

Legal framework

Pakistan is an Islamic republic, but the constitution guarantees freedom of religion or belief (FoRB) for all and specifically protects religious minorities.

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 granted at the discretion of the court. The law 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 and levied maliciously against both Muslims and non-Muslims, to settle personal disputes.

On 17 January 2023 a member of the Jamaat-e-Islami passed a controversial bill in the National Assembly that sought to enhance the punishment for insulting the companions and family of Prophet Muhammad and the first four caliphs from three years' imprisonment to anywhere from ten years to life imprisonment under section 298-A of the Pakistan Penal Code (PPC). The amendment was subsequently passed in the Senate in August 2023, but it did not become a law as the president refused his assent. With general elections having taken place in February 2024, there is a fear among religious minority communities that the newly formed government may be pressured into returning this bill to the president for his assent.

The Ahmadiyya community is the most widely institutionally and constitutionally persecuted religious group in Pakistan. Various laws categorise Ahmadiyyas as 'non-Muslims' and place restrictions on the community, including a 1974 constitutional amendment, 1984 Ordinance XX (20), and sections 298(B) and (C) of the penal code.

Blasphemy charges

According to the Centre for Social Justice (CSJ) in Pakistan, 260 individuals were charged with blasphemy from January to November 2023. Many others remain imprisoned or on death row.

Blasphemy accusations can also trigger mass violence against minority communities. On 16 August 2023, a large mob attacked the Christian colony of Essa Nagri in the city of Jaranwala in Punjab province after two young Christian men, Rocky Masih and Raja Masih, were accused of blasphemy. The mob was mobilised through the loudspeakers of local mosques, and demanded that the two accused be handed over so that they could execute them, despite police assurances that the pair would be dealt with according to the law. At least 21 Churches and hundreds of homes were vandalised and burnt in the ensuing violence.

On 25 May members of the Muslim community in Mujahid Colony, Sargodha District, broadcast accusations that Mr Masih had allegedly burnt pages of the Qur'an, prompting a mob of over 1,000 people to attack Mr Masih's home and the

shoe factory he had owned in the area for six years. The mob threw stones and bricks at Mr Masih and beat him with steel rods before he was rescued by local police. He was placed in critical condition in the Combined Military Hospital (CMH) Rawalpindi due to his multiple head injuries.

On 2 June Mr Masih was placed on a ventilator. He passed away in the early hours of 3 June due to multiple organ failure and was swiftly buried in his hometown of Sargodha.

Violations against religious minorities

There is entrenched discrimination in Pakistan against the Hindu and Christian communities, most of whom are working class, poorly educated, and work as labourers.

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. Hindus are continually reminded that Partition supposedly created Pakistan as a separate state for Muslims. Many come from the scheduled and lower castes, and as a result face deep rooted marginalisation.

The legacy of the caste system means Christians are often perceived as unclean by the Muslim majority. They are also perceived as being sympathetic to the 'West', making them targets of Islamist groups. The Shi'a community have also experienced sectarian violence in recent years.

The Ahmadiyya community face persistent and systematic structural discrimination, and targeted physical violence. On 19 February 2023, Rasheed Ahmad, a 75-year-old Ahmadi doctor was brutally murdered on religious grounds; on 13 April, Amir Munir, an Ahmadi lawyer, was critically injured in a cleaver attack. At least 111 Ahmadis were charged under anti-Ahmadiyya legislation in 2023; and 37 Ahmadiyya Mosques were attacked and 100 Ahmadi gravestones were destroyed during the same period.

Abduction, rape, forced conversion and marriage

Cases of abduction, forced conversion and forced marriage of Christian and Hindu girls have increased in recent years, particularly in Punjab and Sindh provinces. 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 victims and their families are often intimidated by abductors and their relatives. As a result, crimes are often unreported and figures underestimated. The failure of law enforcement officials to carry out proper investigations further impedes justice.

According to the Centre for Social Justice (CSJ) in Pakistan, there were 109 registered cases of abductions, forced conversions, and forced marriages of Hindu and Christian women and minor girls from January to November 2023. The true figure is assumed to be much higher as many cases

are not reported due to fear of backlash from the abductors or extremist groups. Eighty of the reported cases involve Hindus and 13 involve Christians, including the recent case of 15-year-old Christian girl Samreen Aftab, whose family was affected by mob violence in Jaranwala in August 2023.

Biased education and discrimination

The National Curriculum of Pakistan (NCP), formerly known as the Single National Curriculum (SNC), is in its final phase of drafting and is expected to be completed by the end of 2024. The National Curriculum Council (NCC) has prioritised religious studies while the removal of religious content from non-religious subjects has not been implemented, despite orders from the Supreme Court's One-Man Commission on minority rights. Beyond curriculum content, there is a pressing need to address issues relating to teachers' skills and competencies. Textbook content, teachers' capacity and competencies are also essential for harmonising the classroom and teaching accurate facts and history in relation to the rights and beliefs of religious minorities in Pakistan. Teachers often lack the teaching and scholastic tactics necessary to engage with students and create harmony among them. The new curriculum requires students to undergo even more Islamic religious teaching in compulsory subjects, in violation of Article 22(1) of the Pakistani Constitution.

Official textbooks promote intolerance by omitting religious minority heroes, and including errors, omissions, and in some cases derogatory language towards religious minorities. Religious minority students can also face physical and psychological abuse from teachers and classmates. 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 an alternative ethics class because this identifies them as a religious minority and increases discrimination.

For the first time in the country's history, the NCC has allowed the publication of religious textbooks for students of seven minority religious groups (Bahaism, Buddhism, Christianity, Hinduism, Kalasha, Sikhism and Zoroastrianism) enrolled in educational institutions supervised by the federal government. These books are expected to be introduced in school in the educational year 2025. This is a welcome development among religious minority communities and civil society in Pakistan. Once enacted, students belonging to minority communities will not be required to study Ethics in lieu of Islamic Studies, or be forced to take up Islamic Studies in order to better their grades or avoid discrimination from examiners. Despite this encouraging development many academics and civil society members have raised concerns on the practical implementation of such a measure. Due to lack of resources in most if not all public schools and many private schools, there are concerns on how provisions will

be made for teachers to teach one or a few students from the religious minority communities.

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

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 slow progress in these cases.

Recommendations

To the government of Pakistan:

- Review Sections 295(A), (B) and (C) of the blasphemy laws and ensure procedural amendments are implemented to minimise the abuse of these laws in the short term, moving towards full repeal in the long term.
- Repeal Sections 298(B) and 298(C) concerning the Ahmadiyya community, in line with constitutional guarantees.
- 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.
- Review the National Curriculum of Pakistan (NCP) and ensure that it respects and recognises the rights and contributions of religious minority communities in Pakistan.
- Consider removing religious content from non-religious subjects, as per instructions from the Supreme Court's One-Man Commission, which is mandatory for all to study, including religious minorities.¹
- Provide training to teachers in FoRB and human rights.
- Provide the necessary protections and safeguards to civil society activists, journalists and human rights defenders (HRDs) 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.
- 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.
- Amend outdated laws related to Christian marriage and divorce to provide further safeguards to the Christian community.
- Ensure implementation of the Hindu Marriage Bill and Punjab Sikh Anand Marriage Act 2018.

¹ The News International, 'Punjab HR dept directs PCTB to shift all religious content from syllabus to Islamiyat', 22 April 2021 <https://www.thenews.com.pk/print/824253-punjab-hr-dept-directs-pctb-to-shift-all-religious-content-from-syllabus-to-islamiyat>

To the government of the United Kingdom:

- Urge Pakistan to amend or repeal blasphemy laws and ensure protections for individuals targeted by these laws, particularly religious minorities such as Christians and Ahmadis.
- Advocate for the prosecution of individuals responsible for violence against religious minorities and provide protections to prevent forced conversions and marriages.
- Support the passage of laws that prevent the abduction and forced marriage of girls, particularly from Christian and Hindu communities, and strengthen law enforcement's capacity to protect them.
- Call for the removal of discriminatory content in educational curricula and promote inclusivity, especially for religious minorities.
- Advocate for the safety and protection of civil society activists, journalists, and HRDs, ensuring legal protections are in place for those working on sensitive issues.

CSW everyone
free to believe

T +44 (0)20 8329 0010
@CSWAdvocacy
f /CSWUK
csw.org.uk

PO Box 99
New Malden
Surrey, KT3 3YF
United Kingdom

© Copyright CSW 2024. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, photocopying, mechanical, recording and/or otherwise without the prior written permission of CSW.