

# **RELIGIOUS FREEDOM IN PAKISTAN**

*“Where freedom of religion has been attacked, the attack has come from sources opposed to democracy. Where democracy has been overthrown, the spirit of free worship has disappeared. And where religion and democracy have vanished, good faith and reason in international affairs have given way to strident ambition and brute force.”*

~ **Franklin D. Roosevelt**

## **WHAT IS FREEDOM OF RELIGION?**

Freedom of religion, also known as religious freedom or religious liberty, is a fundamental human right that guarantees individuals and communities the right to choose, practice, or change their religious beliefs or affiliations without coercion, discrimination, or persecution. It encompasses the freedom to worship, observe religious rituals and practices, express religious beliefs, and participate in religious activities, both privately and publicly.

Freedom of religion includes the right to hold any religious belief or to have no religious belief at all, as well as the right to manifest one's religion individually or collectively, in worship, observance, practice, and teaching. It also extends to the right to change one's religion or beliefs and the freedom to share and promote one's faith peacefully with others.

### **Key elements of freedom of religion include:**

**Freedom of Belief:** The right to hold any religious belief or to have no religious belief at all, without fear of coercion or punishment.

**Freedom of Worship:** The right to practice religious rituals, ceremonies, and worship according to one's beliefs, both privately and publicly, without interference or restriction.

**Freedom of Expression:** The right to express and share religious beliefs, opinions, and convictions, through speech, writing, teaching, and other forms of communication.

**Freedom of Assembly:** The right to gather and associate with others for religious purposes, such as attending religious services, conducting religious ceremonies, or participating in religious organizations or communities.

**Freedom of Conscience:** The right to follow one's own conscience and to act in accordance with one's religious beliefs, as long as these actions do not infringe upon the rights and freedoms of others.

**Non-Discrimination:** The principle that individuals should not be discriminated against or disadvantaged based on their religious beliefs or affiliations and that everyone should be treated equally under the law regardless of their religion.

Freedom of religion is recognized as a fundamental human right by international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It is an essential element of a democratic and pluralistic society, allowing individuals to live in accordance with their deepest convictions and fostering peaceful coexistence among diverse religious communities. It recognizes the innate dignity and autonomy of each person to decide their religious beliefs and practices freely, contributing to a harmonious coexistence of different religious communities within a nation.

### **SITUATION IN PAKISTAN**

*“You are free to go to your temples, you are free to go to your mosques or to any other place of worship in this state of Pakistan. You may belong to any religion or caste or creed, that has nothing to do with the business of State.”*

~ **Muhammad Ali Jinnah**

But, the state of Pakistan in its rules contradicts this statement given by its former Governor General. As freedom of religion is a fundamental human right enshrined in numerous international conventions and constitutions. Pakistan, a country with a diverse cultural and religious landscape, has struggled to fully uphold this right throughout its history. This article examines the state of religious freedom in Pakistan, shedding light on the challenges it faces and the progress made in promoting religious tolerance and inclusivity.

## **HISTORICAL BACKGROUND**

Pakistan's roots can be traced back to the partition of British India in 1947, leading to the establishment of a separate nation for Muslims. Its founding father, Muhammad Ali Jinnah, envisioned a state where people of all faiths would be free to practice their religions. The initial years after independence saw some promising steps towards religious tolerance and acceptance.

However, over the decades, religious intolerance has crept into the fabric of Pakistani society due to various political, socio-economic, and geopolitical factors. As a result, minorities have often faced discrimination and persecution, undermining the concept of freedom of religion in the country.

## **PROBLEMS FACED BY THE HINDU, CHRISTIAN, AND OTHER MINORITY COMMUNITIES IN PAKISTAN**

Both the Hindu and Christian communities in Pakistan face a range of challenges that impact their freedom of religion and overall well-being. These issues stem from historical, social, and legal factors, and they often lead to discrimination, marginalization, and insecurity. Here are some of the common problems faced by both communities:

**Blasphemy Laws:** Pakistan's blasphemy laws are a significant concern for both Hindus and Christians. Accusations of blasphemy can result in severe consequences, including imprisonment or even death. These laws have been used to target individuals from minority religious groups, leading to fear, insecurity, and a chilling effect on freedom of expression and belief.

Pakistan's laws on offenses related to religion, commonly known as blasphemy laws, include a variety of crimes, such as misusing religious epithets; defiling the Holy Quran; deliberately outraging religious sentiment; and using derogatory remarks in respect of the Prophet Muhammad. Upon conviction, sentences for these offenses range from fines to long terms of imprisonment and, in the case of using derogatory remarks in respect of the Prophet Muhammad (section 295-C of the Penal Code), a mandatory death sentence. By law, the majority of these offenses are non-bailable, meaning that, while bail may be granted at the discretion of the court, those detained pursuant to many of these offenses may not apply for bail as a matter of right. A majority of these offenses are also cognizable, which means the

police may start an investigation and arrest suspected offenders without a warrant. Since their promulgation, Pakistani civil society activists, human rights groups, academics, and members of the judiciary have denounced these oppressive and frequently misused blasphemy laws. Concern about them was also expressed during the review by UN Member States of Pakistan's human rights record at the UN Human Rights Council, as well as by a number of the Human Rights Council's Special Procedures mandate holders and international human rights organizations, who have all observed that Pakistan's offenses against religion violate its obligations under international human rights law, and have urged Pakistan to repeal or radically amend them. The UN Special Rapporteur on the Independence of Judges and Lawyers, for example, following a mission to Pakistan in 2012, found that These laws serve the vested interests of extremist religious groups and are not only contrary to the Constitution of Pakistan but also to international human rights norms, in particular those relating to non-discrimination and freedom of expression and opinion. The Special Rapporteur went on to recommend that Pakistan should repeal or amend the blasphemy laws in accordance with its human rights obligations.

**Violence and Terrorism:** Extremist elements in Pakistan have targeted religious minorities through acts of violence and terrorism, leading to loss of life and property. Places of worship, such as churches and temples, have been attacked, further exacerbating tensions between different religious communities. Terrorism in Pakistan has had significant repercussions on freedom of religion, exacerbating challenges faced by religious minorities and hindering the overall environment of religious tolerance in the country. Various forms of terrorism, often driven by extremist ideologies, have led to problems concerning religious freedom.

**Forced Conversions and Marriages:** Both Hindu and Christian girls and women have been victims of forced conversions and marriages to Muslim men. This practice involves abductions and coerced religious conversions, leading to traumatic experiences and a sense of vulnerability within these communities. These incidents have sparked outrage and demands for stronger legal protections for minority communities.

**Discrimination in Education and Employment:** Hindu and Christian children often face discrimination and exclusion in schools, making it challenging for them to access quality education. Similarly, job opportunities can be limited for members of these communities due

to religious bias. Fear of retribution and marginalization often compel individuals to conceal their religious identities

**Attacks on Places of Worship:** Hindu temples and Christian churches have been targeted by extremists, leading to the destruction of religious sites and heightened fear among community members.

**Social Exclusion:** Both the Hindu and Christian communities experience social exclusion and isolation due to their religious identity. This can manifest in limited access to services, discrimination in daily life, and difficulty in integrating into the broader society.

**Land and Property Disputes:** Land and property disputes have been a longstanding issue for both communities. There have been cases of land grabbing and forced eviction, leading to the dispossession of Hindu and Christian families from their ancestral properties.

**Limited Representation:** Hindus and Christians are underrepresented in the political and administrative structures of Pakistan, which affects their ability to advocate for their rights and interests effectively.

**Lack of Legal Protections:** While the Pakistani Constitution guarantees religious freedom for all citizens, the implementation and enforcement of these protections have been inconsistent, leaving religious minorities vulnerable to discrimination and violence.

**Persecution and Violence:** Both communities have faced instances of violence and persecution, resulting in loss of life and property, and creating an environment of fear and insecurity.

**Socio-economic Disparities:** Hindus and Christians often experience socio-economic disparities, leading to challenges in accessing healthcare, education, and other basic services.

## **SAY OF UN ON FREEDOM OF RELIGION IN PAKISTAN**

The United Nations has consistently advocated for the protection of human rights, including freedom of religion or belief. The UN Charter and the Universal Declaration of Human Rights (UDHR) affirm the principles of freedom of thought, conscience, and religion for all individuals.

Regarding Pakistan, the UN has addressed concerns related to freedom of religion and the treatment of religious minorities in the country. International bodies like the UN have urged Pakistan to uphold its commitments to human rights and ensure that all citizens, regardless of their religious affiliations, are treated with dignity, equality, and respect.

Recently, the UN Human Rights Committee expressed concern at Pakistan's blasphemy laws following its review in July 2017 of the country's first periodic report on its implementation of the ICCPR. The Committee expressed concern that these offenses carried severe penalties, including the mandatory death penalty; they reportedly had a discriminatory effect, particularly on Ahmadi persons; a very high number of blasphemy cases were based on false accusations and there was violence against those accused of blasphemy; and there were reports that judges who hear blasphemy cases were frequently harassed and subjected to intimidation and threats. In light of the above, the Committee recommended that Pakistan repeal all blasphemy laws or amend them in compliance with the strict requirements of the Covenant, including as set forth in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, para. 48. Moreover, the Human Rights Committee and other human rights bodies, and independent human rights experts have clarified that the mandatory imposition of the death penalty, which is prescribed under section 295-C of Pakistan's Penal Code, is prohibited under international human rights law. In April 2021, the European Union Parliament passed a resolution expressing concern about Pakistan's blasphemy laws and their misuse. The Resolution called on the Commission and the European External Action Service (EEAS) to immediately review Pakistan's eligibility for GSP+ status, including whether there is sufficient reason to initiate a procedure for the temporary withdrawal of this status and the benefits that come with it and to report to the European Parliament on this matter as soon as possible.

It is essential to consult official UN statements, reports, and resolutions to understand the specific positions and recommendations provided by the United Nations on the topic of freedom of religion in Pakistan or any other country.

## **PROGRESS AND INITIATIVES**

Despite the challenges, Pakistan has taken some positive steps towards promoting freedom of religion:

**Constitutional Protections:** The Pakistani Constitution guarantees freedom of religion for all citizens. Article 20 allows every individual the right to profess, practice, and propagate their religion. However, the effectiveness of these constitutional protections is still a subject of debate due to the shortcomings in their implementation.

**Interfaith Dialogue:** The government, civil society organizations, and religious leaders have initiated interfaith dialogue programs to foster understanding and harmony among different religious communities. Such initiatives play a crucial role in promoting mutual respect and reducing religious tensions.

**Efforts against Forced Conversions:** There have been efforts to address the issue of forced conversions, with some provincial governments passing legislation to counter the practice and provide greater protection to vulnerable minority groups.

**Supreme Court Rulings:** The Supreme Court of Pakistan has occasionally taken a stance against misuse of the blasphemy laws, advocating for the fair treatment of accused individuals and emphasizing the need to prevent their misuse.

## **SOME SOLUTIONS TO THIS ISSUE:**

Improving laws and ensuring freedom of religion for minority people in Pakistan requires a comprehensive approach that involves legal reforms, education, interfaith dialogue, and social change. Here are some key steps that Pakistan can take to promote religious freedom and protect the rights of minority communities:

**Legal Reforms:** Pakistan should review and amend existing laws that infringe upon the rights of religious minorities. Revisiting and possibly repealing or amending blasphemy laws, which have been misused to target minorities, is a crucial step. Ensuring that all laws are in line with international human rights standards and the principles of equality and non-discrimination is essential.

**Effective Implementation:** Strengthening the enforcement of existing laws is vital. Ensuring that law enforcement agencies and the judiciary take prompt and fair action against those who violate the rights of religious minorities will send a strong message against religious discrimination.

**Education and Awareness:** Promoting education and awareness about the importance of religious freedom and tolerance can help combat prejudices and foster a culture of acceptance. Introducing human rights education in schools and universities can play a significant role in nurturing a more inclusive and pluralistic society.

**Interfaith Dialogue:** Facilitating and encouraging interfaith dialogue and cooperation among different religious communities can help build understanding, reduce tensions, and promote respect for diversity. Engaging religious leaders and community members in dialogue initiatives can lead to greater harmony and social cohesion.

**Protection Against Forced Conversions:** Implementing effective measures to prevent forced conversions and marriages, particularly of minority girls and women, is crucial. Strengthening the legal framework to protect the rights and autonomy of individuals in such situations is essential.

**Equal Political Representation:** Promoting political representation of religious minorities in the government and legislative bodies can help ensure their concerns are adequately addressed. Encouraging members of minority communities to participate in politics and hold public office can enhance their voice and influence in decision-making processes.

**Accountability and Transparency:** Holding perpetrators of violence and discrimination against religious minorities accountable is essential. Transparent investigations and fair trials can help build trust among minority communities and foster a sense of justice.

**Sensitizing Media and Public Discourse:** Encouraging responsible reporting by the media and countering hate speech and religiously divisive rhetoric can contribute to a more tolerant and accepting society.

**Engaging Civil Society:** Collaborating with civil society organizations and non-governmental groups working for human rights and religious freedom can complement government efforts and bring additional expertise and resources to the cause.



**International Cooperation:** Engaging with the international community and seeking support from international organizations can help Pakistan benefit from best practices and experiences in promoting religious freedom.

Implementing these steps will require a concerted effort from all sectors of society, including the government, civil society, religious leaders, and citizens. By working together, Pakistan can make significant strides toward ensuring freedom of religion and fostering a more inclusive and harmonious nation.

## **CONCLUSION**

The freedom of religion in Pakistan remains a complex issue with both challenges and progress. While the nation's founding vision envisioned a society tolerant of diverse faiths, the reality has been fraught with obstacles for religious minorities. Addressing issues such as blasphemy laws, social discrimination, and forced conversions is essential to ensure the protection of religious freedom and inclusivity for all citizens.

Pakistan's government, civil society, and religious leaders must collaborate to strengthen constitutional protections, implement anti-discrimination measures, and engage in meaningful interfaith dialogue. By fostering an environment of tolerance and mutual respect, Pakistan can move closer to realizing the vision of its founding fathers and upholding freedom of religion as a fundamental human right for all its citizens.

Ensuring freedom of religion for minority people in Pakistan is a critical endeavour that requires a multifaceted approach involving legal reforms, education, interfaith dialogue, and social change. The challenges faced by religious minorities in Pakistan are complex and deeply rooted, but through concerted efforts, the nation can make progress toward a more inclusive and tolerant society.

Legal reforms are a cornerstone in this pursuit. Pakistan must review and amend existing laws that infringe upon the rights of religious minorities. Revisiting and potentially repealing or amending blasphemy laws, which have been misused to target minority communities, is a crucial step. Ensuring that all laws are in line with international human rights standards and principles of equality and non-discrimination is vital.

Education and awareness are fundamental in promoting religious freedom. By promoting education on human rights, religious tolerance, and diversity in schools and universities, Pakistan can build a culture of acceptance and respect for all religious beliefs. Raising awareness about the importance of religious freedom can help combat prejudices and foster a more inclusive society.

Interfaith dialogue plays a pivotal role in promoting harmony among religious communities. Facilitating and encouraging dialogue and cooperation among different religious groups can build understanding, reduce tensions, and promote respect for diversity. Engaging religious leaders and community members in interfaith initiatives will lead to greater social cohesion.

Engaging civil society and international cooperation will complement Pakistan's efforts. Collaborating with civil society organizations and seeking support from the international community will bring additional expertise and resources to the cause of promoting religious freedom.

In conclusion, Pakistan's commitment to protecting freedom of religion and the rights of its minority communities is integral to building a more inclusive and harmonious nation. By addressing the challenges faced by religious minorities through legal reforms, education, interfaith dialogue, and social change, Pakistan can move closer to achieving a society where religious freedom is respected and upheld for all its citizens. The path to progress requires collaboration from all sectors of society, including the government, civil society, religious leaders, and citizens, to create an environment where diversity is celebrated, and religious tolerance is a guiding principle.

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