



All-Party Parliamentary Group for
the Pakistani Minorities

All Party Parliamentary
Group for International
Freedom of Religion or Belief



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

Authors:

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

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

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



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Authors:

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

Cover Photo:

Parliamentary Delegation (Lahore 30 September 2018).

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

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

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LETTER FROM THE CHAIRMAN



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

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

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

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

Jim Shannon MP

Chair, APPG for the Pakistani Minorities

Chair, APPG for International Freedom of Religion or Belief



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FOREWORD

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



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

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

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

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



ABBREVIATIONS

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



EXECUTIVE SUMMARY

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

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

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

The Pakistan Government

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



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

The National Assembly

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



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

The Provincial Governments

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



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

Ministry of Human Rights and the Ministry of Law and Justice

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



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

Ministry of Education

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



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

The Council of Islamic Ideology

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

The Governor of the Punjab

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



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

Punjab Ministry for Human Rights and Minorities Affairs

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



The Lahore High Court

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

The Law Commission of Pakistan

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

Punjab Directorate of Human Rights

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



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

International Islamic University Islamabad

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



The British Government

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



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