

May 13, 2004: "Pakistan: a Human Rights Update."

Testimony before the Congressional Human Rights Caucus

Members' Briefing

Pakistan: a Human Rights Update
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SERIOUS RELIGIOUS FREEDOM PROBLEMS PERSIST IN PAKISTAN: THE COUNTRY SHOULD BE DESIGNATED AS A COUNTRY OF PARTICULAR CONCERN UNDER THE INTERNATIONAL RELIGIOUS FREEDOM ACT

Introduction

Congressman Tancredo, distinguished members of the Caucus, I want to commend you for holding this briefing on an important subject that deserves serious attention from Congress.

The Commission has for several years raised concerns about the situation for human rights, including religious freedom, in Pakistan. We have issued a full report with recommendations, and Commission staff has traveled to the country. As a result of its extensive examination of Pakistan, the Commission continues to recommend that Pakistan be designated a "country of particular concern," or CPC, under the International Religious Freedom Act of 1998. To date, the State Department has not designated Pakistan a CPC.

Although the government of Pakistan itself may not be engaged in a systematic effort to repress religious minorities, it is clearly not doing enough adequately to protect the religious freedom of all of its citizens. Religious minority groups, including Shi'a Muslims, Christians, and Ahmadis, are subject to violent sectarian attacks by Sunni militants, often resulting in dozens of deaths. Although the government has taken some steps to hold the perpetrators to account, its efforts have not been sufficient. In addition, the government has been criticized for not taking the necessary steps to halt the activities of certain religious schools, or madrassas, that have been implicated in the violence against religious minorities. Members of the Ahmadi religious community are prevented by law from engaging in the full practice of their faith. The criminal laws against blasphemy are abused, resulting

in detention of and sometimes violence against religious minorities, as well as the targeting of numerous Muslims on account of their religious beliefs. Finally, the country's Hudood ordinances, which call for harsh punishments for those who purportedly violate Islamic law, frequently result in violations of the rights of women in Pakistan.

General Pervez Musharraf, who took power in a military coup in October 1999, made some announcements early in his tenure that appeared to indicate that his government was going to begin to address some of these problems. Unfortunately, his government has, so far, failed to live up to many of the expectations that it had raised. Moreover, it has been criticized in Pakistan for capitulating to, and thus emboldening, political and other societal forces that advocate policies that are antagonistic to the protection of religious freedom for all Pakistanis and the equal citizenship of all religious communities. These concerns were reinforced after the 2002 elections in which changes to the election rules resulted in the strengthening of the Islamist parties.

Violence Against Religious Minorities

Sectarian and religiously-motivated violence, much of it committed against Shi'a Muslims by Sunni militants, is chronic in Pakistan. Religious minorities such as Ahmadis and Christians have also been targeted by Sunni extremist groups. Attacks on Shi'a worship services in February and July 2003 produced multiple fatalities; the July attack alone resulted in over 50 deaths. In October 2003, gunmen fired on a bus carrying Shi'a Muslims, killing at least five, and in March 2004, armed men opened fire on Shi'a worshippers during a religious procession commemorating Al-Shura in the town of Quetta, leaving 45 dead and 160 wounded. As recently as last week, 14 Shi'a Muslims were killed when a suicide bomber blew himself up in front of a mosque in Karachi.

In the last two years, there has been an upsurge in anti-Christian violence, including fatal attacks on churches and other Christian institutions. In September 2002, armed men killed seven people on the premises of a Christian charitable organization; in December, three children were killed and 14 injured in a grenade attack on a Christian church in Chianwala village in Sialkot; and in January 2004, a church compound that includes a Christian school for girls was bombed. Also in January, a Christian pastor was killed by "unknown assailants"; his family continues to be harassed. In April, another pastor was killed in a village near Lahore. Most recently, only a few weeks ago, a Christian college student was killed after being held for five days inside an Islamic school, where he was reportedly tortured.

In most if not all of these cases, police protection appears ineffective, and no one has yet been successfully prosecuted for these crimes. Perpetrators of attacks on religious minorities are seldom brought to justice. In the case of the death of the Christian student, police did register an investigative report against the staff and

clerics of the Islamic school and the head of the school is being held for questioning. The Commission commends the Pakistani authorities for launching an investigation of the case and we will continue to monitor the situation to ensure that the perpetrators are held to account for this crime.

Religious Extremism

According to Shi'a and Sunni political leaders, as well as government officials, the violence against religious minorities is not the result of societal intolerance among religious communities, but is organized and carried out by groups of religious extremists.

Despite the closer cooperation established between our two governments following the terrorist attacks of September 11, 2001, and the Pakistani government's finding and capturing al-Qaeda leaders, the forces of intolerance have gained ground in Pakistan. As a result of changes to the election rules initiated by the Musharraf government, Islamist political parties made strong gains in Pakistan's national and provincial legislative elections in October 2002. The legislature in Pakistan's North West Frontier Province, dominated by a coalition of these parties, recently passed legislation imposing social controls reminiscent of the Taliban regime in neighboring Afghanistan. Pending provincial legislation would establish religious police and enforcement mechanisms unaccountable to the courts. This has led to intensified concerns about the potentially negative implications in these developments for freedom of religion, freedom of expression, and the rights of women.

Pakistan has a large number of Islamic religious schools that play an important role in the country's educational system. There have been reports that a very small percentage of these schools provide weapons and other training and thus contribute to religious violence. A scholar who testified before the Commission and who has studied Islamic religious schools has concluded that some of these schools run by particular religious groups provide ideological training and motivation to those who go on to fight in Afghanistan and Kashmir, and take part in violence targeting religious minorities in Pakistan as described above. The government has been criticized in Pakistan for not taking steps to disarm these schools and to put a stop to their involvement in acts of violence.

Legal Prohibitions on Ahmadis

The Ahmadis are a religious community of approximately 3-4 million. Although they consider themselves to be Muslim, some Muslims in Pakistan hold the opposite view because of the Ahmadis' claim that their founder was a recipient of divine revelation and a prophet of God. This claim is believed by some Muslims to violate a basic Islamic tenet regarding the finality of the prophet Muhammad. This religious difference has been used in the past by certain Pakistani governments to justify a number of legal restrictions on the Ahmadis' practice of their faith. In 1974, a constitutional amendment was passed that declared Ahmadis to be non-Muslims for purposes of the Constitution and law. Beginning in 1984, a number of

criminal provisions were promulgated that specifically targeted Ahmadis, essentially punishing any Ahmadi who "poses" as a Muslim.

Because the religious practices of the Ahmadis are essentially the same as those of most Sunni Muslims, these legal prohibitions have the effect of a far-reaching ban on the public practice of their faith. As these laws have been interpreted and applied, it is illegal for Ahmadis to call their places of worship "mosques," to worship in non-Ahmadi mosques or public prayer rooms (otherwise open to all Muslims), to perform the Muslim call to prayer, to publicly quote from the Quran, to wear on their person the medallion carrying the Kalima which states the basic affirmation of the Muslim faith, to preach in public, to seek converts, to use the traditional Islamic greeting in public, and to produce, publish, and disseminate religious materials. Ahmadis have reportedly been arrested for all of these acts.

The Ahmadis report that since 1984, at least 3,000 individuals have been charged under anti-Ahmadi laws and/or with blasphemy or other religious offenses. The major Ahmadi religious organization has not been able to hold an official meeting since 1974. Ahmadis also report that they are prevented from advancing to high posts in the government and the military, and that they are unable to obtain government scholarships to, or sometimes even admission into, colleges and universities. In addition, Pakistani Muslims who apply for a passport must declare that they consider the Ahmadi founder to be an "imposter" and that his followers are non-Muslims. This means that Ahmadis are unable to obtain a passport or to travel abroad without violating their conscience, i.e. declaring themselves to be non-Muslim. Similarly, because they are required to register to vote as non-Muslims, a policy that was reaffirmed by Pakistani government officials in February 2004, Ahmadis who refuse to disavow their claim to being Muslims are effectively disenfranchised.

Many Ahmadis believe that the enforcement of criminal laws and other discriminatory measures against them is not primarily the result of a direct campaign of the Pakistan government or of widespread social enmity, but results from pressure by small groups of religious extremists on local government officials to initiate and prosecute cases against Ahmadis. However, the current government is criticized for not opposing the activities of these extremists or adequately supporting local officials in their efforts to resist such pressures.

Abuses of the Blasphemy Laws

During military rule under Zia ul-Haq, provisions were added that penalize defamation of the Prophet Muhammad (punishable by death), persons associated with the Prophet, and the Quran. There appears to be widespread agreement among government officials, legal advocates, and leaders of many religious communities in Pakistan that these criminal provisions against blasphemy are being abused.

Numerous Ahmadis, Christians, Hindus, and Muslims have been charged under the blasphemy laws. There has reportedly been an increase in recent years in abuses of the blasphemy laws against Muslim religious targets, including Sufis and Muslim religious scholars. Following an abortive attempt in April-May 2000 at introducing procedural reforms, the Musharraf regime has made no further effort to reform, much less repeal, Pakistan's blasphemy laws, and blasphemy cases continue to be filed under the Musharraf government.

The instigators of a blasphemy charge, alleged to be almost always false, are reported to fall into three categories: (1) those who have a personal dispute with the accused that is unrelated to religion (but the blasphemy law is a convenient way to attack them); (2) representatives of small but active organizations characterized as "fundamentalists" and "extremists" that operate throughout the country that target "deviant" Muslims, Ahmadis, Christians, and other religious minorities for prosecution; and (3) local Muslim religious leaders who are either ideologically or organizationally aligned with or sympathetic to the aforementioned groups.

Many of those charged with blasphemy are eventually acquitted at trial, though only after serving long detentions, or cleared on appeal to the High Court. However, the judicial process typically takes years. Courts have handed down sentences ranging from two years imprisonment to death for blasphemy law violations. Moreover, there have been several well-publicized cases of mob and terrorist violence, sometimes fatal, against those accused of blasphemy (including those in police custody), and some accused have reportedly fled the country on account of harassment and threats.

In March 2003, two Christians were acquitted of blasphemy charges. The two men, who had been jailed almost four years earlier, had been sentenced to 35 years in prison by a lower court in May 2000. Another Christian man was also acquitted of blasphemy charges in June. In late April, however, a Christian man who had been arrested in 1998 on blasphemy charges was sentenced to life in prison. And in August 2003, a Lahore court upheld the life sentences of two Christians charged with blasphemy.

Hudood Ordinances

Pakistan's Hudood Ordinances, Islamic decrees introduced in 1979 and enforced alongside the country's secular legal system, provide for harsh punishments such as amputation and death by stoning for violations of Islamic law. Although these extreme corporal punishments have not been carried out in practice due to high evidentiary standards, lesser punishments such as jail terms or fines have been imposed. Rape victims run a high risk of being charged with adultery, for which death by stoning remains a possible sentence. In October 2003, the National Commission on the Status of Women

in Pakistan issued a report on the Hudood Ordinances that stated that as many as 88 percent of women prisoners, many of them rape victims, are serving time in prison for violating these decrees, which make extramarital sex a crime and adultery a state offense. The Hudood laws apply to Muslims and non-Muslims alike.

Commission Recommendations

In addition to recommending that Pakistan be designated a CPC, the Commission has recommended to the U.S. government that it urge Pakistan's government to:

-- work toward the abolishment or reform of discriminatory or abusive legislation such as the blasphemy laws and the anti-Ahmadi legislation;

-- protect all of Pakistan's citizens and lawful institutions, including places of worship and religiously-affiliated schools, hospitals, and civic organizations, from sectarian or religiously-motivated violence;

-- bring to justice the perpetrators of violent attacks and their backers;

-- ensure that legislation in the North West Frontier Province does not violate international standards of human rights, including religious freedom;

-- remove legal impediments to Ahmadis exercising their right to vote on an equal basis with other Pakistani citizens;

-- discourage the use of "jihadist" or similar political rhetoric inciting hatred against any religious group;

-- oppose attempts, undertaken ostensibly to protect religion, to stifle public debate or the right to freedom of expression;

-- make greater efforts to support interfaith dialogue and inter-communal harmony by bringing Muslim and non-Muslim spiritual leaders and religious scholars together to promote religious tolerance and respect

for human rights; and

-- intensify its efforts to improve the quality of public education and to ensure that religious schools are not used as training grounds for terrorism and sectarian violence.

Conclusion

Mr. Chairman, successive governments of Pakistan have seriously violated the religious freedom of Pakistani citizens. For this reason, the Commission continues to recommend that Pakistan be designated a CPC. Whatever the nature of the relationship between our two countries, the right to freedom of religion or belief is a foundational human right that must be protected in Pakistan in order to facilitate the political and economic development that will blunt the appeal of extremists who incite religious hatred resulting in violent attacks, instigate the passage of discriminatory legislation, and foment terrorism.

Thank you for providing the occasion to draw attention to this important matter.