

# Review of Christians in Pakistan: **Promoting Change for the Future**



A report by **Jubilee Campaign**,  
in collaboration with **Pakistan Christian Political Foundation** .

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### **Abbreviations**

CLAAS	Centre for Legal Aid Assistance and Settlement
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
NCJP	National Commission for Justice and Peace
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational Scientific and Cultural Organization
USCIRF	United States Commission on International Religious Freedom

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# 1. Introduction

Pakistan is a country with more than 199 million citizens. It is difficult to produce reliable figures regarding the religious demography since estimates vary widely and government-provided numbers seem outdated or inaccurate. Most sources indicate that the population is comprised of 96.4% Muslims (Sunni 85-90 per cent, Shia 10-15 per cent) and 1.59 per cent Christians<sup>1</sup> (approximately three million Christians). The remaining population includes other religious minorities such as Ahmadis, Sikhs, Buddhists, and Baha'i. Other sources have, however, estimated that there are as many as nine million Christians in Pakistan.



Religion is a very sensitive subject in Pakistan. In a country where religion is the starting point in life, it is difficult to hide your faith. Neighbours' and colleagues' first curiosity would be to know your religion.

Unfortunately, the Christian population is subject to recurrent discrimination and harassment, as well as acts of religiously motivated violence, at the hands of militant groups and fundamentalist elements. Criminal provisions, particularly the blasphemy laws, are on occasion used by members of some Muslim communities to intimidate and harass Christians, as well as to exact revenge or settle personal or business disputes.<sup>2</sup>

Jubilee Campaign aims at helping religious minorities by enhancing their position in Pakistan. Our primary focus is the Christian community. However, Pakistani society is very complex, which makes this task difficult. The main purpose of this report is to provide a thorough analysis of the Christian community. How can we define an ordinary Christian, and how is daily life shaped for this person?

It is known that the Pakistani Christians are divided into several groups which possess different socio-economic backgrounds, and therefore enjoy different status and position in Pakistani society. Therefore, not every member of a minority community faces the same degree of adversity. In order to comprehend the situation of Pakistani Christians, it is of significance to examine the historical background of Pakistan and the development of the different Christian groups therein. We will learn how, over the course of time, Pakistani Christians have come into existence. Pakistani Christians do not form a homogeneous group but consist of multiple layers, each of which experiences life differently, has a different status, opportunities and adversities.

By providing this overview, we hope to create profound comprehension of the Christian groups and dynamics in Pakistan, which would permit organisations and individuals to create improved developmental strategies in order to progressively and effectively assist Christians and other minorities in Pakistan. We hope that Christians in Pakistan can be empowered in such a manner that they can defend themselves against abuse, violence and discrimination and, in due time, detach themselves from their inferior status and vulnerable position.

<sup>1</sup> Unofficial figures suggest the Christian population to be between 3–5 million. Statistic sourced from: AK & SK (*Christians: risk*) Pakistan (CG), [2014], UKUT 569 (IAC) (15 December 2014), paragraph 216, [www.bailii.org/uk/cases/UKUT/IAC/2014/569.html](http://www.bailii.org/uk/cases/UKUT/IAC/2014/569.html)

<sup>2</sup> HCR/EG/PAK/12/02, UNHCR guidelines for assessing the international protection needs of members of religious minorities from Pakistan, UNHCR, 14 May 2012, page 25-26.



## 2. Historical summary of Pakistan

To comprehend the position of the Christian community and the adversity they experience, it is imperative to study the historical background of Pakistan.

Pakistan is a country with more than 199 million citizens. The population is comprised of 96.4 per cent Muslims (Sunni 85-90 per cent, Shia 10-15 per cent)<sup>3</sup>. Information on the size of the Christian population differs, but generally is estimated to be around three million<sup>4</sup>.

The Pakistani state is relatively young. It was founded in 1947 by the first president of the republic, Mohammed Ali Jinnah. Previously, Pakistan was still part of the Boudistic Empire where, in 712 AD, Muslims began their rule in the sub-continent. From 1600 until 1800, the area continued under the rule of the Mughal Dynasty. In 1800, as Sikhs gained more influence and power, the Mughal sought and accepted protection of the British Empire. The British defeated the Sikhs and the area we now know as Pakistan came under British rule. During this period, few insurrections occurred. In 1857, the Muslim aristocrat Sir Syed Ahmed Khan—a devoted Muslim belonging to the upper strata of the Muslim Indian elite—opted for collaboration with the British ruler.<sup>5</sup> The reason was the fear amongst the educated wealthy class that Hindus would rule over the Muslims who had earlier ruled for more than 1000 years. Khan's purpose was to learn the ways of Western modernity in order to develop as a people and compete with the Hindus. What Sir Khan was saying and doing laid the foundation of Pakistan. He asked that, if the British ever left India, Muslims would not be able to unite with Hindus because they would dominate the state; hence, he raised the point, it would be impossible to create an equilibrium of power for Muslims and Hindus in the same country.

<sup>3</sup> [www.cia.gov/library/publications/the-world-factbook/geos/pk.html](http://www.cia.gov/library/publications/the-world-factbook/geos/pk.html)

<sup>4</sup> Unofficial figures suggest the Christian population to be between 3–5 million. Statistic sourced from: AK & SK (Christians: risk) Pakistan (CG), [2014], UKUT 569 (IAC) (15 December 2014), paragraph 216, [www.bailii.org/uk/cases/UKUT/IAC/2014/569.html](http://www.bailii.org/uk/cases/UKUT/IAC/2014/569.html)

<sup>5</sup> [www.newworldencyclopedia.org/entry/Syed\\_Ahmed\\_Khan](http://www.newworldencyclopedia.org/entry/Syed_Ahmed_Khan)

Consequently, the fear of Hindus was the main reason for collaboration with the British Empire, which mainly was supported by the academic wealthy class. However, the lower and middle classes were against collaboration with the British Empire because they abhorred colonial rule. This led to collaboration between Muslims and Hindus in these classes, who together opposed the British rule. The Muslim clergy also opposed a separation of India because the 'Ummah' was part of their vision, which indicates the objective of a united Muslim community based on religion and not on kinship.<sup>6</sup>

In 1906, the All Indian Muslim League was founded. Influenced by Sir Syed, they wanted to collaborate with the British and focus on a united India. Another political movement with large grass roots support was the 'Caliphate'. Inspired by the idea of 'jihad', they pursued an Ummah, defended the Ottoman Caliphate and fiercely opposed collaboration with British rule in India. The movement ended after the Ottoman Caliphate was abolished by the Turkish National Assembly on March 3, 1924.

A separated Muslim republic was first mentioned by the Muslim League. After the second World War, the British agreed on the decolonisation of British India. However, Muslims and Hindus were not able to reach agreement on a constitution or an interim government. The separation of India was inevitable, causing a gigantic migration where Muslims in India moved to Pakistan and Hindus and Sikhs migrated to India. Pakistan was eventually founded in 1947.

The first sitting president, Mohammed Ali Jinnah, pursued a secular state, in which state and religion were divided. His famous words were:

*"You are free; you are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan...You may belong to any religion or caste or creed—that has nothing to do with the business of the State"*<sup>7</sup>

*"We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle: that we are all citizens, and equal citizens, of one State."*

*"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 in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."*

However, Pakistan developed divergently since it was merely an idea supported by the affluent academic class. The Muslims 'on the streets' fiercely opposed this slow process of Westernisation; they pursued an Islamic system, and sentiments of the Caliphate never dispersed. This idea was fed by Pakistan's history. Author Iqbal Akhund describes this sentiment as follows: "The Pakistan Muslim thinks of himself as heir to the Muslim Empire, descended from a race of conquerors and rulers. There is, therefore, a streak of militarism in Pakistan's ethos, even at the popular level".<sup>8</sup> The 'Ummah' idea remains strongly present in Pakistan today.

The current Constitution, written in 1973, can be seen as an attempt to please the Muslim majority as well as minority groups in Pakistan. The Constitution attempts to appeal to minority groups by granting them fundamental rights. Article 20, for example, grants the right of freedom of religion or belief.

<sup>6</sup> Houtsma, M. Th (1987). E.J. Brill's First Encyclopaedia of Islam, 1913-1936. BRILL. page 125-126. ISBN 9004082654.

<sup>7</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 6.

<sup>8</sup> Pakistan, a hard country, Anatol Lieven, found in google books.

However, it is apparent that minority groups are subsequently discriminated against. In Article One, for example, it states that Pakistan is a Islamic Republic. Article Two states that Islam is the state religion and Article 41 states that “A person shall not be qualified for election as President unless he is a Muslim”.

Matters for minorities deteriorated under the military rule of general Zia from 1977 until his death in 1988. He carried out profound systematic changes with the goal to advance Islam in the law and principles of the state.<sup>9</sup> Islamic provisions were added to the Constitution, in Part IX. The first article of Part IX is Article 227 which, in the first sentence, states: “*All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions*”.<sup>10</sup>

In addition to enforcing a strong Islamic identity through several sections of the Constitution, General Zia reformed the blasphemy laws and established a Federal Shariat Court. This court has the authority to examine and determine whether the laws of Pakistan comply with Sharia law<sup>11</sup>.

Democracy returned in 1988 after general elections held after the death of President General Zia-ul-Haq. The elections marked the return of the Peoples Party into power. Its leader, Benazir Bhutto, became the first female Prime Minister of Pakistan as well as the first female head of government in a Muslim-majority country. Together with Nawaz Sharif, she ruled the country in alternating periods until 1999.<sup>12</sup> They introduced the parliamentary system and competitive two-party democracy in the country.<sup>13</sup>

Nonetheless, the decade-long return of democracy under Benazir Bhutto and Nawaz Sharif did not improve constitutional matters for minorities. Moreover, the fourth military takeover, on 12 October 1999, led by General Pervez Musharraf, despite raising hopes for a liberal system, had hesitated for more than two years from restraining the religious elements from further marginalising minorities. In addition, so as not to offend the religio-political parties, Musharraf had shied away from reversing the damaging policies of previous regimes.<sup>14</sup>

Pakistan is a pluralistic country where equal citizenship based on unfettered human rights should lead to many improvements. This can only happen if the country’s leaders and opinion makers act more responsibly, avoid inciting hatred and preach tolerance and co-existence. It is imperative for the Pakistani ruling elite to revisit Jinnah’s vision of a tolerant, plural and democratic Pakistan, anchored on the principles of equal citizenship and human rights, irrespective of caste, creed or gender. Such an ideal was the original creed of the movement for Pakistan and should form a point of consensus for a vast majority of the population today. However, fundamentalist activities, among other factors, are encouraged by poverty and disillusion. As admitted by the government, every third Pakistani is living below the poverty line.

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<sup>9</sup> Pakistan: Between Mosque and Military, 1 July 2005, page 144.

<sup>10</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 17.

<sup>11</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 16.

<sup>12</sup> Pakistan Profile- Timeline, 29-03-2016, [www.bbc.com/news/world-south-asia-12966786](http://www.bbc.com/news/world-south-asia-12966786)

<sup>13</sup> History of Pakistan, third democratic era, 3 May 2006,

<http://historyofpresentpakistan.blogspot.nl/2016/05/9-third-democratic-era-19881999.html>

<sup>14</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 14-15.



## 3. Christian community

### 3.1 Main groups of Christians

Most Europeans will consider the Christian community as community like theirs, in the sense of having the same rights and coping with the same problems. From their point of view, it is hard to imagine that Christians living in the same country experience different career possibilities and believe in a different future for the Christian community.

The reality is, however, that Pakistani Christians are a mosaic of several communities with different socio-economic backgrounds and histories. The community can be divided into four main groups:

1. European Christians who came during the colonial period. Nearly all left the country but some still remain in Pakistan.
2. Anglo-Indians. They are children of Westerners who married with the locals during the British time. Educated and affluent, almost all left Pakistan after its founding.
3. Goan Christians. Pakistan's Goan Christians trace their origin to the Indian city of Goa. In the 16th century, Goa was a colony of the Portuguese. Several untouchables converted to Catholicism and slowly the entire state of Goa became a Catholic stronghold. Many of these Catholics left Goa in search of greener pastures in the 19th century and reached Bombay. These Goan Christians had already been exposed to western education under the Portuguese and could easily attach themselves with the British as domestic staff. When Sindh was captured by the British in 1843 and made part of the Bombay Presidency, Goan Christians migrated to Karachi (its capital). Goan Catholics had faced inquisitions in the 16th century and had been very staunch in their Catholic belief. They flourished under the British on one hand and helped the Bombay Catholic church to set up its centres in Karachi on the other. Hence, Sindh is the Catholic side of Christianity.
4. Hindu, Sikhs and Muslims from different layers of society who converted to Christianity when, in the 19<sup>th</sup> century, protestant missions from the U.S. and Europe arrived and converted people from different segments of society to Christianity.

### 3.2 Background of ‘untouchables’

The largest group of Pakistani Christians belong to the fourth group mentioned above. Even though Pakistanis from different strata of society converted to Christianity, the largest group was the untouchable caste called Chuhra or Chamar. These people were considered unclean and their occupation mostly entailed sweeping or picking up garbage. The conversion of this tribe was begun by protestant missions in 1873 in central Punjab and ended in the 1930s.

Because most of the Christian converts belonged to the untouchable cast, even today Pakistani Christians as a group endure stigmatisation, discrimination and being treated as inferior and untouchable. The word Chuhra is sometimes used to insult them. Even Christians descending from the middle class or elite could endure this stigmatisation. Consequently, it is imperative to learn the history, status and treatment of this specific ‘untouchable’ group.

#### ***Caste System: The Root of Marginality of Pakistani Punjabi Christians***

The caste system of social stratification is unique to India. It is based upon dharma, which is both a social and religious obligation laid down by sacred Hindu scriptures. Under the caste system, the divine has created human beings unequally into four categories, known in Sanskrit as *varna*. The term *varna* literally means colour; the Aryans who came there were fair in colour while the locals were dark. The caste system is based on inheritance. Among other things, it dictates the type of occupation a person can pursue and which social interactions are allowed. Occupation is the most important aspect of the caste system, which is an ascribed status that cannot be changed by choice.

A fifth category of people is considered outside of this social order called pariah—outcaste and untouchable—and they are considered somewhat non-existent and nonhuman. There are thousands of untouchable castes but only one where the majority of Christian converts descend from. This caste located in Punjab was called the ‘Chandalas’, which was divided into three subcastes: Dom, Chamar and Chuhra. Occupation is the most important social and economic aspect of a caste; recurrently a caste name would be similar to the name of the occupation one was born with. The word Chuhra meant the occupation of ‘sweeping’.

#### ***Missionaries and Mass Movement Among Untouchables of the Punjab***

Missionaries evangelised amongst different segments of society, opening schools, hospitals and other institutes. They had an extensive impact on society and interacted with people from different backgrounds, castes and levels of wealth. Missionary institutes were renowned and used by even the elite classes of society. Missionaries also conducted work amongst the ‘untouchable’ caste. It proved difficult to teach Christianity to these illiterates and to improve their socio-economic conditions. Either they were incapable of change or society was unwilling to liberate them from their millennia-old bondage.

Nonetheless, missionaries devoted their lives, brought their families and lived in hostile circumstances (though sometimes with the support of British officers) to end this ages old slavery. Many missionaries were buried in this land, having educated many such untouchables and brought them into mainstream politics, civil services and business. Missionaries bought land from the government, taught the best available farming techniques, set up schools and hospitals and built churches for these outcastes in their villages.

Despite the fact that these villages were set up to transform these Christians, hundreds of thousands of these untouchables were still under the Sikh Iats (agricultural caste) as their *seipees* (dependents/

serfs) working on the land of Sikhs. However, as their conversion had begun during the British period, they adopted a new, respectable identity which somehow linked them with their rulers.

Coming under Islamic rule in 1947 with the creation of Pakistan, Christians had a choice to join either India or Pakistan. Most Christians lived in Punjab during the partition and thus had limited choice but to join Pakistan. Christians were better off with Muslims than Hindus who treated them as “untouchables”. These converts to Christianity had hoped that they would be better treated by monotheist Muslims but their hopes were never realised.

Right after the partition, common Muslims treated these Christians differently than what was promised by the founding fathers, especially by Muhammad Ali Jinnah. Christians were forced out of their homes and had little other option than to become sweepers.<sup>15</sup>

### **Sweepers**

Sweepers were very much needed, since hundreds of thousands of untouchable Hindu sweepers left for India after the partition. The ruling Muslim League found Christians descending from the untouchable caste to be a useful substitute for filling jobs left by fleeing Hindus. The state had to uproot hundreds of thousands of Christians from villages in central Punjab to push them into this occupation.<sup>16</sup> A high number of Christians are sweepers still today.

In history, converts to Christianity from the low-caste Chuhra searched for a new identity. By 1930, they had adopted the name ‘Isai’ which derived from the Arabic word for Jesus (Isaa). By the 1960s, the word Isai described the occupation of ‘sweeper’. Until this day, in official documents, the caste of those Christians is named Isai. Additionally, these Christians used the name ‘Masih’ (Christ) as their surname, rather than their caste name. This is the reason that most of the names in persecution stories have the surname ‘Masih’..

Even today, this stigma of an untouchable caste, and consequently destined for menial jobs is widespread in Pakistani society. Christians can experience discrimination when applying for jobs, obtaining a promotion, during their education or in everyday interaction with Muslims. Such treatment is more often found in rural areas where people are less educated and have experienced little exposure to external influences. However, even in elite circles, discrimination and stigmatisation occur. In addition to this stigma of being ‘untouchable’, Christians have to withstand discrimination and marginalisation derived from their identity as non-Muslims together with people from other minorities. The amount of discrimination a Christian can experience can range from ‘occasional’ to ‘extreme’ depending on their living area, educational level, wealth and family background.

### **3.3 Where do Christians live?**

More than half of the population of Pakistan lives in Punjab. Subsequently, it has the highest number of Christians, the result of the conversion movement which began there: A significantly high number of people from low castes in Punjab converted to Christianity. These converts were taught farming techniques and missionaries built hospitals and churches in their villages. Another reason for the high number of

<sup>15</sup> Christians required only as sweepers, 23 October 2015, The Friday times, [www.thefridaytimes.com/tft/christians-required-only-as-sweepers/#sthash.BqmjKnCM.dpuf](http://www.thefridaytimes.com/tft/christians-required-only-as-sweepers/#sthash.BqmjKnCM.dpuf)

<sup>16</sup> Christians required only as sweepers, 23 October 2015, The Friday times, [www.thefridaytimes.com/tft/christians-required-only-as-sweepers/#sthash.BqmjKnCM.dpuf](http://www.thefridaytimes.com/tft/christians-required-only-as-sweepers/#sthash.BqmjKnCM.dpuf)

Christians living in Punjab was a decision by the British in the 20<sup>th</sup> century to make more than six million acres of land cultivable. About 20,000 acres in the Lower Bari Doab Colony—the heartland of Punjab—was allotted to landless people from the depressed classes, of which a large group of Christians benefited.<sup>17</sup> This caused an even denser population of Christians in Punjab. Some Christians, after the partition, were forced out of their homes or became homeless, forming ghettos. Most had no other choice than to become sweepers. Only a few colonies were created by Catholic fathers which provided them with better housing.

Subsequently, in addition to Christians from low castes in Punjab, there were Christians present in every layer of society and in different places throughout Pakistan. Some were middle class or even in the ruling elite and enjoyed a good status. Even today, the Christian demography is diverse, with people having high-ranking jobs, owning companies and working in the private or public sector. In every town and village Christians can be found. Large colonies of working-class Christians exist in the major cities like Faisalabad, Karachi and Multan. Their professions range from teachers, nurses and lawyers up to high-ranking jobs in the government or more prominent companies.

### **3.4 Areas of most severe oppression for Christians**

Many Christians face extremism and discrimination in everyday life, but terrorism does not occur on regular basis. In general, urban places are safer for minorities than rural places. Minorities are most oppressed in the province of Punjab, caused by several factors including the growing influence of Muslim parties. Subsequently, Muslims from Punjab have in the past experienced the most oppression from Hindus and Sikhs; post-partition, Muslims have been more oppressive towards minorities. Lastly, Punjab is home to the largest group of Christians, increasing the likelihood of tensions and acts of persecution. Notably, the highest number of anti-blasphemy vigilante attacks and related incidents have taken place in central Punjab, making it more dangerous than Southern Punjab.

Sindh and Balochistan are safer than Punjab for minorities. However, it needs to be taken into account that, due to political turmoil and bloodshed, it could be unsafe on several other levels. A separatist movement is gaining influence in Balochistan, but Christians as group remain safe since they are not perceived as Punjabis and therefore not attacked. Very few charges of blasphemy or discrimination against Christians in particular are reported from the province Khyber Pakhtoonkhawa, although there was a church bombing in 2013 where 85 people were killed.<sup>18</sup>

In the province of Gilgit-Baltistan, there are a few hundred Christians who are predominantly sweeper by occupation, but no incidents of blasphemy or vigilante act could be traced, even though people are very conservative.

There are additional factors to be considered. In the provinces of Punjab and Khyber Pakhtunkhawa, religion is the main source of tension. However Sindh and Balochistan have nationalist movements which have caused extensive bloodshed. The Federally Administered Tribal Areas (FATA) are not ruled by Pakistani law; a separate law applies to them. Their main problem is related to the threat and rule of the Taliban in those areas. The population is very traditional and tribal which explains their affinity with Islamic culture. Tensions are related to non-religious issues and thus minorities as a group are less likely to become specific targets.

<sup>17</sup> The Punjab Under Imperialism, 1885-1947 by Imran Ali, 2003, page 36.

<sup>18</sup> Pakistan church bomb: Christians mourn 85 killed in Peshawar suicide attack, 25 September 2013, [www.theguardian.com/world/2013/sep/23/pakistan-church-bombings-christian-minority](http://www.theguardian.com/world/2013/sep/23/pakistan-church-bombings-christian-minority)



## 4. Legal Framework

### 4.1 National legal outline

#### 4.1.1 Laws in Pakistan

Pakistani law is based upon the legal system of British India and thus, ultimately, on the common law of England and Wales.<sup>19</sup> The Indian Act of 1935 and the Independence Act of 1947 remain the constitutional guidelines for the regimes. These documents, dating from the Raj, despite their inherent communitarian definitions and the idea of separate electorates for Muslims, were generally secular. There were attempts to formulate a new Constitution; however, regional disparities between East and West Pakistan were used to delay its framing.<sup>20</sup>

It is noteworthy that the 1973 Constitution was the first Pakistani Constitution agreed upon by representatives elected through a common vote and thus largely reflected opinion across the country. The 1973 Constitution became the supreme law of Pakistan and, though since altered, is still in force.<sup>21</sup>

The Constitution established a ‘Bicameral Parliament’ as a legislative authority consisting of the Senate as the Upper house (providing equal provincial representation), and National Assembly as the Lower house (providing the will and representation of people). The first three chapters establish the rules, mandate, and separate powers of the three branches of the government: a bicameral legislature; an executive branch governed by the Prime Minister as chief executive; and an apex federal judiciary headed by Supreme Court. The Constitution designates the President of Pakistan as a ceremonial head of state who is to represent the unity of the state. The first six articles of the Constitution outline the political system as a federal parliamentary republic system.

<sup>19</sup> <https://lawsinpakistan.wordpress.com/about/>

<sup>20</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 14.

<sup>21</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 15.

The preamble of the 1973 constitution of Pakistan states the following:

### **The Constitution of the Islamic Republic of Pakistan**

Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah;

Wherein adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures;

Therein shall be guaranteed fundamental rights, including 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;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes.

Key ideas regarding the role of Islam in the State are part of the 1973 Constitution:

- The official name “Islamic Republic of Pakistan” as selected for the state of Pakistan.
- Islam is declared as the state religion of Pakistan.
- Enabling of living life, culture, and customs of Muslims, individually or collectively, in accordance with the fundamental principles and basic concepts of Islam.
- Education of Arabic, Qur’an, and Islamiyat to be compulsory in country’s institutions and to secure correct printing and publishing of the Qur’an.
- Proper organizations of Zakat, Waqf, and mosques is ensured.
- Prevention of prostitution, gambling and consumption of alcohol.
- Required to be a Muslim in order to be qualified for election as President or Prime Minister. No restriction as to religion or gender on any other post, up to and including provincial governor and Chief Minister.
- All existing laws are to be brought in conformity with the injunctions of Islam as laid down in the Qur’an and Sunnah and no law shall be enacted which is repugnant to such injunctions. • A Council of Islamic Ideology shall be constituted referred to as the Islamic advisory council.
- For the first time, the Constitution of Pakistan gave definition of a Muslim which states: ‘Muslim’ means a person who believes in the unity and oneness of Allah, in the absolute and unqualified finality of the Prophethood of the Islamic prophet, Muhammad, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad.
- Article 260 states that Ahmadis are not Muslims.

The second chapter of the Constitution regulates freedom rights. Article 20 formally grants citizens the right to propagate their religion and gives religious denominations the right to establish their own educational and theological institutions.

20: Freedom to profess religion and to manage religious institutions. Subject to law, public order and morality:

- (a) Every citizen shall have the right to profess, practice 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.

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.

26. Non-discrimination in respect of access to public places.

- (1) 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 the ground only of race, religion, caste, sex, residence or place of birth.
- (2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.

Article 31 calls on the government to promote an Islamic way of life while Article 31, paragraph 2 stipulates that the government shall endeavour to make teaching of the Holy Quran and Islamic Studies compulsory, to encourage and facilitate the learning of Arabic language and to secure correct printing and publishing of the Holy Quran. It commits to promote unity and the observance of Islamic moral standards, and to secure the proper organisation of *zakat* and mosques. Article 33 makes the state responsible for safeguarding the legitimate rights and interests of minorities, including their representation in the national and provincial civil services. Article 36 further promises the protection of minorities, stating: The state shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services, whereas Article 40 highlights the need to strengthen the relationship with the Muslim world and the promotion of international peace. Article 41 (2) states that the head of the state will be a Muslim, and Article 91 (3) stipulates that the Prime Minister shall also be a Muslim believing in the finality of the Prophethood.

General Zia-Ul-Haq was the ruler of Pakistan from 1978 until his death in 1988. He introduced the Eighth Amendment without proper procedures as laid down in the Constitution, and changed the entire spectrum of policies and attitudes towards minorities and women. He laid the foundation of the Islamic courts, introducing Chapter 3A on Sharia courts.<sup>22</sup> Article 203 (D), states:

*'The court may, [either of its own accord or] on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.'*

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<sup>22</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 17.

In other words, the Sharia Courts and their verdicts were superimposed on the country's elected institutions. General Zia subsequently created Article 227, stipulating that all existing laws "shall be brought in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah [...] and no law shall be enacted which is repugnant to such injunctions."<sup>23</sup>

Article 228 established the Council of Islamic Ideology in an institutionalized role to oversee the legislation.

The Zia regime's various amendments and additions to the Penal Code resulted in severe socio-legal discrimination against minorities. The Zia law of evidence (*Qanoon-i-Shihadah*)—equating the evidence of two women or two non-Muslims to that of a single male Muslim—further disempowers non-Muslims and women, while making it easier for Muslim men to pursue legal proceedings against accused parties.<sup>24</sup>

Zia subsequently altered extant blasphemy laws. The stringent rules that were meant to counter blasphemy against the Qur'an and the Prophet have established a unilateral system in which any male Muslim can institute litigation against an individual on an allegation of blasphemy. (This law prohibited women and minorities from initiating blasphemy cases.)<sup>25</sup>

The original Blasphemy Laws were designed by the British and introduced in 1885 to outlaw the inflaming of religious hatred.<sup>26</sup> These laws became part of the Pakistan Penal Code as Section 295 and, in its original incarnation, it had noted:

*'Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that that class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.'*

In 1927, when communal riots occurred in India, another clause was promulgated under the title Section 295-A. Accordingly:

*'Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens [...] by words, either spoken or written, or by visible representations, insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.'*

There were no further amendments or additions in the British era and subsequently Pakistan, until Zia added two new clauses-B and C-to Section 295. Clause B was added via Ordinance 1 of 1982 and stated:

*'Whoever willfully defiles, damages or desecrates a copy of the Holy Qur'an or any extract thereof or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.'*

Again, Zia was trying to appease the Islamists. The Penal Code Section 295-C was rushed through via the Criminal Law (Amendment) Act III of 1986, and stipulated<sup>27</sup>:

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<sup>23</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 17.

<sup>24</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

<sup>25</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

<sup>26</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

<sup>27</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

*'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 a fine.'*<sup>28</sup>

#### **4.1.2 Judiciary system**

The judiciary of Pakistan is a hierarchical system with two classes of courts: the superior (or higher) judiciary and the subordinate (or lower) judiciary. The superior judiciary is composed of the Supreme Court of Pakistan, the Federal Shariat Court and five High Courts. The Supreme Court is the apex court of the land. It is the court of ultimate appeal and therefore the final arbiter of law and the Constitution. Its decisions are binding on all other courts.<sup>29 30</sup> The Court consists of a Chief Justice and other judges, appointed by the President. Subsequently, there is a High Court in each province and a High Court for the Islamabad Capital Territory. Furthermore, district courts exist in every district of each province, and have civil and criminal jurisdiction. Each town and city now has a court of Additional District & Session judge.<sup>31</sup>

The Federal Shariat Court, was established by Zia in Article 203 (A-J). Under Article 203-D, the Shariat Court can declare any law defunct if it is assumed to be against Islamic injunctions. Article 203 (D), states:

*'The court may, [either of its own accord or] on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.'*

In other words, the Sharia Courts and their verdicts were superimposed on the country's elected institutions.<sup>32</sup>

The court also has appellate jurisdiction over penalties (hudud<sup>33</sup>) arising under Islamic law<sup>34</sup>, although these decisions can be reviewed by the Shariat Appellate Bench of the Supreme Court<sup>35</sup>. The decisions of the court are binding on the High Courts as well as subordinate judiciary.<sup>36</sup>

A later decision by the Federal Shariat Court has made defiling the name of the Prophet Muhammad punishable by a mandatory death penalty<sup>37</sup> raising concerns in Pakistan's minority community.

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<sup>28</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

<sup>29</sup> Article 189.

<sup>30</sup> [https://en.wikipedia.org/wiki/Supreme\\_Court\\_of\\_Pakistan](https://en.wikipedia.org/wiki/Supreme_Court_of_Pakistan)

<sup>31</sup> [https://en.wikipedia.org/wiki/Judiciary\\_of\\_Pakistan](https://en.wikipedia.org/wiki/Judiciary_of_Pakistan)

<sup>32</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 17.

<sup>33</sup> Limit or prohibition; pl. hudud. A punishment fixed in the *Quran* and hadith for crimes considered to be against the rights of God. The six crimes for which punishments are fixed are theft (amputation of the hand), illicit sexual relations (death by stoning or one hundred lashes), making unproven accusations of illicit sex (eighty lashes), drinking intoxicants (eighty lashes), apostasy (death or banishment), and highway robbery (death), [www.oxfordislamicstudies.com/article/opr/t125/e757](http://www.oxfordislamicstudies.com/article/opr/t125/e757)

<sup>34</sup> Article 203-D.

<sup>35</sup> Article 203-F.

<sup>36</sup> Article 203-G.

<sup>37</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

As a *hadd* crime, rape is punishable by hanging. Adultery and fornication, as well as *qazf*, is punishable by stoning to death. Crimes against property of substantial value call for amputation of hands or feet. Public drunkenness and, in the case of Muslims, any consumption of alcohol, is punishable by flogging.<sup>38</sup>

For the most part, Islamic punishments have not been carried out, the sole exception being flogging, which has been imposed primarily for *tazir* crimes<sup>39</sup>, as well as for narcotics-related crimes. In addition, alleged political crimes also resulted in flogging during the last period of martial law (1977–85). *Hudood* sentences of amputation have been passed but either have been reversed on appeal or have not been carried out. Occasional stonings for adultery have always taken place in tribal and other rural areas, but no sentence of stoning under the 1979 *hudood* laws has been carried out.<sup>40</sup>

#### 4.1.3 International law

Pakistan follows the dualist doctrine both in cases of customary international law and treaties. In both cases, the applicability in the municipal legal order of Pakistan would depend on the subject matter which determines the act of state required for their domestic application,<sup>41</sup>

The national courts—a principal organ of sovereign states, and not of international law—must apply national laws if international laws conflict with it. However, because Pakistan is a member of the comity of nations, its courts must, as far as possible, in the absence of *prima facie* conflict, interpret the municipal law so as to avoid confrontation with the comity of nations and the well-established principles of international laws.

On close examination of various decisions of Pakistani courts, it becomes clearly discernible that any rule of customary international law which has the following two constituted elements (a) general practice of states and (b) acceptance by states of this general practice as law, would be applied by the courts in Pakistan provided the same do not conflict with any provision of the statutes or the principles of Islamic law.<sup>42</sup>

On establishing the dualistic character of Pakistan's legal system it is important to subsequently discern the signed and ratified treaties that could be called upon by citizens. Pakistan has ratified several international human rights treaties, of which the most important in regards to religious freedom are the ICCPR and the ICESCR. The rights and obligations in these treaties, as mentioned, are applicable in Pakistan when they are incorporated in national law or when they do not contest any existing national or Islamic law.

One essential article for religious minorities is instituted in Article 18 of the ICCPR, which provides for freedom of religion. Article 20.1 subsequently provides that any advocacy of religious hatred is prohibited by law.

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<sup>38</sup> [www.globalsecurity.org/military/world/pakistan/legal-system.htm](http://www.globalsecurity.org/military/world/pakistan/legal-system.htm)

<sup>39</sup> Punishment for crime not measuring up to the strict requirements of *hadd* punishments, although they are of the same nature, or those for which specific punishments have not been fixed by the *Quran*. Punishments range from the death penalty for espionage and heresy to flagellation, imprisonment, local banishment, and a variety of fines. Determination of punishment is left to the judge or chief executive, who can vary the punishment according to a number of criteria including who has inflicted the crime and upon whom. [www.oxfordislamicstudies.com/article/opr/t125/e2363](http://www.oxfordislamicstudies.com/article/opr/t125/e2363)

<sup>40</sup> [www.globalsecurity.org/military/world/pakistan/legal-system.htm](http://www.globalsecurity.org/military/world/pakistan/legal-system.htm)

<sup>41</sup> Asian Yearbook of International Law, Kwo Sang Sik, J.J.G. Syatauw, M.C.W. Punto, 1994, page 140-141.

<sup>42</sup> Asian Yearbook of International Law, Kwo Sang Sik, J.J.G. Syatauw, M.C.W. Punto, 1994, page 140-141.

### **Article 18**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Other relevant articles of the ICCPR are Articles 2.1 and 27.

#### Article 2.1

Each State Party to the present Covenant accepts to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27. In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

The ICESCR stipulates subsequently in Article 13:

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Furthermore the Universal Declaration of Human Rights is seen as customary law and is promoted by the United Nations to which Pakistan is a party. The UDHR also promotes and enshrines the right the religious freedom (Article 18).



## 5. Electoral system

*This chapter is largely based on a report made by the Minority rights Group International.<sup>43</sup>*

Before 1985, elections to local, provincial and national bodies in Pakistan were held on the basis of joint electorates and common representation.

In 1985, as a step towards pseudo-Islamisation of the nation, general Zia-Ul-Haq imposed a separate electorate for all religious minorities.

An amendment (Clause 4A) was added into Article 51 of the Constitution stipulating that there be 'separate electorates'. Through Presidential Order No. 8 of 1984, the law on separate electorates and communal representation was further elaborated:

'At an election to a Muslim seat or a non-Muslim seat in the National or a Provincial Assembly, only such persons shall be entitled to vote in a constituency as are enrolled on the electoral roll prepared in accordance with law on the principles of separate electorate for any electoral seat in that area.'

In other words, non-Muslims would have their own constituencies and separate representatives. Muslims would be elected in their constituencies and would attend to the needs of their voters, having no concern for the minorities in their constituencies.

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<sup>43</sup> Religious Minorities in Pakistan, September 2002, Minority Rights Group International, page 19-21.

At the same time, Christians could merely vote for Christians. However, their electoral territory was not divided into constituencies, entailing that candidates could come from any part of the country or province. Once Christian candidates were elected, Christian voters might have never heard of them nor know how to reach them. Campaigning effectively was also rendered difficult for Christian candidates since they had a vast electoral territory and did not possess sufficient funding to conduct extensive campaigns. Consequently, mostly candidates from larger cities would be able to reach a large amount of people and win, leaving Christians from rural areas deprived of effective representation.

The electoral segregation resulted in representatives from the Muslim community that were physically closer to some Christian groups ignoring development schemes in areas inhabited by minorities since they did not fall within their constituencies. Simultaneously, elected Christian representatives would live far from them and not be able to effectively attend to their needs.

In 2002, President Pervez Musharraf re-installed joined electorates, signifying that Christians could vote for persons without regard to their religion. Representatives would again have concern for the minorities in their constituencies since they would want to acquire their votes. At the same time it is proven difficult for Christian candidates to run against the established affluent parties. Christians, being a minority, would in general not receive votes from Muslims and are always outnumbered in their constituency. Subsequently, not all Christians would have sufficient funds to conduct an effective campaign, and could perhaps contest another Christian candidate, fracturing the already limited number of Christian votes. Consequently, it is challenging for Christian candidates to receive sufficient votes to win against majority-run parties which are well established and well funded.

On occasion, it would occur that Christians receive a ticket from an established Islamic party in order for the party to receive Christian votes in the constituency. Their political campaign would be funded by the party and be well-conducted. However, this Christian representative is dependent on the will of his or her party and risks losing funding or a job if he or she does not adhere to the wishes of the (Islamic) party. Consequently, their position as Christian politician cannot be considered a full and free representation of Christians in the constituency.

A second essential subject in the electoral system is reserved minority seats. The constitution reserves four (out of 104) seats in the Senate for religious minorities, one for each of the four provinces. These seats are filled through indirect elections held in provincial assemblies. In the provincial assemblies, minorities possess 23 reserved seats; eight in Punjab, nine in Sindh, three in KP, and three in Balochistan. In the national assembly, minorities possess ten seats (out of 342). Minority members in the Provincial and National assembly<sup>44</sup> are chosen by the mainstream Islamic parties based on the percentage of seats they won in the assembly.<sup>45</sup> Conclusively, people on reserved seats for minorities are selected by Islamic parties and not elected by minority citizens. This provides the inclination of elected members to adhere to the wishes of their party that selects them instead of the wishes of their group which they are supposed to represent. The system renders the free and full representation of minorities difficult, since representatives might lose their job if statements are made against the wishes of their party.

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<sup>44</sup> <http://elections.sdpi.org/procedure-for-the-allocation-of-reserved-seats-for-women-and-minorities>

<sup>45</sup> Pakistan Human Rights Report 2014, Unites States Department of State, page 35, [www.state.gov/documents/organization/236860.pdf](http://www.state.gov/documents/organization/236860.pdf)



## 6. Freedom of religion

In Pakistan, it is not possible to keep your religion secretive since it is a basic prerequisite for social interaction. Without knowing your religion, the other person will not freely conduct conversations with you. In several social settings, a person's faith is known by default and names are indicative of the individual's religion. Christians often have English names such as Elisabeth, George, Joseph or Emmanuel, while Muslims carry names from the Quran such as Youssef or Mohammed.

A person can choose to hide his/her religious background, for example, to obtain a new job. However, that person will experience many difficulties since religious discussions surface in almost every social interaction. That person can attempt to appear Islamic, particularly middle-class settings. On higher levels, it is more accepted to express your religion or confess no faith at all.

Given that someone's religion is most likely known, it is important to assess the extent that freedom of religion is ensured as in Article 20 of the Constitution of Pakistan.

### 6.1 Professing Christianity and evangelisation

According to Article 20 of the constitution, every citizen has the right to profess, practice and propagate his religion. Propagating also means "to evangelise". It means that anyone should have the right and the possibility to freely evangelise without fear of endangering his life. It is the task of the state to ensure and maintain this freedom. In reality, however, a Christian cannot speak about his faith in a manner that can be considered evangelism.

When further analysing this reality, faith sharing should be divided into two main groups. In the first place, we can discern the act of sharing and professing with the specific intention to spread the Christian faith and to proselytise: evangelism. In the second place, there is the act of sharing and professing your faith because you are entitled to, but without the direct deliberate intention to convert: profession.

In the International Religious Freedom report published by the US State Department, it is mentioned that non-Muslim missionary activity is permitted and missionaries can proselytise as long as there is no preaching against Islam and the missionaries acknowledge that they are not Muslim, thereby excluding Ahmadis.<sup>46</sup>

Evangelism in Pakistan takes place to a certain extent, depending on the area. Evangelism is more accepted in urban than in rural areas. However, in all cases, the evangelist should choose words very carefully to avoid possible repercussions. In general, evangelism should always take place in a restrained manner, recognising that the way granted by the Constitution is not possible without fear of repercussions.<sup>47</sup>

Evangelists could risk hostile attacks from extremist Muslims due to the latter's dislike of other religions or the threat they perceive in the spread of other religions. Threats might stem from the idea that preaching about Christianity is seen as preaching against Islam and shows contempt for their faith (Art. 298, 295A Penal Code), for Muhammed (art. 295C Penal Code), for the Prophets mentioned in the Koran (art. 298a Penal Code) or for Islamic teaching in general. Statements made by Christians could result in repercussions from extremist Muslims or a blasphemy accusation (Art. 295-298 Penal Code). Without due intervention from the police and the judicial system, such an accusation could lead into vigilante attacks against the evangelist, their families or even their community. When charged, a blasphemy accusation might amount to a fine or even the death penalty, causing great insecurity for evangelists having conversations with Muslims.

It is important to note that professing one's faith and discussing parts of the Bible—without the intention to convert—can lead to problems. A Pakistani Christian must always carefully choose his words when speaking about his faith, aware of the possibility that a blasphemy complaint can be filed against him.<sup>48</sup>

This occurred in the case of Mehmood vs. Masih in August 2014 in Bahawalpur, 450 kilometres from Lahore. Two men living in the same neighbourhood were discussing similarities between the Bible and the Quran. As they were discussing the story of Lot in the book of Genesis, Mehmood considered the biblical version as blasphemy<sup>49</sup>. Such an accusation could mean direct stress and danger for the accused, his family and Christian community of which he is a part.

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<sup>46</sup> International Religious Freedom Report Pakistan 2011, USCIRF, page 7.

<sup>47</sup> 5 Pakistani Christians released, 2 jailed for 'blasphemy' of calling a pastor a 'prophet', 1 July 2016, [www.worldwatchmonitor.org/2016/07/4538054/](http://www.worldwatchmonitor.org/2016/07/4538054/)

<sup>48</sup> 5 Pakistani Christians released, 2 jailed for 'blasphemy' of calling a pastor a 'prophet', 1 July 2016, [www.worldwatchmonitor.org/2016/07/4538054/](http://www.worldwatchmonitor.org/2016/07/4538054/)

<sup>49</sup> Amidst political turmoil, continuing blasphemy charges for Pakistani Christians, 2 October 2014, [www.worldwatchmonitor.org/2014/10/article\\_3410721.html/](http://www.worldwatchmonitor.org/2014/10/article_3410721.html/)

## 6.2 Wearing Christian symbols

Article 20 grants the right to wear religious symbols in public, which would be a cross in the case of Christians. Most of the time, especially in urban areas, this shouldn't pose any problem. However, there have been many exceptions to that rule. For example, Muslim teachers have snatched crosses and consigned them to the bin. In rural areas, a Christian must consider carefully whether to wear a cross or other religious symbol in public, although maltreatment is possible everywhere in Pakistan. Muslims do not experience any problems carrying religious icons and even can expose their material illegally by hanging banners and posters on walls and roads. Normally, government permission is needed before displaying them in public, but people are afraid to remove the materials.

## 6.3 Praying in public places

There are no laws which prohibit citizens from freely praying in public places. Muslims are free to pray in public without restrictions and Islamic teaching is everywhere. Christians, though subject to the same laws, do not experience the same level of liberty. In several places, due to terrorism threats, there has been a decrease in Christian public gatherings.

## 6.4 Access to public spaces

Article 26 grants the right of non-discrimination in respect of access to public places. We determined that problems in entering a public place like a restaurant hardly exist anymore. Nonetheless, some people adhere to the concept that Christians are from an 'untouchable' caste. In tea stalls and restaurants it can occur that someone is asked whether they are Christian. If so, they would be given separate cups and utensils. If a Christian's status is determined after drinking or eating, one could be forced to pay for the plates and utensils, which would be broken by restaurant staff. This most often occurs in regional and less-educated areas. However, even in higher-ranking positions, Christians can experience this treatment.

## 7. Blasphemy law

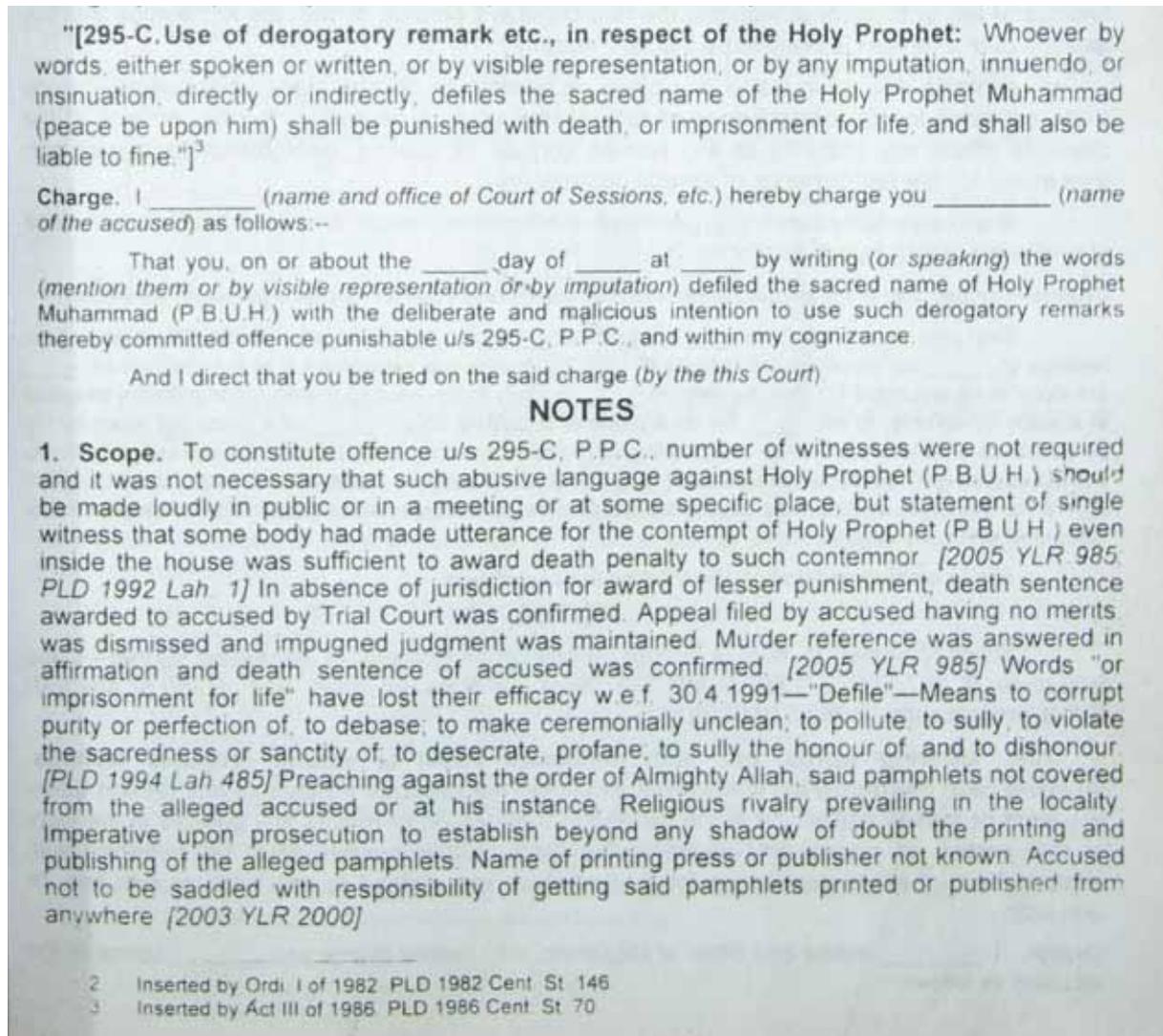
When it comes to human rights, Pakistan is probably best known for its notorious blasphemy laws and their misuse towards minorities. Pakistan inherited these laws from India when it became independent in 1947. The British government introduced the laws as a part of the Indian Penal Code in 1860 to protect religious feelings. These laws were later acted upon because of the growing chasm between Hindus and Muslims.<sup>50</sup>

Eventually, in 1947, this chasm ended in the partition of India and the creation of a new nation for the Muslim community: Pakistan. The new country assimilated the existing Indian Penal code, including the articles on blasphemy. In 1973, the Pakistani Constitution established Islam as the state religion.

Specific problems for religious minorities arose in the late 70's when General Zia-ul-Haq (ruled 1978– 1988) reformed the blasphemy laws. Zia strived for Islamisation of the law and wanted an

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<sup>50</sup> Blasphemy laws in Pakistan; A historical overview, Centre for Research and Security Studies, page 4, [www.csi-int.org/fileadmin/Files/pdf/2014/blasphemylawsinpakistan.pdf](http://www.csi-int.org/fileadmin/Files/pdf/2014/blasphemylawsinpakistan.pdf)



Islamic state in general. The number of blasphemy-related cases increased enormously after the introduction of new laws by the Zia regime.<sup>51</sup> The existing Chapter XV of the Pakistan Penal Code, entitled 'Offences Relating to Religion', was supplemented by the articles 295 B, 295 C, 298 A, 298 B and 298 C. This Chapter is now better known as the 'blasphemy laws'.<sup>52</sup>

Section 295, in its original incarnation, had noted: '*Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that that class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.*'

In 1927, when communal riots occurred in India, another clause was promulgated under the title Section 295-A. Accordingly:

<sup>51</sup> Blasphemy laws in Pakistan; A historical overview, Centre for Research and Security Studies, page 4-5, [www.csi-int.org/fileadmin/Files/pdf/2014/blasphemylawsinpakistan.pdf](http://www.csi-int.org/fileadmin/Files/pdf/2014/blasphemylawsinpakistan.pdf)

<sup>52</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

*‘Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens [ ...] by words, either spoken or written, or by visible representations, insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with a fine, or with both.’]*

Clause B, under general Zia, was added via Ordinance 1 of 1982 and stated: *‘Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur’an or any extract thereof or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.’*

The Penal Code Section 295–C was implemented via the Criminal Law (Amendment) Act III of 1986, and stipulated: *‘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 a fine.’*

## 7.1 Development of blasphemy law

The table below gives an overview of the articles of Chapter XV Pakistan Penal Code, entitled Offences Relating to Religion.

<b>Article</b>	<b>Description</b>	<b>Punishment</b>
295	Injuring or defiling places of worship, with intent to insult the religion of any class	Up to 2 years imprisonment or with fine, or with both
295A	Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs:	Up to 10 years imprisonment, or with fine, or with both
295B	Wilfully defiling, etc., of Holy Qur’an	Imprisonment for life
295-C	Use of derogatory remarks, etc.; in respect of Muhammad	Death and fine
296	Disturbing religious assembly	Up to 1 years imprisonment, fine of both
297	Trespassing on burial places, etc.	Up to 1 years imprisonment, fine of both
298	Uttering words, etc., with deliberate intent to wound religious feelings	Up to 1 year imprisonment or with fine, or with both
298a	Use of derogatory remarks, etc., in respect of holy personages	Up to 3 years imprisonment, or with fine, or with both
298B	Misuse of epithets by Person of Quadiani group or, Ahmadis, descriptions and titles, etc., reserved for certain holy personages or places	Up to 3 years imprisonment and fine
298C	Person of Quadiani group, Ahmadis etc., calling himself a Muslim or preaching or propagating his faith:	Up to 3 years imprisonment and fine

A new development in the law took place in 1990 when the federal Shariat Court in Pakistan ruled that blasphemy against the prophet Mohammed under article 295-C should be punishable exclusively by the death sentence. The option of life imprisonment was removed. The court directed the president to amend the law accordingly, adding that if this was not done before 30 April 1991, the provision of life imprisonment would in any case cease to have effect<sup>53</sup>. However, neither the amendment nor the death penalty has yet been carried out.

In 1994, in a private petition regarding the Penal Code 295-C, the Lahore High Court found that it did not contravene the Constitution. Earlier, in February 1994, the Chief Justice-led Pakistan Law Commission found that this anti-blasphemy clause was being frequently misused by the police and felt that the clause could further inflame communal tensions. The Commission, led by the then Chief Justice Nasim Hasan Shah, had recommended its review by the Islamic Ideology Council, and Benazir Bhutto's government agreed to amend its operation. However, following nationwide demonstrations, especially after official statements on the issue in July 1994, the PPP regime backtracked.<sup>54</sup>

## **7.2 Misuse of blasphemy law**

The blasphemy laws are worded in such manner that enable easy misuse. This accommodates false accusations initiated to settle personal scores, economic competition issues and sectarian differences<sup>55</sup>.

This is what happened on August 16, 2012 to Rimsha Masih, a mentally disabled girl who was arrested for allegedly desecrating pages of the Quran. The police were able to rescue her from a furious mob that demanded her punishment. The accusations were made by a Muslim cleric who testified seeing Rimsha burning the pages. The cleric was later accused of fabricating evidence and the case against the girl was dropped.<sup>56</sup>

There are several elements in the law which enable misuse:

### ***No deliberate intent is required***

The laws do not require a deliberate intent. Article 295-C, which concerns the use of derogatory remarks in respect of the Holy Prophet, states:

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

The text of the article shows that deliberate intent is not mandatory. If a person insults the prophet Mohammad accidentally or by mistake, he or she can still be convicted.

<sup>53</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

<sup>54</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 18.

<sup>55</sup> Blasphemy charges on the rise in Pakistan, 20 November 2012, NPR, [www.npr.org/2012/11/20/165485239/blasphemy-charges-on-the-rise-in-pakistan](http://www.npr.org/2012/11/20/165485239/blasphemy-charges-on-the-rise-in-pakistan)

<sup>56</sup> Muslim cleric arrested in Pakistan Koran-burning case, 2 September 2012, The Telegraph, [www.telegraph.co.uk/news/worldnews/asia/pakistan/9515586/Muslim-cleric-arrested-in-Pakistan-Koran-burning-case.html](http://www.telegraph.co.uk/news/worldnews/asia/pakistan/9515586/Muslim-cleric-arrested-in-Pakistan-Koran-burning-case.html)

### ***No definition of “insult”***

The laws do not give a definition for “insult”, which leads to a broad interpretation of the word.

It can lead to feelings of uncertainty when entering into religious topics. A broad range of statements could lead to an accusation of having ‘insulted’, and cannot always be foreseen. Situations could arise where someone is accused of blasphemy because he or she insults the beard of a Muslim.<sup>57</sup>

### ***The testimony of one witness is sufficient***

The Pakistani blasphemy legislation requires that the testimony of one person is sufficient to arrest and convict a blasphemy suspect. This is apparent from The Qanun-e-Shahadat Order 1984 (law of evidence) that contains provisions on evidence. Its preamble says that “whereas it is expedient to revise, amend and consolidate the law of evidence so as to bring it in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah”.

Article 17 of the order states that the court is allowed to act on the testimony of one person:

1. The competence of a person to testify, and the number of witnesses required in any case shall be determined in accordance with the Injunctions of Islam as laid down in the Holy Qur’an and Sunnah.
2. Unless otherwise provided in any law relating to the enforcement of Hudood or any other special law,
  - (a) in matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men, or one man and two women, so that one may remind the other, if necessary and evidence shall be led accordingly; and (b) in all other matters, *the Court may accept, or act on, the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.*

### ***Impunity***

Currently, Chapter 11 of the Pakistani Penal Code criminalises providing false evidence, making false statements or falsely charging someone for an offence. Chapter 11 elaborates on different punishments that need to be in line with the seriousness of the offence committed. These laws, however, concern those instances where criminal proceedings have been started.

However, often accusations of blasphemy occur in which people are thus accused without being taken to court. Neighbours or people from the surrounding environment could be assembled and constitute tremendous threats for the (possibly falsely) accused victim. These threats could lead to the accused, his family or community being ostracised, violently attacked or even murdered. It could occur that incitement to violence towards certain persons are even chanted from the minarets of mosques, gathering mobs of people to conduct vigilante attacks. Even though there are no laws against an individual accusing someone of blasphemy and encouraging vigilante acts, there are other laws incorporated in the Penal Code that penalize offences against the public tranquility and mob gatherings.

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<sup>57</sup> Hindu arrested for blasphemy over alleged beard insult, 26 September 2000, UCA News, [www.ucanews.com/story-archive/?post\\_name=/2000/09/26/hindu-arrested-for-blasphemy-over-alleged-beard-insult&post\\_id=16935](http://www.ucanews.com/story-archive/?post_name=/2000/09/26/hindu-arrested-for-blasphemy-over-alleged-beard-insult&post_id=16935)

Articles 141-160 of the Pakistani Penal Code provide laws criminalising offences against public tranquility. Article 141 designates an assembly of five or more persons as unlawful if the common object is to commit any mischief or criminal trespass. Article 143 subsequently stipulates that whoever is a member of an unlawful assembly shall be punishable with imprisonment for a term which may extend to six months or with a fine. Article 146 specifies that whenever force or violence is used, any member is guilty of the offence of rioting. Article 153 states that whoever provokes any person, intending to cause the offence of rioting shall be punished. Article 153A continues stating that whoever by words promotes hatred or ill will between different religious groups, or incites any other person to commit any act which is prejudicial to the maintenance of harmony between religious groups, shall be imprisoned.

Subsequently in Punjab, the government promulgated the Punjab Sound Systems Ordinance on 9 January, 2015, that replaces its predecessor, the Amplifier Ordinance of 1965 (II of 1965). This ordinance clarifies when and how loudspeakers can be used. This ordinance could counteract instances where loudspeakers are used to gather mobs, encourage vigilante acts or incite hatred.

Conclusively, it is apparent that the incitement of religious hatred and vigilante attacks are punishable under several laws, depending on the circumstances of the offense. The BBC, however, reports that such offenses are hardly reported or punished. Thousands have been killed in sectarian violence in recent years.<sup>58</sup>

An example of impunity is the lynching of Shama and Shahzad in Kot Radha Kishan in Punjab on 4 November, 2014. The Christian couple was beaten to death and then burned by an angry mob that had been told that they had desecrated a copy of the Holy Quran. Local clerics used loudspeakers to incite the mob.<sup>59</sup> Currently there is no law against an individual accusing another individual of blasphemy in the early stages of an incident. However, there are laws against being part of a mob, inciting people to assemble, to use violence in group gatherings and to use loudspeakers to incite hatred and vigilante acts. These laws should be enforced by the police in cases such as Shama and Shahzad.

### ***Once a blasphemer...***

When acquitted after being charged with blasphemy, it occurs that people are attacked or even murdered by vigilantes. Accusations of blasphemy can lead to acts of violence perpetrated by different actors in society. It seems that if you were once considered a blasphemer, you always will be.

For example, Rimsha and her family fled to Canada after the girl was released, because their lives were still in danger after being acquitted.<sup>60</sup> Also, in April 2012, an elderly man was shot dead in Punjab after being acquitted by a court from blasphemy charges and released from prison.<sup>61</sup> The Dawn published an article<sup>62</sup> in 2013 on blasphemy occurrences that illustrates the consequences for blasphemy accused.

<sup>58</sup> Pakistan court jails hate cleric for five years, 20 May 2015, BBC, [www.bbc.com/news/world-asia-32814393](http://www.bbc.com/news/world-asia-32814393)

<sup>59</sup> State of human rights 2014, March 2015, Human Rights Commission of Pakistan, page 129, <http://hrfp-web.org/hrfpweb/data/HRCF%20Annual%20Report%202014%20-%20English.pdf>

<sup>60</sup> No evidence found against blasphemy accused Rimsha: Police, 22 September 2012, Dawn, [www.dawn.com/news/751169/police-submits-interim-charge-sheet-in-rimsha-case](http://www.dawn.com/news/751169/police-submits-interim-charge-sheet-in-rimsha-case)

<sup>61</sup> US Commission on International Religious Freedom – Annual report 2013, page 10, [www.uscirf.gov/sites/default/files/resources/Pakistan%202013\(1\).pdf](http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013(1).pdf)

<sup>62</sup> Timeline: accused under the blasphemy law, 18 August 2013, Dawn, [www.dawn.com/news/750512/timeline-accused-under-the-blasphemy-law](http://www.dawn.com/news/750512/timeline-accused-under-the-blasphemy-law)

## 7.3 Figures

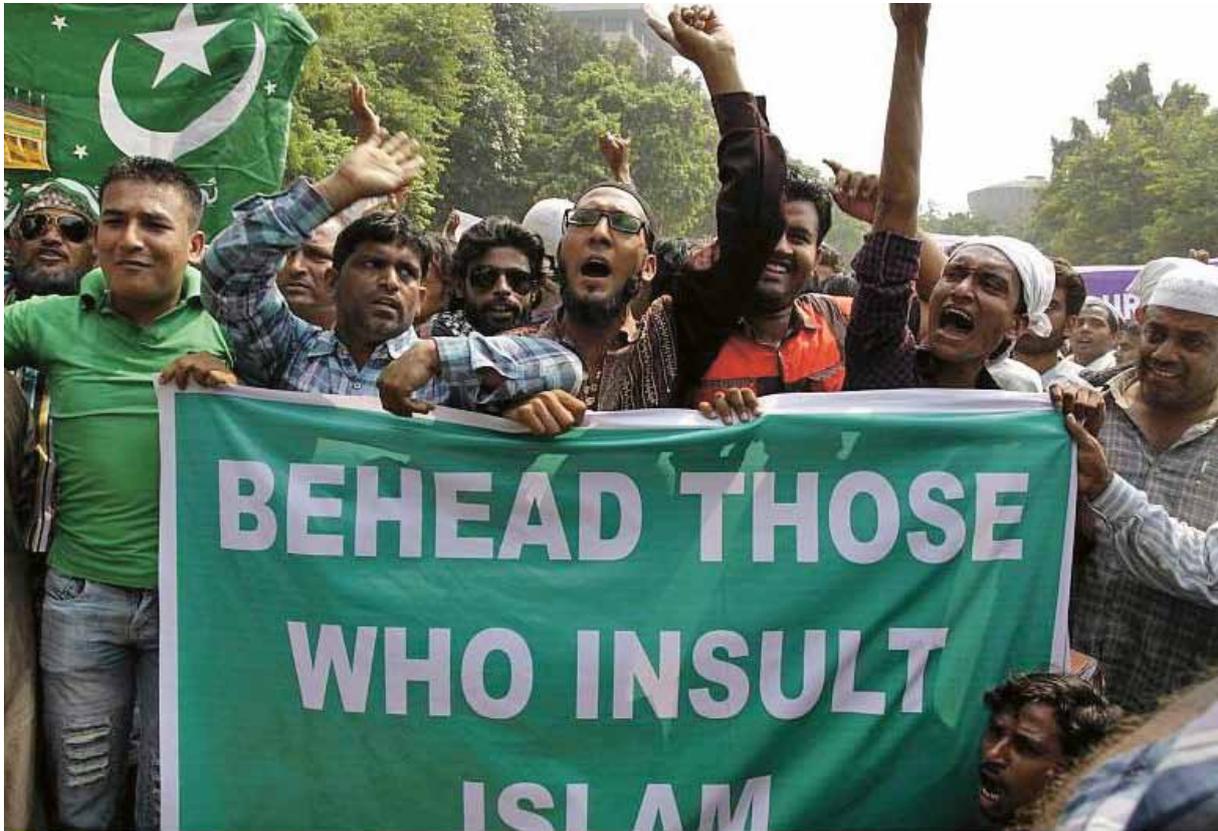
### *Registered blasphemy cases*

From 1918 to 1986 only nine registered blasphemy cases are known.<sup>63</sup> Since the reforms of Zia in 1986 this number increased dramatically. From 1987 till 2015, 1253 blasphemy cases have been registered.

The figures in the table below are from reports of respectively the Human Rights Commission of Pakistan (HRCP) and the National Commission for Justice and Peace (NCJP). Cases registered in 2015 are not included.

<b>Year</b>	<b>Christians</b>	<b>Muslims</b>	<b>Ahmadi</b>	<b>Hindus</b>	<b>Total</b>
1986			3		3
1987	3		10		13
1988			18		18
1989	1		10		11
1990	1	1	4		6
1991	3	1	15		19
1992	7	10	40		57
1993	2	6	7		16
1994		5	15		20
1995	3	5	9		17
1996	3	2	11		16
1997	11	1	20		33
1998	13	22	28		63
1999	6	13	11		30
2000	10	45	2	3	60
2001	9	35	2	3	54
2002		16	7		23
2003	1	22	4		27
2004	33	51	29		83
2005		5	23	4	86
2006	6	38	35		79
2007	10	24	24		58
2008	16	37	55	2	110
2009	8	47	59		114
2010	14	10	6	7	38
2011	15	59	5		79
2012	12	96	5		113
2013	13	9	17		41
2014	5	24		2	37
Religion unknown					2
Year Unknown		6	2		8
<b>TOTAL</b>	<b>200</b>	<b>566</b>	<b>467</b>	<b>20</b>	<b>1253</b>

<sup>63</sup> CLAAS Pakistan Annual report 2011, Centre for Legal Aid Assistance and Settlement, page 167.



The numbers must be seen in the light of the total population of Pakistan. According to the USCIRF<sup>64</sup>, minorities—Christians, Hindus, Sikh—make up 4 per cent of the total population. It is estimated that 1.59 per cent of those are Christians<sup>65</sup> (approximately three million). Ahmadiyyas, who consider themselves Muslims, have boycotted the government statistics, and are with around 2 per cent of the total population, which is about 3–4 million people.<sup>66</sup>

Based on the percentage share of the Pakistani population, it needs to be established that Ahmadis and Christians are in proportion to their size most accused of blasphemy. The Ahmadiyyas and Christians, who together make up around 3.6 per cent of the Pakistani population, have encountered 53 per cent of all blasphemy cases.

Note that these are only the numbers of registered cases. Often people are charged with blasphemy and then acquitted shortly afterwards, making the actual number of blasphemy charges higher. A good example is the Christian community living in the village of Torey Wala, Punjab. Purchasing land for a graveyard, they were told by the Muslim community that graves of Muslims were already present. They charged 53 Christians with blasphemy, but dropped the charges a week later.<sup>67</sup>

<sup>64</sup> US Commission on International Religious Freedom – Annual report 2013.

<sup>65</sup> Unofficial figures suggest the Christian population to be between 3–5 million. Statistic sourced from: AK & SK (*Christians: risk*) Pakistan (CG), [2014], UKUT 569 (IAC) (15 December 2014), paragraph 216, [www.bailii.org/uk/cases/UKUT/IAC/2014/569.html](http://www.bailii.org/uk/cases/UKUT/IAC/2014/569.html)

<sup>66</sup> US Commission on International Religious Freedom – Annual report 2013.

<sup>67</sup> In expansive Pakistan, Christians struggle to find space for cemeteries, 7 October 2014, Washington Post, [www.washingtonpost.com/world/asia\\_pacific/in-expansive-pakistan-christians-cannot-find-space-to-bury-their-dead/2014/10/17/1de012e2-547d-11e4-892e-602188e70e9c\\_story.html](http://www.washingtonpost.com/world/asia_pacific/in-expansive-pakistan-christians-cannot-find-space-to-bury-their-dead/2014/10/17/1de012e2-547d-11e4-892e-602188e70e9c_story.html)

### **Death sentence**

As mentioned before, the penalty for blasphemy against the prophet Mohammed under Article 295-C is death or life imprisonment. In 2014, there were 17 individuals on death row and 19 individuals serving life sentences. Many others have been charged and await trial<sup>68</sup>. In 2014, the death penalty was imposed on several individuals.<sup>69 70 71</sup>

### **7.4 Concluding remarks**

In its State of Human Rights in 2012 report, the independent Human Rights Commission of Pakistan states: “Abuse of the blasphemy law continues to take a heavy toll in terms of human lives and harassment of citizens.”

Lawyers, politicians and human rights activists who serve and or act on behalf of blasphemy suspects risk being attacked, threatened and even murdered when they speak out against the blasphemy laws. In May 2014, human rights lawyer Rashid Rehman Khan was killed in Multan. He was defending a university lecturer accused of blasphemy.<sup>72</sup> In 2011 Salmaan Taseer, Governor of Punjab, was killed by his own bodyguard, because he was speaking out for Asia Bibi and the abolition of the blasphemy law. Shortly after Taseer’s murder, Shabaz Bhatti, the minister of minority affairs was killed for the same reason.

The struggle against abuse of the blasphemy law is far from over.

The UN Human rights committee stated the following concerning the Blasphemy Law:

“[p]rohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the [ICCPR].”<sup>73</sup>

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<sup>68</sup> US Commission on International Religious Freedom – Annual report 2014

<sup>69</sup> Pakistani couple gets death sentence for blasphemy, 5 April 2014, BBC, [www.bbc.com/news/world-asia-26901433](http://www.bbc.com/news/world-asia-26901433)

<sup>70</sup> Pakistani court sentences Christian man to death for blasphemy, 27 March 2014, [www.theguardian.com/world/2014/mar/27/pakistan-court-sentences-christian-man-death-blasphemy](http://www.theguardian.com/world/2014/mar/27/pakistan-court-sentences-christian-man-death-blasphemy)

<sup>71</sup> Pakistani court sentences Christian man to death for blasphemy, 27 March 2014, [www.theguardian.com/world/2014/mar/27/pakistan-court-sentences-christian-man-death-blasphemy](http://www.theguardian.com/world/2014/mar/27/pakistan-court-sentences-christian-man-death-blasphemy)

<sup>72</sup> Rights advocate Rashid Rehman Khan gunned down in Multan, 8 May 2014, [www.dawn.com/news/1104788](http://www.dawn.com/news/1104788)

<sup>73</sup> Human Rights Committee, “General comment no. 34, Article 19: Freedoms of opinion and expression,” UN Doc. CCPR/C/ GC/34, paragraph 48 (2011).



## 8. Conversion

Everywhere in the world, people change their religion. It is a fundamental human right enshrined in article 18 of the ICCPR that Pakistan signed and ratified. Subsequently, Article 18(2) of the ICCPR states that no one should be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice. Pakistani law does not mention the right to convert to another religion explicitly. However, theoretically there is no restriction on changing religion.

### 8.1 Conversion from Islam

In Pakistan, no official law exists which forbids apostasy. However, society allows conversion only to a certain extent, depending on where the convert lives and the social status the person possesses. Living in a metropolitan city and descending from a more wealthy background constitute safeguards for converts, while living in a rural area or remote village constitute elements which could be cause for predicaments for converts or even for atheists.

Apostasy is treated by part of the society as a crime punishable by death according to common interpretation of Islamic Sharia. Research conducted in 2010 shows that 76 per cent of the Pakistani population endorses the death penalty in cases of apostasy.<sup>74</sup> Converting from Islam to another religion will make a person vulnerable to exclusion and vigilant attacks. The UK Country Information

74 Pakistan Country of Origin Information (COI) Report, 9 Augustus 2013, Home Office United Kingdom, page 133.

report of 2016 states that it will be difficult for those known to be Christian converts to live freely in Pakistan. ‘People who are known to have converted to Christianity suffer acts of violence, intimidation and serious discrimination from non-state actors, which can in individual cases amount to persecution. Such treatment is prevalent throughout Pakistan’.<sup>75</sup>

NCJP recorded 762 non-Muslim conversions to Islam between 1999 and 2004 by monitoring the four daily newspapers printed from Lahore.<sup>76</sup> However, there was no conversion reported from Islam to any other religion.<sup>77</sup>

On 9 May, 2007, Asianews reported that a draft bill on apostasy had been adopted in its first reading by the National Assembly and had been put before a parliamentary standing committee for consideration. This Apostasy Act 2006, drafted by a six-party politico-religious alliance, would impose the death penalty on Muslim men and life in prison on Muslim women should they leave Islam. It would also force them to forfeit their property and lose legal custody of children.<sup>78</sup> However, the Apostasy Bill failed to emerge from the Committee before the dissolution of the National Assembly in 2007. The alliance crumbled and they have no meaningful parliamentary base in the current Assembly.<sup>79</sup>

In conclusion, there is no prohibition of apostasy from Islam. However, due to the current climate, apostates risk reprisals ranging from discrimination, exclusion and physical abuse to murder. This is in contradiction of Article 18 of the ICCPR which states that everyone has the right to adopt a religion free from coercion.

## 8.2 Wilful conversion to Islam

There are no restrictions on converting to Islam and genuine conversions could occur. In addition, social and economic disparities and poverty remain reasons for wilful conversions from Christianity to Islam. Non-Muslims can feel effectively persuaded to escape pervasive discrimination and ascend the social ladder from the status of a second-class citizen by converting to Islam.<sup>80</sup>

Some leave their Christian faith in order to get rid of the ‘Chuhra stigma’, one of the lowest castes, to improve socially and sometimes economically. For example, famous cricket batsman Muhammad Yousuf converted to Islam in 2005.<sup>81 82</sup> In his book “Cricket Cauldron: The Turbulent Politics of Sport in Pakistan” Shaharyar Khan tells the story of Yousuf and sums up a number of likely reasons for the

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<sup>75</sup> Country information and guidance Pakistan: Christians and Christian converts, May 2016, Home Office United Kingdom, page 7.

<sup>76</sup> National commission for Justice and peace: factsheet forced conversions, January 2014, page 10, <http://archive.paxchristi.net/MISC/2014-0247-en-ap-HR.pdf>

<sup>77</sup> National commission for Justice and peace: factsheet forced conversions, January 2014, page 10, <http://archive.paxchristi.net/MISC/2014-0247-en-ap-HR.pdf>

<sup>78</sup> New apostasy bill to impose death on anyone who leaves Islam, 5 September 2007, [www.asianews.it/index.php?l=en&art=9218&size=A](http://www.asianews.it/index.php?l=en&art=9218&size=A)

<sup>79</sup> Pakistan Country of Origin Information (COI) Report, 9 August 2013, Home Office United Kingdom, page 133.

<sup>80</sup> Forced marriages and forced conversions in the Christian community in Pakistan, April 2014, Movement for Solidarity and Peace, page 13, [https://d3n8a8pro7vhmx.cloudfront.net/mssp/pages/162/attachments/original/1396724215/MSP\\_Report\\_-\\_Forced\\_Marriages\\_and\\_Conversions\\_of\\_Christian\\_Women\\_in\\_Pakistan.pdf?1396724215](https://d3n8a8pro7vhmx.cloudfront.net/mssp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215)

<sup>81</sup> Pakistan’s Youhana embraces Islam, 19 September 2005, BBC News, [http://news.bbc.co.uk/2/hi/south\\_asia/4260516.stm](http://news.bbc.co.uk/2/hi/south_asia/4260516.stm)

<sup>82</sup> England snared by man from poverty trap, 29 October 2000, The Telegraph, [www.telegraph.co.uk/sport/cricket/4774645/England-snared-by-man-from-poverty-trap.html](http://www.telegraph.co.uk/sport/cricket/4774645/England-snared-by-man-from-poverty-trap.html)

conversion of the batsman. He writes that the caste factor may have partially influenced Yousuf's decision: "Yousuf had attained wealth, but his social prestige remained questionable. In fact there are reports of Yousuf stepping onto the cricket field only to be greeted—albeit by a small section of the home crowd—by taunts of 'choora aa gaya, bhangi aa gaya' ('the sweeper has arrived') and converting to Islam was a way of escaping the stigma".

### **8.3 Forced marriages and conversions to Islam**

The Movement for Solidarity and Peace in Pakistan estimates that, every year, hundreds of Christian and Hindu girls are abducted and forcefully converted to Islam through Muslim marriage. Estimates range from 100 to 700 Christian female victims every year. For the Hindu community, the most conservative estimates put the number of victims at 300 per year.<sup>83</sup>

USCIRF confirms that forced conversion of Christian and Hindu girls to Islam and forced marriage remains a systematic problem.<sup>84</sup> Forced marriage by itself is a violation of women's rights and can be defined as "a marriage that is performed under duress and without the full and informed consent of both parties".<sup>85</sup>

Research conducted by the Movement for Solidarity and Peace<sup>86</sup>, shows that cases of forced marriage or conversion follow a distinctive pattern: Christian girls—usually between the ages of 12 and 25—are abducted, converted to Islam, and married to the abductor or a third party. The victim's family usually files a First Information Report for abduction or rape with the local police station. The abductor, on behalf of the victim girl, files a counter FIR. He accuses the Christian family of harassing the wilfully converted and married girl and conspiring to convert the girl back to Christianity. Upon production in the courts or before the magistrate, the victim girl is asked to testify whether she converted and married of her own free will or if she was abducted. In most cases, the girl remains in custody of the abductor while judicial proceedings are carried out. Due to fear of their abductors, they will state in court that they changed their religion out of free will. The police and the administrative machinery usually side with the culprits who happen to be from the majority community and have social and economical influence.

Upon the girl's pronouncement that she wilfully converted and consented to the marriage, the case is settled without relief for the family. Once in the custody of the abductor, the victim girl may be subjected to sexual violence, rape, forced prostitution, human trafficking and sale or other domestic abuse.<sup>87</sup>

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<sup>83</sup> Report on forced marriage and forced conversions in the Christian community in Pakistan, MSP, April 2014, page 2, <https://es.scribd.com/document/216493945/MSP-Report-Forced-Marriages-and-Conversions-of-Christian-Women-in-Pakistan>

<sup>84</sup> USCIRF annual report 2015, page 111, [www.uscifr.gov/sites/default/files/Pakistan%202015.pdf](http://www.uscifr.gov/sites/default/files/Pakistan%202015.pdf)

<sup>85</sup> Annual Report 2011, Centre for Legal Aid Assistance and Settlement (CLAAS), the haven becomes hell: a study of domestic violence in Pakistan, special bulletin August 1995, Hassan Yasmeen.

<sup>86</sup> Report on forced marriage and forced conversions in the Christian community in Pakistan, MSP, April 2014, page 2, <https://es.scribd.com/document/216493945/MSP-Report-Forced-Marriages-and-Conversions-of-Christian-Women-in-Pakistan>

<sup>87</sup> Report on forced marriage and forced conversions in the Christian community in Pakistan, MSP, April 2014, page 2, <https://es.scribd.com/document/216493945/MSP-Report-Forced-Marriages-and-Conversions-of-Christian-Women-in-Pakistan>

The lower courts have generally ignored circumstances, such as detachment from the family, criminal elements and the age of the 'converted'. Therefore, there is need for enabling conditions for a free consent.<sup>88</sup> Instances of forced marriage and conversion should be sifted from instances of genuine intent by women.

There are cases in which girls from minorities freely decide to convert to Islam and/or marry a Muslim man. Because the family would want to preserve their honour, they file a case of abduction and/or forced marriage against the Muslim man.

The Protection of Women Act of 2006 has provided laws in order to protect women. The Women Act was implemented and Section 365-B became part of the Pakistan Penal Code, which stipulates the following:

“Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will (...) shall be punished with imprisonment for life, and shall also be liable to fine (...)

Section 496-A provides that:

“Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person or conceals or detains with that intent any woman shall be punished with imprisonment of either description for a term which may extend to several years, and shall also be liable to fine.”

Section 371-A, as added to the Pakistan Penal Code by the Protection of Women Act of 2006, provides for remedies for associated crimes following forced marriage and forced conversion:

“Whoever sells, lets to hire, or otherwise disposes of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose, or knowing it to be likely that such person will at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twenty-five years and shall also be liable to fine”.

Lastly, there are cases of forced conversion in Pakistan in which Christians are asked to convert or leave their homes and living area.<sup>89</sup> This request could emerge for different reasons, such as land disputes<sup>90</sup> or blasphemy accusations.

Pakistan has no laws which determine forced conversion to be a criminal act which can be penalised by law<sup>91</sup>; however, Article 18 of the ICCPR ensures the right to adopt a religion of choice and protects individuals from coercion to adopt a religion.

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<sup>88</sup> National commission for Justice and peace: factsheet forced conversions, January 2014, page 11, <http://archive.paxchristi.net/MISC/2014-0247-en-ap-HR.pdf>

<sup>89</sup> Christians in a Pakistani village threatened: Convert or leave, 13 mei 2016, DW, [www.dw.com/en/christians-in-a-pakistani-village-threatened-convert-or-leave/a-19256610](http://www.dw.com/en/christians-in-a-pakistani-village-threatened-convert-or-leave/a-19256610)

<sup>90</sup> Pakistan: Christians warned to 'convert to Islam or leave Muslim neighborhood', 1 September 2012, Jihad Watch, [www.jihadwatch.org/2012/09/pakistan-christians-warned-to-convert-to-islam-or-leave-muslim-neighborhood](http://www.jihadwatch.org/2012/09/pakistan-christians-warned-to-convert-to-islam-or-leave-muslim-neighborhood)

<sup>91</sup> Pakistan needs a law to protect Hindus from forced conversion, 10 April 2014, Daily Mail, [www.dailymail.co.uk/indiahome/indianews/article-2601827/Pakistan-needs-law-protect-Hindus-forced-conversion.html](http://www.dailymail.co.uk/indiahome/indianews/article-2601827/Pakistan-needs-law-protect-Hindus-forced-conversion.html)



## 9. Education

Every human being—especially children—should have access to education, irrespective of its social status or religious beliefs. Following the UDHR and ICCPR, every child is entitled to free education at least in the elementary and fundamental stages, independent of one’s social, ethnic or religious status.

Education is a prerequisite for the exercise of all other human rights. In 2008, Pakistan ratified the ICESCR. The UN committee that oversees the implementation of this Covenant calls education both a human right in itself and an indispensable means of realising other human rights.<sup>92</sup> Education plays a vital role in empowering those groups and individuals who are vulnerable and susceptible to exploitation, and is strongly linked with the quality and dignity of life.<sup>93</sup>

There are several national and international articles that should help define the character of schooling in Pakistan. Article 20 of the Pakistani constitution states that every citizen has the right to profess, practice and propagate his religion. Subsequently, Article 22 states that no person should be required to receive religious instruction, if that instruction relates to a religion other than his own.<sup>94</sup> Furthermore, Article 2 of the ICCPR states that all parties undertake to respect all individuals without making a distinction based on religion. Subsequently, Article 20(2) states

<sup>92</sup> CESCR general comment no. 13: the right to education, article 13. The right to education is mentioned in Article 13 of the ICESCR.

<sup>93</sup> State of Human Rights in 2014, Annual report, Human Rights Commission of Pakistan, page 260.

<sup>94</sup> Education vs Fanatic Literacy, March 2013, NCJP, page 8, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Article 26 of the ICCPR states that ‘all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on the ground of religion.’ Article 13 of the ICESCR further states that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. Article 29(d) of the Convention on the Rights of the Child stipulates that the education of the child shall be directed to the preparation for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

### 9.1 Education in Pakistan

Pakistan in 2000 was among the 164 countries adopting the Dakar Framework for Action, where participants committed themselves to achieve education for all by 2015. As a result, Pakistan’s constitution now guarantees free and compulsory education for children between 5 and 16 years old as a fundamental right.<sup>95</sup>

Yet, in spite of good intentions, Pakistan has not met the goals it committed to. In fact, in 2014, more than nine million children received no primary or secondary education and literacy rates still stagnated. The federal and provincial budgets for education combined were the lowest in South Asia, at two per cent of the Gross Domestic Product.<sup>96</sup>

According to the HRCP Annual Report 2014,<sup>97</sup> Pakistan had the second-highest number of out-of-school children in the world: 5.5 million, only after Nigeria. The country also had the third-highest number of illiterate adults worldwide; only India and China had more. The report stated that Pakistan is one of 21 countries facing an “extensive” learning crisis. This reflects a number of factors, such as enrolment, dropout rates, academic performance and literacy.<sup>98</sup>

Out of a population of around 199 million people, 49.5 million adults are illiterate.<sup>99</sup> One-quarter of those aged 7–16 have never been to school. Over one in three young people in Pakistan have not completed primary school. Over 70 per cent of the richest young men and women have completed lower secondary education, while only 16 per cent of the poorest young men and fewer than five per cent of the poorest young women have done so. Children also often enter primary school two or more years later than the appropriate age according to a 2015 UNESCO report<sup>100</sup>.

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<sup>95</sup> Article 25a of the Constitution of Pakistan says: “The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”

<sup>96</sup> State of Human Rights in 2014, Annual report, Human Rights Commission of Pakistan, page 260-261.

<sup>97</sup> State of Human Rights in 2014, Annual report, Human Rights Commission of Pakistan, page 261.

<sup>98</sup> State of Human Rights in 2014, Annual report, Human Rights Commission of Pakistan, page 261.

<sup>99</sup> Education in Pakistan, October 2012, Education for All Global Monitoring Report, [www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/EDUCATION\\_IN\\_PAKISTAN\\_A\\_FACT\\_SHEET.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/EDUCATION_IN_PAKISTAN_A_FACT_SHEET.pdf)

<sup>100</sup> The UNESCO Education for all Global Monitoring Report 2015 (UNESCO), page 80.

According to non-verifiable research conducted by the Pehchaan Foundation in 2013<sup>101</sup>, the level of education among Christians is even more alarming:

- 6 per cent of Pakistani Christians have a primary education
- 4 per cent of Pakistani Christians have a high school education
- 1 per cent of Pakistani Christians have a college education
- 0.5 per cent of Pakistani Christians have a professional education<sup>102</sup>

A report from the United Nations Development Programme 2014 stated that Pakistan remained one of the countries with a low human development and showing little sign of improvement.<sup>103</sup>

It is our conclusion that overall the situation of education in Pakistan is alarming. The government needs to take the necessary steps to achieve the goals they signed up for in 2000 with the Dakar Framework for Action.

Subsequently, there are several reasons why it is more difficult for minorities to receive adequate education.

## 9.2 Deprivation of mission schools

In the 19<sup>th</sup> century, several missionary schools were established to educate Christians.<sup>104</sup> When Pakistan was created in 1947, missionary schools were the main source of the best education.<sup>105</sup> Currently, where liberal Muslims are found, it is probable they have received education in a missionary school. Chief Justice Tassaduq Hussain Jilani rendered the famous June 18 judgment<sup>106</sup> after being educated in St. Patrick's High School<sup>107</sup> and then in Forman Christian College. Salmaan Taseer's<sup>108</sup> mother was a Christian English woman. President Pervez Musharraf was taught in St. Patrick's High School and Forman Christian College<sup>109</sup> while Asma Jehangir<sup>110</sup> and Benazir

<sup>101</sup> Christians in Pakistan are the least educated Pakistanis, 21 January 2013, Christians in Pakistan, [www.christiansinpakistan.com/christians-in-pakistan-are-the-least-educated-pakistanis/](http://www.christiansinpakistan.com/christians-in-pakistan-are-the-least-educated-pakistanis/)

<sup>102</sup> Education of Pakistani Christian students- in danger, 28 April 2014, Pax Romana, [www.icmica-miic.org/en/themes/education/1394-education-of-pakistani-christian-students-in-danger.html](http://www.icmica-miic.org/en/themes/education/1394-education-of-pakistani-christian-students-in-danger.html)

<sup>103</sup> Human Development Report 2014, United Nations Development Programme, [www.undp.org/content/dam/undp/library/corporate/HDR/2014HDR/HDR-2014-English.pdf](http://www.undp.org/content/dam/undp/library/corporate/HDR/2014HDR/HDR-2014-English.pdf)

<sup>104</sup> Contribution of missionary education in colonial Andhra: social change among the depressed classes, 29 July 2915, Research Journal of Educational Sciences, page 11, [www.isca.in/EDU\\_SCI/Archive/v3/i7/2.ISCA-RJeduS-2015-024.pdf](http://www.isca.in/EDU_SCI/Archive/v3/i7/2.ISCA-RJeduS-2015-024.pdf)

<sup>105</sup> A white trail: a journey into the heart of Pakistan's religious minority, 25 August 2013, Haroon Khalid, Westland Ltd.

<sup>106</sup> <https://globalfreedomofexpression.columbia.edu/cases/decision-on-minority-rights-by-the-supreme-court-of-pakistan/>

<sup>107</sup> St. Patrick's High School was one of the few private educational institutes that escaped nationalization in 1972. Through hardships to the stars: St. Patrick's High School turns 150 years old today, 6 May 2011, <http://tribune.com.pk/story/162698/through-hardships-to-the-stars-st-patricks-high-school-turns-150-years-old-today/>.

<sup>108</sup> Mr. Taseer became a leading opponent of a court decision in November to sentence Asia Bibi to death for blasphemy against the Prophet Muhammad. Taseer was killed by his bodyguard due to his advocacy activities. Leading Pakistani politician killed, 3 January 2011, [www.wsj.com/articles/SB10001424052748704723104576061371508098218](http://www.wsj.com/articles/SB10001424052748704723104576061371508098218)

<sup>109</sup> The college was nationalized in 1972 leading to a decline in the college's standard until 2003, when the control was returned to the Presbyterian Church. This led to a recovery of the college's reputation. [https://en.wikipedia.org/wiki/Forman\\_Christian\\_College](https://en.wikipedia.org/wiki/Forman_Christian_College)

<sup>110</sup> Asma Jehangir served as the United Nations Special Rapporteur on Freedom of Religion or Belief from August 2004 to July 2010. [https://en.wikipedia.org/wiki/Asma\\_Jahangir](https://en.wikipedia.org/wiki/Asma_Jahangir)

Bhutto<sup>111</sup> were educated in the Convent of Jesus and Mary school. Even the founders of Pakistan, M.A. Jinnah and Dr. Allama Iqbal, studied at Mission High School Karachi and Murray College Sialkot. These missionary schools stimulated tolerance amongst Muslims while facilitating education for Christians and therefore advancing their status in society.

During the 1960s and 1970s, almost all schools were nationalised by Zulfiqar Ali Bhutto to advance socialism in Pakistan.<sup>112</sup> Simultaneously, the Bhutto government stopped Christian missionaries from entering the country. When the state took over, these schools became victims of bureaucratic inefficiency and, over the years, lost their edge. Some Christian schools which operated in the English medium remained private so that the elite could obtain education there; however, these schools demanded high tuition fees and were not accessible for the predominantly deprived Christians. Only Christians who were wealthy or received a scholarship could gain access. Previously, education through missionary schools was much cheaper, making it accessible for the poorer segments of society. After the Bhutto government, even though many Christian schools were returned, many remain in possession of the state.<sup>113</sup>

Those that were denationalised were faced with a decline of foreign aid over the years. Because foreign missionaries were impeded from entering Pakistan, they were replaced by local Christians or Sri Lankan missionaries which could not maintain a similar level of quality and caused the deterioration of the schools over time.

All these factors amounted to the deprivation of Christians in schooling and hence job opportunities. In addition, due to the deteriorating circumstances, educated Christians left Pakistan, leaving behind most of the uneducated and unskilled Christians.

### 9.3 Public schools

In Pakistan, private schools are mostly expensive but provide a better quality education, while public schools generally charge a small tuition fee and are accessible to most children. Public education means “Urdu medium”, while private education means “English medium”. Studying in the Urdu medium is a disadvantage, because higher education is mainly available in English.<sup>114</sup> This renders it difficult for the people who attend Urdu medium to access higher education. Furthermore, Pakistani bureaucracy and law operates in the English language. This means that an inexpensive public school education limits career possibilities. Because a large group of Christians stem from deprived parts of society, this is their only option, causing an impediment for Christians to improve their position in society.

### 9.4 Lack of motivation

Christian students can lack intrinsic motivation and can be caused by several factors such as their inferior position in educational institutions or the fact that many Christians receive less opportunities in life once they are graduated. This could be exacerbated by the fact that many

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<sup>111</sup> <http://storyofpakistan.com/benazir-bhutto?perid=p024>

<sup>112</sup> Education Reform in Pakistan, 2005, Woodrow Wilson Center for Scholars, page 22, [www.chicagobooth.edu/~media/E16EFAEC65274257B1B975EF683D49C4.pdf](http://www.chicagobooth.edu/~media/E16EFAEC65274257B1B975EF683D49C4.pdf)

<sup>113</sup> PM Sharif urged to denationalize the nationalized Christian Institutions, 10 June 2013, Christians in Pakistan, [www.christiansinpakistan.com/pm-sharif-urged-to-denationalize-the-nationalized-christian-institutions/](http://www.christiansinpakistan.com/pm-sharif-urged-to-denationalize-the-nationalized-christian-institutions/)

<sup>114</sup> Language in Education in Pakistan, 2012, British Council, page 15, [www.teachingenglish.org.uk/sites/teacheng/files/Language%20in%20Education%20in%20Pakistan.pdf](http://www.teachingenglish.org.uk/sites/teacheng/files/Language%20in%20Education%20in%20Pakistan.pdf)

Christians are from a poor background where parents, uneducated themselves, lack insight in the necessity and benefits of education. In addition, some parents cannot afford to let their children go to school, needing them at home to help earn revenue for the family.

### **9.5 Discrimination of Christian students**

Although some Christians enjoy an education without significant difficulties, others endure mild to severe discrimination throughout their study time. They can be confronted with bias against minorities or discrimination and discouragement from both teachers and fellow students. These factors raise the number of dropouts.

Bias against minorities in places of education remains a main challenge in calculating tolerance and fighting extremism in Pakistan, according to specialists at a roundtable on “Biases in Textbooks”, which was organized jointly by the Jinnah Institute and NCJP in Islamabad in August, 2015.<sup>115</sup>

This discrimination is in violation of Article 2 of the ICCPR which states that all parties undertake to respect all individuals without making a distinction based on religion. Article 29(d) of the Convention of the Rights of the Child stipulates that education should be directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, and friendship among all peoples, national and religious groups.

In the report, “Connecting the Dots”, USCIRF speaks about the “strong correlation between Pakistani and Islamic identity, considering the religious make-up and strength of Islamic practice in the country. However, the attitudes toward religious minorities are decidedly mixed, with clear demonstrations of tolerance, understanding and acceptance in both public schools and religious schools (‘madrassas’) on the one hand and equally clear expressions of bigotry, ignorance, and hostility in both on the other.”<sup>116</sup> Even in private schools, there have been reports of discrimination by teachers and students.

Furthermore, there are several reports of Christians claiming to have received lower grades from teachers due to their Christian background. Even though these claims are difficult to verify, the complaints are widespread and should, to a moderate extent, be noted.

Christians and other minorities are subsequently disadvantaged by the fact that, by law, a Hafiz-e-Quran (person who has learnt the Quran by heart) is granted 10-20 extra marks by the school for admission to professional colleges and jobs at the Public Service Commission. When applying for admission or a job, this gives such Muslims students a predisposition for success.<sup>117</sup>

While there are signs of tolerance and acceptance in schools, Christians in several other aspects can encounter discrimination or are disadvantaged.

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<sup>115</sup> Experts weigh in on biases in textbooks, 21 August 2015, Jinnah Institute, <http://jinnah-institute.org/experts-weigh-in-on-biases-in-textbooks/>

<sup>116</sup> Connecting the dots: Education and religious discrimination in Pakistan, a study of public schools and madrassas, United States Commission on International Religious Freedom, November 2011, page 14.

<sup>117</sup> Education vs Fanatic Literacy, March 2013, NCJP, page 10, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

## 9.6 Hate speech in textbooks

USCIRF's 2015 annual report said about Pakistani textbooks that an "alarming number of Pakistan's public schools and privately-run madrassas devalue religious minorities in both textbooks and classroom instruction. The madrassa education system generally relies on very old religious texts and for the most part does not educate children about the value of religious tolerance and diversity."<sup>118</sup>

Several organisations confirm that textbooks contain hate speech against minorities. The NCJP published a report<sup>119</sup> that looked at textbooks for the academic year 2012-13 that were used in the provinces of Punjab and Sindh for grades 1–10. It revealed that there are 30 chapters with hate material in Punjab<sup>120</sup> while Sindh textbooks contained 22 chapters where hate material was included<sup>121</sup>. These were remarks that insulted Hindus, Indians, and Christians and included distorted historical facts. Three examples are:

*'But when infidels and atheists want to dominate, the Muslims firmly stand against it. Due to involvement of Hindus in national politics, paganism became popular.'*

*'Hindus left the Muslims alone representing their narrowmindedness.'*

*'Hindus can never become the true friends of Muslims.'*

Biased material in textbooks could incite prejudice, bigotry and discrimination towards other religions and nations. Non-Muslims are addressed as Kafirs (infidels and idolaters) in textbooks along with the statement that the heaven is only for Muslims and that Jihad should be waged against them. Other religions are on occasion portrayed as false and believers of other religions as antagonists. It can be observed that the selection of material and its thematic sequencing in the textbooks occasionally presents Islam not simply as a belief system but a worldview that must be accepted by all citizens.<sup>122</sup>

The report of the NCJP states that the treatment and arrangement of textbooks is visibly discriminatory against the non-Muslim citizens of Pakistan. This constitutes a violation of Article 22 which states that no person should be required to receive religious instruction if that instruction relates to a religion other than his own.<sup>123</sup> Furthermore, Article 2 of the ICCPR states that all parties undertake to respect all individuals without making a distinction based on religion. Subsequently, Article 20(2) states that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Article 29(d) of the Convention on the Rights of the Child stipulates that the education of the child shall be directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Any biased material in syllabi influences the minds of Pakistani youth and could constitute a cause of growing religious intolerance or extremism exacerbating the security problem Pakistan is encountering.

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<sup>118</sup> USCIRF annual report 2015, Pakistan, page 112, [www.uscirf.gov/sites/default/files/Pakistan%202015.pdf](http://www.uscirf.gov/sites/default/files/Pakistan%202015.pdf)

<sup>119</sup> Education vs Fanatic Literacy, March 2013, NCJP, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

<sup>120</sup> Education vs Fanatic Literacy, March 2013, NCJP, page 13, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

<sup>121</sup> Education vs Fanatic Literacy, March 2013, NCJP, page 19, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

<sup>122</sup> Education vs Fanatic Literacy, March 2013, NCJP, page 9, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

<sup>123</sup> Education vs Fanatic Literacy, March 2013, NCJP, page 8, <http://archive.paxchristi.net/MISC/2014-0251-en-ap-GE.pdf>

## 9.7 Islamic studies

Article 22 of the Constitution of Pakistan states that 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.

Islamic Studies is a compulsory subject at schools, but the curriculum has an alternative course for non-Muslim students, called Ethics. However, textbooks and qualified teachers for these subjects are often unavailable, a situation amplified in rural areas.<sup>124</sup> A report from USCIRF further states that non-Muslims are often compelled to take Islamic Studies either by the teacher or by the lack of an alternative even though not required.<sup>125</sup>

In recent years, learning of the Quran has been made compulsory for all. The policy of Islamiyat has changed, with 60 per cent teaching Koran in Urdu and 40 per cent in Arabic. Christians do not speak Arabic and thus their grades suffer.

## 9.8 Examples of discrimination

A student in Sikandarpura village in Kasur described to our source that he was badly discouraged when his teacher treated him as an untouchable. Another student from the same village said that his classmates did not like to sit close to him. No barber would cut their hair (it involves touching them), so the students cut each other's hair. Another student from Lallianni (Kasur) he dropped out after his classmates treated him as an untouchable.

Christian students can also be discouraged by the way their religion is treated. In Kasur, students said that other students drew a cross on the ground and then trampled on it to insult their religion. Similarly, schoolteachers will describe Christian beliefs as false in the presence of Christian students.

Even on a governmental level, some have a discriminatory attitude towards Christians. Former professor of history, Professor Salamat Akhtar, said that, as president of the All Pakistan College Teachers' Association, he met the education secretary in Islamabad in 1980. "Not knowing I was a Christian, he said the government was worried that a large number of Christians were obtaining education. If all Christians were educated, then no one would be left to sweep the roads and pick up the garbage."<sup>126</sup> In other words: When the government stimulates Christians to go to school, who will practice the menial jobs?

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<sup>124</sup> Connecting the dots: Education and religious discrimination in Pakistan, a study of public schools and madrassas, United States Commission on International Religious Freedom, November 2011, page 120.

<sup>125</sup> Connecting the dots: Education and religious discrimination in Pakistan, a study of public schools and madrassas, United States Commission on International Religious Freedom, November 2011, page 114.

<sup>126</sup> Christians required only as sweepers, 23 October 2015, The Friday Times, [www.thefridaytimes.com/tft/christians-required-only-as-sweepers/#sthash.BqmjKnCM.dpuf](http://www.thefridaytimes.com/tft/christians-required-only-as-sweepers/#sthash.BqmjKnCM.dpuf)

## 9.9 Conclusion

Being able to obtain high-quality education largely depends on the financial means of the family and is not based on religion. Legally, all Pakistanis—including Christians—have a right to free education. Yet, since the fee for mission schools and other private schools is too high, the poor are bound to attend public schools. Since a majority of Christians are from a deprived background, they mostly receive education from public schools or not at all. The level of education at public schools does not meet the level of private schools. Students in public schools are taught in Urdu, while education at private schools is in English—an important factor as the medium in higher education, as well as highly educated jobs.

Additionally, a student belonging to a minority group might have to cope with discrimination in their place of education. Teachers might favour Muslim students and treat a Christian student as less important. Textbooks use hate speech against minorities. As a result, mistreated students lose their motivation, strengthened by a lack of belief in opportunities for themselves and a resignation that they are predestined for menial jobs.

It is important to note that this subordination of students from a minority group does not occur on every school; it depends on the school and its location. Some Christians experience only minor discrimination. The low rate of educated Christians is subsequently partly caused by a lack of interest or motivation from parents or Christians themselves, and is influenced by their socio-economic background. It should be remembered that the percentage of educated people in Pakistan is in general quite low.



## 10. Labour and job opportunities

For non-affluent Christians, it can be difficult to finish high school, let alone obtain a college or university degree. Christians from the middle class are able to attend higher education. In this chapter we will look at the job opportunities of lower- and middle-class Christians.

### 10.1 Christians from a disadvantaged background

Even though there are Christians belonging to the middle and upper class, Christians are highly represented in unskilled jobs, such as sweeping, collecting garbage or picking fruit or crops. Christians form around 1.5 per cent of the Pakistani population and are the largest non-Muslim minority in central Punjab. Their representation in sanitation work, however, is above 80 per cent. Data collected by World Watch Monitor states that 824 out of 935 sanitation workers in the Peshawar Municipal Corporation are Christian. About 6,000 out of 7,894 sanitation workers in the Lahore Waste Management Company are Christian. And 768 out of 978 workers in the Quetta Municipal Corporation are Christian. Islamabad's Capital Development Authority has 1,500 sanitation workers; all of them are Christian. Christians also have a very high representation in Gilgit and Karachi municipal corporations.<sup>127</sup>

Yet, there are efforts made to give non-Muslims better opportunities on the job market. In 2009, the Christian member of parliament Shahbaz Bhatti<sup>128</sup> initiated the job quota of 5 per cent for all religious minorities in the public sector. On May 26, 2009, the Federal Government issued a notification

<sup>127</sup> Christians required only as sweepers, 23 October 2015, the Friday Times, [www.thefridaytimes.com/tft/christians-required-only-as-sweepers/](http://www.thefridaytimes.com/tft/christians-required-only-as-sweepers/)

<sup>128</sup> Shahbaz Bhatti was killed in 2011 for his stance against blasphemy and his efforts to improve the rights of minorities, [www.theguardian.com/world/2011/mar/02/pakistan-minister-shot-dead-islamabad](http://www.theguardian.com/world/2011/mar/02/pakistan-minister-shot-dead-islamabad)

ordering such a quota and for provincial governments to implement these orders at their level. But there have not been many changes when it comes to the number of jobs offered to Christians.<sup>129</sup>

In 2013, the Chairman of All Pakistan Minorities Democratic Movement mentioned the lack of will on the part of decision makers and the systematic discrimination of minorities as reasons behind non-implementation.<sup>130</sup> As an example, the chairman refers to the struggle of Christians in finding a job at the University of Sargodha, which is located in a small city in the province of Punjab. Though located in a region where most of the Christians in Pakistan live, even after the notification of the quota it continued to finding bureaucratic ways to avoid hiring non-Muslim employees. A complaint was filed with the Ombudsman in 2012, that confirmed the violation of the quota requirement. However, one year later, the university had not changed its conduct.

Another example is the Punjab government, who issued a similar notification<sup>131</sup> on March 27, 2010 and also held a five per cent quota for religious minorities. It does make exceptions, however, for an “appointment made by promotion or transfer”, temporary jobs no longer than six months, occasional vacancies and “vacancies reserved for minorities for which qualified candidates are not available”. Also, it is said that people do not seem to be aware of the required quota.<sup>132</sup>

Last year, it was revealed that even the Lahore High Court sets a wrong example by failing to implement the quota. Its advertisement does not mention the quota for the religious minorities, but it does for disabled people.<sup>133</sup> A subsequent example would be an advertisement from the Punjab Institute of Cardiology Lahore. It states that the candidate for the position of sanitary worker can only apply to a non-Muslim. Since there is only one major religious minority in Lahore—Christians—the job is clearly meant for a Christian.

Due to rising tension and religious violence, the Supreme Court issued a decision in a landmark case in 2014 on the situation of minorities in Pakistan. It issued directives to the government to take concrete steps to improve the positions of minorities. According to the Peace Education And Development Foundation, the decision was not met with enthusiasm and governments seemed unwilling to review the judgement.<sup>134</sup> In its report from 2016, however, it does state that Baluchistan has “good ratio of

<sup>129</sup> Implementing the minority quota, 4 June 2014, The Express Tribune, <http://tribune.com.pk/story/717196/implementing-the-minority-quota/>

<sup>130</sup> Pakistan minority leader in full cry over job quota breach, 20 July 2013, Pakistan Christian Post, [www.pakistanchristianpost.com/headlinenewsd.php?hnewsid=4400](http://www.pakistanchristianpost.com/headlinenewsd.php?hnewsid=4400)

<sup>131</sup> “No. SCR - III(S&GAD)135893. In exercise of the powers conferred under Section 23 of the Punjab Civil Servants Act, 1974 (VII of 1974) and in supersession of Notification No. SOR III(S&GAD)1 35/1993, dated 23.10.2009, the Governor of the Punjab is pleased to direct that notwithstanding anything contained in the method of recruitment prescribed in all the services / recruitment rules, 5% quota shall be reserved for Minorities (Non- Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973, against the total number of posts advertised in future, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission. However, all the conditions prescribed under the respective service rules shall continue to apply. 2. The reservations of vacancies referred to above will not apply to: (i) appointment made by promotion or transfer in accordance with the relevant rules; (ii) short term vacancies likely to last for less than six months; (iii) isolated posts in which vacancies occur only occasionally; and SMC No. 1/2014 etc 11 (iv) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

<sup>132</sup> Implementing the minority quota, 4 June 2014, The Express Tribune, <http://tribune.com.pk/story/717196/implementing-the-minority-quota/>

<sup>133</sup> LHC hiring drive: minorities 5% quota as good as dead, 2 March 2015, Daily Pakistan, <http://en.dailypakistan.com.pk/pakistan/quota-flouted-lhc-hiring-drive-dismays-minorities/>

<sup>134</sup> Government’s compliance of the verdict of supreme court of Pakistan on minorities, 1 March 2016, Peace Education and

minority representation in government jobs”—and that, in Punjab, the job quota is advertised and that compliance succeeded due to community pressure. The federal government has a score of 3 out of 5 when it comes to the implementation of the job quota.<sup>135</sup>

### 10.2 Higher educated Christians

The question arises whether a higher-educated Christian is able to get a job that meets his educational level. It is not easy to give a clear answer. It is not always the case that a Christian is discriminated against or treated unequally. At the same time, biases and prejudices are also at play. If an employer has two candidates and one is Muslim, then he most likely will prefer a Muslim. This preference originates from several factors. One is the mere preference to work with someone from the same religion, another is that minorities are by some seen as unbelievers and are as such discriminated against. Another factor is that some people endorse the idea that Christians descend from an ‘untouchable’ caste and hence should do menial jobs and should not be touched. Subsequently, there exists a widespread notion amongst Muslims that Islam is superior to other religions and that minorities should be the subordinates of Muslims. All these factors cause discrimination and jealousy in case a person from a minority would be hired or promoted, especially when they would obtain a job superior to Muslims working there. Even though not all people from minorities experience such discrimination, it is a widespread phenomenon.

According to several Christians, they did well in the interview, but the situation changed when the employer learned about their religion. A young Christian woman has the following experience:

“I somehow managed to get accepted for a private university and completed my MBA studies. Though I was a good student, I am facing difficulties to get a job because of my faith. And this is so inconsolable for me. Furthermore studying there was also a tough thing to do, since all the classmates and staff were Muslim and many times I was discriminated against by my teachers as well. Keeping studies aside, I most often got opinions from teachers and classmates about Islam, where I just had to listen and keep silent. I could not even speak openly about my faith, since they can easily falsely blame me for blasphemy. Even the law of Pakistan won’t protect me against such a cruel act”.

**PUNJAB INSTITUTE OF CARDIOLOGY LAHORE**

**ANNOUNCEMENT OF VACANCIES**

The Punjab Institute of Cardiology has authorized NTS for the recruitment process against vacant posts on contract basis for one year (extendable on satisfactory performance). The NTS invites applications from suitable candidates for the following categories:

Sl#	Name of Posts	Qualification / Experience	No. of Post	Age of Recruitment	
				Min	Max
1-	Lift Operator (BS-03)	Middle with one year experience in relevant field.	04	18	25
2-	Ward Boy (BS-01)	Middle school certificate from a Government-recognized school.	30	18	25
3-	Sanitary Worker (Male) (BS-01)	Primary school certificate from a recognized school. *Only Non-Muslim Persons who belong to Minorities will be accommodated*	35	18	25
4-	Sanitary Worker (Female) (BS-01)	Primary school certificate from a recognized school. *Only Non-Muslim Persons who belong to Minorities will be accommodated*	35	18	25
5-	Security Guard (BS-01)	Primary School Certificate from a recognized School	20	18	25
6-	App (BS-01)	Middle School Certificate from a recognized School	20	18	25

**CONDITIONS:**

- Candidates must be domiciled in any district of Punjab, Attested copies of educational qualifications, experience, two latest passport size photographs, residence / domicile and national ID-Card must be attached with application.
- Test shall not be conducted for posts (BS-1 to BS-3) and only interview shall be conducted by "Punjab Institute of Cardiology, Lahore"
- 15 % quota reserved for women, 5% quota for Minorities, 3% quota for disable persons.
- The Employees of government / semi government / autonomous bodies should apply through their respective department.
- Recruitment will be made according to the prevalent policy of the government of the Punjab.
- The Interview of the selected candidates will be held at Punjab Institute of Cardiology, Lahore.
- The Candidates are advised to bring their original certificates/ documents at the time of interview on the dates which will be intimated later on.
- The relaxation of five years in upper age limit will be given according to the policy of the Government.
- No TA/DA will be given for interview.
- The number of posts can be increased or decreased without any intimation.

**HOW TO APPLY**

- The application forms and online deposits slips are available on National Testing Service's Website: www.nts.org.pk.
- The Applications must be received at the given address not later than 5th October, 2015.
- Applications received on or after 6th October, 2015 will be rejected.
- NTS will not be responsible for late receipt of applications sent through posts or by any other courier services.
- Please submit your fee Rs. 200/- through prescribed deposits slips on any online branch of HBL, MCB, UBL or ABL.
- Candidates are required to send their applications to NTS Headquarters, Islamabad on prescribed forms along with paid online deposit slip (original)
- Deposited amount is non refundable and non transferable.
- Application submitted by hand will not be entertained.

For further information, please contact:

**UAN: +92-51-844-444-1**  
**National Testing Service-Pakistan**  
 NTS Headquarter: 1-E, Street No.46, Sector 1-8/2, Islamabad

<sup>135</sup> Government’s compliance of the verdict of supreme court of Pakistan on minorities, 1 March 2016, Peace Education and Development Foundation, [www.pead.org.pk/2016/03/minorities-struggle-for-rights/](http://www.pead.org.pk/2016/03/minorities-struggle-for-rights/)



## 11. Synopsis and recommendations

Pakistan was envisioned as a progressive, democratic and tolerant society that, while retaining a Muslim majority, would give equal rights to its non-Muslim citizens. Mohammad Ali Jinnah and his modernist Muslim colleagues believed that Pakistan would improve its people's socio-economic conditions, and that people of all faiths and practices would continue to live as equal citizens.<sup>136</sup>

It is imperative for the Pakistani ruling elite to revisit Jinnah's vision of a tolerant, plural and democratic Pakistan, anchored on the principles of equal citizenship and other rights, irrespective of caste, creed or gender. Such an ideal was the original creed of the movement for Pakistan and forms a point of consensus for a vast majority of the population even today.

According to the preamble of the Pakistani constitution, minorities have the right to freely profess and practice their religion and develop their cultures. Fundamental rights shall be guaranteed including 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.

Several specific minority issues have been addressed in the preceding report. As a conclusion to this report, this chapter will provide brief summaries and recommendations.

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<sup>136</sup> Religious minorities in Pakistan, 2002, Minority Rights Group International, page 7.

### 11.1 Amendments to the electoral system

According to the constitution's preamble, everyone shall have equality of status, opportunity before law and political justice. However, the separate electoral system provides for disparities between Muslims and non-Muslims.

Minorities had separate elections, but did not have a division of territory into constituencies similar to the Muslims. This rendered it difficult for minority candidates to campaign within a large territory. Consequently, mostly candidates from larger cities would be able to reach a large number of people and win, leaving Christians from rural areas deprived of effective representation. These Christians might have never heard of the representatives nor know how to reach them.

The electoral segregation resulted in representatives from the Muslim community that were physically closer to some Christian groups, ignoring development schemes in those areas since they did not fall within their constituencies. Simultaneously, elected Christian representatives would be living far from them and not be able to effectively attend to their needs.

Currently, the electoral system is joined; however, it is proven difficult for Christian candidates to run against established affluent parties. Christians, being a minority, would in general not receive votes from Muslims and are always outnumbered in their constituency. Subsequently, not all Christians would have enough funds to conduct an effective campaign, and would perhaps contest another Christian candidate, separating the already limited amount of Christian votes. As a result, it is challenging for Christian candidates to receive sufficient votes to win against majority-run parties which are well established and well funded.

On occasion, it would occur that Christians receive a ticket from an established Islamic party in order for the party to receive the Christian votes in the constituency. Their political campaign would be funded by the party and be well conducted. However, this Christian representative is dependent on the will of his or her party and risks losing funding or a job if he or she does not adhere to the wishes of the (Islamic) party. Consequently, their position as Christian politician cannot be considered a full and free representation of Christians in the constituency.

Christians could be more effectively represented by having separate elections in a territory divided by constituencies, making it more feasible to campaign and attend to the needs of Christians in their constituency while ensuring that Christian representatives are chosen without having to adhere to wishes of the Islamic parties.

Another option is to institute joined electorates where a percentage of representatives needs to be from minorities. These minorities are elected by voters, whether Muslim or others, and not selected by the majority parties. The same principle should apply to the current system of reserved seats for minorities. Minority members in the Provincial and National assembly<sup>137</sup> are chosen by the mainstream Islamic parties based on the percentage of seats they won in the assembly. They are not selected by minority voters themselves. It could be recommended to ensure that the reserved minority seats are elected directly by the group they represent as opposed to the ruling Muslim parties. This would give an incentive to members of parliament with minority seats to adhere to the needs of their minority group and not to the agenda of the Islamic ruling parties.

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<sup>137</sup> <http://elections.sdpi.org/procedure-for-the-allocation-of-reserved-seats-for-women-and-minorities>

## **11.2 Professing Christianity and evangelism**

Article 20 of the Pakistan Constitution stipulates that every citizen shall have the right to profess, practice and propagate his religion. Therefore, by law, it is allowed to evangelise and share one's faith with people from other religions. However, after an analysis of the current situation in Pakistan, one can in general conclude that evangelism should always take place in a restrained manner and could, in certain areas and circumstances, cause life-threatening situations. Evangelism in the way provided by the constitution is not possible without the fear of repercussions caused by Islamic extremist elements which are widely spread in society and could instigate people to commit (violent) retaliation and encourage vigilantism. It is subsequently thwarted by the blasphemy laws, which with its broad and indistinct definition could cause a broad range of statements to amount to blasphemy, whether intended or not.

A consequence of these endangerments is that Christians have reason to feel hesitant to evangelise or to even enter into conversations regarding religion.

It would be recommended to inform people through education or other means, about the rights of minorities and to promote tolerance. It is subsequently necessary to effectively prosecute people who obstruct religious activities pertaining to evangelism. Acts such as expressing threats, instigating hatred or violent acts and obstructing religious activities such as evangelism should be affectively counteracted by the government in order to ensure the protection of minorities and the full enjoyment of the right to religious freedom as mentioned in Article 20 of the Constitution.

The next chapter will elaborate on the blasphemy laws and will include recommendations to improve the implementation of Article 20 of the Pakistani Constitution and the right to propagate one's religion.

## **11.3 Blasphemy**

Blasphemy laws in the Constitution are found in Articles 295-298 of the Pakistani Penal Code. They were expanded by Muhammad Zia-Al-Haq and show a general bias towards Islam in society. Subsequently, the laws are formulated in such manner that they are susceptible to misuse.

Due to massive protests against the abolishment of the blasphemy laws and the governing tensions around the subject, it is recommended that the Pakistani government pleads for a mere amendment of the laws in order to diminish the possibility of abuse.

Currently, Article 295-C of the Pakistani Penal Code does not include the prerequisite of having the 'intention' to use derogatory remarks in respect of Muhammed. Anyone by their wording or actions could be implicated in a blasphemy case, even if the specific intent or willfulness to commit blasphemy was not present. This could diffuse uncertainty and fear amongst citizens, especially in the more vulnerable groups in society.

This feeling of unpredictability is augmented by the broad definition of some of the articles on blasphemy, including Articles 295 and 295-A of the Penal Code, which lack a more specific definition of the term 'insult' or 'insulting'. These articles could be amended by using more specific wording which would add more distinction and predictability to the law.

Furthermore, the Qanun-e-Shahadat Order 1984 (law of evidence) provides in Article 17 that

someone could be found guilty of blasphemy based on the testimony of one witness. This could be augmented to two or more witnesses or should be supported with adequate additional evidence.

An additional improvement could be to reduce the penalties to a maximum of 1-4 years imprisonment and to abolish the death penalty in these instances.

There has been widespread impunity in Pakistan concerning cases where people have made false accusations of blasphemy or have falsely testified, even though a mere accusation could lead to detrimental consequences for the falsely accused victim, their family or even their community<sup>138</sup>. Article 211 of Chapter 11 of the Penal Code incriminates the act of providing a false charge of offence made with the intent to injure. Accusers can be criminalised if they instigate false criminal proceedings against a person, or falsely charge any person. The act could lead up to seven years of prison.

However, no law exists to penalise instances where people accuse someone of blasphemy without going to the police. Someone could accuse a neighbor of blasphemy and, whether true or false, intended or non-intended, people from their community could be assembled and constitute tremendous threats for the accused victim. These threats could lead to the accused, his family or community being ostracised, violently attacked or even murdered.

There is a need for the Penal Code to incorporate an article criminalising accusations of (false) blasphemy without seeking police recourse or spreading such accusation knowing that it might instigate vigilante attacks against the accused.

There are already laws that criminalise participating in assemblies of five or more persons that commit unlawful acts. These laws subsequently criminalise provocation which will most likely cause the offense of rioting. The Punjab Sound Systems Ordinance subsequently criminalises the use of loudspeakers which encourage vigilante attacks, mob gatherings or incitement of hatred.

It is, however, imperative that these laws are effectively employed to prosecute perpetrators. If impunity remains widespread, laws will be rendered void and will not adequately protect minorities and others accused of blasphemy.

People who are accused of blasphemy could encounter serious threats to their lives, even when acquitted by the court or when their innocence is proven. A solution to this problem would be to establish an equivalent of a witness protection program where victims could be resettled and be provided with a new identity.

In the context, where impunity, safety threats and vigilantism are effectively counteracted, people would experience more freedom to profess and propagate their religion in accordance with Article 20 of the constitution.

#### **11.4 Forced marriage and conversion**

The right to change one's religion is enshrined in Article 18 of the ICCPR. Pakistan's law does not mention the right to convert to another religion explicitly; however, a restriction on changing

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<sup>138</sup> Pakistani Christian falsely accused of blasphemy and threatened with being burned alive; local Christians struggling for food after Muslims refuse to buy or sell to them, 12 May 2016, Barnabas Fund, <https://barnabasfund.org/news/Pakistani-Christian-falsely-accused-of-blasphemy-and-threatened-with-being-burned-alive-local-Christians-struggling-for-food-after-Muslims-refuse-to-buy-from-or-sell-to-them>

religion in Pakistan does not exist. Despite this legal acceptance of conversion, converting from Islam to another religion or becoming atheist could engender mild to tremendous danger for a person.

The government should effectively prosecute and penalise those who threaten and assault converts. The government should convey clear signals of retribution upon society to ensure their security by adopting a law which explicitly criminalises such acts inflicted upon converts. Subsequently, a law should be included in the Constitution that explicitly enshrines the right to convert to another religion. This will grant converts with effective legal instruments in case of endangerment due to their conversion.

Another possible solution is to grant them resettlement and a new identity in case of serious threats to their lives as part of a protection program.

Another problem is depicted by the Movement for Solidarity and Peace in Pakistan which estimates that, every year, hundreds of Christian and Hindu girls are abducted and forcefully converted to Islam through a Muslim marriage. Estimates range from 100 to 700 Christian female victims every year. For the Hindu community, the most conservative estimates put the number of victims at 300 per year.<sup>139</sup>

Article 20 of the Pakistan Constitution states that everyone has the right to profess and practice his religion. Even though there is no specific law criminalising forced conversion, the article implies that no one should be forced to convert. In addition, Article 18 of the ICCPR enshrines the right for individuals to adopt a religion of his or her choice. Moreover, Article 18(2) states that no one shall be subject to coercion that would impair his or her freedom to have or adopt a religion or belief of his or her choice. Subsequently, the Pakistani Penal Code criminalises the abduction of women with the purpose of forcefully marrying her (Art. 365-B). Abductors subsequently sell the forcefully-married girl to brothels or to persons who will sexually exploit her, which is criminalised under Article 371-A.

One of the primary steps to counteract these practices is the establishment of laws in the Pakistan Penal Code criminalising forced conversions. Another suggested law in order to safeguard the existence of a free will is prohibiting marriage after conversion for up to six months.

Furthermore, protection of minors should be ensured by mandating that a girl who is judged to be illegally converted and married should be immediately returned to the family and not first returned into the custody of the abductors where she could encounter reprisals.

Courts should subsequently adequately verify the age of the girl. In addition, they should investigate the circumstances of the declaration of free consent of the girl, looking for signs of abduction, detachment of the family and other factors which could reveal criminal elements.

Special prosecutors should be appointed in every district to try cases of violence against women and minorities, and these prosecutors should be provided with training in order to sensitise them to women's and minority rights standards.

A Shirkat Gah study revealed that police tended to view women's problems in the home as private or

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<sup>139</sup> Report on forced marriage and forced conversions in the Christian community in Pakistan, MSP, April 2014, page 2, <https://es.scribd.com/document/216493945/MSP-Report-Forced-Marriages-and-Conversions-of-Christian-Women-in-Pakistan>

trivial. This approach should be re-evaluated in cases concerning domestic violence issues and where the woman is alleged to have been sexually abused after forced conversion and marriage.<sup>140</sup>

Administrative reforms should be undertaken to ensure proper procedures are performed regarding the attestation and registration of marriages and conversion certificates. Nikah Khwaans<sup>141</sup> should be properly registered as well as religious institutions that issue conversion certificates.

Additional suggestions could be engaging in police reform to improve response times to instances where abduction is alleged to have occurred; fair reporting standards and FIR registrations as provided under Article 161 of the Pakistan Penal Code; identification of falsified marriage and conversion certificates; guarantee protection to victimised women and families under threat by abducting parties.

The government possesses a range of tools to counteract this phenomenon of forced conversion and marriage. It is imperative that proper efforts are made in order to protect these groups mostly deriving from minority groups, in order to ensure the protection of Article 18 of the ICCPR.

Conclusively, groups of Christians in certain areas are given the choice to convert to Islam or to leave the area. This request could emerge for different reasons, such as land disputes<sup>142</sup> or blasphemy accusations. Criminalising forced conversion, providing adequate protection and effectively prosecuting perpetrators could counter these occurrences and ensure freedom of religion.

### **11.5 Education**

Pakistan's constitution, in Article 25a, guarantees a free and compulsory education for children between 5 and 16 years old as a fundamental right. It furthermore stipulates in Article 22 that no person attending any educational institution shall be required to receive religious instruction if it relates to a religion other than his own. Article 13 of the ICESCR further states that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. Article 29(d) of the Convention on the Rights of the Child stipulates that the education of the child shall be directed to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

Therefore, deriving from national and international law, education should be provided for all people, including minorities and should not impose Islamic teaching on children from other religions. Furthermore, it must teach respect and tolerance for all religions.

During their education, especially in public schools, minorities can experience difficulty such as a negative portrayal of minorities in textbooks, and instances of discrimination or abuse of religious minorities.<sup>143</sup>

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<sup>140</sup> Annual Report 2011, Centre for Legal Aid Assistance and Settlement (CLAAS), the haven becomes hell: a study of domestic violence in Pakistan, special bulletin August 1995, Hassan Yasmeen.

<sup>141</sup> Court mediators for marriages.

<sup>142</sup> Pakistan: Christians warned to 'convert to Islam or leave Muslim neighborhood', 1 September 2012, Jihad Watch, [www.jihadwatch.org/2012/09/pakistan-christians-warned-to-convert-to-islam-or-leave-muslim-neighborhood](http://www.jihadwatch.org/2012/09/pakistan-christians-warned-to-convert-to-islam-or-leave-muslim-neighborhood)

<sup>143</sup> Connecting the dots: Education and religious discrimination in Pakistan, a study of public schools and madrassas, United States Commission on International Religious Freedom, November 2011, page 125.

An important step needed is to remove hate speech and passages that are discriminatory, stigmatising and biased from textbooks.

Teacher-training programs should be developed to focus on the constitutional rights of religious minorities, critical thinking, and the importance of promoting tolerance and diversity in classroom pedagogy.

Furthermore, non-Muslim students are often forced to follow Islamic Studies in school due to several reasons: Fear further discrimination from Muslim pupils, the alternative course 'Ethics for Non-Muslims' is not available or their teacher compels them to follow Islamic Studies. Article 22 of the Pakistani constitution explicitly states that no person attending an educational institution shall be required to receive religious instruction if it relates to a religion other than its own.

Foremost, it should be ensured that schools offer the alternative course 'Ethics for non-Muslims'. In addition, in order to counteract discrimination towards pupils who do not follow 'Islamic Studies' and to stimulate tolerance and understanding, the course Ethics for non-Muslims should be made compulsory for all students. The curriculum guidelines for this course appear to present a comprehensive description of the minority religions of Pakistan. If this course, or a component of this course, were included in the core curriculum, it would effectively dispel many of the inaccuracies and stereotypes found in the current depictions of religious minorities.<sup>144</sup>

Subsequently, interfaith dialogue initiatives and joint academic/extracurricular activities should be facilitated with students of other religions wherever possible. This could counteract discrimination conducted by students and teachers. A complaint procedure could be installed against discrimination based on religion in schools, even on a national level.

Furthermore, Christians are predominantly from marginalised groups in society and have lost most access to missionary schools. Often they merely possess limited financial means to participate in education or cannot go to school at all, causing them to remain impoverished and marginalised. A system of scholarships and financial support for children from minorities wanting to pursue education could improve their position in society and would contravene their vulnerability to abuse and marginalisation.

This could be conducted through missionary schools that should be denationalised and returned to religious institutions if still possible. Article 22 of the Constitution provides the right for these institutions to incorporate Christian elements into their education for Christian pupils. These schools could educate Muslim and Christian pupils in mixed classes, and provide special access for impoverished Christians through full or partial scholarships. This would allow them to benefit from education in order to advance in society and decrease their level of vulnerability.

Several liberal-minded Muslims who have influenced Pakistani society towards peace and tolerance have received education in missionary schools, illustrating the impact these schools could have on individuals.

The educational content of a nation to a great extent shapes cultural and political values of its society. Currently, the education system encourages a conflicting collective narrative which fosters

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<sup>144</sup> Connecting the dots: Education and religious discrimination in Pakistan, a study of public schools and madrassas, United States Commission on International Religious Freedom, November 2011, page 126.

prejudice against non-Muslims and facilitates intolerance and terrorism. Educational reform is needed on several levels in order to transform the predisposition of a new generation towards peace, tolerance and understanding amongst the diverse range of religions.

### **11.6 Labour and job opportunities**

There are reports of Christians experiencing discrimination during the application process based on their religion. However, there are also Christians who finished their education and/or have been able to find a good job without experiencing discrimination.

Even though it cannot be generalised, levels of discrimination in applying for work have been observed to that extent that a job quota for minorities in the public sector was introduced federally = in 2009.

Even though this quota would be an adequate safeguard for minority employment participation, its implementation has been slow and, for many, disappointing. One objective would be to improve the implementation process by creating awareness amongst government officials, instituting proper supervision mechanisms to ensure that the law is implemented, and incorporating penalties for departments or officials that show reluctance. It is imperative to demand transparency in the process of selecting employees and the yearly number of vacancies being released. A complaint procedure against institutions not respecting the job quota could be instituted, accompanied with a yearly publication issued by the government which shows the status of implementation.

Considering the fact that institutions attempt to bypass the law through provided exceptions, an additional mechanism could be introduced stipulating that said institutions should have hired five per cent of people from minorities within seven years of the promulgation of the job quota.

An important element of advancement in society for Christians is to change the stigma of stemming from a low caste and being destined for menial jobs. This could be achieved by providing access to education and employment. Having a variety of religions in a workplace could stimulate comprehension, tolerance and harmony amongst the diverse groups.

### **11.7 Political movement**

The establishment of a strong political movement of Pakistani Christians should be encouraged. No matter what system of election the country may adopt (joint or separate) or whether the mainstream parties are of liberal or fundamental ideology, if small or large political groups of Christians are functional, then they would be able to discuss the social or political issues effecting their community. Their existence and collaboration may lead to the birth of a national level political party, which may be or may not be solely Christian (it may be of all minorities or a completely liberal one consisting of liberal Muslims and non Muslims). This will help stop the spread of fundamentalism and militancy for political reasons.

## Appendix

### Recent events

Below is an infographic regarding violent events experienced by the Christian community between 2012 and 2014.<sup>145</sup>



### More recent events from January 2014 to the present:

11 February 2014, Pakistan Islamabad: Muslim cops arrest an innocent Christian father of two and torture him to death. [www.asianews.it/news-en/Islamabad:-an-innocent-24-year-old-Christian-man-tortured-to-death-by-police-30298.html](http://www.asianews.it/news-en/Islamabad:-an-innocent-24-year-old-Christian-man-tortured-to-death-by-police-30298.html)

4 March 2014, Pakistan Islamabad: A young girl is murdered by the Taliban for helping her cousin convert to Christianity. [www.news.va/en/news/asiapakistan-a-young-christian-girl-killed-by-the-](http://www.news.va/en/news/asiapakistan-a-young-christian-girl-killed-by-the-)

16 April 2014, Pakistan Lahore. A 22-year-old Christian is shot to death for refusing to embrace Islam. ([www.pakistanchristianpost.com/headlinenewsd.php?hnewsid=4822](http://www.pakistanchristianpost.com/headlinenewsd.php?hnewsid=4822))

<sup>145</sup> State of the Religious Minorities in Pakistan- Christians, <http://jinnah-institute.org/state-of-the-religious-minorities-in-pakistan-christians/>

4 August 2014, Pakistan Karachi. The 65-year-old principal of a Christian school is gunned down in a targeted attack. [www.pakistantoday.com.pk/2014/08/05/city/karachi/school-principal-killed-in-firing/](http://www.pakistantoday.com.pk/2014/08/05/city/karachi/school-principal-killed-in-firing/)

25 September 2014, Pakistan Islamabad. A policeman shoots a Christian pastor to death who was in jail for a false charge of blasphemy. <http://in.reuters.com/article/pakistan-britain-blasphemy-idINKCN0HK0UR20140925>

10 November 2014, Pakistan Kot Radha Kishan: A Muslim bomb burns a Christian man and his pregnant wife alive for alleged 'blasphemy'. The victims were tortured for two days prior to being shoved into an oven. [www.dailymail.co.uk/news/article-2828845/Relatives-Christian-couple-beaten-Pakistani-mob-burned-death-say-d-legs-broken-stop-fleeing-wife-wrapped-cotton-d-burn-faster.html](http://www.dailymail.co.uk/news/article-2828845/Relatives-Christian-couple-beaten-Pakistani-mob-burned-death-say-d-legs-broken-stop-fleeing-wife-wrapped-cotton-d-burn-faster.html)

3 December 2014: 14 year-old Noreen kidnapped and forced to embrace Islam, CLAAS.

23 January 2015, Pakistan Qila Star Shah: Young Christian lady Shazia burnt alive by her husband. [www.cpipakistan.com/young-christian-lady-shazia-burnt-alive-husband/](http://www.cpipakistan.com/young-christian-lady-shazia-burnt-alive-husband/)

27 January 2015, Pakistan Peshawar: Hundreds of students protesting against a French magazine for publishing cartoons of Prophet Muhammed stormed a Christian boys' school demanding its closure. <http://tribune.com.pk/story/828418/charlie-hebdo-protesters-storm-christian-boys-school-in-bannu/>

9 February 2015, Pakistan Lahore: Police raid two Sunday worship services. [www.persecution.org/2015/02/09/police-raid-two-sunday-worship-services-in-lahore-pakistan/](http://www.persecution.org/2015/02/09/police-raid-two-sunday-worship-services-in-lahore-pakistan/)

3 March 2015, Pakistan Hyderabad: A Christian man—allegedly mentally challenged—was accused of desecrating the Holy Quran. [www.thefridaytimes.com/tft/tempers-high-in-sindh-after-two-allegations-of-blasphemy/](http://www.thefridaytimes.com/tft/tempers-high-in-sindh-after-two-allegations-of-blasphemy/)

7 March 2015, Pakistan Lahore: Mother accuses Pakistan police of killing son by torture. [www.cpipakistan.com/mother-accuses-pakistan-police-killing-son-torture/](http://www.cpipakistan.com/mother-accuses-pakistan-police-killing-son-torture/)

15 March 2015, Pakistan Youhanabad: Two suicide bombs blasted two main churches; Catholic Church and a Church of Pakistan at Youhanabad Lahore, 15 Christians killed at the spot and several injured. <http://christiantruespirit.com/?p=89>

20 March 2015, Pakistan Lahore: Christian boy (17) burnt by the Kiln owner <http://farrukhsaif.com/fanatic-kiln-owner-burnt-another-christian-boy/>

24 March 2015, Pakistan Lahore: Saint Peter's Catholic Church and High School in Township. [www.pakistanchristianpost.com/headlinenews.php?hnewsid=5264](http://www.pakistanchristianpost.com/headlinenews.php?hnewsid=5264)

17 April 2015, Pakistan Lahore: Gunmen open fire on Catholic school in Pakistan; Injured Christian student taken to hospital. <http://m.christianpost.com/news/muslim-hardline-gunmen-open-fire-on-catholic-school-in-pakistan-injured-christian-student-taken-to-hospital-137730/>

14 April 2015, Pakistan Lahore: Young Christian is beaten and set on fire. [www.nydailynews.com/news/world/pakistani-boy-beaten-set-afire-christian-article-1.2184753](http://www.nydailynews.com/news/world/pakistani-boy-beaten-set-afire-christian-article-1.2184753)

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