

# **LIFE ON THE MARGINS**

**A study on the minority women in Pakistan**

Jennifer Jag Jivan  
Peter Jacob

The publication is for limited circulation  
First printed in February 2012

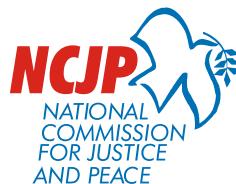
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Design & layout  
Visionaries Division  
Printed by  
Sanjh Publications  
Quantity:  
1000 copies

Distribution  
Free of cost

Publisher



Established by Pakistan Catholic Bishops' Conference

**Head Office**

E-64/A, St. # 8, Officers' Colony, Walton Road, Lahore- Pakistan  
Tel: 0092-42-36668692  
Fax: 0092-42-36655549  
E-mail-ncjppakistan@gmail.com  
Website: [www.ncjppk.org](http://www.ncjppk.org)

ISBN No: 978-969-9042-11-9

**Disclaimer:**

The analysis and policy recommendations of this Report do not necessarily reflect the views of the United Nations Entity for Gender Equality and the Empowerment of Women or its Executive Board. The Report is an independent publication with financial support provided by UN WOMEN.

# Acknowledgments

The National Commission for Justice and Peace (NCJP) acknowledges the efforts made by its project team, particularly Ms. Sobia John and Ms. Naumana Suleman who coordinated the activity under the supervision of Mr. Peter Jacob, the Executive Director NCJP. They worked patiently and tirelessly with the surveyors, data designer Muhammad Zeeshan, Sanjh publication team and consultants of putting this document together.

NCJP also acknowledges its donor partner UN Women especially, Ms. Alice Harding Shackelford, Ms. Aisha Mukhtar and Ms. Mariam Farid who understood the value of a study of this nature, exercised patience and provided conceptual and technical guidance. Without the financial support and encouragement offered by the UN Women such a survey would never have taken place. Ms. Nazish Brohi's help as a professional editor has made this report more readable and organized, therefore our sincere thanks to her.

We are thankful to the SPARC Organization for helping in data collection in Tharparker and UmerKot, Sindh. Thanks are due to the staff of NCJP Ms. Saima Williams who contributed in various activities of the project and Mr. Christopher Ejaz, Mr. Behram Francis Khan, Ms. Rosemary Paul, Mr. Sunil Samuel, Ms. Kiran Afzaal and Mr. Kamran Rehmat for help in data feeding.

We would like to acknowledge the contribution pf photographers Ms. Rashida Rasheed, Mr. Attaurehman Saman, Mr. Henny Qaiser, especially Ms. Sobia John and Mr. Javed David for their captures appearing on the title page.

Last but not least we sincerely thank all the surveyors from Sindh and Punjab by name, without whom this survey could not have taken place, moreover their participation and enthusiasm was a continuous source of joy and inspiration for all.

Surveyors from Sindh: Ms. Rashida Rasheed, Ms. Soni Kachi, Ms. Shazia, Ms. Sakina, Ms. Saiqa Baksha, Ms. Asha, Ms. Naheed, Ms. Maryam, Ms. Samtra, Ms. Vinta and Ms. Maya.

Surveyors from Punjab: Ms. Fouzia Kanwal, Ms. Arooj Mariam , Ms. Ghazala, Ms. Safira Walter, Ms. Farhat, Ms. Shaheen Yousaf, Ms. Naseem Sadiq, Ms. Sana Mariam, Ms. Surriya Rani, Ms. Margaret Daniel, Mr. Akhtar and Ms. Samina.

It is our sincere hope that this study would be helpful to people trying to offer solutions and to meet the challenges faced by the marginalized sections of society, especially the minority women in Pakistan.

**Jennifer Jag Jivan and Peter Jacob**



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# Foreword

## A case of double jeopardy

The Indian sub-continent won its liberation from the colonial rule in 1947 and it was the first case of a nation winning her right to self-governance through political, constitutional and strictly non-violent means. It also signified the relevance of the United Nations Charter that specifically stated that old colonial order could not sustain after the world had shed so much blood to suppress the cherished human freedoms. However, Indian liberation had another equally significant sub-plot, i.e. the Muslim minority in India refused to live in a country, howsoever free, where they had serious reservations concerning the protection of their political, economic and social interests. Thus British India was divided into two parts and the partition of India epitomized the importance of the rights of the minorities, whether ethnic or religious.



It is a very sad story that the minority communities have been consistently treated less-than-honorably in a country that was founded in the name of the rights of the minorities. The gigantic exodus of different religious communities that took place in the wake of the liberation across the newly formed borders between India and Pakistan was an unintended development and never a part of the original scheme of partition. In any case, the massive migration completely transformed the religious demography of the newly formed state of Pakistan. After the first 24 years, the religious minorities constituted barely 10 % of the whole population and after the cessation of East Pakistan; the non-Muslim communities amounted to less than 4% of the whole population. It is hardly conceivable that such a minuscule minority could in any way endanger the political, economic or social interests of the overwhelming majority. In fact, the historical context demanded that the religious minorities, howsoever small in number, be treated in a way which would vindicate the *raison d'être* of the nation state, called Pakistan. Unfortunately, that was not to be.

Barely 18 months into its existence as a sovereign state, the Constituent Assembly of Pakistan passed a resolution, entitled Objectives Resolution that established the legal, constitutional, political and social supremacy of the majority community over the numerically challenged religious groups. Apart from bestowing a religious identity upon a nation state, the resolution clearly violated the principle of "equal citizenship without discrimination upon the basis of religious identity". The proverbial fig leaf of guarantees and assurances afforded to the religious minorities in the text of this resolution was flaked off bit by bit in the coming years. The high point of the ulterior vector of the said document emerged in 1985 when the religious minorities were denied the right to observe their faith "freely" through a constitutional amendment that incidentally elevated the Objectives Resolution from the status of a "preamble" to that of a "substantive part" of the Constitution. The omission of the word "Freely" in describing the right of the minorities to observe their faith could only be rectified after quarter of a century in 2010 through another constitutional amendment.

The obliteration of the principle of “equal citizenship” inevitably led to discrimination in all possible forms and manifestations. There was marginalization in political participation and decision-making as the clergy of the majority community arrogated to itself the right to determine the national agenda. With the erosion of political participation, economic deprivation was not far behind. With a colossal scramble for political power between the so-called secular and the so-called doctrinal elements within the majority community, the religious minorities were the inevitable victims for the sin of being born in the wrong place at the wrong time. While rival political ideologies within the majority community vied to win the popular support, each tried to outplay the other in terms of insensitivity towards the interests of the religious minorities. The political marginalization and economic deprivation was strengthened through visible social discrimination. All manifestations of diversity were eradicated in the name of a uniform national identity with the religious minorities being the obvious victim.

The 1973 Constitution while retaining a semblance of modern state craft was clearly skewed against religious minorities with some outright discriminatory articles. It paved the path for statutory discrimination. As the country slipped down the path of authoritarianism, obscurantism, fundamentalism and ultimately religious violence, the plight of religious minorities became unenviable. It was a case of compounded marginalization, discrimination, vulnerability and deprivation.

National Commission for Justice and Peace, an organ of the Catholic Bishops' Conference in Pakistan, has been serving the cause of religious minorities in the country since 1985 through an exemplary blend of professional skill and an ardent passion for justice. The survey report under review is yet another groundbreaking work that will illustrate the state of women belonging to religious minority communities. While the results of the survey illustrate a pitiable state of deprivation and discrimination, it is pertinent to point out that women belonging to a marginalized community always face double discrimination. They bear an additional burden to gender discrimination and vulnerability. To take just one point, a question in the survey asks whether the respondents are part of the decision-making in their families. The response alludes to a visibly high ratio of female participation in decision-making when compared with the space generally allowed to the women from majority community, the Muslim community in this case. However, the flimsiness of the claim is immediately exposed when the same respondents are enquired if they are allowed to choose their life partners. An almost equal percentage of women tell that they do not have a voice in choosing their life partners. One is left wondering what kind of participation in decision-making it is that excludes probably the most important decision of an individual's life? Suffice it to say that justice needs must be inclusive to realize the cherished goal of human equality. While discrimination against religious minorities prevalent in Pakistan should be opposed and resisted (all the more so by the members of the majority community), the minority communities must initiate an introspective process to ensure that the struggle for equality and justice is not just a communal matter but the one pertaining to basic human dignity for each and every member of human fraternity.

**Tanveer Jahan**  
*Executive Director*  
*Democratic Commission for Human Development*

## Abbreviations/Acronyms

Abbreviations / Acronyms	Definition
ASR	Applied Social Research Center
BHU	Basic Health Units
CEDAW	Convention on Elimination of Discrimination Against Women
CNIC	Computerized National Identity Card
DCHD	Democratic Commission for Human Development
HRCP	Human Rights Commission of Pakistan (Civil Society Organization)
LHW	Lady Health Worker
NCJP	National Commission for Justice & Peace (Civil Society Organization)
SPARC	Society for the Protection of the Rights of the Child (An Organization)
UN Women	United Nations Entity for Gender Equality and Empowerment of Women (UN Body)
WHO	World Health Organization (UN affiliated body)

## Some Statistics on Pakistan

1	Population	166.9 million at the end of July 2009. 173.51 million in 2010. Sixth most populous country in the world. 104 million Pakistanis below the age of 30. <i>Economic Survey Report 2009 -2010</i> . Ministry of Finance, Government of Pakistan
2	Population growth rate	2.1%. <i>Economic Survey Report 2009 -2010</i>
3	Life expectancy	Total population: 65.5 years. Male: 63.6 years; Female: 65. 4 years. <i>Economic Survey Report 2009 -2010</i>
4	Infant mortality rate per 1000 (2009)	65.1 deaths/1,000 live births. <i>Economic Survey Report 2009 -2010</i> , 87 per 1000 according to World Bank report – 2009 <a href="http://data.worldbank.org/indicator/SH.DYN.MORT/countries /PK-8S-XN">http://data.worldbank.org/indicator/SH.DYN.MORT/countries /PK-8S-XN</a>
5	Mortality rate under 5 per 1000	95.2 deaths per 1000. <i>Economic Survey Report 2009 -2010</i>
6	Urbanization	Most urbanized nation in South Asia. 36% of the total population (2008). Urbanization rate is 3% (2005 -2010). By 2030, urban population may be 50% of the total population. <i>Economic Survey Report 2009 -2010</i> .
7	Growth in GDP for 2009-10	4.1% (on an inflation adjusted basis). <i>Economic Survey Report 2009 -2010</i> .
8	Living below poverty line	62 million people (in 2009). <i>State of Human Rights 2009</i> .
9	Inflation rate	13.3% (April 2010) (Consumer Price Index). <i>Economic Survey Report 2009-2010</i> .
10	Unemployment	5.5% unemployment rate. <i>Economic Survey Report 2009 -2010</i> . p. 246.
11	Labour force	10 <sup>th</sup> largest country in the world according to the size of the labour force. Total working age population 121.01 million. Employed labour force 53.78 million. Labour Force Survey 2008 -2009 quoted in Pakistan <i>Economic Survey</i> .
12	Child labour	11-12 million children are involved in child labour. <i>State of Human Rights in 2009</i> .
13	Over all literacy rate (age 10 years and above)	57% total population. (69% for males and 45% for females). Literacy rate is higher in urban areas. Punjab has the highest literacy rate, followed by Sindh, Pakhtoonkhaw and Balochistan. <i>Economic Survey Report 2009 -2010</i> .
14	Education expenditures	2.0% of GDP (2009-10), it is the lowest in comparison to other South Asian countries. <i>Economic Survey Report 2009 -2010</i> .
15	Health Expenditures	0.54% (Federal and Provincial governments combined). <i>Economic Survey Report 2009-2010</i> . p. 162.

Source: Pakistan Economic Survey Report 2009-2010. [www.finance.gov.pk/survey](http://www.finance.gov.pk/survey), and State of Human Rights in 2009, HRCP 2010.

Note: In other part of the document figures/percentages might vary. This will depend upon the source quoted.

# Executive Summary

This study is an attempt to comprehensively understand the situation of minority women in Pakistan, examining their context, their experiences and perspectives.

Using both primary and secondary data as well as qualitative and quantitative input, it sketches the national context with regard to minorities and reviews issues of health; water, hygiene and sanitation; socio-economic conditions; education; autonomy; political participation; discriminations such as forced and mediated conversions; law related loopholes and law enforcement concerns and redress options.

Its objective is to draw attention towards minority women as a constantly neglected demographic, and to use its findings to raise awareness and bolster advocacy for addressing their concerns, both practical and strategic. The report is also meant to feed into the CEDAW Shadow Report prepared by NGOs.

The report finds the case of double jeopardy where minority women face discrimination and exploitation on grounds of being members of religious minorities, and on account of being women, who are marginalized citizens in Pakistan.

Given the dearth of information on minority women, the study includes a detailed survey of 100 hundred minority women in Punjab and Sindh (where 96% of Pakistan's minorities live). The survey responses bring to attention the intersections between categories of experience such as gender, religion and poverty.

A striking factor was that a substantive number (upwards of 30%) of respondents did not answer questions that may be 'sensitive' or revealing of their suffering. It is possible fear of disclosure and consequences were the influencing factor which is itself a significant commentary on the state of affairs of minority women.

According to the findings, 43% of the minority women interviewed had either faced religious discrimination themselves or was experienced by a member of their family. Most of the discrimination seems to be in the workplace (40%) with educational institutions coming in second (24%) and in ones own locality (18%).

62% of the respondents felt that in times of religious disturbance they will not be supported by the majority community with 27% answering that they will stand up for them. 14% of the respondents interviewed reported to have first hand knowledge of cases where minority women had been abducted with 8% knowing of forced conversion and 3% of cases of trafficking.

The findings reflect that while in some aspects, minority women have fared better than majority of female population in terms of gender-based development indicators, in terms of personal autonomy, they are subject to the same constraints as majority women. 66% of minority women were treated as equal to their male siblings. 58% were encouraged to seek education, 73% had families who were supportive of their jobs and 66% responded that they participated in decision making processes. Yet, a significant number of respondents

(66%) said they are not allowed to exercise free choice in marrying, neither will they have a say/had a say in the person they married/will marry. More than half of the respondents had to face restrictions on their mobility. 79% of the respondents hold a computerized national identity card with 65% having exercised their voting rights. A low 5% of minority women are members of a political party and of these only 2% representatives.

20% are earning less than the stipulated minimum wages of Rs.7000 per month and another 29% have a monthly family income below Rs.25000. Three quarters of the respondents have no savings, and the ones who do, save only 1% of income. 40% are under debt/loan burden.

Even in the urban-centric respondent base, only 65% live in brick houses with 12% in semi-brick houses and 15% in mud houses. 62% live either in one or two bedroom houses whereas 60% of the respondents have from 5-10 family members residing in the house. 67% use pour flush latrines but 11% have no toilet facilities at all, 21% have pit latrines.

The study overviews the existing literature, laws and policies and reflects on current practices and systemic asymmetries. Noting the discriminations and analyzing the consequences of these, the report also includes practical policy correctives for integrating minority women into the mainstream and safeguarding their rights.

## Minority women in the national context

Changes in the global and national contexts have led to recognition of and challenging of the subservient position of women in Pakistan in the family, community, society and state, even though the pace of progress has been dissatisfactory.

Yet the position and condition of minority women remains critical and threatened. Legislative bodies, justice delivery systems, institutions and implementation mechanisms seem to consider women belonging to religious minorities as non-entities at present.

If women's emancipation and empowerment is seen as a means of building a better society and the question of gender parity is applied both as a principle and method, then the need to bring minority women to equal and due status as citizens and human beings, is extremely urgent.

Women belonging to religious minorities are roughly estimated at 3 million<sup>1</sup> in Pakistan. Yet there is no minority women's representation in apex and higher judiciary, or civil and foreign services of Pakistan in 2011. There are three minority women each in the Senate, National Assembly and Provincial Assembly of Punjab.

According to the UNDP Human Development Index<sup>2</sup> Pakistan ranks 125 out of 169 countries, making it one of the least developed countries in Asia. On the Human Poverty Index, Pakistan ranked 77th among the 108 developing countries. It is estimated that by 2009, around 62 million people are living below the poverty line. According to World Bank estimates carried out in 2009 poverty head count rate could increase by 25 percent in 2009-2010. The floods this year leave no room for doubt: the gap between the haves and have-nots widened. In fact inflation rates are estimated to range between 15-20% FY11.

Pakistan is one of the few countries that have failed to achieve a single Education For All goal.<sup>3</sup> The GDP growth for 2009-10 was only 2.3 percent and the literacy rate did not exceed 56%.<sup>4</sup> Pakistan ranks 117 out of 134 countries in terms of quality primary education.<sup>5</sup>

Health facilities also lag behind. In the South Asian region the under-5 years mortality per thousand is the highest in Pakistan i.e. 90. The per capita expenditure is less than US \$16 as against \$34 recommended by WHO. Fewer prospects for the youth is another bleak factor, with 34 million jobless youth in 2009 of whom 14.5 million were educated.

According to HRCP 2009 report, Pakistan ranked 126 among 128 countries in the Gender Gap Index which shows the overall low status of women. Honour killings, domestic violence, rape continues.

<sup>1</sup> Estimate based on national census 1998

<sup>2</sup> [http://hdr.undp.org/en/media/HDR\\_2010\\_EN\\_Table1\\_reprint.pdf](http://hdr.undp.org/en/media/HDR_2010_EN_Table1_reprint.pdf)

<sup>3</sup> UNESCO Global Monitoring Report 2009

<sup>4</sup> Economic Survey of Pakistan

<sup>5</sup> HRCP 2009 Report drawn from World Economic Forum's Global Competitiveness Index, September 2009

The overall growing intolerance; extremism in the country; laws that determine their legal status, and the pressures of the 'Blasphemy Law' are factors that impinge on the role and status of minorities be it men and women. Furthermore, the cultural and social traditions which prevail impinge on the rights of women and these in turn, further impact minority women as they are then subject to double discrimination on account of being minority and on being a woman. In the larger society minority women can well be exposed to discrimination and at home they face discrimination on account of the patriarchal system. Domestic violence, gender discrimination in terms of equal opportunities, lack of decision-making opportunities becomes the norm.

In spite of these realities, minority women have shown resilience and seek rights granted in the Constitution and in the Conventions that Pakistan has ratified and is a signatory to. The fact that the minority women are active in the social milieu reflects an optimism that allows for a way forward.

The CEDAW Convention provides solid guidance as a gender specific human rights treaty. It provides a consistent human right framework for the protection of all women and girls including women and girls belonging to minorities against all forms of discrimination in all fields of life including the area of education.

In order to eliminate all forms of discrimination against women and achieve substantive equality between women and men, the elimination of discrimination against women and girls in all fields is essential.

The CEDAW Convention Article 2 clearly states: "States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women" while Article 1 says: "the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field"

Minority women and girls, in fact, suffer from multiple forms of discrimination, intersectional discrimination, and compounded discrimination.

The CEDAW Committee addresses multiple discrimination against minority women and in its concluding observations often recommends that States conduct regular and comprehensive studies on discrimination against minority women, provide information and data on the situation of minority women, provide statistics disaggregated by sex and race or ethnicity and pay special attention to the needs of women belonging to ethnic minorities

The CEDAW Committee recommends that States parties take a holistic approach to eliminate multiple forms of discrimination that ethnic minority women face and accelerate the achievement of their de facto equality.

In addition to the core principles of equality and non discrimination, it is also very important to use the core principles of the CEDAW Convention on equality between women and men and non-discrimination against women, and apply them on minorities as well.

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## 2.1 Governance and policy

Pakistan has experienced paradoxical trends in progress towards women's right in general. While the induction of Muslim Family Laws (MFLO 1960) was encouraging, the Hudood laws and Law of Evidence in 1980s was a leap backward, which affected all women including those belonging to minorities. Recently, the reserved seats for women in the legislative and local bodies in 2000 and the removal of horrific parts of Hudood Laws under the Women Protection Act 2004 were significant and positive steps, yet on the other hand unimpeded violence against women; honor crimes, domestic violence and sexual harassment, are either constant or increasing according to the data collected by Human Rights Commission of Pakistan and Aurat Foundation.

In 2010 Domestic Violence Bill that offered protection to women was not passed by the Senate in the given time and therefore lapsed, the second bill, Criminal Law Amendment Bill against sexual harassment was adopted by the Senate that offers some safeguard to women at workplace.

Established in 2003, the Federal Ministry of Women Development (MOWD) remained one of the most underdeveloped ministries in the federal cabinet. In 2011, the ministry was devolved to the provinces while some of its functions have been transferred to Ministry of Human Rights. Appointment of a Federal Minister for MOWD was neglected for years (2008-2011). Managed by an Advisor to Prime Minister, the ministry faced issues such as weak positioning of the ministry, broad and vague mandate, unclear Rules of Business, weak understanding and capacity of staff to integrate gender, besides paucity of funds.

Departments for women development were created at provincial levels as well; however, except for Sindh and Balochistan, these departments are merged into social welfare department. Poor managing of the Women Crisis Center before and after devolution to provinces and controversy about taking over the Centres in Punjab show women's rights are yet to be taken seriously in policy and governance.

The 18th Amendment carries immense potential for addressing provincial concerns regarding lack of autonomy, but the effective implementation of the new constitutional arrangement depends on the capacity of provincial departments to utilize their enhanced legislative and administrative authority. The leadership role of Women Development Divisions is expected to be enhanced after devolution of some of key functions of MOWD. With the abolition of the Concurrent List,<sup>6</sup> provinces shall enjoy exclusive legislative powers concerning criminal law, contracts, transfer of property, labor welfare, marriage and divorce, etc.

The National Commission on Status of Women was set up in 2000. It was able to deliver some positive results because of its leadership in past and present along with partnerships with women's organizations. NCSW is planning to study the matrimonial laws concerning Minority women. However it is not an independent institution in terms of its resource base and powers as a national human rights institution having influence on policy making and legislation on relevant issues.

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<sup>6</sup> The joint legislative list for Provinces and Federation that was abolished for more provincial autonomy under the 18 amendment to the constitution of Pakistan

The Act for the establishment of National Commission on Women (NCW) was passed by the National Assembly on the 19th of January 2012. Under this, the NCW would work for the emancipation of Pakistani women through “promotion of social, economic, political and legal rights of women” as provided in the Constitution and “in accordance with international declarations, conventions, treaties, conventions and agreements relating to women, including the Convention on the Elimination of all forms of Discrimination against Women”. Thus, the NCW will take the lead in ensuring Women's Human Rights and Gender Equality and Development. The commission will examine the federal government's policy and programmes for gender equality, women's empowerment, political participation, representation, assess their implementation and make suitable recommendations, reviewing all laws, rules and regulations affecting the status and rights of women and suggesting repeal, amendment or new legislation to eliminate discrimination, safeguarding and promoting the interest of women and achieving gender equality.

In addition to the Ministry of Law and Justice, and Human Rights Division of the Ministry, since 1993 Directorate at Federal and Deputy Directorates of Human Rights at Provincial levels have been set up. Yet the Human Rights divisions /departments have not been successful in bringing up issues of minority women in national discourse.

The Federal Shariat Court and the Council of Islamic Ideology are two constitutional bodies with de jure and de facto role in legislation. While their decisions are applicable or binding on religious minorities, there is no representation of minorities therein.

The Ministry for Minorities Affairs has been subject to experiments by each government whether to have a state ministry or independent Federal Ministry or simply not have one. While the Pervez Musharraf Cabinet had a Federal Minister for Minorities adjoined with some other portfolios<sup>7</sup> from 1999-2002, the next Cabinet (2002-2005) under Prime Minister Zafarullah Jamali dispensed with the ministry altogether. The staff worked as a division of Ministry for Religious Affairs without much funds. The next Prime Minister Mr. Shaukat Aziz in the same tenure appointed a State Minister (2006-2008) with a separate staff and office. After assassination of Minister Shahbaz Bhatti who was Federal Minister (November 2009 -March 2011) the government appointed an Advisor to Prime Minister on minorities, with the status of a Federal Minister and another State Minister with new portfolio of National Harmony.

Minister Shahbaz Bhatti died while trying to defend rights of Aasia Bibi, a Christian woman accused of blasphemy. All ministries, including those for minority affairs failed to protect rights of citizens, and Departments assigned to protect rights of citizens and in particular, of women and minorities. The Ministry of Minorities Affairs during different governments relied on giving out charity, rather than addressing the issues of their rights.

Committees on Minorities were set up by various governments at national and provincial levels. However, as Advisory bodies, these Committees were neither statutory nor had any terms of reference to guide their work. None of these competent bodies have looked into, for instance, the issue of reviewing Personal laws<sup>8</sup> for religious minorities. The political expediencies that unfortunate are a regular part of decision making in governance

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<sup>7</sup> Mr. Derik Cyprian and Col. S. K. Tresslar

structures results in waste of enormous amount of resources.

This study highlights some basic questions. Do the minority women figure anywhere in this policy and governance context? Which ministry is taking them into consideration?

## 2.2 Socio-economic status

In Sindh and Punjab provinces, where over 90% Christians and Hindus are located,<sup>8</sup> they form a large part of labour in informal sectors, agriculture, brick Kilns, domestic servitude. There are frequent reports of abuses against minority women including illegal detentions violence, rape, low and non-payment of wages, illegal occupations and grabbing of land. Frequent reportage in media and demands by minority for legal and judicial safeguards against forced conversions of particularly women and minor girls has been ignored by successive governments.

80% of the minority community is poor while 40% population in Pakistan is below poverty line.<sup>9</sup> The precise number of domestic workers is unknown but the report states domestic workers at 6.7% of the then estimated 8 million child workers in Pakistan.<sup>11</sup> Working on public holidays, lack of sick leave, working long hours, subject to harassment, violence, sexual assault are some of the major issues of domestic workers. A sizeable portion of domestic workers belong to the minority community. An estimated 1.7 million people are working as bonded labour in the agriculture sector of the country and 1 million labourers including women and children in the 13,000 brick kilns in the country.<sup>12</sup> A HRCP report<sup>13</sup> states;

A majority of bonded labourers in Pakistan belong to religious or low-caste minorities Hindus in Sindh and Christians in Punjab who are both physically and emotionally abused by the employers. Human trafficking is also part of the bonded labour system which allowed buying and selling of labourers between employers. Under this system the new employer agrees to take on the labourer's debt by paying the previous employer the amount of debt owned by the worker.

Social safety nets have been long ruptured by lawlessness and community structures of minorities have weakened. Socio-cultural assimilation symbolized through changing dress codes, choosing of names at birth and the diminishing presence in country's cultural life, ranging from sports to political participation, all are indicative of social pressure and enhanced vulnerability.

Concrete examples of threats to their security and protection abound.

In 2006 minority women along with families were forced to migrate from Dera Bugti, Kohlu and adjoining areas due to Military operation in parts of Baluchistan. Since 2007 Khyber Pakhtunkhwa Province and Federally Administered Tribal Areas minorities have faced

<sup>8</sup> Laws governing marriage, divorce, custody of children and inheritance

<sup>9</sup> Refer to statistics table on chapter 3 of the study

<sup>10</sup> HRCP 2009 Report

<sup>11</sup> HRCP 2004 p. 216

<sup>12</sup> HRCP Report 2009. p. 230

<sup>13</sup> Report 2009 p.230

internal displacement largely on account of kidnapping for ransom and Jizia<sup>14</sup> imposed by non-state actors affiliated to Tehrik Taliban Pakistan.

There are stark examples where minority women have suffered on account of belonging to a religious minority community. The media, Human Rights Commission of Pakistan reports, Human Rights Monitor<sup>15</sup> reports and others time and again have reported of forced conversions to Islam particularly of Hindu girls/women being abducted, married off to Muslim men and converted, discrimination at work places, educational institutions, rape, murder, hate speech. Social pressures and 'invitation' to change one's religion has almost become the norm of social interaction by the members of majority community with the minority community.

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<sup>14</sup>Tax on Non-Muslims in an Islamic State

<sup>15</sup>Publication of the National Commission for Justice and Peace

# Literature Review

## 3.1 Minorities in international law

Owing to difficulties attached to applying the term concretely in vast variety of situations there is no legal definition of the term minority in the international law. However UN bodies have tried to define the term in order to protect and promote rights of the minority groups. Various UN bodies also have made efforts to develop norms, tools and means for the same purpose.

Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, offered a definition<sup>16</sup> of 'minority' in 1977:

'Minority is a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.'

The rights of minorities figured prominent in UN Sub Commission on Protection and Promotion of Human Rights which was subsidiary body established by the Commission on Human Rights at its first session in 1947, under the authority of the Economic and Social Council (ECOSOC), as the Sub-Commission on the Prevention of Discrimination against Minorities.

The International Covenant on Civil and Political Rights (ICCPR) passed in 1966 was the first International law to have the mention of the rights of minority. Its Article 27 stated 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.'

In 1992 the UN General Assembly<sup>17</sup> adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The declaration in its article 1 refers to minorities as based on national or ethnic, cultural, religious and linguistic identity.

The Declaration has emphasis on four important areas of human rights of minorities namely; nondiscrimination, preservation of identity, protection of minorities through measures including economic empowerment and development, and meaningful participation in decision making bodies and processes in a State (Articles 1, 2 and 3).<sup>17</sup>

The International Convention on Elimination of all forms of Racial Discrimination or ICERD had already contributed in this normative legal progress by defining discrimination. It stated

<sup>16</sup> 1/ E/CN.4/Sub.2/384/Rev.1, para. 568, OHCHR archives

<sup>17</sup> Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

'discrimination means; any distinction, exclusion, restriction or preference (given to over the others) Article 1.1.

Like many other treaties the Convention on the Elimination of all forms of Discrimination Against Women does not have a section or an article covering minority women. Nonetheless the CEDAW (monitoring) Committee, assigned to assess progress in the countries on this subject periodically, has been mindful of the importance of issues of minority women thus encouraged reporting and discussions. (For details on CEDAW, see Annex 1)

Efforts are being made by international civil society and some State parties to table a full-fledged Treaty covering minorities' rights at the UN. Hence the conclusion is that in spite of a void of consensus on definition of the term at international level, there is a clear realization of the issues faced by minorities through-out the world and there has been a consistent response by national, regional and international bodies to these needs.<sup>18</sup> This includes efforts to evolve standards and norms therefore the journey to legal protection minorities in the international law looks prospective.

### 3.2 Minorities in Pakistan

The literature on minorities in Pakistan spans documenting their historical contributions to listing and analyzing the discriminations and violations they have had to face.

Archbishop Lawrence J. Saldanha recollects the services of the Christian community.<sup>19</sup> Tracing its past, he writes that the Christian community "was small but well disciplined". Christians held key posts in civil services, banks, police, railway etc. They were known for their honesty and integrity. He mentions credible Christian political leaders as S.P. Singha, C.E. Gibbon, Fazal Elahi of the Punjab Assembly, and a host of other names in different fields, all who served the people of this land faithfully and sincerely. He goes on to mention the meritorious services of Christian nurses in the field of nursing from 1947 onwards, in the field of education, social projects. He cites one particular case,

"The Franciscan Sisters of Mary who were in a hospital in Baramula, Kashmir provided shelter to 880 people, both Hindu and Muslims during pre-partition riots." Archbishop Saldanha appeals to the government of Pakistan to "Give due recognition to the loyal services by the Christian community and include this commendation in the history books for coming generations."

In a similar vein Emmanuel Zafar lists prominent personalities of the Christian community.<sup>20</sup> Such books and articles bring to light that minority community is patriotic and can and does play an important and invaluable role in the development of the nation. It is up to the state to provide them the space, security and opportunities where they can fully partake in the development of the country as equal citizens.

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<sup>18</sup> Minority Rights: International Standards and Guidance for Implementation (HR/PUB/10/3);  
[http://www.ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf)

<sup>19</sup> "Christian Social Service at Time of Independence" (The Mirror. December 2006)

<sup>20</sup> A Concise History of Pakistani Christians (Emmanuel Zafar, published?)

An important vein in the minorities' related literature is the compilation of incidents of violence and discriminations such as the Human Rights Monitor, A report on the Religious Minorities in Pakistan, an annual publication<sup>21</sup> of the National Commission for Justice and Peace. Various violations and discriminations are recorded annually against religious minorities and serve the basis of what needs to be addressed through advocacy and lobbying, right from the grassroots level upwards. The violations recorded in the Human Rights Monitor range from hate speech, forced conversions, torture, rapes, discrimination in work places, educational institutions, blasphemy cases and such.

Similarly the State of Human Rights, an annual publication of the Human Rights Commission of Pakistan also records various instances of human rights abuses. It focuses on the law of the land, the lapses in implementation by the state and the relevant authorities. It categorizes the violations occurred under various broader headings as "Fundamental freedoms", "Rights of the disadvantaged", "Social and economic rights", "Rule of Law" etc., depending upon the prevailing situation of the country's human rights abuses. The two publications mentioned are held in high repute as cases, and incidents mentioned are thoroughly scrutinized before publication.

Another important document is the annual report released by the US Commission on International Religious Freedom, the International Religious Freedom Report, recording the status and state of religious minorities.

The above mentioned reports are entirely independent of each other, with their own sources of information gathering and verification and they rely on a rights based approach/perspective.

The problems faced by minorities have also been the subject of analytic discussions. Usually, the discourse traces the rise of intolerance and extremist attitudes to a period of time in Pakistan. The "Islamisation" process particularly during General Ziaul Haq's regime with the laws on the one hand and the social and cultural norms impinging on the rights of women on the other, is usually regarded as a pivotal movement that closed plural spaces in the country. The impact of this era on the situation of women and thereby on minority women has been detailed by Farida Shaheed and Neelam Hussain.<sup>22</sup> Focusing on the history of women's movement and analyses the strategies adopted, Shaheed and Hussain write, "...women's movement can take credit for having put women on the map." (p.8) The challenges are many, and many remain, but the struggle continues and - so the struggle of minority women to challenge their peripheral status.

ASR's study, 'Discrimination Against Religious Minorities: Constitutional Aspects'<sup>23</sup> focuses on "how the Constitution of Pakistan and laws of citizenship are contrived and implemented by the State for use against specific religious minorities". It reference is thus the various debates such as the Objectives Resolution, the issue of separate electorates versus joint electorates, the impact of the Hudood Ordinances, of how non-Muslims cannot be the

<sup>21</sup> 1997-2011

<sup>22</sup> Interrogating The Norms: Women Challenging Violence in an Adversarial State by Farida Shaheed and Neelam Hussain (International Centre for Ethnic Studies. Sri Lanka. 2007.

<sup>23</sup> (ASR Resource Centre, Lahore. Published?)

Head of the State. Reference is made to the 1956 Constitution, the Constitutional Commission of 1960 to look into the matter of the separate electorate/joint electorate, the 1962 Constitution, the 1973 Constitution and the Amendments made to it later by General Zia-ul-Haq. The comprehensive study brings in debates and reservations expressed by the minority communities over decades, from the time of Nawabzada Liaquat Ali Khan as Prime Minister and the Objectives Resolution. This debate is reflected in the chapter “Minority Women & Law” in this present study.

Lys Anzia focused on the threat that Talibanization presents for Christian women.<sup>24</sup> Looking at Christian communities, 80% of whom live in Punjab,<sup>25</sup> she wrote “both educated and uneducated Christian women had been asked numerous times by others if they would convert to Islam” and cites numerous instances of rape, forced marriages/abduction, low levels of literacy and little help from law enforcement agencies in cases of human rights violations.

A study conducted by DCHD<sup>26</sup> notes the economic, social, cultural plight of rural women in Sindh Pakistan. The report is based on a gender perception survey carried out in 100 selected rural communities of Sindh and analyzes the outcomes in the perspectives of human rights paradigms. The survey also takes into account statutory discrimination which gets translated into various forms as domestic violence, physical segregation, harassment, immobility, economic and social disempowerment, son preference, to decision making, and whether one can beat her or not. The authors of “Life on the Margins” found such surveys helpful in focusing on the role and functioning of minority women in particularly who face the “double jeopardy” of being women and being minority.

Another referenced study is Dalit Women in Rajasthan: Status of Economic, Social & Cultural Rights.<sup>27</sup> The study though carried out in India and pertains to Dalit women, it explores how violations of rights affect the lives of Dalit women. It finds “A systematic denial of rights to education, training, land and other livelihood resources. This in turn has ensured their exclusion from active participation at socio-economic and political levels, and has restricted them to the bottom of the society, impoverished and invisible as citizens” (p.iv).

By particularly referring to various sources though not all mentioned in this chapter the team of the Life on the Margins were able to develop an overarching view of the general situation of women in Pakistan, of the laws, the general environment of bigotry, intolerance and rise in religious intolerance so that even though we get a number of individuals who have contributed to the development of country, the general trend is not conducive for minority women.

We would like to end with a few extracts drawn from the “Recommendations by the UN Special Rapporteur on Freedom of Religion or Belief”:<sup>28</sup> Mr. Abdulfateh Amor which he gave after his Fact Finding visit to Pakistan in 1995.

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<sup>24</sup> Lys Anzia in an article “Talibanised Pakistan poses difficulties for women” 24 May 2009. Published ?

<sup>25</sup> Refer to Chapter 4 of the study for source

<sup>26</sup> DCHD, Lahore, Pakistan Distorting Mirror: Perception of women in the Rural Communities of Sindh(2005)

<sup>27</sup> carried out by PWESCR and CDR

<sup>28</sup> E/CN.4/1996/95/Add. (Here quoted from Annex A on the NGOs report on Human Rights situation in Pakistan. For discussion in UN Human Rights Council Under the Universal Periodic Review (session May 2008. Referred as UPR)

82. ... the Special Rapporteur has concluded, after careful thought and having studied the matter and consulted other views, that the present State laws related to religious minorities, and more generally speaking the subject of tolerance and non-discrimination based on religion or belief, are likely to favour or foster intolerance in society. The law applied specifically to the Ahmadi minority is particularly questionable and in some respects frankly unwarranted. More generally speaking, blasphemy as an offence against belief may be subject to special legislation. However, such legislation should not be discriminatory and should not give rise to abuse. Nor should it be so vague as to jeopardize human rights, especially those of minorities. If offences against belief are made punishable under ordinary law, then procedural guarantees must be introduced and a balanced attitude must be maintained. While protecting freedom of conscience and freedom of worship is clearly a necessity, applying the death penalty for blasphemy appears disproportionate and even unacceptable, especially in view of the fact that blasphemy is very often the reflection of a very low standard of education and culture, for which the blasphemer is never solely to blame. The Special Rapporteur endorses the Government's proposal to amend procedural aspects of the blasphemy law and would encourage it not only to give effect to this proposal, but also to go further in amending the law on blasphemy and more generally on religious offences in accordance with the views expressed above. The Special Rapporteur believes that in any event some practical measures, especially administrative and educational, should be implemented pending more substantial constitutional and legislative changes.

83. The Special Rapporteur also recommends that the authorities should check that Hudood ordinances are compatible with human rights and urges that Hudood penalties, because they are exclusively Muslim, should not be applied to non-Muslims. He also recommends establishing legislation on non-discriminatory evidence and advocates a single electoral system, involving all citizens without distinction, especially based on religion.

86. With regard to application of and respect for the law, the Special Rapporteur insists that all cases of abuse or rape against girls and women, especially those belonging to minorities, should be duly punished. In this respect the duty of police authorities to carry out lawful arrests and searches should be recalled and applied in practice. Similarly, police officers should be held personally responsibly, under both civil and criminal law, for any arbitrary arrests or detention. An indisputable record must be kept of the day and time of any arrest/tension and the reason for it, while all legal proceedings and guarantees must be complied with.

89. ... The Special Rapporteur considers that there is an urgent need to inculcate a spirit of tolerance and freedom in order to insure that rights and liberties are enjoyed by all. The role of the State in this respect is fundamental and inescapable. There can be no real and lasting progress as regards tolerance while the greater part of the population remains illiterate and so long as the school system, the family, the media and religious practices

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(regardless of persuasion) are not called upon to make a fundamental effort to bring about a change of attitude and to ensure that the culture of tolerance is developed and strengthened. The State should also play a more active role in making public opinion more aware of the culture of tolerance. With the encouragement of the State, mass communication media should help more effectively to combat all forms of intolerance and discrimination based on religion and belief.

91. With regard to religious extremism, in accordance with the Commission on Human Rights resolution 1995/23, the Special Rapporteur encourages the Government to restrain it and to take appropriate measures in conformity with the law.

### **3.3 Statistics of Religious Minorities in Pakistan**

The 1998 census depicted the Muslim population at 132.3 million i.e., 96.28 percent of the population, 1.60 percent or 2.11 million Hindu, 1.59 percent or 2.1 million Christian Ahmadis 0.22 percent or 291,175, Scheduled caste 0.25 percent or 330,880 while Bahais, Sikhs, Parsis, Buddhists counted as others were percent 07.

**(Table on the next page)**

Administrative Unit	Muslim	Christian	Hindu (Jati)	Qadiani (Ahmadi)	(In percent)	
					Scheduled Castes	Others
Pakistan	96.28	1.59	1.60	0.22	0.25	0.07
	Rural	96.49	1.10	1.80	0.34	0.08
	Urban	95.84	2.59	1.16	0.06	0.06
N W F P	99.44	0.21	0.03	0.24	*	0.08
	Rural	99.65	0.03	*	0.22	0.08
	Urban	98.42	1.06	0.11	0.31	0.09
F A T A	99.6	0.07	0.03	0.21	0.03	0.07
	Rural	99.63	0.04	0.03	0.21	0.06
	Urban	98.16	1.17	0.32	0.10	0.23
Punjab	97.21	2.31	0.13	0.25	0.03	0.07
	Rural	97.66	1.87	0.15	0.19	0.05
	Urban	96.25	3.27	0.06	0.37	0.03
Sindh	91.31	0.97	6.51	0.14	0.99	0.08
	Rural	88.12	0.14	9.77	0.12	1.79
	Urban	94.67	1.84	3.08	0.17	0.14
Balochistan	98.75	0.40	0.49	0.15	0.10	0.10
	Rural	99.42	0.06	0.15	0.14	0.12
	Urban	96.61	1.49	1.58	0.16	0.05
Islamabad	95.53	4.07	0.02	0.34	*	0.03
	Rural	98.80	0.94	*	0.23	0.03
	Urban	93.83	5.70	0.03	0.40	0.03

\* Refers to a very small proportion.

# Minority Women in Pakistan: The Survey

The Census data does not provide gender segregated statistics but it has province-wise population of the minority communities. In the table below, the female population of each minority community is estimated using 48% criteria, which is the ratio of female population in Pakistan, while estimated female minority population in 2011 is calculated according to Census Organization's estimated population (177,211,561) on September 13, 2011 using ratio of increase since 1998 that is 25%.

**Minorities and women Population in Provinces**

	Grand Total	Christian	Hindu	Ahmadis/ Qadiyani	Scheduled Caste	Others
<b>NWFP</b>	99,664	37,262	5,323	42,585	299	14,195
<b>Sindh</b>	2,645,227	295,267	1,981,637	42,616	301,355	24,352
<b>Balochistan</b>	81,417	26,264	32,173	9,849	6,566	6,566
<b>Punjab</b>	2,054,034	1,700,652	95,708	184,053	22,086	51,535
<b>FATA</b>	13,023	2,223	953	6,670	953	2,223
<b>Islamabad</b>	35,913	32,773	161	2,738	*	242
<b>Pakistan</b>	4,936,740	2,104,401	2,117,636	291,175	330,881	92,647
<b>Minority Women (1998)</b>	2,369,635	1,010,112	1,016,465	139,764	158,823	44,471
<b>Minority Women (2011)</b>	2,962,044	1,262,640	1,270,581	174,705	198,529	55,589

*N.B. Calculation on the basis of data of census 1998*

There is hardly any official statistical data available on Christian and Hindu minority women regarding their literacy rate, employment / unemployment rate, health conditions though among minority women.

## 4.1 Survey method and scope

**Limitations:** The scope of data collection for survey was limited to Punjab and Sindh Provinces where 95% of minorities live. It also confined itself to Hindu and Christian women, the two communities that comprise around 92% of the entire minority population according to official statistics.

**Scope:** 1000 Hindu and Christian women in 8 districts of Punjab and 18 in Sindh were interviewed by 25 women enumerators. Sample survey was spread geographically keeping North and South divisions of the provinces as well as districts having a larger concentration of Minority population.

However, certain cultural and social factors that might impinge more strongly on the mobility issue of women for instance may not be reflective here, but at the same time it must be remembered that city to city, even locality to locality within a city, urban to rural settings, big city to a smaller town, class, economic, educational background of women within a province offers variance.

<sup>29</sup> [Http://www.fao.org/sd/WPdirect/WPre0111.htm](http://www.fao.org/sd/WPdirect/WPre0111.htm)

For purposes of confidentiality the names of the respondents/off-spring have not been shared. The entire documentation lies with NCJP. Survey was carried out in the following cities/districts

<b>Punjab</b>	
1	Faisalabad
2	Sargodha
3	Rawalpindi
4	Multan
5	Bahawalpur
6	Rahimyar Khan
7	Lahore
8	Gujranwala

<b>Sindh</b>			
1	Karachi	10	Mirpurkhas
2	Shikarpur	11	Umerkot
3	Larkana	12	Thatha
4	Ghotki	13	Dadu
5	Jacobabad	14	Hyderabad
6	Badin	15	Khairpur
7	Naushahro Feroze	16	Malir
8	Sukkur	17	Nawabshah
9	Sanghar	18	Tharparkar

**Questionnaire:** NCJP staff and consultants held several meetings to develop the survey questionnaire which was screened at three stages, (a) preparation by staff in consultation with concerned individuals and organizations, (b) refined by expert opinion and (c) Pre-test.

**Training workshop for the enumerators:** 25 women surveyors were given a four-day extensive training. There were 12 women from Punjab and 13 from Sindh. They were given a thorough background of issues facing women in Pakistan and what CEDAW Treaty has regarding women's rights. The enumerators were introduced to the concept and objectives of the project and basic skills for data collection.

**Interview Practice:** The enumerators were divided into two-member teams for interview practice. The trainers and project staff monitored the enumerators to observe the interview process and respond their queries. Through feedback sessions they shared their difficulties, which mainly was in understanding the meaning of some questions and translation/linguistic issues.

**Pre-testing:** The project staff arranged visits to respondent women from different classes and professions, to check that the questionnaire was efficient. Recommendations were used to improve the questionnaire.

**Process of Inquiry:** The surveyors were sent out in the city of Lahore to hold interviews with

various women (two-four interviews per surveyor). Majority were sent in pairs, so that they could observe each other while taking turns interviewing and later give feedback to their partner. The process was to test the forms, gauge how suitable the questions were for the target audience, get their feedback (target audience) and make changes accordingly. This increased their confidence, made the research more participatory in design and helped them anticipate reactions.

**Enumeration:** After the training, the team was given the questionnaire forms along with written guidelines. The number of questionnaires or the quantity for each area was worked out considering the ratio of population in a given district. The enumerators were facilitated by regional offices of NCJP in Lahore Rawalpindi, Faisalabad, Multan, Hyderabad and Karachi.

**Data feeding and tabulation:** The filled-in questionnaires were checked in the National Office. After screening of questionnaires, the data was fed into database particularly designed for it.

## **4.2 General data about respondents**

50% respondents were from Punjab and 50% from Sindh with 53% being Christian women and 46% Hindu.

47% speak Punjabi as their mother tongue, 11% Sindhi and 11% Marwari, 8% speak Urdu and 23% speak other languages. (Annex IV)

The age range of the majority 56% of respondent women was from 25-45 years with only 1% less than 18 years and 6% were aged 60 years or more.

74% of women interviewed were married, with single women at 21%, only 3 women were divorced and 3 separated.

The first five 'professions' list 'housewives' topping the list (24%) other professions are; teacher 10.10%, nurse 9.10%, domestic worker 7.80% and sweeper 7.20%.

47% respondents were educated (the overall literacy rate of women in Pakistan is 45%), 9% respondents held a Bachelor's Degree and 5% a Masters Degree. Only four women interviewed were doctors. 32% were matriculate and above.

79% respondents had a Computerized National Identity Card (CNIC), only 11 persons (1%) were under 18 years of age whereas 77 (8%) had not applied for a CNIC, 9% did not respond to the question and only 1 was restricted by her family for applying for a CNIC. 2% stated that the facility was not available.

Average family size of the respondents is 4.02 persons whereas 60% of the respondents have 5-10 family members. Each respondent family had roughly one dependent.

Female children are 44% whereas the country has a higher percentage of females at over 48%.

314 infant deaths among 3050 births is 10.30% mortality rate which is quite high to national mortality rate that is 8.7% according to World Bank reports. A majority of the deceased

offspring died either at birth or within 30 days of birth - 33.12% at birth and 36.62% within 30 days making it a total of almost 70%.

### **4.3 Key findings of the survey**

#### **Discrimination at workplace, educational institutions and localities**

43% of the minority women interviewed had either faced religious discrimination themselves or was experienced by a member of their family. An equal percentage did not respond to the question, indicating fears and reservations about openly discussing religious discrimination.

Discrimination ranged from refusing to dine together (19%) (something that promotes relationships, binds people together, and refusals being in contrast to cultural assertions of being hospitable and friendly), to a discouraging attitude (16%). Hate speech and derogatory remarks followed next.

Only 14% of respondents say that they have never experienced religious discrimination. Most of the discrimination seems to be in the workplace (40%) with educational institutions coming in second (24%) and in ones own locality (18%).

At least over a quarter of the women (27%) faced problems in getting admission either at school, colleges or universities on account of their religious identity. A little over half (51%) of the women either themselves or their children have/are studying Islamiyat. 53% respondents were uneducated themselves whereas 46% offspring being either illiterate or not responding.

The response indicates that due to limited choice the vast majority of non-Muslim students are obliged to take Islamic Studies as the only other choice available is the subject of Ethics. It is generally understood that this option carried a disadvantage including the risk of discrimination in marking, will jeopardize student's interest.

Only 19% ever dare discuss such attitudes of their classmates with their teachers with more opting not to (23%) and 58% remaining silent on the question. The reason given was that they will face discrimination from teachers (9%) and are fearful of the whole matter (3%) so better ignore it. However, again the major chunk of 72% remained silent on the issue.

Nearly 50% of women record a positive attitude and showing of interest by the majority community related to the wearing of religious icons by the minority women, their particular names of a religious identity, world view, rites and rituals, way of worship or of not wearing a veil.

#### **Gender discrimination**

Within their own family structures, 66% of minority women responded that they have been brought up in an environment where they have been treated as equal to their male siblings. Other aspects where the percentage crosses 50% is in terms of encouragement to receive education (58%), holding a job/working (73%) and participation in the decision making process (66%).

A significant number of respondents (66%) said they are not allowed to exercise free choice

in marrying, neither will they have a say/had a say in the person they married/will marry. In arranged marriages also 62% parents may/do not ask their children of their opinion/choice.

### **Mobility and gender crimes**

56% respondent women do travel alone. Of those not travelling alone the biggest reason is due to family restrictions (15%) with 9% feeling insecure, 1% on account of sexual harassment, 1% ignorance (perhaps of the routes) and 5% never having travelled alone.

However, those who do travel alone 50% do feel safe but a fair percentage of 46% do not, stating 'fear' and 'insecurity' (11% & 10%) as the main reasons. 65% did not respond, perhaps fearful of even stating a reason.

The women respondents who form the larger percentage of working women 76% (24% were house wives) state that they (30%) have been sexually harassed at the workplace with 27% saying they had not experienced it and 43% deciding not to respond.

14% of the respondents interviewed reported to have first hand knowledge of cases where minority women had been abducted with 8% knowing of forced conversion and 3% of cases of trafficking.

### **Living conditions**

As majority of the respondents belong to cities, 65% live in brick houses with 12% in semi-brick houses and 15% in mud houses. 65% of the respondents have their own houses with 27% living in rented accommodation. However, majority i.e., 62% live either in one or two bedroom houses whereas 60% of the respondents have from 5-10 family members residing in the house with a further 10% where family members are between 10 to below 13 members. Only 16% live in a three-bedroom house with 1% in a 7 bedroom house.

67% use pour flush latrines but 11% have no toilet facilities at all, 21% have either covered pit latrines, open pit latrines or use pots.

### **Economic conditions**

29% of the respondents have a monthly family income from Rs.12,000 to below Rs.25,000 with only 14% having an income of Rs.25,000 or more. Around 20% are earning less than the stipulated government wages of Rs.7000 per month.

Three quarters of the respondents are not in a position to save with only 25% being able to save. Out of these 15% are able to save on a monthly basis ranging from less than Rs.2,000 to more than Rs.20,000 (only 1%).

38% - 41% respondents or their families are under debt / loan burden. 5% of the people are unable to save anything at all.

### **Health care**

Though 41% of the women received pre-natal care, 34% did not, with 25% not responding to the question at all, whereas 22% were unmarried. The women who did not receive pre-natal care (29%) said it was not on account of family constraints which amounted to only 4% but due to economic reasons with 7% on account of lack of medical facilities available.

For medical care 38% of the respondents seem to prefer clinics with nearly the same percentage opting for private hospitals - 30% and the other 31% using government hospitals. Only 10% go to Basic Health Units.

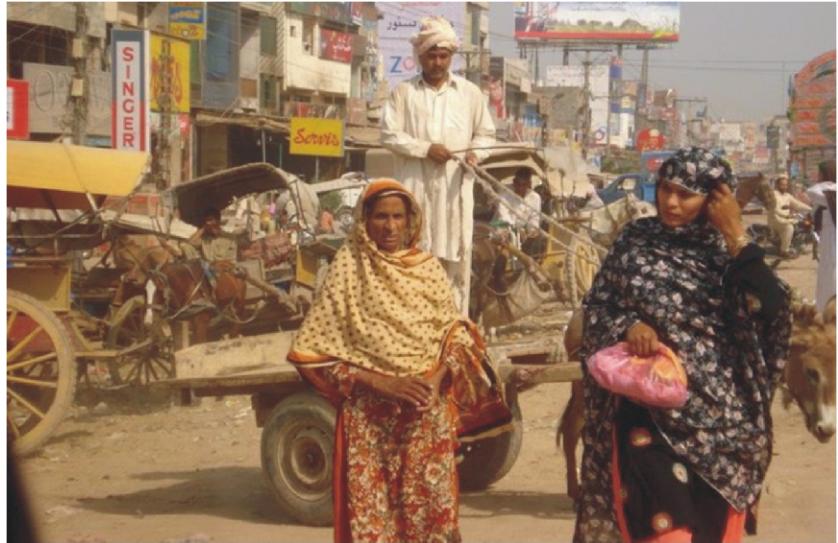
### Civic and political participation

79% of the respondents hold a computerized national identity card with 74% being registered voters and 65% having exercised their voting rights.

The percentage drops to a low 5% of minority women being members of a political party with a 69% answering in the negative and 26% not responding at all. Of these only 1% of respondents were office bearers, 2% representatives with 3% as members. From among these 18% are not asked to take part in the decision making process, with only 4% taking part in decision making and the larger part (69%) not responding at all.

These percentages reflect

that other than casting the vote, minority women from the two largest minorities in Pakistan (Hindus and Christians) lag behind when it comes to being members of political parties.



314 infant deaths among 3050 births is 10% mortality rate which is comparatively higher than national mortality rate, which is 9%<sup>30</sup> according to World Bank reports. A majority of the deceased offspring died either at birth or within 30 days of birth - 33% at birth and 37 % within 30 days making it a total of almost 70%.

### Overall social environment

For 55% of the women, the environment is conducive as they are treated in an unbiased manner, but around 38% have felt the pinch of bias.

The ones who do enjoy a better environment describe the attitude of the majority community towards them as 'friendly' (42%), with 34% as 'helpful' and 15% as 'cooperative'. However, 62% of the respondents feel that in times of religious disturbance they will not be supported by the majority community with 27% answering that they will stand up for them.

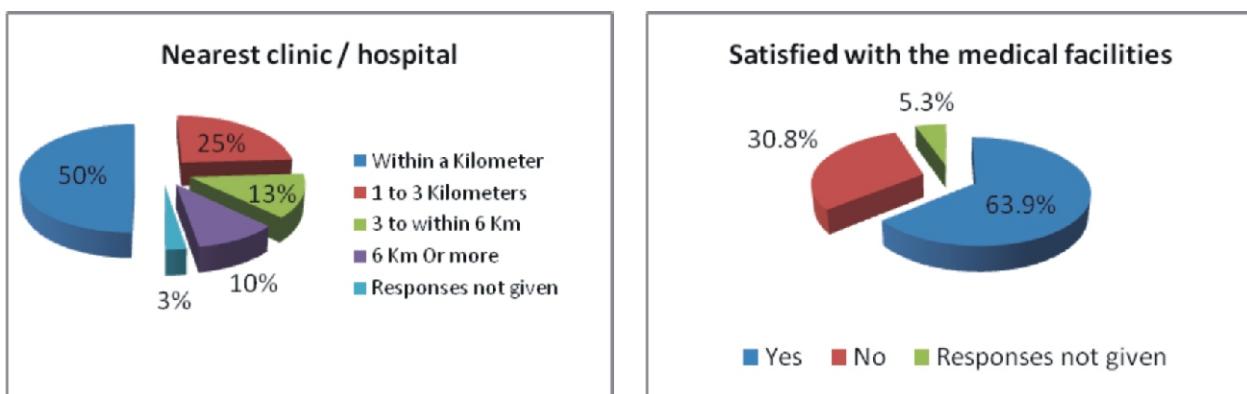
For the 27% who responded that the majority community will stand up/support them during a 'religious disturbance' a larger majority of 70% did not respond when asked in what way will they be supported.

## 4.4 Detailed Survey Findings

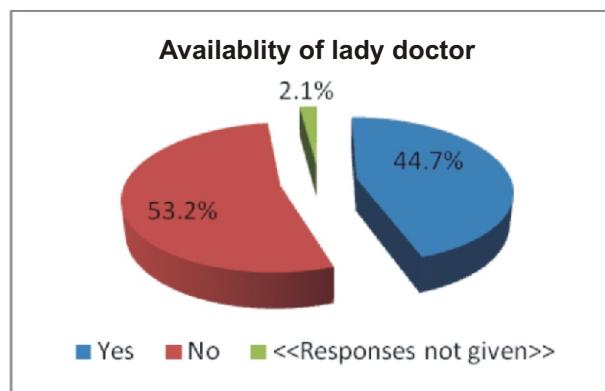
### 4.4.1 Health

#### Access to Quality Health Care

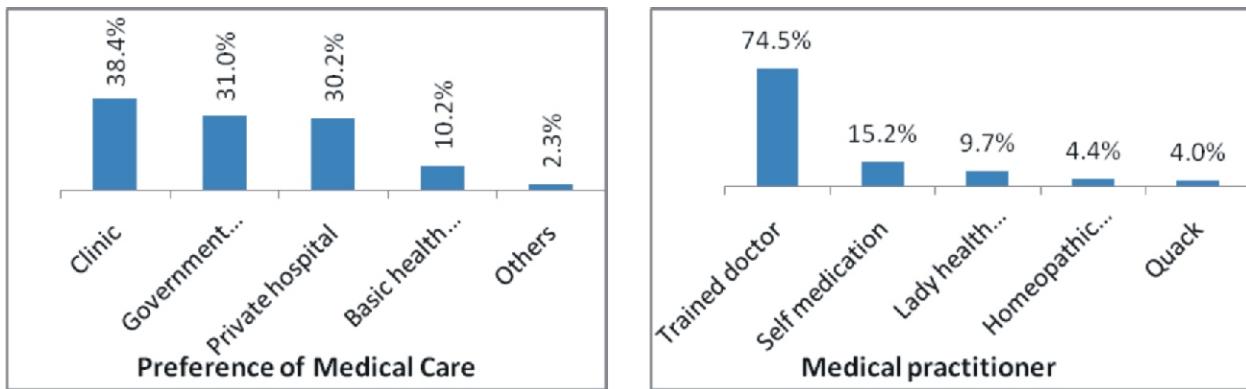
Since 70% of the respondents live in cities it ties in that 50% live within a kilometer from the nearest clinic/hospital and 25% within 1-3 kilometers. 10% of the respondents are at a distance of 6 kilometers or more. It also points that in cities small private clinics do operate, whether they provide quality medical facilities or not is another matter. However, the respondents affirm 64% in the positive that are satisfied with the medical facilities provided, whereas nearly a third (31%) said they were dissatisfied. It could be possible that there are those going to government run hospitals.



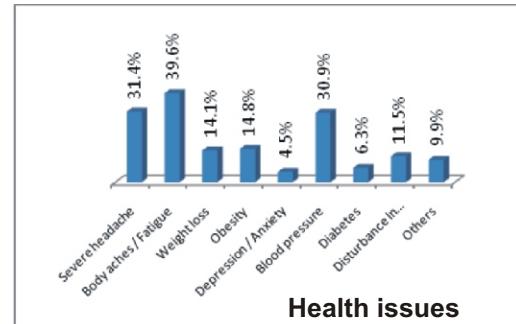
38% of the respondents seem to prefer clinics with nearly the same percentage opting for private hospitals (30%) and government hospitals (31%). Only 10% go to Basic Health Units (BHU) or perhaps this is what is available to them. BHUs are also part of the government structure which then shows that about 68% of respondents can afford to access or prefer private clinics/hospitals with about 41% preferring or having no other option but to use government facilities. The preference of 75% of the respondents was to go to trained doctors which shows a level of awareness. 10% see Lady Health Workers (LHW). Perhaps in villages or in BHUs access to LHWs is more probable. Out of the 75% who see a trained doctor, only 45% have a lady doctor available in their area whereas 53% do not.



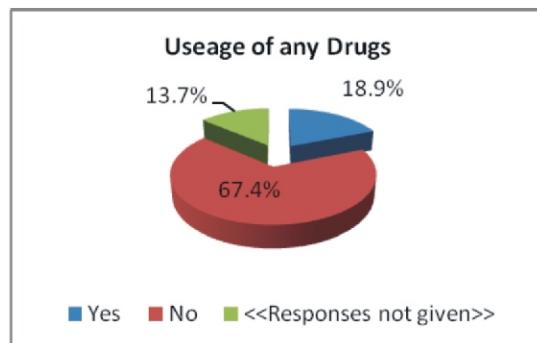
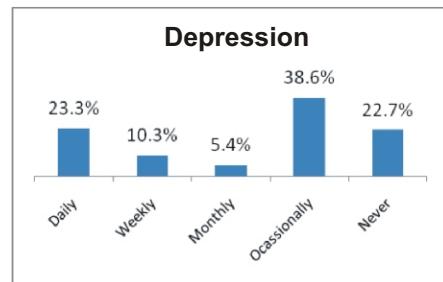
<sup>30</sup><http://data.worldbank.org/indicator/SH.DYN.MORT/countries/PK-8S-XN>



Only a minority of 15% respondents goes for a regular check-up, and even this figure is misrepresentative as 9% of the respondents were nurses. The three most significant health issues of women were 'body aches/fatigue' as reported by 40%, 'severe headaches' by 31% and 'blood pressure' as stated by 31%. Diabetes stands at 6%. Fatigue is a common problem where women can be anemic, over worked, either working outside or in the house. Tensions at home and work can also contribute to headaches and blood pressure.



Our respondents however, seem to escape the problem of depression with only 5% suffering from it whereas depression is on the rise among women in Pakistan. Generally, people do not want to go to see a doctor for depression as it can well be considered a stigma by the majority of people. 19% are taking drugs/medication with majority 67% not taking anything at all. Of those taking drugs/medication 8% use anti-depressant medicines, 8% sleeping pills while a very large percentage 78% use other medications..



## Pregnancy

41% of the women interviewed received prenatal care, whereas 34% did not. 25% did not respond to the question including the 22% unmarried. This shows only 52% of the married/pregnant respondent received prenatal care. While only 4% did not receive pre-natal care on account of family constraints, for many (29%), the deciding factors were economic, with 7% not receiving pre-natal care. A majority of 60% did not state the reason for not receiving prenatal care.

The figure for receiving post-natal care goes down further to 38% in comparison to those receiving pre-natal care as once the baby is born, the mother is left to fend for her own health. 35% did not receive any post natal care with 27% not responding at all.

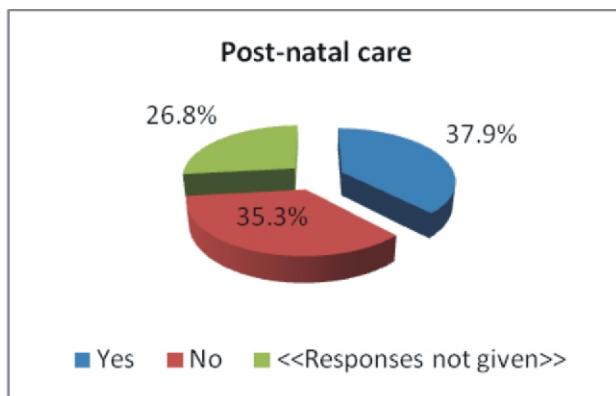
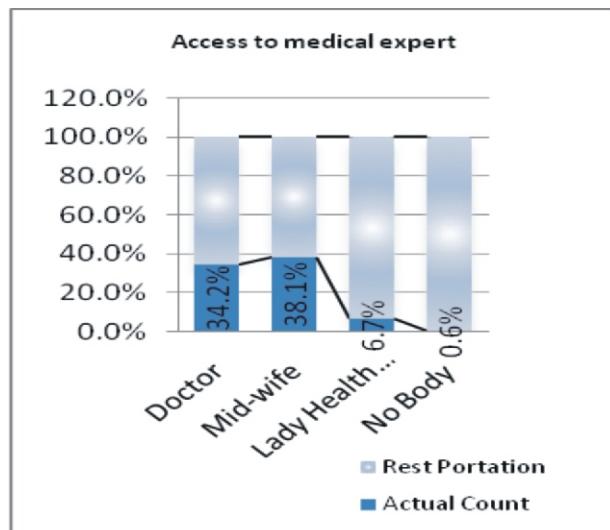
34% of women had access to a doctor but a somewhat greater number went to midwives at 38%. Another 7% had access to access LHWs. 20% preferred not to answer. Majority of women delivered babies in hospitals (58%) whereas 45% delivered at home.

37% said they faced problems during pregnancy with 34% saying that they did not face any problems, and another 30% did not answer.

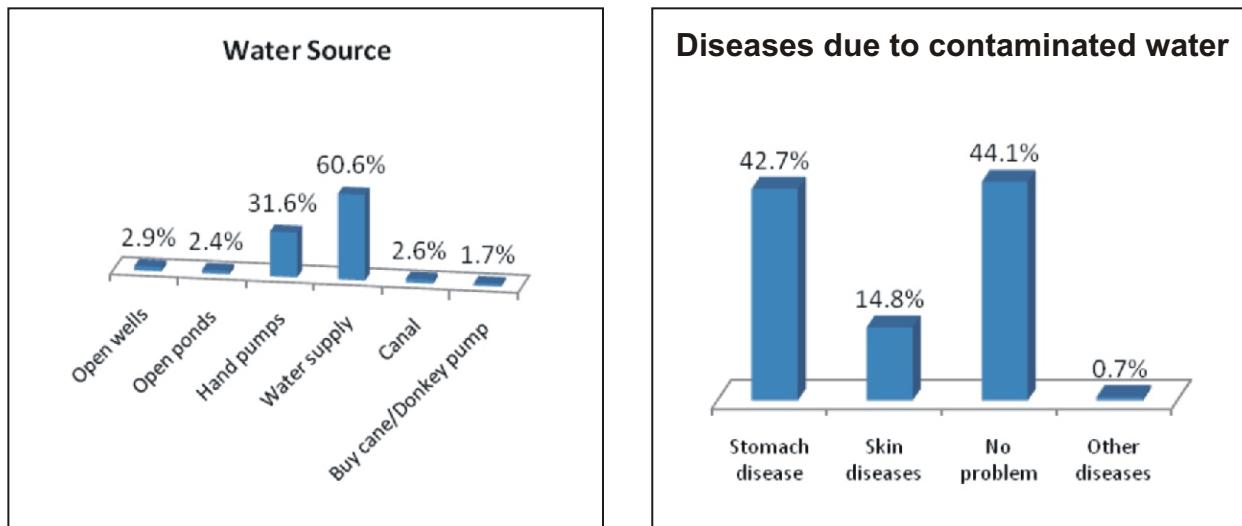
Of the ones who did face problems, the majority were related to the birth of a weak baby (19%), miscarriage (10%) with 6% of babies dying.

### 4.4.2 Water, hygiene and sanitation

For a 61% majority, water is available through the piped water supply system and for 32% through hand pumps making it a total of 93%. A little over 8% draw water from open wells, open ponds or use canal water. Water quality was checked by asking if the respondents suffered any diseases on

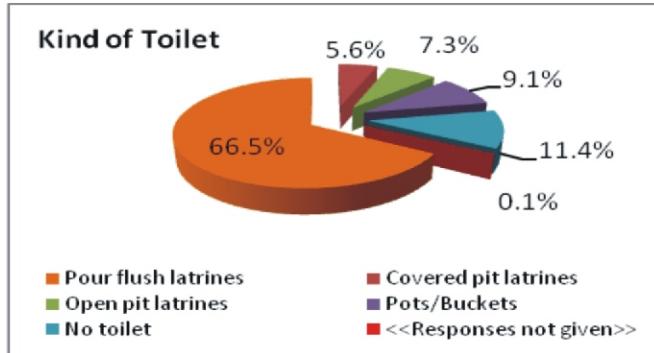


account of the water. For 44% the water is good as they do not report any problems/diseases suffered but 58% do report suffering, which were stomach problems for 43% and skin diseases by another 15%.



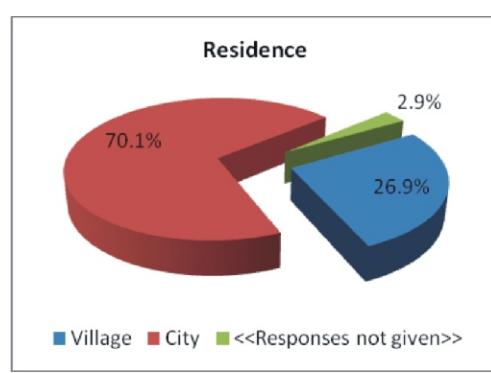
## Sanitation Facilities

The findings related to sanitation facilities again ties in with living in cities as 67% use pour flush latrines but 11% have no toilet facilities at all. The rest 21% have available either covered pit latrines, open pit latrines or use pots. This points to the lack of basic facilities available to respondents as well as a problem faced by the people of Pakistan in general, and is a problem where the minority community is not apart from the majority community.



### 4.4.3 Socio-economic conditions

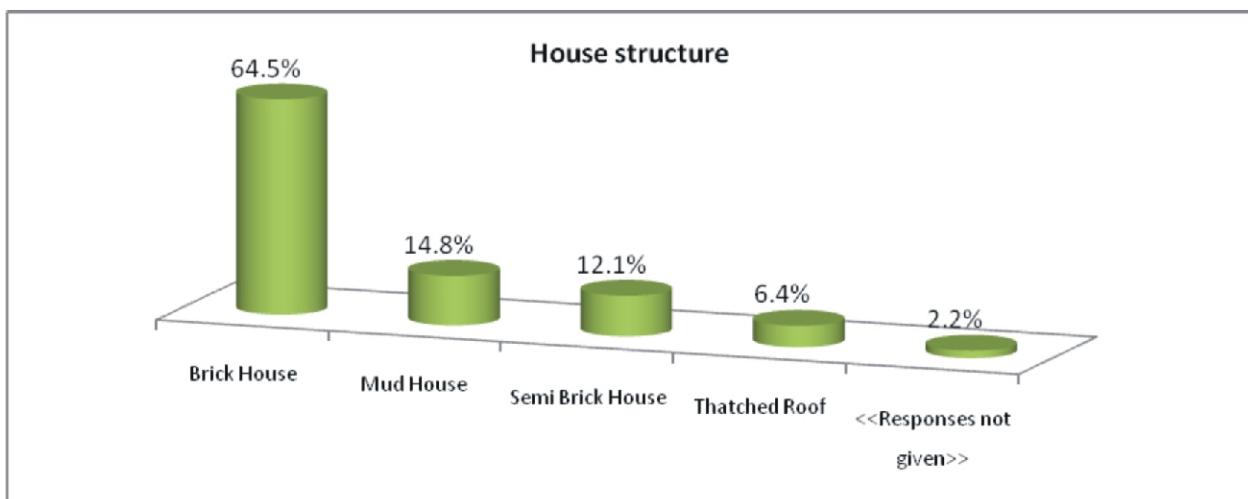
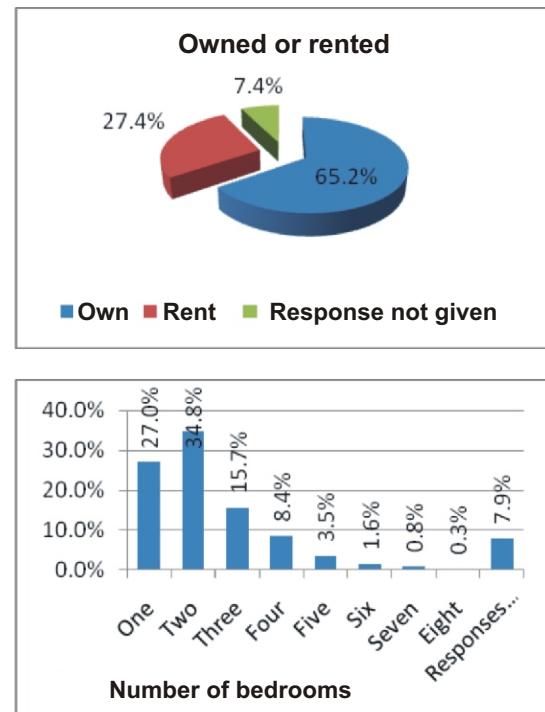
Majority of the respondents interviewed were from cities (70%) with 27% from villages. In the recent years there has been a steady influx of the Christian community particularly to the larger cities like Karachi, Gujranwala, Lahore and Rawalpindi. The city of Lahore holds a burgeoning Christian population of about 1 million or 10%. Some analysts assess that it is not only on account of finding jobs but because they feel that they would be safer in bigger cities from social discrimination and economic injustices.<sup>31</sup> This



may also be influenced by the fact that the surveyors had more access to respondents in cities.

## Housing

Since majority of the respondents live in cities, it reflects that majority (65%) live in brick houses with 12% in semi-brick houses and 15% in mud houses. Again majority (65%) of the respondents have their own houses with 27% living in rented accommodation. However, majority i.e., 62% live either in one or two bedroom houses whereas 60% of the respondents have from 5-10 family members residing in the house with a further 10% where family members are between 10 to below 13 members. Only 16% live in a three-bedroom house with 1% with a 7 bedroom house. This points that though majority are owners of their house they do not fall in the higher income bracket, and belong either to the middle class or lower middle class or even below. According to the HRCP 2009 report, 80% of the minority community live below the poverty line or fall in the poor income bracket. Also the fact those interviewed are owners of their house, 57% have been living in their homes for the last 11-60 years. This does point that those interviewed in Karachi, Larkana, Sukkur, Rawalpindi and Lahore may not necessarily be recent migrants from villages or smaller towns.



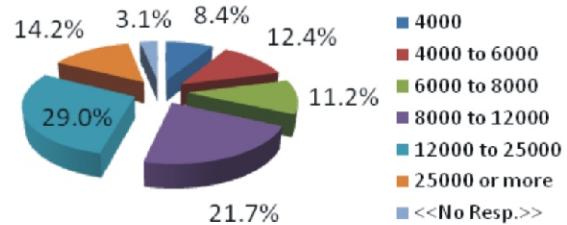
<sup>31</sup> According to reports of the National Commission for Justice & Peace /DCR, Lahore, National Census 1998

## Income

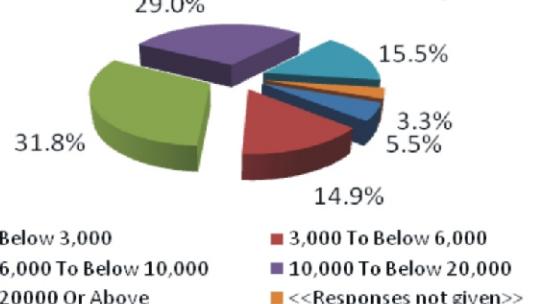
29% of the respondents had a consolidated monthly income (inclusive of all earning family members) from Rs.12,000 to below Rs.25,000 with only 14% having an income of Rs.25,000 or more. Around 20% are earning less than the stipulated government wages of Rs.7000 per month. However, in comparison to household expenses those earning less than Rs.4,000 seem to manage as their household expenses range below Rs.3,000 and faring better are those earning Rs.20,000 or more. However, it needs to be stated that anyone living within Rs.3000 must be living on the absolute minimum particularly if the persons needs to pay rent, utility bills and eat. If the person is married it would almost be impossible given the high cost of living.

The rest of the percentages vary, pointing that the earnings may not necessarily be sufficient particularly when inflation rates are soaring. For the vast majority of 82% there is no additional income through any other small business or investment. Only a small percentage (7%) receive financial assistance from the government or have received any assistance with a 1% receiving benefits six times or more and 2% receiving assistance/benefit once.

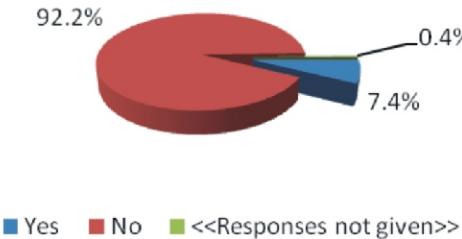
**Total monthly income**



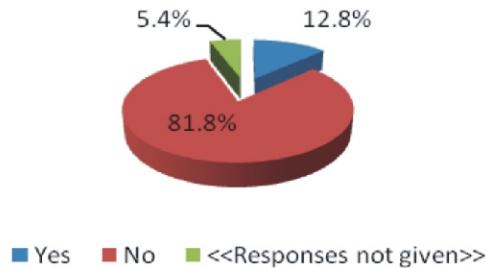
**Household expense**



**Financial assistance**



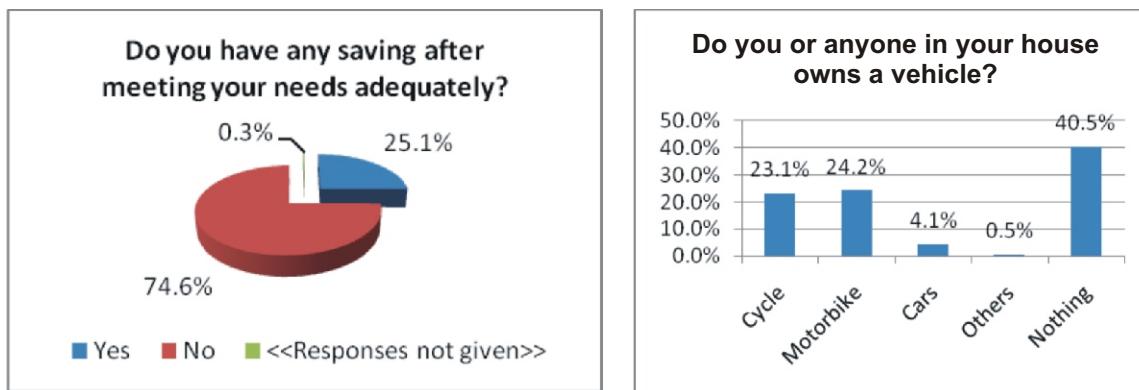
**Any investment / Business**



## Savings

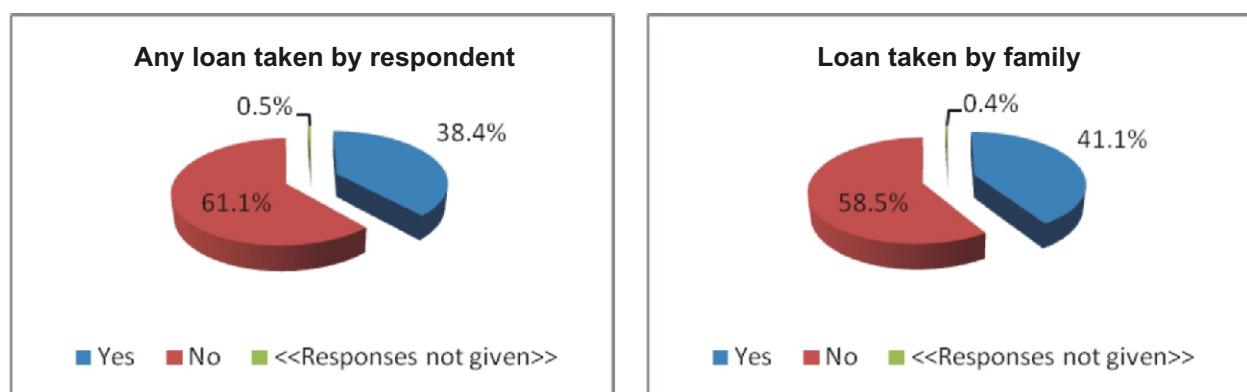
Three quarters of the respondents were not in a position to save with only 25% being able to save. Out of these 15% are able to save on a monthly basis. Saving however, range from less than Rs.2000 to more than Rs.20000 (only 1%). This shows 75% of the people have no economic security and no savings to fall back on in case of a sudden illness, etc.

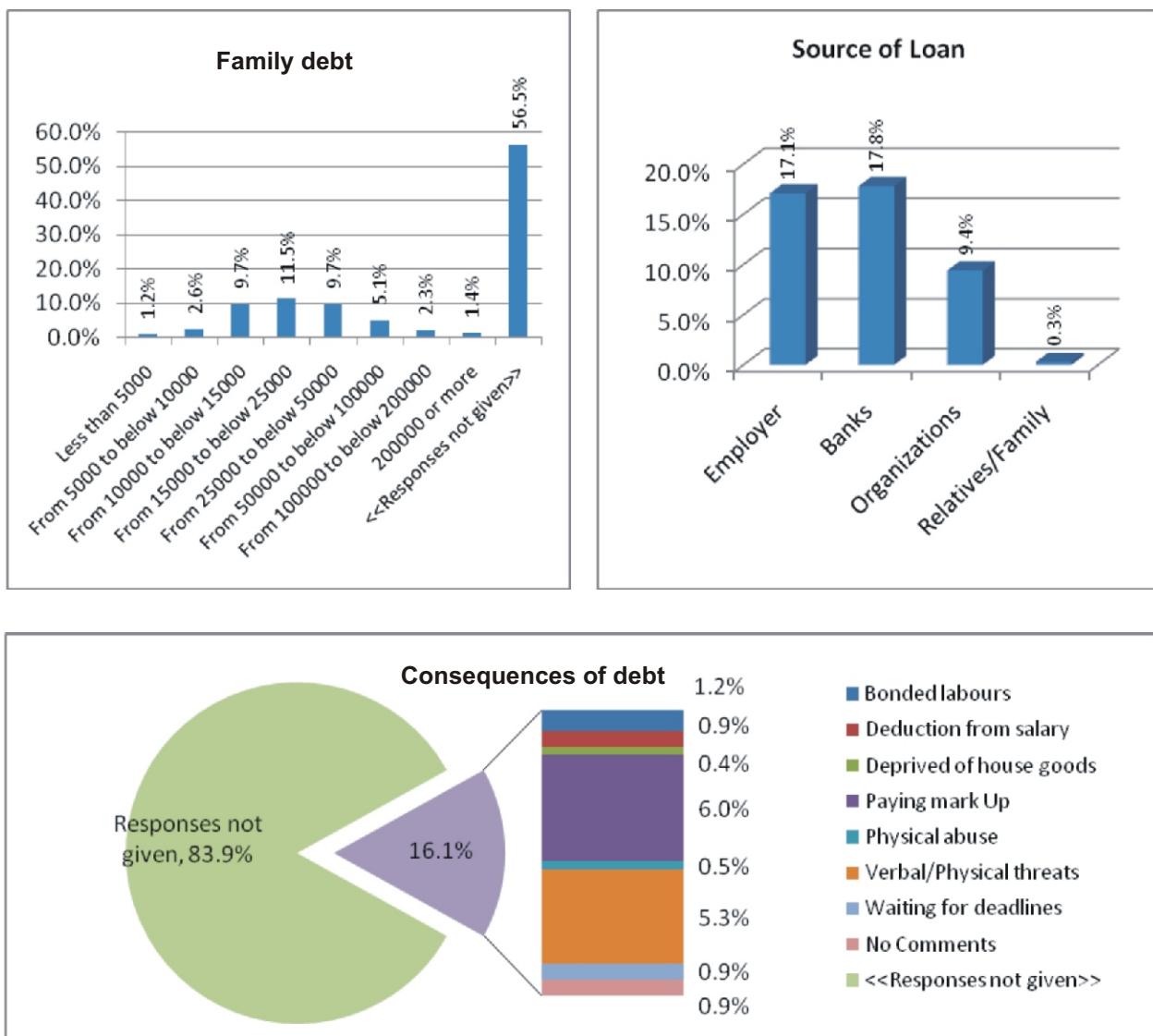
Nearly a quarter of the respondents have someone in their homes who own a motor bike which is also reflective of a middle class family. Only 4% own a car with 23% a cycle. However, the largest percentage standing at 41% does not own any of the above. This reflects that the economic condition for the majority of respondents is not strong.



## Loans

61% of the respondents do not have any loans to pay back so even though 75% do not save or cannot save. A fair percentage manage to live within their means (which may not necessarily mean a decent living standard particularly when 70% of the respondents have from 5 persons to below 12 family members living in the house). The percentage goes a little higher in the case of loans taken by family members (38% respondents have taken loans while 41% family members have taken loans). Yet 59% are free of any loans taken. Of those who have taken loans a 3% state to be in debt of Rs.100,000 to Rs.200,000 plus. A striking 57% remain silent and do not give any response at all. Though it is common to take loans yet it is also not thought a 'proper thing' to do.





The highest rate of loan taken is between Rs.15,000 to Rs.25,000 (12% of the respondents). It is also an amount that can in all probability be something that people take to meet their day to day expenses, a child falling ill, payment of fee etc. It is interesting to note that none of the respondents who have taken loans have done so from neighbours, friends or relatives, unlike the case generally with majority community members. 18% of people have either taken loans from the bank (which would then mean that they have given surety of some kind) and 17% and 9% from employers or organizations.

Only 28% say that they pay back their loans with a 14% saying they do not. Again a strikingly large majority of 84% do not respond as to what the consequences would be if loans are not paid back. 5% fear verbal/physical threats and 6% fear paying a mark-up on the borrowed amount.

#### 4.4.4 Education

Of the respondents interviewed, 47% were educated, reflecting the national average as the overall literacy rate of women in Pakistan age 10 years and above is 45.2%.<sup>32</sup> But the majority of respondents interviewed were from cities where the literacy rate for women is higher, at 65.5% in comparison to men at 80%.

Only 9% of the respondents hold a Bachelor's Degree with 5% being able to study further up to a Masters Degree. Only four women of the 1000 interviewed were doctors.

Overall 32% of the respondents were matriculate and above. It is a natural conclusion that when a little over half of the women interviewed are uneducated only menial jobs will be open to them. They will be more vulnerable in terms of economic stability as well as know-how about their rights.

According to 1998 census, when the literacy rate in Pakistan was nearly 45 %, the literacy rate among minorities was below this benchmark. The literacy rate among Christians was 34 % Jati Hindu about 19 %, scheduled caste 17% and other (Parsis, Buddhists, Sikhs and nomads) 23%. Ahmadis were the only community having better literacy rate at 52 %.<sup>33</sup>

Recent surveys have revealed that nearly 9 in 10 scheduled caste Hindu women (87 percent) were illiterate - as compared to 63.5 percent of males of their community. A nearly 40-point gap between the primary school enrollment rate of lower-caste women (10 percent of whom enroll) and the national rate for women (48 percent) exposes disparities in access to education.<sup>34</sup>

#### 4.4.5 Autonomy

##### CNIC status

On holding a Computerized National Identity Card (CNIC) minority women seem to be faring quite well 79% possess one. This would then imply that they can/do have the opportunity either to travel, open a bank account, vote, access to income support schemes of the government etc. However, it does not correlate to access/use such facilities. Only 11 persons interviewed (1%) were under 18 years of age whereas 77 persons (8%) have not applied for a CNIC, 9% not responding at all to the question and only 1 person saying that the family restricted her from applying for one. 2% of the respondents stated that facilities are not available to make one (perhaps they live very far off, or are unaware of mobile units - if in that area).

##### Mobility

Over 50% of the respondents do travel alone (56%) with 42% replying in the negative. Of those not travelling alone the biggest reason is due to family restrictions (15%) with 9% feeling insecure, 1% on account of sexual harassment, 1% ignorance (perhaps of the

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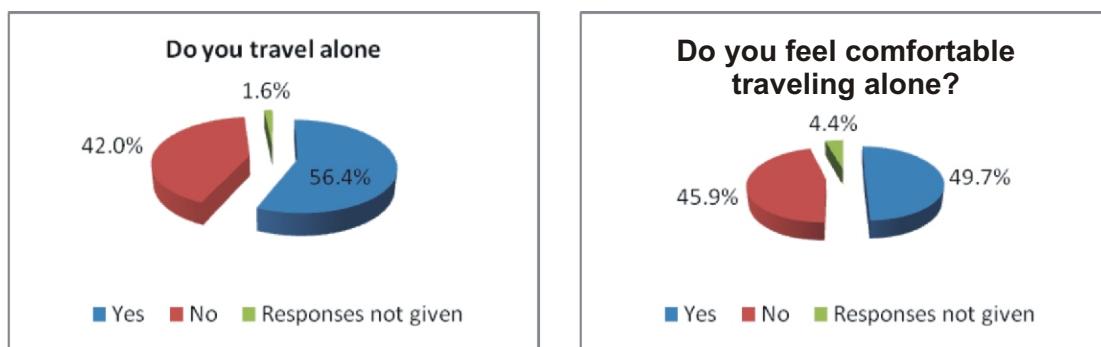
<sup>32</sup> Pakistan Economic Survey Report 2010-2011. (Education). [www.finance.gov.pk/survey](http://www.finance.gov.pk/survey). (06-09-2011)

<sup>33</sup> Human Rights Monitor 2002-2003 p.44

<sup>34</sup> The Huffington Post, written by Rebecca Buckwalterpoza. Rebecca is a researcher working with Asian Human Rights Commission. She can be reached at [rebecca.buckwalter-poza@ahrc.asia](mailto:rebecca.buckwalter-poza@ahrc.asia)

routes) and 5% never having travelled alone. 67% of those not travelling alone declined from responding. The reasons for not travelling alone are not particular to the women of the minority community alone but are reflective of the majority community too, the socio-cultural traditions family restrictions, women feeling insecure as they have never been given independence, opportunity and space to help build their confidence.

Out of those who travel alone, 50% do feel safe but a nearly equal number of 46% do not, stating 'fear' and 'insecurity' (11% & 10%) as the main reasons. 65% did not respond. When moving from one locality/place to another 41% do so with a male member (dependent on the patriarchal system and conforming to the socio-cultural traditions) but 57% state that they do so independently.

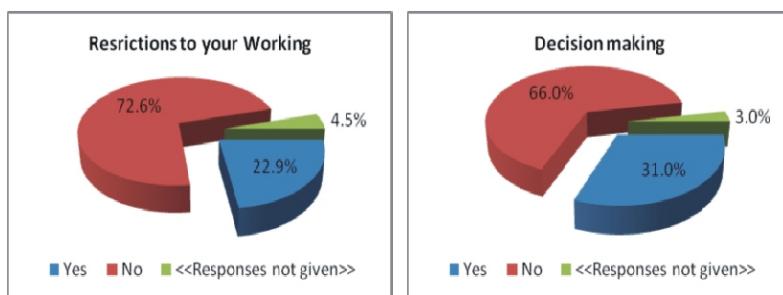


Yet when it comes to travelling outside the cities, a mere 21% travel independently and 72% can do so only with a male member. As geographic locations become wider, restrictions and a sense of insecurity become 'bigger'. Of the minority women interviewed a strikingly 93% have never travelled abroad with only 7% replying in the affirmative.

Mobility issues among minority women seem to be on the basis more of the socio-cultural traditions prevalent in society at large. More than half of the women do travel alone (not out-station though), yet the women interviewed were adults/older women only 24 % women housewives and the rest all working women. But even working women feel unsafe, and a strikingly 72% travel with a male member when travelling out-station

## Marriage Choices

The family structure in which minority women live and operate is still conservative in terms of marrying the person of ones choice. Most of them (66%) are not allowed to exercise a free choice in marrying, neither will they have a say/had a say in the person they married/will marry. In arranged marriages also 62% parents may/do not ask their children of their opinion/choice.



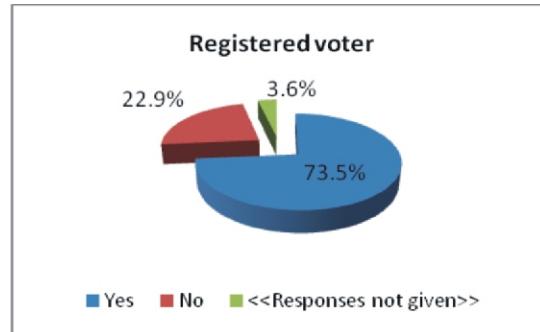
Nearly one-third would be allowed to marry according to ones choice or have a say in their arranged marriages with again one third not being allowed the opportunity in any kind of decision making process.

#### 4.4.6 Political participation

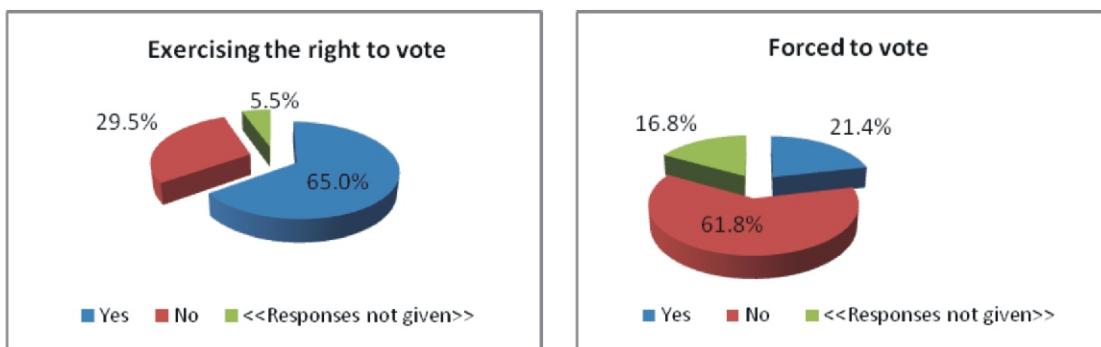
##### Exercising the right to vote

74% of the respondents are registered voters and 65% having exercised their voting rights. 19% did not vote in the previous elections in 2008. 30% of respondents stated that they have never exercised their right to vote.

It shows that political education of these women can lead to greater political participation among these women.

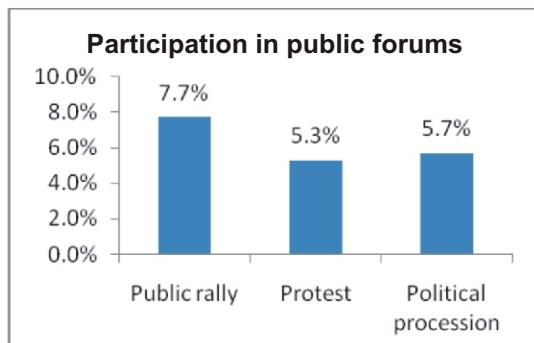


62% have never been forced by their families to vote for a specific candidate, but one fifth (21%) have faced such coercion. Greater sensitization efforts need to focus on the free exercise of votes and voter education within minority communities.



##### Participation in public forums;

Only 19% of minority women respondents have ever taken part in public rallies, protests or a political procession. Given the numerous issues that the minorities face, the women of these communities still stay indoors either on account of family restrictions, lack of awareness of such proceedings, lack of means and resources to take part in such forums, their own lack of interest or, on account of a sense of insecurity.



### Political Decision-making

A mere 5.5% of minority women are members of a political party with a 68% answering in the negative and 26% not responding at all. Of these, only 0.4% are office bearers, and 1.5% representatives.

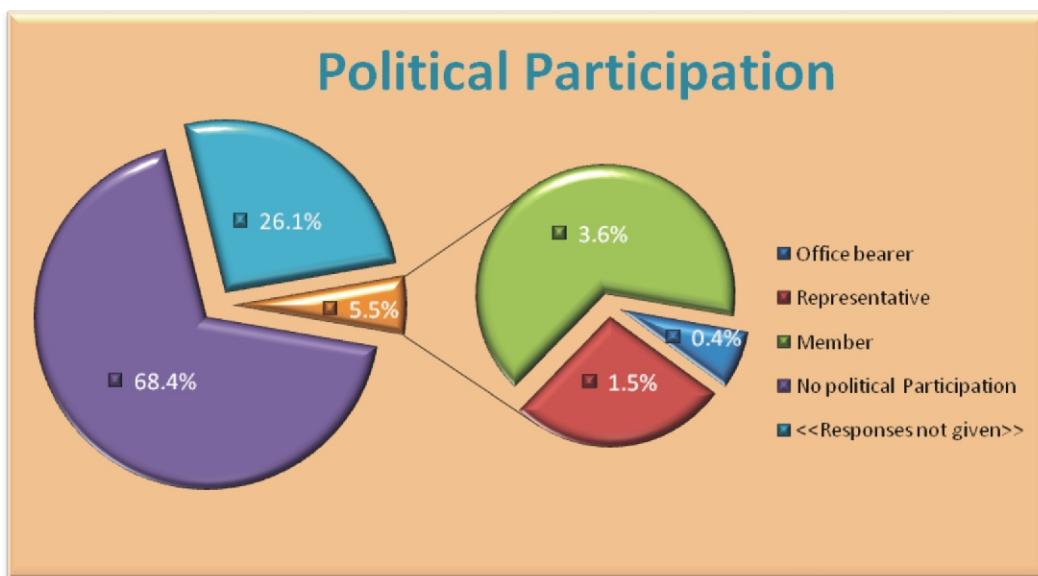
From among these, 18% are not asked to take part in the decision making process, with only 4% taking part in decision making and the larger part (69%) not responding at all.

These percentages reflect that other than casting the vote, minority women from the two largest minorities in Pakistan also lag behind in membership of political parties.

When asked what they generally think about politics, 19% did not respond at all, 29% either don't know or have no comments, 14% say its not good, 8% are not interested and with 10% saying it is corrupt.

Only a minuscule 3% are 'satisfied' and 4% saying 'democracy is good'.

It is indeed a challenging situation that on the one hand 65% of the respondents have at one time or the other cast votes yet only 7% give some kind of positive feedback on politics.



#### 4.4.7 Discrimination

##### Experiencing religion-based discrimination

43% of the minority women interviewed have either faced religion-based discrimination themselves or some family member. An equal percentage did not respond to the question. At times people from the minority community do not wish to even talk of religious discrimination openly as they fear that they can face a backlash from their neighbours.

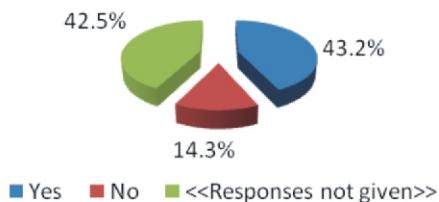
Only 14% of respondents say that they have never experienced religion-based discrimination. Most of the discrimination seems to be in the workplace (40%) with educational institutions coming in second (24%) and in one's own locality 18%.

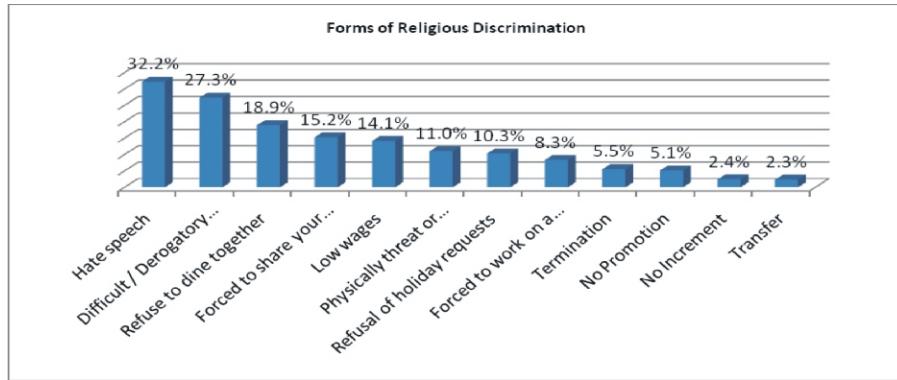
10% experienced such discrimination in public places. The only place recorded where no discrimination took place was while travelling. This can well be that as people are strangers, one does not know of ones religious identity and the chances of religious discrimination are lessened.

Religious discrimination has been experienced as hate speech (32%), followed closely by difficult/derogatory questions (27%) and a refusal to dine together (19%).

Work related offences, be it working on a holiday, refusal of a holiday, low wages, no increments, no promotions, terminations and transfers total 47%, discrimination at workplace makes earning a living for a minority woman no easy feat, and neither is being a student, for educational institutes come in second after the workplace. Educational institutes that are supposedly meant to be beacons of light become sites of intolerance and bigotry.

**Have you or your family experienced Religious Discrimination?**

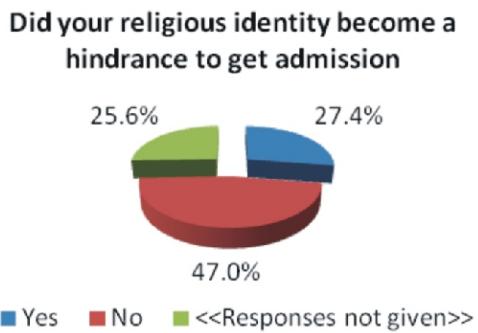




### Discrimination at educational institutions

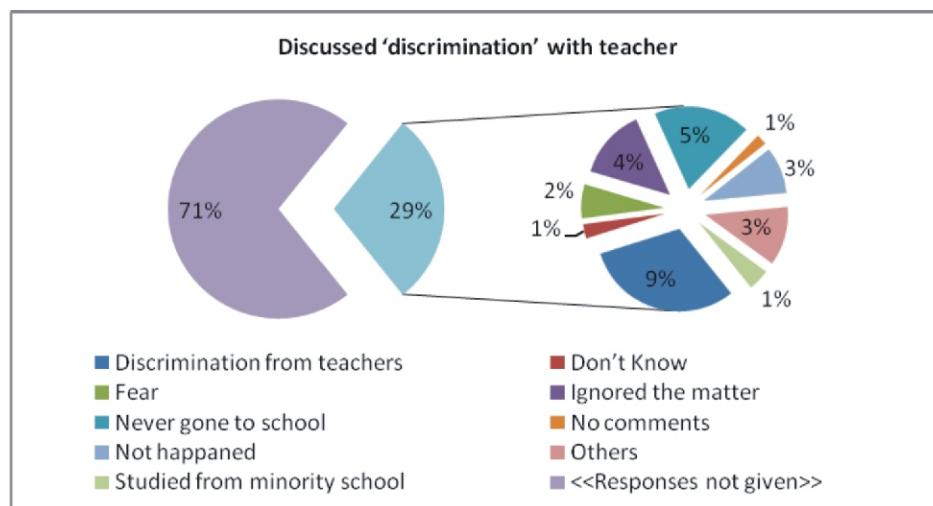
Over a quarter of the women (27%) faced problems while getting admission either at school, colleges or universities on account of their religious identity. 47% escaped such discrimination with again a little over a quarter not responding.

Around half (51%) of the women either themselves or their children have/are studying Islamiyat. They do so for either at school or college there is no other option available to them, or many of them if they do take the subject 'Ethics' are given low marks/grades which affects their overall aggregate and this in the long run can well affect their professional careers.



One-third (33%) of the minority women interviewed faced discrimination because of their religious affiliation with 38% exempted from this degradation. A sizable amount of 29% did not respond. Discrimination ranged from refusing to dine together (19%) to a discouraging attitude (16%). Hate speech and derogatory remarks follow next.

A major chunk of 71% did not respond. This is indicative of the lack of trust and uneasiness to discuss the issue. The breakdown of 29% also reflects to a greater extent the same sense of uneasiness and fear and the tendency to generally ignore the matter. A few went to 'minority' Church run schools and did not face discrimination of any sort and therefore never discussed it with their teacher/s.



64% remain silent when asked if teachers discouraged discriminatory attitudes among students. 20% said teachers did not discourage such attitudes. In fact the same 20% said teachers themselves showed a discriminatory attitude towards students of the minority community.

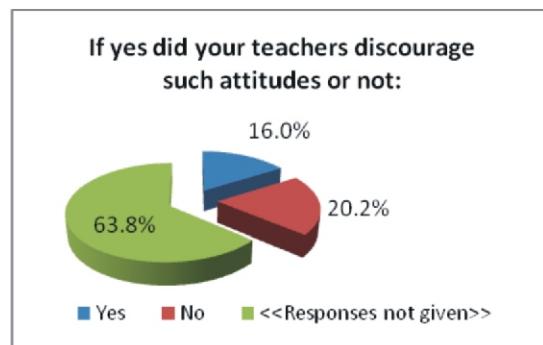
16% of respondents, however, said teachers discouraged discriminatory and negative attitudes among students. 42% said teachers themselves never showed any discriminatory attitude towards their student/s belonging from the minority community. In fact 46% of the respondents answered in the affirmative that students of all faiths were encouraged to intermingle, mix with each other with around 18% answering in the negative. Over one-third remained silent.

However, those teachers who did show discriminatory attitudes a 5% stooped to 'hate speech' while nearly a quarter of such teachers ignored and discouraged minority students.

Minority students often complain of being asked to convert to Islam and the survey too reflects that 22% of these women were asked to convert to Islam.

Educational institutes should be free of prejudice, bigotry and discrimination. The fact that there are teachers who let such intolerance germinate among their students or are themselves part of the issue which necessitates a principle-based screening of values as part of selection criteria for teachers. The fact that in so many questions people 'did not respond' reflects the sense of fear, distrust, insecurity or the lack of trust and is a reflection of the sense of helplessness of the minority community in addressing such matters.

However, there are still teachers and classmates who intermingle, are friends and are not prejudiced against people of different faiths. It is the factors as these that need to be encouraged and strengthened to spread the message of tolerance, respect and human dignity for all.



## Discrimination in the Community

45% of the respondents live in a neighbourhood where there is plenty of interaction and intermingling on a daily/ weekly /monthly basis. 28% visit on an occasional basis with 23% never mingling/visiting each other.

Nearly 50% of women record a positive attitude and showing of interest by the majority community related to the wearing of religious icons by the minority women, their particular names of a religious identity, world view, rites and rituals, way of worship or of not wearing a veil.

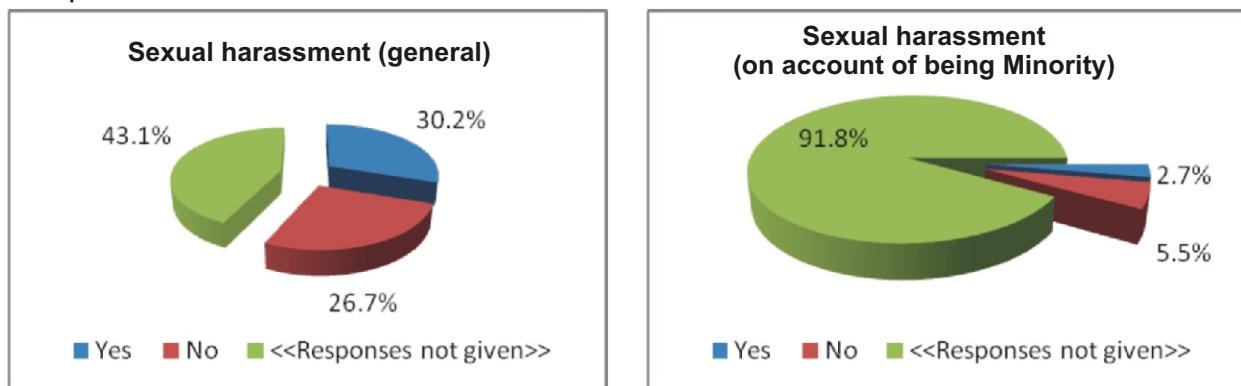


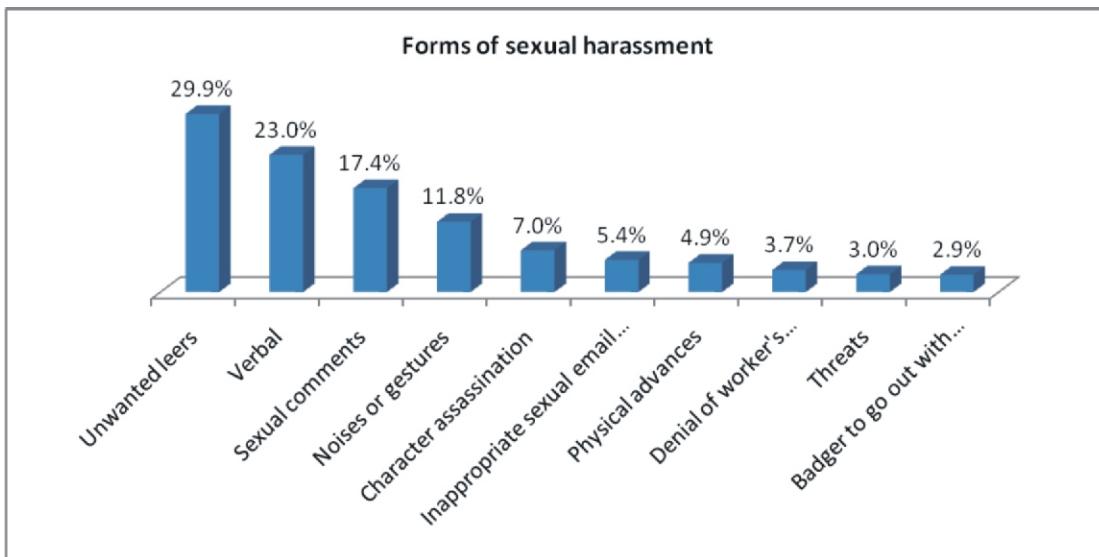
**Prarthna. Hindu Prayer/vites**

However, more than one-third of respondents were either made fun of or looked down upon on account of their wearing their particular religious icons, their names with a religious identity, on their world view, on their rites and rituals, of not wearing the veil or their way of worship. In fact the percentage goes over towards the 50% range where minority women have been looked down upon and made fun of for not wearing the veil around 46% in all.

## Sexual Harassment

A significant number(30%) of the respondents who are working women (76%) state that they have been sexually harassed at the workplace whereas 27% saying 'no' and 43% deciding not to respond. This could be because even talking about such issues is not accepted in social norms. 3% felt they were targets of sexual harassment specifically because they belonged to minorities while 6% answer in the negative. What is striking but not surprising is a staggering 92% do not respond to the question. They sense security in being silent as disclosing it might bring more shame on themselves or their family, they might lose their job, their own family might stigmatize them and stop them from working or it might lead to unpleasant situations between the family members and people in the workplace.





As to the kind of sexual harassment faced by these women, the highest is 'unwanted leers' (30%), followed by other forms. They also seem unaware of the "Criminal Law Amendment Bill" passed in 2009 which defines the offence of sexual harassment more adequately.

#### 4.4.8 Redress options

A majority of 24% would opt for turning to a tribunal jury, 6% would prefer some redress within their organizations and only 3% turning to the courts. Courts seem to be the last option, perhaps owing to lack of resources or the lengthy processes. 2% of the respondents do admit that 'poverty' is one reason for not going to any of these places while in fact those who do not go for redress of any kind (9%) would rather 'ignore' the entire matter with an equal percentage of 9% saying there is 'no need'. Another 7% describe 'injustice' as the reason for not seeking justice. 63% of the respondents however, remain silent.

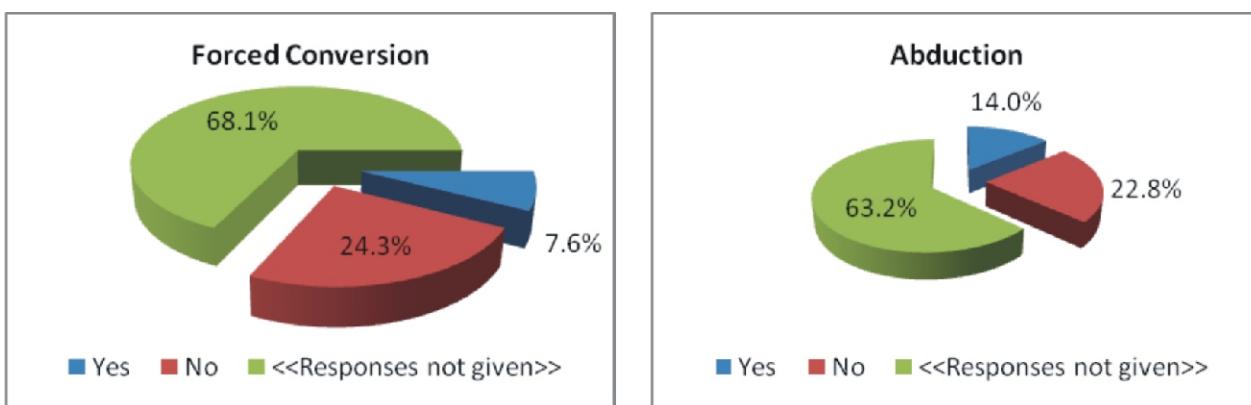
#### 4.4.9 Legal issues and law enforcement

##### Safety

Abduction; Forced conversion; Trafficking

The respondents were asked if they knew directly of any forced abduction, conversion or trafficking of minority women. 14% of the respondents interviewed reported to have first hand knowledge of cases where minority women had been abducted with 8% knowing of forced conversion and 3% of cases of trafficking.

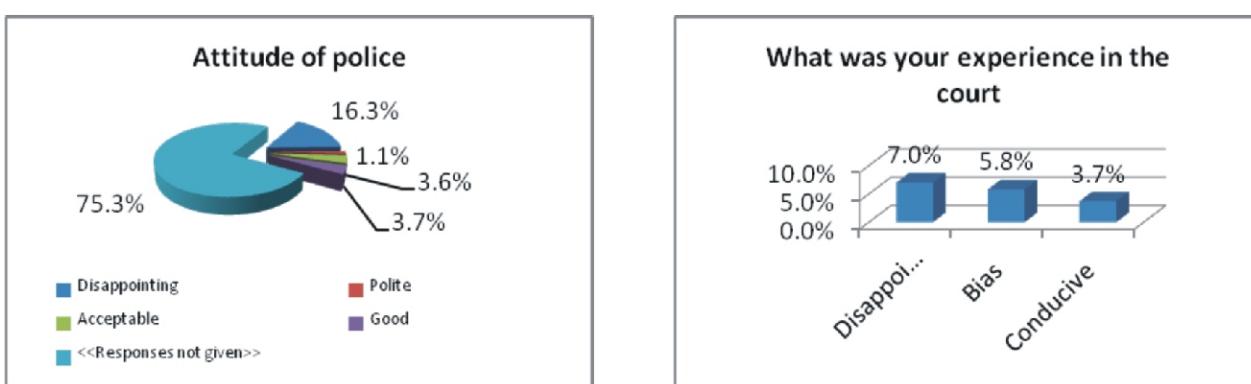
The questionnaire did ask of names of such women as a double check of such cases and not just based on hearsay. The women do say that they know of such cases, but no names have been shared. Thus the authors of the report share the responses of the women, but cannot specify if the forced abductions, conversions and trafficking incidents mentioned specifically by the respondents.



Yet, given that such incidents have been recorded by HRCP, NCJP and other related bodies or members of a religious community underlines their probability. As seen from the pie-charts majority of the women however are unaware of such incidents.

### Experience with Police and Court

Nearly a quarter of the respondents (24%) have faced some kind of legal problem which is quite a high ratio, while 64% having never faced any legal problem. 12% remained silent. However, only a minuscule 1% described the attitude of the police as 'polite'. 4% of those who came into contact with the police have described the attitude of the police as 'good' with another 4% as 'acceptable', yet the larger percentage of those who did answer the question found the attitude of the police 'disappointing'. The larger percentage of respondents (75%) did not answer the question. Experience with the courts does not fare better. 13% either find it 'disappointing' or 'biased' with only 4% as 'conducive'. Strikingly, women have preferred not to respond to questions related to police or the courts, indicating perhaps an inbuilt fear of not voicing their complaints more publicly.



#### 4.4.10 Looking towards the future

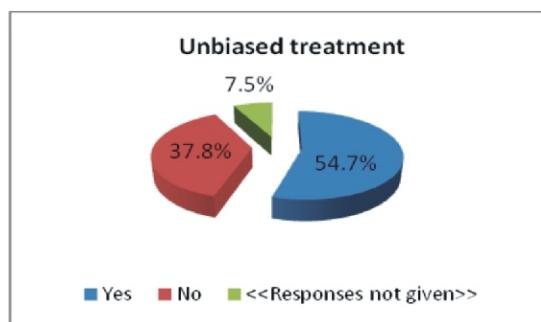
So how do women from the two largest minority communities living in Pakistan view the future? The future is tied in with immediate surroundings, the more conducive they are, the stronger social relationships and cohesion, the better the chances of growth and greater the contribution at the political, social, economic levels.



##### Unbiased treatment

For 55% of the women the environment is conducive as they are treated in an unbiased manner, but around 38% have felt the pinch of bias. This breaks the myth that only a small percentage from the larger majority is intolerant, a vast majority being moderate and hence tolerant. The moderate mentality has been steadily on the decline and needs to be arrested.

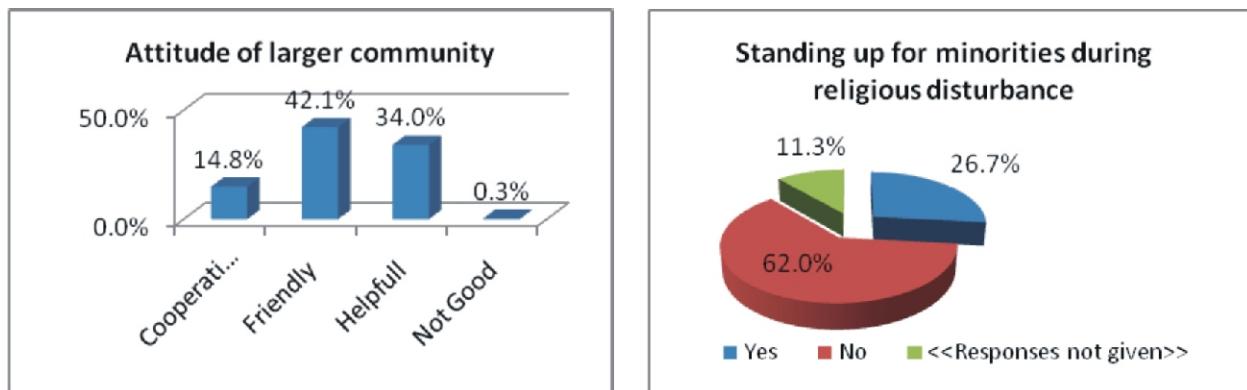
The ones who enjoy a better environment describe the attitude of the majority community towards them as 'friendly' (42%), with 34% as 'helpful' and 15% as 'cooperative'.



However, 62% of the respondents feel that in times of religious disturbance they will not be supported by the majority community with 27% answering that they will stand up for them.

One reason that 62% of them feel that the larger majority community will not stand up for a religious minority in the case of religious disturbance is that in these moments, outside negative pressures particularly from religious extremists forces become so strong that people become fearful for their own security so they either stay quiet, or flow with the tide.

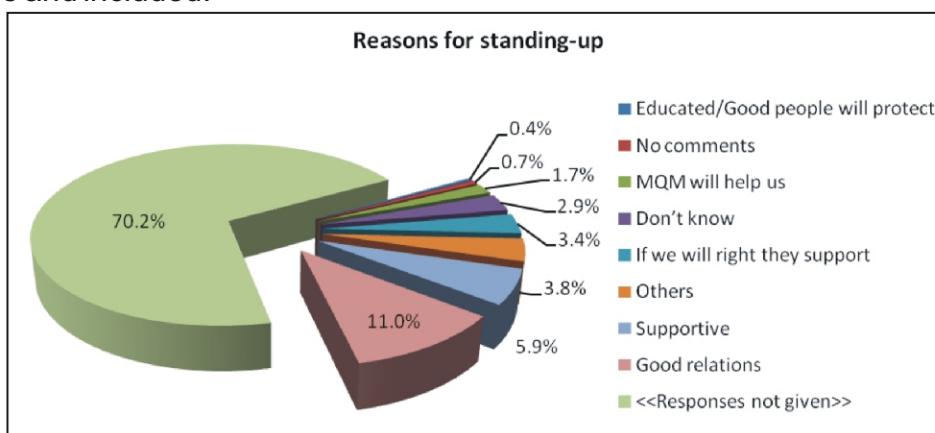
The law and order situation seems to break down in such moments with the police hardly doing its job. The political parties too do not take a stand and remain silent. Some speeches are made but root causes are not addressed and justice is left undone. The crowd takes on a mob mentality as illustrated in the burning of Christian villages Shantinagar 1997 and then again in Gojra in 2010 to name a few.

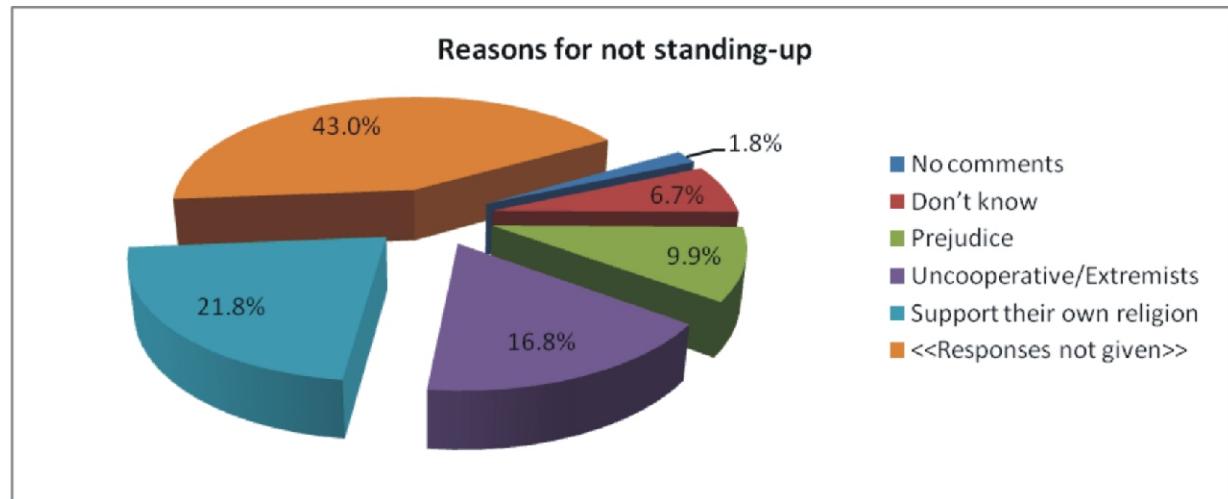


From those who felt the majority community will support them during a 'religious disturbance', a 70% majority did not respond when asked in what way do they think they may be supported.

However, the highest percentage of support was expected from the 'good relations' developed (11%), with 6% saying that they are 'supportive'.

2% of the respondents expect support from MQM (Muttahida Quami Movement political party). The respondents could well be from Hyderabad /Karachi cities. It can be noted that this party has managed to instil a sense of protection for minority women and this element can serve as a model to other political parties to do the same to make minorities comfortable and included.



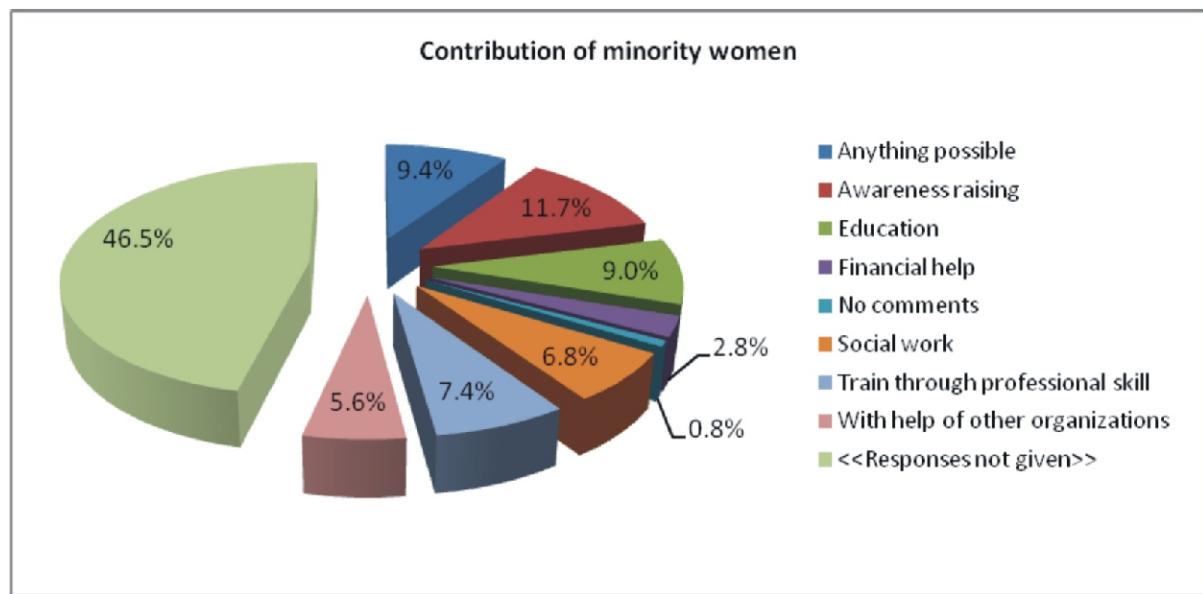


Nearly half of the respondents (49%) felt majority communities would not stand up for minorities during faith-based conflicts because of prejudices, extremist attitudes and their own convictions. A sizeable percentage (43%) did not respond to the question.

### Potential Roles and Contributions

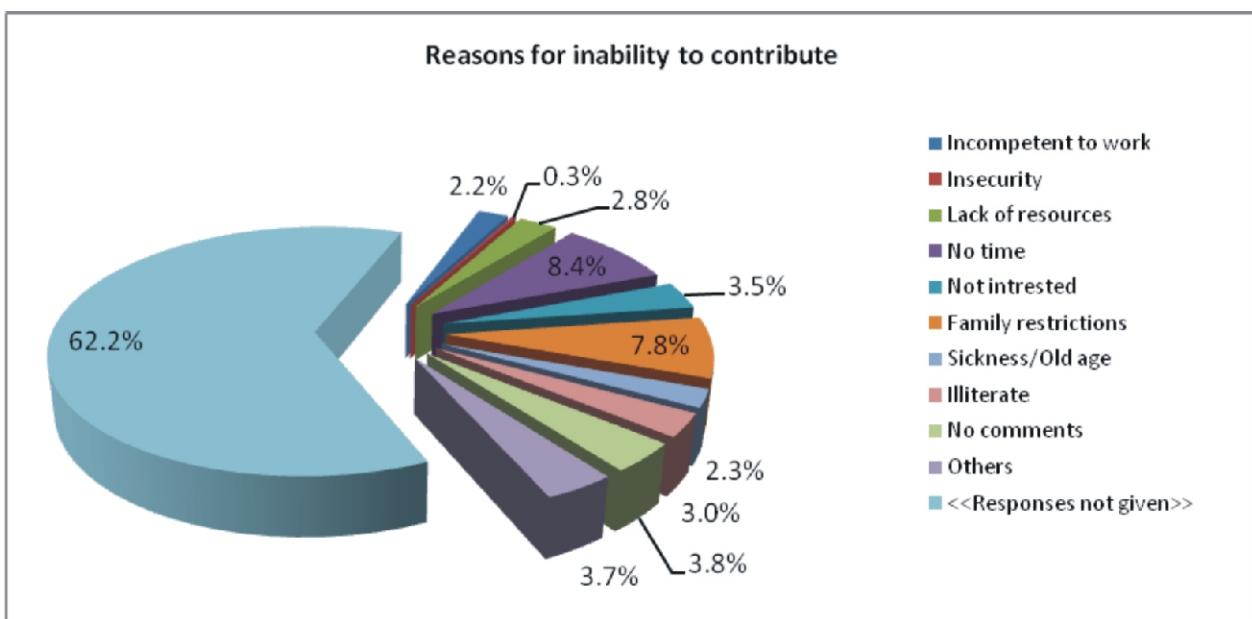
57% of the women interviewed felt they could contribute positively to improve the position and condition of other minority women, whereas 43% answered in the negative.

In exploring what forms the potentially positive contributions could take, 12% cited 'awareness raising', 9% opted for improving education with another 9% of women saying 'anything is possible'. These show that the will and willingness is there, and direction is needed to channel it productively. 3% are willing to help for betterment of minority women through finances, as they themselves are financially stable enough to do so. A small 3% think of helping other minority women by joining hands with other organizations, whereas this is a more strategic way of consolidating 'strengths' and searching for solutions together.



Strikingly, 12% of the respondents do not think they can contribute to improve the social, political, cultural and religious condition of other minority women only for reasons that either they 'have no time' or are 'not interested'. It does shake the sensibilities of those who might take it for granted that given a minority all would 'naturally' be inclined to contribute in some way or the other to uplift the lot of minority women. The majority 62% in this round did not respond.

Other factors of inability of minority women to contribute towards the lot of other minority women range from family restrictions (8%), lack of resources (3%), being uneducated (3%) etc.



### Dependents of respondents

Majority of the dependents are mothers-in-law 12.47% with fathers-in-law following suit at 10.43%. Third in line of dependents are sons (unemployed) at 8.40% with 7.63% as the respondents' own mothers. Husbands and brothers-in-law are the next in line. These are further reflective that joint family system is pretty much prevalent in the respondents' set-up and where the financial burden is falling on the respondent who is contributing towards the running of the family expenditure either totally or partially. Only 1% of those dependent hold a Masters degree and a mere 2% a Bachelors degree. A good 20% are uneducated while 43% did not respond to the qualification question. Those with a Matric certificate are 10% and with a Middle 8%. One figures out again that higher education among the respondents' dependents is not prevalent. A good 66% did not respond to the occupation of their dependents (this may also be that since they are not doing anything at all or where at least 28% of the dependents fall in the 60 years 70 plus age range). Labourers do not seem to be finding employment (6%) as well as teachers (3%). The general unemployment in the country seems to hit the group surveyed as well.

However, nearly a third of the dependents do enjoy a good health, with again nearly a third not responding to the question. 15% dependents are stated to be unhealthy, 10% infirm, 12% normal or fairly good health with only 1% handicapped. It would be left to the respondents and or other family members to take care of whatever medical facilities they can provide to their dependents. As to the kind of handicap 86% did not answer the question and those who did described it as 'illnesses' rather than 'handicaps'.



# Minority Women and laws in Pakistan

Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. Martin Luther King Jr.

Apart from the gender insensitivity that is intrinsic to laws in Pakistan; the specific problems minority women face vis-à-vis laws in the country can be categorized as following:

- a) Pervasive religious discrimination in the law that effects minority women as well
- b) Lack of legislation on issues matrimony, custody, inheritance and lack safeguards against forced conversion and abduction
- c) Overriding effect of legislation based on Sharia laws, especially with regard to Personal laws

## 5.1 Constitution of Pakistan-1973

Article 36 dealing with 'Protection of Minorities' states that; the State shall safeguard the legitimate rights and interests of minorities including their due representation in the Federal and Provincial services. Article 20 protects freedom to profess any religion and manage religious institutions. Article 27 provides safeguards against discrimination in the services. Then there are more general provisions for equality before law (Article 25) and forbidding discrimination on any ground.

At the same time the Article 2 of the constitution states, 'Islam shall be the state religion of Pakistan'. Thus as far as religious minorities, the constitution gives rights with one hand and takes them away with the other. Besides drawing religion into overall functioning of the state, against the democratic norms and promise of the founders of Pakistan<sup>35</sup> the Constitution also treats citizens separately as Muslims and non-Muslims, then Hindus, Christians, Parsis, Sikhs and Buddhists.

The most blatant example of religious discrimination in the Constitution of Pakistan is the reservations of top offices in the State for the majority faith group. The Constitution bars non-Muslims, which includes minority women, from assuming offices of President and Prime Minister under Article 41 (2) and Article 91, respectively.

The Constitutional guarantees non-discrimination and protection of minorities in Articles 18, 20, 25, 27 and 36, though it becomes meaningless due to this explicit religious discrimination by the constitution itself.

Through an extraordinary move<sup>36</sup> Article 260 (3) (b), was added to the constitution which defines religion of the citizens or minority religious group as Christian, Hindu, Ahmadi, Parsi or Buddhist, Bahai and Scheduled Caste. The article restricts religious choice and freedom generally for all citizens but particularly enhances the scope of religious discrimination in matters of the state.

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<sup>35</sup> 'Religion has nothing to do with the business of the state' Mohammad Ali Jinnah's 1st speech to the Constituent Assembly August 11, 1947

<sup>36</sup> 2nd amendment to the constitution in 1974

Under Article 203-E (4) the persons belonging to minority faith groups cannot be a lawyer or Judge (Article 203-C) in Federal Shariat Court. While the said court has a jurisdiction to adjudicate on matters that effect their life and well being, religious minorities including women cannot appear as a witness in this parallel and discriminatory judicial system. The non-Muslim members of the Senate, National and Provincial Assemblies are also obliged to preserve Islamic Ideology accordingly to the oath in the 3rd Schedule of the Constitution. The Constitutional review culminating into 18th and 19th amendment to the Constitution in 2010-11 overlooked the issue of religious discrimination in the constitution. The 27 members Committee had neither the representation of women nor minorities.

In conclusion, the Constitution of Pakistan maintains a religious preference among citizens and mandatory religious discrimination.

## 5.2 Discriminations in Criminal Justice system

### Hudood Laws

Military dictator Zia-ul-Haq promulgated five Presidential ordinances in 1979 called Hudood Ordinances. These laws dealing with offences like adultery, theft, drinking liquor were introduced in the criminal law.

Hudood laws barred non-Muslim judges<sup>37</sup> from presiding over a case if a matter related to these laws was on trial, whereas these laws are applicable to all citizens. Moreover non-Muslims were made ineligible to testify as witnesses in Hudood matters. Ironically these discriminatory provisos were overlooked when amendments to Hudood laws were introduced in 2006.<sup>38</sup> This is another example where religious minorities continue to face insensitivity and neglect even when new legislation is introduced supposedly to address lacunae and gender injustices.

### Law of Evidence 1984 (Qanun-e-Shahadat)

While the Hudood ordinance substantially reduced the value of a female witness in cases of adultery (Zina), the value of a witness of minority came under question after Islamic Law of Evidence, 1984 was introduced. Section 3 of the said law empowered a judge to interpret the qualification of a witness in accordance with the injunctions of Islam. Certain interpretations of Fiqh treat Muslim women and non-Muslims and half as the value of a male Muslim's witness, whereas non-Muslim women would value one fourth. Therefore the Law of Evidence left the matter open to interpretation.

## 5.3 Blasphemy laws

Pakistan appears as a country with highest number of the use and abuse of blasphemy laws in past twenty years. The reason for abuse of blasphemy laws was not only the social context or the faulty application of but rather the very drafting and the approach used in the induction of Sections 295 B, 295 C, and 298 A, B and C of the Pakistan Penal Code, during 1980-1986, supposedly to protect the respect for religion of Islam.

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<sup>37</sup> Offenses Against property (section 25), Offense of Zina (Adultery) (section 21), Offense of Qazf {false implication (section 18)}, Execution of the Punishment of whipping, Prohibition Order section 4 possessing a reasonable quantity of intoxicating liquor.

<sup>38</sup> Women's Protection Act, 2006

## An analysis of blasphemy laws

1. The text of the blasphemy laws is vague and ambiguous. It explains the mode or medium of insult but does not define what constitutes 'insult', the very crime that the laws seek to address or punish. Section 295 C reads, 'whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (PBUH) shall be punished with death, or imprisonment.'

Section 298 A, reads further 'Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly defiles a sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait) of the Holy Prophet (PBUH), or any of the righteous caliphs (Khulafa-e-Rashideen) or companions (Sahaaba Ikram) of the Holy Prophet (PBUH) description for a term which may extend to three years, or with fine, or with both'

It is a serious flaw that the law does not define the act or crime that it penalizes. So in the technical sense the 'intent of the law' is unknown or ambiguous. The law assumes that act of defiling or offering insult is well defined and it has happened therefore only needs to be punished.

2. If the drafters of law worked with the assumption that insulting religion or religious persons and attributes was a common place in a society like Pakistan, it is nevertheless a wrong assumption. People generally respect religion and not the opposite. On the contrary the laws have only produced or faked so called blasphemers in volumes unprecedented in history and contemporary times in any society.
3. The blasphemy laws fail to make distinction between a deliberate action and an unintended mistake. The element of intent or 'doing something intentionally', which is essential in fixing liability in criminal justice, is missing in text and application of these laws.
4. These laws also ignore the exceptions that are part of criminal laws around the world. Thus certain action by a mentally insane person or a child having no knowledge about the consequences of his/her actions, an alien or a person not endorsing the religious philosophy and a person not aware of religious customs can all be misconstrued as blasphemers under the laws in Pakistan.
5. The Section 298 B and C of PPC are religion-specific, against the constitution of Pakistan<sup>39</sup> and human rights law<sup>40</sup> and arbitrary while Sections 295 B, C and Section 298 A are religion specific as well as discriminatory as they supposedly protect just one religion (Islam) in multi-religious society.

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<sup>39</sup> Articles 20 and 25 of constitution of Pakistan (religious freedom and equality of citizens before law)

<sup>40</sup> Articles 18, and 19 UDHR, UN ICCPR (Freedom of religion and belief, freedom of expression)

<sup>41</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G96/100/03/PDF/G9610003.pdf?OpenElement>

6. These laws prescribe disproportionately severe punishments i.e. several years of imprisonment, life imprisonment and death penalty. This view supported by Mr. Abdelfateh Amor, former UN Special Reporter on religion Tolerance<sup>41</sup> whereas the purported crimes are imaginary in nature e.g. insulting a person who is neither party to the conflict nor present on the scene. In case of a religious symbol or holy book which is immune to feelings like a human being, the possible consequence in case of such an act is that someone can feel hurt or provoked. Such actions are punishable under most civil laws in the world, though there are other safeguards limiting the penal action to corrective measure and checking abuse of law.

### **Effects on legal judicial dispensation of justices**

Before 80s hardly five cases had surfaced under the 'Offenses related to religion'<sup>42</sup> whereas hundreds of persons faced persecution after these laws were amended. In fact there was a mushroom growth in allegations under blasphemy laws after 1991 verdict of Federal Shariat Court which held the death sentence was a mandatory punishment for defiling the name of Prophet Muhammad (PBUH). The application of laws involved enormous difficulties and abuses.

- a) Policing becomes extremely difficult in the wake of blasphemy allegations as cultivated anger compels police to register cases without an investigation and send the accused to jail in order to cool off public anger and avoid law and order situation.
- b) In several instances, the law enforcement authorities not only abetted different crimes using blasphemy allegations but also participated in the violence which they regarded as retributive for sacrilege. In the 1997 mob violence in Shantinagar and Tibbi, some policemen were found collaborating with attackers following rumors of defilement of the Quran.
- c) The courts cannot follow the procedures as, for instance, in case of a blasphemy allegation repeating the blasphemous sentence or reading any written material would tantamount to committing blasphemy itself. Evidence and cross examination by the defense lawyer becomes impossible therefore ascertaining reality or verifying allegations is avoided.
- d) Usually the trial courts are crowded by religious zealots when hearings take place and undue pressure is exerted through hate campaigns around each case, rendering courts procedures and the personnel incapacitated thus the cases are dealt with under duress. The judges who dared to oppose the tidal wave of fanaticism became its victims. On Oct 19, 1997, Justice retired Arif Iqbal Hussain Bhatti was gunned down in his chambers in Lahore because in 1995 he had acquitted two Christian accused, under 295-c PPC.
- e) The judicial Inquiry Commissions have proven to be inconclusive and governments have not found the courage to follow up. The report of Inquiry Commission under High Court Judge Justice Tanveer Ahmad Khan after Shantinagar incidents was never made public by the government of Punjab. The same government failed to take action on judicial inquiry that came after Gojra incident in 2009 by Justice Iqbal

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<sup>42</sup> Mughal and Jacob, Section 295-C, 1995, NCJP

Hameed-ur- Rehman.

- f) While no execution has taken place under Section 295 C, at least 34 persons were murdered after blasphemy allegations since 1992. The blasphemy laws have brought results which are contrary to the purpose of the law.
- g) Many were sentenced to death, and over a thousand faced inquiries and trials under blasphemy charges. However none of the judgments passed by trial courts was upheld by the Higher and Superior judiciary. This is enough to show that blasphemy laws and their implementation have some inherent flaws.

Thus the existence of blasphemy laws has proven to be a great injustice to religion and very purpose of law as they became a source of human rights abuse in the name of religion. These laws were used as an excuse to inflict economic and social exclusion, loot and burn, subject people from the minority communities to unfair, dangerous and lengthy trials and cause displacement in thousands.

Besides the much highlighted Aasia Bibi, 14 Christian, 1 Ahmadi and 1 Hindu while 23 Muslim women were implicated in blasphemy cases in 2011. According to the data collected by National Commission for Justice and Peace, among the total 1081, there were 468 Muslims 454 Ahmadis, 138 Christians and 21 Hindus had been accused till September 2011.

The damages caused to the social fabric of Pakistan and religious minorities in particular is unfathomable. The minority women are both direct and indirect victims of these discriminatory laws.

#### **5.4 Personal Laws and Minority Women**

The civil matters related to marriages, divorce, etc. of the religious minorities are governed by the following enactments, known as Personal Laws;

The Christian Marriage Act 1872; The Divorce Act 1869; Indian (Non-Domiciled Parties) Divorce Rules 1927; The Parsi Marriage and Divorce Act 1936; The Hindu Widow's Marriage Act 1856; The Hindu Marriage Disabilities Removal Act 1946; The Hindu Married Woman's Rights to separate Residence and Maintenance Act 1946; The Anand Marriage Act 1909; Buddhist Law 1909; and The Arya Marriage Validation Act 1937.

#### **Problems with these laws**

1. First and foremost issue with personal laws concerning Christians dealing with matrimony, inheritance and custody of children, is that they have not been reviewed in the entire history of Pakistan, despite demands. The antiquity of these laws, promulgated in pre-independence period, before the human rights standards were set, are redundant and a source of human rights violations.

For instance the Christian divorce Act 1869 does not provide equal footing to Christian women when it comes to dissolution of marriage<sup>43</sup> as compared to Christian men. She cannot invoke law on the mere ground of adultery whereas men

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<sup>43</sup> Section 10, Divorce Act 1869

can. The Personal laws of other minority communities also lack people's choice to separate or dissolve marriage.

The onus is often placed on representative of religious minorities in the Parliament, who are too small in number to introduce any legislation. The Laws and Justice Commission<sup>44</sup> the body assigned to review and modernize laws took no initiative.

2. The overriding effect of the subsequent Islamic legislation changed the entire concept and application of the personal laws of the religious minorities. For instance, adultery is one of the main grounds for dissolution of a Christian marriage.<sup>45</sup> The Hudood laws (Zina Ordinance VII, 1979) made it an offense punishable by stoning to death and later imprisonment for 25 years (Women Protection Act 2006).

The Christians, in the circumstances of dissolution of marriage might not invoke their personal laws due to the common (Islamic) law of the land. The matter was made more complicated when, according to interpretations, the qualifications for a court testimony reduced the value of a non-Muslim witness in Hudood laws 1979 and Law of Evidence 1984.

3. The third issue is manipulability of the personal laws of religious minorities on pretext of conversion to Islam. Numerous Christian and Hindu girls, mostly minors, have been taken away from their families after their reported abduction and conversion to Islam.
4. The legislation on Personal laws for Hindus and Sikhs and other communities was ignored. In the absence of proper personal laws, marriage certification for the Hindus, their rights concerning acquiring a national Identity card, and passport or change thereto were violated. A law was introduced in 2008 for Sikh community that facilitates their marriages and a mention of change in the marital status can be entered now. However there are host of issues still unaddressed due to lack of legislation.

## 5.5. De Facto Discrimination

### Conversions

Theoretically speaking, there is no restriction on changing ones religion in Pakistan. However, right to conversion in Pakistani context means conversion to Islam. Converting to another religion from Islam is treated as apostasy, punishable by death according to common interpretation of Islamic Sharia.

The National Commission for Justice & Peace (NCJP) recorded 762 non-Muslim conversions to Islam between 1999 and 2004 by monitoring the four daily newspapers printed from Lahore.<sup>46</sup> However there was no conversion reported from Islam to any other religion. Nevertheless the members of minority community also convert to Islam in case of illegal marriages and marriages without the consent of family.

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<sup>44</sup><http://www.ljcp.gov.pk/>

<sup>45</sup> Section 10, Divorce Act 1869

<sup>46</sup> Human Rights Monitor 2005, Lahore, National Commission for Justice and Peace

## Conversion after blasphemy allegations

- In 1994 Ms. Carol, a seven grade Christian girl was alleged of committing blasphemy in Sukkar. She converted to Islam in order to save herself from litigation and other possible sufferings.<sup>47</sup>
- A similar case of Ms. Lakshami from district Swabi, Khyber Pakhtoonkhwa, was reported to have converted to Islam in jail when the Chief Justice of the Peshawar High Court was visiting the jail and praised her for converting to Islam.

## Conversions after abduction and marriage

In a number of cases, minority women (Christian, Hindu and Sikh), including minors were abducted and converted to Islam through a Muslim marriage. Their contact with families becomes impossible on account of their conversion. Scared by the abductors, they make statement before the judge that they changed their religion out of free will. The police and the administrative machinery usually side with the culprits who happen to be from the majority community and socially and economically influential. The lower courts have generally ignored the circumstances i.e. detachment from family, crime involved, age of the so called converted therefore there is need for enabling conditions for a free consent. Following are few examples:

- In 1997 three sisters Nadia, Naema and Nabila (15, 13 and 11 of age respectively) of Rawalpindi were given in the custody of their Muslim neighbors by the local Magistrate instead of their parents on pretext of conversion to Islam, whereas the Christian parents had approached the court reporting their abduction. Ironically the law did not require separating children from the natural and bona fide guardians despite conversion.
- Hervinder Kor, a six years old Sikh girl was kidnapped by persons belonging to Afridi Tribe from Khyber Agency in 2003. The tribe reported that the minor had converted to Islam thus she could not be returned to her parents. The government failed to do anything to recover the girl.<sup>48</sup>
- A 13-years old Hindu girl Mashu was converted to Islam in Mirpurkhas, Sindh. She was renamed Mariam by her abductor cum husband. The court validated the marriage on a statement of consent, ignoring the circumstances and the motive. Police refused a meeting between the girl and parents on the pretext of conversion.<sup>49</sup>
- Three Hindu sisters Reena (21), Usha (19) and Rima (17) were kidnapped in 2005 from their house in Karachi. A case was registered against the neighboring boys as principle suspect with abduction charges by the parents. Police arrested the boys but later set them free. A few days later, parents came to know that their daughters were staying in a religious seminary. The parents believed that their daughters were kidnapped and forced to convert. The Supreme Court ordered police to provide

<sup>47</sup> NCJP Fact-finding Report National Commission for Justice and Peace Lahore

<sup>48</sup> NCJP report on minorities in Pakistan 1998, Human Rights Monitor 2004, National Commission for Justice and Peace - Lahore

<sup>49</sup> The Christian Voice Karachi, January 22, 2005

<sup>50</sup> Daily Dawn December 3, and Daily Times December 17, 2005

security to the girls and shift them to Edhi orphanage from the seminary.<sup>50</sup>

## Measures

There were absolutely no legislative or administrative measures taken by any government so far to address this menace of demoralizing and containing social interaction of religious minorities. However there is an evidence of abuses as well as a probability of court remedy at higher and Apex court level in the following examples:

Mr. Misri Ludhani a Hindu father, in his petition challenged the authorization of his daughter's marriage (Ms. Neelam) by the lower court who reportedly converted to Islam to marry Amjad, a Muslim man. Justice Iftikhar Mohammad Chaudhry, the Chief Justice of Pakistan presiding over this petition on May 25, 2006 gave an interesting verdict. Exercising its 'parental jurisdiction' the court ordered the family of the husband to furnish a surety bond of Rs. 1.5 million as a guarantee for Neelam's welfare. The Supreme Court also instructed the family of the husband to facilitate the occasional visit of the girl with her family.<sup>51</sup>

On this implicit recognition of the underlying problems, the Supreme Court established two principles:

- a) The minority women need protection from any restriction on their freedom of movement and well being, and violence against women in case of interfaith marriages.
- b) The conversion does not mean that the one converting to Islam has to relinquish relationship with one's family.

## 5.6. Second marriage

The Federal Shariat Court's judgment in Ms. Kundan Mai vs. the State<sup>52</sup> established that Iddat (three months waiting period) was a precondition for a re-marriage under the Islamic law even in case of conversion of a non-Muslim married woman. Also in the Sardar Masih vs. Haider Masih case<sup>53</sup> and the more recent precedent of Ms. Fatima Bibi vs. Station House Officer, Ichchra Police Station, Lahore, Justice Khawaja Mohammad Sharif of Lahore High Court<sup>54</sup> upheld the view that a non-Muslim married woman must invite her husband to embrace Islam and her earlier marriage under Christian rites does not stand automatically dissolved after embracing Islam.

The above mentioned case laws prove that the injustices and abuses in personal laws vis-à-vis conversion has been noticed by the higher judiciary in various judgments, however judicial pronouncements are no substitute to a proper legislation.

## 5.7. Inheritance laws

The matters related to inheritance are dealt with mainly under The Succession Act 1925, where section 3 empowers the Provincial government to exempt any race, sect or tribe

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<sup>51</sup> Daily Pakistan, May 26, 2006

<sup>52</sup> Pakistan Law Digest 1988, Federal Shariat Court 89

<sup>53</sup> Pakistan Law Digest 1988

<sup>54</sup> Pakistan Law Digest 2005, Lahore 126

from operation of the Act. The Ahmadi community in Pakistan has been exempted, but the implementation of Succession Act is by and large a personal choice.

There is an existing court injunction which establishes equal share of Christian women to the male heirs.<sup>55</sup> However there is need of an enactment that brings a balance between customary practices and equality for not just Christian but all minority women, through separate legislation.

### **5.8. Mandatory Declaration of Religion**

All citizens are required to disclose their faith in the application forms for a National Identity Card and Passport. The Pakistani passport holders have a column to show the religion of the passport holder. The practice is a source of religious discrimination in the country.

In 1992 the government tried to include a column for religion in the National Identity Card, however was forced to take back the decision after a countrywide agitation. However Musharraf government reintroduced a column for religion in Passport in 2002 on pressure from religio-political parties.



<sup>55</sup> Pakistan Law Digest 1992 SC 835

## In my opinion:

**Mrs. Pinto, Advocate** Mrs. Ernestine Christaline Pinto is practicing advocate with 31 years. She has teaching experience of 10 years, plus 2 years at the University Law College, Quetta. She won Gold Medals in LL.B and M.A in English literature in Baluchistan University, Quetta. She was selected as Member Federal Advisory Council for minorities, Ministry of Minority Affairs, Government of Pakistan in 1992. She has also lectured at Christ the King Seminary, Karachi.



### Ms. Asiya Nasir, MNA

After teaching, politics is a second careers for Ms. Asiya Nasir is Member of the National Assembly (MNA) of Pakistan, she studied English Literature and Education up to Masters level. She is member of the parliament for second time and politically affiliated with Jamiat Ulema-e-Islam (F). Her speech in the condolence session of the National Assembly after assassination of Mr. Shahbaz Bhatti won her worldwide admiration for her courage.

### Ms. Pushpa Kumari

Ms. Pushpa Kumari earned her M.SC (Hons) in Entomology from Sindh Agriculture University Tando Jam in 1997. She is working with different NGOs. Ms. Pushpa has represented Hindu women of Pakistan at national & international forums. She participated in Asian Dalit Rights Movement training in Bangkok in July 2008. She is member of Pakistan Dalit Solidarity Network and an active member of Scheduled Caste Rights Movement.



The study included some interviews for in depth discussion with minority women. A summary of opinion expressed by Mrs. Pinto, Mrs. Asiya Nasir and Ms. Pushpa Kumari three leading women regarding issues of minority women in Pakistan is presented here.

### **Social protection, legal rights and justice**

Rights are on records but not in practice in Pakistan. Rights are granted in favor or against at the sweet will of the authorities. Blasphemy laws and other discriminatory laws are driving minority women to a timid behavior and social isolation.

Minority women frequently become victims of sexual harassment and assaults at workplace, etc. Some men from the majority community target these women to convert them to their religion. If a minority woman lodges a complaint, she is assaulted by the police, who often side with influential and try to silence or weaken her voice. Justice system maintains religious and other biases. The family discourages them by saying, 'who is going to listen, or believe you?' In courts, lack of evidence weakens the case. As per Evidence Act and Hudood laws the deposition of women is not equivalent to the male.

Sexual violence is also used against minority women as a means to intimidate the entire community/settlement. Caste bias in the police and judiciary means virtual impunity for crimes against minority women.

Personal Laws and usages (e.g. Conditions and modes of marriage) overlap in various ways making it difficult for even Courts to dispense adequate justice in cases of dissolution of Marriages and even judicial separation. For instance Christian family laws have not been reviewed since long and there is no clarity on the rights of Christian women in these laws. Hindu women are more vulnerable than Christian women because they don't even have a marriage law.

### **Economic issues**

Minority women are compelled to go out and work in the fields and other menial jobs to satisfy the crying needs of the children and the household. It is worst should her husband be a drug addict etc. Due to economic inequity and lack of opportunities in landholdings or business, the minority women mostly work on low wages, a majority of whom live in rural areas (Sindh). No wonder there are few minority women in leading position in a wide range of professions

### **Civil rights and political rights**

In fine, women do not know about politics, except for fragmented hearsay knowledge. There is a lack of interest on part of major political parties to integrate them in the mainstream political process. Though restoration of joint electorates repaired the damage to some extent, the minorities do not enjoy equal political and civil rights in Pakistan. It is still impossible for minority candidates in general, to contest elections on general seats due to their weak social and economic positions in the society.

Women do not have access to the political institutions due to political culture. Moreover extreme forms of violence, harassment and humiliation are part of caste oppression, factors that prevent their full participation of women in the public life. Few political parties have accommodated representation of minority women.

## Cultural and social biases

Minority women face systematic oppression in both public and private spheres in three levels. The society is dominated at all levels be it caste system, culturally male hegemony and family, religious hierarchy and bigotry. Divisive environment in the society made living difficult for minority as sub-cultures. Several Islamic customs and traditions are becoming part of minorities' cultural life unknowingly (assimilation effect).

## Suggestion/way out

- The government of Pakistan should take initiative to make a national resolve that cultural and religious diversity will be respected and genuine participation in the decision making process will be ensured. All stakeholders should work to end hostility in the name of religion and sects and promote human and social relations.
- The religious and cultural expressions / occasions Holi, Dewali, Shivratri, Janamashtami, should be celebrated. There should be an Eid Package (economic relief) for minorities on these days.
- The State and political parties must ensure adequate representation of minority women in the National assembly, Provincial assemblies and the Senate. To make the political system more inclusive, it should be mandatory for all political parties, to allot certain percentage of party tickets and party positions to minority Women.
- Social education is the key to bringing behavioral changes. The government of Pakistan should educate citizens on equality and put an end to caste and gender discrimination using all means at hand.
- Hindu marriages should be registered to resolve their legal, social and family problems.
- There is need to introduce police reforms to achieve better policing, rule of law and justice delivery.
- For Women 10% quota in jobs should be implemented with an adequate share for minority women.
- Minority women should be provided scholarships for studies.

# Conclusions

The venture into mapping rights of the minority women has been no easy feat in many ways. To start with, there is hardly any official data available on socio-economic conditions of minority women hence a comparison in terms of statistical verifications with the perception/opinion survey carried out was not impossible. The Pakistan Census Report 1998 does not present any separate data on minorities in terms of education, labour, employment etc. Other reports as the Pakistan Economic Survey all fail to present separate data on the social, political, economic conditions of minority women in Pakistan. It leads to conclusion that statistical data on minority women covering aspects in UDHR and CEDAW particularly the socio-cultural conditions of minority women though important but was difficult due to lack of official empirical data.

The survey results show that minority women lag behind in literacy as well as access to health care, moreover nearly 60% of women have suffered from health diseases on account of the quality of water. Their economic condition is not satisfactory. More than three quarters of the respondents are unable to save which means that in case of emergencies they have nothing to fall back on. Majority of the respondents live in one-two bedroom houses while for most the family size is between 5-10 members.

Minority women face discrimination at work places, educational institutions, are vulnerable in terms of their legal status (as witness in the court of law, etc.) and in terms of forced conversions/forced marriages. They lack opportunities of participation particularly in political process and do not hold the high public offices (applicable to all minorities, men and women). Furthermore, cultural pressures impinge on their already vulnerable status.

In this connection, the laws of the land need to be reviewed as the chapter on 'Women and Law' starkly points to the numerous gaps/problems/disparities that impinge on the human rights and freedoms of people in this case minority women. Moreover, the life of minority women when viewed from international Conventions, Declarations fares no better.

The ratification of certain UN conventions and Pakistan's accession to CEDAW has not improved the status of women and thereby the status of minority women, rather such Conventions stand out pointing striking implementation gaps. The Constitution of Pakistan and the policies too have neither been an enabling factor of improving the lot of minority women.

Integration with the larger community based on equal rights and opportunities and forming healthy social relations leading to social cohesion can only take place when there is equity and justice - when the laws of the land are free of discrimination, enhance equality of status for all citizens, provide security and equal opportunities in all fields of life, health, education, employment... Where, one is not discriminated on the basis of one's faith as seen in this study.

According to CEDAW Concluding Observations, the Committee recommends elimination of discrimination against women in line with article 1 of the Convention, which encompasses both direct and indirect discrimination, and provisions on the equality of women with men in line with article 2 (a) of the Convention be included in the Constitution or in other appropriate legislation. The Committee also calls on the State party to take prompt

action to counteract the influence of non-State actors, which, through the misinterpretation of Islam and the use of intimidation and violence, are undermining the enjoyment by women and girls of their human rights.

The Government of Pakistan, being a signatory to CEDAW, is bound by all its articles and thus it is very important for the recommendations under the Concluding observations, especially the ones mentioned above, be implemented. In Pakistan, the main custodian for all international commitments is the Ministry of Human Rights. The main UN entity working for Women's rights is the United Nations Entity for Gender Equality and the Empowerment of Women, known as UN Women (previously UNIFEM). UN Women and the Ministry of Human Rights are working closely in the post-devolution scenario to ensure CEDAW implementation within the country, and reporting to the CEDAW committee. As a next step, it's important for the Government and Inter-Governmental bodies to advocate for the State to also work towards becoming a signatory to other international conventions specifically aimed towards the rights of Minority Women. As mentioned before, although CEDAW is very clear about eliminating all forms of discrimination against women, its implementation usually focuses on discrimination between men and women and not necessarily on the basis of other criteria.

Presently the conditions of minority requires immense improvement, however there is no substantial evidence to quote of the efforts made by the government in this regard.

The life of minority women in Pakistan is truly an experience of living on the margins. Poorly educated or a fairly low literacy ratio, to unenviable socio-economic conditions, with discrimination on many fronts, cultural and religious leaves one to beg that it is time that such factors are addressed in all urgency, sincerity and seriousness by all the stakeholders.

This study bespeaks of a lack of an integrative and inclusive society. It would be important to look at the concerns raised through this report in order to find a resolve. It will be the beginnings towards growth and integration of the entire Nation. Anything short of this can and never has contributed in forming a harmonious society based on equity and justice.

## **8. Recommendations**

On conclusion of this study NCJP would like to make following recommendations for implementation in the most urgent manner vis-à-vis Pakistan's obligations under CEDAW and other human rights treaties.

### **8.1. Census**

The Government of Pakistan (Census Commission) should make arrangements to present segregated data of the census for minority women covering social and development indicators including health, education, employment, religious and social parity to enable empowerment of minority women vis-à-vis policy planning by government and non-governmental organizations.

### **8.2. Informed decision making**

The government and non-governmental organizations should collect data / more in depth studies at the provincial and national levels to facilitate their own policies and planning for integrating and upgrading the status of minority women.

### **8.3. Mainstreaming Minority Women**

- a. In order to integrate minority women in the political processes at all levels and into the society at large, the political parties should make provisions in their manifestoes for proactive steps such as, reserving seats for minority women at local bodies, Senate, National and Provincial Assemblies.
- b. Initiate programs for socio-economic empowerment of minority women at the governmental and non-governmental levels.
- c. Government bodies and civil society organizations should make special and result oriented efforts to involve minority women in decision making and include them as staff and beneficiaries of their programs and plans.
- d. Contributions of minority women in various field health and education, defence and aviation should be recognized at the governmental level.

### **8.4. Law and protection of law**

- A. Discriminations and religion specific parts of Constitution and the Criminal law inter alia, blasphemy laws, in the country should be reviewed and amended to remove discriminations and provide justice without delay.
- b. Existing Family or Personal laws for religious minorities in Pakistan should be reviewed by a competent body to check injustices against minority citizens and to ensure that these laws comply with human rights standards and prevent the overriding effect of the personal law of the majority community.
- c. Family laws should be enacted for Hindu, Sikh and Kalash communities that provide

for a marriage registration/certificate and other important safeguards and arrangements for fulfillment of human rights.

- d. In order to; vitalize the institution of family, checking abuses and enabling marriage without conversions, there is a need of enacting a Common Civil Code, that makes it possible for the citizens to contract civil marriages, interfaith and otherwise however with equal rights in all matters concerning marriage and divorce.
- e. The government should include sessions on the personal laws and customs of religious minorities in trainings for the subordinate judiciary and prosecution officers. Police training should include a course on the problems of religious minorities in order to sensitize them so that they are able to handle injustices to the minorities in the enforcement of laws.
- f. The government and the civil society should undertake awareness campaigns to uplift social consciousness and confidence among minority women. The electronic and print media should be involved to play a role in awareness raising and dispelling stereotypes against minorities.

## **8.5. Education**

- a. The government and non-governmental organizations must extend and focus their programmes to promote literacy among minority women.
- b. The curriculum for Schools, Colleges and Universities needs to be revised and discriminatory parts to be removed. The curriculum should focus on building tolerance and respect for all people and faiths and focusing peace and harmony. The religious and gender biases in the syllabus should be stamped out. If religious education is so important then it should,be taught in religious studies only and enabling arrangements should be made so that all students can receive religious education according to their own faith instead of the subject of ethics for non-Muslims.
- c. Strict disciplinary action should be taken by educational institutions against students and teachers practicing or encouraging religious discrimination. Educational institutions need to have vibrant committees where cases of religious discrimination can be referred to for justice and reconciliation.
- d. Besides keeping merit criteria, a quota for religious minorities should be fixed for professional and higher education.

## **8.6. Economic/Employment Opportunities**

- a. 5% quota allocated by the Government of Pakistan should be implemented with vigilance by a monitoring body. Opportunities of employment for minority women need to be created and promoted. A regulatory authority need to be formed to channel and monitor employment under this quota scheme.
- b. To uplift the economic status of minority women the government and non-

governmental sectors should enhance or create special opportunities and program for soft business loans, trainings, skills enhancement and employment.

### **8.7. Workplace**

- Keeping the vulnerability of weaker section of the society, safeguards must be introduced in all workplaces for minority women to check exploitation. Awareness and implementation on the Sexual Harassment Act 2010 needs to be ensured.

### **8.8. Health**

- a. Women should be made aware of their reproductive rights and health facilities be provided to minority women especially in remote and low lying areas.
- b. Access to health care, qualified lady doctors and lady health workers should be made possible especially during pregnancy.

### **8.9. Gender Awareness Programmes**

- a. Gender awareness programmes with a special focus on minority women be promoted in order to reduce and eventually eliminate gender discrimination in all walks of life be it house, school or workplace.
- b. The government and civil society organizations should undertake awareness campaigns/ activities on gender awareness and sensitization to uplift social consciousness and confidence among minorities especially among women, on a large scale and with well-defined targets and achievement plans.

### **8.10. Building a peaceful Society**

- a. Awareness programs on a peace building / conflict resolution must be encouraged at all forums particularly in educational institutions and government and private workplaces to reduce discrimination in the neighbourhood.
- b. Hate speech need to be strictly discouraged through implementation of the existing laws.

## Annex 1

### What is a Minority?

#### Definitions

Article 36 of the constitution of Pakistan refers to 'protection of minorities' without defining the term however Article 260 (30 (b) carries a definition of Muslim and Non-Muslim who are usually considered the minorities in Pakistan.

The term 'minority' in various dictionaries is generally explained as;

- The lesser or smaller number, less than half of the total
- A group, party or faction with a smaller number of votes or adherents than the majority
- A racial, religious, ethnic or political group smaller than and differing from the larger, controlling group in a community, nation etc.
- The period or condition of being under full legal age  
([www.youdictionary.com](http://www.youdictionary.com) 07/02/11)

Dr. Jon M. Shepard emphasizes how "social relations are essential for human survival" (Sociology. 10th Edition. WadsWorth. Cengage Learning. USA. 2010). Taking on from here the implications then are that without social relations, cohesion of any kind in a society cannot but be fathomed. To build social relations, these relations need to be fruitful and lasting, for humans not only to "survive" but also, to build and create. Society thus needs to build and take necessary steps that all those who are part of society whether comprising of the majority or minority have the space to form healthy social relations based on equality and justice.

From a more sociological angle Shepard, quotes Louis Wirth to describe the term minority. He quotes minority as;

... a group of people, who because of their physical and cultural characteristics, are singled out from the others in the society in which they live for different and unequal treatment, and who therefore regard themselves as objects of collective discrimination.

The existence of a minority in a society implies the existence of a corresponding dominant group with higher social status and greater privileges. Minority carries with it the exclusion in full participation in the life of the society. (Sociology. p.240)

Shepard further goes on to say how the status of a minority is reflected in a society's stratification structure. He describes that in almost any society there are "desired goods, services and privileges". Unfortunately, these desired goods are enjoyed on an unequal basis by the dominant group i.e., the majority community, while minorities in turn are less able to access such "desirable resources." This may be on account of inferior schooling, getting good employment opportunities and other discriminatory factors.

It then bears that if these discriminatory factors are not addressed and steps taken to eliminate such stratifications by the state and society, the majority community over a period of time can easily consider and justify the inferior and unequal treatment of minorities. Such

considerations begin to be part of the majority ideology. Minorities on their part develop a common identity “a consciousness of kind” which gets reflected in the “we” “they” vocabulary and a strong sense of “solidarity” and “loyalty” to their particular group (p.241).

Definition of a Religious Minority: A minority religion is a religion held by a minority of the population of a country, state or region (Sociology. Jon M. Shepard)

## Annex 2

### CEDAW treaty at a glance

When one looks at the CEDAW Articles the term 'discrimination against women' means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, one is bound to find that minority women be it in terms of education, health, other social services and of their human rights and fundamental freedoms are either lagging behind or discriminated on account of their cultural/religious affiliation. The Articles (1-16) in one form or the other then are not only applicable to women in general but applicable on minority women too. Only a few articles are mentioned;

Article 2 (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

Article 6. State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 7 (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government

Article 10. States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure for them equal rights with men in the field of education...  
(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas... (d) The same opportunities to benefit from scholarships and other study grants

Article 11 speaks of the right to employment, selection criteria, job security, benefits, conditions of service, prohibits dismissal on the grounds of pregnancy...

Article 12 speaks where State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning

Article 15 speaks of equality of legal capacity regarding property. (3) States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void. (4)... movement of persons... freedom to choose their residence and domicile

Article 16 (a) The same right to enter into marriage (b)... to choose a spouse (c) spacing of children (2) The betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory.

Similarly the Universal Declaration of Human Rights with its 30 Articles strives to preserve and protect the rights and freedoms of all people. It speaks to achieve '... a common standard... for all peoples and all nations, to the end that every individual and every organ of society... shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction' (UDHR 1948. Preamble)

### Annex III

#### Questionnaire

##### Profile1.

- |                              |                               |
|------------------------------|-------------------------------|
| 1. Name of Respondent: ..... | 2. Age / Date of Birth: ..... |
| 3. City / Village: .....     | 4. District: .....            |
| 5. Religion: .....           | 6. Ethnic Group/caste: .....  |
| 7. Marital Status: .....     | 8. Education: .....           |
| 9. Mother Tongue: .....      | 10. Profession.....           |
| 11. N.I.D. #: .....          |                               |

##### 1. Information on: Off-spring (Alive)

S. No	Name	Age	Gender	Marital Status	Occupation	Qualification	Health condition	Handicap accidental, born with
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

**2. Off-spring (Deceased)**

S. No	Name	Age	Gender	Marital Status	Occupation	Qualification	Reason of death	Type of nature of illness
1								
2								
3								
4								
5								
6								

**3. Other family members (Dependants)**

S. N o	Name	Age	Gender	Marital Status	Occupation	Qualification	Health	Type of Illness	Type of Handicap	Relation to Respondent
1										
2										
3										
4										
5										
6										

**4. Living Conditions:**

4.1 Residence: Village / City

Brick House

4.2 House structure: Mud House

Thatched Roof.

Semi Brick House

4.3 Do you live in your own house or rented one? Own / Rent

4.4 Range of house rent (If rented):

Less than 1000

From 1000 to below 3000

From 1000 to below 30004.5

How many family members live in the house: \_\_\_\_\_

4.6 How many rooms are there in the house: \_\_\_\_\_

4.7 For how long have you been living here: \_\_\_\_\_

## **5. Health: Access to Quality Healthcare**

- 5.1 From where do you get quality medical care for your illness?  
Basic Health Unit A small Clinic  
Private hospital Government hospital

5.2 How far is the nearest clinic/hospital?  
One Kilometer 4 - 6 Kilometer  
2 - 3 Kilometer More than 6 kilometer

5.3 Are you satisfied with the medical facilities Yes \_\_\_\_\_ No \_\_\_\_\_

5.4 What kind of medical practitioner do you usually consult:  
Trained Doctor Quack  
Homeopathic Doctor Self medication  
Lady Health Worker

5.5 Is a lady doctor available in your area? Yes \_\_\_\_\_ No \_\_\_\_\_

5.6 Do you have regular medical check-ups every six-months: Yes \_\_\_\_\_ No \_\_\_\_\_

5.7 Are you suffering with any of the following: (you may tick several)  
Severe headache Blood Pressure  
Body aches / Fatigue Diabetes  
Weight Loss Disturbance in menstrual cycle  
Obesity Other \_\_\_\_\_  
Depression / anxiety

5.8 How frequently do you suffer from depression/ anxiety?  
Daily Rarely  
Weekly Never  
Once a month

5.9 Are you using any drugs: Yes \_\_\_\_\_ No \_\_\_\_\_  
Anti – depressants medicines Alcohol  
Sleeping pills Other

#### **6. Pregnancy (for women who have given birth):**

**7. Availability of Potable Water:**

- 7.1 What is your source of drinking water?  
 Open wells Tap water supply  
 Open ponds Canal water  
 Hand pumps
- 7.2 Due to contaminated water did you face the following diseases?  
 Stomach disease Other  
 Skin disease

**8. Sanitation Facilities:**

- 8.1 Type of toilet in your house:  
 Pour flush latrines Temporary facilities/pots/buckets  
 Covered pit latrines No toilet  
 Open pit latrines

**9. Economic Conditions:**

- 9.1 Monthly family income: \_\_\_\_\_ (write the amount)  
 9.2 Household expense: \_\_\_\_\_ (write the amount)  
 9.3 Do you have any investment/Business: Yes \_\_\_\_\_ No \_\_\_\_\_  
 9.4 Any Financial assistance or benefit received from a Govt. institution?  
 9.5 How much? \_\_\_\_\_  
 9.6 How many times \_\_\_\_\_  
 9.7 Do you or anyone else in your household own a vehicle?  
 Cycle Car  
 Motorbike Others
- 9.8 Do you have any saving left after meeting your needs adequately? Y/ No  
 9.9 Saving Amount: \_\_\_\_\_  
 9.10 Saving Period?  
 Monthly Aggregate  
 Annually
- 9.11 Are there any loans on you: Yes \_\_\_\_\_ No \_\_\_\_\_  
 9.12 Has your family taken any loan: Yes \_\_\_\_\_ No \_\_\_\_\_  
 9.13 If 'Yes' what is the amount: \_\_\_\_\_  
 9.14 What is your source to take loan?  
 Employer Organization  
 Bank Relative/Family
- 9.15 Do you pay back your loans?  
 Yes Some  
 No Continuous(Installment)
- 9.16 What consequences did you face on not paying back your loans ? \_\_\_\_\_

**10. Mobility Issues:**

- 10.1 Do you travel alone: Yes \_\_\_\_\_ No \_\_\_\_\_  
 10.2 If 'No' why not: \_\_\_\_\_
- 10.3 Do you feel comfortable while traveling alone? Yes \_\_\_\_\_ No \_\_\_\_\_  
 10.4 If 'No' why not: \_\_\_\_\_
- 10.5 How do you go from one locality/place to another?  
 Independently Always with a male family member
- 10.6 How frequently do you go to the market?  
 Daily Rarely  
 Weekly Never  
 Monthly

10.8 Have you ever been/traveled abroad: Yes \_\_\_\_\_ No \_\_\_\_\_

### 11. Sexual Harassment

11.1 Have you ever been /are sexually harassed at your workplace: \_\_\_\_\_

11.2 Have you been sexually harassed at workplace because you are a minority woman?

11.3 If 'Yes', the most frequent forms are (you may tick several)

Verbal	Threats
Unwanted leers	Character assassination
Sexual comments	Inappropriate jokes via email/ SMS,
Noises or gestures	
Physical advances (Favors / gifts / benefits)	Denial of a worker's promotions or raises

Asked to go out after work

### 12. Religious Discrimination

12.1 Have you or your family experienced religious discrimination? Y/ No

12.2 If yes, where. (You may tick several)

Work place	Educational Institution
Settlement/locality	Recreational places
Public Places/market	Governmental offices
Restaurant	Any other place

12.3 What was the nature of religious discrimination (You may tick several)

Hate Speech	Forced to share your religious belief
Difficult/derogatory questions	Low wages
Physically threat or warnings	No increment
Refused to dine together	No promotion
Refusal of holiday requests/leave in for order to observe religious events	Termination
Forced to work on a religious event	Transfer (not related to routine transfers)

Other \_\_\_\_\_

12.4 In case of compliant, did you try the following institutions / forums / ombudsman:

Any organization Courts

Tribunal jury

12.5 If not why not: \_\_\_\_\_

12.6 Have you ever had to come in contact with the police or any other related  
administration/department: Yes \_\_\_\_\_ No \_\_\_\_\_

12.7 If 'Yes', did you face any problems: Please express about the following conduct of the police:

Disappointing/substandard Acceptable

Polite Good

12.8 What was your experience of the court environment?

Disappointing

Biased

Conducive

**13. Discrimination at Educational Institution:**

- 13.1 Did your religious identity become a hindrance to get admission in the schools / colleges / universities: Yes/No
- 13.2 Are you or your children taking/or took Islamiyat/Arabic as a compulsory subject: Yes/No
- 13.3 Did you face any discrimination from class fellows? Yes/No
- 13.4 If yes, in what forms:
- |                                 |                    |
|---------------------------------|--------------------|
| Discouraging attitude           | Hate speech        |
| Refused to play / dine together | Derogatory remarks |
- 13.5 Did you ever discuss such attitudes as stated above with your teacher/s: Yes / No
- 13.6 If 'No', why not: \_\_\_\_\_
- 13.7 If yes did your teachers discourage such attitudes: Yes / No
- 13.8 Did you ever face any religious discrimination/prejudice from your teachers: Yes /No
- 13.9 If 'Yes', in what form:
- |                            |                               |
|----------------------------|-------------------------------|
| Hate speech                | Discouraging minority student |
| Ignoring minority students |                               |
- 13.10 Was ever a suggestion made to convert to Islam: Yes \_\_\_\_\_ No \_\_\_\_\_
- 13.11 Other \_\_\_\_\_
- 13.12 Are/were students of all religions/castes encouraged to intermingle/mix together:Y/ N

**14. Discrimination in the Neighbourhoods:**

- 14.1 Does your neighbor from the majority community pay a visit to your family?
- |         |              |
|---------|--------------|
| Daily   | Occasionally |
| Weekly  | Never        |
| Monthly |              |
- 14.2 What is the usual reaction from the majority community on wearing religious icons, etc?
- |                                      |                     |
|--------------------------------------|---------------------|
| Showed Interest / Acceptability      | Made fun of / Jokes |
| Look down upon / Unpleasant Gestures |                     |
- 14.3 What is the usual reaction from the majority community on Names with a minority identity?
- |                                      |                     |
|--------------------------------------|---------------------|
| Showed Interest / Acceptability      | Made fun of / Jokes |
| Look down upon / Unpleasant Gestures |                     |
- 14.4 What is the usual reaction from the majority community on worldview?
- |                                      |                     |
|--------------------------------------|---------------------|
| Showed Interest / Acceptability      | Made fun of / Jokes |
| Look down upon / Unpleasant Gestures |                     |
- 14.5 What is the usual reaction from the majority community on religious rites/ rituals?
- |                                      |                     |
|--------------------------------------|---------------------|
| Showed Interest / Acceptability      | Made fun of / Jokes |
| Look down upon / Unpleasant Gestures |                     |
- 14.6 What is the usual reaction from the majority community on not wearing a veil (Hijab)?
- |                                      |                     |
|--------------------------------------|---------------------|
| Showed Interest / Acceptability      | Made fun of / Jokes |
| Look down upon / Unpleasant Gestures |                     |
- 14.7 What is the usual reaction from the majority community on way of worship / fasting?

**15. Women Empowerment:**

- 15.1 Does your own family consider you equal to your brother/brothers: Yes/ No  
15.2 Has your family encouraged you to get education: Yes / No  
15.3 If 'No', why not: \_\_\_\_\_  
15.4 Are there any restrictions to your working by your own family members: Yes/ No  
15.5 Will you or were you allowed to marry the person of your choice: Yes/No  
15.6 Did you or will you have a say in the choice of the person you married/will marry: Yes/ No  
15.7 Are you invited/allowed to participate in the decision making process of Family matters: Yes/No  
  
15.8 What sort of decisions can you take independently?  
Choosing an educational institution                              Family expenditure  
Choosing a career    Other

**16. Political Participation:**

- 16.1 Do you hold a computerized national identity card: Yes / No  
16.2 Are you a registered voter: Yes /No  
16.3 Did you ever exercise your right to vote: Yes /No  
16.4 How many times? \_\_\_\_\_  
16.5 Are you forced by the family to vote for a specific candidate: Yes/ No  
16.6 Do/Did you ever participate in a:  
Public rally    Political procession  
Protest  
16.7 Are you a member of a political party: Yes \_\_\_\_\_ No \_\_\_\_\_  
16.8 If 'Yes', in what capacity?  
Member    Representative  
Office bearer  
  
16.9 Are you invited by the party to participate in the decision making process: Yes / No  
16.10 What is your opinion about politics:

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**17. Looking towards the Future:**

- 17.1 Were/are there people from the majority community in your work place, fellow students or neighborhood who deal with you in an unbiased manner. Yes / No  
17.2 What is their attitude towards you? Please tick:  
17.3 Do you think that in time of some religious disturbance, they will stand up for you: Yes/No  
17.4 If 'Yes', in what way \_\_\_\_\_  
17.5 If 'No', why not \_\_\_\_\_  
17.6 As a minority woman do you think that you can contribute to improve the social, economic, political, cultural and religious condition of other minority women in the country: Yes/No  
17.7 If 'Yes', how: \_\_\_\_\_  
17.8 If 'No', why not: \_\_\_\_\_

**Name of Surveyor:**

**Date:**

**Signature:**

THANK YOU VERY MUCH FOR YOUR COOPERATION, APPRECIATE YOUR TIME

## Annex IV

### Open Ended Answers

<b>Ethnic Group / Caste</b>					
<b>Reponses</b>	<b>Percentage</b>	<b>Reponses</b>	<b>Percentage</b>	<b>Reponses</b>	<b>Percentage</b>
Meghwar	16.20%	Kohli	1.70%	Athwal	0.80%
Bhatti	8.50%	Kathia Wari	1.60%	Heirjin	0.70%
Sohtra	6.80%	Sindhu	1.50%	Khan	0.60%
Balmeki	4.20%	Parkari	1.40%	Jutt	0.60%
Ood	3.70%	Rajpot	1.40%	Lohar	0.60%
Bheel	3.40%	Bagri	1.30%	Mughal	0.60%
Khokhar	3.20%	Kachi	1.00%	Cheeday	0.50%
Gujrati	3.00%	Madrasni	0.90%	Goan	0.50%
Chaudhry	2.80%	Chohan	0.90%	Others	22.30%
Ghouri	1.90%	Mochi	0.90%		
Mattu	1.90%	Bourat	0.80%		

<b>Mother Tongue</b>					
<b>Reponses</b>	<b>Percentage</b>	<b>Reponses</b>	<b>Percentage</b>	<b>Reponses</b>	<b>Percentage</b>
Punjabi	48.90%	Konkani Goan	1.70%	Tamal	0.40%
Sindhi	11.40%	Kathia Wari	1.50%	Bhantwari	0.20%
Marwari	11.20%	Hindu	1.10%	Kachi	0.20%
Urdu	7.80%	Parkari	0.60%	Uddu	0.20%
Dhatki	6.40%	Daohe	0.50%	Bhatwari	0.20%
Gujrati	5.50%	Madrasni	0.50%	Others	1.10%

Profession					
Responses	Percentage	Responses	Percentage	Responses	Percentage
Housewife	23.80%	Beautician	3.30%	Bus Hostess	0.30%
Teacher	10.10%	Homebase Worker	3.00%	Police Women	0.30%
Nurse	9.10%	Factory Worker	2.70%	Lawyer	0.30%
Domestic Worker	7.80%	Govt Employee	1.60%	Seamstress	0.30%
Sweeper	7.20%	Social Worker	1.60%	Physiotherapist	0.20%
Labour	5.40%	Sales Women	1.50%	Sex worker	0.20%
Office Job/	4.40%	Peon	1.10%	Others	1.60%
Student	3.90%	Political Worker	0.70%		
Agricultural	3.90%	Drug Dealer (Prisoner)	0.40%		

Dependent's Relation to Respondent					
Responses	Percentage	Responses	Percentage	Responses	Percentage
Mother In Law	12.47%	Brother	5.09%	Grand Daughter	2.04%
Father In Law	10.43%	Daughter	4.83%	Nephew	2.04%
Son	8.40%	Sister In Law	4.07%	Grand Mother	1.78%
Mother	7.63%	Sister	3.82%	Grand Father	1.27%
Husband	5.60%	Father	3.31%	Others	4.33%
Brother In Law	5.34%	Daughter In Law	2.54%		

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**National Commission for Justice and Peace** is non-profit and non-partisan human body established by the Pakistan Catholic Bishops' Conference since 1985. The Commission involves itself in advocacy and conscientization activities regarding human rights especially of the religious minorities, women and labour. The National Commission for Justice and Peace stands for following aims and objectives.

## Aims and Objectives

To awaken God's people to their role at all times in fostering and defending human rights, to build a just, humane and peaceful society.

- To study question of human rights, justice and peace in the light of the Holy Bible and teaching of the Church.
- To publicize theses reflections in order to create a wider consciousness on issues concerning Justice and Peace.
- To cooperate and build linkages with other agencies and organizations at home and abroad for the cause of Justice, Peace and Human Rights.

## Other Publications of NCJP:

- Human Rights Monitor, Annual report on the Religious Minorities in Pakistan, English/Urdu 1997- 2011.
- Working conditions of the agricultural labour in Punjab (A survey Report English/Urdu) 2002
- Mazhabi azadi aur firqawarana humahangi (Guidelines for journalist) 2005
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