

Islamic Perspective on Human Rights and Minorities Legal Rights: Contemporary Analysis of Pakistan

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Abstract: *This scholarly article explores the Islamic viewpoints on human rights and the legal rights of minority groups in present-day Pakistan. It provides an extensive examination that aims to establish a connection between Islamic ideas, legal structures, and the real-life encounters of religious and ethnic minority groups in Pakistan. Utilizing a multidisciplinary framework, this study incorporates Islamic jurisprudence, international human rights law, and sociopolitical dynamics to present a comprehensive analysis. The research is supported by extensive case studies that serve as illustrative examples of the study's conclusions.*

The foundational tenets of Islamic law concerning human rights, placing particular emphasis on notions such as equality, justice, and dignity, which are firmly grounded in Islamic doctrines are analyzed. The integration of these concepts into the legal structure of Pakistan, with a particular focus on their incorporation into the country's Constitution and other legislative measures, is examined. Furthermore, this study conducts a thorough analysis of the international human rights agreements and treaties that Pakistan has officially endorsed, assessing their alignment with Islamic principles. This examination highlights the intricate relationship between global norms and Islamic moral values. Within the scope of minority groups, this research illuminates the legal rights and safeguards that are granted to religious and ethnic minorities in Pakistan.

Moreover, the paper examines the involvement of civil society organizations, advocacy groups, and the court in influencing the narrative around minority rights inside the nation. This analysis focuses on the

endeavors undertaken by diverse stakeholders to address the disparity between Islamic values and the legal rights of minority groups, as well as the resulting influence on policy reform and public attitudes.

Keywords: Human rights, Minorities legal rights in Pakistan, Islamic perspective on minorities rights, Contemporary situation of minorities in Pakistan

Introduction

The protection of human rights and the preservation of minority rights are essential foundations of a fair and impartial society, surpassing geographical limitations and cultural circumstances. In the present-day global context, characterized by the coexistence of culturally varied countries and their ongoing struggles with matters pertaining to inclusivity and social justice, it becomes imperative to undertake a comprehensive analysis of the Islamic viewpoint on human rights and the legal entitlements afforded to minority groups ([Mehfooz, 2021a](#)). This research study explores the various dimensions of the subject matter, with a particular emphasis on Pakistan, a country situated at the intersection of Islamic legacy and contemporary democratic administration. This article aims to shed light on the changing discourse around human rights and minority rights in Pakistan by conducting thorough case studies. It provides critical analysis and valuable perspectives on the obstacles and possibilities for the harmonization of Islamic values and universal human rights principles.

The Islamic viewpoint towards human rights is firmly grounded in the teachings of the Quran and the Hadith, placing significant emphasis on fundamental ideals such as justice, compassion, and equality. When these principles are carefully defined and applied, they provide a strong framework for safeguarding human rights, particularly the rights of religious and ethnic minorities. However, there have been occasions in which Pakistan's legal and sociocultural frameworks have demonstrated inadequacies in properly maintaining these ideals ([Hassan, 2002](#)).

Moreover, this paper will explore the good advancements and legal modifications that have been implemented with the objective of enhancing the societal standing of minority groups in Pakistan. This study will examine programmes such as the National Commission for Minorities, which aims to redress concerns and advocate for the rights of minority communities.

In summary, the examination of the convergence between Islamic viewpoints on human rights and the legal protections afforded to minority groups in Pakistan is a multifaceted and dynamic field of research. This research piece attempts to add to the global discourse on human rights and minority rights by employing a comprehensive analysis of Islamic principles and in-depth case studies to illuminate the prevailing conditions in Pakistan. The ultimate goal is to cultivate a society that is more inclusive and equal, where the principles of Islam and universal human rights norms may coexist in harmony.

Islamic Perspective on Human Rights

The Islamic viewpoint towards human rights is firmly grounded in the principles elucidated in the Quran, the Hadith, and the final sermon of the Holy Prophet Muhammad (peace be upon him). Islam lays significant importance on the preservation of the dignity and entitlements of all individuals, irrespective of their racial, religious, or societal standing ([Mehfooz, 2021b](#)).

The Quran upholds the principle of equality. The verse 49:13 of Surah Al-Hujurat asserts that

humanity has been created from both male and female individuals, and has been diversified into many communities and ethnic groups to facilitate mutual understanding and interaction. Undoubtedly, the individuals who are deemed most honorable in the eyes of Allah are those who exhibit the highest degree of righteousness. This passage underscores the notion that in the perspective of Allah, all individuals are regarded as equal, with their value being contingent upon their devotion and moral uprightness, rather than their ethnic background or societal standing ([A. U. Khan, Ullah, & Abdullah, 2018](#)).

In the Farewell Sermon delivered by Prophet Muhammad (PBUH), it was said that the entirety of humanity traces its origins back to Adam and Eve. There is no inherent superiority of an Arab individual over a non-Arab individual, and vice versa. Similarly, there is no inherent superiority of a white individual over a black individual, and vice versa. The only basis for superiority among individuals is in their level of piety and adherence to virtuous actions ([Mehfooz, 2021a](#)). The principle of freedom of religion is upheld by Islam, with the condition that it does not do harm to others or upset the established social order. A specific verse in Surah Al-Baqarah (2:256) of the Quran specifically mentioned that there should be no imposition or coercion in matters of religious belief. The aforementioned poem underscores the need to distinguish between the correct and incorrect paths. It highlights the principle that individuals should not be coerced into adopting a specific religious belief, but rather possess the autonomy to select their own faith ([Baderin, 2022](#)).

Surah Al-Kafirun (109) serves as an additional testament to this notion. The assertion posits that individuals who have religious beliefs should refrain from worshipping the deities or objects of worship that are revered by others, and likewise, individuals should respect one another's autonomy in making religious choices ([Khalid & Anwar, 2018](#)).

The preservation of human life and property is a core tenet within the Islamic faith. According to the Quranic verse found in Surah Al-Ma'idah (5:32), the act of taking a life, unless it is in response to the killing of another life or for causing disorder in society, is seen as equivalent to the extermination of the entire human race. Furthermore, the act of saving a single individual can be considered tantamount to saving all of humanity. This verse emphasizes the significance of the act of ending a human life and the value of safeguarding it ([Hassan, 2002](#)).

The Hadith encompasses a multitude of teachings imparted by Prophet Muhammad (peace be upon him) regarding the sacred nature of property. He expressed that the preservation of one's life and property is mutually regarded as inviolable. In the Islamic faith, engaging in actions that cause injury or involve theft is unequivocally prohibited ([Tariq & Iqbal, 2023](#)).

In the Farewell Sermon, Prophet Muhammad (peace be upon him) restated these concepts. He placed significant emphasis on the principle of equality, asserting that all individuals who identify as Muslims are regarded as siblings within the faith community. He emphasized the importance of upholding the sacredness of both human life and personal possessions, asserting their inviolable nature. Additionally, He emphasized the significance of religious freedom, emphasizing that individuals should not be coerced into things pertaining to their beliefs ([Tariq & Iqbal, 2023](#)).

The last sermon also provides a detailed examination of human rights within the context of Islam. The aforementioned statement encompasses the fundamental tenets of egalitarianism, the exercise of

religious freedom, and the safeguarding of human life and property ([Tariq & Iqbal, 2023](#)).

Legal Framework in Pakistan

Pakistan, being a nation that identifies itself as an Islamic Republic, encounters the complex task of reconciling the tenets of Islamic law (Sharia) with the safeguarding of human rights, encompassing the rights of its minority communities. The primary objective of this research study is to examine the legal framework of Pakistan, with a particular emphasis on its Constitution, and its dedication to protecting the rights of both the majority and minority populations ([A. U. Khan et al., 2018](#)).

The Constitution of Pakistan:

The concept of legal rights refers to the entitlements and protections that individuals possess under the law. These rights are established and upheld by the constitution of Pakistan. The Constitution of Pakistan, which was ratified in 1973, functions as the paramount legal document in the country and forms the fundamental basis for safeguarding human rights and minority rights within the legal system. The Constitution contains certain essential provisions that guarantee the safeguarding of these rights ([Saeed, Tahir, Akhter, & Rashid, 2020](#)).

a. Fundamental Rights (Chapter I, Part II): The Constitution of Pakistan ensures the provision of an extensive range of fundamental rights to all individuals, irrespective of their ethnic background, religious affiliation, or gender. The aforementioned rights encompass fundamental entitlements such as the right to preserve one's life, enjoy personal freedom and security, exercise freedom of expression, engage in peaceful assembly, form associations, move freely, and be safeguarded from discriminatory practices based on numerous criteria ([Saeed et al., 2020](#)).

b. The right to equality: The right to equality, as outlined in Article 25 of the Constitution, guarantees individuals equal treatment under the law and bans any kind of discrimination based on factors like as race, religion, caste, sex, or place of birth ([Saeed et al., 2020](#)).

c. Freedom of Religion (Article 20 and 22): Article 20 provides individuals with the right to openly express, engage in, and promote any religious beliefs, while Article 22 safeguards the autonomy of religious organisations in governing their internal affairs ([Saeed et al., 2020](#)).

d. Minorities protection: The protection of minorities is addressed in Article 36 and 37 of the document. Article 36 guarantees the freedom of religious practise for minorities, while Article 37 focuses on the development of social justice and the well-being of religious minority groups ([Saeed et al., 2020](#)).

Legal Safeguards for Minority Protection:

In conjunction with the constitutional framework, Pakistan has enacted distinct legislation and formulated policies aimed at safeguarding the rights of minority groups:

a. The Pakistan Penal Code (PPC): PPC has provisions that render hate speech, incitement to violence, and acts of discrimination against minorities as criminal offences. The sections denoted as 153-A and 295-C hold particular significance within the present context ([Amjad Mahmood Khan, 2003](#)).

b. Protection of the Rights of Religious Minorities Act, 2020: This act establishes a comprehensive legislative structure aimed at safeguarding the rights of religious minorities and facilitating their active involvement in societal affairs. This act also enforces prohibition of forced marriages and forced religious conversions ([Fuchs & Fuchs, 2020](#)).

c. The National Commission for Minorities (NCM): NCM has been established in Pakistan with the aim of protecting the rights and interests of religious and ethnic minorities. The National Commission for Minorities (NCM) plays a pivotal role in effectively addressing matters pertaining to the rights of minority groups and ensuring their adequate representation on diverse platforms ([Ali & Rehman, 2013](#)).

An Examination of Pakistan's Legal Framework and Safeguarding of Minority Rights in a Contemporary Context

Pakistan has implemented a legal framework to safeguard the rights of minority groups; yet, there are several current issues and concerns in this regard.

1. The Implementation Gap: A notable concern is the divergence between legislative provisions and their practical enforcement. The prevalence of unaddressed instances of prejudice and violence against minority groups can be attributed to inadequate enforcement measures ([Rehman, 2021](#)).

2. Blasphemy Laws: The blasphemy laws in Pakistan have garnered significant criticism due to their frequent misapplication against religious minority groups. Numerous prominent examples, including the Asia Bibi case, have garnered global recognition, shedding light on this matter ([Abdul Muhaimin Khan & Khan, 2020](#)).

3. The issue of forced conversions: This issue namely targeting females belonging to religious minority groups such as Hindus and Christians, has been identified as a prominent and worrisome phenomenon ([Dobras, 2008](#)).

4. Instances of Targeted Violence: Religious minority communities, encompassing Christians, Hindus, Sikhs, and Ahmadis, encounter acts of violence, discriminatory practices, and persecution perpetrated by extremist factions ([Dobras, 2008](#)).

Case Studies:

a. The Asia Bibi Case: The case of Asia Bibi, which transpired in Pakistan, stands as a painful testament to the complex dynamics between human rights and the legal rights of minority groups. The incident garnered international recognition and shed focus on the difficulties encountered by religious minority groups inside the nation ([Sadiq Kakar, 2023](#)).

In 2009, Asia Bibi, a Christian individual residing in a rural area of Punjab, faced allegations of blasphemy, an offense that holds significant legal consequences in Pakistan, including the possibility of capital punishment. In 2010, she was found guilty and subsequently received a death sentence, which resulted in widespread international condemnation and a prolonged legal dispute. The tragedy of Asia Bibi highlights the flagrant violation of human rights inherent in Pakistan's blasphemy laws.

Her apprehension, subsequent conviction, and prolonged period of confinement in the absence of a just trial brought to light the deficiencies within the legal framework. The issue has generated apprehension regarding the preservation of fundamental human rights such as freedom of speech, expression, and religion, which are safeguarded by international agreements, notably the Universal Declaration of Human Rights ([Sadiq Kakar, 2023](#)).

It highlights the difficulties encountered by religious minority groups under the legal framework of Pakistan. The persistent problems of discrimination, persecution, and violence against minority communities have been enduring concerns. It brought attention to the pressing necessity of

safeguarding the legal entitlements of minority groups, so guaranteeing their ability to lead lives devoid of apprehension and exercise their religious beliefs without constraint ([Sadiq Kakar, 2023](#)).

Asia Bibi's release was fervently advocated for by global human rights organisations, governments, and individuals, exerting international pressure. The exertion of worldwide pressure played a pivotal role in raising awareness about the legal abuses in Pakistan and lobbying for the liberation of the individual in question. The case of Asia Bibi continues to hold significant importance in the legal and human rights chronicles of Pakistan. The incident brought to light the deficiencies in the nation's legislation pertaining to blasphemy and underscored the pressing necessity to safeguard the legal entitlements of marginalized groups. The eventual acquittal of the individual in question in 2018 represents a notable development, although it underscores the imperative for more extensive legal reforms and safeguards to be implemented in order to foster a fair and inclusive society in Pakistan. Additionally, it highlights the significance of exerting international pressure to advocate for the protection of human rights and minority rights in nations where these rights are at risk ([Sadiq Kakar, 2023](#)).

b. Instances of Coerced Conversions: The story of Rinkle Kumari, a Hindu female residing in the Sindh province of Pakistan, serves as an illustrative example of the concerning phenomenon of forced religious conversions and the consequential impact on human rights and the legal rights of minority groups inside Pakistan. The case involving Rinkle gained global recognition when she was purportedly subjected to abduction, coerced religious conversion to Islam, and compelled into a marriage without her consent. This particular case highlights the grave predicament confronted by religious minority groups in Pakistan, who frequently experience a state of apprehension and susceptibility as a result of institutionalized prejudice and the infringement upon their legal entitlements ([Gillani, Ishfaq, & ud Din, 2021](#)).

The violation of the right to freedom of religion, as stipulated in several international treaties to which Pakistan is a member, is a prominent human rights principle that has been infringed upon in the case of Rinkle Kumari. It flagrantly violates the fundamental right of individuals to exercise their freedom of religion, devoid of any kind of intimidation or violence. Despite the presence of legislation nominally safeguarding the rights of minority groups, a notable disparity persists between the enactment of these laws and their effective implementation ([Gillani et al., 2021](#)).

Furthermore, the case of Rinkle Kumari not only underscores the significance of religious freedom but also brings attention to matters pertaining to gender and minority rights. She experienced not just religious pressure but also an involuntary marriage, constituting a significant infringement of her fundamental human rights and dignity. Women belonging to religious minority groups in Pakistan are more susceptible to such forms of mistreatment, frequently encountering dual forms of prejudice rooted in both their gender and religious identity. In its entirety, the case of Rinkle Kumari serves as a poignant illustration of the imperative for Pakistan to fulfil its international obligations in safeguarding human rights, ensuring religious freedom, and upholding the rights of minority groups residing within its territorial boundaries ([Gillani et al., 2021](#)).

c. Attacks on Places of Worship: In August 2023, a series of incidents occurred in which armed groups targeted two churches located in the town of Jaranwala in Punjab province. These attacks were motivated by accusations of blasphemy against two individuals who were identified as Christian

residents of the area. Numerous video recordings disseminated through social media platforms depicted a large assemblage of individuals brandishing batons and sticks, engaging in acts of aggression towards the Salvation Army Church and the Saint Paul Catholic Church, subsequently subjecting them to conflagration. Simultaneously, another group targeted privately owned residences, setting them ablaze and causing damage to windows using forceful means ([Hussain, 2023](#)).

This incident serves as a poignant illustration of the pervasive discrimination and oppression experienced by religious minority groups in Pakistan, despite the existence of constitutional safeguards aimed at safeguarding the rights of these marginalized communities. The legal structure of Pakistan, which encompasses the 1973 Constitution, ensures the provision of religious freedom and equality to all individuals inside the country. Nevertheless, the actual situation frequently fails to meet these commitments. Discriminatory legislation, such as the blasphemy laws, has been utilized as a means of targeting religious minority groups, rendering them susceptible to unfounded allegations and acts of collective aggression. Furthermore, the lack of successful prosecution by law enforcement agencies for these crimes contributes to the continuation of a culture where perpetrators are not held accountable for their actions. The Jaranwala church burning incident serves as a compelling case study that highlights the pressing necessity for Pakistan to adopt a comprehensive approach to addressing these matters. It is imperative for the country to enhance its legislative safeguards for minority groups and guarantee the well-being and protection of all individuals, irrespective of their religious affiliations ([Hussain, 2023](#)).

In light of such occurrences, several domestic and international human rights organisations have continuously urged the Pakistani government to implement tangible measures aimed at protecting the rights of religious minority groups. This entails the reformation or repeal of legislation that have the potential to be exploited against minority groups, the establishment of a system that delivers prompt and unbiased justice for victims, and the introduction of educational initiatives aimed at fostering religious tolerance and interfaith harmony. Failure to do so will result in continued international scrutiny and an inability to fulfil its obligations pertaining to human rights and the legal rights of minorities ([Hussain, 2023](#)).

Challenges and Recommendations

Despite the presence of legal safeguards, Pakistan encounters various problems in effectively safeguarding the rights of minority groups. The issues encompassed in this context are to societal biases, the inappropriate application of blasphemy legislation, and instances of discrimination. Several recommendations can be made to effectively solve these difficulties.

Education and Awareness: Facilitating the advancement of interfaith dialogue and fostering religious tolerance via educational initiatives and awareness campaigns.

Legal Reforms: Evaluating and modifying legislation susceptible to discriminatory application against minority groups, such as statutes pertaining to blasphemy.

International Cooperation: Engaging in collaborative efforts with international organisations and partners to enhance the safeguarding of minority rights.

Conclusion

This scholarly study highlights the significance of safeguarding human rights and minority rights

within the framework of Islamic principles in the context of Pakistan. Although legal provisions exist, the implementation and enforcement of these rights encounter many problems in practise. The case studies provided exemplify the intricate nature of safeguarding minority rights within the context of an Islamic republic. The imperative to persist in the pursuit of a fair and all-encompassing society, whereby the rights of every individual, irrespective of their religion or ethnic heritage, are protected, is paramount.

The legal structure of Pakistan establishes a robust basis for safeguarding human rights and minority rights. Nevertheless, there continue to be notable obstacles in terms of execution, legislation around blasphemy, coerced conversions, and acts of violence specifically directed at certain groups. The resolution of these concerns is of utmost importance in order to guarantee the comprehensive safeguarding of minority rights and the preservation of the constitutional values of fairness and parity. The exertion of international pressure and the fostering of collaboration have the potential to contribute to the promotion of changes and enhancements in the human rights landscape of Pakistan.

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