

# PAKISTAN

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

During the past year, the Pakistani government continued to perpetrate and tolerate systematic, ongoing, and egregious religious freedom violations. Religiously discriminatory constitutional provisions and legislation, such as the country's blasphemy and anti-Ahmadiyya laws, continue to result in prosecutions and imprisonments. At least 40 individuals have been sentenced to death or are serving life sentences for blasphemy, including two Christians who received death sentences in June 2016. During the year, an Ahmadi and a Shi'a Muslim were convicted and imprisoned for five years, and four Ahmadis were charged under the anti-Ahmadiyya provisions. Religious minority communities, including Christians, Hindus, Ahmadis, and Shi'a Muslims, also experience religiously motivated and sectarian violence from both terrorist organizations and individuals within society; the government's longstanding failure to prevent or prosecute such

violence has created a deep-rooted climate of impunity that has emboldened extremist actors. Provincial textbooks with discriminatory content against minorities remain a significant concern. Reports also continue of forced conversions and marriages of Hindu and Christian girls and women, although the Pakistani government took some positive steps on this issue and made other encouraging gestures toward religious minorities. Based on these violations, USCIRF again finds in 2017 that Pakistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA), as it has found since 2002. Designating Pakistan as a CPC would enable the United States to more effectively press Islamabad to undertake needed reforms. Despite USCIRF's longstanding recommendation, the State Department has never designated Pakistan as a CPC.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Pakistan as a CPC under IRFA;
- Negotiate a binding agreement with the government of Pakistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reforms and releasing prisoners sentenced for blasphemy; such an agreement should be accompanied by U.S.-provided resources for related capacity building through the State Department and U.S. Agency for International Development (USAID) mechanisms;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Press the Pakistani government to implement the Supreme Court's 2014 decision to create a special police force to protect religious groups from violence and actively prosecute perpetrators, both individuals involved in mob attacks and members of militant groups;
- Include discussions on religious freedom in U.S.-Pakistan dialogues or create a special track of bilateral engagement specifically regarding religious freedom and the promotion of interfaith harmony and acceptance;
- Work with international partners to jointly raise religious freedom concerns with Pakistani officials in Islamabad and in multilateral settings, and to encourage the Pakistani government to invite the UN Special Rapporteur on freedom of religion or belief for a country visit;
- Encourage the Pakistani government and provincial education boards to reform textbooks and curricula in government schools and the *madrassah* system to remove negative information and misinformation on all religions and to ensure they promote religious and ethnic tolerance;
- Urge the Pakistani government and provincial governments to review all cases of individuals charged with blasphemy in order to release those who were falsely accused, while still calling for the unconditional release of all individuals sentenced to prison for blasphemy;
- Continue to call for the repeal of the blasphemy prohibitions in Penal Code article 295; until this can be accomplished: urge the Pakistani government to reform article 295 to make blasphemy a bailable offense, penalize false accusations, and require evidence by accusers; and call for the enforcement of preexisting penal code articles that criminalize false accusations in any legal matter;
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience and persons detained or awaiting trial, and press Pakistan's government to treat prisoners humanely and continue to allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Continue to call for the repeal of anti-Ahmadiyya laws, especially articles 298-(A), (B), and (C) of the country's penal code;
- Urge the Pakistani government to pass a law recognizing Christian marriages and that prevent forced marriages and conversions, and train and educate police, lawyers, and judges to interpret and enforce this law correctly;
- Encourage the government of Pakistan to launch a public information campaign about the historic role played by religious minorities in the country, their contributions to Pakistani society, and their equal rights and protections, and use the tools of U.S. public diplomacy, such as the International Visitors Program, other educational and cultural exchanges, and U.S.-funded media, to highlight similar themes; and
- Ensure a portion of existing U.S. security assistance is used to help police implement an effective plan for dedicated protection of religious minority communities and their places of worship.



## BACKGROUND

Pakistan is an ethnically and religiously diverse country of over 190 million people. According to the last official census, in 1998, 95 percent of the population identified as Muslim; among the Muslim population, 75 percent identified as Sunni and 25 percent as Shi'a. The remaining 5 percent of Pakistan's population are non-Muslim, including Christians, Hindus, Parsis/Zoroastrians, Baha'is, Sikhs, Buddhists, and others. The numbers of Shi'a Muslims and Christians believe their communities are larger than reported in the 1998 census. An estimated two to four million Ahmadis consider themselves Muslims, but Pakistani law does not recognize them as such.

Religious freedom conditions in Pakistan have long been marred by religiously discriminatory constitutional provisions and legislation. For years, the Pakistani government has consistently failed to stem rhetoric that incites religiously motivated or sectarian violence by religious ideologues and extremist groups, or to bring perpetrators to justice when violent attacks occur. Moreover, violent extremist groups and U.S.-designated terrorist organizations—such as Tehrik-e-Taliban Pakistan (Pakistani Taliban), the Pakistani branch of the Islamic State of Iraq and Syria (ISIS), and Lashkar-e-Jhangvi (LeJ)—target Pakistani civilians, governmental offices, and military locations, posing a significant security challenge to the government and negatively impacting the government's capacity and will to address egregious religious freedom violations in the country. These groups threaten all Pakistanis, including religious minority communities, nongovernmental organizations (NGOs), judges and lawyers involved in religious-freedom-related cases, and officials or parliamentarians who attempt to discuss or revise repressive laws.

Religious minority communities also suffer from social and political marginalization. They have 10 reserved seats out of 342 total seats in the National Assembly (lower chamber of Parliament) and none in the Senate (upper chamber of Parliament). The ability of religious minority representatives to successfully advocate for their communities is further diminished in Pakistan's parliamentary system because liberal political parties often have to form coalitions with parties that may not be supportive of religious or ethnic minorities.

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In previous years, the Pakistani government at both the federal and provincial levels took some steps to address some of these issues, including establishing a 20-point National Action Plan (NAP) following the December 2014 Pakistani Taliban attack on the Peshawar army school, in which 130 children were killed. The NAP was developed to address terrorism, attacks on minority communities, and hate speech and literature intended to incite violence. However, implementation of the NAP and other steps have fallen short and have not produced substantive religious freedom improvements. Societal violence and terrorist activity continues, and inherently discriminatory laws remain.

In November 2016, USCIRF staff traveled to Islamabad to meet with U.S. and Pakistani governmental officials and representatives of civil society and religious communities.

## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Blasphemy Laws:

Sections 295 and 298 of Pakistan’s Penal Code criminalize acts and speech that insult a religion or religious beliefs or defile the Qur’an, the Prophet Muhammad, a place of worship, or religious symbols. These provisions inherently violate international standards of freedom of religion or belief, as they protect beliefs over individuals. Accusers are not required to present any evidence that blasphemy occurred, which leads to abuse, including false accusations. Moreover, the law sets severe punishments, including death or life in prison.

The majority of all blasphemy cases in Pakistan occur in Punjab Province, where the majority of Pakistan’s religious minorities reside. While Muslims represent the greatest number of individuals charged or sentenced, religious minority communities fall victim to a disproportionately higher rate of blasphemy allegations and arrests, as compared to their percentage of the country’s population. USCIRF is aware of at least 40 individuals currently sentenced to death or serving life sentences for blasphemy in Pakistan, including two Christians, Anjum Naz Sindhu and Javed Naz, and a Muslim, Jaffar Ali, all sentenced to death on June 28, 2016, by an antiterrorism court in Gujranwala, Punjab Province; and Aasia Bibi, a Christian woman convicted and sentenced to death in 2010 after a 2009 dispute with coworkers. In October 2016, the Pakistani Supreme Court delayed Ms. Bibi’s final appeal hearing after a judge recused himself; she remains imprisoned and the hearing has not yet been rescheduled.

During the current reporting period, there were dozens of reports of arrests and charges for blasphemy, especially in Punjab Province. Frequently, the arrests and charges occurred in an atmosphere of societal harassment or violence. For example, in July 2016 in Punjab Province, Nadeem James, a Christian man, was arrested—after intense community pressure—for sending so-called blasphemous messages on the social networking Web site WhatsApp. In September 2016

in Punjab Province, a 16-year-old Christian boy was arrested for “liking” a photo of the Kaaba on Facebook; in February 2017, he was denied release on bail pending his hearing. In October 2016, also in Punjab province, an 18-year-old Muslim boy and his teacher were arrested and charged for allegedly burning pages of the Qur’an. All of these cases reportedly remain pending.

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In January 2017, an antiterrorism court acquitted more than 100 suspects accused of participating in the January 2013 attack on Joseph Colony, a predominantly Christian neighborhood in Lahore, Punjab Province. The attack was sparked when a Christian resident was accused of blasphemy. A mob of approximately 3,000 individuals destroyed more than 150 Christian homes, Christian businesses, and two churches, and forced hundreds of Christian families to flee. As of the end of the reporting period, not a single person has been convicted for the attack. However, during the past year, the government did punish several individuals for other blasphemy-related violence. In February 2016, Mumtaz Qadri was executed by hanging for the 2011 murder of Punjab Governor Salmaan Taseer, who had spoken out against the blasphemy law and in support of Ms. Bibi. In November 2016, five individuals were sentenced to death for the brutal 2014 mob killing of Shahzad and Shama Masih, who had been falsely accused of blasphemy. Additionally, Christian communities reported to USCIRF that local officials or police sometimes made attempts to quell or protect them from violent retribution or arrests for so-called blasphemous acts. For example, in October 2016, a Christian boy and his mother were arrested—after mob pressure—for allegedly burning pages from the Qur’an in Quetta, Balochistan Province. After Christian and Muslim provincial assembly members and local clerics intervened, the son and mother were released.

For years, some government leaders have called for the country's blasphemy law to be reformed, including former President Asif Ali Zardari; Sherry Rehman, Pakistan's former ambassador to the United States and a current member of Pakistan's Senate; Salmaan Taseer, formerly the governor of Punjab province; and Shahbaz Bhatti, formerly the federal minister for Minorities Affairs. Taseer and Bhatti were assassinated in 2011 for calling for blasphemy law reforms. In January 2016, Muhammad Khan Sherani, chairman of the Council of Islamic Ideology, called on the government to refer the blasphemy law to his council for review. The Council of Ideology is a constitutional body that advises the Pakistani government on whether legislation is compatible with Islam and Islamic law. Additionally, in August 2016, the Pakistani Senate's Committee on Human Rights announced it would hold a series of meetings with legal experts, religious scholars, the Council of Islamic Ideology, and others to review the country's blasphemy law, but it is not known if any meetings have occurred.

### Anti-Ahmadiyya Laws and Attacks

Ahmadis are subject to severe legal restrictions, and suffer from officially sanctioned discrimination. September 2016 marked the 42nd anniversary of Pakistan's second amendment to its constitution that declared Ahmadis to be "non-Muslims." Additionally, Penal Code section 298 makes it criminal for Ahmadis to refer to themselves as Muslims; preach, propagate, or disseminate materials on their faith; or refer to their houses of worship as mosques. They also are prohibited from voting.

In January 2016, Abdul Shakoor, an optician and store owner in Rabwah, Punjab Province, was sentenced to five years in prison on blasphemy charges and three years on terrorism charges, to be served concurrently, for propagating the Ahmadiyya Muslim faith by selling copies of the Qur'an and Ahmadiyya publications. His Shi'a Muslim store manager, Mazhar Sipra, also was sentenced to five years on terrorism charges. Both have appealed their sentences.

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On December 5, 2016, Punjab Province's Counter Terrorism Department raided the publications and audit offices of the Ahmadiyya community. Police beat several people and arrested four Ahmadis, who were later charged

with violating Penal Code article 298-C and provisions in the country's Anti-Terrorism Act. Reportedly, they were tortured after being arrested.

Ahmadis frequently face societal discrimination, harassment, and physical attacks,

sometimes resulting in murder. For example, in Karachi, on three different days in June 2016, three Ahmadi doctors—Dr. Hameed Ahmed, Dr. Abdul Hasan Isphani, and Dr. Chaudhry Khaliq Ahmad—were shot and killed in targeted attacks; as of December 2016, no charges had been brought. On December 13, 2016, in Chakwal, Punjab Province, several thousand people stormed an Ahmadiyya community mosque, firing weapons and wounding several worshippers before police were able to disperse the mob. Reportedly, the mosque was attacked because the community was celebrating the Prophet Muhammad's birthday.

### Education

Provincial textbooks with discriminatory content against minorities remain a significant concern. In April 2016, USCIRF released a report, *Teaching Intolerance in Pakistan: Religious Bias in Public Textbooks*, which was a follow-up to its 2011 study, *Connecting the Dots: Education and Religious Discrimination in Pakistan*. The 2016 report found that while 16 problematic passages outlined in the 2011 report were removed from textbooks, 70 new intolerant or biased passages were added. Fifty-eight of these passages came from textbooks used in the Balochistan and Sindh provinces, while 12 came from the Punjab and Khyber Pakhtunkhwa provinces. Overall, the report found that Pakistani textbooks continue to teach bias against and distrust of non-Muslims and followers of any faith other than Islam, and portray them as inferior. Moreover, the textbooks depict non-Muslims in Pakistan as non-Pakistani or sympathetic toward Pakistan's

perceived enemies—Pakistani Christians as Westerners or British colonial oppressors and Pakistani Hindus as Indians. These portrayals stoke pre-existing societal tensions and create a negative climate for Pakistan’s religious minority communities.

### Forced Conversions and Marriage

Forced conversion of Hindu and Christian girls and young women into Islam and marriage, often through bonded labor, remains a systemic problem. In 2014, Pakistan-based NGOs, including the Aurat Foundation and the Movement for Solidarity and Peace in Pakistan, reported that more than 1,000 girls, many under the age of 18, are forcibly married and converted to Islam each year. Hindu and Christian women are particularly vulnerable to these crimes because of the societal marginalization of and lack of legal protections for religious minorities, combined with deeply patriarchal societal and cultural norms. Local police, particularly in Punjab province, are often accused of being complicit in forced marriage and conversion cases by failing to properly investigate them or by believing the male and his family over the female and her family. If such cases are investigated or adjudicated, reportedly the young woman or girl often is questioned in front of the man she was forced to marry, which creates pressure on her to deny any coercion.

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During 2016, the Pakistani government took legislative steps at both the national and provincial levels to attempt to address these issues—a move that Hindu and Christian religious leaders and laity and human rights activists have largely lauded. The steps include the Hindu Marriage Bill 2016, passed by the National Assembly in September 2016, the Senate in February 2017, and signed into law in March 2017, after the end of the reporting period; the Sindh

Criminal Law (Protection of Minorities) Bill, passed in November; the restoration of section 7 of the Christian Divorce Act of 1869 in Punjab Province; and draft national legislation, similar to the Hindu Marriage Act, to amend the Christian Marriage Act of 1872. These enacted and pending measures seek to provide legal protections to deter or diminish forced conversion and marriage and assist women in escaping forced marriages through legal means. For example, the Sindh Criminal Law (Protection of Minorities) Bill mandates a 21-day waiting period before adults lawfully can change religions, and stipulates that children under the age of 18 cannot change their religion. These provisions are intended to prevent forced marriages and conversions that happen simultaneously and overnight. The Hindu Marriage Act provides that marriages between Hindus can be registered with the government, thereby officially documenting them, and makes polygamous marriages unlawful to prevent Hindu girls and women being forced to marry as second wives.

### Targeted Sectarian Violence

According to the South Asia Terrorism Portal, nearly 50 different domestic and transnational terrorist and extremist groups are active in Pakistan. These groups pose a serious security threat to the region, the country, and its people, especially religious minority communities. In addition to attacking government and military sites, groups such as the Pakistani Taliban and LeJ have been major persecutors of religious minorities and of Sunni Muslims who oppose their religious and political agenda. Moreover, these groups’ targeting of Shi’a and Sufi Muslims have sown deep-seeded sectarian tensions. According to reports from a Shi’a Muslim political organization, Majlis Wahdat-e-Muslimeen Pakistan (MWM), the Pakistani Taliban and other terrorist groups have killed an estimated 25,000 Shi’a Muslims over the last decade.

During the reporting period, Shi’a and Sufi Muslims have been targeted by the Pakistani Taliban and a Pakistani branch of ISIS. In October 2016 at a religious service in Karachi, five Shi’a Muslims were murdered—and several more wounded—during an attack claimed by LeJ. Also in October, in Quetta, Balochistan, LeJ claimed responsibility for shooting four Shi’a women on

a local commuter bus. In November 2016, ISIS claimed responsibility for an attack on a Sufi shrine in Quetta that left 52 people dead and over 100 people wounded. In June 2016, Amjad Sabri, a famed Pakistani Sufi singer, was shot dead in Karachi; the two men arrested in November 2016 are members of LeJ and have been implicated in 28 other cases of violence, particularly against policemen and Shi'a Muslims, according to the Sindh province chief minister. On February 16, 2017, a suicide bomber believed to be an ISIS militant killed more than 80 worshippers, including 20 children, and injured hundred more when he detonated a bomb in the Sufi temple of Lal Shahbaz Qalandar in the city of Sehwan, Sindh Province. Subsequently, Pakistani police and security forces conducted extensive raids and killed approximately 100 alleged ISIS militants and detained dozens more.

### Positive Developments

In the last reporting year, the government of Pakistan took some positive steps to promote human rights and to attempt to combat sectarian and religiously motivated violence and rhetoric. For example, in February 2016, it announced a

16-point Human Rights Action Plan that includes a policy framework for legislative reforms; increased protection of women's, minorities', and children's rights; human rights education; international treaty implementation; and

financial support to victims of abuses. As of the end of the reporting period, however, USCIRF is unaware of any steps taken to implement the plan. The government also conducted an investigation and arrested over 200 people in connection with a terrorist attack in Lahore on Easter Sunday 2016 (March 27) that killed at least 70 people and injured hundreds, mostly Christians. Additionally, it arrested several religious clerics for disseminating extremist speech or materials, closed dozens of *madrassahs* affiliated with banned extremist and terrorist organizations, and registered thousands of *madrassahs* across the country so

they could be closely monitored. In February 2017, the national parliament passed the Criminal Laws (Amendment) Act 2016, which creates punishments for inciting religious, sectarian, or ethnic hatred by using loudspeakers, sound amplifiers, or any other device; calls on police to prevent sectarian and hate speech and the proliferation of hate material; and increases the punishment for the forced marriages of women belonging to minority groups. However, some religious minority communities have expressed concern that the act could be used to limit religious practices and worship and could lead to increased arrests and false accusations of blasphemy.

The government also made positive gestures toward religious minority communities and encouraged interfaith harmony during the year. For example, in September 2016, the Minister for Human Rights and Minority Affairs announced the establishment of a new human rights task force, which will include members of civil society, journalists, priests, pastors, and Islamic scholars. In July 2016, for the first time in Pakistan's history, a Christian and a Sikh were acknowledged as tribal leaders in the Federally Administered Tribal

Areas. In December 2016, Bishop Joseph Arshad of Faisalabad, who chairs the Catholic Bishops' National Commission for Justice and Peace, received the country's National Human Rights Award 2016 from President Mamnoon Hussain.

Also in December, the Railways and Human Rights ministries announced that over Christmas they would run a special "human rights" train—decorated with messages of religious tolerance, brotherhood, and love — "to express solidarity with the minority Christian community and promote inter-faith harmony." In January 2017, the Punjab Provincial Minister for Human Rights and Minorities Affairs, with the support of the government of the Netherlands, launched a pilot project, Engaging Pakistani Interfaith Communities (EPIC), that seeks to use social media and the arts to promote religious harmony, tolerance, and peace.

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## U.S. POLICY

U.S.-Pakistan relations have long been marked by strain, disappointment, and mistrust. Human rights and religious freedom have not been high priorities in the bilateral relationship, which has focused on security and counterterrorism efforts. The United States consistently has pressured Pakistan to take action against the numerous extremist and terrorist organizations in the country. Pakistan has played a critical but complicated role in U.S. government efforts to combat al-Qaeda, the Afghani Taliban, and other terrorist organizations. The United States relies on Pakistan for transport of supplies and ground lines of communication to Afghanistan. Additionally, the United States, Pakistan, and China are engaged in the Afghan peace process. These three countries, along with Afghanistan, are working together to create a roadmap for a negotiated peace between the Afghan government and the Afghani Taliban.

The United States and Pakistan established a bilateral Strategic Dialogue in 2010 to discuss topics such as the economy and trade, energy, security, strategic stability and nonproliferation, law enforcement and counterterrorism, science and technology, education, agriculture, water, health, and communications and public diplomacy. The sixth ministerial-level session of this dialogue was held in Washington, DC, in February 2016. The United States and Pakistan reiterated in a joint statement their commitment to democracy, human rights, countering violent extremism, and combating terrorist organizations.

The United States continues to invest heavily in Pakistan's economic growth and in civilian assistance, including in energy sector improvements and reforms, agriculture, job creation, developments in areas vulnerable to violent extremism, and increased access and quality of education and basic health services and education. In 2016, the United States committed \$5 billion in civilian assistance to Pakistan and over \$1 billion in emergency humanitarian assistance in response to natural disasters and conflict. Additionally, the United

States provides technical and financial assistance to strengthen human rights, advance rule of law reforms, combat intolerance, strengthen civil society, and support legal aid centers for vulnerable populations. In 2015, the United States was Pakistan's largest bilateral export destination, with nearly \$3.7 billion in exports. Moreover, in 2015 the United States was once again one

of the largest sources of foreign direct investment in Pakistan, amounting to nearly \$400 million.

In August 2016, the Pentagon announced it would not pay Pakistan \$300 million in military reimbursements because the country had "failed

to take sufficient action" against the Afghanistan-based Haqqani terrorist network, which the Pakistani government allegedly politically and financially supports.

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