

# **Comparison of Prospects for Religious Minorities in Pakistan and India**

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## Executive Summary

### **Comparison of Prospects for Religious Minorities in Pakistan and India**

South Asia continues to face significant challenges in protecting minority rights. Located in the South Asian region, both India and Pakistan are grappling with these issues. Though, Pakistan's rating on minority rights remains lower than India's despite acknowledging that the ruling elite in India has been implicated in crimes against humanity. It is important to note that India faces a larger crisis scale than Pakistan. The number of incidents and fatalities related to minority rights violations are higher in India. Pakistan also faces challenges, including misusing certain laws for personal gains by some miscreants. Nonetheless, in the case of Pakistan, the violation of human rights is more perceptible, and Pakistan is genuinely concerned. This certainly has a detrimental impact on Pakistan's image internationally.

To address these issues and improve the protection of minority rights, several recommendations are proposed:

- **Redefining the Issue:** Separate the issue of sectarian violence from the core theme of "freedom of minorities." Devise a comprehensive strategy to present local violence and incidents targeting minorities in their accurate context.
- **Proactive Diplomacy:** Establish a high-level task force within the Foreign Office in collaboration with the National Commission for Minorities to develop a diplomatic engagement strategy. Conduct an annual comparative analysis of minority rights in Pakistan and other regional countries and share findings with global human rights organisations.
- **Reforms in Judicial Process:** Introduce technology-based admissible legal evidence to combat mob violence and the misuse of religion against minorities. Implement necessary amendments to accept digital records, video footage, and electronic communication as valid evidence.
- **Quick Justice:** Conduct a feasibility study on establishing specialised courts to expedite justice in cases involving minorities. Initiate a pilot project in Islamabad to evaluate the effectiveness and viability of specialised courts for minority cases.
- **Address Hate Speech:** Swift and effective enforcement of laws against hate speech. Legislation needs to be revisited to enhance the efficiency and efficacy of existing laws.
- **Increase Representation:** Prioritise the placement of minority representation of the minority communities within government and public institutions. Foster a more inclusive and diverse governance structure to promote equal participation and protect minority rights.

## Comparison of Prospects for Religious Minorities in Pakistan and India

### Issue Analyses

Pakistan is considered unsafe for religious minorities in South Asia. Compared to India, its' ratings among almost all leading human rights watchdogs rankings are very low. India enjoys a better HR profile despite state-backed atrocities against minorities. However, the reality is very different from what international human rights reports are depicting in both Pakistan's and Indian cases. The issue is often misrepresented and misunderstood in the case of Pakistan.

### Analysis

South Asia is a region that faces challenges when it comes to ensuring the rights and protection of religious minorities. With varying degrees, this issue prevails in all regional states, particularly India and Pakistan. Post 9/11, this phenomenon has become more vivid as ultra-nationalism and religious fundamentalism have dominated socio-political trends.

The international standings of both countries show a problematic environment for religious and ethnic minority groups. The Freedom House is an internationally recognised body that categorises states concerning their treatment of minorities. According to its latest report (published in 2022), the standings of India and Pakistan are as under;

Country	Score	Overall Rating
India	66	Partly Safe
Pakistan	37	Partly Safe

Source: Freedom House 2022 Annual Report.<sup>1</sup>

\*Higher score indicates a better HR profile.

These scores are astonishing despite India having a far worse situation for minorities' freedom and rights than Pakistan, yet it enjoys a score as high as 66. Though the fact that India's decline in political rights and civil liberties has been acknowledged in the latest edition of the Freedom House and other reports but this decline is not enough to translate the ground situation of minorities' rights, freedom, and liberties accurately. The report mentioned, "India, which has suffered a series of setbacks to political rights and civil liberties since Prime Minister Narendra Modi's reelection in 2019, showed no signs of reversing course, as notable opposition figures faced arrest and surveillance."<sup>2</sup> Furthermore, the BJP regime was declared responsible for oppressing

<sup>1</sup> Freedom in the World 2022. Freedom House, [https://freedomhouse.org/sites/default/files/202202/FIW\\_2022\\_PDF\\_Booklet\\_Digital\\_Final\\_Web.pdf](https://freedomhouse.org/sites/default/files/202202/FIW_2022_PDF_Booklet_Digital_Final_Web.pdf)

<sup>2</sup> Freedom in the World 2022. Freedom House,

political opponents through unlawful and undemocratic means. “India’s ruling Bharatiya Janata Party also tried to limit the opposition’s ability to compete through various methods, including by pursuing selective corruption investigations.”<sup>3</sup>

The report continues to give Pakistan a dismal ranking for minority rights. Still, in the context of a change of order, the report made no observation concerning Pakistan. This indicates that, unlike India, Pakistan is not among the countries where the situation of minority rights, political freedom, and free speech has been deteriorating any further than previously reported. Yet, Pakistan continues to be painted as an unsafe, repressed, and unprotected state for minorities despite far lesser incidents than those reported in India.

Not only that, United States Commission on International Religious Freedom (USCIFR) in 2019, also put India in Tier 2 of ‘countries of particular concern’ (CPC) while Pakistan, along with 16 others, was included in Tier 1, which declares them unsafe for minorities. The above categorisation evokes evident consternation. Amazingly, Iraq was also included in Tier 2 where the worst kind of violence was against many ethnic communities.<sup>4</sup> It must be noted that Pakistan was designated CPC in 2018 for the first time.<sup>5</sup> Before 2018, Pakistan was not considered a part of the nation by USCIFR with any concern regarding human rights and minority rights.

Heritage Foundation is another agency that publishes countries standing with respect to freedom for minorities and other human rights indicators. Pakistan was included in the list of countries with a “Repressed” rating, while India is in a better category, “Mostly Unfree.”<sup>6</sup> This categorisation of Pakistan and India by the Heritage Foundation does not represent the actual situation in both countries. In Pakistan, no regime ever advocated openly a complete genocide of any of its religious minorities like India, where sitting members of Lok Sabha threatened Indian religious minorities of genocide.

Article 9 of “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities” by the UN General Assembly states, “The specialized agencies and other organisations of the United Nations system shall contribute to the full realisation of the rights and principles outlined in the present Declaration, within their respective fields of competence.”<sup>7</sup> India has repeatedly

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<sup>3</sup> Freedom in the World 2022.

<sup>4</sup> “Ranking religious freedom.” *Tribune*, May 16, 2019. <https://tribune.com.pk/story/1974582/6-ranking-religious-freedom/>

<sup>5</sup> Pakistan. (2022, May 20). United States Department of State. <https://www.state.gov/reports/2021-report-on-international-religious-freedom/pakistan/> Please check Chicago Manual 17

<sup>6</sup> “Country Rankings: World & Global Economy Rankings on Economic Freedom,” (n.d.). Index of Economic Freedom,” accessed March 9, 2023. <https://www.heritage.org/index/ranking>

<sup>7</sup> “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,” (n.d.). OHCHR, accessed, March 9, 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic>

violated Article 9 by disallowing UN peacekeepers' representation in areas like Jammu and Kashmir, yet India is considered a safer place for minorities compared to Pakistan.

### Investigating Pakistan's Rating in Various Indices on Minority Rights

A negative picture of Pakistan is portrayed about minorities even though there is no political or state-level support for any criminal involved in crimes against minorities, unlike India. Statistics and ground reports from both Pakistan and India support this claim.

The below table shows a few worst incidents against minorities in Pakistan. These gruesome acts were treated as acts of terrorism by the state, and legal actions were initiated to make the perpetrators accountable. The efficacy of this process is another debate beyond the scope of this policy brief.

Sr.	Incidents	Perpetrators	Link to a Political Party	Link to State
1	<b>September 2013-</b> 83 were killed in the twin suicide bombing at All Saint Church in Peshawar.	Terrorists (TTP)	No	No
2	<b>March 2013-</b> Around 200 houses of Christians were set ablaze in Joseph Colony, Lahore. No life was lost due to timely police action.	Mob	No	No
3	<b>March 27, 2016:</b> 72 people were killed and more than 300 injured when a suicide bomb ripped through the parking space of a crowded park in Lahore where Christians were celebrating Easter Sunday.	TTP, Terrorists	No	No
4	<b>November 2014:</b> A Christian couple was beaten to death near Lahore, and their bodies were burnt.	Mob	No	No
5	<b>November 2015-</b> A factory owned by Ahmediyah community members was set on fire by a mob in Jhelum.	Mob	No	No
6	A Sri Lankan girl working in a factory in Faisalabad was accused of blasphemy and was then lynched by a factory worker's mob, and her dead body was set ablaze.	Mob	No	No

None of these relate to any political party or public office bearer. Two of the most horrific incidents are related to terrorism due to WoT and aren't associated with any minority-related issue. To put these incidents in a comparative context with India, it would be prudent to analyze the role of any political force in Pakistan's political landscape and juxtapose the outcome with what is happening to minorities in India.

### ***Minorities Rights in India: A Brief Comparative Case Study (It should be in Cap)***

Religious minorities in India are suffering greatly as violence against them has state backing, unlike Pakistan, where individuals or mobs always commit such violence and are always condemned in the strongest voices. The Pakistani state has never been involved in such crimes. This contrast of state involvement in violence against minorities put Pakistan and India in two entirely different categories. India, despite having ten articles in its constitution about minorities' rights, has failed to ensure the protection of its minorities, and the worst part is that the perils of Indian minorities emerge from the political ideology of the Indian ruling elite. Ruling BJP/RSS politicians and leaders are threatening Indian Muslims of genocide.

1. First significant sign of the Hindutva uprising was the demolition of the historic Babri Masjid in *Ayodhya* in 1992. Since 1986, Vishva Hindu Parishad (VHP) has been campaigning to build a Hindu temple (Mandir) at Babri Masjid's site. It gained momentum only when BJP became its political voice. The mosque was demolished on 6<sup>th</sup> December 1992 by a BJP/ RSS/VHP mob led by India's former deputy Prime minister, Lal Krishan Advani.<sup>8</sup>
2. After gaining power in many states of India, BJP got more ability to promote communal politics where it weaponised the idea of Hindu nationalism. The 2002 Gujrat riots, when more than 2000 Muslims lost their lives, contributed to the popularity of current Indian Prime Minister Modi.
3. Yogi Adityanath, a Hindu priest and politician serving currently as Chief Minister of Uttar Pradesh, has termed Muslims as 'terrorists, rioters, and Taliban' on multiple occasions during his election campaign.<sup>9</sup> Indian publications have recorded more than 100 incidents within three weeks in Feb-March 2022, where BJP politicians threatened, degraded, and insulted Muslim minorities, even calling for their genocide.<sup>10</sup>
4. Last year, BJP's official spokespersons (Nupur Sharma and Naveen Kumar) created an international diplomatic storm in their insulting remarks about Prophet Muhammad (PBUH). This incident drew a strong reaction from many Muslim countries, and eventually, the Indian government had to issue an official clarification after distancing

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<sup>8</sup> Agarwal, Kabir. "L.K. Advani, the Provocateur in Chief." *The Wire*, September 30, 2020.

<https://thewire.in/politics/the-provocateur-in-chief-l-k-advani>

<sup>9</sup> Fatima, Madeeha, Naomi Barton, and Alishan Jafri. "100+ Instances of Hate Speech, Religious Polarisation, Hindutva Supremacy in Adityanath's Poll Speeches," *The Wire*, March 3, 2022.

<https://thewire.in/communalism/100-instances-of-hate-speech-religious-polarisation-hindutva-supremacy-in-adityanaths-poll-speeches>.

<sup>10</sup> Fatima, Madeeha, Naomi Barton, and Alishan Jafri, *The Wire*.

itself from its spokespersons. Though it seems that the statement issued by the Indian government was more of an excuse than an apology calling its spokespersons ‘fringe elements.’<sup>11</sup>

These incidents and violence that ensued in their aftermath establish beyond doubt that the Indian ruling elite is directly involved and responsible for minorities-related incidents in India, unlike Pakistan, where such violence was carried out by individuals/mobs. Thousands of lives of minorities (Muslims, Christians, Sikhs) have been lost, and hundreds of thousands face existential threats in India.

The history of violence against religious minorities in India predates 1947, but since 2014, the situation has gone from worse to ugly under the Modi regime. For example, in 2017, the UN report on human rights in India highlighted the failure of the Indian state to ensure the safety of the **Right to Life, liberty, and Security** for minorities. Similarly, Amnesty International has confirmed the intentional spread of malicious lies by Indian authorities about Muslims in India during Covid-19, which led to the subsequent denial of health services to Muslims.

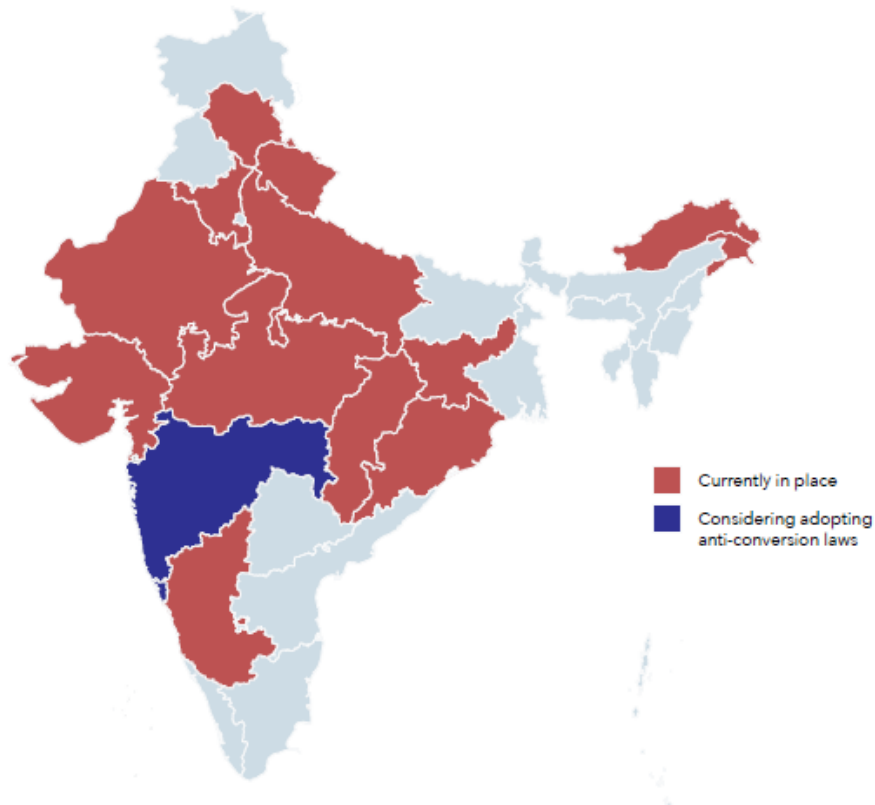
Indian state oppression against religious minorities also reflects in the so-called “Anti-Conversion Law,” which has been adopted, in one way or another, by 12 out of 28 Indian states. This law prevents the conversion of religion under the pretext of “coercion, misrepresentation, allurement, fraud, and force.” The state can charge any newly converted person under these laws, which are against Article 18 of the globally accepted Universal Declaration of Human Rights (UDHR). It states that everyone has the right to freedom of religion or belief, including “freedom to change” their religious beliefs.<sup>12</sup> Soon this law will be adopted by all Indian states. The current status of its implementation countrywide is shown in the map below;

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<sup>11</sup> “India: Diplomatic Storm over BJP Staff Insult of Prophet Muhammad.” *Al Jazeera*, June 5, 2022.

<https://www.aljazeera.com/news/2022/6/5/bjp-suspends-spokespersons-who-insulted-prophet-muhammad>

<sup>12</sup> Luke Wilson, US Commission on Religious Freedom, “ISSUE UPDATE: INDIA’S STATE-LEVEL ANTI-CONVERSION LAWS” March 2023.



**Map – Anti-Conversion Laws in Indian States<sup>13</sup>**

Moreover, multiple incidents have exposed that the Indian ruling elite has failed to introduce legal cover for some crimes against minorities, like mob lynching. In April 2022, a higher caste Hindu mob lynched a Dalit in Jharkhand state, where the anti-mob lynching law was only introduced in 2022. The most chilling aspect of the Indian constitution is that lynching is not defined as a crime under the Indian Penal Code, and if a state wants to introduce an anti-lynching law, it must get a nod from the center.

<sup>14</sup>

Muslims and Christians have become victims of mob lynching by Hindu cow vigilante groups. In Jharkhand alone, since 2012, 58 such incidents have been reported where victims were deprived of the right to seek justice due to local laws. It is astonishing that despite such flaws in the Indian constitution regarding minority rights and dismal

<sup>13</sup> Luke Wilson, US Commission on Religious Freedom.

<sup>14</sup> A. Sharma, "Spectre of mob lynchings continues to haunt India amid lacklustre laws," <https://www.outlookindia.com/national/spectre-of-mob-lynchings-continues-to-haunt-india-amid-lacklustre-laws-news-193743>. 28-Apr-2022.



ground situation, India is generally given a better position in all international indices on protecting minority rights.

The biggest damage done by BJP/RSS regime to the Indian socio-religious fabric is the promotion of communal hate speech during growing anti-Muslim Hindu rallies. These rallies are organized by far-right-wing Hindutva organization and often go through Muslim-majority areas in different cities, spreading anti-Muslim sentiments among young Hindu minds. BJP thrives on the fear among Hindu masses, created by BJP/RSS, using propaganda and Islamophobia to cultivate political divide. “Love Jihad” is a classic example of such Islamophobic propaganda campaigns.

While Gol has failed to introduce any meaningful judicial support system for mob lynching victims, it has introduced multiple “draconian laws” as described by the “US Department of State Annual Report (2022) On Human Rights of India” in its annual report. The below table showcases these laws and provisions Indian security forces use to suppress any voice of dissent through security forces.

Law	Detention Period	Arrest Provisions
National Security Act (NSA)	1 Year	Forces can arrest without any charges
Armed Forces Special Powers Act (AFSPA)*	Indefinite Period	Forces can arrest without charges
Public Safety Act (PSA)**	Up to 2 years	Forces can arrest on mere suspicion without charges. No visit is allowed from a family member
Unlawful Activities Prevention Act (UAPA)	Up to 6 months	Forces can arrest on mere suspicion without charges. No right to bail.

\*= Indian forces are immune to any legal action against them through AFSPA in the territories of its implementation like Kashmir.

\*\*= Kashmir-specific law implemented only in Kashmir.

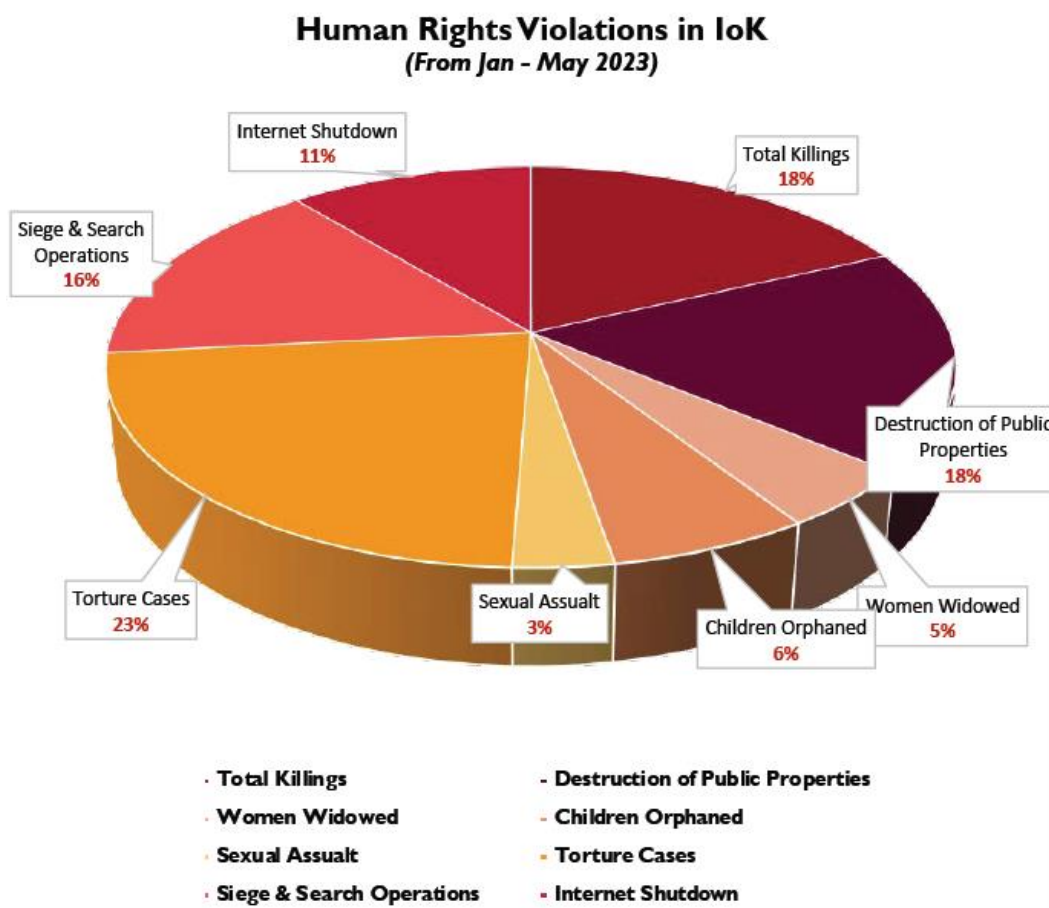
***Draconian Laws in India as described in “2022 Country Reports on Human Rights Practices: India” by US State Department.***<sup>15</sup>

Anyone in India who raises a voice-over such laws meets with severe punishments by the state. This trend intensified during nine years (2014-2023) of Modi’s regime. Indian journalists who dared to question such minorities’ specific legislations faced severe consequences, including arbitrary arrests, social boycotts, and violent deaths. According to the Kashmir Institute of International Relations, the Indian position in the 2023 World Press Freedom Index is **161st out of 180 countries**, while the Human Freedom Index 2022 ranks it **112th out of 165 countries**. According to the World

<sup>15</sup> [https://www.state.gov/wp-content/uploads/2023/03/415610\\_INDIA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_INDIA-2022-HUMAN-RIGHTS-REPORT.pdf)

Justice Project, India's Rule of Law Index ranking has fallen to 77th out of 140 countries.<sup>16</sup>

Apart from security-oriented laws, Gol has introduced many administrative measures and regulations which have stroked communal unrest in many parts of India, particularly in a restive region of Jammu and Kashmir where the Gol introduced “Reorganization of Kashmir Act 2019” through which Article 370 and Article 35-A of Indian constitution. It was removed while paving the way for the Hindutva project in the valley, which focuses on the land grab of native citizens of this region and the change of demography by bringing in Hindus from other parts of India. Gol has allocated 178,005 sq. km of land for so-called investment and development projects. These are merely fancy names given to India’s settler-colonist project for the Kashmir valley. The actions of August 2019 were followed by the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC), which led to bloody communal rights in Delhi in 2020.<sup>17</sup> Through these two acts, Gol has cast away millions of religious minorities by stripping off their citizenship. Apart from these, minorities in India, particularly Muslims of Kashmir, are braving many state-sponsored violence in India.

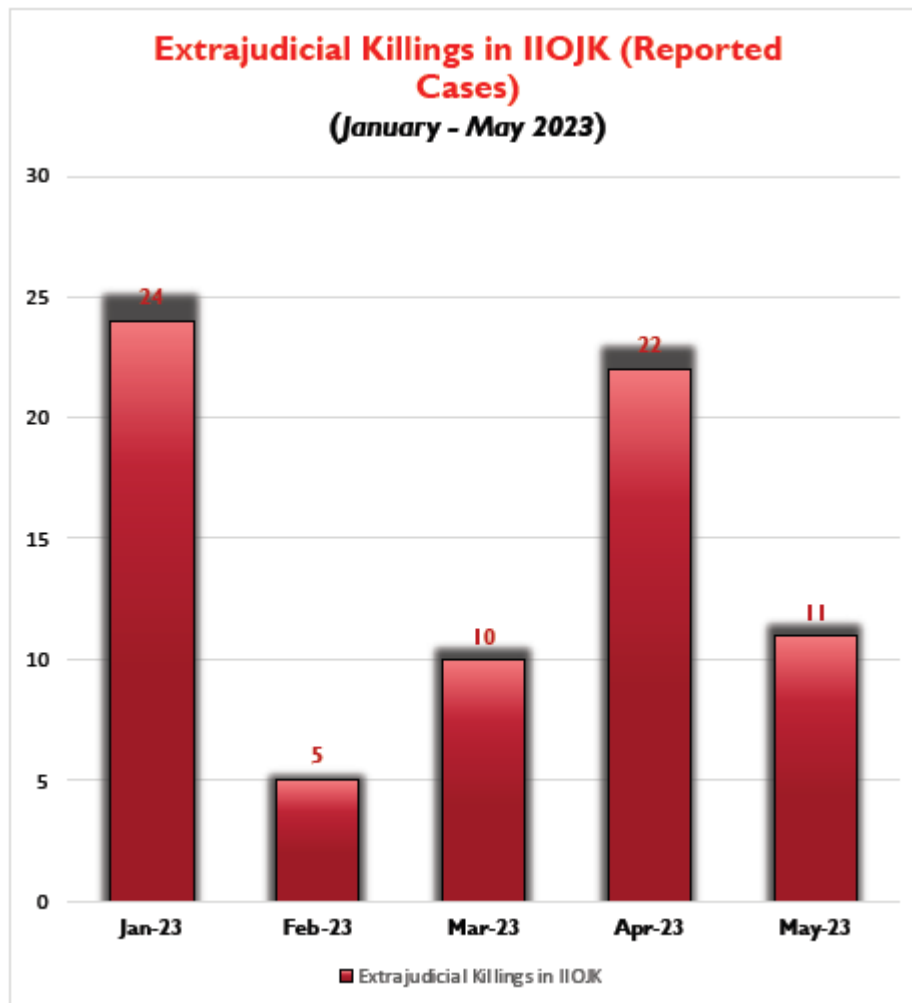


### Breakdown of HRVs in Indian Occupied Kashmir from Jan to May 2023

<sup>16</sup> Targeting Human Rights Defenders: The plight of JKCCS, Kashmir Institute of Global Relations, 2023.

<sup>17</sup> Naila Altaf, “Uncovering the Unjust: The Gujrat Files exposes injustice in India”, KIIR.

Out of all these incidents of state-sponsored terrorism and oppression in loK, a cursory look at extra-judicial killings during the first five months of 2023 presents a bleak picture of the plight of stranded Kashmiri people.



Seventy-two people were killed in cold blood by the Indian occupying forces using draconian laws like PSA and UAPA, and these are only reported cases. The actual number of extra-judicial killings may be far greater. Hundreds remain in prison without any charges and no right to get legal aid. Kashmir has been turned into the world's largest jail by the Indian state. UAPA was also criticised by UN Human Rights Office, which noticed that "The Act is applied as a means of coercion against civil society, the media, and human rights defenders in Indian-administered Jammu and Kashmir."<sup>18</sup>

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<sup>18</sup> OHCHR. "India: UN Expert Demands Immediate End to Crackdown on Kashmiri Human Rights Defenders," March 24, 2023.

On the other hand, the Pakistani state has taken practical steps to ensure the implementation of laws related to the issues of minorities and their rights and freedom. One such positive development is the establishment of a National Commission for Minorities in 2020, which aims to safeguard the rights of religious minorities in Pakistan. The commission has been tasked with monitoring and evaluating the implementation of policies and programs for the welfare of minorities and making recommendations to the government on how to improve their situation. But certainly, there is a lot that needs to be done.

## **Recommendations**

**Reframing of the Issue:** It is imperative to separate the issue of sectarian violence from the core theme of "freedom of minorities." Sectarian violence has distinct underlying factors and contexts. The Information Ministry of Pakistan, in collaboration with the Foreign Office, should devise a comprehensive strategy to effectively present the intricacies of local violence, including incidents targeting minorities, in their accurate context. This approach will facilitate appropriately addressing any negative coverage of regional sectarian conflicts or incidents from international entities such as media outlets and foreign embassies. The Information Ministry should develop meticulous, compelling cases for the Foreign Office to present on global platforms.

**Proactive Diplomacy:** Establishing a high-level task force within the Foreign Office, headed by a representative from the minority community. It is recommended to collaborate closely with the National Commission for Minorities to develop a comprehensive diplomatic engagement strategy. This group would be responsible for formulating a structured plan to engage with relevant stakeholders and address the concerns regarding the freedom of minorities. Additionally, it is advised to conduct an annual comparative analysis focusing on the status of minority rights in Pakistan and other regional countries. The findings of this study should be published and shared with prominent global human rights organisations to ensure transparency. A constructive dialogue on minority rights at an international level should also be facilitated.

**Reforms in Judicial Process:** To effectively combat individuals who instigate acts of mob violence and exploit religious beliefs to perpetrate harm against marginalised groups, it is imperative to establish the admissibility of technology-driven evidence within the judicial system. This objective can be achieved by modifying current legislation to acknowledge digital records, video footage, and electronic communication as admissible forms of evidence. Through this approach, individuals responsible for such actions can be held liable, enabling the legal system to handle violence and exploitation more effectively. In conclusion, this measure will contribute to safeguarding the rights and ensuring the safety of marginalised communities.

**Quick Justice:** To facilitate expeditious and equitable dispensation of justice for marginalised communities, it is advisable to thoroughly examine the viability of instituting specialised judicial tribunals. The initiation of a pilot project in Islamabad within the upcoming six months, aimed at assessing the efficacy and feasibility of such courts, the effort should be spearheaded by the Law Ministry. This project significantly contributes to understanding the practical application, procedural factors, and potential advantages of establishing specialised courts for cases involving minority populations. The project's results and discoveries can provide valuable guidance for future decision-making and potential implementation of this model in different jurisdictions.

**Address Hate Speech:** The extant regulations pertaining to hate speech are in place; however, their implementation could be more robust and efficient. These laws must be effectively enforced. It is imperative to make amendments to enhance the current legislation's efficiency and effectiveness if deemed necessary. To accomplish this objective, it is imperative to comprehensively evaluate the existing legal framework, identify any deficiencies or constraints, and subsequently implement appropriate adjustments to enhance the efficacy of enforcement mechanisms. By implementing proactive measures to enforce legislation against hate speech and implementing necessary revisions, a more robust legal framework can be established to effectively address and prevent hate speech, foster tolerance and social cohesion, and safeguard the rights of marginalised communities.

**Increase Representation:** Enhancing the representation of minority groups in governmental and public institutions holds significant importance for Pakistan. This approach would facilitate the incorporation of minority perspectives into decision-making procedures, thereby ensuring sufficient advocacy of their interests. By enhancing the presence of minority groups in positions of power, Pakistan has the potential to establish a governance structure characterised by greater diversity and inclusivity, thereby mirroring the multicultural composition of the nation more accurately. This approach is expected to promote equitable participation, cultivate a stronger sense of community among marginalised groups, and contribute to the holistic development and cohesion of the nation.