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HUMAN RIGHTS OF RELIGIOUS MINORITIES IN PAKISTAN

Abstract:

Pakistan is predominantly a Muslim state, having Islam as official religion. The legal, political, economic and social state structures have over the last few decades excluded the religious minorities from participating in national affairs in all fields. They are effectively and systematically denied the rights as enshrined in the constitution of Pakistan (1973). However, there is growing debate in intelligentsia about bringing a model that would allow the minorities to become mainstream actors while preserving the Islamic nature of state and society. Most of the states practices practice and scholarly debates revolve around few policy options for Minority-Majority relationship issues. Pluralism, assimilation, Legal Protection of minorities Population transfer (demographic change), Subjugation and Extermination are to name few. (Simpson & Yinger, 1953) Two models are generally practiced in the world: Pluralism and Assimilation. In United States the official policy of the state is Pluralism that extends not only over religious minorities but also to ethnic and racial minorities. However, much of European countries practice Assimilation tool that stands for merging of identities with local and national culture. Here too, assimilation policy extends to religious, ethnic and racial domains. In developing religious states, where one religious community is predominant, religious minorities expect fairness and equality at two levels: The first is civil and economic rights by means of state policy. Second is societal level. (Fox, 2013) To understand the position of religious minorities in any given country, these two levels of study are critical and this forms the basis of the study under review. The presentation debates on the question of whether or not the democratic model of inclusivity is compatible with the desire to maintain the religious character of state and its laws and the society. The fundamental argument is that striking balance with inclusive participation in state and society can be managed while preserving the Islamic character of society, theoretically and as well as with empirical evidence from Pakistan.

Keywords:

Religious Minorities, Pakistan, Democracy, Majority, Human Rights

Introduction:

Minorities of all kind are an obvious and normal order in almost all the states of the world be they are ethnic, sectarian, religious or racial. Like other parts of the world in early history of Islam, non-Muslims enjoyed their proper rights without any hindrance and even in Modern Europe before and after WWI it was made sure to keep the peace between different states and countries.

In India, Muslim community as a minority faced many problems. Although, British rulers in safeguarded their rights different acts but all that proved ineffective. So, they demanded a separate homeland and after the creation of Pakistan Quaid-e-Azam assured that non-Muslims minorities were free to profess and practice their religions. In constitutions of Islamic Republic of Pakistan interests and rights of non-Muslims minorities have been safeguarded. Government and governed have been performing their duty towards non-Muslims and political, civil and religious freedom have been given to them.

Research Questions

- What factors are decisive in excluding religious minorities from mainstream Pakistani state and society?
- What is the existing state model for religious minorities and how it contradicts the basic inclusive/ pluralistic theory of democracy?
- What concrete steps state is taking to ensure that Human Rights of Religious minorities are protected?

Objectives/Rationale

- Absence of academic literature on religious minorities that covers the issue objectively.
- Critically examine the state policy on religious minorities in Pakistan.
- Develop a model that is conformity with democracy, based on the value-system but uphold the pluralism inherited in democratic system

Pakistan and Religious Minorities

Pakistan is a multicultural and multi lingual state/ society. Religiously, however, Pakistan is among the few states where religious minorities constitute less than 10 % of Population. (RAS Project 2012). Pakistan has since beginning adopted the 'Legal

protection of Religious minorities Model.' (Objectives Resolution of 1949). There was no religious diversity accepted. Consequently neither Assimilation nor Pluralism was considered relevant. Ironically the state in Pakistan considers Ethnic and Religious diversity as two separate and distinct issues and thus proposes different models to deal with both of them. For ethnic diversity, Federalist pluralism was political model accepted unanimously, however, same was not accepted for religious minorities. The laws that are meant to protect the religious minorities are, however, the main factor behind state discrimination and incite violence in the society.

Violence Against Religious Minorities

Overwhelming majority of Pakistan's population consists of Muslims of various sects. The partition of India between Indian and Pakistani state was more communal than political as Pakistan was established in the name of Muslims. However, despite Islamic basis, a lot religious minorities stayed in Pakistan and the state tried to be accommodative to them as well. Varying accounts on the number of religious minorities in Pakistan exist. Ishtiaq Ahmed mentions that the number of religious minorities as much as 10 % of Pakistani population. (Ahmed, 2011). However, there is a greater disagreement by different researchers. State officially considers the number at around 3.5%.

POPULATION BY RELIGION							(In percent)
Administrative Unit	Muslim	Christian	Hindu (Jati)	Qadiani (Ahmadi)	Scheduled Castes	Others	
Pakistan	96.28	1.59	1.60	0.22	0.25	0.07	
Rural	96.49	1.10	1.80	0.18	0.34	0.08	
Urban	95.84	2.59	1.16	0.29	0.06	0.06	
Khyber Pakhtunkhwa	99.44	0.21	0.03	0.24	*	0.08	
Rural	99.65	0.03	*	0.22	*	0.08	
Urban	98.42	1.06	0.11	0.31	0.01	0.09	
FATA	99.6	0.07	0.03	0.21	0.03	0.07	
Rural	99.63	0.04	0.03	0.21	0.03	0.06	
Urban	98.16	1.17	0.32	0.10	.007	0.23	
Punjab	97.21	2.31	0.13	0.25	0.03	0.07	
Rural	97.66	1.87	0.15	0.19	0.05	0.08	
Urban	96.25	3.27	0.06	0.37	0.02	0.03	
Sindh	91.31	0.97	6.51	0.14	0.99	0.08	
Rural	88.12	0.14	9.77	0.12	1.79	0.06	
Urban	94.67	1.84	3.08	0.17	0.14	0.10	
Balochistan	98.75	0.40	0.49	0.15	0.10	0.10	
Rural	99.42	0.06	0.15	0.14	0.12	0.10	
Urban	96.61	1.49	1.58	0.16	0.05	0.10	
Islamabad	95.53	4.07	0.02	0.34	*	0.03	
Rural	98.80	0.94	*	0.23	*	0.03	
Urban	93.83	5.70	0.03	0.40	*	0.03	

* Refers to a very small proportion.

The state of Pakistan's ideological foundation, the two nation theory, was exclusively for the Muslims of India and excluded the non-Muslims altogether from Muslim nationhood. However a lot of non-muslims lived in Pakistan despite that and are still living. These non-Muslims were very small portion of the Muslim Population who had overwhelming majority in the new born state. The term minority was used for non-Muslims in Pakistan. Interestingly, before Partition, in united India, the Muslims as a minority in India were subjugated to all kinds of discriminations. However, the communal riots and the religious fervor among muslims created the dislike and possible backlash on the non Muslims. Muhammad Ali Jinnah, who was the founder of Pakistan, widely considered a secular and enlightened lawyer cum Politician had foresaw such a scenario where non Muslims might face arbitrary attitude of majority towards the minorities. Consequently he made it a point in his very first speech to the first elected assembly, commonly known as Constituent Assembly on August 11, 1947 and said:

“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 in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State” (Hamid, 2005)

Mr Jinnah's was not the rhetoric only about the wishful ideas of coexistence and secularism; he instead chose a non muslim as law minister to oversee the laws of a muslim majority state. This step was symbolic enshrining his secular and tolerant vision of Pakistan. (Saeed, 1960). His early death was a blow to the vision he cherished so much. State had mixed record of sometimes bowing before religious extremists in passing controversial laws like Objectives Resolution and sometimes protecting minorities as happened in 1953 when first martial law was imposed in the second most populous city, Lahore to protect sectarian minority, the Ahmadi community. However, with the growing extremism and radicalism during the Afghan War in 1980s coupled with the rise of Islamist General Zia in Pakistan, had transformed the state policies altogether. The religious minorities were extremely cornered in all sphere of life and made vulnerable to any mistreatment. The very law that should protect the most vulnerable, became the scary thing for minorities. In particular is the example of Blasphemy law. Hundreds of minority men, women and children are behind the bars for alleged blasphemy punishable by death in Pakistan. A deep information will reveal that most the cases were motivated by personal feuds and revenge factors than any religious basis.

There have been various issues to Religious minorities in Pakistan. Legally speaking, religious minorities have been restricted in top level institutions in Pakistan. Additionally, they are legally bound on certain matters like professing their religion, rituals, customs and opinions in public. Any violation of the laws results in severe punishments, if spared by angry mobs that are a routine in Pakistan. However, at the same time, state has ensured the representation of religious minorities in public sector employment by fixing

quota for them. Given their low socio economic and educational standards, it is very rare that one can find a person from religious minority moving up the ladder in governmental machinery.

One of the most recent and important development has been on the front of forced conversions. Sind is the southern province of Pakistan. Most of Hindus live in Sindh living for centuries. Their lives are miserable as they belong to extremely poor class. There have been widespread reports of forced conversions and marriages of young Hindu girls with Muslims. The positive development was the Sindh Assembly's bill to stop this practice. However the recent media reports suggested that radicals are threatening those who introduced the bill.

Minorities in Pakistan are key part of the state and society and playing their role as citizens of Pakistan. However their marginalization is affecting Pakistan as much as the minorities themselves.

Conclusively, Pakistan's Religious minorities are facing multiple threats at different levels. They are: political, security, economic and social discrimination. Some of the state laws contradict the very principles of Pakistan's constitution. The constitution, for example, talks of equality before law but at the same time bars non- Muslims to become either Prime Minister or the President. Violence against religious minorities (individually and sometimes as a community) is a recurrent phenomenon now for decades. State through some laws encourages such violence (295-C and 298 of PPC)

Way Forward

Pakistan cannot be a truly democratic state without incorporating all elements of society in the state affairs. Consequently a pluralistic model of democracy best suits Pakistan as it will not only cover religious minorities but also help reduce the ethnic conflicts in Pakistan.

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