



HUMAN RIGHTS COMMISSION OF PAKISTAN



# A BREACH OF FAITH

FREEDOM OF RELIGION OR BELIEF IN 2021-22

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Freedom of religion or belief in 2021/22



Human Rights Commission of Pakistan

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# 1 Introduction

In its seventy-fifth year of independence as a modern state, Pakistan continues to relegate its religious minorities and sects to second-class status.<sup>1</sup> Where the role of Islam as the state religion is tied to the functions of the state, religious minorities confront faith-based violence, discriminatory legislation and social prejudice at the hands of state and nonstate actors. The Human Rights Commission of Pakistan (HRCP) has long advocated that all religious minorities and sects should enjoy the same rights and freedoms as Muslim citizens. To this end, it continues to lobby for the implementation of the landmark Supreme Court judgment handed down by Justice Tassaduq Jilani in 2014, which provides a comprehensive framework for realising the rights of religious minorities and sects, including the right to safely profess and practice their faith and to live as equal citizens, free of any faith-based discrimination in education and employment.

This report is part of an annual series documenting the state of freedom of religion or belief (FORB) in the country.<sup>2</sup> It looks specifically at rights violations that occurred in this context between July 2021 and June 2022, framing these incidents within Pakistan’s legal and sociopolitical framework. The report also seeks to assess the state’s response, which has, historically, fostered a climate of impunity for perpetrators of faith-based discrimination and a visibly shrinking space for religious freedom.

HRCP has observed with considerable alarm several developments during 2021/22 that belie the state’s commitment to FORB. The incidence of forced conversions in Sindh has remained worryingly consistent. Reports of religious minorities’ sites of worship being desecrated have continued, but with no response from the state when such incidents involve sites associated with the Ahmadiyya community. In Punjab, the mandatory declaration of faith for marriage certificates has further marginalised the

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<sup>1</sup> Muslims account for at least 96.2 percent of the population, according to the 2017 census carried out by the Pakistan Bureau of Statistics. Hindus constitute 1.6 percent; Christians, 1.59 percent, Scheduled Castes, 0.25 percent (with Scheduled Caste Hindus outnumbering upper-caste Hindus); Ahmadis, 0.22 percent; and ‘other minorities’, 0.07 percent of the population. Pakistan’s Shia Muslim community, while not counted as a religious minority in the census data, makes up an estimated 10–15 percent of the total population, but has become increasingly vulnerable to violence and victimisation at the hands of hardline Sunni groups.

<sup>2</sup> HRCP is grateful to Elaine Alam for drafting earlier versions of this report.

Ahmadiyya community, while attempts to enforce a standardised national curriculum have created an exclusionary narrative that sidelines Pakistan's religious minorities.

Section 2 outlines the international and domestic legal and policy framework pertaining to FORB. Section 3 documents violations of the right to FORB that occurred during 2021/22 in the form of hate speech, forced conversions, the misuse of Pakistan's blasphemy laws, institutionalised discrimination in education and employment, and violence against religious minorities' sites of worship. Section 4 provides recommendations to the state to address a way forward in terms of law, policy and practice vis-à-vis FORB in Pakistan.

## 2 Legal and Policy Framework Governing FORB

### *International and constitutional framework*

The fundamental right to FORB is recognized by a number of core international human rights instruments, including Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights; Pakistan is a signatory to both. These protect the right to freedom of thought, conscience and religion, to change one's religion or beliefs, and to practice one's faith freely in public and private places.<sup>3</sup> A somewhat more limited right to FORB is enshrined in Article 20 of the Constitution of Pakistan, which guarantees all citizens of 'any denomination or sect' the right to 'profess, practice and propagate' their religion and to 'establish, maintain and manage ... religious institutions', albeit subject to undefined notions of 'law, public order and morality'.<sup>4</sup>

### *The 2014 Jillani judgment and National Action Plan*

Recent legal judgements and policies have also emphasized the constitutional guarantee of FORB, notably the Supreme Court's 2014 judgment, which, among other directions, calls for the establishment of a national human rights institution for religious minorities (Box 1).<sup>5</sup> Additionally, the National Action Plan of 2014 provides for (i) meeting the employment quota for religious minorities in services, (ii) reviewing and revising discriminatory laws, (iii) reforming the curriculum to promote interfaith harmony, (iv) addressing the problem of forced marriages and conversions, (v) protecting religious minorities' sites of worship and (vi) providing them security during public religious festivals.

As of 30 June 2022, however, civil society activists have estimated that the federal and provincial governments have made less than 22 percent progress in implementing the Jillani judgment's directions, despite the formation of the Suddle Commission in 2018 to oversee its implementation

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<sup>3</sup> <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>

<sup>4</sup> [https://na.gov.pk/uploads/documents/1333523681\\_951.pdf](https://na.gov.pk/uploads/documents/1333523681_951.pdf)

<sup>5</sup> <https://www.refworld.org/pdfid/559e57644.pdf>



(following a public litigation case filed by HRCP), 28 follow-up hearings and 79 supplementary orders issued by the Supreme Court bench.<sup>6</sup>

### **Box 1: A historic judgment**

The seven-point judgement handed down by Justice Tassaduq Jilani in 2014 calls for:

- i. The formation of a taskforce to draw up a strategy on religious tolerance.
- ii. Appropriate curricula to be developed at school and college levels to promote a culture of religious and social tolerance.
- iii. The federal government to take appropriate steps to discourage hate speech against religious minorities on social media and for perpetrators to be held accountable under the law.
- iv. A national council for minorities' rights to be constituted to realise the legal and constitutional rights and safeguards provided to religious minorities.
- v. A special police force to be established to protect religious minorities' sites of worship.
- vi. The federal and provincial governments to implement policy directives regarding reserved quotas for religious minorities in all services.
- vii. Law enforcement agencies to take prompt action (including the registration of criminal cases) in all cases where the rights of religious minorities have been violated or their sites of worship desecrated.

### *A national commission for minorities*

The National Commission for Minorities was formed under the aegis of the Ministry of Religious Affairs and Interfaith Harmony in May 2020. As of end-June 2022, it consists of six official members: the chairman of the Council of Islamic Ideology, the secretary of the Ministry of Religious Affairs and one member each of the Ministry of Interior, Ministry of Law and Justice, Ministry of Human Rights and Ministry of Federal Education and Professional Training. In addition, it includes 12 non-official members, consisting of two Muslims, three Christians, three Hindus, two Sikhs, one Kalasha, and one Parsi.<sup>7</sup>

As a nonstatutory body, the commission has continued to receive criticism among human rights defenders for not reflecting the spirit of the Jilani judgment, which envisaged an autonomous national human rights

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<sup>6</sup> <https://www.balochistanvoices.com/2022/06/only-22percent-implementation-of-justice-jilani-judgment-after-eight-years/>

<sup>7</sup> [https://mora.gov.pk/SiteImage/Misc/files/20220228\\_List\\_of\\_NCM\\_Members\\_with\\_Additional\\_Letter.pdf](https://mora.gov.pk/SiteImage/Misc/files/20220228_List_of_NCM_Members_with_Additional_Letter.pdf)

institution with statutory powers and national jurisdiction.<sup>8</sup> Additionally, the Ahmadiyya community has still not been given the option of being part of the commission unless it is willing to accept ‘non-Muslim status’ while representatives of Pakistan’s Scheduled Castes have criticized the commission for excluding their community (see Box 2).

### **Box 2: Scheduled Caste Hindus in Pakistan: An overlooked minority**

There are approximately 40 Hindu castes in Pakistan, 32 of which were listed as Scheduled Castes under the November 1957 Presidential Ordinance of Pakistan. The majority of Scheduled Caste Hindus belong to lower castes, such as the Kohli, Meghwar, Bheel, Bagri, Balmaki, Jogi and Oad communities.<sup>9</sup> Unfortunately, the hierarchical structure of castes among religious minorities—and the social and economic implications of this—is widely ignored in Pakistan. This systemic dismissal of class and caste identification compounds the erasure of Scheduled Castes’ intersectional experience, which is rife with caste-based violence and discrimination, and translates into a profound lack of protections for the community.

Journalists and human rights defenders say that Scheduled Castes account for the majority of suicides in Thar, Sindh. In May 2022, 35-year-old Jheni Meghwar, a resident of Nagarparkar and a mother of five, hanged herself when she could no longer face the financial and social pressure exerted on her family by an influential doctor of the area, to whom the family was deep in debt. They had lost the small shop they owned during the Covid-19 lockdown and had no means of livelihood—and no one else to turn to.

Lawyer Sarwan Kumar Bheel, representative of the Bheel community, speaks openly about the suppression of his community at the hands of the state and privileged Hindus in Pakistan, particularly in Sindh. Following a complaint he lodged with the Suddle Commission in February 2022, the Supreme Court ordered the Sindh government to collect district-wise data on suicides among members of Scheduled Castes. The ensuing report estimates that 300 men and 290 women committed suicide from 2015 to 2021.<sup>10</sup>

It is pertinent to note that there is no representation of the Bheel community in the National Commission for Minorities or at any tier of government and public office.

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<sup>8</sup> In a press release issued on 9 May 2020, HRCP said it had ‘strong reservations’ concerning the formation of the commission ‘through a Cabinet decision based on a summary moved by the Ministry of Religious Affairs and Interfaith Harmony’, adding that ‘the proposed composition smacks of partisanship and, above all, as a non-statutory body, the commission is no substitute for the national council for minorities’ rights envisioned by the Supreme Court’s historic Tasadduq Jilani judgement of 2014.’

<sup>9</sup> [https://idsn.org/wp-](https://idsn.org/wp-content/uploads/user_folder/pdf/Old_files/asia/pdf/RR_Pakistan.pdf)

[content/uploads/user\\_folder/pdf/Old\\_files/asia/pdf/RR\\_Pakistan.pdf](https://idsn.org/wp-content/uploads/user_folder/pdf/Old_files/asia/pdf/RR_Pakistan.pdf)

<sup>10</sup> <https://voicepk.net/2022/06/investigative-report-2/>

### *Mandatory declarations of faith*

In a troubling development in March 2022, the Punjab cabinet approved an amendment to the West Pakistan Rules under the Muslim Family Laws Ordinance 1961 and included a clause making it mandatory for couples intending to get married to take an oath to testify their belief in the finality of Prophethood (PBUH).<sup>11</sup> Human rights defenders decried the move on the grounds that it was a crude bid to win over the right-wing vote bank, especially when the law and Constitution already contained provisions and clauses concerning faith. The injunction was seen as a means of creating a dangerous distinction between the already beleaguered Ahmadiyya community and wider Muslim population, leaving the former more vulnerable to discrimination and violence.

### *The heavy cost of standardizing education*

The Single National Curriculum (SNC) was introduced in August 2021, under the Pakistan Tehreek-e-Insaaf government. Made compulsory for students at the primary level across Pakistan, the SNC sought to rehaul the school curriculum across subjects and made the teaching of the Quran compulsory until Grade 5.<sup>12</sup> Critics have argued that the SNC is at odds with critical thinking and mutual acceptance because it seeks to homogenize Pakistanis by imposing a unified meta-culture that denies the validity of other cultures and faiths. In September 2021, the Sindh government refused to adopt the SNC, pointing out that education was a provincial subject and terming the SNC ‘curriculum martial law’.<sup>13</sup>

The first phase of the SNC was launched in grades 1 to 5 in August 2021. Journalists have noted the seemingly pointless degree of religious content in secular subjects such as English, science, social studies, maths and Urdu. The bulk of the content panders, subtly or otherwise, to the majoritarian hardliner narrative.<sup>14</sup> The SNC is also seen as an attempt to subdue any discussion on madrassah reforms, as mandated by the National Action Plan, and instead sets lower standards for mainstream education rather than regularising and reforming madrassah education.

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<sup>11</sup> <https://www.dawn.com/news/1677767>

<sup>12</sup> While non-Muslim students are given the option of exemption, they are provided no alternative.

<sup>13</sup> At the time of writing, the Sindh government had chosen to become part of the curriculum, renamed the National Curriculum of Pakistan in October 2022.

<sup>14</sup> What is in the Single National Curriculum books? In-depth data analysis of the syllabus - The Current

### 3 Violations of the Right to FORB

#### *Attacks on religious minorities and sects*

At least two attacks on the Christian community occurred during 2021/22. In September 2021, several people were injured when two people, armed with military-grade weapons, opened fire on the Hope Church of Pakistan in Lahore during a Sunday service.<sup>15</sup> Four months later, in January 2022, a Christian priest, William Siraj, was gunned down on his way back home from a church in Peshawar; another cleric accompanying him was injured. The perpetrators, two men on a motorbike, fled the scene.<sup>16</sup>

In one of the deadliest attacks on a religious minority sect since 2020, a suicide bomb attack in a Shia mosque in Peshawar in March 2022 left at least 62 people dead and almost 200 people injured. The explosion occurred as worshippers had gathered in the Kucha Risaldar mosque for the Friday prayer. The militant Islamic State group claimed responsibility. Despite an emergency meeting called by the provincial government, the perpetrators were not held to account, prompting sections of the press to say that the national security apparatus was clearly unprepared for what appeared to be escalating extremist violence.<sup>17</sup> It is worth noting that a grand rally organised in Karachi in January 2022 by the Ahle Sunnat Wal Jama'at—commonly seen as a front for the proscribed extremist group, Sipah-e-Sahaba and known for its often violent anti-Shia stance—was allowed to assemble and given state protection.<sup>18</sup>

#### *Forced conversions: Targeting the young and vulnerable*

In 2021 alone, around 60 cases of forced conversion were reported in the local media, of which 70 percent were girls under the age of 18.<sup>19</sup> According to HRCP's records for Sindh, where the organization monitors this practice closely, at least ten cases of alleged forced conversion were reported in the second half of 2021 and 11 cases in the first half of 2022 (Annex 1). As

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<sup>15</sup> <https://www.asianews.it/news-en/Attack-on-a-Lahore-Pentecostal-church-leaves-several-people-injured-54021.html>

<sup>16</sup> <https://www.dw.com/en/pakistan-gunmen-shoot-dead-christian-priest-in-peshawar/a-60604509>

<sup>17</sup> <https://www.dawn.com/news/1678412>

<sup>18</sup> <https://dailytimes.com.pk/890035/new-years-dawn-no-different-for-shia-community-as-they-continue-to-be-persecuted-for-propagating-their-beliefs-in-pakistan/>

<sup>19</sup> <https://tribune.com.pk/story/2337961/forced-conversion-cases-spiked-in-2021-activist>

HRCP has often observed, forced conversions occur disproportionately among young (even underage) girls from low-income families in the Hindu and Christian communities, their vulnerability compounded by their gender and class.

The bulk of forced conversions occur in Punjab and Sindh, which account for a larger population of Hindu and Christian households. Many such cases follow a similar pattern—a minor girl from either the Hindu or Christian community abducted and coerced into converting to Islam, often followed by a marriage sans consent to her assailant or captor, one that she is too young or too vulnerable to fully understand the implications of.<sup>20</sup>

Several instances reported in the media illustrate why it is difficult to establish informed consent in cases where young, vulnerable victims are likely to have been inveigled or intimidated into religious conversion and marriage. In one case, Sonika, a Hindu girl from Larkana, went missing in September 2021. Four days later, she resurfaced in a video shared on social media, claiming she had converted to Islam and married a man named Zeeshan Ali. Her parents filed an FIR on charges of kidnapping. Since her husband could not be located, the police arrested his brother instead, after which Sonika shared another video online to provide proof of her marriage and ask that her brother-in-law be released.<sup>21</sup> Similarly, in January 2022, Simran Kumari, a minor Christian girl from Mirpur Matheli in Sindh, was allegedly kidnapped and forcibly converted, but threatened to file an FIR against her parents if they tried to recover her.<sup>22</sup>

In March 2022 alone, the media reported at least seven possible forced conversions in Sindh. Kavita Bheel, a resident of Umerkot, was reportedly converted forcibly and married to a Muslim man named Nadeem Kapri. In Mirpurkhas, Sitara Odh was allegedly abducted and taken to Lahore, where

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<sup>20</sup> The Child Marriage Restraint Act 1929 and its provincial iterations declare underage marriage illegal, punishment for which includes imprisonment up to six months and a fine of PKR 50,000. Similar punishment is prescribed for parents or guardians involved in instances of child marriage as well as for those solemnizing such ceremonies. However, the legal age for marriage in Pakistan is 16 years for girls, apart from in Sindh, where it is 18. This facilitates human traffickers who forcibly convert young girls in Sindh but ensure that their subsequent marriage is solemnized in, for example, Punjab. While forced marriage is a criminal offence under Section 498-B of the PPC, child or early marriage is not considered ‘forced marriage’ under this provision, nor has it been interpreted as such by the courts.

<sup>21</sup> <https://www.thenews.com.pk/print/888621-missing-hindu-girl-appears-on-social-media-reveals-her-free-will-marriage>

<sup>22</sup> <https://www.pakistantoday.com.pk/2022/01/13/bride-trafficking/>

she was converted and married to one Umar Mangrio. Although her reported age was 13, her marriage registration certificate stated she was 18. In the third case, Hazooran Kolhi was allegedly kidnapped, converted and married to a Muslim man named Niaz Ali Brohi in Mirpurkhas. Her family claimed she was 16 but her conversion certificate noted her age as 22.<sup>23</sup>

In a key development in December 2021, the Sindh High Court allowed Arzoo Raja—an underage Christian girl who had allegedly converted to Islam and subsequently married a Muslim man in October 2020—to return to her parents more than a year after the court had sent her to a shelter home. The court also directed Arzoo’s parents to report to the police and produce her before the local station house officer every three months until she turned 18. This direction was issued reportedly to ensure that she was being well treated by her parents.<sup>24</sup>

Despite the prevalence of this practice, there was repeated opposition to a bill drafted earlier by the Ministry of Human Rights to curtail forced conversions.<sup>25</sup> In July 2021, at a meeting of the Senate parliamentary committee on minorities’ rights, the Ministry of Religious Affairs opposed any restrictions on converting before the age of 18 years, claiming that, if a minor wished to convert to Islam out of choice, they could ‘not be stopped’.<sup>26</sup> Subsequently, in October 2021, the committee rejected the bill when the religious affairs minister Noorul Haq Qadri claimed the ‘environment [was] unfavourable’ for legislating against this practice and would only leave religious minorities ‘more vulnerable’.<sup>27</sup>

### *Misuse of the blasphemy laws*

While the blasphemy laws continued to be applied disproportionately to religious minorities in 2021/22, the wider social impact of these laws was evident in the brutal lynching of Priyantha Kumara Diyawadana, a Sri Lankan factory manager who was beaten to death by a mob of over 800 people in December 2021; the perpetrators claimed he had removed a poster featuring Quranic verses from the factory premises during

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<sup>23</sup> <https://voicepk.net/2022/03/rights-watch-28th-march-2022/>

<sup>24</sup> <https://www.dawn.com/news/1665223>

<sup>25</sup> According to the draft bill, any non-Muslim adult who was able and willing to convert to another religion must apply to an additional sessions judge for a conversion certificate. The judge would be required to interview the applicant and to complete the process within 90 days of receipt of the application. The bill would also permit conversion only after the age of 18.

<sup>26</sup> <https://www.dawn.com/news/1635052>

<sup>27</sup> <https://www.dawn.com/news/1651813>

renovations. Over 100 arrests were made and six of the main culprits were awarded death sentences by an antiterrorism court (Box 3).<sup>28</sup> Many human rights defenders correlated this incident with rising religiosity in the country, greater space being ceded by the state to the far right, and impunity for perpetrators who felt the existence of the blasphemy laws was, in itself, enough to justify taking the law into their own hands.

**Box 3: A rumour and a murder: The chilling effect of blasphemy allegations**

On 3 December 2021, a charged mob gathered at a Rajco Industries factory in Sialkot after rumours emerged that one of the factory managers, a 49-year-old Sri Lankan national named Priyantha Diyawadana, had removed a poster bearing Quranic verses from a wall on the premises. Accusing him of having committed blasphemy, the mob—which included at least nine minors—set on Diyawadana, tore at his clothes, beat him to death and set his body on fire. Many people in the crowd could be seen taking selfies in front of Diyawadana’s body. The macabre incident was filmed by at least 55 people present and shared on social media platforms, where it quickly went viral.<sup>29</sup>

The police reported that, although the mob had used charges of blasphemy to justify the attack, it was possible that it was a targeted vendetta against Diyawadana. An FIR was registered against hundreds of unidentified men, including workers at the factory. The incident drew widespread outrage and condemnation across Pakistan and abroad, with human rights defenders calling for swift punishment.

Police data for 2021, cited by HRCP in its annual report on the state of human rights, shows that 585 cases were registered under the blasphemy laws<sup>30</sup> that year, the majority of which were filed in Punjab. Of these, at least 16 cases were filed against members of the Ahmadiyya community.<sup>31</sup>

The following case illustrates how offences under the Prevention of Electronic Crimes Act (PECA) 2016 are commonly compounded by the

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<sup>28</sup> <https://www.aljazeera.com/news/2022/4/18/pakistan-six-sentenced-to-death-for-lynching-sri-lankan-national>

<sup>29</sup> <https://ppd.punjab.gov.pk/priyanthakumaracase2>

<sup>30</sup> One of Pakistan’s most notorious laws are its blasphemy provisions in the Pakistan Penal Code under Sections 295, 295-A, B and C, and 298 A, B and C. While some of these laws pertain to general misuse of religious sentiment, others are more particular and are restricted to defilement of either the Quran or the Prophet Muhammad (PBUH), such as S 295-B and 295-C. Further, S 298-B and 298-C target Ahmadis specifically, making it illegal for them to present themselves as members of the Muslim community.

<sup>31</sup> <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2022-State-of-human-rights-in-2021.pdf>

blasphemy laws. In August 2021, three Ahmadi men, who had been charged with blasphemy in May 2020 under S. 295-B and 298-C as well as under PECA 2016, were presented in court in Lahore, where the additional sessions judge added S. 295-C—which carries the death penalty—to the charge sheet. Subsequently, the Lahore High Court rejected their bail application. The three men had been accused of sharing links to the Quran ‘with a translation or interpretation contrary to belief of Muslims [*sic*]’.<sup>32</sup>

An eight-year-old Hindu boy from Rahim Yar Khan in Punjab was charged with blasphemy in August 2021, making him the youngest ever person to be charged under these laws. He was accused of having intentionally urinated in a madrassah library. Once news of the incident spread, local Muslims retaliated by attacking a nearby Hindu temple. The boy was jailed on blasphemy charges for a week before being released on bail.<sup>33</sup> In another mob-led incident in November 2021, a Charsadda police station in Khyber Pakhtunkhwa was set ablaze after police officers refused to hand over a man accused of blasphemy for having allegedly burned a copy of the Quran.<sup>34</sup>

Although no one has yet been executed for blasphemy, the death sentence continues to be handed down for such offences under S. 295-C of the PPC. In January 2022, a trial court in Rawalpindi sentenced a 26-year-old Muslim woman to death for committing ‘blasphemy’ after she allegedly shared images online that were deemed to be insulting to the Prophet Muhammad (PBUH) and one of his wives. The accused alleged that her accuser had deliberately involved her in a religious discussion and framed her after she refused his advances.<sup>35</sup> Worryingly, this method of inveigling social media users into sharing potentially blasphemous content appears to be an increasingly common pattern.

The nexus between blasphemy-propelled violence and far-right politics continued in 2021/22. In October 2021, at least four police officers were killed and over 250 people injured when thousands of workers of the then-proscribed political party, Tehreek-i-Labbaik Pakistan (TLP), clashed with law enforcement personnel in Punjab’s Gujranwala district.<sup>36</sup> One of the TLP’s demands was that the French ambassador be deported in retaliation

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<sup>32</sup> <https://sys.lhc.gov.pk/appjudgments/2021LHC4279.pdf>

<sup>33</sup> <https://www.theguardian.com/global-development/2021/aug/09/eight-year-old-becomes-youngest-person-charged-with-blasphemy-in-pakistan>

<sup>34</sup> <https://www.dawn.com/news/1660770>

<sup>35</sup> <https://www.aljazeera.com/news/2022/1/20/pakistan-rawalpindi-court-sentences-woman-death-whatsapp-blasphemy>

<sup>36</sup> <https://www.dawn.com/news/1654353>



against allegedly blasphemous images published earlier in the French satirical magazine *Charlie Hebdo*. In November 2021, the government reached an agreement with the TLP, lifting the ban.<sup>37</sup>

In a positive development, Liaquat Ali, a resident of Nankana who had spent 11 years in prison on blasphemy charges, was acquitted by the Lahore High Court in December 2021 for lack of evidence.<sup>38</sup> He had originally been convicted by a trial court in November 2013 for having allegedly burned a copy of the Quran. Earlier in June 2021, Shafqat Masih and Shagufta Kausar, a Christian couple who had been on death row for eight years on charges of blasphemy, had their sentence set aside by the Lahore High Court. In July 2021, Hareer Ashraf, a female schoolteacher from Yasin in Gilgit-Baltistan who had been booked on charges of blasphemy in 2019, was acquitted by the Ghizer sessions court.<sup>39</sup>

### *Desecration of sites of worship*

In several cases, religious minorities' sites of worship and places of religious significance were targeted by Muslim mobs during 2021/22. In August 2021, the Sidhi Vinayak temple in Bhong Sharif in Rahim Yar Khan was vandalised after allegations that a young Hindu boy in the area had desecrated Quranic scriptures. The local station house officer was suspended for his inaction and three FIRs were registered against hundreds of unidentified members of the crowd. The Supreme Court directed the provincial administration to submit a report on the incident.<sup>40</sup>

Despite widespread condemnation by political parties and the government, this was followed by an attack on the Narainpura Temple in Karachi in December 2021; an idol of the goddess Durga was destroyed. Subsequently, law enforcement personnel secured the area and arrested a 22-year-old man, but could not locate his accomplice. Several political leaders visited the site and expressed solidarity with the worshippers. It is worth noting that at least seven other incidents of vandalism were reported by the Ahmadiyya community in 2021, including the desecration of graves and sites of worship, but—unlike in other cases—there was no condemnation from the state.

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<sup>37</sup> <https://www.aljazeera.com/news/2021/11/8/pakistan-lifts-tlp-ban-france-blasphemy>

<sup>38</sup> <https://voicepk.net/2021/12/man-acquitted-of-blasphemy-after-11-years-in-jail/>

<sup>39</sup> <https://www.dawn.com/news/1632631>

<sup>40</sup> <https://www.geo.tv/latest/363586-pm-imran-khan-takes-notice-of-attack-on-hindu-temple-in-rahim-yar-khan>

In a positive development, in June 2021, the Supreme Court restrained the Karachi administration from demolishing a Hindu *dharamshala* [building of religious significance] built in 1932. The court was told that the Evacuee Trust Property Board had leased the site to a private individual who intended to construct a commercial building there. Even though the Sindh High Court had approved the demolition, the Supreme Court declared the *dharamshala* a heritage site and ordered that no material be removed. The direction was issued after hearing a case on the implementation of the 2014 Jilani judgment.<sup>41</sup>

In November 2021, a piece of land that had been allotted for the construction of a Hindu temple in Islamabad was restored. The allotment had previously been cancelled by the Capital Development Authority (CDA) in 2020, after some politicians, including the Punjab Assembly speaker at the time, Pervaiz Elahi, said it was ‘against the spirit of Islam’.<sup>42</sup> Following a public outcry in the media, the CDA withdrew its decision stating that ‘no bad intention’ was involved in the case. The land had been allotted to the Hindu community in 2016, but construction was halted by the CDA after a public disagreement over whether the government should fund the construction of a Hindu temple. As of June 2022, the temple remains unbuilt and the Hindu community in Islamabad continues to live without a worship or cremation site.<sup>43</sup>

### *Expressions of violence: The incidence of hate speech*

The UN Strategy and Plan of Action on Hate Speech defines hate speech as ‘any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.’<sup>44</sup> In spite of several provisions of the Pakistan Penal Code (PPC) and other laws making this practice illegal (including S. 153-A, 295-A and 298 of the PPC and S. 11 of PECA), hate speech remains alive and well in Pakistan both in public and online spaces.

On 19 June 2021, the KP police banned several clerics from entering Khyber district on the grounds that they had initiated hate speech and discriminatory religious debates, thereby fuelling sectarianism. To curtail

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<sup>41</sup> <https://tribune.com.pk/story/2305000/sc-stops-demolition-of-dharamshala>

<sup>42</sup> <https://www.dawn.com/news/1566408>

<sup>43</sup> <https://www.dawn.com/news/1656840>

<sup>44</sup> <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>

the spread of such material, the police also banned the use of loudspeakers, apart from use during Friday prayer sermons.<sup>45</sup>

More than half of all online hate speech (53 percent) tends to be directed at the Ahmadiyya community, with another 11.5 percent targeting the Shia Muslim sect.<sup>46</sup> The rise in social isolation and subsequent increase in internet use during the 2020/21 Covid-19 pandemic may have been partly responsible for the significant increase in volume of online hate speech in 2021/22, especially on Twitter and Instagram. The brutality of such hate speech continued unabated: one user in a Twitter space hosted in July 2021 called for Ahmadiyya leaders to be chopped into pieces.<sup>47</sup> The comment gained momentum after it was highlighted by prominent Ahmadi rights activist, Kashif Chaudhary. A month earlier, he had received WhatsApp messages urging individuals to report any Ahmadi found taking part in Eid-ul-Azha festivities.

Ironically, the Pakistani state has continued to profess its commitment to FORB but without taking the necessary steps to realize this right. On 18 June 2022, the country marked International Day for Countering Hate Speech and the Ministry of Foreign Affairs vowed that Pakistan would support international and national efforts to curtail hate speech and faith-based discrimination, as well as promoting efforts for inter-faith harmony.<sup>48</sup>

### *Systemic discrimination in education and employment*

In July 2021, the media reported that the 2017 census (the results of which were not released until May 2021) had undercounted religious minorities in Pakistan.<sup>49</sup> Speaking to the press, rights activist Peter Jacob claimed that the number of Christians was shown to have decreased by 0.32 percent from the last census in 1998, although church records appeared to indicate that the Christian community had been undercounted by at least half a million. Supreme Court lawyer Neel Keshav, cited in the same press report, pointed to similar undercounting among the Hindu population, while Ahmadiyya leaders claimed their community may have been undercounted because

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<sup>45</sup> <https://www.dawn.com/news/1630187>

<sup>46</sup> <https://www.peacemakersnetwork.org/wp-content/uploads/2022/04/equipping-pakistani-youth-to-counter-hate-speech.pdf>

<sup>47</sup> <https://thediplomat.com/2021/07/pakistans-social-media-is-overflowing-with-hate-speech-against-ahmadis/>

<sup>48</sup> <https://mofa.gov.pk/international-day-for-countering-hate-speech/>

<sup>49</sup> [https://www.voanews.com/a/extremism-watch\\_pakistans-religious-minorities-say-they-were-undercounted-census/6207724.html](https://www.voanews.com/a/extremism-watch_pakistans-religious-minorities-say-they-were-undercounted-census/6207724.html)

people were reluctant to reveal their religious identity for fear of persecution. The Buddhist and Sikh communities were not counted as distinct minorities altogether (Box 4).

**Box 4: Overlooked, uncounted: Pakistan's Buddhist community**

HRCP's annual report on the state of human rights in 2021 brought greater visibility to the neglected Buddhist community in Sindh, despite the widely held perception that there are no Buddhists in Pakistan. The community has complained that its members are bracketed as 'Others' in the census and added to the list of Scheduled Castes because the majority of them identify as Bheel.

While there is a certain quota fixed for Hindus, Christians and other religious minorities in educational institutions and government jobs, there is nothing for Buddhists, according to Juman Bheel, a retired primary school teacher in Mehrabpur, Sindh. Additionally, despite Pakistan's rich Buddhist heritage, the community have no public sites of worship anywhere in Pakistan and are thus restricted to their homes when observing religious practices.

Undercounting has implications for religious minorities' access to education and employment quotas and leads to fewer reserved seats in the legislatures. Indeed, providing equal opportunities to religious minorities necessitates the provision of equal access to good education, as guaranteed by Articles 22 and 36 of the Constitution. Despite this, religious minorities remained subject to systemic discrimination in terms of educational and employment opportunities, with most direct incidents going unreported. A report issued by the National Commission for Human Rights in May 2022 showed that nearly half the posts reserved for religious minorities in government jobs remained vacant, while 80 percent of 'non-Muslims' were employed in positions for which they were paid less than their Muslim peers.<sup>50</sup>

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<sup>50</sup> <https://www.dawn.com/news/1691167>

## 4 Recommendations

Some recommendations proposed in light of this report include the following:

- The 2014 Jilani judgement remains a well-articulated framework for realizing the right to FORB in Pakistan. It must be implemented in letter and spirit, which includes allocating the necessary financial and human resources to each of its seven points, including a specially trained police force to protect religious minorities' sites of worship.
- Foremost, an autonomous, nationally representative commission for religious minorities must be set up through an act of Parliament. Ideally, it should comprise solely of representatives of every religious minority and sect in Pakistan—including overlooked groups such as the Buddhist, Parsi and Bahai communities—and Scheduled Castes.
- The envisaged commission should have national jurisdiction, supported by clear rules of business that enable it to set up mechanisms for gathering evidence of discrimination and violence against religious minorities and sects and for securing their rights as equal citizens of Pakistan.
- The state must make a concerted effort to counter sectarian violence, not only by implementing the National Action Plan but also developing and disseminating a national narrative that unambiguously eschews religious extremism and majoritarianism.
- Independent inquiries must be launched into instances of sectarian or religious violence to ensure that those responsible are brought to justice in accordance with internationally recognized guidelines for fair trial.
- Legislation against forced conversions must be enacted as soon as possible, ensuring that persons under the age of 18 cannot legally convert, given their vulnerability to pressure, and allowing even adults a reasonable period following their intention to convert so that they are not subject to any compulsion whatsoever. Exerting pressure (in any form) on a minor to convert should be criminalized. Given that forced conversions and forced marriages often go hand in hand, the legal age for marriage must also be standardized across the provinces in line with the Sindh Child Marriages Restraint Act 2013.
- The low threshold of evidence for blasphemy must be raised to ensure that the laws in question are not weaponized by people to settle

personal vendettas, as is so often the case. In the medium term, the state should aim, at the very least, to reform the laws to lower chances of conviction, for example, by ensuring that every provision contains a clear mens rea requirement.

- While the discussion around minimising the enforcement of the death penalty is welcome, capital punishment should be abolished, including for blasphemy-related offences under S. 295-C.
- In legal cases involving members of religious minorities, those accused must be guaranteed their right to a fair trial, with no discrimination based on faith.
- The state should monitor hate speech and calls for violence—including in online spaces—through concerted efforts to collect accurate data and ensure that perpetrators are held to account.
- Given that government policies are informed by census results, the Pakistan Bureau of Statistics must ensure that all religious minorities and sects are counted accurately in the next census. However, care must be taken not to compel persons to reveal their religious identity.
- The quotas for religious minorities in education and employment should be re-evaluated upward and accountability mechanisms instituted to ensure that these quotas are implemented. In no circumstances should job advertisements call for ‘non-Muslims only’ when recruiting sanitation workers.
- The contentious National Curriculum of Pakistan must be revised to ensure that secular subjects do not contain any religious content or any material that discriminates against religious minorities and sects or their faiths. Religious studies at the primary and secondary level should ideally not be limited to Islam but instead reflect Pakistan’s multi-faith character.
- Schools and higher education institutions should implement effective complaint procedures and accountability mechanisms to ensure that students are protected from discrimination on the grounds of their religion or sect.

# Annex 1: Record of Forced Conversions

The following ten alleged forced conversion cases were reported in local Sindh-based newspapers *Pabnji* and *Kawish* between July and December 2021:

<i>Date (2021)</i>	<i>Name of victim</i>	<i>District</i>	<i>Name of accused</i>
6 Jul	Kaweeta	Not known	Javaid Khaskheli
3 Aug	Shahbana Meghwar	Ghotki	Safeer Kalor
5 Aug	Noori Gargolo	Sanghar	Dilshair Bhanejo
13 Aug	Chatri Bheel	Tharparkar	Sohbat Rind
13 Aug	Soomri	Tharparkar	Muhammad Baqa Rahmoon
6 Sep	Sonika	Larkana	Zeeshan Laghari
12 Sep	Gagashna Sami	Badin	Yar Muhammad Nizamani
27 Sep	Reshma Kolhi (underage)	Mirpurkhas	Imran Rajput
3 Oct	Walia Urf Marvi Bheel	Sanghar	Nawaz Ali Machhi
8 Oct	Sindhu Walas	Ghotki	Suhail Akhtar Malik

The following 11 alleged forced conversion cases were reported in local Sindh-based newspapers *Pabnji* and *Kawish* between January and June 2022. Of these, at least four incidents involved abductions, followed in one case by the victim's murder (Pooja Kumari).

<i>Date (2022)</i>	<i>Name of victim</i>	<i>District</i>	<i>Name of accused</i>
17 Mar	Bindiya Kumari Meghwar (underage)	Khairpur	Not known
21 Mar	Pooja Kumari Odh (underage)	Sukkur	Wahid Bux Lashari
23 Mar	Aneeta Meghwar (underage)	Tando Muhammad Khan	Not known
Mar (n.d.)	Sitara Odh (underage)	Umerkot	Umar Mangrio
26 Mar	Hazooran Kolhi	Mirpurkhas	Niaz Ali
27 Mar	Kaveeta Bheel (underage)	Kunri	Nadeem Kapri
28 Mar	Aneeta Odh (underage)	Not known	Gul Shair
27 Apr	Suneeta Odh	Umerkot	Saifullah Bhotharani
27 Apr	Suneeta Odh	Umerkot	Ahmed Wali
28 Apr	Munisha	Khairpur	Shahid Memon
11 Jun	Muskan Balani	Shikarpur	Not known

In most cases, these incidents were later deemed to be voluntary conversions and marriages. At least three cases were proven to be forced conversions, and in at least seven cases, the victims were underage.