



# UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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Front Cover: KHUSHPUR, Pakistan, March 4, 2011 – Pakistanis carry the coffin of Shahbaz Bhatti, Pakistan’s slain minister of minorities, who was assassinated March 2 by the Pakistani Taliban for campaigning against the country’s blasphemy laws. Bhatti, 42, a close friend of USCIRF, warned in a Washington visit just one month before his death that he had received numerous death threats. More than 15,000 persons attended his funeral. (Photo by Aamir Qureshi/AFP/Getty Images)

Back Cover: JUBA, Sudan, January 9, 2011 – Southern Sudanese line up at dawn in the first hours of the week-long independence referendum to create the world’s newest state. The referendum vote was the final milestone in the implementation of the 2005 Comprehensive Peace Agreement, which ended more than 20 years of north-south civil war in Sudan. (Photo by Roberto Schmidt/AFP/Getty Images)

U.S. Commission on International Religious Freedom  
800 North Capitol Street, NW, Suite 790  
Washington, DC 20002  
202-523-3240, 202-523-5020 (fax)  
[www.uscirf.gov](http://www.uscirf.gov)

The 2011 Annual Report is dedicated to the memory of Shahbaz Bhatti, the Pakistani Federal Minister for Minorities Affairs. Shahbaz was a courageous advocate for the religious freedoms of all Pakistanis, and he was assassinated on March 2 by the Pakistani Taliban for those efforts.

## Pakistan

**FINDINGS:** Pakistan continues to be responsible for systematic, ongoing, and egregious violations of freedom of religion or belief. Two high-profile members of the ruling party were assassinated during the reporting period for their advocacy against Pakistan's repressive blasphemy laws. These laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community, including those who hold views deemed "un-Islamic" by extremists. It also threatens Pakistan's security and stability.

In light of these particularly severe violations, USCIRF again recommends in 2011 that Pakistan be designated a "country of particular concern," or CPC. Since 2002, USCIRF has recommended Pakistan be named a CPC, but the U.S. State Department has not followed that recommendation.

The religious freedom situation in Pakistan deteriorated greatly during the reporting period. While the Zardari government has taken some positive actions to promote religious tolerance and remedy abuses, it has failed to reverse the erosion in the social and legal status of religious minorities and the severe obstacles the majority Muslim community faces to the free discussion of sensitive religious and social issues. A number of Pakistan's laws abridge religious freedom. Blasphemy laws are used against members of religious minority communities and dissenters within the majority Muslim community, and frequently result in imprisonment on account of religion or belief and/or vigilante violence. Three individuals had death sentences imposed or upheld against them during the reporting period. Anti-Ahmadi laws discriminate against individual Ahmadis and effectively criminalize various practices of their faith. The Hudood Ordinances provide for harsh punishments for alleged violations of Islamic law by both Muslims and non-Muslims. Anti-government elements espousing an intolerant interpretation of Islam continue to perpetrate acts of violence against other Muslims and religious minorities. The government's response to religiously-motivated extremism remains inadequate, despite increased military operations.

**PRIORITY RECOMMENDATIONS:** Promoting respect for freedom of religion or belief must be an integral part of U.S. strategy in Pakistan, and designating Pakistan as a CPC would enable the United States to press Islamabad more effectively to undertake needed reforms. The forces that threaten Pakistani and U.S. security interests are largely motivated by a violent extremist ideology that rejects international human rights standards, including freedom of religion or belief. To make religious freedom promotion a key element in the bilateral relationship, the U.S. government should urge Pakistan to reinforce the rule of law and align its laws, particularly those regarding blasphemy and the Ahmadis, with international human rights standards; actively prosecute those committing acts of violence against Sufis, Shi'a, Ahmadis, Christians, and others; and unconditionally release individuals currently jailed for blasphemy and place a moratorium on use of the law until it is reformed or repealed. Additional recommendations for U.S. policy towards Pakistan can be found at the end of this chapter.

## **Religious Freedom Conditions**

### *Government Policies toward Religious Groups and Activities*

Since 2008, after years of military rule, Pakistan has been governed by a civilian government led by Prime Minister Syed Yousuf Raza Gilani and President Asif Ali Zardari. Both Zardari and Gilani are leaders of the Pakistan People's Party (PPP). Zardari is the widower of Benazir Bhutto, a popular PPP leader and former Prime Minister who was assassinated in December 2007, reportedly by Sunni militants linked to al-Qaeda. The Bhutto and Zardari families are Shi'a Muslims from the province of Sindh and have assumed leadership roles in a country traditionally dominated by Sunnis from Punjab. However, despite the return to democratic control, the Pakistani military and intelligence services continue to be influential, particularly in regard to national security issues.

The Pakistani government, through the efforts of the late Federal Minister for Minorities Affairs Shahbaz Bhatti, who was assassinated on March 2, has taken some positive steps regarding religious freedom and tolerance. Minister Bhatti was first appointed to that position, which has cabinet rank, in 2008, and was reappointed in February 2011. Mr. Bhatti successfully used the position to obtain government assistance for victims of religiously-motivated mob violence, advocate publicly for reform of the blasphemy laws, and increase public focus on religious minorities' concerns. These efforts resulted in the government undertaking the following: in May 2009, announcing a five-percent quota in federal employment for members of religious minority communities and officially celebrating "Minorities' Solidarity Day"; designating August 11 as an annual federal holiday, called "Minorities' Day;" committing to construct prayer rooms for non-Muslim inmates in all prisons; and the Minorities Ministry establishing a 24-hour hotline to take reports of violence against religious groups.

Minister Bhatti also established a National Interfaith Council, convened in July 2010, to promote understanding and tolerance among the different faiths. The Council was comprised of the four principal Imams of Pakistan, the heads of its principal *madrassas*, the leading Catholic and Protestant Bishops, and the leaders of the Ahmadi, Buddhist, and Farsi communities. The concluding statement of its July 2010 meeting, signed by the leading religious figures, urged increased tolerance and denounced terrorism. President Zardari met with the participants and welcomed the statement. Minister Bhatti also established District Interfaith Harmony Committees in every district of Pakistan to promote religious tolerance through understanding. Each committee is comprised of six Muslim leaders and six members of minority faith communities.

In March 2011, Prime Minister Gilani appointed Dr. Paul Bhatti, brother of Shahbaz Bhatti, as Special Adviser to the Prime Minister on Minority Affairs. Since Dr. Bhatti had not been elected to the parliament, he could not serve in the Federal Cabinet. However, he was reportedly given assurances that as the Special Advisor he will have all the powers, responsibilities, resources, and protections of a federal minister, including responsibility over the Ministry of Minorities Affairs.

April 2010 saw the passage of the 18<sup>th</sup> amendment to the Pakistani constitution, which reduced the powers of the presidency and returned Pakistan to a parliamentary system. Among the 102 changes made, the amendment created 10 seats for religious minorities in the National Assembly, the lower house of Pakistan's parliament, and four seats in the Senate, as well as required seats for non-Muslims in the provincial assemblies. However, the allocation of seats was not set on a per-capita basis, so it was not reflective of the size of the non-Muslim community. The amendment also set aside seats for women in these same bodies. Under the 18<sup>th</sup> amendment, unspecified ministries were to be devolved to the provincial level. At the end of the reporting period, it appeared that the ministries of Zakat and Ushr, population welfare, youth affairs, special initiatives and local government would be devolved. As of this writing, the Federal Ministry for Minorities Affairs has not been designated for devolution, but minority

religious communities have expressed concern that this ministry could be returned to the provincial level since it was only elevated to the federal level in 2008.

The National Assembly was also active on other human rights issues, electing its first female speaker in 2008, Dr. Fehmida Mirza, and making Pakistan the first Muslim country to elect a woman to this position. In March 2011, the National Assembly also approved the creation of an independent human rights commission. The National Commission on Human Rights will be empowered to conduct investigations and assume the role of a court in special circumstances with authority to make its own motions. The Commission will be headed by a retired judge or eminent expert, with two commissioners coming from religious minority communities.

Nevertheless, discriminatory laws promulgated in previous decades and persistently enforced have fostered an atmosphere of religious intolerance and eroded the social and legal status of members of religious minorities, including Shi'a Muslims, Ahmadis, Hindus, and Christians. In addition, the 18<sup>th</sup> amendment specifically stipulated that the prime minister must be a Muslim and did not address the anti-Ahmadi provisions in the constitution. Government officials do not provide adequate protections from societal violence to members of religious minority communities, and perpetrators of attacks on minorities are rarely brought to justice. This impunity is partly due to the fact that Pakistan's democratic institutions, particularly the judiciary and the police, have been weakened by endemic corruption, ineffectiveness, and a general lack of accountability.

#### *Sectarian or Religiously-motivated Violence*

During the reporting period, Pakistan experienced a qualitative change in religiously-linked violence due to the unprecedented level of targeting of government officials, members of the majority faith whose views contradicted those of extremists, and members of minority faith communities. Armed extremists, some with ties to violent extremist groups or the Pakistani Taliban, intensified their attacks, including bombings, against Barelvi Sufis, Shi'a Muslims, Ahmadis, and Christians. Sectarian or religiously-motivated violence reached beyond Pakistan's tribal northwest, targeting groups in major urban centers. Pakistani media reported in January that several violent extremist groups were joining forces to target government leaders and Shi'a clergy. The following examples of sectarian or religiously-motivated violence are illustrative of the numerous and often fatal attacks against innocent Pakistanis by extremists who use religion to justify their crimes.

#### Assassinations of Blasphemy Law Opponents

Two prominent Pakistani officials—Punjab Governor Salman Taseer and Federal Minister for Minorities Affairs Shahbaz Bhatti—were assassinated because of their opposition to Pakistan's flawed blasphemy laws.

On January 2, Salman Taseer, a longtime political ally of President Zardari and an outspoken critic of the blasphemy law, was assassinated by one of his police bodyguards. After shooting Taseer multiple times, the assassin, Mumtaz Qadri, surrendered peacefully and confessed that he had killed the governor because of his views on blasphemy. Qadri was assigned to the protective detail, despite reports that Qadri had shared his plans to kill Taseer with other guards and that supervisors had listed him as a security risk. While Taseer's murder was condemned by political leaders, 500 Muslim clerics from the Jamaat-e-Ahl-e-Sunnat, a prominent organization for Barelvis, praised Qadri's actions and warned people against mourning Taseer. As a result, Taseer's family had great difficulty finding an imam to officiate the funeral. While Prime Minister Gilani attended the funeral, President Zardari did not. In Islamabad, lawyers showered Qadri with rose petals when he arrived in court for his arraignment.

On March 2, Shahbaz Bhatti, a longtime Christian activist for religious freedom and the first-ever Christian in Pakistan's federal cabinet, was assassinated outside his mother's home in Islamabad by members of Tehrik-i-Taliban, commonly known as the Pakistani Taliban. Having recently been reappointed to the federal cabinet, Bhatti was on his way to a cabinet meeting without his security detail. The timing of the attack has led to speculation that the assassins had informants within the Ministry of Interior or the Directorate of Inter-Service Intelligence. Bhatti had received multiple death threats because of his advocacy against the blasphemy law, including one from Tehrik-i-Taliban threatening to kill him if he was reappointed to the cabinet. The Pakistani government's efforts to provide Bhatti with sufficient security had been inadequate for years. However, after his reappointment, the Minister of Interior had increased his security detail and reportedly agreed to move Minister Bhatti to more secure lodgings in Islamabad. Notably, the Pakistani government had not provided an armored car, despite Minister Bhatti's repeated requests. Immediately after his death, Prime Minister Gilani and Interior Minister Rehman Malik visited the hospital and vowed to apprehend the killers. Prime Minister Gilani attended the funeral, but President Zardari did not.

#### Attacks near the Afghan Border

Many acts of violence were perpetrated in response to Pakistani military operations against Taliban elements in the tribal areas of Pakistan near the Afghan border. Since 2009, military offensives there have met with some success, although military forces and Pakistani civilians have suffered significant casualties. Many internally displaced persons, particularly members of religious minority communities including Sikhs, fear to return to these contested areas, and extremists have assassinated religious figures who have worked with the government. On August 23, 2010, at least 15 people died when a suicide bomber blew himself up at a mosque in South Waziristan, killing local cleric Maulana Noor Mohammed. Mohammed had reportedly negotiated with the Taliban on behalf of the Pakistani government. South of Peshawar on March 9, 2011, a suicide bomber attacked the funeral of the wife of a member of a local peace committee working against violent extremists. Fifteen people were reportedly killed and 20 wounded. Tehrik-i-Taliban claimed responsibility.

#### Attacks against Barelvis

Several large-scale attacks targeted Barelvi shrines. Sunni extremists condemn Barelvis, who come from a Sufi tradition, for certain beliefs and practices, including the use of music for religious purposes and the veneration of living and dead religious figures. Barelvi leaders have publicly condemned the Pakistani Taliban and supported the government's military campaign against anti-government elements, but some leaders also publicly supported the murder of Salman Taseer. On July 1, 2010, militants bombed the Sufi Data Darbar shrine in Lahore, killing at least 40 and wounding hundreds. The shrine holds the remains of Abul Hassan Ali Hajvery, a Persian Sufi saint important to the Barelvi. On October 7, two suicide bombers attacked a major shrine in Karachi, the Abdullah Shah Ghazi shrine. Reports indicated that 14 were killed and 60 wounded. The bombings were coordinated to ensure a high number of casualties, as the first bomber detonated as devotees were leaving the shrine, with the second following moments later targeting the fleeing crowds.

#### Attacks against Shi'a Muslims

Violent extremists also targeted Shi'a processions and mosques during the reporting period. On September 1, 2010, three bombs were detonated during a Shi'a religious procession in Lahore, killing 29 and wounding more than 200. The procession of about 35,000 marchers was marking the anniversary of the death of Imam Ali, the first Shi'a imam. Days later, on September 3, a suicide bomber attacked a Shi'a procession in Quetta, killing 43 people and wounding 78. Tehrik-i-Taliban claimed responsibility

for both. On January 25, 2011, a suicide bomber attacked a Shi'a procession in Lahore. Seven people were reported dead and 25 wounded.

#### Attacks against Ahmadis

In recent years, scores of Ahmadis have been murdered in attacks which appear to have been religiously motivated. For instance, on May 27, 2010, three Ahmadi businessmen were killed in Faisalabad, and local authorities attributed a sectarian motive to the slaying.

The largest incident of anti-Ahmadi violence in recent years occurred in Lahore on May 28, 2010, when militants carried out coordinated attacks against two Ahmadi mosques, killing at least 93 people and wounding scores more. Gunmen associated with Tehrik-i-Taliban attacked both mosques simultaneously with high-powered rifles and grenades as Friday prayers were ending. About 1,500 worshipers were in each mosque. Police eventually regained control of both mosques after lengthy gun battles. However, individuals interviewed by USCIRF staff in Lahore said that the elite Rangers military units had been called for help but were ordered not to intervene. After the attack, Nawaz Sharif, former Prime Minister of Pakistan and head of the Pakistan Muslim League (N), said that "Ahmadi brothers and sisters are an asset" of the country. Notably his brother, Shahbaz Sharif, the PML(N) Governor General of Punjab province where the attack occurred, offered no condolences.

#### Attacks against Christians

There were no reports during the reporting period of large-scale mob attacks against Christians, as had been the case from June to August 2009 in Punjab province. During the 2009 violence in the village of Gojra, eight Christians were killed and 18 injured, and two churches and about 75 houses burned, following an accusation that Christians had desecrated the Koran. However, several churches were attacked in March 2011, reportedly in response to the burning of a Koran in Florida. Also, as will be discussed later, there were several individual incidents of violence against Christians accused of blasphemy during this reporting period.

Marginalization and poverty make the Christian community in Pakistan vulnerable, and sexual assaults against underage Christian girls by Muslim men continue to be reported. In March 2011, a 10-year-old Catholic girl was allegedly raped in Punjab province and authorities have arrested the accused perpetrator. Such a police response is not always the norm. In July 2010, the non-government organization CLASS reported that in one rape case, extremists successfully pressured local police not to file a First Information Report on the alleged incident, thereby preventing any investigation or prosecution. In another case involving the rape and murder in January 2010 of a 12-year-old Christian girl in Lahore, her Muslim employer, a prominent attorney and former Lahore Bar Association president, was acquitted in November 2010. However, President Zardari directed the federal government to provide compensation to the mother.

#### Attacks against Hindus and Sikhs

Due to their minority status, Pakistan's Hindus and Sikhs are vulnerable to crime, including robbery and kidnapping for ransom. Hindu businessmen in Sindh have been increasingly subject to extortion or kidnappings for ransom. Hindus have also been targeted in the province of Balochistan, where they are the largest religious minority and where the security situation is problematic due to a long-running ethnic insurgency. According to a survey by the Society for the Protection of the Rights of the Child, a Pakistani NGO, 23 Hindu children were kidnapped between January 2008 and December 2010. There are persistent reports of kidnappings, rapes, and forced conversions to Islam of Hindu and Christian women, including minors. In March 2010, a Karachi-based Hindu attorney associated with the Human Rights Commission

of Pakistan estimated that 20 to 25 young Hindu women are abducted and forcibly converted every month. The attorney claimed that the victims' families often fail to register cases with the police out of fear of violent retaliation.

### *Blasphemy Laws*

#### Widespread Abuse

Severe penalties for blasphemy and other activities deemed insulting to Islam were added to the penal code during the regime of General Zia-ul-Haq. Article 295B makes defiling the Koran punishable by life imprisonment. Under Article 295C, remarks found to be "derogatory" against the Prophet Mohammed carry the death penalty or life in prison. Blasphemy allegations, which are often false, have resulted in the lengthy detention of, and occasional violence against, Christians, Ahmadis, Hindus, other religious minorities, and members of the Muslim majority community. In fact, according to interviews USCIRF staff conducted in Pakistan, more cases are brought under these provisions against Muslims than any other faith group. While no one has been executed under the blasphemy laws, these laws have created a climate of vigilantism.

Because the laws require neither proof of intent nor evidence to be presented after allegations are made, and include no penalties for false allegations, blasphemy charges are commonly used to intimidate members of religious minorities or others with whom the accusers disagree or have business conflicts. The provisions also provide no clear guidance on what constitutes a violation, leaving local officials to rely on their personal interpretations of Islam. Militants often pack courtrooms and publicly threaten violence if there is an acquittal. Lawyers who have refused to prosecute cases of alleged blasphemy or defend those accused, as well as judges who issue acquittals, have been harassed, threatened, and even subjected to violence. The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.

The highest-profile blasphemy case during the reporting period involved Aasia Bibi, a Christian farm worker and mother of five, who was sentenced to death under Article 295C in November 2010. In response, President Zardari assigned Minister Bhatti to investigate the case and, after receiving his report, empowered him to establish a committee to review the blasphemy laws and propose reforms. President Zardari also agreed to Minister Bhatti's recommendation to pardon Ms. Bibi, should her appeal not move forward quickly. However, the Lahore High Court ruled on December 1 that President Zardari did not have the power to pardon an individual whose case was on appeal. In response, President Zardari directed that Ms. Bibi be kept separate from the general prison population during the appeals process, which will take years. During a USCIRF staff visit to Lahore in December 2010, NGOs reported that Ms. Bibi was being kept separate in the prison. Also in December, a major Muslim leader, Imam Yousef Qureshi of the Mosque Mohabat Khan near Peshawar, stated he would give \$6,000 to anyone who killed Ms. Bibi. The government took no action against him for this incitement to violence.

Aasia Bibi was not the only person sentenced to death for blasphemy during the reporting period. In September 2010, the Lahore High Court upheld the 2002 death sentence against Wajihul Hassan for allegedly uttering blasphemous remarks against the Prophet Muhammad. Also, a man from Punjab province, known as Rafiq, was convicted of blasphemy and sentenced to death in February 2011 for allegedly writing blasphemous remarks against Sihaba, a companion of the Prophet Muhammad.

Lengthy prison sentences were also imposed for blasphemy or other conduct deemed offensive to Islam in the reporting period. A Muslim prayer leader, Mohammad Shafi, and his 20-year-old son, Mohammad Aslam, were sentenced to life imprisonment in January 2011 on blasphemy charges; the case is the result

of a disagreement between sects of Islam. In March 2010, Ruqqiya Bibi and her husband Munir Masih were sentenced to 25 years in prison for defiling the Koran after they allegedly touched the book with unwashed hands. A human rights activist, Hector Aleem, was sentenced to seven years in prison in December 2010 for allegedly sending blasphemous text messages. Aleem's lawyer reported that a local man framed his client following a land dispute in which he had defended the rights of Christians. Aleem's family has gone into hiding and he has reportedly been tortured. In another land dispute, the blasphemy laws were used in June 2010 to jail an elderly Christian man, Rehmat Masih.

Although, as mentioned, no one has yet been executed by the state under the blasphemy laws, individuals accused of blasphemy have been killed, including while in police custody. For example, in March 2011 Qamar David, a Christian, was found dead in a Karachi jail. He had been sentenced in February 2010 to twenty-five years in prison for sending blasphemous text messages in 2006. In July 2010, two Christian brothers accused of blasphemy were shot and killed as they were leaving a hearing at a Faisalabad courthouse. Muhammad Imran, a man charged with blasphemy in April 2009 and later released for lack of evidence, was murdered in March 2011.

Overall, during the reporting period, USCIRF received reports of 14 arrests and convictions based on blasphemy charges. In addition, eight murders were associated with blasphemy.

#### The Possibility of Reform

Before the murders of Governor Taseer and Minister Bhatti, discussions were underway to reform the blasphemy law. In early 2010, Prime Minister Gilani expressed support for reviewing the blasphemy laws, saying “a committee will review the laws detrimental to religious harmony to sort out how they could be improved.” In November 2010, President Zardari called for the formation of a high-level committee headed by Minister Bhatti to review the blasphemy laws and propose recommendations to prevent their misuse.

In November 2010, Sherry Rahman, a PPP parliamentarian, tabled a bill reforming the blasphemy laws. Rahman's amendments would have: removed the death penalty and ensured that punishments are proportionate; included the requirement of premeditation or intent; ensured that anyone making false or frivolous accusations is penalized; and amended the penal code in accordance with Article 20 of the International Covenant on Civil and Political Rights to make any advocacy of religious hatred that constitutes incitement to discrimination or violence a punishable offence. However, her party did not support the bill and Rahman received numerous death threats. Other quarters of the political spectrum also expressed support for some reform. In December 2010, the Council of Islamic Ideology, a government-sponsored advisory board, recommended that the blasphemy law be amended to prevent its misuse against any individuals irrespective of their religion, but opposed removing the death penalty.

After the murders of Governor Taseer and Minister Bhatti, Prime Minister Gilani and other PPP officials stated that reform was no longer being considered. Since the killings, the Prime Minister has repeatedly stated that the government will not permit abuse, but that it has no plans to amend the law. Sherry Rahman was successfully pressured to withdraw her legislation and is rarely seen in public. Minister of Interior Rehman Malik, who was responsible for Minister Bhatti's security, reportedly has said that he would shoot anyone who offended the Prophet. He later said he was referring to the “bullet of law.”

Despite the PPP's hesitancy, leading opposition figures expressed concern after the Bhatti murder about how the blasphemy law has been used to abuse minorities. The head of the Pakistani Muslim League (Q), Chaudhry Shujaat Hussain, and conservative political leader and former cricket star Imran Khan, reportedly have expressed openness to reconsidering the blasphemy laws. Most notably, Fazlur Rehman, the head of JUI-F (Jamiat Ulema-e-Islam - Fazlur Rehman), a former PPP coalition partner and one of the

most conservative religious parties in parliament with alleged ties to extremist groups, said during the floor debate about the Bhatti assassination, that “if a law is being misused against minorities we are ready to discuss this.” Rehman had convened large rallies against any amendments to the blasphemy law in December 2010 and January 2011, with one in Karachi numbering upwards of 30,000. Rehman was also quoted as saying that Governor Taseer “was responsible for his own murder” because of his criticism of the blasphemy laws. In response, PPP officials have said any legal changes must be agreed to by consensus, making the prospects of reform slim.

### *The Ahmadi Minority and Anti-Ahmadi Legislation*

Among Pakistan’s religious minorities, Ahmadis are subject to the most severe legal restrictions and officially-sanctioned discrimination. As described above, egregious acts of violence have been perpetrated against Ahmadis and anti-Ahmadi laws have helped create a permissive climate for vigilante violence against the members of this community. Ahmadis, who may number between three and four million in Pakistan, are prevented by law from engaging in the full practice of their faith and may face criminal charges for a range of religious practices, including the use of religious terminology. In 1974, the government of Zulfikar Ali Bhutto amended Pakistan’s constitution to declare members of the Ahmadi religious community to be “non-Muslims,” despite their insistence to the contrary.

Basic acts of worship and interaction have also been made criminal offenses. In 1984, during General Zia-ul-Haq’s dictatorship, articles 298B and 298C were added to the penal code, criminalizing Ahmadis “posing” as Muslims, calling their places of worship “mosques,” worshipping in non-Ahmadi mosques or public prayer rooms, performing the Muslim call to prayer, using the traditional Islamic greeting in public, publicly quoting from the Koran, or displaying the basic affirmation of the Muslim faith. It is also a crime for Ahmadis to preach in public, seek converts, or produce, publish, or disseminate their religious materials. Ahmadis are restricted in building new houses of worship, holding public conferences or other gatherings, and traveling to Saudi Arabia for religious purposes, including the *hajj*. According to the State Department’s 2010 *Annual Report on International Religious Freedom*, 57 Ahmadis in 2009-10 faced criminal charges under the blasphemy laws and 25 under other sections of the penal code. In conversations with USCIRF staff in December 2010, Ahmadis reported that three of their coreligionists are currently jailed on account of their faith.

Obtaining a Pakistani national identity card or passport requires the applicant to sign a religious affirmation denouncing the founder of the Ahmadi faith as a false prophet. Moreover, because Ahmadis are required to register to vote as non-Muslims and national identity cards identify Ahmadis as non-Muslims, those who refuse to disavow their claim to being Muslims are effectively disenfranchised from participating in elections at any level. Since Ahmadis were declared non-Muslim in 1974, no Pakistani government has attempted to reform the anti-Ahmadi laws and regulations, with the sole exception of an abortive attempt in late 2004 to remove the religious identification column in Pakistani passports, which would have enabled Ahmadis to participate in the *hajj*. This initiative was reversed in 2005 when the government restored the column, reportedly in response to pressure from Islamist political parties.

### *Hudood Ordinances*

Under the Hudood Ordinances that criminalize extramarital sex, rape victims risk being charged with adultery, for which death by stoning remains a possible sentence. In 2003, the National Commission on the Status of Women in Pakistan reported that as many as 88 percent of the women in prison, many of them reported rape victims, were serving time for allegedly violating these decrees. The Hudood laws apply to Muslims and non-Muslims alike. The UN Committee against Torture and the UN Special Rapporteur on Torture have stated that the punishments of stoning and amputation breach international obligations to prevent torture or cruel, inhuman, and degrading treatment or punishment. Although these

extreme corporal punishments have generally not been carried out in practice in Pakistan, lesser punishments such as jail terms or fines have been imposed.

In 2006, in a positive development, the Protection of Women Act removed the crime of rape from the sphere of the Hudood Ordinances and put it under the penal code, thereby eliminating the requirement that a rape victim produce four male witnesses to prove the crime. Under the law, convictions for rape must be based on forensic and circumstantial evidence. The Act also prohibited a case of rape from being converted into a case of fornication or adultery, which had been possible under the Hudood laws. Marital rape was once again made a criminal offense, as it had been prior to the implementation of the Hudood laws in 1979. However, an offense of fornication was included in the penal code, punishable by imprisonment for up to five years.

According to interviews with USCIRF staff in December 2010 in Islamabad, NGOs reported that no women were currently jailed under Hudood charges. In December 2010, the Federal Shariat Court ruled that key sections of the 2006 law were unconstitutional and un-Islamic, which threatened to undermine these reforms entirely. The federal government is appealing and has until June 22, 2011, to implement the ruling.

#### *Religious Freedom Concerns in Pakistani Education*

A significant minority of Pakistan's thousands of religious schools, or *madrassas*, reportedly continue to provide ongoing ideological training and motivation to those who take part in religiously-motivated violence in Pakistan and abroad. In mid-2005, the Pakistani central government required all *madrassas* to register with the government and expel all foreign students. While most registered, the registration process reportedly has had little if any effect on the curricula, which in many of these schools includes materials that promote intolerance and exhortations to violence. The government also still lacks controls on the *madrassas'* sources of funding. A memorandum of understanding was signed in October 2010 between the Ministry of Interior, which oversees the *madrassas* system, and the five main *madrassas* boards in another attempt to better regulate their curriculum and financing.

Religious freedom concerns are also evident in Pakistan's public schools. Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of religious minorities, especially Hindus and Christians. Fifth-grade students read official textbooks claiming that "Hindus and Muslims are not one nation but two different nations. The Hindus could never become sincere in their dealings with the Muslims." Hindu beliefs and practices are contrasted negatively with those of Islam. Bangladesh's struggle for independence from Pakistan is blamed in part on the influence of Hindus in the education sector of the former East Pakistan. Such references are not restricted to Islamic studies textbooks but take place in both early elementary and more advanced social studies texts used by all public school students, including non-Muslims. Moreover, the textbooks contain stories, biographies, and poems with an Islamic religious character.

Efforts to improve curriculum guidelines and to produce and publish new public school textbooks have been delayed by practical and ideological hurdles. Although "The New Education Policy 2009" is being implemented predominantly to raise the literacy rate in Pakistan, that policy maintains Islamic Studies as a compulsory subject. One positive change allows minorities the option of taking an ethics course instead of Islamic Studies from third grade onward, whereas the previous policy offered this option only in grades nine and ten. However, Pakistani NGOs argue that this option means little in practice because current ethics textbooks are based on previous curriculum guidelines which contain Islamic biases. Moreover, minority students still tend to avoid opting out of Islamic Studies for fear of being isolated from the rest of the class or of having their grades negatively impacted.

## **U.S. Policy**

Pakistan is central to the United States' global campaign against al-Qaeda and in supporting U.S. and multinational forces fighting in Afghanistan. The Obama administration is actively engaged with Pakistan, viewing Afghanistan and Pakistan as a single theater in the ongoing conflict with al-Qaeda and the Taliban. In December 2010, the Obama administration conducted a major review of its strategy for Afghanistan and Pakistan, one year after the release of its initial strategy. President Obama announced that the strategy had brought about "significant progress" toward the core goal of disrupting, dismantling, and defeating al-Qaeda, but that challenges remain to make these gains "durable and sustainable." The section on Pakistan stated that the United States will "seek to secure these interests through continued, robust counterterrorism and counterinsurgency cooperation and a long-term partnership anchored by our improved understanding of Pakistan's strategic priorities, increased civilian and military assistance, and expanded public diplomacy." It also noted the cost to Pakistan in attacking militants in the tribal areas, but highlighted that greater cooperation was needed to deny extremists safe havens along the Afghan border.

Despite the close working relationship, U.S.-Pakistan relations have often been marked by strain, disappointment, and mistrust. Regardless of the large-scale U.S. relief efforts after the recent earthquakes and floods, many Pakistanis view the United States as untrustworthy because of its perceived lack of support in Pakistan's conflicts with India, cancellation of assistance over Pakistan's acquiring of nuclear weapons, and sharp drop-off in engagement after the Soviet withdrawal from Afghanistan in 1989. Many in Pakistani civil society also view the United States as too focused on the security component of the relationship, providing massive assistance to Pakistan's powerful military establishment, excusing past military rule and downplaying attendant human rights abuses, and failing to support elements of Pakistani society that espouse respect for human rights. Anti-Americanism is widespread among the Pakistani public, feeding off, among other things, concerns over the United States' use of unmanned aerial drones targeting militants on Pakistani territory, the killing of two Pakistanis by U.S. government contractor Raymond Davis, and the conviction of many religious conservatives that U.S. policy is hostile to Islam and Muslims.

This negative popular sentiment has strained bilateral relations and limited government-to-government cooperation. For instance, due to the Davis case, the quarterly U.S./Pakistan strategic dialogue scheduled for February 2011 was indefinitely postponed and relations on a number of fronts were put on hold. The unexpected death of Ambassador Richard Holbrooke, the U.S. Special Representative for Afghanistan and Pakistan, in December 2010 was another setback. Secretary Clinton named Ambassador Marc Grossman as his replacement in February 2011.

Human rights and religious freedom have not been visible priorities in the bilateral relationship. According to the joint statement issued after the first strategic dialogue in March 2010, the "core foundations of [U.S.-Pakistani] partnership are shared democratic values, mutual trust and mutual respect." Human rights was absent from the list of bilateral concerns incorporated into the dialogue, which included "economy and trade; energy; security; strategic stability and non-proliferation; law enforcement and counter-terrorism; science and technology, education; agriculture; water; health; and communications and public diplomacy."

The 2010 *Annual Report on International Religious Freedom* stated that while the Pakistani government took steps "to protect religious minorities," the "number and severity of reported high-profile cases against minorities increased during the reporting period." During the reporting period, Secretary Clinton and the State Department did at times publicly condemn attacks against Muslims, Ahmadis, and Christians. Both Secretary Clinton and President Obama expressed condolences after the murder of

Minister Bhatti. While Secretary Clinton did not mention Bhatti's advocacy against blasphemy, President Obama's statement did.

Non-military U.S. aid has dramatically increased in recent years. In October 2009, President Obama signed the Enhanced Partnership with Pakistan Act (also known as the Kerry-Lugar Bill) authorizing an additional \$7.5 billion (\$1.5 billion annually over five years) in mostly non-military assistance to Pakistan. The assistance will support democratic institutions, promote the rule of law and economic development, build Pakistan's human resources -- with particular emphasis on women and children -- and strengthen U.S. public diplomacy efforts to combat extremism and increase the Pakistani people's understanding of the United States. Particularly controversial in Pakistan, however, are provisions intended to lend U.S. support to effective civilian control of Pakistan's powerful military. Many Pakistanis viewed these provisions, which include a reporting requirement to the U.S. Congress to describe the elected government's oversight of the military, as well as the process for determining Pakistan's defense budget and even the promotion process for senior military officers, as intrusive and an affront to Pakistan's sovereignty.

In February 2011, just weeks before his assassination, USCIRF facilitated a series of briefings by the Federal Minister for Minorities Affairs with members of Congress and their staff, National Security Council and State Department officials, academic experts, and representatives of non-governmental organizations and the media. These briefings focused on the situation of Pakistan's religious minority communities and the Pakistan government's response to an upsurge in religiously-motivated violence. USCIRF also worked with House staff to develop H.Res. 164, which expresses the condolences of the House of Representatives to the people of Pakistan for the assassination of Shahbaz Bhatti and stresses the need for interreligious dialogue and amendments to the blasphemy laws.

## **Recommendations**

Promoting respect for freedom of religion or belief must be an integral part of U.S. strategy in Pakistan, and designating Pakistan as a CPC would enable the United States more effectively to press Islamabad to undertake needed reforms. USCIRF has concluded that the conflict with violent religious extremists now taking place in Pakistan, and in neighboring Afghanistan, requires the United States actively to bolster the position of those elements in both societies that respect democratic values, the rule of law, and international standards of human rights, including freedom of religion or belief.

To this end, USCIRF recommends a number of measures to advance religious freedom through specific U.S. programs and policies, end violations of religious freedom, and improve education in Pakistan.

### **I. Advancing Religious Freedom through U.S. Programs and Policies**

In addition to designating Pakistan as a CPC, the U.S. government should:

- articulate clearly that upholding religious freedom and related human rights is an essential element of the U.S. strategy toward Pakistan, and support Pakistani government and civil-society institutions that work to uphold and guarantee these rights;
- urge the Pakistani government to provide robust security for the new Special Adviser to the Prime Minister on Minority Affairs, such as a dedicated security unit and armored car, as well as to the future Federal Minister for Minorities Affairs, parliamentarian Sherry Rehman, and other government officials who speak out against the blasphemy law;

- ensure that the Federal Ministry for Minorities Affairs is not devolved to the provincial level;
- have Special Representative Amb. Marc Grossman increase his engagement on religious freedom and related human rights, as well as designate a member of his team to report to the Special Representative exclusively on human rights in Pakistan, specifically including religious freedom and sectarian violence;
- include a special working group on religious tolerance in U.S.-Pakistan strategic dialogues and the trilateral dialogues among the United States, Afghanistan and Pakistan, and create an interagency U.S. government task force on the protection of the freedom of thought, conscience, and religion and freedom of expression in Afghanistan and Pakistan, and direct it to recommend policies for promoting religious freedom and religious tolerance in order to counter violent religious extremism;
- have the Secretary of Defense and the commander of U.S. Central Command raise with Pakistan's military leadership the importance of combating violent extremism through rule of law, law enforcement, and policing, and stress the need to reform Pakistan's blasphemy laws;
- make allocations in the Pakistan assistance package for fiscal years 2010-2014 from the funds provided through the Enhanced Partnership with Pakistan Act of 2009, in order to strengthen the promotion and protection of religious freedom and tolerance by:
  - ensuring that assistance for government capacity development that goes to the Pakistani executive, legislative, and judicial branches also addresses religious freedom and related human rights, such as the programs developed by the Federal Ministry of Minorities Affairs that promote pluralism and tolerance;
  - ensuring that assistance focusing on improving security and legal institutions through police training addresses religious freedom and related human rights; and
  - implementing programming that works to ensure the promotion of the rights and full participation of women and girls in Pakistan's social and political life.
- ensure that USAID engages Pakistani government offices and qualified Pakistani organizations to promote religious freedom and tolerance as the number of U.S.-based implementing partners declines, including by:
  - supporting the work of religious communities and civil society groups to provide advocacy training and empowerment for minorities;
  - supporting the work of the Federal Ministry of Minorities Affairs to promote inter-religious respect and tolerance at the national and local levels, including by print, broadcast, and web-based media, to respond to the challenge of religious extremism and religiously-motivated or sectarian violence; and
  - supporting the work of the Pakistani federal government's District Interfaith Harmony Committees and similar efforts at the local level to promote conflict resolution and more effective responses by Pakistani authorities and civil society to instances of religiously-motivated discrimination, intimidation, or violence; and
- expand programs leading to the sustained engagement of the United States with the Pakistani people, such as the Fulbright Program, the International Visitor Program, Hubert Humphrey Fellowship

Program, and other exchanges for professionals, journalists, students, and religious and civil society leaders from all of Pakistan's diverse religious and ethnic communities, in order to promote lasting stability in Pakistan that will come from a vibrant civil society.

## **II. Ending Violations of Religious Freedom in Pakistan**

The U.S. government should urge the government of Pakistan to:

- consistent with the UN Human Rights Council's March 2011 resolution on "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief," repeal the blasphemy laws and immediately release those detained on charges associated with these laws and unconditionally pardon all individuals convicted of blasphemy;
- until repeal is completed, enact a moratorium on use of the blasphemy laws;
- if repeal is not possible, implement procedural changes to reduce their abuse, such as reducing the penalties, introducing the element of intent, penalizing false accusations, making blasphemy a bailable offense, and requiring that cases be heard at regional courts, rather than local sessions courts;
- ensure that those accused of blasphemy, their defenders, and trial judges are given adequate protection, including by investigating and prosecuting death threats and other statements inciting violence issued by political leaders, religious officials, or other members of society;
- reinforce the rule of law, including by strengthening protections for the freedoms of religion, speech, association, assembly, and the media, and by strengthening an independent judiciary;
- prioritize the prevention of religiously-motivated and sectarian violence and the punishment of its perpetrators, including by:
  - making greater efforts to disarm violent extremist groups and provide the necessary security to Shi'a, Sufis, Christians, Ahmadis, Hindus, Sikhs, and other minority religious communities in their places of worship and other minority religious sites of public congregation, as well as for civil society and human rights activists and groups;
  - investigating acts of religiously-motivated and sectarian violence and actively prosecuting those committing acts of violence, and punishing perpetrators in a timely manner; and
  - constituting a government commission that is transparent, adequately funded, inclusive of women and minorities, and defined by a mandate to study and produce recommendations on ways that the Pakistani government can actively diminish religiously-motivated and sectarian violence, particularly in areas with a heavy concentration of members of religious minority communities;
- amend the constitution and rescind criminal laws targeting Ahmadis, which effectively criminalize the public practice of their faith and violate their right to freedom of religion guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
- cease toleration or support of the Taliban or other terrorist groups by any element of the Pakistani government, including the intelligence services;

- make permanent the National Interfaith Council established by Shahbaz Bhatti and create an interfaith directorate under the President's office that can serve as a secretariat for ongoing activities; and
- work to see that religious minorities are proactively recruited into government jobs, consistent with current policies, and that the representation of non-Muslims in the parliament is increased.

### **III. Improving Education**

The U.S. government should urge the government of Pakistan, and provincial authorities, as appropriate, to:

- investigate and close any religious schools that provide weapons or illegal arms training in perpetrating acts of violence;
- set national textbook and curricula standards that actively promote tolerance toward all persons, and establish appropriate review and enforcement mechanisms to guarantee that such standards are being met in government (public) schools;
- initiate efforts through existing regional and international institutions to establish mechanisms for mutual review of textbook guidelines and content, curricula, and teacher-training programs in order to promote positive concepts of tolerance and respect for the rights of others and to exclude material promoting intolerance, hatred, or violence against any group of persons based on religious or other differences;
- move quickly to implement improved guidelines for textbooks used in public schools and to replace current public school textbooks with ones that exclude messages of intolerance, hatred, or violence against any group of persons based on religious or other differences;
- open the Federal Ministry of Education's current process of development of textbook guidelines to participation by civil society and by representatives of religious minority communities in cooperation with the Federal Ministry of Minorities Affairs; and
- ensure that a *madrassa* oversight board is empowered to develop, implement, and train teachers in human rights standards, and to provide oversight of *madrassa* curricula and teaching standards.