

Impact case study (REF3)

Institution: Brunel University London		
Unit of Assessment: 18 Law		
Title of case study: Legal and policy changes in Freedom of Religion or Belief in Pakistan and in the United Kingdom		
Period when the underpinning research was undertaken: 2013-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Professor Javaid Rehman	Professor of Law	08/2005 - present
Period when the claimed impact occurred: 2013-2020		
Is this case study continued from a case study submitted in 2014? N		

1. Summary of the impact (indicative maximum 100 words)

Prof. Rehman's academic and advocacy work and his authored reports on behalf of the All Parties Parliamentary Group (APPG) on *Freedom of Religion or Belief* and the APPG on *Pakistan Religious Minorities*

- (a) Resulted in re-interpretation of constitutional and legislative provisions and policy and administrative changes within Pakistan, and new educational opportunities for approximately 3,000,000 minority students in Punjab
- (b) Led to policy changes in UK government's approaches to freedom of religion or belief (FoRB), in particular those relating to Pakistan, and the Home Office policies in asylum applications from religious minorities of Pakistan.

2. Underpinning research (indicative maximum 500 words)

Pakistan, the 5th largest country in the world and with a population of approximately 200,000,000, faces a substantial democratic deficit and serious challenges of protecting religious minorities from discriminatory laws and practices. The inter-related dimensions of Prof. Rehman's research have led to constitutional, legislative and policy changes in Pakistan and has also impacted upon the United Kingdom governmental and administrative policies towards Pakistan and Home Office policies in asylum applications from Pakistan.

Pakistan

Prof. Rehman's research is based on his academic writings (Ref 3; Ref 6) and advocacy work with more recent publications consisting of a series of reports for APPG for *Freedom of Religion or Belief* and APPG for *Pakistan Religious Minorities* (Ref 1; Ref 2; Ref 4; Ref 5).

Prof. Rehman's academic research findings have highlighted:

- Tensions around nationhood with draconian and discriminatory laws and their practices targeting religious and ethnic communities. (F1) (Ref 6)
- Violations of the rule of law, FoRB and freedom of expression through the application of blasphemy laws towards religious minorities. (F2) (Ref 1; Ref 3).

His research culminated in a UK fact-finding Parliamentary mission to Pakistan coordinated and participated by Prof. Rehman (September – October 2018). The findings of the Parliamentary mission consolidated by the recommendations developed by Prof. Rehman and his collaborators

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were published in a report in September 2019 highlighting serious violations of minority rights including inter alia:

- Legal and policy lacunae in the interpretation of Islamic laws resulting in forced marriages and forced conversions of girls and women belonging to religious minorities (F3) (Ref 1).
- Patterns of discrimination against religious minorities in education, in particular, in higher education (F4) (Ref 1).

United Kingdom

The UK has historic, commonwealth ties with Pakistan: it is home to approximately 1,000,000 Pakistanis, representing the second largest ethnic minority population in the UK. As the largest donor of bi-lateral foreign aid as a strategic priority, the UK has claimed significant interest in promoting human rights, democracy and rule of law in Pakistan. The incremental increase of discrimination and persecution of minority groups as well as terrorist activities in Pakistan has not only raised questions about the efficacy and legitimacy of the strategic prioritisation in annual financial aid and assistance to the country, the UK home office is increasingly having to deal with a significant number of asylum applications particularly from the Ahmadiyya, Christian and Hindu minorities of Pakistan. In 2018, asylum applications from Pakistani citizens represented the 4th largest share of all applications.

Prof. Rehman's research highlighted:

- The significance of religious and FoRB literacy inter alia among Embassy staff and maximising of usage of FoRB toolkits (F5) (Ref 2).
- The importance of ensuring that any financial aid provided, is tracked and audited and channelled only to organisations and programmes that support and demonstrate a clear understanding of FoRB and minority rights. (F6) (Ref 2).
- The urgency of a review of the Home Office position of inter-country relocation in Pakistan for those facing allegations of blasphemy, and specific threats faced by Christian converts and Christian women and girls. (F7) (Ref 4).

Relevant Grants and Contracts:

Prof. Rehman has been awarded funding by the European Commission (Grant 1) and the British Academy (Grant 3). Prof. Rehman has also received funding from United Kingdom Centre for Legal Education and the Commonwealth Legal Education Association (Grant 2). Between 2008 and 2010, Prof. Rehman was awarded funding by the European Commission (EU 7th Framework Cooperation Programme) whereby he investigated religious discrimination in Pakistan and held a substantial workshop in Lahore, Pakistan (March 2009). (Grant 1)

3. References to the research (indicative maximum of six references)

Ref 1: Javid Rehman, Councillor Morris Johns and Amro Hussain, *Religious Minorities of Pakistan: Report of a Parliamentary Mission to Pakistan* (27 September 2018 – October 2018) (London: APPG) 2019. <https://appgfreedomofreligionorbelief.org/media/190918-Full-Report-Religious-Minorities-of-Pakistan-Report-of-a-Parliamentary-Visit.pdf>

Ref 2: Sir Malcolm Evans, Javid Rehman, Fabio Petito and Katharine Thane, *Article 18: From Rhetoric to Reality* (London: APPG) 2017. <https://appgfreedomofreligionorbelief.org/media/Article-18-report-1710.pdf>

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Ref 3: Hossein Esmaeili, Irmgard Marboe and Javaid Rehman, *The Rule of Law, Freedom of Expression and Islamic Law* (Oxford: Hart Publishing) 2017.

Ref 4: Javaid Rehman, *Freedom of Religion or Belief in Pakistan and UK Government Policy* (London: APPG 2016). <https://appgfreedomofreligionorbelief.org/media/APPG-Pakistan-Inquiry-Full-Report-March-2016.pdf>

Ref 5: Professor Malcolm Evans, Professor Javaid Rehman, Ziya Meral, Dr Nazila Ghanea-Hercock, Katherine Cash and Dr Sean Oliver-Dee, Baroness Berridge, Lord Singh, Lord Alton, Baroness Cox, Jim Dobbin MP, Angie Bray MP, *Article 18: An Orphaned Right* (London: APPG 2013). <https://appgfreedomofreligionorbelief.org/media/Article-18-An-Orphaned-Right.pdf>

Ref 6: Javaid Rehman 'Nation-Building in an Islamic State' in Javaid Rehman and Susan Breau (eds.) *Religion, Human Rights and International Law* (Brill-Nijhoff) 2007, pp. 409–439. <https://doi.org/10.1163/ej.9789004158269.i-576.85>

Key Research and Contracts

Grant 1: Javaid Rehman, (Co-investigator) European Commission (EU 7th Framework Cooperation Programme) (2008–2010), *Europe-South Asia Research Exchange on Supranational Instruments*: EUR643,000.00 (equivalent to GBP582,149 (11-2020))

Grant 2: Javaid Rehman (Co-investigator) (2006–2010): United Kingdom Centre for Legal Education, and *The Commonwealth Legal Education Association, Development of an Islamic law curriculum and teaching materials*: GBP23,500.00

Grant 3: Javaid Rehman, (Sole investigator) British Academy, London: (December 2005) *Religion, Human Rights and International Law: A Critical Examination of Islamic State Practices*: GBP700.00

4. Details of the impact (indicative maximum 750 words)**Pakistan**

Prof. Rehman's academic findings (**Ref 3; Ref 6**) and his advocacy work (**Ref 1**) has resulted in impactful changes to Pakistan's laws and policies. These include a changed view on forced marriages and conversions and new educational opportunities for approximately 3,000,000 students belonging to religious minorities.

1. New constitutional consensus that forced conversions and forced marriages are prohibited in Islam (Ref 1, page vii, recommendation (vii), page x, recommendation (iv); F3)

The Council of Islamic Ideology is a constitutional body in the Government of Pakistan that advises the legislature whether or not a certain law is repugnant to Islam, namely to the Qur'an and Sunna (i.e. they advise lawmakers on the compatibility of Pakistani legislations with Islam). Its recommendations and views have huge impact in changing the laws and policies in Pakistan. The current inability of Pakistan law-makers to pass legislation banning child marriages (marriages under the ages of 18) is, in part, due to the Council of Islamic Ideology's lack of support for this law and general tendency to block liberal legislations. Just in May 2019, the Council rejected a legislation on prohibiting child marriage and raising the age to 18.

A Memorandum of Cooperation between the APPG for *Pakistan Religious Minorities* and Pakistan Federal government's, Council of Islamic Ideology, was agreed upon on 1 October 2018 (E1). Pursuant to which on 12 April 2019, the Chairman of the Council of Islamic Ideology

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agreed to issue a joint statement with Prof. Rehman. The statement issued on 10 January 2020 declares that forced conversions and forced marriages are prohibited within Islam (E2).

This unequivocal statement forms the basis for the Council of Islamic Ideology to advise the legislature of Pakistan in this regard.

Prof. Rehman influenced the Council's interpretation leading to a new consensus view on the issue of forced marriages and forced conversions. The Council accepted his view to declare that forced conversions and forced marriages are prohibited in Islam. As a result of this new consensus view, the Council will advise the legislature and government of Pakistan that existing laws and policies need to be changed in order to be fully in accordance with Islamic law. This new constitutional consensus, alongside enforcement policies by the Pakistan government will prevent annually approximately 1,000, primarily Hindu and Christian, girls from being forcibly converted and forcibly married.

2. Introduction of a minority education quota in provincial higher education institutions (Ref 1, page xi, recommendation (i); F4)

As a result of Prof. Rehman's research, the Punjab Government is now obligated to educate approximately 3,000,000 students belonging to religious minorities. In a communication published in February 2020, the Minister Human Rights and Minorities Affairs, Government of the Punjab, Pakistan officially agreed to immediately introduce a 2% minority education quota in provincial higher education institutions including all universities, professional, vocational and technical colleges (E3). This is the first time in history that the Punjab Government has set a quota for minority students. "Research on minorities is scarce," according to a member of the National Lobbying Delegation for Minority Rights, "[and] they used to argue that an education quota for minorities is not in the constitution" (E8).

Punjab Chief Minister reports, "our youth belonging to minorities have been facing issues in getting high-end jobs... because of a lack of highly educated candidates. This will help them in getting better education and securing a better future for their families" (E9). Likewise, the Parliamentary Secretary for Religious Affairs and Interfaith Harmony, announced, "We thank Prime Minister Imran Khan for the hugely welcome news. The previous government ignored long-held demands of minorities. We demand other provincial governments to reserve quota for minority students" (E8).

The implementation of 2% quota – as a progressive implementation towards Prof. Rehman's recommended 5% quota – has resulted in the realisation of a long-standing constitutional and policy demand from the religious minorities of Pakistan and will have monumental impact in providing educational and employment opportunities for over 3,000,000 Christians, Hindus, Ahmaddiyya individuals and their families.

United Kingdom

On 18 January 2018, the Minister of State, Foreign and Commonwealth Office commenting on Prof. Rehman's report (Ref 2) at the House of Lords made the following comments: '[He] warmly welcome[s] the report, which is well-informed and demonstrates the deep commitment of its authors. I wrote to the all-party parliamentary group on 8 December with an initial response to the recommendations, several of which have already been reflected in the Government's approach to freedom of religion or belief. As we continue to push forward on this issue, we will continue to reflect on the recommendations made in this excellent report' (E4).

The following policy changes have been introduced:

1. In a direct response to Prof. Rehman's report (Ref 2, Recommendation 6), Foreign and Commonwealth Minister of State in a written statement on 6 November 2018 confirmed

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that he has 'written to Ambassadors to underline the importance of Freedom of Religion or Belief (FoRB) and to re-issue our revised FoRB "toolkit" which support our posts' work in this area'. (F5) (E5; E6)

The Home Office *Country Information and Guidance Pakistan: Christians and Christian converts*, Version 2.0 May 2016, references 16 times to the submissions to Prof. Rehman's report (Ref 4, page 8, Recommendations 1, 2, 3) (E7) and makes the policy changes:

2. In relation to inter-country relocation (para 3.1.4)
3. Risks to Christian women (para 3.1.3)
4. Risks to Christian converts (para 3.1.6)

5. Sources to corroborate the impact (indicative maximum of 10 references)

E1 Memorandum of Cooperation between the APPG for *Pakistan Religious Minorities* and Pakistan Federal government's, Council of Islamic Ideology.

E2 Joint statement between the Chairman of the Council of Islamic Ideology and Professor Javaid Rehman (14 January 2020).

E3 Communication published from the Minister Human Rights and Minorities Affairs, Government of the Punjab, Pakistan (February 2020).

E4 House of Lords Hansard 18 January 2018 Volume 788
<https://hansard.parliament.uk/Lords/2018-01-18/debates/7AE8F4F2-6CA0-4534-82BB-30AFD08E79F0/FreedomOfReligionAndBelief>

E5 Religious Freedom: Written question - HL2309
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-23/HL2309/> (23 October 2017. Answered on 6 November 2017)

E6 Letter from MP, Chair of the APPG on Freedom of Religion or Belief to Rehman: (23 November 2017).

E7 Home Office, Country Information and Guidance Pakistan: Christians and Christian converts (Version 2.0) <https://www.refworld.org/publisher,UKHO,,PAK,5732cd444,0.html> (May 2016)

E8 Punjab approves quota for minority students, UCA News (3 May 2020),
<https://www.ucanews.com/news/punjab-approves-quota-for-minority-students/87900#>

E9 Punjab govt approves 2pc quota for minorities in universities, Pakistan Today (30 April 2020),
<https://www.pakistantoday.com.pk/2020/04/30/1121152/>