

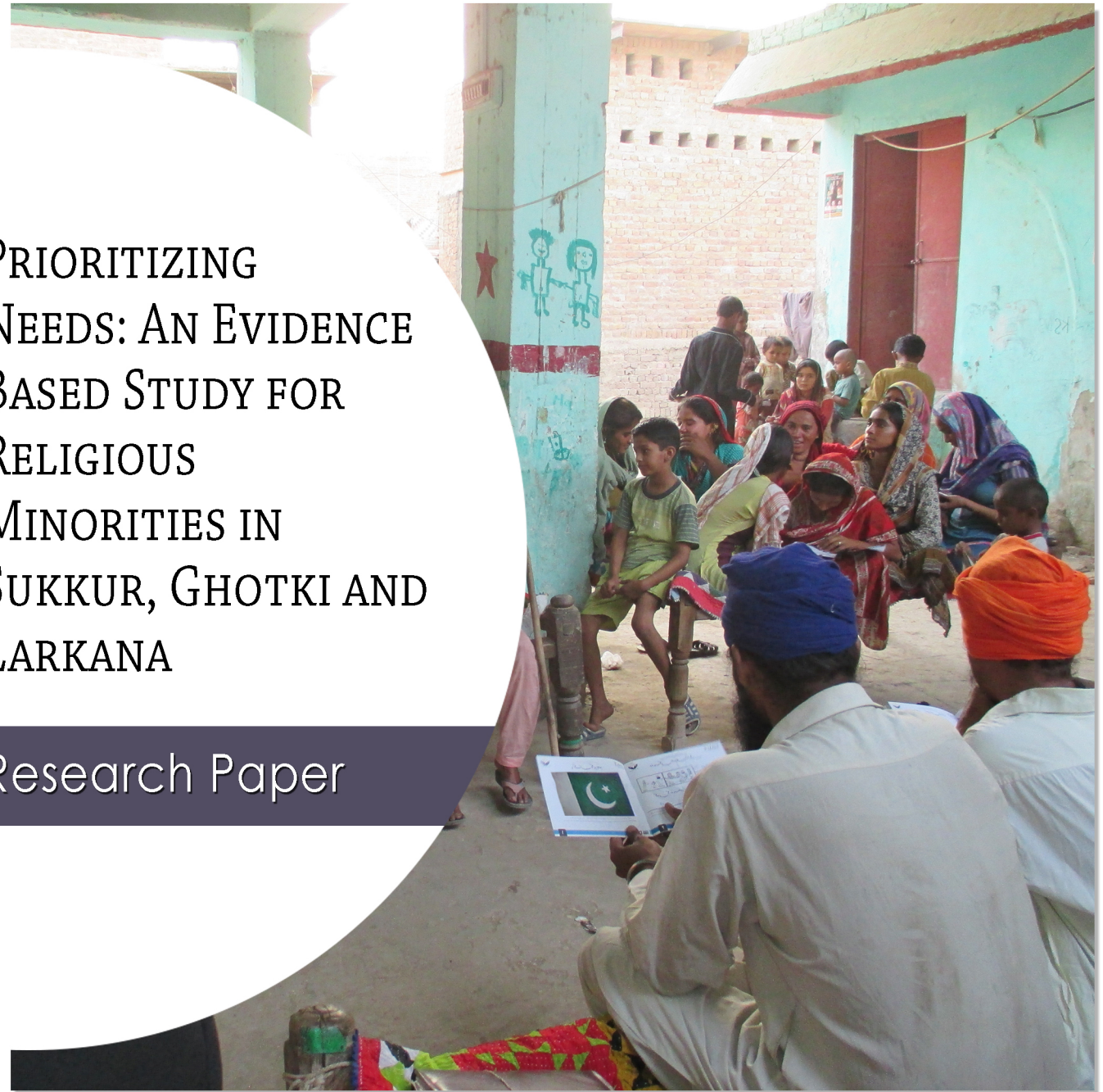


Legal Aid Society

Access to Justice: Strengthening Legal Awareness and
the Delivery of Legal Services in Sindh

PRIORITIZING
NEEDS: AN EVIDENCE
BASED STUDY FOR
RELIGIOUS
MINORITIES IN
SUKKUR, GHOTKI AND
LARKANA

Research Paper



In collaboration with

EDACE

Enhanced Democratic Accountability
and Civic Engagement

PRIORITIZING NEEDS:

AN EVIDENCE BASED STUDY FOR
RELIGIOUS MINORITIES IN
LARKANA, SUKKUR AND GHOTKI

BY HAYA EMAAN ZAHID &
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PRIORITIZING NEEDS:

AN EVIDENCE BASED STUDY FOR RELIGIOUS MINORITIES IN LARKANA, SUKKUR AND GHOTKI

ABSTRACT:

This paper aims to provide an understanding of the types of issues faced by religious minority groups, with a particular focus on how these groups perceive the marginalisation, disenfranchisement, and threats they face. It analyses empirical data collected from the districts of Sukkur, Larkana, and Ghotki through 629 qualitative interviews with members of religious minority groups.

The report analyses the data collected from the field and highlights the most frequently experienced issues faced by religious minority communities in Sukkur, Larkana, and Ghotki as shared with LAS. The issues of acquiring national identity cards, uninterrupted access to electricity, unemployment, crimes, and access to educational opportunities were frequently cited by participants, while, forced conversions and desecration of places of worship form a minority of complaints from the selected sample. These grievances indicate the growing disenfranchisement of minority communities in Pakistan who suffer from class-based issues, which are further exacerbated by rampant institutional and individual

discrimination on the basis of their religion. The results lead to the idea that the footprints of grievances surrounding religious minorities, are largely economic in nature, and are rooted in issues of equality, equal citizenry, and equal treatment. These issues contribute to the overall growing intolerance and lack of respect given to these communities. This study seeks to draw attention to the essential need to focus on the aspects that affect the day to day life of members of these communities and not just on the larger issues of forced conversion and blasphemy.

The findings of this study holds value for future civil society efforts, public awareness drives, capacity building, and the provision of legal aid. It is hoped that this study will be used to inform donor and government strategy relating to necessary law reform and public policy aimed at addressing the grievances of marginalized communities.

ACRONYMS AND ABBREVIATIONS

JI – Jinnah Institute

LAS– Legal Aid Society

LAO – Legal Aid Office

EDACE – Enhanced Democratic Accountability and Civic Engagement

FIR – First Information Report

Cr.P.C – Criminal Procedure Code, 1898

PPC – Pakistan Penal Code, 1860

SDPI – Sustainable Development Policy Institute

NADRA – National Database and Registration Authority

NADRA ACT – National Database and Registration Authority Act, 2007

NAP – National Action Plan

SEPCO – Sukkur Electric Power Company

PIP – Pakistan Institute of Peace

PPP – Pakistan People’s Party

MQM – Mutahida Qaumi Movement

CNICs – Computerized National Identity Cards

RESEARCH FRAMEWORK:

SOCIO-POLITICAL BACKGROUND:

“If Pakistan is to sustain its idea of a nation, the state must prioritize access to education, health care, employment and justice for the most vulnerable of our communities.”¹

Pakistan is listed as eighth among ten countries where minorities remain the most under threat as reported by Minority Rights Group International in 2016.² The numerical disparity between Muslims and non-Muslims in Pakistan is significant. As per the 1998 census, Muslims formed 96.16% of the population and non-Muslims consisted of 3.84%.³ There is little confirmation as to present population figures. Slightly differing statistics have been provided over the years. The Pakistan Bureau of Statistics website⁴ quotes the following figures: Muslims: 96.28%; Christian: 1.59%, Hindu: 1.0%, Qadiani (Ahmadi): 0.22%, and other: 0.07%.

The breakdown of the non-Muslim communities is unclear. Statistics provided in 2011 by the Ministry of Minorities (now the Ministry of Religious Affairs and Interfaith Harmony) state the following formulation of non-Muslim communities in Pakistan: Christian: 42%, Hindu/scheduled castes: 55% Ahmadis/Qadiani's: 5%, and others: 2%.⁵

¹ “State of Religious Freedom in Pakistan”, Jinnah Institute, 2016

² “State of the World’s Minorities and Indigenous People 201: Events of 2015”, Minority Rights Group International

³ “Pakistan Population Census 1998

⁴ “Population by Religion”, Pakistan Bureau of Statistics
<http://www.pbs.gov.pk/sites/default/files//tables/POPULATION%20BY%20RELIGION.pdf>

⁵ “Life at risk: Report of HRC Working Group on Communities Vulnerable because of their Beliefs”, Human Rights Commission of Pakistan, April 2011

Recent years have seen a rise of persecution of religious minorities in Pakistan. Ranging from target killings, bombings, assassinations of members of the community, as well as those defending them, to attacks on places of worship, an intensification of the violence is clearly seen to be on the rise. Incidents of violence and their impunity are not just forms of physical violence, but often also play the role of instruments of oppression.⁶ These are also a symptom of deep-rooted and entrenched patterns of discrimination and marginalization of religious minority communities in Pakistani society.

These patterns are the direct result of a slow, steady and very deliberate politically motivated movement by the State over the years to dis-empower non-Muslim minorities in Pakistan.⁷ This has been achieved through the 'Islamisation' of State and society and the perpetuation of the narrative of "Muslims" vs. "Non-Muslims" i.e. "us vs. them". A series of social, administrative, legal and political manoeuvres were employed, resulting in negatively impacting societal behaviours and attitudes towards religious minorities, disenfranchising them and effectively ostracizing the non-Muslim communities, leading to a scenario where their existence and lives are insecure and largely unprotected, and negatively impacting the quality of their daily lives.⁸

The State has taken some positive steps in recent years to combat these elements of violence against religious minorities. Notable efforts made by the State include the introduction of the National Action Plan (NAP) in 2015 to combat terrorism and extremism. While there are several objections to NAP, the specific mention of the situation of religious minorities and the desire to 'stop religious extremism and to protect religious minorities', as well as to curb hate speech are welcome

⁶"Minority Rights in Pakistan: Historic Neglect or State Complicity", Pak Institute for Peace Studies, 1st October 2014.

⁷"Institutionalised Legal Discrimination against Religious Minorities", Maliha Zia, Aurat Foundation, 2015

⁸Ibid

acknowledgments of the current situation. However, the Minority Rights Group International reports that while the number of sectarian killings reduced by 35 per cent in 2015, within the first quarter of 2015, fatalities among minorities actually rose by 38 per cent compared to the same period in 2014. This disparity suggests that minorities do not necessarily benefit equally from security efforts.⁹ In addition, the State has taken action to curb hate speech by punishing some perpetrators;¹⁰ the province of Sindh passed a much awaited law on registration of marriages for the Hindu community¹¹ and a national law is currently under debate; Diwali, a Hindu festival was celebrated by the State and announced as a future public holiday.¹² Guidelines for protection of minority groups have also been laid down in the landmark decision of the Supreme Court's Suo Moto Case 1 of 2014.

However, these steps may be seen as symbolic, as simultaneously, the State contradicts this positivity by its actions. For example, it recently banned the transmission of an episode of a talk show which discussed the status of Ahmadis (Qadianis) in Pakistan¹³ due to 'provocative' and 'irresponsible' conversation; education curriculum remains discriminatory against religious minorities;¹⁴ access to justice remains difficult; and there is little effort to improve the political disenfranchisement of minority communities.¹⁵ Economic deprivation, political divisions, weak laws, poor governance practices and other factors all contribute to the suffering of certain minority groups. Still, an underlying element is the radicalisation and 'Islamisation' of thought that heightens ongoing discrimination

⁹ Ibid

¹⁰ "Over 15,000 hate mongers arrested in 18 months", Zahid Gishkori, 01-08-2016, Geo Tv

¹¹ "Sindh Assembly approves Hindu Marriage Bill",

¹² "Landmark resolution", Daily Times, 17-03-2016

¹³ "Pemra bans Hamza Ali Abbasi from hosting Ramzan show", 17-0-2016, Dawn

¹⁴ "Connecting the Dots: Education and Religious Discrimination in Pakistan. A Study of Public Schools and Madrassas", Azhar Hussain, Ahmad Salim and Arif Naveed, United States Commission on International Religious Freedom, 2011; "Textbooks raise debate about 'curriculum of hate', 09-03-2013, Pakistan Today

¹⁵ "Political empowerment of religious minorities: Report of HRCP Expert Group on Communities Vulnerable because of their Beliefs", Human Rights Commission of Pakistan, 2013

and marginalization.¹⁶ There remains an overall tolerance of violations of religious freedoms and an inadequate approach towards protecting likely targets of such violence or effective prosecution of its perpetrators, including both State and non-State actors. This results in the perpetuation of a climate of impunity and of fear affecting Pakistani society widely physically, psychologically and economically.

There are no concrete and systematic methods or action plans in place to positively change the socio-political situation of these communities. Short term actions of arresting selected clerics, confiscating published religious literature of some sects and faiths, and a handful of police encounters, are not enough to initiate a long term sustained process of rooting out the evil of religious bigotry.¹⁷ A holistic strategic long term action plan by the State is necessary to create a change in the situation of religious minorities on the ground.¹⁸

This socio-political environment has a direct impact on the daily lives of the members of these communities, specifically with regards to the overall social identity formation of members of the minority communities. Post-modern schools of thought believe that an individual is mainly shaped by the dominant discourse in the society in which he or she lives. In every day discourse of activities, individuals of minority groups are often reminded of their unequal status in society by textbooks read; news heard; conversations overheard; research findings reported; and a number of other sources of information, resulting in a battle against a negative social identity.¹⁹

¹⁶“Minority Rights in Pakistan: Historic Neglect or State Complicity”, Pak Institute for Peace Studies, 1st October 2014

¹⁷“State of Religious Freedom in Pakistan”, Jinnah Institute, 2016

¹⁸Ibid

¹⁹“While the social identity theory has been discussed largely on ethnic and race minority groups, the findings are as valid for members of religious minority groups.

This correlation between an individual and the dominant discourse of a society has implications for understanding how the state defines citizenship. In Pakistan, the nature of citizenship has developed into an understanding due to systematic state 'propaganda'²⁰ within the context of whether a person is a "Muslim" or a "non-Muslim." Anyone who does not fall under the former definition is considered a minority and thereby 'inferior' to Muslims.²¹ The urge to establish a national identity on the basis of a single religious identity often leads to inadequate recognition and protection for the rights of religious minorities. In the everyday discourse of activities, minority individuals are often reminded of their unequal status in society by textbooks read, news heard, conversations overheard, research findings reported, and a number of other sources of information.²² The narratives of minority groups are absent in the dominant discourse, therefore eliminating their voice, participation, visibility and influence in the society, except as *revealed* by the dominant group. For example, in Pakistan's curriculum, an image is built of Hindus as opposed to for example "non-Pakistanis" as anti-Islam and anti-Pakistan.²³ The participation of the Hindu community and individuals of the Hindu community in Pakistani history is not only completely ignored, but negative attributes are given the community as enemies of Muslims, thereby Pakistan.²⁴

To be a member of a minority group is to engage in battle with the forces of negative social identity. Individuals are often given labels and social attributions

²⁰The history of how the State systematically successfully moved society towards this perception is not discussed in this report. It is however well documented in several reports.

²¹This 'notion' is perpetuated through the reiteration of Muslims as 'superior' inferring to the inferiority of all others.

²²"Social Identity of Ethnic Minority Families: An Ecological Approach for the New Millennium", Lillian A. Phenicé and Robert J. Griffore, Volume 05, Issue 1, Summer 2000, pp. 29-39, Michigan Family Review.

²³Connecting the Dots: Education and Religious Discrimination in Pakistan. A Study of Public Schools and Madrassas", Azhar Hussain, Ahmad Salim and Arif Naveed, United States Commission on International Religious Freedom, 2011; "Textbooks raise debate about 'curriculum of hate', 09-03-2013, Pakistan Today

²⁴Connecting the Dots: Education and Religious Discrimination in Pakistan. A Study of Public Schools and Madrassas", Azhar Hussain, Ahmad Salim and Arif Naveed, United States Commission on International Religious Freedom, 2011; "Textbooks raise debate about 'curriculum of hate', 09-03-2013, Pakistan Today

based on group status, which often places them at a social disadvantage and can adversely affect their self-concepts. As more negative information and interactions occur, preliminary attitudes concerning social identity of the group become more negative and can result in psychological conflict and related behaviours.²⁵ The perception of their 'status' impacts not just their self-assessment, but also their interaction and expectations of the State and society.

Within this context, religious minorities are faced with limited options of responses. Pakistan Institute for Peace (PIP) reports that in cases of violence, for example in cases of forced conversion in Sindh, many of these crimes go unpunished due to victims unwillingness to give statements due to fear of reprisal against their families and only a small portion are willing to seek justice, often because of the lack of legal and other support infrastructure and importantly their lack of faith in the authorities to support them.²⁶ The report goes on to highlight with particular reference to the Hindu and Dalit communities in rural Sindh and Christians in Punjab, that many low income and weak groups when discriminated against do not feel the need to identify or discuss their views openly for fear of reprisal. Furthermore, without trust in the police or the justice system, they realize their voices will be shunned. The concept of equal citizenship and non-discrimination in everyday life and work situations are unavailable to these communities.²⁷

A primary tool used for this purpose is the law. A primary tool used for re-establishing the 'inferior' social identity of a minority group is the law.²⁸ In Pakistan, certain legislation and constitutional amendments have further deprived religious minorities of freedom of movement and practice, justice, human rights and

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸ Social Identity of Ethnic Minority Families: An Ecological Approach for the New Millennium", Lillian A. Phenice and Robert J. Griffore, Volume 05, Issue 1, Summer 2000, pp. 29-39, Michigan Family Review

economic and political opportunities, including the infamous blasphemy laws, the Hudood laws, the constitutional ban on allowing a non-Muslim to be the President of the country and lack of personal laws providing structure and support to the religious minority communities etc.²⁹ A nationwide 2014 survey³⁰ conducted by the PIP³¹ revealed somewhat contradictory results. A large portion of the respondents of the survey reported that they did not necessarily feel that the law of the state was directly discriminatory. It also revealed that most respondents felt that they were mostly able to integrate and live peacefully with other religious groups. This is encouraging with regards to future planning for social harmonisation.

However, it simultaneously reported that the respondents also felt that they were not a part of the larger social and cultural mainstream. This is not surprising given the lack of voices of minority communities at senior decision making level in both public and private spaces. A recurrent theme of the survey was that both Muslim and non-Muslim minority groups complained about the lack of effective protection accorded by the state against violence, intimidation and intolerance. Lack of action by the authorities (police, local government officials, judiciary) when it comes to punishing perpetrators of violent crimes against minority groups and protecting defenceless, unarmed (low-income) neighbourhoods was raised as a major issue. A nationwide research report by Jinnah Institute (JI) revealed that members of minority communities expressed their fears and widespread sense of insecurity. Many told JI they had little option but to flee Pakistan as they saw little hope of

²⁹ Institutionalized Legal Discrimination against Religious Minorities”, Maliha Zia, Aurat Foundation, 2015

³⁰ One of the objectives of the study was to examine socio-political views and everyday challenges faced by Pakistan’s largest minority communities – Christians, Hindus and Sikhs – based on a countrywide survey.

³¹ Minority Rights in Pakistan: Historic Neglect or State Complicity”, Pak Institute for Peace Studies, 1st October 2014.

improvement in their security situation unless state protections improve and the majority community's attitude shift.^{32 33}

Overall, what is revealed is that discrimination against minorities –within the social and cultural mainstream, undermining economic livelihoods and political participation – and the continuing violence against religious minorities is connected with overall inequality and government inattention.³⁴

BACKGROUND OF THE REPORT:

Within this context, religious minorities have come to the forefront of discussions centring law reform, policy revision, and elimination of the discrimination and religious bigotry implicit in State and society. The media and civil society have been quick to highlight cases particularly of the physical insecurity of minorities including cases of forced conversions³⁵, mob violence prompted by alleged blasphemy and desecration of their places of worship.³⁶ Civil society through foreign donor funded interventions and often with the support of the State have initiated programmes which include but are not limited to rule of law programmes, designed to keep minority-centric issues as priority and often cross cutting themes in their projects. Focus has been given to the overall policy and legal framework; however, this discourse has not yet successfully trickled down to have a positive impact on the daily lives of the individuals in religious minority communities. For example, while Sindh has been celebrated for passing a law in 2016 on registration of marriages

³²“State of Religious Freedom in Pakistan”, Jinnah Institute, 2016

³³There has reportedly been mass migration of religious minorities in Pakistan, with countries such as India opening up its citizenship in particular to Hindus leaving Pakistan.

³⁴ Minority Rights in Pakistan: Historic Neglect or State Complicity”, Pak Institute for Peace Studies, 1st October 2014

³⁵<http://tribune.com.pk/story/921649/seeking-their-rights-forced-conversions-still-an-issue-for-hindus-in-sindh/>

<http://www.dawn.com/news/1159228>

³⁶ <http://www.dawn.com/news/1093726>

of Hindus (the only one of its kind across the country), there has been little movement to ensure that the marriages have actually been registered as required by law. With this background, the Legal Aid Society (LAS) developed a project titled, "Access to Justice: Strengthening Legal Awareness and the Delivery of Legal Services in Sindh", under the Enhanced Democratic Accountability and Civic Engagement (EDACE) Initiative.³⁷ LAS is a sister organisation of the Legal Aid Office (LAO), both under the Chairmanship of Justice Nasir Aslam Zahid (Former Judge Supreme Court of Pakistan and Former Chief Justice of Sindh High Court). Both organizations have been working as not for profit organizations in Sindh since 2013 and 2004 respectively. LAS' interventions have been aimed at increasing access to justice for poor and marginalized communities, particularly women, across the province of Sindh as well as at the Federal level. LAS's operations and interventions have been focused on (i) initiating and promoting programs that bridge the gap between supply and demand of effective and economic legal aid and representation, serve the interests of the disempowered, uninformed and marginalized segments of society; (ii) creating a legal landscape which is conducive for pro bono/low bono culture; and (iii) strengthening and facilitating state and civil society partnerships and collaborations for improving access to justice for the common citizen of Pakistan.

Under the EDACE Initiative, one of the primary activities of this project included conducting sessions with minority communities in 3 districts in Sindh i.e. Sukkur, Larkana, and Ghotki. The project sought to fill in the gap between theory and practice by raising legal awareness of the community members, while also providing them on the spot first hand legal aid and support, with the aim of assisting community members in becoming effective agents who demand social change.

³⁷ EDACE is a Foreign and Commonwealth Office sponsored project funded by the British Government.

During the course of its engagement with these communities, the disenfranchisement of the communities became a stark reality. Issues considered basic human rights and basic tenants of citizenship in any country, including Pakistan – rights which have been protected by the fundamental rights in the Constitution of the Islamic Republic of Pakistan, 1973 and the superior courts of Pakistan, were not accessible to the members of these communities. A larger policy level discourse is continuing on the rights, status and protection of religious minorities. However, there is limited focus on responding to the current needs as opposed to just the rights of the religious minority communities. It is essential that a practical element of a needs based immediate response to these communities must be injected into this discourse focusing on the immediate and practical needs of the individuals within these communities.

This paper subscribes to provide an input into this latter discourse. Working to provide legal awareness and support to the communities in 3 districts in Sindh provided LAS with a glimpse into some of the specific issues plaguing them. These tie in with previous reports by PIP and JI which highlight not just the civil and political aspects of discrimination and violence, but also the socio-economic and psychological aspects. While there is no doubt that governance and administrative issues are common amongst many rural areas in Pakistan, what is different is the implicit perception, self-identification and feeling of defeat of the individuals of these communities due to their religion. These individuals and communities are the victims of double discrimination i.e. due to class based struggles, as well as due to their religion.

This paper should be seen as a contributory chapter for all activists, donors, for profit and not for profit organisations and the State to the existing discourse on the empowerment, uplifting and protection of the rights and needs of the religious minority communities. It seeks to contribute an additional dimension to the on-

going discourse. It lends itself to creating practical, actionable and achievable goals which could form the basis of improving the quality of life of these selected communities of religious minorities by deconstructing issues which are political, civil, criminal, economic, and religious. The paper will also put forward recommendations for specific interventions to assist in empowering religious minority groups in realizing their rights and entitlements under national law.

RESEARCH METHODOLOGY AND LIMITATIONS:

RESEARCH METHODOLOGY:

This study employed a qualitative approach consisting of interviews conducted in 3 districts in Sindh between 15th August, 2014 and 17th December, 2015. Data was collected from participants using a purposive sampling method, and subsequently analysed.

A desk review was conducted of LAS project reports, reports of the legal clinics, as well as critical and relevant academic data, reports and studies conducted on the issues facing religious minorities nationally and internationally.

The districts in Sindh, namely Ghotki, Larkana and Sukkur were identified based on convenience and functionality. LAS has been conducting a 2-year programme in these districts under the EDACE project, holding 155 legal clinics with the religious minority communities with a total participation of 6,401 persons. The legal clinics and awareness campaign assisted LAS in developing strong ties with communities and community leaders in the relevant regions, and has led to the collation of primary data that maps the problems of communities as presented in this paper.

The interviews were conducted by field officers and lawyers employed by LAS with members of religious minority groups in the 3 identified districts.

Out of the 629 members with whom interviews were conducted, 83% were men and 17% were women. The majority were above the age of 18 and were categorized as adults. 89.19% were Hindus, 10.33% were Christians and 0.88% were Sikhs. Geographically, 288 interviews were conducted in Larkana (45.7%), 173 in Sukkur (27.5%), and 168 in Ghotki (26.7%).

At the legal clinics, individuals approached the lawyers themselves to discuss a specific problem and to obtain pro bono legal advice. The interviews were conducted separately on a voluntary basis, with a view of maintaining confidentiality and privacy of the client. After providing them the relevant information and support, and obtaining their consent, the interviewees details and query's details were recorded. Data recording was conducted by hand.

The interviewers used a single questionnaire for all interviews, which is reproduced in Annex A. The interviewers remained flexible in their approach, and asked supplementary questions where they considered it necessary to further understand the nature of their query. For all interviews, details such as the interviewees name, national identity card details, gender, age, address, and community details were recorded by the interviewer. The interviewee's grievances, as well as the lawyer's advice on next steps, were recorded.

Elite interviews were conducted over the phone with religious minority group leaders from each district. These interviews were conducted using a semi-structured qualitative approach and a snowball strategy so as to gain further insight into the emerging data.

To analyse the data, content analysis was used. The interviews were coded, and categorised according to key words that emerged from the text. The process was intuitive and data-driven. The authors prepared a spreadsheet, coded and categorizing the data into different themes and areas in order to be able to identify the most frequently cited grievances, and further break down the exact nature of the legal issues facing minority groups on a regular and pervasive basis. This data was then analysed in light of the desk based research conducted.

LIMITATIONS:

Due to the limited sample size from 3 districts in Sindh, the findings of this study are not generalizable for Sindh, nor for Pakistan. It is hoped that further research and data collection along these lines in other districts of Sindh, as well as across the nation, will provide more generalizable findings.

The study is limited by a skewed sample with a majority of men, since fewer women approached the lawyers for advice. While general efforts were made to include women's voices, a specific focus was not within the limits of the project, and therefore fell out of the scope of the data collection for the purposes of this report.

The researcher's positionality as a lawyer and a person not belonging to the community, general insecurity among minority communities, and perceived power of the interviewers was also an influencing factor during the data collection stage.

The data collected related to the specific legal issues brought forward by the interviewees themselves, rather than their general feelings of fear or marginalisation. Keeping in mind the above point, there was little information provided about some of the most controversial and talked about forms of violence and legal manipulation involving minority groups and discourse i.e. blasphemy laws and cases of forced conversion.

The authors recognise the importance of these issues, and that such incidents do occur in these districts however, as this paper is based on evidence collected during specific legal clinics, it focuses on legal and governance impediments which LAS believes are equally important in order to raise the quality of life of these communities and are more practicable in the medium term, in comparison to larger policy and legislative decisions.

SELECTION AND PROFILING OF DISTRICTS ANALYSED:

This paper focuses on the urban centres of Larkana, Sukkur and Ghotki in Sindh. Each has rich historical significance, and has seen changes in its demographic footprint pre and post partition. Historically, in these areas Muslims and non-Muslims lived together in harmony. However, recent data, and narrated experiences, increasingly demonstrate a marked shift and increased intolerance towards religious minorities which cannot be ignored. In order to understand the status of religious minorities, it is also important to appreciate the historical dimensions which led to the current day context. Knowledge of this history also helps combat the romanticised notion of a pluralistic and peaceful province with no inter-religious conflict, which evidence has demonstrated no longer to be true.

SINDH:

Sindh, historically, has seen the bulk of economic trade and commercial matters being controlled by Hindus in pre-colonial and pre-independence times who as mentioned earlier, emerged as the more professional and educated classes. The group of '*Amils*', as they appeared first in Hyderabad, occupied top administrative

positions in the Talpur State and managed the revenue system.³⁸ Muslims, though in a majority in the province, were in a minority in the urban areas where Hindus accounted for 59.2% of the population³⁹ and worked as traders, government employees and professionals,⁴⁰ while rural Sindh was dominated by Muslims and within urban centres Muslims largely worked as craftsmen and day labourers. Given this demographic, there existed a symbiotic relationship between the Muslim ruling groups of the Baloch and Sindhi '*Waderos*' (landowners) and the professional Hindus who managed revenue for the largely uneducated *Waderos*. One needed the other, and the *Amils* in return benefitted from peasant indebtedness as a mechanism to procure agricultural products at low prices which they then sold at higher prices.⁴¹ There existed an unholy alliance between the *Amils* and *Waderos* on one side; and the *Amils* and peasants on the other which was mutually beneficial to each.

However, during the 1900's the Muslim elite and middle-class started realizing that they were being left behind in almost all spheres of life by the Hindu working class, and began to demand their share in government on a communal basis in the Government of India Act 1919 and 1935. This inferiority felt by Indian Muslims grew with the introduction of the concept of democracy by the British in which numbers mattered. Suddenly the Muslim minority who had ruled over the majority Hindus in India for 650 years started to become conscious of a Muslim communal identity and asserted separation on its basis. However, the policies of the British favoured rural power politics, which in Sindh allowed for Muslim control.⁴² Given the population density in rural areas as compared to cities, towns and cities were

³⁸Markovits, C. (2008). Urban Society in Colonial Sindh (1843 - 1947). In Boivin, M. (Ed.). Sindh Through History and Representations: French Contributions to Sindhi Studies. Karachi: Oxford University Press.

³⁹ibid

⁴⁰ibid

⁴¹ibid

⁴²Sindh Provincial Assembly that was elected in 1937 under the 1935 Constitution, out of 60 seats only 7 were urban which meant towns and cities were underrepresented.

underrepresented in elections, following which members of the burgeoning Muslim middle-class, located in cities, pledged allegiance to the *Waderosin* power, as they felt that that would allow them more control in governance. With urban Muslims in Sindh suddenly requiring more representation in urban centres, from the 1920s onwards it was the towns and cities that became the sites of increasing communal conflict which contributed to nurturing the first shrouds of Muslim separatism in the province starting with the Larkana riots in 1927 and the Manzilgah agitation in Sukkur in 1939.⁴³

This growing conflict eventually resulted in a large exodus of Hindus to India after partition. However, the communal harmony that had existed was now forever eroded and displaced, and currently underlies the basis of tension that still exists for the Hindus that stayed behind. This was particularly relevant in urban centres, such as Larkana, Sukkur and Ghotki, which are the subject of this paper.

The population-wise breakdown of the three cities is as follows:

LARKANA:

The district has a majority population of Muslims with Hindu and Christian and Sikh communities all co-existing in the region. The Hindus are further divided into five notable groups; Bhagri, Bheel, Harijan, Oad, and Dewan communities.⁴⁴ Majority of the Hindus in Sindh are believed to be from the Bagri community as very few of them migrated to India after partition.⁴⁵ These communities have their own panchayats⁴⁶ for resolution of disputes. Their livelihood is mostly dependent on

⁴³Markovits, C. (2008). *Urban Society in Colonial Sindh (1843 - 1947)*. In Boivin, M. (Ed.). *Sindh through History and Representations: French Contributions to Sindhi Studies*. Karachi: Oxford University Press.

⁴⁴<http://www.dawn.com/news/1194240>; and data gathered from Legal Awareness Clinics, Legal Aid Society

⁴⁵Interview with Lachman Das, community leader on 2.3.2016.

⁴⁶ Tribal practice where community leaders sit as adjudicators over any dispute. These are highly controversial as not only are these illegal under law, reiterated by the courts, but also due to controversial and anti-women judgments often given out by such groups.

agriculture and more women are coming forward to take part in the workforce as sellers of cloth and toys. Majority of them do not have their own lands but they work as labourers in fields. The Bheel community is further divided into the Marwari Bheel (Belong to Marwar/Rajasthan, India), DhatiBheel (Belong to Thar/Dhat, Pakistan), and Sindhi Bheel (Belong to Old-Sindh). There are approximately 700 Hindu families belonging to the Oad sect living in Larkana.⁴⁷ The census of 1998 plots the Christian population in Pakistan at 209, 2902 out of which 29, 4885 reside in Sindh. There are approximately 7,500 registered Christian voters from the district of Larkana spread over 20 union councils.⁴⁸ There are an estimated 25 Sikh families in Larkana.⁴⁹

SUKKUR:

The population of Muslims is 96%, however, a large Hindu population also exists in urban and rural areas. Hindus are mostly settled in urban areas and are engaged in the trade and service sectors. However scheduled castes form a sizeable population in Sukkur namely, Mehngwar, Balmeck, Bagri, Bheel, Oad, and Marwari.⁵⁰ The city therefore has a cosmopolitan atmosphere with multi-ethnic and multi-cultural communities.

GHOTKI:

Ghotki has a population of 97, 0549, of which 51, 1363 are men and 45, 9186 are women.⁵¹ The average annual growth rate of the population is 3.26%. 83% of the

⁴⁷ Interview with Dr. Rajesh Kumar community leader on 3.3.2016.

⁴⁸ Interview with Sohail Masih, on 3.3.2016.

⁴⁹ Interview with Ammar Sheem, Arjun Singh, Hari Sindh and Lal Singh on 18 & 19 December 2015

⁵⁰ Data gathered from Legal Awareness Clinics, Legal Aid Society

⁵¹ <http://www.pbs.gov.pk/pco-sindh-tables>

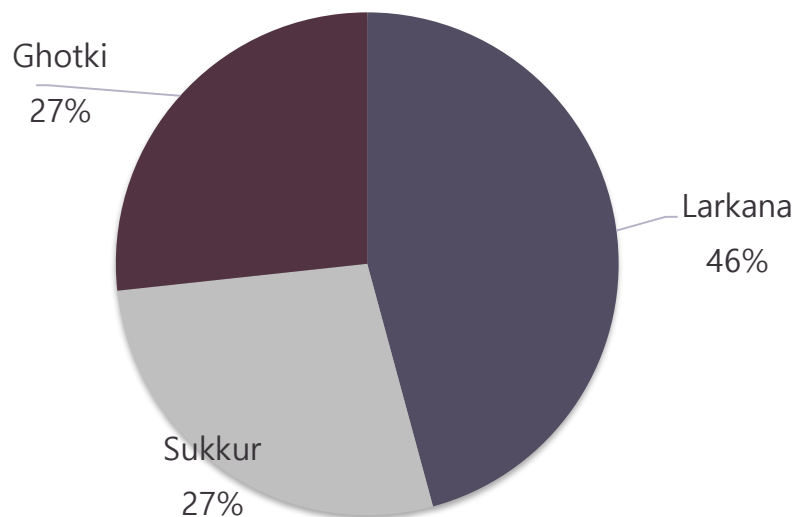
population is rural and 17% is urban. Hindus account for 6.17 % of the population and Christians 0.14%⁵².

RESEARCH FINDINGS:

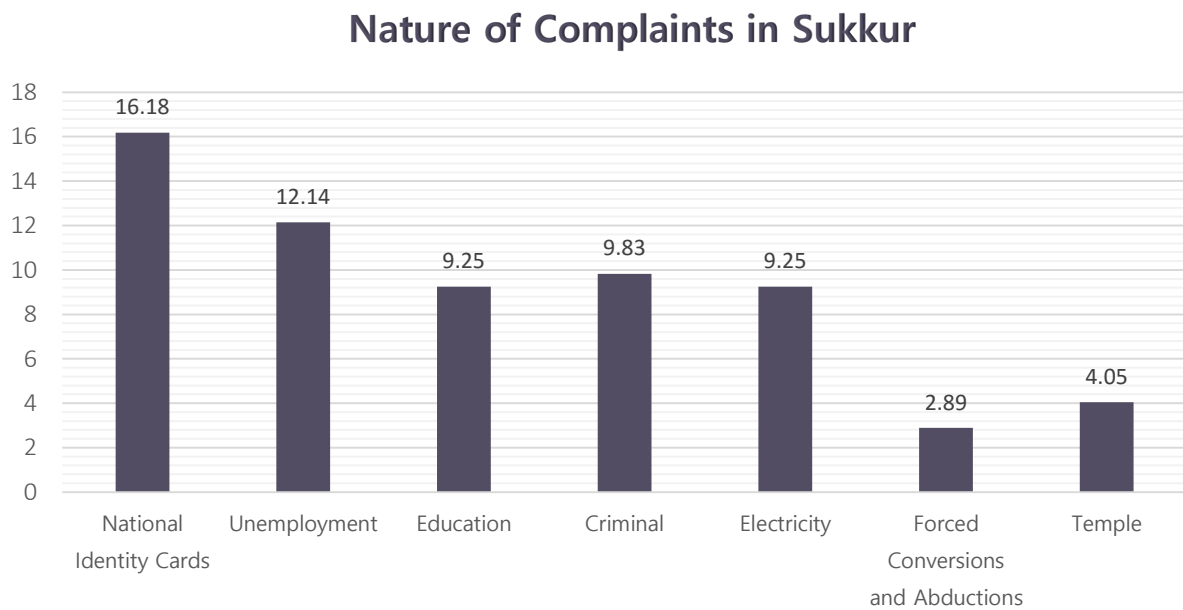
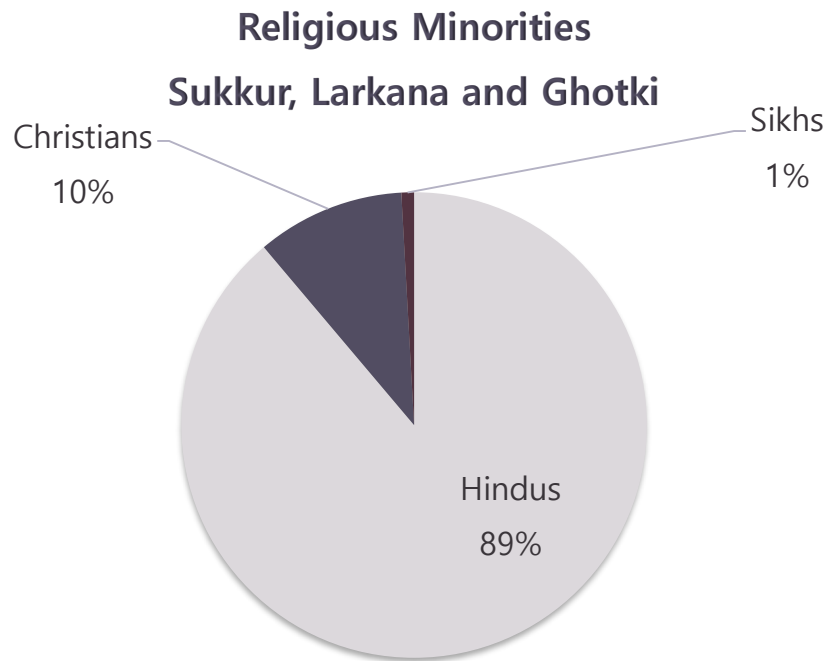
DISTRICT – WISE FINDINGS:

The analysis of the qualitative interviews conducted has been used to deconstruct the issues affecting the present day state of religious minorities in the northern belt of Sindh to understand whether the perception of their struggle relates to entitlements which can broadly be categorized as political, social, economic, religious or cultural.

District Wise Interviews



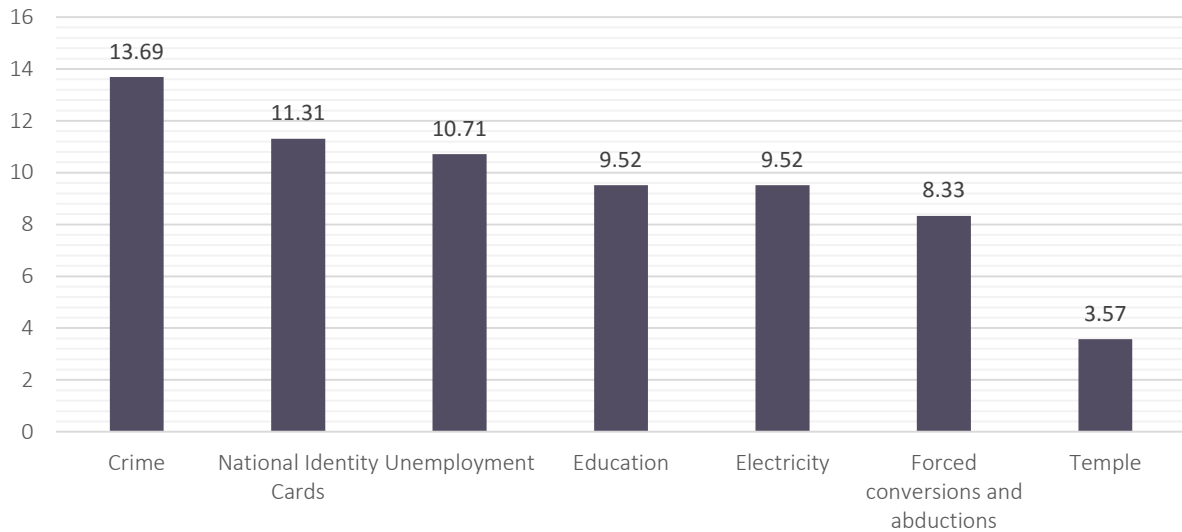
⁵²Profile District Ghotki prepared by Small & Medium Enterprises Development Authority (SMEDA) Ministry of Industries & Production Government of Pakistan



In Sukkur, the foremost complaints reported pertained to issuance of national identity cards, provision of electricity, unemployment, crimes committed against minorities and education. Matters essentially seen as compromising religious rights, such as forced conversions and desecration of temples were recorded at

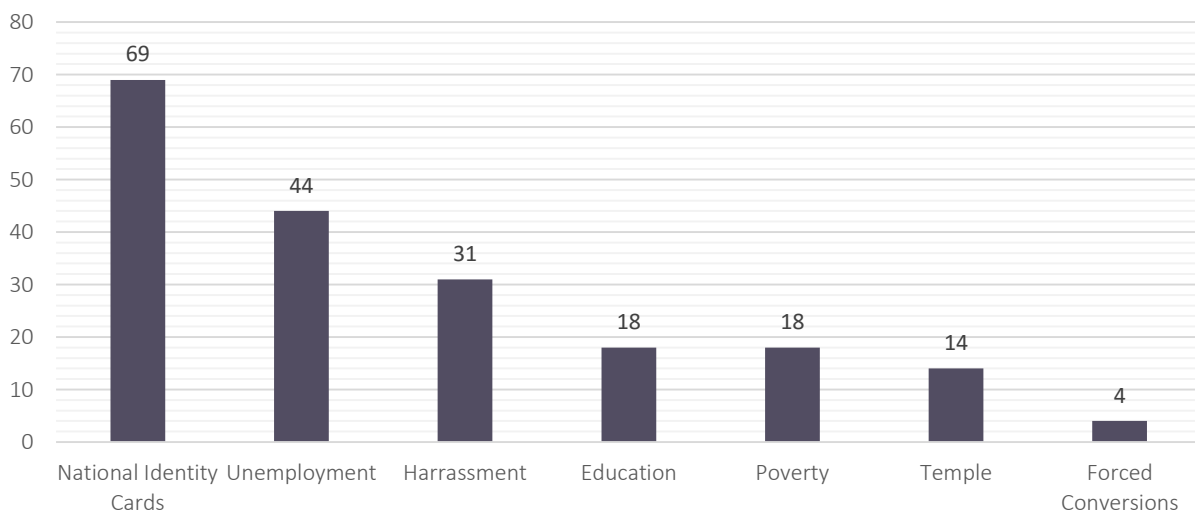
5% and 7% which was comparatively lower than complaints relating to access to public goods and services.

Nature of Complaints in Ghotki



In Ghotki, the main complaints related to crimes and harassment, national identity cards, unemployment, education, and electricity. Religious rights oriented issues such as forced conversions and connected abductions, in comparison to Sukkur, were recorded at a higher rate of 14%. Matters pertaining to places of worship being endangered were recorded at 6%.

Nature of Complaints in Larkana



In Larkana, the main complaints reported were about national identity cards, unemployment, harassment, education and poverty. Matters relating to places of worship were recorded at 4.86% and forced conversions at 1.39%.

It is noteworthy to mention that whilst no case of blasphemy was reported in the sample, whilst this may be indicative that the wave of vigilante led mob justice surrounding such instances has not trickled down to northern Sindh from Southern Punjab, where repeated instances have been reported, it reinforces the need for preventative programming for the regions analysed which shall be discussed in detail later.

COMPLAINTS – WISE FINDINGS AND ANALYSIS:

LEGAL IDENTITY:

Section 9 of the National Database and Registration Authority Act, 2007 (NADRA Act) states that 'every citizen in or out of Pakistan who has attained the age of eighteen years shall get himself and a parent or guardian of every citizen who has not attained that age, shall not later than one month after the birth of such citizen, get such citizen registered. A national identity card is necessary for any person desirous of casting a vote, operating or opening bank accounts, obtaining a passport, purchasing a vehicle or land, obtaining a driver's license, SIM card, or gas and electricity connections, etc. There are very limited grounds upon which the registration authority may refuse to issue national identity cards; and these are limited to whether such issuance is deemed to be prejudicial to the sovereignty, security, defence of Pakistan⁵³ and appear to be exceptional circumstances.

⁵³Rule 13 of NADRA Pakistan Origin Card Rules 2002

However, complaints regarding national identity cards were recorded as the top ranking grievance for Sukkur (28%) and Larkana (23.9%) whilst it was the second highest ranking grievance for Ghotki (19%). Out of 629 interviews conducted, 116 community members recorded complaints ranging from facing difficulties in getting rectifications for incorrect details of father's name, issuance of duplicate NICs after theft or loss or for dealing with refusals by the registration authority to issue the identity cards in the first place due to discriminatory attitudes of staff.

The lack of an official 'identity' is a huge issue for the individuals. Not only does this mean they are not given any formal recognition, but an NIC is a key necessity for colleges, employment, marriage registration, passports and voting etc. The lack of NICs means these individuals are not counted amongst population statistics, are not able to vote and therefore have no say or part in the democratic functions of the State and their voices are silent.

Another issue that particularly affected Hindu females was the unreasonable requirement of furnishing a *Nikkahnama*, a Muslim document, or any other type of written marriage certificate for Hindu women to substantiate their marriage which they were unable to do as there was no mechanism for registration of their marriages. It is evident, that a lack of national identity card can result in and perpetuate domestic, economic, social, and psychological problems and deepen the disenfranchisement for religious minority groups especially women who need to furnish proof of their marital status from time to time whilst travelling or seeking lodging outside their place of residence, for purposes of inheritance, rights in marriage and out of marriage, guardianship of children etc. This is also a major contributory factor manipulated in cases of forced conversion, where the lack of NICs makes it easier for perpetrators of the crime to get them issued under the 'Muslim' name of the abductees etc.

The regulations were first amended after the Supreme Court took *suomoto*⁵⁴ notice of such instances of discrimination through case 2012 SCMR 1147. The court issued an order requiring the Chairman of NADRA to publicize the new policy assuaging the unfairness of such a requirement for Hindus so that members of the Hindu community may acquire knowledge about the facility being extended to them for this.⁵⁵ The Chief Justice at the time, Justice Iftikhar Chaudhry, ordered the official to rely on affidavits of the Hindu community and issue CNICs.

The subsequent change in regulations requiring a Pakistani Hindu Woman to simply furnish an affidavit as proof of marriage in the application form was a welcome move which went a long way in ameliorating years of discrimination.⁵⁶

More recently, the Hindu Marriage Registration Act of 2016 was passed in Sindh, which is hoped, to further improve the situation of Hindu minorities in the region.

However, to date, there has been no major change at the practical level and the on ground situation. The law allows for past and future marriages to be registered and the Government and NADRA must take concrete and practical steps to ensure this opportunity is not lost. In addition to issues with CNIC are also issues relating to lack of effective birth, marriage, divorce and death registration, which must also be linked with NADRA.

Rule 13 of the NADRA National Identity Card Rules, 2002 provides for changes in identity cards and issuance of duplicate cards. The courts have also maintained that delays in filing applications for corrections of an office mistake cannot hamper or prevent the process of rectification of the data base or CNIC as that would negate

⁵⁴When the court acts upon its own cognizance.

⁵⁵<http://tribune.com.pk/story/356790/married-hindu-women-win-identity-card-battle/>

⁵⁶ Regulation 14 had been inserted as new in the National Database and Registration Authority Regulation 2002

the very purpose of issuing CNIC to a citizen.⁵⁷ However the position at the grass root appears to be contrary with members of the communities struggling with basic rectification processes. During the community awareness campaigns conducted in the areas, it was observed that very basic information was sought from the lawyers and in most cases the community members were advised to file a suit for declaration before a Senior Civil Judge where they were facing difficulties in getting rectifications or issuance of cards from NADRA, however such matters are on average disposed of by courts within 3 to 6 months which is still a substantial period of time. Hence, the data suggests that there are strong grounds for NADRA to run mobile camps in designated *talukas* in these regions for verifying problems at an early stage so that these matters are filtered out before they reach district courts.

EDUCATION:

Access to education is an issue which affects both males and females belonging to religious minority groups, however it has been observed that this issue affects females from rural areas disproportionately due to a number of cultural barriers that restrict their enrolment and continuation in schools. Of the total complaints from Ghokti that related to education, 43% indicated a demand for the development and construction of separate schools for girls or complained that the existing one was too far away for the community to send their female children to. Of the complaints relating to education in Sukkur, 39% reported inaccessibility and long distances to girls' schools. Whereas in Larkana, complaints relating to the need of separate schools for girls were recorded at 17% of the total grievances on education.

⁵⁷PLD 2012 Lah 378 Muhammad Salah-ud-Din vs Nadra

The main grievances recorded at 56% from Larkana related to the discriminatory nature of treatment towards children of minority communities in government schools by other students and faculty which ranged from not being allowed to use the common toilet facilities or to drink in the same utensils as other students. This grievance was then followed by a desire to have separate schools established for their own communities where their children would not face such ill treatment and discrimination.

The right to education was included in the Constitution by the 18th amendment under Article 25 A which provides that the 'State shall provide free and compulsory education to all children of the age of 5-16 years in such a manner as may be determined by law'. However, an estimated 5.4 million school aged children remain out of school in Pakistan.⁵⁸ Studies estimate that about 25% of the out of school population of children in the country is in Sindh.⁵⁹

City	Number of Schools	Number of Enrolments	Enrolment ratio for Boys	Enrolment ratio for Girls
⁶⁰ Sukkur	1,251	154,038	62%	38%
⁶¹ Ghotki	1,998	188,857	69%	31%
⁶² Larkana	1,190	221,444	59%	41%

Pakistan imbibes the centuries old patriarchal suppression and prevention of females from obtaining equal access to education. Low literacy rates and higher school dropout rates of women provide clear evidence of this fact. Social and

⁵⁸<http://www.brecorder.com/general-news/172/1141345/>

⁵⁹<http://www.dawn.com/news/1139423/10-alarming-statistics-about-pakistans-out-of-school-children>

⁶⁰District Education Profile Sukkur (2014-15); Official Government Website: <http://www.rsu-sindh.gov.pk/units/sindhEducationProfile2013-14.php>

⁶¹District Education Profile Ghotki (2013-14); Official Government Website: <http://www.rsu-sindh.gov.pk/units/sindhEducationProfile2013-14.php>

⁶²District Education Profile Larkana (2013-14); Official Government Website: <http://www.rsu-sindh.gov.pk/units/sindhEducationProfile2013-14.php>

cultural restraints are the primary reasons for this, accompanied by poverty, the lack of empowerment and the generally lower social status of women, particularly in the rural areas. Mobility is another key issue that has been highlighted as a major cause. Many of the schools are far away from the home, especially higher education schools. There is a reluctance to send girls to these schools with no secure transport and restricted mobility in the conservative Pakistani society which provides for little space for women in public, including public transport.

In addition to this, girls are often expected to give up their education to provide support at home, particularly in rural and agricultural areas. For example, it is estimated that females in rural areas spend nearly six hours a day collecting drinking water which reflects the nexus between gender inequality and unequal access to education, as well as water.⁶³

For religious minority communities, the situation is even more complicated creating greater barriers for them. The situation varies for religious minorities based on factors such as class, gender, geographic location as well as the religious group they belong to.⁶⁴ Women from the minority communities face some of the most difficult challenges as their illiteracy rates are much higher than those of men, as well as high levels of reported discrimination in admission into schools/colleges and within schools/colleges.^{65 66}

The rising physical insecurity is another cause for fear, especially with rising violence across the nation against children. Another critical area for concern is the education itself. Non-Muslim children are not taught their own religion and in fact often

⁶³“Vulnerability ad Society: A Qualitative Analysis of the Calls received by the Legal Advisory Call Centre, Karachi”, Dr. Asha Bedar, 2016

⁶⁴ “Searching for Security: The Rising Marginalization of Religious Communities in Pakistan”, Minority Rights Group International and Sustainable Development Policy Institute, 2014

⁶⁵ Ibid

⁶⁶“Life on the Margins: A study on the minority women in Pakistan”, Peter Jacob and Jennifer Jag Jevan, National Commission on Justice and Peace

forced to study Islamic Studies. Education plays a particular role in the creation of the 'other' with regards to the religious minorities. The tampering of the curriculum over the years as a result of the Islamisation policy of Zia and even by Bhutto in his attempts to win over the religious right has resulted in an extremely biased and prejudicial curriculum being taught to children in Pakistan for decades.⁶⁷ This has coloured the perspective and interaction and attitudes of children towards religious minorities, which is reflected in the evidence brought forward by this report of discrimination within the schools.

The history of Pakistan in these books excludes the mention of religious minorities and their role in the creation of and in development and protection of Pakistan. Thus, the participation and positive role of religious minorities is totally absent and instead, seeds of bigotry, negative stereotypes and discrimination are being sown.⁶⁸

Therefore, a young minority student will not find many examples of educated religious minorities in their own textbooks while Muslim students remain totally unaware of the positive role played by religious minorities in Pakistan.

There are many documents and reports which provide detailed analysis of the discrimination against religious minorities in curricula, which is substantiated by the findings in this report.⁶⁹ Due to this and the accompanied discrimination within schools, parents are hesitant to send both girls and boys to schools where they fear repercussions due to their religion.

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Examples include "Connecting the Dots: Education and Religious Discrimination in Pakistan. A Study of Public Schools and Madrassas", Azhar Hussain, Ahmad Salim and Arif Naveed, United States Commission on International Religious Freedom, 2011; "Textbooks raise debate about 'curriculum of hate', 09-03-2013, Pakistan Today

This has a direct nexus with employment, greater employment opportunities, poverty and raising of an individual's/family's status. Without adequate education, none of these factors can be adequately challenged.

Insofar as the demand for construction of separate schools for religious minorities was voiced, there is concern that this would further polarize an already fragmented social paradigm enhancing differences and distancing communities.

There are many factors and opportunities to address this issue at a policy, as well as local level, which also creates space for practical interventions at appropriate levels.

Apart from leadership in the schools themselves, who could be approached regarding discriminatory behaviour in schools, the executive district officer and local government authorities could be approached for responsive and remedial action.

If that did not result in responsive and remedial action, they were advised to approach the executive district officer in their region or the provincial officer. Furthermore, a dedicated response and redress system for complaints specifically related to children has been set up at the office of the provincial ombudsperson. It has been created to hear cases of maladministration and to enforce the rights of children in compliance with the convention on the rights of the child. However, the outreach of the complaint office and its capacity remain untested.

All of these options have the potential to be used as a critical point of State involvement for more immediate intervention and relief. In addition to policy development, it is recommended that the government departments and civil society organizations engaged in the education sector must work towards creation

of an inclusive environment in schools and must establish a monitoring mechanism for complaints on discrimination.

EARNING A LIVELIHOOD:

The Sindh Government through notification No SORI-S&GAD-2-1/1994 issued by the Chief Secretary has provided a reserved quota of 5% employment for minorities across Sindh in all government services and jobs. The notification provides that, "Besides direct recruitment, the notification would also ensure recruitment of the quotas of religious minorities in combined competitive examinations such as Central Superior Services in addition to their participation in open merit." However, openings in the government's temporary projects and vacancies for less than six months are not subjected to this quota.

In Ghotki, 68% of the complaints relating to unemployment reported had to do with problems of accessing employment opportunities. 77.27% of the complaints relating to unemployment from Sukkur reported issues of non-compliance with the quota. Others complained of having government jobs in which their salaries were not paid on time and stopped for months. In Larkana, 8.8% of complaints relating to unemployment and jobs involved the denial of pension or gratuity funds after retirement from government jobs in municipal corporations. 13% reported delays in release of salaries of government employees, and 8.9% reported non-compliance with the job quota for religious minorities.

A large proportion of the complaints related to government employment and issues therein. It has not been possible to obtain actual data to verify the extent of compliance or non-compliance with the quota on jobs reserved for religious minorities. It is recommended that the government make information on appointments under this reserved quota for religious minorities easily accessible so that a district level comparison can be made between the perceptions of

compliance with this quota and the actual appointments made against this for further action. Under Article 19A, the public has a right to information and therefore transparency, thus this demand is constitutionally protected. Based upon the same, class actions before the jurisdiction of the High Court may be advisable.

With low literacy rates, poverty, discrimination etc. The reality is that the majority will be unable to break the glass ceiling in employment in the current scenario. The weak socio-economic status of the religious minorities, coupled with legal and institutional discrimination and low literacy rates have the consequences of the religious minorities of them taking low-wage menial employment, often being pushed towards bonded labour and being stuck in generational cycles of poverty and issues relating raising status through better employment.

Religious minority women are also reportedly often victims of gender harassment. Economic marginalization, gender discrimination and religious exclusion makes them particularly vulnerable. This is exacerbated in unregulated employment such as domestic servants, bonded labour, workers in brick kilns etc. The majority of these women work in the informal sector and are also therefore not eligible for any of the legal protections the law in Pakistan does offer including minimum wages, vacations, maternity leave, protection from onsite hazards, hours of work etc.⁷⁰

Breaking the cycle with regards to employment is more difficult. Existing laws must be implemented effectively. The local authorities must play a major role in this. The offices of the provincial Ombudsman and the courts must be activated when maladministration results in the Government not taking up the mantle of its duty effectively. The office of the Ombudsman must be given more visibility and powers

⁷⁰“A Question of Faith: A Report on the Status of Religious Minorities in Pakistan”, Jinnah Institute, 2011
“Searching for Security: The Rising Marginalization of Religious Communities in Pakistan”, Minority Rights Group International and Sustainable Development Policy Institute, 2014

as one of its primary objectives is to deal with maladministration of the government.

Discussions must be held on how to better improve labour standards in each district. Furthermore, short term internship or starting position quotas with opportunities for permanent positions may be started in both public and private organisations to allow for greater opportunities for members of religious minority communities.

Strict action must be taken against those who discriminate against religious minorities, including those who mandate separate cutlery for certain religious groups such as the Dalit community members

Community members were advised to send written complaints to their employers. If a response was not received within a reasonable amount of time, they were advised to approach the labour courts at the district level in matters pertaining to unlawful termination or dismissals. They were also advised to file constitutional petitions before the High Courts for matters relating to non-conformity with the job quota or delays in release of salary.

SAFETY:

Criminal issues were reported at an alarming 14.29% in Ghotki, 9.83% in Sukkur and 2.43% in Larkana. A survey carried out by an Islamabad-based think tank⁷¹ compared the situation of Dalit women in India with the Hindu women in Sindh and said they were often kidnapped, forcibly raped and converted to Islam despite

⁷¹*Peoples under Threat* is a Minority Rights Group's annual authoritative rankings table which highlights those countries around the world where the risk of mass killing is greatest. Based on current indicators of authoritative sources, it has been compiled annually since 2005 to warn of potential future mass atrocities as it states in an introduction to the rankings report.

demands from within the community and its leaders that the authorities must act to apprehend the oppressors.

Listing Pakistan as eighth among ten countries where people remain the most under threat in 2016, the Minority Rights Group International concludes that increases in threats to minorities has been the result of governments and societies overlooking or tolerating 'entrenched patterns of discrimination against particular communities.'

In its subsequent annual report, *State of the World's Minorities and Indigenous People 2014 – Freedom from Hate* the group notes: 'Hostility towards minorities and indigenous peoples can range from intimidation or denigration to murder and indiscriminate attacks.' Compelling instances and overwhelming evidence of hate, violence and murder targeting minority groups has meant they continue to endure religious, social, economic and political discrimination given the all too acceptable milieu of extremism in the country which is propagated by hardliner Islamic groups and religious parties and tolerated by the government.⁷²

Community members in Sukkur recorded complaints about the lack of police pickets in their area which resulted in an increasing rate of crime and unrest. They also voiced concerns that their names were being involved in false cases only so that the police officials can obtain bribes from them. There were several complaints regarding the graveyard of the Hindu community located in the outskirts of Larkana, which has been illegally possessed by a few unknown criminals. They also reported cases of girls being kidnapped in their area and refusals by the police to register their complaints. The community members urged that this matter, given the gravity and seriousness of the offence, should be looked upon as expeditiously as possible. In Ghotki, there were complaints of undue influence during the

⁷²Excerpt from report entitled *Minority rights in Pakistan – Historic neglect or state complicity*, Pak Institute for Peace Studies.

minorities' procession in an attempt to restrain them from performing their religious rites. There were also several complaints that the minorities were wrongfully implicated by the police in false cases of theft in order to make to simply money out of them.

The involvement of the police and other government bodies in discrimination is not a new complaint. The police's complicity in cases and harassment is well documented. While efforts must be made at the policy level to encourage change in police curriculum and appointments and redressal mechanisms, there are other mechanisms in place that could be advocated for in order to try to achieve immediate responses in a holistic manner and not just on an individual case by case basis.

It can generally be concluded that the directives of the Supreme Court, through Suo Moto Case 1 of 2014, relating to the constitution of a special police force to protect places of worship and ensuring registration of criminal cases to bring perpetrators who violate rights of religious minorities to justice, are going largely unimplemented and mandate the attention of the relevant coordination committees at the provincial level.

Nevertheless, civil society organisations and activists can continue to use this key judgment as a rallying point for its engagement with the police to demand continued action from the police force.

In addition to this, there are a number of human rights desks notified in police station across Sindh. While these may not be functional, but public demands and interventions must be focused on ensuring not just the desks are functional but appropriate training and support for these officers.

The superintendent of the police must also be held responsible for the actions of the junior officers in his or her jurisdictions. Complaint mechanisms against the police must be created with easy access for the community. Effective mechanisms for actions against police officers must also be put into place.

The courts must also be appraised of situations where members of the communities may be booked on false charges. The judges and law officers must have sufficient ability for social context and strategic thinking and information about the socio-political context to be able to effectively comprehend and deal with the situation appropriately.

Initiatives such as community policing must be initiated with a specific focus on working on improving tolerance and inter-faith harmony. This is especially important given the deficit of trust in the police from these communities. Two of the core objectives of community policing include the ability to stop violence and crime from happening by eliminating the pressure points in advance and through encouraging and building relationships of acceptance, respect and social harmony by setting an example through their own actions. Both require working closely with the community and reflect a mind-set with little to no enhanced budget apart from initial training and sensitisation of the officer's towards marginalised society's and in communication and effective negotiation tactics.

The District Commissioner can also be approached for different issues, in particular with regards to the illegal possession of the graveyards of religious minorities.

Local government and local authorities must be targeted as the main implementers and respondents. Their presence and response are key in the practical support that is necessary for positively affecting the governance and administrative issues plaguing religious minorities.

ELECTRICITY:

Complaints regarding electricity were recorded at 6.25% in Larkana, 16% in Ghotki and 23% in Sukkur. Community members in Sukkur complained that officials of the Sukkur Electric Power Company (SEPCO) illegally disconnected the electricity from time to time even though the residents promptly paid their monthly electricity bills. It was complained that officials from SEPCO further created unrest by sending incorrect electricity bills with erroneous readings and by imposing extra units of electricity over and above those actually consumed.

The residents also raised concerns that an 11, 000KV voltage cable has fallen off from the pole and is passing through their homes at a mere height of 10 feet above the ground; the heavy current is extremely dangerous and has already resulted in the death of a child. Furthermore, the installation of a large transformer right next to the houses of several community members is an alarming issue and can in the long run prove to be detrimental if action is not taken promptly. It was also recorded that there is little or no electricity in some vicinities within Sukkur especially during the night that causes significant problems.

Within the district of Ghotki, some community members raised concerns that they had had their electricity meters confiscated 3-4 years ago and continue to bill them at exorbitant rates leaving an enormous outstanding amount left to be paid. A vast majority of community members had the same issue of being sent the wrong electricity bills with SEPCO imposing extra units and charging a higher tariff than that originally incurred. Some residents have had the added problem of their electricity connections being cut off in spite of them having paid all previous bills on time and having no outstanding dues.

Electricity and other key socio-economic concerns have arisen as a primary need of persons particularly in impoverished areas. However, religious minority

communities have faced with an additional burden of discrimination, marginalization and exploitation. The lack of faith in administrative and governance procedures based on previous negative associations makes these communities vulnerable to exploitation. The perception (whether based on previous experience or not) is that the State bodies will not respond to their issues adequately and satisfactorily. Evidence of such behaviour can be seen in the example of Thar, where the drought has claimed the lives of hundreds of babies over the course of at least 3 years, many of whom belong to religious minorities, yet little has been done to improve the situation and save lives in terms of providing adequate health care and infrastructure.⁷³

Right to electricity has been recognised as a fundamental human right by the superior courts in Pakistan. Furthermore, being charged exorbitant fees based on irregularities may be terms as exploitation, theft or other criminal offences by SEPCO and/or any personnel involved. Civil society, activists and communities can use the judgments of superior courts to ensure the protection of the right to electricity, and the law to prosecute those who create obstacles in the realisation of this right.

Relevant institutions such as SEPCO must be pursued specifically in cases such as this. Specific persons such as the chief executive and sub divisional officer of SEPCO along with the executive engineer must be identified to whom to address grievances to. Steps must be identified for further action is there is inadequate response such as pursuing legal action. SEPCO and other such bodies must be held accountable for any deaths or harm caused due to their negligence. Both criminal and civil penalties must be provided.

⁷³“Pakistan drought: government accused over child deaths in Sindh province”, Zofeen Ebrahim, The Guardian, 12-03-2014; “Pakistan: Drought – 2014 – 2016”, <http://reliefweb.int/disaster/dr-2014-000035-pak>, accessed on 14-07-2016

HARASSMENT:

A survey conducted as a part of a paper on Minority Women in Pakistan, compiled by National Commission for Justice and Peace Executive Director Peter Jacob and Jennifer Jag Jivan, revealed that as many as 76 % of Christian and Hindu women in Sindh and Punjab have suffered sexual harassment at workplaces, on campuses or in their neighbourhoods. Reportedly a large number of Hindu families are fleeing from Sindh, particularly from the districts of Shikarpur, Ghotki and Jacobabad, due to constant harassment by way of kidnapping for ransom, extortion and abuse in many ways. A report published by the well-known English daily in Pakistan, Daily Times revealed that around 7,000 to 10,000 Hindus (around 1,600 families) had left the country in the last two years, of them, 450 families were from Sindh.⁷⁴

The statistics from the legal aid clinics reveal that 10.76% people reported harassment in Larkana, whereas only 5.36% people admitted to being harassed in Ghotki with the lowest figures from Sukkur amounting to 4.05%. In Sukkur, complaints were voiced that local police officials from time to time harass the residents either off their own accord or by the instructions of certain other influential people especially landlords. One particular resident raised concerns that his nephew contracted a free-will marriage before the Justice of Peace, but him and his wife are still being harassed by the officials and their case is also filed and pending before court. Another resident complained that his brother had obtained a loan from some people and after his brother's demise those people had started harassing him by constantly issuing threats to him.

In Larkana, a resident who sold toys in different Union Councils was continuously being harassed by the local police officers and urged the authorities to put an end to this practice. Another such trader who sells clothes in different areas of Naudero

⁷⁴<http://www.pakistanchristianpost.com/detail.php?articleid=2617#sthash.gJETCLIU.dpuf>

was being harassed and wrongfully detained by the local police till he made the payment of bribe that the police officials demanded.

A few respondents affirmed that certain police officers without any search warrants trespassed in their houses and started searching and harassing the people present at the scene. Upon finding nothing of their use they left. The community members were clueless about where the officers were from and which Police Station they belonged to. One respondent requested that police protection be afforded to him as he was constantly being harassed by certain influential people whom he refrained from naming. A female respondent admitted to borrowing money from a person located in Haidri Muhallah on interest. Though she claims to have repaid the full amount of her loan including the interest, he continues to harass her for money. Several other respondents reported suffering from the same problem.

Systems of complaint mechanisms must be put in place. Proper awareness of how to approach the Ombudsperson for Sexual Harassment must be made clear with accurate and up to date information publically.

Furthermore, specific action may be taken against police officers. An effective and easily accessible mechanism for police harassment and dis-service must be put in place. Mechanisms must also address how to investigate complaints police officers, whilst also protecting the complainants.

In the meantime, the courts could also be moved to challenge the harassment being meted out by police officers. Effective monitoring systems for the judiciary must also be put in place to ensure lack of bias of the judges overseeing such cases.

FORCED CONVERSIONS:

Forced conversion is the kidnapping of girls and women from religious minorities and forcefully converting them to Islam, which has become a big concern for minority groups, particularly in Sindh and Punjab where such cases are prevalent.⁷⁵ Once women are abducted, they are often forced to marry their captors and are usually sexually abused, raped, forced into prostitution, or trafficked. If the captors are found and produced in court, lack of evidence fails to result in any consequences for them. Lack of evidence is mostly a result of the fact that the women and their families are threatened, which forces women to state in court that they wilfully converted to Islam and/or got married.⁷⁶ The multiple aspects that lead to and combine to form the category of “forced conversion” are all criminal in nature. However, due to media reports that have been highlighting the issue of forced conversions in Pakistan,⁷⁷ this research aims to shed light on forced conversions separately from other crimes committed against religious minority groups in order to decipher the extent of the problem specifically in the three identified areas of Northern Sindh.

Research conducted showed that the numbers of people who complained about forced conversion within these communities was low. The highest number was reported in Ghotki where 14 individuals or 8.33% complained of forced conversion as a problem in their community. Majority of the complainants were Hindu while one was Christian. In Sukkur, 5 individuals or 2.89% complained, all of whom were Hindu. The lowest was in Larkana at 1.39% or 4 individuals, all of whom were Hindu.

⁷⁵Zia, M., et al., Judge’s Toolkit: Delivery of justice, issues faced by gender and religious minorities, Legal Aid Society and EDACE

⁷⁶Zia, M., et al., Judge’s Toolkit: Delivery of justice, issues faced by gender and religious minorities, Legal Aid Society and EDACE

⁷⁷<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-025-2016>

Almost all the complaints regarding forced conversion were generic in that complainants stated, "Our girls are forced to convert from their religion and marry Muslims without their will, what should be done?" For such complaints, it was advised to file a complaint with the senior superintendent of police and the deputy superintendent of police of the area, and to take action in court. There was one case in Ghotki where the complainant's daughter was kidnapped and forcibly converted to Islam. Her daughter's statement under section 164 of the Criminal Procedure Code 1898 was recorded in which she did not go against the captors due to fear of the consequences her family would have to face. However, she was willing to return to her parents. The parents were advised on proceedings in courts and were connected with free legal representation services.

All the cases in Larkana reported that a young girl from their family had been kidnapped, forcibly converted to Islam, and in one instance, also forced to marry the captor. It was advised to them that they should file a First Information Report (FIR) at the nearest police station. They were advised to call the police with the location of the abduction immediately and were also told that petitions in the High Court can be filed.

Forced marriages are a violation of women's rights and forced conversions are targeted at religious minorities and are a violation of fundamental rights as per the Constitution of Pakistan. This places the abducted women at a double disadvantage where they are discriminated against as women and as a religious minority. The Pakistan Penal Code 1860 (PPC) and the Protection of Women (Criminal Laws Amendment) Act 2006 serve as legal provisions in cases of abduction, kidnapping, and marriages. These are besides Article 20 in the constitution which provides every citizen the right to practice his/her own religion.⁷⁸ The Hindu Marriage Act 2016 is

⁷⁸Zia, M., et al., Judge's Toolkit: Delivery of justice, issues faced by gender and religious minorities, Legal Aid Society and EDACE

a welcome addition to legislation for minorities under which Hindus can register their marriage.⁷⁹ Previously, not being able to register their marriages and prove their marital status in court had made them more vulnerable to forced conversions and marriages. However, a clause within this bill maintains another kind of vulnerability as it states that if a spouse converts to another religion, then the marriage is automatically annulled. This creates space for captors to state in court that the women converted to Islam and hence, it is legal to be married to her, and divorced from her previous husband.

There are media reports on forced conversions that portray a grave situation, specifically in Sindh. The findings of this study revealed that forced conversions were concerns for a relatively small number of interviewees. Within those, most had a general complaint that forced conversions take place and wanted advice on how to take action. There were some cases where women had been kidnapped and forcibly converted.

As such this issue should not be trivialized even though the incidences of occurrence or reporting remain low, as it is a grave issue for minority groups who suffer from this problem which is criminal as well as a gross infringement of fundamental rights. The lessons learnt from these findings suggest that the issue of forced conversion largely exist in northern Sindh, and instead of waiting for it to become an endemic problem, the state is requested to take preventive measures through provision of rights and security to minorities and spread of legal, religious, and cultural awareness regarding the problem. A Standing Committee on Minority Affairs of the Provincial Assembly of Sindh approved a law criminalising forced conversion.⁸⁰ However, it has yet to be tabled before the Sindh Assembly.⁸¹ The

⁷⁹<http://www.dawn.com/news/1239719>

⁸⁰ "Sindh's minorities to finally have legal cover against coerced conversions?", Ebad Ahmed, The News, 22-04-2016

⁸¹ "Sindh stalls on bid to outlaw forced conversions of Hindu girls", Shaukat Korai, Daily Times, 12-08-2016

Sindh Government is encouraged to hold a public consultation on the law and to have it tabled as soon as possible in order to avoid further such incidents.

PLACES OF WORSHIP:

There has been a surge in violence towards religious minorities in Pakistan in recent years and minority groups face threats and intimidation frequently.⁸² Between the years, 2012 – 2015, there were 351 reported acts of violence towards minorities, one of the most frequent ones being desecration of their places of worship. In 2014, 6 temples were attacked according to Hindu community organizations in Sindh.⁸³ However, the findings from this research highlighted that the complaints regarding places of worship were low. Of those interviewed, 14 individuals or 4.86% listed temple related issues in Larkana. In Sukkur, this number stood at 7 or 4.05%. Ghotki was the lowest with 6 individuals or 3.57% who had a complaint regarding temples.

In Larkana, one resident's concern was that temples were no longer safe and asked what can be done. It was advised that they should approach the senior superintendent police to provide security and in case this does not lead to a response then he may file a petition before the High Court. Two community members reported temples as being dilapidated for which as immediate recourse they were advised to write to their Hindu Panchayat and if there is no response then a lawyer may assist in approaching the relevant department of affairs of religious minorities.

⁸²<http://minorityrights.org/2014/12/09/pakistans-religious-minorities-face-acute-levels-of-persecution-warns-new-report-2/>

⁸³State of religious freedom in Pakistan, <http://jinnah-institute.org/wp-content/uploads/2016/01/Minority-Report-2016.pdf>, Jinnah Institute

The remaining complaints, for example in Ghotki, were that there are no temples in the area and that funds were required for its construction.⁸⁴ They were advised to contact the representative of the minorities' affairs department. There were similar unavailability complaints in Sukkur and additionally, it was reported that in 2002, a scheme for temple maintenance was granted but nothing had been done about it. The team advised that they should obtain a record of the scheme and file an application before the Office of Deputy Commissioner for confirmation. Another complainant reported that their MPA for religious affairs did not look after their temple and shared funds with his own people of interest. The legal team suggested that they file an application as a complaint to the religious affairs minister to provide funds for their temple.

The research findings demonstrated that the main concern for interviewees related to the unavailability of temples or their lack of maintenance. The lack of action in providing religious minorities with a place of worship in their local areas is a reflection of the government's apathy towards minority groups and their religious freedoms. Desecration of temples was not reported by interviewees and only one complainant reported fear that temples are generally not safe nowadays. There were no specific accounts of attacks on temples.

It must be noted once again that the study sample is small and limited to a specific geographical area. Even though this study does not report any attacks on temples, it does not minimize other kinds of threats that minority groups face. These findings clearly demonstrate a need for temples in Larkana, Sukkur, and Ghotki and a more active response from local authorities to provide funds for construction and maintenance. The government should also take precautionary measures in order to provide minority groups' places of worship with better security and increase

⁸⁴<http://www.sindh.gov.pk/dpt/usharzakaat/>

awareness with regards to respect for them and legal consequences for attacking them.

IMPLICATIONS ON LEGAL RIGHTS AND ENTITLEMENTS OF MINORITIES:

The Constitution of Pakistan guarantees equal rights to all its citizens which includes the equality of status, of opportunity, equality before the law; as well as freedom of thought, expression, belief, worship, and association. The Constitution of Pakistan guarantees specific rights to minority groups. Article 20 states that every citizen has the “freedom to profess religion and to manage religious institutions, subject to law, public order, and morality”, thereby protecting freedom of religion. Article 25 guarantees equality of citizens and Article 36 states that the, “state shall safeguard the legitimate rights and interests of minorities”. Recent judgments have emphasized the importance of these rights. In *Suo Moto* action SMC 1/2014, it was stated that there is no distinction between a Muslim and non-Muslim’s right to freedom of religion under Article 20. Justice Tassaduq Hussain Jilani stated that “under the Constitution minorities have a special status...it would be counter intuitive if the right to freedom of religion enshrined in Article 20 is interpreted in the manner which has the effect of encroaching upon religious freedoms of minority religions in Pakistan. One of the famous Fourteen Points enumerated by Mohammad Ali Jinnah on proposed constitutional changes was that “full religious liberty, i.e. liberty of belief, worship and observance, propaganda, association and education shall be guaranteed to all communities”, thus the very genesis of our country is grounded in the protection of the religious rights of all, especially those of minorities.” The law is therefore interpreted by the higher courts to guarantee equal rights.

Despite these legal safeguards, the law is contradictory and discriminatory towards minority communities. The blasphemy laws (section 295-B, 295-C, 298-A under the PPC) are misused against minority communities. Sections 298-B and 298-C under the PPC essentially criminalize the practice of the Qadiani (or Ahmadi) sect of Islam, with specific punishments for members of this community representing themselves as Muslims. Although section 295-C stipulated death penalty or life imprisonment for defiling the name of the Prophet, the Federal Shariat Court of Pakistan in 1990 ruled that "the penalty for contempt of the Holy Prophet is death and nothing else".

The Courts have interpreted these sections restrictively, with judgments calling for caution specifically in blasphemy cases. Despite these legal provisions, religious minorities suffer many disadvantages under the law, and in the manner that it is applied. Criminal prosecution of blasphemy and vigilante violence against those accused is widespread, and used as an instrument for non-religious purposes.⁸⁵ The mere threat of a complaint of blasphemy is a powerful weapon in Pakistani society.⁸⁶ The environment for such scenarios is "not one that disregards legal commands, but one that enforces the existing legal attitude."⁸⁷ In a country that is an Islamic Republic, minority communities face rampant legal and social discrimination.⁸⁸

Recently, the government and judiciary have made bold attempts to stand against extremism. The government appears to be standing up for a more secular Pakistan, with the tactical execution of Mumtaz Qadri, who murdered Governor Salman

⁸⁵Reuters, 2016

⁸⁶Bohlander, M. (2012). "There is no compulsion in religion "- Freedom of religion, responsibility to protect (R2P) and crimes against humanity at the example of the Islamic blasphemy laws of Pakistan. *Journal of Islamic State Practices in International Law* 8(1): Pg. 36-66.

⁸⁷Ibid Pg. 50

⁸⁸Rehman, J. (2001). "Minority Rights and the Constitutional Dilemmas of Pakistan". *Netherlands Quarterly of Human Rights*, 19(4), Pg. 417–443. DOI: 10.1023/a: 1014248424409.

Taseer on a blasphemy accusation.⁸⁹ In 2015, the Supreme Court dismissed Qadri's appeal against his conviction and upheld the death sentence. In a landmark judgment, the Supreme Court found that the issues posed were straightforward, and not "existential" as had been presented. It categorically stated, based on religious texts that Qadri acted on hearsay instead of verifying the blasphemy charge and acted against Islamic injunctions. Although the Supreme Court in its judgment did not support the repeal of the law, it did highlight the need for reform of the law. Calling this a terrorist act, it found no justification for extrajudicial killing and vigilante violence in the name of blasphemy, thereby setting a strong legal precedent.

Recent events such as forward looking Supreme Court dicta are encouraging. However, constitutional safeguards and legal precedents alone are not enough to alleviate the suffering of minorities in Pakistan. As the data shows, their concerns are complex and reflect the deep discrimination they face in society. To reverse this trend, a concerted effort is needed across government, judiciary, and civil society. In the meantime, the grievances of members of religious minority groups from the geographic sample indicate conflict surrounding access to simple public goods and services and the tone of their disenfranchisement relates to inequities surrounding education and employment which are directly linked with securing resources for a life with dignity.

⁸⁹Craig, T. (2016, March 9) 'Pakistan's prime minister is defying the clerics — very carefully'. The Washington Post. Retrieved from:https://www.washingtonpost.com/world/pakistans-prime-minister-is-defying-the-clerics-very-carefully/2016/03/08/a6ecea88-e450-11e5-a6f3-21ccdbc5f74e_story.html

CONCLUSION AND RECOMMENDATIONS:

The data on religious minority groups in Sukkur, Ghotki and Larkana collected by field officers and lawyers revealed that high numbers of complaints relating to cases falling into the category of socio-economic rights. While this data does not trivialize the issues of blasphemy, forced conversions etc., it seeks to highlight some of the other key legal and governance issues facing these communities. These issues by comparison can be dealt with more effectively at a local level through local channels. Practical and implementable initiatives must be explored in order to provide actual and rapid response to the issues being faced by the communities.

The rights of minority communities have remained a sensitive issue in Sindh because of the comparatively larger populations of minorities in the province. According to a report entitled "Exodus of Sindhi Hindus: Myth and Reality" increased migration of Hindus from Pakistan's Sindh to India are a consequence of better economic and livelihood opportunities quoted as the primary drivers of these migrations. The report reflects these findings using the example of Umerkot District from where around 40 families migrated to India in 2012. All of the immigrants belonged to the high-income and well-off segment of the society including doctors, lawyers and businessmen, thus, endorsing the theory".⁹⁰

As evidenced by this paper and the PIP paper, minorities in Sindh are able to profess their religion and celebrate their unique cultural festivals. In fact, the recently passed resolution by the Pakistan National Assembly that allows Holi, Diwali and Easter to be observed as public holidays in the country appears to be a welcome change in this regard.⁹¹ However, there remains an overarching sense of discrimination and unsettled fear and exclusion from the overall decision making

⁹⁰Report: 'The children of minorities – a national perspective from Pakistan'. <http://www.sparcpk.org/Publications/Minorities.pdf>

⁹¹ "Holi, Diwali, Easter to be public holidays in Pakistan", The News Tribe, 17-03-2016

and discourse. Incidents of violence also make the environment somewhat insecure, requiring them to be vigilant of the growing conservatism and extremism escalating across the country.

The present state of affairs for the minority communities can be improved with implementation of the directives of the Supreme Court in the Minorities Case with the assistance of civil society. More investment is needed in the development and dissemination of a counter narrative to the dominant one which preaches a negative image of religious minority groups and fuels religious intolerance and faith based crimes. Preventative programming which equips relevant state stakeholders such as judicial officers, police officers and local government officers (including staff at women shelter homes and child protection units) with knowledge of blasphemy laws and safeguards affecting minorities is needed. In particular, the directives of working towards creating harmony and tolerance should begin through the redesigning of curricula taught in schools, and given the current dire situation of minorities, by constituting a special police task force for the protection of religious minorities deserves immediate attention. While quotas for religious minorities within the arms of government have been built, there is a need for affirmative action to make these quota systems useful – as seen in this paper, minority groups lack access to good education and hence opportunities for professional growth. In this regard coordination between state departments and civil society is key in terms of creating a more tolerant and inclusive social, political and cultural environment in the province.

ANNEXURE

ANNEX 1 – LEGAL ADVICE FORM:



LEGAL AID SOCIETY

Access to Justice: Strengthening Legal Awareness and the Delivery of Legal Services in Sindh

On the Spot – Immediate Legal Advice Form

Date: _____ Day: _____

Legal Awareness Clinic No: _____ Legal Awareness Clinic Topic: _____

District: _____ Taluka: _____ Union Council No. _____

Name: _____ Gender: _____ Age: - _____

Marital Status: _____ Contact No: _____

Religion: _____ CNIC Number: _____

Complaint/Case Type: _____

Query Raised (Detail of Query): _____

Legal Advice Provided: _____



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