of expression in its article 19(2): “everyone shall have the right to freedom of expression”, and the right to freedom of association in its article 22: “everyone shall have the right to freedom of association with others”.

Similarly, the daily reality opposes Pakistan’s constitutional provisions. Media outlets are being pressured by the authorities not to criticise government institutions or the judiciary (HRW, 2021). Journalists are being targeted under oppressive laws and charged with sedition and defamation, which led to the government curtailing media freedoms. Minority groups such as the Ahmadiyya community face discrimination through the media, being victims of hate campaigns against them, which has provoked a prevalence of prejudice and stereotypes in the media (HRC, 2015).

Moreover, enforced disappearances continue happening to human rights activists and journalists that speak up against the government (Amnesty International, 2019b; United Nations Office of the High Commissioner for Human Rights, 2020). Several Pakistani journalists have warned of a “coordinated campaign” of social media attacks against those who openly criticise the government (Colville, 2020). Even Non-governmental Organisations have reported intimidation and harassment (Committee to Protect Journalists, 2018).





Human rights activists during a protest to condemn the forced disappearances of social activists in Karachi, Pakistan. Photo credits: voanews.com

# Human Rights Violations Pakistan – March 2021

## Blasphemy

Pakistan court admits petition seeking death for blasphemy convicts



The family of Sajjad Masih Gill, who was sentenced to life imprisonment in 2013. Photo credits: UCANEWS

A Pakistani court has agreed to hear a petition calling for the death penalty for a Christian previously sentenced to life in prison after being found guilty of sending defamatory text messages about Prophet Muhammad.

On March 10th, the Lahore High Court accepted a petition to revise and submit to the division bench the judgment of Sajjad Masih Gill, a Seventh-day Adventist Church member.

Gill was sentenced to life in prison in July 2013 after sending a controversial text message to a Muslim man in December 2011. In addition, he was convicted to pay a fine of 314,500 rupees (US\$2,000). He was arrested by policemen who used a cellphone tower to track down his phone number.

According to Awan who was one of the prosecuting lawyers of the trial, the court had supported the prosecution's claim that capital punishment was the only possible penalty for blasphemy and life sentence was "repugnant" to Islamic injunctions. The review petition comes as orthodox Muslims call

for the death penalty to be the only punishment for blasphemy. They claim that life imprisonment as a substitute for death contradicts Islamic ethos and Shariat regulations (Chaudhry, 2021).

## High Court in Pakistan Grants Bail to Christian Man Convicted of Blasphemy



Lawyer Riaz Anjum (third from right) with the family of Nabeel Masih in 2017. Photo credits: UCANEWS

The Lahore High Court granted Nabeel Masih bail on Monday, 1<sup>st</sup> of March. Masih's lawyer, Naseeb Anjum, told the media that he was working and gathering the necessary documentation to secure Masih's release. In a statement to the media, Anjum said, "I will continue this legal battle for his acquittal." (International Christian Concern, 2021)

In 2018, Masih was found guilty of blasphemy and sentenced to ten years in prison. He was 18 years old at the time and the youngest person ever accused of blasphemy in Pakistan. Masih's counsel will now seek to obtain a full acquittal for him (Chaudhry, 2021b)

## Forced conversion

In 26-days, three Hindu girls got abducted and converted to Islam in Sindh.



The FIR report the family of Reena Meghwar lodged to the police after her abduction on February 13th. Photo credits: The Rise New

Three Hindu girls were kidnapped and converted to Islam in 26 days alone. Aarti Meghwar and Kaveeta Odh, both minors, were kidnapped in the provinces of Daharki and Tangwani, Kashmir. Reena Meghwar, the third child, was kidnapped on February 13, 2021, and has been married to an adult in Dadu (The Rise News Staff, 2021)

Aarti Meghwar's father, Kirshan Lal [on official records, his name was listed as Ramesh Lal], told The Rise News, which is a Pakistani NGO Newspaper, that he was allowed to meet his daughter in the city of Bharchundi for a photo session only. When he met Kaveeta, he explained what had happened at the conference. He was unable to tell the media about his meeting because he feared for his family's safety (The Rise News Reporter, 2021).

According to Veerji Kohli, Sindh Chief Minister's special assistant, and a lawyer, cases of girls abducted and their conversion to Islam are closely followed under the Child Marriage Restraint Act<sup>8</sup>. (The Rise News Reporter, 2021).

<sup>8</sup> [chdsla.gov.in/right\\_menu/act/pdf/childmarriage.pdf](https://chdsla.gov.in/right_menu/act/pdf/childmarriage.pdf)

## Other minority news

### **Pakistan government accused of stalling the functioning of its human rights commission**

On the 29th of March, the Islamabad high court inquired the government to fill the vacant post of the head of the National Commission for Human Rights (NCHR). It followed the accusation that the Government would be deliberately obstructing the appointments of the new members in order to weaken the organization, leaving it unable to carry out its duties (Baloch & Ellis-Petersen, 2021).

The NCHR, established in 2012, has powers to review whether existing and proposed legislations are in accordance with human rights law and develop a plan of action for the promotion and protection of human rights (Stubbs, 2021). Its members are supposed to be impartial, non-political figures and acting to promote, protect and fulfill human rights (Stubbs, 2021).

Activists and former NCHR workers have accused Prime Minister Imran Khan and his government of attempting to "sabotage" Pakistan's independent human rights watchdog to escape responsibility for rising abuses and oppression (Lanington, 2021; TaiwanNews, 2021; Bari, 2021).

However, claims about the obstruction of the watchdog by the government were denied by Shireen Mazari, Pakistan's human rights minister. He attributed such delay to the failure of the opposition leader to accept their recommendations for the posts, as it is required to prevent the politicisation of the NCHR (Baloch & Ellis-Petersen, 2021).

The NCHR has not functioned for almost two years, which has coincided with a decline in press freedom and rise of human rights violations in Pakistan, such as enforced disappearances (Baloch & Ellis-Petersen, 2021).

## Prime Minister Imran Khan meets relatives of forcibly disappeared people

On the 18<sup>th</sup> of March, the Pakistani Prime Minister Imran Khan met a representative of the committee of the families of missing persons.

In the opportunity, the Prime Minister committed to keep them informed on the progress of investigations regarding their missing relatives (Dawn, 2021a). The meeting resulted from the protest in Islamabad in February staged by families of forcibly disappeared people (Gossman, 2021), where protesters called for an end to enforced disappearances in Pakistan (Dawn, 2021b).

The Pakistani Minister for Human Rights, Shireen Mazari, shared the details of the meeting in a tweet, revealing the willingness of the Prime Minister not only to keep the families updated about the search of their relatives but also to “fast-track” the bill to criminalise enforced disappearances (Mazari, 2021).

Enforced disappearances and arbitrary detentions or any detention in which the state refuses to provide information about the arrested person are strictly prohibited under international human rights law<sup>9</sup> (Gossman, 2021).

<sup>9</sup> See article 9 of the ICCPR, which prohibits arbitrary detention.

## Call for national wide protest if forcibly disappeared people are not recovered

Pakistan's Joint Action Committee (JAC) for Shia Missing Persons<sup>10</sup> alongside families of those who forcefully disappeared have called for nationwide protests starting from the 1<sup>st</sup> of April if their family members are not recovered by the 31<sup>st</sup> of March (LokMarg, 2021). Despite the efforts of the JAC to reach out to several state institutions of Pakistan and the repeated assurances from the authorities to recover their missing ones, the disappeared people have neither returned to their homes nor have they been traced (Dawn, 2021c). As a result, JAC members alleged that the Pakistan government and state institutions were not serious in their pledges of recovering the missing persons (LokMarg, 2021).

According to Allama Haider Abbas Abidi, leader of the JAC, during the last seven years “our Shia mourners have been missing in narrow and unconstitutional prisons” (Dawn, 2021d). Moreover, she stated that disappearances of nationals is a violation of Article 10 of the Pakistan Constitution, which outlines the norms of arrest and detention.



Families of forcibly disappeared persons holding pictures of their missing relatives during a protest outside the Pakistan Supreme Court registry. Photo

Credits: dawncom

Enforced disappearances have long marred Pakistan's human rights record. Despite promises by successive governments to criminalise the practice, progress towards a new legislation has been slow, and citizens still forcibly disappear with impunity (Asian News International, 2021; Amnesty International, 2019b).

<sup>10</sup> The Joint Action Committee for Shia Missing Persons is a joint platform of representative organisations of the Shia community.



## Senate panel rejects bill to protect Pakistan's minorities



Dried fruit vendors sit at a roadside stall in Islamabad. Pakistan's minorities are facing increasing incidents of religiously motivated violence. Photo credits: AFP

A Senate committee has voted down a bill that would protect Pakistani minorities from religiously motivated violence. The Standing Committee on Religious Affairs and Interfaith Harmony rejected the Protection of Religious Minorities Bill on the 22nd of February arguing that minorities in the country enjoy total religious freedom (Khan, 2021).

According to Senator Maulana Abdul Ghafoor Haideri, a member of the religious political party Jamiat Ulema-e-Islam, affirmed that existing laws already offer minorities unparalleled religious freedom: “The government is even constructing temples for minorities. They are also at liberty to establish their religious educational institutions” (Tribune, 2021).

Senator Sirajul Haq, the leader of the Islamist Jamaat-e-Islami, described the bill as part of non-governmental organisations' (NGOs) agenda.

The Committee members claimed that the work was already underway to discourage compulsory conversions of minorities and exclude "hate content" from textbooks used in the country's educational system (International Christian Concern, 2020).

## Hindu minorities

### **Pakistan: “taxpayers’ money cannot be spent on building Hindu temples”, says Jamaat-e-Islami chief Siraj-ul-Haq**

During a press conference on 27 February, the chief of Jamaat-e-Islami<sup>11</sup>, Siraj ul Haq, stated that state money cannot be used against the guidelines of the Sharia law and the discretion of the Muslim population of the country (OpIndia, 2021).

According to Siraj ul Haq, Hindus can raise funds for their temple’s space and construction, but Muslim funds cannot be used to build Hindu temples (Indiafaith, 2021). Moreover, he added that Muslims’ money has to be used in a manner they deem fit (Indiafaith, 2021).

In light of these statements, Pakistani Hindu activist Kapil Dev criticised Sariq ul Haq for assuming that all Pakistani taxpayers are Muslim: “Siraj-ul-Haq, there are five million Hindu taxpayers in this country. You make it with their money” (Dev, 2021).

The opposition to the building of Hindu temples in Pakistan stems from the country’s institutionalised anti-Hindu bias, which is still integrated into the school curriculum and mosque sermons (Shahid, 2021).

<sup>11</sup> Jamaat-e-Islami is a religious party founded in the British-controlled India (now Pakistan) in 1941, established to reform the society in accordance with the Islamic faith (TEEB, n.d.),

## Gender Discrimination

### **Pakistani organisers of Women's Day March face a campaign of misinformation, blasphemy allegations and threats**

On the 8<sup>th</sup> of March, thousands of Pakistani women came out on the streets of the country's major cities to protest against sexism, inequality, gender violence, harassment, and injustices against them and other minority groups (Bukhari, 2021). Since 2018, the marches have attracted fierce criticism, especially online (Azeem, 2020). However, it did not stop this year's demonstrators from being resilient and undeterred in putting forward their demands (Bukhari, 2021).

In addition, this year's marchers have faced accusations from segments of Pakistan's media and right-wing religious groups of spreading "vulgarity" and "obscenity" for seeking equal rights, citing slogans like "my body, my choice" as examples (Javaid, 2021).

Every year, the vitriol against the demonstrators changes in form and volume, according to the organisers (Javaid, 2021). This year, a disinformation campaign was unleashed on social media with a doctored video framing the demonstrations as containing "blasphemous" slogans against Islam (Javaid, 2021). Some right-wing TV anchors and journalists even shared the video without fact-checking (Bukhari, 2021).

Pakistani women are now speaking out on the need for structural changes, defying intimidation, discrimination, and an environment of fear and violence. However, they are seen as questioning male dominance by doing so, and as a result, they suffer smear campaigns from all corners (Azeem, 2020).

# Concluding remarks

Currently, the civilians in Pakistan are living in an atmosphere of fear provoked by media restriction, political oppression, and discrimination towards ethnic and religious minorities (HRW, 2021). Those who speak up, such as journalists, human rights activists, and members of oppositional political parties, often face harassment by the government, censorship, and even imprisonment (Amnesty International, 2019a).

What is particularly concerning are the ‘blasphemy laws’: Section 295 of the Pakistan Penal Code punishes any behaviour intended to insult the religion of any class. These blasphemy laws provoke constant threats, arbitrary arrests on insubstantial and uncorroborated evidence, social exclusion, and extrajudicial killings (Amnesty International, 2016)

Another concern is the enforced disappearance cases that often go hand in hand with forced marriages and forced conversions. The groups and individuals targeted are usually people from Sindhi; Baluch and Pashtun ethnicities, the Shia community, political activists, human rights defenders, and members, supporters of religious and nationalist groups (Amnesty International, 2019b).

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