

**UN COMMISSION ON HUMAN RIGHTS  
WORKING GROUP ON MINORITIES  
TENTH SESSION  
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**NATIONAL COMMISSION FOR  
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**AGENDA ITEM: 3 (a)**

**Thank you Mr. Chairman,**

My name is Samson Salamat and I represent National Commission for Justice and Peace- Pakistan. I would like to invite the attention of Working Group on Minorities and the international community to the challenge of religious intolerance and lack of religious freedom in Pakistan.

Theoretically the Constitution of Pakistan provides religious freedom and safeguards to religious minorities. However continued incidents of violence against religious minority groups, attacks and destruction of their places of worship, killing and rape of the members of minority communities, is a matter of grave concern.

During October 2001-December 2002, 41 Christians died and 91 injured as a result of attacks on Churches and Christian Institutions but none of the culprits of seven terrorist attacks have been brought to justice so far.

This alarming situation is partly due to the apathy on part of the successive governments and partly because in Pakistan a number of laws and policies exist which give preferential treatment to the majority religious group. The minority religious communities face infringement of civil and political rights as well economic, social and cultural rights due to this religious discrimination.

I would like to mention few examples to show that constitution is heavily biased and discriminatory to religious minorities:

- i) Islam is a state religion (Art. 2)
- ii) The Head of State has to be a Muslim, Art. 41 (2)
- iii) A Council of Islamic Ideology is functioning in the country for last 48 years with an advisory constitutional role to see that the law of the land is Islamic, Art. 228
- iv) A Federal Shariat Court is functioning as an alternative judicial system that has additional powers similar to those of the Council of Islamic Ideology, Art. 203.A-J. A non-Muslim can not be a lawyer or judge in this court and has powers to declare any law defunct if repugnant to Islam and to suggest amendments and interpret in such laws under Art. 203-D

There are other laws which are source of human rights violations on the basis of religion.

- i) The successive governments have failed to avoid misuse of blasphemy laws (sections 295- B&C, 298 A, B & C of the Pakistan Penal Code). These laws deal with offences pertaining to religion and have been major sources of intimidation and persecution of religious minorities since their introduction in 80s.

NCJP recorded that 537 persons have been accused under blasphemy laws during 1986-2003, 227 (42%) were Muslims and 310 (58%) of religious minorities (Christians, Ahmadis & Hindus). 16 accused of blasphemy has been killed arbitrarily .including Justice Arif Iqbal Bhatti of the Lahore High Court who passed orders of vindicating a blasphemy accused.

- ii) The Law of Evidence reduces the value of court testimony of a Muslim women and non- Muslim citizen to half of that of a Muslim male, in cases constituted under Islamic laws.

The situation prevailing in Pakistan is violation of various international human rights standards, for instance Article 4 of the UN Declaration on the rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities which ensures minorities of their rights and fundamental freedoms.

Article 27 of the International Covenant on Civil and Political Rights also guarantees the rights of minorities. Article 2 of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief also denies discrimination on the basis of religion or belief.

Mr. Chairman,

The case of Pakistan is worthy of a sympathetic and serious study to understand the dynamics and to deal with the problem of religious intolerance and religious freedom. To my view religious intolerance can only be removed by changing the laws and government policies and states choose to remove institutions which promote religious intolerance and militancy.

In this situation, NCJP would like to call upon the government of Pakistan:

1. To set up an Independent Permanent Commission for Minorities with powers of a Tribunal, which can entertain complaints and redress can be provided on urgent basis.
2. To implement the recommendations given by UN Special Rapporteur on Religious Tolerance after his visit to Pakistan in 1996 and it should repeal all the discriminatory laws and policies including Blasphemy laws, Hudood Ordinance, Law of evidence etc without any delay.

3. To take serious measures to ensure that minorities can participate in economic and public life without discrimination, including monitoring of recruitment practices. Laws should be passed and enforced to criminalize hate speech in any form, and;
4. To sign and ratify the important UN treaties such as ICCPR, ICESCR, CAT and should make arrangements in the country for educating masses on their rights and responsibilities under these treaties.
5. We also urge UN to ensure the follow up visit of UN Special Rapporteur on Religious Tolerance to Pakistan as soon as possible to assess the situation, causes and implementation of religious tolerance and to give recommendations to the UNCHR and the government of Pakistan. And
6. we suggest the Working Group to recommend the appointment of a Special Representative of Secretary General on minorities.

**Thanks very much Mr. Chairman**