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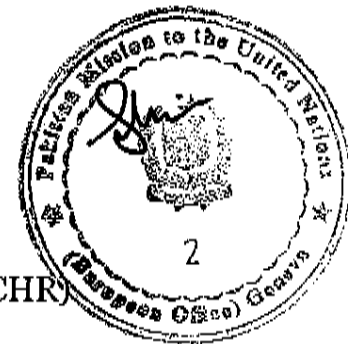
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The Permanent Mission of the Islamic Republic of Pakistan accredited to the United Nations and other International Organizations in Geneva presents its compliments to the Special Procedure Branch of the Office of the High Commissioner for Human Rights (OHCHR) and with reference to its letter's No. OL PAK3/2018 dated 17 July 2018 has the honour to enclose the response of the Government of Pakistan.

The Permanent Mission of the Islamic Republic of Pakistan avails itself of this opportunity to renew to the Special Procedure Branch of the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Special Procedure Branch
Office of the High Commissioner for Human Rights (OHCHR)
Geneva



**RESPONSE TO THE JOINT COMMUNICATION RECEIVED
FROM THE SPECIAL RAPPORTEUR ON MINORITY ISSUES
AND THE SPECIAL RAPPORTEUR ON FREEDOM OF
RELIGION OR BELIEF**

Pakistan is a multi-religious, multi-cultural, pluralistic society where people of different ethnic and religious backgrounds are living together. Rights and interests of minorities are respected, protected and promoted in Pakistan. Minorities constitute about 3.5 per cent of the total population and consist of Christians, Hindus, Ahmadi, Parsis, Buddhists and Sikhs etc. The contributions of minorities in Pakistan have been substantive and they have excelled in most spheres of professions. For instance, the first ever Law Minister, Jogendra Nath Mandal was a Hindu; Justice A.R. Cornelius, a Christian, was the 4th Chief Justice of Pakistan; Justice Dorab F. Patel, a Zoroastrian, had been the Chief Justice of Sindh High Court who was later elevated as Justice of Supreme Court of Pakistan. Justice Rana Bhagwandas, a Hindu, has been the Chief Justice Supreme Court of Pakistan. Dr. Abdul Salam, an Ahmedi, was a Nobel Laureate of 1979. In armed forces, they have risen to the position of Lieutenant Generals and Air Marshals and have also been awarded highest military awards.

2. The Islamic Shariah is the first law in the history of the world to guarantee the freedom of belief and freedom of opinion and expression. Pakistan has been an Islamic Republic since 1956 and Article 2 of the 1973 Constitution clearly says : Islam shall be the state religion of Pakistan. **Article 20 – 22 and Article 25 guarantee full rights to the non-Muslim citizens.** Like their fellow Muslim citizens they have been given full rights to perform their religious rites and express their beliefs. Article 36 of our Constitutions uses the word “minority”. The term minority encompasses all minorities, i.e., religious, ethnic, and linguistic. **Article 36** states, “The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.” The Constitution approves a focused approach concerning the positive rights of disadvantaged groups and outlaws discrimination on various grounds.

3. Similarly, **Article 33** of the Constitution also forbids any sort of discrimination among citizens on racial, parochial, tribal or sectarian grounds. Hence the Constitution guarantees significant safeguards concerning the rights of disadvantaged groups and outlaws discrimination. Discrimination on the basis of ethnic diversification is not a relevant phenomenon in the Pakistani society. Furthermore there is no bar on any caste, creed, linguistic and ethnic group in respect of political participation at national, provincial or local level.

4. **Article 37** carries a special reference to the Promotion of social justice and eradication of social evils, ensuring that "The State shall: (a) promote, with special care, the educational and economic interests of backward classes or areas."

5. Under Articles 20, 21, 22, 26, 27 and 28 of the Constitution of Pakistan, minorities are equal citizens of Pakistan and are free to profess their religion and visit their places of worship. The Government of Pakistan has taken a number of legislative measures and policies that translate constitutional principles into firm State actions for promotion and protection of rights of minorities.

6. An independent judiciary, free media and a vibrant civil society provide additional safeguards to protect the rights of minorities. In October 2018, the three member bench of the Supreme Court of Pakistan under Pakistan's Chief Justice found no evidence against allegations of blasphemy by Asia Bibi and acquitted her of the blasphemy charges. This decision by the Supreme Court is a testimony that the courts carefully and thoroughly examine each case on its merit and pass judgments as per the law of the land. This judgment refers to the following Quranic verse in support of complete freedom of religion which is guaranteed by the Constitution of Pakistan: "There should be no compulsion in religion. Surely, the right way has become distinct from error" ~Al Baqara (2:256)

7. The Honourable Supreme Court of Pakistan in its **landmark judgment of 19th June, 2014** as a result of suo moto proceedings under Article 184(3) of the Constitution which were initiated on a letter received from an NGO regarding an attack on a Church in Peshawar, clarified that this section protects Muslims and non-Muslims alike against desecration of their places of worship including Churches, Imam bargahs, Gurdawaras and mosques.

8. The judgement of Supreme Court is being implemented in true letter and spirit and Federal and Provincial Governments are taking all the necessary steps for protection of minorities.

9. Pakistan Penal Code defines penalties against perpetrators of actions against minorities. Following are relevant sections of PPC in this regard:

Section 153(A) criminalizes promotion of enmity between different groups, on the basis of race, religion, language, caste or community.

Section 505(2) criminalizes publication of any material that may incite group differences.

Section-295: Relates to injuring or defiling place of worship with intent to insult religion of any person.

Section-295-A: Relates to malicious acts intended to outrage religious feelings of any class by insulting its religion beliefs.

Section-296: Relates to disturbing religious assembly.

Section-297: Prohibits trespassing on burial place.

Section-298: Penalizes uttering of words with deliberate intent to wound religious feelings.

10. In addition to the PPC, Police Order, 2002 chapter-II contains special provisions to ensure protection of the rights of vulnerable segments of society. Besides, other functions, it binds every police officer to "assist in preventing members of public from exploitation by any person or organized groups". These provisions serve to enhance legal protection of all segments of society.

11. On the direction of Ministry of Religious Affairs & Inter-faith Harmony Provincial Governments, as well as Government of Islamabad Capital Territory administration have established District Interfaith Harmony Committees, comprising members from all religious groups and presided by a high level Government Official, so that these Committees may take immediate action to address any incident at initial level and work as a taskforce.

12. The National Commission for Minorities (NCM) was established as a result of Federal Cabinet decision vide case No. 194/15/90 dated 02-07-1990. The Government has recently strengthened NCM which works for the protection of minorities' rights. The Commission comprises members representing different minority communities living in the country.

13. After approval of the Prime Minister of Pakistan, revised composition and TORs of NCM were approved and notified on 16.07.2014. However, on the directions of the Supreme Court of Pakistan, NCM was re-notified on vide No. F.5(2)/2011-M dated 04.05.2015 with the inclusion of the name of the Minister, Religious Affairs & Interfaith Harmony as Permanent / Ex-Officio Chairman of the NCM and all the religious groups have been given representation.

14. The Commission has drafted "National Policy on Inter-Faith Harmony" with special emphasis on safeguarding and protecting minorities' rights in the country. On the direction of the Council of Common Interests, draft Interfaith Harmony Policy has been sent to Provincial Governments for views/ comments. Comments are being compiled.

Steps to Curb Hate Speech:

15. The menace of extremism, sectarianism and intolerance is a common threat for the whole humanity. Extremists use hate speech to incite violence. Hate speech has accordingly been employed as tool to recruit terrorists all over the world.

16. Realizing the dangerous consequence of hate speech, Pakistan mainstreamed the measures against this menace in its counterterrorism strategy. After approval of National Action Plan 2014, 1373 cases regarding hate speech or publishing hate material have been registered, 2,566 persons have been arrested and at least 70 shops have been sealed. Moreover, 19895 cases have been registered pertaining to misuse of loudspeakers, 20679 persons have been arrested and 8759 pieces of equipment taken under custody.

17. In December 2014, a National Action Plan to Combat terrorism was devised which included among other steps, countering hate speech

and extremist material, taking effective steps against religious persecution, registration and regulation of madrassas, ban on glorification of terrorism and terrorist organizations through print and electronic media.

18. Furthermore, under Section-26 of PEMRA Ordinance, 2002 as amended by PEMRA (Amendment) Act, 2007 Councils of complaints have been established to review/ redress public/ individual complaints against hate speech received through 24/7 toll free number 0800-73672.

19. Further clauses (c), (d) and (e) of the Pakistan Electronic Media Regulatory Authority (PEMRA) Code of Conduct for Media Broadcasters and Cable TV Operators prohibit its licensees from airing any program which contains any abusive comment or tends or exposes an individual or a group of individuals to hatred on the basis of race, ethnic or linguistic origin, or religion. Moreover, the licensee shall not relay allegations that fall within the spectrum of hate speech including calling someone anti-Pakistan, traitor, or anti-Islam. Where hate speech is resorted to by any guest, the channel and its representative must stop the participant and remind him and the audience that no one has the authority to declare any other citizen as a Kafir or enemy of Pakistan, Islam or any other religion.

Interfaith Harmony & Awareness:

20. Necessary steps are being taken to reform the curriculum and remove any hate speech or stereotype image of minorities (if any). National Curriculum Council is reviewing the Curriculum in order to update it and include cross cutting themes in the curriculum such as tolerance, human rights, civic & peace education and democracy.

21. Ministry of Federal Education & Professional Training has been requested for Inclusion of human rights and civic education in the curriculum of primary, secondary and higher secondary school levels with particular focus on respect and promotion of interfaith dialogue and harmony.

22. According to the Higher Education Commission of Pakistan, topics of human rights are covered in many disciplines i.e. Law, Islamic Studies, Social Work, Criminology and Sociology. While, in some

undergraduate programmes, an independent course of human rights is also being offered as general, foundation or elective subject.

23. The Ministry of Human Rights has also initiated Public Awareness Campaign on Human Rights Education and Sensitization under the National Action Plan for Human Rights, 2016 through seminars as well as advertisements in print and electronic media. The campaign's target is general public, civil society, researchers, academia, students, government functionaries and different segments of society. The campaign focuses on the promotion of Human Rights' values for creating a culture of tolerance and respect.

24. Through the introduction of the National Education Assessment System (NEAS) in 2005, it has become possible to assess quality of educational outcomes at school level on a scientific and quantitative basis. "Minimum National Education Standards" shortlists standards for teachers, curriculum, textbooks, assessment and the school environment. School Curriculum is also being reviewed in the provinces with the aim of spreading social and interfaith harmony.

Protection of Places of Worship

25. Protection of minorities and their places of worship is top priority of the Government of Pakistan. Both Federal and Provincial Government are making arrangements to protect Churches, Gurdwaras, Temples and Bait-ul-Zikars under the directions of the Supreme Court's decision dated 19th June 2014.

26. Punjab Law & Enforcement agencies have made adequate security arrangements for the protection of minorities' worship places. The details of the deployment of security personnel by Punjab Province for the protection of worship places are as under:

Worship places	Deployment
2986 Churches	7728
611 Bait-ul-zikar	1413
20	342

Gurdwaras	
42 Temples	74

27. The constitution of task force of 487 officers/officials for 79 places of worship in Balochistan has been initiated. At present security is being provided to all worship places within the available resources. However, the creation of 24 posts for the security of churches is under process.

28. The Government has raised a specialized Counter Terrorism Force (CTF) in Police comprising 970 officers for combating terrorism in Islamabad Capital Territory (ICT). Half of the officers of CTF have completed the specialized counter-terrorism training from Elite Police Training School, Bedian, Lahore.

29. Moreover, the following steps are being taken for the security/protection of worship place.

- Every Zone in ICT is being supervised by a senior officer of the rank of Superintendent of Police who are over all responsible for deployment and checking of duties at worship places of minorities.
- As per record maintained regarding the worship places of the minorities/Non-Muslims, a total number of 53 worship places of minorities are situated within Islamabad Capital Territory where the followers of various religions perform their worship. After incident of suicidal attack within a church of Peshawar, KPK, the security plan for worship/congregating places of minorities was reviewed and a new security plan has been chalked out for ICT and sufficient strength has been deployed in order to avoid any untoward incident. The security at all worship places has been beefed up. Enhanced security is also deployed on Sunday at all churches during worship timings in order to avoid any unpleasant incident. Besides, Safe City Emergency Responder vehicles, CTF patrolling vehicles and bravo vehicles have also been deployed at all important places to tackle any untoward situation. Moreover, different security programmes are issued from office of the Senior Superintendent of Police (Operation), Islamabad for the protection of all places of worship.

- To provide security to the worship places of minorities., meetings are held at Police Station level with the representative of all the Sects/minorities to discuss the security issues in the light of present security scenario.
- Furthermore, the religious scholars of various sects are being strictly advised to adhere to an acceptable code of conduct and renounce such practices including distribution of hate material from their respective places of worship.
- The Constables/Jawans deployed for duties at worship places are armed with weapons and proper pickets are being established for the search/checking of the incomers/vehicles. Moreover, walk through gates are also installed temporarily during worship timings and incomers are searched through metal detectors. Zonal Supervisory officers personally check the duties at these places and keep themselves available within their areas of responsibility till the end of worship and the senior hierarchy also supervises their performance.

Observance of Quota in Civil services

30. The Government has also fixed 5% quota for minorities in all federal and provincial departments with a view to improve their representation in the civil service, which is being strictly observed. This quota is in addition to the general seats on which the candidate belonging to minority group can be selected on merit.

CMA 5872/2014 for Implementation of Supreme court Judgement

31. Some members of religious minorities submitted a case no. CMA5872/2014 in the Supreme Court of Pakistan regarding implementation of decision of SMC No.1 of 2014 dated 19.06.2014. After full satisfaction of the petitioners and a number of hearings, Supreme Court has disposed that CMA on 5th December 2017.

Steps taken by Provincial Governments

Khyber Pakhtunkhawa (KPK) Province

32. The decision of the honourable Supreme Court is being implemented in letter and spirit. Special Police in shape of CTD was established for the fight against terrorism. Directions have been issued to all concerned for taking prompt legal action in cases of violation of any of the rights guaranteed under the laws such as desecration of the places of worship of minorities including registration of criminal cases against the perpetrators.

33. In KPK, the existing textbooks for Grade I-XII are already in compliance with the directives issued by the Supreme Court of Pakistan and have been developed keeping in view the following:

- a) The content (Text illustrations) is inclusive and is free from religious, sectarian, ethnic, regional, cultural, occupational and socio-economic biases;
- b) The content free from gender bias and promote positive images of girls and women;
- c) The content promotes harmony and peaceful co-existence through respect of diversity and tolerance;
- d) The content reflects democratic values, ethics and values of all segments of society and other societies.

34. In order to protect places of worship and religious sites, Auqaf Department had allocated a sum of Rs. 20 Million for installation of security gadgets (Walk-through gates, CCTV Cameras, metal detectors and other security related gadgets) in minority community worship places during the financial year 2017-18. All Divisional Commissioners and all Deputy Inspector Generals (Ranges) were requested to convey the security needs of worship places of the minorities in their areas of jurisdiction, district wise, with the help of concerned District Police Officers.

35. In KPK, Commissioners and Police formations have been directed to exhibit zero tolerance to hate speech and material. Misuse of loudspeakers has been discouraged and strict action has been taken in

different districts of the province. FIRs have been lodged for the aforesaid offence, perpetrators were arrested and equipments were seized.

36. District Vigilance Committees have been constituted to keep eye on religious institutions.

37. KPK protection of communal properties of minorities act, 2014;KPK Protection of Communal Properties of Minority Community Act-2014;KPK Evacuee Trust Property (Management & Disposal) Act,2014;KPK Hindu Disposition of Property Bill-2014 (under process) are few of the legislation enacted to promote the rights of minorities.

Punjab Province:

38. The Government of Punjab has initiated a program to sensitize the trainers involved in training of public officials on the issues of religious rights and freedom. Interfaith harmony seminars are being arranged in Punjab and other provinces to raise awareness regarding religious rights and freedom.

39. Curriculum in Punjab is being reviewed and revised systematically by making it coherent with aim of social and interfaith harmony. The Board responsible for curriculum development is a statutory body working independently under the guidance of the provincial government on important matters.

40. Government of Punjab has reorganized the Provincial and District Interfaith Harmony Committees for creation of harmonious relations and tolerance among religious minorities.

41. The Punjab Sound Systems (Regulation) Act, 2015 in being implemented strictly.

42. District Interfaith Harmony committees are also meeting frequently to sensitize religious and social leaders about peaceful co-existence. The Home Department of the Government of the Punjab imposes ban on Hate Material under section 99-A of Cr.P.C 1898 after receiving recommendations from Mutheda Ulema Board, Punjab.

43. Furthermore, Government of the Punjab has forfeited 67 Publications and CDs and declared these as hate material under section 99-A of the CrPC on recommendation of MutahidaUlema Board (MUB) from January 2015 to November 2017.

44. Punjab School Education Department has introduced a supplementary study material that has disseminated titled "اؤملکر پرهیں" (Lets study together) to eliminate elements of discrimination against religious minorities. Curriculum has also been revised to make it more supportive of inter-faith and social harmony.

45. The Punjab Information of Temporary Residents Act, 2015, The Punjab Security of vulnerable Establishments Act, 2015, The Punjab Maintenance of Public Order (Amendment) Act, 2015, The Punjab Arms (Amendment) Act, 2015 are few of the legislations that have led to furthering of the cause of protection of minorities. Data regarding FIRs, Conviction/ Acquittal on cases of Hate Speech:

Sr. No.	No. of FIRs w.e.f. January, 2015 till date	No. of Challans	Cases Decided by Courts	Conviction	Acquittal
1.	357 Under Punjab Maintenance of Public Order Ordinance, 1969.	299	91	70	21
2.	562 Under Sections 9 & 11-W of Anti-Terrorism Act, 1997	560	460	150	310

3.	3376 Under Punjab Prohibition of Expressing Matter on Walls Act, 1995.	3175	1754	1355	399
4.	21880 Under Punjab Sound System (Regulations) Act, 2015.	21880	10377	8949	1428

46. The Government of Punjab is strictly implementing 5% quota for minority candidates.

47. The Government of Punjab is spending millions of rupees on the welfare and economic uplift of Minority communities every year. In this regard, during Financial Year 2017-18, 1045 Million Rupees were allocated for Christmas Grant for Poor Christian Families, poor Hindu families, marriages of Hindu community, celebration of religious days of minorities and Grant in Aid to Missionary Hospitals for provision of medical equipment.

Sindh Province:

48. 'The Sindh Sound System (Regulation) Ordinance 2015' envisages the prevention of incitement to violence against persons based on religion or belief.

49. 'The Sindh Security of Vulnerable Establishment Bill 2015' promulgated by the Provincial Assembly, aims to identify, categorize, notify and provide full-fledged security to religious/ sensitive establishments and places. The Government of Sindh has installed CCTV cameras in all sensitive sites. In order to protect and safeguard

religious minorities, the Minorities Affairs Department of Sindh has constituted two Committees at Provincial and District Level headed by Minister for Minority Affairs and District Committee headed by Deputy Commissioner of concerned districts respectively.

50. Sindh Assembly has passed the resolution regarding inclusion of Religious text books of Hindu minority in curriculum. The Sindh School Education Standards and Curriculum Act 2014 has been passed. This law will enable all children to have a command of relevant knowledge, skills and human rights values necessary to reach their full potential.

Baluchistan Province:

51. The Government of Balochistan has taken all necessary measures for the protection of rights of minorities. The Home & Tribal Affairs Department, Government of Baluchistan provides security to the minorities in Baluchistan and their religious places especially on following occasions:

- a. Worship days like every Sunday at the Church premises
- b. Religious events like Holy, Easter, Christmas etc.
- c. Festivals and Functions
- d. On arrival of respective Religious leaders of minorities

52. In Balochistan, separate course of ethic is being offered to non-Muslim students instead of Islamic studies. It is also being insured that no material related to hate speech would be part of daily lessons.
