

# International Human Rights and Religious Minorities in Pakistan

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## Abstract

Pakistan is an immensely plural country characterized by religious, sectarian and ethno-linguistic diversities. It is an overwhelmingly Muslim community with more than 90 per cent of its 182 million inhabitants adhering to Islam, yet they belong to several doctrinal groups with major religious communities with the Hindus, the Christians and the Sikhs. Pakistan's Constitution stands for equality of all citizens irrespective of religion, caste, region, tribe language and gender. Suppression and discrimination against minorities is as old as recorded history itself. Same here in Pakistan government's general failure to protect, diminish, and equalize the rights of minorities and there is no affluence religious freedom for minorities and is a congested environment of impunity that fostered intolerance and acts of violence, as professed in the domestic and international human rights organizations. Government policies did not afford equal protection to minority religious groups, and due to discriminatory legislation such as blasphemy laws minorities often were afraid to profess freely their religious beliefs and even oppressed in daily routine life. This paper provides a general picture of minority's rights situation in Pakistan in light of Pakistan constitution and international human rights. The paper also explains the Policy touching religious minorities with special focus on blasphemy law. After analyzing situation the author reach to the findings and present some possible solutions to equalize the human rights situation in Pakistan.

**Keywords:** Human rights, Minority discrimination, Pakistan constitution, Blasphemy Law, Equality

## Introduction

A reading of the substantive content of international human rights law relevant for minorities, identifies the overall objectives in regards to minorities as two-fold, namely non-discrimination and special rights/measures. Non-discrimination is generally established in international human rights law. The main features of discrimination that concern minorities are distinction, exclusions, restrictions or preferences on unwarranted grounds of race, ethnic or national origin, language and religion. The essence of non-discrimination follows the principle of equality of treatment. This includes the rights of minorities to equality before the law and before the courts, equal access to public services, work and education, etc. It also includes fundamental freedoms. Freedom of expression, freedom of association and assembly, the right to information in preferred language, the right to hold religious beliefs of own choice and freedom of movement are all crucial freedoms for the protection and promotion of identities and cultures of minorities.

Pakistan was founded in 1947, its secular founding fathers wanted to create a homeland for south Asia's Muslims, not an Islamic state, Muhammad Ali Jinnah, recognized as Pakistan's Quaid-i-Azam (great Leader) clearly declared non-Muslims would be equal citizens in the new country, But Pakistan's trajectory after independence has been very different post independent when the Constitution of 1956 was framed, it was forced by the religious forces/clerks and leaders to declare Islamic state and other religious communities were declared minorities, Religious minorities mean non-Muslim, since the independent of Pakistan, many incidents have taken places against the minorities, as discrimination in jobs, force conversation of non-Muslims girls into Islam, force labor, discrimination on the basis of faith. But during the regime Zia-ul-Haq, it was accelerated due to illegal occupation of USSR (Russia) in Afghanistan, that time misinterpret the Jihad for which hateful literature was published against the other religious communities, Russian were named infidels, Christians were called ally of western and Hindus were called ally of India and they have their own culture, which led to the hatred amongst Muslims and other communities still non-Muslims inside the own country due to which minorities communities had been suffering discrimination in daily life. During the war with the India, Hindu community was targeted and chain of temples were set on the fire, also the churches have been targeted several times, however the founder of Pakistan Quaid-i-Azam Muhammad Ali Jinnah ensured in his first speech that state shall protect minorities and state have nothing to do with religion<sup>1</sup>(Zafar 2001), everyone is free with his religion, also the Constitution of Islamic republic of Constitution guaranteed for the equal rights of citizen.

As in India discrimination is done with the schedule castes, who are not allowed to use same well and their entry in the temple is prohibited, some people have same attitude with the minorities in Pakistan. Minorities' communities have been suffering in Pakistan On the name of faith and discrimination is increased, recently in a school an incident taken place, where head teacher did not allow the teacher (who was Christian) to use same

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<sup>1</sup> (Zafar 2001)

toilet. She was told that she is kafir( infields ) , each of minorities community has individually has suffered in the hands of local Muslims communities, and increasingly in some areas at the hands of violent Islamic groups such as Pakistan Taliban , a newly wedded couple of Christian community was thrown in the kiln on the allegation of blasphemy against them, That was one of the most horror incident in the history of Pakistan , an estimated number of 1,272 have been charged for the blasphemy between 1986 to 2010 , however ,51 people have been murdered before the trail were over .

Furthermore, minorities in Pakistan not only face the challenges of discrimination in majority society but also experience gender-based discrimination. Thus, minorities in Pakistan represent a complex issue of a disadvantaged group. How do minorities then enter contemporary approaches on minority rights?

### **Role of Zia against the minorities**

Things got changed from the 1947, a man who dreamed for the modern state and who appointed cabinet from different faiths, aftermath Bhutto's religious militancy was accelerated by Zia. He introduced some laws to strengthen his Islamic policies , blasphemy is one of them and he also produced some drastic laws against the Ahmadi community but the law he introduced was against the article of the constitution which guaranteed freedom of profess the religion as well as character of United Nations Organization which ensured that every people around the world has right to profess his/her religions without any hindrance but Ahmadi community could not entertain such rights in Pakistan. Mostly it was found that non-state actors are involved to disturb the peaceful environment and harmony amongst the minorities and majorities .During this tenure, it was presumed that government fail to control racism against minorities. When it formed such laws protected against the minorities, a number of minority's people were suffered. It is observed that in comparison of Quaid-i-Azam Muhammad Ali Jinnah who was a democratic and secular leader and Zia was a merciless military dictator and fail to control religious racism against the minorities.

### **Extra Judicial Killing**

Minority's communities have been targeted of so many incident, while using the name of pre-text of blasphemy, mostly blasphemy is used against the minorities for the personal grudge, later, which take shape of aggressive mob and take law into hands, according to law accused is innocent until his guilt proved. But in the case of blasphemy accused are considered culprit before the trail over and they are murdered during the custody by the police or by any other way, state completely failed to prevent such practices.

### **Discrimination of services in Pakistan**

The government of Pakistan as well as provincial's government have been pleased to announce for the 5% Quota, especially for the minorities, but it's only in the notification. It's hard for the minorities to secure a good government's career without political affiliation, any without any recommendation or bribe if some people achieve to get good position in the government, mostly belonged the political parties. Minority Rights Group International, in its annual State of the World's Minorities reports for both 2007 and 2008, places Pakistan in the top ten (out of more than 150 states) of its lists of states violating minority rights.<sup>1</sup>

### **Force conversion of minority's girls**

Force conversion is not a new case, a number of minorities girls alleged to have been to kidnaped raped and married. So many cases unreported because girls are threaten to accept and give statement before the Courts, complainant belongs to minorities and minorities are considered 2<sup>nd</sup> class citizen and force conversation takes religious color , which makes even hard for the government to handle so government ignore such kind of issue , Most of people due to fear, don't not make compliant against the accused, if some people come forward to make complainant, they are under threat, One incident of forced conversion of a young Hindu girl took media coverage was that of Rinlke Kamari. She was abducted with the help of a ruling-party lawmaker and forced to marry and convert to Islam. This is Just one case of abduction and force religious conversion in Pakistan, with around 20-25 kidnappings and force conversions of Hindu girls in Sindh every month. According to report by the Asian Human Rights Watch, Kidnapping Hindus traders in the province of Baluchistan and Sindh is order of day. Hindus have been the primary targets of the ransom kidnapping. Hindu community have faced a steady barrage of forced conversions and kidnapping for the ransom, in the last few years there has been an increase in the number of Hindu families migrating or seeking asylum in neighbor countries

### **Discrimination in the Constitution of Islamic Republic of Pakistan**

Article 25 of the Constitution of Islamic Republic of Pakistan provide equality of citizen, but the article 41

<sup>1</sup> Minority Rights Group International, *State of the World's Minorities 2008*, London, March 2008, <http://www.minorityrights.org/6138/state-of-the-worlds-minorities/state-of-the-worlds-minorities-2008.html> [accessed March 2017]

deprived the status of equality of citizen to a Non-Muslim citizen of Pakistan, a person cannot be eligible for the President /Prime Minister unless he is Muslim or head of any department in this history of Pakistan, neither governor nor any chief minister has been elected, although dummy position/ ministry are given to show sympathy with the non-Muslims.

### **Right of Vote**

During the tenure of Zia, he separated the non-Muslims polls, non-Muslims could not vote to Muslim representatives could not elect their Prime minister, where after when 4<sup>th</sup> Dictator General Parvez Musharaff came into power. He combined the Muslims and Non-Muslims polls and allocating some seats in the parliament and provincial assemblies were reserved for the minorities .Although Ahmadi could not participate in the general election , they refused to put their names in the non-Muslims column , Musharraf expressed sympathy for the Christians and Hindus and promised to end of religious militancy , But over situation did not improve for Pakistan's minorities during his decade in power there should be election for the non-Muslims seats in the parliament , not on the basis of Quota , not on the party basis.

### **Violation of Freedom of Speech**

That Qadani communities who had been declared Non-Muslim through constitutional amendment however they have been restricted called them Muslim and using names of Symbols, as Namaz, Prophet, Masjid etc. Qadani communities have been forced to forbid to call such names, which is violation of freedom of speech as well as Universal Declaration of Human Rights of articles 18 and 19.

### **Right of Fair Trail**

Character of Universal Declaration of Human Rights and Constitution of Islamic Republic of Pakistan guarantee for the fair trail but when it comes on the name of blasphemy or anything that religion is related case, religion influence on the minds of judges or pressure from the extremist groups , A Lahore High Court judge Arif Iqbal Bhatti was killed in the chamber on the ground that a accused of Blasphemy was acquitted by him due to weak evidence <sup>1</sup> while announcing decree against religious clerks, mostly in the case of blasphemy accused are consider guilty before their trail and judges under pressure of fear, sympathy or their affiliation with the same religion compelled them to do so , most of blasphemers have been convicted although no strong evidence available on the record against the accused , accused Ayub Masih has revealed that during his trial “ Religious extremists packed the courtroom and shouted loud threats against him , his lawyer , and the Judge  
In almost all cases lack essential safeguards to ensure that the accused enjoy due process and a fair hearing. Religious extremists reportedly attend these trials, harassing and intimidating both judges and defendants.

### **Government Policy against religious minorities**

Government policies did not afford equal protection to members of majority and minority religious groups. Religious minorities were legally restricted from public display of certain religious images and, due to discriminatory legislation and social pressure, were often afraid to profess freely their religious beliefs. The 2008 establishment of the Ministry for Minorities removed responsibility for protection of religious minorities from the Ministry of Religious Affairs. The Ministry of Minorities is a stand-alone, cabinet-level ministry that has the "aim to protect the rights of minorities as envisaged under the 1973 constitution of Pakistan." The budget of the ministry covers assistance to indigent minorities, the repair of minority places of worship, the establishment of minority-run small development projects, and the celebration of minority religious festivals. These expenses were previously covered by the ministry of religious affairs. Religious minorities claimed that the Ministry for Minorities is underfunded and that localities and villages that were home to minority citizens gone without basic civic amenities. There were also indications that the Ministry of Minorities would be dissolved at the federal level in 2011, along with several other ministries, as part of the devolution plan under the 18th Amendment. Minority representatives in the Parliament and minority rights organizations oppose the possible devolution of the ministry to the provinces.

### **Failure of Government to provide adequate security to the minorities communities**

Constitution of Islamic Republic of Pakistan guaranteed for the protection of minorities communities but Government has been completely failed to provide the adequate security to the lives and safeguard their properties and interest. Constitution also provide the protection of minorities are free to go worship at their institutes, but those institutes have been attacked several times. However government did not pay head, during the war on the terror, the Christian community was considered the ally of west, their institutions and lives were on the attacked. Government did not take any serious action except lips service and heavy weight statement,

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<sup>1</sup> Human Rights in Pakistan 1987 keren parker

which were all the valueless.

### **Self-Proclaimed scholars**

The Threat posed to minorities by the extremists inciting hatred and violence on mainstream media was very real indeed on 7 September 2008, a self-proclaimed religious scholar, urged Muslims not be afraid to kill Ahmadis, Two other ulema on the programme supported him, inspired by the television programme, where after a gang of six Islamism vigilantes found their way into Fazle Siddique, within twenty-four hours, The Vigilantes shot Dr Siddique eleven times, He was district President of the Ahmadiyya community Mirpur Khas, but Government did not take any action against the anchor who instigated to kill Ahmadi community member.

### **The law of Blasphemy and its effective on the Muslim and Non-Muslim**

Human Rights Watch (HRW) reported ‘Abuses are rife under the country's abusive blasphemy law, which is used against religious minorities, often to settle personal disputes. Dozens of people were charged with the offense in 2013. At least 16 people remained on death row for blasphemy, while another 20 were serving life sentences at time of writing (January 2014).<sup>1</sup>

As reported by Agenzia Fides: ‘According to the data collected by an NGO network in Pakistan “Awaz-e-Haq Itehad” (AHI) and sent to Agenzia Fides, 1,438 people were accused of blasphemy between 1987 and October 2014. This data shows that religious minorities which form less than 4% of the population figure make about 50% of those accused of blasphemy (Ahmadis 501, Christians 182, Hindus 26 – the religion of 10 victims could not be ascertained). Among the 60 people who were killed in connection with blasphemy allegations since 1990: 32 were religious minorities and 28 Muslims. 20 of the total were either attacked in police custody or killed by policemen while 19 were killed in mob attacks.<sup>2</sup>

Target members of religious minority communities and dissenting Muslims and frequently result in imprisonment. During the reporting period, Muhammad Asghar was sentenced to death and Sajjad Masih was sentenced to life in prison. After the reporting period, in March 2014, a Pakistani court sentenced Sawah Masih to death for blasphemy. In April 2013, Younis Masih's blasphemy conviction was overturned by the Lahore high court; he was released from prison after nine years in jail. Overall, USCIRF is aware of at least 17 individuals on death row and 19 more serving life sentences. Many others have been charged and await trial.

The US Commission on International Religious Freedom Annual Report 2013 stated that: ‘Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. Reportedly, more cases are brought under these provisions against Muslims than any other faith group, although the law has a greater impact per capita on minority religious faiths. While no one has been executed under the blasphemy law, the law has created a climate of vigilantism that has resulted in societal actors killing accused individuals.<sup>3</sup>

Two prominent Pakistani officials – Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti – were assassinated in early 2011 because of their opposition to Pakistan's blasphemy law. Christian Solidarity Worldwide reports that it ‘received deeply concerning reports that several key people involved in the case against four militants accused of assassinating Shahbaz Bhatti, Pakistan's Federal Minister for Minorities Affairs, have received death threats from militant Islamist groups [the Tehreek-e-Taliban Pakistan (TTP) and Lashkar-e-Jhangvi (LeJ)].<sup>4</sup>

Recently a student of namely Mashal Khan 23 years has been killed at Abdul Wali Khan University on the allegation of Blasphemy<sup>5</sup>. Another horrible incident taken place, which showed the state had been completely failed to protect its own people, he was taken from his hostel and dragged out and killed by the mob<sup>6</sup>, on the investigation it revealed that a fake account with his name was made in which blasphemous contents was posted, however he altered from his original account that he has nothing to do with that account and someone is using on his name<sup>7</sup>.

Since 2015, Bytes for All has been publishing regular research and policy briefs on the abuse of technology

<sup>1</sup> Human Rights Watch (HRW) <http://www.hrw.org/>, World Report 2014 – Pakistan, 21 January 2014, Religious minorities, <http://www.hrw.org/world-report/2014/country-chapters/pakistan>, date accessed 21 January 2014

<sup>2</sup> Agenzia Fides, ASIA/PAKISTAN - Blasphemy in Pakistan, data on victims: who will pay off all the suffering?, 14 November 2014, <http://www.fides.org/en/news/36763->

ASIA\_PAKISTAN\_Blasphemy\_in\_Pakistan\_data\_on\_victims\_who\_will\_pay\_off\_all\_the\_suffering#.VGyNJYH6\_ct,

<sup>3</sup> US Commission on International Religious Freedom <http://www.uscirf.gov/>, Annual Report 2013, April 2013, page 125, <http://www.uscirf.gov/sites/default/files/resources/Pakistan%202013%281%29.pdf>, date accessed 27 January 2014

<sup>4</sup> Christian Solidarity Worldwide, Pakistan: militants issue death threats to key people in Shahbaz Bhatti murder case, 11 February 2014, <http://dynamic.csw.org.uk/article.asp?t=press&id=1642>, date accessed 15 December 2014

<sup>5</sup> <https://www.dawn.com/news/1326729>

<sup>6</sup> <https://www.samaa.tv/pakistan/2017/04/mardan-lynching-postmortem-report-readied/>

<sup>7</sup> <https://www.geo.tv/latest/138141-Mashal-Khan-had-informed-of-a-fake-account-being-operated-in-his-name>



to target legitimate expression and religious freedom using blasphemy laws in Pakistan and elsewhere in Asia. These laws are being used by radicals and extremists to settle personal scores and advance retrogressive agenda. At least 65 people have been murdered over blasphemy allegations since 1990 and dozens more convicted of the crime are currently on death row in Pakistani jails <sup>1</sup>

### **Incompatibility with International Law**

Pakistan's blasphemy laws are incompatible with international human rights standards not only because they impose undue restrictions on freedom of expression, freedom of religion, and other human rights, but also because they are discriminatory in their effect. Moreover, they lack the necessary safeguards against abuse, providing no clear definition of what constitutes blasphemy, weak evidentiary standards for convictions in lower courts, and no men's rea (criminal intent) requirement this makes it possible for the laws to be exploited to persecute minorities or exact revenge in personal disputes. The blasphemy laws have also been invoked to instigate and justify sectarian or communal conflict, with allegations of blasphemy often serving as the trigger for mob violence that has in some cases been implicitly, if not explicitly, condoned by police and government officials. Pakistan formally ratified the ICCPR in June 2010, pledging its commitment to the treaty's protections.

### **Lack of Safeguards to Prevent Abuse**

Pakistan's blasphemy laws are routinely used to exact revenge, apply pressure in business or land disputes, and for other matters entirely unrelated to blasphemy. Critics ranging from academics to civil society activists and journalists have argued that in most instances, charges of blasphemy are leveled for ulterior motives the low evidentiary threshold required to register cases of blasphemy, coupled with the sensitive nature of the crime, and exacerbates the laws' potential for abuse. Until 2004, when a legal amendment began requiring a senior police official to conduct an investigation before arresting a suspect on blasphemy charges, an individual could be charged and arrested based solely on the accusation of a reliable person. In some cases, police officers may lack the resources necessary to carry out effective investigations. There have also been reports of a lack of willingness to investigate the allegations. Police officers have allegedly been harassed and intimidated by Islamic radicals who demand the arrest of suspected blasphemers regardless of whether the accusations have been substantiated. This kind of pressure was reported in the case of Robin Sardar, who was arrested on blasphemy charges in 2008. His accuser had tried to set up a shoe stall outside of Sardar's medical practice but was told to remove it. He then filed a complaint claiming that the doctor had blasphemed and threatened to burn down Sardar's house and kill his family if police did not arrest him. Sardar was then arrested and charged. According to the Asian Human Rights Commission (AHRC), a group of militants pressured police to detain the five Ahmadis, threatening to "close down the whole city and attack the houses of Ahmadi sect members. Intimidation by Religious extremists takes place at the trial stage as well. Lawyers who have refused to prosecute cases of alleged blasphemy have been harassed, threatened, and even subjected to violence. As a result, judicial officials have been known to take complaints of blasphemy at face value, demanding no investigation or critical assessment of the facts by authorities and effectively violating the rights policing belief, The Impact of Blasphemy Laws on Human Rights to a fair trial and due process. The serious punishments at stake in such cases make the procedural shortcomings even more problematic.

### **Freedom from Discrimination**

The overarching human rights violation resulting from Pakistan's blasphemy laws is discrimination based on religion or belief. The laws serve to legitimize discriminatory practices, enabling extremists and opportunists to use the forces of the state against members of minority faiths. As the Institute on Religion and Public Policy has argued, "they give the spirit of intolerance a means to an end. Moreover, the discrimination is multilayered. The laws as written are themselves discriminatory (specifically against Ahmadis), they are misused to target religious minority groups for their beliefs, and those facing blasphemy accusations encounter further hostility from society as a result of the stigma associated with the charge. As noted above, the ratio of Muslims to non-Muslims among blasphemy defendants illustrates the extent to which these laws are used to persecute religious minorities. Pakistan's minister for minority affairs, Shabazz Bhatti, has publicly argued that "the blasphemy law is being used to terrorize minorities in Pakistan. Ahmadis are the most affected, followed by Christians. However, Muslims are not exempt. Almost half of all blasphemy cases lodged over the last two decades have been against Muslims, including both Sunnis and Shiites. The Human Rights Commission of Pakistan (HRCP) reported in 2006 that while minority groups were often victims of false blasphemy accusations, "the number of instances in which [blasphemy laws] were abused to settle petty scores with other Muslims had risen sharply over the past years." Shiite Muslims are a religious minority in their own right, and they have faced periodic attacks and

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<sup>1</sup> <http://in.reuters.com/article/pakistan-blasphemy-idINKBN17G1DI> Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthonburi Road, Khlongton

threats by other parties. However, the use of blasphemy laws against Sunni and Shiite Muslims does not appear to be based on sectarian differences so much as personal disputes. Regardless of the motives behind their charges and the outcome of their cases, those accused of blasphemy are subject to job discrimination, ostracism from their communities and neighborhoods, and even physical violence and murder at the hands of angry mobs, forcing many to live in fear. The case of Anwar Masih, a Christian in Lahore who was charged with blasphemy in 2003, provides an example of such stigmatization. In 2004, following his trial proceedings, Masih was acquitted of all charges and released from jail, but he was forced to go into hiding as a result of death threats. In 2007, he was fired from his job at a factory, reportedly because his employer was threatened by religious extremists for hiring a blasphemer. According to the NGO International Christian Concern, Masih was then compelled to move from village to village out of safety concerns, and faced serious difficulties in finding employment.

### **Freedom of Religion**

Although Pakistan was created as a state for Muslims, it was not an Islamic state at the time of its independence in 1947. The country's founding father, Mohammed Ali Jinnah, emphasized the importance of freedom of religion in his speech to the opening session of the Constituent Assembly of Pakistan: "You are free; you are free to go to your temples, you are free to go to your mosques or to any other place or 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.... We are starting in the days where there is no discrimination, no distinction between one community and another, no discrimination between one caste and creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State." In today's Pakistan, however, intolerance is endorsed and even encouraged by stringent laws that discriminate against religious minorities and even criminalize the religious practices of the Ahmadiyya community. Because the blasphemy laws are so open to abuse and are disproportionately A freedom house special report Pakistan used to target religious minorities, members of minority faiths are unable to practice openly and freely without fear of persecution. However, while Shiites are a minority, they are a significantly larger one than the Christians, Hindus, Ahmadis, and other groups, and they do not appear to face the same degree of discrimination as the others when it comes to the blasphemy laws. Shiites are sometimes prosecuted in cases instigated by Sunnis, but in many instances the laws are invoked by fellow believers in the context of personal disputes. There are a few particularly notable blasphemy cases involving non-Sunni Muslim defendants. In 1998, Ghulam Akbar, a Shiite, was arrested and convicted of blasphemy at a Sunni-owned restaurant in 1995. He received a mandatory death sentence, reportedly making him the first Muslim to face this penalty for blasphemy. He appealed the verdict but remains in jail while his case makes its way through the courts. In another case, Sufi Muslim spiritual leader Mohammed Yusuf Ali was convicted of blasphemy in 2000. His religious teachings were deemed by Islamist groups to be "working against Islam." In 2002, Ali was shot dead in Lahore's Kotlakpat Jail, where he was awaiting his death sentence. His killer was identified as a member of the banned Sunni group Sipah-e-Sahaba, which has been responsible for numerous attacks on non-Sunni Muslims. While Pakistan's blasphemy laws affect the religious freedom of all minority groups, Ahmadis are singled out in Articles 298(A) through 298(C), which equate Ahmadi beliefs and practices with blasphemy against Islam. These provisions are frequently referred to as the anti-Ahmadi laws. Though they consider themselves to be Muslims and worship accordingly, Ahmadis are explicitly barred from referring to their places of worship as mosques or worshipping in any non-Ahmadi mosques or public prayer rooms. Similarly, they are prohibited from using the Muslim call to prayer, quoting the Quran, participating in the pilgrimage to Mecca or the activities associated with the holy month of Ramadan, proselytizing, holding gatherings, or distributing any Ahmadiyya-related literature. Moreover, an individual's religion must be identified on all government forms, such as passport applications and voter registration documents, and there is no Ahmadi option. Anyone wishing to be listed as Muslim is required sign a declaration denouncing the founder of Ahmadiyya. Human Rights Watch has concluded that "the persecution of the Ahmadiyya community is wholly legalized, even encouraged, by the Pakistani government." In a seminal case in 1993, the Pakistani Supreme Court upheld the anti-Ahmadi policing belief: *The Impact of Blasphemy Laws on Human Rights* legislation, arguing that if an Ahmadi were allowed to worship in public as a Muslim, he would be exposed to extremist violence. The court asked, "Can the administration in that case guarantee his life, liberty and property, and if so, at what cost?" Many members of the Ahmadiyya community have been arrested under the anti-Ahmadi laws, and they face extralegal persecution even if charges are dropped or they are released on bail. For example, according to the U.S. State Department, in January 2008 an Ahmadi in Punjab was arrested on charges of distributing Ahmadiyya-related pamphlets. He was granted bail three months later, but received a series of death threats and was forced to leave the area.

### **Freedom from Torture and Cruel, Inhuman.**

Degrading Treatment & Right to Life and Security of the Person Pakistan's human rights record is marred by

numerous reported incidents of abuse that amount to violations of the prohibition on torture and other cruel, inhuman, or degrading treatment. According to Human Rights Watch, “torture by Pakistan’s police and the military’s intelligence services continues to be routine. Individuals accused of blasphemy are not exempt from this pattern, and some have alleged that they were tortured or mistreated in detention, either by fellow inmates or by police and prison guards. Security forces have also allegedly stood by while extremist vigilantes took blasphemy accusations into their own hands. The newspaper Dawn has reported that 32 people accused of blasphemy were the victims of extrajudicial killings between 1984 and 2004. In July 2009, Imran Masih (also reported as Imran John), a shopkeeper in Faisalabad, was accused by a neighboring shopkeeper of burning pages of the Holy Quran and desecrating it. After the accuser informed nearby vendors, they proceeded to beat and torture Masih. Police then arrived at the scene and arrested Masih for blasphemy. None of his attackers were detained. Masih was found guilty and sentenced to life imprisonment in January 2010. In another incident, A Hindu Pakistan factory worker Jagdish Kumar was beaten to death in April 2008 by co-workers claimed as blasphemous act. Police were summoned but did little to intervene or protect Kumar. The three leaders of the attack were arrested—not for murder, but for failing to report a case of blasphemy. Some policemen were eventually suspended for their lack of action in the incident. In July 2010, two Christian brothers accused of blasphemy were shot and killed as they were leaving a hearing at a Faisalabad courthouse. They were accused of writing a pamphlet that was against Islamic values, but church supporters, government officials, and the Pakistan Minorities Democratic Foundation said it appeared that the men had been set up. Their deaths sparked violent clashes between Muslims and Christians in their community. The death of another blasphemy suspect, Robert Fanish (also reported as Robert Danish and Fanish Masih), took place in police custody. Fanish, a Pakistani Christian, was arrested on blasphemy charges in August 2009. On September 15, the 22-year-old was found dead in his cell in the Sialkot Central Jail. The death was initially reported as a suicide by hanging, but many questioned this assessment, and witnesses reportedly stated that Fanish’s body bore signs of torture. Shahid Masih and Mohammad Ghaffar, the two men who were falsely accused of blasphemy after their accuser’s theft complaint was rejected for lack of evidence, were also allegedly tortured while in police custody. In July 2010, two Christian brothers accused of blasphemy were shot and killed as they were leaving a hearing at a Faisalabad courthouse. They were blasphemy-related vigilante violence in the town of Gorja, Punjab province, in August 2009 resulted in the destruction of more than 50 houses. At least seven Christians were burnt alive in the attacks, and 18 others were injured. The assault was first reported to have been triggered by allegations that some Christians had desecrated the Quran. However, according to the HRCP, which investigated the incident, the violence was planned in advance, police were aware of it, and the blasphemy allegation was simply a pretext. Several days before the attack, announcements made from mosques in the area reportedly called on Muslims to “make mincemeat of the Christians.” The HRCP’s investigation also showed that the violence was organized and methodical, that perpetrators were well equipped with gasoline and other flammable chemicals, and that a police contingent in the area did nothing to prevent or stop the assault. A government inquiry similarly concluded that police and local officials had failed to take any preventive action or intervene once violence broke out. : The Impact of Blasphemy Laws on Human Rights caused of writing a blasphemous pamphlet and material against Islamic values, but church supporters and the Pakistan Minorities Democratic Foundation said the men had been set up and arrested on trumped up charges. Detained blasphemy suspects face other forms of cruel, inhuman, and degrading treatment. Several have reported being held in solitary confinement, allegedly for their own safety. Younus Shaikh has written about his experience as a death-row inmate convicted of blasphemy: “I was held in solitary confinement, in a very small death cell in the Central Jail, Rawalpindi, a dark and dirty death cell.... I remained constantly under threat of murder by Islamic inmates in jail for murder and gang rape, and by some religiously-minded prison wardens.” Parvez Masih said he was held in a six foot by four foot cell that reached temperatures of over 120 degrees Fahrenheit. The prolonged detention of individuals accused of blasphemy coupled with the threat of being sentenced to death, or with an actual sentence of death, may also amount to cruel, inhuman, and degrading treatment. In UK, the European Court of Human Rights ruled that extraditing an individual to the United States, where he would most likely be sentenced to death, would amount to a breach of Article 3 of the European Convention on Human Rights because of the lengthy and complex post sentencing procedures involved. The court stated that as a result, “the condemned prisoner has to endure for many years the conditions on death row and the anguish and mounting tension of living in the ever-present shadow of death.” As described above, individuals facing death sentences in Pakistan for blasphemy have been detained for several years during the trial and appeals process. Conclusion Pakistan’s blasphemy laws foster an environment of intolerance.

## Conclusion

Pakistan is a multi-religious, multi-cultural, multi-linguistic and multi-ethnic society. The number of all non-Muslim minorities residing in Pakistan. These minorities are: Christians, Hindus, Sikhs, Ahmadis and scheduled castes. A major part of minority population is poor, illiterate, thus socially and economically marginalized. The

constitution of Pakistan does not explicitly recognize the national and ethnic minorities, in spite that it refers to religious minorities at quite a few places. There are a number of regulations and policies concerning; syllabus for education institutions, government controlled media, concession for the inmates in jail, admissions and filling vacancies that are based on biases for religious minorities. The properties belonging to minorities' places of worship, shrines, graveyards, trusts etc. are being grabbed.

Girls belonging to minority communities are abducted and forcibly converted to Islam and state machinery often denies them justice. The personal laws of minorities need thorough review as they are a source of human rights abuses. The minorities' lives and properties are threatened as a reaction to events abroad. When the Babri Mosque was demolished in India many temples and churches were demolished in Pakistan. The institutions of the Christian community came under intense attacks after the September 2001 events.

The founder of Pakistan Quaid-i-Azam Muhammad Ali Jinnah said, there should be no discrimination only due to faith of one person, his/her qualities may come first. Government had pleased to announce 5 % Quota for the jobs for the minorities but it's not in implement and take measure for the, rights due to be given to the minorities communities, The minorities communities is quite proud of Pakistan in the history of Pakistan, They made their presence felt in education, trade and arts, since the independent minorities communities have lived peacefully.

Pakistan's blasphemy laws foster an environment of intolerance and impunity, and lead to violations of a broad range of human rights, including the obvious rights to freedom of expression and freedom of religion, as well as freedom from arbitrary arrest and detention; the right to due process and a fair trial; freedom from torture and cruel, inhuman, and degrading treatment; and the right to life and security of the person. The country is unique in the severity of abuses arising from the application of its blasphemy laws, and in the frequency with which the laws are invoked to prosecute individuals and justify vigilantism. The overall effect is a serious erosion of the rule of law itself, with police and courts seemingly a freedom house special report Pakistan at the mercy of religious extremists and other extralegal forces. Basic injustices are meted out not just too religious minorities and Muslims with dissenting views on Islam, but also to ordinary people whose personal disputes, opinions, or weaknesses make them ready fodder for the broader conflicts that trouble Pakistani society.

### **Suggestions**

1. The government should constitute two independent and permanent Commissions for human rights and the other for Minorities, with the powers of a Tribunal, which can entertain complaints and a timely redress can be provided.
2. An impartial and independent Commission should be constituted to study the situation of religious minorities and make recommendations to the Government of Pakistan.
3. UN Special Rapporteur on Religious Tolerance should be invited by the government of Pakistan to observe the state of affairs with regard to her mandate and the progress on recommendations made by the former Special Rapporteur after his visit 1995.
4. The government should take measure to deal such sensitive matters, a preliminary inquiry may be conducted by the Senior Police Officer before registration of the case.
5. Law may be passed that if complaint is false, rigorous punishment should be awarded to the complainant.
6. Until the complete repeal of Blasphemy Laws, an inquiry Commission should be constituted on urgent basis to assess the impact of blasphemy laws in the country and report it to the Parliament as well making recommendations to address the issue of the abuse of religion and law.
7. It must be ensured that all (ethnic, religious) minority communities are carefully listed and properly represented in the census data. Moreover a separate data should be made available to enable assessment of their economic, social and civic conditions e.g. employment, representation in public, civil, judicial services, housing and ownership
8. Accused of blasphemy may be kept separate from the normal accused, and measure may be taken for their safety and their lives, a number of blasphemy accused have been killed by the Police staff who take the custody accused or associate accused, also government should take strict steps against who take law into hands on the pretext of religion.
9. Census data should be categorized into ethnic, religious, linguistic and cultural minorities, women, indigenous people and disabled persons.
10. Census data should show the employment status, literacy rate, living conditions (Housing, Civic ownership), life expectancy, mortality rate and per capita income to guide the development focus of Governmental and Non-Governmental bodies.
11. Government should ban and pass law against such anchors and self-made scholars who always issue fatwas against the other, also government should strengthen the Islamic Judicial Council announce that only Islamic Judicial Council can issue fatwas etc.
12. Government of Pakistan has been pleased to minorities communities issued notification of the Quota in the



- jobs , but Government should take measure to implant to give proper rights to the minorities communities
13. Government may manage a proper environment for the Courtroom and provide adequate security to the Judges, lawyer and the accused, when such serious nature cases are taken up and those people who are not concerned with the case, may not be allowed to enter in the court room.
  14. Affirmative measures should be taken to provide economic relief to all minorities through reservations of seats (quota) in Colleges, Universities and Government jobs at all levels, according to the principles of social justice.
  15. The speech of Quaid-e-Azam Mohammad Ali Jinnah to the Constituent Assembly on August 11, 1947 should be made part of the Constitution and the multi-religious, multi-cultural status of the Pakistani Society be acknowledged in the constitution.
  16. Family or personal laws for religious minorities in Pakistan should be reviewed by a competent and representative Review Commission to check injustices against minority citizens through abuse of these laws and procedures, to see that these personal laws comply with human rights standards and prevent the overriding effect of the personal law of the majority community.
  17. The Government should sponsor a training / awareness campaign on the personal laws and customs of religious minorities for the subordinate judiciary and prosecution officers. Police training should include a course on the problems of religious minorities in order to sensitize them to be able to handle gross injustices to the minorities.
  18. Syllabus should be free from all kinds of biases and discriminations.
  19. In other subjects, where religion is mentioned, it should not promote discrimination on the basis of religion, gender and ethnic. Instead strengthen global peace and inter-religious relations.
  20. The curriculum should be designed to impart modern scientific knowledge and the vision for a society based on principles of justice and fair play.
  21. The Government should provide an equal ground for all religious communities in the media, education and other spheres of national life for propagation of their faith.
  22. The Government should take firm steps to improve law and order. The police and administration should be more careful and efficient in providing protection to the minorities and their institutions.

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