

May 15, 2012 | by Leonard A. Leo and [Katrina Lantos Swett](#)

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In March of this year, the U.S. Commission on International Religious Freedom (USCIRF) issued its 2012 Annual Report to Congress and the executive branch, revealing the disturbing state of freedom of thought, conscience, and religion or belief abroad.[1] From laws curtailing or abrogating this universal right to acts of violence against religious adherents, the report confirmed how religious freedom is being violated in many areas of the world.[2]

Among these areas is South Asia. In Pakistan, for example, governmental violations of religious freedom, such as blasphemy laws, foster extremism by inciting hatred against dissenting religious groups, encouraging private actors to assault their members. In other countries, abuses against religious freedom have led the abused to reject governmental legitimacy and retaliate against it. Research strongly suggests that the protection of religious freedom is correlated with less conflict and is central to the lessening of violent religious extremism, the maintenance of security, the consolidation of democracy, and the advancement of socioeconomic progress.[3]

By any measure, promoting and protecting religious freedom is crucial around the world,

including in key countries in South Asia, such as Pakistan, Afghanistan, and India. What follows is a depiction, based on USCIRF's Annual Report, of conditions relating to religious freedom in these three nations, along with policy recommendations for substantive reform.

## Pakistan

Since 2002, USCIRF has recommended that Pakistan be designated a "country of particular concern," or CPC, concluding that it ranks among the world's most serious religious-freedom violators.[4]

Unfortunately, the U.S. State Department has chosen not to follow the commission's recommendation. Pakistan is perhaps the State Department's most glaring omission, as its government continues both to engage in and to tolerate systematic, ongoing, and egregious religious-freedom abuses. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for all Pakistanis, particularly women, religious-minority members, and majority Muslims who hold views that extremists deem "un-Islamic." Religious extremism also threatens Pakistan's security and stability.

Pakistan's blasphemy law provides a stark example of the problem. The mere allegation of blasphemy has resulted in the lengthy detention of, and violence against, Christians, Ahmadis, Hindus, other religious minorities, as well as Muslims.[5] The law requires neither proof of intent nor evidence to be presented after allegations are made, and includes no penalties for false allegations. Charges are used to intimidate religious minorities or others with whom the accusers disagree or have financial or other disputes. Despite the law's national application, two-thirds of all blasphemy cases reportedly are filed in Punjab province.

The highest-profile blasphemy case in recent years involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death in November 2010.[6] She is not alone. USCIRF is aware of at least fourteen others who have death sentences pending or who are in the process of appealing them.[7] Lengthy prison terms also were imposed for blasphemy or other conduct deemed offensive to Islam. Two Muslims and a Christian were sentenced to life in prison for defiling the Qur'an, joining at least sixteen other individuals who are serving life sentences. In addition, more than forty individuals currently are in jail for violating the blasphemy law.

No discussion of Pakistan's blasphemy law would be complete without recalling the shocking assassination of Shahbaz Bhatti, the former Federal Minister of Minorities Affairs and longtime human rights defender. In March of last year, Bhatti was slain for daring to oppose the blasphemy law and defending the rights of Pakistan's religious minorities. Despite Bhatti's being a cabinet member, the government has done virtually nothing to investigate the crime and bring the perpetrators to justice. No one is in custody and all of those arrested for suspected involvement have been released. The United States and the international community must press Pakistan to bring the killers to justice, so that every Pakistani knows that people who commit violence will be held accountable and that individuals can stand publicly for religious freedom without risking their lives.

Among Pakistan's religious communities, Ahmadis face the most severe legal restrictions and officially-sanctioned discrimination. Ahmadis are prevented by law from engaging in the full practice of their faith and may face criminal charges for a host of basic religious practices, including the use of religious terminology.[8] Egregious acts of violence have been perpetrated against Ahmadis. For instance, recently a well-known Ahmadi schoolteacher, Master Abdul Qudoos Ahmad, was reportedly tortured to death while in police custody in Punjab Province. In addition, anti-Ahmadi laws have created a climate for vigilante violence against the members of this community.

Over the past year, violent religious extremists also targeted Shia Muslims, justifying their actions through their own interpretation of Sunni Islamic doctrine. In one of the most heinous incidents, militants in September stopped a bus of Shia pilgrims near Quetta, ordered the passengers to disembark, proceeded to shoot and kill twenty-six of them, and later murdered three relatives when they tried to collect the bodies.[9]

Pakistan's Hindus and Sikhs are also vulnerable, particularly to crime, including robbery and kidnapping for ransom. Last December, a Hindu attorney was kidnapped in Sindh Province, as was a Sikh businessman. Hindus also have been targeted in Balochistan, where they are the largest religious minority; in November, three Hindu doctors were gunned down in that province. The case of Rinkel Kumari, a nineteen-year-old Hindu student whom her family alleges was forcibly converted after being kidnapped, demonstrates the vulnerability of these religious minorities.[10]

In response to the dismal religious-freedom conditions prevailing in Pakistan, designating the nation as a CPC would enable the United States to press Islamabad more effectively to undertake needed reforms. A CPC designation would raise the profile of the issue and increase the United States' ability to encourage changes that are in both America's interest and that of Pakistan. As part of this effort, the U.S. government should urge Pakistan to reinforce the rule of law and align its laws, particularly those on blasphemy and the Ahmadis, with international human-rights standards; prosecute those committing violence against Sufis, Shia, Ahmadis, Christians, Hindus, Sikhs, and others; repeal the blasphemy law; and release unconditionally those individuals now in jail for blasphemy.

Equally important, in order for religious freedom and related human rights to be advanced in Pakistan, the nation's educational system needs to be reformed. Last November, USCIRF released a study on Pakistan's public schools and madrassas.[11] The study investigated the relationship between education, religious discrimination, and radicalism and sought to understand the roots of Pakistan's culture of violent religious extremism. It found that Pakistan's public schools and madrassas are incubators of extremism, portraying the country's religious minorities negatively and reinforcing biases, and that these unflattering portrayals fuel acts of discrimination, and possibly violence, against these communities.

Based on the report's findings, USCIRF recommends that the United States urge Pakistan to set national textbook and curricula standards to promote tolerance toward all individuals; take concrete steps to implement earlier 2006 curricular reforms; introduce the "Ethics for Non-Muslims" course into the curriculum to promote interfaith understanding; sign into law and

implement the reform agreement made with the National Madrassa Oversight Board and, until that can be achieved, ensure that a temporary madrassa oversight board is empowered to develop, implement, and train teachers in human rights standards; provide oversight of madrassa curricula and teaching standards; implement guidelines for textbooks used in public schools; and replace current public-school textbooks with ones that exclude messages of intolerance, hatred, or violence against any group based on religious or other differences.

## Afghanistan

Outside of Pakistan, serious religious-freedom violations prevail in neighboring Afghanistan, despite human-rights gains made since United States and international forces ousted the Taliban regime in late 2001. Consequently, Afghanistan remains on USCIRF's Watch List of nations with religious-freedom records that are poor enough to place them at risk for CPC designation.[12] Afghanistan's religious freedom conditions are decidedly poor, as dissenting Muslims and minority religious communities alike face significant restrictions on religious practices. Across much of Afghanistan, governmental and non-state individuals and groups have acted against other Afghans for "un-Islamic" conduct.

When it comes to freedom of religion or belief, Afghanistan's legal landscape is vague and open to abuse. Afghanistan's government limits fundamental freedoms by citing the Afghan constitution's repugnancy clause, which states that no law can be contrary to the tenets of Islam.[13] Individuals who dissent from the reigning orthodoxy on Islamic beliefs and practices are subject to legal actions, including prosecutions for so-called religious "crimes" like apostasy and blasphemy in defiance of international religious freedom standards. During a 2010 visit by Knox Thames, USCIRF's policy director, to Kabul, government ministers and government-backed religious leaders repeatedly insisted that Islamic law trumped the constitution's human-rights provisions.[14]

Given that the Taliban's influence will increase if negotiations with insurgents move forward, this widely held interpretation of the constitution becomes increasingly problematic. While the United States and President Hamid Karzai have made respecting the constitution a nonnegotiable plank in peace talks with antigovernment elements, the constitution's repugnancy clause could seriously undermine religious freedom and women's human rights in the country.

In an ominous development, President Hamid Karzai recently expressed support for a document issued by the Ulema Council, a semiofficial body of Islamic scholars, promoting segregation of the sexes and allowing husbands to beat wives under certain circumstances.[15] Karzai's support underscores how gains for women's human rights are tenuous and easily reversible. The small Afghan Christian community also is vulnerable: in recent years, it has experienced a spike in arrests, with Christians being detained and some jailed for apostasy, but later released.

For the sake of human rights and security alike, U.S. policy toward Afghanistan should prioritize freedom of religion or belief and confront the underlying dynamics that continue to fuel religious freedom abuses. To that end, USCIRF recommends that the U.S. government voice its clear concern that guarantees ensuring religious freedom and tolerance are an essential

element in U.S. policy in Afghanistan; create a special interagency working group on religious freedom focused on Afghanistan; cosponsor an initiative with the Afghan government on interfaith dialogue and religious tolerance that involves religious bodies; and urge inclusion of civil society representatives, including women and members of minority communities, in any reconciliation talks.

## India

As was the case with Afghanistan, USCIRF's 2012 Annual Report kept India on the Watch List of religious freedom violators.

As the world's largest democracy, with an estimated 1.2 billion people, India is a deeply religious and pluralistic society. With a Hindu majority, India also has the world's third-largest Muslim population and a Christian population exceeding twenty-five million. India's current two-term Prime Minister is Sikh, its past president is Muslim, and the head of its national governing alliance is Catholic.

To be sure, there has been no large-scale communal violence against religious minorities since 2008; moreover, India has created a number of structures to address large-scale communal violence of the past. Nonetheless, USCIRF remains concerned about the slow and ineffective pace of progress in achieving justice for attacks against Christians in Orissa in 2007 and 2008, Muslims in Gujarat in 2002, and Sikhs in 1984. In addition, intimidation, harassment, and small-scale violence have continued against religious minority members, particularly against Christians and especially in states that have adopted the "Freedom of Religion" Act, which is commonly referred to as anti-conversion laws.

The slow judicial responses and the anti-conversion laws together encourage a climate of impunity. This past February marked the ten-year anniversary of a particularly horrific example in the form of violence committed against Muslims in Gujarat. In response to a train fire that was believed to be set by Muslims, the state of Gujarat erupted in communal violence. Hindu mobs killed between 1,200 and 2,500 Muslims, forced 100,000 people to flee, and destroyed homes.[16] Christians also were killed and injured, and many churches destroyed. Since then, India's National Human Rights Commission (NHRC) found evidence of premeditated killing by members of Hindu nationalist groups, complicity by state government officials, and police inaction during the violence.[17]

Despite the NHRC's findings, there has been little redress for the Gujarat victims. After ten years, hundreds of court cases relating to the violence remain unresolved or are moving extremely slowly through the judicial process. Gujarati police have closed a large number of cases, citing the unavailability of witnesses. Further developments in Gujarat relating to its chief minister, Narendra Modi, highlight the political corruption and religious bias that hampers state and local efforts to provide justice to victims, and helps perpetuate the climate of impunity.

USCIRF's consistent monitoring and active engagement helped lead to the State Department's decision to revoke Modi's U.S. tourist visa in 2005, based on his alleged role in the violence. On a positive note, the Gujarat High Court in early February 2012 strongly

chastised the Gujarat government and Modi for “inaction and negligence” during the violence.[18] The court also has ordered the government to pay compensation for more than five hundred houses and businesses that were destroyed during the violence.

As with Pakistan and Afghanistan, the United States has security interests as well as human-rights concerns with respect to India. Since 2004, the United States and India have pursued a strategic relationship based on shared concerns about terrorism, energy, and security, as well as shared values of democracy and rule of law. In addition, many of India’s religious-freedom challenges reflect problems with India’s legal system in general—including the dearth of police and judges in relation to India’s population, and also an overburdened and antiquated judicial system. However, India can do more to combat its impunity problems.

In response to religious-freedom conditions in India, the U.S. government should integrate concern for religious freedom into all bilateral contacts with India; urge the Indian government to strengthen the ability of state and central police to provide effective measures to prohibit and punish cases of religious violence to the fullest extent while protecting victims and witnesses; and urge India to encourage states that have adopted “Freedom of Religion Act(s)” which actually restrict religious freedom to repeal them and conform to international religious freedom standards.

### Conclusion

In the end, violations of freedom of religion or belief are abuses of a fundamental human right that is tied inextricably to societal well-being. These abuses must never go unchallenged. In South Asia and elsewhere, USCIRF will continue to shine the spotlight on violations, and offer positive prescriptions on how to remedy them.

Leonard A. Leo was the chairman of the U.S. Commission on International Religious Freedom (USCIRF). Katrina Lantos Swett serves as a USCIRF commissioner.

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[1] This article has been adapted from testimony given by Leonard A. Leo to the Tom Lantos Human Rights Commission of the U.S. House of Representatives on 21 March 2012.

[2] U.S. Commission on International Religious Freedom 2012 Annual Report, [http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirtf.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf) .

[3] Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press: 2010).

[4] USCIRF 2012 Annual Report, 120.

[5] USCIRF 2012 Annual Report, 127.

[6] Rob Crilly and Aoun Sahi, “Christian woman sentenced to death in Pakistan ‘for blasphemy’,” *Telegraph*, 9 November 2010, <http://www.telegraph.co.uk/news/religion/8120142/Christian-woman-sentenced-to-death-in-Pakistan-for-blasphemy.html>

[7] UNCIRF 2012 Annual Report, 128.

[8] Const. of the Islamic Republic of Pakistan, ch. 5, art. 260, §§ 3(a)–(b), <http://www.mofa.gov.pk/Publications/constitution.pdf>

; Act XLV of 1860, Pakistan Penal Code, ch. 15, art. 298(b)–(c), <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

[9] “Pakistani Shia pilgrims killed in gun attack on bus,” BBC News, 20 September 2011, <http://www.bbc.co.uk/news/world-south-asia-14992220>

[10] Salman Masood, “Pakistani Judge Upholds 3 Women’s Conversions,” New York Times, 18 April 2011.

[11] “Connecting the Dots: Education and Religious Discrimination in Pakistan,” U.S. Commission on International Religious Freedom, November 2011, [http://www.uscifr.gov/images/Pakistan-ConnectingTheDots-Email\(3\).pdf](http://www.uscifr.gov/images/Pakistan-ConnectingTheDots-Email(3).pdf)

[12] USCIRF 2012 Annual Report, 282.

[13] Const. of the Islamic Republic of Afghanistan, ch. 1, art. 3, [http://www.afghan-web.com/politics/current\\_constitution.html](http://www.afghan-web.com/politics/current_constitution.html)

[14] Knox Thames, director of policy and research at USCIRF, visited Afghanistan from 12 to 15 December 2010.

[15] “Hamid Karzai backs clerics’ move to limit Afghan women’s rights,” Guardian, 6 March 2012, <http://www.guardian.co.uk/world/2012/mar/06/hamid-karzai-afghanistan-womens-rights>

[16] “We Have No Orders to Save You”: State Participation and Complicity in Communal Violence in Gujarat, Human Rights Watch 14, no. 3(c) (April 2002), <http://www.coalitionagainstgenocide.org/reports/2002/hrw.apr2002.vol14.no3c.pdf>

[17] Ibid.

[18] Rohit Bhan, “Gujarat High Court slams Narendra Modi govt for failing to protect religious buildings during riots,” NDTV, 8 February 2012, <http://www.ndtv.com/article/india/gujarat-high-court-slams-narendra-modi-govt-for-failing-to-protect-religious-buildings-during-riots-174388>

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