

GHRD

HUMAN RIGHTS REPORT 2019



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Human Rights Report 2019

HUMAN RIGHTS VIOLATIONS AGAINST WOMEN BEONGING TO RELIGIOUS
MINORITY COMMUNITIES IN PAKISTAN

Global Human Rights Defence (GHRD)

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Introduction to the Report

Global Human Rights Defence (GHRD) promotes and advocates human rights in areas where minorities and marginalised groups are targets of regular human rights violations and where global attention for these abuses is lacking. The mission of GHRD is to actively promote and protect the human rights of minorities and marginalised groups and to enhance their socio-economic empowerment by educating, advocating and influencing. GHRD monitors human rights violations and utilizes collected information to advocate and influence changes in policy making and educate a variety of stakeholders in order to decrease human rights violations. GHRD envisions a world where the rights of all minorities and marginalised groups are respected and upheld in accordance with national and international laws, treaties and agreements.

For decades members of religious minorities in Pakistan have been treated as separate and unequal citizens. The constitution and laws of this Islamic Republic are interpreted as preferential towards Muslims. In many aspects of life, religious minorities, including Christians, Hindus, Sikhs, Ahmadiyya and Shias, face discrimination due to their faith. Specifically women belonging to these minorities have reportedly been victims of attacks. Currently, Pakistan's religious minorities only represent 3.72 percent of its total population,¹ which will keep rapidly decreasing if the ongoing inequality and violence continues.

Regardless of the laws that exist in relation to gender equality, Pakistan seems unable and/or unwilling to ensure their effective enforcement, despite their international obligation to do so. This report will specifically examine the human rights violations against women from these religious communities, whom are structurally affected by both gender as well as religious violence. With the presentation of this report, during our human rights march against the persecution of religious minorities in Pakistan on 7 March 2019, GHRD wants to remind the international community, as well as the individual governments, of their duty to act and speak out against these grave human rights violations.

The cases added in support of this report are based on evidence provided by our local partners in Pakistan.

¹ Pakistan Bureau of Statistics, 'Population by Religion' (19 February 2019) pdf accessible at: <http://www.pbs.gov.pk/content/population-religion>

Previous events held by Global Human Rights Defence

22 September 2018: Protest against the persecution of religious minorities in Pakistan

On 22 September 2018, GHRD organized a protest before the United Nations Office in Geneva to raise international awareness for persecution of religious minorities in Pakistan. Over 100 protestors participated in a march through the center of Geneva. Bystanders were informed about the gross violations of freedom of religion and belief in Pakistan, and the need for the international community to take action. Specific references were made to the unjust Blasphemy laws and the Asia Bibi case. The protest was accompanied by the dignitaries, Dr. Mario Silva, executive chairman of IFRAS, Mr. Henry Malosse, former president of the European Economic and Social Committee, Mr. Tomas Zdechovsky, Member of European parliament, Mr. Benjamin Blanchar, Director of SOS Chretiens d'Orient and Mr. Gyorgy Holvenyi, Member of European Parliament. The protestors then made their way towards the Palace of Nations. The crowd assembled before the broken chair monument, which stands as a reminder of the dangers posed by landmines and cluster bombs. It also symbolizes the impact of NGOs in lobbying for change at the international level.

This event gained significant media attention, raising awareness both among individuals as well as international organizations in Geneva and beyond.



5 November 2018: Press briefing Asia Bibi's lawyer

On 5 November 2018, GHRD attended the press briefing held by Mr. Saif-ul-Malook, the lawyer representing Asia Bibi before the Pakistan Supreme Court.

The Pakistan Supreme Court acquitted Asia Bibi of Blasphemy charges on the 31 October 2018, due to lack of evidence. Since the judgement, Pakistan has been rocked by protests from fundamentalist groups who have made open calls for violence against the religious minorities in Pakistan. The protestors demanded that the Pakistan government must include Asia Bibi's name on the Exit Control List, in the hope that it would prevent her from flying out of the country. Immediately after the judgement Mr. Malook drove to the UN office in Pakistan, where he stayed for 3 days. Thereafter (2 November 2018), he flew to Europe.

Officials have refused to talk about Asia Bibi's asylum status with Mr. Malook, continuously postponing the issue. He reiterated that except for Italy, there has been no country which has come forward to provide asylum for Asia Bibi and her entire family. Mr. Malook's statement is testament to the fact that the international organizations have not done enough to protect minorities in Pakistan.

GHRD emphasizes that the UN, EU and the international community need to take immediate action to protect religious minorities in Pakistan.



24 November 2018: Elimination of Violence against Women

On 24 November 2018 Human Rights Focus Pakistan (HRFP) and GHRD organized an event to address the elimination of violence against women. Representatives of civil society organizations, women's rights activists, political workers, social activists, human rights lawyers, teachers, and students came together to raise awareness. Naveed Walter, President of HRFP, addressed child marriage, domestic violence, acid attacks, stove bursting, honor killings, trafficking, sexual and mental harassments.

The event raised awareness for violence against women and served as a platform where important experiences were shared.

9 December 2018: International Human Rights Day

On 9 December 2018 HRFP and GHRD organized an event to celebrate International Human Rights day, together with human rights defenders, women activists, political workers, social activists, lawyers, teachers, youth, representatives of civil society organizations and students. Everyone shared their experiences and made recommendations concerning Article 1 of Universal Declaration of Human Rights: 'All Human Beings are Born Free & Equal in Dignity and Rights.'²

This event raised awareness for the importance of the Universal Declaration of Human Rights.



² Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) art 1

Conversion and Forced Marriages

Gender-based crimes against women including murder, rape, honor killings, acid attacks, domestic violence, forced conversion, forced marriage, child marriage and discrimination remain a severe and present problem in Pakistan today.³ Violence and inequality against women is deeply rooted in Pakistan's history, which is often used as reason to justify the current injustice as being part of tradition and customs.⁴ Pakistan's patriarchal political system persistently deprives women from equal access to opportunity in all layers of society including 'the rights and freedoms to which every human being is equally and inalienably entitled.'⁵ Liberty, social security, education, employment, politics, health, freedom of expression and consensual marriage are among the many basic fundamental rights are not ensured for the Pakistani women. Pakistan's military, which is accused of having ties with extremist religious groups, are exercising their increasing power over state policy, rendering the current situation for women only worse.⁶

Women from religious minorities in particular are regularly subjected to abductions, forced conversion and forced marriage. They are not only subject to severe gender discrimination, but also to religious violence and persecution. Cases show how underage Hindu and Christian girls disappear from their homes or workplace to later resurface as converted and married Muslim women.⁷ These cases disrupt the communities and are seen as an attempt from Muslim extremists to spread Islam through forced conversions and marriages of minority women.⁸ When stories of abduction and rape become public, the abductors often proceed to forcibly marry off the victim in order to suppress suspicion of sexual assault.⁹

3 European Commission (EC), 'Joint Staff Working Document - The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 - 2017' SWD (2018) 29 final, p. 8; Human Rights Watch (HRW), 'World Report 2019' (2019, Pakistan p. 244), p. 450, accessible at: <https://www.hrw.org/world-report/2019>

4 Sabrina Khan, 'Pakistan and the Convention on the Elimination of all forms of Discrimination Against Women' (2013) Vol 2, No 2, Criterion Quarterly <http://www.criterion-quarterly.com/pakistan-and-the-convention-on-the-elimination-of-all-forms-of-discrimination-against-women/> accessed 15 February 2019; Freedom House, 'Freedom in the World 2018 - Pakistan Profile' (2018) F4, <https://freedomhouse.org/report/freedom-world/2018/pakistan> accessed at 19 February 2019

5 Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) Introduction (illustrated edition, 2015)

6 Council on Foreign Relations, 'Pakistan's New Generation of Terrorists' (18 November 2013) <https://www.cfr.org/backgrounder/pakistan-new-generation-terrorists> accessed on 15 February 2018; National Geographic, 'The Rising Voices of Women in Pakistan' (6 February 2019) <https://www.nationalgeographic.com/culture/2019/02/the-rising-voices-of-women-in-pakistan/> accessed on 15 February 2019

7 Quartz India, 'The "forced conversions" of Pakistan's Hindu women hide a much bigger problem' (2018) <https://qz.com/india/1395029/why-pakistans-hindu-women-covert-to-islam/> accessed 15 November 2018.

8 The Times of India, 'Over 500 Hindus converted to Islam in Pakistan' (2018) <https://timesofindia.indiatimes.com/city/jaipur/over-500-hindus-converted-to-islam-in-pakistan/articleshow/63538595.cms> accessed 15 November 2018.

9 Quartz India, 'The "forced conversions" of Pakistan's Hindu women hide a much bigger problem' (2018) <https://qz.com/india/1395029/why-pakistans-hindu-women-covert-to-islam/> accessed 15 November 2018.

These conversions are often backed by powerful shrines, seminaries and clerics, as well as local politicians. The arrangement surrounding forced conversions is often controlled by clerics who offer money and housing to new Muslim converts.¹⁰ In Islam, it is considered an achievement to convert a Hindu to Islam and in doing so one can earn a blessing. Incidents of rape and forced marriages of underage girls have been reported in increasing numbers every year.

And yet Pakistan is signatory to several human rights treaties, where multiple articles on freedom of religion as well as marriage are stipulated. Article 16(a)(b) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that Pakistan, as state party has to ‘take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: the same right to enter into marriage, the same right freely to choose a spouse and to enter into marriage only with their free and full consent.’¹¹ Article 23 of the International Covenant on Civil and Political Rights (ICCPR) as well as article 10 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) have a similar purpose, stating that state parties must ensure the ‘widest possible protection and assistance’¹² to families, as well as consensual marriage.¹³ ‘No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation and everyone has the right to the protection of the law against such interference or attacks.’¹⁴

¹⁰ The Atlantic, ‘Hindu Today, Muslim Tomorrow’ (2017) <https://www.theatlantic.com/international/archive/2017/08/hindu-muslim-pakistan/536238/> accessed 15 November 2018

¹¹ UNGA Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979) UNTS 1249, art 16 (a)(b)

¹² International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS (ICESCR), art 10

¹³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art 23

¹⁴ Ibid, art 17

Regardless of Pakistan's ratification, women and girls remain victim to gender violations on a large scale. The government condemns the acts of violence, but avoids taking action against the perpetrators, leaving the families of victims in despair. The lacking political stability in Pakistan enables perpetrators of all sorts of gender based crimes against women to go unpunished, as government action on both national and local level remains absent.¹⁵ Additionally we see Pakistan's non-acceptance of individual compliant procedures in international human rights treaties,¹⁶ which is precisely what mirrors the national situation. Individual complaint procedures create the 'ability of individuals to complain about the violation of their rights,'¹⁷ and can therefore give rise to remedies for victims and ensure effective human rights monitoring. The local Pakistani governments and police forces are often corrupted and bias in favour Muslim perpetrators, which bars religious minority women and their family from effectively filing cases and complaints of sexual harassment, violence and other crimes both on national and international level. Moreover, local enforcement mechanisms that do exist struggle to ensure good practice. The Violence Against Women Centre (VAWC) opened in Punjab in 2017, dealing with 'protection to women against violent crimes, particularly domestic abuse, rape and sexual assaults.'¹⁸ VAWC had a 'police station, doctor's office, court house and counselling, operates 24 hours a day with a staff of 60 women, including an all-female police force'¹⁹ and yet the new government of Punjab has not allocated the VAWC any funds, which forced the centre to close at the end of 2018.

The multiple cases added in this report are only a very small scratch of the surface of this major issue in Pakistan. Considering Pakistan's membership to both the international treaties as well as the United Nations, the international community must and has a duty to remind Pakistan of its fundamental responsibility as State to ensure international human rights law, as well as the rights in the constitution for all citizens.²⁰ Intertwined with this, is Pakistan's obligation to effectively criminalize behaviour of individuals that is contrary to the enjoyment of everyone's basic human rights.²¹ The abolition of forced conversions, forced (child) marriages, gender and religious based discrimination should be a priority of the entire international community, and therefore be critically addressed to avoid these acts from occurring.

15 HRW, 'Shall I Feed my Daughter, or Educate Her?' (12 November 2018) <https://www.hrw.org/report/2018/11/12/shall-i-feed-my-daughter-or-educate-her/barriers-girls-education-pakistan> accessed at 15 February 2019

16 UN Human Rights Office of the High Commissioner (OHCHR), 'Acceptance of individual complaints procedures for Pakistan' https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN accessed 15 February 2019

17 OHCHR, 'Human Rights Bodies - Complaints Procedures' <https://www.ohchr.org/en/hrbodies/tbpetitions/pages/hrtbpetitions.aspx> accessed 15 February 2019

18 Geo.tv, 'Violence Against Women Centre staff not paid in four months' (26 October 2018) <https://www.geo.tv/latest/216146-violence-against-women-center-staff-not-paid-in-four-months> accessed at 18 February 2019

19 Public Broadcasting Service (PBS), 'In Pakistan, abused women find comfort and justice at this all-female-run center' (9 February 2018) <https://www.pbs.org/newshour/world/in-pakistan-abused-women-find-comfort-and-justice-at-this-all-female-run-center> accessed at 18 February 2019

20 Case of Miguel Castro Castro Prison v Peru (Interpretation of the Judgment on Merits, Reparations, and Costs) Inter American Court of Human Rights, Judgement (2 August 2008) accessed via: <https://www.womenslinkworldwide.org/en/gender-justice-observatory/court-rulings-database/miguel-castro-castro-prison-v-peru> 21 February 2019

21 Ibid

Blasphemy Law

The law of blasphemy is considered another source of discrimination against religious minorities. The blasphemy law, in force under the Pakistani penal code, refers to the prohibition of insulting or showing contempt against the Prophet Mohammad and states (295-C) ‘Use of derogatory remarks, etc., in respect of the Holy Prophet.’²² Evidently, this law is vague both on terms of mens rea as well as actus reus, violating the principle of legality. ‘Sentences for these offences range from fines to long terms of imprisonment, and in the case of defamation of the Prophet Muhammad, a mandatory death sentence.’²³ This law thus serves as a legal justification to persecute religious minorities, or any other person, by means of false accusations in pursuit of personal vendettas or disputes. Pakistan’s blasphemy law has led to an extensive amount of death row convictions, without holding up the rights of the accused during the trial.²⁴ Victims are often immediately presumed guilty, without substantive evidence. Major bias exists in relation to religious minorities already, which makes it almost impossible for them to appeal blasphemy cases filed against them. As the government is ‘failing to repeal discriminatory laws and using religious rhetoric inciting hatred against minority groups’²⁵ it encourages ‘discriminatory prosecutions and other forms of discrimination against vulnerable groups.’²⁶

As stated in the previous chapter, Pakistan has ratified several international human rights treaties which lay down the right to freedom of religion, as well as the rights of the accused. Among others, ICCPR article 18 states that ‘(1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. (2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (3) Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.’²⁷

22 Pakistan Penal Code (6th October, 1860) XLV of 1860, Ch. XV sec. 295-C

23 International Commission of Jurists, ‘On Trial: The Implementation of Pakistan’s Blasphemy Laws’ (2015), p. 5 <https://www.icj.org/wp-content/uploads/2015/12/Pakistan-On-Trial-Blasphemy-Laws-Publications-Thematic-Reports-2015-ENG.pdf> accessed at 21 February 2019

24 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art 14

25 Human Rights Watch, ‘Country Summary: Pakistan’ (January 2018) p. 3, https://www.hrw.org/sites/default/files/pakistan_2.pdf accessed at 21 February 2019

26 Ibid

27 International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art 14

Pakistan is not only neglecting its obligation to ensure these rights for everyone, but even actively pronouncing their support of religious persecution. An example of this is a public statement of the interior minister in march 2017, whom ‘described blasphemers as “enemies of humanity,” and stated he would take the issue to its “logical conclusion” in taking action against them.’²⁸ A famous example of a blasphemy conviction is the one of Asia Bibi, a Christian woman who faced the death sentence for blasphemy. In 2009, Bibi was involved in an argument with a group of Muslim women and consequently accused of, and imprisoned for insulting the Islamic prophet Muhammad.²⁹ Bibi was sentenced to death in 2010, and consequently ‘spent the past nine years of her life in solitary confinement.’³⁰ Exceptionally, however, Asia was eventually acquitted by the supreme court due to a lack of evidence. Hereafter, 3 days of national protest against this decision took place in Pakistan. Police offices were attacked and schools had to close, while government action against these protests remained wholly absent.³¹ Multiple extremist religious groups, whom exercise increasing control over local politicians and police enforcement, openly called for violence and murder.³² This course of events does not only show the vivid presence of hatred against religious minorities among the civilians themselves, who can easily use the blasphemy law to rejoice their acrimony, but also how the government seems entirely unwilling to resolve any of these issues. The absence of condemnation of violence against religious minorities by the government only further radicalizes the existing hate, as people become aware of the impunity their (violent) conduct enjoys.

Again, Pakistan, as member of the United Nations and party to several international human rights treaties, has a responsibility to actively ensure people their inalienable right to religion. ‘Constitutional guarantees of religious freedom have not provided effective safeguards against discriminatory legislation, social prejudice, and sectarian violence,’³³ as Pakistan wholeheartedly disregards the effective enforcement thereof. ‘All branches of the State are required under general international law, to give domestic effect to (conditional and ratified) human rights provisions and to bring domestic laws in line’³⁴ with these provisions. The international community has a duty to speak out against these grave human rights violations in order for the world to make a progressive development towards the total abolition of violence against religious minorities anywhere.

²⁸ Human Rights Watch, ‘Country Summary: Pakistan’ (January 2018) p. 3, https://www.hrw.org/sites/default/files/pakistan_2.pdf accessed at 21 February 2019

²⁹ BBC, ‘Asia Bibi blasphemy acquittal upheld by Pakistan court’ (29 January 2019) https://www.bbc.com/news/world-asia-47040847?intlink_from_url=https://www.bbc.co.uk/news/topics/c8qpdz3gxynt/asia-bibi-blasphemy-case&link_location=live-reporting-story accessed at 21 February 2019

³⁰ BBC, ‘Asia Bibi: Pakistan’s Notorious Blasphemy Case’ (1 February 2019) https://www.bbc.co.uk/news/resources/1dt-sh/Asia_Bibi accessed at 21 February 2019

³¹ Ibid

³² Ibid

³³ Freedom House, ‘Freedom in the World 2018 – Pakistan Profile’ (2018) D2, <https://freedomhouse.org/report/freedom-world/2018/pakistan> accessed at 21 February 2019

³⁴ International Commission of Jurists, ‘On Trial: The Implementation of Pakistan’s Blasphemy Laws’ (2015) p. 16, <https://www.icj.org/wp-content/uploads/2015/12/Pakistan-On-Trial-Blasphemy-Laws-Publications-Thematic-Reports-2015-ENG.pdf> accessed at 21 February 2019

Cases

Sonia Shakeel, daughter of Shakeel Masih, a 9 year old Christian girl, was living with her parents at a brick kiln owned by Muslim Rana Sher Khan in Moloani, Faisalabad.

On 21 November 2018, Sonia and her 8-year-old sister Amrat were playing near the residence. When Sonia did not return after two hours, her father and neighbors, Javaid Masih, Rafiq Masih and Manzoor Masih, started searching for her. After searching for 15 to 20 minutes, they heard her crying in the fields belonging to the Muslim landlord, Niaz Jutt. The group witnessed an unknown person running from the scene, while Sonia laid on the floor. Her clothes were torn and she was bleeding.

On 22 November 2018, Shakeel Masih and Manzoor Masih visited the Millat Chowk Police Station in Millat Town Faisalabad. The police took the victim to the Allied Hospital Faisalabad for medical report, which was sealed and sent to the local police station. The police did not provide a copy to the victim’s family.

The Human Rights Focus Pakistan team, comprised of Naveed Walter and Shadman John, visited the police station. During the meeting, the SHO (Station House Officer), Ayub Sahi, said that the case currently under investigation, but that the police has ties with the perpetrators. The HRFP announced that if police action remains absent, they will try to seek justice for Sonia in court.



Sonia S.

Age: 9

Community: Christian

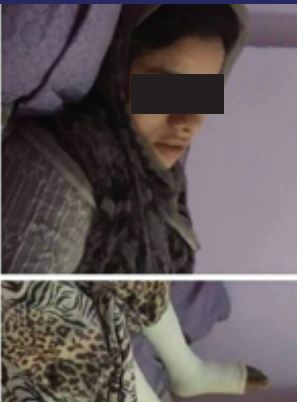
Issue: Abduction and rape

Binish Paul, an 18-year-old girl from the Christian community was pressured by Tahir Abbas, a 25-year-old Muslim man, to marry him and convert to Islam. Even though this happened for several months, Binish Paul has continuously rejected all of Tahir’s offers.

On 22 August 2018, after refusing several offers, Binish was thrown off a roof by Tahir Abbas. She sustained severe injuries to her legs and spine.

The family went to Karachi station to report the crime, but authorities refused to file a case. Binish’s family said that the perpetrator’s family, backed by religious fundamentalists, threatened them with official blasphemy accusations (punished with death penalty under article 295-C PPC). In cases such as this one, it is common practise of the police to refuse filing reports, as the threats from the perpetrators families are often supported by extremist religious groups. Both the victims as well as the police themselves are therefore reluctant to report or take action on the crime.

Binish is under treatment of spinal fracture and leg injuries at Jinnah Hospital Karachi, while the police has not arrested Tahir Abbas.



Binish P.

Age: 18

Community: Christian

Issue: Violence and blasphemy

Aneela Haroon is a pastor at Grace Church, Mirfa Abu-Dhabi and visiting pastor at the Church of Lahore, and United Presbyterian Church. Her husband and family lives at Liaqatabad, Lahore.

On 6th June 2018, Pastor Aneela received a phone call from an unknown man who warned her against preaching Christianity and demanded that she stopped her religious practices in Pakistan. She was leaving for Abu-Dhabi, so she ignored the threats and left Pakistan to continue her Church services at Grace Church in Abu-Dhabi.

On October 26, 2018, when she was visiting Pakistan again to pray at the homes of sick persons, she received another phone call. The caller warned that he is an Islamic Warrior of Lashkar-e-Taiba (a militant Islamic group) on mission to kill infidels. He additionally proclaimed her family would be killed if she would not stop her Christian activities.

On October 27, 2018 Aneela told the story to her Church elders and they suggested registering a complaint at the local police station. When Aneela gave the application to register a FIR at Liaqat Abad Police Station, Lahore, the Police refused to register her complaint due to their personal agitation for the Islamic group Lashkar-e-Taiba. After the investigation, that lasted 5-6 days, the police refused to register a formal report on the ground that “there are no evidence of the call and we cannot be involved in a religious issue”.

As the police was unwilling to help Aneela, she submitted an application to IG (Inspector General) Punjab Police, Governor of Punjab and Chief Justice of Lahore High Court. Meanwhile she has fled to Abu Dhabi due to the threats to her life in Pakistan.



Aneela H.

Age: - 44

Community: Christian

Issue: Death threats

Harinder Kour is a 16 year old Sikh girl who went missing on the 27 October 2018. Her father, Sai Singh, and her uncle Mahinder Singh searched for her around the neighborhood with help of relatives.

On the return from their search (Gudwara, temple), Mahinder Singh noticed a parked government's Rescue 1122 Ambulance numbering NK-3. Mahinder Singh went closer to the vehicle which had not moved for 20 minutes. Sai Singh and Mahinder Singh looked through the vehicle's window witnessing two individuals, Ahsan Ali and Shameem Haider, raping Harinder. Mahinder Singh and a friend, Surjeet Singh, shouted and hit the ambulance while the perpetrators drove away towards Buche-ki Road. The group followed the ambulance by foot, while the perpetrators threw the girl out of the ambulance.

The family filed an official complaint at the Police Station City Nankan Sahib, District Nankan Sahib. The police registered an FIR (First Information Report) and on the next day the perpetrators were arrested. Nevertheless, the police has been bias in favor of the perpetrator for the duration of the whole investigation. The victim and her family have received violent threats by the perpetrators to withdraw the complaint.

Harinder and her family are in need of protection against the possible execution of these threats in order to continue their case. Additional legal assistance in the court proceedings is required for them to receive fair justice.



Harinder K.

Age: 16

Community: Hindu

Issue: Abduction, Rape and death threats

Versha Shiva, a 12 year-old-girl belonging to the Hindu community, was abducted outside her house on 9 September 2018 at District Tando Allahyar, Sindh. Versha's family members and neighbours immediately started searching the neighbourhood for the missing girl. When they were unable to find her, they turned to the local police station, Tando Allah Yar. The police received the application from the family, assuring them a case investigation to ensure her return.

According to Shiva, the father of the victim, the police was not cooperative due to the family's religious background. On the 10 September 2018, the day after Versha's abduction, Shiva was advised by the police not to back to the station as there was no news about his daughter. On the 11th of September 2018 the police told Shiva that Versha had converted to Islam by choice and handed over the certificate of proof.

The certificate stated that: "I, Versha daughter of Shiva, caste Sonar, age 19 (wrong age mentioned) resident of District Tando Allahyar, Sindh, Pakistan, have embraced Islam by my own will and consent. My name is changed from Versha to Saira. From now onwards, I will be mentioned by my Islamic name Saira".

Her family believes that Muhammad Ayub Jan Farooqi, a member of the Muslim community, abducted, raped and forcefully converted her. Muhammad Ayub Jan Farooqi's name is mentioned in the conversion certificate known by the community for such conversions. When the family requested to arrange a meeting with their daughter at the magistrate office, the girl was absent. Versha's family has reasons to believe that Farooqi has killed Versha.

The investigation that is currently held by the police is not independent nor impartial, as they are biased due to religious affinity with the perpetrators. Consequently, no legal action has been initiated.



Versha S.

Age: 12

Community: Hindu

Issue: Abduction, forced conversion and allegedly killed

Kamini Chand, an underage girl from the Hindu community, was abducted on her way to tuition on 2 September 2018 from Mughalzai, Kalat in Balochistan province. Her family, unable to find her, filed the crime at the local police station. The police reported the crime and assured the family an investigation in order to find and return Kamini.

The family visited the police station twice on 3 September 2018, but the investigation had not commenced. Additionally, the police did not (yet) register a FIR. The police authorities stated that if she had already embraced Islam, they would be unable to return her. On 4 September 2018, Kamini’s family visited the DPO (District Police Officer) and were informed that Kamini had converted to Islam and married a Muslim man named Muhammad Anwar. The DPO showed the family the marriage certificate. Kamini’s father, Chand, argued the signature on the affidavit did not match his daughter’s, and insisted on a court appearance and reopening of investigations.

The marriage certificate states: “I, Kamini daughter of Chand, age 11, mature and in full senses, resident of Mughalzai, Kalat, Balochistan, states through this affidavit that my former religion was Hinduism and I am highly impressed by Islam and Sunnah, so I have embraced to Islam by my own free will and consent; no one has forced me nor has offered any valuable reward, I have embraced to Islam without any greed or pressure. I am getting married to Muhammad Anwar with my own free will. My name is changed from Kamini to Bibi Iman. The above-mentioned statement is correct as per my knowledge and nothing is kept hidden in it.” (Under signed Kamini is now as Bibi Iman. Sworn Before, Syed Muhammad Jawad Ahmad, Advocate High Court, Quetta, Notary Public Balochistan Quetta).

Chand visited the notable figures in the area to ask for help. Nevertheless, due to fear for Islamic clerics, whom currently provide the abductor protection, there is a general unwillingness to assist in such cases. Chand requested HRF’s assistance of livelihood and legal aid with advocacy efforts for the case proceedings.



Kamini C.

Age: 14

Community: Hindu

Issue: Abduction and forced conversion

Monika Kishore, daughter of Kishore Kumar (a labourer), was an 11 year old student at Government Primary School, Hala, District Matiari, Sindh. She was abducted and raped, facing forced conversion and marriage. Monika has since returned but still faces threats of abduction.

Mushtaq Mahar, the 25 year-old son of Sabit Ali Mahar, living at Allah Dino Mahar village in Matiari, often bullied Monika while she was on her way to school and the local market. Her parents were worried and forced Monika to leave school. Monika left school on 31 March 2018 and received her school leaving certificate at age 11. Monika continuously faced threats of abduction, forced conversion and marriage into Islam. As result she stayed inside.

On the 19th October 2018, Mushtaq and three of his friends entered the victim's house armed with weapons and forcefully abducted Monika. Monika's family tried to stop Mushtaq, but threatened with guns and thus unable to stop the abduction. Monika's father went to the police station to file a FIR. The police refused to register the case, arguing Monika could be voluntarily converted to Islam by now, in which case they are unable to act.

On 20 October 2018, the local Hindu Panchayat and the Hindu traders conducted a meeting with all members of the Hindu community including Monika's family. 20 to 25 persons gathered and protested outside the police station for the registration of the FIR. The protesters demanded the police to search for the girl and punish perpetrators. The protestors called for security and protection for the Hindu community of Hala. Shakeel Ahmad Rind, the SHO of Hala police station, reassured the protestors he would arrest the perpetrator, returning the missing victim. Later that day, the police raided the residence of Mushtaq and arrested his father Sabit Ali Mahar as Mushtaq and Monika were not found in the residence.

On 25 October 2018, the police raided "Sawan Sahrif Darbar" at Jamshoro, Sindh and the girl was found and handed over to her parents. Nevertheless, no legal proceedings have been initiated since then. The perpetrator currently threatens the girl and her parents with abduction and murder. Additional threats from (unknown) religious groups belonging to the Muslim community are also received by the family. Monika and her family are in need of immediate protection.



Monika K.

Age: 11

Community: Hindu

Issue: Abduction, rape and death threats

Legal developments

Politics

In July 2018 the leader of the Tehreek-e-Insaf party won the highest number of seats in the parliamentary elections. Imran Khan, the leader of the party, has continued Pakistan's crack down on international groups operating in the country. Eighteen organisations have been ordered to end operations in Pakistan and restrictions have been placed on foreign funding for local organisations, many of which are in place to support at-risk groups such as religious minorities. The media has been warned by the government not to report on certain issues such as these. The right to freedom of expression has been further denied, as the government is actively blocking the media from covering any political developments.³⁵

Religious Minorities

The Sindh Criminal law, which is intended to protect minorities from forced conversion and forced marriage was unanimously passed by the Sindh Assembly in 2016, however this bill was never turned into applicable law as it was continuously blocked by Islamic government parties.³⁶

Election rules have discriminated against the Ahmadiyya religious community, essentially restricting their ability to vote or express their religion. 'The new Election Act 2017 retains the provisions regarding the status of the Ahmadis. If anyone raises an objection against a particular voter identifying them as non-Muslim, the election commission can summon the person and ask that they declare they are not Ahmadi or be put on a supplementary special voter list.'³⁷

³⁵ European Commission (EC), 'Joint Staff Working Document - The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 - 2017' SWD (2018) 29 final, p. 5

³⁶ Reuben Ackerman, 'Forced Conversions & Forced Marriages in Sindh, Pakistan' (2018, Commonwealth Initiative for Freedom of Religion or Belief (CIFORB), the University of Birmingham), p. 2/3, <https://www.birmingham.ac.uk/Documents/college-art-slaw/ptr/ciforb/Forced-Conversions-and-Forced-Marriages-in-Sindh.pdf> accessed at 18 February 2019

³⁷ Human Rights Watch, 'Pakistan: Ensure Ahmadi voting rights' (28 June 2018) <https://www.refworld.org/docid/5b87de574.html> accessed 21 February 2019

In 2018, the Pakistani government passed the 25th constitution amendment bill which will begin the process of merging the Federally Administered Tribal Areas (Fata) with Khyber Pakhtunkhwa province. This should allow the groups in the tribal areas the same rights as the citizens in the formal province.³⁹

Child Marriage

In November 2018, a bill was proposed to make punishments stricter for a person marrying a minor, including a large fine and imprisonment of three years. Senator Sherry Rehman proposed the amendments to the 1929 Child Marriage Restraint Act, which aims to completely ban marriage before the age of 18. The current law sets the legal marriage age at 16 for girls and 18 for boys. However, this law is rarely enforced as 'Pakistani courts often apply Sharia (Islamic law) instead, which they interpret as allowing any girl who has gone through puberty to marry.'⁴⁰

Education

In education, girls often leave school much earlier than boys. By the sixth grade 59% of girls have left school, compared to 49% of boys. Only 13% of girls are in school by the ninth grade.⁴¹ Human Rights Watch has credited this to 'Political instability, disproportionate influence on governance by security forces, repression of civil society and the media, violent insurgency, and escalating ethnic and religious tensions [that] all poison Pakistan's current social landscape.'⁴² In addition, a rise in religious education in lieu of official formal education has skewed the statistics for children attending school. Muslim madrasas are increasingly replacing public schools and informal education.

39 Dawn, 'President signs KP-Fata merger bill into law' (31 May 2018) <https://www.dawn.com/news/1411156> accessed at 21 February 2019

40 Human Rights Watch, 'Time to End Child Marriage in Pakistan: Proposed Bill an Important Opportunity to Protect Children' (9 November 2018) <https://www.hrw.org/news/2018/11/09/time-end-child-marriage-pakistan> accessed at 21 February 2019

41 Human Rights Watch, 'Pakistan: Girls Deprived of Education' (12 November 2018) <https://www.hrw.org/news/2018/11/12/pakistan-girls-deprived-education> accessed at 21 February 2019

42 Human Rights Watch, 'Shall I Feed My Daughter, or Educate Her?' Barriers to Girls' Education in Pakistan' (November 2018) p. 27 https://www.hrw.org/sites/default/files/report_pdf/pakistan1118_web2.pdf accessed at 21 February 2019

UN Sustainable Development Goals Pakistan

On 11th of April 2018 'the government of Pakistan and the United Nations in Pakistan signed the UN Sustainable Development Framework (UNSDF), also known as the One Programme III(OP III) 2018-2022.'⁴³

OPIII is intended to improve 'collaboration between the UN System and the Government of Pakistan.'⁴⁴

National Action Plan of Human Rights

The National Action Plan on Human Rights was approved by the PM in 2016, the plan contains policy and legal Reforms, access to justice, implementation of key human rights priorities, International/UN Treaty implementation, establishment and strengthen national human rights institutions and implementation and monitor mechanisms for this plan.⁴⁵ 'However, due to lack of progress reporting to the public, it is unclear how many of these priorities and actions have been implemented so far.'⁴⁶

43 Press Centre UNPD, 'the Government of Pakistan and the United Nations in Pakistan sign the UN Sustainable Development Framework' (11 April 2018) <http://www.pk.undp.org/content/pakistan/en/home/presscenter/pressreleases/2018/04/11/the-government-of-pakistan-and-the-united-nations-in-pakistan-sign-the-un-sustainable-development-framework-orko.html> accessed at 18 February 2019

44 United Nations Sustainable Development Framework for Pakistan, Pakistan One United Nations Programme III (OP III) 2018-2022 (11 April 2018, draft) executive summary, p.4, para 1

45 Ministry for Human Rights Pakistan, Action Plan for Human Rights (February 2016), preamble para 3

46 European Commission (EC), 'Joint Staff Working Document - The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 - 2017' SWD (2018) 29 final, p. 2

Recommendations

Arising from the information in this report, GHRD expresses its concerns in relation to these serious human rights violations. GHRD encourages International authorities, NGOs, politicians, and the government of Pakistan to work towards the following:

1. Creation of a special taskforce to investigate the number and prevalence of abductions and forced conversions of minority women in Pakistan with a view to:
 - a. Creating legislation to combat the problem of forced conversions and to protect young minority girls who are particularly at risk.
 - b. Providing training and education to the police authorities in the region on the nature of the issue and how to properly deal with such human rights violations.
 - c. Creating an independent process for review of police misconduct in human rights cases of this kind.
 - d. Creating and improving the collection of data and cases by adopting reliable filing systems, in order to build cases backed by grounded evidence.
2. Combating corruption in the police force in relation to human rights by:
 - a. Ensuring sensitivity to human rights violations among police authorities by providing human sensitivity training and education to all police authorities.
 - b. Fully and impartially prosecuting cases of police negligence, corruption and impunity.
 - c. Ensuring full and impartial investigations into human rights crimes by creating an independent, specially trained taskforce to investigate incidences of violence against minorities and police corruption and acceptance of bribes in these cases.
 - d. Ensuring faster responses in cases of abduction.

3. Support and respect religious minorities in their endeavours to safely and peace fully practice their religion by assisting them in their safety – at the outset this may require increased police presence and security in certain areas and communities:
 - a. Including extended efforts to effectively enforce the Sindh Criminal Law (Protection of Minorities).⁴⁷
 - b. ‘Enhance socio-economic and cultural positions of minorities, [by] ensuring that religious minorities have equal access to education, jobs and government positions through passing anti-discrimination laws’.⁴⁸
4. Repeal the blasphemy law by removing death penalty and assess the proposed amendments of the National Commission for Human Rights relating to Blasphemy Law offences in Pakistan.⁴⁹
5. Engage in effective monitoring and adequate responses in relation to the international conventions, as well as the newly signed UN Development Goals and National Action Plan of Human Rights.

⁴⁷ Reuben Ackerman, ‘Forced Conversions & Forced Marriages in Sindh, Pakistan’ (2018, Commonwealth Initiative for Freedom of Religion or Belief (CIFORB), the University of Birmingham), p. 3, <https://www.birmingham.ac.uk/Documents/college-art-slaw/ptr/ciforb/Forced-Conversions-and-Forced-Marriages-in-Sindh.pdf> accessed at 21 February 2019

⁴⁸ Ibid.

⁴⁹ National Commission for Human Rights, “Submissions on Proposed Procedural Amendment to Check Misuse of Blasphemy Law in Pakistan” (2018) p.11-12 <https://nchr.gov.pk/wp-content/uploads/2018/06/en1_1_Blasphemy.pdf> accessed 20th February 2019.

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