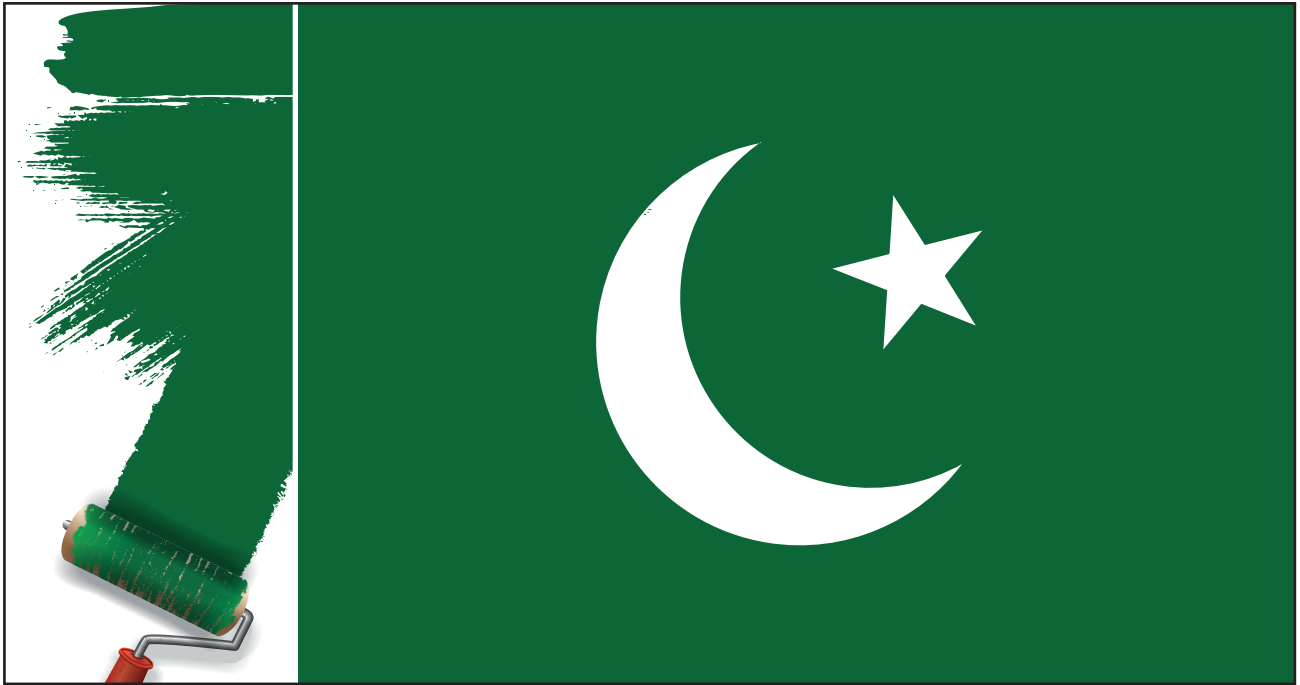


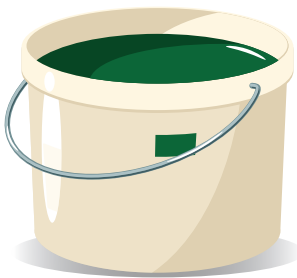


NEWSLETTER

January 2019



Minority Rights?



About the Common Man Initiative

Common Man Initiative is a non-profit organization which aims to highlight the issues of the common man. Our goal is to understand why and how the needs of the common man are not being catered to due to a lack of efficient governance, policy implementation and a sound legal and judicial system.

The organization aims to provide a platform to the common man where they can voice the issues that they face; issues which are often dismissed by the State, amidst personal political and social motives. Issues which need to be brought forward, voices which need to be incorporated in the governance and policy

dialogue of the State and, the common man, who needs representation in order to reshape the relevant public policy narrative.

CMI's overarching goal is to present policy alternatives for a secure and prosperous Pakistan. To this end, CMI shall identify and highlight fundamental governance issues affecting the common man, in order to restructure pertinent State policies. Particularly, through a series of publications, outreach programs, academic collaborations and institutional alliances, CMI intends to present actionable ideas for implementation by private and public institutions.

Editor's Note

Dear Readers,

Common Man Initiative has come a long way in this past one year and we are thankful for your support and feedback. New year comes with new resolutions, plans and motivation. We all strive to work towards new goals, towards betterment and success. While we all try to work towards fulfilling personal goals, adopting a healthier lifestyle, quitting bad habits and so on, we do not take in account how our actions can make a larger impact. How a simple, small action can be a step towards the prosperity of our entire nation.

I hope that this year, we make resolutions and take actions, that can help our country and the common man living in it. I hope that we vow to plant more trees, save water, raise our voices against injustice, take initiatives to spread awareness around significant issues

like health, education and employment, I hope we learn to peacefully co-exist with different opinions, different religions and different segments of the community.

This edition is an attempt to try and keep up with the resolution of being more inclusive and standing up for the right of minorities. This newsletter sheds light on the issues that the minorities face in this country, the causes of such conflicts and what steps are being (and can be) taken to counter these problems.

I hope you enjoy reading this issue. I also invite you share your own new year's resolutions and how they can be collectively adopted for the betterment of our country. If you have any questions or queries please feel free to contact us.

Falak Akhtar Wahla

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Analysis of the key factors behind an increased religious intolerance towards minorities in Pakistan

A land that has witnessed the brutal murder of a Christian couple in 2014; a land where 72 people were killed and hundreds left injured in a park on a Sunday in 2016; a land that was haunted by the mass lynching of a 25-year-old student in Khyber Pakhtunkhwa in 2017 and a land that recently exonerated a Christian woman imprisoned for 8 years on charges of blasphemy, is the same land that made lofty promises of equality of all before the law, freedom of religion and freedom of expression in its Constitution.

The Islamic Republic of Pakistan has always been a victim of religious intolerance. Sectarianism, divisions over caste and religion have always been predominant threats to the State, and the incidents mentioned above are proof of these threats coming to life. Over the years, the situation has worsened and there are certain key factors behind this increased hostility against religious minorities in Pakistan.

To begin with, intolerance is born out of ignorance. A complete lack of awareness about other religions and sects including a lack of awareness regarding Islam, and selective knowledge spread intolerance like wildfire. The significance of encouraging discourse on religion and the need for creation of safe-spaces in Pakistan is as of right now, wholly undetected and remain unvoiced.

A study conducted by the Peace and Education Foundation in 2016 found that the content of Pakistani public-school textbooks on non-Islamic faiths and non-Muslim citizens of Pakistan inculcate bias, distrust and superiority of one religion over another. Through a baseline of 25 examples of religious intolerance found in 2011 textbooks, the following points were concluded:

- Textbooks contain a conflation of national and religious identities thus creating a narrative of conflict and grievances between Muslims and Hindus.

- Despite religious diversity in the state,

textbooks often project Islam as the dominant feature of Pakistan and a symbol of Pakistani identity.

- Recurring examples of bias and intolerance against the beliefs and traditions of religious minorities were common in several textbooks.

Hence, another factor behind religious intolerance is the effect of curriculum and the content of such textbooks, which spur hatred at a very early age.

The unavailability of specific commissions or forums for minorities in Pakistan is a cause of concern too. Religious intolerance has always existed, but it has grown primarily in the absence of regulations and forces that could have put a stop to them. The need to establish independent commissions for racial and religious equality has grown in the last decade alone. These forums should exist to receive and investigate complaints, to offer advice to victims of discrimination and to undertake awareness-raising activities.

In a report published by the Minority Rights Group (MRG), a nexus was found between specific existing laws in Pakistan and the continued presence of religious intolerance in the state. The fact that certain legal provisions inculcate discrimination by protecting one element and imposing sanctions or unreasonable limitations on another element, is a major reason why incidents of extremism and religious intolerance remain frequent in Pakistan.

Essentially, Pakistan's problem of religious intolerance has not erupted overnight. It has existed for years; such incidents have been on the rise for decades but it is only now that the common man has become cognizant of the adverse impacts that such incidents have. The new government in power has promised a "Naya Pakistan", and it seems as if the time is right for reforming Pakistan's treatment of its religious minorities.

Reviewing PTI's efforts to protect minorities' rights

Earlier this year Pakistan Tehreek-e-Insaaf was elected by the people to take charge of the government of Pakistan. It was a welcome change, celebrated across the nation and since then has been seen as the beginning of a new era or as it is commonly understood as the creation of "Naya Pakistan." The new government promised change and reformation of the existing systems, and included in their manifesto was their goal of ensuring constitutional rights for minorities.

As part of their aim of strengthening the federation, the government promised to protect the civil, social and religious rights of minorities, including their places of worship, property and institutions, as guaranteed in the Constitution itself. It was proposed that an Independent National Commission on Minorities will be established followed by Provincial Commissions and Departments. Additionally, reiterating constitutional obligations it was declared that equal access to justice and protection from discrimination would be ensured. Instances of hate speech and violence towards minorities would be curbed under the National Action Plan. In an attempt to provide better representation to minorities, the government reiterated its commitment to ensuring that the minority quota in all government departments is implemented in letter and spirit. Perhaps the most commendable goal was the plan to organize inter-faith dialogue, especially among young people to promote tolerance and harmony.

In the first 100 days alone, the government has proposed two legislations pertaining specifically to minorities including the Christian Marriage and Divorce Bill and

the Punjab Sikh Anand Karaj Marriage. Additionally, Pakistan's government recently decided to open the Kartarpur border to facilitate Sikh pilgrims from India to visit Gurdwara Darbar Sahib. Another impressive feat accomplished collectively by the judiciary and the government was the acquittal of Asia Bibi, a Christian woman implicated in a blasphemy case that had been pending for eight long years. While the decision was a step forward in ensuring that justice was served, it triggered a national dilemma with certain factions participating in mass protests to challenge the decision.

In KPK, PTI government has managed to rebuild and renovate Mandirs, Gurdwaras and Churches previously destroyed by militants. Minorities worship places were provided basic facilities including electricity and sound systems to enable them to perform their rituals peacefully. Protection of Communal Properties Act was passed and implemented to safeguard the properties of minorities. The government also managed to reopen a 73 year old Gurdwara in Peshawar that had been closed since partition. Employment quota for minorities in KPK had been doubled, minorities were recruited into various services including the police force in KPK.

Indeed a lot of these proposed policies are still awaiting an initiation, but it would be unwise to jump on the bandwagon which is quite to criticize and takes a gloomy view of the work that remains to be done. Undoubtedly, there is a need to develop a comprehensive national policy on introducing reforms with respect to protection of minorities' rights.

Understanding Pakistan's International Obligations to Protect Minorities Rights

In all this hubbub on protection of minorities' rights and the government's promises to ensure the same, it is essential that one realizes the extent of Pakistan's obligations under the auspices of United Nations. A well-informed policy can only be drafted and enacted when state's obligations under international covenants are analysed, evaluated and given effect to.

Pakistan is a party to core human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC), Convention on the Elimination of Discrimination Against Women (CEDAW) and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Additionally, Pakistan is obligated under the Universal Declaration of Human Rights, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief.

These instruments oblige Pakistan to ensure the protection of a host of important human rights to its citizens without any discrimination on the basis of religion.

As per the terms of the ICCPR, Pakistan has to ensure that every citizen has the right to freedom of thought, conscience and religion, including the right to manifest one's religion in practice and worship, as well as the right to change one's religion (Article 18). Additionally, each citizen is granted freedom of opinion and freedom of expression, which are subject to reasonable restrictions that may be imposed by the state to protect national security or public order (Article 19). All citizens are to be considered equal before the law and must be accorded equal protection of law including a right to fair trial without undue delay (Article 14). Furthermore, it is incumbent upon Pakistan to ensure that all accused persons are presumed innocent until proven guilty in an impartial and fair trial (Article 14(2)). The right to be free from arbitrary arrest and detention (Article 9), right to liberty and security of each person and the right of minorities specifically, to be able to profess and practice their religion (Article 27), are all granted under the ICCPR which Pakistan has to

guarantee and provide to its citizens.

Being a party to CAT, Pakistan is legally obliged to take effective legislative, administrative, judicial or other measures to prevent acts of torture against individuals by the officials of the State (Article 2). In cases where torture is alleged, the State is bound to investigate into all such claims and provide assistance to the victims.

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities obliges states to firstly, protect the existence, national, ethnical, cultural, religious and linguistic identity of minorities and create conditions for the promotion of that identity (Article 1). Building upon the guarantees provided for in the ICCPR, the Declaration reiterates fundamental rights of minorities including right to enjoy their own culture, to profess and practice their own religion, to use their own language, without any form of discrimination or interference (Article 2). Additionally, minorities have the right to participate effectively in cultural, religious, social, economic and public life of the state, and they have the right to participate in decisions on national and regional level on aspects concerning them. Freedom from discrimination (Article 3) and equality before law (Article 4) are inherent rights which are reiterated in this Declaration and their constant repetition in international instruments serves as a reminder of their significance. Additionally, an interesting aspect of this Declaration is that it recognizes the need for states to take relevant measures in the field of education to encourage knowledge of history, traditions, language and culture of the minorities within their territory (Article 4).

In light of these provisions, it isn't impossible to reach the conclusion that Pakistan has multifaceted obligations under international law to protect fundamental rights of the minorities, and it isn't too great a leap to state that Pakistan has defaulted on many of its promises under these instruments. Since the current government in power has reiterated its promises to ensure the protection of human rights, and has demonstrated its commitment to protecting the rights of minorities in the state, the time is ripe for adequate legislative reforms and introduction of policies that are more in line with the state's international obligations.

Common Man Stories

This is our country, we're as equal as a citizen as a Muslim is, this country might be built on an Islamic ideology but it recognizes the minorities as equal citizens. After the release of Asia Bibi, we have found new hope for now, we know that there is justice. We can live in peace in this country. We can openly practice our faith now, before this we were deprived of our freedom. We were enslaved by mobs of bearded men. Many of us would have discussions about these topics in the privacy of our own homes but even in that privacy we would whisper. This is the amount of psychological terror that we have been going through. There was no dialogue between faiths and, when you can't sit down and talk about your differences there is always violence. Our community has been repressed but I know these people will never turn to violence because we believe that beyond all faith and ideology we're all human and it is our humanity and this land is what unites us, it keeps us together and connected. All the religions in the world preach this sermon that in the end we're all really just one soul.



I remember back in 2013 when houses were burnt in the name of religion, the whole community was in fear, we were scared of telling anyone our faith, our elders advised us, "if anyone asks your name tell them the wrong name, instead of a 'Masih' at the end tell them it is Muhammed". This is the amount of feared that we have faced. Now you see us openly selling clothes, and ornaments that represent Christmas, we're in celebration of a new Pakistan, with the Christmas we also celebrate our freedom in this country. I can speak for all the minorities, with this new government and all that it is doing, we can finally have peace.



My parents were from here, so were my grandparents. We always have belonged to this land, so have the Hindus, so have the Sikhs. The Pakistani Flag represents us till this day, the white with green represents us, and without the white part, the flag would be meaningless, it would just be plain green. If you hand the country into the hands of these fanatics they would burn the whole country in the name of God and I ask this question whose God would want this? You're all educated individuals, I ask you, Does God really want this to be done?



“You are free; you are free to go to your temples; free to go to your mosques or to any other places of worship in the State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the state.”

*- Quaid-e-Azam
Muhammad Ali Jinnah*