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PAKISTAN | CSW Calls for Implementation of Court Judgement

CSW calls on the government of Pakistan to strengthen protections for religious minorities, as directed in a Supreme Court judgement from 2014 which has not yet been implemented.

The judgement broadens the scope of Article 20 of the Constitution, which guarantees the right to freedom of religion within the framework of international human rights law. It directs the government to address the discrimination and human rights violations faced by religious minorities, including by setting up a task force to develop a strategy of religious tolerance; developing a school and college curricula that promotes religious harmony; and constituting a national council to frame policy recommendations for safeguarding and protecting the rights of religious minorities.

On June 19, members of Pakistani civil society held a conference in Islamabad to mark the fifth anniversary of the Pakistan Supreme Court's landmark judgement and to stress the importance of implementing its directives.

The conference was organized by the Human Rights Commission of Pakistan (HRCP), Centre for Social Justice (CSJ), the National Commission for Justice and Peace (NCJP) and the Cecil and Iris Chaudhry Foundation (CICF), to discuss the lack of compliance with the judgement during the past five years.

Michelle Chaudhry, President of CICF said, "Five years on and a judgement issued by the Apex Court of the country still awaits implementation. The reluctance of the State to implement the directives of the Jilani judgement is very obvious. It was not a priority for the previous government and neither does it seem to be a priority of the current government."

The 2014 Supreme Court judgement was delivered in a suo motu case taken up after a double suicide bombing at All Saints Church in Peshawar, on Sept. 22, 2013, in which 81 people were killed and over 100 injured in the worst attack against the minority Christian community in the country's history. At the time of the attack, the provincial government of Khyber Pakhtunkhwa, led by Imran Khan's party, Pakistan Tehreek-e-

Insaf (PTI), was heavily criticised for its failure to provide adequate protection for religious minorities or to effectively tackle religious intolerance.

In June 2018, a petition was filed in the Supreme Court by a group including AGHS Legal Aid Cell, the CICF, CSJ and the HRCP regarding the implementation of the 2014 judgement. The Court inquired about the progress of the seven directives given to the provincial and federal government for the protection of religious minorities, and the Chief Justice ordered the concerned ministers of all provinces to report on compliance of the judgement at a later hearing.

In his 2018 campaign election, Prime Minister Khan set out his vision for a “Naya Pakistan” to “protect the civil, social and religious rights of minorities; their places of worship, property and institutions as laid down in the Constitution.” His manifesto echoed a directive of the Supreme Court, to establish a legally empowered, well-resourced and independent National Commission on Minorities, however no further progress has been made to constitute the commission.

Chaudhry added, “The implementation of this judgement is imperative in order to safeguard the rights of Pakistan’s religious minorities and if that cannot be done then the government’s claim to provide equality for all citizens is nothing but hypocrisy.”

CSW’s Chief Executive Mervyn Thomas said, “It has been five years since the Supreme Court gave specific direction to the Pakistani government to better protect its religious minorities and emphasized incorporating international human rights law and standards into domestic law. We urge the government to comply with the judgement and uphold the commitments it made in its election manifesto to ensure equal access to justice and protection from discrimination in matters of law and order for minorities.”