

Introduction

Freedom of religion or belief (FoRB) continues to be eroded in Pakistan. The increased weaponisation and politicisation of the blasphemy laws, hate speech by extremist Muslim clerics and Islamist groups, radicalisation through biased education, and abduction, forced conversion and forced marriage are several factors which contribute to widespread religious intolerance. Recent years have also seen increased sectarian violence and targeted attacks on religious minorities.

Blasphemy laws

Pakistan's blasphemy laws criminalise anyone who insults Islam, including by outraging religious feeling (Section 295(A)), defiling the Qur'an (295(B)), and defiling the name of the Prophet Mohammed (295(C)), which carries the death penalty or life imprisonment. Bail is not a right, but is granted at the discretion of the court. The law itself is poorly defined and has low standards for evidence, as it does not require specific proof of intent to commit blasphemy; as a result spurious accusations are common. It is clear that the blasphemy laws are not a deterrent and are indiscriminately used as a weapon of revenge against both Muslims and non-Muslims to settle personal scores or to resolve disputes over money, property or business. Blasphemy accusations can also have an impact beyond that on accused individuals, and often trigger mass violence against minority communities.

Violations against religious minorities

Religious minorities face multifaceted discrimination which permeates all aspects of society, from education to employment. Discrimination against the Christian community is deeply rooted and historic. The legacy of the caste system means that Christians continue to face endemic discrimination and are often perceived as unclean by the Muslim majority, who describe them using derogatory terms such as 'chura' or 'kafir,' which means infidel. Christians are perceived to be sympathetic to the 'West' and are targeted by Islamist groups as a result. A large proportion of the Christian community comes from lower socio-economic backgrounds, is poorly educated, and takes up low-paid manual labour such as in brick kilns or the sanitation sector.

The Shi'a Hazara have increasingly experienced sectarian violence. The community, whose members mostly live in Quetta, where regular attacks take place, have a distinct religious, linguistic and ethnic identity which makes them easily identifiable and therefore more vulnerable. On 12

April 2019 the community suffered an attack when a bomb exploded inside the Hazar Ganji, a fruit and vegetable market on the outskirts of Quetta. At least 24 people were killed and almost 50 injured.

Since the mass exodus of Hindus during Partition in 1947 there has been a further decline in numbers, with many migrating to India due to the rise in discrimination and religious polarisation. The majority of Hindus belong to the working class, live in poverty, are poorly educated and work as bonded, forced or landless labourers. Many come from the scheduled and lower castes so and as a result face deep rooted marginalisation. Community members report that Hindus are continually reminded that Partition supposedly created Pakistan as a separate state for Muslims.

The Ahmadiyya community is the most widely institutionally and constitutionally persecuted religious group in Pakistan. Persistent and systematic structural discrimination, as well as targeted physical violence, affects their economic, social and employment status, political life and educational activities. A 1974 constitutional amendment declared persons not believing in the finality of the Prophet Mohammed to be non-Muslims, thereby making the propagation and practice of Ahmadi religious beliefs punishable by law. In 1984 the promulgation of Ordinance XX (20) and addition of Sections 298(B) and 298(C) to the penal code categorised Ahmadiyya as 'non-Muslims' and imposed further restrictions on the community.

Abduction, rape, forced conversion and marriage

Cases of abduction, forced marriage and forced conversion of Christian and Hindu girls has also increased in recent years, particularly in Punjab and Sindh. Girls from 'low' caste Hindu communities are particularly at risk. Many of those kidnapped are forcibly converted to Islam and married off to their abductors. Perpetrators are emboldened by a culture of impunity, and families are often intimidated by abductors and their families. As a result, crimes are often unreported and figures underestimated. The failure of law enforcement officials to carry out proper investigations further impedes justice for victims and their families. The Aurat Foundation

estimates that 1,000 Christian and Hindu girls are abducted and forced to marry and convert annually.¹

Biased education and discrimination

Despite educational reforms by the government as well as national and international investments in education, schools still follow a biased education system. The current curricula and official textbooks are insensitive to Pakistan's religious diversity and promote intolerance between majority and minority faiths. Books contain factual/historical inaccuracies and omissions and exclude the contributions of religious minority heroes, some also include biased and derogatory language towards religious minorities. Religious minority students endure physical and psychological abuse from teachers and classmates, including beatings and bullying. Muslim students who memorise the Qur'an get 20 extra marks towards admission applications for higher education, employment and professional studies. Non-Muslims are often reluctant to opt to study ethics because this identifies them as a religious minority and increases discrimination.

Pakistan is a top development priority for the United Kingdom: the Department for International Development (DfID) spent over £175 million on education for 2017/2018, focused on improving basic education at primary level in Khyber Pakhtunkhwa and Punjab provinces.

Threats to lawyers, judges and human rights defenders (HRDs)

Those who defend human rights are also at risk. At the beginning of 2017 four campaigners for human rights and religious freedom – Waqas Goraya, Asim Saeed, Salman Haider, and Ahmed Raza Naseer – were abducted. After a swell of national and international pressure, they were released two weeks later with no explanation. Lawyers defending blasphemy-related or other sensitive cases relating to minority issues frequently face intimidation and threats of violence, and in some cases extra-judicial killings. Judges have been physically attacked and threatened with torture, even during court hearings. Many are afraid to hear prominent minority cases for fear of reprisal, resulting in a slow progress in these cases. In the last three cycles of the United Nations Universal Periodic Review (UPR), Pakistan accepted multiple recommendations from countries including Australia,

Spain, Brazil, Canada and Ireland to improve the situation for HRDs.

Recent developments

Blasphemy cases

In May 2019 Ramesh Kumar Malhi, a Hindu veterinary surgeon from Mirpurkhas in Sindh, was accused of blasphemy for wrapping medicines in pages containing verses from the Qur'an. Protestors burned down the veterinary clinic and other shops belonging to the Hindu community.

In June 2019 Sunny Waqas, a 19-year-old student, was charged under 295-C for allegedly having blasphemous pictures of the Holy Prophet, after a dispute with some Muslim friends during a cricket match.

Amir Masih

On 2 September 2019 Amir Masih, a Christian man from Lahore, Pakistan, died in hospital after he was allegedly tortured in custody by police. Mr Masih was accused of theft after his employer, Rana Mohammad Hanif, and was summoned to the North Cantonment police station in Lahore on 28 August. Upon his compliance with the summons, he was illegally detained by the police. It is alleged by Mr Masih's family that he was then taken to an undisclosed location where he was beaten and tortured by several police officers. CCTV footage has since emerged of two police officers dressed in civilian clothing transporting Mr Masih by motorcycle to Service Hospital in Lahore, where he was pulled from the motorcycle and kicked several times by the officers before being taken inside. A post mortem has since revealed that there were torture marks all over Mr Masih's body.

Mr Masih's death highlighted growing concerns about the excessive use of force, torture and use of illegal detention centres among police in Punjab province. He was the third person to die in police custody in Pakistan's Punjab province. On 30 August Salahuddin Ayubi was arrested by police in Rahmin Yar Khan District in Punjab after he broke into a cash machine. A leaked video shows Mr Ayubi being mistreated by police. He died in police custody two days later. A second man, Amjad Ali, was detained and allegedly tortured by the Gujjarpura police in Lahore at an illegal torture cell. He died in hospital on 1 September.

¹ Aurat Foundation (2014), Forced Marriages and Inheritance Deprivation in Pakistan
https://af.org.pk/pub_files/1416847483.pdf

Recommendations

To the government of Pakistan

- Review Sections 295(A), (B) and (C) of the blasphemy laws and ensure procedural amendments are implemented, in order to minimise the abuse of these laws in the short term and move towards their full repeal in the long term.
- Repeal Sections 298(B) and 298(C) concerning the Ahmadiyya community, in line with constitutional.
- Rewrite textbooks so that they are based on scientific and empirical principles of thought and inquiry, and incorporate lessons on peace, tolerance, diversity and respect for human rights.
- Provide the necessary protections and safeguards to civil society activists and human rights defenders (HRDs) to enable them to speak out against violations without fear of being attacked themselves; and prosecute those who attack them.
- Prosecute and bring to trial without delay all those responsible for committing violent attacks against minorities and other vulnerable groups.
- Prioritise reforms to the police and criminal justice system to ensure corruption, torture and illegal detentions are rooted out.
- Fully cooperate with all UN Special Procedures and issue a standing invitation to the UN Special Rapporteur on freedom of religion or belief to visit Pakistan, with unhindered access to all parts of the country.