

## **Submission**

### **For the Universal Periodic Review of the human rights situation in Pakistan**

#### **To the Human Rights Council**

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UPR fourth cycle

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**Centre for Legal Aid  
Assistance & Settlement**

CLAAS-UK  
P O Box 81  
Southall  
Middlesex  
UB5YQ

[www.claas.org.uk](http://www.claas.org.uk)

## Introduction

CLAAS (UK) is a human rights organization dedicated to fighting persecution of religious minorities in Pakistan. CLAAS (UK), together with CLAAS (Pakistan) provide free legal aid and other support to victims and their families who have been wrongly accused or treated unfairly because of their faith. CLAAS (UK) is also concerned with women and children's rights and gives shelter to women and girls who have been kidnapped, raped, forcibly converted to Islam and forcibly married.

Apart from legal aid and practical support and assistance, CLAAS (UK) advocates on their behalf and raise awareness through local and international campaigns for the abolishment or revision of unfair laws and policies that violate the Freedom of Religion and the Rights of Religious Minorities.

CLAAS (UK) welcomes the opportunity to contribute to the Human Rights Council's fourth Universal Periodic Review (UPR) of Pakistan.

This submission will review the scope of Pakistan's international legal obligations and analyse the implementation of recommendations related to freedom of religion and the rights of religious minorities from Pakistan's Universal Periodic Review (UPR) in 2008, 2012 and 2017.

In this submission, CLAAS (UK) raises concern about the following issues:

- a) Violent attacks against religious minorities
- b) Blasphemy laws
- c) Forced conversion of women and girls belonging to religious minorities

With respect to each of the above-mentioned concerns, CLAAS calls upon the Working Group on the UPR and the Human Rights Council to make a number of recommendations to the authorities in Pakistan.

## Background

Pakistan is a signatory to the Universal Declaration of Human Rights which states that the right to freedom of religion includes the right to change one's religion and that no one shall be subject to coercion to change their religion.

Pakistan ratified the International Covenant on Civil and Political Rights on 23 June 2010 and submitted a communication to the Secretary General on 20 September 2011 stating

“that it had decided to partially withdraw the reservations, made upon ratification, to articles [18 and 19] of the Convention.”<sup>1</sup>

Pakistan is a party to the Convention on the Rights of the Child (CRC) since 1990. The last report was submitted by Pakistan to the Committee on the Rights of the Child in 2014. In its concluding observations, the Committee noted the existence of a sectarian violence targeting children from religious minorities and forced conversions and urged Pakistan to protect the freedom of religion of all children.<sup>2</sup>

Pakistan is also a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and submitted its last report in 2018. The Committee noted with concern during the fifth periodic report the persistence of discriminatory stereotypes faced by women and girls belonging to religious minority groups, in particular Ahmadi, Christian, Dalit, Hindu, Roma, scheduled caste, Sheedi and Sikh women and girls, who are sometimes the victims of abduction and forced conversion.<sup>3</sup>

Despite these commitments, legal and institutional barriers continue to prevent Pakistan from achieving and maintaining its human rights obligations regarding freedom of religion and belief and freedom of expression, particularly as these obligations pertain to the rights of religious and ethnic minorities.

## Recommendations from previous UPR Cycles

The Government of Pakistan rejected all the recommendations made during previous UPR Cycles of Pakistan (2008 and 2012), about “establishing (principle and practices) of non-discrimination”, “to foster religious tolerance and peace” and “repeal or amendment to blasphemy laws”.

In the third UPR cycle in 2017, Pakistan received 289 recommendations in total, including a number on freedom of religion (D42). At least two recommendations were on the need to protect religious minorities from forced conversions and twelve on the need to repeal or replace blasphemy laws. However, Pakistan noted all these recommendations, preventing the State to ensure accountability to adopt measures to prevent the abuse of blasphemy laws, and halt forced conversions.

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<sup>1</sup> United Nations Treaty Collection (n.d.). “[International Covenant on Civil and Political Rights](#)”. 36.

<sup>2</sup> Committee on the Rights of the Child (2016). “Concluding observations on the fifth periodic report of Pakistan”. Convention on the Rights of the Child, CRC/C/PAK/CO/5.

<sup>3</sup> Committee on the Elimination of Discrimination against Women (2018). “[Fifth periodic report submitted by Pakistan under article 18 of the Convention, due in 2017](#)”. CEDAW/C/PAK/5.

Since 2017 religious minorities have faced sharply increased insecurity and persecution as described in the following sections.

## Violent attacks against religious minorities

Despite the fact that Pakistan constitution guarantees the minority rights to freely practice their religion, religious minorities face discrimination in both law and practice. Terrorist attacks targeting religious minorities are frequent in Pakistan. Bomb blasts and mob attacks on Christian villages have increased in recent years. An example of recent terrorist attacks against Christians happened in 2018, when the Islamic State claimed responsibility for killing four members of a Christian family in Quetta (Balouchistan).

There are concerns among the Christian community that the Taliban's take-over of Afghanistan will trigger extremist incidents aimed at Christian and other minority faith communities. Churches across Pakistan have stepped up security in response to the threat of terrorist attacks following the Taliban's return to power in neighbouring Afghanistan. However, this is not the solution to stop the frontal attack on religious minorities by extremists.

The problem with the increase in attacks on religious minorities is the knock-on effect it has on the population, as more and more people become radicalised and become participants in the persecution of religious minorities, causing the level of insecurity for religious minorities to increase even further. This increase in attacks on religious minorities encourages internal displacement, with people fleeing death threats if they do not convert to Islam, among other issues.

## Blasphemy laws

Blasphemy laws are found in Articles 295 through 298 of the 1860 Pakistan Penal Code, Section XV. They assign death or life imprisonment sentences to blasphemy cases and Article 295-C makes death penalty mandatory for individuals convicted of insulting Prophet Mohammad (PBUH). These provisions are against Pakistan's obligation to respect, protect and fulfill the rights of freedom of thought, conscience and religion, and freedom of expression as enshrined in Articles 18 and 19 of the ICCPR, respectively. Concerns about the misuse of blasphemy have been raised for years now by United Nations human rights mechanisms and international human rights organizations, who have all observed that Pakistan's offences against religion violate its obligations under international human rights law and have urged that Pakistan repeal or radically amend them, as they target religious minority groups.

Since promulgation of blasphemy laws, these oppressive and frequently misused provisions have been used as tools of revenge in personal conflicts, to target religious minorities and to oppress political opponents or critical voices. The situation of Pakistan continues to deteriorate as the government has enforced blasphemy laws and failed to protect religious minorities in the last years, exacerbating existing religious divides and thus fomenting a climate of religious intolerance, violence and discrimination, targeting vulnerable minority groups in the country, including Shias, Ahmadis, Hindus and Christians.

The misuse of these laws remains problematic today as shown by recent cases in which blasphemy laws are used as a tool to seek revenge in personal conflicts, to target religious minorities and as a tool to oppress political opponents or critical voices, putting in jeopardy the lives of the accused and their families, members of their communities, judges and lawyers and everyone that tries to seek justice.

According to data collected by the Legal Aid Society in Karachi, at least 53 people have been unlawfully killed since 1953 in relation to blasphemy allegations, including not only those accused of committing blasphemy, but also members of their communities, their lawyers, as well as politicians who had called for amendments to the law, such as Punjab Governor Salman Taseer or Minister Shahbaz Bhatti.

- One of the latest examples happened in February 2021, when Tabitha Nazir Gill was attacked, tied and tortured by colleagues at the Sobhraj Maternity Hospital in Karachi because of false accusations of blasphemy after challenging a co-worker for accepting money from a patient.
- Similarly, a recent case that shows the misuse of blasphemy laws against minorities happened earlier in 2021 in Lahore, when Muslim nurses took over the Church of the hospital and threatened their Christian colleagues with filing blasphemy cases against them if they failed to raze it and convert to Islam.
- Priyantha Kumara Diyawadana a Sri Lankan man was lynched by a mob on 3 December 2021 in Sialkot, Punjab, over allegations of blasphemy.
- On 8 June, the Lahore High Court upheld the death penalty of two Christian brothers, Qaiser Ayub and Amoon Ayub, in a blasphemy case. They were accused of posting blasphemous contents on the internet; in June 2011.
- On 4<sup>th</sup> July 2022, Ashfaq Masih has been sentenced to death for blasphemy.

Individuals charged with blasphemy are often victims of impediments, prejudices and dangers that contribute to unfair trials, due to the lack of independence and impartiality of judges and lawyers and the scarcity of accountability and disciplinary mechanisms within

the judiciary and the bar.

## Abductions, forced conversions and forced marriages of women and girls belonging to religious minorities

Pakistan does not have laws to prevent forced conversions. In November 2016, a bill against forced conversion and forced marriages was passed unanimously by the Sindh Provisional Assembly. However, the bill failed to make it into law as religious parties objected to an age limit for conversions and threatened to besiege the assembly if the bill received approval of the governor, who then refused to sign the bill into law.

In 2019, a revised version of the bill was proposed by Hindu politicians in the Sindh assembly but was turned down due to the opposition of religious parties.

In 2020 "Protection of the Rights of Religious Minorities Bill" was introduced in the Senate of Pakistan that could prevent forced conversions of minority girls, but it was turned down by the Senate Standing Committee on Religious Affairs and Interfaith Harmony chaired by Jamiat Ulema-e-Islam (F) (JUI-F) senator Abdul Ghafoor Haideri. The Krishna Kumari Kolhi, Pakistan People's Party (PPP) Senator, walked out of the Senate during the meeting as a form of protest.

A key achievement of the National Assembly was the approval of the Zainab Alert, Response and Recovery Act on 10 March of 2020. The act was expected to help curb crimes against children through a prompt response mechanism. The Zainab Alert applies to every child (anyone who has not attained the age of eighteen years at the time of commission of an offence or when reported to be missing or abducted). It creates an agency (called ZARRA) with resources and procedures aimed to response to claims of missing and abducted children.<sup>4</sup> As of 2022, CLAAS has not identified a case where this mechanism was effectively implemented.

According to human rights organisations hundreds of Hindu, Sikh, Christian women and girls are abducted and converted every year and some organisations estimate that the number is higher than 1,000 per year. The National Council of Churches in Pakistan (NCCP) has recognised that the number of abductions of women and girls belonging to religious minorities is increasing. This means that girls and young women, primarily from Hindu and Christian communities, are being abducted, raped, forcibly converted to Islam, and then

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<sup>4</sup> National Assembly Secretariat. "[Zainab Alert, Response and Recovery Act 2020](#)". Section 3. The Gazzete of Pakistan.

married to their abductors, often under alleged coercion.

- In March 2022, Merab, a 15-year-old Christian from Karachi, was abducted in Orangi Town.
- In February 2022, Mariam, 18, was abducted in the same area as she made her way to the training facility at Baqai Hospital.
- Also in 2022, Persicla, a 15-year-old Christian girl was kidnapped in front of her parents in her house in Sumundhari, in Faisalabad.
- Earlier in 2021 Reena, a 16-year-old young Christian girl from Jaranwala, was abducted, then drugged, tortured, and raped when she refused to convert to Islam.
- Naila Javed was 14 years old when she was abducted but was lucky as she could escape before being forcibly converted and married.
- Neha Afzal was not that lucky and has been forcibly converted and married for three years now after being abducted when she was a child.
- Farah Masih was just 12 when she was kidnapped in June 2020 by a 45-year-old man who forced her to convert to Islam and marry him.
- In 2019, Huma Younus, 14-year-old Christian girl from Karachi was kidnapped, forcibly converted to Islam and married off to her abductor Abdul Jabbar.
- In 2019, Chandri Kolhi, an Hindu girl from Noukot, Mirpurkhas, was allegedly abducted, converted and married to Allah Dino.
- In 2019, Jagjit Kaur, a Sikh girl was abducted and forcibly converted to Islam in Nankana Sahib.
- In 2019, a 13-year-old Pooja Sotahar Kumari, resident of village Bakhsho Laghari was kidnapped, forcefully converted and subsequently married off to a man identified as Syed Irshad Shah.

CLAAS receives cases like these regularly. These are just a few examples that show the tip of the iceberg of the reality faced by religious minority women and girls in Pakistan.

According to information collected by CLAAS-UK the abduction is the beginning of a series of human rights violations suffered by girls and women belonging to religious minorities. There is in place a network of actions that facilitate the abduction by complicit acquaintances, relatives or men looking for brides, and the following rapid conversion and marriage of women and girls.

After being kidnapped, girls and women are taken to religious institutions where they are converted to Islam against their will. Most of the times the conversion is already prepared and the age of maturity of the victim or the fact that she has been abducted is not

considered.

After being forcibly converted to Islam, girls and women are married to strangers against their will and under duress. Even though the laws prohibit the marriage of girls under the age of 16 (18 years in Sindh province) and that in 2017 the prohibition of forced marriages was introduced in the Penal Code (Section 498-B), these continue to happen under the Sharia law, which states that girls reach maturity when they have their first menstrual cycle and are therefore adults capable of making decisions.

Despite allegations of kidnapping by families, police authorities help the suspects and refuse to investigate the facts. Families cannot see their daughters during the process and sometimes they never see them again. Besides, the abduction, conversion and forced marriage of women and girls from religious minorities often hide the reality that in many cases women and girls are condemned to a life of sexual abuse and rape by their husbands, or they are sold and trafficked into prostitution.

Forced conversions have thrived unchecked on a money-making web that involves Islamic clerics who solemnize the marriages, magistrates who legalize the unions and corrupt local police who aid the culprits by refusing to investigate or sabotaging investigations. This means that Christian girls and women are at extreme risk of becoming victims of this series of human rights violations. Most of the targets are young women and girls from poor families, being persecuted and captured on their ways to school.

Moreover, the police and judicial system are weak and corrupt, leaving families and victims with little recourse to face this type of actions that clearly discriminates against religious minorities. Police is biased in registration and investigation of forced conversions and forced marriages, and there are pressures to omit evidence. On the other hand, there is often harassment to victims and their families during court proceedings and families and victims who decide to report these injustices become the targets of other types of violence, such as the false accusation of committing blasphemy as described above. Another concern is that abducted women and girls remain in the custody of the abductor during the investigation and legal proceedings in most of the cases.

## Recommendations

- 1.** Ensure that national laws are consistent with international human rights obligations.



- 2.** Ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.
- 3.** Issue an invitation to the the UN Special Rapporteur on freedom of religion or belief to review Pakistan’s freedom of religion situation and to provide constructive feedback.
- 4.** Take effective action to tackle hate speech and incitement to violence, hostility and discrimination and afford better protection to religious minorities.
- 5.** Repeal and replace current blasphemy laws (Sections 295 to 298 of the Pakistan Penal Code) with provisions in conformity with Pakistan’s Constitution and the international human rights law instruments to which Pakistan is a party.
- 6.** Implement legislation to halt the practice of forced conversion to Islam of women and girls from religious minorities. including with respect to the right to freedom of religion or belief and the principle of legality. In order to avoid coercion, any person should be given a minimum of three months to learn and reflect. A detailed procedure should be established to ensure the voluntary nature of conversions. Moreover, the legislation regarding religious conversion of children must be compatible with the Convention on the Rights of the Child, including Articles 12 and 14, as well as the right of children to freedom of religion or belief under the ICCPR.
- 7.** Revise the Child Marriage Restraint Act to set the minimum age of marriage regardless of sex at 18 years across Pakistan and make the protection offered by the law more robust so tribunals cannot use Sharia Laws to allow child and forced marriages to happen.
- 8.** Ensure prompt, independent and impartial investigations into cases of blasphemy and forced conversions and forced marriages.
- 9.** Improve the formal justice system and establish accountability and disciplinary mechanisms within the judiciary and the bar to ensure compliance of their respective codes of conduct and the law.

- 10.** Ensure police and judges remain impartial and undertake comprehensive training on freedom of religion and human rights.
- 11.** Bring to justice anyone who has accused an innocent person of committing blasphemy.
- 12.** Pardon all those accused of blasphemy under the current legislation and protect the rights of victims and their communities.
- 13.** Guarantee access to compensations to victims of false accusations, violent attacks and forced conversions.
- 14.** Ensure adequate recovery and reintegration support for victims of false accusations, violent attacks and forced conversions.
- 15.** Integrate the civil, political, economic, social, and cultural rights of religious and ethnic minority groups within legal and judicial institutions at the federal, provincial, and municipal levels, in line with the provisions of the Constitution of Pakistan and international human rights obligations.