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Challenges for Human Rights: A Case Study of Religious Minorities in Pakistan

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Abstract

As Minorities' Day is observed in Pakistan on August 11th, 1947, it is an important day in history. The founder of the nation, Mohammad Ali Jinnah, addressed the nation's first Legislative Assembly on this day. The terminology used to allude to Pakistan placed a strong emphasis on the freedom of religion. The State's founding leaders wanted to establish a free state where every minority group could practice their religion without fear of retaliation. Unfortunately, political religious groups that claimed to be the guardians of Islam quickly took over the State of Pakistan. At the moment, there is a lot of hostility towards diversity and interfaith understanding, which has led to a number of instances of forced conversion and a large exodus of minority groups. Every year, there are numerous reports of mistreatment and prejudice based on religious affiliation, religion, or ritual, a pattern that is regrettably becoming more prevalent.

Keywords: *Human Rights, Religious minorities, Challenges, Pakistan*

Introduction

The existing study aims to analyze the current status of human rights in Pakistan and the difficulties faced by religious minorities in the country. The objective of this article is to present a comprehensive overview of the circumstances, with some efforts having been undertaken to examine and define the factors and components that give rise to the conditions. An exploration of historical events is imperative for a comprehensive understanding of the present-day structures that impact marginalized communities. The present study utilizes the United Nations' rights framework for minorities to evaluate the various obstacles faced by minority groups. These challenges encompass the absence of a National Commission for Minorities, non-adherence to the recommended 5% employment quota for Minorities, prejudicial treatment within the education system, inadequate representation of minorities in politics, instances of coerced

conversions and marriages, insufficient training for law enforcement agencies, matters pertaining to criminal justice, and the existence of slums for religious minorities.

This paper provides a detailed introduction to the diversity of Pakistan's population, a preliminary examination of the religious minorities in Pakistan, and elucidates the constitutional framework governing their rights and the major challenges faced by the religious minorities in the state. The Ethnic and Religious Minorities of Pakistan According to the 2017 national Census, religious minorities comprised a total of 4% of the population of Pakistan. Christians formed the largest religious demographic in the population, estimated to be between two and three million individuals comprising approximately 1.27 percent of the total populace, with equal numbers of Catholics and Protestants evenly distributed between urban and rural environments, primarily in the Punjab Province. Most of them were employed as landless laborers, farmhands, and sweepers (Report, 2021).

According to the statistical survey, there were an approximate total of 2.5 million Hindus, comprising 1.4 percent of the population. A significant proportion of the population resided in the Sindh province, with 50% of the population concentrated in the Tharparkar district alone. The majority of individuals engaged in agricultural labor, with many of them being in a state of servitude. Dalit populations constituted a substantial proportion of the populace. (0.33 percent of the total population) (Minority Rights Group International, 2018). Non-Muslim minorities of a smaller population size included thousands of Sikhs, Parsis, Bahais, and Buddhists.

In Pakistan, Urdu is the language of national identity and is spoken and comprehended by many of its citizens. Approximately 10% of the populace, comprising mainly of Muhajir (post-partition immigrants), utilize Urdu as their mother tongue. The linguistic landscape of the region is enriched by a spectrum of languages, "with Punjabi being the language of the majority and Balochi, Pushtu, and Sindhi representing other linguistic groups (Pakistan Bureau of Statistics, 2017)". Until 2015, English maintained its status as the official language.

"Azad Kashmir, Gilgit-Baltistan, the Federally Administered Tribal Areas (FATA) and four provinces and administrative territories that make up Pakistan". These regions are home to numerous religious and ethnic groups. The instance of Baluchistan serves as an illustration of how the intersection of language, ethnicity, and regionalism—factors in the construction of identity—can have effects on citizens as well as ignite political unrest. In Pakistan, a community's position as a minority is primarily determined by its religious affiliation. Both language and ethnicity affect a citizen's position as a minority.

Quaid-e-Azam The founder of Pakistan, Muhammad Ali Jinnah, aspired to establish a liberal and democratic State, despite the fact that the primary objective of the newly formed State in 1947 was to promote the welfare of the Muslim minority population of the Indian Sub-Continent. Jinnah unwaveringly advocated for the principle that every individual should receive equal treatment within both the societal and legal spheres. He said the following in his 1947 speech to Pakistan's Constituent Assembly:

> "*You are free: you are free to go to your temples, you are free to go to your mosques or to any other places of worship in the State of Pakistan. You may belong to any religion, caste or creed – that has nothing to do with the business of the State . . . We are starting with this fundamental principle that we are all citizens and equal citizens of one State. . . . Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not so in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State*"(Mustafa, Ahmad, & Arslan, 2021).

The Challenges to Human Rights in Pakistan

When it comes to defending and advancing human rights in the nation Pakistan has encountered numerous difficulties. Pakistan has been facing a number of problems for years despite the constitutions guarantees of fundamental human rights. Some of the biggest obstacles to Pakistani human rights will be discussed in this article along with potential solutions.

Terrorism is one of the most important human rights concerns in Pakistan regardless of many Government efforts, the life is compromised and everyone is in the state of fear. People from diverse groups are facing severe issues from the majority. Religious minorities are also not safe from this wave. There are many events that showed the behavior of the society towards minorities like mob attacked on village in Gojra, Sargodha, shanti Nagar and manh others. Recently, In Jaranwala People burnt the house of Chistians and destroyed the Churches. Only strict actions against them save the Pakistan.

Child labor is another major issue for Pakistan's human rights. According to the International Labour Organization 3 million minors in Pakistan are employed, many of them are exploited and put in hazardous jobs. The fundamental human rights of child laborers are violated because they are deprived of education and are more susceptible to psychological and physical abuse (International Labour Organization, 2020). Pakistan's counterterrorism policies frequently violate fundamental rights making them a serious threat to human rights.

By using extrajudicial executions forced disappearances torture and other tactics the state has violated peoples' rights to due process and a fair trial in an effort to fight terrorism. With its counterterrorism policies the state has also targeted political dissidents and activists in violation of their right to freedom of expression and association. The government of Pakistan needs to act decisively to build better governance and the rule of law in order to address these issues related to human rights. The protection of its people especially women children and members of racial and religious minorities must be the states' top priority. The judiciary needs to be reinforced and steps need to be taken to guarantee its integrity and independence. To further ensure that media outlets and journalists can report freely without fear of retaliation the state must take action to support freedom of speech.

The Challenges to Religious Minorities in Pakistan

Following are the human rights challenges that are faced by the religious minorities of Pakistan.

a) Approved 5% Employment Quota for Minorities.

In order to help members of minority groups who have experienced discrimination and to address their disadvantages in the workplace and in education a 5% quota for religious minorities in government positions was put into place in 2009 (Rehman, Johns, & Hussain, 2019). The Article 37 of the Constitution of 1973 supports the 5% quota for marginalized sections. Article 37 of the Constitution says, "State should provide preferential attention to the interests of disadvantaged classes or regions" (Government of Pakistan, 1973). Although, quota is available yet there are still problems to ensure its correct application. The data shows that even minorities has the constitutional right of the 5% quota but still they are facing a notable under representation in senior positions within the structure of Central Government. The government

must take effective measures to address this issue. For instance, the government should implement such policies which can enhance share of minorities in leadership positions and vacancies should widely be advertised and be made reachable to all eligible candidates (Islamabad Public Administration Research Center Establishment Division, Government of Pakistan, 2018).

It is important to note various allegations against minorities that they do not have required skills or qualifications are absolutely baseless. On the other side, it is fundamental obligation of the Government of Pakistan and employers to ensure easy access of minorities to quality education so that they can become compatible for various employment opportunities. In addition, employers must select minority candidates for open positions on merit without considering any kind of discrimination otherwise minorities will continue to be marginalized (Aqeel, 2018).

The efforts of the various governments of Punjab province are very commendable to address the issue of minority representation in higher education and the labor force. Five percent reservation of seats for minorities in educational institutions and job opportunities is an excellent step to ensure equal representation and job opportunities without any discrimination. This policy shows an encouraging pace to endorse diversity in Pakistan.

b) **Access to Advanced Education and Training and Curricular Issues**

Educational curriculum must be designed to promote religious tolerance and respect for all philosophical systems. It fundamentally guarantees that the curriculum is inclusive and free of discriminatory content. Through these measures, we can promote a more harmonious and peaceful society in which people of different religions and beliefs can live together and prosper together (Rehman, Johns, & Hussain, 2019).

An investigation by the Pakistan Minority Teachers Association and other organizations found discriminatory and anti-minority content in school textbooks. Although the government has removed some of this offensive content from academic curricula, yet much more needs to be done. It is crucial to ensure that educational materials promote equality, tolerance and respect for all people, regardless of their ethnic origin or religious beliefs (Paul, 2014).

Discrimination against non-Muslim students in Pakistani educational institutions is a widespread issue. Students from minority groups are often subjected to physical and psychological abuse, including harassment, bullying, assault, and forced conversions. It is often reported that teachers overlook or even contribute to this discrimination. In some urban areas, segregation has been implemented in educational institutions, with Christian and other non-Muslim students being forbidden from using the same bathrooms or drinking from the same water sources as Muslim students (Nazeer, Khan, Sharif, Mahmood, & Khadim, 2019)".

In Pakistan, the memorization of the Quran also goes against the non-Muslim population because the non-Muslim population does not memorize the Holy Quran, and Hafiz of the Quran gets 20 points in university admission as well as in job application. Even though, the Hafiz of the Quran has no intention against non-Muslims of the state.

The compulsory teaching of religious subjects other than their own violates Article 22 (1) of the Constitution of Pakistan 1973 (as amended). However, non-Muslim students in Pakistan

are still required to learn about Islam as the only mandatory faith, according to a report by the Centre for Social Justice. The 2009 educational policy mandates the inclusion of Nazrah, which refers to the Quranic text, in the curriculum for students in grades 3 through 8. In the curriculum of Pakistan or textbooks in Pakistan of different subjects such as English, Urdu, Social Studies, general knowledge, and even math are 20 to 40 percent filled with religious points of view and religious characters. This requirement places an undue burden on students who do not identify as Muslim and may lead to an environment of intolerance and discrimination. It is important to promote a more inclusive and diverse educational system that respects the beliefs of all students, regardless of their religion or faith (Paul, 2014).

The educational curricula in Pakistan, at all levels of instruction, tend to promote certain perspectives that negatively impact the status of other religious beliefs. In particular, the curricula tend to highlight the idea that Pakistan was created solely for the Muslim population due to the hostility between Muslims and Hindus. This perspective is often reinforced in "secondary school classes, such as history, geography, and Islamic studies". Unfortunately, this often leads to portraying Hindus as adversaries of Pakistan, with descriptions that depict them as cunning, politically astute, and manipulative.

In addition, there have been instances where school textbooks have been found to misrepresent historical facts while promoting religious animosity. These factors contribute to a culture of religious intolerance and animosity that can have far-reaching consequences on the lives of individuals and communities in Pakistan. Therefore, it is important to promote a more inclusive and tolerant educational system that promotes respect for all religions and beliefs, rather than promoting hostility towards certain groups (Bhatti, 2022).

In Pakistani society, religious studies, social studies, and curriculum, it is often assumed that non-Muslims and especially Hindus are the nemeses of Pakistan. it is also alleged that the separation of East Pakistan from West Pakistan was a result of a "Hindu Conspiracy" known as "Mukti-Bahni". This type of teaching consists of "considerable misrepresentation" and makes the Muslim population act against religious minorities and creates the situation of minority rights issues in the state. As mentioned above, this type of education and brainwashing of young children and adults make the society without morality and justice. It has been documented that certain educational materials fail to include minorities within their discussions of Pakistani society, culture, and social practices, thereby perpetuating a notion of Pakistan as a purely Islamic country.

c) Under-Representation in Politics

The Pakistani National Assembly consists of a total of 342 members. Out of these members, 272 are directly elected by the people as Members of the National Assembly (MNAs). Additionally, there are "60 seats reserved for female representatives, and 10 seats reserved for representatives of non-Muslim religious minorities." This system is designed to ensure that women and minority groups have adequate representation in the National Assembly. However, it is essential to ensure that these representatives are not just tokens and that they are given the opportunity to actively participate in the democratic process and represent the interests of their respective communities (Government of Pakistan, 1973).

The increase in the number of parliamentary seats, both for general and women's constituencies is a step towards accommodating the growing population. However, this increase

does not necessarily guarantee adequate representation for minority groups. As a result, minority groups continue to voice their concerns regarding their underrepresentation in national and state legislative bodies.

Under the proportional representation system, political parties select (don't elect) individuals from minority groups to fill the allocated seats. This policy aims to ensure a specific level of minority representation in the Assembly, considering the challenges that minorities often face when participating in unrestricted elections in Pakistan. However, it is essential to note that this system has limitations and may not always result in effective representation for minority groups. Therefore, it is crucial to adopt additional measures to ensure that minority groups are adequately represented and their voices are heard in the democratic process (Mustafa, Ahmad, & Arslan, 2021).

The practice of political representation of minority candidates, while providing a means for minority groups to have a voice, does not necessarily contribute to a healthy democratic system that values direct representation. This is because representatives are not held accountable to the minority groups they are supposed to represent. Furthermore, prejudice within political parties further exacerbates this issue. Minority members are often marginalized within the party, and their concerns and ideas are not given due consideration. In most cases, these members are selected based on their loyalty to the party leadership and their financial contributions to the party, rather than their qualifications or their impact on their respective minority communities.

To address these issues, an Assembly reform committee was established, but unfortunately, it did not include any members from minority groups. It is therefore imperative for major political organizations to demonstrate their commitment to diversity by nominating candidates from religious minority groups. This will ensure that their voices are heard, their concerns are addressed, and their interests are protected in the democratic system (Ahmad, Mustafa, & Ali, 2022, Summer).

d) Forced Conversion and Marriages

Forced conversion and marriages are the major issues of the religious minorities of Pakistan. the issue of forced marriage and forced religious conversion mostly affect Under-aged girls (who are legally not able to get married) who belong to Christian and Hindu households. In Pakistan provincial and state level "legal age" to get married for girls is different. For example, the Sindh province allowed 18 years old to get married but the CRC allowed 16 years old girls to get married (Ahmad T. , 2014).

According to different NGOs such as "Shirkat Gah and Movement for Solidarity and Peace," more than 1000 cases of forced marriage and abduction take place annually in Pakistan because of these marriage laws. these abducted girls later moved towards human trafficking and prostitution. Moreover, the authorities in Punjab province have been accused of not taking effective measures to investigate these cases or to hold the perpetrators accountable, thereby perpetuating this injustice (Rehman, Johns, & Hussain, 2019).

The 2018 Report generated by the "Commonwealth Initiative for Freedom of Religion or Belief" revealed that law enforcement personnel often deny families their right to pursue their grievances further by either failing to record an Initial FIR or distorting the information recorded on the FIR. The absence of an official First Information Report or the misstatement of data implies that the family is unable to pursue additional equity through law courts, as an FIR is a crucial initial step in the Criminal Procedure Code. When law enforcement officials try to save a

kidnapped girl they often take their time which allows the marriage and conversion to take place. Pakistani lower and higher courts which are probably influenced by outside forces like fear of reprisals and intimidation from extremist groups have shown bias and failed to respect due process in cases involving allegations of forced marriage and forced conversion(Movement for Solidarity and Peace, 2018).

The report emphasizes how often authorities fail to investigate the circumstances surrounding the conversion act and the age of the female involved. It is a commonly observed phenomenon that female victims of abduction are often kept in the custody of their abductor throughout the legal proceedings. This situation can lead to significant levels of coercion, which may result in the victim denying that any kidnapping or rape took place and asserting that their conversion to a particular faith was a voluntary act.

The Sindh Criminal Law (Protection of Minorities) Bill was passed by the Sindh Provincial Assembly in November 2016 with unanimous agreement, in order to tackle certain pre-existing concerns. The aforementioned legislation renders the act of coercive conversion of underage individuals illegal and imposes a penalty of five years for offenders and three years for accomplices (Library of Congress, 2016).

e) Insensitivity of Law Enforcement Agencies

The observation was made on several occasions during the visit that despite the existence of legislation in Pakistan aimed at safeguarding minority groups, there exists a discrepancy between the intended impact of the law and its practical enforcement. One of the main reasons cited for the lack of execution is the inadequate education provided to key stakeholders in the field of law enforcement, specifically those who serve as police officers. There is a prevalent issue of inadequate training among law enforcement personnel in recognizing the importance of diversity, effectively engaging with minority populations, and employing appropriate investigative methods.

For instance, in cases where an individual is accused of blasphemy, there is a lack of standardized protocols for law enforcement officials to employ in their questioning. Moreover, hearsay is often employed as evidence of wrongdoing, with law enforcement personnel frequently failing to even interview the relevant parties. The scarcity of training opportunities pertaining to the management of cases involving minors has been noted. It is imperative for professionals to possess the necessary knowledge and skills to effectively engage with children to provide them with suitable support.

f) Issues of Criminal Justice

Several legal professionals expressed regrets concerning the effects of Pakistan's physical court systems on the administration of justice. It was proposed that the judicial system can be a source of intimidation for women, youth, and marginalized groups. Victims of the poor quality of the infrastructure, such as uncomfortable living conditions and inadequate sanitation systems, as well as the inadequate structure of the environment, are frequently exposed to their attackers and can face animosity from the public (Rehman, Johns, & Hussain, 2019).

It has been posited that the current state of the courts can be attributed to the fact that the control of the courts lies with judges who are already overburdened by the large number of cases that they have been requested to adjudicate. Regardless of the underlying reasons, the state of the

judicial system suggests that marginalized communities are faced with greater obstacles in accessing legal remedies and are consequently less inclined to engage in litigation. Pakistan established the inaugural "gender-based violence court" in Asia as a response to the challenges encountered by impacted individuals.

g) Slums of Minorities

It is uncovered that religious minority groups such as Christians are over-represented in Pakistan's slum settlements, though they are not exclusively inhabited by these minorities. The absence of possession and property titles implies that the inhabitants are incapable of obtaining credit from banks or monetary establishments under legal auspices to better their livelihoods. Frequently, there is a lack of educational institutions and healthcare facilities within or proximate to settlements, and the government does not supply essential amenities. The slums consequently become a source of criminal activity and an incubator for illnesses and are viewed with apprehension by neighboring settlements. Within these impoverished areas, there exists self-sustaining and long-lasting discrimination which is based upon the caste system. The potent interplay of elements results in persons inhabiting slums bearing the burden of a perpetual state of insecurity and impoverishment. It is unacceptable for any individual to be subjected to these circumstances (Rehman, Johns, & Hussain, 2019).

The economy and cities of Pakistan will be significantly enhanced with the advent of safer, aesthetically pleasing, and more productive residential areas for minorities, as this will enable a substantial influx of individuals to join the workforce, thereby making a positive contribution to society. The immense advantages that would arise from rendering appropriate housing, education, and healthcare to populations who have experienced a long history of neglect cannot be overestimated.

Conclusion

It is apparent that minority groups in Pakistan are deprived of several privileges that are afforded to the majority population. It is worth noting that these occurrences are attributable to both the discriminatory nature of laws and the inadequate implementation of laws and regulations designed to safeguard individual rights. Consequently, the task of safeguarding the rights of minority groups in Pakistan is pressing and notably challenging. Civil society organizations, along with the minority groups they represent, and a broader liberal and progressive civil society sector, play a crucial role in advocating for the reformulation of tools aimed at protecting minority rights and promoting their effective implementation at the state level. The inadequacies of the state in safeguarding minority groups, coupled with the increasing impact of non-state entities that selectively victimise minorities for ideological purposes and to expand their backing among the majority, implies that a considerable part of the civil society's task is to establish a counter-narrative that opposes extremism and champions the rights of minorities, indeed, human rights.

References

Movement for Solidarity and Peace. (2014). *Forced Marriages & Forced Conversions in the Christian Community of Pakistan.* Movement for Solidarity and Peace.

Ahmad, T., Mustafa, G., & Ali, A. (2022, Summer). Political Participation of Religious Minorities in Pakistan under the Lens of Human Rights Based Approach. *Sublime Haro Journal of Academic Research (SHAJAR), 4*(2), 62-82.

Aqeel, A. (2018, April 1). *Securing a better future for minorities in Punjab*. Retrieved March 26, 2023, from Daily Times: https://dailytimes.com.pk/222185/securing-a-better-future-for-minorities-in-punjab/

Bhatti, N. F. (2022, October 30). *Human Rights: Marginalized by Education*. Retrieved March 26, 2023, from Dawn: https://www.dawn.com/news/1717705

Government of Pakistan. (1973). *The Constitution of the Islamic Republic of Pakistan 1973.* Karachi. Retrieved from http://www.pakistani.org/pakistan/constitution

Library of Congress. (2016, December 22). *Pakistan: Sindh Provincial Assembly Passes New Law Prohibiting Forced Religious Conversion*. Retrieved March 26, 2023, from Library of Congress: https://www.loc.gov/item/global-legal-monitor/2016-12-22/pakistan-sindh-provincial-assembly-passes-new-law-prohibiting-forced-religious-conversion/

Ministry of Religious Affairs and Interfaith Harmony. (2000). *A Brief History*. Retrieved March 26, 2023, from mora.gov.pk: https://mora.gov.pk/Detail/NjNmZWJkZmEtNTQ3NC00ZmY0LWExZTEtZGU3MTY3NjM5OWFi

Minority Rights Group International. (2018, June). *Pakistan Hindu*. Retrieved March 26, 2023, from World Directory of Minorities and Indigenous Peoples: https://minorityrights.org/minorities/hindus-2/

Mustafa, D. G., Ahmad, T., & Arslan, M. (2020). Minorities of Pakistan: An Analytical Analysis of the 1973 Constitution of Islamic Republic of Pakistan. *Pakistan Social Sciences Review, 4*(2), 736-750.

Mustafa, D. G., Ahmad, T., & Arslan, M. (2021). Political Participation Of Religious Minorities In Pakistan: A Journey From Joint Electorate To Restoration Of Joint Electorate. *Pak. Journal of Int'L Affairs, 4*(3), 616-627.

Nazeer, A., Khan, M. A., Sharif, A., Mahmood, S., & Khadim, S. (2019). *Education and Inequality*. Lahore: Institute of Development Research and Corresponding Capabilities and Human Rights Commission of PAkistan (HRCP).

Pakistan Bureau of Statistics. (2017). *Final Results of Census-2017*. Retrieved March 26, 2023, from www.pbs.gov.pk: https://www.pbs.gov.pk/sites/default/files/population/2017/tables/pakistan/Table11n.pdf

Pakistan Public Administration Research Centre Establishment Division Government of Pakistan Islamabad. (2018). *Annual Statistical Bulletin of Federal Government Employees for 2017-2018.* Islamabad: Government of Pakistan.

Paul, A. J. (2014). *Article 22 (1) of the Constitution of Pakistan and Pakistani Textbooks.* Pakistan Minorities Teachers‟ Association.

Paul, A. J. (2014). *Biased Pakistani Textbooks.* Pakistan Minorities Teachers‟ Association.

Rehman, P. J., Johns, C. M., & Hussain, A. (2019). *Religious Minorities of Pakistan: Report of a Parliamentary visit 27 September 2018 – 3 October 2018.* Lahore: All-Party

Parliamentary Group for International Freedom of Religion or Belief and the All-Party Parliamentary Group for the Pakistani Minorities.

Report, S. (2021, June 7). *Christians reject census 2017 results*. Retrieved March 26, 2023, from Pakistan Today: https://www.pakistantoday.com.pk/2021/06/07/christians-reject-census-2017-results/

Sindhu, F. (2022, February 3). *Job quota for minorities being implemented haphazardly*. Retrieved March 26, 2023, from Tribune: https://tribune.com.pk/story/2341707/job-quota-for-minorities-being-implemented-haphazardly