



PAKISTAN

SUMMARY OF CONCERNS AND RECOMMENDATIONS

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SUMMARY OF CONCERNS

Freedom of religion or belief (FoRB) concerns in Pakistan range from everyday institutional and social discrimination to targeted mass killings at places of worship. A recent CSW fact-finding visit to Pakistan found that in the last several years increasing sectarian violence, a volatile society, lack of accountability, perpetrator impunity and the widespread societal influence and control of unchecked extremist groups have exacerbated the situation to intolerable levels.

Pakistan has officially been an Islamic Republic since 1964, but despite repeated calls for a total shari'a legal system, shari'a has only limited legal status. In June 2014 the Supreme Court Judgment SMC No. 1/2014¹ highlighted the elaborate textual guarantees for minorities in the constitution in Articles 20-22 and 25-27, pointing out that the 'dismal state of affairs' is due to ineffective implementation of the law. The judgment also notes constitutional discrimination in Articles 41 and 91 specifying that both the president and prime minister of Pakistan must be Muslim. Pakistan's legal parameters for minorities are there, but currently, without implementation they make no difference to the deplorable minority conditions.

RELIGIOUS IDENTITY

Pakistan is in its fourth year of a census project: the most recent statistics available are from 1998 and are not very reliable. Estimates vary from 181-192 million for 2014, making the sixth highest global and third highest Muslim population. Broadly speaking, 95% of Pakistan's inhabitants are Muslim – with 15% Shi'a, 80% Sunni and 5% in various minorities. Pakistan's Muslim communities are incredibly diverse, with hundreds of sects who are often violently at odds with each other. Being a practising Ahmadi Muslim in Pakistan is a crime (Section 298 of

PPC²) so Ahmadis – and other smaller Muslim minorities – rarely self-identify and would be counted with other mainstream Muslims. Christians and Hindus total about 4%, while other minorities such as Sikhs, Parsis, Buddhists, Baha'is and the Kalash people make up the remaining 1%. The majority of the Pakistani Christian community is Punjabi-speaking and spread throughout the central Punjab Province, while Christians in other provinces are usually found in urban areas. Most of Pakistan's Hindu community lives rurally in the province of Sindh, though urban Hindus live in all major cities with Karachi having a significant amount.

HATE SPEECH AND RELIGIOUSLY-MOTIVATED VIOLENCE

Though the law technically protects them, religious minorities suffer pervasive persecution and discrimination both socially and institutionally. One major reason for this is expressions of religious hatred, or hate speech, which pervades society. Influential leaders – from grassroots religious clerics to MPs and federal ministers – have been known openly to incite violence against non-Muslim minorities or minority Muslim sects. In Pakistan an Islamic cleric is often revered as an unquestionable source of truth, so their statements inciting violence will have significant effect. The motives for inciting violence vary from case to case, but frequently include personal gain. There is little chance of facing repercussions for inciting violence, and minorities are very easy targets.

2 Pakistan Penal Code Section 298B <http://www.molaw.bizz.pk/body.php?sg=&id=430#10> Section 298C <http://www.molaw.bizz.pk/body.php?id=431>

1 Supreme Court of Pakistan, SMC No.1/2014 http://www.supremecourt.gov.pk/web/user_files/File/smc_1_2014.pdf



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The worrying escalation of sectarian violence against Shi'a Muslims has included huge suicide bombings in Shi'a neighbourhoods and mosques. Several targeted attacks this year have seen 70 Shi'a killed, while at least 200 people had been killed by the same time last year.³ Most anti-Shi'a violence is in Quetta. Christians and Hindus are the target of brutal aggression, discrimination and hate speech. The deplorable double-bombing of All Saints Church in Peshawar in September 2013 resulted in 127 deaths⁴ – the worst attack to date on any minority community in Pakistan.

One of the groups most openly targeted is the Ahmadi Muslim community, who consider themselves Muslims, but by a 1984 amendment to Pakistan's constitution are technically non-Muslim. Anti-Ahmadi messages and events are common, and some groups exist solely to denounce Ahmadi beliefs and encourage violence such as the deadly May 2010 mosque attacks in Lahore,⁵ which killed 96 worshippers. The Pakistani state provides little protection, though six of the perpetrators of these attacks are in jail. Ahmadis frequently face random and premeditated violence from the public, and on 28 July 2014 in Gujranwala, a mob murdered a grandmother and two grandchildren, aged seven years and eight months.⁶

BIAS IN THE CURRICULUM AND TEXTBOOKS

Pakistan has 20-30,000 Islamic schools, or madrassas, some of which have come under scrutiny and controversy – both internationally and domestically – for promoting violent extremism. However, the national curriculum poses a greater and graver problem, as a majority of students still attend the 112,000 government schools and the vast majority of students who complete the government matriculation must study compulsory Pakistan Studies and Islamic Studies courses.

Overdue curriculum reforms in the past decades have gone unnoticed by Western countries. Regular incremental changes since the reign of General Zia-ul-Haq (1978-1988) have resulted in an official standard government curriculum that is tantamount to indoctrination, through a pervasive Islamic paradigm in textbooks for virtually all classes. Though minorities can technically opt out of Islamic Studies, the resulting self-identification as a non-Muslim is detrimental to their educational progress. The alternative worldview class of 'Ethics', if it is even locally available, is also taught from an Islamic perspective, while the few private colleges teaching comparative

religion have drawn scathing criticism and anger from a conservative public outraged by biased media coverage. The aggressive Islamism of the 1980s is to be considered one of the root causes of rampant Islamic extremism in Pakistan. Though civil society organisations are vocal in opposing extremist organisations, successive governments have been beset by ineffectiveness and the inability to exert power and influence in society to control extremist organisations effectively. Minorities unanimously agree the nine-year rule of General Musharraf from 1999-2008 was the best time for them, as his power over the military secured much of society from the control of numerous extremist groups.

MINORITY WOMEN

The abduction, forced marriage and forcible conversion to Islam of Christian and Hindu women and girls has increased in frequency in recent years, with perpetrators emboldened by the relatively low likelihood of conviction. Women and girls from Hindu communities are particularly at risk, and there is little protection available for those from remote communities in southern Punjab and interior Sindh. Illiteracy and poverty levels among Hindu and Christian women were worse than those in the majority community, underscoring that minority women suffer doubly: as women, and as minorities.

JUDICIAL PROBLEMS

Pakistan's blasphemy laws and provisions targeting Ahmadis are of grave concern, but there is currently little room even to debate reform. Sections 298B and C of the Pakistan Penal Code (PPC) make basic Islamic practices a crime when practised by Ahmadis. Violent social prejudice against them is legitimised by the state's clear anti-Ahmadi stance expressed in these provisions. The blasphemy laws (Section 295, PPC) make it a criminal offence to insult another's religion. The most dangerous parts are Section B, defiling the Qur'an (added 1982), and Section C, insulting the Prophet Mohammed (added 1986). Both sections ignore the question of intent, and Section C carries a death penalty. These laws are badly defined and widely misused. Little evidence is required to register a case, so false accusations are frequently filed, often with a disregard for legal procedure and under threat from a violent mob. They are commonly used to settle personal scores, target religious minorities or further extremist agendas, in creating fear in the public at large to give Islamist organisations more sway.

3 Human Rights Watch, *We are the Walking Dead*, 29 June 2014, p. 40 http://www.hrw.org/sites/default/files/reports/pakistan0614_ForUplad.pdf

4 CSW, 'Pakistan: CSW strongly condemns attack on Peshawar church', 23 September 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1578>

5 CSW, 'Pakistan: CSW calls for strong State response to anti-Ahmadiyya attacks during Friday prayers', 28 May 2010 <http://dynamic.csw.org.uk/article.asp?t=press&id=994>

6 *Telegraph*, 'Pakistani mob kills two children including a baby and their grandmother after 'blasphemous' Facebook post', 28 July 2014 <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/10994971/Pakistani-mob-kills-two-children-including-a-baby-and-their-grandmother-after-blasphemous-Facebook-post.html>

Decades of misuse of the blasphemy laws have resulted in a situation where even disagreeing with blasphemy laws can easily incite violence if this disagreement is publicised locally. The majority of accusations are made against Muslims, but when non-Muslims are accused, there is a higher likelihood of their entire community being attacked. This was the case in Joseph Colony, Lahore in March 2013, when nearly 300 Christian homes were looted and burnt. Within the space of a few days in early April 2014, a young man⁷ and a couple were sentenced to death in Lahore for blasphemy.⁸ Appeals have been filed in both cases at provincial High Court level, but a hearing is unlikely before the end of the year. Even after higher courts acquit falsely accused victims, the stigma and ostracisation resulting from the accusation is costly and can even be fatal.

Human rights lawyers who defend victims of blasphemy law abuse frequently face targeted threats of violence, sometimes leading to death. A Human Rights Commission of Pakistan lawyer was shot to death by gunmen in a targeted killing on 7 May 2014, for defending a university lecturer accused of blasphemy.⁹ Minority lawyers met by CSW are frequently barred entry into courtrooms or the judge's chamber and face hostility from mobs in courtrooms. Extremist organisations such as Sepah-e-Sahaba Pakistan (SSP) know when minority cases are heard, and often organise busloads of protesters to intimidate the legal proceedings. Judges are afraid to hear prominent minority cases, knowing their lives are in danger, which makes progress painfully slow. It does not appear that a single legal case in Pakistan involving a minority gets timely justice, emphasising the desperate need for building up the broken system.

RECOMMENDATIONS

To the international community:

- Urge Pakistan to implement provisions of international human rights conventions to which it is a party, as well as appropriate constitutional provisions, to improve the rights of religious minorities; in order for Pakistan to continue to receive a generous package of trade incentives from the European Union by way of GSP+ status.

To the EU External Action Service:

- To actively engage with, and monitor Pakistan's human rights situation.

To the government of Pakistan:

- To form a federal government taskforce to develop a strategy of religious tolerance and the establishment of a minority rights council;
- To enforce the June 2014 Supreme Court Judgement;
- To exhort new Chief Justice Nasirul Mulk to implement the aforementioned judgment and continue Chief Justice Jilani's legacy of speaking out for minorities and freedom of religion.

7 CSW, 'Sawan Masih appeals blasphemy death sentence', 2 April 2014 <http://dynamic.csw.org.uk/article.asp?t=news&id=2028>

8 World Vision in Progress, 'Persecuted Couple of Blasphemy law has been award with Death sentence', 4 April 2014 <http://www.worldvisioninprogress.com/blog/2014/04/04/persecuted-couple-of-blasphemy-law-has-been-award-with-death-sentence-by-wvip/>

9 BBC, 'Pakistan 'blasphemy lawyer' shot dead in Multan office', 7 May 2014 <http://www.bbc.co.uk/news/world-asia-27319433>