

From Recognition to Security and Survival: Rights of Religious Minorities – with a particular focus on Pakistan and the Indian Sub-Continent

Javaid Rehman (Brunel University, UK) (Pakistan)

Note:

Historical elements have considerable impact on current position of minorities: this is vividly reflected in the current configuration of minority-majority conflicts of the Indian Sub-Continent (e.g. see cases of (Kashmirs of India; Hindus, Christians and Ahmadiyyas of Pakistan; Muslims of India, Hindus of Bangladesh, Tamils of Sri Lanka, intra-religious and sectarian conflicts in all countries of South-Asia etc).

Historical aspects also have had an impact in creating ripe conditions for the growth of fundamentalism and radical religious extremism in the region (e.g. Kashmiri Jihad, Afghan Jihad, and regional influences on growing fundamentalism and intolerance).

In the matrix of religious tolerance and minority rights, Pakistan must be very near the bottom: Religious minorities provide an unfortunate healthy comparison with endangered species.

- Religious minorities face serious threats to their most fundamental rights (i.e. existence & recognition) and with substantial challenges to civil, political, cultural and social and economic rights
- Considerable threats posed by non-State actors (in particular fundamentalist organisations and militant groups)

Key areas of concern:

- Limitations and lacunae in the right to existence and recognition of minorities.
- Institutionalised discrimination: legislative and administrative policies; State practices.
- Systematic targeting of religious minorities or non-believers (e.g. use and misuse of blasphemy laws; apostates, non-believers and application of customary laws and practices). (*cf.* Human Rights Committee General Comment 22, para. 5)
- Discrimination in civil and political rights & socio-economic rights; targeting of minorities in employment, education and health.
- Denial and undermining of cultural rights and rights to manifest religion or belief.
- Negative portrayals in the media.
- Lack of State control/impunity/official support for radical non-State actors (for violence and persecution of minority groups).
- Absence of protection for human (minority) rights defenders.

Positive Trends:

- Recognition of relevant international standards (e.g. Ratification of ICCPR; Torture Convention in 2010 etc).
- More conscious/focused approach towards human rights and minority rights (e.g. establishment of Ministry of Human Rights, 2008)
- Judicial activism
- Some (albeit) legislative actions and administrative reforms.
- Enhanced freedom of media and political expression
- Institutional commitments towards democracy and State accountability

Recommendations:

- Repeal/reform of arbitrary laws and practices.
- State to affirm full commitment to fundamental rights (as provided in the Constitution of Pakistan 1973)
- Effective implementation of international human rights treaties and minority rights standards
- Legislative and practical reforms ensuring improvement in media policies towards religious minorities
- Educational reforms to remove/nullify prejudices (and biased and negative portrayals of minorities and their contributions to the State)
- Commitment from all State organs and political parties not to support any discriminatory policies or practices (including zero tolerance towards non-State actors perpetuating violence towards minorities).