

WRITTEN INFORMATION

Submission to the **United Nations Human Rights Committee** for its

Examination of Pakistan's Second Periodic Report

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Submitting organisation:

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The Centre for Legal Aid Assistance & Settlement (CLAAS-UK) submits this document in response to the call for written information issued by the Human Rights Committee. CLAAS-UK had previously submitted a List of Issues to towards the Committee's periodic review of Pakistan regarding issues of 1) persecution of minorities, 2) misuse of blasphemy laws, 3) forced conversions and child marriages, and 4) limited rights of religious minorities.

CLAAS-UK is a Christian organisation founded in 1998 committed to addressing ongoing religious persecution in Pakistan. The staff, which includes lawyers and volunteers have worked to support thousands of poverty-stricken and traumatised victims of religious persecution. Our website also systematically documents incidents of violence against Christians and others from minority religious communities. Our main areas of focus include the misuse of blasphemy laws, forced conversions of Christian women and girls, bonded labour, and emergency relief in natural disasters and attacks on people of minority religions.

In this submission, we would like to put forth written information relevant to issues of minorities addressed in Pakistan's reply to the list of issues raised by the Human Rights Committee to its second periodic report.

1. Protection of Minorities

The establishment of the National Commission for Minorities in 2020

In paragraph 130 of the Member State's reply, Pakistan mentions the establishment of the National Commission for Minorities (NCM) in 2020. However, as was highlighted in our previous submission to the Committee, this Commission was not set up through an act of the legislation, but by the federal cabinet and therefore does not have the same legal standing and powers that a Commission formed under a legislation passed by the Parliament would have.¹

Another criticism regarding the formation of the Commission by the federal cabinet has been that, in the absence of an act vesting specific powers, it would just be a government body, rather than an independent, statutory institution.²

A concern about the Commission has been that after the passing the 18th amendment to the constitution in 2010, the issues of minorities are now a provincial matter.³ Therefore, a commission formed by the federal cabinet does not wield the necessary legal powers to enforce its resolutions across the country.

National Commission for Minorities Bill 2023

The National Commission for Minorities Bill 2023 that is referred to in paragraph 131 of Pakistan's reply is a legislation that has faced strong criticism from civil society. The Joint Action Committee for Peoples Rights (JAC) noted that the bill was inconsistent with UN Paris Principles.⁴ The JAC further noted that the 2023 bill was not in line with the directives of the 2014 judgment by Justice Tassaduq Hussain Jilani in *Justice Helpline & Ors v. Attorney General*.

One of the main criticisms of the 2023 bill is the fact that, while it has a good representation of non-official members from various communities (totalling 17),⁵ it also

¹ Umair Jamal, 'How Effective Is Pakistan's Newly Established National Commission for Minorities?' <<https://thediplomat.com/2020/05/how-effective-is-pakistans-newly-established-national-commission-for-minorities/>> accessed 12 August 2023.

² Nabila Feroz Bhatti, 'Fault-Lines in the Minorities Commission Bill' (*The Express Tribune*, 25 August 2023) <<https://tribune.com.pk/story/2432281/fault-lines-in-the-minorities-commission-bill/>> accessed 9 September 2024.

³ Jamal (n 1).

⁴ 'Civil Society Rejects Minorities' Commission Bill' (*The Friday Times*, 9 August 2023) <<https://www.thefridaytimes.com/2023/08/09/civil-society-rejects-minorities-commission-bill/>> accessed 9 September 2024.

⁵ National Commission for Minorities Bill 2023 s 3(3).

has 12 official members.⁶ The presence of a dozen official members in the Commission strikes at the Commission's ability to act as an independent, autonomous and resourceful minority rights institution.

Adding to the concerns of civil society is the fact that, most Pakistani officials are not from minority communities. Therefore, in addition to being official members, it would also make the minority non-official members feel censored and this might restrict their ability to work without fear, for the welfare of the minorities. Moreover, even the selection panel for the members of the Commission is constituted of government officials.⁷

Other criticism for the 2023 bill includes the fact that it was named 'National Commission for Minorities', instead of 'National Commission for Minorities' Rights', that the bill was prepared by the Ministry of Religious Affairs and Interfaith Harmony instead of the Ministry of Human Rights, the need for proportional representation of different segments within each minority religion, and the representation of members from other National Human Rights Institutions within this Commission to enhance cooperation between them.⁸

Investigation into the Jaranwala incident

In its reply, under paragraph 132, the Member State mentions that, "the Punjab law enforcement agencies executed a comprehensive investigation into the matter including issuing arrest warrants of accused persons, and deployed 3000 police personnel to control the law-and-order situation."

While it is true that paramilitary troops had to be called in to handle the violence and bring the situation under control, the investigation into the matter by the Punjab law enforcement agencies left much to be desired.

On the 13th of February, 2024, the Supreme Court of Pakistan rejected the Punjab government's progress report on the investigation into the Jaranwala incident. Chief Justice Qazi Faez Isa, was quoted as saying that the report was "was worth throwing in the trash".⁹ These comments were made while the apex court was hearing of a case about

⁶ ibid 3(4).

⁷ ibid 4(4).

⁸ Bhatti (n 2).

⁹ 'SC Rejects Punjab Govt's Probe Report Regarding Jaranwala Incident' (*Pakistan Today*, 14 February 2024) <<https://www.pakistantoday.com.pk/2024/02/14/sc-rejects-punjab-govts-probe-report-regarding->

the rights of minorities. The chief justice went on to note that, “By failing to stop the attackers, the police undermined public confidence in themselves.”¹⁰

This demonstrates that a lot was left to be desired in the way the investigation into the cases have been carried out.

2. Prevention of Misuse or Abuse of Blasphemy Laws

Prosecution under Blasphemy Laws

In Pakistan’s reply, it mentions under paragraph 134 that ‘blasphemy laws are applicable to every citizen of Pakistan without any prejudice.’ As reported in the Pakistan Country Report on Human Rights Practices for 2023 by the United States Department of State, while majority of those imprisoned for blasphemy were Muslim, religious minorities were disproportionately affected.¹¹

This builds on our argument in the previous submission before this Committee, based on the Annual Report by the United States Commission on International Religious Freedom (USCIRF), which pointed to a rise in targeted killings, blasphemy cases, forced conversions, and hate speech against religious minorities including Christians, Ahmadis, Shi’a Muslims, Hindus and Sikhs.¹² The 2022 Report spoke of the its ‘systemic, ongoing, and egregious religious freedom violations’ by Pakistan.¹³

The 2023 report by the Human Rights Commission of Pakistan (HRCP) on the marginalisation of religious minorities reiterates these facts. Apart from attacks on minorities, the HRCP report also noted how blasphemy laws were disproportionately used against religious minorities.¹⁴

jaranwala-incident/> accessed 9 September 2024; Jahanzeb Abbasi, ‘SC Throws out Jaranwala Inquiry Report’ (*The Express Tribune*, 14 February 2024) <<https://tribune.com.pk/story/2456427/sc-throws-out-jaranwala-inquiry-report>> accessed 9 September 2024.

¹⁰ Abbasi (n 9).

¹¹ ‘Pakistan 2023 Human Rights Report’ (Bureau of Democracy, Human Rights and Labor, United States Department of State) 23 <https://www.state.gov/wp-content/uploads/2024/02/528267_PAKISTAN-2023-HUMAN-RIGHTS-REPORT.pdf> accessed 9 September 2024.

¹² ‘Annual Reports | USCIRF’ (0713:05:40 2023) <<https://www.uscifr.gov/annual-reports>> accessed 8 April 2023.

¹³ United States Commission on International Religious Freedom, ‘USCIRF Releases New Report Highlighting Religious Freedom in Pakistan | USCIRF’ (1013:14:05 2023) <<https://www.uscifr.gov/release-statements/uscifr-releases-new-report-highlighting-religious-freedom-pakistan>> accessed 11 August 2023.

¹⁴ Maheen Pracha, ‘HRCP Calls Attention to Continued Marginalisation of Religious Minorities’ (*HRCP*, 7 February 2023) <<https://hrcp-web.org/hrcpweb/hrcp-calls-attention-to-continued-marginalisation-of-religious-minorities/>> accessed 8 April 2023.

In Pakistan's reply, while it provides data on the total complaints, prosecutions, convictions and acquittals, the data is not disaggregated between Muslims and non-Muslims. Nevertheless, it is quite evident from the data presented that while there is a significant number of prosecutions (747), there are very few numbers for both convictions (09) and acquittals (64), demonstrating that the vast majority of the accused are under trial, and often languishing in prison.

Recent Amendments to the blasphemy laws

Despite the concerns raised about the misuse of blasphemy laws, the government has gone ahead and passed an amendment to the Criminal Law in 2023 that enhanced the punishment for certain offences. These amendments would only go on to further discriminate against religious minorities.¹⁵

False accusations affecting minority communities

The Jaranwala attacks in August 2023 was set in motion when someone accused a Christian family of desecrating the Quran. What ensued was an entire community being attacked by mobs, churches being vandalised, and houses set on fire.¹⁶

Investigating Officer in Blasphemy cases

While the reply submitted by Pakistan mentions that the preliminary inquiry in blasphemy cases were now carried out at the level of District Police Officer, in the cases that CLAAS-UK has encountered on the ground, the investigating officer is often those in much lower posts.

For instance, in the case of twin Christian brothers, Tabish Shahid and Yeshua, who were arrested and charged with blasphemy on 27 August 2024, the investigation was done by an officer at the level of Inspector of Police.¹⁷ A District Police Officer is usually at the

¹⁵ Maheen Pracha, 'Amendments to Blasphemy Laws Create Further Room for Persecution' (HRCP, 20 January 2023) <<https://hrcp-web.org/hrcpweb/amendments-to-blasphemy-laws-create-further-room-for-persecution/>> accessed 11 August 2023.

¹⁶ 'Jaranwala Incident: Following the Accusations of Blasphemy What Happened to Christians and Their Churches in Pakistan, Who Said What Thereafter? | Ghulam Ghaus Siddiqi, New Age Islam' <<https://www.newageislam.com/islamic-society/ghulam-ghaus-siddiqi-new-age-islam/jaranwala-incident-following-accusations-blasphemy-happened-christians-their-churches-pakistan-said-thereafter/d/130515>> accessed 21 September 2023.

¹⁷ 'Twin Christian Brothers Charged with Blasphemy in Pakistan' <<https://www.pakchristiannews.com/details/783>> accessed 10 September 2024.

rank of Superintendent of Police. This has also been the experience when CLAAS was handling other cases like that of Saima,¹⁸ and Jamila Jacob.¹⁹

In most cases, it is generally either the Assistant Sub-Inspector of Police (ASI) or the Sub-Inspector of Police doing the preliminary inquiry.

3. Minimum Age for Marriage

On the Minimum Age of Marriage

While the Federal Shariat Court's decision in 2021 upholding the minimum age for marriage of girls is a welcome decision, this has not stopped the incidence of minor girls from minority communities being abducted, forcibly converted and married to their abductors.

The judges hearing these cases, even after the judgment by the Federal Shariat Court, have sent the child with the abductor. More importantly, these are cases of girls who are not even 16, which is the minimum age that is currently mentioned in the Child Marriage Restraint Act, 1929.

In a case from July 2022, a 13-year-old girl was sent with her abductor by the judge of the Lahore High Court.

More recently, in a case relating to the abduction of a 14-year-old Christian girl in September 2023, the judge in the Lahore court dismissed the case on the basis of the victim's statement in court that she converted to Islam and married her husband of her own free will.

These examples show that judgments and laws do very little to curb the problem, if they are not even being enforced by the judiciary of the country. While it would be a welcome move by the government to raise the minimum age for marriage of girls to 18, it would only be effective if the law enforcement and judiciary work to enforcing it. In the absence of implementation of these laws, tragic cases like the examples presented above will continue to disrupt the lives of minority communities.

¹⁸ 'Another Blasphemy Case Against Christian Woman' <<https://www.pakchristiannews.com/details/756>> accessed 10 September 2024.

¹⁹ Nasir Saeed, 'Christian Woman Arrested on Blasphemy Charges in Lahore, Sparking Outcry and Fear Among Christians' (*Anglican Ink* © 2024, 9 June 2024) <<https://anglican.ink/2024/06/09/christian-woman-arrested-on-blasphemy-charges-in-lahore-sparking-outcry-and-fear-among-christians/>> accessed 10 September 2024.

Total number of forced conversions since 2016

In response to the Committee’s request for statistical data, the State’s response under paragraph 150 only states that “a total of 74 cases of early and forced marriages were registered across the country during the reporting period.”

Although CLAAS-UK does not have data from across Pakistan and across various minority groups, it has been able to collate information from individuals, media outlets and social media on cases of kidnapping, forced conversions and marriage of Muslim and Hindu girls, mostly from the provinces of Punjab and Sindh.

The figures in Table 1 below show the data between 2016 and 2023 that we were able to compile. While we do not have information regarding the age in each of the cases, we have calculated the cases where the age of the child was below 18 and 16, where this information was available. Therefore, the numbers mentioned below are conservative figures and the actual cases might be much higher.

The limited data presented here shows that at least 173 cases of forced conversions and marriage took place in Punjab and Sindh alone. Of these, at least 113 were girls under 18.

Table 1. Data CLAAS-UK compiled on Kidnapping, Forced Conversion and Marriage cases

Year	No. of Muslim girls	No. of Muslim girls below 18 years	No. of Hindu girls	No. of Hindu girls under 18 years	Total no. of cases
2016	1				1
2017	3		18	3 (1 under 16)	21
2018	4		7	1 (1 under 16)	11
2019	10		17	7 (3 under 16)	27
2020	25	2	3	1 (1 under 16)	28
2021	22	12 (9 under 16)	16	6 (6 under 16)	38
2022	11	11 (10 under 16)	11	4 (4 under 16)	22
2023	8	8 (6 under 16)	7	1	15
2024	8	8 (7 under 16)	1		10
Total	93	33 (32 under 16)	80	23 (17 under 16)	173

Therefore, the information presented by Pakistan in its reply does not represent the ground realities and the magnitude of the problem.

4. Measures to Promote Minority and Women Participation

In its response to the question regarding the participation of minorities and women in public affairs, Pakistan's reply within paragraphs 152 to 157 has conveniently avoided addressing the inequalities that persist with respect to the participation of minorities in public affairs.

As was highlighted in our previous submission, Article 41 (2) of the Constitution of Pakistan explicitly states that, "A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as a member of the National Assembly." This provision essentially excludes any non-Muslim from ever occupying the highest office in the country simply based on religion.

Representation of Minorities in the National Assembly

Further, the constitution mandates that 10 of the 342 seats in the National Assembly of Pakistan be reserved for non-Muslims.²⁰ Nevertheless, the current list of non-Muslim members of the National Assembly as displayed on its official website only lists seven members.²¹ The failure to implement a constitutionally mandated provision provides a glimpse into how stringently the policy of inclusion of minorities is pursued by the State.

Implementation quotas in government jobs

Perhaps most concerning among all is the manner in which government fulfils its minority quota in jobs. In a progressive step towards ensuring participation of minorities at every level of government, in 2009 the Government of Pakistan released a notification instructing all government offices to reserve 5% of all government positions from BPS-01 to BPS-22 for religious minorities.²²

As published in a report by the National Commission for Human Rights (NCHR) with the support of the European Union, nearly half the minority posts lie vacant.²³ Even

²⁰ The Constitution of the Islamic Republic of Pakistan 1973 art 51(4).

²¹ 'National Assembly of Pakistan' <https://na.gov.pk/en/mna_list.php?list=minority> accessed 9 September 2024.

²² Kushbakht Sohail, 'Unequal Citizens: Ending Systemic Discrimination Against Minorities - NCHR Fact Finding Report' (National Commission for Human Rights 2022) 4 <<https://www.nchr.gov.pk/wp-content/uploads/2022/05/Minority-Report.pdf>> accessed 9 September 2024.

²³ *ibid.*

among the posts that are filled, 80% of non-Muslim minorities are employed in low paid work from BPS-01 to BPS-04.²⁴ Lamentably, in advertisements for government employment in major newspapers, religious minorities have been recruited exclusively for sanitary work, with the eligibility requirements often stating, ‘Only Non-Muslims Can Apply’.²⁵

This form of blatant discrimination at a systemic level perpetrated by the Government of Pakistan is not just a violation of international human rights standards, but also the Constitution of Pakistan.

²⁴ *ibid.*

²⁵ *ibid.*