



**NATIONAL COMMISSION
FOR HUMAN RIGHTS**

Report on Pakistan's Compliance with CERD

Submitted by the

**National Commission for Human Rights,
Pakistan**

Introduction and Context:

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is one of the core human rights Conventions that Pakistan is a signatory to. Pakistan, with a population exceeding 240 million, is a multi-ethnic and multilingual country. It is home to a rich tapestry of ethnic groups, including Punjabis, Sindhis, Pashtuns, Baloch, and various smaller groups such as the Hazaras, Brahuis, and others. The country's diversity is further enriched by religious minorities, including Christians, Hindus, Sikhs, and Ahmadis. While this diversity is a source of cultural richness, it also presents significant challenges related to ethnic and racial discrimination.¹

ICERD obligates Pakistan to eliminate racial discrimination in all its forms, and to promote understanding among all races. Despite this commitment, issues of racial and ethnic discrimination remain pervasive. ICERD, under Article 1 defines racial discrimination as distinction, exclusion, restriction or preference based on race, color, descent or national or ethnic origin. Based on these, it can be stated that various issues of racial discrimination arise within the context of Pakistan. These include:

- 1. Ethnic Marginalization and Lack of Political Representation:** The Baloch and Pashtun communities in Pakistan frequently report experiencing marginalization and underrepresentation in both political and economic spheres. In regions like Balochistan and Khyber Pakhtunkhwa, there are persistent allegations of state neglect and human rights abuses, including enforced disappearances and extrajudicial killings. Similarly, the Hazara community in Balochistan often face discrimination, especially in urban centers like Quetta. They have expressed concerns about disenfranchisement and targeted violence, although it must be acknowledged that no major attacks on Hazara community have been reported in the last three years.
- 2. Religious and Sectarian Discrimination:** The Ahmadiyya community in Pakistan faces severe persecution under the law. The law prohibits Ahmadis from identifying as Muslims and imposes stringent restrictions on their religious practices. Similarly, Christian and Hindu minorities frequently encounter social discrimination, forced conversions, and violence, highlighting the systemic challenges and discrimination faced by religious minorities in Pakistan.
- 3. Socio-Economic Disparities:** Minority communities in Pakistan often have limited access to quality education and employment opportunities, with discriminatory practices prevailing in hiring and access to education opportunities, exacerbating

¹ "Ethnic Diversity, Political Aspirations and State Response: A Case Study of Pakistan," available at: <https://journals.sagepub.com/doi/10.1177/0019556120906585>

these disparities. Additionally, ethnic minorities frequently face inequitable land and resource distribution. In Balochistan, for instance, local communities have raised significant concerns about being excluded from the benefits of natural resource extraction projects, highlighting the broader issues of marginalization and inequality in the country.

4. **Refugee Populations:** Pakistan hosts a significant population of Afghan refugees who face legal and social challenges, including discrimination in accessing public services and employment.

The National Commission for Human Rights, Pakistan

The National Commission for Human Rights (NCHR) was established through the National Commission for Human Rights Act, 2012. It is an independent National Human Rights Institution (NHRI), guided by the Paris Principles to ensure that human rights are protected and enforced within the country. NCHR was established in pursuance of Pakistan's international human rights obligations and has been granted a wide mandate. It is mandated to monitor, investigate and deal with human rights complaints, act as a watchdog institution, set standards and enable implementation, promote awareness of and act as an advocate for human rights, generate and facilitate research and data production on human rights and drive policymaking to improve human rights protection.

Moreover, NCHR has a significant mandate to advise the Government of Pakistan to fulfil its human rights obligations under the core UN human rights conventions including the ICERD. In 2024, the Commission was accredited as an A-Status NHRI by the Global Alliance of National Human Rights Institutions (GANHRI), indicating its compliance with the Paris Principles. This is reflective of the strength of the Commission in upholding human rights within the country. In line with its role as watchdog, the NCHR is submitting this Report to the Committee on the Elimination of Racial Discrimination to highlight on-ground issues that fall within the scope of the Convention and require immediate attention.

Assessing the Implementation of ICERD in Pakistan

Pakistan has introduced several laws and policies aimed at addressing discrimination and protecting minority rights, which indirectly align with the principles of ICERD. To ensure political representation of minority groups, Pakistan's Constitution reserves seats for religious minorities in both National and Provincial Assemblies, ensuring their representation in the legislative process. Minority members have been appointed to significant ministerial positions: positive examples include the appointment of a Hindu Dalit woman, Krishna Kumari, herself a victim of bonded labour as a senator. And a Sheedi woman Tanzeela Qambrani as the first Sheedi woman of African descent to the provincial assembly in Sindh.

Efforts have been made to restore and protect religious sites belonging to minorities. For instance, the renovation of the Katas Raj Temples and the Kartarpur Corridor project, which allows Indian Sikh pilgrims visa-free access to one of their holiest sites, are significant steps towards promoting religious harmony.

The government also officially recognizes and celebrates religious festivals of minorities, such as Diwali for Hindus and Christmas for Christians, promoting an inclusive environment.

Additionally, the government has undertaken important legislative steps to address the challenges faced by minorities and to promote a more inclusive society. The implementation of these laws, however, often falls short. While these steps reflect Pakistan's ongoing efforts to address the challenges faced by minorities and to promote a more inclusive society, continued efforts and vigilance are necessary to ensure the full protection of minority rights. Some key laws and provisions in this regard include:

<p>The Constitution of Pakistan (1973)</p>	<ul style="list-style-type: none"> • Article 20: Provides the freedom to profess and practice one's religion and to establish, maintain and manage religious institutions. • Article 21: Prohibits any imposition of tax based on religion. • Article 22: States that no one attending an educational institution is required to receive education, instruction or to participate in any religious ceremony that is not their own. • Article 25: Ensures equality of all citizens before the law and prohibits discrimination on the basis of sex alone. • Article 26: Guarantees non-discrimination in respect of access to places of public entertainment or resort. • Article 27: Prohibits discrimination in services. • Article 33: Article 33 of the Constitution included in the Principles of Policy casts an obligation on the State to discourage parochial, racial, tribal, sectarian and provincial prejudice. • Article 36: Also a Principle of Policy, points to the importance of protection of the legitimate rights of minorities and their due representation on the Federal and Provincial level.
<p>Pakistan Penal Code (1860)</p>	<ul style="list-style-type: none"> • Section 153-A: Criminalizes acts promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and acts prejudicial to the maintenance of harmony. • Section 295-A: Punishes deliberate and malicious acts intended to outrage

	religious feelings of any class by insulting its religion or religious beliefs.
The Protection Against Harassment of Women at the Workplace Act (2010):	<ul style="list-style-type: none"> • While primarily focused on gender discrimination, this Act also addresses broader issues of harassment and discrimination in the workplace, which can include racial and ethnic discrimination.
The National Commission for Human Rights Act (2012)	<ul style="list-style-type: none"> • Establishes the National Commission for Human Rights (NCHR) to promote and protect human rights as provided by the Constitution and international treaties, including CERD.
The Sindh Hindu Marriage Act (2016):	<ul style="list-style-type: none"> • Provides for the registration of Hindu marriages and safeguards the rights of Hindu women, aiming to protect religious and ethnic minorities.
The Khyber Pakhtunkhwa Protection of Communal Properties of Minorities Act (2014):	<ul style="list-style-type: none"> • Aims to protect the communal properties of minorities from illegal occupation and misuse.
The Criminal Law (Amendment) Act (2017):	<ul style="list-style-type: none"> • Includes provisions that enhance penalties for various offenses, including those motivated by racial or religious hatred.
Ordinance XX (1984):	<ul style="list-style-type: none"> • Bars Ahmadis from identifying as Muslim and disallows them from using any Islamic texts, practices or epithets.
Anti-Terrorism Act (1997):	<ul style="list-style-type: none"> • States that terrorism means an action that incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance. Also prohibits acts intended to or likely to stir up sectarian hatred through threatening, abusive or insulting words or behaviour, including the possession, display, publication and distribution of such material in recorded, visual image, or sound form.

<p>Prevention of Electronic Crimes Act (2016):</p>	<ul style="list-style-type: none"> • Prohibits the preparation or dissemination of information that ‘advances or is likely to advance interfaith, sectarian or racial hatred.’
<p>Sikh Marriage Act (2024):</p>	<ul style="list-style-type: none"> • Enables couples of 18 years and above from the Sikh community to register their marriage and divorce.

Pakistan has taken various steps to protect its citizens from racial discrimination, by focusing on issues such as minority rights, hate speech, etc. The Committee on the Elimination of Racial Discrimination in its last Concluding Observations on the combined twenty-first and twenty-third periodic reports of Pakistan in 2016, recognized positive actions undertaken by the country to deal with racial discrimination, which in Pakistan takes the form of ethnic, religious and sectarian discrimination. It commended the introduction of legislative, policy and institutional measures and underlined the use of quotas for the protection of minority rights in the country.

The state has instituted a 5% minimum quota system to ensure that minorities are hired within the federal and provincial governments. The Supreme Court has reflected the importance of these quotas in the judgment of **Mubarak Ali Babar v. Punjab Public Service Commission**,² wherein it held that any quotas set for minorities or persons with disabilities were protected under the Constitution and were to be retained and carried forward. Reserved seats could not be used to appoint other candidates who fulfil merit unless they fell within these categories. This judgment is seminal in protecting the rights of minorities within Pakistan, ensuring that their rights in employment in the public sector are protected and are not subjected to violation.

Moreover, the Washington Post in an assessment of the most racially tolerable countries, concluded that Pakistan is remarkably tolerant. Although the country has several factors that coincide with racial intolerance – sectarian violence, its location in the least-tolerant region of the world, and low economic and human development indices – only 6.5 percent of Pakistanis objected to a neighbour of a different race.³ However, the survey alone cannot be seen as an indication of the lack of significant issues of sectarian and ethnic violence, discrimination, violation of minority rights etc. that continue to pervade Pakistani society, requiring significant reform.

² Mubarak Ali Babar v. Punjab Public Service Commission W.P. No. 20429 of 2016

³ Max Fisher, “A fascinating map of the world’s most and least racially tolerant countries,” available at: <https://www.washingtonpost.com/news/worldviews/wp/2013/05/15/a-fascinating-map-of-the-worlds-most-and-least-racially-tolerant-countries/>

Nonetheless, some progress can be observed within the country. For example, in 2024 a Christian woman Helen Mary Robert was promoted to Brigadier within Pakistan's army which is a significant achievement given the disparities that continue to impede progress of Pakistan's minorities within the country.⁴ Further, the Government in its State Report to the Committee on the Elimination of Racial Discrimination provides that it has taken various actions at governmental level to improve human rights within its jurisdiction. In Balochistan, by the end of 2020, 175 judges and 150 members of the prosecution had been trained on human rights standards including the UN Conventions on Human Rights. Similar trainings have been conducted in other provinces of Pakistan as well.

Despite the progress made at protecting minority rights, significant legislative and policy gaps remain. The Committee on the Elimination of Racial Discrimination noted in its concluding observations that there was a lack of information on the application of the ICERD within the domestic legal landscape in the country. Moreover, the Committee noted that the country does not define racial discrimination against which actions may be judged and recommended the state to intensify its efforts to conduct a national consensus on a definition. Progress on defining racial discrimination within the context of Pakistan, however, has not been achieved and there is no singular definition that the state endorses.

In 2022, Pakistan submitted its combined Report to the Committee on the Elimination of Racial Discrimination. The State Report provides that while there is no single definition of racial discrimination within its domestic legal landscape, the concept is adequately understood and is protected within the Constitution as well. Indeed, discrimination based on ethnic, religious, political and other basis is prohibited within the Constitution of Pakistan however, a domestic law targeting racial, ethnic and religious discrimination will be an effective tool in combating the grave issues that Pakistan's ethnic, religious and sectarian minorities face. Moreover, this will facilitate greater recognition of the significant issues of racial, ethnic, religious, and sectarian discrimination within the country.

The Committee further highlighted the issue of racist hate speech and hate crimes including harassment, attacks and killings of persons belonging to ethnic or religious groups including Hazaras, Christians, Dalits and Ahmadis and the lack of investigation and prosecution that follows. It also highlighted the need to regulate the curriculum being taught at Madrasas which has the potential to incite hatred against specific groups and called on the state to take immediate measures to counter the violence faced by minority communities.

The Committee also noted the misuse of blasphemy laws in the country, which are frequently employed to incite violence against minority groups. A pervasive sense of lawlessness regarding minority rights prevails in Pakistan, where vigilante mob justice is often resorted to, primarily due to the lack of trust in institutions and the fairness and

⁴ "Dr. Helen Mary Roberts becomes the first female brigadier of Pak Army from Christian Community," available at: <https://www.dawn.com/news/1837321>

swiftness of the justice process. This situation is further aggravated by the severe lack of education and the socio-economic frustrations that many, especially the youth, experience in Pakistan today.

While the state has taken some steps to deal with increasing religious and ethnic violence. Since the 18th Amendment, various subjects have been transferred from the federal government to the provincial governments which include human rights and minority affairs. Pursuant to this distinct departments have been established at provincial level to ensure that the rights of minority communities can be recognized through targeted law and policy interventions and are subsequently enforced as well. In its State Report 2022, Pakistan highlights various laws that have been promulgated to curb religious, ethnic and sectarian intolerance.

The National Action Plan on Human Rights 2014 has been introduced and various educational and awareness raising campaigns have been spearheaded by the Ministry of Human Rights and provincial human rights departments. Moreover, provincial vigilance committees have also been set up at district and provincial levels which are mandated to report any unlawful activity being carried out with respect to incitement of violence.

Further, the State report notes that a policy for Madrasa Reform is being developed under the National Action Plan on Human Rights. This policy is based on three components and includes registration of Madaris, curriculum reform and audit of madrasa finances. However, status of the introduction of this policy and its subsequent implementation remains shrouded in ambiguity.

The implementation of the various laws promulgated by the state also remains sub-par and institutional barriers further exacerbate the problem. Weaknesses within institutional frameworks, such as the judiciary and law enforcement agencies, hinder the effective redress of racial discrimination grievances. The absence of clear policies by the government and a lack of training on human rights standards impedes the work of law enforcement.

This institutional inadequacy highlights the need for a central government policy, supported by all political parties, to ensure a consistent and uniform approach to addressing religious extremism and mob vigilante violence in the country. Societal attitudes and cultural norms also pose significant challenges to combating discrimination. Deep-seated prejudices and negative perceptions towards certain ethnic and religious groups are pervasive. Public awareness and education campaigns, which are crucial for changing these norms, remain insufficient and ineffective. As a result, discriminatory practices and social exclusion continue to be normalized in many communities, making it difficult to achieve genuine societal change. For example, recent events such as the lynching of Priyantha Kumara, a

Sri Lankan man in Silakot,⁵ attacks on churches in Jaranwala,⁶ attack on a Christian man in Sargodha for alleged desecration of the Quran, killing of a tourist in Swat on allegations of desecrating the Quran,⁷ attacks on the Hazara community in Quetta,⁸ all indicate the grave seriousness of the deep seated religious and ethnic violence that prevails within the Pakistani society. More importantly, they illustrate the lack of public faith in the system of accountability and justice in the country.

Moreover, other issues such as discrimination and challenges in employment for minorities and marginalized ethnic groups, and pervasive online hate speech,⁹ continue to prevail within the country, driven by religious, or ethnic differences. The Committee also noted barriers to access to justice for marginalized minority communities, their prevalence in oppressive economic models such as bonded labor and the violence minority women are subjected to.

NCHR's research into incidents of mob violence has revealed a trend of religious and sectarian abuse in Pakistan. A few events over last three years include:

1. In May 2024, in the town of Sargodha a 70-year-old Christian man was attacked and seriously injured by a group of people who accused him of desecrating the Quran. The group started a riot, setting shops on fire and damaging houses belonging to other Christian families in the area. The police managed to control the violence and rescue the accused, but he died from his injuries nine days later.¹⁰
2. In June 2024 a 36-year-old man was killed and his body burned in Khyber Pakhtunkhwa after he was accused of desecrating the Quran. Police officials in Swat reported that the man, whose identity has not been disclosed, was a tourist from Sialkot, Punjab, who had been accused of "insulting the Quran". Officials added that a large group of hundreds of people gathered outside the Madyan police station where the man was being held by police, attacked the premises and dragged the man out before killing him.¹¹

⁵ "Man tortured and killed Pakistan over blasphemy," available at: <https://www.theguardian.com/world/2021/dec/03/pakistan-sri-lankan-man-priyantha-diyawadana-tortured-killed-alleged-blasphemy-sialkot>

⁶ Shaiq Hussain and Rick Noack, "Pakistan arrests 130 people after churches attacked on blasphemy rumor," available at: <https://www.washingtonpost.com/world/2023/08/17/pakistan-blasphemy-church-attacks-arrests/>

⁷ "Local tourist killed in Pakistan's Swat over blasphemy allegations," available at:

<https://www.aljazeera.com/news/2024/6/21/local-tourist-killed-in-pakistans-swat-over-blasphemy-allegations>

⁸ "Pakistani Hazara families refuse to bury dead after attack," available at: <https://www.aljazeera.com/news/2021/1/4/pakistani-hazara-families-refuse-to-bury-dead-after-attack>

⁹ Preventing hate speech, incitement and discrimination: the case of Pakistan, available at: <https://gaamac.org/2022/04/preventing-hate-speech-incitement-and-discrimination-the-case-of-pakistan/>

¹⁰ "Local tourist killed in Pakistan's Swat over blasphemy allegations," available at:

<https://www.aljazeera.com/news/2024/6/21/local-tourist-killed-in-pakistans-swat-over-blasphemy-allegations#:~:text=Last%20month%2C%20in%20Sargodha%2C%20Punjab,Christian%20families%20in%20the%20area.>

¹¹ ibid

3. In February 2024 a mob in Lahore, Punjab accused a woman who wore a dress adorned with Arabic calligraphy of blasphemy after mistaking them for Quranic verses.¹²
4. In February 2023 a mob stormed a police station in Nankana Sahib, Punjab where a man accused of desecrating the Holy Quran was being held. The mob vandalized the station and lynched the accused.¹³
5. In February 2023 an Ahmadi place of worship in Karachi was vandalized. Unidentified men, chanting slogans against the community, vandalised the minarets of the worship place. A video of the incident that circulated widely on social media, showed policemen deployed outside the site, failing to keep the mob away.¹⁴
6. In February 2023 in Noor Nagar village of District Umerkot in Sindh, several people entered an Ahmadi place of workshop by scaling the outer wall and setting fire to the furniture after dousing it with petrol.¹⁵
7. In March 2023 15 students belonging to the Hindu community were injured at the Punjab University when they were celebrating Holi.¹⁶
8. In August 2023 the Christian community in the Jaranwala area of Faisalabad saw their world turn upside down when angry mobs rampaged through their community, torching Churches, houses, and even holy books. Residents of the community had to flee before the crack of dawn, hiding in fields and with relatives who lived in neighbouring districts while mobs ransacked and looted with complete impunity.¹⁷
9. In December 2020 a violent mob set fire to a Hindu temple in Khyber Pakhtunkhwa. Crowds of thousands, reportedly led by Islamic clerics, descended on the Hindu temple in the village of Teri, in Karak district, on Wednesday and began to rip bricks from the walls and set it on fire.¹⁸

Overall, the Ahmaddiya community recorded at least 35 attacks on its places of worship between 2023-2024 while 21 Ahmadis were arrested for various offences against religion. According to civil society reports, at least 136 persons cases of alleged forced conversion occurred during 2023, the majority of whom were Hindu women and girls in Sindh. Alarmingly, the provinces of Punjab and Sindh, where terrorism incidents were previously lower compared to other provinces, have witnessed the highest number of incidents against minority communities. 142 in Punjab and 47 in Sindh in 2023 alone. These numbers reflect

¹² "Pakistan woman in Arabic script dress saved from mob claiming blasphemy," available at: <https://www.bbc.com/news/world-asia-68399822>

¹³ "Mob storms police station, lynches 'blasphemy' accused," available at: <https://www.dawn.com/news/1736708>

¹⁴ "Ahmadi place of worship vandalised in Karachi," available at: <https://www.dawn.com/news/1766743>

¹⁵ "A timeline of attacks on religious minorities over the last 12 months," available at: <https://www.dawn.com/news/1770617>

¹⁶ "15 injured in IJT attack on Holi event at Punjab University," available at: <https://www.dawn.com/news/1740781>

¹⁷ "Jaranwala Incident: Pakistan Christian Community's Loss And Pain," available at: <https://thefridaytimes.com/13-Oct-2023/jaranwala-incident-pakistan-christian-community-s-loss-and-pain>

¹⁸ "Mob attacks and sets fire to Hindu temple in Pakistan," available at: <https://www.theguardian.com/world/2020/dec/30/mob-tears-down-hindu-temple-and-torch-holy-shrine-in-pakistan>

the grave reality that minorities face in Pakistan which indicates the need for immediate action for the protection of their rights.

Actions undertaken by NCHR

While the State has a direct responsibility under international law to ensure that racial discrimination is curbed within its jurisdiction, NCHR, as Pakistan's premier NHRI has undertaken various actions to alleviate ethnic, and religious minorities from the grave issues they continue to face in the country. To this end, the following actions have been undertaken:

- a. **Issue of Discriminatory Advertisements:** In response to complaints that the Government had issued advertisements to hire sanitary workers exclusively from the Christian and Hindu communities, the NCHR advised the Government to remove discriminatory standards within such advertisements which were contrary to the Constitution of Pakistan. The Government took notice of this advice and banned discriminatory columns in public advertisements and removed all requirements as to religion from the advertisements.
- b. **Protection of Sanitary Workers:** Continuing its efforts to end discrimination against religious minorities within the sanitation industry in Pakistan, the NCHR published a report on the status of sanitary workers in the country. In its special report titled **“Unequal Citizens: Ending System Discrimination Against Minorities”**, NCHR aimed at alleviating the situation of sanitary workers and ensuring that their rights are protected. These individuals mostly belong to religious minority communities in Pakistan, primarily Christians. Thus, the NCHR recommended that manual unclogging of sewers should be replaced by machine unclogging. Additionally, NCHR recommended that no sanitary worker should be forced to go into the sewage system without the adequate and proper Personal Protective Equipment (PPE). It further recommended that each sanitary worker must be paid a living wage, hazard pay, and to register each worker with the EOBI to ensure social security, medical leave and holidays.¹⁹
- c. **Implementation of Minority Quota:** Recognizing the importance of quotas for the protection of minority's employment rights, the NCHR made a recommendation to the Government to ensure proper implementation of the minority quota. As a result, several public sector organizations have complied with NCHR recommendations e.g., hospitals; PIMs, Holy Family, Poly Clinic, DHQ Mansehra, Ayub Teaching Hospital Abbottabad, Benazir Bhutto Hospital Rawalpindi, DHQ Rawalpindi,

¹⁹ “Unequal citizens: Ending Systematic Discrimination against Minorities in Pakistan,” NCHR Fact Finding Report, available at: <https://nchr.gov.pk/wp-content/uploads/2022/05/Minority-Report-compressed.pdf>

Christian Memorial Hospital Sialkot, DHQ Sialkot and Rawalpindi Institute of Cardiology.

- d. **Suo Moto Action – Priyantha Kumara Lynching Case:** Violence against minorities and the misuse of blasphemy allegations continues to prevail in Pakistan. The NCHR took suo moto notice of the lynching of a Sri Lankan citizen in Sialkot. NCHR team visited the site to inspect the area and called for periodic reports and updates from the District Police Officer in order to monitor the case closely. NCHR also wrote a letter to the Chief Minister of Punjab to demand a speedy, impartial, and in-depth inquiry and exemplary punishment for the perpetrators. As a result, all 87 persons accused in the case were convicted within a record period of three months. Throughout the incident, NCHR was in touch with the Sri Lankan Commission for Human Rights and the wife of Priyantha.²⁰
- e. **EmpowHER Project:** The NCHR recognized the need to increase actions to protect the rights of women from minority communities. Using football as a mechanism of outreach, NCHR hoped to build confidence, resilience, and a sense of belonging among marginalized communities, addressing pressing issues such as gender-based violence and mental health challenges. The project focused on three of the most vulnerable communities: the Hazara women of Balochistan province; women from the far-flung valley of Chitral in northern Khyber Pakhtunkhwa province; and women from Lyari one of the poorest and most crime-ridden and ethnically discriminated areas of Karachi in Sindh province.²¹

NCHR's project relied on studies that identified the numerous challenges facing each of these communities. Reports on status of women in the Hazara community of Balochistan revealed that families had faced over 2800 targeted attacks in the last decade, resulting in the loss of more than 3000 members of the community. The majority of women who had lost family members in the numerous ethnic attacks reflected high levels of depression and despondency. Alarming reports from Chitral showed a similar rise in mental health issues and suicide among young women of the area with 103 cases of suicide reported over the past three years – the highest in Pakistan.²² Similarly, in Lyari, a hotbed of poverty and gang warfare, women faced huge insecurities in navigating public space and addressing urban violence. This project fell under NCHR's mandate as per Sec 9 (e) of the enabling legislation to review factors that inhibit the enjoyment of human rights and it aimed to create awareness to build a more inclusive society where women and girls could thrive.

²⁰ NCHR Annual Report 2021-2022, available at: <https://www.nchr.gov.pk/wp-content/uploads/2023/06/Annual-Report-2022.pdf>

²¹ "Karachi wins Futsal tournament under NCHR's 'Empower Her' campaign," available at: <https://www.radio.gov.pk/24-01-2024/karachi-wins-futsal-tournament-under-nchrs-empower-her-campaign>

²² "Chitral's troubling suicide problem", available at: <https://tribune.com.pk/story/2327853/chitrals-troubling-suicide-problem>

- f. **Upholding Inclusivity – Minority Rights Initiative:** The NCHR has published its Minority Rights report which outlines all activities undertaken by the Commission pursuant to each of its mandates. It outlines the following:²³
- Between January 2022 and July 2023, the NCHR undertook 133 cases concerning the protection of minority rights. These cases included 76 complaints and 57 suo motu actions. The highest number of cases were in Punjab, and the second highest were concentrated in Sindh.
 - NCHR recognizes that young women and girls belonging to minority communities are disproportionately subjected to violence and harmful practices included child marriage and forced abductions. To this end, the Commission has engaged with relevant departments to instate a minimum age of 18 for marriage. With regards to forced marriages, the NCHR has emphasized the need for stringent penalties. It has also established a Marriages Rights Helpline 1412 as a resource that provides detailed advice regarding marriage rights.
 - NCHR has taken various suo motu notices of forced marriages and abductions of girls who were forced to convert to Islam. Due to the intervention of the Commission, relief has been provided to the victims and their families.
 - NCHR has also taken various suo motu notices of desecration of religious property belonging to minorities. Through these notices the Commission has called upon concerned authorities to provide reports on how the matter was investigated.
 - NCHR has undertaken a campaign on bonded labour stressing upon the government to help individuals who are caught in bonded labour, many of whom belong to minority communities.
NCHR has recommended the government to improve access to justice for bonded labourers, establish or strengthen unions and other associations, revise brick kiln registration processes, increase income of labourers in fields where bonded labour is prevalent, prioritize data collection and record keeping, enhancing the capacity of District Vigilance Committees and facilitate training programs, prohibiting child labour in brick kilns etc.²⁴
 - NCHR also undertook various actions to protect the rights of workers belonging to minority communities. Due to its intervention, 14 daily wagers belonging to the Christian community were regularized in service. Moreover, some 400 sanitary workers who had been terminated by the Capital Development Authority were reinstated.

²³ “NCHR: Upholding Inclusivity: Minority Rights Initiatives 2022-2023,” available at: <https://nchr.gov.pk/wp-content/uploads/2023/09/Upholding-Inclusivity-Minority-Rights-Initiatives-2022-2023.pdf>

²⁴ “NCHR: The Issue of Bonded Labour in Pakistan,” available at: <https://nchr.gov.pk/wp-content/uploads/2023/09/Upholding-Inclusivity-Minority-Rights-Initiatives-2022-2023.pdf>

- NCHR intervened to protect the rights of Christian employees in Faisalabad. Through NCHR’s intervention, advance funds were released by the government to the Faisalabad Waste Management Company (FWMC) to disburse the pending salaries of 4000 Christian Employees. The Punjab Government released the amount in two installments, the first amount of Rs. 141 million and the other of Rs. 190 million, respectively.
 - NCHR has also undertaken efforts to direct government universities to implement 2% minority quota and 30 universities have successfully implemented this.
 - NCHR has also safeguarded the rights of education for students: it took Suo Moto action for reinstatement of four Ahmadiyya students in Punjab.
 - NCHR has undertaken actions to protect the rights of Ahmadiyya population in Pakistan. It addressed cases of hate speech against the Ahmadiyya community by advocating for the cessation of discriminatory rhetoric and promoting tolerance and intervened in instances of desecration of Ahmadiyya places of worship.
- g. **Open Letter post Jaranwala Incident:**²⁵ NCHR’s open letter²⁶ to the Prime Minister regarding Jaranwala led to the establishment of a high-level investigation committee and a multi-stakeholder meeting on religious harmony.²⁷
- h. **Desecration of Ahmadiyya Places of Worship:**²⁸ The National Human Rights Commission took suo motu notice of desecration of Ahmadi graves in Punjab. The Chairperson wrote a letter to the provincial Chief Secretary requiring immediate government action to protect Ahmadiyya graves from being desecrated highlighting the need to condemn such actions as they are sheer violations of human rights. The NCHR required a report to be shared by the Chief Secretary on actions undertaken pursuant to these heinous crimes. This led to registration of cases against 23 nominated and 15 unknown accused. NCHR has also written a Report on the violence perpetrated against the Ahmadiyya community which is publicly available on its website.
- i. **Blasphemy Cases:** NCHR has been repeatedly visiting jails and meeting with persons accused and undertrial in cases of blasphemy under Sec 295 to 298 C of the Pakistan Penal Code.²⁹ As of June 21st, 2024, there are approximately 705 persons in various jails of Pakistan booked under Blasphemy laws. Of these, 370

²⁵ “NCHR: Jaranwala Incident Report,” available at: <https://nchr.gov.pk/wp-content/uploads/2023/09/Upholding-Inclusivity-Minority-Rights-Initiatives-2022-2023.pdf>

²⁶ “Open Letter to the Honorable Prime Minister of Pakistan,” available at: <https://docs.nchr.gov.pk/pdfs/Open%20Letter-Jaranwala%20Incident.pdf>

²⁷ “NCHR writes open letter to PM on Jaranwala incident,” available at: <https://www.thenews.com.pk/print/1102192-nchr-writes-open-letter-to-pm-on-jaranwala-incident>

²⁸ “NCHR: Situational Report – Monitoring the plight of the Ahmadiyya Community,” available at: <https://nchr.gov.pk/wp-content/uploads/2024/04/Ahmadiyya-Report.pdf>

²⁹ “Over 200 people in jail in blasphemy cases throughout country, Senate body told,” available at: <https://www.dawn.com/news/1780961>

persons have been booked by the Federal Investigation Agency (FIA) under Prevention of Electronic Act (PECA) laws and these include a majority of persons under the ages of 30 years.

NCHR has expressed deep concern about the upholding of due process, allegations of entrapment and the arrest and investigation of individuals accused of blasphemy. It has written to the government in this regard. Since the passing of the controversial PECA laws and its Rules and involvement of the FIA, the registration of cases under Blasphemy laws has gone up exponentially

- j. Number of persons incarcerated for blasphemy by year is as under; (these numbers have been collected by NCHR from the various prisons of Pakistan)

2020	11
2021	9
2022	64
2023	213
2024 (June 21st)	705

- k. Note that the rise in persons incarcerated for blasphemy has gone by 6300% over last three and a half years.

Thus, the NCHR in its capacity as Pakistan's primary NHRI is spearheading efforts to protect minority communities and advise the Government to improve actions within the same. The Commission after having achieved A status is further strengthened to undertake significant actions to protect human rights in the country.

Recommendations

The National Commission for Human Rights, through its various engagements with the Government has advised Ministries and provincial departments on ways to protect its citizens from ethnic, religious and sectarian violence as well as the prevalent hate speech in the country. To this end, NCHR submits the following recommendations for the State Party's consideration:

1. **Develop an all-party consensus government policy on addressing religious extremism:**

To date, the government does not have a concrete, unified policy on countering religious extremism. Political considerations, election and reelection strategies, and individual concerns impede the establishment of a unified strategy for combating

religious extremism and hatred. It is unfortunate that the parliament itself could not unanimously condemn the burning alive of a tourist in Swat on alleged blasphemy charges. To address the growing radicalism and hatemongering, it is paramount that all political parties, religious groups, and stakeholders come together to develop a standalone and long-term strategy to prevent religious extremism, violence, and vigilante action in Pakistan. Such a uniform policy would also empower and strengthen the bureaucracy and police, enabling them to take effective action against perpetrators without fear of reprisals.

2. **Reexamine blasphemy cases:**

The government needs to revisit and reexamine blasphemy cases in various prisons across Pakistan. The exponential growth of such cases, the relatively young age of the accused, and the manner of arrest and investigation, especially by the FIA under PECA law require close scrutiny. With the increase in internet outreach, it is essential to ensure that youth are not entrapped in blasphemous material online. Close examination and strong action are needed to ensure justice and fairness is upheld at all costs.

In the case of blasphemy accusations, all first responders should also receive training to recognize any signs of potential mental illness(es) in the accused. This is important to ensure the adequate inclusion of mental health considerations in legal processes.

Additionally, there is a need for effective Witness Protection Laws. Implementation of robust witness protection laws are imperative for protecting witnesses in blasphemy cases. The laws should ensure safety and anonymity of witnesses to encourage honest testimonials and fair trials, eliminating the possibility of intimidation or penalties.

3. **Employment and Minority Quotas:**

Ensure fairness and transparency in implementation of minority quota within employment. To this end, the NCHR advises the Government of Pakistan to empower the National Commission for Minorities to monitor compliance of both; the minority employment quota and the hiring policy regarding non-Muslims introduced within federal and provincial governments. Further, it is advised that special attention be given to empowering women within minority classes to ensure that they have access to employment as well without any discrimination. To ensure practicality and effectiveness, the NCHR advises the Government to require government departments to submit implementation plans and compliance reports to ensure that minority vacancies are filled.

4. End Bonded Labour:

Ensure access to justice to minorities stuck in bonded labour. Various minority communities continue to find themselves caught in bonded labour despite its criminalization. There is a general distrust in local administration, police and legal system which are seen as corrupt, inefficient or too far removed to provide protection against the traditional feudal power structures responsible for the bonded labour system. It is thereby essential for the Government of Pakistan to take adequate steps to alleviate minority communities from the menace of bonded labour and provide them immediate access to justice through the following:

- Establishing and strengthening unions and other associations of labourers that would help protect rights through collective bargaining and representation.
- Revise brick kiln registration processes and developing robust strategy to expedite the process by providing additional resources to the labour department and implementing incentives and enforcement mechanisms to ensure registration all brick kilns.
- Implementing a greater use of automated machinery through tax reductions in brick production.
- Increase income of labourers in fields where bonded labour is prevalent.
- Enhance the capacity of District Vigilance Committees.
- Prioritize data collection and record keeping through the use of mobile units by NADRA and by the Election Commission taking greater steps to bring more people into the electoral net.
- Facilitate training programs for relevant organisations.
- Effectively prohibit child labour in brick kilns.
- Promote the role of civil society and non-profit organisations in addressing the issue of bonded labour.

5. Ensure transparency in hiring of minorities.

The NCHR advises the Government of Pakistan to develop transparent and equitable policies at all levels for hiring of individuals from minority communities. Currently, no hiring policy is available publicly which has been published by the federal or provincial governments which provides equitable standards to be implemented when hiring individuals from minority communities. Such a policy will guide recruitment in a transparent manner, ensuring that minority quotas are fulfilled on an equitable basis. Government must also provide greater access to justice to minority communities particularly with regards to employment and equal wages.

6. Religious and Ethnic Violence:

- **Ensure speedy investigation and justice:** The NCHR advises the Government to adopt effective SOPs and machinery in order to speedily investigate incidents of religious and ethnic violence such as the use of geo-fencing, CCTV cameras etc. to gather effective evidence for prosecution. Moreover, it advises the government to become a party to the prosecution or to set up special prosecutors in such cases so as to assist courts in early dispensation of justice. Government must ensure fast-track courts for cases involving minority violence and blasphemy allegations to expedite justice and deter potential mob justice.
- **Establishment of systems of accountability** to facilitate and improve investigation. The NCHR advises the Government to ensure that systems of accountability at all levels are present when cases of violence against religious, ethnic or sectarian are recorded. To this end, District Criminal Justice Coordination Committees established under the Police Act may be used to monitor cases and ensure that justice is achieved.
- **Strengthen capacity of law enforcement agencies:** NCHR advises the Government to establish specialized police units trained to deal with minority violence and blasphemy cases. Moreover, the Government should work towards implementing standard Operating Procedures in police areas identified at high-risk for minority violence. Further, specialized training must be provided for law enforcement officers on handling cases of minority violence and blasphemy sensitively and effectively. Moreover, it is important for the Government to establish rapid response teams to address incidents of mob violence promptly.
- **Curb growing extremism and de-radicalisation through reform, education and a national awareness raising programme.** The NCHR advises the Government of Pakistan to take immediate action to develop and disseminate a national programme aimed at curbing extremism, hate speech and to de-radicalise youth. This must be instated in schools, madrasas and any other educational institutions to ensure that young minds are taught tolerance and inclusivity.

7. Madrasa Reform:

NCHR also looks forward to seeing substantive movement on the government's pledge to ensure reform in the Madrassas education system as reflected in its 20 point National

Action Plan 2015, which followed a devastating attack on the Army Public School Peshawar in 2014. This may also entail nationwide consultations with religious groups so as to create emphasis on human rights and citizen's responsibilities for a more tolerant and responsible society.

8. Implementation of the Justice Jilani Judgement SMC1 of 2014.

The NCHR advises the Government of Pakistan to take measures to effectively implement the decision in suo motu action SMC1 of 2014 regarding a suicide bomb attack on the church in Peshawar in 2013 and regarding threats being given to Kalash tribe and Ismailis in Chitral. The judgement required the Government to constitute a taskforce mandate to develop a strategy for religious tolerance, reform school curricula to promote a culture of religious and social tolerance, undertake appropriate steps to deal with hate speech online, establish an empowered National Council for Minorities, establish special police force with professional training to protect the places of worship of minorities, capacitate law enforcing agencies to promptly take effective actions when incidents against minorities occur etc. These measures continue to be needed and thus the Government must give due regard to the implementation of the directives under this Judgement.

9. Hate Speech:

Enact comprehensive policy to deal with hate speech. The NCHR advises the Government of Pakistan to introduce an effective policy on equality and non-discrimination. Further, it is essential for government departments to be trained to deal with incidents of hate speech and how to curb them at an earlier stage.

Undertake effective action to curb both online and offline hate speech across Pakistan. The NCHR advises the Government of Pakistan to curb the growing menace of hate speech in Pakistan. This includes reviewing and amending existing legislation to ensure it is robust and effective in controlling hate speech. Current legislation, such as the Prevention of Electronic Crimes Act (PECA), has been often misused to curb dissent rather than genuinely addressing hate speech and fake news. The government should review and amend existing laws to ensure they specifically target hate speech without infringing on free speech and press freedoms. This involves defining hate speech more clearly and ensuring that laws are not overly broad or vague. Furthermore, strengthening existing reporting mechanisms at both local and national levels is essential to increase an individuals' access to reporting agencies such as the Federal Investigation Agency, thereby enabling them to report instances of hate speech more easily.

The government should be at the forefront of advocating against online hate speech by drawing on frameworks including the Rabat Plan of Action and various UN

Charters. The Rabat Plan of Action offers pragmatic recommendations to states in order to develop an environment promoting freedom of expression in instances of hate speech. The plan defines six thresholds establishing hate speech that need to be addressed and prohibited: context, speaker, intent, content and form, extent of the speech act and likelihood of harm. These guidelines can prove to be effective when designing balanced legislative measures to address online hate speech without violating freedom of speech and expression.

Among UN Charters, the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) highlight the need to protect human rights such as freedom of expression and safeguarding against discriminatory practices. Articles 19 and 20 of the ICCPR are pertinent as they contain frameworks that offer ways to strike a balance between freedom of expression and the need to curb hate speech and actions that incite violence. It is imperative that Pakistan's laws and policies align with these international laws and standards to ensure effective implementation measures against online hate speech

Additionally, societal attitudes towards hate speech need to change, which requires effective awareness-raising campaigns. These campaigns should focus on educating the public about the dangers of hate speech and promoting a culture of tolerance and respect.

Through continued and sustained legislative, institutional, and societal changes, the protection of minority rights and rights of vulnerable and indigenous groups can be truly realized in Pakistan. While some progress has been made in dealing with hate speech, and condemning religious and sectarian violence, most recently the Government's directive to provincial police heads to ensure the protection of the Ahmadiyya community, much remains to be done to ensure that all individuals, regardless of their caste, creed, religion, or ethnic origin, are treated equally. Moreover, equal treatment must be accompanied by equitable treatment to ensure that all citizens of Pakistan are safeguarded, and their rights guaranteed by the state. The government must take robust action to address these grave issues and ensure that its obligations under the Convention on the Elimination of All Forms of Racial Discrimination (CERD) are effectively enforced.



051 9216771
5th Floor Evacuee
Trust Complex, Agha Khan Road,
Islamabad
www.nchr.gov.pk