

Structural Inequalities and Minority Rights: Analysing the Formal Aspects in Context of Pakistan

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Abstract

This study has investigated public perceptions regarding minorities and their rights and examined the legal framework of Pakistan in context of minority rights along with the gaps within the formal system that allow violations and exploitations against the minorities. The research explored the perceptions of both groups regarding religious minorities and minority rights in Pakistan. Content analysis was done comparing the constitution of Pakistan against the Universal Declaration of Human Rights. To collect primary data in-depth interviews of students from the majority religious group and students from minorities groups were conducted. The findings reflect the critical situation being faced by the minorities in Pakistan, due to significant gaps between theory and practice existing in the legal framework. The law protects the minority rights, and they are given all equal rights by the constitution, but the implementation phase seems and remains unfulfilled due to numerous societal and religious factors influencing the formal system. It is recommended to device inclusive polices to bring equality.

Keywords: Keywords; Human rights; Minority rights; Universal declaration of Human Rights; Constitution of Pakistan; Structural Inequalities.

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1. Introduction

From a historical point of view, the end of World War I brought evident changes to Europe, prominently the border changes; which led to the formation of new minority groups across European region [1]. The League of Nations had to face some challenges while dealing with the minority rights, as it became inevitable to protect the minority groups and avoid future conflict scenarios [2]. Series of pacts were adopted by the League of Nations to protect the rights of minority groups [3], which addressed the key features of minority rights, including citizenship rights, right to establish institution, equal opportunities and non-discriminatory measures [4]. Human rights are defined in the international context, Human rights are the fundamental essential rights of every human being [5]. The definition of minorities in international law is blurred and not stated clearly, there is no proper or legal meaning given to the term "minority" [6]. However, the United Nations personnel tried to define the term so the violations against minorities could be avoided. Francesco Capotorti in 1977 defined minorities as the group of people who are inferior in number from the rest of the population; they are less dominant and possess different ethnic or religious affiliations [7]. Because of the subjectivity and diversity, human beings and human nature are complex matters to deal with [8]. Two major school of thoughts which have presented their ideas regarding human nature were the realists and the liberalists. From the Realist approach, human beings are selfish and cruel by nature [9], and that human beings are self-driven beings who want to attain power that would make the other person, group or community subordinate to them [10]. Human beings seek power and authority with the purpose to use them for their personal motives [11]. The inequalities emerged in this world along the evolution of societies and civilizations [12]. A specific hierarchical order of power distribution, making a certain section of the society to be more powerful than the rest of the population [13]. These inequalities than became a part of the informal structure of cultures and societies, rooted deeply within the customs and norms [14]. The informal system provides the foundations for the formal system, and this resulted in strengthening the inequalities within formal system as well, hence it led to the emergence of the phenomenon which is known as structural inequality [15]. It is significant to evaluate the prevalence of structural inequalities and its impact on the overall functioning of society, and how it is shaping people's minds, attitudes and perspectives. Structural inequality is defined as the situation risen due to unequal treatment towards a group of people, who are given less opportunities and inferior status in comparison to other groups or categories in a society [16]. The contemporary international human rights are the more refined and applicable form of traditional laws that have existed in the world since the beginning of human civilizations, focusing mainly on the rights of people rather than the states [17]. Human rights are transferred from generation to generation regardless of their consciousness and adopted in spite of the turbulence and instability in the past. Rene Cassin one of the main proponents who wrote the universal human rights declaration, drew four pillars of human rights from the French Revolution; "human dignity, human liberty, equivalence and brotherhood". Human right declaration's 27 articles are distributed between these four pillars. Articles 28-30 are the roof and these pillars support them, which incorporates the rights of individuals in state and society. The first pillar is covered by the Article 1 and 2 of the human rights declarations, which includes human dignity shared by people regardless of their religion, cast, race or sex [18]. The minority groups have been supported by several international conventions and declarations, the most prominent being the 1960 Convention of UNESCO against discrimination on education, Convention of 1948 on elimination and punishment of those who commit genocide and International

Convention on the Elimination of all forms of Racial Discrimination etc. These documents do not mention the minorities very overtly, but it is obvious that they all aim to protect the minority groups from different forms of discrimination and violence. The attempts to design a legal definition of minority groups are considered to be significant as, the absence of the proper definition broadens the area for multiple interpretations; and violations towards a certain minority groups against the declarations, can be justified given the circumstances that without proper categorization, it is unclear that whether the group falls under the protection of the convention or not. [19] [20]. M. Verkuyten and Ali Asian Yildiz (2006) conducted a research study in Netherlands, to analyse the support for minority rights among the immigrant Turkish and Kurdish population in two different settings, i.e. the Dutch context and the Turkish context. According to the Dutch context, they considered every group to be a minority so both Turks and Kurds are minorities in Netherlands, but in case of Turkish context, Kurds were the minority group while Turks being the majority group. The results depicted that in Netherlands, both the Kurds and Turks supported the minority rights. While, in the case of Turkey, the Kurds were more in favour for the minority rights as compared to the Turks, because of their minority status. The study results showed that within the minority groups, there is more prominent prevalence of group identification factor and positive perspectives towards minority rights; and in the case of majority groups, the same factor i.e. group identification was linked to less support for the minority rights [21]. Pakistan has also ratified to the Universal Declaration of Human Rights (UDHR) in which Article 1,2,7 and 8 provides rights of equality before law, freedom of conscience and observance of their religion, to the minorities; and International Covenant on Civil and Political Rights (ICCPR), which provide the freedom of practicing religion to everyone under the Article 18. Therefore, Pakistan is bound to protect the interests and rights of the minorities under the legal constitution of the state and the international conventions [22]. According to 2017 census, the total population of Pakistan is 207 million; Pakistan is on the sixth number in world regarding population and 2nd number in the Muslim world. According to the 2010 statistics the population in terms of religion is as follows: Muslim (official) 96.4% (Sunni 85-90%, Shia 10-15%), other (non-Muslims) 3.6% [23]. Pakistan is diversely inhabited with people from different religions, sects and ethnicities. Majority of the people are believers of Islam due to which other religions faces discrimination [24]. According to UNHCR report the international guidelines are given to Pakistan about the minority groups and their rights [25]. In Pakistan minorities mostly comprises of the religious minorities, and according to the constitution religious minorities in Pakistan are those who do not fall in the category of Muslims and does not falls under the faith of Islam. The constitution of Pakistan describes minorities as non-Muslims and according to article 260 (30) (b) non-Muslims are the Hindus, Christians, Ahmadis, Bhai's, Sikhs, Parsi community, Buddhist and the scheduled castes [26]. According to the statistical figures of a research study conducted on minority groups in Pakistan, 43 percent of the women who were interviewed faced religious discrimination themselves or members of their family became the victims of religious discrimination. Minorities face most discrimination at the workplaces which is about 40%; discrimination within educational institutions is on the second ranking with percentage of 24%, and discrimination on the local societal level was found to be around 18%. According to 62% of the respondents, the majority groups will not support them during a religious turmoil, while 27% responded with the view that the majority population will take a firm stand for the minorities [7]. Structural inequality based on religious affiliations should not exist in Pakistan as at the time of its creation, Quaid e Azam Muhammad Ali Jinnah clearly stated that Pakistan does not only belong to the Muslim population. People from different religions other than Islam are welcomed to live in Pakistan and they shall

enjoy the same rights and opportunities as the Muslims, without any aspect of discrimination, people belonging to whatever religion, caste and creed, the state has nothing to do with that and nobody will discriminate because of these characteristics [27]. The religious minorities shall have the religious freedom to freely practice their religion and live their lives according to their cultural norms and religious teachings. But the unfortunate fact is that the religious minorities are facing discrimination and inequality, which is evidently unjust in accordance with the manifesto of Quaid's Pakistan [28]. The country is currently controlled by the people who prioritize their benefits at the expense of the minority groups. The majority group favours their respective religion i.e. Islam and disregard other religions by exploiting the rights of the religious minorities [29].

1.1. 1.1 Problem Statement

Pakistan's constitution and law, both provide fundamental and equal rights to the religious minorities without any discrimination. But the exercise of these laws lacks practical implementation, because of the structural inequalities and religious domination. This study therefore aims to explore the differences between theory and practice which exists within Pakistan. This study has also analysed the perception of people on minority rights targeting respondents from different religious backgrounds.

1.2 Significance of the study

This research has contributed to the existing literature related to minority groups in Pakistan, showcasing the structural inequalities and discriminations that have become part of their everyday lives, leading to unchecked violations of their fundamental rights.

1.2. 1.3 Conceptual Framework

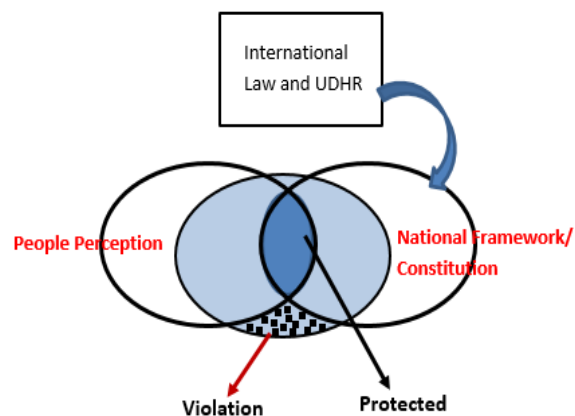


Figure1

2. Research Methodology

2.1. Method and technique

An exploratory research study was conducted in Islamabad, the capital city of Pakistan. The model of the study was qualitative research. Both primary and secondary data was collected for this study. The collected data was

analysed through thematic analysis [30]. Qualitative interview guides were designed according to the stated objectives of the study. Based on occupational and religious background, different interview guides were designed for the layers, minority respondents and for majority s. In-depth interviews were conducted through the interview guides [30]. The members for the discussion included the youth and their perceptions and ideas about the topic.

2.2. Study Locale

The study locale chosen for this research was Bahria University, Islamabad. The second research locale for the study was District courts F-8 sector Islamabad in the capital of Pakistan. The area of the city is 906.5 square kilometres, with a population of 2,001,579. The 59% of the city’s population falls under the age bracket of 15-64 years, 37% of population are under the age of 15 years, and 2.73% of the population comprises of older people. By religion, Islam is practiced by 95% of the residents of the city while Christianity is practiced by 4% of the population [31,32].

2.3. Sampling technique and sample size

The respondents were chosen through purposive sampling. The purposive sampling is non-probability sampling, in which the sample is selected based on the objective of the research study and the characteristics of the population within the target locale [33]. A total of 30 in-depth interviews were conducted with the selected respondents. The respondents included were 6 lawyers, 12 students from minority religions (Christian, Hindu Ahmadi) and 12 students from majority religion (Islam).

3. Results and Discussion

The following themes have been developed from the collected data from the targeted respondents.

Table 1: Themes (Public Perception)

Public Perception	
Minority group Perception	Majority group Perception
○ Lack of awareness	○ Lack of awareness about the legal system
○ Rural urban dichotomy	○ Lack of employment opportunities
○ Lack of educational opportunities	○ Lack of Participation and Inclusive policies
○ Lack of employment opportunities	○ Exploitation and Intolerance
○ Weak institutions	○ Restricted Freedom
○ Blasphemy laws	○ Blasphemy law and events
○ Inequality	○ Self-interest of the government
○ Political representation	

Table 2: Themes (Legal stance)

The legal Stance Regarding Minority Rights
Legal experts Formal punishments for violations of rights
○ Religious Freedom through legislation
○ Constitutional protection for citizens
○ Minority rights within the constitution
○ Access to Employment, Education and Military Services
○ Formal punishments for violations of rights
○ Minority exploitation cases
○ Blasphemy law
○ Gaps between laws and practice
○ Hindering development

3.1. Perception of Minority groups

Theme 1: Lack of Awareness

This theme, derived from the collected primary data, circulates around the lack of awareness on the minority group's end about the laws and legislation regarding their respective rights provided to them by the constitution of Pakistan. It was found that the respondents were not having adequate knowledge and awareness regarding legal structures and laws, which were existing within the formal system to protect and strengthen their rights. They were unaware of their rights, making it difficult for them to avail them. The respondents had very less knowledge of their basic social, political and economic rights. This lack of awareness was found to be playing a significant role in the continuous exploitations of minority groups.

The Respondent (R1) said: "We have never taught about the fundamental rights, even it is very important for everyone to have awareness about it."

Theme 2: Rural-Urban Dichotomy

This theme discussed the rural-urban dichotomy with respect to the behaviour and attitudes of society towards the minority groups. It was found that most of the respondents faced less discrimination within the urban cities. Therefore, their perception highlighted less discrimination against minorities within the urban areas as compared to rural areas. The respondents expressed that there is more discrimination and exploitation against the minorities within the rural set-ups because of less education among the masses, and more intolerance when it came to religion. One of the respondents (R2) expressed his views about the rural issues, “Forced marriages and forced conversion in Sindh is very prevalent, the land lords use their power to exploit minorities in that area”. Another respondent (R3) said: “Personally, I have never faced such discrimination in Islamabad, but when people get to know that I am a Christian their behaviours changes.” On further probing, regarding these behavioural changes, it was found that once the identity is revealed as a Christian, people start treating them differently, they are not rude or arrogant but their attitude and body language is expressive enough to send a clear signal that we don’t approve of who you are, while still being nice and humane. Also, it was found that this kind of behaviour cannot be attributed to all segments of the society, as there are people who treat minorities with respect and dignity.

Theme 2: Lack of Education Opportunities

This theme highlights the lack of educational opportunities for minority groups. It was found that there are schools for Christians and all the Christian respondents studied from those schools, but there were no separate schools for the Hindus and Ahmadi community, except a few small schools which had inadequate educational infrastructure and poor-quality education. The lack of education was found to be a significant barrier for minorities, leading to the compromised and poor quality of life for these marginalized communities. According to the respondents, by denying them the right to proper education, the system is denying them the right to a better life, as without education self-empowerment is impossible. Without education, the minority groups cannot improve their economic conditions, and without earning money they cannot create and sustain and developed life for themselves and their families, leading to the continuation of their misery and suffering. Respondent (R4) said: “Lack of education is issue of whole Pakistan; the biggest problem is people are not ready to listen to one another.”

Theme 4: Lack of Employment Opportunities

In a country like Pakistan it is very difficult for the minorities to get equal opportunities of employment because the institutions are not as inclusive as they should be. Due to the institution working under the influence of majority groups, the pressure is critical for the minorities and it is very difficult to get equal status jobs similar to that owned by the employees belonging to the majority group of population. The minorities are treated as second preferences and considered less competent only due to their religious backgrounds. People from minority religions hide their identity to stay safe from any discrimination taking place within the work place environment. An undeniable fact is that there is inequality and discrimination against minorities in government jobs, mainly in Armed forces. Many of the respondents expressed that within the military services, the promotion stops after a certain rank for the minorities, which is very degrading and unfair. Respondent (R5) expressed her feelings: “We are treated as 2nd class citizens.”

According to one respondent, it does not matter how much a Christian or a Hindu loves Pakistan, because they are just not allowed to show their affection to the country, because of the lack of understanding, mistrust and negative stereotyping based on the religious backgrounds of people.

Another respondent (R6) said: “We cannot become part of the atomic energy plants as we are non-Muslims and we are not considered as trustworthy.”

Theme 5: Weak Institutions

As a developing country, Pakistan is facing many problems, one of which is the presence of weak and incapable institutions, creating management and structural issues for the state of Pakistan. The informal institutions are more powerful than the formal institutions, for instance the judiciary and establishment are not powerful enough to control the deviances against minority laws and violations against the minorities. All of the respondents had the similar view regarding the incompetence of the formal institutions, and that Pakistan is not economically or politically very stable like other developed countries; because of that the human rights violations, specifically the exploitations of minority rights, are prevalent within the society. Apart from Pakistan, other developing countries are also suffering from the similar issues of human rights violations within their territory. This clearly depicts the inefficient performance and incapacity of the institution to hold the different sections of the society together by the provision of equal rights and opportunities to all citizens without any religious bias and discrimination. During the interview a respondent (R7) said: *“I don’t think so Pakistan’s institutions and law enforcement agencies are capable of enforcing laws properly, until the issue emerge in a way and threats Pakistan’s sovereignty.”*

Theme 6: Blasphemy Laws

Almost all the respondents were aware of blasphemy and blasphemy laws. Most of them expressed the critical nature of this matter and that it is a very sensitive topic in Pakistan, because of the religious sentiments of people. The respondents declared the blasphemy law as the most misused law in Pakistan against the minorities. They expressed their concern, that they feel threatened by this law significantly, as the people from the majority group, become religiously blind in such matters, and they don’t take any explanation from minorities into account. Then the masses exert pressure upon the legal system and formal institutions to give death penalties and critical punishment sentences to minorities, who have supposedly broken the blasphemy law.

One of the respondents (R8) from the Hindu community said: “I don’t know about Muslims, but I think every minority knows about blasphemy laws as it is a very sensitive topic.” After further probing, it was found that one of the respondent’s perceptions were firmly against this law, according to him, *“As a Hindu, we respect other religions, no religion talks against peace. People misuse this law for their personal advantages, because in this case people get emotional in no time and without any proper evidence judge people, just like in the case of Asia Bibi.”* Many of the respondents quoted Asia Masih’s case as an example of the misuse of blasphemy laws. Also, there was this case happened in Bahawalpur, where a student killed his teacher and afterwards blamed that he was defaming Islam and used blasphemous words. Such kind of incidents inculcate fear among

the minorities, because it is very evident that people are now exploiting the blasphemy laws and using them to violate the basic rights of minorities, without any justification or prove regarding the blasphemous act.

Theme 7: Inequality

There is inequality in the Pakistani society when the minorities are being compared to the majority population. The majority group has more power, more access to resources, services and opportunities and more economic standing within the society. The minorities are facing inequality in all these areas because of the deeply enrooted discriminatory behaviour against them within the informal system of the society. The problem arises as the minorities are glued to the lower/poor class. They are forced to live in misery by the system, and they are still facing poverty and lack of opportunities, because of the unequal quotas in the government sector whether it is education, employment or access to other services, being promised by the state; which depicts the inefficiency and failure of the system. Respondent (R9) said: *“My love for Pakistan is not considered equal to the love of a person from majority religion.”* A respondent had a very firm view about the inequality aspect, that the word ‘Minority’ itself discriminates and differentiates minority from the majority, and it implies the fact that they will not get equal rights and opportunities as compared to the majority population.

“The minority word itself is discriminatory, minority means that you are not equal to the majority population.”

Theme 8: Political Representation

The political structure of Pakistan does allocate political representation to the minority groups, but the respondents shared their concerns regarding the gaps that exist in the political representation of minorities. According to the respondents, some specific quote of seats is assigned for minorities within the National and Provisional assemblies, but the number of seats is not enough to properly represent the entire minority population of Pakistan. Therefore, the number of seats should be increased, and they should be determined according to the population ratio of minorities. The respondents stressed upon another aspect which was focused on the diversity that exists with the minority population, that there is just not one minority group, there are several different minority groups. So, the seat allocation within the assemblies should represent each and every religious minority group of Pakistan, rather than considering all different minority groups as a single group and providing limited seats and inadequate political representation.

3.2. Perception of Majority groups

This theme will discuss the perception of majority against the minorities and their rights.

Theme 1: Lack of Awareness about the Legal System

Most of the respondents were unaware regarding the laws and legislations about minority rights, it was observed that not only minority respondents were uninformed about their basic human rights and legal system, but the majority respondents were also quite ignorant. Majority of the students expressed that the education system in our society from where they are acquiring education is neither highlighting the importance of different aspects

of legal system, nor the current education system teaches about the laws and basic human rights regarding minority rights. “The Pakistani education system does not teach about the laws, and therefore most of the people does not know anything about them.”

Theme 2: Lack of Employment Opportunities

According to the respondents, the minorities of Pakistan are not enjoying equal opportunities like the majority population. There are very less quotas for the minorities in different sectors and even many sectors do not have any quota for the minorities. One of the respondents said: “The jobs provided for the minorities in Pakistan are only the low-profile jobs and they are not providing such jobs through which they can earn equally.” Same is the case in ministries and other services like military, first they do not want any minority person to hold strong positions as they cannot be trusted with their patriotism, and secondly because it is an Islamic republic, the system has developed itself as if this country only belongs to Muslims. According to another respondent, minority people’s careers are distorted, and their vertical mobility is restricted because of the discrimination against minorities based on religion. But the hypocrisy is that this Islam and Islamization vanishes when it comes to corruption and nepotism at the different levels of the system.

Theme 3: Lack of Participation and Inclusive Policies

In the policy making process, the majority population are dominant, or we can say there is very less representation of minorities in this process. This leads to a significant issue for the minority groups, because the majority cannot understand the issues of minorities. To device a policy which favours the minorities and the participation of minorities is much needed. Lack of participation in the policy making process, in the ministries and at the bureaucratic level leads the minorities to a black hole from which they can never get out. A person from majority can never understand the issues that the minorities are going through. A respondent (R10) expressed his views by saying: “You have never experienced their issues than how you device policies can for them, their representation is important so that they can describe their issues properly.” Political representation is very low on the behalf of the minorities due to the threat to their lives; hence they are forced to pull themselves away from such participations. One of the biggest flaws within the constitution is that the president can only be a Muslim, which shows that the structure of governance in Pakistan is not very welcoming towards the inclusion of minorities in the government. Sir Zafarullah khan Jamali was appointed as the foreign minister by Quaid e Azam himself, even though he was an Ahmadi, but now Atif Mian was barred from the Advisory Committee because of his religious background. A respondent (R11) said: “It is a weird law that the president can only be a Muslim, the minorities also deserve equal representation, what have done by the Muslim presidents according to Islam?”

Theme 4: Exploitation and Intolerance

Pakistan was made in the name of Islam; it was supposed to let people from different religious backgrounds live a quality life in Pakistan, along with their rights reserved and people will get equal rights and opportunities. The exploitation of minorities was not prevalent after independence till 80’s but after the radical Islamization of Zia

ul Haq and proper narrative building against the minority religions, the environment of Pakistan changed for religious minorities. The exploitation of minorities is less in areas where they are dominant, but in the areas where they are less in number, they are exploited by the majority. In such areas where the minority population is less, they hide their identity from others because of fear of social exclusion. Many of the respondents said that the hate speech against minorities in their circle is very low, but in social media there are some pages which post stuffs against minorities at the same time some minority pages also post against Islam. It can be an individual; a person expressing their own perception against any other religion, but it can or cannot be connected to popular narrative. Hate speech does exist but they are more of personal opinions and views. Similarly, we use different words which are considered as demeaning slangs to offend other people without even realizing it.

A Respondent (R12) said: “We use words like choora (low caste), bhangi (sweeper), mirasi (low caste singers) without even realizing that we are targeting a community.”

Theme 5: Restricted Freedom

According to the respondents, the places where minorities are more in population, they can freely practice their religion for most of the times. There is no hindrance in their practices, but some events do happen in which churches are burnt and people are barred from going to their religious places. Most of such unfortunate events happen because of the misrepresentation of a religion, when the majority seems them as a threat to their religion. In the case of Sikhs, there is less hindrance for them from practicing as they are more ethnically like the dominant group in Pakistan but in the case of Christians and Hindus, they are less liked by the people. Most of the people dislike and restrict are the Ahmadi community, they cannot openly practice their religion and even openly show their identities. An Islamic country must welcome every religion but in the case of Pakistan, there is an ordinance (Ordinance XX) which is against the Ahmadis and their practices, they cannot build mosques, they cannot call Adhan, they even cannot use Islamic books as reference. If any person convicted doing any of the above stated acts he/she will be imprisoned for up to three years and will be fined.

Theme 6: Blasphemy Law and Incidents

The perception of respondents was different about blasphemy and how they define blasphemy; everyone said that blasphemy law itself is not bad in nature as it limits people from escalating religious conflicts. But as the blasphemy law is for non-Muslims, there must be same law which restricts majority from using wrong words against the minority's faith. Blasphemy law was devised to protect faith, but in actual people are using blasphemy law against other people for their own interests. In the case of Salman Taseer, Mumtaz Qadri was portrayed as a hero by a specific religious group which shows that people become blind and intolerant when it comes to religious matters. “In the name of blasphemy even the Muslims are targeted, so it is more difficult for the minorities.”

Theme 7: Self-Interest of the Government

The government misuses the power for their own interests, there are many events in the history from where evidence can be derived that the government used their power for their interest. In some cases, the government

solves the issues regarding the matters of minorities properly without any pressure taken by the actors that are exerting pressure on them like in the scenario of Asia Bibi, yet at the same time the government removes Atif Mian from Advisory committee because there was no such self-interest of government. When the issues are highlighted and it demonstrates the failure of government then they act, but before that they have no concern whatsoever. If any of the majority pressure group acts against any minorities, the government usually do not take interest in it properly but when they attack establishment or the government then they address the issue properly. The government does not bridge the gaps properly between minority, majority and the legal system rather they are just concerned to complete their tenure without producing policies which can help Pakistan to progress due to which the gaps between theory and practice are still prevalent.

4.3.3. The legal Stance Regarding Minority Rights

This part of the study has discussed the minority rights in the light of legal system in accordance with the perception of lawyers.

Theme 1: Religious Freedom through Legislation

The legal laws are formulated within a state to construct and sustain a proper system for governance, to provide access to services, define the obligations and responsibilities; and ensure the protection of the rights of people. The state and the citizens are in an undocumented contract which provides state, the hegemony and power of governance i.e. the power to rule. In Pakistan the system of governance is democracy, where people's representatives are chosen by public vote. The elected representatives have the power to formulate new laws, and discard others through legislative measures. Minority rights are one of the areas, upon which legislations have been formulated and documented within our formal constitution. While, analysing the collected data from the legal experts regarding the rights of religious minorities, it was found that our formal constitution has a specific Article 20, which precisely deals with religious minorities and ensures their religious freedom.

“Every individual is free to practice his/her own religion. There are no restrictions on it from the state. Everyone can practice their religion according to the instructions of their religion.”

It was deduced that the formal system of Pakistan recognizes and understands the importance of minority rights, and therefore, there are formal laws in our constitution, protecting the rights of minority groups regarding religious freedom, based on the notion of equality and the preservation and maintenance of their rights.

Theme 2: Constitutional Protection for Citizens

The constitution has the solemn duty to provide protection and rights to all citizens of the state. This theme analysed the provision and protection of citizenship rights with respect to constitution of Pakistan.

“This is an international rule that the state has to provide fundamental rights to all of its citizens.” There is a chapter on fundamental rights within our constitution, comprising of article 8 to article 28, which extensively discusses and describes the fundamental rights for the citizens, all of the citizens including the minority groups,

without any discrimination and inequity; and the constitution has set specific parameters to maintain the protection of those rights without the violations. Section 25 of the constitution of Pakistan specifically talks about equality of citizens.

Theme 3: Minority Rights within the Constitution

This theme focuses upon the rights that are being provided to the minority groups by the constitution of Pakistan. The concept of rights has been divided into broad and specific categories in accordance with the needs of the citizens, but majorly they revolve around social, economic and political rights. It was found that the constitution of Pakistan serves all these rights with respect to minorities. The minority groups can practice their religion and culture freely without any restrictions. They can participate in politics, while practicing their political rights. There are specific seats and quota for minorities in the national and provincial assembly, being set by the constitution; and it was found that minorities can also contest elections on the general seats, which removes all spaces of political discrimination against minorities, on the part of the constitution. “The constitution has provided the same rights to the minorities as the other citizens.”

Theme 4: Access to Employment, Education and Military Services

This theme specifically discusses the economic rights and educational rights for the minorities in Pakistan. The constitution provides all the rights regarding right to education and right to employment opportunities. It is a common misconception within the society that minorities cannot join the military, however it was found to be untrue. The minorities can join the military and provide services without any discrimination by the law.

Theme 5: Formal Punishments for Violations of Rights

The exploitation and violation of laws are prevalent in every society and state of this world, because the system is standing on the power struggle between the strong and the weak. In order to ensure their hegemony and suppress the weak, the powerful groups violate and exploit the rights of other groups. This phenomenon is however societal in nature, the legal perspective doesn't stand with it. The formal law of Pakistan does not support or enhances any kind of systematic violence against the minorities and violation of their rights. In order to preserve the minority rights and control their violations, the constitution has designated punishments for the violators of minority rights. They are punishable by law, and they are treated as criminals in the eyes of the law, no matter their caste, creed, culture or religion. If a person has broken the law, they will be punished without any biasness or discrimination, according to the manifestations of the constitution of Pakistan. “The protection that is being offered by law to the Muslims is also being offered to people from other religions.”

Theme 6: Minority Exploitation Cases

Even though the constitution and the law protect the minorities and their rights, the violations still occur within the society. That is why the law exists, to minimize those violations and manifest an efficient system of accountability for everyone in front of the law. For ensuring that such kind of violations against the minorities is dealt with properly, such incidents have to be reported first through some medium. It was found that within the

urban cities, the cases of minority exploitations were reported immediately through media and the formal courts and respective authorities take notice of such incidents; while within the rural areas the exploitation cases were less reported because of the lack of education and knowledge about one's own rights with respect to law on the minorities' end. They have no information or sources to avail help themselves, however these cases are also uncovered but takes much more time, and the minority group's keeps on suffering until any external help comes to release them from their misery. A lawyer said: "100 Hindus were retrieved from the personal jail of a feudal lord in Sindh. Those prisoners included men, women and children. They were working as slaves for that feudal lord for a very long time. People are not ready for diversity."

Theme 7: Blasphemy Law

The purpose of the enactment of blasphemy law was to protect the dignity of Prophet (P.B.U.H) and our religion. For determining what blasphemy law should enforce, it is more important to first define what blasphemy is. It was found that according to the legal experts, people belonging to the same religion and same sect, can have different notions of what blasphemy is, and this is the major factor which leads to misuse of blasphemy law within our society. As religion is a sensitive area of societal life, people are very reactive in taking action against minorities who are talking or doing something blasphemous, without any prove or justification from the minority's end. It was also found that the law still does not holds a single confined definition of what comes under blasphemy, and that the people in our society avoid talking about this, because of the sensitive nature of this subject matter as anything said or done, can hurt the sentiments of other people depending on their beliefs and perceptions. Therefore, it was deduced that it is significant to define the term 'Blasphemy' formally, because only then, the law enforcement and implementation can be made efficient and judicious. Without covering this gap area within the constitution regarding blasphemy law, the exploitation and suffering of minorities in the name of blasphemy cannot be contained at the societal level.

Theme 8: Gaps between Laws and Practice

This theme sheds light upon the prevalence of gap between the formal laws and their practical implementation. It was found that there are no such gaps in our formal laws regarding minority rights theoretically, as our legal framework is built on the notion of equality and treats the majority and minority groups without any discrimination. But there are gaps and barriers within the implementation of those formal laws because of some religious aspects. The judges of our legal system are unable to protect the minorities because of immense societal pressure, and the active extremist Islamic groups present in our society. They exert pressure upon the formal system because they hold power due to religion, and the power provided by religion is not easy to challenge as this power is given to these Islamic groups by the masses in the name of religion. The state cannot just criticize and challenge the religious perspectives prevailing within the society because of the sensitive and critical nature of this matter. "There is this issue of religious awareness in our society; the other thing is that people are very sentimental. Because of the ignorance and extremism of people, some laws are not implemented properly." But less awareness is not the only factor, taking account of some cases from the past, revealed the fact that even those people who are well-educated and well-aware of the do's and don'ts of religion with respect to minorities, are unable to contribute and fill the hole between theory and practice because of the kind of

extremism that has been portrayed by people again and again in our society, in the name of religion. This has inculcated a sense of fear within our society to act and take side with the minorities. Therefore, those who have the awareness and authority still face critical pressure from the masses which influence the whole difference that exists between the formal law and its practice with respect to minority groups. “When it comes to Islam, our people are not ready to listen. There is so much pressure upon the judges, even they get death threats. For instance, let’s take the example that how Salman Taseer’s own bodyguard killed him. Because of the fear inculcated by such incidents, it becomes harder to implement the formal laws.”

Theme 9: Hindering Development

This theme highlighted the negative consequences being faced by minority groups, because of the presence of gaps and loopholes between the manifested system and its practical implementation. These gaps ensure that the system is unable to correct itself, hence the injustice and inequality prevails. Because of these flaws in the system, the minorities are unable to get equal opportunities and equal access to governmental services that are making them marginalized, underdeveloped and least empowered. They are unable to get proper education and jobs, hence affecting their personal and economic development. Now, economics plays a significant role in improving the overall quality of life. The minorities lack these opportunities hence they are unable to afford a good life and an influential position for themselves within the society, which makes them even more vulnerable in front of the powerful majority groups. This affects the overall development of a society at the grass-root level, as these marginalized groups are forced to live near, and under the line of poverty; as the system is unable to support them. Ironically, the system is responsible for the violations against their rights, increasing the extent of their miserable lives. Human development is very essential for development but due to these issues our country lacks in many fields of development.

4. Conclusion

The minority rights are also human rights, but the rights of minorities are violated and exploited all over the world. The real issue lies with the proper addressal of these unfortunate incidents that happen in a country. Pakistan has ratified to the UDHR and other international charters, which are embedded in the national frameworks, but the actual barrier still lies at the implementation level. There is protection and equal opportunities for minorities in the law. They are eligible for all the rights and services that a person from majority religion enjoys, along with the citizenships and fundamental rights. But in the practice, there is very limited implementation of such laws. The ground reality is totally different from what is documented within the legal system. The lack of awareness about the legal system is one of the factors which leads to the exploitation of minorities as due to this lack of awareness in minorities, they cannot keep themselves protected from such exploitations. The public is ignorant and unconscious of the laws, rights and punishments on breaking minority laws. The unfavourable incidents related to exploitation of minorities do not just exist in Pakistan, many of the developed countries have the same issues, but they cater the problems according to the issue and device policies which produce the better outcomes. As a multi-ethnic and multi religious country, Pakistan is facing challenges in devising such laws which are helpful for all citizens living in Pakistan on the terms of equality. However, it is not easy for a developing country to devise such policies in a short span of time, but at least the government can

take initial initiatives towards changing the policies and law enforcement mechanisms. The representation and participation of the minorities within decision-making is not significant, it would not be wrong to state the absence of the minorities in the formal policy making processes. People from majority population are making policies, but they cannot understand the problems and issues which are being faced by the minorities in their every daily life. That is why the policies being made, are inefficient in addressing the needs of minority groups. For that, the minority groups should be empowered so that they can advocate for their fundamental rights. The formal system of Pakistan which includes the legal framework does not discriminate the minorities, but the problem lies within the implementation mechanism and informal settings to counter these issues Pakistan needs reforms in the policies.

5. Limitations of the Study

During the research most of the respondents belonging to the age group of 18 to 25 years were uncomfortable to discuss about this sensitive issue. Also, it was difficult to find out respondents belonging to different minority groups, due to lack of information. The major limitation of the study was the nature of delicacy of the topic due to which respondents hesitated to express their personal experiences openly.

6. Recommendations

An Inclusive policy should be introduced at the state level, which could ensure the standards of equality for all the citizens. There should be ban on the currently prevalent discriminatory behaviour against minorities by the manifestation of efficient policies and their proper implementation at all levels. Definition of minorities should be clearer in the constitution and categorize the different minorities groups belonging to different religions, so that the needs of each minority group can be addressed properly. Educational reforms are needed to provide equal access to education. The awareness about legal system and its different articles must be raised within the society, so that people from all religious groups would know and understand their rights. There should be collaboration of local governments with the media, so that it can be make sure that the voices and opinions of minorities are heard and channelized through media platforms. The government must bridge the gaps between minorities and majorities by providing such platforms where both communities could meet and understand about each other. The government should introduce political reforms for the minority groups, keeping in mind the diversity of minority groups that would allow them to have more seats and representation within the assemblies and political arena.

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