



All-Party Parliamentary Group for
the Pakistani Minorities

All Party Parliamentary
Group for International
Freedom of Religion or Belief



Religious Minorities of Pakistan: Report of a Parliamentary visit 27 September 2018 – 3 October 2018

Authors:

Professor Javaid Rehman, FRSA, FAcSS, Professor of Law, Brunel University, London.

Councillor Morris Johns, All-Party Parliamentary Group for the Pakistani Minorities.

Amro Hussain, All-Party Parliamentary Group for International Freedom of Religion or Belief.



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Authors:

Professor Javaid Rehman, Professor of Law, FRSA, FAcSS Brunel University, London, Councillor Morris Johns, Secretary to the All-Party Parliamentary Group for Pakistani Minorities and Amro Hussain, Director of the All-Party Parliamentary Group for International Freedom of Religion or Belief.

Cover Photo:

Parliamentary Delegation (Lahore 30 September 2018).

Left to Right (1st Row): Lord David Alton Professor the Lord Alton of Liverpool KCSG, Marie E Rimmer CBE MP, Jim Shannon MP, Councillor Morris Johns

Left to Right (2nd Row): Professor Javaid Rehman, FRSA, FAcSS, Amro Hussain

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LETTER FROM THE CHAIRMAN



A delegation of British Parliamentarians visited Pakistan in September 2018 to explore the human rights and minority rights situation of the country. The delegation consisted of myself, Professor Lord David Alton of Liverpool KCSG, Marie E Rimmer CBE MP, Professor Javid Rehman, FRSA, FAcSS, Professor of International Human Rights Law and Muslim Constitutionalism, Brunel University, London, Councillor Morris Johns, Secretary to the All-Party Parliamentary Group for the Pakistani Minorities, and Amro Hussain, Director of the All-Party Parliamentary Group for International Freedom of Religion or Belief.

I am thankful to all the individuals and institutions in Pakistan who welcomed us generously and helped us to comprehend the many complicated issues and problems of this wonderful country.

I am very grateful for the generous financial sponsorship of the following institutions which has enabled us to visit Pakistan and produce and launch this report: Brunel University, London (United Kingdom), International Law Foundation (Pakistan) and the National Commission for Human Rights (Pakistan).

I would especially like to thank Professor Javid Rehman of Brunel University (London) who is the UN Special Rapporteur on the human rights situation in Iran and who inspired us to visit Pakistan. His unfailing dedication and determination in arranging the visit and preparing this report is a testimony to his commitment to principles of humanity and human rights.

Jim Shannon MP

Chair, APPG for the Pakistani Minorities

Chair, APPG for International Freedom of Religion or Belief



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FOREWORD

***By Honourable Justice (Retd) Ali Nawaz Chowhan
Chairman, Pakistan National Commission of Human Rights***



I would like to express my deep and sincere gratitude to the United Kingdom Delegation which included Professor Lord David Alton of Liverpool KCSG, Jim Shannon MP and Marie E Rimmer CBE MP, Professor Javaid Rehman, FRSA, FAcSS, Professor of International Human Rights Law and Muslim Constitutionalism at Brunel University, London, Councillor Morris Johns, Secretary to the All-Party Parliamentary Group for the Pakistani Minorities, and Amro Hussain, Director of the All-Party Parliamentary Group for International Freedom of Religion or Belief. I am grateful to the members of the delegation for coming to Pakistan to discuss vital human rights issues. It was a great honour to welcome such illustrious and passionate people and I thank them for their commitment to human rights and towards the people of Pakistan.

The trip brilliantly emphasised the strong ties between our great nations and the shared values that we hold so dear; the most powerful value is the firm conviction that no man, woman or child should suffer simply because of his or her religion or peacefully held beliefs. Unfortunately, many people are denied this right in countries around the world, including in Pakistan. Religious minorities in Pakistan face many challenges such as false accusations of blasphemy, employment discrimination, societal discrimination, forced conversions, intimidation, violence and much else besides.

All countries have their problems. It is what we do about these problems that matters. There are many passionate people in the Pakistani government, within the administration and elsewhere in the country, who are doing all they can to help religious minorities, and to tackle those challenges. Although much good work has already been done, the unfortunate truth is that there is much more to do. That is why I welcome the delegation's trip to Pakistan. I thank them for their commitment to meeting people from all walks of Pakistani society to try to understand how we can face these challenges together. I thank them for their dedication and I welcome the recommendations of this report.

I hope that the British and Pakistani Governments, as well as the other organisations and individuals addressed in the report, will give serious consideration to the recommendations highlighted. I also hope that our two great nations can continue to work together for the benefit of religious minorities, and indeed, for all citizens of Pakistan.



ABBREVIATIONS

BPS	Basic Pay Scale (Pakistan)
CrPC	The Code of Criminal Procedure 1898 (as amended)
CSJ Report	Centre for Social Justice, <i>A Long Wait for Justice: A Comparative Analysis of the Supreme Court's Verdict on 19 June 2014</i> (Centre for Social Justice 2019)
DfID	Department for International Development
FIR	First Information Report
FoRB	Freedom of Religion or Belief
ICCPR	The International Covenant on Civil and Political Rights (1966)
KPK	Khyber Pakhtunkhwa
MNA	Member of National Assembly
MoHR	Ministry of Human Rights
MPA	Member of Provincial Assembly
NCHR	National Commission for Human Rights
NGOs	Non-Governmental Organisations
PCMR	Peoples Commission for Minority Rights
PEMRA	Pakistan Electronic Media Regulatory Authority
PPC	Pakistan Penal Code (1860) (as amended)
<i>The Paris Principles</i>	Principles relating to the Status of National Institutions adopted by the General Assembly Resolution 48/134 of 20 December 1993



EXECUTIVE SUMMARY

In order to understand, engage with and explore FoRB issues in Pakistan, a British Parliamentary delegation visited Pakistan between 28 September 2018 – 3 October 2018. The delegation consisted of Professor Lord David Alton of Liverpool KCSG, Jim Shannon MP and Marie E Rimmer CBE MP, Professor Javaid Rehman, FRSA, FAcSS, Professor of International Human Rights Law and Muslim Constitutionalism, Brunel University, London, Councillor Morris Johns, Secretary to the All-Party Parliamentary Group for the Pakistani Minorities, and Amro Hussain, Director of the All-Party Parliamentary Group for International Freedom of Religion or Belief. This was an exploratory mission, which allowed the delegation to engage with various government officials, NGOs and members of religious communities of Pakistan in order to discern the human rights and minority rights situation of the country. Members also met with representatives of various minority rights organisations and had the opportunity to visit residences of Christian communities including slum residences within Islamabad. In their investigation and during the mission the delegation found the following issues of concern:

1. Absence of National Commission for Minorities
2. Difficulties in Reforming Blasphemy Laws and Misuse of Existing Laws
3. Non-Implementation of 5% Jobs Quota for Minorities
4. Discrimination in the Education System and Lack of Access to Advanced Education and Training
5. Minority Underrepresentation in Politics
6. Forced Conversions and Forced Marriages
7. Lack of Training for Law Enforcement Agencies
8. Children in Conflict with the Law and on Death Row
9. Criminal Justice Matters
10. Slums for Religious Minorities
11. Persecution of Ahmadis

In order to address the aforementioned concerns, this report makes a number of recommendations, including the following key suggestions and recommendations addressed to the relevant organisations:

The Pakistan Government

- (i) *fully comply with international human rights standards and in so doing ratify the significant international human rights treaties as identified in this report.*



- (ii) *acting upon its standing invitation to all special procedures, extend invitations to UN thematic mandate holders of the Human Rights Council to visit Pakistan.*
- (iii) *establish an independent National Commission for Minorities.*
- (iv) *ensure full independence for the National Commission for Human Rights. (NCHR).*
- (v) *ensure that the 5 % employment quota for minorities is fully implemented.*
- (vi) *select alternative ways of voting to ensure genuine representation for religious minorities.*
- (vii) *take immediate action to stop forced marriages and forced conversions.*

The National Assembly

- (i) *introduce legislation incorporating significant punishments for false accusations of blasphemy.*
- (ii) *amend the PPC and the CrPC to specifically incorporate the requirement that intention to commit the offence (mens rea) of blasphemy must be established by the prosecution as a pre-requisite to any conviction.*
- (iii) *amend S.196 of the CrPC to ensure that the FIRs in all blasphemy cases are only registered after permission is granted by the concerned government and before the courts can take cognizance of these cases.*
- (iv) *amend the CrPC to ensure that all blasphemy related issues undergo judicial review by senior judiciary rather than being left to local police.*
- (v) *amend Schedule II of the CrPC to make all blasphemy offences in the PPC (S. 295– S. 298–C) bailable, save in instances where there is a serious risk of flight of the accused person, or harm to the public or substantial risk of interference with investigations.*
- (vi) *provide capacity building training for appointed MNAs from minority backgrounds in skills-development which will be useful in parliamentary work (for example political organisation, drafting parliamentary papers and a more detailed understanding of parliamentary mechanisms).*



- (vii) *introduce comprehensive legislation to ensure domestic implementation of Pakistan's international obligations on issues such as freedom of religion or belief, freedom of expression, domestic violence, rights of the disabled persons and children.*
- (viii) *pass the Child Marriage Restraint (Amendment) Bill, 2018, which raises the minimum age of marriage in Pakistan to 18.*

The Provincial Governments

- (i) *introduce a 5% minority education quota in higher education institutions such as universities, professional, vocational and technical colleges to help ensure that religious minority students have the necessary education and skills to obtain employment advertised under job quota schemes.*
- (ii) *train existing police forces to protect minorities at provincial levels and to sensitise police towards respecting the rights of religious minorities.*
- (iii) *establish through Provincial Parliamentary Statutes, Parliamentary Commissions for Minorities modelled on the Paris Principles, which shall be able to examine legislative proposals for their impact on minorities and with quasi-judicial jurisdiction be empowered to take up forced conversion and forced marriage cases.*
- (iv) *introduce, as mandatory component of police training at provincial levels, training programmes in diversity, interacting with women and children from religious minorities and proper investigative procedures.*
- (v) *make it compulsory for relevant departments to clearly publish the number of minority quota vacancies for each grade in all job advertisements and send a notification order to all Provincial Government-linked bodies and departments that the 5% quota for minorities applies to them and to all vacancies, not just BPS grade 1 posts. The Provincial Governments should instruct the banning of all discriminatory advertisements with penalties for breaching this ban. The Provincial Governments should also undertake to publish accurate, updated figures of the number of minorities employed in provincial public services, appoint Provincial Governmental units to monitor organisational compliance with the 5% quota and introduce penalties for failing to meet this standard.*



- (vi) *for the Sindh Provincial Assembly to revive the Sindh Criminal Law (Protection of Minorities Bill) and for the other Provincial Assemblies to introduce similar legislation in their provinces.*
- (vii) *in a case of alleged abduction and forced conversion, introduce legislation mandating a statutory ‘cooling-off’ period of at least 60 days before the registration of marriage in order to ascertain the facts, and during that period the girl should reside in a safe house, not with the alleged abductor.*
- (viii) *strictly in accordance with the provisions of Article 22(1) of the Constitution of Pakistan 1973 (as amended), ensure that non-Muslim pupils at educational institutions are not obliged to receive religious education (in any form) other than their own.*
- (ix) *the Provincial ministries of Education introduce a test or a course, approved by religious minorities, which gives children from non-Muslim backgrounds the chance to also receive 20 extra marks towards their college or university admissions.*
- (x) *produce tool-kits and training manuals and introduce compulsory training programmes for all teachers and all persons involved in primary and secondary education designed to provide the essential understanding necessary to educate on peaceful co-existence and how to live in a multi-faith and multi-cultural society.*

Ministry of Human Rights and the Ministry of Law and Justice

- (i) *ban all discriminatory employment advertisements reserving low-paid or menial jobs for non-Muslims only and introduce financial penalties for breaching the ban.*
- (ii) *prepare proposals to amend legislation to ensure that PEMRA takes an effective role in preventing the dissemination of discriminatory or biased media materials and to take action against those who produce such materials.*
- (iii) *tackle the spread of hateful messages by outlawing displays of hate materials on banners, rickshaws, cars and other public surfaces and outlawing the refusal to admit Ahmadis in certain shopping centres.*



- (iv) *provide additional and specialist training to minority community candidates so as to ensure that these candidates are able to acquire adequate skills for appointment to government and public service vacancies.*
- (v) *review all laws that are in conflict with Pakistan's international human rights obligations and make recommendations to the Parliament to bring domestic laws in full conformity with international law.*
- (vi) *establish an independent committee to review the Pakistani prison system with the responsibility to publish accurate figures on the number of individuals who have been tried as adults despite there being evidence that they were below 18 at the time of the alleged offences.*
- (vii) *work with The Commonwealth and international donors to fund the establishment of a sufficient number of juvenile courts and detention centres.*
- (viii) *provide mandatory training programmes for law enforcement officials including police officers, social workers, judges and magistrates on the rights of children under Pakistan's constitution and the law, the Convention on the Rights of the Child and within international human rights law.*
- (ix) *initiate television and media campaigns focusing on the rights of children, especially rights of children in conflict with the Law as stated in Pakistan's constitution and within Juvenile and Justice System Ordinance 2000, the Convention on the Rights of the Child and within international human rights law.*
- (x) *in accordance with Pakistan's commitments with the ICCPR and other international human rights treaties, prepare comprehensive legislation prohibiting discrimination on the basis of religion, or belief, caste, language, gender, sexual orientation or disability.*

Ministry of Education

- (i) *establish official, independent committees (which should include representatives from all constitutionally recognised minority communities) to review school textbooks and curricula for discriminatory biases, hate materials and prejudicial statements and to recommend changes to ensure books and curricula only include factual and historically correct information. The recommendations by these committees should be binding on the Government and the Ministry of Education.*



- (ii) *provide all teachers with mandatory training on coexistence, tolerance and respect for minorities so that teachers can teach their students these values.*
- (iii) *introduce a test or a course, approved by religious minorities, which gives children from non-Muslim backgrounds the chance to also receive 20 extra marks towards their college or university admissions.*

The Council of Islamic Ideology

- (i) *work with the Ministry of Education to introduce a Mohammed Ali Jinnah Award for coexistence, which would be awarded to students who display respect and compassion towards fellow students from different religious backgrounds.*
- (ii) *encourage and support the proper implementation of the 5% minority jobs quota and the introduction of a 5% minority quota for educational institutions.*
- (iii) *support the strengthening of punishments for those who misuse blasphemy laws.*
- (iv) *support bills to tackle forced conversion, similar to the Sindh Criminal Law (Protection of Minorities Bill) and legislation to prevent child marriages similar to the Child Marriage Restraint (Amendment) Bill, 2018.*

The Governor of the Punjab

- (i) *revive the Punjab Provincial Committee which, prior to the 2018 elections, was considering the implementation of a 5% education quota for minorities and ensure that a timetable for implementation is developed.*
- (ii) *ensure that Punjab police receive training in respect for religious minorities and encourage the appointment of members of religious minority communities within the police force.*
- (iii) *work closely with the Punjab Government to ensure that all Provincial Government departments clearly publish the number of quota vacancies for each grade in all job advertisements and send a notification order to all Provincial Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies, not just to BPS 1 grade.*



- (iv) *convene regular meetings with religious leaders, many of whom are strongly opposed to forced conversions, to come together and promote the message that coercion is against religious teachings. This message can also then be facilitated through social media to reach much wider audiences.*

Punjab Ministry for Human Rights and Minorities Affairs

- (i) *work with Provincial authorities to introduce a 5% minority education quota in Provincial higher education institutions such as universities, professional, vocational and technical colleges.*
- (ii) *send a notification order to all Provincial authorities stating that it is compulsory to clearly show the number of minority quota vacancies for each grade in all job advertisements.*
- (iii) *send a notification order to all relevant departments to ban all discriminatory employment advertisements and introduce financial penalties for breaching the ban.*
- (iv) *initiate a register of qualified minority candidates who could be informed when there are job vacancies.*
- (v) *in co-operation with the Punjab Education Ministry, raise awareness about religious discrimination in schools, colleges and universities.*
- (vi) *establish a committee to expedite the return of nationalised Christian and Ahmadi colleges and schools in Punjab.*
- (vii) *introduce a duty of candour in policing and make local police officers liable for negligence for failure to deal with cases of abuse of blasphemy laws, cases of forced conversions or other attacks against minorities.*
- (viii) *introduce a complaints procedure on the Ministry's website so that members of minority communities can register complaints in cases of abduction, forced conversions, forced marriages or other types of discrimination.*



The Lahore High Court

- (i) *encourage lawyers from minority backgrounds to apply to become High Court judges and provide support and training for them to do so.*
- (ii) *actively support procedural changes to prevent the misuse of blasphemy laws.*
- (iii) *engage with The Commonwealth and other international donors to develop and fund programmes for training of lawyers from minority backgrounds.*
- (iv) *structure criminal court proceedings so that victims and the witnesses are not exposed to their attackers and that they can give their testimony anonymously.*
- (v) *introduce a public-private partnership model of management for courts so that they are professionally managed by outside bodies rather than by the judges. This should improve the running of the courts and have the added benefit of freeing judges to focus on judicial issues.*

The Law Commission of Pakistan

- (i) *propose legislation to prevent forced conversions, such as the Sindh Criminal Law (Protection of Minorities Bill).*
- (ii) *initiate mandatory training programmes for law enforcement officials including police officers, social workers, judges and magistrates on the rights of children under Pakistan's constitution and the law, the Convention on the Rights of the Child and within international human rights law.*
- (iii) *revive the minorities complaint cell in the Supreme Court of Pakistan.*

Punjab Directorate of Human Rights

- (i) *establish a comprehensive database of children currently on the streets of Punjab, with figures and information on numbers, ages, gender and their means of subsistence.*



- (ii) *undertake a survey of prisons in the Punjab and publish accurate figures of the number of adults and juvenile offenders currently detained in the prisons of the province.*
- (iii) *introduce at the Provincial level, a prompt, effective, accessible and child-friendly system for the mandatory reporting of cases of alleged child sexual abuse and exploitation in the home, in schools, in institutions or in other settings.*
- (iv) *work with the relevant authorities to introduce a duty of candour in policing and make local police officers liable for negligence for failure to deal with fraudulent cases of blasphemy, cases of forced conversions or other attacks against minorities.*
- (v) *tackle the spread of hateful messages by outlawing displays of hate materials on banners, rickshaws, cars and other public surfaces and outlawing the refusal to admit Ahmadis in certain shopping centres.*
- (vi) *support the work of PCMR and other religious groups and minorities in Pakistan.*

International Islamic University Islamabad

- (i) *use university resources to introduce training programmes for university officials on minority issues and highlighting the benefits of religious and cultural diversity.*
- (ii) *use social media to promote and highlight the benefits of religious and cultural diversity and encourage distance learning for inter-faith harmony.*
- (iii) *initiate a declaration to announce that religious discrimination in work places, educational establishments and in any other sphere of life is against the spirit of Islam and should be outlawed.*
- (iv) *attempt to foster collaborative links with Christian and secular universities internationally in order to forge academic ties and collectively counter challenges of religious, national or racial intolerance.*



The British Government

- (i) *make explicit in all its business with Pakistan, a full commitment to the importance of FoRB and the protection of minority rights.*
- (ii) *dedicate development funding to educate minority school children, institute a scheme of specialist educational scholarships for minority students and provide professional training to adults from religious minority groups.*
- (iii) *track and audit its current funding and investment streams in relevant departments, including DfID, to ensure that funding is not being channelled, directly or indirectly, to Pakistani Government departments or to individuals that do not support and demonstrate a clear understanding and strong respect of FoRB.*
- (iv) *in instances where aid is granted or contracts awarded in Pakistan, recipient organisations should satisfy established compulsory vetting and monitoring processes demonstrating respect for religious minorities.*
- (v) *DfID to add the category of religious minorities to the data it collects already on vulnerable populations, such as women and disabled people, for its projects in Pakistan.*
- (vi) *DfID to offer specific training courses for minority candidates under the Punjab Skills Development Fund, in coordination with the Punjab Government.*
- (vii) *DfID to work in coordination with NGOs and Provincial Governments to remove hate materials from school textbooks.*
- (viii) *meet with the Pakistan Public Services Commissions to discuss how to support the training and professional development of workers from minority backgrounds so that they can meet the qualification requirements for jobs advertised under the job quota schemes.*
- (ix) *encourage Pakistan to invite UN mandate holders (in particular the UN Special Rapporteur on Freedom of Religion or Belief) to visit Pakistan and to ratify the UN treaties as recommended in this report.*



- (x) *find avenues to support the Pakistani Government to comply with the 19 June 2014 Pakistani Supreme Court Judgment which ordered, inter alia, the establishment of a National Council for Minorities and a special police force to protect the places of worship of religious minorities.*
- (xi) *increase funding for the training of teachers in religious tolerance so that teachers are equipped to deliver positive messages of coexistence in schools.*
- (xii) *include modules on FoRB and religious tolerance in all existing DfID capacity building programmes.*
- (xiii) *work with the Pakistani Government to develop and support appropriate financial incentives for parents from marginalised religious minority communities to register their children upon birth and to send them to schools.*
- (xiv) *appoint a specialist officer at the British High Commission in Pakistan, to deal with the issues relevant to minorities, such as forced conversions and forced marriages.*
- (xv) *enhance awareness about issues of religious-based discrimination to ensure officials have the necessary skillset to deal with these issues; Embassy staff and all country-specific civil servants, including Country Desk Officers should undergo compulsory religious and FoRB literacy training.*

CHAPTER I:

INTRODUCTION



Delegation with the Honourable Chaudhry Mohammad Sarwar, The Governor of the Punjab

In 2017, the UK All-Party Parliamentary Group for International Freedom of Religion or Belief produced a report which highlights that countries which place significant restrictions on FoRB, or where there are significant social tensions between religious groups, tend to perform poorly on measures of conflict, displaying high levels of violence and terrorism.¹ Moreover, violent conflict and societal instability do not encourage long-term investment and trade. Pakistan, unfortunately, has been a country of concern for its restrictions on the right to freedom of religion or belief. In its more than 70 years of independent history, the State has experienced considerable internal conflict and societal instability which, in recent years, has emanated, at least in part, from religious radicalisation and sectarian tensions. There are substantial issues for Pakistan's religious minorities, including the misuse of blasphemy laws, the forced conversions and forced marriages of non-Muslim girls and the discrimination, marginalisation or ostracization of Christian, Hindu and Ahmadi minority groups from the mainstream of society. There are additional worrying issues, such as the inability of successive Pakistani administrations to fully implement in letter and in spirit the Pakistan

¹ See All Party Parliamentary Group for International Freedom of Religion or Belief, *Article 18: From Rhetoric to Reality* 2017 <https://appgfreedomofreligionorbelief.org/media/Article-18-report-1710.pdf> (last accessed 1 July 2019).

Supreme Court judgment of 19 June 2014, which ordered, inter alia, the application of the quota system for minorities and the establishment of a National Council for Minorities.²

However since the electoral victory of *Pakistan Tehrik-e-Insaf* (led by Mr Imran Khan) in the national elections held on 25 July, 2018, there has been considerable optimism about improving the human rights and minority rights situation in Pakistan.

Visit of the Delegation

In order to understand, engage with and explore FoRB issues in Pakistan, a British delegation visited Pakistan between 28 September 2018–3 October 2018. The delegation consisted of Professor Lord David Alton of Liverpool KCSG, Jim Shannon MP and Marie E Rimmer CBE MP, Professor Javaid Rehman, FRSA, FAcSS, Professor of International Human Rights Law and Muslim Constitutionalism, Brunel University, London, Councillor Morris Johns, Secretary to the All-Party Parliamentary Group for the Pakistani Minorities, and Amro Hussain, Director of the All-Party Parliamentary Group for International Freedom of Religion or Belief. This was an exploratory mission, which allowed the delegation to engage with various government officials, NGOs and members of religious communities of Pakistan in order to discern the human rights and minority rights situation of the country.

The delegation spent 5 days in Pakistan (2 days in Lahore and 3 days in the Capital Islamabad). Members of the delegation are extremely grateful for the manner in which they were received and welcomed in Pakistan. The delegation had very productive meetings with Government officials, as well as several human rights NGOs. Members also met with representatives of various minority rights organisation and had the opportunity to visit some Christian communities, including the slum residences within Islamabad. A further follow up visit was conducted by Professor Javaid Rehman between 31 March 2019–24 April 2019, during which he was able to meet a number of relevant stakeholders and government officials.

The visit would not have been possible without the generous financial support, hospitality and organisation of many colleagues, friends and sponsors. The delegation would like to thank the following organisations for their generous sponsorship:

- Brunel University, London (United Kingdom)
- International Law Foundation (Pakistan)
- National Commission for Human Rights, Islamabad (Pakistan)
- Council of Islamic Ideology, Islamabad (Pakistan)

² Supreme Court of Pakistan (Original Jurisdiction) 19.06.2014 PLD 2014 SC 699.

The delegation is in particular debt to the following colleagues and organisations for their support for this mission:

- Barrister Ambreen Qureshi, Chairperson Human Rights and Environmental Protection Law Lahore High Court Bar Association and Chairperson-National Women Lawyers Society (Pakistan).
- His Excellency Professor Dr. Qibla Ayaz, Chairman of the Council of Islamic Ideology, Islamabad (Pakistan).
- His Excellency Honourable Justice (Retd) Ali Nawaz Chowhan, Chairman of the National Commission for Human Rights, Pakistan.
- Dr. Muhammad Raheem Awan, Federal Secretary Law & Justice Commission of Pakistan (Government of Pakistan).
- Karen Janjua, Deputy Regional Director, Strategy, Partnership & Resource Mobilization, Community World Service Asia, Pakistan.
- Dr Muhammad Nawaz, Centre for Excellence in Information Technology, IMSciences Peshawar, Pakistan.
- Atta Ul Mustafa, Advisor to the Chairman National Commission for Human Rights, Advocate High Court, Pakistan.
- Professor Anjum James Paul, Chairman, Pakistan Minorities Teachers Association (PMTA), Pakistan.
- Mr. Peter Jacob, Executive Director, Centre for Social Justice, Lahore, Pakistan.
- Mr. Asif Aqeel, National Lobbying Delegation for Minority Rights, Pakistan.
- Mr Zia Ullah Ranjah, Managing Partner Jurist Panel and International Law Foundation.

This report is a further examination of many of the issues previously raised by the All-Party Parliamentary Group for Pakistani Minorities and by the All-Party Parliamentary Group for International Freedom of Religion or Belief in their previous communications and reports.³ In order to represent this continuation, the present study reiterates some of the concerns highlighted in the All-Party Parliamentary Group for International Freedom of Religion or Belief report of 2016.⁴

Amongst the many challenges facing Pakistan, this report highlights only a few. These relate directly to those issues which were examined and explored by members of delegation during their visit to Pakistan. In order for a coherent structural presentation, this report is divided

³ See All Party Parliamentary Group for International Freedom of Religion or Belief <https://appgfreedomofreligionorbelief.org/> (last accessed 5 July, 2019).

⁴ All Party Parliamentary Group for International Freedom of Religion or Belief, *Freedom of Religion or Belief in Pakistan and UK Government Policy* (February 2016) <https://appgfreedomofreligionorbelief.org/in-parliament/pakistan-report/> (last accessed 5 July, 2019).

into V chapters. After this introductory chapter I, chapter II provides a brief historical overview. Chapter III is further subdivided into various sections, addressing the following issues:

Issues of Concern

1. Absence of National Commission for Minorities
2. Difficulties in Reforming Blasphemy Laws and Misuse of Existing Laws
3. Non-Implementation of 5% Jobs Quota for Minorities
4. Discrimination in the Education System and Lack of Access to Advanced Education and Training
5. Minority Underrepresentation in Politics
6. Forced Conversions and Forced Marriages
7. Lack of Training for Law Enforcement Agencies
8. Children in Conflict with the Law and on Death Row
9. Criminal Justice Matters
10. Slums for Religious Minorities
11. Persecution of Ahmadis

Chapter IV provides detailed recommendations and, in order to make these recommendations more effective and succinct, this report has specifically targeted recommendations for various organisations. Chapter V, in appendix I, list the various individuals that members of the delegation met during their visit to Pakistan. Appendix II provides the relevant sections of the *Pakistan Tehrik-e-Insaf* (PTI) election manifesto (2018).

MAP OF PAKISTAN



CHAPTER II:

BACKGROUND AND HISTORICAL OVERVIEW

Pakistan, the sixth most populous country in the world, emerged as an independent sovereign State on 14 August 1947. Up until 1971, Pakistan consisted of ‘West’ and ‘East’ Pakistan but in December 1971, East Pakistan, seceded and emerged as the independent State of Bangladesh. Located in the southern part of Asia, Pakistan’s neighbours are Iran to the West, Afghanistan in the north-west and India in the east and south-east. According to the official census completed in 2017, Pakistan had a population of 212,742,631.⁵ However, the accuracy of census figures is often contested; these figures have been challenged as under-representing the proportion of ethnic and religious minorities in Pakistan.

According to available official figures, 96.28% of Pakistan’s population consists of Muslims. Christians are 1.59% of the population whereas Hindus make up 1.60% of the people.⁶ Pakistani Christian are primarily based in the Federal Capital Islamabad, Punjab and Sindh, while Hindus and Scheduled castes are concentrated in rural Sindh.⁷ Since 1974, Pakistan’s religious minorities have also included the Ahmadis (or Ahmaddiyyas). Although formerly recognised as a religious sect within Islam, Ahmadis were constitutionally declared as non-Muslim by the Second Constitutional Amendment (Act) 1974.⁸ Ahmadis, like other religious minorities, claim underrepresentation in the official figures, which currently suggest their population – spread across Pakistan – as 0.22% of the entire population.⁹ Pakistan’s official census does not provide any figures of Muslims sects, although unofficial figures suggest that Muslims are further sub-divided into the Sunni majority (consisting of approximately 80%) and Shia minority (representing 15%–20% of the total population).

⁵ https://en.wikipedia.org/wiki/2017_Census_of_Pakistan#Provisional_results (last accessed 1 July, 2019).

⁶ <http://www.pbs.gov.pk/sites/default/files//tables/POPULATION%20BY%20RELIGION.pdf> (last accessed 1 July, 2019).

⁷ Ibid.

⁸ The Constitutional (2nd Amendment) Act 1974, Act XLIX 1974.

⁹ <http://www.pbs.gov.pk/sites/default/files//tables/POPULATION%20BY%20RELIGION.pdf> (last accessed 1 July, 2019).

Human Rights and Minority Rights Commitments and Obligations

Although the *raison d'être* of the new State carved out from British India in 1947 was to promote the interests of the Muslim minority population of the Indian Sub-Continent, the founder of Pakistan, Muhammad Ali Jinnah had a vision of establishing a liberal, democratic State. Jinnah, firmly advocated the position of equality of all citizens within the society and before the law. In his address to Pakistan's Constituent Assembly in 1947, he stated:

You are free: you are free to go to your temples, you are free to go to your mosques or to any other places of worship in the State of Pakistan. You may belong to any religion, caste or creed – that has nothing to do with the business of the State . . . We are starting with this fundamental principle that we are all citizens and equal citizens of one State. . . . Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not so in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.¹⁰

Constitutional Provisions and Minority Rights

Democratic credentials and a firm conviction to uphold principles of rule of law is enshrined in all of Pakistan's constitutional and legislative instruments. The major constitutions of 1956,¹¹ 1962¹² and 1973¹³ affirm fundamental human rights and make several references to the term 'minority'.¹⁴ Article 20 of the Constitution of the Islamic Republic of Pakistan (1973) provides that:

Subject to law, public order and morality:

- (a) every citizen shall have the right to profess, practise and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

¹⁰ Mohammad Ali Jinnah, address to the First Constituent Assembly, August 11, 1947.

¹¹ Government of Pakistan, *The Constitution of the Republic of Pakistan 1956*, Government of Pakistan Printing Press, Karachi, 1956.

¹² Government of Pakistan, *The Constitution of the Republic of Pakistan 1962*, Government of Pakistan Printing Press, Karachi, 1962.

¹³ Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan 1973*, Government of Pakistan <http://www.pakistani.org/pakistan/constitution> (as amended) (last accessed 1 July, 2019).

¹⁴ Ibid. the Preamble, Articles 2(a) and 36 of *The Constitution of the Islamic Republic of Pakistan 1973*.

The preamble to the 1973 Constitution declares that:

[a]dequate provisions shall be made for the minorities to profess and practice their religions and develop their cultures, [and that] fundamental rights, including the equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality [shall be accorded to all citizens].

The preamble also makes a commitment to protect the legitimate interests of minorities.¹⁵ The Constitution provides for ten additional parliamentary seats to be reserved for non-Muslims, which consist of Christians, Hindus and Persons belonging to the Scheduled Castes, Sikhs, Buddhists, Parsi Communities and other non-Muslims and Persons belonging to the Qadiani group or the Lahori group (the Ahmadis).

The constitutional right of every citizen to profess, practise and propagate his religion is supplemented by several additional provisions within the constitution of the Islamic Republic of Pakistan (1973). Article 21 provides that '[n]o person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own'.¹⁶ According to Article 22:

- (1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.
- (2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.
- (3) Subject to law:
 - (a) no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and
 - (b) no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.
- (4) Nothing in this Article shall present any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

Article 25 provides, inter alia, that:

- (1) All citizens are equal before law and are entitled to equal protection of law.
- (2) There shall be no discrimination on the basis of sex.

¹⁵ Ibid. the Preamble, *The Constitution of the Republic of Pakistan 1973*.

¹⁶ Ibid. Article 21.

The provisions of Article 26(1) establish that:

In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on grounds only of face, religion, caste, sex, residence or place of birth.

Article 27(1) states:

No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, case, sex, residence or place of birth.

According to Article 28:

Subject to Article 251, any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same subject to law, establish institutions for that purpose.

Within chapter II of the Constitution relating to Principles of Policy, Article 36 pledges the protection of minorities by safeguarding their ‘legitimate rights and interests . . . including their due representation in Federal and Provincial services’.

Pakistan and International Human Rights Commitments

Internationally, Pakistan has made numerous commitments to international human rights and minority rights standards. This is affirmed by Pakistan becoming a party to the International Bill of Human Rights (consisting of the Universal Declaration on Human Rights,¹⁷ the International Covenant on Civil and Political Rights¹⁸ and the International Covenant on Economic and Social Rights).¹⁹ The aforementioned human rights instruments also contain guarantees of equality of treatment and protection of individuals belonging to minorities. In addition, Pakistan has also ratified the Convention against Torture,²⁰ Convention on the Prevention and Punishment of the Crime of Genocide,²¹ the International Convention on the Elimination of All forms of Racial Discrimination,²² Convention on Elimination of All forms of Discrimination Against Women,²³ the Convention on the Rights of the Child²⁴ and the Convention on the Rights of the Persons with Disabilities.²⁵

¹⁷ 10 December, 1948, UN GA Res. 217 A(III), UN Doc. A/810 at 71 (1948).

¹⁸ Adopted at New York, 16 December, 1966. Entered into force 23 March 1976. GA Res. 2200A (XXI) UN Doc. A/6316 (1966) 999 U.N.T.S. 171; 6 I.L.M. (1967) 368. (ratified 23 June 2010).

¹⁹ Adopted at New York, 16 December, 1966. 993 U.N.T.S. 3; 6 I.L.M. (1967) 360. (ratified 17 April 2008).

²⁰ *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, New York, 10 December 1984 United Nations, *Treaty Series*, vol. 1465, p. 85. (ratified 23 June 2010).

²¹ 77 UNTS 277; HMSO, Misc. No (1966), Cmnd 2904 (ratified 12 October 1957).

²² *International Convention on the Elimination of All Forms of Racial Discrimination*, New York, 7 March 1966 United Nations, *Treaty Series*, vol. 660, p. 195. 'Pakistan was amongst the very first States to sign the Convention and the third to ratify it' 6th Periodic Report of Pakistan before the Committee, CERD/C/66/Add.10, para 8. (ratified 21 September 1996).

²³ International Convention on the Elimination of All forms of Discrimination against Women, New York, 18 December 1979, *United Nations, Treaty Series*, vol. 1249, p. 13. (Accession 12 March 1996).

²⁴ *Convention on the Rights of the Child*, New York, 20 November 1989 United Nations, *Treaty Series*, vol. 1577, p. 3. (Ratified 12 November 1990).

²⁵ *Convention on the Rights on the Rights of the Persons with Disabilities*, New York, 13 December 2006, UN Doc. A/61/488. (Ratified 5 July 2011).

CHAPTER III:

ISSUES OF CONCERN

1. Absence of National Commission for Minorities

Introducing institutional reform, including the establishment and development of indigenous institutions for the promotion and protection of minority rights, has proved to be one of the most challenging features of Pakistan's constitutional history. Various institutional experiments – sometimes competing and sometime running parallel to each other – have been deployed, generating considerable confusion within the constitutional matrix of protection of minority rights. A significant and long-standing demand by Pakistan's religious minorities has been the establishment of an independent, effective National Commission for Minorities. Pakistan had pledged to establish such a commission, in the Liaqat-Nehru Pact, in 1950, and indeed a Ministry of Religious Affairs was established in 1970.

After the secession of East Pakistan, a combined Ministry of Religious Affairs, Minorities Affairs and Overseas Pakistanis was formed in 1976. Minorities Affairs was, however, separated from the Ministry of Religious Affairs in 1977 and the mandate of Overseas Pakistanis was removed from the business of the Ministry of Religious Affairs in 1992.²⁶ A specific National Commission for Minorities was established as a result of a resolution of the Federal Cabinet dated 23 August 1993. This Commission, as shall be considered shortly, has morphed into a Ministry of Religious Affairs and Interfaith Harmony.

In 1996, Minorities Affairs and the department of Zakat and Ushr were merged with the Ministry of Religious Affairs.²⁷ In 2004–during the time of President General Pervez Musharraf– the Ministry of Religious Affairs was restructured. Further restructuring took place once the Pakistan Peoples Party came to power in 2008; autonomous Ministries of Religious Affairs and the Ministry for Minorities Affairs were established. The Zakat and Ushr divisions were segregated from the Ministry of Religious Affairs.²⁸

²⁶ Government of Pakistan Ministry of Religious Affairs and Inter faith Harmony, Islamabad, *Year Book 2015 – 2016* (Islamabad) (last accessed 1 July, 2019) at p.7.

²⁷ Ibid. at p.7.

²⁸ Ibid.

Federal Ministry for Minorities and the Current Situation

In November 2008, a Federal Ministry for Minorities was established for the first time in Pakistan. Mr Shahbaz Bhatti, a leading human rights advocate, was appointed as the Federal Minister for Minorities Affairs on 2 November 2008 and remained in this position until his assassination on 2 March 2011.

In July 2011, the Federal Minorities Affairs Ministry was replaced by the Ministry for National Harmony and Minorities Affairs. With functions similar to the Ministry for Minorities Affairs, the Ministry for National Harmony and Minorities Affairs was led by Paul Bhatti (the brother of assassinated minister Shahbaz Bhatti) as Minister and Special Advisor to the Prime Minister. Once returning to power in 2013, the Pakistan Muslim League (N) merged the Ministry for National Harmony and Minorities Affairs into a larger Ministry, the Ministry of Religious Affairs and Interfaith Harmony. The Ministry of Religious Affairs and Interfaith Harmony, as established in June 2013, has the following functions and portfolios:

1. Formulation of Hajj Policy.
2. Arranging the Muslim pilgrims visits to India.
3. Ziarat and Umrah.
4. Welfare and safety of pilgrims and zaireen.
5. Administration of Hajj Affairs and control of the Hajj Directorate at Jeddah.
6. Islamic studies and research including holding seminars and conferences on related subjects.
7. Training and education of Ulemas and Khatibs.
8. Error-free exact printing and publishing of the Holy Quran in the ICT.
9. Exchanges/visits of scholars of Islamic learning, international conferences/seminars on Islamic subjects and liaison with foreign and international bodies and institutions.
10. Ruet-e-Hilal.
11. Tabligh.
12. Observance of Islamic Moral Standards.
13. Donations for religious purposes and propagation of Islamic ideology abroad.
14. Marriage and divorce, infants and minor's adoption to the extent of ICT.
15. Auqaf in ICT.
16. Collection of Zakat and Ushr, disbursement of Zakat and Ushr to the Provinces and other areas as per formula approved by the Council of Common Interests.
17. Policy and legislation with regard to inter-faith harmony.
18. International agreements and commitments in respect of all religious communities and implementation thereof.
19. Representation of Pakistan at the UN Sub-Commission on Prevention of Discrimination to Minorities.
20. Minorities Welfare Fund.

21. National Commission for Minorities.
22. Evacuee Trust Property Board.²⁹

As noted from the above functions, the focus of this reformed Ministry has been exclusively upon promoting the interests of Muslims including promoting the religious ceremonies of Muslims such as Hajj and Ummra in Saudi Arabia. Neither an independent Ministry for Minorities nor a Commission for Minorities (focusing on promoting and protecting the interests of non-Muslim minorities) exists. The unceremonious merger of the previously existing Ministry of Minorities Affairs and a limited, ineffectual and subservient so-called National Commission for Minorities presents an unfortunate commentary to the historical and contemporary survey.

The Supreme Court Judgment of 19 June 2014³⁰

Having regard to the absence of the Commission for minorities, in its 2014 judgment, Pakistan's Supreme Court required the Pakistan Government to establish a National Council for Minorities Rights. According to Para 37 (iv) of the Supreme Court Judgment:

a National Council for minorities' rights be constituted. The function of the said council should *inter alia* be to monitor the practical realization of the rights and safeguards provided to the minorities under the Constitution and law. The Council should also be mandated to frame policy recommendations for safeguarding and protecting minorities' rights by the Provincial and Federal Government.³¹

During its election campaigns, the *Pakistan Tehrik -e-Insaf* campaigned on an election manifesto to establish a 'legally empowered, well resourced, independent National Commission on Minorities, followed by provincial Commissions/Departments'.³² However, notwithstanding these promises, no independent and autonomous Minorities commission has been established. In response to this failure to implement the Supreme Court's order and direction, on 8 January 2019, the Pakistani Supreme Court appointed Dr Shoab Suddle to lead a 'One Man Commission'. Simultaneously, the Supreme Court established a three person committee under the chairmanship of Dr Shoab Suddle to assist him in his work.

The purpose of the 'One Man Commission' and the committee was to 'take all measures to implement' the judgement passed on 19 June 2014, by the former chief justice Tassaduq Hussain Jilani, which had given the following seven directions to the Government:

²⁹ Ibid. at p. 8.

³⁰ For an excellent commentary on the judgment and its implementation See CSJ Report (2019).

³¹ Supreme Court of Pakistan (Original Jurisdiction) 19.06.2014 PLD 2014 SC 699 para 37 (iv).

³² [www.insaf.pk/public/insafpk/content/manifesto p. 23](http://www.insaf.pk/public/insafpk/content/manifesto_p.23). See below chapter V (Appendix II).

- i) Constitute a task force at the federal level for developing a strategy for promoting religious tolerance
- ii) Develop appropriate curricula at school and college levels of education in order to promote religious harmony and social tolerance
- iii) Curb hate speech in social media
- iv) Constitute a national council for minorities' rights
- v) Establish a special police force with professional training to protect the places of worship of minorities
- vi) Ensure enforcement, at Federal and Provincial levels, of the relevant policy directives regarding quotas for minorities in all services
- vii) Prompt action, including registration of criminal cases, whenever constitutional rights of religious minorities are violated or their places of worship are desecrated

The Suddle Commission was given three months to take measures towards the implementation of the 2014 Judgment of Supreme Court, with the possibility of an extension to its mandate. The delegation warmly welcomed Dr. Suddle to his post and congratulates the Supreme Court for taking such positive action. However, in the absence of administrative and governmental support, the Suddle Commission (and its associated committee) has not been able to complete its assignment, with the expiry of the initial three months time-frame.³³

In order to have a full implementation of the Supreme Court judgment of June 2014, and to expedite the formation of the commission, in November 2018, civil society members took the initiative and formed a Peoples Commission for Minorities (PCMR) as a shadow commission to prepare ground for the official commission and to take action on violation of human rights of minorities.

Recommendations:

It is recommended that the Pakistan Government establish, through Federal Parliamentary Statute, a National Commission for Minorities which should be a wholly independent body and must enjoy complete financial and political independence, making it answerable to Parliament rather than to the Government or any other State agency.

Further, it is recommended that:

- (i) in accordance with the *Paris Principles*,³⁴ the National Commission for Minorities, must be allowed to decide upon its functions and the membership of the

³³ Asif Aqeel, 'Commission on minority rights fails to implement SC verdict' Pakistan Today (24 April, 2019) <https://www.pakistantoday.com.pk/2019/04/24/retirement-of-former-cjp-may-negatively-impact-religious-minorities/> (last accessed 1 July 2019).

³⁴ Principles relating to the Status of National Institutions (The Paris Principles) Adopted by the General Assembly Resolution 48/134 of 20 December 1993 <https://www.un.org/documents/ga/res/48/a48r134.htm> (last accessed 1 July 2019).

Commission should be wholly independent of the Federal Ministry. The National Commission for Minorities must have quasi-legislative and quasi-judicial functions with its primary function being to safeguard and protect interests of minorities provided in its constitution.

- (ii) the Chairperson and membership of the Commission should be elected by the Minorities and the Commission must have full autonomy to determine its own agenda.³⁵
- (iii) the Commission for Minorities should be able to form itself into a court of law, to hear the grievances of individual minority members. In this capacity, the Commission should have powers to order appropriate remedies and have these enforced.
- (iv) until the creation of the National Commission for Minorities, to extend the time span for the Suddle Commission and its associated Committee. It is vital that in the period interim to the establishment of the Statutory Commission for Minorities, Dr Suddle's Commission has support of the Federal and Provincial Governments, has full access to the Government as well as logistical and technical support in order to carry out its work.

It is recommended that the Pakistan Provincial Governments:

- (i) establish through Provincial Parliamentary Statutes, Provincial Commissions for Minorities within their respective Provinces. The Provincial Commissions for Minorities should replicate the powers and functions of the Federal Commission for Minorities.

³⁵ The delegation was informed that the National Commission for Human Rights (NCHR) reports directly to the MoHR and receives its funding from them. This clash of interests limits the capacity of the NCHR to effectively critique the work of the MoHR. Therefore, any new human rights body should be accountable directly to the Parliament.

2. Difficulties in Reforming Blasphemy Laws and Misuse of Existing Laws

As recently confirmed in the Asia Bibi (Aasiya Noreen) case,³⁶ Pakistan's blasphemy laws are consistently misused and have proved a vehicle for egregious violations of fundamental rights and freedom of religion or belief. Chapter XV of the Pakistan Penal Code 1860 (as amended) lists a series of offences 'relating to religion'.³⁷ The rapid expansion of offences to the Penal Code during the period of the military dictator General Zia-ul-Haq led to the addition of a number of offences. These included S.295-C, which provides as follows:

295- C Use of derogatory remarks, etc., in respect of the Holy Prophet:

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

A subsequent amendment to S.295-C made the death penalty mandatory for anyone defiling the name of Prophet Muhammad.³⁸ As noted in the recent, high profile case of Asia Bibi, and other cases prosecuted under S.295-C, the overall impact of such prosecutions has been deeply disturbing and regrettable. Not only have they produced a culture of religious intolerance, fanaticism and bigotry, but also deterred a rational debate on the misuse of blasphemy laws within societal discourse. According to the National Commission for Justice and Peace, the authorities prosecuted a total of 1,170 blasphemy cases between 1987 and 2012, with scores of new cases being brought every year. Civil society reports estimate that in 2017 alone, at least 50 individuals were imprisoned on charges of blasphemy, with at least 17 facing possible death sentences.

³⁶ See the Pakistan Supreme Court Judgment, In the Supreme Court (Appellate Jurisdiction) *Mst Asia Bibi vs The State* http://www.supremecourt.gov.pk/web/user_files/File/Crl.A._39_L_2015.pdf (last accessed 1 July 2019).

³⁷ Pakistan Penal Code (Act XLV of 1860) 6 October 1860 <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html> (last accessed 1 July).

³⁸ See *Muhammad Ismail Qurashi vs. Pakistan through Secretary Law and Parliamentary Affairs*, PLD 1991 FSC 10.

In October 2018, the Pakistan Supreme Court overturned the conviction of Aasia Bibi based on insufficient evidence and the prosecution's failure to prove its case beyond reasonable doubt.³⁹ She had been in prison since 2010, charged and convicted of contravening the provisions of S.295-C of the Pakistan Penal Code. Charges against Aasia Bibi arose over apparent comments made by her during an altercation with her village neighbours. The liberal parties and politicians, such as the late Governor of Punjab Salman Taseer and the Minister Shahbaz Bhatti, supported Aasia Bibi's cause and both were assassinated because of their support and their public campaigns for the repeal of S.295-C. The Supreme Court acquittal order for Aasia Bibi in October 2018 led to considerable unrest and opposition from extreme religious parties. On 29 January 2019, a further review petition against the decision of the Supreme Court to acquit Aasia Bibi was dismissed. Notwithstanding the order made by the Supreme Court of Pakistan and Aasia Bibi's subsequent departure from the country, the political environment of Pakistani politics remains highly toxic.

The delegation welcomes the decision of Pakistan Supreme Court to acquit Aasia Bibi, but it is vital to remember that there are many others in Pakistan who have been wrongly accused of blasphemy.

Consequences of the Misuse of Blasphemy Laws

During its visit to Pakistan in September-October 2018, members of the delegation were informed that blasphemy laws are widely misused to settle personal scores.

There have been many reported cases of people being falsely accused of blasphemy by other parties in arguments or conflicts. Lawyers informed the delegation that in Pakistan, accusations of blasphemy are registered by local police who often conduct little to no investigation of the credibility of the claims, or who are sometimes willing to register cases through First Information Reports (FIRs) in exchange for bribes. Once accusations are registered, mob violence against the accused often ensues. Thus, the mere registration of an accusation of blasphemy can amount to (extra-judicial) death sentence. In its judgment of October 2018, the Pakistan Supreme Court noted that '[S]ince 1990, 62 people have been murdered as a result of blasphemy allegations, even before their trial could be conducted in accordance with law'.⁴⁰

In criminal prosecution, the law has been modified so that currently there is no burden on the prosecution to establish any intention or *mens rea* to blaspheme. This fact has led to people with severe mental disabilities being charged with blasphemy. There was agreement among

³⁹ See the Pakistan Supreme Court Judgment, In the Supreme Court (Appellate Jurisdiction) *Mst Asia Bibi vs The State* http://www.supremecourt.gov.pk/web/user_files/File/Crl.A. 39 L 2015.pdf (last accessed 1 July 2019).

⁴⁰ See the Pakistan Supreme Court Judgment, In the Supreme Court (Appellate Jurisdiction) *Mst Asia Bibi vs The State* http://www.supremecourt.gov.pk/web/user_files/File/Crl.A. 39 L 2015.pdf para 12. (last accessed 1 July 2019).

all the people whom the delegation met that such blatant misuse of the law is not only immoral and unethical, but it hampers and delays the Pakistani legal system. In a country of over 200 million people with only 4,000 judges, it is vital that fraudulent, frivolous cases do not take up valuable court time.

Recommendations:

To tackle misuse of blasphemy laws, it is recommended that legislation must be introduced to:

- (i) incorporate significant punishments for false accusations of blasphemy.
- (ii) amend the PPC and the CrPC to specifically incorporate the requirement that intention to commit the offence (*mens rea*) of blasphemy must be established by the prosecution as a pre-requisite to any conviction.
- (iii) amend S.196 of the CrPC to ensure that the FIRs in all blasphemy cases are only registered after permission is granted by the concerned government and before the courts can take cognizance of these cases.
- (iv) update the CrPC to ensure that all blasphemy related issues undergo judicial review by senior judiciary rather than being left to local police.
- (v) amend Schedule II of the CrPC to make all blasphemy offences in the PPC (S. 295– S. 298–C) bailable, save in instances where there is a serious risk of flight of the accused person, or harm to the public or substantial risk of interference with investigations.
- (vi) prosecute all those individuals who act violently against people accused of blasphemy and those who espouse violence against judges and lawyers involved in blasphemy cases.
- (vii) require that all police officers and judicial officers undergo training on human rights and minority rights issues and to undertake appropriate training for gathering appropriate evidence in matters related to blasphemy allegations.
- (viii) introduce a duty of candour in policing and make police officers liable for failure to investigate complaints from individuals who have been the victim of false allegations of blasphemy.

3. Non-Implementation of 5% Jobs Quota for Minorities

In 2009, Pakistan introduced a requirement that 5% of all Federal and Provincial Government posts must be filled by religious minority workers.⁴¹ The aim of this requirement was to assist minorities who have been discriminated against to access productive employment. This is called for by Article 37 of the Constitution which states:

- a. The State shall promote, with special care, the educational and economic interests of backward classes or areas.

However, many government bodies are failing to meet this standard. The Annual Statistical Bulletin of Federal Government Employees 2017–18, states that out of 581,240 employees, only 16,711 or 2.8% were Non-Muslims, and most of them were concentrated in the low paid work. Of those, 2.8%, only 323 or 1.93% were employed in senior management grades (BPS 17–22). There was a total of 4 Non-Muslim employees at BPS 20 and none at BPS 21 and 22. More worryingly, 13,401 (80.19%) non-Muslims were employed in BPS 1–4 grade jobs in federal government departments and ministries.

Another problem is that a lot of vacancies reserved for minorities are not filled at all. For example, data provided by the Punjab Public Services Commission for 2017 confirms that against a total of 896 posts reserved for minorities, 366 candidates were recommended, while 530 posts remained vacant due to non-availability of suitable candidates. The claim that people from religious minority backgrounds do not have the requisite skills or qualifications is the most common justification for the failure to employ individuals from religious minorities even in the quota scheme.

The 5% quota applies to all ‘departments/autonomous/semiautonomous bodies/corporations/Public corporations and Companies etc. [which are] administratively controlled by the Federal Government’.⁴² Many of these bodies, however, are either unaware of the provision or incorrectly believe that it does not apply to them. Some of them are aware of their responsibilities but choose not to publicly advertise vacancies that should be filled by religious minorities. Worse still, the delegation was informed that other organisations have tried to meet the 5% requirement by advertising sanitation jobs and other low paying work as being exclusively for Christians or other religious minorities.

⁴¹ See Notification issued by the Government of Pakistan, Cabinet Secretariat, Establishment Division (dated 26.05. 2009).

⁴² Ibid.

The delegation had the honour to meet with Honourable Chaudhry Mohammad Sarwar, the Governor of the Punjab. The delegation is encouraged by the Governor's stated plans and commitments to, inter alia, publicly support the introduction of a 5% religious minority quota in educational institutions and to send a notification order to all Government or Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies and not just BPS grade 1 jobs.

Recommendations:

To help ensure that the 5% minority jobs quota is filled, it is recommended that the Federal and Provincial authorities:

- (i) make it compulsory for the relevant department/employer to clearly publish the number of minority quota vacancies for each grade in all job advertisements.
- (ii) always advertise jobs in sufficient numbers so as to respect the 5% quota.
- (iii) send a notification order to all Government or Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies, not just at BPS grade 1 vacancies.
- (iv) ban all discriminatory employment advertisements (for example restricting vacancies for sweepers or jamaadars for non-Muslims) and introduce penalties for breaching the ban.
- (v) appoint governmental units to monitor organisational compliance with the 5% quota and introduce penalties for failing to meet the standard.
- (vi) publish accurate, updated figures of the number of minorities within federal and provincial services.
- (vii) introduce a 5% minority education quota in higher education institutions such as universities, professional, vocational and technical colleges. This will help ensure that religious minority students have the necessary education and skills to obtain employment advertised under the quota schemes. Such an initiative could be time-limited until minorities reach a similar level of education as the Muslim majority.
- (viii) require the federal and provincial public service commissions to hold specialist training sessions for minorities candidates.

4. Discrimination in the Education System and Lack of Access to Advanced Education and Training

Discrimination in Schools and Textbooks

There are considerable concerns regarding the Pakistani educational system and curricula in terms of FoRB. Discrimination against religious minorities is promoted through school textbooks which stigmatise non-Muslims and, with distorted historical facts, portray non-Muslims as inferior to Muslims. In the worst cases, some textbooks include hate materials and actively encourage discrimination or violence against religious minority groups. The Pakistani Minorities Teachers Association and others, particularly Ahmadi organisations, have produced a vast amount of research identifying materials in textbooks containing discriminatory and hate materials against minorities. The Pakistani Government has taken significant strides in removing some of the most offensive materials from school curricula but there is nevertheless considerable space for improvement.

Discrimination against non-Muslim students is also a feature of life in many Pakistani classrooms. Minority students are routinely subjected to physical and psychological ill-treatment, including being segregated, bullied, teased, beaten and pushed towards conversion. There are consistent reports that teachers often turn a blind eye to this discrimination or, in many cases, participate in it. Segregation policies have also been practised in a number of schools, including in some cities where school officials have prohibited Christian or other non-Muslim pupils from drinking water or using lavatories reserved for Muslim students. In one particularly horrific case, a Christian school boy was murdered by his own class fellows for drinking water from a 'Muslim' cup, on a particularly hot day. Meanwhile the class teachers stood by, allowing this tragedy to unfold.⁴³

Such events seriously undermine confidence in the system and discourage non-Muslim parents from sending their children to schools. Instead, this incentivises non-Muslim parents and family members to force children into labour and the employment market as a safer and financially more rewarding option. Furthermore, parents are also discouraged from sending their children to school because of the established perceptions that their children are unlikely to be able to access higher education or obtain worthwhile employment in the long run anyway because of their minority status. Despite all this, it is worth noting that there have been some emerging positive stories. In a recent case, a non-Muslim boy was beaten and expelled from school, but the school authorities took prompt remedial action. The delegation congratulates the authorities for taking such an immediate action, but there is still the challenge of ensuring a proper education and welfare for this boy.

⁴³ https://www.lastampa.it/vatican-insider/en/2017/09/18/news/pakistan-when-christians-die-for-a-glass-of-water-1.34421819?refresh_ce (last accessed 1 August 2019).

Examples of Discriminatory and Prejudicial Practices within the Educational System

Within the Educational system itself, there has been an emphasis on the reading and rote learning of the Holy Book, *Quran*, with incentivised marks being awarded to those students who have memorised the Holy *Quran* (Hafiz-e-Quran). The delegation, during its visit in September–October 2018, learned that in Pakistan, children who memorise the *Quran* are given 20 extra marks for the college and university admissions. There is no equivalent award of marks for children from other religious or belief groups. Therefore, non-Muslim students are disadvantaged in the highly competitive environment of further education admissions.

Contrary to the provisions of Article 22(1) of the Constitution of Pakistan 1973 (as amended), non-Muslim pupils are forced to study religious subjects other than their own. As the Centre for Social Justice Report observes:

‘Islam is the only religion taught in the education system of Pakistan as a compulsory subject. While the new education policy of 2009 added teaching of Nazrah (Quranic text), as compulsory subject from class 3 to 8. The religious lessons make up 20% to 40% of subjects such as languages, (including English and Urdu literature) social studies, and even General Knowledge. Non-Muslims are obliged to study this subject’.⁴⁴

In addition, educational curricula at all levels advance certain perceptions which seriously undermine the position of other religious faiths. The underlying theme as taught in secondary school classes of history, geography and Islamic studies is principally that Pakistan is a country made for Muslims alone, which was created as a reaction to Hindu hatred against Muslims. Hindus are always portrayed as enemies of Pakistan and also frequently labelled as crafty, politically astute and manipulative. In many instances, school textbooks, while misrepresenting historical facts, also advocate religious hatred. For example, it is often suggested that Hindus are against Islam and Pakistan, and that the break-up of Pakistan in December 1971 was the consequence of a Hindu conspiracy. Such a depiction not only undermines understanding of the contemporary minority and human rights situation in Pakistan, but is also a substantial distortion of facts which resulted in a human tragedy of an unprecedented scale. The educational textbooks deflect all self-reflective internal moral, societal and legal scrutiny by blaming the break-up of Pakistan as an Indian, Hindu-led conspiracy.

⁴⁴ CSJ Report pp. 45–46.

There is also evidence of educational materials which exclude minorities entirely from societal, cultural and social discourse to create an image of Pakistan as an exclusively Muslim society. Furthermore, the contribution of minorities in the independence movement and in the development of Pakistan is conspicuous by its absence. Some educational institutions (notably the *Madrassas*) encourage the students to take the path of *Jihad* (i.e. fighting in the path of Allah) including *Shahadat* (martyrdom for the cause of Allah). The highly volatile Kashmir conflict is often portrayed within educational texts and in the media as a religious dispute between Muslims and Hindus and those killed in the conflict are deemed *Shaheed* (martyrs) or *Kafirs* (unbelievers) based on whether they were Muslims or Hindus.

That said, the need to counter discrimination and use of the education system to promote tolerance has been highlighted by many Pakistani institutions and within various policy documents including the MoHR 2017 Policy Framework.

Nationalisation Policies and its Negative Impact on Minority Communities

At the time of the partition of India in 1947, a very small proportion of the Christian community had been able to benefit from the religious and educational institutions established by the foreign Christian missionaries. In the years subsequent to Pakistan's creation, these institutions continued to prepare a segment of educated Christians for higher education. These institutions not only provided a steady source of educational facilities (secular as well as religious) but their preferential hiring policies ensured a secure source of employment for the Christians.⁴⁵ However, over the years a vast majority of Christians, being illiterate and on the lowest ladder of socio-economic scale have failed to receive any formal education. Increasing hurdles have been placed for those who were formerly in a position to benefit from these Christian missionary institutions.

The most serious assault upon these Christian institutions was conducted under the government of Zulfikar Ali Bhutto (1972–1977). During this period, the Bhutto Government nationalised many of the Christian educational institutions in Punjab and Sindh provinces. This was followed by administrative changes within these educational institutions; the Government abolished administrative and teaching posts which had previously been reserved for Christian minorities. This administrative shake-up has had disturbing long-term consequences for the Christians of Pakistan. As administrative control was passed on to the

⁴⁵ See United Presbyterian Church, *A Century of Christ in India and Pakistan 1855–1955*, United Presbyterian Church, Lahore, 1958, pp. 12–14; L Vemmelund, *The Christian Minority in the North West Frontier Province of Pakistan*, (Christian Study Centre, CSC Series No. 6, Rawalpindi) 1973, at p. 11.

Muslim majority, the Christians felt that they were being deliberately excluded from job opportunities. It is estimated that the increasingly prejudicial environment led to over 5,000 job losses for Christians during 1975–1990.⁴⁶ Nationalisation of these institutions also resulted in a serious decline in educational opportunities for Christians, with recent years having seen a sharp drop in their literacy rate. Nationalisation also meant a loss of control over educational curricula and appointment of employees and administrators in these institutions. Other religious communities, notably the Ahmadis, have also expressed serious concerns at the forcible takeover of their properties and educational institutions.

In 2004, the government of President Pervez Musharraf made a public commitment to de-nationalise and to return these educational institutions to their rightful owners. While, a number of institutions were indeed de-nationalised and church properties and assets were returned, a significant number remain in the possession of federal or provincial governments. These include the Murray College in Sialkot and Gordon College in Rawalpindi. The Ahmadi community have also expressed similar concerns about the failure of the federal and provincial governments to denationalise Ahmadi educational institutions. During the Suddle Commission enquiry, the provincial administrations of Punjab and Baluchistan were particularly criticised. The Punjab government was castigated for not having ‘denationalized the education institutions belonging to the Ahmadi community despite that the community has deposited all the requisite fees and charges, which the government had required to deposit’.⁴⁷

The Parliamentary delegation at their meeting with the then Chief Justice, Honourable Mian Saqib Nisar, updated him with the latest developments on these properties and was grateful for his comments that they should be returned to their rightful owners immediately.

Recommendations:

In order to promote tolerance and counter discrimination within the educational system it is recommended that:

- (i) the Pakistani Provincial Governments establish official, independent committees (which include representatives from all constitutionally recognised minority communities) to review school textbooks and curricula for discriminatory biases, hate materials and prejudicial statements and to recommend changes to ensure

⁴⁶ See IA Rehman, ‘Emerging Trends in Human Rights Violations in Pakistan’, in Idara-e-Amn-O-Insaf (ed.), *Emerging Trends in Human Rights*, (Idara-e-Amn-O-Insaf, Lahore, 1994) at pp. 53–58.

⁴⁷ See proceedings of the First Meeting of Dr Shoaib Suddle’s Commission held at the Federal Judicial Commission, H – 8/4, Islamabad on 31 January 2019 (Annex 7), CSJ Report at p. 70.

books and curricula only include factual and historically correct information. The recommendations by these committees should be binding on all private and public educational authorities within the relevant province.

- (ii) strictly in accordance with the provisions of Article 22(1) of the Constitution of Pakistan 1973 (as amended), the Provincial Governments ensure that non-Muslim pupils at educational institutions are not obliged to receive religious education (in any form) other than their own.
- (iii) the Provincial ministries of Education introduce a test or a course, approved by the relevant religious minorities, which gives children from non-Muslim backgrounds the chance to also receive 20 extra marks towards their college or university admissions.
- (iv) the role of minorities in the creation, development and prosperity of Pakistan is included in educational textbooks.
- (v) the Pakistani Provincial authorities produce tool-kits and training manuals and introduce compulsory training programmes for all teachers and all persons involved in primary and secondary education designed to provide the essential understanding necessary to educate on peaceful co-existence and how to live in a multi-faith and multi-cultural society.
- (vi) the UK Government continues to support teacher training on respect for minorities and makes sure that all capacity building programmes in Pakistan include a component on tolerance and coexistence.
- (vii) the UK Government institutes a scheme of scholarships for non-Muslim school children from deprived backgrounds.
- (viii) the UK Government works with Pakistani authorities to offer financial incentives for students from poor backgrounds and minority backgrounds to encourage parents to send their children to schools.
- (ix) The Provincial Governments return all schools to the rightful owners; the Punjab government should return Murray College and Gordon College and the various Ahmadi institutions.
- (x) As discussed above, religious minorities are often individually as well as collectively discriminated against in education which, in turn, leads to discrimination in terms of employment. This combination of factors grossly limits the chances of religious minority communities to improve their standards of living and their status within Pakistani society. The key to improvement in the

minorities' economic social and economic uplift is therefore better access to higher education and professional and vocational training. To support minorities to have their right to education and to be better able to contribute to the wealth and prosperity of Pakistan, the Pakistan authorities need to:

- (a) introduce a 5% minority education quota in higher education institutions, universities, professional, vocational and technical colleges.
- (b) revive the Punjab Provincial Committee which, prior to the 2018 elections, was considering the implementation of a 5% education quota and ensure that a timetable for implementation is developed.
- (c) train applicants from minority communities who missed out on job vacancies due to a lack of skills so that they have the requisite skill-set by the time the next round of vacancies is advertised. The Punjab Ministry for Human Rights and Minority Affairs is already planning such an initiative for intending civil servants but it currently lacks funding.

5. Minority Underrepresentation in Politics

The Pakistan National Assembly has a total of 342 members. 272 Members of National Assembly (MNAs) are directly elected. In addition, there are 60 reserved seats for women and 10 reserved seats for non-Muslim religious minorities. While the number of general and women's parliamentary seats have been increased to reflect the population increase, no such increases has been forthcoming in case of minorities. This unfortunately confirms the complaints of minorities of underrepresentation within the national and provincial law making bodies. Based on the system of proportional representation, the political parties appoint members from minority backgrounds to fill the reserved seats. This practice is intended to ensure that there is minority representation in the Assembly, as minorities find it difficult to successfully contest open elections in Pakistan. However, this system of political representation of minority candidates does not augur well for democracy and direct representation as they are not responsible to the minorities.

Additional Discrimination within the Political Parties

Problems also arise because additional discrimination also exists within the political parties. Minority members are often kept in marginalised wings of the party and the issues they raise tend not to be mainstreamed and have negligible influence. Minority members are nominated on the basis of loyalty to party leaders and donations to the party, rather than their standing and contribution within their particular community. A reform committee was established in the Assembly to examine these issues but there wasn't a single minority MNA on the committee. It is imperative that all mainstream political parties demonstrate their commitment to plurality by selecting candidates from religious minority backgrounds. The delegation highlighted the example of the United Kingdom, where there are many influential political figures who hail from religious minority backgrounds. Both the current Chancellor of the Exchequer, Mr Sajid Javid and the current London Mayor, Mr Sadiq Khan have Muslim Pakistani heritage.

Recommendations:

To improve minority representation in politics:

- (i) the minority party wings need to be assimilated within the Pakistani political parties so as to allow minority members to be better integrated into their parties and their issues and concerns taken seriously.

- (ii) establish multi-member constituencies for National Assembly elections, with designated constituencies allowing minority electors to additionally directly elect their own representatives to the National Assembly
- (iii) alternatively, the existing system of nominations by political parties should be modified so as to allow non-Muslims to elect nominees for appointments within the current mechanism of proportional representation.
- (iv) the National Assembly to provide capacity building training for appointed MNAs from minority backgrounds in skills development which will be useful in parliamentary business including political organisation, public speaking, campaigning and fund raising.
- (v) The Pakistani Federal Government to work with international donors to fund capacity building training programmes for candidates from minority backgrounds in developing skills such as campaigning and fund raising.
- (vi) the UK Government to provide training on parliamentary mechanisms for advocacy and human and minority rights activism for the minorities caucus in the Parliament.

6. Forced Conversions and Forced Marriages

A major issue in Pakistan is the forced conversion of young girls. Although no precise figures are available, Pakistani NGOs such as the Movement for Solidarity and Peace have estimated that around 1,000 Hindu and Christian girls are kidnapped, forced to convert to Islam and forcibly married, or sold into prostitution, annually in Pakistan.⁴⁸ Local authorities, particularly in Punjab province, are often accused of being complicit in these cases by failing to properly investigate them or convict offenders. According to the 2018 Report produced by the Commonwealth Initiative for Freedom of Religion or Belief, the

the police will often either refuse to record an [First information Report] FIR or falsify the information recorded on the FIR, thus denying the families involved the chance to take their case and complaints any further. The lack of an FIR or the misrepresentation of information means that the family are unable to seek further justice in law courts, as an FIR is the vital first stage in the Criminal Procedure Code. Police are also often lethargic in attempting to recover a girl who has been abducted, thus allowing the conversion and marriage to take place. Both the lower courts and the higher courts of Pakistan have displayed bias and a lack of adherence to proper procedures in cases that involve accusations of forced marriage and forced conversions [and in such cases] the judiciary is often subjected to external influences, such as fear of reprisal and violence from extremist elements.⁴⁹

As the report notes, authorities often fail to investigate the circumstances in which conversions have taken place and to inquire about the age of the girl in question. The girl is usually left in the custody of her kidnapper throughout the trial process and is placed under intense pressure to deny that any abduction or rape has taken place and to claim that the conversion took place of her own free will.⁵⁰

To address some of these issues, in November 2016, the Sindh Provincial Assembly unanimously passed the Sindh Criminal Law (Protection of Minorities) Bill which, inter alia, makes forcibly converting a minor a criminal offence and recommends a five-year punishment for perpetrators and three years for facilitators. However due to political opposition from a single religious party with no representation in the Sindh Assembly at that

⁴⁸ See Movement for Solidarity and Peace, *Report on Forced Marriages and Forced Conversions in the Christian Community of Pakistan* (Movement for Solidarity and Peace, 2014) at p. 2. http://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215 (last accessed 4 July 2019).

⁴⁹ Commonwealth Initiative for Freedom of Religion or Belief, *Forced Conversion and Forced Marriages in Sindh*, Pakistan (CIFORB, The University of Birmingham 2018) at pp. 9–10.

⁵⁰ Ibid.

time, the bill failed to receive the approval of the Governor and therefore did not enter the Statute books.

Recommendations:

To protect young women and girls from kidnap and forced conversion:

- (i) the Sindh Provincial Government should revive the Sindh Criminal Law (Protection of Minorities) Bill and have it converted into enforceable law. The other Provincial Governments, as well as the Federal Government, should follow suit.
- (ii) the Pakistani Parliament to pass the Child Marriage Restraint (Amendment) Bill, 2018, which raises the minimum age of marriage in Pakistan to 18 (the first draft of the Bill having been approved by the Pakistani Senate in February 2019).
- (iii) in a case of alleged abduction and forced conversion, legislation is introduced mandating a statutory ‘cooling-off’ period of at least 60 days before the registration of marriage in order to ascertain the facts, and during that period the girl should reside in a safe house, not with the alleged abductor.
- (iv) Pakistani authorities to provide specialist training for police officers on how to sensitively interact with minorities and how to properly investigate cases of forced conversion.
- (v) Pakistani authorities to introduce a duty of candour in policing and make police liable for negligence when failing to properly investigate cases of forced conversion.
- (vi) Pakistan authorities to widely advertise the rights of girls, women and domestic workers nationally.
- (vii) the right to freedom from sexual and physical harassment to constitute part of the national school curriculum, accompanied by vigorous television and social media campaigns condemning sexual abuse, forced marriages and forced conversions.
- (viii) Pakistani authorities to establish regular meetings with religious leaders (many of whom are strongly opposed to forced conversions) to come together and promote the message that coercion is against religious teachings. This message also needs to be facilitated through social media to reach much wider audiences.

- (ix) Pakistani Provincial Governments to establish Provincial Commissions for minorities which will be empowered to take up forced conversion and forced marriage cases and verify the authenticity of conversions.
- (x) Pakistani authorities to fully implement the 5% minorities job quota and introduce a 5% education quota for minorities. Girls from economically disadvantaged groups are more vulnerable to kidnapping and forced conversions and enhancing the socio-economic and cultural position of minorities through quotas will help address the issue of economic subjugation.
- (xi) Pakistan Government to institute a national register for all marriages. All marriages taking place within Pakistan would need to be recorded in one national register. The national register would register all marriages (regardless of the religious or personal laws of the parties) and marriages in accordance with religious laws or personal laws would only be eligible to be recorded on the national register if the criteria stated in the register are fully complied with.

7. Lack of Training for Law Enforcement Agencies

During the delegation's visit, the point was raised many times that there is legislation in Pakistan which protects minorities, but that there is a gap between the law and its implementation. One principal reason given for this lack of implementation is the inadequate training of vital actors in law enforcement, especially police officers. Police officers have often not received adequate training in the value of diversity, interaction with minorities or in proper investigative procedures. For example, when someone is accused of blasphemy, there are no standardised questions for police officers to ask and hearsay is often used as evidence of wrongdoing, with the police regularly failing to even question the parties involved. There is also a lack of training available on how to deal with cases involving children. Children require specific support and professionals must be trained in how to interact with them.

Recommendations:

To improve the capacity of law enforcement agencies to effectively implement the law, Pakistani authorities need to:

- (i) introduce, as mandatory component of police training at Provincial and Federal levels, compulsory training programmes on diversity, interacting with women, children and minorities and on proper investigative procedures.
- (ii) connect with the Law Commission and other agencies who have produced different investigative manuals for the police on issues such as crime scene management and how to manage gender-sensitive cases. These investigative manuals can be further developed to appropriately train the police.

8. Children in Conflict with the Law and on Death Row

Pakistan stands out internationally as a global leader in annual State executions. In 2017, Pakistan was ranked fifth behind only China, Iran, Saudi Arabia and Iraq in conducting executions for a range of offences. In September 2016, there were 8261 prisoners on Death Row.⁵¹ Between December 2014 to September 2016, 418 executions took place at an average of 6 per week.⁵² There were at least 60 executions during 2017.⁵³ According to figures provided by Amnesty International the number of executions fell to 14 during 2018 but this rate of executions has continued into 2019.⁵⁴ There are widespread allegations of police torture being used to extract confessions, as well as the use of unreliable and unsatisfactory evidence in prosecutions of offenders charged with capital offences. A disturbing feature of Pakistan's criminal justice has been its treatment of child or juvenile offenders, those alleged to have committed crimes while below the age of 18. According to information received from a press statement issued by three UN experts, Christof Heyns, Juan E. Méndez, and Kirsten Sandberg in March 2015, amongst those on death row 'several hundred may have been sentenced for crimes they committed as children'.⁵⁵

Pakistan has ratified the Convention on the Rights to Child (1989) and the International Covenant on Civil and Political Rights (1966) thereby committing to the prohibition of execution of child offenders. However, reports of child executions persist with the claim that in many cases a determination of age is made not on the basis of accurate registration documents but through visual assessments by the Police or court officials. A recent study makes the following observations:

Pakistan's procedural protections for juveniles do not meet international standards, and even the limited protections it does provide are widely ignored in practice. Given its obligations as a party to both the ICCPR and CRC, the burden is on the Pakistani government to take all necessary steps to ensure that individuals not be executed for offenses committed as juveniles. However, the continued execution of individuals for offenses committed while under the age of 18 underscores a persistent and widespread

⁵¹ A report by Justice Project Pakistan, in collaboration with the Yale Law School's Allard K. Lowenstein International Human Rights Clinic, *A 'Most Serious Crime': Pakistan's Unlawful Use of the Death Penalty* (September 2016) at p. 3.

⁵² Ibid.

⁵³ Cornell Center on the Death Penalty Worldwide Death Penalty Database <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Pakistan> (22 February 2019).

⁵⁴ Amnesty International, *Death Penalty in 2018: Facts and Figures* (Amnesty International 10 April 2019) <https://www.amnesty.org/en/latest/news/2019/04/death-penalty-facts-and-figures-2018/> (last accessed 4 July 2019).

⁵⁵ UN experts urge Pakistan not to execute juveniles 22 March 2015 <https://www.un.org.pk/un-experts-urge-pakistan-not-to-execute-juveniles/>. (last accessed 1 July 2019).

failure to determine accurately the age of defendants . . . juveniles enter the justice system with unprotected “adult” status, subjecting juveniles to the same (broken) legal proceedings as adults. In turn, many are sentenced to death, rendering hollow the [Juvenile and Justice System Ordinance, 2000]’s prohibition on juvenile capital punishment. . . Judicial inquiries into the juvenility of criminal defendants are crucial in Pakistan, where more than 70 percent of children are not registered at birth, especially children belonging to religious or minority groups and children living in rural areas. Juveniles who have not been admitted to school regularly lack any documentation of their estimated age, but even school records may prove unreliable as a result of inattentiveness or carelessness by school staff about the registration of correct birth years. Because alternative age determination techniques in the country remain rudimentary, Pakistani courts have pronounced and confirmed death sentences on children based solely on visual assessment by the police. Often, courts refuse to take into account evidence of juvenility even when such evidence is provided by the Pakistani authorities themselves. Pakistani jail authorities concede that the medical exam conducted when a prisoner enters a jail is usually based only on a visual assessment of the prisoner, as is the age recorded in their own statement before the court. Though prisoners formally sign such statements, these declarations are often unreliable, as many prisoners are illiterate.⁵⁶

There is also the unfortunate reality that the burden of establishing juvenility at the time of alleged offence frequently falls upon the child offender, rather than on the prosecution. During their visit, the MoHR informed the delegation that they have now brought about legislative changes to ensure that the burden of proof is upon the prosecutor to establish the age (rather than upon the child). This is a much needed and welcome development although there remains a significant lacunae in the practical implementation of any such laws. It also remains the case that those children or juveniles who are tried and enter the penal system often find themselves held in the same prisons as adults as there are very few juvenile courts or juvenile detention centres in Pakistan. According to a recent analysis,

[t]here are a total of seven juvenile detention facilities in Pakistan. Two are in Punjab, four are in Sindh, one is in Khyber Pakhtunkhwa but it is not functional. There is no such facility in Baluchistan. As a result, the condemned children are kept in the same jails with adult offenders, thus exposing them to the dark world of crime, sexual abuse, and violence.⁵⁷

⁵⁶ Cornell Center on the Death Penalty Worldwide Death Penalty Database <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Pakistan> (last accessed 1 July 2019) at p. 27.

⁵⁷ Urooj Tarar, ‘Rotting in the dark – the forgotten children of Pakistan: An in-depth analysis of the juveniles prisoners of Pakistan and the conditions they live in’ (Daily Pakistan Global, 17 March 2018) <https://en.dailypakistan.com.pk/opinion/rotting-in-the-dark-the-forgotten-children-of-pakistan/> (last accessed 15 July 2019).

Recommendations:

To address the distressing issues of children in conflict with the Law and facing the death penalty, it is recommended that there is full compliance with the provisions of the Juvenile and Justice System Ordinance 2000. To ensure maximum protection to children within the criminal justice system, it is further recommended that the Pakistani Government:

- (i) establishes an independent committee to review the Pakistani prison system with the responsibility to publish accurate figures on the number of individuals who have been tried as adults despite there being evidence that they were below 18 at the time of the alleged offences.
- (ii) works with The Commonwealth and international donors to fund the establishment of a sufficient number of juvenile courts and detention centres.
- (iii) provide mandatory training programmes for law enforcement officials including police officers, social workers, judges and magistrates as regards the rights of children under Pakistan's constitution and the law, the Convention on the Rights of the Child and within international human rights law.
- (iv) initiate television and media campaigns focusing on the rights of children, especially rights of children in conflict with the Law as stated in Pakistan's constitution and within Juvenile and Justice System Ordinance 2000, the Convention on the Rights of the Child and within international human rights law.
- (v) offers incentives for people to ensure compulsory registration of children at birth including provisions of food vouchers, vaccinations or free medical assistance.
- (vi) ensure that there is full compliance with the criminal justice provisions that the burden of proof of establishing adulthood (beyond reasonable doubt) is always on the prosecution in criminal law trials.

9. Criminal Justice Matters

The delegation met with many legal professionals who lamented the impact that the physical condition of courts in Pakistan was having on the justice system. It was suggested that the courts are intimidating for women, young people and minorities. They are uncomfortable, with bad sanitation systems and are poorly structured so victims are often exposed to their attackers and the often-hostile public. One reason that was given for the state of the courts is that their management is the responsibility of judges who are already overwhelmed by the sheer amount of cases they are asked to preside over. Regardless of the reason, the state of the courts means that vulnerable groups are less likely to be able to get justice and less willing to have recourse to courts. In recognition of some of these issues, Pakistan established the first specific gender-based violence court in Asia.

Recommendations:

The delegation congratulates Pakistani authorities on the opening of the first gender specific court in Asia. To continue to address the practical issues in the courts, it is recommended that Pakistani authorities:

- (i) establish more specific courts for juveniles and women.
- (ii) structure court proceedings so that victims are not exposed to their attackers and that they can give their testimony anonymously (for example, temporary screen can be provided to shield the victims and witnesses from the accused).
- (iii) introduce a public-private partnership model of management for courts so that they are professionally managed by outside bodies rather than by the judges. This should improve the running of the courts and have the added benefit of freeing judges to focus on judicial issues.

10. Slums for Religious Minorities

While slums in Pakistan are not exclusively inhabited by religious minorities, the delegation learnt that Christians and other religious minority groups account for a disproportionately high number of people living in these informal settlements. The delegation had the opportunity to visit some slum colonies on the outskirts of Islamabad where residents (a number of whom were victims of persecution and survivors of blasphemy allegations) informed those present about the extremely difficult situation in which they live. For example, residents of slums have no security of tenure and can be evicted at any time by the relevant authorities. Lack of ownership and property deeds means that the residents are not able to borrow money from lawfully established banks or financial institutions to improve their lives. Often, there are no schools or hospitals in or near settlements and the State does not provide basic services.

The slums therefore become breeding grounds for crime and disease and are looked upon with hostility by neighbouring communities. Within these slums, there is also self-perpetuating and enduring discrimination based upon the caste system. This virulent combination of factors means that those living in slums are kept in a constant state of insecurity and poverty. No one should have to live under these conditions. Pakistan's cities and economy will significantly benefit from having safer, more attractive and productive residential areas for minorities as, inter alia, this will allow huge numbers of people to enter the workforce and to contribute to society. The potential positive benefits of providing decent housing, education and healthcare to populations that have been so neglected cannot be overstated.

Recommendations:

To offer religious minorities respectable housing which affirms their human dignity the Pakistan Government to:

- (i) follow the model adopted by Turkey and other countries who have successfully improved slum situations by providing the inhabitants with the ownership rights for their properties, connecting them to basic services and integrating the slum population into mainstream society.
- (ii) alternatively, financially resource and otherwise support the former Chief Justice's plan to develop apartments on the periphery of Islamabad for current slum

residents with full services and infrastructure and a system of public transport so that residents can access employment in the city.⁵⁸

- (iii) establish regular communication with religious and minority community leaders in slums to have continued consultations on slum upgrading plans.
- (iv) collaborate with the United Nations agencies and NGOs such as Shelter who have experience in slum upgrading to develop best practice.
- (v) establish an independent taskforce, which would include religious minority representatives to oversee the process of upgrading informal settlements.

⁵⁸ Speaking to the residents and other community members, there did not seem to be any support for this idea, as the residents were reluctant to move far from their workplaces; instead overwhelmingly they requested security of tenure and provision of basic facilities.

11. Persecution of Ahmadis

Although many religious minority groups are discriminated and persecuted in Pakistan, it is worth specifically highlighting the plight of the Ahmadis. Whereas the delegation found that it was possible to openly discuss persecution of Christians and Hindus, the topic of the persecution of Ahmadis was one that was often greeted with discomfort and avoidance. Ahmadis (also known as Ahmadiyyas, Qadianis or persons belonging to the Lahori group) follow Mirza Ghulam Ahmad. Ahmad, who initiated the Ahmadiyya movement, was born in the village of Qadian which now forms part of the Indian Punjab.⁵⁹ Once independence was achieved for Pakistan in August 1947, a majority of the Ahmadi population decided to settle in Pakistan and established their headquarters in Rabwah (West Punjab).

Anti-Ahmadi Constitutional and Criminal Law Provisions

Up until 1971 the official position remained that the Ahmadis could not be declared a minority against their own wishes.⁶⁰ However, after the secession of East Pakistan, attention was refocused towards the Ahmadi issue. Considerable anti-Ahmadi riots engulfed the country during 1974 and on 7 September of that year, Pakistan's National Assembly having turned itself into a Special Committee adopted the Constitution (Second) Amendment Act 1974 which added the Ahmadis to the list of Non-Muslims.⁶¹ A new clause to the Constitution (Clause 3 in Article 260) outlawed the group and stated as follows:

A person who does not believe in the absolute and unqualified finality of The Prophethood of MUHAMMAD (Peace be upon him), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after MUHAMMAD (Peace be upon him), or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.⁶²

⁵⁹ Y Friedman, *Prophecy Continues: Aspects of Ahmadi Religious Thought and its Medieval Background*, (University of California Press, Berkley) 1989.

⁶⁰ After the riots and violence in 1953, a governmental enquiry report was commissioned. The report also analysed various issues concerning the Ahmadiyya beliefs and activities. See Government of the Punjab, *Report of the Court of Enquiry Constituted under the Punjab Act II of 1954 to Inquire in the Punjab Disturbances of 1953*, Superintendent of the Government Printing Press, Lahore, 1954.

⁶¹ Constitutional (2nd amendment) Act 1974, Act XLIX 1974.

⁶² 'A person who does not believe in the absolute and unqualified finality of The Prophethood of MUHAMMAD (Peace be upon him), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after MUHAMMAD (Peace be upon him), or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law' Article 260(3) Constitution of Pakistan, 1973. Substituted by Constitution (Third Amendment) Order 1985 (President Order No. 24 of 1985).

Further restrictive criminal laws were introduced during General Zia-ul-Haq's term of office (1977–1988), the most significant of these being the provisions of the anti-Ahmadi Ordinance issued on 26 April 1984. These provisions added two clauses to the Pakistan Penal Code.

According to section 298-B: Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places:

- (1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name who by words, either spoken or written, or by visible representation –
 - (a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as "Ameer-ul-Mumineen", "Khalifatul- Mumineen", "Khalifa-tul-Muslimeen", "Sahaabi" or "Razi Allah Anho";
 - (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as "Ummul-Mumineen";
 - (c) refers to, or addresses, any person, other than a member of the family "Ahle-bait" of the Holy Prophet Muhammad (peace be upon him), as "Ahle-bait"; or
 - (d) refers to, or names, or calls, his place of worship a "Masjid";

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

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

According to section 298-C. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith:

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

In 1986, through the Criminal Law Amendment Act, a new clause was introduced in the Pakistan Penal Code. The new section 295-C provides:

295-C. Use of derogatory remarks, etc., in respect of the Holy Prophet:

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

As noted above, a subsequent amendment to S.295-C made the death penalty mandatory for anyone defiling the name of Prophet Muhammad.⁶³

Fundamental Human Rights in the Constitution of Pakistan and in International Human Rights Law

The delegation has neither the knowledge nor the authority to comment on questions of theological differences between Ahmadi doctrines and mainstream Sunni Islam. That said, the delegation takes a firm position that regardless of how one identifies one-self, this should not be the cause of persecution, harassment or intimidation. Furthermore, the delegation fully endorses fundamental rights guaranteed to individuals belonging to minorities within the Constitution of Pakistan and within the International Covenant on Civil and Political Rights (1966) in particular rights contained within Articles 18 and 27 of the Covenant.

There is evidence that the ambiguous, arbitrary and problematic nature of anti-Ahmadi laws – in violation of ICCPR Article 18 – have emboldened other non-State actors and extremists to harass, attack and kill Ahmadis. Evidence has been presented that Ahmadis are routinely arbitrarily arrested on false charges of blasphemy and have even been subjected to vicious attacks in public, including having acid thrown at them. Hundreds of Ahmadis have faced extra-judicial executions by vigilante groups and have been murdered for following their faith. Ahmadis are discriminated in education and in employment and are also technically disenfranchised because to vote, the State requires them to register as non-Muslim, which many refuse to do.

Recently evidence has been presented as regards the continued presence of hate materials and provocation of violence towards Ahmadis within textbooks published in the Punjab.⁶⁴ Hate Speech is displayed against Ahmadis in banners and stickers.⁶⁵ Various Ahmadi magazines

⁶³ See *Muhammad Ismail Qurashi vs. Pakistan through Secretary Law and Parliamentary Affairs*, PLD 1991 FSC 10.

⁶⁴ See proceedings of the First Meeting of Dr Shoaib Suddle's Commission held at the Federal Judicial Commission, H – 8/4, Islamabad on 31 January 2019 (Annex 7), CSJ Report at p. 69.

⁶⁵ Ibid.

and periodicals, which are inherently educational in nature are reportedly banned by the authorities in Punjab and without justification.⁶⁶ As noted, Ahmadi educational institutions have not been denationalised, despite – as the Ahmadi community claims – having paid all the charges and dues required of them by the authorities.⁶⁷ It is deeply disturbing that reports persist of Ahmadi places of worship being subjected to mob attacks with a corresponding failure of authorities to provide security or to take appropriate action against those involved in such attacks.⁶⁸

The delegation reiterates its position that discrimination, persecution, intimidation and victimisation of minority groups, in particular, the Ahmadis is highly damaging to Pakistan and its global image as a State that upholds human rights and rule of law. No individual should be excluded or removed from any position simply on the basis of his or her personal beliefs. However, a recent unfortunate example took place during September 2018 in the case of Atif Mian. Atif Mian, a Princeton Professor and one of the world's leading economists, was asked to step down from the Pakistani Government's Economic Advisory Council because he is an Ahmadi. This is just one example of how hostility towards minorities limits the pool of expertise and energy that Pakistan can call upon and negatively impacts Pakistan's future and its image internationally.

Recommendations:

The Government of Pakistan to:

- i) ensure that, in accordance with the provisions of the constitution of Pakistan, all citizens enjoy fundamental human rights, regardless of their individual religions or beliefs.
- ii) ensure that, in accordance with the provisions of the ICCPR, all individuals within the territory and subject to the jurisdiction of Pakistani courts are treated equally before the law without distinction of any kind such as race, sex, language, religion, sexual orientation, and political or other opinion.
- iii) direct Provincial Governments to establish official, independent committees (which include representatives from the Ahmadi community) to review school textbooks and curricula for hate materials, discriminatory and prejudicial

⁶⁶ Ibid at p. 70.

⁶⁷ Ibid.

⁶⁸ Ibid.

statements and recommend changes to ensure factually accurate contents. The recommendations of the committees should be binding on all private and public educational authorities.

- iv) direct the police and the administration to withdraw support and co-operation of radical clerics who support anti-Ahmadi laws.
- v) effectively stop anti-Ahmadi sectarian hate propaganda, as required by the National Action Plan.
- vi) return the nationalised Ahmadi schools and colleges thereby respecting the Governments own commitments.
- vii) release all Ahmadis in prisons on faith-related charges, to withdraw all charges based on considerations of belief or religion and ensure that anti-terror laws are not misused against Ahmadis.
- viii) direct Pakistani Provincial authorities to produce tool-kits and training manuals and introduce compulsory training programmes for all teachers and all persons involved in primary and secondary education designed to provide the essential understanding necessary to educate on peaceful co-existence and how to live in a multi-faith and multi-cultural society.
- ix) lift the ban on Ahmadi books, periodicals and magazines.
- x) ensure that Ahmadi places of worship are protected by providing appropriate security and by taking effective action against all those involved in violence and attacks on Ahmadi places of worship.
- xi) ensure that the UN Special Rapporteur on Freedom of Religion and Belief and EU Envoy on Religious Freedom are able to enter Pakistan for the purposes of reviewing the human rights and freedom of belief situation of Ahmadis in the country.
- xii) abolish the separate electoral list of Ahmadis and in accordance with the provisions of the Constitution of Pakistan ensure that all citizens have an equal right to vote and participate as candidates.

CHAPTER IV:

RECOMMENDATIONS BY ORGANISATION

The delegation would like to reiterate its deep and sincere gratitude to all the inspiring and capable individuals and organisations that it encountered during its trip. The section that follows highlights some of the points that were mentioned in those discussions and repeats the earlier recommendations under organisational headings for the ease of those organisations.

• **The Pakistan Government**

The delegation had the honour to meet with Ms. Rabiya Javeri Agha, Secretary to the Federal Ministry of Human Rights and several other representatives from the Ministry. The delegation was encouraged by the MoHR's stated plans and commitments to, inter alia, develop national guidelines on citizens engagement, support the interfaith harmony policy being developed by the Ministry for Religious Affairs, establish the Commission for Minority Rights as a Statutory body, reduce the number of crimes which are punishable by death in Pakistan, to issue an order instructing all universities and public bodies to implement their 5% minority jobs quotas and to consider the introduction of a 5% religious minority quota in educational institutions.

The delegation presents the following recommendations to the Pakistan Government:

- (i) fully comply with international human rights standards and in so doing ratify the following international human rights treaties:
 - The (first) Optional Protocol to the ICCPR (1966).
 - The International Convention for the Protection of All Persons from Enforced Disappearance (2006).
 - The 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
 - The Convention relating to the Status of Stateless Persons (1954).
 - The Convention on the Reduction of Statelessness (1961).
 - The Optional Protocol to the Convention on the Elimination of Discrimination against women (1999).
 - The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002).
 - Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006).

- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (2011).
 - The Rome Statute of the International Criminal Court (1998).
 - The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960).
- (ii) acting upon its standing invitation to all special procedures, extend invitations to UN thematic mandate holders of the Human Rights Council to visit Pakistan.
- (iii) establish an independent National Commission for Minorities.

It is vital to establish through Federal Parliamentary Statute, a National Commission for Minorities which should be a wholly independent body and must enjoy complete financial and political independence making it answerable to Parliament rather than to the Government or any other State agency. In accordance with *the Paris Principles*, the membership of the Commission should be wholly independent of the Federal Ministry and having the primary function of safeguarding and protecting the interests of religious minorities, the Commission must have quasi-judicial and quasi-legislative functions.

- (iv) ensure full independence for the National Commission for Human Rights (NCHR).

In its current form the NCHR reports directly to MoHR and receives its funding from them and this clash of interests limits the capacity of the NCHR to effectively critique the work of MoHR. The NCHR must be allowed to function fully in accordance with the established *Paris Principles*.

- (v) ensure that 5 % employment quota for minorities is implemented.

The Pakistan Government needs to make it compulsory for the relevant department to clearly publish the number of minority quota vacancies for each grade in all job advertisements and send a notification order to all Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies, not just BPS grade 1 posts. The Pakistan Government must instruct the banning of all discriminatory advertisements with penalties for breaching this ban. The Pakistan Government must undertake to publish accurate, updated figures of the minorities employed in the federal and public services and appoint governmental units to monitor organisational compliance with the 5% quota and introduce penalties for failing to meet this standard.

- (vi) select alternative ways of voting to ensure genuine representation for religious minorities:
 - (a) establish multi-member constituencies for National Assembly elections, with designated constituencies allowing minority electors to additionally directly elect their own representatives to the National Assembly.
 - (b) alternatively, the existing system of nominations by political parties is modified so as to allow non-Muslims to elect nominees for appointments within the current mechanism of proportional representation.
- (vii) take immediate action to stop forced marriages and forced conversions.
- (viii) Pakistan Government to institute a national register for all marriages. All marriages taking place within Pakistan would need to be recorded in one national register. The national register would record all marriages (regardless of the religious or personal laws of the parties) and marriages in accordance with religious laws or personal laws would only be eligible to be registered on the national register if the criteria stated in the register are fully complied with.
- (ix) provide specialist training for police officers in their interaction with minorities and on proper investigative procedure in cases of forced conversions.
- (x) nationally advertise the rights of girls, women and domestic workers.
- (xi) the right to freedom from sexual and physical harassment should constitute part of the national school curriculum, accompanied by vigorous television and social media campaigns condemning sexual abuse, forced marriages and forced conversions.
- (xii) establish regular meetings with religious leaders (many of whom are strongly opposed to forced conversions) to come together and promote the message that coercion is against religious teachings. This message also needs to be facilitated through social media to reach much wider audiences.

- **Ministry of Human Rights and the Ministry of Law and Justice**

The delegation presents the following recommendations to the Ministry of Human Rights and the Ministry of Law and Justice:

- (i) prepare proposals to amend the PPC to introduce significant punishments for false accusations of blasphemy.
- (ii) prepare proposals to amend the PPC and CrPC to specifically incorporate the requirement that intention to commit the offence (*mens rea*) of blasphemy must be established by the prosecution as an essential pre-requisite to any conviction.
- (iii) prepare proposals to amend criminal law procedures as stated in the CrPC to ensure that all blasphemy related issues undergo judicial review by senior judiciary rather than being left to local police.
- (iv) prepare proposals to amend to S.196 of the CrPC to ensure that the FIRs in all blasphemy cases are only registered after permission is granted by the concerned government and before the courts can take cognizance of these cases.
- (v) ban all discriminatory employment advertisements reserving the low-paid or menial jobs for non-Muslims only and introduce financial penalties for breaching the ban.
- (vi) prepare proposals to amend legislation to ensure that PEMRA takes an effective role in preventing the dissemination of discriminatory or biased media materials and to take action against those who produce such materials.
- (vii) tackle the spread of hateful messages by outlawing displays of hate materials on banners, rickshaws, cars and other public surfaces and outlawing the refusal to admit Ahmadis in certain shopping centres.
- (viii) provide additional and specialist training to minority community candidates so as to ensure that these candidates are able to acquire adequate skills for appointment to government and public service vacancies.

- (ix) review all laws that are in conflict with Pakistan's international human rights obligations and make recommendations to the Parliament to bring domestic laws in full conformity with international law.
- (x) prosecute those who act violently against people accused of blasphemy and those who espouse violence against judges and lawyers involved in blasphemy cases.
- (xi) introduce training programmes for developing diversity and interacting with women, children and minorities and to ensure that investigative procedures are a mandatory component of police academy training.
- (xii) prepare legislation and administrative policies to ensure that police officers are held liable for negligence for failure to deal with fraudulent allegations of blasphemy, cases of forced conversions and other offences against religious minority groups.
- (xiii) establish an independent committee to review the Pakistani prison system with the responsibility to publish accurate figures on the number of individuals who have been tried as adults despite there being evidence that they were below 18 at the time of the alleged offences.
- (xiv) work with The Commonwealth and international donors to fund the establishment of a sufficient number of juvenile courts and detention centres.
- (xv) initiate mandatory training programmes for law enforcement officials including police officers, social workers, judges and magistrates on the rights of children under Pakistan's constitution and the law, the Convention on the Rights of the Child and within international human rights law.
- (xvi) initiate television and media campaigns focusing on the rights of children, especially rights of children in conflict with the Law as stated in Pakistan's constitution and within Juvenile and Justice System Ordinance 2000, the Convention on the Rights of the Child and within international human rights law.
- (xvii) ensure that there is full compliance with the criminal justice provisions that the burden of proof of establishing adulthood (beyond reasonable doubt) is always on the prosecution in criminal law trials.
- (xviii) structure court proceedings so that victims are not exposed to their attackers and that they can give their testimony anonymously.
- (xix) introduce a public-private partnership model of management for courts so that they are professionally managed by outside bodies rather than by the judges. This



should improve the running of the courts and have the added benefit of freeing judges to focus on judicial issues.

- (xx) in accordance with Pakistan's commitments under the ICCPR and other international human rights treaties prepare comprehensive legislation prohibiting discrimination on the basis of religion, or belief, caste, language, gender, sexual orientation or disability.

- **Ministry of Education**

The delegation presents the following recommendations to the Ministry of Education which should:

- (i) establish official, independent committees (which should include representatives from all constitutionally recognised minority communities) to review school textbooks and curricula for discriminatory biases, hate materials and prejudicial statements and to recommend changes to ensure books and curricula only include factual and historically correct information. The recommendations by these committees should be binding on the Government and the Ministry of Education.
- (ii) provide all teachers with mandatory training on coexistence, tolerance and respect for minorities so that teachers can teach their students these values. This would be a very productive investment as one teacher trained in this way can teach these values to students throughout his or her career.
- (iii) offer a Mohammed Ali Jinnah Award for coexistence, which would be awarded to students who display respect and compassion towards fellow students from different religious or belief backgrounds.
- (iv) introduce a test or a course, approved by religious minorities, which gives children from non-Muslim backgrounds the chance to also receive 20 extra marks towards their college or university admissions.

● The National Assembly

The delegation recommends that the National Assembly:

- (i) introduce legislation incorporating significant punishments for false accusations of blasphemy.
- (ii) amend the PPC and the CrPC to specifically incorporate the requirement that intention to commit the offence (*mens rea*) of blasphemy must be established by the prosecution as a pre-requisite to any conviction.
- (iii) amend S.196 of the CrPC to ensure that the FIRs in all blasphemy cases are only registered after permission is granted by the concerned government and before the courts can take cognizance of these cases.
- (iv) amend the CrPC to ensure that all blasphemy related issues undergo judicial review by senior judiciary rather than being left to local police.
- (v) amend Schedule II of the CrPC to make all blasphemy offences in the PPC (S. 295– S. 298–C) bailable, save in instances where there is a serious risk of flight of the accused person, or harm to the public or substantial risk of interference with investigations.
- (vi) provide capacity building training for appointed MNAs from minority backgrounds in skills-development which will be useful in parliamentary work (for example political organisation, drafting parliamentary papers and a more detailed understanding of the parliamentary mechanisms).
- (vii) introduce comprehensive legislation to ensure domestic implementation of Pakistan’s international obligations on issues such as freedom of religion or belief, freedom of expression, domestic violence, rights of the disabled persons and children.
- (viii) pass the Child Marriage Restraint (Amendment) Bill, 2018, which raises the minimum age of marriage in Pakistan to 18 (the first draft having been approved by the Pakistani Senate in February 2019).

• Provincial Governments

The delegation recommends that the Provincial Governments:

- (i) introduce a 5% minority education quota in higher education institutions such as universities, professional, vocational and technical colleges to help ensure that religious minority students have the necessary education and skills to obtain employment advertised under the job quota schemes. Such an initiative could be time-limited until minorities reach a similar level of education as the Muslim majority.
- (ii) train existing police forces to protect minorities at provincial levels and to sensitise police towards respecting the rights of religious minorities.
- (iii) establish through Provincial Parliamentary Statute, Parliamentary Commissions for Minorities modelled on *the Paris Principles*, which shall be able to examine legislative proposals for their impact on minorities and with quasi-judicial jurisdiction be empowered to take up forced conversion and forced marriage cases and verify the authenticity of conversions.
- (iv) introduce, as mandatory component of police training at provincial levels, training programmes in diversity, interacting with women and children from religious minorities and to ensure proper investigative procedures.
- (v) make it compulsory for relevant departments to clearly publish the number of minority quota vacancies for each grade in all job advertisements and send a notification order to all Provincial Government-linked bodies and departments that the 5% quota for minorities applies to them to all vacancies, not just BPS grade 1 posts. The Provincial Governments should instruct the banning of all discriminatory advertisements with penalties for breaching this ban. The Provincial Governments should also undertake to publish accurate, updated figures of the minorities employed in provincial public services and appoint Provincial Governmental units to monitor organisational compliance with the 5% quota and introduce penalties for failing to meet this standard.
- (vi) in a case of alleged abduction and forced conversion, introduce legislation mandating a statutory ‘cooling-off’ period of at least 60 days before the registration of marriage in order to ascertain the facts, and during that period the girl should reside in a safe house, not with the alleged abductor.

- (vii) for the Sindh Provincial Assembly to revive the Sindh Criminal Law (Protection of Minorities Bill) and for the other Provincial Assemblies to introduce similar legislation in their provinces.
- (viii) establish official, independent committees (which should include representatives from all constitutionally recognised minority communities) to review school textbooks and curricula for discriminatory biases and hate materials and to recommend changes to ensure books and curricula only include factual and historically correct information. The recommendations by these committees should be binding on all private and public educational authorities within the relevant province.
- (ix) strictly in accordance with the provisions of Article 22(1) of the Constitution of Pakistan 1973 (as amended) ensure that non-Muslim pupils at educational institutions are not obliged to receive religious education (in any form) other than their own.
- (x) the Provincial ministries of Education introduce a test or a course, approved by religious minorities, which gives children from non-Muslim backgrounds the chance to also receive 20 extra marks towards their college or university admissions.
- (xi) produce tool-kits and training manuals and introduce compulsory training programmes for all teachers and all persons involved in primary and secondary education designed to provide the essential understanding necessary to educate on peaceful co-existence and how to live in a multi-faith and multi-cultural society.
- (xii) provide all teachers with mandatory training on co-existence, tolerance and respect for minorities so that teachers can teach their students these values. This would be a very productive investment as one teacher trained in this way can teach these values to students throughout his or her career.
- (xiii) return all schools to their rightful owners; the Punjab Government should return Murray College and Gordon College and the various Ahmadi institutions.
- (xiv) train applicants from minority communities who missed out on job vacancies due to a lack of skills so that they have the requisite skill-set by the time the next round of vacancies is advertised. The Punjab Ministry for Human Rights and Minority Affairs is already planning such an initiative for intending civil servants but it currently lacks funding.
- (xv) convene regular meetings with religious leaders (many of whom are strongly opposed to forced conversions) to come together and promote the message that

coercion is against religious teachings. This message can then be facilitated through social media to reach much wider audiences.

- (xvi) offer incentives for people to register the birth of their children, for example by food vouchers or vaccinations.
- (xvii) follow the model adopted by Turkey and other countries who have successfully improved slum situations by providing the inhabitants with the ownership rights for their properties, connecting them to basic services and integrating the slum population into mainstream society.
- (xviii) establish regular communication with religious minority leaders in slums to have consultation on slum upgrading plans.
- (xix) collaborate with the United Nations agencies and NGOs such as Shelter who have experience in slum upgrading to develop best practice.
- (xx) establish an independent taskforce, which would include religious minority representatives to oversee the process of upgrading informal settlements.

• **The British Government**

The delegation was privileged to meet with His Excellency Richard Crowder, British Deputy High Commissioner in Pakistan and several inspiring and knowledgeable representatives from DfID, the British High Commission and the British Council. Members of the delegation are very grateful for their passion for advancing human rights in Pakistan, particularly for the encouraging work they have done already (such as training hundreds of thousands of teachers, consistently raising issues about shrinking civil society space in Pakistan and developing community leadership programmes for Pakistani undergraduate students).

Members of the delegation look forward to seeing the impact of the above work and would like to make some recommendations gathered from meetings with other Pakistani organisations, civil society and individuals belonging to minority communities.

Recommendations

The delegation recommends that the British Government:

- (i) make explicit in all its business with Pakistan, a full commitment to the importance of FoRB and the protection of minority rights.
- (ii) dedicate development funding to educate minority school children, institute a scheme of specialist educational scholarships for minority students and provide professional training to adults from religious minority groups.⁶⁹
- (iii) track and audit its current funding and investment streams in relevant departments, including DfID, to ensure that funding is not being channelled, directly or indirectly to Pakistani Government departments or to individuals that do not support and demonstrate a clear understanding and strong respect of FoRB.
- (iv) in instances where aid is granted or contracts awarded in Pakistan, recipient organisations should satisfy established compulsory vetting and monitoring processes demonstrating respect for religious minorities.

⁶⁹ Targeted funding to support marginalised minority communities was specifically requested by the Punjab Ministry for Human Rights and Minority Affairs who described it as a necessary measure to ensure equality in Pakistan and supporting programmes such as their programme to train civil servants applicants from religious minority backgrounds and similar initiatives in other provincial bodies.

- (v) DfID to add the category of religious minorities to the data it collects on vulnerable populations, which include women and disabled people, for its projects in Pakistan.
- (vi) DfID to offer specific training courses for minority candidates under the Punjab Skills Development Fund, in coordination with the Punjab Government.
- (vii) DfID to work in coordination with NGOs and Provincial Governments to remove hate materials from school textbooks.
- (viii) meet with the Pakistan Public Services Commissions to discuss how to support the training and professional development of workers from minority backgrounds so that they can meet the qualification requirements for jobs advertised under the job quota schemes.
- (ix) encourage Pakistan to invite UN mandate holders (in particular the UN Special Rapporteur on Freedom of Religion or Belief) to visit Pakistan and to ratify the UN treaties as recommended in this report.
- (x) find avenues to support the Pakistani Government to comply with the 19 June 2014 Pakistani Supreme Court Judgment which ordered, inter alia, the establishment of a National Council for Minorities and a special police force to protect the places of worship of religious minorities.
- (xi) increase funding for the training of teachers in religious tolerance so that teachers are equipped to deliver positive messages of coexistence in schools.
- (xii) include modules on FoRB and religious tolerance in all existing DfID capacity building programmes.
- (xiii) work with the Pakistani Government to develop and support appropriate financial incentives for parents from marginalised religious minority communities to register their children upon birth and to send them to schools.
- (xiv) appoint a specialist officer at the British High Commission in Pakistan, to deal with the issues relevant to minorities, such as forced conversions and forced marriages.
- (xv) enhance awareness about issues of religious-based discrimination to ensure officials have the necessary skillset to deal with these issues; Embassy staff and all country-specific civil servants, including Country Desk Officers should undergo compulsory religious and FoRB literacy training.

- **The Council of Islamic Ideology**



The delegation had the honour to meet with Dr. Qibla Ayaz, Chairman of the Council of Islamic Ideology. The delegation members are grateful for the hospitality offered by His Excellency Dr. Qibla Ayaz, as well as positive focus on using his role to improve the welfare of religious minorities. The delegation was encouraged by the stated plans of Dr. Qibla Ayaz and his commitments to inter alia engage with Ministry for Religious Affairs to allow additional funding for sponsoring religious minority students and to teach the public about human rights issues and religious tolerance through Imams and their sermons.

Recommendations

The delegation recommends that the Council of Islamic Ideology:

- (i) work with the Ministry of Education to introduce a Mohammed Ali Jinnah Award for coexistence, which would be awarded to students who display respect and compassion towards fellow students from different religious or belief backgrounds.
- (ii) work with the Provincial ministries of Education to introduce a test or a course, approved by religious minorities, which gives children from non-Muslim backgrounds the chance to also receive 20 extra marks towards their college or university admissions.

- (iii) encourage and support the proper implementation of the 5% minority jobs quota and the introduction of a 5% minority quota for educational institutions.
- (iv) support the strengthening of punishments for those who misuse blasphemy laws.
- (v) support bills to tackle forced conversion, similar to the Sindh Criminal Law (Protection of Minorities Bill) and legislation to prevent child marriages similar to the Child Marriage Restraint (Amendment) Bill, 2018.

• The Governor of the Punjab



The delegation had the honour to meet with Honourable Chaudhry Mohammad Sarwar, the Governor of the Punjab. Members of the delegation were honoured to visit the House of the Governor and to speak about the rights of the minorities with a former colleague from the House of Commons. The delegates were very grateful for the hospitality offered by the Honourable Governor and also for his passion for advancing human rights. The delegation thanks the Honourable Governor for the work he has already done, such as writing to universities to ask them to increase their numbers of students and staff from minority backgrounds, and his close engagement with religious minorities, even celebrating Christmas with Pakistani Christians in the Governor's House. The delegation is encouraged by the Governor's stated plans and commitments to, inter alia, publicly support the introduction of a 5% religious minority quota in educational institutions and to send a notification order to all Government or Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies and not just to BPS 1 grade.

Recommendations:

The delegation recommends to the Governor of Punjab to:

- (i) revive the Punjab Provincial Committee which, prior to the 2018 elections, was considering the implementation of a 5% education quota for minorities and ensure that a timetable for implementation is developed.

- (ii) ensure that Punjab police receive training in respect for religious minorities and encourage the appointment of members of religious minority communities within the police force.
- (iii) work closely with the Punjab Government to ensure that all Provincial Government departments clearly publish the number of quota vacancies for each grade in all job advertisements and send a notification order to all Provincial Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies, not just to BPS 1 grade.
- (iv) propose legislation to prevent forced conversions of religious minorities, following the model of the Sindh Criminal Law (Protection of Minorities Bill).
- (v) encourage the establishment of an independent Provincial Commission for Minorities modelled on the *Paris Principles* which shall be able to examine legislative proposals for their impact on minorities, and with quasi-judicial jurisdiction be empowered to take up forced conversion and forced marriage cases.
- (vi) convene regular meetings with religious leaders (many of whom are strongly opposed to forced conversions) to come together and promote the message that coercion is against religious teachings. This message can also then be facilitated through social media to reach much wider audiences.
- (vii) direct the Punjab Government to establish official, independent committees (which should include representatives from the religious minorities) to review school textbooks and curricula for hate materials, discriminatory and prejudicial statements and to make recommendations to ensure factually accurate contents. The recommendation of these committees should be binding on all private and public educational authorities.
- (viii) direct the police and the Punjab administration to withdraw support and co-operation of radical clerics who support anti-Ahmadi laws.
- (ix) encourage authorities to effectively stop anti-Ahmadi sectarian hate propaganda, as required by the National Action Plan.
- (x) make training in diversity, interacting with women, children and minorities and proper investigative procedure a mandatory component of police training for the Provincial police forces.
- (xi) establish regular communication with religious minority leaders in slums to have consultation on slum upgrading plans.

- (xii) establish an independent taskforce, which would include religious minority representatives, to oversee the process of upgrading informal settlements.
- (xiii) collaborate with the United Nations agencies and NGOs such as Shelter and other countries, especially Turkey, who have experience in slum upgrading to develop best practice.

• Punjab Ministry for Human Rights and Minorities Affairs

The delegation had the great honour to meet Mr. Ijaz Alam Augustine, the Punjab Minister for Human Rights and Minorities Affairs and several knowledgeable and inspiring representatives from the Punjab Ministry for Human Rights. The delegation members are grateful for their passion for advancing human rights and the proactive attitude they have displayed towards tackling human rights challenges. The delegation was encouraged by the Ministry's stated plans and commitments to, inter alia, restructure and institutionalise the taskforce on human rights and the minority human rights council so that there are autonomous decision-making bodies; support initiatives that would introduce significant punishments for those who misuse blasphemy laws; develop incentives to encourage that parents from religious minority communities send their children to schools; train teachers to create an atmosphere of respect for religious minorities in schools and to teach children about religious tolerance; send a notification order to all Government or Government-linked bodies and departments that the 5% quota for minorities applies to them and that it applies to all vacancies and not just BPS 1 grade posts; add the contribution of people from religious minority backgrounds to school textbooks; meet with the Department of Education and other relevant authorities and encourage them to return Christian schools which were nationalised in recent decades, develop planning for the introduction and implementation of the 5% religious minorities quota in educational institutions and to train applicants from minority communities who missed out on job vacancies due to a lack of skills so that they have the requisite skill-set by the time the next round of vacancies is advertised.

Recommendations

The delegation recommends the Punjab Regional Ministry for Human Rights and Minorities Affairs to:

- (i) work with the Provincial authorities to introduce a 5% minority education quota in the Provincial higher education institutions such as universities, professional, vocational and technical colleges.
- (ii) send a notification order to all Provincial authorities stating that it is compulsory to clearly show the number of minority quota vacancies for each grade in all job advertisements.

- (iii) send a notification order to all relevant departments to ban all discriminatory employment advertisements and introduce financial penalties for breaching the ban.
- (iv) initiate a register of qualified minority candidates who could be informed when there are job vacancies.
- (v) in co-operation with the Punjab Education Ministry, raise awareness about religious discrimination in schools, colleges and universities.
- (vi) establish a committee to expedite the return of nationalised Christian and Ahmadi colleges and schools in Punjab.
- (vii) introduce a duty of candour in policing and make local police officers liable for negligence for failure to deal with the abuse of blasphemy laws, cases of forced conversions or other attacks against minorities.
- (viii) tackle the spread of hateful messages by outlawing displays of hate materials on banners, rickshaws, cars and other public surfaces and outlawing the refusal to admit Ahmadis in certain shopping centres.
- (ix) support the work of the new Peoples Commission for Minority Rights, (PCMR) Religious Groups and Minorities in Pakistan.
- (x) propose legislation to prevent forced conversions such as the Sindh Criminal Law (Protection of Minorities Bill).
- (xi) prepare and run a programme to train and tutor minorities students for the Punjab Public Services Commission exams and interviews.
- (xii) introduce a complaints procedure on the Ministry's website so that the members of minority communities can register complaints in cases of abduction, forced conversions, forced marriages or other types of discrimination.
- (xiii) arrange seminars and training for minority MNAs in order to familiarise them with the Parliamentary business and procedures.

- **The Lahore High Court**



The delegation had the great honour to meet with the President of the High Court Bar Association along with many accomplished and inspiring young lawyers. The delegation is very grateful to all those who were present for taking the time to share their deep knowledge of the Pakistani legal system and how it interacts with religious minority groups. The delegation members were encouraged to hear that the Punjab judicial academy has specific modules on gender and violence and congratulates Pakistan for the establishment of the only gender-based violence court in Asia. Members were also very impressed by the initiative and determination of the many young lawyers who volunteer their time to support minorities and challenge abuses of the rule of law. The delegation members were also encouraged by the High Court Bar Association's Plans to push for a review of the penal system to ascertain just how many children are in prisons in Pakistan and to continue to support gender inclusion in the High Court and incorporate diversity through providing training for women.

Recommendations

The delegation recommends the Lahore High Court to:

- (i) encourage lawyers from minority backgrounds to apply to become High Court judges and provide support and training for them to do so.
- (ii) actively support procedural changes to prevent the misuse of blasphemy laws.

- (iii) engage with The Commonwealth and other international donors to develop and fund programmes for training of lawyers from minority backgrounds.
- (iv) structure criminal court proceedings so that victims and the witnesses are not exposed to their attackers and that they can give their testimony anonymously.
- (v) introduce a public-private partnership model of management for courts so that they are professionally managed by outside bodies rather than by the judges. This should improve the running of the courts and have the added benefit of freeing judges to focus on judicial issues.
- (vi) introduce a witness awareness scheme, whereby the witnesses are brought to court before a trial to familiarise them with the court surroundings so that they are not intimidated on the day of the trial.
- (vii) explore the possibility of using IT, including Skype, to reduce the necessity of victims and witnesses to travel to the courts from faraway places for trials which are frequently delayed or postponed.

• The Law Commission of Pakistan

The delegation members were very privileged to meet with the President of the Law Commission of Pakistan during their visit. The delegation members were equally impressed by the Commission's representatives that they met and the many positive actions that the Commission is undertaking to improve implementation of laws in Pakistan. The delegation members were particularly encouraged by the Commission's plans to put forward proposals to address misuse of blasphemy cases such as making police officers liable for negligence; to develop training manuals of investigative techniques for police; to develop training manuals for judges in how to effectively assess evidence and to develop training manuals for prosecutors on how to effectively bring cases and cross-examine witnesses.

Recommendations

The delegation recommends the Law Commission of Pakistan to:

- (i) prepare proposals to amend the PPC to introduce significant punishments for false accusations of blasphemy.
- (ii) prepare proposals to amend the PPC and CrPC to specifically incorporate the requirement that intention to commit the offence (*mens rea*) of blasphemy must be established by the prosecution as a pre-requisite to any conviction.
- (iii) prepare proposals to amend criminal law procedures as stated in the CrPC to ensure that all blasphemy related issues undergo judicial review by senior judiciary rather than being left to local police.
- (iv) propose legislation to prevent forced conversions, such as the Sindh Criminal Law (Protection of Minorities Bill).
- (v) initiate mandatory training programmes for law enforcement officials including police officers, social workers and judges and magistrates on the rights of children under Pakistan's constitution and the law, the Convention on the Rights of the Child and within international human rights law.
- (vi) revive the minorities complaint cell in the Supreme Court of Pakistan.

• Punjab Directorate of Human Rights



The delegation was honoured to meet with Ms Lubna Mansoor, the Regional Director of the Punjab Directorate of Human Rights along with many capable NGO representatives and other activists. The delegation was delighted to hear that through regional offices, the MoHR gives financial assistance to support human rights victims, that they have made child registration mandatory and removed the cost of registration. The delegation was also encouraged to receive promises of swift remedial action in cases of future publications of discriminatory job advertisements in newspapers.

Recommendations

In light of its deliberations with members of the Directorate, the delegation makes the following recommendations:

- (i) establish a comprehensive database of children currently on the streets of Punjab, with figures and information on numbers, ages, gender and their means of subsistence.
- (ii) undertake a survey of the Punjab prisons and publish accurate figures of the number of adults and juvenile offenders currently detained in the prisons of the province.

- (iii) introduce at the Provincial level, a prompt, effective, accessible and child-friendly system for the mandatory reporting of cases of alleged child sexual abuse and exploitation in the home, in schools, in institutions or in other settings.
- (iv) train teachers to create an atmosphere of respect for religious minorities in schools and to teach children about religious tolerance and religious diversity.
- (v) develop incentives to encourage parents from religious minority communities to send their children to school.
- (vi) work with the relevant authorities to introduce a duty of candour in policing and make local police officers liable for negligence for failure to deal with fraudulent cases of blasphemy, cases of forced conversions or other attacks against minorities.
- (vii) tackle the spread of hateful messages by outlawing displays of hate materials on banners, rickshaws, cars and other public surfaces and outlawing the refusal to admit Ahmadis in certain shopping centres.
- (viii) support the work of PCMR, and other religious groups and minorities in Pakistan.

• International Islamic University Islamabad



The delegation was honoured to meet with senior officials from the International Islamic University Islamabad. It was a rare and wonderful opportunity to come together in recognition of our shared values and to hear about the wonderful, proactive work the University is undertaking to become more inclusive. Examples of this work include reserving university placements for women from areas where there is no educational representation and making recommendations to the Ministry of Education about introducing compulsory inter-faith harmony education in schools. The delegation is encouraged by the University's stated plans to produce and publicise a written publication examining ways to promote inter-faith harmony and the role of women in society.

Recommendations

The delegation recommends that the International Islamic University Islamabad:

- (i) provide all lecturers with mandatory training on coexistence and respect for minorities so that they can teach their students these values. This would be a very productive investment as one teacher trained in this way can teach these values to students throughout his or her career.
- (ii) offer a Mohammed Ali Jinnah Award for coexistence, which would be awarded to students who display respect and compassion towards fellow students from different religious or belief backgrounds.

- (iii) use university resources to introduce training programmes for university officials in raising awareness of minority issues and highlighting the benefits of religious and cultural diversity.
- (iv) use social media to promote and highlight the benefits of religious and cultural diversity and encourage distance learning for inter-faith harmony.
- (v) initiate a declaration to announce that religious discrimination in work places, educational establishments and in any other sphere of life is against the spirit of Islam and should be outlawed.
- (vi) attempt to foster collaborative links with Christian and secular universities internationally in order to forge academic ties and collectively counter challenges of religious, national or racial intolerance.

CHAPTER V:

APPENDIX

I. Meetings

The delegation would like to extend its deep and sincere gratitude to all those who we met during our time in Pakistan. Below is a list, (order of meetings) of some of the illustrious individuals and organisations that we had the honour and privilege to meet during our trip:

- Barrister Ambreen Qureshi – **Chairperson Human Rights and Environmental Protection Law Lahore High Court Bar Association Barrister at Law Chairperson – National Women Lawyers Society**
- Mr Anwarul Haq Pannu – **President of the Lahore High Court Bar Association**
- Honourable Chaudhry Mohammad Sarwar – **The Governor of the Punjab**
- Dr Mehdi Hasan, **Chairperson, Human Rights Commission of Pakistan**
- Ms Lubna Mansoor - **Regional Director of the Punjab Directorate of Human Rights**
- Mr. Ijaz Alam Augustine - **Punjab Minister for Human Rights and Minority Affairs**
- Professor Dr. Niaz Ahmad Akhtar - **Vice-Chancellor of Punjab University**
- Mr Farid Ullah Khan - **Chairman of the KPK Public Services Commission**
- His Excellency Richard Crowder – **British Deputy High Commissioner to Pakistan**
- Ms. Rabiya Javeri Agha - **Secretary of the Federal Ministry of Human Rights**
- Honourable Justice Asif Saeed Khan Khosa – **Justice of the Supreme Court of Pakistan**
- Honourable Mian Saqib Nisar – **Chief Justice of Supreme Court of Pakistan**
- Honourable Dr Qibla Ayaz – **Chairman of the Council of Islamic Ideology, Pakistan**
- Honourable Justice (Retd) Ali Nawaz Chowhan – **Chairman of the National Commission for Human Rights**
- Professor Dr Masoom Yasinzai – **Rector of the International Islamic University of Islamabad**
- Dr Muhammad Raheem Awan – **Secretary of Law and Justice Commission of Pakistan**

- Dr Muhammad Nawaz – **Centre for Excellence in Information Technology, IM Sciences Peshawar- Pakistan**
- Mr Zia Ullah Ranjah – **Managing Partner Jurist Panel**
- His Excellency Sardar Masood Khan - **President of Azad Jammu and Kashmir**
- Mr Bilawal Bhutto Zardari – **Chairperson of the Pakistan People’s Party**

II. Election Manifesto (PTI) 2018

<https://www.insaf.pk/public/insafpk/content/manifesto>

Ensure constitutional rights for minorities

PTI will protect the civil, social and religious rights of minorities; their places of worship, property and institutions as laid down in the Constitution.

Minorities in Pakistan have consistently been denied their constitutional rights in contradiction to the objective of Quaid-e-Azam's vision. The result of prevalent and unaccounted for discrimination against minorities (from all walks of life) has led to violence and their poor socioeconomic and human development.

We will enact structural reform to establish a legally empowered, well resourced and independent National Commission on Minorities, followed by provincial Commissions/Departments.

We will ensure equal access to justice and protection from discrimination in matters of law and order to minorities.

We will act against hate speech and violence towards minorities under the National Action Plan.

We will ensure that the minority quota in all government departments shall be implemented in letter and spirit.

We will organise inter-faith dialogue, especially among young people to promote tolerance and harmony.