

**UNHCR ELIGIBILITY GUIDELINES FOR ASSESSING
THE INTERNATIONAL PROTECTION NEEDS OF
MEMBERS OF RELIGIOUS MINORITIES FROM
PAKISTAN**

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BACKGROUND

- Population : 187 million, sixth most populous country in the world
- 95 percent are Muslims (75 % Sunni 20 % Shia)
- Constitution
 - Islam as the State religion
 - Binds the legal system to Islamic law
- Blasphemy laws and anti-Ahmadis laws were introduced during 1980s
- Government attempted to review the blasphemy laws but never materialized
- No mechanism for the registration of marriages of religious minorities
- Government designates religious affiliation on national identity cards and passports

BLASPHEMY LAWS

- Open to widespread abuse and have been used to harass and target religious minorities
- 298A of the Pakistan Penal Code - Use of derogatory remarks in respect of persons revered in Islam a criminal offence punishable with up to three years' imprisonment and/or a fine
- 295B - Defiling the Qur'an a criminal offence punishable with imprisonment for life
- 295C – Defiling Prophet Muhammad is liable to the death penalty, life imprisonment or a fine

ANTI-AHMADI LAWS

- 298B - Ahmadis' use of epithets, descriptions and titles reserved for certain holy personages and places constitutes an offence punishable with imprisonment for up to three years and a fine
- 298C - Prohibits Ahmadis from calling themselves Muslims, or preaching or propagating their faith.
- Accordingly Ahmadis are prohibited to:
 - refer to themselves as Muslims or refer to their founder as a Prophet
 - refer to their places of worship as mosques
 - use the traditional Muslim form of greeting
 - use the Muslim call to prayer, known as the Adhan
 - use the Qur'an or observe Islamic rites
 - preach or "propagate" the Ahmadi faith.

HUDOOD ORDINANCES

- Apply both to Muslims and non-Muslims
- Prohibit theft, alcohol consumption, extra-marital sex, including in the context of rape, and making false allegations of adultery
- The proscribed punishments include amputation of limbs, flogging, stoning to death and other forms of capital punishment, imprisonment and whipping for lesser offences
- Discriminatory evidentiary requirements - testimony of women and non-Muslims not accepted

POTENTIAL RISK PROFILES



AHMADIS

- Founded in 1889 by Hazrat Mirza Ghulam Ahmad
- Based on the belief that its founder is the messenger of God and a Prophet
- 2-4 million Ahmadis in Pakistan
- Rabwah, Punjab province is the headquarters of the Ahmadi community in Pakistan
- Ahmadis generally regard themselves as Muslims but declared a non-Muslim minority in 1974
- Ahmadis adhere to most of the main duties of Islam and to the generally-accepted Sunni interpretations of Islamic theology

AHMADIS

- Subject to the most severe legal restrictions and officially-sanctioned discrimination of all religious minorities in Pakistan
- At least 456 Ahmadis were charged under the blasphemy law between 1986 and 2010
- Violence and targeted killings against Ahmadis are on the rise
- Marriage outside their faith may cause reprisals
- Little or no protection is reportedly afforded by the State authorities
- Institutionalized discrimination

Members of the Ahmadi community, including those targeted by Islamic extremist elements or charged with criminal offences under the blasphemy or anti-Ahmadi provisions, are likely to be in need of international refugee protection on account of their religion

CHRISTIANS

- Subject to recurrent discrimination and harassment, as well as acts of religiously motivated violence, at the hands of militant groups and fundamentalist elements
- Authorities are unable or unwilling to protect the lives and properties of Christians
- Inter-faith marriages may attract serious reprisals
- Christian women and girls are particularly at risk of sexual and gender based violence, forced conversion to Islam, forced marriage by Muslim, discrimination and violence
- Bonded labour among lower socio-economic level Christians

Christians, including those targeted by Islamic extremist elements or charged with criminal offences under the blasphemy provisions, victims of bonded labour, severe discrimination, forced conversion and forced marriage, as well as Christians perceived as contravening social mores, may, depending on the individual circumstances of the case, be in need of international refugee protection on account of their religion or membership of a particular social group.

HINDUS

- Largest non-Muslim religious minority in Pakistan (over 1.8 % of the population)
- Concentrated in the southern province of Sindh, the southwestern province of Balochistan
- Hindus from the Brahmin and higher castes are at risk of violence and abduction for ransom
- Hindu property and temples have come under attack from the local Muslim community
- Blasphemy allegations
- Hindu women and girls are reportedly subject to abductions for the purposes of forced conversion

Hindus including victims of bonded labour, forced conversion and forced marriage, as well as those perceived as contravening social mores, may be in need of international refugee protection on account of their religion or membership of a particular social group.

SIKHS

- Approximately 30,000 Sikhs in Pakistan, mostly in Peshawar region of the Khyber Pakhtunkhwa or the Federally Administered Tribal Areas (FATA).
- Sikhs are reportedly subject to harassment, abductions for ransom and killings by militants in the North-West of the country
- Forced to pay *jizyia* – a tax levied on non-Muslims living under Islamic rule – in Taliban-controlled areas.

Members of the Sikh community, particularly in areas where Taliban-affiliated groups are active, may be in need of international refugee protection on account of their religion.

SHIAS

- Largest Muslim minority in Pakistan
- Target of violent attacks by Sunni fundamentalist groups throughout the country
- Sectarian violence targeting the Shia minority predominant in the North-West of the country
- Sunni militant groups, such as the banned Lashkar-e Jhangvi, reportedly operated with impunity

Members of the Shia community, particularly those in areas where Taliban-affiliated groups are active, such as the northwest of Pakistan and in urban centres, may be in need of international refugee protection on account of their religion and/or (imputed) political opinion

INTERNAL FLIGHT OR RELOCATION ALTERNATIVE

Relevance Analysis

- IFA/IRA will generally not be available in areas of FATA, Khyber Pakhtunkhwa, as well as Balochistan province
- No viable IFA/IRA to individuals at risk of being targeted by some armed militant groups given their wide geographic reach
- No IFA/IRA when the individual would be subject to criminal prosecution under blasphemy and/or anti-Ahmadi laws
- Harmful traditional practices- the endorsement by large segments of society and powerful conservative elements in the local administration needs to be taken into account

Reasonability Analysis

- Availability of basic infrastructure/ Access to essential services/ Traditional support mechanisms/ Livelihood opportunities, etc.

EXCLUSION

- Members of military, police, security and intelligence forces, particularly those involved in counter-terrorism campaigns
- Members of Islamic militant groups, including Sipah-e-Muhammad Pakistan, or persons otherwise involved in sectarian violence
- Officials in the local and federal administrations
- Members of the judiciary

Thank you!
Any questions?