



**Sindh Human  
Rights Commission**  
Government of Sindh

# Pathways Between CVE and Human Rights

**Strengthening the Sindh Human Rights Commission  
to act against violent extremism**

**Sindh Human Rights Commission Publication**

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to act against violent Extremism**

## Foreword

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The Sindh Human Rights Commission appreciates the release of this research publication that identifies linkages between countering violent extremism and human rights and aims to enhance the capacity of the Commission to proactively contribute to peace-building in the province of Sindh. With peace and interfaith harmony at the heart of its core agenda, the Commission remains committed to contribute to the cause of a tolerant and just society.



Over the nine years since its formation, the Commission has dedicatedly expanded its scope in line with its mandate enshrined in The Sindh Protection of Human Rights Act 2011. It covers a wide range of subjects with regard to respecting, protecting and promoting human rights of the people of Sindh. Violent extremism poses a great threat to the fundamental rights guaranteed under the constitution of Pakistan. We believe that the conditions conducive to violent extremism can only be corrected when CVE approach includes the preservation and promotion of human rights.

As this report looks beyond the conventional security approach to utilize a human rights-based approach to understand the impact of VE – especially on the minority communities residing in Sindh, the Commission is pleased to contribute to the research process. Taking cognizance of the loopholes identified in the research, the Commission has also produced two new laws for the Sindh legislature to strengthen CVE legislation in the province.

The Commission has previously made successful contributions to the drafting of significant legislative proposals and now cherishes the opportunity to share two new proposals including the Sindh Civilian Victims of Terrorism (Relief and Rehabilitation) bill and the Sindh Commission for Protection of Minorities Bill – to strengthen protections around rights of the people with respect to CVE.

We take pride in the fact that Sindh is comprised of an intrinsically plural and progressive society where all the religious communities peacefully co-exist. But with the growing VE challenges all across the globe, it is imperative that both the government as well as the society is well-equipped to address the threats posed by VE.

The Commission compliments the role of Aurat Foundation in producing this publication and triggering the discourse on CVE with respect to human rights.

Justice (R) Majida Razvi  
**CHAIRPERSON**  
SINDH HUMAN RIGHTS COMMISSION

## **List of Abbreviations used**

CNIC	Computerized National Identity Card
CVE	Countering Violent Extremism
DC	District Commissioner
ECP	Election Commission of Pakistan
EWS	Early Warning System
FGD	Focus Group Discussion
FIR	First Information Report
KRI	Key Respondent Interview
LAS	Legal Aid Society
NGO	Non-Governmental Organization
PEMRA	Pakistan Electronic Media Regulatory Authority
SC	Supreme Court
SHRC	Sindh Human Rights Commission
SPDC	Social Policy and Development Center
USIP	United States Institute for Peace
VE	Violent Extremism
NACTA	National Counter Terrorism Authority
UNGCTS	United Nation Global Counter Terrorism Strategy
PPC	Pakistan Penal Code
SSDT	Sant Satram Dham Temple

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**List of credits:**

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## Executive Summary

Violent extremism intrinsically obstructs peace by creating, exploiting, and exacerbating frictions and channelling them into violence. The outbreak of violence creates violations of fundamental human rights through violence and physical harm; through restricting people's mobility, livelihoods and wellbeing; through interrupting access to services such as health and education; through disproportionately impacting the already vulnerable, such as women, children, aged people, religious minorities and the poor and marginalized; through triggering displacement and breakdown of public trust and rule of law.

The study will attempt to examine the links between human rights and VE in the context of Sindh province. By focusing on religious minorities in Sindh, specifically Hindus and Christians, it attempts to understand how violent extremism impacts their fundamental rights, and whether the Sindh Commission on Human Rights address subsequent concerns.

This study has been commissioned by the Sindh Human Rights Commission (SHRC) through assistance of Aurat Foundation. It intends to explore complementarities within SHRC's existing work and highlight how the SHRC can strengthen its outreach on countering violent extremism and peace building in Sindh. It intends to reinforce the SHRC's ability and mandate to reduce violations of people's fundamental rights.

The Sindh Human Rights Commission is a government body established in 2011, which works autonomously of the state, towards "The creation of a society free of all forms of violence and extremism and based on an environment of peace, interfaith harmony and justice." The SHRC's powers include the authority to launch inquiries; invoke suo-moto powers; recommend remedial measures; enable implementation of laws; and engage with citizens and civil society. Reducing conflict and building peace is critical for any institution which undertakes protection of human rights. The SHRC is institutionally well-situated to challenge VE by mitigating conflict and peace building.

In its Strategic Plan (2017-21), the SHRC draws attention towards attacks on religious minorities and forced conversions, while highlighting tribal clashes as an accelerator of extremism. The SHRC posits it can play a role in addressing such issues from a human rights perspective, and contribute in developing a counter narrative to extremism.

The SHRC is already spearheading an initiative to introduce amendments into the legislation on forced conversion and lobbying for constituting a Minorities Commission in Sindh. It is also working with the Sindh Government to introduce legislation for paying compensation to civilian victim of terrorism. SHRC efforts are aligned with the steps taken by government bodies in the form of National CVE Policy and National Action Plan, specifically cracking down on hate-speech and stopping religious extremism and protection of minorities.

To strengthen SHRC's capacity to engage on violent extremism, this study is based on a series of focus group discussions with both, faith-based minority and majority groups, targeted one-on-one interviews with relevant experts, and on a comprehensive literature review. The early findings were shared by SHRC in a consultation workshop with political representatives, bureaucrats, civil society leaders, lawyers and journalists. Their feedback helped fine tune the recommendations.

The findings of the study reflect the minorities rising fear and growing insecurity in Sindh, where they feel anything bad can happen at any time, whether it does so or not. They trace this to increasing radicalism in society, as distinct from organized, membership-based,

recruited and trained violent extremist groups. Radicalism has prepped a ‘fluid’ demographic which can coalesce into violence after a particular trigger and then go back to their normal lives. Blasphemy lynch mobs, temple attacks, localized riots and court mobbing are relevant examples. From the minorities’ point of view, almost every individual from the majority group represents a potential threat, and not just established VE actors.

Relatedly, the attacks on churches and temples in Sindh in the past decade, have mostly been led by local to the area and not by banned militant organizations. Most such attacks have localized triggers such as a blasphemy accusation or a property dispute. This underscores the need to build a positive peace in local communities and the need to find ways of addressing frictions and conflicts before they escalate into violence.

The report contains a detailed case study of a temple attacked in Ghotki to show how local grievances escalate into conflict, how various actors benefit from the process and how local administrations deal with such crises.

The following section assesses the laws in Sindh which have a bearing on both, human rights and countering violent extremism. The Child Marriage Restraint Act, the Communal Properties Act, the Witness Protection and are analyzed and changes suggested, and it also proposes a new law for compensating civilian victims of terrorism.

While improvements in laws are required, the existing ones also lag in implementation. The cases show the lack of implementation at the local administrative level and compromised procedural integrity, unless those in high levels of power intervene. Even getting an FIR registered is a challenge. Minorities point out that there is no space within the response system to pre-empt crises, and all mechanisms currently exist for post-event purposes.

The last section of the report makes specific recommendations for the SHRC. It recommends the SHRC:

- Avail its power of launching inquiries to undertake groundbreaking research on radicalized ‘fluid’ demographic groups in society and the governance problem they present
- Invokes its suo-moto powers to follow up cases of human rights violations of minorities and summon relevant officials and hold them to account
- Utilize its ability to recommend remedial measures to propose a targeted protection program for those falsely accused of blasphemy; and suggest specific modifications in existing laws to make them more responsive to human rights and developing procedures for accountability such as parliamentary oversight. It also advises creation of a new law for the relief and rehabilitation of civilian victims of terrorism.
- Apply its powers of enabling implementation of laws to lobby for formation of a Provincial Commission of Minorities; developing a comprehensive list of communal properties for their protection; and track violations of laws against hate speech by monitoring and reporting transgressions.
- Uses its mandate of engagement with citizens and civil society to explore and develop an early warning/ conflict mediation system to fill the gap of pre-emptive mechanisms before escalation to violence.



## SECTION 1: INTRODUCTION

### 1.1 Introducing the Issue

Pakistan's political leadership has historically as well as contemporarily spoken in support of the country's religious minorities. Among the earliest and most famous speeches of the country's founder, Muhammad Ali Jinnah is his address to the first constituent assembly, where he declared "You are free to go to your temples, you are free to go to your mosques or any other place of worship. You may belong to any religion or caste or creed – that has nothing to do with the business of the State."

Religious minorities are a tiny fraction of Pakistan's population, with over 95% being Muslim<sup>1</sup>. But despite political pledges, their daily lives are the story of what minorities' refer to as 'casual bigotry'. Through the course of this study, minority citizens in group discussions pointed out that routine, low key discrimination is so normalized that many do not even consider it as their biggest issue.

Contradictions are rife in their lives, as they are in the rest of Pakistan. At one level minorities themselves point out that they are better off in Sindh than elsewhere in the country. The province has a more plural and tolerant culture, which they attribute to Sufism, centuries of culturally imbricate co-existence, its music and literature. Even at the height of terrorism, no minority places of worship were bombed in Sindh, unlike in other parts of the country. No political party mobilizes and campaigns against religious minorities so far, and all political parties have minority members. When religious disputes arise, Sindhi media and civil society tend to take progressive positions and side with them.

On the other hand, minorities also narrate the rising fear and growing insecurity where they feel anything bad can happen at any time, whether it does so or not. There is a trajectory of events which entrenched such fear. In March 2014, a mob attacked a Hindu temple in Larkana city following allegations that a Hindu desecrated the Holy Quran<sup>2</sup>. A dharmshala next to the temple was completely gutted. It led to strikes and business closures across the district. More recently, in 2019, temples were attacked in Ghotki<sup>3</sup> and Khairpur<sup>4</sup>, idols desecrated, premises vandalized. The attack in Ghotki is examined as a case study in this report. The interior ministry, through its secretary interviewed for the study, pointed out that a standing force of police has now been deputed to guard minorities' places of worship.

Minority citizens and the Sindh police point out that the above cited attacks were not claimed by organized violent extremist organizations but by radicalised elements within local communities, who band together through 'trigger' events. This report attempts to grapple with the issue of violent extremism outside of organized VE group structures and the role which the Sindh Human Rights Commission can play in mitigating such conflict.

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<sup>1</sup>Pakistan Bureau of Statistics, <https://www.pbs.gov.pk/content/population-religion>

<sup>2</sup>Larkana on Fire, Imdad Soomro, The News, 23-03-2014 <https://www.thenews.com.pk/tns/detail/555964-larkana-on-fire>

<sup>3</sup>Asad Hashim, Police detain Hindu school principal over 'blasphemy', 16-09-2019 <https://www.aljazeera.com/news/2019/9/16/pakistani-police-detain-hindu-school-principal-over-blasphemy>

<sup>4</sup>PM Khan orders probe into attack on Khairpur Hindu temple, AP carried in Dawn, 06-02-2019 <https://www.dawn.com/news/1462179>

Violent extremism intrinsically obstructs peace by creating, exploiting, and/ or exacerbating frictions and morphs those into violence. The outbreak of violence creates violations of fundamental human rights through violence and physical harm; through restricting people's mobility, livelihoods and wellbeing; through interrupting access to services such as health and education; through disproportionately impacting the already vulnerable, such as women, children, aged people, religious minorities and the poor and marginalized; through triggering displacement and breakdown of public trust and rule of law. Reducing conflict and building peace is critical for any institution which undertakes protection of human rights. The SHRC is institutionally well-situated to challenge VE by mitigating conflict and peace building.

## **1.2 Introducing the Report**

This study has been commissioned by the Sindh Human Rights Commission (SHRC) through assistance of Aurat Foundation. It intends to explore complementarities within SHRC's existing work and highlight how the SHRC can strengthen its outreach on countering violent extremism and peace building in Sindh. It intends to reinforce the SHRC's ability and mandate to reduce violations of people's fundamental rights. The study will attempt to examine the links between human rights and VE in the context of Sindh province.

To illustrate connections, the research focuses on faith-based minorities, specifically Christians and Hindus. It is now a truism that tolerance and openness in a society can be gauged by its treatment of minorities. At a broader social level, rising levels of intolerance and bigotry will be first felt by those at the margins.

This study covers the specific issues which are both human rights and CVE related; such as attacks on sites of worship, protection of communal properties, forced conversions, compensation of civilian victims of terrorism etc. By looking at protective laws, their violations and state responses, and examining attacks against them, the study intends to highlight the correlation between the two concepts and establish how VE laws can result in protection of human rights of marginalized groups in society. This report attempts to explore whether the laws pertaining to violent extremism will provide relief or redress to faith-based minorities in Sindh. It will probe how the SHRC could shape its work and outreach to position itself at the forefront of institutions working for human rights of minorities and redressing violations.

The study is driven by two primary research questions:

- Can the violation of human rights of religious minorities in Sindh be redressed through implementation of laws which focus on countering violent extremism?
- Given its mandate, how can the Sindh Human Rights Commission best engage with laws and mechanisms for countering violent extremism and protection and promotion of human rights?

## **1.3 Introducing the SHRC**

The Sindh Human Rights Commission is a statutory body established in 2011 under Sindh Protection of Human Rights Act 2011, which works autonomously of the state, towards "The creation of a society free of all forms of violence and extremism and based on an environment of peace, interfaith harmony and justice."

To enable its vision, the SHRC has the power to investigate any case based on either a victim's petition, but also appropriates power for itself to take suo-moto notice (action of its own accord, without any request by the parties involved). It has the authority to inquire into negligence by public officials in preventing violations of human rights.

The SHRC can recommend to the government remedial measures, including action against perpetrators. Its mandate also includes undertaking research, spreading awareness and human rights literacy, reviewing safeguards for the protection of human rights and recommending measures for their effective implementation.

The SHRC's powers include the authority to:

- Launch inquiries
- Invoke suo-moto powers
- Recommend remedial measures
- Enable implementation of laws
- Engage with citizens and civil society

In its strategic plan document (2017-2021), the Commission identifies its priority areas of work as:

- Promotion of human rights by training government officers and the police on human rights, frameworks, processes and mechanisms; by introducing the theme in curricula and conducting educational workshops on the topic with the media, NGOs and civil society associations
- Protection of human rights by reviewing existing laws and implementing mechanisms and advising change where required; flagging compliance (or lack of) with international obligations; and addressing violations of human rights through investigations and follow up.
- Focusing on the issues of the marginalized section of society including minorities, women, and migrants
- Working on developing a counter narrative to extremism.

The Commission's inquiries are headed by retired members of district and sessions courts judiciaries, assisted by professionals of relevant fields. Its network spreads across the government departments, police officials and civil society actors. The SHRC states it has taken up over 738 cases, spanning violations of minorities' rights, gender-based violence, missing persons, murder, kidnapping and child abuse, as well as deprivation of basic services to citizens. Over 312 of these have been satisfactorily resolved or redressed.

The SHRC has a broad mandate to protect and promote human rights. Violent Extremism (VE) obstructs peace by creating, exploiting, and/ or exacerbating frictions and morphing into violence. Violence, as antithetical to peace, is a violation of human rights in itself, and triggers a range of human rights violations. Reducing conflict and building peace is critical for any institution which undertakes protection of human rights. The SHRC is institutionally well-situated to challenge VE by mitigating conflict and peace building.

The study findings will enable the shoring up of SHRC’s capacity to prevent and redress human rights violations which can result in VE before the violence reaches critical mass, and to enable SHRC to defuse, interrupt and mitigate VE once it erupts.

## 1.4 Methodology

In its attempt to chart the pathway between CVE laws and human rights, the study narrowed the wide-ranging spectrum of human rights to focus on religious minorities. By providing a thematic focus, it could track emerging developments and challenges, and build capacity of provincial institutions to address gaps in protection and response systems. In this context of conflicts, fears, assurances and insecurities, the study will probe the pathways through which religious minorities mediate their lives and their interface with the state as citizens.

The study was initiated after a comprehensive literature review, examining academic papers and published reports, spanning international and Pakistan-specific writings. The themes examined in literature were CVE and human rights, global learnings around CVE strategies, and on the state of religious minorities in Pakistan.

To limit data, the focus remained the immediate context which has significant policy implications, therefore within the past five years (2017 – 2021). As such, the study does not intend to establish or address historic trends and retains a focus on the here-and-now.

Focus group discussions were held with Christian community members from Karachi and Hindu community in Ghotki. These included men and women, youth and older, mature people, and spanned a wide range of literacy. Focus groups were also held with the dominant Muslim demographic. An effort was made to keep the group diverse, spanning age, gender and sect. While the FGDs were meant to give a broad overview, a case study was conducted for a closer look on how the dynamics identified elsewhere actually work and impact actual incidents of attacks on minorities. Key officials from police and district administration working on the Ghotki temple attack, were also interviewed. The case study was meant to illustrate how the interplay of various factors influence the quest for justice.

Research Question	Lines of Inquiry	Data Source
What pathways link CVE laws and policies with human rights in Sindh?	What gaps in laws and lapses in implementation explain the situation of minorities?	1 FGD with 7-10 Hindu community members, including women, and people from various lower and upper castes
	What happens when places of worship are attacked? How do local authorities, provincial government and police respond? How do courts respond? How do communities respond?	1 FGD with 7-10 Christian community member, including women and people from various denominations  1 FGD with 7-10 Muslim community, including women and people from all sects
	What hinders the process of justice? Are witnesses able to come forward or do they resile? Are prosecutions successful? Are convictions	Targeted interviews: Counter-Terrorism Department District police officers

	<p>handed out through courts? Are compensation mechanisms in place?</p>	<p>Interior ministry Public prosecutor Women Development Department Human rights lawyer/NGO Minority rights expert</p>
	<p>What fuels the minorities' sense of vulnerability? Which actors do their threat perceptions originate from? Do they feel protected by the state? Are minority representatives sensitive to power imbalances and marginalization of different groups within the minority community?</p>	<p>Secondary data: Newspapers/ media reports Courts/ Legal case review</p>
	<p>Are VE actors distinct from larger community? Are there discriminatory practices which directly target specific minority communities? (Forced marriages/ hate speech/ media blackout etc.)</p>	
<p>Given its mandate, how can SHRC best engage CVE laws and mechanisms for the protection and promotion of human rights?</p>	<p>How are implementation mechanisms and processes of CVE laws and human rights laws linked? Synced/ Disparate/ Parallel?</p>	<p>Interviews with: SHRC staff NCHR Police Interior Ministry HRCP Chief Minister's Office – Human Rights Cell</p>
	<p>What are the weakest tiers/ links of the process? How can these be strengthened?</p>	
	<p>What are the nodes in the response architecture? How do they coordinate? What are its gaps?</p>	
	<p>What is SHRC's comparative advantage? Where and how can SHRC add most value?</p>	

The process followed for the focus group discussions followed an ethical code for protecting respondents against any negative consequence of participation, given the issue remains a sensitive topic in Pakistan.

Participation was entirely voluntary and without any rewards or direct personal gains. Respondents were informed about the purpose of discussion, the orientation of the study, its objectives and its intended audience.

Respondents were assured complete confidentiality. No identifying information was recorded such as citizenship card numbers or addresses. No real names, ages or other identifying factors were documented, and they were assured no names would be cited in the study. No visual records were kept to ensure anonymity remains even after the study is published.

During the FGDs, an effort was made to ensure a wide, diverse range of respondents, and that each participant was able to talk, get a chance to express their views, and to be respectfully heard. Group dynamics were observed and efforts made to solicit information and opinions of all present.

In the course of the study, specialized Key Respondent Interviews (KRIs) were held with state officials, minority representatives, social analysts and observers for insight into particular aspects of the issue. The findings emerging through the FGDs were also put before them to validate or refute or to bring nuance to the acquired understanding. The respondents of the interviews were also briefed about the purpose of the study, and were informed that no names would be used, nor would any quotes be directly attributed to them. Anonymity has been maintained throughout the study.

The SHRC invited an array of engaged citizens for a public consultation in Karachi. The findings of the study were shared with an informed audience of political representatives, lawyers, journalists, academics, NGO and development sector workers and key bureaucrats. Its observations were interrogated, challenged and validated, and ideas and suggestions emerging from the interviews and FGDs were shaped into workable recommendations. This was a public SHRC event, and photographs and video recordings were used for documentation.



In follow up to the public consultation, the Sindh Human Rights Commission further deliberated to determine which recommendations to shape and adapt in its work on minority rights. two-tiered criteria was decided for selecting focus for recommendations: a) attention towards what minority members feel are gaps in the system, and b) areas which experts believe SHRC can add further value towards.



## 1.5 Background to CVE and Human Rights

An outgrowth of the ‘War on Terror’, CVE initiatives were initially limited to addressing faith-centric manifestations of extremism and driven by security imperatives. Criticisms began to grow about the securitization of peace initiatives. The other issue creating a crisis of legitimacy for CVE policies resulted from the rise of white supremacists and violent extremists in the West, highlighting the inadequacy of Muslim-focused CVE policy approaches.

Drawing attention to ‘political policing’<sup>5</sup>, Kundnani and Hayes in a report ‘The Globalisation of Countering Violent Extremism Policies: Undermining Human Rights, Instrumentalising Civil Society’ listed the issues and problems intrinsic to the framework. They illustrate how CVE policies were used in western democracies to target environmental protestors, pro-Palestinian groups, democracy activists and social justice activists. In a stringent critique, they posit, “CVE policies are not an alternative to government coercion but an opportunity for greater surveillance and suppression; and they are not based on genuine partnering with civil society so much as a desire to instrumentalise it.”<sup>6</sup>

Such critiques moulded a corrective focus on human rights with CVE work. The UN Commission on Human Rights created a mandate for a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (Resolution 2005/80). In 2017 the Human Rights Council appointed a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering

<sup>5</sup> Arun Kundnani and Ben Hayes, The Globalization of Countering Violent Extremism Policies: Undermining Human Rights, Instrumentalising Civil Society, TNI, March 2018, <https://www.tni.org/en/publication/the-globalisation-of-countering-violent-extremism-policies>

<sup>6</sup> Arun Kundnani and Ben Hayes, The Globalization of Countering Violent Extremism Policies: Undermining Human Rights, Instrumentalising Civil Society, TNI, March 2018 [https://www.tni.org/files/publication-downloads/the\\_globalisation\\_of\\_countering\\_violent\\_extremism\\_executive\\_summary.pdf](https://www.tni.org/files/publication-downloads/the_globalisation_of_countering_violent_extremism_executive_summary.pdf)

terrorism<sup>7</sup>. The Special Rapporteur flagged that many violent extremism prevention programmes worldwide directly contributed to human rights violations and may even foster radicalization instead of preventing it, noting “Current approaches to prevent it lack a consistent rule of law or human rights grounding,” going on to conclude “Prevention is an important and necessary tool but it will only be effective when it is practised in a way that protects and affirms rights.”<sup>8</sup>

Consequently, the importance of human rights became central in formulating CVE approaches. The UN Plan of Action to Prevent Violent Extremism recognizes that P/CVE should be grounded in human rights frameworks in order to tackle rights-based issues such as socioeconomic discrimination, political exclusion, lack of accountability and a widespread sense of justice.<sup>9</sup>

The focus on human rights in CVE has led to a more progressive approach to peace building where local communities stand to gain against the forms of violence they encounter in their everyday lives, and not just address those issues prioritized by the state machinery. In a 2021 publication, Michael Ungar notes, “The whole-of-society approach moves well beyond the whole-of-government models that were a mainstay of earlier efforts to develop joined-up countering violent extremism frameworks and explicitly distances itself from the more securitized focus of law enforcement and intelligence agencies on detecting, disrupting, and pursuing terrorist actors and plots.”<sup>10</sup>

In Pakistan, many CVE efforts rolled out have met with varying outcomes and degrees of success. The Government of Pakistan set up the National Counter Terrorism Authority (NACTA) in 2009, though it remained non-functional till it was revived in 2013 and placed under the direct supervision of the Prime Minister and Interior Ministry. In 2014, the government developed its first ever National Internal Security Policy. Its aims included severing violent extremists from their support systems and developing a national narrative based on tolerance and respect for diversity to turn public opinion against extremist ideology. In 2015, the government then developed a National Action Plan with twenty points to counter violent extremism, which included taking action against literature promoting hatred, extremism and intolerance, taking measures against use of internet and social media for violent extremism, as well as the pledge to take effective steps against religious persecution.

The National Action Plan point no. 9, “*taking effective steps against religious persecution*”, outlines a concerted effort to be taken up with multiple stakeholders in order to safeguard and promote religious minorities so that they are better able to contribute in peace and development of the country, these efforts include but are not limited to:

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<sup>7</sup><https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25655&LangID=E>

<sup>8</sup> Preventing Violent Extremism through promoting Inclusive Development, Tolerance and Respect for Diversity; A development response to addressing radicalization and violent extremism, Discussion Paper, UNDP, 2016 file:///Users/user/Downloads/Discussion%20Paper%20-%20Preventing%20Violent%20Extremism%20by%20Promoting%20Inclusive%20%20Development.pdf

<sup>9</sup> United Nations Human Rights, Office of the High Commissioner, News Release 4<sup>th</sup> March 2020,

<https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/PCVE.aspx>

<sup>10</sup> Michael Ungar, Multisystemic Resilience; Adaption and Transformation in Contexts of Change, Oxford, 2021

<https://oxford.universitypressscholarship.com/view/10.1093/oso/9780190095888.001.0001/oso-9780190095888-chapter-17>



- Targeted awareness raising and sensitization media campaigns and trainings on the contribution of religious minorities in Pakistan, interfaith harmony, the rights of minorities
- Strengthening district level Interfaith Harmony Committees
- Creation of a complaint and redressal mechanism
- Review of and propose amendments for discriminatory laws
- Creation of National Commission on Interfaith Harmony
- Protection of places of worship

Though there is no publicly available consolidated impact evaluation or composite cost benefit analysis available, individual organizations involved in CVE work believe it yields positive outcomes and finds them valuable for peace-building within communities. Advocates of CVE work count among their successes the inclusion of women from diverse backgrounds; engaging citizens in volunteer work for building tolerance; promotion of collective cultural actions which strengthen pluralism; drawing in faith-based organizations including religious leaders from Muslim majority, including madrassahs for implementing local action plans and for inter-faith harmony; and finding new ways of fostering government and civil society partnerships.

While Pakistan has remained in the global limelight for violent extremism, there is still a startling dearth of nuanced, insightful literature theorizing learnings from within the country in general and within Sindh province in specific. For instance, there is no comprehensive study on the political economy of violence in Karachi or other parts of rural or urban Sindh. Nor has literature been able to establish causality for why individuals take up violence as a mode of struggle or why others do not.

The UN Global Counter-Terrorism Strategy adopted by the General Assembly in 2006, outlines factors creating an enabling environment for VE groups include: prolonged unresolved conflicts; dehumanisation of victims of terrorism; lack of the rule of law and violations of human rights; ethnic, national and religious discrimination; political exclusion; socio-economic marginalisation; and lack of good governance.

All the above listed factors result in evident human rights violations and are present in the treatment meted out to minorities. A human-rights centric CVE approach would then work towards resolving prolonged conflicts before they break out in violence; ensure compensation and sympathetic media coverage for victims of terrorism; build active peace and shun bigotry and all forms of identity-based discrimination; assure inclusion of the marginalized into the political mainstream and so on. The many cases studied for this report, attacks on places of worship, protection of communal property, forced conversions as flashpoints of conflict, all testify that human rights need to be centred in such governance crises. These are detailed later in the report.

Social Policy and Development Center (SPDC) conducted a series of dialogues on CVE in Sindh province. It notes in its Composite Dialogue Report, “Polarization of society has contracted the sites for pluralism, diversity and co-existence, resulting in clustered ethnic and sect-based neighbourhoods with little or no integration; restrictions on inter-marriages which have stunted social cohesion; discriminatory workplaces which differentiate in recruitment and promotions in jobs based on identities. The youth have limited options including in everyday struggles of finding accommodation, mentorship and socializing in a fragmented,

divisive society which ‘others’ them. All these combines to create the impetus for grievance politics.”

The extract emphasizes the need for attention towards the crises faced by the youth through everyday manifestations of VE of both thought and action, and how it impacts common citizens through threats which the state apparatus may not prioritize.

The deficit of justice poised by issues of the judiciary clearly forms part of the landscape of dysfunctions. The SPDC 2010 report on the Social Impact of the Security Crisis notes, “The failure of the judicial system in strengthening the ‘rule of law’ in the country and its politicization such as political appointments of judges in the high courts and supreme courts caused a culture of power-confinement. As a result, the judicial system of Pakistan was unable to protect a large number of vulnerable and disenfranchised people.”<sup>11</sup>

The UNDP (2016) identifies connections between governance and VE, noting the two forms of governance failures particularly conducive to the spread of violent extremism: failure to deliver basic public services; and a breakdown in law, order, and justice. The UNDP report on preventing violent extremism in Pakistan notes, “Failures or inefficiencies in the justice dispensation mechanisms erodes trust in the state, and allows violent extremist groups to setup alternative options for dispensing justice; often through violence and miscarriages of justice principles. Similarly, the inability of a state to provide security and establish law and order creates the physical space for violent extremist groups to operate freely, impose their order, and incentivize individuals to join such groups as the most effective and powerful actor.”<sup>12</sup>

The SHRC with its mandate to work on protection of human rights in Sindh, is best situated to address the human rights violations of minorities, actively engage in peace-building and in doing so, support and strengthen CVE initiatives in the province.

### **Current SHRC Linkages to CVE Initiatives**

In its Strategic Plan (2017-21), the SHRC draws attention towards attacks on religious minorities and challenges to minority rights such as forced conversions. It also highlights terrorising of citizens and the frequency of tribal clashes in Sindh as an accelerator of extremism. The SHRC posits it can play a role in addressing such issues from a human rights perspective, and contribute in establishing a counter narrative to extremism.<sup>11</sup>

SHRC is spearheading an initiative to introduce effective amendments into the draft legislation on forced conversion i.e. The Criminal Law (Protection of Minorities) Bill (2019), and secondly lobbying for constituting a Minorities Commission in Sindh. The Commission aims to augment responsible measures to streamline state responses to halt discriminatory practices against minority groups.



<sup>11</sup><https://shrc.org.pk/downloads/SHRC-Strategic-Plan-2017-2021.pdf>

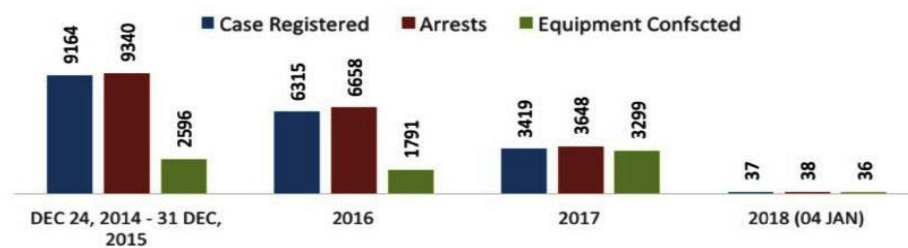
It can strengthen district level community linkages such as through citizen action forums and gauging effectiveness of government policies<sup>12</sup>. SHRC has already taken the lead through the cluster activities in conducting the social action projects (SAPs). It has conducted community briefings on CVE laws, thereby developing inroads into specific districts of Karachi and collective action towards peacebuilding.



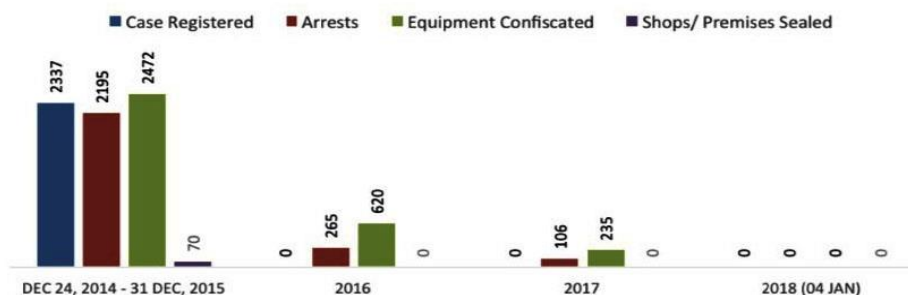
The success of social action projects (SAPs) with women peace committee members in Karachi has a strong relevance to Paigham-e-Pakistan narrative, encouraging formulation of projects for promoting welfare of minorities and strengthening women's

rights. SHRC efforts are also well aligned with the steps taken by government bodies in the form of National CVE Policy and National Action Plan, specifically cracking down on hate-speech and stopping religious extremism and protection of minorities.

### ACTION AGAINST MISUSE OF LOUDSPEAKER



### ACTION AGAINST HATE SPEECH



Graph-National Counter Extremism Policy Guidelines Pakistan (Annex-B)

<sup>12</sup> Manual for Sindh Human Rights Commission and Government Officials for Peacebuilding in the Context of Human Rights (KCD 133). SHRC/AF, 2021

The Sindh Human Rights Commission took the initiative to cascade trainings on CVE laws in targeted districts of Sindh highlighting religious extremism and the growing faith-based intolerance and persecution vis-a- vis; Sindh Protection of Communal Properties of Minorities Act 2013, Sindh Witness Protection Act 2013 and Sindh Sound Systems (Regulation) Act 2015.

*“If we look at the issue of violent extremism through our domestic lens, it appears that since 1979, violent extremism has grown in Pakistan to an enormous proportion but since 2001 it has deteriorated to a limit which is consequently threatening our multi-cultural social fabric and peaceful co-existence of our country and society and posing abysmal caricature of the state of Human Rights in our country particularly Sindh Province” – SHRC.*



The SHRC has also stepped into assisting the Sindh Government overcome the gap on legislation for compensation for victims of terrorism. While the Sindh Government already compensates civilian victims of terrorism under an administrative policy, this is discretionary and not legally enforceable and nor does it provide for transparent decision making based on the principles of equality. SHRC’s ongoing assistance in this process could be pivotal. It is with this understanding of the measures necessary for creating effective linkages with the existing CVE policies and initiatives, that would facilitate SHRC in making recommendations to the Provincial Government.



## SECTION 2: FINDINGS

### 2.1 Religious minorities in Sindh

Everyday experiences of discrimination remain central to discussions on minorities in Pakistan. Among the earlier academic explorations of minorities in urban Sindh, Streefland's ethnography of Christian sweepers in Lyari highlighted the 'double discrimination' they faced on the front of religion and caste<sup>13</sup>. Waldbridge's ethnography on Christians in Punjab on the other hand, tracks their suffering as the political and legal fallout of the blasphemy laws<sup>14</sup>.

Honing into their everyday experience of interacting with the state and its institutions, a national NGO, Legal Aid Society (LAS) conducted a recent study of minorities in Sindh<sup>15</sup>. With regard to justice, the study found minorities had no faith in judicial avenues, "Identifying the law as something that 'belongs' to the affluent and powerful." In their sample, LAS found "The highest confidence in achieving justice was observed in people who faced problems related to their business, while the lowest levels were recorded by people who faced abuse by state officials."

The experience of minorities is shaped also at the intersections of gender, language and class. Among minorities who approached the formal legal system, LAS found those in the highest income bracket had overwhelmingly positive experiences in courts. Those earning in the lowest income bracket had the least positive experience, and showed the least amount of trust in the legal system. This emphasizes 'double discrimination' at various intersections, highlighting that class is an important determinant of how the state is experienced. Similarly, an intersectional perspective shows the impact of gender. Male respondents recorded a comparatively higher degree of positive experience with the justice system than women.

Research findings vary, and are often conflicting. In a recent 2021 study on religious minorities in Sindh conducted by LAS, when asked about their biggest problem, religious minorities repeatedly referenced poverty and not religious discrimination<sup>16</sup>.

For a recent study, Maheshwary conducted focus group discussions with Hindu women in Sindh, including mapping their threat perceptions<sup>17</sup>. Discrimination based on religion was the highest threat, followed by bullying and sexual harassment, forced conversions and forced marriages. Participants of the study substantiated their threat ranking by narrating their lived experiences, such as being declined rental homes in 'decent localities' because of their religion, or facing jacked up rents, or feeling compelled to forcibly sell their land for a pittance offered by builders in Karachi, "Feeling insecure and fearing land grabbing by influential people."<sup>18</sup>

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<sup>13</sup>Pieter H. Streefland, *The Sweepers of Slaughterhouse: Conflict and Survival in a Karachi Neighbourhood*

<sup>14</sup>Linda Walbridge, *The Christians of Pakistan: The Passion of Bishop John Joseph*

<sup>15</sup>Justice and Rights for Religious Minorities in Sindh: A Legal Needs Assessment Report, Kashmala Tahir, LAS, 2021

<sup>16</sup>Kashmala Tahir, Justice and Rights for Religious Minorities in Sindh: A Legal Needs Assessment Report, Legal Aid Society LAS, 2021

<sup>17</sup>Poor Marginalised Hindu Women in Pakistan, CREID Intersection Series Collection on Violence and Discrimination Against Women of Religious Minority Backgrounds in Pakistan, IDS. Seema Rana Maheshwary, Dec 2020

<https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15869/Poor%20Marginalised%20Hindu%20Women%20in%20Pakistan.pdf?sequence=1>

<sup>18</sup>Ibid.

Schaflechner probes how Hindu communities have morphed in response by practicing self-censorship in an environment of structural disempowerment. Describing them as ‘wary and aware’, he maps their active attempts to stay away from controversy as a survival strategy<sup>19</sup>. For a time, Hindus of Sindh were desperate enough to consider migrating to India, and many did so. “People feel forced to migrate,” Khatau Mal, a leader of the Hindu community and former member of the National Assembly told USIP<sup>20</sup>. However, this trend didn’t sustain, and many of those who migrated to India ended up returning back to Pakistan within a short time, citing ‘horrific’ conditions in India, frequently imploring the Pakistani government to help them return<sup>21</sup>.

As noted by officials in interviews, the overall security environment in Pakistan has improved in recent years. However, it remains contested whether the security dividend has been equally distributed throughout all demographics, since minorities express their sense of insecurity has increased. To understand this discrepancy, the study explores where their threat perception emanates from, finding that radicalized citizens prompt more concern among religious minorities than terrorists and militant, who they neither see, nor know.

Maria-Magdalena and Simon Wolfgang in a rare, comparative perspective, probe into how far experiences of exclusion, deprivation and lack of justice are specific to minorities. They find these approaches ‘one-sided’ and problematic as “One aspect it overlooks is that many of these traumatic experiences are not restricted to religious minorities,” making the point that their experiences mirror those of many other non-minority citizens of the country<sup>22</sup>. This is a critical point, because it highlights that while minorities do suffer from double burdens, a course correction would necessitate making services and systems responsive to all vulnerable and marginalized demographics.

Karachi based research institution SPDC (Social Policy and Development Centre) conducted a series of dialogues on CVE in Sindh province. It notes in its Composite Dialogue Report, “Polarization of society has contracted the sites for pluralism, diversity and co-existence, resulting in clustered ethnic and sect-based neighbourhoods with little or no integration; restrictions on inter-marriages which have stunted social cohesion; discriminatory workplaces which differentiate in recruitment and promotions in jobs based on identities. The youth have limited options including in everyday struggles of finding accommodation, mentorship and socializing in a fragmented, divisive society which ‘others’ them. All these combines to create the impetus for grievance politics.”<sup>23</sup>

The extract emphasizes the need for attention towards the crises faced by the youth through everyday manifestations of VE of both thought and action, and how it impacts common citizens through threats which the state apparatus may not prioritize.

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<sup>19</sup>Between and Between: Hindu Identity in Pakistan and 'Wary and Aware' Public Performances (2020) Jürgen Schaflechner Journal of South Asian Studies (43)

<sup>20</sup> Huma Yousuf, Conflict Dynamics in Sindh, USIP

<https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh.pdf>

<sup>21</sup><https://www.thenews.com.pk/print/781742-another-group-of-hindus-returns> and

<https://www.arabnews.com/node/1743311/world> and

<https://economictimes.indiatimes.com/news/politics-and-nation/pak-refugees-head-back-on-fading-citizenship-hopes/articleshow/79418405.cms?from=mdr>

<sup>22</sup>Maria-Magdalena Fuchs and Simon Wolfgang Fuchs, Religious Minorities in Pakistan: Identities, Citizenship and Social Belonging

<sup>23</sup>Interactive Dialogues on Countering Violent Extremism: The Composite Report, SPDC, 2020

## 2.2 The Poverty Connection

In consultations conducted for the study, Muslims explained people gravitating towards VE actors by highlighting the role of exploitative ideologues and the desperation of people to latch on to anything that offers a way out. They were dismissive of global findings<sup>24</sup> which posit that poverty has no direct causal relationship with the turn to violence. In a FGD with minority members from Lyari, a community activist and social worker stated, “These are all takes of outsiders looking in. What do the insiders say? People come up with these stupid ideas because they don’t want to deal with the poverty problem. They want ways to deal with VE which leaves people poor and deprived. They only want the violence to stop. They say stay poor, stay jobless, but here, take these markers and draw some art or play a guitar in your poverty and joblessness so you don’t become extremist!”

Muslim majority group members interviewed for the study said low education levels and lack of job opportunities remained a perpetual crisis, creating a power keg condition which could blow up any time. They explained causality as the desperation for solutions. According to them, people’s lives are stressful and at the edge of survival, mostly through no fault of their own and for reasons outside of their control. People longed for meaning, for a way of making their lives make sense. Their desperation made them vulnerable to ideologies which offered a diagnosis and a solution to their suffering.

Violent ideologies presented answers – by identifying who is responsible for their suffering and present a solution for how to rectify their situation. In ethnic supremacist movements, migrants, settlers and numerically larger ethnic groups are presented as their reason for suffering, violence is the means for purges, expulsions or separation which is presented as solution, creating xenophobic inclinations. In religious militant movements, those outside the religion are presented as responsible for their suffering, violence is the means for reclaiming the privilege due to them in God’s intended order and purifying society, which will lead to rewards both in this life and the hereafter. This creates radical inclinations.

Members of the dominant group had discussions on complex ideas about causality. “We are not a laboratory where you do a thing and it causes another thing. It’s not a simple A leads to B. But the link is there. Poverty causes the desperation and frustration which leads one to find solutions, however severe they may seem to others who are not that desperate. If one is extremely poor but can still see a solution, it is different. When they cannot see any way out, they turn to these things.”

When asked about why then people who were not extremely poor and desperate participated in such violence, such as young men with jobs or with considerable levels of education, they said frustration and lack of control over their own lives could hit different people for different reasons. As long as people felt they could bring about a change in their own lives, whether through voting, registering complaints, participating in politics, going to courts, taking a loan, applying for a job, praying, approaching rich relatives etc., such ideologies would not hold appeal. “The turn to VE is when there are no other options, no end in sight, no way out.”

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<sup>24</sup> Graeme Blair, Christine Fair, Niel Malhotra and Jacob Shapiro, Poverty and Support for Militant Politics: Evidence from Pakistan, in *American Journal of Political Science* Vol 57 No.1, 2013, and, Alan Kreuger, *What Makes a Terrorist?*, Princeton University Press, 2007, and, Claude Berrebi, Evidence about the link between Education, Poverty and Terrorism, in *Peace Economics, Peace Science and Public Policy* Vol 13 No.1, 2007

### 2.3 Nature of the problem: Radicalism vs Violent Extremism

The decades of brutal terrorism inflicted by militant organizations have left the scarred country with specific ideas of who are violent extremists. Common understandings point towards organized groups that perpetuate terror, have a recruitment-based model where people are inducted, trained in weaponry, indoctrinated and sent forth with targets. Such terrorism has claimed thousands of lives, resulted in bombings and suicide attacks on state institutions, markets, mosques, churches, and public parks.

There is however, another form of violent extremism which has proved more elusive; fluid radicalism which can be triggered into violence.

For this report, fluid radicalism refers to common citizens who are not members of any violent organization, but have extreme perspectives and hardline, dogmatic diagnosis about society. Given enough ‘grave and sudden provocation’, such an otherwise non-violent demographic can lash out and participate in violence, and afterward, resume again with their non-violent daily lives. This category is difficult to define because it operates beyond recruitment-membership models, often disorganized or not in any formal networks, are not trained or funded for violence, and often see themselves as otherwise law-abiding citizens. However, though their violent acts may seem spontaneous, they are usually enabled by a critical internalized radicalism.

Minorities living in Sindh instinctively recognize these as the most intense clear and present danger.

Such discussions were prompted by the lynching and murder of a Sri Lankan national in Sialkot<sup>25</sup>, which happened while fieldwork this study was underway. Minority members pointed out that there had been no terrorist attacks on any Hindu temples by organized VE actors for instance. All the temple attacks were done by common radicalized citizens, ‘miscreants’ in the words of state officials - people spurred into action by a blasphemy allegation or misled by some property dispute packaged as a religious issue.

Women from the Christian community in Baldia, Karachi said in a focus group discussion conducted for this study, that they made their sons stay away from and not befriend Muslim boys because any dispute among them could conflagrate into violence if the religious divide was played upon. Others could join in and side against the Christian and become violent, and they would be helpless because “*Humara koi sunnay waala nahin hai*” (We have no one who listens to us.)

Minority communities pointed out that the recruitment-based VE actor model was a limited lens to use to understand the threat faced by minorities. A Christian, middle-aged working woman from Baldia said in the FGD, “People in the neighboring street are a bigger problem for us than banned militant organizations. We’ve never seen the latter, whereas we have to deal with the former ten times a day. Who do you think we are more vulnerable to?”

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<sup>25</sup> <https://www.dawn.com/news/1679614/sialkot-lynching-case-atc-indicts-89-accused-of-murdering-sri-lankan-national-priyantha-kumara>



In the focus group discussion, the group cited the 2021 incident in Karachi, where a nurse at Sobhraj maternity hospital was falsely accused of blasphemy and beaten by colleagues with whom she had worked for nine years. The police found the allegations baseless and later let her go without any charges and termed it all a misunderstanding<sup>26</sup>. Reportedly the nurse has been in hiding since then, fearing someone may attack and kill her because of the allegation.

Almost every minority community member had examples from their own lives to illustrate this point. In the FGD with the Christian community of Ittihad Town in Baldia, a case was narrated whereii’56 a Christian teenager was pulled out of his house and severely beaten by young Muslim men for playing with a laser light on his own rooftop. One of them convinced the rest that he was pointing laser lights at a neighboring Muslim girls’ bedroom window. In the FGD in Lyari, the group narrated how a Hindu boy was brutally beaten by a group for demanding an acquaintance return the money he borrowed. The instigator told others that the Hindu boy said something crude and graphic about Muslim women while demanding his money back.

The minority community members said their own communities deliberately underplayed such incidents to contain the backlash. If they fought back, situations could further conflagrate and individual cases could escalate into communal showdowns.

According to the collective analysis of minority community members, invariably the conflicts were not about doctrinal differences between religions but material disputes which were recast as religious. The problem was the regular bystander would side against them on the basis of religion. If the given reason caused enough outrage, however false it may be, it resulted in severe violence.

In the presence of radicalism and bigotry, common interpersonal disputes turned potentially deadly if they straddle the religion divide.

Radicalism is a bigger challenge than violent extremism for people in their everyday lives. VE incidents have tapered off in the country. VE actors are not as integrated into the larger community. There is much fewer VE associated men in ratio to the population. Radicalism on the other hand, is far more widespread in scale and radicals far more in ratio to population. And it’s harder to track.

Also, radicalism is not confined to group membership – people can coalesce into violence after a particular trigger and then go back to their normal lives. Blasphemy lynch mobs, temple attacks, localized riots and court mobbing on conversion cases are handy examples. Even small-scale frictions can create the conflict which leads to mobbing and consequent human rights violations.

From the minorities’ point of view, every individual from the majority group therefore represents a potential threat. From the various examples cited above, they fear anyone can instigate an attack against them and not only VE actors. They fear even those who they know, because of which their own neighbourhoods and workplaces are not safe spaces for them.

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<sup>26</sup>Christian staff nurse and gospel singer accused of committing blasphemy, staff writer Pak Christian News, 28-02-2021, <https://www.pakchristiannews.com/details/365>

CVE literature separates radicalism from VE and problematizes the latter, not the former. In people's lived experiences, on the other hand, the former is more problematic because it is more ubiquitous. A fluid demographic which can lapse into violence when triggered and return back to non-violence is a complex phenomenon which threatens peace between communities. It is not well understood – no literature on violent extremism or fundamentalism in Pakistan grapples with it. The SHRC could potentially address this research gap and undertake a path breaking study to help develop a fuller understanding of faith-motivated violence in Pakistan.

Members of minorities groups spoke of the need for having someone they can turn to for resolving problems before they escalate. They felt they had no mediating institutions they can approach and so remained unheard. This highlights the gap of a proactive, preemptive mechanism which can serve as an early warning and intervention system which the SHRC could play a role in bridging.

#### **2.4 Nature of the violence: Localized vs. mobilized**

In Sindh, terrorist attacks on places of worship have targeted shrines of Muslim saints, such as the shrines of Shahbaz Qalandar in Sehwan and Abdullah Shah Ghazi in Karachi. So far, there have been no organized terrorist attacks particularly targeting temples or churches post 9/11. However, there have been multiple such attacks carried out by local communities.

In the past five years in Sindh, churches and temples have been desecrated and vandalized over local disputes or blasphemy allegations by area residents, by land dealers or by what authorities call 'miscreants'. The difference is the perpetrators are not terrorist organizations but local actors. When sites have been mobbed, such as in the Ghotki case study, but also in the other instances, the mobs have gathered from within the area. Police officials stated "Attacks on minorities are not organized, in the sense no actors are coordinating and mobilizing people to converge from other provinces, it remains a local response to a local provocation. This is why it doesn't blow up and become a communal riot. The situation gets defused."

Expert commentators and minority group members acknowledged that so far, no political party steps in to escalate the issue. One minority rights activist pointed out "No political party has an 'anti-minority' agenda. Most parties have minority wings or representatives and members. This may be because the numbers of minorities are too low, there aren't enough of them to pose a threat, but whatever the reason, casual bigotry has not transferred into the political rhetoric or context."

According to district management authorities, political escalation would make things much worse. "It would be a massive crisis. If there were central agitators who mobilized people to come in from different districts and provinces to create a showdown, it would have terrible outcomes."

Hindu and Christian community members fear that such a situation can become possible with the entry of extremist groups into mainstream politics by recasting themselves as registered political parties.

This section leads to unsettling observations. Often the perpetrators of such attacks know the minority community against whom the attacks are launched and have co-existed with them in

the past. Local disputes or allegations by others against the minority community rupture through existing relations. People turn violent towards those who they knew beforehand. This is the ‘fluid’ demographic referred to in the previous section.

This fluidity becomes more alarming in the context of political mainstreaming of VE actors. Ordinary citizens will generally not join extremist organizations with a recruitment/ membership-based model, and they usually remain distanced from average citizens. Once mainstreamed as a political party, those with extremist viewpoints can engage openly, draws support from regular citizens, and people can connect with them issue to issue without any membership or formal association with them.

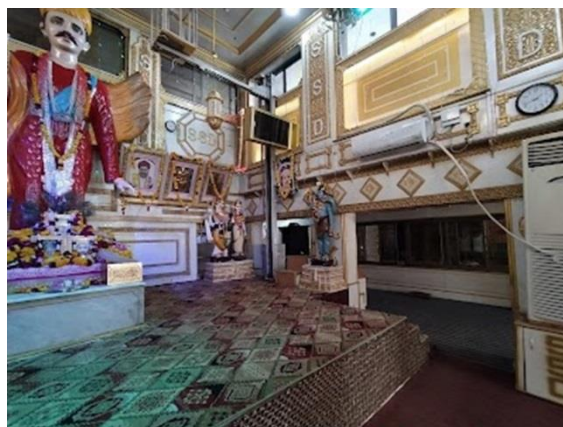


## SECTION 3: CASE STUDIES

By Maleeha Manzoor

Ghotki is a pre-dominantly tribal district of upper Sindh on the border of Punjab, with a Muslim majority but also a significant number of Hindus spread across its five towns. Though they have coexisted in the district since before partition, Ghotki is considered to be a problematic region with regards to the spread of extremism in Sindh.

The Barchundi dargah in Ghotki has been at the centre of the faith (or forced) conversions controversy. Some of the most prominent cases that have attracted international attention are the faith-conversions of Rinkle Kumari, Reena and Raveena.<sup>27</sup> In 2019, the district also became the site of an attack on a temple.



This case study tracks the dynamics around the attack on the Sant Satram Dham temple which started over a blasphemy allegation against a Hindu teacher and led to a mob attack against the Hindu community. The case study is based on onsite discussions with government officials, district administration and Hindu community members residing in Ghotki.

### The temple attack

On 15<sup>th</sup> September 2019, Ghotki witnessed the worst incident of public violence in recent history. An enraged mob of hundreds of people attacked and desecrated the SSD temple and vandalized the idols inside. The mob also targeted several shops and houses of the Hindu community and vandalized a private institution, Sindh Public School. The violence erupted after a teacher of the same school was accused of blasphemy a day earlier. Respondents said the violence continued for an entire day against the Hindu community and was controlled only after the surrender of Notan Lal, a Hindu teacher who was accused of blasphemy by one of his Muslim students.

### The alleged blasphemy case

A Muslim teenager accused his teacher, Mr. Notan Lal, of blasphemy against Holy Prophet of Islam (PBUH). According to the district administration, the teacher was booked the same day under Section 295-C of Pakistan Penal Code (PPC) which pertains to blasphemy. “It is dangerous that the entire Hindu community came under attack on a kid’s call – over an allegation that was initially not even properly investigated,” the Deputy Commissioner of the district commented.

<sup>27</sup> State of Human Rights in 2019, HRCP

<https://hrcp-web.org/hrpweb/wp-content/uploads/2020/09/2020-State-of-human-rights-in-2019-EN.pdf>.

Hindu community members pointed out the teacher surrendered before the police himself to facilitate the inquiry. But they expressed reservations over the fairness of his consequent trial. Out of total 34 students present in the class where Notan was accused to have passed derogatory remarks, 33 students (except the student who made the allegation) testified in favour of the teacher. However, the community claims that at later stage, fake witnesses were produced to victimize Notan. An activist said that a Hindu staffer from the school was pressurized into testifying against Notan and there has been no protection provided from the police. “People belonging to some religious groups have pressurized one of the Hindu staff. They forcibly made him a witness in the case and hold him hostage whenever there is a court hearing,” shared the President of District Bar Association of Ghotki. As per the Hindu community, the witness in the case has been compromised and hence points to the lack of implementation of existing CVE laws such as of the law of witness protection i.e. The Sindh Witness Protection Act, 2013, in this case in particular.

The Senior Superintendent of Police pointed out that the judge as well as police officials are facing many threats, and that things go out of control when religious sentiments are involved. “Given my experience of dealing with such cases, I personally believe that the teacher has been victimized. However, when it comes to religion, not much is in our control,” the SSP pointed out.

#### **Impunity for mobs/ Lack of accountability**

Government officials and other respondents voiced concerns that mob mentality is fast gaining traction in the district as elsewhere. Impunity for mobbing was cited as the main reason for the rising trend. They gave the example of a political mob allowed to get away with killings of police officials in Lahore and all cases against them dismissed, emboldening further such actions<sup>28</sup>.

Drawing parallels among the 2019 Ghotki violence and the 2021 Lahore incident, the SSP Ghotki deplored that the police is the first line of defence for the state, yet the most disregarded. “It is easy to blame the police for not controlling the mob but there is lack of support for the police against such sensitive issues and incidents. The governments also sign pacts with the aggressors and it is generally demoralizing for the soldiers who we send on ground to control violence,” said the police official. The DC Ghotki underscored the need for caution in sensitive issues of religious sentiments and identities.

#### **Response of Administration**

Respondents shared details of the heavy damages inflicted on property by mob. While the Sindh government worked closely with the Hindu community to reconstruct the temple in a timely manner, private losses incurred by the community were not compensated. The Deputy Commissioner said there were no such legal compensation mechanisms in place at the local level. He added that the district administration has no earmarked funds to compensate for individual losses in such an attack, and the issue is usually settled by the provincial government. However, estimates of the amount of loss was recorded and conveyed to department of minority affairs. So far, the losses have been borne by the community itself.

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<sup>28</sup> Govt-TLP agreement: Secretive pact goes into effect, News Desk & Sher Ali Khalti the News, 03-11-2021, <https://www.thenews.com.pk/print/905387-govt-tlp-agreement-slug-working-on-unrevealed-pact-begins>

### **Role of Police**

The Hindu community in Ghotki expressed reservations about the response of the district police and said they considered them as a part of the problem and not part of the solution.

During the SSD temple attack, the police remained absent. They believe if the police had acted, the damage could have been controlled. The unrest continued until the FIR against the mob was registered after intervention of the provincial government of Sindh. “We cannot imagine the mosques coming under attack, why the same could not be true for our worship place?” asked a young respondent.

Respondents pointed to the continued support the perpetrators of mob violence got from the police. They said the police did not submit available evidence in court. They also said the school staff was pressurized by religious groups into testifying against Notan, was too terrified to file a complaint against the harassment, and the police remained passive on the issue.

However, the SSP disagreed. He said that police took timely action, the FIR was registered on the same day and several people arrested. He said the Hindu community were prioritized by the police department and recently some progress has been made especially on the issue of faith conversions as well, as the girls are now swiftly recovered to be presented before the magistrates on the complaints, unlike before when the complaints went unaddressed.

### **Role of the Judiciary**

The case against the perpetrators in the mob was recently disposed of and all the perpetrators were released due to lack of evidence.

Majority of the Hindus expressed dissatisfaction with the judiciary. However, respondents with a legal background felt the judiciary is cooperative but constrained by law. “Judiciary is supportive of the community, but as per law, it cannot help but only decide as per the evidence produced in the cases. When the evidence is tampered or the witnesses are pressurized while no objections are raised, it is unfair to expect from the judges to act on their own,” shared a Hindu lawyer.

An activist added that recently brave decisions have been made where those accused of blasphemy have been acquitted by the courts. Respondents highlighted unnecessary delays in solving the cases and delays in announcement of decision also worked as a form of victimization. Commenting on the disposal of the case against the mob, he said, the state, as the party in the case, had the right to file appeal against the acquittal of the accused, but no such decision was made. It is demoralizing for the community, he added.

### **Pressure of Religious organizations**

Respondents from the Hindu community discussed at length the role religio-political parties and specific notorious shrine managements involved in the mob attack on the SSDS temple. According to them, that a day before the mobbing, the two parties in Notan’s case – i.e., the families of the accused and the accuser – were in process reaching a settlement. It got derailed due to the involvement of religious groups. “It was then that we first identified that there are some elements outside that are trying to fulfil some other objectives by manipulating this issue”, said a respondent.

The same groups were said to be pressurizing the witness against Notan. Activists pointed out how such organizations fill court rooms during any trial concerning a religiously sensitive issue and work as a pressure group to show strength of force.

The Hindu community pointed out that a similar incident of blasphemy happened a few months ago in the same town. In that case, the accused belonged to the Muslim community. A mob was assembled outside local police station to protest but that case met a different fate. The two parties reached a backdoor settlement and the complaint against the accused was withdrawn.

“We appreciate that the religious frenzy did not end up jeopardizing another life in this instance, but we wonder why the same leniency is not applied when it comes to the non-Muslims,” shared a respondent.

### **Response of Muslim community**

The Hindu community appreciated support extended by rest of the Muslim community of Ghotki. They pointed out that while the majority of the participants of the mob violence were young and were easily instigated, there were a large number of Muslim locals of the same town that came out in support of the Hindu community. They spent night inside the temple to ensure that the temple is not subjected to an attack again. They were also joined by some of the provincial ministers at the temple. Respondents felt that the support from the Muslims after the attack was significant and encouraging for the Hindu community.

### **Security and threat perceptions**

Some respondents from the Hindu community were not willing to discuss the case of alleged blasphemy that led to the mob attack, declaring they no longer felt secure enough to voice reservations and protest in the public sphere.

Given the rising cases of extremism in other parts of the country – more so now with the mainstreaming of the extremist religious groups into politics, a sense of fear has been instilled among the Hindu community. They fear that any act of religious violence in any part of the country may spill over on minorities in Ghotki, and demanded basic security should be provided in areas outside temples. Giving the example of vandalism of the Karak temple in Khyber Pakhtunkhwa, one respondent said, “On any such news of an attack on a temple, we rush to close down the gate of our temple in fear that the other attack may provoke violence in Ghotki.”

A social activist said that while we live in harmony with the Muslim brethren, many of whom stood in solidarity with us after the mob violence, “We feel frightened – so many suspicions arise in our minds even if a child of ours comes late to home”, he deplored.

In discussion with the administration, the SSP emphasized that the police force has also considered the possibility of such recurring violence and is concerned for the lives of police officers and the well-being of their families.

The Hindu community expressed fears that on the basis of allegedly fake witnesses, the teacher Notan Lal may soon be convicted.

## **Conclusion of case study**

This case study attempted to explore various aspects and impact of one of the biggest attacks of violent extremism against minorities in the recent years in Sindh. It found that though the Hindu community acknowledged the Sindh government for its progressive leanings, the government's implementation machinery at the ground level did not inspire much confidence. The local administration was not seen to be in sync with the positions taken by the government.

The case study also notes the discrepancies in the accounts of the incident narrated by the local administration, and the account narrated by the Hindu community on the way the situation was handled in the aftermath of the blasphemy allegation.

An important observation of the case study is the absence of mechanisms for providing compensation to victims of violent extremism. The rehabilitation of SSD temple was taken care of by the provincial government in a timely manner, but individual losses incurred by the Hindu community in the mob attack were not compensated. Institutionalizing of such a system would detract from the arbitrary or largesse driven approach and create new entitlements for citizens, affirming a stronger claim of protective citizenship.

Religious minorities need such assuaging. Mob violence has instilled fear among the Hindu community to an extent that they feel that an act of extremist violence against the community occurring anywhere in the country may provoke violence against them in their area as well. The communities have to look for other resort except the state itself. Its members are well aware that they are so outnumbered that they cannot afford any aggressive posturing. They cannot afford considering any corresponding violent tactics, and remain dependent on state protection.

The Hindu community of Ghotki highlighted that activism has become a survival tactic for them. Educated Hindu youth is increasingly taking up the issues concerning the protection of human rights to gain space and draw attention to their issues.

### **3.2 Blurred Lines: The 'forced conversions' controversy**

The issue of forced conversions has increasingly drawn attention of the media and civil society activists in the country. Young girls, mostly from the Hindu community, frequently close to but officially lesser than the age of marriage end up marrying older Muslim men. For such a marriage to be solemnized, the girls have to convert to Islam. Such marriages are contentious and caused friction and conflict between the Hindu and Muslim communities in different parts of Sindh.

The issue has become increasingly contested. The phenomenon was initially reported by the press and human rights activists, whereby young Hindu women and girls were being abducted, forcibly converted to Islam and made to marry Muslim men. Later, it became apparent that there were varying degrees of consent involved, the girls and women were not abducted in most cases but lured into relationships whereby they were made to convert before the marriage could be officiated. Particular religious clerics were identified as the facilitators of the process. The issue was raised repeatedly by the Hindu community as the single biggest threat and outrage for them. Media and human rights organizations have also raised this as a



concern in which the state must act to protect minority women against aggressive proselytizing.

Over time, different perspectives about the phenomenon have emerged.

Service providers such as those administering shelters for survivors of violence point out that while in many cases, young girls say they married out of their own free will and willingly converted, the girls are underage, not yet at age of consent, get misled, often regret their actions and choose to return to their natal families when they have a choice. In other cases, they profess before courts they prefer to stay with their husbands.

Some social analysts who are not engaged with advocacy on the issue feel that the minority community leaders are using the issue to control young women's agency and prevent them from marrying of their own choice if the intended does not belong to their faith. The forced conversion charge becomes a way to bring women back into the fold of the natal family. They liken it to Muslim patriarchal traditions which also prevent women from marrying of their own choice, albeit they use different narratives for the curtailment of such rights. In Muslims in Pakistan, in many instances women's free choice marriages are opposed by the family, and runaway brides are reported to the police as abductions and kidnappings, to ensure the police assists in their recovery.

Some minority rights activists who belong to lower castes say that upper caste Hindus are distorting and misusing the issue.

According to the Sindh Human Rights Commission's Chairperson, their investigations show that in some instances, there are elements of consent. In cases where, the girls and women choose to marry a Muslim, of their own free will, the conversion then is a legal requirement of marriage, whether the girls and women freely choose to convert or not.

Minority community leaders, when asked about such cases, say that this option should not be available to underage girls, as the age of consent in Sindh is decreed as 18. In such cases, the girls are usually mandated by the courts to stay at shelters till they reach age of consent, though there is variation in case judgments.

Recently, the federal government commissioned a report to examine the authenticity of the forced conversions crisis. The report 'Forced Conversions or Faith Conversions: Rhetoric and Reality'<sup>29</sup> refutes some of the issues raised by the human rights community. It shows that the usually cited high number of such cases (1000 a year) are not empirically supported and emerges from an initial misleading number being cited in circularity. It shows that some Hindu ideologues consider conversions as violence in and of itself, irrespective of whether it is voluntary or not, and by that, denies woman her right for opting out on her own free will.

The report draws attention to cases of Hindu men converting to marry Muslim women, challenging activists' statements that it is always girls and women who are converted and not boys and men. It also extensively quotes Hindus from different castes, Dalits, who point out that the issue of forced conversions has been given centrality by upper caste Hindus to deflect attention away from the indignities inflicted by the intra-Hindu minority caste system.

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<sup>29</sup> Ghulam Hussain, 'Forced Conversions or Faith Conversions: Reality and Rhetoric', Institute of Policy Studies, Islamabad, October 2020

However, the IPS report problematically attributes the focus on this issue not to an amplification of concerns of minorities who feel besieged and media and civil society actors who act in solidarity and to protect human rights. Instead, attributes it to Islamophobia. The report does not build a case as to how Islamophobia works in a context where over 96% of the population is Muslim, where Islam is the declared state religion, and where according to the Constitution, all laws must be in accordance with Islam, and where there are multiple state and non-state institutions mandated to protect the sanctity and dominance of the Islamic faith. The evidence given in the report for Islamophobia is from the regional and international context, but doesn't explain how Islamophobia works within Pakistan.

Civil society actors now state that the substantiation of numbers of forced conversions is of secondary concern. They point out there are instances of young girls choosing to return to their natal families after marriage and conversion. In the focus group discussions, it was evident that not just the community leaders but Hindu girls themselves fear being misled into involuntary conversions.

In reference to the focus of this report, government officials in the interior ministry, the police, and the women's development ministry, as well as minority community members, all interviewed for this study asserted that in their opinions, the issue of forced conversion was not linked to organized VE actors. They also said it was not fomenting violence in minorities. Where clerics were involved, it was because the couple or the man in the relationship approached the cleric.

Court rooms where hearings of forced conversion cases take place have often become sites of contestation and show of strength where followers of religious clerics surround and flood courts and chant slogans and create a security hazard for victims, families, law enforcement and for the judges. Even without the active involvement of organized VE groups, the issue of conversion of young women and girls causes friction and heightens tensions between communities, threatening peace and pluralism.

Minority communities must be protected, be free to practice their religion and not feel besieged by majoritarianism. Irrespective of whichever figures of conversions are accurate, minorities feel a disproportionate fear of such acts. The state must appease their concerns. The implementation of the Child Marriage Act and ensuring girls are 18 years of age, the legal age for marriage in Sindh, would work to ensure such fears are mitigated and the writ of state and rule of law takes primacy.

## SECTION 4: ANALYSIS OF SELECTED CVE LAWS OF SINDH

By Mohsin Abbas Syed

### 4.1 Sindh Witness Protection Act 2013<sup>30</sup>

The preamble of this law states as its purpose to provide for protection of witnesses to enable them to give evidence in criminal proceedings. Any harm to crime witnesses can discourage citizens from giving eye witness accounts. In the recent past, conviction rate in violent extremism related crimes remained very low because witnesses often do not come forward out of fear.

For example, in the murder case of Advocate Naimatullah Randhawa, the court observed that “Eyewitnesses (private) have hidden themselves due to the fear of demon of terrorism.” The court further observed that, “The public has become too frightened to assist the system fighting against terrorism, which is adding bad name to the country, adversely affecting the law-and-order situation, welfare of the people, tourism, foreign investment, economy of the country etc.”

The law is applicable to serious offences for which the maximum penalty is death, or imprisonment for a period of not less than twelve months. Hence, all offences with punishment of one year or more are covered under this law, widening its scope exponentially. The government shall establish a Witness Protection Programme for protection and safety of a witness. The government is also required to establish a Witness Protection Advisory Board and a Witness Protection Unit. Witness Protection Officers are required to be appointed to assist the Chief Witness Protection Officer. Additional Inspector General Police CID is ex officio Chief Witness Protection Officer and is required to sign a witness protection agreement with the witness in question. Necessary arrangements have to be made to allow witness to establish new identity or conceal his identity by wearing a mask, changing voice appearance or any other form of segregation during the investigation or trial, or examination.

#### Analysis

This Act is on a concurrent subject of evidence.<sup>31</sup> Federal laws regulating identity of a person<sup>32</sup> and evidence<sup>33</sup> override this Act under Article 143 of the Constitution. The scope of law is broad. There are more than thousand offences under general and special laws which fall within the scope of this law qualifying them for protection of witnesses. Broadening the law weakens focus on serious nature offences like violent extremism.

Data is not available to determine efficacy of this law. It is not clear as to number of Witness Protection Officers appointed under the Act, number of witnesses protected under the Act and the type of protection provided to them. Information about resource allocation for this protection system is also not available nor it is reflected in the annual budget. Lastly, the data

<sup>30</sup>The Sindh Witness Protection Bill, 2013 was passed by the Provincial Assembly of Sindh on 18<sup>th</sup> September, 2013 and assented to by the Governor of Sindh on 30<sup>th</sup> October, 2013. It was published in the official Gazette on 1<sup>st</sup> November 2013. The copy of the law is available at <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.LI%20of%202013.pdf>

<sup>31</sup> Article 142 (b) of the Constitution of the Islamic Republic of Pakistan.

<sup>32</sup>National Database and Registration Authority Ordinance 2000 (VIII of 2000)

<sup>33</sup> Qanoon-e-Shahadat Order 1984 (CE Order No. 10 of 1984)

about numbers of more serious violent extremism cases especially those against minorities in which this law is used and the accused person is convicted on the basis of evidence of the protected witness is also not available.

The law is based on the protection system operative in developed countries. In Pakistan's context of a close-knit society, changing identity of a person is difficult. Protection of witnesses requires huge resources. However, financial protection to a protected person and admissibility of initial statement of a witness under programme before the investigator/magistrate under certain safeguards may prove more effective than change of identity. If the witness is killed before testifying in the Court, his/her audio/ video recorded statement before the investigator/ magistrate may be made admissible. The safeguards used in recording statement under section 164 of the Code of Criminal Procedure 1908 may be applied along with use of modern technology to ensure voluntary statement of a witness and preservation of such statement reflecting demeanour of the witness. It will serve as automatic protection to the witness because in case witness is killed, the accused will lose right to cross examine the witness. Further, mandatory legal provisions to protect respect and dignity of a witness are necessary to encourage witnesses to come forward and give evidence. These measures may include dedicated witness rooms in the trial courts with facility to give evidence through intranet video link, witness right to refuse answer of a question of personal nature not directly connected to the crime or point at issue, and time limits on cross examination.

Parliamentary supervision is absent from this law. There is no mandatory reporting system to the provincial assembly regarding its implementation. The government may annually provide the data along with recommendations under protection system to the Legislature for consideration.

#### **4.2 Sindh Protection of Communal Properties of Minorities Act 2013<sup>34</sup>**

This law was enacted to protect the properties of the minority communities meant for their communal use. These communal properties of minorities are vulnerable to the likes of land grabbers and extremist groups. The law declares any such activity as unlawful and provides legal cover against any such illegal occupation. It says that no property of a minority community meant for its communal use be bought, sold or transferred by any person without no objection certificate from the provincial government. The government cannot grant permission for transfer of a communal property of any minority unless it is recommended by the Provincial Commission for Minorities. In case of violation, the law prescribes imprisonment as punishment for up to seven years, and fine of not less than one hundred thousand rupees for the person who transfers communal property of minority community without permission of the provincial government. It also provides such unauthorized transfer is of no legal effect.

#### **Analysis**

Currently, this is a skeletal, intransitive law. There is no identification or list of specific communal properties with their existing status, uses and persons or associations responsible

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<sup>34</sup> The Sindh Protection of Communal Properties of Minorities Act, 2013 was passed by the Provincial Assembly of Sindh on 15<sup>th</sup> March, 2013 and assented to by the Governor of Sindh on 28<sup>th</sup> March, 2013. It was published in the official Gazette on 1<sup>st</sup> April 2013. A copy of the Act is available at <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XL%20of%202013.pdf>

for the management of the properties. Hence, there is no system of inclusion and exclusion of properties from the list or change of management. The law prohibits transfer of such properties. Transfer of property is broadly defined under section 5 of the Transfer of Property Act 1882 as to convey property from one living being to another living being. License, lease and mortgage are also regarded as transfer of properties under the Transfer of Property Act 1882. This makes the law counterproductive as it prohibits licenses and leases of commercial parts of communal properties on whose income the communal property may have been maintained. The law makes it mandatory for the provincial government to issue no objection certificate only after obtaining recommendation of the Provincial Commission for Minorities. There is no such Commission and the law becomes redundant in the absence of the Provincial Commission for Minorities. A comprehensive law for the establishment of the Provincial Commission for Minorities may be made in order to make such Commission ultimate custodian of these properties. It may have all the powers to protect such properties. There is no data available to judge effectiveness of this law.



### 4.3 Sindh Child Marriages Restraint Act 2013<sup>35</sup>

Child marriage is a human rights violation occurring across the world, including in Pakistan. Child marriage is internationally recognized as ‘forced marriage’ since children below the age of 18 are not recognized as having the legal capacity to provide an informed consent for contracts, including marriage contract. Child marriage is regarded as robbery of ‘childhood’. It takes away the right of choice and impedes education, blocks any opportunity to gain vocational and life skills, adverse health consequences and increased vulnerability of the child to abuse and violence. It is also one of the main causes for unrestricted population growth.

There are many instances where girl children belonging to minority communities convert into Muslims under the garb of marriage. The law has been enacted to restrain the solemnization

<sup>35</sup> The Sindh Child Marriages Restraint Bill, 2013 was passed by the Provincial Assembly of Sindh on 28th April, 2014 and assented to by the Governor of Sindh on 10th June, 2014. It was published in the official Gazette on 11<sup>th</sup> June 2014. A copy of the Act is available at <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.XV%20of%202014.pdf>

of child marriages. For the first time in Pakistan, age of bride has been raised and made equivalent to groom, to protect rights to health and education of children under severe threat in case of child marriage.

The law is aimed at putting an end to child marriages and, if properly enforced, would also effectively tackle the problem of child girl conversion through marriage. The conversion of girls belonging to the minority communities may lead to religious and sectarian tensions, and may promote radicalization and extremism in the society. This is an example of a human rights law in which we need to do more for its effective implementation mechanism.

Child has been defined in this law as a person (male or female) who is under eighteen years; and child marriage as a marriage in which a spouse is a child. In of child marriage if the groom above eighteen years, he is liable to punishment of imprisonment from one to two years and fine. In case of parent, guardian, conductor or facilitator of child marriage, such person is liable to punishment of imprisonment from two to three years imprisonment and fine. The Magistrate has been empowered to issue injunction to prohibit solemnization of a proposed child marriage.

### **Analysis**

Universal birth registration is necessary prerequisite for proper implementation of this law. Age of a child is always disputed in cases of alleged child marriages. There should not be any ambiguity regarding age of any person. As an alternate, production of CNIC or passport may be made mandatory for solemnization of any marriage. A system of mandatory marriage registration has to be strictly adhered to with a punishment attached to non-registration. An exhaustive definition of ‘consent’ within marriage law, and a clear statement that a child below the 18 cannot give consent to marriage may be added for clarity and to remove ambiguity, if any.

Child marriages are forced marriages and must be made voidable, with a swift procedure for such dissolution. Any offspring from a child marriage must be declared legitimate despite nature of marriage and option of dissolution.

This law must have overridden effect to ensure the inconsistent age of majority in other laws of Pakistan are not allowed to take precedence over this law. Such a law will protect children’s health, ensure their right to education, and their fundamental right of choice in marriage.

An appropriate civil jurisdiction is vested in the Magistrate to issue injunction to prohibit solemnization of a proposed child marriage. But in order to rule out misuse of such power, at least one appeal as a matter of fundamental right needs to be provided against any such order of the Magistrate.

Mandatory parliamentary supervision for enforcement of this law is absent. The government may submit annual reports to the provincial assembly on measures taken to implement this law. The report may contain brief facts about some major cases of child marriage during the year under report. It needs to identify causes and recommendations to effectively remedy the causes.

#### **4.4 Legislation for the Relief and Rehabilitation of Civilian Victims of Terrorism**

State has the responsibility to protect life, liberty and property of its citizens on the principles of equality in terms of Articles 4, 9, 14 and 25 of the Constitution. Supreme Court of Pakistan

in one of the leading cases “Shehla Zia Case” (PLD 1994 SC 693) has held that life is not restricted only to the vegetative or animal life or mere existence from conception of death. It includes all such amenity and facilities which a person born in a free country is entitled to enjoy with dignity. Indian Supreme Court has declared in numerous cases that State is liable for its failure to protect for fundamental rights of life, liberty and property of citizens and this liability of State is akin to strict liability. In Dilip k. Basu Case {(2003) 11 SCC 723}, Indian Supreme Court held that compensation for violation of fundamental right to life to be paid by the State to its citizens is based on strict liability and is in addition to the claim under law of tort. It has further held that punishment of offender is not a sufficient remedy but monetary compensation to victim’s family is more useful and effective remedy. Similarly, in Ashwani Gupta Case {1(2005) ACC 361}, Delhi High Court has held that if a person loses his life or suffers grievous injuries for no fault of his own, his fundamental rights under the Constitution are breached. The State is created for the benefit of citizens and to protect their live and limbs. Inability of the State to protect the life and limbs of a citizen must result in a consequential remedy for the citizens.

The gory incident of Ghotki narrated in some detail in Section 3.1 is a recent primary example of failure of state to compensate genuine victims of terrorism. On 15 September 2019 on an allege blasphemy of a non-Muslim teacher, a mob attacked Sant Satram Dham Temple. Not only the temple but the school, shops and houses of a religious minority community were damaged. The Provincial Government only compensated the damage to temple. The community itself got the school repaired but no compensation paid to owners of the shops and houses damaged in that mob terrorism.

Terrorism is severely costing us through killings of innocent, causing severe injuries and damage to property. Recent incidents of terrorism at Karachi University on 27 April 2022, Saddar Karachi on 13 May 2022 and Bolton Market Karachi on 16 May 2022 call for immediate action to provide a mandatory mechanism for payment of compensation to innocent victims of terrorism.



## Analysis

Sindh Government already compensates civilian victims of terrorism under an administrative policy. These administrative policy instructions are not legally enforceable and may not provide a comprehensive mechanism for transparent and structured decision making based on the principles of equality. The use of public funds without a detailed legal framework is

another problematic area which requires enactment of a law on the subject. Discriminatory treatment to victims of terrorism cannot be ruled out under the existing system.

The Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2014 and identical Punjab Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2016 contain all the essential requirements for declaring loss of life or injury to person or property due to an act of terrorism as the basis for payment of State compensation and creates a legally enforceable right in favour of victims or their families. They contain the objective eligibility criteria to receive State compensation on the basis of equality and reasonable classification. They also clearly identify the persons who are entitled to receive such compensation and ensures timely payments of compensation to the victims. These laws also contain grievance redress mechanism and performance audit of the payments made to the civilian victims of terrorism. The relevant provincial government is also bound to submit a detailed report of activities under the Act to the relevant provincial assembly on annual basis. Both these laws are good laws for provision of relief and rehabilitation of the civilian victims of terrorism. Law & Justice Commission of Pakistan has already recommended that a similar legislation may be considered in the other Provinces through a letter written immediately after the enactment of the Balochistan Civilian Victims of Terrorism (Relief and Rehabilitation) Act 2014.

There are few laws in Pakistan which have non-discrimination clauses on the basis of age, gender, colour, caste or religion etc. Although such non-discrimination should be embedded in our culture and democratic values, its overt mention in such laws is useful. Provincial governments should be bound to submit annual reports to Sindh's provincial assembly on implementation of this law and to ensure parliamentary oversight. The provincial government may earmark specific resources in the annual budget for payment to civilian victims of terrorism and for their rehabilitation. It is proposed that the law providing for relief and rehabilitation to civilian victims of terrorism should be designed for Sindh along similar laws of Balochistan and Punjab.



## SECTION 5: MOVING TOWARDS SOLUTIONS

### 5.1 Gaps in the Response System

#### **Lacking timely intervention:**

Minority community members, particularly those from the Hindu community, pointed out that the Sindh government, through its key officials, maintained a progressive political discourse on minorities and practiced symbolically assuring acts like visiting temples, participating in religious celebrations and embracing Sindh's legacy of pluralism.

However, they expressed reservations about how far such perspectives trickled down to the implementation machinery on ground. In incidents of attacks on religious minorities, the district administrative tier usually kicked into action after 'civil society made a noise', media coverage or higher officials took notice and intervened to give instruction. Whether for filing FIRs, arresting provocateurs, protecting wrongful accused and such, only after ministers or leaders of the ruling party in the province step in does the '*intizamia*' take action. The same arbitrariness effected compensation payments. As there is no standing system of paying compensation, it usually depended on the largesse of key political figures.

The SHRC is uniquely positioned to compel the system to comply with laws that protect human rights and to impel implementation. It has the right to conduct inquiries and suo-moto authority to summon any public official to explain why a particular action is not being done and to insist they carry out duties responsibly. SHRC has the specific mandate to ensure implementation of laws.

#### **No existing mechanisms for preemption:**

Members of minorities spoke of the need for an institution to resolve problems before they escalate into violence. Traditional systems have eroded over time, such as community elders and traditional conflict resolving committees. They felt the lack of mediating institutions while the police were not approachable unless a crime was committed, and sometimes not even then. Many of them thought it would help if there was an intervening organization who can fix things and mediate conflicts through discussions instead of legal cases and jail and courts becoming involved.

The police also partly understand this concern but have their own limitations. "Police can only act once crime is committed. If it started deciding who can potentially commit a crime and acting on that, it would lead to thought policing and abuse of basic rights. Police necessarily work on acts and actors, not mindset and inclinations," they explained. Police officers interviewed for this study said they would welcome efforts by intermediary organizations to prevent conflict escalation before any crimes were committed.

So far, CVE programs have largely adopted a curative approach with a main focus on addressing consequences of radicalization and extremism after extremist violence erupts. A pre-emptive or preventive approach would require developing an early warning system with different sets of indicators. The SHRC could explore whether it could step into this gap and become such an intermediary.

## 5.2 Recommendations

This section brings together the recommendations that emerged through the course of the study. They have been derived from the various interviews and interactions, and from suggestions scattered through the body of this report. The Commission having explored the existing linkages between human rights and violent extremism, the following set of recommendations corresponds with SHRC's powers and mandate.

SHRC's existing mandate and power	Recommendations for using power and mandate to address human rights and CVE	
Research & Publication	Undertake research on radicalism in society and on 'fluid' demographic groups who turn to VE when triggered and switch back to non-violence, and the governance problem this presents	
	Building nexus between human rights and violent extremism through evidence-based research. The issue of forced conversions is an example of a human rights violation in which SHRC can do more research and actual cases can be explored for inference.	
Launch inquiries	Launching inquiries in specific incidents that lead to religious and sectarian tensions, hence promoting radicalization and extremism in society.	
	Emphasizing attacks on religious minorities, as well as challenges to minority rights, communal violence against minorities, lack of witness protection, the conversion of girls belonging to the minority group and terrorist incidents, as areas of concern.	
Invoke suo-moto powers	Follow up cases of human rights violations of minorities, including attacks on places of worship, blasphemy accusations etc. There are attrition points throughout every case's lifeline, from police to prosecution to judiciary. SHRC can develop a tracking mechanism.	
	SHRC can and should summon public officials who create bottlenecks in the process of getting justice, and ensure removal of obstructions. For instance, the police frequently refuse to file First Information Reports (FIRs) till intervention of higher ups.	
Recommend remedial measures	Develop and propose a targeted protection program for those wrongly accused of blasphemy, since in many cases they have been killed even after being freed by courts or if the police refuse to register a case against them. Modelled along lines of witness protection programs, these should offer long term protection/ relocation to those falsely accused and their families.	
	Suggest changes in laws:  Develop proposals for laws/ amendments; Lobby for adoption	Sindh Witness Protection Act 2013  Push for financial support for witnesses needing protection Lobby to add parliamentary supervision/oversight, with mandatory reporting to provincial assembly Push to filter out lesser crimes from scope of law to keep undiluted focus on graver crimes

	<p>Child Marriage Restraint Act 2016</p> <p>Lobby for law to declare child marriages voidable and allow swift procedure for its dissolution</p> <p>Lobby to incorporate parliamentary oversight for enforcement of law, with an annual progress report to be submitted to provincial assembly.</p>
	<p>Propose and lobby for legislation on the relief and rehabilitation of civilian victims of terrorism, along the lines of laws of Balochistan and Punjab.</p>
Enable implementation of laws	<p>Lobby for formation of Provincial Commission for Minorities as envisioned in the Communal Properties Act law; identified through CVE legislative framework review and stakeholder consultations. The research also highlights the aspect of religious extremism with linkages to growing faith-based intolerance and persecution. Apart from addressing faith-based attacks and persecution of religious minorities, the proposed legislation by SHRC on “Sindh Commission for Protection of Rights of Minorities” aims to institutionalise the protection and enforcement of the constitutional and other legal rights of religious minorities in Sindh.</p>
	<p>Push for development of comprehensive list of communal properties with details of responsibility for their management and criteria for inclusion, to be annexed to the Communal Properties law.</p>
	<p>SHRC should track and monitor offenders for hate speech and provocation to violence, including their public speeches and campaigns, list complaints and report violations to the ECP or PEMRA. For social media, it could develop liaisons with platforms like Facebook and Twitter to report for prompt action, while ensuring that freedom of expression is not curtailed.</p>
Engage with citizens and civil society	<p>SHRC can explore and engage communities to develop an Early Warning System (EWS) to detect when conflicts are brewing and address them before outbreak of violence. The Sindh Human Rights Commission can address a significant gap by exploring the development of a community driven Early Warning/ Conflict Mediation System.</p>
	<p>This approach is also in-line with the mandate provided in Rules of Business where the Commission is expected to develop and maintain interaction and dialogue with civil society organizations and stakeholders. SHRC can present a strong counter narrative to violent extremism in its annual reporting and run inter-faith advocacy campaigns on Human Rights Day, as part of its civil society engagements in Sindh.</p>

## **Annex 1: List of Respondents**

### Targeted Interviews:

- 2 regular force mid-tier police officials
- Police officer from Counter Terrorism Department
- Senior bureaucrat from Ministry of Women's Development
- Senior bureaucrat from Interior Ministry
- Pakistan Hindu Council representative
- Church of England representative
- Minority rights activist
- Women's rights activist
- Human rights activist
- NGO advocate
- Women's shelter manager
- Human rights/ legal aid lawyer
- Public prosecutor
- Deputy Commissioner, Ghotki
- Senior Superintendent of Police, Ghotki
- President District Bar Association, Ghotki
- SSD Mandir Committee

### Focus group discussions:

- 1 with Christian minorities in Karachi
- 1 with Muslim majority in Karachi
- 1 with Hindu minorities in Ghotki

## **Annex 2: Sindh Human Rights Commission – Objectives, Powers and Functions**

In 2011 the Sindh Government passed the Sindh Protection of Human Rights Act 2011. Section 3 (1) of the Act envisioned the establishment of the Sindh Human Rights Commission which was notified on 9th May 2013.

The Commission declares its vision as “The Creation of a Society free of all forms of Violence and Extremism and based on an Environment of Peace, Interfaith Harmony and Justice.”

The Commission states its mission, “To Protect the Fundamental Human Rights enshrined in the Constitution of Islamic Republic of Pakistan 1973, Universal Declaration & Charter of UN”

### **Power & Functions of the Commission**

The Commission Shall;

- Inquire, suo-moto or on a Petition by victim or any person on his/her behalf into complaint of:
  1. Violation of Human Rights or Abetment thereof;
  2. Negligence in the prevention of such violation, by a public servant;
- Recommend to Government the remedial measures including action to be taken against the person involved in Violation of Human Rights;
- Formulate, implement and regularly update policies with a view to protect Human Rights;
- Visit, under intimation to Government, any jail or institution under the control of Government where persons are kept or detained or admitted for purpose of treatment, reformation or protection to see the living conditions of inmates and make recommendations there on;
- Review the safeguards provided by or under the Constitution or any law for the time being in force for protection of Human Rights and recommend measures for their effective implementation;
- Study treaties and other international Instruments on Human Rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of Human Rights;
- Spread Human Rights literacy among various sections of society;
- Promote awareness of the safeguards available for protection of Human Rights through print and electronic media, seminar and other available means.
- Encourage the efforts of nongovernmental organizations and institutions working in the field of Human Rights.
- Publish or cause to be published various policies, details, data and information relevant to the affairs of the Commission on a regular basis and ensure reasonable access of the public to the same;
- Appoint such officers and staff as may be necessary for carrying out the purposes of this Act, subject to the approval of Government; and shall perform such other functions necessary for protection of Human Rights, as may be prescribed.

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<sup>i</sup> Social Impact of the Security Crisis, Social Development in Pakistan Annual Review 2009 – 2010, Social Policy Development Center, 2010

<sup>ii</sup> Development Advocate Pakistan: Preventing Violent Extremism, DAP Volume 3 Issue 1, UNDP 2016, at [https://www.undp.org/content/dam/pakistan/docs/DevelopmentPolicy/DAP\\_Volume3-Issue1.pdf](https://www.undp.org/content/dam/pakistan/docs/DevelopmentPolicy/DAP_Volume3-Issue1.pdf)



**Provincial Conference**

**“Pathways Between CVE and Human Rights”**

**Group Photo with Barrister Murtaza Wahab (Advisor to Chief Minister, Sindh on Law), Government Departments, Civil Society, Media, SHRC Staff & Members and Aurat Foundation**



**Sindh Human  
Rights Commission  
Government of Sindh**

**Head Office:**

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**Regional Office:**

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