



**A CSO's report**

**Under**

**ICERD to the 20th anniversary of the Durban Declaration and  
Programme of Action**

**To**

**Special Rapporteur on Racial Discrimination on 9th August on Racial  
Discrimination**

**By**

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## Introduction:

This report invites the attention of the Special Rapporteur on pending implementation of recommendations made to Government of Pakistan. Pakistan under ICERD, by Treaty Bodies, CERD, CEDAW, CRC, Human Rights Committee and the Universal Periodic Reviews of 2013 and 2017 mainly about, the Definition of Racial Discrimination, Curriculum and Text Books, Blasphemy Laws, Bonded Labor, Forced Conversions and Forced Marriages in Pakistan.

## Recommendations passed by UN treaty bodies which lack Implementation:

Recommendation	Status in August 2021
<p><b>Definition of Racial Discrimination:</b> Drawing the attention of the State party to its general recommendation No. 14 (1993) on article 1 (1) of the Convention, the (ICERD) Committee recommends that the State party take the steps necessary to ensure that a definition of racial discrimination is incorporated in its domestic legislation, in line with articles 1 and 2 of the Convention.<sup>1</sup> The Committee on Economic, Social and Cultural Rights recommends the revision of articles 25 to 27 of the Constitution with a view to ensuring</p>	<p>No Implementation. The Government of Pakistan has not incorporated the definition of racial discrimination in the Constitution or any domestic legislation till the date.</p> <p>The Constitution of Pakistan prohibits Racial Discrimination in Article 22(2)<sup>3</sup>, Article 25(2)<sup>4</sup>, Article 26(1)<sup>5</sup> Article 27(1)<sup>6</sup>, without its normative definition and proper interpretation. Whereas interpretation of “Discrimination” by court’s lack in-depth</p>

<sup>1</sup> (CERD/C/PAK/CO/21-23) Paragraph 8

<sup>3</sup> **Constitution of Pakistan, Article 22 (1)** No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.”

<sup>4</sup> **Article 25(2)**”There shall be no discrimination on the basis of sex.”

<sup>5</sup> **Article 26 (1)** “In respect of access to places of public entertainment or resort not intended for religious purposes only, there shall be no discrimination against any citizen only of race, religion, caste, sex, residence or place of birth.”

<sup>6</sup> **Article 27(1)** “No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race religion, caste, sex, residence or place of birth.”

<p>prohibition of discrimination on all grounds, including color, language, political or other opinion, national or social origin, property, disability, sexual orientation and gender identity or other status. It also recommended that comprehensive anti-discrimination legislation be adopted.<sup>2</sup></p>	<p>analysis of the issue.<sup>7</sup> This makes difficult to address different types of discriminations exist in the country based on religion, sect, ethnicity and cast etc.<sup>8</sup></p>
<p><b>School curricula and textbooks:</b></p> <p><b>(a)</b> Monitor school curricula and textbooks at all levels, including those of madrasas, to ensure that they promote understanding, tolerance and friendship among different ethnic and religious groups;</p> <p><b>(b)</b> Continue and intensify its efforts to reform madrasas.<sup>9</sup> <b>(Religious freedom of minorities/hate material:</b></p> <p><b>(a)</b> Protect the freedom of religion of all children, including Shia Muslim, Hindu, Christian and Ahmadi children, and ensure that children are able to choose their religion, or not to profess any religion at all, including in schools.</p> <p><b>(b)</b> Remove all derogatory statements about religious minorities from school textbooks and promote the teaching of tolerance, non-discrimination and human rights.<sup>10</sup></p>	<p>Government embarked on a curriculum policy review in 2020 and started introducing a Signal National Curriculum in 2021. Some religiously inclusive material was added to the text books.</p> <p>However the textbooks and the overall educational approach brought the public education closer to madrassah education. The teaching content is heavily loaded with lessons about the majority religion (Islam) hardly brings closer to the objectively of tolerance and understanding about other religions.<sup>11</sup></p> <p>Public School textbooks violates Article 22 (1) of the Constitution of Pakistan that guarantees “No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own”.<sup>12</sup> The students of the religious minorities are deprived of studying their own religion.<sup>13</sup></p> <p>Public school system is still fundamentally intolerant of religious minorities. The Study by</p>

<sup>2</sup> (A/HRC/WG.6/28/PAK/2) Paragraph 9

<sup>7</sup> <https://www.las.org.pk/wp-content/uploads/2018/09/Rights-What-Rights-September-02-2016Final-for-Printing-with-Cover-Page.pdf>

<sup>8</sup> ibid

<sup>9</sup> CERD/C/PAK/CO/21-23, Paragraph 18

<sup>10</sup> CRC/C/PAK/CO/5 , Paragraph 31

<sup>11</sup> <http://www.csjpak.org/pdf/Quality%20Education%20Vs.%20Fanatic%20Literacy.pdf>

<sup>12</sup> [https://www.itacec.org/document/learning\\_resources/2014/ARTICLE%2022\\_OF%20THE%20CONSTITUTION%20OF%20PAKISTAN%20AND%20PAKISTANI%20TEXTBOOKS.pdf](https://www.itacec.org/document/learning_resources/2014/ARTICLE%2022_OF%20THE%20CONSTITUTION%20OF%20PAKISTAN%20AND%20PAKISTANI%20TEXTBOOKS.pdf)

<sup>13</sup> ibid

	<p>Center for Social Justice “Quality of Education vs. Fanatic Literacy” observed that preference for majority religion dominate the textbook, most of which disregard the religious diversity among the students. Moreover, they are inclined to maximally clothe lesson contents in Islamic terms. Especially, the textbooks of compulsory subjects include lessons on Islamic teachings. There are instances where end-of-the-chapter exercises contain Islamic teachings, although the lesson text does not.<sup>14</sup></p> <p>An application is pending in the Supreme Court of Pakistan on this matter. The Supreme Court rejected the report regarding compliance of Article 22 submitted by Ministry of Education and Professional Training.</p>
<p><b>Violence against Hazara and Ahmadis:</b> The (CERD) Committee recommends that the State party intensify its efforts to end violence against Ahmadis, Hazaras, Dalits and other minority groups, and take effective measures to combat the segregation of members of those communities<sup>15</sup>.</p> <p><b>Protection of expression and minorities:</b> The Committee calls on the State party to:</p> <p><b>a)</b> Protect members of vulnerable groups, including religious minority communities and individuals exercising freedom of opinion or expression, from violence perpetrated by Non-State actors.<sup>16</sup></p> <p><b>b)</b> Several special rapporteurs called on Pakistan to adopt urgent measures to stop faith based killings and ensure the security of the Ahmadiyya Muslim community, whose faith had been outlawed in the country. <sup>17</sup></p> <p><b>c)</b> The Committee on the Elimination of Racial Discrimination recommended that Pakistan end violence against minority groups, combat the</p>	<p>No effective measures or legislations have been taken by Government of Pakistan with regards to violence/persecution against Ahmadis, Hazaras and Dalits and other minority groups.</p> <p>Despite of frequent attacks on Ahmadiyya and Hazara community, State Party fails, to take effective measures to stop these violent attacks and massive killings. On 12 February 2021, Dr. Abdul Qadir, 65, a member of Pakistan's Ahmadiyya community was gunned down. He was killed at the entrance to his clinic on the outskirts of Peshawar. Police sources confirmed the attacker was a 16-year-old, and the attack was religiously motivated. The attack was one of the many, against the Ahmadiyya community, which has been subject to increasing violence over the past two decades. The most notable being the 2010</p>

<sup>14</sup> <http://www.csjpak.org/pdf/Quality%20Education%20Vs.%20Fanatic%20Literacy.pdf>

<sup>15</sup> CERD/C/PAK/CO/21-23, Paragraph 20

<sup>16</sup> CAT/C/PAK/CO/1 ,Paragraph 37

<sup>17</sup> A/HRC/WG.6/28/PAK/2, Paragraph 43

<p>segregation of members of those communities<sup>18</sup>.</p>	<p>Lahore massacre, where 87 worshippers were murdered during their Friday prayers.<sup>19</sup></p> <p>“A systematic assessment of compliance with the landmark Supreme Court Judgment reveals that its implementation is significantly lagging behind. The Federal government was the most defiant respondent.”<sup>20</sup></p>
<p><b>i) Blasphemy Laws:</b></p> <p>a) The Committee recommends that the State party consider “repealing the blasphemy laws” and “take all measures necessary to prosecute and punish those who have made false accusations and to provide effective remedies to</p>	<p>No legislation have been announced to repeal the blasphemy laws. No measures have taken by the Government of Pakistan for the punishment of false accuser.</p>

<sup>18</sup> A/HRC/WG.6/28/PAK/2, Paragraph 12

<sup>19</sup> <https://www.humanrightspulse.com/mastercontentblog/state-legislated-persecution-ahmadiyya-in-pakistan>

<sup>20</sup> [http://www.csipak.org/pdf/Justice\\_Yet\\_Afar\\_BOOK.pdf](http://www.csipak.org/pdf/Justice_Yet_Afar_BOOK.pdf), page 13

**Summary of Gilani Judgment (Court’s Orders):**

1. Constitute a taskforce for developing a strategy of religious tolerance. (Federal)
2. Curricula be developed at school and college levels to promote a culture of religious and social tolerance. (Both)
3. Take steps to ensure that hate speech in social media is discouraged and delinquents are brought to justice. (Federal)
4. Constitute a National Council for minorities’ rights for, inter alia, to monitor the practical realization of the rights and safeguards provided to the minorities with a policy for safeguarding and protecting minorities’ rights. (Federal)
5. Establish a special Police Force with professional training to protect the places of worship of minorities. (Provincial)
6. Ensure enforcement of relevant policy directives regarding reservation of quota for minorities in all services. (Both)
7. Law enforcement agencies should promptly take action including registration of cases against violation of any of the rights guaranteed under the law or desecration of the places of worship of minorities. (Provincial)
8. The Court office shall open a separate file to be placed before a three member bench to ensure that this judgment is given effect to / bench may entertain complaints to violation of fundamental rights of minorities. (Supreme Court’s Office)

<p>the victims of false accusations” and “protect the judges who hear blasphemy cases and those accused of blasphemy.”<sup>21</sup></p> <p><b>a)</b> Review and repeal its blasphemy laws to avoid their misuse or misinterpretation and ensure that children under the age of 18 years are exempt from criminal responsibility for such crimes.<sup>22</sup></p> <p><b>b)</b> Refrain from holding individuals in solitary confinement for a prolonged period of time on the grounds that doing so is necessary to ensure their safety. In cases where those concerns are present, such as with respect to persons deprived of their liberty on charges of blasphemy, the State party should ensure that the measures taken to effectively protect such individuals from harm do not themselves amount to ill-treatment<sup>23</sup>.</p> <p><b>a)</b> Blasphemy laws, Hudood Ordinances, and anti-Ahmadi laws, as well as any other discriminatory legal provision, should be repealed and replaced with provisions in conformity with Pakistan’s Constitution and the international human rights law instruments to which Pakistan is a party.<sup>24</sup></p>	<p>In spite of repeated recommendation by UNHR bodies, Year 2020 marked the highest abuse of Blasphemy laws, data collected by the Centre for Social Justice (CSJ) shows that the abuse of blasphemy laws increased exponentially in Pakistan in 2020. At least 1855 persons have been alleged under the offences related to religion, mostly under Sections 295 B, C to 298 C, of the Pakistan Penal Code known as blasphemy laws from 1987 to 2020. Whilst the highest number of accused (200), were reported in the year 2020. 75% of accused were Muslims, while the largest number of victims (70%) belonged to the Shia sect, during this year. The others were Ahmadi 20%, Sunni 5%, and 3.5% Christian 1% Hindu and religion of .5% was not confirmed.<sup>25</sup></p> <p>The inherent flaws in these laws and their arbitrary application caused serious and grave human rights violations which successive Governments of Pakistan have failed to acknowledge or address.<sup>26</sup></p>
<p><b>ii) Bonded Labour, Child Labour, Human Trafficking, etc.:</b></p> <p><b>a)</b> It (the Committee) recommends that the State party intensify labour inspections into workplaces where there is a high risk of forced and bonded labour, particularly in the informal economy sector, and investigate cases of labour discrimination and labour exploitation.<sup>27</sup></p> <p><b>b)</b> The Committee urges the State to intensify its efforts to implement the laws and programmes adopted to put an end to bonded labour and</p>	<p>Government has failed to take effect measures curtail or eliminate bonded labour.</p> <p>There are no reliable statistics on the number of bonded laborers. Indeed, the difficulty involved in obtaining accurate numbers gives some indication of the magnitude of the problem.<sup>32</sup></p>

<sup>21</sup> CERD/C/PAK/CO/21-23, Paragraph 22

<sup>22</sup> CRC/C/PAK/CO/5, Paragraph 31

<sup>23</sup> CAT/C/PAK/CO/1, Paragraph 29

<sup>24</sup> A/HRC/23/43/Add.2, Paragraph 117

<sup>25</sup> FACTSHEET%20Abuse%20of%20Blasphemy%20laws%202020%20(1)%20(2).pdf

<sup>26</sup> ibid

<sup>27</sup> CERD/C/PAK/CO/21-23, Paragraph 28

<sup>32</sup> <https://www.hrw.org/reports/1995/Pakistan.htm>

<p>discrimination against marginalized groups such as the scheduled castes.<sup>28</sup></p> <p><b>a)</b>The (CRC) Committee recommends that the State party take all necessary measures to;</p> <p><b>b)</b> Enforce legal measures against child and bonded labour involving refugee, asylum-seeking and stateless children.<sup>29</sup></p> <p>e) The (CAT) Committee urges the State party to:</p> <p><b>(a)</b> Take measures to eradicate and combat human trafficking and forced labour, investigating all allegations of trafficking and forced labour and ensuring that perpetrators are prosecuted and convicted with sentences commensurate with the gravity of the crime;</p> <p><b>(b)</b> Establish mechanisms for the systematic and regular monitoring of workplaces in the formal and informal sectors, including domestic work, in order to prevent forced and bonded labour and other forms of ill-treatment, abuse and exploitation.<sup>30</sup></p> <p>The Committee against Torture urged Pakistan to take measures to eradicate and combat human trafficking and forced labour; investigate all allegations of trafficking and forced labour and ensure that perpetrators were prosecuted; establish mechanisms for the systematic and regular monitoring of workplaces in the formal and informal sectors in order to prevent forced and bonded labour; and ensure that victims of trafficking obtained redress.<sup>31</sup></p>	<p>However, Green Rural Development Organization, estimated over 2.3 million people are in bonded labour.<sup>33</sup> Whereas the Global Slavery Index estimates 1.13 percent of population of Pakistan under slavery, which is a conservative assessment, while the Index rates the State's response to bonded labour as CCC.<sup>34</sup></p> <p>The most wide spread bonded labour persists in Sindh and Punjab, although as mentioned above there are currently no updated statistics available to verify its magnitude.<sup>35</sup></p>
<p><b>iii) Forced Conversions /Marriages:</b></p> <p><b>a)</b> It (CERD Committee) urges the State party to take immediate action to end the forced conversion and forced marriage of Christian and Hindu Dalit women and to prosecute and punish</p>	<p>Parliamentary committee on forced conversions fails to pass the legislation on forced marriages till the date.</p> <p>Pakistan doesn't have effective law to prevent</p>

<sup>28</sup> CERD/C/PAK/CO/20, Paragraph 21

<sup>29</sup> CRC/C/PAK/CO/5, Paragraph 66

<sup>30</sup> CAT/C/PAK/CO/1, Paragraph 33

<sup>31</sup> A/HRC/WG.6/28/PAK/2, Paragraph 5

<sup>33</sup> <https://tribune.com.pk/story/965777/bonded-labour-modern-day-slavery-in-pakistan>

<sup>34</sup> <https://www.globalslaveryindex.org/>

<sup>35</sup> <https://library.fes.de/pdf-files/bueros/pakistan/10382.pdf>

the abductors with penalties commensurate with the gravity of the crime. It requests the State party to include information on the situation of Dalits in the country, including relevant statistical data, in its next periodic report.<sup>36</sup>

The (CEDAW) Committee recommends that the State party:**(a)**Address intersecting forms of discrimination against women and girls belonging to ethnic and religious minority groups, in particular Ahmadi, Christian, Dalit, Hindu, scheduled caste, Roma, Sheedi.<sup>37</sup>

**b)** The State party should ensure that the minimum age for marriage is set at 18 years for both girls and boys; intensify its efforts to eradicate forced marriage and related harmful practices, including by carrying out prompt and effective investigations of all reported cases and prosecuting those responsible, if appropriate; and ensure that victims are provided with appropriate remedies and rehabilitation services.<sup>38</sup>

forced conversions and due to this these forced conversions go unabated. In November 2016, a bill against forced conversion was passed unanimously in the Sindh Provisional Assembly. However, the bill failed to achieve the essence of the law.<sup>39</sup>

Pakistan has failed to comply with its international obligations to protect non-Muslim women and girls from exploitation by powerful groups and criminal elements.<sup>40</sup>

### Conclusion:

CSOs regret to observe that Pakistan has failed to comply with national and international human rights obligations, despite the reoccurring human rights violations mentioned above.

<sup>36</sup> CERD/C/PAK/CO/21-23, Paragraph 32

<sup>37</sup> CEDAW/C/PAK/CO/5, Paragraph 48

<sup>38</sup> CCPR/C/PAK/CO/1, Paragraph 42

<sup>39</sup> <https://www.dawn.com/news/1548550>

<sup>40</sup> ibid